

City Council
January 6, 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, January 6, 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
Amber Villarreal, Acting 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

Ms. Cheryl Wilson, 2740 Solon Road, Waxahachie, expressed her concern and opposition for the continued operation of Oak Cliff Metals due to safety.

Mr. Alan Fox, 327 University, Waxahachie, expressed his concerns with the continued operation of Oak Cliff Metals due to the safety and magnitude of their recent fire.

Ms. Regina Bonner, 105 High School Drive, Waxahachie, spoke in opposition to the proposed apartments at the southwest corner of Northgate Drive at Stadium Drive. She reviewed her concerns regarding traffic, additional people, parking, and safety in the area. She asked council to consider condominiums instead of apartments.

Ms. Julia Eiland, 1585 Sandhurst, Waxahachie, spoke in support of Oak Cliff Metals noting she has been an employee for 17 years and the business is operated by a good family whose operation is keeping the streets and landfills clean because of their business.

Mr. Kevin Ivey, 1980 E. Highland Road, Waxahachie, expressed his hope to find a solution for the continued fires and thanked the first responders.

5. Consent Agenda

- a. Minutes of the City Council meeting of December 16, 2019
- b. Minutes of the City Council briefing of December 16, 2019

- c. Event Application for SAGU Half Marathon to be held February 1, 2020
- d. Event Application for Mardi Gras 2020 to be held February 21-22, 2020
- e. Set City Council meeting of Tuesday, January 21, 2020

Action:

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

6. Introduce Honorary Councilmember

Councilmember Melissa Olson introduced Mr. Joshua Garcia as the first Honorary Councilmember of the decade. Mr. Garcia is a Senior at Global High School and is ranked 1st in his class with a GPA of 5.9540. He is the treasurer of the Interact Club at Global, which does service by helping in a variety of projects such as Kids Against Hunger and Hidden Miracles at the Cowboy Church. Mr. Garcia is also one of the Senior Class Officers, which help to organize senior activities, and a member of the Culture Club, National Honor Society, and works part-time at Braums. He plans on attending Brown University and recently received news that he's been awarded a nearly full ride scholarship through the Questbridge College Match Program.

7. First Public Hearing at 7:00 p.m. and second Public Hearing at 7:30 p.m. to consider requested annexation by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately 82+/- acres tract generally situated off of Farm to Market Road No. 877

At 7:00 p.m. Mayor Hill opened the First Public Hearing to consider requested annexation by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately 82+/- acres tract generally situated off of Farm to Market Road No. 877.

There being no others to speak for or against the First Public Hearing on the requested annexation, Mayor Hill closed the Public Hearing.

At 7:30 p.m. Mayor Hill opened the Second Public Hearing to consider requested annexation by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately 82+/- acres tract generally situated off of Farm to Market Road No. 877.

There being no others to speak for or against the Second Public Hearing on the requested annexation, Mayor Hill closed the Public Hearing.

8. Continue 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 Hill continued the Public Hearing.

Planning Director Shon Brooks presented PD-19-0147 noting the applicant is requesting to create a Planned Development to construct five single-family homes on infill lots and staff recommended approval as presented.

There being no others to speak for or against PD-19-0147, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving PD-19-0147

ORDINANCE NO. 3167

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-OFFICE (PD-O) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH CONCEPT PLAN LOCATED AT 315 NORTH ROGERS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.477 ACRES KNOWN AS PROPERTY ID 193492, LOT 1-9, BLOCK 23 OF THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3167. Councilmember Melissa Olson seconded, All Ayes.

10. 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 announced the applicant requested to continue SU-19-0133 to the January 21, 2020 City Council meeting.

11. Consider proposed Ordinance approving SU-19-0133

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue 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) to the January 21, 2020 City Council meeting. Councilmember Melissa Olson seconded, All Ayes.

12. Consider request by Brian Shaw, Blue Bonnet Trail LLC, for a detailed Site Plan review for a proposed multi-family development, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (SP-19-0176)

Mr. Brooks presented SP-19-0176 noting the detailed site plan is a request to create a 49 unit multi-family residential development within an existing Planned Development zoning district. He explained the applicant agreed to ornamental iron fencing and a minimum of 50% masonry. He noted the plan meets all city requirements therefore; staff recommended approval as presented. Mr. Brooks explained letters of opposition were received for the initial Planned Development zoning change; however, due to the applicant adhering to the original 1985 multi-family zoning and current city requirements, the zoning case was rescinded.

Councilmember Kevin Strength asked staff to review signage on Stadium Drive.

Councilmember Olson expressed concern with parking for additional vehicles and inquired about a remote gated entry. Mr. Brooks reported the applicant agreed to add gates to both entrances of the property.

Mayor Hill confirmed the multi-family zoning was established in 1985 and they are not requesting a change; therefore, by right they can build the complex in compliance with city standards.

Action:

Councilmember Kevin Strength moved to approve a request by Brian Shaw, Blue Bonnet Trail LLC, for a detailed Site Plan review for a proposed multi-family development, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (SP-19-0176) including adding ornamental iron fencing as requested. Mayor Pro Tem Mary Lou Shipley seconded. The vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Kevin Strength. Noes: Melissa Olson.

The motion carried.

13. Consider Development Agreement for SP-19-0176 located at the SW corner of Northgate Drive at Stadium Drive

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for SP-19-0176 located at the SW corner of Northgate Drive at Stadium Drive with an amendment to include the following language in Section 3: a 6-foot ornamental iron fence with masonry column to be located around the entire perimeter of the development. 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.

14. Public Hearing on a request by Ronald E. Bunch, Attorney, for a Zoning Change from a Commercial zoning district to a Central Area zoning district located at 106 Monroe (Property ID 170381) - Owner: Getzendaner & Reed (ZC-19-0156)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented ZC-19-0156 noting the applicant is requesting a zoning change from Commercial to Central Area to no longer have the parking requirement at the site and staff recommended approval as presented. The current property consists of retail/office space and a beauty shop with plans to add an antique shop.

There being no others to speak for or against ZC-19-0156, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving ZC-19-0156

ORDINANCE NO. 3168

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO CENTRAL AREA (CA) LOCATED AT 106 S. MONROE STREET, PARCEL NUMBER 170381, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.236 ACRES KNOWN AS LOT 3B 2, BLOCK 6, OF THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, 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. 3168. Councilmember Melissa Olson seconded, All Ayes.

16. Public Hearing on a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0155)

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed SU-19-0155 noting the applicant is requesting approval of a Specific Use Permit to allow the use of outside storage. Mr. Brooks reviewed the case history explaining Code Enforcement has issued eight citations to the applicant due to operating without approval of a Specific Use Permit and Certificate of Occupancy. Staff's opinion is that the outside storage of aggregate product is not the highest and best use of this property and staff recommends denial.

Mr. Kim Weins, 3800 Steeple Chase Court, Midlothian, spoke on behalf of the owner, and explained the long-term plan for the site is to develop a higher use but with currently no utilities they feel this a good option for the site.

Mr. Kevin Cribley, 12019 Nacodoches Road, San Antonio, requested approval and reported the landscaping and site plan have been updated to meet city standards.

There being no others to speak for or against SU-19-0155, Mayor Hill closed the Public Hearing.

17. Consider proposed Ordinance approving SU-19-0155

ORDINANCE NO. 3169

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT OUTSIDE STORAGE USE WITHIN A COMMERCIAL (C) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICT, LOCATED AT 100 W STERRETT ROAD, BEING PROPERTY ID 273754, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE STERRETT INDUSTRIAL ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3169. Councilmember Chuck Beatty seconded. The vote was as follows: The vote was as follows: Ayes: Chuck Beatty, Kevin Strength, and Melissa Olson. Noes: David Hill and Mary Lou Shipley.

The motion carried.

- 18. Public Hearing on a request by Jennifer Gansert, Kimley-Horn and Associates, Inc., for a Zoning Change from a Planned Development-General Retail zoning district to Planned Development-General Retail, with Concept Plan, located at 108 Broadhead Road (Property ID 245022) - Owner: Crepe Myrtle Enterprises LLC (PD-19-0159)**

Mayor Hill opened the Public Hearing.

Mr. Brooks presented PD-19-0159 noting the applicant is requesting to revise the existing Planned Development to construct an approximately 20,000 square foot addition to an existing 485,000 square foot movie theater. The addition includes an Arcade, which requires a Specific Use Permit in this zoning district. He noted staff recommended approval as presented.

There being no others to speak for or against PD-19-0159, Mayor Hill closed the Public Hearing.

- 19. Consider proposed Ordinance approving PD-19-0159**

ORDINANCE NO. 3170

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH CONCEPT PLAN LOCATED AT 108 BROADHEAD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 11.14 ACRES KNOWN AS A PORTION OF PROPERTY ID 245022, LOT 1, BLOCK A, SHOWBIZ CINEMAS ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3170. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 20. Convene into Executive Session for:**
- a. Consultation with City Attorney on Oak Cliff Metals Specific Use Permit as permitted by the Texas Government Code, Section 551.071**
 - b. Deliberation regarding real property as permitted by the Texas Government Code Section 551.072**

Mayor Hill announced at 7:46 p.m. the City Council would convene into Executive Session for:

- a. Consultation with City Attorney on Oak Cliff Metals Specific Use Permit as permitted by the Texas Government Code, Section 551.071
- b. Deliberation regarding real property as permitted by the Texas Government Code Section 551.072

21. Reconvene

- a. Take any possible action by City Council to initiate a zoning change under Section 2.04 and 7.03 of the Zoning Ordinance, and to consider calling public hearing to consider revocation of a Specific Use Permit held by Oak Cliff Metals**
- b. Take any necessary action**

The meeting reconvened at 9:00 p.m.

Action:

- a.** *Councilmember Kevin Strength moved to call for a public hearing no earlier than 90 days to consider revocation of a Specific Use Permit held by Oak Cliff Metals with hearings to be held on April 14, 2020 by the Planning and Zoning Commission and April 20, 2020 by the City Council. Councilmember Chuck Beatty seconded, All Ayes.*

Action:

- b.** *Mayor Pro Tem Mary Lou Shipley moved to authorize City Manager to enter into negotiations for a Donation Agreement with Baylor Hospital Waxahachie. Councilmember Kevin Strength seconded, All Ayes.*

22. Comments by Mayor, City Council, City Attorney and City Manager

Councilmember Strength thanked Baylor Scott and White Health and their Board of Directors for the donation and positive impact on our city.

Councilmember Beatty thanked Baylor Scott and White Health for their donation.

City Manager Michael Scott explained the Specific Use Permit for Oak Cliff Metals couldn't be reviewed without a 90 day notice authorization from council. He noted council has taken the first step to begin that process.

Mayor Pro Tem Shipley expressed her excitement about the future use of the donated Baylor property.

Councilmember Olson echoed Mayor Pro Tem Shipley's sentiments. She also thanked the fire department for all their work with the recent fire at Oak Cliff Metals. She requested continued prayers for City Secretary Lori Cartwright.

City Attorney Robert Brown expressed his continued prayers for Ms. Cartwright.

Mayor Hill echoed council comments by thanking first responders, expressing his gratitude for the Baylor donation, and continued prayers for Ms. Cartwright.

23. Adjourn

There being no further business, the meeting adjourned at 9:07 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary