

City Council
April 15, 2019

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 15, 2019 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

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 Kevin Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Senior Planner Colby Collins 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 1, 2019
- b. Minutes of the City Council briefing of April 1, 2019
- c. Minutes of the City Council retreat of April 4, 2019
- d. Minutes of the City Council retreat of April 5, 2019
- e. Funding for landscaping at MKT Depot
- f. Funding contribution for rehabilitation of police station building at 216 N. College Street
- g. Antique Alley on the Square on April 20, 2019
- h. Application for seasonal vendor permit at Lake Waxahachie

Action:

Mayor Pro Tem David Hill moved to approve items a. through h. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.

5. Introduce Honorary Councilmember

Councilmember Mary Lou Shipley introduced Andi Katelyn Wallace as the Honorary Councilmember for the month of April and presented her with a Certificate of Appreciation. Ms. Wallace is an 18 year old senior at Waxahachie High School. She is active in Student Council, the Interact Club, and a member of the National Honor Society. She lettered in softball as well as played on the golf team during her time at Waxahachie. She is an active member of The Oaks

Fellowship and volunteers at the Little Chief's Academy daycare located at Turner Elementary School. Her volunteering extends to the Rotary Flag Program, The Community Garden, and the Salvation Army bell ringer program. She has worked part time while in high school, including as an undercover minor with the Texas Alcoholic Beverage Commission. Andi has received honors including AB Honor Roll, two Navarro Brilliance Scholarships, The University of Oklahoma Legacy Scholars Award and Academic Award. She will be attending the University of Oklahoma this fall as a premed major. She is the daughter of retired Waxahachie Police Lieutenant Billie Wallace and District Judge William Wallace.

6. Present Proclamation proclaiming April as “Child Abuse Awareness and Prevention Month”

Mayor Strength read a Proclamation proclaiming April as “Child Abuse Awareness and Prevention Month.” Ms. Leslie Deen, Ellis County Children's Advocacy Center, thanked council for their support.

7. Consider request by Dennis Little for a Preliminary Plat of Hidden Falls Addition for 4 lots, being 20.944 acres situated in the I. Glaze Survey, Abstract 397, the BBB & CRR Survey, Abstract 175, and the S. Wilson Survey, Abstract 1141 (Property ID 180909) in the Extra Territorial Jurisdiction – Owner: DENNIS LITTLE (PP-19-0020)

Mr. Collins presented PP-19-0020 noting staff recommended approval per the following comments:

1. Before the plat is filed, the applicant shall add a County Approval Block to the plat sheet.

Action:

Mayor Pro Tem David Hill moved to approve a request by Dennis Little for a Preliminary Plat of Hidden Falls Addition for 4 lots, being 20.944 acres situated in the I. Glaze Survey, Abstract 397, the BBB & CRR Survey, Abstract 175, and the S. Wilson Survey, Abstract 1141 (Property ID 180909) in the Extra Territorial Jurisdiction – Owner: DENNIS LITTLE (PP-19-0020) subject staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

8. Consider request by Dennis Little for a Final Plat of Hidden Falls Addition for 4 lots, being 20.944 acres situated in the I. Glaze Survey, Abstract 397, the BBB & CRR Survey, Abstract 175, and the S. Wilson Survey, Abstract 1141 (Property ID 180909) in the Extra Territorial Jurisdiction – Owner: DENNIS LITTLE (FP-19-0021)

Mr. Collins presented FP-19-0021 noting staff recommended approval per the following staff comments:

1. A 45' ROW dedication needs to be added to Youngblood Road instead of the 30' that is currently shown on the plat.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Dennis Little for a Final Plat of Hidden Falls Addition for 4 lots, being 20.944 acres situated in the I. Glaze Survey, Abstract 397, the BBB & CRR Survey, Abstract 175, and the S. Wilson Survey, Abstract 1141 (Property ID 180909) in the Extra Territorial Jurisdiction – Owner: DENNIS LITTLE (FP-19-0021). Councilmember Chuck Beatty seconded, All Ayes.

- 9. Consider request by Todd Wintters, Engineering Concepts & Design, LP, for a Final Plat of Settler's Glen Addition, Phase 6 for 100 lots, being 18.912 acres situated in the William Paine Survey, Abstract 835 (Property ID 189178) – Owner: SETTLER'S GLEN LTD (FP-19-0030)**

Mr. Collins presented FP-19-0030 noting staff recommended approval as presented.

Councilmember Melissa Olson inquired about additional flooding along Marshall Road with this development. City Engineer James Gaertner explained the drainage for this development will go across Patrick Road and not Marshall Road.

Action:

Councilmember Chuck Beatty moved to approve a request by Todd Wintters, Engineering Concepts & Design, LP, for a Final Plat of Settler's Glen Addition, Phase 6 for 100 lots, being 18.912 acres situated in the William Paine Survey, Abstract 835 (Property ID 189178) – Owner: SETTLER'S GLEN LTD (FP-19-0030). Councilmember Melissa Olson seconded, All Ayes.

- 10. Consider request by Dalton Bradbury, Acker Construction, for a Final Plat of Crossroads Business Park for 1 lot, being 3.512 acres out of the John B. Bounds Survey, Abstract 99 (Property ID 180414) – Owner: COREY & JULIE SANCHEZ (FP-19-0038)**

Mr. Collins presented FP-19-0038 noting staff recommended approval as presented.

Action:

Councilmember Chuck Beatty moved to approve a request by Dalton Bradbury, Acker Construction, for a Final Plat of Crossroads Business Park for 1 lot, being 3.512 acres out of the John B. Bounds Survey, Abstract 99 (Property ID 180414) – Owner: COREY & JULIE SANCHEZ (FP-19-0038). Councilmember Melissa Olson seconded, All Ayes.

- 11. Consider request by Jeff Whanger, RLG, Inc., for a Preliminary Plat of CSP1 Addition for 2 lots, being 2.531 acres situated in the A.W. Brown Survey, Abstract 102 (Property ID 180374) – Owner: CONNELL STORAGE PARTNERS #1 LLC (PP-19-0037)**

Mr. Collins presented PP-19-0037 noting staff recommended approval as presented.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Jeff Whanger, RLG, Inc., for a Preliminary Plat of CSP1 Addition for 2 lots, being 2.531 acres situated in the A.W. Brown Survey, Abstract 102 (Property ID 180374) – Owner: CONNELL STORAGE PARTNERS #1 LLC (PP-19-0037). Mayor Pro Tem David Hill seconded, All Ayes.

- 12. Consider request by Tim Cummings, 122 Ike Rd LLC, for a Final Plat of Ike Farms for 16 lots, being 19.290 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 186239) in the Extra Territorial Jurisdiction – Owner: 122 IKE RD LLC (FP-19-0041)**

Mr. Collins presented FP-19-0041 noting staff recommended approval per the following staff comments:

1. A new plat shall be submitted to staff detailing a resolution to the drainage easement before the plat is filed with the County.

Action:

Councilmember Chuck Beatty moved to approve a request by Tim Cummings, 122 Ike Rd LLC, for a Final Plat of Ike Farms for 16 lots, being 19.290 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 186239) in the Extra Territorial Jurisdiction – Owner: 122 IKE RD LLC (FP-19-0041). Councilmember Melissa Olson seconded, All Ayes.

- 13. Public Hearing on a request by Chris Acker, Acker Construction, for a Replat of part of Lot 1 and Lot 2, Block 7, Nora Alexander's Subdivision to create Lot 1R, Block 7, Nora Alexander's Subdivision, 0.415 acres (Property ID 172037) – Owner: JUAN P & MARISOL TAVERA RICO (RP-19-0034)**

Mayor Strength opened the Public Hearing.

Mr. Collins presented RP-19-0034 noting staff recommended approval per the following staff comments:

1. The phrase on the plat, "Apparent abandoned alley", needs to be revised to "Abandoned Alley."

There being no others to speak for or against RP-19-0034, Mayor Strength closed the Public Hearing.

- 14. Consider approving RP-19-0034**

Action:

Councilmember Chuck Beatty moved to approve a request by Chris Acker, Acker Construction, for a Replat of part of Lot 1 and Lot 2, Block 7, Nora Alexander's Subdivision to create Lot 1R, Block 7, Nora Alexander's Subdivision, 0.415 acres (Property ID 172037) – Owner: JUAN P & MARISOL TAVERA RICO (RP-19-0034) subject to staff comments. Councilmember Melissa Olson seconded, All Ayes.

- 15. Public Hearing on a request by Harlan Lowrance for a Replat of a part of Lots 1, 2 and 5, Block 5, and parts of Lots 3 and 4, Block 5, Park Hill Addition to create Lots 1R and 5R, Block 5, Park Hill Addition, 0.868 acres (Property ID 175221 and 175222) – Owner: DOROTHY ANN CURRY and HARLAN R AND MICHELLE LOWRANCE (RP-19-0032)**

Mayor Strength opened the Public Hearing.

Mr. Collins presented RP-19-0032 noting staff recommended approval per the following staff comment:

1. At the April 9, 2019 Planning and Zoning Commission meeting, the Commission voted 6-0 to recommend no ROW requirement for the proposed Replat. A 15-foot utility easement is required, however, the Commission recommends the applicant to provide a 10-foot utility easement for the property.

Mr. Collins noted in addition to the letter of support there were also two letters of opposition; however, after speaking with the property owners and explaining the case, both property owners withdrew their letters of opposition.

Mr. Harlan Lowrance, 1101 E. Marvin, explained his request for relief on the dedication and ROW easement. Mayor Strength asked if the applicant is in agreement with the ten-foot utility easement and Mr. Lowrance noted he was.

There being no others to speak for or against RP-19-0032, Mayor Strength closed the Public Hearing.

- 16. Consider approving RP-19-0032**

Action:

Mayor Pro Tem David Hill moved to approve a request by Harlan Lowrance for a Replat of a part of Lots 1, 2 and 5, Block 5, and parts of Lots 3 and 4, Block 5, Park Hill Addition to create Lots 1R and 5R, Block 5, Park Hill Addition, 0.868 acres (Property ID 175221 and 175222) – Owner: DOROTHY ANN CURRY and HARLAN R AND MICHELLE LOWRANCE (RP-19-0032) subject to staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

- 17. Consider request by Joshua Trees, Cross Fence Development, LLC, for a Preliminary Plat of The Cross Fence at Oak Vista for 173 lots, being 248.575 acres situated in the S.B. Orton Survey, Abstract 813, J. Fifer Survey, Abstract 352, and the D.M. McNeil Survey, Abstract 717 (Property ID 188040 and 183375) in the Extra Territorial Jurisdiction – Owner: CROSS FENCE DEVELOPMENT LLC (PP-19-0036)**

Mr. Collins presented PP-19-0036 noting staff recommended approval per the following staff comments:

1. Applicant still needs to provide detail about how the detention pond will be handled for the previous development.

2. There are remaining outstanding comments with Ellis County that still needs to be addressed by the applicant before the plat is filed.

Action:

Councilmember Chuck Beatty moved to approve a request by Joshua Trees, Cross Fence Development, LLC, for a Preliminary Plat of The Cross Fence at Oak Vista for 173 lots, being 248.575 acres situated in the S.B. Orton Survey, Abstract 813, J. Fifer Survey, Abstract 352, and the D.M. McNeil Survey, Abstract 717 (Property ID 188040 and 183375) in the Extra Territorial Jurisdiction – Owner: CROSS FENCE DEVELOPMENT LLC (PP-19-0036) subject to staff comments. Councilmember Melissa Olson seconded, All Ayes.

18. Public Hearing on a request by Dusty Autrey for a Zoning Change from a Light Industrial-2 zoning district to Planned Development-Central Area, with Concept Plan, located at 421 S. College Street (Property ID 220752) - Owner: DAJP Holdings, LLC (PD-19-0029)

Mayor Strength opened the Public Hearing.

Mr. Collins presented PD-19-0029 noting staff recommended approval per the following staff comment:

1. The Planning and Zoning Commission suggested that the applicant work with the Heritage Preservation Commission.

He explained the applicant is requesting approval of a zoning change and concept plan for a proposed restaurant at 421 S. College Street.

There being no others to speak for or against PD-19-0029, Mayor Strength closed the Public Hearing.

19. Consider proposed ordinance approving Zoning Change No. PD-19-0029

ORDINANCE NO. 3108

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-2 (LI2) TO PLANNED DEVELOPMENT-CENTRAL AREA (PD-CA), WITH CONCEPT PLAN LOCATED AT 421 S. COLLEGE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.158 ACRES KNOWN AS A PORTION OF PROPERTY ID 220752 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3108. Councilmember Chuck Beatty seconded, All Ayes.

20. Public Hearing on a request by Mike Siefert, Lookout Development Group, for a Planned Development Amendment for the purpose of removing the height restriction for hotels located adjacent to the Waxahachie Civic Center (Property ID 208655, 208656, and 227433) – Owner: LOOKOUT PARTNERS LP (PD-19-0039)

Mayor Strength opened the Public Hearing.

Mr. Collins presented PD-19-0039 noting staff recommended approval per the following staff comment:

1. The Planning and Zoning Commission recommended approval for the PD Amendment proposal pending that a six (6) story maximum height requirement be allowed for hotels. The Commission also recommended that all Site Plans for hotels within the Planned Development district be reviewed by the Planning and Zoning Commission and City Council.

Mr. Collins explained the applicant requested to remove all height restrictions and staff was in favor of increasing the height, but not leave it without a restriction. Staff considered the area and surrounding building heights and that is how they arrived at the six-story recommendation.

Mayor Strength explained the height restriction on past buildings was due to the lack of fire ladder reach. He noted the reach has now increased.

Councilmember Olson spoke in support of requiring a Specific Use Permit for a request higher than six-stories.

Mr. Brian Brooks, 735 Rainbow Drive, Dallas, noted the applicant requested no restriction, but is okay with the six-story recommendation from staff.

There being no others to speak for or against PD-19-0039, Mayor Strength closed the Public Hearing.

21. Consider proposed ordinance approving Zoning Change No. PD-19-0039

ORDINANCE NO. 3109

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-GENERAL RETAIL (PD-MF-GR) TO PLANNED DEVELOPMENT AMENDMENT LOCATED IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 10.210 ACRES KNOWN AS A PORTION OF PROPERTY ID 208655, 208656, AND 227433 OF THE WAXAHACHIE CIVIC CENTER REV., AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Kevin Strength moved to approve Ordinance No. 3109 approving a maximum of six stories without a Specific Use Permit and a request for anything higher will require a Specific Use Permit and subject to staff comments. Councilmember Melissa Olson seconded, All Ayes.

22. Continue Public Hearing on a request by Ron Barson, Ledbetter Real Estate, Ltd., for a Specific Use Permit (SUP) for Mini-Warehouse or Self-Storage Facility use within a Commercial zoning district, located at 2050 Corporate Parkway (Property ID 273979) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0026)

Mayor Strength continued the Public Hearing.

Mr. Collins presented SU-19-0026 noting staff recommended approval per the following staff comments:

1. Provides an 8-foot chain link fence along the rear of the property adjacent to the railroad. No barbed wire shall be allowed along the fence.
2. A 6-foot masonry wall shall be constructed around the front and sides of the property.

Mayor Pro Tem David Hill asked if there will be outside storage or anyone living on site for security. Mr. Collins noted everything will be kept in the storage units and the applicant noted there would not be anyone living on site.

Mr. Brett Hess, 327 Blue Ribbon Road, explained the applicant is requesting to add a chain link fence along the south side of the property in lieu of the masonry wall since the south side will only face a line of trees.

Assistant City Manager Tommy Ludwig noted the applicant's request for fencing on the south side of the property was not discussed at the Planning and Zoning Commission meeting but City Council can allow for that exception in their motion.

There being no others to speak for or against SU-19-0026, Mayor Strength closed the Public Hearing.

23. Consider proposed ordinance approving Zoning Change No. SU-19-0026

ORDINANCE NO. 3110

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A STORAGE FACILITY USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 2050 CORPORATE PARKWAY, BEING PROPERTY ID 273979, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK C IN THE NORTH GROVE BUSINESS PARK PHASE 2 & 4 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem David Hill moved to approve Ordinance No. 3110 subject to staff comments and allowing chain link fencing on the south and west side of property. Councilmember Chuck Beatty seconded, All Ayes.

- 24. Public Hearing on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)**

Mayor Strength opened the Public Hearing and Mr. Collins announced the applicant requested to continue the public hearing to the May 20, 2019 City Council meeting.

Those who spoke in opposition:

Josh Balthrop, 212 Cheyenne Drive

Action:

Councilmember Melissa Olson moved to continue a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031) to the May 20, 2019 City Council meeting. Councilmember Mary Lou Shipley seconded, All Ayes.

- 25. Consider proposed ordinance approving Zoning Change No. PD-19-0031**

No action taken.

- 26. Discuss candidate nomination for the Ellis Appraisal District Board of Directors vacancy for the year 2019**

Mayor Strength announced the council is seeking nominations for the Ellis Appraisal District Board of Directors vacancy for the year 2019.

- 27. Consider Interlocal Agreement with Ellis County Jail**

Assistant Police Chief Dale Sigler requested approval of an Interlocal Agreement with Ellis County for prisoner care for inmates arrested on class "C" misdemeanors. He explained the cost in the original agreement was \$35 per day, per inmate and the proposed agreement is \$60 per day, per inmate. He noted the county has not increased its rate in approximately 15 years. He reported the city was made aware of the possible increase a few months ago and the Police Department budgeted for the increase for FY 19.

Action:

Councilmember Mary Lou Shipley moved to approve an Interlocal Agreement with Ellis County for prisoner care. Councilmember Chuck Beatty seconded, All Ayes.

28. Consider award of bid to Circle H Contractors LP for the rehabilitation of South Jackson and East Ross sewer lines

Utilities Director David Bailey requested approval to award bid to Circle H Contractors LP in the amount of \$107,770.00 for the construction/rehabilitation of sanitary sewer lines in the 200 Block of South Jackson and 500 Block of East Ross Streets. He explained these locations have reported several sanitary sewer overflows and the rehabilitation of these lines will relieve the overflow conditions.

Action:

Councilmember Melissa Olson moved to approve bid to Circle H Contractors LP for the rehabilitation of South Jackson and East Ross sewer lines in the amount of \$107,770.00. Councilmember Chuck Beatty seconded, All Ayes.

29. Public Comments

Mr. Chris Wright, 808 W. Marvin, thanked the City Manager Michael Scott, City Council, and Rotary Club for the repairs to the Boy Scouts Building on Brown Street.

Mr. Alan Fox, 327 University, inquired about alley maintenance. Mr. Scott noted dedicated alleys are maintained by the city.

Ms. Andi Wallace thanked City Council for their service to the community and showed her appreciation for her opportunity to serve as Honorary Councilmember for the month of April.

30. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code

Mayor Strength announced at 8:06 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

31. Reconvene and take any necessary action

The meeting reconvened at 8:18 p.m.

Action:

Councilmember Mary Lou Shipley moved to authorize staff to proceed with the purchase of 407 MLK in the amount of \$147,500 plus closing costs. Mayor Pro Tem David Hill seconded, All Ayes.

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

None

33. Adjourn

There being no further business, Mayor Pro Tem David Hill moved the meeting adjourn at 8:17 p.m. Councilmember Chuck Beatty seconded, All Ayes.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary