

City Council
June 4, 2018

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, June 4, 2018 at 7:00 p.m.

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

Council Member Absent: Kevin Strength, Mayor

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor Pro Tem David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

Mr. Alan Fox, 327 University, Waxahachie, referenced the street projects in the area he lives in noting he wants to make sure University Street as well as East University and West University is in the planning stages of being restored.

The following spoke of the Garden Valley Apartments:

Ms. Megan Wheeler, 414 Foxtail Court, Waxahachie, expressed concern with congestion of apartment and school traffic as well as the safety of school children and response time to first responders to the school. She asked the development to reconsider the location of the apartment complex.

Mr. Jerry Pace, 202 Atlanta Avenue, Waxahachie, stated there will be a major congestion with occupancy in the apartment complex mixed with the congestion of the school traffic.

Ms. Megan Roberts, 205 Stardust Trail, Waxahachie, stated there are way too many homes in this area and expressed safety concerns with the apartment complex directly across from the school.

Mr. Lamar Herford, 103 Adobe Court, Waxahachie, expressed concerns with the safety on the walking trail near Garden Valley Apartments.

Mr. Tim McFarland, 204 Stardust Trail, Waxahachie, stated he likes the thought of Waxahachie growing and expressed concern with the apartment complex directly across from an elementary school noting it will cause trouble with traffic. He stated hopefully the city will be very thoughtful of how the city grows.

6. Consent Agenda

- a. Minutes of the regular City Council meeting of May 21, 2018
- b. Minutes of the regular Planning and Zoning Commission meeting of May 22, 2018
- c. Minutes of the Planning and Zoning Commission Briefing Session of May 22, 2018
- d. Minutes of Mid-Way Regional Airport Board meeting of May 10, 2018
- e. Minutes of Tax Increment Reinvestment Zone No. 1 meeting of May 21, 2018
- f. Approve event application for CNB of Texas 150th Birthday Bash
- g. Approve event application for Juneteenth Parade and Celebration
- h. Request by David Hargrove for a Final Plat of Garden Valley Meadows for 86 lots, being 27.545 acres situated in the JB and Ann Adams Survey, Abstract 5 (Property ID 263468) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-18-0051)
- i. Authorization of a budget amendment to fund fully reimbursable repairs for a City vehicle involved in a traffic accident
- j. Resolution authorizing reimbursement of the Wastewater Funds' Working Capital from proceeds for future debt for the sanitary sewer rehabilitation project on Ennis, Elder and East Marvin Streets

RESOLUTION NO. 1244

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE DESIGN OF SEWER REHABILITATIONS ON ENNIS, ELDER, AND EAST MARVIN STREETS

Action:

Councilmember Melissa Olson moved to remove items e. and j. from the Consent Agenda for separate discussion and moved to approve items a. through d. and items f. through i. Councilmember Chuck Beatty seconded, All Ayes.

Councilmember Melissa Olson referenced Item e. being the minutes of the Tax Increment Reinvestment Zone #1 (TIRZ) meeting of May 21, 2018 and asked if the fiberglass hearts will be sponsored by local businesses and will they pay a portion of the cost. She asked if the funds should have come from the Waxahachie Community Development Corporation (WCDC).

Ms. Amy Borders, Director of Communications and Marketing, stated local businesses will pay for the artwork on the structures noting the TIRZ funds will pay for the parts.

City Manager Michael Scott explained the TIRZ fund was set up for downtown development and that includes marketing efforts and incentive and therefore TIRZ would be an appropriate source for this. He stated WCDC could as well assist but the TIRZ is geared for the downtown.

Councilmember Olson stated it seems like a lot of money since people are balking at the price of a couple of hundred dollars to live stream. She asked for a description of the hearts. Ms. Borders stated she doesn't have anything with her because that was all presented at the TIRZ meeting. She stated the fiberglass hearts are 4.5 feet tall.

Councilmember Olson referenced Item j. noting it mentions the anticipation of selling Certificate of Obligations (C.O's). She asked if we could use impact fees instead of incurring interest on C.O.'s because impact fees have such limited ways and asked the advantage of using C.O's.

Mr. Scott explained this is actually a rehabilitation project and stated anytime you use impact fees you are looking at additional capacity. He stated staff presented a model at a Council workshop reviewing the Capital Improvement Plan that showed how we want to use impact fees as well as C.O. Bonds and defining Capital Improvements.

Councilmember Olson stated she didn't get a good enough breakdown at that meeting noting she would like to review the Capital Improvement Plan at some point.

Councilmember Mary Lou Shipley stated this brings up a point of order and stated she doesn't believe this is appropriate noting these issues we are looking at is really just approving the minutes and not discussing the substance of these items. She stated the discussion should be done at the actual meeting of a budget or the TIRZ meeting.

Action:

Councilmember Mary Lou Shipley moved to approve items e. and j. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

7. Introduce Honorary Councilmember

Councilmember Mary Lou Shipley introduced Honorary Councilmember Jonah Taylor noting he is the son of Nicholas and Amy Taylor and the valedictorian of Global High School's class of 2018. During his time in high school, Jonah earned his Associate's Degree from Navarro College and was selected for the college's most prestigious award: the Graduate Caston Scholarship. Outside of his academic achievements, Jonah has proven himself to be a capable leader. He served as Vice President for his school's student council, Build Captain for their Robotics Team, and Senior Patrol Leader of Boy Scout troop 232. He has also earned his Eagle Scout rank, and built five (5) small-scale food pantries for his Eagle Project. Jonah is well respected by his peers and was voted as the person who "Always represents Global High" in his school's yearbook with the tagline: "He is very intelligent and has a lot of integrity". Jonah will continue his education at Texas A&M next fall to study Electrical Engineering and play piano and mellophone in the university band.

8. Present Proclamation proclaiming June 4, 2018 – July 4, 2018 as "Crape Myrtle Month"

Mayor Pro Tem Hill read a Proclamation proclaiming June 4, 2018 – July 4, 2018 as "Crape Myrtle Month" and presented it to the Crape Myrtle Committee.

9. Consider Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017

Mr. Charles Harris, Finance Director, presented the Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017. In summary at the close of the fiscal year total revenues were \$5,054,184 and total expenses were \$5,457,379, including depreciation. At the end of the fiscal year, the total fund balance of all governmental funds was \$7,973,473, down \$1,466,546 which was less than the prior year increase of \$5,740,878. This was due to certificate of obligation bonds issued during 2016 for park improvements and an increase in capital outlay expenditures in the current fiscal year. As of the close of the current fiscal year, unassigned fund balance for the Corporation's General Fund was \$3,421,641, or 117.94% of General Fund expenditures, not including transfers out.

Action:

Councilmember Mary Lou Shipley moved to accept the Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017. Councilmember Chuck Beatty seconded, All Ayes.

10. Consider Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017

Mr. Harris presented the Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017. He reported the treatment plant is a wholesale treatment plant with two customers: City of Waxahachie and Rockett Special Utility District. Mr. Harris explained they both take water from the plant, providing water at cost and they in-turn resale it to their customers. He reviewed the financials noting the Net Position of the Plant decreased during the fiscal year by \$184,359, or about 2.87%. Mr. Harris stated this type of fund has no cash and by contract distributes water.

Action:

Councilmember Mary Lou Shipley moved to accept the Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017. Councilmember Chuck Beatty seconded, All Ayes.

11. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Planned Development-44-General Retail and Single Family-2 zoning district to General Retail, located on the Southwest corner of Indian Drive at Brown Street, being 393 148 J GOOCH WM BASKINS 2.1698 ACRES (Property ID 184243) - Owner: INDIAN DRIVE HOLDINGS LLC (ZC-18-0056)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, stated staff has a proposal in-house and recommended approval.

There being no others to speak for or against ZC-18-0056, Mayor Pro Tem Hill closed the Public Hearing.

12. Consider proposed Ordinance approving Zoning Change No. ZC-18-0056

ORDINANCE NO. 3027

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-44-GENERAL RETAIL AND SINGLE FAMILY-2 PD-44-GR AND SF2) TO GENERAL RETAIL (GR) LOCATED ON THE SOUTHWEST CORNER OF INDIAN DRIVE AT BROWN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.1698 ACRES KNOWN AS PROPERTY ID 184243 OF THE J GOOCH SURVEY, ABSTRACT NO. 393; AND WM BASKINS SURVEY, ABSTRACT NO. 148, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3027. Councilmember Mary Lou Shipley seconded, All Ayes.

13. Consider request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057)

Mr. Brooks reported the Planning and Zoning Commission recommended the site be developed with curb and gutter along Indian Drive. Staff recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057) per staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

14. Consider Landscape Plan for Dental Place Addition as a companion to PP-18-0057– Owner: INDIAN DRIVE HOLDINGS LLC

Mr. Brooks reported the case accompanies the Preliminary Plat in Item 13. Staff recommended approval.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, reported after reviewing the site, there is no curb and gutter on the southern side of Indian Drive noting if he cuts a curb and installs gutter, per the Planning and Zoning Commission, it will stand alone.

Councilmember Mary Lou Shipley asked if Mr. Acker plans to put in a sidewalk. Mr. Acker stated he proposes a sidewalk and landscaping.

Mr. Scott stated the curb and gutter is not a necessity.

Action:

Councilmember Chuck Beatty moved to rescind his motion on Item 13. Mary Lou Shipley seconded, All Ayes.

Action:

Councilmember Chuck Beatty moved to approve a request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057) without curb and gutter. Councilmember Mary Lou Shipley seconded, All Ayes.

Action:

Councilmember Mary Lou Shipley moved to approve a Landscape Plan for Dental Place Addition as a companion to PP-18-0057– Owner: INDIAN DRIVE HOLDINGS LLC. Councilmember Chuck Beatty seconded, All Ayes.

- 15. Consider request by Cole Morgan, Americase Fabrication and Construction, for a Preliminary Plat of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052)**

Mr. Brooks reported the property is in the ETJ noting the staff report references several concerns from the City Engineer relating to floodplain zone, how lots will get water service, plat needs to depict lots will be served by septic system, drainage capacity, and right of way dedication. Staff recommended approval subject to the City Engineering concerns being addressed.

Action:

Councilmember Chuck Beatty moved to approve a request by Cole Morgan, Americase Fabrication and Construction, for a Preliminary Plat of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052) subject to staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

- 16. Consider request by Cole Morgan, Americase Fabrication and Construction, for a Final Plat of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (FP-18-0053)**

Mr. Brooks reported the Final Plat is in the ETJ and recommended approval per City Engineering comments listed in the staff report.

Action:

Councilmember Mary Lou moved to approve a request by Cole Morgan, Americase Fabrication and Construction, for a Final Plat of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&RAMERICASE HOLDINGS LTD (FP-18-0053) subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.

- 17. Consider request by Cody Cockerham for a Preliminary Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046)**

Mr. Brooks reported staff has concern with right-of-way dedication and location of the dedication. He stated there is acreage discrepancy on the tax certificates and basic cleanup of the Plat. He recommended approval per staff comments.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Cody Cockerham for a Preliminary Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046) subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.

- 18. Consider request by Cody Cockerham for a Final Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047)**

Mr. Brooks reported the Final Plat cannot be filed until all staff comments are met. He recommended approval per staff comments.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Cody Cockerham for a Final Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519)– Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047) subject to staff comments. Councilmember Melissa Olson seconded, All Ayes.

- 19. Public Hearing on a request by Richard Kampen, LRE Group, Inc. for a Zoning Change from a Light Industrial-1 and Light Industrial-2 zoning district to Light Industrial-2, located at 201 Cardinal Road, being LOT PT 1 BLK A CARDINAL IG ADDN 29.0 AC and LOT PT 1 BLK A CARDINAL IG ADDN 19.721 AC (Property ID 226867 and 209418) - Owner: CARDINAL IG COMPANY (ZC-18-0041)**

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the property owner is seeking to clean up the zoning on this property to ensure that there is one (1) zoning district for all the land.

There being no others to speak for or against ZC-18-0041, Mayor Pro Tem Hill closed the Public Hearing.

20. Consider proposed Ordinance approving Zoning Change No. ZC-18-0041

ORDINANCE NO. 3028

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 AND LIGHT INDUSTRIAL-2 (LI1 AND LI2) TO LIGHT INDUSTRIAL-2 (LI2) LOCATED AT 201 CARDINAL ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 48.721 ACRES KNOWN AS LOT PT 1 BLK A OF THE CARDINAL IG ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3028. Councilmember Chuck Beatty seconded, All Ayes.

21. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Home for Aged, Residence (Assisted Living) use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0070)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported this is a clean-up from the previously approved Zoning Ordinance. He explained it is currently zoned Skilled Nursing and owner request it be allowed Assisted Living. Staff recommended approval.

There being no others to speak for or against SU-18-0070, Mayor Pro Tem Hill closed the Public Hearing.

22. Consider proposed Ordinance approving Zoning Change No. SU-18-0070

ORDINANCE NO. 3029

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HOME FOR AGED, RESIDENCE (ASSISTED LIVING) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 401 SOLON RD, BEING PROPERTY ID 204441, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE COVENANT 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. 3029. Councilmember Chuck Beatty seconded, All Ayes.

23. Public Hearing on a request by Aaron Duncan, MESA, for a Zoning Change from a Future Development zoning district to Commercial, Single Family-3, and Light Industrial-2, located at 604 FM 879, being 557 J JOHNSON 298.296 ACRES, 5 JB & A ADAMS, 557 J JOHNSON, 1249 SC WHITE 65.746 ACRES, and 5 JB & A

ADAMS 134.9 ACRES (Property ID 209774, 179013, and 178975) - Owner: KAREN S ANDERSON IRREVOCABLE TRUST (ZC-18-0042)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reviewed the zoning exhibit noting the property is approximately 500 acres. He stated the diagram depicts Light Industrial-2 abutting Single Family-3 noting a creek plus flood plain provides quite a bit of natural buffer between the two zones. Mr. Brooks reported at the Planning and Zoning Commission meeting it was determined while Commercial is proposed on the highway frontage it would be amendable to change that to General Retail making it a little bit less harsh of a district classification. Staff recommended approval.

Mr. Aaron Duncan, MESA, 2001 N. Lamar St., Dallas, reviewed the history on the property and was available for questions.

Mr. Kevin Ivy, 1980 East Highland Road, Waxahachie, stated he travels that area every day and asked staff to consider access into the property for better flow of traffic.

There being no others to speak for or against ZC-18-0042, Mayor Pro Tem Hill closed the Public Hearing.

24. Consider proposed Ordinance approving Zoning Change No. ZC-18-0042

ORDINANCE NO. 3030

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO GENERAL RETAIL, SINGLE FAMILY-3 AND LIGHT INDUSTRIAL-2 (GR, SF3 AND LI2) LOCATED AT 604 FM 879 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, IN THE J JOHNSON SURVEY, ABSTRACT NO. 557; JB & A ADAMS SURVEY, ABSTRACT NO. 5; AND SC WHITE SURVEY, ABSTRACT NO. 1249; BEING PROPERTY IDS 209774, 179013, AND 178975, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3030 subject to staff comments and changing Commercial to General Retail. Councilmember Chuck Beatty seconded, All Ayes.

25. Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (ZC-18-0044)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposes to partially redevelop the old Magnablend site for a new tenant. He stated the property is being rezoned to account for the industrial nature of its use. Mr. Brooks said the property has a billboard on site and the applicant has requested to keep it in addition to the establishment of the pole sign. He stated the request changes the entire zoning tracts to LI-1.

There being no others to speak for or against ZC-18-0044, Mayor Pro Tem Hill closed the Public Hearing.

26. Consider proposed Ordinance approving Zoning Change No. ZC-18-0044

ORDINANCE NO. 3031

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO LIGHT INDUSTRIAL-1 (LI1) LOCATED AT 100 W STERRETT, 6820 N INTERSTATE 35 E AND 6800 N INTERSTATE 35 E IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, KNOWN AS PROPERTY IDS 203820, 194221, AND 188699 OF THE LB OUTLAW SURVEY, ABSTRACT NO. 821 AND WM HAYNES SURVEY, ABSTRACT NO. 486, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3031, subject to increasing landscape along Interstate 35 and along Sterrett Road. Councilmember Mary Lou Shipley seconded, All Ayes.

27. Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for HEAVY MACHINERY SALES OR STORAGE, TRAILER AND HEAVY LOAD VEHICLE REPAIR, EQUIPMENT SALES (NEW OR USED), EQUIPMENT RENTAL (HEAVY), OPEN OR OUTSIDE STORAGE, DISPLAY, OR WORK AREAS FOR MERCHANDISE OR MACHINERY) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the SUP accompanies the previous zoning case. He stated the Planning and Zoning Commission preferred the site be paved and the applicant explained heavy equipment will tear up the pavement. Mr. Brooks stated landscape will be received with the SUP and applicant proposed to install a wash bay. Staff recommended approval.

Mr. Joseph Willrich, BEFCO Engineering, Inc., asked for clarification to the landscape requirements.

Mr. Scott stated Staff discussed tree scape because you can see the site from Interstate 35 frontage. He reviewed species of trees in the landscape plan. Discussion was held and it was determined to continue the Public Hearing.

28. Consider proposed Ordinance approving Zoning Change No. SU-18-0045

Action:

Councilmember Mary Lou Shipley moved to continue SU-18-0045 to the City Council meeting of June 18, 2018. Councilmember Chuck Beatty seconded, All Ayes.

29. Public Hearing on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2, with Concept Plan, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks announced the applicant requested a continuance to the City Council meeting of June 18, 2018.

30. Consider proposed Ordinance approving Zoning Change No. PD-18-0048

Action:

Councilmember Mary Lou Shipley moved to continue PD-18-0048 to the City Council meeting of June 18, 2018. Councilmember Chuck Beatty seconded, All Ayes.

31. Public Hearing on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0054)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks announced the request was continued at the Planning and Zoning Commission meeting and therefore requested it be continued to the City Council meeting of June 18, 2018.

32. Consider proposed Ordinance approving Zoning Change No. SU-18-0054

Action:

Councilmember Mary Lou Shipley moved to continue SU-18-0054 to the City Council meeting of June 18, 2018. Councilmember Melissa Olson seconded, All Ayes.

33. Public Hearing on a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG

17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks announced the request was continued at the Planning and Zoning Commission meeting and therefore requested it be continued to the City Council meeting of June 18, 2018.

34. Consider proposed Ordinance approving Zoning Change No. PD-18-0059

Action:

Councilmember Chuck Beatty moved to continue PD-18-0059 to the City Council meeting of June 18, 2018. Councilmember Mary Lou Shipley seconded, All Ayes.

35. Public Hearing on a request by Sam Hix, Air Evac EMS, for a Specific Use Permit (SUP) for Heliport use within a Light Industrial-1 zoning district, located at 103 Industrial Drive, being 2R C N WAXAHACHIE IND PARK1 ACRES (Property ID 203244) - Owner: WESLEY E & F JUNE SAUNDERS (SU-18-0072)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the applicant seeks to establish a temporary helipad for an air ambulance station. He stated the applicant also received a Certificate of Occupancy across the street for the pilots. Mr. Brooks reported there was opposition from the adjacent mini warehouse owner and received two notices of approval. Staff recommended approval noting the applicant applied for an FAA application.

There being no others to speak for or against SU-18-0072, Mayor Pro Tem Hill closed the Public Hearing.

36. Consider proposed Ordinance approving Zoning Change No. SU-18-0072

ORDINANCE NO. 3032

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HELIPORT USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 103 INDUSTRIAL DRIVE, BEING PROPERTY ID 203244, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, BLOCK C IN THE N WAXAHACHIE INDUSTRIAL PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3032. Councilmember Chuck Beatty seconded, All Ayes.

37. Consider proposed Ordinance amending Section 21-94, “Definitions,” of Article IX, “Sexually Oriented Businesses,” to Chapter 21, “Offenses and Miscellaneous Provisions,” of the Waxahachie City Code

Mr. Brooks reported the revision moves the definitions previously listed in the Zoning Ordinance to Chapter 21 of the City Code.

ORDINANCE NO. 3033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING SECTION 21-94, “DEFINITIONS,” OF ARTICLE IX, “SEXUALLY ORIENTED BUSINESSES,” TO CHAPTER 21, “OFFENSES AND MISCELLANEOUS PROVISIONS,” OF THE WAXAHACHIE CITY CODE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3033. Councilmember Chuck Beatty seconded, All Ayes.

38. Consider award of a bid to McMahon Contracting, L.P. for the corridor rehabilitation of North Hawkins Street

Mr. Tommy Ludwig, Executive Director of Development Services, reported bids were recently received for the North Hawkins Street corridor rehabilitation and McMahon Contracting, L.P. was the lowest bidder with a bid in the amount of \$1,019,437.41. Mr. Ludwig stated the project will provide new curbs, gutters, sidewalks, streetlights, utilities and pavement along North Hawkins Street, from West Parks Avenue to McMillan Street.

Action:

Councilmember Mary Lou Shipley moved to award a bid to McMahon Contracting, L.P. in the amount of \$1,019,437.41 for the corridor rehabilitation of North Hawkins Street. Councilmember Chuck Beatty seconded, All Ayes.

39. Consider a resolution authorizing the reimbursement of Working Capital from the proceeds of future debt for the rehabilitation of North Hawkins Street

Mr. Ludwig reported the North Hawkins Street project will be funded with Certificate of Obligation bonds, which are anticipated to be sold prior to the end of this fiscal year. He stated certain project costs may be incurred in advance of the bond proceeds and presented Resolution No. 1245 authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

RESOLUTION NO. 1245

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING A CORRIDOR REHABILITATION OF NORTH HAWKINS STREET

Action:

Councilmember Mary Lou Shipley moved to approve Resolution No. 1245 as presented. Councilmember Chuck Beatty seconded, All Ayes.

40. Consider a contract with Kimley Horn to provide professional engineering services for the design of erosion controls associated with the Matthews Street Bridge

Mr. Ludwig reported erosion from the Waxahachie Creek has caused a washout of the supporting embankment, which will ultimately weaken the drive approach and has exposed the wastewater line. He presented a professional services contract with Kimley Horn for the design of erosion control measures associated with Matthews Street Bridge improvements in the amount of \$160,100.

Action:

Councilmember Mary Lou Shipley moved to approve a contract with Kimley Horn to provide professional engineering services for the design of erosion controls associated with the Matthews Street Bridge. Councilmember Melissa Olson seconded, All Ayes.

41. Consider a resolution authorizing the reimbursement of Working Capital from the proceeds of future debt for professional engineering services for the design of erosion controls associated with the Matthews Street Bridge

Mr. Ludwig reported portions of the Matthews Street Bridge will be funded through Certificate of Obligation bonds and explained certain project costs may be incurred in advance of the availability of the bond proceeds. He presented Resolution No. 1246 authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

RESOLUTION NO. 1246

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF EROSIONS CONTROLS ASSOCIATED WITH THE MATTHEWS STREET BRIDGE

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1246 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

42. Consider Developer's Agreement with Tilson Homes associated with the installation of a 12-inch water line along Interstate 35 East between Compton Road and FM 1446

Mr. James Gaertner, City Engineer, reported the City agreed to install the 12-inch water line across I-35E and Tilson Homes agreed to install the 12-inch water line along the west side of I-35E from Compton Road to FM 1446. He stated the City's installation of the water line across I-35E will be reimbursed by TxDOT due to a conflict with the interstate construction. Mr. Gaertner reported the developer's agreement includes a 10-year pro-rata agreement for

reimbursement of \$264,433.50 to Tilson Homes for the off-site 12-inch water line installation along the west side of I-35E.

Action:

Councilmember Chuck Beatty moved to approve a Developer's Agreement with Tilson Homes associated with the installation of a 12-inch water line along Interstate 35 East between Compton Road and FM 1446 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

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

Councilmember Olson thanked Ms. Borders on the new website and livestreaming. She congratulated Honorary Councilmember Jonah Taylor on his accomplishments.

Councilmember Chuck Beatty announced Penn Park will be busy with several celebrations including a special kickoff on June 7, NAACP celebration on June 16 and another celebration on June 19. He welcomed Honorary Councilmember Jonah Taylor.

Mr. Scott announced Penn Park Phase 2 will soon be before City Council for consideration. He thanked Ms. Borders for her work on the website. He stated there is a lot going on in the City and staff is working on the CIP program. Mr. Scott stated he is proud of city staff and their professionalism they bring to work every day. He stated he is on the home stretch of hiring an HR Director.

Mayor Pro Tem Hill welcomed Honorary Councilmember Jonah Taylor. He noted how special city staff is and thanked them for their work.

Councilmember Shipley complimented Mr. Brooks for keeping up with all the developments that are coming in. She thanked Mr. Jeff Chambers, Director of Public Works, for repairing the street at the end of the bridge. She stated all is going well and it is largely attributed to the staff.

City Attorney Robert Brown echoed the compliments to the Planning Department.

44. Adjourn

There being no further business, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary