

City Council  
April 4, 2016

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, Waxahachie, Texas, on Monday, April 4, 2016, 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: Paul Stevens, City Manager  
Michael Scott, Assistant City Manager  
Steve Chapman, City Attorney  
Amber Villarreal, Assistant City Secretary

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Mayor Kevin Strength called the meeting to order. Councilmember David Hill gave the invocation, led the pledge of allegiance and the Texas pledge of allegiance.

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**CONSENT AGENDA:**

- a. Minutes of the regular City Council meeting of March 21, 2016
- b. Minutes of the Planning and Zoning Commission meeting of March 22, 2016
- c. Minutes of the Mid-Way Regional Airport Board meeting of March 17, 2016
- d. Approve Navarro College PTA 5k Color Run at Chautauqua Park for May 21, 2016
- e. Approve street closures for Gingerbread Trail

**Mayor Pro Tem Mark Singleton moved to approve Items a. through e. on the Consent Agenda.**  
Councilmember Chuck Beatty seconded. **All Ayes.**

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Councilmember David Hill introduced Nick Dalquest as the Honorary Councilmember for the month of April. He noted Mr. Dalquest is a senior at Global High School, is ranked 4 out of 93 students, and has a 3.9 GPA. Mr. Dalquest will obtain his Associates of Science in May 2016 from Navarro College and is a member of the National Honor Society, Student Council Treasurer, Senior Class Council Member, and FIRST Robotics Business Team Member. Nick also participates in STEM Outreach, Angel Tree, and Operation First Day of School. He has received the English I Class Award, Graphic Design Class Award, and Civil Engineering Class Award.

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City Manager Paul Stevens recognized Director of Utilities David Bailey for receiving the Texas Water Utilities Association Outstanding Professional Award. He noted Mr. Bailey has spent 40

years in the industry and is well respected in his career field and around the state. Mr. Stevens noted the City of Waxahachie is fortunate to have Mr. Bailey as our Utilities Director.

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Mayor Strength opened the Public Hearing on a request by Dulce Trujillo, for a Specific Use Permit within a Planned Development-64-Single Family-3 (PD-64-SF-3) Zoning District for roof mounted pv solar system to be located at 1614 Wildflower Dr., being Lot 14, Block J, 0.129 acres in Country Meadows Phase 2– Owner: Jennifer Nichols (ZA 2016-05).

Planning Director Darren Groth reviewed the following Staff Comments:

**Zoning:** Planned Development-64-Single Family-3 (PD-64-SF-3)

**REVIEW COMMENTS**

1. Applicant proposes to install a solar-driven energy system that converts solar energy into electricity through photovoltaic panels onto the rooftop at 1614 Wildflower Drive per the property plan submitted by the applicant.
2. According to the submitted site layout drawings, the roof mounted PV solar system will be located on all sides of the roof line. The system will be visible from Wildflower Drive.
3. The installation must match the roof pitch and must leave no greater than six (6) inches between rooftops.
4. Chapter 3 of the Comp Plan encourages site planning that minimizes the need for continuously high levels of energy consumption. This proposal aligns with that goal.
5. Proper notifications were made in accordance with state law and the City’s zoning ordinance.

**APPLICANT REQUIREMENTS**

If the zoning request is approved, a Building Permit is required prior to installing the system.

Those who spoke in favor:  
Chris Barry, SolarCity

There being no others to speak for or against ZA 2016-05, Mayor Strength closed the public hearing.

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City Attorney Steve Chapman presented Ordinance No. 2852

**ORDINANCE NO. 2852**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 14, BLOCK J, COUNTRY MEADOWS, PHASE 11, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 0.129 ACRE, LOCATED AT 1614 WILDFLOWER DRIVE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PLANNED DEVELOPMENT-64-SINGLE FAMILY-3 (PD-64-SF-3) TO PLANNED DEVELOPMENT-64-SINGLE FAMILY-3 WITH SPECIFIC USE PERMIT (PD-64-SF-3 w/SUP) FOR THE PURPOSE OF**

**ALLOWING A ROOFTOP SOLAR PANEL SYSTEM, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE, AND DECLARING AN EMERGENCY AND MAKING THE ORDINANCE EFFECTIVE UPON PASSAGE.**

Councilmember Chuck Beatty moved to approve Ordinance No. 2852 as presented.  
Councilmember Mary Lou Shipley seconded, All Ayes.

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Mayor Strength opened the Public Hearing on a request by Brian Schrock/Panera, LLC, for a Site Plan approval in a Planned Development–36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing 1 Rev.–Owner: HD Development Properties LP (ZA 2016-06).

Planning Director Darren Groth reviewed the following Staff Comments:

- Zoning:** Planned Development-36-Commercial (PD-36-C) [Ord No.1431]  
**Surrounding Zoning:** This property is surrounded on the north and west by the same zoning district PD-36-C. To the east, across U.S. Hwy 77 is PD-72-C and to the south is PD-2-GR.  
**Future Land Use Plan:** The future land use map designates this area as Commercial.

**REVIEW COMMENTS**

1. This is Panera’s second request for a site plan at this location. The first request was processed under SP2015-29.
2. In the first request, staff’s comments noted that the building materials did not conform to the 90 percent masonry requirement. In the previous site plan, masonry was 60 percent of the total exterior materials, stucco/wood was 25 percent, and glazing was 14 percent. The current request does not meet the 90 percent masonry requirement on the east or north elevations. The east elevation proposes 49 percent brick, with 10 percent wood tile, and 41 percent glazing. The north elevation proposes 69 percent brick, with 15 percent wood tile, and 16 percent glazing. The west and south elevations propose more than 90 percent masonry and will reach 100 percent and 98 percent, respectively.
3. The proposed Monument Sign does not meet setback requirement. The sign must be 15 feet away from any property/access easement line. Due to the configuration of the property, the proposed monument sign is not on the Panera property but on the Home Depot property on the Hwy 77 frontage, making it an “off-premise” signage. These are prohibited by ordinance. A solution to this may be a “unified lot” sign easement agreement, which is proposed to be added to the Sign Ordinance by staff proposed amendment.
4. This development will remove existing landscaping from the property and along U.S. Hwy 77, but the proposed landscaping does not match the removed in-kind. Street trees are required on frontage; we recommend leaving every-other existing mature crepe myrtle on this frontage.
5. Verify turning movements for refuse vehicles.
6. Verify parking lot grading to ensure slope does not exceed two percent.
7. Verify hydrant locations for existing and proposed.

**APPLICANT REQUIREMENTS**

Applicant to correct Site Plan and resubmit to Planning Department for filing.

Mr. Groth explained the Planning and Zoning Commission recommended replacing the existing crepe myrtle trees with dwarf crepe myrtles and plant crepe myrtle trees in the City parks equal to the monetary value of those removed.

There being no others to speak for or against ZA 2016-06, Mayor Strength closed the public hearing.

**Councilmember Chuck Beatty moved to approve the request by Brian Schrock/Panera, LLC, for a Site Plan approval in a Planned Development–36-Commercial (PD-36-C) Zoning District for a Panera Bread restaurant, located at 1319 N. Hwy 77, being 0.55 acres, Lot 1A, Waxahachie Crossing 1 Rev.–Owner: HD Development Properties LP (ZA 2016-06), subject to Staff Comments.** Mayor Kevin Strength seconded, **All Ayes.**

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Mr. Groth presented a Replat of Waxahachie Crossing Subdivision Unit One, Block A, Lots 1A and 2A, being a replat of Block A Lot 1, being 13.295 acres - Owner: HD Development Properties LP (RP 2016-10). He reviewed the following Staff report:

1. As a replat of the current Lot 1, Block A; the proposal is to subdivide the parcel into Lots 1A and 2A. The title block should include the total acreage of the plat.
2. Provide information to clarify questions regarding access for both Lot 2A and refuse vehicles.
3. Make minor revisions to the face of the plat drawing in accordance with the redline comments.
4. Except for the minor comments, the plat is deemed to be satisfactory.
5. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
6. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

**Mayor Pro Tem Mark Singleton moved to approve Replat of Waxahachie Crossing Subdivision Unit One, Block A, Lots 1A and 2A, being a replat of Block A Lot 1, being 13.295 acres - Owner: HD Development Properties LP (RP 2016-10).** Councilmember David Hill seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Glenn Engineering Corporation, T. John Casey, P.E., for approval of a Planned Development-Commercial (PD-C) in a Commercial (C), General Retail (GR), Single Family-1 (SF-1), and Planned Development-Multi-Family-2 (PD-MF-2) Zoning District for new Waxahachie High School, located at 3001 US Hwy. 287 Bypass, being Lot 1, Block, 1, 94.184 acres, New Waxahachie High School Addition–Owner: Waxahachie I.S.D. (ZA 2016-07).

Planning Director Darren Groth reviewed the following Staff Comments:

**Zoning:** PD-47-Multiple-Family Dwelling District - 2 (PD-47-MF-2) [Ord No. 1560]; General Retail (GR) District; Single-Family Residential-1 (SF-1); and Commercial (C) District

**REVIEW COMMENTS**

1. Applicant proposes to construct a new high school facility on an approximately 94-acre complex.
2. Include all of the requested special exceptions in the table on sheet CS1.01.
3. Identify building materials and articulation or whether these items are included in the table on sheet CS1.01. If included in the table, then identify the extent of the request.
4. Provide information pertaining to the remainder of the lot that is adjacent to the site.

Clyde Melick, Waxahachie I.S.D, explained this will be the largest building in Waxahachie and that is why it doesn't meet the articulation standards of the zoning ordinance. He reviewed renderings of the new high school.

There being no others to speak for or against ZA 2016-07, Mayor Strength closed the public hearing.

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City Attorney Steve Chapman presented Ordinance No. 2853

**ORDINANCE NO. 2853**

**AN ORDINANCE CHANGING THE ZONING ON PROPERTY BEING MORE FULLY DESCRIBED AS LOT 1, BLOCK A, NEW WAXAHACHIE HIGH SCHOOL ADDITION, CONTAINING APPROXIMATELY 94.184 ACRES, WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCALLY KNOWN AS 3001 US HIGHWAY 287 BYPASS, WAXAHACHIE, ELLIS COUNTY, TEXAS, FROM COMMERCIAL, GENERAL RETAIL, SINGLE-FAMILY-1 AND PLANNED DEVELOPMENT-47-MULTI FAMILY-2 (C-GR-SF-1 & PD-47-MF-2) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.**

**Councilmember David Hill moved to approve Ordinance No. 2853 as presented.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mr. Groth presented a Preliminary Plat of New Waxahachie High School, being Lot 1, Block A, 94.184 acres situated in the J. Boyd Survey, Abstract No. 108; W.J. Boyd Survey, Abstract No. 109; E. Horton Survey, Abstract No. 466; W.C. Tunnell Survey, Abstract No. 1008-Owner: Waxahachie I.S.D. (PLM 2016-12). He reviewed the following Staff report:

1. The plat proposes to create one lot and leave a remainder. Staff comments asked for clarification regarding property access for the remaining property.
2. Easement and ROW dedication questions need to be satisfied.
3. Several items of clarification were requested in redline comments pertaining to the information block.
4. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
5. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

**Councilmember Chuck Beatty moved to approve Preliminary Plat of New Waxahachie High School, being Lot 1, Block A, 94.184 acres situated in the J. Boyd Survey, Abstract No. 108; W.J. Boyd Survey, Abstract No. 109; E. Horton Survey, Abstract No. 466; W.C. Tunnell Survey, Abstract No. 1008-Owner: Waxahachie I.S.D. (PLM 2016-12). Councilmember David Hill seconded, All Ayes.**

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Mr. Groth presented a Preliminary Plat of Taylor Ridge Phase 4, in the Waxahachie Extra Territorial Jurisdiction (ETJ), being 23 residential lots of a 56.766 acre addition in the S.B. Orton Survey, Abstract No. 813–Ivan Brigman (PLM 2016-09). He reviewed the following Staff report:

1. On March 3, 2016, the applicant was emailed redline comments related to the preliminary plat and the preliminary water plan that pertained to lot width clarifications, detention pond sizing and locations, and both pavement width and radii.
2. Except for the minor comments, the preliminary plat is deemed to be satisfactory.
3. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
4. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie's Code of Ordinances.

**Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Taylor Ridge Phase 4, in the Waxahachie Extra Territorial Jurisdiction (ETJ), being 23 residential lots of a 56.766 acre addition in the S.B. Orton Survey, Abstract No. 813 –Ivan Brigman (PLM 2016-09). Councilmember Mary Lou Shipley seconded, All Ayes.**

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Mr. Groth presented a Final Plat of Lots 22-44, Block 2; Lots 5-9, Block 4; Lots 1-10, Block 5; Lots 1-12, Block 6; and Lot 2, Block 7, Summit Estates Phase 2 being 82.917 acres of land, being a portion of 194.00 acres of land in the L.J. Irvin Survey, Abstract No. 548, being 50 lots in the Extra Territorial Jurisdiction (ETJ)-Owner: JHDMC, LLC (FP 2016-11). He reviewed the following Staff report:

1. Several dedications are missing recording information that needs to be provided.
2. Label the Right-of-Way (ROW) on the drawings.
3. Clarify if easements on Sheets 3 and 4 are dedicated by this plat or by separate instrument.
4. Correctly identify County Commissioners.
5. Revise easement and building lines.
6. Update the County's signature line to only include the one with OSSF statement.
7. On Lots 32-38, Ellis County has concerns about lots with large drainage easement is there room for the house and septic. Provide septic design for these lots when applying for building permits.
8. On March 14, 2016, the applicant was emailed the redline comments related to the plat.

**Councilmember Chuck Beatty moved to approve Final Plat of Lots 22-44, Block 2; Lots 5-9, Block 4; Lots 1-10, Block 5; Lots 1-12, Block 6; and Lot 2, Block 7, Summit Estates Phase 2 being 82.917 acres of land, being a portion of 194.00 acres of land in the L.J. Irvin Survey, Abstract No. 548, being 50 lots in the Extra Territorial Jurisdiction (ETJ)-Owner: JHDMC, LLC (FP 2016-11). Councilmember Mary Lou Shipley seconded, All Ayes.**

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Mr. James Gaertner, City Engineer, stated ten bids were received on March 22, 2016 for the Waxahachie High School Off-Site Water Line Improvement project. He stated Wildstone Construction, LLC of Keller, Texas submitted the lowest and best bid for the Water Line project with the Base Bid amount of \$1,406,940.00. The following is a summary of the project sections:

1. Section I includes the 12-inch water line along Hwy 287 Bypass and Hwy 287 Business to approximately FM 875
2. Section II includes the 16-inch and 18-inch water line along Hwy 287 Business through I-35E and up to Gingerbread Lane
3. Section III includes an Alternate Bid in case the bid was over the City's budget. The Alternate Bid provided bid prices for different valves. The Alternate Bid would provide a savings of \$25,250, for a total bid of \$1,381,690.00. However, these valves would require more labor and maintenance than the valves provided in the base bid (Section II)

Staff and Birkhoff, Hendricks, and Carter reviewed bid information and recommended award of the bid to Wildstone Construction, LLC in the amount of \$1,406,940.00. It is not recommended to include the Alternate Bid in the award.

Mayor Pro Tem Singleton expressed concern with choosing the “lowest bidder” noting a pattern of faulty projects have stem from being built by the lowest bidder.

City Attorney noted he would need to research the process of not selecting the lowest bidder, but noted state law requires municipalities awarding contracts to the best and lowest bidder.

Councilmember Shipley inquired about any facts that would object the quality of work from the contractor. Mr. Gaertner explained all the references were favorable for the recommended contractor and noted they have experience with municipalities.

**Councilmember Mary Lou Shipley moved to award the bid for Waxahachie High School Off-Site Water Line Improvements project to Wildstone Construction, LLC in the amount of \$1,406,940.00** Councilmember Chuck Beatty seconded, the vote was as follows:

Ayes:	Kevin Strength Chuck Beatty David Hill Mary Lou Shipley
Noes:	Mark Singleton
Abstain:	None

**The motion carried.**

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Fire Chief Ricky Boyd stated bids were received for Replacement of Burn Building. He recommended awarding the bid to Eagle Contractor in the amount of \$83,750.00. The project is set to begin on April 18, 2016 and will be completed in six weeks. The total budgeted amount for the project is \$95,000; therefore, the bid is within budget.

**Mayor Pro Tem Mark Singleton moved to award the bid for Replacement of Burn Building to Eagle Contractor in the amount of \$83,750.00.** Councilmember David Hill seconded, **All Ayes.**

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**CITIZENS' PETITIONS AND REQUEST**

Forrest Fife, 103 Janis Lane, Waxahachie, expressed concern about construction safety at the new development on the corner of Hwy. 77 and Janis Lane.

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

Mayor Strength thanked Mr. Dalquest for his attendance. He also thanked Mr. David Bailey for all his hard work and commitment to the city.

Councilmembers Chuck Beatty and David Hill thanked Mr. Dalquest for his participation in the honorary councilmember program.

City Manager Paul Stevens announced the dates of the budget workshops: July 27, 2016 and August 4, 2016.

Fire Chief Ricky Boyd announced Randy Muirhead's retirement after 38 years of service to the city.

Assistant City Secretary Amber Villarreal noted flash drives were distributed to all city councilmembers containing the Emergency Management Plan.

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Mayor Strength announced at 8:14 p.m. the City Council would convene into Executive Session to review Performance Evaluation for City Manager as permitted by the *Texas Government Code, Section 551.074*.

The meeting reconvened at 9:31 p.m.

**Mayor Pro Tem Mark Singleton moved to extend the City Manager's Employment Agreement for one additional year, expiring on December 31, 2019.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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There being no further business the meeting adjourned at 9:32 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary