

City Council
May 17, 2021

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, May 17, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Paul Box, 133 Spring Grove Drive, Waxahachie, thanked the city for their support with the annual Hachie 50 Event.

5. Consent Agenda

- a. Minutes of the City Council meeting of May 3, 2021
- b. Minutes of the City Council briefing of May 3, 2021
- c. Minutes of Special City Council meeting of May 11, 2021
- d. Application for Seasonal Vendor Permit at Lake Waxahachie
- e. Receive Fiscal Year 2021 2nd Quarter Financial Report
- f. Authorize Supplemental Appropriation funding the runoff election on June 5, 2021

Action:

Council Member Melissa Olson moved to approve items a. through f. on the Consent Agenda. Council Member Chuck Beatty seconded, All Ayes.

6. Present Proclamation proclaiming May 2021 as National Preservation Month

Mayor Hill read a proclamation proclaiming May 2021 as National Preservation Month and presented it to Downtown Development Director Anita Simpson. Ms. Simpson updated Council on the historic preservation program for the city and thanked them for their support.

7. Present Proclamation proclaiming May 16-22, 2021 as National Public Works Week

Mayor Hill read a proclamation proclaiming May 16-22, 2021 as National Public Works Week and presented it to Public Works and Engineering Director James Gaertner. Mr. Gaertner reviewed a presentation of his staff's role as first responders during inclement weather and showcased their involvement in the community noting we are all stronger together by working as a team.

8. Public Hearing on a request by Mikel J. Craig, Waxahachie ISD, for a renewal of Specific Use Permit (SUP) Ordinance 3116 located at 411 N. Gibson (Property ID 193942) - Owner: WAXAHACHIE ISD (ZDC-52-2021)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reviewed the case noting staff recommended approval with the following staff comment:

1. Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed, once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.

There being no others to speak for or against ZDC-52-2021, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-52-2021

ORDINANCE NO. 3271

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

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3271. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

10. Public Hearing on a request by Nora De Los Santos for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-2, with Concept Plan, located at 211 Cumberland (Property ID 172281) - Owner: NORA DE LOS SANTOS (ZDC-48-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting staff recommended approval with the following staff comments:

1. The carport will be allowed and the front yard setback for the proposed carport will be reduced to 10'. Any additional construction or improvement, whether it be to the primary structure, or an accessory use, will be the base SF-2 standard. Any deviation would require approval from City Council.
2. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

There being no others to speak for or against ZDC-48-2021, Mayor Hill closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-48-2021

ORDINANCE NO. 3272

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2), WITH SITE PLAN LOCATED AT 211 CUMBERLAND ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.244 ACRES KNOWN AS LOT 22, BLOCK 7 OF THE BELLEVUE ADDITION SUBDIVISION, HAVING PROPERTY ID 172281, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Doug Barnes moved to approve Ordinance No. 3272 with staff comments. Council Member Chuck Beatty seconded, All Ayes.

12. Continue Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)

Mayor Hill continued the Public Hearing.

Mr. Brooks presented the case noting staff recommended approval subject to the following comments:

1. All staff recommendations shall be completed prior to the applicant receiving an official Certificate of Occupancy.
2. The front portion of the property shall be concrete.
3. Staff suggests that any pavement added in the future be concrete.
4. 6ft. ornamental fencing with landscaping (per the City of Waxahachie Zoning Ordinance) should be provided along the front and side(s) of the property.
 - a. Landscaping shall be designed by a licensed Registered Landscape Architect and approved by the City.
5. All storage shall be palletized and stored in an orderly fashion.
6. Any outdoor storage/display at the front of the property may only be a single pallet high and shall be limited in amount in front of the current building. Any display located at the front of the property shall be on concrete.
7. Any storage in the rear of the property shall be screened from public view.

Mr. Rex Hamilton, 3505 Ronald Reagan Blvd., Jarrell, Texas, assured the Council all staff comments will be met prior to receiving a Certificate of Occupancy from the city.

There being no others to speak for or against ZDC-44-2021, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving ZDC-44-2021

ORDINANCE NO. 3273

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTDOOR STORAGE/OUTDOOR DISPLAY USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) ZONING DISTRICT, PROPERTY ID 194416, BEING ABSTRACT 790 OF THE E C NEWTON SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3273. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

14. Consider Development Agreement for ZDC-44-2021

Action:

Council Member Chuck Beatty moved to approve a Development Agreement for ZDC-44-2021. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

15. Public Hearing on a request by Sam Anderson, WCA Construction, for a Specific Use Permit (SUP) for Trailer and Heavy Load Vehicle Repair use within a Light Industrial-1 zoning district located at 2270 & 2290 Highway 287 Business (Property ID 180390 & Property ID 180394) - Owner: MYTI PROPERTIES, LLC (ZDC-49-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting staff recommended approval subject to the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the property.
2. Any additional pavement added to the site shall be concrete material.
3. The applicant shall provide a sidewalk connection to the adjacent property to the southeast (Parcel ID: 209983).
4. Ingress/egress for 18-wheeler trucks shall only be used along US Business 287 service road.
5. An additional landscape buffer shall be provided in along the front of the property (along US Business 287 service road).
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
6. Truck traffic exiting the facility shall be restricted to right turn only access onto US 287 Business. Trucks may not have egress from the site onto Ovilla Road. Left turns onto US 287 Business are not permitted for trucks exiting the facility. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.

There being no others to speak for or against ZDC-49-2021, Mayor Hill closed the Public Hearing.

16. Consider proposed Ordinance approving ZDC-49-2021

ORDINANCE NO. 3274

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TRAILER AND HEAVY LOAD VEHICLE REPAIR USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, PROPERTY ID 180390 & 180394, BEING ABSTRACT 101 OF THE E BELLOW SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3274 with the additional consideration that the caliper of the trees are comparable to those in the diagram presented with no less than 6 inch calipers. Council Member Chuck Beatty seconded, All Ayes.

17. Consider Development Agreement for ZDC-49-2021

Action:

Council Member Chuck Beatty moved to approve a Development Agreement for ZDC-49-2021. Council Member Doug Barnes seconded, All Ayes.

18. Continue Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

Mayor Hill continued the Public Hearing.

Mr. Brooks presented the case noting staff recommended approval subject to the following staff comments:

1. 60% of the residential development shall consist of four (4) lot types. The lot types and percentage breakdown shall reflect as follows:
Home Style Percentage: Contemporary 15%; Modern Farm 15%; Traditional 15%; & Tudor 15%.
The remaining 40% of the residential development shall be determined by the market.
2. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
3. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
4. 6ft. wrought iron fence shall be provided along the rear (west boundary) of the development.
5. 6ft. wood fence shall be provided along the North and South boundaries of the development.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, Texas, reviewed the proposed development plan noting more density was requested due to the additional improvements on the site. He explained he and

the owner have been working on this development for a long time and made improvements to the plan per the recommendation of the Planning & Zoning Commission. He explained the owner will sell 50% of the lots to allow for more variations of housing styles, there will be three times the required park space, and walkability within the development.

There being no others to speak for or against ZDC-35-2021, Mayor Hill closed the Public Hearing.

19. Consider proposed Ordinance approving ZDC-35-2021

Action:

Council Member Melissa Olson moved to deny ZDC-35-2021. Council Member Doug Barnes seconded, the vote was as follows: Ayes: David Hill, Chuck Beatty, Melissa Olson, and Doug Barnes. Noes: Mary Lou Shipley.

The motion carried.

20. Consider Development Agreement for ZDC-35-2021

Action:

Council Member Melissa Olson moved to deny a Development Agreement for ZDC-35-2021. Council Member Chuck Beatty seconded, All Ayes.

21. Consider authorization of a year Cooperative Purchasing Agreement, with option to automatic renew yearly, with the City of Hurst

Mr. Gaertner requested approval of an Interlocal Cooperation Agreement, with option to automatic renew yearly, with the City of Hurst. He explained this will provide an avenue by which each city may purchase goods and services from vendors who are authorized to do business in each city under existing and future contracts. This will allow both municipalities to leverage one another's buying power through the use of their competitively advertised contracts and also provides an option to expedite the overall purchasing process.

Action:

Council Member Doug Barnes moved to approve a Cooperative Purchasing Agreement, with option to automatic renew yearly, with the City of Hurst. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

22. Consider authorizing award for the pavement preservation of various projects with Andale Construction, as part of the cooperative purchase with the City of Hurst

Mr. Gaertner requested approval authorizing the award of a service contract to Andale Construction, Inc., associated with the high-density mineral bond seal for asphalt pavement preservation in the amount of \$121,697.63. He explained the seal will extend the life of asphalt roadways.

Action:

Council Member Chuck Beatty moved to approve award for the pavement preservation of various projects with Andale Construction, as part of the cooperative purchase with the City of Hurst in the amount of \$121,697.63. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

23. Consider authorization for professional services with O'Brien Engineering for the continuation of engineering design of erosion control measures along Waxahachie Creek

Mr. Gaertner requested approval authorizing professional services with O'Brien Engineering, Inc. for the continuation of erosion control measures along Waxahachie Creek in the amount of \$190,120.00. He explained erosion along this section of the creek has scoured soil from bridge abutments, piers, storm drain outfalls, and along the northern bank of the creek.

Action:

Council Member Melissa Olson moved to approve professional services with O'Brien Engineering for the continuation of engineering design of erosion control measures along Waxahachie Creek in the amount of \$190,120.00. Council Member Doug Barnes seconded, All Ayes.

24. Convene into Executive Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Secretary and Municipal Court Judge as permitted by Texas Government Code, Section 551.074

Mayor Hill announced at 7:45 p.m. the City Council would convene into Executive Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Secretary and Municipal Court Judge as permitted by Texas Government Code, Section 551.074.

25. Reconvene and take any necessary action

The meeting reconvened at 8:28 p.m.

City Manager Michael Scott announced City Secretary Lori Cartwright retired from the City of Waxahachie after 22 years of service and thanked her for her service. He noted a celebration for Ms. Cartwright is forthcoming as her health allows.

Action:

Mayor David Hill moved to appoint Amber Villarreal as City Secretary and authorize City Manager to set compensation. Council Member Chuck Beatty seconded, All Ayes.

City Secretary Amber Villarreal thanked City Management, City Staff, and City Council for their support.

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

Mayor Hill, City Council, and City Attorney congratulated Ms. Villarreal on her appointment.

Assistant City Manager Tommy Ludwig, Assistant City Manager Albert Lawrence, and Communications and Marketing Director Amy Borders congratulated Ms. Villarreal on her appointment.

City Manager Michael Scott congratulated Ms. Villarreal on her appointment. He commended Mr. Gaertner and his staff for all their hard work. He also thanked Finance Director Chad Tustison for his presentation on the city's financial report during the briefing.

27. Adjourn

There being no further business, the meeting adjourned at 8:38 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary