

City Council  
July 5, 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 on Monday, July 5, 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  
Lori Saunders, City Secretary

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Mayor Kevin Strength called the meeting to order. Mayor Pro Tem Mark Singleton 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 June, 20, 2016
- b. Minutes of the Planning and Zoning Commission meeting of June 28, 2016
- c. Minutes of the Waxahachie Community Development Corporation meeting of June 14, 2016
- d. Minutes of the Rodeo Board meeting of June 16, 2016
- e. Approve Budget Amendment for Utility Department

**Councilmember Mary Lou Shipley moved to approve Items a. through e. on the Consent Agenda.** Mayor Pro Tem Mark Singleton seconded, All **Ayes.**

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Mayor Strength announced there is not an Honorary Councilmember for the month of July.

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Associate Pastor Joel Warren, The Avenue Church, requested street closure for “Be the Church” celebration to be held Sunday, September 25, 2016 to celebrate community service projects. He requested to close Franklin Street from Elm Street to Jackson Street; College Street from Main Street to Jefferson Street; and Rogers Street from Main Street to Jefferson Street.

**Councilmember David Hill moved to approve street closure for “Be the Church” celebration to be held on Sunday, September 25, 2016 as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

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Lieutenant Marcus Brown, Waxahachie office of Emergency Management, requested street closure for the 1st Annual Ellis County Emergency Preparedness Fair to be held September 24, 2016. Ms. Stephanie Parker, Ellis County office of Emergency Management requested street closure on Rogers Street from Main Street to Madison Street; College Street from Main Street to Jefferson Street; Franklin Street and Jefferson Street at Elm Street; and Franklin Street at Jackson Street. Ms. Parker stated the event is meant to raise awareness of how to handle emergency situations. It will provide opportunities to showcase equipment and personnel from all over Ellis County and allow citizens to meet their first responders and sign up for programs to help with emergency preparedness.

**Mayor Pro Tem Mark Singleton moved to approve street closure on Saturday, September 24, 2016 as presented.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Scott Penderly for a Zoning Amendment and Site Plan Review from Light Industrial-1 (LI-1) to Planned Development-General Retail (PD-GR), being Lot 2, Block D, 10.723 acres of land in the North Grove Business Park, Phase 3-Owner: SAP Properties, LLC (ZA 2016-22).

Planning Director Darren Groth presented a proposed rendering of Atwoods Farm and Ranch store noting the applicant needs to address outstanding Staff comments to obtain verification of Site Plan approval and stated the ordinance establishing the PD District proposes specific building requirements.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, representing applicant, stated 2 property owners joined together to become a commercial and retail area with great access to Highway 77 and IH35. He stated Atwoods choose this location and will be 2,000 feet off Highway 77 frontage with 2 building sites on the frontage of Highway 77. Mr. Hess stated the building will be an insulated panel structure being 34 feet in height. He stated the applicant is proposing 80 canopy trees when only 72 are required; 160 understory trees when 143 are required; 540 shrubs rather the 510 required; and 327 parking spaces instead of required 292 parking spaces. Mr. Hess addressed Staff Comments noting the street name has been changed to Enterprise Drive and the detention center is suitable for this site. He stated the proposed rendering of Atwoods is their brand. Mr. Hess stated the pole sign will be a pylon sign for space for multi-tenant and will be installed on the front pad sites at the entrance.

Mayor Pro Tem Mark Singleton stated Council has had to hold a lot of companies to our building standards even when they have their own brand. He stated it is Council's job to balance requests noting there are rules and at the same time we need to be good corporate citizens.

Mayor Strength stated the issue is applicant is not adhering to our building standard noting there is not enough brick on the front of the building noting other companies are required to comply with our building standards.

The contractor for the project stated this will be their first store requiring masonry. He stated the vestibule Atwood's sign is block and glass. The columns are wrapped in block providing strength and enhanced elevation. The contractor stated the structure is strictly structural steel and not a metal building. He noted by having Atwoods and the 2 new building sites will increase the traffic flow on Highway 77.

Councilmember Mary Lou Shipley expressed concern when applicants come in with their plans and buildings with their corporate design and express it must be followed when we are trying to be consistent with our Ordinances. She stated what we allow on this building will influence the next application and noted consistency is important.

Mayor Strength stated the traffic on Highway is already there and asked the Contractor if they are willing to alter their proposed rendering. The Contractor stated they won't alter their brand.

There being no others to speak for or against ZA 2016-22, Mayor Strength closed the Public Hearing.

**After further discussion, Mayor Pro Tem Mark Singleton moved to continue the Public Hearing on a request by Scott Pendery for a Zoning Amendment and Site Plan Review from Light Industrial-1 (LI-1) to Planned Development-General Retail (PD-GR), being Lot 2, Block D, 10.723 acres of land in the North Grove Business Park, Phase 3-Owner: SAP Properties, LLC (ZA 2016-22) to the City Council meeting of July 18, 2016, and to ratify signage, landscaping, masonry, lighting, fencing, screening around display, and steel yard with Plan Development Standards to update proposed Ordinance.** Councilmember Chuck Beatty seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Scott Pendery for a Zoning Amendment from Light Industrial-1 (LI-1) to Commercial (C), being Lot 1, Blocks D and E, 14.950 acres of land in the North Grove Business Park, Phase 3-Owner: SAP Properties, LLC (ZA 2016-23).

**Mayor Pro Tem Mark Singleton moved to continue a request by Scott Pendery for a Zoning Amendment from Light Industrial-1 (LI-1) to Commercial (C), being Lot 1, Blocks D and E, 14.950 acres of land in the North Grove Business Park, Phase 3-Owner: SAP Properties, LLC (ZA 2016-23) to the City Council meeting of July 18, 2016.** Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Ron Barson, for a Zoning Amendment from Planned Development-85-General Retail (PD-85-GR) to Commercial (C), located on 33.802 acres on North Highway 77, being Lot 2, Blocs C and E, Lot 3, Block C, Lot 5, Block C, and Lot 4, Block C, North Grove Business Park, Phase 4-Owner: Ledbetter Real Estate LTD (ZA 2016-24).

Mayor Pro Tem Mark Singleton moved to continue the request by Ron Barson, for a Zoning Amendment from Planned Development-85-General Retail (PD-85-GR) to Commercial (C), located on 33.802 acres on North Highway 77, being Lot 2, Blocs C and E, Lot 3, Block C, Lot 5, Block C, and Lot 4, Block C, North Grove Business Park, Phase 4—Owner: Ledbetter Real Estate LTD (ZA 2016-24) to the City Council meeting of July 18, 2016. Councilmember Mary Lou Shipley seconded, All Ayes.

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Mayor Strength opened the Public Hearing on a request by Waxahachie I.S.D., for a Specific Use Permit within a Multi-Family-1 (MF-1) Zoning District for portable temporary buildings, located at 1001 Butcher Road, being Lot A, Block A, Quail Creek Village, 13.8 acres—Owner: Waxahachie I.S.D. (ZA 2016-25).

Director of Planning Darren Groth announced ZA2016-25 through ZA2016-28 on the agenda Public Hearings requested by WISD for Specific Use Permits to install portable temporary buildings at four school locations being Shackelford Elementary, Finley Jr. High, 9<sup>th</sup> Grade Academy, and High School. He stated the use is harmonious and compatible with surrounding existing uses or proposed uses; the activities requested by the applicant are normally associated with the permitted uses in the base district; the nature of the use is reasonable; any negative impact on the surrounding area has been mitigated; any additional conditions specified ensure that the intent of the district purposes are being upheld.

Mr. Clyde Melick, WISD Assistant Superintendent of Facilities, requested the portable temporary buildings for 2 years ending on December 31, 2018.

There being no others to speak for or against ZA2016-25, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2872:

#### **ORDINANCE NO. 2872**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT A, BLOCK A, QUAIL CREEK VILLAGE, CONTAINING 13.8 ACRES OF LAND IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 1001 BUTCHER ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ZONED MULTI-FAMILY-1 (MF-1) TO MULTI-FAMILY-1 WITH SPECIFIC USE PERMIT (MF-1 w/SUP), FOR THE PURPOSE OF ALLOWING PORTABLE TEMPORARY BUILDINGS AT THE LOCATION SHOWN ON EXHIBIT “A” ATTACHED, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

Councilmember David Hill moved to approve Ordinance No. 2872 as presented.  
Councilmember Mary Lou Shipley seconded, All Ayes.

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Mayor Strength opened the Public Hearing on a request by Waxahachie I.S.D., for a Specific Use Permit within a General Retail (GR) Zoning District for portable temporary buildings, located at 2401 Brown Street, being 35 acres in the R. Russell Survey, Abstract No. 911–Owner: Waxahachie I.S.D. (ZA 2016-26).

There being no others to speak for or against ZA 2016-26, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2873:

**ORDINANCE NO. 2873**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON 35 ACRES IN THE R. RUSSELL SURVEY, ABSTRACT NO. 911, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 2401 BROWN STREET, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ZONED GENERAL RETAIL (GR) TO GENERAL RETAIL WITH SPECIFIC USE PERMIT (GR w/SUP), FOR THE PURPOSE OF ALLOWING PORTABLE TEMPORARY BUILDINGS AT THE LOCATION SHOWN ON EXHIBIT “A” ATTACHED HERETO, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

*Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2873 as presented.*  
Councilmember Mary Lou Shipley seconded, *All Ayes.*

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Mayor Strength opened the Public Hearing Public Hearing on a request by Waxahachie I.S.D., for a Specific Use Permit within a Planned Development-105-General Retail (PD-105-GR) Zoning District for portable temporary buildings, located at 275 Indian Drive, being Lot 1, Block 1, Ninth Grade Center, 28.13 acres – Owner: Waxahachie I.S.D. (ZA 2016-27).

There being no others to speak for or against ZA 2016-27, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2874:

**ORDINANCE NO. 2874**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1, BLOCK 1, NINTH GRADE CENTER, CONTAINING 28.13 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT 275 INDIAN DRIVE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ZONED PLANNED DEVELOPMENT-105-GENERAL RETAIL (PD-105-GR) TO PLANNED DEVELOPMENT-105-GENERAL RETAIL WITH SPECIFIC USE PERMIT (PD-105-GR w/SUP), FOR THE PURPOSE OF ALLOWING PORTABLE TEMPORARY**

**BUILDINGS AT THE LOCATION SHOWN ON EXHIBIT “A” ATTACHED HERETO,  
AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN  
ACCORDANCE WITH SAID CHANGE.**

**Councilmember Mary Lou Shipley moved to approve Ordinance No. 2874 as presented.**  
Councilmember Chuck Beatty seconded, **All Ayes.**

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Mayor Strength opened the Public Hearing on a request by Waxahachie I.S.D., for a Specific Use Permit within a Planned Development-105-General Retail (PD-105-GR) Zoning District for portable temporary buildings, located at 1000 Hwy. 77 North, being 12.9 acres in the J. Gooch Survey, High School Addition – Owner: Waxahachie I.S.D. (ZA 2016-28).

There being no others to speak for or against ZA 2016-28, Mayor Strength closed the Public Hearing.

City Attorney Steve Chapman presented Ordinance No. 2875:

**Councilmember David Hill moved to approve Ordinance No. 2875 as presented.**  
Councilmember Mary Lou Shipley seconded, **All Ayes.**

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Planning Director Darren Groth presented Preliminary Plat of Blue Bonnet Trail being 57.647 acres situated in the B.B. Davis Survey, Abstract Number 290 and W.C. Calder Survey, Abstract No. 235–Owner: Blue Bonnet Trails, LLC (PLM 2016-21). He reported applicant is proposing 269 residential lots and explained if 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.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, stated 3 property owners came together for this development. He stated water will be extended to the north along Highway 287 which will open up development opportunities to the south. Mr. Hess presented a proposed site plan depicting lot count totals noting some streets will be slip streets facing the parks with no parking on the street. He stated all lots are committed with Lillian Builders and First Texas Builders.

**Mayor Pro Tem Mark Singleton moved to approve Preliminary Plat of Blue Bonnet Trail being 57.647 acres situated in the B.B. Davis Survey, Abstract Number 290 and W.C. Calder Survey, Abstract No. 235–Owner: Blue Bonnet Trails, LLC (PLM 2016-21), subject to Staff Comments.** Councilmember David Hill seconded, **All Ayes.**

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Utilities Director David Bailey reported on Tuesday, June 28, 2016 bids were received and opened pertaining to the Cantrell Street sewer improvements. He stated four bids were received with Circle H Contractors, LP of Midlothian, Texas submitting the lowest bid and best qualified

bid for the improvement project in the total amount of \$214,998.75. Mr. Bailey stated Circle H Contractors, LP has successfully completed numerous utility construction projects for the city.

Mr. Bailey requested budget amendments to the current Wastewater Collection Budget with the first being to Wastewater System Improvements in the total amount of the bid award and the second budget amendment in the amount of \$10,709.00 for engineering services associated with revising the project plans, easements and project construction administration services.

**Councilmember Mary Lou Shipley moved to award the Cantrell Street sewer improvements to Circle H Contractors, LP in the amount of \$214,998.75, and approve budget amendments as presented.** Councilmember Chuck Beatty seconded, **All Ayes.**

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**Citizens' Petitions and Requests**

None

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**Comments by Mayor, City Council, City Attorney and City Manager**

Mayor Strength referenced an email he received acknowledging Ms. Destiny Wright, Planning Tech, for going above and beyond assisting a citizen requesting information. The citizen was impressed with Ms. Wright's quick response and giving her the information she needed.

Mayor Pro Tem Mark Singleton referenced the National Building Code noting Council needs to review it and consider un-adopting the code.

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There being no further business the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary