

City Council
November 5, 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, November 5, 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
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 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. Consent Agenda

- a. Minutes of the City Council meeting of October 15, 2018
- b. Award Bid for Wrecker Services
- c. Avenue Church 75th Anniversary Fireworks Display to be held on November 11, 2018
- d. SAGU 5k Turkey Trot to be held on November 15, 2018
- e. Lighted Christmas parade and community tree lighting to be held on November 27, 2018
- f. 2nd Annual Martin Luther King, Jr. Unity Parade to be held on January 21, 2019

Action:

Councilmember Mary Lou Shipley moved to approve items a. through f. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.

5. Introduce Honorary Councilmember

Mayor Pro Tem David Hill introduced Mr. Brady Moon and Mr. Braxton Moon as Honorary Councilmembers for the month of November.

Brady will earn his Associates degree before graduating in the top 5% from Global High. He is President of WISD's Teen School Board, President of his Senior Class, a member of the National Honor Society, and serves as a volunteer at Waxahachie CARE twice a week. He also runs his own business buying, selling, and breeding sheep and goats. Next year, Brady will attend Texas A&M University to study Animal Science and minor in Business.

Braxton will earn his Associates degree before graduating in the top 5% from Waxahachie High School. He is on the Computer Science UIL Team, a member of the National Honor Society, and enjoys volunteering as an Aide in the Counseling Office at WHS. He works as a cashier at HEB. Next year, Braxton will attend Texas Tech's Whitacre College of Engineering and major in Computer Science.

6. Present Proclamation proclaiming November 5-9, 2018 as "Municipal Court Week"

Mayor Strength read a Proclamation proclaiming November 5-9, 2018 as "Municipal Court Week" and presented it to Municipal Court Staff Tammie Atchison, Amparo Aleman, and Karissa LaQuay.

7. Present Proclamation proclaiming November 15, 2018 as "World Pancreatic Day"

Mayor Strength read a Proclamation proclaiming November 15, 2018 as "World Pancreatic Day" and presented it to Les and De Clemons.

8. Public Hearing on a request by Jewel Chadd, JPH Land Surveying Inc., for a Replat of Lot 3, Block A, RVG Plaza to create Lot 3R, Block A, RVG Plaza for 11.478 acres (Property ID 238264) – Owner: HUNTERS COVE LAKESIDE APARTMENTS I LLC & HUNTERS COVE LAKESIDE APARTMENTS II LLC (RP-18-0157)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, stated the Replat pertains to an apartment complex located west of Highway 287 Bypass. He reported an easement was filed with this in error and it was discovered when the property was purchased from a new owner. Mr. Brooks stated the easement is required to be moved by Replat. He recommended approval.

There being no others to speak for or against RP-18-0157, Mayor Strength closed the Public Hearing.

9. Consider approving RP-18-0157

Action:

Mayor Pro Tem David Hill moved to approve a request by Jewel Chadd, JPH Land Surveying Inc., for a Replat of Lot 3, Block A, RVG Plaza to create Lot 3R, Block A, RVG Plaza for 11.478 acres (Property ID 238264) – Owner: HUNTERS COVE LAKESIDE APARTMENTS I LLC & HUNTERS COVE LAKESIDE APARTMENTS II LLC (RP-18-0157). Councilmember Mary Lou Shipley seconded, All Ayes.

10. Continue Public Hearing on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)

Mayor Strength continued the Public Hearing.

Mr. Brooks reported the property is located at the corner of Wyatt Street and Peters Street noting the triangular piece of property is currently undeveloped. He stated the applicant seeks to establish a Planned Development district that encompasses nine (9) lots along Wyatt Street with homes being 1,500 square feet. Mr. Brooks stated staff received two (2) notices in opposition. Applicant will brick and stone the homes and will have attached two car garages. Staff will require striping in the streets and set back the stop sign for trucks entering the nearby business. Mr. Brooks recommended approval.

Council discussed waiving impact fees and Mayor Strength stated impact fees are waived on infill lots.

Councilmember Melissa Olson asked if Burleson Honey was okay with the changes. Mr. Brooks stated they are satisfied with the City's efforts for now but have not pulled their letter of opposition.

Those who spoke against PD-18-0152:

Mrs. Betty Square Coleman, 116 Bradshaw, Waxahachie

There being no others to speak for or against PD-18-0152, Mayor Strength closed the Public Hearing.

11. Consider proposed Ordinance approving PD-18-0152

ORDINANCE NO. 3064

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN LOCATED AT 1308 WYATT STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.512 ACRES KNOWN AS PROPERTY ID 270088 OF THE TOWN ADDITION-REVISED SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem David Hill moved to approve Ordinance No. 3064 and waiving the water and wastewater impact fees. Councilmember Mary Lou Shipley seconded, All Ayes.

12. Public Hearing on a request by Terry Weaver, TJVC Inc. dba Sterling Development Co., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)

Mayor Strength announced PD-18-0156 was continued at the Planning and Zoning Commission meeting of October 23, 2018. He asked Council to continue PD-18-0156 to the City Council meeting of November 19, 2018.

13. Consider proposed Ordinance approving PD-18-0156

Action:

Mayor Kevin Strength moved to continue a request by Terry Weaver, TJVC Inc. dba Sterling Development Co., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156) to the City Council meeting of November 19, 2018. Councilmember Chuck Beatty seconded, All Ayes.

- 14. Public Hearing on a request by Jon Garrett, Lone Star Events, for a Specific Use Permit (SUP) for Private Club use within a Commercial zoning district, located at 1300 W Main Street, Suite 101, being 1 & 2B 12 WEST END 0.589 ACRES (Property ID 176701) - Owner: HARDEN ROBERT N & ELIZABETH K (SU-18-0155)**

Mayor Strength announced the applicant withdrew his application and therefore, there is no action to be taken on Item 15.

- 15. Consider proposed Ordinance approving SU-18-0155**

No action.

- 16. Consider award of bid for Little Creek Trail**

Mr. Gumaro Martinez, Assistant Director of Parks and Recreation, reported bids were received on October 16, 2018 for the Little Creek Trail project. He reported the scope of work is to build a ten foot wide trail connecting Farley Street to Indian Drive at Global High. Staff recommended awarding the bid to J&K Construction who had the lowest base bid and alternates totaling \$2,905,840. Mr. Martinez stated there will be some monies left over for contingency.

Action:

Councilmember Mary Lou Shipley moved to award the bid to J&K Construction in the amount of \$2,905,840. Councilmember Chuck Beatty seconded, All Ayes.

- 17. Consider authorizing the award of a bid to Blue Star Utilities, LLC associated with the Cole Creek Trunk Sewer Capital Improvement Planned Project**

Mr. Tommy Ludwig, Assistant City Manager, reported fourteen bids were received and Blue Star Utilities, LLC was the lowest bid in the amount of \$2,647,148.70. The project provides for the construction of approximately 16,000 linear feet of 27 inch diameter gravity sewer line along Cole Creek, from the existing South Mustang Creek Trunk Sewer Line to the Broadhead Lift Station. Mr. Ludwig explained the project will allow the decommissioning and abandonment of the Broadhead Lift Station noting the Cole Creek, Grove Creek and Lower Mustang Creek Fiscal Year 2018-2019 sewer system improvements will provide additional capacity for approximately 7,900 residential equivalent units. He stated the timeframe for the construction is ten (10) months.

Action:

Mayor Pro Tem David Hill moved to award the bid to Blue Star Utilities, LLC in the amount of \$2,647,148.70 as presented. Councilmember Melissa Olson seconded, All Ayes.

18. Consider resolution authorizing the reimbursement of the Wastewater Fund from the proceeds of future debt for the Cole Creek Trunk Sewer Planned Capital Improvement Project

Mr. Ludwig stated a portion of the Cole Creek Trunk Sewer line will be funded through Certificate of Obligation Bonds, which are planned to be sold in the Fiscal Year 2018-2019 budget year. He explained the Utilities Department will fund any expenses associated with the project from the Wastewater Fund until bonds are issued. Mr. Ludwig presented Resolution No. 1255 authorizing a reimbursement to the Wastewater Fund from future bond sales.

RESOLUTION NO. 1255

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE COLE CREEK TRUNK SEWER PROJECT.

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1255. Councilmember Melissa Olson seconded, All Ayes.

19. Consider a contract with Kimley-Horn and Associates, Inc. to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Clift and Flat Street(s)

Mr. Ludwig reported the contract will provide engineering, survey, bid specification preparation and construction support services for the restoration of Flat Street from Jefferson Street to Matthews Street, Madison Street from Flat Street to Clift Street, and Clift Street from Martin Luther King Jr. Boulevard to Madison Street. He presented the contract for engineering design services in the amount of \$281,700. Mr. Ludwig explained the Clift and Flat corridor restoration was a planned expense and was included in the Public Works Department's Operating and Maintenance Budget. He stated the City Council approved \$330,000 in the Fiscal Year 2018-2019 budget for this project and the proposed contract with Kimely-Horn and Associates, Inc. is \$48,300 below budget.

Action:

Councilmember Mary Lou Shipley moved to approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$281,700 to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Clift and Flat Street(s). Councilmember Chuck Beatty seconded, All Ayes.

20. Consider a contract with Kimley-Horn and Associates, Inc. to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Kaufman Street

Mr. Ludwig reported the contract will provide engineering, survey, bid specification preparation and construction support services for the restoration of Kaufman Street from Martin Luther King Jr. Boulevard to East Marvin Street. Construction is planned for Fiscal Year 2019-2020 and will provide asphalt pavement, street lighting, curb, gutter and sidewalks throughout the project limits.

He presented the contract in the amount of \$362,000 noting it is \$113,175 below the approved FY 2018-2019 Capital Budget.

Action:

Mayor Pro Tem David Hill moved to approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$362,000 to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Kaufman Street. Councilmember Mary Lou Shipley seconded, All Ayes.

- 21. Consider resolution authorizing the reimbursement of the General Fund from the proceeds of future debt for the Planned Capital Improvement corridor restoration of Kaufman Street**

Mr. Ludwig reported the Kaufman corridor restoration will ultimately be funded through Certificate of Obligation Bonds, which are planned to be sold in the Fiscal Year 2018-2019 budget year. He stated the Public Works Department will fund any expenses associated with this project from their budget until bonds are issued.

RESOLUTION NO. 1256

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE CORRIDOR RESTORATION OF KAUFMAN STREET

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1256. Mayor Pro Tem David Hill seconded, All Ayes.

- 22. Consider a contract with Kimley-Horn and Associates, Inc. to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Cumberland Street**

Mr. Ludwig reported the contract will provide engineering, survey, bid specification preparation and construction support services of Cumberland Street from Richmond Lane. Construction is planned for FY 2019-2020 and will provide asphalt pavement, street lighting, curb, gutter and sidewalks throughout the project limits. He presented the contract in the amount of \$250,000.

Action:

Councilmember Mary Lou Shipley moved to approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$250,000 to provide professional engineering design services for the Planned Capital Improvement corridor restoration of Cumberland Street. Mayor Pro Tem David Hill seconded, All Ayes.

- 23. Consider resolution authorizing the reimbursement of the General Fund from the proceeds of future debt for the Planned Capital Improvement corridor restoration of Cumberland Street**

Mr. Ludwig reported the Cumberland corridor restoration will ultimately be funded through Certificate of Obligation Bonds, which are planned to be sold in the Fiscal Year 2018-2019 budget year. He stated the Public Works Department will fund any expenses associated with the project from their budget until bonds are issued.

RESOLUTION NO. 1257

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE CORRIDOR RESTORATION OF CUMBERLAND STREET

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1257. Councilmember Mary Lou Shipley seconded, All Ayes.

24. Consider proposed Resolution appointing member to Initial 9-1-1 District Board

Mr. Scott reported the North Central Texas Council of Governments created a 9-1-1 District Board and they look to cities in the North Central Texas region for appointing members to the board. He presented a Resolution appointing Mayor Kevin Strength to serve on the initial North Central Texas 9-1-1 Emergency Communications District Board.

RESOLUTION NO. 1258

RESOLUTION APPOINTING MEMBER TO INITIAL 9-1-1 DISTRICT BOARD

Action:

Councilmember Melissa Olson moved to approve Resolution No. 1258 as presented. Councilmember Chuck Beatty seconded, All Ayes.

25. Discuss and consider moving Public Comments back to the beginning of the City Council agenda

Councilmember Melissa Olson presented reasons for moving the Public Comments back to the beginning of the City Council agenda. She stated it is respectful to citizens to allow them to speak on agenda items that are not Public Hearings and to allow them to speak on other subjects without sitting through the entire meeting. Councilmember Olson stated it is the job of the meeting chair to make sure the residents speak at the appropriate time, so if there are people speaking on an item at the wrong time, the chair can simply redirect them to the appropriate time. She stated a city she spoke to allows public comments on every agenda item and recommended it on future agendas. Councilmember Olson asked where, who and when was the decision made to move the comments noting she was informed through an open records request there were no records found. She recognized administrative decisions can happen but because this effects our citizens, she stated it should have been considered in an open meeting. Councilmember Olson stated the decision should be made tonight with a vote amongst council to move Public Comments back to the beginning of the agenda.

Mayor Strength stated Public Comments have always been at the end of the agenda and explained when the new attorney arrived it was suggested to move the Public Comments to the top of the agenda. He stated it was moved back to the bottom due to negative remarks made at the beginning of meetings.

Councilmember Chuck Beatty stated comments at the beginning of the meeting became disruptive and he prefers keeping them at the bottom of the agenda.

Councilmember Mary Lou Shipley stated she prefers having them at the end of the meeting to save confusion when someone needs to speak on an agenda item. It avoids them from speaking twice.

Mayor Pro Tem Hill recommended keeping comments at the end of the agenda.

Action:

Councilmember Melissa Olson moved to place “Public Comments” to the front of the agenda. The motion died due to a lack of second.

Action:

Mayor Pro Tem David Hill moved to leave “Public Comments” at the end of the agenda. Councilmember Chuck Beatty seconded. The vote was as follows:

*Ayes: Kevin Strength
David Hill
Chuck Beatty
Mary Lou Shipley*

Noes: Melissa Olson

The motion carried.

26. Discuss and consider reinstating City Council Briefings before Council meetings

Councilmember Melissa Olson stated, in the past, when she attended city council briefings they were very informative. She recommended reinstating briefings noting they are about preparing for the council meeting and it benefits communication amongst councilmembers and staff.

Mayor Strength stated they tried it for a while, but he doesn't have any issues with briefings.

Mayor Pro Tem Hill stated briefings are informative and they are helpful at times.

Councilmember Shipley stated she has no issues with briefings when there is a complex or controversial issue but doesn't see any reason to have it prior to every council meeting.

Action:

Councilmember Melissa Olson moved to approve holding City Council Briefings as needed. Mayor Kevin Strength seconded. Councilmember Mary Lou Shipley requested adding “at the discretion of the City Manager”. Councilmember Olson added “at the discretion of the City Manager” to her motion. All Ayes.

27. Public Comments

Mr. Chris Wright, 808 West Marvin Avenue, Waxahachie, suggested audience members be allowed to speak on any agenda item. He announced the WHS Band made the state finals and the WHS Girls Volleyball made the playoffs and a Hoop Fest will be in Waxahachie on December 14-15, 2018 noting it will be a fundraiser for Alzheimer's research.

Mrs. Betty Square Coleman, 116 Bradshaw, Waxahachie, asked for clarification on the street rehab pertaining to Kaufman Street.

Mr. Kevin Ivy, 1980 East Highland Road, Waxahachie, stated a crosswalk is needed at Highway 287 and Highway 77 under the overpass. He stated having Public Comments at the end of meetings is good so audience members can observe the meeting.

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

Mr. Brooks introduced Mr. Colby Collins as the city's new Senior Planner. He comes from the City of Grand Prairie.

Councilmember Melissa Olson concurred with Mr. Chris Wright's request allowing the audience members to speak on each agenda item.

Councilmember Chuck Beatty welcomed Mr. Collins to the city.

City Manager Michel Scott referenced many items on the agenda noting the Capital Improvement Plan has been talked about and built up to this point. Two major contracts were awarded, one being the Little Creek Trail and amenities and the other being a sewer project. He commended city council getting to the point of awarding the contracts. He stated good things are happening and appreciates council's support. Mr. Scott announced Mr. Tommy Ludwig accepted the request to become a second Assistant City Manager.

Mayor Kevin Strength stated he is very excited about what's going on in our city. He stated city council has been working on a Capital Improvement Program and bonding in order to repair streets. Mayor Strength stated with the streets approved tonight, it will convey into the downtown area and people will take pride in their properties and homes. He stated Penn Park is in its third phase of construction and eventually the park will become a downtown sports complex.

Mayor Pro Tem David Hill congratulated Mr. Ludwig on his new role as Assistant City Manager.

Councilmember Mary Lou Shipley stated the Farm to Table event provided a wonderful meal. She praised Mr. Scott along with the Street Department and how well they handled the Bob Phillips festival. Councilmember Shipley referenced the street program noting she is glad to have an organized plan of repairing the streets.

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29. Adjourn

*There being no further business, Councilmember Mary Lou Shipley moved the meeting adjourn at 8:21 p.m. Councilmember Chuck Beatty seconded, **All Ayes.***

Respectfully submitted,

Lori Cartwright
City Secretary