

City Council
December 6, 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, December 6, 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: 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
Jennifer Pruitt, Planning Director
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

Mayor Doug Barnes gave the invocation. Deputy City Manager Albert Lawrence led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, expressed support for ZDC-176-2021, noting a past error may have allowed this use at one time and he supports allowing the use to continue.

Mayor Barnes recognized and congratulated the City of Waxahachie Planning Department for receiving the 2021 Certificate of Achievement for the Richard R. Lillie, FAICP Planning Excellence Program. He noted Waxahachie is one of only 34 Texas cities to receive such recognition this year.

5. Consent Agenda

- a. Minutes of the City Council meeting of November 15, 2021
- b. Minutes of the City Council briefing of November 15, 2021

Action:

Council Member Melissa Olson moved to approve items a. and b. on the Consent Agenda. Mayor Pro Tem Billie Wallace seconded, All Ayes.

6. **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 Planning and Zoning Commission voted to continue the Public Hearing to the following meeting.

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

Action:

Council Member David Hill 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 20, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

8. **Continue 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)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-164-2021 to the January 3, 2022 City Council meeting.

9. **Consider proposed Ordinance approving ZDC-164-2021**

Action:

Mayor Pro Tem Billie Wallace 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 January 3, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

10. **Public Hearing on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021)**

Mayor Barnes continued the Public Hearing and announced the Planning and Zoning Commission voted to continue the Public Hearing to the following meeting.

11. Consider proposed Ordinance approving ZDC-174-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021) to the December 20, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

12. Consider Development Agreement for Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021)

Action:

Council Member David Hill moved to approve a Development Agreement for Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021). Mayor Pro Tem Billie Wallace seconded, All Ayes.

13. Consider request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021)

Action:

Mayor Pro Tem Billie Wallace moved to continue a request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021) to the December 20, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.

14. Public Hearing on a request by Danny Wood, Wood Brothers Construction, LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 zoning district located at 2305 Marshall Road (Property ID 203935) - Owner: JORGE & JAZMIN A PURICELLI (ZDC-171-2021)

Planning Director Jennifer Pruitt presented the case noting the applicant is requesting to construct a +700SF (3,000 sq. ft.) accessory structure (barn) in the rear of a single-family property. 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. Any new pavement added to the site shall be concrete.
3. The structure shall not be used as a dwelling.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-171-2021, Mayor Barnes closed the Public Hearing.

15. Consider proposed Ordinance approving ZDC-171-2021

{Mayor Pro Tem Billie Wallace stepped out of the meeting at 7:14 p.m.}

ORDINANCE NO. 3307

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY BUILDING USE WITHIN A SINGLE FAMILY – 1 (SF-1) ZONING DISTRICT, LOCATED AT 2305 MARSHALL RD., BEING PROPERTY ID 203935, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 8 OF MARSHALL ROAD ESTATES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3307. Council Member Melissa Olson seconded, the vote was as follow: Ayes: Doug Barnes, David Hill, Melissa Olson, and Travis Smith. Noes: None. Absent: Billie Wallace.

The motion carried.

16. Public Hearing on a request by Drew Donosky, Claymoore Engineering, for a Specific Use Permit (SUP) for a Hospital (Inpatient Rehabilitation Facility) use within a General Retail zoning district located at East of the intersection of Indian Drive and Brown Street (Property ID 179000) - Owner: BUFFALO CREEK PLAZA, LLC (ZDC-173-2021)

Ms. Pruitt presented the case noting the applicant is requesting approval to allow an inpatient rehabilitation facility (ClearSky Rehabilitation Hospital) on 5 acres. Staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.

{Mayor Pro Tem Billie Wallace returned to the meeting at 7:16 p.m.}

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-173-2021, Mayor Barnes closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-173-2021

ORDINANCE NO. 3308

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN INPATIENT REHABILITATION FACILITY (CLEARSKY REHABILITATION HOSPITAL) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED EAST OF THE INTERSECTION OF INDIAN DRIVE AND BROWN STREET, BEING PROPERTY ID 179000, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 5 OF THE JB & A ADAMS SURVEY AND ABSTRACT 393 OF THE J GOOCH SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3308. Mayor Pro Tem Billie Wallace seconded, All Ayes.

18. Consider Development Agreement for ZDC-173-2021

Action:

Mayor Pro Tem Billie Wallace moved to approve a Development Agreement for ZDC-173-2021. Council Member David Hill seconded, All Ayes.

19. Public Hearing on a request by Rafael Benavides for a Zoning Change from a Single Family-2 (SF2) zoning to Planned Development-Single Family-2 (PD-SF2) to allow an existing Additional Single-Family Residence for rent use located at 314 Kaufman Street (Property ID 170847) - Owner: RAFAEL & GREGORIA S BENAVIDES (ZDC-176-2021)

Ms. Pruitt presented the case noting the applicant is requesting a zoning change from Single-Family-2 to Planned-Development-Single-Family-2 to allow an existing accessory structure for rent located at 314 Kaufman Street. She explained in June of 2021, Code Enforcement received a complaint about trash in the front yard of the accessory structure and discovered the accessory structure has been utilized as a rental property for years. She noted the two structures on the property are separately metered for gas, water and utilities and are separately addressed.

Due to staff concerns, staff recommended denial for the proposed use. If the case is approved, staff suggests that the applicant receive an official inspection for the structure from the City of Waxahachie Building Inspections Department to confirm the property is up to code compliance regarding habitable structures.

Mayor Barnes opened the Public Hearing.

Those who spoke in favor:

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas

There being no others to speak for or against ZDC-176-2021, Mayor Barnes closed the Public Hearing.

20. Consider proposed Ordinance approving ZDC-176-2021

Action:

Council Member Melissa Olson moved to deny ZDC-176-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

21. Consider bid award to Utility Trailer of Dallas, Inc. for stainless steel end dump trailer for the Wastewater Treatment Plant

Utilities Director David Bailey requested approval of bid award to Utility Trailer of Dallas, Inc. for a stainless-steel end dump trailer for the Wastewater Treatment Plant in the amount of \$71,185.00. He explained the trailer will transport de-watered biosolids for permitted disposal at the landfill in Alvarado, Texas. The budgeted new trailer will replace aging equipment and there are funds available for the purchase.

Action:

Mayor Pro Tem Billie Wallace moved to approve a bid award to Utility Trailer of Dallas, Inc. for stainless steel end dump trailer for the Wastewater Treatment Plant in the amount of \$71,185.00. Council Member Melissa Olson seconded, All Ayes.

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

Council Member Travis Smith expressed his support for showing city employees appreciation, especially during the Christmas season. He asked staff to review an alternative option to a drive-thru Christmas lunch for employees in the future.

Council Member Melissa Olson noted she is very appreciative of staff and applauded the Waxahachie Planning Department for their Certificate of Achievement.

Mayor Doug Barnes praised staff and volunteers for their work on and during the Christmas parade. He noted it was a joyous community event to kick off the holiday season.

23. Adjourn

There being no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary