

City Council
May 1, 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, May 1, 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

Mike Sweet gave the invocation. City Manager Michael Scott led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Pastor Richard Smith, Farley Street Baptist Church, encouraged the City Council and community to participate in the National Day of Prayer on Thursday, May 4th and invited everyone to Farley Street Baptist Church's services at Railyard Park.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 17, 2023
- b. Minutes of the City Council retreat of April 25, 2023
- c. Event application for Dripstar Day at Lee Penn Park to be held May 28, 2023
- d. Event application for Outside Worship Concert at Railyard Park to be held May 10th, 17th, 24th, 2023
- e. Event application for Shelby Flowers Memorial and Community Event at Lee Penn Park to be held July 4, 2023
- f. Event application for Railyard Nights Summer Concert Series to be held June 3rd, 10th, 17th, 24th, and July 1st
- g. 25th Annual Crape Myrtle Festival Fireworks Display to be held July 3, 2023
- h. Approve the purchase of a 2023 F-350 for the Water Distribution Department in the amount of \$80,521

Action:

Council Member Billie Wallace moved to approve items a. through h. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.

6. Introduce Honorary Council Member

Council Member Patrick Souter introduced Avery Mathis as the Honorary Councilmember for the month of May 2023.

Avery, the daughter of Shawna and Scott Mathis, is in the top 10% of her class and on the AB Honor Roll at Waxahachie High School (WHS). She has danced competitively since the age of ten and is currently on the Elite Scholar Team at Avant Garde Ballet Academy in Ennis. Avery is a second year Varsity member of the Cherokee Charmers Drill Team. She serves a public relations person for the DTC Council of the Charmers and a second-year member of the Cherokee Charmers elite team dance, C.C. & Company. Avery accepts all opportunities offered to her in the community from the Charmers and WHS. She founded the BrAvery Sock Foundation which is an organization that gives happy socks and toys to children in burn hospitals. Avery started the organization at the age of seven after experiencing a burn accident herself. The BrAvery Sock Foundation has collected over 200,000 socks and toys to provide to hospitals all over the nation. Looking forward, Avery is considering attending Penn State or NYU with a focus on pre-med, dance, or both. In Avery's spare time, she likes to read, enjoys the company of her friends, traveling, and shopping.

7. Recognize Elizabeth Jones for 34 years of service to the Waxahachie Housing Authority

Council Member Billie Wallace recognized Elizabeth Jones for 34 years of service to the Waxahachie Housing Authority and presented her with an honorary award.

Ms. Jones expressed her gratitude to the community and individuals she worked with over the years and encouraged continued progress at the Waxahachie Housing Authority.

Council Member Souter thanked Ms. Jones for her years of leadership and sharing her knowledge. He recognized Ms. Jones as a caring individual and great advocate for the community.

8. Present Proclamation recognizing May 2023 as "National Preservation Month"

Council Member Souter presented a Proclamation to Downtown Development Director Anita Simpson and members of the Heritage Preservation Commission, recognizing May 2023 as "National Preservation Month".

9. Present Proclamation recognizing May 2023 as "Foster Parent Awareness Month"

Council Member Wallace presented a Proclamation to Bishop Aaron Blake recognizing May 2023 as "Foster Parent Awareness Month".

10. Present Proclamation recognizing May 7-13, 2023 as National Travel and Tourism Week

Mayor Pro Tem Chris Wright presented a Proclamation to Waxahachie Convention & Visitors Bureau Director Laurie Mosley recognizing May 7-13, 2023 as “National Travel and Tourism Week”.

11. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts (ZTA-37-2023)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the City Council directed the Planning staff to evaluate the Tattoo use process of comparable cities in the Dallas-Fort Worth Metroplex due to several Tattoo use Zoning District change requests. She explained the zoning text amendment is meant to address the following:

- Define the Tattoo or Body Piercing Shop Primary use in more detail
- Define Cosmetic Restorative Tattoo use
- Add language to further define Cosmetic Tattoo (accessory)
- Add a SUP requirement to the Use Charts for Tattoo use and Cosmetic Restorative Tattoo use
- Delete the previous Tattoo or Body Piercing Shop definition

Ms. Pruitt noted the two new definitions as follows:

Tattoo or Body Piercing Shop Primary – An establishment operated for the principal purpose of producing an indelible design, mark, or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, Cosmetic and Restorative Studio (Accessory) or incidental microblading activities are not included under this use.

- a) Cosmetic and Restorative Studio (Accessory) – An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A cosmetic and restorative studio may be an accessory use to a tattoo and body piercing shop, barber, hairdresser, or beauty shop.

Cosmetic and Restorative Student (Permanent) – An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative tattoo services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services,

which are provided solely for artistic purposes. A permanent cosmetic and restorative studio will serve as the primary use and will not be an accessory to another use.

Ms. Pruitt noted based on the details provided in the Staff Report, staff recommends approval of the Zoning Code Text Amendment.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZTA-37-2023, Mayor Hill closed the Public Hearing.

12. Consider proposed Ordinance approving ZTA-37-2023

ORDINANCE NO. 3374

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE (ORDINANCE NO. 3020), ARTICLE IV (DEFINITIONS AND USE REGULATIONS), SECTION 4.01 (DEFINITIONS) TO SECTION 4.03 (USE CHARTS), PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Council Member Billie Wallace moved to recommend approval of ZTA-37-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, authorizing the Mayor to sign the associated documents accordingly. Council Member Travis Smith seconded, All Ayes.

13. Continue Public Hearing on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022)

Ms. Pruitt presented the case noting the applicant is requesting to abandon approximately 2,300 square feet of alley right-of-way (ROW) off of Lakeshore Drive and incorporate the abandoned area into the subject property via a replat. She noted the area proposed to be abandoned has never been paved or maintained by the City and the City has no intention of improving the alley or maintaining the area in the future. The subject property fully surrounds the alley area and the property owner has historically maintained the alley area.

Ms. Pruitt explained a portion of the alley area is utilized by neighboring property owners to access existing homes to the south of the subject property. The adjacent homes to the south of the subject property do not currently have frontage onto Lakeshore Drive. Both driveways and utility services lines cross the alley area to reach the homes to the south of the subject property. The adjacent home owners utilize access easements across the subject property in order to access the alley area and Lakeshore Drive. With this replat, the applicant is proposing to create a new access easement and utility easement across a portion of the abandoned alley area in order to preserve the adjacent

property owner's ability to legal access of their property from Lakeshore Drive. The proposed easements cover the existing gravel driveways utilized by the neighboring property owners, not the entire area.

Ms. Pruitt added the applicant is also requesting a Petition for Relief Waiver for ROW dedication. Staff has no concerns with the variance request due to the sole purpose of the replat being to officially incorporate abandoned ROW into the subject property.

Staff recommends approval of the replat request.

Mayor Hill continued the Public Hearing.

There being no others to speak for or against SUB-57-2022, Mayor Hill closed the Public Hearing.

14. Consider approval of SUB-57-2022

Action:

Council Member Billie Wallace moved to approve SUB-57-2022, a Replat of Lot 9A, Leo Hightower Lots, Lot 1, with the associated variance request, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mayor Pro Tem Chris Wright seconded, All Ayes.

15. Public Hearing on a request by Jeffrey Villarreal, Rago Enterprises, LLC, for a Specific Use Permit (SUP) for an Outside Storage use within a Heavy Industrial (HI) zoning district located at 5907 N Interstate 35 E (Property ID: 148302) – Owner: SPUR 10 HOLDINGS, LP (ZDC-149-2022)

Ms. Pruitt presented the case noting the applicant is requesting approval of a Specific Use Permit (SUP) to allow for an Outside Storage use for Rago Enterprises at 5907 N. Interstate 35E. She noted the site is currently zoned for Heavy Industrial (HI) and has an existing office building and pole sign on the 4.197 acres site. The SUP request is to specifically allow for outside storage of concrete formwork materials which includes aluminum beans, steel beams, metal post shores, metal walls, column forms, and elevated deck forms. A water truck will be utilized to control dust in the event an issue arises on site.

Ms. Pruitt detailed the applicants proposed improvements to the site to include:

- Installing a concrete drive aisle from the I-35 Service Road to the existing office building
- Additional concrete paving to include ten parking spaces and a fire lane
- Removal of existing gravel up to 30' behind the existing wrought iron fence along the frontage road
- The 30' area will be replaced with a landscape buffer including street trees, Crape Myrtles, evergreen shrubs, and mulch to provide a visual screen between the storage area and traffic on I-35
- Extend a new wrought iron fence along the southern property line and the remainder of the eastern property line up to the existing fence line on the I-35 Service Road

- The existing red ornamental iron fence and pole sign will be refurbished to a black color to match the new wrought iron fence

Staff recommends approval of the SUP request with the conditions noted below:

- The items allowed to be stored outside will be limited to concrete formwork materials. Outside storage of heavy equipment, trucks, or trailers is prohibited. Only the incidental use of trucks, trailers, and heavy equipment to move the concrete formwork materials on site shall be allowed.
- The applicant shall obtain an updated Certificate of Occupancy (CO) for Rago Enterprises noting the allowance of an Outside Storage use prior to storing concrete formwork materials on-site. The CO shall refer to the ordinance number of the approved SUP.
- The landscaping and pavement improvements identified on the Site Plan/Landscape Plan shall be installed prior to the issuance of any updated Certificate of Occupancy (CO) for Rago Enterprises' Outside Storage use.

Mayor Hill opened the Public Hearing.

Council Member Wallace asked if the applicant understands the conditions of approval.

Jeffrey Villarreal, 129 Harvest Hill Lane, replied that he understands and agrees with conditions.

Mayor Pro Tem Chris Wright inquired about landscape upkeep. Mr. Villarreal replied there will be an irrigation system installed on the property.

There being no others to speak for or against ZDC-149-2022, Mayor Hill closed the Public Hearing.

16. Consider proposed Ordinance approving ZDC-149-2022

ORDINANCE NO. 3375

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A AN OUTSIDE STORAGE (RAGO ENTERPRISES) USE WITHIN A HEAVY INDUSTRIAL (HI) ZONING DISTRICT, LOCATED 5907 N INTERSTATE 35E, BEING PROPERTY ID 148302, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 17 OF BROWN INDUSTRIAL SITE PHASE 1, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve ZDC-149-2022, a Specific Use Permit (SUP) request for an Outside Storage use at 5907 N Interstate 35E, subject to the conditions of the staff report, authorizing the Mayor and City Manager to sign the associated documents accordingly. Council Member Patrick Souter seconded, All Ayes.

17. Consider appointments to fill unexpired terms on the Waxahachie Housing Authority Board

WAXAHACHIE HOUSING AUTHORITY (2-year term)

Jonathan Bickerstaff, resident member
(filling unexpired term of Roy Reynolds until September 2024)

Andrew Henderson (filling unexpired term of Ruthie Sutton until September 2023)

Action:

Council Member Patrick Souter moved to approve the appointments to the Waxahachie Housing Authority, to fill unexpired terms, as presented. Council Member Billie Wallace seconded, All Ayes.

18. Consider proposed Ordinance revising Development Fees for Building and Community Services, Subdivision and Development, Utility Service, Fire Inspection, and Plan Review

Shon Brooks, Executive Director of Development Services, presented the proposed revision to development fees noting the increase will bring the City of Waxahachie's development fees in line with those of surrounding communities and allows the City to continue the level of service provided to citizens and developers. Mr. Brooks noted the proposed fees provide emphasis on the increase of development fees while maintaining fees for small project permit types and provides for minimal impact to residents requiring permits.

ORDINANCE NO. 3376

AN ORDINANCE AMENDING CHAPTER 11 BUILDING AND COMMUNITY SERVICES FEE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE; AND AMENDING APPENDIX C-SUBDIVISION, CHAPTER VII-FILING FEES AND PLAT SUBMISSION REQUIREMENTS, SECTION 7.2 SCHEDULE OF FILING FEES; AND ASSOCIATED DEVELOPMENT FEES; AND AMENDING CHAPTER 33 ARTICLE II. – RATES AND CHARGES; AND SETTING AN EFFECTIVE DATE OF MAY 1, 2023.

Action:

Council Member Billie Wallace moved to approve the ordinance revising development fees as presented and authorize the City Manager and/or Mayor to execute all necessary documents. Council Member Travis Smith seconded, All Ayes.

19. Consider authorizing contracts and approving a budget amendment for the engineering and construction of an 8-inch water line along McLane Street

James Gaertner, Executive Director of Public Works and Utilities, presented the request noting the proposed project includes engineering and construction of approximately 650 linear feet of 8-inch diameter water line, two hydrants, and appurtenances along McLane Street. He noted the new

water line will replace a 2-inch water line and will allow for houses to be built along McLane Street. He explained the State will allow only ten houses to be built with the present 2-inch water line.

Mr. Gaertner clarified for Mayor Pro Tem Wright that the new 8-inch water line will allow houses to be built on existing lots and provide fire protection.

Action:

Council Member Billie Wallace moved to authorize contracts for the engineering and construction of an 8-inch water line along McLane Street and approve a budget amendment from the Water Utility Fund working capital not to exceed \$360,000 and authorize the City Manager to execute any documents necessary to complete the project. Mayor Pro Tem Chris Wright seconded, All Ayes.

20. Public Hearing on reauthorizing the guidelines and criteria (policy) for governing Economic Development

Warren Kettelman, Senior Director of Economic Development, explained that the State requires the City Council to review and revise, if needed, the City's policy for governing economic development incentives every two years. He noted the policy was updated with several changes in 2021 and, after review, does not recommend any changes for the current policy.

Mayor Hill opened the Public Hearing for reauthorizing the guidelines and criteria (policy) for governing Economic Development.

There being no others to speak for or against reauthorizing the guidelines and criteria (policy) for governing Economic Development, Mayor Hill closed the Public Hearing.

21. Consider proposed Resolution reauthorizing the guidelines and criteria (policy) for governing Economic Development

RESOLUTION NO. 1340

Action:

Council Member Billie Wallace moved to approve a Resolution reauthorizing the guidelines and criteria for governing economic development incentives. Council Member Patrick Souter seconded, All Ayes.

22. Convene into Executive Session for deliberation regarding economic development negotiations as permitted under Section 551.087, Texas Government Code and consultation with City Attorney on legal issues regarding employee benefits and contract employees as permitted under Section 551.071, Texas Government Code

Mayor Hill announced at 7:50 p.m. the City Council would convene into Executive Session for deliberation regarding economic development negotiations as permitted under Section 551.087, Texas Government Code and consultation with City Attorney on legal issues regarding employee benefits and contract employees as permitted under Section 551.071, Texas Government Code.

23. Reconvene and take any necessary action

The meeting reconvened at 8:13 p.m.

Action:

Council Member Billie Wallace moved to approve the Chapter 380 Economic Development Program Agreement as presented in Executive Session for Project Alamo and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.

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

None.

25. Adjourn

There being no further business, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary