

City Council
July 1, 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, July 1, 2024 at 7:00 p.m.

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

Others Present: 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

Mike Shaw gave the invocation. Mayor Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed safety concerns with inadequate fencing for swimming pools and requested enforcement from the City.

Dr. Ben Boone, Boyce Road, Waxahachie, Texas, announced Dr. Haariss Illyas, Orthopedic Spine Surgeon, will be leaving Waxahachie soon due to a non-compete clause in his contract with Baylor Scott and White Medical Center. He encouraged community members to express their support to keep this valued surgeon in our community.

5. Consent Agenda

- a. Minutes of the City Council meeting of June 17, 2024
- b. Minutes of the City Council Work Session of June 18, 2024
- c. Minutes of the City Council Special meeting of June 24, 2024
- d. Event application for Youth Revival “A Night with the King” to be held July 13, 2024 at Railyard Park
- e. Event application for DFW Youth World Baseball Classic to be held August 9-12, 2024 at the Waxahachie Sports Complex
- f. Event application for Hispanic Heritage event to be held September 28, 2024 at Railyard Park
- g. Event application for Turkey Trot 5k/10k at Getzendaner Park to be held November 28, 2024

- h. Proposed Ordinance approving a request by John Dineen Jr. & Jennifer Dineen, for a Petition for ETJ Release for approximately 10.00 acres, located at 1410 Broadhead Road (Property ID 201199 & 202437) – Owner: John Dineen Jr. & Jennifer Dineen (ETJ-PTN-155-2023)
- i. Proposed Ordinance approving a request by Josh Trees, for a Petition for ETJ Release for approximately 11.054 acres, located north of 3537 S US Highway 287 (Property ID 180959 & 223894) – Owner: JT Executive Properties LLC (ETJ-PTN-81-2024)
- j. Proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 10.385 acres, located at 611 Wilson Rd. (Property ID 289604) – Owner: SDJF Property Trust. (ETJ-PTN-112-2024)
- k. Proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 5.111 acres, located at 439 Wilson Rd. (Property ID 240435) – Owner: Fuquez Property Company No. 105 LLC. (ETJ-PTN-114-2024)
- l. Proposed Ordinance approving a request by Johnny Fussell & Sean Fussell, for a Petition for ETJ Release for approximately 5.1 acres, located at 515 Wilson Road. (Property ID 245413) – Owner: Fuquez Property Company No. 105 LLC. (ETJ-PTN-115-2024)
- m. Proposed Ordinance approving a request by Travis Baucom, for a Petition for ETJ Release for approximately 2.05 acres, located at 3740 S US Highway 287 (Property ID 220805) – Owner: HWY 287 Storage LLC (ETJ-PTN-116-2024)
- n. Proposed Ordinance approving a request by Carli Middleton, for a Petition for ETJ Release for approximately 4.22 acres, located at 421 Hoyt Road (Property ID 283852) – Owner: New Earthlok LLC (ETJ-PTN-117-2024)
- o. Downtown Building Improvement Program Grant Application for 217 E. Main Street
- p. Temporary road closure of the intersections of S College Street/W Madison Street and S Jackson Street/E Madison Street
- q. Request to consider acceptance of the Animal Care Advisory Board nomination of Assistant Chief Marcus Brown to that Board
- r. Consider project budget amendment for Northgate Drive at US-77 Intersection Improvements
- s. Consider budget amendment within the Facilities Capital Projects Fund

ORDINANCE NO. 3521

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 10.0 ACRE TRACT OF LAND, LOCATED AT 1410 BROADHEAD ROAD, KNOWN AS PROPERTY ID 201199 & 202437, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3522

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 11.054 ACRE TRACT OF LAND, LOCATED SOUTH OF 3723 SOUTH PARKS SCHOOL HOUSE ROAD, KNOWN AS PROPERTY ID 180959 & 223894 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3523

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.385 ACRE TRACT OF LAND, LOCATED AT 611 WILSON RD, KNOWN AS PROPERTY ID 289604, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3524

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.111 ACRE TRACT OF LAND, LOCATED AT 439 WILSON RD, KNOWN AS PROPERTY ID 240435, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3525

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.1 ACRE TRACT OF LAND, LOCATED AT 515 WILSON ROAD, KNOWN AS PROPERTY ID 245413, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3526

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 2.05 ACRE TRACT OF LAND, LOCATED AT 3740 S HIGHWAY 287, KNOWN AS PROPERTY ID 220805, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3527

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 4.22 ACRE TRACT OF LAND, LOCATED AT 421 HOYT ROAD, KNOWN AS PROPERTY ID 283852, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith 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 Patrick Souter and carried unanimously (5-0).

6. Introduce Honorary Councilmember

Council Member Tres Atkins introduced Paul Elmore as the July Honorary Council Member. Paul Elmore and his wife, Kim, have resided on Sycamore Street since 2019. He is the proud father of four children and grandfather to six grandchildren. Mr. and Mrs. Elmore attend First United Methodist Church. He spent 25 years of his career in the athletic apparel business world and in later years combined venture of logistics, office furniture, and construction. Mr. and Mrs. Elmore appreciate the warm hospitality of Waxahachie and are grateful for the wonderful friendships they have acquired. Mr. Elmore describes Waxahachie as a special town and he is delighted to call Waxahachie home.

Mr. Elmore's neighbors, Rusty and Diann Marchman, have provided the following statement: Paul isn't a native of Waxahachie, but you would think he is. He knows the city and is engaged with all the local Civic activities. Paul is an incredible guy who knows everyone's name and never misses an opportunity to say hello. Paul is always ready to help his neighbors whether it's bringing in their trash cans or with a midnight emergency. He goes above and beyond. Everyone stops to talk to Paul and take an opportunity to sit in the red chairs for a visit in the shade. He is committed to Waxahachie and his local community.

Mr. Elmore is recognized by his neighbors for his selflessness and willingness to always help a neighbor in need.

7. Present proclamation recognizing July as "Parks and Recreation Month"

Mayor Wallace read a proclamation recognizing July as "Parks and Recreation Month."

8. Public Hearing on a request by Shannon Almon & Jerry L Almon, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-1 (SF-1) zoning district located at 1017 W Main Street (Property ID 171879) - Owner: Shannon Almon & Jerry L Almon (ZDC-100-2024) Staff: Harper Lindamood

Council Member Tres Atkins announced his recusal for this Item.

The Item was presented by Senior Director of Planning Jennifer Pruitt. The applicant requests a SUP for short-term rental use at 1017 W Main St. because it is located within the SF-1 zoning district. The subject property consists of a primary dwelling unit of approximately 2,687 square feet, built in 1961 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the required parking spaces of three (3) vehicles, situated on an approximately 0.67-acre (29,054 square feet) lot. The applicant has been operating a short-term rental since December 2020 and has paid the required local hotel occupancy taxes since October 1, 2023. The applicant has owned the property since 2021, but it is not their homestead. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 108 ft from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 43 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of the staff report, a total of three (3) letters of opposition were received by staff, with nine (9) letters of support, zero (0) letters of opposition and four (4) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:20 p.m.

There being no others to speak for or against ZDC-100-2024, Mayor Wallace closed the Public Hearing at approximately 7:20 p.m.

9. Consider proposed Ordinance approving ZDC-100-2024

ORDINANCE NO. 3528

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 1017 WEST MAIN STREET, BEING PROPERTY ID 171879, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1R, BLOCK 344 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-100-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried 4-0, with Tres Atkins abstaining.

10. Consider budget transfer and award of a construction contract for Water Street Water and Sewer Improvement Project

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

Action:

Travis Smith moved to award a construction contract with Circle H Contractors, LP in the amount of \$994,350 and additional construction contingency in the amount of \$50,650 for the Water Street Water and Sewer Improvement Project, and a budget transfer of \$462,852 from the 2021 Water and Sanitary Sewer Replacement Project to the Water Street Water and Sewer Project, and authorize the City Manager to execute all the necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

11. Consider construction contract for Lower Mustang Creek Lift Station Expansion Phase IV Project and Reimbursement Resolution

The Item was presented by Mr. Gali.

RESOLUTION NO. 1364

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE LOWER MUSTANG CREEK LIFT STATION EXPANSION PHASE IV PROJECT

Action:

Travis Smith moved to award a construction contract with Rey-Mar Construction, LLC in the amount of \$5,450,777 and additional construction contingency in the amount of \$274,223 for the Lower Mustang Creek Lift Station Expansion Phase IV Project, and approve a reimbursement resolution in the amount of \$3,600,000 to Wastewater Fund from the proceeds of 2024 Water and Wastewater Bond issuance and authorize the City Manager to execute all the necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

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

Council Member Travis Smith announced the Crape Myrtle Festival begins July 3rd at the Sports Complex and parade on July 4th downtown.

Council Member Tres Atkins noted he is ready to work on the budget.

Council Member Patrick Souter recognized the Parks and Recreation team and wished everyone a happy and safe 4th of July.

Mayor Pro Tem Chris Wright noted he will look into Ira Tenpenny's concerns regarding pool safety. He expressed his appreciation to Dr. Ben Boone for his public comments and welcomed Paul Elmore as Honorary Council Member. Mr. Wright announced the homestead exemption was increased at the June 24th meeting and announced the upcoming budget meetings of July 15th and August 1st.

Mayor Billie Wallace thanked Paul Elmore for his participation as Honorary Council Member. She encouraged citizens to protect their pets from the upcoming fireworks and wished everyone a safe 4th of July holiday.

13. Adjourn

There being no further business, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary