

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, February 4, 2019 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  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

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

**4. Consent Agenda**

- a. Minutes of the City Council meeting of January 22, 2019
- b. Minutes of the City Council briefing of January 22, 2019
- c. Funday Run Day to be held March 2, 2019
- d. Cinco de Mayo Festival to be held May 3-4, 2019

**Action:**

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

**5. Introduce Honorary Councilmember**

Councilmember Chuck Beatty introduced Mr. Zachary Navarro as Honorary Councilmember. Zachary is a senior at Waxahachie High School with a 3.0 grade point average. His accomplishments include: Student of the month twice this year, regional qualifier in golf, making a hole in one in golf, and an academic UIL Current Events District Champion. Zachary is a flag runner for the football team and a basketball manager for the running Indians. He plays golf and is a huge Cowboys fan. After graduation, Zachary plans on attending Texas A&M and major in Sports Management. After college he wants to be an equipment manager for a major sports team.

- 6. Consider request by William Collard for a Preliminary Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract 328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (PP-18-0219)**

Mr. Shon Brooks, Director of Planning, reported water is provided and applicant has provided a location for the required fire hydrant. He stated there are some formatting issues with the plat but will be corrected prior to filing. Mr. Brooks recommended approval per staff comments.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by William Collard for a Preliminary Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract 328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (PP-18-0219) per staff comments. Mayor Pro Tem David Hill seconded, All Ayes.*

- 7. Consider request by William Collard for a Final Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract 328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (FP-18-0220)**

Mr. Brooks reported the Final Plat accompanies PP-18-0219 noting some minor errors on the plat need to be corrected prior to filing. He recommended approval per staff comments.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by William Collard for a Final Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract 328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (FP-18-0220) per staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

- 8. Public Hearing on a request by Khalid Ali, Aztec Renewable Energy, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 208 North Star Lane (Property ID 265846) – Owner: THOMAS M DAVIS (SU-18-0221)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant meets the requirements of the placement of the solar panels. He recommended approval noting staff received two letters of support.

There being no others to speak for or against SU-18-0221, Mayor Strength closed the Public Hearing.

- 9. Consider proposed Ordinance approving Zoning Change No. SU-18-0221**

**ORDINANCE NO. 3090**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SF-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 208 NORTH STAR LANE, BEING PROPERTY ID 265846, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 17, BLOCK 2, PARK PLACE PHASE 3, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3090. Councilmember Melissa Olson seconded, All Ayes.*

- 10. Consider request by Grant Robinson, The Mark on 287 LLC, for a Final Plat of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey, Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (FP-18-0217)**

Mr. Brooks reported the Final Plat is for a future multi-family development. He stated staff will hold the filing until the Public Infrastructure has been received. Mr. Brooks noted staff received a revised plat with Conquest Boulevard platted from north to south. He recommended approval noting it is common to request approval prior to infrastructure being installed.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Grant Robinson, The Mark on 287 LLC, for a Final Plat of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey, Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (FP-18-0217). Councilmember Chuck Beatty seconded, All Ayes.*

- 11. Public Hearing on a request by Ladd Vien for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Place Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNG MEE (RP-19-0006)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the Replat is located off Highway 77 frontage and Madison Street. He stated the applicant chose not to dedicate the right-of-way that was previously approved. Mr. Brooks explained Council agreed to provide relief of the required twenty-three (23) feet right-of-way dedication to 18.5 feet.

Mr. Ladd Vien, 312 Hunter Pass, Waxahachie, stated the 18.5 dedication will put the right-of-way next to the existing building. He stated they can't give up property due to the new building they want to build. Mr. Vien stated he is in agreement with the setback requirements for the new building but not willing to give up the right-of-way dedications.

Mr. Brooks stated the city would acquire the right-of-way and then design the street noting there will be sidewalks and landscaping buffers.

There being no others to speak for or against RP-19-0006, Mayor Strength closed the Public Hearing.

**12. Consider approving RP-19-0006**

**Action:**

*Mayor Pro Tem David Hill moved to deny a request by Ladd Vien for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Place Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNG MEE (RP-19-0006). Councilmember Mary Lou Shipley seconded. The vote was as follows:*

*Ayes: Kevin Strength  
David Hill  
Chuck Beatty  
Mary Lou Shipley*

*Noes: Melissa Olson*

**The motion carried.**

**13. Continue Public Hearing on a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194)**

Mayor Strength continued the Public Hearing.

Mr. Brooks stated the Specific Use Permit was approved at the Planning and Zoning Commission meeting. He stated staff recommended denial and still request denial due to the visibility with the improvements of IH35 and Butcher Road. Mr. Brooks stated IH35 will eventually be able to look down into this site.

Mr. Drew Dubocq, 421 Calvert Drive, Midlothian, and Mr. David Wassermann, 613 Dove Creek, Midlothian, representing the applicant, presented a handout of the proposed storage location noting the storage will not be seen from the service road. They proposed fencing and landscaping at the proposed site.

After further discussion, it was determined to continue the public hearing to the City Council meeting of February 18, 2019.

**14. Consider proposed Ordinance approving Zoning Change No. SU-18-0194**

**Action:**

*Councilmember Chuck Beatty moved to continue a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194) to the City Council meeting of February 18, 2019. Mayor Pro Tem David Hill seconded, All Ayes.*

**15. Consider proposed Resolution in support of GFH Arden Hill Seniors, Ltd. for TDHCA Housing Credits funding application**

Mr. Brandon Bolin, Ground Floor Development, Austin, Texas, stated the proposed Arden Hill Seniors will have 159 units with several amenities for seniors over 55. He requested Council's support of the proposed Resolution.

City Manager Michael Scott stated the Resolution follows the standard language of support.

**RESOLUTION NO. 1263**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS SUPPORTING THE PROPOSED ARDEN HILL SENIORS HOUSING COMMUNITY; APPROVING AN APPLICATION FOR FEDERAL LOW INCOME HOUSING TAX CREDITS TO FINANCE SUCH PROJECT; PROVIDING AN IN KIND CONTRIBUTION FOR SUCH PROJECT AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1263. Councilmember Mary Lou Shipley seconded, All Ayes.*

**16. Consider proposed Ordinance repealing Chapter 7 (Auctions) of the Code of Ordinance of the City of Waxahachie; and setting an effective date of February 4, 2019**

**ORDINANCE NO. 3091**

**AN ORDINANCE REPEALING CHAPTER 7 (AUCTIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE; AND SETTING AN EFFECTIVE DATE OF FEBRUARY 4, 2019.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3091. Councilmember Mary Lou Shipley seconded, All Ayes.*

**17. Public Comments**

Mr. Dan Gus, 1291 Panorama Loop, Waxahachie, presented his argument pertaining to the billboard signage in litigation. He stated he believes the City Council and staff are not against prayer. Mr. Gus disagreed with the city ordinance noting the council is good people trying to enforce a bad law. He spoke on permitting and was disappointed in the city's response that his

client illegally erected the sign without permits and inspections. Mr. Gus proposed that his client erect a modern sign being electronic signage and work with the city to modernize the status. He stated his client bought the sign that was legally erected. Mr. Gus stated he does respect the leadership of the city.

Reverend Byron Goins, 328 Leisure Lane, Waxahachie, stated he is the new pastor at Jeff Creek Church and expressed concern with enforcing code compliance on the east side of Waxahachie. He asked Council, through Code Enforcement, to get businesses more attractive to the east side noting some businesses are eyesores. Reverend Goins stated code enforcement is not as prevalent as other areas in the city. He stated he met with City Manager Michael Scott and progress was made noting there is still more to do. Reverend Goins stated his church has a food bank and feeds seventy-five families twice a month. He stated he didn't come to take from the city but to see what he can do for the city.

**18. Convene into Executive Session to consult with City Attorney about pending or contemplated litigation as permitted under Section 551.071 of the Texas Government Code**

Mayor Strength announced at 7:54 p.m. the City Council would convene into Executive Session to consult with the City Attorney about pending or contemplated litigation as permitted under Section 551.071 of the Texas Government Code.

**19. Reconvene and take any necessary action**

The meeting reconvened at 8:43 p.m.

**Action:**

*None*

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

City Manager Michael Scott announced the WISD will host Superintendent Search Forum on Tuesday, February 5, 2019 at 8:00 a.m. at the Civic Center.

Mayor Kevin Strength asked Assistant City Manager Tommy Ludwig to contact Reverend Goins to discuss his concerns.

**21. Adjourn**

*There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:45 p.m. Mayor Pro Tem David Hill seconded, All Ayes.*

Respectfully submitted,

Lori Cartwright  
City Secretary