

City Council  
September 18, 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, September 18, 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**

City Manager Michael Scott gave the invocation and 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 September 5, 2023
- b. Minutes of the City Council briefing of September 5, 2023
- c. Minutes of the City Council and Planning and Zoning joint work session of September 11, 2023
- d. Event application for Waxahachie High School Homecoming Parade to be held on October 6, 2023
- e. Event application for Oddfellows Lodge #80 Annual OddFest to be held on October 7, 2023
- f. Proposed Ordinance approving a request by William and Ramona Leonhardt, Owner, for a Petition for ETJ Release for approximately 8.02 acres, located at 181 Buchanan Drive, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 198475) – Owner: William and Ramona Leonhardt (ETJ-PTN-128-2023)
- g. Proposed Ordinance approving a request by Cross Fence Development, LLC, Owner, for a Petition for ETJ Release for approximately 206.27 acres, located north of 704 Hoyt Road, situated in the Extra Territorial Jurisdiction of the City of

Waxahachie (Property ID 188147) – Owner: Cross Fence Development, LLC (ETJ-PTN-129-2023)

- h. Proposed Ordinance approving a request by Dycal Land Holdings, LLC, Owner, for a Petition for ETJ Release for approximately 22.62 acres, located west of 124 Berkshire Lane, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 289910) – Owner: Dycal Land Holdings, LLC (ETJ-PTN-131-2023)
- i. Proposed Ordinance approving a request by Jireten, LLC, owner, for a Petition for ETJ Release for approximately 21.62 acres, the first tract located south of 1500 FM 387 and the second tract located east of 333 Robnett Road, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 296680 and 289836) – Owner: Jireten, LLC (ETJ-PTN-133-2023)
- j. Proposed Ordinance approving a request by AP Rock Springs, Inc., and AP Waxahachie Limited Partnership, owners, for a Petition for ETJ Release for approximately 317.16 acres located west of 1415 Gibson Road, Waxahachie, Texas, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 139002, 180444, 138303, 138713, and 274487) – Owner: AP Rock Springs, Inc. and AP Waxahachie Limited Partnership (ETJ-PTN-000134-2023)

**ORDINANCE NO. 3396**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 8.02 ACRE TRACT OF LAND, LOCATED AT 181 BUCHANAN DRIVE, KNOWN AS PROPERTY ID 198475, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3397**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 206.27 ACRE TRACT OF LAND, LOCATED NORTH OF 704 HOYT ROAD, KNOWN AS PROPERTY ID 188147, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3398**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 22.62 ACRE TRACT OF LAND, LOCATED WEST OF 124 BERKSHIRE LANE, KNOWN AS PROPERTY ID 289910, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3399**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF 21.62 ACRES OF LAND, THE FIRST TRACT LOCATED SOUTH OF 1500 FM 387 (PROPERTY ID 296680) AND THE SECOND TRACT LOCATED EAST OF 333 ROBNETT ROAD (PROPERTY ID 289836), AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3400**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 317.16 ACRE TRACT OF LAND, LOCATED WEST OF 1415 GIBSON ROAD, KNOWN AS PROPERTY ID 139002, 180444, 138303, 138713, AND 274487, 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 documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**6. Introduce Honorary Council Member**

Mayor Pro Tem Chris Wright recognized James Alan Fox as the Honorary Council Member for September. Mr. Fox was born in 1956 at Carswell Air Force Base, the middle child of an Air Force Master Sergeant. The Air Force sent him to many places in his youth, including Hawaii and Montana, finally settling back at home in Fort Worth where he graduated from Castleberry High School. He has three children, one stepson, and nine grandchildren.

Alan has had many diverse occupations in his lifetime, being everything from a long-haul truck driver to managing many bookstores and coffee houses. A passion for customer service and the gift of an outgoing personality has served him well. He moved to Waxahachie in 2007 after falling in love with a local girl, Robin, then the city itself. He is a passionate supporter of all things "Hachie" including attending WHS sporting events, WHS plays, concerts at local venues, and local politics and government. Alan genuinely loves the people of Waxahachie. In his semi-retirement, he enjoys riding the local hike/bike trails on his eBike, writing, and traveling, especially to the beach in South Padre. He looks forward to enjoying many more years in Waxahachie.

**7. Present Proclamation proclaiming September 17-23, 2023 as "Constitution Week"**

Mayor Hill presented a Proclamation recognizing September 17-23, 2023 as "Constitution Week."

8. **Request to appear by Elizabeth Tull, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend contract**

Elizabeth Tull, President of Waxahachie Arts Council, presented the item.

**Action:**

*Patrick Souter moved to approve the extension of the contract between the City of Waxahachie and the Waxahachie Arts Council, Inc. 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).*

9. **Consider proposed Ordinance amending Ordinance No. 3383 by extending the interim ban on new short-term rentals, and on current short-term rentals that have been determined to be a nuisance, to November 1, 2023; and providing an effective date**

**ORDINANCE NO. 3401**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING ORDINANCE NO. 3383 BY EXTENDING THE INTERIM BAN ON NEW SHORT-TERM RENTALS, AND ON CURRENT SHORT-TERM RENTALS THAT HAVE BEEN DETERMINED TO BE A NUISANCE, TO NOVEMBER 1, 2023; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Billie Wallace moved to approve an Ordinance amending Ordinance No. 3383 by extending the interim ban on new short-term rentals, and on current short-term rentals that have been determined to be a nuisance, to November 1, 2023. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

10. **Continue 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**

**Action:**

*Billie Wallace moved to continue the Public Hearing for adopting the short-term rental ordinance to the October 16, 2023 City Council meeting. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

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

*No action taken.*

- 12. Consider proposed ordinance amending Ordinance No. 2778 “Providing for Lateral Entry for Police Officers and Firefighters” by amending section 3.1(c)(i) to clarify the beginning pay rate for lateral entries**

The Item was presented by Senior Director of Human Resources Lindsey Means.

**ORDINANCE NO. 3402**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING ORDINANCE NO. 2778 “PROVIDING FOR LATERAL ENTRY FOR POLICE OFFICERS AND FIREFIGHTERS” BY AMENDING SECTION 3.1(c)(i) TO CLARIFY THE BEGINNING PAY RATE FOR LATERAL ENTRIES.**

**Action:**

*Billie Wallace moved to approve the proposed Ordinance amending Ordinance No. 2778 “Providing for Lateral Entry for Police Officers and Firefighters” by amending section 3.1 (c)(i) to clarify the beginning pay rate for lateral entries and authorize the City Manager and/or Mayor to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).*

- 13. Consider proposed Resolution authorizing defeasance and redemption of the City’s outstanding obligations and other related matters**

The Item was presented by Senior Director of Finance Chad Tustison.

**RESOLUTION NO. 1350**

**RESOLUTION AUTHORIZING DEFEASANCE AND REDEMPTION OF CERTAIN OF THE CITY’S OUTSTANDING OBLIGATIONS AND OTHER RELATED MATTERS**

**Action:**

*Billie Wallace moved to approve the Resolution authorizing defeasance and redemption of the City’s outstanding obligations and other related matters. Motion was seconded by Travis Smith and carried unanimously (5-0).*

- 14. Consider approval of a Construction Contract with Viking Dredging, LLC for the Lake Bardwell Channel Dredging Project**

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

**Action:**

*Patrick Souter moved to approve a construction contract with Viking Dredging, LLC for \$1,260,012 and construction contingency in the amount of \$63,000 for the Lake Bardwell Raw Water Intake Channel Dredging Project and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**15. Consider water line relocation and Easement Acquisition Agreement between Sardis Lone Elm Water Supply Corporation and City of Waxahachie**

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

**Action:**

*Billie Wallace moved to approve the water line relocation and easement acquisition agreement between Sardis Lone Elm Water Supply Corporation and City of Waxahachie and authorize the City Manager and/or Mayor to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**16. Consider approval of the Waxahachie Creek Letter of Map Revision Project Agreement with Halff Associates, Inc.**

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

**Action:**

*Billie Wallace moved to approve the Waxahachie Creek Letter of Map Revision Project Agreement with Halff Associates, Inc. in the amount of \$60,000 and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**17. Consider proposed Resolution temporarily suspending activities and authority of the Joint Airport Board**

The Item was presented by Senior Director of Administrative Services Richard Abernethy.

**RESOLUTION NO. 1351**

**A RESOLUTION OF THE CITY COUNCILS OF THE CITY OF MIDLOTHIAN AND THE CITY OF WAXAHACHIE, TEXAS, APPROVING A SUSPENSION OF THE ACTIVITIES AND AUTHORITY OF THE JOINT AIRPORT BOARD UNTIL A REVISED JOINT AIRPORT AGREEMENT IS COMPLETED AND ADOPTED BY BOTH CITIES**

**Action:**

*Billie Wallace moved to adopt a Resolution, contingent upon the Resolution being adopted by both the City of Waxahachie and the City of Midlothian, that temporarily suspends the activities and authority of the Joint Airport Board until a revised Joint Airport Agreement is adopted by both the City of Midlothian and City of Waxahachie. Motion was seconded by Chris Wright and carried unanimously (5-0).*

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

Council Member Patrick Souter recognized the Waxahachie Arts Council noting the eight (8) participating organizations bring entertainment, music, and education to the community.

Mayor Pro Tem Chris Wright thanked Alan Fox for his consistent attendance at City Council meetings and his involvement in local government. Mr. Wright recognized Terry Hill for organizing the C10s in the Park event this past weekend and thanked City staff for their assistance.

City Manager Michael Scott announced the City Secretary's Office will vacate City Hall on September 22<sup>nd</sup> and the last public meeting in the Council Chambers, before renovations begin, will be October 2<sup>nd</sup>.

Senior Director of Planning Jennifer Pruitt thanked City Council for providing direction regarding the short-term rental ordinance.

Mayor David Hill recognized Terry Hill for the C10s in the Park event, noting the event drew in more than 1200 trucks to Getzendaner Park and people came from all across the United States. Mayor Hill also thanked staff for their assistance with the event.

## **19. Adjourn**

There being no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary