

City Council
July 15, 2019

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 15, 2019 at 7:00 p.m.

Council Members Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, 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

Mayor Pro Tem Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consent Agenda

- a. Minutes of the City Council meeting of July 1, 2019
- b. Minutes of the City Council briefing of July 1, 2019
- c. Renewal of Sodium Chlorite purchase and Chlorine Dioxide Generator Rental Agreements
- d. Approval of Supplemental Appropriation for Economic Development – Land
- e. Stop the Violence Festival to be held July 27, 2019

Action:

Councilmember Kevin Strength moved to approve items a. through e. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

5. Introduce Honorary Councilmember

Councilmember Kevin Strength introduced Anna Rodgers as the Honorary Councilmember for the month of July and presented her with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

6. Consider Resolution directing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2019

City Manager Michael Scott stated the Resolution is the first step of issuing the 2019 Certificates of Obligation noting the intention is to issue approximately \$31,525,000 totaling between Parks, Streets, and the Water and Wastewater fund. Staff recommended to approve.

Councilmember Melissa Olson asked what the City's current debt is. Finance Director Charles Harris referenced the audited financial statements as of September 30, 2018 noting the total outstanding principal for the General Fund is approximately \$59,000,000 and the Utility Fund is approximately \$37,000,000. He stated the total is approximately \$96,000,000.

Councilmember Olson asked if the City has done any G.O. Bonds versus C.O. Bonds in the past twenty years. Mr. Harris stated he doesn't know about 20 years but G.O. Bonds have not been issued in the past ten years. Councilmember Olson asked the advantage of a C.O. Bond versus a G.O. Bond. Mr. Harris explained the pledge of a G.O. Bond is the same pledge as a C.O. Bond noting the cost or interest is the same.

Councilmember Olson stated with the previously approved Resolutions to proceed with projects with the intent to issue debt, she asked if the city is able to change the timeline of projects and issue G.O. Bonds so people would have the ability to vote. Mr. Harris stated he doesn't know each department's timeline for funding.

RESOLUTION NO. 1274

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

Action:

Councilmember Kevin Strength moved to approve Resolution No. 1274 as presented. Mayor Pro Tem Mary Lou Shipley seconded. The vote was as follows:

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

Noes: Melissa Olson

The motion carried.

- 7. Continue Public Hearing on a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071)**

Mayor Hill continued the Public Hearing and announced the applicant requested to continue SU-19-0071 to the City Council meeting of August 5, 2019.

8. Consider proposed Ordinance approving SU-19-0071

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071) to the City Council meeting of August 5, 2019. Councilmember Chuck Beatty seconded, All Ayes.

9. Public Hearing on a request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) – Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reported the applicant proposes to divide one lot into two lots. He stated staff is currently working with the property owner and abutting property as well as the surveyor pertaining to the actual location of the property pins. He explained staff is working through the deed records with the surveyor. Mr. Brooks recommended approval adding the additional comment that the location of the property pins will be resolved through deed records.

Ms. Amber Hill, 413 Brown Street, Waxahachie, stated her property borders the proposed Replat and stated the current survey depicts her storage building on the neighbor's property. She noted the storage building was on the property when she purchased the property.

Mr. Brooks stated the City will establish the lot lines per the found property pins in the ground and the potential is Ms. Hill will have to move the fence or the storage building. Mr. Brooks stated he reviewed the survey Ms. Hill provided and reviewed the survey with the proposed plat and found the surveys were within inches of one another.

After further discussion and there being no others to speak for or against RP-19-0077, Mayor Hill closed the Public Hearing.

10. Consider approval of RP-19-0077

Action:

Councilmember Chuck Beatty moved to approve a request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) – Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

11. Continue Public Hearing on request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069)

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the applicant proposes to divide one lot into four lots. He stated the applicant is requesting a waiver of fire flow and several clerical issues will need to be corrected prior to filing the plat. Mr. Brooks recommended approval per staff comments.

There being no others to speak for or against RP-19-0069, Mayor Hill closed the Public Hearing.

12. Consider approval of RP-19-0069

Action:

Councilmember Melissa Olson moved to approve a request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069) subject to staff comments. Councilmember Kevin Strength seconded, All Ayes.

13. Consider request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) – Owner: HAYOUNG & LEE SANG HUH (SP-19-0070)

Mr. Brooks reported the Planned Development for this property depicts Site Plans have to be approved by City Council. He stated the applicant is proposing to construct an office building replacing the recently demolished carwash. Mr. Brooks stated all requirements have been met and recommended approval.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) – Owner: HAYOUNG & LEE SANG HUH (SP-19-0070). Councilmember Melissa Olson seconded, All Ayes.

14. Public Hearing on a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the proposed location is located within the Waxahachie Towne Crossing development. He stated the applicant has met the requirements for the building materials and required landscaping on site. Mr. Brooks stated staff is not opposed to the proposed use, but has concerns with the proposed location and explained based on the projected growth of the surrounding area, staff believes there is a higher and better use for the property.

Mr. Dallas Cothrum, Master Plan, 900 Jackson Street, Dallas, Texas, representing the applicant, stated the applicant meets the city requirements. He stated a sit down restaurant will not fit on the proposed site. He stated the applicant meets the building code.

Discussion was held. City Attorney Robert Brown stated Council can consider a Developer's Agreement depicting stipulations to the Specific Use Permit.

Those who spoke for SU-19-0078:

Mr. Kevin Ivy, 1980 East Highland Road, Waxahachie

There being no others to speak for or against SU-19-0078, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving SU-19-0078

PROPOSED ORDINANCE

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT (RESTAURANT) USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1740 N HIGHWAY 77, BEING LOT 3, BLOCK A OF THE WAXAHACHIE TOWNE CROSSING ADDITION, PROPERTY ID 263971, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

*Councilmember Melissa Olson moved to approve proposed Ordinance pending a Developer's Agreement to include required building materials and landscaping. **The motion died due to lack of second.***

Councilmember Chuck Beatty moved to deny a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078). Mayor Pro Tem Mary Lou Shipley seconded. The vote as was follows:

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

Noes: Melissa Olson

The motion carried.

16. Public Comments

None

17. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code

Mayor Hill announced at 8:02 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

18. Reconvene and take any necessary action

The meeting reconvened at 8:37 p.m.

Action:

None

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

City Attorney Robert Brown stated his office is looking into the recent Legislative changes and will keep the Council informed.

Director of Communications and Marketing Amy Borders announced the City has a new GIS map with all the Happy Hearts locations. She encouraged everyone to go onto social media for the map and stated the map is also on the Convention and Visitors Bureau's website.

20. Adjourn

There being no further business, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary