

City Council
November 4, 2024

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, November 4, 2024 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Jerry Phillips, Vertical Church of Ovilla, gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 21, 2024
- b. Minutes of the City Council work session of October 29, 2024
- c. Event application for Casting No Stones Toys for Tots to be held December 6, 2024 at Railyard Park
- d. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- e. Contract extension for chlorine dioxide generator equipment rental, maintenance service and chemical purchase
- f. Annual contract for maintenance of Utility Department's standby generators
- g. Agreement with Xylem Water Solutions for replacement of a pump
- h. Agreement with Odessa Pumps & Equipment Inc. for emergency repair of a motor
- i. Agreement with Magna Flow Environmental Inc. for sludge, grit, and debris removal at treatment plants and lift stations
- j. Contracts for annual preventive maintenance of large diameter sanitary sewers and manholes
- k. Supplemental appropriation and contract award for Waxahachie City Cemetery security camera installation

- l. Early Release Bid Package 02 for City Hall Remodel and Construction Project
- m. Contract with Capco Telecom, LLC for fiber infrastructure enhancement projects
- n. City of Waxahachie 2025 Holiday Schedule

Council Member Travis Smith requested to remove Items k., l., and m. for further discussion.

Action:

Chris Wright moved to approve all items on the Consent Agenda as presented, except k., l., and m. to allow further discussion, and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

Council Member Smith asked why a General Contractor is being used for the Cemetery security camera installation and why a local business isn't being employed for the project.

Kyle Cooper, Senior Director of Parks and Recreation, explained the City used our purchasing policy to locate a vendor on a job-order contract. The process ensures the project is completed on time and on schedule.

Council Member Smith noted he is not supportive of spending \$300,000 for fiber at the Cemetery and asked the City to go through the Request for Proposals (RFP) process.

Mayor Pro Tem Chris Wright asked if fiber will only be at the Cemetery or used as connectivity to Getzendaner Park and City Manager Michael Scott explained the ultimate goal is to provide security on the trail, too.

Action:

Travis Smith moved to table Item k. until November 18, 2024 for further consideration by staff to evaluate if the RFP process can potentially save the City money and present a more thorough plan. Motion was seconded by Tres Atkins and carried 3-2 with Chris Wright and Patrick Souter voting in opposition.

Action:

Travis Smith moved to approve the authorization of the obligation for Item 5m projects 1, 2, and 4 of the COVID relief funds: Fire Station 4, Getzendaner Park, and Penn Park Pool, and postpone fiber at the Cemetery until further clarification at the November 18th meeting.

Travis Smith amended his motion to approve the authorization of the obligation for Item 5m. projects of the COVID relief funds: Fire Station 4 and Penn Park Pool, and postponing Getzendaner Park and Cemetery fiber funding request until November 18, 2024 for further clarification. Motion was seconded by Tres Atkins and carried 3-2 with Chris Wright and Patrick Souter voting in opposition.

Council Member Smith expressed concern about seeing large contracts on the consent agenda, stating he is not comfortable approving funding without first reviewing a final design of the building. Mr. Scott clarified that the funds would be used for purchasing concrete, steel, and for demolition of the building.

Dale Sigler, Director of Administrative Services, explained that the base and frame of the building have already been confirmed, and these funds will cover those costs.

Mayor Pro Tem Wright asked whether this authorization would allow the City to secure pricing, and Mr. Sigler confirmed that it would. Mr. Scott further explained that approving these funds will not increase the overall project bid.

Action:

Travis Smith moved to approve Consent Agenda Item 5l. as presented. Motion was seconded by Tres Atkins and carried unanimously (5-0).

6. Introduce Honorary Council Member

Mayor Wallace announced there is no Honorary Council Member in attendance.

7. Present Proclamation recognizing November 4-8, 2024 as “Municipal Court Week”

Mayor Wallace read a Proclamation recognizing November 4-8, 2024 as “Municipal Court Week.”

8. Public Hearing on a request by Jovie K. Corpuz Sanchez for a Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structure use within a Planned Development - Twenty-three (23) - Single Family -1 (PD-23-SF-1) zoning district located at 153 Homestead Lane (Property ID 269674) – Owner: Roberto Sanchez & Jovie K. Corpuz Sanchez (ZDC-111-2023)

Senior Director of Planning Jennifer Pruitt presented the Item. The applicant requested approval of a Specific Use Permit for an accessory structure exceeding 700+ SF, making the proposed structure to be approximately 2,083 SF proposed by the applicant. This requires a SUP in its own right, regardless of the number or size of other accessory structures on the property. There are two (2) existing accessory structures being utilized as storage sheds on the subject property. These existing structures are approximately 168 square feet and 120 square feet in size; therefore, the total square footage of existing and proposed accessory structures exceeds 1,000 square feet and requires a SUP to be approved by City Council.

According to the Ellis County Appraisal District, the existing primary dwelling structure is approximately 4,055 square feet, and the proposed accessory structure is approximately 2,083 square feet. The accessory structure is comprised of metal panels and is proposed to be used for the storage of household equipment and a camper. The applicant has noted that the structure will have plumbing and electrical work done and proposes to extend the existing concrete drive to the accessory structure. The applicant has also confirmed to staff that the structure will not be used as a dwelling or short-term rental and will not be metered, sold, or leased separately from the existing primary structure.

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 11 notices were mailed to property owners within 200 feet of the request. Staff has received letters of opposition to the proposed Specific Use Permit (SUP) request

that exceeds 20% of the property by acreage within the 200' notification buffer for the subject property. Per Section 2.04 of the Waxahachie Zoning Ordinance, a favorable vote of three-fourths (3/4) of all members, which equates to four (4) out of the five (5) members, of the City Council shall be required to approve this SUP request.

At the Planning & Zoning Commission meeting held on October 29, 2024, the Commission voted 6-0 to recommend approval of case number ZDC-111-2023, subject to the conditions of the staff report and the following additional condition: A maximum of two accessory structures shall be permitted on the property. The property owner shall either remove one (1) existing accessory structure on the subject property or attach one (1) existing accessory structure to the proposed accessory structure.

Mayor Wallace opened the Public Hearing at approximately 7:42 p.m.

There being no others to speak for or against ZDC-111-2023, Mayor Wallace closed the Public Hearing at approximately 7:42 p.m.

9. Consider proposed Ordinance approving ZDC-111-2023

ORDINANCE NO. 3576

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING ONE-THOUSAND (1,000) SQUARE FEET IN COMBINED FLOOR AREA FOR MORE THAN TWO (2) EXISTING ACCESSORY STRUCTURES USE WITHIN A PLANNED DEVELOPMENT-TWENTY-THREE 23-SINGLE FAMILY-1 (PD-23-SF-1) ZONING DISTRICT, LOCATED AT 153 HOMESTEAD LANE, BEING PROPERTY ID 269674, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, BLOCK A OF THE HOMESTEAD ESTATES ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-111-2023, Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structure use within a Planned Development –Twenty-three (23)-Single Family-1 (PD-23-SF-1) zoning district, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

10. Consider change order No. 6 for Grove Creek Parallel Gravity Trunk Sewer Phase IV Project

Kumar Gali, Senior Director of Utilities, presented the Item. The Grove Creek Parallel Gravity Trunk Sewer construction contract was approved by Council in March of 2023. Construction includes installation of approximately 18,675 linear feet of new 33-inch sanitary sewer line, construction is approximately 90% complete. Recently City staff and the Contractor noticed degradation of cement stabilized backfill and is creating threat to the integrity of the sanitary sewer

infrastructure. City staff is proposing to remove the cement stabilized backfill and install concrete rip rap for protection of the infrastructure. This Change Order No.6 also includes tunneling 60 linear feet with a 48-inch steel encasement to avoid unexpected underground utility conflicts. Additionally, this change order extends the project duration by 35 days.

Council approved a contingency of \$150,000 with the original construction contract. Currently the contract has a remaining contingency of approximately \$112,090. The total cost for the Change Order No.6 is \$334,140. Staff is seeking approval for remaining \$222,060 funds for executing Change Order No.6.

Council Member Souter inquired about the use of the contingency funds and Mr. Kumar explained the City is negotiating an easement to complete the last 600ft of the project.

Action:

Patrick Souter moved to approve Change Order No.6 for Grove Creek Parallel Gravity Trunk Sewer Phase IV Project with Circle H Contractors, LP for the installation of concrete rip rap and a 48-inch steel encasement in the amount of \$222,060 with an additional contingency of \$50,000 to be funded by Wastewater Impact Fees, and authorize the City Manager to execute all the necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

11. Consider construction contract change order for the Water Street Waterline Improvements Project

James Gaertner, Executive Director of Public Works and Utilities, presented the Item. The proposed change order to the Water Street Waterline Improvements Project consists of paving 4,120 square yards of 6 inches of asphalt over flexbase subgrade. The limits of this project construction will be on Water Street from Spencer Street to Textile Street, which will result in a full repave of the road within the utility project's limits rather than asphalt patching of trench areas. The remainder of Water Street from Textile Street to Monroe Street will be paved separately with the 2025 pavement rehab project.

After a brief discussion by Council, Council Member Smith requested a map and detailed scope of work for future requests.

Action:

Patrick Souter moved to approve the construction contract change order with Circle H Contractors L.P. in the amount of \$385,974 for the Water Street Waterline Improvements Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

12. First reading of proposed Ordinance approving the Gateway Pipeline Company, LLC Franchise Agreement

Dale Sigler, Director of Administrative Services, presented the Item. Gateway Pipeline Company is requesting to renew their existing franchise utility agreement with the City of Waxahachie. Gateway seeks to utilize infrastructure in the City's right-of-ways to furnish and supply natural gas to the general public, which includes delivery, sale, and distribution of natural gas.

The City of Waxahachie Charter dictates that a proposed Utility Franchise Agreement must be publicly read at two (2) City Council meetings and must be published in the City's Newspaper of Record four (4) consecutive times prior to the adoption of the Franchise Utility Agreement. The first reading will be at the November 4, 2024 City Council meeting and the second reading at the December 16, 2024 City Council meeting. The City Secretary's office will publish the Franchise Utility Agreement in The Waxahachie Sun four (4) consecutive weeks beginning on December 18, 2024.

First reading of proposed Ordinance by Mayor Wallace:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE GRANTING TO GATEWAY PIPELINE COMPANY, LLC. A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ("CITY"), FOR THE TRANSPORT, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH THE CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FRANCHISE FEE FOR THE USE OF THE CITY'S STREETS, ALLEYS, AND PUBLIC RIGHTS-OF-WAY; REQUIRING COMPLIANCE WITH ALL REGULATORY ORDINANCES OF THE CITY; AND PROVIDING FOR OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

13. Convene into Executive Session for:

- **Consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code**
- **Deliberation regarding real property as permitted under Section 551.072, Texas Government Code**

Mayor Wallace announced at 8:06 p.m. the City Council would convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code, and deliberation regarding real property as permitted under Section 551.072, Texas Government Code.

14. Reconvene and take any necessary action

The meeting reconvened at 8:57 p.m.

Action:

Patrick Souter moved to approve the purchase of two parcels of land located on South College Street with ECAD Property IDs of 171150 and 171141 for a combined purchase price of \$75,000 plus any closing and/or survey costs as necessary, as well as, the purchase of approximately 2 acres of land located at 441 South College Street with ECAD Property ID of 171143 at a purchase price of \$3.50 per square foot plus any closing and survey costs as necessary; and authorize the City Manager to negotiate and execute the purchase contract and any other required documents as necessary to acquire the properties. Motion was seconded by Tres Atkins and carried unanimously (5-0).

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

Council Member Tres Atkins recognized Elizabeth Alvarado in attendance of the meeting for school credit.

Council Member Travis Smith recognized the Halloween efforts of the Harbin/Marvin neighborhood and applauded Waxahachie Police Department for their increased presence to keep the area safe for families.

City Manager Michael Scott announced City Council will designate their votes at the November 18th meeting for the Ellis Central Appraisal District Board of Directors. He noted staff recommends Dani Muckleroy, but requested additional feedback from City Council.

Mayor Billie Wallace and Council Members expressed condolences to the family of former Mayor Doug Barnes. They remembered his dedication to Waxahachie as a former employee of 18 years and his continued service as a Council Member.

16. Adjourn

There being no further business, the meeting adjourned at 8:58 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary