

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, September 9, 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

Deacon John Waedekin, St. Joseph's Catholic Church, gave the invocation. Council Member Patrick Souter led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mark Singleton, 133 Willowcrest, Waxahachie, Texas, expressed support to keep the City Manager as a voting member of the Waxahachie Community Development Corporation.

Dan Morton, 125 Lake Shore Drive, Waxahachie, Texas, expressed support to keep the City Manager as a voting member of the Waxahachie Community Development Corporation.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 19, 2024
- b. Minutes of the City Council special meeting of September 3, 2024
- c. Event application for Family Day to be held September 14, 2024 at Railyard Park
- d. Event application for Waxahachie HS Homecoming Parade to be held September 27, 2024 in Downtown Waxahachie
- e. Event application for Downtown Hoco Stroll to be held September 27 and 28, 2024 in Downtown Waxahachie
- f. Event application for Brave Like Ellie Warrior Walk to be held September 28, 2024 at Getzendaner Park
- g. Event application for Stampede of Speed Week: Cattle Drive & Pre-Stage Fan Fest to be held October 4 and 10, 2024 at Railyard Park
- h. Event application for Le Freak Fest to be held October 11, 2024 at Railyard Park

- i. Event application for Community Tree Lighting & Lighted Night Parade to be held December 3, 2024
- j. Event application for District 2-X1 Build Beds for Kids Project to be held March 22, 2025 to at Getzendaner Park
- k. Proposed Ordinance approving a request by Chandler Brown for a Petition for ETJ Release for approximately 4 acres, located at 3537 South Highway, (Property ID 249293) – Owner: J&K Excavation LLC (ETJ-PTN-150-2024)
- l. Proposed Ordinance approving a request by Jose Robles, for a Petition for ETJ Release for approximately 3.52 acres, located at 5617 FM 813 (Property ID 183511) – Owner: Jose Robles & Francisca Robles (ETJ-PTN-153-2024)
- m. Proposed Ordinance approving a request by Candice Charles, for a Petition for ETJ Release for approximately 6.09 acres, located at 901 Hoyt Road and 877 Hoyt Road (Property ID 188148 & 304027) – Owner: Deanna Morgan (ETJ-PTN-158-2024)
- n. Proposed Ordinance approving a request by Bryan Hicks, for a Petition for ETJ Release for approximately 1.44 acres, located at 215 Old Church Rd (Property ID 217720) – Owner: Bryan Hicks and Wendy Hicks (ETJ-PTN-168-2024)
- o. Proposed Ordinance approving a request by Bryan Hicks, for a Petition for ETJ Release for approximately 0.90 acres, located at 3947 US Highway 287 (Property ID 147362) – Owner: Bryan Hicks and Wendy Hicks (ETJ-PTN-169-2024)
- p. City Manager’s appointment of member to Civil Service Commission
- q. Amendment to Waxahachie Community Development Corporation (4B) Bylaws
- r. Proposed Ordinance amending Section 2-5 of the Code of Ordinances governing appointments to Boards and Commissions
- s. Engineering Professional Services Agreement for the Howard and Sokoll Water Treatment Plants Service Area Boundary Separation Project
- t. Engineering Professional Services Agreement and authorization of Park Dedication Fees for the design and engineering of North Grove Park Project

ORDINANCE NO. 3548

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 4 ACRE TRACT OF LAND, LOCATED AT 3537 SOUTH HIGHWAY, KNOWN AS PROPERTY ID 249293, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3549

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 3.50 ACRE TRACT OF LAND, LOCATED AT 5617 FM 813, KNOWN AS PROPERTY ID 183511, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3550

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 6.09 ACRE TRACT OF LAND, LOCATED AT 901 HOYT ROAD AND 877 HOYT ROAD, KNOWN AS PROPERTY ID'S 188148 & 304027, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3551

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.44 ACRE TRACT OF LAND, LOCATED AT 215 OLD CHURCH ROAD, KNOWN AS PROPERTY ID 217720, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3552

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 0.90 ACRE TRACT OF LAND, LOCATED AT 3947 US HIGHWAY 287, KNOWN AS PROPERTY ID 147362, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3553

AN ORDINANCE AMENDING SECTION 2-5 OF THE CODE OF ORDINANCES GOVERNING APPOINTMENTS TO BOARDS AND COMMISSIONS BY THE WAXAHACHIE CITY COUNCIL, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Action:

Chris Wright moved to remove Items q. and r. for separate discussion. Motion was seconded by Patrick Souter and carried unanimously (5-0).

Action:

Chris Wright moved to approve all items on the Consent Agenda, except q. and r., 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).

Mayor Pro Tem Chris Wright expressed his support to keep the City Manager as a voting member of the Waxahachie Community Development Corporation (WCDC).

Council Member Travis Smith explained Council Members held a Work Session to discuss Board and Commission appointments and City Manager Michael Scott supported being removed as a staff voting member.

Council Member Tres Atkins thanked Mr. Singleton and Mr. Morton for their comments and explained the change isn't intended to limit the City Manager's ability, but to allow for an additional citizen voting member.

Council Member Patrick Souter explained he has received many questions from concerned citizens in the last 72 hours and would like to keep the City Manager as a voting member on the Waxahachie Community Development Corporation.

Mayor Billie Wallace explained City Council discussed at length amending the WCDC Bylaws as proposed and she has not changed her view.

Action:

Travis Smith moved to approve Item q. 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 3-2 with Chris Wright and Patrick Souter voting in opposition.

Action:

Travis Smith moved to approve Item r. 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 3-2 with Chris Wright and Patrick Souter voting in opposition.

6. Introduce Honorary Councilmember

Council Member Patrick Souter announced the September Honorary Council Member will attend the September 16th meeting.

7. Public Hearing on a request by Jennifer Weir, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Future Development (FD) zoning district located at 2850 Howard Road (Property ID 138983) – Owner(s): Robert & Jennifer Weir (ZDC-147-2024)

The Item was presented by Senior Planning Director Jennifer Pruitt and Jennifer Weir requested approval. The applicant requests a SUP for short-term rental use at 2850 Howard Road because it is located within the FD zoning district. The subject property consists of a primary structure of approximately 2,584 square feet, built in 2006 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 5.57 acres (242,629 square feet) lot.

The applicant submitted the SUP application on July 10, 2024. The applicant has been operating a short-term rental since approximately May 2023 and the applicant has not been paying local hotel occupancy taxes.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered one animal complaint made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 0.1 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, 14 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 one (1) letter of opposition and four (4) letters of support were received by staff, with no letters of opposition and two (2) letters of support being inside the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:44 p.m.

There being no others to speak for or against ZDC-147-2024, Mayor Wallace closed the Public Hearing at approximately 7:46 p.m.

8. Consider proposed Ordinance approving ZDC-147-2024

ORDINANCE NO. 3554

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A FUTURE DEVELOPMENT ZONING DISTRICT LOCATED AT 2850 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 5.57 ACRES KNOWN AS PROPERTY ID 138983, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-147-2024, 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).

9. Public Hearing on a request by John Marlin, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Dwelling-2 (SF-2) zoning district located at 411 North Hawkins Street (Property ID 173335) – Owner(s): John Marlin (ZDC-149-2024)

The Item was presented by Ms. Pruitt and John Marlin requested approval. The applicant requests a SUP for short-term rental use at 411 North Hawkins Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,866 square feet, built in 1998 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.263 acres (11,456 square feet) lot.

The applicant had a long-term renter whom applied for the SUP for STR use application (ZDC-101-2024) and was recommended approval by the Planning and Zoning Commission on June 11, 2024; however, was denied by the City Council on June 17, 2024.

The applicant is the property owner and submitted this application for a SUP for STR use. The applicant has not been operating a short-term rental. The Ellis County Appraisal District (ECAD) does identify the subject property as a Homestead. Staff has contacted the applicant for removal and have included a condition noting removal is required. The applicant submitted the SUP application on July 16, 2024. At the time of the publishing of the staff report, the City received no nuisance-related calls regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 1.5 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, 62 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 this staff report, a total of three (3) letters of opposition and seven (7) letters of support were received.

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

Those who spoke in opposition:
Ron Cox, 510 Royal, Waxahachie, Texas

City Council acknowledged Mr. Cox's concern with saturation and noted further discussion is needed to determine how that is determined in an area.

There being no others to speak for or against ZDC-149-2024, Mayor Wallace closed the Public Hearing at approximately 7:58 p.m.

10. Consider proposed Ordinance approving ZDC-149-2024

ORDINANCE NO. 3555

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY-2 (SF-2) ZONING DISTRICT LOCATED AT 411 NORTH HAWKINS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.263 ACRES KNOWN AS PROPERTY ID 173335, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-149-2024, 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).

11. Public Hearing on a request by Stephanie Gienger, Kimley-Horn, for a Zoning Change from a Planned Development-Multi-Family-2 (PD-MF-2) and Planned Development-16-Light Industrial-1 (PD-16-LI-1) zoning district to a Planned Development-Multi-Family-2 (PD-MF-2) zoning district and General Retail zoning district, located at 2797 John Arden Drive, (Property ID 189265, 189266, and 275156) - Owner: Arden Group LLC and International Church of Foursquare Gospel (ZDC-120-2024)

The Item was presented by Ms. Pruitt and Stephanie Gienger requested approval. The applicant proposes to rezone the subject property to allow for the development of the Woodland Cottages at Waxahachie, a 68-unit senior living (55+) community.

In December of 2018, approximately ten (10) acres of the subject property was rezoned from Planned Development-16-Light Industrial-1 (PD-16-LI-1) to Planned Development-Multi-Family-2 (PD-MF-2) with Ordinance 3073. This zoning change conceptually allowed for the development of a tax credit senior living (55+) multi-family project. The PD did not include a detailed site plan, landscape plan, or elevation/façade plan, but required the developer to return to the Planning & Zoning Commission and City Council for approval of these items prior to construction. The development of the original senior living project ultimately did not proceed because the developer failed to receive the necessary tax credits for the project.

The current Planned Development request is intended to replace the existing Planned Development-Multi-Family-2 (PD-MF-2) zoning for the subject property and provide the detailed site plan, landscape plan, and elevation/façade plan documents that were missing from the original PD. The current PD request also includes approximately 3.5 acres of additional property that connects to John Arden Drive.

As noted above, this PD request allows for a 68-unit senior living (55+) community. The proposed unit count results in an overall density of 4.98 dwelling units per acre. The 68 proposed units are spread out between twenty (20) residential buildings. Eight (8) unique residential building types are proposed for the development. The residential building types provide a variety of unit counts ranging from two (2) units per building up to eight (8) units per building. A total of 20 one-bedroom units and 48 two-bedroom units are proposed. All buildings on the subject property are proposed to be restricted to one-story in height.

The applicant has exceeded the minimum parking requirement for the proposed development; which is 68-spaces. One (1) parking space is required for every senior living (55+) unit. The applicant has provided a total of 142 parking spaces for the development. The applicant has also met the requirement to provide 50% of all required parking spaces as attached garages. A total of fifty-two (52) attached garages have been provided with an additional four (4) detached garage spaces proposed. Attached garages are available on sixteen (16) of the twenty (20) residential buildings. The remaining parking on the site is proposed as typical surface spaces.

The design of the senior living (55+) portion of the development meets the typical setback requirements of the Waxahachie Zoning Ordinance; which results in a 25' setback on all sides of the property. The applicant has proposed development standards with this request that will require valet trash service for residents. The applicant proposes to construct the residential portion of the development in a single phase.

In addition to the proposed senior living development, the applicant proposes to designate approximately 3.24-acres of the subject property west of Alliance Boulevard as a General Retail (GR) zoning district. This portion of the subject property is currently included in the PD-MF-2 zoning district that was approved in 2018. However, the developer has noted that the tract is too small to meaningfully incorporate into the senior living community. Instead of leaving this tract zoned multi-family for development at a later date, the applicant proposes to utilize a portion of the tract to meet their detention needs. The remainder of the tract not used for detention is proposed to be subject to the development standards in the Waxahachie Zoning Ordinance for the General Retail zoning district. At this time, the applicant has no plans to develop this tract, but does foresee the potential for the tract to be used for small scale, local retail or neighborhood service uses.

As noted, the subject property is identified by the 2023 Comprehensive Plan partially under the Urban Village and Mixed-Use Neighborhood placetypes. Each of these placetypes encourage a combination of residential and commercial uses. The applicant proposes to adhere to the intent of the Comprehensive Plan by proposing a low-density senior living (55+) community and reserving land for the development of future neighborhood scale commercial uses that can support the residents of the community. In addition to compliance with the Comprehensive Plan, the proposed development is consistent with the existing zoning (Ord. 2569) adjacent to the Civic Center; which allows for multi-family uses east of Alliance Boulevard and calls for general retail uses west of Alliance Boulevard.

The applicant proposes to reserve a portion of the 3.24-acre tract on the west side of Alliance Boulevard for a detention pond, as shown on the Site Plan attached as Exhibit C below. The detention pond is intended to meet drainage and detention requirements for the multi-family tract and the future general retail tract. The applicant proposes to extend a 12" water line and 8" sewer line along Alliance Boulevard to provide water and wastewater services to both tracts.

As part of the Planned Development request, the applicant proposes to dedicate 80' of right-of-way (ROW) for the extension of Alliance Boulevard, as required by the Waxahachie Thoroughfare Plan. The applicant will construct an extension of Alliance Boulevard to their southern property line as part of the proposed development. Alliance Boulevard will be used as a point of access on the west side of the multi-family tract. A driveway connection to John Arden Drive will be installed on the east side of the property to serve as a second point of access. An automatic security gate will restrict both access points for the multi-family tract. The automatic gates will come equipped with Knox boxes to ensure the Fire Department can access the site.

The applicant is proposing to exceed the minimum landscaping requirements for the development. The applicant proposes to incorporate over seventy (70) crape myrtles into the Landscape Plan for the site. To provide additional screening from the north of the subject property, the applicant also proposes to install 7' evergreen eastern red cedars along the northern property line. Exhibit D can be referenced for the full landscape plan for the property.

The applicant has provided a detailed Elevation/Façade Plan as part of the PD proposal. The applicant proposes to utilize eight (8) complimentary, but distinct, residential building types for the development. As noted above, there are a total of twenty (20) residential buildings proposed with the development. The Elevation/Façade Plan provides a fully rendered view of each of the eight (8) different residential buildings styles.

The applicant proposes to utilize 100% masonry (brick, stone, stucco) exterior construction materials for the front and side facades of all residential buildings. Up to 31% of the rear façade on some residential buildings is proposed to be constructed with cementitious siding. Notably, the siding is only proposed for use in rear porch areas. Six (6) of the eight (8) residential building types are proposed to utilize an 8:12 roof pitch. Two (2) of the residential building types are proposed to utilize a 5:12 roof pitch in order to provide further architectural variety within the development.

The Waxahachie Zoning Ordinance requires installing a 6' solid masonry wall between residential and commercial uses. The applicant proposes to install a 6' masonry screening wall adjacent to the Oncor service center north of the subject property and adjacent to the Connect 4 Life Church south of the subject property. An existing ornamental iron fence is in place between the subject property and the Oxford Apartment Complex. The applicant proposes to install 7' evergreen eastern red cedars adjacent to this existing fence to enhance screening between the developments. Adjacent to undeveloped land south of the subject property, the applicant proposes to install a 6' cedar wood fence.

The development standards proposed by the applicant require the construction of a clubhouse, pool, and fitness amenity with the initial development. The applicant also proposes to install a concrete walking path through the open space areas shown on the Site Plan.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. Staff has received one (1) letter of support and no letters of opposition for the Zoning Change request.

Mayor Wallace opened the Public Hearing at approximately 8:05 p.m.

Those who spoke in support:

Josh Morgan, International Church of Foursquare Gospel, 1971 John Arden Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-120-2024, Mayor Wallace closed the Public Hearing at approximately 8:06 p.m.

12. Consider proposed Ordinance approving ZDC-120-2024

ORDINANCE NO. 3556

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF-2) AND PLANNED DEVELOPMENT-16-LIGHT INDUSTRIAL-1 (PD-16-LI-1) TO PLANNED DEVELOPMENT-MULTI-

FAMILY-2 (PD-MF2), LOCATED AT 2797 JOHN ARDEN DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 13.66 ACRES KNOWN AS PROPERTY ID 189265, 189266, AND 275156 OF THE JONATHAN E. PRICE SURVEY, ABSTRACT 844, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-120-2024, a Zoning Change from a Planned Development-Multi-Family-2 (PD-MF-2) and Planned Development-16-Light Industrial-1 (PD-16-LI-1) zoning district to a Planned Development-Multi-Family-2 (PD-MF-2) zoning district and General Retail zoning district, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

13. Consider Development Agreement for ZDC-120-2024

Action:

Chris Wright moved to approve the Development Agreement for ZDC-120-2024. Motion was seconded by Patrick Souter and carried unanimously (5-0).

14. Consider proposed Ordinance approving revised budget figures for fiscal year 2023-2024 and adopting the budget for fiscal year 2024-2025

The Item was presented by Finance Director Chad Tustison. The process of developing the annual budget is a comprehensive effort that involves input from the Mayor and City Council, and all City departments. The process also provides residents an opportunity to speak on the budget during a public hearing held before budget adoption. On April 11, staff held a work session with the City Council on the preliminary Capital Improvement and Debt Management Plan. On June 18, a second budget work session was held to provide City Council an overview of the draft budget, including all major funds, proposed five-year operating and capital plans, major revenue sources, as well as an opportunity to discuss the proposed tax rate. On July 15, staff held a third work session to discuss potential changes to the draft budget presented at the June 18 work session. The City also held a public hearing on the proposed budget on September 3.

ORDINANCE NO. 3557

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2023-2024, FUNDS APPROPRIATED FOR STREET MAINTENANCE AND PROFESSIONAL SERVICES WILL BE USED FOR THAT PURPOSE, EITHER BY ENCUMBRANCE OR BY TRANSFER TO CAPITAL PROJECT FUND FOR STREETS; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND TERMINATING SEPTEMBER 30, 2025, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Action:

Patrick Souter moved to approve the Ordinance approving the revised budget figures for Fiscal Year 2023-2024 and adopting the budget for Fiscal Year 2024-2025 as presented. Motion was seconded by Chris Wright and carried unanimously (5-0).

15. Consider proposed Ordinance amending Water and Wastewater rates and fees and setting an effective date of October 1, 2024

The Item was presented by Mr. Tustison. The Water and Wastewater Funds provide for the administration, operation and maintenance of all City water services including distribution, wastewater collection, water and wastewater treatment activities, meter management, and billing services. Revenue to support these operations is generated primarily through water and sewer usage rates, as outlined in City ordinance.

As part of the budget process, City staff recommends that City Council vote to affirm these rates annually and amend rates and fees when necessary. The FY 2025 Budget includes an increase of 5% in water and wastewater rates, fees, and charges to keep up with growth, address inflationary cost escalations, and preparation for future capital projects. The proposed ordinance includes the Sokoll rate fee of 1.82 per 1,000 gallons. Updated annually, this rate is charged to the City and Rocket SUD to recover each entity's proportional cost to operate and maintain the Sokoll Water plant.

ORDINANCE NO. 3558

AN ORDINANCE SETTING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2024 AND DECLARING AN EMERGENCY.

Action:

Patrick Souter moved to approve the Ordinance setting water and wastewater rates and fees and setting an effective date of October 1, 2024. Motion was seconded by Chris Wright and carried unanimously (5-0).

16. Consider a motion to ratify the property tax revenue increase reflected in the fiscal year 2024-2025 budget in accordance with the Texas Local Government Code

The Item was presented by Mr. Tustison. The Texas Local Government Code requires that "adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget." The increase in the budget provides for continued and additional funding for essential city services such as public safety; street and sidewalk installation and maintenance; park improvements; increases in operational costs; and continued support of the City's capital improvements program.

Action:

Patrick Souter moved to ratify the property tax revenue increase reflected in the Fiscal Year 2024-2025 budget. Motion was seconded by Chris Wright and carried unanimously (5-0).

17. Consider proposed Ordinance adopting the Tax Rate for fiscal year 2024-2025

The Item was presented by Mr. Tustison. In accordance with the Tax Code, a public hearing on the property tax rate was held on September 3, 2024. The proposed rate of \$0.610000 is above the no-new-revenue rate of \$0.572525 and lower than the voter-approval rate of \$0.610905. The increase in the budget provides for continued and additional funding for essential city services such as public safety, street and sidewalk installation and maintenance, park improvements to keep pace with growth, and continued support of the City's capital improvements program. Tax Code 26.0S(b) requires the written motion language be used in adopting the tax rate, and a record vote.

ORDINANCE NO. 3559

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2025 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.

Action:

Chris Wright moved that the property tax rate be increased by the adoption of a tax rate of 61 cents, with an operation and maintenance rate of 37.6916 cents, and an interest and sinking rate of 23.3084 cents, which is effectively a 6.5% percent increase in the tax rate. Motion was seconded by Patrick Souter 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*

18. Consider proposed Ordinance re-establishing classified positions under Civil Service

The Item was presented by City Manager Michael Scott. The proposed ordinance increases the number of authorized positions in the Firefighter, Police Officer, and Police Corporal, ranks to reflect the positions added and approved in the FY2025 budget. The proposed ordinance continues to include three (3) additional positions in the Firefighter rank exceeding the number of funded positions approved through budget to allow for greater flexibility when hiring. The increase to the number of authorized positions in the Firefighter rank does not change the number of funded positions in the FY2025 operating budget or create a vacancy with a time constraint to fill under Civil Service.

ORDINANCE NO. 3560

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Action:

Patrick Souter moved to adopt the proposed Ordinance establishing and re-establishing the classified positions under Civil Service in the Police and Fire Departments. Motion was seconded by Tres Atkins and carried unanimously (5-0).

19. Consider appointments to Boards and Commissions

Council Members discussed the proposed Board and Commission appointments.

ANIMAL CARE ADVISORY COMMITTEE (2-year term)

Cathy Le
Cherie Batsel, Citizen Member
Tiki Smith, Citizen Member
Curtiss Thompson, Citizen Member

CEMETERY BOARD (2-year term)

Mark Gundert
Alex Lohmann

HERITAGE PRESERVATION (2-year term)

Ronald Finch
Jacqueline Montejano
Mark Gundert
Alex Lohmann (filling unexpired term of Michelle Haye until September 2025)
Marlene Norcross (Planning and Zoning Commission liaison replacing Bonney Ramsey)

IMPACT FEE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

Paul Colwell, Ad Hoc Member
Doug Pate, Ad Hoc Member

KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3-year term)

Jesse Gibson
Polly Williams
Brent Gundert
Andrew Weyand
Forrest John (filling unexpired term of Kimberly Cooper until September 2026)

MID-WAY REGIONAL AIRPORT BOARD (3-year term)

Jennifer Chelwick

PARK BOARD (3-year term)

Anne Marie Knauf
Marques Cameron
Christopher Davis
Terry Connor (filling unexpired term of Jenny Bridges until September 2025)
Joe Tolbert (filling unexpired term of Charles Beatty, Jr. until September 2026)

PLANNING AND ZONING COMMISSION (2-year term)

Jenny Bridges
Chad Hicks
Wendy Johnson

SENIOR CENTER ADVISORY COMMITTEE (2-year term)

Tiki Smith
Joe Tolbert
Hermelinda Fernandez

TAX INCREMENT REINVESTMENT ZONE (2-year term)

Billie Wallace, Mayor (Chairman)
Randy Vineyard
Brad Yates
Al Mack

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2-year term)

Daniel Morton, Jr.
Bob Lynn
Melissa Ballard (filling unexpired term of David McSpadden until September 2025)
Andrew Henderson (filling term for City Manager voting member, per amended Bylaws, until September 2026)

WAXAHACHIE HOUSING AUTHORITY (2-year term)

Jonathan Bickerstaff, Resident Member
Charlie McCullough
Christine Cane-Wyatt

Mayor Pro Tem Wright opposed removing David McSpadden from WCDC in the middle of his term. He asked Council to reconsider his removal.

Council Member Atkins noted discussion was held at the August Work Session and the request for consideration should've been addressed at that time.

Council Member Smith explained Mr. McSpadden was offered a place on another Board and did not accept. He noted if WCDC is reconsidered, then all other Boards would need to be reviewed.

Council Member Souter praised Mr. McSpadden's commitment and service.

Mayor Wallace reiterated that an open discussion was held at length during the City Council Work Session in August. She stated there were other members who were removed mid-term and it was not a personal decision.

Action:

Travis Smith moved to approve the appointments to Boards and Commissions as presented. Motion was seconded by Tres Atkins and carried 3-2 with Chris Wright and Patrick Souter voting in opposition.

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

City Council and City Management recognized Senior Finance Director Chad Tustison, Assistant Finance Director Gail Turner, and Budget Officer Chris Childs for their work on the annual budget.

Deputy City Manager Albert Lawrence recognized the extensive knowledge of City Manager Michael Scott regarding the annual budget.

Council Member Travis Smith thanked City Manager Michael Scott for answering or directing all finance inquiries by City Council.

Council Member Tres Atkins echoed Mr. Smith's comments.

City Manager Michael Scott thanked City Council for the adoption of the budget and their support.

Council Member Patrick Souter announced he, Mayor Wallace, Police Chief Joe Wiser, County Commissioner Lane Grayson, and Darlene Miller visited the Tri-City Animal Shelter in Cedar Hill.

Mayor Pro Tem Chris Wright thanked Council Members for their joint efforts to provide high standard services and tax relief to citizens. Mr. Wright also recognized the need to review the saturation of Short-term rentals in residential neighborhoods. He also thanked Alice Jauregui, Director of Communications and Marketing, for the frequent distribution of important public information.

Mayor Billie Wallace expressed her gratitude to work with Council Members. Mayor Wallace recognized the City of Waxahachie's nineteen firefighters who participated in the annual Dallas 9/11 Stair Climb to honor the FDNY personnel who lost their lives on 9/11.

21. Adjourn

There being no further business, the meeting adjourned at 8:52 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary