

City Council
July 16, 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, July 16, 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
Amber Villarreal, Assistant 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

Mr. Robert Bernecker, 5045 April Lane, asked council to table the Eminent Domain Resolutions on the agenda until city staff meets with the affected property owners to discuss concerns.

Mr. Daniel Harrison, 971 FM 879, asked council to table the Eminent Domain Resolutions on the agenda until city staff meets with the affected property owners to discuss concerns.

6. Consent Agenda

- a. Minutes of the City Council meeting of July 2, 2018
- b. Approve application for Community Kickball Tournament to be held July 28, 2018 at Lee Penn Park
- c. Approve application for 3-on-3 Hoop it Up Basketball Tournament to be held July 21, 2018 at Lee Penn Park
- d. Approve application for Backpack Giveaway to be held August 11, 2018 at Lee Penn Park

Action:

Councilmember Melissa Olson moved to approve items a. through d. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

7. Introduce Honorary Councilmember

Mayor Strength introduced Felipe Gonzalez as the Honorary Councilmember for the month of July and presented him with a certificate. Felipe is a graduate of Waxahachie High School graduating as valedictorian with honors, the Superintendent's Honor Roll, and as a National Hispanic Scholar. He was a member of the Waxahachie Indians football team all four years of high school and participated across all levels. He was a member of the Academic UIL team participating in math and science competitions, member of the National Honor Society participating in community service, and a member of the Future Health Professionals Club. Felipe will be attending the University of Texas in the fall where he will major in Biology with an honors degree and will participate in the prestigious Health Science Scholars and Freshman Research Initiative programs at UT. He plans to study and practice medicine.

8. Hear from Felty neighborhood representatives on safety recommendations

Mr. Miguel Villanueva, 409 Sunset Court, spoke on behalf of the concerned property owners near Felty Elementary. He presented and reviewed a list of safety concerns from property owners in the area and asked for answers.

Mayor Strength explained the multi-family zoning for the Garden Valley Apartments was established in 2002 before the single-family homes were built. He explained that council doesn't have an answer for every request presented, noting many of the concerns need to be directed to the school district or other entities. Mayor Strength requested staff meet with a few Felty neighborhood representatives to discuss the concerns.

Mr. Kevin Farland, 204 Stardust Trail, inquired about a special joint meeting between residents and council.

Mayor Pro Tem David Hill introduced WISD Security Officer Erik Kyle and explained the city has been working with the school district to address safety issues.

Ms. Qulaveshia Bowen, 107 Blue Moon, requested to read all safety concerns to council as presented.

Councilmember Olson thanked the residents for their concerns.

Mr. Farland asked council to establish a task force to evaluate and plan for city growth. Mayor Strength explained the city already does that by following the adopted Comprehensive Plan and working with city boards and commissions.

City Staff will meet with Felty neighborhood representatives to address their safety concerns.

9. Public Hearing on a request by Hannah Kirkman for a Replat of Lots 58, 59 and part of 60, Ferris Second Addition - Revised, to create Lots 58A and 59A, Ferris Second Addition - Revised, 0.657 acres (Property ID 173378 and 173369) – Owner: KYLE & HANNAH KIRKMAN and THERESA A GASE (RP-18-0099)

Mayor Strength opened the Public Hearing.

Mr. Tommy Ludwig, Executive Director of Development Services, presented RP-18-0099. He noted staff recommended approval as presented. He explained through research, staff found that property owners along Dunn Street separated lots through metes and bounds rather than through the platting process; therefore, while trying to obtain building permits staff discovered the overlap of property lines.

There being no others to speak for or against RP-18-0099, Mayor Strength closed the Public Hearing.

10. Consider approval of RP-18-0099

Action:

Councilmember Mary Lou Shipley moved to approve a request by Hannah Kirkman for a Replat of Lots 58, 59 and part of 60, Ferris Second Addition - Revised, to create Lots 58A and 59A, Ferris Second Addition - Revised, 0.657 acres (Property ID 173378 and 173369) – Owner: KYLE & HANNAH KIRKMAN and THERESA A GASE (RP-18-0099). Mayor Pro Tem David Hill seconded, All Ayes.

11. Consider request by Bryan Connally, CBG Surveying, LLC, for a Preliminary Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (PP-18-0102)

Mr. Ludwig presented PP-18-0102 noting staff recommended approval as presented. He explained the development fronts onto TxDOT right-of-way and before building a residence on Lot 1 a driveway permit from TxDOT is needed. He noted this is not an issue at platting, but staff wanted to make the applicant and council aware.

Action:

Councilmember Chuck Beatty moved to approve a request by Bryan Connally, CBG Surveying, LLC, for a Preliminary Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (PP-18-0102). Councilmember Melissa Olson seconded, All Ayes.

12. Public Hearing on a request by John Blacker, Hart, Gaugler, & Associates for a Replat of Lot 1, Block A, Lifeschool Waxahachie Addition and Lot 1R, Block A, Boykin Business Park Phase 2, to create Lot 1R, Block A, Life School Waxahachie Addition, 45.142 acres (Property ID 191082 and 233735) – Owner: LIFESCHOOL OF DALLAS (RP-18-0103)

Mayor Strength opened the Public Hearing.

Mr. Ludwig presented RP-18-0103 and noted staff recommended approval as presented.

There being no others to speak for or against RP-18-0103, Mayor Strength closed the Public Hearing.

13. Consider approval of RP-18-0103

Action:

Mayor Pro Tem David Hill moved to approve a request by John Blacker, Hart, Gaugler, & Associates for a Replat of Lot 1, Block A, Lifeschool Waxahachie Addition and Lot 1R, Block A, Boykin Business Park Phase 2, to create Lot 1R, Block A, Life School Waxahachie Addition, 45.142 acres (Property ID 191082 and 233735) – Owner: LIFESCHOOL OF DALLAS (RP-18-0103). Councilmember Chuck Beatty seconded, All Ayes.

14. Continue Public Hearing on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a General Retail zoning district to General Retail and Planned Development-Mixed Use Residential, with Concept Plan, located at 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-18-0074)

Mayor Strength continued the Public Hearing.

Mr. Ludwig presented PD-18-0074 and explained staff recommended denial at the July 10, 2018 Planning and Zoning Commission meeting due to the following reasons:

- There is a limited mix of retail incorporated into apartment complex located in tract 1
- Staff has concerns of approving additional multi-family housing units without the proposed hotel for tract 2 being constructed first
- The developer has proposed a density for the apartment complex greater than 25 units per acre

He reviewed the following recommendations from the Planning and Zoning Commission:

- Tract 2 can only be used to construct a hotel four stories in height, and the hotel must comply with the standards set forth in the City's Zoning Ordinance
- Tract 3 is limited to restaurant uses only and drive-through establishments are expressly prohibited
- Tract 4 is limited to general retail or office uses and drive-through establishments are expressly prohibited
- The internal street currently shown as Village Parkway must be constructed in its entirety at the time that the first tract is platted
- All of the landscaping throughout the entire development must be installed at the time that the first tract is platted, except for the portion of landscaping fronting onto Brown Street; this will be installed with the platting of Tract 3

Mr. Ludwig explained if approved, a detailed site plan will be required in the future.

Councilmember Olson asked if there is a maximum number of apartment complexes allowed and Mr. Ludwig noted our Comprehensive Plan addresses the density.

Councilmember Mary Lou Shipley asked if there is a way to ensure that the hotel will be built. City Attorney Robert Brown explained typically those types of special conditions are approved through a Developer's Agreement rather than with the zoning.

Councilmember Chuck Beatty asked if the Planning and Zoning Commission specified the building order and Mr. Ludwig noted the commission recommended approval and didn't specify phasing out the project.

Councilmember Olson asked about the responsibility of a traffic count and Mr. Ludwig noted the developer will be responsible for the traffic study at the time of platting.

Mr. Richard Rozier, 4250 Black Champ Road, developer representative, reiterated the importance to the project to have the multi-family zoning approved first. He explained the complex will only be one and two bedroom apartments with retail on the first floor.

Mr. Tim Lyons, 415 N. Oak Branch Road, property owner, explained he wants to build from the back to the front and is requesting the multi-family zoning for the apartment complex.

Councilmember Olson asked if the developer agreed to the fountain in the pond and the applicant said that will be included.

Ms. Qulaveshia Bowen, 107 Blue Moon, expressed concern with the traffic impact and City Manager Michael Scott noted the Traffic Impact Analysis will be done at the platting stage and the developer will have to work with TxDOT on obtaining a traffic light.

Mayor Pro Tem Hill encouraged citizens to use alternate routes to alleviate traffic.

Economic Development Director Doug Barnes explained traffic numbers are available on the North Central Texas Council of Governments' website.

Those who spoke in favor of PD-18-0074:

Ginger Cole, 207 Rock Springs

There being no others to speak for or against PD-18-0074, Mayor Strength closed the Public Hearing.

15. Consider proposed Ordinance approving Zoning Change No. PD-18-0074

ORDINANCE NO. 3044

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL-MIXED-USE-RESIDENTIAL (PD-GR-MUR), WITH CONCEPT PLAN LOCATED AT THE NORTHEAST CORNER OF US HIGHWAY 287 BYPASS AT FM 813 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 17.741 ACRES KNOWN AS PROPERTY IDS 227073 AND 138302 OF THE R RUSSELL SURVEY, ABSTRACT NO. 911, 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. 3044 accepting Planning & Zoning Commission's recommendation and staff notes. Councilmember Chuck Beatty seconded, All Ayes.

16. Consider award of bid for Civic Center Star and Fountain projects and associated budget amendment

Mr. Scott reported the bid opening for the Civic Center Star and Fountain projects was held on June 28, 2018. Bob Stoffels, Project Manager, recommended awarding the bid to Wall Enterprises in the amount of \$654,360.00. Mr. Scott noted an additional \$45,000.00 was anticipated when the shade structure was added to the scope; therefore, this project is actually about \$159,000.00 more than the architect's estimates. Staff requested a budget amendment in the amount of \$204,360.00 to complete the project which will enhance the entry to the Civic Center and provide two additional outdoor (rentable) spaces to host events.

Action:

Councilmember Chuck Beatty moved to award the bid to Wall Enterprises in the amount of \$654,360.00 and approve the associated budget amendment in the amount of \$204,360.00. Mayor Pro Tem David Hill seconded, All Ayes.

17. First Reading of proposed Ordinance approving the SiEnergy Franchise

Assistant City Manager Albert Lawrence reviewed the city charter requirements for approving Franchise Ordinances:

- All ordinances granting, amending, renewing or extending franchises for public utilities shall be read at two separate regular meetings of the council, and shall not be finally passed until thirty days after the first reading.
- No such ordinance shall take effect until thirty days after its final passage, and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper of the city, and the expense of such publication shall be borne by the proponent of the franchise.
- No public utility franchise shall be granted for a term of more than twenty years nor be transferable except with the approval of the city council expressed by ordinance.

He announced the second reading and adoption will be on August 20, 2018 and will take effect on September 19, 2018.

Mayor Strength presented the first reading of the proposed ordinance approving the SiEnergy Franchise.

18. Consider proposed Resolution to authorize the use of the power of eminent domain to acquire the easements described in the Resolution for the Cole Creek Gravity Trunk Sewer Line Project

Action:

Mayor Kevin Strength moved to postpone Items 18, 19, and 20 to the August 6, 2018 City Council meeting to allow staff to meet with property owners. Councilmember Chuck Beatty seconded, All Ayes.

- 19. Consider proposed Resolution to authorize the use of the power of eminent domain to acquire the easements described in the Resolution for the Grove Creek Lift Station, Force Main and Gravity Trunk Sewer Line Project**

Action:

Item postponed until August 6, 2018 City Council meeting.

- 20. Consider proposed Resolution to authorize the use of the power of eminent domain to acquire the easements described in the Resolution for the Lower Mustang Creek Lift Station and Parallel Force Main Project**

Action:

Item postponed until August 6, 2018 City Council meeting.

- 21. Comments by Mayor, City Council, City Attorney and City Manager**

Assistant City Manager Albert Lawrence thanked the Parks Department and Police Department for their assistance during the Independence Day holiday at the Lake. Overall, the feedback was positive and patrons were safe. He also thanked Communications and Marketing Director Amy Borders for getting the word out on the lake restrictions during the holiday.

Councilmember Melissa Olson thanked the citizens in attendance and announced the city is still accepting Boards and Commissions applications through July.

Councilmember Chuck Beatty thanked Felipe Gonzalez for serving as July's Honorary Councilmember. He somberly announced the passing of Ms. Mattie Borders. Ms. Borders was 105 years old and an exemplary asset to Waxahachie.

City Manager Michael Scott announced the first budget workshop will be held on Wednesday, July 25th at the Civic Center. He distributed preliminary budgets to councilmembers for review.

Mayor Kevin Strength thanked the Parks Department and Police Department for policing the lake during the holiday.

Mayor Pro Tem David Hill thanked Mr. Bob Lynn for his service to the city and encouraged citizens to volunteer in their community. He explained he doesn't like traffic but it is a sign of growth and the city will work to address safety concerns in Waxahachie.

Councilmember Mary Lou Shipley thanked the honorary councilmember for his attendance. She reported she attended a TML Regional meeting last week and it was a valuable experience to be able to network with others in municipal government. She echoed the praise of the Parks Department and Police Department during the lake restrictions.

Honorary Councilmember Felipe Gonzalez thanked council for allowing him to attend the July council meetings.

22. Adjourn

There being no further business, Councilmember Chuck Beatty moved to adjourn at 9:11 p.m. Mayor Pro Tem David Hill seconded, All Ayes.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary