

City Council  
May 16, 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, May 16, 2016, at 7:00 p.m.

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

Council Members Absent: Mark Singleton, Mayor Pro Tem

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. Councilmember David Hill gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

-----

City Attorney Steve Chapman administered the Oaths of Office to Kevin Strength and David Hill for a two-year term on the City Council.

-----

**Councilmember Chuck Beatty moved Kevin Strength be nominated and elected as Mayor of the City of Waxahachie for a one-year term.** Councilmember David Hill seconded, **All Ayes.**

**Mayor Kevin Strength moved Mark Singleton be nominated and elected as Mayor Pro Tem of the City of Waxahachie for a one-year term by acclamation.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of May 2, 2016
- b. Minutes of the City Council and Planning & Zoning Commission Work Session of May 2, 2016
- c. Minutes of the regular Planning and Zoning Commission meeting of May 10, 2016
- d. Minutes of the Waxahachie Community Development Corporation meeting of May 12, 2016
- e. Minutes of the Senior Center Advisory Committee meeting of March 16, 2016
- f. Minutes of the Keep Waxahachie Beautiful meetings of March 22, 2016 and May 10, 2016

- g. Minutes of the Firemen’s Relief and Retirement Fund meeting of May 9, 2016
- h. Minutes of the Heritage Preservation Commission meeting of April 14, 2016
- i. Minutes of the Park Board meeting of May 5, 2016
- j. Minutes of the Cemetery Board meeting of May 5, 2016
- k. Monthly Code Enforcement Report for April 2016
- l. Monthly Violation Activity Statistics for April 2016
- m. Monthly Crime Report for April 2016
- n. Monthly Building Report for April 2016
- o. Approve wedding at Chautauqua on June 4, 2016
- p. Approve “Poetry in the Park” event on July 24, 2016
- q. Approve High School Graduation fireworks display hosted by Waxahachie I.S.D
- r. Approve Amendment to Street Closures for Film Festival
- s. Approve 2<sup>nd</sup> Annual IOOF Oddfest event on October 1, 2016
- t. Approve Budget Amendment request by Mid-Way Airport
- u. Approve Resolution authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District

**RESOLUTION NO. 1218**

**A RESOLUTION OF THE CITY OF WAXAHACHIE AUTHORIZING THE CREATION OF THE NORTH CENTRAL TEXAS REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT**

**WHEREAS**, Chapter 772, Subchapter H, of the Texas Health and Safety Code, cited as the Regional Emergency Communications District Act (the “act”), provides the creation of a Regional Emergency Communications District: and

**WHEREAS**, the act applies to a state planning region established under Chapter 391 of the Texas Local Government Code with a population of under 1.5 million, composed of counties and municipalities that operate a 9-1-1 system solely through a regional planning commission: and

**WHEREAS**, the Act requires that the governing bodies of each participating county and municipality in the region adopt a resolution approving the creation of the Regional Emergency Communications District (the “District”): and

**WHEREAS**, as of August, 1991, the City of Waxahachie exclusively receives 9-1-1 system services operated through the North Central Texas Council of Governments, a regional planning commission;

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF WAXAHACHIE AUTHORIZES THE CREATION OF THE NORTH CENTRAL TEXAS REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT**

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

-----

Councilmember Mary Lou Shipley introduced Devin Merrell as the Honorary Councilmember for the month of May. Mr. Merrell is enrolled as a Senior at Global High School, Navarro College, and University of Texas at Tyler. He will graduate with his associate’s degree in May. Academic awards include Honored for performance in Spanish II Freshman Year, Honored for performance in

Algebra II Sophomore Year, and Scored among the top in the nation on the Project Lead the Way Principles of Engineering and Design Final Exam. Mr. Merrell is involved with Double H Farms, Central Texas Conference of Youth in Mission, Member of Ferris Heights Methodist Church and affiliated with Youth Group and Choir, Interact Club, The National Honor Society, Technical Students Association, and volunteer with Engineering Now.

-----

Mayor Strength read a Proclamation proclaiming June 4, 2016 to July 4, 2016 as Crape Myrtle Month and presented it to members of the Crape Myrtle Council. Mrs. Bonney Ramsey announced this year's festivities and fireworks will take place at the Waxahachie Sports Complex on July 3, 2016 and the parade will be on July 4, 2016.

-----

Mr. Corey Green, Atmos Energy Representative, presented Ordinance No. 2858 approving the negotiated rate settlement with Atmos resolving the 2016 Rate Review Mechanism ("RRM") filing, and implementing the rate change. The Rate Review Mechanism allows Atmos to adjust rates on an annual basis to recover the investment made to the gas delivery system. He explained there will be approximately a \$1.26 monthly increase for the average residential customer and approximately a \$3.81 monthly increase for the average commercial customer.

**ORDINANCE NO. 2858**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

**Councilmember Mary Lou Shipley moved to approve Ordinance No. 2858 as presented.**  
Councilmember David Hill seconded. **All Ayes.**

-----

Mayor Strength continued 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 June 20, 2016 council meeting.

**Councilmember Mary Lou Shipley 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 June 20, 2016 council meeting.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Solar City, for a Specific Use Permit within a Planned Development-54-Single Family-2 (PD-54-SF-2) Zoning District for roof mounted pv solar system, located at 3021 Coventry Lane, being Lot 11, Block A, Windchase East Phase III, 0.29 acres – Owner: Pamela Almy (ZA 2016-10).

Planning Director Darren Groth reviewed the following Staff Report:

#### **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 3021 Coventry Lane, per the property plan submitted by the applicant.
2. According to the site layout drawings, the roof mounted PV solar system will be located south and west of the roof line. The panels may be visible from Coventry Lane as the proposed location of installation is on the left and rear of the house from street view.
3. Proper notifications were made in accordance with state law and the City's zoning ordinance.
4. Chapter 3 of the Comprehensive Plan encourages site planning that minimizes the need for continuously high levels of energy consumption. This proposal aligns with that goal.

#### **REVIEW COMMENTS**

1. Indicators A and B must be attributed to a description. If there is no description, then remove the indicators from the site plan. If there are descriptions, provide them on the site plan.
2. Clearly label the solar panels or assign representation to the solar panels in the legend on the site plan.
3. Submit a statement of operations that declares the size and quantity of solar panels requested to be installed.

#### **APPLICANT REQUIREMENTS**

Consideration of the request for a Specific Use Permit within a Planned Development-54-Single Family-2 (PD-54-SF-2) Zoning District for roof mounted pv solar system must observe the following condition:

1. A Building Permit must be obtained prior to installation of the roof mounted pv solar system.

Those who spoke in favor:

Chris Barry, SolarCity

There being no others to speak for or against ZA 2016-10, Mayor Strength closed the Public Hearing.

-----

City Attorney Steve Chapman presented Ordinance No. 2859

**ORDINANCE NO. 2895**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 11, BLOCK A, WINDCHASE EAST ADDITION PHASE III, CONTAINING 0.29 ACRE, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 3021 COVENTRY LANE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-54 SINGLE FAMILY-2 (PD-54-SF-2) TO PLANNED DEVELOPMENT-54 SINGLE FAMILY-2 WITH SPECIFIC USE PERMIT (PD-54-SF-2 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 Chuck Beatty moved to approve Ordinance No. 2859 as presented.**  
Councilmember David Hill seconded, **All Ayes.**

-----

Mayor Strength opened the Public Hearing on a request by Corp Custom Homes, for a Specific Use Permit within a Single Family-1 (SF-1) Zoning District for a two story detached garage in excess of 500 square feet, located at 5035 April Lane, being Lot 7, Block B, Mustang Meadows, 1.64 acres – Owner: James Shiffer (ZA 2016-11).

Planning Director Darren Groth reviewed the following Staff Report:

**DEVELOPMENT SUMMARY**

1. The request is to construct a two story detached garage in excess of 500 square feet at 5035 April Lane, per the property plan submitted by the applicant.
2. According to the site layout drawings, the two story detached garage will be located west of the primary structure, being directly behind the primary structure from street view.
3. Proper notifications were made in accordance with state law and the City's zoning ordinance.

4. The following findings are have been met, in accordance with Section 37.5 of the City of Waxahachie Zoning Ordinance:

*37.5 - Area regulations for accessory buildings in residential and multifamily districts:*

A. Size of Yards:

1. Front Yard: Accessory buildings shall not be located closer to the front property line than the main building or the front yard setback requirement for that zoning district, whichever is greater.
2. Rear Yard: When the accessory building is a garage with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory buildings including carports shall not be located closer than three (3) feet to the rear property line.
3. Side Yard: Accessory buildings shall not be closer than five (5) feet to the side property line when the accessory building is located behind the main building. When the accessory building is located in the side yard, the setback for the accessory building will be the same as the setback requirement for the main building.
4. Carports shall be measured from the posts supporting the roof nearest to the street or alley.
5. Accessory buildings are not permitted without a main structure.
6. No accessory building shall exceed five hundred (500) square feet. Accessory buildings over five hundred (500) square feet may be permitted by S.U.P. and shall meet all of the requirements (setbacks, construction, etc.) set forth for the main or primary structure.
7. All accessory buildings shall not exceed one story in height. Garage apartments are allowed up to two (2) stories in the "FD", "SF-1" and "RR" Districts. Garage apartments up to two (2) stories may be permitted in certain Districts (see Section 32) by S.U.P. if there is no adverse impact on adjacent properties.
8. Metal accessory buildings less than five hundred (500) square feet are permitted but shall not be used as an enclosed parking area or garage.
9. Other Structures: Accessory buildings, other than carports, shall not be located within five (5) feet of any other structure.

(Ord. No. 2665, 7-2-12) Page 3 of 3

**REVIEW COMMENTS**

1. Total lot coverage calculations must be provided. A table showing lot size, the area of the primary structure, the total area of all accessory structures, and a percentage of the total lot coverage shall be shown on the site plan.
2. Provide a north arrow on the site plan.
3. Submit a statement of operations that declares the use and function of the accessory structure.

4. The requested structure cannot be used for commercial purposes and cannot be rented.
5. If the zoning request is approved, a Building Permit is required prior to construction.

**APPLICANT REQUIREMENTS**

Consideration of the request for a Specific Use Permit within a Single Family-1 (SF-1) Zoning District for a two story detached garage in excess of 500 square feet square feet must observe the following condition:

1. A Building Permit must be obtained prior to construction of the detached garage.

There being no others to speak for or against ZA 2016-11, Mayor Strength closed the public hearing.

-----

City Attorney Steve Chapman presented Ordinance No. 2860

**ORDINANCE NO. 2860**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 7, BLOCK B, MUSTANG MEADOWS ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 5035 APRIL LANE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-1 (SF-1) TO SINGLE FAMILY-1 WITH SPECIFIC USE PERMIT (SF-1 w/SUP) FOR THE PURPOSE OF ALLOWING A DETACHED GARAGE TO BE BUILT IN ACCORDANCE WITH SITE PLAN AND CONSTRUCTION DOCUMENTS ON FILE WITH THE CITY OF WAXAHACHIE, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember David Hill moved to approve Ordinance No. 2860 as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

-----

City Engineer James Gaertner presented the bid tabulation and engineer's evaluation and recommendation for the Waxahachie High School Off-Site Wastewater Line Improvement Project. He explained the proposed project is for the 27-inch sanitary sewer line with an average depth of 15 feet. He explained Canary Construction, Inc. of Coppell, Texas submitted the lowest bid for the project with a Base Bid in the amount of \$486,522.00. After reviewing references, there were some concerns with the contractor completing the project within the allotted time frame. Since, the entire school project is estimated to be completed in two years; they believe that will allow the contractor ample time to complete the project.

City Manager Paul Stevens asked about the estimated time frame to complete the project and Mr. Gaertner noted it is approximately 180 days.

Councilmember Hill inquired about the hydro mulch and Mr. Gaertner explained it is a permanent requirement by TCEQ and staff will keep an eye on the cost.

**Councilmember David Hill moved to award the bid for the Waxahachie High School Off-Site Wastewater Line Improvement Project to Canary Construction, Inc. in the amount of \$486,522.00.** Councilmember Mary Lou Shipley seconded. **All Ayes.**

-----

Utilities Director David Bailey presented the Oversize Water Line Participation agreement with Waxahachie 147, LTD., owner of Mustang Creek Phase 4 development. He explained the city has requested the developer to construct an 18-inch diameter oversize water line through their development to meet the city's current Water Distribution System Master Plan size. The agreement will allow approval to reimburse the developer for the difference between the 18-inch diameter and a 12-inch diameter water line and apparatuses. He noted funding is available through Impact Fees to cover the \$103,593.00 cost.

City Manager Stevens noted the water line will serve future development and it is beneficial to be able to oversize the line.

**Councilmember David Hill moved to approve the Oversize Water Line Participation agreement with Waxahachie 147, LTD., the owners of Mustang Creek Phase 4 development.** Councilmember Mary Lou Shipley seconded. **All Ayes.**

-----

**CITIZENS' PETITIONS AND REQUEST**

Convention and Visitor's Bureau Director Laurie Mosley announced the 3<sup>rd</sup> annual Crossroads of Texas Film Festival kicks off on Wednesday, May 18, 2016 and Ferne Lyle's Retirement Party is May 31<sup>st</sup> from 4 p.m.-6 p.m. at the Civic Center.

Assistant City Secretary Amber Villarreal announced the HEB Sandwich Event will be on Saturday, May 21<sup>st</sup> from 11 a.m.-4 p.m. and encouraged everyone to try the Mayor's sandwich and cast their vote.

-----

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

City Manager Stevens, Mayor Strength, along with Councilmembers Shipley, Beatty, and Hill thanked Honorary Councilmember Devin Merrell for his attendance.

City Manager Stevens and Assistant City Manager Michael Scott congratulated councilmembers Strength, Singleton, and Hill on their continued term.

-----

City Council  
May 16, 2016  
Page 9

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

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary