

City Council
November 3, 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 Monday, November 3, 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

Mayor Pro Tem Patrick Souter 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 designating November 3-7, 2025 as Municipal Court Week

Council Member Chris Wright introduced November Honorary Council Member Brad Elliott. Mr. Elliott has served in law enforcement for 25 years, most of them in Ellis County, where he currently works as a sergeant with the Ellis County Sheriff's Office overseeing the civil division, fugitive transport, warrants, and animal control. Deeply committed to community service, Brad has served on the boards of the Ellis County Children's Advocacy Center and Italy Shop with a Hero, and he currently chairs the Bridges Training Foundation in Midlothian, which supports individuals and families through advocacy, education, and vocational programs.

He is also in his third year as a board member for the North Texas Behavioral Health Authority (NTBHA), helping ensure access to quality, recovery-oriented mental and behavioral health services for all. In addition, Brad is collaborating with local organizations, Pet Coalition of Ellis County and Snip it in the Bud, to develop sustainable solutions following the SPCA's departure from Ellis County.

He and his wife, Brittany, in her 17th year of teaching in Midlothian ISD, are proud parents to their daughter, Boston, who shares their family's passion for serving others and is involved in their Church Renovation Kidz service projects.

Mayor Pro Tem Souter presented the proclamation designating November 3-7, 2025 as Municipal Court Week.

5. Public Comments

Steve Chapman, 1602 Alexander, Waxahachie, Texas, spoke in regards to the proposed Charter amendments. He shared his historical perspective as City Attorney when the current Charter was adopted and expressed support for updating it. Mr. Chapman recommended expanding the Council to seven members, maintaining two-year terms, continuing the public election of the Mayor, and retaining the at-large election system. He thanked the Council for the opportunity to share his comments.

Tiana Schwartz, Midlothian, Texas, introduced herself to the City Council as a candidate for Ellis County District Clerk. She stated that she has worked in the legal profession for nearly 20 years, including the past seven serving under Judge Chapman in County Court at Law No. 1. Ms. Schwartz noted that she has lived in Midlothian and Ellis County for over 20 years, raised five children who graduated from Midlothian ISD, and appreciated the opportunity to introduce herself to the Council.

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, expressed concern about contractors cutting concrete without proper dust control. He noted that crystalline silica in concrete dust poses health risks and urged the City and Code Enforcement to ensure contractors follow OSHA safety standards.

6. Consent Agenda

- a. Minutes of the City Council meeting of October 20, 2025
- b. Minutes of the City Council work session of October 22, 2025
- c. Event application for Southern Star 5k to be held at Getzendaner Memorial Park on November 8, 2025
- d. Event application for Santa Run to be held in Downtown Waxahachie on December 13, 2025
- e. Event application for Carry the Load event to be held at Lumpkins Stadium on May 23, 2026
- f. Proposed Ordinance approving a request by Anthony Lohden for a Petition for ETJ Release for approximately 5 acres, located along FM 55 east of State Hwy 77 and west of Chisholm Trail (Property ID 234199) – Owner: Anthony Lohden (ETJ-PTN-134-2025)
- g. City of Waxahachie 2026 Holiday Schedule
- h. Contract for two LifePak 35 monitor/defibrillators in the amount of \$128,841.28
- i. Purchase of a bucket truck from Versalift in the amount of \$227,863

ORDINANCE NO. 3682

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5 ACRE TRACT OF LAND, LOCATED APPROXIMATELY 200 FEET WEST OF 210 FM 55, KNOWN AS PROPERTY ID 234199, AND ORDERING THE CHANGING OF THE CITY OF

WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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. Consider a request by William Dahlstrom, for Voluntary Annexation of approximately 206.719+/- acres situated off of Brookside Road (Property ID 193815, 193822, & 303652) - Owner: United Presbyterian Homes & Walton Texas LP (ANX-DNX-164-2025)**

Trenton Robertson, Senior Director of Planning, announced the applicant requested to continue ANX-DNX-164-2025, the UPH & Walton Properties Annexation, from the November 3, 2025 City Council meeting to the November 17, 2025 City Council meeting.

Action:

Tres Atkins moved to continue ANX-164-2025 to the November 17, 2025 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 8. Consider a request by Jose Zavala for a Plat of Zavala ADDITION, lot 1 Block A, being 0.1642 acres, located at the intersection of S Rogers St and Five Points Rd, situated in the James Armstrong Survey, Abstract 6, an addition to the City of Waxahachie (Property ID 179039) – Owners: Jose Zavala and Juan Zavala (SUB-124-2025)**

Trenton Robertson, Senior Director of Planning, presented the Item. The applicant requests to plat the subject property for the purpose of residential development. The project is located within the Infill Overlay District and is subject to the lot size and dimension requirements of the Infill district. The plat includes dedication of 15' utility easements along S Rogers Street and Five Points Road, per the Waxahachie Subdivision Ordinance.

During the review of the replat application, staff identified technical errors that conflict with the requirements of the Waxahachie Subdivision Ordinance. These technical items are required to be corrected prior to filing the replat. The correction of each item has been identified as a condition of approval in the staff recommendation.

The proposed plat will not meet the minimum lot size standards of the Infill Overlay District, but the applicant has filed a Petition for Hardship Waiver. Infill standards require that the subject property be within 90% of the average lot size of adjacent properties (64,352 sf). This subject property is a remnant, un-platted lot and is much smaller than average for the surrounding area. In order not to reduce the proposed lot size any further, the applicant has also requested to not dedicate right-of-way (ROW) for S Rogers Street as typically required by the Waxahachie Thoroughfare Plan. The subject property is only 0.1642 acres (7,152sf). Staff is supportive of the Petition for Hardship Waiver due to the fact that the proposed lot is comparable in size to a majority of existing lots in the surrounding area. Staff received no letters of opposition or support for this case.

Action:

Travis Smith moved to approve SUB-124-2025, a Plat of the Zavala Addition, Lot 1, Block A, subject to the conditions of the staff report, authorizing the Mayor and/or Interim City Manager to sign the associated documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

9. Public Hearing on a request by Gilberto Escobedo, for a Replat of Lot 13R, Block 180, of the Oak Lawn Addition, to create Lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, 0.191 acres, located at 309 Henry Street (Property ID 175115) – Owner: Escobedo Gilberto Jr (SUB-127-2025)

Mr. Robertson presented the Item. The applicant proposes to replat the subject property from one (1) lot into two (2) lots for single family residential use. The property was originally platted as Lots 13 & 14 of the Oak Lawn Addition before being replated into lot 13R in 1985. The original Lots 13 & 14 were of similar size to the currently proposed lots. The property is located within the City's Infill Overlay District and the proposed lots will be consistent in size with the neighboring lots on Henry Street.

The applicant requests a Petition for Relief Waiver for the right-of-way (ROW) dedication requirement along Henry Street for this property. The current right-of-way width on Henry Street is 25', with the current City of Waxahachie's Thoroughfare Plan calling for a 50' right-of-way. The applicants' Petition of Relief Waiver will allow the proposed properties to remain consistent with the surrounding lots; none of which have dedicated additional right-of-way for Henry Street. The waiver would also allow the homes to be built on the properties to remain consistent with the surrounding homes in terms of size and placement on the lots. Due to the lots closely aligning with the surrounding area, staff is supportive of this replat and the Petition for Relief Waiver.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 32 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 received zero (0) letters of support and five (5) letters of opposition for the proposed replat.

Mayor Wallace opened the Public Hearing at approximately 7:29 p.m.

There being no others to speak for or against SUB-127-2025, Mayor Wallace closed the Public Hearing at approximately 7:30 p.m.

Councilman Travis Smith asked about potential access issues for fire apparatus due to on-street parking. Interim Fire Chief Scott Safford stated he has no concerns at this time.

Councilman Wright asked if the property would be used as a short-term rental. Mr. Gilberto Escobedo stated that it would likely be a long-term rental.

10. Consider approving SUB-127-2025

Action:

Tres Atkins moved to approve SUB-127-2025, a Replat of Lot 13R, Block 180, of the Oak Lawn Addition, to create Lot 13R-A and Lot 14R, Block 180, subject to the conditions of the staff report, authorizing the Mayor and/or Interim City Manager to sign the associated documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

11. Public Hearing on a request by Javier Landeros, Inkspllicit Tattoo Studio, LLC, for a Specific Use Permit (SUP) for a Tattoo or Body Piercing Shop use within the General Retail (GR) zoning district located at 120 North US Highway 77, Suite A (Property ID 173425 – Owner(s): 120 North LLC (ZDC-112-2025))

Mr. Robertson presented the Item. The applicant proposes a Specific Use Permit (SUP) for Tattoo Shop use at 120 North US Highway 77, Suite A. The use of a Tattoo Shop requires an approved SUP by City Council per the City of Waxahachie's Zoning Ordinance. The applicant is a tattoo artist who is proposing to operate a tattoo shop at the subject property primarily on an appointment-only basis but will accommodate walk-ins between the hours of 3:00 PM through 10:00 PM from Tuesdays through Saturdays. The applicant is proposing to have one chair for himself to occupy this space. The applicant offers additional services such as logo design, shirt designs, wall murals, and other projects utilizing his artistic skills.

The subject property previously received approval for a SUP to operate a Cosmetic and Restorative Studio (Permanent) use City Council meeting on April 3, 2023 (ZDC-177-2022); however, the applicant did not proceed with leasing the space within six (6) months of approval. Therefore, the approved SUP is no longer valid.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 20 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 no letters in support and opposition for the SUP request.

Mayor Wallace opened the Public Hearing at approximately 7:35 p.m.

There being no others to speak for or against ZDC-112-2025, Mayor Wallace closed the Public Hearing at approximately 7:35 p.m.

Councilman Wright recalled previous discussions regarding tattooing regulations. He explained that when the ordinance was amended to define cosmetic and medical restorative tattooing, the intent was to allow restorative tattooing in limited locations—not in general retail areas. He noted that the current ordinance allows tattooing with a Specific Use Permit (SUP) in general retail, which he believes was not the original intent of Council. For that reason, he stated he does not support allowing tattooing in general retail districts.

Councilman Smith agreed with Councilman Wright's interpretation of the original intent of the tattooing ordinance. He noted that the property in question is still zoned General Retail but questioned whether that designation remains appropriate, as the area no longer functions as a typical retail space and may be better suited for commercial zoning.

Mayor Wallace agreed with the comments made by Councilmen Wright and Smith and added that the City should also consider measures to prevent an over-saturation of tattoo businesses in the future. She emphasized that while she has no objection to tattoo establishments, she does not want them to become overly concentrated throughout the city.

Mayor Pro Tem Souter echoed the previous comments, noting that the issue had been discussed in detail over the past couple of years. She emphasized that while she is not opposed to tattoo businesses, the concern at the time was the rapid proliferation of tattoo establishments.

Councilman Wright confirmed that the tattoo business would operate by appointment only, not allowing walk-ins, and that any signage would simply replace the existing sign with their business logo, no bright or neon signs.

12. Consider proposed Ordinance approving ZDC-112-2025

ORDINANCE NO. 3683

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TATTOO OR BODY PIERCING SHOP USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 120 NORTH U.S. HIGHWAY 77, SUITE A, BEING PROPERTY ID 173425 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 120-RR-C OF THE FERRIS SECOND ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-112-2025, for a Specific Use Permit for a Tattoo or Body Piercing Shop use, subject to the conditions of the staff report, authorizing the Mayor and/or Interim City Manager to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

13. Public Hearing on a request by Dennis Church, Minto Communities Texas, LLC, for a Zoning Change from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

Mr. Robertson announced on October 27, 2025, the applicant requested to continue case no. ZDC-232-2024, from the November 3, 2025, City Council meeting to the November 17, 2025 City Council meeting. The purpose of the continuance request is to allow the applicant additional time to address staff concerns.

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

Those who spoke in opposition:

Bob Ferris, 6059 E FM 875, Waxahachie, Texas
Ira Tenpenny, 109 Rosa, Waxahachie, Texas
Kathy Kacal, 405 Brookside Road, Waxahachie, Texas
Heather Fegan, 1720 Lone Elm Road, Waxahachie, Texas
Mike Mohat, 1810 Lone Elm Road, Waxahachie, Texas

Ms. Kacal raised a concern about an elected county official who is now paid by the Minto developer to represent them against city citizens, calling it a clear conflict of interest. Ms. Kacal confirmed this with the State Ethics Commission, were advised to contact the city attorney, and urged officials to be aware of the situation.

Councilman Smith clarified that a previous development agreement already allows 9,000 homes in the area, and this public hearing concerns modifications to that agreement. He explained that zoning applies to the land itself, not the individual, and can only be changed at the landowner's request; it cannot be altered retroactively. Councilman Smith noted that revised development agreement and planned development documents were received around 5:30 that day and are still being revised, explaining that a continuance has been requested to address ongoing issues.

Mayor Wallace acknowledged residents' concerns, noting that the Council shares many of the same issues and appreciates the community's feedback.

Action:

Travis Smith moved to continue the Public Hearing for ZDC-232-2024 to the November 17, 2025 City Council meeting. Motion was seconded by Chris Wright and carried unanimously (5-0).

14. Consider proposed Ordinance approving ZDC-232-2024

No action taken.

15. Consider Ground Lease and Operating Agreement with Ellis County Master Gardeners

John Smith, Senior Center Director and Gayle Johnston, Ellis County Master Gardeners (ECMG), presented the Item. The proposed partnership between the City and ECMG will enhance programming opportunities at the Waxahachie Senior Activities Center (WSAC), expand educational outreach, and create a new amenity that supports horticultural learning, volunteerism, and intergenerational engagement.

Key terms of the agreement include:

- Funding and Construction: ECMG will fund the construction of the greenhouse.
- Site Preparation: WSAC will provide up to \$32,000 from the STEM Garden 501(c)(3) account to cover site preparation expenses, including water, electrical, and foundation work.
- Operations and Maintenance: ECMG will maintain and operate the greenhouse in alignment with the interests of both parties, promoting educational, social, and community engagement opportunities.

- Coordination of Use: ECMG will coordinate with WSAC staff for any public programs or large events held at the site.
- Insurance: ECMG will provide and maintain liability insurance coverage.
- Agreement Terms: Both parties retain defined investment and termination rights as outlined in the Ground Lease and Operating Agreement.

Ongoing water and electrical costs are expected to be approximately \$1,500 per year and will be absorbed within the existing WSAC operating budget. ECMG will be responsible for all greenhouse maintenance and associated costs.

Councilman Wright asked if the proposal aligns with the Senior Center Master Plan, and Mr. Smith confirmed that it does. Mayor Wallace inquired whether there were any concerns with the operating principles, and Mr. Smith stated he had none. Councilman Smith verified that the \$1,500 represents the maximum ongoing operating cost, and Mr. Smith confirmed. Mayor Pro Tem Souter noted that Section 15 omitted “287” from the notice address.

Action:

Travis Smith moved to approve the Ground Lease and Operating Agreement between the Ellis County Master Gardeners and the City of Waxahachie, with an amendment to Section 15 to add 287 to the notice address, and authorize the Interim City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

16. Consider contract with Classic Chevrolet of Grapevine for six (6) new Criminal Investigation Division (CID) vehicles in the amount of \$168,409 and a contract with Moritz Kia for two (2) new CID vehicles in the amount of \$56,175.54

Police Chief Joe Wiser presented the Item. Staff is requesting Council approval to award a contract to Classic Chevrolet of Grapevine to purchase six (6) Chevrolet CID vehicles, as well as awarding a contract to Moritz Kia for two (2) CID vehicles. The eight (8) vehicles are comprised of four (4) new CID vehicles that will be used by CID detectives and corporals, and four (4) replacement CID vehicles for the existing department fleet. The contracts are one-year contracts. The total contract cost to Classic Chevrolet of Grapevine is \$168,409 payable upon delivery of vehicles. The total contract cost to Moritz Kia is \$56,175.54 payable upon delivery of vehicles. This contract includes the purchase price of eight CID vehicles required and used in the daily operation of the police department.

Expenditures for the purchase of 5 CID vehicles for \$225,000 was approved for the FY2026 budget. Due to market favorability, the police department is able to purchase 8 CID vehicles for \$224,584.54. The increase in number of CID vehicles purchased will shorten the time needed to replace older, leased CID vehicles with expired lease terms.

Councilman Wright asked if any of the vehicles would be Tahoes, and Chief Wiser noted that the purchase will include a mix of vehicle types. Mayor Wallace confirmed that the City will be acquiring additional vehicles within the same budgeted amount, allowing the Police Department to transfer existing vehicles to other departments. She expressed appreciation for the collaboration among departments.

Action:

Tres Atkins moved to award a contract with Classic Chevrolet of Grapevine for six (6) new Criminal Investigation Division (CID) vehicles, and award a contract with Moritz Kia for two (2) new CID vehicles, and authorize the Interim City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

17. Consider proposed Ordinance repealing and replacing Article XIII, “Overnight Camping and Temporary Shelters,” of Chapter 21 of the City Code

Chief Wiser presented the Item. City staff agrees that the proposed “Camping” ordinance conforms to the rulings in the recent decision, City of Grants Pass v. Johnson, U.S. Supreme Court (2024).

The issue of overnight camping in urban areas has been a nationwide problem for some time. The City of Waxahachie is not immune from the problem. In recent years our area has experienced an increase in the number of itinerant campers. In a decision handed down in 2024, the U.S. Supreme Court determined that laws prohibiting public camping and sleeping do not violate the Eighth Amendment's "cruel and unusual punishment" clause. The ruling allows cities to enforce these ordinances and fine or arrest individuals camping overnight within unapproved areas of the city's jurisdiction. The proposed ordinance will replace the language previously enumerated in Waxahachie City Ordinance. The proposed “Camping” ordinance conforms to the language set out by the Supreme Court decision and is recommended for approval by city staff.

Mayor Wallace confirmed that this ordinance will enable the Police Department to enforce the provisions. She thanked the Police Department, City Attorney Terry Welch, and Code Enforcement for their efforts in developing the ordinance. Mayor Pro Tem Souter noted that the Crisis Intervention Team recently met with the Downtown Merchants Association and provided them with a security component. Councilman Smith commended Mayor Wallace for championing this initiative, recognizing it as her passion project aimed at addressing numerous citizen concerns.

ORDINANCE NO. 3684

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, REPEALING EXISTING ARTICLE XIII, “OVERNIGHT CAMPING AND TEMPORARY SHELTERS,” OF CHAPTER 21, “OFFENSES AND MISCELLANEOUS PROVISIONS,” OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, AND REPLACING IT WITH A NEW ARTICLE XIII, “CAMPING”; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; DECLARING AN EMERGENCY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

Action:

Travis Smith moved to approve an ordinance repealing existing Article XIII, “Overnight Camping and Temporary Shelters,” Chapter 21, “Offenses and Miscellaneous Provisions,” of the Code of Ordinances of the City of Waxahachie, Texas, and replacing it with a new Article XIII, “Camping.” Motion was seconded by Billie Wallace and carried unanimously (5-0).

18. Consider proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for the year 2026

Interim City Manager Ricky Boyd presented the Item. The chief appraiser has prepared a ballot listing the candidates. The governing body shall determine its vote by Resolution and submit to the chief appraiser before December 15th.

The City of Waxahachie voting entitlement (154 votes) may be cast for one candidate or distributed as the governing body chooses. It takes 667 votes to secure a position on the board. The chief appraiser will count the votes, declare the five candidates who received the largest cumulative vote totals elected, and submit the results before December 31st to each governing body.

Taxing Units with more than 5% of the total vote have additional requirements under Section 6.03(k-1).

(k-1) This subsection applies only to an appraisal district established in a county with a population of 120,000 or more. The governing body of each taxing unit entitled to cast at least five percent of the total votes must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers (before October 15th) the ballot to the presiding officer of the governing body. The governing body must submit its vote to the chief appraiser not later than the third day following the date the resolution is approved.

Councilman Wright inquired which candidate the school board is supporting. Mr. Boyd stated that, to his knowledge, the board is using its votes to support Tim Cummings, but he is not aware of any formal action having been taken. Councilman Smith noted his personal support for Mr. Cummings.

RESOLUTION NO. 1392

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2025

Action:

Chris Wright moved to approve the Resolution casting 154 votes for Tim Cummings, for the election of Directors to the Ellis Appraisal District Board for the year 2026. Motion was seconded by Travis Smith and carried unanimously (5-0).

19. Consider proposed Resolution for Eminent Domain to acquire sewer, water, drainage, and temporary construction easements associated with the re-alignment of Old Italy Roadway, Water, and Sewer Projects

James Gaertner, Executive Director of Public Works and Utilities, presented the Item. The City plans to construct a new roadway with drainage ditches, install sewer lines and install water lines to and along Old Italy Road and TxDOT's SPUR 394.

The City needs water, wastewater, drainage, and temporary construction easements located on the properties owned by Bluejacket Group, LLC and Little Living Trust. The City staff negotiated with the property owners for more than a year. The property owners requested the sewer line be installed along their northern property, versus other sewer alignments City staff was considering. Currently, the property owners and City staff are at an impasse regarding a path forward for

executing the easements. However, in order to prevent conflicts and delays to the TxDOT's SPUR 394 Roadway Project, the property owners dedicated the new City Road Right-of-Way.

The roadway, water and sewer construction plans are ready to be bid. City staff recommends City Council approve the eminent domain resolution in order to meet the Fall 2027 deadline. City staff will continue to negotiate with the property owners while we go through this process.

This sanitary sewer easement is part of the New High School Sewer Project and is funded through the Wastewater Impact Fees. The water easement is part of the US 77 and Spur 394 Water Project and is funded through the Water Impact Fees. The Old Italy Re-Alignment Roadway and Drainage Project is funded through Roadway Impact Fees and the 2024 Street Bond Sale. All the costs associated with the eminent domain process will be covered by these projects' budgets.

Councilman Smith asked whether the property owner wants the city to use eminent domain. Mr. Gaertner stated that they do not. He explained that the property owner had initially requested the sewer line be routed through their property to gain benefit, and the City agreed to upsize the line. However, the property owner is now delaying execution of the easement. Mr. Welch noted that the property owner is requesting long-term entitlements to reserve the sewer line capacity for their potential use. Mr. Gaertner added that the eminent domain resolution would provide a tool for the City, if necessary, but he hopes to reach an agreement with the property owner to avoid its use.

RESOLUTION NO. 1393

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

Action:

Chris Wright moved to approve the Resolution authorizing the use of the power of eminent domain to acquire sewer, water, drainage, and temporary construction easements as referenced in the Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for such sanitary sewer, water, drainage and temporary construction easements; appointing an appraiser and negotiator as necessary; authorizing the Mayor to establish just compensation for the property rights to be acquired; authorizing the Mayor, or her representative, to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the City Attorney, or his representative, to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. Motion was seconded by Patrick Souter and carried 4-1 with the votes as follows:

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

- 20. 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; 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 9:13 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; 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.

- 21. Reconvene and take any necessary action**

The meeting reconvened at 10:28 p.m.

- 22. Comments by Mayor, City Council, City Attorney and City Management**

Brad Elliott thanked officials and attendees for participating, emphasized the importance of in-person civic engagement and accountability over social media. He expressed commitment to community involvement and appreciation for everyone's time and effort.

Councilman Chris Wright thanked local representatives, community members, and City staff for their contributions, including attending meetings, sharing insights, and supporting local events. He recognized Global High School students Eric Jacobs, Nathan McLean, Caleb Burch, Kristina Han, and Siyu Fu for placing first in North America in a science and engineering contest sponsored by the MIT Society of Hispanic Professional Engineers and wished them well next week as they compete in the World competition. Councilman Wright praised the Waxahachie Police Department for community safety during Halloween and acknowledged joint efforts with the City Attorney Terry Welch to for addressing citizen feedback and successfully revising the camping ordinance.

Mayor Pro Tem Patrick Souter praised Brad Elliott for being a dedicated family man, servant leader, and first responder, and commended Police Chief Joe Wiser and staff for effectively using resources and being fiscally responsible. Mayor Pro Tem Souter also congratulated Barry Jacobs' son's team for their achievements, highlighting the community's talented youth.

Councilman Travis Smith thanked City Secretary Amber Villarreal and her team for coordinating at the TML conference, highlighting their efforts in keeping everyone organized. Councilman Smith noted the conference offered the opportunity for Council to learn and explore new ways to reduce taxpayer burdens. He also expressed support and appreciation for Brad Elliott, anticipating his role as Justice of the Peace.

Councilman Tres Atkins thanked Brad Elliot for his service and praised the City Secretary's Office for organizing a successful TML conference, highlighting the Council's opportunity to explore creative ideas beneficial to the city.

Mayor Billie Wallace praised Brad Elliott for decades of dedicated community service and a servant's heart, acknowledging their long history of working together. Mayor Wallace also expressed appreciation to the City Secretary's Office for successfully organizing the TML conference, and commended Interim City Manager Ricky Boyd and city employees for their hard work, responsiveness, and commitment to the city, noting widespread public recognition of their efforts.

23. Adjourn

There being no further business, the meeting adjourned at 10:28 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary