

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 Tuesday, January 21, 2020 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, 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 David Hill called the meeting to order.

**2. Invocation**

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

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Paul Christenson, 110 Williams Street, Waxahachie, spoke against Baylor Scott and White hospital gifting the City the old hospital. He stated there are several issues with the hospital and recommended the City give it back to Baylor Scott and White.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of January 6, 2020
- b. Minutes of the City Council briefing of January 6, 2020
- c. Consider authorization of a NCTCOG Mutual Aid Agreement for Public Works Emergency Services
- d. Consider authorization of an Ellis County Interlocal Agreement for Roadway Maintenance Work
- e. Consider authorization of a NCTCOG Interlocal Agreement for the Waxahachie Creek Flood Risk Project
- f. Consider Tax Increment Reinvestment Zone #1 recommended projects
- g. Event Application for Poston Gardens Tulip weekend events to be held February 28, 2020 - April 15, 2020
- h. Event Application for Poston Gardens Car Show to be held March 7, 2020, March 21, 2020, and March 28, 2020
- i. Event Application for Foster Care Awareness Rally & Walk to be held May 16, 2020

**Action:**

*Councilmember Kevin Strength moved to approve items a. through i. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**6. Introduce Honorary Councilmember**

Councilmember Melissa Olson introduced Mr. Joshua Garcia as the Honorary Councilmember and presented him with a Certificate of Appreciation for his participation in the Honorary Councilmember Program.

**7. Public Hearing on a request by Michael Martin, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (PD-19-0175)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue PD-19-0175 to the City Council meeting of February 3, 2020.

**8. Consider proposed Ordinance approving PD-19-0175**

**Action:**

*Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Michael Martin, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (PD-19-0175) to the City Council meeting of February 3, 2020. Councilmember Kevin Strength seconded, All Ayes.*

**9. Public Hearing on a request by Amy Carlisle, Green Light Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 110 Broken Arrow Street (Property ID 267494) – Owner: Lisa H Barshofsky and Karen Hadley (SU-19-0164)**

Mayor Hill opened the Public Hearing.

Director of Planning Shon Brooks reported the applicant meets the requirements of the placement of the rooftop solar panel system and recommended approval.

There being no others to speak for or against SU-19-0164, Mayor Hill closed the Public Hearing.

**10. Consider proposed Ordinance approving SU-19-0164**

**ORDINANCE NO. 3171**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 110 BROKEN ARROW STREET, BEING PROPERTY ID 267494, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 9 BLK E IN THE BUFFALO RIDGE ADDITION PHASE IIIA SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3171. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**11. Public Hearing on a request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant meets the requirements of the placement of the rooftop solar panel system and recommended approval.

There being no others to speak for or against SU-19-0165, Mayor Hill closed the Public Hearing.

**12. Consider proposed Ordinance approving SU-19-0165**

**ORDINANCE NO. 3172**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 510 TIMBER DRIVE, BEING PROPERTY ID 222745, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 72, BLOCK A IN THE RIVER OAKS #4 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3172. Councilmember Melissa Olson seconded, All Ayes.*

- 13. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Planned Development-Light Industrial-1, with Concept Plan, located at 110 Lucas Street (Property ID 195216) - Owner: Crux Jefferson LLC (PD-19-0172)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant requested a Planned Development as the storage structures encroach the setback requirements for the zoning district. Staff recommended approval.

There being no others to speak for or against PD-19-0172, Mayor Hill closed the Public Hearing.

- 14. Consider proposed Ordinance approving PD-19-0172**

**ORDINANCE NO. 3173**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI-1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-1 (PD-LI1), WITH CONCEPT PLAN LOCATED AT 110 LUCAS STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.729 ACRES KNOWN AS PROPERTY ID 195216, LOT 2, BLOCK 1 OF THE MANSION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3173. Councilmember Chuck Beatty seconded, All Ayes.*

- 15. Public Hearing on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0174)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant seeks to create a 168 multi-family residential development within a Planned Development zoning district. He recommended approval per the following staff comments:

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. A minimum of ninety percent (90%) masonry is required for each building within the development.
3. A minimum of 168 detached garages are required for the development.

4. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
5. Connectivity shall be provided by a five foot concrete trail to the adjacent hike/bike trail (Brown Singleton Trail).
6. A 7:12 roof pitch is required for each elevation.
7. It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.

Mr. Brooks reported the City received eleven responses in opposition of PD-19-0174. Staff recommended approval.

There being no others to speak for or against PD-19-0174, Mayor Hill closed the Public Hearing.

**16. Consider proposed Ordinance approving PD-19-0174**

**ORDINANCE NO. 3174**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2), PLANNED DEVELOPMENT-49-GENERAL RETAIL (PD-49-GR), PLANNED DEVELOPMENT-MULTI FAMILY-1 (PD-MF1), AND MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF POST OAK DRIVE AT HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 68.49 ACRES KNOWN AS A PORTION OF PROPERTY ID 184249 OF THE 393 J GOOCH & 5 J B & A ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3174 as presented. Councilmember Chuck Beatty seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

***The motion carried.***

**17. Consider Development Agreement for PD-19-0174 located northwest of Post Oak Drive at Highway 287**

Mr. Brooks presented the Development Agreement for the above Cypress Creek Waxahachie LP development.

**Action:**

*Councilmember Kevin Strength moved to approve a Development Agreement for PD-19-0174 located northwest of Post Oak Drive at Highway 287. Mayor Pro Tem Mary Lou Shipley seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

***The motion carried.***

- 18. Continue Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)**

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the applicant seeks to construct an auto body repair and paint shop within the North Grove Business Park development. He stated the proposed is not consistent with the character of the surrounding area and recommended denial.

Mr. James Pool, applicant, Cross Development, 4336 March Ridge Road, Carrollton, requested to continue SU-19-0133 to allow him and staff to meet again.

There being no others to speak for or against SU-19-0133, Mayor Hill closed the Public Hearing.

- 19. Consider proposed Ordinance approving SU-19-0133**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to deny a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133). Councilmember Chuck Beatty seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

*The motion carried.*

- 20. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, to Article V Development Standards, Section 5.01 Exterior Construction Requirements, and to Article V Development Standards, Section 5.07 Accessory Structures and Accessory Uses (TA-19-0177)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the following amendments to the Zoning Ordinance:

- Roof top solar panels
- Increasing the masonry coverage to 90%.
- Metal shipping containers may not function as the structure of a residence.
- Accessory structures are limited to two (2) per single-family residential structures.
- Regulations pertaining to Boat dock accessory structures.

Mr. Brooks stated Section 9 of Article V, Development Standards, Section 5.08 Sign Regulations will not be part of the proposed changes in the draft. He explained the proposed regulations conflicted with state guidelines and will need to be re-evaluated. He recommended striking the new language pertaining to sign regulations.

There being no others to speak for or against TA-19-0177, Mayor Hill closed the Public Hearing.

- 21. Consider proposed Ordinance approving TA-19-0177**

**ORDINANCE NO. 3175**

**AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE, ORDINANCE NO. 3020, TO ARTICLE IV DEFINITIONS AND USE REGULATIONS, SECTION 4.01 DEFINITIONS, TO ARTICLE IV DEFINITIONS AND USE REGULATIONS, SECTION 4.03 USE CHARTS, TO ARTICLE V DEVELOPMENT STANDARDS, SECTION 5.01 EXTERIOR CONSTRUCTION REQUIREMENTS, AND TO ARTICLE V DEVELOPMENT STANDARDS, SECTION 5.07 ACCESSORY STRUCTURES AND ACCESSORY USES, PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3175, removing “this shall include rear or side street right-of-way. Rear or side alleys shall not be deemed as right-of-way for the installation of solar panels.” Striking proposed political signage language in Section 9 of the Zoning Ordinance. Councilmember Kevin Strength seconded. The vote was as follows:*

*Ayes: Chuck Beatty  
Kevin Strength  
Melissa Olson*

*Noes: David Hill  
Mary Lou Shipley*

***The motion carried.***

**22. Consider award of a professional engineering service contract to Freese and Nichols, Inc. for North College Street conceptual phase drainage improvement plans**

City Engineer James Gaertner presented a professional engineering service contract related to drainage improvements to replace the existing College Street drainage tunnel totaling \$99,628.00. He stated the first phase of the engineering anticipated completion date is within three months and anticipated final design by the end of the fiscal year. Mr. Gaertner reported there is \$500,000 of Certificate of Obligation Bonds in the FY19-20 Capital Improvement Plan for engineering services associated with the College Street drainage study.

**Action:**

*Councilmember Kevin Strength moved to award Freese and Nichols, Inc. for professional engineering services for the North College Street conceptual phase drainage improvement plans. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

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

Mayor David Hill and Councilmember Chuck Beatty stated the Dr. Martin Luther King, Jr. Parade and festivities held on Monday, January 20, 2020, were well attended and successful.

**24. Adjourn**

There being no further business, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary