

City Council
October 7, 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, October 7, 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

Dominik Lange gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Alan Fox, 327 University, Waxahachie, Texas, expressed support for City Manager Michael Scott and his leadership in Waxahachie.

Dominik Lange, 2567 Bells Chapel Road, Waxahachie, Texas, requested City Council put in a designated space for skateboarders to ride and practice safely and offered his assistance.

Kim Fuller, Ellis County Homeless Coalition, provided an update on the 2024 point and time count numbers for Ellis County. She explained the count is conducted in a 24-hour period, in-person with the homeless. That count identified 126 homeless people, with 38 of those being children under the age of 18. The Coalition received information from three Ellis County high schools noting there is between 200-225 homeless students known through the districts. Ms. Fuller also noted the Coalition is working on assistance and placement of the homeless people on Highway 287 and Highway 77.

5. Consent Agenda

- a. Minutes of the City Council meeting of September 16, 2024
- b. Event application for Trunk or Treat in the Park to be held October 25, 2024 at Getzendaner Park
- c. Event application for Family Night to be held October 27, 2024 at Trinity Church Waxahachie

- d. Event application for Southern Star 5K to be held November 9, 2024 at Getzendaner Park
- e. Event application for Hachie 50 to be held February 28, 2025 and March 1, 2025
- f. Proposed Ordinance approving a request by Kars Tamminga, for a Petition for ETJ Release for approximately 73.36 acres, located at 3726 F.M. 1446 (Property ID 183236 and 223336) – Owner: Tamminga Family Partnership, LTD and Tamminga K & G Revocable Living Trust (ETJ-PTN-163-2024)
- g. Proposed Ordinance approving a request by Raul Acosta, for a Petition for ETJ Release for approximately 7.30 acres, located at 1250 Black Champ Road (Property ID 204042 and 289761) – Owner: Raul Acosta and Cody Acosta (ETJ-PTN-181-2024)
- h. Proposed Ordinance approving a request by Shawn Farris, for a Petition for ETJ Release for approximately 10.1 acres, located at 431 Arrowhead Rd. (Property ID 263474) – Owner: Shawn Farris (ETJ-PTN-182-2024)
- i. Proposed Ordinance approving a request by Kerry Woodson, for a Petition for ETJ Release for approximately 2.55 acres, located at 640 Cox Rd. (Property ID 189402) – Owner: Kerry Woodson & Pam Woodson (ETJ-PTN-184-2024)
- j. Consider amending City of Waxahachie Ordinance Chapter 22, Section 22-37 applicable to the use of Sports Fields in Parks and Fees

ORDINANCE NO. 3567

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 73.36 ACRE TRACT OF LAND, LOCATED AT 3726 F.M. 1446, KNOWN AS PROPERTY ID 183236 AND 223336, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3568

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 7.30 ACRE TRACT OF LAND, LOCATED AT 1250 BLACK CHAMP ROAD, KNOWN AS PROPERTY IDS 204042 AND 289761, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3569

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 10.1 ACRE TRACT OF LAND, LOCATED AT 431 ARROWHEAD RD, KNOWN AS PROPERTY ID 263474 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3570

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 2.55 ACRE TRACT OF LAND, LOCATED AT 640 COX RD, KNOWN AS PROPERTY ID 189402 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3571

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 22, "PARKS AND RECREATION", ARTICLE III. "FEES" BY AMENDING SECTION 22-37, "SPORTS FIELDS IN PARKS" APPLICABLE TO THE USE OF SPORTS FIELDS IN PARKS AND FEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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 Council Member

Council Member Tres Atkins introduced October Honorary Council Member Jackie Wray. Jackie was born in Waxahachie, Texas at the Waxahachie Sanitarium in 1950 and attended Waxahachie ISD. She started her career with the Texas Department of Public Safety as the Driver's License Clerk. Jackie held that position in Waxahachie for 17 years and was known as the "Driver's License Lady" in the community. From there, she worked with her husband, Jerry, in business until his death in 2005. She then went on to work in the Ellis County District Clerk's office handling pro se litigants.

Jackie loves Waxahachie and has served on many boards for local clubs and organizations in the community such as The Waxahachie Symphony Board working with Belles and Beaus, Chautauqua Board, Daniels' Den, Ellis County Child Welfare Board, community advisor for Navarro College, and President of the Waxahachie Ex-Student's Association for 2 years.

Ms. Wray is a member of First United Methodist Church and has been on over ten mission trips with the church and served in almost every ministry.

Jackie has one son, John Wray, who has served as Mayor of Waxahachie and State Representative of House District-10. She has a daughter-in-law, Michele, who is also involved in the community, a granddaughter, Morgan, who is a second-year law student at Vanderbilt, and a grandson, Patrick, who is in his third year at the University of Texas.

7. Recognize outgoing Board and Commission member with more than 10 years of service

City Council recognized outgoing member Bonney Ramsey for 18 years of service on the Planning and Zoning Commission and 15 years of service as the Commission liaison to the Heritage Preservation Commission. Ms. Ramsey was presented a plaque as an expression of appreciation.

8. Recognize the Finance Department for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association

City Council recognized Senior Finance Director Chad Tustison, Assistant Finance Director Gail Turner, and Budget Officer Chris Childs for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association.

9. Recognize the Finance Department for receiving the Achievement of Excellence in Procurement award from the National Procurement Institute

Senior Finance Director recognized Purchasing Manager Jewelie Ramos and Buyer Leila Cole for being 1 of 72 cities throughout the United States and Canada to receive the Procurement from the National Procurement Institute.

10. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, to address Event Center Uses (ZTA-126-2024)

Executive Director of Development Services Shon Brooks presented the Item. As a result of a number of Event Center uses Zoning District Change Requests, the City Council directed the Planning staff to evaluate the Event Center use process of comparable cities in the Dallas-Fort Worth Metroplex. The information gathered by staff clearly noted that a majority of the comparable cities allowed the Event Center use by right and with Specific Use Permit approval.

Currently, the City of Waxahachie does not have a definition of an Event Center. City Staff has been identifying the use as a Private Club, which requires an approved Specific Use Permit in the Mixed Use Residential, Mixed Use Non-Residential, Office, General Retail, Central Area, Commercial, Light Industrial-1, Light Industrial-2, Heavy Industrial, and Airport District zoning districts.

The purpose of this Zoning Text Amendment is to:

1. Create a definition for an Event Center use.
2. Add the allowed use and SUP requirement to the Use Charts for Event Center use.

The current practice of classifying event center use under the Private Club category should be reduced due to the deficiencies in the Zoning Ordinance pertaining to event center use. The new definitions are noted below:

Event Center – A building or part of a building, in which facilities are provided and used for such purposes as a meeting, gathering, or assembly of persons for civic, educational, political, religious, or social events, including weddings and receptions, and may include a banquet hall. Such facility shall not host any activity that could be considered a sexually oriented business as defined by the City of Waxahachie’s Code of Ordinances. Also, such a facility may include a kitchen and an on-site kitchen/catering facility.

- a) This definition shall not include a business whose primary use constitutes a Microbrewery, Restaurant, Retail Stores & Shops, Tavern, or Winery. An Event Center use shall be considered as an accessory use when the primary function of a business constitutes one of the aforementioned Land Uses.

Mayor Wallace opened the Public Hearing at approximately 7:23 p.m.

There being no others to speak for or against ZTA-126-2024, Mayor Wallace closed the Public Hearing at approximately 7:23 p.m.

Council Member Travis Smith confirmed businesses with existing “Private Club” zoning won’t have to reapply for a “Event Center” use and Mr. Brooks explained their current Certificate of Occupancy is still valid.

11. Consider proposed Ordinance approving ZTA-126-2024

ORDINANCE NO. 3572

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE (ORDINANCE NO. 3020), ARTICLE IV (DEFINITIONS AND USE REGULATIONS), SECTION 4.01 (DEFINITIONS) TO SECTION 4.03 (USE CHARTS), PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Chris Wright moved to approve ZTA-126-2024, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance, Section 4.01 and Section 4.03 and authorize the Mayor to sign the associated documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).

12. Public Hearing on a request by Karen Snow, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 103 University Avenue (Property ID 176370) – Owner(s): Winding It Down, LLC (ZDC-167-2024)

Mr. Brooks presented the Item and Chris Snow requested approval. The applicant requests a SUP for short-term rental use at 103 University Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,968 square feet, built in 1930 with two (2) bedrooms, one (1) bathroom, one-half bathroom and enough improved

surface to accommodate for the maximum parking spaces of two (2) vehicles. The subject property is situated on an approximately 0.276 acres (12,022 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, the applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on August 14, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered one call was made regarding a stolen vehicle on December 14, 2023; however, staff confirmed this call was made for 103 E. University and not the subject property. The applicant's local emergency contact is located adjacent to 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 as required in Section 3.27 of the City's Zoning Ordinance. A total of seven (7) letters of opposition and twenty-two (22) letters of support were received.

Mayor Wallace opened the Public Hearing at approximately 7:26 p.m.

Mayor Pro Tem Chris Wright confirmed some of the letters of support were received from property owners who own multiple properties within the notification boundary.

Those who spoke, neither in support or opposition:
Alan Fox, 327 University, Waxahachie, Texas

There being no others to speak for or against ZDC-167-2024, Mayor Wallace closed the Public Hearing at approximately 7:30 p.m.

13. Consider proposed Ordinance approving ZDC-167-2024

ORDINANCE NO. 3573

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 103 UNIVERSITY AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.276 ACRES KNOWN AS PROPERTY ID 176370, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-167-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions 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).

Council Member Patrick Souter thanked the Snows for their restoration of the property to historic standards.

14. Consider proposed Resolution for Candidate Nominations for the Ellis Appraisal District Board of Directors for the Year 2025

Mr. Scott explained staff did not receive additional nominations from City Council for the Ellis Appraisal District (ECAD) Board of Directors. Staff recommends previous nominee Dani Muckleroy. He explained once all entity nominations are received by ECAD, Council will adopt a resolution allocating votes in December.

RESOLUTION NO. 1370

RESOLUTION OF CANDIDATE NOMINATIONS FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEAR 2025

Action:

Chris Wright moved to approve a Resolution for Candidate Nominations for the Ellis Appraisal District Board of Directors for the Year 2025. Motion was seconded by Patrick Souter and carried unanimously (5-0).

15. Convene into Executive Session to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code

Mayor Wallace announced at 7:40 p.m. the City Council would convene into Executive Session to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code.

16. Reconvene and take any necessary action

The meeting reconvened at 10:20 p.m.

Action:

Chris Wright moved to extend/renew the contract with City Manager Michael Scott for one additional year. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

City Council and City Management recognized the Finance Department for their achievements and outgoing Planning and Zoning Commissioner Bonney Ramsey for her service.

Council Member Travis Smith thanked the Convention and Visitors Bureau Department for their work with the Texas Motorplex on the Stampede of Speed events.

City Manager Michael Scott thanked the Police Department and the Communications and Marketing Director for their work.

Mayor Billie Wallace thanked Honorary Council Member Jackie Wray for her attendance and service to Waxahachie.

18. Adjourn

There being no further business, the meeting adjourned at 10:21 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary