

City Council  
December 16, 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, December 16, 2019 at 7:00 p.m.

Councilmembers Present: Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, Councilmember  
Melissa Olson, Councilmember

Councilmember Absent: David Hill, Mayor

Others Present: Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Acting City Secretary

**1. Call to Order**

Mayor Pro Tem Mary Lou Shipley 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. Public Comments**

Ms. Regina Bonner, 105 High School Drive, thanked the city for the street rehabilitations in the Colonial Acres subdivision. She expressed concerns regarding the proposed 49 unit apartment complex going in at the southwest corner of Northgate Drive at Stadium Drive. She reviewed the concerns of the neighboring subdivision in regards to traffic, safety, parking, crowding, drainage, and increased crime.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of December 2, 2019
- b. Minutes of the City Council briefing of December 2, 2019
- c. Mobile Home License Renewals for 2020
- d. Consider award of a bid to Utility Trailer of Dallas, Inc. for an additional sludge trailer at the Wastewater Treatment Plant
- e. Consider award of a professional services contract with Birkhoff, Hendricks & Carter, L.L.P. for flow monitoring services associated with the wastewater collection system
- f. Event Application for Sweethearts and Orphans Car Show on March 14, 2020

**Action:**

*Councilmember Kevin Strength moved to approve items a. through f. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.*

**6. Introduce Honorary Councilmember**

Councilmember Kevin Strength introduced Rachael Edgar as the Honorary Councilmember for the month of December and presented her a certificate of recognition. Ms. Edgar is a Senior at Global High and is ranked #14 in her class. She plans on attending Texas A&M to become a Civil Engineer. Ms. Edgar is the Global High Student Council President, a member of Global High's Bowling Team, and on the Waxahachie Shotgun Team.

**7. Consider request by Michael Crocker, Canyon Creek, for a Plat of Palomino Estates for 4 residential lots being 5.043 acres situated in the W. Berry Survey, Abstract 73 (Property ID 180064) in the Extra Territorial Jurisdiction - Owner: Paula Upchurch Crabtree (PL-19-0141)**

**Action:**

*Councilmember Kevin Strength moved to deny a request by Michael Crocker, Canyon Creek, for a Plat of Palomino Estates for 4 residential lots being 5.043 acres situated in the W. Berry Survey, Abstract 73 (Property ID 180064) in the Extra Territorial Jurisdiction - Owner: Paula Upchurch Crabtree (PL-19-0141). Councilmember Chuck Beatty seconded, All Ayes.*

**8. Public Hearing on a request by Dalton Bradbury, Southfork Capital, for a Zoning Change from a Planned Development-30-Office zoning district to Planned Development-Single Family-3, with Concept Plan, located at 315 N Rogers (Property ID 193492) - Owner: Southfork Capital LLC (PD-19-0147)**

Mayor Pro Tem Shipley opened the Public Hearing and announced the applicant requested to continue PD-19-0147 to the January 6, 2020 City Council meeting.

**9. Consider proposed Ordinance approving PD-19-0147**

**Action:**

*Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Dalton Bradbury, Southfork Capital, for a Zoning Change from a Planned Development-30-Office zoning district to Planned Development-Single Family-3, with Concept Plan, located at 315 N Rogers (Property ID 193492) - Owner: Southfork Capital LLC (PD-19-0147) to the January 6, 2020 City Council meeting. Councilmember Kevin Strength seconded, All Ayes.*

**10. Continue Public Hearing on a request by Brian Shaw, Blue Bonnet Trail LLC, for a Zoning Change from a Planned Development-11-Multiple Family-1 zoning district to Planned Development-Multiple Family-1, with Concept Plan, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (PD-19-0135)**

Mayor Pro Tem Shipley continued the Public Hearing and announced the applicant requested to continue PD-19-0135 to the January 6, 2020 City Council meeting. Planning Director Shon Brooks explained the applicant updated their plan and will comply to city standards under the original Planned Development approved in 1985; therefore, City Council will only need to approve the detailed site plan at their next meeting.

**11. Consider proposed Ordinance approving PD-19-0135**

**Action:**

*Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Brian Shaw, Blue Bonnet Trail LLC, for a Zoning Change from a Planned Development-11-Multiple Family-1 zoning district to Planned Development-Multiple Family-1, with Concept Plan, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (PD-19-0135) to the January 6, 2020 City Council meeting. Councilmember Kevin Strength seconded, All Ayes.*

**12. Public Hearing on a request by Kayla Sterling, Sunrun Installation Services Inc., for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-23-Single Family-1 zoning district located at 313 Lakeshore Drive (Property ID 174787) – Owner: Walter R Jackson (SU-19-0140)**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Brooks presented SU-19-0140 noting the applicant is requesting the use of residential solar panels and staff recommended approval as presented.

There being no others to speak for or against SU-19-0140, Mayor Pro Tem Shipley closed the Public Hearing.

**13. Consider proposed Ordinance approving SU-19-0140**

**ORDINANCE NO. 3162**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED 313 LAKESHORE DRIVE, BEING PROPERTY ID 174787, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1 IN THE MAJOR PLACE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3162. Councilmember Chuck Beatty seconded, All Ayes.*

**14. Public Hearing on a request by Bridget Wright, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 131 Lariat Trail (Property ID 267480) – Owner: Gary R & Cynthia E Joslin (SU-19-0150)**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Brooks presented SU-19-0150 noting the applicant is requesting the use of residential solar panels and staff recommended approval as presented.

There being no others to speak for or against SU-19-0150, Mayor Pro Tem Shipley closed the Public Hearing.

**15. Consider proposed Ordinance approving SU-19-0150**

**ORDINANCE NO. 3163**

**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 131 LARIAT TRAIL, BEING PROPERTY ID 267480, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 9 BLK C IN THE BUFFALO RIDGE ADDN PH 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. 3163. Councilmember Chuck Beatty seconded, All Ayes.*

**16. Public Hearing on a request by Bridget Wright, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-23-Single Family-1 zoning district located at 406 Laguna Vista (Property ID 273631) – Owner: John R & Laurie Musselwhite (SU-19-0151)**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Brooks presented SU-19-0151 noting the applicant is requesting the use of residential solar panels and staff recommended approval as presented.

There being no others to speak for or against SU-19-0151, Mayor Pro Tem Shipley closed the Public Hearing.

**17. Consider proposed Ordinance approving SU-19-0151**

**ORDINANCE NO. 3164**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 406 LAGUNA VISTA, BEING PROPERTY ID 273631, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLK 1 IN THE LAGUNA VISTA PLACE PHASE 2 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3164. Councilmember Melissa Olson seconded, All Ayes.*

- 18. Public Hearing on a request by Jarod Scoggin, Scoggin Outdoor Living & Shops, for a Specific Use Permit (SUP) for Accessory Building (Residential) Greater than or Equal to 700 S.F. use within a Planned Development-Single Family-1 zoning district located at 109 Willowcrest Drive (Property ID 174739) – Owner: Keith M & Teresa A Williams (SU-19-0144)**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Brooks presented SU-19-0144 explaining the applicant is requesting to construct a 480 square foot addition to an existing 960 square foot garage structure. Staff recommended approval per the following comments:

1. Staff suggests that a Developer's Agreement be in place before final approval.
2. Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, Building Inspections will ensure that the materials and construction complies with all regulations.

There being no others to speak for or against SU-19-0144, Mayor Pro Tem Shipley closed the Public Hearing.

- 19. Consider proposed Ordinance approving SU-19-0144**

**ORDINANCE NO. 3165**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 ACCESSORY STRUCTURE USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY 1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 109 WILLOWCREST DRIVE, BEING PROPERTY ID 174739, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3 IN THE LAKEVIEW-REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3165. Councilmember Melissa Olson seconded, All Ayes.*

- 20. Consider Development Agreement for 109 Willowcrest Drive**

**Action:**

*Councilmember Chuck Beatty moved to approve a Development Agreement for 109 Willowcrest Drive. Councilmember Kevin Strength seconded, All Ayes.*

**21. Public Hearing on a request by Staci Dean, Daiquiriville, for a Specific Use Permit (SUP) for Convenience Store (Daiquiri Shop) use within a General Retail zoning district located at 2801 N Highway 77, Suite 140 (Property ID 272779) – Owner: SAP Properties LLC (SU-19-0143)**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Brooks reviewed SU-19-0143 noting the applicant is requesting approval to allow a proposed daiquiri shop within an existing retail strip center (North Grove Business Park). He noted the proposed development will provide food, beer, and wine-based daiquiris. The proposed alcohol to food percentage sales ratio will be seventy percent alcohol to thirty percent food. Per the operational plan, in addition to four owners, there will be three additional employees.

Staff recommended approval per the following staff comments:

1. The business must conform to City of Waxahachie requirements as well as adhere to TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas.
2. The operator must maintain compliance with State regulations and local ordinances for food service operations.
3. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Staci Dean, 313 Bond Street, Red Oak, TX, explained sealed drinks will be sold on premise to take to go. She explained beer and wine will be available for sale but not to go.

There being no others to speak for or against SU-19-0143, Mayor Pro Tem Shipley closed the Public Hearing.

**22. Consider proposed Ordinance approving SU-19-0143**

**ORDINANCE NO. 3166**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH ALCOHOL SALES (DAIQUIRI SHOP) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 2801 N. HIGHWAY 77, SUITE 140, BEING PROPERTY ID 272779, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK B IN NORTH GROVE BUSINESS PARK PHASE 1 AND 3, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3166. Councilmember Kevin Strength seconded, All Ayes.*

**23. Public Hearing concerning a substandard structure located at 10 Yinger St.**

Mayor Pro Tem Shipley opened the Public Hearing.

Assistant City Manager Tommy Ludwig explained in July 2019 a Notice of Substandard Structure were issued to the following properties: 10 Yinger Street, 608 Dr. Martin Luther King, Jr. Blvd., 214 Dunlap Street, 712 Givens Street, 218 Wyatt Street, 400 Wyatt Street, and 908 Wyatt Street. The notice identified why the structures had been determined to be substandard and what action was required to bring the properties into compliance.

Building and Community Services Director Jose Martinez reviewed the above properties identifying the following violations: structural hazard, faulty weather protection, inadequate sanitation and nuisance. He confirmed all of the properties are currently unoccupied and attempts were made to contact the owners through the appraisal district and title searches.

Mr. Chris Wright, 808 West Marvin, Waxahachie, asked if staff checked to see if taxing liens were on the property and Mr. Martinez confirmed they did.

There being no others to speak for or against the substandard structure located at 10 Yinger St., Mayor Pro Tem Shipley closed the Public Hearing.

**24. Consider an action to require the substandard structure located at 10 Yinger St. to be secured, repaired, removed, and/or demolished**

**Action:**

*Councilmember Kevin Strength moved for the property located at 10 Yinger Street to be repaired or demolished within 60 days. If after the 60 days, and Council's order has not been carried out, staff is authorized to demolish the property. Councilmember Chuck Beatty seconded, All Ayes.*

**25. Public Hearing concerning a substandard structure located at 608 Dr. Martin Luther King, Jr. Blvd.**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Martinez noted the substandard structure located at 608 Dr. Martin Luther King, Jr. Blvd. has been recently demolished by the owner.

There being no others to speak for or against the substandard structure located at 608 Dr. Martin Luther King, Jr., Blvd., Mayor Pro Tem Shipley closed the Public Hearing.

**26. Consider an action to require the substandard structure located at 608 Dr. Martin Luther King, Jr. Blvd. to be secured, repaired, removed, and/or demolished**

**Action:**

*No action taken.*

**27. Public Hearing concerning a substandard structure located at 214 Dunlap St.**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Martinez reviewed the property by identifying the following violations: structural hazard, faulty weather protection, inadequate sanitation and nuisance. He noted he was unable to make contact with the owner.

There being no others to speak for or against the substandard structure located at 214 Dunlap St., Mayor Pro Tem Shipley closed the Public Hearing.

**28. Consider an action to require the substandard structure located at 214 Dunlap St. to be secured, repaired, removed, and/or demolished**

**Action:**

*Councilmember Chuck Beatty moved for the property located at 214 Dunlap Street to be repaired or demolished within 60 days. If after the 60 days, and Council's order has not been carried out, staff is authorized to demolish the property. Councilmember Kevin Strength seconded, All Ayes.*

**29. Public Hearing concerning a substandard structure located at 712 Givens St.**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Martinez reviewed the property by identifying the following violations: structural hazard, faulty weather protection, inadequate sanitation and nuisance.

Ms. Angelina Alejandre, 710 Givens Street, expressed concern with having someone on the property taking pictures. She noted the intent is to fix the property to code.

Ms. Eva Cedillo, 710 Givens Street, explained she is in the process to have the structure repaired or demolished and is working with a local bank to assist.

Council asked if 60 days would provide adequate time for her to develop an action plan and she noted she doesn't have a definite time schedule but is wanting to have this completed as soon as possible.

There being no others to speak for or against the substandard structure located at 712 Givens St., Mayor Pro Tem Shipley closed the Public Hearing.

**30. Consider an action to require the substandard structure located at 712 Givens St. to be secured, repaired, removed, and/or demolished**

**Action:**

*Councilmember Kevin Strength moved for the property located at 712 Givens Street to provide an action plan within 60 days. Councilmember Melissa Olson seconded, All Ayes.*

**31. Public Hearing concerning a substandard structure located at 218 Wyatt St.**

Mayor Pro Tem Shipley opened the Public Hearing.



Mr. Martinez reviewed the property by identifying the following violations: structural hazard, faulty weather protection, inadequate sanitation and nuisance. He noted he didn't receive a response from the owner but they did sign twice for the certified letter.

There being no others to speak for or against the substandard structure located at 218 Wyatt St., Mayor Pro Tem Shipley closed the Public Hearing.

**32. Consider an action to require the substandard structure located at 218 Wyatt St. to be secured, repaired, removed, and/or demolished**

**Action:**

*Councilmember Kevin Strength moved for the property located at 218 Wyatt Street to be repaired or demolished within 60 days. If after the 60 days, and Council's order has not been carried out, staff is authorized to demolish the property. Councilmember Chuck Beatty seconded, All Ayes.*

**33. Public Hearing concerning a substandard structure located at 400 Wyatt St.**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Martinez reviewed the property by identifying the following violations: structural hazard, faulty weather protection, inadequate sanitation and nuisance. He noted the owner signed for the notice and spoke with the Senior Code Enforcement Officer expressing his intent to fix the property some day.

There being no others to speak for or against the substandard structure located at 400 Wyatt St., Mayor Pro Tem Shipley closed the Public Hearing.

**34. Consider an action to require the substandard structure located at 400 Wyatt St. to be secured, repaired, removed, and/or demolished**

**Action:**

*Councilmember Chuck Beatty moved for the property located at 400 Wyatt Street to be repaired or demolished within 60 days. If after the 60 days, and Council's order has not been carried out, staff is authorized to demolish the property. Councilmember Kevin Strength seconded, All Ayes.*

**35. Public Hearing concerning a substandard structure located at 908 Wyatt St.**

Mayor Pro Tem Shipley opened the Public Hearing.

Mr. Martinez reviewed the property by identifying the following violations: structural hazard, faulty weather protection, inadequate sanitation and nuisance. He noted he had no success with speaking to the owner.

Mr. Chris Wright, 808 West Marvin, Waxahachie, recommended demolishing properties that are not maintained.

There being no others to speak for or against the substandard structure located at 908 Wyatt St., Mayor Pro Tem Shipley closed the Public Hearing.

**36. Consider an action to require the substandard structure located at 908 Wyatt St. to be secured, repaired, removed, and/or demolished**

**Action:**

*Councilmember Chuck Beatty moved for the property located at 908 Wyatt Street to be repaired or demolished within 60 days. If after the 60 days, and Council's order has not been carried out, staff is authorized to demolish the property. Councilmember Kevin Strength seconded, All Ayes.*

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

Mayor Pro Tem Shipley announced at 8:11 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.

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

The meeting reconvened at 8:36 p.m.

**Action:**

*No action taken.*

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

City Council and Staff wished everyone a Merry Christmas.

**40. Adjourn**

There being no further business, the meeting adjourned at 8:37 p.m.

Respectfully submitted,

Amber Villarreal  
Acting City Secretary