

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 21, 2019 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  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Acting 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. Girl Scout Troop led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Paul Christenson, 110 Williams Street, spoke in favor of 3-year rabies vaccinations and in opposition of required microchipping dogs. He also spoke in favor of allowing a skilled nursing facility at the proposed Senior Living Facility at the southwest corner of Garden Valley Parkway and Goodnight Lane.

Mr. Ira Tenpenny, 109 Rosa Street, spoke in support of microchipping dogs. He expressed concern with the lack of signage identifying “right turn only” near Marvin Elementary.

Mr. Tony Neves, 337 Howard Road, spoke in support of microchipping being an option for dog owners and not mandatory and he supported three-year rabies shots. He requested to replace the antiquated playground at the park near Lake Waxahachie. Mr. Neves also wanted confirmation that the Amphitheater is a permanent structure.

**5. Consent Agenda**

- a. Proposal from Austen Consultants, LLC to provide VOIP phone system and related services
- b. Budget Amendment request by Police Department to improve firing range

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve items a. and b. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.*

**6. Recognize outgoing Board Members**

Mayor Hill recognized the following outgoing board members and presented them with a plaque of appreciation for their service to Waxahachie:

Coy Sevier, served 13 years on Park Board

John Sanders, served 9 years on Waxahachie Community Development Corporation

Louis Brown, served 19 years on Heritage Preservation Commission

**7. Introduce Honorary Councilmember**

Mayor Hill introduced Ms. Madison Shappard as the Honorary Councilmember for the month of October and presented her with a certificate of appreciation. Ms. Shappard is taking a dual credit chemistry class through UT Tyler. She enjoys nature walks and reading in a cozy spot. She plans on attending the University of North Texas to study in the science or engineering field. She is an ongoing Girl Scout for 11 years and during that time has learned how to money manage and run her own business. Ms. Shappard attends Global High where she is the Vice President of the Interact Club and President of the Pride Club.

**8. Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single-Family Residential-3 and Planned Development-Two Family Residential, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (PD-19-0124)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue the case to the November 4, 2019 City Council meeting.

**9. Consider proposed Ordinance approving PD-19-0124**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single-Family Residential-3 and Planned Development-Two Family Residential, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (PD-19-0124) to the November 4, 2019 City Council meeting. Councilmember Melissa Olson seconded, All Ayes.*

**10. Public Hearing on a request by Brandon Brown, Circle L Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 212 Solon Road (Property ID 172942) – Owner: SEAN AUGER & LAUREN FRATINA (SU-19-0121)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reviewed SU-19-0121 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0121, Mayor Hill closed the Public Hearing.

**11. Consider proposed Ordinance approving SU-19-0121**

**ORDINANCE NO. 3147**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 212 SOLON ROAD, BEING PROPERTY ID 172942, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, IN THE COLLEGE HILLS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3147. Councilmember Kevin Strength seconded, All Ayes.*

**12. Public Hearing on a request by Brandon Brown, Circle L Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 414 Sunset Court (Property ID 265783) – Owner: TODD A AND REBECCA K BUCK (SU-19-0122)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed SU-19-0122 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0122, Mayor Hill closed the Public Hearing.

**13. Consider proposed Ordinance approving SU-19-0122**

**ORDINANCE NO. 3148**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 414 SUNSET COURT, BEING PROPERTY ID 265783, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4 BLOCK 1 IN THE PARK PLACE PHASE 3 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3148. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**14. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development-Single-Family Residential-3, with Concept Plan, located at 1609 Cleaver Street (Property ID 182093) - Owner: AKAMAI DESIGNS INC (PD-19-0119)**

Mayor Hill opened the Public Hearing.

Mr. Brooks presented PD-19-0119 noting staff recommended approval per staff comments, including the Developer's Agreement and the cementitious fiberboard. He noted the applicant will move the buildings closer to the street by 10 feet. He reviewed the following staff comments:

1. Approval for the Planned Development is contingent upon a Developer's Agreement.
2. The development is allowed up to thirteen (13) townhomes for the site.
3. A sidewalk can be installed within the right-of-way (ROW).
4. If approved, any remaining Engineering comments shall be addressed on the Site Plan reviewed by staff.
5. The applicant will bring the building forward 10 ft. to allow for additional parking and landscaping in the rear of the property.

There being no others to speak for or against PD-19-0119, Mayor Hill closed the Public Hearing.

**15. Consider proposed Ordinance approving PD-19-0119**

**ORDINANCE NO. 3149**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT- SINGLE FAMILY DISTRICT-3 (PD-SF3), WITH CONCEPT PLAN LOCATED AT 1609 CLEAVER STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.257 ACRES, KNOWN AS PROPERTY ID 182093 OF THE S M DURRETT ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3149 subject to Staff Comments and Developer's Agreement, including cementitious fiberboard siding. Councilmember Chuck Beatty seconded, All Ayes.*

**16. Public Hearing on a request by Maxwell Fisher, Masterplan, for a Zoning Change from a Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (PD-19-0114)**

Mayor Hill opened the Public Hearing.

Mr. Brooks presented PD-19-0114 noting the current Zoning Ordinance does not have specific regulations for Multi-Family Senior Living and the applicant is requesting variances to some of the city's requirements. He reviewed the following Staff Comments:

1. Approval for the Planned Development is contingent upon a Developer's Agreement.
2. A 6 ft. wrought iron fence with masonry columns (positioned every 30 ft.) shall be provided facing the right-of-way. No masonry columns are required along the sides and rear of the property.
3. If approved, per this Planned Development, a Skilled Nursing Facility shall be defined as "Skilled nursing, physical therapy, and similar health care professionals are allowed as an accessory use not exceeding 5% of the total floor area. Treatments may take place within individual residences or designated facilities within the building. These services are limited to residents of the facility for the purpose of maintaining, restoring, and improvement movement, activity and body function, thereby providing well-being and an improved quality of life." The therapy and rehabilitation services can only be provided by a skilled or licensed nurse (or LVN), physical therapist, or trainer.

Mr. Dallas Cothrum, 900 Jackson Street, Dallas, explained the developer hosted three different community meetings with the surrounding property owners for feedback about the senior living facility. He noted the intention is not to operate a nursing home but wants to be able to offer physical therapy to the tenants if they request it.

There being no others to speak for or against PD-19-0114, Mayor Hill closed the Public Hearing.

**17. Consider proposed Ordinance approving PD-19-0114**

**ORDINANCE NO. 3150**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF GARDEN VALLEY AND GOODNIGHT LANE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.793 ACRES, KNOWN AS PROPERTY ID 275562, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3150 subject to Staff Comments and Developer's Agreement. Councilmember Melissa Olson seconded, All Ayes.*

**18. Public Hearing on a request by the City of Waxahachie to repeal the current Subdivision Ordinance, Ordinance No. 2084, as amended, and to replace it in its entirety with a new Subdivision Ordinance (TA-19-0118)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the following changes to the Subdivision Ordinance:

- Define the term "Filing Date"

- Reservation of Right to Limit Plat Application Times
- Changes to the Municipal Authority of Plat Approvals
- Elimination of Preliminary and Final Plat
- Allowing for broader use of early permit release
- Fire Flow Waiver
- Fee Waivers
- Elimination of Letter of Credit
- Better define sureties
- Lot to lot drainage
- Sidewalk maintenance and Right-of-Way maintenance

There being no others to speak for or against TA-19-0118, Mayor Hill closed the Public Hearing.

**19. Consider proposed Ordinance approving TA-19-0118**

**ORDINANCE NO. 3151**

**AN ORDINANCE AUTHORIZING A TEXTUAL CHANGE TO THE CITY OF WAXAHACHIE SUBDIVISION ORDINANCE, LOCATED AT APPENDIX C OF THE WAXAHACHIE CITY CODE, REGARDING THE FILING OF PLATS AND SUBDIVISION OF LAND; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3151. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**20. Consider Professional Services Agreement and Budget Amendment for Architectural Services for City Hall Annex**

City Manager Michael Scott presented the Professional Services Agreement and budget amendment for Architectural Services for City Hall Annex. He explained last year City Council authorized funds for phase 1 architectural and engineering services for the conversion of 408 S. Rogers into a City Hall Annex to house the Development Services departments. During the process, it was determined that this plan would not adequately serve the current and future needs for this facility and would not be a good use of city funds. After discussions with Architexas and the Heritage Preservation Commission, management proposes a new agreement with Architexas to consider a new approach that would include a larger, new construction building on the site to better serve the City's growth needs.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve a Professional Services Agreement and Budget Amendment for Architectural Services for City Hall Annex. Councilmember Kevin Strength seconded, All Ayes.*

**21. Consider proposed Ordinance repealing and replacing Chapter 6 (Animal and Fowl) of the Code of Ordinances**

Police Chief Wade Goolsby presented the proposed Animal and Fowl Ordinance repealing the current Chapter 6 of the City's Code of Ordinances. He reviewed the following significant changes:

- Changed the name from Animal Control to Animal Care Services.
- Adoption animals will be sterilized prior to adoption.
- Dogs will require microchipping in order to reunite them with their owners quicker and to hold owners responsible if there are any biting incidents.
- Staff is in agreement with State recommendation of annual rabies vaccination.

### **ORDINANCE NO. 3152**

#### **AN ORDINANCE REPEALING AND REPLACING CHAPTER 6 (ANIMAL AND FOWL) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3152. Mary Lou Shipley seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Kevin Strength. Noes: Melissa Olson. Abstain: None.*

***The motion carried.***

Mr. Scott thanked Chief Goolsby and Terri Muniz, Animal Services Supervisor, for their work on updating the ordinance.

**22. Consider the award of a bid to J & K Excavation LLC for the reconstruction of East Avenue C**

James Gaertner, Director of Public Works & Engineering, requested approval to award the bid to J & K Excavation, LLC in the amount of \$135,060.30 for reconstruction of East Avenue C. The project will provide for a new concrete street pavement, curbs, sidewalk, water service line, and sewer service line on East Avenue C from Highway 77 to Ellis Street.

**Action:**

*Councilmember Melissa Olson moved to award a bid to J & K Excavation LLC for the reconstruction of East Avenue C in the amount of \$135,060.30. Councilmember Kevin Strength seconded, All Ayes.*

**23. Consider the award of a bid to Bar Constructors, Inc. for the Phase I Rehabilitation of the Wastewater Treatment Plant**

Assistant City Manager Tommy Ludwig requested approval to award the bid to Bar Constructors, Inc. in the amount of \$17,167,400 for the Phase I Rehabilitation of the Wastewater Treatment Plant. He explained the bid exceeded the budget based on the engineer's estimate of probable cost, therefore, City staff and the project engineer met with the low bidder to discuss a pursuing deductive change order that would bring the project cost within budget, while also preserving the overall integrity of the project. He noted the Change Order 1 will reduce the project by 25% and bring

the total contract amount to \$12,875,550. The deductive change order modified or eliminated the following components of the project:

- Canopy for Solids Handling Building (eliminated)
- Aesthetic and Architectural Components (modified)
- Wet Well Pump Conversions at Jefferson Street Lift Station (eliminated)
- Electrical Improvements to Jefferson Street Lift Station (modified)

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to award a bid to Bar Constructors, Inc. for the Phase I Rehabilitation of the Wastewater Treatment Plant in the amount of \$17,167,400. Councilmember Melissa Olson seconded, All Ayes.*

**24. Consider a deductive change order for a scope reduction with Bar Constructors, Inc., for Phase I Rehabilitation of the Wastewater Treatment Plant**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve a deductive change order for a scope reduction with Bar Constructors, Inc., for Phase I Rehabilitation of the Wastewater Treatment Plant in the amount of \$4,291,850. Councilmember Chuck Beatty seconded, All Ayes.*

**25. Consider adopting the recommendation of Lee Engineering to increase the speed limit on North Grove Boulevard**

Mr. Gaertner requested approval to increase the speed limit on North Grove Boulevard to 40 mph as recommended by Lee Engineering's analysis of the street length, width, and traffic capacity.

Councilmember Olson asked if the Police Department was consulted due to safety and Mr. Gaertner noted the engineer considered design criteria and safety.

**Action:**

*Councilmember Kevin Strength moved to adopt the recommendation of Lee Engineering to increase the speed limit on North Grove Boulevard to 40mph. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**26. Consider the award of a professional services contract to Birkhoff, Hendricks, and Carter, LLP for the Lofland Road Water Line project**

Director of Utilities David Bailey requested approval of a professional services contract with Birkhoff, Hendricks & Carter, L.L.P. for the Lofland/Ovilla Road 24-Water Line, Phase 1 Project in the amount of \$370,110. He explained the contract will provide engineering design, bid specification preparation, construction support services and right-of-way acquisition services to construct a 24" water transmission line.

**Action:**

*Councilmember Kevin Strength moved to award a professional services contract to Birkhoff, Hendricks, and Carter, LLP for the Lofland Road Water Line project in the amount of \$370,110. Councilmember Chuck Beatty seconded, All Ayes.*



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

Mr. Ludwig thanked Mr. Bailey and his team for their work on the Water Treatment Plant Project. He also thanked Mr. Brooks for his work on updating the Subdivision Ordinance.

Mr. Brooks thanked Mr. Ludwig, City Council, and the City Attorney for their work on updating the Subdivision Ordinance.

Councilmember Kevin Strength thanked John Sanders for his 9 years of service on the Waxahachie Community Development Corporation. He also requested prayers for City Secretary Lori Cartwright.

Councilmember Chuck Beatty echoed Councilmember Strength's sentiments on Ms. Cartwright. He announced early voting started today, October 21, 2019.

Mr. Scott announced the Texas Country Reporter Festival will be held on Saturday, October 26, 2019. He recognized Assistant City Secretary Amber Villarreal for filling in for City Secretary Lori Cartwright.

Mayor Pro Tem Mary Lou Shipley echoed the prayers for Ms. Cartwright and praised her for her good work and dedication as a public servant. She announced the Hawkins Street bridge is now open.

Councilmember Olson thanked Ms. Villarreal for her work and thanked the Honorary Councilmember Madison Shappard for her attendance.

City Attorney Robert Brown echoed the comments on the Subdivision Ordinance noting the ordinance was drafted to fit Waxahachie.

Mayor Hill thanked Ms. Shappard, her family, and her Girl Scout Troop for their attendance at the council meeting.

**28. Adjourn**

There being no further business, the meeting adjourned at 8:06 p.m.

Respectfully submitted,

Amber Villarreal  
Acting City Secretary