

City Council
August 3, 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, August 3, 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 Pro Tem Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Alan Fox, 327 University Drive, Waxahachie, expressed concern with various “for sale” signs that are in the right-of-ways and public property. He asked they get cleaned up.

Mr. Kevin Ivey, 1980 E. Highland Road, Waxahachie, referenced Mr. Cornelius McCowan noting he is an impressive young man doing good for the community and participating in activities such as flag football and kickball at Penn Park. He encouraged the City to partner with Mr. McCowan in sport activities.

Mr. Paul Christenson, 110 Williams Street, Waxahachie, stated he does not know what the Executive Session item is on the agenda but hopes it does not pertain to the old Baylor hospital. He stated reconvening and taking necessary action would not be appropriate.

5. Consent Agenda

- a. Minutes of the City Council meeting of July 20, 2020
- b. Request by Tony Rieper for funding assistance with property at 108 E. Franklin

Action:

Councilmember Kevin Strength moved to approve items a. and b. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley 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.

Planning Director Shon Brooks reported the property is a portion of the North Grove development and largely located adjacent to and south of Grove Creek Road. He stated the developer has updated the Site Plan to show all lots fronting Grove Creek Road to be 80' in width and noted city staff has worked with the applicant to create a Development Agreement for the Dove Hollow Subdivision. Mr. Brooks reported the site acreage is 213.46 acres. He presented a layout of the Site Plan depicting the proposed lots noting the development will be in three (3) phases. Mr. Brooks reviewed the proposed streets that will be contained within the subdivision. He stated the existing Grove Creek Road will be turned into a slip street alleviating the traffic in front of homes fronting what is currently Grove Creek Road. Mr. Brooks stated the zoning is in place and the applicant meets the zoning requirements. He recommended approval.

Those who spoke for SP-75-2020:

Mr. Josh Millsap, applicant, KFM Engineering & Design

Those who spoke against SP-75-2020:

Ms. Jennifer Chelwick, 2222 Abela Drive, Waxahachie
Mr. Greg Pickett, 329 Brookbend Drive, Waxahachie

There being no others to speak for or against SP-75-2020, Mayor Hill closed the Public Hearing.

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

Action:

Councilmember Kevin Strength moved to approve 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 Pro Tem Mary Lou Shipley seconded, All Ayes.

- 8. Consider Development Agreement for SP-75-2020**

Action:

Councilmember Chuck Beatty moved to approve a Development Agreement for SP-75-2020. Councilmember Melissa Olson seconded, All Ayes.

9. **Continue 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 continued the Public Hearing.

Mr. Brooks reported the applicant is requesting approval to allow for construction of a second phase of 188 residential units 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. He reviewed the proposed Site Plan with amenities. Mr. Brooks stated the zoning is in place and the applicant meets the zoning requirements. He recommended approval.

Mr. Grant Robinson, 9026 West Drive, Dallas, property owner, thanked City staff for working with the applicant.

There being no others to speak for or against ZDC-84-2020, Mayor Hill closed the Public Hearing.

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

ORDINANCE NO. 3198

AN AMENDMENT TO ORDINANCE 2296 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) TO PLANNED DEVELOPMENT-MUTI FAMILY-2 (PD-MF2), WITH AMENDED ORDINANCE LOCATED AT THE INTERSECTION OF CONQUEST BOULEVARD AND US HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 10.407 ACRES KNOWN AS A PORTION OF PROPERTY ID 191628 OF ABSTRACT 1080 OF THE WM C TUNNELL SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3198. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

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

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for ZDC-84-2020. Councilmember Melissa Olson seconded, All Ayes.

12. **Continue Public Hearing on a request by Ryan Combs, Gardner Capital, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the Southeast corner of Parks School House Road and East Main Street (Property ID 138271) - Owner: STARPEACH TEXAS LP (ZDC-77-2020)**

Mayor Hill continued the Public Hearing and announced the applicant requested to continue the case to the City Council meeting of August 17, 2020.

13. Consider proposed Ordinance approving ZDC-77-2020

Action:

Councilmember Kevin Strength moved to continue the Public Hearing on a request by Ryan Combs, Gardner Capital, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the Southeast corner of Parks School House Road and East Main Street (Property ID 138271) - Owner: STARPEACH TEXAS LP (ZDC-77-2020) to the City Council meeting of August 17, 2020. Councilmember Chuck Beatty seconded, All Ayes.

14. Consider Development Agreement for ZDC-77-2020

Mayor Hill announced the Development Agreement for ZDC-77-2020 is continued to the City Council meeting of August 17, 2020.

15. Consider bid award for Northgate Drive Pavement Replacement to J & K Excavation

Director of Public Works and Engineering James Gaertner reported the project includes the replacement of 56 damaged concrete pavement panels on Northgate Drive between Highway 77 and Stadium Drive. The project also extends the sidewalk along the north side of the road from the current sidewalk at the convenience store driveway to the school crosswalk. He stated J & K Excavation, LLC was the lowest bidder with a bid of \$232,218.13.

Action:

Councilmember Melissa Olson moved to award the bid for Northgate Drive Pavement Replacement to J & K Excavation in the amount of \$232,218.13. Councilmember Kevin Strength seconded, All Ayes.

16. Consider authorizing professional engineering design services with Kimley-Horn Associates, Inc. for Monticello Drive Reconstruction from Pensacola Avenue to Cumberland Road

Mr. Gaertner reported the scope of work associated with phase I rehabilitation of Monticello Drive includes engineering for complete replacement of the asphalt road with concrete, replacement of the water and sewer lines, and the addition of sidewalks and street lights. He reported bids were received and recommended Kimley-Horn Associates, Inc. for engineering services in the amount of \$232,000.

Action:

Councilmember Kevin Strength moved to authorize professional engineering design services with Kimley-Horn Associates, Inc. for Monticello Drive Reconstruction from Pensacola Avenue to Cumberland Road as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

17. Consider proposed Ordinance approving Penn Park football field usage fee

Assistant Director of Parks and Recreation Gumaro Martinez presented an ordinance amending Chapter 22 of the Code of Ordinances by adding Section 22-37 "Sports Fields in Parks" that allows the reservation of the football field in Lee Penn Park for up to three games per day at a fee of \$75.00 per game. He noted Park rules and regulations must be adhered to and games extended past park curfew will require special permission in advance. Mr. Martinez noted the Parks Department reserves the right to cancel games for any reason, including but not limited to, the preservation of the field and/or public safety.

ORDINANCE NO. 3199

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 22, "PARKS AND RECREATION", BY ADDING SECTION 22-37., "SPORTS FIELDS IN PARKS" APPLICABLE TO THE USE OF SPORTS FIELDS IN PARKS AND FEES; AND PROVIDING AN EFFECTIVE DATE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3199 as presented. Mayor David Hill seconded, All Ayes.

18. Consider variance by The English Merchant's Parlour for beer and wine retailers off-premise permit located at 109 N. Rogers Street

City Manager Michael Scott reviewed a variance request by The English Merchant's Parlour for beer and wine retailers off-premise permit located at 109 N. Rogers Street. He reported the proposed location is within 300 feet of a church. Staff recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a variance request by The English Merchant's Parlour for beer and wine retailers off-premise permit located at 109 N. Rogers Street. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

19. Consider proposed Ordinance approving Amended Order of Election to be held November 3, 2020

City Secretary Lori Cartwright presented an amended Order of Election and explained previous Ordinances 3176 and 3179 are amended to establish the early voting period shall be from October 13, 2020 through October 30, 2020 and presented the amended locations of the Early Voting Vote Centers and Election Day Vote Centers.

ORDINANCE NO. 3200

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CITY'S ELECTION ORDINANCES TO REVISE THE EARLY VOTING SCHEDULE AND ELECTION DAY VOTE CENTERS FOR THE GENERAL ELECTION SCHEDULED TO BE HELD ON TUESDAY, NOVEMBER 3, 2020; MAKING FINDINGS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3200 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

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

Mayor Hill announced at 7:40 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.

21. Reconvene and take any necessary action

The meeting reconvened at 7:51 p.m.

Action:

None

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

Assistant City Manager Tommy Ludwig thanked Director of Public Works and Engineering James Gaertner and Planning Director Shon Brooks for the hard work they have done on the Dove Hollow project.

Councilmember Kevin Strength thanked City staff for their work on Dove Hollow and all projects they work on around the City.

City Manager Michael Scott stated staff is working hard on the budget process and working with Finance Director Chad Tustison revising the budget calendar. He stated he will get it out soon to the City Council.

Mayor David Hill stated he and City Council appreciates city staff and how hard they work. He thanked Fire Chief Ricky Boyd and Police Chief Wade Goolsby for keeping the City safe.

23. Adjourn

There being no further business, the meeting adjourned at 7:54 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary