

City Council  
July 20, 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, July 20, 2020 at 7:00 p.m.

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

Councilmember Absent: 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. Public Comments**

Mr. David McSpadden, 109 Sumner Lane, Waxahachie, congratulated and complimented both the city staff and City Council for all their hard work. He stated citizens should be proud of their leadership guiding the city.

Mr. Chris Wright, 808 West Marvin, Waxahachie, spoke on the tax rate and the importance of attending city meetings to learn about city government and not collecting information on social media that could be misleading. He thanked City Council for doing a great job.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of July 6, 2020
- b. Minutes of the City Council work session of July 6, 2020
- c. Minutes of the City Council work session of July 7, 2020
- d. Renewal of parking and loading zone lease spaces

**Action:**

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

6. **Continue Public Hearing on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020)**

Mayor Hill continued the Public Hearing and announced the applicant requested to continue the Public Hearing to the August 3, 2020 City Council meeting.

7. **Consider proposed Ordinance approving SP-75-2020**

**Action:**

*Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020) to the August 3, 2020 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

8. **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-Single Family-3, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) – Owner: Waxahachie ISD (ZDC-83-2020)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reported the proposal overrides the existing Ordinance and the purpose of this request is to create a planned development that allows for 129 single-family lots. All lots are proposed to have alleys with rear entry garages. The site will also include open spaces with a retention pond and walking trails in the 2.6 acres that connects to Lee Penn Park. Entry monuments and boulevard entries are proposed at both entrances to the development. Some land has also been set aside for dedication to the neighborhood church. Staff recommended approval.

Applicant Mr. Jeff Crannell, CCM Engineering, stated he has worked with staff on the Development Agreement and reviewed the following:

1. Development Agreement will be required for the development.
2. A walking trail shall be provided to connect to Lee Penn Park.
3. The Symphony Estates development shall consist of a Home Owner's Association.
4. A six-foot brick screening wall will be constructed along Peters Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
5. Street Lights will be installed at each intersection and at 300' intervals along each block. Streetlights shall be ornamental lights with downward facing lamps.
6. A six foot (minimum) sidewalk will be constructed along Graham Street.
7. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

Those who spoke for ZDC-83-2020:

Mr. Ron Livingston, 508 Peters, Waxahachie

There being no others to speak for or against ZDC-83-2020, Mayor Hill closed the Public Hearing.

**9. Consider proposed Ordinance approving ZDC-83-2020**

**ORDINANCE NO. 3197**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-34-MULTI FAMILY-1 (PD-34-MF1), GENERAL RETAIL (GR), SINGLE FAMILY-3 (SF3), AND MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF PETERS STREET AND GRAHAM STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 24.76 ACRES KNOWN AS A PORTION OF PROPERTY ID 193944 OF THE 1& PT 3 BLOCK 1 & 3-4A-5 BLOCK 2 HI NOWLIN OF THE TURNER LEARNING CENTER ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3197. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**10. Consider Development Agreement for ZDC-83-2020**

**Action:**

*Councilmember Chuck Beatty moved to approve a Development Agreement for ZDC-83-2020. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**11. Public Hearing on a request by Amanda Mata, Peloton Land Solutions, for a Planned Development Amendment (PD-MF2), with Concept Plan, located at Conquest Boulevard and US Highway 287 (Property ID 191628) - Owner: DWBI INVESTMENTS, LLC (ZDC-84-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks stated the applicant is requesting to amend Ordinance 2296 to allow approval for a Planned Development Amendment to accommodate a development of a 188 unit multi-family residential complex on 10.409 acres located at the intersection of Conquest Boulevard and US Highway 287. The development will consist of eight (8) apartment buildings, the maximum height will be three (3) stories, and a common area will be provided within the development. The concept plan depicts a residential development that includes elements such as: Fitness Center, Dog Park, and Resident Lounge. He reviewed several staff concerns due to the applicant deviation by a large margin and stated it does not meet the Zoning Ordinance and recommended denial.

Mr. Grant Robinson, DWBI Investments, 9026 West Robin Drive, Dallas, and Mr. Preston Munson, 5447 Victory Boulevard, Dallas, representing applicant, presented the proposed development less the zoning and city requirements.

After a lengthy discussion, it was determined to continue the Public Hearing for further discussion.

**12. Consider proposed Ordinance approving ZDC-84-2020**

**Action:**

*Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Amanda Mata, Peloton Land Solutions, for a Planned Development Amendment (PD-MF2), with Concept Plan, located at Conquest Boulevard and US Highway 287 (Property ID 191628) - Owner: DWBI INVESTMENTS, LLC (ZDC-84-2020) to the City Council meeting of August 3, 2020. Councilmember Melissa Olson seconded, All Ayes.*

**13. Consider Development Agreement for ZDC-84-2020**

Mayor Hill announced the Development Agreement for ZDC-84-2020 will be considered at the City Council meeting of August 3, 2020.

**14. Consider award of a bid to U.S. Underwater Services, LLC associated with the Lake Bardwell Raw Water Intake Minor Channel Dredging Project**

Assistant City Manager Mr. Tommy Ludwig reported two bids were received with the lowest bidder being U.S. Underwater Services, LLC in the amount of \$63,000. He explained the project will conduct a minor dredging to remove accumulated lake sedimentation from the Bardwell Raw Water Pump Station and in the channel immediately in front of the station. This scope of work will de-silt the areas around the Raw Water Intake pumps so the City can fully utilize the Lake Bardwell Raw Water Pump Station later this summer during peak demand.

**Action:**

*Councilmember Chuck Beatty moved to award the bid to U.S. Underwater Services, LLC associated with the Lake Bardwell Raw Water Intake Minor Channel Dredging Project as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**15. Consider a Resolution authorizing the reimbursement of the Water Fund from the proceeds of future debt associated with the Lake Bardwell Raw Water Intake Minor Channel Dredging Project**

Mr. Ludwig reported the Utilities Department will fund any expenses associated with this project from its operating budget until bonds are sold. He explained the Resolution authorizes a reimbursement to the Utilities Department Operating Fund from future bond sales. Mr. Ludwig stated a project to perform a full dredging of the Lake Bardwell Channel is included in the Fiscal Year 2020-21 Water CIP.

**RESOLUTION NO. 1291**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING A MINOR DREDGING AT THE LAKE BARDWELL RAW WATER INTAKE CHANNEL**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Resolution No. 1291 as presented. Mayor David Hill seconded, All Ayes.*

**16. Consider a Resolution to enter into an agreement with TXDOT for the closure of FM 813 north of Spring Creek Drive and south of Grove Creek Drive**

Director of Public Works and Engineering James Gaertner presented a Resolution for FM 813 road closure related to John Houston Homes Development installation of the drainage box culverts under FM 813. He stated the road closure will begin July 22, 2020 and will re-open September 2, 2020.

**RESOLUTION NO. 1292**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER AND EXECUTE AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) FOR THE TEMPORARY ROADWAY CLOSURE OF THE STATE ON-SYSTEM FARM TO MARKET 813 (FM 813) BETWEEN NORTH OF SPRING CREEK DRIVE AND SOUTH OF GROVE CREEK DRIVE FROM JULY 22, 2020 TO SEPTEMBER 2, 2020 FOR THE INSTALLATION OF A BOX CULVERT AND DRAINAGE SYSTEM IN THE CITY OF WAXAHACHIE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Resolution No. 1292 as presented. Councilmember Melissa Olson seconded, All Ayes.*

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

None

**18. Adjourn**

There being no further business, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary