

City Council
July 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, July 15, 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: Michael Scott, 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

Justin Fox, Water Street Baptist Church, 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 concerns about the iron decorations at Interurban on College Street and drainage issues in ditches.

{Travis Smith arrived at 7:06 p.m.}

Shannon Almon, 1015 W. Main, Waxahachie, Texas, spoke in support of ZDC-110-2024.

Davey Vera, 304 Floyd, Waxahachie, Texas, requested the City address the overgrown easement to the rear of his property that causes flooding due to poor grading.

5. Consent Agenda

- a. Minutes of the City Council meeting of July 1, 2024
- b. Event application for Back to School Bash – Let's GLOW Back to School to be held August 10, 2024 at Railyard Park
- c. Event application for YMCA Santa Run to be held December 14, 2024 at Railyard Park
- d. Receive Fiscal Year 2024 3rd Quarter Financial Report
- e. Emergency Bottled Water Contract
- f. Supplemental Appropriation for the Water Utility Fund Budget
- g. Bid award and funding for additional interior fencing at the Sports Complex

- h. Funding request in the amount of \$750,000 from WCDC for the YMCA Cindy Hess Memorial Park
- i. Budget amendment to reimburse departmental funding from the Ammo Buy-Back initiative as well as from TML insurance claims for repaired police vehicles and an animal services vehicle

Action:

Chris Wright moved to approve items a.-g. and i. 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).

Council Member Chris Wright requested an update on funding for the YMCA Cindy Hess Memorial Park. Jon McLaughlin, Executive Director of the Waxahachie YMCA, explained the total projected cost of the park is approximately \$4.9 M and there is about \$2.4 M raised so far, with other committed funding. He explained the Waxahachie Community Development Corporation recommended to approve funding in the amount of \$750,000 for public park amenities at the YMCA Cindy Hess Memorial Park including outdoor restrooms, a playground, and a walking trail path.

Action:

Chris Wright moved to approve items h. 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 4-1 with Tres Atkins voting in opposition.

6. Introduce Honorary Councilmember

Council Member Tres Atkins introduced Paul Elmore as the July Honorary Council Member and presented him with a Certificate of Appreciation. 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. Hear presentation on Active Shooter Drill

Thomas Griffith, Emergency Management Coordinator, presented an update on the Active Shooter Drill held on June 14th. He noted it was a successful exercise collaborated with Waxahachie ISD, Baylor Scott and White Hospital, Fire, and Police.

City Council thanked Mr. Griffith and his team for their efforts and successful drill.

8. Public Hearing on a request by Tim Jackson, for a Replat of Lot 13, Block 63 of the Town Addition, to create Lots 13A & 13B, Block 63 of the Town Addition, 2 single family lots, being 0.45-acres, located at 602 Dr. Martin Luther King Jr Blvd., (Property ID 170996) – Owner: Sergio Sanchez & Vanessa Severson (SUB-113-2024)

Jennifer Pruitt, Senior Director of Planning, announced the applicant requested to continue the Public Hearing to the August 19, 2024 City Council meeting.

9. Consider approval of SUB-113-2024

Action:

Travis Smith moved to continue the Public Hearing for SUB-113-2024 to the August 19, 2024 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (5-0).

10. Public Hearing on a request by Harlen & Cindy Roberts, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 714 Dunn St (Property ID 173368) - Owner: Harlen & Cindy Roberts (ZDC-118-2024)

The Item was presented by Ms. Pruitt. The applicant requested an SUP for a Short-Term Rental use at 714 Dunn Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,983 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.25-acre (10,715 square feet) lot. The applicant has not been operating a short-term rental, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead. The applicant has satisfied all of 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 property's current use in the past 12 months. The applicant's local emergency contact is located 8.5 miles from the subject property.

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. At the time of publishing of the staff report, a total of four (4) letters of support and one (1) letter of opposition were received by staff, with three (3) letters of support and zero (0) letters of opposition being inside the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:39 p.m.

There being no others to speak for or against ZDC-118-2024, Mayor Wallace closed the Public Hearing at approximately 7:39 p.m.

11. Consider proposed Ordinance approving ZDC-118-2024

ORDINANCE NO. 3529

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 714 DUNN STREET BEING PROPERTY ID 173368, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 73 OF THE FERRIS SECOND REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-118-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

12. Public Hearing on a request by Stephanie Savins & Eric Savins, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 313 Monticello Dr. (Property ID 172127) - Owner: Stephanie Savins & Eric Savins (ZDC-123-2024)

The Item was presented by Ms. Pruitt and applicant Stephanie Savins requested approval. The applicant requested an SUP for a short-term rental use located at 313 Monticello Dr. because it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 1,765 square feet with two (2) bedrooms and enough improved surface to accommodate the maximum parking spaces of two (2) vehicles situated on an approximately 0.21-acre (9,147 square feet) lot. The applicant has been operating a short-term rental since approximately August of 2023, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property's current use in the past 12 months. The local emergency contact is located 13 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 56 notices were mailed to property owners within 500 feet of the request. At the time of publishing the staff report, a total of two (2) letters of support and seven (7) letters of opposition were received by staff, with two (2) letters of support and one (1) letter of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:42 p.m.

Ms. Savins provided documentation and clarified that their first tenant was in August 2023; however, they had applied for a short-term rental listing on May 19, 2023 and the listing was live on July 3, 2023. Mayor Pro Tem Chris Wright thanked Ms. Savins for providing documentation and clarifying the dates.

There being no others to speak for or against ZDC-123-2024, Mayor Wallace closed the Public Hearing at approximately 7:47 p.m.

13. Consider proposed Ordinance approving ZDC-123-2024

ORDINANCE NO. 3530

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 313 MONTICELLO DRIVE BEING PROPERTY ID 172127, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 35, BLOCK 3 OF THE BELLE-VUE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-123-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

14. Public Hearing on a request by Melanie Brewer for a Specific Use Permit (SUP) for an Accessory Structure Dwelling Unit use within a Single Family-2 (SF-2) zoning district located at 1111 W Marvin Avenue (Property ID 176332) - Owner: Melanie Brewer & Mark Brewer (ZDC-111-2024)

The Item was presented by Ms. Pruitt. The applicant requested an SUP to allow for the conversion of an existing 2-car detached garage to 483 square foot accessory dwelling unit. The proposed accessory dwelling unit is located to the rear of the primary home and meets the minimum setback requirements for an accessory structure within the SF-2 zoning district. The existing driveway meets the parking requirements for the existing home and the proposed accessory dwelling unit.

The applicant has confirmed that the accessory dwelling unit will only be used as a residence for family and guests and will not be leased or sold separately from the primary home, separately metered, used as a short-term rental, or used for commercial purposes.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 15 notices were mailed to property owners within 200 feet of the request. Staff received two (2) letters of support and one (1) letter of opposition.

Mayor Wallace opened the Public Hearing at approximately 7:49 p.m.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, asked if the property would be used as a rental and City Council confirmed that it would not.

There being no others to speak for or against ZDC-111-2024, Mayor Wallace closed the Public Hearing at approximately 7:50 p.m.

15. Consider proposed Ordinance approving ZDC-111-2024

ORDINANCE NO. 3531

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY DWELLING UNIT USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 1111 W MARVIN AVENUE, BEING PROPERTY ID 176332, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK 18 IN THE UNIVERSITY REVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-111-2024, a Specific Use Permit for an Accessory Dwelling Unit, subject to the conditions of the staff report. Motion was seconded by Patrick Souter and carried unanimously (5-0).

16. Public Hearing on a request by Gabrielle Calvery, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 1107 W Main Street (Property ID 176627) - Owner: Virginia Holdings LLC (ZDC-108-2024)

The Item was presented by Ms. Pruitt. The applicant requested a SUP for a short-term rental use located at 1107 W. Main Street because it is located within the SF-2 zoning district. The subject property consists of approximately 2,240 square feet, four (4) bedrooms, and a detached alley-accessed garage. The site has sufficient parking to accommodate the maximum parking requirement of four (4) vehicles. The home is situated on an approximately 0.218-acre (9,515 square feet) lot. The applicant has been operating a short-term rental since October 1, 2022 and has not paid local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located one (1) mile from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 41 notices were mailed to property owners within 500 feet of the subject property. Staff has received one (1) letter of support and two (2) letters of opposition, with one (1) letter of support and (2) letters of opposition being inside the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:53 p.m.

There being no others to speak for or against ZDC-108-2024, Mayor Wallace closed the Public Hearing at approximately 7:53 p.m.

17. Consider proposed Ordinance approving ZDC-108-2024

ORDINANCE NO. 3532

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 1107 W MAIN STREET, BEING PROPERTY ID 176627, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOTS 1 & 2, BLOCK 9 OF THE WEST END ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-108-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

18. Public Hearing on a request by Gabrielle Calvery, Virginia Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 330 E University Avenue (Property ID 176172) - Owner: Virginia Holdings (ZDC-109-2024)

The Item was presented by Ms. Pruitt. The applicant requested an SUP for a short-term rental use located at 330 E. University Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 3,686 square feet with seven (7) bedrooms and a detached one-car garage. The site is situated on an approximately 0.344-acre (14,985 square feet) lot. The applicant has been operating a short-term rental since November 10, 2020 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located 0.3 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 74 notices were mailed to property owners within 500 feet of the subject property. Staff received eight (8) letters of support and one (1) letter of opposition, with one (1) letter of support and zero (0) letters being inside the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:55 p.m.

There being no others to speak for or against ZDC-109-2024, Mayor Wallace closed the Public Hearing at approximately 7:57 p.m.

19. Consider proposed Ordinance approving ZDC-109-2024

ORDINANCE NO. 3533

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 330 E UNIVERSITY AVENUE, BEING PROPERTY ID 176172, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 1 & 2, BLOCK 4 OF THE UNIVERSITY REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-109-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

20. Public Hearing on a request by Manuel Vera Jr., for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 306 Floyd Street (Property ID 174707) - Owner: Vera Construction LLC (ZDC-110-2024)

The Item was presented by Ms. Pruitt and applicant Manuel Vera, Jr. requested approval. The applicant requested an SUP for a short-term rental use located at 306 Floyd Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,067 square feet and has sufficient parking to accommodate the maximum parking requirements of three (3) vehicles. The home is situated on an approximately 0.173-acre (7,536 square feet) lot. The applicant has been operating a short-term rental since September 1, 2023 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located 0.6 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 77 notices were mailed to property owners within 500 feet of the property. Staff received five (5) letters of support and nine (9) letters of opposition, with three (3) letters of support and one (1) letter of opposition within the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 8:00 p.m.

Those who spoke in support:

Davey Vera, 304 Floyd, Waxahachie, Texas

Shannon Almon, 1015 W. Main, Waxahachie, Texas

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

Mayor Pro Tem Wright confirmed the applicant started operating the subject property as a short-term rental on September 1, 2023 violating the moratorium passed by City Council in July 2023.

Mr. Vera explained he contacted the City prior to July and was told there was no permit needed to operate a short-term rental and he was unaware of the moratorium that passed in July.

Council Members discussed the interpretation of the short-term rental ordinance adopted on October 16, 2023 defining the term and regulating the use. Mr. Wright expressed his opposition to new short-term rentals who operated after the moratorium ordinance was issued and noted it is the owner's responsibility to be aware of Ordinances adopted by City Council. Council Member Patrick Souter concurred.

Council Member Travis Smith expressed his interpretation of the short-term rental ordinance and his thoughts on the gap between the time the moratorium ordinance was adopted in July and when the short-term rental ordinance was adopted in October.

City Attorney Terry Welch explained Council Members are in charge of interpreting the Ordinance.

There being no others to speak for or against ZDC-110-2024, Mayor Wallace closed the Public Hearing at approximately 8:45 p.m.

21. Consider proposed Ordinance approving ZDC-110-2024

ORDINANCE NO. 3534

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 306 FLOYD STREET, BEING PROPERTY ID 174707, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 7 OF THE LEXINGTON ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-110-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried 3-2, with Chris Wright and Patrick Souter voting in opposition.

22. Public Hearing on a request by Kassie Pierce, Odyssey Oasis LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 207 Cumberland Road (Property ID 172283) - Owner: Clayton McBride & Carmen McBride (ZDC-121-2024)

The Item was presented by Ms. Pruitt and Michael Pierce requested approval. The applicant requested an SUP for a short-term rental use at 207 Cumberland Road because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,365 square feet in size and has sufficient parking. The home is situated on an approximately 0.214-acre (9,322 square feet) lot. The applicant has been operating a short-term rental on the subject property since approximately July 12, 2023 and has been paying local hotel occupancy taxes since October 2023. The Ellis County Appraisal District does not identify the subject property as a Homestead.

Staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property and its current use in the past 12 months. The local emergency contact is located 8.4 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 82 notices were mailed to property owners within 500 feet of the property. Staff received two (2) letters of support and eight (8) letters of opposition, with one (1) letter of support and three (3) letters of opposition within the 200' buffer, and the remainder outside of the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 8:51 p.m.

Mayor Pro Tem Wright noted for consistency, the City Council previously denied a short-term rental SUP due to a non-owner applicant and other issues.

Mr. Welch explained he has been working with staff to update the short-term rental applications to certify the owner and applicant are aware and agree to the language in the application. Council Member Smith asked if a condition could be added to the motion requiring a new signed application by both the owner and applicant and Mr. Welch that would suffice.

There being no others to speak for or against ZDC-121-2024, Mayor Wallace closed the Public Hearing at approximately 8:51 p.m.

23. Consider proposed Ordinance approving ZDC-121-2024

ORDINANCE NO. 3535

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 207 CUMBERLAND ROAD, BEING PROPERTY ID 172283, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOTS 24, BLOCK 7 OF THE BELLE-VUE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-121-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report and with the requirement of the property owner and lessee signature on the updated application form, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

24. Public Hearing on a request by the City of Waxahachie to amend the adopted Waxahachie Comprehensive Plan, solely to amend the Thoroughfare Plan

The Item was presented by Justin Stoker, Senior Director of Public Works and Engineering. Mr. Stoker requested approval of an amendment to the current Impact Fee Capital Improvement Plan. He noted the proposed amendment does not change any land use assumptions or impact fees. He explained the Texas Department of Transportation (TxDOT) is proceeding with the design of Spur 394 on the south side of the City. Additionally, the Waxahachie Independent School District (WISD) is in design for a new high school that will be built north of Spur 394. The North Central Texas Council of Governments (NCTCOG) and TxDOT have requested Spur 394 not be the main recipient of traffic for the new high school. The current City of Waxahachie Thoroughfare Plan identifies a new roadway connection to the north.

After speaking with impacted property owners and external stakeholders, the proposed amendment revises the Impact Fee Capital Improvement Plan to avoid design complications and convey traffic to US 77, which is more capable of receiving northbound traffic.

The proposed changes eliminate the need to design around a major drainage outfall south of the Waxahachie Senior Center and avoids creating a complicated intersection with Howard Road. The revision directs northbound traffic to US 77 further to the north, which is more capable of receiving the traffic. Shifting the proposed roadway to the east by 350 feet improves the ability of landowners to develop the property adjacent to the new roadway.

Mayor Wallace opened the Public Hearing at approximately 9:02 p.m.

There being no others to speak for or against the Item, Mayor Wallace closed the Public Hearing at approximately 9:02 p.m.

25. Public Hearing on a request by the City of Waxahachie to update the 2020 Roadway Impact Fee Program Update Report accordingly

The Item was presented by Mr. Stoker.

Mayor Wallace opened the Public Hearing at approximately 9:03 p.m.

There being no others to speak for or against the Item, Mayor Wallace closed the Public Hearing at approximately 9:03 p.m.

- 26. Consider proposed Ordinances to amend the adopted Waxahachie Comprehensive Plan, solely to amend the Thoroughfare Plan and to update the 2020 Roadway Impact Fee Program Update Report**

ORDINANCE NO. 3536

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING THE THOROUGHFARE PLAN REVISIONS TO THE 2023 COMPREHENSIVE PLAN TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

ORDINANCE NO. 3537

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING THE THOROUGHFARE PLAN REVISIONS TO THE 2020 ROADWAY IMPACT FEE PROGRAM UPDATE TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

Action:

Travis Smith moved to approve the presented ordinances adopting the amendments to the Comprehensive Plan's Thoroughfare Plan and the update to the 2020 Roadway Impact Fee Program Update Report to reflect the revised Thoroughfare Plan. Motion was seconded by Tres Atkins and carried unanimously (5-0).

- 27. Consider Engineering Professional Services Agreement for Old Italy Road Realignment Project**

Mr. Stoker presented the Item and explained the proposed agreement for the Old Italy Road Realignment Project includes design plans and construction administration services for roadway improvements, including an approximately 6,000-foot-long 4-lane undivided concrete roadway from the new Spur 394 northward and connecting to US 77 near Dunaway Elementary School. The road will include a turning lane adjacent to the proposed high school and reformed intersection with the remaining Old Italy Road. This roadway is on the 2023 Thoroughfare Plan and 2023 Impact Fee Report. Revisions to the Thoroughfare Plan and Impact Fee Report are necessary to accommodate the revised alignment of this roadway; and are presented separately for approval. The \$964,000 professional services agreement is eligible for impact fee funding and the available funding in the Impact Fee Service Area.

Action:

Travis Smith moved to approve the professional service agreement with Kimley-Horn and Associates, Inc. for the design of the Old Italy Road Realignment Project in an amount not to exceed \$964,000, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

28. Consider Engineering Professional Services Agreement for MLK Sidewalk Project

Mr. Stoker presented the Item and explained the proposed agreement for the MLK Sidewalk Project includes design plans for sidewalk improvements on the north side of MLK Blvd (US 287 Business) from Kaufman Street to Aiken Street and along the east side of Aiken Street from MLK Blvd to Frierson Street.

Action:

Travis Smith moved to approve the professional service agreement with Freese and Nichols, Inc. for the design of the Martin Luther King Jr. Sidewalk Project in an amount not to exceed of \$71,007, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

29. Consider approval of a contract with Stripe A Zone for the Grand Avenue and Solon Road Striping

Mr. Stoker presented the Item and explained the proposed Grand Avenue and Solon Road Striping is located on Grand Avenue starting North of the Union Pacific Railroad, and going to Solon Road at Solon Place Way. The striping project will take place after Pressure Pave is completed along this section of Grand Avenue. The striping project consists of center lane striping, turn lanes at major intersections, and bike lane striping through the whole length of the project.

Action:

Travis Smith moved to approve the pavement marking contract with Stripe A Zone in the amount of \$102,278 with an additional contingency of \$5,114 for Grand Avenue and Solon Road Striping, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

Council Member Patrick Souter reviewed the moratorium ordinance and noted he is not supportive of approving short-term rentals who violated the moratorium ordinance adopted in July 2023.

Mayor Pro Tem Chris Wright thanked Paul Elmore for his participation as Honorary Council Member. Mr. Wright expressed his disappointment with the approval of ZDC-110-2024.

Council Member Travis Smith congratulated Waxahachie High alumni Jared Thomas for being the highest-ever Ellis County baseball player selected in the MLB Draft by the Colorado Rockies. Mr. Smith also recognized Waxahachie High alumni Preston Hodge on his NCAA Football game with an 84-overall rating.

Council Member Tres Atkins thanked Paul Elmore for his participation as Honorary Council Member.

Mayor Billie Wallace thanked Paul Elmore for his participation as Honorary Council Member. Mayor Wallace commended City Council for their hard work and dedication to serve.

Honorary Council Member Paul Elmore expressed his appreciation to City Council and encouraged them to continue working together for the betterment of the City.

City Manager Michael Scott thanked City Council for their input at the recent budget work session. Mr. Scott praised Emergency Management Coordinator Thomas Griffith for his great work and noted Thomas is highly respected at the local and State levels of Emergency Management and we are blessed to have him in Waxahachie.

31. Adjourn

There being no further business, the meeting adjourned at 9:18 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary