

Please note: The Waxahachie City Council meeting originally scheduled for Monday, January 26, 2026, at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, has been postponed to Wednesday, January 28, 2026, at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B. Such postponement, pursuant to Section 551.411 of the Texas Government Code, is due to the Winter Storm Watch/Warning issued by the National Weather Service, Fort Worth, for Waxahachie and Governor Greg Abbott's State of Emergency Winter Weather Threat. At the time of the posting of this Agenda, there existed the threat of a winter storm, moderate to heavy mixed precipitation, snow and sleet accumulations between 2 and 4 inches, extreme cold, possible ice accumulations, subzero windchills, and refreezing of roads after sunset. Further, below freezing conditions may last 65 hours or longer, according to local newscasts. It is the desire of the City of Waxahachie that its citizens continue to monitor winter weather conditions, stay off roads, especially bridges and overpasses, and make winter preparations to homes and businesses.

A special meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Wednesday, January 26, 2026 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Patrick Souter, Mayor Pro Tem, Council Member Place 2
Tres Atkins, Council Member Place 1
Chris Wright, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Ricky Boyd, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Ricky Boyd gave the invocation. Mayor Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Brenda Mavridis, 5 Sargent Place, Waxahachie, Texas, expresses concern about increased development leading to more abandoned and injured animals. She emphasized her personal commitment to animal welfare and noted that the SPCA has withdrawn, leaving a small, newly formed Ellis County Pet Coalition to handle a growing number of calls. She urged developers and local officials to help address the need for an animal shelter, stating that current county efforts and studies have not resulted in sufficient action.

Christopher Barnes, 607 Brookside Road, Waxahachie, Texas, expressed opposition to the proposed Minto development, stating it would negatively impact nearby neighborhoods. He raised concerns about inadequate infrastructure, traffic congestion, and the scale of anticipated growth, noting that the area is not prepared to sustain it. While acknowledging that growth is inevitable, he urged the City to plan proactively rather than reactively and to consider the direct impacts on Brookside Road residents when making their decision.

Xavier Rowe, 213 Sumac Drive, Waxahachie, Texas, noted he supports growth and development but raised concerns about traffic safety and access in his neighborhood near Edgewood Drive and Highway 77. He noted increased congestion, speeding vehicles, and confusion between subdivision streets and the highway following recent commercial development. He asked the City to better accommodate existing and new residents by improving traffic controls, such as stop signs, and by considering neighborhood access and safety in future planning.

Helen Wagner, 5725 FM 813, Rockett, Texas, acknowledged that growth is inevitable but expressed concern about the impact of a large development on infrastructure. She questioned who will be responsible for infrastructure costs and expressed concern that taxpayers may bear the financial burden through increased taxes. She stated she is seeking clear information and answers regarding infrastructure responsibility.

5. Public Hearing on a request by Dennis Church, Minto Communities Texas, LLC, for a Zoning Change from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

Senior Director of Planning Trenton Robertson presented the Item. The proposed zoning change and annexation is for a 3,100-acre planned development in the Kemp Ranch area. Council, staff, the developer, and residents discussed the project's density, infrastructure needs, financing structure, and long-term impacts on the city, including broader concerns such as emergency services and preserving the community's small-town character. The proposed plan would allow up to 13,270 dwelling units and includes a mix of single-family, active-adult, multifamily, mixed-use, and accessory dwelling units, with an average density of about 4.18 units per acre and at least 400 acres of open space.

Council Member Travis Smith emphasized that a large development is already approved on much of the land (the 2021 Emory Lakes Planned Development (PD) allowing about 8,955 units), and that the City must manage growth rather than stop it. Staff noted the previous PD has seen no development activity since approval, and Councilman Smith warned that without City-led planning and services, the land could be removed from City jurisdiction and redeveloped at higher density under different rules, potentially creating far greater impacts with no local infrastructure commitments.

Mr. Robertson and Mayor Pro Tem Souter reviewed unresolved points in the zoning proposal, including neighborhood commercial timing, anti-monotony rules, tax rates, and impact fee collection. Staff confirmed some issues were addressed, but concerns remain. Applicant Brian Kale addressed staff-identified concerns, indicating which items the developer agreed to and which remained unresolved.

The developer had agreed to several major off-site improvements, including widening Brookside Road, constructing a bridge, adding multiple signalized intersections, and dedicating right-of-way for future expansion of FM 875. The agreement also includes at least 400 acres of open space and a specialty park near planned schools, plus phased developer-funded roadway improvements and contributions toward a public safety facility. The Council also addressed technical and legal issues around impact fees, annexation sequencing, and zoning effectiveness, with staff preferring impact fees be collected at permit issuance and legal counsel emphasizing that annexation is voluntary and subject to service-plan obligations.

Key land-use issues included the timing and use of neighborhood commercial overlay areas, with staff seeking a mechanism to prevent these parcels from becoming residential too early. A compromise was discussed where residential conversion would require council approval until a specified number of permits are issued. The Council also debated anti-monotony and architectural standards, balancing staff expectations for significant variation with the developer's tiered design approach and concerns about buyer choice. Finally, staff and the developer discussed alternative sewer alignments, noting that the chosen route could open thousands of additional acres near I-35 to development, but that more engineering analysis is needed before committing to a final option.

The proposed Municipal Management District (MMD) financing was a major focus, with staff noting a tax cap of \$0.72 per \$100 valuation, resulting in an estimated combined rate of about \$1.33 for homes in the project, raising questions about whether new homeowners would bear the full cost of roads, utilities, and a new public safety facility.

A key Council concern was whether denying the plan could lead to an even larger, less controlled build-out under the existing PD or through a MUD. It was noted that the prior PD already allows about 8,955 homes "by right" with fewer off-site improvements, and that owners could de-annex and pursue a MUD with limited local oversight. This raised worries that future infrastructure, drainage, and law enforcement burdens could shift to the county and existing taxpayers.

School impacts and population growth were also discussed. It was clarified that approximately 4,000 units would be age-restricted 55+ with no minors, that developers are coordinating with the school district, and that land is being dedicated for multiple schools. It was also noted the development would build out over roughly sixteen years, not all at once.

Mayor Wallace opened the Public Hearing at approximately 8:27 p.m.

Those who spoke in support:

Katy Greaser, 936 FM 55, Waxahachie, Texas

Dean Settlemeyer, 605 Brookside Road, Waxahachie, Texas

Leanne Kelly, 209 Katy Lake, Waxahachie, Texas

Terry Schick, 1022 W. Main, Waxahachie, Texas

William Kelly, 209 Katy Lake, Waxahachie, Texas
Jim Phillips, 606 W. Marvin, Waxahachie, Texas

Those who spoke in opposition:

Kathy Kacal, 405 Brookside Road, Waxahachie, Texas
Jose Tovar, 415 Brookside Road, Waxahachie, Texas
John Simmons, 370 Compton, Waxahachie, Texas
Terry Nay, 711 Brookside Road, Waxahachie, Texas

Other residents who spoke:

Larry Green, 422 Victorian, Waxahachie, Texas

Residents raised strong concerns about traffic, road capacity, and quality of life impacts, especially along Brookside Road and nearby subdivisions. They urged proactive planning, better traffic controls, and clarity on who will fund infrastructure, fearing that costs could shift to taxpayers or raise property taxes.

There being no others to speak for or against ZDC-232-2024, Mayor Wallace closed the Public Hearing at approximately 9:29 p.m.

The meeting recessed at 9:39 p.m and resumed at 10:00 p.m.

Council Member Wright explained that Waxahachie has never seen a true master-planned development of this scale and emphasized the need to evaluate what the proposed community would actually look like. After visiting a similar large development in Florida, they highlighted how extensive and high-quality amenities, such as separate, fully equipped centers for different age groups, can keep residents within the community and reduce traffic into town. He described these facilities as far more substantial than typical local developments, citing examples like large gyms, multiple pools, numerous pickleball courts, and an amphitheater.

Council Member Wright acknowledged that the project would be expensive, with MMD and HOA fees, but contended that those costs fund the high-level amenities and services residents receive. He contrasted this with other local developments that promised amenities but delivered little, and warned that lower-priced, piecemeal growth would not meaningfully reduce property tax burdens. Instead, he contended a master-planned community could generate significant long-term tax revenue without major maintenance burdens for decades, potentially allowing the City to lower tax rates. Council Member Wright also suggested that the development could attract commercial growth nearby, reducing pressure on existing town centers.

He further stressed that population growth is inevitable and that legislative limits make it difficult for the City to block new development. He expressed confidence in the developer's track record, noting their work in other high-quality communities, and said the project's scale and unified ownership make it preferable to fragmented development. Overall, he supported the project as a way to manage growth more effectively and to secure a higher-quality, coordinated development than what might otherwise occur.

Mayor Pro Tem Souter said his concern is not the project itself, but the uncertainty surrounding unresolved issues that have not been fully settled. He contended that even seemingly minor items can become major problems later, and that material facts should be addressed before moving forward. Mayor Pro Tem Souter noted that the extensive debate among council members shows how small details can have significant impacts, particularly for residents on Brookside and other nearby roads. While worrying about potential alternatives if the project is not approved, he emphasized that the remaining issues must be fully resolved first. He expressed disappointment that after months of discussion, the final details still aren't finalized and stressed that the Council has a responsibility to ensure all terms are clear before proceeding.

Mayor Wallace addressed the many residents who contacted her opposing the project, saying she heard and listened to their concerns. She stated that, in good conscience, she cannot support the development and will not vote to approve it. She emphasized that her decision is not influenced by incentives and that she would not support a project she would not be proud to live near or be able to afford herself. She expressed concern that the development would be unaffordable for local residents, particularly due to the proposed additional 72¢ MMD tax on top of the City's current rate. She highlighted that many people already feel "taxed out" of their homes and that buyers often do not realize the full costs until later, after signing numerous documents. She reiterated that the Council has worked to keep the tax rate steady and that adding the MMD tax would place an unfair burden on future homeowners, which she cannot support as Mayor.

Councilman Smith contended that the additional MMD tax should fall on new homeowners because they are the ones driving population growth. He warned that without the MMD, the County would be unable to fund necessary roads, drainage, flooding control, and sheriff staffing, especially if the development shifts to a MUD. He criticized the current PD as designed mainly to sell the property to outside investors, noting that most owners are overseas and unlikely to care about local impacts. He cautioned that if the project becomes a MUD, the resulting infrastructure and public safety costs would be passed onto all County residents through higher taxes, and pointed to current issues on Waxahachie's north end as evidence.

Councilman Smith admitted that eight months ago he strongly opposed the project, but the developers have since addressed concerns and consistently found ways to make the plan work. He credited the Council and staff for learning from past approvals and now demanding more from developers to better protect current and future residents.

Councilman Smith highlighted major benefits in the revised plan, including dedication of land for four school sites with significant infrastructure (fencing, lighting), and substantial roadway improvements such as expanding Brookside Road and funding needed upgrades on FM 875 and FM 1446, projects that TxDOT is not currently planning to fund. He contended that these commitments, funded through the MMD, reflect the current reality of development financing in Texas and are necessary to manage growth. Councilman Smith emphasized that elected officials must take responsibility and vote in the public's interest if the matter reaches a final vote.

6. Consider proposed Ordinance approving ZDC-232-2024

ORDINANCE NO. 3704

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MIXED USE RESIDENTIAL (PD-MUR), SINGLE FAMILY-1 (SF-1), FUTURE DEVELOPMENT (FD) AND GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT (PD), LOCATED 300 BROOKSIDE ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3,169.6 ACRES KNOWN AS PROPERTY ID 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

City Attorney Terry Welch provided the following proposed motion.

Action:

I move to approve ZDC-232-2024, a Planned Development Zoning Change request for approximately 3,169.6 acres, subject to the conditions of the staff report authorizing the City Manager and/or Mayor to execute all documents accordingly, with a further condition that as to any portions of the subject property currently in the City's extraterritorial jurisdiction that it is annexed by the City before 04/06/2026 and the ordinance shall become effective as to such portions as on 04/06/2026, with the addition to the development standards contained in the ordinance by adding a new Subpart C to Section 5.7.3 to read the City Council approval shall require for any single family residential development within the NMUR Overlay District pursuant to the same process described in section 3.2.1. Motion was accepted by Travis Smith as read, seconded by Chris Wright, and carried 3-2 with Billie Wallace and Patrick Souter voting in opposition.

7. Consider Development Agreement for ZDC-232-2024

Mr. Welch provided the following proposed motion.

Action:

I move to approve the development agreement with the following additions: Throughout the document, there are references to interest being paid on a monthly period, we're changing to a 30 day period so there's no ambiguity about a monthly payment and it should read then the interest is as follows: "Interest shall accrue at a rate equal to the applicable term Secured Overnight Financing Rate (for a one month tenor) as published by the CME Group, plus three hundred (300) basis points per annum, or the rate authorized by the Texas Prompt Payment Act, Texas Government Code, chapter 2251, whichever is less."

Revision to the Waxahachie Creek Bridge provision is as follows: Found in 4.6 (a) (2) of the development agreement called "Waxahachie Creek Bridge," to read as follows:

*"The Developer shall be responsible for the construction of a 4-lane Bridge on Brookside Rd. over Waxahachie Creek ("Bridge") as reflected in **Exhibit F-7B** no later than one hundred twenty*

(120) days after the 1500th building permit for the Project is issued by the City. The Bridge may include the incorporation of the existing bridge, or features thereof, into the Bridge, or the construction of one or more new Bridge structures, subject to the approval of the City Engineer.

i. *Prior to commencing the design for the existing bridge's expansion, the Developer shall prepare and submit to the City an opinion of probable cost estimate ("OPC") for any of the proposed Bridge improvements.*

ii. *As of the date of execution of this Agreement, the parties agree and acknowledge that the following options for the Bridge include, but are not limited to: (1) if the District or Developer's engineer after consultation with the City's engineer, deems the existing bridge may be expanded and incorporated into a 4-lane Bridge at its current location, but the City requires the complete demolition of the existing bridge and the construction of a replacement Bridge, the City shall be responsible for the cost of the demolition of the existing bridge and the construction of said replacement Bridge, provided that the Developer shall be responsible for the construction of two (2) lanes of the Bridge; (2) in the event the existing bridge cannot be incorporated into the Bridge, after an analysis is completed by the District or Developer's engineer and consultation with the City, but the City requires an elevated Bridge be constructed in lieu of expanding the existing bridge at its current elevation, the City shall be responsible for paying the Developer the difference in cost between constructing the Bridge at grade and elevating the Bridge, as determined by an OPC prepared by the District or Developer's engineer for each option, and further, in such event, the City shall not be responsible for any demolition costs for the existing bridge; or (3) in the event that the existing bridge cannot be incorporated into the Bridge and a replacement Bridge at the current elevation cannot be designed and/or permitted after an analysis is completed by the Developer or District's engineer and consultation with the City, then the Developer shall be responsible for all demolition, design and construction costs for the Bridge, and the City shall have no financial obligations or responsibility related thereto. Should any other option be proposed by the Developer or the City, the Developer and the City agree to mutually cooperate to determine the feasibility, costs and financial obligations of the parties.*

iii. *Any OPC submitted by the Developer shall be subject to approval by the City Engineer."*

Section 4.6 (e) (1) shall be revised to read: "All costs associated with offsite roadway facilities as defined in Chapter 395 of the Texas Local Government Code, as amended, shall be eligible for impact free credits or reimbursement through MMD bonds."

Section 4.7 (a) shall read: "Water, sewer and roadway impact fees for the project shall be assessed and collected at the time of the issuance of a building permit for each lot within the property."

Section 4.7 (b) shall read: "Developer shall be eligible for water, sewer and roadway impact fee credits for reimbursement of impact fees paid for the projects set forth in Exhibit P. The City agrees that any impact fee credits generated by any offsite roadway improvements shown on Exhibit F-6-, Exhibit F-7A and Exhibit F-7B shall be used to offset any roadway impact fees due by Developer pursuant to Section 395.023 of the Texas Local Government Code, provided that such impact fees are generated by the Property."

Section 10.3, Subpart F: "Pursuant to Section 395.023 of the Texas Local Government Code, Developer shall be entitled to impact fee credits against eligible offsite roadway impact fees for capital improvement costs incurred in connection with major thoroughfare, minor collector, major collector, arterial, or offsite roadways and improvements as defined in Chapter 395 of the Texas Local Government Code shown on the City's Master Thoroughfare Plan (or comparable planning document) regardless of whether the particular collector or interior roadway is designated on the City's roadway CIP."

Exhibit P, under the four bullet points, the last bullet point should be amended to read: "Any contribution payments to future offsite roadway construction pursuant to this agreement shall be eligible for impact fee credits pursuant to Section 395.023, the Texas Local Government Code for use against roadway impact fees generated on the Property."

Motion was accepted by Travis Smith and seconded by Tres Atkins.

The applicant raised concerns regarding proposed revisions to the impact fee credit language in the development agreement, specifically changes that limited credits to off-site roadway improvements. The applicant stated that this limitation was unacceptable and emphasized that the developer should not be required to both construct roadway improvements and pay impact fees for the same facilities.

The applicant requested confirmation that impact fee credits and reimbursements would continue to apply to both on-site and off-site roadway improvements identified in the City's Capital Improvement Plan and impact fee ordinance, consistent with state law. City staff and legal counsel confirmed that eligible roadway improvements would continue to qualify for impact fee credits or reimbursement, and clarified that reimbursement through a Municipal Management District would follow a separate process.

Council discussion acknowledged differing interpretations of the draft language. It was agreed that staff and the applicant would work collaboratively to finalize the impact fee credit provisions consistent with the framework discussed and the language read into the record. The Council further agreed that if consensus could not be reached, the matter would be returned to the Council for final determination.

The motion carried 3-2 with Billie Wallace and Patrick Souter voting in opposition.

- 8. Consider a request by Presbyterian Children's Homes and Services & Walton Texas LP for an annexation agreement for approximately 206.72+/- acres situated off of Brookside Road in the Elijah Bellow Survey, Abstract Number 10, Ellis County, Texas (ANX-DNX-164-2025)**

Action:

Travis Smith moved to approve Annexation Agreements with Presbyterian Children's Homes and Services and Walton Texas LP for the annexation of approximately 206.72 acres. Motion was seconded by Chris Wright and carried 3-2, with Billie Wallace and Patrick Souter voting in opposition.

- 9. Convene into Executive Session to deliberate economic development incentives, as permitted by Texas Government Code Section 551.087; to deliberate the purchase, exchange, lease, or value of real property for municipal purposes, as permitted by Texas Government Code Section 551.072; to deliberate personnel matters, including the appointment, evaluation, duties or dismissal of any member of a City board or commission, as permitted by Texas Government Code Section 551.074; to consult with City Attorney regarding legal issues associated with City Code and Charter provisions and consultation with City Attorney regarding pending and anticipated litigation, as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto**

Mayor Wallace announced the City Council would not convene into Executive Session.

- 10. Reconvene and take any necessary action**

No action taken.

- 11. Comments by Mayor, City Council, City Attorney and City Management**

Deputy City Manager Albert Lawrence emphasized that City staff and the City Council devoted significant time and effort to the work being discussed and suggested that this level of effort may not be fully understood.

Council Member Travis Smith praised City staff for their hard work and dedication throughout the project, acknowledging the long hours and challenges involved. He expressed gratitude for staff efforts, including recent emergency work to clear roads and repair water mains during the recent ice storm, and emphasized that this work is noticed and appreciated.

Council Member Tres Atkins agreed with Councilman Smith and expressed gratitude for City staff, highlighting their dedication during the Main Street water main break recently. He recalled seeing workers out early in freezing conditions, standing in cold water and working nonstop, and said that level of commitment is something you can't teach or buy. He thanked staff for their hard work and for consistently going above and beyond for the City.

City Manager Ricky Boyd said he agreed with Mayor Pro Tem Souter, noting that the Minto project issues have been known for months. He emphasized that only one issue remains, a framework is already in place, and urged finalizing the language and moving it forward.

Council Member Chris Wright thanked those who spoke during public comment and those in attendance. He expressed appreciation for staff and the City Attorney for their extensive work and ongoing revisions, said he was not surprised by the outcome given the process and deadlines, and acknowledged the differing opinions among Council members. He emphasized that disagreement is part of the democratic process, accountability comes through elections, and that everyone involved invested significant time, effort, and care into the discussions.

Mayor Pro Tem Patrick Souter thanked staff for their extensive work on the Minto project, highlighting the constant revisions and the dedication of City crews and first responders, including those who worked in harsh conditions during the water main break. He also thanked community members for their continued participation throughout the process. Mayor Pro Tem Souter emphasized that his concern was not with the project itself, but with approving items before all details were fully resolved. He said he was uncomfortable finalizing significant issues on the fly, stressed the need for having everything settled in advance, and warned that unresolved matters could lead to problems later.

Mayor Billie Wallace thanked all City departments and employees for their work during the ice storm, noting the long hours and dedication of staff, including those working remotely while the city was shut down. She highlighted the swift response to water and sewer issues to ensure services were restored and praised the communications team for keeping the public informed. Mayor Wallace also expressed relief that the Minto project is now complete and emphasized that disagreement among Council members is healthy. She concluded by thanking everyone who attended or watched the meeting, expressing appreciation for their input regardless of their position.

12. Adjourn

There being no further business, the meeting adjourned at 10:40 p.m.

Respectfully submitted,
Amber Villarreal, City Secretary