

AGENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on **Monday, July 6, 2020 at 7:00 p.m.**

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

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of June 15, 2020
 - b. Minutes of the City Council briefing of June 15, 2020
 - c. Minutes of the City Council work session of June 15, 2020
 - d. Consider Budget Amendment for Downtown Development - Professional Services
 - e. Approval of contribution from Waxahachie Community Development Corporation (WCDC) for Optimist Pool Capital Improvement Project
6. **Continue Public Hearing** on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020)
 7. **Consider** proposed Ordinance approving Zoning Change No. SP-75-2020
 8. **Public Hearing** on a request by Ryan Combs, Gardner Capital, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the Southeast corner of Parks School House Road and East Main Street (Property ID 138271) - Owner: STARPEACH TEXAS LP (ZDC-77-2020)

9. *Consider* proposed Ordinance approving Zoning Change No. ZDC-77-2020
10. *Consider* resolution giving direction to the Ellis County Tax Office for calculating the voter approval tax rate for tax year 2020
11. Comments by Mayor, City Council, City Attorney and City Manager
12. Adjourn

The City Council reserves the right to go into Executive Session on any posted item. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

(5a)

City Council
June 15, 2020

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, June 15, 2020 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
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant 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

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Kevin Ivey, 1980 E. Highland, Waxahachie, thanked Council for the updates to Penn Park and encouraged Council to attend future events there. He also thanked the Police Department for their work and asked Council to continue funding first responders.

5. Consent Agenda

- a. Minutes of the City Council meeting of June 1, 2020
- b. Application for Seasonal Vendor Permit at Lake Waxahachie
- c. Consider authorizing a Supplemental Appropriation from the Roadway Impact Fee Fund to the General Fund associated with the Five Year Impact Fee Update
- d. Consider authorizing a Supplemental Appropriation from the Water Impact Fee Fund to the Water Fund associated with the Five Year Impact Fee Update
- e. Consider authorizing a Supplemental Appropriation from the Wastewater Impact Fee Fund to the Wastewater Fund associated with the Five Year Impact Fee Update
- f. Consider 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

- g. Consider award of a bid to Brenntag Southwest and Chameloen Industries for various chemicals required for Water treatment operations at the Howard Road and Sokoll Water Treatment Plants
- h. Consider amending Chapter 380 Agreement with Crepe Myrtle Enterprises & Showbiz Cinemas

Action:

Councilmember Kevin Strength moved to approve items a. through h. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 6. **Consider and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2020; directing the preparation of a preliminary official statement and related materials; and providing an effective date**

Mr. Scott presented Resolution No. 1289 explaining this is the first step in the process for the city to issue Certificates of Obligations in the amount of a little over \$23,000,000.

RESOLUTION NO. 1289

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2020; DIRECTING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE.

Action:

Councilmember Kevin Strength moved to approve Resolution No. 1289. Councilmember Chuck Beatty seconded, All Ayes.

- 7. **Public Hearing on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020)**

Mayor Hill opened the Public Hearing and noted the applicant requested to continue the Public Hearing to the July 6, 2020 City Council meeting.

- 8. **Consider approval of Zoning Change No. SP-75-2020**

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020) to the July 6, 2020 City Council meeting. Councilmember Melissa Olson seconded, All Ayes.

9. **Continue Public Hearing on a request by the City of Waxahachie to consider revoking, amending, or extending a Specific Use Permit (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed. (ZDC-000007-2020)**

Mayor Hill continued the Public Hearing.

Planning Director Shon Brooks presented the case noting the City of Waxahachie requested to consider approving a new Specific Use Permit along with a Development Agreement for Oak Cliff Metals at 500 Brown Industrial Dr. He explained staff was concerned due to the frequent fires on the property, as well as repeated ordinance violations for this site. He explained the City Attorney and the legal counsel for Oak Cliff Metals drafted a Development Agreement for the property.

There being no others to speak for or against ZDC-000007-2020, Mayor Hill closed the Public Hearing.

10. **Consider proposed Ordinance approving ZDC-000007-2020**

ORDINANCE NO. 3196

AN AMENDMENT TO ORDINANCE 2616 AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT OUTSIDE STORAGE (METAL GRANULATORS AND CRUSHERS FOR THE RECLAMATION OF VEHICLES, PARTS OF VEHICLES, AND OTHER MATERIALS TO BE PROCESSED) WITHIN A HEAVY INDUSTRIAL (HI) ZONING DISTRICT, LOCATED AT 500 BROWN INDUSTRIAL ROAD, BEING PROPERTY ID 233797, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 10R, BROWN INDUSTRIAL SITES, PHASE TWO, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to revoke Ordinance No. 2616 and approve Ordinance No. 3196. Councilmember Chuck Beatty seconded, All Ayes.

11. **Consider Development Agreement for ZDC-000007-2020**

Action:

Councilmember Kevin Strength moved to approve a Development Agreement for ZDC-000007-2020. Councilmember Melissa Olson seconded, All Ayes.

12. **Consider authorizing professional engineering design services with Freese and Nichols, Inc. associated with the Phase II College Street Drainage Improvement Project**

Director of Engineering and Public Works James Gaertner requested approval to authorize professional engineering services by Freese and Nichols, Inc. related to the drainage improvements to replace the existing College Street drainage tunnel in the amount of \$310,497.00. The services will include design and preparation of construction plans, specialization for drainage improvements, sanitary sewer replacement, and associated pavement replacement. He explained the approval of a resolution is also requested to reimburse the Public Works and Engineering Department from future bond sales.

Action:

Councilmember Kevin Strength moved to approve professional engineering design services with Freese and Nichols, Inc. associated with the Phase II College Street Drainage Improvement Project in the amount of \$310,497.00. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

13. **Consider a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt associated with Phase II professional engineering services for the College Street Drainage Project**

RESOLUTION NO. 1290

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING PHASE II PROFESSIONAL ENGINEERING SERVICES ASSOCIATED THE COLLEGE STREET DRAINAGE PROJECT

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1290. Councilmember Kevin Strength seconded, All Ayes.

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

Assistant City Manager Tommy Ludwig announced the temporary road access for the residents at the Arbors should be ready in about two weeks.

Mr. Gaertner explained the light at North Grove Boulevard is installed and will begin the process of turning on permanently.

Police Chief Wade Goolsby invited Council to attend the Promotional Ceremony for Josh Oliver on June 16, 2020 at 2:00 p.m.

Assistant City Manager Albert Lawrence introduced the new Economic Development Director Warren Ketteman and noted he brings over 20 years of experience to the City.

Councilmember Kevin Strength welcomed Mr. Ketteman. He also thanked staff for their work through COVID-19 and continuing to work through the budget process and noted it is nice to be back to regular meetings.

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Councilmember Chuck Beatty welcomed Mr. Ketteyman and echoed Mr. Strength's remarks on city staff and the budget process.

City Manager Michael Scott expressed his appreciation for staff and noted he is grateful for Council's leadership and direction as we move into the next fiscal year.

Mayor Pro Tem Mary Lou Shipley noted it is nice to be back to regular meetings and to see citizens in the audience. She expressed her appreciation to Emergency Management Coordinator Thomas Griffith and his staff for all their hard work during COVID-19.

Councilmember Melissa Olson noted it was good to be back to regular meetings.

City Attorney Robert Brown thanked Mr. Benjie Smith, Oak Cliff Metals, and his legal counsel for working with the City on the Development Agreement for the property.

Mayor David Hill expressed his gratitude for Finance Director Charlie Harris and thanked him for educating him on city finance. He wished Mr. Harris the best on his retirement and noted he would be greatly missed.

15. Adjourn

There being no further business, the meeting adjourned at 7:24 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(5b)

City Council
June 15, 2020

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, June 15, 2020 at 6:00 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
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting

City Manager Michael Scott reviewed the following Consent Agenda items:

- a. June 1, 2020 City Council minutes
- b. Season Vendor Permit at Lake Waxahachie
- h. Amend Chapter 380 Agreement with Crepe Myrtle Enterprises & Showbiz Cinemas to extend the agreement to December 31, 2020 from October 31, 2020. Mr. Scott confirmed they are still being held to the same requirements from the original agreement.

Assistant City Manager Tommy Ludwig reviewed items c., d., and e. on the Consent Agenda noting the items are authorizing supplemental appropriations related to professional engineering services associated with the Impact Fee Capital Improvements Plan and Land Use Assumption Updates. He noted specifically the supplement appropriations will be funded from the Roadway Impact Fee Fund to the General Fund in the amount of \$12,500, the Water Impact Fee Fund to the Water Fund in the amount of \$10,000 and the Waste Water Impact Fee Fund to the Waste Water Fund in the amount of \$10,000. Staff has determined that a more efficient approach would be to include the entire Thoroughfare Plan, Water Master Plan, and Waste Water Master Plan in the Impact Fee Capital Improvement Plan.

Utilities Director David Bailey reviewed items f. and g. on the Consent Agenda requesting approval for the annual contract renewal with Evoqua Water Technologies. He also reviewed the bid for various chemicals required for Water Treatment operations at the Howard Road and Sokoll Water Treatment Plants.

Planning Director Shon Brooks reviewed the following items:

- 7 & 8, the applicant requested to continue the Public Hearing to the July 6, 2020 meeting.

(5b)

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- 9, 10, & 11, the owner agreed to remove the shredder from the site due to continuous fire concerns. He explained legal counsel for the City and the applicant worked together to draft a Development Agreement for the property.

Council inquired about options for non-compliance and City Attorney Robert Brown noted contract obligations could be settled in court and code enforcement issues could be settled through the city. He explained the business is able to operate without a Specific Use Permit due to the current zoning as long as they are not operating a machine that would produce excess noise. Chief Ricky Boyd noted this Development Agreement allows the city to be restrictive and ensure restrictions are adhered to.

Director of Engineering and Public Works James Gaertner reviewed the College Street Drainage engineering proposal from Freese and Nichols, Inc. in the amount of \$310,497. He explained the services will include design and preparation of construction plans, specification for drainage improvements, sanitary sewer replacement, and associated pavement replacement.

Item 6. Staff reviewed the following:

Capital and Operating Plan projects for FY 20-21 totaling \$12,125,000

New Fire Station 4 Architectural Design Services; New Fire Engine 2; College Street Drainage Improvements; Royal Street Construction; Flat Street; Clift Street; Graham Street; Kaufman Street; Cumberland Street; and Penn Park Phase 4.

Water Fund Capital & Operating Plans FY 20-21 totaling \$5,801,622

Distribution Line: Lofland/Ovilla Road Phase 1; MLK Water Main Rehab (engineering); South Prong Dam Various (engineering); Oversize Participation for Saddlebrook Estates Water Line; Lake Bardwell Channel Dredging; BNSF Railroad Waterline Replacement Phase 2 (construction); Cardinal Road Water Transmission Line (engineering and construction); BNSF Railroad Waterline Replacement Phase 1 (construction).

Wastewater Fund Plans FY 20-21 totaling \$4,988,524

Grove Creek Parallel; Red Zone Project; Katy Trunk Sewer Rehabilitation; Lower Mustang Creek Parallel; Southwest Trunk Sewer Rehabilitation.

3. Adjourn

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(5c)

City Council
June 15, 2020

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Conference Room, City Hall, 401 S. Rogers, Waxahachie, Texas on Monday, June 15, 2020 at 5:30 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
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Discuss preliminary budgetary outlook for Fiscal Year 2020-21

City Manager Michael Scott explained the FY 21 budget process has started and there are various financial aspects that are still pending.

Finance Director Charlie Harris reviewed the preliminary appraisal district numbers as of now but explained about 13% of the appraisals are currently being protested. He explained the appreciation as of January 1st is about 10% and growth about 5%. After protest hearings, he estimates a reduction to 8% appreciation and 4% growth. The current debt rate is 17 cents and noted existing debt on outstanding bonds will decrease.

The Operations & Maintenance cap is optional this year due to the pandemic and Mr. Harris encouraged Council to continue to plan ahead. He explained if Council votes not to collect the allowable amount of tax then they will not be able to catch up in the future. He stressed the importance of future financial planning.

Mr. Scott explained the direction from City Council is to provide some relief to citizens therefore, the proposed FY21 debt rate is 15 cents and noted this is the right time to reduce due to the high debt rolling off this year.

3. Adjourn

There being no further business, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(5d)



Memorandum

To: Honorable Mayor and City Council
From: Anita Simpson, Downtown Development Director/HPO *AS*
Thru: Michael Scott, City Manager *MS*
Date: June 30, 2020
Re: Consider Budget Amendment for Downtown Development—Professional Services

Item Description: Consider approving a budget amendment increasing the 2019-2020 Downtown Development – Professional Services budget by \$14,225.

Item Summary: As part of the viaduct project TxDOT is required to provide mitigation for the loss of one of our historic structures. The mitigation must relate to the resource that is being destroyed. The Heritage Preservation Commission has worked with TxDOT and their subcontractors for several years to come up with five informational panels that address appropriate topics related to the viaduct project and Waxahachie. These panels will be fabricated and placed in a selected area by the amphitheater parking lot. This spot was chosen as it is close to the actual project and can relate the information in proximity to what it applies to.

The requested funds cover fabrication of the panels, stands that will hold the signage, shipping, and setting the stands with panels in place at the selected location. The cost of this project will be fully reimbursed by TxDOT but must be paid for upfront by the city.

Fiscal Impact: The proposed budget amendment would increase the Downtown Development – Professional Services (100-180-53200) budget from \$25,000 to \$39,225. These additional funds would come from the General Fund unrestrictive reserve balance. The reserve balance has sufficient funds available to absorb the additional expenditure with no significant impact.

(5e)



Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager 

CC:

Date: June 30, 2020

Re: WCDC –Optimist Contribution

Back on October 15, 2019, the WCDC Board of Directors approved a contribution to the Optimist Club to assist in the rehabilitation of their pool in the amount \$25,000. As this amount exceeds the amount that can be authorized by WCDC without Council approval, it is being placed before you for ratification.

Thank you for your kind consideration of this item.

(6 + 7)



Memorandum


To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: June 16, 2020
Re: SP-75-2020 Site Plan for Dove Hollow

On June 3, 2020, the applicant asked staff to continue case no. SP-75-2020 from the June 23, 2020 Planning and Zoning Commission agenda, as well as the July 6, 2020 City Council meeting agenda and be placed on the July 14, 2020 Planning and Zoning Commission agenda and July 20, 2020 City Council meeting agenda.

(8+9)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager 
Date: June 16, 2020
Re: ZDC-77-2020 – Gala at Waxahachie

On June 16, 2020, the applicant requested to continue case no. ZDC-77-2020 from the June 23, 2020 Planning and Zoning meeting agenda and July 6, 2020 City Council meeting agenda, to the July 28, 2020 Planning and Zoning meeting agenda and the August 3, 2020 City Council meeting agenda.

CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING THE ELLIS COUNTY TAX OFFICE TO CALCULATE THE VOTER-APPROVAL TAX-RATE FOR TAX YEAR 2020 IN THE MANNER PROVIDED FOR A SPECIAL TAXING UNIT AT 8 PERCENT.

WHEREAS, beginning in or about December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a state of disaster in all Texas counties, including Ellis County; and

WHEREAS, the City of Waxahachie, Texas ("City"), is located in Ellis County; and

WHEREAS, Section 26.04(c-1) of the Texas Tax Code provides that the governing body of a taxing unit located in an area declared to be a disaster area by the Governor or by the President of the United States may direct the designated officer of the taxing unit to calculate the voter-approval tax rate in the manner provided for a special taxing unit at 8 percent; and

WHEREAS, Section 26.07(b) of the Texas Tax Code gives cities the ability to avoid an automatic tax rate election following certain disasters; and

WHEREAS, the Ellis County Tax Office is the designated officer of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THAT:

SECTION 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2. The City hereby requests, in accordance with Section 26.04(c-1) of the Texas Tax Code, that the Ellis County Tax Office calculate the voter-approval tax rate for tax year 2020 in the manner provided for a special taxing unit at 8 percent.

SECTION 3. The City Manager is hereby authorized to exercise any and all options available for declared emergencies in accordance with The Texas Reform and Transparency Act of 2019 (Senate Bill 2) to ensure the continued financial health of the City.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

(10)

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
WAXAHACHIE, TEXAS, ON THIS THE 6th DAY OF JULY, 2020.**

David Hill, Mayor

ATTEST:

Lori Cartwright, City Secretary

[SEAL]

APPROVED AS TO FORM:

Robert F. Brown, City Attorney