

City Council
March 20, 2023

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, Waxahachie, Texas, on Monday, March 20, 2023 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

Others Present: Shon Brooks, Executive Director of Development Services
Terry Welch, City Attorney
Amber Villarreal, 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

David Bibel, 305 W. University Avenue, Waxahachie, Texas, presented a petition that was signed by 100% of the residents on W. University. He confirmed the request is for street, sidewalks, and lighting improvements to enhance safety in the area.

5. Consent Agenda

- a. Minutes of the City Council meeting of March 6, 2023
- b. Event application for Run for Our Life 5k to be held May 20, 2023 at Getzendaner Park
- c. Parking/Loading Zone renewals from April 1, 2023-March 31, 2024
- d. Variance request from QuikTrip #1940 for beer and wine retailers off-premise permit located at 1342 Brown Street
- e. Engineering Professional Services Agreement with Freese and Nichols, Inc.
- f. Contract amendment with Brenntag Southwest, Inc. to purchase Aquapure 3673, a water treatment chemical, for the Howard Road Water Treatment Plant in the amount of \$69,120
- g. Supplemental appropriation in the amount of \$4,250 for joint election services for May 6, 2023 General Election
- h. Purchase of video surveillance server with Network Cabling Services in the amount of \$61,613 from within the FY23 budget

- i. Funding request from the Waxahachie Community Development Corporation (WCDC) to construct a nature trail on recently acquired parkland adjacent to Lion's Park in the amount of \$40,000 from WCDC unrestricted reserves

Action:

Council Member Billie Wallace moved to approve items a. through i. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.

6. Introduce Honorary Councilmember

Mayor Hill presented Judson Willett with a Certificate of Appreciation for serving as the March 2023 Honorary Council Member. Jud is a senior at Waxahachie High School and serves as student body president. He is an active member of the FFA, UIL debate, and Editor in Chief of broadcast media at WHS. Mr. Willett is currently tied for first in his class of 571 students and plans to attend the University of Texas at Austin, College of Liberal Arts, with a major in government. Jud is the son of Robin and Jason Willett.

7. Public Hearing on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022)

Jennifer Pruitt, Senior Director of Planning, announced the applicant requested to continue the Public Hearing for SUB-57-2022 to the May 1, 2023 City Council meeting.

8. Consider approval of SUB-57-2022

Action:

Council Member Billie Wallace moved to continue the Public Hearing on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022) to the May 1, 2023 City Council meeting. Council Member Travis Smith seconded, All Ayes.

9. Public Hearing on a request by Jeff Head, Evolving Texas for a Specific Use Permit (SUP) for a Franchised Private Utility (Oncor Electric) and Outdoor Storage use within a Light Industrial (LI-1) zoning district located directly north of the property at 3841 S Interstate 35 (Property ID 202984) - Owner: ONCOR ELECTRIC DELIVERY COMPANY, LLC (ZDC-165-2022)

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit (SUP) for a new service facility for Oncor Electric on a 14.8-acre tract of land located directly north of the property at 3841 S. Interstate 35. She noted Oncor is proposing to build a 17,318 square foot building for administrative personnel and plan to build an outdoor storage area consisting of two accessory structures for service trailers and trucks. They will also have an above ground fuel tank

and pump and a small repair shop for service vehicles. The applicant is proposing to screen the entire parameter with a six-foot concrete panel wall with two security gates. She noted the applicant made concerted efforts to comply with the City's development standards including the building design, screening, and landscaping requirements. In addition, the applicant will utilize concrete surface material for the entire outdoor storage area. The Planning and Zoning Commission recommended approval, selecting option one for the elevation facade, by a 5-0 vote. Option one utilizes a brown color scheme with a light brown concrete masonry units (CMU) on the majority of the building and a dark brown CMU on the lower and top segments of the building. The two accessory structures and the repair shop are metal buildings that match the color of the main building. Staff recommended approval with the conditions listed below:

1. The applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-165-2022, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-165-2022

ORDINANCE NO. 3364

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A FRANCHISED PRIVATE UTILITY (ONCOR ELECTRIC) AND OUTDOOR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 DISTRICT (LI-1) LOCATED DIRECTLY NORTH OF THE PROPERTY AT 3841 S INTERSTATE 35 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 14.8 ACRES KNOWN AS PROPERTY ID 184700, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-165-2022, a Specific Use Permit (SUP) for a franchised private utility (Oncor Electric) and outdoor storage use, subject to the conditions in the staff report, selecting elevation option 1, and authorizing the City Manager and/or Mayor to execute all documents accordingly. Council Member Travis Smith seconded, All Ayes.

11. Consider approval of Development Agreement for ZDC-165-2022

Action:

Council Member Billie Wallace moved to approve a Development Agreement for ZDC-165-2022. Council Member Travis Smith seconded, All Ayes.

12. Public Hearing on a request by Anna Carrillo, Carrillo Engineering, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at the northeast corner of US Highway 77 and E North Grove Boulevard (Property ID: 191121, 262125, and 262126) – Owner: HIGH FIVE TRUST – BJA (Mark) (ZDC-178-2022)

Ms. Pruitt presented the case noting the applicant is requesting approval of a Planned Development (PD) for the North Grove Center to allow for the development of a full-service grocery store (Tom Thumb), a convenience store with gasoline sales, a self-storage facility, and general retail establishments with drive-throughs. She stated the applicant met with adjacent residential property owners to address concerns. She explained the applicant intends to develop the property in three (3) phases. Phase 1 will consist of infrastructure improvements to the site. Phase 2 will occur immediately following the completion of Phase 1 and will consist of the development of lots 2, 7, 9, and 10. Construction during Phase 2 will include the full-service grocery store, convenience store and gas station, self-storage facility and one strip retail center with a drive-through. The applicant does not have an anticipated completion date for Phase 3 of the development which includes lots 3, 4, 5, 6, and 8. Development on these tracks will require the approval of separate detailed site plans, but no specific users are contemplated at this time.

Proposed uses include:

Full-service grocery store – Lot 9: 60,000 square foot Tom Thumb grocery store for Lot 9 of the North Grover Center PD. The Tom Thumb will offer online grocery pickup, a pharmacy with a drive-thru and a deli area. The grocery store will also include a roughly 600 square foot outdoor display area and outdoor seating. Tom Thumb is anticipated to operate from 6:00 am to 11:00 pm, but can operate 24 hours a day if there is additional demand. A total of 150 employees are expected to staff the Tom Thumb. 320 parking spaces are proposed for the grocery store, with up to ten (10) spaces designated for electric vehicle use and up to seven (7) spaces for online order pickup.

- The grocery store elevation is proposed to feature painted concrete masonry units (CMUs), Nichiha panels, and window glazing as the primary exterior construction materials. A total of four (4) colors are proposed to be utilized for the CMU. The Nichiha panels utilize two colors, cedar and tobacco.

Mini warehouse – Lot 2: The proposed mini-warehouse facility is currently anticipated to operate under the Store House Storage brand. The structure is a 130,000 square foot, fully indoor, climate-controlled storage facility that is anticipated to be staffed daily from 9:00 am to 6:00 pm with tenant access allowed from 6:00 am to 10:00 pm. The facility is proposed to be fully gated with all loading and unloading occurring behind the gated entrance. Adequate on-site parking has been provided for this use.

- The mini warehouse facility elevation is proposed to utilize a façade comprised primarily of stucco, thin stone veneer, and window glazing. A total of 96% of the façade will be comprised of masonry stucco or thin stone veneer. The varying stucco colors and articulation proposed for the facility serve to eliminate the monotony in the façade.

Convenience store and gas station – Lot 7: The proposed convenience store and gas station is anticipated to operate under the Tom Thumb Express brand. Twelve (12) fuel pumps are proposed to be open for public use 24/7; while the typical convenience store hours will be 7:00 am – 9:00 pm. Adequate on-site parking is proposed for this use.

- The convenience store and gas station elevation is proposed to utilize a complimentary façade with the grocery store. The proposed materials for the convenience store include painted concrete masonry units (CMUs), Nichiha panels, and window glazing. The fuel pump canopy is proposed to utilize the Nichiha panels with a cedar finish.

Multi-tenant retail building and drive through – Lot 10: A 11,000 square foot multi-tenant retail building is proposed on Lot 10. Specific users are not contemplated for the retail building at this time, but provisions have been made to allow for a single drive-through establishment to operate in the northernmost suite. Adequate parking is available if all suites are occupied by retail or office users; however, the applicant has requested that the proposed parking be considered sufficient for all potential uses allowable in the General Retail District, including restaurants. If all suites are occupied by restaurants, there is a potential for the proposed parking to be up to ten (10) spaces short of the requirement for this lot.

- The façade of the multi-tenant retail building on Lot 10 is designed to compliment the design of the grocery store, but will not utilize the same exterior construction materials. The façade is comprised by 100% masonry materials (stucco and thin stone veneer) and window glazing with minor aluminum accents.

Ms. Pruitt noted Lot 1 will not be developed for anything other than a detention lot and will be screened off.

Access:

The North Grove Center PD is proposed to have five (5) points of access. Three (3) drives will be available off of E North Grove Boulevard to provide direct access to Tom Thumb proposed on Lot 10. Curb cuts and dedicated turn lanes will be provided on E North Grove Boulevard for two of these access points. One (1) point of access is proposed off of Highway 77 with a deceleration lane. A single point of access with a dedicated turn lane will be provided for the development on Hedgewood Drive. A private drive will extend through the center of the development to provide cross-access between each proposed lot. This access drive will be memorialized with a mutual access easement. The applicant is pursuing options to install a traffic signal at the intersection of Hedgewood Drive and Highway 77 in order to improve traffic control on the site.

Landscaping:

The applicant is proposing landscaping for Phase 2 with the exception of Lot 1. Due to the size of the proposed buildings and the subsequent parking requirements for each lot, the applicant is unable to meet the minimum landscaping requirements of the Waxahachie Zoning Ordinance; however, staff believes the applicant has provided the landscaping necessary to adequately screen the development with ample trees along the outside of the 8' masonry screening wall to further buffer the site from adjacent residences. The applicant has also provided street trees along Hedgewood Drive, Highway 77, and E North Grove Boulevard. Lots included in Phase 3 will be required to adhere to landscape requirements of the Waxahachie Zoning Ordinance.

Signage:

The applicant is proposing to construct multiple freestanding monument signs for the shopping center. Multi-tenant monument signs are proposed on Lots 3, 6, and 7 while single-tenant signs are proposed on Lots 4, 5, 6, 8, and 9. The single-tenant monument signs are proposed to meet the requirements of the Waxahachie Zoning Ordinance. The multi-tenant monument signs are proposed to increase the maximum allowable height to up to 15' and maximum allowable size up to 205 square feet.

Mayor Hill inquired about a traffic signal at Hedgewood Drive and Ms. Pruitt stated the Traffic Impact Analysis has been completed and reviewed by staff. Mr. James Gaertner, Executive Director of Public Works and Engineering, noted the developer has offered to pay for the proposed traffic signal at Hedgewood Drive. Mr. Gaertner explained the proposed sign does not meet TxDOT spacing requirements and currently does not meet the warrants of traffic for a traffic signal; however, staff is prepared to send TxDOT a letter of support to install the traffic signal now, as opposed to after the development is built.

Mayor Hill opened the Public Hearing.

Mayor Pro Tem Wright asked if the landscaping on outside masonry wall will be sprinkled.

Robert Horton, 3815 Lisper St., Fort Worth, Texas, replied it would be irrigated so that the landscaping does not die.

There being no others to speak for or against ZDC-178-2022, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving ZDC-178-2022

ORDINANCE NO. 3365

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) & PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH A CONCEPT PLAN, LOCATED AT THE NORTHEAST CORNER OF N US HIGHWAY 77 & E NORTH GROVE BOULEVARD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 20.010 ACRES KNOWN AS PROPERTY ID 191121, 262125, & 262126, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

*Council Member Billie Wallace moved to approve the Ordinance for ZDC-178-2022, a Zoning Change request from a General Retail zoning district to a Planned Development-General Retail zoning district, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Council Member Travis Smith seconded, **All Ayes.***

14. Consider approval of Development Agreement for ZDC-178-2022

Action:

Council Member Billie Wallace moved to approve a Development Agreement for ZDC-178-2022. Council Member Travis Smith seconded, All Ayes.

15. Consider approval of a construction contract with Advance Paving Company for the 2022 Asphalt Street Rehabilitation

Mr. Gaertner requested approval to award a construction contract with Advance Paving Company for the 2022 Asphalt Street Rehabilitation. The project consists of the asphalt rehabilitation for the following streets throughout the city, including the scarification, cement stabilization and compaction of the pavement subgrade, and repaving the asphalt driving surface. It also includes the concrete flume and some curb repair to improve drainage.

Street Name	From	To	Length (ft)	Width (ft)
Breezeway St	E Marvin Ave	Lake Park Ave	814	25
Lancaster St	Ross St	Lewis St	665	15
Coleman St	E Marvin Ave	Lake Park	1,482	22/25
E Marvin Ave	Ennis St	Emanuel St	1,249	25
W Jefferson St	S Grand Ave	W Main St	903	25/30
McClain St	Oldham Ave	Smokey Ln	652	12/20
Montgomery St	Kaufman St	McClain St	612	12
Gardner St	N Aiken St	208 Gardner St	480	10/15/18
John Arden Dr	Civic Center Ln	1900 John Arden	2,805	24
Floyd St	E University Ave	Harbin Ave	1,607	25
Bid Add Alternate Locations				
Pecan St	E Marvin Ave	N. End	1,180	20/28
Lewis St	E Marvin Ave	Lancaster St	1,324	20
Pueblo Drive & Pueblo Cir	Buffalo Creek Dr	104 Pueblo Dr	1,221	25/29
Redman Ln	Buffalo Creek Dr	116 Redman Ln	695	27

The streets in the table below will be considered for the \$397,000 contingency as project budget allows. These streets were selected based on conditions of the streets and proximity to other streets within the project.

Street Name	From	To
Amanda	Solon Place Way	Rusty
Solon Place Way	Solon	US 287
McMillan	US77	College
Virginia	Almond	Sycamore
East Light	US77	College

Mr. Gaertner explained the total cost of the Asphalt Street Rehabilitation project (with contingency) will be \$1,985,041. Funding for this project is available from FY22 Asphalt Street Rehabilitation (\$943,500 now in Street Capital Fund) and the FY23 Operating Fund (\$1,105,000) for a total available budget of \$2,048,500.

Mayor Pro Tem Chris Wright asked if McClain Street can be paved last so that the property owners for the four vacant lots can have the water line extended to the properties. He explained he will bring forth a request for the City to fund the waterline extending services to the four additional property owners.

Mr. Gaertner noted staff can request McClain Street be paved last; however, if the delay continues past the project timeline, then that street may have to be done next budget year. He explained that information will need to be communicated to the other residents on McClain Street who are expecting their street to be paved during this project.

Action:

Council Member Patrick Souter moved to approve a construction contract with Advance Paving Company for the 2022 Asphalt Street Rehabilitation in the amount of \$1,588,041 and a contingency of \$397,000, and authorize the City Manager to execute all necessary documents. Council Member Travis Smith seconded, All Ayes.

16. Consider approval of a contract with Circle H Contractors for the construction of the Grove Creek Parallel Gravity Trunk Sewer Phase IV project

David Bailey, Director of Utilities, requested approval to award a construction contract for the Grove Creek Parallel Gravity Trunk Sewer Phase IV Project to Circle H Contractors, LP in the amount of \$6,924,000, and a \$150,000 contingency, for a total of \$7,074,000. The project is for the construction of approximately 18,675 linear feet of new 33-inch diameter sanitary sewer line, manholes, and appurtenances upstream of the Grove Creek Lift Station. The project will extend along Grove Creek to the confluences of the north and south prong of Grove Creek at Highland Village. These improvements are necessary to accommodate the growing demand for sanitary sewer services in the northeast portion of the city. This item would approve the construction portion of this project. The proposed construction contract is part of an approved project and is currently within the project budget. The project is funded through 2021 Wastewater Bonds and Wastewater Impact Fees.

Action:

Mayor Pro Tem Chris Wright moved to approve a construction contract with Circle H Contractors, LP for \$6,924,000 and a \$150,000 contingency for the Grove Creek Parallel Gravity Trunk Sewer Phase IV Project, and authorize the City Manager to execute all necessary documents. Council Member Patrick Souter seconded, All Ayes.

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

Council Member Travis Smith congratulated Economic Development Director Warren Kettelman and his team for bringing another grocery store to Waxahachie. He announced the Waxahachie Film and Music Festival will be held April 20-22, 2023.

Council Member Billie Wallace thanked the Honorary Council Member Judson Willett for his participation.

Mayor Pro Tem Chris Wright recognized Jon and Alyssa Garrett for their investments in downtown and the revival of the Texas Theater. He encouraged everyone to support their efforts.

Council Member Patrick Souter noted he attended the Waxahachie Symphony performance recently and encouraged citizens to look for family-friendly events in Waxahachie to attend. He thanked Mr. Bibel for his attendance and noted the Waxahachie Comprehensive Plan encourages lights and sidewalks in our historic district to increase walkability.

Honorary Council Member Judson Willett thanked City Council for allowing him to participate and learn.

Mayor David Hill thanked everyone for their attendance and wished Mr. Willett the best in his future endeavors. Mayor Hill recognized the new Tom Thumb that is forthcoming and the proposed new traffic light at Hedgewood Drive and Highway 77.

18. Adjourn

There being no further business, the meeting adjourned at 7:46 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary