

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, February 21, 2022 at 7:00 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
Gumaro Martinez, Executive Director Park & Leisure Services
Robert Brown, City Attorney
Amber Villarreal, 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

City Manager Michael Scott gave the invocation. Mayor Pro Tem Billie Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None

5. Consent Agenda

- a. Minutes of the City Council meeting of February 7, 2022
- b. Minutes of the City Council briefing of February 7, 2022
- c. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of February 15, 2022
- d. Event application for Worship at the Park to be held April 9, 2022
- e. Event application for C10s in the Park to be held September 17, 2022
- f. Electing to Participate in the Proposed Opioid Settlements and authorize the City Manager to sign and return the Teva TX Subdivision Release Form and the Endo TX Subdivision Release Form
- g. Budget Adjustment for Midyear Cost of Living Adjustment (COLA)
- h. Receive Fiscal Year 2022 1st Quarter Financial Report

Action:

Mayor Pro Tem Billie Wallace moved to approve items a. through h. on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.

- 6. Consider request by Claudio Segovia, for a Plat of Vista Way, Phase 2, 4 Open Space Lots, being 2.946 acres, located at East of Hwy 77 and North of North Grove Boulevard, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262133) – Owner: J HOUSTON HOMES LLC (SUB-3-2022)**

Planning Director Jennifer Pruitt presented the case noting the applicant is requesting to plat the subject property and dedicate 80 feet of right-of-way (ROW) as an extension of Vista Way with four (4) open space lots to serve as landscaped medians. The applicant is requesting a variance to dedicate 54' of ROW in lieu of the required 80' due to the existing ROW width of 60' in The Arbors Phase 2 subdivision. Staff recommends approval of the plat as presented and approval of the variance request.

Action:

Mayor Pro Tem Billie Wallace moved to approve a request by Claudio Segovia, for a Plat of Vista Way, Phase 2, 4 Open Space Lots, being 2.946 acres, located at East of Hwy 77 and North of North Grove Boulevard, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262133) – Owner: J HOUSTON HOMES LLC (SUB-3-2022). Council Member Melissa Olson seconded, All Ayes.

- 7. Public Hearing on a request by Iyke F. Enemo, IYCAN Investments, LLC, for a Replat of Lot 4, Block 173, Official Town Map of Waxahachie, to create Lot 4A & 4B, Block 173, Official Town Map of Waxahachie, 2 Residential Lots, being 0.525 acres, located at 807 Dr Martin Luther King Jr Blvd. (Property ID 171251)– Owner: IYCAN INVESTMENTS, LLC (SUB-209-2021)**

Ms. Pruitt presented the case noting the applicant is requesting to replat the subject property into two (2) lots for single-family residential use. The applicant is requesting a variance to dedicate 10' of ROW in lieu of the required 27.5' due to the location of an existing home on the property. Staff recommends approval of the plat as presented and approval of the variance request.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against SUB-209-2021, Mayor Barnes closed the Public Hearing.

- 8. Consider approval of SUB-209-2021**

Action:

Mayor Pro Tem Billie Wallace moved to approve a request by Iyke F. Enemo, IYCAN Investments, LLC, for a Replat of Lot 4, Block 173, Official Town Map of Waxahachie, to create Lot 4A & 4B, Block 173, Official Town Map of Waxahachie, 2 Residential Lots, being 0.525 acres, located at 807 Dr Martin Luther King Jr Blvd. (Property ID 171251)– Owner: IYCAN INVESTMENTS, LLC (SUB-209-2021). Council Member Melissa Olson seconded, All Ayes.

9. Public Hearing on a request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development Single Family-1 (PD-SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

Ms. Pruitt presented the case noting the applicant is requesting a zoning change from Future Development to Planned Development-Single-Family-1 (PD-SF-1). Ms. Pruitt explained the proposed development is proposed to be a low-density residential subdivision that blends with the existing residential development along Black Champ Road. She noted the property is adjacent to the ETJ (extraterritorial jurisdiction). If City sewer lines are extended to the subject property and are available at the time of development, the applicant is proposing a minimum lot size of 0.5 acre. If City sewer lines are not available at the time of development, the applicant is proposing a minimum lot size of 1.0 acre. Ms. Pruitt noted the applicant's proposed development will meet or exceed SF-1 zoning requirements. Staff recommends approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Prior to platting, a detailed site plan shall be required to be administratively reviewed and approved by the Planning Department. The detailed site plan shall include a landscape plan.

Mayor Barnes opened the Public Hearing.

Naveen Khammampati, Civil Engineer, explained the Future Land Use Map shows the property as commercial or light industrial use and the developer believes a residential subdivision is a better use for the site. He explained he and the applicant are addressing concerns from the Planning and Zoning Commission meeting in regards to internet and electricity concerns. He noted there is adequate power for the development. He explained the access point is owned by the developer and will not consume land from adjacent property owners. Mr. Khammampati reported he has contacted Ellis County to request a stop sign at the northern entrance and is waiting on their response. The plat will be presented at a later date and will address drainage.

Those who spoke in opposition:

Janet Schiemann, 3821 Black Champ Road, Waxahachie, Texas
Daniel Rozier, 4010 Black Champ Road, Waxahachie, Texas
Sheila Hood, 3841 Black Champ Road, Waxahachie, Texas
Richard Rozier, 4250 Black Champ Road, Waxahachie, Texas
Fred Kuntz, 3810 Black Champ Road, Waxahachie, Texas
Ellen Saltzman, 4231 Black Champ Road, Waxahachie, Texas
Tom Baker, 3630 Black Champ Road, Waxahachie, Texas

Those who spoke in favor of minimum one acre lots:

Christi Davidson, 3851 Black Champ Road, Waxahachie, Texas

Council Member Melissa Olson expressed concerns with the need for additional access to the development and Mr. Khammampati explained the western property owner is not currently interested in allowing access through his property.

Mayor Barnes asked if there has been any response from Ellis County regarding the requested stop sign and Mr. Khammampati explained Ellis County is currently reviewing the request.

There being no others to speak for or against ZDC-217-2021, Mayor Barnes closed the Public Hearing.

Council Member Travis Smith thanked residents for their input and expressed his support for denial of this request to allow additional time for review.

Mayor Pro Tem Billie Wallace thanked residents in attendance and echoed Council Member Smith's comments.

10. Consider proposed Ordinance approving ZDC-217-2021

Action:

Council Member Travis Smith moved to deny ZDC-217-2021. Council Member Melissa Olson seconded, the vote was as follows: Ayes: Billie Wallace, David Hill, Melissa Olson, and Travis Smith. Noes: Doug Barnes.

The motion carried.

11. Consider Development Agreement for ZDC-217-2021

No action taken.

12. Consider approval of Construction Manager at Risk (CMAR) for Fire Station 4

Fire Chief Ricky Boyd explained the station committee reviewed submitted proposals for Construction Manager at Risk for Fire Station 4 and recommended entering into a contract with Steele & Freeman, Inc.

Action:

Mayor Pro Tem Billie Wallace moved to approve the City Manager the authority to enter into a contract with Steele & Freeman, Inc. to be the CMAR for the construction of Fire Station 4 for a total fee of \$655,697.00. Council Member Melissa Olson seconded, All Ayes.

13. Consider bid award for new Granular Activated Carbon media in the Robert W. Sokoll Water Treatment Plant

David Bailey, Director of Utilities, requested approval to award a Construction Services Contract with Calgon/Carbon for the Granular Activated Carbon Media Replacement Project at the Robert W. Sokoll Water Treatment Plant. He explained the GAC media is used to aid in the removal of taste and odor compounds, organics, and disinfection byproducts during the water treatment process.

Action:

Mayor Pro Tem Billie Wallace moved to award a Construction Services Contract with Calgon/Carbon for the Granular Activated Carbon Media Replacement Project at the Robert W. Sokoll Water Treatment Plant in the amount of \$633,940.00. Council Member Melissa Olson seconded, All Ayes.

14. Consider bid award for Lee Penn Pool parking lot

Gumaro Martinez, Executive Director of Park & Leisure Services, requested approval to award a bid to J&K Excavation, LLC for the Lee Penn Park Pool Parking Lot Project in the amount of \$500,357.08. Mr. Martinez also requested approval of a \$75,000 contingency from the Park Dedication Fee Fund to cover any additional costs that may arise with the project.

Action:

Mayor Pro Tem Billie Wallace moved to award a bid to J&K Excavation, LLC for the Lee Penn Park Pool Parking Lot Project in the amount of \$500,357.08 and approve \$75,000.00 contingency from the Park Dedication Fee Fund. Council Member Melissa Olson seconded, All Ayes.

15. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

Mayor Barnes announced at 8:00 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

16. Reconvene and take any necessary action

The meeting reconvened at 8:46 p.m.

No action taken.

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

Council Member Melissa Olson expressed her thanks to staff for their work and noted her support for the cost of living adjustment for all City employees.

Planning Director Jennifer Pruitt expressed her thanks to City Council for their leadership.

Executive Director of Development Services Shon Brooks echoed Ms. Pruitt's comments and thanked City Council for their support.

Mayor Doug Barnes thanked staff for their work and recognized first responders and their families for their sacrifice when serving our City.

18. Adjourn

There being no further business, the meeting adjourned at 8:48 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary