

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, September 21, 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 Pro Tem Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. James Bell, 106 Chapman Circle, Waxahachie, invited City Council to the Ellis County Homeless Coalition luncheon. He stated the Coalition is making changes to help the homeless and others in need get in touch with organizations that can best serve them.

5. Consent Agenda

- a. Minutes of the City Council meeting of September 8, 2020
- b. Minutes of the City Council briefing of September 8, 2020
- c. Resolution to Approve a Negotiated Settlement Between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

RESOLUTION NO. 1294

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE

PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

Action:

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

6. Present Proclamation proclaiming September 17 – 23, 2020 as Constitution Week

Mayor Hill read a Proclamation proclaiming September 17 – 23, 2020 as Constitution Week and presented it to members of the Rebecca Boyce Chapter of the Daughters of the American Revolution.

7. Consider annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll

Mr. Joshua Arendt, Administrator for Municap, Inc., presented the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

In summary, he reported there are no changes to the cost section within Phase 1 or Phase 2 as those improvements are complete and previously accepted by the city. Mr. Arendt presented the annual budget for the district which includes two main components to provide funding and sources for funding of the debt service on the bonds that were issued and administration cost. Phase 1 budget totals \$131,878.00 and Phase 2 budget totals \$66,066.00. He reviewed how it impacts each lot in the District. Mr. Arendt stated ten (10) prepayments to date have been paid. He noted the developer has submitted preliminary information to city staff and city consultants for Phase 3 and it is being reviewed.

Action:

Councilmember Chuck Beatty moved to approve the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll as submitted. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

8. Consider annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll

Mr. Arendt presented the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll.

In summary, he reported there is an increase in the budget request versus last year's annual budget noting last year's aggregate budget was \$547,000 and this year's budget is \$566,000 due fully to increase in principal. He reported the administratively expense component is the same budget request as last year. Mr. Arendt reviewed parcel subdivisions and how it affects the subdivision in each district. Currently in the development in North Grove there are six (6) different plats totaling 632 residential lots. Additionally there are approximately three (3) additional plats that are anticipated that have recently been filed or anticipated to be filed in the near future which will represent another 194 residential lots within North Grove. There are no prepayments within the district to date. Mr. Arendt reviewed the lots in the development and explained the assessment methodology.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll as presented. Councilmember Melissa Olson seconded, All Ayes.

- 9. Consider request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020)**

Planning Director Shon Brooks reported the applicant is meeting one portion of the right-of-way dedication for the plat, due to the inclusion of Lot 42 of the development. The dedication is imperative for the future development of Ring Road, as it will ensure an improved roadway. Mr. Brooks noted the applicant is requesting a petition of relief waiver from City Council to create the lot without having to establish the connection with Quail Creek Village.

Mr. Mark Wilson, applicant, Maxwell Custom Homes, LLC, requested that a petition of relief waiver be granted to not require the connection to the road stub out from Quail Creek Village at the proposed location of Lot 4. He stated there is no road and it will be a waste of concrete.

Mr. Brooks noted the proposed plat fails to meet the requirement of the Subdivision Ordinance by not establishing a connection with the dead-end stub street and recommended to deny.

Action:

Mayor Pro Tem Mary Lou Shipley moved to deny the variance request for SUB-85-2020. 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.

After further discussion, City Manager Michael Scott noted the applicant can bring back a revised plat with the condition of adding the right-of-way on the plat noting it can be reviewed administratively to make sure it complies with City Council wishes.

Action:

Councilmember Kevin Strength moved to approve SUB-85-2020 subject to conditions as presented. Councilmember Chuck Beatty seconded, All Ayes.

10. Convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code

Mayor Hill announced at 7:36 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code.

11. Reconvene and take any necessary action

The meeting reconvened at 7:45 p.m.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve the sale of the city owned property and building located at 109 John Arden Drive, Waxahachie, Texas and to authorize the City Manager to negotiate the contracted sale and sign all documents required for the sale and transfer of the property. Councilmember Kevin Strength seconded, All Ayes.

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

Assistant City Manager Tommy Ludwig announced a City Council work session would be held on Monday, September 28, 2020 to discuss impact fees and solid waste services.

Councilmember Kevin Strength thanked Mr. Chris Wright for his support to City Council and City Staff.

City Manager Michael Scott thanked Assistant City Manager Albert Lawrence for his work on negotiating the sale of the old fire station.

13. Adjourn

There being no further business, the meeting adjourned at 7:49 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary