

City Council
September 19, 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, September 19, 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. Councilmember Chuck Beatty gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of September 6, 2016
- b. Minutes of the Planning and Zoning Commission meeting of September 13, 2016
- c. Minutes of the Waxahachie Community Development Corporation meeting of September 13, 2016
- d. Minutes of the Firemen's Relief & Retirement Fund meeting of September 12, 2016
- e. Minutes of the Mid-Way Airport Board meeting of September 8, 2016
- f. Minutes of the Park Board meeting of September 1, 2016
- g. Monthly Code Enforcement Report for August 2016
- h. Monthly Building Reports for July and August 2016
- i. Monthly Violation Activity Statistics Report for August 2016
- j. Monthly Crime Report for August 2016
- k. Monthly Fire and EMS Report for August 2016
- l. Approve Chlorine Dioxide Generator Rental Agreement Renewal
- m. Approve Veterans Day and WWII Weekend Events
- n. Approve Salvation Army Battle Cry 5k

Councilmember Mary Lou Shipley moved to approve Items a. through n. on the Consent Agenda. Mayor Pro Tem Mark Singleton seconded, All Ayes.

Councilmember David Hill introduced Ms. Samantha Trevino as Honorary Councilmember for the month of September 2016. He presented her with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

Mayor Strength read and presented a Proclamation proclaiming September 17-23, 2016 as Constitution Week. He presented it to the Daughters of the American Revolution, Rebecca Boyce Chapter.

Mr. John Hamilton, 910 West Marvin, Waxahachie, requested street closures for Midlothian Classic Wheels Car Show to be held Sunday, November 6, 2016 from 9:00 a.m. to 4:00 p.m. He reported is being rescheduled due to a rain out. Street closure will include all of the 100 block of West Franklin and the courthouse sides of College Street and Rogers Street. The car show will be held from 10:00 a.m. to 3:00 p.m.

Councilmember David Hill moved to approve street closures for Midlothian Classic Wheels Car Show as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Wayne and Jane Shipp for a Specific Use Permit for roof mounted solar panels, located at 203 Spring Creek Drive, being Lot 9 Block 1 Spring Creek Farm, 1.12 acres- Owner: SHIPP WAYNE N & JANE A (ZA 2016-33).

Mr. Darren Groth, Director of Planning reviewed the following case summary and recommended approval:

- SUP for rooftop solar panel system
- The system will be located on the roof line to not face the street
- The installation must match the roof pitch and must leave no greater than six inches between rooftops
- On September 13, 2016, P&Z recommended approval, per staff comments.

There being no others to speak for or against ZA 2016-33, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2887:

ORDINANCE NO. 2887

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A ROOFTOP SOLAR PANEL SYSTEM LOCATED AT 203 SPRING CREEK DRIVE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.12 ACRES KNOWN AS LOT 9, BLOCK 1, OF THE SPRING CREEK FARM SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2887 as presented. Councilmember Chuck Beatty seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by DC Texas Construction LLC, for a Site Plan Review within a Planned Development-General Retail Zoning District (PD-92-GR), located at 115 Park Place Blvd, being Lot 3A, Block A, Park Place Professional Center, 1.213 acres- Owner: COLWELL JIM W & MELINDA A (ZA 2016-37).

Mr. Darren Groth, Director of Planning reviewed the following case summary:

- Detailed Site Plan under PD-92-GR
- Ordinance 2421 adopted PD requirements
- Base zoning is GR, with multiple site specific stipulations in the PD ordinance
- Applicant provided letter from Brazos Electric regarding parking in easement
- PD Ordinance requires 25-foot setback along public streets
Seeking 20-foot setback along Park Place Blvd
- Staff recommends APPROVAL of this request, per the following:
Comply with staff comments
- On September 13, 2016, P&Z recommended approval, per staff comments.

There being no others to speak for or against ZA 2016-37, Mayor Strength closed the Public Hearing.

Councilmember David Hill moved to approve a request by DC Texas Construction LLC, for a Site Plan Review within a Planned Development-General Retail Zoning District (PD-92-GR), located at 115 Park Place Blvd, being Lot 3A, Block A, Park Place Professional Center, 1.213 acres- Owner: COLWELL JIM W & MELINDA A (ZA 2016-37), subject to Staff comments.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by DC Texas Construction LLC, for a Zoning Amendment from Single-family Residential District-2 (SF-2) to Planned Development-Single-family Residential District-2 (PD-SF-2), located at 113 McKenzie Street, being Lot 5-6B, Block 4, College Addition, 0.45 acres- Owner: CODY SKODA (ZA 2016-45).

Mr. Darren Groth, Director of Planning reviewed the following case summary:

- PD-SF-2 with a Detailed Site Plan
- Site located within the City's Infill overlay
- Is not a qualifying property for infill (redevelopment and not infill development)
- Proposed PD will establish site specific zoning regulations similar to infill ordinance

Mayor Pro Tem Mark Singleton asked why ZA 2016-45 wasn't considered for infill development.

Mr. Groth explained in order to qualify for infill development the properties must have been platted prior to 1980 or transferred by metes and bounds before 1980 per Infill Ordinance No. 2596.

Mayor Pro Tem Singleton stated Staff made the decision to go to Planned Development because it doesn't meet the Infill Ordinance and expressed concern about not utilizing the Infill Ordinance. He questioned Staff's interpretation of the Ordinance.

Assistance City Manager Michael Scott stated it's not Staff's interpretation and explained Staff is strictly following the Ordinance.

Mayor Pro Tem Singleton stated he helped write the Infill Ordinance and that was not his interpretation of not applying infill for this case.

City Manager Paul Stevens reiterated Staff followed the ordinance and stated it can be revisited and modified per Council recommendation.

There being no others to speak for or against ZA 2016-45, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2888:

ORDINANCE NO. 2888

AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FROM SINGLE-FAMILY RESIDENTIAL DISTRICT-2 (SF2) TO PLANNED DEVELOPMENT-SINGLE-FAMILY RESIDENTIAL DISTRICT-2 (PD-SF2), WITH DETAILED SITE PLAN LOCATED AT 113 MCKENZIE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.45 ACRES KNOWN AS LOT 5-6B, BLOCK 4, OF THE COLLEGE ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2888 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Ziad Dekelbab, Future Signs Inc. for a Specific Use Permit for an electronic message sign, located at 2971 N Highway 77, being Lot 2, Block A, DMJ Business Centre Unit 1, 1.976 acres- Owner: CITIZENS NATIONAL BANK IN WAXAHACHIE (ZA 2016-44).

Mr. Darren Groth, Director of Planning reviewed the following case summary:

- SUP for an electronic message sign at a Restaurant or eating place (drive-in service)
- Development is underway for the new Sonic Restaurant
- Property rezoned to C under ZA2004-40
- In accordance with City Ord. 2608, submitted plans indicate the request will comply with the following stipulations:
 1. ≤70% of sign face devoted to changeable copy;
 2. May not display off-premise commercial messages;

3. If 400 feet of residence, park/playground, or scenic area shall not be lighted between 10 p.m. to 6 a.m.;
 4. Cannot exceed 0.3 foot candles above ambient light;
 5. Shall be equipped with automatic dimming technology
- Staff recommends Approval, per comments
 - On September 13, 2016, P&Z recommended approval, per staff comments

There being no others to speak for or against ZA 2016-44, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2889:

ORDINANCE NO. 2889

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR AN ELECTRONIC MESSAGE SIGN AT A RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) LOCATED AT 2971 NORTH U.S. HIGHWAY 77, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.976 ACRES KNOWN AS LOT 2, BLOCK A, OF THE DMJ BUSINESS CENTRE UNIT 1 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember David Hill moved to approve Ordinance No. 2889 as presented.

Councilmember Chuck Beatty seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Abstained: Mark Singleton

The motion carried.

Mayor Strength opened the Public Hearing on a request Jimmy Pogue, Stadia Land Surveying, for a Replat located at 3221 Black Champ Road, being Lot 7AR, Block A, Roe Estates Phase 2, 2.0 acres, - Owner: MICHAEL S LINDSEY (RP 2016-33).

Mr. Darren Groth, Director of Planning reviewed the following case summary:

- Replat of Roe Estate Phase Two filed for record in Ellis County under instrument number 1530036 on November 25, 2015
- Will create 2 lots on 2 acres
- Applicant must submit 7 final plat drawings to the Planning Department

- Staff recommends Approval, per comments
- On September 13, 2016, P&Z recommended approval, per staff comments

There being no others to speak for or against RP 2016-33, Mayor Strength closed the Public Hearing.

Councilmember Mary Lou Shipley moved to approve on a request Jimmy Pogue, Stadia Land Surveying, for a Replat located at 3221 Black Champ Road, being Lot 7AR, Block A, Roe Estates Phase 2, 2.0 acres, - Owner: MICHAEL S LINDSEY (RP 2016-33), subject to Staff comments. Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Darren Groth, Director of Planning, presented Final Plat of Legacy Ranch, Phase One being 10.590 acre addition in the Jonathan Prince Survey, Abstract No. 844-Owner: BKG LEGACY RANCH 1, LLC (FP 2016-34) noting the property is located next to north Grand Avenue next to John Arden. The Future Land Use shows this as a mixed use non-residential.

Mr. Groth reviewed the following case summary:

- Preliminary plat (PLM2014-32) brought to P&Z on 11/12/2014 and approved by City Council 11/17/2014. Final Preliminary Plat drawings never submitted for signatures
- Will create 6 lots on 10.590 acres
- Applicant must submit 7 final plat drawings to the Planning Department
- Staff recommends APPROVAL of this request as per the following
 - Show compliance and acceptance of Preliminary Plat
 - Approve per staff comments
- On September 13, 2016, P&Z recommended APPROVAL, per staff comments

Council and Staff reviewed Lot 4 on the revised plat being an easement. It was determined it is an access easement to the remainder of the property. The roadway will extend through the easement for future development.

After further discussion, Councilmember Chuck Beatty moved to approve Final Plat of Legacy Ranch, Phase One being 10.590 acre addition in the Jonathan Prince Survey, Abstract No. 844-Owner: BKG LEGACY RANCH 1, LLC (FP 2016-34), subject to Staff comments. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. Darren Groth, Director of Planning, presented Final Plat of Lone Star Subdivision, 2 lots, being 3.851 acre addition in the J.C. Armstrong Survey, Abstract No. 6-Owner: RON HIRSCHI (FP 2016-35) and reviewed the following case summary:

- Applicant submitted revised drawings on August 23, 2016
- Will create 2 lots on 3.851 acres
- Applicant must submit 7 final plat drawings to the Planning Department
- Staff recommends Approval, per comments
- On September 13, 2016, P&Z recommended approval, per staff comments

Councilmember Mary Lou Shipley moved to approve Final Plat of Lone Star Subdivision, 2 lots, being 3.851 acre addition in the J.C. Armstrong Survey, Abstract No. 6-Owner: RON HIRSCHI (FP 2016-35), per Staff comments. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mr. Darren Groth, Director of Planning, presented Final Plat of Triple T Ranch, Lot 1, being a 2.9668 acre addition in the Joseph Steel Survey, Abstract No. 991 in the Extra Territorial Jurisdiction (ETJ)-Owner: DAN GUS (FP 2016-36) and reviewed the following case summary:

- Final plat to create 1 lot on 2.9668 acres
- Plat will dedicate a portion of Panorama Loop, currently prescriptive easement to Ellis County
- Applicant must submit 7 final plat drawings to the Planning Department
- Staff recommends Approval, per comments
- On September 13, 2016, P&Z recommended approval, per staff comments

After further discussion, Mayor Pro Tem Mark Singleton moved to approve presented Final Plat of Triple T Ranch, Lot 1, being a 2.9668 acre addition in the Joseph Steel Survey, Abstract No. 991 in the Extra Territorial Jurisdiction (ETJ)-Owner: DAN GUS (FP 2016-36) subject to Staff comments. Councilmember David Hill seconded, **All Ayes.**

Mr. Darren Groth, Director of Planning, presented Final Plat of Bob White Estates being a 99.9987 acre addition in the Mary Powers Survey, Abstract No. 843, W.C. Berry Survey, Abstract No. 73, being 69 family lots in the Extra Territorial Jurisdiction (ETJ)-Owner: RVG INVESTMENTS, LLC (FP 2016-38). He reported the property is located on the southeast corner of Black Champ Road and Bob White Road and explained it is addressed in the Future Land Use Map.

He reviewed the following case summary:

- Final plat create 69 lots on 99.9987 acres
- Applicant resubmitted revised drawings on August 24, 2016
- Midlothian addressed ETJ area
- Applicant must submit 7 final plat drawings to the Planning Department
- Staff recommends Approval, per comments
- On September 13, 2016, P&Z recommended approval, per staff comments

Mr. James Gaertner, City Engineer, stated Ellis County has some concerns with drainage due to a nearby pond. He reported he went to the site and reviewed the as-built plans and expressed concern of what the applicant is proposing and explained it can be clarified by getting more information from the applicant's engineer.

Mr. Gaertner stated Staff resubmitted comments to Ellis County and now waiting from their Engineer to address the drainage concerns. He stated this should not hold up plat approval and recommended to approve based on Staff comments.

Mayor Pro Tem Mark Singleton asked why the City Engineer and County Engineer is working on this instead of just the County Engineer. He stated he didn't hire a City Engineer to spend time on the north side of the county.

Mr. Gaertner explained because this is in city's Future Land Use the county asked us to review it and be aware of new as-built construction changes.

City Manager Paul Stevens stated from time to time Staff and County works together on plats for review process. He asked Mr. Gaertner how much time he invested on this project. Mr. Gaertner stated he spent approximately 2 hours reviewing and sending his comments to the county.

After further discussion, Mayor Pro Tem Mark Singleton moved to approve Final Plat of Bob White Estates being a 99.9987 acre addition in the Mary Powers Survey, Abstract No. 843, W.C. Berry Survey, Abstract No. 73, being 69 family lots in the Extra Territorial Jurisdiction (ETJ)-Owner: RVG INVESTMENTS, LLC (FP 2016-38). Councilmember David Hill seconded, All Ayes.

City Manager Paul Stevens stated the following seven (7) Ordinances pertain to the 2016-2017 Fiscal Year and requested approval:

ORDINANCE NO. 2890

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2015-2016; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND TERMINATING SEPTEMBER 30, 2017, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2890 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

ORDINANCE NO. 2891

AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WAXAHACHIE'S WATER AND WASTEWATER

OPERATIONS FOR THE PERIOD BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 AND DECLARING AN EMERGENCY.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2891 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

ORDINANCE NO. 2892

AN ORDINANCE AMENDING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1ST, 2016 AND DECLARING AN EMERGENCY.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2892 as presented.
Councilmember David Hill seconded, **All Ayes.**

ORDINANCE NO. 2893

AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE SOKOLL WATER TREATMENT PLANT JOINT VENTURE FOR THE PERIOD BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 AND DECLARING AN EMERGENCY.

Councilmember David Hill moved to approve Ordinance No. 2893 as presented.
Councilmember Mary Lou Shipley seconded. The vote was as follows:

Ayes:	Kevin Strength Chuck Beatty David Hill Mary Lou Shipley
Noes:	Mark Singleton

The motion carried.

ORDINANCE NO. 2894

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF WAXAHACHIE FOR THE FISCAL YEAR

BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 AND DECLARING AN EFFECTIVE DATE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2894 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

ORDINANCE NO. 2895

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2017 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2895 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

ORDINANCE NO. 2896

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2896 as presented. Mayor Kevin Strength seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Mark Singleton

The motion carried.

Ms. Lindsay Banner, MuniCap, Inc., 1825 W. Walnut Hill Lane, Irving, Texas, presented the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

She reviewed the annual installments to be collected by the tax collector for the payment of the debt service on the Series 2011 Bonds as well as the assessment collection and Public Improvement District administration related costs for the year. The budget for Annual Installments to be collected in 2017 totals \$134,217.00.

Mayor Pro Tem Mark Singleton moved to accept the Annual Service Plan Update including the collection of the 2017 Annual Installment totaling \$134,217.00 for the Waxahachie Public Improvements District No. 1. Councilmember Chuck Beatty seconded, **All Ayes.**

Ms. Lindsay Banner. MuniCap, Inc., 1825 W. Walnut Hill Lane, Irving, Texas, presented the 2nd annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll. She reported the budget for the Annual Installments to be collected in 2015 totals \$224,372.00.

Councilmember Mary Lou Shipley move to accept the Annual Service Plan Update including the collection of the 2017 Annual Installment totaling \$224,372.00 for the North Grove Public Improvement District. Councilmember Chuck Beatty seconded, **All Ayes.**

Citizens' Petition and Request

Ms. Amy Hedtke, 106 Vanderbelt, Waxahachie, addressed Mayor Strength stated he acted as a tool of the wicked supporting the increase pay of the Ellis County judge.

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

Councilmember Chuck Beatty announced Saturday, September 24, 2016, at 9:00 a.m. the Chautauqua Assembly will be held at the Chautauqua Auditorium in Getzendaner Park. Keynote speaker is Fabien Cousteau, grandson of Jacques Cousteau.

City Manager Paul Stevens thanked Ms. Trevino for her attendance and thanked City Council and Staff for their work on the 2016-2017 Budget.

Mayor Pro Tem Mark Singleton thanked audience members for their attendance and encouraged their participation in making the community a better place. He thanked Staff for the comments.

Councilmember David Hill thanked Ms. Trevino for her participation as Honorary Councilmember.

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There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:41p.m. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Respectfully submitted,

Lori Saunders
City Secretary