

City Council
May 20, 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, May 20, 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
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

Others Absent: Albert Lawrence, Assistant City Manager

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. Consent Agenda

- a. Minutes of the City Council meeting of May 6, 2019
- b. Minutes of the City Council briefing of May 6, 2019
- c. Minutes of the Special City Council meeting of May 13, 2019
- d. Budget amendment requested by Waxahachie Police Department
- e. Budget amendment requested by Municipal Court
- f. Request by UPRR to Close the Grand Avenue Crossing
- g. TIRZ Board recommendation for Funding Downtown WiFi Security System
- h. High School Graduation fireworks display hosted by WISD
- i. Request by Wes Dorrough, JH Development LLC, for a Final Plat of The Cove Phase 3 for 89 residential lots and 2 open space lots, being 26.170 acres situated in the Henry Sange Survey, Abstract 1009 and the Henri Levy Survey, Abstract 629 (Property ID 223031) - Owner: MORITZ INTERESTS LTD (FP-19-0049)

Action:

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

5. Introduce Honorary Councilmember

Councilmember Kevin Strength introduced Lily Lawler as Honorary Councilmember for the month of May 2019 and presented her with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

6. Present Proclamation proclaiming the first Saturday in September as “National Tailgating Day”

Mayor Hill read a Proclamation proclaiming the first Saturday in September as “National Tailgating Day”.

7. Present Certificate for 2019 National Main Street Accreditation

Ms. Anita Brown, Director of Downtown Development, reported the accreditation is based on the annual 10 Criteria report that she submits to the state Main Street program. Ms. Brown stated the City has received the National Main Street Accreditation award for thirteen years in a row.

8. Consider street closure for June 15th event downtown

Ms. Brown requested closing half of the 200 block of S. College Street from 7:00 a.m. to 6:00 p.m. to accommodate the grand opening celebration of Meat Church. Other activities will include the quarterly Junk in the Trunk event and an afternoon Sip’n Stroll.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve street closure for the June 15th event downtown as presented. Councilmember Kevin Strength seconded, All Ayes.

9. Public Hearing on a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 1, Americase Business Park, to create Lots 1A, 1B, 1C, and 1D, Americase Business Park, 10.71 acres (Property ID 273983) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0055)

Mayor Hill opened the Public Hearing and stated the applicant requested to continue their application to the City Council meeting of June 17, 2019.

10. Consider approving RP-19-0055

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on RP-19-0055 to the City Council meeting of June 17, 2019. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

11. Public Hearing on a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 4, Americase Business Park, to create Lots 4A and 4B, Americase Business Park, 6.06 acres (Property ID 273986) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0056)

Mayor Hill opened the Public Hearing and stated the applicant requested to continue their application to the City Council meeting of June 17, 2019.

12. Consider approving RP-19-0056

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on RP-19-0056 to the City Council meeting of June 17, 2019. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

13. Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses within a Planned Development-24-General Retail zoning district, located at 400 and 402 N Highway 77 (Property ID 180816 and 180826) – Owner: RICHARD A CHAPMAN & STEVEN F CHAPMAN (SU-19-0047)

Mayor Hill opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the applicant proposes a 7-Eleven community store with gasoline and diesel fuel sales. He stated the applicant will replace the existing fencing to the rear of the property with a masonry wall. Mr. Brooks stated the applicant seeks to provide 17% of glazing on windows versus the required 30% to 70%. Staff recommended approval.

There being no others to speak for or against SU-19-0047, Mayor Hill closed the Public Hearing.

14. Consider proposed Ordinance approving Zoning Change No. SU-19-0047

ORDINANCE NO. 3113

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH GASOLINE SALES USE WITHIN A PLANNED DEVELOPMENT-24-GENERAL RETAIL (PD-24-GR) ZONING DISTRICT, LOCATED AT 400 AND 402 N HIGHWAY 77, BEING PROPERTY ID 180816 AND 180826, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 148 WM BASKINS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3113 as presented. Councilmember Melissa Olson seconded, All Ayes.

15. Public Hearing on a request by James Seymour for a Replat of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050)

Mayor Hill opened Public Hearing.

Mr. Brooks stated the request meets the requirements of the Subdivision Ordinance and recommended approval.

There being no others to speak for or against RP-19-0050, Mayor Hill closed the Public Hearing.

16. Consider approving RP-19-0050

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a request by James Seymour for a Replat of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050. Councilmember Melissa Olson seconded, All Ayes.

17. Public Hearing on a request by Michael Evans, GSW Land Surveyors, for a Replat of a portion of Lots 3 and 4 and all of Lot 5, Block 14, West End, to create Lot 5R, Block 14, West End, 4.478 acres (Property ID 176761 and 176763) – Owner: CHRISTOPHER L GLEASON (RP-19-0051)

Mayor Hill opened the Public Hearing and stated the applicant requested to continue their application to the City Council meeting of June 17, 2019.

18. Consider approving RP-19-0051

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on RP-19-0051 to the City Council meeting of June 17, 2019. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

19. Consider request by Blain Vinson, SAP Properties LLC, for a Preliminary Plat of The Cottages on Cantrell for 73 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244351) – Owner: SAP PROPERTIES LLC (PP-19-0053)

Mr. Brooks reported the applicant proposes a 28' wide roadway noting a 30' wide roadway is required. He recommended approval subject to the applicant needing to change the roadway width to 30' from the current 28' that is depicted on the Preliminary Plat.

Action:

Councilmember Kevin Strength moved to approve a request by Blain Vinson, SAP Properties LLC, for a Preliminary Plat of The Cottages on Cantrell for 73 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244351) – Owner: SAP PROPERTIES LLC (PP-19-0053) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

20. Public Hearing on a request by Matthew Monteiro, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-3 zoning district, located at 208 Boardwalk (Property ID 239190) – Owner: LARRY & CAROL SKUZIE (SU-19-0052)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is in compliance with the location of the solar panels and recommended approval. He stated the City received one letter of opposition.

There being no others to speak for or against SU-19-0052, Mayor Hill closed the Public Hearing.

21. Consider proposed Ordinance approving Zoning Change No. SU-19-0052

ORDINANCE NO. 3114

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 208 BOARDWALK AVENUE, BEING PROPERTY ID 239190, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK 3 IN THE PARK PLACE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3114 as presented. Councilmember Chuck Beatty seconded, All Ayes.

22. Public Hearing on a request by Kelli Coash, TriSmart Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-1 zoning district, located at 243 Bent Creek Drive (Property ID 216561) – Owner: WESLEY & TAMARA SMALLWOOD (SU-19-0046)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is in compliance with the location of the solar panels and recommended approval.

There being no others to speak for or against SU-19-0046, Mayor Hill closed the Public Hearing.

23. Consider proposed Ordinance approving Zoning Change No. SU-19-0046

ORDINANCE NO. 3115

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 243 BENT CREEK DRIVE, BEING PROPERTY ID 216561, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK A IN THE BENT CREEK ESTATES 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. 3115 as presented. Councilmember Melissa Olson seconded, All Ayes.

- 24. Public Hearing on a request by Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for Portable Storage Structure or Temporary Building use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the temporary structure will house the Human Resources Department until the WISD Administration Building is able to move to a new property. He stated there is no plumbing associated with the temporary building. In addition, the applicant requested signage directing to the Human Resources building. Mr. Brooks stated the proposed Ordinance reflects after two years of occupancy, the applicant will be required to come back to Council to renew the Specific Use Permit.

There being no others to speak for or against SU-19-0045, Mayor Hill closed the Public Hearing.

- 25. Consider proposed Ordinance approving Zoning Change No. SU-19-0045**

ORDINANCE NO. 3116

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:

Councilmember Kevin Strength moved to approve Ordinance No. 3116 as presented. Councilmember Chuck Beatty seconded, All Ayes.

- 26. Public Hearing on a request by Randy Roden, Hope Clinic, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development-Office, with Concept Plan, located at 428 E. Jefferson (Property ID 171252) - Owner: PHINIS & ELIZABETH J MORGAN (PD-19-0044)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the proposed Planned Development (PD) is to approve additional administrative offices for the Hope Clinic. He stated there will not be patient traffic occurring at this location. Mr. Brooks explained the PD will depict if Hope Clinic vacates the property it can be used for residential or office use. Staff recommended approval.

There being no others to speak for or against PD-19-0044, Mayor Hill closed the Public Hearing.

27. Consider proposed Ordinance approving Zoning Change No. PD-19-0044

ORDINANCE NO. 3117

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT (PD), WITH CONCEPT PLAN LOCATED AT 428 E. JEFFERSON IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.275 ACRES KNOWN AS A PORTION OF PROPERTY ID 171252 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3117 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

28. Public Hearing on a request by Terry Weaver, Sterling Development Co., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M & M INVESTMENTS (SU-19-0048)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the outside storage would be at the rear of the property for the SUP and explained the applicant utilizes the rail spur for delivery of river rock and will store in concrete binds as a wholesaler to retail landscaping firms. Mr. Brooks stated, due to the site visible from IH35, Staff has a concern with approving the use of outside storage for the site. He noted river rock is already being stored onsite without approval of the SUP. Mr. Brooks recommended to deny due to the current illustrations of the site plan. He reported at the recent Planning and Zoning Commission meeting the Commission recommended to deny.

Mr. Scott Cribley, applicant, 12019 Nacogdoches Road, San Antonio, Texas, stated only the wall of the 6' concrete bins will be seen from IH35 noting the open side will face the rail. He stated the property owner has placed trees along IH35 and Sterrett Road for screening purposes.

Mr. Kevin Cribley, applicant, 22423 Fossil Ridge, San Antonio, Texas, stated the bins are 550 feet from IH35.

Mr. Christian Hunt, Yard Manager, 1300 Shawnee Road, Waxahachie, stated M & M Investments is only leasing 2.25 acres to the rear of the approximate 10 acres and therefore, are not responsible for screening to the front of the property.

Mr. Scott asked Mr. Hunt if river rock is being stored without a Specific Use Permit. Mr. Hunt stated river rock is being stored onsite.

Mr. Brooks referenced the Irvin Truck Center on IH35 and explained what was required of screening and landscaping noting that is Staff's expectation of the landscaping requirements along IH35.

Council held discussion and it was determined to send SU-19-0048 back to the Planning and Zoning Commission with new landscape information for consideration.

There being no others to speak for or against SU-19-0048, Mayor Hill closed the Public Hearing.

29. Consider proposed Ordinance approving Zoning Change No. SU-19-0048

Action:

Councilmember Chuck Beatty moved to send a request by Terry Weaver, Sterling Development Co., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M & M INVESTMENTS (SU-19-0048) back to the Planning and Zoning Commission meeting of June 11, 2019 for consideration. Councilmember Kevin Strength seconded, All Ayes.

30. Continue Public Hearing on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)

Mayor Hill continued the Public Hearing.

Mr. Brooks referenced an approved concept plan from 2018 and noted since that time the applicant removed the detention pond and they made more use of the improvements. He stated the detention pond, as originally proposed was an amenity with a walking trail and recommended a walking trail to the rear of the property along the rear of the residences. Mr. Brooks recommended approval subject to adding a walking trail as presented.

Mr. Richard Rozier, 4250 Black Champ Road, Midlothian, representing the applicant, explained the detention pond was not needed and therefore, it was replaced it additional retail. He stated the applicant added a 15' landscape buffer.

There being no others to speak for or against PD-19-0031, Mayor Hill closed the Public Hearing.

Council held discussion pertaining to the walking trail. It was determined to have a 6' to 8' walking trail made of crushed granite.

Mr. Tim Lyon, property owner, 450 Grand Road, Waxahachie, stated he would comply with the walking trail as described.

31. Consider proposed Ordinance approving Zoning Change No. PD-19-0031

ORDINANCE NO. 3118

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL-MIXED USE RESIDENTIAL (PD-GR-MUR) TO PLANNED DEVELOPMENT AMENDMENT (PD), LOCATED AT THE NORTHEAST CORNER OF US 287 BYPASS SERVICE ROAD AT FM 813 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 16.93 ACRES KNOWN AS A PORTION OF PROPERTY ID 227073 AND 138302 OF THE 911 R RUSSELL ABSTRACT, 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. 3118 subject to staff comments providing a granite walking trail being 6 feet to 8 feet wide. Councilmember Chuck Beatty seconded. The vote was as follows:

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

Noes: Melissa Olson

The motion carried.

32. Consider agreement and budget transfer for streaming services

Ms. Chelsey Gordon, Assistant to the City Manager, reported in early 2018 Council directed staff to stream the Council and Planning and Zoning meetings. She explained staff has been trying an in-house solution and have had several issues with the setup including the streaming platform, sound, and connectivity. Ms. Gordon recommended to utilize a third party company Swagit, to operate, broadcast, and stream City Council and Planning and Zoning Commission meetings. Swagit will install three (3) mounted cameras in the Council Chambers and tie into the City's preexisting audio system and control the meeting remotely from their office. An indexed video will be available to view on the City's website alongside a linked agenda which will allow the City to present a very professional streaming. Ms. Gordon stated the initial setup of the equipment costs \$44,896.00. She noted the annual service cost of \$18,420.00 includes up to 50 live streamed meetings throughout the year and up to 120 hours of additional specialty content per year. Ms. Gordon stated Swagit is a well-known company.

Councilmember Melissa Olson stated she is a big proponent of streaming but felt it is too expensive. She suggested to take the annual \$18,420.00 and hire a part-time person to assist with the live streaming.

Mr. Scott stated funding is available from savings associated with the life cycle management software. He stated the annual cost of \$18,420.00 would then be budgeted each year beginning with the fiscal year 2019-2020 budget.

Councilmember Chuck Beatty stated live streaming needs to be done professionally.

Councilmember Olson asked if all meetings can be live streamed. Mayor Hill stated streaming Council and the Planning and Zoning Commission will be a good start and if Council wishes to move forward with other Boards and Commissions they can revisit it in the future.

Action:

Councilmember Chuck Beatty moved to approve agreement between the City of Waxahachie and Swagit as presented. Councilmember Kevin Strength seconded. The vote was as follows:

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

Noes: Melissa Olson

The motion carried.

33. Convene into Executive Session to discuss the purchase or lease and value of real estate as permitted under Section 551.072 of the Texas Government Code

Mayor Hill announced at 8:31 p.m. the City Council would convene into Executive Session to discuss the purchase or lease and value of real estate as permitted under Section 551.072 of the Texas Government Code.

34. Reconvene and take any necessary action

The meeting reconvened at 8:44 p.m.

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the purchase of approximately 1.76 acres at 400 Cantrell, Waxahachie, Texas for a purchase price of \$90,000.00 plus any closing costs and authorizing the City Manager to execute all documents as necessary to facilitate the purchase. One half of the total purchase and closing costs will be funded through the Tax Increment Reinvestment Zone #1 as recommended by that Board. Councilmember Melissa Olson seconded, All Ayes.

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

City Councilmembers and staff congratulated Mayor David Hill on running his first Council meeting. Mayor Hill thanked everyone for their confidence in him noting he will continue to lean on the Council and City Manager to make the City successful.

City Manager Michael Scott announced on June 14, 2019 the North Central Texas Council of Governments will hold their annual general assembly luncheon and meeting. He asked the Council

to contact the City Secretary if they are interested in attending. Mr. Scott announced the joint work session with the WISD will be held on May 21, 2019 at the new WISD High School.

36. Adjourn

There being no further business, Mayor Pro Tem Mary Lou Shipley moved to adjourn at 8:34 p.m. Mayor David Hill seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary