

City Council
August 21, 2023

A regular meeting of the Mayor and City Council of the City of Waxahachie was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, August 21, 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
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

Pastor Skip Reed, University Church Waxahachie, gave the invocation. Council Member Patrick Souter led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

James Parks, 102 Post Oak Ln., Waxahachie, Texas, requested prohibiting short-term rentals in single-family residential neighborhoods and provide an exception to allow currently operating short-term rentals, with no issues, to continue operating.

Ira Tenpenny, 109 Rosa St., Waxahachie, Texas, voiced his understanding for concerns of short-term rentals. Mr. Tenpenny expressed his concern for pool safety on private properties that do not have adequate fencing.

Roger Martinez, 212 John Arden Dr., Waxahachie, Texas, voiced his concerns with escalated crime, gunshots on the 4th of July and New Year's Eve, neighboring renters causing code enforcement issues, cell phone use by drivers on John Arden, and expressed his hope for his concerns to be addressed.

Randy Kimberlin, 100 Post Oak Ln., Waxahachie, Texas, requested the short-term rental issue in Pecan Valley be resolved and requested City Council take additional time to thoroughly review short-term rentals prior to adoption of an ordinance.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 7, 2023
- b. Minutes of the City Council briefing of August 7, 2023

- c. Minutes of the City Council work session of August 11, 2023
- d. Event application for Tulipalooza to be held March 8-24, 2024 at Getzendaner Park
- e. Ordinance approving a rate settlement agreement with SiEnergy, LP
- f. Resolution approving a negotiated settlement between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

ORDINANCE NO. 3385

AN ORDINANCE ADOPTING UNANIMOUS SETTLEMENT AGREEMENT, SETTING RATES AND ESTABLISHING TARIFFS FOR THE PROVISION OF NATURAL GAS SERVICE BY SIENERGY, LP WITHIN THE CITY OF WAXAHACHIE; DECLARING THIS ORDINANCE TO BE A FINAL DETERMINATION OF RATES; REQUIRING ACCEPTANCE BY SIENERGY, LP OF THE RATES PRESCRIBED HEREIN; AND ESTABLISHING AN EFFECTIVE DATE.

RESOLUTION NO. 1349

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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 documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

6. Introduce Honorary Council Member

Mayor Hill presented Maya Gus with a Certificate of Appreciation for serving as the August 2023 Honorary Council Member. Maya is a senior at Waxahachie’s Global High School, where she is currently ranked #1 in her class. She serves as her senior class vice-president, treasurer of the local chapter of Health Occupations Students of America, and president of the local Technology Students Association. She is a member of the National Honor Society and the Global High School

Art Club and Culture Club. Each year of high school she has represented Global High School as a state qualifier in various UIL competitions. Maya will graduate in May 2024 with her high school diploma, a two-year associates degree, certification as a clinical medical assistant, and complete a four-year early morning seminary program through her church, where she is an active member. Her loved ones are anxiously waiting to see what the future holds for Maya. Maya is the fourth of five children and resides in Waxahachie with her parents and younger sister. In addition to her schooling, Maya holds the occasional part-time job or volunteers with community service projects like Kids Against Hunger or natural disaster clean-ups. Maya thanks her parents, family and friends for all their love and support.

7. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses

The Item was presented by Senior Planning Director Jennifer Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:28 p.m.

Those who spoke in support:

Alan Fox, 327 University, Waxahachie, Texas

There being no others to speak for or against ZTA-92-2023, Mayor Hill closed the Public Hearing at approximately 7:32 p.m.

Action:

Chris Wright moved to continue the Public Hearing to allow for a Public Hearing or Town Hall Meeting to discuss with citizens and reschedule the vote to September 18, 2023. Motion was seconded by Patrick Souter and carried unanimously (5-0).

8. Consider proposed Ordinance approving ZTA-92-2023 and establish fee

No action taken.

9. Public Hearing on a request by Corey Vaughan, QT South, LLC, for a Specific Use Permit (SUP) for a Pole Sign use within a General Retail (GR) zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: BUFFALO CREEK PLAZA, LLC (ZDC-55-2023)

The Item was presented by Ms. Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:35 p.m.

There being no others to speak for or against ZDC-55-2023, Mayor Hill closed the Public Hearing at approximately 7:35 p.m.

10. Consider proposed Ordinance approving ZDC-55-2023

ORDINANCE NO. 3386

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A POLE SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED 1342 BROWN STREET, BEING PROPERTY ID 295114 & 295115, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3 & 4, BLOCK A IN THE BUFFALO CREEK ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve an Ordinance for ZDC-55-2023, a Specific Use Permit (SUP) request for a 30' Pole Sign use at Quick Trip located at 1342 Brown Street, subject to the conditions, including Option 1, of the staff report, and authorize the Mayor and/or City Manager to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

11. Public Hearing on a request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 409 E Jefferson Street (Property ID: 170544) – Owner: KEITH SPACEK (ZDC-75-2023)

The Item was presented by Ms. Pruitt and applicant Logan Spacek requested approval.

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

Those who spoke in support:

Ira Tenpenny, 109 Rosa St., Waxahachie, Texas
Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas

There being no others to speak for or against ZDC-75-2023, Mayor Hill closed the Public Hearing at approximately 7:46 p.m.

12. Consider proposed Ordinance approving ZDC-75-2023

ORDINANCE NO. 3387

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-2) TO COMMERCIAL (C) LOCATED AT 409 E JEFFERSON STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.328 ACRES KNOWN AS LOT 3, BLOCK 37 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 an Ordinance for ZDC-75-2023, a zoning change at 409 E Jefferson Street from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district and authorize the Mayor and/or City Manager to execute all associated documents as necessary. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 13. Public Hearing on a request by April Gonzales, Dorothy's Uniforms, for a Zoning Change from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: MANDALAY HOLDINGS LLC (ZDC-107-2023)**

The Item was presented by Ms. Pruitt and applicant April Gonzales requested approval.

Mayor Hill opened the Public Hearing at approximately 7:49 p.m.

There being no others to speak for or against ZDC-107-2023, Mayor Hill closed the Public Hearing at approximately 7:51 p.m.

- 14. Consider proposed Ordinance approving ZDC-107-2023**

ORDINANCE NO. 3388

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM OFFICE (O) TO PLANNED DEVELOPMENT-OFFICE (PD-O) LOCATED AT 206 YMCA DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.016 ACRES KNOWN AS LOT 2, BLOCK C OF THE LAKERIDGE I SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve an Ordinance for ZDC-107-2023, a Zoning Change request from an Office zoning district to a Planned Development-Office zoning district, subject to the conditions the staff report and authorize the Mayor and/or City Manager to execute all documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

- 15. Consider award of bid and contract for the Lake Waxahachie Park Improvement Project and supplemental funding request from the Waxahachie Community Development (WCDC) Fund Unrestrictive Reserve Fund Balance**

The Item was presented by Director of Parks and Recreation Kyle Cooper.

Action:

Patrick Souter moved to approve the bid award and contract for the Lake Waxahachie Park Improvement Project to J & K Excavation, LLC in the amount of \$4,018,341 and additionally approve the supplemental funding request of \$717,000 from the Waxahachie Community Development Corporation unrestricted reserve fund balance, and authorize the City Manager to execute all necessary documents. Motion was seconded by Billie Wallace and carried unanimously (5-0).

16. Consider approval of a Master Agreement with Magna Flow Environmental Inc for the as-needed services for sludge, grit/sand and debris removal for treatment plants and lift stations

The Item was presented by Utilities Business Operations Manager Amil Spencerberry.

Action:

Billie Wallace moved to approve a master agreement with Magna Flow Environmental Inc for the as-needed sludge, grit/sand, and debris removal for treatment plants and lift stations via an interlocal agreement with the City of Baytown. Motion was seconded by Patrick Souter and carried unanimously (5-0).

17. Consider proposed Ordinance repealing and replacing APPENDIX B Flood Damage Prevention of the Code of Ordinances of the City of Waxahachie

The Item was presented by Executive Director of Public Works and Engineering James Gaertner.

ORDINANCE NO. 3389

AN ORDINANCE REPEALING AND REPLACING APPENDIX B FLOOD DAMAGE PREVENTION OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS; AND SETTING AN EFFECTIVE DATE.

Action:

Billie Wallace moved to approve the revisions to the Flood Damage Prevention Ordinance as presented and authorize the Mayor and/or City Manager to execute all required documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

18. Consider approval of the purchase of a Sodium Hypochlorite Generation System for the Robert W. Sokoll Water Treatment Plant and associated supplemental appropriation

The Item was presented by Senior Director of Utilities David Bailey.

Action:

Patrick Souter moved to authorize the purchase of a sodium hypochlorite generation system from De Nora Water Technologies Texas LLC and a supplemental appropriation from the Water Utilities unrestricted reserve fund balance for \$200,000 to fund the purchase of the system and authorize the City Manager to execute all required documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

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

Maya Gus, Honorary Council Member for August, thanked City Council for the experience and opportunity to serve.

City Council Members thanked Maya Gus for her participation.

Council Member Patrick thanked everyone for their work on crafting the short-term rental ordinance and noted his support to allow more input before adopting.

Mayor Pro Tem Chris Wright recognized and thanked City employees from several departments for their assistance in mowing the cemetery. He announced there will be an upcoming Town Hall Meeting/Work Session for public input in regards to short-term rentals. Mr. Wright announced Boat Dock Park will be closed immediately due to construction.

City Manager Michael Scott announced the public hearings on the budget and tax rate will be on Tuesday, August 29th at 5:30pm.

Council Member Billie Wallace echoed Mr. Wright and Mr. Souter's comments regarding short-term rentals.

Deputy City Manager Albert Lawrence thanked City Council for their support which allows the City to hire high quality employees.

Mayor David Hill expressed his appreciation to City Council for their willingness to allow more input prior to adopting a short-term rental ordinance.

20. Adjourn

There being no further business, the meeting adjourned at 8:11 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary