

City Council
April 6, 2020

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, April 6, 2020 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Melissa Olson, Councilmember

Via Teleconference: Chuck Beatty, Councilmember
Kevin Strength, 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 Hill 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 March 16, 2020
- b. Minutes of the City Council Emergency meeting of March 25, 2020
- c. Waxahachie Community Development Corporation Finance Report for year ended September 30, 2019

Action:

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

5. Introduce Honorary Councilmember

None

6. Public Hearing on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-000025-2020 to the City Council meeting of April 20, 2020.

7. Consider proposed Ordinance approving ZDC-000025-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.

8. Public Hearing on a request by Reginald Coulsell for a Specific Use Permit (SUP) for a Private Stables use within a Planned Development-23-Single Family-1 zoning district located at 3910 Howard Road (Property ID 278236) – Owner: Crystal Taylor and Reginald Coulsell II (ZDC-000027-2020)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reported the applicant is requesting to amend Ordinance 3010 originally approved by City Council on April 2, 2018 to include the language “As long as the current owner (s) of the property maintain ownership, the SUP is not transferable to a new owner if no private stable is constructed before the property is sold”. Mr. Brooks stated staff received one letter of opposition.

Via telephone conference, Ms. Crystal Taylor, owner, was available for questions.

There being no others to speak for or against ZDC-000027-2020, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-000027-2020

ORDINANCE NO. 3180

AN AMENDMENT TO ORDINANCE NO. 3010 AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE STABLES USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF-1) ZONING DISTRICT, LOCATED NORTH OF HUNTER PASS ON FM 877, BEING PROPERTY ID 278236, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING AB FLUERY, ABSTRACT NO. 374, 17.329 ACRES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3180 as presented. Councilmember Kevin Strength seconded, All Ayes.

10. Public Hearing on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for a Portable Storage Structure or Temporary Building use within a Single Family-2 zoning district located at 411 N Gibson (Property ID 193942) – Owner: Waxahachie ISD (ZDC-000029-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant seeks to construct a portable temporary building to serve as office space for personnel similar to the temporary portable building that was approved in May of 2019. If the applicant is still occupying the building after two years, staff recommended the applicant come back to City Council to renew the Specific Use Permit.

There being no others to speak for or against ZDC-000029-2020, Mayor Hill closed the Public Hearing.

Via telephone conference, Mr. Jacob Perry, Waxahachie WISD, was available for questions.

11. Consider proposed Ordinance approving ZDC-000029-2020

ORDINANCE NO. 3181

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. 3181 as presented. Councilmember Chuck Beatty seconded, All Ayes.

12. Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)

Mayor Hill opened the Public Hearing.

A lengthy discussion was held and there was some confusion pertaining to the dedicated property proposed by Friendship Missionary Baptist Church. Director of Planning and Zoning, Mr. Shon Brooks, stated nine acres of dedicated land was approved at the Planning & Zoning Commission meeting; however, the church is now asking to dedicate less acreage in order to expand in the future.

Via telephone conference, Mr. Ricky Slaughter, Friendship Missionary Baptist Church, stated after the Planning and Zoning Commission meeting it was determined the church needed the extra space and proposed three acres.

Via telephone conference, Mr. Cody Crannell, CCM Engineer, was available for questions.

Via telephone conference those that spoke against ZDC-000017-2020:

Ms. Betty Square Coleman, 116 Bradshaw, Waxahachie

Mr. Brooks reported staff received five letters in opposition.

13. Consider proposed Ordinance approving ZDC-000017-2020

Action:

After further discussion, Councilmember Kevin Strength moved to continue Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020) to the City Council meeting of April 20, 2020. Councilmember Chuck Beatty seconded, All Ayes.

14. Consider Development Agreement for ZDC-000017-2020 located at the Northwest corner of Peters Street and Graham Street

Action:

Councilmember Melissa Olson moved to continue the Development Agreement for ZDC-000017-2020 located at the Northwest corner of Peters Street and Graham Street to the City Council meeting of April 20, 2020. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

15. Public Hearing on a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-000024-2020 to the City Council meeting of April 20, 2020.

16. Consider proposed Ordinance approving ZDC-000024-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.

17. Public Hearing on a request by Michael Westfall, Westfall Engineering, for Voluntary Annexation on approximately 98.740 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ANX-DNX-000011-2020)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ANX-DNX-000011-2020 to the City Council meeting of April 20, 2020.

18. Consider proposed Ordinance approving ANX-DNX-000011-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Michael Westfall, Westfall Engineering, for Voluntary Annexation on approximately 98.740 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ANX-DNX-000011-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.

19. Public Hearing on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-000022-2020 to the City Council meeting of April 20, 2020.

20. Consider proposed Ordinance approving ZDC-000022-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.

21. Consider approval of a request by David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space lots and incorporate into the adjacent single family lots along Garden Valley Parkway and to establish a 5 foot Wall Maintenance Easement, being 26.033 acres (Property ID 276333, 276354, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343, 276344, 276353, 276362, 276363, 276373, and 276372) – Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy (SUB-000016-2020)

Mr. Brooks reported the purpose of the replat is to eliminate the HOA open space lots which will be taken in by the adjacent homes, and establish a 5' wall easement along Garden Valley Parkway.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a request by David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space lots and incorporate into

the adjacent single family lots along Garden Valley Parkway and to establish a 5 foot Wall Maintenance Easement, being 26.033 acres (Property ID 276333, 276354, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343, 276344, 276353, 276362, 276363, 276373, and 276372) – Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy (SUB-000016-2020). Councilmember Melissa Olson seconded, All Ayes.

22. Consider resetting public hearings regarding consideration of revoking SUP of Oak Cliff Metals to May 12th Planning and Zoning Commission meeting and May 18th City Council meeting

City Manager Michael Scott requested City Council consider resetting the public hearings regarding consideration of revoking SUP of Oak Cliff Metals to the May 12th Planning and Zoning Commission meeting and the May 18th City Council meeting.

Action:

Mayor Pro Tem Mary Lou Shipley moved to reset the public hearings regarding consideration of revoking SUP of Oak Cliff Metals to the May 12th Planning and Zoning Commission meeting and the May 18th City Council meeting. Councilmember Kevin Strength seconded, All Ayes.

23. Consider a Supplemental Appropriation to the Wastewater fund for the purchase of a replacement vactor truck

Assistant City Manager Tommy Ludwig stated the truck is used in maintaining the sanitary sewer collection system for performing such functions cleaning and vacuuming sewer lines, and conducting hydro-excavations of water and sewer lines. He stated recently the Vac Truck was damaged and staff determined that the cost for repairing the truck is prohibitive based on its current value.

Action:

Councilmember Kevin Strength moved to approve a Supplemental Appropriation to the Wastewater fund for the purchase of a replacement vactor truck as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

24. Consider purchase of a vactor truck with CLS Equipment Co., Inc. through the HGAC Cooperative Pricing Program

Mr. Ludwig reported the department is requesting to accelerate the replacement of the Vac Truck to this fiscal year with a supplemental appropriation. Staff recommended purchasing a new Freightliner Vac-Con Sewer Truck through the HGAC Cooperative Purchasing Agreement for a total cost of \$379,100. Staff has identified savings in the amount of \$200,000 from the 4-Sand Filter Rehabilitations that will be used to offset the cost of this purchase. The supplemental appropriation will provide the difference, in the amount of \$179,000, needed for the purchase of the equipment.

Action:

Councilmember Melissa Olson moved to approve the purchase of a vactor truck with CLS Equipment Co., Inc. through the HGAC Cooperative Pricing Program as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

25. Consider a supplemental appropriation in the Building and Community Services Department for a request for proposal service agreement with Solid Waste Specialist LLC

Mr. Ludwig presented a service agreement with Solid Waste Specialist LLC in the amount of \$39,546. He stated the City's existing contract for solid waste recycling services expires on March 31, 2021 and as a result the City must re-advertise the service and review new proposals from interested firms. He stated Solid Waste Specialist LLC will manage the procurement process on behalf of the City.

Action:

Councilmember Kevin Strength moved to approve a supplemental appropriation in the Building and Community Services Department for a request for proposal service agreement with Solid Waste Specialist LLC as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

26. Consider proposed Resolution for temporary over hire of a firefighter position

Fire Chief Rick Boyd announced after 20 years of exceptional service, Captain Jon Wilson retired from the Waxahachie Fire-Rescue (WFR) on April 20, 2020 and explained the WFR has promotional openings in the ranks of Captain, Lieutenant (LT) and Pump Engineer (PE). Chief Boyd stated while the Captain position has been filled from the current Promotional List, they do not have such a list for LT and PE and the lists shall not be established until the middle of June to early July 2020.

Chief Boyd presented a Resolution to temporarily over hire one (1) person in the rank of FF until the LT and PE promotions are effectuated or a maximum of 120 days, whichever comes first.

RESOLUTION NO. 1282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING THE CITY MANAGER, WHEN A PROMOTIONAL VACANCY EXISTS OR OTHER NECESSARY CIRCUMSTANCES, TO OVERHIRE ENTRY LEVEL CIVIL SERVICE POSITIONS FOR WAXAHACHIE FIRE-RESCUE ("WFR").

Action:

Councilmember Melissa Olson moved to approve Resolution No. 1282. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

27. Consider proposed bid from Estes Electric for the purchase and installation of site and trail lighting at Lee Penn Park

Assistant City Manager Albert Lawrence presented a bid for services and authorizing an agreement with Estes Electric for the purchase and installation of lighting for the site surrounding the parking and playground area and along the football field side of the walking trail in Lee Penn Park. Mr. Lawrence recommended accepting a bid of \$137,883 and noting the available fund balance in the 2019 Certificate of Occupancy Park Bonds total \$592,000.

Action:

Mayor Pro Tem Mary Lou Shipley moved to award a bid to Estes Electric for the purchase and installation of site and trail lighting at Lee Penn Park as presented. Councilmember Kevin Strength seconded, All Ayes.

28. Consider proposed bid from The Nay Company for the Cemetery Pavilion

Mr. Lawrence requested approval of a bid of \$152,000 from The Nay Company for the construction of a pavilion in the Waxahachie City Cemetery. He explained this project will be funded by the Cemetery Maintenance Fund and explained it has a balance of over \$1,000,000. It is the intent of the Cemetery Board to sell niches in the Columbarium to recuperate the cost.

Action:

Councilmember Melissa Olson moved to award a bid to The Nay Company for the Cemetery Pavilion. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

29. Convene into Executive Session for consultation with attorney regarding consideration of ordinance repealing, amending and/or replacement of Amended Order of March 25, 2020 related to COVID-19 Emergency Declaration as permitted under Section 551.071, Texas Government Code

Mayor Hill announced at 8:12 p.m. the City Council would convene into Executive Session for consultation with attorney regarding consideration of ordinance repealing, amending and/or replacement of Amended Order of March 25, 2020 related to COVID-19 Emergency Declaration as permitted under Section 551.071, Texas Government Code.

30. Reconvene and take any necessary action

The meeting reconvened at 8:44 p.m.

City Manager Michael Scott stated the Ordinance that is being considered is repealing the Mayor's previous action of March 16, 2020 and replacing it with a new order that essentially follows GA14 issued by the governor on March 31, 2020. Mr. Scott stated it is in line with the Ellis County order that was issued last Friday and essentially pushes out the date through April 30, 2020 expiring at 11:59 p.m.

ORDINANCE NO. 3182

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY AND ENACTING REGULATIONS RELATED THERETO; MAKING FINDINGS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR

PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3182 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.

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

Assistant City Manager Albert Lawrence thanked Emergency Management Coordinator Thomas Griffith and Mayor Hill for working so hard during the epidemic.

City Manager Michael Scott thanked Mr. Griffith and his team, first responders and the medical care professionals that are on the front line. He stated Assistant City Manager Albert Lawrence has also spent a number of time and effort on the epidemic and thanked him.

Mayor Pro Tem Mary Lou Shipley stated the new Police Department that houses the Emergency Management Office has definitely been utilized and thanked Police Chief Goolsby for such a sophisticated design.

Councilmember Kevin Strength stated he continues to pray for the families affected by COVID-19. He announced he has a new granddaughter.

Councilmember Chuck Beatty stated he is adhering to the example of teleconferencing to air on the side of caution and chose to stay home.

32. Adjourn

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary