

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, November 21, 2022 at 7:00 p.m.***

Council Members: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
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 November 7, 2022
 - b. Minutes of the City Council briefing of November 7, 2022
 - c. Event application for “Dara and the Gift of Dance” to be held December 18, 2022 at Railyard Park
 - d. Event application for SAGU Half Marathon & 5k to be held February 4, 2023
 - e. Interlocal Agreement with City of Grand Prairie for the purchase of various goods and services
 - f. Ratify recommendation from Waxahachie Community Development Corporation approving a contract with Sports Fields, Inc. for Synthetic Turf Improvements Project Phase III
6. ***Introduce*** Honorary Councilmember
7. ***Public Hearing*** on a request by David Thompson, United Presbyterian Homes, Owner, for voluntary annexation of approximately 199.95 acres located in the J. Barker Survey, Abstract 40 and the E. Bellow Survey, Abstract 101, at 300 Brookside Road (Property ID 193815 & 193822) - Owner: UNITED PRESBYTERIAN HOMES (ANX-DNX-110-2022)

8. **Consider** proposed Ordinance approving ANX-DNX-110-2022
9. **Public Hearing** on a request by John Poston, for a Zoning Change from a Single Family-1 (SF-1) zoning district to a Planned Development-Mixed Use Residential (Brookside PD), located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022)
10. **Consider** proposed Ordinance approving ZDC-92-2022
11. **Public Hearing** on a request by Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-123-2022)
12. **Consider** proposed Ordinance approving ZDC-123-2022
13. **Consider** Development Agreement for ZDC-123-2022
14. **Public Hearing** on a request by Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for Auto Parts and Accessory Sales use within a Planned Development-General Retail zoning district located south of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-127-2022)
15. **Consider** proposed Ordinance approving ZDC-127-2022
16. **Consider** Development Agreement for ZDC-127-2022
17. **Public Hearing** on a request by Osberto Geno, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022)
18. **Consider** proposed Ordinance approving ZDC-131-2022
19. **Consider** bid award and authorization of contract for Non-Civil Service and Civil Service Employee Compensation Study
20. **Consider** approval of an Engineering Professional Service Agreement with Gresham Smith for Water and Wastewater Rehab Projects
21. **Consider** Change Order #12 and extension of project duration with BAR Constructors for the Jefferson Lift Station Capacity Expansion Project
22. **Convene** into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code and for deliberation regarding real property as permitted under Section 551.072, 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

City Council
November 7, 2022

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, November 7, 2022 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Reverend Alton Dixon, House of Transformation, gave the invocation. Commander David Day, American Legion Post 137, led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Commander David Day, American Legion Post 137, explained he is the new Commander at Post 137 and will be implementing new programs to help local veterans and sponsor local scout packs. He announced a large membership event is currently being coordinated and is anticipated to take place in February 2023 in downtown Waxahachie.

Brenda Sexton, 208 Dunlap, Waxahachie, Texas, expressed her complaint with loud music in her neighborhood and asked for City Council's assistance to address the issue.

Brian Tindle, 204 Charlotte, Waxahachie, Texas, offered his assistance for establishing Quiet Zones in Waxahachie. Mr. Tindle also requested consequences for pet owners whose animals repeatedly escape their homes/yards.

Helen Arradondo, 215 Dunlap, Waxahachie, Texas, expressed her concern with her neighbor's dog who has had mange for an extensive amount of time.

Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas, encouraged staff to address public comments.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 17, 2022

(5a)

- b. Minutes of the City Council briefing of October 17, 2022
- c. Event application for “Alice” play performance to be held November 15, 2022 at Railyard Park
- d. Event application for Holly Jolly Christmas to be held December 10, 2022 at Railyard Park
- e. Event application for Getzendaner Proactive Run to be held March 4, 2023
- f. Interlocal Agreement with Waxahachie ISD for the purchase of various goods and services
- g. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- h. Restore utility fee for cut off valve and meter box replacements
- i. Letter of Support for a Traffic Signal 2022 SMART Grant Program
- j. 2022 Farmer’s Market Season Report
- k. Supplemental appropriation of \$308,809 from the Waxahachie Community Development Corporation for the land purchase of 55.965 acres adjacent to Lions Park

Action:

Council Member Billie Wallace moved to approve items a. through k. on the Consent Agenda. Council Member Patrick Souter seconded, All Ayes.

6. Introduce Honorary Councilmember

Council Member Patrick Souter introduced Waxahachie High School senior Yousef Smith as the November Honorary Council Member. Mr. Smith moved to Waxahachie High from Eagle Crest High School in Colorado. He is the holder of a Level 3 Certification in Computer Aided Design. He began his computer career as a freshman focusing in cyber security and computer information leading him to a computer internship with a Canadian based company. Mr. Smith volunteers in the community through school, church and by donating to soup kitchens and is always looking for additional ways to become more involved. Mr. Smith plans on attending Howard University to major in computer science and computer analytics.

Mr. Souter thanked Andrew Henderson for highly recommending Mr. Smith to serve as Honorary Council Member for the month of November.

7. Recognize the Finance Department for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association

Chad Tustison, Finance Director, announced the City of Waxahachie Finance Department has been awarded, for the first time, the Distinguished Budget Presentation Award from Government Finance Officers Association for the current fiscal period. This is the highest form of recognition in governmental budgeting and represents months of work and input from City leaders and departments. Mr. Tustison thanked Assistant Finance Director Gail Turner, Budget Officer Chris Childs, City Manager Michael Scott, City departments for their input, and the Communications and Marketing team for the budget book graphics.

(5a)

City Manager Michael Scott echoed Mr. Tustison's acknowledgments and recognized him for his departmental leadership and immediately working on his goal to receive this award.

8. Present Proclamation proclaiming November 7-11, 2022 as "Municipal Court Week"

Mayor Hill read a proclamation proclaiming November 7-11, 2022 as "Municipal Court Week" and presented it to the City of Waxahachie Municipal Court staff and judges.

9. Public Hearing on a request by Rodney & Suzie Bell, Cove Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 601 N. Grand Ave (Property ID 176840) - Owner: THOMAS A. & VERONICA SCHAEFFER (ZDC-121-2022)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting a Specific Use Permit to expand an existing pool house (324 sq. ft.) to 972 sq. ft. to accommodate a bathroom and kitchenette. Ms. Pruitt noted the applicant has been adamant that the accessory dwelling will only be used for entertainment purposes and not as an additional dwelling unit. Staff recommends approval per the following staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-121-2022, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-121-2022

ORDINANCE NO. 3348

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED 601 N GRAND AVENUE, BEING PROPERTY ID 176840, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1B, BLK 27 WEST END-REVADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Patrick Souter moved to approve Ordinance No. 3348. Mayor Pro Tem Chris Wright seconded, All Ayes.

(5a)

- 11. Consider Development Agreement related to a Replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022)**

Ms. Pruitt, presented the case noting the applicant is requesting a Development Agreement related to a replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022). She explained the proposed agreement is intended to allow Cardinal IG to continue to privately use a portion of property dedicated as right-of-way with the Cardinal IG Addition replat (SUB-40-2022). Staff recommends approval as presented.

Action:

Mayor Pro Tem Chris Wright moved to approve the Development Agreement related to SUB-40-2022. Council Member Billie Wallace seconded, All Ayes.

- 12. Consider approval of a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services**

Richard Abernethy, Director of Administrative Services, requested approval of a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services in the amount of \$292,200. He explained the current software is antiquated and out of date. The agreement will provide for the purchase of user licenses, training, data migration services and system configuration services. The software will enhance the City's operational efficiency by providing paperless processes, multiple automated features, virtual court options, electronic record keeping and will allow customers to make payments, enter pleas, and schedule court dates online. The Incode software will communicate with Police Department software and fully integrate with the City's financial software. Mr. Abernethy thanked Court Administrator Tammie Atchison and Marshal Mike Foran for their extensive work in the software evaluation.

Action:

Council Member Billie Wallace moved to approve a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services in the amount of \$292,200. Council Member Travis Smith seconded, All Ayes.

- 13. Consider bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program**

James Gaertner, Executive Director of Public Works and Engineering, requested approval of a bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program in the amount of \$418,212. He explained the project generally includes approximately 4,000 linear feet of concrete sidewalk construction along the following streets: (a) Harbin Street from Second Street to Sycamore Street (b) Gibson Street, one block north and south of Wilemon Elementary, and (c) Peter Street from Graham Street to Park School House Road. The project also includes removal of 410 sq. yards of

concrete driveways, some curb repair, miscellaneous landscape repairs and sodding. After thorough evaluation, the Engineer of Record and staff recommended awarding the bid to the second lowest bidder due to lack of experience from Ono Contracting, Inc. and references received from other municipalities.

Action:

Council Member Billie Wallace moved to approve a bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program in the amount of \$418,212. Council Member Travis Smith seconded, All Ayes.

14. Consider approval of a Professional Engineering Services Agreement with Freese and Nichols Inc. for South Prong Dam miscellaneous repairs

Brandon Lacy, Assistant Director of Utilities, requested approval of a Professional Engineering Service Agreement with Freese and Nichols, Inc. in the amount of \$172,731 for South Prong Dam miscellaneous repairs. He explained the project is budgeted in the FY 23 bond sale and the proposal includes design, bidding and construction phase services for these repairs, but not the actual repairs. He noted the repairs will go out to bid for construction at a later date.

Action:

Council Member Billie Wallace moved to approve a Professional Engineering Service Agreement with Freese and Nichols, Inc. in the amount of \$172,731 for South Prong Dam miscellaneous repairs. Council Member Travis Smith seconded, All Ayes.

15. Consider approval of a Professional Engineering Services Agreement with Garver Engineers LLC for lead and copper rule revision assistance

Mr. Lacy requested approval of a Professional Engineering Service Agreement with Garver Engineers, LLC in the amount of \$97,200 for lead and copper rule revision assistance. He explained in December 2020, the Environmental Protection Agency implemented a lead and copper rule revision to better protect public health through removing/reducing lead exposure from drinking water systems. This proposal would be the second task of a proposed three-year task order schedule. He noted the project is a budgeted expense included in the Utility Department's FY23 operations and maintenance budget.

Action:

Council Member Billie Wallace moved to approve a Professional Engineering Service Agreement with Garver Engineers, LLC in the amount of \$97,200 for lead and copper rule revision assistance. Mayor Pro Tem Chris Wright seconded, All Ayes.

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

Jennifer Pruitt, Senior Director of Planning, announced the next Comprehensive Plan Advisory Committee meeting will be held Wednesday, November 30, 2022 at 6 p.m. at the Waxahachie Civic Center.

Deputy City Manager Albert Lawrence recognized the Finance Department for their work.

Council Member Travis Smith thanked James Gaertner, Executive Director of Public Works and Engineering, and his team for their attention to detail with the TxDOT viaduct project.

Council Member Billie Wallace expressed she is proud of this city and its staff. She recognized Stefanie Arredondo for serving as President of the Texas Payroll Conference, Inc., City Secretary Amber Villarreal on receiving the Texas Municipal Clerks Association President's Choice Award, and the Finance Department for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association.

City Manager Michael Scott expressed his appreciation for the City's Municipal Court staff.

Mayor Pro Tem Chris Wright thanked the residents on Dunlap Street for their attendance and voicing their concerns. Mr. Wright recognized the great work of staff and citizens during the Texas Country Reporter Festival. Mayor Pro Tem Wright explained the acquisition of the land adjacent to Lions Park will allow the Lions Park Master Plan and expansion of the Wastewater Treatment Plant to progress without interference. Mr. Wright expressed his thanks to the following: Police Chief Joe Wiser and his department for their assistance on Halloween to ensure the safety of citizens, the Finance Department, and Honorary Council Member Yousef Smith. Mr. Wright recognized the Waxahachie High School (WHS) band at State competition, WHS football and volleyball teams in the playoffs.

Council Member Patrick Souter thanked Yousef Smith for his participation in the Honorary Council Member program for November and stated he is an inspiration. Mr. Souter recognized the Building and Community Services Department staff: Rance Taylor, Mari Herrera, Anthony Warren, Me'Lony Jordan, and Dennis Lowe on receiving the Certified Code Official Safety Specialist designation. He also recognized the Finance Department and the City Secretary for their awards received. Council Member Souter thanked the citizens in attendance for voicing their concerns. He expressed his support for upgrading the Municipal Court software.

City Attorney Robert Brown congratulated the Finance Department and thanked Yousef Smith for his attendance.

Honorary Council Member Yousef Smith thanked City Council for the opportunity to participate as Honorary Council Member. He noted he appreciates City Council's support for addressing citizen's concerns and looks forward to the future of the City.

Mayor Hill echoed all comments from City Management and City Council.

15. Adjourn

There being no further business, the meeting adjourned at 7:59 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, November 7, 2022 at 6:30 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4

Council Member Absent: Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- Item 5c, event application for “Alice” play performance to be held November 15, 2022.
- Item 5d, event application for Holly Jolly Christmas to be held December 10, 2022.
- Item 5e, event application for Getzendaner Proactive Run to be held March 4, 2023.
- Item 5f, Interlocal Agreement with Waxahachie ISD for the purchase of various goods and services.
- Item 5g, annual renewal of Interlocal Agreement with Ellis County for the maintenance of roads, bridges, waterways and ditches.
- Item 5h, restore utility fee for cut-off valve and meter box replacements. He explained on October 4, 2021, staff recommended and City Council approve an adjustment to Section 33-40 of the Code of Ordinances to include an increase in the fee for the replacement of a damaged water cut-off valve, curb stop, or a meter box to \$130, plus the actual cost of materials to replace the damage item. These costs are primarily charged to developers and builders to recover costs for damage to these items during the course of construction. On September 2, 2022, Council approved an ordinance setting water and wastewater rates and fees as part of the annual budget process and the ordinance inadvertently included an old rate for the two fees. Staff recommends approval to restore the replacement fee previously approved on October 4, 2021.
- Item 5i, Letter of Support for a Traffic Signal 2022 SMART Grant Program on behalf of the North Central Texas Council of Government (NCTCOG), TxDOT, and the City of Waxahachie. He explained the NCTCOG will seek funding from two (2) grants from the Federal SMART Grant to fund the project to evaluate equipment and to purchase the equipment selected.

(5b)

- Item 5k, supplemental appropriation for \$308,809 from the Waxahachie Community Development Corporation (WCDC) Fund for the purchase of 55.965 acres from Mrs. Radora Doyle, adjacent to Lions Park.
- Item 6, November Honorary Council Member will be introduced by Council Member Patrick Souter.
- Item 7, the Finance Department will be recognized for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association.
- Item 8, present Proclamation to staff proclaiming November 7-11, 2022 as “Municipal Court Week.”

Anita Simpson, Director of Downtown Development, reported the 20th year of the Farmers Market operated for 25 weeks this year and a new sales record was set again this year by the vendors who participated. She noted total sales for the 2022 season are \$290,291.14 which is almost a 13% increase over the previous best year in 2021 of \$257,352.36.

Jennifer Pruitt, Senior Director of Planning, reviewed the following case:

- ZDC-121-2022, the applicant is requesting a Specific Use Permit to expand an existing pool house (324 sq. ft.) to 972 sq. ft. to accommodate a bathroom and kitchenette. Ms. Pruitt noted the applicant has been adamant that the accessory dwelling will only be used for entertainment purposes and not as an additional dwelling unit. Staff recommends approval per staff comments.
- Development Agreement related to a replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022). She explained the proposed agreement is intended to allow Cardinal IG to continue to privately use a portion of property dedicated as right-of-way with the Cardinal IG Addition replat (SUB-40-2022). Staff recommends approval as presented.

Richard Abernethy, Director of Administrative Services, reviewed Item 12, noting staff recommends approving a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services in the amount of \$292,200. He explained the current software is antiquated and out of date. The agreement will provide for the purchase of user licenses, training, data migration services and system configuration services. The software will enhance the City’s operational efficiency by providing paperless processes, multiple automated features, virtual court options, electronic record keeping and will allow customers to make payments, enter pleas, and schedule court dates online. The Incode software will communicate with Police Department software and fully integrate with the City’s financial software. Mr. Abernethy thanked Court Administrator Tammie Atchison and Marshal Mike Foran for their extensive work in the software evaluation.

James Gaertner, Executive Director of Public Works and Engineering, reviewed Item 13, requesting approval of a bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program in the amount of \$418,212. He explained the project generally includes approximately 4,000 linear feet of concrete sidewalk construction along the following streets: (a) Harbin Street from Second Street to Sycamore Street (b) Gibson Street, one block north and south of Wilemon Elementary,

(5b)

and (c) Peter Street from Graham Street to Park School House Road. The project also includes removal of 410 sq. yards of concrete driveways, some curb repair, miscellaneous landscape repairs and sodding. After thorough evaluation, the Engineer of Record and staff recommended awarding the bid to the second lowest bidder due to lack of experience from Ono Contracting, Inc. and references received from other municipalities.

Brandon Lacy, Assistant Director of Utilities, reviewed the following items:

- Item 14, requesting approval of a Professional Engineering Service Agreement with Freese and Nichols, Inc. in the amount of \$172,731 for South Prong Dam miscellaneous repairs. The project is budgeted in the FY 23 bond sale. The proposal includes design, bidding and construction phase services for these repairs, but not the actual repairs. The repairs will go out to bid for construction at a later date.
- Item 15, requesting approval of a Professional Engineering Service Agreement with Garver Engineers, LLC in the amount of \$97,200 for lead and copper rule revision assistance. He explained in December 2020, the Environmental Protection Agency implemented a lead and copper rule revision to better protect public health through removing/reducing lead exposure from drinking water systems. This proposal would be the second task of a proposed three-year task order schedule. He noted the project is a budgeted expense included in the Utility Department's FY23 operations and maintenance budget.

3. Adjourn

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



Date submitted 10/10/2022

Applicant Information

Applicant name: Brecia Eubank

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: 713-834-7207

Cell: 469-337-9348

Email:

Mailing address: 1214 W Ridge Dr Duncanville TX 75116

Host organization name: RISE Performing Arts Center

Alternate contact that will be on-site during the event.

On-site contact name: Amanda, Amanda, Alicia, Kylie

Cell:

About the Event

Event name: Dara and the Gift of Dance (The Nutcracker the RISE Way)

Location: Railyard Park

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: 250+

Description of event: This will be our first annual "Nutcracker" however this will be our fourth

Christmas Event! We have previously done virtual events and are looking forward to being able to host an in person holiday dance showcase!

How many times has this event been hosted before?

1st time ☒

2 - 4 times ☐

5 or more times ☐

Location:

Choose the best description of the event:

☒ Festival

☐ Birthday Party / Picnic

☐ Movie Screening

☐ Charitable / Fundraising

☐ Parade

☐ Community / Neighborhood

☐ Private Event

☐ Concert / Live Performance

☐ Run / Walk

☐ Other: Dance Showcase



(507)

Event activities include (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Amusement rides / Inflatables | <input type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- ☒ Private ☐ Free & open to the general public
- ☐ Entry by participation or registration fee ☐ Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	Dec 18, 2022	2:00 PM	4:00 PM
Event Set-up	Dec 18, 2022	1:00 PM	
Event Breakdown	Dec 18, 2022	4:00 PM	

Run / Walk:

Please provide the start time for each distance (if applicable)

1 mile

5K

Other distance

Please indicate your expected attendance:

Number of participants:

- 1-99 ☒
- 100-199 ☐
- 200-299 ☐
- 300+ ☐

Provide route on attached site map.



(5C)

Food / Beverage:

Will the event offer food/beverages? Yes ☒ No ☐
Will event require any food preparation on-site? Yes ☒ No ☐
Will alcohol be served/sold? Yes ☒ No ☐

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: _____ Date(s) & time(s): _____
Volunteers How many: _____ Date(s) & time(s): _____
Private security How many: _____ Date(s) & time(s): _____
Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes ☐ No ☐

If no, please contact Sgt. Brian Fuller at bfuller@waxahachiepd.org to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes ☒ No ☐

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes ☒ No ☐

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes ☒ No ☐

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____



City of Waxahachie
City Secretary's Office

Special Event Application

(5C)

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes ☒

No ☐

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes ☒

No ☐

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☒

Franchise Utilities ☐ Both ☐

List contractor / supplier: _____

Explain services in detail: _____

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Signature

09/06/2022

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Signature

09/06/2022

Date

Email completed Special Event Application and site map
to Jami Bonner at jami.bonner@waxahachie.com.



(5c)

Bonner, Jami

From: Boyd, Ricky
Sent: Wednesday, November 9, 2022 2:24 PM
To: Bonner, Jami
Subject: RE: Event Application - Dara and the Gift of Dance 12/18/22

I do not have any concerns.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, November 9, 2022 2:04 PM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@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 - Dara and the Gift of Dance 12/18/22

For your review / comments. 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

(5c)

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, November 9, 2022 2:40 PM
To: Bonner, Jami
Subject: RE: Event Application - Dara and the Gift of Dance 12/18/22

No concerns Jami

From: Bonner, Jami
Sent: Wednesday, November 9, 2022 2:04 PM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
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(5c)

Bonner, Jami

From: Cooper, Kyle
Sent: Monday, November 14, 2022 3:54 PM
To: Bonner, Jami; Martinez, Gumaro
Subject: RE: Event Application - Dara and the Gift of Dance 12/18/22

No comments.



Kyle Cooper, CPRP
Senior Director
Parks and Recreation
City of Waxahachie
469-309-4277
972-268-4549
Kyle.Cooper@waxahachie.com

From: Bonner, Jami
Sent: Monday, November 14, 2022 3:11 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>
Subject: FW: Event Application - Dara and the Gift of Dance 12/18/22

Good afternoon,

Please let me know if you have any comments in regards to the attached event application. Thank you.

From: Bonner, Jami <>
Sent: Wednesday, November 9, 2022 2:04 PM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
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Subject: Event Application - Dara and the Gift of Dance 12/18/22

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City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

(5c)

Bonner, Jami

From: Martinez, Gumaro
Sent: Monday, November 14, 2022 3:59 PM
To: Bonner, Jami; Cooper, Kyle
Subject: RE: Event Application - Dara and the Gift of Dance 12/18/22

No comments



From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, November 14, 2022 3:11 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>
Subject: FW: Event Application - Dara and the Gift of Dance 12/18/22

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To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Ricky Boyd <boyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@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>
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City of Waxahachie
City Secretary's Office

Special Event Application

(5d)

Date submitted 11/3/22

Applicant Information

Applicant name: Jason Covarrubias

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: 214-923-2881

Cell: 214-923-2881

Email: jcovarrubias@sagu.edu

Mailing address: 1200 Sycamore Street Waxahachie, TX 75165

Host organization name: Southwestern Assemblies of God University

Alternate contact that will be on-site during the event.

On-site contact name: David Cox

Cell:

About the Event

Event name: SAGU Half Marathon & 5K

Location: 1200 Sycamore St Waxahachie, TX 75165

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: 700

Description of event: Half Marathon and 5k that starts and finishes at SAGU.

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☐

5 or more times ☒

Location: SAGU

Choose the best description of the event:

☐ Festival

☐ Birthday Party / Picnic

☐ Movie Screening

☐ Charitable / Fundraising

☐ Parade

☐ Community / Neighborhood

☐ Private Event

☐ Concert / Live Performance

☒ Run / Walk

☐ Other:



City of Waxahachie
City Secretary's Office

Special Event Application

(5d)

Event activities include (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Amusement rides / Inflatables | <input type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input checked="" type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input type="checkbox"/> Announcement / Speeches | <input type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input checked="" type="checkbox"/> Street closure |
| <input checked="" type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" type="radio"/> Entry by participation or registration fee | <input type="radio"/> Entry by admission fee or ticket |

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

\$65 half marathon and \$35 5k

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	2/4/23	7:00am	11:00am
Event Set-up	2/4/23	5:00am	7:00am
Event Breakdown	2/4/23	11:00am	12:00pm

Run / Walk:

Please provide the start time for each distance (if applicable)

N/A 1 mile 7:00am 5K 7:00am Other distance

Please indicate your expected attendance: 600

Number of participants:

- | | |
|---------|----------------------------------|
| 1-99 | <input type="radio"/> |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input checked="" type="radio"/> |

Provide route on attached site map.



(5d)

Food / Beverage:

Will the event offer food/beverages? Yes ☐ No ☒
Will event require any food preparation on-site? Yes ☐ No ☒
Will alcohol be served/sold? Yes ☐ No ☒

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: _____ Date(s) & time(s): _____
Volunteers How many: 0 Date(s) & time(s): _____
Private security How many: 0 Date(s) & time(s): _____
Company name: _____

Contact name and number: _____

Off duty police How many: 5 Date(s) & time(s): 1/28 7:00am - 11:00am

Have you made arrangements with the police? Yes ☐ No ☒

If no, please contact Sgt. Brian Fuller at bfuller@waxahachiepd.org to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes ☒ No ☐

If yes, please list all streets, intersections, and parking lots that apply: Hwy 77 @ Sycamore,

Hwy 287 S @ Brown st, Hwy 287 N @ Brown st, Brown St @ Hacienda, & Ross @ Brown St

Street closings to begin on date: 2/4/23 Start time: 7:00am End time: 11:00am

Will any businesses be impacted by the proposed road closure? Yes ☐ No ☒

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes ☒ No ☐

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: 1000+ Barricades How many: _____

Other: Will like to have the same group cone off the course again.

Where should equipment be dropped off & picked up? on the course

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: 2/4/23

Time: 5:00am

When will the traffic equipment be removed?

Date: 2/4/23

Time: 11:00am

Are you requesting the use of City traffic equipment?

Yes ☒

No ☐

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes ☐

No ☒

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☐

Both ☐

List contractor / supplier:

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

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Jason Covarrubias

Digitally signed by Jason Covarrubias
Date: 2022.10.18 11:55:02 -0500

11/3/22

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

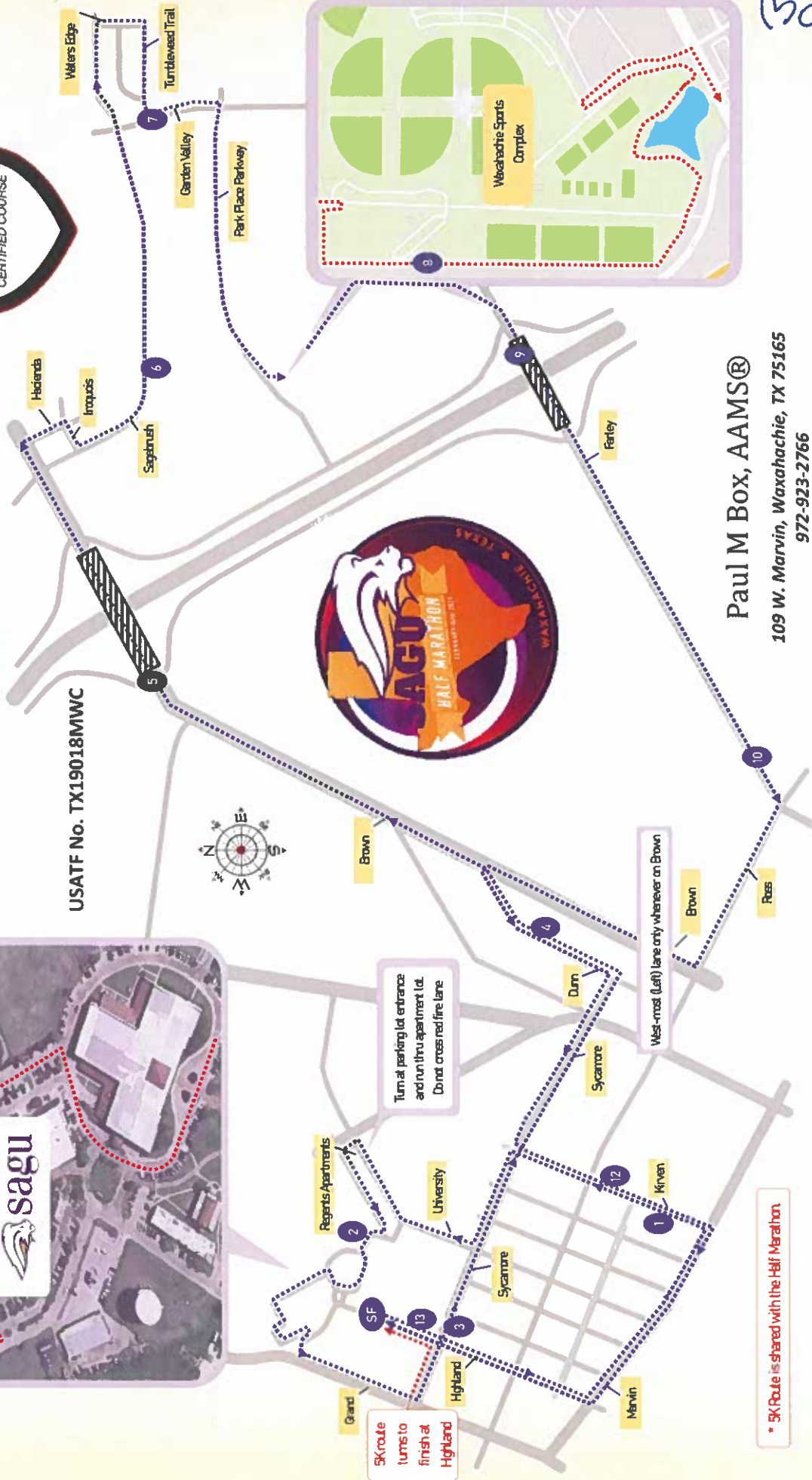
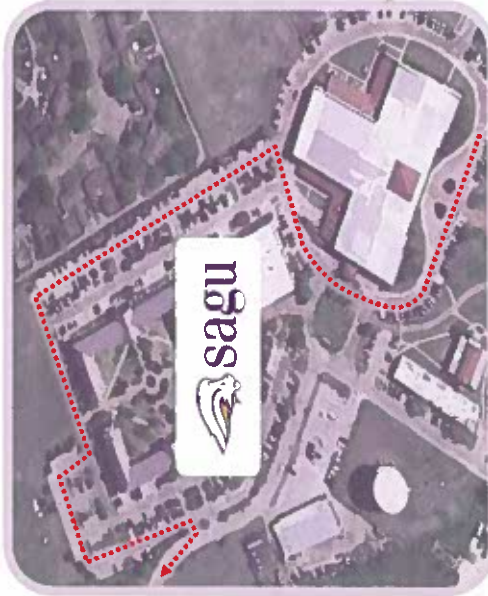
Signature

Date

Email completed Special Event Application and site map
to Jami Bonner at jami.bonner@waxahachie.com.

SAGU Half Marathon

Presented by  **AMERICAN RED CROSS**
EMERGENCY CENTERS



5K route turns to finish at Highland

* 5K Route is shared with the Half Marathon

Paul M Box, AAMS®

109 W. Marvin, Waxahachie, TX 75165
972-923-2766

Course design and measurement sponsored by:

Edward Jones
MAKING SENSE OF INVESTING

(p5)

Bonner, Jami

From: Boyd, Ricky
Sent: Tuesday, October 18, 2022 4:27 PM
To: Bonner, Jami
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

I have no concerns.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
 214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, October 18, 2022 4:10 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.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 - SAGU Half Marathon & 5K 01.28.23

For your review / comments. 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

(5d)

Bonner, Jami

From: Gaertner, James
Sent: Tuesday, October 18, 2022 4:42 PM
To: Bonner, Jami; Boyd, Ricky; Joe Bill Wiser; Massey, Matt; Griffith, Thomas; Dale Sigler; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Barnes, Bradley; Warren, Anthony; Mosley, Laurie
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

Jami,

It appears that it is the same route as previous years.

I am wondering how the past few years did with them going through Brown Street and Farley Street.

Is 5 officers enough for this many major roads that need to be blocked?

Is there more traffic issues from year to year due to the increase residents in Waxahachie?

If PD is fine with this, we will provide the barricades for this event.



James Gaertner, PE, CFM
Director of Public Works & Engineering
401 S. Rogers St.
Waxahachie, TX 75165
Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, October 18, 2022 4:10 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
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Subject: Event Application - SAGU Half Marathon & 5K 01.28.23

For your review / comments. Thank you.

Jami Bonner
Assistant City Secretary

(5d)

Bonner, Jami

From: Dale Sigler
Sent: Wednesday, October 19, 2022 1:50 PM
To: Gaertner, James; Bonner, Jami
Cc: Joe Bill Wiser
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

We haven't had any issues in the past. The starts and ends pretty early.

From: Gaertner, James
Sent: Tuesday, October 18, 2022 4:42 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>
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Jami,

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(5d)

Bonner, Jami

From: Gaertner, James
Sent: Wednesday, October 19, 2022 2:07 PM
To: Dale Sigler; Bonner, Jami
Cc: Joe Bill Wiser; Massey, Matt
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

Thanks for the update Dale,

Jami,
I don't have comments to the event. Please have them coordinate the cones and staff with Matt Massey.

James G.

From: Dale Sigler <dsigler@waxahachiepd.org>
Sent: Wednesday, October 19, 2022 1:50 PM
To: Gaertner, James <jgaertner@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Joe Bill Wiser <JWiser@waxahachiepd.org>
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

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(5d)

Bonner, Jami

From: Martinez, Gumaro
Sent: Thursday, October 20, 2022 1:33 PM
To: Bonner, Jami; Boyd, Ricky; Joe Bill Wiser; Massey, Matt; Gaertner, James; Griffith, Thomas; Dale Sigler; Cooper, Kyle; Campos, Yadira; Barnes, Bradley; Warren, Anthony; Mosley, Laurie
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice; Villarreal, James
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

No comments, I will defer to James Villarreal for comments regarding the Sports Complex.



From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, October 18, 2022 4:10 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
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City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

Bonner, Jami

From: Villarreal, James
Sent: Thursday, October 20, 2022 1:36 PM
To: Martinez, Gumaro; Bonner, Jami; Boyd, Ricky; Joe Bill Wiser; Massey, Matt; Gaertner, James; Griffith, Thomas; Dale Sigler; Cooper, Kyle; Campos, Yadira; Barnes, Bradley; Warren, Anthony; Mosley, Laurie
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

Looks good.

I have no objections.

James Villarreal
 Assistant Director - Sports Complex
 Office 469-309-4273
 Cell 972-523-8706



From: Martinez, Gumaro
Sent: Thursday, October 20, 2022 1:33 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, James <jvillarreal@waxahachie.com>
Subject: RE: Event Application - SAGU Half Marathon & 5K 01.28.23

No comments, I will defer to James Villarreal for comments regarding the Sports Complex.

(5d)

Bonner, Jami

From: Villarreal, James
Sent: Friday, November 4, 2022 8:47 AM
To: Bonner, Jami
Subject: RE: Revised Date - SAGU Half Marathon and 5K

No conflicts with the date change.

James Villarreal
Assistant Director - Sports Complex
Office 469-309-4273
Cell 972-523-8706



CITY OF
WAXAHACHIE
TEXAS

From: Bonner, Jami
Sent: Friday, November 4, 2022 8:45 AM
To: Villarreal, James <jvillarreal@waxahachie.com>
Subject: Revised Date - SAGU Half Marathon and 5K

Good morning,

SAGU is revising the date of their Half Marathon and 5k to February 4th. Please let me know if you are aware of any conflicts or have any comments. Thank you.

Jami Bonner
Assistant City Secretary
City of Waxahachie
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www.waxahachie.com

(5d)

Bonner, Jami

From: Joe Bill Wiser
Sent: Friday, November 4, 2022 9:06 AM
To: Bonner, Jami
Subject: RE: Revised Date - SAGU Half Marathon and 5K

Should not pose any problems.

From: Bonner, Jami
Sent: Friday, November 4, 2022 8:45 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Revised Date - SAGU Half Marathon and 5K

Good morning,

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Jami Bonner
Assistant City Secretary
City of Waxahachie
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www.waxahachie.com

(5d)

Bonner, Jami

From: Gaertner, James
Sent: Friday, November 4, 2022 9:01 AM
To: Bonner, Jami; Martinez, Gumaro; Boyd, Ricky; Joe Bill Wiser; Massey, Matt; Griffith, Thomas; Dale Sigler; Cooper, Kyle; Campos, Yadira; Barnes, Bradley; Warren, Anthony; Mosley, Laurie
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Revised Date - SAGU Half Marathon and 5K

I don't have issues with the revised date.

James G.

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Friday, November 4, 2022 8:45 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Revised Date - SAGU Half Marathon and 5K

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Jami Bonner
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www.waxahachie.com

(5d)

Bonner, Jami

From: Mosley, Laurie
Sent: Friday, November 4, 2022 1:28 PM
To: Bonner, Jami
Subject: RE: Revised Date - SAGU Half Marathon and 5K

I have no issues with the date change 😊.

Thank you!
Laurie

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Friday, November 4, 2022 8:45 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Dale Sigler <dsigler@waxahachiepd.org>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Revised Date - SAGU Half Marathon and 5K

Good morning,

SAGU is revising the date of their Half Marathon and 5k to February 4th. Please let me know if you are aware of any conflicts or have any comments. Thank you.

Jami Bonner
Assistant City Secretary
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(5e)



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager
Date: November 21, 2022
Re: City of Grand Prairie Interlocal Agreement

Item Description: On Monday, November 21, 2022 an interlocal agreement between the City of Grand Prairie and the City of Waxahachie will be presented to Council for consideration.

Item Summary: Staff is requesting the City Council's approval to enter into an interlocal agreement with the City of Grand Prairie in reference to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which the City of Grand Prairie and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. The City of Grand Prairie and the City of Waxahachie shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts.

Fiscal Impact: Approving this interlocal agreement will allow for potential cost savings and more efficient procurement practices.

(5f)



Memorandum

To: Honorable Mayor and City Council
From: James Villarreal, Assistant Director of Sports Complex
Thru: Michael Scott, City Manager *[Signature]*
Date: November 21, 2022
Re: Consider Contract with Sports Fields, Inc. for Synthetic Turf Improvements Project Phase III

Item Description: Consider contract with Sports Fields, Inc., in the amount of \$860,900 for the Waxahachie Sports Complex Synthetic Turf Improvements Phase III project.

Item Summary: Request for bids were solicited and received for the Waxahachie Sports Complex Synthetic Turf Improvements Phase III and staff has worked with our consultant, CEI Engineering, to evaluate the bids and qualifications to select the lowest qualified bidder.

The following base bids were received:

- Sports Fields, Inc. - \$895,200
- Paragon - \$908,053

Based on the submittals and consultation with the CEI Engineering, Sports Fields, Inc. was determined to be the lowest qualified bidder. The approved FY22-23 construction budget for the turf improvement is \$875,000, not including professional services. Since the bid was over the budgeted amount, staff asked CEI Engineering to contact Sports Fields, Inc. and value-engineer the project to find some potential cost savings.

Sports Fields, Inc. was able to offer the following value-engineering options: (1) using a substitute supplier for the turf of same grade and

(5f)

quality, realizing a cost savings of \$15,400; (2) reducing the aggregate sublayer underneath the turf from 5" to 4", with no hindrance or change to drainage and realizing a cost savings of \$18,900. The combined value-engineering options total \$34,300 in cost savings. The adjusted bid award to Sports Fields, Inc., would be for \$860,900.

Please note the contract was unanimously approved by the Waxahachie Community Development Corporation Board on November 8, 2022.

Fiscal Impact: The proposed bid award to Sports Fields, Inc., in the amount of \$860,900 is part of the approved FY22-23 budget and is within the approved funding of \$875,000.

(748)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Senior Director of Planning
Thru: Michael Scott, City Manager *[Signature]*
Date: November 21, 2022
Re: ANX-DNX-110-2022 - Brookside PD Annexation

On November 16, 2022, the applicant requested to continue case no. ANX-DNX-110-2022, the Brookside PD Annexation, from the November 21, 2022, City Council meeting agenda indefinitely.

(9+10)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Senior Director of Planning
Thru: Michael Scott, City Manager
Date: November 21, 2022
Re: ZDC-92-2022- Brookside PD

At the November 15, 2022 Planning and Zoning Commission meeting, the applicant requested to continue case no. ZDC-92-2022, the Brookside PD, from the November 15, 2022, Planning and Zoning Commission agenda and the November 21, 2022, City Council meeting agenda indefinitely.

(11)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-123-2022



MEETING DATE(S)

Planning & Zoning Commission:

November 15, 2022

City Council:

November 21, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 15, 2022, the Commission voted 5-0 to recommend approval of case number ZDC-123-2022, subject to staff conditions.

CAPTION

Public Hearing on a request by Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP, for an **Amendment** of a previously approved **Specific Use Permit (SUP)** for a **Drive-Through Establishment** use within a Planned Development-General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-123-2022) Staff: Zack King

APPLICANT REQUEST

The applicant requests to amend the previously approved Specific Use Permit (SUP) for the Starbucks Drive-Through Establishment along Highway 77. The P&Z Commission and City Council approved the previous SUP in December of 2021 under Ordinance 3310.

CASE INFORMATION

<i>Applicant:</i>	Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP
<i>Property Owner(s):</i>	Vaquero Highway 77 Waxahachie Partners LP
<i>Site Acreage:</i>	0.912 acres
<i>Current Zoning:</i>	Planned Development-General Retail (PD-GR) with a SUP for a Drive-Through Establishment (Starbucks)
<i>Requested Zoning:</i>	Planned Development-General Retail (PD-GR) with a SUP for a Drive-Through Establishment

SUBJECT PROPERTY

<i>General Location:</i>	Located approximately 1,500 feet South of Butcher Road and East of Highway 77
<i>Parcel ID Number(s):</i>	189379
<i>Existing Use:</i>	The subject property is currently undeveloped.

(11)

Development History:

The subject property is situated on Lot 1 of the recently approved Shridharani Subdivision. This plat has not yet been filed.

Table 1: Adjoining Zoning and Uses

Direction	Zoning	Current Use
North	PD-GR	Currently Undeveloped - Auto Parts & Accessory Sales SUP (O'Reilly's) Ord. 3234.
East	N/A (ETJ)	Northside RV Resort
South	PD-GR	Currently Undeveloped
West	PD-GR/PD-MF2	Restaurants (Whataburger/Sonic) & Victron Park Planned Development (Currently Undeveloped)

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Location Map:



PLANNING ANALYSIS

Purpose of the Request

The applicant proposes to amend the previously approved Specific Use Permit (SUP) for the Starbucks Drive-Through Establishment along Highway 77. The P&Z Commission and City Council approved the previous SUP in December of 2021 under Ordinance 3310. The applicant is requesting to amend the previously approved SUP to revise language in the development agreement and zoning ordinance that was no longer agreeable to the property owner. The applicant was informed by staff that changes to the approved SUP ordinance would require the case to return to P&Z and City Council for approval.

Purpose of the Request (continued)

Staff advised the applicant that minor textual changes to the development agreement could be processed administratively due to the fact that the agreement had not yet been officially executed. However, the applicant, operating on the advice of their legal team, requested to revise both the SUP ordinance and development agreement and agreed to return the case to P&Z and City Council for approval.

Building Design/Facade

The proposed façade for the building does not deviate from the design approved initially by P&Z on December 14, 2021. The building is currently proposed to be constructed of stucco, wood siding, and metal. The remainder of the building is proposed to consist of window glazing. The percentage of each material used can be referenced in the Elevation Plan below.

Operational Plan

The proposed operational plan for Starbucks has not changed from the original ordinance. Starbucks intends to serve coffee, tea, and breakfast and lunch food options. This store will have operational hours of 5am – 10pm Monday – Saturday, and 6am – 10pm on Sunday. Starbucks anticipates an average of 5-8 staff members per shift to help operate the store.

Changes from Ordinance 3310SUP Ordinance

The applicant requests to remove references to the Staff Report from the zoning ordinance to clarify what is truly required with the SUP. The applicant is also requesting to add the following language to the SUP ordinance regarding the term of the SUP.

- “If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to re-establish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation.”

Apart from these changes, the applicant has proposed minor grammar changes throughout the ordinance. Staff has no concern with these proposed changes.

Development Agreement

The applicant is requesting the following substantive changes to the development agreement.

- References to the Staff Report are also removed from the development agreement to clarify what is truly required with the development agreement.
- The agreement has been updated to reflect the creation of a mutual access easement (Instrument No. 2120553) that connects the subject property with adjacent property to the north and south.
- The agreement has been updated to reflect that neither the SUP ordinance nor the development agreement are intended to conflict with Chapter 245 of the Texas Local Government Code.
- The agreement has been updated to remove typical City of Waxahachie provisions regarding Form 1295 Certificates, Undocumented Workers, Non-Boycott of Israel, Prohibition on Contracts with Certain Companies, Verification Against Discrimination of Firearm or Ammunition Industries, and Verification Against Discrimination/Boycott of Energy Companies. The applicant requested to remove these provisions, stating that they generally did not apply to the agreement.

Development Agreement (continued)

After consultation with the City Attorney, Robert Brown, staff has no concern with the proposed changes to the Development Agreement.

Site Plan

The site plan proposed with this SUP amendment has not drastically changed from the original site plan approved with Ordinance 3310. The only substantive change to note is the addition of ornamental iron fencing adjacent to the drive-through entrance on top of the retaining wall that runs along the rear of the property. Staff is supportive of these proposed changes.

Table 2: Proposed Development Standards (General Retail)

Standard	City of Waxahachie	Ord. 3310	Amended SUP	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	39,706	39,706	Yes
Min. Lot Width (Feet)	60	197.56	197.56	Yes
Min. Lot Depth (Feet)	100	200.98	200.98	Yes
Min. Front Yard (Feet)	40	40	40	Yes
Min. Side Yard (Feet)	20	20	20	Yes
Min. Rear Yard (Feet)	20	20	20	Yes
Max. Height	2 stories	1 story	1 story	Yes
Max. Lot Coverage (%)	40	5.59	5.59	Yes
Parking: Restaurant 1 space per 100 sq. feet	22 spaces	32 spaces	32 spaces	Yes

Landscape Plan

The landscape plan proposed with this SUP amendment has also changed. The new landscape plan includes the addition of 48 Needlepoint Holly's along the northern drive-aisle. Additionally, the number of proposed trees on site remains 16; but the variety of species used has been revised. Seven (7) Cedar Elms, four (4) Crape Myrtles, and five (5) Live Oaks were approved with the original SUP. The applicant is now proposing four (4) Cedar Elms, four (4) Crape Myrtles, and eight (8) Live Oaks. Staff has no concern with these proposed changes. Staff has no concerns with these proposed changes.

PUBLIC NOTIFICATIONS

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

RECOMMENDED MOTION

Staff recommends approval of the SUP Amendment request with the motion and conditions noted below.

Motion:

"I move to approve ZDC-123-2022, an amendment to a previously approved Specific Use Permit (SUP) for a Drive-Through Establishment use (Ordinance 3310), within a Planned Development-General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (being a portion of Property ID 189379) subject to the conditions the staff report, authorizing the City Manager and or Mayor to sign the associated documents accordingly."

Conditions:

1. A mutually agreed upon development agreement is required to be executed within thirty (30) days of the approval of this Specific Use Permit (SUP) request.

ATTACHED EXHIBITS

1. Revised Development Agreement
2. Revised Ordinance
 - A. Exhibit A – Location Map
 - B. Exhibit B – Site Plan
 - C. Exhibit C – Landscape Plan
 - D. Exhibit D – Elevation/Façade Concept Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, an applicant can apply for building permits from the Building and Community Services Department following the recordation of the Development Agreement.

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Senior Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

ORDINANCE NO. ()

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, CONSISTING OF APPROXIMATELY 0.912 ACRES OF LAND LOCATED APPROXIMATELY 1,000 FEET SOUTH OF BUTCHER ROAD AND EAST OF HWY 77, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 848 OF THE AS PRUITT SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-ZDC-123-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

WHEREAS, this Ordinance supersedes Ordinance No. 3311 approved by the City Council on December 20, 2021;

NOW, THEREFORE, this property is rezoned from PD-GR to PD-GR, with an SUP in order to permit a Drive-Through Establishment use (currently contemplated as Starbucks) on the following property: Approximately 0.912 acres of land in Abstract 848 of the AS Pruitt Survey, located approximately 1,000 feet south of Butcher Road and east of Hwy 77, which is more particularly described and shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and the Elevation/Facade Concept Plan attached as Exhibit D (the "Property").

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE-THROUGH ESTABLISHMENT USE (CURRENTLY CONTEMPLATED AS STARBUCKS) IN THE PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The site plan shall conform as approved by the City Council under case number ZDC-123-2022.
3. The development shall adhere to the City Council approved Exhibit A- Location Map, Exhibit B - Site Plan, Exhibit C - Landscape Plan, and Exhibit D - Elevation/Facade Plan attached hereto.
4. 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.
5. Where regulations are not specified in this ordinance, including Exhibits B, C, and D hereto, or the Development Agreement, the regulations of the Planned Development General Retail (PD-GR) Zoning District shall apply to this development.
6. The City Council shall have the right to review the Specific Use Permit after 12 months if needed. If the City Council finds that the activities under the Specific Use Permit violate one or more City or state regulations, and the owner or operator fails to correct such violations within a reasonable period, the City Council may terminate the Specific Use Permit.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.

(127)

2. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to reestablish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy in accordance with generally applicable City requirements.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

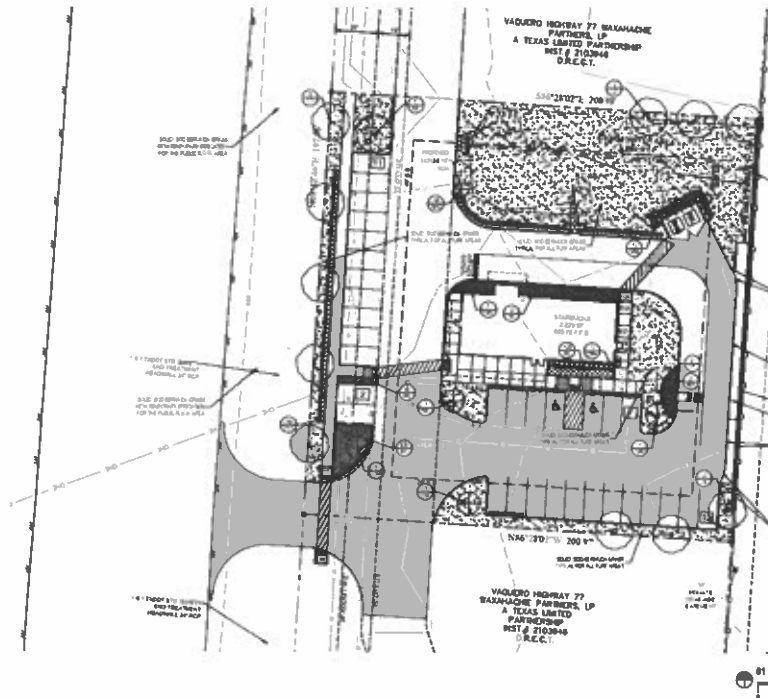
(12)

Exhibit A - Location Map



(127)

Exhibit C - Landscape Plan



SITE DATA SUMMARY TABLE

PROJECT NAME	STARBUCKS (PHASE 1)
OWNER	STARBUCKS
DESIGNER	STARBUCKS
CONTRACT NO.	123456
DATE	12/15/2023
PROJECT LOCATION	123456
PROJECT TYPE	COMMERCIAL
PROJECT SIZE	123456
PROJECT PHASE	PHASE 1
PROJECT STATUS	IN PROGRESS
PROJECT BUDGET	123456
PROJECT SCHEDULE	123456
PROJECT RISK	123456
PROJECT TEAM	123456
PROJECT CONTACT	123456
PROJECT ADDRESS	123456
PROJECT CITY	123456
PROJECT STATE	123456
PROJECT ZIP	123456
PROJECT PHONE	123456
PROJECT FAX	123456
PROJECT EMAIL	123456
PROJECT WEBSITE	123456
PROJECT SOCIAL MEDIA	123456
PROJECT BLOG	123456
PROJECT NEWSLETTER	123456
PROJECT PRESS RELEASE	123456
PROJECT VIDEO	123456
PROJECT AUDIO	123456
PROJECT IMAGE	123456
PROJECT DOCUMENT	123456
PROJECT FILE	123456
PROJECT FOLDER	123456
PROJECT DRIVE	123456
PROJECT SERVER	123456
PROJECT CLOUD	123456
PROJECT MOBILE	123456
PROJECT TABLET	123456
PROJECT SMART TV	123456
PROJECT SMARTPHONE	123456
PROJECT SMARTWATCH	123456
PROJECT SMARTGLASSES	123456
PROJECT SMARTHELMET	123456
PROJECT SMARTSHIRT	123456
PROJECT SMARTSHOE	123456
PROJECT SMARTWATCH	123456
PROJECT SMARTGLASSES	123456
PROJECT SMARTHELMET	123456
PROJECT SMARTSHIRT	123456
PROJECT SMARTSHOE	123456

LANDSCAPE MATERIALS

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	Grass Seed	1000	SQ YD	1.00	1000.00
2	Grass Seed	1000	SQ YD	1.00	1000.00
3	Grass Seed	1000	SQ YD	1.00	1000.00
4	Grass Seed	1000	SQ YD	1.00	1000.00
5	Grass Seed	1000	SQ YD	1.00	1000.00
6	Grass Seed	1000	SQ YD	1.00	1000.00
7	Grass Seed	1000	SQ YD	1.00	1000.00
8	Grass Seed	1000	SQ YD	1.00	1000.00
9	Grass Seed	1000	SQ YD	1.00	1000.00
10	Grass Seed	1000	SQ YD	1.00	1000.00

PROJECT CONTACT LIST

NAME	PHONE	EMAIL
STARBUCKS	123456	123456
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PLANT MATERIAL SCHEDULE

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	Grass Seed	1000	SQ YD	1.00	1000.00
2	Grass Seed	1000	SQ YD	1.00	1000.00
3	Grass Seed	1000	SQ YD	1.00	1000.00
4	Grass Seed	1000	SQ YD	1.00	1000.00
5	Grass Seed	1000	SQ YD	1.00	1000.00
6	Grass Seed	1000	SQ YD	1.00	1000.00
7	Grass Seed	1000	SQ YD	1.00	1000.00
8	Grass Seed	1000	SQ YD	1.00	1000.00
9	Grass Seed	1000	SQ YD	1.00	1000.00
10	Grass Seed	1000	SQ YD	1.00	1000.00



- LANDSCAPE NOTES**
1. The landscape plan is based on the site plan and the landscape architect's site visit.
 2. The landscape plan is based on the site plan and the landscape architect's site visit.
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 10. The landscape plan is based on the site plan and the landscape architect's site visit.

LANDSCAPE ARCHITECT
123456



DATE: 12/15/2023

STARBUCKS
HIGHWAY 77 & BUTCHER ROAD
CITY OF WAXAHACHE, TEXAS

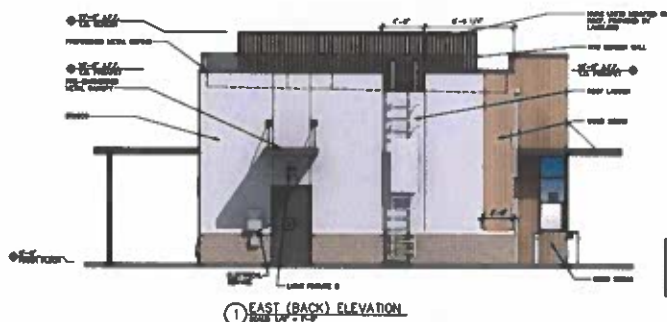
REVISIONS

NO.	DATE	DESCRIPTION
1	12/15/2023	Initial design
2	12/15/2023	Revisions
3	12/15/2023	Revisions
4	12/15/2023	Revisions
5	12/15/2023	Revisions
6	12/15/2023	Revisions
7	12/15/2023	Revisions
8	12/15/2023	Revisions
9	12/15/2023	Revisions
10	12/15/2023	Revisions

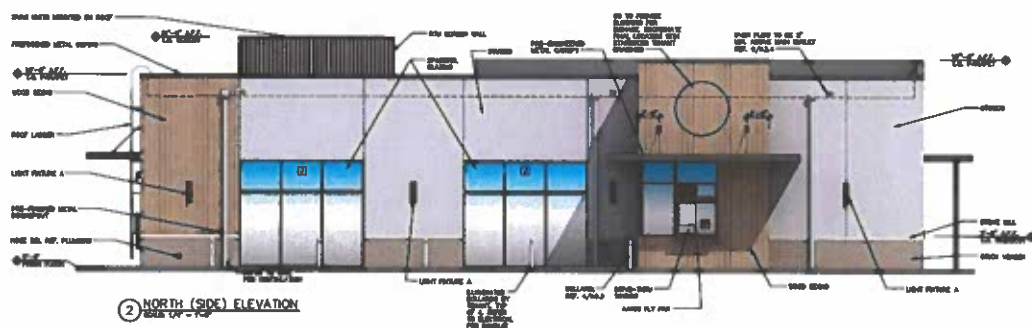
DATE: 12/15/2023

SHEET NUMBER: L.1

Exhibit D- Elevation/Facade Plan

[illegible]

DATE	12/15/88
TIME	14:00
LOCATION	100-1000
BY	100-1000
REMARKS	100-1000



4-STEP TURN	100%	0.2%
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**PRELIMINARY
NOT TO BE USED
FOR
REGULATORY
APPROVAL
PERMITTING OR
CONSTRUCTION**



SHELL BUILDING

N. MAY 77
MAXAACHIE, TX 75165

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October 14, 2022

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT WITH VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS, LP FOR DRIVE-THROUGH ESTABLISHMENT
	§	
COUNTY OF ELLIS	§	

This Development Agreement ("Agreement") is entered into between Vaquero Highway 77 Waxahachie Partners, LP ("Developer") and the City of Waxahachie, Texas ("City"). Developer and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. Developer is the owner of approximately 0.912 acres of real property generally located 1,000 feet South of Butcher Road and East of Hwy 77, Parcel Number 189379, in the City of Waxahachie, Texas, which is more particularly described on Exhibit A (the "Property") for which the applicant has requested a change in the Property's Planned Development General Retail to Planned Development General Retail with Specific Use Permit ("SUP"), revising specific development standards. The Property is currently zoned Planned Development-General Retail ("PD-GR") by the City and is anticipated to have the SUP reviewed on November 21, 2022.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Drive-Through Establishment, currently contemplated as Starbucks. The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing Developer with agreed-upon and negotiated standards consistent with its business objectives.

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

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the SUP Ordinance as contractually-binding obligations between the City of Waxahachie and Developer and to recognize Developer's reasonable investment-backed expectations in the SUP Ordinance and the planned development of the Property in accordance with such ordinance.

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 Development Agreement with Vaquero Highway 77 Waxahachie Partners, LP (Drive Through) – Page 1

October 14, 2022

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

Developer agrees:

- (A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-123-2022.
- (B) The development shall adhere to the SUP Ordinance approved by the City Council expressly including the following exhibits attached as part of the SUP Ordinance and incorporated therein: Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Elevation/Façade Plan.
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
- (D) All development within the Property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (E) 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. Noncompliance shall be corrected within a reasonable time after receipt of written notice from the City specifying such noncompliance.
- (F) Any zoning, land use requirement, or restriction not contained within this Development Agreement or Zoning Ordinance, as approved by City Council, shall conform to those requirements and/or standards prescribed in the SUP Ordinance expressly including Exhibit B – Site Plan, Exhibit C – Landscape Plan, and Exhibit D – Elevation/Façade Plan. Where regulations are not specified in Exhibits B, C, and D, the Zoning Ordinance, or Development Agreement, the regulations of the Planned Development General Retail Zoning District shall apply to this development.

October 14, 2022

- (G) The Property is the beneficiary of a mutual access easement pursuant to Declaration of Easements, Covenants and Restrictions recorded in the Ellis County records as Instrument No. 2120553 on May 10, 2021.

In consideration of Developer's agreement in this regard, the City of Waxahachie agrees that Developer has reasonable investment-backed expectations in the SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the SUP Ordinance without impacting Developer'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. If 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 the other provisions hereof will remain in full force and effect in the same manner as if such invalid, illegal or unenforceable provision had never been contained herein.
- 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 present rules, regulations, procedures and Development Agreement with Vaquero Highway 77 Waxahachie Partners, LP (Drive Through) – Page 3

October 14, 2022

ordinances of the City of Waxahachie, and all applicable laws, rules, and regulations of the State of Texas and the United States, except where such rules, regulations, procedures and ordinances do not apply to the Property pursuant to Chapter 245 of the Texas Local Government Code.

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 Developer 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.

{Signature Pages Follow}

(13)

October 14, 2022

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: _____

(13)

October 14, 2022

Developer

VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS, LP

By: Vaquero Ventures Management, LLC,
Its General Partner

By: _____

Name: _____

Title: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Vaquero Ventures Management, LLC , General Partner of Vaquero Highway 77 Waxahachie Partners, LP, 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 purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(13)

October 14, 2022

EXHIBIT A

Legal Description of Property

Legal Description needed from the applicant. To be inserted in this section.

(13)

October 14, 2022

Exhibit B
SUP Ordinance

(14)

Planning & Zoning Department

Zoning Staff Report

Case: SUB-127-2022



MEETING DATE(S)

Planning & Zoning Commission:

November 15, 2022

City Council:

November 21, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 15, 2022, the Commission voted 5-0 to recommend approval of case number ZDC-127-2022, subject to staff conditions.

CAPTION

Public Hearing on a request by Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP, for an **Amendment** of a previously approved **Specific Use Permit (SUP)** for **Auto Parts and Accessory Sales** use within a Planned Development-General Retail zoning district located south of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-127-2022)

APPLICANT REQUEST

The applicant requests to amend the previously approved Specific Use Permit (SUP) for an Auto Parts & Accessory Sales use (O'Reilly's) along Highway 77. The previous SUP was approved by the P&Z Commission and City Council on November 16, 2020, under Ordinance 3234.

CASE INFORMATION

Applicant:

Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP

Property Owner(s):

Vaquero Highway 77 Waxahachie Partners LP

Site Acreage:

1.002 acres

Current Zoning:

Planned Development-General Retail (PD-GR) with a SUP for Auto Parts & Accessory Sales (O'Reilly's)

Requested Zoning:

Planned Development-General Retail (PD-GR) with a SUP for Auto Parts & Accessory Sales

SUBJECT PROPERTY

General Location:

South of 2980 N Highway 77

Parcel ID Number(s):

189379

Existing Use:

The subject property is currently undeveloped

Development History:

The subject property is situated on Lot 1 of the recently approved Shridharani Subdivision. This plat has not yet been filed.

Table 1: Adjoining Zoning and Uses

Direction	Zoning	Current Use
North	C w/ SUP for Drive-In Service	Exxon Gas Station
East	N/A (ETJ)	Northside RV Resort
South	PD-GR	Currently Undeveloped – Drive Through Establishment SUP (Starbucks) Ord. 3310.
West	PD-GR/PD-MF2	Restaurants (Whataburger/Sonic) & Victron Park Planned Development (Currently Undeveloped)

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Site Image:**PLANNING ANALYSIS****Purpose of the Request**

The applicant proposes to amend the previously approved Specific Use Permit (SUP) for the O'Reilly's Auto Parts & Accessory Sales along Highway 77. The P&Z Commission and City Council approved the previous SUP on November 16, 2020 under Ordinance 3234. The applicant is requesting to amend the previously approved SUP to revise language in the development agreement and zoning ordinance that was no longer agreeable to the property owner. The applicant was informed by staff that changes to the approved SUP ordinance would require the case to return to P&Z and City Council for approval.

Purpose of the Request (continued)

Staff advised the applicant that minor textual changes to the development agreement could be processed administratively due to the fact that the agreement had not yet been officially executed. However, the applicant, operating on the advice of their legal team, requested to revise both the SUP ordinance and development agreement and agreed to return the case to P&Z and City Council for approval.

Operational Plan

The proposed operational plan for O'Reilly's has not changed from the original ordinance. O'Reilly's intends to serve as a supplier of auto parts and accessories. This store will have operational hours of 7:30am – 10pm, Monday – Sunday. Truck deliveries will only occur after hours. O'Reilly's anticipates there will be an average of 10-15 staff members per shift to help operate the store.

Changes from Ordinance 3234Building Design/Facade

The proposed façade for the building does deviate from the design approved initially by P&Z on November 10, 2020. The building is currently proposed to be constructed of concrete masonry units, EIFS, and window glazing. There are two types of concrete masonry units proposed, both of which are tan to brown in color and replicate a brick or stone façade. The table below details the exact percentage of each material proposed with the primary building.

Table 2: Proposed Elevation Summary

Standard	Ord. 3234	Amended SUP
Front Facade	28% Masonry 34% EIFS 38% Window Glazing	43% Masonry 33% EIFS 24% Window Glazing
Rear Facade	95% Masonry 5% EIFS 0% Window Glazing	93% Masonry 7% EIFS 0% Window Glazing
Right (South) Facade	81% Masonry 6% EIFS 13% Window Glazing	85% Masonry 7% EIFS 8% Window Glazing
Left (North) Facade	75% Masonry 6% EIFS 6% Doors (Window Glazing) 13% Window Glazing	79% Masonry 7% EIFS 6% Doors (Window Glazing) 8% Window Glazing

SUP Ordinance

The applicant requests to remove references to the Staff Report from the zoning ordinance to clarify what is genuinely required with the SUP. The applicant is also requesting to add the following language to the SUP ordinance regarding the term of the SUP.

- "If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to re-establish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation."

SUP Ordinance (continued)

Apart from these changes, the applicant has proposed minor grammar updates throughout the ordinance. Staff has no concern with the proposed changes to the SUP ordinance.

Development Agreement

The applicant is requesting the following substantive changes to the development agreement.

- References to the Staff Report are also removed from the development agreement to clarify what is genuinely required with the development agreement.
- The agreement has been updated to reflect the creation of a mutual access easement (Inst.t No. 2120553) that connects the subject property with adjacent property to the north and south.
- The agreement has been updated to reflect that neither the SUP ordinance nor the development agreement are intended to conflict with Chapter 245 of the Texas Local Government Code.
- The agreement has been updated to remove typical City of Waxahachie provisions regarding Form 1295 Certificates, Undocumented Workers, Non-Boycott of Israel, Prohibition on Contracts with Certain Companies, Verification Against Discrimination of Firearm or Ammunition Industries, and Verification Against Discrimination/Boycott of Energy Companies. The applicant requested to remove these provisions, stating that they generally did not apply to the agreement.

After consultation with the City Attorney, Robert Brown, staff has no concern with the proposed changes to the Development Agreement.

Site Plan

The site plan proposed with this SUP amendment has not drastically changed from the original site plan approved with Ordinance 3234. There are two substantive changes to note on the revised site plan. The applicant has added two "Exit Only" signs located on either side of the site's driveway connection to Highway 77, as required by TxDOT. Additionally, the applicant has relocated two (2) parking spaces from the northern property line to the eastern property line along Highway 77. Staff has no concerns with these proposed changes.

Table 3: Proposed Development Standards (General Retail)

Standard	City of Waxahachie	Ord. 3310	Amended SUP	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	43,650	43,560	Yes
Min. Lot Width (Ft.)	60	217.16	217.16	Yes
Min. Lot Depth (Ft.)	100	201.01	201.01	Yes
Min. Front Yard (Ft.)	40	40	40	Yes
Min. Side Yard (Ft.)	20	20	20	Yes
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	20	Yes
Max. Height	2 stories	1 story	1 story	Yes
Max. Lot Coverage (%)	40	18%	18%	Yes
Parking 1 space per 500 sq. ft.	15	37 spaces	37 spaces	Yes

Landscape Plan

The landscape plan proposed with this SUP amendment has also changed. The new landscape plan includes the addition of 8 Dwarf Wax Myrtles, 45 pots of Bermudagrass, and 2 Live Oaks along Highway 77. Staff has no concern with these proposed changes. Staff has no concerns with these proposed changes.

PUBLIC NOTIFICATIONS

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

RECOMMENDED MOTION

Staff recommends approval of the SUP Amendment request with the motion and conditions noted below.

Motion:

"I move to approve ZDC-127-2022, an amendment to a previously approved Specific Use Permit (SUP) for an Auto Parts and Accessory Sales use (Ordinance 3234), within a Planned Development-General Retail zoning district located south of 2980 N Highway 77 (being a portion of Property ID 189379) subject to the conditions the staff report, authorizing the City Manager and or Mayor to sign the associated documents accordingly."

Conditions:

1. A mutually agreed upon development agreement is required to be executed within thirty (30) days of the approval of this Specific Use Permit (SUP) request.

ATTACHED EXHIBITS

1. Revised Development Agreement
2. Revised Ordinance
 - A. Exhibit A – Location Map
 - B. Exhibit B – Site Plan
 - C. Exhibit C – Landscape Plan
 - D. Exhibit D – Elevation/Façade Concept Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION**Prepared by:**

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

ORDINANCE NO. ()

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO PARTS AND ACCESSORY SALES USE WITHIN A PLANNED DEVELOPMENT- GENERAL RETAIL (PD-GR) ZONING DISTRICT, PROPERTY ID 189379, CONSISTING OF APPROXIMATELY ONE ACRE OF LAND FRONTING HIGHWAY 77, BEING LOCATED IN ABSTRACT 848 OF THE AS PRUITT SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-127-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

WHEREAS, this Ordinance supersedes Ordinance No. 3234 approved by the City Council on November 16, 2020;

NOW, THEREFORE, this property is rezoned from PD-GR to PD-GR, with an SUP in order to permit an Auto Parts and Accessory Sales use (concurrently contemplated as O'Reilly Auto Parts) on the following property: Approximately one acre of land generally fronting Highway 77, being located in Abstract 848 of the A S Pruitt Survey, which is more particularly described and shown in Exhibit A, and shown on Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and the Elevation/Facade Plan attached as Exhibit D.

**SPECIFIC USE
PERMIT**

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN AUTO PARTS AND ACCESSORY SALES USE (CURRENTLY CONTEMPLATED AS O'REILLY AUTO PARTS) IN THE PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-127-2022.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B- Site Plan, Exhibit C - Landscape Plan, and Exhibit D- Elevation/Facade Plan attached hereto.
3. A mutually agreed upon Development Agreement will be required for the property.
4. 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.
5. The City Council shall have the right to review the Specific Use Permit after 12-months if needed. If the City Council finds that the activities under the Specific Use Permit violate one or more City or state regulations, and the owner or operator fails to correct such violations within a reasonable period, the City Council may terminate the Specific Use Permit.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to reestablish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above mentioned one-year period, not to exceed five years after the

date of such casualty or condemnation.

3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy in accordance with generally applicable City requirements.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

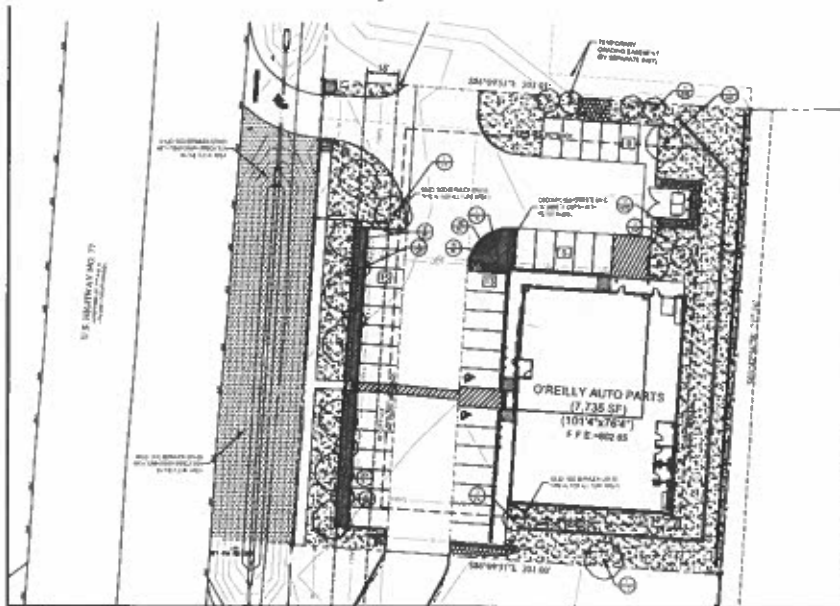
ATTEST

City Secretary

Exhibit A - Location Map

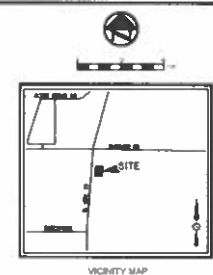


Exhibit C - Landscape Plan

[illegible]

4. Additional Data Notes

- [illegible]



SOLD FOR \$100,000

- [illegible]

[illegible][illegible]

LAWYER'S WORKING SHEET				
NO.	NAME OF THE PARTY	ADDRESS	DATE	REMARKS
1	Mr. A. B. C.	123 Main St., New York, N.Y.	1/1/20	Received 100 shares of ABC Corp. stock.
2	Mr. D. E. F.	456 Elm St., New York, N.Y.	1/1/20	Received 50 shares of ABC Corp. stock.
3	Mr. G. H. I.	789 Oak St., New York, N.Y.	1/1/20	Received 25 shares of ABC Corp. stock.
4	Mr. J. K. L.	101 Pine St., New York, N.Y.	1/1/20	Received 10 shares of ABC Corp. stock.
5	Mr. M. N. O.	202 Pine St., New York, N.Y.	1/1/20	Received 5 shares of ABC Corp. stock.
6	Mr. P. Q. R.	303 Pine St., New York, N.Y.	1/1/20	Received 2 shares of ABC Corp. stock.
7	Mr. S. T. U.	404 Pine St., New York, N.Y.	1/1/20	Received 1 share of ABC Corp. stock.
8	Mr. V. W. X.	505 Pine St., New York, N.Y.	1/1/20	Received 0 shares of ABC Corp. stock.
9	Mr. Y. Z. A.	606 Pine St., New York, N.Y.	1/1/20	Received 0 shares of ABC Corp. stock.
10	Mr. B. C. D.	707 Pine St., New York, N.Y.	1/1/20	Received 0 shares of ABC Corp. stock.

PROJECT CONTACT LIST			
PROPOSED PROJECT PROJECT NO. 11-0001 PROJECT NAME: 11-0001 PROJECT LOCATION: 11-0001 PROJECT TYPE: 11-0001	PROPOSED PROJECT PROJECT NO. 11-0001 PROJECT NAME: 11-0001 PROJECT LOCATION: 11-0001 PROJECT TYPE: 11-0001	PROPOSED PROJECT PROJECT NO. 11-0001 PROJECT NAME: 11-0001 PROJECT LOCATION: 11-0001 PROJECT TYPE: 11-0001	PROPOSED PROJECT PROJECT NO. 11-0001 PROJECT NAME: 11-0001 PROJECT LOCATION: 11-0001 PROJECT TYPE: 11-0001

NO.	DATE	DESCRIPTION
	01.08.2020	01% COMPOUND
	01.09.2021	01% COMPOUND
	08.12.2020	01% COMPOUND
	01.01.2022	01% COMPOUND
	08.04.2022	01% COMPOUND



TRIANGLE
 Engineering Ltd
 17-19, The Quadrant, London E1 6AN
 Tel: 020 7424 1234 Fax: 020 7424 1235
 Email: info@triangle-engineering.co.uk

Exhibit D- Elevation/Facade Plan



1 FRONT ELEVATION

TOTAL SF = 2,248
MASONRY = 43%
EIFS = 33%
GLAZING = 24%



2 RIGHT SIDE ELEVATION

TOTAL SF = 1,623
MASONRY = 85%
EIFS = 7%
GLAZING = 8%



3 BACK ELEVATION

TOTAL SF = 2,125
MASONRY = 93%
EIFS = 7%



4 LEFT SIDE ELEVATION

TOTAL SF = 1,623
MASONRY = 79%
EIFS = 7%
DOORS = 6%
GLAZING = 8%

Exterior Finish Schedule

EIFS Exterior Insulation and Finish System Sherwin-Williams "Weather Guard" 2000 11	
EIFS Exterior Insulation and Finish System Sherwin-Williams "Weather Guard" 2000 11	
Standing Seam Metal Roof System Olin-Pine	
Concrete Masonry Units (CMU) "Baker" 2000 11	
Concrete Masonry Units (CMU) "Baker" 2000 11	
Steel Deck, Overhead Door, and Frame Sherwin-Williams "Weather Guard" 2000 11	
Steel Metal Ceiling, Trim, Gutters, and Downspouts Sherwin-Williams "Weather Guard" 2000 11	
Roofs Sherwin-Williams "Weather Guard" 2000 11	
Hardware and Glass Sash System Sherwin-Williams "Weather Guard" 2000 11	



WAXAHACHIE, TX (WX2)
O'REILLY BTS

ELEVATION RENDERINGS - NOT TO SCALE



October 14, 2022

STATE OF TEXAS § **DEVELOPMENT AGREEMENT**
 § **WITH VAQUERO HIGHWAY 77**
 WAXAHACHIE PARTNERS, LP FOR
 AUTO PARTS AND ACCESSORY SALES

COUNTY OF ELLIS §

This Development Agreement ("**Agreement**") is entered into between Vaquero Highway 77 Waxahachie Partners, LP ("**Developer**") and the City of Waxahachie, Texas ("**City**"). Developer and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. Developer is the owner of approximately 1.002 acres of real property fronting Highway 77, in the City of Waxahachie, Texas, which is more particularly described on Exhibit A (the "**Property**") for which Developer has requested a change in the Property's Planned Development General Retail to Planned Development General Retail with Specific Use Permit ("SUP") revising specific development standards. The Property is currently zoned Planned Development-General Retail by the City and is anticipated to have the SUP reviewed on November 21, 2022.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of an Auto Parts and Accessory Sales store, currently contemplated as O'Reilly Auto Parts. The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing Developer with agreed-upon and negotiated standards consistent with its business objectives.

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

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the SUP Ordinance as contractually binding obligations between the City of Waxahachie and Developer and to recognize Developer's reasonable investment-backed expectations in the SUP Ordinance and the planned development of the Property in accordance with such ordinance.

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.

October 14, 2022

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

The Developer agrees:

(A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-127-2022.

(B) The minimum masonry exterior (%) for the building shall be as follows:

- Front Elevation: 28%
- Right Elevation: 81%
- Rear Elevation: 95%
- Left Elevation: 75%

(C) The development shall adhere to the SUP Ordinance approved by the City Council expressly including the following exhibits attached as part of the SUP Ordinance and incorporated therein: Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Elevation/Façade Plan.

(D) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance. Noncompliance shall be corrected within a reasonable time after receipt of written notice from the City specifying such noncompliance.

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

(F) The Property is the beneficiary of a mutual access easement pursuant to Declaration

October 14, 2022

of Easements, Covenants and Restrictions recorded in the Ellis County records as Instrument No. 2120553 on May 10, 2021.

In consideration of Developer's agreement in this regard, the City of Waxahachie agrees that Developer has reasonable investment-backed expectations in the SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the SUP Ordinance without impacting Developer'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. If 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 the other provisions hereof will remain in full force and effect in the same manner as if such invalid, illegal or unenforceable provision had never been contained herein.

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.

October 14, 2022

G. This Agreement is made subject to the present rules, regulations, procedures and ordinances of the City of Waxahachie, and all applicable laws, rules, and regulations of the State of Texas and the United States, except where such rules, regulations, procedures and ordinances do not apply to the Property pursuant to Chapter 245 of the Texas Local Government Code.

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 Developer 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.

{Signature Pages Follow}

(16)

October 14, 2022

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: _____

(16)

October 14, 2022

Developer

VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS, LP

By: Vaquero Ventures Management, LLC,
Its General Partner

By: _____

Name: _____

Title: _____

STATE OF TEXAS

§

§

COUNTY OF ELLIS

§

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Vaquero Ventures Management, LLC , General Partner of Vaquero Highway 77 Waxahachie Partners, LP, 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 purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas My

Commission Expires: _____

(16)

October 14, 2022

Exhibit A

Legal Description of Property

Legal Description needed from the applicant. To be inserted in this section.

(16)

October 14, 2022

Exhibit B
SUP Ordinance

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-131-2022



MEETING DATE(S)

Planning & Zoning Commission:

November 15, 2022

City Council:

November 21, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 15, 2022, the Commission voted 5-0 to recommend approval of case number ZDC-131-2022, subject to staff conditions.

CAPTION

Public Hearing on a request by Osberto Geno, for a **Specific Use Permit (SUP)** for an Accessory Structure Greater Than 700 Square Feet use within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022)

APPLICANT REQUEST

The applicant is requesting to construct an accessory structure greater than 700 square feet (2,520 square feet) to the side and rear of a single-family residential lot.

CASE INFORMATION

Applicant:

Osberto Geno

Property Owner(s):

Osberto Geno

Site Acreage:

1.049 acres

Current Zoning:

Planned Development-Single Family-1 (PD-SF-1)

Requested Zoning:

PD-SF-1 with a Specific Use Permit (SUP) for an accessory structure greater than 700 square feet.

SUBJECT PROPERTY

General Location:

157 Homestead Lane

Parcel ID Number(s):

269673

Existing Use:

A single family home currently exists on the subject property.

Development History:

The subject property is currently platted as Lot 14, Block A of the Homestead Estates Subdivision.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-1	Single Family Residential Home (Homestead Estates)
East	SF-1	Single Family Residential Home
South	PD-SF-1	Single Family Residential Home
West	PD-SF-1 w/ SUP	Single Family Residential Home (Homestead Estates) with a SUP for an Accessory Structure Greater Than 700 square feet.

Future Land Use Plan:

Estate Residential

Comprehensive Plan:

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 is accessible via Homestead Lane.

Site Image:**PLANNING ANALYSIS**

The applicant is proposing to construct an accessory structure greater than 700 square feet (2,520 square feet) to the side and rear of a single-family residential lot at 157 Homestead Lane. The Ellis County Appraisal District states that the primary structure on the property is 3,938 square feet. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a Specific Use Permit (SUP) to be approved by City Council.

Proposed Use:

The proposed accessory structure is comprised of 2,160 square feet of fully enclosed space and 360 square feet of partially covered space. The applicant is proposing to construct the structure out of exterior metal panels. The structure is intended to be used for the storage of vehicles and equipment, and serve as a personal workshop space. During site visits, staff noticed that there are other accessory structures in the surrounding area of a similar design and function. A comparable, 2,400-square-foot accessory structure was approved in 2021 at the adjacent 156 Homestead Lane.

Proposed Use (continued):

The applicant has confirmed to staff that the structure will not be used as a dwelling of any kind and will not be metered, sold, or leased separately from the existing home. The accessory structure will be connected to the existing driveway with a concrete drive.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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 three (3) letters of support for the proposed specific use permit.

RECOMMENDED MOTION

Staff recommends approval of the SUP request with the motion and conditions noted below.

Motion:

"I move to approve ZDC-131-2022, a Specific Use Permit (SUP) for an Accessory Structure Greater than 700 Square Feet, within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (being Property ID 269673) subject to the conditions the staff report, authorizing the City Manager and or Mayor to sign the associated documents accordingly."

Conditions:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

ATTACHED EXHIBITS

1. PON Responses
2. SUP Ordinance
 - a. Exhibit A - Location Map
 - b. Exhibit B - Site Plan
 - c. Exhibit C - Concept Elevations
 - d. Exhibit D - Operational Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATIONPrepared by:

Zack King

Senior Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(17)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-131-2022**

LUDS CORPORATION
14006 WEEPING CHERRY DR
ROCKVILLE, MD 20850

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Osberto Geno, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf** use within a **Planned Development-Single Family-1** zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: **GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022)** Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-131-2022**

City Reference: 269675

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 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.

Comments: ☒ **SUPPORT**

☐ **OPPOSE**

Signature

MARISSA FAN

Printed Name and Title

PROPERTY MANAGER

11-3-2022

Date

113 SANDERS DR.

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.



(17)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-131-2022

LUDS CORPORATION
14006 WEEPING CHERRY DR
ROCKVILLE, MD 20850

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You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

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☒ SUPPORT

☐ OPPOSE

Comments:

Signature

MARISSA TAN

Printed Name and Title

PROPERTY MANAGER AND
BUSINESS SIGNATORY

Date

11-3-2022
140 HOMESTEAD LANE

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.



(117)

RECEIVED NOV 1 2022

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-131-2022**



DODDS ERICA L & BRIAN D
156 HOMESTEAD LN
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Osberto Geno, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf** use within a **Planned Development-Single Family-1** zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: **GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022)** Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-131-2022**

City Reference: 269672

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 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:

Signature

Date

BRIAN D. DODDS
Printed Name and Title

4 NOV 2022
Date
156 HOMESTEAD LN, WAXAHACHIE
Address
TX 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.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED 157 HOMESTEAD LANE, BEING PROPERTY ID 269673, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 14, BLOCK A IN THE HOMESTEAD ESTATES SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-SF-1; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-131-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF-1 to PD-SF-1, with a SUP in order to permit an Accessory Structure Equal to or Greater Than 700 Square Feet use on the following property: Lot 14, Block A of the Homestead Estates subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, the Concept Elevations attached as Exhibit C, and the Operational Plan attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-131-2022.
2. The development shall adhere to the City Council approved Exhibit A – Location Exhibit, Exhibit B- Site Plan, Exhibit C – Concept Elevations, Exhibit D – Operational Plan.
3. The accessory structure shall not be used as a dwelling.
4. The accessory structure shall not be used for commercial purposes.
5. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
6. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.

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.

(18)

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2022.

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map



Exhibit B - Site Plan

FINAL SURVEY

THIS IS TO CERTIFY THAT PERSONS UNDER MY DIRECTION HAVE, THIS DATE, MADE AN ON-THE-GROUND SURVEY OF PROPERTY LOCATED AT 157 HOMESTEAD LANE, CITY OF WAXAHACHIE, TEXAS, BEING LOT 14, BLOCK A, HOMESTEAD ESTATES, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET J, SLIDE 91, MAP AND/OR PLAT RECORDS, ELLIS COUNTY, TEXAS.

NOTES

1. PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN CABINET J, SLIDE 91.
2. ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
3. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO.48139C0330F.

SURVEYOR HAS REVIEWED THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE AND ADDRESSED ALL INSTRUMENTS IDENTIFIED IN SCHEDULE B THEREOF OR NOTED SAID INSTRUMENTS AS NOT AFFECTING THE SUBJECT PROPERTY.

Curve	Radius	Length	Chord	Chord Bearing
C1	60.00'	95.60'	85.80'	N 04°15'00" W

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE PROPERTY DESCRIBED BELOW.
VOL. 550, PG. 479; VOL. 550, PG. 481

10'x12' Structure To Remain

Confirm if this additional accessory structure is being removed at the time of construction of the new accessory structure.

8 Feet To Lean-To
20 Feet To Accessory Structure BLDG

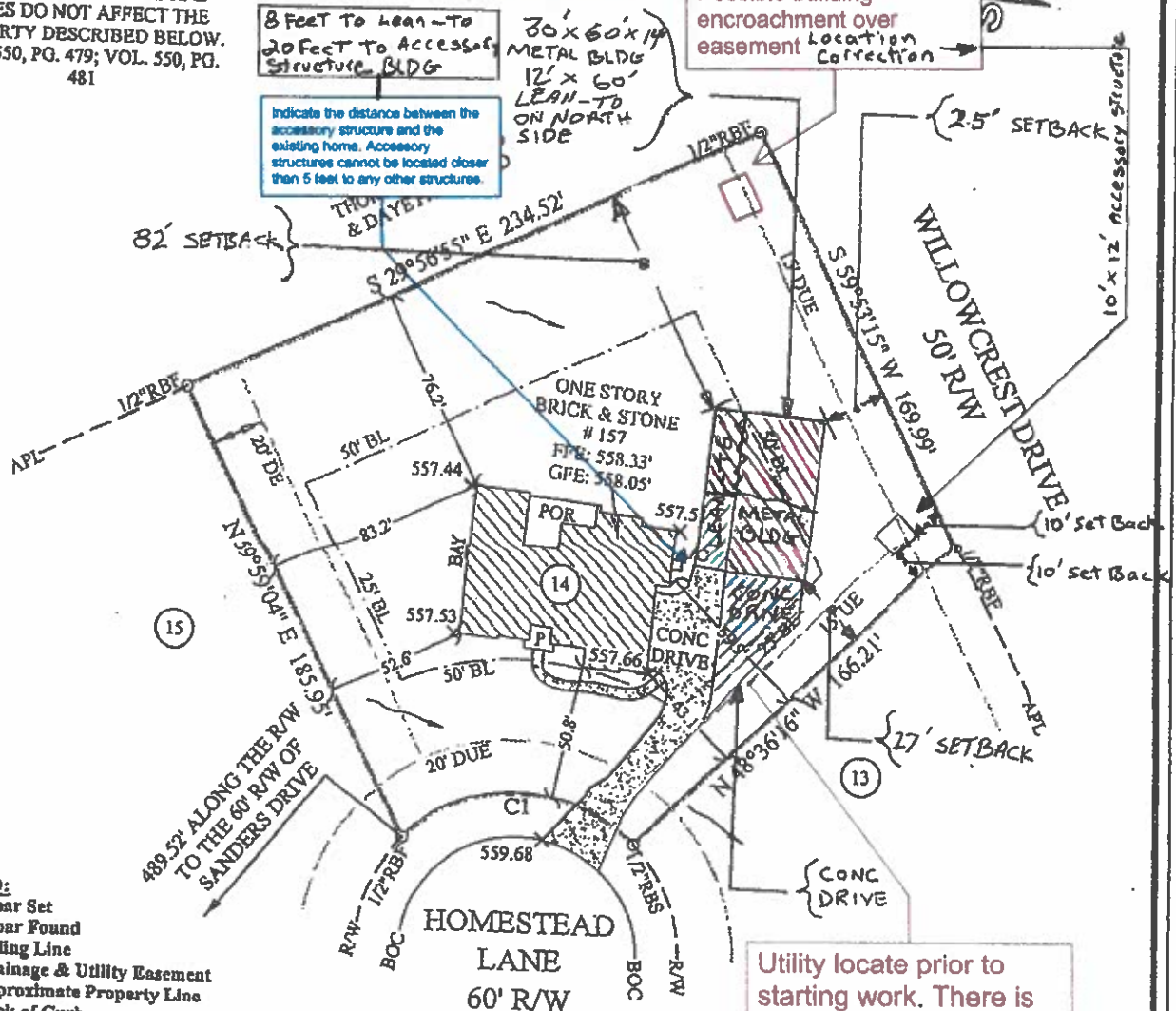
Indicate the distance between the accessory structure and the existing home. Accessory structures cannot be located closer than 5 feet to any other structures.

30'x60'x14'
METAL BLDG
12'x60'
LEAN-TO
ON NORTH SIDE

GRAPHIC SCALE: 1" = 60'

AREA: 45,680 S.F. ~1.05 ACRES

Possible building encroachment over easement location correction



LEGEND:

- RBS- Rebar Set
- RBF- Rebar Found
- BL- Building Line
- DUE- Drainage & Utility Easement
- APL- Approximate Property Line
- BOC- Back of Curb
- DE- Drainage Easement
- UE- Utility Easement
- R/W- Right of Way
- BOC- Back of Curb
- P- Porch
- AC- Air Conditioner
- POR- Porch
- FPE- Finished Floor Elevation

Utility locate prior to starting work. There is a water line running through there. (call 811)
811 will be notified to locate water line prior to start of construction work.

I, David J. Baggett, Texas Registered Professional Land Surveyor No. 6226, do hereby certify that the survey plat hereon is a true and correct representation of the above described property and its boundaries.

Exhibit C - Concept Elevations

(18)

Mueller, Inc. 3D Design Tool Project Specifications

Project Name: **New Project 9-8-2022 30x60 Lean - To**
Project Date: **09/09/2022 12:34:33 AM**

Customer Mailing Address

Osberto Geno

157 Homestead Ln,
Waxahachie, TX 75165

Phone/Email:

16262213779 /
genofamily4@yahoo.com

Building Details

Basics (in ft.):

width X length X height: **30 X 60 X 14**
pitch: **3**
overhang_sides: **0**
overhang_end: **1**
single_slope: **yes**

Wainscot: no Gutter: yes

Leantos

Front: width: 8, pitch: 1, drop: 6, cut_front: 0, cut_back: 0
Back: width: 10, pitch: 1, drop: 1, cut_front: 0, cut_back: 0
Left: width: 12, pitch: 3, drop: 0, cut_front: 0, cut_back: 0
Right: width: 13, pitch: 2, drop: 3, cut_front: 20, cut_back: 14
Leanto Wall: Yes

Colors

Wall: Tan Roof: Burnished Slate Trim: Mansard Brown

RollUp: Mansard Brown
Vent: Black
Wainscot: Desert Tan
Liner Panels: None

Accessories

Insulation: No
front rollup_12x12 front window_3x3
back rollup_10x12 left wall door_4x7
left wall window_3x3



3D QUOTE DATA

Mueller Quote ID: 202209090001
Project Type: Garage

State: TEXAS
County: Ellis
Building Address: 157 Homestead Ln
Building City: waxahachie
Building Zip: 75165

Branch: Kaufman
Rep: Lyle Penny

Snow Load: 5.00
Wind Load: 115.00

Comments/Extra Instructions:

front window_3x3
left wall window_3x3

Exhibit C - Concept Elevations

(187)

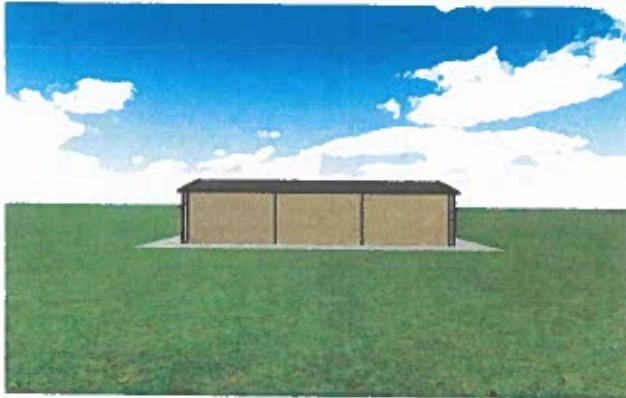
FRONT



LEFT SIDE



RIGHT SIDE



BACK



September 13, 2022



Thank you for your interest in Mueller, Inc.

Exhibit D - Operational Plan

Accessory Structures Construction
Osberto Geno
157 Homestead Lane
Waxahachie, TX 75165

26 September 2022

Purpose

- Storage
- Parking for Cars
- Parking for Boat
- Parking for Jet Skis
- Hobbies

Location

- The building will be on the South-East corner parallel to the main house

Setbacks from property lines as shown on the site plan

- North-East corner of the building – 82'
- South-East corner of the building – 25'
- South-West corner of the building – 27'

Concrete

- Concrete drive will be extended the width of the accessory building shown in blue on the site plan
- A 12' W x 60' D concrete slab shall be poured on the North side, the full length of the accessory building for the Lean-To. Shown in green on the site plan

Size of Building

- 30' Wide
- 60' Deep
- 14' Eave Height, shown in red on the site plan
- 12' W x 60' Deep Lean-To (Northside)

Openings Front (West Side)

- One 18' W x 12' H Sectional door to match as close as possible to the main house garage doors
- Two Windows

Opening back side of structure (East side)

- One 12' x 12' Rollup door

Opening (Northside under Lean-To)

- One man door
- Two Windows

Gutters and Downspouts

- On the North and South sides

Exhibit D - Operational Plan

Colors

- Roof – dark gray to resemble house shingles
- Structure - Medium tan to resemble the brick color of the house
- Trim – dark brown to resemble the house trim

Electric

- 100 Amp sub panel fed from main house service

Water and Drain

- No water or drain will be installed
-



Memorandum

To: Honorable Mayor and City Council

From: Lindsey Mearns, Senior Director of Human Resources & Civil Service

Thru: Michael Scott, City Manager

Date: November 21, 2022

Re: Consider Bid Award and Authorization of Contract for Non-Civil Service and Civil Service Employee Compensation Study

Item Description: Consider Bid Award and Authorization of Contract to McGrath Consulting for Non-Civil Service and Civil Service Employee Compensation Study in the amount of \$88,695.00.

Item Summary: To ensure the City can attract and retain the best employees to provide exceptional customer service to our citizens, it is recommended we complete a thorough compensation study every three (3) years to stay competitive with the market. The City's last compensation study was completed in 2017 and established the current salary structure.

In July 2022, the City released a Request for Proposals to solicit bids for the Non-Civil Service and Civil Service Employee Compensation Study. The compensation study will thoroughly review the current pay structure, benefit offerings, and all special pays, and benchmark them to the identified comparable cities.

Bids were received from the following nine (9) consultants:

(19)

Name of Company	Total Amount
Advantage Resource Solutions	\$16,500
RightSourcing	\$38,250
Evergreen Solutions	\$54,000
Management Advisory Group	\$69,900
Public Sector Personnel Consultants	\$70,000
JER HR Group	\$74,500
Gallagher Benefit Services-Option 1	\$78,000
Gallagher Benefit Services-Option 2	\$87,000
McGrath Consulting	\$88,695
MGT of America Consulting	\$88,800

A committee comprised of four (4) staff members independently reviewed and evaluated each proposal. The committee interviewed the top three (3) consultants that received the highest scores, Evergreen Solutions, McGrath Consulting, and Public Sector Personnel Consultants. During the interview process it was determined that Public Sector Personnel Consultants was not going to provide all the desired components of the compensation study. References were checked for the remaining two consultants and it was determined that McGrath Consulting would provide the highest quality services and ultimately best value to the City. This recommendation is based on their favorable references, quality of work product, and ability to meet deadlines.

Fiscal Impact: In the FY2022/2023 Budget, City Council approved a service enhancement in the amount of \$90,000.00 for a Compensation and Classification Study. Staff is requesting City Council award this project to McGrath Consulting in the amount of \$88,695.00.

Recommended Motion: "I move to approve a contract with McGrath Consulting in the amount of \$88,695.00 for a non-civil Service and civil service employee compensation study and authorize the City Manager to negotiate and execute all documents as necessary."



Memorandum

To: Honorable Mayor and City Council
From: David Bailey, Senior Director of Utilities
Thru: Michael Scott, City Manager *MS*
Date: November 21, 2022
Re: Consider the Approval of an Engineering Professional Service Agreement with Gresham Smith for Water and Wastewater Rehab Projects

Item Description: Consider approval of an engineering professional services agreement with Gresham Smith in an amount not to exceed \$401,653 for engineering services related to water and wastewater rehab projects.

Item Summary: This project is in the Utility Department's approved 5-Year Capital Improvement Plan and will develop design plans for the replacement of the water and wastewater mains listed below:

Water Main Replacement Designs

- Coleman – from Marvin Garden to Lake Park
- N. Jackson – from Marvin to Parks Street
- Palsey St – from Givens St to W Avenue C
- Sycamore – from N. Grand to Cynisca
- Chieftain Street – from Sagebrush to Park Place Blvd
- Grace Street – from W. Parks to McMillian
- W. Parks – from Gibson Street to Hwy 77
- Jim St – from Jefferson to Jim St

Wastewater Main Replacement Designs

- W. Parks Street – from Gibson to Hwy 77
- Bryson St. - Approx. 250 linear feet northwest from W. Parks to end of wastewater main
- Grace Street – from W. Parks to McMillian Street
- McMillan – from N. Hawkins to Ferris

Fiscal Impact: This project is a budgeted expense with \$334,500 in the Water Capital Project Fund and \$103,000 in the Wastewater Capital Project Fund for a total of \$437,500. However, the proposed cost is \$401,653 providing a \$35,847 cost savings.

(20)

Recommended Motion: "I move to approve an engineering professional services agreement with Gresham Smith for an amount not to exceed \$401,653 and authorize the City Manager to negotiate and execute all documents as necessary."

(21)



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works & Engineering

Thru: Michael Scott, City Manager *ms*

Date: November 21, 2022

Re: Consider Change Order #12 and Extension of Project Duration with BAR Constructors for the Jefferson Lift Station Capacity Expansion Project

Item Description: Consider approval of a change order in the amount of \$286,385 and an extension of the schedule to the construction services contract with BAR Constructors for the Jefferson Lift Station Capacity Expansion Project. The new anticipated completion date is September 1, 2023. Staff also requests a \$50,000 construction contingency.

Item Summary: This change order will cover unanticipated expenses and extend the construction schedule due to supply shortages (pumps), relocation of electrical structures, electrical equipment HVAC, excavation, and demolition of old treatment structures required for the expansion construction and improvements of the Jefferson Street Lift Station. The Jefferson Street Lift Station improvements will increase the pumping capacity of the Jefferson Street Lift Station from its current capacity of approximately 28 MGD to 32 MGD. These improvements will also allow for the Jefferson Lift Station to be further expanded at a future date to 48 MGD.

Fiscal Impact: The proposed \$286,385 change order and \$50,000 construction contingency will be funded from the Coronavirus Local Fiscal Recovery Fund.

Recommended Motion: "I move to approve the proposed change order with Bar Constructors in the amount of \$286,385, as well as, the additional \$50,000 construction contingency and authorize the City Manager to negotiate and execute all documents necessary.