

City Council
January 16, 2018

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 Tuesday, January 16, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Mark Singleton, Mayor Pro Tem
Chuck Beatty, Councilmember
David Hill, Councilmember
Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant City Secretary

1. Call to Order

Mayor Kevin Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

William Wallace, 777 Broadhead Road, Waxahachie, introduced himself as a candidate for Ellis County District Judge 378th.

Theresa Peel, 710 Cantrell Street, Waxahachie, explained she has been working on helping the homeless people in Waxahachie and requested council table the proposed overnight camping ordinance.

James Bell, 106 Chapman Circle, Waxahachie, requested council table the proposed overnight camping ordinance until the Ellis County Local Homeless Coalition can present a solution to city council.

Bryan Coday, 100 Clemson Court, Waxahachie, requested working on a solution to alleviate the homeless problem in Ellis County.

Anita Barnes, 1601 Alexander Drive, Waxahachie, explained she works for the school district and sees the homeless issue on a daily basis with students.

C.D. Curry, 106 Pecan St., Waxahachie, voiced his concerns about the dust during the repair of College Street in front Boyce Feed and Grain, brush and trees blocking stop signs, and different streets in Waxahachie that need repair.

Melissa Olson, 202 Stampede, Waxahachie, stated being homeless shouldn't be a crime. She spoke in opposition of the proposed roofing material ordinance on the agenda.

Melissa Rawlins-963 El Camino, Waxahachie, explained she is Chairman of the Ellis County Local Homeless Coalition and her members are looking for ways to help the homeless issue in Ellis County.

6. Consent Agenda

- a. Minutes of the City Council meeting of December 18, 2017
- b. Minutes of the City Council Briefing Session of December 18, 2017
- c. Minutes of the regular Planning and Zoning Commission meeting of January 9, 2018
- d. Minutes of the Park Board meeting of January 4, 2018
- e. Minutes of the Cemetery Board meeting of January 4, 2018
- f. Minutes of the Heritage Preservation Commission meeting of December 14, 2017
- g. Monthly Code Enforcement Report for December 2017
- h. Monthly Violation Activity Statistics for December 2017
- i. Monthly Crime Report for December 2017
- j. Monthly Fire and EMS Report for December 2017
- k. Taxicab License Renewal
- l. Application for Texas Tree Climbing Competition to be held May 20, 2018
- m. Application for Sweethearts & Orphans Car Show to be held March 3, 2018
- n. Appointment to Boards and Commissions

Action:

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

7. Introduce Honorary Councilmember

Councilmember Mary Lou Shipley introduced Mason Yarbrough as the Honorary Councilmember for the month of January. Ms. Yarbrough is the daughter of Jeffrey and Tara and sister to Jackson & Garrett, and they are triplets. She is Waxahachie High School's Student Body President, Varsity Cheer Captain, and Media Staff Editor in Chief. Mason enjoys hiking, camping, finding new music, trying new foods, and spending time with her close friends and family. In the fall, Mason will attend the University of Texas at Austin and major in advertising.

8. Presentation of Texas Downtown Association "Best Marketing Campaign" Award

Amy Borders, Director of Communications and Marketing, announced in November the City of Waxahachie was presented the award for "Best Marketing Campaign" by the Texas Downtown Association for its "A Place in Your Heart" campaign. She recognized city staff and thanked council for their support. Downtown Development Director Anita Brown noted Waxahachie won this award in 2012 and both times the city was not considered a finalist but the outright winner.

9. Present 2017 Farmer's Market Year End Report

Ms. Anita Brown, Downtown Development Director, presented the 2017 Farmer's Market Year End Report noting the 2017 season total was \$152,659.04. She explained the market is continuing to improve and grow each year.

10. Consider Street closures for 2018 Junk in the Trunk events

Ms. Brown requested permission to close Franklin Street from College to Jackson and close College Street from Main to Franklin from 7 a.m. – 2 p.m. for the 2018 Junk in the Trunk events on March 10th, June 9th, September 8th, and November 17th.

Action:

Mayor Pro Tem Mark Singleton moved to approve street closures for the 2018 Junk in the Trunk events as requested. Councilmember Mary Lou Shipley seconded, All Ayes.

11. Consider request by Nathan Petty, Americas Storage, for a Preliminary Plat of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey, Abstract No. 1002 (Property ID 191086 and 191095) – Owner: DIMSDLE GREG & PAULA (PP-17-0149)

Planning Director Shon Brooks reported staff recommends approval of the preliminary plat on the condition that the property will have to temporarily connect to Rockett water until the city extends its water line that far.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Nathan Petty, Americas Storage, for a Preliminary Plat of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey, Abstract No. 1002 (Property ID 191086 and 191095) – Owner: DIMSDLE GREG & PAULA (PP-17-0149). Councilmember David Hill seconded, All Ayes.

12. Consider Landscape Plan for Americas Storage as a companion to PP-17-0149 – Owner: DIMSDLE GREG & PAULA

Mr. Brooks reported the applicant did preserve an existing tree and added crape myrtle trees to the entrance as requested by the Planning and Zoning Commission.

Action:

Mayor Pro Tem Singleton moved to approve a Landscape Plan for Americas Storage as a companion to PP-17-0149 – Owner: DIMSDLE GREG & PAULA. Councilmember Chuck Beatty seconded, All Ayes.

13. Consider request by Terry Weaver, JHDMC, LLC, for a Preliminary Plat of Sheppard's Place for 260 residential lots and 5 open space lots, being 79.664 acres in the E. Horton Survey, Abstract No. 466 (Property ID 185243) – Owner: SHEPHERD PLACE HOMES INC (PP-17-0157)

Mr. Brooks noted staff recommends approval per the following comments:

1. There remain outstanding questions about how the park land dedication is to be handled. The City would prefer to see the applicant amenitized the open space and maintain it via the HOA, with the proposed reversion clause. At this point, the applicant's legal team is drafting the proposed reversion clause for the City's legal team to review. If an agreement cannot be reached, applicant is responsible for **\$106,000.00** in park land dedication fees (fees revised from Staff Comments to account for additional residential lots proposed in the resubmittal).
2. A landscape plan is required but was not submitted. The landscape plan will need to be submitted and will be presented before the Planning & Zoning Commission and City Council for approval when it is submitted.
3. Please make the necessary corrections on the plat drawings' measurements.
4. The City requires a 54' ROW for residential streets. Adjustments will need to be made to the plat.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Terry Weaver, JHDMC, LLC, for a Preliminary Plat of Sheppard's Place for 260 residential lots and 5 open space lots, being 79.664 acres in the E. Horton Survey, Abstract No. 466 (Property ID 185243) – Owner: SHEPHERD PLACE HOMES INC (PP-17-0157). Councilmember David Hill seconded, All Ayes.

14. Consider Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: SHEPHERD PLACE HOMES INC

Mr. Brooks presented the landscape plan noting it meets the city's requirements.

Action:

Councilmember David Hill moved to approve a Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: SHEPHERD PLACE HOMES INC. Councilmember Mary Lou Shipley seconded, All Ayes.

15. Consider request by Jamie Isaguirre for a Final Plat of Isaguirre Addition for 2 lots, being 14.859 acres in the James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244 (Property ID 183251) in the Extra Territorial Jurisdiction – Owner: ISAGUIRRE ALFONSO (FP-17-0163)

Mr. Brooks presented the final plat and stated FP-17-0163 was denied at the Planning and Zoning meeting of January 9, 2018 due to lack of fire protection to the property.

Action:

Mayor Kevin Strength moved to approve a request by Jamie Isaguirre for a Final Plat of Isaguirre Addition for 2 lots, being 14.859 acres in the James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244 (Property ID 183251) in the Extra Territorial Jurisdiction – Owner: ISAGUIRRE ALFONSO (FP-17-0163). Councilmember David Hill seconded, All Ayes.

16. Public Hearing on a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2287, as amended, to Sections 31.A.1 through 31.A.9, to update said sections of the Zoning Ordinance, relating to the Historic Overlay District, and establishing rules relating to historic structures (TA-17-0164)

Mayor Strength opened the Public Hearing and announced the Planning and Zoning Commission moved to continue TA-17-0164 to their meeting of January 23, 2018.

17. Consider proposed Ordinance approving Zoning Change No. TA-17-0164

Action:

Mayor Pro Tem Mark Singleton moved to continue a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2287, as amended, to Sections 31.A.1 through 31.A.9, to update said sections of the Zoning Ordinance, relating to the Historic Overlay District, and establishing rules relating to historic structures (TA-17-0164) to the City Council meeting of February 5, 2018. Councilmember Chuck Beatty seconded, All Ayes.

18. Public Hearing on a request by the City of Waxahachie for a textual change to Section 34.2(B)(3) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding roof materials for single family and duplex structures (TA-17-0166)

Mayor Strength opened the Public Hearing.

Those who spoke against:

Kevin Ivey, 1980 E. Highland Rd., Waxahachie
Melissa Olson, 202 Stampede, Waxahachie

Those who spoke in favor:

Steve Rainey, owner of Synergy Roofing

Mayor Strength explained the proposed ordinance will protect homeowners noting it's important for the city to have high building standards. Mayor Pro Tem Singleton concurred.

There being no others to speak for or against TA-17-0166, Mayor Strength closed the Public Hearing.

19. Consider proposed Ordinance approving Zoning Change No. TA-17-0166

ORDINANCE NO. 2995

AN ORDINANCE AUTHORIZING A TEXTUAL CHANGE TO SECTION 34.2 OF THE CITY OF WAXAHACHIE ZONING ORDINANCE, LOCATED AT APPENDIX A OF WAXAHACHIE CITY CODE, REGARDING ROOF MATERIALS FOR SINGLE-FAMILY AND DUPLEX STRUCTURES; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2995. Mayor Kevin Strength seconded, All Ayes.

20. Consider proposed Ordinance adding overnight camping and temporary shelters to Chapter 21, Offenses and Miscellaneous Provisions of the Waxahachie City Code

Parks and Recreation Director John Smith explained the proposed ordinance will allow individuals to stay overnight at a park with a permit authorized by the city. This will help the city stay aware of individuals or groups using the parks and to create accountability for the camping sites. He explained the ordinance will provide guidelines for overnight use at city parks.

Councilmember David Hill clarified this ordinance is intended to regulate overnight camping in the parks and not related to or aimed at the homeless.

Mayor Pro Tem Singleton explained the ordinance is intended to address the abuse to the city park and the destruction of the city property.

Mayor Strength supported the need to have guidelines and penalties for those destroying city parks.

Chief Wade Goolsby explained the police officers who come in contact with the homeless offer assistance if possible.

Rhendi Heibel, 1111 Ovilla Road, Waxahachie, suggested allowing homeless people, who pass a background check, to stay in parks with an authorized permit.

Mayor Strength suggested postponing the consideration of this ordinance until the February 19th council meeting.

Mayor Pro Tem Singleton reiterated that the intent of the proposed ordinance is not directed at the homeless.

Action:

After a lengthy discussion, Councilmember Mary Lou Shipley moved to postpone the consideration of the overnight camping and temporary shelters ordinance until the February 19, 2018 meeting at which time the Ellis County Local Homeless Coalition will present their report on a solution to the homeless issue. Mayor Pro Tem Mark Singleton seconded, All Ayes.

21. Consider proposed Resolution supporting Mariposa Apartment Homes at the northwest quadrant of Post Oak Drive and U.S. 287

City Manager Michael Scott presented the resolution of support for the Mariposa Apartment Homes at the northwest quadrant of Post Oak Drive and U.S. 287. He explained will allow the project to apply for tax credit from the state.

RESOLUTION NO. 1232

A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS REGARDING SUPPORT FOR MARIPOSA APARTMENT HOMES AT WAXAHACHIE (TDHCA #18220)

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1232 as presented. Councilmember David Hill seconded, All Ayes.

22. Consider award of a bid to the Nay Company for the construction of a new Utilities Department Field Maintenance Building

Mr. Tommy Ludwig, Executive Director of Development Services, reported staff reviewed the bid for the construction of a new utilities department field maintenance building and recommended awarding the contract to the Nay Company. He explained the cost for the project is above budget and staff is also requesting approval of an immediate change order to reduce the scope of the work to bring the cost within the city's budgeted amount.

Action:

Councilmember David Hill moved to award a bid to the Nay Company for the construction of a new Utilities Department Field Maintenance Building. Mayor Pro Tem Mark Singleton seconded, All Ayes.

23. Consider a bid award change order for a scope reduction with the Nay Company for the construction of a new Utilities Department Field Maintenance Building

Action:

Councilmember Chuck Beatty moved to approve a change order for a scope reduction with the Nay Company for the construction of a new Utilities Department Field Maintenance Building. Councilmember Mary Lou Shipley seconded, All Ayes.

24. Consider contract services for Police Department to obtain DUI search warrants

Chief Goolsby requested approval of the contract for magistrate services for judges to review warrants for DWI arrests at a rate of \$50 for each instance.

City of Waxahachie Municipal Court Judge Ed Jendzrey voiced his support for the contract and reminded council when the police department contacts him for review of DUI warrants there is no additional cost to the city.

Action:

Mayor Pro Tem Mark Singleton moved to approve the agreement for magistrate services as presented. Councilmember David Hill seconded, All Ayes.

25. Convene into Executive Session for the review Performance Evaluation for City of Waxahachie Manager as permitted by the Texas Government Code, Section 551.074

Mayor Strength announced at 8:46 p.m. the City Council would convene into Executive Session for the review Performance Evaluation for City of Waxahachie Manager as permitted by the Texas Government Code, Section 551.074.

26. Reconvene and take any necessary action

The meeting reconvened at 10:06 p.m. Mayor Strength announced no action would be taken.

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

Councilmember Mary Lou Shipley praised city staff for their work on the city's marketing campaign.

Councilmember Chuck Beatty reported there was a great turnout and celebration for Martin Luther King, Jr. Day on Monday, January 15, 2018.

Assistant City Secretary Amber Villarreal announced January 17, 2018 is the first day to file for place on ballot for the May 5, 2018 election.

28. Adjourn

There being no further business, the meeting adjourned at 10:08 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary