

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, February 22, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Council Member  
Melissa Olson, Council Member Place 3  
Doug Barnes, Council Member Place 2

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 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**

None

**5. Consent Agenda**

- a. Minutes of the City Council meeting of February 1, 2021
- b. Minutes of the City Council briefing of February 1, 2021
- c. Budget amendment for Emergency Management
- d. Budget amendment for Midyear salary adjustments
- e. Budget amendment for professional services within the Finance Department
- f. Receive Fiscal Year 2021 1st Quarter Financial Report
- g. Event application for Spring Fling Barrel Race Rodeo to be held March 14, 2021

**Action:**

*Council Member Doug Barnes moved to approve items a. through g. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**6. Continue Public Hearing on a request by Joseph Ray, D&R Solutions LLC, for a Zoning Change from a Single-Family Residential-3 zoning district to Two-Family Residential-Duplex (2F), located at 200 Peters Street (Property ID 283063) - Owner: D & R SOLUTIONS LLC (ZDC-182-2020)**

Mayor Hill continued the Public Hearing.

Planning Director Shon Brooks presented the case noting the applicant is requesting a zoning change from Single Family-3 to Two-Family Residential to allow a duplex. He explained the Planning & Zoning Commission voted 6-0 to deny the request due to the proposed use not being consistent with the current zoning. However, after receiving new information, staff determined that the use of a duplex was allowed per the 1961 City of Waxahachie Zoning Ordinance (Ordinance 0726). Due to this information, the subject property is considered “existing legal non-conforming”, and staff is updating the recommendation from “Denial” to “Approval, per staff comments.”

**Staff Comments:**

1. Before the duplex is occupied by any tenants, the applicant shall receive all required building permits from the Building Inspections Department, as well as pass all necessary inspections.
2. If 50% or more of the structure is destroyed in any way, or if the use of a duplex ceases to exist for 6 months or more, then the property shall revert to the use of a single family residence.

There being no others to speak for or against ZDC-182-2020, Mayor Hill closed the Public Hearing.

**7. Consider proposed Ordinance approving ZDC-182-2020**

**ORDINANCE NO. 3255**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), TO ALLOW A DUPLEX RESIDENTIAL DEVELOPMENT, LOCATED AT 200 PETERS STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.292 ACRES, KNOWN AS PROPERTY ID 283063, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Chuck Beatty moved to approve Ordinance No. 3255 per Staff Comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 8. Continue Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-179-2020)**

Mayor Hill announced the case was withdrawn by the applicant.

**9. Consider proposed Ordinance approving ZDC-179-2020**

Mayor Hill announced the case was withdrawn by the applicant.

**10. Consider Development Agreement for ZDC-179-2020**

Mayor Hill announced the case was withdrawn by the applicant.

**11. Consider ratification of emergency purchase of odor abatement equipment for the Grove Creek Lift Station**

Utilities Director David Bailey requested approval to authorize the emergency purchase of a passive odor abatement system for the Grove Creek Lift Station in the amount of \$71,350.00. He explained this purchase will utilize project savings from the Grove Creek Lift Station Expansion Project.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve ratification of emergency purchase of odor abatement equipment for the Grove Creek Lift Station in the amount of \$71,350.00. Council Member Chuck Beatty seconded, All Ayes.*

**12. Consider proposed Resolution of Candidate Nomination for the Ellis Appraisal District Board of Directors Vacancy for the year 2021**

City Manager Michael Scott explained Ellis Appraisal District asked for a nomination from the City of Waxahachie to fill the unexpired term of Tom Abram.

**RESOLUTION NO. 1303**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ('CITY') IN SUPPORT OF CANDIDATE NOMINATION FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS VACANCY FOR THE YEAR 2021**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Resolution No. 1303 nominating Kevin Strength. Council Member Doug Barnes seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Doug Barnes. Noes: Melissa Olson.*

*The motion carried.*

**13. Consider proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development Incentives**

Mayor Hill announced the Resolution will be moved to the next City Council agenda for consideration.

**14. Consider recommendation to engage Verdunity to complete the City's Comprehensive and Thoroughfare Plans**

Mr. Brooks requested approval of proposal for professional consulting services by Verdunity for preparation of a Comprehensive and Thoroughfare Plan in the amount of \$249,925.00. He explained the projected timeline for this project is 12-18 months, involving City Council, Planning and Zoning Commission, and citizen input.

**Action:**

*Council Member Melissa Olson moved to approve Verdunity to complete the City's Comprehensive and Thoroughfare Plans in the amount of \$249,925.00. Council Member Chuck Beatty seconded, All Ayes.*

**15. Consider approval of Construction Manager At Risk (CMAR) for City Hall Annex Project**

Mr. Scott requested approval of Construction Manager At Risk for City Hall Annex to Steele & Freeman, Inc. He explained five proposals were received and the City's project team reviewed each firm's experience on similar projects, project team experience, staffing model, approach to project and post-construction services.

**Action:**

*Council Member Doug Barnes moved to approve Steele & Freeman, Inc. for Construction Manager At Risk for City Hall Annex Project. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**16. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code**

Mayor Hill announced at 7:11 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

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

The meeting reconvened at 7:44 p.m.

*No action taken.*

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

Assistant City Manager Tommy Ludwig thanked Public Works and Utilities Departments for their work during last week's snowstorm.

Assistant City Manager Albert Lawrence echoed Mr. Ludwig and additionally thanked Civic Center staff and Parks and Recreation Department for their work during the snowstorm.

Council Member Doug Barnes echoed the sentiments and additionally thanked Utilities Director David Bailey and Public Works and Engineering Director James Gaertner.

Council Member Chuck Beatty thanked all city departments for their work during the inclement weather.

City Manager Michael Scott thanked city employees, local churches, and the community for joining efforts during the extreme winter weather to help citizens.

Mayor Pro Tem Mary Lou Shipley echoed Council Member sentiments and additionally acknowledged the joint coordination with other entities to keep water supply in place for Waxahachie.

Council Member Melissa Olson echoed Council Member sentiments by thanking first responders and city employees for their work throughout the winter storm noting she is proud and grateful to call Waxahachie home.

City Attorney Robert Brown echoed Council Member comments.

Mayor David Hill echoed all comments noting the great leadership from City Manager Michael Scott. He reported the Ellis County Vaccine Hub has distributed over 10,000 vaccines to date and he has received positive feedback from those who have visited the hub.

## **19. Adjourn**

There being no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary