

City Council  
June 21, 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, June 21, 2021 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

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 Doug Barnes called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Mayor Barnes gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concerns with protecting our water system from pollutants and encouraged communication with the public on cleanup efforts.

Ms. Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas, encouraged attention and improvements to city streets and infrastructure to all four areas of Waxahachie.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of June 7, 2021
- b. Minutes of the City Council briefing of June 7, 2021
- c. Minutes of the City Council special meeting of June 15, 2021
- d. Set City Council meeting for July 6, 2021
- e. City Council Appointments to Boards and Commissions
- f. Event application for Pie Palooza & Walk-a-thon on October 16, 2021

**Action:**

*Council Member David Hill moved to approve items a. through f. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.*

**6. Public Hearing on a request by Shawn Graham, Jones & Carter, for a Specific Use Permit (SUP) for Drive Through Establishment (Bank) use within a Planned**

**Development-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (ZDC-67-2021)**

Mayor Barnes opened the Public Hearing.

Planning Director Shon Brooks presented the case noting the applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres and staff recommended approval per the following staff comment:

1. A mutually agreed upon Development Agreement will be required for the development.

Mr. David Lapp, 536 Orchard Street, Wyandotte, Michigan, noted he was available for questions.

There being no others to speak for or against ZDC-67-2021, Mayor Barnes closed the Public Hearing.

**7. Consider proposed Ordinance approving ZDC-67-2021**

**ORDINANCE NO. 3279**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A NEIGHBORHOOD CREDIT UNION (BANK) USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1750 N HIGHWAY 77, PROPERTY ID 263976, BEING LOT 8, BLOCK A, OF THE WAXAHACHIE TOWNE CROSSING ADDITION-REV, 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 David Hill moved to approve Ordinance No. 3279. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**8. Consider approving Development Agreement for ZDC-67-2021**

**Action:**

*Council Member David Hill moved to approve a Development Agreement for ZDC-67-2021. Council Member Melissa Olson seconded, All Ayes.*

**9. Public Hearing on a request by Michael Alturk, ADTM Engineering & Construction, for an Amendment to Ordinance No. 3258 to allow for an additional retail building within an approved retail development located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-68-2021)**

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres. Mr. Brooks explained the applicant revised the site plan removing the drive-thru on the

proposed new building and staff updated their recommendation to approval with the following staff comment:

1. A mutually agreed upon Development Agreement will be required for the development.

There being no others to speak for or against ZDC-68-2021, Mayor Barnes closed the Public Hearing.

**10. Consider proposed Ordinance approving ZDC-68-2021**

**ORDINANCE NO. 3280**

**AN AMENDMENT TO ORDINANCE 3258 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) WITH AMENDED ORDINANCE, TO ALLOW AN ADDITIONAL RETAIL BUILDING (2,000 SQ. FT.), LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AND US HIGHWAY 287, PARCEL ID 181802, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member David Hill moved to approve Ordinance No. 3280. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**11. Consider approving Development Agreement for ZDC-68-2021**

**Action:**

*Council Member David Hill moved to approve a Development Agreement for ZDC-68-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**12. Consider authorization of professional engineering services with Kimley-Horn Associates, Inc. associated with the public water and sanitary sewer line construction of Fire Station Number 4**

Assistant City Manager Tommy Ludwig requested approval authorizing professional services with Kimley-Horn and Associates, Inc. for the design of water and sewer lines associated with the construction of Fire Station No. 4 in the amount of \$88,000.00. He explained the item will authorize engineering design, bid specification preparation, easement acquisition services (if needed), and construction support services to design approximately 400 linear feet of new 8" and 12" water lines, valves and fire hydrant, and approximately 2,000 linear feet of new 8" to 12" gravity sewer lines and manholes for the proposed new Fire Station No. 4. He noted the project is proposed to be fully funded in the FY 2020-21 bond program; however, with bond funds not available until the end of August 2021, staff also recommends approval of a reimbursement resolution allowing staff to proceed with a purchase order to ensure design begins immediately and does not delay the overall schedule for Fire Station No. 4 construction.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve authorization of professional engineering services with Kimley-Horn Associates, Inc. associated with the public water and sanitary sewer line construction of Fire Station Number 4 in the amount of \$88,000.00. Council Member Travis Smith seconded, All Ayes.*

- 13. Consider resolution authorizing reimbursement from the Water and Wastewater Fund from the proceeds of future debt associated with professional engineering design services for the construction of water and sanitary sewer lines to Fire Station Number 4**

**RESOLUTION NO. 1313**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE DESIGN OF WATER AND SEWER LINES FOR FIRE STATION NO. 4.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1313. Council Member Travis Smith seconded, All Ayes.*

- 14. Consider award of a bid to Clark Electric associated with the Lake Waxahachie Raw Water Emergency Generator and Motor Control Center Improvements Project**

Mr. Ludwig requested approval of a bid award to Clark Electric, Inc., in the amount of \$4,788,477.00, associated with the construction of a new Emergency Backup Power Generator for the Raw Water Pump Station #2 and Howard Road Water Treatment Plant Electrical Improvements Project. He explained the project came in \$2,353,523 below the engineer's estimate; however, their bid is \$595,551 higher than the allocated budget for this project. In working with the Finance Department, they recommend utilizing a portion of the FY19-20 bonds for the Lofland Road Water Line project to cover the delta in cost and impact fees will be utilized to make up the reduction in the Lofland Road Water Line funding.

Mr. Ludwig explained in addition to the request to approve the bid, staff recommends a 2% project contingency fund (\$95,770) for the project and \$38,000 for the performance of third-party electrical inspections, totaling \$4,922,247.00.

**Action:**

*Council Member David Hill moved to approve award of a bid to Clark Electric associated with the Lake Waxahachie Raw Water Emergency Generator and Motor Control Center Improvements Project in the amount of \$4,922,247.00 as presented by staff. Council Member Melissa Olson seconded, All Ayes.*

- 15. Consider award of a bid to Taknek associated with the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project**

Utilities Director David Bailey requested approval of a bid award to Taknek, LLC in the amount of \$957,002.41 associated with Lake Waxahachie Raw Water Pump Station #2 electrical improvements. He explained the scope of work is a planned capital expense and \$1,015,200 is included in the

proposed FY20-21 bond program. As bond funds are not anticipated to become available until the end of August 2021, staff also recommends that a reimbursement resolution be approved by City Council. Mr. Bailey also recommended the approval of a 4.5% (\$43,064) contingency fund for this project, and \$15,000 for the performance of third-party electrical inspections, totaling \$1,015,066.41 for this project.

**Action:**

*Council Member David Hill moved to approve award of a bid to Taknek associated with the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project in the amount of \$1,015,066.41 as presented by staff. Council Member Melissa Olson seconded, All Ayes.*

- 16. Consider resolution authorizing reimbursement of the Water Fund from the proceeds of future debt associated with construction and installation of the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project**

**RESOLUTION NO. 1314**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE LAKE WAXAHACHIE RAW WATER PUMP STATION NO. 2 ELECTRICAL IMPROVEMENTS.**

**Action:**

*Council Member Melissa Olson moved to approve Resolution No. 1314. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

- 17. Consider authorizing a supplemental appropriation to the Sokoll Water Fund for the repair of an electrical actuator**

Mr. Ludwig requested approval of a supplemental appropriation in association with the Robert W. Sokoll Joint Venture Water Treatment Plant in the amount of \$9,575.00. He explained an insurance claim has been submitted for the damaged actuator and the city will be reimbursed all but \$2,500.00 for the insurance deductible. Mr. Ludwig noted the Sokoll Water Treatment Plant is a joint venture with Rockett SUD and the cost of capital items are split 50/50.

**Action:**

*Council Member David Hill moved to approve authorizing a supplemental appropriation to the Sokoll Water Fund for the repair of an electrical actuator in the amount of \$9,575.00. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

- 18. Consider authorizing a supplemental appropriation to the Water Fund for maintenance and operation related expenses**

Mr. Bailey requested approval of a supplemental appropriation in association with the Water Production Budget in the amount of \$25,000.00 due to several unanticipated expenses related to equipment maintenance in FY20-21 totaling \$102,400.00.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve authorizing a supplemental appropriation to the Water Fund for maintenance and operation related expenses in the amount of \$25,000.00. Council Member Melissa Olson seconded, All Ayes.*

**19. Consider authorizing a supplemental appropriation to the Wastewater Fund associated with the cleaning of the submersible pumps wet well at the Jefferson Street Lift Station**

Mr. Ludwig requested approval of a supplemental appropriation in association with grease, scum, and debris removal from the Jefferson Street Lift Station in the amount of \$105,813.67.

**Action:**

*Council Member David Hill moved to approve authorizing a supplemental appropriation to the Wastewater Fund associated with the cleaning of the submersible pumps wet well at the Jefferson Street Lift Station in the amount of \$105,813.67. Council Member Travis Smith seconded, All Ayes.*

**20. Consider authorization for professional engineering services with Kimley-Horn Associates, Inc. for the engineering design of Monticello St Phase 2 Reconstruction**

Director of Public Works and Engineering James Gaertner requested approval authorizing professional services with Kimley-Horn and Associates, Inc. for engineering services associated with the Monticello Drive Phase II Reconstruction in the amount of \$300,000.00. He explained the scope of work will include engineering for complete replacement of the asphalt road with concrete, replacement of the water and sewer lines, addition of sidewalks and street lights.

**Action:**

*Council Member Travis Smith moved to approve authorization for professional engineering services with Kimley-Horn Associates, Inc. for the engineering design of Monticello St Phase 2 Reconstruction in the amount of \$300,000.00. Council Member Melissa Olson seconded, All Ayes.*

**21. Consider authorization for professional engineering services with Binkley & Barfield, Inc. for the engineering design of the 2021 Asphalt Pavement Rehabilitation Project**

Mr. Gaertner requested approval authorizing professional services with Binkley & Barfield, Inc. for engineering services associated with the 2021 asphalt pavement rehabilitation project in the amount of \$36,900.00. He explained the scope of work for this item will include engineering services to prepare contract documents and specification for the scarification, re-compaction and cement stabilization of the existing pavement and subgrade, and repaving the asphalt driving surface for the following streets:

John Arden Dr.	from E. University to BNSF Railroad
Oak Creek Dr.	from cul-de-sac to cul-de-sac
Rogers St.	from W. Marvin Ave. to UP Railroad
Spencer St.	from Main St. to Highland Ave.

**Action:**

*Council Member Travis Smith moved to approve authorization for professional engineering services with Binkley & Barfield, Inc. for the engineering design of the 2021 Asphalt Pavement Rehabilitation Project in the amount of \$36,900.00. Council Member Melissa Olson seconded, All Ayes.*

**22. Consider authorization for demolition contract and associated supplemental appropriation for 408 and 410 S. Rogers**

Assistant to the City Manager Chelsey Gordon requested approval authorizing the City Manager to enter into agreements with Midwest Wrecking Company of Texas and Vantage Environmental for the demolition, abatement, and inspection of 408 and 410 S. Rogers and approving a budget amendment in the amount of \$112,534.00. Ms. Gordon explained both demolition of the existing structures and design of the new building have been reviewed and approved by the Heritage Preservation Commission.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve authorization for demolition contract and associated supplemental appropriation for 408 and 410 S. Rogers in the amount of \$112,534.00. Council Member David Hill seconded, All Ayes.*

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

Assistant City Manager Tommy Ludwig thanked Council for their support of all development services.

City Manager Michael Scott thanked Council for their support for the items presented. He recognized Chelsey Gordon, James Gaertner, and Utilities staff David Bailey, Brandon Lacy, and Richard Abernathy. Mr. Scott welcomed the new Council.

Mayor Pro Tem Billie Wallace thanked the visitors in attendance and encouraged them to bring a friend to the next meeting.

City Attorney Robert Brown noted Mayor Doug Barnes conducted the meeting well.

Mayor Doug Barnes thanked those watching the Live Stream and those in attendance. He invited the public to attend Council meetings.

**24. Adjourn**

**Action:**

*Mayor Pro Tem Billie Wallace moved the meeting adjourn at 7:36 p.m. Council Member Travis Smith seconded, All Ayes.*

Respectfully submitted,

Amber Villarreal  
City Secretary