

City Council
November 6, 2023

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, November 6, 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

Richard Cody, Remedy Church, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Zac Barrington, 321 Ash Drive, Waxahachie, Texas, thanked City Council for allowing him to serve as Honorary Council Member for the month of October. He presented Patrick Souter with a token of appreciation.

Madeline Bracken, North Grove Subdivision, Waxahachie, Texas, expressed her concerns with pedestrian safety on North Highway 77. She noted there are not sidewalks or crosswalks for pedestrians.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 16, 2023
- b. Event application for Walk in Love Block Party to be held November 11, 2023 at Oak Lawn Park
- c. Event application for Secret Life of Pets Adoption event to be held November 18, 2023 at Railyard Park
- d. Event application for First we run, then we Feast to be held November 23, 2023
- e. Proposed Ordinance approving a request by Oak Creek Ranch Phase 2 and Oak Creek Ranch Phase 2A Series of EIS Development II LLC for a Petition for ETJ Release for approximately 155.27 acres, located at 5049 East FM 875 (Property ID 179473) – Owner: Oak Creek Ranch Phase 2 and Oak Creek Ranch Phase 2A Series of EIS Development II LLC (ETJ-PTN-151-2023)

- f. Proposed Ordinance approving a request by Molly Investments, LLC for a Petition for ETJ Release for approximately 1.54 acres, located at 3941 South Highway 287 (Property ID 147361) – Owner: Molly Investments, LLC (ETJ-PTN-156-2023)
- g. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- h. Contract between City of Waxahachie and Philip Taft and Associates related to services provided for Emergency Responders and their families for a Mental Health Program
- i. Proposed Resolution authorizing the City of Waxahachie to execute an agreement with the Texas Department of Transportation for grant funds for the Routine Airport Maintenance Program

ORDINANCE NO. 3419

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 155.27 ACRE TRACT OF LAND, LOCATED AT 5049 E FM 879, KNOWN AS PROPERTY ID 179473, 198016, 242477 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3420

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.54 ACRE TRACT OF LAND, LOCATED AT 3941 SOUTH HIGHWAY 287, KNOWN AS PROPERTY ID 198475, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

RESOLUTION NO. 1354

A RESOLUTION OF THE CITY OF MIDLOTHIAN AND CITY OF WAXAHACHIE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDS FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

6. Introduce Honorary Council Member

Mayor Hill announced there is not an Honorary Council Member for November.

7. Present Proclamation recognizing November 6-10, 2023 as “Municipal Court Week”

Mayor Hill presented a Proclamation recognizing November 6-10, 2023 as “Municipal Court Week.”

8. Hear update of activities from Sims Library

Jen Graf, Assistant Library Director, and Sarah Lucero, Children’s Program Director, provided an update of activities at Sims Library. The usage of the Library and various programs has increased. The Sims Library Bookmobile currently has had 4,318 program attendance, with 48 programs, 2,280 visitors, 97 new cards, and 108 stops. Library staff thanked City Council for their support of the Library and Bookmobile.

9. Public Hearing on a request by Kenneth Taft, Bobby Cox Companies, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Commercial (C) zoning district located at 1735 North Highway 77 (Property ID 237029)- Owner: CCP T Molly Wax 323 LP (ZDC-137-2023)

The Item was presented by Senior Planning Director Jennifer Pruitt.

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

There being no others to speak for or against ZDC-137-2023, Mayor Hill closed the Public Hearing at approximately 7:30 p.m.

10. Consider proposed Ordinance approving ZDC-137-2023

ORDINANCE NO. 3421

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A DRIVE THROUGH ESTABLISHMENT USE (ROSA’S CAFÉ) WITHIN A PLANNED DEVELOPMENT DISTRICT – COMMERCIAL (PD-C) LOCATED AT 1735 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.562 ACRES KNOWN AS PROPERTY ID 237029, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the Ordinance for ZDC-137-2023, a Specific Use Permit for a restaurant with a Drive-Through use, subject to the conditions of the staff report with sign option 1 and authorize the City Manager and or Mayor to execute all documents necessary. Motion was seconded by Chris Wright and carried unanimously (5-0).

11. Consider approval of the contract for Short-Term Rental implementation solutions

The Item was presented by Ms. Pruitt.

Action:

Billie Wallace moved to approve a supplemental appropriation from the General Fund unrestricted reserve for \$29,178 and a contract with GovOS in the same amount for a short-term rental compliance software system and service, and authorize the City Manager to execute all documents necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

12. Consider proposed Ordinance abandoning and vacating certain right-of-way along Virginia Avenue

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

Action:

Billie Wallace moved to approve an Ordinance abandoning right-of-way along Virginia Avenue as presented and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

13. Consider authorizing an Engineering Services Agreement Amendment No. 3 to the Wastewater Treatment Plant Phase 1 Improvements Project

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

Action:

Chris Wright moved to approve Professional Services Agreement Amendment No. 3 to Kimley-Horn and Associates, Inc. for the Wastewater Treatment Plant Phase 1 Improvements Project in an amount not to exceed \$80,000 and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

14. Consider Development Agreement with GRBK EDGEWOOD LLC, for Haven Ranch Development

The Item was presented by City Manager Michael Scott and Bobby Samuel, GRBK Edgewood, LLC, requested approval. Mr. Scott explained the development was originally approved in 2007 and the property is located within the City limits and the City's extra territorial jurisdiction.

Mr. Samuel reviewed the following from the Development Agreement:

- Four different lot types: 1-acre lots, Estate Lots, Manor Lots, and Cottage Lots
- Public Improvement District (PID) Creation
- Phased Annexation and Release from Ellis County Fresh Water Supply District No. 3
- City provides water and sanitary sewer
- Up to two school sites with conditional city flex site
- Neighborhood services +/- 6-acre retail site
- Dedication and development of Haven Park
- Two amenity center sites (primary and secondary HOA controlled)
- HOA pocket parks
- Trail connectivity

Action:

Billie Wallace moved to approve a Development Agreement with GRBK EDGEWOOD, LLC. for annexation and development of a 1,230-acre master planned community and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

15. Consider proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for the years 2024-2025

The Item was presented by Mr. Scott. After a brief discussion, City Council agreed to move the Item to the November 20, 2023 City Council meeting.

Action:

Patrick Souter moved to table the consideration for the Resolution of votes cast to elect Directors for the Ellis County Appraisal District for the years 2024-2025 to the November 20, 2023 City Council meeting. Motion was seconded by Chris Wright and carried unanimously (5-0).

16. Convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

Mayor Hill announced at 8:14 p.m. the City Council would convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

26. Reconvene and take any necessary action

The meeting reconvened at 9:35 p.m.

No action taken.

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

Council Member Patrick Souter announced the Ellis County Veterans Celebration will be held on Saturday, November 11, 2023 at the Waxahachie Civic Center. He also noted the unveiling of the Chris Kyle statue will take place during the event.

Mayor Pro Tem Chris Wright thanked City staff for their work before, during, and after the Texas Country Reporter Festival.

Council Member Billie Wallace and Mayor Hill echoed Mr. Wright's sentiments. They also thanked First Responders for their service.

28. Adjourn

There being no further business, the meeting adjourned at 9:38 p.m.

Respectfully submitted,

Amber Villarreal, City Secretary