

City Council
March 5, 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, March 5, 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.

City Manager Michael Scott introduced and welcomed Mr. Albert Lawrence as the new Assistant City Manager. He stated after a national search with over ninety applicants he hired Mr. Lawrence from Red Oak, Texas.

- 2. Invocation**
- 3. Pledge of Allegiance**
- 4. Texas Pledge of Allegiance**

Mr. Albert Lawrence, Assistant City Manager, gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

Mr. Kevin Ivy, 1980 East Highland Road, Waxahachie, expressed concern with the recent Ordinance adopting the replacement of 3 Tab Shingles. He stated growing up in the lumber industry thousands of 3 Tab Shingles were sold. Mr. Ivy stated he does understand that the new laminate shingles do withstand higher winds but is concerned that many homeowners cannot afford them noting City Council does not need to take away a citizen's choice of shingle.

6. Consent Agenda

- a. Minutes of the City Council meeting of February 19, 2018
- b. Minutes of the City Council Briefing Session of February 19, 2018
- c. Minutes of the regular Planning and Zoning Commission meeting of February 27, 2018
- d. Minutes of the Planning and Zoning Commission Briefing Session of February 27, 2018
- e. Minutes of the Firemen's Relief and Retirement Fund meeting of February 19, 2018
- f. Request by Clyde Hargrove, Bethany/Garden Valley, Ltd, for a Final Plat of Garden Valley West for 138 lots, being 22.707 acres out of J.B. & Ann Adams

Survey, Abstract 5 (Property ID 263936 and 261716) – Owner: WP LEGACY LTD (FP-18-0005)

Action:

Councilmember Chuck Beatty moved to approve items a. through f. on the Consent Agenda. Mayor Pro Tem Mark Singleton seconded, All Ayes.

7. Introduce Honorary Councilmember

Mayor Pro Tem Mark Singleton introduced Miss Sloane Smith as the Honorary Councilmember for the month of March 2018. She is the daughter of Jill Chapman and the granddaughter of Steve and Hilda Chapman. Sloane is a senior at Waxahachie High School and ranks in the top 10 of her class. Other activities include: serving as Copy Editor for the Media Staff; President of the National Honor Society; involved with Interact and serves as the International Understanding Chair; participation in several Academic UIL events and has advanced to Regional competition; Founder and President of the newly established Power to the People Club at Waxahachie High School; recruiting approximately 50 members to help raise funds to benefit community organizations; and, has enjoyed competing with Academic Decathlon for the past two years and is currently serving as President. Sloane has a passion for writing. She writes for the school newspaper and yearbook, has contributed articles to Ellis County Living Magazine, and entered a national competition for short stories. Sloane will pursue a degree in English and History, but has not yet committed to a specific university.

8. Present Proclamation proclaiming March 2018 as “March for Meals Awareness Month”

Mayor Strength read a Proclamation proclaiming March 2018 as “March for Meals Awareness Month” and presented it to Ms. Lisa Deese, Community Engagement Specialist, Meals on Wheels.

9. Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) to allow an Electronic Message Sign use within a Planned Development-General Retail (PD-GR) zoning district, located at 125 Park Place Blvd, being LOT 4A BLK A PARK PLACE PROFESSIONAL CENTER .6885 AC (Property ID 247587) – Owner: HOLTZ PROCUREMENT LTD (SU-18-0015)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the applicant seeks to replace and relocate an already existing sign on the property. He stated the request meets the Zoning and height Ordinance. Mr. Brooks stated he received a letter from a property within 200 feet noting they supported the sign and asked it be turned off from 10:00 p.m. to 6:00 a.m. He supported the request due to the location of the sign.

There being no others to speak for or against SU-18-0015, Mayor Strength closed the Public Hearing.

10. Consider proposed Ordinance approving Zoning Change No. SU-18-0015

ORDINANCE NO. 3005

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ELECTRONIC MESSAGE SIGN USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, LOCATED AT 125 PARK PLACE BLVD, BEING PROPERTY ID 247587, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4A, BLOCK A IN THE PARK PLACE PROFESSIONAL CENTER SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember David Hill moved to approve Ordinance No. 3005 as presented. Councilmember Chuck Beatty seconded, All Ayes.

11. Public Hearing on a request by Jeff Crannell, CCM Engineering, for an Amendment to Ordinance No. 2752 for the Camden Park Phases 1 and 2 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-18-0016)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to increase maximum lot coverage in Camden Park. Staff recommended approval.

There being no others to speak for or against PD-18-0016, Mayor Strength closed the Public Hearing.

12. Consider proposed Ordinance approving Zoning Change No. PD-18-0016

ORDINANCE NO. 3006

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), LOCATED IN THE CAMDEN PARK PHASES 1 AND 2 SUBDIVISION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 69.283 ACRES KNOWN AS THE CAMDEN PARK PHASES 1 AND 2 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. 3006 as presented. Councilmember David Hill seconded, All Ayes.

- 13. Public Hearing on a request by Steve Miller, Steve Miller Real Estate, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 415 W. Light Street, being LOT 1 BLK 13 BULLARD-REV 0.323 AC (Property ID 172392) - Owner: COLE DONALD I & PEGGY E REVOCABLE LIVING TRUST (PD-18-0007)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks a Planned Development with the intention to eventually replat the lot into two lots so the newly created lot can have a single family residence on it. Mr. Brooks stated the newly created lots would be smaller than the SF-3 zoning districts minimums and there would be a 12 foot Right-of-Way dedication required that would further reduce the size of the lots.

There being no others to speak for or against PD-18-0007, Mayor Strength closed the Public Hearing.

- 14. Consider proposed Ordinance approving Zoning Change No. PD-18-0007**

ORDINANCE NO. 3007

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH CONCEPT PLAN LOCATED AT 415 W. LIGHT STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.323 ACRES KNOWN AS PROPERTY ID 172392 OF THE BULLARD-REV 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. 3007 as presented. Mayor Kevin Strength seconded, All Ayes.

- 15. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 1201 Wyatt Street, being LOT A&B BLK 212 TOWN - WAXAHACHIE 0.572 AC (Property ID 171515) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0009)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant is seeking a Planned Development (PD) to allow for a replat of one lot into five lots to build single family residences. He stated the area is within the Infill Overlay and has historically been zoned for SF-3, but the lot sizes for SF-3 have changed over time, thus creating the need for the PD.

Mr. Chris Acker, applicant, 5100 Honeysuckle Road, Midlothian, Texas, stated he will build smaller homes that will support the surrounding neighborhood.

There being no others to speak for or against PD-18-0009, Mayor Strength closed the Public Hearing.

16. Consider proposed Ordinance approving Zoning Change No. PD-18-0009

ORDINANCE NO. 3008

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH CONCEPT PLAN LOCATED AT THE NORTHEAST CORNER OF WYATT STREET AND EAST ROSS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.572 ACRES KNOWN AS PROPERTY ID 171515 OF THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3008 and waiving the impact fees. Councilmember David Hill seconded, All Ayes.

17. Public Hearing on a request by Chris Acker, Southfork Capital LLC, for a Replat of Block 212 and a portion of Block 214 of Town Addition, to create Lots 1-4, Block 212, and Lot 3, Block 214, Town Addition, 0.7431 acres (Property ID 171515) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0010)

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the Replat is a companion case to Item 15 noting with the zoning approved and in place, he recommended approval.

There being no others to speak for or against RP-18-0010, Mayor Strength closed the Public Hearing.

18. Consider approving RP-18-0010

Action:

Mayor Pro Tem Mark Singleton moved to approve a request by Chris Acker, Southfork Capital LLC, for a Replat of Block 212 and a portion of Block 214 of Town Addition, to create Lots 1-4, Block 212, and Lot 3, Block 214, Town Addition, 0.7431 acres (Property ID 171515) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0010). Councilmember Chuck Beatty seconded, All Ayes.

19. Consider C-10's Car Show and Concert to be held September 15, 2018

Ms. Anita Brown, Downtown Development Director, reported this is the fourth year of the C-10's Car Show held at Getzendaner Park and second year to carry over to downtown. She stated the event coordinators will limit the event to 800 vehicles. Ms. Brown noted the bulk of the event will take place in Getzendaner Park and then gather downtown for an evening concert. She requested street closure on Jackson Street from Main to Jefferson from noon to 11:00 p.m. and Franklin Street from College to Jackson from noon to 11:00 p.m.

Action:

Councilmember David Hill moved to approve the C-10's Car Show and Concert to be held on September 15, 2018. Councilmember Chuck Beatty seconded, All Ayes.

20. Consider Rate Review Mechanism Tariff relating to Atmos Energy

Mr. Doug Barnes, Director of Economic Development, presented Ordinance No. 3009 noting the RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures the reduction in federal income tax rates from 35% to 21%, and should result in a rate reduction effective by mid-March 2018.

ORDINANCE NO. 3009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

Action:

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 3009 as presented. Councilmember Chuck Beatty seconded, All Ayes.

21. Discuss Food and Food Handlers Ordinance and take any necessary action

Mayor Strength announced Item 21 will be considered at a later date.

Action:

Mayor Pro Tem Mark Singleton moved to table Item 21 for further discussion. Councilmember David Hill seconded, All Ayes.

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

City Council welcomed Assistant City Manager Albert Lawrence and thanked Honorary Councilmember Sloane Smith for her attendance.

City Manager welcomed Mr. Lawrence and commended Mr. Chris Seale, Horticulturist, for the beautiful flowers around town.

Mayor Strength stated City Council has met some new staff members noting he is very excited about Mr. Scott's winning team.

Mayor Pro Tem Mark Singleton stated the flowers around town look great. He announced the WISD Superintendent decided to stay in Waxahachie. Mayor Pro Tem Singleton stated the Building Department is doing great with a 10 day turn-around of new plans. He noted the City Staff is strong and thanked fellow Councilmembers noting the city has a bright future that will challenge us.

Councilmember David Hill referenced the C-10's Car Show noting his son organizes the show for free bringing vehicles in from coast to coast with most being trailered in. He stated his son doesn't profit from the show and that his group collects food for the local food bank.

Attorney Robert Brown stated it is a privilege to have former City Attorney Steve Chapman in the audience.

23. Adjourn

There being no further business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary