

City Council
September 20, 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, September 20, 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

Charles Frame, Q Ministry Project, Urban Well Magazine, gave the invocation. Mayor Barnes led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Melissa Chapman, 615 N. Rogers, Waxahachie, Texas, spoke in support of City Council extending the contract with the Waxahachie Arts Council. Ms. Chapman expressed concerns with traffic congestion due to 18-wheelers driving downtown and asked the City to assist.

Debbie Finch, 504 Sycamore, Waxahachie, Texas, spoke in support of City Council extending the contract with the Waxahachie Arts Council.

Becky Kauffman, 817 W. Main, Waxahachie, Texas, spoke in support of City Council extending the contract with the Waxahachie Arts Council.

Steve Chapman, 1602 Alexander Drive, Waxahachie, Texas, spoke in support of City Council extending the contract with the Waxahachie Arts Council.

Pat Souter, 700 W. Main, Waxahachie, Texas, spoke in support of City Council extending the contract with the Waxahachie Arts Council for multiple years as opposed to just a one-year extension.

Alan Fox, 327 University, Waxahachie, Texas, noted it was a great weekend in Waxahachie with multiple events spanning from the Wings N Wheels Fly-in/Drive-in event, C10s in the Park, Family Day at Railyard Park, and Antique Alley. He expressed his concerns for parking during the Texas Country Reporter Festival on October 23rd and encouraged the City to look at accommodations.

5. Consent Agenda

- a. Minutes of the City Council meeting of September 7, 2021
- b. Minutes of the City Council briefing of September 7, 2021
- c. Event application for Worship at Railyard on October 29, 2021
- d. Award of bid for the Wags-A-Hachie Dog Park Project
- e. Approve Contract with Freese & Nichols for Drainage Master Plan Phase 2

Action:

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

6. Present Proclamation proclaiming September 17-23, 2021 as “Constitution Week”

Mayor Barnes read a Proclamation proclaiming September 17–23, 2021 as Constitution Week and presented it to members of the Rebecca Boyce Chapter of the Daughters of the American Revolution.

7. Present Proclamation proclaiming October 3-10, 2021 as a “Week of Prayer”

Mayor Barnes read a Proclamation proclaiming October 3-10, 2021 as a Week of Prayer and presented it to the Christians Rise Up in Prayer organization.

8. Request to appear by Elizabeth Tull, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend contract

Elizabeth Tull, President of the Waxahachie Arts Council, presented the 2020 Annual Financial Report for Waxahachie Arts Council and requested approval to extend the current contract.

Council Member Melissa Olson asked if it would be more beneficial to have a three-year contract extension as opposed to a one-year extension to secure funding for future events. Ms. Tull noted she did not think members would oppose a three-year extension.

Action:

Mayor Pro Tem Billie Wallace moved to approve a three-year contract extension with the Waxahachie Arts Council, beginning January 1, 2022 and expiring December 31, 2024. Council Member Melissa Olson seconded, All Ayes.

- 9. Continue 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 continued the Public Hearing and announced the applicant requested to continue ZDC-122-2021 to the October 4, 2021 City Council meeting.

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

Action:

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

- 11. Continue 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 continued the Public Hearing and announced the applicant requested to continue ZDC-116-2021 to the October 18, 2021 City Council meeting.

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

Action:

Council Member David Hill 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 October 18, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 13. Public Hearing on a request by Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for a Drive Through Establishment (restaurant) use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021)**

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow a drive-through use at an existing restaurant (Ta Molly's Restaurant) and staff recommended approval as presented.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-129-2021, Mayor Barnes closed the Public Hearing.

14. Consider proposed Ordinance approving ZDC-129-2021

ORDINANCE NO. 3294

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 1735 N US HWY 77, BEING PROPERTY ID 237029, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK A IN THE SPRING LAKE DEVELOPMENT 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. 3294 as presented. Mayor Pro Tem Billie Wallace seconded, All Ayes.

15. Public Hearing on a request by Brad Yates, Colonial Restoration Group, Inc. for Planned Development (PD) to allow a Private Club (Event Center) use within a Single Family-3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021)

Mr. Brooks presented the case noting the applicant is requesting to change the zoning of the property from Single-Family-3 (SF-3) to Planned Development-Single-Family-3 (PD-SF-3) to allow a Private Club (Event Center) use. He reviewed staff and Planning & Zoning Commission concerns with noise and parking. He noted staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. 6ft. ornamental fencing with masonry columns space every 30' as well as enhanced landscape screening should be provided along Brady Street, W Avenue C, and the unimproved ROW along the rear of the property.
3. Sidewalks shall be installed along Dunaway Street and a portion of W Avenue C to allow connectivity to a private sidewalk located on the subject property.
4. The event center shall have a mandatory curfew of 10pm on weekdays and 12am on weekends.
5. Any exterior light added or located on the property shall be inward facing.
6. A detailed Site Plan packet shall be approved by the Planning and Zoning Commission prior to any on-site improvements being made.

Mr. Brooks explained the applicant provided a shared parking agreement with the adjacent church.

Mayor Barnes opened the Public Hearing.

Brad Yates, 626 Kaufman, Waxahachie, Texas, noted he purchased the building and is trying to save its historical value. He explained that he spoke with several neighbors and they were supportive of his project. He agreed to add sidewalks as requested by the Planning and Zoning Commission but would rather not put a fence so that the property is inclusive with the neighborhood.

Council Member Travis Smith inquired about the venue occupancy and if the parking contract with the church is in perpetuity. Mr. Yates noted the maximum occupancy would be 225 and the contract is in perpetuity.

Council Member Olson asked if the applicant is agreeable to change the weekend curfew to 11 p.m. to align with the city's current noise ordinance and Mr. Yates noted he is agreeable to that for the courtyard curfew. Mr. Yates explained he will attempt to add more parking spaces to the final site plan.

There being no others to speak for or against ZDC-131-2021, Mayor Barnes closed the Public Hearing.

16. Consider proposed Ordinance approving ZDC-131-2021

Action:

Council Member Travis Smith moved to continue ZDC-131-2021 to the October 4, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.

17. Consider Development Agreement for ZDC-131-2021

No action taken.

18. 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)

Mr. Brooks presented the case noting the applicant (Sunbelt Rentals) is requesting approval of a Specific Use Permit (SUP) at a vacant industrial/commercial building to allow the use of heavy machinery and equipment, rental, sales, or storage and outdoor display. He noted staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Any new pavement for the site shall be concrete. In addition, areas with outdoor display structures shall be located on a concrete surface.
3. The existing chain link fence shall be replaced with ornamental iron fencing along the front and side.
4. The applicant is responsible for providing a utilities connection to the site from the northern direction of the property.
 - a. An official Certificate of Occupancy shall not be issued until all necessary utilities are provided to the site.

5. The fire sprinkler Fire Department connection must be within 100 ft. of a fire hydrant.
6. All parts of the building must be within 600 ft. of a fire hydrant.

Mr. Brooks explained there is an existing 2" water line that does not provide sufficient fire protection to the site and staff is requiring the applicant to provide a 16" water line utility connection from the North of the property.

Mayor Barnes continued the Public Hearing.

There being no others to speak for or against ZDC-100-2021, Mayor Barnes closed the Public Hearing.

19. Consider proposed Ordinance approving ZDC-100-2021

ORDINANCE NO. 3295

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE AND OUTDOOR DISPLAY USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 1313 N. INTERSTATE HIGHWAY 35, PROPERTY ID 180355, BEING ABSTRACT 99 OF THE J B BOUNDS SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3295 per staff comments. Council Member David Hill seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Melissa Olson. Noes: Travis Smith.

The motion carried.

20. Consider Development Agreement for ZDC-100-2021

Action:

Council Member Melissa Olson moved to approve a Development Agreement for ZDC-100-2021. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Melissa Olson. Noes: Travis Smith.

The motion carried.

21. Consider proposed Resolution for Candidate Nominations for the Ellis Appraisal District Board of Directors for the Years 2022-2023

Action:

Council Member Melissa Olson moved to move the item to the October 4, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.

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

Council Member Travis Smith praised CVB Director Laurie Mosley for her work all weekend at the numerous City events noting she was a fantastic ambassador for the city.

Council Member Melissa Olson echoed Council Member Smith's comments.

City Manager Michael Scott recognized the collaborative team effort from City staff and various departments on their work during public events.

Mayor Pro Tem Billie Wallace echoed Mr. Scott's comments noting she witnessed City staff cleaning up Getzendaner Park on Sunday morning.

Council Member David Hill thanked City staff for all their work. He announced the NHRA and Stampede of Speed events are coming up.

Mayor Doug Barnes noted it is a pleasure living in this city and citizens are blessed with the quality of life available in Waxahachie.

23. Adjourn

There being no further business, the meeting adjourned at 8:01 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary