

City Council
July 6, 2021

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 Tuesday, July 6, 2021 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary
Jami Bonner, Assistant City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Alan Fox, 327 University, Waxahachie, Texas, requested additional information be made to the public on possible amendments to the charter and the affects it will have. He requested citizen input on proposed charter amendments.

5. Consent Agenda

- a. Minutes of the City Council meeting of June 21, 2021
- b. Minutes of the City Council briefing of June 21, 2021
- c. Minutes of the City Council work session of June 29, 2021
- d. Event application for Waxahachie Homecoming Parade on October 22, 2021
- e. Event application for Walk to End Alzheimer's on October 30, 2021
- f. Event application for Hachie 50 on April 23, 2022
- g. Renewal of Sodium Chlorite purchase and Chlorine Dioxide Generator Rental Agreements
- h. Water Treatment Chemicals Bid Renewal

Action:

Council Member David Hill moved to approve items a. through h. on the Consent Agenda. Mayor Pro Tem Billie Wallace seconded, All Ayes.

6. **Continue Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-58-2021 to the August 2, 2021 City Council meeting.

7. **Consider proposed Ordinance approving ZDC-58-2021**

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021) to the August 2, 2021 City Council meeting. Council Member Travis Smith seconded, All Ayes.

8. **Public Hearing on a request by Mark Gundert, for a Specific Use Permit (SUP) to allow an Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: RICHARD T STOCK (ZDC-83-2021)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-83-2021 to the September 20, 2021 City Council meeting.

9. **Consider proposed Ordinance approving ZDC-83-2021**

Action:

Council Member Travis Smith moved to continue the Public Hearing on a request by Mark Gundert, for a Specific Use Permit (SUP) to allow an Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: RICHARD T STOCK (ZDC-83-2021) to the September 20, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

10. **Consider request by Phillip Fisher, Macatee Engineering, LLC, for a Plat of Saddlebrook Estates N.E.C.E. for 2,973 lots, being 1,263.275 acres situated in the Benjamin Collier Survey, Abstract 216; Jonathan Johnson Survey, Abstract 557; George Carpenter Survey, Abstract 190; Robert M. Berry Survey, Abstract No. 96 & 97; Salis M. Durrett Survey, Abstract 272; McKinney & Williams Survey, Abstract 750; Guadalupe Garcia Survey, Abstract 418 (Property ID 180365 and 180362) – Owner: HW Waxahachie LP (SUB-80-2021)**

Mayor Barnes announced the applicant withdrew SUB-80-2021.

11. Public Hearing on a request by Brian Ballard, Ballard and Braughton Engineering, for a detailed Site Plan Review for proposed Retail Stores and Shops uses within a Planned Development-18-General Retail zoning district, located at 509 N Highway 77 (Property ID 180833) – Owner: CLEAR LINK TELEPHONE CORP (SP-85-2021)

Mayor Barnes opened the Public Hearing.

Planning Director Shon Brooks presented the case noting the applicant is proposing to construct a multi-tenant retail building on 0.368 acres and staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement must be signed by the applicant.
2. Any new pavement for the site shall be concrete.

Mr. Brian Ballard, 3815 Old Bullard Road, Tyler, Texas, noted he was available for questions.

There being no others to speak for or against SP-85-2021, Mayor Barnes closed the Public Hearing.

12. Consider approving SP-85-2021

Action:

Council Member Melissa Olson moved to approve a request by Brian Ballard, Ballard and Braughton Engineering, for a detailed Site Plan Review for proposed Retail Stores and Shops uses within a Planned Development-18-General Retail zoning district, located at 509 N Highway 77 (Property ID 180833) – Owner: CLEAR LINK TELEPHONE CORP (SP-85-2021) per staff comments. Mayor Pro Tem Billie Wallace seconded, All Ayes.

13. Consider Development Agreement for SP-85-2021

Action:

Council Member Melissa Olson moved to approve a Development Agreement for SP-85-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

14. Public Hearing on a request by Don Merchant, DC Texas Construction, LLC, for an Amendment to Ordinance No. 3167 to allow for Accessory Buildings (Residential), Greater than or Equal to 700 SF within an approved residential planned development located at the corner of N Rogers Street and McMillan Street (Property IDs 282960, 282961, 282962, 282963, 282964) - Owner: DC CONSTRUCTION, LLC (ZDC-87-2021)

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to amend Ordinance No. 3167 to allow for accessory buildings within the Planned Development (maximum 1,800 sq. ft.) and staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement must be signed by the applicant.

2. Accessory buildings shall not be used for residence by a non-family member (or to be rented out).
3. Any revision not included in the Planned Development Amendment shall meet the Ordinance No. 3167 requirements.

There being no others to speak for or against ZDC-87-2021, Mayor Barnes closed the Public Hearing.

15. Consider proposed Ordinance approving ZDC-87-2021

ORDINANCE NO. 3281

AN AMENDMENT TO ORDINANCE 3167 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) WITH AMENDED ORDINANCE, TO ALLOW +700 SQUARE FEET ACCESSORY BUILDINGS, LOCATED AT THE CORNER OF N ROGERS STREET AND MCMILLAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.477 ACRES KNOWN AS PROPERTY ID 282960, 282961, 282962, 282963, 282964, LOT 2-6, BLOCK 23 OF BRADBURY ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3281. Council Member Melissa Olson seconded, All Ayes.

16. Consider Development Agreement for ZDC-87-2021

Action:

Mayor Pro Tem Billie Wallace moved to approve a Development Agreement for ZDC-87-2021. Council Member Travis Smith seconded, All Ayes.

17. Public Hearing on a request by George Salvador, Waxahachie One, LLC, for a Zoning Change from a Single Family-1 to Single Family-3, located at 401 Ovilla Road (being Property ID 180391) - Owner: EIS DEVELOPMENT II, LLC (ZDC-84-2021)

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-84-2021 to the August 2, 2021 City Council meeting.

18. Consider proposed Ordinance approving ZDC-84-2021

Action:

Council Member David Hill moved to continue the Public Hearing on a request by George Salvador, Waxahachie One, LLC, for a Zoning Change from a Single Family-1 to Single Family-3, located at 401 Ovilla Road (being Property ID 180391) - Owner: EIS DEVELOPMENT II, LLC (ZDC-84-2021) to the August 2, 2021 City Council meeting. Council Member Travis Smith seconded, All Ayes.

19. Public Hearing on a request by Keegan Amos, DAE, for a Specific Use Permit (SUP) to allow Heavy Machinery and Equipment, Rental, Sales or Storage at an existing industrial business use within a Light Industrial-1 zoning district located at 507 N. Interstate Highway 35 (Property ID 174768 and 174769) - Owner: WIDRICK HOLDINGS LTD (ZDC-81-2021)

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting approval of a Specific Use Permit at an existing industrial business (Central Kubota) to allow Heavy Machinery and Equipment, Rental, Sales, or Storage, and construct a new 12,000 sq. ft. dealership at the northern portion of the property on 2.996 acres. Staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Any new pavement for the site shall be concrete.
3. Staff suggests that the applicant incorporate masonry material for the proposed building (specifically along the north and south elevations of the building). Currently, the applicant is proposing metal panel (horizontal metal) material for the building.
4. Ingress/egress for 18-wheeler trucks shall only be used along N. Interstate Highway 35 (East) service road. Truck traffic exiting the facility from the rear of the property shall be restricted to left turn only access on Ovilla Rd. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.

Mr. Brooks noted staff is also requesting the landscape to continue along the I35 property line.

Mr. Keegan Amos, Davidson Architecture and Engineering, noted he was available for questions.

There being no others to speak for or against ZDC-81-2021, Mayor Barnes closed the Public Hearing.

20. Consider proposed Ordinance approving ZDC-81-2021

ORDINANCE NO. 3282

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 507 N. INTERSTATE HIGHWAY 35, PROPERTY ID174768 AND 174769, BEING LOT 1R AND LOT 2R, OF MC EWEN, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3282 per staff comments, adding masonry requirement, and granting waiver of sidewalk requirement. Council Member Melissa Olson seconded, All Ayes.

21. Consider Development Agreement for ZDC-81-2021

Action:

Mayor Pro Tem Billie Wallace moved to approve a Development Agreement for ZDC-81-2021. Council Member Melissa Olson seconded, All Ayes.

22. Consider award of bid for Construction Manager at Risk for Fire Station #4

Fire Chief Ricky Boyd requested approval to authorize the City Manager to enter into a contract with WRL General Contractors, LLC to be the Construction Manager at Risk for the construction of Fire Station #4 for a total fee of \$416,085.

Action:

Mayor Pro Tem Billie Wallace moved to approve authorizing the City Manager to enter into a contract with WRL General Contractors, LLC to be the Construction Manager at Risk for the construction of Fire Station #4 for a total fee of \$416,085. Council Member Melissa Olson seconded, All Ayes.

23. Consider award of bid for Lee Penn Park swimming pool construction contract and awarding a supplemental appropriation and use of Park Dedication Fee funds

Parks and Recreation Director Gumaro Martinez requested approval to award a bid to MSB Constructors, Inc. for Lee Penn Park Pool and Bathhouse Project in the amount of \$2,623,735, authorize a supplemental appropriation from the General Fund Unrestricted Reserve in the amount of \$197,381, and authorize the use of Park Dedication Fees in the amount of \$400,000 for the project. He explained the total cost of the project has a \$497,381 shortfall from the 2020 Park Bond Fund; therefore, the supplemental appropriation and Park Dedication Fees are requested. He noted the engineers and architects are reviewing the project for possible cost savings.

Action:

Council Member Melissa Olson moved to award a bid to MSB Constructors, Inc. for Lee Penn Park Pool and Bathhouse Project in the amount of \$2,623,735, authorize a supplemental appropriation from the General Fund Unrestricted Reserve in the amount of \$197,381, and authorize the use of Park Dedication Fees in the amount of \$400,000 for the project. Council Member Travis Smith seconded, All Ayes.

24. Consider authorizing a service contract with Machining & Valve Automation Services LLC, doing business as MVA Services, for repairs, parts and services on valves, actuators, control mechanism and appurtenances for the Utilities Department

Assistant Director of Utilities Brandon Lacy requested approval of a service contract with Machining & Valve Automation Services LLC, doing business as MVA Services, for repairs, parts and services on valves, actuators, control mechanism and appurtenances for the Utilities Department in the amount of \$288,750 with two, one year renewal options of \$96,250 for each year.

Action:

Mayor Pro Tem Billie Wallace moved to approve awarding a three-year service agreement to Machining & Valve Automation Services, LLC associated with repairs, parts and service on valves, actuators, control mechanism and appurtenances for the Utility Department in the amount of \$288,750 with two, one-year renewal options of \$96,250 for each year. Council Member Melissa Olson seconded, All Ayes.

25. Discuss potential Charter Amendment

Council Member Melissa Olson noted Council discussed during the briefing to look at the charter in its entirety and request feedback from the community.

City Manager Michael Scott explained staff will work with the City Attorney to prepare for a November 2022 charter election.

Council Member Travis Smith stated it is time to update the charter and explore amendments. He expressed his support to have a seven-member council and wants citizen input.

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

Assistant City Manager Albert Lawrence thanked city staff and volunteers for their work on the 4th of July festivities.

City Manager Michael Scott congratulated Assistant City Manager Albert Lawrence on receiving his credentialed manager designation from the International City/County Management Association. He explained his designation was earned due to his professionalism, training, and continued professional development. Mr. Scott reminded City Council of a walking tour of the city water plants on July 16th beginning at 8:30 a.m.

Mayor Pro Tem Billie Wallace thanked those in attendance and invited more citizens to attend.

Council Member David Hill thanked Chuck Beatty for the progress of Lee Penn Park Pool. Council Member Hill congratulated Mr. Lawrence on his designation.

City Secretary Amber Villarreal welcomed Assistant City Secretary Jami Bonner to the City of Waxahachie.

Mayor Doug Barnes noted the 4th of July festivities were fantastic and it was a great turnout by citizens. He thanked staff and volunteers for their involvement on the festivities.

27. Adjourn

There being no further business, the meeting adjourned at 7:38 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary