

City Council
October 2, 2017

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, October 2, 2017 at 7:00 p.m.

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

Others Present: Michael Scott, Interim City Manager
Robert Brown, City Attorney
Lori Saunders, City Secretary

1. Call to Order

Mayor Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

Councilmember Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments:

Mr. C.D. Curry, 106 Pecan Street, Waxahachie, expressed concern pertaining to the city streets, water and sewer, parking and permits. He stated the secondary streets have high traffic and asked they be looked at.

6. Consent Agenda

- a. Minutes of the regular City Council meeting of September 18, 2017
- b. Minutes of the City Council Briefing Session of September 18, 2017
- c. Minutes of the regular Planning & Zoning Commission meeting of September 26, 2017
- d. Minutes of Keep Waxahachie Beautiful meeting of September 26, 2017
- e. Minutes of the Airport Board meeting of September 14, 2017
- f. Interim City Manager's appointment of member to Civil Service Commission
- g. Thursday Night Cruise In & outdoor concert at Pop's Burger Stand, October 12, 2017
- h. Request by Ospicio Hernandez for a Final Plat of land situated in the Ellis County School Land Survey, Abstract 328 to create Lots 1 and 2, Block 1, West Road Subdivision, 5.0072 acres in the Extra Territorial Jurisdiction (Property ID 142314) – Owner: HERNANDEZ OSPICIO & MARIA (FP-17-0121)

Action:

Councilmember David Hill moved to approve items a. through h. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

7. Introduce Honorary Councilmember

Mayor Pro Tem Mark Singleton introduced Klarisa Thomas as the Honorary Councilmember for the month of October. Klarisa is the daughter of Chris and Elizabeth Thomas and sister to Hunter Thomas. Her dad is a teacher and coach at Midlothian's Walnut Grove Middle School; her mom is the assistant to the lead pastor at The Avenue Church; and her brother is a senior in ROTC at Texas Tech University. Klarisa has been a student at Waxahachie High School for four years now, and have competed in cross country, volleyball, and soccer for the school. She has been a varsity starter for the high school's girls' soccer program for three years and will be one of the varsity captains this senior year. Along with sports, Klarisa enjoys being involved in Interact, Student Council, National Honors Society, Fellowship of Christian Athletes, Power to the People, and Yearbook. In these clubs, she has never been one to simply participate on the outskirts of the clubs. She is the school's newspaper assistant editor and the president of the senior class. After graduation, Klarisa would like to attend a four year college, in pursuit of becoming a sports academic advisor along with coaching soccer. Her goal is to be able to also spend her summers traveling while doing mission work and helping troubled young girls by showing God's love and sharing His promises.

8. Recognition of outgoing Planning and Zoning Commission Chairman Jim Cooper

Mayor Strength recognized outgoing Planning and Zoning Commission Chairman Jim Cooper. He reported Chairman Cooper's first meeting on the Commission was August 12, 1981. On May 9, 1984 he was appointed Vice Chairman and on June 11, 1997 he was appointed Chairman. His last meeting was April 22, 1998 and resigned thereafter for a total of 17 years of service. On September 28, 2005, Mr. Cooper returned to the Commission and on October 8, 2008 he became Chairman and has remained Chairman to date. During Mr. Cooper's second appointment, he served 12 years. Mayor Strength presented Mr. Cooper a gavel and stand, Austin stone bookends and a plaque for his dedication service for 29 years to the Planning and Zoning Commission. Mr. Cooper thanked City Council, Staff and City Secretary Lori Saunders and her staff for their professionalism.

9. Public Hearing on a request by Mary Graf, for a Zoning Change from a Single Family-1 (SF1) zoning district to a Planned Development-Neighborhood Service (PD-NS) with Concept Plan, located at 111 Farley Street, being LOT 6-7 & 8A & 8B & 9-10 GETZENDANER-REV - Owner: FOUNDATION OF LIFE CHURCH (PD-17-0107)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the change request is to allow a child daycare center inside the church.

There being no others to speak for or against PD-17-0107, Mayor Strength closed the Public Hearing.

10. Consider proposed Ordinance approving Zoning Change No. PD-17-0107

ORDINANCE NO. 2973

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE-FAMILY 1 (SF-1) ZONING DISTRICT TO A PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE (PD-NS) ZONING DISTRICT, WITH CONCEPT PLAN IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.482 ACRES KNOWN AS LOT 6-7 & 8A & 8B & 9-10 OF THE GETZENDANER REVISION (PROPERTY ID 193436), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGES.

Action:

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2973 as presented. Councilmember David Hill seconded, All Ayes.

11. Continue Public Hearing on a request by Christopher Holleman, Holleman Construction Co. Inc., for a Zoning Change from a Light Industrial-1 (LI-1) zoning district to a Planned Development-Light Industrial-1 (PD-LI1), with Concept Plan, for a Contractor's Shop and Storage Yard located at 120 Lucas Street, being 827 A POLK 7.226 ACRES (Property ID 189014) - Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PD-17-0112)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, presented a concept plan noting the purpose is to construct a contractor's shop that will serve as the home office for Holleman Construction.

Discussion was held pertaining to the storage yard. Mr. Brooks stated the Planning and Zoning Commission had concerns of the size of the storage yard. He stated the applicant reduced the size and increased screening.

There being no others to speak for or against PD-17-0112, Mayor Strength closed the Public Hearing.

12. Consider proposed Ordinance approving Zoning Change No. PD-17-0112

ORDINANCE NO. 2974

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI-1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-1 (PD-LI-1), WITH CONCEPT PLAN LOCATED AT 120 LUCAS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.226 ACRES KNOWN AS PROPERTY ID 189014 OF A. POLK SURVEY, ABSTRACT NO. 827, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember David Hill moved to approve Ordinance No. 2974 as presented. Mayor Pro Tem Mark Singleton seconded, All Ayes.

13. Consider Landscape Plan for Holleman Addition as a companion to PP-17-0113 – Owner: HOLLEMAN CONSTRUCTION COMPANY

Mr. Shon Brooks, Director of Planning, reported the proposed Landscape Plan meets all the requirements of the Landscape Ordinance and recommended approval.

Action:

Mayor Pro Tem Mark Singleton moved to approve the Landscape Plan for Holleman Addition as a companion to PP-17-0113 – Owner: HOLLEMAN CONSTRUCTION COMPANY, as presented. Councilmember Chuck Beatty seconded, All Ayes.

14. Public Hearing on a request by Joe McCrory, Children’s Health, for a Specific Use Permit (SUP) to allow Medical Facility use within a Planned Development-42-Commercial (PD-42-C) zoning district, located at 1540 N Highway 77, Suite 10, being 7 A WAXAHACHIE TOWNE CENTER ADDN 8.636 ACRES (Property ID 233967) – Owner: WAXAHACHIE TOWNE CENTER (SU-17-0116)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the site had previously been a medical clinic and explained a change of ownership triggers the need for a new Certificate of Occupancy (CO) noting the CO requires a Specific Use Permit.

There being no others to speak for or against SU-17-0116, Mayor Strength closed the Public Hearing.

15. Consider proposed Ordinance approving Zoning Change No. SU-17-0116

ORDINANCE NO. 2975

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1540 N HIGHWAY 77, SUITE 10, BEING PROPERTY ID 233967, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 7, BLOCK A IN THE WAXAHACHIE TOWNE CENTER ADDITION 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. 2975 as presented. Mayor Pro Tem Mark Singleton seconded, All Ayes.

16. **Public Hearing on a request by John Zabochnik, Texas Cryoworks and Wellness, for a Specific Use Permit (SUP) to allow Medical Facility use within a Planned Development-General Retail (PD-GR) zoning district, located at 110 Park Place Court, Suite 101, being LOT 1 BLK A PARK PLACE PROFESSIONAL CENTER 1.807 AC (Property ID 247584) – Owner: GRANE LANE HOLDING LLC & ARDETH REAL ESTATE LLC (SU-17-0118)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the proposed Medical Facility requires a Specific Use Permit.

There being no others to speak for or against SU-17-0118, Mayor Strength closed the Public Hearing.

17. **Consider proposed Ordinance approving Zoning Change No. SU-17-0118**

ORDINANCE NO. 2976

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, LOCATED AT 110 PARK PLACE COURT, SUITE 101, BEING PROPERTY ID 247584, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE PARK PLACE PROFESSIONAL CENTER SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 2976 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

18. **Public Hearing on a request by John Ed Justice, Brekenglenn Ltd, for a Specific Use Permit (SUP) to allow Contractor's Shop and Storage Yard use within a Light Industrial-2 (LI2) zoning district, located at 500 Cantrell Street being 896 E W ROGERS 0.162 ACRES (Property ID 210303) – Owner: BREKENGLENN LTD (SU-17-0119)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the site does not conform to the City's zoning ordinance regarding the required paving of the parking lot. He stated the Planning and Zoning Commission voted 5-1 to deny the request. Mr. Brooks stated Staff received notice from the applicant to appeal to City Council.

Mr. John Ed Justice, 238 Katy Lake Drive, Waxahachie, applicant, stated the building is designed for a contractor's office and requested approval.

There being no others to speak for or against SU-17-0119, Mayor Strength closed the Public Hearing.

19. Consider proposed Ordinance approving Zoning Change No. SU-17-0119

ORDINANCE NO. 2977

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONTRACTOR'S SHOP AND STORAGE YARD USE WITHIN A LIGHT INDUSTRIAL-2 (LI-2) ZONING DISTRICT, LOCATED AT 500 CANTRELL STREET, BEING PROPERTY ID 210303, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE E.W. ROGERS, ABSTRACT NO. 896 SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

After further discussion, Councilmember Chuck Beatty moved to approve Ordinance No. 2977 as presented. Mayor Pro Tem Mark Singleton seconded, All Ayes.

20. Public Hearing on a request by Joshua Millsap, Stantec, for a Zoning Change from a Planned Development-58-General Retail (PD-58-GR) zoning district to a Planned Development-General Retail (PD-GR) with Concept Plan for an expansion of existing HEB Grocery Store located at 800 N Highway 77, being 1 A H E BUTT ADDN 12.112 ACRES (Property ID 205522) - Owner: COLE MT WAXAHACHIE TX LLC (PD-17-0120)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the applicant seeks to amend the current Planned Development for the purpose of a grocery store pick-up line.

Mr. Joshua Millsap, Stantec, representing the applicant, stated the proposed expansion will be at the back of the store alleviating traffic at the front of the store. He stated, if approved, construction will begin in approximately 2 weeks and completed in 10 weeks.

There being no others to speak for or against PD-17-0120, Mayor Strength closed the Public Hearing.

21. Consider proposed Ordinance approving Zoning Change No. PD-17-0120

ORDINANCE NO. 2978

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-58-GENERAL RETAIL (PD-58-GR) ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, WITH CONCEPT PLAN LOCATED AT 800 NORTH HIGHWAY 77 IN THE CITY OF

WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.112 ACRES KNOWN AS LOT 1 BLOCK A OF THE H.E. BUTT ADDITION OF PROPERTY ID 205522, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 2978 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 22. Public Hearing on a request by Clyde Hargrove, Hargrove Real Estate, for a Zoning Change from a Freestanding Planned Development zoning district to a Freestanding Planned Development (PD), with Concept Plan for single-family development located East of existing Buffalo Ridge Addition, being Property ID 264869 - Owner: WP LEGACY LTD. (PD-17-0129)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the applicant seeks to alter the maximum lot coverage percentages previously approved on May 1, 2017. The applicant proposed to increase the maximum lot coverage for PD-SF-1 from 35% to 47%; PD-SF-2 from 35% to 49%; and, PD-SF-3 from 35% to 52%.

Councilmember David Hill stated the increase allows the applicant the option to build larger homes on the lots.

There being no others to speak for or against PD-17-0129, Mayor Strength closed the Public Hearing.

- 23. Consider proposed Ordinance approving Zoning Change No. PD-17-0129**

ORDINANCE NO. 2979

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM A FREESTANDING PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO A FREESTANDING PLANNED DEVELOPMENT (PD) ZONING DISTRICT, WITH CONCEPT PLAN LOCATED EAST OF THE EXISTING BUFFALO RIDGE ADDTION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 142.417 ACRES KNOWN AS PROPERTY ID 264869 IN THE W.T. DUNN, ABSTRACT NO. 303, AND W.C. CALDER, ABSTRACT NO. 235, SURVEYS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 2979 as presented. Councilmember David Hill seconded, All Ayes.

24. Public Hearing on a request by Bruce Geer for a Replat of part of Block B, Park North, to create Lots 1RR and 2R, Block B, Park North, 2.570 acres (Property ID 175314 and 210329) – Owner: PRAXAIR INC (RP-17-0123)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the request creates 1 lot into 2 lots. He recommended approval per the following staff comment:

- Water and sewer services will need to be installed to both lots before the plat is recorded

There being no others to speak for or against RP-17-0123, Mayor Strength closed the Public Hearing.

25. Consider approving RP-17-0123

Action:

Councilmember Chuck Beatty moved to approve a request by Bruce Geer for a Replat of part of Block B, Park North, to create Lots 1RR and 2R, Block B, Park North, 2.570 acres (Property ID 175314 and 210329) – Owner: PRAXAIR INC (RP-17-0123), per staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

26. Consider proposed Ordinance annexing property owned by James R. Anderson, for annexation of approximately 131.827 acres generally situated South of FM Road 879 and East of US Highway 77

Interim City Manager, Michael Scott, stated the voluntary annexation is adding approximately 132 acres in the city. He stated the applicant will be back when he is ready to develop.

Mr. Scott presented Ordinance No. 2980:

ORDINANCE NO. 2980

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY THAT LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE IN THE PARTICULARS STATED IN THIS ORDINANCE, AND DECLARING AN EMERGENCY.

Action:

Councilmember David Hill moved to approve Ordinance No. 2980 as presented. Mayor Kevin Strength seconded, All Ayes.

27. Consider appointments to Boards and Commissions

Mayor Strength presented the following appointments for consideration:

BUILDING STANDARDS COMMISSION (2 year term)

Chris Oliver

WATER & WASTEWATER UTILITY ADVISORY COMMITTEE

Kip Fedora (Advisor)

Action:

Mayor Pro Tem Mark Singleton moved to approve appointments to Boards and Commissions as presented. Councilmember David Hill seconded, All Ayes.

28. Convene into Executive Session to consider specific personnel matters – Interim City Manager as permitted by Texas Government Code, Section 551.074 and seek legal advice from City Attorney on personnel matters – Interim City Manager as permitted by Texas Government Code, Section 551.071

Mayor Strength announced at 8:09 p.m. City Council would convene into Executive Session to consider specific personnel matters – Interim City Manager as permitted by Texas Government Code, Section 551.074 and seek legal advice from City Attorney on personnel matters – Interim City Manager as permitted by Texas Government Code, Section 551.071.

29. Reconvene and take any necessary action

The meeting reconvened at 10:12 p.m. Mayor Strength announced no action will be taken.

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

None

31. Adjourn

There being no further business, the meeting adjourned at 10:13 p.m.

Respectfully submitted,

Lori Saunders
City Secretary