

City Council
April 18, 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, April 18, 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. Mayor Pro Tem Mark Singleton 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 April 4, 2016
- b. Minutes of the City Council Work Session of April 4, 2016
- c. Minutes of the regular Planning and Zoning Commission meeting of April 12, 2016
- d. Minutes of the regular Waxahachie Community Development Corporation meeting of April 12, 2016
- e. Minutes of the Firemen's Relief and Retirement Fund meeting of April 11, 2016
- f. Minutes of the Heritage Preservation Commission meeting of March 10, 2016
- g. Minutes of the Park Board meeting of April 7, 2016
- h. Monthly Code Enforcement Report for March 2016
- i. Monthly Violation Activity Statistics for March 2016
- j. Monthly Crime Report for March 2016
- k. Monthly Building Report for March 2016
- l. Approve Crape Myrtle Fireworks Display on July 3, 2016
- m. Approve parade route for 19th Annual Crape Myrtle Festival on July 4, 2016
- n. Approve 2015-2016 budget amendment requested by Building & Community Services Department
- o. Approve 2015-2016 budget amendment requested by Downtown Development Department

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

Councilmember David Hill introduced Nick Dalquest as the Honorary Councilmember for the month of April. He noted Mr. Dalquest is a senior at Global High School, is ranked 4 out of 93 students, and has a 3.9 GPA. Mr. Dalquest will obtain his Associates of Science in May 2016 from Navarro College.

Mr. Corey Green, Atmos Energy, presented the second reading of the proposed Ordinance extending the Franchise Agreement with Atmos Energy Corporation for 15 years and will go into effect on April 30, 2016.

City Attorney Steve Chapman presented Ordinance No. 2854

ORDINANCE NO. 2854

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND

VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

Councilmember Chuck Beatty moved to approve Ordinance No. 2854 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the public hearing on a request by Dulce Trujillo, for a Specific Use Permit within a Planned Development-54-Single Family-3 (PD-54-SF-3) Zoning District for roof mounted pv solar system to be located at 209 Commonwealth Circle, being Lot 12, Block 8, Windchase East Phase II, Section II – Owner: Heidi Vornholt (ZA 2016-08)

Planning Director Darren Groth reviewed the following Staff Comments:

DEVELOPMENT SUMMARY

1. The request is to install a solar-driven energy system that converts solar energy into electricity through photovoltaic panels onto the rooftop at 209 Commonwealth Circle, per the property plan submitted by the applicant.
2. According to the site layout drawings, the roof mounted PV solar system will be located on the south side of the roof line. The system may be visible from Commonwealth Circle.
3. Proper notifications were made in accordance with state law and the City's zoning ordinance.
4. Chapter 3 of the Comp Plan encourages site planning that minimizes the need for continuously high levels of energy consumption. This proposal aligns with that goal.

REVIEW COMMENTS

1. The installation must match the roof pitch.
2. The installation must leave no greater than six (6) inches between rooftops.

APPLICANT REQUIREMENTS

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

Those who spoke in favor:

Chris Barry, SolarCity Dallas

There being no others to speak for or against ZA 2016-08, Mayor Strength closed the public hearing.

City Attorney Steve Chapman presented Ordinance No. 2855

ORDINANCE NO. 2855

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 12, BLOCK 8, WINDCHASE EAST PHASE II, SECTION II, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 209 COMMONWEALTH CIRCLE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-54-SINGLE FAMILY-3 (PD-54-SF-3) TO PLANNED DEVELOPMENT-54-SINGLE FAMILY-3 WITH SPECIFIC USE PERMIT (PD-54-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.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2855 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Kimley-Horn and Associates, Inc., for a Zoning Amendment from Commercial (C) to Planned Development-Commercial (PD-C) Zoning District for a warehouse located at the southwest quadrant of Lofland Drive and IH35E, being approximately 47 acres-Owner: Owens Corning Insulating Systems (ZA 2016-09).

Planning Director Darren Groth noted the applicant requested to continue the public hearing at the May 16, 2016 council meeting.

Councilmember David Hill moved to continue the public hearing on a request by Kimley-Horn and Associates, Inc., for a Zoning Amendment from Commercial (C) to Planned Development-Commercial (PD-C) Zoning District for a warehouse located at the southwest quadrant of Lofland Drive and IH35E, being approximately 47 acres-Owner: Owens Corning Insulating Systems (ZA 2016-09) to the May 16, 2016 council meeting. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the public hearing on a request by Craig & Deborah Smith for a Replat of Trinity Heights Addition, Lot 10R, Block 1 being a revision of Lots 10, 11 and 12, Block 1, Trinity Heights Addition- Owner: Craig & Deborah Smith (RP 2016-15).

Planning Director Darren Groth reviewed the following Staff Comments:

DEVELOPMENT SUMMARY

1. The plat proposes to combine three existing residential lots to create one lot.
2. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
3. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

REVIEW COMMENTS

1. A previous request was submitted for this site to combine Lots 10, 11 and 12, Block 1, Trinity Heights Addition into Lots 10R and 12R. As the second request for the subject property, no review comments were associated with the submitted drawings.

There being no others to speak for or against RP 2016-15, Mayor Strength closed the public hearing.

Mayor Pro Tem Mark Singleton moved to approve Replat of Trinity Heights Addition, Lot 10R, Block 1 being a revision of Lots 10, 11 and 12, Block 1, Trinity Heights Addition- Owner: Craig & Deborah Smith (RP 2016-15). Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the public hearing on a request by RD Kujawa, for a Replat of University Addition, Lot 4A and 5A, Block 15, being a revision of Lot 4 and Lot 5, Block 15, University Addition Owner: Abby Kujawa (RP 2016-16).

Planning Director Darren Groth reviewed the following Staff Comments:

DEVELOPMENT SUMMARY

1. The plat proposes to replat two lots by moving the existing lots lines for Lots 4A and 5A to create new lot boundaries.
2. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
3. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

REVIEW COMMENTS

1. Include setbacks on the drawing.
2. Identify the FEMA floodplain.
3. Revise the approval block to the Subdivision Ordinance standard for a replat.
4. Provide the point of beginning for the legal description.

There being no others to speak for or against RP 2016-16, Mayor Strength closed the public hearing.

Councilmember Chuck Beatty moved to approve RD Kujawa, for a Replat of University Addition, Lot 4A and 5A, Block 15, being a revision of Lot 4 and Lot 5, Block 15, University Addition Owner: Abby Kujawa (RP 2016-16). Councilmember David Hill seconded, **All Ayes.**

Mr. Groth presented Preliminary Plat of Kent's Prairie Addition being Lot 1, Block 1, 3.1167 acres in the J. Higgins Survey, Abstract No. 530 in the Extra Territorial Jurisdiction (ETJ)–Owner: George Kent (PLM 2016-13). He reviewed the following Staff report:

DEVELOPMENT SUMMARY

1. The plat proposes to create one 3.1167-acre residential lot.
2. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
3. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

REVIEW COMMENTS

1. The name of the subdivision requires amendment because a Kent's Prairie Addition already exists in Ellis County.
2. The site location requires clarification on the plat document, specifically the location map.
3. Ellis County requires a letter requesting a variance to the 6-inch water line. According to Buena Vista Water, a 3-inch line currently exists; however, this line will not support a fire hydrant.

Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Kent's Prairie Addition being Lot 1, Block 1, 3.1167 acres in the J. Higgins Survey, Abstract No. 530 in the Extra Territorial Jurisdiction (ETJ)–Owner: George Kent (PLM 2016-13). Councilmember David Hill seconded, **All Ayes.**

Mr. Groth presented Final Plat of Kent's Prairie Addition being Lot 1, Block 1, 3.1167 acres in the J. Higgins Survey, Abstract No. 530 in the Extra Territorial Jurisdiction (ETJ)–Owner: George Kent (FP 2016-14). He reviewed the following Staff report:

DEVELOPMENT SUMMARY

1. The plat proposes to create one 3.1167-acre residential lot.
2. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
3. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

REVIEW COMMENTS

1. Label the road names.

2. The name of the subdivision requires amendment because a Kent's Prairie Addition already exists in Ellis County.
3. The site location requires clarification on the plat document, specifically the location map.
4. Ellis County requires a letter requesting a variance to the 6-inch water line. According to Buena Vista Water, a 3-inch line currently exists; however, this line will not support a fire hydrant.

Mayor Pro Tem Mark Singleton moved to approve Final Plat of Kent's Prairie Addition being Lot 1, Block 1, 3.1167 acres in the J. Higgins Survey, Abstract No. 530 in the Extra Territorial Jurisdiction (ETJ)-Owner: George Kent (FP 2016-14). Councilmember David Hill seconded, **All Ayes.**

Mr. Groth presented Final Plat of Aday Estates Addition Lots 1-4, Block A, Lots 1-16, Block B, Lots 1-8, Block C, & Lots 1-8, Block D situated in the J. Drinkard Survey, Abstract No. 273 being 43.900 acres in the Extra Waxahachie Extra Territorial Jurisdiction (ETJ)- Owner: Steve Donosky (FP 2016-17). He reviewed the following Staff report:

DEVELOPMENT SUMMARY

1. The plat proposes to create 36 residential lots.
2. Each lot will be greater than one-acre in size.
3. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
4. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

REVIEW COMMENTS

1. Clarify the right-of-way type for the intended roadway.
2. Add dimension information for the wall easement.

Councilmember Chuck Beatty moved to approve Final Plat of Aday Estates Addition Lots 1-4, Block A, Lots 1-16, Block B, Lots 1-8, Block C, & Lots 1-8, Block D situated in the J. Drinkard Survey, Abstract No. 273 being 43.900 acres in the Extra Waxahachie Extra Territorial Jurisdiction (ETJ)-Owner: Steve Donosky (FP 2016-17). Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Public Works Director Jeff Chambers stated the following bids were received on March 24, 2016 for the Hunter Pass Pavement Replacement:

<u>Bidder</u>	<u>Bid</u>
DDM Construction Corporation	\$351,409.65
Ed Bell Construction Company	\$545,355.00

He noted the discrepancies in the written unit prices and the numeric unit prices for DDM Construction Corporation. DDM Construction Corporation signed a letter acknowledging the mistake and honoring the submitted bid amount of \$351,409.65. The contract time for the project is 90 days.

Councilmember David Hill moved to award the bid for Hunter Pass Pavement Replacement to DDM Construction Corporation in the amount of \$351,409.65. Councilmember Mary Lou Shipley seconded, **All Ayes.**

City Manager Paul Stevens presented the amendment to Memorandum of Agreement on Hotel-Motel Occupancy Tax Use. He noted the amendment to the agreement would relocate the office manager position to the same location as the Convention and Visitors Bureau Director at the Civic

Center. Mr. Stevens recommended continuing to pay the chamber the monthly rent through the end of this fiscal year as budgeted.

Councilmember Mary Lou Shipley moved to approve the Amendment to Memorandum of Agreement on Hotel-Motel Occupancy Tax Use. Councilmember Chuck Beatty seconded, All Ayes.

Finance Director Charlie Harris presented Resolution No. 1216 explaining this is the first step in the process of issuing Certificates of Obligation for construction of a police and public safety building at the intersection of Farley Road and Ross Street in the City, the construction of street improvements throughout the City, the acquisition of fire equipment, and park and recreation improvements throughout the City up to \$25 million.

RESOLUTION NO. 1216
**DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION**

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in "Exhibit A" to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

Section 1. That attached hereto and marked "Exhibit A" is a form of notice, the form and substance of which are hereby passed and approved. Sites for the proposed public safety building are under consideration but a final site has not been determined as of the date this Resolution is adopted for the final location of the proposed public safety building.

Section 2. That the City Secretary shall cause said notice to be published, in substantially the form attached hereto, in the Waxahachie Daily Light, a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the thirtieth (30th) day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice.

Section 3. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention.

Section 4. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 5. That this Resolution shall be effective immediately upon passage and adoption.

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1216 as presented. Councilmember David Hill seconded, All Ayes.

City Manager Paul Stevens presented Resolution No. 1217. He explained the resolution authorizes the city to pay themselves back with bonds once they are issued.

RESOLUTION NO. 1217

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF VARIOUS PARKS AND RECREATION IMPROVEMENTS INCLUDING THE EXTENSION OF THE CITY HIKE AND BIKE TRAIL SYSTEM.

WHEREAS, the City of Waxahachie (the “City”) intends to issue debt to finance cost to be incurred for the purpose of various parks and recreation improvements including the extension of the city hike and bike trail system prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the “Regulation”) provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations; and

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

SECTION 1

That the City reasonable expects to reimburse the Waxahachie Community Development Corporation (WCDC) Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from WCDC Funds in an amount not to exceed \$500,000.

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

Councilmember Chuck Beatty moved to approve Resolution No. 1217 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Assistant City Manager Michael Scott presented Ordinance No. 2856. He explained the ordinance confirms the current speed limit of 55 mph on Highway 77 going towards Forreston.

ORDINANCE NO. 2856

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356, UPON U.S. HIGHWAY 77 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE FOR THE VIOLATION OF THIS ORDINANCE, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2856 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Assistant City Manager Michael Scott presented Ordinance No. 2857. He explained the ordinance confirms the most of the current speed limits on Highway 287 bypass corridor going towards Midlothian. The speed limit was increased from 60 to 65 mph near the airport.

ORDINANCE NO. 2857

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE SECTION 545.356 UPON U.S. HIGHWAY 287 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE FOR

THE VIOLATION OF THIS ORDINANCE, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2857 as presented.
Councilmember Chuck Beatty seconded, All Ayes.

Chief Goolsby explained Request for Qualifications were received from construction companies to work with the staff and architect on the design and construction of the new Waxahachie Police Facility. After reviewing the proposals, interviews were setup with the top three companies. All three companies have worked with the architect; have good reputations, and a past record of similar projects. After interviewing the Project Manager, Estimator, and Superintendent from each company, Chief Goolsby and staff felt Byrne Construction had the best overall team and experience to successfully produce a quality project. Chief Goolsby requested approval to enter into a contract with Byrne Construction to serve as the Construction Manager at Risk for the construction of the new Waxahachie police facility.

Councilmember David Hill moved to approve the contract with Byrne Construction for Construction Manager at Risk for the new police facility. Councilmember Chuck Beatty seconded, All Ayes.

CITIZENS' PETITIONS AND REQUEST

JR Clayton, 610 Old Waxahachie, Waxahachie, commended the Senior Center for the vitality it brings to its members and the community.

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

Mayor Strength and Councilmember Hill thanked Mr. Nick Dalquest for his participation as Honorary Councilmember.

Planning Director Darren Groth introduced Mr. Nathan Warren as the new Planner for the City of Waxahachie.

Councilmember Shipley added to the value of Mr. Clayton's praise and she commended Senior Center Jeanie Smiles and her staff of volunteers.

City Manager Paul Stevens welcomed Mr. Nathan Warren and announced Fern Lyle's retirement celebration will be held May 31, 2016 at 3:00 p.m.

Mayor Pro Tem Singleton commended Mr. Buck Jordan for revitalizing the Chamber of Commerce and expressed his intent to keep the momentum going.

City Attorney Steve Chapman noted he is proud of all the progress in Waxahachie.

There being no further business the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary