

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, February 19, 2024 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
Terry Welch, 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

Josh Morgan, Lead Pastor at Connect4Life Church, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None.

5. Consent Agenda

- a. Minutes of the City Council meeting of February 5, 2024
- b. Event application for WDMA Downtown Shopping Strolls to be held March 30, 2024, April 13, 2024, May 11, 2024, June 29, 2024, October 19, 2024, and December 14, 2024
- c. Event application for Sleep in Heavenly Peace - Build a Bed Project to be held April 27, 2024 at Getzendaner Park
- d. Event application for Rainbow Room Fun Run to be held April 27, 2024 at Railyard Park
- e. Event application for Cinco De Mayo to be held May 4, 2024 in Downtown Waxahachie
- f. Event application for Elevate Program Graduation Ceremony to be held May 16, 2024 at Railyard Park
- g. Event application for Gingerbread Trail Antiques & Boutiques Market to be held June 1, 2024 in Downtown Waxahachie
- h. Event application for Corpus Christi Procession to be held June 2, 2024 located near St. Joseph Catholic Church

- i. Event application for C10s in the Park to be held on September 21, 2024 at Getzendaner Park
- j. Event application for C10s in the Park Party on the Square to be held on September 21, 2024 in Downtown Waxahachie
- k. Proposed Ordinance approving a request by Amy Rader, Macdonald Family Irrevocable Trust, for a Petition for ETJ Release for approximately 75.262 acres, located at 2832 FM 66 (Property ID 188581, 277631, 277638) – Owner: Macdonald Family Irrevocable Trust (ETJ-PTN-1-2024)
- l. Proposed Ordinance approving a request by Amy Rader, Zoe, LLC, for a Petition for ETJ Release for approximately 5.414 acres, located at 2926 and 2930 FM 66 (Property ID 296607 and 296608) – Owner: Zoe, LLC (ETJ-PTN-2-2024)
- m. Proposed Ordinance approving a request by Amy Rader for a Petition for ETJ Release for approximately 5.989 acres, located at 2974 FM 66 (Property ID 296603) – Owner: Amy & Josh Rader (ETJ-PTN-3-2024)
- n. Proposed Ordinance approving a request by Lupe Rivera, Del Z Enterprise, for a Petition for ETJ Release for approximately 42.621 acres, located at 1010 Technology Way (Property ID 182097) – Owner: Del Z Enterprise (ETJ-PTN-7-2024)
- o. Proposed Ordinance approving a request by Naddy Guermi, Ecosium, LLC, for a Petition for ETJ Release for approximately 10.018 acres, located directly east of 201 Cimarron Meadows Drive (Property ID 295055) – Owner: Ecosium, LLC (ETJ-PTN-8-2024)
- p. Proposed Ordinance approving a request by Brad Owens, Angus Road Partners, LLC, for a Petition for ETJ Release for approximately 20.172 acres, located directly west of 658 Angus Road (Property ID 303077) – Owner: Angus Road Partners, LLC (ETJ-PTN-10-2024)
- q. Proposed Ordinance approving a request by Hunter Glass, for a Petition for ETJ Release for approximately 83.567 acres, located adjacent to 3896 E. FM 875 (Property ID 296637 and 296638) – Owner: Vernon Jack Developments, LLC (ETJ-PTN-13-2024)
- r. Proposed Ordinance approving a request by Amy Rader, Series Zoe 9, for a Petition for ETJ Release for approximately 5.493 acres, located directly north of 2974 and 2926 FM 66 (Property ID 296604 and 296606) – Owner: Series Zoe 9 (ETJ-PTN-14-2024)
- s. Receive draft Fiscal Year 2024 1st Quarter Financial Report
- t. Supplemental appropriation for the FY 24 Wastewater Fund Operations and Maintenance Budget

ORDINANCE NO. 3449

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 75.262 ACRE TRACT OF LAND, LOCATED AT 2832 FM 66, KNOWN AS PROPERTY ID 188581, 277631, AND 277638, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S

EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3450

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.414 ACRE TRACT OF LAND, LOCATED AT 2926 FM 66 AND 2930 FM 66, KNOWN AS PROPERTY ID 296607 AND 296608, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3451

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.989 ACRE TRACT OF LAND, LOCATED AT 2974 FM 66, KNOWN AS PROPERTY ID 296603, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3452

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 42.621 ACRE TRACT OF LAND, LOCATED AT 1010 TECHNOLOGY WAY, KNOWN AS PROPERTY ID 182097, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3453

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.018 ACRE TRACT OF LAND, LOCATED DIRECTLY EAST OF 201 CIMARRON MEADOWS DRIVE, KNOWN AS PROPERTY ID 295055, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3454

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 20.172 ACRE TRACT OF LAND, LOCATED DIRECTLY WEST OF 658 ANGUS ROAD, KNOWN AS PROPERTY ID 303077, AND ORDERING THE CHANGING OF THE CITY OF

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

ORDINANCE NO. 3455

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 83.567 ACRE TRACT OF LAND, LOCATED ADJACENT TO 3896 E. FM 875, KNOWN AS PROPERTY ID 296637 AND 296638, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3456

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.493 ACRE TRACT OF LAND, LOCATED DIRECTLY NORTH OF 2974 FM 66, KNOWN AS PROPERTY ID 296604 AND 296606, 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 all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Patrick Souter and carried unanimously (5-0).

6. Introduce Honorary Councilmember

Mayor Pro Tem Chris Wright introduced Ken Roberts as the Honorary Council Member for February and presented him with a Certificate of Appreciation. Mr. Roberts is a lifelong resident of Waxahachie and began his radio career at KBEC in October 1980 during his senior year at Waxahachie High School (WHS). Since then, he has been an air personality, sports play by play announcer, music director, program director, operations manager, vice president, and currently serves as general manager. Ken covered the Waxahachie City Council for KBEC radio from 1985-2005.

Mr. Roberts was named Outstanding Citizen of the Year in Waxahachie in 2013, served on the board of directors for the Texas Association of Broadcasters 2015-2018. He was inducted into the WHS Athletic Hall of Fame in 2016, and was a 2021 nominee for the Texas Radio Hall of Fame. Mayor Pro Tem Wright thanked the "Voice of Waxahachie" for his participation as Honorary Council Member.

7. Public Hearing on a request by Brenda Arellano, for a Specific Use Permit (SUP) for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 200 S Rogers Street, Suite 303 (Property ID: 170521) – Owner: Rogers & Franklin LLC (ZDC-195-2023)

The Item was presented by Senior Director of Planning Jennifer Pruitt and applicant Brenda Arellano requested approval.

Mayor Hill opened the Public Hearing at approximately 7:11 p.m.

There being no others to speak for or against ZDC-195-2023, Mayor Hill closed the Public Hearing at approximately 7:12 p.m.

8. Consider proposed Ordinance approving ZDC-195-2023

ORDINANCE NO. 3457

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE CLUB (EMMA GRACE EVENTS & STUDIO) USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 200 S ROGERS STREET, SUITE 303, BEING PROPERTY ID 170521, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 1A-C, 2A-C, 3A-C, BLOCK 16 OF THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the Ordinance for ZDC-195-2023, a Specific Use Permit request for a Private Club use at 200 S. Rogers Street, Suite 303, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

9. Continue Public Hearing on a request by Brad Yates, for a Zoning Change from a Commercial zoning district to a Planned Development-Multi-Family-2 (PD-MF-2) zoning district, located at 600 S Rogers Street, (Property ID: 298309) – Owner: Billy K. Pruitt (ZDC-150-2023)

The Item was presented by Ms. Pruitt and applicant Grayson Yates requested approval.

Mayor Hill continued the Public Hearing at approximately 7:15 p.m.

There being no others to speak for or against ZDC-150-2023, Mayor Hill closed the Public Hearing at approximately 7:15 p.m.

10. Consider proposed Ordinance approving ZDC-150-2023

ORDINANCE NO. 3458

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 1 (PD-MF-2), WITH SITE PLAN LOCATED NORTH OF 602 S ROGERS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.41 ACRES KNOWN AS PROPERTY ID 298309, A PORTION OF LOTS 1, 2, 4, 5, & 6, BLOCK 19 OF THE BULLARD-REVISION

**SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF
IN ACCORDANCE WITH SAID CHANGE.**

Action:

Patrick Souter moved to approve the Ordinance for ZDC-150-2023, a Zoning Change from a Commercial zoning district to a Planned Development-Multi-Family-2 zoning district at 600 S. Rogers Street, subject to the conditions of the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

11. Consider Development Agreement for ZDC-150-2023

Action:

Chris Wright moved to approve the Development Agreement for ZDC-150-2023. Motion was seconded by Travis Smith and carried unanimously (5-0).

12. Public Hearing on a request by Ido Pistiner, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development Single-Family Dwelling-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-190-2023)

Mayor Hill announced the applicant requested to continue the Public Hearing to the March 4, 2024 City Council meeting.

Action:

Billie Wallace moved to continue the Public Hearing for ZDC-190-2023 to the March 4th City Council meeting. Motion was seconded by David Hill and failed by a 2-3 vote, with Chris Wright, Patrick Souter, and Travis Smith voting in opposition.

13. Consider proposed Ordinance approving ZDC-190-2023

No action taken.

14. Consider construction contract for the 2022 Sidewalk Project

The Item was presented by Senior Director of Public Works and Engineering Justin Stoker.

Action:

Billie Wallace moved to approve the award of a construction contract to Meca Construction, LLC. in the amount of \$222,841 and a contingency of \$27,159 for the 2022 Sidewalk Project as presented and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

15. Consider construction contract for the Northgate Drive at US 77 Intersection Improvements Project

The Item was presented by Mr. Stoker.

Action:

Billie Wallace moved to approve the construction contract with EAR Telecommunications, LLC. in the amount of \$475,934.20 for the Northgate Drive at US 77 intersection improvements project, and an additional contingency in the amount of \$24,065.80 for a total amount of \$500,000 to be funded from Roadway Service Area 4 impact fees, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

16. Consider construction contract for Howard Road Water Treatment Plant Clarifier No. 3 Sludge Track and Cable Drive Unit Replacement Project

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

Action:

Chris Wright moved to approve a contract with Environmental Improvements, Inc. in the amount of \$115,884.48 for the Howard Road Water Treatment Plant Clarifier No. 3 Sludge Track and Cable Drive Unit Replacement Project and approve a supplemental appropriation of \$35,885 from the Water Fund unrestricted fund balance, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

17. Consider construction contract for Howard Road Wastewater Treatment Plant Clarifier No. 4 and No. 5 Rehabilitation Project

The Item was presented by Mr. Gali.

Action:

Patrick Souter moved to approve the award of a construction contract to Environmental Improvements, Inc. in the amount of \$987,742.83 and additional contingency in the amount of \$12,257.17 for the Howard Road Wastewater Treatment Plant Clarifier No. 4 and No. 5 Rehabilitation Project and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

18. Consider proposed Resolution granting conditional consent to the creation of the Myrtle Creek Municipal Management District No. 1 and the inclusion of 1,263.272 acres of land into said district

The Item was presented by City Manager Michael Scott and Stephen Robinson, legal counsel to Hines, requested the conditional approval to move forward.

RESOLUTION NO. 1359

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, GRANTING CONDITIONAL CONSENT TO THE CREATION OF THE MYRTLE CREEK MUNICIPAL MANAGEMENT DISTRICT NO. 1 AND THE INCLUSION OF 1,263.272 ACRES OF LAND INTO SAID DISTRICT; MAKING FINDINGS RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Billie Wallace moved to approve a Resolution granting conditional consent to the creation of the Myrtle Creek Municipal Management District No. 1 and the inclusion of 1,263.272 acres of land into said district. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

City Council thanked Ken Roberts for his many years of service to Waxahachie.

Council Member Travis Smith thanked those who attended and donated to Ellis County Dancing with the Stars benefit.

Mayor Pro Tem Chris Wright thanked the citizens who attended the Animal Care Advisory Committee meeting.

Council Member Patrick Souter thanked the citizens who attended the Animal Care Advisory Committee meeting noting they are looking for volunteers.

Mayor David Hill asked for thoughts and prayers for Kevin Strength and thanked Police Chief Joe Wisner for his assistance with the Animal Care Committee.

20. Adjourn

There being no further business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary