

City Council
May 3, 2021

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, May 3, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant 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

Council Member Doug Barnes gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, encouraged more communication with the public on city business.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 19, 2021
- b. Minutes of the City Council briefing of April 19, 2021
- c. Event application for Wheels of Fire Bike Ride on June 26, 2021
- d. Authorization of a supplemental appropriation funding the Planning Manager position
- e. Authorization of a supplemental appropriation to the Sokoll Fund associated with a treated water meter replacement
- f. Authorization of a supplemental appropriation to the Wastewater Fund associated with flow monitoring program

Action:

Council Member Doug Barnes moved to approve items a. through f. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

6. **Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-44-2021 to the May 17, 2021 City Council meeting.

7. **Consider proposed Ordinance approving ZDC-44-2021**

Action:

Council Member Chuck Beatty moved to continue the Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021) to the May 17, 2021 City Council meeting. Council Member Doug Barnes seconded, All Ayes.

8. **Consider Development Agreement for ZDC-44-2021**

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the consideration of the Development Agreement for ZDC-44-2021 to the May 17, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

9. **Consider request by John Fussell, Fuquez Property Company No . 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021)**

Planning Director Shon Brooks reviewed the case noting the applicant is requesting to plat the subject property into one lot for residential use and is requesting a petition for hardship waiver due to a lack of available fire flow to the subject property. He noted staff recommended approval of the plat and approval of the petition for hardship waiver due to support of the Waxahachie Fire Department.

Action:

Council Member Melissa Olson moved to approve a request by John Fussell, Fuquez Property Company No. 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021). Council Member Chuck Beatty seconded, All Ayes.

10. **Public Hearing on a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is requesting approval to allow a Car Wash on 0.964 acres and requested not to add a sidewalk to the property. Mr. Brooks noted staff recommended approval of ZDC-45-2021, including the sidewalk, per the following staff comments:

1. Per the applicant's request, a Development Agreement will be required for the property.

There being no others to speak for or against ZDC-45-2021, Mayor Hill closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-45-2021

ORDINANCE NO. 3267

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CAR WASH USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, PROPERTY ID 223397, BEING ABSTRACT 6 OF THE J C ARMSTRONG SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Doug Barnes moved to approve Ordinance No. 3267. Council Member Chuck Beatty seconded, All Ayes.

12. Consider Development Agreement for ZDC-45-2021

Action:

Council Member Melissa Olson moved to approve a Development Agreement for ZDC-45-2021. Council Member Chuck Beatty seconded, All Ayes.

13. Public Hearing on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is proposing a redesign to The Hamilton's (Garden Valley Senior Living) previously approved Planned Development/Site Plan that interchanges the 18 cottage units, which were designed at the western portion of the property, into the main building while converting the cottage building detached garages. He noted staff recommended approval per the following staff comments:

1. A revised mutually agreed upon Development Agreement/Ordinance must be signed by the applicant and city staff.

There being no others to speak for or against ZDC-46-2021, Mayor Hill closed the Public Hearing.

Council Member Melissa Olson inquired about keeping the existing tree line adjacent to the Sports Complex.

Mr. Nick Balsamo, 1701 N. Market Street, Dallas, Texas, explained the existing tree line will remain.

14. Consider proposed Ordinance approving ZDC-46-2021

ORDINANCE NO. 3268

AN AMENDMENT TO ORDINANCE 3150 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) WITH AMENDED ORDINANCE, TO ALLOW A SENIOR AGE-RESTRICTED RESIDENTIAL DEVELOPMENT, LOCATED AT THE SOUTHWEST CORNER OF GARDEN VALLEY PARKWAY AT GOODNIGHT LANE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.793 ACRES KNOWN AS A PORTION OF PROPERTY ID 275562, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3268 with the tree line in place adjacent to the Sports Complex. Council Member Doug Barnes seconded, All Ayes.

15. Consider revised Development Agreement for ZDC-46-2021

Action:

Council Member Chuck Beatty moved to approve a revised Development Agreement for ZDC-46-2021. Council Member Doug Barnes seconded, All Ayes.

16. Continue Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)

Mayor Hill continued the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is requesting approval of a Planned Development to allow for construction of 216 multi-family residential units on approximately 12.85 acres. He noted staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. A detailed Site plan packet shall be reviewed administratively by staff.

There being no others to speak for or against ZDC-42-2021, Mayor Hill closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-42-2021

ORDINANCE NO. 3269

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2), TO ALLOW A MULTI FAMILY RESIDENTIAL DEVELOPMENT, LOCATED SOUTH OF 865 CANTRELL STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.85 ACRES KNOWN AS A PORTION OF PROPERTY ID 142414, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3269. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

18. Consider Development Agreement for ZDC-42-2021

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for ZDC-42-2021. Council Member Melissa Olson seconded, All Ayes.

19. Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue the Public Hearing for ZDC-35-2021 to the May 17, 2021 City Council meeting.

20. Consider proposed Ordinance approving ZDC-35-2021

Action:

Council Member Doug Barnes moved to continue the Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021) to the May 17, 2021 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

21. Consider Development Agreement for ZDC-35-2021

Action:

No action taken.

22. Discuss, consider and act on approving Resolution of the City of Waxahachie, Texas determining the costs of certain authorized improvements to be financed by the Waxahachie Public Improvement District No. 1; approving a preliminary service plan and assessment plan, including proposed assessment roll for Phase 3; calling a

meeting and noticing a public hearing for June 7, 2021 to consider an ordinance levying assessments on property located within Phase 3 of the Waxahachie Public Improvement District; directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto

Mr. Josh Arendt, Municap, reviewed the proposed Resolution determining the costs of Phase 3 District improvements to be financed by the Waxahachie Public Improvement District No. 1. He explained approval of the resolution will also approve an updated preliminary service plan and assessment plan and set a Public Hearing date of June 7, 2021. He explained the proposed improvements include, but are not limited to, landscaping, entryway features, water, wastewater, sidewalks, streets, roadways, off-street parking, drainage system improvements, trails, and parks and open spaces. He noted it will be about .22 cent tax equivalent per year.

RESOLUTION NO. 1309

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS DETERMINING THE COSTS OF PHASE THREE DISTRICT IMPROVEMENTS TO BE FINANCED BY THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; APPROVING AN UPDATED PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED PHASE 3 ASSESSMENT ROLL; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLL FOR PHASE 3 WITH THE CITY SECRETARY; CALLING A REGULAR MEETING AND NOTICING A PUBLIC HEARING FOR *JUNE 7, 2021* TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; DIRECTING THE FILING OF THE PROPOSED PHASE 3 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

Action:

Council Member Chuck Beatty moved to approve Resolution No. 1309. Council Member Doug Barnes seconded, All Ayes.

- 23. Authorize the City Manager to enter into agreements with Environmental & Construction Services, Inc. through the Choice cooperative purchasing program and Vantage Environmental Services, LP through a professional services agreement for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus, and associated supplemental appropriation to the General Items budget**

Assistant City Manager Tommy Ludwig reviewed the request authorizing the City Manager to enter into agreements with Environmental & Constructions, Services, Inc., through the Choice Cooperative Purchasing Program, and Vantage Environmental Services, LP, through a professional service agreement, in an collective amount not to exceed \$1,450,000.00 for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus and

associated structures. He explained the requested amount includes at \$49,175.00 contingency. Mr. Ludwig reported the scope of the work includes former Baylor Hospital, the hospital helipad, two medical office buildings and associated parking lot, the removal and decommissioning of an underground storage tank, and utility separation for the HRT Building. Mr. Ludwig requested a supplemental appropriation in the amount of \$300,000.00 for the proposed cost not allocated in the FY 20-21 budget.

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to enter into agreements with Environmental & Construction Services, Inc. through the Choice cooperative purchasing program and Vantage Environmental Services, LP through a professional services agreement for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus, and associated supplemental appropriation in the amount of \$300,000.00 to the General Items budget. Council Member Doug Barnes seconded, All Ayes.

24. Consider proposed Resolution denying Oncor Electric's application to change rates

Assistant City Manager Albert Lawrence reviewed the resolution denying the rate increase by Oncor explaining the resolution will authorize the Oncor Cities Steering Committee to negotiate a rate that is best for our residents and businesses. He explained the legal counsel representing the cities will be paid for by Oncor.

RESOLUTION NO. 1310

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Action:

Council Member Doug Barnes moved to approve Resolution No. 1310. Council Member Chuck Beatty seconded, All Ayes.

25. Convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code

Mayor Hill announced at 7:26 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code.

26. Reconvene and take any necessary action

The meeting reconvened at 7:44 p.m.

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to enter into an agreement to purchase real estate in accordance with the discussion held in executive session and to execute all documents in accordance with that agreement. Council Member Melissa Olson seconded, All Ayes.

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

Assistant City Manager Tommy Ludwig thanked the Mayor and City Council for approval of the Planning Manager position.

Assistant City Manager Albert Lawrence thanked the Parks and Recreation Department for their work during the spring storms last week at Railyard Park and the parks system. He noted the Hachie 50 event was a success.

Council Member Chuck Beatty asked for prayers and well wishes for City Secretary Lori Cartwright.

Mayor Pro Tem Mary Lou Shipley thanked staff for their work on the demolition of the old Baylor Hospital and noted she is looking forward to the project moving forward.

Mayor David Hill complimented city staff for all their work.

28. Adjourn

There being no further business, the meeting adjourned at 7:48 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary