

City Council
May 4, 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, May 4, 2020 at 7:00 p.m.

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

Via Teleconference: Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Amber Villarreal, Assistant City Secretary

Via Teleconference: Robert Brown, City Attorney

1. Call to Order

Mayor David Hill called the meeting to order and did a roll call for members in attendance via teleconference. Members present via teleconference included Councilmember Chuck Beatty, Councilmember Kevin Strength, and Councilmember Melissa Olson.

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 April 20, 2020
- b. Minutes of the City Council Emergency meeting of April 23, 2020
- c. Minutes of the City Council and Economic Development Commission
Emergency meeting of April 17, 2020
- d. Public Safety Radio System Interlocal Agreement between City of Midlothian,
City of Red Oak, City of Waxahachie, and Ellis County

Action:

Councilmember Kevin Strength moved to approve items a. through d. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

5. Present Proclamation proclaiming May 3-9, 2020 as National Travel and Tourism Week

Mayor Hill proclaimed May 3-9, 2020 as National Travel and Tourism Week in Waxahachie.

6. Present Proclamation proclaiming May 2020 as National Preservation Month in Waxahachie

Mayor Hill proclaimed May 2020 as National Preservation Month in Waxahachie.

7. Present Proclamation proclaiming May 4-9, 2020 as National Economic Development week

Mayor Hill proclaimed May 4-9, 2020 as National Economic Development week in Waxahachie.

8. Public Hearing on a request by Kevin Patel, Triangle Engineering, for a detailed Site Plan review for a proposed Hotel development within a Planned Development zoning district, located at the SW corner of Rae Boulevard and John Arden Drive (Property ID 208656) – AKSHAR 4 LLC (ZDC-000048-2020)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reviewed the case noting the applicant is proposing to construct a four-story hotel on 1.8 acres. He noted per the City of Waxahachie Zoning Ordinance, hotels shall “provide a swimming pool, interior or exterior, of no less than 1,000 square feet of water surface area” and the applicant is proposing 600 sq. ft. The Zoning Ordinance also states hotels shall “provide a boardroom, meeting room, or hospitality room of no less than 1,000 square feet” and the applicant is proposing a “gathering space” of 1,590 sq. ft. which will consist of a common area for hotel guests as well as visitors. The gathering space will not have any doors or separation walls for privacy use. Mr. Brooks noted the Planning & Zoning Commission recommended the separation walls be put in place and the minimum 1,000 sq. ft. swimming pool be installed. He noted the maximum extended stay at this hotel would be 30 days. Staff recommended approval per the following comments:

1. Per staff recommendation, a Development Agreement will be required for the property.
2. Extended Stay Hotels are restricted to a maximum of thirty (30) days, per Section 5.11 of the City of Waxahachie Zoning Ordinance.
3. The applicant must be compliant with Section 5.11 “Hotel Standards” of the City of Waxahachie Zoning Ordinance.

There being no others to speak for or against ZDC-000048-2020, Mayor Hill closed the Public Hearing.

9. Consider approval of ZDC-000048-2020

Action:

Councilmember Kevin Strength moved to approve a request by Kevin Patel, Triangle Engineering, for a detailed Site Plan review for a proposed Hotel development within a Planned Development zoning district, located at the SW corner of Rae Boulevard and John Arden Drive (Property ID 208656) – AKSHAR 4 LLC (ZDC-000048-2020) per staff comments, including the minimum 1,000 sq. ft. swimming pool and minimum 1,000 sq. ft. meeting room. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

10. Consider Development Agreement for ZDC-000048-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for ZDC-000048-2020. Councilmember Melissa Olson seconded, All Ayes.

11. Public Hearing on a request by Dalton Bradbury, Acker Construction, for a Specific Use Permit (SUP) for a Drive-Through Establishment use within a General Retail zoning district, located at the corner of Corporate Parkway and U.S. N Highway 77 (Property ID 273975) – Owner: ROUX PROPERTIES LLC (ZDC-000052-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is requesting approval to allow a proposed drive through establishment (Bahama Bucks) within a retail strip center (North Grove Business Park). He noted the applicant received a permit to construct a 5,000 sq. ft. retail strip center in November 2019 and at the time no tenants were specified for the building but it was determined a Specific Use Permit was required for the development due to a drive through being proposed with a tenant interior finish out application. Mr. Brooks noted staff recommended approval per the following comment:

1. Sidewalks shall be provided along three sides (side(s) and rear) of the development.

Councilmember Strength noted there is a transformer near the site that would hinder a sidewalk.

City Manager Michael Scott noted it is important to be aware of pedestrian traffic in this growing area and staff is encouraging north/south connections for pedestrians.

Mr. Dalton Bradbury, on behalf of the applicant, agreed that it is necessary to put sidewalks on the south and west ends of the property just not on the side that faces Highway 77. He noted there is not one sidewalk on Highway 77 north of Highway 287 and FM 342.

There being no others to speak for or against ZDC-000052-2020, Mayor Hill closed the Public Hearing.

12. Consider proposed Ordinance approving ZDC-000052-2020

ORDINANCE NO. 3190

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT THE INTERSECTION OF CORPORATE PARKWAY AND U.S. HIGHWAY 77, BEING PROPERTY ID 273975, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK B OF NORTH GROVE BUSINESS PARK PH. 2 & 4, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3190 with the inclusion of sidewalks south and west of the site. Councilmember Chuck Beatty seconded, All Ayes.

13. Consider authorizing an oversized participation agreement with Connell Realty Services, Inc. associated with the construction of a segment of the proposed Cardinal Road Water Line

James Gaertner, Director of Public Works and Engineering, requested approval of an Oversized Participation Agreement in the amount of \$106,520 with Connell Realty Services, Inc. which will provide for the oversizing of 345 feet of water line and appurtenances from 12” to 24” along a portion of Cardinal Road west of Highway 77. He noted staff recommends funding for the oversized participation be funded through the FY19-20 Certificate of Obligation bond sale and as a result, there is a companion resolution requesting approval.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve authorizing an oversized participation agreement with Connell Realty Services, Inc. associated with the construction of a segment of the proposed Cardinal Road Water Line in the amount of \$106,520. Councilmember Chuck Beatty seconded, All Ayes.

14. Consider a resolution authorizing the reimbursement of the Water Fund from the proceeds of future debt associated with an oversized participation agreement for the construction of a segment of the proposed Cardinal Road Water Line

RESOLUTION NO. 1287

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION ASSOCIATED WITH AN OVERSIZED PARTICIPATION AGREEMENT FOR THE CONSTRUCTION OF A PORTION OF THE CARDINAL ROAD 24” WATER LINE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Resolution No. 1287. Councilmember Kevin Strength seconded, All Ayes.

15. Consider authorizing professional engineering services with Craido Civil Engineering for the rehabilitation of Wyatt and Hill Street sewer line

Assistant City Manager Tommy Ludwig requested approval authorizing professional services with Craido Civil Engineering for design services associated with the replacement of a portion of the sewer lines within Wyatt and Hill Street in the amount of \$145,200. He explained this contract will provide for engineering, survey, bid specification preparation and construction support services for the replacement of approximately 2,300 linear feet of 10” sewer line in Wyatt Street and approximately 2,000 linear feet of 12” and 15” sewer line in Hill Street.

Action:

Councilmember Chuck Beatty moved to approve authorizing professional engineering services with Craido Civil Engineering for the rehabilitation of Wyatt and Hill Street sewer line. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

16. Consider proposed Second Ordinance declaring a local state of disaster due to a public health emergency and enacting regulations related thereto

City Manager Michael Scott presented the Second Ordinance declaring a local state of disaster to align with Executive Order issued by Governor Greg Abbott on April 27, 2020.

ORDINANCE NO. 3191

THE SECOND 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:

Councilmember Kevin Strength moved to approve Ordinance No. 3191. Mayor Pro Tem Mary Lou Shipley seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Kevin Strength. Noes: Melissa Olson.

The motion carried.

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

Assistant City Manager Albert Lawrence noted the mobile drive through for COVID-19 testing at the Sports Complex was a success this past Saturday. He noted Emergency Management Coordinator Thomas Griffith worked with other agencies to organize the event where 78 tests were conducted.

Mr. Scott thanked City Council for their support and noted the city has awarded about \$270,000 in small business loans to aid local businesses. He announced citizens will see the effects of the citizen relief program on their May, June, and July utility bills. He noted water deposits will be mailed out at the end of the week to customers in good standing.

Councilmember Strength thanked the Mayor and city staff for all their work.

Councilmember Beatty thanked city staff for all their work during this pandemic.

Councilmember Olson echoed comments from Councilmember Strength and Councilmember Beatty.

Mayor Pro Tem Shipley expressed her appreciation for the work at the Emergency Operations Center and noted the city is fortunate to have that facility and excellent staff.

Mayor Hill expressed his appreciation for the work at the mobile test site this past Saturday. He noted he was able to express his sincere thanks to the first responders and medical professionals that fearlessly do their jobs without a second thought. He also thanked the Police Department for their efforts in keeping everyone safe.

18. Adjourn

There being no further business, the meeting adjourned at 7:38 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary