

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, December 19, 2022 at 7:00 p.m.

Council Members Present: 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

Council Member Absent: David Hill, Mayor, Council Member Place 1

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

**1. Call to Order**

Mayor Pro Tem Chris Wright called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Reverend Polly Williams, Ministerial Alliance, gave the invocation. Council Member Patrick Souter 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 December 5, 2022
- b. Minutes of the City Council briefing of December 5, 2022
- c. Event application for Gingerbread Trail Car Show to be held June 10, 2023 at Getzendaner Park
- d. Event application for Cars in the Park Car Show to be held July 15, 2023 at Getzendaner Park
- e. Event application for Waxahachie Fun Run Car Show to be held August 19, 2023 at Getzendaner Park
- f. Event application for St. Jude Benefit Car Show to be held September 30, 2023 at Getzendaner Park
- g. Mobile Home License Renewals for 2023
- h. Interlocal Agreement with the City of Ennis for the purchase of various goods and services
- i. Receive and accept the FY 2021-2022 Impact Fee Revenue and Expenditure Activity Report

**Action:**

*Council Member Patrick Souther moved to approve items a. through i. on the Consent Agenda. Council Member Billie Wallace seconded, All Ayes.*

**6. Introduce Honorary Councilmember**

Council Member Billie Wallace recognized and presented a Certificate of Appreciation to Averii Hunter as the Honorary Councilmember for December. Averii is a respectful and dedicated high school student with a demonstrated commitment to educational excellence, volunteerism, and plans to pursue a degree in Chemical Engineering from the University of Texas in Austin. Council Member Wallace thanked Averii and her mother, Wendy Johnson, for their attendance.

**7. Public Hearing on a request by Christina and Hymen Wallace for a Specific Use Permit (SUP) for an accessory structure +700 sf use within a Future Development zoning district located at 241 Oak Tree Drive (Property ID 201955 & 201954) - Owner: Hymen & Christina Wallace (ZDC-138-2022)**

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting a Specific Use Permit to construct an accessory structure greater than 700 square feet on the rear side of a single-family residential lot at 241 Oak Tree Drive and staff recommends approval per the following staff conditions:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to the construction of the accessory structure.

Mayor Pro Tem Wright opened the Public Hearing.

There being no others to speak for or against ZDC-138-2022, Mayor Pro Tem Wright closed the Public Hearing.

**8. Consider proposed Ordinance approving ZDC-138-2022**

**ORDINANCE NO. 3352**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A FUTURE DEVELOPMENT DISTRICT (FD) LOCATED AT 241 OAK TREE DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.164 ACRES KNOWN AS PROPERTY ID 171906, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve Ordinance No. 3352. Council Member Travis Smith seconded, All Ayes.*

**9. Public Hearing on a request by Lynn Rowland, Claymoore Engineering, for a Specific Use Permit (SUP) for Outside Storage, Outside Display, and Pole Sign uses within Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) zoning districts located directly South of the intersection of Austin Road and the I-35E Service Road (Property ID: 290135 & 2554633) – Owner: PC5 Properties LLC (ZDC-68-2022)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit for heavy machinery and equipment, rental, sales, or storage use, outdoor display and pole sign use. Ms. Pruitt stated the applicant provided two elevation façade options and the Planning and Zoning Commission recommended option 1. Ms. Pruitt noted the applicant voluntarily agreed to install 4” caliper street trees along the I-35E Service Road in locations where existing trees are unable to be preserved. Staff recommends approval per the following staff conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The equipment stored or displayed on site shall remain in a stowed position and shall not be extended while stored or displayed on site.
3. The applicant shall preserve existing trees along the southern and eastern property lines that fall within the landscape area proposed by the applicant.
4. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

Council Member Travis Smith asked if the request is the best and highest use of this property and if the applicant will be held to the same standards as those requests recently approved. Deputy City Manager Albert Lawrence explained the use fits in this area with surrounding zoning and the applicant is providing an upgraded landscape plan. Council Member Smith asked if the developer owns the property or is the purchase contingent upon approval of the zoning.

Lynn Rowland, Claymoore Engineering, 1903 Central Drive, Bedford, Texas, noted the developer has purchased the property.

Council Member Smith asked City Council to consider if this use will attract traffic from I35E and stated he doesn’t feel this is the best and highest use for this property.

City Attorney Robert Brown explained the accompanying Development Agreement provides the City with the benefit of receiving better standards for the property.

Mayor Pro Tem Wright noted he has no issues with the request.

Council Member Souter confirmed the City has requested stipulations for storing equipment and the applicant has agreed to increased tree caliper for landscaping along I35E and Mr. Rowland concurred.

Mayor Pro Tem Wright opened the Public Hearing.

There being no others to speak for or against ZDC-68-2022, Mayor Pro Tem Wright closed the Public Hearing.

**10. Consider proposed Ordinance approving ZDC-68-2022**

**ORDINANCE NO. 3353**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT RENTAL, SALES OR STORAGE USE, AN OUTDOOR DISPLAY USE, AND A POLE SIGN USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) AND LIGHT INDUSTRIAL-2 (LI-2) ZONING DISTRICT, LOCATED AT THE INTERSECTION OF AUSTIN ROAD AND THE I-35E SERVICE ROAD, BEING PROPERTY ID 254633 & 290135, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, BLOCK A IN THE AUSTIN INDUSTRIAL PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Billie Wallace moved to approve Ordinance No. 3353. Council Member Patrick Souter seconded, the vote was as follows: Ayes: Chris Wright, Patrick Souter, and Billie Wallace. Noes: Travis Smith.*

***The motion carried.***

**11. Consider Development Agreement for ZDC-68-2022**

**Action:**

*Council Member Billie Wallace moved to approve a Development Agreement for ZDC-68-2022. Council Member Patrick Souter seconded, the vote was as follows: Ayes: Chris Wright, Patrick Souter, and Billie Wallace. Noes: Travis Smith.*

***The motion carried.***

**12. Public Hearing on a request by Ramon Galaviz, for a Specific Use Permit (SUP) for an Outside Storage use within a General Retail (GR) zoning district located at 101 Tracy Lane (Property ID: 151310) – Owner: Juan M. Rosas & Guillermina Rosas (ZDC-130-2022)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit to allow for an outside storage (Pecos Bill) use at 101 Tracy Lane. The retail establishment specializes in the sale of outdoor furniture and art. Ms. Pruitt noted an overhead electric easement approximately 16' in width crosses through the center of the property and the applicant has not attained permission from the easement holder to utilize the space within the easement as a storage area. Due to this, the applicant is not permitted to use the area for outside storage and is not proposing to utilize the area. Staff recommends approval per the following staff conditions:

1. Landscaping shall be installed on-site in accordance with the Landscape Plan prior to the issuance of a certificate of occupancy (CO) for Pekos Bill.
2. The portion of the site within the overhead electric easement shall not be used as a storage area.

Mayor Pro Tem Wright opened the Public Hearing.

Council Member Wallace inquired about the types of outdoor storage display.

Ramon Galaviz, 101 Tracy Lane, Waxahachie, Texas, provided images of the proposed items for outdoor storage and confirmed he was aware of the staff conditions.

There being no others to speak for or against ZDC-130-2022, Mayor Pro Tem Wright closed the Public Hearing.

**13. Consider proposed Ordinance approving ZDC-130-2022**

**ORDINANCE NO. 3354**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTSIDE STORAGE USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 101 TRACY DRIVE, BEING A PORTION OF PROPERTY ID 151310, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PART OF LOT 1A, BLOCK 1 IN THE HILLVIEW REVISION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Travis Smith moved to approve Ordinance No. 3354. Council Member Billie Wallace seconded, All Ayes.*

**14. Public Hearing on a request by Dani Cagle, Texas Art & Pour, for a Specific Use Permit (SUP) for a Tavern use within a Central Area zoning district located at 109 W Franklin Street, Suite 115 (Property ID: 193341) – Owner: Mutual Pursuits LLC (ZDC-148-2022)**

Ms. Pruitt presented the case noting the applicant is requesting approval of a Specific Use Permit for a tavern use for Texas Art & Pour located within the Central Area zoning district at 109 W. Franklin, Suite 115. Staff recommends approval per the following staff conditions:

1. The use shall comply with the development standards proposed with the SUP request.
2. An amendment to the SUP will be required in the event Texas Art & Pour wishes to expand beyond the footprint detailed in the Floor Plan exhibit.
3. An amendment to the SUP will be required in the event Texas Art & Pour wishes to modify its hours of operation. Texas Art & Pour has proposed to operate daily from 10:00 am to 9:00 pm.

4. A new SUP will be required to reestablish the Tavern use in the event Texas Art & Pour vacates 109 W. Franklin Street, Suite 115 or a new tenant seeks occupancy at 109 W. Franklin Street, Suite 115.
5. The applicant shall receive approval of all necessary building permits necessary to establish and operate the Tavern use.

Council Member Smith inquired about staff's recommendation of hours of operation and Ms. Pruitt clarified the hours were provided by the applicant and were initially more limited.

Mayor Pro Tem Wright opened the Public Hearing.

Dani Cagle, 700 N. Gibson, Waxahachie, Texas, expressed her preference to not have her business operation hours regulated.

Mr. Lawrence explained minimum operating hours were regulated in agreements with City owned properties to revitalize downtown and to address the public requests for longer hours.

Those who spoke in favor:

Kevin Ivey, 1980 E. Highland Road, Waxahachie, Texas

Ms. Pruitt explained City Council can remove staff condition number 3 in their motion.

There being no others to speak for or against ZDC-148-2022, Mayor Pro Tem Wright closed the Public Hearing.

**15. Consider proposed Ordinance approving ZDC-148-2022**

**ORDINANCE NO. 3355**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TAVERN USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED 109 W FRANKLIN STREET, SUITE 115, BEING PROPERTY ID 193341, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOTS A, 4A, 4B, 5A, & 5B, BLOCK 15 IN THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Travis Smith moved to approve Ordinance No. 3355, striking staff condition number 3 and approve as presented. Council Member Patrick Souter seconded, All Ayes.*

**16. Consider proposed Ordinance amending Water, Sewer, and Roadway Impact Fees**

James Gaertner, Executive Director of Public Works and Engineering, explained Water, Sewer, and Roadway Impact Fees are reviewed and updated every five years. He reviewed the table below identifying the current collection of impact fees:

	Current Fees	Percent of Maximum Allowed	Proposed Fee	Percent of Maximum Allowed
Water	\$2,216	67.66%	\$3,275	100%
Wastewater	\$2,321	61.39%	\$3,781	100%
Roadway*	\$1,103	92.22%	\$1,196	100%

**\*Roadway Impact fee is the average of the Service Area Fees**

Mr. Gaertner provided a comparison to other cities regarding Water, Wastewater, and Roadway Impact Fee assessments and noted the City needs a funding plan to pay for the Capital Improvement Projects. Staff recommends increasing Impact Fees to the maximum calculated rates allowed. The proposed increase to developers and future residents would be effective April 2023 and will relieve the burden from existing tax payers.

Council Member Smith reiterated Impact Fees are only assessed on new developments and are not an increase to existing tax payers and Mr. Gaertner concurred. Mr. Smith recognized approximately \$2.8 million was not collected in FY 22 due to the maximum rate not being collected. He noted increasing the Impact Fees for developers is the fiscally responsible approach so current tax payers aren't affected.

Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas, asked if Roadway Impact Fees must be spent in the areas they are collected. Mr. Gaertner explained that Water and Wastewater Impact Fees can be used on the City-wide system for improvements needed due to growth. He noted Roadway Impact Fees must be used in the Service Areas they are collected from and must be used for growth related projects.

### **ORDINANCE NO. 3356**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED COLLECTION SCHEDULES FOR WATER, WASTEWATER, AND ROADWAY IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Council Member Billie Wallace moved to approve Ordinance No. 3356. Council Member Travis Smith seconded, All Ayes.*

**17. Consider TxDOT land purchase of City right-of-way (0.288 acres) located on the east side of Highway 664, south of Bob White Lane**

Mr. Gaertner requested approval of TxDOT's land purchase of City right-of-way (0.288 acres) located on the east side of Highway 664, south of Bob White Lane. He explained TxDOT is acquiring property along FM 664 (Ovilla Road) for a road widening project and TxDOT is requesting approval for the acquisition of the City's right-of-way in the amount of \$15,839. Based on a 3<sup>rd</sup> party appraisal for the City's right-of-way, staff feels that the sale amount is acceptable.

**Action:**

*Council Member Billie Wallace moved to approve TxDOT land purchase of City right-of-way (0.288 acres) located on the east side of Highway 664, south of Bob White Lane. Council Member Travis Smith seconded, All Ayes.*

**18. Receive Fiscal Year 2022 4<sup>th</sup> Quarter Financial Report**

Chad Tustison, Senior Director of Finance, reviewed Item 18, the preliminarily 4<sup>th</sup> quarter fiscal year 2022 financial report. He noted the report covers the period from October 2021 through September 2022 and highlights the General Fund, Water and Wastewater Funds, Waxahachie Community Development Corporation Fund, Hotel/Motel Fund, and the Tax Increment Reinvestment Zone Fund. He explained the annual audit is anticipated to be completed and presented to City Council in March 2023. In summary, the City's financial position is positive in all funds. He reviewed the following:

- Revenues total \$55.8 million, which represents an increase of \$2.3 million over the same period last year.
- Property tax collections accounted for approximately 38% of the City's revenue.
- Sales tax is the second largest revenue source, accounting for over 37% of the City's General Fund.
- Licenses and permitting revenue are lower than FY 2021 due to a softening in permit activity for single-family residential development.
- Interest income has increased coinciding with the interest rate increases by the Federal Reserve.
- Expenditures total \$65.9 million (1.5% below the revised budget).
- Water and Wastewater Funds, revenue has come in higher than budget.
- Waxahachie Community Development Corporation revenues are 5.7% over the revised budget due to higher than anticipated sales tax, healthy bookings at the Civic Center and additional interest income.
- Hotel/Motel Tax revenues are up significantly over the last year by \$197,000, or 23%. Expenditures are over budget by less than 2%. Because the Arts Council receives 25% of the hotel occupancy tax, and since revenues came in higher than budgeted, the additional payment is offset by the additional revenue collected.

Mayor Pro Tem Wright asked if water revenue is deposited into a restricted account and Mr. Tustison confirmed it is deposited in a restricted water fund.

**Action:**

*Council Member Billie Wallace moved accept the Fiscal Year 2022 4<sup>th</sup> Quarter Financial Report. Council Member Patrick Souter seconded, All Ayes.*

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

Council Member Travis Smith thanked City staff for a great year and the employee Christmas luncheon.



Council Member Billie Wallace thanked Averii Hunter, and her mother Wendy Johnson, for their attendance. She also acknowledged City staff for addressing complaints and thanked City employees for their work.

Deputy City Manager acknowledged the work of the Employee Engagement Committee and the Human Resources Department for their work on the City Employee Christmas Luncheon.

Council Member Patrick Souter encouraged everyone to review the draft Comprehensive Plan on the City website. He thanked Averii Hunter and her mother for their attendance. Mr. Souter noted it is an honor to work with a great City staff and wished Mayor David Hill well on his recovery.

City Attorney Robert Brown encouraged City Council to use the provided motions recommended by staff, unless a Council Member does not agree. He noted the staff provided motions clearly identify and incorporate what is being approved.

Averii Hunter thanked Council Member Billie Wallace and City Council for allowing her to participate as Honorary Council Member and learn more about the City.

Mayor Pro Tem Chris Wright thanked Reverend Polly Williams and Averii Hunter for their participation at the City Council meeting. He also acknowledged Senior Finance Director Chad Tustison and his department for their work on the 4th Quarter Financial Report. Mayor Pro Tem Wright encouraged citizens to fully read the draft Comprehensive Plan and thanked the Police Department and Fire Department for their appreciation efforts. Mr. Wright explained requested City Council action on a request from the public is discussed by staff and thoroughly vetted prior to adding to a City Council agenda and must follow a review process.

City Council and staff wished everyone a safe and Happy Holidays.

## **20. Adjourn**

There being no further business, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary