

City Council
October 19, 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, October 19, 2020 at 7:00 p.m.

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

None

5. Consent Agenda

- a. Minutes of the City Council meeting of October 5, 2020
- b. Minutes of the City Council briefing of October 5, 2020
- c. Approve funding request by Waxahachie Community Development Corporation for site preparation of 1601 W. Highway 287

Action:

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

6. Recognition of Robert W. Sokoll Water Treatment Plant for receiving the 2020 Outstanding Small Membrane Plant Award

Director of Utilities David Bailey presented the 2020 Outstanding Small Membrane Plant Award recognizing the Robert W. Sokoll Water Treatment Plant Operations and Maintenance and Exemplary Membrane Treatment Plant performance. He introduced and thanked the team at the facility for their dedication in operating and maintaining the plant.

7. **Request to appear by Elizabeth Tull, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend current contract between Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2021**

Ms. Elizabeth Tull, President of the Waxahachie Arts Council, presented the Annual Financial Report and requested the contract be extended for one year expiring on December 31, 2021. She thanked City Council for supporting the groups that form the Waxahachie Arts Council.

Action:

Councilmember Chuck Beatty moved to extend the contract between the Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2021. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

8. **Consider request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020)**

Director of Planning Shon Brooks reported the applicant is requesting approval for a new residential subdivision in the Waxahachie ETJ. He noted adequate domestic flow and fire flow are available to this site and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020). Councilmember Kevin Strength seconded, All Ayes.

9. **Public Hearing on a request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the zoning change request is to allow for a Convenience Store with alcohol sales (Daiquiri Shop) and the drive-through sales of prepackaged, sealed beverages. He recommended approval per the applicant shall adhere to standards put forth in the Planned Development Ordinance.

There being no others to speak for or against ZDC-126-2020, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-126-2020

ORDINANCE NO. 3222

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH SITE PLAN TO ALLOW FOR A CONVENIENCE STORE WITH ALCOHOL SALES (DAIQUIRI SHOP) AND WITH DRIVE-THROUGH USE LOCATED AT 2760 VENTURE WAY, BEING A PORTION OF PROPERTY ID 273975, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.246 ACRES KNOWN AS LOT 2, BLOCK B OF THE NORTH GROVE BUSINESS PARK SUBDIVISION PHASE 2 & 4, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3222 as presented. Councilmember Chuck Beatty seconded, All Ayes.

11. Continue Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres. Staff believes that the proposed development will be beneficial to the uses surrounding the subject property. He noted the development will help compliment the adjacent development, North Grove Business Park, which also consist of similar uses. Mr. Brooks reviewed the Concept Plan and proposed changes from the 10/13/20 Planning and Zoning Commission meeting. He recommended approval per a mutually agreed upon Development Agreement for the proposed development.

There being no others to speak for or against ZDC-117-2020, Mayor Hill closed the Public Hearing.

12. Consider proposed Ordinance approving ZDC-117-2020

ORDINANCE NO. 3223

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1), HEAVY INDUSTRIAL (HI), AND COMMERCIAL (C), TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) AND PLANNED DEVELOPMENT-MULTI-FAMILY-2, WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF BUTCHER ROAD AND U.S. HIGHWAY 77 IN THE CITY OF

WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 42.94 ACRES KNOWN AS A PORTION OF PROPERTY ID 189377, 189370, AND 239005 OF ABSTRACT 848 OF THE A S PRUETT SURVEY, ABSTRACT 1000 OF THE J SHAVER SURVEY, ABSTRACT 1003 OF THE T B STOUT SURVEY, ABSTRACT 1 OF THE A DMJ BUSINESS CENTRE UNIT AND LOT 2AR, BLOCK A OF DMJ BUSINESS CENTRE UNIT 1 REV. 1.1 AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3223 as presented. Councilmember Chuck Beatty seconded, All Ayes.

13. Consider Development Agreement for ZDC-117-2020

Action:

Councilmember Kevin Strength moved to approve a Development Agreement for ZDC-117-2020 per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

14. Public Hearing on a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Planned Development-Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL (ZDC-124-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant intends to create a Planned Development to allow for industrial, multi-family, retail, and commercial uses on 124.92 acres. The development intends to provide uses such as a large corporate campus consisting of logistics, warehouse, and last mile delivery uses. The development will also include retail, restaurant, and a multi-family site to support the needs of the anticipated corporate campus users, as well as the community in general. Mr. Brooks stated staff believes the proposed mixed-use development will be a beneficial development to the city. The proposed will be consistent with the Future Land Use Plan as well as the envisioned character for the surrounding area. Mr. Brooks' recommended approval per the following comments:

- Per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.
- The maximum apartment dwelling unit count shall not exceed 346 units.
- All development on land located within the boundaries of the Planned Development District shall adhere to the rules and regulations set forth in the Ordinance, Development Agreement, and Planned Development Regulations.

There being no others to speak for or against ZDC-124-2020, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving ZDC-124-2020

ORDINANCE NO. 3224

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-41-COMMERCIAL (PD-41-C) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT-MIXED USE NON-RESIDENTIAL (PD-MUNR), LOCATED AT THE SOUTHWEST CORNER OF IH-35 AND US HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 124.92 ACRES KNOWN AS A PORTION OF PROPERTY ID 180322, 180349, AND 189254 OF ABSTRACT 99 OF THE JB BOUNDS SURVEY AND ABSTRACT 844 OF THE JE PRINCE SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3224. Councilmember Chuck Beatty seconded, All Ayes.

16. Consider Development Agreement for ZDC-124-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for ZDC-124-2020 as presented. Councilmember Melissa Olson seconded, All Ayes.

17. Consider award of a bid to A&M Construction & Utilities, Inc. associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project

Utilities Director David Bailey presented a bid award with A&M Construction & Utilities, Inc. associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project in the amount of \$1,668,125.15. He presented an overview of the replacement utility improvements noting the project is a planned expense and will be funded through certificate of obligation bonds.

Action:

Councilmember Chuck Beatty moved to approve award of bid to A&M Construction & Utilities, Inc. associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project as presented. Councilmember Kevin Strength seconded, All Ayes.

18. Convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code, and to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code

Mayor Hill announced at 7:23 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code, and to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code.

19. Reconvene and take any necessary action

The meeting reconvened at 8:36 p.m.

Action (regarding real property as permitted by Section 551.072 of the Texas Government Code):

Councilmember Kevin Strength moved to convey a strip of land approximately 10 feet wide and 170 feet long, located at the north end of Pecan Street, to the adjacent property owner located at 306 Pecan Street, Waxahachie, Texas; and authorizing the City Manager to execute all documents associated with the conveyance of the land. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

Action (regarding review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code):

Mayor Pro Tem Mary Lou Shipley moved to extend the City Manager's employment contract for an additional year. Councilmember Kevin Strength seconded, All Ayes.

Mayor Pro Tem Mary Lou Shipley thanked City Manager Michael Scott for the good things that are happening in Waxahachie noting they are attributable to his good work and looks forward to another year with him.

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

Mayor David Hill stated he is proud of the direction the city has gone and thanked City Manager Michael Scott for his leadership.

21. Adjourn

There being no further business, the meeting adjourned at 8:39 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary