

City Council
September 2, 2025

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 Tuesday, September 2, 2025 at 7:00 p.m.

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

Others Present: Ricky Boyd, Interim 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

Pastor Bill Schoneman, Waxahachie Bible Church, gave the invocation. Mayor Wallace led the Pledge of Allegiance, and the Texas Pledge of Allegiance.

4. Announcements/Presentations

- a. Introduce Honorary Council Member
- b. Present Proclamation recognizing September as “Childhood Cancer Awareness Month”

There was not a September Honorary Council Member in attendance.

Mayor Pro Tem Patrick Souter read the proclamation recognizing September as “Childhood Cancer Awareness Month.”

5. Public Comments

None.

6. Consent Agenda

- a. Minutes of the City Council meeting of August 18, 2025
- b. Minutes of the City Council work session of August 25, 2025
- c. Event application for 2025 Waxahachie Open to be held at Brown Singleton Park on October 4, 2025
- d. Event application for Hike for Life 2025 to be held at Brown Singleton Park on October 4, 2025

- e. Event application for Kevin's Weather Bash to be held at Railyard Park on October 4, 2025
- f. Event application for Oddfest 2025 to be held October 4, 2025 in Downtown Waxahachie
- g. Event application for Waxahachie High School Homecoming Parade to be held on October 10, 2025
- h. Event application for Bark in the Park to be held at the Wags-A-Hachie Dog Park on November 1, 2025
- i. Proposed Ordinance approving a request by Dustin Jordan, for a Petition for ETJ Release for approximately 7.490 acres, located at 3927 FM 813 (Property ID 234426) – Owner: Eagle 3 RE LLC (ETJ-PTN-97-2025)
- j. Proposed Ordinance approving a request by Caleb Bates, for a Petition for ETJ Release for approximately 0.1697 acres, located at 653 Sardis Rd (Property ID 192324) – Owner: Sardis Properties, LLC (ETJ-PTN-114-2025)
- k. Proposed Ordinance approving a request by Caleb Bates, for a Petition for ETJ Release for approximately 0.562 acres, located at 649 Sardis Rd (Property ID 192358) – Owner: Sardis Properties, LLC (ETJ-PTN-115-2025)
- l. Proposed Ordinance approving a request by Caleb Bates, for a Petition for ETJ Release for approximately 0.252 acres, located at 656 Sardis Rd (Property ID 180505) – Owner: Sardis Properties, LLC (ETJ-PTN-116-2025)
- m. Supplemental appropriation from the Waxahachie Community Development Corporation for a Waxahachie Downtown Merchants Association Events Sponsorship
- n. City Manager's appointment of member to Civil Service Commission
- o. Resolution approving a negotiated settlement between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division
- p. City Council liaison appointment to the Waxahachie Cultural Arts & Heritage Commission
- q. Supplemental appropriation for fuel dispenser emergency replacement at Mid-Way Regional Airport

ORDINANCE NO. 3655

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 11.711 ACRE TRACT OF LAND, LOCATED AT 1165 GIBSON ROAD, KNOWN AS PROPERTY ID 263489, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3656

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 0.1697 ACRE TRACT OF LAND, LOCATED AT 653 SARDIS ROAD KNOWN AS PROPERTY ID 192324, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S

EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3657

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 0.562 ACRE TRACT OF LAND, LOCATED AT 649 SARDIS ROAD KNOWN AS PROPERTY ID 192358, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3658

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 0.252 ACRE TRACT OF LAND, LOCATED AT 656 SARDIS ROAD KNOWN AS PROPERTY ID 180505, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

RESOLUTION NO. 1384

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 2025 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 Interim City Manager and/or Mayor to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

7. **Continue Public Hearing on a request by Lexi Cassels, Kimley-Horn, for a Zoning Change from a Commercial (C) zoning district to Planned Development-Multi-Family-2 and Planned Development-Commercial (PD-MF-2 & PD-C) zoning district, for a mixed-use development, located directly east of 2050 Conquest Boulevard, (Property ID 191630 & 191636) - Owner: B&T Realty Services Inc (ZDC-91-2024)**

Mayor Wallace announced the applicant requested to continue the Public Hearing to the October 6, 2025 City Council meeting to allow the developer additional time to analyze the final construction costs of the development.

Action:

Patrick Souter moved to continue the Public Hearing for ZDC-91-2024 to the October 6, 2025 City Council meeting. Motion was seconded by Chris Wright and carried unanimously (5-0).

8. **Consider proposed Ordinance approving ZDC-91-2024**

No action taken.

9. **Continue Public Hearing on a request by Marisa Brewer, McAdams, for a Zoning Change from a Planned Development – Commercial (PD-5-C) zoning district to Planned Development Multi-Family-1 (PD-MF-1) zoning district located at 501 Houston Street (Property ID 189345 – Owner(s): Skanda Investments, LLC and Masina Investments, LLC (ZDC-174-2024)**

Senior Director of Planning Trenton Robertson presented the Item and Marisa Brewer requested approval. The applicant proposes a Planned Development (PD) to allow for a townhome style multi-family development with a total of sixty (60) units on 5.889 acres. This results in a density of 10.19 dwelling units per acre (DUA); which is below the maximum density of eighteen (18) DUA that is allowed by right per the base zoning district of Multi-Family-1 (MF-1). The proposed development will not be subdivided into separate platted lots and will be developed on one lot, similar to a multi-family apartment development. The existing Phase 1 and proposed Phase 2 are currently owned by the same entities.

The applicant proposes a total of nine (9) buildings with this PD. Each building will house between four to eight townhome-style units, with 1-3 bedrooms per unit. A total of sixteen (16) 1-bedroom units, thirty-five (35) 2-bedrooms units, and nine (9) 3-bedrooms units, totaling sixty (60) units, are proposed for this development. The buildings have a proposed maximum height of two-stories and are situated approximately 97' from the southern boundary that is adjacent to an existing residential subdivision (Northgate Two Addition). The proposed development includes a rear entry-attached garage for each unit with the remaining required parking to be parallel along the primary drive aisles. The applicant is not proposing any front entry garages with this development. The proposed parking does exceed the minimum total parking requirement (100 spaces) and minimum attached garage requirement (105 spaces) for a multi-family development of this size.

The applicant has provided a set of proposed exterior elevations for the multi-family development with this PD. Renderings of each building type are included in the Building Materials/Elevations Plan. The facades feature primarily stone with accents of brick and Hardie board planks utilized

in various areas of each building to create some uniqueness to define each unit. Notably, all proposed structures utilize the same elevation.

The applicant proposes to provide amenities such as playground equipment and a pickleball court to be located in the center of the development, as shown on the Site Plan. In addition, the applicant proposes open space throughout the development with internal pedestrian sidewalks. Staff has included a recommended condition of approval for the PD request that requires these central amenities to be installed prior to the issuance of the Certificate of Occupancy of the first building on the subject property.

The applicant has provided a Landscape Plan for the proposed development. The proposed landscaping does meet the minimum requirements of the City of Waxahachie Zoning Ordinance. The applicant is proposing to install part of the required landscape in front of each unit. The applicant is proposing to provide trees along the southern boundary line to serve as a buffer between the proposed development and Northgate Two Addition (residential subdivision).

The subject property is accessed from Johnston Boulevard and Houston Street through mutual access easement with the existing development located to the north of the subject property, Heritage Square Townhomes Phase 1. The applicant proposes to dedicate a mutual access easement along the northern and eastern boundaries of the subject property by separate instrument. The applicant confirmed that they will file the mutual access easement prior to the plat application submittal.

The subject property is adjacent to an existing residential subdivision located south of the subject property, the Northgate Two Addition. Therefore, the applicant is proposing a 6' masonry screening wall, as required by the Waxahachie Zoning Ordinance. The applicant had previously coordinated a meeting with the adjacent property owners to communicate what the proposed development entails, and has stated that they will be reaching out to them regarding installation of the screening wall, should the property owner proceed with this development.

The subject property is identified by the 2023 Comprehensive Plan under the Mixed-Use Neighborhood placetype. Though the proposed development does not provide the mixing of activities, the use does provide a buffer between a dense multi-family development and a less dense traditional single-family neighborhood due to the proposed density for the development of 10.19 DUA. This type of density transition and the diversity of housing is consistent with the goals of the Mixed-Use Neighborhood placetype.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 35 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, no letters of support and four (4) letters of opposition to the request have been received by staff.

At the Planning & Zoning Commission meeting held on August 12, 2025, the Commission voted 5-0 recommending approval subject to the staff report and to include the following items as part of the conditions to be submitted for staff review before the City Council meeting on September 2, 2025:

Planning & Zoning Commission Conditions:

1. The applicant shall remove the proposed tables on the site plan and add additional playground equipment and fencing around the amenities area. Then submit an updated site plan to Staff prior to the City Council meeting.
2. The applicant shall add a shaded structure for the playground equipment proposed in this development.
3. The applicant shall submit a lighting and/or photometric plan with this application request, and shall adhere to Section 6.03 of the City of Waxahachie Zoning Ordinance prior to the City Council meeting.

The applicant has since submitted an updated site plan, landscape plan, and a rendering reflecting the changes recommended by the Planning and Zoning Commission. They are still working on photometric plan.

Mayor Wallace opened the Public Hearing at approximately 7:19 p.m.

Ms. Brewer presented the development proposal highlighting how it aligns with the City's Comprehensive Plan and zoning requirements. The site is surrounded by existing townhomes to the north, single-family homes to the south, Johnson Boulevard to the west (planned for future extension), and a vacant parcel to the east, with commercial areas and a highway nearby. The area is designated as a Mixed-Use Neighborhood, and while the current zoning is PD-C (Planned Development – Commercial), the request is to rezone to PD-MF (Planned Development – Multifamily) to allow for rental townhomes on a single platted lot. The townhomes are intended to serve as a transitional buffer between the lower-density residential area and the commercial zone near the highway. The design includes rear-entry townhomes with private fenced backyards, generous setbacks from nearby homes (mostly around 98 feet), a six-foot masonry wall, and a detention pond with extensive landscaping to help buffer noise. Lighting and building placement are intended to minimize glare, especially from amenities like pickleball courts and playgrounds. Access includes two main entrances and an emergency-only gated connection to Johnson Boulevard. The project meets code requirements by including four amenities: two playgrounds, sports courts, a swimming pool, and enclosed garages. Architecturally, the homes will feature pitched roofs, varied facades, and masonry elements, with four different elevation styles, all designed in coordination with the City's Planning and Zoning Commission.

There being no others to speak for or against ZDC-174-2024, Mayor Wallace closed the Public Hearing at approximately 7:24 p.m.

City Council's concerns about the proposed Phase Two of the Heritage Square Townhomes focused heavily on the adequacy of amenities, ongoing maintenance, design compatibility, and resident impact. Council members emphasized the need for the playground area to meet or exceed Planning & Zoning (P&Z) requirements, including additional equipment and shaded structures. There were repeated concerns about long-term maintenance of Phase One, especially regarding trash management and general upkeep. While the owner noted \$250,000 in improvements had already been made, Council remained skeptical of sustained commitment. Other concerns included whether the buildings resembled true townhomes or apartments, the need for better fencing, and whether water runoff from increased elevation and impervious surfaces would negatively impact existing homes. Security measures, trash logistics, and compatibility with surrounding neighborhoods were also key issues raised by Council.

In addition to design and maintenance concerns, Council discussed major issues related to parking, infrastructure, and site functionality. Out of 210 existing parking spaces, 75 would be removed, leaving only 135—despite earlier claims of 142. This inconsistency, combined with unclear accounting for certain lots and visitor areas, raised red flags about whether adequate parking would remain. Dumpsters currently occupy parking spaces, and proposed larger containers could displace even more, with the added problem that the current trash setup potentially lacks code-compliant enclosures. While the property manager detailed improvements like pothole repairs, new fencing, pool restoration, and interior work on vacant units, Council emphasized that unresolved issues—particularly trash placement, drainage, fencing, and parking logistics—must be fully addressed before Phase Two can move forward.

Mayor Wallace reiterated that the City Council does not support the improvement of poorly maintained or substandard townhomes.

10. Consider proposed Ordinance approving ZDC-174-2024

Action:

Chris Wright moved to approve ZDC-174-2024, a Zoning Change from a Planned Development-Commercial to Planned Development-Multifamily-1, subject to the conditions of the staff report and authorize the Interim City Manager and/or Mayor to execute all necessary documents.

Mr. Robertson confirmed the motion includes the condition about the playground equipment and associated required shade structure shall be continuously maintained and kept in good condition repair and Councilman Wright agreed.

City Attorney Terry Welch noted the following language could be added to the Zoning Ordinance and Development Agreement if Council chooses: Further the shade structures on the playground area shall be maintained in good condition and be replaced in the event of any damage to the shade structure.

Chris Wright accepted Mr. Welch's additional language to his motion. Motion was seconded by Patrick Souter and failed 2-3, with Billie Wallace, Tres Atkins, and Travis Smith voting in opposition.

Action:

Travis Smith moved to reconsider ZDC-174-2024. Motion was seconded by Tres Atkins and carried unanimously (5-0).

Council Members discussed tabling the Item to allow for concerns and questions to be addressed by the owner.

Action:

Travis Smith moved to table ZDC-174-2024 to the October 20, 2025 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (5-0).

11. Consider Development Agreement for ZDC-174-2024

No action taken.

- 12. Continue Public Hearing on a request by Quinn Foster, Manhard Consulting, for a Zoning Change from a Single-Family-1 (SF-1) zoning district to Planned Development – General Retail (PD-GR) zoning district located directly north of 2400 North US Highway 77 (Property ID 189302) – Owner(s): Snow Peach Legacy Family Holding Spendthrift Trust (ZDC-75-2025)**

Mayor Wallace announced the applicant requested to continue the Public Hearing to the October 6, 2025 City Council meeting to refine their proposal and address citizens' concerns.

Action:

Tres Atkins moved to continue the Public Hearing for ZDC-75-2025 to the October 6, 2025 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 13. Consider proposed Ordinance approving ZDC-75-2025**

No action taken.

- 14. Public Hearing on a request by Sarah Lewis, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 209 Equestrian Drive (Property ID 236359) - Owner: Sarah & Brandon Lewis (ZDC-98-2025)**

Mr. Robertson presented the Item. The applicant requests a SUP for short-term rental use at 209 Equestrian Drive because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,696 square feet, built in 2013. The portion of the home proposed to be used as an STR has three (3) bedrooms, one (1) bathroom and enough improved surface to accommodate two (2) vehicles. The emergency contact will be residing approximately 10.2 miles away from the subject property.

The applicant submitted the SUP application on July 2, 2025. The subject property is situated on an approximately 0.17 acres (7,405.2 square feet) lot. The applicant has not been operating a short-term rental. The applicant has not been paying local hotel occupancy taxes, as they have not been operating an STR. The Ellis County Appraisal District (ECAD) does identify the subject property as a Homestead. However, according to the comment response letter received by the applicant, the existing Homestead Exemption rolled over from the previous owner, and the applicant has formally put in a request with Ellis County Appraisal District to have that Homestead Exemption removed. Additionally, the applicant will not be residing at this location.

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 10.2 miles away from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 63 notices were mailed to property owners within 500 feet of the subject property as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of four (4) letters of opposition and zero (0) letters of support were received by staff.

Mayor Wallace opened the Public Hearing at approximately 8:16 p.m.

There being no others to speak for or against ZDC-98-2025, Mayor Wallace closed the Public Hearing at approximately 8:16 p.m.

15. Consider proposed Ordinance approving ZDC-98-2025

ORDINANCE NO. 3659

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 209 EQUESTRIAN DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.17 ACRES KNOWN AS PROPERTY ID 236359, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-98-2025, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report and authorize the Interim City Manager and/or Mayor to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

16. Public Hearing on a request by Linda Romanenko for a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet use within a Single-Family Residential-1 (SF-1) zoning district located at 2951 Longbranch Road (Property ID 175482) – Owner(s): Linda Romanenko (ZDC-99-2025)

Mr. Robertson presented the Item and Linda Romanenko requested approval. The applicant requests a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use at 2951 Longbranch Road. The subject property has four (4) existing accessory structures used for general storage, a carport, a detached garage, and a barn; that total an estimated 2,145 square feet in size. The number of existing accessory structures are consistent with adjacent properties and the rural setting along Longbranch Road. Per the City of Waxahachie Zoning Ordinance, accessory structures exceeding 1,000 square feet in combined floor area require a SUP to be approved by City Council.

According to the Ellis County Appraisal District, the subject property currently has an existing primary structure of approximately 2,073 square feet. The proposed accessory structure is a partially enclosed storage canopy that is approximately 480 square feet in size. The accessory structure features an exterior façade that is consistent with the existing accessory structures. The proposed accessory structure will be utilized as a storage area that will accommodate various items related to the general upkeep of the applicant's garden and yard. No vehicles or heavy equipment will be stored in the structure; thus, a driveway is not required. The location of the proposed accessory structure meets the typical setback requirements of the City of Waxahachie Zoning Ordinance.

According to the applicant's Operational Plan, no plumbing or electrical work is being proposed for the accessory structure and no paved flooring is being proposed as well. The accessory structure will be secured via mobile home anchors. The proposed structure will be enclosed on the side facing the front of the property, while the open side of the canopy will face the rear of the property. The property owners have confirmed to staff that the structure will not be used as a dwelling or short-term rental and will not be separately sold or leased from the existing primary structure.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, five notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. Staff has received three (3) letters of support and zero (0) letters of opposition.

Mayor Wallace opened the Public Hearing at approximately 8:19 p.m.

There being no others to speak for or against ZDC-99-2025, Mayor Wallace closed the Public Hearing at approximately 8:20 p.m.

17. Consider proposed Ordinance approving ZDC-99-2025

ORDINANCE NO. 3660

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT ACCESSORY STRUCTURES EXCEEDING ONE THOUSAND (1,000) SQUARE FEET IN COMBINED FLOOR AREA WITHIN THE SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 2951 LONGBRANCH ROAD, BEING PROPERTY ID 175482, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5 OF THE ROSE ESTATE PHASE ONE ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Tres Atkins moved to approve ZDC-99-2025, a Specific Use Permit for Accessory Structures exceeding 1,000 square feet in combined floor area use, subject to the conditions of the staff report and authorize the Interim City Manager and/or Mayor to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

18. Public Hearing on a request by City of Waxahachie for textual amendments to the City Zoning Ordinance, Article II Administration, Section 2.04 Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures, Article VII Supplemental Regulation, Section 7.05 Home Occupation Regulations, and to Article II Zoning Districts, Section 3.27 Short-Term Rentals (ZTA-113-2025)

Mr. Robertson presented the Item. Due to recent adoption of House Bill 24 and House Bill 2464 by the 89th Session of the Texas Legislature, the City Attorney has advised that amendments to the Waxahachie Zoning Ordinance are necessary to maintain compliance with State law. The City Attorney has prepared an ordinance amending Section 2.04 of the Waxahachie Zoning Ordinance, related to Zoning Protests, including the repeal of City Council super-majority approval requirements when a request is denied by the Planning and Zoning Commission. The prepared

ordinance also amends Section 7.05 of the Zoning Ordinance related to the definition and municipal regulation of no-impact home-based businesses. Finally, the prepared ordinance amends Section 3.27 of the Zoning Ordinance related to Short-Term Rentals to more closely align with recent litigation and court decisions around the State of Texas.

Mayor Wallace opened the Public Hearing at approximately 8:23 p.m.

There being no others to speak for or against ZTA-113-2025, Mayor Wallace closed the Public Hearing at approximately 8:23 p.m.

19. Consider proposed Ordinance approving ZTA-113-2025

ORDINANCE NO. 3661

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING SECTION 2.04, “CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES,” OF THE ZONING ORDINANCE RELATIVE TO ZONING PUBLIC NOTICE, PUBLIC HEARINGS AND ZONING PROTESTS, INCLUDING THE REPEAL OF SECTION 2.04(h)(v)(2) REGARDING SUPER MAJORITY REQUIREMENTS WHEN A ZONING REQUEST IS DENIED BY THE PLANNING AND ZONING COMMISSION; AMENDING SECTION 7.05, “HOME OCCUPATION REGULATIONS,” OF THE ZONING ORDINANCE TO INCLUDE THE PREEMPTIVE EFFECT OF SECTION 229.902 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AMENDING PROVISIONS IN SECTION 3.27, “SHORT-TERM RENTALS,” BY AMENDING THE DEFINITION OF “PARTY” IN SECTION 3.27(b)(i)(9) AND ADDRESSING LEGAL NONCONFORMING USES IN SECTION 3.27(c)(i) OF THE ZONING ORDINANCE; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Action:

Patrick Souter moved to approve ZTA-113-2025, an ordinance amending sections 2.04, 3.27 and 7.05 of the Zoning Ordinance making text amendments related to zoning protests, home businesses and short-term rentals and authorize the Interim City Manager and/or Mayor to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

20. Consider appointments to Boards and Commissions

City Secretary Amber Villarreal presented the proposed recommendations for Boards and Commissions, as discussed during the City Council work session held on August 11th.

ANIMAL CARE ADVISORY COMMITTEE (2-year term)

Dr. Tommy Mensor, Licensed Veterinarian

Dustin Deel, County or Municipal Official

Jennifer Favia Conner, a representative from an animal welfare organization

CEMETERY BOARD (2-year term)

Constance McGuire
Perry Giles
Trudy Hankins

CULTURAL ARTS AND HERITAGE COMMISSION (2-year term)

Richard Von Aday
Emily Finch
Rhyan Phillips
Victoria Russell
Twyla Williams

ECONOMIC DEVELOPMENT COMMISSION

Patrick Aulson (replacing Betty Square Coleman)

HERITAGE PRESERVATION (2-year term)

Peggy Crabtree
Alex Lohmann
Kelly Savell
Mark McReynolds
Jimmy Poarch (Planning and Zoning Commission liaison replacing Marlene Norcross)

IMPACT FEE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

DeAnne Fite, Ad Hoc Member (filling term for Jimmy Poarch)

KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3-year term)

Austin Mauldin (replacing Jesse Gibson until September 2027)

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

Brad Owens

PARK BOARD (3-year term)

Thomas Michael Hawkins

PLANNING AND ZONING COMMISSION (2-year term)

Terry Connor
Jimmy Poarch
Ryan Simpson
Bart Underwood

SENIOR CENTER ADVISORY COMMITTEE (2-year term)

Shannon Childs
Vaughn Franks
Carrie Lewis
Kelly Saunders

TAX INCREMENT REINVESTMENT ZONE (2-year term)

Billie Wallace, Mayor (Chairman)
Dusty Autrey (replacing Mike Lee as WPI Member)
Shane Henry
Conor McGuire

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2-year term)

Melissa Ballard
Kevin Chester
Jim Phillips

WAXAHACHIE HOUSING AUTHORITY (2-year term)

Adrian Cooper
Christy Waters

Action:

Chris Wright moved to approve the appointments to Boards and Commissions as presented. Motion was seconded by Patrick Souter and carried unanimously (5-0).

21. Consider Right-of-Way Dedication to the State of Texas for the SPUR 394

Senior Director of Public Works and Engineering Justin Stoker presented the Item. The Spur 394 highway project is approximately 1.7 miles long, starting from I-35E/US 77 to Howard Road (FM 877), and will accommodate future traffic and mobility. The Texas Department of Transportation (TxDOT) has requested the Right-of-Way dedication of approximately 0.6974 acres, owned by the City of Waxahachie crossing Spur 394. This portion of city property is along an abandoned railroad and part of the City's pedestrian trail plan. TxDOT will construct a pedestrian crossing under SPUR 394 highway so it can connect to the future trail.

RESOLUTION NO. 1385

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS,
AUTHORIZING THE EXECUTION AND DELIVERY OF A GENERAL WARRANTY
DEED CONVEYING PROPERTY ALONG SPUR 394 TO THE STATE OF TEXAS**

Action:

Tres Atkins moved to approve the Resolution for Right-of-Way dedication conveying city owned property along Spur 394 to the State of Texas, and authorize the Interim City Manager to execute all the necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

22. Consider Amendment 1 to the Engineering Professional Services Agreement for the Waxahachie – Midlothian Regional Trail Project

Mr. Stoker presented the Item. On September 16, 2024, the City Council approved a professional services agreement for the Waxahachie -Midlothian Regional Trail Project, in an amount not to exceed \$225,000 for a preliminary design plan and survey. The project will include a 12-foot-wide concrete trail, approximately 2.6 miles long, between Getzendaner Park and FM-875.

The preliminary layout of the trail is complete, and the project is now ready to proceed with the final design documents. It will include geotechnical analysis, an environmental study, right-of-way document preparation, final design, construction services, and a structural allowance. The structural allowance will accommodate the design of retaining walls and a new bridge crossing at Waxahachie Creek.

Amendment 1 includes an amount of \$968,500.00, resulting in a total amended contract amount of \$1,193,500. Amendment 1 is within the budget allocated to the project in the Parks Capital Funds. An agreement is in place with the Texas Department of Transportation for reimbursement of 80% of the costs associated with the Waxahachie -Midlothian Regional Trail Project, up to project costs of \$5.1 million, which equates to \$4.08 million reimbursed.

Action:

Chris Wright moved to approve Amendment 1 of the professional service agreement with Kimley-Horn and Associates, Inc. for the final design of the Waxahachie - Midlothian Regional Trail Project in the amount of \$968,500, and authorize the Interim City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

23. Consider approval to award a citywide generator maintenance service contract

Senior Director of Administrative Services Dustin Deel presented the Item. On July 2, 2025, the City issued Request for Proposal (RFP) #2025-6-01 for comprehensive generator maintenance services. Proposals were publicly opened on August 7, 2025. After a thorough evaluation process, Altorex LLC was determined to be the lowest qualified bidder. The intent of this procurement is to secure a reliable vendor to provide preventive maintenance, including quarterly and annual servicing, as well as load testing, to ensure operational readiness and prolong the useful life of generators at City-owned facilities. The initial term is for one year, with the option to renew for up to four (4) additional one-year terms. The cost is approximately \$57,000 for routine scheduled maintenance of all 20 of the City's generators. Emergency call-out service and non-routine repairs would be an additional charge based on the approved schedule of fees.

Expenditures for generator maintenance are included in each department's approved operating budget. Services performed will not exceed the total annual amount budgeted for this purpose.

Action:

Patrick Souter moved to award a contract with Altorex LLC for City-wide Generator Maintenance and Service and authorize the Interim City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

24. Consider contract for chlorine dioxide generator equipment rental, maintenance service, and chemical purchase

Senior Director of Utilities Kumar Gali presented the Item. Evoqua Water Technologies is the sole source provider for the equipment, chemical supply and maintenance services of the sodium chlorite generation system at the Howard Road and Robert W. Sokoll Water Treatment Plants. Chlorine Dioxide is utilized as a disinfectant and for iron and manganese control at the treatment plants.

Council Members discussed exploring a local option and requested to table the item until the September 15th meeting.

Action:

Chris Wright moved to table the Item until the September 15, 2025 City Council meeting to allow staff to explore a local vendor option. Motion was seconded by Tres Atkins and carried unanimously (5-0).

25. Consider contract for replacement of pump and motor at Lake Bardwell Raw Water Pump Station and supplemental appropriation

Mr. Gali presented the Item. The number 3 pump and motor at Lake Bardwell Raw Water Pump Station is currently non-operational. The pump and motor were originally installed in 2019. The pump and motor have a 10-year life span, but failed early due to pumpage of silt that was built up in the intake structure. The intake channel to this pump station was dredged last year, so the new pump should be able last its anticipated life span. The scope of the contract with Odessa Pumps & Equipment Inc. is to retrieve the motor with a crane and to install the replacement motor for a total cost of \$174,020. The \$174,020 contract will be funded by \$152,447 from the 2019 Water Bond savings and \$21,573 from the 2020 Water Bond savings.

Council Members inquired about the pump maintenance procedures, including whether regular inspections are conducted. Mr. Gali explained that the pumps are inspected on a regular schedule every six months.

Action:

Tres Atkins moved to approve a contract with Odessa Pumps & Equipment Inc. in the amount of \$174,020 for the replacement of a pump and motor at Lake Bardwell Raw Water Pump Station and authorize funding from 2019 and 2020 Water Bonds savings to fund the contract and authorize the Interim City Manager to execute all the necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

26. Consider proposed Ordinance amending Sections 8-30 and 8-31 of Chapter 8 of the City of Waxahachie Code of Ordinances to allow the use of copper clad aluminum wire in single-family residential

Executive Director of Development Services Shon Brooks presented the Item. The City of Waxahachie has received a request to use copper clad aluminum wire in permitted residential work. Changes in technology allow for this product to be used in environments like traditional copper wiring. One distinction will be to require homes using this product to clearly label the home's electrical panel. This labeling will state that Copper Clad Aluminum wiring has been installed, indicating the lower current capacity in case of future home repairs or upgrades. Copper clad wiring has more restrictions on installations compared to copper wiring and is almost indistinguishable from copper wiring under simple visual inspection, thus this labeling will provide clarity. The proposed code revision will not have any financial impact on the permitting or inspection process.

ORDINANCE NO. 3662

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING SECTION 8-30, "ALUMINUM WIRE CONDUCTORS RESTRICTED," AND SECTION 8-31, "WIRE SIZE," OF CHAPTER 8, "BUILDING," OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, BY ALLOWING COPPER CLAD ALUMINUM WIRE TO BE UTILIZED; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Action:

Travis Smith moved to approve an ordinance amending sections 8-30 and 8-31 of Chapter 8 of the Code of Ordinances to allow the use of copper clad aluminum wire in single-family construction. Motion was seconded by Patrick Souter and carried unanimously (5-0).

27. Consider an Engineering Professional Service Agreement with Garver Engineering for the Farley Street Reconstruction Project

Mr. Stoker presented the Item. The proposed Farley Street Improvement Project includes the reconstruction and widening of Farley Street from two lanes to four concrete paved lanes, extending from Brown Singleton Park to the US Highway 287 Frontage Road. The project scope also includes installation of storm drainage, water main line, wastewater main line, roadway illumination, sidewalks, and a trail to support multi-modal transportation and improve overall infrastructure.

On April 16, 2025, Lee Engineering completed a Traffic Analysis to determine the precise limits for the current widening and any traffic signal needs for the corridor. Based on the findings, the project limits were set between the US-287 Frontage Road and Brown Singleton Park. The transition between a four-lane and two-lane road will occur east of the bridge. No changes to the bridge are proposed with this project.

The Farley Street Reconstruction project is included in the approved 5-year CIP program and the \$792,561 professional services agreement with Garver, LLC will be funded as follows: FY 2023 Streets CO Bond (\$600,591), FY 2020 Water CO Bond Fund 516 (\$90,614), FY 2019 Wastewater Bond Fund (\$14,336), FY 2020 Wastewater Bond Fund 524 (\$79,854), and the FY 2021 Wastewater Bond Fund 526 (\$7,166).

Action:

Patrick Souter moved to approve a professional service agreement with Garver, LLC in an amount not to exceed \$792,561 for design and construction engineering services associated with the Farley Street Reconstruction Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

28. Consider proposed Ordinance amending Code of Ordinances Chapter 32 – Traffic

Deputy City Manager Albert Lawrence presented the Item. He explained amending Section 32-248 of Chapter 32- Traffic will add Marshall Road from Ovilla Road to Patrick Street to the list of enforceable prohibited truck traffic. Currently there are “No Truck Traffic” signs placed along this section of Marshall Road since the asphalt pavement portion is not truck traffic rated. In the future, once the road is widened to 4 lanes and designed for truck traffic, City staff will bring another revision to this ordinance to the City Council to remove this prohibition.

ORDINANCE NO. 3663

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 32, "TRAFFIC," OF THE CODE OF ORDINANCES BY AMENDING SECTION 32-248, "PROHIBITED TRUCK TRAFFIC"; AND PROVIDING AN EFFECTIVE DATE.

Action:

Tres Atkins moved to approve an ordinance amending Section 32-248 of Chapter 32 – Traffic of the Waxahachie Code of Ordinances, to add a portion of Marshall Road to the Prohibited Truck Traffic list and authorize the Mayor and/or Interim City Manager to execute all the necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

29. Convene into Executive Session to deliberate economic development incentives, as permitted by Texas Government Code Section 551.087; to deliberate the purchase, exchange, lease, or value of real property for municipal purposes, as permitted by Texas Government Code Section 551.072; to deliberate personnel matters, including selection of a City Manager, as permitted by Texas Government Code Section 551.074; to consult with the City Attorney regarding pending and anticipated litigation, as permitted by Texas Government Code Section 551.071; and to consult with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto

Mayor Wallace announced at 8:56 p.m. the City Council would convene into Executive Session to deliberate economic development incentives, as permitted by Texas Government Code Section 551.087; to deliberate the purchase, exchange, lease, or value of real property for municipal purposes, as permitted by Texas Government Code Section 551.072; to deliberate personnel matters, including selection of a City Manager, as permitted by Texas Government Code Section 551.074; to consult with the City Attorney regarding pending and anticipated litigation, as permitted by Texas Government Code Section 551.071; and to consult with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto.

30. Reconvene and take any necessary action

The meeting reconvened at 11:05 p.m.

Action:

Tres Atkins moved to authorize the City Attorney to execute an Engagement Letter with Kaplin Kirsch Law Firm regarding an FFA matter in which the City is a party. Motion was seconded by Travis Smith and carried unanimously (5-0).

31. Comments by Mayor, City Council, City Attorney and City Management

Deputy City Manager Albert Lawrence announced the promotion of Kassandra Carroll to Senior Director of Economic Development.

Interim City Manager Ricky Boyd recognized staff for their efforts in organizing an outstanding celebration of Waxahachie's 175th birthday.

Council Member Chris Wright welcomed Ryan Simpson to the Planning and Zoning Commission.

The City Council congratulated Kassandra Carroll on her new role and commended her for her dedication and hard work.

32. Adjourn

There being no further business, the meeting adjourned at 11:05 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary