

City Council
April 15, 2024

A regular 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 Monday, April 15, 2024 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order and announced the Texas Rangers' Day proclamation would be moved up on the agenda.

7. Present Proclamation recognizing April 15, 2024 as "Texas Rangers' Day" in Waxahachie

Mayor Hill presented a Proclamation recognizing April 15, 2024 as "Texas Rangers' Day" in Waxahachie and expressed appreciation to the Texas Rangers' organization for allowing Waxahachie to be a destination on the trophy tour.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Vanessa Voldan, 301 Cynisca, Waxahachie, Texas, requested assistance from the City to provide low cost spay and neutering services for animals, look for grant/fundraising opportunities, and an improved animal shelter.

Alan Fox, 327 University, Waxahachie, Texas, acknowledged those with the foresight to build Railyard Park noting it is has proven to be beneficial and enjoyed by citizens.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 1, 2024
- b. Minutes of the City Council Work Session of April 11, 2024
- c. Event application for Fun Food Drive to be held at Getzendaner Park Pavilion on April 28, 2024

- d. Event application for outdoor concert at Railyard Park on May 15, May 22, and May 29, 2024
- e. Event application for Police Memorial at Pocket Park on May 15, 2024
- f. Event application for Crape Myrtle Festival and Parade on July 3-4, 2024
- g. Event application for 1st Annual Back to School Health Fair at Lee Penn Park on August 10, 2024
- h. Proposed Ordinance approving a request by Gregory Boston, for a Petition for ETJ Release for approximately 10.23 acres, located south of 141 Mustang Road (Property ID 180992) – Owner: Gregory Boston (ETJ-PTN-43-2024)
- i. Proposed Ordinance approving a request by William D. Collard Jr., for a Petition for ETJ Release for approximately 11.668 acres, located at 3230 S US Highway 77 (Property ID 223318) – Owner: William D. Collard Jr. (ETJ-PTN-44-2024)
- j. Proposed Ordinance approving a request by Robert Shierk & Sandra Shierk, for a Petition for ETJ Release for approximately 9.282 acres, located at 1022 W. Woodridge Rd. (Property ID 154525 & 154516) Owner: Robert D. Shierk & Sandra Shierk (ETJ-PTN-50-2024)
- k. Proposed Ordinance approving a request by David McDill, for a Petition for ETJ Release for approximately 6.378 acres, located at 1643 Gibson Rd. (Property ID 219173) – Owner: Miriam Hernandez & Jaime Andrade (ETJ-PTN-52-2024)
- l. Film Production/Street Closure for News Nation Project
- m. Award of a contract for City janitorial services

ORDINANCE NO. 3472

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.23ACRE TRACT OF LAND, LOCATED SOUTH OF 141 MUSTANG ROAD, KNOWN AS PROPERTY ID 180992, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3473

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 11.668 ACRE TRACT OF LAND, LOCATED AT 3230 S US HIGHWAY 77, KNOWN AS PROPERTY ID 223318, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3474

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 9.282 ACRE TRACT OF LAND, LOCATED AT 1022 W. WOODRIDGE RD., KNOWN AS PROPERTY ID

154525 & 154516, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3475

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 6.38 ACRE TRACT OF LAND, LOCATED AT 1643 GIBSON RD., KNOWN AS PROPERTY ID 219173, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

6. Introduce Honorary Councilmember

Council Member Patrick Souter introduced David Smith as the Honorary Councilmember for April and presented him with a Certificate of Appreciation. David Smith composes original cowboy poems and recites them throughout Texas and New Mexico. He performs at cowboy gatherings, schools, nursing homes, clubs, churches, and at the Fort Worth Stockyards Rodeo, wherever the love of the cowboy way of life thrives. He writes of cattle drives, cowboy characters and life in the rugged West. Mr. Smith has published three books and one CD of cowboy poetry and is a proud member of the International Western Music Association. He was commissioned to create and perform three poems for Ellis County Historical Marker dedication commemorating the Shawnee Cattle Trails, the Cotton Industry, and the City of Old Bardwell. David has placed three times in Sims Library's Irene Emerson Poetry Writing Contest. He was inducted into the WHS Ex-Student's Association Fine Arts Hall of Fame in 2020.

Besides writing and performing cowboy poetry, David teaches and encourages new generations of Waxahachie ISD 4th and 7th grade poets to write their own poetry for the youth poetry competition. He teaches Sunday school regularly at the First United Methodist Church and served as Docent for the Dallas Museum of Art for 15 years.

Retired from the flooring business he owned with his father for 42 years, David and his high school sweetheart wife, Pat, have two children, and three grandchildren. They reside in Waxahachie where he and Pat have organized three Waxahachie Cowboy Gatherings.

8. Public Hearing on a request by Ido Pistiner, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development Single-Family Dwelling-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-190-2023)

The Item was presented by Senior Director of Planning Jennifer Pruitt. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 99 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of eighteen (18) letters in opposition have been received by staff, with six (6) letters being inside the 200' buffer and the remainder outside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The Planning and Zoning Commission recommended denial by a 6-0 vote at the April 9th meeting.

Mayor Hill opened the Public Hearing at approximately 7:22 p.m.

Dafnee Orduz, Property Manager, Austin, Texas, introduced herself and explained the property doesn't allow parties and the emergency contact for the property is available 24/7 for questions and complaints. She acknowledged the importance to keep the community safe and happy.

City Council asked when the property began/ended operating as a short-term rental, if the property paid hotel/motel taxes while operating, if the owner is aware of the neighborhood opposition.

Ms. Orduz explained the property began operating in October 2023 and ceased in January 2024 once the owner was aware of the required permit to operate. Ms. Orduz stated she paid hotel/motel tax to the city for the few bookings in 2023.

Those who spoke in opposition:

Joianessa Smith, Garden Valley HOA President, and on behalf of the HOA Board, 420 Mulberry Lane, Waxahachie, Texas

There being no others to speak for or against ZDC-190-2023, Mayor Hill closed the Public Hearing at approximately 7:36 p.m.

9. Consider proposed Ordinance approving ZDC-190-2023

Action:

Patrick Souter moved to deny the ordinance for ZDC-190-2023, a Specific Use Permit (SUP) for a Short-Term Rental use. Motion was seconded by Chris Wright and carried unanimously (5-0).

10. Public Hearing on a request by Brad Yates, for a Replat of Lot 4, Block 1 of the Nora Alexander's Subdivision, to create Lots 4A and 4B, Block 1 of the Nora Alexander's Subdivision, 2 residential lots, being 0.2695 acres, located at 500 Farley Street (Property ID: 172064) – Owner: Loren Gray Investments LLC (SUB-29-2024)

The Item was presented by Ms. Pruitt and owner Brad Yates requested approval.

Mayor Hill opened the Public Hearing at approximately 7:38 p.m.

There being no others to speak for or against ZDC-29-2024, Mayor Hill closed the Public Hearing at approximately 7:39 p.m.

11. Consider approval of SUB-29-2024

Action:

Billie Wallace moved to approve SUB-29-2024, a Replat of the Nora Alexander's Subdivision, subject to the conditions the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

12. Public Hearing on a request by Joseph Flournoy, Energy Renovation Center, for a Replat of a portion of Lot C, Block 232 of the Original Town of Waxahachie, to create Lots C1 & C2, Block 232 of the Original Town of Waxahachie, 2 residential lots, being 0.418 acres, located at 103 Elder Street (Property ID 171557) – Owner: Energy Renovation Center Inc. (SUB-49-2024)

The Item was presented by Ms. Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:41 p.m.

There being no others to speak for or against SUB-49-2024, Mayor Hill closed the Public Hearing at approximately 7:41 p.m.

13. Consider approval of SUB-49-2024

Action:

Billie Wallace moved to approve SUB-49-2024, a Replat of a portion of Lot C, Block 232 of the Original Town of Waxahachie, subject to the conditions the staff report. Motion was seconded by Chris Wright and carried unanimously (5-0).

14. Public Hearing on a request by Leslie Ford, Ofi Chito, for a Specific Use Permit (SUP) for a Drive-Thru use within a Light Industrial-1 (LI-1) zoning district located directly east of 150 West Butcher Road (Property ID 284633) - Owner: Crux Jefferson, LLC (ZDC-21-2024)

The Item was presented by Ms. Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:43 p.m.

Alan Fox, 327 University, Waxahachie, Texas, expressed concerns for additional traffic on Butcher Road and asked if there is a plan to expand the road.

Staff explained there will be no direct access to Highway 77 and construction on Butcher Road, near I35, may improve traffic.

There being no others to speak for or against ZDC-21-2024, Mayor Hill closed the Public Hearing at approximately 7:47 p.m.

15. Consider proposed Ordinance approving ZDC-21-2024

ORDINANCE NO. 3476

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (MCDONALD'S) USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED DIRECTLY EAST OF 150 W BUTCHER ROAD, BEING PROPERTY ID 284633, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE TEDDO CROSSING PHASE ONE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the ordinance for ZDC-21-2024, a Specific Use Permit (SUP) for a Drive Through Establishment, subject to the conditions of the staff report, and authorize the City Manager and or Mayor to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

16. Consider Development Agreement for ZDC-21-2024

Action:

Billie Wallace moved to approve the Development Agreement for ZDC-21-2024. Motion was seconded by Travis Smith and carried unanimously (5-0).

17. Consider a construction contract for the emergency construction of water main casing and water main on FM664 Project

The Item was presented by Senior Director of Utilities Kumar Gali.

Action:

Billie Wallace moved to approve the construction contract for the emergency construction of water main casing and water main on the FM664 Project to Circle H Contractors L.P. in the amount of \$797,537, with an additional construction contingency in the amount of \$40,463, and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

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

Council Member Billie Wallace expressed thanks to employees for their work on city events.

City Manager Michael Scott expressed thanks to the joint effort by staff for the solar eclipse. Mr. Scott congratulated City Engineer Macey Martinez for completing the Boston Marathon in 3 hours and 35 minutes.

Mayor Pro Tem Chris Wright confirmed the proposed McDonald's on Butcher Road will not have direct access to Highway 77.

Council Member Patrick Souter thanked Pat and David Smith for organizing a successful Cowboy Poet event this past weekend and thanked staff for all their work. Mr. Souter explained he has reviewed legal cases regarding panhandling and stated he has never opposed efforts to legally address panhandling.

Mayor David Hill recognized the successful solar eclipse event and expressed appreciation for City staff's efforts.

19. Adjourn

There being no further business, the meeting adjourned at 8:01 p.m.

Respectfully submitted,

Amber Villarreal, City Secretary