

City Council
May 7, 2018

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, May 7, 2018 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: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor Kevin Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

Councilmember Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

None

6. Consent Agenda

- a. Minutes of the regular City Council meeting of April 16, 2018
- b. Minutes of the City Council Briefing Session of April 16, 2018
- c. Minutes of the regular Planning and Zoning Commission meeting of April 24, 2018
- d. Minutes of the Planning and Zoning Commission Briefing Session of April 24, 2018
- e. Minutes of the Park Board meeting of May 3, 2018
- f. Minutes of the Mid-Way Airport Board meeting of April 12, 2018
- g. Request by David Hargrove, Legacy Grove Development, LLC, for a Final Plat of Garden Valley Farms, Phase 2, for 78 lots, being 24.018 acres out of J.B. and Ann Adams Survey, Abstract 5 (Property ID 179060) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-18-0028)
- h. Resolution authorizing the reimbursement of the Water and Wastewater Funds' Working Capital from the proceeds of future debt for a new field office building for the Utilities Department
- i. Consider budget amendment for technology improvements in conference room

- j. Approve application for Salvation Army Boys and Girls Club of Ellis County 5k race
- k. Approve amended application for Waxahachie Draft Beer & Music Festival
- l. Approve application for seasonal vendors permit at Lake Waxahachie

RESOLUTION NO. 1242

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE CONSTRUCTION OF A FIELD OFFICE BUILDING FOR THE UTILITIES DEPARTMENT

Action:

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

7. Introduce Honorary Councilmember

Councilmember David Hill introduced Caleb High as the Honorary Councilmember. Caleb is the son of Cynthia Williams and is a student athlete at Waxahachie High School. He plays for the Waxahachie Indians football team as a linebacker and Captain. Caleb is a member of the Iron Indians Power-Lifting team where he placed second in the State Championship, a member of WISD Teen School Board holding the position of President, and voted Mr. WHS by his peers. Caleb will be attending the University of Mary Hardin Baylor where he will continue to play football and majoring in Sports Management.

8. Present Proclamation proclaiming May 7, 2018 as Major Derwin J. Moody day in Waxahachie

Mayor Strength read a Proclamation proclaiming May 7, 2018 as “Major Derwin J. Moody Day in Waxahachie.” He presented the proclamation to Major Moody.

9. Present Proclamation proclaiming May 2018 as Preservation Month

Mayor Strength read a Proclamation proclaiming May 2018 as “Preservation Month.” He presented it to Ms. Anita Brown, Director of Downtown Development, representing the Heritage Preservation Commission.

10. Present National Main Street Accreditation

Ms. Brown reported the National Main Street Center and Texas Main Street certified the Waxahachie Main Street Program was recognized as a 2018 Main Street America Accredited Program. She presented City Council with the award.

11. Present Council with Texas Travel Industry Association Best of Texas Award – “Best City” during the 2017 Texas Study Tour

Ms. Laurie Mosley, Director of Convention and Visitors Bureau, presented the City Council with the Texas Travel Industry Association Best of Texas Award for Best City during the 2017 Texas Study Tour. She stated the CVB had approximately 3 hours to show them Waxahachie and with the help of several merchants and others, the Travel Industry Association had a great experience.

12. Recognition of National Tourism Week – May 6 – 12, 2018

Ms. Mosley recognized May 6 – 12, 2018 as National Tourism Week noting the week celebrates the economic boost that tourism provides around the country and to our region. She provided the following information of the economic impact of tourism in Waxahachie for calendar year 2016:

- \$59 million dollars were spent in Waxahachie by tourists
- Directly provided 490 jobs with an annual payroll of \$18 million
- Waxahachie, through tourism, contributed over \$1.7 million in local taxes and over \$3.8 million in state taxes

13. Public Hearing on a request by David Hargrove, Legacy Grove Development, LLC, for an Amendment to Ordinance No. 2137 for the Garden Valley Planned Development District to increase Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0011)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the lot increase pertains to Garden Valley Meadows, Garden Valley Farms Phase 1 and Garden Valley Farms Phase 2 subdivisions.

There being no others to speak for or against PD-18-0011, Mayor Strength closed the Public Hearing.

14. Consider proposed Ordinance approving Zoning Change No. PD-18-0011

ORDINANCE NO. 3013

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), LOCATED IN THE GARDEN VALLEY MEADOWS, GARDEN VALLEY FARMS PHASE 1 AND GARDEN VALLEY FARMS PHASE 2 SUBDIVISIONS IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 99.614 ACRES KNOWN AS THE GARDEN VALLEY MEADOWS, GARDEN VALLEY FARMS PHASE 1 AND GARDEN VALLEY FARMS PHASE 2 SUBDIVISIONS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember David Hill moved to approve Ordinance No. 3013. Councilmember Mary Lou Shipley seconded, All Ayes.

- 15. Public Hearing on a request by Kenny Garcia, Elevation Solar LLC, for a Specific Use Permit (SUP) to allow a Rooftop solar panel system use within a Single Family-1 (SF1) zoning district, located at 2204 Howard Road, being 272 S M DURRETT 2.677 ACRES (Property ID 181954) - Owner: SKINNER GERALD D REVOCABLE LIVING TRUST (SU-18-0033)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to install solar panels at a single family residence. He stated the house is located off of Howard Road and solar panels will be on the back of the residence.

There being no others to speak for or against SU-18-0033, Mayor Strength closed the Public Hearing.

- 16. Consider proposed Ordinance approving Zoning Change No. SU-18-0033**

ORDINANCE NO. 3014

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 2204 HOWARD ROAD, BEING PROPERTY ID 181954, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT NO. 272 IN THE S M DURRETT SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3014. Councilmember David Hill seconded, All Ayes.

- 17. Public Hearing on a request by Justin Hargrove for a Specific Use Permit (SUP) to allow a Dance hall, tavern, or night club use within a Central Area (CA) zoning district, located at 208 W Franklin, being LOT 9B BLK 8 O T WAXAHACHIE .06 AC (Property ID 170463) - Owner: SOUTHFORK CAPITAL LLC (SU-18-0029)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to open what the City defines as a tavern at the site, and receipts will show that over forty-nine (49) percent of the gross revenue is derived from alcohol sales. This requires the applicant to obtain a Specific Use Permit.

Mr. Justin Hargrove, 75 North Waco Street, Hillsboro, Texas, reported the tavern will specialize in craft beers.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, Texas, reported Mr. Hargrove currently operates a tavern in Hillsboro noting his tavern will promote Waxahachie in a positive light. There being no others to speak for or against SU-18-0029, Mayor Strength closed the Public Hearing.

18. Consider proposed Ordinance approving Zoning Change No. SU-18-0029

ORDINANCE NO. 3015

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TAVERN USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 208 W FRANKLIN, BEING PROPERTY ID 170463, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 9B, BLOCK 8 IN THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, 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. 3015. Councilmember Mary Lou Shipley seconded, All Ayes.

19. Public Hearing on a request by Charles Browning, Waddle Holdings, for a Zoning Change from a Light Industrial-2 (LI2) zoning district to Central Area (CA), located at 200 E Jefferson, being LOT 4A BLK 24 O T WAXAHACHIE .161 AC (Property ID 170483) - Owner: WADDLE HOLDINGS LLC (ZC-18-0031)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to rezone from Light Industrial-2 to Central Area to permit a Bail Bonds Agency to occupy the third suite. He explained Bail Bonds Agencies are permitted in the CA zoning district with a SUP, but are prohibited in LI-2.

Council held discussion.

There being no others to speak for or against ZC-18-0031, Mayor Strength closed the Public Hearing.

20. Consider proposed Ordinance approving Zoning Change No. ZC-18-0031

ORDINANCE NO. 3016

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-2 (LI-2) TO CENTRAL AREA (CA) LOCATED AT 200 E JEFFERSON STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.161 ACRES KNOWN AS LOT 4A, BLOCK 24 OF THE ORIGINAL TOWN SUBDIVISION,

AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3016. 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.

- 21. Public Hearing on a request by Charles Browning, Waddle Holdings, for a Specific Use Permit (SUP) to allow a Bail bond agency use within a Central Area (CA) zoning district, located at 200 E Jefferson, being LOT 4A BLK 24 O T WAXAHACHIE .161 AC (Property ID 170483) - Owner: WADDLE HOLDINGS LLC (SU-18-0032)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported SU-18-0032 accompanies Item 19 being ZC-18-0031. He stated the applicant has received approval from the State and County Bail Bond Board.

Mr. Steve Bell, Attorney for applicant, 12655 N. Central Express Way, Dallas, stated the applicant will run a respectful business.

There being no others to speak for or against SU-18-0032, Mayor Strength closed the Public Hearing.

- 22. Consider proposed Ordinance approving Zoning Change No. SU-18-0032**

ORDINANCE NO. 3017

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A BAIL BOND AGENCY USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 200 E JEFFERSON STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4A, BLOCK 24 IN THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3017. 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.

- 23. Consider request by Brandon O’Donald, Pape-Dawson Engineers, Inc., for a Preliminary Plat of Dove Hollow for 610 residential lots and 19 open space lots, being 213.536 acres situated in J.W. Wright Survey, Abstract No. 1182 (Property ID 192636, 192639, 192643, and 192645) – Owner: 112 LLC and MOUNTAIN CREEK PARTNER III LLC (PP-17-0171)**

Mr. Brooks reported the applicant revised the Preliminary Plat per prior City Council recommendations. He stated agreements for Right of Way and easements through North Grove down to North Grove Blvd. have been agreed upon by the parties.

Action:

Mayor Pro Tem Mark Singleton moved to approve a request by Brandon O’Donald, Pape-Dawson Engineers, Inc., for a Preliminary Plat of Dove Hollow for 610 residential lots and 19 open space lots, being 213.536 acres situated in J.W. Wright Survey, Abstract No. 1182 (Property ID 192636, 192639, 192643, and 192645) – Owner: 112 LLC and MOUNTAIN CREEK PARTNER III LLC (PP-17-0171). Councilmember David Hill seconded, All Ayes.

- 24. Consider award of bid to Envirodyne Systems, Inc. for the replacement of clarifier number two mechanism at the Howard Road Water Treatment Plant**

Mr. Tommy Ludwig, Executive Director of Development Services, reported four (4) bids were received and the lowest bid was from Envirodyne Systems, Inc. in the amount of \$172,411.00. He stated the bid came in \$127,589.00 below anticipated costs.

Action:

Councilmember Chuck Beatty moved to award a bid to Envirodyne Systems, Inc. in the amount of \$172,411.00 for the replacement of clarifier number two mechanism at the Howard Road Water Treatment Plant. Councilmember Mary Lou Shipley seconded, All Ayes.

- 25. Consider proposed Resolution authorizing the reimbursement of the Water Fund’s Working Capital from the proceeds of future debt for replacement of clarifier number two at the Howard Road Water Treatment Plant**

Mr. Ludwig stated the project will ultimately be funded through certificate of obligation bonds, which are anticipated to be sold in early summer 2018.

RESOLUTION NO. 1243

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURCHASE OF A REPLACEMENT CLARIFIER MECHANISM AT THE HOWARD ROAD WATER TREATMENT PLANT

Action:

Mayor Pro Tem Mark Singleton moved to approve Resolution No. 1243. Councilmember David Hill seconded, All Ayes.

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

Assistant City Manager Albert Lawrence referenced emails received as well as Facebook posts commending city staff's participation during the Crossroads Film and Music Festival. He stated while attend the Festival he was very impressed with staff.

Councilmember Mary Lou Shipley applauded the Crossroads Film and Music Festival noting it was very enjoyable.

Councilmember Chuck Beatty thanked Honorary Councilmember Caleb High for his attendance. He thanked Major Derwin J. Moody for his service.

Mayor Strength thanked Major Moody for his service and thanked city staff for all they do downtown and on the weekends. He thanked Mayor Pro Tem Mark Singleton for his eight years of service on the City Council.

Mayor Pro Tem Mark Singleton referenced his loss in the recent election. He recapped his service and accomplishments as a Councilmember as well as serving the city as a businessman. He stated he has a vested interest and is a stakeholder in the city. Mayor Pro Tem Singleton thanked the City Council and City Staff.

Councilmember David Hill stated no one has done more for education and millions have been given and he thanked Mr. Singleton. Councilmember Hill stated he was blessed working with the current City Council.

27. Adjourn

There being no further business, Councilmember David Hill moved the meeting adjourn at 8:00 p.m. Mayor Pro Tem Mark Singleton seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary