

City Council
September 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 Tuesday, September 6, 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
Lori Saunders, 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 regular City Council meeting of August 15, 2016
- b. Minutes of City Council worksession of August 15, 2016
- c. Minutes of special City Council meeting of August 24, 2016
- d. Minutes of Planning & Zoning Commission meeting of August 23, 2016
- e. Minutes of Park Board meeting of August 11, 2016
- f. Minutes of Waxahachie Firemen's Relief & Retirement Fund meeting of August 8, 2016
- g. Minutes of Keep Waxahachie Beautiful meeting of August 23, 2016
- h. Approval Water and Wastewater Treatment Chemicals bid renewal
- i. Approval of Jeremiah Richey concert on Courthouse lawn

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

Councilmember David Hill introduced Samantha Trevino as the Honorary Councilmember for the month of September. She is a senior at Waxahachie Global High and will graduate with her associates in science from Navarro College in the spring. From being Student Council President to a member of Interact, Engineering NOW, and Technology Student Association, she is very involved at Global High. Last spring, Samantha was elected President of WISD's Teen School Board for school year 2016-2017. She is very appreciative of all the opportunities offered in WISD and Waxahachie as a whole, so giving back is easy for her.

Ms. Amber Caverly, Waxahachie Downtown Merchants Association, requested a designation of a dedicated Loading Zone located on the southwest corner of the 200 block of South Rogers Street and 200 block of West Jefferson Street. She stated the loading zone is large enough to accommodate USPS, FedEx, UPS, and any size delivery vehicle.

Councilmember Mary Lou Shipley moved to approve a dedicated loading and unloading zone downtown as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Ms. Cindy Burch, 105 W. Jefferson Street, Waxahachie, requested approval of Texas Lifestyle Collective event to be held on October 6, 2016 at the Chautauqua Auditorium and on the grounds of Getzendaner Park. She reported the upscale event will include speakers, home décor, fashion, culinary arts, and market place vendors. Ms. Burch requested to close Commodore Street between old hospital and Chautauqua from 8:00 a.m. to 6:00 p.m. for vendor booths. Speakers will be in the Chautauqua throughout the day and food vendors will be in the concession building.

Councilmember David Hill moved to approve the Texas Lifestyle Collective event as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Landon Orrill, Southwestern Assemblies of God University, requested approval of fireworks for homecoming postgame party on Saturday, October 8, 2016. He presented a map depicting the location of the fireworks display on campus noting they are contracting with Pyrotecnico Fireworks, Inc. The show will start at approximately 9:00 p.m.

Mayor Pro Tem Mark Singleton moved to approve Southwestern Assemblies of God University homecoming post party fireworks show.

Mayor Strength opened the second Public Hearing on the proposed Tax Rate for fiscal year 2016-2017.

There being no one to speak for or against the tax rate, Mayor Strength closed the Public Hearing.

Mayor Strength opened the Public Hearing on the City of Waxahachie Budget for fiscal year 2016-2017.

There being no one to speak for or against the proposed budget, Mayor Strength closed the Public Hearing.

Mayor Strength continue the Public Hearing on a request by Kylon Wilson for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development-Multiple Family District-1 (PD-MF-1) for residential homes for adults with intellectual and developmental disabilities, located in the 800 block of Cantrell Street in the E.W. Rogers Survey, Abstract No. 896, Property ID 243706- Owner Diane Collard and Property ID 256879-Owner Breckenridge Group Waxahachie Texas LP (ZA 2016-40).

Mr. Darren Groth, Director of Planning, reported a similar request was submitted and processed last year, which resulted in the adoption of City Ordinance Number 2820 on October 5, 2015. The existing PD, however, includes a reversionary clause the requires the specific 'Resident Home for Adults with Intellectual and Development Disabilities' use to be used by September 1, 2016 or the zoning will revert to the previous PD-91-R. The PD-91-R was approved on May 21, 2007 for Single Family Residential uses under City Ordinance Number 2408. Since the use cannot be in place by the date stipulated in Ordinance 2820, this request will repeal and replace said ordinance with a new PD zoning district.

Mr. Groth stated the request for a new Planned Development District will include: A larger area, unify the total property under one zoning district, speak more specifically to the vision of the applicant and the unique proposed use for the land and supersede the reversionary clause in the current ordinance.

Mr. Groth reviewed the following notable changes from Section 18 and 34 in the Ordinance:

- Density of dwelling units per acre
- Inclusion of a definition for 'Resident Home for Adults with Intellectual and Development Disabilities'
- Maximum height requirement
- Relief to building separation requirements
- Public streets exclusively become the indicator for front yard setbacks
- Relief to parking regulation requirements
- An alternative to the to refuse and service facilities requirements
- Relief to minimum masonry requirements
- Adjustments to various architectural elements such as roof pitch

Mr. Groth recommended approval subject to the following:

- Provide adequate fire hydrants.
- Provide adequate water line to service both fire and domestic requirements

Mayor Strength asked what is going to done with the land that is not used. Mr. Kylon Wilson, representing applicant, stated the land at the rear will remain undeveloped at this time and reported inside the flood plain is approximately 18 acres and outside the flood plain is approximately 22 acres. He stated there will be a total of 28 residential buildings being approximately 80 units.

There being no others to speak for or against Zoning Amendment 2016-40, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2885:

ORDINANCE NO. 2885

AN ORDINANCE CHANGING THE ZONING ON THE 800 BLOCK OF CANTRELL STREET IN THE E. W. ROGERS SURVEY, ABSTRACT NO. 896 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM SINGLE FAMILY-2 (SF-2) TO PLANNED DEVELOPMENT-MULTIPLE FAMILY DISTRICT-1 (PD-MF-1) FOR RESIDENTIAL HOMES FOR ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2885 as presented.
Councilmember David Hill seconded, **All Ayes.**

Mr. Darren Groth, Director of Planning, presented Preliminary Plat of Aspen Heights being Lot 1, Block A, 17.820 acres situated in the Emory W. Rogers Survey, Abstract No. 896-Owner: Diane Collard and Breckenridge Group Waxahachie Texas, LP (PLM 2016-30) noting it is a companion case of ZA 2016-40. He stated staff recommends accepting cash in lieu of park land dedication.

Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Aspen Heights being Lot 1, Block A, 17.820 acres situated in the Emory W. Rogers Survey, Abstract No. 896-Owner: Diane Collard and Breckenridge Group Waxahachie Texas, LP (PLM 2016-30) as presented. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Chris Acker for a Zoning Amendment from Planned Development-General Retail (PD-GR) to General Retail (GR) located at the intersection of Butcher Road and US Hwy. 77 in the T Selby Survey, Abstract 1002, Property ID 191097- Owner: Cruz Erwin A Family Limited Partnership (ZA2016-42).

Mr. Darren Groth, Director of Planning, reported the existing zoning dates back to the 1997 Zoning Ordinance. This request will require compliance with current General Retail zoning standards. The request aligns with the Comprehensive Plan as the subject property is designated for Retail use according to the Future Land Use Plan.

There being no others to speak for or against Zoning Amendment 2016-42, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2886:

ORDINANCE NO. 2886

AN ORDINANCE AUTHORIZING A ZONING CHANGE FOR THE INTERSECTION OF BUTCHER ROAD AND NORTH US HIGHWAY 77, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO GENERAL RETAIL (GR) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Mayor Pro Tem Mark Singleton move to approve Ordinance No. 2886 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Jeff Chambers, Director of Public Works, reported on August 26, 2016, bids were received for two metal buildings at the Street Department and explained the two structures will provide weather protection for the department's equipment. He stated four (4) proposals were received. The low bid was received from H2O Steel, 2000 Howard Road, Waxahachie in the amount of \$101,245. Mr. Chambers stated he reviewed all bids and recommended the bid be awarded to H2O Steel.

Councilmember Mary Lou Shipley moved to award the bid for two metal buildings at the Street Department to H2O Steel in the amount of \$101,245. Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. James Gaertner, City Engineer, referenced construction activities along I-35E and reported after field excavation and survey verification along the I-35E and Brookside Road, it was determined the existing 12-inch water line is in conflict where a new retaining wall is proposed for construction. He explained the 12-inch cast iron, noting it is unknown when the line was installed, is approximately one (1) foot under the new retaining wall. Mr. Gaertner stated if the water line relocation is deemed necessary, the I-35E construction schedule deems this needs to be relocated right away since it does affect the only source of water west of I-35E by Brookside Drive. He stated at this time Staff doesn't have quotes from the contractor and explained by using the prices from the High School Off-Site Water Line Improvement, the estimated cost for relocation is \$240,000 (including engineering fees for construction plan preparation).

After a lengthy discussion, Mayor Pro Tem Mark Singleton moved to declare an emergency and give discretion to City Manager and City Engineer to approve funding of waterline relocation at I-35E and Brookside Road and associated Engineering Services. Mayor Kevin Strength seconded, **All Ayes.**

Mr. James Gaertner, City Engineer, Grove Creek Lift Station Force Main relocation and reported after field excavation and survey verification along the properties north of Water Garden Drive, it was determined that the Sanitary Sewer Force Main is outside of the sanitary sewer easement.

He stated the force main needs to be relocated in order to avoid conflicts with the existing and houses under construction along Water Garden Drive. Mr. Gaertner explained the solution is to bore a new force main within the dedicated easement to prevent impact to existing developed lots, install a temporary bypass sewer line in order to keep the lift station operational, temporarily close the force main to be repaired and drain it to the existing main, and connect the new sewer force main to the existing line. He reported the estimated cost for relocation is \$355,000 and due to some additional cost he will put a 5% contingency. Mr. Gaertner asked Council to declare an emergency for the sanitary sewer force main relocation.

After a lengthy discussion, Mayor Pro Tem Mark Singleton moved to declare an emergency and approve funding of relocation of forced sewer main feeding the Grove Creek Lift Station as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength announced at 8:20 p.m. City Council will convene into Executive Session to deliberate real property as permitted by the Texas Government Code, Section 551.072.

City Council reconvened at 9:12 p.m.

No action taken.

Citizens' Petition and Request

None

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

None

There being no further business, the meeting adjourned at 9:14 p.m.

Respectfully submitted,

Lori Saunders
City Secretary