

City Council  
November 1, 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, November 1, 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**

Kevin Tully, First United Methodist Church, gave the invocation. Mayor Pro Tem Billie Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Alan Fox, 327 University, Waxahachie, Texas, thanked City Attorney Robert Brown for explaining the potential consequences of not complying with the speaker time limit.

Kevin Ivey, 1980 E. Highland, Waxahachie, Texas, requested Council not approve the funding request from Sims Library for a bookmobile. He encouraged the library to work with Waxahachie ISD to use their bookmobile.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of October 18, 2021
- b. Minutes of the City Council briefing of October 18, 2021
- c. Event application for 5<sup>th</sup> Annual Turkey Trot on November 18, 2021
- d. Authorize supplemental appropriation for Administration Department

**Action:**

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

**6. Present Proclamation proclaiming November 1-5, 2021 as “Municipal Court Week”**

Mayor Barnes read a proclamation proclaiming November 1-5, 2021 as “Municipal Court Week” and presented it to the City of Waxahachie Municipal Court staff and Judge.

**7. Continue 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 continued the Public Hearing and announced the applicant requested to continue ZDC-134-2021 to the November 15, 2021 City Council meeting.

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

**Action:**

*Mayor Pro Tem Billie Wallace 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 15, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.*

**9. Continue 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 continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the November 15, 2021 City Council meeting.

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

**Action:**

*Council Member Melissa Olson 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 15, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**11. Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-155-2021 to the November 15, 2021 City Council meeting.

**12. Consider proposed Ordinance approving ZDC-155-2021**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) to the November 15, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.*

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

Mayor Barnes continued the Public Hearing and announced at the October 26, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue ZDC-150-2021 to the November 15, 2021 City Council meeting.

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

**Action:**

*Council Member Melissa Olson moved to continue the Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021) to the November 15, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**15. Public Hearing on a request by Andria Moore, In York Industries, LLC for a Replat of the Harriet I. Nowlin Addition, to create two (2) residential lots, being 0.325 acres shown as, Lot 3, Block 14, Harriet I. Nowlin Addition (Property ID 175062) – Owner: In York Industries, LLC (SUB-79-2021)**

Mayor Barnes opened the Public Hearing.

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting to replat the property into two (2) lots for single-family residential use. He explained the applicant is requesting a petition of relief waiver from the right-of-way dedication of an additional 25'. Staff believes a 10' right-of-way dedication for this property is sufficient and staff recommended approval as presented and approval of the petition of relief waiver.

There being no others to speak for or against SUB-79-2021, Mayor Barnes closed the Public Hearing.

**16. Consider approval of SUB-79-2021**

**Action:**

*Council Member Melissa Olson moved to approve a request by Andria Moore, In York Industries, LLC for a Replat of the Harriet I. Nowlin Addition, to create two (2) residential lots, being 0.325 acres shown as, Lot 3, Block 14, Harriet I. Nowlin Addition (Property ID 175062) – Owner: In York Industries, LLC (SUB-79-2021). Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**17. Public Hearing on a request by Robert Morgan, Robert Morgan Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-3 zoning district located at 1150 Dunaway St (Property ID 276925) - Owner: MORGAN ROBERT C & JENNIFER MORGAN (ZDC-152-2021)**

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting approval to construct a 1,589 sq. ft. accessory structure to be used as a garage, personal office, and storage space. 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.

Mr. Brooks explained the existing home on the property received a variance allowing for the driveway to be constructed out of asphalt due to the unique configuration of the site. Due to this, staff has only requested the immediate approach to the accessory structure be concrete and the applicant has agreed.

There being no others to speak for or against ZDC-152-2021, Mayor Barnes closed the Public Hearing.

**18. Consider proposed Ordinance approving ZDC-152-2021**

**ORDINANCE NO. 3302**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY – 3 (SF-3) ZONING DISTRICT, LOCATED AT 1150 DUNAWAY STREET, BEING PROPERTY ID 276925, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE MORGAN ESTATE 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. 3302. Council Member Melissa Olson seconded, All Ayes.*

**19. Consider proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for the years 2022-2023**

City Manager Michael Scott explained the City of Waxahachie has 336 votes to designate to a candidate for the Ellis Appraisal District for the years 2022-2023.

**RESOLUTION NO. 1319**

**RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2022-2023**

**Action:**

*Council Member David Hill moved to approve Resolution No. 1319 and designate 336 votes to Ryan Pitts. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**20. Consider bid award to Douglas Dailey Construction associated with the Wyatt Street and Hill Street Branch sewer system capital improvement project**

Mr. Brooks requested approval to award a bid to Douglas Dailey Construction in the amount of \$1,035,885.00 associated with the construction rehabilitation project of the Wyatt/Hill Street Branch Sanitary Sewer Project. He explained the project has a projected savings of \$1,569,808.00 from the Engineering Estimated Opinion of Cost of \$2,605,693.00.

**Action:**

*Mayor Pro Tem Billie Wallace moved to award bid to Douglas Dailey Construction associated with the Wyatt Street and Hill Street Branch sewer system capital improvement project in the amount of \$1,035,885.00. Council Member Melissa Olson seconded, All Ayes.*

**21. Consider professional services agreement with Birkhoff, Hendricks & Carter, LLP professional engineers for the design services of Lower Mustang Creek Lift Station Expansion, Phase 4**

Mr. Brooks requested approval of a professional services agreement with Birkhoff, Hendricks & Carter, LLP in the amount of \$268,350.00 for the design of the Lower Mustang Creek Lift Station Expansion, Phase 4.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve a professional services agreement with Birkhoff, Hendricks & Carter, LLP professional engineers for the design services of Lower Mustang Creek Lift Station Expansion, Phase 4 in the amount of \$268,350.00. Council Member Melissa Olson seconded, All Ayes.*

**22. Consider request for funding from Sims Library for Bookmobile**

Mr. Scott explained Sims Library requested \$200,000.00 for a bookmobile to take their services into the community.

**Action:**

*Council Member Melissa Olson moved to approve \$200,000 funding the Library's request for a bookmobile. Council Member Travis Smith seconded, All Ayes.*

**23. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code and for deliberation regarding real property as permitted under Section 551.072, Texas Government Code**

Mayor Barnes announced at 7:26 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code and for deliberation regarding real property as permitted under Section 551.072, Texas Government Code.

**24. Reconvene and take any necessary action**

The meeting reconvened at 8:18 p.m.

*No action taken.*

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

Deputy City Manager Albert Lawrence thanked everyone for their help with the Texas Country Reporter Festival. He recognized the Economic Development Department, Warren Kettelman and Kassandra Carroll, for their recognition at the 2021 Texas Economic Development Council Annual Conference. They received "Merit Recognition" to local industry Kinro on their expansion and recognition was also given to the City's COVID-19 Emergency Loan Program.

Council Member Melissa Olson thanked staff for their work on the budget book. Ms. Olson thanked City Council for their support and Council Member David Hill for his work on the bookmobile for the Library noting it will be great for the community.

City Manager Michael Scott thanked the Finance Department, Chad Tustison, Gail Turner, Mariana Dunn, and Chris Childs for their work on the budget book as well as Amy Borders and Nichole Elliott for the graphics. Mr. Scott recognized and welcomed new employees Lindsey Mearns, Human Resources/Civil Service Director and Jennifer Pruitt, Senior Director of Planning. He also congratulated Stefanie Arredondo, Payroll Administrator, for receiving the President's Choice Award by the 2021 TPC Board President and noted Ms. Arredondo was recently chosen as President-Elect and will serve as the TPC Board President in 2023.

Mayor Pro Tem Billie Wallace thanked staff for their work on the budget book. Ms. Wallace also thanked staff for their work to quickly fulfill requests by citizens.

Council Member David Hill thanked staff for their work on the budget book and for staff's work to keep the community safe and clean.

City Secretary Amber Villarreal recognized her TMCA Yellow Rose Chapter for receiving the Chapter of the Year Award noting members were recognized at the Advanced Institute Conference on October 29<sup>th</sup>.

Mayor Doug Barnes praised City staff for their professionalism, thanked those in attendance of the meeting, and noted it was a great Texas Country Reporter Festival with thousands in attendance.

## **26. Adjourn**

There being no further business, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary