

City Council
June 5, 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 5, 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: Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Robert Brown, City Attorney
Lori Saunders, City Secretary
Darren Groth, Director of Planning

Others Absent: Paul Stevens, City Manager

Mayor Kevin Strength called the meeting to order and Mayor Pro Tem Mark Singleton gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

City Attorney Steve Chapman administered the Oaths of Office to Councilmembers Mary Lou Shipley and Chuck Beatty, and incoming City Attorney Robert Brown.

Mayor Strength presented outgoing City Attorney Steve Chapman a Certificate of Appreciation for his service to the City and announced Mr. Chapman's retirement party will be held Thursday, June 15th at the Civic Center.

Re-organize City Council:

Mayor Pro Tem Mark Singleton nominated Mr. Kevin Strength as Mayor. Councilmember Chuck Beatty seconded, All Ayes.

Mayor Strength nominated Mr. Mark Singleton as Mayor Pro Tem. Councilmember Chuck Beatty seconded, **All Ayes.**

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of May 15, 2017
- b. Minutes of the City Council work session of May 15, 2017
- c. Minutes of the regular Planning and Zoning Commission meeting of May 23, 2017
- d. Minutes of the Keep Waxahachie Beautiful meeting of May 16, 2017

- e. Minutes of the Senior Center Advisory Board meeting of May 17, 2017
- f. Budget amendment request by Downtown Development Department
- g. Budget amendment request by Water Meter Department
- h. Budget amendment request by Human Resources Department
- i. Budget amendment request by Utilities Department
- j. Budget amendment request by Parks Department
- k. Waxahachie Running Club 5th Annual Labor Day Triathlon and Duathlon
- l. Taxi Cab License
- m. Final Plat of Lots 1 and 2, Block 1, Sunset Hill, being a 2.003-acre addition in the H. Bigham Survey, Abstract 154, in the Extra Territorial Jurisdiction (ETJ) - Owner: SCOTT FAMILY HOLDINGS LTD CO (RP-17-0055)
- n. Water and Wastewater Treatment Chemicals bid renewal

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

Councilmember David Hill introduced Mr. Jimmy Mismash (for Councilmember Chuck Beatty) as Honorary Councilmember for the Month of June, 2017. He is the son of Jim and Carrie Mismash, and was born and raised in Waxahachie. He graduated fourth out of a class of 468 students at Waxahachie High School where in his time there he served as the Student Body President, Newspaper Editor-in-Chief, FFA President, Spanish National Honors Society President, Interact Club Vice President, Culture Club Vice President and held leadership positions in many others clubs as well. In addition to these, Jimmy was named one of ten Ford Leadership Scholars in the state of Texas, was the FFA Area 8 Vice President which leads over 15,000 students, and ran cross country. In academic UIL, Jimmy was the regional champion in both headline writing and editorial writing and went on to place 3rd in both events in the State UIL meet. While he is proud of his many accomplishments in high school, he is even more excited for what the future holds. Jimmy will attend the University of Texas at Austin, where he has been accepted into the Liberal Arts Honors program this fall with a major in Government and International Relations with a minor in Latin American and Spanish Studies. He was named a 2017 Terry Scholar at UT and will attend on a full-ride scholarship. In his free time he enjoys kayaking, hiking, serving the community, and hanging out with his close friends. He is also an active member of Christ the King Lutheran Church. And whenever possible he would love to talk politics. After college he will attend law school and later would like to be President of the United States, so don't forget to vote for Mismash in 2036.

Councilmember Beatty presented Mr. Mismash a Certificate of Appreciation for his participation in the Honorary Councilmember program.

Retired Police Chief Shehan, Texas Police Chiefs Association, representing the Texas Best Practices Recognition Program, presented Chief Goolsby, Waxahachie Police Department a Certificate of re-recognition for continuing to maintain the Texas Best Practices Recognition Program. He reported 4 years ago Waxahachie Police Department was one of the first police

departments recognized in the state and once again meets and/or exceeds the best practices standards. Chief Goolsby thanked Lieutenant Joe Wisner for his work on the project.

Mr. Boyd London, FirstSouthwest, reported bid results for \$25,390,000 General Obligation Refunding Bonds, Series 2017 came in under 3%. Savings for the General Obligation Refunding Bonds, Series 2017 totaled \$3,668,420. He presented Ordinance No. 2941:

ORDINANCE NO. 2941

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

Councilmember Mary Lou Shipley move to approve Ordinance No. 2941 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Boyd London, FirstSouthwest, reported bid results for \$5,505,000 Combination Tax and Revenue Certificates of Obligation, Series 2017 came in under 3%. He presented Ordinance No. 2942:

ORDINANCE NO. 2942

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

Councilmember David Hill move to approve Ordinance No. 2942 as presented.
Councilmember Chuck Beatty seconded, **All Ayes.**

Mr. Boyd London, FirstSouthwest, reported bid results for the Waxahachie Community Development \$17,900,000 Sales Tax Revenue Refunding Bonds, Series 2017 came in under 3%. Savings for the Sales Tax Revenue Refunding Bonds, Series 2017 totaled \$2,522,734. He presented Resolution No. 1227:

RESOLUTION NO. 1227

RESOLUTION APPROVING THE RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS BY THE WAXAHACHIE COMMUNITY CORPORATION

WHEREAS, Waxahachie Community Development Corporation (the "Corporation") was created under the auspices of the City of Waxahachie (the "City"); and

WHEREAS, the Corporation and the City have entered into a Sales Tax Remittance Agreement dated as of June 1, 1998 (the "Remittance Agreement"), pursuant to which the City agreed to collect an economic development sales and use tax approved by the voters of the City at an election held May 3, 1997 (the "Community Development Sales Tax"), which Community Development Sales Tax is pledged to bonds issued by the Corporation including, without limitation, the bonds hereinafter described; and

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted.

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

Section 1. The resolution (the "Resolution") adopted by the Corporation, in substantially the form and substance as attached to this Resolution and made a part hereof for all purposes, is hereby approved, and sales tax revenue refunding bonds in the principal amount of \$17,900,000 (the "Bonds"), may be issued for the purpose of refunding all of the outstanding Waxahachie Community Development Corporation Sales Tax Improvement and Refunding Revenue Bonds, Series 2007, maturing on and after August 1, 2017, currently outstanding in the aggregate principal amount of \$19,120,000; and the Resolution and the issuance of the Bonds for such purpose is hereby approved.

Section 2. The City hereby affirms its obligations under the Remittance Agreement to collect and transfer to the Corporation the Community Development Sales Tax for so long as the Bonds and any Additional Bonds (as defined in the Resolution) remain outstanding and unpaid.

Section 3. This Resolution shall be effective immediately upon its adoption.

Councilmember Chuck Beatty move to approve Resolution No. 1227 as presented.

Councilmember David Hill seconded, **All Ayes.**

Ms. Anita Brown, Downtown Development Director, requested street closure for Summer Moonlight movies and Trucks 'n Tunes. She requested the following street closures:

1. Request permission to close Franklin Street from Jackson to College for Summer Moonlight Movies. The street will be closed from approximately 5 pm to approximately 11 pm. Below is a list of movies and dates.

July 14th—MOANA

August 11th—HAIRSPRAY

In July we are planning some extra activities to go with the theme of the movie so I am also requesting closure of the 100 block of South College from approximately 1 pm to 10 pm. It will be opened back up as soon as the equipment is removed.

2. Request permission to close College Street from Main to Franklin for Trucks ‘n Tunes. The street will be closed from approximately 3 pm to 10 pm. The event goes from 5-9 pm and will be held on June 10th.

3. Request permission to close Jackson Street from Main to Jefferson and Franklin Street from College to Jackson for the C-10’s edition of Trucks ‘n Tunes to be held on September 16th. Streets will be closed from 11 pm Friday night to 10 pm Saturday night. Few businesses will be affected and they will be notified well in advance. Parking spaces on the east side of the courthouse will be coned off but street will remain open. See attached map.

Councilmember David Hill moved to approve street closures for summer activities as presented. Mayor Kevin Strength seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a Replat of Irwin Branch, a 14.6326-acre addition in the Extra Territorial Jurisdiction (ETJ) - Owner: VAUGHN DANLEY W (RP-17-0053).

Mr. Darren Groth, Director of Planning, presented a map depicting the property noting the items was denied at the Planning and Zoning Commission meeting. Applicant has since submitted revised drawings that satisfy most comments. The comments that remain outstanding, pertains to the width of the right-of-way at Marshall Road. The Applicant’s drawings need to show the width of the right-of-way, and property owner is responsible for providing half of the right-of-way. Mr. Groth recommended approval per staff comments.

Mr. Bobby Westbrook, Eagle 1 Real Estate LLC, Applicant stated the road depicts 40 feet and will provide half of the right-of-way. He stated a single family home is going on the property.

Surrounding residents Mr. Martin Johnson, 2953 Marshall Road, and Ms. Cheryl Wolf, 1001 Ovilla Road, expressed concern with flooding.

Mr. James Gaertner, City Engineer, stated residents in the area built burms causing water to not property flow. He noted state law depicts water has to allow flow to go through properties and clarified the area is not in a FEMA flood plain. Mr. Gaertner stated the city won’t review the building due to the location is in the county.

There being no others to speak for or against RP-17-0053, Mayor Strength closed the Public Hearing.

Councilmember David Hill moved to approve Replat of Irwin Branch, a 14.6326-acre addition in the Extra Territorial Jurisdiction (ETJ) - Owner: VAUGHN DANLEY W (RP-17-0053), subject to staff comments. Councilmember Mary Lou Shipley seconded, **All Ayes.**

Mayor Strength opened the 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).

Mr. Darren Groth, Director of Planning, stated this item was denied at the recent Planning and Zoning Commission meeting. The applicant appealed and request to continue to the Public Hearing to the City Council meeting of June 19, 2017.

Councilmember Chuck Beatty moved to continue Replat of Town Addition, Block 184, a 3.954-acre addition in the Town Addition subdivision - Owner: GRANTAVA HOLDINGS LLC (RP-17-0054) to the City Council meeting of June 19, 2017. Mayor Pro Tem Mark Singleton seconded, **All Ayes.**

Mayor Strength opened the Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from Two-Family Residential, Duplex (2F) and Multiple Family-2 (MF2) zoning districts to a Planned Development-Multiple Family-2 (PD-MF2), with Concept Plan for apartments located on Solon Road across the street from the WISD Transportation Center, being Property ID 175693 - Owner: SOLON 92 LTD (PD-17-0051).

Mr. Darren Groth, Director of Planning, presented a concept plan noting a detailed site plan will be completed very soon upon approval.

Mr. Chris Acker, Acker Construction, presented photos duplicating an apartment complex in Mansfield.

There being no others to speak for or against PD-17-0051, Mayor Strength closed the Public Hearing.

Mr. Groth presented Ordinance No. 2943:

ORDINANCE NO. 2943

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM TWO-FAMILY RESIDENTIAL, DUPLEX (2F) AND MULTIPLE FAMILY-2 (MF2) ZONING DISTRICTS TO A PLANNED DEVELOPMENT-MULTIPLE FAMILY-2 (PD-MF2), WITH CONCEPT PLAN IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 5.102 ACRES KNOWN AS BLOCK 5 OF THE SOLON PLACE PHASE TWO ADDITION (PROPERTY ID 175693), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGES

Councilmember Chuck Beatty moved to approve Ordinance No. 2943 as presented. Councilmember David Hill seconded, **All Ayes.**

Mr. Darren Groth, Director of Planning, presented Preliminary Plat of Ridge Crossing for 183 residential lots and 6 common areas, being 119.912 acres out of the William C. Tunnell Survey, Abstract Number 1080 – Owner: SHEPHERD PLACE HOMES INC (PP-17-0047). He reported this was brought to Council on May 15, 2017 and since then staff worked with applicant and addressed comments and much cleaner proposed Preliminary Plat. Mr. Groth recommended approval per staff comments.

Discussion was held at length pertaining to the east/west thoroughfare plan and connector roads north/south and construction of a bridge over the creek.

Mr. Joe Rust, 440 Gingerbread Lane, Waxahachie, Joe Rust Realty, stated his client has met all requirements and requested approval.

After further discussion, Councilmember Chuck Beatty moved to approve Preliminary Plat of Ridge Crossing for 183 residential lots and 6 common areas, being 119.912 acres out of the William C. Tunnell Survey, Abstract Number 1080 – Owner: SHEPHERD PLACE HOMES INC (PP-17-0047). Mayor Kevin Strength seconded. The vote was as follows:

Ayes: Kevin Strength
Chuck Beatty
David Hill

Noes: Mark Singleton
Mary Lou Shipley

The motion carried.

Chief Wade Goolsby presented Ordinance No. 2944 re-establishing classified positions under Civil Service. He stated this will convert one Lieutenant's position to the rank of Sergeant, thus creating 5 Lieutenants and 6 Sergeants balancing out the supervisory structure.

ORDINANCE NO. 2944

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2944 as presented.
Councilmember David Hill seconded, **All Ayes.**

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Mr. Kevin Ivey, 1980 E. Highland Road, Waxahachie, referenced PP-17-0047 and stated if Council had intentions of putting a bridge over the creek, they should build the bridge since money was spent to have it surveyed.

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

Mr. Michael Scott, Assistant City Manager, welcomed Honorary Councilmember Jimmy Mismash. He congratulated outgoing City Attorney Steve Chapman, welcomed City Attorney Robert Brown, and congratulated Councilmembers Mary Lou Shipley and Chuck Beatty.

City Council congratulated outgoing City Attorney Steve Chapman, welcomed City Attorney Robert Brown. They thanked Councilmember Jimmy Mismash for his attendance.

Mayor Strength asked everyone to keep City Manager Paul Stevens and his family in their prayers as they grieve the loss of his father.

Mayor Pro Tem Mark Singleton continued discussion on TMRS having a loss of 2 million dollars.

Mr. Steve Chapman thanked City Council and their support to the community.

Mr. Robert Brown thanked City Council for the opportunity serving as the new City Attorney.

There being no further business, the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Lori Saunders
City Secretary