

City Council  
November 19, 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, November 19, 2018 at 7:00 p.m.

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  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Invocation**

City Manager Michael Scott introduced Mr. Cory Lucas, Director for Mission 75165, Waxahachie, to give the invocation. Mr. Scott stated Mission 75165 has been involved with several events in town for a number of years. Mr. Lucas stated the Easter Egg Event provides 10,000 Easter eggs on seven campuses totaling 70,000 eggs. Mr. Scott stated Mr. Lucas has a heart for this community and wanted to come and pray over our community. He thanked Mr. Lucas for providing the invocation.

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

Mayor Strength led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Consent Agenda**

- a. Minutes of the City Council meeting of November 5, 2018
- b. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- c. Waxahachie Community Development Corporation approval of Christmas Lighting Funding for Downtown
- d. SAGU Half Marathon to be held February 2, 2019

**Action:**

*Councilmember Mary Lou Shipley moved to approve items a. through d. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.*

**5. Introduce Honorary Councilmember**

Mayor Pro Tem David Hill introduced Mr. Brady Moon and Mr. Braxton Moon as the Honorary Councilmembers for the month of November and presented them with a Certificate of Appreciation for their participation in the Honorary Councilmember program.

**6. Present plumbing licenses to Building and Community Services Inspectors**

Mr. Ryan Studdard, Director of Building and Community Services, recognized employees John Franco and Peter Pinon for becoming Licensed Plumbing Inspectors and presented them with their licenses. He stated at the beginning of the year his department solicited the builder community to get feedback from builders that work here regularly as to what his department can do better to provide services. Mr. Studdard stated the largest response was for the building department to offer combination inspections providing mechanical, electrical, plumbing and structural inspections all in one stop. He stated Mr. Franco and Mr. Pinon can now provide these services. He reported there are only 1,500 plumbing inspectors in the state and five are now here on staff with the City. He stated there is a 75% failure rate when testing.

**7. Public Hearing on a request by Ivan Brigman, Tree Hill Homes., for a Replat of Lots 11 and 12, Block D, Taylor Ridge Addition, Phase 4 to create Lots 11R and 12R, Block D, Taylor Ridge Addition, Phase 4, 12.431 acres (Property ID 270124 and 270125) in the Extra Territorial Jurisdiction – Owner: TREE HILL HOMES LP (RP-18-0138)**

Mayor Strength opened the Public Hearing.

Assistant City Manager Tommy Ludwig reported the applicant requested for a Replat located in the ETJ south of Old Buena Vista Road. He explained the applicant seeks to shift the property line between two (2) platted lots. Staff recommended approval.

There being no others to speak for or against RP-18-0138, Mayor Strength closed the Public Hearing.

**8. Consider approving RP-18-0138**

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Ivan Brigman, Tree Hill Homes., for a Replat of Lots 11 and 12, Block D, Taylor Ridge Addition, Phase 4 to create Lots 11R and 12R, Block D, Taylor Ridge Addition, Phase 4, 12.431 acres (Property ID 270124 and 270125) in the Extra Territorial Jurisdiction – Owner: TREE HILL HOMES LP (RP-18-0138). Councilmember Melissa Olson seconded, All Ayes.*

**9. Public Hearing on a request by Jeremiah Mikel, Ruffin & Mikel Investments, Inc., for a Zoning Change from a Planned Development-25-General Retail zoning district to Planned Development-General Retail, with Concept Plan, located at 2100 Brown Street (Property ID 204843) - Owner: HAYOUNG & LEE SANG HUH (PD-18-0162)**

Mayor Strength opened the Public Hearing.

Mr. Ludwig reported the applicant seeks to modify the use allowing for a dry cleaning service. He stated the Planning and Zoning Commission recommended approval with a pickup and drop-off only. Mr. Ludwig stated the applicant did express interest in a drive-thru at this time to get approved. He stated if Council approves a drive-thru, it is with the condition the applicant submit a drive-thru plan for staff consideration. Mr. Ludwig stated there are two optional motions: approve subject to staff comments for drop-off and pick-up only or approve to include the drive-thru with administrative approval.

Councilmember Melissa Olson expressed concern with possibly not having enough room for a drive-thru. Mr. Ludwig stated that is a possibility and the applicant will have to submit a plan for staff to review to see if a drive-thru is feasible.

There being no others to speak for or against PD-18-0162, Mayor Strength closed the Public Hearing.

**10. Consider proposed Ordinance approving Zoning Change No. PD-18-0162**

**ORDINANCE NO. 3065**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-25-GENERAL RETAIL (PD-25-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH CONCEPT PLAN LOCATED AT 2100 BROWN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.557 ACRES KNOWN AS LOT 2R BLOCK A OF THE INDIAN PLAZA-REVISED SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3065 with stipulation of a drop-off and pick-up service only. Councilmember Chuck Beatty seconded, All Ayes.*

**11. Public Hearing on a request by William Stern, TAC Services LLC, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 228 Hackney (Property ID 267574) – Owner: KEITH A & DEANNA KERR (SU-18-0163)**

Mayor Strength opened the Public Hearing.

Mr. Ludwig reported the applicant seeks to install solar panels on the roof of their residence. He presented an image of the lot location and rendering of the solar panels. Mr. Ludwig recommended approval.

There being no others to speak for or against SU-18-0163, Mayor Strength closed the Public Hearing.

**12. Consider proposed Ordinance approving Zoning Change No. SU-18-0163**

**ORDINANCE NO. 3066**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL USE WITHIN A SINGLE-FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 228 HACKNEY STREET, BEING PROPERTY ID 267574, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 20, BLOCK T IN THE MUSTANG CREEK PHASE 4 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3066 as presented. Mayor Kevin Strength seconded, All Ayes.*

**13. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Retail Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNGMEE (RP-18-0166)**

Mayor Strength opened the Public Hearing.

Mr. Ludwig reported the applicant seeks to replat multiple lots that were sold by metes and bounds. He stated there is a Right-of-Way dedication on Ferris Avenue of 23 feet and the applicant is requesting an 18.5 feet Right-of-Way variance. Mr. Ludwig recommended approval with the 18.5 variance.

There being no others to speak for or against RP-18-0166, Mayor Strength closed the Public Hearing.

**14. Consider approving RP-18-0166**

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Mark Thedford, Akamai Designs, for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Retail Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNGMEE (RP-18-0166). Councilmember Chuck Beatty seconded, All Ayes.*

**15. Continue Public Hearing on a request by Terry Weaver, TJVC Inc. dba Sterling Development Co., 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 North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)**

Mayor Strength continued the Public Hearing.

Mr. Ludwig reported the applicant seeks to rezone the property to account for the development of a single family residential neighborhood. He stated the applicant proposes to reduce the lot sizes from the Single Family-1 standard size of 16,000 square feet to a minimum lot size of 8,400 square feet, with 10,000 square foot lots and 16,000 square foot lots included along the boundaries of the site. Mr. Ludwig stated the applicant plans to build 157 homes on approximately 60 acres and pay for park land dedication. He noted the WISD withdrew their letter of opposition. He reported the Planning and Zoning Commission denied the request at their recent meeting.

Mr. Terry Weaver, 815 West Main Street, Midlothian, Texas, stated his firm has created a mixture of homes ranging from 2,000 to 3,000 square foot homes pricing from \$270,000 to \$400,000. He stated builders are looking for smaller lots with lower maintenance to meet the market demand. Mr. Weaver reviewed a concept plan noting it maximized the best use for three types of homes. He stated a Traffic Impact Analysis will be required to address the density as it relates to traffic and required improvements to FM 664.

Those who spoke against PD-18-0156:

Mr. Jim Phillips, 606 W. Marvin, Waxahachie

There being no others to speak for or against PD-18-0156, Mayor Strength closed the Public Hearing.

**16. Consider proposed Ordinance approving Zoning Change No. PD-18-0156**

**Action:**

*After Council discussion, Councilmember Mary Lou Shipley moved to deny the proposed Ordinance approving Zoning Change No. PD-18-0156. Mayor Pro Tem David Hill seconded, All Ayes.*

**17. Consider proposed Ordinance on the request by Mr. Johnny Fussell for disannexation of approximately 189 acres located at 429 Wilson Road**

Mr. Ludwig presented a map of three tracts noting tract 2 was part of an annexation process initiated by the City in 2004 to extend the City's ETJ and service as its jurisdiction to the future. In 2007, parcels 1 and 3 were voluntarily annexed and zoned to PD-SF1 to accommodate a residential development that was planned. The development did not occur and the land was sold to its current owner. He stated if disannexed, the City's current ETJ will be reduced by approximately 170 acres.

Mr. Johnny Fussell, 429 Wilson Road, Waxahachie, stated he bought the property in 2013 and now wants to build a couple of family homes. He stated with the disannexation, it will leave a 75 acre strip for the city.

Mr. Scott stated the City has worked hard to extend the ETJ and pulling back 170 acres would be a setback as it relates to protecting the city boundaries. He stated the homes will be built to city standards and will receive city amenities.

**Action:**

*After Council discussion, Councilmember Melissa Olson moved to approve proposed Ordinance on the request by Mr. Johnny Fussell for disannexation of approximately 189 acres located at 429 Wilson Road. The motion died due to lack of second.*

**Action:**

*Councilmember Chuck Beatty moved to deny a request by Mr. Johnny Fussell for disannexation of approximately 189 acres located at 429 Wilson Road. Councilmember Mary Lou Shipley seconded. The vote was as follows:*

*Ayes: Kevin Strength  
David Hill  
Chuck Beatty  
Mary Lou Shipley*

*Noes: Melissa Olson*

***The motion carried 4-1.***

**18. Consider contract renewal of ambulance services with AMR**

Fire Chief Ricky Boyd reported the current contract will expire January 2019. He stated the proposed contract will begin on January 3, 2019 and expire January 3, 2021 noting it also includes provisions for an optional 2-year renewal. He highlighted proposed changes to the contract noting the proposed contract is \$142,167.

**Action:**

*Councilmember Melissa Olson moved to approve a contract renewal of ambulance services with AMR. Councilmember Chuck Beatty seconded, All Ayes.*

**19. Public Comments**

None

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

Assistant City Manager Tommy Ludwig thanked Mr. Colby Collins, Senior Planner, for his hard work this week putting cases together. Mr. Collins stated he is in his fourth week at the City and thanked all for assisting their department.

Councilmember Melissa Olson thanked Mr. Collins and congratulated staff on obtaining their plumbing licenses.

City Manager Michael Scott congratulated staff on their achievement of obtaining their licenses and thanked Mr. Ryan Studdard for raising the bar in his department. He thanked Chief Boyd on the hard work he did on the AMR contract. Mr. Scott announced the Holiday parade and tree lighting will be November 27<sup>th</sup> at 6:30 and Bethlehem Revisited will start November 30<sup>th</sup>.

Mayor Pro Tem David Hill stated Fire Chief Boyd went on a mission trip to Haiti and built 20 houses in the past 20 months. He stated we live in a very charitable community and thanked Chief Boyd for his service.

Councilmember Mary Lou Shipley stated it is a compliment to Mr. Studdard and his department and an outward indication in upgrading all our departments and thanked Mr. Scott for his work in heading us in that direction.

Ms. Amy Borders, Director of Communications and Marketing, stated there are a lot of activities from now until Christmas and can be found on the Convention and Visitors Bureau website. She stated the Good Morning Texas television show will be here next week promoting the upcoming activities.

City Council thanked the Honorary Councilmembers for their participation for the month of November and wished everyone a Happy Thanksgiving.

## **21. Adjourn**

*There being no further business, Councilmember Mary Lou Shipley moved the meeting adjourn at 8:01 p.m. Councilmember Chuck Beatty seconded, All Ayes.*

Respectfully submitted,

Lori Cartwright  
City Secretary