

City Council
September 17, 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 Monday, September 17, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Chuck Beatty, Councilmember
Melissa Olson, Councilmember

Council Members Absent: David Hill, Mayor Pro Tem
Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor Kevin Strength 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 September 4, 2018
- b. Minutes of the City Council Work Session of September 4, 2018
- c. City Manager's appointment of member to Civil Service Commission
- d. 23rd Annual Texas Country Reporter Festival
- e. Acceptance of 2017 SAFER Grant

Councilmember Melissa Olson requested to remove item a. for separate discussion.

Action:

Councilmember Melissa Olson moved to approve items b. through e. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

Councilmember Olson stated she contacted City Secretary Lori Cartwright noting names were left off a public hearing case that was heard on September 4, 2018 and asked for an explanation. Ms. Cartwright stated at the September 4, 2018 City Council meeting a Public Hearing on the 2018-2019 city's tax rate was heard and when audience members speak they are required to give their name and address for record. Ms. Cartwright stated the two men that spoke refused to give their addresses and therefore were not recognized in the minutes. Councilmember Olson stated they gave the city they were from and could it not be noted to add "address not provided". Ms. Cartwright responded noting that is not the City's practice.

Councilmember Olson asked City Attorney Robert Brown if he needs to provide a ruling. Mr. Brown stated no because how minutes are compiled and produced is up to each City Secretary noting the state law only depicts a city must keep minutes. He stated you don't even have to put names and addresses and can just note that people from the audience spoke for or against an item. Mr. Brown stated if it is the policy to identify people by name and address and putting them in the minutes, we have every right staying with that policy and if people refuse to give their address then they don't have a right to be included in the minutes.

Action:

Councilmember Chuck Beatty moved to approve item a. on the Consent Agenda. Mayor Kevin Strength seconded. The vote was as follows:

*Ayes: Kevin Strength
Chuck Beatty*

Noes: Melissa Olson

Mr. Brown reported the City Charter depicts that three (3) members of City Council constitutes a quorum and explained, in this case, that no action of three members shall be valid or binding unless adopted by the affirmative vote of three or more members of council. He stated due to the vote, item a. will be considered at the City Council meeting of October 1, 2018.

5. Introduce Honorary Councilmember

Councilmember Chuck Beatty introduced Ms. Tianyi Zhou as the Honorary Councilmember for the month of September and presented her with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

6. Present Proclamation proclaiming September 16-22, 2018 as Constitution Week

Mayor Strength read a proclamation proclaiming September 16-22, 2018 as Constitution Week and presented it to the Rebecca Boyce Chapter Daughters of the American Revolution.

7. First Public Hearing at 7:00 p.m. and second Public Hearing at 7:30 p.m. to consider requested annexation by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664

At 7:00 p.m. Mayor Strength opened the First Public Hearing to consider requested annexation by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664.

There being no others to speak for or against the First Public Hearing on the requested annexation, Mayor Strength closed the Public Hearing.

At 7:30 p.m. Mayor Strength opened the Second Public Hearing to consider requested annexation by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664.

Mr. John Granatino, 2305 Marshall Road, Waxahachie, asked for clarification pertaining to the requested annexation.

Mr. Shon Brooks, Director of Planning, stated the city received a request for a Planned Development of residential lots and presented a map depicting a 20 acre area.

There being no others to speak for or against the Second Public Hearing on the requested annexation, Mayor Strength closed the Public Hearing.

- 8. Consider request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)**

Mr. Brooks reported the property is currently underdeveloped and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132). Councilmember Melissa Olson seconded, All Ayes.

- 9. Consider request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)**

Mr. Brooks stated the Final Plat is a companion to PP-18-0132 noting the applicant is platting 6 lots on the frontage road. He recommended approval.

Action:

Councilmember Melissa Olson moved to approve a request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133). Councilmember Chuck Beatty seconded, All Ayes.

10. Public Hearing on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Commercial located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to rezone the property to construct a medical office. He stated the City's most recent Future Land Use Plan shows the area projected for retail use. Staff recommended approval.

Mr. Dalton Bradbury, applicant, 118 Village Green Court, Waxahachie, was available for questions.

There being no others to speak for or against ZC-18-0135, Mayor Strength closed the Public Hearing.

11. Consider proposed Ordinance approving ZC-18-0135

ORDINANCE NO. 3049

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1) TO COMMERCIAL (C) LOCATED AT 2271 N HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.864 ACRES KNOWN AS LOT 2-A, BLOCK 18A OF THE REVCO SUBDIVISION-REVISED, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3049 as presented. Councilmember Melissa Olson seconded, All Ayes.

12. Public Hearing on a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

Mayor Strength opened the Public Hearing.

Mr. Brooks stated staff has concerns with the title block and the multiple platted lots included with this plat. He reported historically this is an older plat from the Hawkins map noting it was originally platted as Lot 1 and Lot 2. The request is to carve Lot 1 into two separate lots as well as to establish lot lines to the north of the property. Mr. Brooks reported staff received 3 letters in opposition and 2 letters in support of RP-18-0136 and stated after speaking with Prosperity Bank, they verbally withdrew their opposition.

Mr. Brooks stated over the years, these properties have been sold by metes and bounds and separated out. He recommended to approve with all portions of the lot to be included in the application, or signatures included on the plat indicating surrounding property owner's acceptance of replatting of this land as a portion of the overall Lot 1. He noted ideally the entire block would be cleaned up and property owners would have corrected plats.

Mr. Brooks stated the applicant requested a Hardship Waiver and it can only be issued by City Council noting a hardship waiver is one way of not obtaining all the required signatures.

Ms. Abigail Wright, 409 Royal Street, Waxahachie, and Ms. Elda Allen, 411 Royal Street, Waxahachie, asked for clarification on the request. Mr. Brooks stated the lots along Royal Street have been established for many years and there is no debate as to the established homes, but they were sold off by metes and bounds. He explained metes and bounds is a process where you sell a piece of land, get a survey and take it to the county to record. Mr. Brooks stated this is why the city ask people to replat their land so the city has official record of the separation of land. Mr. Brooks stated the applicant is requesting to formally create the northern property line and eastern property line through the formal process.

Mr. Brooks recommended prior to the filing of this plat, the applicant get signatures of all surrounding property owners to be included on the plat.

Mayor Strength stated if the property owners can get their corners marked they can see where the applicant's line is surveyed noting it is a way to see if the lines meet up. He stated there is at least one property owner that would like to get his corners marked and could not get it done on such short notice. He recommended continuing the Public Hearing to the City Council meeting of October 1, 2018 to give landowners time to get their land marked.

13. Consider approving RP-18-0136

Action:

After further discussion, Mayor Kevin Strength moved to continue a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136) to the City Council meeting of October 1, 2018. Councilmember Chuck Beatty seconded.

Councilmember Olson stated she thought council had enough information to make a decision. Mayor Strength stated the neighbors are not ready and council does not need to be in a hurry to make a decision until the property owners are satisfied.

Councilmember Olson stated she is under the impression that the property owners don't have to get their land marked and it would be up to the applicant to get their signatures. She supported staff's recommendation. Mayor Strength stated property owners don't have to get their land marked but some do want to make sure they are not being encroached upon.

The vote was as follows:

Ayes: *Kevin Strength
Chuck Beatty*

Noes: *Melissa Olson*

Mr. Brown reported the City Charter depicts that three (3) members of City Council constitutes a quorum and explained, in this case, that no action of three members shall be valid or binding unless adopted by the affirmative vote of three or more members of council. He stated due to the vote, RP-18-0136 will be considered at the City Council meeting of October 1, 2018.

14. Public Hearing on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to Planned Development-Heavy Industrial, with Concept Plan, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant requests an additional pole sign for Carlisle Chevrolet. He stated there are currently three (3) standing pole signs noting staff is aware of two (2) signs that have been in place for a number of years. Mr. Brooks presented a drawing of the requested pole sign noting it will be thirty-six (36) feet tall. He stated the applicant does not have the street frontage required for pole signs. Mr. Brooks recommended denial for not meeting the requirements of the sign ordinance. He stated it passed 4-3 at the recent Planning and Zoning Commission meeting.

Mr. Austin Blankenbeckler, applicant, 1701 W. Highway 287, Waxahachie, requested 18 feet off the required 36 feet set back to set uniform with all the other signage.

Mayor Strength stated he looked at the site and understands the uniformity of the requested signage.

There being no others to speak for or against PD-18-0137, Mayor Strength closed the Public Hearing.

15. Consider proposed Ordinance approving PD-18-0137

ORDINANCE NO. 3050

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-14-HEAVY INDUSTRIAL (PD-14-HI) TO PLANNED DEVELOPMENT-HEAVY INDUSTRIAL (PD-HI), WITH CONCEPT PLAN LOCATED AT 1701 W HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.414 ACRES KNOWN AS LOT 1, BLOCK A OF THE CARLISLE

ADDITION, PROPERTY ID 269700, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3050 as presented. Councilmember Melissa Olson seconded, All Ayes.

16. Public Hearing on a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)

Mayor Strength opened the Public Hearing.

Ms. Becky Kauffman, 817 West Main, Waxahachie, Chairman of the Heritage Preservation Commission (HPC), presented an Ordinance creating a Historic Overlay District for the Oldham Street neighborhood. She stated 2.5 blocks of Oldham Street are on the National Register of Historic District and the proposed ordinance will further protect them.

Ms. Anita Brown, Downtown Development Director, stated the Main Street Board worked for four (4) years updating the Historic Overlay District Ordinance and in February of 2018 City Council approved the updated Ordinance that included the neighborhood Historic Overlay District. She stated the process to get to this point included property owner notifications, meetings, public notices, and public hearings. Ms. Brown stated 73.9% of the Oldham Street homeowners voted in support of the Historic Overlay District noting there was no response from the remaining percent.

Councilmember Olson stated she sent an email and asked the HPC to add “opt out” in the neighborhood historic overlay. She expressed concern that if someone gets ill their house will have to take a step back. Ms. Brown explained there is nothing to opt out of noting the HPC has no authority to make someone fix their home. Ms. Kauffman stated the only reasons a homeowner would come to the HPC is for Historic Tax Exemption and approval to change only the front façade of their home.

Ms. Brown presented a handout of the Oldham Street Historic District noting out of 22 homes, 14 homes received the historic tax exemption, 3 were denied the historic tax exemption due to inappropriate alterations, and 5 are non-contributing structures.

Those who spoke for TA-18-0145:

Mr. Robby Kinsala, 401 Oldham, Waxahachie
Ms. Jane Wedding, 210 South Hawkins, Waxahachie
Ms. Paula Myers, 601 Oldham, Waxahachie
Mr. Jim Kauffman, 817 W. Main Street, Waxahachie
Mr. Kevin Myers, 601 Oldham, Waxahachie
Ms. Kathleen Bowen, 527 West Jefferson, Waxahachie
Mr. Mark Singleton, 130 Willowcrest, Waxahachie

Ms. Jane Vineyard, 208 Oldham, Waxahachie
Mr. Jimmy Cox, 408 Oldham, Waxahachie
Mr. Alan Fox, 327 University, Waxahachie

Those who spoke against TA-18-0145:

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie

There being no others to speak for or against TA-18-0145, Mayor Strength closed the Public Hearing.

17. Consider proposed Ordinance approving TA-18-0145

ORDINANCE NO. 3051

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS CREATING A HISTORIC OVERLAY DISTRICT PER THE REQUIREMENTS OF THE ZONING ORDINANCE NUMBER 3020 ESTABLISHING SECTION 3.24, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Kevin Strength moved to approve Ordinance No. 3051 as presented. Councilmember Melissa Olson seconded, All Ayes.

18. Public Comments

Mayor Strength stated he moved Public Comments to the end of the agenda and asked if anyone from the audience has any comments.

Ms. Kathleen Bowen, 527 West Jefferson, Waxahachie, thanked City Council for their service and for listening to the citizens.

Ms. Shelia Clay, 110 Citation Lane, Waxahachie, stated she lives in Saddlebrook Estates and leaving and entering the Estates is very dangerous. She asked for a turn lane and/or light to be installed at the entrance of the Estates. Mr. Scott asked her to visit with city staff after the meeting.

Ms. Laurie Mosley, Director of the Convention and Visitors Bureau, announced the 23rd Texas Country Reporter Festival is October 27, 2018 with over 200 booths. She stated it is a one day event free to the public with entertainment throughout the day.

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, asked that the special City Council meeting to be held on Thursday, September 20, 2018 at noon be live streamed. Staff responded noting the meeting will be live streamed.

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

Councilmember Melissa Olson stated City Council will have a special meeting on Thursday, September 20, 2018. She read a quote from Mr. Less Brown.

Councilmember Chuck Beatty thanked Honorary Councilmember Tianyi Zhou and his neighbors on Oldham Street for their attendance and participation.

City Manager Michael Scott thanked the Heritage Preservation Commission members for their hard work and Ms. Becky Kauffman for her leadership on the Commission. He thanked the residents on Oldham Street for showing their support and involvement of the neighborhood Historic Overlay District.

Mayor Kevin Strength stated he has lived in Waxahachie a long time and council is proud of this town and they are not doing anything to destroy it. He stated they are trying to build it back, working on the street program, sidewalks, and making it a place that citizens are proud of for your children to come back and raise their families here and become leaders. Mayor Strength stated residents like Mr. Robby Kinsala came back after college putting his roots down on Oldham Street and continues the business his father started.

Mayor Strength stated he loves Waxahachie noting C.A. Wilson was his grandfather and was in this community since 1929. He stated the Strength family has been in and around the community noting him and his children graduated from Waxahachie High School. Mayor Strength stated he is not scared of what is going on in Waxahachie today but we are being made to be scared by a select group that thinks that we are just not doing the right thing. He stated he has the upmost respect for Mayor Pro Tem David Hill, Councilmember Chuck Beatty, Councilmember Mary Lou Shipley and former Mayor Pro Tem Mark Singleton who has the best interest of the citizens of Waxahachie in mind when decisions are made. He stated Waxahachie citizens do not need people from out of town coming to the meetings and telling council how to vote.

Mayor Strength referred to Councilmember Melissa Olson and stated he doesn't understand how she voted for improvements and then voted no to fund the improvements. He stated you have to vote yes on both in order to get the improvements done. Mayor Strength stated it must be easy to vote no so that you can look good because you are running for something else. He stated he is not running for anything else and is here to do what is good for this city noting he is not trying to get high up in the Republican Party in Austin so he can show up at some meeting at a National event.

Mayor Strength told the audience if we don't stand up and go to the polls we are going to get overrun. He encouraged citizens to take heed and go to the polls and vote for Chuck Beatty and Mary Lou Shipley. Mayor Strength stated we have a good group of Councilmembers but we have one that needs to look and see what Waxahachie is about before speaking and not be led by people that are not from Waxahachie.

20. Adjourn

*There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:40 p.m. Mayor Strength seconded, **All Ayes.***

Respectfully submitted,

Lori Cartwright
City Secretary