

City Council
June 19, 2023

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, June 19, 2023 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Pastor Kevin Tulley, First United Methodist Church Waxahachie, gave the invocation. Mayor David Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Lynda Morgan, 122 Ralston Lake Road, Midlothian, Texas, requested action by the City to improve the safety from Sardis Road to Business Highway 287. She explained the recent death of her friend, Becky Watkins, is a call for action to make safety improvements in this area to prevent further deaths.

Michelle Landis, 510 Saralvo Road, Midlothian, Texas, requested action by the City to improve the safety on Business Highway 287 between IH35E and Highway 287.

Gary Morton, requested action by the City to improve the safety on Business Highway 287 between IH35E and Highway 287.

Michael McCorkle, 171 Willow Run, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals due to issues at 159 Willow Run. Mr. McCorkle cited numerous issues with operating short-term rentals in residential neighborhoods and requested City Council adopt regulations to protect its residents.

Yannig Guiomard, 210 Ash Drive, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

James Parks, 102 Post Oak Lane, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

Dustana Stewart, 111 Oak Tree Drive, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

Kim Wells, 101 Ash Drive, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

Louvain Guimard, 210 Ash Drive, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

Craig Barrington, 321 Ash Drive, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

Robert Scruggs, 3273 Howard Road, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

Arlene Hahn, 110 Oak Tree Drive, Waxahachie, Texas, requested immediate action from City Council to adopt an Ordinance regulating short term rentals to protect its residents.

Mayor Hill reported staff is currently drafting an Ordinance regulating short-term rentals. He also explained staff will contact the Texas Department of Transportation (TxDOT) in regards to improving the safety of Business Highway 287.

James Gaertner, Executive Director of Public Works and Engineering, explained TxDOT has completed a feasibility study, but the City has no other information regarding improvements from FM 875 to Highway 287. He noted the City has voiced concerns to TxDOT regarding traffic safety in that area.

5. Consent Agenda

- a. Minutes of the City Council meeting of June 5, 2023
- b. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of June 13, 2023
- c. Event application for Lions Club Build Beds for Kids Project to be held September 9, 2023 at Lions Park
- d. Interlocal Agreement with the City of Arlington for the purchase of various goods and services
- e. City Council liaison appointments to Boards and Commissions
- f. Approve placement of Chris Kyle Statue in the Waxahachie Civic Center

Action:

Billie Wallace moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Travis Smith seconded, All Ayes.

6. Introduce Honorary Council Member

Council Member Billie Wallace introduced James Taylor, known to many as J.T., as the Honorary Councilmember for the June 19, 2023 City Council meeting. He has three sisters. J.T. is a graduate of Waxahachie High School and Navarro College. He joined the Waxahachie Police Department in 2008 after a fierce battle with testicular cancer. At a point when many people may have seen that as a reason not to become a police officer, J.T. saw it as a motivating event to follow his dreams. He has served the citizens of Waxahachie as a Patrol Officer, Field Training Officer, SWAT officer, CID Detective, and currently serves in the role of Community Services Officer (CSO). Unlike J.T., some officers become a Community Services Officer and must learn how to go out into the community and make connections and build relationships. J.T. was the unofficial face of the Waxahachie Police Department before he ever became CSO and he has spent his entire career serving others in and out of uniform. To date, he has donated 312 times for a total of 39 gallons of blood and platelets. In 2013, he initiated the Waxahachie PD's Beard Patrol Fundraiser, where officers grow out their beard for a month to raise awareness for testicular cancer and sell shirts and caps to raise money for the Testicular Cancer Foundation.

Council Member Wallace stated in her 30 years of service as a police officer with the Waxahachie Police Department, she had the honor of supervising many great men and women. As a shift commander, the last nineteen years of her career, there were some officers that really touched her heart while working alongside and supervising them. James Taylor was one of them. J.T. lives his life, his career, and his passions in such a way that he brings credit to our city every day. He is the kind of officer you would like to duplicate over and over, but there is only one Officer James Taylor. Council Member Wallace thanked Mr. Taylor for his service to the city and community.

7. Consider a request by William Atkins, for a Replat of Lot 1R-A of the Larkin Products Industrial Tracts, being 12.272 acres, located southeast of 1610 E Main Street, (Property ID: 198960) – Owner: Lobsters LLC (SUB-34-2023)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant requests to replat the subject property into one (1) lot for commercial use. The proposed lot adheres to the property's minimum size and dimension requirements, based on the LI-1 and FD zoning districts.

Ms. Pruitt noted the applicant is seeking a variance to replat the subject property without providing right-of-way (ROW) dedication as required by the Waxahachie Subdivision Ordinance and the 2023 Thoroughfare Plan. The applicant has noted that adjacent properties along E. Main Street are already developed which would hinder the ability of the City to make use of ROW dedicated for E. Main Street with this replat. The applicant also seeks a variance to utilize the existing 10" waterline along E. Main Street to service the property as opposed to extending a 12" waterline to service the property. The City of Waxahachie Subdivision Ordinance and Design Manual requires 12" water lines to be installed to support all new commercial development projects; however, the existing 10" waterline is sufficient to provide service to the anticipated development of the property as a refrigerated warehouse. To offset these variance requests, the applicant proposes to dedicate two new 20' utility easements for future infrastructure improvements in the area. Due to this, staff is supportive of the variance requests. Based on the details provided in the staff report and the present status of the documents subject to the request, staff recommends approval of the plat request and the associated variance requests. The Planning and Zoning Commission recommended approval by a 7-0 vote.

Action:

Billie Wallace moved to approve SUB-34-2023, a Replat of Lot 1R-A of the Larkin Products Industrial Tracts and the associated variance requests, authorizing the Mayor to execute all necessary documents. Travis Smith seconded, All Ayes.

8. Public Hearing on a request by Richard Shinpaugh, Ellis County Bail Bonds, for a Specific Use Permit (SUP) for a Bail Bond Agency use within a Commercial (C) zoning district located at 201 E. Main Street, Suite 109 (Property ID 170540) - Owner: 201 Main Wax, LLC (ZDC-58-2023)

Ms. Pruitt presented the case noting an application for a Specific Use Permit (SUP) for a bail bonds agency, Ellis County Bail Bonds, has been submitted for 201 E. Main Street, Suite 109. The agency was previously located at 309 S. Jackson Street for over 30 years until its lease ended on June 1, 2023, due to a change in ownership of the building. The owner, Richard Shinpaugh, is now requesting approval of an SUP to operate temporarily at a new location, 201 E. Main Street, Suite 109.

Ms. Pruitt explained Mr. Shinpaugh has plans to build a new two-story building at the northwest corner of Jackson Street and Jefferson Street to serve as the permanent location for Ellis County Bail Bonds. Mr. Shinpaugh is expected to submit an SUP for his bail bond office at this new location in the coming months. The conditions of the SUP limit its use for a maximum of two years from its approval date since the bail bonds agency will have a new permanent location in the near future. The remaining conditions of the SUP regulate the hours of operation, signage, and allow only “Ellis County Bail Bonds” managed by “Richard Shinpaugh” to operate a bail bond agency at 201 E. Main Street, Suite 109. The SUP cannot be transferred to another bail bond agency or business owner for Ellis County Bail Bonds, and it will expire two years from its approval date.

Additionally, if the SUP is granted, the bail bond agency will only be permitted at the proposed location for a maximum of two years. Staff recommends approval of the Specific Use Permit since the bail bond agency will remain compatible and in harmony with surrounding land uses.

Ms. Pruitt reported staff received five letters of opposition and two letters of support.

Based on the details provided in the staff report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below:

1. A bail bond agency is limited to suite 109 at 201 E. Main Street as shown in Exhibit A. A bail bond agency shall not be permitted anywhere else in the multi-tenant building at 201 E. Main Street.
2. Permission to operate a bail bond agency use is only granted to “Ellis County Bail Bonds” managed and operated by “Richard Shinpaugh.” Approval to operate a bail bond agency use at 201 E. Main Street, Suite 109 will not transfer to another bail bond agency business or owner for “Ellis County Bail Bonds.”
3. “Ellis County Bail Bonds” may conduct business at 201 E. Main Street, Suite 109 for a period not to exceed two (2) years from the approval of this Ordinance. After two (2) years,

the property owner in coordination with Richard Shinpaugh, shall request approval of another specific use permit to reestablish the use.

4. The hours of operation for “Ellis County Bail Bonds” are limited to Monday through Sunday 8:00 am to 9:00 pm.
5. Exterior building signage shall require approval by the Heritage Preservation Commission and a building permit from the Building and Community Services Department.

The Planning and Zoning Commission recommended approval by a 7-0 vote.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-58-2023, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-58-2023

ORDINANCE NO. 3378

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A BAIL BOND AGENCY USE (ELLIS COUNTY BAIL BONDS) WITHIN A COMMERCIAL DISTRICT (C) AT 201 E. MAIN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.28 ACRES KNOWN AS PROPERTY ID 170540, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the Ordinance for ZDC-58-2023, a Specific Use Permit (SUP) for a Bail Bond Agency use (Ellis County Bail Bonds), subject to the conditions of the staff report, and authorizing the City Manager and/or Mayor to execute all documents accordingly. Travis Smith seconded, All Ayes.

10. Consider proposed Resolution approving the terms and conditions of a boundary and an Interlocal Agreement for the relinquishing of extraterritorial jurisdiction (“ETJ”) by the City of Waxahachie to the City of Red Oak

City Manager Michael Scott requested approval of a Resolution establishing the terms and conditions of a boundary and an Interlocal Agreement for the relinquishing of extraterritorial jurisdiction (ETJ) by the City of Waxahachie to the City of Red Oak. He explained the request was initiated by the City of Red Oak to allow for the cohesive development of an anticipated residential development that would span into both jurisdictions. This action would allow for that development to be reviewed, constructed, inspected and served by a single jurisdiction. City staff has reviewed this request and given the size and distance from City services, has no objection to relinquishing approximately 65 acres to the City of Red Oak. The relinquishment of this ETJ would have no significant impact in the foreseeable future to the City of Waxahachie’s growth patterns or fiscal outlook. The Resolution approving the actual relinquishment of jurisdiction and adjusting boundaries will be presented at the July 17th City Council meeting.

RESOLUTION NO. 1344

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A BOUNDARY AND INTERLOCAL AGREEMENT BETWEEN THE CITY OF WAXAHACHIE AND THE CITY OF RED OAK RELINQUISHING A PORTION OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION AS SET FORTH IN EXHIBIT A; AND ESTABLISH A NEW EXTRATERRITORIAL JURISDICTIONAL BOUNDARY; AUTHORIZING ITS EXECUTION BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.

Action:

Billie Wallace moved to approve the proposed Resolution establishing the terms and conditions of a boundary and interlocal agreement for the relinquishing of a portion of ETJ between the Cities of Waxahachie and Red Oak, and authorize the City Manager and/or Mayor to execute all necessary documents. Chris Wright seconded, the vote was as follows: Ayes: David Hill, Chris Wright, Patrick Souter, and Billie Wallace. Noes: Travis Smith.

The motion carried.

11. Consider proposed Ordinance adopting vacant structure regulations in designated areas

John Hamilton, on behalf of Waxahachie Partnership, Inc., explained one of the Community Transformation Strategies adopted by the Waxahachie Partnership, Inc. (WPI) Board was to develop incentives and initiatives for vacant and underutilized downtown buildings. As part of the transformation strategy, the board developed a vacant building ordinance to help with tracking and monitoring of vacant properties. The goal of this ordinance is to identify vacant buildings and encourage building owners to take advantage of the downtown building rehabilitation incentive program. This ordinance provides requirements for vacant commercial buildings, structures, and property located in the City's Downtown Historic District Overlay. The ordinance will also provide a process for monitoring vacant buildings and returning them to active service. The preservation and revitalization of vacant buildings have the potential to generate significant economic benefits for the city by enabling their utilization and creating additional economic impacts. The City and Historic Waxahachie offer monetary incentives to assist with improvements.

Council Member Patrick Souter explained he has worked on this Ordinance as a member of Historic Waxahachie and City Council liaison. He reiterated the goal of the Ordinance is to save vacant buildings and protect the Downtown area. There are monetary incentives and resources for owners to improve their buildings.

ORDINANCE NO. 3379

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY ADDING TO THE CODE ARTICLE XV, "VACANT STRUCTURE REGULATIONS IN DESIGNATED AREAS," TO PROVIDE REQUIREMENTS FOR VACANT COMMERCIAL BUILDINGS,

STRUCTURES, AND PROPERTY LOCATED IN THE CITY'S DOWNTOWN HISTORIC DISTRICT OVERLAY; PROVIDING FOR REGISTRATION; PROVIDING FOR DESIGNATION OF A PROPERTY MANAGER OR AGENT; PROVIDING FOR A STANDARD OF CARE; PROVIDING FOR A REGISTRATION FEE; PROVIDING FOR WAIVERS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Action:

Patrick Souter moved to approve adopt the vacant structure regulations in designated areas ordinance as presented and authorize the City Manager to execute all necessary documents, including those revisions proposed by the Waxahachie Fire Department. Billie Wallace seconded, All Ayes.

12. Consider the purchase of a new ladder truck and all necessary equipment to replace the current Fire Truck 3

Fire Chief Ricky Boyd noted, as previously discussed at the Council Work Session on April 25, 2023, current Truck 3, a 2014 Pierce 105' Ladder Truck, needs to be replaced with a 2027 Pierce 105' Ladder Truck. The industry standard for the service life of a truck is 15 years in front-line service and 10 years in reserve. Current build times for a ladder truck is three (3) years from the date the order is placed. If we order the new ladder truck in July 2023 as requested, it will arrive in the fall of 2026. At that time, current Truck 3 will be 13 years old.

If this request is approved, current Truck 3 would then enter into reserve status as Extra Truck 2 (XT-2). While it has served the City well, XT-2 is a 1997 model. The manufacturer has discontinued making proprietary parts. Thus, if a major component of the aerial ladder brakes, it will no longer be able to function as needed and intended. Furthermore, the National Fire Protection Association (NFPA) does not recommend keeping an emergency apparatus in service more than 25 years, even in reserve status.

During the June 5, 2023 Council Meeting, the Council approved to issue certificates of obligation in the amount of \$37.4 million, which includes \$1,735,000 needed for this request. If we place the order in July, we will avoid a 2-3% increase in August (\$35,000-55,000). We would then have until mid-September when the COs are funded to pay for the truck and take advantage of the prepaid discount of \$107,212.

Action:

Patrick Souter moved to approve the purchase of a new ladder truck and all necessary equipment in the amount of \$1,735,000 to replace the current Fire Truck 3 and authorize the City Manager to execute all necessary documents. Chris Wright seconded, All Ayes.

13. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code

Mayor Hill announced at 8:13 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code.

14. Reconvene and take any necessary action

The meeting reconvened at 8:21 p.m.

Action:

Billie Wallace moved to approve the purchase of the properties located at 308 and 309 Smokey Lane for the purchase price of \$175,000 plus associated closing costs and approve a supplemental appropriation from the General Fund Unrestricted Reserve to fund all costs associated with the purchase and authorize the City Manager to execute all documents as necessary to facilitate the purchase. Chris Wright seconded, All Ayes.

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

Council Member Travis Smith asked for the City to observe Juneteenth moving forward.

Council Member Billie Wallace thanked James Taylor for his service to the City and stated it was an honor to have him participate as an Honorary Council Member.

City Manager Michael Scott announced the groundbreaking for Waxahachie ISD Elementary School #10 will be held June 20, 2023 at 7:30 a.m. on Saratoga Drive in Saddlebrook neighborhood.

Mayor Pro Tem Chris Wright explained Council Members, staff, and the City Attorney are actively working on an Ordinance regulating short-term rentals.

Council Member Patrick Souter thanked the Waxahachie Branch of the NAACP for their celebration event on June 17th. He reiterated staff and City Council are working on an Ordinance to regulate short-term rentals. Mr. Souter explained Item 5f on the consent agenda approved a request from the Heroes Services Coalition, Inc., a local veteran's group, to place, as an exhibition, a Chris Kyle life-size statue in the Waxahachie Civic Center. He noted there is a hold harmless agreement that protects the City and the Waxahachie Community Development Corporation (WCDC) from any liability or responsibility associated with housing the statue and there is no financial responsibility from the City or WCDC.

Mayor David Hill recognized Assistant Police Chief Marcus Brown on his recent graduation from the FBI National Academy. Mayor Hill also recognized the Building and Community Services Department for exceeding their goals and performance measures for permitting and inspections.

16. Adjourn

There being no further business, the meeting adjourned at 8:29 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary