

City Council
March 21, 2011

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 21, 2011, at 7:00 p.m.

Council Members Present: N.B. "Buck" Jordan, Mayor
John Wray, Mayor Pro Tem
Chuck Beatty, Councilman
Kevin Strength, Councilman
Mark Singleton, Councilman

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

Mayor Buck Jordan 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 March 7, 2011
- b. Minutes of the Planning & Zoning Commission meeting of March 9, 2011
- c. Minutes of the Park Board meeting of March 3, 2011
- d. Minutes of the Zoning Board of Adjustments meeting of February 28, 2011
- e. Minutes of the Heritage Preservation Commission meeting of February 10, 2011
- f. Minutes of the Mid-Way Regional Airport Board meeting of February 10, 2011
- g. Monthly Building Report for February 2011
- h. Monthly Violation Activity Statistics Report for February 2011
- i. Monthly Code Enforcement Report for February 2011
- j. Monthly Fire and EMS Report for February 2011
- k. Monthly Crime Report for February 2011
- l. Renewal of parking and loading zone lease spaces

Councilman Kevin Strength moved to approve Items a. through l. on the Consent Agenda.
Councilman Chuck Beatty seconded, **All Ayes.**

Mr. John Ed Justice, Justice Builders, reported Council recently approved a Specific Use Permit on an infill residential development for senior apartments. He requested a waiver of all impact fees that apply to the infill lot.

City Attorney Steve Chapman explained the city currently has an ordinance in place pertaining to impact fees and if Council wishes to waive fees the ordinance must be amended and passed by Council. He noted Council cannot waive impact fees on a case by case request.

Planning Director Clyde Melick explained the premise of the impact fees is to increase our capacity and to free money up in the budget to be applied to current roads. He reported total impact fees on Mr. Justice's senior apartments totals \$20,000.00.

City Manager Paul Stevens noted it is much cheaper for the city to waive fees for infill development as opposed to new development and explained if we come up with a way to waive impact fees in infill developments it won't be that much because most of them are going to be building where an existing house once was and where a home once was is already exempt from impact fees. He noted last year we had to raise the water and sewer rate and when new development comes in it does impact our citizens and we have to collect impact fees to make that work.

After further discussion the consensus of the Council was to have Staff and City Attorney bring back the impact fee ordinance amended for consideration.

Mayor Buck Jordan opened the Public Hearing on Zoning Amendment Request No. 2011-02: Request by Kenneth H. Mitchell, for a Zoning Amendment from Planned Development-Office (PD-O) to Planned Development-Office (PD-O) for an independent living development for senior citizens to be close to the clubhouses of Country Lane Seniors and The Grand Reserve Seniors located at corner of Highway 77 and Park Hills Drive, being Lot 1, Block A, Country Lane Addition – Owner: Kenneth H. Mitchell.

Planning Director announced Mr. Mitchell was not available and reported the applicant requests to swap land to have the independent living development closer to the clubhouse. He noted the development will have an indoor swimming pool and will be closer to the other amenities.

There being no others to speak for or against Zoning Amendment Request No. 2011-02, Mayor Jordan closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2606

ORDINANCE NO. 2606

AN ORDINANCE CHANGING THE ZONING ON 4.731 ACRES, JOHN HARRIS SURVEY, ABSTRACT 430, BEING LOT 1, BLOCK A, COUNTRY LANE ADDITION, SITUATED AT THE CORNER OF HIGHWAY 77 AND PARK HILLS DRIVE, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-OFFICE (PD-O) TO PLANNED DEVELOPMENT-OFFICE AND INDEPENDENT LIVING HOUSING (PD-O-ILH), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilman Kevin Strength moved to approve Ordinance No. 2606 as presented. Mayor Pro Tem John Wray seconded, **All Ayes.**

Mayor Buck Jordan opened the Public Hearing on an Ordinance amending the City of Waxahachie, Texas, Zoning Ordinance, Sections 14, 15, 16, Relating to Single Family Development, Section 36 Relating to Landscaping, Section 37 related to accessory buildings, and Section 43 related to signs, declaring an emergency and setting an effective date.

Planning Director Clyde Melick announced the Public Hearing was continued at the Planning and Zoning Commission meeting of March 9, 2011 and recommended it be continued at City Council. He noted a work session with City Council and the Planning and Zoning Commission is scheduled for March 23, 2011 to discuss the Section 43 related to signs.

Ms. Melinda Stephens, D.R. Horton Builders, reported their development can't be seen on Highway 77 and due to the requirements of where their signs are allowed, they can't be seen as well. She requested to place their signs in the median with a flag banner to advertise their development and location. She stated the kiosk signs are not effective.

Planning Director Clyde Melick noted D.R. Horton Builders have access to the kiosk signs that would direct a potential buyer to their development.

Council invited Ms. Stephens to the upcoming Council and Planning and Zoning Commission work session of Wednesday, March 23, 2011 at 4:30 p.m. in which review of the sign ordinance will be discussed.

Mayor Pro Tem John Wray moved to continue the Public Hearing on an Ordinance amending the City of Waxahachie, Texas, Zoning Ordinance, Sections 14, 15, 16, Relating to Single Family Development, Section 36 Relating to Landscaping, Section 37 related to accessory buildings, and Section 43 related to signs, declaring an emergency and setting an effective date. Councilman Mark Singleton seconded, **All Ayes.**

Mr. Luke Lugate, G. Fox Consulting, a lobbyist for the oil and gas industry, requested the Council endorse a letter in support of spending some of the Rainy Day Fund to State Representative Jim Pitts. He explained the letter thanks Mr. Pitts for using some of the Rainy Day Fund to address the budget shortfall in Texas and noted the letter reminds Mr. Pitts that the money in the Rainy Day Fund comes from oil and gas taxes.

Mayor Pro Tem John Wray noted he is not in favor of endorsing the letter and explained the use of the Rainy Day Fund is a political debate and should be handled at the Legislative level. He noted this is not an issue that the Council should be involved in.

After further discussion, the consensus of Council was to have Mr. Lugate re-draft the letter and send it to Staff for review and possibly revisit at the Council meeting of April 4, 2011.

Assistant City Manager Michael Scott noted he is representing the Education Foundation that he serves on locally, and announced the Foundation will hold its First Annual 2011 Legacy Run as a 5k and 1 mile fun run event in the community. He reported members of the Foundation met with City Staff and worked out the logistics to close one lane of traffic for the event. The event is scheduled for Saturday, October 8, 2011 from 7:30 a.m. until approximately 10:00 a.m. It will begin at Indian Drive, to Brown Street to Kirksey Street to Little Creek past Alexander to Ferris Avenue and back to Brown Street. Mr. Scott requested lane closure as described and noted TxDot has approved the lane closure on Brown Street.

Councilman Chuck Beatty moved to approve the street lane closures for the Education Foundation 5k run to be held on Saturday October 8, 2011 from 7:30 a.m. to approximately 10:00 a.m. as presented. Mayor Pro Tem John Wray seconded, **All Ayes.**

CITIZENS' PETITIONS AND REQUEST

Lieutenant Joe Wisner, Waxahachie Police Department introduced Mason Bird noting he is in the National Honor Society at Howard 8th Grade Center. Lieutenant Wisner noted Mason is traveling with the Police Department and was called over to attend the meeting tonight.

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

Councilman Chuck Beatty announced the Annual Housing Ownership program will kick off on April 9, 2011. History Maker Homes, Homes for Soldiers, etc. will participate in getting people qualified for housing. He noted currently the program is reaching out to local city, school and county employees and then will venture out to others.

City Manager Paul Stevens referred to the bouquet of Iris' in the Council Chamber and noted they were delivered by Mr. and Mrs. David Smith. Mr. Stevens noted the Iris is the city flower.

Councilman Mark Singleton invited everyone to the upcoming City Council and Planning and Zoning Commission work session on Wednesday, March 23, 2011 to discuss the sign ordinance.

Public Relations Manager Amy Hollywood announced the upcoming Grand Opening of Phase II of the Sports Complex will be held on Saturday, April 2, 2011. She announced the ceremony will began at 10:00 a.m.

There being no further business the meeting adjourned at 8:02 p.m.

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Respectfully submitted,

Lori Saunders
City Secretary