

City Council
March 21, 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, Waxahachie, Texas, on Monday, March 21, 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
Steve Chapman, City Attorney
Amber Villarreal, Assistant City Secretary

Mayor Kevin Strength called the meeting to order. City Manager Paul Stevens gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of March 7, 2016
- b. Minutes of the regular Planning and Zoning Commission meeting of March 8, 2016
- c. Minutes of the Tax Increment Reinvestment Zone #1 and Waxahachie Partnership, Inc. meeting of March 11, 2016
- d. Minutes of the Firemen's Retirement and Relief meeting of February 8, 2016
- e. Minutes of the Keep Waxahachie Beautiful Committee meeting of March 8, 2016
- f. Minutes of the Heritage Preservation Commission meetings of February 9, 2016 and February 19, 2016
- g. Monthly Code Enforcement Report for February 2016
- h. Monthly Building Reports for January 2016 and February 2016
- i. Monthly Violation Activity Statistics for February 2016
- j. Monthly Crime Report for February 2016
- k. Monthly Fire and EMS Report for February 2016
- l. Approve funding of shade structure at 107-111 S. College

Councilmember Chuck Beatty moved to approve Items a. through l. 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 Strength 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).

There being no others to speak for or against ZA 2016-03, Mayor Strength closed the Public Hearing. He noted the applicant withdrew their application and plans to meet with the city staff to discuss options for the site.

Mayor Pro Tem Mark Singleton moved to deny 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 David Hill seconded, the vote was as follows:

Ayes:	Kevin Strength Mark Singleton David Hill Mary Lou Shipley
Noes:	None
Abstain:	Chuck Beatty

The motion carried.

Mayor Strength opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 33.8 Use Chart – Recreational and Entertainment Uses for the designation of permitted districts for a “winery”.

Mr. Darren Groth, Director of Planning, reviewed the following Staff report:

- A “Winery” is a business which holds a winery permit from the State of Texas and which may engage in any activity authorized under Section 16.01 of the Texas Alcoholic Beverage Code except that the permit holder may sell or dispense wine under that section only if the wine is bottled in Texas and is at least 75 percent by volume fermented juice of grapes or other fruit grown in Texas or a lesser percentage established by the commissioner of agriculture under Section 12.039 of the Agriculture Code.

- Winery use may currently only be approved as a Specific Use Permit (SUP) in the Central Area (CA) zoning district.
- Staff recommends a consideration to expand the number of districts that will allow a Winery with an SUP.
- In addition to CA zoning, the proposal will allow Winery use in the Office (O), Neighborhood Service (NS), General Retail-Limited (GRL), General Retail (GR), and Commercial (C) zoning districts with an SUP.

There being no others to speak for or against an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 33.8 Use Chart, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2849:

ORDINANCE NO. 2849

AN ORDINANCE AMENDING THE WAXAHACHIE ZONING ORDINANCE BY AMENDING THE USE CHART IN SECTION 33.8 OF THE ZONING ORDINANCE CHANGING THE DISTRICTS IN WHICH “WINERY” IS PERMITTED, ORDERING THE CHANGING OF THE ZONING ORDINANCE THEREOF IN ACCORDANCE WITH SAID CHANGE, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2849 as presented. Mayor Pro Tem Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Karla Gibson, for a Specific Use Permit within a Commercial (C) Zoning District for retail and winery to be located at 213 E. Main St., being Lot 4, Block 40, 0.56 acres in the OT Waxahachie– Owner: TT Procurement Inc. (ZA 2016-02).

Mr. Groth reviewed the following Staff report:

- Applicant requests a Specific Use Permit (SUP) for a winery in a commercial district.
- A companion case is being heard on the same agenda to consider an amendment to the City of Waxahachie Zoning Ordinance, Section 33.8 Use Chart – Recreational and Entertainment Uses, for the designation of permitted districts for a “winery” as a new and previously unlisted use.
- Proper notifications were made in accordance with state law and the City’s zoning ordinance.

There being no others to speak for or against ZA 2016-02, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2850:

ORDINANCE NO. 2850

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 4, LOT 40, ORIGINAL TOWN IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 213 EAST MAIN STREET, WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 0.056 ACRE, BEING ZONED COMMERCIAL (C) TO COMMERCIAL WITH SPECIFIC USE PERMIT (C w/SUP), FOR THE PURPOSE OF ALLOWING A WINERY AND RETAIL SALES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Beatty moved to approve Ordinance No. 2850 as presented. Councilmember Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Dulce Trujillo, for a Specific Use Permit within a Single Family-3 (SF-3) Zoning District for roof mounted pv solar system to be located at 855 Cantrell St., being 1 acres in the JC Armstrong Survey, Abstract No. 6– Owner: Gina Moore (ZA 2016-04).

Mr. Groth reviewed the following Staff report:

- Applicant proposes to install a solar-driven energy system that converts solar energy into electricity through photovoltaic panels onto the rooftop at 855 Cantrell Street per the property plan submitted by the applicant.
- The roof mounted PV solar system will be located on the south side of the roof line to decrease visibility from Cantrell Street.
- The installation must match the roof pitch and must leave no greater than six (6) inches between rooftops.
- Proper notifications were made in accordance with state law and the City’s zoning ordinance.
- On February 22, 2016, the applicant was emailed a copy of the staff report.

If the zoning request is approved, a Building Permit is required prior to installing the system.

There being no others to speak for or against ZA 2016-04, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2851

ORDINANCE NO. 2851

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR ONE ACRE IN THE J. C. ARMSTRONG SURVEY, ABSTRACT NO. 6, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 855 CANTRELL STREET, WAXAHACHIE,

ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-3 (SF-3) TO SINGLE FAMILY-3 WITH SPECIFIC USE PERMIT (SF-3 w/SUP) FOR THE PURPOSE OF ALLOWING A ROOFTOP SOLAR PANEL SYSTEM, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Hill moved to approve Ordinance No. 2851 as presented. Councilmember Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Moritz Interest LTD for a Replat of Lots 1 and 8, Block F of the Country Meadows PH1 Addition; Lots 2 and 27, Block O of The Cove PH1A addition; and 0.769 Acres of land in the Henri Levy Survey, Abst. No. 629 to create four residential lots -Owner: Moritz Interest LTD (RP 2016-04).

Mr. Groth reviewed the following Staff report:

- Generally located at the intersection of Country Crest Drive and Bessie Coleman Blvd
- Zoning: PD-64-SF3 [Ord No.2072] and PD-117-Mixed Use Community (North Grove) [Ord No. 2733]
- Applicant is re-platting these lots to abandon Right-of-Way.
- A letter of authorization from local franchise utilities is required stating there are no utilities installed within the Right-of-Way proposed to be abandoned.
- The plat must include recording information for The Cove Phase 1A plat (FP2016-03).
- On February 22, 2016, the applicant was emailed multiple redline comments related to the plat.
- Staff recommends APPROVAL of the plat, per the comments.
- Please provide 10 corrected, signed copies to the Planning Department

There being no others to speak for or against RP 2016-04, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Singleton moved to approve a request by Moritz Interest LTD for a Replat of Lots 1 & 8, Block F, The Cove being a replat of Blocks 10, 11, 12 and 13, Original Town of Waxahachie, located in the E.W. Rogers Survey, Abstract No. 896- Owner: Moritz Interest LTD (RP 2016-04). Councilmember Hill seconded, **All Ayes.**

Mr. Groth presented a Final Plat Lot 1, Block A, Espinoza Addition being a 7.071 acre addition in the Elbert C. Newton Survey, Abstract No. 790 located at 4743 N. IH 35E –Espinoza Cast Stone (FP 2016-08). He reviewed the following Staff report:

- Generally located west of I-35E and south of Butcher Road with an address of 4743 N IH 35E
- Zoning: Light Industrial District – 1 (LI-1) adjacent to I-35E and continuing until a transition to the Future Development District (FD) encompassing the west third of the site

- Clarify the acreage information contained on the face of the plat.
- Zone “X” (non-shaded)?
- On February 22, 2016, the applicant was emailed multiple redline comments related to the plat.
- Staff recommends APPROVAL of the plat, per the comments.
- Please provide 10 corrected, signed copies to the Planning Department.

Councilmember Shipley moved to approve Final Plat Lot 1, Block A, Espinoza Addition being a 7.071 acre addition in the Elbert C. Newton Survey, Abstract No. 790 located at 4743 N. IH 35E – Espinoza Cast Stone (FP 2016-08). Councilmember Beatty seconded, **All Ayes.**

Mr. Corey Green, Atmos Energy, presented the first reading of the proposed Ordinance extending the Franchise Agreement with Atmos Energy Corporation for 15 years. Economic Development Director Doug Barnes noted the second reading will be held at the April 18, 2016 city council meeting and if approved, the agreement will go in to effect on April 30, 2016.

Finance Director Charlie Harris presented the Waxahachie Community Development Corporation Annual Financial Report for year ended September 30, 2015. He reported total revenues were \$4,197,202 and total expenses were \$2,194,971. He noted there is a large fund balance that exceeds the 90 day supply.

Mayor Pro Tem Singleton moved to accept the Waxahachie Community Development Corporation Annual Financial Report for year ended September 30, 2015, as presented. Councilmember Hill seconded, **All Ayes.**

Finance Director Charlie Harris presented the Robert W. Sokoll Water Treatment Plant Annual Financial Report for year ended September 30, 2015. He explained the financials show a \$2 million operating loss, which is expected over the next several years.

Mayor Pro Tem Singleton mentioned the need to work together with Rockett as the partnership they were initially set out to be. City Manager Paul Stevens explained city staff has recently met with representatives from Rockett and has another scheduled meeting in three months. He noted he both entities are making headway.

Mayor Strength thanked Mr. Harris, Assistant Finance Director Gail Turner, and the rest of the finance department for their assistance and commended them on a job well done.

Mayor Pro Tem Singleton moved to accept the Robert W. Sokoll Water Treatment Plant Annual Financial Report for year ended September 30, 2015, as presented. Councilmember Beatty seconded, **All Ayes.**

Assistant City Manager Michael Scott explained Airborne Imaging has been a long time tenant at Mid-Way Airport and is currently looking to expand its operations to include relocating one plane from another airport, adding 2Ft and 2PT employees, and constructing a 30,000 square foot hangar/office building. The construction project would include entering into a 30 year ground lease (with 2 10-year extensions) with Mid-Way and utilize approximately 2.4 acres. Of the \$3 million total project budget estimates, \$615,000 is for infrastructure items that could be utilized to serve future development projects. These include an entry driveway, a waterline extension, an electrical feed and earthwork. Also, as a part of this figure are some general project costs that would be reimbursed as an incentive for substantial investment by Airborne (\$156,360). Mr. Scott requested a commitment from council to allocate a little over \$300,000 for ½ of the infrastructure costs. The City of Midlothian is considering a companion request for the other ½. He explained the actual 380 agreement will need council approval at a future meeting.

Councilmember Beatty moved to commit to ½ of the funding for infrastructure costs.
Councilmember Shipley seconded, the vote was as follows:

Ayes:	Kevin Strength Chuck Beatty David Hill Mary Lou Shipley
Noes:	None
Abstain:	Mark Singleton

The motion carried.

Director of Communications and Marketing Amy Hollywood requested approval for street closures for the Crossroads of Texas Film Festival as follows:

Saturday, May 21, 2016 from noon to midnight. The closure includes Franklin from Elm to College, College from Franklin to Main, and Rogers from Main to Franklin.

She noted the closures would accommodate food trucks, band, street dance, cow patty bingo, bounce houses, beer garden, VIP tent, and outdoor movie screening.

Mayor Pro Tem Singleton moved to approve the street closures as presented. Councilmember Hill seconded, **All Ayes.**

Mayor Strength referenced the agenda addendum.

Ms. Ann Montgomery Moran, Leadership Waxahachie, presented the proposed Amphitheater Project Plan for Leadership Waxahachie XXII. She noted the objective of the class is to raise the funds needed to provide the Downtown Amphitheater project with a 4' wide ADA-compliant

walkway, 25x20 concrete stage, electricity to stage, plus donor recognition markers. She noted the class is ready to move forward with soliciting sponsorships for the project funding.

Mayor Strength recommended meeting with the Waxahachie Downtown Merchants Association and the Tax Increment Reinvestment Zone Board to solicit funding and participation.

CITIZENS' PETITIONS AND REQUEST

None

COMMENTS BY MAYOR, CITY COUNCIL, CITY ATTORNEY AND CITY MANAGER

Mayor Strength, City Council, and Staff thanked Honorary Councilmember Jordan Kitna for his attendance.

Planning Director Groth thanked council for allowing him to present the planning and zoning cases in a new way.

Assistant City Manager Scott referenced the FYI item in the council packet. He commended City Marshal John Morris for his efforts on the warrant round up.

City Manager Stevens thanked Global High Senior and City Intern, Judah Bozeman for his attendance. He also invited council to attend Chamber of Commerce President Debra Wakeland's going away party on March 31, 2016 from 4 p.m.-6 p.m. at the Waxahachie Civic Center.

Mayor Strength recognized Finance Director Charlie Harris and Assistant Finance Director Gail Turner for their hard work every day.

Mayor Pro Tem Singleton noted he is ready to begin the budget process for 2017.

Councilmember Hill applauded Mr. Groth for his presentation of the planning and zoning cases. Communications and Marketing Director Amy Hollywood announced the Crossroads of Texas Film Festival tickets are available for purchase.

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

Respectfully submitted,

Amber Villarreal
Assistant City Secretary