

City Council
February 1, 2016

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, February 1, 2016 at 7:00 p.m.

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

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Derica Peters, Planning & Development Coordinator
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 January 19, 2016
- b. Minutes of the regular Planning and Zoning Commission meeting of January 26, 2016
- c. Minutes of the Tax Increment Reinvestment Zone No. 1 meeting of January 19, 2016
- d. Minutes of the Waxahachie Community Development Corporation meeting of January 20, 2016
- e. Minutes of the Senior Center Advisory Committee meeting of January 20, 2016
- f. Minutes of the Airport Board meetings of November 12, 2015 and January 14, 2016
- g. Approval of Tax Increment Reinvestment Zone District #1 funds for foundation repairs at 408 S. Rogers and Crossroads of Texas film festival Walk of Fame stars
- h. Approve Budget Amendment Request from Police Department
- i. Approve Budget Amendment Request from IT Department
- j. Appoint member to Senior Center Advisory Committee

Councilmember Chuck Beatty moved to approve items a. through j. on the Consent Agenda.
Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength announced there is not an Honorary Councilmember.

Mayor Strength continued the Public Hearing on a request by Chris Acker for a site plan review in a Planned Development-25-Commercial (PD-25-C) for a new retail development for the property located at 2100 Brown St., being Block A, Lot 2R, Indian Plaza Revised, 0.557 acres— Owner: Greg Graham, LLC and Rusty's Car Wash, LLC (ZA 2015-47).

Mr. Chris Acker, 103 Chieftain, Waxahachie, proposed to remove two self- service carwash bays and vacuum bays for the purposed a donut store and empty retail tenant suite. He reported the landscape will be updated and the new retail will dress up the area and concurred with the following Staff Comments:

DEVELOPMENT REVIEW

1. Applicant is proposing a donut store and empty retail tenant suite
2. The total building will be 2,100 sq. ft.
3. They will be removing half of the existing car wash and vacuum bays on this site
4. They will be pouring additional concrete to expand the foot print of the buildable site
5. This will have a drive-through
6. No signs were reviewed during this site plan. They must be permitted through the Building Dept. and must comply with Zoning Ordinance Sign Regulations.
7. The brick veneer must be 5/8” and laid upon
8. All mechanical equipment must be screened
9. Dumpster must be screened with a masonry wall
10. Water Utilities:
 - i. Will need more information on proposed water meter size
 - ii. Will a water meter be needed for landscape irrigation?

There being no others to speak for or against ZA2015-47, Mayor Strength closed the Public Hearing.

Councilmember Mary Lou Shipley moved to approve a request by Chris Acker for a site plan review in a Planned Development-25-Commercial (PD-25-C) for a new retail development for the property located at 2100 Brown St., being Block A, Lot 2R, Indian Plaza Revised, 0.557 acres–Owner: Greg Graham, LLC and Rusty’s Car Wash, LLC (ZA 2015-47), subject to Staff Comments. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Howard Baskin for the renewal of a Specific Use Permit for a Bed and Breakfast in a Single Family-1 (SF-1) Zoning District, for the property located at 717 W. Main St, being Block 328, Town Addition, 0.534 acres –Owner: Larkin Family Trust (ZA 2015-51).

Mr. Howard Baskin, 717 W. Main, Waxahachie, stated he is very excited making this property a Bed and Breakfast. He reported he once owned it and had the opportunity to buy it back.

There being no others to speak for or against ZA2015-51, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2843:

ORDINANCE NO. 2843

AN ORDINANCE CHANGING THE ZONING ON ALL OF BLOCK 328, TOWN ADDITION, KNOWN AS 717 WEST MAIN STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM SINGLE FAMILY-1 (SF-1) TO SINGLE FAMILY-1 WITH SPECIFIC USE PERMIT (SF-1 w/SUP), FOR A BED AND BREAKFAST FACILITY, SUBJECT TO CERTAIN CONDITIONS AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE, AND SETTING AN EFFECTIVE DATE.

Councilmember David Hill moved to approve Ordinance No. 2843 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Manuel Vera Jr. for a Specific Use Permit for an accessory building/garage over 700 sq. ft. in a Single Family-2 (SF-2) Zoning District, for the property located at 511 W. Second St., being Lot 14, Block 352, Town Addition, 0.344 acres –Owner: Manuel Jr. & Rebeca Vera (ZA 2015-52).

Mr. Manuel Vera Jr., 928 Honeysuckle Trail, Midlothian, Texas, proposed a 1,014 square foot accessory structure to include a 758 square foot garage and 256 square foot porch.

Ms. Derica Peters, Planning and Development Coordinator stated the Applicant is aware the accessory structure is to be used as a garage and not a dwelling unit.

There being no others to speak for or against ZA2015-52, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2844:

ORDINANCE NO. 2844

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 14, BLOCK 352, TOWN ADDITION, LOCALLY KNOWN AS 511 WEST SECOND STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 0.344 ACRE, BEING SINGLE FAMILY-2 (SF-2F) TO SINGLE FAMILY-2 WITH SPECIFIC USE PERMIT (SF-2 w/SUP), FOR THE PURPOSE OF ALLOWING AN ACCESSORY BUILDING/GARAGE WITH OVER 700 SQUARE FEET, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2844 as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Chris Acker for a Site Plan Approval and a Specific Use Permit for a Used Auto Sales Outdoor Lot in a Planned Development-General Retail (PD-GR) Zoning District, for the property located at the northeast corner of Butcher Rd and Hwy. 77, being 1002 T Selby, 0.786 acres –Owner: Erwin Cruz (ZA 2015-53).

Mr. George Karlen, 1803 Master Drive, DeSoto, Texas, reported the location will be used for a pre-owned high-end car lot with office building. The parking lot will be concrete with LED lighting and the building will be 2,500 square 4 feet with rock front. The property will be beautifully landscaped.

Mr. Kris Karlen, Waxahachie, stated he is 3rd generation with the family owning pre-owned high-end car lot. He noted he and his wife recently move to Waxahachie and would like to invest in the community.

Mayor Pro Tem Mark Singleton noted it is a difficult piece of property and wondered if we are waiting for the best use of this property and letting an opportunity to pass. He stated this piece of property has been looked at for the past 20 years and the car lot meets our standards.

Ms. Peters stated this is a general retail planned-development zoning district and explained it is in the zoning district that you have the ability to approve or deny a Specific Use Permit based on a variety of issues such as the quality of the site plan an applicant proposed or based on the use itself and the context of the surrounding land uses for the future of the area. She reviewed the following Staff Comments:

BACKGROUND

- Applicant is proposing a used auto sales car lot. Since there is outdoor sales of used autos, this requires approval of a site plan and Specific Use Permit
- Applicant is request a concurrent preliminary plat for this lot – see PLM2016-45
- Building size is a total of 2,535 square feet, and there are a total of 33 parking spaces (unclear if these are for sales or customers)
- Future Land Use Plan calls for Retail
- Surrounding land uses include a convenience store to the south, Life High School to the west on Butcher Road, and residential subdivisions to the East further down Butcher Road

DEVELOPMENT REVIEW

- A low profile pipe fence is proposed to run along the perimeter
- Access on Butcher Road needs to be confirmed by TXDOT
- No signs were reviewed with these plans
- Consider moving Red oak from back of property to the front
- There is only 1 ingress/egress
- The brick veneer must be 5/8” and laid upon
- Windows/glazing requirement of 30% is not met on left or right elevation
- 2 metal roll up doors will be located on the back of the building

Ms. Peters reported the Specific Use Permit requirement and process for used auto sales in a general retail district has been in place since at least 1997 which is the last zoning ordinance. She stated something else to be noted is the important difference between this type of use and outdoor car lot and any other type is that we have this designation that gives us the ability to bar any undesired outdoor display or storage of merchandise in areas where we see fit. So often times when there is outdoor display of merchandise we can ask the applicant to heavily screen it with a masonry wall or nice landscaping, but in this case a used car lot wants to show their merchandise and may want it to be heavily visible to the public displaying price tags, eye catching signage and attention getting devices as used for advertising. All these things they want to be heavily visible to show their product.

Ms. Peters reported the Planning and Zoning Commission voted 3-2 to permit the Specific Use Permit approve and stated it is the opinion of City Staff that the proposed property is not compatible with the surrounding area.

Mayor Strength stated the location is a significant use of a corner and he agrees with Staff that this is not the best use for this property. He stated the building is nice but the use is questionable.

Councilmember Mary Lou Shipley asked the tenner of the discussion of the Planning Commission. Councilmember David Hill noted the discussion was split for the best use of what is considered a prime piece of property and a gateway to our city.

Assistant City Manager Michael Scott stated the Phase 2 of the IH35 project has the bridge at IH35 and Butcher Road being tore down and rebuilt where it will then be an entry corridor to our city and explained once completed the traffic currently in the area of Butcher Road and Highway 77 with multiply making this a high use corner.

There being no others to speak for or against ZA2015-53, Mayor Strength closed the Public Hearing.

Mr. Chris Acker stated the applicant is going to put \$900,000 on this property and get the sewer. it will be a high-end lot and will bring that area of town up.

After further discussion, Councilmember David Hill moved to deny a request by Chris Acker for a Site Plan Approval and a Specific Use Permit for a Used Auto Sales Outdoor Lot in a Planned Development-General Retail (PD-GR) Zoning District, for the property located at the northeast corner of Butcher Rd and Hwy. 77, being 1002 T Selby, 0.786 acres –Owner: Erwin Cruz (ZA 2015-53). Councilmember Mary Lou Shipley seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Mark Singleton

The motion carried.

Mr. Tony Martin, 513 Sycamore, Waxahachie, requested approval of Preliminary Plat of 60 residential lots for Chautauqua Addition in the Waxahachie Extraterritorial Jurisdiction, being 85.890 acres located on Broadhead Rd., situated in the John Collett Survey, a-221–Owner: AP Waxahachie Limited Partnership (PLM 2015-39).

Councilmember Chuck Beatty moved to approve Preliminary Plat of 60 residential lots for Chautauqua Addition in the Waxahachie Extraterritorial Jurisdiction, being 85.890 acres located on Broadhead Rd., situated in the John Collett Survey, a-221–Owner: AP Waxahachie Limited Partnership (PLM 2015-39). Councilmember Mary Lou Shipley seconded, **All Ayes.**

Replat of DMJ Business Center Unit 1, Lots 2AR and 2BR, located at 2971 US Hwy.77, being 1.976 acres –Owner: Citizens National Bank (RP 2015-42).

Mayor Pro Tem Mark Singleton announced he will abstain due to being the owner of RP 2015-42. He completed a Substantial Interest Affidavit.

Mr. Patrick Lear, 130 Kelly Drive, Waxahachie, reported the replat will allow for a Sonic Drive-in at the location.

Ms. Peters reported the water and sanitary sewer services for each lot must be installed prior to filing the replat. No information for water and sanitary sewer services was provided. Mr. Lear acknowledged the installation requirements.

Councilmember David Hill moved to approve Replat of DMJ Business Center Unit 1, Lots 2AR and 2BR, located at 2971 US Hwy.77, being 1.976 acres –Owner: Citizens National Bank (RP 2015-42). Councilmember Mary Lou Shipley seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Abstain: Mark Singleton

The motion carried.

Mr. George Karlen, 1803 Master Drive, DeSoto, Texas, requested approval of Preliminary Plat of Karlen’s Korner, being 0.687 acres of the 1002 T Selby Survey, located at the northeast corner of Butcher Rd. and Hwy. 77 –Owner: Cruz Erwin A. Family Limited Partnership (PLM 2015-45).

Mary Lou Shipley moved to deny Preliminary Plat of Karlen's Korner, being 0.687 acres of the 1002 T Selby Survey, located at the northeast corner of Butcher Rd. and Hwy. 77 –Owner: Cruz, Erwin A. Family Limited Partnership (PLM 2015-45). Councilmember David Hill seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Mark Singleton

The motion carried.

Mr. Lance Rust, 707 Amherst, Waxahachie, requested Final Plat of Bob White Estates, being 5 residential lots in the Extraterritorial Jurisdiction, located at Black Champ and Little Branch Road, in the Mary Powers Survey A-843, W.C. Berry Survey a-73 being 20.002 acres –Owner: R.V.G. Investments, LLC (FP 2015-43).

Mayor Pro Tem Mark Singleton moved to approve Final Plat of Bob White Estates, being 5 residential lots in the Extraterritorial Jurisdiction, located at Black Champ and Little Branch Road, in the Mary Powers Survey A-843, W.C. Berry Survey a-73 being 20.002 acres –Owner: R.V.G. Investments, LLC (FP 2015-43). Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Clyde Hargrove, 101 Valley Ridge Drive, Red Oak, Texas requested approval of Final Plat of Park Place Phase 3 for 67 residential lots, being 19.252 acres in the J.B. & Ann Adams Survey a-5 located on Garden Valley Parkway-Owner: Bethany/Park Place, LTD (FP 2015-44). He stated items on the punch list are complete.

Councilmember Chuck Beatty moved to approve Final Plat of Park Place Phase 3 for 67 residential lots, being 19.252 acres in the J.B. & Ann Adams Survey a-5 located on Garden Valley Parkway-Owner: Bethany/Park Place, LTD (FP 2015-44). Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. Jim and Amanda Lake, Mutual Pursuits, presented an update of the construction process of the downtown buildings. Mr. Lake reported they had a lot of challenges but worked through them all and is excited to be downtown. He stated they started three years ago working with City Staff putting a package together to get the buildings and to date have invested over six million dollars to downtown. Mr. Lake noted they are close to handing over the locked components to the lofts that will be completed by the end of this month. First floor tenants on commercial

properties will receive their keys sometime in March. He requested a 2-3 month extension to allow time to turn keys over to tenants.

After further discussion, Mayor Pro Tem Mark Singleton moved to extend the Economic Development Agreement with Mutual Pursuits for downtown building to May 1, 2016.
Councilmember Chuck Beatty seconded, *All Ayes.*

City Secretary Lori Saunders presented Ordinance No. 2845 calling the Election to be held May 7, 2016:

ORDINANCE NO. 2845

AN ORDINANCE PROVIDING FOR THE ELECTION TO BE HELD TO ELECT THREE CITY COUNCIL MEMBERS; PROVIDING FOR A JOINT ELECTION WITH THE WAXAHACHIE INDEPENDENT SCHOOL DISTRICT; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH ELLIS COUNTY ELECTIONS ADMINISTRATION; DESIGNATING THE TIME AND PLACE OF SAID ELECTION; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2845 as presented calling the election for May 7, 2016. Councilmember Chuck Beatty seconded, *All Ayes.*

City Secretary Lori Saunders presented Resolution No. 1213 providing a Joint Election with the Waxahachie Independent School District to be held May 7, 2016:

RESOLUTION NO. 1213

JOINT ELECTION WITH WAXAHACHIE INDEPENDENT SCHOOL DISTRICT

WHEREAS, Sec. 11.0581 of the Texas Education Code requires School Districts to hold their Board of Trustees Elections on the same day and jointly with:

1. The election for the members of the governing body of a municipality located in the School District; or
2. The general election for State and County officers;

WHEREAS, the City of Waxahachie (“City”) and the Waxahachie Independent School District (“School District”) anticipate holding an election on May 7, 2016;

WHEREAS, the City has expressed its willingness to hold its election jointly with the School District;

WHEREAS, Section 11.0581(c) requires that the voters of a joint election held under Sec. 11.0581 of the Texas Education Code be served by common polling places consistent with Section 271.003(b) of the Election Code;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE:

THAT the City of Waxahachie agrees to hold its May 7, 2016 election jointly with the Waxahachie Independent School District under the terms of the attached Joint Election Agreement, which is incorporated by reference for approval purposes, and that the Mayor of the City of Waxahachie is authorized to execute this Agreement.

THAT the Waxahachie Independent School District current election day polling place at the cafeteria of Marvin Elementary School, 110 Brown Street in Waxahachie, serve as the common polling location for the City's joint elections with the Waxahachie Independent School District.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1213 as presented. Councilmember David Hill seconded, *All Ayes.*

Citizens' Petitions and Requests

None

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

City Manager Paul Stevens introduced the new Director of Planning, Mr. Darren Groth and welcomed him to the City. Mr. Groth has worked with the City of Denton and prior to that he has had experience with the City of Arlington as well as the City of Las Vegas, Nevada.

Ms. Peters announced she has accepted a position with North Central Texas Council of Governments (COG) and her last day with the city will be February 11, 2016. She stated she has been blessed to have the opportunity to work with the City Council and City Staff.

Assistant City Manager Michael Scott congratulated Ms. Peters and noted she has served the city well. He welcomed Mr. Groth to the city.

Councilmember Mary Lou Shipley stated Ms. Peters has done a wonderful job with the Keep Waxahachie Beautiful Committee. She noted the committee has come to life and done many good projects all because of Ms. Peters leadership.

Councilmember Chuck Beatty welcomed Mr. Groth and congratulated Ms. Peters.

Mr. Stevens noted Ms. Peters took the initiative with the Keep Waxahachie Beautiful Committee and did a fantastic job. He stated she will be greatly missed and will be a great asset to COG. He announced there will be meeting on February 16, 2016, at 5:00 p.m. at the Civic Center pertaining to the downtown Viaduct.

Mayor Strength read a letter from the Texas Municipal Clerks Certification Program at the University of North Texas recognizing City Secretary Lori Saunders for completing the certification program and her graduation on January 21, 2016. He congratulated Ms. Saunders for her accomplishment. He welcomed Mr. Groth to the city.

Mayor Pro Tem Mark Singleton congratulated Ms. Peters on her move to COG, and Mr. Groth as the Director of Planning. He congratulated Ms. Saunders noting the city is blessed that there are many department heads like Ms. Saunders that has taken a level of professionalism and bring it to the job. He referenced the council workshop acknowledging the professionalism and leadership of the Emergency Management Team. He thanked Ms. Saunders for her commitment to the city. Mayor Pro Tem Singleton referenced the downtown projects noting an update was presented to the TIRZ Board and trepidation taking so long to complete the buildings. He noted the buildings are old and have issues noting they are finally going to reach the journey and get the buildings on-line. He thanked City Staff, Police and Fire for working for the betterment of our community.

Councilmember David Hill congratulated Ms. Saunders on her achievement.

City Attorney Steve Chapman welcomed Mr. Groth to the City.

City Secretary Lori Saunders thanked the Mayor, City Council, Mr. Stevens, Mr. Scott and Mr. Chapman for their support they provided during the certification process as well as their support to her in the day to day operations of her office.

Ms. Amy Hollywood, Director of Marketing and Communications, stated WFAA's Good Morning Texas show did a segment at the Farmer's Market building with Field to Meal and Mr. Stevens spoke of the quality of life offerings going on in the city.

There being no further business, the meeting adjourned at: 7:55 p.m.

Respectfully submitted,

Lori Saunders
City Secretary