

City Council
August 17, 2009

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, August 17, 2009 at 7:00 p.m.

Council Members Present: Ron Wilkinson, Mayor
N.B. (Buck) Jordan, Mayor Pro Tem
Chuck Beatty, Councilman
Joe Jenkins, Councilman
John Wray, Councilman

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary

Mayor Ron Wilkinson called the meeting to order and Councilman Chuck Beatty gave the invocation and led the Pledge of Allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of August 3, 2009
- b. Minutes of the Cemetery meeting of August 6, 2009
- c. Minutes of the Park Board meeting of August 6, 2009
- d. Minutes of the Fireman's Relief and Retirement meeting of August 10, 2009
- e. Minutes of the Waxahachie Community Development Corporation meeting of August 11, 2009
- f. Minutes of the Planning and Zoning Commission meeting of August 12, 2009
- g. Minutes of the Ellis County Woman's Building Board meeting of January 30, 2009
- h. Monthly Nicholas P. Sims Library report for June 2009
- i. Waxahachie Fire and EMS monthly reports for June and July, 2009
- j. Monthly Crime Report for July 2009
- k. Monthly Violation Activity Statistics report for July 2009
- l. Monthly Building report for July 2009

Councilman Chuck Beatty moved to approve Items a. through l. on the Consent Agenda as listed above. Mayor Pro Tem Buck Jordan seconded, **All Ayes.**

Councilman John Wray introduced Mr. Brian Ford as the Honorary Councilmember and presented him with a Certificate for his participation in the Honorary Councilmember program for the Month of August.

Parks and Recreation Director, John Smith reported the Penn Park Pool was originally going to be closed for the summer due to a fund shortage. He explained Cindy Camp started a fund to open the pool and was instrumental in getting donations from several businesses and individuals. She raised \$7,500 dollars. The Waxahachie Foundation matched the donations with another \$7,500, for a total of \$15,000 for the Penn Park Pool Fund. Mr. Smith introduced the Pool Manager and lifeguards and thanked them for their services this summer. City Council thanked Ms. Camp for her inspiration and success in opening the pool.

Mr. Paul Hernandez, Area Manager for Oncor Electric Delivery, noted the City joined the energy efficiency program with Oncor and installed a state of the art HVAC system at the Waxahachie Civic Center. He presented an incentive check to the City, in the amount of \$93,111.39, for upgrading the air conditioning equipment and explained it will lower the load of the Oncor system.

Mayor Ron Wilkinson announced the City received a requested from the Applicant to continue the Public Hearing on Zoning Amendment Request No. 2009-25: Request by Kenneth Mitchell for a Site Plan approval within a Planned Development-Office (PD-O) Zoning District for Phase II of Country Lane Seniors being Lot 3, Block A, 7.6237 acres, Country Lane Subdivision located on Park Hills Drive next to Country Lane Seniors-Owner: The Grand Reserve-Waxahachie, Ltd.

Councilman John Wray moved to continue the Public Hearing on Zoning Amendment Request no. 2009-25 to the City Council meeting of September 8, 2009. Councilman Chuck Beatty seconded, **All Ayes.**

Mayor Ron Wilkinson opened the Public Hearing on Zoning Amendment Request No. 2009-21: Request by Dennis Horak for a Specific Use Permit within a Single Family- 1 (SF-1) Zoning District to construct an accessory building/carport located at 711 W. Marvin, being Lots 9B & 10A, 0.671 acres, Coleman Addition and a portion of Block 304 of Town Addition- Owner: Dennis Horak.

Mr. Dennis Horak, 711 W. Marvin, Waxahachie, requested approval to construct a carport over five hundred (500) square feet.

Planning Director Clyde Melick noted the carport will be of like materials as the main building.

There being no others to speak for or against Zoning Amendment Request No. 2009-21, Mayor Wilkinson closed the public hearing.

City Attorney Steve Chapman presented Ordinance No. 2535

ORDINANCE NO. 2535

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 9B AND LOT 10A, COLEMAN ADDITION, AND A PORTION OF BLOCK 304, TOWN ADDITION, TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 711 E. MARVIN AVENUE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING SINGLE FAMILY-1 (SF-1) TO SINGLE FAMILY-1 WITH SPECIFIC USE PERMIT (SF-1 W/SUP), FOR THE PURPOSE OF ALLOWING THE CONSTRUCTION OF A CARPORT, IN COMPLIANCE WITH EXHIBIT "A", AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Buck Jordan moved to approve Ordinance No. 2535 as presented, subject to Staff Comments. Councilman Chuck Beatty seconded, **All Ayes.**

Mayor Ron Wilkinson opened the Public Hearing on Zoning Amendment Request No. 2009-22: Request by Dr. Scott Clinton, for a Site Plan approval within a Planned Development-Office (PD-O) Zoning District for family dentistry offices located at Northwest corner of Park Place Blvd. and Chieftain Rd., being Lot 4A, Block A, Park Place Professional Center - Owner: Richard Trees.

Mr. Alan Lauhoff, Engineer for the project, requested Site Plan approval to construct a dentist office.

Planning Director Clyde Melick reviewed Staff Comments and noted the Applicant has adhered to all City standards.

There being no others to speak for or against Zoning Amendment Request No. 2009-22, Mayor Wilkinson closed the public hearing.

Councilman Joe Jenkins moved to approve Zoning Amendment Request No. 2009-22: Request by Dr. Scott Clinton, for a Site Plan approval within a Planned Development–Office (PD-O) Zoning District for family dentistry offices located at Northwest corner of Park Place Blvd. and Chieftain Rd., being Lot 4A, Block A, Park Place Professional Center – Owner: Richard Trees, subject to Staff Comments. Councilman John Wray seconded, **All Ayes.**

Mayor Ron Wilkinson opened the Public Hearing on Zoning Amendment Request No. 2009-24: Request by Karl Crawley for a Specific Use Permit within a Light Industrial (LI) Zoning District for office and outside storage for Austin Bridge & Road located at I-35 near Solon Road on the West side of I-35, being Lot 1, Block A, 35.69 acres, E. Newton Survey, Abstract 790 and J. Shaver Survey, Abstract 1000-Owner: Austin International Ventures, Inc.

Mr. Karl Crawley, 900 Jackson Street, Dallas, Texas, requested renewal of the Specific Use Permit that was issued in September of 2007. Since the building permit was not applied for within six (6) months, the renewal of the Specific Use Permit is required. Mr. Crawley noted the permit will provide for an aggregate storage area, fuel depot and a trailer and heavy load vehicle repair.

There being no others to speak for or against Zoning Amendment Request No. 2009-24, Mayor Wilkinson closed the public hearing.

City Attorney Steve Chapman presented Ordinance No. 2536

ORDINANCE NO. 2536

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR 35.69 ACRES OF THE E. NEWTON SURVEY, ABSTRACT NO. 790 AND THE J. SHAVER SURVEY, ABSTRACT NO. 1000 TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF IH-35 NEAR SOLON ROAD, LIGHT INDUSTRIAL (LI) TO LIGHT INDUSTRIAL WITH SPECIFIC USE PERMIT (LI-SUP), FOR THE PURPOSE OF AN OFFICE AND OUTSIDE STORAGE, IN COMPLIANCE WITH EXHIBIT “A”, SUBJECT TO CERTAIN CONDITIONS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilman Chuck Beatty moved to approve Ordinance No. 2536 as presented. Mayor Pro Tem Buck Jordan seconded, **All Ayes.**

Mr. William Smith, 404 Mary Street, Arlington, Texas requested approval of the Preliminary Plat of Sandstone Ranch, located on east side of Brown Street (F.M. 813), being 66.6 acres in the Robert Russell Survey, Abstract No. 911 – Owner: Jimmy Morrow/Gra-Son Land (PLM 2009-06). He reported after several meetings with City Staff he feels they have a good product and noted he agrees with all of Staff Comments.

Planning Director Clyde Melick noted the Planning and Zoning Commission approved per Staff Comments.

Councilman Joe Jenkins moved to approve the Preliminary Plat of Sandstone Ranch, located on east side of Brown Street (F.M. 813), being 66.6 acres in the Robert Russell Survey, Abstract No. 911 – Owner: Jimmy Morrow/Gra-Son Land (PLM 2009-06), subject to Staff Comments. Councilman John Wray seconded, **All Ayes.**

Mayor Ron Wilkinson opened the Public Hearing to amend Section 34 of the City Zoning Ordinance No. 2265, as amended, relating to exterior construction regulations; providing criteria for applications and procedures for approval; establishing criteria for and procedures for exceptions to these requirements.

Planning Director Clyde Melick reported in 2007 the City adopted guidelines to bring in more of an aesthetical housing to the community. He noted over the past two (2) years the City has had approximately ten (10) meetings with developers and builders and out of those meetings the changes were agreed upon. Mr. Melick reported Front Covered Porches shall be required for seventy-five (75%) percent of all dwelling units. Garage structures are to be twenty-five (25') feet from front property lines and not be greater than fifty (50%) percent of total width of house if the width of the lot physically allows. Architectural elevations must be separated by two (2) distinguished house designs. The minimum number of design elements changed requiring six (6) out of fifteen (15) instead of four (4) out of eight (8).

Those who spoke against Zoning Ordinance No. 2265:

Mark Singleton, 125 Willowcrest, Waxahachie

There being no others to speak for or against Section 34 of the City Zoning Ordinance No. 2265, Mayor Wilkinson closed the Public Hearing.

After further discussion, Councilman John Wray moved to reopen the Public Hearing. Councilman Joe Jenkins seconded, All Ayes.

After a lengthy discussion, Councilman John Wray moved to continue the Public Hearing on Section 34 of the City Zoning Ordinance No. 2265, as amended, relating to exterior construction regulations; providing criteria for applications and procedures for approval; establishing criteria for and procedures for exceptions to these requirements to the City Council meeting of September 8, 2009. Councilman Joe Jenkins seconded, All Ayes.

Downtown Director Anita Williamson reported on the Main Street Program and Downtown activities and reported the Council received a written report and was available for any questions. City Manager Paul Stevens reported there is a lot of information in the booklet noting the Farmer's Market has been very successful this year. Councilman Joe Jenkins thanked Mrs. Williamson for the wonderful job she has done in our downtown area noting this is the heart of the City.

Director of Environmental Health, Sonny Wilson, reported bids for the Yard/Wood Waste Reduction were opened on Friday, July 31, 2009 at 10:00 a.m. The following bids were received:

GWC Wood Group	Bid: \$1.18 @ 19,000 = \$22,420
SMS Woodstone	Bid: \$.75 @ 19,000 = \$14,250 (SMS receives 50% of the material grinded)

Mr. Wilson noted after reviewing the bids received, SMS Woodstone would be the best for the City's needs.

Councilman John Wray moved to award the bid for Yard/Wood Waste Reduction to SMS Woodstone as presented. Councilman Chuck Beatty seconded,

The vote was as follows:

Ron Wilkinson	Yes
Buck Jordan	Absent

Chuck Beatty	Yes
John Wray	Yes
Joe Jenkins	Yes

The motion passed.

Director of Environmental Health, Sonny Wilson, reported bids for 860,000 garbage bags were opened Thursday, July 30, 2009 at 10:00 a.m. The following bids were received:

ABF Industries	\$98,900	
All American Poly	\$102,512	
Central Poly Corp.	\$74,992	
Dyna-Pak Co.	\$78,776	
Empire Paper Co.	\$88,322	
E Poly Star, Inc.	\$106,812	
Hogan's Paper Co.	\$89,440	
Interboro Packaging Corp.	\$109,048	Bid A
Interboro Packaging Corp.	\$85,656	Bid B
Interboro Packaging Corp.	\$74,304	Bid C
Interboro Packaging Corp.	\$59,856	Bid D
Interboro Packaging Corp.	\$37,496	Bid E
Jadcore Inc.	\$84,280	
Unipak Corp.	\$75,680	
Unisource	\$112,144	

Mr. Wilson recommended the bid be awarded to Central Poly Corporation for 860,000 garbage bags totaling \$74,992.00.

Councilman Joe Jenkins moved to award the bid to Central Poly Corporation for 860,000 garbage bags in the total amount of \$74,992.00 as presented. Councilman John Wray seconded, **All Ayes.**

Assistant City Manager Michael Scott reported for some time the Sports Complex has utilized a temporary drive across a privately-owned parcel onto Park Place Boulevard to help relieve some of the congestion of placing all traffic onto Broadhead Road. A price has been negotiated with the owner and it is suggested the City waive the park dedication fee on the entire 18.5 acre tract. The cash sum price for this parcel would be \$51,506.00. Mr. Scott reported the Waxahachie Community Development Corporation unanimously approved the purchase of this parcel and the remaining bond funds would be utilized for this purchase.

Councilman John Wray moved to approve purchase of the parcel of property, near the Sports Complex, in the amount of \$51,506.00 as presented. Councilman Joe Jenkins seconded, **All Ayes.**

Mr. Mike Tress, from the audience, announced he noticed on the agenda the Council will review the Municipal Judge duties in executive session. He reported he had encounters with the Judge and asked that she be terminated.

Public Works Director Jeff Chambers followed up on a request a citizen had to make a dedicated turn lane on Indian Drive beside Citizens National Bank. He noted the street is not wide enough for dedicated lanes.

COMMENTS BY MAYOR, CITY COUNCIL, CITY ATTORNEY AND CITY MANAGER

Councilman John Wray thanked Mr. Brian Ford for his participation in the Honorary Councilmember program.

Mayor Ron Wilkinson announced at 9:16 p.m. the City Council would convene into Executive Session to review the duties of the Municipal Judge as permitted by the Texas Government Code, Section 551.074.

City Council reconvened at 11:36 p.m.

Councilman John Wray moved to terminate the employment of Waxahachie Municipal Judge, Sylvia Beaver, effective immediately.

There being no second, the motion failed.

There being no further business, the meeting adjourned at 11:42 p.m.

Respectfully submitted,

Lori Saunders
City Secretary