

City Council  
April 1, 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, April 1, 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: Michael Scott, City Manager  
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**

City Manager Michael Scott gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Sam Hargers, 103 Water View Parkway, Red Oak, Texas, inquired about the approval of his event application request for a Community Assessment on April 27, 2024.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of March 18, 2024
- b. Event application for Royal Raffle & 5k Fun Run to be held April 27, 2024 at Chapman Park
- c. Event application for Jesus Rally to be held May 10, 2024 at Railyard Park
- d. Event application for 7<sup>th</sup> Annual Waxahachie Police Department Cops and Kids Picnic to be held May 11, 2024 at Getzendaner Park
- e. Authorize the use of Roadway Impact Fees to Fund FM 664 Right-of-Way Purchase
- f. Supplemental appropriation of \$158,257.80 for the Mid-Way Regional Airport Automated Weather Observation System (AWOS)
- g. Supplemental appropriation of \$153,620 for the Mid-Way Regional Airport business plan
- h. Consider construction contract in the amount of \$140,434.14 for the Oak Lawn Park Lighting Project

**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 Councilmember**

Council Member Patrick Souter introduced David Smith as the Honorary Councilmember for April. David Smith composes original cowboy poems and recites them throughout Texas and New Mexico. He performs at cowboy gatherings, schools, nursing homes, clubs, churches, and at the Fort Worth Stockyards Rodeo, wherever the love of the cowboy way of life thrives. He writes of cattle drives, cowboy characters and life in the rugged West. Mr. Smith has published three books and one CD of cowboy poetry and is a proud member of the International Western Music Association. He was commissioned to create and perform three poems for Ellis County Historical Marker dedication commemorating the Shawnee Cattle Trails, the Cotton Industry, and the City of Old Bardwell. David has placed three times in Sims Library's Irene Emerson Poetry Writing Contest. He was inducted into the WHS Ex-Student's Association Fine Arts Hall of Fame in 2020.

Besides writing and performing cowboy poetry, David teaches and encourages new generations of Waxahachie ISD 4<sup>th</sup> and 7<sup>th</sup> grade poets to write their own poetry for the youth poetry competition. He teaches Sunday school regularly at the First United Methodist Church and served as Docent for the Dallas Museum of Art for 15 years.

Retired from the flooring business he owned with his father for 42 years, David and his high school sweetheart wife, Pat, have two children, and three grandchildren. They reside in Waxahachie where he and Pat have organized three Waxahachie Cowboy Gatherings.

**7. Present Proclamation recognizing April as "Cowboy Poetry Month"**

Mayor David Hill read a proclamation recognizing April as "Cowboy Poetry Month" and invited the community to attend the 3<sup>rd</sup> Annual Waxahachie Cowboy Gathering on April 13, 2024. Council Member Souter presented David Smith with a plaque designating him as the "Waxahachie Cowboy Poet Lariat."

**8. Recognize the Parks and Recreation Department for receiving the "Keep Waxahachie Beautiful Award" presented at the Waxahachie Chamber of Commerce 96<sup>th</sup> Annual Excellence Awards Banquet**

Gumaro Martinez, Executive Director of Parks and Leisure Services, recognized the Parks and Recreation Department along with the Beautification team, for receiving the "Keep Waxahachie Beautiful Award" from the Waxahachie Chamber of Commerce.

**9. Public Hearing on a request by Brad Yates, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Dwelling-3 (SF-3) zoning district located at 804 Dunaway Street (Property ID 172305) - Owner: Graily Holdings, LLC (ZDC-30-2024)**

The Item was presented by Senior Director of Planning Jennifer Pruitt. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 64 notices were mailed to property owners within 500 feet of the subject property as required in Section 3.27 of the City's Zoning Ordinance. A total of eight (8) letters in support were received by staff, with four (4) letters being inside the 200' buffer, and the remainder outside of the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Mayor Hill opened the Public Hearing at approximately 7:16 p.m.

Mayor Pro Tem Chris Wright asked when the property began operating as a short-term rental and owner Brad Yates stated he has documentation the property began operating in 2022.

Council Member Patrick Souter asked if the property is managed locally and Mr. Yates confirmed it is.

There being no others to speak for or against ZDC-30-2024, Mayor Hill closed the Public Hearing at approximately 7:20 p.m.

**10. Consider proposed Ordinance approving ZDC-30-2024**

**ORDINANCE NO. 3470**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY DWELLING 3 (SF-3) ZONING DISTRICT LOCATED AT 804 DUNAWAY STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.149 ACRES KNOWN AS PROPERTY ID 172305, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Billie Wallace moved to approve the ordinance for ZDC-30-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**11. Public Hearing on a request by Robin Bean, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Commercial (C) zoning district located at 404 West Jefferson Street (Property ID 170504) - Owner: Robin Bean (ZDC-34-2024)**

The Item was presented by Ms. Pruitt. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 85 notices were mailed to property owners within 500 feet of the subject property as required in Section 3.27 of the City's Zoning Ordinance. A total of thirteen (13) letters of support were received by staff, with five (5) letters inside the 200' buffer, and the remainder outside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Mayor Hill opened the Public Hearing at approximately 7:22 p.m.

Mayor Pro Tem Wright asked when the property began operating as a short-term rental and owner Robin Beans stated she has documentation the property began operating in June 2023.

There being no others to speak for or against ZDC-34-2024, Mayor Hill closed the Public Hearing at approximately 7:24 p.m.

**12. Consider proposed Ordinance approving ZDC-34-2024**

**ORDINANCE NO. 3471**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A COMMERCIAL (C) ZONING DISTRICT LOCATED AT 404 WEST JEFFERSON STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.138 ACRES KNOWN AS PROPERTY ID 170504, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Billie Wallace moved to approve the ordinance for ZDC-34-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**13. Public Hearing on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) - Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022)**

Mayor Hill announced the Planning and Zoning Commission moved to continue the Public Hearing to the May 6, 2024 Council Meeting.

**Action:**

*Billie Wallace moved to continue the Public Hearing for ZDC-128-2022 to the May 6, 2024 City Council meeting. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**14. Consider proposed Ordinance approving ZDC-128-2022**

*No action taken.*

**15. Public Hearing on a request by Asher Oren, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-43 Single-Family Dwelling-3 (PD-43-SF-3) zoning district located at 215 Nottingham Drive (Property ID 220875) - Owner: Nottingham Estates, LLC (ZDC-15-2024)**

The Item was presented by Ms. Pruitt. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 119 notices were mailed to property owners within 500 feet of the subject property as required in Section 3.27 of the City's Zoning Ordinance. A total of nineteen (19) letters of opposition have been received by staff, with six (6) letters being inside the 200' buffer, and the remainder outside of the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Mayor Hill opened the Public Hearing at approximately 7:30 p.m.

Those who spoke in opposition:

Jiri Moor, 205 Nocona, Waxahachie, Texas

Belinda Douglas, 211 Nocona, Waxahachie, Texas

Mark Hunter, 325 Osage Drive, Waxahachie, Texas

Jon Moor, 205 Nocona, Waxahachie, Texas

Clara Damti, Owner, Plano, Texas, shared the procedures and protocols for operating a safe short-term rental and noted the typical reasons renters utilize short term rentals.

Council Member Billie Wallace asked if the property is managed locally in Waxahachie and Ms. Damti explained issues would be directed to the property management company who is available 24/7, but there is not a representative that lives locally in Waxahachie.

Mayor Pro Tem Wright asked when the property began operating as a short-term rental and Ms. Damti stated the property began operating in October 2023. Mr. Wright explained the moratorium ordinance was passed in July 2023; therefore, the short-term rental was operating in violation of that ordinance.

Council Member Travis Smith asked when the owner contacted the City for information regarding short-term rentals and it was noted the owner contacted staff in March 2023, at which time there were no regulations in place.

Council Member Patrick Souter stated the opposition responses received from the residents identified concerns of safety and not knowing the individuals coming and going from the short-term rentals in their neighborhood.

There being no others to speak for or against ZDC-15-2024, Mayor Hill closed the Public Hearing at approximately 8:06 p.m.

## **16. Consider proposed Ordinance approving ZDC-15-2024**

### **Action:**

*Chris Wright moved to deny the ordinance for ZDC-15-2024, a Specific Use Permit for a Short-Term Rental use. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**17. Public Hearing on a request by Asher Oren, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development Single-Family Dwelling-1 (PD-SF-1) zoning district located at 213 Nocona Drive (Property ID 221855) - Owner: CTO Estates, LLC (ZDC-18-2024)**

The Item was presented by Ms. Pruitt who noted the property has been operating since approximately December 2022. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 97 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. A total of twenty-six (26) letters in opposition have been received by staff, with four (4) letters being inside the 200' buffer, and the remainder outside of the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Council Member Smith asked if the contact person for this property is a permanent resident that lives within 20 miles of the property. Ms. Pruitt confirmed during the review process, the applicant provided a local emergency contact who lives within 20-mile radius of the short-term rental property. Ms. Damti provided an address for the emergency contact person located in Lancaster, Texas.

Council Members explained the crafting of the short-term rental ordinance was to establish rules, regulations, and provide a public hearing to allow citizens to speak.

Mayor Hill opened the Public Hearing at approximately 8:17 p.m.

Those who spoke in opposition:

Perry Estep, 215 Sioux Drive, Waxahachie, Texas

Shawna McGrady, 227 Nocona Drive, Waxahachie, Texas

Robert Franks, 217 Nocona Drive, Waxahachie, Texas

Leighton McGrady, 227 Nocona Drive, Waxahachie, Texas

Barbara Jacobs, 216 Sendero Drive, Waxahachie, Texas

Dave Jacobs, 216 Sendero Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-18-2024, Mayor Hill closed the Public Hearing at approximately 8:37 p.m.

**18. Consider proposed Ordinance approving ZDC-18-2024**

**Action:**

*Billie Wallace moved to deny the ordinance for ZDC-18-2024, a Specific Use Permit for a Short-Term Rental use. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**19. Public Hearing on a request by Asher Oren, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Dwelling-2 (SF-2) zoning district located at 105 Brandy Lane (Property ID 175032) - Owner: Gavriel Taub (ZDC-19-2024)**

The Item was presented by Ms. Pruitt who noted the property has been operating since approximately April 2022. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 88 notices were mailed to property owners within 500 feet of the subject property as required in Section 3.27 of the City's Zoning Ordinance. A total of twenty (20) letters in opposition have been received by staff, with five (5) letters being inside the 200' buffer, and the remainder outside of the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Mayor Hill opened the Public Hearing at approximately 8:40 p.m.

Those who spoke in opposition:

Cathy Morrill, 209 Johnston Boulevard, Waxahachie, Texas

Randy Dickson, 207 Johnston Boulevard, Waxahachie, Texas

Dee Clemens, 400 Johnston Boulevard, Waxahachie, Texas

Mayor Pro Tem Wright noted public complaints about multi-vehicle parking were identified at the Planning and Zoning Commission meeting.

Gavriel Taub, owner, requested approval of the property and explained he currently lives in California. He stated the property is managed by Goldnest and the occupancy of the rental is monitored and no issues have been reported.

There being no others to speak for or against ZDC-19-2024, Mayor Hill closed the Public Hearing at approximately 8:58 p.m.

**20. Consider proposed Ordinance approving ZDC-19-2024**

**Action:**

*Billie Wallace moved to deny the ordinance for ZDC-19-2024, a Specific Use Permit for a Short-Term Rental use. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**21. Consider proposed resolution of support to construct State Highway Spur 394 from FM 877 to IH 35E**

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

**RESOLUTION NO. 1362**

**A RESOLUTION OF THE CITY OF WAXAHACHIE SUPPORTING THE CONSTRUCTION OF STATE HIGHWAY SPUR 394 FROM FM 877 TO IH 35E**

**Action:**

*Billie Wallace moved to approve the resolution of support for the construction of State Highway Spur 394 from FM 877 to IH 35E. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**22. Convene into Executive Session for:**

- a. Deliberate the employment, evaluation, and duties of the City Secretary as permitted by Texas Government Code, Section 551.074**
- b. Consultation with City Attorney to seek legal advice as permitted by Texas Government Code, Section 551.071**

Mayor Hill announced at 9:01 p.m. the City Council would convene into Executive Session for:

- a. Deliberate the employment, evaluation, and duties of the City Secretary as permitted by Texas Government Code, Section 551.074
- b. Consultation with City Attorney to seek legal advice as permitted by Texas Government Code, Section 551.071

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

The meeting reconvened at 9:50 p.m.

**Action:**

*Billie Wallace moved to approve the contract for the City Secretary pursuant to the discussion and agreement by City Council. Motion was seconded by Travis Smith and carried unanimously (5-0).*

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

City Manager Michael Scott announced the City Council Retreat will be held Thursday, April 11<sup>th</sup> at 8:30 a.m. at the Civic Center.

**25. Adjourn**

There being no further business, the meeting adjourned at 9:51 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary