

City Council
April 5, 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, April 5, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Doug Barnes, Council Member Place 2

Council Member Absent: Melissa Olson, Council Member Place 3

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

Council Member Doug Barnes gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Alan Fox, 327 University, Waxahachie, encouraged City Council to work on moving forward with Emory Lakes to alleviate some of the pressure on Highway 77 through town and encouraged Council to vote as Waxahachie citizens and not as a political party affiliation.

Mr. Chris Wright, 808 W. Marvin, Waxahachie, thanked Assistant City Manager Tommy Ludwig for assistance with the new trash service and he encouraged all City Council candidates to get involved in Council meetings and/or Board and Commission meetings.

5. Consent Agenda

- a. Minutes of the City Council meeting of March 15, 2021
- b. Minutes of the City Council briefing of March 15, 2021
- c. Minutes of the City Council and WISD Joint Work Session of March 22, 2021
- d. Event application for mini COVID-19 Vaccine Hub at Lee Penn Park on April 17, 2021
- e. Event application for Lions Club Hachie 50 Run on May 1, 2021
- f. Event application for Gift of Adoption Triathlon on September 6, 2021
- g. Event application for Big Al's Outdoor Concert on May 8, 2021
- h. Event application for C10s in the Park Party on the Square on September 18, 2021

Action:

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

6. Consider City of Waxahachie Annual Financial Report for year ended September 30, 2020

Finance Director Chad Tustison thanked Assistant Finance Director Gail Turner and Accounting Manager Mariana Dunn for their hours and time working with the auditors to complete the financial report.

Ms. Paula Lowe, Patillo, Brown, & Hill, L.L.P., echoed Mr. Tustison's comments and presented the City of Waxahachie Annual Financial Report for the year ended September 30, 2020. Ms. Lowe reviewed the Independent Auditor's Report noting it is their opinion, the city financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Waxahachie, Texas, as of September 30, 2020, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with account principles generally accepted in the United States of America. Ms. Lowe reviewed the following financial highlights:

- All positive balances in all categories of Statement of Net Position
- Total Fund balance of \$53,185,443
- "Clean", unqualified opinion, which is the highest level that can be given

Mayor Hill thanked the Finance Department for their hard work throughout the audit process.

Action:

Council Member Doug Barnes moved to accept City of Waxahachie Annual Financial Report for year ended September 30, 2020 as presented. Council Member Chuck Beatty seconded, All Ayes.

7. Public Hearing for a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code

Mayor Hill opened the Public Hearing and noted the applicant requested to continue to the April 19, 2021 City Council meeting.

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing for a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code to the April 19, 2021 City Council meeting. Council Member Chuck Beatty seconded, All Ayes.

8. Discussion and Action to approve a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Discussion and Action to approve a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code to the April 19, 2021 City Council meeting. Council Member Doug Barnes seconded, All Ayes.

- 9. Continue Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021)**

Mayor Hill continued the Public Hearing and announced the applicant requested to continue ZDC-7-2021 to the April 19, 2021 City Council meeting.

- 10. Consider proposed Ordinance approving ZDC-7-2021**

Action:

Council Member Chuck Beatty moved to continue the Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021) to the April 19, 2021 City Council meeting. Council Member Doug Barnes seconded, All Ayes.

- 11. Consider request by Blain Vinson, Aspen Community Development, for a Plat of the Cottages on Cantrell for 81 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244651) – Owner: Scott Pendery, SAP Properties, LLC (SUB-13-2021)**

Planning Director Shon Brooks presented the case noting the applicant is requesting to plat the subject property into 81 lots for residential use. The applicant is also requesting a petition of relief waiver to allow for 10' utility easements as opposed to 15' utility easements as required by Section 3.3 of the City of Waxahachie Subdivision Ordinance. Staff recommended approval as presented.

Action:

Council Member Doug Barnes moved to approve a request by Blain Vinson, Aspen Community Development, for a Plat of the Cottages on Cantrell for 81 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244651) – Owner: Scott Pendery, SAP Properties, LLC (SUB-13-2021) and approve petition of relief waiver as requested. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

12. Public Hearing on a request by Brian Dodds for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF, use within a Planned Development-23-Single-Family Residential-1 zoning district located at 156 Homestead Lane (Property ID 269672) - Owner: ERICA L & BRIAN D DODDS (ZDC-12-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to construct a 2,400 sq. ft. accessory structure in the rear of a single-family property. Staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.
3. The structure shall not be used as a dwelling.

There being no others to speak for or against ZDC-12-2021, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving ZDC-12-2021

ORDINANCE NO. 3259

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 156 HOMESTEAD LANE, PROPERTY ID 269672, BEING LOT 13, BLOCK A, HOMESTEAD ESTATES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Doug Barnes moved to approve Ordinance No. 3259 subject to staff comments. Council Member Chuck Beatty seconded, All Ayes.

14. Public Hearing on a request by David Harrison for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF, use within a Planned Development-23-Single-Family Residential-1 zoning district located at 200 Lake Shore Dr (Property ID 182138) - Owner: DAVID HARRISON (ZDC-16-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to construct a 1,200 sq. ft. accessory structure in the rear of a single-family property. Staff and the Planning & Zoning Commission recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.
3. The structure shall not be used as a dwelling.

Mr. Brooks noted the applicant requested to put a gravel drive, similar to the existing driveway to the home, instead of concrete. The applicant also provided a list of some of his neighbors who are in favor of his request.

There being no others to speak for or against ZDC-16-2021, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving ZDC-16-2021

ORDINANCE NO. 3260

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 200 LAKESHORE DRIVE, PROPERTY ID 182138, BEING ABSTRACT 272 OF THE S M DURRETT SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3260 with gravel driveway and asphalt or concrete approach from street. Council Member Doug Barnes seconded, All Ayes.

16. Public Hearing on a request by Claudio Segovia, J Volk Consulting, Inc, for an Amendment to Ordinance No. 2733 for North Grove Planned Development to allow for a mixed-use residential development located at the NW corner of Washington Ave at North Grove Blvd (Property ID 283993) - Owner: NORTH GROVE 12.5 LLC SERIES 1 (ZDC-14-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant intends to amend an existing Ordinance No. 2733 to create a Planned Development to allow for retail, commercial, office, multi-family apartments and townhome uses on 12.4 acres. Mr. Brooks explained the applicant is proposing a mixed-use development (The Place at North Grove) which will consist of seven 4-story buildings with retail and/or office use on the ground floor, and nine townhome lots. The development will also include a sit-down restaurant on the corner of North Grove Boulevard and Washington Avenue, as well as local specialty cafes and shops in the ground floor retail/office areas of the four-story buildings. Mr. Brooks noted staff and the Planning & Zoning Commission expressed concerns with the elevation/façade aesthetics with the townhome structures. Mr. Brooks explained the applicant has revised his initial plan to include 8, instead of 9, townhomes and rear entry garages, instead of front entry. Staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Staff suggest that the applicant revise the existing townhome elevation/façade plan(s) to be more conducive to the surrounding area.
3. Staff suggests that a Traffic Exhibit is reviewed administratively to ensure that the site entrance is compatible to the adjacent properties.

Mr. Terry Weaver, 815 W. Main Street, Midlothian, Texas, noted the proposed development is in line with the approved master plan and the intent at this time is to establish zoning for the townhomes.

Those who spoke in opposition:

Paul Bailey, 544 Washington Avenue, Waxahachie, Texas

Mr. Chris Wright, 808 W. Marvin, Waxahachie, encouraged City Council to review Mr. Paul Bailey's handout in regards to conflicting zoning in North Grove.

There being no others to speak for or against ZDC-14-2021, Mayor Hill closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-14-2021

ORDINANCE NO. 3261

AN AMENDMENT TO ORDINANCE 2733 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF1), PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2), PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), MULTI-FAMILY (MF), AND GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF1), PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2), PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), MULTI-FAMILY (MF), AND GENERAL RETAIL (GR) WITH AMENDED ORDINANCE, TO ALLOW RETAIL, COMMERCIAL, OFFICE, MULTI-FAMILY APARTMENTS AND TOWNHOMES, LOCATED AT THE NORTHWEST CORNER OF WASHINGTON AVE AND NORTH GROVE BLVD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.435 ACRES KNOWN AS A PORTION OF PROPERTY ID 283993, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3261 subject to staff comments. Council Member Doug Barnes seconded, All Ayes.

18. Consider Development Agreement for ZDC-14-2021

Action:

Council Member Doug Barnes moved to approve a Development Agreement for ZDC-14-2021 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

19. Consider proposed Ordinance updating Park Pavilion Fees

Parks and Recreation Director Gumaro Martinez presented a proposed Ordinance updating fees for rental of park pavilions and Chautauqua Auditorium. He noted the Park Board reviewed and approved the changes to pavilion fees, including the schedule of fees, at their January 7, 2021 meeting. He explained staff gathered data on comparable rental fees with other municipalities and the recommended changes are in line with what other municipalities charge. He reported fees were based on the size of each pavilion and were divided into half-day and full-day rates and includes a discounted rate for residents.

ORDINANCE NO. 3262

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 22, "PARKS AND RECREATION", BY UPDATING SECTION 22-36., "PAVILIONS IN PUBLIC PARKS" APPLICABLE TO THE USE OF PAVILIONS IN PARKS AND FEES; ESTABLISHING A SCHEDULE OF FEES FOR THE PARK PAVILIONS AND CHAUTAUQUA; AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3262. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

20. Consider award of a bid to Circle H Contractors, L.P. for construction of the BNSF Phase 1 and Phase 2 water line capital improvement projects

Utilities Director David Bailey requested approval to award a bid to Circle H Contractors, L.P. for construction of the BNSF Phase 1 and Phase 2 water line capital improvements projects in the amount of \$1,723,847.75. He explained the city received six bids and Circle H was the lowest responsive bidder and the two phases of the projects were combined and bid together for construction continuity and economy purposes. He reported the bid came in approximately \$255,000 below the project budget and is a planned expense in the 2019-2020 Bond Sale. He noted staff is also requesting a 5% construction contingency to be approved for the project in the amount of \$86,200.

Action:

Council Member Doug Barnes moved to approve an award of a bid to Circle H Contractors, L.P. for construction of the BNSF Phase 1 and Phase 2 water line capital improvement projects in the amount of \$1,723,847.75 with 5% construction contingency. Council Member Chuck Beatty seconded, All Ayes.

21. Discuss appointment of Comprehensive Plan Committee and take any necessary action

City Manager Michael Scott reported the Comprehensive Plan initiative requires a committee be formed for the 12-15 month project. Staff recommended individuals from the Planning & Zoning Commission, City Council, and a nominee from each member of City Council with a maximum total of 17 members.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve the Comprehensive Plan Committee be comprised of City Council, the Planning & Zoning Commission, and a nominee from each member of City Council. Council Member Doug Barnes seconded, All Ayes.

22. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

Mayor Hill announced at 7:49 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

23. Reconvene and take any necessary action

The meeting reconvened at 8:02 p.m.

Action:

No action taken

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

Assistant City Manager Albert Lawrence acknowledged city departments working together to help Waxahachie be successful.

Council Member Doug Barnes echoed Mr. Lawrence's comments and noted staff does a lot of preliminary work and their due diligence before items are presented to Council. He noted staff strives to get better and improve the quality of life for the citizens of Waxahachie. He encouraged citizens to attend Board/Commission meetings.

Council Member Chuck Beatty thanked the Finance Department for their work noting the City is well run and frugal.

City Manager Michael Scott acknowledged and thanked the Finance Department for their hard work during the audit process noting a great report from the auditor's is something to be proud of. Mr. Scott thanked Parks and Recreation Director Gumaro Martinez and Assistant Parks and Recreation Director Brad Barnes for their work on updating the Park Pavilion fees ordinance. He reminded Council of the April 13th Council Retreat at the Waxahachie Civic Center.

Mayor Pro Tem Mary Lou Shipley read a praising letter to the Dallas Morning Newspaper recognizing the efficiency of the Ellis County Vaccine Hub at the Waxahachie Civic Center.

Mayor David Hill expressed his appreciation for city staff and their due diligence before providing information and requests to City Council.

25. Adjourn

There being no further business, the meeting adjourned at 8:09 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary