

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 Tuesday, September 7, 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  
Terry Welch, 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 Jim Markle, Waxahachie Bible Church, gave the invocation. Council Member Travis Smith led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Kathleen Bowen, 527 W. Jefferson, Waxahachie, Texas, spoke in favor of keeping the current tax rate to avoid unintended consequences by cutting budget items.

Christine Bonnell, 1001 W. Main, Waxahachie, Texas, requested consideration of railroad quiet zones.

Jim Kauffman, 817 W. Main, Waxahachie, Texas, spoke in favor of keeping the current tax rate to keep current city services.

Paul Christenson, 110 Williams Street, Waxahachie, Texas, spoke in favor of reducing the tax rate and spoke in opposition to the issuing of \$43 million dollars of debt through Certificates of Obligations.

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, requested the city to bypass the courtesy letter sent to residents with high grass due to the property owners taking advantage of the time to respond. He noted high grass creates a fire hazard.

Alan Fox, 327 University, Waxahachie, Texas, spoke in favor of keeping the current tax rate noting it is not the Council's fault if people lose their homes. He explained the cost of living, economy, and other factors contribute to citizens losing their homes.

Kevin Ivey, 1980 E. Highland, Waxahachie, Texas, encouraged Council to continue doing what is right and best for the citizens of Waxahachie.

## **5. Consent Agenda**

- a. Minutes of the City Council meeting of August 16, 2021
- b. Minutes of the City Council briefing of August 16, 2021
- c. Minutes of the City Council special meeting of August 31, 2021
- d. Stampede of Speed Fan Fest Events October 6-7, 2021
- e. Event application for North Texas Oldsmobile Club Car Show for September 25, 2021
- f. Event application for Oddfest 2021 on October 2, 2021
- g. Supplemental Appropriation for Emergency Repair at Howard Road Water Treatment Plant
- h. Bid Award and Supplemental Appropriation for FY 21-22 for Broadhead Road Pavement Repair
- i. Supplemental Appropriation for FY 21-22 for aesthetic enhancements for Butcher Road bridge

### **Action:**

*Council Member Melissa Olson moved to approve items a. through i. on the Consent Agenda. Council Member David Hill seconded, All Ayes.*

## **6. Continue Public Hearing on a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Rental, Sales, or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-100-2021 to the September 20, 2021 City Council meeting.

## **7. Consider proposed Ordinance approving ZDC-100-2021**

### **Action:**

*Council Member David Hill moved to continue the Public Hearing on a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Rental, Sales, or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021) to the September 20, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

- 8. Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-122-2021 to the September 20, 2021 City Council meeting.

- 9. Consider proposed Ordinance approving ZDC-122-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021) to the September 20, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.*

- 10. Public Hearing on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1), to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road (Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-116-2021 to the September 20, 2021 City Council meeting.

- 11. Consider proposed Ordinance approving ZDC-116-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1), to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road (Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021) to the September 20, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.*

- 12. 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 opened the Public Hearing and announced the Planning and Zoning Commission voted to continue the Public Hearing for ZDC-105-2021.

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

**Action:**

*Council Member David Hill 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 October 4, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**14. Public Hearing on a request by Gilberto Escobedo, Jr. for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)**

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting to replat the subject property into two (2) lots for single-family residential use. He explained the applicant is also requesting a Petition of Relief Waiver for a right-of-way dedication along Henry Street.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against SUB-109-2021, Mayor Barnes closed the Public Hearing.

**15. Consider approving SUB-109-2021**

**Action:**

*Council Member David Hill moved to approve a request by Gilberto Escobedo, Jr. for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021) and approval of petition of relief waiver. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**16. 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)**

Mr. Brooks presented the case noting the applicant is requesting approval to allow a Convenience Store with Gasoline Sales (7-Eleven) on 1.52 acres. He noted staff recommended approval per the following staff comment:

1. A mutually agreed upon Development Agreement will be required for the development.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-113-2021, Mayor Barnes closed the Public Hearing.

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

**ORDINANCE NO. 3288**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH GASOLINE SALES USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 1851 N HWY 77, BEING PROPERTY ID 262430, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, BLOCK A IN THE VICTORY PARK REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Melissa Olson moved to approve Ordinance No. 3288 per staff comments. Council Member David Hill seconded, All Ayes.*

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

**Action:**

*Council Member David Hill moved to approve a Development Agreement for ZDC-113-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**19. Consider proposed Ordinance approving revised budget figures for fiscal year 2020-2021 and approving the budget for fiscal year 2021-2022**

Finance Director Chad Tustison presented the proposed Ordinance approving revised budget figures for fiscal-year 2020-2021 and approving the budget for fiscal year 2021-2022. He noted the budget was compiled after meeting with departments, stakeholders, and City Council and the required Public Hearing was held on August 31, 2021.

**ORDINANCE NO. 3289**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2020-2021, FUNDS APPROPRIATED FOR STREET MAINTENANCE AND PROFESSIONAL SERVICES WILL BE USED FOR THAT PURPOSE, EITHER BY ENCUMBRANCE OR BY TRANSFER TO CAPITAL PROJECT FUND FOR STREETS; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND TERMINATING SEPTEMBER 30, 2022, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3289. Council Member Travis Smith seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melisa Olson.*

*The motion carried.*

**20. Consider proposed Ordinance amending Water and Wastewater fees and setting an effective date of October 1, 2021**

Mr. Tustison requested approval of the proposed Ordinance amending Water and Wastewater fees. He noted there is not a rate increase for water or sewer customers at this time but does include an adjustment to the Sokoll rate fee that is charged to the City and Rockett Sud to recover each entity's proportional cost to operate and maintain the Sokoll Water Plant.

**ORDINANCE NO. 3290**

**AN ORDINANCE SETTING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2021 AND DECLARING AN EMERGENCY.**

**Action:**

*Council Member David Hill moved to approve Ordinance No. 3290. Council Member Melissa Olson seconded, All Ayes.*

**21. Consider a motion to ratify the property tax revenue increase reflected in the Fiscal Year 2021-2022 budget in accordance with the Texas Local Government Code**

Mr. Tustison explained the Texas Local Government Code requires a motion to ratify the property tax revenue increase reflected in the Fiscal Year 2021-2022 budget. He reported the increase in the budget provides for continued and additional funding for essential city services such as public safety; street and sidewalk installation and maintenance; parks and trail maintenance; and improvements and continued support of the City's capital improvements program.

**Action:**

*Mayor Pro Tem Billie Wallace moved to ratify the property tax revenue increase reflected in the Fiscal Year 2021-2022 budget in accordance with the Texas Local Government Code. Council Member David Hill seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melisa Olson.*

*The motion carried.*

**22. Consider proposed Ordinance adopting the Tax Rate for fiscal year 2021-2022**

Mr. Tustison reported a public hearing was held on the proposed \$0.660000 tax rate on August 31, 2021. He explained the tax rate is above the no-new revenue rate of \$0.625875 and lower than the voter-approval rate of \$0.660501.

**ORDINANCE NO. 3291**

**AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2022 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3291 and moved that the property tax rate be increased by the adoption of a tax rate of \$0.66, with an operation and maintenance rate of \$0.4811, and an interest and sinking rate of \$0.1789 which is effectively a 5.5 percent increase in the tax rate. Council Member Travis Smith seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melisa Olson.*

***The motion carried.***

**23. Consider proposed Ordinance re-establishing classified positions under Civil Service**

City Manager Michael Scott presented the proposed Ordinance re-establishing classified positions under Civil Service which ratifies additional positions approved in the FY 22 budget.

**ORDINANCE NO. 3292**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Council Member Melissa Olson moved to approve Ordinance No. 3292. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**24. Consider proposed Ordinance approving an Interlocal Boundary and ETJ Agreement adjusting the current and ultimate boundaries of the City of Waxahachie's Extraterritorial Jurisdictional and Corporate Limits between the City and the City of Midlothian**

Mr. Brooks requested approval to enter into an Interlocal Boundary and Extraterritorial Jurisdiction (ETJ) agreement between the City of Waxahachie and the City of Midlothian to adjust the current and ultimate boundaries of the City of Waxahachie's ETJ and corporate limits. He noted the City of Midlothian City Council approved the agreement at their August 24, 2021

meeting. He explained as part of the agreement, the City of Waxahachie will provide the City of Midlothian with two (2) tracts totaling 58.685 acres to add to the City of Midlothian's ETJ. In return, the City of Midlothian will provide the City of Waxahachie with three (3) tracts totaling 66.766 acres to add to the City of Waxahachie's ETJ. The location is around portions of FM Highway 875.

**ORDINANCE NO. 3293**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING AN INTERLOCAL BOUNDARY AND ETJ AGREEMENT ADJUSTING THE CURRENT AND ULTIMATE BOUNDARIES OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTIONAL AND CORPORATE LIMITS BETWEEN THE CITY OF WAXAHACHIE AND THE CITY OF MIDLOTHIAN, TEXAS, AND UPDATING THE OFFICIAL MAP; AUTHORIZING THE MAYOR TO EXECUTE THE BOUNDARY AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Action:**

*Council Member David Hill moved to approve Ordinance No. 3293. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**25. Consider bid award for 2021 Asphalt Rehabilitation Project to Reynolds Asphalt & Construction Inc. and contingency**

James Gaertner, Director of Public Works and Engineering, requested to award a bid in the amount of \$757,866.60 to Reynolds Asphalt and Construction Company for the 2021 Asphalt Street Rehabilitation and approval of \$170,000.00 for project contingency.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve a bid award for the 2021 Asphalt Rehabilitation Project to Reynolds Asphalt & Construction Inc. in the amount of \$757,866.60 and contingency of \$170,000.00. Council Member Travis Smith seconded, All Ayes.*

**26. Consider appointments to Boards and Commissions**

City Manager Michael Scott presented appointments to the following Boards and Commissions:

**Airport Board (3-Year Term)**

Jennifer Chelwich

**Building Standards Commission (2-Year Term)**

Truett Calvert

Chris Oliver

Ryan Simpson

**Cemetery Board (2-Year Term)**

Perry Giles

Chelsea Holder

Connie McGuire



**Economic Development Commission (No Term Limit)**

Logan Brady  
Sandy King

**Electrical Advisory Board (2-Year Term)**

Jimmy Haney  
Wayne Eiland

**Ellis County Water Control & Improvement District No. 1 (2-year term)**

KaNequa Blackwell (filling unexpired term to September 2022)

Jerry Chapman  
Ryan Simpson

**Heritage Preservation (2-Year Term)**

Peggy Crabtree  
Glinda Felty  
Michelle Haye  
Shannon Simpson

**Keep Waxahachie Beautiful Committee (3-Year Term)**

D'Andra Royse (filling unexpired term to September 2023)

Ginger Cole  
Faustina Gallagher  
Jesse Gibson  
Polly Williams

**Park Board (3-Year Term)**

Jon Garrett  
Julissa Martinez

**Planning and Zoning Commission (2-Year Term)**

Melissa Ballard  
Betty Square Coleman  
David Hudgins  
Rick Keeler

**Senior Center Advisory Committee (2-Year Term)**

Brad Burns  
Ellie Gates  
Carrie Lewis  
Kelly Saunders

**Tax Increment Reinvestment Zone (2-Year Term)**

Dusty Autrey  
Pat Souter  
Chris Wright

**Waxahachie Community Development Corporation (2-Year Term)**

Judy Demoney  
Dave McSpadden  
Elizabeth Tull

**Waxahachie Housing Authority (2-Year Term)**

Adrian Cooper  
Ruthie Sutton

**Zoning Board of Adjustments (2-Year Term)**

Nick Box  
Mike Fenton

**Action:**

*Council Member David Hill moved to approve the appointments to Boards and Commissions as presented. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

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

Deputy City Manager Albert Lawrence thanked Finance Director Chad Tustison and Assistant Finance Director Gail Turner for their work making the budget process run smoothly.

Council Member Travis Smith applauded Mr. Tustison, City Manager Michael Scott, and staff for their work noting the budget addresses large infrastructure needs. He noted the budget was presented and received well by all of Council.

Council Member Melissa Olson apologized if she did not speak up soon enough to request lowering the tax rate and noted she did not feel confident supporting the budget and tax rate at the current rate. She requested next year's budget to be based on the no-new revenue rate.

City Manager Michael Scott commended the Finance Department and Council for their direction during the budget process. He noted staff are stewards of tax payer money and wants to continue to provide quality services to the citizens. He thanked most of Council for their support in the adoption of the budget.

Mayor Pro Tem Billie Wallace thanked City staff and the City Manager for working diligently on the budget. She also recognized citizens in attendance who spoke.

Council Member David Hill praised the Finance Department for their work on the budget and thanked the Council that supported the budget and tax rate. He noted decreasing the tax rate would not be in the best interest of the city. He thanked new Council Members for doing their due diligence and recognizing the need to keep the tax rate the same to continue providing quality services to the citizens.

Mayor Doug Barnes thanked those in attendance and Council for approving the budget. He also recognized staff for their work during the budget process. He noted a balanced economy relieves the citizens of the full tax burden and explained he will work to continue the balance.

**28. Adjourn**

There being no further business, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary