

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, October 5, 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 led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Paul Christenson, 110 Williams Street, Waxahachie, expressed concern with the proposed contract with Waste Connections for municipal solid waste services and the impact of having a garbage truck making two passes on city streets. He suggested City Council eliminate Impact Fees and require the builders pay them.

Mr. Ira Tenpenny, 109 Rosa Street, Waxahachie, referenced the city dump ground and recommended better safety precautions. He addressed Lions Park noting safety issues with park benches that are in need of repair. Mr. Tenpenny recommended the city require chain link fencing in lieu of wood fencing due to long-term maintenance.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of September 21, 2020
- b. Minutes of the City Council Work Session of September 28, 2020
- c. Approval of the Homecoming parade for 2020

**Action:**

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

**6. Present Proclamation proclaiming October 5, 2020 as “Dan Ed Morton Day”**

Councilmember Kevin Strength introduced Mr. Dan E. Morton and Mayor Hill presented Mr. Morton with a Proclamation for his service of 50 years in banking and the many organizations he serves and has served in Waxahachie.

**7. Public Hearing on a request by Edward Wooten for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reported the applicant intends to construct an accessory structure (carport) in the rear of their single-family property. He noted the carport shall be constructed on a concrete paved surface.

There being no others to speak for or against ZDC-118-2020, Mayor Hill closed the Public Hearing.

**8. Consider proposed Ordinance approving ZDC-118-2020**

**ORDINANCE NO. 3217**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A RURAL RESIDENTIAL (RR) ZONING DISTRICT, LOCATED AT 122 LAKESHORE DRIVE, PROPERTY ID 233847, BEING LOT 13 OF LINDMARK ESTATES-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3217 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**9. Public Hearing on a request by Ian Deffebach for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant intends to use the accessory structure as a garage, storage, game room, kitchenette, bath, and workout room. Staff recommended approval per the following comments:

- The structure will not be used as a dwelling.
- The structure shall be constructed on a concrete paved surface.
- Applicant to obtain a building permit prior to construction.

There being no others to speak for or against ZDC-122-2020, Mayor Hill closed the Public Hearing.

**10. Consider proposed Ordinance approving ZDC-122-2020**

**ORDINANCE NO. 3218**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY BUILDING GREATER THAN 700 SQ. FEET USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED 213 HUNTER PASS, BEING PROPERTY ID 277728, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1C, BLOCK A IN THE CRYSTAL HILLS SUBDIVISION, 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. 3218 as presented. Councilmember Melissa Olson seconded, All Ayes.*

**11. Public Hearing on a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported during a city health inspection, staff noticed the applicant did not have the required Planned Development approval to operate the existing Children's Montessori Center. He noted the owner was not aware and has been licensed and regulated by the Texas Department of Family and Protective Services for 20 years. Staff recommended approval.

There being no others to speak for or against ZDC-114-2020, Mayor Hill closed the Public Hearing.

**12. Consider proposed Ordinance approving ZDC-114-2020**

**ORDINANCE NO. 3219**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2), WITH CONCEPT PLAN LOCATED AT 214 DUNN STREET, PROPERTY ID 171158, BEING LOT 3A,**

**BLOCK 118 OF TOWN ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.5 ACRES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3219 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 13. Public Hearing on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported during a city health inspection, staff noticed the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. He noted the owner was not aware and has been licensed and regulated by the Texas Department of Health and Human Services for 19 years. Staff recommended approval.

There being no others to speak for or against ZDC-109-2020, Mayor Hill closed the Public Hearing.

- 14. Consider proposed Ordinance approving ZDC-109-2020**

**ORDINANCE NO. 3220**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) ZONING DISTRICT, LOCATED AT 108 WELLINGTON COURT, PROPERTY ID 208441, BEING LOT 18B OF WINDCHASE ADDITION PHASE IV, 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. 3220 as presented. Councilmember Melissa Olson seconded, All Ayes.*

- 15. Public Hearing on a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (ZDC-119-2020)**

Mayor Hill announced the applicant withdrew ZDC-119-2020.

**16. Consider proposed Ordinance approving ZDC-119-2020**

**Action:**

*No action taken.*

**17. Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-117-2020 to the October 19, 2020 City Council meeting.

**18. Consider proposed Ordinance approving ZDC-117-2020**

**Action:**

*Councilmember Kevin Strength moved to continue the Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020) to the October 19, 2020 City Council meeting. Councilmember Chuck Beatty seconded, All Ayes.*

**19. Consider authorizing the City Manager to enter into a contract with Waste Connections for municipal solid waste services**

Assistant City Manager Tommy Ludwig reported in July the city issued a Request for Proposal for municipal solid waste services, with six firms responding. He explained an evaluation committee made up of city staff determined that Waste Connections was the most advantageous proposal. Mr. Ludwig stated Waste Connections is the city's current service provider and has been under contract to perform solid waste services for the past 20 years.

Mr. Ludwig noted the contract will include:

1. Replacing loose bag collection with 95-gallon poly carts.
2. Replacing the existing 16-gallon recycling containers with 95-gallon poly carts.
3. Offering weekly bulk collection (current contract provides for annual bulk collection).
4. Providing the ability to place yard clippings in weekly trash collection (current contract allows for a bi-annual special collection for yard clippings).

5. Offering a weekly household hazardous waste program for various chemicals, paints, and e-waste.
6. Replacing all existing commercial and industrial trash containers with new containers.

Total rate for recommended options is \$5.70 per home per month. This represents a \$2.37 reduction in rate per home per month.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to enter into a service agreement with Waste Connections for solid waste and recycling services, with weekly poly cart trash collection, every other week poly cart recycling collection, and weekly household hazardous waste collection. Councilmember Melissa Olson seconded, All Ayes.*

**20. Consider revisions to the City's Drought Contingency Ordinance**

Mr. Ludwig reported the proposed changes would (1) renumber the drought contingency stages to eliminate confusion associated with Stage 0 of the plan; (2) modify the elevation associated with the initial activation of the Bardwell Reservoir Raw Water Pump Station; and (3) incorporate additional language required by Texas Water Code pertaining to wholesale water contracts.

**ORDINANCE NO. 3221**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING AND RESTATING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND AMENDING ORDINANCE NO. 3106; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3221 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**21. Consider authorizing professional engineering services with Tegue, Nall and Perkins, Inc. associated with the corridor restoration of Graham Street**

Assistant Director of Public Works Jim Lockart reported the Graham Street project is part of the corridor rehabilitation Capital Improvement Program and requested authorizing professional engineering services with Tegue, Nall and Perkins, Inc. in the amount of \$541,135. Funding for the engineering phase of this project is a planned expense with \$503,280 budgeted as part of the FY2019-2020 capital improvement plan. The additional funding for the full authorized amount of this project, should it be needed, is available from prior year capital improvement funding.

**Action:**

*Councilmember Kevin Strength moved to approve professional engineering services with Tegue, Nall and Perkins, Inc. associated with the corridor restoration of Graham Street as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**22. Consider appointments to Boards and Commissions**

City Manager Michael Scott presented various appointments to the following Boards and Commissions:

**AIRPORT BOARD (3 year term)**

Nanette Paghi

**BUILDING STANDARDS COMMISSION (2 year term)**

Joshua Atilano  
Lawrence Kollie

**CEMETERY BOARD (2 year term)**

Chad Hicks  
Peggy Crabtree

**ELECTRICAL ADVISORY BOARD (2 year term)**

Gary Estes  
Harold DeBorde

**ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO.1**

**(2 year term)**

Wayne Eiland  
Brian Ford

**HERITAGE PRESERVATION (2 year term)**

Becky Kauffman  
Curtiss Thompson  
Jeff Smith

**KEEP WAXAHACHIE BEAUTIFUL (3 year term)**

Scott Poarch  
Jim Kauffman  
Christy Waters

**PARK BOARD (3 year term)**

Ginger Cole  
Dr. William Major

**PLANNING AND ZONING COMMISSION (2 year term)**

Bonney Ramsey  
Jim Phillips  
Erik Test

**SENIOR CENTER ADVISORY COMMITTEE (2 year term)**

Theresa Taylor  
Peggy Loftis  
Heather Fuller

**TAX INCREMENT REINVESTMENT ZONE (2 year term)**

Ron Ansell  
Coy Sevier  
Brad Yates

**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2 year term)**

Daniel Morton  
Bob Lynn

**WAXAHACHIE HOUSING AUTHORITY (2 year term)**

Wendy Cunningham  
Johnny Rodriguez  
Don Nelson  
Jane Vineyard

**WAXAHACHIE INDUSTRIAL DEVELOPMENT AUTHORITY  
(2 year term)**

Ginger Cole  
Michael Hirtzel

**ZONING BOARD OF ADJUSTMENTS (2 year term)**

Brad Yates  
Marion Reynolds  
Diane Collard

**Action:**

*Councilmember Kevin Strength moved to approve the appointments to Boards and Commissions as presented. Councilmember Chuck Beatty seconded, All Ayes.*

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

Assistant City Manager Tommy Ludwig thanked the city staff team and Senior Director of Building & Community Services Jose Martinez for the time they spent working on the Waste Connections contract.



Planning Director Shon Brooks thanked Ms. Judy Fletcher and Ms. LaFonda Gentry for their understanding and assistance in bringing their facilities current with city codes.

City Manager Michael Scott echoed Mr. Ludwig's comments pertaining to Waste Connections and thanked the city team for the process they went through to assist with this project. He thanked City Council for their direction on the 2020-2021 budget and acknowledged Finance Director Chad Tustison and his department for their hard work on the annual budget.

Mayor Pro Tem Mary Lou Shipley acknowledged Mr. Dan E. Morton noting he is a true banker and asset to our community.

Councilmember Melissa Olson thanked city staff on the hard work they spent on the 2020-2021 budget. She thanked the city staff team for their hard work on the Waste Connections process.

Mayor David Hill thanked city staff on all their work on the annual budget. He thanked them for their time they spent on Waste Connections and the new trash pickup process. Mayor Hill thanked Police Chief Wade Goolsby and Fire Chief Ricky Boyd for keeping Waxahachie safe. He acknowledged Mr. Dan E. Morton noting he is an asset to Waxahachie.

## **24. Adjourn**

There being no further business, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary