

City Council  
July 1, 2019

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 1, 2019 at 7:00 p.m.

Council Members 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  
Lori Cartwright, City Secretary

Others Absent: Michael Scott, City Manager

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Invocation**

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

Councilmember Chuck Beatty 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 June 17, 2019
- b. Minutes of the City Council briefing of June 17, 2019
- c. Resolution authorizing the reimbursement of Water and Wastewater Operating Funds from the proceeds of future debt for the advance funding agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects
- d. Approval of Supplemental Appropriation for Convention/Visitors Bureau and Amphitheater downtown
- e. WWII Reenactment event to be held November 8, 2019

**RESOLUTION NO. 1273**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE ADVANCE FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS**

**Action:**

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

**5. Introduce Honorary Councilmember**

Councilmember Kevin Strength introduced Anna Rodgers as the Honorary Councilmember for the month of July. She is the daughter of John and Lauri Rodgers and has one sister, Abigail. Anna is a 2019 graduating senior of Waxahachie High School where she is ranked number 18 out of 512 students, or the top 3%. She was an Academic All-State Volleyball player with perennial State qualifying WHS Lady Indians. Anna's other activities include Future Farmers of America Public Speaking Team, National Honor Society, Student Council, Superintendent's Honor Roll and Principal's Honor Roll. Throughout Anna's high school career, she was in all Advanced Placement and Dual Credit classes where she acquired 32 hours from Navarro College. Anna will attend Texas A&M University in the fall majoring in Allied Health, with the goal of being accepted into Nursing School. She is the recipient of multiple scholarships including: Rotary Club, Hilco Electric, WHS Athletic Hall of Fame, Ellis A&M Club, WHS Volleyball Boosters and the Shanleigh Mae Almon Memorial Scholarship.

**6. Request to appear by Elizabeth Tull President, Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend current contract between Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2020.**

Ms. Elizabeth Tull, President of Waxahachie Arts Council, presented the Annual Financial Report and requested the contract be extended for one year expiring on December 31, 2020. She thanked council for supporting the eight groups that form the Waxahachie Arts Council.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to extend the contract between the Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2020. Councilmember Kevin Strength seconded, All Ayes.*

*City Attorney Robert Brown noted the contract was amended changing a typo from 315 to 15%.*

**7. Public Hearing on request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks announced the applicant requested a continuance of RP-19-0069 to the City Council meeting of July 15, 2019.

**8. Consider approval of RP-19-0069**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue a request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069) to the City Council meeting of July 15, 2019. Councilmember Chuck Beatty seconded, All Ayes.*

- 9. Public Hearing on a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071)**

Mayor Hill opened the Public Hearing.

Mr. Brooks announced the applicant requested a continuance of SU-19-0071 to the City Council meeting of July 15, 2019.

- 10. Consider proposed Ordinance approving SU-19-0071**

**Action:**

*Councilmember Melissa Olson moved to continue a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071) to the City Council meeting of July 15, 2019. Councilmember Kevin Strength seconded, All Ayes.*

- 11. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Planned Development-Single-Family Residential-1, with Concept Plan, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (PD-19-0072)**

Mayor Hill announced the applicant withdrew case PD-19-0072.

- 12. Consider proposed Ordinance approving PD-19-0072**

**Action:**

*None*

- 13. Consider request by Cory Murray, M. Sharp Family L.P., for a Final Plat of Murray Estates for 37 lots, being 39.60 acres situated in F.M. Woodward Survey, Abstract 1120 (Property ID 192138) in the Extra Territorial Jurisdiction – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (FP-19-0068)**

Mr. Brooks reported the Final Plat does compare to the Preliminary Plat noting staff is working with the applicant on the detention pond. He recommended approval per staff comments.

Mayor Pro Tem Mary Lou Shipley asked if some lots are going to be included in one lot, what will be the total lots. Mr. Brooks stated after the combination of lots there will be a total of 34 lots.

**Action:**

*Councilmember Kevin Strength moved to approve a request by Cory Murray, M. Sharp Family L.P., for a Final Plat of Murray Estates for 37 lots, being 39.60 acres situated in F.M. Woodward Survey, Abstract 1120 (Property ID 192138) in the Extra Territorial Jurisdiction – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (FP-19-0068) subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

- 14. Consider request by Christopher P. Holleman, Holleman Construction Co., for a Final Plat of Holleman Addition for 1 lot, being 7.085 acres situated in the Alfred Polk Survey, Abstract 827 (Property ID 189014) – Owner: HOLLEMAN CONSTRUCTION COMPANY INC (FP-19-0074)**

Mr. Brooks reported the Final Plat matches the Planned Development and recommended approval per staff comments.

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Christopher P. Holleman, Holleman Construction Co., for a Final Plat of Holleman Addition for 1 lot, being 7.085 acres situated in the Alfred Polk Survey, Abstract 827 (Property ID 189014) – Owner: HOLLEMAN CONSTRUCTION COMPANY INC (FP-19-0074) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 15. Public Hearing on a request by Gunther Strength for a Replat of Lot 1, Block 13, Bullards Addition, to create Lots 1A and 1B, Bullards Addition, .3206 acres (Property ID 172392) – Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (RP-19-0075)**

Councilmember Strength announced he recuse himself from the case because of a conflict of interest.

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the location is 412 W. Light Street. He stated the applicant has met the requirements of the subdivision Ordinance as well as the development requirements and recommended approval per staff comments.

There being no others to speak for or against RP-19-0075, Mayor Hill closed the Public Hearing.

- 16. Consider approval of RP-19-0075**

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Gunther Strength for a Replat of Lot 1, Block 13, Bullards Addition, to create Lots 1A and 1B, Bullards Addition, .3206 acres (Property ID 172392) – Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (RP-19-*

0075) subject to staff comments. Councilmember Melissa Olson seconded. The vote was as follows:

Ayes:           David Hill  
                  Mary Lou Shipley  
                  Chuck Beatty  
                  Melissa Olson

Abstained:     Kevin Strength

***The motion carried.***

- 17. Consider request by Wes Dorough, JH Development LLC, for a Final Plat of The Haven Phase One for 101 residential lots and 2 open space lots, being 36.567 acres situated in the Robert Russell Survey, Abstract 911 (Property ID 274596) – Owner: JHH NORTH GROVE DEVELOPMENT LLC (FP-19-0067)**

Mr. Brooks reported the Final Plat meets the requirements of the Subdivision Ordinance and recommended approval per staff comments.

**Action:**

*Councilmember Kevin Strength moved to approve a request by Wes Dorough, JH Development LLC, for a Final Plat of The Haven Phase One for 101 residential lots and 2 open space lots, being 36.567 acres situated in the Robert Russell Survey, Abstract 911 (Property ID 274596) – Owner: JHH NORTH GROVE DEVELOPMENT LLC (FP-19-0067) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 18. Public Hearing on a request by Ron Barson, Ledbetter Real Estate LTD, for a Specific Use Permit (SUP) for Unified Lot Sign use within a Planned Development-General Retail zoning district, located at 2751 N Highway 77 (Property ID 273976) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0073)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposes a multi-tenant monument sign within the North Grove Business Park Phases 2 & 4. He noted the sign will match an existing monument sign located within the North Grove Business Park. Mr. Brooks stated the maximum height not to exceed 35 feet and the maximum square footage shall not exceed 385 feet. He recommended approval per staff comments.

There being no others to speak for or against SU-19-0073, Mayor Hill closed the Public Hearing.

- 19. Consider proposed Ordinance approving SU-19-0073**

**ORDINANCE NO. 3123**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A UNIFIED LOT SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 2751 N. HIGHWAY 77, BEING PROPERTY ID 273976, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK C IN THE NORTH GROVE BUSINESS PARK PHASE 2 & 4, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3123 as presented per staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

- 20. Continue Public Hearing on a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066)**

Mayor Hill continued the Public Hearing and announced the applicant requested a continuance of PD-19-0066 to the City Council meeting of August 5, 2019.

Those who spoke for PD-19-0066:

Mr. Alan Fox, 327 University Drive, Waxahachie

- 21. Consider proposed Ordinance approving PD-19-0066**

**Action:**

*Councilmember Chuck Beatty moved to continue a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066) to the City Council meeting of August 5, 2019. Councilmember Kevin Strength seconded, All Ayes.*

- 22. Consider contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive**

Assistant City Manager Tommy Ludwig reported Northgate Drive is a heavily traveled corridor which is utilized as a primary access point to both Wal-Mart and Lumpkins Stadium. He stated when you look at the surface it does not look that bad but under the surface it is failing and staff recommends to move forward with the engineering contract and will bid thereafter. Mr. Ludwig requested approval of engineering design services for the restoration of Northgate Drive for \$82,720.00.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve a contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive. Councilmember Kevin Strength seconded, All Ayes.*

**23. Consider proposed Ordinance amending Chapter 21 (Offenses and Miscellaneous Provisions) of the Code of Ordinances of the City of Waxahachie by revising Section 21-6 Sale and discharge of firearms, discharge of firearms; and setting an effective date of July 1, 2019**

Assistant City Manager Ludwig presented textual changes to the current ordinance in order to be in compliance with HB 3231 that recently passed by the Texas Legislature and effective September 1, 2019. He explained the bill will allow for the development of recreational shooting range facilities within the City.

Councilmember Melissa Olson requested to amend Section 21-6 (c) by adding “or any person when lawfully defending a person or property”.

City Attorney Robert Brown stated Councilmember Olson’s request is a friendly amendment and stated the state law covers persons protecting themselves and their property.

**ORDINANCE NO. 3124**

**AN ORDINANCE AMENDING SECTION 21-6 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, REVISING LANGUAGE FOR THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance 3124 as amended. Councilmember Chuck Beatty seconded, All Ayes.*

**24. Public Comments**

None

**25. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code**

Mayor Hill announced at 7:28 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

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

The meeting reconvened at 7:41 p.m.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to authorize the purchase of properties located at 105, 107, 109 and 111 South College, Waxahachie, TX for a purchase price of \$130,000 each plus all closing costs and property taxes owed and authorizing the City Manager to execute all documents as necessary to facilitate the purchase. Councilmember Melissa Olson seconded, **All Ayes.***

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

Assistant City Manager Tommy Ludwig announced Planning Director Shon Brooks was chosen as one of the Top Urban Planners Under 40 by the Planning Peeps network. He noted Mr. Brooks is honored as one of the top planners on the national level.

Councilmember Kevin Strength referenced an article in the Sunday paper pertaining to Councilmember Chuck Beatty having a “Chuck Beatty Courage Award” named after him. He stated it is an honor to be serving with Councilmember Beatty.

Councilmember Chuck Beatty wished everyone a Happy 4<sup>th</sup> of July noting there are several events going on and he welcomed everyone to attend all the festivities.

City Manager Albert Lawrence stated the recent storms over the weekend resulted with a lot of debris down noting staff is working to get it cleaned up.

Mayor Pro Tem Mary Lou Shipley stated Spring Park is closed due to construction and will remain closed until completed noting closure includes 4<sup>th</sup> of July. She stated it will be ready for the Labor Day weekend with amenities. Mayor Pro Tem Shipley thanked the Street Department for acting quickly to remove a tree that fell across Howard Road during the recent weekend storm.

City Attorney Robert Brown wished everyone a Happy 4<sup>th</sup> of July.

Mayor David Hill wished everyone a Happy 4<sup>th</sup> of July. He congratulated Assistant Police Chief Dale Sigler on the recent corporate donation from the local State Farm Insurance team.

Assistant Police Chief Dale Sigler referenced the damage from the weekend storm and credited the Street Department for their quick reaction to clean up.

**28. Adjourn**

There being no further business, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary