

City Council  
May 2, 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, May 2, 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  
Gumaro Martinez, Executive Director Park & Leisure Services  
Richard Abernethy, Director of Administrative 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**

Chaplain James Sanderson, Brown Street Church of Christ, gave the invocation. City Manager Michael Scott led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Gaylard French, 418 Bird Lane, Waxahachie, Texas, requested information on the ownership of the Texas Theater, noting he is interested in operating a classic movie theater in the facility.

Alan Fox, 327 University, Waxahachie, Texas, requested an update on the old Baylor hospital site and suggested using the site to expand Getzendaner Park as a destination spot for Waxahachie. Mr. Fox also requested City Council explore options to provide tax relief to residents.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of April 18, 2022
- b. Minutes of the City Council briefing of April 18, 2022
- c. Minutes of the City Council retreat of April 25-26, 2022
- d. Event application for Outdoor Christian Music Concerts to be held May 11, 18, and 25, 2022
- e. Event application for Spring into Summer event to be held May 14, 2022
- f. Event application for 80's Choir Concert to be held May 14, 2022
- g. Event application for NAGAAA Gay Softball World Series to be held August 30-September 3, 2022
- h. Event application for Shelby Flowers Memorial Give Back & Community event to be held July 3, 2022

**Action:**

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

**6. Present Proclamation proclaiming May 2022 as National Preservation Month**

Mayor Barnes presented a Proclamation to Downtown Development Director Anita Simpson and member of the Heritage Preservation Commission, proclaiming May 2022 as National Preservation Month.

**7. Present Proclamation proclaiming May 15-21, 2022 as National Public Works Week**

Mayor Barnes presented a Proclamation to James Gaertner, Director of Public Works and Engineering, and his staff, proclaiming May 15-21, 2022 as National Public Works Week.

**8. Discuss, consider and act on approving a Resolution of the City of Waxahachie, Texas approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for “City of Waxahachie, Texas, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project)”;** and resolving other matters incident and related thereto

Marti Shew, Hilltop Securities, requested approval of the proposed Resolution approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for City of Waxahachie, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project). She explained a Public Hearing will be held on May 16<sup>th</sup> to finalize the bond process.

**RESOLUTION NO. 1323**

**A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY LIMITED OFFERING MEMORANDUM FOR “CITY OF WAXAHACHIE, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (NORTH GROVE PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREAS #2-3 PROJECT)”;** AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1323. Council Member Melissa Olson seconded, All Ayes.*

**9. Consider request by Josh & Amy Rader, for a Plat of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021)**

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting to plat the subject property into four (4) lots for single family residential use. Ms. Pruitt explained the City of Waxahachie Thoroughfare Plan identifies an 80' Thoroughfare running along the eastern boundary of the subject property and as part of the platting process, the applicant is required to provide a 40' Right-of-Way (ROW) dedication along the eastern property line. Due to this requirement, the applicant is requesting a variance for Petition for Hardship Waiver because of existing structures located in the proposed ROW dedication. Ms. Pruitt noted staff and the applicant discussed moving the ROW dedication to align with Cunningham Meadows Rd.; however, the applicant stated there are future plans for the property. Based on the variance request, Ms. Pruitt noted staff recommends disapproval. The Planning and Zoning Commission recommended approval of the plat and petition of hardship waiver.

Amy Rader, 2974 FM 66, Waxahachie, Texas, stated the reason she is requesting the Petition for Hardship Waiver is because her family's home, which was built in the 1970s, is located in the proposed ROW dedication. Ms. Rader stated she is the trustee on her parents' trust for the property located to the east and her siblings have purchased portions of the property to build on in the future. She stated there are already "tiny homes" placed on the property that would be affected by moving the proposed ROW dedication to the property to the east.

Council Member Travis Smith asked if Ms. Rader was aware of the proposed Thoroughfare Plan when she obtained the property and she noted she was not.

City Manager Michael Scott explained the Thoroughfare Plan is conceptual.

**Action:**

*Mayor Doug Barnes moved to approve a Plat of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021) and approve the petition of hardship waiver. Council Member Melissa Olson seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, Melissa Olson, and Travis Smith. Noes: David Hill.*

***The motion carried.***

- 10. Public Hearing on a request by Chad Adams, Oakhull Investments, LLC, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district, located off of Howard Road (Property ID 182020) - Owner: ANDERSON KAREN S IRREVOCABLE TRUST & CHRISTIAN ANDERSON FOUNDATION (ZDC-27-2022)**

Ms. Pruitt presented the case noting the applicant is requesting to rezone approximately 150 acres from Future Development to Planned Development with base zoning of SF-1 to allow for one (1) acre single family lots. Ms. Pruitt reported the applicant is proposing to modify two provisions within the SF-1 district standards including modifying the minimum lot area from 16,000 sf to 43,560 sf and also requiring all garages located in the development will be side-entry garages or j-swing garages. She reported the applicant will adhere to architectural guidelines and promote architectural diversity throughout the residential development. Staff recommends approval per the following comments:

1. A mutually agreed Development Agreement will be required for the development.
2. The Applicant will need to undergo the City's typical development process which includes submitting a plat application, civil plan application, and subsequent building permits for the construction of each dwelling unit.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-27-2022, Mayor Barnes closed the Public Hearing.

**11. Consider proposed Ordinance approving ZDC-27-2022**

**ORDINANCE NO. 3324**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT DISTRICT (FD) TO PLANNED DEVELOPMENT DISTRICT-SINGLE FAMILY-1 (PD-SF-1) LOCATED ON THE WEST SIDE OF HOWARD ROAD (FM 877) ACROSS FROM 3175 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 150.6 ACRES KNOWN AS PROPERTY ID 182020, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3324. Council Member Travis Smith seconded, All Ayes.*

**12. Consider Development Agreement for ZDC-27-2022**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve a Development Agreement for ZDC-27-2022. Council Member Travis Smith seconded, All Ayes.*

**13. Public Hearing on a request by request by Susan M. Calvert, Owner, for 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-14-2022)**

Ms. Pruitt presented the case noting the requested approval of the voluntary annexation is contingent upon the approval of ZDC-7-2022. She explained the applicant is requesting approval of a voluntary annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No. 545, at 823 Ovilla Road.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ANX-DNX-14-2022, Mayor Barnes closed the Public Hearing.

**14. Consider proposed Ordinance adopting ANX-DNX-14-2022**

**ORDINANCE**

**AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF PROPERTY ID 185891, ABSTRACT 545 OF THE WM IRWIN SURVEY, APPROXIMATELY 20 ACRES, SITUATED WEST OF OVILLA ROAD AND NORTH OF U.S. HIGHWAY 287 BUSINESS, OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.**

**Action:**

*Council Member Melissa Olson moved to deny ANX-DNX-14-2022. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Billie Wallace and Melissa Olson. Noes: Doug Barnes, David Hill, and Travis Smith.*

***The motion failed.***

**Action:**

*Council Member Travis Smith moved to approve ANX-DNX-14-2022. Council Member David Hill seconded, the vote was as follows: Ayes: Doug Barnes, David Hill, and Travis Smith. Noes: Billie Wallace and Melissa Olson.*

***The motion carried.***

**15. 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 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-7-2022)**

Ms. Pruitt presented the case history noting 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. She noted the voluntary annexation is contingent upon approval of the proposed zoning case for the property and a denial of the zoning would void approval of the annexation. Ms. Pruitt provided highlights on lot types, architectural styles, floorplans and amenities.

Ms. Pruitt noted the applicant requests the City to accept a portion of the proposed open space in satisfaction of the dedication requirement or waive the cash-in-lieu fee of \$400 per lot. The applicant's response stated the required park dedication for the project is two acres for each 100 dwelling units, which amounts to 9.16 acres. The concept plan reflects approximately 29.8 acres of open space.

Ms. Pruitt explained the City of Waxahachie Subdivision Ordinance requires Roadway Impact Fees and Inspection Fees for newly constructed developments. The applicant requested Roadway Impact Fee credits for a 40 ft. right-of-way dedication. The plan proposes to construct two-lanes of the roadway with the Twin Creeks development. The applicant requests Roadway Impact Fee Credits in the amount of \$1,095 for each residential lot totaling \$508,080. Ms. Pruitt noted the applicant estimates the construction of two lanes of the roadway will exceed \$2,000,000.

Ms. Pruitt stated staff recommends approval per the following comments:

1. If approved, a mutually agreed upon Development Agreement shall be signed by the applicant.
2. The property shall be platted prior to any development.
3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
4. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-14-2022) for this property.
5. A maximum of one (1) 1,300 square foot townhome floor plan shall be permitted per townhome building grouping.
6. The right-of-way (ROW) for a stub street to the south of the property shall be dedicated as per the concept plan. Staff will determine the need for barricades on the stub street and the timing of the construction of the stub street.
7. The existing oak trees located along the current (5/2/2022) driveway for 823 Ovilla Road shall be preserved by the developer.

Ms. Pruitt explained the applicant's special exception request to hold in reserve the TxDOT proposed right-of-way area for future negotiations with TxDOT.

Mayor Barnes opened the Public Hearing.

Chip Boyd, 421 Century Way, Red Oak, Texas, expressed appreciation to staff and presented the development's concept plan. He explained the 4-lane divided thoroughfare on the north side of the property will be fully developed in coordination with recently approved Montclair Heights.

Council Member Smith expressed opposition to the proposed townhomes and noted he has heard concerns from residents regarding the Homeowner Associations in the North Grove subdivision managed by the developer. Mr. Smith expressed concerns with the requested variances from the developer.

There being no others to speak for or against ZDC-7-2022, Mayor Barnes closed the Public Hearing.

**16. Consider proposed Ordinance approving ZDC-7-2022**

**ORDINANCE**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO ALLOW A MIXED-RESIDENTIAL (SINGLE FAMILY RESIDENCES AND TOWNHOMES) DEVELOPMENT, LOCATED WEST OF OVILLA ROAD AND NORTH OF US 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 153.7 ACRES, KNOWN AS PROPERTY ID 185893, 185891, 185980, 185979, 200064, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member David Hill moved to approve ZDC-7-2022. Mayor Doug Barnes seconded, the vote was as follows: Ayes: Doug Barnes and David Hill. Noes: Billie Wallace, Melissa Olson, and Travis Smith.*

*The motion failed.*

**17. Consider Development Agreement for ZDC-7-2022**

*No action taken.*

**18. Consider a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt associated with the purchase of Fire Truck 1 and related supplemental appropriation**

Fire Chief Ricky Boyd requested approval of a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt associated with the purchase of Fire Truck 1 and approval to prepay by June 24, 2022 to ensure a prepaid discount of \$51,272.

**RESOLUTION NO. 1324**

**A RESOLUTION DECLARING INTENTION TO REIMBURSE AN AMOUNT NOT TO EXCEED \$1,465,000 FOR CERTAIN CAPITAL EXPENDITURES WITH PROCEEDS FROM DEBT; AND PLACING TIME RESTRICTIONS ON THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1324. Council Member Travis Smith seconded, All Ayes.*

**19. Consider mid-year request for an Animal Shelter Kennel Attendant and related supplemental appropriation**

Assistant Police Chief Joe Wiser requested approval of a mid-year request for an Animal Shelter Kennel Attendant and a supplemental appropriation in the amount of \$19,341 for the remaining FY22 budget.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve the mid-year request for an Animal Shelter Kennel Attendance and related supplemental appropriation. Council Member Melissa Olson seconded, All Ayes.*

**20. Consider proposed Ordinance amending the Code of Ordinances Chapter 23 "Solicitation Activities"**

Assistant Chief Wiser requested approval of an amended Ordinance for Chapter 23 “Solicitation Activities” to simplify the renewal process for solicitors by allowing online renewal. Additional language related to handbill distribution is included in the amended Ordinance.

**ORDINANCE NO. 3325**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, TO MODIFY AND ADOPT NEW REGULATIONS ON SOLICITATION ACTIVITIES BY REPEALING EXISTING CHAPTER 23, “SOLICITATION ACTIVITIES”; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3325. Council Member Travis Smith seconded, All Ayes.*

- 21. Consider approval of an architectural services contract with Architexas and a supplemental appropriation for the initial phase of planning for the renovation and remodel of City Hall**

Richard Abernethy, Director of Administrative Services, requested approval of an architectural services contract with Architexas and a supplemental appropriation in the amount of \$154,200 for the initial phase of planning for the renovation and remodel of City Hall. The scope of the contract will include evaluation of existing conditions, program development, schematic design, and pricing and project budget.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve an architectural services contract with Architexas in the amount of \$154,200 as presented. Council Member Melissa Olson seconded, All Ayes.*

- 22. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code and to discuss personnel matters for Municipal Court Judge/Associate Judge as permitted under Section 551.074, Texas Government Code**

Mayor Barnes announced at 8:20 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code and to discuss personnel matters for Municipal Court Judge/Associate Judge as permitted under Section 551.074, Texas Government Code.

- 23. Reconvene and take any necessary action**

The meeting reconvened at 8:54 p.m.

*No action taken.*



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

City Secretary Amber Villarreal announced May 3, 2022 is the last day of early voting and Election Day is May 7, 2022.

Mayor Pro Tem Billie Wallace thanked the Public Works Department and the work they contribute to the City of Waxahachie.

City Manager Michael Scott thanked City Council for their time at the mid-year retreat.

Council Member Travis Smith applauded City staff for their work organizing and holding the Crossroads of Texas Film and Music Festival. He encouraged City Council and staff to brainstorm ways to continue hosting music events and festivals in Waxahachie.

**25. Adjourn**

There being no further business, the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary