

City Council
November 2, 2015

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, November 2, 2015, at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Mark Singleton, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember

Council Members Absent: David Hill, Councilmember

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary

Mayor Kevin Strength called the meeting to order. Councilmember Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of October 19, 2015
- b. Minutes of the regular Planning & Zoning Commission meeting of October 27, 2015
- c. Minutes of the Waxahachie Community Development Corporation meeting of October 13, 2015
- d. Minutes of the Cemetery Board meeting of September 10, 2015
- e. Minutes of Keep Waxahachie Beautiful meeting of September 15, 2015
- f. Minutes of Senior Center Advisory Committee meeting of August 19, 2015
- g. Approve YMCA Santa Run

Councilmember Chuck Beatty moved to approve items a. through g. on the Consent Agenda.

Mayor Pro Tem Mark Singleton seconded, All Ayes.

Mayor announced there is not an Honorary Councilmember for the Month of November.

Mayor Strength read a Proclamation proclaiming November 13, 2015 as “World Pancreatic Cancer Day” and presented it to Mr. Scott Schlee, a pancreatic cancer survivor.

Mayor Strength read a Proclamation proclaiming November as “American Diabetes Month” and presented it to Ms. Mary Schluer who thanked Council for recognizing this disease. She stated her son was diagnosed with diabetes at an early age.

Mayor Strength read a Proclamation proclaiming November 2-6, 2015, as “Municipal Court Week” and presented it to Ms. Tammie Atchison, Waxahachie’s Municipal Court Clerk.

Mayor Strength opened the Public Hearing on a request by McEachern Custom Homes for a Specific Use Permit in a Planned Development-23-Single Family-1 (PD-23-SF-1) Zoning District for an accessory building to be used as a pool house located at 218 Hunter Pass, being Lot 40R, Block A, of Crystal Cove Estates, being 8.583 acres – Owner: Bill & Mavis Glass (ZA 2015-41).

Mr. Robert McEachern Custom Homes, reported the proposed pool house will be located behind the existing home.

There being no others to speak for or against Zoning Amendment 2015-41, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2829:

ORDINANCE NO. 2829

AN ORDINANCE CHANGING THE ZONING ON LOT 40R, BLOCK A, CRYSTAL COVE ESTATES, CONTAINING 8.583 ACRES, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 218 HUNTER PASS, WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-23 SINGLE FAMILY-1 (PD-23-SF-1) TO PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 WITH A SPECIFIC USE PERMIT FOR AN ACCESSORY BUILDING TO BE USED AS A POOL HOUSE ON THE PROPERTY (PD-23-SF-1 W/SUP) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2829 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength continue the Public Hearing on a request by Cole & Associates, Inc. for a Site Plan approval in a Planned Development–36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing 1 Rev. – Owner: HD Development Properties LP (ZA 2015-29).

Ms. Derica Peters, Planning & Development Coordinator, reported there have been several discussions between the City and Panera Bread and no agreement reached. She recommended denying the Site Plan without prejudice to allow Panera Bread to present a new plan.

There being no others to speak for or against Zoning Amendment 2015-29, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Mark Singleton moved to deny without prejudice Site Plan approval in a Planned Development–36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing 1 Rev. – Owner: HD Development Properties LP (ZA 2015-29). Councilmember Mary Lou Shipley seconded, **All Ayes.**

Ms. Peters reported Replat of Waxahachie Crossing Subdivision Unit One, Block A, Lots 1A and 2A, being a replat of Block A, Lot 1, being 0.550 acres – Owner: Home Depot U.S.A., Inc. (RP 2015-26) is in conjunction with Panera Bread and recommend denying without prejudice.

Councilmember Chuck Beatty moved to deny without prejudice Replat of Waxahachie Crossing Subdivision Unit One, Block A, Lots 1A and 2A, being a replat of Block A, Lot 1, being 0.550 acres – Owner: Home Depot U.S.A., Inc. (RP 2015-26). Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mr. Mike and Sonja Freeman requested approval of Replat of Lot 1, Block D, of Flying “W” Estates, Units IV & V and a portion of the 110.754 acre tract in the William Ferrell Survey, a-349 in the Waxahachie Extra Territorial Jurisdiction -Owner: Cheryl Wilbur (RP 2015-31). Mr. Freeman reported the purpose is for a future home site.

Ms. Peters reviewed the following Staff Comments:

DEVELOPMENT REVIEW

Remove note and lines indicating “Future ROW as platted” from the plat – this is no longer part of this property.

This ROW area was never dedicated to Ellis County, but the Ellis County Appraisal District has appraised the land as such. This needs to be clarified.

RECOMMENDATION

Approve per comments

APPLICANT REQUIREMENTS

Applicant to submit twelve (10) corrected copies all with original signatures within thirty (30) days of City Council approval.

Once approved, this case will then go the Ellis County Commissioner's Court.

Councilmember Mary Lou Shipley moved to approve Replat of Lot 1, Block D, of Flying "W" Estates, Units IV & V and a portion of the 110.754 acre tract in the William Ferrell Survey, a-349 in the Waxahachie Extra Territorial Jurisdiction -Owner: Cheryl Wilbur (RP 2015-31), subject to Staff Comments and Development Review. Councilmember Chuck Betty seconded, **All Ayes.**

Mr. Chris Seeley, Engineer Concepts and Design, requested approval of Final Plat of Settlers Glen Phase 3, being 100 residential lots in the William Paine Survey, a-835 being 21.089 acres – Owner: Settler's Glen LTD (FP 2015-35). Mr. Seeley stated he is currently working with TxDot on the right turn into the development and will build to TxDot's specifications.

Ms. Peters reviewed the following Staff Comments:

DEVELOPMENT REVIEW

1. Need: bonds, and as-builts
2. Entire parkland area needs to be sodded or hydro-mulched.
3. Landscaping along screening wall needs to be installed.
4. No plat will be filed until all comments have been satisfied.

RECOMMENDATION

Approve per comments

APPLICANT REQUIREMENTS

Applicant to submit twelve (12) corrected copies all with original signatures within thirty (30) days of City Council approval, as well as the DWG auto-cad compatible digital drawings.

Mayor Pro Tem Mark Singleton moved to approve Final Plat of Settlers Glen Phase 3, being 100 residential lots in the William Paine Survey, a-835 being 21.089 acres – Owner: Settler's Glen LTD (FP 2015-35), subject to Staff Comments. Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section A-3 Definitions Number 233.1 Rooftop Solar Panel System.

Ms. Peters reported the existing ordinance was revisited with the Planning and Zoning Commission and their consensus was to leave as is due to the Ordinance in place is for consideration case by case with a Specific Use Permit.

Ms. Ginger Cole, 207 Rock Springs, Waxahachie, reported she has 40 solar panels on her roof and appreciates the Ordinance with some guidelines.

There being no others to speak for or against Zoning Ordinance Section A-3 Definitions Number 233.1 Rooftop Solar Panel System, Mayor Strength closed the Public Hearing

No action taken.

Mayor Strength opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Subdivision Ordinance Section 4.4 Parks.

Ms. Derica Peters reported the Planning and Zoning Commission recommended considering an Ordinance after the Comprehensive Plan is complete.

There being no others to speak for or against amending the Waxahachie Subdivision Ordinance Section 4.4 Parks, Mayor Strength closed the Public Hearing.

No action taken.

City Manager Paul Stevens presented Ordinance No. 2830 amending Impact Fees. He stated the Ordinance codifies all changes from previous meetings.

ORDINANCE NO. 2830

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, CHAPTER 33, UTILITIES, BY REVISING SECTIONS 33-147 THROUGH 33-179 CONCERNING IMPACT FEES; ADOPTING UPDATED LAND USE ASSUMPTIONS, SERVICE AREA BOUNDARIES, AND CAPITAL IMPROVEMENTS PLANS; AND APPROVING REVISED ASSESSMENT AND COLLECTION SCHEDULES FOR ROADWAY IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2830 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the First Public Hearing extending a Franchise Agreement with Oncor Electric Delivery Company.

Mr. Doug Barnes, Director of Economic Development, reported the current Ordinance expires on December 31, 2015 and explained the City and Oncor wish to extend the term of the Franchise for another 10 years. He noted the payment schedule will change from semi-annual to quarterly payments.

There being no others to speak for or against extending a Franchise Agreement with Oncor Electric Delivery Company, Mayor Strength closed the Public Hearing.

No action taken.

Police Chief Wade Goolsby and Emergency Management Coordinator, Marcus Brown, presented Resolution No. 1211. Chief Goolsby reported the Resolution allows for FEMA support when needed. He thanked Mr. Brown for working diligently over the past two (2) years on the Ellis County Hazard Mitigation Action Plan.

RESOLUTION NO. 1211

A RESOLUTION OF THE CITY OF WAXAHACHIE ADOPTING THE ELLIS COUNTY HAZARD MITIGATION ACTION PLAN, OCTOBER 2015

Councilmember Mary Lou Shipley moved to approve Resolution No. 1211 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

City Manager Paul Stevens presented Resolution No. 1212 and requested votes from the City be applied to Mr. Tommy Hamilton.

RESOLUTION NO. 1212

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2016-2017

Councilmember Chuck Beatty moved to approve Resolution No. 1212 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mr. Jeff Chambers, Director of Public Works reported bids were received on October 29, 2015, for the Women's Building Parking Lot Reconstruction project. One bid was received from J&K Excavation, LLC in a total bid amount of \$212,421.36. This included additive alternate bid #1 of \$14,520.69 and additive alternate bid #2 of \$7,620.95. Kimley Horn reviewed the bidder's

qualifications and recommended awarding the bid to J&K Excavation, LLC in the total amount of \$212,421.36.

After a brief discussion, Mayor Pro Tem Mark Singleton moved to award the bid to J&K Excavation, LLC in the total amount of \$212,421.36 for the Women's Building Parking Lot Reconstruction project. Councilmember Mary Lou Shipley seconded, All Ayes.

Citizens' Petitions and Requests:

None

At 7:48 p.m. Council Convene into Executive Session to deliberate real property as permitted by the Texas Government Code, Section 551.072.

At 8:13 p.m. Council reconvened.

No action taken.

Comments by Mayor, City Council, City Attorney and City Manager:

None

There being no further business, the meeting adjourned at: 8:15 p.m.

Respectfully submitted,

Lori Saunders
City Secretary