

City Council
June 18, 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 18, 2018 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
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor Kevin Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

Councilmember Melissa Olson gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

Ms. Amy Hedtke, 106 Vanderbilt Lane, Waxahachie, referenced Item No. 43 (Consider Resolution directing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2018) and asked it not be voted on noting there is a lot of extra debt that needs to be paid down and residents need a tax relief. She asked it be voted down so a petition calling for an election won't have to be circulated. Ms. Hedtke announced a petition is circulating pertaining to the Ellis County annexation reform and encouraged signatures.

6. Consent Agenda

- a. Minutes of the City Council meeting of June 4, 2018
- b. Approve Downtown Improvements/Public Art per Tax Increment Reinvestment Zone #1 recommendation
- c. Approve Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- d. Approve member to the Cemetery Board to fill a vacancy
- e. Approve application for Neighborhood Block Party
- f. Approve request by Chris Acker, Acker Construction, for a Final Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: INDIAN DRIVE HOLDINGS LLC (FP-18-0058)

Action:

Mayor Pro Tem David Hill moved to approve items a. through f. on the Consent Agenda. Councilmember Mary Lou Shipley seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4 to 1.

7. Introduce Honorary Councilmember

Councilmember Mary Lou Shipley introduced Mr. Jonah Taylor, Honorary Councilmember for the month of June and presented him with a Certificate of Appreciation for participating in the Honorary Councilmember program.

8. Present Proclamation recognizing City Secretary Lori Cartwright

Mayor Strength read a Proclamation recognizing City Secretary Lori Cartwright for her leadership as President of the Texas Municipal Clerks Association (TMCA) Yellow Rose Chapter. She was selected as the 2018 Yellow Rose Chapter Municipal Clerk of the Year on June 7, 2018 and will represent her Chapter as a nominee for the 2018 Texas Municipal Clerk of the Year at the TMCA Annual Business meeting in October. Ms. Cartwright thanked Mayor Strength, City Council and City Manager Michael Scott for their support and thanked them for supporting not only her but city staff as they strive for certifications and re-certifications.

9. Consider request by Donnie Tucker, Tucker Surveyors, for a Preliminary Plat of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) in the Extra Territorial Jurisdiction – Owner: DONNA G BAKER (PP-18-0075)

Mr. Shon Brooks, Director of Planning, reviewed the Preliminary Plat noting removal of all references to the County signatures will need to be removed. Staff recommended approval per comments.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Donnie Tucker, Tucker Surveyors, for a Preliminary Plat of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) in the Extra Territorial Jurisdiction – Owner: DONNA G BAKER (PP-18-0075) per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

10. Consider request by Donnie Tucker, Tucker Surveyors, for a Final Plat of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) in the Extra Territorial Jurisdiction – Owner: DONNA G BAKER (FP-18-0076)

Mr. Brooks reported this is a companion case to PP-18-0075 noting removal of all references to the County signatures will need to be removed. Staff recommended approval per comments.

Action:

Councilmember Chuck Beatty moved to approve a request by Donnie Tucker, Tucker Surveyors, for a Final Plat of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) in the Extra Territorial Jurisdiction – Owner: DONNA G BAKER (FP-18-0076) per staff comments. Mayor Pro Tem David Hill seconded, All Ayes.

11. Public Hearing on a request by Wayne Thomas, P.O.M. Contracting LLC, for a Replat of Lot 5 and 6, Block 13, Harriet I. Nowlin Addition, to create Lot 5R, Block 13 0.619 acres (Property ID 175065) – Owner: WAYNE SUTTON (RP-18-0086)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the request is to enlarge the lot. Staff comments included: include the deed information in the text; remove the building lines from the plat; include the zoning for the property and all contiguous properties; indicate the ROW width; and, need 15-foot easement along street frontage. He reported one (1) letter of support was received on RP-18-0086 and recommended approval per staff comments.

Mr. Wayne Thomas, P.O.M. Contracting LLC, representing applicant was available for questions.

There being no others to speak for or against RP-18-0086, Mayor Strength closed the Public Hearing.

12. Consider approval of RP-18-0086

Action:

Councilmember Chuck Beatty moved to approve a request by Wayne Thomas, P.O.M. Contracting LLC, for a Replat of Lot 5 and 6, Block 13, Harriet I. Nowlin Addition, to create Lot 5R, Block 13 0.619 acres (Property ID 175065) – Owner: WAYNE SUTTON (RP-18-0086) per staff comments. Mayor Pro Tem David Hill seconded, All Ayes.

13. Public Hearing on a request by Terry Gyde, Born 2 B A Blessing Birth Services, for a Specific Use Permit (SUP) for Medical Facilities use within a Commercial zoning district, located at 612 S. Rogers Street, being 2 20 BULLARD 0.454 ACRES (Property ID 172376) - Owner: JACK & LAURA HODGE (SU-18-0085)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant has existing offices at the location and seeks to establish a birthing center at this location. He stated the applicant request relief from the need to provide eight (8) paved parking spaces noting the site currently has gravel parking and enough stacking for seven (7) vehicles.

Ms. Terry Gyde, applicant, 612 S. Rogers, was available for questions.

There being no others to speak for or against SU-18-0085, Mayor Strength closed the Public Hearing.

14. Consider proposed Ordinance approving Zoning Change No. SU-18-0085

ORDINANCE NO. 3034

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 612 S. ROGERS STREET, BEING PROPERTY ID 172376, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK 20 IN THE BULLARD 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. 3034 as presented. Mayor Pro Tem David Hill seconded, All Ayes.

15. Consider request by Joe Wilson, for a Preliminary Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: WILSON JOSEPH D & MISTY L WILSON (PP-18-0068)

Mr. Brooks stated the applicant has met the requirements and recommended approval per the following comments: Right of way dedication to be indicated and utility easement to be removed where not against the street.

Action:

Mayor Pro Tem David Hill moved to approve a request by Joe Wilson, for a Preliminary Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: WILSON JOSEPH D & MISTY L WILSON (PP-18-0068) per staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

16. Consider request by Joe Wilson, for a Final Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: JOSEPH D WILSON & MISTY L WILSON (FP-18-0091)

Mr. Brooks reported this is a companion case to FP-18-0091 and recommended approval per following comments: Right of way dedication to be indicated and utility easement to be removed where not against the street.

Action:

Councilmember Chuck Beatty moved to approve a request by Joe Wilson, for a Final Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: JOSEPH D WILSON & MISTY L WILSON (FP-18-0091) per staff comments. Mayor Kevin Strength seconded, All Ayes.

17. Public Hearing on a request by Mickey Williams, Straightway Church, for a Replat of Lots 37 and 38, Highland Park Addition, to create Lot 37A, Highland Park Addition, 0.241 acre (Property ID 174037) – Owner: STRAIGHTWAY NONDENOMINATIONAL (RP-18-0073)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to expand the land and add on to the parsonage. He reported staff received one (1) letter of support. Mr. Brooks stated the applicant submitted a petition for relief with regards to the twelve (12) foot right-of-way dedication required along Perry Avenue. Staff recommended reducing the twelve (12) foot of right-of-way dedication.

Mr. Mickey Williams, applicant, was available for questions.

There being no others to speak for or against RP-18-0073, Mayor Strength closed the Public Hearing.

18. Consider approval of RP-18-0073

Action:

Councilmember Chuck Beatty moved to approve a request by Mickey Williams, Straightway Church, for a Replat of Lots 37 and 38, Highland Park Addition, to create Lot 37A, Highland Park Addition, 0.241 acre (Property ID 174037) – Owner: STRAIGHTWAY NONDENOMINATIONAL (RP-18-0073) per staff comments. Councilmember Melissa Olson seconded, All Ayes.

19. Continue 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 Strength continued the Public Hearing.

Mr. Brooks reported the applicant requested PD-18-0059 be continued to the Council meeting of July 2, 2018.

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

Action:

Councilmember Mary Lou Shipley moved to continue 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) to the City Council meeting of July 2, 2018. Councilmember Chuck Beatty seconded, All Ayes.

21. Public Hearing on a request by the City of Waxahachie to amend Sections 2.1 through 2.10, “Procedures”, of Appendix C, “Subdivisions”, of the City of Waxahachie City Code (TA-18-0089)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the City requested TA-18-0089 be continued to the City Council meeting of July 2, 2018.

22. Consider proposed Ordinance approving Zoning Change No. TA-18-0089

Action:

Councilmember Chuck Beatty moved to continue a request by the City of Waxahachie to amend Sections 2.1 through 2.10, "Procedures", of Appendix C, "Subdivisions", of the City of Waxahachie City Code (TA-18-0089) to the City Council meeting of July 2, 2018. Mayor Pro Tem David Hill seconded, All Ayes.

23. Consider request by Jaison Stephen, Jacobs Engineering Group, Inc, for a Preliminary Plat of Harlan Village for 233 lots and 12 open space lots, being 77.70 acres in the Thomas Shelby Survey, Abstract 1002 (Property ID 191092) – Owner: HARLAN PROPERTIES INC (PP-18-0050)

Mr. Brooks reported the Preliminary Plat is for a Single Family-3 neighborhood in a planned development noting the applicant has met the requirements of the zoning for the plat. He stated the applicant and staff moved the requested north/south thoroughfare over to avoid it running into the water treatment facility property. Mr. Brooks stated there is a request for deviation on the frontage road along Butcher Road and explained there is an existing water line so the future dedication of the right-of-way will be done per staff comments working with the applicant and determining exactly the line for the right-of-way dedication. Mr. Brooks recommended approval per staff comments.

Councilmember Melissa Olson asked if the project will widen Butcher Road noting the development will bring a lot of traffic. She asked how many lots are in the development. Mr. Brooks stated this project will not cause Butcher Road to be widened. He stated 230 lots will be developed.

Mr. Jaison Stephen, applicant, Jacobs Engineering Group, Inc., 1999 Bryant Street, Dallas, stated Butcher Road is a TxDOT right-of-way noting they completed a traffic impact analysis and approved a number of driveway connections to Butcher Road. Mr. Stephen stated he provided a 30 foot landscape buffer to allow the ability to dedicate future right-of-way as needed by TxDOT.

Action:

Mayor Pro Tem David Hill moved to approve a request by Jaison Stephen, Jacobs Engineering Group, Inc., for a Preliminary Plat of Harlan Village for 233 lots and 12 open space lots, being 77.70 acres in the Thomas Shelby Survey, Abstract 1002 (Property ID 191092) – Owner: HARLAN PROPERTIES INC (PP-18-0050) per staff comments. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Betty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4 to 1.

24. Consider Landscape Plan for Harlan Village as a companion to PP-18-0050 – Owner: HARLAN PROPERTIES INC

Mr. Brooks recommended approval noting this is the landscape plan of PP-18-0050.

Action:

Councilmember Mary Lou Shipley moved to approve a Landscape Plan for Harlan Village as a companion to PP-18-0050 – Owner: HARLAN PROPERTIES INC. Mayor Pro Tem David Hill seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Betty, and Mary Lou Shipley. Abstained: Melissa Olson. The motion carried.

- 25. Public Hearing on a request Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for Accessory Building (Residential) greater or equal to 700 S.F. use within a Planned Development-28-General Retail zoning district, located at 520 N. College Street, being LOT 26 & PT 27 BLK 9 TOWN - WAXAHACHIE 0.471 AC (Property ID 170713) - Owner: BILLY L & SHARON G DUNCAN (SU-18-0087)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to convert an existing garage into an accessory dwelling unit and an existing shed into a garage. He reported the applicant is in compliance and sufficient screening is in place facing Marvin Street. Staff recommended approval.

There being no others to speak for or against SU-18-0087, Mayor Strength closed the Public Hearing.

- 26. Consider proposed Ordinance approving Zoning Change No. SU-18-0087**

ORDINANCE NO. 3035

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT An ACCESSORY BUILDING (RESIDENTIAL) GREATER OR EQUAL TO 700 S.F. USE WITHIN A PLANNED DEVELOPMENT-28-GENERAL RETAIL (PD-28-GR) ZONING DISTRICT, LOCATED AT 520 N. COLLEGE STREET, BEING PROPERTY ID 170713, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 26 & PT 27, BLOCK 9 IN THE TOWN – WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3035 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 27. Continue 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 Strength continued the Public Hearing.

Mr. Brooks stated the requested Planned Development is replacing an existing Planned Development for a multi-family Development. He stated the applicant is asking for deviation on density as well setbacks and open space requirements. He stated with this development the applicant has been working with the school district to get an east/west connection as well as a north/south connection. Mr. Brooks explained the applicant agreed with the school district to build on their property a roadway noting they altered their design and no longer request the entry off Highway 287 frontage road. He stated there will be a drive leading to their entrance until it is continued north/south. The applicant is proposing to dedicate right-of-way for the east/west connection on the school property and a little on private property.

Mr. Brooks reported the applicant revised their elevations per staff comments as well as recommendations from the Planning & Zoning Commission, so they will have 100% masonry on the street fronting sides. As stated they still have deviation with open space, density as well as garages noting rather than 50% required garages applicant requested 11%. They added additional covered parking in the form of car ports with their revised design. Mr. Brooks stated at the first hearing of the Planning & Zoning Commission meeting, WISD requested to withdraw their protest of the project but going back and working with the school district the applicant and district came up with the right-of-way dedication as well as a revised design, the WISD provided a letter supporting the project. Mr. Brooks stated it is a difficult case, but the consideration of the council is necessary for this case.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, stated the thoroughfare will be four lanes and built at the developers cost. It will be built similar to North Grove Blvd. with landscape and lighting. He stated every elevation that faces the property line is 100% masonry, 84 covered spaces in the back, 30 attached garages and one detached garage. Mr. Acker stated the main reason for the increased density is due to the right-of-way dedication and when we give you the land it increases the density. He stated the apartments will be one (1) and two (2) bedroom housing, fully secured, gated, cameras, and pool.

There being no others to speak for or against PD-18-0048, Mayor Strength closed the Public Hearing.

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

ORDINANCE NO. 3036

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM A MULTI-FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2(PD-MF2), WITH CONCEPT PLAN LOCATED EAST OF THE NEW WAXAHACHIE HIGH SCHOOL IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 6.536 ACRES KNOWN AS PROPERTY ID 264879 IN THE WM C TUNNELL SURVEY, ABSTRACT NO. 1080, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3036 as presented. Councilmember Melissa Olson seconded, All Ayes.

- 29. Public Hearing on a request by Verlin Taylor, VKT Associates, for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, with Concept Plan, located at 1501 Dr. Martin Luther King Jr Blvd., being 272 S M DURRETT 0.3426 ACRES (Property ID 182074) - Owner: VKT ASSOCIATES LLC (PD-18-0079)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to continue the Public Hearing to the City Council meeting of August 6, 2018.

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on PD-18-0079 to the City Council meeting of August 6, 2018. Councilmember Mary Lou Shipley seconded, All Ayes.

- 30. Consider proposed Ordinance approving Zoning Change No. PD-18-0079**

No action taken

- 31. Continue 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 Strength continued the Public Hearing.

Mr. Brooks reported the applicant proposed to continue with crushed pavement. He addressed the planting of trees noting the applicant provided a landscape plan with trees. Mr. Brooks recommended approval to include landscape plan.

There being no others to speak for or against SU-18-0045, Mayor Strength closed the Public Hearing.

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

ORDINANCE NO. 3037

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A 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 (LI1)

ZONING DISTRICT, LOCATED AT 6820 N INTERSTATE 35, BEING PROPERTY ID 194221, AND A NORTHERN PORTION OF 188699, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE L B OUTLAW SURVEY, ABSTRACT NO. 821 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. 3037 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 33. Consider request by Joseph Willrich, BEFCO Engineering Inc., for a Preliminary Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (PP-18-0081)**

Mr. Brooks reported this is the same property and stated there is currently insufficient water service at this location to provide for adequate fire protection to this site. He noted fire protection required by Waxahachie Fire Department includes fire pump, water tank, and fire sprinkler system inside building.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Joseph Willrich, BEFCO Engineering Inc., for a Preliminary Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (PP-18-0081) per staff comments. Mayor Pro Tem David Hill seconded, All Ayes.

- 34. Consider request by Joseph Willrich, BEFCO Engineering Inc., for a Final Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (FP-18-0082)**

Mr. Brooks presented the Final Plat noting it is the companion case to PP-18-0081. He recommended approval subject to fire protection required by Waxahachie Fire Department to include fire pump, water tank, and fire sprinkler system inside building.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Joseph Willrich, BEFCO Engineering Inc., for a Final Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (FP-18-0082) as presented. Mayor Pro Tem David Hill seconded, All Ayes.

- 35. Public Hearing on a request by Stan Beard, Buc-ee's, LTD, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to Planned Development-Commercial, with Concept Plan, located at the SW corner of I-35E and Butcher Road, being 790 E C NEWTON 58.718 ACRES (Property ID 188453) - Owner: 60 WAX RE HOLDINGS, LLC (PD-18-0088)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the applicant seeks to build a Buc-ee's Travel Center at the intersection of Butcher and I-35E, and is seeking to establish the development standards for that site. He stated the Planning and Zoning Commission recommended approval of a seventy-five (75) foot pole sign height with maximum pole sign size of 380 feet. Mr. Brooks stated staff has been working with Buc-ee's and the elevation looks good using quality materials. He stated staff and the applicant are currently reviewing landscaping.

There being no others to speak for or against PD-18-0088, Mayor Strength closed the Public Hearing.

Councilmember Melissa Olson asked what was going to be done with the bridge over I-35E. Mayor Strength stated the area will have an interchange at that location and the City is working with TxDOT. He stated the bridge will be in before the building is built.

36. Consider proposed Ordinance approving Zoning Change No. PD-18-0088

ORDINANCE NO. 3038

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 AND FUTURE DEVELOPMENT (LI1 AND FD) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C), WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF INTERSTATE 35 E AND BUTCHER ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 58.718 ACRES KNOWN AS PROPERTY ID 188453 OF THE EC NEWTON SURVEY, ABSTRACT NO. 790 AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3038. Councilmember Mary Lou Shipley seconded, All Ayes.

37. Consider Food and Food Handlers Ordinance and take any necessary action

Mr. Ryan Studdard, Director of Building and Community Services, reported earlier this year staff gave a presentation pertaining to repealing and replacing Ordinance No. 2520 Food and Food Handlers. He stated it updates the TFER dated 2006 to the new update dated 2015, updates terms, allows staff to use a plan to help food handlers to come into compliance, and basic clean-up of language.

ORDINANCE NO. 3039

AN ORDINANCE AMENDING THE FOOD AND FOOD HANDLERS PROVISIONS, BY REPEALING AND REPLACING ORDINANCE NO. 2520 OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3039 as presented. Councilmember Chuck Beatty seconded, All Ayes.

38. Public Hearing to continue the curfew for minors

Mayor Strength opened the Public Hearing.

City Manager Michael Scott reported this is a three (3) year ordinance and it is up for renewal. He stated there are no new changes.

Those who spoke against the curfew for minors:

Mr. Joe Palmer, 4017 Sanguinet Court, Fort Worth, Texas
Ms. Amy Hedtke, 106 Vanderbilt Lane, Waxahachie

There being no others to speak for or against the curfew for minors, Mayor Strength closed the Public Hearing.

39. Consider proposed Ordinance continuing the curfew for minors

ORDINANCE NO. 3040

AN ORDINANCE PASSING ARTICLE VII, CURFEW FOR MINORS, AND ENACTING SEC. 21-81, THROUGH 21.85, ENACTING A CURFEW FOR MINORS, PROVIDING FOR DEFENSES, ENFORCEMENT, AND PENALTIES, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.

Action:

*Councilmember Melissa Olson moved to table proposed Ordinance No. 3040. **The motion died due to lack of second.***

Action:

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3040 as presented. Mayor Strength seconded. The vote was as follows: **Ayes:** Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. **Noes:** Melissa Olson. **The motion carried 4 to 1.***

40. Consider award of bid for Penn Park Phase II

Mr. John Smith, Director of Parks and Recreation, reported the bid opening for Phase II was held on May 24, 2018 and three (3) bids were received. He reported several alternates were bid which included: restroom building, water, sewer and electric for restroom, restroom pad and site work, football field irrigation and football field lighting. Mr. Smith stated Dean Electric had the lowest bid and total cost of the project with alternates and additions totaled \$674,337.00. He stated the funds available for the project total \$670,000.00 and requested an additional amount of \$5,000.00 to complete Phase II.

Mayor Strength stated this will be a great addition to the park.

City Manager Michael Scott recommended awarding the contract to Dean Electric including alternations and additions.

Action:

Councilmember Chuck Beatty moved to award the bid to Dean Electric including alterations and additions in the total amount of \$674,337.00 for Penn Park Phase II as presented. Mayor Kevin Strength seconded, All Ayes.

41. Consider budget amendment for Penn Park Phase II

Mr. Smith requested an additional amount of \$5,000.00 for completion of Penn Park Phase II as discussed above.

Action:

Councilmember Mary Lou Shipley moved to approve a budget amendment in the amount of \$5,000.00 as presented. Councilmember Chuck Beatty seconded, All Ayes.

42. Consider Park Board recommendation for regulating patrons at lake parks during the week of the Fourth of July holiday

Mr. Smith stated during holidays, the lake parks have become very overcrowded causing unsafe conditions and excessive parking overflow onto the roadways around the parks. He reported the Park Board met and recommended regulating patrons at lake parks during the week of the Fourth of July holiday. The Park Board recommended restricting access to the lake parks on June 30, 2018, July 1, 2018, July 4, 2018, July 7, 2018 and July 8, 2018 to City of Waxahachie residents only. Mr. Smith stated if approved, staff will install temporary fencing at the parks and funnel patrons through gates. Each gate will have a park employee and Waxahachie Police Officer.

Councilmember Mary Lou Shipley asked, if successful, will this convert to an Ordinance. Mr. Scott concurred.

Mayor Strength stated every holiday when the lakes north of Waxahachie get full visitors come to Waxahachie and soon found out it was free and therefore most visitors that come to Lake Waxahachie are not city residents. He stated this is a trial.

Mr. Smith stated message boards will be placed along Howard Road.

Action:

Councilmember Mary Lou Shipley moved to approve regulating patrons at lake parks during the week of the Fourth of July holiday as presented. Councilmember Chuck Beatty seconded, All Ayes.

43. Consider Resolution directing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2018

Mr. Charles Harris, Director of Finance, reported the Notice of Intention will be published twice in the local paper. He stated the bond amount changed from \$16,000,000.00 to \$14,760,000.00.

Councilmember Melissa Olson asked what the projects will be. Mr. Harris stated the 2019 Capital Improvement Plan projects previously presented to City Council at a work session include: approximately 4.2 million in streets, 2.4 million in water, 5 million in wastewater, 3 million in the amphitheater and other to be used for engineering and legal fees incurred in connection with the projects.

RESOLUTION NO. 1247

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION: AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

Action:

Mayor Pro Tem David Hill moved to approve Resolution No. 1247 as presented. Councilmember Mary Lou Shipley seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4 to 1.

- 44. Consider proposed contract with Kimley-Horn to provide professional engineering services for the design of electrical improvements and the installation of an emergency generator for the Howard Road Water Treatment Plant high service pump station, and for the design of an emergency generator for the Lake Waxahachie raw water pump station number 2**

Mr. Tommy Ludwig, Executive Director of Development Services, reported the engineering services described above totals \$414,000.00. He reported the projects are a planned capital expense and included in the City's 5 Year Capital Improvement Plan, which was last presented to Council on May 10th. Construction of the projects will be in 2019. He stated this project will ultimately be funded through certificate of obligation bonds, which are anticipated to be sold prior to the end of this fiscal year.

Action:

Councilmember Melissa Olson moved to approve a contract with Kimley-Horn in the amount of \$414,000.00 as presented. Councilmember Chuck Beatty seconded, All Ayes.

- 45. Consider Resolution authorizing reimbursement of the Water Fund's Working Capital from proceeds for future debt for the design of electrical improvements and the installation of an emergency generator for the Howard Road Water Treatment Plant high service pump station, and for the design of an emergency generator for the Lake Waxahachie raw water pump station number 2**

Mr. Ludwig reported Resolution No. 1248 is a companion Resolution to Item No. 44 authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

RESOLUTION NO. 1248

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DESIGN OF THE HOWARD ROAD HIGH SERVICE PUMP STATION

**ELECTRICAL IMPROVEMENTS AND EMERGENCY GENERATOR
INSTALLATION AND THE LAKE WAXAHACHIE RAW WATER PUMP STATION
NUMBER 2 EMERGENCY GENERATOR PROJECT**

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1248 as presented. Councilmember Melissa Olson seconded, All Ayes.

46. Convene into Executive Session for deliberation regarding economic development negotiations as permitted by Section 551.087 of the Texas Government Code

Mayor Strength announced at 8:30 p.m. the City Council would convene into Executive Session for deliberation regarding economic development negotiations as permitted by Section 551.087 of the Texas Government Code.

47. Reconvene and take any necessary action

The meeting reconvened at 8:58 p.m.

Action:

Mayor Pro Tem David Hill moved to execute Resolution No. 1249 authorizing a Chapter 380 Economic Agreement with Buc-ee's LTD. Councilmember Mary Lou Shipley seconded, All Ayes.

RESOLUTION NO. 1249

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF WAXAHACHIE AND BUC-EE'S, LTD.

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

Councilmember Melissa Olson thanked Ms. Cartwright for her accuracy and assistance. She recapped why she voted no on agenda items.

Councilmember Chuck Beatty thanked Ms. Cartwright for her support and announced on Tuesday, June 19, 2018 Penn Park will celebrate the opening of Phase I and invited everyone to attend.

City Manager Michael Scott stated it speaks highly of Ms. Cartwright to be recognized by her peers and speaks of her professionalism. He stated staff is appreciative of her hard work and for the time she put in tirelessly. He announced Assistant City Manager Albert Lawrence recently passed the Certification for Certified Public Manager noting it is a one year course from Texas State University. Mr. Scott stated it speaks to the professionals we are hiring and hope to stay here. He congratulated Mr. Stan Beard, Buc-ee's LTD, on the zoning approval and project.

Mayor Kevin Strength thanked Mr. Beard for coming to Waxahachie. He stated he admires Ms. Cartwright for bringing her staff up with her making sure they are receiving their certifications. He stated the ceremony at Penn Park is very important and encouraged all to attend. Mayor Strength thanked city staff for their work.

Mayor Pro Tem David Hill referenced the Food and Food Handlers Ordinance noting the city was operating under the 2006 code. He stated Texas is the twelfth state to embrace the Ordinance. He stated there was not a time that our food handlers were not handling food in a safe manner and explained the revisions is 90% administrative. He thanked City Council for passing the Ordinance. He congratulated Ms. Cartwright noting she has a gentle spirit and is always willing to do what is asked of her.

Councilmember Mary Lou Shipley congratulated Ms. Cartwright noting there has never been a time she's been to see Ms. Cartwright when she didn't have time to talk or answer questions noting she almost always knows the answer right of way which gives Council confidence. She stated she is pleased with the Food and Food Handlers Ordinance and excited about Buc-ee's.

City Attorney Robert Brown stated he represents several cities and Buc-ee's is a well sought after destination spot. He stated once it's in operation the city will be very pleased with the economic impacts. He congratulated Ms. Cartwright.

Ms. Amy Borders, Director of Communications and Marketing, reported the live streaming worked well without any glitches.

49. Adjourn

There being no further business, the meeting adjourned at 9:09 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary