

City Council  
October 15, 2018

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, October 15, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, Councilmember  
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Assistant City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Invocation**

Boy Scout Dawson Baker gave the invocation.

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

Webelo Scout Troop Packs 232, 241, and 281 led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Consent Agenda**

- a. Minutes of the City Council meeting of October 1, 2018
- b. Appointment to Airport Board

Councilmember Melissa Olson requested to remove item b. from the consent agenda for separate discussion.

**Action:**

*Councilmember Melissa Olson moved to approve item a. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.*

Councilmember Olson inquired about the recommended Airport Board member noting she never saw an application for Ms. Nannette Paghi. In an effort to be fair, she suggested putting the item on hold to review the current applications on file.

Mayor Strength explained the recommendation came from the Airport Manager and Airport Board Chairman.

**Action:**

*Councilmember Melissa Olson moved to appoint Ann Montgomery to the Airport Board. The motion failed due to lack of second.*

**Action:**

*Councilmember Chuck Beatty moved to approve item b. on the Consent Agenda accepting the recommendation. Mayor Pro Tem David Hill seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1*

**5. Introduce Honorary Councilmember**

The Honorary Councilmember was not in attendance.

**6. Public Hearing on a request by Sailesh Kharel, R and D Sons, for a Specific Use Permit (SUP) for Convenience Store use within a Planned Development-18-General Retail zoning district, located at 507 N Highway 77, Suite 800, LOT 1 & 3 BLK 1 NORTHGATE PLAZA 18.572 AC (Property ID 175004) - Owner: BENBAROUKH LLC (SU-18-0148)**

Mayor Strength opened the Public Hearing.

Planning Director Shon Brooks reviewed the staff report including the recommendation from the Planning & Zoning Commission to remove beer, wine, and tobacco verbiage from the proposed sign. He noted staff recommended approval.

Councilmember Olson asked if the verbiage restriction could be extended to window signage and Mr. Brooks noted that could be included in the motion.

There being no others to speak for or against SU-18-0148, Mayor Strength closed the Public Hearing.

**7. Consider proposed Ordinance approving Zoning Change No. SU-18-0148**

**ORDINANCE NO. 3060**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE USE WITHIN A PLANNED DEVELOPMENT-18-GENERAL RETAIL (PD-18-GR) ZONING DISTRICT, LOCATED AT 507 N HIGHWAY 77, SUITE 800, BEING PROPERTY ID 175004, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1&3, BLOCK 1 IN THE NORTHGATE PLAZA SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3060 adding no window signage for alcohol or tobacco and subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

**8. Public Hearing on a request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reviewed the case noting staff recommended approval. He noted the letter of opposition received didn't state a reason.

Applicant, Mr. Don Phillis, 4081 Rolling Wood Lane, Midlothian, TX, requested approval of RP-18-0150.

There being no others to speak for or against RP-18-0150, Mayor Strength closed the Public Hearing.

**9. Consider approval of RP-18-0150**

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150). Councilmember Chuck Beatty seconded, All Ayes.*

**10. Public Hearing on a request by Todd Wintters, Engineering Concepts & Design L.P., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (PD-18-0110)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reviewed the case noting two letters of opposition were received. Mayor Strength noted he spoke with the school district and they are now okay with the proposed development. Mr. Brooks noted the applicant is meeting the requirements of the subdivision ordinance and development standards. He explained the Planning & Zoning Commission approved the case to include minimum 10,000 square foot lot sizes and minimum 2,200 square foot homes.

Councilmember Olson expressed concern about the homes being so close together. Mayor Strength explained the developer is dedicating an 80 foot Right-of-Way and has worked with staff and agreed to the recommendation from the Planning & Zoning Commission.

Mr. Todd Wintters, 201 Windco Cir #200, Wylie, TX, presented an overview of the proposed development noting the developer is committed to paying \$2.5 million to construct the 80 foot Right-of-Way requested by the city as well as dedicate park land, add crape myrtles to the landscape plan and noted the development will have lower density with deeper lots for bigger back yards.

There being no others to speak for or against PD-18-0110, Mayor Strength closed the Public Hearing.

**11. Consider proposed Ordinance approving Zoning Change No. PD-18-0110**

**ORDINANCE NO. 3061**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN AND PLANNED DEVELOPMENT STANDARDS, ON PROPERTY LOCATED WEST OF OVILLA ROAD AND 800' SOUTH OF U.S. HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 119.683 ACRES KNOWN AS PROPERTY ID 191627 IN THE WM C TUNNELL SURVEY, ABSTRACT NO. 1080, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3061. Councilmember Mary Lou Shipley seconded, All Ayes.*

**12. Public Hearing on a request by Mitchell Lenamond, ELD Engineering, Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located SE of Parks School House Road, between US Highway 287 and MLK Jr Blvd, being 272 S M DURRET 7.371 ACRES (Property ID 239606) – Owner: JUAN CARLOS FLORES (PD-18-0153)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reviewed the case noting the developer is proposing to add two cul-de-sacs and the development will conclude this residential area. The requested standards in the Planned Development are consistent with the current neighborhood and staff recommended approval.

There being no others to speak for or against PD-18-0153, Mayor Strength closed the Public Hearing.

**13. Consider proposed Ordinance approving Zoning Change No. PD-18-0153**

**ORDINANCE NO. 3062**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN LOCATED SOUTH OF PARKS SCHOOL HOUSE RD, BETWEEN US HIGHWAY 287 AND DR. MARTIN LUTHER KING, JR., BLVD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.371 ACRES KNOWN AS PROPERTY ID 239606 OF THE SM DURRETT SURVEY, ABSTRACT NO 272, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3062. Councilmember Chuck Beatty seconded, All Ayes.*

- 14. Public Hearing on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)**

Mayor Strength announced this item was continued to the October 23, 2018 Planning and Zoning Commission meeting.

- 15. Consider proposed Ordinance approving Zoning Change No. PD-18-0152**

**Action:**

*Councilmember Chuck Beatty moved to continue a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152) to the City Council meeting of November 5, 2018. Mayor Pro Tem David Hill seconded, All Ayes.*

- 16. Consider request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169)**

Mr. Brooks reviewed the case explaining staff has worked with Jacobs Engineering for the Preliminary plat of 900 residential lots. Following approval of the Preliminary Plat, council will be asked to approve a Development Agreement to allow dedication of a Right-of-Way creating a third entrance/exit for the Saddlebrook Development. The developer will only be allowed 100 building permits before the third entrance is required. For the developer this is the best way to address the traffic issue now safety wise and is economically feasible.

Councilmember Mary Lou Shipley inquired about the park dedication and Mr. Brooks noted the city is agreeable to accept the land as park land.

Councilmember Olson inquired about acceleration and deceleration lanes on Highway 287 near the entrance of Saddlebrook. City Engineer James Gaertner explained TxDOT doesn't allow acceleration or deceleration lanes on the frontage road. Mr. Scott noted the city will continue to pursue this issue as it feels this will help with traffic safety.

Councilmember Olson inquired about the effects of the 900 lot development on the school district and Mr. Scott noted the school district is responsible for moving forward with future additional school plans and funding mechanisms.

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169). Councilmember Mary Lou Shipley seconded, All Ayes.*

- 17. Consider Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP**

**Action:**

*Councilmember Mary Lou Shipley moved to approve a Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP. Mayor Kevin Strength seconded, All Ayes.*

- 18. Consider a development agreement with 287 Waxahachie, LP for the dedication of right of way and the construction of roadways associated with Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, and 6**

**Action:**

*Councilmember Chuck Beatty moved to approve a development agreement with 287 Waxahachie, LP for the dedication of right of way and the construction of roadways associated with Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, and 6. Councilmember Melissa Olson seconded, All Ayes.*

- 19. Consider proposed Ordinance annexing property owned by R.B. Foreman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664**

Mr. Scott presented the request from Mr. Tony Sanders voluntarily requesting annexation. He explained this would add 20 acres to the recently annexed area.

Councilmember Olson inquired about infrastructure and Mr. Scott noted the water for the property will be serviced by Sardis Lone Elm.

**ORDINANCE NO. 3063**

**AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY THAT LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE IN THE PARTICULARS STATED IN THIS ORDINANCE, AND DECLARING AN EMERGENCY.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3063. Councilmember Mary Lou Shipley seconded, All Ayes.*

**20. Consider Resolution in support of Palladium Senior Living application for TDHCA Housing Tax Credits funding application**

Mr. Ryan Combs, Palladium USA, Dallas, TX, requested council's support of a proposed luxury class senior multifamily housing development to be located on the west side of Highway 77 north of Butcher Road and just north of the Life High School. The proposed three story, 120-unit development will be comprised of 1 and 2 bedrooms only. He explained with council's support the development will apply for Housing Tax Credits for the development.

**RESOLUTION NO. 1254**

**A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS REGARDING SUPPORT FOR PALLADIUM WAXAHACHIE SENIOR LIVING AT THE NORTHWEST CORNER OF US HWY 77 AND PANORAMA LOOP**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1254. Councilmember Mary Lou Shipley seconded, All Ayes.*

**21. Consider Vista Way Roadway Construction Agreement**

Mr. Scott reviewed the Vista Way Roadway Construction Agreement drafted in an effort to move forward the construction of Vista Way, a roadway within the North Grove subdivision necessary to serve the ISD's new elementary school. He explained this agreement shares the cost, 75%-25% respectively, with John Houston Development Company which allows the city to put in the road and "reimburse" itself with future roadway impact fees collected.

**Action:**

*Councilmember Chuck Beatty moved to approve Vista Way Roadway Construction Agreement. Mayor Pro Tem David Hill seconded, All Ayes.*

**22. Public Comments**

Mr. Otis Jackson, 616 Colwell Drive, Dallas, TX, inquired about a Property Owner Notice he received about an upcoming zoning change.

**23. Convene into Executive Session to review Performance Evaluation for City Manager as permitted by the Texas Government Code, Section 551.074**

Mayor Strength announced at 7:49 p.m. the City Council would convene into Executive Session to review the Performance Evaluation for the City Manager as permitted by the Texas Government Code, Section 551.074

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

The meeting reconvened at 8:33 p.m.

**Action:**

*Mayor Kevin Strength moved to approve a one-year extension to the City Manager's Contract. Councilmember Mary Lou Shipley seconded, All Ayes.*

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

Councilmember Olson thanked the following: Boy Scouts for their participation at the meeting, the Police Chief for the de-escalation tactics, City Manager for his work and the Finance Department for the new budget book.

Mr. Scott thanked council for their leadership and guidance noting the city's growth and development is making good progress.

Mayor Strength thanked Mr. Scott for his leadership. Mayor Pro Tem Hill, Councilmember Shipley, and City Attorney Robert Brown echoed the Mayor's comments regarding Mr. Scott.

Ms. Amy Borders, Director of Communications and Marketing, invited the community to attend the Texas Country Reporter Festival held Saturday, October 27<sup>th</sup>.

Mayor Strength asked for prayers for City Secretary Lori Cartwright and Community Services Coordinator Mary DelBuono.

**26. Adjourn**

There being no further business, the meeting adjourned at 8:38 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary