

City Council
March 15, 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 15, 2021 at 7:00 p.m.

Council Members Present: Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

Council Member Absent: David Hill, Mayor, Council Member Place 1

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

1. Call to Order

Mayor Pro Tem Mary Lou Shipley 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

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, thanked Assistant City Manager Tommy Ludwig for returning his call and taking care of citizens even while out of the office on vacation. Mr. Wright encouraged all City Council candidates to attend and participate in council meetings.

5. Consent Agenda

- a. Minutes of the City Council meeting of March 1, 2021
- b. Minutes of the City Council briefing of March 1, 2021
- c. Renewal of parking and loading zone lease spaces
- d. Event application for mini COVID-19 Vaccine Hub at Lee Penn Park on March 20, 2021

Action:

Council Member Doug Barnes moved to approve items a. through d. on the Consent Agenda. Council Member Chuck Beatty seconded, All Ayes.

6. Public Hearing on a request by Christopher Morris, for a Replat of Part of Lot 9, Block 106 and a Part of Lot 7, Block 158, Town Addition, to create Lot 1 and Lot 2, Block 1, Morris Addition, 0.581 acres (Property ID 171111) – Owner: CHRISTOPHER & AMY K. MORRIS (SUB-9-2021)

Mayor Pro Tem Shipley announced SUB-9-2021 was inadvertently noticed for a City Council Public Hearing and no action is required by council.

- 7. Consider request by Sterling Reid, Reid Construction, LLC, for a Replat of Lot 14, Block 63, Town Addition, to create Lot 1 and Lot 2, Block 1, Sterling Addition, 0.371 acres (Property ID 170997) – Owner: REID CONSTRUCTION, LLC (SUB-183-2021)**

Planning Director Shon Brooks presented the case noting the applicant is requesting to replat the subject property into two (2) lots for residential use and requesting a petition of relief waiver for right-of-way (ROW) dedication. Mr. Brooks explained staff believes a 10' ROW dedication for this property is sufficient.

Action:

Council Member Chuck Beatty moved to approve a request by Sterling Reid, Reid Construction, LLC, for a Replat of Lot 14, Block 63, Town Addition, to create Lot 1 and Lot 2, Block 1, Sterling Addition, 0.371 acres (Property ID 170997) – Owner: REID CONSTRUCTION, LLC (SUB-183-2021) and approve petition for relief waiver. Council Member Doug Barnes seconded, All Ayes.

- 8. Public Hearing on a request by Regina Sias, Nina's House Child Care, for a Specific Use Permit (SUP) for Family Home use within a Planned Development – Single Family – 3 zoning district located at 205 Nottingham Drive (Property ID 220880) - Owner: CHRIS, SHERRIE, & DIANE CARLINO (ZDC-8-2021)**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to change the zoning of this property from Planned Development-43-Single-Family-3 (PD-43-SF-3) to Planned Development-43-Single-Family-3 with a Specific Use Permit for family home use for an in-home day care.

Mayor Pro Tem Shipley confirmed with the applicant that they lived in the home.

There being no others to speak for or against ZDC-8-2021, Mayor Pro Tem Shipley closed the Public Hearing.

- 9. Consider proposed Ordinance approving ZDC-8-2021**

ORDINANCE NO. 3257

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A PLANNED DEVELOPMENT-43-SINGLE FAMILY-3 (PD-43-SF-3) ZONING DISTRICT, LOCATED AT 205 NOTTINGHAM DRIVE, BEING PROPERTY ID 220880, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 20, BLOCK 5 IN THE WINDCHASE EAST PHASE 1 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3257. Council Member Chuck Beatty seconded, All Ayes.

- 10. Continue 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 Pro Tem Shipley continued the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to construct three buildings consisting of an office, convenience store with gasolines sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres. He explained staff had concerns with the building façade/elevations presented at the February 23rd meeting and the applicant has proposed two options to meet staff concerns.

Option 1:

The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 75% brick and 25% stone. The applicant has removed stucco from this option.

Option 2:

The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 50% brick and 50% stone. In comparison to the Elevation/Façade Plan presented on February 23rd the stone replaces where the stucco material was originally presented. The applicant has removed stucco from this option.

Mr. Brooks noted the applicant is asking for the following variances from the City of Waxahachie Zoning Ordinance and staff recommended approval:

- Location of the dumpster enclosure to be in the setback of Lot 1
- The rear setback of Lot 1 to be 20' instead of 25'

There being no others to speak for or against ZDC-186-2021, Mayor Pro Tem Shipley closed the Public Hearing.

- 11. Consider proposed Ordinance approving ZDC-186-2021**

ORDINANCE NO. 3258

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) AND PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO ALLOW A MULTI-TENANT OFFICE BUILDING, CONVENIENCE STORE WITH GASOLINE SALES, AND A MULTI-TENANT RETAIL BUILDING, LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AT HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802 OF ABSTRACT 235 OF

THE WC CALDER SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3258 as presented with Option 1. Council Member Doug Barnes seconded, All Ayes.

12. Consider Development Agreement for ZDC-186-2021

Action:

Council Member Chuck Beatty moved to approve the Development Agreement for ZDC-186-2021. Council Member Doug Barnes seconded, All Ayes.

13. Consider authorizing professional engineering services with Criado & Associates for the Katy Trunk Sewer and Southwest Interceptor Capital Improvement Projects

Utilities Director David Bailey requested approval to authorize a professional engineering services agreement with Criado & Associates for the Katy Trunk Sewer and Southwest Interceptor Capital Improvements Project in the amount of \$291,630.00. He explained the scope of the work will provide for engineering design, bid specification preparation, and construction support services for these projects.

Action:

Council Member Chuck Beatty moved to approve authorizing a professional engineering services agreement with Criado & Associates for the Katy Trunk Sewer and Southwest Interceptor Capital Improvement Project in the amount of \$291,630.00. Council Member Doug Barnes seconded, All Ayes.

14. Discuss, consider and act on approving Resolution of the City of Waxahachie, Texas determining the costs of certain authorized improvement to be financed by the North Grove Public Improvement District; approving a preliminary service plan and assessment plan, including proposed assessment roll for Improvement Area #2; calling a meeting and noticing a public hearing for April 19, 2021 to consider an ordinance levying assessments on property located within Improvement Area #2 of the North Grove Public Improvement District; directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto

RESOLUTION NO. 1306

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS DETERMINING THE COSTS OF IMPROVEMENT AREA #2 IMPROVEMENTS TO BE FINANCED BY THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; APPROVING AN UPDATED PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED IMPROVEMENT AREA #2 ASSESSMENT ROLL; CALLING AND NOTICING A PUBLIC HEARING FOR APRIL 19, 2021 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE NORTH GROVE PUBLIC

IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED IMPROVEMENT AREA #2 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

Action:

Council Member Melissa Olson moved to approve Resolution No. 1306. Council Member Doug Barnes seconded, All Ayes.

- 15. Consider proposed Resolution accepting a petition to create the Emory Lakes Public Improvement District, calling for a public hearing to consider the feasibility and advisability of establishing the district and authorizing and directing the publication and mailing of notices of the public hearing**

Mr. Scott explained the proposed Resolution will only accept the petition and set a Public Hearing date and will accompany the zoning case at the April 5, 2021 council meeting.

RESOLUTION NO. 1307

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, CALLING A PUBLIC HEARING FOR APRIL 5, 2021, TO CONSIDER THE FEASIBILITY AND ADVISABILITY OF ESTABLISHING THE EMORY LAKES PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND DIRECTING THE PUBLICATION AND MAILING OF NOTICES OF THE PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Melissa Olson moved to approve Resolution No. 1307. Council Member Chuck Beatty seconded, All Ayes.

- 16. Discuss appointment of Comprehensive Plan Committee and take any necessary action**

Mayor Pro Tem Shipley announced the item will move to the April 5, 2021 City Council meeting.

- 17. Comments by Mayor, City Council, City Attorney and City Manager**

City Manager Michael Scott thanked Mr. Chris Wright for acknowledging the dedication of city staff and noted he is always amazed and impressed by staff

- 18. Adjourn**

There being no further business, the meeting adjourned at 7:22 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary