

City Council
November 18, 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, November 18, 2019 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember

Councilmember Absent: Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Acting 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 Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Ira Tenpenny, 109 Rosa Street, expressed his concerns with alcohol sales at stores and restaurants in Waxahachie. He voiced his safety concerns with DUI's in our city.

Reverend Myron Goins, 111 Dunn Street, expressed his concern with the neglect of the east side of Waxahachie. He requested council take action with landlords who are not keeping their properties up to standard living conditions. He asked council to look into more efficient ways to transfer water service in utility billing.

Mr. Richard Morris, 206 Bluebonnet Lane, asked council to not use asphalt as a repair solution for streets and encouraged the use of concrete.

5. Consent Agenda

- a. Minutes of the City Council meeting of November 4, 2019
- b. Minutes of the City Council briefing of November 4, 2019
- c. Consider proposed Ordinance releasing certain designated Extraterritorial Jurisdiction comprising approximately 28.215 acres at the approximate address of 831 Interstate 35 Red Oak, Texas 75154

ORDINANCE NO. 3154

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, RELEASING CERTAIN DESIGNATED EXTRATERRITORIAL JURISDICTION COMPRISING APPROXIMATELY 28.215 ACRES AS DESCRIBED HERETO FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL MAP OF THE CITY OF WAXAHACHIE, TEXAS; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- d. Set Public Hearings date of January 6, 2020 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately +/- 110ac tract generally situated off of Farm to Market Road No. 877
- e. Consider Budget Adjustment to increase appropriations in the Water Fund for the costs of a damaged vehicle repair in the Utilities Department
- f. Consider Interlocal Agreement for Communications Site Agreement with Ellis County

Action:

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

6. Introduce Honorary Councilmember

Mayor Pro Tem Mary Lou Shipley presented Ms. Mia Charles a certificate of appreciation as the Honorary Councilmember for the month of November. Ms. Charles is a Senior at Waxahachie High School and will graduate in the top 11% of her class. Throughout high school she has earned 20 college hours on top of her required high school courses. She has participated in numerous clubs and organizations and is President of Interact Club and the president of TAFE (Texas Association of Future Educators). Outside of school Mia enjoys spending time with her parents, Joe and Gina, her little sister Nayeli, her older brothers Joey and Mikey, her sister-in-law Candice, and nephew Liam. She currently works part time at the YMCA as a child care attendant and is a Youth Peer Minister at her church.

7. Present Proclamation recognizing the 25th anniversary of The Dove's Nest

Mayor Hill read a proclamation recognizing the 25th anniversary of The Dove's Nest and presented it to owner Cindy Burch.

8. Present Proclamation proclaiming November 30, 2019 as "Small Business Saturday"

Mayor Hill read a proclamation proclaiming November 30, 2019 as "Small Business Saturday" and presented it to Chamber of Commerce President Sandy King and Waxahachie Downtown Merchant's Association Vice President Amber Caverly.

9. Canvass and accept votes of City Council Special Election held on November 5, 2019

Mayor Hill read the following results from the City of Waxahachie Special Election held on November 5, 2019:

Precincts Counted	17
Registered Voters	22,159
Ballots Cast	2,623
Voter Turnout	11.84%

Waxahachie City Prop A	
For	1,988
Against	601

Action:

Mayor Pro Tem Mary Lou Shipley moved to accept the votes of the City Council Special Election held on November 5, 2019 as presented. Councilmember Chuck Beatty seconded, All Ayes.

10. Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue SU-19-0133 to the January 6, 2020 City Council meeting.

11. Consider proposed Ordinance approving SU-19-0133

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133) to the January 6, 2020 City Council meeting. Councilmember Kevin Strength seconded, All Ayes.

12. Public Hearing on a request by Amanda Doty, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 403 Johnston Blvd (Property ID 174966) – Owner: GLYNNIE J & BILLY R STONE (SU-19-0129)

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant complies with city ordinances and staff recommended approval.

There being no others to speak for or against SU-19-0129, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving SU-19-0129

ORDINANCE NO. 3155

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 403 JOHNSTON BLVD, BEING PROPERTY ID 174966, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2 6 IN THE NORTHGATE #2 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3155. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

14. Public Hearing on a request by Brandon Edgley, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-3 zoning district, located at 128 Garden Grove Drive (Property ID 272737) – Owner: ROLAND F & MARSHA L MAHARRY (SU-19-0130)

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant complies with city ordinances and staff recommended approval.

There being no others to speak for or against SU-19-0130, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving SU-19-0130

ORDINANCE NO. 3156

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY 3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 128 GARDEN GROVE DRIVE, BEING PROPERTY ID 272737 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 23 BLOCK 4 IN THE GARDEN VALLEY WEST SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3156. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 16. Public Hearing on a request by Keri Blalock, My Own Power, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 305 Richmond Lane (Property ID 172239) – Owner: AVAMAE B & VAUGHN FRANKS (SU-19-0131)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant complies with city ordinances and staff recommended approval.

There being no others to speak for or against SU-19-0131, Mayor Hill closed the Public Hearing.

- 17. Consider proposed Ordinance approving SU-19-0131**

ORDINANCE NO. 3157

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 2 ZONING DISTRICT, LOCATED AT 305 RICHMOND LANE, BEING PROPERTY ID 172239, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 41, BLOCK 5 IN THE BELLE-VUE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3157. Councilmember Kevin Strength seconded, All Ayes.

- 18. Public Hearing on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0132)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reviewed the request to create a multi-family residential development within a Planned Development zoning district. The Planning & Zoning Commission approved the request with the following stipulations:

- A minimum of 70% masonry is required for each building within the development
- A minimum of one hundred detached garages shall be provided for the development
- An 8 foot masonry fence is required adjacent to the single family River Oaks subdivision. A 6 foot decorative ornamental iron fence is required along the remainder of the property (front, sides, and rear).
- Connectivity shall be provided to the adjacent hike/bike trail (Brown Singleton Trail.)

Mr. Brooks also reviewed the following additional variance requests from the applicant:

- Accessory structures such as garages and carports are allowed in front of primary structure.
- Structures taller than two stories are requested to be less than the 100 ft. setback.
- Trash enclosure is proposed in the building setback.
- Proposed 5:12 roof pitch along the sides of the building. A 7:12 roof pitch will be visible facing the ROW.

Mr. Brooks noted staff received 6 letters of opposition and one letter of support.

Ms. Emily Protine, Bonner Carrington, reviewed the overview of the company, updated site plan, and requested council approval.

Councilmember Kevin Strength expressed his concern with the 3 and 4 bedroom units proposed. He asked Ms. Protine to discuss reducing the number of 3 and 4 bedroom units with the Planning Director. Ms. Protine noted due to the state funding mechanism the units proposed couldn't be changed.

Reverend Myron Goins, 111 Dunn Street, expressed safety concerns for students due to the close proximity of the frontage road.

There being no others to speak for or against PD-19-0132, Mayor Hill closed the Public Hearing.

19. Consider proposed Ordinance approving PD-19-0132

Action:

Councilmember Kevin Strength moved to deny PD-19-0132. Councilmember Chuck Beatty seconded, All Ayes.

20. Consider Development Agreement for Cypress Creek Apartment Homes

No action taken.

21. Consider proposed Ordinance re-establishing classified positions under Civil Service

Police Chief Wade Goolsby requested approval of three additional School Resource Officers and one Sergeant. He explained approximately two years ago, the school district approached the police department and discussed the idea of having School Resource Officers who work in the schools full time. An interlocal agreement was developed where the school district would pay for the officer during the school weeks and the City would pay the officer during the summer and school holidays. If approved by council, the interlocal agreement would continue.

ORDINANCE NO. 3158

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3158. Councilmember Kevin Strength seconded, All Ayes.

22. Consider budget amendment request from Police Department for School Resource Officers

Action:

Councilmember Kevin Strength moved to approve a budget amendment request from the Police Department for School Resource Officers as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

23. Consider contract with Zuercher Solutions, Inc. for Computer Aided Dispatch (CAD) and records management system

Chief Goolsby requested approval of contract with Zuercher Solutions, Inc. for Computer Aided Dispatch and records management system. He explained the new system would greatly enhance our abilities to perform crime analysis, manage our information, and share information.

Action:

Councilmember Kevin Strength moved to approve a contract with Zuercher Solutions, Inc. for Computer Aided Dispatch (CAD) and records management system as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

24. Consider professional services contract with Freese and Nichols, Inc. for Roadway Impact Fee Update

Assistant City Manager Tommy Ludwig requested approval of a professional services contract with Freese and Nichols, Inc. for Roadway Impact Fee Update in the amount of \$75,500.00. He explained capital improvement plans must be updated at a minimum of every five years by State Law; the City's next update must be completed in FY 2020.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a professional services contract with Freese and Nichols, Inc. for Roadway Impact Fee Update in the amount of \$75,500.00. Councilmember Chuck Beatty seconded, All Ayes.

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

Assistant City Manager Albert Lawrence commended the Police Department on their daily actions in their profession. He thanked Chief Goolsby for the invitation to attend the Police Department's Awards Banquet.

Councilmember Chuck Beatty thanked Mia Charles for her attendance as Honorary Councilmember.

Mr. Scott thanked the Waxahachie Chamber of Commerce and their staff for hosting the WX Leaders Summit.

Mayor Pro Tem Mary Lou Shipley thanked Mia Charles for her participation. She also expressed her appreciation for our community, state, and country after her recent trip to a third world country.

City Attorney Robert Brown thanked Mia Charles for her participation and wished her well in her future.

Ms. Mia Charles thanked City Council for allowing her to serve as the Honorary Councilmember for November.

Mayor Hill asked for continued prayers for City Secretary Lori Cartwright.

26. Adjourn

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary