

City Council
April 3, 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, April 3, 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 City Manager Paul Stevens 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 March 20, 2017
- b. Minutes of the regular Planning and Zoning Commission meeting of March 28, 2017
- c. Minutes of Mid-Way Airport Board meeting of March 9, 2017
- d. Renewal of parking and loading zone lease spaces
- e. Approve High School Graduation fireworks display hosted by WISD
- f. Final Plat of The Cove Phase 1B for 75 residential lots and 1 open space lot, being 20.482 acres of land in the Henri Levy Survey, Abstract No. 629 and the Robert Russell Survey, Abstract No. 911 – Owner: MORITZ INTERESTS INC (FP-17-0027)
- g. Final Plat of First Baptist Church of Waxahachie Addition, being 17.384 acres in the J.B. & Ann Adams Survey, Abstract No. 5 – Owner: FIRST BAPTIST CHURCH OF WAXAHACHIE (FP-17-0026)

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

Mayor Strength introduced Ms. Abby Melick as Honorary Councilmember for the month of April. She is a senior at Waxahachie High School and is involved in many different clubs and organizations and holds leadership roles in most of them. Abby is the senior class President, national honor society Vice President, and interact secretary and member of the marching Indian band. She is ranked in the top 2% of her class and was voted homecoming queen by her peers. Abby was privileged enough to go on the Rotary heart of service trip to Nicaragua in 2016 and it inspired her to want to work in international government. After high school, she is going to

attend the University of Texas and double major in government and international relations with a minor in Latin American studies. Abbey is the daughter of Clyde and Chrisanna Melick.

Mayor Strength read Proclamation declaring April 10-14, 2017 as Boys and Girls Club Week and presented it to Waxahachie Salvation Army Captains Frankie and Jan Zuniga and staff.

Mr. Charles Harris, Director of Finance, presented Resolution No. 1223 directing publication of notice of intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2017. He stated this starts the process of the bond issuance and allows the city to make publications, prepare the official statement and prepare documents. Bonds will be issued late in the spring. Bond amount will not exceed 6 million and will be used for streets. Mr. Harris stated the bond will also refund a couple of issues.

RESOLUTION NO. 1223

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in "Exhibit A" to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

Section 1. That attached hereto and marked "Exhibit A" is a form of notice, the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause said notice to be published, in substantially the form attached hereto, in the Waxahachie Daily Light, a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the thirtieth (30th) day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice.

Section 3. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention.

Section 4. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 5. That this Resolution shall be effective immediately upon passage and adoption.

Councilmember David Hill moved to approve Resolution No. 1223 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Note: Exhibit "A" is filed in the records of the City Secretary.

Mr. Kerric Bradford reported Oncor filed an application on March 17, 2017 seeking to increase resulting in an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 100kWh per month would see a bill increase of about \$6.68 per month.

Mr. Bradford stated the following Resolution suspends the April 21, 2017 effective date of the Company's rate increase. He stated if the City fails to take action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

Mr. Doug Barnes, Director of Economic Development presented Resolution No. 1224 suspending the effective date of Oncor's rate change:

RESOLUTION NO. 1224

RESOLUTION OF THE CITY OF WAXAHACHIE SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, on or about March 17, 2017, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Waxahachie a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective April 21, 2017; and

WHEREAS, the City of Waxahachie is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 156 similarly situated city members

and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

1. That the April 21, 2017 effective date of the rate request submitted by Oncor on or about March 17, 2017, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

After a brief discussion, Councilmember Chuck Beatty moved to approve Resolution No. 1224 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Director of Planning Darren Groth presented Preliminary Plat of Arbors Business Park, being a 12.9862-acre addition in the H. Sange Survey, Abstract No. 1009 and the J. Starrett Survey, Abstract No. 1024 – Owner: WAXAHACHIE I J/V (PP-17-0031). He reported three (3) lots are being proposed on 9 acres. Lot 2 has an access easement.

Councilmember David Hill moved to approve Preliminary Plat of Arbors Business Park, being a 12.9862-acre addition in the H. Sange Survey, Abstract No. 1009 and the J. Starrett Survey, Abstract No. 1024 – Owner: WAXAHACHIE I J/V (PP-17-0031). Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Clyde Hargrove, Hargrove Real Estate, for a Zoning Change from Planned Development-73-Single Family-1 (PD-73-SF1) and

Planned Development-73-Single Family-2 (PD-73-SF2) zoning districts to a Freestanding Planned Development (PD), with Concept Plan for single-family development located East of existing Buffalo Ridge Addition, being Property ID 264869 - Owner: WP LEGACY LTD. (PD-17-0028). Mr. Groth announced the applicant requested to continue to Public Hearing to the City Council meeting of May 1, 2017.

Mayor Pro Tem Mark Singleton moved to continue Public Hearing on a request by Clyde Hargrove, Hargrove Real Estate, for a Zoning Change from Planned Development-73-Single Family-1 (PD-73-SF1) and Planned Development-73-Single Family-2 (PD-73-SF2) zoning districts to a Freestanding Planned Development (PD), with Concept Plan for single-family development located East of existing Buffalo Ridge Addition, being Property ID 264869 - Owner: WP LEGACY LTD. (PD-17-0028) to the City Council meeting of May 1, 2017. Councilmember David Hill seconded, All Ayes.

Mayor Strength continued 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).

Mr. Groth presented the following staff comments:

- Applicant would like to build a two-story garage accessory dwelling
- Per the included drawings, the accessory building will be 23' 1½", roughly four (4) feet taller than the main structure on the lot
- Staff recommends APPROVAL, per final plan and as presented
- After several continuations, the applicant provided a 4th set of revisions that included the final elevations

There being no others to speak for or against SU-17-0005, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2930:

ORDINANCE NO. 2930

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A GARAGE ACCESSORY DWELLING LOCATED AT 201 CYNISCA STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 11 & 12, BLOCK 11 OF THE UNIVERSITY 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. 2930 as presented. Councilmember Chuck Beatty seconded, All Ayes.

Mayor Strength opened the Public Hearing on a request by Tabitha Tabor, Circle L Solar, for a Specific Use Permit (SUP) to permit a Rooftop Solar Panel System within a Planned Development-54-Single Family-2 (PD-54-SF2) zoning district, located at 3064 Carlton Parkway, being LOT 8 BLK 6 WINDCHASE EAST PH II SECT II .174 AC - Owner: CURNES DONALD R REVOCABLE LIVING TRUST. (SU-17-0025).

Mr. Groth presented the site layout noting the panels will not be facing the street. If approved, a permit must be obtained from the Building Inspections Department prior to installing the system.

There being no others to speak for or against SU-17-0025, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2931:

ORDINANCE NO. 2931

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A ROOFTOP SOLAR PANEL SYSTEM LOCATED AT 3064 CARLTON PARKWAY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 8, BLOCK 6 OF THE WINDCHASE EAST PHASE II SECTION II SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember David Hill moved to approve Ordinance No. 2931 as presented.
Councilmember Chuck Beatty seconded, *All Ayes.*

Mayor Strength opened the Public Hearing on a request by Alyssa Martel, Solar City, for a Specific Use Permit (SUP) to permit a Rooftop Solar Panel System within a Planned Development-64-Single Family-3 (PD-64-SF3) zoning district, located at 1575 Sandhurst Drive, being LOT 26 BLK B COUNTRY MEADOWS PH I 0.126 AC – Owner: GAINES MATTHEW & ALLISON. (SU-17-0030).

Mr. Groth stated Staff recommends approval, per the following comment:

- Relocate panels that extend past the front building plane of the home, i.e., above the garage.
- On March 28, 2017, P&Z voted 6-0 to recommend APPROVAL of SU-17-0030 with the following stipulation:
The panels must be removed from the portion of the roof above the garage.

There being no others to speak for or against SU-17-0030, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2932:

ORDINANCE NO. 2932

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A ROOFTOP SOLAR PANEL SYSTEM LOCATED AT 1575 SANDHURST DRIVE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 26, BLOCK B OF THE COUNTRY MEADOWS PHASE I SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember Chuck Beatty moved to approve Ordinance No. 2932 as amended relocating solar panels as presented. Councilmember David Hill seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Yongfei Lin, Waxahachie Foot, for a Specific Use Permit (SUP) to permit a Medical Facility use to allow a massage establishment [foot spa] within a Planned Development-20-General Retail (PD-20-GR) zoning district, located at 401 N Highway 77, Suite 11B, being Property ID 180818 - 148 & 599 WM BASKINS & J JOHNSON 6.85 ACRES - Owner: WINDWARD PARTNERS X. (SU-17-0023).

Mr. Groth presented the following staff comments:

- Per Ord. #2919 (01/17/17), a Medical Facility use is permissible in GR zoning with an SUP.
- Request is for one of the sub-types contained in the definition of a Medical Facility.
 1. Dental, medical, or chiropractic clinic;
 2. Dental office or doctor's office;
 3. Massage establishment;
 4. Public health center;
 5. Sanitarium; or Surgical out-patient facility.
- Staff recommends approval, as presented.

There being no others to speak for or against SU-17-0023, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2933:

ORDINANCE NO. 2933

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE FOR A MASSAGE ESTABLISHMENT [FOOT SPA] WITHIN A PLANNED DEVELOPMENT-20-GENERAL RETAIL (PD-20-GR) ZONING DISTRICT, LOCATED AT 401 N HIGHWAY 77, SUITE 11B, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PROPERTY ID 180818 - 148 & 599 WM BASKINS & J JOHNSON SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2933 as presented.
Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Matthew Barnes, Body in Balance Chiropractic, for a Specific Use Permit (SUP) to permit a Medical Facility use to allow a chiropractic clinic/massage establishment within a Planned Development-1-Commercial (PD-1-C) zoning district, located at 1332 Highway 287, Suite 4, being LOT 5R-D BLK A RVG PLAZA .6864 AC - Owner: ADEMM-1 FAMILY LP LTD. (SU-17-0034).

Mr. Groth presented the following staff comments:

- Per Ord. #2919 (01/17/17), a Medical Facility use is permissible in C zoning with an SUP Request is for two of the sub-types contained in the definition of a Medical Facility
 1. Dental, medical, or chiropractic clinic;
 2. Dental office or doctor's office;
 3. Massage establishment;
 4. Public health center;
 5. Sanitarium; or Surgical out-patient facility.
- Staff recommends approval, as presented

Councilmember David Hill expressed concern pertaining to adequate parking spaces. Mr. Groth stated the parking adequacy for this time is sufficient for this request.

There being no others to speak for or against SU-17-0034, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2934:

ORDINANCE NO. 2934

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE FOR A CHIROPRACTIC CLINIC AND MASSAGE ESTABLISHMENT WITHIN A PLANNED DEVELOPMENT-1-COMMERCIAL (PD-1-C) ZONING DISTRICT, LOCATED AT 1332 HIGHWAY 287, SUITE 4, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5R-D, BLOCK A IN THE RVG PLAZA SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilmember David Hill moved to approve Ordinance No. 2934 as presented. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Citizens' Petitions and Requests

Ms. Barbara Anglin, 1549 FM 1446, Waxahachie, presented a proposed amendment of current Ordinance pertaining to removing vehicle from scene. She asked Council to consider an Ordinance at their next meeting.

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

Mayor Strength thanked Ms. Abby Melick for her attendance as Honorary Councilmember.

City Manager Paul Stevens welcomed Ms. Melick. He announced the Police Department groundbreaking ceremony is Wednesday, April 5, 2017 at 8:30 a.m.

Mayor Pro Tem Mark Singleton referenced the Midway Airport Minutes noting the Midlothian Fire Marshall approved plans and then recalled missing required turnaround/access area for fire trucks. Mayor Pro Tem Singleton stated if Staff approves something, how can they go back and make changes. Mayor Pro Tem Singleton stated he ran for office on accountability and staff needs to review and be held accountable. Mayor Strength stated Mayor Pro Tem Singleton will need to have this conversation with the Mayor of Midlothian.

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

Lori Saunders
City Secretary