

City Council  
August 6, 2018

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, August 6, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, Councilmember  
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance**

**4. Texas Pledge of Allegiance**

Councilmember Chuck Beatty gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**5. Public Comments**

Mr. Chris Wright, 808 West Marvin, Waxahachie, stated a councilmember posted on social media on August 2, 2018 that one of their goals while on City Council is to restore the trust of citizens in their local government to whatever degree they can and where applicable noting obviously trust in local government is not an issue for everyone. He read a quote the councilmember posted by State Representative Mayes Middleton. Mr. Wright stated he responded and asked if the other four councilmembers are corrupt or profiting from their positions, to please contact him. He stated the councilmember chose not to contact him. Mr. Wright asked the councilmember to publically give reasons why they posted the comment. He stated he has known the honor and integrity of Mayor Kevin Strength, Mayor Pro Tem David Hill, Councilmember Chuck Beatty and Councilmember Mary Lou Shipley and thanked them for their service and all they have done for the city. Mr. Wright thanked Councilmember Melissa Olson for taking the same sacrifice as other members of the council and donating her time and leadership to the citizens of this great city. He again asked the councilmember to publically explain their statement.

Dr. Kevin Fegan, incoming District President of Navarro College, introduced himself and stated the city has been a very good neighbor and has done great things for Navarro College. Dr. Fegan stated he will start at the Waxahachie campus with a strategic plan and will model the council's leadership. He stated Dean Terry Gibson will replace Dr. Martin and will start a strategic plan with the same elements as the city has. Dr. Fegan noted Navarro College wants to be a good partner and resource to the city. He asked how can they best serve and help the city and residents grow and prosper. Dr. Fegan thanked council for the opportunity to speak noting he is eager to continue the partnership with the city.

Ms. Gayle Smith, 116 North Star Lane, Waxahachie, stated what she witnesses at council meetings and hears pertaining to our elected officials is how people don't feel that they are being heard. She stated the citizens elect council and then council does what they choose. Ms. Smith stated what council is doing for the community will exist in ten years and not for the people currently living in the community. She stated she has watched certain councilmembers say very proudly they are speaking with each other behind other councilmembers back and changing policies without informing all councilmembers. Ms. Smith proposed a written procedure to have an item put on the agenda anytime by citizens and councilmembers.

Councilmember Melissa Olson moved to put the requested item on the agenda for the next meeting.

City Attorney Robert Brown stated the item is not on the agenda that allows council to entertain a motion noting it does not give public knowledge of the item.

Councilmember Olson referenced section 551.042 of the Texas Open Meetings Act noting there are three options allowing council to move putting an item on an agenda at a later date. Mr. Brown stated the current agenda is not set up to make a motion.

Mr. Robert Berger, 5405 April Lane, Waxahachie, stated he recently attended a council meeting expressing concerns and grievances and is back at this meeting to say thank you to council and staff for reaching out to him and a group of people to find a solution to their issue. He thanked Mayor Pro Tem David Hill for his visit and thanked Councilmember Melissa Olson for her visit. He stated Mr. Scott scheduled a meeting and a group of people attended the meeting. Mr. Berger stated not everything was agreed upon, but it was proven that you don't have to agree on everything to reach an agreement on a solution. Mr. Scott did hear our concerns and did promise the city would reroute and do some studying and engineering. He stated it is appropriate for citizens to come back to city council and say thank you.

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, spoke on lowering taxes noting when, an entity has a lot of debt, it is a lot harder to lower taxes. She stated the Texas Comptrollers website reflects Waxahachie has current debt obligations of over 200 million dollars and stated there are a lot of people in Waxahachie that needs some serious tax relief. Ms. Hedtke stated recently the city council has voted to issue more debt via Certificates of Obligations. She encouraged residents to call for an election on whether to issue Certificates of Obligation as opposed to city council issue them on their own. She stated a legal petition has been started to put the issue on the ballot. She encouraged citizens to visit her website and contact her to sign the petition.

## **6. Consent Agenda**

- a. Minutes of the City Council meeting of July 16, 2018
- b. Minutes of the City Council budget workshop of July 25, 2018
- c. Approve a one year contract extension with Evoqua Water Technologies for 1) the purchase of sodium chlorite and 2) the rental of generators utilized to create chlorine dioxide for water treatment at the Howard Road and Sokoll Water Treatment Plants
- d. Set Public Hearings date of September 17, 2018 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by R.B. Forman,

President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664.

Councilmember Olson asked to remove item c. for separate discussion.

**Action:**

*Mayor Pro Tem David Hill moved to approve items a., b. and d. on the Consent Agenda. Mayor Kevin Strength seconded, All Ayes.*

Councilmember Olson referenced item c. and asked if staff compared other companies. Mr. Tommy Ludwig, Executive Director of Development Services, stated these chemicals are very difficult chemicals to obtain and there has only been traditionally one vendor and very difficult to get being they are a sole source provider.

Councilmember Olson asked why the generators are rented. Mr. Ludwig stated that compound is unstable and makes the most sense to generate onsite noting generators are used for that purpose. He explained this is a turnkey solution so both purchase of sodium chlorite and rental of generators actually provide maintenance for the generators and from a cost standpoint, it is more advantageous to do a turnkey solution.

**Action:**

*Councilmember Chuck Beatty moved to approve item c. on the Consent Agenda. Mayor Pro Tem David Hill seconded, All Ayes.*

**7. Introduce Honorary Councilmember**

Councilmember Olson introduced Emily Rauscher as the Honorary Councilmember for the month of August. She lives with family, consisting of an older stepbrother, attending Arizona State University in the fall; younger brother, going into sixth grade; younger stepbrother, going into fifth grade; and her father and stepmother. Emily is a senior at Waxahachie Global High School and will graduate with an associates in psychology and high school diploma in summer 2019. She has maintained an A/B average in all classes, as well as staying in the top 10% of class through high school. Her achievements include: Gifted and talented through elementary and middle school, member of National Junior Honor Society through middle school, member of National Honor Society through high school, treasurer during senior year, member of Interact (a club that consists of volunteer activities) and internship at John Wright Associates, a company in Arlington, Texas. Emily likes reading, spending time outdoors with family, shopping for bargains with friends, concerts, and watching movies.

**8. Public Hearing on a request by Ken Rogers, Herbert Beasley Land Surveyors LP for a Replat of Lot 4R Waxahachie Civic Center to create Lots 4R-1, 4R-2, and 4R-3 Waxahachie Civic Center, 14.172 acres (Property ID 227433) – Owner: LOOKOUT PARTNERS LP (RP-18-0109)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the applicant seeks to replat one lot into three lots and wants to use one buildable lot for a standalone detention pond. He stated the applicant needs to provide water and sewer services to each new lot prior to recording the plat. Mr. Brooks stated the Planning and Zoning Commission recommended approval keeping the detention pond as part of Lot 4R-2. He explained after further discussion with the applicant, staff stands with original request of applicant for a standalone detention pond on one of the lots.

There being no others to speak for or against RP-18-0109, Mayor Strength closed the Public Hearing.

**9. Consider approval of RP-18-0109**

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Ken Rogers, Herbert Beasley Land Surveyors LP for a Replat of Lot 4R Waxahachie Civic Center to create Lots 4R-1, 4R-2, and 4R-3 Waxahachie Civic Center, 14.172 acres (Property ID 227433) – Owner: LOOKOUT PARTNERS LP (RP-18-0109) as originally submitted. Councilmember Mary Lou Shipley seconded, All Ayes.*

**10. Public Hearing on a request by Chad Hill for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Planned Development-23-Single Family-1 zoning district, located at 141 Willowcrest, LOT 11A LAKEVIEW-REV 1.23 AC (Property ID 174724) - Owner: HILL CHAD W & CASI L (SU-18-0114)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to expand an accessory structure on the property and explained it was erected without Specific Use Permit prior to the applicant purchasing the property. He stated it is the applicant's goal to improve the street facing façade with hardi-plank and stone, matching the homes façade. Mr. Brooks stated surrounding neighbors signed a petition supporting the expansion and upgrade to the existing accessory structure.

There being no others to speak for or against SU-18-0114, Mayor Strength closed the Public Hearing.

**11. Consider proposed Ordinance approving SU-18-0114**

**ORDINANCE NO. 3045**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY BUILDING (RESIDENTIAL), GREATER THAN OR EQUAL TO 700 S.F. USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE-FAMILY-1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 141 WILLOWCREST, BEING PROPERTY ID 174724, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 11A, IN THE LAKEVIEW-REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3045 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

- 12. Continue Public Hearing on a request by Verlin Taylor, VKT Associates, for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, with Concept Plan, located at 1501 Dr. Martin Luther King Jr. Blvd., being 272 S M DURRETT 0.3426 ACRES (Property ID 182074) - Owner: VKT ASSOCIATES LLC (PD-18-0079)**

Mayor Strength continued the Public Hearing.

Mr. Brooks recommended continuing the Public Hearing to the City Council meeting of August 20, 2018 noting staff is working with the applicant.

Mr. Verlin Taylor, applicant, stated he is working with staff on changes and requested the continuance.

- 13. Consider proposed Ordinance approving Zoning Change No. PD-18-0079**

**Action:**

*Councilmember Chuck Beatty moved to continue a request by Verlin Taylor, VKT Associates, for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, with Concept Plan, located at 1501 Dr. Martin Luther King Jr. Blvd., being 272 S M DURRETT 0.3426 ACRES (Property ID 182074) - Owner: VKT ASSOCIATES LLC (PD-18-0079) to the City Council meeting of August 20, 2018. Councilmember Mary Lou Shipley seconded, All Ayes.*

- 14. Consider request by Jeremy Glenn, Waxahachie ISD, for a Preliminary Plat of New Waxahachie High School for 1 lot, being 94.184 acres situated in the J. Boyd Survey, Abstract 108, W.J. Boyce Survey, Abstract 109, E. Horton Survey, Abstract 466, and W.C. Tunnell Survey, Abstract 1008 (Property ID 180503) Owner: WAXAHACHIE ISD (PP-18-0113)**

Mr. Brooks reported the Preliminary Plat expired during the construction of the new high school and requested approval.

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Jeremy Glenn, Waxahachie ISD, for a Preliminary Plat of New Waxahachie High School for 1 lot, being 94.184 acres situated in the J. Boyd Survey, Abstract 108, W.J. Boyce Survey, Abstract 109, E. Horton Survey, Abstract 466, and W.C. Tunnell Survey, Abstract 1008 (Property ID 180503) Owner: WAXAHACHIE ISD (PP-18-0113) . Mayor Pro Tem David Hill seconded, All Ayes.*

- 15. Consider request by Jeremy Glenn, Waxahachie ISD, for a Final Plat of New Waxahachie High School for 1 lot, being 94.184 acres situated in the J. Boyd Survey, Abstract 108, W.J. Boyce Survey, Abstract 109, E. Horton Survey, Abstract 466, and W.C. Tunnell Survey, Abstract 1008 (Property ID 180503) Owner: WAXAHACHIE ISD (FP-18-0112)**

Mr. Brooks reported the infrastructure is in place and staff is continuing to work with the school district and adjacent apartments to get the right-of-way in place. He stated comments on fees have been discussed with the district as well as other staff comments provided in the council packet. Mr. Brooks recommended approval per staff comments.

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Jeremy Glenn, Waxahachie ISD, for a Final Plat of New Waxahachie High School for 1 lot, being 94.184 acres situated in the J. Boyd Survey, Abstract 108, W.J. Boyce Survey, Abstract 109, E. Horton Survey, Abstract 466, and W.C. Tunnell Survey, Abstract 1008 (Property ID 180503) Owner: WAXAHACHIE ISD (FP-18-0112) subject to staff comments. Councilmember Melissa Olson seconded, All Ayes.*

**16. Consider award of bid to P.E.T. Construction for the Lakewood Culvert Improvement Project**

Mr. Ludwig reported bids were recently received on the above project and P.E.T Construction had the lowest bid in the amount of \$116,331.16. He explained the project will include replacing two (2) 36-inch culverts with two (2) 6-foot by 3-foot box culverts increasing the capacity of storm water runoffs. Mr. Ludwig stated the project is a planned expense and \$100,000.00 was incorporated in the City Engineer's budget this fiscal year. He noted there are sufficient savings in the City Engineer's budget to fund the additional \$16,331.16 of costs associated with the low bid without need for a supplemental appropriation.

**Action:**

*Councilmember Mary Lou Shipley moved to award the bid for the Lakewood Culvert Improvement Project to P.E.T. Construction in the amount of \$116,331.16. Mayor Pro Tem David Hill seconded, All Ayes.*

**17. Consider award of a bid to Gracon Construction for the replacement and installation of a fluoride bulk storage tank, filter number 4 and clarifier number 2 at the Howard Road Water Treatment Plant**

Mr. Ludwig reported bids were recently received on the above project and Gracon Construction had the lowest bid in the amount of \$593,301.00. He stated the project was budgeted in the operating fund and explained earlier this year that clarifier number 2 unexpectedly reached its end of life and its replacement was not a planned expense.

**Action:**

*Councilmember Chuck Beatty moved to award the bid for the replacement and installation of a fluoride bulk storage tank, filter number 4 and clarifier number 2 at the Howard Road Water Treatment Plant to Gracon Construction in the amount of \$593,301.00. Councilmember Melissa Olson seconded, All Ayes.*

**18. Consider proposed Resolution authorizing the transfer of expenditures from the Utilities FY17-18 operating budget to bond funds for the replacement and installation of a fluoride bulk storage tank, filter number 4 and clarifier number 2 at the Howard Road Water Treatment Plant**

**RESOLUTION NO. 1252**

**A RESOLUTION DECLARING INTENT TO TRANSFER EXPENDITURES FROM THE FY 2017-18 OPERATING BUDGET TO BOND FUNDS FOR THE FILTER NO. 4, FLUORIDE BULK STORAGE TANK REPLACEMENT AND CLARIFIER NO. 2 REHABILITATION PROJECT**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Resolution No. 1252 as presented. Mayor Kevin Strength seconded, All Ayes.*

**19. Consider contract with Kimley Horn to provide professional engineering services for the design of a deceleration lane along Highway 287 frontage road at Park Place Boulevard**

Mr. Ludwig reported the contract will provide engineering, survey, bid specification preparation and construction support services for the design of an approximate 550 linear foot single deceleration lane. He stated the deceleration lane will make it safer to prevent traffic stacking. Mr. Ludwig stated the time line includes end of October for design and November for council approval with construction in 2019. He presented the contract in the amount of \$43,675.00.

**Action:**

*Councilmember Chuck Beatty moved to approve a contract with Kimley Horn in the amount of \$43,675.00. Councilmember Melissa Olson seconded, All Ayes.*

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

Mr. Tommy Ludwig announced the new Utility Building will soon be ready to move into.

Councilmember Melissa Olson thanked Police Chief Goolsby for the memento. She thanked Honorary Councilmember Emily Rauscher for her attendance. She referenced the upcoming budget workshop to be held August 7<sup>th</sup> and stated the meeting allows for public comments. Councilmember Olson thanked city staff for presenting the deceleration lane project.

City Manager Michael Scott stated he received a thank you note from the Crape Myrtle festival committee thanking city staff for support and participation making the 4<sup>th</sup> of July festivities successful. He announced TxDOT will have an open house on August 30, 2018 at Midlothian Heritage High School from 6:00 – 8:00 p.m. soliciting public comments on the proposed roadway improvements to FM 1387 from North Midlothian Parkway to FM 664 in Ellis County.

Mayor Kevin Strength thanked Honorary Councilmember Emily Rauscher for her attendance. He thanked Dr. Fegan and Dr. Lewis for their attendance noting he looks forward to working with them. He thanked Police Chief Goolsby for the card and thanked him for overseeing the construction of the new police station.

Mayor Pro Tem David Hill thanked Police Chief Goolsby for his work on the new police station. He stated City Councilmembers names and emails are listed on the city's website noting last year he met with several concerned citizens.

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Councilmember Mary Lou Shipley complimented Police Chief Goolsby on the new Police Station. She thanked Honorary Councilmember Emily Rauscher for her attendance.

Ms. Rauscher thanked city council for having her as honorary councilmember.

**21. Adjourn**

*There being no further business, Mayor Pro Tem David Hill moved the meeting adjourn at 7:53 p.m. Councilmember Chuck Beatty seconded, All Ayes.*

Respectfully submitted,

Lori Cartwright  
City Secretary