

City Council
August 19, 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, August 19, 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

Lieutenant Michael Gutierrez, The Salvation Army of North Texas, gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Paul Bailey, 544 Washington Avenue, Waxahachie, Texas, requested City Council fund additional pickleball courts for the health, fitness, and fun for the community.

Chim Curry, Waxahachie Youth Baseball Association President, 203 Barbara Way, Waxahachie, Texas, requested the City's assistance with field improvements, maintenance, and management of the Optimist Youth Club Baseball Fields.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 5, 2024
- b. Minutes of the City Council Work Session of August 14, 2024
- c. Budget amendment: Travel reimbursement for officers who attended counterterrorism training, and TML reimbursement for repair to police vehicle
- d. Contract and supplemental appropriation for Downtown Christmas Lighting and Decorations
- e. Consider closing Lake Parks during Labor Day Weekend
- f. Resolution approving a negotiated settlement between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

RESOLUTION NO. 1366

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2024 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

Action:

Patrick Souter 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 Tres Atkins and carried unanimously (5-0).

6. Introduce Honorary Councilmember

Mayor Pro Tem Chris Wright introduced Megan Mills as the August Honorary Council Member. Mrs. Mills has been a Waxahachie resident since 1969. She is a graduate of Waxahachie High and Baylor University where she earned a degree in Elementary Education. Megan earned her Masters from UNT in Library Science.

Mrs. Mills devoted 34 years to public education, where she served as the librarian at Waxahachie High for 25 years, before retiring three years ago. Since her retirement, she has helped rebuild the Friends of Sims Library volunteer program, serve as a substitute teacher at First United Methodist Church Funday School, and volunteer at Daymark Living Center each month as part of Sims Library outreach program. She has been married for 31 years to her husband, Jamie Mills, with whom she shares two sons, Max and Alex.

7. Recognize Utility Department team member, Ellery Studivant, for achieving highest level of water and wastewater systems operator licenses

Senior Director of Utilities Kumar Gali recognized Utility Department team member, Ellery Studivant, for achieving the highest level of water and wastewater systems operator licenses.

8. Public Hearing on a request by Michael Jackson, for a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use within a Planned Development-Light Industrial-2 zoning district located at the southwest corner of Marshall Road and Solon Road (Property ID 284811) - Owner: WJ South Grove LP (ZDC-141-2024)

The Item was presented by Senior Director of Planning. Christopher Jackson and Jacqueline Cole requested approval. The subject property is located in the Wynn Jackson Planned Development (PD) zoning district (Ordinance 3313). This Planned Development request was approved by City Council on December 20, 2021 and changed the zoning from Single-Family-1 (SF-1) to Planned Development-Light Industrial-2 (PD-LI-2). The Wynn Jackson PD covers a total of 341.02 acres. As part of the initial development of the Wynn Jackson PD, the property owner has constructed a four-lane extension of Marshall Road to connect the property directly to I-35. This SUP request only covers a 50.97-acre portion of the property, southwest of the intersection of the new four-lane Marshall Road and Solon Road. The Wynn Jackson PD allows for the development of Land Uses on the subject property that are permitted within the base Light Industrial-2 (LI-2) zoning district of the City of Waxahachie. The PD allows for 33% of the property to be developed as General Warehouse Distribution through 2026 and up to 66% of the property to be developed as General Warehouse Distribution after 2026. Notably, the PD does not override the base Waxahachie Zoning Ordinance in regards to Specific Use Permits (SUPs). This means that Land Uses that require approval of a SUP in the LI-2 zoning district are allowed by right in the Wynn Jackson PD. Land Uses such as a Food Manufacturing or Processing Plant are required to receive approval of a SUP by the Planning & Zoning Commission and City Council before they can pursue development of the subject property.

The applicant proposes a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use at the southwest corner of Marshall Road and Solon Road. The Food Manufacturing or Processing Plant use is proposed to be restricted exclusively to Bridor, a subsidiary of Groupe Le Duff. The Bridor facility is proposed to be dedicated exclusively to the production and assembly of bakery items, including frozen, partially baked, and fully baked goods.

At this time, the applicant proposes this SUP only to permit the Food Manufacturing or Processing Plant Land Use. The applicant has not provided a detailed Site Plan, Landscape Plan, or Elevation/Façade Plan for the facility, and if approved, the proposed Site Plan will be presented to the Planning and Zoning Commission and City Council for consideration. The applicant proposes to adhere to the site, landscaping, and architectural design requirements of the Wynn Jackson PD (Ordinance 3313).

The Bridor facility is proposed to fully enclose all manufacturing activity to include both office and manufacturing staff on-site and is expected to operate 24-hours a day, six (6) days a week. The facility is proposed to develop in at least three (3) phases. At build-out, the Bridor facility is proposed to employ 240-450 individuals. Daily traffic generated by the facility at build-out is anticipated to reach 60 truck trips and 350 commuter vehicle trips.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 45 notices were mailed to property owners within 200 feet of the request. Staff has received a total of twenty-four (24) letters of opposition and one (1) letter of support for the proposed SUP. Twelve (12) letters of opposition were received from outside the 200' notification buffer.

Council Members discussed at length their concerns with large truck traffic, lack of improved access to I35, emissions, safety, and opposition from neighboring homes.

Mayor Wallace opened the Public Hearing at approximately 7:47 p.m.

Those who spoke in opposition:

Mike Hawkins, 208 Colter Drive, Waxahachie, Texas
Harvey Smith, 212 Old Settlers Trail, Waxahachie, Texas
Margie Wenz, 237 Old Settlers Trail, Waxahachie, Texas
Michelle Smith, 212 Old Settlers Trail, Waxahachie, Texas
Garrett Thomas, 212 Colter Drive, Waxahachie, Texas
Ladonna Hack, 117 Oregon Trail, Waxahachie, Texas
Elizabeth Steyn, 213 Old Settlers Trail, Waxahachie, Texas
Inge Jones, 136 Sierra Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-141-2024, Mayor Wallace closed the Public Hearing at approximately 8:35 p.m.

9. Consider proposed Ordinance approving ZDC-141-2024

Action:

Travis Smith moved to deny ZDC-141-2024, a Specific Use Permit for a Food Manufacturing or Processing Plant use. Motion was seconded by Patrick Souter and carried unanimously (5-0).

10. Public Hearing on a request by Tim Jackson, R.P.L.S., for a Replat of Lots 13A and 13B, Block 63 Town Addition of the Official Map of Waxahachie, 1 Residential lot, being 0.45 acres, located at 602 Dr. Martin Luther King JR. Blvd, (Property ID 170996) – Owner: Vanessa Severson (SUB-113-2024)

The Item was presented by Ms. Pruitt. Sergio Sanchez requested approval. The applicant proposes to replat the subject property from one (1) lot into two (2) residential lots. The applicant is providing full dedication for the twenty (20) foot ROW dedication to the City of Waxahachie Thoroughfare plan.

As part of the review of the Replat application, staff identified multiple technical items that conflict with the requirements of the Waxahachie Subdivision Ordinance they need to be corrected prior to the filing of the Replat.

The City of Waxahachie Subdivision Ordinance requires Right-of-Way dedication (ROW) at the time of platting or replatting, in conformance with the City of Waxahachie Construction and Design (C&D) Manual. The C&D Manual requires ROW for residential streets to be a minimum fifty (50) feet in width. Hill Street has an existing ROW width of twenty (20) feet. The applicant is proposing to dedicate an additional ten (10) feet of ROW along Hill Street, as opposed to the required fifteen (15) feet of ROW dedication. The applicant is requesting a variance for minimum ROW dedication to leave sufficient property to meet the minimum lot size requirements of the Infill Overlay District. Staff is supportive of the variance request.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 38 notices were mailed to property owners within 200 feet of the request. Staff has received zero (0) letters of opposition and two (2) letters of support for the proposed Replat.

Mayor Wallace opened the Public Hearing at approximately 8:55 p.m.

There being no others to speak for or against SUB-113-2024, Mayor Wallace closed the Public Hearing at approximately 8:56 p.m.

11. Consider approval of SUB-113-2024

Action:

Travis Smith moved to approve SUB-113-2024, a Replat of Lot 13, Block 63 of the Town Addition, and the associated variance request, subject to the conditions of the staff report and authorize the Mayor to sign the associated documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

12. Public Hearing on a request by Juan Flores, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: Juan Flores (ZDC-140-2024)

The Item was presented by Ms. Pruitt and owner Alicia Flores requested approval. The applicant requests a SUP for short-term rental use at 624 Xavier Court because it is located within the PD-SF-3 zoning district. The subject property consists of a primary structure of approximately 3,481 square feet, built in 2023 with four (4) bedrooms, 2.5 bathrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately 0.736-acre (32,076 square feet) lot.

The applicant was approved by the Planning and Zoning on May 14, 2024 and denied by City Council on May 20, 2024. The applicant stopped operating immediately after denial by City Council. The applicant has resubmitted a new application for a Short-Term Rental Specific Use Permit.

The applicant submitted this SUP Application on July 3, 2024. The applicant has not been operating a short-term rental, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify whether the subject property is a Homestead. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. At the time of publishing the staff report, the City has received no complaints regarding any issues considered a nuisance. Also, the subject property's advertisement is still active as a short-term rental listing.

During the planning analysis, 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 14.4 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, 80 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 the staff report, a total six (6) letters of opposition and five (5) letters of support were received by staff.

Mayor Wallace opened the Public Hearing at approximately 8:59 p.m.

There being no others to speak for or against ZDC-140-2024, Mayor Wallace closed the Public Hearing at approximately 9:00 p.m.

Mayor Pro Tem Wright thanked the owner for abiding by the City regulations.

13. Consider proposed Ordinance approving ZDC-140-2024

ORDINANCE NO. 3546

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY 3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 624 XAVIER COURT, BEING PROPERTY ID 281280 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 15, BLOCK A OF THE CLIFT ESTATES PHASE V SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-140-2024, a Specific Use Permit 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 DeMaudree Massey, Friendship Baptist Church, for a Specific Use Permit (SUP) for a Day Camp for Children use within a Single Family-3 (SF-3) zoning district located at 203 Graham Street (Property ID 193551 & 295840) - Owner: Friendship Missionary Baptist Church of Waxahachie (ZDC-122-2024)

The Item was presented by Ms. Pruitt. The applicant proposes a Specific Use Permit (SUP) for a Day Camp for Children use (Shepherd's Circle) within the existing Friendship Missionary Baptist Church building at 203 Graham Street. The Waxahachie Zoning Ordinance requires approval of a SUP to allow for a Day Camp for Children use within a Single Family-3 zoning district. The Shepherd's Circle Day Camp is proposed to be an after-school program operated directly by Friendship Missionary Baptist Church. The applicant has confirmed the program is an educational and instructional program for at-risk children, not a daycare. The applicant noted that Shepherd's Circle will be a free program that is open to the general public for children ranging in age from 6 to 18. Shepherd's Circle is proposed to accommodate up to sixty-five (65) children and eight (8) staff members. Meals are proposed to be provided as part of the Shepherd's Circle program. The applicant proposes to operate Shepherd's Circle Monday through Friday from 4:00 p.m. to 7:00 p.m. during the school year. The program is not proposed to operate over the weekend, during

school holidays, or during summer break. The applicant did not indicate when the program may begin, if this SUP is approved.

The applicant noted that the Shepherd's Circle program will be located completely indoors and will not feature any outdoor activities. Specifically, the applicant proposes to utilize the approximately 1,242 square foot space identified on the proposed floor plan as Exhibit D. Existing parking on the subject property is sufficient to support the proposed use.

The applicant is not proposing to operate buses or shuttles as part of the Shepherd's Circle program. No playground equipment, additional fencing, or interior/exterior alterations to the existing building are proposed as part of this request.

The drive aisles on the subject property do not currently have directional striping. The applicant proposes to add directional striping to the subject property to facilitate parent pick-up and drop-off for the Day Camp.

The applicant is not proposing to install additional signage on the property specifically for Shepherd's Circle Day Camp. Instead, the applicant proposes to utilize space on the monument sign for Friendship Missionary Baptist Church; which is yet to be constructed.

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 200 feet of the request. Staff has received two (2) letters of support for the proposed SUP.

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

There being no others to speak for or against ZDC-122-2024, Mayor Wallace closed the Public Hearing at approximately 9:03 p.m.

Council Member Souter thanked Pastor DeMaudree Massey, his wife, and the Friendship Baptist Church for what they are doing in the community.

15. Consider proposed Ordinance approving ZDC-122-2024

ORDINANCE NO. 3547

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DAY CAMP FOR CHILDREN USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 203 GRAHAM STREET, BEING PROPERTY ID 193551, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 43 OF THE HIGHLAND PARK ADDITION AND A PORTION OF LOT 3 OF THE HI NOWLIN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-122-2024, a Specific Use Permit for a Day Camp for Children use, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

16. Public Hearing on a request by Randall Speed, for a Zoning Change from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district located at 2867 Howard Road, (Property ID 204646) - Owner: Randall Speed (ZDC-97-2024)

The Item was presented by Ms. Pruitt and owner Randall Speed requested approval. The applicant proposes to rezone the subject property to allow for the development of a private gravel road serving three (3) single-family residential lots. All lots are proposed to be 10-acres in size or larger. The applicant is pursuing this Planned Development request due to the fact that there is insufficient frontage along Howard Road to subdivide the subject property into multiple lots.

The subject property is currently accessible via a gravel driveway connecting to Howard Road. As part of this Planned Development request, the applicant proposes to dedicate a 60' private street and private utility easement along the gravel driveway, 829' into the subject property. The applicant also proposes to improve the gravel driveway to a 24' wide compacted gravel road that ends in a cul-de-sac bulb. The private gravel road is proposed to be owned and maintained by a HOA established for the subdivision.

The applicant has included provisions in the Planned Development request that differ from the typical setback and lot frontage requirements of the Future Development zoning district. The proposed setback, lot frontage, and lot size requirements are identified in the table below. *Items in bold do not meet the minimum requirements of the base Future Development zoning district.

Standard	Typical Future Development (FD)	Planned Development (PD-FD)
Minimum Lot Size	3-acres	10-acres
Minimum Lot Width (at front setback)	270'	250'
Minimum Front Setback	35'	350'
Minimum Rear Setback	25'	25'
Minimum Side Setback	10% of Lot Width	25'

The City of Waxahachie Subdivision Ordinance requires all proposed private streets to adhere to the design and construction standards of a publicly dedicated street. The Waxahachie Construction & Design Manual requires public streets serving rural residential subdivisions to be 27' wide and constructed of concrete. The Waxahachie Subdivision Ordinance also requires private streets to have a minimum of 70' of frontage on a public collector road at the entrance of the private subdivision. The subject property currently has only 60' of frontage along Howard Road.

Staff is concerned that approval of a private gravel road, as opposed to a typical public concrete street, will negatively impact the ability of emergency services to access the three proposed lots. Additionally, staff is concerned that the private gravel road may become the responsibility of the City to maintain and/or improve in the event the HOA for the proposed subdivision defaults or dissolves. Finally, staff is concerned that approving the use of a private gravel road will set a precedent for the use of substandard access for rural residential subdivisions proposed in the future. Due to these concerns, staff is not supportive of the Planned Development request. If the applicant wishes to proceed with the development of a private residential subdivision, staff recommends the applicant redesign the proposal to adhere to the requirements for private streets identified by Section 3.1 of the Waxahachie Subdivision Ordinance.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. Staff has received one (1) letter of opposition and two (2) letters of support for the Planned Development request.

Mr. Speed explained the gravel road is more appropriate for large farming equipment.

Mayor Wallace opened the Public Hearing at approximately 9:07 p.m.

Council Member Smith expressed his appreciation for gravel drives, especially in historic areas, so that water flow isn't disrupted.

Mr. Gaertner explained the gravel drive will not support fire or emergency apparatus and Fire Chief Ricky Boyd concurred.

There being no others to speak for or against ZDC-97-2024, Mayor Wallace closed the Public Hearing at approximately 9:22 p.m.

17. Consider proposed Ordinance approving ZDC-97-2024

Action:

Patrick Souter moved to deny ZDC-97-2024, a Zoning Change from a Future Development zoning district to Planned Development-Future Development zoning district. Motion was seconded by Chris Wright and carried 3-2 with Tres Atkins and Travis Smith voting in opposition.

18. Consider proposed Resolution approving assignment of private activity bond authority to Texas Department of Housing and Community Affairs

The Item was presented by Mark Malveaux, McCall, Parkhurst & Horton L.L.P. The State of Texas allocates a limited amount of tax-exempt bonds for local housing finance corporations (HFC) to finance mortgage loans for qualified first-time homebuyers in its jurisdiction. Because of scale and market conditions, local HFCs, such as the North Central Texas HFC, has been unable to issue bonds for this purpose. The Texas Department of Housing and Community Affairs (TDHCA) is one of the largest issuers of such mortgage bonds in the nation and has the scale, staffing, and expertise to issue bonds that finance competitive and below market mortgage loans to qualified first-time homebuyers.

TDHCA has agreed to accept the assignment of any local HFC's bond allocation and issue bonds to finance mortgage loans in the HFC's jurisdiction. North Central Texas HFC, for which the City of Waxahachie is a sponsor, wishes to partner with TDHCA so that it may issue bonds to finance mortgage loans within North Central HFC's jurisdiction, which includes the City of Waxahachie. Such an arrangement will put to use funds which have otherwise been unused and benefit qualified residents in the jurisdiction.

As part of this arrangement, each sponsor of the North Central HFC, must approve the assignment. The resolution that is being considered provides such approval.

RESOLUTION NO. 1367

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING ASSIGNMENT OF PRIVATE ACTIVITY BOND AUTHORITY TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

Action:

Chris Wright moved to approve the Resolution approving assignment of private activity bond authority to the Texas Department of Housing and Community Affairs and authorize the Mayor to execute any necessary documents. Motion was seconded by Patrick Souter and carried 3-2 with Tres Atkins and Travis Smith voting in opposition.

19. Consider Resolution for Eminent Domain to Acquire Water Easements Associated with FM 664 24-inch Water Transmission Main Project

The Item was presented by Executive Director of Public Works and Utilities James Gaertner. He confirmed the City received an email from the property owner's attorney consenting to the eminent domain process and the owner was notified of tonight's council meeting.

RESOLUTION NO. 1368

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE NECESSITY TO ACQUIRE A WATER EASEMENT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE MAYOR OF THE CITY OF WAXAHACHIE, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE MAYOR TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

Action:

Patrick Souter moved that the City of Waxahachie authorize the use of the power of eminent domain to acquire a water easement as referenced in Exhibit B to the Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for such water easement; appointing an appraiser and negotiator as necessary; authorizing the Mayor to establish just compensation for the property rights to be acquired; authorizing the Mayor, or her representative, to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the City Attorney, or his representative, to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. Motion was seconded by Chris Wright and carried unanimously (5-0) with the votes as follows:

*Billie Wallace – Aye
Chris Wright – Aye
Tres Atkins – Aye
Patrick Souter – Aye
Travis Smith – Aye*

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

Mayor Pro Tem Chris Wright announced the Lake Parks will be closed for Labor Day due to safety concerns. Mr. Wright congratulated Ellery Studivant.

City Manager Michael Scott thanked City Council for recognizing Ellery Studivant.

Council Member Travis Smith thanked Chim Curry, Waxahachie Youth Baseball Association, for his comments and noted he and Mr. Wright continue to explore partnerships with local groups for practice fields. He announced Katie Cakes will have their grand opening on August 23rd at 2pm.

Deputy City Manager Albert Lawrence recognized Ellery Studivant noting the City has a top caliber of credentialed employees with experience.

Mayor Billie Wallace recognized Ellery Studivant for his accomplishment. Mayor Wallace thanked Megan Mills for her work in the community, first responders, and the citizens who contributed to a peaceful, productive Council meeting.

21. Adjourn

There being no further business, the meeting adjourned at 9:37 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary