

City Council
October 4, 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, October 4, 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

Richard Cody, Ellis County Baptist Association, gave the invocation. Mayor Pro Tem Billie Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concern with allowing junk vehicles to be covered by tarps. He requested City Council review the ordinance and have unsightly vehicles removed.

Jacob Calvit, 1302 Martha Street, Waxahachie, Texas, requested the City of Waxahachie celebrate Arbor Day in 2022 and noted he volunteers to assist.

Alan Fox, 327 University, Waxahachie, Texas, spoke in opposition to City Council limiting Public Comments to five minutes.

5. Consent Agenda

- a. Minutes of the City Council meeting of September 20, 2021
- b. Minutes of the City Council briefing of September 20, 2021
- c. Minutes of the City Council Work Session of September 30, 2021
- d. Street closure request for 25th Annual Texas Country Reporter Festival to be held October 23, 2021
- e. Event application for Big-Al-O-Ween Party on October 30, 2021

- f. Event application for Gingerbread Trail Car Show on June 4, 2022
- g. Event application for Cars in the Park Car Show on July 16, 2022
- h. Event application for Waxahachie Fun Run Car Show on August 20, 2022
- i. Event application for St. Jude Car Show on October 1, 2022
- j. Supplemental Appropriation to carry forward unencumbered Wags-A-Hachie Dog Park Project Funds into FY22
- k. Supplemental Appropriation to the FY22 Civic Center Budget for the replacement of HVAC compressor

Action:

Council Member David Hill moved to approve items a. through k. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.

6. Present Proclamation proclaiming October 8, 2021 as Markert Strong Day in Waxahachie

Mayor Barnes read a Proclamation proclaiming October 8, 2021 as Markert Strong Day in Waxahachie and presented it to Jackson Markert, alongside his family and friends.

7. Recognition of Waxahachie Police Department for meeting all standards in the Texas Police Chief Association Best Practices Program

Rob Severance, Cleburne Police Chief, recognized the Waxahachie Police Department for meeting all standards in the Texas Police Chief Association Best Practices Program. He explained the Police Department has earned this designation since 2013.

Police Chief Wade Goolsby thanked Lieutenant Marcus Brown for his effort to recertify the Waxahachie Police Department and recognized the accomplishment of the Department as a whole.

Mayor Barnes thanked Chief Goolsby and extended his congratulations to the Waxahachie Police Department.

8. Public Hearing on a request by Michael Cervantes, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 240 Brookbend Drive (Property ID 208068) - Owner: EXOUSIA CONSTRUCTION, LLC (ZDC-133-2021)

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-133-2021 to the October 18, 2021 City Council meeting.

9. Consider proposed Ordinance approving ZDC-133-2021

Action:

Council Member David Hill moved to continue the Public Hearing on a request by Michael Cervantes, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 240 Brookbend Drive (Property ID 208068) - Owner: EXOUSIA CONSTRUCTION, LLC (ZDC-133-2021) to the October 18, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 10. Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-134-2021 to the November 1, 2021 City Council meeting.

- 11. Consider proposed Ordinance approving ZDC-134-2021**

Action:

Council Member David Hill moved to continue the Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021) to the November 1, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

- 12. Public Hearing on a request by Ronald Fraser, Fraser Real Estate Group, for a Specific Use Permit (SUP) for a Unified Lot Sign located at 3298 S Interstate 35E (Property ID 225222, 223397, 179035) - Owner: H&D REALTY INVESTMENTS, LLC. (ZDC-140-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-140-2021 to the October 18, 2021 City Council meeting.

- 13. Consider proposed Ordinance approving ZDC-140-2021**

Action:

Council Member David Hill moved to continue the Public Hearing on a request by Ronald Fraser, Fraser Real Estate Group, for a Specific Use Permit (SUP) for a Unified Lot Sign located at 3298 S Interstate 35E (Property ID 225222, 223397, 179035) - Owner: H&D REALTY INVESTMENTS, LLC. (ZDC-140-2021) to the October 18, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 14. 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 November 15, 2021 City Council meeting.

- 15. 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 November 15, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 16. 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 at the September 28, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue ZDC-105-2021.

- 17. 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 November 15, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 18. Consider request by Kendell Wiley, for a Replat of Lots 1R-A, Block A, to create Lots 1RA & 1R-B, Block A, Wiley's Retail, being 0.996 acres (Property ID 231665) – Owner: KENDELL L & MICHELLE L WILEY (SUB-135-2021)**

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting to replat the subject property from one (1) lot to two (2) lots for general retail use. The applicant is also requesting a Petition of Relief Waiver for the right-of-way (ROW) dedication requirement along Brown Street due to existing landscaping and parking.

Action:

Mayor Pro Tem Billie Wallace moved to approve a request by Kendell Wiley, for a Replat of Lots 1R-A, Block A, to create Lots 1RA & 1R-B, Block A, Wiley's Retail, being 0.996 acres (Property ID 231665) – Owner: KENDELL L & MICHELLE L WILEY (SUB-135-2021) and approve petition of relief waiver. Council Member Melissa Olson seconded, All Ayes.

- 19. Consider request by Edison Calvopina, ES ARQ Studio, LLC for a Plat of Carrera Ranch for thirteen (13) residential lots being 16.000 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 277733) in the Extra Territorial Jurisdiction - Owner: Stella Rose Homes, LLC (SUB-56-2020)**

Mr. Brooks presented the case noting the applicant is requesting to plat the property into thirteen (13) lots for single-family residential use in the ETJ. The applicant is also requesting a Petition of Relief Waiver to exceed the maximum length requirement for a dead-end street and a Petition of Hardship Waiver due to inadequate fire flow to the properties. Staff spoke with the Ellis County Fire Marshall's office and they had no objections to the hardship waiver for inadequate fire flow. Staff recommends approval as presented.

Action:

Council Member Melissa Olson moved to approve a request by Edison Calvopina, ES ARQ Studio, LLC for a Plat of Carrera Ranch for thirteen (13) residential lots being 16.000 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 277733) in the Extra Territorial Jurisdiction - Owner: Stella Rose Homes, LLC (SUB-56-2020) as presented. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, and Melissa Olson. Noes: David Hill and Travis Smith.

The motion carried.

20. Public Hearing on a request by Patty Dickerson, for a Specific Use Permit (SUP) for a Clothing Recycling Bin located at 402 N College Street (Property ID 193309) - Owner: CENTRAL PRESBYTERIAN CHURCH (ZDC-136-2021)

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit to allow two (2) clothing recycle bins to be located at 204 E. Parks Avenue and staff recommends approval.

Mayor Barnes opened the Public Hearing.

Ms. Patty Dickerson, 606 Jordan Lane, Waxahachie, Texas, reported the church has committed to keeping the area clean and if they are unable to do so, the recycle bins will be removed. She explained the money received from the bins are deposited into the mission budget for the church and is used to provide mission work around Waxahachie and to serve the students and staff at Marvin Elementary throughout the school year.

Mayor Pro Tem Billie Wallace commended the church for keeping the area clean.

Council Member Travis Smith applauded the church for partnering with Waxahachie ISD.

Those who spoke in favor:

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas

There being no others to speak for or against ZDC-136-2021, Mayor Barnes closed the Public Hearing.

21. Consider proposed Ordinance approving ZDC-136-2021

ORDINANCE NO. 3296

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ELECTRONIC CLOTHING BIN DONATION BOX USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 204 E PARKS AVENUE, BEING PROPERTY ID 170631, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 16 & 17 A-B-D & 18 A-B & 19, BLOCK 9, TOWN ADDITION, 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. 3296. Council Member Travis Smith seconded, All Ayes.

- 22. Continue 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 owner added additional parallel parking within the right-of-way to alleviate parking concerns from City Council and staff.

Mayor Barnes continued the Public Hearing.

Brad Yates, 626 Kaufman Street, Waxahachie, Texas, expressed his concern with adding parking spaces to the right-of-way noting his initial plan was to deter street parking. He explained he is agreeable to the revised site plan if City Council approves.

Council Member Melissa Olson noted she believes the additional parking will deter off-street parking.

Council Member David Hill asked if the applicant if he was agreeable to eliminating the right-of-way parking and Mr. Yates noted he was.

Chris Wright, 808 W. Marvin, Waxahachie, Texas, asked if Mr. Yates will be the owner/operator of the venue and Mr. Yates confirmed he would.

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

- 23. Consider proposed Ordinance approving ZDC-131-2021**

ORDINANCE NO. 3297

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), TO ALLOW A PRIVATE CLUB (EVENT CENTER), LOCATED AT 716 DUNAWAY STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.873 ACRES KNOWN AS PROPERTY ID 193948, BEING LOT 5 OF THE BULLARD REVISED SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3297 and eliminate the six (6) parking spaces on Avenue C. Council Member Melissa Olson seconded, All Ayes.

24. Consider Development Agreement for ZDC-131-2021

Action:

Council Member David Hill moved to approve a Development Agreement for ZDC-131-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

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

City Manager Michael Scott explained City Council can submit up to five nominations for the Ellis Appraisal District Board of Directors and an official ballot will be provided at a later date.

RESOLUTION NO. 1316

RESOLUTION OF CANDIDATE NOMINATIONS FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEARS 2022-2023

Action:

Council Member Travis Smith moved to approve Resolution No. 1316 nominating Ryan Pitts and Logan Brady. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melissa Olson.

The motion carried.

26. Consider proposed Resolution approving the City of Waxahachie Investment Policy as required by the Texas Public Funds Investment Act

Finance Director Chad Tustison presented the proposed Resolution noting the City Council is required to approve the City's Investment Policy annually in compliance with the State of Texas Public Funds Investment Act. The Investment Policy outlines the City's investment strategy, standards of care, authorized investments, policy guidelines, prohibited investments and reporting.

RESOLUTION NO. 1317

A RESOLUTION APPROVING AND ADOPTING THE CITY OF WAXAHACHIE INVESTMENT POLICY, AND DECLARING AN EFFECTIVE DATE.

Action:

Council Member David Hill moved to approve Resolution No. 1317. Mayor Pro Tem Billie Wallace seconded, All Ayes.

27. Consider proposed Ordinance setting Water and Wastewater Fees

Kip Dernovich, Assistant Utilities Director, presented the proposed ordinance setting water and wastewater fees. He explained the increase in fees will allow the Utilities Department to cover operational costs and still provide services at an efficient rate.

ORDINANCE NO. 3298

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 11, 2021 AND DECLARING AN EMERGENCY.

Action:

Council Member David Hill moved to approve Ordinance No. 3298. Council Member Travis Smith seconded, All Ayes.

Council Member Hill noted the raised fees are not for existing customers but for new meters on new construction builds and a cost recovery effort.

Mayor Pro Tem Wallace noted the fees have not been updated since 2017.

28. Consider contract with Taft & Associates to provide a Crisis Response Specialist

Police Chief Wade Goolsby requested approval of a contract with Taft & Associates to provide a Crisis Response Specialist. The annual contract of \$88,000 would cover all salary and benefits but would not include any potential overtime. The contract would provide a full-time employee to the police department but have the resources of an entire organization to support that individual.

Council Member Olson expressed her excitement for the position to serve our community and our first responders.

Mayor Barnes thanked Dr. Philip Taft for his work.

Action:

Council Member Melissa Olson moved to approve the contract with Taft & Associates to provide a Crisis Response Specialist. Mayor Pro Tem Billie Wallace seconded, All Ayes.

29. Convene into Executive Session to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code

Mayor Barnes announced at 8:05 p.m. the City Council would convene into Executive Session to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code.

30. Reconvene and take any necessary action

The meeting reconvened at 8:48 p.m.

Mayor Barnes stated City Manager Michael Scott has done well leading the City and the city will continue to move forward with Mr. Scott's efforts. He explained improving the quality of life for the citizens is important. He expressed his appreciation for Mr. Scott's staff.

Action:

Mayor Pro Tem Billie Wallace moved to extend the employment contract with City Manager Michael Scott for an additional year. Council Member David Hill seconded, All Ayes.

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

Executive Director of Development Services Shon Brooks recognized Kip Dernovich, Brandon Lacy, Richard Abernethy, Chad Tustison, and Keith Kee for their work on updating the water and wastewater fee ordinance.

Deputy City Manager Albert Lawrence expressed his appreciation of City staff noting they reflect Michael's vision and leadership.

Council Member Travis Smith reiterated the fee increases approved this evening will only affect new builds and will not impact current residents. Council Member Smith congratulated Police Chief Goolsby on their recertification.

Council Member Melissa Olson congratulated Police Chief Goolsby and the entire Waxahachie Police Department. Council Member Olson recognized City Manager Michael Scott's commitment to excellence. She offered prayers for Jackson Markert and his family.

City Manager Michael Scott recognized Chad Tustison, Marianna Dunn, and the Finance team for their work on the Investment Policy. He congratulated Police Chief Goolsby and thanked staff for all their work. Mr. Scott thanked City Council for their confidence and for the vision they have set forth.

Mayor Pro Tem Billie Wallace congratulated Police Chief Goolsby and the Waxahachie Police Department. She thanked Mr. Scott and Chief Goolsby for their work on enhancing security measures during City Council meetings.

Council Member David Hill thanked Mr. Scott for his leadership and congratulated Police Chief Goolsby and the Waxahachie Police Department.

City Attorney Robert Brown thanked current and past City Council for their support and credited them to contributing to the City's success.

Mayor Barnes thanked those in attendance and requested continued prayers and support for Jackson Markert.

32. Adjourn

There being no further business, the meeting adjourned at 8:57 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary