

City Council
March 6, 2017

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, March 6, 2017 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
Darren Groth, Director of Planning

Mayor Kevin Strength called the meeting to order and Assistant City Manager Michael Scott 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 February 20, 2017
- b. Minutes of the regular Planning and Zoning Commission meeting of February 28, 2017
- c. Approve oversize participation agreement in North Grove Business Park (Atwoods Development)

Councilmember David Hill moved to approve items a. through c. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.

Councilmember Mary Loy Shipley introduced Mr. Levi Villarreal as Honorary Councilmember for the month of March. He is a senior at Waxahachie Global High School and an officer of TSA, the president of Science Club, and a member of Interact and NHS. Recently Levi competed in both the Dallas Regional Science and Engineering Fair and the National Exploravision competition. After high school Levi plans on attending Massachusetts Institute of Technology to study computer science.

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 Single Family-1 (SF1) zoning district, located at 519 N. Grand Avenue, being LOT 2A & 3B BLK 23 WEST END-REV 1.226 AC – Owner: TUCKER DAVID & AMANDA (SU-17-0009).

Mr. Darren Groth, Director of Planning, reported the request is for rooftop solar panels in a Single Family-2 zone. He stated solar panels are to be at the rear of the house.

There being no others to speak for or against Zoning Amendment SU-17-0009, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2922:

ORDINANCE NO. 2922

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A ROOFTOP SOLAR PANEL SYSTEM LOCATED AT 519 N GRAND AVENUE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 2A & 3B, BLOCK 23 OF THE WEST END REVISED SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2922 as presented. Councilmember Chuck Beatty seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Karl Hansen, for a Specific Use Permit (SUP) for a Garage Accessory Dwelling within a Single Family-2 (SF2) zoning district, located at 201 Cynisca Street, being 11;12 11 UNIVERSITY 0.344 ACRES – Owner: HANSEN KARL G (SU-17-0005). He announced the applicant requested to continue the Public Hearing to March 20, 2017.

Mayor Pro Tem Mark Singleton moved to continue a request by Karl Hansen, for a Specific Use Permit (SUP) for a Garage Accessory Dwelling within a Single Family-2 (SF2) zoning district, located at 201 Cynisca Street, being 11;12 11 UNIVERSITY 0.344 ACRES – Owner: HANSEN KARL G (SU-17-0005) to the City Council meeting of March 20, 2017. Councilmember Chuck Beatty seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Amendment from Planned Development-21-Commercial (PD-21-C) zoning district to Planned Development-Multi-Family District 1 (PD-MF1), with Concept Plan, located at the Southwest corner of Dunn Street and Second Street, being a portion of Property ID 176907 – Owner: GATEHOUSE MEDIA TEXAS HOLDINGS II INC (PD-17-0012). He announced the applicant requested to continue the Public Hearing to March 20, 2017.

Councilmember Chuck Beatty moved to continue a request by Brad Yates, Colonial Restoration, for a Zoning Amendment from Planned Development-21-Commercial (PD-21-C) zoning district to Planned Development-Multi-Family District 1 (PD-MF1), with Concept Plan, located at the Southwest corner of Dunn Street and Second Street, being a portion of

Property ID 176907 – Owner: GATEHOUSE MEDIA TEXAS HOLDINGS II INC (PD-17-0012) to the City Council meeting of March 20, 2017. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by the City of Waxahachie to amend Appendix A-Zoning of the City's Code of Ordinances pertaining to Micro-Brewery use, definition, and parking standards (TA-17-0016).

Mr. Groth reported the city has had interested parties in a micro-brewery and presented Ordinance No. 2923 amending Appendix A-Zoning pertaining to micro-brewery use, definition, and parking standards. He stated currently a micro-brewery is allowed only in an industrial zone and explained the proposed use will allow a micro-brewery in commercial, general retail and central area settings with a specific use permit.

Mayor Pro Tem Mark Singleton expressed concern with amending Appendix A-Zoning and asked if this is a necessary use and why it needs to be amended.

Mr. Groth stated currently micro-brewery is only allowed in industrial zoning and explained the amended ordinance will allow use in the above mentioned settings noting it would be difficult to have a micro-brewery with tasting rooms in an industrial setting.

There being no others to speak for or against proposed Ordinance approving TA-17-0016, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2923:

ORDINANCE NO. 2923

AN ORDINANCE AMENDING APPENDIX A-ZONING OF THE CITY OF WAXAHACHIE CODE OF ORDINANCES, COMMONLY KNOWN AS THE CITY'S ZONING ORDINANCE, PERTAINING TO MICRO-BREWERY USE, DEFINITION, AND PARKING STANDARDS, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

After a lengthy discussion, Councilmember Mary Lou Shipley move to approve Ordinance No. 2923 as presented. Councilmember Chuck Beatty seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill
Mary Lou Shipley

Noes: Mark Singleton

The motion carried.

Mayor Strength opened the Public Hearing on a Replat of Lots 69-72, Block A of the Lake Shore Acres subdivision (RP-17-0007).

Mr. Groth stated the applicant's request is to replat approximately 4.485 into four residential lots.

Those who spoke against RP-17-0007 and expressed issues with flooding in their neighborhood:

Ms. Angie Slaten, 112 Lakewood Drive, Waxahachie
Ms. Sherri Phillips, 104 Lakewood Drive, Waxahachie
Mr. Mark Alaniz, 107 Lakewood Drive, Waxahachie

Mr. James Gaertner, City Engineer, stated issues of flooding mentioned are downstream from the property proposed. He noted he will go out and take a look at the above properties. Mr. Gaertner explained the applicant is aware of the water issues and will channelize the water.

Mr. Chris Acker, Acker Construction, 130 Chieftain, Waxahachie, stated he will build on 3 lots and leave one empty due to being an unbuildable lot.

There being no others to speak for or against Zoning Amendment RP-17-0007, Mayor Strength closed the Public Hearing.

Mayor Pro Tem Mark Singleton moved to approve a Replat of Lots 69-72, Block A of the Lake Shore Acres subdivision (RP-17-0007). Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Groth presented Consider Preliminary Plat for Lots 1-3, Block A of the City of Waxahachie Public Safety Campus subdivision (PP-17-0010). He stated the new police station will be on one lot.

Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat for Lots 1-3, Block A of the City of Waxahachie Public Safety Campus subdivision (PP-17-0010). Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mr. James Gaertner, City Engineer, reported bids were received and opened on February 21, 2017 for the I-35E Lift Station Abandonment. He stated Circle H Contractors, L.P. of Midlothian, Texas submitted the lowest and best bid for the project with the base bid amount of \$122,093.25.

After further discussion, Mayor Pro Tem Mark Singleton moved to award the bid for the I-35E Lift Station Abandonment to Circle H. Contractors, L.P. in the amount of \$122,093.25. Councilmember David Hill seconded, **All Ayes.**

City Secretary Lori Saunders referenced customer parking spaces in the downtown area noting at a meeting of the Waxahachie Partnership, Incorporated, a moratorium was recommended of new customer parking spaces. She explained no new customer parking spaces will be issued after the date of the passage of the proposed Ordinance. Existing customer parking spaces may be continued until further action of City Council, so long as the business which leased said spaces remain at their present location. When those businesses close or change type of business conducted, said spaces will be open to the general public.

City Manager Paul Stevens stated the Downtown Merchants Association supports the recommendation.

Ms. Saunders presented Ordinance No. 2924:

ORDINANCE NO. 2924

AN ORDINANCE GOVERNING DOWNTOWN CITY OF WAXAHACHIE CUSTOMER PARKING SPACES, INCLUDING PROVISIONS FOR REGULATION OF THE USE OF CUSTOMER PARKING SPACES ON THE PUBLIC STREETS, AND PROVIDING FOR THEIR EVENTUAL DISCONTINUATION, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.

After discussion, Councilmember Chuck Beatty moved to approve Ordinance 2924 as presented. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Ms. Saunders presented Ordinance No. 2925 cancelling the City Council Election scheduled for May 6, 2017. She reported the incumbents were unopposed:

ORDINANCE NO. 2925

AN ORDINANCE CANCELLING THE CITY COUNCIL ELECTION CURRENTLY SCHEDULED FOR MAY 6, 2017 AND DECLARING CHARLES BEATTY AND MARY LOU SHIPLEY ELECTED AS WAXAHACHIE CITY COUNCIL MEMBERS FOR A TWO YEAR TERM, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Mayor Pro Tem Mark Singleton move to approve Ordinance No. 2925 as presented. Councilmember David Hill seconded, **All Ayes.**

Citizens' Petitions and Requests

Mr. Alan Fox, 327 University Waxahachie, expressed concern with signage along the hike and bike trail at Getzendaner Park that is placed on private property. Council stated if on private property, the city cannot enforce removal of signage.

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

None

Mayor Strength announced at 8:35 p.m. Council will convene into Executive Session to discuss City Attorney services and review Performance Evaluation for City Manager as permitted by the Texas Government Code, Section 551.074.

Council reconvened at 8:55 p.m.

Mayor Pro Tem Mark Singleton moved to authorize City Manager to advertise for City Attorney services for City Attorney. Councilmember Mary Lou Shipley seconded, **All Ayes.**

There being no further business, Mayor Pro Tem Mark Singleton moved the meeting adjourn at 8:59 p.m. Councilmember David Hill seconded, **All Ayes.**

Respectfully submitted,

Lori Saunders
City Secretary