

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
MARCH 18, 2019  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
6:30 P.M.**

**Agenda**

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

1. Call to Order
2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting
3. Adjourn

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, March 18, 2019 at 7:00 p.m.***

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

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of March 4, 2019
- b. Minutes of the City Council briefing of March 4, 2019
- c. Renewal of parking and loading zone lease spaces

5. ***Introduce*** Honorary Councilmember
6. ***Recognize*** Utilities Department for receiving the 2019 Best Tasting Surface Water Award from Texas Water Utilities Association
7. ***Consider*** Waxahachie Community Development Corporation Financial Report for year ended September 30, 2018
8. ***Consider*** Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2018
9. ***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)
10. ***Consider*** proposed Ordinance approving Zoning Change No. SU-18-0180
11. ***Consider*** proposed Ordinance creating Animal Care Advisory Committee and appoint members

12. **Consider** award of a three-year master service agreement with Bureau Veritas North America, Inc. for health inspection services, on an as needed basis, through an inter-local purchasing agreement with the City of Midlothian
13. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
14. Comments by Mayor, City Council, City Attorney and City Manager
15. Adjourn

**The City Council reserves the right to go into Executive Session on any posted item.**

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(40)

City Council  
March 4, 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, March 4, 2019 at 7:00 p.m.

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

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 Kevin Strength called the meeting to order.

**2. Invocation**

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

Planning Director Shon Brooks 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 February 18, 2019
- b. Minutes of the City Council briefing of February 18, 2019
- c. Minutes of the City Council special meeting on February 15, 2019
- d. Minutes of the City Council work session of February 25, 2019
- e. Camp Gladiator Fun Day on March 16, 2019

**Action:**

*Councilmember Chuck Beatty moved to approve items a. through e. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.*

**5. Introduce Honorary Councilmember**

Mayor Pro Tem David Hill introduced Ms. Madison Zandt as the Honorary Councilmember for the month of March. Madison Zandt is the daughter of Erick and Jennifer Zandt. As a Senior she is actively involved in many activities, including being a member of WHS Choir, Advanced theater, musical theater, UIL One Act play team, and she also serves as the Indian mascot. You may recognize her as Mary Poppins in the WHS Dramas Department recent production of Mary Poppins. She will be playing the role of Velma Kelly in the production of Chicago. Madison has also competed in the Thespians Solo Musical Theatre competition in 2017 and 2018 and received a perfect score advancing her to the finals. She also was nominated for Best Featured Actress last spring at Dallas Summer Musicals. Madison has also been named All-American Mascot for three

(4a)

consecutive years. Even after being involved in multiple organizations, she has been able to achieve the A/B honor roll in AP classes. She ranks 82 out of 512. Madison loves to give back to her community volunteering with Special Olympics, Meals On Wheels and especially loves visiting local elementary schools. She has achieved the Lifetime Presidential Volunteer Services Award achieving over 4,000 hours of community service in her lifetime. With big dreams to be on Broadway, she will attend The University of Central Oklahoma and major in Musical Theatre.

**6. Recognize City Employee Wally Mendez**

Assistant City Manager Albert Lawrence recognized City employee Wally Mendez and Mayor Strength presented him with a Certificate of Appreciation for his honesty and integrity. Mr. Lawrence explained last week, local businessman Ronnie Ozymy dropped a bank deposit bag outside City Hall. Mr. Mendez found the bag and returned it. Mr. Ozymy thanked council for recognizing Mr. Mendez noting it is nice to know there is still honest people in this world. City Staff and City Council commended Mr. Mendez for displaying outstanding customer service.

**7. Consider City of Waxahachie Annual Financial Report for year ended September 30, 2018**

Finance Director Charlie Harris introduced auditor Ms. Paula Lowe, Patillo, Brown & Hill, to review the City of Waxahachie Annual Financial Report for year ended September 30, 2018. Ms. Lowe reviewed the Independent Auditor's Report noting it is their opinion, the city financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Waxahachie, Texas, as of September 30, 2018, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with account principles generally accepted in the United States of America. Ms. Lowe reviewed the following financial highlights:

- All positive balances in all categories of Statement of Net Position
- Total Fund balance of \$35,651,079
- All positive net position in all water categories
- Plan fiduciary net position as a percentage of total pension liability ratio is 87% which is the highest in the last four years
- "Clean", unqualified opinion, which is the highest level that can be given

**Action:**

*Councilmember Mary Lou Shipley moved to accept the City of Waxahachie Annual Financial Report for year ended September 30, 2018. Mayor Pro Tem David Hill seconded, All Ayes*

**8. Public Hearing on a request by Todd Wintters, Engineering Concepts & Design LP, for a Zoning Change from a Future Development and Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Marshall Road and Ovilla Road (Property IDs 195446, 191103, 191114, 191113, 191112, 191111, 182906, 182907, 200367, 180351, 200379, 200380) - Owner: ARBORS DEVELOPMENT LLC (PD-18-0210)**

(4A)

Mayor Strength opened the Public Hearing. Mr. Brooks announced the applicant requested to continue the public hearing to the April 1, 2019 City Council meeting. Councilmember Melissa Olson requested to allow those in attendance to speak for or against PD-18-0210. No one spoke for or against PD-18-0210.

**Action:**

*Mayor Pro Tem David Hill moved to continue a request by Todd Wintters, Engineering Concepts & Design LP, for a Zoning Change from a Future Development and Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Marshall Road and Ovilla Road (Property IDs 195446, 191103, 191114, 191113, 191112, 191111, 182906, 182907, 200367, 180351, 200379, 200380) - Owner: ARBORS DEVELOPMENT LLC (PD-18-0210) to the City Council meeting of April 1, 2019. Councilmember Mary Lou Shipley seconded, All Ayes.*

**9. Consider proposed Ordinance approving Zoning Change No. PD-18-0210**

**Action:**

*No action taken.*

**10. Public Hearing on a request by Howard Baskin for a Specific Use Permit (SUP) for Private Club use within a Central Area zoning district, located at 109 N Rogers (Property ID 170393) – Owner: NOEL & ANJANETTE NALLS (SU-19-0008)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented SU-19-0008 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0008, Mayor Strength closed the Public Hearing.

**11. Consider proposed Ordinance approving Zoning Change No. SU-19-0008**

**ORDINANCE NO. 3099**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE CLUB USE WITHIN THE CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 109 NORTH ROGERS STREET, BEING PROPERTY ID 170393, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5B, BLOCK 3 IN THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3099. Councilmember Melissa Olson seconded, All Ayes.*

(4a)

12. **Public Hearing on a request by Marquita Cooper, Future Generations Christian Childcare Center, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Neighborhood Service, with Concept Plan, restricting uses to Church, Rectory, or Temple and Child Daycare Center, located at 1415 Dr. Martin Luther King Jr Blvd (Property ID 175041) – Owner: STRAIGHTWAY NONDENOMINATIONAL (PD-19-0009)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented PD-19-0009 noting the applicant is requesting the zoning change so the existing daycare facility in the church will be in zoning compliance.

Ms. Betty Square Coleman, 116 Bradshaw Street, Waxahachie, asked if this request is to change or add on to the existing church. Mr. Brooks explained the applicant is not requesting any change or additions to the building and the Planned Development will restrict the use of the property for the use of a daycare and church only.

There being no others to speak for or against PD-19-0009, Mayor Strength closed the Public Hearing.

13. **Consider proposed Ordinance approving Zoning Change No. PD-19-0009**

**ORDINANCE NO. 3100**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY – 3 (SF-3) TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE (PD-NS), WITH CONCEPT PLAN, RESTRICTING USES TO CHURCH, RECTORY, OR TEMPLE AND CHILD DAYCARE CENTER LOCATED AT 1415 DR MARTIN LUTHER KING JR. BOULEVARD, BEING PROPERTY ID 175041, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4A, BLOCK 19 IN THE HI NOWLIN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3100. Councilmember Melissa Olson seconded, All Ayes.*

14. **Consider request by David Hargrove, Legacy Grove Development, for a Final Plat with Landscape Plan of Buffalo Ridge Phase 4 for 84 lots, being 26.033 acres situated in the W.C. Calder Survey, Abstract 235 and the W. Dunn Survey, Abstract 303 (Property ID 273404) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-19-0010)**

Mr. Brooks presented FP-19-0010 noting staff recommended approval as presented with the Landscape Plan.

(4a)

**Action:**

*Councilmember Melissa Olson moved to approve a request by David Hargrove, Legacy Grove Development, for a Final Plat with Landscape Plan of Buffalo Ridge Phase 4 for 84 lots, being 26.033 acres situated in the W.C. Calder Survey, Abstract 235 and the W. Dunn Survey, Abstract 303 (Property ID 273404) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-19-0010). Councilmember Chuck Beatty seconded, All Ayes.*

15. **Consider request by Michael James for a Preliminary Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (PP-19-0011)**

Mr. Brooks presented PP-19-0011 noting staff recommended approval as presented.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Michael James for a Preliminary Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (PP-19-0011). Mayor Pro Tem David Hill seconded, All Ayes.*

16. **Consider request by Michael James for a Final Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (FP-19-0012)**

Mr. Brooks presented FP-19-0012 noting staff recommended approval as presented.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Michael James for a Final Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (FP-19-0012). Councilmember Chuck Beatty seconded, All Ayes.*

17. **Consider request by Cody Johnson, Cody Johnson Studio, for a Landscape Plan for Buffalo Ridge Phase 5 as a companion to PP-17-0029 – Owner: GRBK EDGEWOOD LLC (LP-19-0013)**

Mr. Brooks presented LP-19-0013 noting staff recommended approval as presented. He explained the Landscape Plan is the companion to the Final Plat approved in May 2017.

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Cody Johnson, Cody Johnson Studio, for a Landscape Plan for Buffalo Ridge Phase 5 as a companion to PP-17-0029 – Owner: GRBK EDGEWOOD LLC (LP-19-0013). Councilmember Melissa Olson seconded, All Ayes.*

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- 18. Public Hearing on a request by David Teeter for a Replat of Lot 11R, Block B and Lot 15R, Block A, Mustang Meadows Phase 1, for 2 lots, being 7.181 acres situated in the J.B. and Ann Adams Survey, Abstract 5 (Property ID's 207729 and 239996) – Owner: DAVID & CHRISTY TEETER (RP-19-0016)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented RP-19-0016 noting the applicant is requesting the replat of two properties, changing the lot line location, and removing and adding back some easements.

There being no others to speak for or against RP-19-0016, Mayor Strength closed the Public Hearing.

- 19. Consider approving RP-19-0016**

**Action:**

*Councilmember Chuck Beatty moved to approve a request by David Teeter for a Replat of Lot 11R, Block B and Lot 15R, Block A, Mustang Meadows Phase 1, for 2 lots, being 7.181 acres situated in the J.B. and Ann Adams Survey, Abstract 5 (Property ID's 207729 and 239996) – Owner: DAVID & CHRISTY TEETER (RP-19-0016). Councilmember Mary Lou Shipley seconded, All Ayes.*

- 20. Public Hearing regarding the update of the Thoroughfare Plan (an Amendment of the Comprehensive Plan)**

Mayor Strength opened the Public Hearing.

City Engineer James Gaertner presented the update of the Thoroughfare Plan explaining the plan has been updated to align with new development in the city.

Mayor Strength requested to realign the thoroughfare to continue through Alliance Boulevard.

Mayor Pro Tem Hill clarified this is only a plan that can be adjusted as needed with new development and Mr. Gaertner concurred.

There being no others to speak for or against the update of the Thoroughfare Plan (an Amendment of the Comprehensive Plan), Mayor Strength closed the Public Hearing.

- 21. Consider proposed Ordinance approving the update to the Thoroughfare Plan (an Amendment of the Comprehensive Plan)**

**ORDINANCE NO. 3101**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING THE THOROUGHFARE PLAN REVISIONS TO THE 2016 COMPREHENSIVE PLAN TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.**

(H)

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3101 including the realignment of the thoroughfare to continue through Alliance Boulevard. Mayor Pro Tem David Hill seconded, All Ayes.*

**22. Consider proposed Resolution approving submission of grant application for “Mental Health Peace Officer Training” program**

Police Chief Wade Goolsby presented a resolution requesting council support for submitting a grant application to the North Central Texas Council of Government (NCTCOG) for “Mental Health Peace Officer Training” for fiscal year 2020. He explained, if awarded, this would be a reimbursement grant and the city would not be required to match funds.

Councilmember Olson thanked Police Chief Goolsby for submitting this grant to obtain certification for all of our police officers.

**RESOLUTION NO. 1264**

**A RESOLUTION OF THE CITY OF WAXAHACHIE TO OPERATE THE “MENTAL HEALTH PEACE OFFICER TRAINING” PROGRAM FOR THE FISCAL YEAR 2020**

**Action:**

*Councilmember Melissa Olson moved to approve Resolution No. 1264. Councilmember Chuck Beatty seconded, All Ayes.*

**23. Consider proposed Resolution approving submission of a Staffing for Adequate Fire & Emergency Response (SAFER) Grant**

Fire Chief Ricky Boyd presented a resolution requesting council support for grant application allowing the Fire Department to apply for the three-year SAFER grant. He explained the grant provides the same reimbursement amounts as the one we were awarded in 2018 (75% of eligible costs with a City match of 25% for the first and second years and 35% of eligible costs with a City match of 65% for the third year.)

**RESOLUTION NO. 1265**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING SUBMISSION OF GRANT APPLICATION TITLED “STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE” TO THE ASSISTANCE TO FIREFIGHTERS (AFG) GRANT PROGRAM**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Resolution No. 1265. Mayor Pro Tem David Hill seconded, All Ayes.*

**24. Consider award of a bid to Joel Brown and Company, LLC for the construction of an erosion control system for the Matthews Street Bridge**

(4A)

Capital Projects Manager Kip Dernovich recommended a bid award with Joel Brown & Company LLC for the construction of erosion control measures associated with Matthews Street Bridge improvements in the amount of \$551,046.00. He also presented the accompanying reimbursement resolution for funding.

**Action:**

*Mayor Pro Tem David Hill moved to award the bid to Joel Brown and Company, LLC for the construction of an erosion control system for the Matthews Street Bridge in the amount of \$551,046.00. Mayor Kevin Strength seconded, All Ayes.*

- 25. Consider proposed Resolution authorizing the reimbursement of Unrestricted Reserves from the proceeds of future debt for the installation of an erosion control system for the Matthews Street Bridge**

**RESOLUTION NO. 1266**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF CONSTRUCTING AN EROSION CONTROL SYSTEM FOR THE MATTHEWS STREET BRIDGE**

**Action:**

*Councilmember Chuck Beatty moved to approve Resolution No. 1266. Mayor Pro Tem David Hill seconded, All Ayes.*

- 26. Consider award of a bid to FNH Construction, LLC for the construction of a deceleration lane along Highway 287 frontage road at Park Place Boulevard**

Mr. Dernovich recommended award of bid to FNH Construction, LLC for the construction of a deceleration lane located at the U.S. Highway 287 Service Road and Park Place Boulevard in the amount of \$268,451.00.

**Action:**

*Councilmember Melissa Olson moved to award the bid to FNH Construction, LLC for the construction of a deceleration lane along Highway 287 frontage road at Park Place Boulevard in the amount of \$268,451.00. Councilmember Chuck Beatty seconded, All Ayes.*

- 27. Public Comments**

Ms. Betty Square Coleman, 116 Bradshaw Street, Waxahachie, asked for the dates of the City Council Retreat and City Manager Michael Scott noted it will be held April 4-5, 2019 at the Police Station. Ms. Coleman requested a copy of the audit, confirmed the location of the Matthews Street Bridge, noted she will bring forth street concerns to Assistant City Manager Tommy Ludwig, and brought to the city's attention the issues at Grove Park Terrace Apartments in Waxahachie.

- 28. Convene into Executive Session for deliberation regarding real property as permitted by the Texas Government Code, Section 551.072**

Mayor Strength announced at 7:46 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by the Texas Government Code, Section 551.072.

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

The meeting reconvened at 8:01 p.m.

*No action taken.*

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

Assistant City Manager Tommy Ludwig reported the City of Waxahachie was awarded the 2019 Best Tasting Surface Water in the entire state from the Texas Water Utilities Association.

Councilmember Chuck Beatty congratulated Mayor Strength for receiving the Citizen of the Year Award from the Waxahachie Chamber of Commerce.

City Manager Michael Scott congratulated Mayor Strength for his award and the award given to Mike Ramsey. Mr. Scott acknowledged Mr. Wally Mendez as an asset to the downtown and City of Waxahachie.

Mayor Kevin Strength thanked everyone for the Citizen of the Year Award he received.

Mayor Pro Tem David Hill congratulated Mr. Mendez.

Councilmember Mary Lou Shipley congratulated Mayor Strength on his award and noted it is important for council and staff to stay involved in the community.

**31. Adjourn**

*There being no further business, Mayor Pro Tem David Hill moved the meeting adjourn at 8:04 p.m. Councilmember Mary Lou Shipley seconded, All Ayes.*

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

(4b)

City Council  
March 4, 2019

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, March 4, 2019 at 6:00 p.m.

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

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 Kevin Strength called the meeting to order.

**2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting**

City Manager Michael Scott reviewed the following items:

- Item 4: Consent agenda is standard with one event request for Camp Gladiator Fun Day on March 16, 2019.
- Item 6: Recognize City Employee Wally Mendez for his honesty.
- Item 7: Auditors will review the annual audit and opinion letter.

Director of Planning Shon Brooks reviewed the following cases:

- PD-18-0210, applicant requested to continue the public hearing to the April 1, 2019 City Council meeting. Mr. Brooks noted he has received about 100 letters of opposition from property owners in the area.
- SU-19-0008, will be a banquet type hall for small gatherings.
- PD-19-0009, the requested zoning change will bring the current daycare operating at the church into compliance.
- FP-19-0010, plat includes the landscape plan and meets all city requirements.
- PP-19-0011 and FP-19-0012, both plats meet all city requirements.
- LP-19-0013, landscape plan meets requirements and accompanies the Final Plat approved in May 2017.
- RP-19-0016, plat meets all city requirements.

City Engineer James Gaertner presented the updated Thoroughfare Plan with the recommended changes from council.

Councilmember Melissa Olson asked if approving the Thoroughfare Plan commits the city to approving funding or does it just approve the plan. Mr. Scott explained council would just be approving the plan and funding will be approved depending on the circumstance of development.

4b)

Mayor Strength requested to amend the exhibit to align Alliance Boulevard as a thoroughfare.

Police Chief Wade Goolsby reviewed the support resolution allowing the Police Department to apply for a "Mental Health Peace Officer Training" program that would allow all departmental police officers to receive their certification.

Fire Chief Ricky Boyd reviewed the support resolution allowing the Fire Department to apply for the three-year SAFER grant. He explained the grant provides the same reimbursement amounts as the one we were awarded in 2018 (75% of eligible costs with a City match of 25% for the first and second years and 35% of eligible costs with a City match of 65% for the third year.)

Capital Projects Manager Kip Dernovich reviewed the award of bid for the construction of erosion control measures associated with Matthews Street Bridge along with the reimbursement resolution. He noted the estimated time of completion is the end of September 2019. Mr. Dernovich explained late in the bidding process, city staff became aware of a possible alternative armoring method that utilizes an interlocking concrete block wall system. Kimley-Horn, the project manager, is evaluating the specifications of this alternative system in order to ensure that it will be an equal alternative of the gabion support system.

Mr. Dernovich also reviewed the award of bid for deceleration lane located at the U.S. Highway 287 Service Road and Park Place Boulevard. He noted the estimated time of completion is May 2019.

### **3. Adjourn**

*There being no further business, Councilmember Mary Lou Shipley moved the meeting adjourn at 6:27 p.m. Councilmember Melissa Olson seconded, All Ayes.*

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

**PARKING AND LOADING ZONES**

(40)

**BILLING DATE**

4-1-19 TO 3-31-20

**DATE PAID**

1.	Happy's Home Furnishings - 2 LZ 114 W. Main Waxahachie, Texas 75165	\$250.00	<u>2-20-19</u>
2.	Waxahachie Auto Supply - 2 LZ 209 W. Main Waxahachie, Texas 75165	\$250.00	<u>2-15-19</u>
3.	All Sports Trophies - 1 CPZ 109 North College Street Waxahachie, Texas 75165	\$125.00	<u>3-14-19</u>
4.	Citizens National Bank - 2 LZ P.O. Box 717 (200 N. Elm) Waxahachie, Texas 75168	\$250.00	<u>2-25-19</u>
5.	Wray & Willett, PLLC-1 CPZ 200 N. Rogers Waxahachie, Texas 75165	\$125.00	<u>2-25-19</u>
6.	Attorney Joseph R. Gallo- 1 CPZ 114 E. Main St. Waxahachie, TX 75165	\$125.00	<u>2-20-19</u>
7.	Panza Bros.-1 CPZ 107 N. Rogers Waxahachie, TX 75165	\$125.00	<u>2-25-19</u>
8.	College Street Printing-1 CPZ 111 N. College Waxahachie, TX 75165	\$125.00	<u>2-25-19</u>

(9)

## Planning & Zoning Department

### Zoning Staff Report

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Case: SU-18-0180

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#### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* March 18, 2019 (continued from February 18, 2019)

#### CAPTION

**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)

#### Update Since February 18<sup>th</sup> Council Meeting

City staff last visited the subject site on March 14, 2019. At the time of the visit, the concrete required as part of the original SUP was not poured along the frontage of the property. The applicant informed staff that due to inclement weather, the concrete was not able to be poured. However, the applicant informed staff that the concrete is scheduled to be poured on 3/15/2019. The applicant informed staff that updated pictures showing the concrete poured, will be sent to the City of Waxahachie planning staff prior to the Council Meeting on March 18<sup>th</sup>.

At the time of this report (3/14/2019), the applicant has completed the required fencing, landscaping, and irrigation for the property. Pending that the concrete is poured before the 3/18/2019 City Council meeting, the applicant will be in compliance with the stipulations from the September 8, 2015 City Council meeting.

#### CITY COUNCIL ACTION

At the City Council meeting, held January 22, 2019, the Council voted 5-0 to continue case no. SU-18-0180 to the February 18, 2019 City Council meeting.

At the February 18, 2019 City Council meeting, the Council voted 5-0 to continue case no. SU-18-0180 to the March 18, 2019 City Council meeting.

#### PLANNING AND ZONING ACTION

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend denial for case no. SU-18-0180 as presented by staff.

(9)

**CASE INFORMATION**

**Applicant:** Barb J. Hall

**Property Owner(s):** Luis Estrada

**Site Acreage:** 29.74 acres

**Current Zoning:** Light Industrial-2 and Future Development

**Requested Zoning:** Light Industrial-2 and Future Development with SUP

**SUBJECT PROPERTY**

**General Location:** 4675 N Interstate 35

**Parcel ID Number(s):** 188460

**Existing Use:** Ervin Trucks and Trailer Rentals

**Development History:** The site is unplatted, however, the current SUP for the property, Ordinance No. 2808 expires January 1, 2019.

Case No.	Direction from Site	Request	Result
ZA2015-15	Site	SUP for use	Approved, Ord. No. 2808

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	LI1	Currently undeveloped
East	LI2	Nutri Ag.
South	LI1	Austin Industrial Park
West	LI1	Austin Industrial Park

**Future Land Use Plan:** Highway Commercial

***Comprehensive Plan:***

Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

***Thoroughfare Plan:***

The site is accessed via Interstate 35 Service Road.

***Site Images:***

**PLANNING ANALYSIS**

The applicant operates a trailer and truck rental and sales business at this site. The SUP to continue the use expires on January 1, 2019. The applicant would like to continue the usage at the site, however the use and the maintenance of the site are not in compliance with the City's future land use plan for the site. Additionally, the parking lot at the site is unpaved, trailers are parked on gravel, dirt and grass, and has existing illegal signage along the property. The requirements of the SUP in 2015 required landscaping and ornamental rail fencing be installed along the I-35 frontage to enhance the property. As of this time, these site improvements have not been completed. At the September 8, 2015 City Council meeting, City Council informed the applicant of the need to beautify the site through increased landscaping and improving the fencing as a condition for the SUP. At the January 8, 2019 Planning and Zoning meeting, the Commission voted 5-0 to recommend denial for case no. SU-18-0180 due to the applicant only partially addressing staff concerns over a three year period. At the City Council meeting, held January 22, 2019, the Council voted 5-0 to continue the case to the February 18, 2019 City Council meeting to allow the applicant time to complete and address all of staff's concerns, as well as the council stipulations (*see below*) from the September 8, 2015 meeting.

At the February 18, 2019 City Council meeting, the Council voted 5-0 to continue case no. SU-18-0180 to the March 18, 2019 City Council meeting.

**COUNCIL STIPULATIONS FROM SEPTEMBER 8, 2015 MEETING**

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) for the used tractor sales.
- 2) They are required to utilize pavement along Interstate 35 for 400 ft. and 80 ft. deep, for the display of the tractors, while allowing the storage of trailers on gravel at the back of the lot.
- 3) The storage of the trailers on the back part of the lot is a legal non-conforming use that is not affected by this application.
- 4) The 2007 Future Land Use Plan has this area being Highway Commercial. This calls for traditional commercial land uses that are developed to higher standards due to higher visibility. The Highway Commercial designation allows for some commercial uses while maintaining a positive image of Waxahachie along the Interstate 35 corridor.
- 5) Floodplain limits must be shown on the site plan. Any work within the floodplain must be determined by engineering methods, performed by a Professional Engineer, which creates no rise to the floodplain.
- 6) There will be landscaped clusters of ornamental trees and shrubs placed within the landscaped frontage. The requirement for street trees has now been met.
- 7) A 6 ft. high wrought iron fence is proposed.
- 8) Generally, undeveloped lands surround this site; any residential is greater than 500 ft. away.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 4 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 12/21/18.

**STAFF CONCERNS**

1. Staff is concerned about continuing this use along one of the main entryways into the City of Waxahachie.
2. Trailers are parked on gravel, dirt, and grass instead of the required concrete.
3. Trailers and trucks are parked in the floodplain.
4. There is illegal pole sign as well as illegal signage located along the fence of the property.
5. Staff would like for the applicant to "beautify" the property (increase landscaping and improve fencing for the SUP).
6. No existing irrigation for the property.

**APPLICANT'S RESPONSE**

1. At the time of this report (3/14/2019), the applicant has completed the required fencing, landscaping, and irrigation for the property. *Pending that the concrete is poured before the 3/18/2019 City Council meeting, the applicant will be in compliance with the stipulations from the September 8, 2015 City Council meeting.*

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Additional consideration is required

**ATTACHED EXHIBITS**

1. Ordinance No. 2808

**APPLICANT REQUIREMENTS**

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(9)

**ORDINANCE NO. 2808**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON PROPERTY IN THE E. C. NEWTON SURVEY, ABSTRACT NO. 790 AND J. SHAVER SURVEY, ABSTRACT NO. 1000, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 4675 INTERSTATE HIGHWAY 35-E, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-2 AND FUTURE DEVELOPMENT (LI-2 & FD) TO LIGHT INDUSTRIAL-2 AND FUTURE DEVELOPMENT WITH SPECIFIC USE PERMIT (LI-2 & FD w/SUP), FOR THE PURPOSE OF ALLOWING TRUCK AND TRAILER RENTAL AND SALES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**WHEREAS**, the City of Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and,

**WHEREAS**, the hereinbelow described property is classified in said ordinance and any amendments thereto as Light Industrial-2 and Future Development (LI-2 & FD); and

**WHEREAS**, proper application for a Specific Use Permit has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the issuance thereof; and,

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said Specific Use Permit;

**NOW, THEREFORE**, this Specific Use Permit is to allow truck and trailer rental and sales, and the Specific Use Permit is hereby authorized on the following property:

Property in the E. C. Newton Survey, Abstract No. 790 and J. Shaver Survey, Abstract No. 1000, Waxahachie, Ellis County, Texas, located at 4675 Interstate Highway 35-E, Waxahachie, Ellis County, Texas.

Said Specific Use Permit is granted subject to all regulations and licensing requirements. This Specific Use Permit is for three years only and expires January 1, 2019. If the Landowner wishes to continue the uses covered by the Specific use Permit, they must, before that date, make a new application for a new Specific Use Permit.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

An emergency is declared to exist and this ordinance is to be effective upon passage.

**PASSED, APPROVED AND ADOPTED** on this 8<sup>th</sup> day of September, 2015.

  
MAYOR

ATTEST:  
  
City Secretary

(10)

ORDINANCE NO. \_\_\_\_\_

**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, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**WHEREAS**, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as LI-2 and FD; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-18-0180. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

**NOW, THEREFORE**, this property is rezoned from LI-2 and FD to LI-2 and FD, with an SUP in order to permit a Trailer, Truck Sales or Rental use on the following property: 790 EC Newton, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

**Specific Use Permit**

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR TRAILER, TRUCK SALES, AND RENTAL USE IN THE LIGHT INDUSTRIAL-2 (LI-2) AND FUTURE DEVELOPMENT (FD) DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-18-0180.
2. The development shall adhere to the City Council approved Exhibit A – Location Exhibit and Exhibit B – Site Layout Plan.

**Standards and Conditions**

1. All trailers and trucks for the property shall be parked on concrete.
2. All trailers and trucks shall be removed from the floodplain.
3. All signage for the property shall be approved by the City of Waxahachie Building Inspections and Planning Department. If such signage has not been approved by either department, then the signage is considered illegal and shall be removed.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED AND ADOPTED** on this 18<sup>th</sup> day of March, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(10)



**Exhibit A - Location Exhibit**



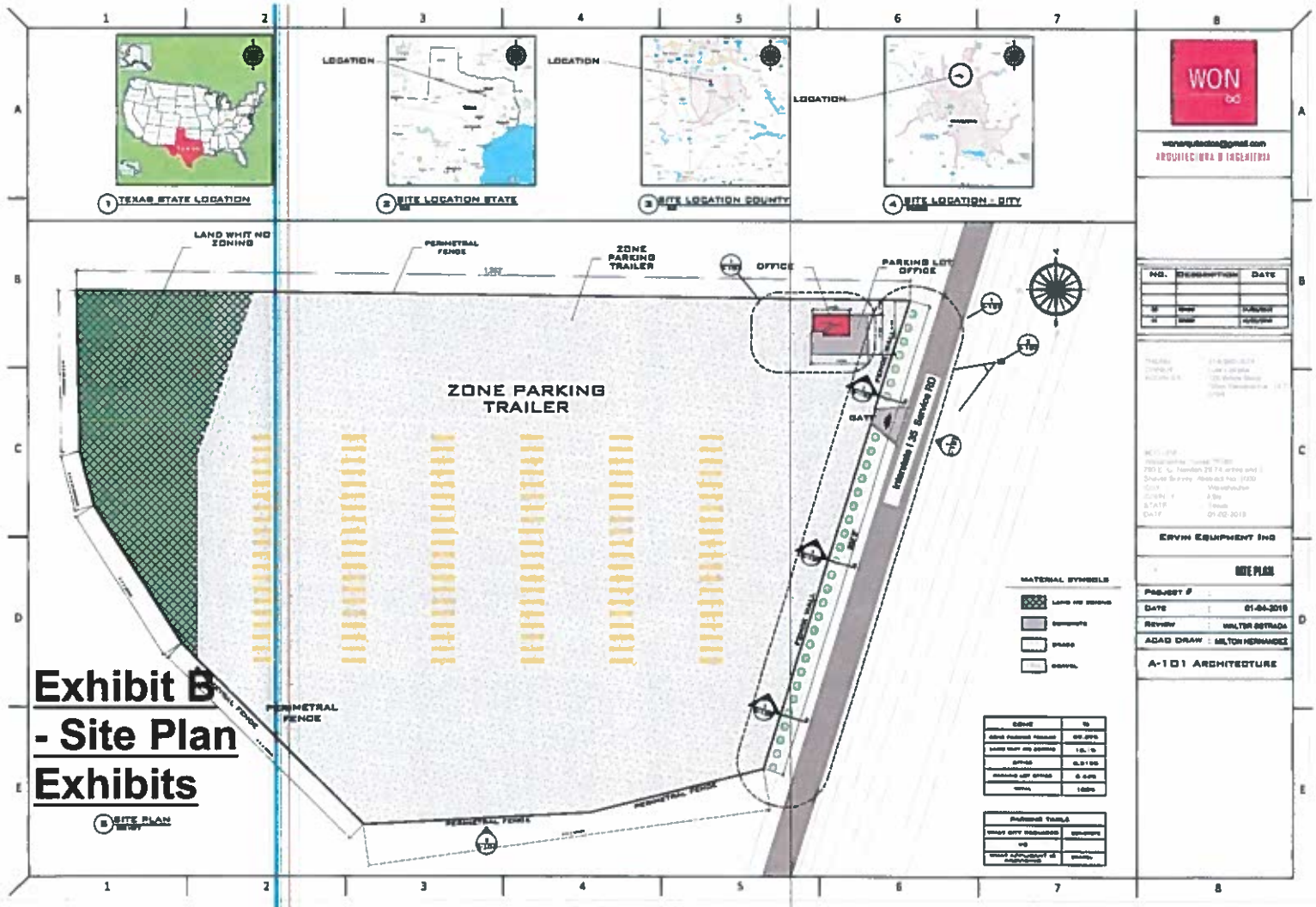
**SU-18-0180 4675 N Interstate 35E  
Trailer, Truck Sales, or Rental  
Location Exhibit**

**Legend**

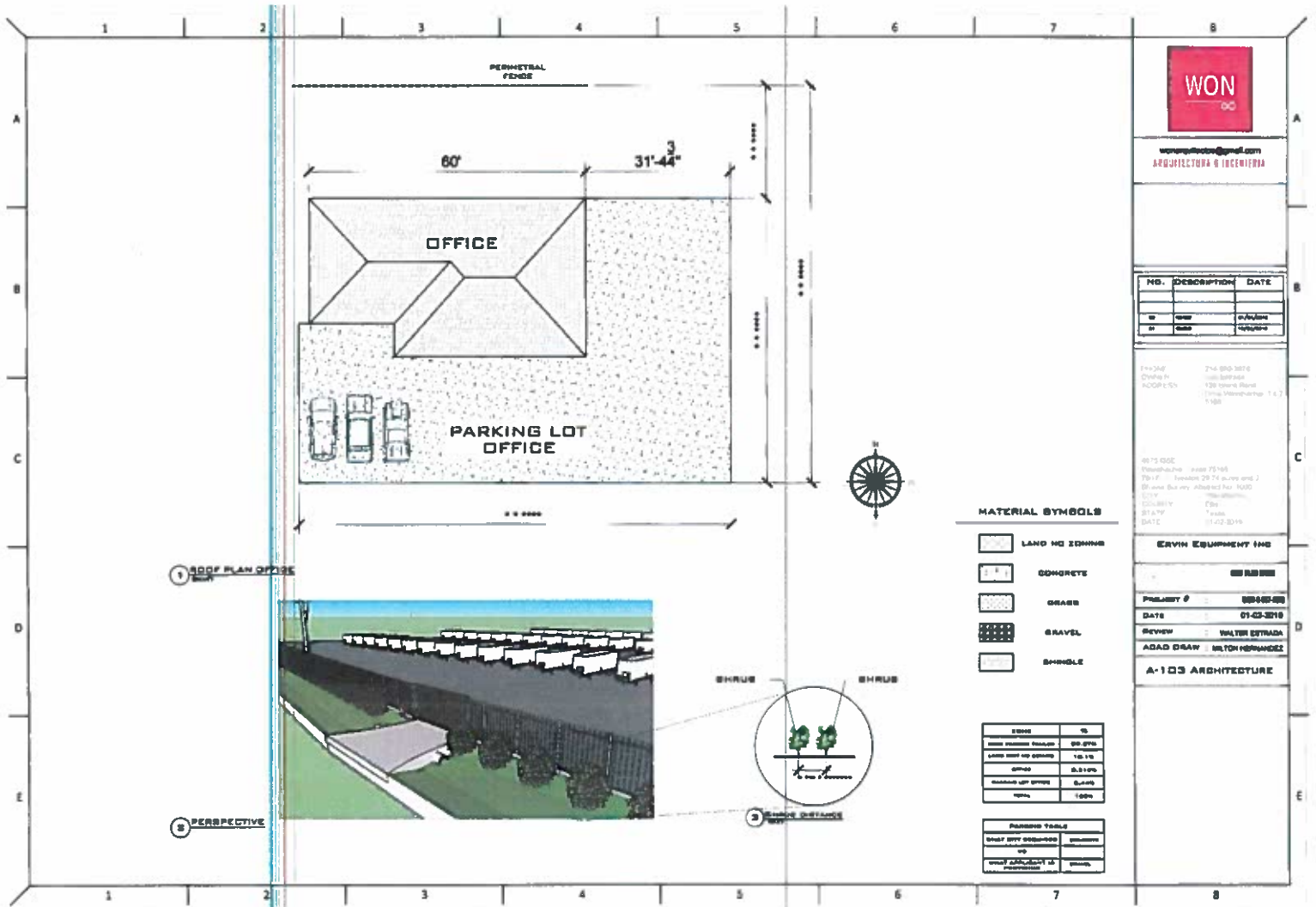
 SU-18-0180

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Wahatchie for the sole purpose of geographic reference. No warranty is made by the City of regarding specific accuracy or completeness.

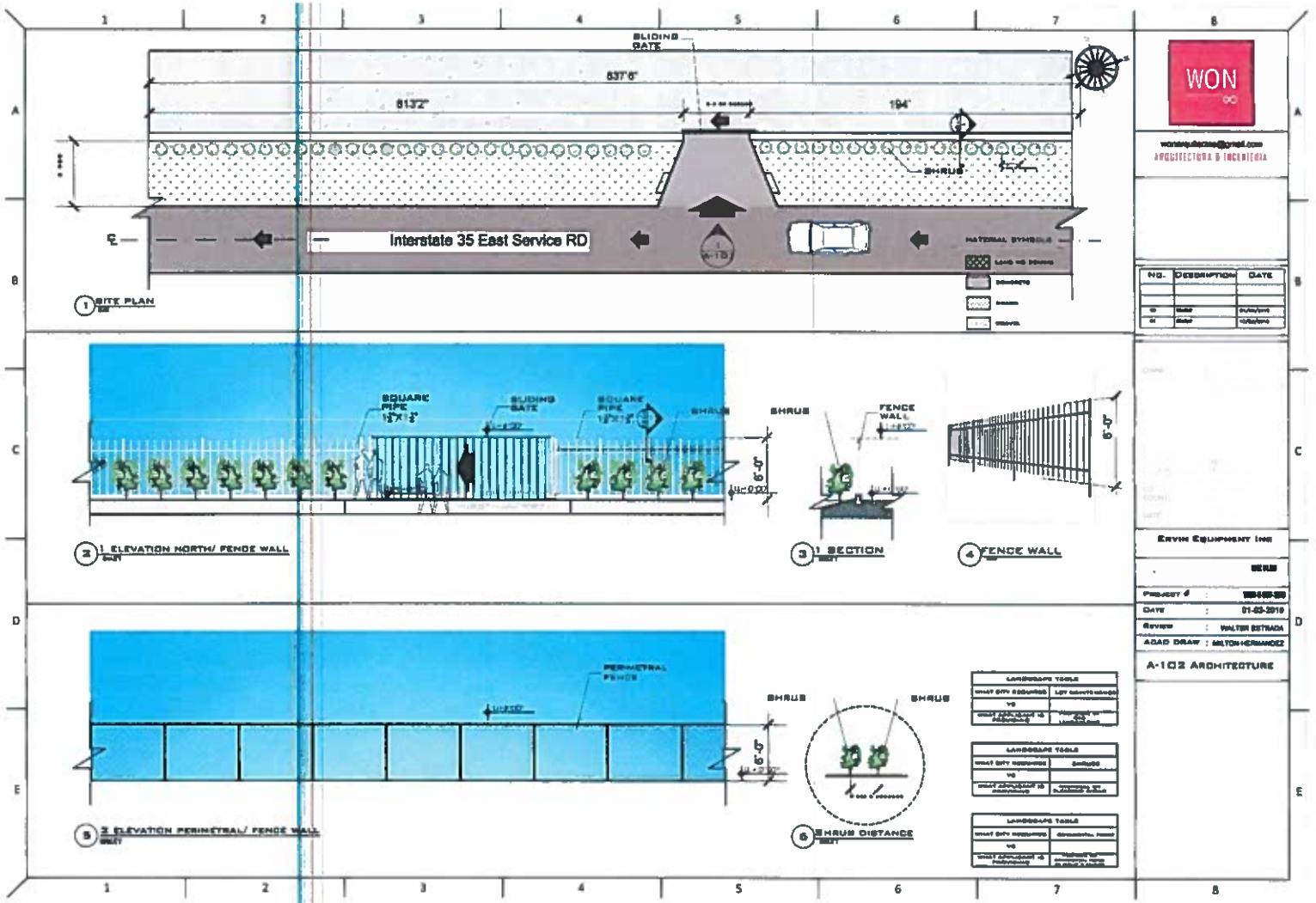
(10)



(10)



(10)

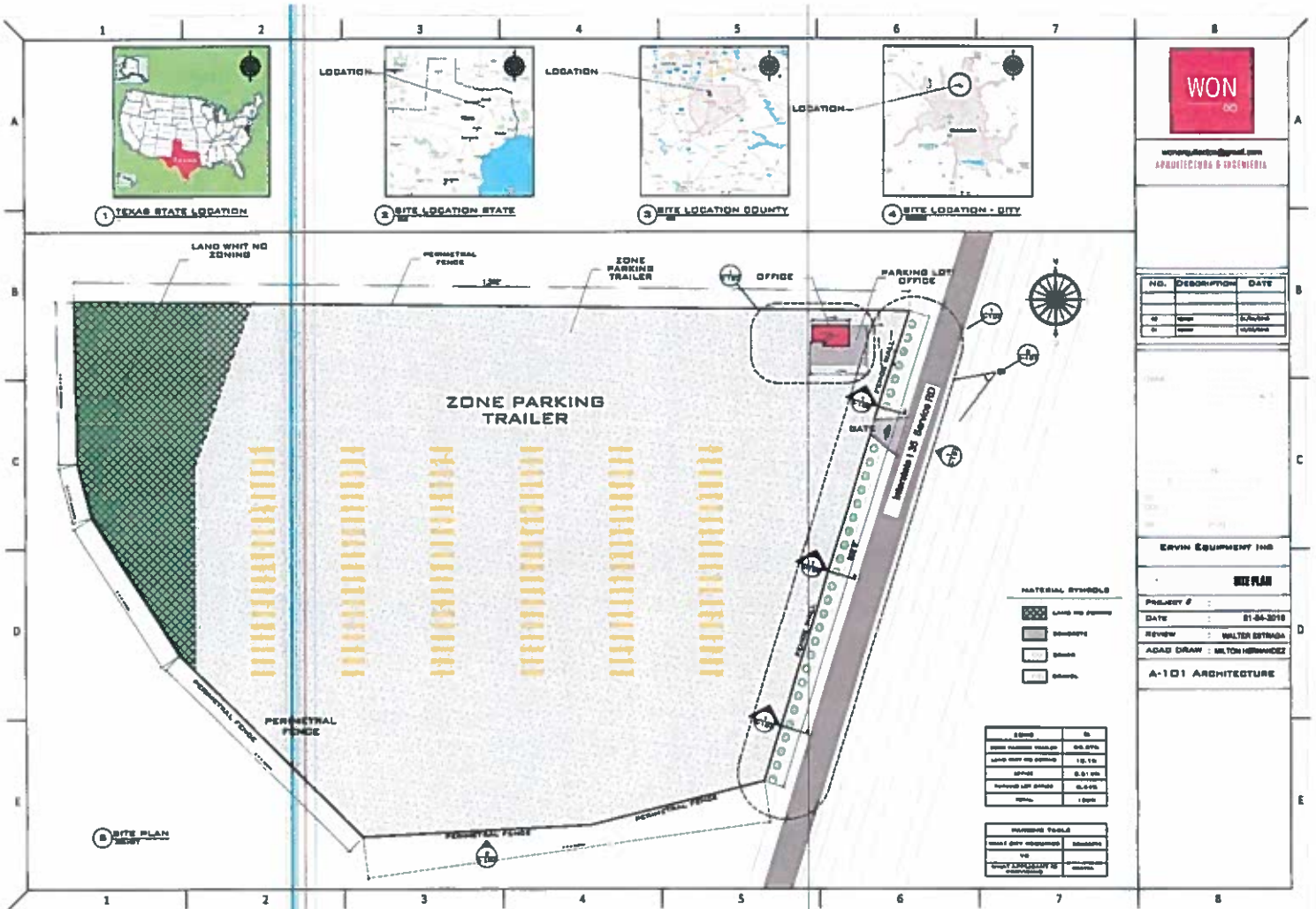


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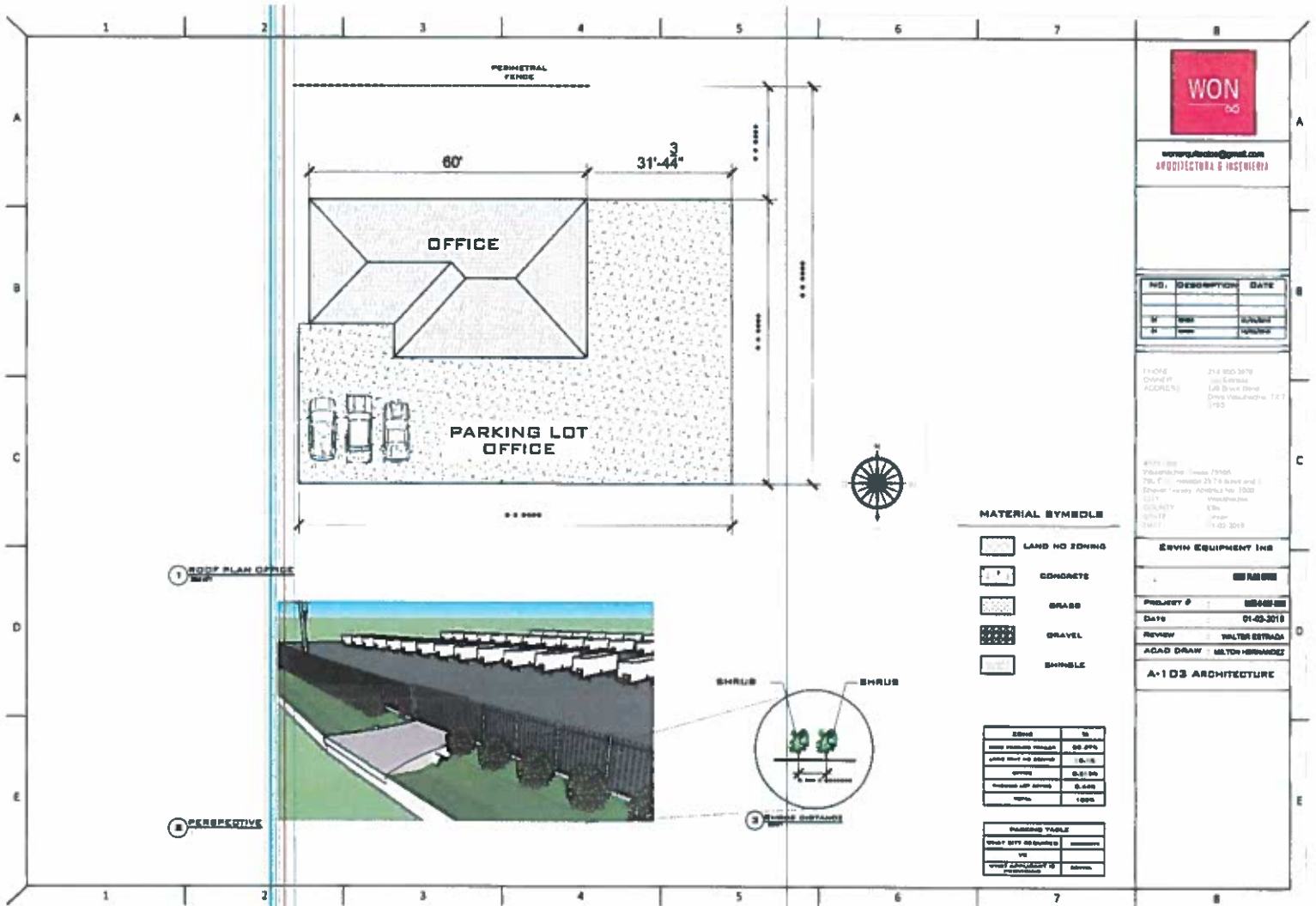
NO.	DESCRIPTION	DATE
1	WALL	01-03-2019
2	WALL	01-03-2019

ERWIN EQUIPMENT INC.  
SERV  
PROJECT : 10-00-00  
DATE : 01-03-2019  
REVIS : WALTER ESTRADA  
ADAD DRAW : MILTON HERNANDEZ  
A-102 ARCHITECTURE

(10)



(1b)



The drawings include:

- 1 SITE PLAN**: A plan view of the site showing dimensions (8132', 8376', 194'), a sliding gate, a car icon, and material symbols for concrete, stone, and shrub.
- 2 ELEVATION NORTH/ FENCE WALL**: A side elevation of the fence wall showing a square pipe (12"x12"), a sliding gate, and shrub placement.
- 3 SECTION**: A cross-section of the fence wall showing a square pipe (12"x12"), a sliding gate, and shrub placement.
- 4 FENCE WALL**: A detailed view of the fence wall showing a square pipe (12"x12"), a sliding gate, and shrub placement.
- 5 ELEVATION PERIMETRAL/ FENCE WALL**: A side elevation of the fence wall showing a square pipe (12"x12"), a sliding gate, and shrub placement.
- 6 SHRUB DISTANCE**: A detail showing the distance between shrubs (6'-0" to 8'-0").

**LANDSCAPE TABLE**

WHAT DOY REQUIRE	LOT REQUIREMENTS
NO	NO
WHAT DOY REQUIRE <th>LOT REQUIREMENTS</th>	LOT REQUIREMENTS
NO	NO
WHAT DOY REQUIRE <th>LOT REQUIREMENTS</th>	LOT REQUIREMENTS
NO	NO

**LANDSCAPE TABLE**

WHAT DOY REQUIRE	LOT REQUIREMENTS
NO	NO
WHAT DOY REQUIRE <th>LOT REQUIREMENTS</th>	LOT REQUIREMENTS
NO	NO
WHAT DOY REQUIRE <th>LOT REQUIREMENTS</th>	LOT REQUIREMENTS
NO	NO

**LANDSCAPE TABLE**

WHAT DOY REQUIRE	LOT REQUIREMENTS
NO	NO
WHAT DOY REQUIRE <th>LOT REQUIREMENTS</th>	LOT REQUIREMENTS
NO	NO
WHAT DOY REQUIRE <th>LOT REQUIREMENTS</th>	LOT REQUIREMENTS
NO	NO

**WON**  
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ARQUITECTURA E INGENIERIA

**ERWIN EQUIPMENT INC**  
BRUS

**PROJECT #** : 00-00000  
**DATE** : 01-02-2019  
**Review** : WALTER ESTRADA  
**ASAP DRAW** : MILTON HERMANDEZ  
**A-102 ARCHITECTURE**



## Memorandum

To: Honorable Mayor and City Council  
From: Wade G. Goolsby, Chief of Police  
Thru: Michael Scott, City Manager  
Date: February 28, 2019  
Re: Animal Control Advisory Committee

The Health and Safety Code Chapter 823, Sec. 823.005 requires that an Advisory Committee be created to work with Animal Services to ensure that practices and procedures related to animal control are humane, consistent with industry standards and in the best interest of the community. The Waxahachie Animal Control has not previously had an Advisory Committee in place and we are now seeking to establish an Advisory Committee as required by statute.

The Advisory Committee must be composed of at least one of:

- One licensed veterinarian
- One county or municipal official
- One person whose duties include the daily operation of an animal shelter
- One representative from an animal welfare organization

We have reached out to qualifying individuals to form our board and they have agreed to voluntarily serve on the advisory committee. By statute, the committee must meet at least three times a year.

(11)

The following individuals have indicated that they are willing to serve on the Advisory Committee and are recommended to be appointed to the committee:

Dr. Tommy Menser, Menser Veterinary Clinic

Terri Muniz – Waxahachie Animal Services Supervisor

Melony Jordan – Waxahachie Code Enforcement Officer

Jennifer Johnson – Ellis County SPCA

The proposed ordinance would amend Chapter 6 – “Animals and Fowl” of the Waxahachie Code of Ordinances by adding Article VIII “Animal Care Advisory Committee” to the chapter in order to create the Advisory Committee in compliance with Health and Safety Code Title 10, Chapter 823, Sec. 823.005.

The City legal advisor has reviewed and revised the proposed ordinance.

I respectfully request approval of the proposed ordinance and appointment of the above listed prospective members.

(11)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADDING ARTICLE VIII, "ANIMAL CARE ADVISORY COMMITTEE," TO CHAPTER 6, "ANIMALS AND FOWL," OF THE WAXAHACHIE CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Waxahachie, Texas ("City Council"), has determined that the adoption of this ordinance best serves the general welfare of the City of Waxahachie, Texas ("City"), and its residents by creating an Animal Care Advisory Committee to assist in ensuring compliance with animal shelter standards and will promote and preserve the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**SECTION 1.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.** That Article VIII, "Animal Care Advisory Committee," is hereby added to Chapter 6, "Animals and Fowl," of the Waxahachie City Code, to read as follows:

**"ARTICLE XIII**

**ANIMAL CARE ADVISORY COMMITTEE.**

**Sec. 6-85 – Created**

There is hereby created in and for the City of Waxahachie the Waxahachie Animal Care Advisory Committee ("Committee").

**Sec. 6.86 – Composition**

The membership of the Committee shall be composed of at least:

- (a) one licensed veterinarian;
- (b) one county or municipal official;
- (c) one person whose duties include the daily operation of an animal shelter; and
- (d) one representative from an animal welfare organization.

**Sec. 6.87 – Appointment**

The members of the Committee shall be appointed by the City Council.

(11)

#### **Sec. 6.88 – Purpose and authority**

The Committee shall serve in an advisory capacity and shall make recommendations to City Staff and City Council in complying with Texas Health and Safety Code Chapter 823 or successor, as amended, and, in an advisory capacity, assist the City in establishing procedures applicable to the City's animal services program.

#### **Sec. 6.89 – Compensation**

The members of the Committee shall serve without compensation.

#### **Sec. 6.90 – Terms**

Persons appointed to the Committee by City Council shall serve for a term of two (2) years, without terms limits, and each member shall serve at the will and pleasure of the City Council. Any member who fails to attend more than two Committee meetings in succession shall automatically vacate the member's position on the Committee. In that event, or in the event of a resignation from the Committee, the City Council shall name a successor from the same representative group.

#### **Sec. 6.91 – Removal of member**

The City Council may remove from office any member of the Committee for any cause deemed by the Council to be in the best interest of the city.

#### **Sec. 6.92 – Meetings**

The Committee shall meet at least three times per year, or as specified by the Texas Health and Safety Code, if amended.

#### **Sec. 6.93 – Obligations, liabilities of city not to be made**

The Committee shall not have any authority to create legal obligations or liabilities of the City. Nothing herein grants the Committee the privilege to manage City Staff, issue policy, create or alter fees, or otherwise interfere with the operations of the City's animal services program. Recommendations shall be considered for implementation by the appropriate authority (City Staff or City Council) depending upon the nature of the recommendation."

(11)

**SECTION 3.** This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**The City of Waxahachie, Texas**

\_\_\_\_\_  
Kevin Strength, Mayor

ATTEST:

\_\_\_\_\_  
Lori Cartwright, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Brown, City Attorney



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager T.L. for  
Date: March 15, 2019  
Re: Third Party Health Inspection Services

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On Monday March 18, 2019, a three year master service agreement with Bureau Veritas North America, Inc. for third party health inspection services will appear before Council for consideration, through an inter-local purchasing agreement with the City of Midlothian. The City has one full time health inspection position, which is responsible for 1) performing semiannual health inspections for the City's permitted food establishments; 2) reviewing new food establishment construction plans, and 3) performing health inspection services prior to the issuance of certificates of occupancy for new food establishments. The City's health inspection position is currently vacant, as the incumbent accepted a position with another Department. As management searches for a replacement, this contract would be utilized on an as needed basis to keep pace with inspection and permitting demands.

This service agreement will be valid for a period of three years or when the fees associated with the contract reach \$150,000, whichever comes first. Approval of this agreement does not require a supplemental appropriation at this time, as the contract will be funded with salary savings from the vacant health position. Staff's intention is to hire an experienced health inspector who is either a licensed sanitarian or a certified health inspector, who can begin to perform inspection services immediately. However, in the absence of such a candidate, staff will move forward with hiring an individual who is capable but who will also require training to obtain the necessary certifications to perform the job. In this event, a supplemental appropriation may be needed to fund this service agreement while the new health inspector is being trained.

(12)

In future fiscal years staff will recommend to budget a conservative amount of funds each year to utilize this service agreement on an as needed basis to supplement the City's health inspector during high demand periods or in the event of a vacancy. Staff will also begin to cross train the City's existing code enforcement officers to perform health inspection services to prevent service interruption or dependency on a third party contract. The new health inspector will also be cross trained on code enforcement, so they can provide assistance on an as needed basis during peak demand periods.

I am available at your convenience should you need additional information.

Tommy Ludwig