



Hutchins City Hall  
321 N. Main Street  
Hutchins, TX 75141  
[www.cityofhutchins.org](http://www.cityofhutchins.org)

## MINUTES

**CITY OF HUTCHINS  
NOTICE OF CITY COUNCIL MEETING  
Monday, July 17, 2023 – 5:00 PM  
Hutchins City Hall – Council Chamber  
321 N. Main St.  
Hutchins, TX 75141**

A meeting of the Hutchins City Council was held on Monday, July 17, 2023, at 5:00 p.m. at Hutchins City Hall – Council Chamber, 321 N. Main St., Hutchins, Texas, at which time the following items were discussed and considered:

### **WORK SESSION - 5:00 p.m.**

Mayor Pro Tem Nichols opened the Work Session at 5:05 p.m. with the following members present: Mayor Pro Tem Nichols, Councilmember Odom, Councilmember Campbell, Councilmember Elmore, and Councilmember Didehbani. Mayor Vaquez arrived at 5:07 pm.

**A. Animal Shelter Update - Seagoville-SPCA  
Presented by: Steve Perry, Police Chief**

Victoria Cowper, SPCA of Texas, provided an update on the animal services provided by the SPCA in Dallas and Ellis counties, the best practices followed by the SPCA, and the problem with the continuing increase in the animal population in all counties.

Ms. Cowper discussed a proposed project, like the Tri-City Shelters, between the City of Hutchins and neighboring municipalities and the SPCA. The SPCA and the city would negotiate a contract to include the city's financial responsibility including providing a facility, expenses, maintenance and upkeep, utilities, the maximum cost to the city per animal, and staffing. Shelter staff would be employees of the SPCA. Other items of discussion included euthanasia protocols including SPCA's protocols prohibiting euthanasia for the sake of time or space, SPCA's adoption program, terms of the contract, SPCA logos displayed on the building, and the name of an architectural firm experienced in building smaller shelters. Ms. Cowper stated Ellis County pays a flat rate of \$7,900 per month.

The council directed staff to prepare a cost study comparison for city costs versus a joint partnership and city-managed shelter costs including the price of land compared to SPCA-managed costs.

**B. Budget Work Session#1  
Presented by: William Wooten, Finance Director**

Finance Director William Wooten presented the FY2023-2024 proposed budget, budget timeline, key dates, and required notices and postings. Mr. Wooten provided a summary of the estimated tax rate, estimated ad valorem revenues, capital improvement projects updates,

and proposed projects and capital budget priorities.

Mr. Jim Sabonis, Hilltop Securities, provided an update on the city's financial status, bond rating, existing debt and projected debt funding, and debt capacity.

The council discussed priorities for capital projects including street projects, GIS project, an overview of the rebranding project. City Administrator Quin suggested the council review the report provided and bring the item back for discussion.

## **REGULAR SESSION**

**A. CALL TO ORDER:** Mayor Vasquez called the meeting to order at 6:33 p.m.

- 1. Roll Call:** Members present – Mayor Vasquez, Councilmember Elmore, Councilmember Campbell, Councilmember Odom, and Councilmember Didehbani.
- 2. Invocation:** The invocation was presented by Pastor Richardson.
- 3. Pledge of Allegiance:** Councilmember Didehbani led the Pledge of Allegiance

**B. CITIZEN COMMENTS**

Tod Davis, 312 N. Denton, thanked council members and the police chief and commented about a council member who spoke to his wife.

David Coleman, 111 Willow Grove, spoke against Code Enforcement Officer, smart meters, and an unnecessary bridge at the railroad crossing.

**C. CONSENT AGENDA**

**D. PRESENTATIONS**

**E. PUBLIC HEARINGS**

- 1. Conduct a public hearing to discuss a request by Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources LLC) for a zone change from Highway Commercial (HC) to Heavy Industrial (HI) in the U Wuthrick Abstract 1518 pg 030 Tract 1, a 184.14 tract of land commonly addressed as 1001 S IH 20.**

**Presented by: Tim Rawlings, Building Official**

Building Official Tim Rawlings presented the item and informed the council that all SUP's in the area have been closed. The council was informed of their options to approve the request as submitted; approve only concrete or approve only asphalt. The council discussed their concerns with previous issues with mud in the tracks.

Jim Luttrell representing the owners addressed the concerns, right of way access, and road maintenance.

Mayor Vasquez opened the public hearing at 6:47 p.m. Councilmember Didehbani asked about the number of acres, designated wells, and flood plain.

Mayor Vasquez closed the public hearing at 6:51 p.m.

- 2. Conduct a public hearing to discuss a request by Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources for a**

**SUP request for a “Concrete or Asphalt Batching Plant (Permanent)” in the Heavy Industrial District (HC) in the U Wuthrick Abstract 1518 pg 030 Tract 1, 184.14 tract of land commonly addressed as 1001 S IH 20  
Presented by: Tim Rawlings, Building Official**

Building Official Tim Rawlings presented the item.

Mayor Vasquez opened the public hearing at 6:54 p.m.

Sanda Moody, 110 Odell, spoke regarding concerns with pollution and asphalt odor.

Jim Luttrell, representing owners, spoke in favor of the project emphasizing the project would generate revenue by contributing to ad valorem and sales tax. He also explained the required protection screens, operation oversight by Texas Commission on Environmental Quality, and current operation requires state audit and review.

Mayor Vasquez closed the public hearing at 7:01 p.m.

3. **Conduct a public hearing to discuss a request by John Richardson with Zion Chapel Church/Zion Kidz Academy for a Specific Use Permit (SUP) for a "Child Care Center/ Day Care Center" in the Single Family Residential 8,500 (SF-8.5) District, Lot 6B Block 6, 0.5062 tract of land commonly addressed as 122 Franklin St.  
Presented by: Tim Rawlings, Building Official**

Building Official Tim Rawlings presented the item including an additional site plan for a proposed addition to the site and requirements for a fire protection sprinkler system.

John Richardson, the applicant, presented a summary of the use of the building to be used as a church with daycare. The childcare facility will be a state-operated program and the number of children served will be set by the State. Mr. Richardson shared his findings regarding capacity and the requirements for a fire sprinkler system, the State's requirements, and the proposed plans for the expansion of the facility. Mr. Richardson would like to begin operating as a church offering summer programs and a feeding site and come back with the request for a childcare facility.

Mayor Vasquez opened the public hearing at 7:17 p.m.

Margaret Davis, 112 N. Denton, spoke in favor of the request but voiced her concerns regarding traffic on Franklins St. onto Lancaster-Hutchins Road.

Mayor Vasquez closed the public hearing at 7:20 p.m.

**F. REGULAR AGENDA**

1. **Discuss and consider Ordinance 2023-1172 OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS; APPROVING A CHANGE IN ZONING FROM HIGHWAY COMMERCIAL (HC) TO HEAVY INDUSTRIAL (HI) ON ±184.14 ACRE TRACT OF LAND SITUATED IN THE U. WUTHRICK SURVEY, ABSTRACT NO. 1518, LOCATED NORTH OF I-45 ADDRESSED AS 1001 S. IH20 CITY OF HUTCHINS, DALLAS COUNTY, TEXAS.  
Presented by: Tim Rawlings, Building Official**

Mayor Pro Tem Nichols made the motion seconded by Councilmember Didehbani to approve Ordinance 2023-1172. All in favor, the motion carried unanimously 5-0.

2. **Discuss and consider Ordinance 2023-1173 OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT (“SUP”) TO ALLOW A CONCRETE BATCHING PLANT (PERMANENT) ON LAND ZONED HEAVY INDUSTRIAL (“HI”), CONSISTING OF ±184.14 ACRES OF LAND, SITUATED IN THE U. WUTHRICK SURVEY, ABSTRACT NO. 1518, LOCATED AT 1001 S. IH20, CITY OF HUTCHINS, DALLAS COUNTY, TEXAS**

**Presented by: Tim Rawlings, Building Official**

City Attorney Courtney Morris advised the council that the City’s Zoning District Ordinance states that a Specific Use Permit is a zoning change, and you cannot put a time limit on it because it is tied to the land. If and when there is a change in ownership, the council can review the zoning and remove the specific use permit. Council can include conditions, but not time limits.

Mayor Pro Tem Nichols made the motion seconded by Councilmember Elmore to approve Ordinance 2023-1173. All in favor, the motion carried unanimously 5-0.

3. **Discuss and consider Ordinance 2023-1174 THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT (“SUP”) TO ALLOW A CHILD CARE CENTER/DAYCARE FACILITY ON LAND ZONED SINGLE FAMILY RESIDENTIAL 8.5 (“SF-8.5”) CONSISTING OF ±0.51 ACRES OF LAND, LOCATED IN SUBDIVISION 8, DIVISION NO. 6, OF HUTCHINS ACREAGE ADDITION, AN UNRECORDED SUBDIVISION SITUATED IN THE J. WAMPLER SURVEY, ABSTRACT NO. 1538, DALLAS COUNTY, TEXAS, COMMONLY ADDRESSED AS 122 FRANKLIN ST.**

**Presented by: Tim Rawlings, Building Official**

Councilmember Didehbani made the motion seconded by Mayor Pro Tem Nichols to approve Ordinance 2023-1174. All in favor, the motion carried unanimously 5-0.

4. **Discuss and consider Resolution R2023-1122 OF THE CITY OF HUTCHINS, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HUTCHINS FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Presented by: Cynthia Olguin, City Secretary**

Councilmember Odom made the motion seconded by Mayor Pro Tem Nichols to approve Resolution R2023-1122. All in favor, the motion carried unanimously 5-0.

5. **Discuss and consider Resolution R2023-1123 OF THE CITY OF HUTCHINS, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE ASSOCIATE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HUTCHINS FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Presented by: Cynthia Olguin, City Secretary**

Mayor Pro Tem Nichols made the motion seconded by Councilmember Campbell to

approve Resolution R2023-1123. All in favor, the motion carried unanimously 5-0.

**6. Presentation regarding the work and happenings of the Hutchins Municipal Court of Record.**

**Presented by: Cass Calloway**

Municipal Court Judge Cass Calloway provided a summary of the activity and accomplishments of the municipal court in the past year and answered questions.

**8. Discuss and consider Resolution R2023-1124 OF THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS, AUTHORIZING THE MAYOR TO ADVISE THE DALLAS DISTRICT OF THE TEXAS DEPARTMENT OF TRANSPORTATION OF THE CITY'S DECISION TO EITHER PURCHASE OR WAIVE ITS PRIORITY RIGHT TO PURCHASE THE STATE-OWNED PROPERTY LOCATED AT IH 45 AND EAST PALESTINE STREET, HUTCHINS, DALLAS COUNTY, TEXAS, CONSISTING OF ±0.1262 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Presented by: Robert McWayne, Interim Director of Public Works**

Mayor Vasquez asked for a change in the order of presentation of items.

Interim Director of Public Works Robert McWayne presented the item and presented a street view of the location.

Mayor Pro Tem Nichols made the motions seconded by Councilmember Elmore to decline and waive the right to purchase state-owned property. All in favor, the motion carried unanimously 5-0.

**7. Discuss and consider Timberhill Impact Fee Challenge.**

**Presented by: Robert McWayne, Interim Director of Public Works**

Interim Director of Public Works Robert McWayne presented the item. Timber Hill development previously paid roadway impact fees totaling \$1,334,189.78 based on the City of Hutchins's current ordinance utilizing total acreage to calculate the fee. The property owner represented by Kimley-Horn is appealing the fee and feels that they should only be charged for usable acreage, not total acreage, and feels that they should be refunded approximately \$506,282.

Councilmember Elmore requested Mayor Vasquez move into Executive Session.

**G. EXECUTIVE SESSION**

Mayor Vasquez convened the council into Executive Session at 7:58 p.m. in accordance with Section 551.071 of the Texas Government Code, to seek legal advice from the city attorney on any agenda item; and in accordance with Texas Government Code, Section 551.074: Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Municipal Court Judge and Associate Municipal Court Judge; and in accordance with Texas Government Code Section 551.072 Deliberation regarding Real Property: Discuss property located at 400 N. JJ Lemmon Rd.

**H. RECONVENE INTO REGULAR SESSION**

**1. Take any action as a result of the Executive Session.**

The council reconvened into Regular Session at 8:37 p.m.

Agenda Item F.7. Discuss and consider Timberhill Impact Fee Challenge.

Representatives with Kimley-Horn presented their request and the challenges with jurisdictional wetlands that would need to be submitted to the Army Corp of Engineers that could be denied or may not be feasible for the development. The representatives did confirm that they were aware of the impact fees at the time of permitting, but they were under the impression that the fees were based on usable space. They were informed by city staff that a certificate of occupancy would not be issued until the impact fees were paid. The fees were paid knowing there would be a future discussion and a request would be made for a refund of the fees.

Mayor Pro Tem Nichols made the motion seconded by Councilmember Elmore to decline Timberhill Impact Fee Challenge, Resolution R2023-1123. All in favor, the motion carried unanimously 5-0.

Agenda Item G.1. Municipal Court Judge and Associate Municipal Court Judge

Mayor Pro Tem Nichols made the motion seconded by Councilmember Didehbani to set the Municipal Court Judge's salary at \$2500 a month for magistrate duties and \$300 per court proceeding, and \$175 hourly rate for the Associate Judge. All in favor, the motion carried 5-0.

Agenda Item G.2. Discuss the property located at 400 N. JJ Lemmon Rd.

No action taken.

**I. ITEMS OF COMMUNITY INTEREST**

City Secretary Olguin announced the items of community interest.

**J. ADJOURNMENT**

Councilmember Elmore made the motion seconded by Councilmember Campbell to adjourn the meeting at 8:58 p.m. All in favor, the motion carried 5-0.

**PASSED AND APPROVED BY THE HUTCHINS CITY COUNCIL AT A REGULAR MEETING HELD ON 7TH DAY OF AUGUST 2023.**

APPROVED:

  
Mario Vasquez, Mayor

ATTEST:

  
Cynthia Olguin, City Secretary

