

City Council
May 6, 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, May 6, 2024 at 7:00 p.m.

Council Members Present: 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

Council Member Absent: David Hill, Mayor, Council Member Place 1

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

1. Call to Order

Mayor Pro Tem Chris Wright called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation. Council Member Billie Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Michael McPheeters, 1906 Caddo Street, requested the City assist him with receiving full payment for his work on the mural at the Parks Building.

Susan Stone, 601 Royal Street, Waxahachie, Texas, introduced Emma Perkins, who read her essay on “Why does having so many well-preserved historic properties make Waxahachie a better place to live?”

Keith Williams, 109 Willowcrest, Waxahachie, Texas, requested the City’s assistance to remove debris near his property at Lake Waxahachie.

Karen Jenkins, 2710 Old Italy Road, Waxahachie, Texas, requested the City’s assistance to remove debris near her property at Lake Waxahachie.

Patsy Major, 103 Willowcrest, Waxahachie, Texas, requested the City’s assistance to remove debris near her property at Lake Waxahachie.

Jeff Evans, 121 McClain Street, Waxahachie, Texas, asked why ZDC-58-2024 requested to continue the Public Hearing and asked for an agreeable date for concerned residents to attend the Public Hearing.

Kelly Cruzan, applicant for ZDC-58-2024, announced the request to continue the Public Hearing was to allow for an improvement to the proposed home size and to allow all of City Council to hear the case.

Becky Kauffman, 817 W. Main, Waxahachie, Texas, spoke in opposition to ZDC-32-2024.

Steven Lizarraga, 420 W. Franklin, spoke in opposition to ZDC-58-2024.

Brenda Mavridis, 5 Sargent Place, Waxahachie, Texas, spoke in opposition to ZDC-32-2024.

Ann Montgomery, 109 S. Jackson, Waxahachie, Texas, spoke in opposition to ZDC-32-2024.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 15, 2024
- b. Event application for Junk in the Trunk to be held May 11, September 21, and November 9, 2024 in Downtown Waxahachie
- c. Event application for Dripstar Day to be held May 18, 2024 at Lee Penn Park
- d. Event application for King George's Birthday Bash to be held May 18, 2024 at Railyard Park
- e. Event application for Barbie Movie Night to be held June 1, 2024 at Railyard Park
- f. Event application for Summer Soul Affair to be held July 6, 2024 at Railyard Park
- g. Event application for Neon Disco Night to be held July 20, 2024 at Railyard Park
- h. Event application for Taylor Swift Concert Experience to be held August 3, 2024 at Railyard Park
- i. Event application for Service to America Blood Drive to be held October 12, 2024 at Pocket Park
- j. Budget amendment for insurance reimbursement for repaired police vehicles
- k. Sports Facilities Advisory, LLC Service Agreement and supplemental appropriation from the General Fund balance reserves

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 (4-0).

6. Introduce Honorary Councilmember

Council Member Billie Wallace introduced Emma Perkins as the Honorary Councilmember for May. Emma Perkins is a senior at Waxahachie High School, where she is currently ranked 8th in her class of 600+ students. She serves as president of Interact Club, a local chapter of The Rotary Club, student body secretary for Student Council, and vice president for her local chapter of National Honor Society. Emma Perkins is the Editor-in-Chief for Waxahachie High School's yearbook. She has served as an editor for 2 years. Emma Perkins is a 4-year Varsity Swimmer, where she served as captain for 2 years and has helped in 3 relay school records.

Emma will graduate this May from Waxahachie High School with a certification as a Pharmacy Technician. She will attend Texas A&M University in the fall of 2024 and major in Public Health, where she hopes to eventually become a Physician Assistant and specialize in Pediatrics. In College Station, Emma hopes to find a community of people who have a heart for Jesus and continue her journey of faith. In addition to schooling, Emma volunteers with her local church to teach children during Sunday School. Emma Perkins thanks God for blessing her with family and friends who love and support her.

7. Present Proclamation recognizing May as “Building Safety Month”

Mayor Pro Tem Wright read a proclamation recognizing May as “Building Safety Month.”

8. Present Proclamation recognizing May 5-11, 2024 as “Professional Municipal Clerks Week”

Mayor Pro Tem Wright read a proclamation recognizing May 5-11, 2024 as “Professional Municipal Clerks Week.”

9. Continue Public Hearing on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) - Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022)

Mayor Pro Tem Wright announced the applicant requested to continue the case to the May 20, 2024 City Council meeting.

Action:

Billie Wallace moved to continue the Public Hearing for ZDC-128-2022 to the May 20, 2024 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (4-0).

10. Consider proposed Ordinance approving ZDC-128-2022

No action taken.

11. Public Hearing on a request by Melissa McClain, Equity Trust Company, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024)

Mayor Pro Tem Wright announced the applicant requested to continue the case to the May 20, 2024 City Council meeting.

Action:

Billie Wallace moved to continue the Public Hearing for ZDC-35-2024 to the May 20, 2024 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (4-0).

12. Consider proposed Ordinance approving ZDC-35-2024

No action taken.

13. Public Hearing on a request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024)

Mayor Pro Tem Wright announced the applicant requested to continue the case to the May 20, 2024 City Council meeting.

Greg Nehib, owner, explained the request to continue the Public Hearing is to allow time to explore a different zoning approach.

Council Member Travis Smith requested to hear the case for consideration.

Mayor Pro Tem Wright opened the Public Hearing at approximately 7:47 p.m.

Mr. Nehib presented the case noting all Planned Development requirements have been met and requested approval.

Council Member Smith noted he is not supportive of changing the single-family home to commercial and confirmed Mr. Nehib knew the zoning of the property when it was purchased. He explained the consideration is for approval/denial of the zoning change from a single-family home to a commercial use, and not an approval/denial of the bakery.

Council Member Patrick Souter and Council Member Billie Wallace expressed their concern with a possible restaurant use if the bakery moves from the location.

Ms. Pruitt presented the Item and noted letters of opposition within the 200' notification buffer is greater than 20% of properties within the buffer by land area and does trigger a requirement for a super-majority vote by City Council in order to approve the request, which equates to four (4) of the five (5) members.

Those who spoke in opposition:

Kathleen Bowen, 527 W. Jefferson, Waxahachie, Texas
John Wedel, 417 W. Jefferson, Waxahachie, Texas
Gina Rowe, 601 W. Jefferson, Waxahachie, Texas
Scott Schubert, 210 S. Hawkins, Waxahachie, Texas
Denise Riley, 600 W. Jefferson, Waxahachie, Texas
Mike Riley, 600 W. Jefferson, Waxahachie, Texas
Ginger Cole, 207 Rock Springs, Waxahachie, Texas
Mary Wedel, 477 W. Jefferson, Waxahachie, Texas
Peggy Crabtree, 607 W. Jefferson, Waxahachie, Texas
Richard Eberlen, 144 Brookstone Drive, Waxahachie, Texas

Those who spoke in support:

Dean Settlemyer, 605 Brookside, Waxahachie, Texas

Debie Demma, 133 Taylor Ridge Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-32-2024, Mayor Pro Tem Wright closed the Public Hearing at approximately 8:48 p.m.

14. Consider proposed Ordinance approving ZDC-32-2024

Action:

Billie Wallace moved to deny ZDC-32-2024. Motion was seconded by Travis Smith and carried unanimously (4-0).

15. Consider Development Agreement for ZDC-32-2024

No action taken.

16. Public Hearing on a request by Brad Yates, Loren Gray Investments LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2024)

The Item was presented by Ms. Pruitt and applicant Brad Yates requested approval of the Specific Use Permit. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. Staff has received one (1) letter of support for the proposed accessory structure.

Mayor Pro Tem Wright opened the Public Hearing at approximately 8:57 p.m.

There being no others to speak for or against ZDC-4-2024, Mayor Pro Tem Wright closed the Public Hearing at approximately 8:57 p.m.

17. Consider proposed Ordinance approving ZDC-4-2024

ORDINANCE NO. 3477

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 110 FARLEY STREET, BEING PROPERTY ID 175879, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 22, OF THE STRICKLAND ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the Ordinance for ZDC-4-2024, a Specific Use Permit (SUP) for an Accessory Structure greater than 700 square feet, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (4-0).

18. Public Hearing on a request by Brad Yates, Graily Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024)

The Item was presented by Ms. Pruitt and applicant Brad Yates requested approval. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 64 notices were mailed to property owners within 500 feet of the request 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 1 letter in opposition and 7 letters in support have been received by staff, with 3 letters in support 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.

Mr. Yates requested to omit Staff Condition Number 7: The Site Plan shall be revised to ensure no more than two driveway approaches are present.

Executive Director of Public Works and Engineering stated he is supportive of Mr. Yates' request to allow three (3) curb cuts.

Mayor Pro Tem Wright opened the Public Hearing at approximately 9:07 p.m.

There being no others to speak for or against ZDC-56-2024, Mayor Pro Tem Wright closed the Public Hearing at approximately 9:07 p.m.

19. Consider proposed Ordinance approving ZDC-56-2024

ORDINANCE NO. 3478

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 800 DUNAWAY STREET, BEING PROPERTY ID 172314, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK 6 OF THE BULLARD REVISION 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-56-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, striking Condition 7, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (4-0).

20. Consider Development Agreement for ZDC-56-2024

Action:

Billie Wallace moved to approve the Development Agreement for ZDC-56-2024. Motion was seconded by Travis Smith and carried unanimously (4-0).

21. Public Hearing on a request by Taylor Towles, Elmwood Wonder W, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024)

The Item was presented by Ms. Pruitt and applicant Taylor Towles requested approval. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 51 notices were mailed to property owners within 500 feet of the request 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 5 letters in opposition have been received by staff, with 4 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.

Mayor Pro Tem Wright confirmed the property has been operating as a short-term rental prior to July 2023. Council Member Smith asked if hotel/motel taxes have been paid on the property and Ms. Towles explained she has not, but will begin.

Mayor Pro Tem Wright opened the Public Hearing at approximately 9:12 p.m.

There being no others to speak for or against ZDC-54-2024, Mayor Pro Tem Wright closed the Public Hearing at approximately 9:12 p.m.

22. Consider proposed Ordinance approving ZDC-54-2024

ORDINANCE NO. 3479

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 95 ELMWOOD TRAIL, BEING PROPERTY ID 222754, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 69, BLOCK A OF THE RIVER OAKS PHASE 4 ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the Ordinance for ZDC-54-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried 3-1, with Patrick Souter voting in opposition.

Council Member Souter explained his vote in opposition is from the overwhelming opposition received.

23. Public Hearing on a request by Dawn Lipsey, North Star Custom Homes LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024)

The Item was presented by Ms. Pruitt and applicant Dawn Lipsey requested approval. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 68 notices were mailed to property owners within 500 feet of the request 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 12 letters in support and 3 letters in opposition have been received by staff, with 10 letters in support and 1 letter in opposition 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.

Council Member Wallace asked how long the property has been operating and Ms. Lipsey noted since June 2022.

Mayor Pro Tem Wright opened the Public Hearing at approximately 9:24 p.m.

There being no others to speak for or against ZDC-63-2024, Mayor Pro Tem Wright closed the Public Hearing at approximately 9:24 p.m.

24. Consider proposed Ordinance approving ZDC-63-2024

ORDINANCE NO. 3480

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 511 W PARKS AVENUE, BEING PROPERTY ID 173331, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 37A OF THE FERRIS REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the Ordinance for ZDC-63-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (4-0).

25. Public Hearing on a request by Kelley Cruzan, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024)

Mayor Pro Tem Chris Wright announced the applicant requested to continue the case to the May 20, 2024 City Council meeting to allow additional time to improve the plan.

Action:

Billie Wallace moved to continue the Public Hearing for ZDC-58-2024 to the May 20, 2024 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (4-0).

26. Consider proposed Ordinance approving ZDC-58-2024

No action taken.

27. Consider proposed Ordinance approving an exemption from the City's property tax of 100 percent of the appraised value for all or part of real property used as a qualified childcare facility for the tax year beginning January 1, 2024

Senior Director of Finance Chad Tustison presented the Item.

ORDINANCE NO. 3481

AN ORDINANCE ESTABLISHING AN EXEMPTION OF 100 PERCENT (100%) OF THE APPRAISED VALUE FOR ALL OR PART OF REAL PROPERTY USED AS A QUALIFIED CHILDCARE FACILITY IN ACCORDANCE WITH TEXAS TAX CODE § 11.36; AND AUTHORIZING AMENDMENTS TO CHAPTER 30 OF THE CITY CODE OF WAXAHACHIE, TEXAS TO GRANT SUCH EXEMPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Action:

Billie Wallace moved to adopt an exemption from the City's property tax of 100 percent of the appraised value for all or part of real property used as a qualified childcare facility for the tax year beginning January 1, 2024. Motion was seconded by Travis Smith and carried unanimously (4-0).

28. Consider proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances

Mayor Pro Tem Wright announced this Item will be considered at the May 20, 2024 City Council meeting.

29. Consider proposed Ordinance amending Chapter 12, Fire Protection and Prevention, of the City of Waxahachie Code of Ordinances

Mayor Pro Tem Wright announced this Item will be considered at the May 20, 2024 City Council meeting.

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

Council Member Travis Smith congratulated Council Member Elect Tres Atkins and thanked Mayor David Hill for his service and wisdom, noting it has been an honor to serve alongside him. Mr. Smith praised Parks and Recreation Director Kyle Cooper for his dedication and leadership in his department, noting he has heard many of the same praises.

Council Member Billie Wallace echoed Council Member Smith's comments.

City Manager Michael Scott announced it is Public Service Week and thanked employees for their service. Mr. Scott announced the City Council will canvass votes on Tuesday, May 14th at noon.

Council Member Patrick Souter echoed Council Member Smith's comments.

Mayor Pro Tem Chris Wright praised the Parks Department staff for their diligent work to maintain the grass at the Cemetery. Mr. Wright thanked Kelly Cruzan and surrounding neighbors for coordinating an agreeable meeting date for continuing the Public Hearing for ZDC-58-2024. Mr. Wright stated it has been a pleasure working with Mayor David Hill noting he has been an outstanding mentor. Mayor Pro Tem Wright congratulated Council Member Elect Tres Atkins.

31. Adjourn

There being no further business, the meeting adjourned at 9:42 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary