

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, Waxahachie, Texas, on Monday, November 7, 2022 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Robert Brown, City Attorney
Amber Villarreal, 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

Reverend Alton Dixon, House of Transformation, gave the invocation. Commander David Day, American Legion Post 137, led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Commander David Day, American Legion Post 137, explained he is the new Commander at Post 137 and will be implementing new programs to help local veterans and sponsor local scout packs. He announced a large membership event is currently being coordinated and is anticipated to take place in February 2023 in downtown Waxahachie.

Brenda Sexton, 208 Dunlap, Waxahachie, Texas, expressed her complaint with loud music in her neighborhood and asked for City Council's assistance to address the issue.

Brian Tindle, 204 Charlotte, Waxahachie, Texas, offered his assistance for establishing Quiet Zones in Waxahachie. Mr. Tindle also requested consequences for pet owners whose animals repeatedly escape their homes/yards.

Helen Arradondo, 215 Dunlap, Waxahachie, Texas, expressed her concern with her neighbor's dog who has had mange for an extensive amount of time.

Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas, encouraged staff to address public comments.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 17, 2022

- b. Minutes of the City Council briefing of October 17, 2022
- c. Event application for “Alice” play performance to be held November 15, 2022 at Railyard Park
- d. Event application for Holly Jolly Christmas to be held December 10, 2022 at Railyard Park
- e. Event application for Getzendaner Proactive Run to be held March 4, 2023
- f. Interlocal Agreement with Waxahachie ISD for the purchase of various goods and services
- g. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- h. Restore utility fee for cut off valve and meter box replacements
- i. Letter of Support for a Traffic Signal 2022 SMART Grant Program
- j. 2022 Farmer’s Market Season Report
- k. Supplemental appropriation of \$308,809 from the Waxahachie Community Development Corporation for the land purchase of 55.965 acres adjacent to Lions Park

Action:

Council Member Billie Wallace moved to approve items a. through k. on the Consent Agenda. Council Member Patrick Souter seconded, All Ayes.

6. Introduce Honorary Councilmember

Council Member Patrick Souter introduced Waxahachie High School senior Yusef Smith as the November Honorary Council Member. Mr. Smith moved to Waxahachie High from Eagle Crest High School in Colorado. He is the holder of a Level 3 Certification in Computer Aided Design. He began his computer career as a freshman focusing in cyber security and computer information leading him to a computer internship with a Canadian based company. Mr. Smith volunteers in the community through school, church and by donating to soup kitchens and is always looking for additional ways to become more involved. Mr. Smith plans on attending Howard University to major in computer science and computer analytics.

Mr. Souter thanked Andrew Henderson for highly recommending Mr. Smith to serve as Honorary Council Member for the month of November.

7. Recognize the Finance Department for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association

Chad Tustison, Finance Director, announced the City of Waxahachie Finance Department has been awarded, for the first time, the Distinguished Budget Presentation Award from Government Finance Officers Association for the current fiscal period. This is the highest form of recognition in governmental budgeting and represents months of work and input from City leaders and departments. Mr. Tustison thanked Assistant Finance Director Gail Turner, Budget Officer Chris Childs, City Manager Michael Scott, City departments for their input, and the Communications and Marketing team for the budget book graphics.

City Manager Michael Scott echoed Mr. Tustison's acknowledgments and recognized him for his departmental leadership and immediately working on his goal to receive this award.

8. Present Proclamation proclaiming November 7-11, 2022 as "Municipal Court Week"

Mayor Hill read a proclamation proclaiming November 7-11, 2022 as "Municipal Court Week" and presented it to the City of Waxahachie Municipal Court staff and judges.

9. Public Hearing on a request by Rodney & Suzie Bell, Cove Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 601 N. Grand Ave (Property ID 176840) - Owner: THOMAS A. & VERONICA SCHAEFFER (ZDC-121-2022)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting a Specific Use Permit to expand an existing pool house (324 sq. ft.) to 972 sq. ft. to accommodate a bathroom and kitchenette. Ms. Pruitt noted the applicant has been adamant that the accessory dwelling will only be used for entertainment purposes and not as an additional dwelling unit. Staff recommends approval per the following staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-121-2022, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-121-2022

ORDINANCE NO. 3348

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED 601 N GRAND AVENUE, BEING PROPERTY ID 176840, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1B, BLK 27 WEST END-REVADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Patrick Souter moved to approve Ordinance No. 3348. Mayor Pro Tem Chris Wright seconded, All Ayes.

11. Consider Development Agreement related to a Replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022)

Ms. Pruitt, presented the case noting the applicant is requesting a Development Agreement related to a replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022). She explained the proposed agreement is intended to allow Cardinal IG to continue to privately use a portion of property dedicated as right-of-way with the Cardinal IG Addition replat (SUB-40-2022). Staff recommends approval as presented.

Action:

Mayor Pro Tem Chris Wright moved to approve the Development Agreement related to SUB-40-2022. Council Member Billie Wallace seconded, All Ayes.

12. Consider approval of a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services

Richard Abernethy, Director of Administrative Services, requested approval of a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services in the amount of \$292,200. He explained the current software is antiquated and out of date. The agreement will provide for the purchase of user licenses, training, data migration services and system configuration services. The software will enhance the City's operational efficiency by providing paperless processes, multiple automated features, virtual court options, electronic record keeping and will allow customers to make payments, enter pleas, and schedule court dates online. The Incode software will communicate with Police Department software and fully integrate with the City's financial software. Mr. Abernethy thanked Court Administrator Tammie Atchison and Marshal Mike Foran for their extensive work in the software evaluation.

Action:

Council Member Billie Wallace moved to approve a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services in the amount of \$292,200. Council Member Travis Smith seconded, All Ayes.

13. Consider bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program

James Gaertner, Executive Director of Public Works and Engineering, requested approval of a bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program in the amount of \$418,212. He explained the project generally includes approximately 4,000 linear feet of concrete sidewalk construction along the following streets: (a) Harbin Street from Second Street to Sycamore Street (b) Gibson Street, one block north and south of Wilemon Elementary, and (c) Peter Street from Graham Street to Park School House Road. The project also includes removal of 410 sq. yards of

concrete driveways, some curb repair, miscellaneous landscape repairs and sodding. After thorough evaluation, the Engineer of Record and staff recommended awarding the bid to the second lowest bidder due to lack of experience from Ono Contracting, Inc. and references received from other municipalities.

Action:

Council Member Billie Wallace moved to approve a bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program in the amount of \$418,212. Council Member Travis Smith seconded, All Ayes.

14. Consider approval of a Professional Engineering Services Agreement with Freese and Nichols Inc. for South Prong Dam miscellaneous repairs

Brandon Lacy, Assistant Director of Utilities, requested approval of a Professional Engineering Service Agreement with Freese and Nichols, Inc. in the amount of \$172,731 for South Prong Dam miscellaneous repairs. He explained the project is budgeted in the FY 23 bond sale and the proposal includes design, bidding and construction phase services for these repairs, but not the actual repairs. He noted the repairs will go out to bid for construction at a later date.

Action:

Council Member Billie Wallace moved to approve a Professional Engineering Service Agreement with Freese and Nichols, Inc. in the amount of \$172,731 for South Prong Dam miscellaneous repairs. Council Member Travis Smith seconded, All Ayes.

15. Consider approval of a Professional Engineering Services Agreement with Garver Engineers LLC for lead and copper rule revision assistance

Mr. Lacy requested approval of a Professional Engineering Service Agreement with Garver Engineers, LLC in the amount of \$97,200 for lead and copper rule revision assistance. He explained in December 2020, the Environmental Protection Agency implemented a lead and copper rule revision to better protect public health through removing/reducing lead exposure from drinking water systems. This proposal would be the second task of a proposed three-year task order schedule. He noted the project is a budgeted expense included in the Utility Department's FY23 operations and maintenance budget.

Action:

Council Member Billie Wallace moved to approve a Professional Engineering Service Agreement with Garver Engineers, LLC in the amount of \$97,200 for lead and copper rule revision assistance. Mayor Pro Tem Chris Wright seconded, All Ayes.

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

Jennifer Pruitt, Senior Director of Planning, announced the next Comprehensive Plan Advisory Committee meeting will be held Wednesday, November 30, 2022 at 6 p.m. at the Waxahachie Civic Center.

Deputy City Manager Albert Lawrence recognized the Finance Department for their work.

Council Member Travis Smith thanked James Gaertner, Executive Director of Public Works and Engineering, and his team for their attention to detail with the TxDOT viaduct project.

Council Member Billie Wallace expressed she is proud of this city and its staff. She recognized Stefanie Arredondo for serving as President of the Texas Payroll Conference, Inc., City Secretary Amber Villarreal on receiving the Texas Municipal Clerks Association President's Choice Award, and the Finance Department for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association.

City Manager Michael Scott expressed his appreciation for the City's Municipal Court staff.

Mayor Pro Tem Chris Wright thanked the residents on Dunlap Street for their attendance and voicing their concerns. Mr. Wright recognized the great work of staff and citizens during the Texas Country Reporter Festival. Mayor Pro Tem Wright explained the acquisition of the land adjacent to Lions Park will allow the Lions Park Master Plan and expansion of the Wastewater Treatment Plant to progress without interference. Mr. Wright expressed his thanks to the following: Police Chief Joe Wiser and his department for their assistance on Halloween to ensure the safety of citizens, the Finance Department, and Honorary Council Member Yusef Smith. Mr. Wright recognized the Waxahachie High School (WHS) band at State competition, WHS football and volleyball teams in the playoffs.

Council Member Patrick Souter thanked Yusef Smith for his participation in the Honorary Council Member program for November and stated he is an inspiration. Mr. Souter recognized the Building and Community Services Department staff: Rance Taylor, Mari Herrera, Anthony Warren, Me'Lony Jordan, and Dennis Lowe on receiving the Certified Code Official Safety Specialist designation. He also recognized the Finance Department and the City Secretary for their awards received. Council Member Souter thanked the citizens in attendance for voicing their concerns. He expressed his support for upgrading the Municipal Court software.

City Attorney Robert Brown congratulated the Finance Department and thanked Yusef Smith for his attendance.

Honorary Council Member Yusef Smith thanked City Council for the opportunity to participate as Honorary Council Member. He noted he appreciates City Council's support for addressing citizen's concerns and looks forward to the future of the City.

Mayor Hill echoed all comments from City Management and City Council.

15. Adjourn

There being no further business, the meeting adjourned at 7:59 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary