

City Council
March 7, 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, March 7, 2016 at 7:00 p.m.

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

Council Members Absent: Kevin Strength, Mayor

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

Mayor Pro Tem Mark Singleton called the meeting to order and Councilmember David Hill 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 February 15, 2016
- b. Minutes of the regular Planning and Zoning Commission meeting of February 23, 2016
- c. Minutes of the Waxahachie Community Development Corporation meeting of February 9, 2016
- d. Minutes of the Firemen's Relief and Retirement Fund meeting of February 8, 2016
- e. Minutes of the Rodeo Board meeting of February 18, 2016
- f. Minutes of the Mid-Way Airport Board meeting of February 11, 2016
- g. Minutes of the Cemetery Board meeting of March 3, 2016
- h. Minutes of the Park Board meeting of March 3, 2016
- i. Approve wedding and reception at Chautauqua Auditorium for March 19, 2016
- j. Approve "The Hachie 50" to include 4 races sponsored by the Waxahachie Lions Club & supported by the Waxahachie Running Club
- k. Approve 9th Annual City-Wide Easter Egg Hunt directed by Mission 75165
- l. Approve 8th Annual Cinco de Mayo Celebration to be held on May 7, 2016
- m. Approve Budget Amendment requested by Administration

Councilmember Chuck Beatty moved to approve items a. through m. on the Consent Agenda.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Councilmember Chuck Beatty introduced Mr. Jordan Kitna as the Honorary Councilmember for the month of March. Mr. Kitna attends Waxahachie High School and will attend Michigan State University. Athletic accomplishments include: 3 year varsity starting QB, team captain, All-American, All-State, selected to U.S. Army All-American combine, 2-time offensive player of the year and 2-time team MVP. Academic accomplishments include: National Honor Society,

selected as candidate for WHS Coronation, 3.9 GPA, 1610 on SAT, Academic High Honors, and WHS Presidents Club Member. Mr. Kitna is active in Fellowship of Christian Athletics as a student leader and speaker, team devotion and prayer leader.

Mayor Pro Tem Singleton announced at 7:04 p.m. Council will convene into Executive Session for consultation with City Attorney on Oak Cliff Metals Specific Use Permit as permitted by the Texas Government Code, Section 551.071.

Council reconvened at 7:48 p.m.

Councilmember Mary Lou Shipley moved City Council have Staff initiate a zoning change under Section 10.2 of the Zoning Ordinance, and in connection to that call a public hearing to consider revocation of a Specific Use Permit held by Oak Cliff Metals and additionally with that authorize Staff to set a public hearing schedule on the matter. Councilmember David Hill seconded, **All Ayes.**

Mr. Greg Shropshire, Pattillo, Brown & Hill, L.L.P. Certified Public Accounts, presented the Annual Financial Report for year ended September 30, 2015. In summary, he reported as of September 30, 2015, the City's total combined net position was \$116,399,346. Of this amount, \$27,621,261 may be used to meet the City's ongoing obligations to citizens and creditors. The City's total net position increased by \$834,739 during the current fiscal year. At the end of fiscal year, the total fund balance of all governmental funds was \$23,539,146, down \$709,476 from the prior year. The decrease was due to decreased fund balance in the Capital Projects Fund due to work on projects related to bonds received in prior years resulting in a decrease of \$1,287,947. The General Fund and Debt Service Fund and increases in fund balance of \$153,032 and \$140,074, respectively. As of the close of the current fiscal year, unassigned fund balance for the General Fund was \$11,638,341, or about 38.40% of total General Fund expenditures.

Councilmember Chuck Beatty moved to accept the Annual Financial Report for year ended September 30, 2015 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Downtown Development Director Anita Brown requested street closure for Wheeling & Peeling, Summer Moonlight Movies and Truck n' Tunes as follows:

Summer Moonlight Movies will be held on June 10, July 15, and August 12 closing Franklin Street from Jackson to College from approximately 5:00 p.m. – 11:00 p.m.

Trucks 'n Tunes will be held on June 11, July 9, August 13, September 10 closing College Street from Main to Franklin and Franklin from College to middle of 100 Block of E. Franklin.

Wheelin' & Peelin' hosted by the Downtown Merchants on Saturday, March 19th from 10:00 a.m. – 2:00 p.m. featuring classic cars and crawfish closing Rogers Street from Main to Franklin, Franklin Street from Rogers to College and College Street from Franklin to Main from 8:00 a.m. – approximately 4:00 p.m. Downtown Merchants request to close the 200 block of W. Jefferson from Elm to Rogers for the same time period. The crawfish boil will take place in the parking lot at 300 S. Rogers and some drag racers will be parked on that street.

Councilmember David Hill moved to approve street closures for Wheelin' & Peelin', Summer Moonlight Movies, and Trucks 'n Tunes as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Downtown Development Director Anita Brown announced the dates for Junk in the Trunk for 2016 are March 12th, June 11th, September 10th, and November 26th. She requested street closure as follows:

- Franklin Street from Rogers to College from 7am to 3 pm
- College Street from Main to Franklin from 7 am to 3 pm
- *Request permission to close Rogers Street from Main to Franklin from 7 am to 3 pm. (Rogers Street will only be closed if the number of vendors who sign up exceeds the spots available on Franklin and College)

The intersections at Franklin and Rogers and College and Franklin will be barricaded at an angle to allow traffic to flow to the other areas of downtown. Only the 100 blocks of S. Rogers and S. College will be affected.

Councilmember Chuck Beatty moved to approve street closures for Junk in the Trunk as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Pro Tem Singleton opened the Public Hearing on a request by Liberty Multifamily, LLC for a Zoning Amendment from Planned Development-101-General Retail (PD-101-GR) to Multi-Family-1 (MF-1) for the property located at 811 MLK Jr. Blvd. being Town Addition, Lot PT 1, Block 171, 7.0 acres –Owner: Gibson & Gibson LLC (ZA 2016-03).

Councilmember Chuck Beatty announced he will abstain from the item due to he has a substantial interest of an equitable or legal ownership with a fair market value of \$2,500 or more.

Mr. Richard Ashton, 2351 w. Northwest Highway, Dallas, Texas and Mr. Abdual Karriem, reported the zoning change on the current property will allow for quality affordable housing noting the project is consistent with the Comprehensive Plan.

Those who opposed ZA2016-03:

Mr. Albert Pitts, 103 S. Getzendaner Street, Waxahachie

City Attorney Steve Chapman referenced the Zoning Code noting ultimate approval of any zoning request which was recommended for denial by the Planning & Zoning Commission will require a three-quarters (3/4) majority vote of the City Council meaning four (4) of the five (5) Councilmembers. He recommended continuing the Public Hearing to the March 21st City Council meeting.

After further discussion, Councilmember Mary Lou Shipley moved to continue the Public Hearing on a request by Liberty Multifamily, LLC for a Zoning Amendment from Planned Development-101-General Retail (PD-101-GR) to Multi-Family-1 (MF-1) for the property located at 811 MLK Jr. Blvd. being Town Addition, Lot PT 1, Block 171, 7.0 acres –Owner: Gibson & Gibson LLC (ZA 2016-03 to the City Council meeting of March 21, 2016.

Councilmember David Hill seconded, the vote was as follows:

Ayes: Mark Singleton
David Hill
Mary Lou Shipley

Abstain: Chuck Beatty

The motion carried.

Mr. Mark Shelton, JHDMC, 202 N. IH35E, Red Oak, Texas, requested approval of Preliminary Plat of the Estates at North Grove, being 70.33 acres in the Henry Sange Survey, a-1009 and R. Russell Survey a-9111, for 190 residential lots at the southwest corner of North Grove Blvd and FM813 –Owner: JHDMC, LLC (PLM 2016-01). He reported the North Grove Boulevard is under construction.

Councilmember David Hill moved to approve Preliminary Plat of the Estates at North Grove, being 70.33 acres in the Henry Sange Survey, a-1009 and R. Russell Survey a-9111, for 190 residential lots at the southwest corner of North Grove Blvd and FM813 –Owner: JHDMC, LLC (PLM 2016-01). Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Mark Shelton, JHDMC, 202 N. IH35E, Red Oak, Texas, requested approval of Final Plat of the Cove Phase 1A for 83 residential lots being 20.963 acres in the Henri Levy Survey a-629 and Robert Russell Survey a-911 located at the intersection of Bessie Coleman Blvd and Reserve Rd –Owner: Moritz Interest, LTD (FP 2016-03). He reported the first development has been completed.

Councilmember Chuck Beatty moved to approve Final Plat of the Cove Phase 1A for 83 residential lots being 20.963 acres in the Henri Levy Survey a-629 and Robert Russell Survey a-911 located at the intersection of Bessie Coleman Blvd and Reserve Rd –Owner: Moritz Interest, LTD (FP 2016-03). Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. Todd Winters, Engineering Concepts and Design, 201 Windco Circle, Wiley, Texas, requested approval of Preliminary Plat of Homestead Estates, being 35.484 acres situated in the William Steward Survey, a-956 for 29 residential lots on Old Italy Road – Owner: Michael Manzain & Waxahachie 45 Partnership (PLM 2016-02). Mr. Winters stated he worked with Staff and made several changes, including the drainage analysis, since the Planning and Zoning Commission meeting. He stated there will be 28 residential lots instead of 29 on 25 acres and the homes will be approximately 2,500 square feet bringing approximately \$9.8 million to the tax base.

Mayor Pro Tem Singleton announced the Preliminary Plat was denied at the Planning and Zoning Commission and therefore will take a majority of 4 votes to approve. He referenced the septic systems noting Staff has told him it won't be an issue and stated he would like to see underground systems vs. aerobic systems. Mr. Winters stated the systems will be maintained and monitored.

Councilmember Mary Lou Shipley recommended bylaws of the homeowners association have a covenant in the bylaws monitoring septic systems.

Members of the audience who are property owners around the proposed site expressed concern with traffic, septic systems, and water run-off.

Councilmember Shipley asked if the applicant's preliminary plat complies with our city ordinance, we have no choice but to approve the request. City Attorney Steve Chapman stated in platting, if the preliminary plat complies with our city ordinance, Council must approve.

City Manager Paul Stevens explained a preliminary plat gives the general idea then goes to the next step and Mr. Winters and Mr. Gartner, City Engineer, will get in depth in the design phase with the storm drainage and make sure the construction complies with the sub division ordinance requirements.

Mr. Tony Sanders (Applicant), 118 N. 8th, Midlothian, Texas stated he bought the land from the Allman family with the intent to develop. Due to the economy in 2009 he held off developing the property and is now ready. He stated he realizes it is a change but will have a quality project. Mr. Sanders noted there are rules and regulations for drainage and septic systems. He understands the rules and has complied with Staff regulations.

After further discussion, Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Homestead Estates, being 35.484 acres situated in the William Steward Survey, a-956 for 29 residential lots on Old Italy Road – Owner: Michael Manzain & Waxahachie 45 Partnership (PLM 2016-02). Councilmember David Hill seconded, **All Ayes.**

Police Chief Wade Goolsby presented Resolution No. 1214 approving submission of grant application titled "VHF Radio Interoperability Project" to the Office of the Governor, Criminal Justice Division. He reported the grant application is to help address the need for better interoperability between the Police Department and surrounding agencies and explained currently the two systems cannot communicate with each other. The grant proposal will include sixteen (16) P25 complaint VHF mobile radios totaling \$35,534.08. Installing cost will total \$4,800.00 for a total cost of \$40,134.08. Chief Goolsby stated the grant is a reimbursement type but does not require any matching funds.

RESOLUTION NO. 1214

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING SUBMISSION OF GRANT APPLICATION TITLED "VHF RADIO INTEROPERABILITY PROJECT" TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION

Councilmember David Hill moved to approve Resolution No. 1214 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Police Chief Wade Goolsby presented Resolution No. 1215 approving submission of grant application titled "Firing Range Improvement" to the Office of the Governor, Criminal Justice Division. He reported the Police Department has its own firing range for training but firearms training are minimal due to a very basic system and inoperable. The new system will allow for individual targets to turn and to develop programmed shooting sequences through computer software. This will allow the Police Department to better utilize threat and non-threat targets that train an officer to make split second threat assessments before using their weapon. By having programmable targets, a shooting course requiring movement, threat assessment and decision making can be developed and is much more effective. . Chief Goolsby stated the grant is a reimbursement type but does not require any matching funds.

RESOLUTION NO. 1215

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING SUBMISSION OF GRANT APPLICATION TITLED "FIRING RANGE IMPROVEMENT" TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION

Councilmember Chuck Beatty moved to approve Resolution No. 1215 as presented. Mary Lou Shipley seconded, **All Ayes.**

City Secretary Lori Saunders presented Ordinance No. 2848 cancelling the City Council Election slated for May 7, 2016. She reported Mr. Strength, Mr. Singleton, and Mr. Hill were unopposed and therefore declared elected for a two year term.

ORDINANCE NO. 2848

AN ORDINANCE CANCELLING THE CITY COUNCIL ELECTION CURRENTLY SCHEDULED FOR MAY 7, 2016 AND DECLARING KEVIN STRENGTH, MARK SINGLETON, AND DAVID HILL ELECTED AS WAXAHACHIE CITY COUNCIL MEMBERS FOR A TWO YEAR TERM, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2848 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Director of Public Works Jeff Chambers reported bids were received on March 1, 2016 for the Sagebrush Lane Reconstruction project. The project consists of reconstructing the roadway, water, and sanitary sewer lines from approximately 200 Sagebrush Lane to Santa Fe Trail, as well as approximately 125 feet north and south of Sagebrush Lane along Santa Fe Trail. The roadway will be reconstructed to a 36-foot wide, two lane concrete curb and gutter section, Seven (7) bid proposals were received McMahan Contracting, L.P. had the lowest bid totaling \$649,748.00. He reported the bid came in below Kimley-Horn's Opinion of Probable Construct Cost of \$720,000. Mr. Chambers stated McMahan Contracting L.P. qualifications were verified and recommended awarding the bid to McMahan Contracting, L.P. in the amount of \$649,748.00.

Councilmember David Hill moved to award the contract for reconstruction of Sagebrush Lane to McMahan Contracting, L.P. in the amount of \$649,748.00. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Citizens' Petitions and Requests

Mr. Jack McCabe 102 Pueblo Drive, Waxahachie, stated he and his wife built their home at Pueblo Drive in 1984 and continues to reside there. He stated he has always had pleasant experiences when contact City Staff. He thanked the City Secretary for her assistance getting him set up for the Council meeting. He thanked Waxahachie Fire and Rescue for their assistance during a medical emergency he experienced last Wednesday. He stated before his wife got off the 911 call the Fire and Rescue arrived. He reported Mr. Paul Stevens has helped with getting alleys repaired in the past. Mr. McCabe addressed the needed street repairs in Indian Hills and encouraged City Council and Staff to drive the streets in that neighborhood and take note of the streets in need of repair.

Mr. Kevin Ivey, 1980 East Highland, Waxahachie, reported he was recently driving home and witnessed a gentlemen in a wheel chair going north on highway 77. He stated he realizes the area belongs to TxDot, but having no sidewalks is pathetic the person in the wheel chair is forced to be in an automobile lane. Mr. Ivey referenced the new Baylor hospital noting it's a wonderful and top notch and stated it's pathetic that anesthesiologist will not accept any insurance. Mr.

Ivey referenced Oak Cliff Metals noting when there are fires at that location fire trucks have to come back up to the fire hydrant at Sterrett Road. He recommended creating a turn lane for the trucks so they don't have to turn into Sterrett Road. He stated the top priority is the trucks need to be able to turn around.

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

Council and Staff thanked Honorary Councilmember Jordan Kitna for his attendance.

Assistance City Manager Michael Scott congratulated councilmembers on their re-election.

City Manager Paul Stevens congratulated councilmembers on their re-election. He thanked Finance Director Charles Harris and his staff for fine work that they do.

Councilmember David Hill stated that Jordan's dad has a program called REAL that is building up our men in high school.

There being no further business, the meeting adjourned at: 9:54 p.m.

Respectfully submitted,

Lori Saunders
City Secretary