

City Council  
August 16, 2021

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, August 16, 2021 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  
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**

Pastor Bill Schoneman, Waxahachie Bible Church, gave the invocation. Council Member Travis Smith led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Melissa Chapman, representing Gingerbread Antiques at 310 S. College, Waxahachie, Texas, requested denying the event application for Big Al-O-Ween Party. She noted closing S. Rogers, between Franklin and Jefferson, would create a traffic issue due the surrounding current construction. Ms. Chapman suggested alternate locations such as Railyard Park or Franklin Street, between S. Rogers and Elm.

Melissa Baker, representing Old Town Village at 307 S. Rogers, Waxahachie, Texas, requested denying the event application for Big-Al-O-Ween Party due to current downtown construction, noting S. Rogers is a main artery into downtown.

Dr. Kevin Fegan, President of Navarro College, thanked City Council for their support in assisting Navarro College with the passing of House Bill 885, which allows Navarro College to offer a baccalaureate degree program in nursing.

Alan Fox, 327 University, Waxahachie, Texas, expressed his support for allowing public input for naming the annex building. He also spoke in support of property donated to the City to be used for the citizens and not as a revenue source.

Patrick Souter, 700 W. Main Street, Waxahachie, Texas, echoed the comments from Ms. Chapman and Ms. Baker in regards to closing S. Rogers Street. He expressed his concerns with setting a precedent of closing public streets for private events.

## **5. Consent Agenda**

- a. Minutes of the City Council meeting of August 2, 2021
- b. Minutes of the City Council briefing of August 2, 2021
- c. Minutes of the City Council work session of August 2, 2021
- d. Minutes of the City Council work session of August 9, 2021
- e. Set City Council meeting for September 7, 2021
- f. Event application for Rewind the Tracks Ole School Music on August 28, 2021
- g. Event application for Wings 'N' Wheels Fly-in/Drive-in on September 18, 2021
- h. Event application for Big Al-O-Ween Party on October 30, 2021
- i. Resolution to approve a Negotiated Settlement Between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

### **RESOLUTION NO. 1315**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

#### **Action:**

*Mayor Pro Tem Billie Wallace moved to deny item h. on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.*

#### **Action:**

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

6. **Continue Public Hearing on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-105-2021 to the September 7, 2021 City Council meeting.

7. **Consider proposed Ordinance approving ZDC-105-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021) to the September 7, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.*

8. **Public Hearing on a request by Jaclyn Archer, Archer Recycling Inc., for a Specific Use Permit (SUP) for Clothing Bin Donation Box use within a Planned Development-25-Commercial zoning district located at 2100 Brown Street (Property ID 179006) - Owner: BRIDGEPOINT JOINT VENTURE (ZDC-111-2021)**

Mayor Barnes opened the Public Hearing.

Executive Director of Development Services Shon Brooks presented the case noting the applicant is requesting approval to allow four (4) clothing bin donation boxes to operate in the parking lot of the proposed site. He noted staff and the Planning & Zoning Commission recommended denial due to staff concerns with maintenance/service, location, and property ownership.

Jaclyn Archer, 2811 London Lane, Crowley, Texas, requested approval to allow continuance of her small business. She explained she has had bins in Waxahachie for four years and pays monthly rent to the property owners. She noted she understands staff concerns and is willing to work with the City to move the bins to an area to the rear of the property. She explained there are sensors in place on the bins to notify her when the bins need to be emptied and she also relies on the property owners to notify her of overflow or trash that needs to be removed.

Council Member Melissa Olson asked how long she has had bins at this location and if she is permitted in other cities. Ms. Archer noted they have been on-site for about 3 ½ years and she is in multiple cities in the area and each city handles the business differently. Council Member Olson asked if Ms. Archer ever contacted the City for compliance and Ms. Archer noted there are no specifications in the ordinances requiring permission.

Council Member Travis Smith asked where the products are sent and Ms. Archer noted they are sold by the pound to a buyer and then they are sent to different places: thrift store, other countries, or recycled. She explained the focus is to keep clothing out of landfills.

There being no others to speak for or against ZDC-111-2021, Mayor Barnes closed the Public Hearing.

Council Member Smith noted this case needs to be distinguished from a donation box since this is a for profit business and is concerned this use is not addressed.

Council Member Olson explained she is troubled that the owner never contacted the city for permission since she deals with so many other municipalities for permitting this business.

**9. Consider proposed Ordinance approving ZDC-111-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to deny ZDC-111-2021. Council Member Travis Smith seconded, All Ayes.*

**10. Public Hearing on a request by Jaclyn Archer, Archer Recycling Inc., for a Specific Use Permit (SUP) for a Clothing Donation Box within a Commercial zoning district located at 1713 W Hwy 287 Business (Property ID 201987) - Owner: RAJU CORPORATION (ZDC-112-2021)**

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for one (1) clothing bin to be located at the subject property. He noted staff and the Planning & Zoning Commission recommended denial due to staff concerns with maintenance and location.

Ms. Archer explained she is concerned with why she is being kicked out of the city if the bins are clean noting she has a right to do business and she isn't breaking any rules.

There being no others to speak for or against ZDC-112-2021, Mayor Barnes closed the Public Hearing.

**11. Consider proposed Ordinance approving ZDC-112-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to deny ZDC-112-2021. Council Member Travis Smith seconded, All Ayes.*

**12. Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store with Gasoline Sales (7-Eleven) within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021)**

Mayor Barnes opened the Public Hearing and announced at the August 10, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue case ZDC-113-2021 to the next meeting.

**13. Consider proposed Ordinance approving ZDC-113-2021**

**Action:**

*Council Member Melissa Olson moved to continue the Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store with Gasoline Sales (7-Eleven) within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021) to the September 7, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**14. Consider Development Agreement for ZDC-113-2021**

**Action:**

*No action taken.*

**15. Public Hearing on a request by Anita Linney-Isaacson, HKS, Inc., for an Amendment to Ordinance No. 2649 to allow for an additional Medical Facility, within an approved commercial planned development located at 2400 N I-35 (Property IDs 180334) - Owner: BAYLOR HEALTH CARE SYSTEM (ZDC-110-2021)**

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to amend Ordinance No. 2649 to allow for an additional medical facility for Baylor Scott & White Hospital. The proposed project will include an additional building to the site that will house a second hospital, medical office suites, and shell space that will be connected to the existing hospital with a second-floor connector. Mr. Brooks noted staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement must be signed by the applicant.
2. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3649 requirements.

There being no others to speak for or against ZDC-110-2021, Mayor Barnes closed the Public Hearing.

**16. Consider proposed Ordinance approving ZDC-110-2021**

**ORDINANCE NO. 3287**

**AN AMENDMENT TO ORDINANCE 2649 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-COMMERCIAL (PD-C) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) WITH AMENDED ORDINANCE, TO ALLOW AN ADDITIONAL MEDICAL FACILITY (PHASE II ADDITION) FOR BAYLOR SCOTT & WHITE HOSPITAL, LOCATED AT 2400 N. INTERSTATE 35E, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 43.76 ACRES KNOWN AS PROPERTY ID 180334, LOT PT 1, BLOCK A, OF BAYLOR WAXAHACHIE HOSPITAL, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Melissa Olson moved to approve Ordinance No. 3287. Council Member David Hill seconded, All Ayes.*

**17. Consider Development Agreement for ZDC-110-2021**

**Action:**

*Council Member David Hill moved to approve a Development Agreement for ZDC-110-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**18. Consider and act on the 2021-22 annual service plan update for the Waxahachie PID No. 1**

Mr. Joshua Arendt, Administrator for Municap, Inc., presented the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

In summary, he reported Phase One and Phase Two improvements are complete and accepted by the City. Mr. Arendt presented the annual budget for the District which includes two main components to provide funding and sources for funding of the debt service on the bonds that were issued and administration cost. Phase 1 budget totals \$134,783.00, Phase 2 budget totals \$68,786.00, and Phase 3 totals \$132,046. He reviewed the annual installments per lot type and noted there are no changes to assessment methodology. He explained the parcels within the Phase 1 and Phase 2 of the District have been fully subdivided.

He reviewed the prepayment summary:

- Phase One, no additional prepayments since last year's annual SAP update and Four Lot Type 2 Parcels and Two Lot Type 3 Parcels were prepaid in full within Phase 1 of the PID.
- Phase Two, one additional prepayment for a Lot Type 1 Parcel since last year's annual SAP update and One Lot Type 1 Parcel, One Lot Type 2 Parcel, and three Lot Type 3 Parcels were prepaid in full within Phase Two of the PID.
- Phase Three, no prepayments as of the date of this report.

**Action:**

*Council Member David Hill moved to approve the 2021-22 annual service plan update for the Waxahachie PID No. 1 as presented. Council Member Melissa Olson seconded, All Ayes.*

**19. Consider and act on the 2021-22 annual service plan update for the North Grove PID**

Mr. Arendt presented the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll.

In summary, he reported Improvement Area #1 is complete and accepted by the City. He reported the total authorized improvements for Area #2 is \$5,281,655.00. Mr. Arendt presented the annual budget for Improvement Area #1 budget totals \$563,756.00 and Improvement Area #2 budget totals \$0. He reviewed the Parcel Subdivision History noting there are 826 total lots and no changes to the assessment methodology.

He reviewed the prepayment summary:

- Improvement Area #1, no prepayments as of July 31, 2021
- Improvement Area #2, no prepayments as of July 31, 2021

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve the 2021-22 annual service plan update for the North Grove PID as presented. Council Member David Hill seconded, All Ayes.*

**20. Consider setting Proposed Tax Rate and Dates for Public Hearing**

Finance Director Chad Tustison reported, as part of the annual budget process, Chapter 26 of the Property Tax Code requires taxing units to comply with the truth-in-taxation laws in adopting their tax rates. He stated the FY 2022 proposed budget includes a proposed tax rate of \$0.66000. Staff recommended taking a record vote to propose an ad valorem tax rate of \$0.66000 for FY 2022 and schedule a public hearing for Tuesday, August 31, 2021 at 6:00 p.m. The City Council will consider adoption of the tax rate for FY 2022 on September 7, 2021.

**Action:**

*Council Member David Hill moved to set a proposed tax rate of 66 cents per \$100, schedule a public hearing on the tax rate for August 31, 2021 at 6:00 p.m., and vote to adopt the tax rate on September 7, 2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**21. Consider authorizing an Initial Guaranteed Maximum Price for construction activities associated with the City Hall Annex Project**

Director of Administrative Services Richard Abernethy requested approval to authorize an Initial Guaranteed Maximum Price for construction activities associated with the City Hall Annex Project in the amount of \$14,500,000.00. He explained approval would authorize the City Manager to move forward with authorizing the necessary bid packages that are associated with each stage of construction for the Annex facility. He explained a total of \$7,500,000.00 was included in the recently approved FY20-21 bond package, \$7,000,000.00 was included in the FY21-22 operation and maintenance budget, and there is approximately \$1,500,000.00 in additional costs for furniture, fixtures, equipment, technology, and moving expenses. He noted staff anticipates requesting the additional authorization for those expenditures early in the 2021-2022 Fiscal Year.

Jon Vidaurri, Vidaurri Management Group, presented an updated rendering of the City Hall Annex including floor plans for the facility.

**Action:**

*Council Member David Hill moved to approve authorizing an Initial Guaranteed Maximum Price for construction activities associated with the City Hall Annex Project in the amount of \$14,500,000.00. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

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

Executive Director of Development Shon Brooks announced there will be a Comprehensive Plan Advisory Committee meeting on August 31, 2021 at 6:30 p.m.

Council Member Travis Smith encouraged Big Al to reapply for his event application after addressing citizen concerns. He explained his vote of denial for the clothing bins was to support regulations and not a vote against small businesses.

City Manager Michael Scott congratulated Dr. Kevin Fegan on House Bill 885 allowing Navarro College to offer a baccalaureate degree program in nursing. Mr. Scott thanked City Council for their support on the City Hall Annex Project.

Mayor Pro Tem Billie Wallace thanked the City for sending herself and Council Member Smith to the TML Newly Elected Officials Orientation. She also expressed her appreciation for citizen involvement and meeting attendance.

Council Member David Hill expressed his appreciation to Dr. Fegan for his work on House Bill 885. Council Member Hill thanked the first responders for keeping the city safe and noted military veterans are in everyone's prayers.

Mayor Doug Barnes thanked Dr. Fegan for all his work in the successful passing of House Bill 885.

**23. Adjourn**

There being no further business, the meeting adjourned at 8:18 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary