

City Council
June 20, 2016

A regular meeting of the Mayor and City Council of the City of Waxahachie was held on Monday, June 20, 2016 at 7:00 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

Members Present: Kevin Strength, Mayor
Mark Singleton, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember

Member Absent: David Hill, Councilmember

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary
Darren Groth, Director of Planning

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.

City Attorney Steve Chapman administered the Oath of Office to Mayor Pro Tem Mark Singleton to serve a two-year term.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of June 6, 2016
- b. Minutes of the Planning and Zoning Commission meeting of June 14, 2016
- c. Minutes of the Firemen's Relief & Retirement Fund meeting of June 13, 2016
- d. Minutes of the Keep Waxahachie Beautiful meeting of June 14, 2016
- e. Monthly Code Enforcement Report for May 2016
- f. Monthly Violation Activity Statistics Report for May 2016
- g. Monthly Crime Report for May 2016
- h. Monthly Fire and EMS Report for March, April and May 2016
- i. Monthly Building Reports for May 2016
- j. Approve Budget Amendment request by Utilities Department

Councilmember Chuck Beatty moved to approve a. through j. 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.

Ms. Anita Brown, Downtown Development Director, introduced Ms. Charlotte McKibben, owner of Eubank Florist, Ms. Minnie Williams, Ms. Delores Pearson, and Ms. Lisa Cheryl.

State Representative John Wray Honored Eubank Florist with the Texas Treasure Business Award from the Texas Historical Commission. He stated the Texas Treasure Business Program pays tribute to businesses that provide employee opportunity and support to the state economy for 50 years or more. This program was created in 2005 to recognize well established Texas businesses and their exceptional and historical contribution to the States economic development. Representative Wray presented a Resolution from the Texas House of Representatives and a flag that flew over the State Capital. Eubank Florist has been in business in Waxahachie continually for 78 years.

Downtown Development Director Anita Williamson requested permission to close College Street from Main St. to Franklin St. from noon to approximately 10:00 p.m. on Friday, July 15, 2016 to allow for a water slide. The Summer Moonlight Movie will start at 9:00 p.m. showing *JAWS*.

Mayor Pro Tem Mark Singleton moved to approve street closure on Friday, July 15, 2016 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. Boyd London, Jr., Managing Director, FirstSouthwest, reported there were three bond issues totaling \$86,120,000 sold: One for new projects and two for refinancing or “refunding” existing City Bonds. The \$86,120,000 of bonds sold provides the City \$23,270,000 for new projects and saves \$15,700,959 total in debt service payments (does not include savings to Rockett SUB). The Bonds are rated “AA-“ by Standard & Poor’s and “Aa3” by Moody’s.

Mr. London presented three bond series:

\$20,545,000 Certificates of Obligation, Series 2016:

Provides the City \$23,270,000 for projects after all costs:

- \$11,950,000 for police building (TAX Supported)
- \$5,300,000 for streets (TAX Supported)
- \$750,000 for fire equipment (TAX Supported)
- \$5,300,000 for 4B projects (4B Supported)

True Interest Cost of 2.676%

Final maturity date: August 1, 2036 (20 year amortization)

\$27,205,000 General Obligation Refunding Bonds, Series 2016A

Refinanced or “refunded” a portion of the:

- Series 2007 Combination Tax & Revenue Certificates of Obligation, and the
- Series 2009 Combination Tax & Revenue Certificates of Obligation

True Interest Cost of 2.281%

Final maturity date: August 1, 2032 (no extension of final maturity)

Statistics –

- Principal amount of refunded bonds: \$32,025,000
- **Total savings: \$8,646,381**, or 14.921% of refunded bond amount
 - \$2,694,870 savings in the General Debt Fund
 - \$5,711,723 savings in the Water/Sewer Fund
 - \$239,788 savings in the TIFRZ Fund
- Average annual savings: \$540,399 (16 years)

\$38,290,000 General Obligation Refunding Bonds, Series 2016B

Refinanced or “refunded” a portion of the Series 2007A Combination Tax & Revenue Certificates of Obligation (50% paid by City, 50% paid by Rockett Special Utility District)

True Interest Cost of 2.806%

Final maturity date: August 1, 2038 (no extension of final maturity)

Statistics –

- Principal amount of refunded bonds: \$43,705,000
- **Total savings: \$14,109,155**, or 18.514% of Refunded Bond par amount
 - \$7,054,577 savings in the City’s Water/Sewer Fund
 - \$7,054,577 savings to Rocket Special Utility District
- Average annual savings, City only: \$320,663 (20 years)

ORDINANCE NO. 2867

PROVIDING FOR THE ISSUANCE OF \$27,205,000 CITY OF WAXAHACHIE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016A, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

Councilmember Chuck Beatty moved to approve Ordinance 2867 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

ORDINANCE NO. 2868

PROVIDING FOR THE ISSUANCE OF \$38,290,000 CITY OF WAXAHACHIE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016B, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2868 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

ORDINANCE NO. 2869

PROVIDING FOR THE ISSUANCE OF \$20,625,000 CITY OF WAXAHACHIE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2869 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing as ordered for consideration by the City Council to determine whether to continue, amend, or revoke a Specific Use Permit (SUP) in a Heavy Industrial (HI) zoning district allowing the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed, located at 500 Brown Industrial at Oak Cliff Metals in the northwest quadrant of Brown Industrial and Interstate Highway 35, being Lot 10R, Brown Industrial Sites 2 Revised, 17.996 acres – Owner: Falcon Transit, Inc. (ZA 2011-15).

Director of Planning Darren Groth reviewed the following Staff Report:

DEVELOPMENT SUMMARY

Consider whether to continue, amend, or revoke an SUP in an HI zoning district allowing the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed. (ZA 2011-15).

On 3-7-16, City Council scheduled a public hearing to consider the SUP cancellation. The Reasons for consideration include:

- Frequent fires (8-24-13, 8-12-14, & 2-14-16)
- Storage piles exceeding height limits in Ord #2616
- Hours of operation
- Site does not provide adequate water to fight fires

On 3-10-16, the City mailed a letter to Oak Cliff Recycling, Inc. The letter provided notice to Oak Cliff that the City sought to invoke the SUP cancellation clause contained in Ord. #2616 (ZA2011-15), subject to cancellation upon 90 days written notice. Since the letter, the Owner met with the City to address the concerns.

On Tuesday, June 14, 2016, the City of Waxahachie Planning and Zoning Commission voted 7-0 to continue the Specific Use Permit (SUP).

Ms. Kelly Dakan, and Mr. Benjie Smith, owners of Oak Cliff Metals reported they are installing a thermal detection system with 4 cameras that monitor the 4 piles of metal. Ms. Dakan explained it is designed to detect temperature and pinpoint hotspots and shoot foam extinguishing the heat preventing a fire. Ms. Dakan stated it is installed and being tested and will have 24 hour monitoring by Wednesday, June, 22, 2016.

Councilmember Mary Lou Shipley asked if Oak Cliff Metals had a safety expert come on the grounds to help determine the problem with fires. Mr. Smith stated Oak Cliff Metals just visited with City Staff and Ms. Dakan stated they talked to other scrap metal companies.

Councilmember Shipley asked if the system goes off, does it automatically contact our Fire Department. She asked if Oak Cliff Metals has had fires at their other locations.

Ms. Dakan stated the system is designed to put out the hot spots before it sparks a flame and if it sparks a flame, the Fire Department will be called. Mr. Smith stated they will have a night watchman that will be onsite with a portable machine that will put the hotspots out. He stated they have not had fires at their other locations.

Mayor Strength stated he is concerned with every time there is a fire a firefighter is in harm's way.

Councilmember Shipley expressed concern as to whether or not you caused the problem because you don't know what started the fires. Ms. Dakan stated they located the issue for the first fire but have no explanation for the other 2 fires and explained that is what prompted them to order this system.

Mayor Pro Tem Mark Singleton stated we know you have no water and now you have a device that will monitor the piles as a way to fix this problem. He stated he still has reservations.

Councilmember Shipley stated 5 days ago Oak Cliff Metals were written up in Dallas at the Oak Cliff location. Ms. Dakan stated Dallas revoked the Specific Use Permit because it was not zoned. Councilmember Shipley stated her concern is the corporate citizenship and Dallas did want you and you came to Waxahachie.

Councilmember Chuck Beatty expressed concern with air quality and asked do they have a system on a day to day basis that checks the air quality. Ms. Dakan stated TCEQ checks the air quality when fires occur.

Councilmember Shipley asked if the shredder electrical? Mr. Smith stated it is an electrical shredder.

Those who spoke in favor of ZA2011-15:

Ms. Melissa Abby, local educator
Mr. Glenn Pace, 330 Brown Industrial, Waxahachie

Those who spoke against ZA2011-15:

Ms. Doris Franks, 674 Brown Industrial Road, Waxahachie
Mr. David Franks, 674 Brown Industrial Road, Waxahachie

There being no others to speak for or against ZA2011-15, Mayor Strength closed the Public Hearing.

After further discussion, Mayor Pro Tem Mark Singleton moved to continue a Specific Use Permit (SUP) in a Heavy Industrial (HI) zoning district allowing the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed, located at 500 Brown Industrial at Oak Cliff Metals in the northwest quadrant of Brown Industrial and Interstate Highway 35, being Lot 10R, Brown Industrial Sites 2 Revised, 17.996 acres – Owner: Falcon Transit, Inc. (ZA 2011-15). Councilmember Chuck Beatty seconded. The vote was as follows:

Ayes: Kevin Strength
Mark Singleton
Chuck Beatty

Noes: Mary Lou Shipley

The motion carried.

Mayor Strength opened the Public Hearing on a request by JHDMC, LLC for a Zoning Amendment to revise language and mapping exhibits contained in City Ordinance No. 2733, as amended by City Ordinance No. 2841, for approximately 749 acres of land, known as the “North Grove Planned Development District” -Owner: Various (ZA 2013-41 R2).

Director of Planning Darren Groth reviewed the following Staff Report:

The applicant requests approval of various amendments to the existing North Grove PD District. The amendments will revise language and mapping exhibits contained in City Ordinance No. 2733, as amended by City Ordinance No. 2841.

The request contains revisions to PD Ordinance Section VII, Section X, and Exhibit C. Sets or clarifies rear yard setbacks. Design standards clarified – replace ‘elements’ with ‘elevations’.

Mr. Terry Weaver, COO of JHDMC, LLC, 815 W. Main, Midlothian, Texas, stated the Planned Development (PD) for North Grove was approved two years ago and explained due to such a large PD, this is the second amendment request. He stated in the Planned Development will be a designated donation of land for a city park with a large amenity center by the park. The first 83 lots are being built out and JHDMC, LLC will work with City Staff to preliminary plat everything south of the Boulevard. Mr. Weaver announced they hope to have the Boulevard opened for driving on in January 2017.

There being no others to speak for or against ZA2011-41 R2, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2870:

ORDINANCE NO. 2870

AN ORDINANCE AMENDING THE ZONING ON APPROXIMATELY 749 ACRES OF LAND, MORE OR LESS, KNOWN AS “NORTH GROVE PLANNED DEVELOPMENT DISTRICT” IN WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOCATED ON US HIGHWAY 77 NORTH, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BY AMENDING THE TEXT OF THE DISTRICT, AND OF ITS MAPPING EXHIBITS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2870 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Solar City, for a Specific Use Permit within a Planned Development-Single Family-2 (PD-SF-2) Zoning District for roof mounted pv solar system, located at 108 Hacienda Dr., being Lot 5, Block 15, Indian Hills #1 Addition, 0.288 acres – Owner: Harry Steinfeldt (ZA 2016-20).

Director of Planning Darren Groth reviewed the following Staff Report:

DEVELOPMENT SUMMAR

The request is for a Specific Use Permit within a Planned Development-Single Family-2 (PD-SF-2) Zoning District for roof mounted PV solar system as shown on the plans submitted by the applicant.

According to the site layout drawings, the solar panels will be located on all but the north side of the roof of the primary structure. Panels are on the front of the house.

Mayor Strength and Mayor Pro Tem Singleton expressed concern with solar panels depicted on the front of the house.

Assistant City Manager Michael Scott stated the purpose for the Specific Use Permit is for Council to make the determination of the location of panels as they are requested.

There being no others to speak for or against ZA 2016-20, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2871:

ORDINANCE NO. 2871

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 5, BLOCK 15, INDIAN HILLS ADDITION, PHASE I, CONTAINING 0.288 ACRE, AN ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 108 HACIENDA DRIVE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 WITH SPECIFIC USE PERMIT (PD-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.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2871 with amendment of removing panels on the front-side of house. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength referenced Continuing 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). He announced the Applicant withdrew the zoning case.

Mayor Strength referenced the Public Hearing on a request by WP Legacy, LTD, for a Zoning Amendment from Multi-Family-2 (MF-2) to a Planned Development-Multi-Family-2 (PD-MF-2) Zoning District for multi-family development, located at south side of Park Place Blvd. east of Park Place, Phase I, being 11.871 acres in Garden Valley – Owner: WP Legacy, LTD (ZA 2016-18) and announced Staff received notice that the Applicant requested to withdraw the zoning case.

Mayor Strength referenced 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). He announced the case was denied at the P&Z meeting of June 14, 2016. The Applicant did not request to appeal to Council.

Public Hearing on a request by Don Merchant, for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development-Single Family-2 (PD-SF-2) Zoning District for infill residential development, located at 113 McKenzie, being Lot 5-6B, Block 4, College Addition, 0.45 acres – Owner: DC Texas Construction, LLC (ZA 2016-21). He announced the case was denied at the P&Z meeting of June 14, 2016. The Applicant did not request to appeal to Council.

Director of Planning, Darren Groth, presented Final Plat of Atmos Energy Addition, Lot 1, Block A, Thomas Shelby Survey, Abstract No. 1002-Owner: Atmos Energy Corp (FP 2016-18).

He explained the request for a Final Plat would establish Lot 1, Block A, Atmos Energy Addition, being a total of 6.907 acres, or 300,889 square feet. On June 14, 2016, P&Z voted 7-0 to recommend approval of FP2016-18.

Councilmember Mary Lou Shipley moved to approve Final Plat of Atmos Energy Addition, Lot 1, Block A, Thomas Shelby Survey, Abstract No. 1002-Owner: Atmos Energy Corp (FP 2016-18). Councilmember Chuck Beatty seconded, **All Ayes.**

Assistant City Manager Michael Scott referenced reported the City is funding the installation of North Grove Boulevard, a portion of the drainage improvements and the related engineering costs. Initial pavement design called for an 8” pavement to be installed over an 8” subgrade. After further geotechnical analysis, it was determined that the expected life of the pavement was likely to last only 12 years. Staff required the design requirements be re-reviewed by the engineering team in order to provide the desired 30-year expected life for the pavement. The results showed the pavement needs to be 10” thick with 10” of lime stabilized subgrade. The additional cost totals \$363,480. Mr. Scott stated the city will be reimbursed through impact fees.

Mayor Pro Tem Mark Singleton moved to approve the additional funding of \$363,480 for North Grove Boulevard, as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Assistant City Manager Michael Scott presented proposed contract with Halff Associates, Inc. for professional design services for road project through new Police Station property. Professional Services Fee total \$87,945.00.

Mayor Pro Tem Mark Singleton expressed concern with the new street lining up with private drive across Farley Street.

Public Works Director, Jeff Chambers stated it is better to line up than be offset due to adding more traffic congestion.

Mr. Scott stated the road is estimated to run 1.1 million and includes water storm drainage, pavement and engineering.

After further discussion, Mayor Pro Tem Mark Singleton moved to approve the contract with Halff Associates, Inc. for professional design services for road project through new Police Station property in the amount of \$87,945.00. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Citizens' Petitions and Requests

None

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

Assistant City Manager announced Mayor Kevin Strength was recently appointed the North Central Texas Council of Governments (NCTCOG) Executive Board as Secretary-Treasurer at the NCTCOG Annual General Assembly luncheon held on Friday, June 17, 2016. Mr. Scott noted he, Mr. Mike Ramsey, Councilmember Mary Lou Shipley and Councilmember Chuck Beatty and Fire Chief Ricky Boyd attended the luncheon. Mr. Scott stated he appreciates Mayor Strength representing Waxahachie as an Executive Board member.

Councilmember Chuck Beatty reported Juneteenth was held Saturday, June 18, 2016 at Penn Park. He stated the event was successful and attendees were excited about the upcoming renovations at Penn Park.

Mayor Pro Tem Mark Singleton thanked City Staff for their due diligence preparing for the bond sale. He stated the interest cost is impeccable which is huge for the City of Waxahachie.

City Manager Paul Stevens thanked First Southwest for the bond sales and concurred with Mayor Pro Tem Singleton. He thanked Finance Director Charles Harris and his staff for they work they did preparing for the sale.

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Lori Saunders
City Secretary