

City Council  
December 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, December 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

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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.

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**CONSENT AGENDA:**

- a. Minutes of regular City Council meeting of November 21, 2016
- b. Minutes of Planning & Zoning Commission meeting of December 13, 2016
- c. Minutes of the Waxahachie Community Development Corporation meeting of December 13, 2016
- d. Minutes of the Firemen's Relief and Retirement Fund meeting of December 12, 2016
- e. Minutes of the Tax Increment Reinvestment Zone No. 1 meeting of December 7, 2016
- f. Minutes of the Park Board meetings of November 3, 2016, November 17, 2016 and December 15, 2016
- g. Minutes of the Heritage Preservation Commission meeting of November 17, 2016
- h. Minutes of Ellis County Woman's Building quarterly meeting of July 29, 2016
- i. Monthly Code Enforcement report for November 2016
- j. Monthly Building report for October 2016
- k. Monthly Violation Activity Statistics report for November 2016
- l. Monthly Fire & EMS report for November 2016
- m. Monthly Crime report for November 2016
- n. Approve Taxi Cab Licenses
- o. Approve Mobile Home Licenses
- p. Approve application for SAGU half marathon event
- q. Approve Airport Board rotating member
- r. Approve Budget Amendment requested by Police Department
- s. Approve TIRZ projects funding request
- t. Set City Council meetings of Tuesday, January 3, 2017 and Tuesday, January 17, 2017

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

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Mayor Pro Tem Mark Singleton introduced Ms. Saika Brice as Honorary Councilmember. Ms. Brice is the daughter of Daniel and Claudine Brice and has two sisters. She is a senior at Waxahachie Global High School and will be graduating with her Associates of Science Degree in May, and will attend a Texas University next fall to obtain her Bachelors in Biology. Ms. Brice will be in the pre-med program, and continue on to medical school to become a pediatrician. She is a part of the ExploraVison team, creating a research paper and website on technological advancements to help those with an incurable disease. For Saika's Senior Capstone Class, she is partnering with another student for a project to write a children's book promoting diversity that will also implement STEM-based projects to a class at Dunaway Elementary students.

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Ms. Barb Claspell, Director of Nicholas P. Sims Library, announced the Library was recently awarded a grant from the Texas State Library and Archives Commission to become a "Family Place Library." She stated an essential part of the grant is for children's collaborations with entities to make a successful program.

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Mayor Strength opened the Public Hearing on a request by Alyssa Martel, Solar City, for a Specific Use Permit (SUP) for a Rooftop Solar Panel System within a Planned Development-67-Single Family-2 (PD-67-SF-2) zoning district, located at 210 Range Road, being LOT 21 BLK 8 GARDEN VALLEY RANCH PH2- Owner: LEAMON CHERYL Y & DANIEL W & CARROL E YOUNG (ZA2016-60).

Mr. Darren Groth, Director of Planning, presented a site plan noting the panels will not face the front of the house facing the road. He recommended approval.

There being no others to speak for or against ZA 2016-60, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2909:

**ORDINANCE NO. 2909**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A ROOFTOP SOLAR PANEL SYSTEM LOCATED AT 210 RANGE ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 21, BLOCK 8 OF THE GARDEN VALLEY RANCH, PHASE 2 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Councilmember David Hill moved to approve Ordinance No. 2909 as presented.** Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Trivikram Reddy, TVR Management, LLC, for a Zoning Amendment from a Light Industrial-1 (LI-1) zoning district to a Commercial (C) zoning district, located between 2167 N Highway 77 and 1795 N Town Blvd, being Property ID 262424, 262425, 262426, 262427, 262428, 262430, and 262431- Owner: TVR MANAGEMENT LLC (ZA2016-61).

Mr. Groth stated the Future Land Use Plan designates this property along U.S. Highway 77 as Retail and recommended approval subject to the following comment:

- In accordance with the Comprehensive Plan, a change in zoning to GR instead of C would be more fitting

Mr. Groth stated requirements of landscaping and setbacks are different between General Retail and Commercial noting General Retail has more restricted use than Commercial. He stated what is allowed in General Retail is allowed in Commercial with more uses. What is allowed in Commercial is not allowed in General Retail.

Mr. Groth referenced a memo received from applicant requesting zoning change to General Retail (GR) instead of Commercial (C).

There being no others to speak for or against ZA 2016-61, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2910:

**ORDINANCE NO. 2910**

**AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FROM A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT TO A GENERAL RETAIL (GR) ZONING DISTRICT LOCATED BETWEEN 2167 N HIGHWAY 77 AND 1795 N TOWN BOULEVARD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 1 AND 2, BLOCK A; LOTS 1-3, BLOCK B; AND LOTS 1 AND 2, BLOCK C OF THE VICTORY PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Mayor Pro Tem Mark Singleton moved to approve Ordinance 2910 as presented.**  
Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Amendment from an Office (O) zoning district to Planned Development-Office (PD-O), with Concept Plan, located at 1312 W Jefferson, being 6D;7A 6 WEST END 0.382 ACRES- Owner: CRUX JEFFERSON LLC (ZA2016-62).

Mr. Groth reviewed the following case summary:

- 12/06/2010: Ord. 2596 created the infill overlay
- Per Ord. 2596, the massing, scale, and materials shall be appropriate to the neighborhood
- Ord. 2596 also requires 2 off-street parking areas behind the front building plane
- PD proposes 1 off-street parking per dwelling

Mr. Groth presented a conceptual plan from applicant as follows:

- Overall general concept is craftsman themed townhome structures with density and parking to maximize the existing lot. Units to have a common wall separation. With the location, close to the city park the project will be encouraging pedestrian traffic or less dependence on the automobile.
- Lot size to remain as per existing survey
- Provide minimum of one off street parking per dwelling
- Side yard setback to be 5 foot
- Rear yard setback to be 5 foot
- Front yard (Jefferson St. side) setback to be 10 foot
- Accessory or covered parking areas to complement main structure
- Building height not to exceed 45'
- Fences to be wood with metal posts or masonry/stone no greater than 8' to separate PO from residential neighbors at rear and side yards
- Exterior materials-shall include wood, masonry, stone and or hardi
- Roofing materials shall consist of slate, slate alternative, metal, tile, tile alternative, composition (laminated 30-year minimum)
- Infill lot language to apply
- Mailbox receptacles to be placed on the structure for a walking delivery method or as determined of the USPS
- Minimum dwelling size 700 sq. ft. with at least 50% of structures greater than 900 sq. ft. excluding garages, enclosed patios, and/or porches
- Exterior lighting is intended for illumination of parking area and security of residents

Mr. Groth recommended approval per the following staff comments:

- Provide parking at the ratios identified under the City's MF1 zoning district regulations.
- Change the underlying base zoning from Office to Multi-Family-1.

Mr. Brad Yates, 211 N. Gibson, Waxahachie, stated it is a small lot requested leaving PD-Office in order to put in parking. He expects 6-8 units with 1-3 bedrooms noting it will be a good investment for Jefferson Street. Mr. Yates stated the units may be condominiums will be high-end with a different type of clientele.

There being no others to speak for or against ZA 2016-62, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2911:

**ORDINANCE NO. 2911**

**AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FROM OFFICE (O) TO PLANNED DEVELOPMENT-MULTIPLE-FAMILY DWELLING – 1 (PD-MF1), WITH CONCEPT PLAN LOCATED AT 1312 WEST JEFFERSON STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.382 ACRES KNOWN AS PARTS OF LOTS 6D AND 7A OF THE WEST END ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**After further discussion, Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2911 as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Will Winkelmann, Winkelmann & Associates, Inc., for a Specific Use Permit (SUP) for a Pole Sign within a Planned Development-1-Commercial (PD-1-C) zoning district, located between 1150 W Highway 287 and 1090 W Highway 287 on a portion of Property ID 245307- Owner: WAXAHACHIE CROSSING II LLC (ZA2016-63).

Mr. Groth stated reviewed the following:

- An initial companion Detailed Site Plan was submitted under ZA2016-58 for the facility.
- Case ZA2016-58 denied by City Council on 11/21/2016.
- A new Detailed Site Plan (ZA2016-70) will be scheduled for the 01/10/2017 P&Z agenda and 01/17/2017 City Council
- P&Z continued until January 10, ask City Council to continue until January 17.

**Mayor Pro Tem Mark Singleton moved to continue the Public Hearing on a request by Will Winkelmann, Winkelmann & Associates, Inc., for a Specific Use Permit (SUP) for a Pole Sign within a Planned Development-1-Commercial (PD-1-C) zoning district, located between 1150 W Highway 287 and 1090 W Highway 287 on a portion of Property ID 245307- Owner: WAXAHACHIE CROSSING II LLC (ZA2016-63) to the City Council meeting of January 17, 2017.** Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Bryan Burger, Burger Engineering, LLC, for a Specific Use Permit (SUP) for a Restaurant or Eating Place (Drive-in Service) within a Planned Development-3-General Retail (PD-3-GR) zoning district, located at 996 W Highway 287, 1 A HARRIS ADDN 1.66 ACRES-Owner: CHICK FIL A INC (ZA2016-64).

Mr. Groth reviewed the following case summary:

- SUP request is to expand the kitchen and drive-through service of the existing Chick-fil-A restaurant.

- Staff emailed the review comments on November 22, 2016.
- The applicant responded and adequately addressed all outstanding concerns.

Mr. Groth stated there will be dual lanes and the expansion will match the existing façade. He recommended approval.

There being no others to speak for or against ZA 2016-64, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2912:

**ORDINANCE NO. 2912**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) WITHIN A PLANNED DEVELOPMENT-3-GENERAL RETAIL (PD-3-GR) ZONING DISTRICT ON LOCATED AT 996 W U.S. HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 1, BLOCK A OF THE HARRIS ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 2912 as presented.*  
Councilmember Chuck Beatty seconded, *All Ayes.*

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Mr. Groth presented Replat of Waxahachie Crossing-Unit 4 Lots 1R-3A & 1R-3B, Block A, being a Replat of Lot 1R-3, Block A Waxahachie Crossing-Unit 3 in the Henry Levey Survey, Abstract No. 629 & Robert Parks Survey, Abstract No. 851-Owner: WAXAHACHIE CROSSING II, LLC (RP 2016-52). He reviewed the following Case Summary:

- Replat to subdivide 1 existing lot in the Waxahachie Crossing Addition into 2 lots
- On December 2, 2016, the applicant submitted revised plans to address the outstanding staff comments
- Water & storm water infrastructure improvements will be required before the City can file the plat
- If approved, within 30 days the applicant shall provide one revised electronic plan set that incorporates all comments
- Once the revised plans are provided, staff will verify all outstanding comments were satisfied
- If not satisfied, then applicant will make corrections
- If satisfied, applicant provides 5 signed plats
- Staff recommends approval, per staff comments

*Mayor Pro Tem Mark Singleton moved to approve Replat of Waxahachie Crossing-Unit 4 Lots 1R-3A & 1R-3B, Block A, being a Replat of Lot 1R-3, Block A Waxahachie Crossing-Unit 3 in the Henry Levey Survey, Abstract No. 629 & Robert Parks Survey, Abstract No. 851-*

**Owner: WAXAHACHIE CROSSING II, LLC (RP 2016-52) as presented.** Councilmember David Hill seconded, **All Ayes.**

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Mr. David Hargrove, Legacy Grove Development, L.L.C., presented a Development Agreement for a city park near Garden Valley Parkway. He presented a rendering to include the following:

- Overall site prep grading as well as water/electricity connections to the splash pad and drain to the northeast junction of Barley Drive
- Playground
- Splash pad
- Pavilion
- 8' sidewalk meandering around the perimeter of the park (800 meters exactly with markings to indicate start/finish line, 400 meters halfway). The west portion along Garden Valley parkway will be 8 feet and the other three sides will be 5 feet.
- Sodding/irrigating next to the sidewalks and playground/splash pad
- Landscaping
- Planting low growing native grasses in the "native grass open area"

City Manager Paul Stevens stated the city contribution will be \$100,000 and \$270,000 contribution from Legacy Grove Development, L.L.C. Mr. Stevens stated, at the recent Waxahachie Community Development meeting, discussion was held and the board suggested 10' sidewalks versus 8' sidewalks. He noted, from a city standpoint it would be better to have 10' sidewalks and there are bonds to do this with.

Discussion was held on lighting specifically in the parking area. It was suggested that at least 2 street lights be included within the parking lot area.

**After further discussion, Mayor Pro Tem Mark Singleton moved to approve Development Agreement between City of Waxahachie and Legacy Grove Development, L.L.C. subject to increasing sidewalks to 10 feet; adding at least two street lights within the parking lot area; and giving City Manager discretion to spend over \$100,000 as needed.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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City Manager Paul Stevens presented Ordinance No. 2913:

### ORDINANCE NO. 2913

**AN ORDINANCE AMENDING SECTION 11-2 OF THE CODE OF ORDINANCES, CONCERNING ADOPTION OF THE NATIONAL ELECTRICAL CODE, AND SECTION 8-17 (A) AND (B) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE RESPECTING ADOPTION OF THE INTERNATIONAL BUILDING CODE, DECLARING AN EMERGENCY, AND MAKING THIS ORDINANCE EFFECTIVE UPON PASSAGE.**

Mr. Stevens stated the city is operating under the 2012 International Building Code and explained the proposed Ordinance removes automatic adoption of the code. Mr. Stevens stated as new or amended provisions are offered, they shall be submitted to City Council for rejection or approval. No change will take place without City Council approval.

**Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2913 as presented.** Mayor Kevin Strength seconded, **All Ayes.**

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**Citizens' Petition and Request:**

Audience member Pastor Aaron Blake stated on Friday, December 16<sup>th</sup> the Waxahachie Police Department did "Shop with a Cop" and took children in foster care shopping. They received \$100 per church and pick up 15 kids and took them to Target to shop. Target added \$50 to the \$100 and on items that exceeded \$150; Police Officers went into their own pockets and paid the difference. He thanked the Waxahachie Police Department for their efforts.

Mr. Forrest Fife, 103 Janis Lane, Waxahachie, stated in 1998 a portion of his property was annexed without him knowing it. He stated his driveway is in the county and asked Council dis-annex his property.

City Manager Paul Stevens stated it would be difficult to dis-annex due to and annexation goes through several lots and explained to dis-annex one and not the others would be very difficult. He stated Staff will revisit the right-of-way line.

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

Mayor and City Council thanked Honorary Councilmember Saika Brice for her attendance. They thanked the Police and Fire for their service and wished everyone a Merry Christmas.

Mayor Strength invited everyone to join him downtown on the square on Tuesday, December 20<sup>th</sup> at 6:30 p.m. for "Caroling with the Mayor.

Assistant City Manager Michael Scott invited Council to surprise going away for Human Resources Director Gayle Sims on Tuesday December 20<sup>th</sup> at 3:00 p.m.

City Manager Paul Stevens thanked Staff and Police for assisting with the Brown Hotel situation.

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There being no further business, the meeting adjourned at 8:43 p.m.

Respectfully submitted,

Lori Saunders, City Secretary