

City Council  
October 18, 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 18, 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  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

Council Member Absent: David Hill, Council Member Place 1

Others Present: 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**

Jared Reabel, Christ the King Lutheran Church gave the invocation. Mayor Pro Tem Billie Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Chris Wright, 808 W. Marvin, Waxahachie, Texas, thanked City Council and staff for their time. He expressed his opposition to placing the resolution regarding Public Comments on the consent agenda and for the lack of Public Hearing on the issue. He requested City Council stay consistent on their votes on what zoning uses they are allowing or not allowing in the city.

Alan Fox, 327 University, Waxahachie, Texas, inquired about the penalties of not complying with the Public Comments Resolution and requested the item be removed until it is addressed in the Resolution. He voiced his concern that five minutes is not adequate time for some citizens to express their thoughts.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of October 4, 2021
- b. Minutes of the City Council briefing of October 4, 2021
- c. Event application for Neighborhood Family Night on October 24, 2021
- d. Event application for Community Tree Lighting & Parade on November 30, 2021
- e. Event application for Santa Run to be held December 11, 2021
- f. City Manager's appointment to Civil Service Commission
- g. Resolution adopting time limit for Public Comments

**RESOLUTION NO. 1318**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING TIME LIMITS ON PUBLIC COMMENTS AS AUTHORIZED BY THE TEXAS OPEN MEETINGS ACT.**

**Action:**

*Council Member Travis Smith moved to approve items a. through g. on the Consent Agenda. Mayor Doug Barnes seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, and Travis Smith. Noes: Melissa Olson.*

***The motion carried.***

- 6. Continue 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 announced the applicant requested to withdraw ZDC-133-2021.

- 7. Consider proposed Ordinance approving ZDC-133-2021**

No action taken.

- 8. Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the November 1, 2021 City Council meeting.

- 9. Consider proposed Ordinance approving ZDC-146-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the November 1, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.*

- 10. Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair Facility (Caliber Collision) use within a Light Industrial-1 zoning district located at North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-150-2021 to the November 1, 2021 City Council meeting.

**11. Consider proposed Ordinance approving ZDC-150-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair Facility (Caliber Collision) use within a Light Industrial-1 zoning district located at North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021) to the November 1, 2021 City Council meeting. Council Member Travis Smith seconded, All Ayes.*

**12. 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 November 1, 2021 City Council meeting.

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

**Action:**

*Council Member Melissa Olson 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 November 1, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**14. Public Hearing on a request by Justin Bright, Bright Pools. LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-2 zoning district located at 201 E University (Property ID 176324) - Owner: JASON W & JACLYN L WILSON (ZDC-141-2021)**

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting approval to construct a 264 sq. ft. accessory structure to be used as an outdoor kitchen and pergola. Staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The accessory structure shall not be used as a dwelling unit.
3. The structure shall in any case not be leased or sold separately and shall not be separately metered.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-141-2021, Mayor Barnes closed the Public Hearing.

**15. Consider proposed Ordinance approving ZDC-141-2021**

**ORDINANCE NO. 3299**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE IN EXCESS OF 1000 SQUARE FEET USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT, LOCATED AT 201 E UNIVERSITY AVENUE, BEING PROPERTY ID 176324, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 11 & 12, BLOCK 10 IN THE UNIVERSITY REVISION SUBDIVISION, 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. 3299. Council Member Melissa Olson seconded per staff comments, All Ayes.*

**16. Continue Public Hearing 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).**

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit be approved to allow for a unified lot sign (pole sign and directional sign) and an electronic message sign for a carwash. Staff recommended approval per the following staff comments:

1. The exterior of the electronic message sign (side(s)/top of the sign) shall be constructed out of a masonry (stone or brick) material.
2. No approved sign shall not be located within a utility easement.
3. The applicant will need to apply for a sign permit with the Building and Community Services Department.

Mayor Barnes continued the Public Hearing.

There being no others to speak for or against ZDC-140-2021, Mayor Barnes closed the Public Hearing.

Council Member Travis Smith noted the property is on a hill and expressed concern with the applicant requesting an additional 15 feet to their previous pole sign height. Council Member Smith asked Council to take into consideration that a precedent was set with the St. Paul Episcopal Church sign case.

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

**ORDINANCE NO. 3300**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A UNIFIED LOT SIGN USE WITHIN A GENERAL RETAIL (GR)/LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED AT 3298 S INTERSTATE 35, BEING PROPERTY ID 225222, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1R IN THE COLWELL OIL CO ADDITION AND SITUATED IN THE J.C. ARMSTRONG SURVEY, ABSTRACT 6, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Melissa Olson moved to approve Ordinance No. 3300 per staff comments, including masonry requirement, and allowing the 75 foot unified lot sign. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, and Melissa Olson. Noes: Travis Smith.*

***The motion carried.***

**18. Public Hearing on a request by George Salvador for a Zoning Change from a Single Family-1 Zoning to Planned Development-Single Family zoning district, located at 401 Ovilla Road (Property ID 205458 and 171253) - Owner: EIS DEVELOPMENT II, LLC (ZDC-142-2021)**

Mr. Brooks presented the case noting the applicant is requesting to create a Planned Development, known as Dominion Park to allow for the development of 207 single-family detached homes and staff recommended approval per the following staff comments:

1. A mutually agreed up Development Agreement will be required for the development.
2. A second traffic circle will need to be provided at the intersection of Burrow Drive and Territorial Way.
3. A minimum of seven (7) variations of floor plans will be required for each of the four architectural styles.

Mr. Brooks reviewed the following changes to the zoning request since the May 17, 2021 City Council meeting:

- Reduced the total number of lots from 209 lots to 207 lots
- Revised the plan to create a greater mix of lot sizes within the proposed development
- Removed the alleyways that were located behind lots along the edges of the subdivision
- Reduced the number of lots less than 10,000 sq. ft. in size from 134 lots to 121 lots
- Increased the number of 10,000+ sq. ft. lots from 75 lots to 86 lots
  - 22 of these lots are greater than 11,000 sq. ft.

Mayor Barnes opened the Public Hearing.

Brett Hess, 327 Blue Ribbon Road, Waxahachie, Texas, reviewed a presentation showing renderings of the proposed development noting the density is needed to provide landscaping and a playground in the development. He noted this will be a high standard development with mixed lot sizes and architectural styles. The park dedication is twice what is required noting the additional improvements will add character to the development.

Council Member Melissa Olson inquired about maintenance of the parks and Mr. Hess noted the Homeowner's Association will maintain.

Council Member Smith inquired about the average home cost and Mr. Hess noted it would be about \$200 a square foot and the streets will be standard width to allow for off-street parking if needed.

Those who spoke in favor:

Alan Fox, 327 University, Waxahachie, Texas

There being no others to speak for or against ZDC-142-2021, Mayor Barnes closed the Public Hearing.

Council Member Smith discussed traffic concerns and staff explained TxDOT is aware of the traffic concerns, but there is not a timeline of when Ovilla Road will be widened. Mr. Smith asked Council to consider if approving the development, allowing \$200 per square foot homes, will set a precedent. He also noted the development is not meeting the city's minimum standards.

Council Member Olson expressed her support to offer various housing price points.

**19. Consider proposed Ordinance approving ZDC-142-2021**

**ORDINANCE NO. 3301**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), LOCATED AT 401 OVILLA ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 78.22 ACRES, KNOWN AS PROPERTY ID 180391 OF ABSTRACT 101 OF E BELLOW SURVEY AND ABSTRACT 466 OF E HORTON SURVEY, 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. 3301. Council Member Melissa Olson seconded per staff comments, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, and Melissa Olson. Noes: Travis Smith.*

***The motion carried.***

**20. Consider approval of Development Agreement for ZDC-142-2021**

**Action:**

*Council Member Melissa Olson moved to approve a Development Agreement for ZDC-142-2021. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, and Melissa Olson. Noes: Travis Smith.*

***The motion carried.***

**21. Consider adoption of Lake Parks Master Plan**

Gumaro Martinez, Executive Director of Parks and Leisure Services, requested approval of the Waxahachie Lake Parks Master Plan. He explained the consultant has been working with the Lake Parks Steering Committee and staff over the last 10 months to develop a formal document to provide guidelines for projects that may be recommended to Council in the future for the city parks on Lake Waxahachie. He noted the final concept was presented and approved by the Park Board on July 1, 2021

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve the Waxahachie Lake Parks Master Plan. Council Member Travis Smith seconded, All Ayes*

Council Member Olson thanked Mr. Martinez, his team, Park Board, and the steering committee for all their hard work.

Council Member Smith applauded the work from the Park Board and Mr. Martinez. He noted the future of Boat Dock Park will allow monitoring of boat limits on Lake Waxahachie.

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

Council Member Travis Smith encouraged everyone to prepare for the Texas Country Reporter Festival in downtown Waxahachie on October 23<sup>rd</sup>.

Council Member Melissa Olson explained she supports the 5-minute time limit on Public Comments but wanted to remove the item from the consent agenda to allow for a Public Hearing on the matter. She encouraged citizens to contact Council Members with questions or to voice their concerns.

Deputy City Manager Albert Lawrence thanked Mr. Martinez for his work on the Waxahachie Lake Parks Master Plan. He explained the Texas Country Reporter Festival is a city-wide effort which incorporates many City departments and community leaders.

Mayor Pro Tem Billie Wallace expressed her excitement for the adoption of the Lake Parks Master Plan and for the Texas Country Reporter Festival on October 23<sup>rd</sup>. She expressed her support for the 5-minute time limit on Public Comments and encouraged citizens to contact Council Members with questions, requests, or if additional time is needed.

City Attorney Robert Brown explained the Resolution setting the time limit for Public Comments does not set legal action or penalties. However, Texas Penal Code 42.05 states disruption of a public meeting is punishable by a Class B misdemeanor.

Mayor Doug Barnes reported Waxahachie is experiencing a lot of growth and is busy with events. He noted it takes a lot of work by the city and community and it is great to be a Waxahachie citizen.

**23. Adjourn**

There being no further business, the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary