

City Council  
February 17, 2020

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 17, 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: Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Assistant 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**

Assistant City Manager Tommy Ludwig gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Kevin Ivey, 1980 E. Highland Road, Waxahachie, asked council to consider aligning with the general elections and join with the school district to increase voter turnout.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of February 3, 2020
- b. Minutes of the City Council briefing of February 3, 2020
- c. Minutes of the City Council work session of February 3, 2020
- d. Waxahachie Police Department Racial Profiling Report for 2019
- e. Consider Tax Increment Reinvestment Zone #1 recommended projects
- f. Consider 2020 Junk in the Trunk Events
- g. Event Application for WAXAJAM 2020 to be held October 10, 2020

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve items a. through g. on the Consent Agenda. Councilmember Chuck Beatty seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Kevin Strength. Noes: Melissa Olson.*

***The motion carried.***

**6. Introduce Honorary Councilmember**

Councilmember Chuck Beatty introduced Monti Woodley as the Honorary Councilmember for the month of February 2020. Ms. Woodley is a Senior at Waxahachie High School and maintains a 5.6 GPA, which places her in the Top 12 students of her graduating class.

In addition to her academic success in the classroom, she continues to keep a high level of involvement in various organizations on campus. This includes, but is not limited to, Theatre, Interact Club, Broadcast Media Team, National Honor Society, and Student Council. Her leadership within the school includes being President of the Theatre Department, Secretary of the Interact Club, as well as a member of the Executive Board for Broadcast Media. Monti has had three lead roles, in which she was recently nominated for Best Featured Performer by Dallas Summer Musicals.

Ms. Woodley is involved in volunteer work throughout her community including her commitment to the Mentor Program at Dunaway Elementary and her help in Bethlehem Revisited. In addition, she has traveled on four mission trips within her high school years. She will be attending the University of Texas at Austin in the fall to study Psychology, which she will use to become an adolescent therapist. In fact, this past December, she received a full-ride scholarship directly from UT to aid her financially in her pursuit of higher education.

Lastly, in her free time she loves to create art, her favorite being earrings! Yet her most favorite thing is spending time with her friends and supporting her friends in band and theatre by attending their performances.

7. **Continue 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 continued the Public Hearing and announced the applicant requested to continue PD-19-0175 to the March 16, 2020 City Council meeting.

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

**Action:**

*Mayor Pro Tem Mary Lou Shipley 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 March 16, 2020 City Council meeting. Councilmember Melissa Olson seconded, All Ayes.*

9. **Public Hearing on a request by Karl J. Goss for a Specific Use Permit (SUP) for Furniture Manufacture and Refinishing Shop use within a Central Area zoning district located at 103 N. Jackson (Property ID 170410) – Owner: Goscon LLC (ZDC-000001-2020)**

Mayor Hill announced the applicant requested to withdraw ZDC-000001-2020.

**10. Consider proposed Ordinance approving ZDC-000001-2020**

No action taken.

**11. Consider request by Leslie Porterfield for a Replat of Tract 3, Allen Family Estates, to create Tracts 3A and 3B, Allen Family Estates, 4.833 acres (Property ID 147329) in the Extra Territorial Jurisdiction – Owner: Leslie Porterfield (RP-19-0168)**

Planning Director Shon Brooks presented RP-19-0168 and reviewed the following staff comment:

1. Staff is recommending disapproval for this replat because of a failure to dedicate the necessary ROW for Patrick Rd per *Sec. 3.1.c.6(a) Dedication of Right-of-Way and Road Improvements* of the Waxahachie Subdivision Ordinance.

Ms. Leslie Porterfield, 2421 Patrick Road, requested a variance to the Waxahachie Subdivision Ordinance requiring the dedication of Right-of-Way. She noted the additional ten feet required would encroach on the house. She explained there is a financial hardship and noted the neighboring properties do not have the Right-of-Way easements.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to deny a request by Leslie Porterfield for a Replat of Tract 3, Allen Family Estates, to create Tracts 3A and 3B, Allen Family Estates, 4.833 acres (Property ID 147329) in the Extra Territorial Jurisdiction – Owner: Leslie Porterfield (RP-19-0168). Councilmember Chuck Beatty seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, and Chuck Beatty. Noes: Kevin Strength and Melissa Olson.*

***The motion carried.***

**12. Public Hearing on a request by Clay Cristy, Claymoore Engineering, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located on a portion of land at the SW corner of FM 66 and Interstate 35E (being a portion of Property ID 174460) – Owner: DML Land LLC (ZDC-000004-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks presented ZDC-000004-2020 noting the applicant is requesting to construct a Drive Through Establishment (McDonald's) on 1.43 acres and the applicant has addressed all comments made by staff. Staff recommended approval for the drive-through Specific Use Permit as presented.

Mr. Brooks explained the applicant is also requesting a Pole Sign for the property and the plan submitted does not specify a height. Staff requested council deny the Pole Sign due to Waxahachie Zoning Ordinance, Article 5, Section 8 (5.08) that specifies that “pole and pylon signs are only allowed on Interstate 35E and U. S. Highway 287 bypass.”

There being no others to speak for or against ZDC-000004-2020, Mayor Hill closed the Public Hearing.

Mr. Clay Cristy, Claymoore Engineering, requested approval of the project and asked council to consider allowing a Pole Sign on the property.

Mayor Pro Tem Mary Lou Shipley asked what the requested height is for the sign and Mr. Cristy noted they would like a 100 foot sign but are willing to discuss with Council other options.

Mr. Ludwig noted Council could approve the Specific Use Permit for the drive-through and have the applicant bring back a detailed site plan for the sign.

**13. Consider proposed Ordinance approving ZDC-000004-2020**

**ORDINANCE NO. 3177**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF FM 66 AND INTERSTATE 35E, BEING PROPERTY ID 174460, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING TRACT 2R 2 OF THE INTERSTATE INDUSTRIAL PARK-REV ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3177 and removing the approval of the Pole Sign. The applicant must submit a detailed site plan for approval at a later date for approval. Councilmember Melissa Olson seconded, the vote was as follows: Ayes: David Hill, Chuck Beatty, Kevin Strength, and Melissa Olson. Noes: Mary Lou Shipley.*

***The motion carried.***

**14. Consider a resolution repealing and replacing Resolution Number 1170, and establishing the Planning and Zoning Commission, a City Council Member, and three Ad Hoc Board and Commission Members as the City's Impact Fee Capital Improvements Advisory Committee**

Mr. Ludwig explained the proposed resolution would repeal and replace the current Impact Fee resolution, which establishes the membership of the Impact Fee Capital Improvements Advisory Committee (IFCIAC). The proposed resolution would make the Planning and Zoning Commission, a City Council Member, and three Ad Hoc Board and Commission Members, one of which must reside in the City's extraterritorial jurisdiction, as the new IFCIAC. Mr. Ludwig reviewed the Council's recommendation for the Ad Hoc Board and Commission members and noted they could amend the proposed resolution to include four Ad Hoc members if that is their preference.

**RESOLUTION NO. 1281**

**A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS, REPEALING AND REPLACING RESOLUTION 1170 AND APPOINTING AN IMPACT FEE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, TO CONSIST OF THE CITY'S PLANNING AND ZONING COMMISSION, THE CITY COUNCIL MEMBER, TOGETHER WITH FOUR AD HOC BOARD AND COMMISSION MEMBERS FOR PURPOSES OF HEARING SEMIANNUAL REPORTS ON CAPITAL IMPROVEMENT PROJECTS, IMPACT FEE REVENUE AND EXPENDITURES, AND ADVISING THE CITY COUNCIL ON UPDATES TO THE CITY'S IMPACT FEE PROGRAM FOR WATER, WASTEWATER, AND ROADWAYS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Action:**

*Councilmember Kevin Strength moved to approve Resolution No. 1281 with the amendment to include four Ad Hoc Board and Commission members instead of three as proposed. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 15. Consider appointment of three Ad Hoc Board and Commission Members and a City Council Member to serve on the City's Impact Fee Capital Improvement Advisory Committee**

**Action:**

*Councilmember Kevin Strength moved to appoint Brett Hess, Clyde Hargrove, John Houston, and Jimmy Poarch as the Ad Hoc Board and Commission members and Mayor Pro Tem Mary Lou Shipley as the Council Member to serve on the City's Impact Fee Capital Improvement Advisory Committee. Councilmember Melissa Olson seconded, All Ayes.*

- 16. Comments by Mayor, City Council, City Attorney and City Manager**

Communications and Marketing Director Amy Borders noted the Mardi Gras celebration would be held February 21-22, 2020 in downtown Waxahachie.

Councilmember Chuck Beatty thanked Ms. Woodley for her participation as Honorary Councilmember.

Councilmember Melissa Olson asked for continued prayers for City Secretary Lori Cartwright.

City Attorney Robert Brown thanked Ms. Woodley for her attendance and echoed the prayers for Ms. Cartwright.

Mayor David Hill thanked Ms. Woodley for her attendance and thanked first responders for keeping the community safe.

**17. Adjourn**

There being no further business, the meeting adjourned at 7:29 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary