

City Council
November 15, 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 15, 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

Aaron Clayton, Remedy Church, gave the invocation. Council Member David Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Andrew Green, 200 Longhorn Drive, Waxahachie, Texas, introduced his new business “Texas Bin Wash” which will clean, sanitize, and deodorize trash bins.

Patrick Souter, 700 W. Main, Waxahachie, Texas, encouraged exhibits to ordinances, such as the Historic Residential Design Guidelines, be available on the City’s website for public review. He thanked the Heritage Preservation Commission and City staff for their work on the guidelines.

5. Consent Agenda

- a. Minutes of the City Council meeting of November 1, 2021
- b. Minutes of the City Council briefing of November 1, 2021
- c. Minutes of the City Council Work Session of November 1, 2021
- d. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- e. Accept the Impact Fee Capital Improvement Advisory Committee’s Capital Improvement Plan Recommendation Letter
- f. Request to allow for private Sanitary Sewer Easement within Waxahachie Sports Complex property

- g. Resolution Electing to Participate in the Proposed Opioid Settlements Presented by the State of Texas
- h. Supplemental Appropriation from WCDC reserves to fund power distribution boxes and cable connections for Railyard Park
- i. Award and Supplemental Appropriation for the Synthetic Turf Improvements Project Phase 2 at the Sports Complex

RESOLUTION NO. 1320

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ELECTING TO PARTICIPATE IN THE PROPOSED OPIOID SETTLEMENTS BROUGHT BY THE STATE OF TEXAS AND OTHER JURISDICTIONS AGAINST VARIOUS PHARMACEUTICAL COMPANIES FOR THEIR ROLES IN THE NATIONAL OPIOID CRISIS; MAKING FINDINGS; AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE DOCUMENTATION RELATED THERETO; ADOPTING THE TEXAS TERM SHEET; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Billie Wallace moved to approve items a. through i. on the Consent Agenda. Council Member David Hill seconded, All Ayes.

- 6. Public Hearing on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ANX-DNX-178-2021 to the December 20, 2021 City Council meeting.

- 7. Consider proposed Ordinance adopting ANX-DNX-178-2021**

Action:

Council Member Melissa Olson moved to continue the Public Hearing on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021) to the December 20, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 8. Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-162-2021 to the December 20, 2021 City Council meeting.

9. Consider proposed Ordinance approving ZDC-162-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021) to the December 20, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

10. 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 (PD-MF-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 the applicant requested to continue ZDC-105-2021 to the December 20, 2021 City Council meeting.

11. Consider proposed Ordinance approving ZDC-105-2021

Action:

Council Member Melissa Olson 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 (PD-MF-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 December 20, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

12. Continue 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 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-155-2021 to the December 20, 2021 City Council meeting.

13. 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 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) to the December 20, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

- 14. 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 (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (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 December 6, 2021 City Council meeting.

- 15. 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 (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the December 6, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 16. Public Hearing on a request by Tarayn Dickerson, for a Specific Use Permit (SUP) for an Accessory Dwelling use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021)**

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting approval to construct a 288 sq. ft. accessory structure to be used as a dwelling and staff recommends 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 structure shall not, in any case, be leased or sold separately and shall not be separately metered.

Mayor Barnes opened the Public Hearing.

Council Member Melissa Olson asked the applicant if they had any additional consideration to modify the accessory structure with a historic look.

Tarayn Dickerson, 1109 W. Main Street, Waxahachie, Texas, explained she will keep their initial proposal to stay within their budget.

Mayor Pro Tem Billie Wallace asked if the building will be seen from any right-of-way and Ms. Dickerson noted it will not be visible except from her own backyard.

There being no others to speak for or against ZDC-157-2021, Mayor Barnes closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-157-2021

ORDINANCE NO. 3303

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY DWELLING USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT, LOCATED 1109 W MAIN STREET, BEING PROPERTY ID 176626, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1A, BLOCK 9 IN THE WEST END 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. 3303. Council Member Melissa Olson seconded, All Ayes.

18. Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

Mr. Brooks presented the case noting the applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop. He explained the applicant is currently leasing the property from Daystar Coaches & Tours since August 2020. Code Enforcement received a complaint regarding the storage on the property and it discovered the non-compliance with zoning for the use. The applicant has since cleaned the property and removed visible storage into the existing building.

Mayor Barnes opened the Public Hearing.

Vanessa Cabrera, HGO Tire Shop, 137 Deer Creek, Waxahachie, Texas, requested approval to continue the use. She explained the applicant is open to adding additional screening, landscaping, or fencing in order to continue the use at this site. She reported she spoke with the Fire Department to address their concerns. She explained she is waiting on TCEQ to inquire about where and how tires can be safely stored.

Council Member Olson noted her biggest concern is with fire safety.

There being no others to speak for or against ZDC-164-2021, Mayor Barnes closed the Public Hearing.

Council Member Travis Smith suggested continuing the case to allow the applicant more time to work with staff on options for properly storing tires. He expressed his concern with shutting down the operations of a small business.

Mayor Pro Tem Billie Wallace asked what can be done to mitigate fire concerns to make sure the site is safe.

Council Member David Hill noted the building size does not require a fire suppression system; however, fire safety is still a concern.

Deputy City Manager explained former Fire Chief David Hudgins noted a fire on the site would require evacuation of the surrounding homes.

City Manager Michael Scott noted the property is currently zoned Future Development which does not allow for commercial use.

19. Consider proposed Ordinance approving ZDC-164-2021

Action:

Council Member Travis Smith moved to continue the Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021) to the December 6, 2021 City Council meeting. Council Member Melissa Olson seconded, the vote was as follows: Ayes: Doug Barnes, David Hill, Melissa Olson, and Travis Smith. Noes: Billie Wallace.

The motion carried.

20. 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)

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision and staff recommends approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The applicant shall submit a detailed elevation/façade plan to staff for administrative review.

Mayor Barnes continued the Public Hearing.

Chris Wright, 808 W. Marvin, Waxahachie, Texas, requested Council Member Smith to abstain from voting on this case due to his family previously owning a similar business.

Council Member Smith confirmed his family no longer owns a similar collision center.

There being no others to speak for or against ZDC-150-2021, Mayor Barnes closed the Public Hearing.

21. Consider proposed Ordinance approving ZDC-150-2021

ORDINANCE NO. 3304

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTSIDE STORAGE/AUTO REPAIR, MAJOR (CALIBER COLLISION) USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF DART WAY AND US HWY 77, BEING PROPERTY ID 222752, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1-A A OF THE REVCO SUBDIVISION-REV, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3304. Mayor Doug Barnes seconded, the vote was as follows: Ayes: Doug Barnes, David Hill, and Melissa Olson. Noes: Billie Wallace and Travis Smith.

The motion carried.

22. Consider Development Agreement for ZDC-150-2021

Action:

Council Member Melissa Olson moved to approve a Development Agreement for ZDC-150-2021. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Doug Barnes, David Hill, Melissa Olson, and Billie Wallace. Noes: Travis Smith.

The motion carried.

23. Consider proposed Ordinance adopting Historic Residential Design Guidelines

Anita Simpson, Downtown Development Director, presented the proposed Historic Residential Design Guidelines. She explained the guidelines are not a regulatory document but a tool for property owners to protect their investment. She recognized the Heritage Preservation Commission for diligently working on this project and she thanked City Council for their support. Once approved, the guidelines will be available for viewing on the City's website and printed copies will be available for viewing or checking out.

Mayor Barnes thanked the Heritage Preservation Commission for their work noting historic preservation is a part of Waxahachie's history.

ORDINANCE NO. 3305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ADOPTING RESIDENTIAL DESIGN GUIDELINES FOR HISTORIC PROPERTIES AND NEIGHBORHOODS AND SETTING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3305. Council Member Melissa Olson seconded, All Ayes.

24. Hear 2021 Farmer's Market Season Report

Ms. Simpson presented the 2021 Farmer's Market Season Report noting the Farmer's Market has completed its 19th year in operation and this was the first year in the new location at 701 Howard Road. Vendors reported annual sales of \$257,352.36 over 26 weeks, operating for five hours on Saturdays. She explained this number represents the highest total ever reported for a season. Ms. Simpson recognized and thanked the Farmers Market vendors noting the obstacles they overcame this season.

Mayor Barnes thanked the Farmer's Market vendors.

25. Consider proposed Ordinance regulating the operation of golf carts on public highways

Police Chief Wade Goolsby presented the proposed ordinance regulating the operation of golf carts on public highways. He explained the proposed ordinance is an effort to clarify and simplify the State statutes, legalize the use of golf carts, neighborhood electric vehicles, and off-highway vehicles with certain limitations.

ORDINANCE NO. 3306

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 32, TRAFFIC, OF THE WAXAHACHIE CODE OF ORDINANCES BY ADDING A NEW ARTICLE XVII, OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS; REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

Action:

Council Member Travis Smith moved to approve Ordinance No. 3306 as presented, with the exception of replacing the singular use of "Golf Carts" to "vehicles" and adding "with seatbelts secured" as an operational requirement. Council Member David Hill seconded, the vote was as follows: Ayes: Doug Barnes, David Hill, Melissa Olson, and Travis Smith. Noes: Billie Wallace.

The motion carried.

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

Mayor Doug Barnes and Shon Brooks, Executive Director of Development Services, introduced and welcomed Planning Director Jennifer Pruitt.

Planning Director Jennifer Pruitt noted she is happy to be a part of the Waxahachie team.

Council Member Travis Smith congratulated the Farmer's Market vendors on an outstanding season and noted they are an asset to our city.

Council Member Melissa Olson echoed Council Member Smith's comments. She applauded the Heritage Preservation Commission for their work on the Historic Residential Design Guidelines.

City Manager Michael Scott echoed sentiments for the Heritage Preservation Commission and thanked them for protecting the City's historical integrity. He explained exhibits will be added to the City's website for review in the future.

Mayor Pro Tem Billie Wallace thanked the Heritage Preservation Commission for all their work on the guidelines.

27. Adjourn

There being no further business, the meeting adjourned at 7:58 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary