

City Council
June 19, 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, June 19, 2017 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Chuck Beatty, Councilmember
Mark Singleton, Mayor Pro Tem
David Hill, Councilmember
Mary Lou Shipley, Councilmember

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Robert Brown, City Attorney
Lori Saunders, City Secretary
Darren Groth, Director of Planning

1. Call to Order

Mayor Strength called the meeting to order

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

City Manager Paul Stevens gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

{Mayor Strength moved item 22. Citizens' Petitions and Requests before Item. 5 Consent Agenda}

22. Citizens' Petitions and Requests

None

5. Consent Agenda

- a. Minutes of the regular City Council meeting of June 5, 2017
- b. Minutes of the regular Planning and Zoning Commission meeting of June 13, 2017
- c. Minutes of the Waxahachie Community Development Corporation meeting of June 5, 2017
- d. Minutes of the Firemen's Relief and Retirement Fund meeting of June 12, 2017
- e. Minutes of the Heritage Preservation Commission meeting of May 11, 2017
- f. Minutes of the Mid-Way Airport meeting of May 11, 2017
- g. Monthly Building Report for April 2017
- h. Monthly Code Enforcement Report for May 2017
- i. Monthly Crime Report for May 2017
- j. Monthly Fire and EMS Report for May 2017
- k. Monthly Violation Activity Statistics for May 2017
- l. Professional Services Agreement for Municipal Court Prosecutor
- m. Chlorine Dioxide Generator Rental Agreement Renewals

- n. Engineer Contract for IH-35E @ FM66 water line relocation
- o. PTA Halloween Hustle 5k Run
- p. Oak Lawn/Turner High School Traditional Memorial Celebration
- q. Final Plat of Lots 1 and 2, Rosser Addition, being a 10.006-acre tract of land out of the P. Olivari Survey, Abstract No. 812 in the Extra Territorial Jurisdiction (ETJ)- Owner: ROSSER WILLIAM R (FP-17-0061)
- r. Final Plat of Lots 1 through 4, Duenas Acres, being 11.020 acres in the John Collett Survey, Abstract 221 in the Extra Territorial Jurisdiction (ETJ) - Owner: DUENAS JUAN SR ETAL (FP-17-0062)
- s. Final Plat of Oak Vista Estates Phase 2, a 45.986 acre addition in the S.B. Orton Survey, Abstract 813 in the Extra Territorial Jurisdiction (ETJ) – Owner: MISKIMON RICHARD ETAL (FP-17-0068)
- t. Set Public Hearings date of August 7, 2017 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by Arbors Development LLC for annexation of approximately 292.589 acres

Mayor Pro Tem Mark Singleton referenced item n. (Engineer Contract for IH-35E @ FM66 water line relocation) and questioned why it wasn't a separate line item to consider. City Manager Paul Stevens explained the city will be reimbursed for the services; therefore, it was placed on the Consent Agenda.

Mayor Pro Tem Singleton referenced item t.(Set Public Hearings date of August 7, 2017 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by Arbors Development LLC for annexation of approximately 292.589 acres) and questioned why it wasn't a separate line item to consider and allow public comment. City Manager Paul Stevens stated item t. is setting the public hearings and when public hearings are held it will be a separate line item for public comment.

Action:

After further discussion, Mayor Pro Tem Mark Singleton moved to approve items a. through t. on the Consent Agenda. Councilmember David Hill seconded, All Ayes.

6. Introduce Honorary Councilmember

Mayor Strength announced there is no Honorary Councilmember present.

7. Request to appear by Elizabeth Tull President, Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend current contract between Waxahachie Arts Council and City of Waxahachie

Ms. Elizabeth Tull, Waxahachie Arts Council presented the Annual Financial Report and requested to extend current contract between Waxahachie Arts Council and City of Waxahachie. She stated the membership is comprised of eight organizations.

City Manager Paul Stevens stated 25% of the Convention and Visitors Bureau sales tax is designated to the Waxahachie Arts Council.

Action:

Councilmember Mary Lou Shipley moved to extend the current contract between the City of Waxahachie and Waxahachie Arts Council for one year expiring on December 31, 2019. Mayor Pro Tem Mark Singleton seconded, All Ayes.

8. Consider Interlocal Cooperation Contract with Waxahachie Independent School District regarding maintenance, repair and/or construction of streets, roads, alleys, bridges, and parking areas, as well as maintenance and construction of waterways and ditches

City Manager Paul Stevens stated the city is going to redo Stadium Drive and WISD will pay for parking noting the Interlocal Cooperation Contract with benefit both entities.

Action:

Councilmember David Hill moved to approved Interlocal Cooperation Contract with Waxahachie Independent School District regarding maintenance, repair and/or construction of streets, roads, alleys, bridges, and parking areas, as well as maintenance and construction of waterways and ditches. Councilmember Chuck Beatty seconded, All Ayes.

9. Consider Interlocal Agreement with Waxahachie Independent School District regarding Natatorium

City Manager Paul Stevens reported the WISD Long Range Planning Committee has been working on future plans for their WISD facilities which include two elementary schools and possibly a natatorium. He stated WISD has asked if the bond election does pass on the natatorium, the City participates in a joint Interlocal Agreement which will allow city residents to use that facility. He explained the City's support would be \$100,000 per year for operating cost of the natatorium.

Mayor Strength stated the term of the Agreement is ten years and will automatically renew for successive ten years unless the parties terminate the Agreement.

Action:

After a brief discussion, Mayor Pro Tem Mark Singleton moved to approve Interlocal Agreement with Waxahachie Independent School District regarding Natatorium. Councilmember Chuck Beatty seconded, All Ayes.

10. Continue Public Hearing Replat of Town Addition, Block 184, a 3.954-acre addition in the Town Addition subdivision - Owner: GRANTAVA HOLDINGS LLC (RP-17-0054).

Mayor Strength continued the Public Hearing.

Mr. Darren Groth, Director of Planning reported the Planning & Zoning Commission heard this case on May 23rd and recommended denial. He stated Staff has received a revised plat drawing and currently working with applicant to get staff comments addressed. Mr. Groth recommended

approval per staff comments noting it requires a super majority vote to approve. He presented a site image noting 3 lots were platted approximately 2 years ago. The large lot from the last plat is what is being constructed on now. This plat would make the building on its own separate lot and create 2 additional lots.

Mayor Pro Tem Mark Singleton asked if the Infill Ordinance is being considered. Mr. Groth affirmed noting that is why it is being recommended to Council for approval.

Mayor Pro Tem Singleton addressed the roadway impact fees totaling \$15,834 and asked if they are being considered for abatement.

Assistant City Manager Michael Scott stated the applicant received credit per the Ordinance for the 2 existing lots and explained with a new plat the applicant is adding additional lots.

Mayor Pro Tem Singleton stated he crafted the Ordinance language pertaining to impact fees and debated Staff's interpretation of the language.

Councilmember Chuck Beatty reiterated the new replat and has nothing to do with the old lots. He explained waving impact fees doesn't fit the spirit of what the Ordinance was intended for pertaining to new plats. Councilmember Beatty stated Staff has done a good job approving infill development and getting properties back on the tax roll.

City Manager Paul Stevens stated the Ordinance pertaining to impact fees could be rewritten at Council's discretion.

There being no others to speak for or against RP-17-0054, Mayor Strength closed the Public Hearing.

11. Consider approving RP-17-0054

Action:

Mayor Pro Tem Mark Singleton moved to approve Replat of Town Addition, Block 184, a 3.954-acre addition in the Town Addition subdivision - Owner: GRANTAVA HOLDINGS LLC (RP-17-0054) per staff comments waiving roadway impact fees totaling \$15,834 and water and wastewater impact fees. Councilmember Chuck Beatty seconded, All Ayes.

12. Public Hearing on a request by Gerald R. Parsons, Covenant Life Christian Center, Inc., for a Zoning Change from Single Family-1 and Planned Development-28-Office (SF1 and PD-28-O) zoning districts to Office (O), located at 423 N. College, being LOT 1 BLK 1 COLLEGE STREET CHURCH OF CHRIST ADDN 3.123 AC - Owner: COVENANT LIFE CENTER INC DBA COVENANT LIFE CHURCH (ZC-17-0069)

Mayor Strength opened the Public Hearing.

Director of Planning Darren Groth reported the site currently has two different zoning categories, SF-1 at the rear of the site, and PD-20-O at the front of the site. He stated at the Planning and

Zoning Commission meeting of June 13, 2017, the applicant requested to zone the entire site to Office (O) and the Commission denied the request. Mr. Groth reported the applicant appealed and the request to Council is to rezone from SF-1 and PD-28-O to PD-O limited to Church, Rectory, or Temple and Child Daycare Center.

Pastor Gerald Parson, Covenant Life Christian Center, reported prior to the purchase of the church, a daycare was in the church and then moved out. The church made a partnership with a new daycare and in the process of preparing the daycare they discovered a specific use permit would be required to operate the daycare. Pastor Parson stated after further discussion with the surrounding neighbors the church felt self-imposed to limit the proposed PD-O to Church, Rectory, or Temple and Child Daycare Center.

Those who spoke for ZC-17-0069:

Mr. John Bailey, 513 N. Rogers
Mr. Gary Audrey, 400 N. Rogers and 402 N. Rogers

Those who spoke against ZC-17-0069:

Mr. Enrique Bernal, 507 N. Rogers, Waxahachie
Mr. Glen Perry, 519 N. Rogers, Waxahachie

There being no others to speak for or against ZC-17-0069, Mayor Strength closed the Public Hearing.

13. Consider proposed Ordinance approving Zoning Change No. ZC-17-0069

City Attorney, Robert Brown, presented amended Ordinance No. 2945 approving ZC-17-0069 as amended:

ORDINANCE NO. 2945

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) AND PLANNED DEVELOPMENT-28-OFFICE (PD-28-O) TO PD-O, LIMITED TO CHURCH, RECTORY OR TEMPLE AND CHILD DAYCARE CENTER USES, LOCATED AT 423 NORTH COLLEGE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.123 ACRES KNOWN AS LOT 1, BLOCK 1 OF THE COLLEGE STREET CHURCH OF CHRIST ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2945 as amended. Councilmember Chuck Beatty seconded, All Ayes.

14. Public Hearing on a request by Shannon Williams, Fire House Kids, LLC, for a Specific Use Permit (SUP) to allow a Child Day Care Center use within a Planned Development-28-Office (PD-28-O) zoning district, located at 423 N. College, being LOT 1 BLK 1 COLLEGE STREET CHURCH OF CHRIST ADDN 3.123 AC - Owner: COVENANT LIFE CENTER INC DBA COVENANT LIFE CHURCH (SU-17-0057)

Director of Planning Darren Groth stated based off the old Use Chart the above request would require an SUP. He explained Council's action on items 12 and 13 changed the zoning to a specific zoning district that allows daycare use. Mr. Groth submitted to Council that action on this item be removed because it was approved with items 12 and 13.

City Attorney Robert Brown concurred.

No action required

15. Consider proposed Ordinance approving Zoning Change No. SU-17-0057

No action required

16. Public Hearing on a request by Blake Blakely, Go Solar Go, Inc., for a Specific Use Permit (SUP) to allow a Small In-Ground Solar Panel System and a Rooftop Solar Panel System use within a General Retail (GR) zoning district, located at 303 Matthews, being 1 A P & D RAILROAD 0.829 ACRES - Owner: HUDGINS DAVID & PAULA E (SU-17-0058)

Mayor Strength opened the Public Hearing.

Director of Planning Darren Groth reported the proposed location of the in-ground solar panel system is not in the rear yard, and thus does not comply with the ordinance. He stated the Planning and Zoning Commission did recommend approval as presented by applicant.

Mr. David Hudgins, property owner, 303 Matthews, Waxahachie, stated his property is different and the proposed ground solar panel is past the driveway with a 3 foot drop noting it will not be an eyesore. He stated the property behind him is in the flood plain and can't be built on.

Mr. Blake Blakely, Go Solar Go, Inc. was available for questions.

There being no others to speak for or against SU-17-0058, Mayor Strength closed the Public Hearing.

17. Consider proposed Ordinance approving Zoning Change No. SU-17-0058

ORDINANCE NO. 2946

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A SMALL IN-GROUND SOLAR PANEL SYSTEM AND A ROOFTOP SOLAR PANEL SYSTEM LOCATED AT 303 MATTHEWS STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS THE 1 AP&D RAILROAD SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember David Hill moved to approve Ordinance No. 2946, as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 18. Public Hearing on a request by Dwayne Whitten for a Specific Use Permit (SUP) to allow an Accessory Building (Residential) greater or equal to 700 S.F. use within a Single Family-1 (SF1) zoning district, located at 260 Brookbend Drive, being 27 BROOKBEND GROVE PH II 1.005 ACRES - Owner: WHITTEN DEWAYNE N & TRACI (SU-17-0060)**

Mayor Strength opened the Public Hearing.

Director of Planning Darren Groth reported all comments have been met and recommended approval.

Mr. Dewayne Whitten, 260 Brookbend Drive, Waxahachie, stated the Home Owner's Association are reviewing the plans and is expected to be approved.

There being no others to speak for or against SU-17-0060, Mayor Strength closed the Public Hearing.

- 19. Consider proposed Ordinance approving Zoning Change No. SU-17-0060**

ORDINANCE NO. 2947

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR AN ACCESSORY BUILDING (RESIDENTIAL) GREATER OR EQUAL TO 700 S.F. LOCATED AT 260 BROOKBEND DRIVE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 27 OF THE BROOKBEND GROVE PHASE II SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 2947 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 20. Public Hearing on a request by Amy Landry, Lobsinger & Potts Structural Engineering, Inc., for a Specific Use Permit (SUP) to allow a Restaurant or Eating Place with Drive-In Service use within a General Retail (GR) zoning district, located on Highway 77 in Phase 1 of the North Grove Business Park, being Property ID 189301 - Owner: SAP PROPERTIES, LLC (SU-17-0067)**

Mayor Strength opened the Public Hearing.

Director of Planning Darren Groth reported the location is one of the out parcels from Atwoods large property. He stated applicant does comply with staff comments and recommended approval.

here being no others to speak for or against SU-17-0067, Mayor Strength closed the Public Hearing.

21. Consider proposed Ordinance approving Zoning Change No. SU-17-0067

ORDINANCE NO. 2948

ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR RESTAURANT OF EATING PLACE WITH A DRIVE-IN SERVICE LOCATED ON HIGHWAY 77 IN PHASE 1 OF THE NORTH GROVE BUSINESS PARK, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF PROPERTY ID 189301, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action

Councilmember Chuck Beatty moved to approve Ordinance No. 2948 as presented. Councilmember David Hill seconded, All Ayes.

22. Citizens' Petitions and Requests – listed before item 5

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

Director of Planning Darren Groth announced he will be leaving the City of Waxahachie and moving to the northwest coast where his wife secured a job in the Seattle area. He thanked City Staff and City Council for the opportunity to serve in the capacity of Director of Planning.

City Staff and City Council wished Mr. Groth the best in his new endeavors.

Councilmember Mary Lou Shipley stated she appreciated the reception put on for former City Attorney Steve Chapman. She welcomed City Attorney Robert Brown.

City Manager Paul Stevens introduced Ms. Dana Huffman, prosecuting attorney for the Municipal Court. He announced the Police Department will hold a promotional ceremony on Tuesday, June 20, 2017 at 3:00 p.m. in the Council Chamber.

Mayor Strength stated Council can review the impact fee ordinance. He stated Staff is doing a good job.

Mayor Pro Tem Mark Singleton referenced ordinances and asked how can Council go back and put in goals noting Council has an intention and concern of vague language in rules and regulations. He stated from his world, he's trying to make sense of government.

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Councilmember David Hill congratulated Mayor Kevin Strength for being elected as Vice President of the North Texas Council of Government.

There being no further business, the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Lori Saunders
City Secretary