A G E N D A

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, June 21, 2021 at 7:00 p.m.***

Council Members: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

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 7, 2021
   b. Minutes of the City Council briefing of June 7, 2021
   c. Minutes of the City Council special meeting of June 15, 2021
   d. Set City Council meeting for July 6, 2021
   e. City Council Appointments to Boards and Commissions
   f. Event application for Pie Palooza & Walk-a-thon on October 16, 2021

6. ***Public Hearing*** on a request by Shawn Graham, Jones & Carter, for a Specific Use Permit (SUP) for Drive Through Establishment (Bank) use within a Planned Development-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (ZDC-67-2021)

7. ***Consider*** proposed Ordinance approving ZDC-67-2021

8. ***Consider*** approving Development Agreement for ZDC-67-2021

9. ***Public Hearing*** on a request by Michael Alturk, ADTM Engineering & Construction, for an Amendment to Ordinance No. 3258 to allow for an additional retail building within an approved retail development located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-68-2021)

10. ***Consider*** proposed Ordinance approving ZDC-68-2021

11. ***Consider*** approving Development Agreement for ZDC-68-2021

12. ***Consider*** authorization of professional engineering services with Kimley-Horn Associates, Inc. associated with the public water and sanitary sewer line construction of Fire Station Number 4

13. ***Consider*** resolution authorizing reimbursement from the Water and Wastewater Fund from the proceeds of future debt associated with professional engineering design services for the construction of water and sanitary sewer lines to Fire Station Number 4

14. ***Consider*** award of a bid to Clark Electric associated with the Lake Waxahachie Raw Water Emergency Generator and Motor Control Center Improvements Project

15. ***Consider*** award of a bid to Taknek associated with the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project

16. ***Consider*** resolution authorizing reimbursement of the Water Fund from the proceeds of future debt associated with construction and installation of the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project

17. ***Consider*** authorizing a supplemental appropriation to the Sokoll Water Fund for the repair of an electrical actuator

18. ***Consider*** authorizing a supplemental appropriation to the Water Fund for maintenance and operation related expenses

19. ***Consider*** authorizing a supplemental appropriation to the Wastewater Fund associated with the cleaning of the submersible pumps wet well at the Jefferson Street Lift Station

20. ***Consider*** authorization for professional engineering services with Kimley-Horn Associates, Inc. for the engineering design of Monticello St Phase 2 Reconstruction

21. ***Consider*** authorization for professional engineering services with Binkley & Barfield, Inc. for the engineering design of the 2021 Asphalt Pavement Rehabilitation Project

22. ***Consider*** authorization for demolition contract and associated supplemental appropriation for 408 and 410 S. Rogers

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

24. 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 7, 2021

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 7, 2021 at 7:00 p.m.

Council Members Present:	David Hill, Mayor, Council Member Place 1 Mary Lou Shipley, Mayor Pro Tem Chuck Beatty, Council Member Melissa Olson, Council Member Place 3 Doug Barnes, Council Member Place 2
Others Present:	Michael Scott, City Manager Albert Lawrence, Assistant City Manager Tommy Ludwig, Assistant City Manager Robert Brown, City Attorney Amber Villarreal, 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. Alan Fox, 327 University, Waxahachie, Texas, expressed appreciation and thanks to Council Member Chuck Beatty and Mayor Pro Tem Mary Lou Shipley. He recognized their kindness and love for our town and encouraged others to carry the light and vision for making Waxahachie better in the future.

Dr. Yomi Fayiga, 1111 W. Main, Waxahachie, Texas, thanked Ms. Shipley and Mr. Beatty for their service to the city. He requested to keep the 4th of July parade on Main Street.

Mr. Jeff Schmidt, 1121 W. Main, Waxahachie, Texas, requested to keep the 4th of July parade on Main Street.

5. Consent Agenda

a. Minutes of the City Council meeting of May 17, 2021
b. Minutes of the City Council briefing of May 17, 2021
c. Minutes of the City Council Work Session of June 2, 2021
d. WCDC Supplemental Appropriation for city hall landscaping
e. Fourth of July parade route for the 23rd Annual Crape Myrtle Festival

Action:

Council Member Doug Barnes moved to approve items a. through e. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

6. Consider appointment of Municipal Judge and Associate Municipal Judge and Administer Oaths of Office

Action:
Council Member Doug Barnes moved to appoint John D. Fehler as Municipal Judge and Cody Beauchamp as Associate Municipal Judge. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

City Secretary Amber Villarreal administered the Oaths of Office to Mr. Fehler and Mr. Beauchamp.

7. Public Hearing on a request by Ross Graves, Triten Real Estate Partners, for a Specific Use Permit (SUP) for Auto Parking Lot, Trucks and Trailers & Outdoor Storage use within a Light Industrial-1 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-60-2021 to the July 19, 2021 City Council meeting.

8. Consider proposed Ordinance approving ZDC-60-2021

Action:
Council Member Melissa Olson moved to continue the Public Hearing on a request by Ross Graves, Triten Real Estate Partners, for a Specific Use Permit (SUP) for Auto Parking Lot, Trucks and Trailers & Outdoor Storage use within a Light Industrial-1 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021) to the July 19, 2021 City Council meeting. Council Member Chuck Beatty seconded, ***All Ayes.***

9. Public Hearing on a request by Chris Freeman for a Zoning Change from a Planned Development-23-Single Family-1 zoning district to Planned Development-Single Family-1, with Concept Plan, located at 303 Lakeshore Drive (Property ID 171975) - Owner: VIRGINIA K FREEMAN (ZDC-63-2021)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks presented the case noting the applicant is requesting to rezone the subject property to adjust the front yard building setback requirement to allow for the construction of a carport on the property and staff recommended approval subject to the following staff comment:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

There being no others to speak for or against ZDC-63-2021, Mayor Hill closed the Public Hearing.

(5a)

10. Consider proposed Ordinance approving ZDC-63-2021

ORDINANCE NO. 3275

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF-1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1), WITH CONCEPT PLAN LOCATED AT 303 LAKESHORE DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.672 ACRES KNOWN AS A PORTION OF PROPERTY ID 171975 OF THE AKIN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:
*Council Member Melissa Olson moved to approve Ordinance No. 3275 per staff comments. Council Member Doug Barnes seconded, **All Ayes**.*

11. Public Hearing on a request by Marsha Rowan for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-1 zoning district located at 2341 Marshall Rd (Property ID 203836) - Owner: JOHN E & MARSHA L ROWAN (ZDC-65-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for the construction of a 720 sq. ft. accessory building on the property and staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The structure shall not be used as a dwelling.

There being no others to speak for or against ZDC-65-2021, Mayor Hill closed the Public Hearing.

12. Consider proposed Ordinance approving ZDC-65-2021

ORDINANCE NO. 3276

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 2341 MARSHALL RD, BEING PROPERTY ID 203836, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 6 IN THE MARSHALL ROAD ESTATES SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

(5a)

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3276. Council Member Melissa Olson seconded, **All Ayes**.*

13. Public Hearing on a request by Lenvill Phipps for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, located at 1604 E. Main Street, (Property ID 195689) - Owner: 6TH STREET MIDLOTHIAN, LLC (ZDC-59-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting approval of a Planned Development (variance request) to allow a 4-foot sidewalk along the front of his business. Mr. Brooks explained the Subdivision Ordinance requires a 6-foot sidewalk and a 5-foot minimum sidewalk complies with ADA requirements. He noted the Planning & Zoning Commission recommended denial of the case presented at the May 25th Commission meeting where the applicant requested a variance for no sidewalk.

Mr. James Phipps, 103 Highview Court, Ovilla, Texas, requested a variance to the city's requirement of a sidewalk at the subject property. He explained there are no other sidewalks in the surrounding area of the property and noted he requested the same consideration as infill lots where sidewalks are not constructed.

Mr. Lenvill Phipps, 213 Hidden Meadows Circle, Midlothian, Texas, explained he does not want to construct a public sidewalk on private property and requested equal enforcement of no sidewalks in the surrounding neighborhood.

Council Member Beatty explained the infill lots Mr. Phipps is comparing to are too small for sidewalks.

There being no others to speak for or against ZDC-59-2021, Mayor Hill closed the Public Hearing.

14. Consider proposed Ordinance approving ZDC-59-2021

Action:
*Council Member Chuck Beatty moved to deny ZDC-59-2021. Mayor Pro Tem Mary Lou Shipley seconded, **All Ayes**.*

15. Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-58-2021 to the July 6, 2021 City Council meeting.

16. Consider proposed Ordinance approving ZDC-58-2021

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Action:
Council Member Chuck Beatty moved to continue the Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021) to the July 6, 2021 City Council meeting. Council Member Doug Barnes seconded, ***All Ayes.***

17. Public Hearing to consider proposed assessments to be levied against property within Phase 3 of the Waxahachie Public Improvement District No. 1 pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. All written or oral objections on the proposed assessment within the District will be considered at the public hearing

Mayor Hill opened the Public Hearing.

Josh Arendt, Municap, Public Improvement District Administrator, reviewed the service and assessment plan and assessment roll for Phase 3 of the Waxahachie Public Improvement District No. 1. He explained the preliminary assessment has been revised due to the interest rate being updated over the last 30 days.

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

18. Discuss, consider and act on approving Ordinance of the City of Waxahachie, Texas accepting and approving a service and assessment plan and assessment roll for Phase 3 of the Waxahachie Public Improvement District No. 1; making a finding of special benefit to the property located within Phase 3 of the Waxahachie Public Improvement District No. 1; levying special assessments against property within Phase 3 of the District and establishing a lien on such property; providing for payment of assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date

ORDINANCE NO. 3277

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE ACCEPTING AND APPROVING AN UPDATED SERVICE AND ASSESSMENT PLAN AND A PHASE 3 ASSESSMENT ROLL FOR THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE 3 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN PHASE 3 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Action:
Council Member Chuck Beatty moved to approve Ordinance No. 3277. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

19. Discuss, consider and act to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Reimbursement Agreement with 287 Waxahachie L.P.

Action:
Council Member Chuck Beatty moved to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Reimbursement Agreement with 287 Waxahachie L.P. Council Member Doug Barnes seconded, ***All Ayes.***

20. Discuss, consider and act to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Construction, Funding, and Acquisition Agreement with 287 Waxahachie L.P.

Action:
Mayor Pro Tem Mary Lou Shipley moved to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 3 Improvements Construction, Funding, and Acquisition Agreement with 287 Waxahachie L.P. Council Member Melissa Olson seconded, ***All Ayes.***

21. Discuss, consider and act to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with 287 Waxahachie L.P.

Action:
Council Member Doug Barnes moved to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with 287 Waxahachie L.P. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

22. Discuss, consider and act to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with D.R. Horton-Texas, Ltd.

Action:
Mayor Pro Tem Mary Lou Shipley moved to authorize the Mayor of the City to execute the Landowner Agreement related to Phase 3 of the Waxahachie Public Improvement District No. 1 with D.R. Horton-Texas, Ltd. Council Member Melissa Olson seconded, ***All Ayes.***

23. Discuss, consider and act to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 2 Improvements Reimbursement Agreement with 287 Waxahachie L.P.

Action:

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Council Member Doug Barnes moved to authorize the Mayor of the City to execute the Waxahachie Public Improvement District Improvement No. 1 Phase 2 Improvements Reimbursement Agreement with 287 Waxahachie L.P. Council Member Chuck Beatty seconded, ***All Ayes.***

24. Consider and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2021; directing the preparation of a preliminary official statement and related materials; and providing an effective date

RESOLUTION NO. 1311

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2021; DIRECTING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE.

Action:
Council Member Chuck Beatty moved to approve Resolution No. 1311. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

25. Public Hearing to continue the curfew for minors

Mayor Hill opened the Public Hearing.

Police Chief Wade Goolsby requested to continue the curfew ordinance for minors. He explained the Texas Local Government Code (Title 11; Sec. 370.002) requires a municipality that has adopted a juvenile curfew ordinance to review that ordinance every three years.

There being no others to speak for or against the curfew for minors, Mayor Hill closed the Public Hearing.

26. Consider proposed Ordinance continuing the curfew for minors

ORDINANCE NO. 3278

AN ORDINANCE PASSING ARTICLE VII, CURFEW FOR MINORS, AND ENACTING SEC. 21-81, THROUGH 21.85, ENACTING A CURFEW FOR MINORS, PROVIDING FOR DEFENSES, ENFORCEMENT, AND PENALTIES, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.

Action:
Council Member Doug Barnes moved to approve Ordinance No. 3278. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

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27. Consider authorizing the City Manager to execute all agreements necessary for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters

Assistant City Manager Tommy Ludwig requested approval authorizing the City Manager to execute all agreements necessary for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters in the amount of $9,441,000.00. The approval will authorize the total funding necessary to complete the implementation and integration of the AMI System, and will include the following elements:

Meter replacements $7,733,707
Lid replacements $425,016
Box Leveling $55,039
Box replacement $1,078,936
Owner directed allowance (will be returned if not used) $100,000
Incode integration and Third-party engineering review $48,302

Mr. Ludwig stated staff's recommendation is to partner with Performance Services, Inc. to manage the full turnkey implementation of the proposed AMI System and associated smart meter hardware. He explained there is an accompanying reimbursement resolution for this project and highlighted the project is anticipated to net over $13,500,000 in revenue over the next 20 years.

Action:
Council Member Chuck Beatty move to authorize the City Manager to execute all agreements necessary for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

28. Consider resolution authorizing reimbursement of the Water Fund from the proceeds of future debt for the implementation of an Advanced Metering Infrastructure System, and for the replacement of associated water meters

RESOLUTION NO. 1312

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE IMPLEMENTATION OF AN ADVANCED METERING INFRASTRUCTURE SYSTEM AND FOR THE REPLACEMENT OF ASSOCIATED WATER METERS

Action:
Council Member Chuck Beatty moved to approve Resolution No. 1312. Mayor Pro Tem Mary Lou Shipley seconded, ***All Ayes.***

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

City Administration, City Attorney, and City Council Members Melissa Olson and Doug Barnes thanked Council Member Chuck Beatty and Mayor Pro Tem Mary Lou Shipley for their dedication, leadership, experience, and service to Waxahachie acknowledging their experience will be missed.

(5a)

Council Member Chuck Beatty noted it has been a labor of love serving Waxahachie and he is continuing to stay in Waxahachie.

Mayor Pro Tem Mary Lou Shipley noted it has been a privilege serving on the Planning and Zoning Commission and City Council. She wished Waxahachie well.

Mayor Hill stated Mr. Beatty's imprint is left all around this city and he greatly appreciates his service and friendship. Mayor Hill stated Ms. Shipley is admired and thanked her for her service and friendship. Mayor Hill welcomed the newly elected Council Members Billie Wallace and Travis Smith.

30. Adjourn

There being no further business, the meeting adjourned at 7:46 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

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City Council
June 7, 2021

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 7, 2021 at 6:30 p.m.

Council Members Present:	David Hill, Mayor, Council Member Place 1 Mary Lou Shipley, Mayor Pro Tem Chuck Beatty, Council Member Melissa Olson, Council Member Place 3 Doug Barnes, Council Member Place 2
Others Present:	Michael Scott, City Manager Albert Lawrence, Assistant City Manager Tommy Ludwig, Assistant City Manager Robert Brown, City Attorney Amber Villarreal, 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 agenda items:

- 5d. Waxahachie Community Development Corporation recommended approval of $30,000.00 expenditure for the renovation of City Hall landscaping and staff is requesting approval of project recommendation and associated budget amendment.
- 5ef. Staff recommends approval of the new 4th of July Parade route for 2021 due to ongoing construction on Main Street and the Viaduct project.
- Item 6. Consider appointment of Damon Fehler as Municipal Judge and Cody Beauchamp as Associate Municipal Judge.

Planning Director Shon Brooks reviewed the following:

- Items 7. and 8. ZDC-60-2021, the applicant requested to continue the case to the July 19, 2021 City Council meeting.
- Items 9. and 10. ZDC-63-2021, staff recommended approval per staff comments.
- Items 11. and 12. ZDC-65-2021, staff recommended approval per staff comments.
- Items 13. and 14. ZDC-59-2021, the Planning & Zoning Commission recommended denial to the applicant's request to not put in a sidewalk as required by the Subdivision Ordinance. After the Planning and Zoning Commission, the applicant agreed to put in a four-foot sidewalk; however, staff noted a five-foot minimum sidewalk is required for compliance with ADA standards.
- Items 15. and 16. ZDC-58-2021, the applicant requested to continue the case to the July 6, 2021 City Council meeting.

Mr. Brooks reviewed items 17. – 23. explaining the Saddlebrook Public Improvement District is in it's final third phase and the associated ordinance and agreements require approval to move forward. He noted the assessment fee for Phase Three will be .22 cents/per $100 valuation. Mr. Scott explained the Phase Three improvements total $7,455,027.00 and $1,453,485.00 are eligible for reimbursement under the Public Improvement District.

Finance Director Chad Tustison reviewed item 24 noting there are 25 projects covered under the 2021 bond including: water and sewer projects, street projects, Fire Station No. 4, and City Hall Annex. Mr. Scott noted the debt service will stay the same and the scope of the projects are the same as proposed during the spring Council retreat.

Police Chief Wade Goolsby reviewed the curfew ordinance and requested approval to continue for an additional three years.

Assistant City Manager Tommy Ludwig reviewed items 27. and 28. authorizing the City Manager to execute all agreements necessary for the implementation of an Advanced Metering Infrastructure System (AMI), and for the replacement of associated water meters, in the amount of $9,441,000.00. He explained the funding includes: meter replacements, lid replacements, box leveling, box replacement, owner directed allowance, and Incode integration and third-party engineering review.

Council Member Melissa Olson noted she has received positive feedback from citizens regarding the AMI project.

Mayor Hill explained the project will include a mobile app with detailed information on water usage and helps with leak detection. Mayor Hill inquired about the savings and Mr. Ludwig explained there is potentially a net of $13.5 million over 20 years.

Mr. Scott noted the city will do a robust public information campaign to keep the citizens informed.

3. Adjourn

There being no further business, the meeting adjourned at 6:54 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

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City Council
June 15, 2021

A special 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, Waxahachie, Texas, on Tuesday, June 15, 2021 at 12:00 p.m.

Council Members Present:	Doug Barnes, Mayor, Council Member Place 2 Billie Wallace, Mayor Pro Tem, Council Member Place 4 David Hill, Council Member Place 1 Melissa Olson, Council Member Place 3 Travis Smith, Council Member Place 5
Others Present:	Michael Scott, City Manager Albert Lawrence, Assistant City Manager Tommy Ludwig, Assistant City Manager Robert Brown, City Attorney Amber Villarreal, 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. Canvass and accept votes of City Council Runoff Election held on June 5, 2021

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, thanked Council Member Chuck Beatty for his service, congratulated Billie Wallace and Travis Smith on their honest election campaign, and expressed his opposition for placing politics in a non-partisan election. He expressed his concern with private discussions from current and new council members. He requested prayers for health improvements for Lori Cartwright, Danny Knight, and Tim King.

Ms. Stacey Bailey, 105 Sunburst Drive, Waxahachie, Texas, spoke in support of Council not making a decision regarding Council leadership without prior discussion or input from citizens. She thanked past, current, and new Council Members for their service.

Mayor Hill canvassed the election returns of the City Council Runoff Election held on Saturday, June 5, 2021 as follows:

Place 4	Billie Wallace	1,381
Place 4	Paul Christenson	846
Total Votes Cast:		2,227
Place 5	Travis M. Smith	1,287
Place 5	Charles "Chuck" Beatty	963

Total Votes Cast: 2,250

Action:
Council Member Melissa Olson moved to accept the election returns of the City Council Runoff Election held on Saturday, June 5, 2021 as presented. Council Member Doug Barnes seconded, the vote was as follows: Ayes: David Hill, Chuck Beatty, Melissa Olson, and Doug Barnes. Noes: None.

The motion carried.

5. Administer Oaths of Office to Council Member Place 4 and Council Member Place 5

City Secretary Amber Villarreal administered the Oaths of Office to Billie Wallace, Council Member Place 4 and Travis Smith, Council Member Place 5.

6. Organization of City Council

Action:
Mayor David Hill moved David Hill be nominated and elected as Mayor of the City of Waxahachie. Council Member Travis Smith seconded, the vote was as follows: Ayes: David Hill. Noes: Melissa Olson, Doug Barnes, Billie Wallace, and Travis Smith.

The motion died.

Action:
Council Member Billie Wallace moved Doug Barnes be nominated and elected as Mayor of the City of Waxahachie. Council Member Travis Smith seconded, the vote was as follows: Ayes: Melissa Olson, Doug Barnes, Billie Wallace, and Travis Smith. Noes: David Hill.

The motion carried.

Action:
Council Member Travis Smith moved Billie Wallace be nominated and elected as Mayor Pro Tem of the City of Waxahachie. Mayor Doug Barnes seconded, the vote was as follows: Ayes: Melissa Olson, Doug Barnes, Billie Wallace, and Travis Smith. Noes: David Hill.

The motion carried.

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

Assistant City Manager Tommy Ludwig thanked Chuck Beatty and Mary Lou Shipley for their service and congratulated the new Council Members, new Mayor, and new Mayor Pro Tem.

Assistant City Manager Albert Lawrence echoed Mr. Ludwig's comments.

Mayor Doug Barnes congratulated the new Council Members noting the goal moving forward is to continue making Waxahachie a place to live and work in. He encouraged citizen participation in local government and explained Council will continue to build on the foundation of previous

(5C)

councils. He stated it is an honor and privilege to serve as Mayor of Waxahachie. He commended David Hill noting he was responsible for getting the vaccine hub started and worked diligently day and night.

Council Member Travis Smith stated Chuck Beatty set the bar high and it is truly an honor to serve. He thanked his family for their support during his campaign. He noted he is looking forward to serving Waxahachie and working on the Comprehensive Plan so what makes Waxahachie special isn't lost.

City Manager Michael Scott congratulated Chuck Beatty on his retirement and thanked him for his service. He echoed Mr. Barnes comments about the city's progress moving forward. Mr. Scott thanked David Hill for his service and leadership during a pandemic.

Mayor Pro Tem Billie Wallace thanked the leaders of Council who have previously served. She noted she appreciates the support from the citizens and will work hard for this city.

Council Member Melissa Olson thanked David Hill for his service and thanked Chuck Beatty for always having a smile on his face.

City Attorney Robert Brown noted it has been a pleasure serving with current Council and congratulated the new members. He thanked David Hill for his service.

City Secretary Amber Villarreal welcomed new Council Members, thanked Chuck Beatty and Mary Lou Shipley for their service, and thanked David Hill for his support as Mayor.

David Hill stated it has been a great time serving on Council and serving as Mayor. He thanked the citizens for getting through the pandemic noting 81,000 people were vaccinated through the Ellis County Hub. He thanked Chuck Beatty for his service noting Mr. Beatty served on council during the construction of the Sports Complex, Civic Center, and City Hall renovations.

8. Adjourn

There being no further business, the meeting adjourned at 12:30 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5e)

Memorandum

To: City Council

From: Mayor Doug Barnes

Thru: Michael Scott, City Manager

Date: June 21, 2021

Re: City Council Appointments to Boards and Commissions

Waxahachie Community Development Corp.	Doug Barnes
Economic Development Commission	Doug Barnes
Firemen's Relief & Retirement Fund	Doug Barnes
TIRZ	Doug Barnes
Water and Wastewater Advisory Committee	Billie Wallace
Economic Development Commission	Billie Wallace
Heritage Preservation Commission	Billie Wallace
Senior Center Committee	Billie Wallace
COG Representative	David Hill
Water and Wastewater Advisory Committee	David Hill
Waxahachie Partnership, Inc.	David Hill
North Texas Commission	David Hill
Ellis County WC&ID#1	Melissa Olson
Library Board	Melissa Olson
Keep Waxahachie Beautiful Committee	Melissa Olson
Planning & Zoning Commission	Melissa Olson
North Central Texas Housing Finance Corp.	Travis Smith
Cemetery Board	Travis Smith
Park Board	Travis Smith
Waxahachie Housing Authority	Travis Smith
Boards and Commissions Review Committee	All Councilmembers

(5F)

Application for a Festival or Event Permit

Event Name and Description: PIE PALOOZA / WALK-A-THON:
USE NEW PARK WALKING TRAILS IN MORNING FOLLOWED
BY EDUCATIONAL EVENTS & GAMES FOR FAMILY AT PARK
IN THE AFTERNOON

Applicant Information

Name: JAMES BELL, PRESIDENT

Address: 613 FERRIS AVE, RM 105

City, State, Zip: WAXAHACHIE, 75165 Phone: 214-228-4280

E-mail Address: james@ellis countyhomeless.com

Organization Information

Organization Name: ELLIS COUNTY HOMELESS COALITION, CORP

Address: 613 FERRIS AVE, RM 105,

Authorized Head of Organization: JAMES BELL, RHONDA MILLER

Phone: 469-428-7320 E-mail Address: INFO@ellis countyhomeless.com

Event Chairperson/Contact

Name: RHONDA MILLER

Address: 2029 OLD MAYPEARL RD.

City, State, Zip: WAXAHACHIE, 75167 Phone: 214-868-2574

E-mail Address: teacakelady333@yahoo.com

Event Information

Event Location/Address: RAILYARD PARK / GETZENDANER PARK

Purpose: FUNDRAISER, HOMELESS AWARENESS & EDUCATION

Event Start Date and Time: OCTOBER 16TH, 8 AM

Event End Date and Time: OCTOBER 16TH, 10 PM

Revised 3-16-2021

(5F)

Approximate Number of Persons Attending Event Per Day: 500

Site Preparation and Set-Up Date and Time: OCTOBER 15TH, 1-5 PM

Clean-Up Completion Date and Time: OCTOBER 16TH, 6-10 PM

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

CROSS WALK GUARDS ON MAJOR STREETS, VENDOR BOOTHS & FOOD TRUCKS AT GETZENDANNER PARK, LIVE MUSIC

Requested City Services: POWER AT RAILYARD FOR BANDS

Will food and/or beverages be available and/or sold? **YES/NO**

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

*Will alcohol be available and/or sold? **YES/NO**

If yes, will the event be in the Historic Overlay District? YES/NO

Will dumpsters be needed? YES

Will an Unmanned Aircraft Systems Unit (drone) be used? **YES/NO** If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations.

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

James Bell — 5/18/2021

Signature of Applicant — Date

*** *Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).***

(5F)

Event Proposal to the City of Waxahachie
By the Ellis County Homeless Coalition

The Ellis County Homeless Association had their first Pie Palooza event three months before the pandemic to raise homelessness awareness and funds for Daniels Den. Because of the needs created by the pandemic our Board of Directors has agreed to pursue a fundraising venue that partners with the Waxahachie Parks to educate the Ellis County public on homelessness and affordable housing solutions. We also believe it will help us raise much needed funding to make homelessness a rarity and affordable housing a reality in Ellis County.

October 16th- Saturday morning: **Project Shelter: One Step at a Time**

Railyard Park: 7am-2pm - Bands will play during which registration will be done and Walkers will begin the Waxahachie Bike and Hike Trail to include Lions and Getzendaner Park trails. We would like to have water stations scattered throughout the trails to educate on Ellis County services and agencies that service the low-income population.

We would like a list of approved food truck vendors to invite and locations of available restrooms and possible needed port-a-potties.

Received in
City Secretary's Office
5-27-21 AW
City of Waxahachie, Texas

(5f)

Villarreal, Amber

From: Villarreal, Amber
Sent: Wednesday, June 2, 2021 2:55 PM
To: james@elliscountyhomeless.com
Cc: Crocker, Clarice (ccrocker@waxahachie.com)
Subject: RE: Pie Palooza & Walk-a-thon Event Application

Mr. Bell,

I've received comments back from city staff and they noted restrooms are available at Lions Park, Getzendaner Park, and one portable restroom at Railyard Park. The organizers of the event will be responsible for ordering additional portable restrooms that you may need. You may contact Me'Lony Jordan at 469-309-4134 for a list of approved food truck vendors in Waxahachie. If you are needing crossing guards, you will have to use your volunteers. If you are needing cones, please let me know how many and where/when you want them delivered by the Street Department. Let me know if you have additional questions.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

From: Gaertner, James
Sent: Thursday, May 27, 2021 5:33 PM
To: Ludwig, Tommy <tludwig@waxahachie.com>; Dernovich, Kip <kdernovich@waxahachie.com>; Lockart, Jim <jim.lockart@waxahachie.com>
Cc: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: Pie Palooza & Walk-a-thon Event Application

Team,

Will they need traffic control (cones)?

When they say they want a crossing guard, will they provide the crossing guard or are they requesting police/fire to assist? I am assuming the cross guard (s) would be by the amphitheater or the trail crossing by the Amphitheater parking lot (or both). Could they clarify the crossing guard request and locations?

James Gaertner, PE, CFM, CPM
Director of Public Works & Engineering
Office: 469-309-4301
jgaertner@waxahachie.com

(5f)

Crocker, Clarice

From:	Me'Lony Jordan
Sent:	Thursday, May 20, 2021 10:16 AM
To:	Crocker, Clarice; Ricky Boyd; Wade Goolsbey; Martinez, Gumaro; Drewry, Michaela; Griffith, Thomas; Mosley, Laurie; Martinez, Jose; Simpson, Anita; Skistimas, Kelly
Cc:	Scott, Michael; Lawrence, Albert; Ludwig, Tommy; Villarreal, Amber
Subject:	RE: Pie Palooza & Walk-a-thon Event Application

Please advise all food vendors to obtain a temporary event permit(Even mobile food units). Where are the pies coming from?

Me'Lony Jordan
City of Waxahachie
Health Inspector, FSIC
401 S. Rogers St.
Waxahachie, TX 75165

Office (469) 309-4134
Cell (972) 740-6724

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Wednesday, May 19, 2021 3:41 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Pie Palooza & Walk-a-thon Event Application

Good afternoon,

For your review/comments.

Thank you,

Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

(5f)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Friday, May 28, 2021 11:52 AM
To: Villarreal, Amber
Subject: Re: Pie Palooza & Walk-a-thon Event Application

I have no concerns with this request.

Sent from my iPhone

On May 28, 2021, at 09:47, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

They revised the original application and there will only be one event on October 16th. The information is on the form titled "Ellis County Homeless Coalition Event Revision."

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

From: Simpson, Anita
Sent: Friday, May 28, 2021 9:45 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: RE: Pie Palooza & Walk-a-thon Event Application

Are these two separate events? The Pie Palooza application says Oct. 8-9 and the other one says October 16th. Are they now combined into one? If so, which activities will they be doing and on which weekend?

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, May 27, 2021 4:42 PM
To: Crocker, Clarice <ccrocker@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>;

(5f)

Crocker, Clarice

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, June 1, 2021 3:54 PM
To: Villarreal, Amber; Crocker, Clarice; Ricky Boyd; Martinez, Gumaro; Drewry, Michaela; Griffith, Thomas; Mosley, Laurie; Martinez, Jose; Me'Lony Jordan; Simpson, Anita; Skistimas, Kelly
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: RE: Pie Palooza & Walk-a-thon Event Application

I don't have any issues, but I am not sure what he is referring to as "Cross walk guards". We cannot provide police officers for these duties but he may be referring to volunteers.

Thanks,

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, May 27, 2021 4:42 PM
To: Crocker, Clarice <ccrocker@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Gumaro Martinez <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Michael Scott <mscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>
Subject: RE: Pie Palooza & Walk-a-thon Event Application

Good afternoon,

Attached is the revised fundraising event idea from the Ellis County Homeless Association for your review/comments.

Kelly, Mr. Bell said any available Saturday in October is okay if October 16th isn't available to use Railyard Park.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie

(5f)

Villarreal, Amber

From: Gaertner, James
Sent: Thursday, May 27, 2021 5:33 PM
To: Ludwig, Tommy; Dernovich, Kip; Lockart, Jim
Cc: Villarreal, Amber; Crocker, Clarice
Subject: RE: Pie Palooza & Walk-a-thon Event Application

Team,

Will they need traffic control (cones)?

When they say they want a crossing guard, will they provide the crossing guard or are they requesting police/fire to assist? I am assuming the cross guard (s) would be by the amphitheater or the trail crossing by the Amphitheater parking lot (or both). Could they clarify the crossing guard request and locations?

James Gaertner, PE, CFM, CPM
Director of Public Works & Engineering
Office: 469-309-4301
jgaertner@waxahachie.com

From: Ludwig, Tommy <tludwig@waxahachie.com>
Sent: Thursday, May 27, 2021 5:01 PM
To: Gaertner, James <jgaertner@waxahachie.com>; Dernovich, Kip <kdernovich@waxahachie.com>; Lockart, Jim <jim.lockart@waxahachie.com>
Subject: FW: Pie Palooza & Walk-a-thon Event Application

FYI

Tommy Ludwig
Assistant City Manager
City of Waxahachie
O: 469-309-4021
C: 214-949-0529
TLudwig@waxahachie.com

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, May 27, 2021 4:42 PM
To: Crocker, Clarice <ccrocker@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: RE: Pie Palooza & Walk-a-thon Event Application

(5f)

Crocker, Clarice

From: Martinez, Gumaro
Sent: Wednesday, June 2, 2021 3:45 AM
To: Wade Goolsbey; Villarreal, Amber; Crocker, Clarice; Ricky Boyd; Drewry, Michaela; Griffith, Thomas; Mosley, Laurie; Martinez, Jose; Me'Lony Jordan; Simpson, Anita; Skistimas, Kelly
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: Re: Pie Palooza & Walk-a-thon Event Application

The Parks Dept does not have any issues with the revised event on October 16th. The two places "cross walk guards" may be needed are where the Waxahachie Creek hike and bike trail cross Rogers St., and Matthews St. In past events those guards have been volunteers.

Thanks,

Gumaro Martinez

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, June 1, 2021 3:54 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: RE: Pie Palooza & Walk-a-thon Event Application

I don't have any issues, but I am not sure what he is referring to as "Cross walk guards". We cannot provide police officers for these duties but he may be referring to volunteers.

Thanks,

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, May 27, 2021 4:42 PM
To: Crocker, Clarice <ccrocker@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Gumaro Martinez <gmartinez@waxahachie.com>; Drewry, Michaela

(5f)

Villarreal, Amber

From: Villarreal, Amber
Sent: Wednesday, June 9, 2021 5:24 PM
To: james@elliscountyhomeless.com; Rhonda Miller
Subject: RE: Pie Palooza & Walk-a-thon Event Application

Hi Mr. Bell,

There is no charge for use of Railyard Park at this time nor the trails.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

From: james@elliscountyhomeless.com <james@elliscountyhomeless.com>
Sent: Wednesday, June 9, 2021 1:45 PM
To: Rhonda Miller <teacakelady333@yahoo.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Re: Pie Palooza & Walk-a-thon Event Application

Thank you Amber for getting back to us. A question from our BOD that we need addressed - "Is there a charge for use of the Getzendaner Park Trails and Railyard Park?"

James Bell, President
Ellis County Homeless Coalition

Subject: RE: Pie Palooza & Walk-a-thon Event Application

Date: 2021-06-02 14:54

From: "Villarreal, Amber" <avillarreal@waxahachie.com>

To: "james@elliscountyhomeless.com" <james@elliscountyhomeless.com>

Cc: "Crocker, Clarice" <ccrocker@waxahachie.com>

Mr. Bell,

I've received comments back from city staff and they noted restrooms are

available at Lions Park, Getzendaner Park, and one portable restroom at

Railyard Park. The organizers of the event will be responsible for

(6)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-67-2021

MEETING DATE(S)

Planning & Zoning Commission: June 15, 2021

City Council: June 21, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 15, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-67-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Shawn Graham, Jones & Carter, for a Specific Use Permit (SUP) for Drive Through Establishment (Bank) use within a Planned Development-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (ZDC-67-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres.

CASE INFORMATION

Applicant: Shawn Graham, Jones & Carter

Property Owner(s): WAX 77 INVESTORS LP

Site Acreage: 1.55 acres

Current Zoning: Planned Development-42-Commercial

Requested Zoning: Planned Development-42-Commercial with SUP

SUBJECT PROPERTY

General Location: 1750 N Highway 77

Parcel ID Number(s): 263976

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-42-C	Tacos 4 Life
East	PD-42-C	Waxahachie Towne Crossing
South	PD-42-C	General Retail/Restaurant
West	C	Best Western Plus Waxahachie Inn & Suites

Future Land Use Plan: Retail

Comprehensive Plan: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan: The subject property is accessible via US Highway 77.

Site Image:

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres.

Proposed Use:

Per the Operational Plan, the applicant plans to operate a 2,007 sq. ft. Neighborhood Credit Union (Bank) located at 1750 N. Highway 77. The Neighborhood Credit Union will offer financial institution services with lobby walk-in personal service, as well as an outside drive-thru ATM service. Operational hours for the store are proposed to be 9:00am-5:00pm Monday to Friday and 9:00am-12:00pm on Saturday. The bank anticipates that there will be 70 member visits per day, while 3-5 employees help operate the bank.

Table 2: Proposed Development Standards (Commercial)
Items highlighted in bold do not meet the City of Waxahachie requirements

Standard	City of Waxahachie	Neighborhood Credit Union	Meets Y/N
Min. Lot Area (Sq. Ft.)	5,000	67,430 (1.55 acres)	Yes
Min. Lot Width (Ft.)	50	222	Yes
Min. Lot Depth (Ft.)	100	304	Yes
Min. Front Yard (Ft.)	25	25	Yes
Min. Side Yard (Ft.)	15	15	Yes
Min. Rear Yard (Ft.)	20	20	Yes
Max. Height	2 stories	1 story	Yes
Parking 1 space per 200 sq. ft.	10	19	Yes

**Additional Note: The building is proposed to be constructed of stucco, stone veneer, and metal.*

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **6** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. A mutually agreed upon Development Agreement will be required for the development.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Planning Manager
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(7)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A NEIGHBORHOOD CREDIT UNION (BANK) USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1750 N HIGHWAY 77, PROPERTY ID 263976, BEING LOT 8, BLOCK A, OF THE WAXAHACHIE TOWNE CROSSING ADDITION-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-42-C; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-67-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-42-C to PD-42-C, with an SUP in order to permit a Neighborhood Credit Union (Bank) use on the following property: Lot 8, Block A, of the Waxahachie Towne Crossing Addition-Rev, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, and Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

(7)

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A NEIGHBORHOOD CREDIT UNION (BANK) USE IN THE PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-67-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
3. A mutually agreed upon Development Agreement will be required for the property.
4. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).
5. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
6. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Commercial Zoning District shall apply to this development.

5. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

(7)

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 21st day of June, 2021.

MAYOR

ATTEST:

City Secretary

(8)

STATE OF TEXAS	§	**DEVELOPMENT AGREEMENT**
	§	**FOR NEIGHBORHOOD CREDIT UNION**
COUNTY OF ELLIS	§	

This Development Agreement for Neighborhood Credit Union (Bank) ("**Agreement**") is entered into between Neighborhood Credit Union ("**NCU**") and the City of Waxahachie, Texas ("**City**"). NCU and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. NCU is the owner of approximately 1.55 acres of real property generally located at 1750 N. Highway 77, Parcel Number 263976, in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a change in the Property's Planned Development-42-Commercial to Planned Development-42-Commercial with Specific Use Permit ("**SUP**") zoning, revising specific development standards. The Property is currently zoned Planned Development-Commercial by the City, and is anticipated to have the SUP reviewed on June 21, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of a Neighborhood Credit Union (Bank). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing NCU with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of NCU and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the "**Neighborhood Credit Union SUP Ordinance**"), a copy of which is attached hereto as ***Exhibit A*** and which contains the negotiated zoning and development standards for Neighborhood Credit Union.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Neighborhood Credit Union SUP Ordinance as contractually-binding obligations between the City of Waxahachie and NCU, and to recognize NCU's reasonable investment-backed expectations in the Neighborhood Credit Union SUP Ordinance and the planned development of Neighborhood Credit Union.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. **Incorporation of Premises.** The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. **Term.** This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. **Agreements.** The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations: The negotiated and agreed upon zoning and development standards contained in the Neighborhood Credit Union SUP Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

(A) The site plan shall conform as approved by the City Council under case number ZDC-67-2021.

(B) The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.

(C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).

(D) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

(E) City Council shall have the right to review the Specific Use Permit at any point, if needed.

(F) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Commercial Zoning District shall apply to this development.

In consideration of NCU's agreement in this regard, the City of Waxahachie agrees that NCU has reasonable investment-backed expectations in the Neighborhood Credit Union SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Neighborhood Credit Union SUP Ordinance without impacting NCU's reasonable investment-backed expectations.

Section 4. <u>Miscellaneous</u>

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon NCU and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

(8)

{Signature Pages Follow}

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By:_____
Michael Scott, City Manager

Date:_____

ATTEST:

By:_____
City Secretary

(8)

: Neighborhood Credit Union (Developer)

By: _____

Date:_____

: Hunt Properties, Inc. (Property Owner)

By: _____

Date:_____

(8)

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____**day** of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By:_____
Notary Public, State of Texas

My Commission Expires:_____

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____day of _____, personally appeared _____, representative of Neighborhood Credit Union, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By:_____
Notary Public, State of Texas

My Commission Expires:_____

(8)

EXHIBIT A

Neighborhood Credit Union (Bank) Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A NEIGHBORHOOD CREDIT UNION (BANK) USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1750 N HIGHWAY 77, PROPERTY ID 263976, BEING LOT 8, BLOCK A, OF THE WAXAHACHIE TOWNE CROSSING ADDITION-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-42-C; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-67-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-42-C to PD-42-C, with an SUP in order to permit a Neighborhood Credit Union (Bank) use on the following property: Lot 8, Block A, of the Waxahachie Towne Crossing Addition-Rev, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, and Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

(8)

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A NEIGHBORHOOD CREDIT UNION (BANK) USE IN THE PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

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2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
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An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

(8)

PASSED, APPROVED AND ADOPTED on this 21st day of June, 2021.

_____
MAYOR

ATTEST:

_____
City Secretary

(8)

Exhibit A - Location Exhibit

(8)

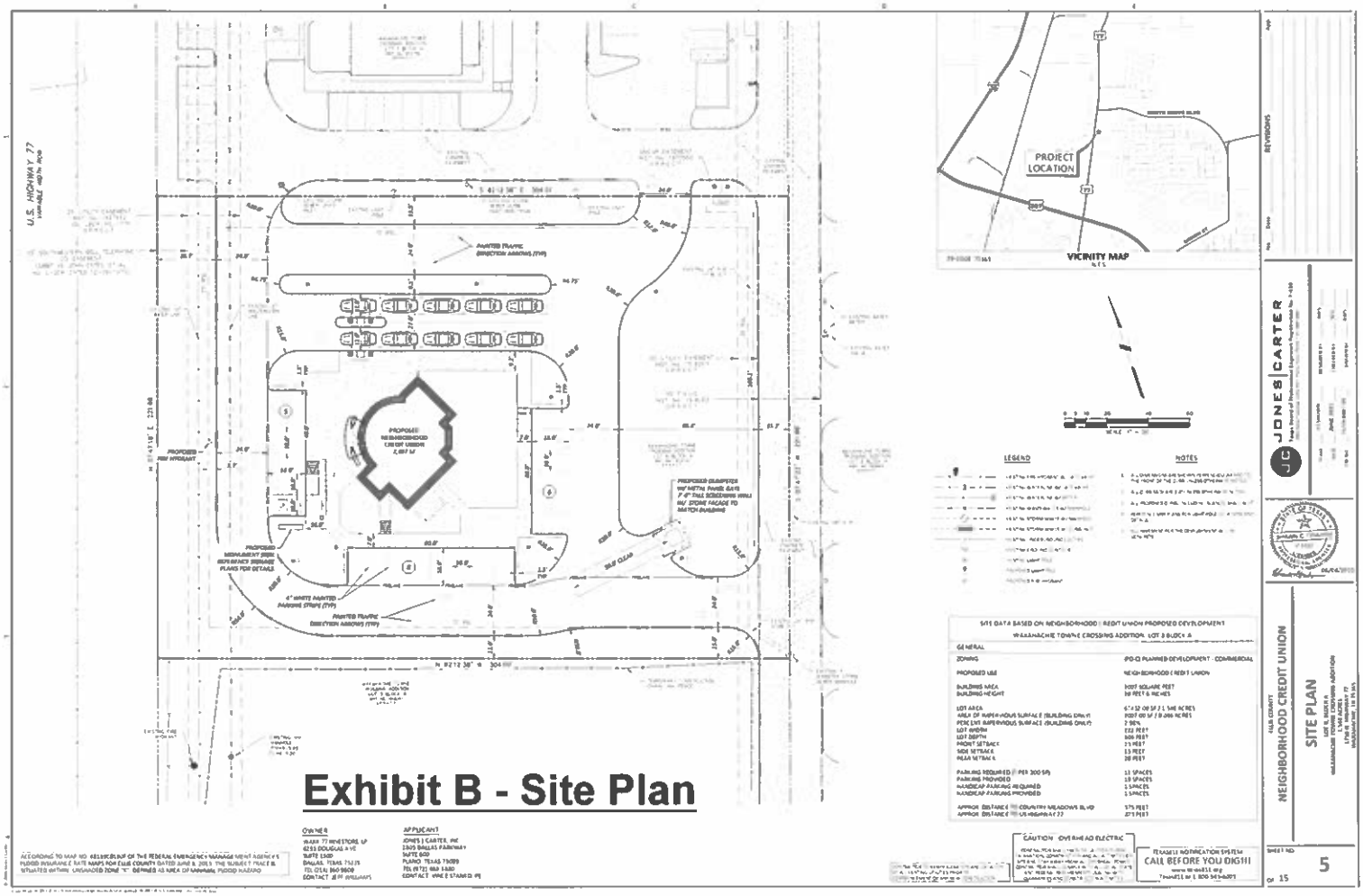
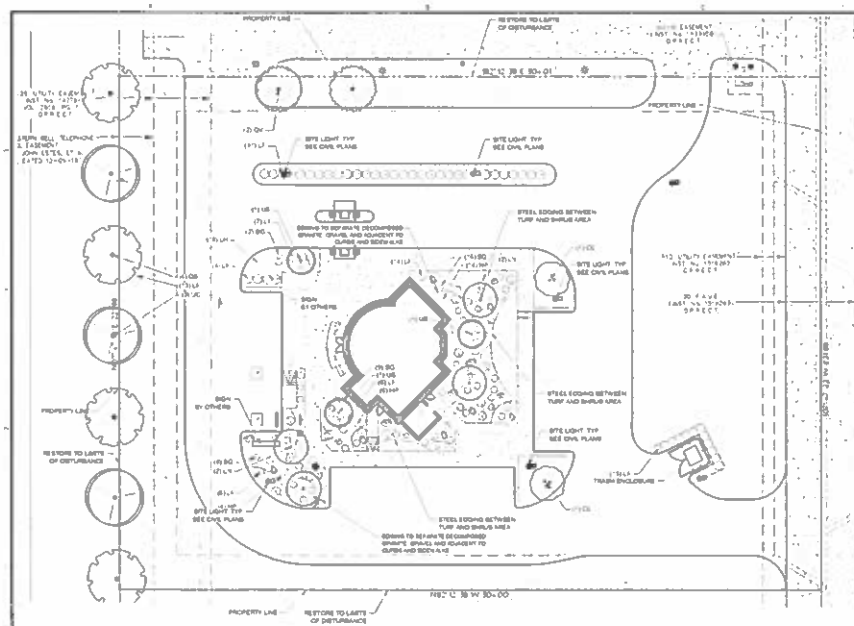


Exhibit B - Site Plan

(8)



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	CONTAINER	SIZE
	CE	2	Cercis canadensis Eastern Redbud Multi-trunk	3-5 CANES 3.5" OVERALL	Cont or B&B	8'-10'
	LA	4	Lagerstroemia x fauriei Crape Myrtle	3-5 CANES 1.5" OVERALL CAL	Cont or B&B	8' 8' HT
	QS	4	Quercus shumardii Shumard Red Oak	4" Cal	Cont or B&B	14' HT Min
	QV	2	Quercus virginiana Southern Live Oak	4" Cal	Cont or B&B	14'-16'
	UC	3	Ulmus crassifolia Cedar Elm	4" Cal	Cont or B&B	14'-16'
	US	3	Ungnadia speciosa Mexican Buckeye	2" Cal	Cont or B&B	8'-10'
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING	SIZE
	HP	30	Hesperaloe parviflora Red Yucca	3 gal	Per Plan	18" HS
	LT	63	Leucophyllum frutescens 'Green Cloud' TM Green Cloud Texas Ranger	3 gal	Per Plan	18" HS
	SG	38	Salvia greggii Autumn Sage	3 gal	Per Plan	18" HS
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SPACING	SIZE
	BP	25 257 sf	Buchloe dactyloides 'Prairie' Prairie Buffalo Grass	Sod		
	LM	13	Lantana x 'New Gold' New Gold Lantana	1 gal	36" O.C.	Container Full
ROCK / STONE	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SPACING	SIZE
	BR	1 696 sf	Bull Rock over weed barrier	6" depth		
	DG	1 833 sf	Decomposed Granite Gravel over weed barrier	6" depth		

Exhibit C - Landscape Plan

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURB. ROOT BARRIERS SHALL BE "EQUITY BY" OR "DEEP ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH (NATURAL ARMOTED) OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

CAUTION NOTICE TO CONTRACTORS

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATED ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.

811

IRRIGATION CONCEPT

1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A LICENSED AND QUALIFIED IRRIGATION CONTRACTOR.
2. THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
3. ALL NON-TURF PLANTED AREAS SHALL BE DRIP IRRIGATED. SODDED AND SEEDED AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
4. ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO THE MAXIMUM EXTENT POSSIBLE TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: WATER PRESSURE REGULATORS, RAIN SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSOR / INPUT CAPABILITIES.

MAINTENANCE NOTE: THE PROPERTY OWNER, TENANT OR AGENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL REQUIRED LANDSCAPING IN A HEALTHY, NEAT OR ORDERLY AND LIVE-GROWING CONDITION AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, IRRIGATION, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIALS NOT A PART OF THE LANDSCAPING. PLANT MATERIALS THAT DIE SHALL BE REPLACED WITH PLANT MATERIALS OF SIMILAR VARIETY AND SIZE.

GENERAL GRADING AND PLANTING NOTES

[illegible]

LANDSCAPE CALCULATIONS

STREET TREES
HIGHWAY 77
FRONTAGE LENGTH — 221 LF
STREET TREES REQUIRED — 2 TREES (1 PER 30 LF OF FRONTAGE) 221 LF TOTAL
STREET TREES PROVIDED — 2 TREES

LANDSCAPE BUFFER
STREET YARD AREA — 15% OF STREET YARD — 22 396 SQ FT
LANDSCAPE AREA REQUIRED — 3 359 SQ FT
LANDSCAPE AREA PROVIDED — 7 325 SQ FT

TREES REQUIRED — 6 TREES (1 PER 40 LF OF FRONTAGE) 221 LF TOTAL
TREES PROVIDED — 6 TREES

PARKING LOT LANDSCAPE
REQUIRED LANDSCAPE AREA — [illegible] SQ FT + 30 SQ FT (50% PARKING BETWEEN FACADE AND ROW) — 33 SQ FT (1 PARKING SPACE) * 25 SPACES = 824 SQ FT
PROVIDED LANDSCAPE AREA — 799 SQ FT
REQUIRED TREES — 2
PROVIDED TREES — 2

REQUIRED SHRUBS
10/100 SQ FT — 16
PROVIDED SHRUBS — 27

EACH SPACE WITHIN 60' OF A TREE — PROVIDED

REQUIRED INTERIOR LANDSCAPE
FOR 5T FLOOR AREA = 2 800 SQ FT

EFFECTIVE FLOOR AREA 2 800 SQ FT
TIER 3 40% (1 40 = REQUIRED LANDSCAPE AREA — 992 SQ FT
PROVIDED LANDSCAPE AREA — 1 644 SQ FT

REQUIRED CANOPY TREES @ 1/600 SQ FT = 2
PROVIDED CANOPY TREES — 2

REQUIRED UNDERSTORY TREES @ 1/700 SQ FT = 3
PROVIDED UNDERSTORY TREES — 3

REQUIRED SHRUBS @ 1/100 SQ FT = 20
PROVIDED SHRUBS — 30

REQUIRED GROUND COVER AREA @ 75% = 1 20 SQ FT
PROVIDED GROUND COVER AREA — 1 80 SQ FT

REQUIRED SEASONAL COLOR @ 2% = 16 SQ FT
PROVIDED SEASONAL COLOR — 100 SQ FT

Scale 1" = 20'

EVERGREEN

JONES CARTER
Texas Board of Professional Engineers Registration No. F-439
Texas Board of Architectural Examiners Registration No. BR-2001

REVISIONS

NEIGHBORHOOD CREDIT UNION
BUILDING
LANDSCAPE PLANTING

SHEET NO
LP-1

(8)

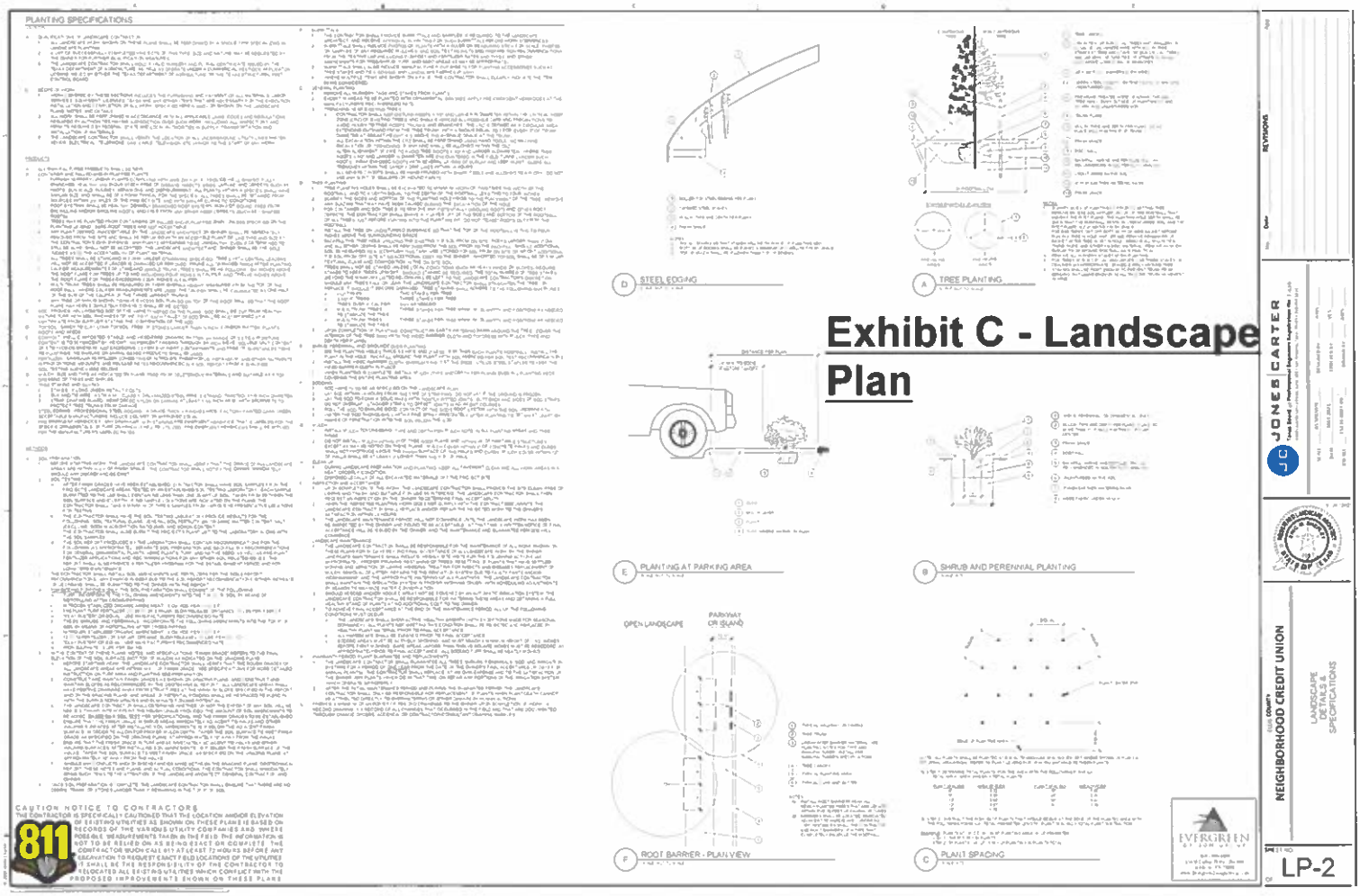
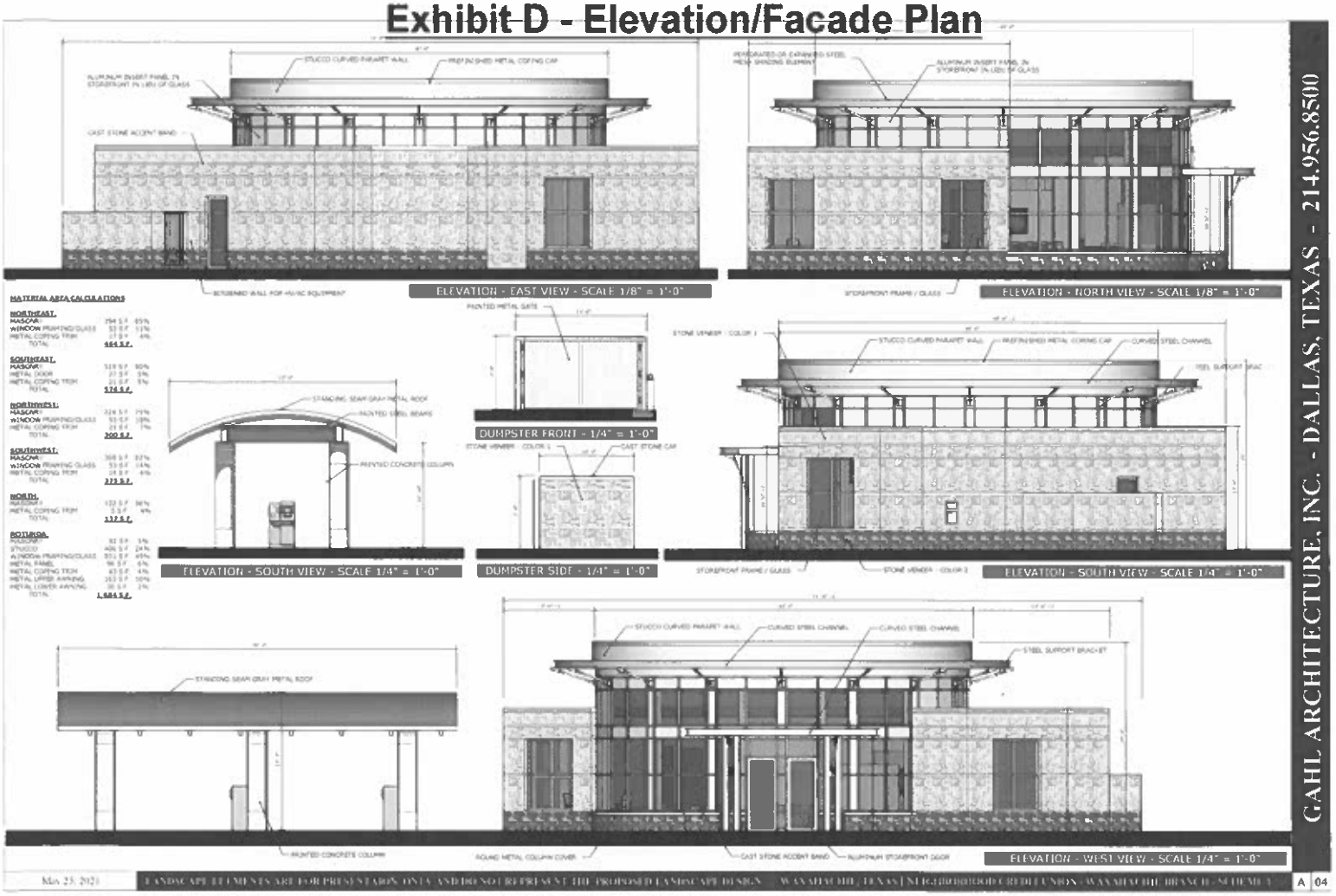


Exhibit C - Landscape Plan

(8)

Exhibit D - Elevation/Facade Plan



May 25, 2021

LANDSCAPE ELEMENTS ARE FOR PRESENTATION ONLY AND DO NOT REPRESENT THE PROPOSED LANDSCAPE DESIGN — WAXAHACHIE, TEXAS | NEIGHBORHOOD CREDIT UNION - WAXAHACHIE BRANCH SCHEME 3

Exhibit E - Staff Report (8)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-67-2021

MEETING DATE(S)

Planning & Zoning Commission: June 15, 2021

City Council: June 21, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 15, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-67-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Shawn Graham, Jones & Carter, for a Specific Use Permit (SUP) for Drive Through Establishment (Bank) use within a Planned Development-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (ZDC-67-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres.

CASE INFORMATION

Applicant:	Shawn Graham, Jones & Carter
Property Owner(s):	WAX 77 INVESTORS LP
Site Acreage:	1.55 acres
Current Zoning:	Planned Development-42-Commercial
Requested Zoning:	Planned Development-42-Commercial with SUP

SUBJECT PROPERTY

General Location:	1750 N Highway 77
Parcel ID Number(s):	263976
Existing Use:	Currently Undeveloped
Development History:	N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-42-C	Tacos 4 Life
East	PD-42-C	Waxahachie Towne Crossing
South	PD-42-C	General Retail/Restaurant
West	C	Best Western Plus Waxahachie Inn & Suites

Future Land Use Plan: Retail

Comprehensive Plan: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan: The subject property is accessible via US Highway 77.

Site Image:

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres.

Proposed Use:

Per the Operational Plan, the applicant plans to operate a 2,007 sq. ft. Neighborhood Credit Union (Bank) located at 1750 N. Highway 77. The Neighborhood Credit Union will offer financial institution services with lobby walk-in personal service, as well as an outside drive-thru ATM service. Operational hours for the store are proposed to be 9:00am-5:00pm Monday to Friday and 9:00am-12:00pm on Saturday. The bank anticipates that there will be 70 member visits per day, while 3-5 employees help operate the bank.

Table 2: Proposed Development Standards (Commercial)
Items highlighted in bold do not meet the City of Waxahachie requirements

Standard	City of Waxahachie	Neighborhood Credit Union	Meets Y/N
Min. Lot Area (Sq. Ft.)	5,000	67,430 (1.55 acres)	Yes
Min. Lot Width (Ft.)	50	222	Yes
Min. Lot Depth (Ft.)	100	304	Yes
Min. Front Yard (Ft.)	25	25	Yes
Min. Side Yard (Ft.)	15	15	Yes
Min. Rear Yard (Ft.)	20	20	Yes
Max. Height	2 stories	1 story	Yes
Parking 1 space per 200 sq. ft.	10	19	Yes

**Additional Note: The building is proposed to be constructed of stucco, stone veneer, and metal.*

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **6** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. A mutually agreed upon Development Agreement will be required for the development.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Site Plan
3. Landscape Plan
4. Elevation/Façade Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Planning Manager
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-68-2021

MEETING DATE(S)

Planning & Zoning Commission:	June 15, 2021
City Council:	June 21, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning meeting, held June 15, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-68-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Michael Alturk, ADTM Engineering & Construction, for an Amendment to Ordinance No. 3258 to allow for an additional retail building within an approved retail development located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-68-2021)

APPLICANT REQUEST

The applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres.

CASE INFORMATION

Applicant:	Michael Alturk, ADTM Engineering & Construction Corp.
Property Owner(s):	KSAM, LLC
Site Acreage:	3.52 acres
Current Zoning:	Planned Development - General Retail
Requested Zoning:	Planned Development - General Retail (w/ amendment to Ord. 3258)

SUBJECT PROPERTY

General Location:	SE corner of Farley Street and US Highway 287
Parcel ID Number(s):	181802
Existing Use:	Undeveloped
Development History:	N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-C	Undeveloped Land
East	----	US Highway 287
South	GR	Undeveloped Land
West	PD-SF3	Blue Bonnet Trails Subdivision

Future Land Use Plan: Low Density Residential and Retail

Comprehensive Plan: *Low Density Residential*: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Retail: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan: The subject property is accessible via Farley St. and Aster Dr. *Note: The applicant is currently working with TxDOT for possible access from US Highway 287 Service Rd.*

Site Image:

PLANNING ANALYSIS

Applicant Request

The applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres.

Case History/Proposed Use

At the City Council meeting, held March 15, 2021, City Council voted 4-0 to recommend approval of case number ZDC-186-2021.

Per the originally approved plans (Ord. 3258), the applicant requested to construct three (3) buildings on two separate lots. Two of the buildings (Convenience Store with Gasoline Sales and a multi-tenant retail building) were approved to be located on the east side of the property (adjacent to US Hwy 287 service road), and one building (office) will be located on the west side of the property (adjacent to Aster Rd). The applicant is requesting to revise the approved plan to add a 2,000 sq. ft. retail building on the east side of the development. Per the applicant, the proposed retail building is intended to be a Dunkin' Donuts establishment. Staff believes that the proposed retail building will remain consistent with the intent of the previously approved Ordinance (Ord. 3258).

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **49** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. A mutually agreed upon Development Agreement must be signed by the applicant.
  2. No drive-through will be allowed at the newly proposed retail building.
  3. No dumpsters/structures shall be located within any easements of the development.
  4. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3258 requirements.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan (New Proposed Retail Building)
6. Staff Report
7. Ordinance 3258

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
   a. If comments were not satisfied, then applicant will be notified to make corrections.
   b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

(9)

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Planning Manager
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(10)

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 3258 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) WITH AMENDED ORDINANCE, TO ALLOW AN ADDITIONAL RETAIL BUILDING (2,000 SQ. FT.), LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AND US HIGHWAY 287, PARCEL ID 181802, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-68-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-GR to PD-GR (with amended Ordinance) with Concept Plan; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

NOW, THEREFORE, this property is rezoned from PD-GR to PD-GR, with Concept Plan in order to facilitate development of the subject property in a manner that allows an additional retail building (2,000 sq. ft.) within an approved retail planned development on the following property: a portion of Property ID 181802, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan shown as Exhibit D, and Staff Report shown as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a retail development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

(10)

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site Plan packet (Exhibits B-E).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The Site Plan shall conform as approved by the City Council under case number ZDC-68-2021.
3. No drive-through will be allowed at the newly proposed retail building.
4. No dumpsters/structures shall be located within any easements of the development.
5. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).
6. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3258 requirements.
7. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this zoning ordinance, the regulations of Ord. 3258 shall apply to this development.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED, AND ADOPTED on this 21st day of June, 2021.

_____

MAYOR

ATTEST:

_____

City Secretary

(11)

STATE OF TEXAS	§	**DEVELOPMENT AGREEMENT**
	§	**FOR KSAM (MULTI-USE)**
COUNTY OF ELLIS	§	

This Development Agreement for KSAM (Multi-Use) ("**Agreement**") is entered into between KSAM, LLC ("**KSAM**") and the City of Waxahachie, Texas ("**City**"). KSAM and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. KSAM is the owner of approximately 3.52 acres of real property generally located at the Southeast corner of Farley Street at Highway 287, parcel number 181802, in the City of Waxahachie, Texas (the "**Property**"), for which he has requested a change in the Property's Planned Development-General Retail to a Planned Development ("**PD**") General Retail (Ord. 3258 – text amendment) zoning, revising specific development standards. The Property is currently zoned Planned Development-General Retail by the City, and is anticipated to have the zoning changed to a new PD zoning on June 21, 2021.

2. The planned use of the Property is to create a Planned Development to allow for the development of a multi-tenant office building, convenience store with gasoline sales, multi-tenant retail building, and a single tenant retail building. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing KSAM with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of KSAM and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment **Ordinance No. (TBD)** (the "**KSAM (Multi-Use) PD Ordinance**"), a copy of which is attached hereto as ***Exhibit A*** and which contains the negotiated zoning and development standards for KSAM (Multi-Use).

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in KSAM (Multi-Use) PD Ordinance as contractually-binding obligations between the City of Waxahachie and KSAM, and to recognize KSAM's reasonable investment-backed expectations in KSAM (Multi-Use) PD Ordinance and the planned development of KSAM (Multi-Use).

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. **Term.** This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. **Agreements.** The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations: The negotiated and agreed upon zoning and development standards contained in the KSAM (Multi-Use) PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the developer.

The Developer agrees to:

(A) A mutually agreed upon Development Agreement will be required for the property.

(B) The development shall provide a 6ft. masonry wall along Aster Dr. (as depicted on the Site Plan) that separates the office building (Lot 1) from the adjacent subdivision (Blue Bonnet Trails).

(C) The minimum rear yard setback for Lot 1 shall be 20ft.

(D) A dumpster enclosure will be allowed in the northern setback of Lot 1.

(E) The Site Plan shall conform as approved by the City Council under case number ZDC-68-2021.

(F) No drive-through will be allowed at the newly proposed retail building.

(G) No dumpsters/structures shall be located within any easements of the development.

(H) Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3258 requirements.

(I) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

(J) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

(K) Any zoning, land use requirement, or restriction not contained within this Development Agreement, Zoning Ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this zoning ordinance, the regulations of Ord. 3258 shall apply to this development.

In consideration of KSAM's agreement in this regard, the City of Waxahachie agrees that KSAM has reasonable investment-backed expectations in the KSAM (Multi-Use) PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the KSAM (Multi-Use) PD Ordinance without impacting KSAM's reasonable investment-backed expectations.

Section 4. <u>Miscellaneous</u>

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon KSAM and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

(11)

{Signature Pages Follow}

(11)

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By:_____
Michael Scott, City Manager

Date:_____

ATTEST:

By:_____
City Secretary

(11)

: ADTM Engineering & Construction Corp. (Applicant)

By: _____

Date:_____

: KSAM, LLC (Owner)

By: _____

Date:_____

(11)

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____**day** of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By:_____
Notary Public, State of Texas

My Commission Expires:_____

(11)

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____day of _____, personally appeared _____, representative of KSAM, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By:_____
Notary Public, State of Texas

My Commission Expires:_____

(11)

EXHIBIT A

The KSAM PD Ordinance

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 3258 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) WITH AMENDED ORDINANCE, TO ALLOW AN ADDITIONAL RETAIL BUILDING (2,000 SQ. FT.), LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AND US HIGHWAY 287, PARCEL ID 181802, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-68-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-GR to PD-GR (with amended Ordinance) with Concept Plan; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

NOW, THEREFORE, this property is rezoned from PD-GR to PD-GR, with Concept Plan in order to facilitate development of the subject property in a manner that allows an additional retail building (2,000 sq. ft.) within an approved retail planned development on the following property: a portion of Property ID 181802, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan shown as Exhibit D, and Staff Report shown as Exhibit E.

(11)

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a retail development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site Plan packet (Exhibits B-E).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The Site Plan shall conform as approved by the City Council under case number ZDC-68-2021.
3. No drive-through will be allowed at the newly proposed retail building.
4. No dumpsters/structures shall be located within any easements of the development.
5. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3258 requirements.
6. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this zoning ordinance, the regulations of Ord. 3258 shall apply to this development.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

(11)

PASSED, APPROVED, AND ADOPTED on this 21st day of June, 2021.

_____
MAYOR

ATTEST:

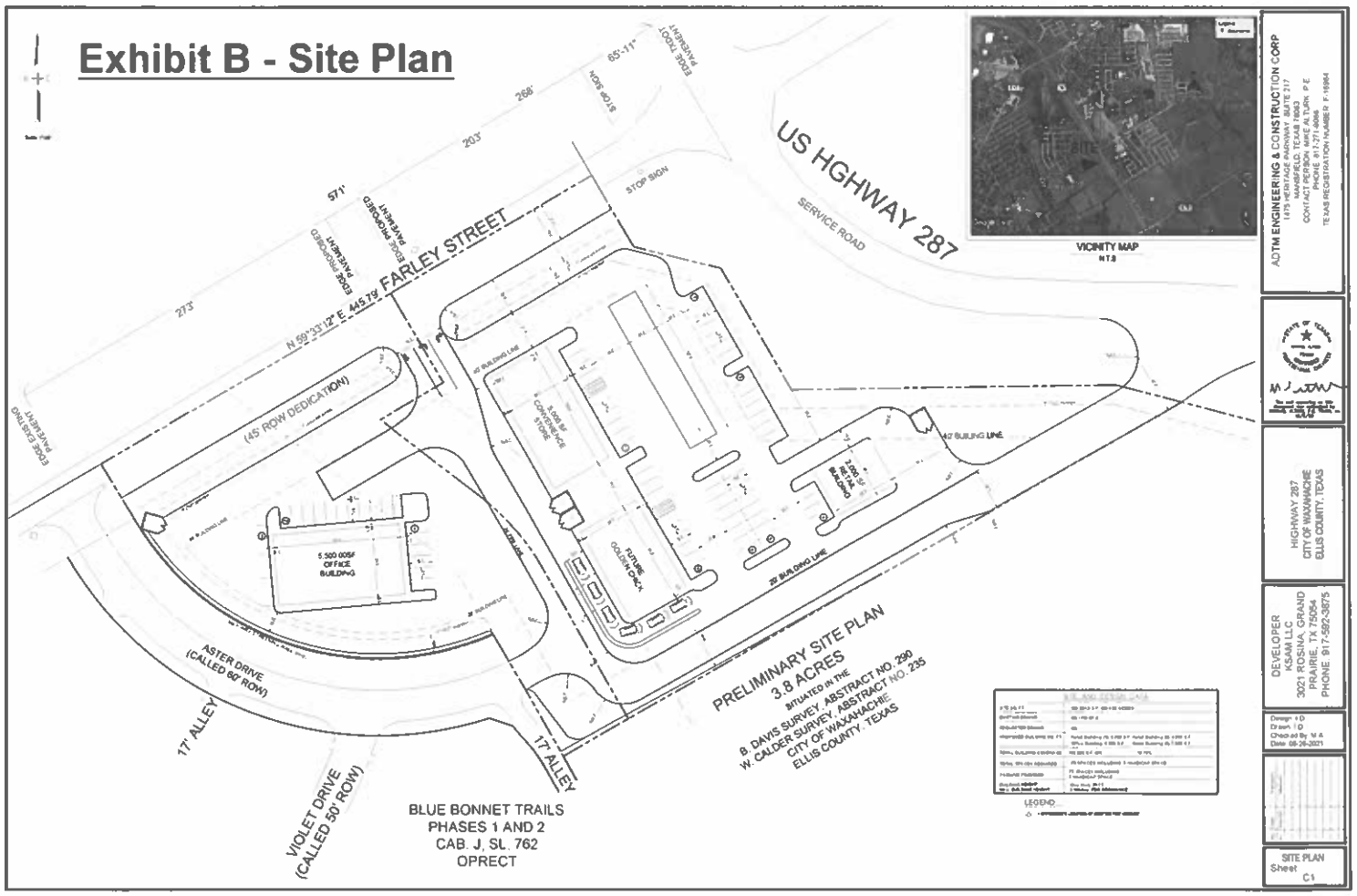
_____
City Secretary

(11)

TANGLEWOOD LN
DEERWOOD LN
BRIAR LN
SILVER OAKS BLVD
CHEVY CHASE LN
LESLIE LN
PARKVIEW
ASTER DR
ALLEY
VIOLET DR
E US HIGHWAY 287 BYP
E US HIGHWAY 287
N
Exhibit A - Location Exhibit
0
150
300
600
900
1,200
Feet
ZDC-000068-2021 (PD)

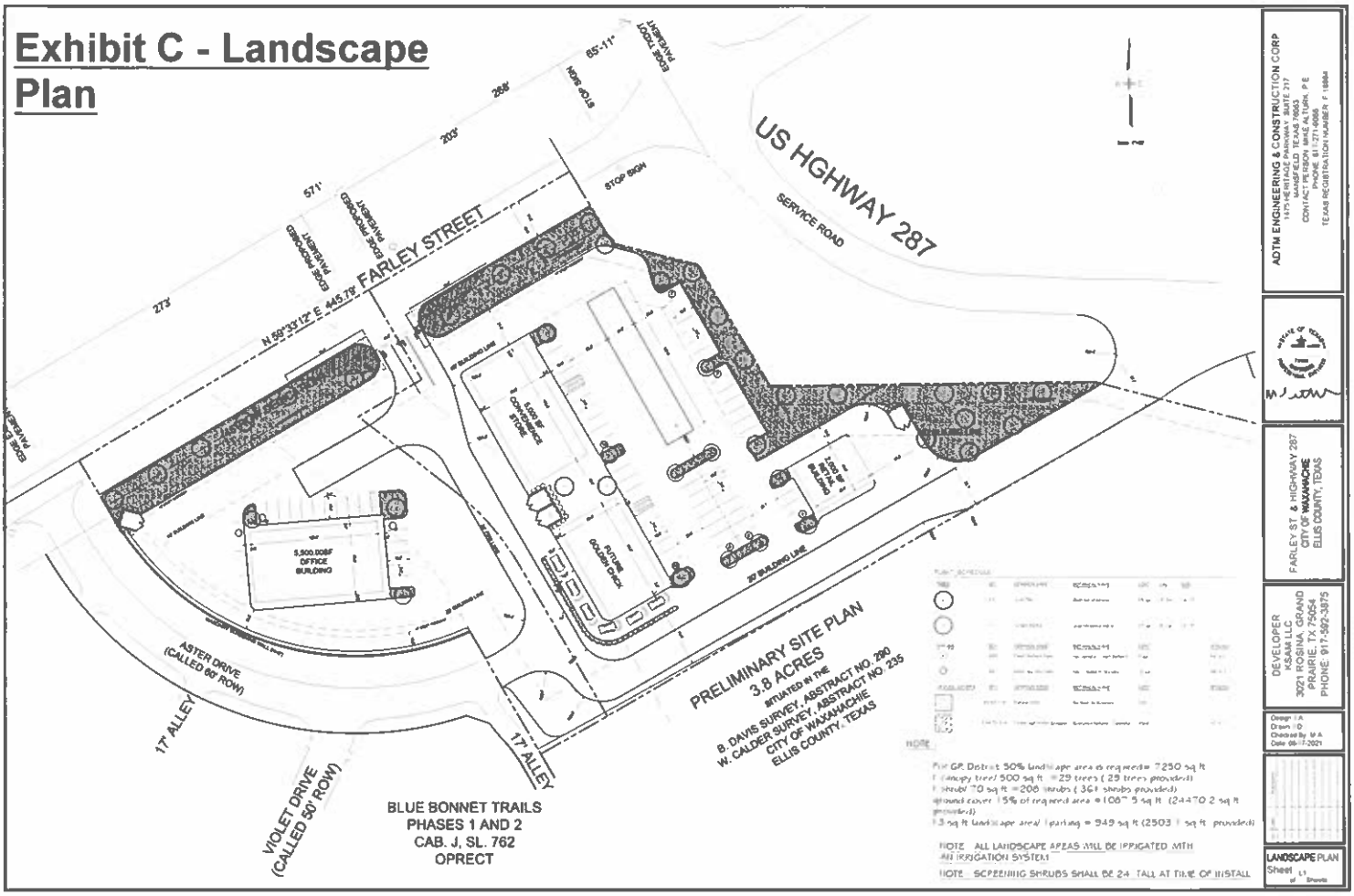
(11)

Exhibit B - Site Plan



(11)

Exhibit C - Landscape Plan



(11)

Exhibit D - Elevation/Facade Plan

1 FRONT ELEVATION

3 BACK ELEVATION

2 SIDE ELEVATION

4 SIDE ELEVATION

Elevations Matrix Analysis

		Total Area (SF)	%	Brick		Aluminum Storefronts/Exit Doors		Stone		Metal Awning	
1	Front Elevation	908.00	SF	333.50	SF	159.80	SF	394.80	SF	20.00	SF
		100.00	%	36.73	%	17.56	%	43.43	%	2.20	%
2	Side Elevation	1001.00	SF	714.90	SF	88.50	SF	238.40	SF	9.20	SF
		100.00	%	71.42	%	8.85	%	23.82	%	0.92	%
3	Back Elevation	908.00	SF	545.00	SF	150.10	SF	197.30	SF	15.70	SF
		100.00	%	60.02	%	16.53	%	21.73	%	1.73	%
4	Side Elevation	1001.00	SF	676.80	SF	108.10	SF	238.80	SF	15.70	SF
		100.00	%	67.63	%	11.00	%	23.83	%	1.57	%
Total Area		3818.00		2272.20		506.10		1268.30		61.40	

ADTM ENGINEERING & CONSTRUCTION CORP.
1475 HERITAGE PARKWAY, SUITE 217
MANSFIELD, TEXAS 76063
CONTACT PERSON: MOHAMMAD A. ATTIKI, P.E.
PHONE: 817-271-9066
TEXAS REGISTRATION NUMBER F-16984

STATE OF TEXAS
MOHAMMAD A. ATTIKI
73088
LICENSED
PROFESSIONAL ENGINEER

HIGHWAY 287
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

DEVELOPER
KSAM LLC
3021 ROSINA GRAND
PRAIRIE, TX 75054
PHONE 817-562-3875

Design: I.O.
Drawn: I.O.
Checked By: M.A.
Date: 06-17-2021

Revisions
No. Date

NEW RETAIL BUILDING
ELEVATIONS
Sheet L2

Exhibit E - Staff Report (11)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-68-2021

MEETING DATE(S)

Planning & Zoning Commission: June 15, 2021

City Council: June 21, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning meeting, held June 15, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-68-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Michael Alturk, ADTM Engineering & Construction, for an Amendment to Ordinance No. 3258 to allow for an additional retail building within an approved retail development located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-68-2021)

APPLICANT REQUEST

The applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres.

CASE INFORMATION

Applicant:	Michael Alturk, ADTM Engineering & Construction Corp.
Property Owner(s):	KSAM, LLC
Site Acreage:	3.52 acres
Current Zoning:	Planned Development - General Retail
Requested Zoning:	Planned Development - General Retail (w/ amendment to Ord. 3258)

SUBJECT PROPERTY

General Location:	SE corner of Farley Street and US Highway 287
Parcel ID Number(s):	181802
Existing Use:	Undeveloped
Development History:	N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-C	Undeveloped Land
East	----	US Highway 287
South	GR	Undeveloped Land
West	PD-SF3	Blue Bonnet Trails Subdivision

Future Land Use Plan: Low Density Residential and Retail

Comprehensive Plan: *Low Density Residential*: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Retail: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan: The subject property is accessible via Farley St. and Aster Dr. *Note: The applicant is currently working with TxDOT for possible access from US Highway 287 Service Rd.*

Site Image:

PLANNING ANALYSIS

Applicant Request

The applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres.

Case History/Proposed Use

At the City Council meeting, held March 15, 2021, City Council voted 4-0 to recommend approval of case number ZDC-186-2021.

Per the originally approved plans (Ord. 3258), the applicant requested to construct three (3) buildings on two separate lots. Two of the buildings (Convenience Store with Gasoline Sales and a multi-tenant retail building) were approved to be located on the east side of the property (adjacent to US Hwy 287 service road), and one building (office) will be located on the west side of the property (adjacent to Aster Rd). The applicant is requesting to revise the approved plan to add a 2,000 sq. ft. retail building on the east side of the development. Per the applicant, the proposed retail building is intended to be a Dunkin' Donuts establishment. Staff believes that the proposed retail building will remain consistent with the intent of the previously approved Ordinance (Ord. 3258).

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **49** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. A mutually agreed upon Development Agreement must be signed by the applicant.
  2. No drive-through will be allowed at the newly proposed retail building.
  3. No dumpsters/structures shall be located within any easements of the development.
  4. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3258 requirements.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan (New Proposed Retail Building)
6. Staff Report
7. Ordinance 3258

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
   a. If comments were not satisfied, then applicant will be notified to make corrections.
   b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Planning Manager
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(11)

ORDINANCE NO. 3258

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) AND PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO ALLOW A MULTI-TENANT OFFICE BUILDING, CONVENIENCE STORE WITH GASOLINE SALES, AND A MULTI-TENANT RETAIL BUILDING, LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AT HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802 OF ABSTRACT 235 OF THE WC CALDER SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-186-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from GR & PD-SF3 to PD-GR, with Concept Plan; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

NOW, THEREFORE, this property is rezoned from GR &PD-SF3 to PD-GR, with Concept Plan in order to facilitate development of the subject property in a manner that allows a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building on the following property: a portion of Property ID 181802 of Abstract 235 of the WC Calder Survey, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan shown as Exhibit D, and Staff Report shown as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a retail development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site Plan (Exhibit B).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The access easement, shown along Farley St. and continued between Lot 1 and Lot 2 of the development, shall be a condition of the zoning approval.
3. The development shall provide a 6ft. masonry wall along Aster Dr. (as depicted on the Site Plan) that separates the office building (Lot 1) from the adjacent subdivision (Blue Bonnet Trails).
4. The minimum rear yard setback for Lot 1 shall be 20ft.

5. A dumpster enclosure will be allowed in the northern setback of Lot 1.
6. The Site Plan shall conform as approved by the City Council under case number ZDC-186-2021.
7. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this ordinance, the regulations of General Retail zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED, AND ADOPTED on this 15th day of March, 2021.

MaryLou Shipley
MAYOR PRO TEM

ATTEST:

Amber Villarreal
Assistant City Secretary

(11)

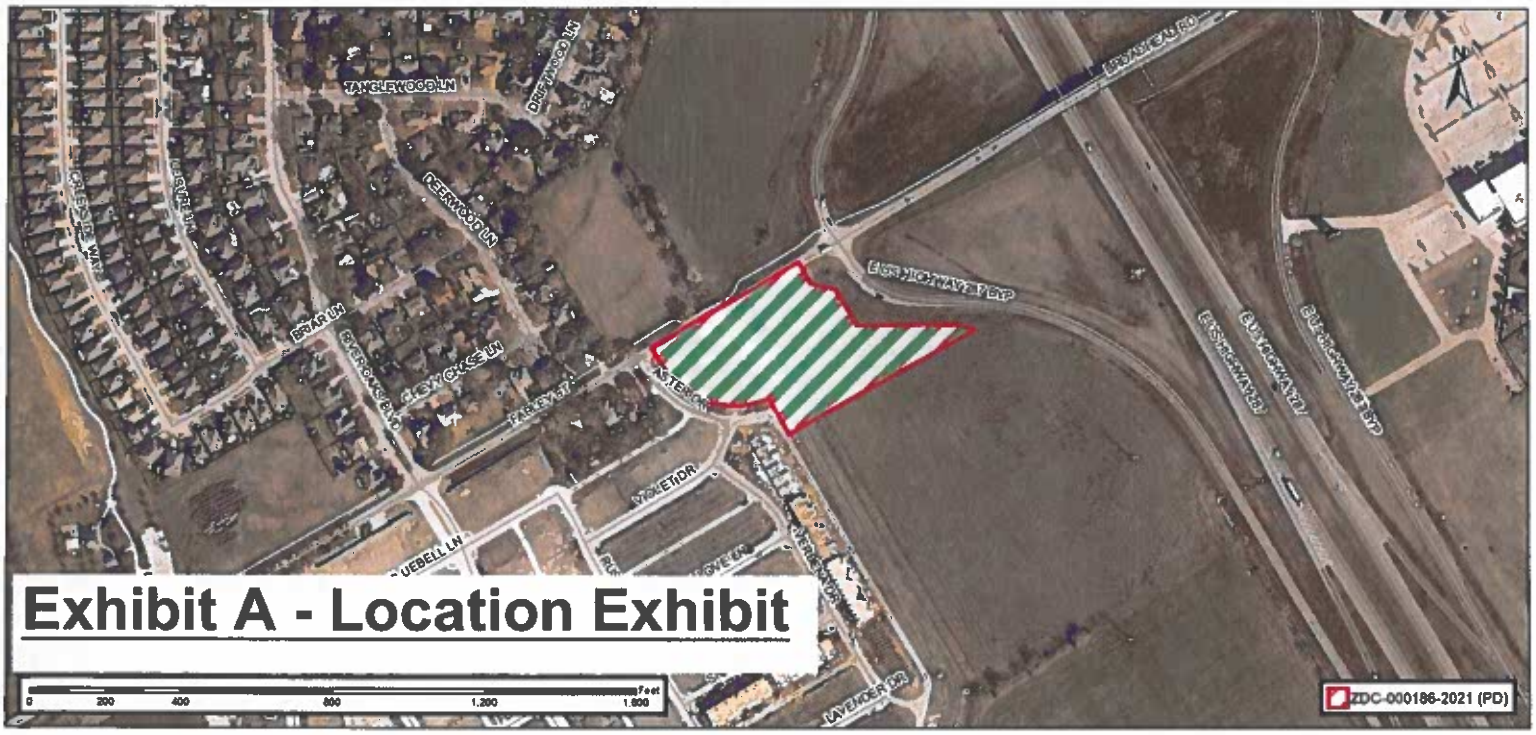
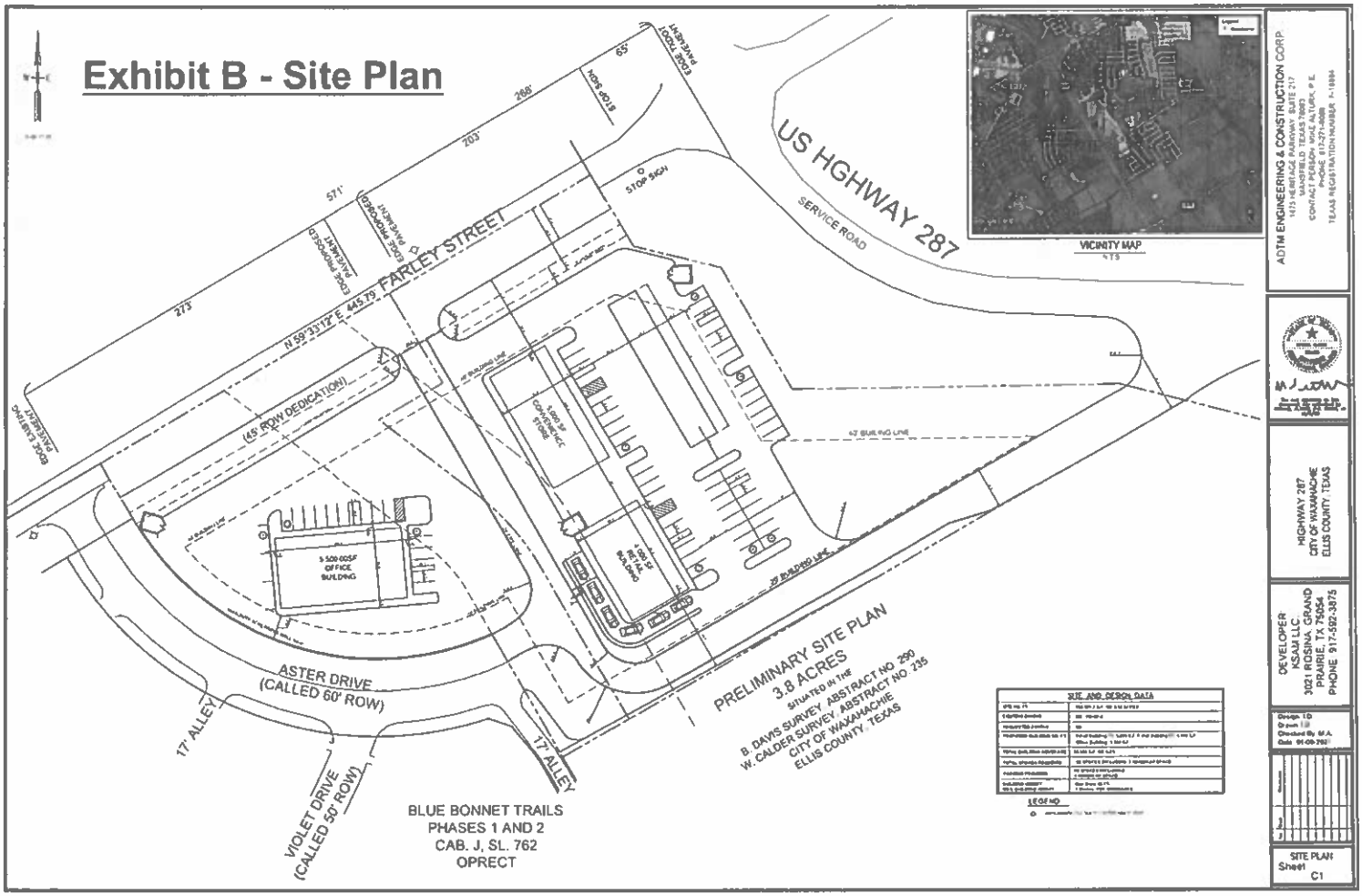


Exhibit A - Location Exhibit

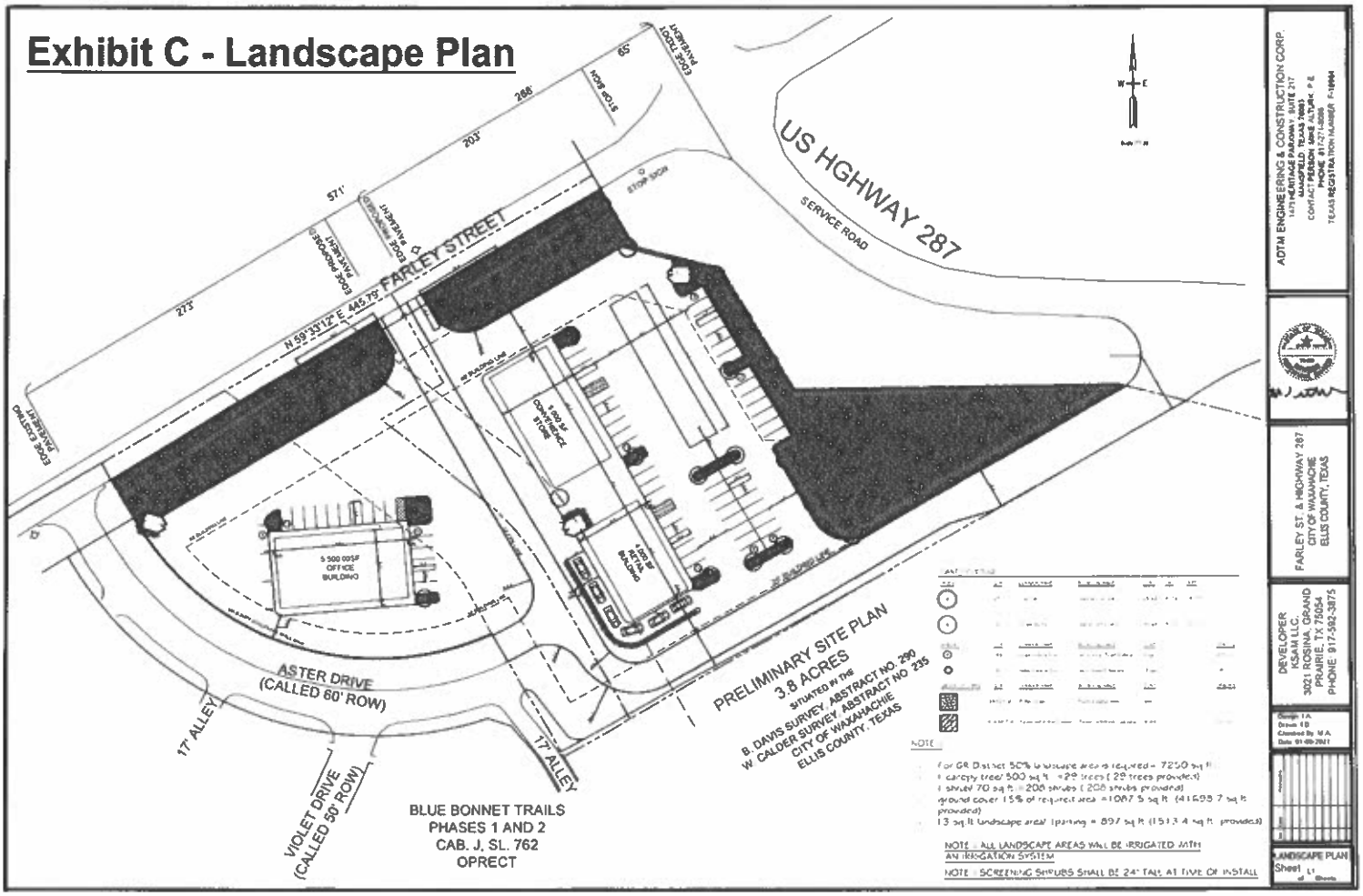
(11)

Exhibit B - Site Plan



(11)

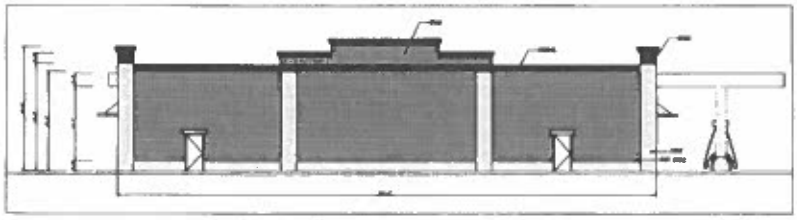
Exhibit C - Landscape Plan



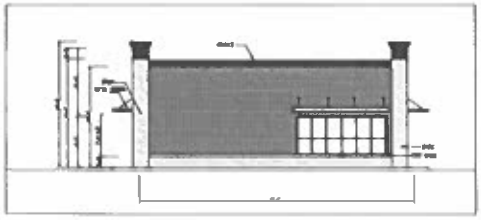
(11)

Exhibit D - Convenience Store Elevation/Facade Plan - Option 1

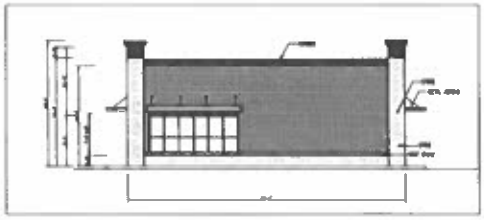
1 FRONT ELEVATION



2 BACK ELEVATION



3 SIDE ELEVATION



4 SIDE ELEVATION

Elevations Material Analysis

		Total Area (SF)	%	Brick		Alternative Stone/Synthetic Stone		Glass		Metal Awning	
1	Front Elevation	2112.50	SF	1175.00	SF	406.50	SF	505.00	SF	126.00	SF
		100.00	%	55.62	%	19.24	%	24.32	%	6.00	%
2	Rear Elevation	1000.50	SF	600.00	SF	126.00	SF	275.00	SF	35.00	SF
		100.00	%	60.00	%	12.61	%	27.51	%	3.50	%
3	South Elevation	2112.50	SF	1051.00	SF	65.00	SF	995.50	SF	3.00	SF
		100.00	%	49.77	%	3.07	%	47.13	%	0.14	%
4	North Elevation	1000.50	SF	600.00	SF	126.00	SF	225.00	SF	75.00	SF
		100.00	%	60.00	%	12.61	%	22.51	%	7.50	%
Total Area		6225.00		3426.00		717.00		1700.00		241.00	

ADTM ENGINEERING & CONSTRUCTION CORP.
1473 HERITAGE PARKWAY, SUITE 227
GRAPEVINE, TEXAS 76051
CONTACT PERSON: MIC ALTUNA, P.E.
PHONE 817-421-4884
TBPE REGISTRATION NUMBER F-13994

HIGHWAY 287
CITY OF AVANCHE
ELLIS COUNTY, TEXAS

DEVELOPER
KSAM LLC
3021 ROSINA, GRAND PRAIRIE, TX 75054
PHONE 817-592-3875

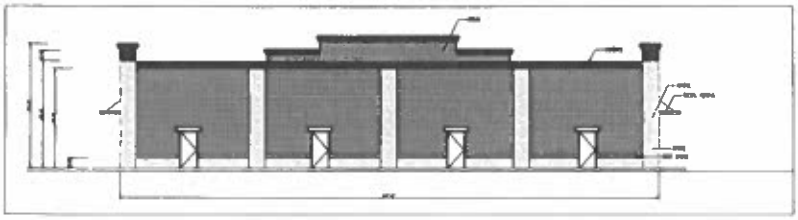
Design: S.E.
Drawn: I.D.
Checked By: M A
Date: 03-03-2021

CONVENIENCE STORE ELEVATIONS
Sheet L1

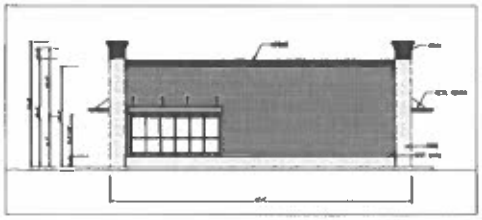
(11)

Exhibit D - Office Elevation/Facade Plan - Option 1

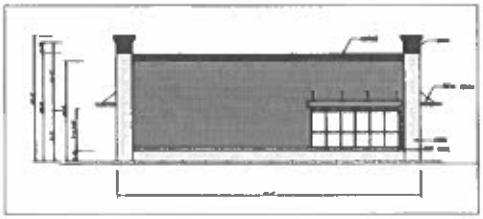
1 FRONT ELEVATION



2 BACK ELEVATION



3 SIDE ELEVATION



4 SIDE ELEVATION

Elevations Material Analysis

		Total Area (SF)	%	Brick		Aluminum Storefront/Kalt Beam		Stone		Metal Awning	
1	Front Elevation	2242.20	SF	1035.20	SF	571.20	SF	354.20	SF	281.60	SF
		100.00	%	47.17	%	25.47	%	15.80	%	12.60	%
2	Side Elevation	1012.73	SF	505.40	SF	126.40	SF	354.13	SF	6.80	SF
		100.00	%	49.79	%	12.48	%	35.00	%	0.67	%
3	Back Elevation	2242.20	SF	1589.00	SF	92.40	SF	447.30	SF	113.50	SF
		100.00	%	70.89	%	4.12	%	19.95	%	5.06	%
4	Side Elevation	1012.73	SF	505.40	SF	126.40	SF	354.13	SF	6.80	SF
		100.00	%	49.79	%	12.48	%	34.96	%	0.67	%
Total Area		6509.86		3635.00		916.40		1773.86		407.60	

ADTN ENGINEERING & CONSTRUCTION CORP.
3470 HERITAGE PARKWAY, SUITE 107
GRAPEVINE, TEXAS 76051
CONTACT PERSON: VICE ALTAR, P.E.
PHONE 817-421-0666
TEXAS REGISTRATION NUMBER F-16994

HIGHWAY 287
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

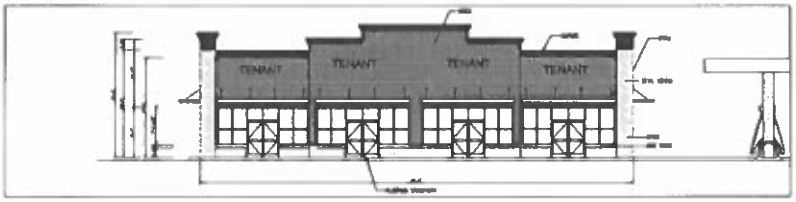
DEVELOPER:
KSAM LLC
3021 ROSINA, GRAND PRAIRIE, TX 75054
PHONE: 817-392-3875

Design I.D.
Drawn I.D.
Checked By: M A
Date 03-02-2021

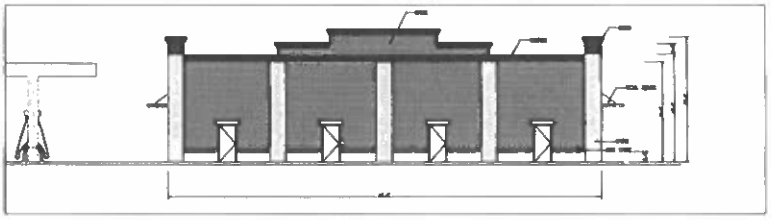
OFFICE BUILDING ELEVATIONS
Sheet L2

(11)

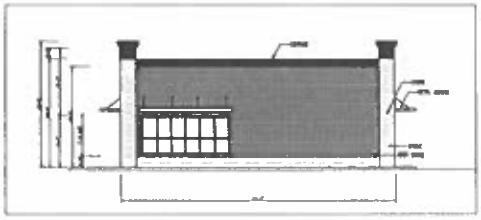
Exhibit D - Retail Elevation/Facade Plan - Option 1



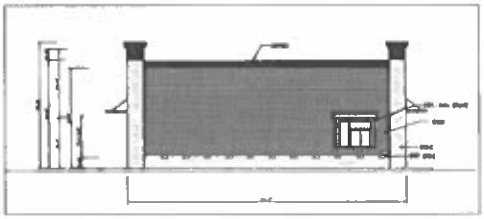
1 FRONT ELEVATION



2 BACK ELEVATION



3 SIDE ELEVATION



4 SIDE ELEVATION

Elevations Material Analysis

		Total Area (SF)	%	Brick		Aluminum Storefront/Exit Doors		Stone		Metal Awning	
1	Front Elevation	1711.00	SF	857.20	SF	375.20	SF	324.30	SF	76.20	SF
		100.00	%	49.05	%	21.10	%	18.94	%	4.45	%
2	Side Elevation	1108.00	SF	660.40	SF	136.40	SF	175.00	SF	36.10	SF
		100.00	%	59.59	%	12.31	%	15.79	%	3.26	%
3	Back Elevation	1711.00	SF	1128.00	SF	96.00	SF	475.30	SF	6.00	SF
		100.00	%	65.93	%	5.61	%	27.78	%	0.35	%
4	Side Elevation	1108.10	SF	710.40	SF	30.10	SF	348.30	SF	0.00	SF
		100.00	%	64.12	%	2.72	%	31.44	%	0.00	%
Total Area		5642.20		3356.00		638.10		1323.90		118.40	

AJTN ENGINEERING & CONSTRUCTION CORP.
1475 HERITAGE PARKWAY, SUITE 107
GRAPEVINE, TEXAS 76051
CONTACT: ANTHONY J. NGUYEN, P.E.
PHONE: 817-573-3944
TEXAS REGISTRATION NUMBER F-12994

HIGHWAY 287
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

DEVELOPER
KSAM LLC
3021 ROSHA, GRAND PRAIRIE, TX 75054
PHONE: 817-592-3875

Design: LD
Draw: LD
Checked By: M.A.
Date: 03-02-2021

RETAIL BUILDING ELEVATIONS
Sheet L3

Exhibit E - Staff Report (11)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-186-2021

MEETING DATE(S)

Planning & Zoning Commission: March 9, 2021

City Council: March 15, 2021 (continued from March 1, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 23, 2021, the Commission voted 5-0 to recommend to continue case number ZDC-186-2021 to the March 9, 2021 Planning and Zoning meeting.

At the Planning & Zoning Commission meeting, held March 9, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-186-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Islam Diab, ADTM Engineering & Construction Corp., for a **Zoning Change** from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)

APPLICANT REQUEST

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

CASE INFORMATION

Applicant: Islam Diab, ADTM Engineering & Construction Corp.

Property Owner(s): KSAM, LLC

Site Acreage: 3.52 acres

Current Zoning: General Retail and PD-SF-3

Requested Zoning: Planned Development - General Retail

SUBJECT PROPERTY

General Location: SE corner of Farley Street at Highway 287

Parcel ID Number(s): 181802

Existing Use: Undeveloped

Development History: N/A

(111)

Exhibit E - Staff Report

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-C	Undeveloped Land
East	----	US Highway 287
South	GR	Undeveloped Land
West	PD-SF3	Blue Bonnet Trails Subdivision

Future Land Use Plan: Low Density Residential and Retail

Comprehensive Plan: *Low Density Residential*: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Retail: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan: The subject property is accessible via Farley St. and Aster Dr. *Note: The applicant is currently working with TxDOT for possible access from US Highway 287 Service Rd.*

Site Image:

(11)

Exhibit E - Staff Report

PLANNING ANALYSIS

Applicant Request

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

Proposed Use

Per the operational plan, the applicant is requesting to construct three (3) buildings, two of which will be located on the east side of the property (adjacent to US Hwy 287 service road), and one building will be located on the west side of the property (adjacent to Aster Rd). Per the tables below, one of the buildings will be located on Lot 1 (4 tenant office building/Table 2) and two buildings will be located on Lot 2 (Convenience Store with Gasoline Sales and 4 tenant retail building/Table 3). Please note that the only difference between the two tables is the building square footage size. The setbacks and other dimensional uses will be the same.

At the February 23, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Elevation/Façade plan(s) for the proposed development so that the buildings would not appear "dated" in a short period of time. Per the Commission's request, the applicant presented two (2) options *(see below)* of Elevation/Façade plans for the Planning and Zoning Commission to review at the Mach 9, 2021 Planning and Zoning meeting.

ELEVATION/FAÇADE OPTIONS PROPOSED TO THE PLANNING AND ZONING COMMISSION

- **Option 1:**
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 75% brick and 25% stone for the total building.
    - The applicant has removed stucco from this option.

- **Option 2:**
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 50% brick and 50% stone for the total building. In comparison to the Elevation/Façade Plan presented to the Planning and Zoning Commission on February 23, 2021, the stone replaces where the stucco material was originally presented. Similar to the Option 1 proposal, stucco has been removed from this option.

At the March 9, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to recommend "Option 1" for approval to City Council.

Table 2: Proposed Development Standards Lot 1 (General Retail)

- **Office Building**

Items highlighted in bold do not meet the City of Waxahachie requirements

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	49,744	Yes
Min. Building Size (Sq. Ft.)	N/A	5,500	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
Min. Rear Yard (Ft.)	**20; 25 (adjacent to residential)**	**20**	**No**
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	11.1	Yes
Parking	64	69 (total development)	Yes

(11)

Exhibit E - Staff Report

**Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If the City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

Table 3: Proposed Development Standards for Lot 2 (General Retail)

- **Convenience Store with Gasoline Sales**
- **Retail/Restaurant Building**

****Items highlighted in bold do not meet the City of Waxahachie requirements***

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	103,115	Yes
Min. Building Size (Sq. Ft.)	N/A	Convenience Store: 5,000 Retail/Restaurant: 4,000	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	8.7	Yes
Parking	64	69 (total development)	Yes

**Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

Variance Request

The applicant is asking for the following variances from the City of Waxahachie Zoning Ordinance:

- Location of the dumpster enclosure to be in the setback of Lot 1.
- The rear setback of Lot 1 to be 20' instead of 25'.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of opposition for the proposed development.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. A mutually agreed upon development agreement is signed by the applicant and staff.
  2. Though access easements are reviewed with plat cases, staff suggests that the access easement be a condition of the zoning change approval. Per the plat

submitted by the applicant, an access easement is provided along Farley St. and is continued between Lot 1 and Lot 2 of the development.

3. Staff suggests that the City Council select an option, or discuss an alternative Elevation/Façade Plan option, to include in the final recommendation to the applicant.
    a. Note: The applicant is aware that if a tenant that intends to occupy the building wants to alter the approved exterior elevation/façade of the building, then the applicant/tenant would be required to apply for a Planned Development Amendment.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan Exhibits

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
    a. If comments were not satisfied, then applicant will be notified to make corrections.
    b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(12)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: Water and Sewer Line Design for Fire Station No. 4

On Monday, June 21, 2021 an item authorizing professional services with Kimley-Horn and Associates, Inc. for the design of water and sewer lines associated with the construction of Fire Station No. 4 will appear before the City Council for consideration, in the amount of $88,000.

The item will authorize engineering design, bid specification preparation, easement acquisition services (if needed), and construction support services to design approximately 400-linear feet of new 8" and 12" water lines, valves and fire hydrant, and approximately 2,000 linear feet of new 8" to 12" gravity sewer lines and manholes for the proposed new Fire Station No. 4 located southwest of the intersection of Brookside Road and Interstate 35E.

This project is proposed to be funded in the FY2020-21 bond program, as part of the Fire Station No. 4 project. As bond funds are not anticipated to become available until the end of August 2021, staff also recommends that a reimbursement resolution be approved by City Council. The reimbursement agreement will allow staff to proceed with issuing a purchase order to ensure design begins immediately and does not delay the overall schedule for Fire Station No. 4 construction.

I am available at your convenience should you need additional information.

Tommy Ludwig

(13)

RESOLUTION NO.

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE DESIGN OF WATER AND SEWER LINES FOR FIRE STATION NO. 4.

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for engineering services for the design of water and sewer lines for Fire Station No. 4 and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

SECTION 1

That the City reasonable expects to reimburse the Water and Wastewater Funds with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the Water and Wastewater Funds in an amount not to exceed $21,050 from the Water Fund and $66,950 from the Wastewater Fund.

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 21st day of June, 2021.

_____
MAYOR

ATTEST:

_____
Assistant City Secretary

(14)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: Bid Award - Generator for Raw Water Pump Station # 2 and Howard Rd Water Treatment Plant Electrical Improvements Project

---

On Monday, June 21, 2021 a bid award associated with the construction of a new Emergency Backup Power Generator for the Raw Water Pump Station # 2 (base bid) and Howard Road Water Treatment Plant (WTP) Electrical Improvements Project (additive alternate) will appear before the City Council in an amount of $4,788,477 with Clark Electric, Inc.

The City received one bid for this project, from Clark Electric, Inc. While there was only a single bidder, Clark Electric, Inc.'s bid was $2,356,523 below the engineer's estimate or probable cost, which was $7,145,000. As the single bid was below the latest estimate for this project, and staff does not anticipate a re-advertisement of the scope of work would result in a price decrease, staff recommends approval to Clark Electric, Inc.

While this bid is well below the engineer's latest estimate of probable costs, it is $595,551 higher than the allocated budget for this project, which is $4,192,926 in FY18-19 bond funds. The construction estimate for the FY18-19 bond program was developed in the summer of 2018. However, FY18-19 bond funding did not become available until the beginning of the FY19-20

budget year. By that time, construction cost had risen significantly, and the budgeted amount was expected to fall well short of the bids.

As a result, in FY19-20 staff submitted an application through the Water Development Board in an effort to obtain grant funding to help offset the anticipated funding shortfall. Due to the COVID-19 pandemic, the Water Development Board application process was delayed, and City staff did not receive notification of final project ranking and grant funding status until the first quarter of FY20-21. Unfortunately however, the City did not receive grant funds for the project.

While the bid exceeds the amount of available funds from the FY18-19 bond fund, staff has coordinated with the Finance Department to develop a plan to fund this shortfall. The Lofland Road Water Line project was funded in the FY19-20 bond program, however the project is impact fee eligible, where the Generator and the Electrical Improvements project is not. The Finance Department recommends to utilize a portion of the bond funds from the Lofland Road Water Line project to cover the delta in cost. Impact fees will be utilized to make up the reduction in the Lofland Road Water Line funding.

In addition to the bid award, staff also recommends a 2% project contingency fund ($95,770) for the project, and $38,000 for the performance of third party electrical inspections. This brings the total request for funding authorization to $4,922,247. The total amount of additional funding from the FY19-20 bond program is $729,321, which will again be made up from impact fee revenue. Please note that no additional bonds or supplemental appropriations are needed to fund this project.

As a reminder, this project will provide a source of emergency power, in the absence of Oncor commercial power, to our largest raw water pump station on Lake Waxahachie. The project will also provide upgrades to the motor control center (MCC) and switch gear at the High Service Pumping Station at Howard Rd WTP, which have now become antiquated and obsolete. These improvements collectively will ensure that the necessary amount of raw water is pumped into the Howard Rd WTP and a sufficient source of treated water is pumped into the distribution system.

I am available at your convenience should you need any additional information.

Tommy Ludwig

(14)

Kimley»Horn

May 28, 2021

Mr. David Bailey
Director of Utilities
City of Waxahachie, Texas
PO Box 757
Waxahachie, TX 75168

Re: Generator for Raw Water Pump Station #2 and Howard Surface Water Treatment Plant Electrical Improvements
KHA No. 061269736

Dear David:

On May 25, 2021, the City of Waxahachie received bids for the Generator for Raw Water Pump Station #2 and Howard Surface Water Treatment Plant Electrical Improvements. A bid summary is attached for your review and consideration. The City received bids from the following contractor:

- Clark Electric, Inc. (Mesquite, TX)

Clark Electric, Inc. was the apparent low bidder with a base bid of $2,641,338.00 and an additive alternate bid of $2,147,139.00 for a total bid of $4,788,477.00.

Kimley-Horn has reviewed the qualifications of Clark Electric, Inc. and verified that the Contractor's bonding company is licensed in the State of Texas. Based on these reviews, it appears that Clark Electric, Inc. is the lowest responsive bidder.

Kimley-Horn contacted the following references to elicit feedback on Clark, Electric, Inc.:

- Howie Li, City of Colony Electrical Improvements Project
- David Brunk, UTRWD WTP Membrane and Electrical Improvements Project
- Tim Shover, TRA TCWSP WTP Improvements Project

All of the contacted references provided positive feedback with no complaints regarding Clark Electric, Inc.

Kimley-Horn recommends awarding the total construction contract of $4,788,477.00 to Clark Electric, Inc.

(14)

Kimley»Horn

If you have any questions, please call me at (817) 339-2288.

Thank you,

KIMLEY-HORN AND ASSOCIATES, INC.

Kyle Kubista, P.E.

KPK: rjj

Attachments

Bid Tab

Copy to: Mr. Tommy Ludwig, City of Waxahachie (email)
K:\FTW_Utilities\061269736-Waxa WTP Elec Improvements\BIDDING\Recommendation Letter\RecommendationLetter.docx

(15)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: Lake Waxahachie Raw Water Pump Station No. 2 Electrical Improvements

---

On Monday, June 21, 2021 a bid award to Taknek, LLC associated with Lake Waxahachie Raw Water Pump Station #2 electrical improvements will appear before the City Council in an amount of $957,002.41.

The City received three bids for this project, with Taknek LLC, being the lowest responsive bidder. This scope of work is a planned capital expense, and $1,015,200 is included in the proposed FY20-21 bond program. Equipment lead time associated with this project is approximately 18 - 20 weeks. As bond funds are not anticipated to become available until the end of August 2021, staff also recommends that a reimbursement resolution be approved by City Council. The reimbursement agreement will allow staff to proceed with issuing a purchase order for the equipment immediately, helping to ensure the electrical improvements are made prior to the 2022 summer water demand. In addition to the bid award, staff also recommends the approval of a 4.5% ($43,064) contingency fund for the project, and $15,000 for the performance of third party electrical inspections. This brings the total request for funding authorization to $1,015,066.41 for this project.

As a reminder, Pump Station #2 is the largest raw water pump station located on Lake Waxahachie, and its purpose is to pump water to the Howard Road

(15)

Water Treatment Plant. This improvement project will upgrade the electrical motor control centers, add Variable Frequency Drives (VFD) units, and pump control valves to Pumps No. 1 and No. 2 at this raw water pump station, as the existing equipment is antiquated and obsolete. Additionally, the main raw water header isolation valve will be replaced, and a 30" diameter raw water flow meter will be installed. The upgrades will help improve overall operation of the pump station which conveys raw water to the Howard Road Surface Water Treatment Plant.

I am available at your convenience should you need any additional information.

Tommy Ludwig

(15)

PLUMMER

0472-035-01

June 15, 2021

Mr. David Bailey
Director of Utilities
City of Waxahachie
401 S. Rogers
Waxahachie, Texas 75168

Re: City of Waxahachie
Lake Waxahachie Pump Station No. 2
Electrical Control Room Upgrades [W-4]
Recommendation of Award

Dear Mr. Bailey,

On Thursday, May 20, 2021, three bids were received, opened, and publicly read aloud at the office of the City Secretary at City Hall, City of Waxahachie for the above-referenced project. The bids were as follows:

Bidder	Bid Item 1	Bid Item 2	Total Bid
Taknek L.L.C.	$899,517.41	$57,485.00	$957,002.41
H & H Electrical Contractors, Inc.	$961,200.00	$57,485.00	$1,018,685.00
Clark Electric, Inc.	$1,012,386.00	$57,485.00	$1,069,871.00

Taknek L.L.C. was the apparent low bidder with a Total Bid of $957,002.41.

Plummer contacted the references Taknek L.L.C. provided in their bid documents. All references provided positive feedback: projects were completed on schedule and within budget, no change orders were requested, and project managers were organized and professional. We have reviewed their bid. Since it appears to be in order, we recommend award of the Total Bid to Taknek L.L.C. in the amount of $957,002.41.

Please call me if you have any questions. We look forward to working with you during construction of this project.

Sincerely,

Patrick Moseley, P.E.
PLUMMER ASSOCIATES, INC.

PM/mcb

1320 South University Drive
Suite 300
Fort Worth, TX 76107
Phone: 817.806.1700
Fax: 817.870.2536
plummer.com
TBPE Firm No. 13

(10)

RESOLUTION NO.

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE LAKE WAXAHACHIE RAW WATER PUMP STATION NO. 2 ELECTRICAL IMPROVEMENTS.

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for construction services for the Lake Waxahachie Raw Water Pump Station No. 2 Electrical Improvements and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

SECTION 1

That the City reasonable expects to reimburse the Water Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the Water Fund in an amount not to exceed $1,015,200.

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 21st day of June, 2021.

_____
MAYOR

ATTEST:

_____
Assistant City Secretary

(17)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: Supplemental Appropriation – Electric Actuator

On Monday, June 21, 2021 a supplemental appropriation (line 512-726-57500) will appear before the City Council, in association with the Robert W. Sokoll Joint Venture Water Treatment Plant (Sokoll WTP) in the amount of $9,575.00. On May 17, 2021 the Recycle Basin east drain valve electric actuator was damaged by a lightning strike during a storm event. The electric actuator controls the 8-inch east drain valve on the recycle basin, which drains the east recycle basin. On May 20th the electric actuator was evaluated by Eiland Electric and determined the electrical actuator was not repairable and requires replacement. An insurance claim has been submitted for the damaged actuator, and the City will be reimbursed all but $2,500, which is the cost of the insurance deductible.

As a reminder, the Sokoll WTP is jointly owned by the City and Rockett Special Utility District. The City is responsible for day to day operations and expenditures associated with the plant, and is reimbursed by Rockett for all expenses at the end of the year. Operational items are reimbursed based on usage, and capital items are split 50/50. This actuator replacement will be reimbursed as per the capital items term of the contract. Staff has coordinated with the Finance Department regarding this request, and confirmed there is sufficient working capital in the Sokoll Fund to accommodate this supplemental appropriation.

I am available at your convenience should you need any additional information.

Tommy Ludwig

(18)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: Supplemental Appropriation - Water Production

On Monday, June 21, 2021 a supplemental appropriation (line 510-720-54330) will appear before the City Council, in association with the Water Production Budget in the amount of $25,000.

The Water Production budget has experienced several unanticipated expenses related to equipment maintenance in FY20-21 totaling $102,400.00. Such items include the replacement of pump and motor #1 at the Lake Waxahachie Raw Water Pump Station #2, the replacement of Lake Bardwell Raw Water pump and motor #3, and repairs to the auto transfer switch for the emergency generator at Lake Waxahachie Raw Water Pump Station #1. As a result of these unanticipated expenses, this budgeted line item does not have sufficient funds to complete the fiscal year.

This supplemental appropriation will provide funding necessary for budgeted projects as well as continued preventative equipment maintenance and repairs for the remainder of the fiscal year. Staff has coordinated with the Finance Department regarding this request, and confirmed there is sufficient working capital in the Water Fund to accommodate this supplemental appropriation.

I am available at your convenience should you need any additional information.

Tommy Ludwig

(19)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: Supplemental Appropriation - Jefferson Street Lift Station Wet Well Debris Removal

---

On Monday, June 21, 2021 a supplemental appropriation (line 520-780-55000) will appear before the City Council, in association with grease, scum, and debris removal from the Jefferson Street Lift Station in the amount of $105,813.67.

There are a total of four submersible pumps in the wet well at the Jefferson Street Lift Station, three of which are currently operational. The existing level of debris in the wet well is preventing staff from pulling the pumps and performing maintenance on the one that is currently clogged and out of service. Should an additional pump malfunction, the Jefferson Street Lift Station would be unlikely to keep up with system demands for an extended period of time during a significant rain event. Proceeding with this cleaning will allow staff to perform maintenance on the malfunctioning pump, maximize station redundancy, and minimize the likelihood of clogging in additional pumps.

As a reminder, the wet well cleaning, as well as various other improvements at the Jefferson Street Lift Station, was originally included in the Wastewater Treatment Plan Phase One Improvement Project scope of work. However, as

the awarded bid was over budget, a deductive change order was required to bring the project scope back to within budget. As the primary aim of the Phase I Project was dewatering and solids handling at the Wastewater Treatment Plant, many of the components associated with the Jefferson Street Lift Station were removed and reincorporated into the 5 Year Capital Improvement Plan.

As the wet well cleaning was included in the original bid for the Wastewater Treatment Plant Phase One Improvement Project, staff recommends performing a change order to allow the awarded contractor, Bar Constructors, Inc., to perform this scope of work. Currently there is over $130,000 remaining in project funding contingency, however the source of funding is bonds. As the wet well cleaning scope of work, in the absence of the originally planned Jefferson Street Lift Station Improvements, is maintenance related, staff recommends to fund the cleaning through a supplemental appropriation to operating funds. Staff has coordinated with the Finance Department regarding this request, and confirmed there is sufficient working capital in the Wastewater Fund to accommodate this supplemental appropriation.

I am available at your convenience should you need any additional information.

Tommy Ludwig

(20)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: Phase II Monticello Dr. Corridor Rehabilitation (Engineering)

On Monday June 21, 2021 an item authorizing professional services with Kimley-Horn and Associates, Inc. for engineering services associated with the Monticello Drive Phase II Reconstruction will appear before the City Council for consideration in the amount of $300,000.

Monticello Drive, originally constructed in 1955 as part of the Bell-Vue Addition, is one of the roadways included in the corridor rehabilitation capital improvement program. Monticello is planned for rehabilitation in two phases. This first phase of rehabilitation is for the section of Monticello between Pensacola Ave and Cumberland Road. Phase 1 is currently under design and scheduled for construction later this year. The second phase is from Pensacola Ave to Richmond Lane.

The scope of work for this item will include engineering for complete replacement of the asphalt road with concrete, replacement of the water and sewer lines, addition of sidewalks and street lights. This project also includes reconstruction of a portion of Chiles between Pensacola and Monticello. Bidding and construction phase engineering services are also included for this project. Funding for engineering services for this project are included in the FY20-21 Public Works operation and maintenance budget, and construction funding is proposed in the FY21-22 operation and maintenance budget.

I am available at your convenience should you need additional information.

Tommy Ludwig

(21)

Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: June 18, 2021

Re: 2021 Asphalt Pavement Rehabilitation (Engineering)

On Monday June 21, 2021 an item authorizing professional services with Binkley & Barfield, Inc. for engineering services associated with the 2021 asphalt pavement rehabilitation project will appear before the City Council for consideration in the amount of $36,900.

This project is part of the annual street rehabilitation program. The scope of work for this item will include engineering services to prepare contract documents and specification for the scarification, re-compaction and cement stabilization of the existing pavement and subgrade, and repaving the asphalt driving surface for the following streets:

John Arden Dr.	from E. University to BNSF Railroad
Oak Creek Dr.	from cul-de-sac to cul-de-sac
Rogers St.	from W. Marvin Ave. to UP Railroad
Spencer St. and Odom St.	from Main St. to Highland Ave.

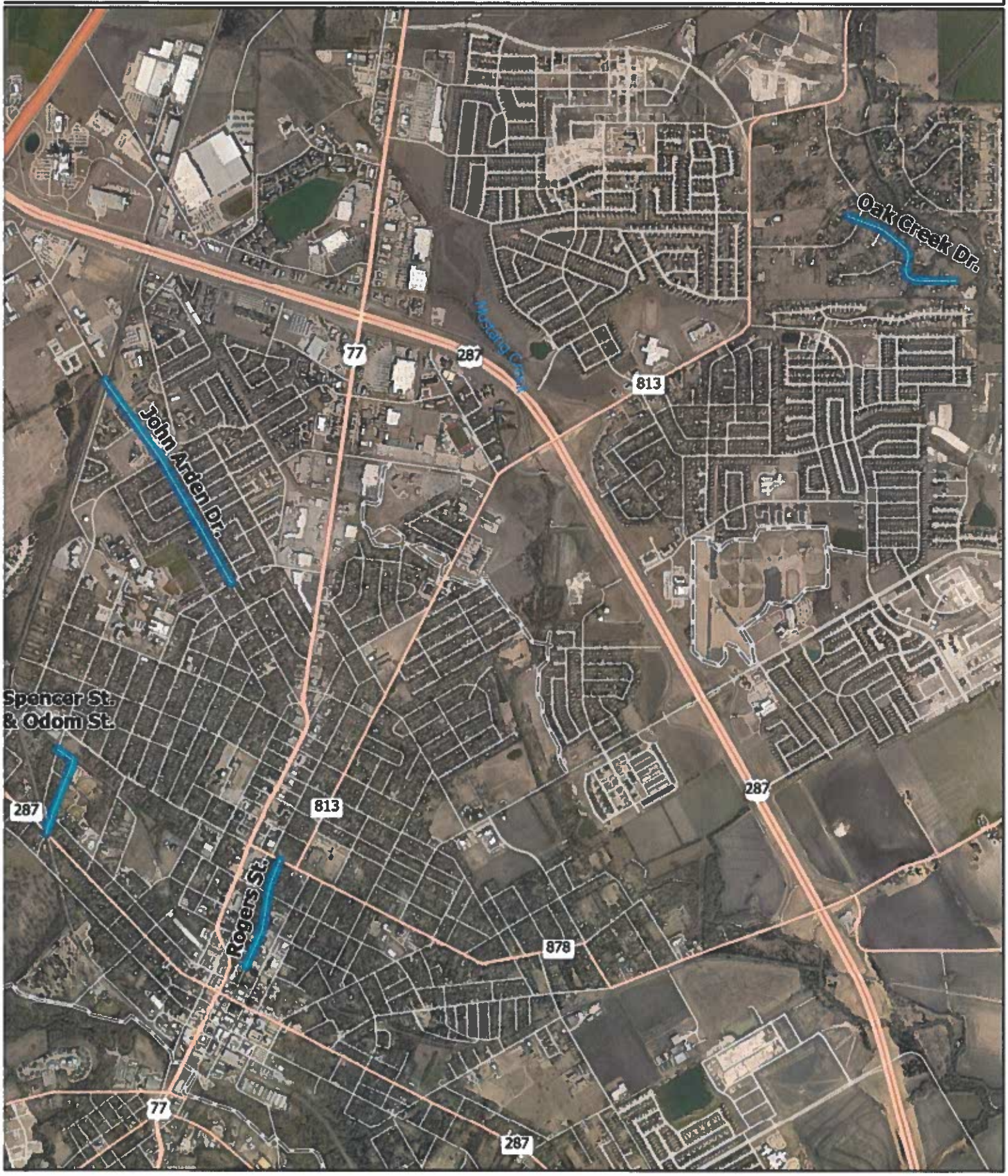
The scope of work also includes bidding and construction phase engineering services. Funding for both the engineering and construction services for this project is included in the FY20-21 Public Works operation and maintenance budget.

I am available at your convenience should you need additional information.

Tommy Ludwig

(21)

2021 Asphalt Pavement Rehabilitation



(22)

Memorandum

To: Honorable Mayor and City Council

From: Chelsey Gordon, Assistant to the City Manager

Thru: Michael Scott, City Manager

Date: June 21, 2021

Re: Consider Demolition, Abatement, and Inspection of 408 and 410 S. Rogers

---

Item Description: Consider authorization for City Manager to enter into agreements with Midwest Wrecking Company of Texas and Vantage Environmental for the Demolition, Abatement, and Inspection of 408 and 410 S. Rogers and approving a budget amendment increasing the FY21 General Items – Maintenance, Building Upkeep budget by $112,534.

Item Summary: Within the FY21 Budget, Council authorized funds for phase II architectural and engineering services and project management services for the construction of the City Hall Annex to be located at 408 and 410 S. Rogers. As discussed during the FY21 Budget and April 2021 Retreat, the first phase of construction for the new City Hall Annex is scheduled to begin this summer and would include the demolition and abatement of both buildings. Both demolition of the existing structures and design of the new building have been reviewed and approved by the Heritage Preservation Commission. The demolition is estimated to take approximately 45 calendar days from the commencement of work. Costs associated with the construction of the City Hall Annex are to be partially funded by FY21 bonds as well as thru the use of the General Fund unrestricted fund balance.

Staff along with Vidaurri Management Group have reviewed proposals from Midwest Wrecking Company of Texas and Vantage Environmental, LP and, as the proposed scope of services are in line with detailed cost estimates required to perform the proposed scope of work, recommends their approval of this item. The proposed budget amendment does include a $ 5,359 contingency.

Fiscal Impact: The proposed budget amendment would increase the General Items – Maintenance, Building Upkeep (100-140-54310) budget by $112,534. 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.