

City Council
July 24, 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, July 24, 2017 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: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Robert Brown, City Attorney
Lori Saunders, City Secretary

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.

5. Public Comments:

None

6. Consent Agenda

- a. Minutes of the City Council meeting of July 10, 2017
- b. Minutes of the regular Planning and Zoning Commission meeting of July 11, 2017
- c. Minutes of the Firemen's Relief and Retirement Fund meeting of July 10, 2017
- d. Minutes of the Heritage Preservation Commission meeting of June 8, 2017
- e. Minutes of the Mid-Way Airport Board meetings of April 13, 2017 and July 13, 2017
- f. Monthly Building Reports for May and June 2017
- g. Monthly Code Enforcement Report for June 2017
- h. Monthly Crime Report for June 2017
- i. Monthly Fire and EMS Report for June 2017
- j. Monthly Violation Activity Statistics for June 2017
- k. Approve Budget Amendment Request from Utilities Department pertaining to Sokoll Water Treatment Plant
- l. Approve Budget Amendment Request from Utilities Department pertaining to Wastewater Treatment
- m. Backpack giveaway hosted by Two Amigos to be held August 6, 2017

- n. Waxahachie Classic & Custom Motorcycle and Scooter Show to be held September 23, 2017
- o. Termination of Service Agreement with ESD#6
- p. Set Public Hearings date of September 5, 2017 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by James R. Anderson for annexation of approximately 131.827 acres

Action:

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

7. Introduce Honorary Councilmember

Councilmember David Hill introduced Ms. Tabatha Dotson as the Honorary Councilmember for the month of July and presented her a Certificate of Appreciation for her participation in the Honorary Councilmember program.

8. Present Proclamation proclaiming Wednesday, July 26, 2017 as “Waxahachie Chautauqua Day”

Mayor Strength read a Proclamation proclaiming Wednesday, July 26, 2017 as “Waxahachie Chautauqua Day” and presented it to members of the Chautauqua Preservation Society.

9. Consider proposed Resolution authorizing James Hardie Building Products, Inc. as Half Designation of Enterprise Zone Project

Ms. Cassandra Carroll, Economic Development Coordinator, presented Resolution No. 1229 changing the designation for James Hardie from full enterprise project to a half enterprise project. She explained the City of Waxahachie previously passed Ordinance No. 2784, approving James Hardie to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in City Ordinance No. 2784.

RESOLUTION NO. 1229

A RESOLUTION REPEALING RESOLUTION NO. 1226 AND AUTHORIZING THE NOMINATION OF JAMES HARDIE BUILDING PRODUCTS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS A TEXAS STATE HALF ENTERPRISE PROJECT.

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1229 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 10. Consider request by David Hargrove, Legacy Grove Development, for a Preliminary Plat of Garden Valley Meadows, being 86 residential lots with 1 open space lot, on a 27.5447 acre tract of land situated in the J.B. and Ann Adams Survey, Abstract Number 5 - Owner: WP LEGACY LTD (PP-17-0077)**

Mr. Darren Groth, Director of Planning, reviewed staff comments in packet noting applicant has submitted revised preliminary plat. He recommended approval.

Discussion held – Mr. James Gaertner, City Engineer, stated the radius of alleys meet the NCTCOG minimum requirements.

Action:

After further discussion, Councilmember Chuck Beatty moved to approve request by David Hargrove, Legacy Grove Development, for a Preliminary Plat of Garden Valley Meadows, being 86 residential lots with 1 open space lot, on a 27.5447 acre tract of land situated in the J.B. and Ann Adams Survey, Abstract Number 5 - Owner: WP LEGACY LTD (PP-17-0077). Councilmember Mary Lou Shipley seconded, All Ayes.

- 11. Public Hearing on a request by Chris Acker, Acker Construction, for a Replat of a 0.2050 acre portion of Lot 1R in Block 214 of Town Addition - Owner: SOUTHFORK CAPITAL LLC (RP-17-0079)**

Mayor Strength opened the Public Hearing.

Mr. Groth reported this case was denied at the recent Planning and Zoning Commission meeting due to the request doesn't comply with the City's Subdivision Ordinance Section 1.5. He stated the applicant is petitioning a hardship waiver in accordance with Subdivision Ordinance Section 1.11. Under Section 1.11, the applicant is seeking a waiver of Subdivision Ordinance Section 2.7b requiring the replat to be signed and acknowledged by all affected property owners.

Councilmember Mary Lou Shipley recused herself from discussion and consideration on RP-17-0079 due to prior legal representation of party to litigation regarding ownership of subject property.

City Attorney Robert Brown stated he has no issues with the hardship waiver based on the information provided.

Attorney for the property owners stated the lots are in litigation with a law suit of trespass to claim. Attorney for the application stated the records at the title company have been corrected and survey completed reflecting actual lot boundaries.

Mr. Chris Acker, Applicant, 100 Honeysuckle Road, Midlothian, stated he will work out the title issue.

There being no others to speak for or against RP-17-0079, Mayor Strength closed the Public Hearing.

12. Consider approving RP-17-0079

Action:

Mayor Pro Tem Mark Singleton moved to approve a request by Chris Acker, Acker Construction, for a Replat of a 0.2050 acre portion of Lot 1R in Block 214 of Town Addition - Owner: SOUTHFORK CAPITAL LLC (RP-17-0079). Councilmember David Hill seconded. The vote was as follows:

*Ayes: Kevin Strength
Mark Singleton
Chuck Beatty
David Hill*

Abstain: Mary Lou Shipley

The motion carried.

13. Public Hearing on a request by Helen F. Reed, Helen's House, for a Zoning Change from a General Retail (GR) zoning district to Single Family-2 (SF2), located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: REED HELEN F (ZC-17-0070)

Mayor Strength opened the Public Hearing and announced the applicant wishes to continue the Public Hearing to the City Council meeting of August 21, 2017.

14. Consider proposed Ordinance approving ZC-17-0070

Action:

Mayor Pro Tem Mark Singleton moved to continue request by Helen F. Reed, Helen's House, for a Zoning Change from a General Retail (GR) zoning district to Single Family-2 (SF2), located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: REED HELEN F (ZC-17-0070) to the City Council meeting of August 21, 2017. Councilmember Chuck Beatty seconded, All Ayes.

15. Public Hearing on a request by Helen F. Reed, Helen's House, for a Specific Use Permit (SUP) to allow a Family Home (child care in place of residence) use within a Single Family-2 (SF2) zoning district, located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: REED HELEN F (SU-17-0071)

Mayor Strength opened the Public Hearing and announced the applicant wishes to continue the Public Hearing to the City Council meeting of August 21, 2017.

16. Consider proposed Ordinance approving SU-17-0071

Action:

Mayor Pro Tem Mark Singleton moved to continue a request by Helen F. Reed, Helen's House, for a Specific Use Permit (SUP) to allow a Family Home (child care in place of residence) use within a Single Family-2 (SF2) zoning district, located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: REED HELEN F (SU-17-0071) to the City Council meeting of August 21, 2017. Councilmember Mary Lou Shipley seconded, All Ayes.

- 17. Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-2 (SF2) zoning district to Planned Development-Single Family-2 (PD-SF2), with Concept Plan, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC – Owner: LOREN GRAY INVESTMENTS LLC. (PD-17-0076)**

Mayor Strength opened the Public Hearing.

Mr. Groth presented a site image of the property noting it is located along and accessed via Royal Street, North Hawkins Street, and Grace Street, all local streets. He reported the concept plan depicts 15 dwellings on 2.94 acres. Mr. Groth stated the applicant seeks permission to building residence with a maximum height of 45 feet. Staff's recommendation is to limit the height permissible in this Concept Plan to 28 feet. He noted the overwhelming majority of homes on the surrounding streets within 200 feet of the property are one-story homes. Mr. Groth recommended the minimum lot size be increased from the requested 3,800 square feet to 6,000 square feet. Staff recommends a minimum dwelling size of 1,200 square feet for all dwellings, which meets the City's SF-3 zoning standard. Staff recommended minimum landscaping standards be included in the Concept Plan. The applicant's minimum lot depth is slightly shallower than the shallowest lot within 200 feet of the property. Staff recommends keeping the proposed minimum lot dimensions.

Discussion held – Mayor Strength referenced the requested building height of 45 feet. Mr. Brad Yates, 108 Farley Street, Waxahachie, stated the height is from the base level to roof pitch. He stated they may have fewer dwellings when the lots are laid out. Mr. Yates requested approval waiving staff comments and staff recommendations.

There being no others to speak for or against PD-17-0076, Mayor Strength closed the Public Hearing.

- 18. Consider proposed Ordinance approving PD-17-0076**

City Manager Paul Stevens recommended waiving park dedication fee and impact fees. Council discussed waiving staff comments and recommendations.

ORDINANCE NO. 2950

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2), WITH CONCEPT PLAN LOCATED AT 500 ROYAL STREET IN THE CITY OF

WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.008 ACRES KNOWN AS LOTS 24A; 25; 26; 32 AND 33 OF THE FERRIS REVISED SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember David Hill moved to approve Ordinance No. 2950 waiving park dedication fees, impact fees, staff comments and staff recommendations. Mayor Pro Tem Mark Singleton seconded. The vote was as follows:

*Ayes: Kevin Strength
Mark Singleton
Chuck Beatty
David Hill*

Noes: Mary Lou Shipley

The motion carried.

19. Public Hearing on a request by Clyde Melick, Waxahachie ISD, for a Specific Use Permit (SUP) to allow a Portable Temporary Building use within a Single Family-2 (SF2) zoning district, located at 411 N Gibson, being 44-49 FERRIS ADMIN BLDG5.365 ACRES – Owner: WAXAHACHIE ISD (SU-17-0080)

Mayor Strength opened the Public Hearing.

Mr. Groth presented a location map noting the applicant seeks permission to install a temporary portable building for a period no longer than two (2) years.

There being no others to speak for or against SU-17-0080, Mayor Strength closed the Public Hearing.

20. Consider proposed Ordinance approving SU-17-0080

ORDINANCE NO. 2951

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A PORTABLE TEMPORARY BUILDING WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 411 N GIBSON STREET, BEING 5.365 ACRES KNOWN AS PROPERTY ID 193942 OF THE 44-49 FERRIS ADMINISTRATION BUILDING SUBDIVISION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 2951 as presented. Mayor Pro Tem Mark Singleton seconded, All Ayes.

Mayor Strength opened the following Public Hearings:

21. **Public Hearing on a request by Clyde Melick, Waxahachie ISD, for a Specific Use Permit (SUP) to allow an Electronic Message Sign use within Planned Development-105-General Retail and General Retail (PD-105-GR and GR) zoning districts, located at 1000 N Highway 77, being 393 J GOOCH HIGH SCHOOL 12.397 ACRES – Owner: WAXAHACHIE ISD (SU-17-0081)**
23. **Public Hearing on a request by Clyde Melick, Waxahachie ISD, for a Specific Use Permit (SUP) to allow an Electronic Message Sign use within a Single Family-3 (SF3) zoning district, located at 614 N Getzendaner, being 1& PT 3 BLK 1 & 3-4A-5 BLK 2 HI NOWLIN 48.226 AC TURNER LEARNING CENTER – Owner: WAXAHACHIE ISD (SU-17-0082)**
25. **Public Hearing on a request by Clyde Melick, Waxahachie ISD, for a Specific Use Permit (SUP) to allow an Electronic Message Sign use within a General Retail (GR) zoning district, located at 2401 Brown Street, being 911 R RUSSELL JR HIGH 35 ACRES – Owner: WAXAHACHIE ISD (SU-17-0083)**

Mr. Groth stated the applicant is Waxahachie Independent School District and request electronic message signs to be located at the High School, 1000 N. Highway 77; Turner Learning Center, 614 N. Getzendaner; and Finley Jr. High School, 2401 Brown Street.

There being no others to speak for or against SU-17-0081, SU-17-0082, and SU-17-0083, Mayor Strength closed the Public Hearing.

Mr. Groth presented the following Ordinances approving SU-17-0081, SU-17-0082, and SU-17-0083:

22. **Consider proposed Ordinance approving SU-17-0081**

ORDINANCE NO. 2952

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR AN ELECTRONIC MESSAGE SIGN WITHIN PLANNED DEVELOPMENT-105-GENERAL RETAIL AND GENERAL RETAIL (PD-105-GR AND GR) ZONING DISTRICTS, LOCATED AT 1000 N. HIGHWAY 77, BEING 12.397 ACRES KNOWN AS PROPERTY ID 193939 IN ABSTRACT NO. 393 OF THE J. GOOCH HIGH SCHOOL SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

24. **Consider proposed Ordinance approving SU-17-0082**

ORDINANCE NO. 2953

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR AN ELECTRONIC MESSAGE SIGN WITHIN A SINGLE FAMILY-3 (SF3) ZONING DISTRICT, LOCATED AT 614 N. GETZENDANER AVENUE, BEING 48.226 ACRES PROPERTY ID 193944 KNOWN AS LOT 1 & PART 3 BLOCK 1 & LOT 3-4A-5 BLOCK 2 OF THE H.I. NOWLIN SUBDIVISION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

- 26. Consider proposed Ordinance approving SU-17-0083**

ORDINANCE NO. 2954

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR AN ELECTRONIC MESSAGE SIGN WITHIN A SINGLE FAMILY-3 (SF3) ZONING DISTRICT, LOCATED AT 2401 BROWN STREET, BEING 35 ACRES KNOWN AS PROPERTY ID 193932 IN ABSTRACT NO. 911 OF THE R RUSSELL JR HIGH SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember David Hill moved to approve Ordinance No. 2952, Ordinance No. 2953, and Ordinance No. 2954 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 27. Consider the Broadhead Lift Station Engineering Service Agreement**

Mr. James Gaertner, City Engineer presented an Engineering Service Agreement between the City and Birkhoff, Hendricks, & Carter, L.L.P for the design and construction plan preparation for the Broadhead Lift Station Expansion project. He reported the current Broadhead Road Lift Station is at approximately ninety percent (90%) capacity. The Engineer's estimate of probable cost for the lift station expansion is \$873,000.

Action:

After further discussion, Councilmember David Hill moved to approve the Broadhead Lift Station Engineering Service Agreement as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 28. Consider approval of Right of Way acquisition by the Texas Department of Transportation for property needed for the Viaduct Project**

Mr. Paul Stevens, City Manager, spoke on the TxDot property acquisition for the viaduct project. He reported in speaking with representatives of Texas Land Professionals, there are 14 properties they are working to acquire and of those, six of the property owners have signed. They have agreements on several others and are awaiting signatures on those. One property is working with

TxDot on their architectural drawing and the agreement is moving forward. Approximately two properties will go to condemnation because the owner's counter offer far exceeds the appraisal and the other property owner prefers the condemnation process.

Action:

After further discussion Councilmember Chuck Beatty moved the approval of the Right of Way acquisition by the Texas Department of Transportation for property needed for the Viaduct Project. Councilmember Mary Lou Shipley seconded. The vote was as follows:

*Ayes: Kevin Strength
 Chuck Beatty
 David Hill
 Mary Lou Shipley*

Noes. Mark Singleton

The motion carried.

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

Council thanked Ms. Tabatha Dotson for participating as Honorary Councilmember.

Mr. Mark Singleton, Mayor Pro Tem, stated land right acquisitions by entities require a proper way of doing business with one another and Council needs to be more sensitive about it.

30. Adjourn

There being no further business, the meeting adjourned at 8:42 p.m.

Respectfully submitted,

Lori Saunders
City Secretary