

City Council  
January 3, 2022

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, Waxahachie, Texas, on Monday, January 3, 2022 at 7:05 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Planning Director  
Richard Abernethy, Director of Administrative Services  
Robert Brown, City Attorney  
Jami Bonner, Assistant City Secretary

**1. Call to Order**

Mayor Doug Barnes called the meeting to order.

**2. Invocation**

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

Reverend Marcia Hagee, First Christian Church, gave the invocation. City Manager Michael Scott led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Patrick Souter, 700 W. Main St., Waxahachie, Texas, reported on Historic Waxahachie Inc. activities. He expressed gratitude to the City and Recreation Specialist Yadira Campos for going above and beyond in her efforts to provide assistance for the Historic Waxahachie, Inc. annual meeting.

Michelle Haye, 411 E. Marvin, Waxahachie, Texas, reported on a successful Christmas Home Tour.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of December 20, 2021
- b. Minutes of the City Council briefing of December 20, 2021
- c. Event application for King Day March and Celebration to be held January 15, 2022
- d. Authorize Re-appropriation of Supplemental funding for Sokoll Water Treatment Plant Wholesale Meter

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve items a., b., and d. on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.*

**Action:**

*Council Member Melissa Olson moved to approve item c. on the consent agenda on the condition of pending details and allowing staff approval. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

- 6. Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the January 18, 2022 City Council meeting.

- 7. Consider proposed Ordinance approving ZDC-146-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the January 18, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.*

- 8. Continue Public Hearing on a request by Carolyn J Haman for Voluntary Annexation on approximately 157.139 +/- acres located NW of 2374 W Highway 287 Bypass (Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-200-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ANX-DNX-200-2021 to the January 18, 2022 City Council meeting.

- 9. Consider proposed Ordinance adopting ANX-DNX-200-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Carolyn J Haman for Voluntary Annexation on approximately 157.139 +/- acres located NW of 2374 W Highway 287 Bypass (Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-200-2021) to the January 18, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.*

- 10. Continue Public Hearing on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-188-2021 to the January 18, 2022 City Council meeting.

**11. Consider proposed Ordinance approving ZDC-188-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021) to the January 18, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.*

**12. Continue Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)**

Planning Director Jennifer Pruitt presented the case noting the applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop. She reviewed staff concerns and noted that the P&Z Commission voted 6-0 to deny ZDC-164-2021. Staff recommends denial for the proposed use.

Mayor Barnes continued the Public Hearing.

There being no others to speak for or against ZDC-164-2021, Mayor Barnes closed the Public Hearing.

Council Member Travis Smith expressed gratitude to the applicant for addressing previous concerns in regards to fire safety. Mr. Smith asked City Council to consider the intent of the applicant.

**13. Consider proposed Ordinance approving ZDC-164-2021**

**Action:**

*Council Member Travis Smith moved to table ZDC-164-2021 to allow City staff to pursue a development agreement with the property owner. Council Member Melissa Olson seconded, the vote was as follows: Ayes: Travis Smith and Melissa Olson. Noes: Doug Barnes, Billie Wallace, and David Hill.*

***The motion failed.***

**Action:**

*Mayor Pro Tem Billie Wallace moved to deny ZDC-164-2021. Council Member David Hill seconded, the vote was as follows: Ayes: Billie Wallace, David Hill, and Doug Barnes. Noes: Travis Smith and Melissa Olson.*

***The motion carried.***

**14. Continue Public Hearing on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021)**

Ms. Pruitt stated ANX-DNX-178-2021 is associated with item 17 and is contingent on zoning approval of ZDC-162-2021. She noted the proposed property presented for annexation is a 20 acre tract of land situated west of Ovilla Road and North of HWY 287 Business.

Ms. Pruitt continued presenting ZDC-162-2021. She noted the applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres. Ms. Pruitt noted the Planning and Zoning Commission voted 6-0 to deny the development proposal due to following options:

- Lack of uniqueness within the development
- Number of variances requested
- Proposed concept housing examples

Ms. Pruitt presented the concept plan as including 458 lots which includes 360 single family residential lots and 98 townhomes. She noted several revisions to the concept plan made by the applicant to address concerns.

Ms. Pruitt noted the applicant is requesting several variances in regards to minimum lot size, minimum lot width, front, rear, and side yard setback, and lot coverage. She also noted the applicant is requesting a waiver for the following:

- Cash-in-lieu fee of \$400 per lot as required by the City of Waxahachie Subdivision Ordinance. The applicant's concept plan includes 29.8 acres of open space which exceeds the park dedication requirement of 2 acres for 100 dwelling units.
- The applicant requests for the City's concurrence that a land donation to TXDOT will not be a condition of development for the property.
- Roadway Impact Fee credits in the amount of \$1,095 for each of the 464 residential lots totaling \$508,080. The applicant estimates the cost of constructing two-lanes of the roadway, as proposed, will exceed \$2,000,000.

Ms. Pruitt added that five (5) letters of support, three (3) letters of opposition, and one (1) letter of concern have been received.

Mayor Barnes continued the Public Hearing.

There being no others to speak for or against ANX-DNX-178-2021, Mayor Barnes closed the Public Hearing

**15. Consider proposed Ordinance adopting ANX-DNX-178-2021**

**Action:**

*Council Member Melissa Olson moved to approve an ordinance for ANX-DNX-178-2021 contingent on approval of case ZDC-162-2021. Council Member David Hill seconded, All Ayes.*

**16. Continue Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)**

Mayor Barnes continued the Public Hearing.

Chip Boyd, 421 Century Way, Red Oak, TX, presented the master land plan for The Oaks at Twin Creeks, detailing open space, trail system, creeks, ponds, streets, amenities, and architectural influences. Mr. Boyd stated the P&Z Commission discussions mostly centered on architectural concepts. He noted the presentation reflects significant revisions to the home product variety being presented and includes more detailed information than previously presented. Mr. Boyd noted 12% of each product style will be a minimum requirement and 40% will be determined by the market.

Council Member Melissa Olson requested clarification on a planned development regulation that states “siding shall be permitted on wall areas extending above roof lines”. Ms. Olson asked if the backside of homes will be fully bricked. Mr. Boyd responded that it depends on the home elevation on each architectural design. He stated the intent is still to meet the 80% overall masonry requirement and 100% where possible; however, it is not guaranteed that a traditional style brick home will have 100% masonry.

Council Member Melissa Olson expressed concern in regards to Park Fee waivers. Ms. Olson stated she prefers the development’s parks to be HOA maintained, opposed to City maintained. Mr. Boyd responded the applicant is happy to have the open spaces HOA owned and maintained; however, since the applicant is dedicating 33.5 acres of open space to the HOA, the applicant requests a Park Fee waiver.

Council Member Travis Smith requested clarification on how much of the open space is water. Mr. Boyd replied approximately 2.75 acres of the 33 acres of open space is water.

Mayor Pro Tem Billie Wallace stated she prefers the development’s parks be HOA maintained and would prefer to see more concrete architectural designs. Ms. Wallace asked if the applicant is willing to continue the case to until City Council’s concerns are addressed. Mr. Boyd stated the applicant humbly requests that Council consider what is being presented and consider the case.

Those that spoke in opposition:

Ron Bunch, 707 Ovilla Rd., Waxahachie, Texas

There being no others to speak for or against ZDC-162-2021, Mayor Barnes closed the Public Hearing.

**17. Consider proposed Ordinance approving ZDC-162-2021**

**Action:**

*Council Member David Hill moved to approve an ordinance for ZDC-162-2021. Mayor Doug Barnes seconded, the vote was as follows: Ayes: David Hill and Doug Barnes. Noes: Billie Wallace, Melissa Olson, and Travis Smith.*

*The motion failed.*

**18. Consider Development Agreement for ZDC-162-2021**

*No action taken.*

**19. Consider proposed Resolution to enter into a contract with First Financial Bank to serve as the City's primary depository**

**RESOLUTION NO. 1321**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FIRST FINANCIAL BANK, N.A. TO SERVE AS THE CITY'S PRIMARY DEPOSITORY; EXECUTE ALL NECESSARY AGREEMENTS FOR DEPOSITORY SERVICES AND DECLARING AN EFFECTIVE DATE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1321. Council Member Travis Smith seconded, All Ayes.*

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

City Manager Michael Scott thanked Finance Director Chad Tustison and the Finance Department for their efforts to identify a depository for the City.

Deputy City Manager Albert Lawrence echoed Mr. Scott and congratulated the Finance Department.

**21. Adjourn**

There being no further business, the meeting adjourned at 8:29 p.m.

Respectfully submitted,

Jami Bonner  
Assistant City Secretary