

City Council  
March 18, 2024

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, March 18, 2024 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: Albert Lawrence, Deputy City Manager  
Terry Welch, 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**

Val Stewart, Associate Pastor, First United Methodist Church Waxahachie, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Ira Tenpenny, 109 Rosa Street, spoke in opposition to recreational use of marijuana in Waxahachie.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of March 4, 2024
- b. Event application for 6<sup>th</sup> Annual 5k: Springtime Sprint to be held at Getzendaner Park on March 26, 2024
- c. Event application for Hachie Eclipse of the Heart to be held at Railyard Park on April 6-8, 2024
- d. Event application for Waxahachie Cowboy Gathering to be held at Pocket Park on April 13, 2024
- e. Event application for Meat Church 10 Year Anniversary Celebration to be held April 27, 2024 in Downtown Waxahachie
- f. Event application for Community Assessment to be held at Oak Lawn Park on April 27, 2024
- g. Event application for Texas Tree Climbing Championships to be held at Getzendaner Park and the Chautauqua on May 16-18, 2024
- h. Proposed Ordinance approving a request by Johnny Fussell, for a Petition for ETJ Release for approximately 23.31 acres, located directly south of 1600 Boyce Road (Property ID 192147) – Owner: Jodona Property Company No. 43, LLC (ETJ-PTN-200-2023)

- i. Proposed Ordinance approving a request by Erik Barnard, for a Petition for ETJ Release for approximately 66.48 acres, located adjacent to 301 Buchanan Drive (Property ID 183403 and 274632) – Owner: Barbell Real Estate, LLC, Lindsay Markert, and Jonathan Markert (ETJ-PTN-16-2024)
- j. Proposed Ordinance approving a request by Dalton Bradbury, for a Petition for ETJ Release for approximately 3.03 acres, located at 3948 S. US Highway 287 and 159 Old Church Road (Property ID 147360 and 147371)– Owner: Seniats III, LLC (ETJ-PTN-17-2024)
- k. Proposed Ordinance approving a request by Ron Barson, Halstead Investment Trust, for a Petition for ETJ Release for approximately 0.867 acres, located at 105 Ridgecrest Drive (Property ID 249624) – Owner: Ronald Barson & Halstead Investment Trust (ETJ-PTN-22-2024)
- l. Proposed Ordinance approving a request by James Anderson, for a Petition for ETJ Release for approximately 159.42 acres, located north of 1012 Mustang Road (Property ID 181028) – Owner: Anderson Karen S Irrevocable Trust (ETJ-PTN-26-2024)
- m. Proposed Ordinance approving a request by James Anderson Trustee, for a Petition for ETJ Release for approximately 69.99 acres, located adjacent to 310 Grainery Road (Property ID 190506) – Owner: Anderson Karen S Irrevocable Trust (ETJ-PTN-27-2024)
- n. Proposed Ordinance approving a request by Daniel Escobar & Norma Escobar, for a Petition for ETJ Release for approximately 5.257 acres, located at 2395 FM 1446 (Property ID 294232) – Owner: Daniel Escobar & Norma Escobar (ETJ-PTN-42-2024)
- o. Proposed Ordinance approving a request by Gail Shanks & Kathryn Shanks, for a Petition for ETJ Release for approximately 1.114 acres, located approximately 250 feet west of 2820 Patrick Road (Property ID 197804) – Owner: Gail Shanks & Kathryn Shanks (ETJ-PTN-46-2024)
- p. Parking/Loading Zone renewals from April 1, 2024-March 31, 2025
- q. Authorize the City Manager to enter into a Joint Election Contract for Election Services with the Ellis County Elections Administrator
- r. Contract with the Waxahachie Police Department and Axon to provide body worn cameras and the operating software

**ORDINANCE NO. 3461**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 23.313 ACRE TRACT OF LAND, LOCATED SOUTH OF 1600 BOYCE ROAD, KNOWN AS PROPERTY ID 192147, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3462**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 66.48 ACRE TRACT OF LAND, LOCATED ADJACENT TO 301 BUCHANAN DRIVE, KNOWN AS PROPERTY ID 183403 AND 274632, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3463**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 3.03 ACRE TRACT OF LAND, LOCATED AT 3948 S. US HIGHWAY 287 AND 159 OLD CHURCH ROAD, KNOWN AS PROPERTY ID 147360 AND 147371, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3464**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 0.867 ACRE TRACT OF LAND, LOCATED AT 105 RIDGECREST DRIVE, KNOWN AS A PORTION OF PROPERTY ID 249624 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3465**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 159.420 ACRE TRACT OF LAND, LOCATED NORTH OF 1012 MUSTANG ROAD, KNOWN AS PROPERTY ID 181028, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3466**

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 69.991 ACRE TRACT OF LAND, LOCATED ADJACENT TO 310 GRAINERY ROAD, KNOWN AS PROPERTY ID 190506, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

**ORDINANCE NO. 3467**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.257 ACRE TRACT OF LAND, LOCATED AT 2395 FM 1446, KNOWN AS PROPERTY ID 294232, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

**ORDINANCE NO. 3468**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.114 ACRE TRACT OF LAND, LOCATED AT APPROXIMATELY 250 FEET WEST OF 2820 PATRICK ROAD, KNOWN AS PROPERTY ID 197804, 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 associated documents as necessary. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**6. Recognize Assistant Emergency Management Coordinator Donna Insixiengmay for receiving the “Outstanding Public Information Award” presented at the Texas Emergency Management Association’s Annual Leadership Conference**

Emergency Management Coordinator Thomas Griffith recognized Donna Insixiengmay, Co-chair for the North Central Texas Council of Governments Emergency Preparedness Public Education Working Group. Recently, Donna accepted, on behalf of the group, the “Outstanding Public Information Award” presented at the Texas Emergency Management Association’s Annual Leadership Conference.

Under her leadership, the entire region has had an increase in social media sharing with the development of uniform preparedness messaging that was distributed, not only here in Waxahachie, but across the region by cities, non-profits, and the private-sector organizations. They developed a community focused public awareness campaign for National Preparedness Month, Fire Safety, Family Preparedness, Weather safety during periods of high concern (i.e. severe weather, winter weather, wildfire), various guidebooks, brochures, pamphlets, and promotional materials were developed and purchased by the working group so that jurisdictions could distribute at their local community events. Additionally, an interactive nation-wide website (<https://knowwhat2do.com/>) is maintained, with new information and updates as it becomes available.

City Council praised Donna Insixiengmay for her work.

**7. Request to appear by Majors Don and Helene Wildish, Salvation Army Boys & Girls Club, to present the City of Waxahachie with the National Commander and Mayoral Challenge Awards**

Majors Don and Helene Wildish thanked the City Council for their support during the Red Kettle campaign. He explained the Mayor and City Council came in 9<sup>th</sup> in the nation with their fundraising contributions. City Council was presented with Challenge Awards.

**8. Consider City of Waxahachie Annual Financial Report for year ended September 30, 2023**

The Item was presented by Mishal Majewski, Patillo, Brown, & Hill, L.L.P. Ms. Majewski reviewed the Independent Auditor's Report noting it is their opinion the City financial statements present fairly in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, the aggregate remaining fund information of the City of Waxahachie, Texas, as of September 30, 2023, and the respective changes in financial position, and, where applicable, cash flows thereof, for the year then ended in accordance with accounting principles generally accepted in the United States of America. Ms. Majewski reviewed the following financial highlights:

- All positive balances in all categories of Statement of Net Position
- Healthy Fund balance
- "Clean", unqualified opinion, which is the highest level that can be given
- Single Audit Report needed due to the receipt of grant funding

Ms. Majewski and City Council expressed their appreciation to Assistant Finance Director Gail Turner and her staff for their contributions to the audit process.

**Action:**

*Patrick Souter moved to accept the Annual Financial Report as presented. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**9. Continue Public Hearing on a request by Ido Pistiner, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development Single-Family Dwelling-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-190-2023)**

Deputy City Manager Albert Lawrence announced the Item will be re-noticed accordingly and added to future Planning and Zoning Commission and City Council meetings.

No action taken.

Property Manager Dainy Orduz, Austin, Texas, introduced herself and explained the property doesn't allow parties and she is available 24/7 for questions and complaints.

Those who spoke in support:

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas

**10. Consider proposed Ordinance approving ZDC-190-2023**

No action taken.

**11. Public Hearing on a request by Gary Davis, for a Specific Use Permit (SUP) for an Accessory Structure over 700 Square Feet use within a Planned Development Single-Family Dwelling-1 (PD-SF-1) zoning district located at 109 Sanders Drive (Property ID 269676) - Owner: Gary Davis (ZDC-9-2024)**

The Item was presented by Senior Director of Planning Jennifer Pruitt.

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

There being no others to speak for or against ZDC-9-2024, Mayor Hill closed the Public Hearing at approximately 7:28 p.m.

**12. Consider proposed Ordinance approving ZDC-9-2024**

**ORDINANCE NO. 3469**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT - SINGLE-FAMILY DWELLING-1 (PD-SF-1) ZONING DISTRICT AT 109 SANDERS DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.000 ACRES KNOWN AS PROPERTY ID 269676, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Billie Wallace moved to approve the Ordinance for ZDC-9-2024, a Specific Use Permit request for an Accessory Structure over 700 square feet and authorize the City Manager and or Mayor to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**13. Consider Engineering Professional Services Agreement for the Water Main Extension from US 77 to Old Italy Road**

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

**Action:**

*Billie Wallace moved to approve an engineering professional services agreement with Teague Nall and Perkins, Inc. in the amount of \$225,300 for the Water Main Extension from US 77 to Old Italy Road and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**14. Consider construction contract for the University Avenue Street Reconstruction**

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

**Action:**

*Billie Wallace moved to approve a construction contract with Circle H Contractors LP in the amount of \$2,782,910 with an additional construction contingency in the amount of \$139,090 for the University Avenue Street and Utility Reconstruction Project and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**15. Consider construction contract for the Graham Street Reconstruction**

The Item was presented by Mr. Stoker.

**Action:**

*Patrick Souter moved to approve a construction contract with Apple Pavement Services for the Graham Street Reconstruction Project in the amount of \$3,928,821 with an additional construction contingency in the amount of \$171,179 and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**16. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code**

Mayor Hill announced at 7:47 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

**17. Reconvene and take any necessary action**

The meeting reconvened at 8:01 p.m.

**Action:**

*Chris Wright moved to approve the purchase of Lot 29, Block 3, of the Spring Creek Farm Addition, Waxahachie, Texas for a purchase price of \$173,000 plus any associated costs necessary for closing and approve funding from the Wastewater Impact Fees for all costs associated with the purchase and authorize the City Manager to negotiate and execute all documents as necessary to facilitate the purchase. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

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

Deputy City Manager Albert Lawrence thanked the Waxahachie Police Department and joint task force for monitoring the weekend events.

Mayor Pro Tem Chris Wright thanked Police Chief Joe Wiser and Fire Chief Ricky Boyd for their work over the weekend and noted the City is working on a safety plan for the Total Solar Eclipse on April 8, 2024. Mr. Wright explained the executive session action authorized the purchase of land for future expansion of a lift station. He congratulated Assistant Finance Director Gail Turner for her work on the audit.

Council Member Patrick Souter thanked Gail Turner and her Finance team for their work on the audit. Mr. Souter also thanked Police Chief Joe Wiser, Fire Chief Ricky Boyd, and the joint task force for their safety efforts over the weekend.

Mayor David Hill thanked Gail Turner and announced former Finance Director Chad Tustison will return to the City on March 25<sup>th</sup>. Mr. Hill expressed his appreciation for first responders and the safety support from surrounding entities during the TX2K24 event at the Texas Motorplex over the weekend.

## **19. Adjourn**

There being no further business, the meeting adjourned at 8:06 p.m.

Respectfully submitted,

Amber Villarreal, City Secretary