

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, June 7, 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, 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 and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Alan Fox, 327 University, Waxahachie, Texas, expressed appreciation and thanks to Council Member Chuck Beatty and Mayor Pro Tem Mary Lou Shipley. He recognized their kindness and love for our town and encouraged others to carry the light and vision for making Waxahachie better in the future.

Dr. Yomi Fayiga, 1111 W. Main, Waxahachie, Texas, thanked Ms. Shipley and Mr. Beatty for their service to the city. He requested to keep the 4th of July parade on Main Street.

Mr. Jeff Schmidt, 1121 W. Main, Waxahachie, Texas, requested to keep the 4th of July parade on Main Street.

5. Consent Agenda

- a. Minutes of the City Council meeting of May 17, 2021
- b. Minutes of the City Council briefing of May 17, 2021
- c. Minutes of the City Council Work Session of June 2, 2021
- d. WCDC Supplemental Appropriation for city hall landscaping
- e. Fourth of July parade route for the 23rd Annual Crape Myrtle Festival

Action:

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

6. Consider appointment of Municipal Judge and Associate Municipal Judge and Administer Oaths of Office

Action:

Council Member Doug Barnes moved to appoint John D. Fehler as Municipal Judge and Cody Beauchamp as Associate Municipal Judge. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

City Secretary Amber Villarreal administered the Oaths of Office to Mr. Fehler and Mr. Beauchamp.

7. Public Hearing on a request by Ross Graves, Triten Real Estate Partners, for a Specific Use Permit (SUP) for Auto Parking Lot, Trucks and Trailers & Outdoor Storage use within a Light Industrial-1 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-60-2021 to the July 19, 2021 City Council meeting.

8. Consider proposed Ordinance approving ZDC-60-2021

Action:

Council Member Melissa Olson moved to continue the Public Hearing on a request by Ross Graves, Triten Real Estate Partners, for a Specific Use Permit (SUP) for Auto Parking Lot, Trucks and Trailers & Outdoor Storage use within a Light Industrial-1 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021) to the July 19, 2021 City Council meeting. Council Member Chuck Beatty seconded, All Ayes.

9. Public Hearing on a request by Chris Freeman for a Zoning Change from a Planned Development-23-Single Family-1 zoning district to Planned Development-Single Family-1, with Concept Plan, located at 303 Lakeshore Drive (Property ID 171975) - Owner: VIRGINIA K FREEMAN (ZDC-63-2021)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks presented the case noting the applicant is requesting to rezone the subject property to adjust the front yard building setback requirement to allow for the construction of a carport on the property and staff recommended approval subject to the following staff comment:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

There being no others to speak for or against ZDC-63-2021, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-63-2021

ORDINANCE NO. 3275

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF-1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1), WITH CONCEPT PLAN LOCATED AT 303 LAKESHORE DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.672 ACRES KNOWN AS A PORTION OF PROPERTY ID 171975 OF THE AKIN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3275 per staff comments. Council Member Doug Barnes seconded, All Ayes.

11. Public Hearing on a request by Marsha Rowan for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-1 zoning district located at 2341 Marshall Rd (Property ID 203836) - Owner: JOHN E & MARSHA L ROWAN (ZDC-65-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for the construction of a 720 sq. ft. accessory building on the property and staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The structure shall not be used as a dwelling.

There being no others to speak for or against ZDC-65-2021, Mayor Hill closed the Public Hearing.

12. Consider proposed Ordinance approving ZDC-65-2021

ORDINANCE NO. 3276

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 2341 MARSHALL RD, BEING PROPERTY ID 203836, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 6 IN THE MARSHALL ROAD ESTATES SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3276. Council Member Melissa Olson seconded, All Ayes.

13. Public Hearing on a request by Lenvill Phipps for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, located at 1604 E. Main Street, (Property ID 195689) - Owner: 6TH STREET MIDLOTHIAN, LLC (ZDC-59-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting approval of a Planned Development (variance request) to allow a 4-foot sidewalk along the front of his business. Mr. Brooks explained the Subdivision Ordinance requires a 6-foot sidewalk and a 5-foot minimum sidewalk complies with ADA requirements. He noted the Planning & Zoning Commission recommended denial of the case presented at the May 25th Commission meeting where the applicant requested a variance for no sidewalk.

Mr. James Phipps, 103 Highview Court, Ovilla, Texas, requested a variance to the city's requirement of a sidewalk at the subject property. He explained there are no other sidewalks in the surrounding area of the property and noted he requested the same consideration as infill lots where sidewalks are not constructed.

Mr. Lenvill Phipps, 213 Hidden Meadows Circle, Midlothian, Texas, explained he does not want to construct a public sidewalk on private property and requested equal enforcement of no sidewalks in the surrounding neighborhood.

Council Member Beatty explained the infill lots Mr. Phipps is comparing to are too small for sidewalks.

There being no others to speak for or against ZDC-59-2021, Mayor Hill closed the Public Hearing.

14. Consider proposed Ordinance approving ZDC-59-2021

Action:

Council Member Chuck Beatty moved to deny ZDC-59-2021. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

15. Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-58-2021 to the July 6, 2021 City Council meeting.

16. Consider proposed Ordinance approving ZDC-58-2021

Action:

Council Member Chuck Beatty moved to continue the Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021) to the July 6, 2021 City Council meeting. Council Member Doug Barnes seconded, All Ayes.

17. Public Hearing to consider proposed assessments to be levied against property within Phase 3 of the Waxahachie Public Improvement District No. 1 pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. All written or oral objections on the proposed assessment within the District will be considered at the public hearing

Mayor Hill opened the Public Hearing.

Josh Arendt, Municap, Public Improvement District Administrator, reviewed the service and assessment plan and assessment roll for Phase 3 of the Waxahachie Public Improvement District No. 1. He explained the preliminary assessment has been revised due to the interest rate being updated over the last 30 days.

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

18. Discuss, consider and act on approving Ordinance of the City of Waxahachie, Texas accepting and approving a service and assessment plan and assessment roll for Phase 3 of the Waxahachie Public Improvement District No. 1; making a finding of special benefit to the property located within Phase 3 of the Waxahachie Public Improvement District No. 1; levying special assessments against property within Phase 3 of the District and establishing a lien on such property; providing for payment of assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date

ORDINANCE NO. 3277

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE ACCEPTING AND APPROVING AN UPDATED SERVICE AND ASSESSMENT PLAN AND A PHASE 3 ASSESSMENT ROLL FOR THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE 3 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN PHASE 3 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING

PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3277. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 19. Discuss, consider and act to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Reimbursement Agreement with 287 Waxahachie L.P.**

Action:

Council Member Chuck Beatty moved to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Reimbursement Agreement with 287 Waxahachie L.P. Council Member Doug Barnes seconded, All Ayes.

- 20. Discuss, consider and act to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Construction, Funding, and Acquisition Agreement with 287 Waxahachie L.P.**

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Construction, Funding, and Acquisition Agreement with 287 Waxahachie L.P. Council Member Melissa Olson seconded, All Ayes.

- 21. Discuss, consider and act to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with 287 Waxahachie L.P.**

Action:

Council Member Doug Barnes moved to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with 287 Waxahachie L.P. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 22. Discuss, consider and act to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with D.R. Horton-Texas, Ltd.**

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with D.R. Horton-Texas, Ltd. Council Member Melissa Olson seconded, All Ayes.

- 23. Discuss, consider and act to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 2 Improvements Reimbursement Agreement with 287 Waxahachie L.P.**

Action:

Council Member Doug Barnes moved to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 2 Improvements Reimbursement Agreement with 287 Waxahachie L.P. Council Member Chuck Beatty seconded, All Ayes.

- 24. Consider and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2021; directing the preparation of a preliminary official statement and related materials; and providing an effective date**

RESOLUTION NO. 1311

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2021; DIRECTING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Chuck Beatty moved to approve Resolution No. 1311. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 25. Public Hearing to continue the curfew for minors**

Mayor Hill opened the Public Hearing.

Police Chief Wade Goolsby requested to continue the curfew ordinance for minors. He explained the Texas Local Government Code (Title 11; Sec. 370.002) requires a municipality that has adopted a juvenile curfew ordinance to review that ordinance every three years.

There being no others to speak for or against the curfew for minors, Mayor Hill closed the Public Hearing.

- 26. Consider proposed Ordinance continuing the curfew for minors**

ORDINANCE NO. 3278

AN ORDINANCE PASSING ARTICLE VII, CURFEW FOR MINORS, AND ENACTING SEC. 21-81, THROUGH 21.85, ENACTING A CURFEW FOR MINORS, PROVIDING FOR DEFENSES, ENFORCEMENT, AND PENALTIES, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.

Action:

Council Member Doug Barnes moved to approve Ordinance No. 3278. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

27. Consider authorizing the City Manager to execute all agreements necessary for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters

Assistant City Manager Tommy Ludwig requested approval authorizing the City Manager to execute all agreements necessary for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters in the amount of \$9,441,000.00. The approval will authorize the total funding necessary to complete the implementation and integration of the AMI System, and will include the following elements:

Meter replacements \$7,733,707

Lid replacements \$425,016

Box Leveling \$55,039

Box replacement \$1,078,936

Owner directed allowance (will be returned if not used) \$100,000

Incode integration and Third-party engineering review \$48,302

Mr. Ludwig stated staff's recommendation is to partner with Performance Services, Inc. to manage the full turnkey implementation of the proposed AMI System and associated smart meter hardware. He explained there is an accompanying reimbursement resolution for this project and highlighted the project is anticipated to net over \$13,500,000 in revenue over the next 20 years.

Action:

Council Member Chuck Beatty move to authorize the City Manager to execute all agreements necessary for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

28. Consider resolution authorizing reimbursement of the Water Fund from the proceeds of future debt for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters

RESOLUTION NO. 1312

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE IMPLEMENTATION OF AN ADVANCED METERING INFRASTRUCTURE SYSTEM AND FOR THE REPLACEMENT OF ASSOCIATED WATER METERS

Action:

Council Member Chuck Beatty moved to approve Resolution No. 1312. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

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

City Administration, City Attorney, and City Council Members Melissa Olson and Doug Barnes thanked Council Member Chuck Beatty and Mayor Pro Tem Mary Lou Shipley for their dedication, leadership, experience, and service to Waxahachie acknowledging their experience will be missed.

Council Member Chuck Beatty noted it has been a labor of love serving Waxahachie and he is continuing to stay in Waxahachie.

Mayor Pro Tem Mary Lou Shipley noted it has been a privilege serving on the Planning and Zoning Commission and City Council. She wished Waxahachie well.

Mayor Hill stated Mr. Beatty's imprint is left all around this city and he greatly appreciates his service and friendship. Mayor Hill stated Ms. Shipley is admired and thanked her for her service and friendship. Mayor Hill welcomed the newly elected Council Members Billie Wallace and Travis Smith.

30. Adjourn

There being no further business, the meeting adjourned at 7:46 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary