

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 20, 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  
Jami Bonner, Assistant 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**

Reverend Dr. Fred Thrower, Central Presbyterian Church, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

David Bible, 305 W. University, Waxahachie, Texas, expressed gratitude to the City Council and Parks and Recreation Department for providing pickle ball courts for the community.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of November 6, 2023
- b. Minutes of the Waxahachie City Council, Midlothian City Council, and Mid-Way Airport Board Joint Work Session of November 8, 2023
- c. Consider proposed Ordinance approving a request by Go Hard Properties LLC for a Petition for ETJ Release for approximately 1.47 acres, located at 1201 Lone Elm Road (Property ID 194920) – Owner: Go Hard Properties LLC (ETJ-PTN-164-2023)
- d. Consider proposed Ordinance approving a request by Jose Herrera for a Petition for ETJ Release for approximately 11.14 acres, located at 279 Mustang Road (Property ID 275564) – Owner: Jose Herrera (ETJ-PTN-165-2023)
- e. Consider proposed Ordinance approving a request by Boomerang Waxahachie LLC for a Petition for ETJ Release for approximately 191.776 acres, located at 2750 FM 878 (Property ID: 179007 and 280264) – Owner: Boomerang Waxahachie LLC (ETJ-PTN-166-2023)
- f. Consider proposed Ordinance approving a request by Turnerville Holdings LLC, for a Petition for ETJ Release for approximately 10.249 acres, located directly east

of 1500 FM 387 (Property ID 289944) – Owner: Turnerville Holdings LLC (ETJ-PTN-167-2023)

- g. Consider proposed Ordinance approving a request by Nathan & Katherine Wilson for a Petition for ETJ Release for approximately 1.970 acres, located at 537 Youngblood Road (Property ID 208949) – Owners: Nathan & Katherine Wilson (ETJ-PTN-168-2023)
- h. Consider proposed Ordinance approving a request by Jesus & Johanna Sigala for a Petition for ETJ Release for approximately 5.39 acres located at 411 FM 879, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 283721 & 283722) – Owner: Jesus H. Sigala-Mendoza & Johanna H. Sigala (ETJ-PTN-172-2023)
- i. Consider proposed Ordinance approving a request by GRBK Edgewood LLC for a Petition for ETJ Release for approximately 3.004 acres, located at 1041, 1231, and 1415 Gibson Road (Property ID: 215706, 219099, and 219182) – Owner: GRBK Edgewood LLC (ETJ-PTN-177-2023)
- j. Receive and accept the FY 2022-2023 Impact Fee Revenue and Expenditure Activity Report
- k. Bid award for the Synthetic Turf Improvements Project Phase IV at the Sports Complex in the amount of \$647,743
- l. Approve contract with A.C.E.S. Art LLC for downtown mural program and authorize funding from the Waxahachie Community Development Corporation (WCDC) unrestricted reserves up to \$100,000
- m. Set City Council meeting dates of January 2, 2024 and January 22, 2024

#### **ORDINANCE NO. 3423**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 1.47 ACRE TRACT OF LAND, LOCATED AT 1201 LONE ELM ROAD, KNOWN AS PROPERTY ID 194920, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

#### **ORDINANCE NO. 3424**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 11.14 ACRE TRACT OF LAND, LOCATED AT 279 MUSTANG ROAD, KNOWN AS PROPERTY ID 275564, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3425**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 191.776 ACRE TRACT OF LAND, LOCATED AT 2750 FM 878, KNOWN AS PROPERTY ID 179007 and 280264, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3426**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.249 ACRE TRACT OF LAND, LOCATED DIRECTLY EAST OF 1500 FM 387, KNOWN AS PROPERTY ID 289944, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3427**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.970 ACRE TRACT OF LAND, LOCATED AT 537 YOUNGBLOOD ROAD, KNOWN AS PROPERTY ID 208949, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3428**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.39 ACRE TRACT OF LAND, LOCATED AT 411 FM 879, KNOWN AS PROPERTY ID 283721 & 283722, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3429**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF 3.004 ACRES OF LAND, LOCATED AT 1041, 1231, AND 1415 GIBSON ROAD, KNOWN AS PROPERTY ID 215706, 219099, AND 219182, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Billie Wallace moved to approve items a. through k. and item m. on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**Action:**

*Chris Wright moved to approve a contract with A.C.E.S. Art LLC for downtown mural program and authorize funding from the Waxahachie Community Development Corporation (WCDC) unrestricted reserves up to \$100,000 with final approval to be considered by City Council. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**6. Present Proclamation recognizing November 15, 2023 as “GIS Day”**

Mayor Hill presented a Proclamation recognizing November 15, 2023 as “GIS Day.”

**7. Present Proclamation recognizing the Salvation Army's 15<sup>th</sup> Annual Mayoral Challenge from early November-December 24<sup>th</sup>**

Mayor Hill presented a Proclamation recognizing the Salvation Army’s 15<sup>th</sup> Annual Mayoral Challenge from early November-December 24<sup>th</sup>.

**8. Public Hearing on a request by Maxwell Fisher, ZoneDev, for an Amendment to Ordinance 2281 to allow for revised development standards and a detailed site plan within an approved Planned Development located southwest of the intersection of FM 878 and FM 879 (Property ID: 290675) – Owner: ASD Waxi Fee Owner LLC (ZDC-69-2023)**

Mayor Hill announced the applicant requested to continue the public hearing for ZDC-69-2023 indefinitely.

**Action:**

*Chris Wright moved to continue the Public Hearing on a request by Maxwell Fisher, ZoneDey, for an Amendment to Ordinance 2281 to allow for revised development standards and a detailed site plan within an approved Planned Development located southwest of the intersection of FM 878 and FM 879 (Property ID: 290675) indefinitely. Motion was seconded by Billie Wallace and carried unanimously (5-0).*

**9. Consider proposed Ordinance approving ZDC-69-2023**

*No action taken.*

**10. Public Hearing on a request by Katy Dockery, HKS Inc., for a Site Plan for the Baylor Scott & White Hospital Tower Expansion II, located at 2400 N Interstate 35E (Property ID: 180334) – Owner: Baylor Health Care System (SP-141-2023)**

The item was presented by Senior Planning Director Jennifer Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:37.

There being no others to speak for or against SP-141-2023, Mayor Hill closed the Public Hearing at approximately 7:37 p.m.

**11. Consider approval of SP-141-2023**

**Action:**

*Patrick Souter moved to approve SP-141-2023, a Site Plan for Baylor Scott & White Hospital Tower Expansion II, subject to the conditions of the staff report and authorize the Mayor and/or City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**12. Consider Development Agreement for SP-141-2023**

**Action:**

*Billie Wallace moved to approve the Development Agreement for SP-141-2023. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**13. Consider the award of a construction contract to Mann Robinson & Son, Inc. for the South Prong Dam Miscellaneous Repairs Project**

The item was presented by Senior Director of Utilities Kumar Gali.

**Action:**

*Billie Wallace moved to award a construction contract with Mann Robinson & Son, Inc. for \$325,662.50 and additional construction contingency in the amount of \$17,000 for the South Prong Dam Miscellaneous Repairs Project and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**14. Consider proposed Ordinance amending Chapter 4 - Alcoholic Beverages of the Waxahachie Code of Ordinances**

The item was presented by Executive Director of Parks and Leisure Services Gumaro Martinez.

**ORDINANCE NO. 3430**

**AN ORDINANCE AMENDING CHAPTER 4 – ALCOHOLIC BEVERAGES TO THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, AMENDING SUBSECTION 4.2 – CONSUMPTION ON STREETS, SIDEWALKS TO REMOVE REFERENCE TO THE HISTORIC OVERLAY AND REPEAL LANGUAGE RESTRICTING ALCOHOL CONSUMPTION TO SPECIFIC HOURS; AMENDING SUBSECTION 4.6 – POSSESSION OR CONSUMPTION IN CITY PARKS TO ALLOW FOR POSSESSION OR CONSUMPTION UPON APPROVAL OF AUTHORIZED FESTIVAL OR EVENT; AMENDING SUBSECTION 4.7 – ALCOHOL AT APPROVED FESTIVALS AND EVENTS TO REMOVE RESTRICTIONS FOR RESIDENTIALLY ZONED AREAS, PROVIDING CLARIFICATION ON DEFINING BOUNDARIES FOR**

**ALCOHOL SALE AND CONSUMPTION DURING FESTIVALS AND EVENTS, REMOVING CONTROLLED ACCESS REQUIREMENTS, PROVIDING FURTHER REGULATORY MEASURES; AND SETTING AN EFFECTIVE DATE.**

**Action:**

*Chris Wright moved to approve the textual amendments to the City of Waxahachie Code of Ordinances, Chapter 4 – Alcoholic Beverages as presented and authorize the Mayor and/or City Manager to execute all documents as necessary. Motion was seconded by Patrick Souter and was approved and carried with three ayes.*

*A call for opposed or abstaining votes was not made.*

**15. Consider proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for the years 2024-2025**

The item was presented by City Manager Michael Scott.

**RESOLUTION 1355**

**RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2024-2025**

**Action:**

*Billie Wallace moved to approve a Resolution of votes cast to elect Directors for the Ellis County Appraisal District for the years 2024-2025. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**16. Convene into Executive Session for:**

- a. **Consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code**
- b. **Deliberation regarding Economic Development Negotiations as permitted by the Texas Government Code, Section 551.087**

Mayor Hill announced at 7:59 p.m. the City Council would convene into Executive Session for:

- a. Consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code
- b. Deliberation regarding Economic Development Negotiations as permitted by the Texas Government Code, Section 551.087

**17. Reconvene and take any necessary action**

The meeting reconvened at 8:38 p.m.

**Action:**

*Billie Wallace moved to approve a settlement in cause # 104615 in the 40<sup>th</sup> District Court of Ellis County, Texas pursuant to the terms and conditions in option two (2) discussed in executive session and authorize the City Manager to execute all documents necessary to give effect to the settlement. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**Action:**

*Patrick Souter moved to approve a Memorandum of Understanding as presented for economic development negotiations related to property located at 1601 W. US HWY 287, Waxahachie, TX and authorize the City Manager to execute all documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**18. Comments by Mayor, City Council, City Attorney and City Manager**

Mayor Pro Tem Chris Wright thanked Mr. Bible for utilizing the pickle ball courts and recognized the need for additional courts. Mr. Wright announced the birth of his granddaughter, Margaret Mary.

Mayor Hill wished everyone a Happy Thanksgiving and expressed appreciation to the Waxahachie Police Department and Waxahachie Fire Department.

**19. Adjourn**

There being no further business, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Jami Bonner  
Assistant City Secretary