

# **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, Waxahachie, Texas, on ***Monday, May 2, 2022 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. ***Speakers must observe the five (5) minute time limit.***

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 April 18, 2022
  - b. Minutes of the City Council briefing of April 18, 2022
  - c. Minutes of the City Council retreat of April 25-26, 2022
  - d. Event application for Outdoor Christian Music Concerts to be held May 11, 18, and 25, 2022
  - e. Event application for Spring into Summer event to be held May 14, 2022
  - f. Event application for 80's Choir Concert to be held May 14, 2022
  - g. Event application for NAGAAA Gay Softball World Series to be held August 30-September 3, 2022
  - h. Event application for Shelby Flowers Memorial Give Back & Community event to be held July 3, 2022
6. ***Present*** Proclamation proclaiming May 2022 as National Preservation Month
  7. ***Present*** Proclamation proclaiming May 15-21, 2022 as National Public Works Week

8. **Discuss**, consider and act on approving a Resolution of the City of Waxahachie, Texas approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for “City of Waxahachie, Texas, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project)””; and resolving other matters incident and related thereto
9. **Consider** request by Josh & Amy Rader, for a Plat of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021)
10. **Public Hearing** on a request by Chad Adams, Oakhull Investments, LLC, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district, located off of Howard Road (Property ID 182020) - Owner: ANDERSON KAREN S IRREVOCABLE TRUST & CHRISTIAN ANDERSON FOUNDATION (ZDC-27-2022)
11. **Consider** proposed Ordinance approving ZDC-27-2022
12. **Consider** Development Agreement for ZDC-27-2022
13. **Public Hearing** on a request by request by Susan M. Calvert, Owner, for Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-14-2022)
14. **Consider** proposed Ordinance adopting ANX-DNX-14-2022
15. **Public Hearing** on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-7-2022)
16. **Consider** proposed Ordinance approving ZDC-7-2022
17. **Consider** Development Agreement for ZDC-7-2022
18. **Consider** a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt associated with the purchase of Fire Truck 1 and related supplemental appropriation
19. **Consider** mid-year request for an Animal Shelter Kennel Attendant and related supplemental appropriation
20. **Consider** proposed Ordinance amending the Code of Ordinances Chapter 23 “Solicitation Activities”
21. **Consider** approval of an architectural services contract with Architexas and a supplemental appropriation for the initial phase of planning for the renovation and remodel of City Hall and related supplemental appropriation

22. ***Convene*** into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code and to discuss personnel matters for Municipal Court Judge/Associate Judge as permitted under Section 551.074, Texas Government Code
23. ***Reconvene*** and take any necessary action
24. Comments by Mayor, City Council, City Attorney and City Manager
25. 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 469-309-4006 or (TDD) 1-800-RELAY TX

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, Waxahachie, Texas, on Monday, April 18, 2022 at 7:00 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, Deputy City Manager  
Shon Brooks, Executive Director of Development Services  
Gumaro Martinez, Executive Director Park & Leisure Services  
Richard Abernethy, Director of Administrative Services  
Robert Brown, City Attorney  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor Doug Barnes called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Pastor Josh Morgan, Connect4LIFE Church, gave the invocation. Council Member Travis Smith led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, requested the State of Texas support sanctuary counties of the unborn and not allow citizens to travel outside of the county to receive abortions.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of April 4, 2022
- b. Minutes of the City Council briefing of April 4, 2022
- c. Event application for Worship at the Railyard to be held April 29, 2022
- d. Waxahachie Arts Council Board Member Appointment
- e. Professional Services Agreement with Kimley-Horn Associates in the amount of \$275,000 for the design and construction plan preparation for Wilmington Street Improvements
- f. Professional Services Agreement with Binkley and Barfield in the amount of \$257,150 for the design and construction plan preparation for University Street Improvements

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve items a. through f. on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.*

- 6. Public Hearing on a request by Angela Hunt, Munsch Hardt Kopf & Harr, for a Zoning Change to Amend Ordinance No. 2302 for the Villages of Mustang Creek to increase the Maximum Lot Coverage from 35% to 50% by primary and accessory structures in the remaining North Tract, East Tract and Central Tract East located at Hwy 287 and Parks School House Rd (Property ID 180362 & 180365) - Owner: ARDEN GROUP, LLC (ZDC-32-2022)**

Jennifer Pruitt, Senior Director of Planning, reviewed the case noting the applicant is requesting to amend Ordinance 2302 to increase the maximum lot coverage from 35% to 50% in the Villages of Mustang Creek Planned Development. She explained the developer would like to propose a larger footprint and increasing the maximum lot coverage will allow the developer to provide a greater variety of large square footage homes. She noted this request matches a Planned Development amendment for the Villages of Mustang Creek that was approved in 2021 for residential lots in the South and portions of the Central sub-district from 35% to 50%. Staff and the Planning and Zoning Commission recommended approval as presented.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-32-2022, Mayor Barnes closed the Public Hearing.

- 7. Consider proposed Ordinance approving ZDC-32-2022**

**ORDINANCE NO. 3322**

**AN AMENDMENT TO ORDINANCE 2302 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), WITH AMENDED ORDINANCE, TO ALLOW AN INCREASE IN LOT COVERAGE (35% to 50%) FOR RESIDENTIAL LOTS, LOCATED NORTH & EAST OF THE INTERSECTION OF DARTMOOR DR. AND HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1,263.272 ACRES KNOWN AS A PORTION OF PROPERTY ID 180362, AND 180365, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3322. Council Member Travis Smith seconded, All Ayes.*

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

Police Chief Wade Goolsby requested approval to add two additional personnel positions. He explained there are currently two officers on military leave through at least the end of the year and the department has requested additional personnel in the upcoming budget. Chief Goolsby

requested authorization to move forward with filling the positions vacated by the deployed officers and explained there would be no financial impact due to the fact that the department is budgeted for those two positions but are not paying the salaries due to the military deployment. Chief Goolsby noted additional officer positions will be requested in the new budget and, if approved, these two officers will be deducted from that number.

Council Member Travis Smith asked if funding is available at this time for the additional police officer positions requested in the FY 23 budget and City Manager Michael Scott recommended approving the two officers as requested and consider the additional positions when departmental budget requests are reviewed.

### **ORDINANCE NO. 3323**

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

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3323. Council Member Travis Smith seconded, All Ayes.*

9. **Discuss, consider and act to authorize the Mayor of the City to execute the North Grove Public Improvement District Improvement Area #3 Reimbursement Agreement with GRBK Edgewood LLC.**

Greg Schaecher, Bond Counsel, requested approval of a reimbursement agreement for North Grove Public Improvement District Area #3 with GRBK Edgewood LLC to reimburse the developer assessments received by the City.

**Action:**

*Mayor Pro Tem Billie Wallace moved to authorize the Mayor of the City to execute the North Grove Public Improvement District Improvement Area #3 Reimbursement Agreement with GRBK Edgewood LLC. Council Member Travis Smith seconded, All Ayes.*

10. **Discuss, consider and act on approving a Resolution of the City Of Waxahachie, Texas determining the costs of certain authorized improvements to be financed by the North Grove Public Improvement District; approving an updated preliminary service plan and assessment plan, including proposed assessment roll for Improvement Area #3; calling and noticing a public hearing for May 16, 2022 to consider an ordinance levying assessments on property located within Improvement Area #3 of the North Grove Public Improvement District; directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto**

Mr. Schaecher, requested approval of the proposed Resolution to determine the costs of certain authorized improvements to be financed by the North Grove Public Improvement District, approve a preliminary service plan and assessment plan, and calling and noticing a Public Hearing on May 16, 2022 to consider an ordinance levying assessments on property located within Improvement Area #3 of the North Grove Public Improvement District.

**RESOLUTION NO. 1322**

**A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS DETERMINING THE COSTS OF IMPROVEMENT AREA #3 IMPROVEMENTS TO BE FINANCED BY THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; APPROVING AN UPDATED PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED IMPROVEMENT AREA #3 ASSESSMENT ROLL; CALLING AND NOTICING A PUBLIC HEARING FOR MAY 16, 2022 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED IMPROVEMENT AREA #3 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1322. Council Member Melissa Olson seconded, All Ayes.*

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

Amy Borders, Director of Communications & Marketing, announced the Crossroads of Texas Film & Music Festival will be held April 28-30, 2022.

Mayor Pro Tem Billie Wallace thanked those in attendance of the meeting.

City Manager Michael Scott reminded City Council of the mid-year retreat to be held April 25-26, 2022 at the Waxahachie Civic Center.

Mayor Doug Barnes thanked Mission75165 for organizing the Easter egg hunt at Getzendaner Park over the weekend. He noted the quality of life is moving forward in Waxahachie.

**12. Adjourn**

There being no further business, the meeting adjourned at 7:19 p.m.

Respectfully submitted,  
Amber Villarreal, City Secretary

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, April 18, 2022 at 6:30 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, Deputy City Manager  
Shon Brooks, Executive Director of Development Services  
Gumaro Martinez, Executive Director Park & Leisure Services  
Richard Abernethy, Director of Administrative Services  
Robert Brown, City Attorney  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor Doug Barnes 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:

- Item 5c, approving event application for Worship at the Railyard event to be held April 29, 2022.
- Item 5d, appointing David Hudgins as a Waxahachie Arts Council Board Member. The appointment would begin the succession plan to replace current President Elizabeth Tull so her successor could work alongside her, learn, and ultimately serve in that position.

Laurie Mosley, Convention and Visitors Bureau Director, explained Mr. Hudgins has expressed interest in fulfilling this role; however, the City would need to appoint him as a Director, per the Waxahachie Arts Council by-laws since he is not one of the representatives of the other member organizations.

- Item 9, approving the North Grove Public Improvement District Area #3 reimbursement agreement with GRBK Edgewood LLC. He explained the City collects the Public Improvement District assessment and reimburses the developer.
- Item 10, approving a Resolution determining the costs of the certain authorized improvements to be financed by the North Grove Public Improvement District and approving an updated preliminary service plan and assessment plan. The Resolution also approves calling and noticing a public hearing for May 16, 2022 to consider an ordinance levying assessments on property located within Improvement Area #3.



(5b)

Mr. Greg Schaecher, Bond Counsel, noted the preliminary limited offering memorandum will be presented to City Council for approval followed by a Public Hearing at the May 16, 2022 City Council meeting to adopt assessment levy and approve bond ordinance.

City Attorney Robert Brown explained the bonds issued for the improvement district are not City debt.

Jim Lockart, Assistant Director of Engineering & Public Works, reviewed the following agenda items:

- Item 5e, approving professional services agreement with Kimley-Horn Associates in the amount of \$275,000 for the design and construction plan preparation for Wilmington Street Improvements.
- Item 5f, approving professional services agreement with Binkley and Barfield in the amount of \$257,150 for the design and construction plan preparation for University Street Improvements.

Mr. Scott noted funding for both agreements was approved in the FY 22 budget.

Jennifer Pruitt, Senior Director of Planning, reviewed Item 6, noting the applicant is requesting to amend Ordinance 2302 to increase the maximum lot coverage from 35% to 50% in the Villages of Mustang Creek Planned Development and staff recommends approval of ZDC-32-2022 as presented.

Police Chief Wade Goolsby reviewed Item 8, requesting approval to add two additional personnel positions. He explained there are currently two officers on military leave through at least the end of the year and the department has requested additional personnel in the upcoming budget. Chief Goolsby requested authorization to move forward with filling the positions vacated by the deployed officers and explained there would be no financial impact due to the fact that the department is budgeted for those two positions but are not paying the salaries due to the military deployment.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

A City of Waxahachie City Council Retreat was held at the Waxahachie Civic Center, Crape Myrtle Room, 2000 Civic Center Lane, Waxahachie, Texas on Monday, April 25, 2022 at 8:30 a.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, Deputy City Manager  
Shon Brooks, Executive Director of Development Services  
Gumaro Martinez, Executive Director Park & Leisure Services  
Richard Abernethy, Director of Administrative Services  
Amber Villarreal, City Secretary

## **1. Call to Order**

Mayor Doug Barnes called the meeting to order and thanked City staff for their work in preparing the presentations for the retreat.

City Manager Michael Scott thanked everyone for their attendance noting the goal of the meeting is to provide departmental updates and interactive discussion with City Council and to discuss potential mid-year requests for future City Council approval.

## **2. Presentation and discussion from Finance Department regarding 5-year Capital Improvement Plan and Bonds**

Chad Tustison, Finance Director, reviewed the following:

- Financial Best Practices and Policies
- Overview of Capital Improvement Plan (CIP)
- Funding Strategies and Debt Management
- Next steps: Budget, Bond Issuance

Mr. Tustison reviewed the general (streets and parks), water, and wastewater projects to be included in the proposed FY 2023 (and 2022 bond issuance) bond plan.

Council Members discussed projects currently on the 5-year CIP Plan. Council Member Melissa Olson and Council Member Travis Smith recommended postponing the North Grove Community Park to move up other priority projects on the plan.

Mayor Pro Tem Billie Wallace spoke in support of prioritizing moving towards an ISO 1 rating.

After a lengthy discussion, it was the consensus to prioritize the purchase of Fire Truck 1 replacement, through the FY 23 proposed bond, and support the additional personnel needed.

Mayor Pro Tem Wallace requested review of certification pay for employees.

Council Member Olson requested beginning the FY 23 Budget with the no-new revenue rate and add additional projects as needed. Mr. Tustison explained the proposed budget will be based on the current tax rate of \$.66 due to the CIP plan; however, the budget can be constructed on the rate directed by City Council.

Mr. Scott explained with the 7% rate of inflation and the 3.5% maximum rate allowed by the State, the City is already behind on funding.

Mayor Pro Tem Wallace noted she is in favor of a possible tax rate reduction as long as it does not reduce city services.

Council Member David Hill explained a \$.01 tax reduction would only save a citizen about \$35 a year on a \$300,000 home; however, it would reduce the funding available for repairing infrastructure. He noted the City as a whole needs to be looked at and a minimum reduction of the tax rate would not be for the betterment of the city as a whole. Council Member Smith concurred.

Mayor Barnes noted City staff will review preliminary appraisals and make a recommendation to City Council. Mr. Tustison explained a reduction in the rate will affect city services and future CIP projects.

Mr. Scott recapped confirming Council supports moving forward with the proposed FY 23 bond plan and current tax rate noting staff will look at limitations with a reduced tax rate.

**3. Hear and discuss departmental updates:**

- Civic Center Director April Ortiz reviewed restroom/dressing room renovations.

Council Member Smith asked staff to examine expansion options for the Civic Center.

- Laurie Mosley, Director of Convention & Visitor's Bureau, reviewed Railyard Park programming, advertising and media, and annual events.
- Amy Borders, Director of Communications & Marketing, reviewed current and updated ways of public outreach, refreshed ads, banners, signage, and the Crossroads of Texas Music Festival.

It was the consensus of City Council to move forward with a digital City newsletter due to significant increase in cost of printed mailing and growth. A digital newsletter will allow for a greater frequency of distribution.

- Brad Barnes, Assistant Director of Parks & Recreation, reviewed the progress of the Lions Park Master Plan, Penn Park Pool, Dog Park, Farmers Market improvements, and Cemetery restoration.

- James Villarreal, Assistant Director of Sports Complex, reviewed turf improvements phase 2, wrought iron fencing installment, lightning detector, and running track improvements.
- Richard Abernethy, Director of Administrative Services, reviewed the City Hall Annex, proposed City Hall renovations, City Hall security assessment, and the functionality of future Municipal Court software.

Council Member Smith and Council Member Olson expressed their concerns with proceeding with the City Hall renovations so closely to the City Hall Annex project due to cost. Council Member Smith requested options for the City Hall renovations. Mr. Scott noted staff will present a contract for City Hall space assessment and planning.

Council discussed City Council briefings and it was the consensus to hold briefings in the Council Chamber, prior to regular meetings, without streaming.

- Chris Cunningham, Unified Connexions, reviewed updates to the City fiber network expansion, cyber security training, and two-factor authentication.

**4. Recess at approximately 5:00 p.m. until Tuesday, April 26, 2022 at 8:30 a.m.**

*The meeting recessed at 3:45 p.m. on Monday, April 25, 2022.*

*The meeting reconvened at 8:30 a.m. on Tuesday, April 26, 2022.*

- Fire Chief Ricky Boyd reviewed the construction timeline for Fire Station No. 4/Engine 4.
- Police Chief Wade Goolsby provided an update on the animal shelter feasibility study, crisis response specialist, and solicitor permit process.

Council Member Smith expressed his support for keeping the animal shelter away from residential neighborhoods and outside of the city. Mayor Pro Tem Wallace and Council Member Olson expressed their support for keeping the shelter within the city for visibility and accessibility.

It was the consensus of Council to bring forward the request of a Kennel Attendant for approval at a future meeting.

It was the consensus of Council to bring forward an amended Solicitation Ordinance for approval at a future meeting to address the online renewal process and distribution of handbills.

Lindsey Mearns, Senior Human Resources Director, reviewed the need of a compensation study and reported on employee engagement initiatives.

Mayor Pro Tem Wallace requested the evaluation of increasing longevity pay and certification. Council Member Olson requested the evaluation of bilingual pay.

It was the consensus of Council to move forward with Phase 1 of the compensation study beginning with field positions from Parks, Utilities, and Public Works.

Deputy City Manager Albert Lawrence expressed his support for prioritizing competitive pay to attract and retain quality employees to continue with a high level of service for citizens. Mr. Scott concurred noting many cities are experiencing the problem of attracting and retaining employees in this highly competitive job market.

- Jennifer Pruitt, Director of Planning, provided an update on the progress of the Comprehensive Plan, GIS measures, and zoning trends.
- Brandon Lacy, Assistant Director of Utilities, introduced Johnny Partain, Utilities Engineer. Mr. Lacy reviewed various water and wastewater infrastructure improvement projects and the necessity of updating the Wastewater Collection Masterplan.

Mr. Scott explained staff will be requesting a mid-year adjustment to add two Utility Manager positions to assist the Utilities Department. It was the consensus of Council to bring forward the mid-year personnel request for approval at a future meeting.

- James Gaertner, Director of Public Works & Engineering, reviewed the Waxahachie Creek Floodplain Study update and Waxahachie Drainage Master Plan update. Mr. Gaertner also reviewed the CIP 5-year plan, including asphalt rehabilitation project and sidewalk project.
- Shon Brooks, Executive Director of Development Services, updated the Council on the status of the Building and Community Services Director and reviewed department performance metrics/volumes/timing of permits.
- Warren Ketteiman, Director of Economic Development, reviewed sales tax revenue, the status of the Wynne Jackson project, downtown development projects, and the old Baylor site.
- Thomas Griffith, Emergency Management Coordinator, reviewed the Coronavirus State and Local Fiscal Recovery Funds, training initiatives, and future planning of department.

Mr. Scott recapped City Council's direction for staff to research the following items:

- Certification pay for all employees, longevity pay increase, and Phase 1 of Compensation Study
- Proceed with purchase of Fire Truck 1 in CIP Plan, including phasing in staffing
- Prepare budget with current tax rate and show impact of reducing rate by \$.01
- Expansion of Civic Center
- Postpone long-term improvements at City Hall until spacing assessment
- After additional discussion, City Council decided to hold Briefings in the Council Conference Room with additional police presence
- Professional Services Agreement for City Hall spacing
- Digital City Newsletter with printed options available for pick up at City Hall
- New Animal Shelter facility and proceed with new Kennel Attendant position
- Amend Solicitation Ordinance to include online renewal process and address handbill distribution
- Proceed with adding two Utility Manager positions and updating the Wastewater Collection Masterplan after completion of the Comprehensive Plan
- Street improvement of Kelly Bend near Fire Station 4

Mr. Scott thanked City staff for their work and professionalism.

Council Member Smith requested Council action on a tree preservation ordinance and a policy for naming facilities.

Council Member Olson, Mayor Pro Tem Wallace, and Council Member Hill thanked City staff for their work on presenting a mid-year update to City Council and noted they appreciated the open dialogue amongst City Council.

Mayor Barnes thanked staff for their expertise noting the goals of the City is to serve its citizens and improve the quality of life.

**5. Adjourn**

There being no further business, the meeting adjourned at 2:22 p.m. on Tuesday, April 26, 2022.

Respectfully submitted,

Amber Villarreal  
City Secretary



(5d)

## Application for a Festival or Event Permit

Event Name and Description: Outdoor Christian Music Concert This is an event intended for our church to engage with our community in a way that is fun, open, and inviting and a way for the community to have a free musical activity on a weeknight.

### Applicant Information

Name: Micah Eddy  
Address: 117 Chazlynn Ct  
City, State, Zip: Waxahachie, TX, 75165 Phone: 972.921.8560  
E-mail Address: meddy@fuego.church

### Organization Information

Organization Name: Fuego Church  
Address: 211 N. Main St. Red Oak, TX  
Authorized Head of Organization: Pastor Joshua Rivera  
Phone: 319.321.0660 E-mail Address: jrivera@fuego.church

### Event Chairperson/Contact

Name: Micah Eddy  
Address: 117 Chazlynn Ct.  
City, State, Zip: Waxahachie, TX, 75165 Phone: 972.921.8560  
E-mail Address: meddy@fuego.church

### Event Information

Event Location/Address: Railyard Park, Waxahachie TX  
Purpose: To connect with our community through an uplifting live music concert  
Event Start Date and Time: May 11th at 7:30pm, May 18th at 7:30pm, May 25th at 7:30pm  
Event End Date and Time: May 11th at 8:30pm, May 18th at 8:30pm, May 25th at 8:30pm

(5d)

Approximate Number of Persons Attending Event Per Day: Approx. 200

Site Preparation and Set-Up Date and Time: May 11th at 3:30pm, May 18th at 3:30pm, May 25th at 3:30pm

Clean-Up Completion Date and Time: May 11th at 10pm, May 18th at 10pm, May 25th at 10pm

**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.**

The only activities will be the outdoor concert. We will not be requiring street closures or traffic control.

Requested City Services: N/A

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? No

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.**

<u>Micah Eddy</u>	<u>April 20, 2022</u>
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).***



# **RAILYARD**

## **PARK**

### **RESERVATION REQUEST**

NAME OF RESERVING PARTY: Fuego Church  
 INDIVIDUAL MAKING RESERVATION: Micah Eddy  
 ADDRESS: 211 N. Main St. Red Oak TX  
 TELEPHONE NUMBER: 972.921.8560 or 319.321.0660  
 EMAIL ADDRESS: meddy@fuego.church

TYPE OF EVENT: Free Christian Music Concert  
 DATE(S) OF EVENT: May 11th, May 18th, May 25th  
 TIME OF EVENT: 7:30pm-8:30pm  
 COST TO ATTEND: Free  
 ARRIVING TO SET-UP AT 3:30pm A.M. / P.M. LOAD-OUT AT 10pm A.M. / P.M.

#### **BRIEF DESCRIPTION OF THE EVENT:**

A free live Christian music concert for the community. We are wanting to better connect with our community in a way that is low-pressure and open, away from a church building or church service. We just want to give people good uplifting live music to enjoy!

#### **PARKING**

Please communicate to everyone in your party to park at the new **Downtown Parking** lot on the corner of **Rogers St. and Cantrell St.** (entrance on Cantrell.) Heading south on Rogers St. from City Hall, you will pass the park, and the lot will be on your right. Then take the short, scenic walk on the historic Rogers Street Bridge, cross the street and you are there! **No parking in front of or beside Boyce Feed and Grain or in the Fresh Coffee parking lot.**

#### **IMPORTANT DETAILS**

Will the reserving party need access to the stage power? **Yes** No

All sound and light production needs are the sole responsibility of the reserving party. MSE (initial)

All promotion and marketing are the sole responsibility of the reserving party. MSE (initial)

(5d)

All unloading/loading will take place at street level, then vehicles will be moved to a parking space and not left on College St. MSE (initial)

There is currently 1 portable restroom at the park. Restrooms at Fresh Market Coffee and Boyce Feed and Grain are for their customers only. If you anticipate 200 or more people in attendance, or your event is longer than 3 hours, the reserving party will need to order additional restrooms. We can provide vendor names if you like. Do you understand additional restrooms are the responsibility of the reserving party? **Yes** No

**Do not put any items in the Fresh Coffee or Boyce Feed dumpsters during or following the event. Anything from your event that does not fit in the provided polycarts at the park needs to be taken with you.**

Sign below to acknowledge you have read and understand the information included in this reservation request form.

Micah Eddy

**APPLICANT SIGNATURE**

April 20, 2022

**DATE**

**Bonner, Jami**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Friday, April 22, 2022 3:01 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - Outdoor Christian Music Concert

I have no concerns with this request.

*Ricky Boyd, Fire Chief*

Waxahachie Fire-Rescue  
214-463-9335

**From:** Bonner, Jami [mailto:jami.bonner@waxahachie.com]  
**Sent:** Friday, April 22, 2022 2:54 PM  
**To:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Brooks, Shon <sbrooks@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - Outdoor Christian Music Concert

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

For your review / comments. Thank you.

The Fuego Church is planning to host a concert on May 11<sup>th</sup>, 18<sup>th</sup>, and 25<sup>th</sup>. The activities will be the same for each concert.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

**Bonner, Jami**

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**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Friday, April 22, 2022 4:44 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - Outdoor Christian Music Concert

I do not have any issues with this event.

**Wade G. Goolsby**  
Chief of Police  
Waxahachie Police Department  
469-309-4411

**H.E.A.R.T**

*Honor Ethics Accountability Respect Transparency*

---

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Friday, April 22, 2022 2:54 PM  
**To:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Brooks, Shon <sbrooks@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - Outdoor Christian Music Concert

For your review / comments. Thank you.

The Fuego Church is planning to host a concert on May 11<sup>th</sup>, 18<sup>th</sup>, and 25<sup>th</sup>. The activities will be the same for each concert.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)



(5e)

### Application for a Festival or Event Permit

Event Name and Description: SPRING INTO SUMMER EVENT  
HOSTED BY WAXAHACHIE DOWNTOWN FOOD & BEVERAGE  
COLLECTIVE

#### Applicant Information

Name: WILLIAM ATKINS III (TRES)  
Address: 400 W. MAIN ST  
City, State, Zip: WAXAHACHIE, TX 75165 Phone: 409-392-4432  
E-mail Address: atkinsseafood@yahoo.com

#### Organization Information

Organization Name: WAXAHACHIE DOWNTOWN FOOD & BEVERAGE COLLECTIVE  
Address: 400 W. MAIN ST  
Authorized Head of Organization: TRES ATKINS  
Phone: 409-392-4432 E-mail Address: atkinsseafood@yahoo.com

#### Event Chairperson/Contact

Name: SAME  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

#### Event Information

Event Location/Address: DOWNTOWN  
Purpose: SPRINGTIME FOOD & BEVERAGE EVENT  
Event Start Date and Time: 5/14/22 12:00pm - 6:00pm  
Event End Date and Time: 5/14/22 6:00pm

Revised 3-16-2021

Received in  
City Secretary's Office  
4/14/22 NV  
City of Waxahachie, Texas

(5e)

Approximate Number of Persons Attending Event Per Day: 2-3 K

Site Preparation and Set-Up Date and Time: 5/13/22 5:00pm

Clean-Up Completion Date and Time: 5/14/22 7:00pm

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.

Requested City Services: BARRICADES & PORTABLE RESTROOMS

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.

ALL ON PREMISE AT PARTICIPATING LOCATIONS

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

ON PREMISE ONLY

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

Will dumpsters be needed? NO

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.

[Signature]

Signature of Applicant

4/14/22

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).*

(5e)

**Bonner, Jami**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Thursday, April 14, 2022 12:34 PM  
**To:** Bonner, Jami  
**Subject:** Re: Event Application - Spring Into Summer  
**Attachments:** EA2022.05.14 Spring Into Summer Event.pdf

No concerns

Sent from my iPhone

On Apr 14, 2022, at 11:09, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

For your review / comments.

This event will be similar to the Mardi Gras event. They are requesting barricades for Atkins Food and portable toilets to be placed around Downtown. Music, alcohol, and food will only be held on restaurant premises. (no walking around Downtown)

Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

**Bonner, Jami**

**From:** Simpson, Anita  
**Sent:** Thursday, April 14, 2022 11:22 AM  
**To:** Bonner, Jami; Martinez, Gumaro; Gaertner, James; Massey, Matt; Wade Goolsbey; Ricky Boyd; Brooks, Shon; Mosley, Laurie; Me'Lony Jordan  
**Cc:** Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice  
**Subject:** RE: Event Application - Spring Into Summer

I have no concerns about the event or providing barricades. As with the Mardi Gras event I think portable toilets are an unnecessary expense that the city does not need to absorb. During the hours of the event the pocket park restrooms will be fully open and each of the restaurants has restrooms available. That should suffice.



**From:** Bonner, Jami  
**Sent:** Thursday, April 14, 2022 11:07 AM  
**To:** Martinez, Gumaro <gmartinez@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - Spring Into Summer

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Thank you.

Jami Bonner  
 Assistant City Secretary  
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[www.waxahachie.com](http://www.waxahachie.com)



**Bonner, Jami**

**From:** Mosley, Laurie  
**Sent:** Thursday, April 14, 2022 4:34 PM  
**To:** Simpson, Anita; Bonner, Jami; Martinez, Gumaro; Gaertner, James; Massey, Matt; Wade Goolsbey; Ricky Boyd; Brooks, Shon; Me'Lony Jordan  
**Cc:** Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice  
**Subject:** RE: Event Application - Spring Into Summer

I agree with Anita's assessment below 😊. Thank you!

**From:** Simpson, Anita <[asimpson@waxahachie.com](mailto:asimpson@waxahachie.com)>  
**Sent:** Thursday, April 14, 2022 11:22 AM  
**To:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Massey, Matt <[mmassey@waxahachie.com](mailto:mmassey@waxahachie.com)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>; Mosley, Laurie <[imosley@waxahachiecvb.com](mailto:imosley@waxahachiecvb.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** RE: Event Application - Spring Into Summer

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**From:** Bonner, Jami  
**Sent:** Thursday, April 14, 2022 11:07 AM  
**To:** Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Simpson, Anita <[asimpson@waxahachie.com](mailto:asimpson@waxahachie.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Massey, Matt <[mmassey@waxahachie.com](mailto:mmassey@waxahachie.com)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>; Mosley, Laurie <[imosley@waxahachiecvb.com](mailto:imosley@waxahachiecvb.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** Event Application - Spring Into Summer

For your review / comments.

(5e)

## Bonner, Jami

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**From:** Gaertner, James  
**Sent:** Monday, April 18, 2022 9:23 AM  
**To:** Mosley, Laurie; Simpson, Anita; Bonner, Jami; Martinez, Gumaro; Massey, Matt; Wade Goolsbey; Ricky Boyd; Brooks, Shon; Me'Lony Jordan  
**Cc:** Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice  
**Subject:** RE: Event Application - Spring Into Summer

I don't have additional comments than already provided.

**James Gaertner, PE, CFM, CPM**  
**Director of Public Works & Engineering**  
Office: 469-309-4301  
[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)

---

**From:** Mosley, Laurie <[imosley@waxahachiecvb.com](mailto:imosley@waxahachiecvb.com)>  
**Sent:** Thursday, April 14, 2022 4:34 PM  
**To:** Simpson, Anita <[asimpson@waxahachie.com](mailto:asimpson@waxahachie.com)>; Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Massey, Matt <[mmassey@waxahachie.com](mailto:mmassey@waxahachie.com)>; Wade Goolsbey <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** RE: Event Application - Spring Into Summer

I agree with Anita's assessment below 😊. Thank you!

---

**From:** Simpson, Anita <[asimpson@waxahachie.com](mailto:asimpson@waxahachie.com)>  
**Sent:** Thursday, April 14, 2022 11:22 AM  
**To:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Massey, Matt <[mmassey@waxahachie.com](mailto:mmassey@waxahachie.com)>; Wade Goolsbey <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>; Mosley, Laurie <[imosley@waxahachiecvb.com](mailto:imosley@waxahachiecvb.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** RE: Event Application - Spring Into Summer

I have no concerns about the event or providing barricades. As with the Mardi Gras event I think portable toilets are an unnecessary expense that the city does not need to absorb. During the hours of the event the pocket park restrooms will be fully open and each of the restaurants has restrooms available. That should suffice.

(5f)



### Application for a Festival or Event Permit

Event Name and Description: 80's Choir Concert  
Waxahachie ISD Junior High Schools  
May 14, 2022

#### Applicant Information

Name: Lauren Allen  
Address: 8011 Fm 1181  
City, State, Zip: Ennis, Tx, 75119 Phone: 409-337-8400  
E-mail Address: laAllen@wisd.org

#### Organization Information

Organization Name: WISD Junior High Choirs  
Address: Howard - 205 Broadhead Rd  
Authorized Head of Organization: Dr. Phillip Morgan  
Phone: 817-773-6571 E-mail Address: pmorgan@wisd.org

#### Event Chairperson/Contact

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

#### Event Information

Event Location/Address: Railyard Park  
Purpose: 80's Spring Choir Concert  
Event Start Date and Time: 9:00 am - 10 pm May 14, 2022  
Event End Date and Time: May 14, 2022 - 10 pm

(5f)

Approximate Number of Persons Attending Event Per Day: 160 Singers

Site Preparation and Set-Up Date and Time: noon - 6:00pm May 14<sup>th</sup>

Clean-Up Completion Date and Time: May 14<sup>th</sup> 9:00pm

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.

HS Choir Boosters might sell refreshments.

Requested City Services: Restrooms/porta potties, stage

power at the park, back driveway accessible, stage lights.

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

Maybe

If yes, contact the City Health Inspector, (409) 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.

Sawyer Allen  
Signature of Applicant

4/21/22  
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)

**Bonner, Jami**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Friday, April 22, 2022 3:01 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - 80s Choir Concert WISD Junior High Schools

I have no concerns with this request.

*Ricky Boyd, Fire Chief*

Waxahachie Fire-Rescue

214-463-9335

---

**From:** Bonner, Jami [mailto:jami.bonner@waxahachie.com]  
**Sent:** Friday, April 22, 2022 2:49 PM  
**To:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - 80s Choir Concert WISD Junior High Schools

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For your review / comments. Thank you.

\*The band boosters know they need a permit if they will be selling refreshments.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

**Bonner, Jami**

---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Friday, April 22, 2022 4:06 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - 80s Choir Concert WISD Junior High Schools

I don't have any issues with this event.

**Wade G. Goolsby**  
Chief of Police  
Waxahachie Police Department  
469-309-4411

**H.E.A.R.T**

*Honor Ethics Accountability Respect Transparency*

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Friday, April 22, 2022 2:49 PM  
**To:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - 80s Choir Concert WISD Junior High Schools

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\*The band boosters know they need a permit if they will be selling refreshments.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
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[www.waxahachie.com](http://www.waxahachie.com)

## Bonner, Jami

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**From:** Me'Lony Jordan  
**Sent:** Monday, April 25, 2022 8:46 AM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - 80s Choir Concert WISD Junior High Schools

Okay. Thank you.



Me'Lony Jordan  
Health Inspector/CCO  
Office: (469) 309-4134  
Mobile: (972) 740-6724

---

**From:** Bonner, Jami  
**Sent:** Friday, April 22, 2022 2:49 PM  
**To:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - 80s Choir Concert WISD Junior High Schools

For your review / comments. Thank you.

\*The band boosters know they need a permit if they will be selling refreshments.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)



(59)

## Application for a Festival or Event Permit

Event Name and Description: NAGAAA Gay Softball World Series

International co-ed softball tournament held across multiple softball complexes around DFW

Teams, players, umpires, and spectators will be traveling from across North America to attend

### Applicant Information

Name: Travis Collier, Director of Operations

Address: 5314 Parkland Ave.

City, State, Zip: Dallas, TX 75235 Phone: 210-249-1007

E-mail Address: operations@dallasgsws.org

### Organization Information

Organization Name: Dallas GSWS

Address: 5314 Parkland Ave., Dallas, TX 75235

Authorized Head of Organization: Ryan Holdhusen, Executive Director

Phone: 214-244-1066

E-mail Address: director@dallasgsws.org

### Event Chairperson/Contact

Name: Travis Collier, Director of Operations

Address: 5314 Parkland Ave.

City, State, Zip: Dallas, TX 75235 Phone: 210-249-1007

E-mail Address: operations@dallasgsws.org

### Event Information

Event Location/Address: Waxahachie Softball Complex - 151 Broadhead Rd., Waxahachie, TX 75165

Purpose: International co-ed softball tournament

Event Start Date and Time: August 30, 2022 - 06:30

Event End Date and Time: September 3, 2022 - 21:00



(59)

Approximate Number of Persons Attending Event Per Day: 500-750; not all at once - participants will be coming and going throughout the days throughout the week

Site Preparation and Set-Up Date and Time: August 29, 2022 - approx. 08:00

Clean-Up Completion Date and Time: September 3, 2022 - approx. 21:00

**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.**

- Vendor booths, selling merchandise

- Beer/alcohol booths selling alcohol within the complex limits

Requested City Services: None

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? No - trash will be handled by complex facilities

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.**

  
Signature of Applicant

4/14/2022  
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).**

**Bonner, Jami**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Monday, April 18, 2022 8:45 AM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - NAGAAA Gay Softball World Series

I have no concerns with this request.

*Ricky Boyd, Fire Chief*

Waxahachie Fire-Rescue  
 214-463-9335

**From:** Bonner, Jami [mailto:jami.bonner@waxahachie.com]  
**Sent:** Monday, April 18, 2022 8:22 AM  
**To:** Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Villarreal, James <jvillarreal@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosey@waxahachiecvb.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - NAGAAA Gay Softball World Series

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

For your review / comments. The applicant is requesting to sell beer at the tournament held at the Sports Complex. Thank you.

Jami Bonner  
 Assistant City Secretary  
 City of Waxahachie  
 Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(5g)

**Bonner, Jami**

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**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Monday, April 18, 2022 8:54 AM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - NAGAAA Gay Softball World Series

I don't have any issues with it.

**Wade G. Goolsby**  
Chief of Police  
Waxahachie Police Department  
469-309-4411

**H.E.A.R.T**

*Honor Ethics Accountability Respect Transparency*

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Monday, April 18, 2022 8:22 AM  
**To:** Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Villarreal, James <jvillarreal@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - NAGAAA Gay Softball World Series

For your review / comments. The applicant is requesting to sell beer at the tournament held at the Sports Complex. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(5g)

**Bonner, Jami**

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**From:** Mosley, Laurie  
**Sent:** Monday, April 18, 2022 9:26 AM  
**To:** Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Villarreal, James; Brooks, Shon; Ricky Boyd; Wade Goolsbey; Griffith, Thomas; Me'Lony Jordan  
**Cc:** Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber  
**Subject:** RE: Event Application - NAGAAA Gay Softball World Series

I see no problems with this event. I have verified with James that the sell beer does not interfere with youth Sports Complex business, and this will be a tournament that will take place whenever there are no youth sports schedule so it will be a good piece of business.

Thanks!

Laurie Mosley, CTE  
Director  
Waxahachie Convention & Visitors Bureau  
2000 Civic Center Lane  
Waxahachie, TX 75165  
Office: 469-309-4046

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Monday, April 18, 2022 8:22 AM  
**To:** Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Villarreal, James <jvillarreal@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - NAGAAA Gay Softball World Series

For your review / comments. The applicant is requesting to sell beer at the tournament held at the Sports Complex. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
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[www.waxahachie.com](http://www.waxahachie.com)

(5g)

**Bonner, Jami**

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**From:** Martinez, Gumaro  
**Sent:** Monday, April 18, 2022 12:05 PM  
**To:** Bonner, Jami; Barnes, Bradley; Campos, Yadira; Villarreal, James; Brooks, Shon; Mosley, Laurie; Ricky Boyd; Wade Goolsbey; Griffith, Thomas; Me'Lony Jordan  
**Cc:** Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber  
**Subject:** RE: Event Application - NAGAAA Gay Softball World Series

I have no comments

**Gumaro Martinez**  
**City of Waxahachie**  
**Executive Director of Parks & Leisure Services**  
401 S. Elm  
Waxahachie, TX 75165  
469.309.4271 direct  
214.903.3676 cell  
[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)

**From:** Bonner, Jami  
**Sent:** Monday, April 18, 2022 8:22 AM  
**To:** Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Barnes, Bradley <[bradley.barnes@waxahachie.com](mailto:bradley.barnes@waxahachie.com)>; Campos, Yadira <[ycampos@waxahachie.com](mailto:ycampos@waxahachie.com)>; Villarreal, James <[jvillarreal@waxahachie.com](mailto:jvillarreal@waxahachie.com)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>; Mosley, Laurie <[mosley@waxahachiecvb.com](mailto:mosley@waxahachiecvb.com)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Griffith, Thomas <[john.griffith@waxahachie.com](mailto:john.griffith@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Event Application - NAGAAA Gay Softball World Series

For your review / comments. The applicant is requesting to sell beer at the tournament held at the Sports Complex. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(59)

## Bonner, Jami

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**From:** Me'Lony Jordan  
**Sent:** Monday, April 25, 2022 10:02 AM  
**To:** Martinez, Gumaro; Bonner, Jami; Barnes, Bradley; Campos, Yadira; Villarreal, James; Brooks, Shon; Mosley, Laurie; Ricky Boyd; Wade Goolsbey; Griffith, Thomas  
**Cc:** Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber  
**Subject:** RE: Event Application - NAGAAA Gay Softball World Series

TABC license required.



Me'Lony Jordan  
Health Inspector/CCO  
Office: (469) 309-4134  
Mobile: (972) 740-6724

---

**From:** Martinez, Gumaro  
**Sent:** Monday, April 18, 2022 12:05 PM  
**To:** Bonner, Jami <jami.bonner@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Villarreal, James <jvillarreal@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** RE: Event Application - NAGAAA Gay Softball World Series

I have no comments

**Gumaro Martinez**  
**City of Waxahachie**  
**Executive Director of Parks & Leisure Services**  
401 S. Elm  
Waxahachie, TX 75165  
469.309.4271 direct  
214.903.3676 cell  
[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)

---

**From:** Bonner, Jami  
**Sent:** Monday, April 18, 2022 8:22 AM  
**To:** Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Barnes, Bradley <[bradley.barnes@waxahachie.com](mailto:bradley.barnes@waxahachie.com)>; Campos, Yadira <[ycampos@waxahachie.com](mailto:ycampos@waxahachie.com)>; Villarreal, James <[jvillarreal@waxahachie.com](mailto:jvillarreal@waxahachie.com)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>; Mosley, Laurie <[lmosley@waxahachiecvb.com](mailto:lmosley@waxahachiecvb.com)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Griffith, Thomas <[john.griffith@waxahachie.com](mailto:john.griffith@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Event Application - NAGAAA Gay Softball World Series

(5h)



### Application for a Festival or Event Permit

Event Name and Description: "SHELBY FLOWERS" MEMORIAL  
GIVE BACK & COMMUNITY EVENT

#### Applicant Information

Name: ANDREAS FLOWERS  
Address: 115 JIM STREET  
City, State, Zip: WAXAHACHIE, TX Phone: 254-577-1374  
E-mail Address: \_\_\_\_\_

#### Organization Information

Organization Name: FLOWERS CONSTRUCTION COMPANY  
Address: 121 JIM STREET WAXAHACHIE, TX  
Authorized Head of Organization: SHELBY FLOWERS JR  
Phone: 214-743-6972 E-mail Address: N/A

#### Event Chairperson/Contact

Name: ANDREAS FLOWERS  
Address: 115 JIM STREET  
City, State, Zip: WAXAHACHIE, TX Phone: 254-577-1374  
E-mail Address: \_\_\_\_\_

#### Event Information

Event Location/Address: LEE PENN PARK  
Purpose: COMMUNITY GIVEAWAY & LIVE MUSIC  
Event Start Date and Time: JULY 3rd, 3pm  
Event End Date and Time: JULY 3rd, 7pm



(5h)

Approximate Number of Persons Attending Event Per Day: 100-125

Site Preparation and Set-Up Date and Time: JULY 3<sup>rd</sup> - 10:00 AM

Clean-Up Completion Date and Time: JULY 3<sup>rd</sup> - 10:00 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.

THERE WILL BE BIKE GIVEAWAYS, FACE PAINTINGs  
for kids, 3 on 3 basketball tournament & live music

Requested City Services: NONE

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? NO

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.

[Signature]  
Signature of Applicant

04/13/2022  
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).*



(5h)

## **“SHELBY FLOWERS SR. MEMORIAL & COMMUNITY DAY”**

### **SITE PLAN:**

THE SITE PLAN FOR JULY 3<sup>RD</sup>, 2022: EVERYTHING IN LEE PENN PARK WILL STAY AS A NORMAL SUNDAY EVENING NOTHING WILL BE MOVED AROUND OR BLOCKED OFF! THE ONLY CHANGE THAT WILL BE MADE IS PLACING A SMALL STAGE IN FRONT OF THE GAZEBO ON THE CONCRETE OR IN THE BACK OF THE PARKING LOT BY THE BASEBALL FIELDS. THE BIKE GIVEAWAY WILL BE HELD NEXT TO THE STAGE AREA, AND THE FACE PAINTING WILL BE DONE NEXT TO THE BASKETBALL COURT WHICH IS WHERE THE 3 ON 3 BASKETBALL TOURNAMENT WILL BE HELD FOR (AGES 7-12). NO FOOD OR DRINKS WILL BE GIVEN AWAY OR SOLD. WE DO HAVE EXTRA PARKING FOR UP TO 75 VEHICLES AT THE PRIVATE PROPERTY AT THE CORNER OF GETZENDANER STREET & MLK JR BOULEVARD! THIS IS A KID FRIENDLY EVENT AND WILL BE OUR 2<sup>ND</sup> YEAR DOING THIS EVENT IN REMEMBRANCE OF OUR GRANDFATHER SHELBY FLOWERS SR., UNFORTUNANTLEY LAST YEAR WE WAITED TOO LATE TO GET A PERMIT AND HOPING BY DOING THIS 3 MONTHS IN ADVANCE THIS YEAR WE CAN GET BLESSED WITH A PERMIT.

THANKS,  
ANDREAS FLOWERS

(5h)

**Bonner, Jami**

---

**From:** Martinez, Gumaro  
**Sent:** Wednesday, April 13, 2022 2:12 PM  
**To:** Bonner, Jami; Wade Goolsbey; Ricky Boyd; Barnes, Bradley; Campos, Yadira  
**Cc:** Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice  
**Subject:** RE: Event Application - Shelby Flowers Memorial Give Back & Community Event

I have not comments or concerns with this event. I would recommend, the Parks Department have additional trash cans put out before the event.

**Gumaro Martinez**  
**City of Waxahachie**  
**Executive Director of Parks & Leisure Services**  
401 S. Elm  
Waxahachie, TX 75165  
469.309.4271 direct  
214.903.3676 cell  
[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)

---

**From:** Bonner, Jami  
**Sent:** Wednesday, April 13, 2022 1:35 PM  
**To:** Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Barnes, Bradley <[bradley.barnes@waxahachie.com](mailto:bradley.barnes@waxahachie.com)>; Campos, Yadira <[ycampos@waxahachie.com](mailto:ycampos@waxahachie.com)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[mscott@waxahachie.com](mailto:mscott@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** Event Application - Shelby Flowers Memorial Give Back & Community Event

For your review / comments. The third page includes a "site plan" provided by the applicant. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(5h)

**Bonner, Jami**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Wednesday, April 13, 2022 2:37 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - Shelby Flowers Memorial Give Back & Community Event

I have no concerns with this request.

*Ricky Boyd, Fire Chief*

Waxahachie Fire-Rescue

214-463-9335

**From:** Bonner, Jami [mailto:jami.bonner@waxahachie.com]  
**Sent:** Wednesday, April 13, 2022 1:35 PM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - Shelby Flowers Memorial Give Back & Community Event

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For your review / comments. The third page includes a "site plan" provided by the applicant. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(5h)

**Bonner, Jami**

---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Thursday, April 14, 2022 9:52 AM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - Shelby Flowers Memorial Give Back & Community Event

I don't have any issues with it.

**Wade G. Goolsby**  
**Chief of Police**  
**Waxahachie Police Department**  
**469-309-4411**

**H.E.A.R.T**

*Honor Ethics Accountability Respect Transparency*

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Wednesday, April 13, 2022 1:35 PM  
**To:** Wade Goolsby <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - Shelby Flowers Memorial Give Back & Community Event

For your review / comments. The third page includes a "site plan" provided by the applicant. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

# ***PROCLAMATION***

**WHEREAS**, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

**WHEREAS**, revitalization through historic preservation is one of the best methods of sustainable economic development in this country; and

**WHEREAS**, preservation has contributed to the beauty and economic vitality of the City of Waxahachie; and

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, historic place-savers pour their time, energy, and money into protecting places they care about, often without recognition; and

**WHEREAS**, "People Saving Places" is the theme for National Preservation Month 2022, sponsored by the National Trust for Historic Preservation;

**NOW, THEREFORE**, be it resolved that I, Doug Barnes, Mayor of Waxahachie, along with the entire City Council do hereby proclaim May 2022 as

## ***"NATIONAL PRESERVATION MONTH"***

and call upon the people of Waxahachie and Texas to join their fellow citizens across the United States in recognizing and participating in this special observance.

Proclaimed this 2<sup>nd</sup> day of May 2022.

---

MAYOR

ATTEST:

---

CITY SECRETARY

# ***PROCLAMATION***

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Waxahachie, Texas; and

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

**WHEREAS**, the year 2022 marks the 62<sup>nd</sup> annual National Public Works Week sponsored by the American Public Works Association be it now;

**NOW, THEREFORE**, be it resolved that I, Doug Barnes, Mayor of Waxahachie, along with the entire City Council do hereby proclaim May 15 – 21, 2022 as

## ***“NATIONAL PUBLIC WORKS WEEK”***

and urge all citizens to join with the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Proclaimed this 2<sup>nd</sup> day of May 2022.

---

MAYOR

ATTEST:

---

CITY SECRETARY

## CITY OF WAXAHACHIE, TEXAS

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY LIMITED OFFERING MEMORANDUM FOR “CITY OF WAXAHACHIE, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (NORTH GROVE PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREAS #2-3 PROJECT)”;** AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

## RECITALS

**WHEREAS**, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the “Act”) authorizes the governing body (the “City Council”) of the City of Waxahachie, Texas (the “City”), to create a public improvement district within the corporate limits of the City; and

**WHEREAS**, on September 15, 2014, the City Council approved Resolution No. 1189 (the “Authorization Resolution”), authorizing, establishing and creating the North Grove Public Improvement District (the “District”); and

**WHEREAS**, the City authorized the creation of the District and the issuance of bonds to finance certain public improvements authorized by the Act for the benefit of the property within the District (the “Authorized Improvements”); and

**WHEREAS**, on February 26, 2015, the City Council adopted Ordinance No. 2782, which approved the District Service and Assessment Plan dated February 25, 2015 (the “Original SAP”); and

**WHEREAS**, on April 19, 2021, the City Council adopted Ordinance No. 3266, which approved updates to the Original SAP dated April 19, 2021, including the levy of assessments on Improvement Area #2 of the District (as updated to date, the “SAP”); and

**WHEREAS**, the property within the District is being developed in phases, the third phase of which includes approximately 213.083 acres (“Improvement Area #3”); and

**WHEREAS**, the City Council and the City staff have been presented a “North Grove Public Improvement District Preliminary Service and Assessment Plan”, including the proposed Improvement Area #3 assessment roll attached thereto (the “Proposed Assessment Roll”), dated April 18, 2022 (collectively, the “Preliminary Amended SAP”); and

**WHEREAS**, the Preliminary Amended SAP amends the SAP to reflect the Improvement Area #3 Improvements (as defined in the Preliminary Amended SAP), the construction of and development of Improvement Area #3 of the District, and the issuance of the City of Waxahachie, Texas Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project) (the “Improvement Areas #2-3 Bonds”) to finance or refinance a portion of the costs of the Improvement Area #3 Improvements and the Improvement Area #2 Improvements (as defined in the Preliminary Amended SAP) which are Authorized Improvements, and the Proposed Assessment Roll states the assessments proposed to be levied against each parcel of land in Improvement Area #3 of the District as determined by the method of assessment chosen by the City; and

**WHEREAS**, the Proposed Assessment Roll has been filed with the City Secretary of the City (the “City Secretary”) and is subject to public inspection; and

**WHEREAS**, the City Council intends to authorize the issuance of the Improvement Areas #2-3 Bonds to finance or refinance a portion of the costs of the Improvement Area #3 Improvements and the Improvement Area #2 Improvements; and

**WHEREAS**, there has been presented to the City Council a Preliminary Limited Offering Memorandum for the Improvement Areas #2-3 Bonds (the “PLOM”); and

**WHEREAS**, the City Council finds and determines that it is necessary and in the best interests of the City to approve the form and content of the PLOM and authorize the use of the PLOM in the offering and sale of the Improvement Areas #2-3 Bonds by the underwriter of the Improvement Areas #2-3 Bonds, FMSbonds, Inc. (the “Underwriter”);

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



SECTION 1. The recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. The form and content of the PLOM substantially in the form attached hereto as Exhibit A are hereby approved, and the City Manager of the City (the "City Manager"), the City's bond counsel and the City's financial advisor are authorized to distribute the same, with such changes, addenda, supplements or amendments as may be approved by the Mayor of the City (the "Mayor"), the City Manager, the City's bond counsel or the City's financial advisor. The City hereby authorizes the PLOM, in the final form approved by the Mayor or City Manager, to be used by the Underwriter in connection with the marketing and sale of the Improvement Areas #2-3 Bonds.

SECTION 3. This Resolution shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED** on this the 2<sup>nd</sup> day of May, 2022.

---

Doug Barnes, Mayor

ATTEST:

---

Amber Villarreal, City Secretary

**EXHIBIT A**

**PRELIMINARY LIMITED OFFERING MEMORANDUM**

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-139-2021



### MEETING DATE(S)

Planning & Zoning Commission: April 26, 2022

City Council: May 2, 2022

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 26, 2022, the Commission voted 4-0 to recommend approval of case number SUB-139-2021, along with associated the Petition for Hardship Waiver.

The Commission recommended waiving the right-of-way (ROW) dedication requirement for the thoroughfare located on the eastern property line of the subject property; but did not recommend altering the alignment of the City of Waxahachie Thoroughfare Plan.

### CAPTION

**Consider** request by Josh & Amy Rader, for a **Plat** of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021)

### APPLICANT REQUEST

The applicant is requesting to plat the subject property into four (4) lots for single family residential use.

### CASE INFORMATION

*Applicant:* Tim Jackson, Texas Reality Capture & Surveying LLC

*Property Owner(s):* Amy & Josh Rader and ZOE LLC

*Site Acreage:* 16.982 acres

*Number of Lots:* 4 lots

*Number of Dwelling Units:* 4 units

*Park Land Dedication:* N/A (ETJ)

*Adequate Public Facilities:* Adequate public facilities for domestic services are available to the site via BVBSUD. Adequate flow is unavailable for firefighting & fire suppression purposes.

### SUBJECT PROPERTY

*General Location:* 2926 & 2974 FM 66

*Parcel ID Number(s):* 188580 & 188585

(9)

**Current Zoning:** N/A (ETJ)

**Existing Use:** The subject property is currently occupied by two (2) single family homes.

**Platting History:** The subject property is a portion of the P. Olivari Survey, Abstract 812.

**Site Aerial:**



### **PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into four (4) lots for single family residential use. All City of Waxahachie and Ellis County lot size and dimension requirements have been met. The applicant is providing a 5' Right-of-Way (ROW) along FM 66 in conformance with the City of Waxahachie Thoroughfare Plan. Each of the four (4) proposed lots are 1.9 acres in size or greater; which aligns with the character of the area and the Waxahachie Future Land Use Plan.

The applicant has provided a Water Endorsement Letter from Buena Vista Bethel Special Utility District (BVBSUD) stating that adequate water flow is available to the site for domestic services only. Water flow and pressure for firefighting and fire suppression purposes is not available. The City of Waxahachie Subdivision Ordinance allows plats of four (4) lots or fewer in the Waxahachie ETJ to be approved without adequate fire flow; provided that the plat include a note indicating this fact. The applicant has provided this required note on the plat; so no variance or relief waiver is required.

### **VARIANCE REQUEST – Petition for Hardship Waiver**

#### **Request:**

The City of Waxahachie Thoroughfare Plan identifies an 80' Thoroughfare running along the eastern boundary of the subject property. As part of the platting process, the applicant is required to provide ROW dedication in conformance with the Thoroughfare Plan. In this case, the applicant is required provide a 40' ROW dedication along the entirety of the eastern property line. The applicant is has made a Petition for Hardship Waiver request for this requirement. As part of the Petition for Hardship Waiver, the applicant is seeking a variance from the Thoroughfare Plan to allow 0' of ROW dedication as opposed to 40'.

Request (continued):

The applicant's reasoning for this Petition for Hardship Waiver hinges primarily on the location of existing structures on the subject property. A driveway and single family home are currently situated within 40' of the eastern property line. If the 40' ROW dedication is provided, any structures within said ROW dedication would need to be removed.

Staff's Response:

Per Section 3.1 of the subdivision ordinance, the property owner shall provide all rights-of-way required for existing or future streets and for all required street improvements, including perimeter streets and approach roads, as shown in the City's Thoroughfare Plan. Due to the City's Thoroughfare Plan reflecting the 80' ROW along the eastern property line of the subject property, it is staff's belief that 40' of ROW should be dedicated from the eastern property line.

Required City Council Action

Due to this case having a petition for relief waiver associated with it, the City Council must provide a recommendation on two separate items:

1. Either a recommendation for approval or disapproval of the Petition for Hardship Waiver.
2. Either a recommendation for approval or disapproval of the plat.

This action can be performed in one motion.

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:

- ☒ Disapproval:  
Per Section 3.1 of the subdivision ordinance, the property owner shall provide all rights-of-way required for existing or future streets and for all required street improvements, including perimeter streets and approach roads, as shown in the City's Thoroughfare Plan. Due to the City's Thoroughfare Plan reflecting the 80' ROW along the eastern property line of the subject property, it is staff's belief that 40' of ROW should be dedicated from the eastern property line.
- ☐ Approval, as presented.

ATTACHED EXHIBITS

1. Plat
2. Thoroughfare Exhibit
3. Water Letter

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 the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats.

(9)

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King

Planner

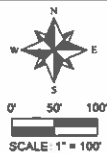
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



LINE	BEARING	DISTANCE
L1	N 89°54'45" W	174.11'
L2	N 89°54'45" W	174.11'
L3	N 89°54'45" W	174.11'
L4	N 89°54'45" W	174.11'
L5	N 89°54'45" W	174.11'
L6	N 89°54'45" W	174.11'
L7	N 89°54'45" W	174.11'
L8	N 89°54'45" W	174.11'
L9	N 89°54'45" W	174.11'
L10	N 89°54'45" W	174.11'
L11	N 89°54'45" W	174.11'
L12	N 89°54'45" W	174.11'
L13	N 89°54'45" W	174.11'
L14	N 89°54'45" W	174.11'
L15	N 89°54'45" W	174.11'
L16	N 89°54'45" W	174.11'
L17	N 89°54'45" W	174.11'
L18	N 89°54'45" W	174.11'
L19	N 89°54'45" W	174.11'
L20	N 89°54'45" W	174.11'

#### LEGEND

CHS = 6R IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET  
 PND = IRON ROD FOUND  
 OPRCT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
 U/E = UTILITY EASEMENT  
 B/L = BUILDING LINE  
 DUE = DRAINAGE AND UTILITY EASEMENT

#### NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE 4382, HAD 83 PER GPS OBSERVATIONS.  
 AS SHOWN A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE PROPERTY LIES WITHIN ZONE "A" - DEFINED AS NO BASE FLOOD ELEVATION DETERMINED, ACCORDING TO THE FIVE FLOOD INSURANCE RATE MAP NO. 48130C0207, DATED JUNE 1, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ALL LOTS SHALL BE SERVED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN.

AT THE TIME OF PLAT APPROVAL, THIS DEVELOPMENT DOES NOT HAVE ADEQUATE WATER FLOW TO ALLOW FOR FIRE FIGHTING AND FIRE SUPPRESSION SERVICES TO ANY IMPROVED PROPERTIES.

CALLED 73.00 ACRE  
 AMY LYNN RADER, TRUSTEE OF THE  
 MACDONALD FAMILY IRREVOCABLE TRUST  
 INST. NO. 1824385  
 OPRCT

N 59°11'19" E 747.35'

DAVID C. RICHTER  
 VOL. 796, PG. 330  
 OPRCT

TRAVIS R. WISELEY &  
 BRENNAA. SPENCER  
 INST. NO. 1829620  
 OPRCT

P.O.B. 1/2" IRF  
 N 89°54'45" W  
 286.81'

S 59°49'30" W  
 286.81'

TX DOT  
 MON FND

FM HIGHWAY 86  
 (CALLED 120' ROW)

S 62°31'35" W  
 229.02'

TX DOT L1  
 MON FND

OWNER:  
 ZOE, LLC  
 2574 FM 06  
 WAXAHACHIE, TX 75187  
 214.704.7583

OWNER:  
 JOSH RADER &  
 AMY RADER  
 2857 FM 06  
 WAXAHACHIE, TX 75187  
 214.704.7553

PLAT  
**RADER RANCH**  
 18.982 ACRES  
 APPROXIMATELY 6.7 ACRES CALCULATED  
 TO BE WITHIN FLOODPLAIN  
 SITUATED IN THE  
 P. OLIVARI SURVEY  
 ABSTRACT NO. 812  
 ETJ CITY OF WAXAHACHIE  
 ELLIS COUNTY, TEXAS  
 4 RESIDENTIAL LOTS  
 CASE NO. SUB-159-2021

STATE OF TEXAS  
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS, JOSH RADER, AMY RADER AND ZOE, LLC, ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE P. OLIVARI SURVEY, ABSTRACT NO. 812, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO JOSH RADER AND AMY RADER, RECORDED IN VOLUME 2385, PAGE 812, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS, (CORRECT), AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO ZOE, LLC, RECORDED IN INSTRUMENT NO. 1938782, (CORRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID RADER TRACT AND THE COMMON SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DAVID C. RICHTER, RECORDED IN VOLUME 798, PAGE 330, (CORRECT) AND IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF FM HIGHWAY 88 (A CALLED 120' ROW),

THENCE N 30°09'29" W ALONG THE WEST LINE OF SAID RADER TRACT AND THE COMMON EAST LINE OF SAID RICHTER, PASSING AT A DISTANCE OF 5.00 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 880.81 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID RADER TRACT AND THE COMMON NORTHEAST CORNER OF SAID RICHTER TRACT AND IN THE SOUTH LINE OF THAT CALLED 73.00 ACRE TRACT OF LAND DESCRIBED IN DEED TO AMY LYNN RADER, TRUSTEE OF THE MACDONALD FAMILY REVOCABLE TRUST, RECORDED IN INSTRUMENT NO. 1824363, (CORRECT),

THENCE N 09°11'11" E, ALONG THE NORTH LINE OF SAID RADER TRACT AND THE NORTH LINE OF SAID ZOE TRACT AND THE COMMON SOUTH LINE OF SAID 73.00 ACRE MACDONALD TRACT, A DISTANCE OF 747.38 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID ZOE TRACT AND THE COMMON NORTHWEST CORNER OF A CALLED 1.49 ACRE TRACT OF LAND DESCRIBED IN DEED TO AMY RADER, TRUSTEE OF THE MACDONALD FAMILY REVOCABLE TRUST, RECORDED IN INSTRUMENT NO. 1828441, (CORRECT),

THENCE S 30°07'14" E, ALONG THE EAST LINE OF SAID ZOE TRACT AND THE COMMON WEST LINE OF SAID 1.49 ACRE MACDONALD TRACT AND THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO TRAVIS R. WISELEY AND BREANNA A. SPENCER, RECORDED IN INSTRUMENT NO. 1828820, (CORRECT), PASSING AT A DISTANCE OF 1004.93 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 1008.86 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID ZOE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID WISELEY TRACT AND IN THE NORTH ROW LINE OF SAID FM HIGHWAY 88,

THENCE S 85°02'29" W ALONG THE SOUTH LINE OF SAID ZOE TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 88, A DISTANCE OF 78.71 FEET TO A TX DOT MONUMENT FOUND FOR CORNER,

THENCE S 82°51'33" W ALONG THE SOUTH LINE OF SAID ZOE TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 88, A DISTANCE OF 229.02 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID ZOE TRACT AND THE COMMON SOUTHEAST CORNER OF SAID RADER TRACT,

THENCE S 80°47'40" W ALONG THE SOUTH LINE OF SAID RADER TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 88, A DISTANCE OF 176.65 FEET TO A TX DOT MONUMENT FOUND FOR CORNER,

THENCE S 59°48'30" W ALONG THE SOUTH LINE OF SAID RADER TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 88, A DISTANCE OF 288.81 FEET TO THE POINT OF BEGINNING, AND CONTAINING 16.982 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS

THAT JOSH RADER, AMY RADER AND ZOE, LLC, DO HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS RADER RANCH, AN ADDITION TO ELLIS COUNTY, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. JOSH RADER, AMY RADER AND ZOE, LLC, DO HEREBY CERTIFY THE FOLLOWING:

1. THE STREETS AND ALLEYS ARE DEDICATED IN FEE SIMPLE FOR STREET AND ALLEY PURPOSES.
2. ALL PUBLIC IMPROVEMENTS AND DEDICATIONS SHALL BE FREE AND CLEAR OF ALL DEBT, LIENS, AND/OR ENCUMBRANCES.
3. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, AND CREATED BY THIS PLAT, ARE DEDICATED FOR THE PUBLIC USE FOREVER FOR THE PURPOSES INDICATED ON THIS PLAT.
4. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN.
5. ELLIS COUNTY IS NOT RESPONSIBLE FOR REPLACING ANY IMPROVEMENTS IN UNDER OR OVER ANY EASEMENTS CAUSED BY MAINTENANCE OR REPAIR.
6. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND ELLIS COUNTY'S USE THEREOF.
7. ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS.
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.
9. ALL MODIFICATIONS TO THIS DOCUMENT SHALL BE BY MEANS OF PLAT AND APPROVED BY ELLIS COUNTY.

THIS PLAT IS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE ELLIS COUNTY, TEXAS.

WITNESS MY HAND, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BY

JOSH RADER

AMY RADER

AMY RADER  
AUTHORIZED AGENT  
ZOE, LLC

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JOSH RADER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED AMY RADER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED AMY RADER, AUTHORIZED AGENT, ZOE, LLC, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

I, TIMOTHY L. JACKSON, RP/LS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

"PRELIMINARY, THIS DOCUMENT  
SHALL NOT BE RECORDED FOR ANY  
PURPOSE AND SHALL NOT BE USED  
OR VIEWED OR RELIED UPON AS A  
FINAL SURVEY DOCUMENT."  
TIMOTHY L. JACKSON  
REGISTRATION NUMBER S644

STATE OF TEXAS  
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

TOOD LITTLE  
COUNTY JUDGE

RANDY STUBBINS  
COMMISSIONER PRECINCT 1

LANE GRAYSON  
COMMISSIONER PRECINCT 2

PAUL PERRY  
COMMISSIONER PRECINCT 3

KYLE BUTLER  
COMMISSIONER PRECINCT 4

ATTEST

KRYSTAL VALDEZ  
COUNTY CLERK

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON-SITE SEWAGE FACILITY SYSTEM PERIOD ANY AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT.

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
CHAIRPERSON

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY: CITY COUNCIL, CITY OF WAXAHACHIE

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
MAYOR

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

OWNER:  
ZOE, LLC  
2874 FM 88  
WAXAHACHIE, TX 75187  
214.704.7553

OWNER:  
JOSH RADER &  
AMY RADER  
2867 FM 88  
WAXAHACHIE, TX 75187  
214.704.7553

PLAT  
RADER RANCH

16.982 ACRES

APPROXIMATELY 81 ACRES CALCULATED  
TO BE WITHIN FLOODPLAIN

SITUATED IN THE  
P. OLIVARI SURVEY  
ABSTRACT NO. 812  
ETJ CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
4 RESIDENTIAL LOTS  
CASE NO. SUB-139-2021

JOB NO 1881

AUGUST 2021

PAGE 2 OF 2





(9)



TEXAS REGISTERED ENGINEERING FIRM E-702

ROBERT T. CHILDRESS, JR., P.E. • BENJAMIN S. SHANKLIN, P.E. • ROBERT T. CHILDRESS III, P.E.

March 8, 2022

Mr. Joe Buchanan, Manager  
Buena Vista-Bethel Special Utility District  
312 S. Oak Branch Road  
Waxahachie, Texas 75167

Re: Hydraulic Analysis for  
Rader Ranch  
4 Lots Near Node 390  
Map Sheet 26

Dear Mr. Buchanan,

In response to your request, we have examined the hydraulic capability of your system to provide the above referenced service requesting four (4) standard meters off of the 3" line along FM 66.

Our evaluation indicates that at this time the existing system can furnish the requested domestic service in conformity with Texas Commission on Environmental Quality standards for water distribution. No fire flow can be projected off of the 3" water main at this location. However, the 20" transmission main could possibly be tapped and a fire hydrant added. A fire flow of 4,000 gpm can be projected off of the 20" transmission main at this location.

Please be advised that this hydraulic analysis is only good for six (6) months from the date of this letter.

If you have any questions concerning this matter, please call.

Very truly yours,

CHILDRESS ENGINEERS

Benjamin S. Shanklin, P.E.

BSS/cv

(9)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | [www.waxahachie.com/Departments/PlanningandZoning](http://www.waxahachie.com/Departments/PlanningandZoning)



## WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Amy Rader Parcel ID #: \_\_\_\_\_  
Subdivision Name: \_\_\_\_\_

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

*Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.*

Contact Information:

Buena Vista-Bethel SUD	(972) 937-1212
Carroll Water Company	(972) 617-0817
Mountain Peak SUD	(972) 775-3765
Rockett SUD	(972) 617-3524
Sardis-Lone Elm WSC	(972) 775-8566
Nash Foreston WSC	(972) 483-3039

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. The water line size servicing the lots is <u>3"</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Joe Buchanan  
Print Name of General Manager of water provider or Designee

BY-B.S.U.D.  
Name of water provider company

Joe Buchanan  
Signature of General Manager of water provider or Designee

3-24-2022  
Date



(1107)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-27-2022



### MEETING DATE(S)

Planning & Zoning Commission: April 26, 2022

City Council: May 2, 2022

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 26, 2022, the Commission voted 4-0 to recommend approval of case number ZDC-27-2022, as recommended by Staff.

### CAPTION

Public Hearing on a request by Chad Adams, Oakhull Investments, LLC, for a **Zoning Change** from a Future Development (FD) zoning district to a **Planned Development – Single Family – 1 (PD-SF-1)** zoning district, located on the west side of Howard Road (FM 877) across from 3175 Howard Road (Property ID 182020) - Owner: ANDERSON KAREN S IRREVOCABLE TRUST & CHRISTIAN ANDERSON FOUNDATION (ZDC-27-2022)

### APPLICANT REQUEST

The applicant is requesting approval of a Planned Development District to allow for a single family residential development on approximately 150.6 acres.

### CASE INFORMATION

*Applicant:* Chad Adams, Oakhull Investments, LLC

*Property Owner(s):* Karen S. Anderson Irrevocable Trust & Christian Anderson Foundation

*Site Acreage:* 150.6 acres

*Current Zoning:* Future Development (FD)

*Requested Zoning:* Planned Development-Single Family-1 (PD-SF-1)

### SUBJECT PROPERTY

*General Location:* West side of Howard Road (FM 877) across from 3175 Howard Road

*Parcel ID Number(s):* 182020

*Existing Use:* Undeveloped

*Development History:* The subject property was annexed into the City and zoned FD on May 18, 1998.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	FD	Undeveloped Land
East	FD	Single Family Residential Home
South	FD & ETJ	Single Family Residential Homes and Undeveloped Land
West	FD & ETJ	Single Family Residential Homes and Undeveloped Land

Future Land Use Plan:

Estate Residential

Comprehensive Plan:

The subject property is designated as Estate Residential in the Future Land Use Plan (FLUP). This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan:

The subject property has two points of access onto Howard Road. Howard Road is a Secondary Thoroughfare on the City's Thoroughfare Plan with an ultimate right-of-way of 90 feet. The Applicant has committed to dedicating 45 feet of right-of-way for Howard Road with the proposed development. Additionally, the subject property is adjacent to right-of-way owned by the Texas Department of Transportation (TxDOT) along a portion of the northern boundary, which is a major thoroughfare on the Thoroughfare Plan with an ultimate right-of-way of 120 feet. Based on the City's knowledge, TxDOT has not committed funding to construct that section of TxDOT right-of-way in the near future.

Site Image:



(107)

## PLANNING ANALYSIS

### Purpose of Request

The applicant is requesting a zoning change from Future Development (FD) to Planned Development Single Family-1 (PD-SF-1) with modifications to the base zoning to allow for a single family residential development. Modifications to the base zoning district Single Family-1 (PD-SF-1) are included in the table below.

The subject property is in the City of Waxahachie water and wastewater service area. However, wastewater infrastructure is not within a reasonable distance to service the subject property. Therefore the Applicant has proposed one-acre minimums for lots to have an on-site septic facility system. In addition to increasing the minimum lot size, the Applicant has committed for all dwelling units to have j-swing garage with the third garage recessed 25 feet from the front façade of the home if provided. Other than these two provisions, the subject property will meet all other standards for the SF-1 district.

Standard	City of Waxahachie (SF-1 District Standards)	Proposed Development Standards (Applicant Request)	Meets or Exceeds SF-1 Standards?
Height Regulations	2 stories for the main building / 1 story for accessory buildings without garages	2 stories for the main building / 1 story for accessory buildings without garages	Meets
Minimum Dwelling Size	2,200 SF	2,200 SF	Meets
Minimum Lot Area	16,000 SF	43,560 SF (1 Acre)	Exceeds
Minimum Lot Width	90'	90'	Meets
Minimum Lot Depth	140'	140'	Meets
Minimum Front Yard	40'	40'	Meets
Minimum Side Yard	15' required; 20' from a street ROW	15' required; 20' from a street ROW	Meets
Minimum Rear Yard	25'	25'	Meets
Maximum Lot Coverage	50% by main and accessory buildings	50% by main and accessory buildings	Meets
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure.	Meets
Garages	N/A	All dwelling units shall contain side-entry garages (front-entry garages are prohibited). If a dwelling is constructed with more than two (2) primary garage bays, the doors of such additional garage bays may face the front yard provided, however, the garage door be setback an additional 25' from the façade of the home.	Exceeds

**Proposed Concept Plan**

The subject property will develop according to the site layout provided in the concept plan. The site layout complies with subdivision design standards within the City's subdivision regulations and provides a minimum of two access points for fire emergency access. The internal street network will comply with the Estate Street section consisting of sixty (60) feet of right-of-way with 27 feet of pavement and a 16.5-foot parkway on each side of the pavement to allow for a culvert and bar ditch. Additionally, the Applicant has provided two stub outs to the undeveloped tract on the west side of the subject property for future development. Since the proposed development will consist of 122 lots, the Applicant will have to conduct a traffic impact analysis (TIA) during the civil plan review process for City Staff to evaluate the traffic demand and impact generated by this development.

**Proposed Architectural Styles**

To promote architectural diversity throughout the residential development, sixty percent (60%) of lots shall conform to one of the five (5) architectural styles proposed with this development. The architectural styles proposed with this PD include Farmhouse 1, Farmhouse 2, Craftsman, Tudor 1, and Tudor 2. The minimum percentages and quantities for each architectural style is provided in the table below. Levante will consist of custom homes that may vary in floor plans and layouts but will adhere to the architectural character and exterior finishing materials provided for each architectural style. The Planning Director or Building Official will have final discretion during the building permit stage on whether each home is in keeping with the architectural styles provided in the PD.

Architectural Style	Quantity/Percentage of Homes	Minimum No. of Homes
Farmhouse 1	12%	15
Farmhouse 2	12%	15
Craftsman	12%	15
Tudor 1	12%	14
Tudor 2	12%	14
Total	60%	73

The architectural style for the remaining forty percent (40%) equating to 49 lots shall be determined by the market. However, shall comply with the following provisions:

- The exterior finishing materials shall be limited to a combination of brick, stone, cementitious fiber board and stucco. Wood may only be used as an accent, but shall not exceed ten (10) percent of each building elevation. The calculation of exterior finishing materials shall exclude windows, doors and trims.
- Each home shall have a hard surface front entry walkway with a minimum improved width of three (3) feet constructed from the sidewalk or driveway to the front door of each primary structure. Walkways may be surfaced with concrete, pavers, laid bricks, or any other such material and in accordance with City standards.
- Each home shall have a front covered porch with minimum usable area of forty (40) square feet with a minimum depth of five (5) feet from the primary structure, as measured perpendicular to the front door.
- There shall be no uninterrupted wall length of twelve (12) feet or more on any façade that is visible from a public right-of-way or open space. This standard applies to the front façade on the interior of the lot or the front and side façade facing a street or open space on a corner lot. An

interrupted wall can be achieved through a window, brick detail, or offset in the building face, or similar element that breaks the massing of the façade.

- Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building façade to the soffit unless the roof pitch is 8:12 or greater.
- Each home shall provide a minimum of three (3) elements from the list below:
  - Multiple pane, divided light, or simulated divided light windows;
  - Decorative columns that are a minimum of six (6) inches in diameter;
  - Gable with window or other decorative feature;
  - Dormers;
  - Bay windows with a minimum projection of twenty-four (24) inches;
  - 8:12 roof pitch;
  - Two (2) or more exterior masonry materials with each material covering at least twenty-five (25) percent of the exterior surface;
  - Split garage doors with a separate door for each vehicle bay;
  - Bull nosed gable;
  - Permanently affixed awning;
  - Articulated garage doors, e.g., windows, paneling, other high quality detailing;
  - Accentuated brick detailing around garage door with a rowlock or similar detailing;
  - Transom or arch style windows; or
  - Elevated hip roof.
- All residential lots within the development shall comply with the following provisions:
  - No single building elevation shall be duplicated within six (6) lots or tracts in either direction on the same block face.
  - Elevations may not be duplicated on any lot directly across a street or within four (4) lots in either direction.

#### Proposed Perimeter Landscaping/Screening and Entry Feature Monument

Per Section 5.7 (Screening and Landscaping Construction Regulations, Requirements and Design Criteria) of the subdivision regulations, the Applicant is required to provide a six (6) foot screening wall with a minimum fifteen (15) foot landscape buffer with trees where lots back up or side to a major thoroughfare equal to or greater than sixty (60) feet in right-of-way width. The Applicant has shown the screening wall and the landscape buffer with trees (1 tree for every 50 linear feet) along Howard Road and the future TxDOT right-of-way on the concept plan and the landscape/screening and entry feature monument exhibit. In addition to the screening and landscaping, the Applicant has provided a rendering of the entry feature monument sign proposed in the median at the subdivision entrance.

#### Staff Recommendation

The proposed zoning request (PD-SF-1) exceeds the City's minimum requirements and ensures a residential development of exceptional quality through the architectural styles and enhanced building elements required by the PD. The zoning request is in conformance with the land uses (estate residential) envisioned in the comprehensive plan and is compatible with the rural character of the surrounding area. As such, Staff recommends approval of the proposed zoning request.

#### PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 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.



**PUBLIC NOTIFICATION RESPONSES**

Staff has received two (2) 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 Development Agreement will be required for the development.
  2. The Applicant will need to undergo the City's typical development process, which includes submitting a plat application, civil plan application and subsequent building permits for the construction of each dwelling unit.

**ATTACHED EXHIBITS**

1. Public Notification Responses
2. Development Agreement/Ordinance
3. Location Map (Exhibit A)
4. Development Standards (Exhibit B)
5. Concept Plan (Exhibit C)
6. Zoning Exhibit (Exhibit D)
7. Perimeter Landscaping/Screening and Entry Feature Monument (Exhibit E)
8. Architectural Styles (Exhibit F)

**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:*

Eleana Tuley, AICP

Senior Planner

[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

Case Number: ZDC-27-2022

City Reference: 225303

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 19, 2022 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Such a large scale development would cause a large increase in traffic on Howard Rd. which is not prepared for it.

Janice Scarpinato Nicholas A Scarpinato 04-19-2022  
Signature Date

Janice Scarpinato Nicholas A 3203 Howard Rd.  
Printed Name and Title SCARPINATO Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(10)



Case Number: ZDC-27-2022

City Reference: 182072

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 19, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

I have an established apiary at the property line, with 20 beehives.

Benita Jones

Signature

4-19-22

Date

Benita Jones, Land Owner

Printed Name and Title

222 Lakeshore Drive

Address

Waxahachie 75165

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(10)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT DISTRICT (FD) TO PLANNED DEVELOPMENT DISTRICT-SINGLE FAMILY-1 (PD-SF-1) LOCATED ON THE WEST SIDE OF HOWARD ROAD (FM 877) ACROSS FROM 3175 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 150.6 ACRES KNOWN AS PROPERTY ID 182020, 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 Zoning Change has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-27-2022. 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 FD to PD-SF-1; 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 FD to PD-SF-1 in order to facilitate development of the subject property in a manner that allows single family uses on the following property: Property ID 182020, which is shown on the location map (Exhibit A), development standards (Exhibit B), concept plan (Exhibit C), zoning exhibit (Exhibit D), perimeter landscaping/screening and entry feature monument (Exhibit E), architectural styles (Exhibit F), and staff report (Exhibit G).

#### **PLANNED DEVELOPMENT**

The subject property shall develop in accordance with the "PD-SF-1" Planned Development District- Single Family-1 as follows:

1. The subject property shall develop in accordance with the attached Development Standards (Exhibit B)

2. The subject property shall conform to the concept plan (Exhibit C), perimeter landscaping/screening and entry feature monument (Exhibit E), and Architectural Styles (Exhibit F)
  - a. At least two (2) crape myrtles will be planted in the landscape median at the entrance of the development, as shown in Exhibit E.
3. 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. Where regulations are not specified in this ordinance, or the development agreement, the development shall comply with the City of Waxahachie Municipal Code of Ordinances.
4. All development within the subject property will be subject to obtaining permits from the City in accordance with the City's applicable rules and regulations governing such permits.
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 Code of Ordinances.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary





**EXHIBIT B – DEVELOPMENT STANDARDS****LEVANTE*****PURPOSE AND INTENT***

The purpose of this Planned Development District is to allow for a maximum of 122 estate residential lots. The subject property shall develop in accordance with Section 3.04 ("SF1" – Single Family Residential District) of the City of Waxahachie Zoning Ordinance, except as provided below.

***District Regulations***

Height Regulations	2 stories for the main building. 1 story for accessory buildings without garages
Minimum Dwelling Size	2,200 SF
Minimum Lot Area	43,560 SF (1 Acre)
Minimum Lot Width	90'
Minimum Lot Depth	140'
Minimum Front Yard	40'
Minimum Side Yard	15' required; 20' from a street ROW
Minimum Rear Yard	25'
Maximum Lot Coverage	50% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure.
Garages	All dwelling units shall contain side-entry garages (front-entry garages are prohibited). If a dwelling is constructed with more than two (2) primary garage bays, the doors of such additional garage bays may face the front yard provided, however, the garage door be setback an additional 25' from the façade of the home.

***DEVELOPMENT STANDARDS******Concept Plan***

The subject property shall conform to the site layout provided in the concept plan referred to as **Exhibit C**.

***Architectural Elevations***

- To promote architectural diversity throughout the residential development, sixty percent (60%) of lots shall conform to one of the five (5) architectural styles provided in **Exhibit F**. The minimum percentages and quantities for each architectural style is provided in the table below.

Levante will consist of custom homes that may vary in floor plans and layouts but will adhere to the architectural character and exterior finishing materials provided for each architectural style in **Exhibit F**. Shall any home deviate from the architectural style prescribed in this PD, the Planning Director or Building Official shall have the discretion and authority to require the builder to adhere to architectural styles provided in **Exhibit F**.

**EXHIBIT B – DEVELOPMENT STANDARDS**

<b>Architectural Style</b>	<b>Quantity/Percentage of Homes</b>	<b>Minimum No. of Homes</b>
Farmhouse 1	12%	15
Farmhouse 2	12%	15
Craftsman	12%	15
Tudor 1	12%	14
Tudor 2	12%	14
Total	60%	73

- The architectural style of the remaining lots shall be determined by the market. However, shall comply with the following provisions:
  - The exterior finishing materials shall be limited to a combination of brick, stone, cementitious fiber board and stucco. Wood may only be used as an accent, but shall not exceed ten (10) percent of each building elevation. The calculation of exterior finishing materials shall exclude windows, doors and trims.
  - Each home shall have a hard surface front entry walkway with a minimum improved width of three (3) feet constructed from the sidewalk or driveway to the front door of each primary structure. Walkways may be surfaced with concrete, pavers, laid bricks, or any other such material and in accordance with City standards.
  - Each home shall have a front covered porch with minimum usable area of forty (40) square feet with a minimum depth of five (5) feet from the primary structure, as measured perpendicular to the front door.
  - There shall be no uninterrupted wall length of twelve (12) feet or more on any façade that is visible from a public right-of-way or open space. This standard applies to the front façade on the interior of the lot or the front and side façade facing a street or open space on a corner lot. An interrupted wall can be achieved through a window, brick detail, or offset in the building face, or similar element that breaks the massing of the façade.
  - Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building façade to the soffit unless the roof pitch is 8:12 or greater.
  - Each home shall provide a minimum of three (3) elements from the list below:
    - Multiple pane, divided light, or simulated divided light windows;
    - Decorative columns that are a minimum of six (6) inches in diameter;
    - Gable with window or other decorative feature;
    - Dormers;
    - Bay windows with a minimum projection of twenty-four (24) inches;
    - 8:12 roof pitch;
    - Two (2) or more exterior masonry materials with each material covering at least twenty-five (25) percent of the exterior surface;



**EXHIBIT B – DEVELOPMENT STANDARDS**

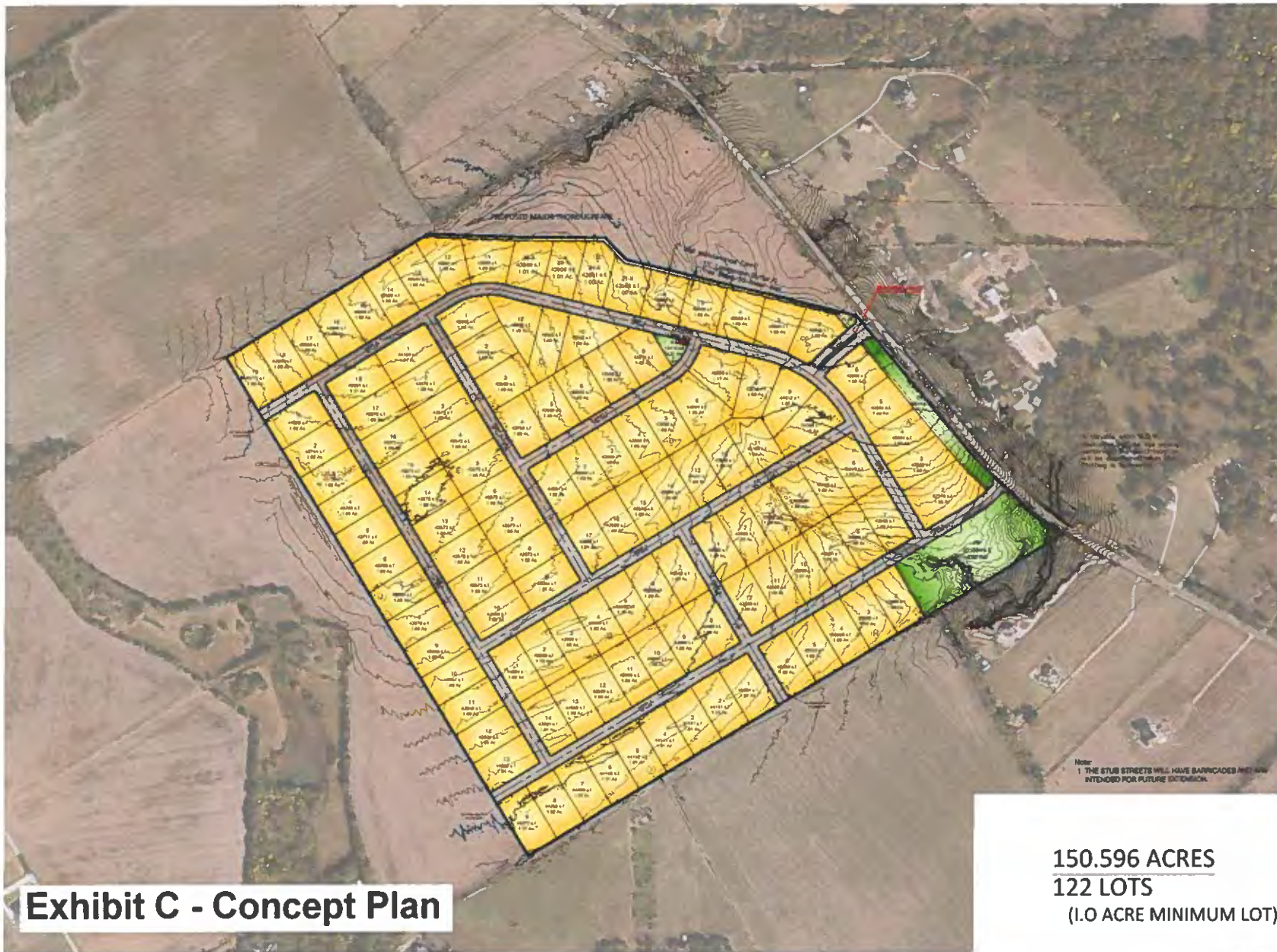
- Split garage doors with a separate door for each vehicle bay;
  - Bull nosed gable;
  - Permanently affixed awning;
  - Articulated garage doors, e.g., windows, paneling, other high quality detailing;
  - Accentuated brick detailing around garage door with a rowlock or similar detailing;
  - Transom or arch style windows; or
  - Elevated hip roof.
- All residential lots within the development shall comply with the following provisions:
    - No single building elevation shall be duplicated within six (6) lots or tracts in either direction on the same block face.
    - Elevations may not be duplicated on any lot directly across a street or within four (4) lots in either direction.

***Landscaping Standards***

- The subject property shall comply with the perimeter landscaping and screening provided in **Exhibit E**.
  - Ornamental trees in the landscape median will consist of at least two (2) crape myrtles.
- A minimum of three (3) canopy trees with a minimum caliper of two (2) inches per tree shall be required on each lot.

***Additional Provisions***

The proposed development shall comply with the City of Waxahachie Code of Ordinances and Engineering Design Manual and City Standards, except as amended herein.



**Exhibit C - Concept Plan**

**150.596 ACRES**  
**122 LOTS**  
 (1.0 ACRE MINIMUM LOT)

Note:  
 1 THE STUDY STREETS WILL HAVE BARRICADES AND ARE INTENDED FOR FUTURE EXTENSION.



CONCEPT PLAN  
**LEVANTE**  
 CITY WAXAHACHIE, TEXAS



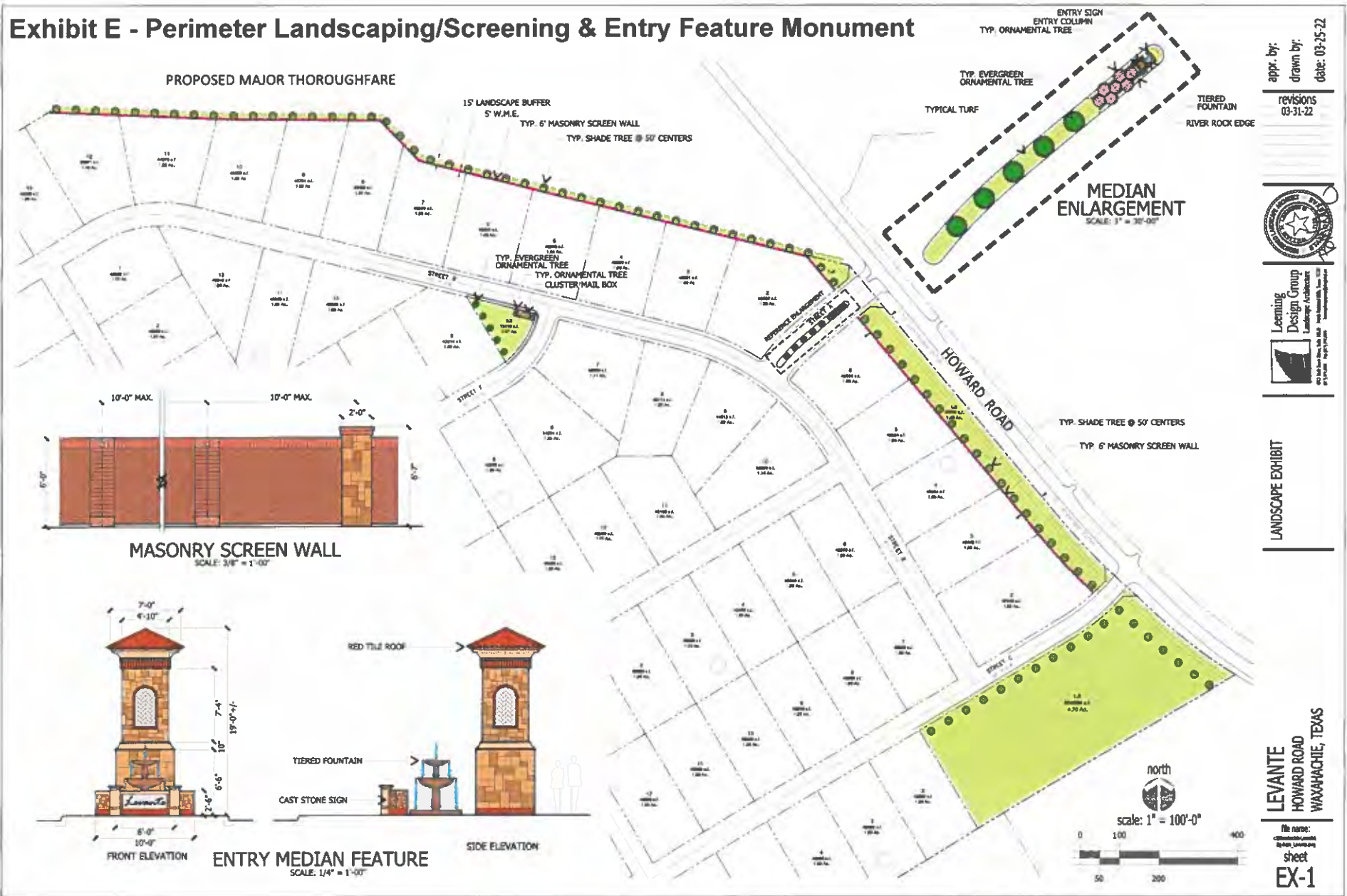
MARCH 31, 2022  
 SHEET NO. 1 OF 1  
 PROJECT #06553







# Exhibit E - Perimeter Landscaping/Screening & Entry Feature Monument



(11)



FARMHOUSE 1

## Exhibit F - Architectural Styles





FARMHOUSE 2





CRAFTSMAN





TUDOR 1







TUDOR 2

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR LEVANTE
COUNTY OF ELLIS	§	

This Development Agreement for Levante ("Agreement") is entered into between Oakhull Investments, LLC ("OI") and the City of Waxahachie, Texas ("City"). OI and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. OI is the owner of approximately 150.6 acres of real property generally located on the west side of Howard Road (FM 877) across from 3175 Howard Road, Parcel Number 182020 in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Future Development zoning to a ("PD") Single Family-1 zoning, revising specific development standards. The Property is currently zoned Future Development by the City, and is anticipated to have the PD reviewed on May 2, 2022.

2. The planned use of the Property is to create a Planned Development to allow for the use of a residential (single family residential) development. 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 OI 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 OI 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 "Levante"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Levante.

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

**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 Levante 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 conform as approved by the City Council under case number ZDC-27-2022.
- (C) All development within the subject property will be subject to obtaining permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (D) The property shall be platted prior to any construction and development on the site.
- (E) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, Development Standards, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Development Standards, Exhibit C – Concept Plan, Exhibit D – Zoning Exhibit, and Exhibit E – Perimeter Landscaping/Screening & Entry Feature Monument, Exhibit F – Architectural Styles, Exhibit G - Staff Report. Where regulations are not specified in Exhibits B, C, D, E, F and G in this ordinance, Planned Development Regulations, or Development Agreement, the regulations of Single Family-1 (residential) zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (F) 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.

In consideration of OI's agreement in this regard, the City of Waxahachie agrees that OI has reasonable investment-backed expectations in the Levante PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning

and development standards contained in the Levante PD Ordinance without impacting OI's reasonable investment-backed expectations.

**Section 4. Miscellaneous**

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 WOD 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.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120<sup>th</sup> day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.



- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87<sup>th</sup> Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.
- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87<sup>th</sup> Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

**{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

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: \_\_\_\_\_



**Levante Partners, LP (Developer/Owner)**

By: \_\_\_\_\_  
Chad Adams

Date: \_\_\_\_\_

**STATE OF TEXAS**                   §  
   §  
**COUNTY OF ELLIS**               §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of Belmont Farms, 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: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF PROPERTY ID 185891, ABSTRACT 545 OF THE WM IRWIN SURVEY, APPROXIMATELY 20 ACRES, SITUATED WEST OF OVILLA ROAD AND NORTH OF U.S. HIGHWAY 287 BUSINESS, OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.**

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

**SECTION 1.** That the following described land and territory lying adjacent to the City of Waxahachie and being within its extraterritorial jurisdiction (ETJ), be, and the same is hereby added and annexed to the City of Waxahachie, and that said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waxahachie, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waxahachie to-wit:

All that Property ID 185891, Abstract 545 of the WM Irwin Survey, situated in Ellis County, Texas, and being more particularly described in Exhibit A – Legal Description, describing portions of the annexation, made a part of hereof and attached hereto for all purposes.

**SECTION 2.** That the above described additional territory and area so annexed shall be a part of the City of Waxahachie, and the property so added therein shall bear its pro rata part of the taxes levied by the City of Waxahachie, and the inhabitants hereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waxahachie, Texas.

**SECTION 3.** Municipal services shall be rendered as described in the attached Annexation Service Plan.

**SECTION 4.** An emergency is declared to exist, in that this annexation should be completed and made final so that the boundaries of the City shall be determined without delay, and this ordinance is effective immediately upon passage.

**PASSED, APPROVED AND ADOPTED** on this 2<sup>nd</sup> day of May, 2022.

(14)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

# **Exhibit A - Legal Description**

## **LEGAL DESCRIPTION 20.000 ACRES CITY OF WAXAHACHIE ANNEXATION**

**BEING** a tract of land situated in the WILLIAM IRWIN SURVEY, ABSTRACT NO. 545, Ellis County, Texas and being part of that tract of land described in Deed to Susan Morton (Stevenson) Calvert, as recorded in Volume 1431, Page 833, Deed Records, Ellis County, Texas and being more particularly described as follows:

**BEGINNING** at a 1/4 inch iron rod found for the common northwest corner of said Susan Morton (Stevenson) Calvert tract and an exterior ell corner of current City of Waxahachie City Limit boundary;

**THENCE** North 89 degrees 23 minutes 14 seconds East, with the north line of said Susan Morton (Stevenson) Calvert tract, a distance of 982.64 feet to a point for the intersection of said current City of Waxahachie City Limit boundary with said north line;

**THENCE** with said current City of Waxahachie City Limit boundary, the following three (3) courses and distances:

South 00 degrees 40 minutes 12 seconds East, leaving said north line, a distance of 889.13 feet to a point for corner in the south line of said Susan Morton (Stevenson) Calvert tract;

South 89 degrees 26 minutes 36 seconds West, with said south line, a distance of 978.08 feet to a point for the southwest corner of said Susan Morton (Stevenson) Calvert tract;

North 00 degrees 57 minutes 51 seconds West, a distance of 888.19 feet to the **POINT OF BEGINNING** and containing 20.000 acres of land, more or less.



(14)



## ANX-DNX-14-2022 Annexation Exhibit

Based on the Boundary Survey provided

Date: 2/1/2022

### Legend

 Outside City Limits - 20,000 acres



**SERVICE PLAN  
FOR  
PROPOSED VOLUNTARY ANNEXATION OF APPROXIMATELY 20 ACRES  
SITUATED WEST OF OVILLA ROAD AND NORTH OF U.S. HIGHWAY 287  
BUSINESS**

The following is a plan whereby full municipal services as defined in Section 43.056 of the Texas Local Government Code will be provided by the City of Waxahachie (the "City") in territory to be annexed, being approximately 20 acres of land located adjacent to the City limits, as depicted in the attached annexation exhibit.

Municipal facilities and services will be provided to the annexed area at the following levels and in accordance with the following schedule:

**A. Police Protection:**

The City provides municipal police protection to its residents, including routine patrols throughout the City and law enforcement services upon call. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

**B. Fire Protection and Emergency Medical Services:**

The City provides full-time fire protection. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

The City contracts with American Medical Response ("AMR") for Emergency Medical Service. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

**C. Solid Waste Collection:**

The City's solid waste collection is currently provided by Waste Connections ("Waste Connections"). Upon the effective date of the annexation, the City will provide solid waste collection to the annexed area on the same basis as it is made available to other parts of the city with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

**D. Water and Wastewater Service and Maintenance:**

The area to be annexed is an unplatted area within the City's ETJ and currently receives water from the City of Waxahachie and is within the City's Water Certificate of Convenience, Certificate No. 10915, service area. The extension of any necessary sanitary sewer facilities will be added by the developer and in a manner consistent with other development regulations and practices.

Should City plans be changed and water and or wastewater service infrastructure be extended to this area, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

**E. Maintenance of Roads, Streets and Street Lighting:**

The City shall begin to make provision for the maintenance of current roads and streets within the annexed areas upon the effective date of the annexation\*. Such streets and roads shall be maintained in their current condition and shall be included in the City's Capital Improvements Plan for upgrading, resurfacing and/or improvement on the same basis as other areas in the City with topography, land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Any such resurfacing or upgrade shall be made in accordance with current City policies or the City's Subdivision Ordinance, adopted as Ordinance 3151, and as amended from time to time.

Improvements will be made in conjunction with new development in accordance with City policies contained in the City's Subdivision Ordinance after installation and dedication of such improvements by the relevant property owner and acceptance by the City. Future streets within the annexed area will be upgraded in accordance with an approved Capital Improvements Program, as may be amended from time to time, on the same basis as other areas in the City with land uses and population densities to those reasonably contemplated or projected in the annexed area.

\* State-owned facilities will continue to be maintained by the State of Texas, Department of Transportation.

**F. Parks, Playgrounds and other Public Facilities and Services:**

All parks, playgrounds, and other recreation facilities within the annexed area will be private property and will be the responsibility of the developer or home owner's associated to maintain. No public dedication of parks, playgrounds, and other recreation facilities will be made to the City. Property owners and residents of the annexed area may use the existing public parks, playgrounds, and other recreation facilities and services of the City on the same basis as other residents of the City.

**G. Public Library Services and Other Publicly Owned Facilities, Buildings and Services:**

Property owners and residents of the annexed area may use the existing public library and other publicly owned facilities, buildings, and services within the City on the same basis as other residents of the City.

**H. City Regulations and Code Enforcement**

The annexed areas will upon the date of annexation, be subject to all City regulations as specified within the City of Waxahachie Code of Ordinances. Further, the City's codes and regulations will be enforced in a manner like other similar parts of the corporate city limits.



**I. General Municipal Administration:**

General municipal administration services will be available to the annexed area upon the effective date of the annexation. This Service Plan provides for full municipal services to the annexed area on the same basis as municipal services are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Further, said municipal services are equal to or greater than the services and level of such services in existence in the annexed area are immediately preceding the effective date of the annexation. This Service Plan does not constitute a right to a superior level of services in the annexed area. The City retains its authority to adjust programs on a city-wide basis to provide more effective services through changes in operating procedures and standards. The City also retains the authority to adjust services on a city-wide basis should economic or emergency circumstances dictate.

Upon annexation to the city of Waxahachie, this tract, similar to other newly annexed lands, will be assigned the Future Development (FD) zoning district designation. This zoning designation shall remain until such time as a separate zoning action by City Council has taken place to change it.

This plan is presented the 2<sup>nd</sup> day of May, 2022.

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Michael Scott  
City Manager

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-7-2022**



### MEETING DATE(S)

Planning & Zoning Commission: April 26, 2022

City Council: May 2, 2022

### CAPTION

**Public Hearing** on a request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-7-2022)

### CASE HISTORY

At the Planning & Zoning Commission meeting, held December 28, 2021, the Commission voted 6-0 to deny case number ZDC-162-2021.

The Planning & Zoning Commission voted to deny the development proposal due to the following options:

- Lack of uniqueness within the development (amenities)
- Too many variance requests
- Proposed Concept Housing Examples

It should also be noted that the Planning and Zoning Commission requested to continue the case to the January 11, 2022 Planning and Zoning meeting. However, the applicant requested a recommendation from the Planning and Zoning Commission at the December 28, 2021 meeting.

At the City Council meeting, held January 3, 2022, the City Council motion to approve case number ZDC-162-2021 failed with a vote of 2 Ayes and 3 Noes. This vote resulted in the denial of the case.

On January 19, 2022, the applicant submitted another zoning change application (ZDC-7-2022) for a residential Planned Development. Since this initial second application, the applicant has worked with staff to revise the proposed concept plan, development regulations, and concept elevations based on the feedback provided by City Council and the Planning & Zoning Commission during hearings for ZDC-162-2021.

**Staff Note:** Specific changes to the concept plan since the hearing for case number ZDC-162-2021 include:

- Increased the Side Yard Setbacks for the "b" side of Type A and Type B lots from 5' to 10'. *See the development regulations below for further reference.*
- Added a 6' Masonry Screening wall along the southern boundary of the property adjacent to commercially zoned tracts.

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 26, 2022, the Commission voted 4-0 to recommend approval of case number ZDC-7-2022, per the following comments:

1. A mutually agreed upon Development Agreement shall be signed by the applicant.

2. The property shall be platted prior to any development.
3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
4. The proposed zoning change is contingent upon City Council approving the proposed annexation cased (ANX-DNX-14-2022) for this property.
5. A maximum of one (1) 1,300 square foot townhome floor plan shall be permitted per townhome building grouping.
6. The right-of-way (ROW) for a stub street to the south of the property shall be dedicated as per the concept plan. Staff will determine the need for barricades on the stub street and the timing of the construction of the stub street.
7. The existing oak trees located along the current (5/2/2022) driveway for 823 Ovilla Road shall be preserved by the developer.
8. The applicant will work with staff to provide City Council with a version of the Concept Plan that contains a greater amount of alley served lots.

On Friday (4/29/2022), the applicant requested to withdraw their variance request for a waiver of the cash-in-lieu of park land dedication fees. Said fees would be assessed if City Council did not decide to accept a dedication of park land with this development. The anticipated cash-in-lieu of park land dedication fee associated with this development is estimated at \$183,200.00.

#### **APPLICANT REQUEST**

The applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres.

*\*The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-14-2022) for this property. City Council is scheduled to take action on the item on May 2, 2022.*

#### **CASE INFORMATION**

<i>Applicant:</i>	Chip Boyd, JHDMC, LLC
<i>Property Owner(s):</i>	Susan M. Calvert Thomas
<i>Site Acreage:</i>	153.7 acres
<i>Current Zoning:</i>	Single Family-1
<i>Requested Zoning:</i>	Planned Development-Single Family-3

#### **SUBJECT PROPERTY**

<i>General Location:</i>	823 Ovilla Rd.
<i>Parcel ID Number(s):</i>	185893, 185891, 185980, 185979, 200064
<i>Existing Use:</i>	Currently Undeveloped
<i>Development History:</i>	N/A

Table 1: Adjoining Zoning &amp; Uses

Direction	Zoning	Current Use
North	N/A (Ellis County)	Single Family Residences
East	LI1	Walgreens Distribution Center
South	GR/SF1	Undeveloped Land/Faith Family Academy – Waxahachie
West	SF1	Undeveloped Land

*Future Land Use Plan:*

Highway Commercial and Low Density Residential

*Comprehensive Plan:*

*Highway Commercial:* Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

*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.

*Thoroughfare Plan:*

The subject property is accessible via Ovilla Rd.

*Site Image:*



## PLANNING ANALYSIS

### Purpose of Request:

The applicant is requesting approval of a Planned Development to allow the development of single family homes, townhomes, and park/open space on 153.7 acres. Per the City of Waxahachie Zoning Ordinance, the Planned Development requires approval from City Council.

### Proposed Use:

The purpose of this Planned Development district is to create zoning that will allow the development of 458 total residential lots. Of which, 360 lots will fall within the detached single-family categories A, B, C,

and D (as identified on the attached PD Concept Plan and listed in the "Proposed Planned Development Regulations" section of the staff report below) and 98 lots will be developed as 28 ft. wide townhome lots.

Proposed Use (continued):

The applicant intends to create a walkable and interactive development by creating several open spaces (33.5 acres total), including pocket parks, sports courts, a splash pad, and a dog park.

Staff Note: The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-14-2022) for this property. City Council is scheduled to take action on the item on May 2, 2022.

Concept Plan:

As requested by the Planning & Zoning Commission, the applicant has provided two (2) concept plans for City Council to evaluate. These concept plans can be referenced in the exhibits below.

Concept Plan-1 is the exact concept plan presented to the Planning & Zoning Commission at the April 26<sup>th</sup> meeting. Concept Plan-2 is a revised site plan that incorporates one additional alley block on the western side of the development. This provision will allow the block to utilize truly rear-entry home styles. The additional ally brings the total percentage of lots served by alleys to 20.7% or 95 homes (including townhome lots). The applicant has noted their preference for Concept Plan-1.

Proposed Planned Development Regulations

*\*Items highlighted in **bold** indicates a deviation from the base Single Family-3 (SF3) requirements. Note: Townhomes are compared to standards outlined in Sec. 5.09 of the Waxahachie Zoning Ordinance.*

Standard	City of Waxahachie (SF-1 District Standards)	City of Waxahachie (SF-3 District Standards)	Proposed Development Standards (Applicant Request)
Height Regulations	2 stories for the main building / 1 story for accessory buildings without garages	2 stories for the main building / 1 story for accessory buildings without garages	2 stories for the main building / 1 story for accessory buildings without garages
Minimum Dwelling Size	2,200 SF	1,200 SF	Type A Lots: 2,200 SF; 50% + 2,400 SF Type B Lots: 2,000 SF; 50% + 2,400 SF Type C Lots: 1,900 SF; 50% + 2,200 SF Type D Lots: 1,800 SF; 50% + 2,200 SF Front-Entry TH: 1,300 SF; 50% + 1,500 SF Rear-Entry TH: 1,300 SF; 50% + 1,500 SF
Minimum Lot Area	16,000 SF	10,000 SF	Type A Lots: 12,000 SF Type B Lots: 10,000 SF <b>Type C Lots: 8,400 SF</b> <b>Type D Lots: 7,200 SF</b> <b>Front-Entry TH: 3,080 SF</b> <b>Rear-Entry TH: 2,940 SF</b>
Minimum Lot Width	90'	80'	<b>Type A Lots: 70'</b> <b>Type B Lots: 70'</b> <b>Type C Lots: 60'</b> <b>Type D Lots: 50'</b> *Front-Entry TH: 28' *Rear-Entry TH: 28'

Standard	City of Waxahachie (SF-1 District Standards)	City of Waxahachie (SF-3 District Standards)	Proposed Development Standards (Applicant Request)
Minimum Lot Depth	140'	100'	Type A Lots: 110' Type B Lots: 110' Type C Lots: 100' Type D Lots: 100' *Front-Entry TH: 100' *Rear-Entry TH: 100'
Minimum Front Yard	40'	30'	Type A Lots: 25' Type B Lots: 25' Type C Lots: 25' Type D Lots: 25' Front-Entry TH: 20' Rear-Entry TH: 10'
Minimum Side Yard	15' required; 20' from a street ROW	10'; 15' when adjacent to ROW  Townhomes: 25' when adjacent to Single Family Detached	Type A Lots: 5' side "a"; 10' side "b" Type B Lots: 5' side "a"; 10' side "b" Type C Lots: 5' Type D Lots: 5' Front-Entry TH: 0'; Rear-Entry TH: 0' (All: 15' on corner lots)
Minimum Rear Yard	25'	25'  Townhomes: 25' when adjacent to Single Family Detached	Type A Lots: 15' Type B Lots: 15' Type C Lots: 15' Type D Lots: 15' Front-Entry TH: 15' Rear-Entry TH: 20'; 20' when adjacent to SF
Maximum Lot Coverage	50% by main and accessory buildings	50% by main and accessory buildings	Type A Lots: 50% Type B Lots: 50% Type C Lots: 55% Type D Lots: 55% Front-Entry TH: 70% Rear-Entry TH: 70%
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure.
Garages	N/A	N/A	All dwelling units shall contain side-entry or J-swing garages (Front-entry shall be permitted on front-entry townhomes, as identified on the concept plan).

*\*Items labeled with an "\*" are not reflected within Section 5.09 of the City of Waxahachie Zoning Ordinance*



**For all Type 'A' 'B' 'C' 'D' and Townhome Lots****Density**

A maximum of 458 dwelling units shall be permitted on the Property consisting of 153.73 acres, resulting in a maximum gross density of 3.0 dwelling units per acre and net density of 3.4 dwelling units per acre. The townhome lots, specifically, have a density of 7.2 dwelling units per acre.

**Dwelling Unit Size**

The minimum dwelling unit square footage will be:

- Type A Lot – 2,200 sq. ft. (50% of homes must be greater than 2,400 sq. ft.)
- Type B Lot – 2,000 sq. ft. (50% of homes must be greater than 2,400 sq. ft.)
- Type C Lot – 1,900 sq. ft. (50% of homes must be greater than 2,200 sq. ft.)
- Type D Lot – 1,800 sq. ft. (50% of homes must be greater than 2,200 sq. ft.)
- Townhome Lots – 1,300 sq. ft. (50% of homes must be greater than 1,500 sq. ft.)

**Building Height**

The maximum building height for structures shall be 2 stories (35 feet).

**Masonry**

Masonry requirements for the exterior of residential structures shall be as follows:

- a) Minimum of 75% masonry overall for all Single Family detached product (save and except exclusions per item F.c., where applicable).
- b) On townhomes, the front façade shall be a minimum of 85% masonry.
- c) Siding shall be permitted on wall areas extending above roof lines, and this siding area square footage shall be removed from the overall masonry calculation.
- d) Lots backing to City 4-lane arterial shall have full masonry on rear elevation

**Roof Pitch**

Roof pitch shall be minimum of 8/12, with 4/12 allowed on shed roofs and rear covered patios, except when a higher minimum roof pitch is required by a specific Architectural Style.

**Open Space**

A minimum of 33.5 acres of open space shall be provided.

**Sidewalks**

Sidewalks will be provided in open space areas generally as shown on the concept plan. Sidewalks will be provided along public streets in accordance with City requirements.

**Parking**

A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.

**Landscaping and Screening**

A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. Landscaping and screening shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.



Landscaping and Screening (continued)

A six-foot masonry screening wall shall be located along rear or side residential lot lines which are adjacent to Ovilla Road or the proposed thoroughfare along the northern boundary of the property as shown on the Concept Plan.

Lots adjacent to the private access easement along the southern boundary of the development shall have a six-foot wood privacy fence along the rear lot line.

Accessory Buildings

Accessory buildings on residential lots shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.

Street Signs

Street name signs shall be provided at all public street intersections in accordance with City of Waxahachie standards. A street signage plan, including appropriate regulatory signage, shall be submitted to the engineering department at the time of final plat submittal.

Streetlights

Streetlights shall be provided along public streets in accordance with City of Waxahachie standards. A streetlight layout shall be submitting to the engineering department at the time of plat submittal.

Homeowner's Association (HOA)

An HOA shall be established on the property. The HOA shall be responsible for the operation and maintenance of open space areas, common areas, community amenities, perimeter screening walls, and landscaping.

Garages

Front entry garages shall not be permitted on single-family detached homes. Townhomes without alleys shall be permitted to have front entry garages.

Architectural Styles & Floorplans

Sixty percent (60%) of the detached single-family residential homes shall consist of five (5) distinct architectural styles. The architectural style of the remaining forty percent (40%) of the detached homes shall be determined by the market. The architectural styles and percentage breakdown shall reflect as:

- Craftsman 12% (43 homes)
- Traditional 12% (43 homes)
- Contemporary 12% (43 homes)
- Tudor 12% (43 homes)
- Modern Farmhouse 12% (43 homes)

No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face.

Elevations may not be duplicated on any lot directly across a street or within four (4) lots in any direction.

A minimum of five (5) floor plans shall be used for each Architectural Style.

Architectural Elevation Requirements

The following specific elements will be provided on each of the following home styles:

Craftsman

- Front porch, with at least one step
- Millwork / Wood Detailing
- Squared roof (gabled roof from side to side)
- Gable Pediment
- Shake Siding
- Column Plinth

Traditional

- Multiple Gables
- Painted Brick
- High pitched roof (10/12 pitched gables or higher)
- Modest detail (there will be some brick detailing patterns of rowlock courses or soldier courses)

Contemporary

- Painted Brick
- Shallow pitched roof (8/12 maximum)
- Long Roof Overhang
- Clerestory windows
- Horizontal banding

Tudor

- High pitched roof (16/12 or higher on front gables)
- Timbering/Truss
- Squared Roof (gabled roof from side to side)
- Stone
- Grouped Windows (windows mulled together or grouped two or more)
- Painted Board (stucco board that is painted and the truss or timbering is applied to stucco)

Modern Farmhouse

- Covered Front porch (minimum 5' deep)
- Full front elevation siding, except on column bases
- Side to side roof ridge
- Accent trim around windows
- Gable and or Dormers

Townhomes

*\*Each townhome building will have 3 of the 7 architectural elements below.*

- Board and batten or siding
- Dormer
- Gables
- Stone
- Millwork / Wood Detailing
- High pitch roof 10/12 or higher
- Timbering

**Amenities or Improvements within Parks and Open Space:**

- Pockets parks / open space among the single family residential lots –
  - a) Concrete trails as shown on the Concept Plan
  - b) Benches, signage, and trash receptacles at Trail Head locations
  - c) Two (2) playground areas
  - d) Dog park
  - e) Splash Pad
  - f) Pickleball/sport court
- Detention Areas - Trees planted in clusters around the ponds

**Conformance with the Comprehensive Plan:**

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.
- Growth Strategies – Goal 15: Identify areas for strategic annexations to occur.

**Development Standards:**

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

**Permitted Uses:**

- Single family
- Townhomes
- Park/Open Space

**Deviations from base Single Family-3 (SF-3) & Townhome standards:****Lot Size**

The minimum lot size requirement per SF3 zoning is 10,000 sq. ft.

- Type C Lots: The applicant is proposing a minimum lot size of 8,400 sq. ft.
- Type D Lots: The applicant is proposing a minimum lot size of 7,200 sq. ft.

The minimum lot size requirement per dwelling unit for Townhome is 3,630 sq. ft.

- Front Entry Lots: The applicant is proposing a minimum lot size of 3,080 SF (Front Entry)
- Rear Entry Lots: The applicant is proposing a minimum lot size of 2,940 SF (Rear Entry)

**Lot Width**

The minimum lot width requirement per SF3 zoning is 80ft.

- Type A Lots: The applicant is proposing a minimum lot width of 70'
- Type B Lots: The applicant is proposing a minimum lot width of 70'
- Type C Lots: The applicant is proposing a minimum lot width of 60'
- Type D Lots: The applicant is proposing a minimum lot width of 50'

Front Yard Setback

The minimum front yard setback requirement per SF3 zoning is 30ft.

- Type A-D Lots: The applicant is proposing a minimum front yard setback of 25ft.

The minimum front yard setback requirement for Townhome lots is 15ft.

- Rear Entry Lots: The applicant is proposing a minimum front yard setback of 10ft.

Rear Yard Setback

The minimum rear yard setback requirement per SF3 zoning is 25ft.

- The applicant is proposing a minimum front yard setback of 15ft.

The minimum rear yard setback requirement for Townhome is 10ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum rear yard setback of 20ft.

*Note: There are some rear entry lots within the development that are adjacent to single family homes which would require a 25ft. setback*

Side Yard Setback

The minimum side yard setback requirement per SF3 zoning is 10ft. (15ft. adjacent to ROW)

- Type C & D Lots: The applicant is proposing a minimum side yard setback of 5ft. on interior lots.
- Type A & B Lots: The applicant is proposing a minimum setback of 5ft. on one side and 10ft. on the opposite side of each lot.

The minimum side setback requirement for Townhome is 0ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum side yard setback of 0ft. and 15ft (when adjacent to ROW).

*Note: There are some rear entry lots within the development that are adjacent to single family homes which would require a 25ft. setback*

Lot Coverage

The maximum lot coverage requirement per SF3 zoning is 50%.

- Type C & D Lots: The applicant is proposing a maximum lot coverage of 55%.

The maximum lot coverage requirement for Townhome is 50%

- The applicant is proposing a maximum lot coverage of 70%.

**SPECIAL EXCEPTION/VARIANCE REQUESTS:**TxDOT Land Donation (Ovilla Rd. (FM 664)

*Applicant Response:* The widening of Ovilla Road will require TXDOT acquisition of approximately three acres of additional right-of-way from the Calvert property. The proposed realignment of the roadway in this area results in most of the widening occurring on the west side of the road. (By comparison, the corresponding right-of-way acquisition on the east side of Ovilla opposite of the Calvert property is approximately 0.3 acres.) We are prepared to hold the proposed right-of-way area in reserve. However, we are also asking for the City's concurrence that a land donation to TXDOT will not be a condition of development of the property.

**Proposed Thoroughfare/Roadway Impact Fees**

Per the City of Waxahachie Subdivision Ordinance, applicants are required to pay Roadway Impact Fees and Inspection Fees for new constructed developments.

- **Applicant Response:** The City's MTP reflects a Type D-1 Thoroughfare along the northern boundary of the property. As such, our concept plan reflects a 40-ft right-of-way dedication, (one-half of the required 80-ft right-of-way). We are also proposing to construct two-lanes of the roadway with the Twin Creeks development. Therefore, we are requesting Roadway Impact Fee Credits in the amount of \$1,095 for each of the 464 residential lots and totaling \$508,080. (We estimate that the cost of constructing two-lanes of the roadway as proposed will exceed \$2,000,000, so the fee waivers only cover a fraction of the total cost.)
- **Staff Note:** The Roadway Impact Fees due with this development are estimated at \$1,177,747.00. Staff is supportive of the requested Roadway Impact Fee Credits.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **26** 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 has 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, per the following comments:**
1. If approved, a mutually agreed upon Development Agreement shall be signed by the applicant.
  2. The property shall be platted prior to any development.
  3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
  4. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-14-2022) for this property.
  5. A maximum of one (1) 1,300 square foot townhome floor plan shall be permitted per townhome building grouping.
  6. The right-of-way (ROW) for a stub street to the south of the property shall be dedicated as per the concept plan. Staff will determine the need for barricades on the stub street and the timing of the construction of the stub street.
  7. The existing oak trees located along the current (5/2/2022) driveway for 823 Ovilla Road shall be preserved by the developer.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Concept Plans
4. Amenity Exhibit
5. Planned Development Regulations
6. Concept Elevations

**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:*

Zack King

Planning Manager

[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



If you cannot attend the meetings, you may express your views by filling in the remaining bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: **ZDC-7-2022**

City Reference: 185895

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 19, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments: I have owned & lived at 707 Ovilla Rd since 1974 (48 years). I'm opposed to this development but opposed to the developer taking our driveway out. I have permanent right of way from the Ovilla Rd to my property. This drive serves 2 other homes down the block and one of the homes has been over a 100 years. Please do not cover our drive with homes.

Dorothy L. Cox  
Signature

11-12-2022  
Date

Dorothy L. Cox (owner)  
Printed Name and Title

707 Ovilla Road  
Waxahachie, TX 75167  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO ALLOW A MIXED-RESIDENTIAL (SINGLE FAMILY RESIDENCES AND TOWNHOMES) DEVELOPMENT, LOCATED WEST OF OVILLA ROAD AND NORTH OF US 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 153.7 ACRES, KNOWN AS PROPERTY ID 185893, 185891, 185980, 185979, 200064, 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-7-2022. 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, per staff comments, of the subject property from SF1 to PD-SF3, 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 SF1 to PD-SF3, with Concept Plan in order to facilitate development of the subject property in a manner that allows a mixed-residential (single family residences and townhomes) development on the following property: Property ID 185893, 185891, 185980, 185979, 200064, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Amenity Exhibit shown as Exhibit C, Land Use and Development Standards shown as Exhibit D, Concept Elevations shown as Exhibit E, and Staff Report shown as Exhibit F.

### **PLANNED DEVELOPMENT**

#### **Purpose and Intent**

The purpose of this planned development to create a mixed-residential (single family residences and townhomes) 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 Concept Plan (Exhibit B), Amenity Exhibit (Exhibit C) Land Use and Development Standards (Exhibit D), Concept Elevations (Exhibit E), and Staff Report (Exhibit F).

### Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-7-2022.
2. All materials, location of materials, and percentage of materials for the building shall be consistent as prescribed in the Land Use and Development Standards (Exhibit D).
3. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
4. The property shall be platted prior to any construction development on the site.
5. Sidewalks shall be constructed along Ovilla Rd. (FM 664).
6. A 6ft. masonry screening wall shall be located along the rear or side residential lot lines that are adjacent to Ovilla Road, the proposed thoroughfare along the northern boundary of the property, and the southern boundary of the property adjacent to commercially zoned tracts per the Concept Plan.
7. A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. The remaining landscaping and screening shall be in accordance with the City of Waxahachie Zoning Ordinance.
8. Lots adjacent to the private access easement along the southern boundary of the development shall have a 6ft. wood privacy fence along the rear lot line.
9. Sixty percent (60%) of the residential development shall consist of five (5) architectural styles. The architectural styles shall adhere to the requirements outlined in the Land Use and Development Standards (Exhibit D). The architectural styles and percentage breakdown shall reflect as:

Architectural Style	Percentage	Minimum Homes
Craftsman	12%	43
Traditional	12%	43
French Cottage	12%	43
Tudor	12%	43
Modern Farmhouse	12%	43

The remaining 40% of the residential development shall be determined by the market.

10. The proposed townhomes shall meet the articulation standards of Section 5.09 of the City of Waxahachie Zoning Ordinance.
11. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
12. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
13. A minimum of five (5) floor plans shall be used for each Architectural Style.
14. A maximum of one (1) 1,300 square foot townhome floor plan shall be permitted per townhome building grouping.
15. The applicant shall be responsible for paying all inspection fees.
16. The right-of-way (ROW) for a stub street to the south of the property shall be dedicated as per the concept plan. Staff will determine the need for barricades on the stub street and the timing of the construction of the stub street.
17. The existing oak trees located along the current (5/2/2022) driveway for 823 Ovilla Road shall be preserved by the developer.
18. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
19. 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.
20. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Amenity Exhibit, Exhibit D – Land Use and Development Standards, Exhibit E – Concept Elevations, and Exhibit F – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, and F in this ordinance, or Development Agreement, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance 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.

(16)

**PASSED, APPROVED, AND ADOPTED** on this 2<sup>nd</sup> day of May 2022.

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MAYOR

ATTEST:

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City Secretary







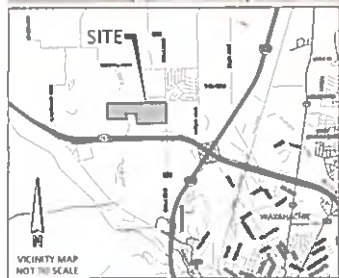
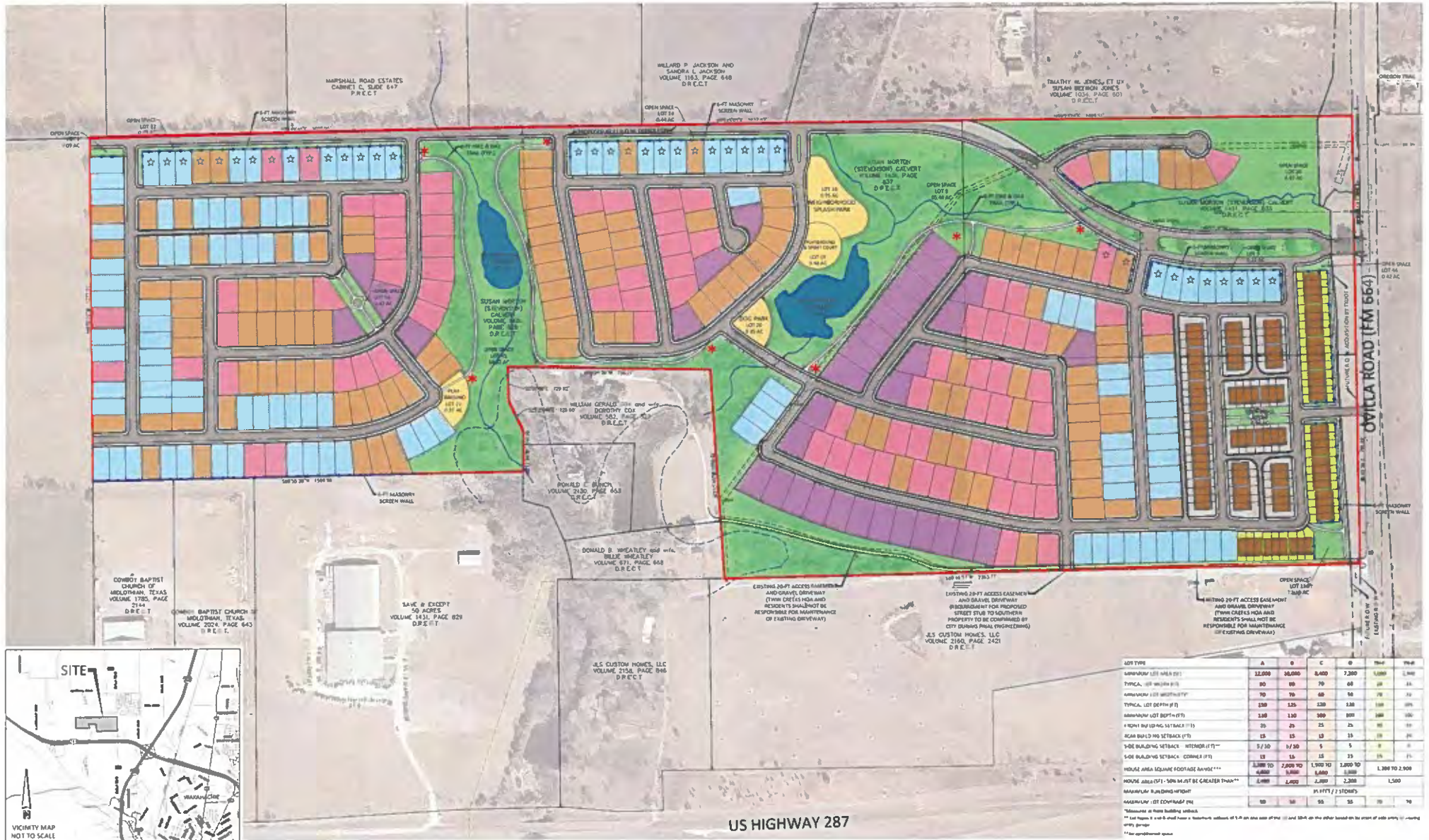
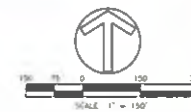


EXHIBIT B - CONCEPT PLAN  
The Oaks at Twin Creeks  
153.7 Acres  
Waxahachie, Texas





**EXHIBIT B - CONCEPT PLAN - OPTION B**  
**The Oaks at Twin Creeks**  
 153.7 Acres  
 Waxahachie, Texas



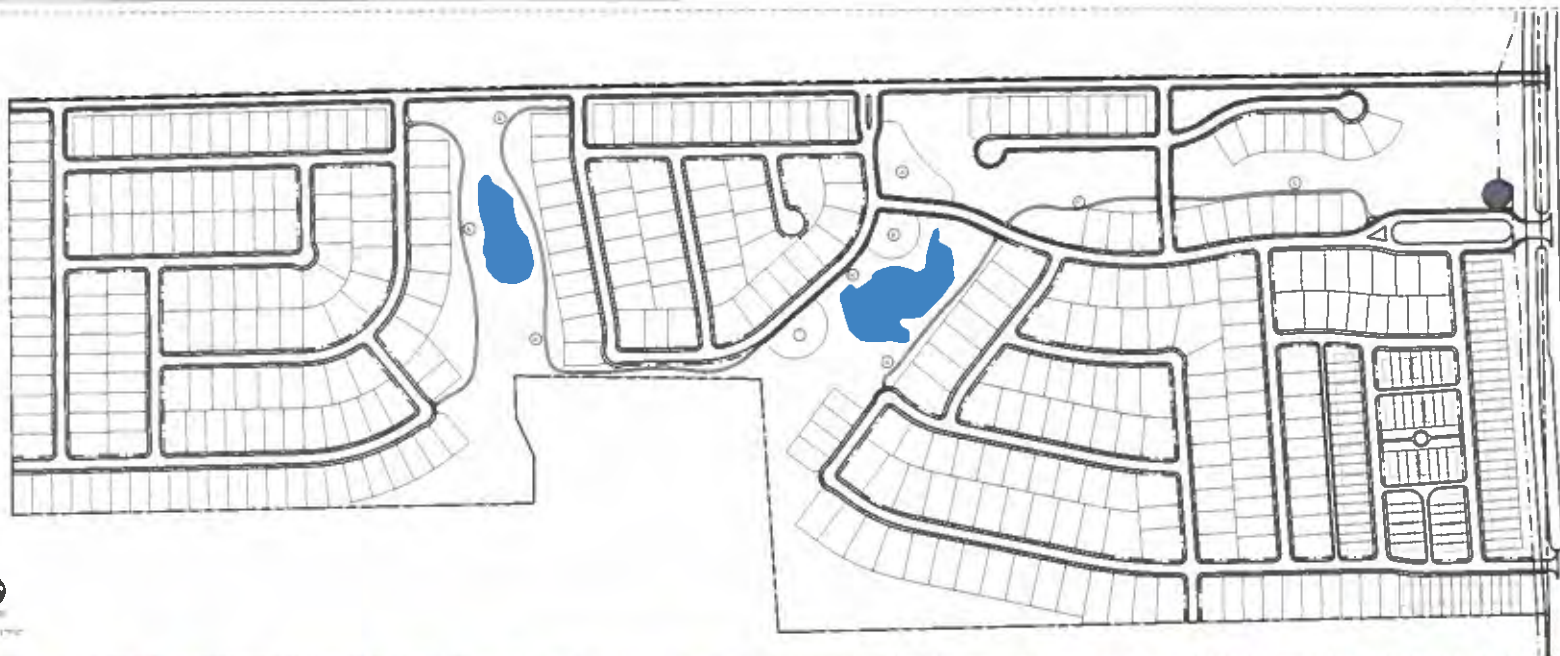




- CALLOUTS LEGEND:**
- ① MULTIGENERATIONAL AMENITY
  - ② PLAYGROUND
  - ③ DOG PARK
  - ④ DISTRIBUTION AREA
  - ⑤ TRAIL SYSTEM
  - MAIN ENTRY MONUMENT
  - EXISTING TREES TO REMAIN

NORTH  
SCALE: 1" = 100'





# ALLIANCE LEGEND

- NEIGHBORHOOD AMENITY
- PLAYGROUND
- DOG PARK
- DETENTION AREA
- TRAIL SYSTEM
- MAIN ENTRY
- MAIN MONUMENT







## The Oaks at Twin Creeks

### Land Use and Development Standards

- A. **Purpose.** The purpose and intent of this Planned Development (PD) District is to establish land use and development standards for multiple single-family detached and townhome lot sizes.
- B. **Base Zoning.** The Property shall be used and developed in accordance with the regulations of the Single-Family Residential-3 (SF3) Zoning District, except as modified by this ordinance.
- C. **Concept Plan.** The Property shall be developed substantially as depicted on the attached Exhibit B Concept Plan.
- D. **Lot and Dwelling Development Standards.** The lots and dwelling units constructed on the Property shall comply with the following development standards:

LOT TYPE	A	B	C	D	TH-F	TH-R
MINIMUM LOT AREA (SF)	12,000	10,000	8,400	7,200	3,080	2,940
TYPICAL LOT WIDTH (FT)	80	80	70	60	28	28
MINIMUM LOT WIDTH (FT)*	70	70	60	50	28	28
TYPICAL LOT DEPTH (FT)	150	125	120	120	110	105
MINIMUM LOT DEPTH (FT)	110	110	100	100	100	100
FRONT BUILDING SETBACK (FT)	25	25	25	25	20	10
REAR BUILDING SETBACK (FT)	15	15	15	15	15	20
SIDE BUILDING SETBACK - INTERIOR (FT)**	5 / 10	5 / 10	5	5	0	0
SIDE BUILDING SETBACK - CORNER (FT)	15	15	15	15	15	15
HOUSE AREA SQUARE FOOTAGE RANGE***	2,200 TO 4,000	2,000 TO 3,800	1,900 TO 3,600	1,800 TO 3,500	1,300 TO 2,900	
HOUSE AREA (SF) - 50% MUST BE GREATER THAN***	2,400	2,400	2,200	2,200	1,500	
MAXIMUM BUILDING HEIGHT	35 FEET / 2 STORIES					
MAXIMUM LOT COVERAGE (%)	50	50	55	55	70	70

\*Measured at front building setback

\*\* Lot types A and B shall have a minimum setback of 5-ft on one side of the lot and 10-ft on the other based on location of side entry or J-swing entry garage

\*\*\* Air-conditioned space

- E. **Density.** A maximum of 458 dwelling units shall be permitted on the Property consisting of 153.73 acres, resulting in a maximum gross density of 3.0 dwelling units per acre.
- F. **Masonry Requirement.** Masonry requirement for the exterior of residential structures shall be as follows:



- a. Minimum of 75% overall masonry for all Single Family detached product (save and except exclusions per item F.c., where applicable)
- b. On townhomes, the front façade shall be a minimum of 85% masonry
- c. Siding shall be permitted on wall areas extending above roof lines, and this siding area square footage shall be removed from the overall masonry calculation
- d. Lots backing to City 4-lane arterial shall have full masonry on rear elevation
- G. Roof Pitch. Roof pitch shall be minimum of 8/12, with 4/12 allowed on shed roofs
- H. Open Space. A minimum of 33.5 acres of open space shall be provided.
- I. Neighborhood Amenities. The following amenities will be provided with the development:
  - a. Concrete trails as shown on the Concept Plan
  - b. Benches, signage and trash receptacles at Trail Head locations
  - c. Two (2) playground areas
  - d. Dog park
  - e. Splash park
  - f. Pickleball/sport court
- J. Sidewalks. Sidewalks will be provided in open space areas and along public streets generally as shown on the concept plan. Sidewalks shall be constructed in accordance with City requirements.
- K. Parking. A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.
- L. Access. Public street access to the property shall be in accordance with the approved Concept Plan.
- M. Landscaping and Screening. A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. Landscaping and screening shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.
- N. Accessory Buildings. Accessory buildings on residential lots shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.
- O. Street Signs. Street name signs shall be provided at all public street intersections in accordance with City of Waxahachie standards. A street signage plan, including appropriate regulatory signage, shall be submitted to the engineering department at the time of final plat submittal.
- P. Streetlights. Streetlights shall be provided along public streets in accordance with City of Waxahachie standards. A streetlight layout shall be submitting to the engineering department at the time of final plat submittal.
- Q. Homeowners Association (HOA). An HOA shall be established on the property. The HOA shall be responsible for the operation and maintenance of open space areas, common areas, community amenities, perimeter screening walls and landscaping.
- R. Garages. Front entry garages shall not be permitted on single-family detached homes. Townhomes without alleys shall be permitted to have front entry garages.

- S. A six-foot masonry screening wall shall be located along rear or side residential lot lines which are adjacent to Ovilla Road or the proposed thoroughfare along the northern boundary of the property as shown on the Concept Plan.
- T. Lots adjacent to the private access easement along the southern boundary of the development shall have a six-foot wood privacy fence along the rear lot line.
- U. Sixty percent (60%) of the detached single-family residential homes shall consist of five (5) distinct architectural styles. The architectural styles and percentage breakdown shall reflect as:
  - Craftsman 12% (43 homes)
  - Traditional 12% (43 homes)
  - Contemporary 12% (43 homes)
  - Tudor 12% (43 homes)
  - Modern Farmhouse 12% (43 homes)The remaining 40% of the detached homes shall be determined by the market.
- V. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face.
- W. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- X. A minimum of five (5) floor plans shall be used for each Architectural Style.

**Architectural elevation requirements – Single-Family Detached Homes**

The following specific elements will be provided on each of following styles of homes:

**Modern Farmhouse**

- Covered Front porch (minimum 5' deep)
- Full front elevation siding, except on column bases
- Side to side roof ridge
- Accent trim around windows
- Gable and or Dormers

**Craftsman**

- Front porch, with at least one step
- Millwork / Wood Detailing
- Squared roof (gabled roof from side to side)
- Gable Pediment
- Shake Siding
- Column Plinth

**Tudor**

- High pitched roof (16/12 or higher on front gables)
- Timbering/Truss
- Squared Roof (gabled roof from side to side)
- Stone
- Grouped Windows (windows mulled together or grouped two or more)
- Painted Board (stucco board that is painted and the truss or timbering is applied to stucco)

**Traditional**

- Multiple Gables
- Painted Brick
- High pitched roof (10/12 pitched gables or higher)
- Modest detail (there will be some brick detailing patterns of rowlock courses or soldier courses)

**Contemporary**

- Painted Brick
- Shallow pitched roof (8/12 maximum)
- Long Roof Overhang
- Clerestory windows
- Horizontal banding

**Architectural elevation requirements - Townhomes**

Each townhome building will have 3 of the 7 Architectural elements

- Board and batten or siding
- Dormer
- Gables
- Stone
- Millwork / Wood detailing
- High pitch roof 10/12 or higher
- Timbering



## HOME PRODUCT

- 5 LOT SIZES
- 5 PRODUCT LINES
- 36 FLOOR PLANS OFFERED
- 4 GARAGE ORIENTATIONS
  - Side Entry, J-Swing, Rear Entry TH, Front Entry TH
- 5 ARCHITECTURAL INFLUENCES
  - Craftsman, Traditional, Tudor, Contemporary, Modern Farmhouse

The Oaks at  
Twin Creeks

(12)

TOWNHOME







CRAFTSMAN





Gable Pediment

Shake Siding

Millwork/Wood Detailing

Highlight of just 3 of the  
multiple features.



CRAFTSMAN





TRADITIONAL





Multiple Gables

Modest Detail

Painted Brick

Highlight of just 3 of the  
multiple features.



TRADITIONAL





TUDOR



High Pitched Roof  
(16/12 or higher on front gables)

Timbering/Truss

Stone

Highlight of just 3 of the  
multiple features.



TUDOR





CONTEMPORARY







Shallow Pitched Roof (8/12)

8 12

Long Roof Overhang

Clerestory Windows

Highlight of just 3 of the  
multiple features.



CONTEMPORARY



# MODERN FARMHOUSE







Gable and or Dormers

Full front elevation siding,  
Except on column bases

Covered Front Porch

*Highlight of just 3 of the  
multiple features.*



MODERN FARMHOUSE



STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR THE OAKS AT TWIN CREEKS
COUNTY OF ELLIS	§	

This Development Agreement for The Oaks at Twin Creeks ("**Agreement**") is entered into between The Oaks at Twin Creeks ("**OTC**") and the City of Waxahachie, Texas ("**City**"). OTC and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

**Recitals:**

1. OTC is the owner of approximately 153.7 acres of real property generally located West of Ovilla Rd. and North of US 287, Parcel Number 185893, 185891, 185980, 185979, 200064 in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a change in the Property's Single Family-1 zoning to a ("**PD**") Single Family-3 zoning, revising specific development standards. The Property is currently zoned Single Family-1 by the City, and is anticipated to have the PD reviewed on May 2, 2022.

2. The planned use of the Property is to create a Planned Development to allow for the use of a residential (townhome and single family residential) development. 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 OTC 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 OTC 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 "**The Oaks at Twin Creeks PD Ordinance**"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for The Oaks at Twin Creeks.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in The Oaks at Twin Creeks PD Ordinance as contractually-binding obligations between the City of Waxahachie and OTC, and to recognize OTC's reasonable investment-backed expectations in The Oaks at Twin Creeks PD Ordinance and the planned development of The Oaks at Twin Creeks.

**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 Oaks at Twin Creeks 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) The development shall conform as approved by the City Council under case number ZDC-7-2022.
- (B) All materials, location of materials, and percentage of materials for the building shall be consistent as prescribed in the Land Use and Development Standards (Exhibit D).
- (C) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (D) The property shall be platted prior to any construction development on the site.
- (E) Sidewalks shall be constructed along Ovilla Rd. (FM 664).
- (F) A 6ft. masonry screening wall shall be located along the rear or side residential lot lines that are adjacent to Ovilla Road, the proposed thoroughfare along the northern boundary of the property, and the southern boundary of the property adjacent to commercially zoned tracts per the Concept Plan.
- (G) A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. The remaining landscaping and screening shall be in accordance with the City of Waxahachie Zoning Ordinance.
- (H) Lots adjacent to the private access easement along the southern boundary of the development shall have a 6ft. wood privacy fence along the rear lot line.



- (I) Sixty percent (60%) of the residential development shall consist of five (5) architectural styles. The architectural styles shall adhere to the requirements outlined in the Land Use and Development Standards (Exhibit D). The architectural styles and percentage breakdown shall reflect as:

Architectural Style	Percentage	Minimum Homes
Craftsman	12%	43
Traditional	12%	43
French Cottage	12%	43
Tudor	12%	43
Modern Farmhouse	12%	43

The remaining 40% of the residential development shall be determined by the market.

- (J) The proposed townhomes shall meet the articulation standards of Section 5.09 of the City of Waxahachie Zoning Ordinance
- (K) No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face.
- (L) Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- (M) A minimum of five (5) floor plans shall be used for each Architectural Style.
- (N) A maximum of one (1) 1,300 square foot townhome floor plan shall be permitted per townhome building grouping.
- (O) The right-of-way (ROW) for a stub street to the south of the property shall be dedicated as per the concept plan. Staff will determine the need for barricades on the stub street and the timing of the construction of the stub street.
- (P) The existing oak trees located along the current (5/2/2022) driveway for 823 Ovilla Road shall be preserved by the developer.
- (Q) The applicant shall be responsible for paying all inspection fees.
- (N) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- (O) 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.
- (P) Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report shall conform to those

requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Amenity Exhibit, Exhibit D – Land Use and Development Standards, Exhibit E – Concept Elevations, and Exhibit F – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, and F in this ordinance, or Development Agreement, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.

In consideration of OTC's agreement in this regard, the City of Waxahachie agrees that OTC has reasonable investment-backed expectations in the OTC PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in The Oaks at Twin Creeks PD Ordinance without impacting OTC's reasonable investment-backed expectations.

#### **Section 4. Miscellaneous**

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 OTC 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.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120<sup>th</sup> day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will

not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87<sup>th</sup> Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87<sup>th</sup> Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.



**{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

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: \_\_\_\_\_

**: The Oaks at Twin Creeks (Developer)**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**: Susan M. Calvert Thomas (Owner)**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF TEXAS                   §**  
**§**  
**COUNTY OF ELLIS               §**

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of The Oaks at Twin Creeks, 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: \_\_\_\_\_



## Memorandum

To: Honorable Mayor and City Council

From: Ricky Boyd, Fire Chief

Thru: Michael Scott, City Manager

Date: April 28, 2022

Re: Reimbursement Resolution for the Purchase of Truck 1

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Honorable Mayor and Council,

As discussed at the Council Retreat on April 25 and 26, 2022, the WFR needs to add a second truck company to our department at Station 1. Along with the addition of 12 new firefighter positions to staff it, a second truck company will improve our rescue and firefighting capabilities which will enhance the safety of our citizens, visitors and businesses. The addition of Truck 1 will also enhance the possibility of obtaining an ISO 1 rating.

If we order the truck immediately and prepay for it by June 24, 2022, the total cost of the truck and all of the equipment needed to place it in service is \$1,465,000. This includes a prepaid discount of \$51,272.

As such, I hereby respectfully request your approval to order and prepay for the truck from the General Fund. Additionally, I hereby respectfully request your approval of the attached Reimbursement Resolution declaring the intention to reimburse the General Fund an amount not to exceed \$1,465,000 from the issuance of the tax-exempt obligations.

Respectfully submitted,  
Ricky Boyd, Fire Chief



**RESOLUTION**

A RESOLUTION DECLARING INTENTION TO REIMBURSE AN AMOUNT NOT TO EXCEED \$1,465,000 FOR CERTAIN CAPITAL EXPENDITURES WITH PROCEEDS FROM DEBT; AND PLACING TIME RESTRICTIONS ON THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS.

**WHEREAS**, the City of Waxahachie, Texas (the "City") is a home-rule municipality and political subdivision of the State of Texas;

**WHEREAS**, the City expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (collectively, the "Project") prior to the issuance of obligations by the City in connection with the financing of the Project from available funds;

**WHEREAS**, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

**Section 1.** The City reasonably expects it will incur debt, as one or more series of obligations, for the purpose of reimbursing the City in an aggregate amount not to exceed \$1,465,000 for the payment of costs of the Project.

**Section 2.** All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the City in furtherance of this Statement after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

**Section 3.** The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Statement more than three years after the date any expenditure which is to be reimbursed is paid.

**PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF MAY, 2022.**

\_\_\_\_\_  
City Secretary,  
City of Waxahachie, Texas

\_\_\_\_\_  
Mayor,  
City of Waxahachie, Texas

(CITY SEAL)

**Exhibit A**

The projects to be financed that are the subject of this Resolution are:

The construction, improvement and equipment of public safety facilities in the City, including police and fire stations and the purchase of fire apparatuses.



## Memorandum

To: Honorable Mayor and City Council  
From: Wade G. Goolsby, Chief of Police  
Thru: Michael Scott, City Manager  
Date: April 27, 2022  
Re: Mid-Year Request – Animal Shelter Kennel Attendant

Recently, we conducted a comprehensive review of the Animal Services Department. With the retirement of the Animal Services supervisor, it was decided that a comprehensive review of the entire Animal Services operation was needed.

The Animal Services Department is currently staffed with three employees. There is one supervisor and two Animal Services Officers. With three employees, there are frequently times when only one or two employees are on duty. Between sick leave, vacation, training, and CoVid, it is common for someone to be on leave, with only one or two employees on duty. The result is poor customer service, poor response times, and poor morale. The following is an explanation of some of the duties:

### Calls For Service

In reviewing the calls for service for Animal Services, there were 2,818 calls for service last year. Using simple math, that is an average of 235 calls per month. With a total staffing of three people, it is often that one or more people are out of the office with sick leave, vacation, training, etc. The total call load and the activities described below are excessive for one or two people and it results in poor service and poor practices. So far, in 2022, the Animal Services Department has responded to 244 calls for service in January and 178 calls in February.

## Impoundments

In 2021, we impounded over 700 animals in the year. The numbers ranged from 33 animals one month to 91 animals in another month. This year, we have impounded 75 animals in January and 71 animals in February. For each of these animals, there is an intake process and eventually an adoption/transfer process. In other words, each of these impoundments represents a couple of hours of work.

## Kennel Maintenance

The cleanliness and maintenance of the animal shelter is imperative and constant. Each day, the kennels must be cleaned, disinfected, and the animals fed. In the dog kennels, this requires moving the dogs to the exterior and each kennel cleaned and disinfected.

In addition to the duties listed, the Animal Services Department is also responsible for Vector spraying for mosquitos throughout the city between the months of May and October.

After reviewing the department and the services and duties required of the department it is apparent that they need at least one more position. At this point, the position that is most needed is a Shelter Attendant whose primary function is to work in the shelter and take care of customer service, cleaning the facility and feeding the animals. This would allow the other employees to respond to calls in the field and handle animal related complaints in the field.

I am requesting a mid-year adjustment to add a Shelter Attendant position to the Animal Services budget. After working with the Human Resources Department to determine the appropriate job classification and salary, it was decided that this position should be in the Pay Classification 6, which is shown below.

		Minimum	Midpoint	Maximum
<b>6</b>	<b>Annual</b>	\$32,227.52	\$40,285.44	\$48,341.28
	<b>Monthly</b>	\$2,685.63	\$3,357.12	\$4,028.44
	<b>Bi-Weekly</b>	\$1,239.52	\$1,549.44	\$1,859.28
	<b>Hourly</b>	\$15.494	\$19.368	\$23.241

The financial impact on the remainder of this budget year has been projected and is as follows:

Salary	\$13,428
FICA/Medicare	\$ 1,027
Insurance	\$ 2,565
TMRs	\$ 2,119
Worker's Comp	\$ 202
<b>Total</b>	<b>\$19,341</b>

Thank you for your consideration.



## Memorandum

To: Honorable Mayor and City Council

From: Wade G. Goolsby, Chief of Police

Thru: Michael Scott, City Manager

Date: April 29, 2022

Re: Solicitor Ordinance

In the recent Council work session, the issue of solicitor permits was discussed. The City currently has a solicitor ordinance that requires solicitors to obtain a permit from the police department that is valid for 30 days. Under the current ordinance, an applicant must go through the entire application process every time they obtain a permit. The process includes a comprehensive written application, a photograph, fingerprints and a background check.

There was some discussion regarding the need for the entire process when a solicitor may have just completed the process a month earlier. As a result of the discussion, it was decided to simplify the renewal process for a solicitor permit. It was also

The ordinance has been revised to reflect the following:

- A streamlined process for a permit renewal within six months of the original permit. The proposed ordinance reads as follows:

*If a solicitor desires to renew their permit and a completed application is on file that is less than six months old, the person is not required to complete a new application unless information on the existing application has changed. If any information related to the applicant or the company has changed, a new application will need to be completed.*



*An applicant for a solicitor permit must appear in person for their first application in each calendar year. A photograph of the applicant and fingerprints will be taken at that time and subsequently in each calendar year when the permit is again requested for the first time during that calendar year.*

- Section 23-6 of the Solicitor Activities ordinance has been revised to state the following:

*Upon the initial submission of permit application, the police department shall obtain the applicant's fingerprints and run a background check on the applicant as the police department deems necessary. If the applicant returns to renew the application within the calendar year of the initial submission, the retaking of fingerprints will not be required as long as the individual can present valid identification that corresponds with the initial identification. A background check will be conducted each time the permit is renewed and fingerprints will be retaken during the first application process in each calendar year.*

- Once developed, an online renewal option would be available for individuals who wish to renew their permit online. The proposed ordinance reads as follows:

*If the City implements an online renewal process, the applicant must provide the required information on the online renewal application in order to receive a renewed permit. The required information will be identified on the online renewal application.*

*The online renewal process is only available for renewals of an existing permit and the date of the renewal application is within six months of a previously issued permit. The permit can only be renewed in the same calendar year that the original permit was issued.*

*Payment for the renewed permit must be made at the time of the renewal application.*

*Upon receipt of the renewal application, a background investigation will be conducted as defined in Sec. 23-6.*

*If the renewal application is approved, the new permit will be emailed to the applicant and it is the responsibility of the applicant to print and display the badge as required in Sec.23-9.*

*If the renewal application is denied, the applicant will be notified by email.*

In summary, the permit renewal process will consist of an abbreviated application form, the elimination of fingerprints and if the applicant's appearance hasn't changed, the elimination of a new photo.

The online renewal process would allow an individual to apply for a permit renewal and submit the application and fee online. The new permit would be emailed back to the applicant and the previous on-file photo would be used on the permit.

Applicants would still be required to come in annually for a photograph, fingerprints and new application. And background checks would be conducted each time a permit is issued, regardless of it being an initial application or a renewal.

The permit fee of \$35.00 and the 30-day expiration for the permits would remain unchanged.

In addition to the above listed changes, we also updated some of the language related to handbill distribution that needed to be updated.

The proposed ordinance has been reviewed and approved by the City Attorney and has been reviewed by the City Manager.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, TO MODIFY AND ADOPT NEW REGULATIONS ON SOLICITATION ACTIVITIES BY REPEALING EXISTING CHAPTER 23, "SOLICITATION ACTIVITIES"; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Waxahachie, Texas (the "City") is a Home Rule municipality possessing the full power of local self-government, pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, as amended, and the City's Home Rule Charter; and

**WHEREAS**, regulations on peddlers and other solicitation activities in the City were first adopted by the City Council in 1950, and have since been amended and modified multiple times by the City Council as it deemed fit; and

**WHEREAS**, the City Council possesses, pursuant to § 311.001 of the Texas Transportation Code, as amended, the exclusive control and power over public streets, highways and alleys of the City; and

**WHEREAS**, there are serious safety issues involved when individuals solicit in or on public streets, street rights-of-way and other areas of vehicular passage, including such concerns as the physical safety of those who solicit as well as the possible impeding of traffic flow on public streets; and

**WHEREAS**, pursuant to § 215.075 of the Texas Local Government Code, as amended, the City Council has the power and authority to license any lawful business or occupation; and

**WHEREAS**, the City Council hereby finds that there has been and continues to be an ever-increasing amount of commercial solicitations within the City; and

**WHEREAS**, the City Council finds that the regulation of such solicitation is in the best interest of the health, safety and welfare of the citizens of the City; and

**WHEREAS**, based upon United States Supreme Court jurisprudence, the City acknowledges it is limited in its ability to regulate solicitation by religious, political and charitable institutions and groups; and

**WHEREAS**, it is the intent of the City Council not to abridge any individual's or group's recognized First Amendment rights; and

**WHEREAS**, it is the intent of the City Council to fully respect such First Amendment rights in this Ordinance;

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

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

**SECTION 2.** Existing Chapter 23, "Solicitation Activities," of the Code of Ordinances of the City of Waxahachie, Texas, is hereby repealed in its entirety and is replaced to read as follows:

**"CHAPTER 23 SOLICITATION ACTIVITIES**

**Sec. 23-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agent* means a person who undertakes to transact some business or manage some affair for another person by the authority and on the account of the latter.

*Badge* means photographic identification permit issued by the police department of the city.

*Canvasser* means a person who engages in canvassing activities.

*Canvassing or canvassing activity* means the act of either (1) traveling either by foot or vehicle, going door-to-door, house-to-house, building-to-building; or (2) occupying space in or traveling on or through any public place in the city, by personally contacting persons to communicate in any manner, whether orally, by written or printed materials including, but not limited to, handbills, leaflets, hand signing or by any other method, direct or implied, for any purpose other than selling or taking orders for goods, wares, merchandise or services or collecting money.

*Charitable purpose* shall mean philanthropic or other nonprofit objectives, including the benefit of poor, needy, sick or handicapped persons; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization; or the benefit of any educational institution.

*Consumer* means an individual who seeks or acquires real property, service, money or credit for personal, family or household purposes.

*Consumer transaction* means a sales transaction in which one (1) or more of the parties is a consumer.

*Group exhibit* means an association of two (2) or more temporary vendors under the auspices of a promoter, which association is formed for the purpose of simultaneously conducting the business of the temporary vendors upon a common site or premises, such as a flea market, fair, carnival or similar operation.

*Handbill* means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any manner.

*Handbill distribution* means traveling either by foot or vehicle, going door-to-door, house-to-house or building-to-building without personally contacting persons to distribute or leave on or at each premises a handbill for any purpose.

*Home solicitation transaction* means a consumer transaction for the purpose of goods, services, or realty, payable in installments, or in cash, in which the merchant engages in a personal solicitation of the sale to the consumer at a residence, and the consumer's agreement or offer to purchase is given at the residence to the merchant. A home solicitation transaction shall not include a sale made pursuant to a preexisting revolving charge account or retail charge agreement, or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale, or a sale of realty in which transaction the purchaser is represented by a licensed attorney or in which the transaction is being negotiated by a licensed real estate broker.

*Local business* means a business located and operated within the corporate limits of the city.

*Merchant* means a party to a consumer transaction other than the consumer.

*Permit* means the permit required under the authority of this chapter to engage in the business of solicitation.

*Person* means an individual, corporation, trust, partnership, association or other legal entity.

*Police department* means the police department of the city.

*Political purpose* shall mean any form of communication related to a political issue, a particular candidate to a position or nonpartisan office, a political committee, as defined by state law, or to a political party.

*Promoter* means the person, firm, corporation or organization responsible for conducting a group exhibit.

*Religious purpose* shall mean the use of money or property for the support of a church, religious society or other religious sect, group, or order.

*Residence* means any separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

*Solicitation* shall mean engaging in or attempting to engage in home solicitation transactions. This term does not include solicitation or fundraising of any sort by a political, religious or charitable institution or group, unless indicated otherwise.

*Solicitor* means all persons, as well as their agents and employees, engaged in or attempting to engage in solicitation.

*Temporary vending activities* shall mean business within the city at a site for which definite arrangements have not been made for the hire, rental or lease of such premises for at least one (1) month in or upon which such business is to be operated or conducted.

*Temporary vendor* shall mean a person who is transacting or conducting temporary vending activities.

**Sec. 23-2. - Permit required.**



- (a) It shall be unlawful for any person to go upon any residential premises and ring the doorbell, or rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging in or attempting to engage in a home solicitation transaction without first obtaining a permit from the city.
- (b) Each person engaging in or attempting to engage in a home solicitation transaction must have a permit issued under the terms of this chapter, and such permit shall be personal to the applicant and shall not be reproduced, assigned, or transferred to any other person. Any such attempted transfer or reproduction shall render the permit void.

**Sec. 23-3. - Exemptions.**

- (a) The provisions of this chapter shall not apply to public utility companies or others operating under franchises granted by the city, insurance sales people, real estate sales people, and others licensed by the state, political groups or organizations which are subject to financial disclosure under state or federal law.
- (b) The provisions of this chapter shall not apply to commercial agents dealing with local business establishments in the usual course of business.

**Sec. 23-4. - Permit application.**

- (a) Any person desiring to make home solicitation transactions within the city shall submit an online application, on a form provided by the city on the city's website, to the police department for a permit. The application shall contain the following:
  - (1) The name, social security number or taxpayer identification number, date of birth and address of the person applying and desiring to make home solicitations;
  - (2) Whether the permit is for an individual (natural person), a partnership, or a corporation; and
    - a. If an individual, the individual's business or residence address and telephone number;
    - b. If a partnership, the name of all partners, the principal business address, and telephone number of each partner;
    - c. If a corporation, the person registering must state whether the corporation is organized under the laws of the state or is a foreign corporation, the mailing address, business location, telephone number, names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and registered agent for the state;
  - (3) The approximate time period within which the solicitation is to be made, giving the date of the beginning of the solicitation and its projected conclusion;
  - (4) The names of other communities in the state in which the applicant has made home solicitations during the last six (6) months;

- (5) The nature of the merchandise to be sold or offered for sale or the nature of the services to be furnished;
  - (6) Whether such applicant, upon any order obtained, will demand, accept or receive payment or the deposit of money in advance of final delivery;
  - (7) Whether the applicant or any person employed by the applicant to solicit, has been convicted of a felony or a misdemeanor involving moral turpitude in the past five (5) years;
  - (8) Names, addresses, telephone numbers and social security numbers of the adults who shall be responsible for supervising any solicitor;
  - (9) Names, addresses and telephone numbers of two (2) persons as references, excluding relatives and persons living with the applicant;
  - (10) Valid state driver's license number or a state-approved identification card number with a photograph;
  - (11) All applications shall be on a form provided by the city and shall be sworn to or affirmed. The application shall be filed for public inspection.
- (b) The application must be signed by the applicant if the person is an individual; if the person applying is a partnership, by a general partner; if the person applying is a corporation, by an officer. The individual signing the application will sign a statement that he has carefully read the application and that all the information contained therein is true and correct upon penalty of perjury.
  - (c) If a person applying for a permit intends to contract with, employ or otherwise retain individuals to engage in solicitations, a separate permit must be obtained for each individual.
  - (d) Said permit shall expire after thirty (30) days.
  - (e) If a solicitor desires to renew their permit and a completed application is on file that is less than six months old, the person is not required to complete a new application unless information on the existing application has changed. If any information related to the applicant or the company has changed, a new application will need to be completed.
  - (f) An applicant for a solicitor permit must appear in person for their first application in each calendar year. A photograph of the applicant and fingerprints will be taken at that time and subsequently in each calendar year when the permit is again requested for the first time during that calendar year.

#### **Sec. 23-5 – Online Renewal Process**

- (a) If the City implements an online renewal process, the applicant must provide the required information on the online renewal application in order to receive a renewed permit. The required information will be identified on the online renewal application.

- (b) The online renewal process is only available for renewals of an existing permit and the date of the renewal application is within six months of a previously issued permit. The permit can only be renewed in the same calendar year that the original permit was issued.
- (c) Payment for the renewed permit must be made at the time of the renewal application.
- (d) Upon receipt of the renewal application, a background investigation will be conducted as defined in Sec. 23-6.
- (e) If the renewal application is approved, the new permit will be emailed to the applicant and it is the responsibility of the applicant to print and display the badge as required in Sec.23-9.
- (f) If the renewal application is denied, the applicant will be notified by email.

**Sec. 23-6. - Investigation by the police department.**

- (a) Upon the initial submission of permit application, the police department shall obtain the applicant's fingerprints and run a background check on the applicant as the police department deems necessary. If the applicant returns to renew the application within the calendar year of the initial submission, the retaking of fingerprints will not be required as long as the individual can present valid identification that corresponds with the initial identification. A background check will be conducted each time the permit is renewed and fingerprints will be retaken during the first application process in each calendar year.
- (b) The police department is authorized to investigate the affairs of any person soliciting in violation of this chapter, either before or after the filing of an application for a permit for solicitation.
- (c) The police department may deny a permit to any applicant for good cause, which shall include, but is not limited to, the following:
  - (1) being a fugitive from justice;
  - (2) submitting an incomplete or illegible permit application;
  - (3) providing false and/or misleading statements on the permit application; or
  - (4) conducting solicitation activities contrary to regulations contained herein.

**Sec. 23-7. - Application fee.**

A nonrefundable fee of thirty-five dollars (\$35.00), for investigation and administration of the application, shall be charged. Such fee shall not be prorated and shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued. All fees are subject to change upon ordinance of the city council.

**Sec. 23-8. - Issuance of a photographic permit (badge).**

- (a) After review of a permit application to determine its compliance with this chapter, and within ten (10) working days of the receipt of the same, the police department shall either issue a permit in the form of a badge, or notify the person applying that the application

does not comply with this chapter, and specifically point out what information or explanation has not been furnished that is required before a permit can be issued.

- (b) If it is determined that the physical appearance of the applicant has not changed since a previous badge was created, the existing photograph may be used and a new photo is not required. If the appearance of the applicant has changed from the on-file photo, a new photo will be required.
- (c) If an online renewal process is used, the photo that was used for the previously issued permit will be used on the renewed permit badge.

**Sec. 23-9. - Requirement that badge be displayed.**

Upon issuance of the badge by the police department, the following requirements shall apply:

- (1) The badge issued shall be in such form and requirement so as to fully identify the person soliciting and will bear a photographic likeness of the solicitor and shall contain an expiration date.
- (2) The badge shall be valid only for the person to whom it is issued (nontransferable). Each solicitor is also required to carry a state-approved picture identification card or a state driver's license as proof of identification.
- (3) The badge issued shall be carried/displayed by the solicitor in plain sight while he is engaged in soliciting.
- (4) The badge is and shall remain the property of the city and may be revoked and required to be surrendered at any time for any false or misleading information on the permit application, for violation of any city ordinance, including the provisions set forth in this chapter, and for violation of any state or federal law.

**Sec. 23-10. - Regulations.**

- (a) Every solicitor shall identify himself as a solicitor upon approaching a person at a residence and explain his purpose, whether it be direct sales, solicitation of orders, or the demonstration of goods or merchandise, or any combination of such purposes.
- (b) Solicitors shall conduct solicitation activities, canvassers shall conduct canvassing activities, and handbill distributors shall distribute handbills only on Monday through Saturday. Solicitors, canvassers, and handbill distributors may only conduct solicitation or canvassing activities, or distribute handbills from sunrise to sunset, as officially determined on that day by the National Weather Service.
- (c) A person commits an offense if the person engages in solicitation activities, canvassing activities or handbill distribution at any time on a Sunday, New Year's Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve Day or Christmas Day.
- (d) Subsections (b) and (c) of this section shall not apply to a visit on the premises as a result of a request or an appointment made by the occupant.

- (e) A person commits an offense if the person engages in solicitation activities - including solicitation or fundraising activities by any institution or group organized for a political, religious or charitable purpose, or canvassing activities, at any premises with a posted notice that such activity is not welcomed or invited. It shall be presumed that there is notice that solicitation, or canvassing activity, is not welcomed or invited when there is exhibited in a conspicuous place on or near the main entrance to the residence, a weatherproof sign or card containing the words "No Solicitors," "No Trespassing," or words of similar meaning in letters not less than two-thirds of one ( $\frac{2}{3}$ ) inch in height.
- (f) No person engaged as a solicitor, canvasser, or handbill distributor shall remain or linger at a residence after having been verbally informed by the resident that they are not welcome.
- (g) No person may engage in solicitation activities, canvassing activities, or handbill distribution in an aggressive or intimidating manner. The term "aggressive or intimidating manner" means:
  - (1) Blocking the path of a person who is the object of the activity; or
  - (2) Following behind, ahead or alongside a person who walks away from the solicitor, canvasser, or handbill distributor after being solicited, approached, accosted or offered a handbill, leaflet or any other item.
- (h) A person commits an offense if the person engages in solicitation activities, canvassing activities, or handbill distribution and distributes, deposits, places, throws, scatters, or casts a handbill at a residence except by:
  - (1) Handing or transmitting the handbill directly to the owner or occupant then present on the premises; or
  - (2) Without using adhesive or tape, placing or depositing the handbill in a manner that secures the handbill and prevents it from being blown away, except that mailboxes may not be used when the use is prohibited by federal postal laws or regulations.
- (i) A person commits an offense if the person secures a handbill at a residence in the manner described by subsection (h)(2) of this section:
  - (1) in a place that is more than five (5) feet from the front door of the residence; or
  - (2) When another handbill has already been left or secured at the residence and has not been removed from the outside of the residence.
- (j) No solicitor, or any person working on his behalf, shall shout, make any outcry, blow a horn or whistle, ring a bell, or use any sound device, including any loud-speaking radio or sound amplifying system, upon any of the streets, avenues, alleys, parks or other public places of the city, or upon any private premises of the city where sound of sufficient volume is emitted or produced therefrom to be capable to be plainly heard upon the streets, avenues, alleys, parks or other places, for the purpose of attracting attention to the location or to any goods, wares or merchandise which any person permitted pursuant



to this chapter proposes to sell. This subsection also prohibits the use of any audio device for the purpose of attracting customers to retail establishments or merchants.

**Sec. 23-11. - Consumer's right to cancel.**

- (a) In addition to other consumer rights to revoke an offer or to rescind a transaction, or to any other remedy for a merchant's breach, the merchant shall provide to the consumer the right to cancel a home solicitation transaction made in person in which the consideration exceeds five dollars (\$5.00), until midnight of the third business day after the day on which the consumer signs an agreement or offer to purchase in a home solicitation transaction.
- (b) Every merchant in a home solicitation transaction made in person in which the consideration exceeds five dollars (\$5.00), shall furnish the consumer with a fully completed receipt or copy of any contract pertaining to the home solicitation transaction at the time of its execution, which is in the same language as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name, address and telephone number of the merchant, and in immediate proximity to the space reserved in the contract for the signature of the consumer or on the front page of the receipt if a contract is not used, and in bold face type of a minimum size of ten (10) points, a statement in substantially the following form:

"YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

- (c) A merchant in a home solicitation transaction made in person in which the consideration exceeds five dollars (\$5.00), shall furnish each consumer, at the time he signs the home solicitation transaction contract or otherwise agrees to buy realty, consumer goods or services from the merchant, a completed form in duplicate, captioned "Notice of Cancellation," which shall be attached to the contract or receipt and easily detachable, and which shall contain in bold face type of a minimum size of ten (10) points the following information and statements in the same language as that used in the contract:

**NOTICE OF CANCELLATION**

(enter date of transaction)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE. IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN TEN BUSINESS DAYS FOLLOWING RECEIPT BY THE MERCHANT OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE MERCHANT AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF

THE MERCHANT REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE MERCHANT'S EXPENSE AND RISK.

IF YOU DO NOT AGREE TO RETURN THE GOODS TO THE MERCHANT AND IF THE MERCHANT DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO (Name of merchant) AT (Address of merchant's place of business) NOT LATER THAN MIDNIGHT OF (Date).

I HEREBY CANCEL THIS TRANSACTION.

(Date)

(Buyer's Signature)

- (d) Notification by mail shall be considered given at the time mailed as evidenced by the postmark; notification by telegram shall be considered given at the time filed for transmission; and notification by any other writing shall be considered given at the time delivered to the merchant's designated place of business.
- (e) Before furnishing copies of the notice of cancellation to the consumer, a merchant shall complete both copies by entering the name of the merchant, the address of the merchant's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the consumer may give notice of cancellation.
- (f) A merchant shall not include in any home solicitation transaction contract or receipt any confession of judgment or any waiver of any of the rights to which the consumer is entitled under this chapter including specifically his right to cancel the transaction in accordance with the provisions of this chapter.
- (g) A merchant in a home solicitation transaction in which the consideration exceeds five dollars (\$5.00), shall inform each consumer orally, at the time the consumer signs the contract or purchases the goods or services, of the consumer's right to cancel.
- (h) A merchant shall not misrepresent in any manner the consumer's right to cancel.
- (i) A merchant shall honor any valid notice of cancellation by a consumer and, within ten (10) business days after the receipt of the notice, a merchant shall:
  - (1) refund all payments made under the contract or sale;
  - (2) return any goods or property traded in, in substantially as good condition as when received by the merchant;

- (3) cancel and return any negotiable instrument executed by the consumer in connection with the contract of sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction; and
  - (4) restore improvements on real property to the condition in which he found them unless requested otherwise by the consumer.
- (j) No merchant shall negotiate, transfer, sell or assign any note or other evidence of indebtedness to a finance company or other third party prior to 12:00 midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.
- (k) No merchant shall fail, within ten (10) business days of receipt of the consumer's notice of cancellation, to notify the consumer whether the licensee intends to repossess or to abandon any shipped or delivered goods.
- (l) This section shall not apply to a home solicitation transaction in which the consideration does not exceed twenty-five dollars (\$25.00) if:
- (1) The consumer may within a reasonable time:
    - a. cancel the order;
    - b. refuse to accept the goods when delivered without obligation to pay for them; or
    - c. return the goods to the seller and receive a full refund for any amount the consumer has paid.
  - (2) The consumer's right to cancel the order, refuse delivery or return the goods without obligation or charge is clearly and legibly printed on the face or reverse side of the sales ticket or clearly and legibly printed in or on the package.

**Sec. 23-12. - Exhibiting card prohibiting solicitors.**

- (a) A person, desiring that no merchant or other person engage in a home solicitation, canvassing activity or handbill distribution at his residence, shall exhibit in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign or card, not less than three (3) inches by four (4) inches in size, containing the words, "NO SOLICITORS," "NO TRESPASSING," or words of similar meaning in letters not be less than two-thirds ( $\frac{2}{3}$ ) of an inch in height.
- (b) Every merchant, canvasser, or handbill distributor upon going onto any premises upon which a residence is located shall first examine the residence to determine if any notice prohibiting soliciting, canvassing, or handbill distribution is exhibited upon or near the main entrance to the residence. If such notice is exhibited, the merchant, canvasser, or handbill distributor shall immediately depart from the premises without disturbing the occupant, unless the visit is the result of a request made by the occupant.

- (c) No person shall go upon any residential premises and ring the doorbell, or rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant and engaging in or attempting to engage in a home solicitation transaction, canvassing activities or handbill distribution, if a card as described in subsection (a) of this section is exhibited in a conspicuous place upon or near the main entrance to the residence, unless the visit is the result of a request made by the occupant.
- (d) No person, other than the occupant of the residence, shall remove, deface or render illegible, a sign or card placed by the occupant pursuant to subsection (a) of this section.
- (e) Any merchant, canvasser, or handbill distributor who has gained entrance to a residence, or audience with the occupant, whether invited or not shall immediately depart from the premises without disturbing the occupant further when requested to leave by the occupant.

**Sec. 23-13. - Revocation of permit.**

- (a) Any permit issued under this chapter may be revoked by the police department for any of the following reasons:
  - (1) arrest or conviction of a crime(s) of moral turpitude;
  - (2) fraud or misrepresentation in the application for a permit;
  - (3) fraud or misrepresentation in the course of conducting solicitation activities;
  - (4) conducting solicitation activities contrary to the conditions of the permit;
  - (5) conducting solicitation activities in such a manner as to create or constitute a danger to the public health, safety or welfare.
- (b) Upon revocation, the police department shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address. The chief of police or his designee shall have the authority to seize any and all permit badges possessed by persons conducting business as a solicitor while the official notification process is underway. At such time, any and all solicitation activities conducted under the authority of that permit shall cease.

**Sec. 23-14. - Appeal if permit denied or revoked.**

If the police department refuses to issue a permit, the applicant shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city secretary within ten (10) days from the date of the refusal. The same procedure of appeal shall apply to a permit revoked under this chapter. Thereafter, the city council shall set a reasonable time and place for a hearing on such an appeal and notice of such hearing shall be mailed, postage prepaid, to the permittee at his last known address at least five (5) days prior to the date of the hearing.

**Sec. 23-15. - Penalty for violation of chapter.**

Any person violating any of the provisions or terms of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court, be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day such violation shall continue be deemed to constitute a separate offense.

**Sec. 23-16. - Solicitation on public property.**

- (a) It shall be unlawful for any person to peddle, hawk, sell, solicit, distribute or take orders for any services, wares, merchandise, or goods, including, but not limited to, magazines, encyclopedias, tools, photographs, flowers, candy, plants, or statues on the streets, street rights-of-way, or medians of the City. This prohibition shall apply to and include any institution or group organized for a political, religious or charitable purpose, or individuals engaging in such activities on behalf of any such institution or group.
- (b) No permit provided for herein shall be issued for selling in the above manner.

**Sec. 23-17. - Temporary vendor's license.**

- (a) It shall be unlawful for any person to engage in temporary vending activities without first obtaining a license to do so from the police department.
- (b) Any person desiring a license required by this section shall make application therefore to the police department. The application shall include the following:
  - (1) The name, social security number or taxpayer identification number, date of birth and address of the applicant;
  - (2) Whether the license is for an individual (natural person), a partnership, or a corporation; and
    - a. If an individual, the individual's business or residence address and telephone number;
    - b. If a partnership, the name of all partners, the principal business address, and telephone number of each partner;
    - c. If a corporation, the person registering must state whether the corporation is organized under the laws of the state or is a foreign corporation, the mailing address, business location, telephone number, names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and registered agent for the state;
  - (3) the kind of goods or services offered for sale;
  - (4) the description of the location upon which he desires to conduct business;
  - (5) the written permission from the landowner authorizing occupancy; and
  - (6) the period of time for which the applicant wishes to conduct business in the city.



- (c) At the time of filing an application for a license under this section, the applicant shall submit, for inspection by the police department, his social security number, date of birth, written proof of his identity, and provide fingerprint and photographic identification, if required.
- (d) The license fee for a temporary vendor shall be thirty-five dollars (\$35.00) per day. The fees herein provided for shall be used for the purpose of defraying expenses incident to the issuing of such license.
- (e) Any license issued under this section shall be maintained on the site where the business is being conducted and be available for inspection at all times.
- (f) It shall be unlawful for a person to engage in temporary vending activities for more than thirty (30) days within the city during each calendar year.
- (g) No temporary vending activities may be conducted on or within the public right-of-way or on the premises of any public property without first obtaining an event permit from the city. All temporary vending activities must not be on the site of an existing business, in a residential area, or in any other way conflicting with the zoning laws.
- (h) Exemptions from this section:
  - (1) The provisions of this section shall not apply to group exhibits or persons exhibiting and selling agricultural products.
  - (2) The fee provisions of this section shall not apply to non-profit organizations.
  - (3) The provisions of this section shall not apply to mobile food establishments and temporary food establishments that are required to get a food establishment permit from the city to sell food.

**Sec. 23-18. - Disaster declaration.**

Pursuant to its authority under Government Code Chapter 418, upon the declaration of a state of disaster that encompasses the City of Waxahachie, the police department, in its discretion, may temporarily pause the issuance of permits provided for herein, subject to all appropriate state and federal law governing solicitation activities.

**SECTION 3.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Waxahachie, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.** Except as provided herein, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a Class C misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.** All rights and remedies of the City of Waxahachie are expressly saved as to any and all violations of the provisions existing ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.** This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS THE 2<sup>ND</sup> DAY OF MAY, 2022.**

\_\_\_\_\_  
Doug Barnes, Mayor

**ATTEST:**

\_\_\_\_\_  
Amber Villarreal, City Secretary



(21)

## Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: April 29, 2022

Re: Consider the approval of an architectural services contract with Architexas and a supplemental appropriation for the initial phase of planning for renovation and remodel of City Hall.

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**Item Description:** Consider approval of an architectural services contract with Architexas and a supplemental appropriation for the initial phase of planning for the renovation and remodel of City Hall.

**Item Summary:** As part of the City's Capital Improvement Plan, the renovation and remodel of City Hall is scheduled to begin in FY 2023. Before the remodeling and renovation can begin, the City will need to engage the services of an architecture firm to design and space plan to address/improve the building conditions and properly plan the space for the future.

Staff is recommending approval of an architectural services contract with Architexas in the amount of \$154,200. The scope of this contract will include:

- Evaluation of Existing Conditions
- Program Development
- Schematic Design
- Pricing and Project Budget

This phase of work is anticipated to be completed by late summer and would provide staff a schematic design and anticipated construction pricing ahead of the FY2023 budget adoption.

The City has utilized Architexas in the past and is familiar with their work. They are currently working on the City Hall Annex Project. In addition to this contract, a building envelop consultant will be hired to work in conjunction with Architexas to assess the building's water infiltration issues and recommend a scope and budget to mitigate the problem as part of the overall project. Staff is still in the process of soliciting proposals and will be bringing back a recommendation to City Council in the near future.

(21)

**Fiscal Impact:** The construction component of the project is currently proposed to be funded in the FY 2022-23 operating budget, but the architecture services will require a supplemental appropriation in the current budget so the design phase can commence and ensure the project is completed in a timely fashion.