

City Council
March 1, 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, March 1, 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
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant 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

Pastor Dave Fortunato, God's House in Lone Elm, inquired about the meaning of buffer zone on his property notification he received.

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, thanked City Council for their work during the snowstorm and for opening up the convenience station to dump trash. He announced the Waxahachie Running Indians play in the regional semi-finals on Tuesday, March 2nd and wished them luck. He noted Emory Lakes has been in the process of being developed for many years as farmers have been selling their land to the development group. He encouraged citizens to stay in tune and requested alternate options to notify the public who are not on social media. Mr. Wright acknowledged one City Council candidate in the audience and encouraged all candidates to attend Planning & Zoning Commission meetings as well as City Council meetings.

5. Consent Agenda

- a. Minutes of the City Council meeting of February 15, 2021
- b. Minutes of the City Council briefing of February 15, 2021
- c. Minutes of the City Council meeting of February 18, 2021
- d. Minutes of the City Council briefing of February 18, 2021
- e. Minutes of the City Council meeting of February 22, 2021
- f. Minutes of the City Council briefing of February 22, 2021
- g. Event application for St. Jude Car Show on October 2, 2021
- h. Event application for 2021 Junk in the Trunk dates

- i. Authorizing Funding from Park Dedication Fees for Additional Costs Associated with Chapman Park and Lions Park Restrooms
- j. Ratify funding recommendations from TIRZ meeting of February 23, 2021

Action:

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

- 6. Consider request by Marshall Patton, KFM Engineering & Design, for a Plat of Buffalo Ridge, Phase 6, for 177 lots, being 55.5859 acres situated in the W Dunn Survey, Abstract 303, and the W Calder Survey, Abstract 235 (Property ID 264869) – Owner: GRBK EDGEWOOD LLC (SUB-4-2021)**

Planning Director Shon Brooks presented the case noting the applicant is requesting to plat the subject property into a sixth phase of the Buffalo Ridge subdivision. The applicant is also requesting a petition of relief waiver from City Council to allow for 10-foot utility easement setbacks instead of the 15-foot utility easement setbacks required in the Waxahachie Subdivision Ordinance. Staff recommended approval of the plat and approval of the petition of relief waiver.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a request by Marshall Patton, KFM Engineering & Design, for a Plat of Buffalo Ridge, Phase 6, for 177 lots, being 55.5859 acres situated in the W Dunn Survey, Abstract 303, and the W Calder Survey, Abstract 235 (Property ID 264869) – Owner: GRBK EDGEWOOD LLC (SUB-4-2021) and approve the petition of relief waiver. Council Member Melissa Olson seconded, All Ayes.

- 7. Consider request by Chad Crawford, Brittain and Crawford, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the JB & Ann Adams Survey, Abstract 5 (Property ID 242239) – Owner: GARDEN VALLEY APARTMENTS LLC (SUB-5-2021)**

Mr. Brooks presented the case noting the applicant is requesting to plat this property for continued multi-family use. The applicant is also requesting a petition of relief waiver from City Council to waive park land dedication fees for the subject property in the amount of \$85,200.00. Staff and the Planning and Zoning Commission recommended approval of the plat and denial of the petition of relief waiver. He noted staff worked with the applicant in 2017 on sewer capacity and other items to help get the multi-family property open.

Mr. Nic Balsamo, 1701 N. Market Street, Dallas, Texas, acknowledged the park land dedication fees were missed by the developer and is requesting the option to dedicate a portion of the detention pond, which will be beautified, as a portion of the park land dedication fees.

Mr. Scott noted the Subdivision Ordinance does not allow the use of a detention pond in lieu of fees and noted staff does not recommend approval of the offer to use the detention pond in lieu of fees.

Action:

Council Member Melissa Olson moved to approve a request by Chad Crawford, Brittain and Crawford, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the JB & Ann Adams Survey, Abstract 5 (Property ID 242239) – Owner: GARDEN VALLEY APARTMENTS LLC (SUB-5-2021) and deny petition of relief waiver. Council Member Doug Barnes seconded, All Ayes.

8. Public Hearing on a request by Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for the placement of solar panels on the rooftop elevation facing the front right-of-way. He explained staff recommended denial per Sec. 5.01 of the Zoning Ordinance, solar panels shall not be installed on rooftop elevations facing the front right-of-way.

Mr. Parry DuBois, Kosmos Solar, 6262 Castle Creek, Arlington, Texas, requested approval on behalf of the applicant noting the property is located in a cul-de-sac and the State of Texas keeps POA's or HOA's from restricting solar on the rooftop.

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, expressed his concern with setting a precedent if this exception to the Zoning Ordinance is approved.

There being no others to speak for or against ZDC-6-2021, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-6-2021

Action:

Council Member Doug Barnes moved to deny ZDC-6-2021. Council Member Chuck Beatty seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Doug Barnes. Noes: Melissa Olson.

The motion carried.

10. Public Hearing on a request by Islam Diab, ADTM Engineering & Construction Corp., for a Zoning Change from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)

Mayor Hill opened the Public Hearing and announced the Public Hearing will be continued to the March 15, 2021 City Council meeting.

11. Consider proposed Ordinance approving ZDC-186-2021

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Islam Diab, ADTM Engineering & Construction Corp., for a Zoning Change from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021) to the March 15, 2021 City Council Meeting. Council Member Chuck Beatty seconded, All Ayes.

12. Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021)

Mayor Hill opened the Public Hearing and announced the Public Hearing will be continued to the April 5, 2021 City Council meeting.

13. Consider proposed Ordinance approving ZDC-7-2021

Action:

Council Member Chuck Beatty moved to continue the Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021) to the April 5, 2021 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

14. Public Hearing on amending the guidelines and criteria (policy) for governing Economic Development

Mayor Hill opened the Public Hearing for amending the guidelines and criteria (policy) for governing Economic Development.

Economic Development Director Warren Kettelman requested approval of a resolution amending the guidelines and criteria (policy) for governing economic development incentives. He explained the Texas State Code requires that local governments review and renew their guidelines and criteria for governing Economic Development incentives every two years.

Ms. Kathy Cacer, 405 Brookside Road, Waxahachie, Texas, inquired about where the guidelines can be reviewed and Mayor Hill noted the city website has all the information. Ms. Cacer expressed her support for guidelines that address more support for single-family homes than apartments.

There being no others to speak for or against amending the guidelines and criteria (policy) for governing Economic Development, Mayor Hill closed the Public Hearing.

15. Consider proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development

RESOLUTION NO. 1304

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING A COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR GOVERNING ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING TAX ABATEMENT AGREEMENTS, WITHIN THE CITY OF WAXAHACHIE AND ITS EXTRATERRITORIAL JURISDICTION.

Action:

Council Member Doug Barnes moved to approve Resolution No. 1304 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

16. Consider proposed Resolution approving submission of a Staffing for Adequate Fire & Emergency Response (SAFER) Grant

Fire Chief Ricky Boyd requested approval of the proposed Resolution approving submission of a SAFER grant. He noted if awarded, the grant provides 100% of the eligible costs for all three years of the performance period for three additional firefighters.

Mayor Hill noted he appreciates the work that goes into applying for the grant.

RESOLUTION NO. 1305

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING SUBMISSION OF GRANT APPLICATION TITLED “STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE” TO THE ASSISTANCE TO FIREFIGHTERS (AFG) GRANT PROGRAM

Action:

Council Member Chuck Beatty moved to approve Resolution No. 1305 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

17. Consider proposed Ordinance amending Chapter 9, Section 9-3 and adding Section 9-27 Establishing a Fee Schedule for Cemetery Plots and Related Cemetery Fees, and Establishing Columbarium Niche Prices and approving Addition of Permanent Marker Rule

Parks and Recreation Director Gumaro Martinez requested approval of the proposed Ordinance approving updated cemetery fees for burial plots, cremation plots, establish columbarium niche pricing, and related cemetery fees. He explained an additional rule regarding permanent markers to be provided by the City Cemetery for graves that do not have a headstone after two years of interment and a \$500 non-resident fee is proposed. Staff and the Cemetery Board recommend approving the proposed Ordinance.

Mayor Hill confirmed staff reviewed pricing with neighboring cemeteries and Mr. Martinez noted the city fees were low and below market value prior to the proposed Ordinance.

ORDINANCE NO. 3526

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING AMENDMENTS TO CHAPTER 9, "CEMETERIES", BY AMENDING SECTION 9-3 THROUGH 9-26, AND ADDING SECTION 9-27, "CEMETERY FEES"; AUTHORIZING THE CITY CEMETERY TO SET A PERMANENT FLAT MARKER ON UNMARKED GRAVES; ESTABLISHING A SCHEDULE OF FEES FOR THE CITY CEMETERY; AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3526. Council Member Chuck Beatty seconded, All Ayes.

18. Consider authorizing professional engineering services with Plumber Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump Number 5 Capital Improvement Project

Utilities Director David Bailey requested approval authorizing professional services with Plummer Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump No. 5 in the amount of \$213,000.00. He noted the project is in the City's current Capital Improvement Plan with funding to be from the City's Water Impact Fee funds.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve professional engineering services with Plumber Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump Number 5 Capital Improvement Project in the amount of \$213,000. Council Member Doug Barnes seconded, All Ayes.

Mayor Hill thanked the Utilities Department for their work during the snowstorm.

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

Council Member Chuck Beatty thanked the Utilities Department for all their work.

City Manager Michael Scott noted the upcoming dates: April 13, 2021, midyear City Council Retreat; March 22, 2021 Joint City Council Work Session with Waxahachie Independent School District; March 2, 2021, Kinro Groundbreaking.

Mayor Pro Tem Mary Lou Shipley thanked all city employees for their work during the snowstorm.

Mayor David Hill announced the vaccination hub is continuing at the Waxahachie Senior Center and about 18,000 people have been vaccinated so far. He encouraged those who are eligible to sign up through Baylor Scott and White.

20. Adjourn

There being no further business, the meeting adjourned at 7:32 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary