

City Council
March 3, 2014

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, March 3, 2014, at 7:00 p.m.

Council Members Present: John Wray, Mayor
Kevin Strength, Mayor Pro Tem
Chuck Beatty, Councilman
Mark Singleton, Councilman
Mike Ramsey, Councilman

Others Present: Paul Stevens, City Manager
Amber Villarreal, Assistant City Secretary
Steve Chapman, City Attorney
Clyde Melick, Director of Planning

Others Absent: Michael Scott, Assistant City Manager

Mayor John Wray called the meeting to order. City Manager Paul Stevens gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

CONSENT AGENDA:

- a. Minutes of the regular City Council meeting of February 17, 2014
- b. Minutes of the regular Planning & Zoning Commission meeting of February 26, 2014

Councilman Mark Singleton moved to approved Items a. through b. on the Consent Agenda.
Mayor Pro Tem Kevin Strength seconded, **All Ayes.**

Mayor Wray announced there is not an Honorary Councilmember at this meeting.

Mayor Wray read a Proclamation proclaiming March 16-22, 2014 as "Poison Prevention Week."

Mr. Barry Moore, Waxahachie Prep Academy, requested approval for a 5k to be held on May 31, 2014. Police Chief Edge noted there were no issues from the Police Department, but reminded the applicant to inform TxDot about stopping traffic on Butcher Road.

Mayor Pro Tem Kevin Strength moved to approved the 5k as requested by Waxahachie Prep Academy to be held on May 31, 2014. Councilman Chuck Beatty seconded, **All Ayes.**

Mayor Wray announced Pettigrew Academy is not in attendance due to the school being closed today for inclement weather.

Mayor Wray continued the Public Hearing on a request by Sterling Development Co., Brett Hess and Moritz Interest LTD., for a Zoning Amendment from Single Family-1 to Planned Development–Single Family-1 (PD-SF1), Planned Development–Single Family-2 (PD-SF2), Planned Development–Single Family-3 (PD-SF3), and Planned Development - Multi-Family – 1 (MF-1), and Planned Development - General Retail (PD-GR) for mixed use and residential development, being a part of Abst 1182 JW Wright Survey, Abst 1009 H Sange Survey, Abst 318 R A Davis Survey, Abst 5 JB & A Adams Survey, Abst 83 J Billingsley Survey, Abst 106 C H Bernard Survey, Abst 629 H Levy Survey, and Abst 911 R Russell Survey located between Highway 77 and FM 813, being approximately 749 acres- Owner: Various (ZA 2013-41).

There being no others to speak for or against ZA 2013-41, Mayor Wray closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2733 approving ZA 2013-41. He noted there is minor language needed in the body text of the ordinance.

ORDINANCE NO. 2733

AN ORDINANCE CHANGING THE ZONING ON APPROXIMATELY 749 ACRES OF LAND IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, DESCRIBED IN EXHIBIT “B”, FROM SINGLE FAMILY-1 (SF-1) TO A FREE STANDING PLANNED DEVELOPMENT-MIXED USE COMMUNITY, INCLUDING SINGLE FAMILY 1, 2 AND 3, MULTIPLE FAMILY-1, AND GENERAL RETAIL USES AS DESCRIBED IN EXHIBIT “A”, AS A “FREE STANDING” PD DISTRICT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Mayor Pro Tem Kevin Strength moved to approve Ordinance No. 2733 subject to corrections made by City Attorney. Councilman Mark Singleton seconded, **All Ayes.**

Mayor Wray opened the Public Hearing on a request by Rivera Truck and Parts, for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for temporary portable building storage and outside storage to be located at 5947 IH 35E N, being 7.52 acres in the Peter B Stout Survey, Abstract No. 1003– Owner: Jose H. Rivera (ZA 2014-01). Mayor Wray announced the applicant requested to continue the public hearing to the March 17, 2014 meeting.

Councilman Mark Singleton moved to continue the Public Hearing on a request by Rivera Truck and Parts, for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for temporary portable building storage and outside storage to be located at 5947 IH 35E N, being 7.52 acres in the Peter B Stout Survey, Abstract No. 1003– Owner: Jose H. Rivera (ZA 2014-01) to the March 17, 2014 meeting. Councilman Chuck Beatty seconded, **All Ayes.**

Mayor Wray opened the Public Hearing on a request by the City of Waxahachie for a Zoning Amendment from Commercial (C) to General Retail (GR) to allow the continued use of single family dwellings to be located on Ovilla Road between US 287 and I35E– Owner: Various (ZA 2014-03).

Planning Director Clyde Melick explained the current single family homes are in a Commercial Zoning District. In order to rectify this situation a zoning change has been initiated by the city of Waxahachie to allow the homes to be rebuilt in case of a fire or disaster.

There being no others to speak for or against Zoning Amendment Request 2014-03, Mayor Wray closed the public hearing.

City Attorney Steve Chapman presented Ordinance No. 2734 approving ZA 2014-03.

ORDINANCE NO. 2734

AN ORDINANCE CHANGING THE ZONING ON RESIDENTIAL LOTS LOCATED ON OVILLA ROAD BETWEEN US HIGHWAY 287 AND IH-35E, WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM COMMERCIAL (C) TO GENERAL RETAIL (GR) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Councilman Chuck Beatty moved to approve Ordinance No. 2734. Councilman Mark Singleton seconded, **All Ayes.**

Mr. Tony Martin, 513 Sycamore Street, Waxahachie, representing Harlan Properties, requested approval of the Preliminary Plat of Oxford Ranch Two Phase I being 39.915 acres (33 Single Family Lots) in the T. Cassidy Survey, Abstract No. 255 in the ETJ-Owner: Harlan Properties (PLM 2014-04). He explained the homes will be on 1 acre estate size lots and serviced by Rockett SUD. He requested to be withdrawn from the City Sewer Master Plan noting the lots will have septic systems. He also requested to have longer residential streets due to the lot sizes.

Mayor Pro Tem Kevin Strength moved to approve the Preliminary Plat of Oxford Ranch Two Phase I being 39.915 acres (33 Single Family Lots) in the T. Cassidy Survey, Abstract No. 255 in the ETJ-Owner: Harlan Properties (PLM 2014-04) as presented. Councilman Mark Singleton seconded, **All Ayes.**

Public Works Director Jeff Chambers reported the following bids for the Baylor Medical Center Access Road Project were opened Tuesday, February 18, 2014. The bid tabulations were as follows (Base bid + Alternate):

RBR Infrastructure & Road, LLC	\$719,070.90
XIT Paving & Construction, Inc.	\$741,220.30
Pavecon, Ltd.	\$798,323.13
Phillips/May Corporation	\$1,033,333.13

Mr. Chambers reported Birkhoff, Hendricks & Carter, L.L.P. reviewed the bids and recommended awarding the contract to the second lowest bidder XIT Paving & Construction, Inc. based on experience. He also noted the bids came in over the engineers projected cost, but there is money in the street rehab fund to complete the project.

Mayor Pro Tem Strength inquired about the completion date and project engineer Mr. Gary Hendricks, noted the access roads should be completed before the opening of the new hospital at the first of November.

Councilman Singleton questioned the increase in pricing and Mr. Hendricks noted the increase is a reflection of the economy turning around.

Councilman Mark Singleton moved to award the bid for the Baylor Medical Center Access Road Project to XIT Paving & Construction, Inc. in the amount of \$741,220.30 (Base bid + Alternate). Mayor Pro Tem Kevin Strength seconded, **All Ayes.**

CITIZENS' PETITIONS AND REQUEST

None

COMMENTS BY MAYOR, CITY COUNCIL, CITY ATTORNEY AND CITY MANAGER

City Manager Paul Stevens congratulated Kevin Strength, Mark Singleton, David Hill on being unopposed for the general election.

Mayor Pro Tem Strength thanked Planning Director Clyde Melick for all his work with the North Grove Development.

Councilman Singleton noted there are lots of opportunities for Waxahachie and it is a good time for council to look at current rules in place and work with our developers.

Mayor Wray thanked City Attorney for his professionalism and commitment and let him know council is continuing to pray for him.

City Attorney Steve Chapman thanked everyone for the support that has been shown to him and his family.

Mayor John Wray announced at 7:22 p.m. the City Council would convene into Executive Session for consultation with attorney regarding contemplated or pending litigation with the City of Waxahachie as permitted by the **Texas Government Code, Section 551.071**, and to review Performance Evaluation for City Manager as permitted by the **Texas Government Code, Section 551.074**.

The meeting reconvened at 8:14 p.m.

Councilman Mark Singleton moved to extend the City Manager's Employment Agreement for one additional year, extending it through the year 2016, look at compensation comparison for key department heads within the next 3 months, including City Manager, and review City Manager's evaluation every 6 months. Councilman Mike Ramsey seconded, **All Ayes.**

There being no further business, the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary