

City Council
August 17, 2020

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, August 17, 2020 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
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 David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Hill gave the invocation and Councilmember Kevin Strength led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Paul Christenson, 110 Williams Street, Waxahachie, spoke against the bond issuance noting a number of projects in the bond should be funded through the General Fund. He commented on the old Baylor Hospital noting the Baylor Hospital should not be the City's liability and suggested giving the hospital back to Baylor and making them tear it down. Mr. Christenson stated City Council will consider a 3.5 percent tax increase and recommended it be decreased.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 3, 2020
- b. Minutes of the City Council briefing of August 3, 2020
- c. Set City Council meeting for September 8, 2020
- d. Waxahachie Community Development Corporation contribution to Optimist for pool renovation

Action:

Councilmember Chuck Beatty moved to approve items a. through d. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

6. Consider and take action on an ordinance providing for the issuance of the City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020, in an aggregate principal amount not to exceed \$23,255,000; and ordaining other matters relating to the subject

City Manager Michael Scott reported the approval of the subject Certificates of Obligation, Series 2020 will issue debt for the 2020 bond issue just under \$22,000,000. He noted the bond would pay for the following:

- The construction, installation and equipment of park and recreational improvements in the City;
- The construction and equipment of fire stations and the purchase of fire apparatuses;
- Improvements to streets and public mobility infrastructure, including related signage and drainage and the acquisition of right-of-way throughout the City;
- The construction of improvements and extensions to the City's water and wastewater system; and
- The payment of engineering and legal fees incurred in connection therewith.

Mr. Boyd London, Hilltop Securities, reported the sale of bonds was very successful noting the market is down and doing very well. He noted 1.86% was the final interest rate and explained the process of the bond sales noting the City's rates are AA2 and AA minus right where they should be. Mr. Boyd stated the City is well recognized for a lot of planning and consistency over the decades with the way it operates.

ORDINANCE NO. 3201

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$23,255,000; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3201 as presented. Mayor Pro Tem Mary Lou Shipley seconded. The record vote was as follows:

*Ayes: David Hill
Mary Lou Shipley
Chuck Beatty
Kevin Strength
Melissa Olson*

Noes: None

The motion carried.

7. **Continue Public Hearing on a request by Ryan Combs, Gardner Capital, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the Southeast corner of Parks School House Road and East Main Street (Property ID 138271) - Owner: STARPEACH TEXAS LP (ZDC-77-2020)**

Mayor Hill continued the Public Hearing.

Planning Director Shon Brooks reported the applicant is requesting to rezone the property to construct an Independent Senior Living Development on nine acres. The multi-family development will house residents 55 years of age and up. The building is one story with 185 units. He recommended approval.

There being no others to speak for or against ZDC-77-2020, Mayor Hill closed the Public Hearing.

8. **Consider proposed Ordinance approving ZDC-77-2020**

ORDINANCE NO. 3202

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE SOUTHEAST CORNER OF PARKS SCHOOL HOUSE RD. AND EAST MAIN ST. IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 9 ACRES KNOWN AS A PORTION OF PROPERTY ID 138271 OF ABSTRACT 272 OF THE SM DURRETT SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3202. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

9. **Consider Development Agreement for ZDC-77-2020**

Action:

Councilmember Melissa Olson moved to approve a Development Agreement for ZDC-77-2020. Councilmember Chuck Beatty seconded, All Ayes.

10. **Consider proposed Resolution for senior housing for ZDC-77-2020**

RESOLUTION NO. 1293

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, PROVIDING FOR A DECLARATION OF NON OBJECTION TO THE PROPOSED SENIOR HOUSING IN WAXAHACHIE; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Resolution No. 1293. Councilmember Melissa Olson seconded, All Ayes.

- 11. Public Hearing on a request by Brenden Determann, BFD Managing & Consulting LLC, for a Zoning Change from a Planned Development-General Retail zoning district to Single Family Residential-3, located north of 809 MLK (being a portion of Property ID 205458) - Owner: GIBSON & GIBSON LLC (ZDC-92-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue the Public Hearing to the City Council meeting of September 8, 2020.

- 12. Consider proposed Ordinance approving ZDC-92-2020**

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Brenden Determann, BFD Managing & Consulting LLC, for a Zoning Change from a Planned Development-General Retail zoning district to Single Family Residential-3, located north of 809 MLK (being a portion of Property ID 205458) - Owner: GIBSON & GIBSON LLC (ZDC-92-2020) to the City Council meeting of September 8, 2020. Councilmember Kevin Strength seconded, All Ayes.

- 13. Public Hearing on a request by Mikel Craig, Waxahachie ISD, for a Zoning Change from a Single Family-1 and Commercial zoning district to Planned Development-Commercial, located at 2541 US Highway 287 Bypass (Property ID 276711) - Owner: Waxahachie ISD (ZDC-104-2020)**

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-104-2020, Mayor Hill closed the Public Hearing.

- 14. Consider proposed Ordinance approving ZDC-104-2020**

ORDINANCE NO. 3203

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C), WITH CONCEPT PLAN LOCATED AT 2541 U.S. HIGHWAY 287 BYPASS, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 9.125 ACRES, KNOWN AS A PORTION OF PROPERTY ID 276711, OF LOT 1, BLOCK A OF THE WISD AG CENTER ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3203. Councilmember Chuck Beatty seconded, All Ayes.

- 15. Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales use within a General Retail zoning district located at 1851 N Highway 77 (Property ID 262430) - Owner: TRIUMPH SQUARE LLC (ZDC-89-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the 7-Eleven plans to operate a convenience store and gas station. The location will operate 24 hours a day, 7 days a week. There will be six gas pumps allowing for a maximum of 12 cars to fuel at any given time. The pumps will service both gasoline and diesel vehicles. There will be an average of three employees per shift throughout the day and night.

There being no others to speak for or against ZDC-89-2020, Mayor Hill closed the Public Hearing.

- 16. Consider proposed Ordinance approving ZDC-89-2020**

ORDINANCE NO. 3204

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH GASOLINE SALES USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 1851 N. HIGHWAY 77, BEING PROPERTY ID 262430, BEING LOT 2R, BLOCK A OF VICTORY PARK REV. ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3204. Councilmember Kevin Strength seconded, All Ayes.

- 17. Consider Development Agreement for ZDC-89-2020**

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Development Agreement for ZDC-89-2020. Councilmember Melissa Olson seconded, All Ayes.

- 18. Public Hearing on a request by Keaton L. Mai, The Dimension Group, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales use within a General Retail zoning district located at the SW corner of Brown Street and US Highway 287 (being a portion of Property ID 179000) - Owner: BUFFALO CREEK PLAZA LLC (ZDC-96-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the proposed 7-Eleven store is similar to ZDC-89-2020 and recommended approval.

There being no others to speak for or against ZDC-96-2020, Mayor Hill closed the Public Hearing.

19. Consider proposed Ordinance approving ZDC-96-2020

ORDINANCE NO. 3205

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH GASOLINE SALES USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF BROWN STREET AND U.S. HIGHWAY 287, PROPERTY ID 179000, BEING ABSTRACT 5 OF THE JB & A ADAMS SURVEY AND ABSTRACT 393 OF THE J GOOCH SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3205. Councilmember Chuck Beatty seconded, All Ayes.

20. Consider Development Agreement for ZDC-96-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for ZDC-96-2020. Councilmember Melissa Olson seconded, All Ayes.

21. Public Hearing on a request by Terry Nay, The Wash on Brown, for a Specific Use Permit (SUP) for Auto Laundry or Car Wash use within a General Retail zoning district located at 2201 Brown Street (Property ID 278472) - Owner: THE NAY COMPANY INC (ZDC-87-2020)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-87-2020 to the City Council meeting of September 8, 2020.

22. Consider proposed Ordinance approving ZDC-87-2020

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Terry Nay, The Wash on Brown, for a Specific Use Permit (SUP) for Auto Laundry or Car Wash use within a General Retail zoning district located at 2201 Brown Street (Property ID 278472) - Owner: THE NAY COMPANY INC (ZDC-87-2020) to the City Council meeting of September 8, 2020. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

23. Public Hearing on a request by Ryan Morrow for a Specific Use Permit (SUP) for Trailer or Truck Sales or Rental use within a General Retail zoning district located at 3480 S Interstate 35 (Property ID 179036) - Owner: MORRIS COX (ZDC-88-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks stated the applicant is requesting to use an existing vacant building as a Truck Sales and Fleet Center. He reviewed the proposed use and staff recommended approval.

There being no others to speak for or against ZDC-88-2020, Mayor Hill closed the Public Hearing.

24. Consider proposed Ordinance approving ZDC-88-2020

ORDINANCE NO. 3206

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TRAILER OR TRUCK SALES OR RENTAL (TRUCK DEALERSHIP) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 3480 S. INTERSTATE HIGHWAY 35, BEING PROPERTY ID 179036, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 6 OF THE JC ARMSTRONG SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3206 per staff comments. Councilmember Kevin Strength seconded, All Ayes.

25. Public Hearing on a request by Clay Cristy, Claymoore Engineering, for a Specific Use Permit (SUP) for Pole Sign use within a Light Industrial-1 zoning district located at the SW corner of FM 66 and Interstate 35E (Property ID 174460) - Owner: DML LAND LLC (ZDC-91-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposed a new sign plan that displays a new pole sign (75 ft.) location as well as a monument sign located along the northwest boundary of the property.

Those who spoke for ZDC-91-2020:

Mr. Clay Cristy, applicant, Claymoore Engineering
Mr. Michael Lyle, owner of the project, DML Land LLC
Mr. Lee Morris, applicant, for McDonald's

There being no others to speak for or against ZDC-91-2020, Mayor Hill closed the Public Hearing.

26. Consider proposed Ordinance approving ZDC-91-2020

ORDINANCE NO. 3207

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SIGNAGE PLAN (POLE SIGN) USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF FM 66 AND INTERSTATE 35E, BEING PROPERTY ID 174460, IN THE CITY OF WAXAHACHIE, ELLIS

COUNTY, TEXAS, BEING TRACT 2R 2 OF THE INTERSTATE INDUSTRIAL PARK-REV ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3207 as presented. Councilmember Chuck Beatty seconded, All Ayes.

27. Consider setting Proposed Tax Rate and Dates for Public Hearing

Finance Director Chad Tustison reported, as part of the annual budget process, Chapter 26 of the Property Tax code requires taxing units to comply with the truth-in-taxation laws in adopting their tax rates. He explained Item 27 on the City Council agenda “*Consider setting proposed Tax Rate and Dates for Public Hearing*” meets the requirement for the City Council to set the proposed time, and place an item on a future Council agenda to vote on the tax rate necessary to fund the Fiscal Year 2021 Proposed Budget.

Mr. Scott stated the FY 2021 Proposed Budget includes a proposed tax rate of \$0.66000, which is a two-cent decrease from the current rate of \$0.68000. Staff recommended taking a record vote to propose an ad valorem tax rate of \$0.66000 for FY 2021 and schedule a public hearing for Tuesday, September 1, 2020 at 6:00 p.m. The City Council will consider adoption of the tax rate for FY 2021 on September 8, 2020.

Action:

Mayor David Hill moved to set the Proposed Tax Rate and Dates for Public Hearing to the City Council meeting of September 1, 2020. Councilmember Chuck Beatty seconded. The vote was as follows:

*Ayes: David Hill
Mary Lou Shipley
Chuck Beatty
Kevin Strength*

Noes: Melissa Olson

The motion carried.

28. Consider Interlocal Agreement with Waxahachie Independent School District for shared fiber networks

Mr. Scott reported the proposed Interlocal Agreement with WISD for shared fiber networks will allow better connectivity throughout the City to serve not only our City facilities more economically, but provide network access to current and future school sites. He stated the one-time \$100,000 cost to the City is available from within our current year’s fiber extension budget allocation and explained the funds will be matched by the state as the district plans to purchase technology necessary to meet the current remote learning needs of the district.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve an Interlocal Agreement with Waxahachie Independent School District for shared fiber networks. Councilmember Melissa Olson seconded, All Ayes.

29. Consider bid award for Clift Street, Flat Street, and East Madison Street Reconstruction to J & K Excavation

Director of Public Works and Engineering James Gaertner reported bids were received for Clift Street, Flat Street, and E. Madison Street Reconstruction. J & K Excavation, LLC was the lowest bidder in the amount of \$1,648,620.77. Staff also recommended City Council approve funding for a project contingency in the amount of \$82,000. Mr. Gaertner stated the project is part of the corridor rehabilitation capital improvement program.

Action:

Mayor Pro Tem Mary Lou Shipley moved to award bid for Clift Street, Flat Street, and East Madison Street Reconstruction to J & K Excavation as presented, including \$82,000 contingency fund. Councilmember Melissa Olson seconded, All Ayes.

30. Consider bid award for Royal Street Paving, Drainage and Utility Reconstruction to XIT Paving and Construction, Inc.

Mr. Gaertner reported bids were received for Royal Street Paving, Drainage and Utility Reconstruction. XIT Paving and Construction, Inc. was the lowest bidder in the amount of \$932,524.50. Staff also recommended City Council approve funding for a project contingency in the amount of \$45,000. Mr. Gaertner stated the project is part of the corridor rehabilitation capital improvement program.

Action:

Councilmember Kevin Strength moved to award bid for Royal Street Paving, Drainage and Utility Reconstruction to XIT Paving and Construction, Inc. as presented, including \$45,000 contingency fund. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

31. Consider design and engineering contract for Lee Penn Park Pool

Assistant Director of Parks and Recreation Gumaro Martinez requested authorizing professional engineering design services by Aqueous Engineering for Lee Penn Park Pool renovations as part of Phase IV Improvements previously approved by City Council. He reported the fees associated with the project will be funded by the 2019 CO Park Bond. Staff recommended accepting the proposal from Aqueous Engineering in the amount of \$62,000.

Action:

Councilmember Chuck Beatty moved to approve a design and engineering contract for Lee Penn Park Pool as presented. Councilmember Kevin Strength seconded, All Ayes.

32. Consider professional services contract with Plummer and Associates for raw water pump Station No. 2 electrical improvements at Lake Waxahachie

Director of Utilities David Bailey reported the contract will authorize professional services for the design of electrical improvements and a new motor control center for raw water pump station No. 2 in the amount of \$86,480. He stated the project is associated with the City's Capital Improvement Plan.

Action:

Councilmember Melissa Olson moved to approve a professional services contract with Plummer and Associates for raw water pump Station No. 2 electrical improvements at Lake Waxahachie as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

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

Councilmember Kevin Strength thanked Fire Chief Ricky Boyd and all fire personnel and city staff who assisted with the funeral of Captain Jon Wilson. He stated the family was moved at the support shown and it was very much appreciated.

Councilmember Chuck Beatty referenced the bond rating noting it is very favorable and thanked city staff.

City Manager Michael Scott referenced a water main break that took place in the middle of the night and complimented Utilities Director David Bailey and his team for responding so quickly to repair it. He stated it is a testament to the dedication and professionalism of city staff when called upon and the investment we are making to our infrastructure that major breaks can be repaired quickly while keeping the residents in mind. Mr. Scott referenced a complimentary email City Council received on the level of customer service provided throughout the wastewater team making repairs to the system. He noted the email is a testament that the city is in the customer service business.

Mayor Pro Tem Mary Lou Shipley stated she is so pleased with the outcome of the bond sales noting it is a complex and tedious project for all involved. She pointed out the ratings are the consequence of careful and competent management planning and looking ahead and the results show we are getting a lot for our money and that is a real tribute to our entire staff.

Police Chief Wade Goolsby gave an overview of police testing and the process a candidate must go through before being hired. He stated the Police Department has a new canine in training.

Mayor David Hill stated Fire Department and Police Department candidates go through intense training before being hired. He thanked the Fire Department, Police Department and City staff for their participation in Captain Jon Wilson's funeral. He stated the family was much appreciated.

34. Adjourn

There being no further business, the meeting adjourned at 7:51 p.m.

Respectfully submitted,

Lori Cartwright, City Secretary