

City Council
September 18, 2017

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, September 18, 2017 at 7:00 p.m.

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

Others Present: Michael Scott, Interim City Manager
Robert Brown, City Attorney
Lori Saunders, City Secretary

1. Call to Order

Mayor Strength called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

Councilmember David Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments:

Ms. Laurie Mosley, Director of Convention and Visitors Bureau, announced the Texas Country Reporter Festival will be held on Saturday, October 28, 2017 starting at 9:00 a.m. in downtown and handed out brochures to City Council. She announced Actress Donna Wells from Gilligan's Island (Mary Ann) will be in attendance and signing autographs.

6. Consent Agenda

- a. Minutes of the regular City Council meeting of September 5, 2017
- b. Minutes of the special City Council meeting of September 7, 2017
- c. Minutes of the Planning and Zoning Commission meeting of September 12, 2017
- d. Minutes of the Waxahachie Community Development Corporation meeting of September 12, 2017
- e. Minutes of the Firemen's Relief & Retirement Fund meeting of August 21, 2017
- f. Minutes of the Park Board meeting of September 14, 2017
- g. Minutes of the Cemetery Board meeting of September 14, 2017
- h. Minutes of Heritage Preservation Commission meeting of August 3, 2017
- i. Monthly Code Enforcement Report for August 2017
- j. Monthly Building Reports for July and August 2017
- k. Monthly Violation Activity Statistics for August 2017
- l. Monthly Crime Report for August 2017
- m. Monthly Fire and EMS Report for August 2017

- n. Request by Colin Kiser for a Final Plat of Lot 1 and Lot 2, Colin Kiser Addition being a 7.013 acre tract of land out of the David Mitchell Survey, Abstract No. 703 in the Extra Territorial Jurisdiction (ETJ) – Owner: COLIN L KISER (FP-17-0098)
- o. Request by Danny Brandt for a Development Plat of a 10.534 acre tract of land in the Elizabeth Rice Survey, Abstract No. 927 to create Lot 1, Block A, Brandt Place – 10.534 acres – Owner: DANNY LEE BRANDT & ANGELA CELLARS BRANDT (DP-17-0110)

Action:

Councilmember Chuck Beatty moved to approve items a. through o. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.

7. Introduce Honorary Councilmember

Mayor Strength introduced Shelby Smith as the Honorary Councilmember for the month of September. Shelby is a fifth generation resident of Waxahachie and is currently in her sophomore year at Waxahachie High School where she is a member of the FFA and Theater Arts programs. She was inducted into the Jr. Honor Society in the 8th grade, and was on the A/B Honor Roll in the 9th grade. This year she is enrolled in four Pre-AP classes at WHS, and is in her 5th year of learning the Spanish language. As part of the FFA program her project will be to raise a pig, which will be shown at the annual youth expo. Shelby has a special love for people with disabilities and has been a volunteer at Campfire Creek Therapeutic Horse Riding Center since October 2016. Campfire Creek is a ministry for persons with disabilities using horse related activities for the purpose of contributing positively to the cognitive, physical, emotional and social well-being of people with challenges. Following high school, it is Shelby's desire to learn more about the human brain and aspires to study psychology and neuroscience at Texas A&M University. Shelby enjoys the outdoors, animals, riding 4-wheelers, and spending quality time with those she loves. She has a passion for helping others and strives to make a difference in the lives of those where she can. She attends Waxahachie Bible Church, and enjoys learning about Jesus Christ. Shelby is the daughter of Heidi Morton of Waxahachie.

Mayor Strength presented Shelby with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

8. Present Proclamation proclaiming September 17-23, 2017 as Constitution Week

Mayor Strength read a Proclamation proclaiming September 17-23, 2017 as Constitution Week and presented it to the Daughters of the American Revolution, Rebecca Boyce Chapter.

9. Public Hearing on a request by Frank Reichard, MedExpress, for a Specific Use Permit (SUP) to allow Medical Facility use within a Planned Development-36-Commercial and Planned Development-2-General Retail (PD-36-C and PD-2-GR) zoning district, located 1305 N Highway 77, being 851 R PARKS (Property ID 217629) 0.757 ACRES – Owner: MY ENTERPRISE INC (SU-17-0089)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the proposed medical facility will be located on North Highway 77 just north of Highway 287. He stated the business, Med Express, will be in the former Pizza Inn location and is an urgent care.

There being no others to speak for or against SU-17-0089, Mayor Strength closed the Public Hearing.

10. Consider proposed Ordinance approving Zoning Change No. SU-17-0089

ORDINANCE NO. 2963

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE WITHIN A PLANNED DEVELOPMENT-36-COMMERCIAL AND PLANNED DEVELOPMENT-2-GENERAL RETAIL (PD-36-C AND PD-2-GR) ZONING DISTRICT, LOCATED AT 1305 N HIGHWAY 77, BEING PROPERTY ID 217629, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE R. PARKS SURVEY, ABSTRACT NO. 851, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2963 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

11. Public Hearing on a request by Nathan Petty, America's Storage, for a Zoning Change from a Future Development (FD) zoning district to a Commercial (C) zoning district located at 3467 N Highway 77, being 1002 T SELBY 2.14 ACRES and 1002 T SELBY 5.234 ACRES (Property ID 191086 and 191095) - Owner: GREG & PAULA DIMSDLE (ZC-17-0108)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, presented a site image of the location noting the applicant seeks to rezone the property to permit the opening of a mini-warehouse.

There being no others to speak for or against ZC-17-0108, Mayor Strength closed the Public Hearing.

12. Consider proposed Ordinance approving Zoning Change No. ZC-17-0108

ORDINANCE NO. 2964

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO COMMERCIAL (C) LOCATED AT 3467 N HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.304 ACRES KNOWN AS THE T SELBY SURVEY, ABSTRACT NO. 1002, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 2964 as presented. Councilmember Chuck Beatty seconded, All Ayes.

- 13. Public Hearing on a request by Christopher Holleman, Holleman Construction Co. Inc., for a Zoning Change from a Light Industrial-1 (LI-1) zoning district to a Planned Development-Light Industrial-1 (PD-LI1), with Concept Plan, for a Contractor's Shop and Storage Yard located at 120 Lucas Street, being 827 A POLK 7.226 ACRES (Property ID 189014) - Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PD-17-0112)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, announced PD-17-0112 was continued at the Planning and Zoning Commission meeting of September 12, 2017 and stated if deemed Council can continue it to their next meeting of October 2, 2017.

Action:

Mayor Pro Tem Mark Singleton moved to continue a request by Christopher Holleman, Holleman Construction Co. Inc., for a Zoning Change from a Light Industrial-1 (LI-1) zoning district to a Planned Development-Light Industrial-1 (PD-LI1), with Concept Plan, for a Contractor's Shop and Storage Yard located at 120 Lucas Street, being 827 A POLK 7.226 ACRES (Property ID 189014) - Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PD-17-0112) to the City Council meeting of October 2, 2017. Councilmember David Hill seconded, All Ayes.

- 14. Consider proposed Ordinance approving Zoning Change No. PD-17-0112**

No action taken

- 15. Consider request by Christopher Holleman, Holleman Construction Co., Inc., for a Preliminary Plat of Holleman Addition for 1 lot, being 7.085 acres in the Alfred Polk Survey, Abstract Number 827 – Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PP-17-0113)**

Mr. Shon Brooks, Director of Planning, reported the existing use is currently undeveloped and is a companion case to the Item 13 that was continued. He stated the Planning and Zoning Commission recommended approval at their meeting of September 12, 2017.

Action:

Mayor Pro Tem Mark Singleton moved to approve a request by Christopher Holleman, Holleman Construction Co., Inc., for a Preliminary Plat of Holleman Addition for 1 lot, being 7.085 acres in the Alfred Polk Survey, Abstract Number 827 – Owner: HOLLEMAN CONSTRUCTION COMPANY, INC. (PP-17-0113). Councilmember David Hill seconded, All Ayes.

- 16. Public Hearing on a request by Brad Yates, Loren Gray Investments, LLC, for a Replat of Lot 1, Block 216 of Town Addition to create Lots 1R-A and 1R-B, Block 216, Town Addition, 1.493 acres – Owner: DONALD SHANE & CHACE LYN SIMMONS (RP-17-0109)**

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the applicant is requesting to replat one lot into two lots.

Mr. Brad Yates, Applicant, 626 Kauffman, Waxahachie, was available for questions.

There being no others to speak for or against RP-17-0109, Mayor Strength closed the Public Hearing.

- 17. Consider approving RP-17-0109**

Action:

Councilmember David Hill moved to approve a request by Brad Yates, Loren Gray Investments, LLC, for a Replat of Lot 1, Block 216 of Town Addition to create Lots 1R-A and 1R-B, Block 216, Town Addition, 1.493 acres – Owner: DONALD SHANE & CHACE LYN SIMMONS RP-17-0109). Councilmember Chuck Beatty seconded, All Ayes.

- 18. Consider proposed Ordinance annexing property owned by Arbors Development LLC, for annexation of approximately 292.589 acres generally situated North of Marshall Road and West of FM 664**

Mr. Michael Scott, Interim City Manager, reported the annexation is voluntary and upon approval of Ordinance, the City will begin services in this area.

ORDINANCE NO. 2965

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY THAT LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE IN THE PARTICULARS STATED IN THIS ORDINANCE, AND DECLARING AN EMERGENCY.

Action:

Mayor Kevin Strength moved to approve Ordinance No. 2965 as presented. Mayor Pro Tem Mark Singleton seconded, All Ayes.

Mayor Strength presented items 19 through 24 being Ordinances 2966 – 2971 pertaining to the 2017-2018 Fiscal Year Budget for consideration:

- 19. Consider proposed Ordinance approving revised budget figures for fiscal year 2016-2017 and approving the budget for fiscal year 2017-2018**

ORDINANCE NO. 2966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2016-2017; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND TERMINATING SEPTEMBER 30, 2018, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

- 20. Consider proposed Ordinance approving the Water and Wastewater Budget for fiscal year 2017-2018**

ORDINANCE NO. 2967

AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WAXAHACHIE'S WATER AND WASTEWATER OPERATIONS FOR THE PERIOD BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018 AND DECLARING AN EMERGENCY.

- 21. Consider proposed Ordinance amending Water and Wastewater fees setting an effective date of October 1, 2017**

ORDINANCE NO. 2968

AN ORDINANCE AMENDING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1ST, 2017 AND DECLARING AN EMERGENCY.

- 22. Consider proposed Ordinance approving the Robert W. Sokoll Water Treatment Plant Budget for fiscal year 2017-2018**

ORDINANCE NO. 2969

AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE SOKOLL WATER TREATMENT PLANT JOINT VENTURE FOR THE PERIOD BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018 AND DECLARING AN EMERGENCY.

- 23. Consider proposed Ordinance approving the Refuse Service Fund; Hotel Tax Fund; Waxahachie Community Development Corporation Budget; and, Interest and Sinking Fund for fiscal year 2017-2018**

ORDINANCE NO. 2970

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF WAXAHACHIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018 AND DECLARING AN EFFECTIVE DATE.

- 24. Consider proposed Ordinance approving the Tax Rate for fiscal year 2017-2018**

ORDINANCE NO. 2971

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2018 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.

Action:

Councilmember Chuck Beatty moved to approve items 19 through 24 being Ordinances 2966-2971 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 25. Consider proposed Ordinance re-establishing classified positions under Civil Service**

Police Chief Wade Goolsby reported the proposed Ordinance reflects new officer positions for the department.

ORDINANCE NO. 2972

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2972 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 26. Consider annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll**

Mr. Abdi Yassin, Manager, MuniCap, Inc., 1825 W. Walnut Hill Lane, Irving, Texas, presented the 7th annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll. He reviewed the annual installments to be collected by the tax collector for the payment of the debt service on the Series 2011 Bonds as well as the assessment collection and Public Improvement District administration related costs for the year. The budget for Annual Installments to be collected in 2018 totals \$137,878.00.

Action:

Mayor Pro Tem Mark Singleton moved to accept the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll as presented. Councilmember David Hill seconded, All Ayes.

27. Consider annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll

Mr. Abdi Yassin, Manager, MuniCap, Inc., 1825 W. Walnut Hill Lane, Irving, Texas, presented the 3rd annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll. He reported the budget for the Annual Installments to be collected in 2018 totals \$568,017.00. Mr. Yassin stated there have been additional lots subdivided and will be included in the 2018 annual update.

Action:

After a brief discussion, Councilmember Chuck Beatty moved to accept the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll as presented. Councilmember David Hill seconded, All Ayes.

28. Consider award of bid for rehab of Alexander Street

Mr. Jeff Chambers, Director of Public Works, reported six (6) bids were received and opened on September 7, 2017 for the Alexander Drive reconstruction project. RKM Utility Services, Inc. had the lowest bid in the amount of \$2,643,135.00. Mr. Chambers stated the contract time for the project is 300 calendar days. Kimley-Horn, Inc. and Staff recommended approval.

Action:

Councilmember David Hill moved to award the bid for rehab of Alexander Drive to RKM Utility Services, Inc. in the amount of \$2,643,135.00 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

29. Consider award of bid for rehab for Cynisca Street

Mr. Jeff Chambers, Director of Public Works, reported three (3) bids were received and opened on September 7, 2017 for the Cynisca Street reconstruction project. Pavecon Public Works, LP had the lowest bid in the amount of \$2,489,905.00. Mr. Chambers stated the street will be asphalt with concrete curb and gutter and the contract time for the project is 270 calendar days. Kimley-Horn, Inc. and Staff recommended approval.

Action:

After a brief discussion, Mayor Pro Tem Mark Singleton moved to award the bid for rehab of Cynisca Street to Pavecon Public Works, LP in the amount of \$2,489,905.00 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

30. Consider appointments to Boards and Commissions

Mayor Strength presented the following appointments to various Boards and Commissions for consideration:

AIRPORT BOARD (3 year term)

David Box
Kent McGuire

BUILDING STANDARDS COMMISSION (2 year term)

Jay Adams
Erma Newton
Ruthie Sutton

CEMETERY BOARD (2 year term)

Chelsea Holder
Gerald Kelsey
Connie McGuire

ELECTRICAL ADVISORY BOARD (2 year term)

Jimmy Haney
Wayne Eiland

**ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1
(2 year term)**

Erik Barnard
Mackey Morgan

HERITAGE PRESERVATION (2 year term)

Louis Brown
Peggy Crabtree
Glinda Felty
Shannon Simpson

INVESTMENT ADVISORY COMMITTEE (2 year term)

Brian Ford
Kent McGuire
Barry Moore

KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3 year term)

Jim Kauffman
Scott Poarch
Christy Waters

PARK BOARD (3 year term)

Ginger Cole
William Major

PLANNING AND ZONING COMMISSION (2 year term)

Betty Jefferson
Rick Keeler
Melissa Ballard
David Hudgins

SENIOR CENTER ADVISORY COMMITTEE (2 year term)

Patti Junkin
Patty Smith
Mike Lee
Ray Weable

TAX INCREMENT REINVESTMENT ZONE (2 year term)

Dusty Autrey
Mike Lee
Jane Vineyard

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2 year term)

Layne Ballard
Mike Ramsey
John Sanders III

WAXAHACHIE HOUSING AUTHORITY (2 year term)

Dana Davis
Ruthie Sutton

ZONING BOARD OF ADJUSTMENTS (2 year term)

Brendan Drennan
Kevin Kosoris

Action:

Councilmember Chuck Beatty moved to approve the appointments to Boards and Commissions as presented. Councilmember David Hill seconded, All Ayes.

- 31. Convene into Executive Session to consider specific personnel matters – Interim City Manager as permitted by Texas Government Code, Section 551.074 and seek legal advice from City Attorney on personnel matters – Interim City Manager and search for City Manager as permitted by Texas Government Code, Section 551.071**

Mayor Strength announced at 7:45 p.m. City Council would convene into Executive Session to consider specific personnel matters – Interim City Manager as permitted by the Texas Government Code, Section 551.074 and to seek legal advice from the City Attorney on personnel matters – Interim City Manager and search for City Manager as permitted by Texas Government Code, Section 551.071.

32. Reconvene and take any necessary action

The meeting reconvened at 10:14 p.m. Mayor Strength announced no action will be taken.

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

None

34. Adjourn

There being no further business, the meeting adjourned at 10:16 p.m.

Respectfully submitted,

Lori Saunders
City Secretary