

City Council
December 2, 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, December 2, 2024 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
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 Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Wallace gave the invocation, led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mike Langford, 110 Redman Lane, Waxahachie, Texas, thanked the City and Convention and Visitors Bureau for their support of the DFW Youth World Baseball Classic held in August 2024. He noted plans are underway for the 2025 tournament.

5. Consent Agenda

- a. Minutes of the City Council meeting of November 18, 2024
- b. Budget adjustment for Howard Road High Service Generator Project
- c. Construction contract for the Chieftain Drive Roadway Improvements
- d. Professional Services Agreement for the East Ross and Kaufman Reconstruction Project

Action:

Patrick Souter 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 Chris Wright and carried unanimously (5-0).

6. Introduce Honorary Council Member

Mayor Wallace announced there is no Honorary Council Member in attendance.

7. Recognize Daniel Christie, Parks Department, for receiving his Backflow Assembly Tester License

Kyle Cooper, Senior Director of Parks and Recreation, acknowledged Daniel Christie for earning his Backflow Assembly Tester License. Mr. Christie, who joined the City in March 2024, has successfully obtained this certification. As a result, the City is projected to save approximately \$10,000 annually in inspection fees.

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

David Hudgins of the Waxahachie Arts Council presented the item and the annual financial report for the member organizations. The Council requested a one-year extension to the current three-year contract to facilitate annual budgeting for the membership. During the November meeting, the Crossroads of Texas Festival was approved for membership, starting in 2025. Mr. Hudgins also mentioned that a committee is working on updating the Arts Council's bylaws and has requested the City Attorney's review to ensure legal compliance.

Council Member Travis Smith inquired about the addition of the Crossroads of Texas Festival, to which Mr. Hudgins explained that the festival applied and met the criteria outlined in the bylaws. The other member organizations vote on whether to approve or deny such requests.

Council Member Smith suggested that City Council should have a greater role in approving memberships to the Waxahachie Arts Council and expressed his support for adding the Ellis County Children's Theater as a member organization. Mr. Hudgins confirmed that the Ellis County Children's Theater had not applied in the past year. Council Member Tres Atkins echoed the support to add the Ellis County Children's Theater as a member to the Waxahachie Arts Council.

It was the general consensus of City Council to further discuss the membership process and criteria during a Work Session.

Action:

Chris Wright 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 Tres Atkins and carried unanimously (5-0).

9. Continue Public Hearing on a request by Matthew Smith, Darwood Partners, for a Specific Use Permit (SUP) for a Convenience Store and Gasoline Sales use within a General Retail zoning district located at the northwest corner of Broadhead Road and Garden Valley Parkway (Property ID 242234) – Owner: WP Legacy LTD (ZDC-139-2024)

Senior Director of Planning Jennifer Pruitt presented the Item and applicant Matthew Smith requested approval. The applicant proposes a Specific Use Permit (SUP) to allow for a Convenience Store with Gasoline Sales (7-Eleven) in a General Retail (GR) zoning district. Per

the City of Waxahachie Zoning Ordinance, both Convenience Store use and Gasoline Sales uses within a GR zoning district require a SUP to be approved by the City Council. Historically, the subject property was zoned for Future Development (FD) as a placeholder until the property owner develops it and rezone it to an appropriate zoning district. The subject property was rezoned to General Retail (GR) as part of the Garden Valley planned development in 2002 (ZA2002-21) to promote commercial development properties along the entrance corridor. The subject property is currently situated on an unplatted lot. A plat will be needed to facilitate the proposed development.

The applicant provided a traffic analysis memo for the intersection of Garden Valley and Broadhead Road for staff review on October 16, 2024. The analysis identified that a four-way stop with stop signs was needed to operate at an acceptable level of service. The 7-Eleven will be installing the four-way stop with their development. If the zoning is approved, the 7-Eleven will provide a full traffic impact analysis (TIA) that also includes additional intersections within one square mile of the site. This full TIA will analyze if any additional improvements are needed at those intersections.

Currently, the city has a total of thirteen (13) gasoline stations existing and/or approved within 4,000 feet of the subject property. There are nine existing gasoline stations located along US 77, one existing Exxon gasoline station located on the southeastern corner of US Highway 287 and Brown Street. Two of the approved and under construction gasoline stations are QuikTrip located on the southwestern corner of US Highway 287 and Brown Street, and Valero located on the southwestern corner of US Highway 287 and Farley Street.

Per the Operational Plan and Site Plan provided by the applicant, 7-Eleven is proposed to feature a 4,824-square-foot convenience store with ten gasoline pumps. The parking and building setbacks for the convenience store adhere to the requirements outlined in the City of Waxahachie Zoning Ordinance. The gasoline pumps are proposed as five dual-sided pumps covered by one canopy. 7-Eleven proposes to operate twenty-four hours a day, seven days a week, with an average of three employees per shift.

The applicant has provided two elevation/façade options for consideration with this SUP. Both elevation options feature brick and stone exterior; but differ in the color palette and decorative architectural features. Option 1 offers a total of 55.7% of masonry, while Option 2 offers a total of 80.7%.

The landscaping proposed with this SUP meets the requirements of the City of Waxahachie Zoning Ordinance. The applicant has incorporated ten (10) Crape Myrtles into the landscape plan.

The applicant is proposing an 8', internally illuminated, monument sign. No pole sign is proposed.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. Staff received 41 letters of opposition and three (3) letters of support for the proposed SUP, with eight (8) letters of opposition and two (2) letters of support within the 200' buffer of the subject property. In addition to the letters noted above, Staff has also received two petitions with 217 signatures collected in opposition.

Mr. Smith noted if approved, the owner proposes the following Deed Restrictions on the property:

1. Use Restrictions

The Property shall not be used for the following purposes:

- Dollar Stores
- Sexually Oriented Businesses
- Smoke Shops
- Funeral Services, Crematories,
- Motels, Camps, other Lodging Places
- Drug Rehabilitation Center
- Massage Parlor
- Outdoor Amusement

2. Structural Restrictions

No structure, building, or improvement shall be constructed, erected, or maintained on the property, except as follows:

- All buildings and structures shall be of exterior fire-resistant construction, having at least eighty percent (80%) of the total exterior walls, excluding doors and windows, to be constructed of masonry or glass wall construction, in accordance with the City Building Code and Fire Prevention Code.

Matthew Smith, representing Darwin Partners, presented details about a fueling station proposal. He clarified that the project consists of 10 fueling stations (not pumps), and five MPDs (multi-product dispensers), with no requests for variances. The project includes the extension of water and sewer lines to loop the water line and extend the sewer line to an adjacent parcel. Mr. Smith also addressed concerns about existing trees, noting that they would be removed to meet city ordinances when extending utilities. The landscaping plan was shared, and he confirmed that the design follows the city's masonry requirements, with 3D renderings available for review.

Mr. Smith discussed various concerns raised during a previous HOA meeting, including lighting, environmental issues, and potential health effects. The lighting plan complies with city ordinances, and underground storage tanks will be monitored regularly to ensure safety. He also responded to traffic concerns, noting that a traffic impact analysis indicated minimal delay at intersections, and plans include adding a four-way stop. Additional safety measures, including sidewalks and crossing signs, were also mentioned. He emphasized the economic impact of the project, including significant permit fees, property taxes, and local community involvement, such as contributions to schools and local hiring initiatives.

Council Members discussed with the applicant the landscape plan, lighting, traffic impact, pedestrian and safety. Discussion was also held to confirm communication with the Homeowner's Associations' near the proposed location. Mr. Smith explained one Zoom meeting was held in September 2024 and modifications to the plan were made to address community concerns, but no additional presentation with the HOA's occurred.

Mayor Wallace opened the Public Hearing at approximately 7:53 p.m.

Those who spoke in opposition:

Andy Hammond, 251 Lariat Trail, Waxahachie, Texas
Homer Thompson, 254 Bear Trail, Waxahachie, Texas
Deb Barshofsky, 117 Eagle Feather Drive, Waxahachie, Texas
Raul Machuca, 107 Valley Ranch Ct., Waxahachie, Texas
Rachel Park, 116 Camp Fire Drive, Waxahachie, Texas
Cynthia Forney, 121 Eagle Feather Drive, Waxahachie, Texas
Robyn Chavarria, 225 Lariat Trail, Waxahachie, Texas
Tracie Lacour, 104 Piper, Waxahachie, Texas
Evan Maltz, 200 Sagebrush, Waxahachie, Texas
Raymond Chavarria, 225 Lariat Trail, Waxahachie, Texas
Mariah Orullian, 279 Moon Shadow, Waxahachie, Texas
Ryan Young, 230 Mockingbird Lane, Waxahachie, Texas
Marni Crume, 226 Brazos, Waxahachie, Texas
Arturo Deleon, 109 Valley Ranch Ct, Waxahachie, Texas
Mike Sundblad, 410 Sunset Court, Waxahachie, Texas

Those who spoke in support:

William Norman, 229 Four Roses Drive, Waxahachie, Texas
Ryan Simpson, 217 Stampede, Waxahachie, Texas

Others who spoke:

Buffalo Ridge HOA Board, neither for or against
Mike Landry, 233 Four Roses Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-192-2024, Mayor Wallace closed the Public Hearing at approximately 9:20 p.m.

Council Members discussed the operation hours of gas stations and businesses within neighborhoods, particularly regarding 24-hour operations. They focused on whether dimming lights or restricting operating hours, such as closing by midnight and opening at 5 AM, should be implemented. The key concern is balancing safety and convenience, as dimming lights could invite crime. The goal was to find a balance between safety and business needs without negatively impacting the neighborhood.

{City Council recessed at 9:32 p.m. and reconvened at 9:37 p.m.}

Council Members acknowledged hearing concerns from both sides at the meeting and appreciated the opportunity for clarification. They addressed the complexity of decision-making as a council, balancing the needs of the community with broader considerations, such as the economic health of the city. They clarified that the process is not about dismissing the concerns of residents but rather about making thoughtful decisions that benefit the city as a whole.

Council Members thanked everyone for their input and emphasizing that while not all votes may align with everyone's preferences, the council is committed to serving the best interests of the community.

10. Consider proposed Ordinance approving ZDC-139-2024

Action:

Travis Smith moved to deny ZDC-139-2024, a Specific Use Permit (SUP) for a Convenience Store with Gasoline Sales (7-Eleven) use. Motion was seconded by Patrick Souter and carried 3-2 with Billie Wallace and Chris Wright voting in opposition.

11. Consider Development Agreement for ZDC-139-2024

No action taken.

12. Consider approval of Early Release Bid Package 03 for City Hall Remodel and Construction Project

Director of Administrative Services Dale Sigler presented the Item. Our construction team continues to look for ways to combat fiscal escalation and long lead times on specific materials. The construction team has identified the structural steel scope of work for this project. By getting this package out early, the city will save money by locking in the price for steel now rather than weeks or months down the road. This process also helps keep the project on schedule by procuring the long lead time steel earlier in the construction process.

Turner advertised for competitive bids for the structural steel scope of work for the City Hall Remodel and Construction Project, and received four competitive bids for the scope of work. The scope of work included the fabrication and erection of the structural steel for the new three-story structure. The tonnage came out to 81 tons (77 tons of steel framing and 4 tons of steel joists).

Action:

Tres Atkins moved to approve the expenditure for early release bid package 03 in the amount of \$892,316 with Turner Construction Company for the City Hall Remodel and Construction Project and authorize the City Manager to execute all documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

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

Mayor Wallace announced at 10:01 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.

14. Reconvene and take any necessary action

The meeting reconvened at 10:12 p.m.

Action:

Travis Smith moved to approve the Settlement Agreement and General Release between the City of Waxahachie, Texas, and American Medical Response Ambulance Service, Inc. and to authorize the City Manager to execute same on behalf of the City. Motion was seconded by Tres Atkins and carried unanimously (5-0).

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

Council Member Patrick Souter announced the Christmas Parade and Tree Lighting will be held Tuesday, December 3rd at 6pm and invited the community to attend.

Mayor Pro Tem Chris Wright congratulated Daniel Christie on earning his Backflow Assembly Tester License and expressed gratitude to Mike Langford for hosting the DFW World Baseball Classic in Waxahachie. He also extended his heartfelt condolences to the family and friends of Waxahachie Fire Pump Engineer/Inspector Kevin Lindsey.

Council Member Travis Smith thanked citizens for sharing their opinions, emphasizing the importance of their input. He offered his condolences to the family of Kevin Lindsey and also expressed sympathy for the family of community member Patrick Sullivan.

Council Member Tres Atkins acknowledged the moving memorial service for Kevin Lindsey and joined in expressing condolences to the Sullivan family.

Mayor Billie Wallace joined in congratulating Daniel Christie and shared her pride in the memorial service for Kevin Lindsey. She offered her support to those in the community who are grieving.

16. Adjourn

There being no further business, the meeting adjourned at 10:18 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary