

City Council
June 6, 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, June 6, 2016, at 7:00 p.m.

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

Council Member Absent: Mark Singleton, Mayor Pro Tem

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

Mayor Kevin Strength called the meeting to order. Councilmember Chuck Beatty 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 May 16, 2016
- b. Minutes of the Planning & Zoning Commission meeting of May 24, 2016
- c. Minutes of the Mid-Way Regional Joint Airport Board meeting of May 12, 2016
- d. Minutes of the Park Board meetings of May 19, 2016 and June 2, 2016
- e. Approve Budget Amendment request by City Marshal Department
- f. Approve Budget Amendment request by Municipal Court
- g. Set City Council meeting of Tuesday, July 5, 2016

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

Mayor Strength announced there is not an Honorary Councilmember for the month of June.

Mayor Strength recognized C.R. Laurence Company for receiving the TOP North Texas Business Expansions – Dallas Business Journal – July 2015. He presented the plaque to Mr. Patrick Lowrey noting C.R. Laurence Company was one of twenty-five companies recognized by the Dallas Business Journal.

Mayor Strength opened the Public Hearing on a request by DC Texas Construction, LLC, for a Specific Use Permit within a General Retail (GR) Zoning District for a two story detached garage in excess of 500 square feet, located at 1015 Ferris Avenue, being Lot 1, Block 27, Williams Addition, 0.414 acres – Owner: Ladd Vien (ZA 2016-12).

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 1015 Ferris Avenue, 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 have been met, in accordance with Sections 37.2 and A-3.2 of the City of Waxahachie Zoning Ordinance:

37.2 [*Nonresidential districts:*] In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence.

(Ord. No. 2665, 7-2-12)

A-3.2 *Accessory building (business or industry)* - In the nonresidential Districts, a subordinate building to the main building, limited in height to not over the height of the main building and used for purposes directly accessory and incidental to the main use.

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 General Retail (GR) Zoning District for a two story detached garage in excess of 500 square feet must observe the following conditions:

1. A Building Permit must be obtained prior to construction of the detached garage.
2. Accessory Dwelling in the proposed structure is prohibited

There being no others to speak for or against ZA 2016-12, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No.2861:

ORDINANCE NO. 2861

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 1, BLOCK 27, WILLIAMS ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 1015 FERRIS AVENUE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING GENERAL RETAIL (GR) TO GENERAL RETAIL WITH SPECIFIC USE PERMIT (GR 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. 2861 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Brandon Bell, The Energy Shop, Inc., for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for solar panels, located at 218 Atlantic Avenue, being Lot 31, Block 2, Park Place, 0.33 acres – Owner: David and Carol Young (ZA 2016-13).

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 218 Atlantic Avenue, per the property plan submitted by the applicant.
2. According to the site layout drawings, the roof mounted PV solar system will be located southeastern most portion of the roof. The panels may be visible from Atlantic Avenue as the proposed location of installation is on the right side 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. Replace title '24 SUNPOWER 327W SOLAR SITE LAYOUT 7.848 kW PHOTOVOLTAIC SYSTEM' with 'SITE PLAN'.
2. Label street name.
3. Include north arrow.

APPLICANT REQUIREMENTS

Consideration of the request for a Specific Use Permit within a Single Family-2 (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.

Mr. Brandon Bell, The Energy Shop, Inc., 3310 Wiley Post Road, Carrollton, Texas, was available for questions.

There being no others to speak for or against ZA 2016-13, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No.2862:

ORDINANCE NO. 2862

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 31, BLOCK 2, PARK PLACE ADDITION, CONTAINING 0.33 ACRE, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 218 ATLANTIC AVENUE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-2 (SF-2) TO SINGLE FAMILY-2 WITH SPECIFIC USE PERMIT (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 Mary Lou Shipley moved to approve Ordinance No. 2862 as presented.
Councilmember David Hill seconded, All Ayes.

Mayor Strength opened the Public Hearing on a request by Jim Fuller, for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for an LED monument sign, located at 1116 Brown St., being Lot 3 and 4B, Littleton Estates, 14.669 acres – Owner: Farley Street Baptist Church (ZA 2016-14).

Planning Director Darren Groth reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to install an LED monument sign at the location of an existing monument sign, per plans submitted by the applicant.
2. Proper notifications were made in accordance with state law and the City's zoning ordinance.
3. The following findings are have been met, in accordance with Section 43.1 of the City of Waxahachie Zoning Ordinance:

Purpose: Signs use private land near the public rights-of way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs that are not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- A. Safety: To promote the safety of persons and property by providing that signs:
1. Do not create a hazard due to collapse, fire, collision, decay or abandonment;

2. Do not obstruct firefighting or police surveillance; and
3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs or emergency vehicles.

B. Communication Efficiency: To promote the efficient transfer of information in sign messages by providing that:

1. Those signs which provide messages and information most needed and sought by the public are given priorities;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate a business or service;
4. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
5. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

C. Landscape Quality and Preservation: To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
4. Are not detrimental to land or property values.

REVIEW COMMENTS

1. Include physical address of the subject property.
2. Indicate location of the sign.

APPLICANT REQUIREMENTS

Consideration for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for an LED monument sign must observe the following condition:

1. A Building Permit must be obtained prior to installation of an LED monument sign.

There being no others to speak for or against ZA 2016-14, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No.2863:

ORDINANCE NO. 2863

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 3 AND LOT 4B, LITTLETON ESTATES, CONTAINING 14.669 ACRES, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 1116 BROWN STREET, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-2 (SF-2) TO SINGLE FAMILY-2 WITH SPECIFIC USE PERMIT (SF-2 w/SUP), FOR THE PURPOSE OF ALLOWING AN LED MONUMENT SIGN WITH ELECTRONIC

MESSAGE CENTER TO BE BUILT IN ACCORDANCE WITH LOCATION AND DRAWINGS AND INFORMATION FILED WITH THE CITY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2863 as presented.
Councilmember David Hill seconded, All Ayes.

Mayor Strength opened the Public Hearing on a request by Electric Guard Dog LLC, for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for the installation of a 10-foot high, pulsed, security fence, inside the existing perimeter fence, located at 7240 N. IH 35E, being 29.019 acres in the J H Lawrence Survey, Abstract No. 633 – Owner: Celadon Trucking SVS Inc. (ZA 2016-16).

Planning Director Darren Groth reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to install a 10-foot high, pulsed, security fence, inside the existing perimeter fence as shown on the plans submitted by the applicant.
2. Proper notifications were made in accordance with state law and the City's zoning ordinance.

REVIEW COMMENTS

1. Exclude incomplete notes after match line on the top drawing on page 1 of site plan.
2. Show parking layout.
3. Include building dimensions, and setbacks.
4. Do not deviate from the existing site plan with the exception of the addition of the security fence.

APPLICANT REQUIREMENTS

Consideration for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for the installation of a 10-foot high, pulsed, security fence must observe the following condition:

1. A Building Permit must be obtained prior to installation of the proposed security fence.

Mr. Michael Pate, Electric Guard Dog LLC, stated when the alarm goes off it sends a message back to corporate in Indianapolis, IN as well as to the alarm onsite. Cameras will be on the fence and the Fire Department will have access to kill switch in entry is required.

There being no others to speak for or against ZA 2016-16, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No.2864:

ORDINANCE NO. 2864

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON 29.019 ACRES IN THE J.. H. LAWRENCE SURVEY, ABSTRACT NO. 633, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 7240 NORTH INTERSTATE HIGHWAY 35E, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-1 (LI-1) TO LIGHT INDUSTRIAL-1 (LI-1) WITH SPECIFIC USE PERMIT (LI-1 w/SUP), FOR THE PURPOSE OF ALLOWING A TEN FOOT PULSED SECURITY FENCE INSIDE THE EXISTING PERIMETER FENCE, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2864 as presented.
Councilmember Chuck Beatty seconded, All Ayes.

Mayor Strength opened the Public Hearing on a request by Dayne Ram, for a Zoning Amendment from Light Industrial-2 (LI-2) and Commercial (C) to Planned Development-Commercial (PD-C) for a restaurant, located at the intersection of Cardinal I.G. Roadway and US Hwy. 77, being Lot 1 and 2, Block A, Cardinal Plaza, 3.08 acres – Owner: Edmundo Zamorano (ZA 2016-17).

Mayor Strength announced the Planning and Zoning Commission, at their meeting of May 24, 2016, continued the Public hearing to the Planning and Zoning Commission meeting of June 14, 2016. He requested City Council continue the Public Hearing to their meeting of June 20, 2016.

Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Dayne Ram, for a Zoning Amendment from Light Industrial-2 (LI-2) and Commercial (C) to Planned Development-Commercial (PD-C) for a restaurant, located at the intersection of Cardinal I.G. Roadway and US Hwy. 77, being Lot 1 and 2, Block A, Cardinal Plaza, 3.08 acres – Owner: Edmundo Zamorano (ZA 2016-17) to the City Council meeting of June 20, 2016. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Rick Murray, for a Specific Use Permit within a Planned Development-7-General Retail (PD-7-GR) Zoning District for an ATM kiosk, located at 1202 US Hwy. 77 N, being Lot 1RR, Walmart Eason, 0.481 acres – Owner: Murphy USA Inc. (ZA 2016-19).

Planning Director Darren Groth reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is for a Specific Use Permit within a Planned Development-7-General Retail (PD-7-GR) Zoning District to allow installation of an ATM kiosk as shown on the plans submitted by the applicant.

2. According to the site layout drawings, the ATM kiosk will be located on the northern most side of the property.
3. Proper notifications were made in accordance with state law and the City's zoning ordinance.

REVIEW COMMENTS

1. Show dimensions of drive up ATM on the site plan.
2. Provide a traffic flow diagram of the drive thru on the site plan.
3. Remove cloud around edits from "05-19-99" and description chart.

APPLICANT REQUIREMENTS

Consideration of the request for a Specific Use Permit within a Planned Development-7-General Retail (PD-7-GR) Zoning District to allow installation of an ATM kiosk must observe the following conditions:

1. A Building Permit must be obtained prior to installation of the proposed ATM kiosk.

There being no others to speak for or against ZA 2016-19, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2865:

ORDINANCE NO. 2865

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1RR, WALMART EASON ADDITION, CONTAINING 0.481 ACRE, LOCATED AT 1202 U.S. HIGHWAY 77 NORTH IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-7-GENERAL RETAIL (PD7-GR) TO PLANNED DEVELOPMENT-7-GENERAL RETAIL WITH SPECIFIC USE PERMIT (PD-7-GR w/SUP), FOR THE PURPOSE OF ALLOWING AN ATM KIOSK, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE, AND SETTING AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2865 as presented.
Councilmember David Hill seconded, All Ayes.

Mr. John Smith, Director of Parks and Recreation, presented proposed Ordinance No. 2866 allowing Seasonal Vendor's Permits at Lake Waxahachie. He explained the permit shall be issued only for rental of property for water recreational use at Lake Waxahachie. Rentals include canoes and kayaks, fishing equipment, life preservers, and water recreational equipment. The business is only allowed to be open between May 16 and September 30 of each year.

ORDINANCE NO. 2866

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY ADDING A NEW SECTION 18-4B, ALLOWING SEASONAL VENDOR'S PERMITS AT LAKE WAXAHACHIE, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2866 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mr. John Smith, Director of Parks and Recreation, reported the Park Board recently reviewed the Chautauqua Rental Rates and found them to be inadequate. The Park Board recommended raising the rates from either \$100 or \$200 a day to \$500 a day, with a \$500 refundable deposit if moving benches, \$325 a day for non-profits, with a \$500 refundable deposit if moving benches or \$100 deposit otherwise.

After further discussion, Mr. David Hill moved to approve raising the Chautauqua Rental Rates as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. John Smith, Director of Parks and Recreation, reported bids were received on May 2, 2016 for the Senior Center exercise room expansion project. The following bids were received:

Texas Benchmark Building Group, LLC	\$199,997.00
The Nay Company	\$245,730.00
Holleman Construction	\$326,996.00

Mr. Smith stated the Senior Center Advisory Board and Staff has reviewed the lowest bidder's qualifications and recommended to award the bid to Texas Benchmark Building Group, LLC in the amount of \$199,997.00.

Councilmember Mary Lou Shipley moved to award the Senior Center Expansion Project to Texas Benchmark Building Group, LLC, in the amount of \$199,997.00. Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Jeff Chambers, Director of Public Works, reported bids were received on May 19, 2016 for the Waxahachie Downtown Improvements. The project includes:

South Rogers Street – West Franklin Street to MLK Railroad
West Jefferson Street – South Rogers Street to South College Street
South College Street – MLK Railroad to Waxahachie Depot

Mr. Chambers reported one bid was received from J&K Excavation, LLC, for a base bid of \$1,044,016.74, Additive Alternate bid of \$73,752.20. Base Bid + Additive Alternate of \$1,117,768.94. He stated the contract time for the project is 180 calendar days.

After further discussion, Councilmember David Hill moved to award the Waxahachie Downtown Improvements Project to J&K Excavation, LLC, as presented. Councilmember David Hill seconded, *All Ayes.*

Assistant City Manager Michael Scott presented Resolution No. 1219 declaring intent to reimburse expenditures with proceeds of future debt for the purpose of replacement, reconstruction and rehabilitation of paving, drainage and utilities. He stated approval of the Resolution allows getting the Alexander and Cynisca Streets project started and explained the loan from the General Fund is not to exceed \$1,900,000.

RESOLUTION NO. 1219

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF REPLACEMENT, RECONSTRUCTION AND REHABILITATION OF PAVING, DRAINAGE AND UTILITIES.

WHEREAS, the City of Waxahachie (the “City”) intends to issue debt to finance cost to be incurred for the replacement, reconstruction and rehabilitation of paving, drainage, and utilities and related expenses 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.

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

SECTION 1

That the City reasonable expects to reimburse General 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 the General Fund in an amount not to exceed \$1,900,000.

SECTION 3

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

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Councilmember Mary Lou Shipley moved to approve Resolution No. 1219 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Citizens' Petitions and Requests

None

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

Councilmember Chuck Beatty announced the ground breaking ceremony for Penn Park improvements will be held on Saturday, June 18, 2016.

City Manager Paul Stevens referenced a letter from First Baptist Garland thanking Laurie Mosley, Director of Convention & Visitors Bureau, for assisting them in their recent trip to Waxahachie. Ms. Mosley offered her services on her day off to tour the group around the city.

There being no further business the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Lori Saunders
City Secretary