

City Council
January 17, 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 Tuesday, January 17, 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

Council Member Absent: 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

Dr. Joe Langley, Park Meadows Church, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Carolyn Ross, 108 S. Rogers, Waxahachie, Texas, spoke in opposition to a proposed street closure request the first weekend in May. She explained she has a sold-out event at her business with registrants coming from outside of Waxahachie thus she is opposed to closing the street in front of her business.

Jim Markle, 102 Holly Street, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie.

Dr. Joe Langley, 3350 Hwy. 77N, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie.

Richard Cody, 409 Clark Lane, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie.

Bruce Zimmerman, 2821 Howard Road, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie.

Phillip Browne, 3222 FM 66, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie.

Tom Schaeffer, 204 Rock Springs, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie and noted he supports better streets and traffic control.

Dr. Steven Leonard, 105 Short Putt Drive, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie.

William Schoneman, 3620 Black Champ Road, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie. He thanked City Council for their service noting he wants safer roads.

Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas, thanked City staff for their assistance and participation with the Martin Luther King, Jr. festivities and parade on Monday, January 16th.

Brandi Bulin, 1934 Forreston Road, Waxahachie, Texas, spoke in opposition to allowing liquor sales in Waxahachie.

5. Consent Agenda

- a. Minutes of the City Council meeting of December 19, 2022
- b. Minutes of the City Council briefing of December 19, 2022
- c. Event application for Community Easter Sunrise Service to be held April 9, 2023 at Railyard Park
- d. Event application for Project Shelter Walkathon to be held April 29, 2023 at Railyard Park
- e. Event application for Hachie Gras to be held February 18, 2023
- f. Consider Extending Existing Contract with AHI Facility Services, Inc. to Exercise the Year Five Option for Janitorial and Cleaning Maintenance Services

Action:

Council Member 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. Council Member Patrick Souter seconded, All Ayes.

6. Introduce Honorary Councilmember

Council Member Patrick Souter introduced Waxahachie High School senior Yusef Smith as the November Honorary Council Member. Mr. Smith moved to Waxahachie High from Eagle Crest High School in Colorado. He is the holder of a Level 3 Certification in Computer Aided Design. He began his computer career as a freshman focusing on cyber security and computer information leading him to a computer internship with a Canadian based company. Mr. Smith volunteers in the community through school, church, donating to soup kitchens, and is always looking for additional ways to become more involved. Mr. Smith plans to attend Howard University to major in computer science and computer analytics.

Mr. Souter recognized Mr. Smith as an outstanding keynote speaker at the Martin Luther King, Jr. festivities on January 16, 2023.

7. Recognize Planning Department for their Richard R. Lillie, FAICP Program for Planning Excellence Certificate of Achievement

Mayor Hill recognized the Planning Department for their Richard R. Lillie, FAICP Program for Planning Excellence Certificate of Achievement.

8. Public Hearing on a request by the City of Waxahachie to adopt the Waxahachie Comprehensive Plan, including but not limited to the Future Land Use Plan, and Thoroughfare Plan

Mayor Hill announced the Public Hearing will be continued to a future meeting to allow more time to incorporate several recent changes received into the Waxahachie Comprehensive Plan.

Action:

Council Member Billie Wallace moved to continue the public hearing for adopting the Comprehensive Plan to a future meeting date allowing staff to incorporate the most recent changes into the Waxahachie Comprehensive Plan. Council Member Patrick Souter seconded, All Ayes.

9. Public Hearing on a request by Priya Acharya, Wier & Associates, Inc., for a Specific Use Permit (SUP) for a restaurant with a drive-through use and a pole sign within a General Retail (GR) zoning district located at 3380 S Interstate 35 E (Property ID 284600) - Owner: DML LAND LLC (ZDC-117-2022)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting a Specific Use Permit for a restaurant with drive-through use (Chick-Fil-A) and a pole sign. The applicant provided two architectural elevation options with the same building design and exterior finishing, except the color scheme for each set is different. The applicant provided more than the minimum required parking and stacking to manage business demands during peak times. Ms. Pruitt explained the proposed pole sign is 75 feet tall, the surface area is 267 square feet, and the Planning & Zoning Commission recommended removal of the wrapped masonry exterior finishing materials. The proposed project has satisfied all the requirements of the zoning ordinance and staff recommends approval per the following staff conditions:

1. The pole sign will consist of steel pole.
2. The building will conform to the architectural elevations for option 1 utilizing light gray (Paloma Gray) as the primary color, and white as the accent color (Rustic White.)
3. The applicant agrees to execute a mutually agreed upon Development Agreement for the development.
4. The applicant obtains a permit from the City of Waxahachie Building Department before commencing construction.

Mayor Hill opened the Public Hearing.

Alan Fox, 327 W. University, asked City Council to address traffic congestion with the addition of this restaurant.

Those who spoke in favor:

Mike Lyle, 467 Cunningham Meadows, Waxahachie, Texas.
Phillip Browne, 3222 FM 66, Waxahachie, Texas

There being no others to speak for or against ZDC-117-2022, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-117-2022

ORDINANCE NO. 3357

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (CHICK-FIL-A) USE WITHIN A GENERAL RETAIL DISTRICT LOCATED AT 3380 SOUTH INTERSTATE 35 EAST IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.824 ACRES KNOWN AS PROPERTY ID 284600, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace move to approve the ordinance for ZDC-117-2022 establishing a Specific Use Permit for a restaurant with a drive-through and a pole sign, subject to the conditions in the staff report and authorizing the City Manager and/or Mayor to execute all necessary documents. Mayor Pro Tem Chris Wright seconded, All Ayes.

11. Consider Development Agreement for ZDC-117-2022

Action:

Council Member Billie Wallace moved to approve the Development Agreement for ZDC-117-2022. Council Member Patrick Souter seconded, All Ayes.

12. Public Hearing on a request by Zack Rench, Owner of Lost Veil Tattoo, for a Zoning Change from a Central Area (CA) zoning district to Planned Development Central Area (PD-CA) zoning district, located at 100 N College Street (Property ID 170418) - Owner: ROGERS HOTEL PARTNERS, LLC (ZDC-158-2022)

Ms. Pruitt presented the case noting the applicant is requesting approval of a Planned Development (PD) with a base zoning of Central Area District (CA) to allow for a tattoo shop at the Rogers Hotel in Suite 305. Per the applicant, the studio will have three tattoo artists, the business will generally operate Monday through Sunday from 10am-6pm and services will generally be performed by appointment only. There are currently two other tattoo shops in the downtown area and staff expressed concern about the number of tattoo shops in such close proximity to one another. Tattoo shops are allowed by right in the Commercial zoning district and staff believes there are other sites available for the use that are more appropriate, thus staff is recommending denial of the proposed rezoning request. Ms. Pruitt noted four letters of opposition were received.

Mayor Hill opened the Public Hearing.

Zack Rench, 300 N. IH 35E, Waxahachie, Texas, explained the location will be low key. He explained permanent makeup artists currently operate out of other suites in the building and they hold the same tattoo licensing he has.

Those who spoke in favor:

Cody Creamer, 210 Revielle Run Road, Waxahachie, Texas
Sawyer Gajdica (Top Knot Hair Studio, Waxahachie), 650 S. Clinton Lane, Midlothian, Texas
Brandi Bulin, 1934 Forreton Road, Waxahachie, Texas

Tom Bulin, 1934 Forreton Road, Waxahachie, Texas, requested clarification for the Planning and Zoning Commission not recommending approval of this request.

Mayor Pro Tem Chris Wright explained his interpretation of concerns from some members of the Planning and Zoning Commission were because of other tattoo shops operating in close proximity to the requested site. He stated the previous request from Heart-in-Hand tattoo shop approved last year plans to operate in the Oddfellows building, in the Central Area Zoning District, where the applicant is a member. Mr. Wright noted the Waxahachie Zoning Ordinance prohibits tattoo shops in the Central Area Zoning District, and to continue improving the downtown area, City Council should adhere to the zoning ordinance.

There being no others to speak for or against ZDC-158-2022, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving ZDC-158-2022

Action:

Council Member Billie Wallace move to deny the Ordinance for ZDC-158-2022, a zoning change from a Central Area Zoning District to Planned Development Central Area Zoning District. Council Member Patrick Souter seconded, All Ayes.

14. Consider supplemental appropriation for purchase of Fire Department's Command Vehicle in the amount of \$68,777.53

Fire Chief Ricky Boyd requested approval of a supplemental appropriation for the purchase of a 2023 Chevrolet Suburban, including all of the necessary aftermarket equipment, to replace the Fire Department's command vehicle known as BC-1. He explained the motor of the present command vehicle is blown and rebuilding the motor is estimated to cost at least \$22,500 plus at least \$32,000 to install. Staff does not recommend spending such amounts to continue using a nine-year old vehicle for emergency service.

Action:

Council Member Billie Wallace moved to approve a supplemental appropriation in the amount of \$68,777.53 to be allocated to account # 100-220-57300 for the purchase of a 2023 Chevrolet Suburban and all necessary aftermarket equipment. Mayor Pro Tem Chris Wright seconded, All Ayes.

15. Consider street and parking closures for Bass Reeves filming project

Amy Borders, Director of Communications and Marketing, requested approval of street closures for “Bass Reeves” film production. She explained the proposed filming dates are Monday, February 13 and Tuesday, February 14, with preparation taking place the weekend prior and possibly the end of the previous week. The primary impact would be the use of parking spaces around the perimeter of the courthouse and street closures in the 100 block of S. Rogers and the 100 block of E. Main. Ms. Borders explained in addition to the parking and street closure requests, additional City services would be essential to production including police officers for intermittent traffic control (off-duty officers paid by the production), barricades and assistance from Streets, Parks, and Downtown departments. Ms. Borders acknowledged the letter of support from the Ellis County Judge Todd Little and reported this will positively impact Waxahachie.

Mayor Pro Tem Wright asked if Ms. Ross had any opposition to the street closure request and she explained she is not opposed to street closures except when she has planned events already scheduled at her business.

Action:

Council Member Billie Wallace moved to approve the City of Waxahachie to be a filming location for a new large-scale television project called Bass Reeves, the use of parking spaces around the perimeter of the Courthouse and street closures as necessary during the proposed dates for preparation and filming. Council Member Patrick Souter seconded, All Ayes.

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

Council Member Billie Wallace thanked staff for their prompt response and assistance with a citizen having an issue with their new water meter.

City Manager Michael Scott thanked City staff for their assistance with holiday events in Waxahachie.

Mayor Pro Tem Chris Wright congratulated the Planning Department on their Certificate of Achievement. Mr. Wright expressed he was proud of Yusef Smith for being the keynote speaker at the MLK event. Mr. Wright acknowledged he has not seen a request to allow the sale of liquor in Waxahachie, but believes the process would require a special election.

Council Member Patrick Souter thanked Yusef Smith for his attendance, the Planning Department staff Eleana Tuley and Jennifer Pruitt for their diligent work on drafting the Waxahachie Comprehensive Plan, and congratulated Amy Borders on the scheduled film production. Mr. Souter acknowledged the affect of street closures on small businesses is considered before approval. He acknowledged receipt of many emails in opposition to liquor sales in Waxahachie and noted he will present those at the City Council Work Session on January 25, 2023.

City Attorney Robert Brown congratulated the Planning Department on their award.

City Secretary Amber Villarreal announced the filing dates for City Council are January 18, 2023-February 17, 2023 at 5pm.

Yusef Smith, Honorary Council Member, thanked City Council for allowing him to participate in the meeting.

Amy Borders, Director of Communications and Marketing, thanked City Council for their support.

Mayor David Hill thanked the Waxahachie Police Department for their service.

17. Adjourn

There being no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary