

City Council
June 5, 2023

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, June 5, 2023 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

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

4. Public Comments

Michael McCorkle, 171 Willow Run, Waxahachie, Texas, requested an ordinance regulating short term rentals due to issues at 159 Willow Run. He noted a new owner took over the owner over a month and a half ago and issues began when the property began renting out the residential home each weekend and occasionally during the week days. Mr. McCorkle cited numerous issues with parking, trash, broken septic system, noise, and reckless driving.

5. Consent Agenda

- a. Minutes of the City Council meeting of May 15, 2023
- b. Event application for Juneteenth Musical, Parade, & Celebration on June 17, 2023
- c. Cancellation of the regularly scheduled July 3, 2023 City Council meeting
- d. Request from the Texas Theater to allow guests to consume alcoholic beverages on the sidewalk for a private event to be held July 22, 2023
- e. Interlocal Agreement with the City of Baytown for the purchase of various goods and services
- f. Amendment to the Airport Project Participation Agreement with the Texas Department of Transportation for the Airport Master Plan update for Mid-Way Regional Airport
- g. Supplemental appropriation in the amount of \$4,350 for final cost of joint election services for the May 6, 2023 General Election

Action:

Billie Wallace moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Chris Wright seconded, All Ayes.

6. Introduce Honorary Council Member

Council Member Billie Wallace introduced Jon Garrett as the Honorary Council Member for the June 5, 2023 City Council meeting. Jon was born in Austin, Texas and moved to Waxahachie in 2004. He is 32 years old and has four children, Avery (4), Finn (7), Landry (9), and Tre (14). Mr. Garrett did not come from a family of investors or entrepreneurs. He worked at KBEC radio in Waxahachie during college and later went on to host a syndicated radio show out of Kidd Kraddick studios. Mr. Garrett made the decision to stay in Waxahachie, rather than move to Nashville, for a new radio opportunity. Soon after, he started his first business in Waxahachie and began investing here. He relies heavily on God for direction and quickly follows up opportunities with action. Mr. Garrett lives by a strict code of treating others well and keeping his word. He believes that money is to be used as a tool for good and practices a strict code for all his investments, it must be from the heart and make the world/community a better place than it was before. Today, Mr. Garrett owns The Texas Theater, KBEC radio, and various other properties around Waxahachie. He owns a renovation company, Apex Sites, that is nearing the completion of the remodel for the new Meat Church location in downtown Waxahachie. Jon enjoys mentoring entrepreneurs and giving back to his community. Council Member Wallace thanked Mr. Garrett for his vision and recognized him for focusing his resources in Waxahachie.

7. Present Proclamation recognizing June 4, 2023-July 4, 2023 as Crape Myrtle Month

Mayor Hill presented a proclamation recognizing June 4, 2023-July 4, 2023 as Crape Myrtle Month.

8. Public Hearing on a request by Matthew Kepler, for a Replat of Lots 32R and 34R, Block 181 of the Town Addition, to create Lot 32R-R, Block 181 of the Town Addition, 1 residential lot, being 0.2595 acres, located at 111 Griffin Street, (Property ID: 226134) – Owner: MATTHEW KEPLER (SUB-18-2023)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant proposes to replat the subject property into one (1) lot for single-family residential use. The applicant proposes to dedicate approximately 10' of right-of-way (ROW) for Griffin Street. The proposed lot adheres to the minimum size and dimension requirements of the Infill Overlay District after taking this ROW dedication into account.

Ms. Pruitt explained the applicant is requesting a variance (Petition for Hardship Waiver) to allow for a 10' utility easement along Griffin Street. The applicant is requesting this variance because the existing home on the subject property is situated closer to the property line than 15' after considering the ROW dedication. The typical utility easement requirement along the public right-of-way is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement because the applicant has provided ROW dedication for Griffin Street, and City utility

infrastructure is located within the Bryson Street ROW; however, as a condition of approval, the applicant must provide documentation from franchise utility providers in the area (Oncor, AT&T, Charter, and Atmos) stating that they have no objection to the proposed easements before the recordation of the replat. Based on the details provided in the Staff Report and the present status of the documents subject to the request, staff recommends approval of the replat request with the condition noted.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against SUB-18-2023, Mayor Hill closed the Public Hearing.

9. Consider approval of SUB-18-2023

Action:

Billie Wallace moved to approve SUB-18-2023, a Replat of Lots 32R and 34R, Block 181 of the Town Addition, subject to the condition of the staff report, the associated variance request, and authorize the City Manager and/or Mayor to sign the associated documents accordingly. Travis Smith seconded, All Ayes.

10. Consider and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2023; directing the preparation of a preliminary official statement and related materials; and providing an effective date

Chad Tustison, Finance Director, requested approval of a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2023, and directing the preparation of a preliminary official statement and related materials. He explained this is the first formal step to begin the process of issuing bonds to fund various streets, water, wastewater, parks, and public safety capital projects discussed at the April 25, 2023 City Council work session. If approved, notices will be published in the newspaper and staff will continue the process of filing related materials and meeting with rating agencies. In early August, the City Council would consider an ordinance authorizing issuance of the certificates.

The Capital Improvement Program (CIP) describes the City's large multi-year capital projects which provide new or improved City infrastructure, and comprise of projects for streets, sidewalks and drainage; park improvements; water and wastewater utilities; and municipal facilities. The CIP is funded through multiple funding sources, including proceeds from bond issuances, operating funds, and development impact fees.

The total bond package, depending on interest costs at the time of issuance, is approximately \$37.4 million and consists of streets, parks, public safety, and water and wastewater projects. These projects would be funded through the ad valorem tax rate and water and wastewater fees.

RESOLUTION NO. 1343

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS,
DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES
OF OBLIGATION; DIRECTING THE PREPARATION OF A PRELIMINARY**

OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE

Action:

Billie Wallace moved to approve a resolution directing publication of the notice of intention to issue certificates of obligation; directing the preparation of a preliminary official statement and related materials; and providing an effective date. Travis Smith seconded, All Ayes.

11. Consider approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc. for improvements to the Northgate Drive at US 77 intersection

James Gaertner, Executive Director of Public Works and Engineering, requested approval of an engineering professional services agreement for improvements to the Northgate Drive at US 77 intersection. The improvements will consist of pavement and traffic signal modification to provide a left turn lane for Northgate Drive (westbound) to the southbound lanes on US 77. The other three legs of the intersection currently have left turn lanes. The proposed modifications will allow for improved traffic flow at the intersection and improve the alignment of Northgate Drive traffic crossing US 77.

The engineering professional services agreement provides for the design, bidding and construction phase engineering services and easement preparation services for this project. The project is included in the Capital Improvement Plan and funding is available through Roadway Impact Fees Service Area #4. Additional right of way is needed to allow for the widening of the roadway and relocation of the sidewalk and traffic signals and the City received a letter of support from the WISD School Board last year.

Action:

Chris Wright moved to approve the agreement, in the amount of \$122,521, with Teague Nall and Perkins, Inc. for engineering services associated with improvements to the Northgate Drive at US 77 intersection and authorize the City Manager to execute all necessary documents. Billie Wallace seconded, All Ayes.

12. Consider authorizing a budget amendment for a change order to the Lake Waxahachie Pump Station No. 2 control room upgrades Project

David Bailey, Director of Utilities, requested approval to authorize a budget amendment for a change order for the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project. The change order modifications include the installation of 40 linear feet of 2-inch conduit for fiber optic connectivity from manhole to electrical building, purchase a 36-inch blind flange, purchase a 250-lb class flange butterfly and replacement of 87 linear feet of fence.

The Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project aims to enhance the functionality of the Lake Waxahachie Raw Water Pumps 1 and 2. The scope of the work encompasses the installation of two (2) variable frequency drives, power panel, and mini power center. Additionally, it involves the replacement of the remote telemetry unit (RTU), a flow meter, isolation valve, and refurbishment of the surge valve.

The change order for the project incurs a total cost of \$36,437. The BNSF Railroad 18" Water Line Phase I & II Project construction is complete and had a cost savings of \$67,891. Staff is requesting to utilize the cost savings to fund the budget amendment to transfer \$36,437 to the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project. Funding for Improvements in the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project is funded from the 2021 Bonds.

Action:

Billie Wallace moved to authorize a budget amendment to transfer \$36,437 from the BNSF Railroad 18" Water Line Phases I & II Project into the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project and authorize the City Manager to execute all documents accordingly. Travis Smith seconded, All Ayes.

13. Consider approval of a sewer line rehabilitation contract for the Southwest Interceptor Rehab Phase I Project

Mr. Bailey requested approval of the sanitary sewer line rehabilitation contract with Insituform Technologies, LLC for sewer lining services associated with the Southwest Interceptor Rehab Phase I Project. The proposed contract would be issued through the BuyBoard purchasing cooperative in the amount of \$1,183,794.

The project is to rehabilitate approximately 2,776 linear feet of existing 27-inch diameter sanitary sewer line with Cured-in-Place-Pipe (CIPP) lining. CIPP creates a rigid and smooth interior surface that seals cracks and restores the integrity of the old pipe to like-new condition. These improvements are to reduce, and ideally eliminate, cracks and holes that allow inflow and infiltration water and roots to enter the sewer pipe. Roots, inflow and infiltration causes operational problems such as stoppages, reduced flow capacity, and sanitary sewer overflows (SSO's). The proposed sewer line rehabilitation project is part of an approved Capital Improvement Project and the \$1,183,794 contract is within the project budget. The project is funded through the 2021 Wastewater Bonds.

Action:

Billie Wallace moved to approve the sewer line rehabilitation contract, in the amount of \$1,183,794, with Insituform Technologies, LLC for the Southwest Interceptor Rehab Phase I Project and authorize the City Manager to execute all necessary documents. Travis Smith seconded, All Ayes.

14. Consider proposed Ordinance amending Section 20-1 (Noise) of the Code of Ordinances

Mr. Scott requested approval to amend Section 20-1 (Noise) of the Code of Ordinances as an additional means to gain compliance to noise-related complaints. With the assistance of the legal counsel, staff believes the amendment will enable responding officers to have additional discretion to best enforce this ordinance. This modification would allow enforcement upon not only the perpetrator of the offense, but also on the owner of the property.

Council Member Patrick Souter expressed support to address noise complaints so residents can enjoy their homes. He noted until legislation is updated regarding short term rentals, cities are limited to enforcement efforts.

ORDINANCE NO. 3377

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 20, "NOISE," OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY AMENDING SECTION 20-1; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Action:

Patrick Souter moved to adopt the amendment to Section 20-1 of the City's Code of Ordinances as presented and authorize the City Manager and/or Mayor to prepare and execute all documents necessary. Chris Wright seconded, All Ayes.

15. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code

Mayor Hill announced at 7:34 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code.

16. Reconvene and take any necessary action

The meeting reconvened at 8:08 p.m.

No action taken.

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

Council Member Billie Wallace thanked City Manager Michael Scott and his team for quickly addressing issues in the city.

City Manager Michael Scott announced there will be joint work sessions with the City Council and Planning and Zoning Commission on June 13, 2023 at 6 p.m. and June 27, 2023 at 6 p.m.

Mayor Pro Tem Chris Wright congratulated Police Sergeant Corey Kaelin and Corporal Brent Dunn on their promotions. He expressed his support to amend the noise ordinance. Mr. Wright thanked Honorary Council Member Jon Garrett for his attendance and Lori Souter for her work on the success of the 2023 Gingerbread Trail.

Council Member Patrick Souter thanked Mr. Scott, City Attorney Robert Brown, and Police Chief Joe Wiser for their work on amending the noise ordinance. Mr. Souter recognized the success of the 2023 Gingerbread Trail was due to the contributions of many volunteers.

Mayor David Hill introduced Aaron Brown, Political Director for Congressman Jake Ellzey. Mayor Hill thanked Lori Souter for her contributions to the success of the 2023 Gingerbread Trail.

18. Adjourn

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary