

City Council
August 19, 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, August 19, 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

Councilmember Kevin Strength 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 August 5, 2019
- b. Minutes of the City Council briefing of August 5, 2019
- c. Set City Council meeting of September 3, 2019
- d. Hispanic Heritage Kickoff Festival to be held September 14, 2019
- e. 5th Annual IOOF Lodge #80 Oddfest to be held October 5, 2019

Action:

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

5. Introduce Honorary Councilmember

Mayor Hill announced the Honorary Councilmember was unable to attend.

6. Consider request by William Jilbert for a Preliminary Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (PP-19-0092)

Planning Director Shon Brooks reported the applicant is taking one lot and dividing it into two lots. He stated the applicant has provided a letter from Rockett SUD that adequate service could be provided to the property noting adequate fire flow is also available. Mr. Brooks recommended approval.

Action:

Councilmember Kevin Strength moved to approve a request by William Jilbert for a Preliminary Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (PP-19-0092). Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 7. Consider request by William Jilbert for a Final Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (FP-19-0093)**

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a request by William Jilbert for a Final Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (FP-19-0093). Councilmember Kevin Strength seconded, All Ayes.

- 8. Public Hearing on a request by Chris Cooper, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-3 zoning district, located at 636 Oliver Lane (Property ID 230582) – Owner: JAIME MUNOZ (SU-19-0086)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant meets the requirements of the Zoning Ordinance and recommended approval.

There being no others to speak for or against SU-19-0086, Mayor Hill closed the Public Hearing.

- 9. Consider proposed Ordinance approving SU-19-0086**

ORDINANCE NO. 3127

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 636 OLIVER LANE, BEING PROPERTY ID 230582, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 18, BLOCK D IN CLIFT ESTATES PHASE II, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3127 as presented. Councilmember Kevin Strength seconded, All Ayes.

- 10. Public Hearing on a request by Jerimiah Read, Kosmos Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 210 Goodnight Lane (Property ID 232289) – Owner: GERALD CORNWELL (SU-19-0094)**

Mayor Hill opened the Public Hearing.

City Attorney Robert Brown stated Councilmember Melissa Olson has completed a Substantial Interest Affidavit and will excuse herself from the case.

{Councilmember Melissa Olson left the meeting}

Mr. Brooks reported the applicant meets the requirements of the Zoning Ordinance and recommended approval.

There being no others to speak for or against SU-19-0094, Mayor Hill closed the Public Hearing.

- 11. Consider proposed Ordinance approving SU-19-0094**

ORDINANCE NO. 3128

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 210 GOODNIGHT LANE, BEING PROPERTY ID 232289, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK 3 IN THE GARDEN VALLEY RANCH PHASE I SUBDIVISION, 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. 3128 as presented. Councilmember Chuck Beatty seconded. The vote was as follows:

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

Noes: None

Abstained: Melissa Olson

The motion carried.

{Councilmember Melissa Olson returned to the meeting}

- 12. Public Hearing on a request by Tracy Leonard, Razor Signs, for a Specific Use Permit (SUP) for Electronic Message Center use within a General Retail zoning district, located at 2471 Brown Street (Property ID 230757) – Owner: COLLEGE STREET CHURCH OF CHRIST (SU-19-0087)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting to construct a new electronic message ground monument sign to replace the existing ground monument sign. He stated the request meets the requirements of the Zoning Ordinance and recommended approval.

There being no others to speak for or against SU-19-0087, Mayor Hill closed the Public Hearing.

- 13. Consider proposed Ordinance approving SU-19-0087**

ORDINANCE NO. 3129

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ELECTRONIC MESSAGE SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 2471 BROWN STREET, BEING PROPERTY ID 230757, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, IN THE CHURCH OF CHRIST SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3129 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 14. Public Hearing on a request by Megan Silva, PE, Wantman Group, Inc., for a Specific Use Permit (SUP) for Outdoor Storage use within a Light Industrial-1 zoning district, located at 103 E. Sterrett (Property ID 209624) – Owner: MAGNABLEND INC. (SU-19-0091)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposes to store shingles to the exterior of an existing building. The applicant is proposing a water tower on the west side of the existing building and planting Arizona Cypress trees around the water tower that will be planted at 12 feet in height. Live Oak and Crepe Myrtle trees will be planted along IH35 frontage road, in addition to a six foot tall ornamental iron fence. Additionally, the applicant is proposing a six foot masonry wall directly adjacent to the materials stored. Staff recommended to deny based on the use.

Mr. Grayson Hughs, Wantman Group, Inc., 8144 Walnut Hill Lane, Dallas, representing the applicant, stated the water tank will be covered and not open air.

There being no others to speak for or against SU-19-0091, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving SU-19-0091

ORDINANCE NO. 3130

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTDOOR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED AT 103 E. STERRETT ROAD, BEING PROPERTY ID 209624, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, STERRETT INDUSTRIAL COMPLEX, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3130 as presented. Councilmember Melissa Olson seconded, All Ayes.

16. Continue Public Hearing on a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022)

Mayor Hill continued the Public Hearing and announced the applicant requested to continue PD-19-0022 to the City Council meeting of September 16, 2019.

17. Consider proposed Ordinance approving PD-19-0022

Action:

Councilmember Chuck Beatty moved to continue a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022) to the City Council meeting of September 16, 2019. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

18. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Single-Family Residential-2, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (ZC-19-0089)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZC-19-0089 to the City Council meeting of September 3, 2019.

19. Consider proposed Ordinance approving ZC-19-0089

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Single-Family Residential-2, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (ZC-19-0089) to the City Council meeting of September 3, 2019. Councilmember Chuck Beatty seconded, All Ayes.

20. Consider request by Mark Thedford, Akamai Designs, for a Preliminary Plat of Fountain Court Addition for 5 lots, being a 1.74 acre addition in the JB & A Adams Survey, Abstract 5 (Property ID 221873) – Owner: AKAMAI DESIGNS INC (PP-19-0090)

Mayor Hill announced the applicant requested to continue PP-19-0090 to the City Council meeting of September 3, 2019.

Action:

Councilmember Kevin Strength moved to continue a request by Mark Thedford, Akamai Designs, for a Preliminary Plat of Fountain Court Addition for 5 lots, being a 1.74 acre addition in the JB & A Adams Survey, Abstract 5 (Property ID 221873) – Owner: AKAMAI DESIGNS INC (PP-19-0090) to the City Council meeting of September 3, 2019. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

21. Consider proposed Resolution designating The Waxahachie Sun as the official newspaper for the City of Waxahachie

City Manager Michael Scott reported The Waxahachie Sun has been in business for a year and stated they meet the Texas Government Code criteria for becoming a published newspaper for the City. He stated The Waxahachie Sun is more focused on Waxahachie noting they attend the City Council meetings and report on city business. Discussion was held and Mr. Colten Crist, Waxahachie Daily Light and Mr. Scott Brooks, Waxahachie Sun spoke on behalf of their businesses. After further discussion, it was determined to consider the proposed Resolution at the City Council meeting of September 3, 2019.

Action:

Councilmember Chuck Beatty moved to continue consideration of proposed Resolution on designating The Waxahachie Sun as the official newspaper for the City of Waxahachie to the City Council meeting of September 3, 2019. Councilmember Kevin Strength seconded, All Ayes.

22. Consider proposed Ordinance ordering a special election on a proposed Home-Rule Charter Amendment; providing for the appointment of election officers; providing for the designation of the places and manner of holding said election; and providing for a contract for election services with Ellis County Elections Administration

Mr. Scott reported the proposed Charter amendment will provide designation of places on the ballot. City Attorney Robert Brown presented a second amendment pertaining to majority votes versus a plurality system. He explained a majority voting system to win (i.e., more than 50%) versus a plurality system (where the top vote getter wins). He stated the second version would require a runoff if no one candidate gets a majority of the votes cast. The tie-breaker language is standard.

ORDINANCE NO. 3131

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 5, 2019, FOR THE PURPOSE OF VOTING “YES” OR “NO” ON A PROPOSED HOME-RULE CHARTER AMENDMENT; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH ELLIS COUNTY ELECTIONS ADMINISTRATION; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3131 with changes reflecting the Majority version. Councilmember Chuck Beatty seconded. The vote was as follow:

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

Noes: Melissa Olson

The motion carried.

23. Public Comments

Mr. Alan Fox, 327 University, Waxahachie, referenced the proposed Resolution designating The Waxahachie Sun as the official newspaper and disagreed with The Waxahachie Sun reaching more people in Waxahachie than the Daily Light. He stated his wife works for the Daily Light for approximately 20 years and is now in charge of circulation and keeping the books. Mr. Fox stated his wife is a big part of Waxahachie.

Ms. Melinda Miller, 160 Old Bridge Road, Waxahachie, referenced case ZC-19-0089 noting Mr. Thedford, the applicant, has cut the berm and pulled up culverts and asked if he has the right to change the in-ground water controls. She stated at the Planning and Zoning Commission meeting it was understood Mr. Thedford was to have an engineering study. Ms. Miller stated Mr. Thedford is changing the environment and expressed concern where rain water runoff will go. She stated as part of Indian Hills, Mr. McDill designed a flood retention pond.

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, stated she is a big supporter of change and noted the biggest issue with The Waxahachie Sun is the 3rd party silent partner. Ms. Hedtke stated if the city is going to be involved with someone you need to know who you are dealing with. She suggested the city stay with the Daily Light.

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

Mayor Hill announced at 7:53 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.

25. Reconvene and take any necessary action

The meeting reconvened at 8:22 p.m.

Action:

None

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

City Manager Michael Scott provided City Council with the revised fiscal year 2019 year-end estimates and fiscal year 2020 budget and asked Council to contact him if they have any questions. He announced the first public hearing on the tax rate will be held on August 21st at noon.

27. Adjourn

There being no further business, the meeting adjourned at 8:23 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary