

City Council  
May 6, 2019

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 6, 2019 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, Councilmember

Council Member Absent: Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

## **1. Call to Order**

Mayor Kevin Strength called the meeting to order.

## **2. Invocation**

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

Councilmember Chuck Beatty gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

## **4. Consent Agenda**

- a. Minutes of the City Council meeting of April 15, 2019
- b. Minutes of the City Council briefing of April 15, 2019
- c. Event Application for Salvation Army Boys and Girls Club of Ellis County 5k race
- d. Event Application for Lions Club State Convention Kick-Off
- e. Budget amendment request from Downtown Development Department
- f. Contribution request to the Miracle League of Ellis County
- g. Haven Road Waterline Advanced Funding

### **Action:**

*Mayor Pro Tem David Hill moved to approve items a. through g. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.*

## **5. Introduce Honorary Councilmember**

Mayor Strength introduced Lily Lawler as Honorary Councilmember for the month of May. She has lived in Waxahachie her entire life. Lily currently attends Waxahachie Global High School and is the Salutatorian of the graduating class of 2019. She is president and founder of the Culture Club, a senior editor for the Yearbook and Senior Representative on Global High's student council. Lily also volunteers as a tutor after school for elementary school and college level English. She enjoys writing and painting. Lily is planning on majoring in Anthropology in college and is

enrolled to attend Yale University as a part of the QuestBridge Scholars Program. After she graduates, her intended career goals are to work as a museum curator or to be an advocate for accessible education in impoverished areas around the world.

**6. Present Proclamation proclaiming May as “Preservation Month”**

Mayor Strength read a Proclamation proclaiming May as “Preservation Month” and presented it to Anita Brown, Director of Downtown Development.

**7. Continue Public Hearing on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0180)**

Mayor Strength continued the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported at the April 1, 2019 City Council meeting, Council provided landscape stipulations to be completed. He stated the applicant has submitted a signed and sealed plan from a Landscape Architect and has installed additional landscaping for the property. He stated the applicant has addressed the stipulations and recommended approval.

There being no others to speak for or against SU-18-0180, Mayor Strength closed the Public Hearing.

**8. Consider proposed Ordinance approving Zoning Change No. SU-18-0180**

**ORDINANCE NO. 3111**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TRAILER, TRUCK SALES OR RENTAL USE WITHIN A LIGHT INDUSTRIAL-2 AND FUTURE DEVELOPMENT (LI-2 AND FD) ZONING DISTRICT, LOCATED AT 4675 N INTERSTATE 35, BEING PROPERTY ID 188460, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 790 EC NEWTON ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3111 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**9. Continue Public Hearing on a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022)**

Mayor Strength continued the Public Hearing.

Mr. Brooks reported the proposed development will be a senior development property. He reported there are stipulations for approving the site and concerns remain outstanding. Mr. Brooks recommended to deny the project at this time.

Those who spoke for:

Mr. Tom Mensky resident at Palladium Senior Living, 870 Blassingame Avenue, Van Alstyne, Texas

Ms. Debra Nichols, resident at Palladium Senior Living, 870 Blassingame Avenue, Van Alstyne, Texas

Mr. Tom Huth, President and CEO of Palladium USA, stated he recognized the concern that City Staff has with the zoning change request. He requested to table the hearing until Palladium USA is awarded the tax credit which will be between July and September. Mr. Huth stated in the meantime he will continue to work with City Staff on the Zoning Change request concerns.

**10. Consider proposed ordinance approving Zoning Change No. PD-19-0022**

**Action:**

*Councilmember Mary Lou Shipley moved to continue a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022) to the City Council meeting of August 5, 2019. Councilmember Chuck Beatty seconded, All Ayes.*

**11. Consider proposed Resolution of Candidate Nomination for the Ellis Appraisal District Board of Directors vacancy for the year 2019**

City Manager Michael Scott stated Mr. Tommy Hamilton resigned from the Ellis Appraisal District Board of Directors leaving a vacancy to the end of the 2019 year and the city needs to nominate replacement. He stated the following names were submitted for Council's consideration: Councilmember Melissa Olson, Mr. Dan Gus, and Mr. John Hamilton.

**RESOLUTION NO. 1267**

**RESOLUTION OF CANDIDATE NOMINATION FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS VACANCY FOR THE YEAR 2019**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1267 nominating Mr. John Hamilton. Councilmember Mary Lou Shipley seconded, All Ayes.*

**12. Consider Local Project Advance Funding Agreement with Texas Department of Transportation for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match of System**

Mr. Scott stated the agreement covers the bridge aesthetic agreement on the viaduct project. The historic viaduct will be destroyed and replaced with a couplet bridge. He stated the agreement allows for the historic keeping of the original bridge and railing.

**Action:**

*Councilmember Chuck Beatty moved to approve the Local Project Advance Funding Agreement with Texas Department of Transportation for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match of System. Councilmember Mary Lou Shipley seconded, All Ayes.*

**13. Consider Agreement with Texas Department of Transportation for the Preservation and Adaptive Use of a Historic On-State System Bridge for an Environmental Mitigation Program**

Mr. Scott stated when the State has a project that jeopardizes historic significance TxDOT will preserve the historic railings from the bridge. He stated the City will front the cost of \$60,000 which is fully reimbursed to the City from the State.

**Action:**

*Mayor Pro Tem David Hill moved to approve an Agreement with Texas Department of Transportation for the Preservation and Adaptive Use of a Historic On-State System Bridge for an Environmental Mitigation Program. Councilmember Mary Lou Shipley seconded, All Ayes.*

**14. Consider Advance Funding Agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects Project**

Mr. Scott stated the agreement speaks to the relocation of the utilities noting the project is part of the City's Capital Improvement Plan project.

**Action:**

*Councilmember Chuck Beatty moved to approve an Advance Funding Agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects Project. Councilmember Mary Lou Shipley seconded, All Ayes.*

**15. Consider resolution authorizing the reimbursement of Water and Wastewater Operating Funds from the proceeds of future debt for the advance funding agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects**

Mr. Scott stated Resolution No. 1268 is a companion to item 14 and explained Water and Wastewater Operating Funds will be refunded with proceeds of debt to be issued by the City.

**RESOLUTION NO. 1268**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE ADVANCE FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1268 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.*

**16. Consider award of a bid to Schofield Civic Construction for the Lower Mustang Creek Lift Station Improvements**

Mr. Tommy Ludwig, Assistant City Manager, stated the project includes the installation of three (3) new pumps and will help handle wastewater flows conveyed by the Cole Creek Gravity Trunk Line. He stated Schofield Civic Construction was the lowest bidder in the amount of \$1,275,275. Mr. Ludwig stated the project is a planned expense budgeted in the Fiscal Year 2018-2019 Operations and Maintenance budget.

**Action:**

*Councilmember Chuck Beatty moved to award the bid for the Lower Mustang Creek Lift Station Improvements to Schofield Civic Construction in the amount of \$1,275,275. Mayor Kevin Strength seconded, All Ayes.*

**17. Consider award of a bid to Rey-Mar Construction for the Grove Creek Lift Station Expansion**

Mr. Ludwig reported Rey-Mar Construction was the lowest bidder in the amount of \$2,011,700. He stated the Operations and Maintenance Fund has a remaining balance of \$725,724 and explained the remainder of the project will be funded with Certificate of Obligation Bonds which will be sold later in the Fiscal Year 2018-2019 budget year in the amount of \$1,286,000.

**Action:**

*Councilmember Mary Lou Shipley moved to award the bid for the Grove Creek Lift Station Expansion to Rey-Mar Construction in the amount of \$2,011,700. Councilmember Chuck Beatty seconded, All Ayes.*

**18. Consider resolution authorizing the reimbursement of Wastewater Operating Funds from the proceeds of future debt for the Grove Creek Lift Station Expansion**

**RESOLUTION NO. 1269**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE CONSTRUCTION OF THE GROVE CREEK LIFT STATION EXPANSION**

**Action:**

*Councilmember Chuck Beatty moved to approve Resolution No. 1269. Councilmember Mary Lou Shipley seconded, All Ayes.*

**19. Consider award of a contract with Insituform, through the BuyBoard Cooperative Pricing Agreement, for the rehabilitation of a portion the Richmond Street sewer line**

Mr. Ludwig reported the contract for a sewer line rehabilitation came in at \$120,480. He explained Staff has expended the total line maintenance budget for Fiscal Year 2018-2019 budget year and the award of the contract will require approval of a supplemental appropriation in the full amount of the contract.

**Action:**

*Councilmember Chuck Beatty moved to award the contract to Insituform, through the BuyBoard Cooperative Pricing Agreement, for the rehabilitation of a portion of the Richmond Street sewer line in the amount of \$120,480. Councilmember Mary Lou Shipley seconded, All Ayes.*

**20. Consider authorization of a budget adjustment to increase appropriations in the Wastewater Fund for the rehabilitation of a portion of the Richmond Street sewer line**

**Action:**

*Councilmember Mary Lou Shipley moved to approve the authorization of a budget adjustment to increase appropriations in the Wastewater Fund for the rehabilitation of a portion of the Richmond Street sewer line in the amount of \$120,480. Councilmember Chuck Beatty seconded, All Ayes.*

**21. Consider Professional Services Contract for the Rock Branch Floodplain Study**

Mr. James Gaertner, City Engineer, presented a contract with Kimley-Horn and Associates, Inc. for a hydrologic and hydraulic floodplain study of the Rock Branch Creek. He stated the contract amount of \$34,500 will be funded through savings in the City Engineer's budget.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a Professional Services Contract with Kimley-Horn for the Rock Branch Floodplain Study in the amount of \$34,500. Mayor Pro Tem David Hill seconded, All Ayes.*

**22. Public Hearing amending the Subdivision Ordinance to modify the use requirements of the Park Dedication Fees**

Mayor Strength opened the Public Hearing.

Assistant City Manager Albert Lawrence stated the modifications is to remove the requirement of utilizing park dedication fees within one mile of the subdivision that dedicated the fees, as well as, the requirement to use those fees within ten years of collection. He explained the proposed

amendment would not change the current park dedication fees rate or influence the amount of fees collected, but will offer more flexibility in the use of the funds.

There being no others to speak for or against amending the Subdivision Ordinance to modify the use requirements of the Park Dedication Fees, Mayor Strength closed the Public Hearing.

**23. Consider proposed Ordinance amending the Subdivision Ordinance to modify the use requirements of the Park Dedication Fees**

**ORDINANCE NO. 3112**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING APPENDIX C, "SUBDIVISIONS", BY REPEALING SECTION 4.4.E, "SPECIAL FUND, RIGHT TO REFUND" BY REPLACING WITH A NEW SECTION 4.4E, "SPECIAL FUND" APPLICABLE TO THE USE OF PARK DEDICATION FEES; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3112 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**24. Public Comments**

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, referenced the recent City election noting it is not a referendum for how the people want to proceed. She stated there is a tiny 2 week period to get a certain number of people to give their opinion of who they want on City Council. She stated this year the curb is following an unpredictable path with a higher number of supporters of the status quo. That is unfortunate but was expected. People will not see tax relief anytime soon on your watch. She stated the economic benefit of the multi-city services are not trickling down to a lot of people that are trying to pay their bills and buy shoes for kids.

Mr. James Bell, Attentive Health & Wellness, referenced the upcoming Request for Proposals related to the health insurance program. He stated the City is currently take quotes for fully funded health insurance programs. He promoted a self-insurance program and explained the benefits. Mr. Bell reviewed a customized self-insured medical expense reimbursement plan with a wellness emphasis. Mr. Bell spoke on the homeless issue in the area and got with agencies that work with the homeless and found there is no place for men to stay in Ellis County. One solution is Hope4aDome with a campaign to raise funds to secure 150 plus acres for 500 plus domes and a Therapeutic Community Center. Mr. Bell stated they are working with local colleges, county and federal agencies to complete studies, designs and cot analysis. He explained once completed they will begin grant and foundation applications to complete construction. He stated this is a faith based program and asked the City to consider partnering with him on this endeavor.

Pastor Bruce Zimmerman, 209 Brown Street, Waxahachie, representing Ms. Betty Hawkins, 703 Amherst Drive, Waxahachie, reported on December 9, 2018, Ms. Hawkins was driving down Grand Avenue and struck a cutout in pavement and suffered significant damage to her vehicle. She recorded it to the city on December 10, 2018 and filled out the required forms from the city. He stated Ms. Hawkins had \$6,900 additional damages to her vehicle which is considered totaled. Pastor Zimmerman stated a letter was received from the Texas Municipal League noting it does not cover this type of matter. He stated Ms. Hawkins does not have full coverage on her vehicle and she lost her vehicle as to no fault of her own. Pastor Zimmerman appealed to Council with estimates, pictures and suggested to perhaps change the policy to cover damages less than maybe \$20,000. He stated Ms. Hawkins is due some kind of compensation noting it is a substantial financial setback for her. Pastor Zimmerman stated Council needs to take better care of their citizens and suggested we pass a bucket for donations.

Mr. Alan Fox, 327 University, Waxahachie, stated the recent city council election more than shows what the City Council is here for. He stated this is not a platform for a one trick pony to get up and do that one trick. Mr. Fox stated the City Council has genuine concern for the welfare of the entire community and reflects that by the way they conduct business. He thanked Council for providing a place where every person in Waxahachie will be proud to call it there home. Mr. Fox stated others will use this town for an avenue for negativity. He thanked City Council for their leadership.

**25. Convene into Executive Session to discuss the purchase or lease and value of real estate as permitted under Section 551.072 of the Texas Government Code**

Mayor Strength announced at 8:15 p.m. the City Council would convene into Executive Session to discuss the purchase or lease and value of real estate as permitted under Section 551.072 of the Texas Government Code.

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

The meeting reconvened at 8:30 p.m.

**Action:**

*Councilmember Mary Lou Shipley moved that the city move forward with the purchase of a twenty-five acre tract in the S M Durret Survey, Abstract 272, for a purchase price of \$593,750 plus one half of the closing cost which will be property adjoining the city's existing water treatment plant which is actually needed for future use at that plant. Mayor Kevin Strength seconded, All Ayes.*

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

City Staff and City Attorney Robert Brown congratulated incumbents Chuck Beatty and Mary Lou Shipley on their recent re-election.

Councilmember Chuck Beatty stated he appreciated the confidence of the public and by their votes it reflects they are comfortable in the direction the City is going.



City Manager Michael Scott announced on Monday, May 13, 2019 at 6:00 p.m., TxDOT will hold a Public Hearing at the Civic Center on the I-35E Frontage Roads improvements.

Mayor Kevin Strength congratulated Chuck Beatty and Mary Lou Shipley on their wins and stated he looks forward to working with them for another year.

Mayor Pro Tem David Hill stated he is happy with the elections and is encouraged moving forward.

Councilmember Mary Lou Shipley stated she is appreciative in being re-elected and appreciates the confidence and the affirmation that Council is taking the City in the right direction.

City Secretary Lori Cartwright announced on Monday, May 13, 2019, at 9:00 a.m. a Special City Council meeting will be held to canvass the May 4, 2019 election returns.

## **28. Adjourn**

*There being no further business, Councilmember Mary Lou Shipley moved to adjourn at 8:34 p.m. Mayor Pro Tem David Hill seconded, **All Ayes.***

Respectfully submitted,

Lori Cartwright  
City Secretary