

City Council
March 4, 2019

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, March 4, 2019 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
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant 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

Planning Director Shon Brooks 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 February 18, 2019
- b. Minutes of the City Council briefing of February 18, 2019
- c. Minutes of the City Council special meeting on February 15, 2019
- d. Minutes of the City Council work session of February 25, 2019
- e. Camp Gladiator Fun Day on March 16, 2019

Action:

Councilmember Chuck Beatty moved to approve items a. through e. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.

5. Introduce Honorary Councilmember

Mayor Pro Tem David Hill introduced Ms. Madison Zandt as the Honorary Councilmember for the month of March. Madison Zandt is the daughter of Erick and Jennifer Zandt. As a Senior she is actively involved in many activities, including being a member of WHS Choir, Advanced theater, musical theater, UIL One Act play team, and she also serves as the Indian mascot. You may recognize her as Mary Poppins in the WHS Dramas Department recent production of Mary Poppins. She will be playing the role of Velma Kelly in the production of Chicago. Madison has also competed in the Thespians Solo Musical Theatre competition in 2017 and 2018 and received a perfect score advancing her to the finals. She also was nominated for Best Featured Actress last spring at Dallas Summer Musicals. Madison has also been named All-American Mascot for three

consecutive years. Even after being involved in multiple organizations, she has been able to achieve the A/B honor roll in AP classes. She ranks 82 out of 512. Madison loves to give back to her community volunteering with Special Olympics, Meals On Wheels and especially loves visiting local elementary schools. She has achieved the Lifetime Presidential Volunteer Services Award achieving over 4,000 hours of community service in her lifetime. With big dreams to be on Broadway, she will attend The University of Central Oklahoma and major in Musical Theatre.

6. Recognize City Employee Wally Mendez

Assistant City Manager Albert Lawrence recognized City employee Wally Mendez and Mayor Strength presented him with a Certificate of Appreciation for his honesty and integrity. Mr. Lawrence explained last week, local businessman Ronnie Ozymy dropped a bank deposit bag outside City Hall. Mr. Mendez found the bag and returned it. Mr. Ozymy thanked council for recognizing Mr. Mendez noting it is nice to know there is still honest people in this world. City Staff and City Council commended Mr. Mendez for displaying outstanding customer service.

7. Consider City of Waxahachie Annual Financial Report for year ended September 30, 2018

Finance Director Charlie Harris introduced auditor Ms. Paula Lowe, Patillo, Brown & Hill, to review the City of Waxahachie Annual Financial Report for year ended September 30, 2018. Ms. Lowe reviewed the Independent Auditor's Report noting it is their opinion, the city financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Waxahachie, Texas, as of September 30, 2018, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with account principles generally accepted in the United States of America. Ms. Lowe reviewed the following financial highlights:

- All positive balances in all categories of Statement of Net Position
- Total Fund balance of \$35,651,079
- All positive net position in all water categories
- Plan fiduciary net position as a percentage of total pension liability ratio is 87% which is the highest in the last four years
- "Clean", unqualified opinion, which is the highest level that can be given

Action:

Councilmember Mary Lou Shipley moved to accept the City of Waxahachie Annual Financial Report for year ended September 30, 2018. Mayor Pro Tem David Hill seconded, All Ayes.

8. Public Hearing on a request by Todd Wintters, Engineering Concepts & Design LP, for a Zoning Change from a Future Development and Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Marshall Road and Ovilla Road (Property IDs 195446, 191103, 191114, 191113, 191112, 191111, 182906, 182907, 200367, 180351, 200379, 200380) - Owner: ARBORS DEVELOPMENT LLC (PD-18-0210)

Mayor Strength opened the Public Hearing. Mr. Brooks announced the applicant requested to continue the public hearing to the April 1, 2019 City Council meeting. Councilmember Melissa Olson requested to allow those in attendance to speak for or against PD-18-0210. No one spoke for or against PD-18-0210.

Action:

Mayor Pro Tem David Hill moved to continue a request by Todd Wintters, Engineering Concepts & Design LP, for a Zoning Change from a Future Development and Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Marshall Road and Ovilla Road (Property IDs 195446, 191103, 191114, 191113, 191112, 191111, 182906, 182907, 200367, 180351, 200379, 200380) - Owner: ARBORS DEVELOPMENT LLC (PD-18-0210) to the City Council meeting of April 1, 2019. Councilmember Mary Lou Shipley seconded, All Ayes.

9. Consider proposed Ordinance approving Zoning Change No. PD-18-0210

Action:

No action taken.

10. Public Hearing on a request by Howard Baskin for a Specific Use Permit (SUP) for Private Club use within a Central Area zoning district, located at 109 N Rogers (Property ID 170393) – Owner: NOEL & ANJANETTE NALLS (SU-19-0008)

Mayor Strength opened the Public Hearing.

Mr. Brooks presented SU-19-0008 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0008, Mayor Strength closed the Public Hearing.

11. Consider proposed Ordinance approving Zoning Change No. SU-19-0008

ORDINANCE NO. 3099

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE CLUB USE WITHIN THE CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 109 NORTH ROGERS STREET, BEING PROPERTY ID 170393, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5B, BLOCK 3 IN THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3099. Councilmember Melissa Olson seconded, All Ayes.

12. **Public Hearing on a request by Marquita Cooper, Future Generations Christian Childcare Center, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Neighborhood Service, with Concept Plan, restricting uses to Church, Rectory, or Temple and Child Daycare Center, located at 1415 Dr. Martin Luther King Jr Blvd (Property ID 175041) – Owner: STRAIGHTWAY NONDENOMINATIONAL (PD-19-0009)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented PD-19-0009 noting the applicant is requesting the zoning change so the existing daycare facility in the church will be in zoning compliance.

Ms. Betty Square Coleman, 116 Bradshaw Street, Waxahachie, asked if this request is to change or add on to the existing church. Mr. Brooks explained the applicant is not requesting any change or additions to the building and the Planned Development will restrict the use of the property for the use of a daycare and church only.

There being no others to speak for or against PD-19-0009, Mayor Strength closed the Public Hearing.

13. **Consider proposed Ordinance approving Zoning Change No. PD-19-0009**

ORDINANCE NO. 3100

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY – 3 (SF-3) TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE (PD-NS), WITH CONCEPT PLAN, RESTRICTING USES TO CHURCH, RECTORY, OR TEMPLE AND CHILD DAYCARE CENTER LOCATED AT 1415 DR MARTIN LUTHER KING JR. BOULEVARD, BEING PROPERTY ID 175041, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4A, BLOCK 19 IN THE HI NOWLIN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3100. Councilmember Melissa Olson seconded, All Ayes.

14. **Consider request by David Hargrove, Legacy Grove Development, for a Final Plat with Landscape Plan of Buffalo Ridge Phase 4 for 84 lots, being 26.033 acres situated in the W.C. Calder Survey, Abstract 235 and the W. Dunn Survey, Abstract 303 (Property ID 273404) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-19-0010)**

Mr. Brooks presented FP-19-0010 noting staff recommended approval as presented with the Landscape Plan.

Action:

Councilmember Melissa Olson moved to approve a request by David Hargrove, Legacy Grove Development, for a Final Plat with Landscape Plan of Buffalo Ridge Phase 4 for 84 lots, being 26.033 acres situated in the W.C. Calder Survey, Abstract 235 and the W. Dunn Survey, Abstract 303 (Property ID 273404) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-19-0010). Councilmember Chuck Beatty seconded, All Ayes.

- 15. Consider request by Michael James for a Preliminary Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (PP-19-0011)**

Mr. Brooks presented PP-19-0011 noting staff recommended approval as presented.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Michael James for a Preliminary Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (PP-19-0011). Mayor Pro Tem David Hill seconded, All Ayes.

- 16. Consider request by Michael James for a Final Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (FP-19-0012)**

Mr. Brooks presented FP-19-0012 noting staff recommended approval as presented.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Michael James for a Final Plat of Peaceful Prairie Estates for 3 lots, being 11.071 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256277 and 252892) in the Extra Territorial Jurisdiction – Owner: MICHAEL & JAYA JAMES and GREGORY & ALLISON JAMES (FP-19-0012). Councilmember Chuck Beatty seconded, All Ayes.

- 17. Consider request by Cody Johnson, Cody Johnson Studio, for a Landscape Plan for Buffalo Ridge Phase 5 as a companion to PP-17-0029 – Owner: GRBK EDGEWOOD LLC (LP-19-0013)**

Mr. Brooks presented LP-19-0013 noting staff recommended approval as presented. He explained the Landscape Plan is the companion to the Final Plat approved in May 2017.

Action:

Councilmember Chuck Beatty moved to approve a request by Cody Johnson, Cody Johnson Studio, for a Landscape Plan for Buffalo Ridge Phase 5 as a companion to PP-17-0029 – Owner: GRBK EDGEWOOD LLC (LP-19-0013). Councilmember Melissa Olson seconded, All Ayes.

18. Public Hearing on a request by David Teeter for a Replat of Lot 11R, Block B and Lot 15R, Block A, Mustang Meadows Phase 1, for 2 lots, being 7.181 acres situated in the J.B. and Ann Adams Survey, Abstract 5 (Property ID's 207729 and 239996) – Owner: DAVID & CHRISTY TEETER (RP-19-0016)

Mayor Strength opened the Public Hearing.

Mr. Brooks presented RP-19-0016 noting the applicant is requesting the replat of two properties, changing the lot line location, and removing and adding back some easements.

There being no others to speak for or against RP-19-0016, Mayor Strength closed the Public Hearing.

19. Consider approving RP-19-0016

Action:

Councilmember Chuck Beatty moved to approve a request by David Teeter for a Replat of Lot 11R, Block B and Lot 15R, Block A, Mustang Meadows Phase 1, for 2 lots, being 7.181 acres situated in the J.B. and Ann Adams Survey, Abstract 5 (Property ID's 207729 and 239996) – Owner: DAVID & CHRISTY TEETER (RP-19-0016). Councilmember Mary Lou Shipley seconded, All Ayes.

20. Public Hearing regarding the update of the Thoroughfare Plan (an Amendment of the Comprehensive Plan)

Mayor Strength opened the Public Hearing.

City Engineer James Gaertner presented the update of the Thoroughfare Plan explaining the plan has been updated to align with new development in the city.

Mayor Strength requested to realign the thoroughfare to continue through Alliance Boulevard.

Mayor Pro Tem Hill clarified this is only a plan that can be adjusted as needed with new development and Mr. Gaertner concurred.

There being no others to speak for or against the update of the Thoroughfare Plan (an Amendment of the Comprehensive Plan), Mayor Strength closed the Public Hearing.

21. Consider proposed Ordinance approving the update to the Thoroughfare Plan (an Amendment of the Comprehensive Plan)

ORDINANCE NO. 3101

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING THE THOROUGHFARE PLAN REVISIONS TO THE 2016 COMPREHENSIVE PLAN TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3101 including the realignment of the thoroughfare to continue through Alliance Boulevard. Mayor Pro Tem David Hill seconded, All Ayes.

22. Consider proposed Resolution approving submission of grant application for “Mental Health Peace Officer Training” program

Police Chief Wade Goolsby presented a resolution requesting council support for submitting a grant application to the North Central Texas Council of Government (NCTCOG) for “Mental Health Peace Officer Training” for fiscal year 2020. He explained, if awarded, this would be a reimbursement grant and the city would not be required to match funds.

Councilmember Olson thanked Police Chief Goolsby for submitting this grant to obtain certification for all of our police officers.

RESOLUTION NO. 1264

A RESOLUTION OF THE CITY OF WAXAHACHIE TO OPERATE THE “MENTAL HEALTH PEACE OFFICER TRAINING” PROGRAM FOR THE FISCAL YEAR 2020

Action:

Councilmember Melissa Olson moved to approve Resolution No. 1264. Councilmember Chuck Beatty seconded, All Ayes.

23. Consider proposed Resolution approving submission of a Staffing for Adequate Fire & Emergency Response (SAFER) Grant

Fire Chief Ricky Boyd presented a resolution requesting council support for grant application allowing the Fire Department to apply for the three-year SAFER grant. He explained the grant provides the same reimbursement amounts as the one we were awarded in 2018 (75% of eligible costs with a City match of 25% for the first and second years and 35% of eligible costs with a City match of 65% for the third year.)

RESOLUTION NO. 1265

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING SUBMISSION OF GRANT APPLICATION TITLED “STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE” TO THE ASSISTANCE TO FIREFIGHTERS (AFG) GRANT PROGRAM

Action:

Councilmember Mary Lou Shipley moved to approve Resolution No. 1265. Mayor Pro Tem David Hill seconded, All Ayes.

24. Consider award of a bid to Joel Brown and Company, LLC for the construction of an erosion control system for the Matthews Street Bridge

Capital Projects Manager Kip Dernovich recommended a bid award with Joel Brown & Company LLC for the construction of erosion control measures associated with Matthews Street Bridge improvements in the amount of \$551,046.00. He also presented the accompanying reimbursement resolution for funding.

Action:

Mayor Pro Tem David Hill moved to award the bid to Joel Brown and Company, LLC for the construction of an erosion control system for the Matthews Street Bridge in the amount of \$551,046.00. Mayor Kevin Strength seconded, All Ayes.

- 25. Consider proposed Resolution authorizing the reimbursement of Unrestricted Reserves from the proceeds of future debt for the installation of an erosion control system for the Matthews Street Bridge**

RESOLUTION NO. 1266

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF CONSTRUCTING AN EROSION CONTROL SYSTEM FOR THE MATTHEWS STREET BRIDGE

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1266. Mayor Pro Tem David Hill seconded, All Ayes.

- 26. Consider award of a bid to FNH Construction, LLC for the construction of a deceleration lane along Highway 287 frontage road at Park Place Boulevard**

Mr. Dernovich recommended award of bid to FNH Construction, LLC for the construction of a deceleration lane located at the U.S. Highway 287 Service Road and Park Place Boulevard in the amount of \$268,451.00.

Action:

Councilmember Melissa Olson moved to award the bid to FNH Construction, LLC for the construction of a deceleration lane along Highway 287 frontage road at Park Place Boulevard in the amount of \$268,451.00. Councilmember Chuck Beatty seconded, All Ayes.

- 27. Public Comments**

Ms. Betty Square Coleman, 116 Bradshaw Street, Waxahachie, asked for the dates of the City Council Retreat and City Manager Michael Scott noted it will be held April 4-5, 2019 at the Police Station. Ms. Coleman requested a copy of the audit, confirmed the location of the Matthews Street Bridge, noted she will bring forth street concerns to Assistant City Manager Tommy Ludwig, and brought to the city's attention the issues at Grove Park Terrace Apartments in Waxahachie.

- 28. Convene into Executive Session for deliberation regarding real property as permitted by the Texas Government Code, Section 551.072**

Mayor Strength announced at 7:46 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by the Texas Government Code, Section 551.072.

29. Reconvene and take any necessary action

The meeting reconvened at 8:01 p.m.

No action taken.

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

Assistant City Manager Tommy Ludwig reported the City of Waxahachie was awarded the 2019 Best Tasting Surface Water in the entire state from the Texas Water Utilities Association.

Councilmember Chuck Beatty congratulated Mayor Strength for receiving the Citizen of the Year Award from the Waxahachie Chamber of Commerce.

City Manager Michael Scott congratulated Mayor Strength for his award and the award given to Mike Ramsey. Mr. Scott acknowledged Mr. Wally Mendez as an asset to the downtown and City of Waxahachie.

Mayor Kevin Strength thanked everyone for the Citizen of the Year Award he received.

Mayor Pro Tem David Hill congratulated Mr. Mendez.

Councilmember Mary Lou Shipley congratulated Mayor Strength on his award and noted it is important for council and staff to stay involved in the community.

31. Adjourn

There being no further business, Mayor Pro Tem David Hill moved the meeting adjourn at 8:04 p.m. Councilmember Mary Lou Shipley seconded, All Ayes.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary