

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, June 19, 2023 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 June 5, 2023
 - b. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of June 13, 2023
 - c. Event application for Lions Club Build Beds for Kids Project to be held September 9, 2023 at Lions Park
 - d. Interlocal Agreement with the City of Arlington for the purchase of various goods and services
 - e. City Council liaison appointments to Boards and Commissions
 - f. Approve placement of Chris Kyle Statue in the Waxahachie Civic Center
6. ***Introduce*** Honorary Council Member
7. ***Consider*** a request by William Atkins, for a Replat of Lot 1R-A of the Larkin Products Industrial Tracts, being 12.272 acres, located southeast of 1610 E Main Street, (Property ID: 198960) – Owner: Lobsters LLC (SUB-34-2023)

8. **Public Hearing** on a request by Richard Shinpaugh, Ellis County Bail Bonds, for a Specific Use Permit (SUP) for a Bail Bond Agency use within a Commercial (C) zoning district located at 201 E. Main Street, Suite 109 (Property ID 170540) - Owner: 201 Main Wax, LLC (ZDC-58-2023)
9. **Consider** proposed Ordinance approving ZDC-58-2023
10. **Consider** proposed Resolution approving the terms and conditions of a boundary and an Interlocal Agreement for the relinquishing of extraterritorial jurisdiction ('ETJ') by the City of Waxahachie to the City of Red Oak
11. **Consider** proposed Ordinance adopting vacant structure regulations in designated areas
12. **Consider** the purchase of a new ladder truck and all necessary equipment to replace the current Fire Truck 3
13. **Convene** into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code
14. **Reconvene** and take any necessary action
15. Comments by Mayor, City Council, City Attorney and City Manager
16. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, June 5, 2023 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

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

4. Public Comments

Michael McCorkle, 171 Willow Run, Waxahachie, Texas, requested an ordinance regulating short term rentals due to issues at 159 Willow Run. He noted a new owner took over the owner over a month and a half ago and issues began when the property began renting out the residential home each weekend and occasionally during the week days. Mr. McCorkle cited numerous issues with parking, trash, broken septic system, noise, and reckless driving.

5. Consent Agenda

- a. Minutes of the City Council meeting of May 15, 2023
- b. Event application for Juneteenth Musical, Parade, & Celebration on June 17, 2023
- c. Cancellation of the regularly scheduled July 3, 2023 City Council meeting
- d. Request from the Texas Theater to allow guests to consume alcoholic beverages on the sidewalk for a private event to be held July 22, 2023
- e. Interlocal Agreement with the City of Baytown for the purchase of various goods and services
- f. Amendment to the Airport Project Participation Agreement with the Texas Department of Transportation for the Airport Master Plan update for Mid-Way Regional Airport
- g. Supplemental appropriation in the amount of \$4,350 for final cost of joint election services for the May 6, 2023 General Election

Action:

Billie Wallace moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Chris Wright seconded, All Ayes.

6. Introduce Honorary Council Member

Council Member Billie Wallace introduced Jon Garrett as the Honorary Council Member for the June 5, 2023 City Council meeting. Jon was born in Austin, Texas and moved to Waxahachie in 2004. He is 32 years old and has four children, Avery (4), Finn (7), Landry (9), and Tre (14). Mr. Garrett did not come from a family of investors or entrepreneurs. He worked at KBEC radio in Waxahachie during college and later went on to host a syndicated radio show out of Kidd Kraddick studios. Mr. Garrett made the decision to stay in Waxahachie, rather than move to Nashville, for a new radio opportunity. Soon after, he started his first business in Waxahachie and began investing here. He relies heavily on God for direction and quickly follows up opportunities with action. Mr. Garrett lives by a strict code of treating others well and keeping his word. He believes that money is to be used as a tool for good and practices a strict code for all his investments, it must be from the heart and make the world/community a better place than it was before. Today, Mr. Garrett owns The Texas Theater, KBEC radio, and various other properties around Waxahachie. He owns a renovation company, Apex Sites, that is nearing the completion of the remodel for the new Meat Church location in downtown Waxahachie. Jon enjoys mentoring entrepreneurs and giving back to his community. Council Member Wallace thanked Mr. Garrett for his vision and recognized him for focusing his resources in Waxahachie.

7. Present Proclamation recognizing June 4, 2023-July 4, 2023 as Crape Myrtle Month

Mayor Hill presented a proclamation recognizing June 4, 2023-July 4, 2023 as Crape Myrtle Month.

8. Public Hearing on a request by Matthew Kepler, for a Replat of Lots 32R and 34R, Block 181 of the Town Addition, to create Lot 32R-R, Block 181 of the Town Addition, 1 residential lot, being 0.2595 acres, located at 111 Griffin Street, (Property ID: 226134) – Owner: MATTHEW KEPLER (SUB-18-2023)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant proposes to replat the subject property into one (1) lot for single-family residential use. The applicant proposes to dedicate approximately 10' of right-of-way (ROW) for Griffin Street. The proposed lot adheres to the minimum size and dimension requirements of the Infill Overlay District after taking this ROW dedication into account.

Ms. Pruitt explained the applicant is requesting a variance (Petition for Hardship Waiver) to allow for a 10' utility easement along Griffin Street. The applicant is requesting this variance because the existing home on the subject property is situated closer to the property line than 15' after considering the ROW dedication. The typical utility easement requirement along the public right-of-way is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement because the applicant has provided ROW dedication for Griffin Street, and City utility

infrastructure is located within the Bryson Street ROW; however, as a condition of approval, the applicant must provide documentation from franchise utility providers in the area (Oncor, AT&T, Charter, and Atmos) stating that they have no objection to the proposed easements before the recordation of the replat. Based on the details provided in the Staff Report and the present status of the documents subject to the request, staff recommends approval of the replat request with the condition noted.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against SUB-18-2023, Mayor Hill closed the Public Hearing.

9. Consider approval of SUB-18-2023

Action:

Billie Wallace moved to approve SUB-18-2023, a Replat of Lots 32R and 34R, Block 181 of the Town Addition, subject to the condition of the staff report, the associated variance request, and authorize the City Manager and/or Mayor to sign the associated documents accordingly. Travis Smith seconded, All Ayes.

10. Consider and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2023; directing the preparation of a preliminary official statement and related materials; and providing an effective date

Chad Tustison, Finance Director, requested approval of a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2023, and directing the preparation of a preliminary official statement and related materials. He explained this is the first formal step to begin the process of issuing bonds to fund various streets, water, wastewater, parks, and public safety capital projects discussed at the April 25, 2023 City Council work session. If approved, notices will be published in the newspaper and staff will continue the process of filing related materials and meeting with rating agencies. In early August, the City Council would consider an ordinance authorizing issuance of the certificates.

The Capital Improvement Program (CIP) describes the City's large multi-year capital projects which provide new or improved City infrastructure, and comprise of projects for streets, sidewalks and drainage; park improvements; water and wastewater utilities; and municipal facilities. The CIP is funded through multiple funding sources, including proceeds from bond issuances, operating funds, and development impact fees.

The total bond package, depending on interest costs at the time of issuance, is approximately \$37.4 million and consists of streets, parks, public safety, and water and wastewater projects. These projects would be funded through the ad valorem tax rate and water and wastewater fees.

RESOLUTION NO. 1343

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS,
DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES
OF OBLIGATION; DIRECTING THE PREPARATION OF A PRELIMINARY**

OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE

Action:

Billie Wallace moved to approve a resolution directing publication of the notice of intention to issue certificates of obligation; directing the preparation of a preliminary official statement and related materials; and providing an effective date. Travis Smith seconded, All Ayes.

11. Consider approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc. for improvements to the Northgate Drive at US 77 intersection

James Gaertner, Executive Director of Public Works and Engineering, requested approval of an engineering professional services agreement for improvements to the Northgate Drive at US 77 intersection. The improvements will consist of pavement and traffic signal modification to provide a left turn lane for Northgate Drive (westbound) to the southbound lanes on US 77. The other three legs of the intersection currently have left turn lanes. The proposed modifications will allow for improved traffic flow at the intersection and improve the alignment of Northgate Drive traffic crossing US 77.

The engineering professional services agreement provides for the design, bidding and construction phase engineering services and easement preparation services for this project. The project is included in the Capital Improvement Plan and funding is available through Roadway Impact Fees Service Area #4. Additional right of way is needed to allow for the widening of the roadway and relocation of the sidewalk and traffic signals and the City received a letter of support from the WISD School Board last year.

Action:

Chris Wright moved to approve the agreement, in the amount of \$122,521, with Teague Nall and Perkins, Inc. for engineering services associated with improvements to the Northgate Drive at US 77 intersection and authorize the City Manager to execute all necessary documents. Billie Wallace seconded, All Ayes.

12. Consider authorizing a budget amendment for a change order to the Lake Waxahachie Pump Station No. 2 control room upgrades Project

David Bailey, Director of Utilities, requested approval to authorize a budget amendment for a change order for the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project. The change order modifications include the installation of 40 linear feet of 2-inch conduit for fiber optic connectivity from manhole to electrical building, purchase a 36-inch blind flange, purchase a 250-lb class flange butterfly and replacement of 87 linear feet of fence.

The Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project aims to enhance the functionality of the Lake Waxahachie Raw Water Pumps 1 and 2. The scope of the work encompasses the installation of two (2) variable frequency drives, power panel, and mini power center. Additionally, it involves the replacement of the remote telemetry unit (RTU), a flow meter, isolation valve, and refurbishment of the surge valve.

The change order for the project incurs a total cost of \$36,437. The BNSF Railroad 18" Water Line Phase I & II Project construction is complete and had a cost savings of \$67,891. Staff is requesting to utilize the cost savings to fund the budget amendment to transfer \$36,437 to the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project. Funding for Improvements in the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project is funded from the 2021 Bonds.

Action:

Billie Wallace moved to authorize a budget amendment to transfer \$36,437 from the BNSF Railroad 18" Water Line Phases I & II Project into the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project and authorize the City Manager to execute all documents accordingly. Travis Smith seconded, All Ayes.

13. Consider approval of a sewer line rehabilitation contract for the Southwest Interceptor Rehab Phase I Project

Mr. Bailey requested approval of the sanitary sewer line rehabilitation contract with Insituform Technologies, LLC for sewer lining services associated with the Southwest Interceptor Rehab Phase I Project. The proposed contract would be issued through the BuyBoard purchasing cooperative in the amount of \$1,183,794.

The project is to rehabilitate approximately 2,776 linear feet of existing 27-inch diameter sanitary sewer line with Cured-in-Place-Pipe (CIPP) lining. CIPP creates a rigid and smooth interior surface that seals cracks and restores the integrity of the old pipe to like-new condition. These improvements are to reduce, and ideally eliminate, cracks and holes that allow inflow and infiltration water and roots to enter the sewer pipe. Roots, inflow and infiltration causes operational problems such as stoppages, reduced flow capacity, and sanitary sewer overflows (SSO's). The proposed sewer line rehabilitation project is part of an approved Capital Improvement Project and the \$1,183,794 contract is within the project budget. The project is funded through the 2021 Wastewater Bonds.

Action:

Billie Wallace moved to approve the sewer line rehabilitation contract, in the amount of \$1,183,794, with Insituform Technologies, LLC for the Southwest Interceptor Rehab Phase I Project and authorize the City Manager to execute all necessary documents. Travis Smith seconded, All Ayes.

14. Consider proposed Ordinance amending Section 20-1 (Noise) of the Code of Ordinances

Mr. Scott requested approval to amend Section 20-1 (Noise) of the Code of Ordinances as an additional means to gain compliance to noise-related complaints. With the assistance of the legal counsel, staff believes the amendment will enable responding officers to have additional discretion to best enforce this ordinance. This modification would allow enforcement upon not only the perpetrator of the offense, but also on the owner of the property.

(5a)

Council Member Patrick Souter expressed support to address noise complaints so residents can enjoy their homes. He noted until legislation is updated regarding short term rentals, cities are limited to enforcement efforts.

ORDINANCE NO. 3377

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 20, "NOISE," OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY AMENDING SECTION 20-1; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Action:

Patrick Souter moved to adopt the amendment to Section 20-1 of the City's Code of Ordinances as presented and authorize the City Manager and/or Mayor to prepare and execute all documents necessary. Chris Wright seconded, All Ayes.

15. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code

Mayor Hill announced at 7:34 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code.

16. Reconvene and take any necessary action

The meeting reconvened at 8:08 p.m.

No action taken.

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

Council Member Billie Wallace thanked City Manager Michael Scott and his team for quickly addressing issues in the city.

City Manager Michael Scott announced there will be joint work sessions with the City Council and Planning and Zoning Commission on June 13, 2023 at 6 p.m. and June 27, 2023 at 6 p.m.

Mayor Pro Tem Chris Wright congratulated Police Sergeant Corey Kaelin and Corporal Brent Dunn on their promotions. He expressed his support to amend the noise ordinance. Mr. Wright thanked Honorary Council Member Jon Garrett for his attendance and Lori Souter for her work on the success of the 2023 Gingerbread Trail.

Council Member Patrick Souter thanked Mr. Scott, City Attorney Robert Brown, and Police Chief Joe Wiser for their work on amending the noise ordinance. Mr. Souter recognized the success of the 2023 Gingerbread Trail was due to the contributions of many volunteers.

(5a)

City Council
June 5, 2023
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Mayor David Hill introduced Aaron Brown, Political Director for Congressman Jake Ellzey. Mayor Hill thanked Lori Souter for her contributions to the success of the 2023 Gingerbread Trail.

18. Adjourn

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

A Joint Work Session of the Mayor and City Council and Planning & Zoning Commission of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers on Tuesday, June 13, 2023 at 6:00 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

Council Member Absent: Travis Smith, Council Member Place 5

P & Z Commission
Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
David Hudgins
Erik Test
Ron Ansell

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Amber Villarreal, City Secretary
Robert Brown, City Attorney
Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning

1. Call to Order by Mayor David Hill and Chairman Rick Keeler

Mayor David Hill called the City Council meeting to order.

Chairman Rick Keeler called the Planning and Zoning Commission meeting to order.

2. Hear a presentation from the Hines development group to discuss the Myrtle Creek master planned community and the possible Public Improvement District (PID) restructure justification

Shon Brooks, Executive Director of Development Services, explained the Saddlebrook Planned Development (PD) was approved in 2005 and Hines has purchased approximately 2,500 lots within that PD. He noted the development is allowed by the approved zoning and Hines is proposing a new Public Improvement District (PID) separate from the existing Saddlebrook PID.

Dustin Davidson, Managing Director at Hines, presented an overview of the proposed development plan for the Myrtle Creek master planned community and the amenity plan including a main entry monument, creek and trail, parks and open space, and amenity center.

Rick Rosenberg, Development Planning & Financing Group, Inc. (DPFG), reviewed the proposed Myrtle Creek Public Improvement District (PID). He explained there are 2,491 single-family residential lots and the expected initial sales prices range from \$540,000-\$640,000. Mr.

(5b)

City Council and Planning and Zoning Commission

June 13, 2023

Page 2

Rosenberg stated the proposed PID assessments and accompanying annual installments are at a level consistent with the current development market and are at a level acceptable to builders who have expressed confidence in their ability to sell their homes under the proposed terms of the PID. He reviewed the projected financial summary:

Projected Assessed Value:	\$1,611,225,016
Gross PID Bonds:	\$127,720,000
Net PID Bond Proceeds:	\$99,305,150
Bond Term:	30 years
Equivalent PID Tax Rate/\$100 AV:	\$0.60
Total Effective Tax Rate:	\$2.85

Mr. Rosenberg reviewed the PID assessment difference between Myrtle Creek vs. Saddlebrook and explained the increased difference is due to the expected home values and the proposed assessment rate.

Mr. Davidson stated Hines has been actively working with Waxahachie ISD for future school sites within the development.

Matt Ledlie, Director at Hines, reviewed the Myrtle Creek estimated development costs for major water and sanitary sewer improvements, totaling over \$285,000,000.

City Council and the Planning and Zoning Commission reiterated the importance to provide full disclosure of the PID assessment to potential homebuyers in the Myrtle Creek development.

Mr. Davidson and Mr. Rosenberg explained additional training and information is provided to the sales staff so they can adequately provide information to customers regarding the PID assessment within the development.

3. Adjourn

There being no further business, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



Date submitted

Applicant Information

Applicant name: John Landrum

Are you representing the host organization?

Yes ☒

No ☐

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

Yes ☒

No ☐

Phone:

Cell:

Email:

Mailing address: PO Box 581 Waxahachie, TX 75168-0581

Host organization name: Waxahachie Lions Club Foundation, Inc.

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

On-site contact name: John Eads

Cell: 214-384-9933

About the Event

Event name: District 2-X1 Build Beds For Kids Project

Date: September 9, 2023

Location: Lions Park Waxahachie, TX

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

Anticipated attendance: 300-350 Volunteers

Description of event: Lions Club project, in collaboration with Sleep In

Heavenly Peace, to build 175 beds for children that have no beds, or
inadequate beds.

	Date(s)	Start Time:	End Time:
Event Date	<u>SAT 9/9/2023</u>	<u>9 AM</u>	<u>5 PM</u>
Event Set-up	<u>9/9/2023</u>	<u>7 AM</u>	<u>9 AM</u>
Event Breakdown	<u>9/9/2023</u>	<u>5 PM</u>	<u>7 PM</u>

How many times has this event been hosted before?

1st time ☐

2 - 4 times ☒

5 or more times ☐

Location:

2 smaller bed builds in Getzendaner Park - SAT July 24, 2021
- SAT May 14, 2022

1 large 175 bed build at the Ellis County Expo Center
SAT - February 18, 2023



Choose the best description of the event:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input checked="" type="radio"/> Charitable / Fundraising |
| <input type="radio"/> Parade | <input type="radio"/> Community / Neighborhood |
| <input type="radio"/> Private Event | <input type="radio"/> Concert / Live Performance |
| <input type="radio"/> Run / Walk | <input type="radio"/> Other: |

Event activities include (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Amusement rides / Inflatables | <input checked="" type="checkbox"/> Food – sampled, served, or sold <i>Food Trucks/ Concession Trailer</i> |
| <input type="checkbox"/> Animals / Petting Zoo | <input 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 type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|--|--|
| <input type="radio"/> Private | <input checked="" type="radio"/> Free & open to the general public |
| <input 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.

All who want to work in support of this Lions Club Project.

Run / Walk:

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

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

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

Provide route on attached site map.



City of Waxahachie
City Secretary's Office

Special Event Application

(50)

Pre-Packaged Snacks
* Water / Drinks / Coffee / Donuts /

Food / Beverage:

Will the event offer food/beverages?

Yes

☒

No

☐

Concession Trailer*

Will event require any food preparation on-site?

Yes

☒

No

☐

Food Trucks

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, you will be provided the information on how 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

☒

City Equipment:

Are you requesting the use of City equipment?

Yes

☐

No

☒

Availability is not guaranteed

Need Not Anticipated

Streets cannot be blocked without prior approval.

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

Traffic Cones

How many:

Barricades

How many:



City of Waxahachie
City Secretary's Office

(56)

Special Event Application

Other: _____

Where should equipment be dropped off & picked up? _____

When will the equipment be set-up? _____

Date: _____

Time: _____

When will the equipment be removed? _____

Date: _____

Time: _____

Temporary Tents & Structures:

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

Yes ☒

No ☐

List the # of tents & sizes: 1 - 30' x 100' (on 50' x 100')
depending on availability)

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.

John D. Bonner
Signature

5/25/2023

Date

Contract Agreement

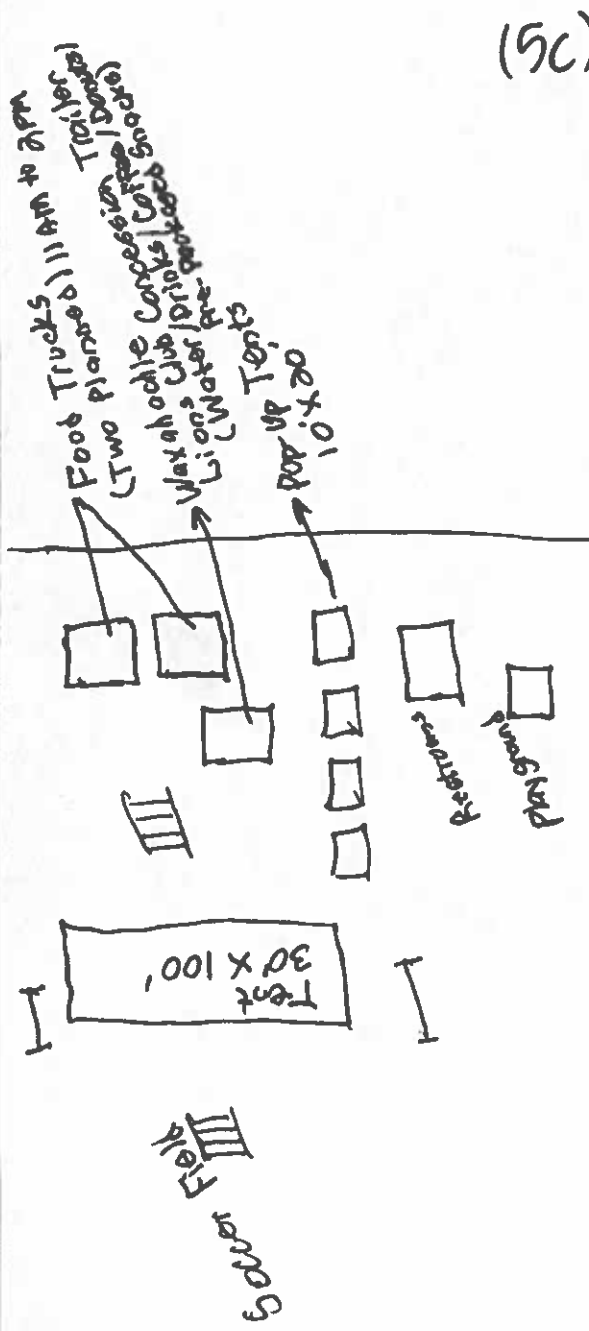
Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

John D. Bonner
Signature

5/25/2023

Date

Email completed Special Events Application and site map to
Jami Bonner at Jami.Bonner@waxahachie.com.



- Parking is requested along either side of the road.

- Tent Set Up requested For Thursday (9/17) or Friday (9/18) to allow time for inspection.
- Lumber Delivery requested For Friday (9/18) in afternoon.

Lions Park Road

7 AM to 7 PM
 September 9, 2023 Waxahachie Lions Club Foundation, Inc.
 District 2-X 1 Build Beds For Kids Project
 in collaboration w/ Sleep in Heavenly Peace (a 501(c)(3) organization)

Howard Road

(56)

Bonner, Jami

From: Joe Bill Wiser
Sent: Thursday, May 25, 2023 3:05 PM
To: Bonner, Jami
Subject: RE: Event Application - Lions Club District 2x1 Build Beds for Kids Project 9-9-23

No Concerns

Joe Wiser

From: Bonner, Jami
Sent: Thursday, May 25, 2023 2:53 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Lions Club District 2x1 Build Beds for Kids Project 9-9-23

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

(56)

Bonner, Jami

From: Boyd, Ricky
Sent: Thursday, May 25, 2023 5:39 PM
To: Bonner, Jami
Subject: Re: Event Application - Lions Club District 2x1 Build Beds for Kids Project 9-9-23

I do not have any concerns.

Sent from my iPhone

On May 25, 2023, at 14:52, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

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

<EA2023.09.09 Lions Club District 2x1 Build Beds for Kids Project.pdf>

(5c)

Bonner, Jami

From: Donna Insixiengmay
Sent: Monday, June 12, 2023 9:52 AM
To: Martinez, Gumaro; Bonner, Jami; Cooper, Kyle; Barnes, Bradley; Campos, Yadira
Subject: RE: Event Application - Lions Club District 2x1 Build Beds for Kids Project 9-9-23

Thomas was good with the event, he thinks it may help with foot traffic to our fair.



Donna Insixiengmay
Emergency Management Specialist
Donna.insixiengmay@waxahachiepd.org
630 Farley Street
Waxahachie, TX 75165
Office (469) 309-4438

From: Martinez, Gumaro <gmartinez@waxahachie.com>
Sent: Monday, June 12, 2023 9:32 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>
Subject: RE: Event Application - Lions Club District 2x1 Build Beds for Kids Project 9-9-23

If I remember correctly, I believe Emergency Management has an event planned out there the same day. We need to check if the events can coexist.



From: Bonner, Jami
Sent: Monday, June 12, 2023 9:26 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley

(56)

Bonner, Jami

From: Martinez, Gumaro
Sent: Monday, June 12, 2023 10:12 AM
To: Cooper, Kyle; Donna Insixiengmay; Bonner, Jami; Barnes, Bradley; Campos, Yadira
Subject: RE: Event Application - Lions Club District 2x1 Build Beds for Kids Project 9-9-23

Good catch Kyle – as mentioned please get with the event organizer to mark irrigation lines, electrical, and any other utilities that may conflict with the staking.



From: Cooper, Kyle
Sent: Monday, June 12, 2023 10:10 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Bonner, Jami <jami.bonner@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Subject: RE: Event Application - Lions Club District 2x1 Build Beds for Kids Project 9-9-23

I'm pretty sure a 30x100 tent will require staking.

Park staff will need to mark irrigation prior to set up and organizers will need to meet on-site to confirm the location.



Kyle Cooper, CPRP
*Senior Director
Parks and Recreation*
City of Waxahachie
469-336-5377
972-268-4549
Kyle.Cooper@waxahachie.com

From: Martinez, Gumaro
Sent: Monday, June 12, 2023 9:56 AM
To: Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Bonner, Jami <jami.bonner@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira

(5d)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager 

Date: June 19, 2023

Re: City of Arlington Interlocal Agreement

Motion: "I move to approve an interlocal purchasing agreement with the City of Arlington and authorize the City Manager to execute all necessary documents."

Item Description: On Monday, June 19, 2023 an interlocal agreement between the City of Arlington 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 Arlington 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 Arlington and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. The City of Arlington 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 future potential cost savings for various products and services, and more efficient procurement practices.

INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into this 19th day of June, 2023, by and between the CITY OF ARLINGTON, Texas (hereinafter called "CITY OF ARLINGTON"), and the CITY OF WAXAHACHIE, Texas (hereinafter called "WAXAHACHIE"), each acting by and through its duly authorized officials:

WHEREAS, CITY OF ARLINGTON and WAXAHACHIE are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, CITY OF ARLINGTON and WAXAHACHIE wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which CITY OF ARLINGTON and WAXAHACHIE may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of CITY OF ARLINGTON and WAXAHACHIE through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, CITY OF ARLINGTON and WAXAHACHIE have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; CITY OF ARLINGTON and WAXAHACHIE agree as follows:

1. CITY OF ARLINGTON and WAXAHACHIE may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.
2. CITY OF ARLINGTON and 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. CITY OF ARLINGTON and WAXAHACHIE shall each make their respective payments from current revenues available to the paying party.
3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party(ies).
4. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.

(5d)

5. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. This Agreement shall become effective on the day and year first written above (the "Effective Date"). The primary term of this Agreement shall be for one (1) year, commencing on the Effective Date and terminating on June 18, 2024, and shall thereafter automatically renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

7. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

8 The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

10. This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

11. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

12. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

(5d)

EXECUTED hereto on the day and year the agreement is approved and signed by the final party.

CITY OF ARLINGTON

CITY OF WAXAHACHIE

By: Trey Yelverton,
City Manager

By: Michael Scott,
City Manager

STATE OF TEXAS §

COUNTY OF TARRANT §

This instrument was acknowledged before me on the ____ day of _____, 2023, by Trey Yelverton of the **CITY OF ARLINGTON, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

This instrument was acknowledged before me on the ____ day of _____, 2023, by Michael Scott, City Manager of the **CITY OF WAXAHACHIE, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

(56)



Memorandum

To: City Council

From: Mayor David Hill

Thru: Michael Scott, City Manager

Date: June 19, 2023

Re: City Council Liaison Appointments to Boards and Commissions

Waxahachie Community Development Corp.
Economic Development Commission
Keep Waxahachie Beautiful Committee
TIRZ

David Hill
David Hill
David Hill
David Hill

Planning & Zoning Commission
Firemen's Relief & Retirement Fund
Library Board
COG Representative

Chris Wright
Chris Wright
Chris Wright
Chris Wright

Senior Center Committee
North Central Texas Housing Finance Corp.
Zoning Board of Adjustments
Mid-Way Airport Board

Billie Wallace
Billie Wallace
Billie Wallace
Billie Wallace

Park Board
Economic Development Commission
Impact Fee Advisory Committee

Travis Smith
Travis Smith
Travis Smith

Cemetery Board
Heritage Preservation Commission
Waxahachie Partnership, Inc.
Waxahachie Housing Authority

Patrick Souter
Patrick Souter
Patrick Souter
Patrick Souter

Boards and Commissions Review Committee

All Councilmembers



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: June 19, 2023

Re: Consider Placement of Chris Kyle Statue in the Waxahachie Civic Center

Item Description: Consider placement of a Chris Kyle life-size statue in the Waxahachie Civic Center.

Item Summary: Heroes Services Coalition, Inc., ("HSC") a local veteran's group, requested approval to place, as an exhibition, a Chris Kyle life-size statue in the Waxahachie Civic Center. HSC has executed a hold harmless agreement that protects the City and WCDC from any liability or responsibility associated with housing the statue. Additionally, there is no financial responsibility from the City or WCDC for the placement or maintenance of the statue. The Waxahachie Community Development Corporation board unanimously approved the request on June 13, 2023.

Fiscal Impact: There is no financial impact associated with this request; all expenses will be covered by HSC.

Planning & Zoning Department

Plat Staff Report

Case: SUB-34-2023



MEETING DATE(S)

Planning & Zoning Commission: June 13, 2023

City Council: June 19, 2023

CAPTION

Consider a request by William Atkins, for a **Replat** of Lot 1R-A of the Larkin Products Industrial Tracts, being 12.272 acres, located southeast of 1610 E Main Street, (Property ID: 198960) – Owner: Lobsters LLC (SUB-34-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-34-2023, a Replat of Lot 1R-A of the Larking Products Industrial Tracts, and the associated variance requests, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on June 13, 2023, the Commission voted **7-0** to recommend approval of case number SUB-34-2023, with the associated variance requests.

APPLICANT REQUEST

The applicant requests to replat the subject property into one (1) lot for commercial use.

CASE INFORMATION

<i>Applicant:</i>	William Atkins
<i>Property Owner(s):</i>	Lobsters LLC
<i>Site Acreage:</i>	12.272 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	0 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

<i>General Location:</i>	Southeast of 1610 E Main Street
<i>Parcel ID Number(s):</i>	189960
<i>Current Zoning:</i>	Light Industrial-1 (LI-1) and Future Development (FD)
<i>Existing Use:</i>	The majority of the property is undeveloped; while a parking lot occupies the northern portion.

Platting History:

The subject property was previously platted as a portion of Lot 1R-A of the Larking Products Industrial Tracts.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to replat the subject property into one (1) lot for commercial use. The proposed lot adheres to the property's minimum size and dimension requirements, based on the LI-1 and FD zoning districts.

VARIANCE REQUESTS (PETITION FOR RELIEF WAIVERS)

The applicant seeks a variance to replat the subject property without providing right-of-way (ROW) dedication as required by the Waxahachie Subdivision Ordinance and the 2023 Thoroughfare Plan. The applicant has noted that adjacent properties along E Main Street are already developed; which would hinder the ability of the City to make use of ROW dedicated for E Main Street with this replat.

The applicant also seeks a variance to utilize the existing 10" waterline along E Main Street to service the property as opposed to extending a 12" waterline to service the property. The City of Waxahachie Subdivision Ordinance and Design Manual requires 12" water lines to be installed to support all new commercial development projects. However, the existing 10" waterline is sufficient to provide service to the anticipated development of the property as a refrigerated warehouse.

To offset these variance requests, the applicant proposes to dedicate two new 20' utility easements for future infrastructure improvements in the area. Due to this, staff is supportive of the variance requests.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Plat request and the associated variance requests.

ATTACHED EXHIBITS

1. Replat

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

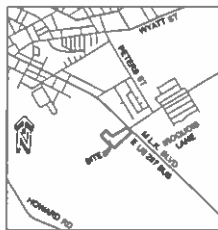
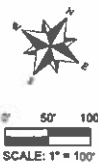
Zack King
Senior Planner

zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning

jennifer.pruitt@waxahachie.com



VICINITY MAP
NOT TO SCALE

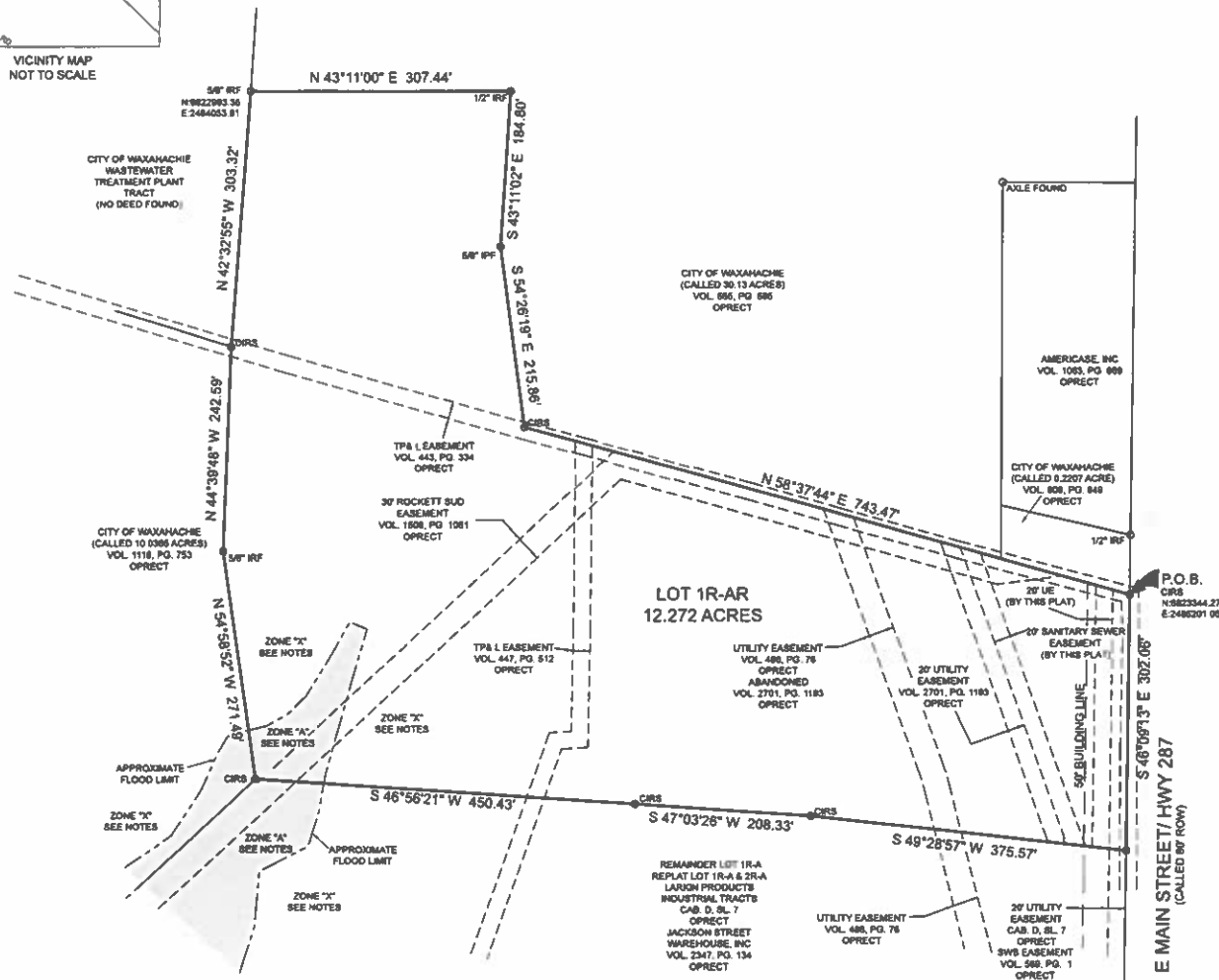
NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS.

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. ZONE "A" - DEFINED AS TWO BASED FLOOD ELEVATIONS DETERMINED ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48136C0330F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

LEGEND

CRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
FND = FOUND
IRF = IRON ROD FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
PRECT = PLAT RECORDS ELLIS COUNTY TEXAS
UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
SBE = SANITARY SEWER EASEMENT



REPLAT LOT 1R-AR, LARKIN PRODUCTS INDUSTRIAL TRACTS

REPLAT OF LOT 1R-A
LARKIN PRODUCTS INDUSTRIAL TRACTS
C&B, D, SLIDE 7
OPRECT
SITUATED IN
S. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
12.272 ACRES
1 COMMERCIAL LOT
ZONED LI-1 & ZONED FD
CASE NO. SUB-34-2023

OWNERS:
LOBSTERS LLC
300 FERRIS AVENUE
WAXAHACHIE, TX 75165
409.382.4432

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC.
P.O. BOX 282
WAXAHACHIE, TEXAS 75108
489.518.0338
TBPLS FIRM NO 10184359

STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, LOBSTERS LLC, IS THE OWNER OF A TRACT OF LAND SITUATED IN THE S.M. DURRETT SURVEY, ABSTRACT NO. 272, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO LOBSTERS LLC, RECORDED IN INSTRUMENT NO. 2134892, AND BEING A PORTION OF LOT 1R-A, LARKIN PRODUCTS INDUSTRIAL TRACTS, RECORDED IN CABINET D, SLIDE 7, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS, (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT LOBSTERS TRACT AND THE COMMON SOUTHEAST CORNER OF A CALLED 0.2207 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 809, PAGE 141, OPRECT, IN THE WEST RIGHT-OF-WAY (ROW) LINE OF EAST MAIN STREET/HIGHWAY 287 (A VARIABLE WIDTH ROW);

THENCE S 45°09'13" E, ALONG THE EAST LINE OF SAID LOT LOBSTERS TRACT AND THE COMMON WEST ROW LINE OF SAID EAST MAIN STREET, A DISTANCE OF 302.06 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID LOBSTERS TRACT AND THE COMMON NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JACKSON STREET WAREHOUSE, INC., RECORDED IN VOLUME 2347, PAGE 134, OPRECT;

THENCE ALONG THE SOUTH LINE OF SAID LOBSTERS TRACT AND THE COMMON NORTH LINE OF SAID JACKSON STREET WAREHOUSE TRACT, AS FOLLOWS:

S 49°22'57" W, A DISTANCE OF 375.57 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

S 47°03'28" W, A DISTANCE OF 208.33 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

S 48°56'21" W, A DISTANCE OF 450.43 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHWEST CORNER OF SAID LOBSTERS TRACT AND THE COMMON NORTHWEST CORNER OF SAID JACKSON STREET WAREHOUSE TRACT, FOR AN ANGLE POINT IN THE WEST LINE OF SAID LOT 1R-A AND A COMMON ANGLE POINT IN THE EAST LINE OF A CALLED 10.0365 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 1118, PAGE 753, OPRECT;

THENCE ALONG THE WEST LINE OF SAID LOBSTERS TRACT AND THE COMMON WEST LINE OF SAID LOT 1R-A AND THE COMMON EAST LINE OF SAID CALLED 10.0365 ACRE WAXAHACHIE TRACT, AS FOLLOWS:

N 54°58'52" W, A DISTANCE OF 271.49 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

N 44°39'48" W, A DISTANCE OF 242.58 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR ANGLE POINT IN THE WEST LINE OF SAID LOBSTERS TRACT AND THE COMMON WEST LINE OF SAID LOT 1R-A AND THE COMMON NORTHEAST CORNER OF SAID CALLED 10.0365 ACRE WAXAHACHIE TRACT AND A COMMON SOUTHEAST CORNER OF A TRACT OF LAND KNOWN AS THE CITY OF WAXAHACHIE WASTEWATER TREATMENT PLANT TRACT, NO DEED FOUND, AS SHOWN ON PLAT RECORDED IN CABINET D, SLIDE 7, OPRECT;

THENCE N 42°32'55" W, ALONG A WEST LINE OF SAID LOBSTERS TRACT AND THE COMMON WEST LINE OF SAID LOT 1R-A AND THE COMMON EAST LINE SAID WAXAHACHIE WASTEWATER TREATMENT PLANT TRACT, A DISTANCE OF 303.32 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOBSTERS TRACT AND THE COMMON NORTHWEST CORNER OF SAID LOT 1R-A AND THE COMMON SOUTHWEST CORNER OF A CALLED 30.13 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 585, PAGE 365, OPRECT;

THENCE, ALONG THE NORTH LINE OF SAID LOBSTERS TRACT AND THE COMMON NORTH LINE OF SAID LOT 1R-A AND THE COMMON SOUTH LINE OF SAID CALLED 30.13 ACRE WAXAHACHIE TRACT, AS FOLLOWS:

N 43°11'00" E, A DISTANCE OF 307.44 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

S 43°11'02" E, A DISTANCE OF 184.80 FEET TO A 5/8" IRON PIPE FOUND FOR CORNER;

S 54°28'19" E, A DISTANCE OF 215.86 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

THENCE N 58°37'44" E, ALONG A NORTH LINE OF SAID LOBSTERS TRACT AND THE COMMON NORTH LINE OF SAID LOT 1R-A AND A COMMON SOUTH LINE OF SAID CALLED 30.13 ACRE WAXAHACHIE TRACT AND THE COMMON SOUTH LINE OF A SAID CALLED 0.2207 ACRE WAXAHACHIE TRACT, A DISTANCE OF 743.47 FEET TO THE POINT OF BEGINNING, AND CONTAINING 12.272 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT LOBSTERS LLC, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 1R-AR LARKIN PRODUCTS INDUSTRIAL TRACTS, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHIE, TEXAS.

WITNESS, MY HAND, THIS THE _____ DAY OF _____, 2023.

WILLIAM ATOMS III
AUTHORIZED AGENT
LOBSTERS LLC

STATE OF TEXAS :
COUNTY OF ELLIS :

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

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2023.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

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

"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ DATE _____
CHAIRPERSON

ATTEST _____ DATE _____

APPROVED BY: CITY COUNCIL, CITY OF WAXAHACHIE

BY: _____ DATE _____
MAYOR

ATTEST _____ DATE _____

REPLAT

LOT 1R-AR, LARKIN PRODUCTS INDUSTRIAL TRACTS

REPLAT OF LOT 1R-A
LARKIN PRODUCTS INDUSTRIAL TRACTS
C&B, D, SLIDE 7
OPRECT
SITUATED IN
S. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
12.272 ACRES
1 COMMERCIAL LOT
ZONED LI-1 & ZONED PD
CASE NO. SUB-34-2023

OWNERS:
LOBSTERS LLC
300 FERRIS AVENUE
WAXAHACHIE, TX 75165
409.392.4432

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
489.518.0338
TBPLS FIRM NO 10194359

(7)

(4)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-58-2023



MEETING DATE(S)

Planning & Zoning Commission: June 13, 2023

City Council: June 19, 2023

CAPTION

Public Hearing on a request by Richard Shinpaugh, Ellis County Bail Bonds, for a **Specific Use Permit (SUP)** for a Bail Bond Agency use within a Commercial (C) zoning district located at 201 E. Main Street, Suite 109 (Property ID 170540) - Owner: 201 Main Wax, LLC (ZDC-58-2023) Staff: Eleana Tuley

RECOMMENDED MOTION

"I move approve ZDC-58-2023, a **Specific Use Permit (SUP)** for a Bail Bond Agency use (Ellis County Bail Bonds), subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on June 13, 2023, the Commission voted 7-0 to recommend approval of case number ZDC-58-2023, subject to staff comments.

APPLICANT REQUEST

The Applicant requests a specific use permit for a Bail Bonds Agency (Ellis County Bail Bonds) at 201 E. Main Street, Suite 109.

CASE INFORMATION

Applicant: Richard Shinpaugh, Ellis County Bail Bonds

Property Owner(s): 201 Main Wax LLC

Site Acreage: 0.28 acres

Current Zoning: Commercial (C) District

Requested Zoning: Commercial (C) District with a specific use permit (SUP) for a Bail Bond Agency

SUBJECT PROPERTY

General Location: 201 E. Main Street

Parcel ID Number(s): 170540

Existing Use: Multi-tenant retail building

Development History:

Not Applicable

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Undeveloped Land
East	C	Multi-tenant Retail Building
South	PD-CA	Ellis County Court Building
West	CA	Surface Parking Lot and Rogers Hotel

Future Land Use Plan:

Downtown Placetype

Comprehensive Plan:

It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed; denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan:

The primary access to the subject property is from North Jackson Street and E Main Street (100' right-of-way). Right-of-way dedication is not required from the subject property.

Site Image:



PLANNING ANALYSIS

An application for a specific use permit (SUP) for a Bail Bonds Agency, called Ellis County Bail Bonds, has been submitted for 201 E. Main Street, Suite 109. The agency was previously located at 309 S. Jackson Street for over 30 years until its lease ended on June 1, 2023, due to a change in ownership of the building. The owner, Richard Shinpaugh, is now requesting approval of an SUP to operate temporarily at a new location, 201 E. Main Street, Suite 109.

Mr. Shinpaugh has plans to build a new two-story building at the northwest corner of Jackson Street and Jefferson Street. The building will have approximately 4,000 square feet per floor and will feature multiple professional office suites. The new building will serve as the permanent location for Ellis County Bail Bonds. Mr. Shinpaugh is expected to submit a SUP for his bail bond office at this new location in the coming months. The conditions of the SUP limit its use for a maximum of two years from its approval date since the bail bonds agency will have a new permanent location in the near future. The remaining conditions of the SUP regulate the hours of operation, signage, and allow only "Ellis County Bail Bonds" managed by "Richard Shinpaugh" to operate a bail bond agency at 201 E. Main Street, Suite 109. The SUP cannot be transferred to another bail bond agency or business owner for Ellis County Bail Bonds, and it will expire two years from its approval date. The formal conditions of the SUP are listed in the recommendation.

The subject property is surrounded by retail and commercial establishments. If the bail bonds agency is approved, it will be located across the street from the Ellis County Administration Building and diagonally opposite from several multi-tenant retail and professional office buildings. The rear of the property is next to Rogers Spring Branch Creek, which acts as a natural buffer between the bail bonds agency and the properties north of the creek. Although the property on the north side of the creek is zoned for single-family use (SF-2), the nearest residential properties are located along Kaufman Street. Additionally, if the SUP is granted, the bail bond agency will only be permitted at the proposed location for a maximum of two years. Staff recommends approval of the specific use permit since the bail bond agency will remain compatible and in harmony with surrounding land uses.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 24 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. At the time of publishing this report, Staff received 5 letters of opposition and 2 letters of support. The opposition equals 19 percent of the total land area within the 200-foot notice area. Per the Texas Local Government Code (Section 211.006), the SUP request necessitates approval from three-fourths of the City Council members if the opposition surpasses 20 percent of the total land area within the 200-foot notice area.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. A bail bond agency is limited to suite 109 at 201 E. Main Street as shown in Exhibit A. A bail bond agency shall not be permitted anywhere else in the multi-tenant building at 201 E. Main Street.
2. Permission to operate a bail bond agency use is only granted to "Ellis County Bail Bonds" managed and operated by "Richard Shinpaugh." Approval to operate a bail bond agency use at 201 E. Main Street, Suite 109 will not transfer to another bail bond agency business or owner for "Ellis County Bail Bonds."
3. "Ellis County Bail Bonds" may conduct business at 201 E. Main Street, Suite 109 for a period not to exceed two (2) years from the approval of this ordinance. After two (2) years, the property

owner in coordination with Richard Shinpaugh, shall request approval of another specific use permit to reestablish the use.

4. The hours of operation for "Ellis County Bail Bonds" are limited to Monday through Sunday 8:00 am to 9:00 pm.
5. Exterior building signage shall require approval by the Heritage Preservation Commission and a building permit from the Building and Community Services Department.

ATTACHED EXHIBITS

1. SUP Ordinance
2. Location Map (Exhibit A)
3. Letter from the Business Owner (Ellis County Bail Bonds)
4. Property Owner Notice Map
5. Letters of Opposition/Support

STAFF CONTACT INFORMATION

Prepared by:

Eleana Tuley, AICP

Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(8)

Rick Shinpaugh
dba Ellis County Bailbond
309 S Jackson
Waxahachie, TX 75165

214-477-7305

May 1, 2023

I am submitting an application for a SUP at 201 E Main Suite 109, Waxahachie, TX 75165. I have been in business at my present location of 309 S Jackson since 1990. The building I rent has recently changed ownership and I have been asked to move out of this location effective June 1, 2023. I am in the planning and construction phase of building an office building on the corner of Jackson St. and Jefferson St. I am seeking a SUP for a temporary office location at the 201 E Main location. I will occupy this location for a period of 6 -12 months as depends on the completion time of the new construction.

I have 3 employees, our hours of operation are 8am-6pm, 7 days a week. Once or twice a month a client may require a 15 -20 minute after normal business hours meeting. These meetings will only be prior to 9pm, any other meetings or business will be conducted the next business day.

Signage will comply with the City's sign requirements, and I plan to receive a sign permit for all signage with the building permit following approval of the SUP. I understand the signage will require approval from the Heritage Preservation Board.

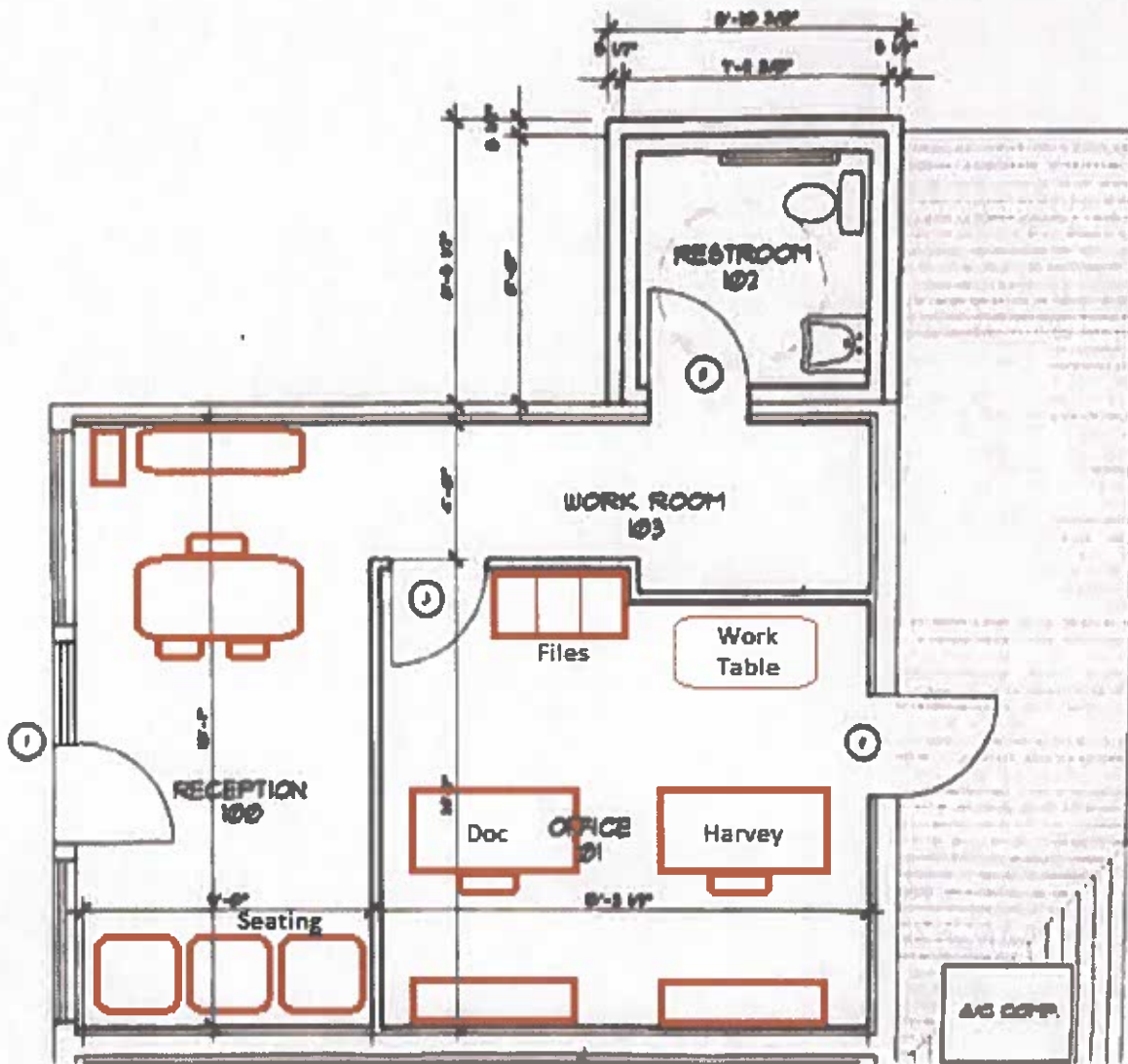
Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Shinpaugh', written in a cursive style.

Rick Shinpaugh

(8)

N. JACKSON STREET



ADJACENT SUITE FRONTING ONTO MLK

ZDC-58-2023 - SUP - Ellis County Bail Bonds PON Response Exhibit

(8)

- | | | | |
|----------------------|--------------------------|------------|---------------------------|
| Support (2 shown) | ZDC-58-2023 | Support | 200ft Notification Buffer |
| Opposition (5 shown) | Properties Within Buffer | Opposition | Property Lines |
- 19.02% Opposed by Acreage





City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-58-2023**

(8)
RECEIVED JUN 12 2023

GOSCON LLC
603 N ROGERS ST
WAXAHACHIE, TX 75165-3033

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 13, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 19, 2023 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 MaRichard Shinpaugh, Ellis County Bail Bonds, for a **Specific Use Permit (SUP)** for a Bail Bond Agency use within a Commercial (C) zoning district located at 201 E. Main Street, Suite 109 (Property ID 170540) - Owner: 201 Main Wax, LLC (ZDC-58-2023) Staff: Eleana Tuley

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: **SUB-58-2023**

City Reference: 170410

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 7, 2023** 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:

Karl J. Goss
Signature

Karl J. Goss
Printed Name and Title
Managing Partner
Goscon LLC
103 N. Jackson

5/26/23
Date

603 N. Rogers
Address
Waxahachie, 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.

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-58-2023**

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 13, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 19, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **SUB-58-2023**

City Reference: 170539

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 7, 2023** 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:

See attachment

Signature

Printed Name and Title

Greg Nohib, partner

Date

Address

6-2-23
110 Jackson

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.

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-58-2023**

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: **SUB-58-2023**

City Reference: 279746

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 7, 2023** 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:

see attachment

Signature

Greg Nehib, partner

Date

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.



(8)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-58-2023

◇◇◇

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: **SUB-58-2023**

City Reference: 274682

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 7, 2023** 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:

see attachment

Signature

Greg Nohib

Date

6-2-23

Printed Name and Title

Greg Nohib, partner

Address

217 E Main

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.



(8)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-58-2023

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: **SUB-58-2023**

City Reference: 170696

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 7, 2023** 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:

see attachment

Signature

Printed Name and Title

A. M. L.
Gray Nohib, partner

Date

Address

6-2-23
lot adjacent to 217 E Main

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.

201 E Main SUP Position

While Big Blue Truck, LLC understands that Ellis County Bail Bonds is a respectable and important business within our community, we generally oppose the SUP for a bail bond company to occupy 201 E Main for the following reasons:

1. The storefront is on Jackson St. The business address is misleading for business purposes and for the purpose of first responders. Mis-addressed businesses can lead to parking problems and unnecessary traffic uplift.
2. The SUP proposed is directly adjacent to property that is zoned residential. Many cities do not allow bail bond business to operate within a certain radius of residential property. This is due to the nature of the business and the hours of operation. This factor alone should disqualify the SUP.
3. There are at least 3 addresses within the 200 ft zone that are zoned residential and some of those parcels would support multiple family residences.
4. Across the street, and within the 200 ft zone is a children's splash pad. Bail businesses are generally not collocated with children's play areas.
5. There are other office spaces available for this business. We would assume the City or the County could temporarily house this business if it is deemed vital.
6. The City has recently denied re-zoning of adjacent property on Jackson St. in order to preserve the investment in the restaurant/market/wine sales that is going into the old Police Station. It is not evident that a bail business is more upscale than what has already been denied. Considering this can be subjective, it more importantly creates a double standard.
7. Ellis County Bail Bonds uses aggressive signage in its current location. This includes neon and bright colors that are not conducive with the 201 E Main neighborhood or a residential setting in general.

In the interest of the common good, we would consider support of this SUP if the following terms were met:

1. The storefront is on E Main St. and not Jackson St.
2. No lighted signage after 10pm.
3. The SUP is only valid for 12 months from the permit date of the building that Ellis County Bail Bonds is proposing to build on Jefferson St. near the Ellis County Jail.
4. No extensions are granted to the 12 month SUP.

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-58-2023**

201 MAIN WAX LLC
6982 WALLING LN
DALLAS, TX 75231

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 13, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 19, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **SUB-58-2023**

City Reference: 170540

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☒ **SUPPORT**

☐ **OPPOSE**

Comments: We support the SUP requested because of the location's proximity to the Ellis County Jail and Court House. There was a bail bond company at 201 E Main Street until 2017 (see attached photo). 201 E Main St. is a logical location for a business that helps folks when they need it.

Bill Bell
Signature

Bill Bell, Managing Member
Printed Name and Title

6-7-2023
Date
201 E Main St, Waxahachie TX 75165
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.



(8)

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-58-2023
◇◇◇

Joseph R Gallo
127 Mustang Creek
Waxahachie, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 13, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 19, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: SUB-58-2023

City Reference: 170449

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *June 7, 2023* 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

6/7/23
Date

Joseph R. Gallo
Printed Name and Title

1124114 EAST MAIN ST.
Address

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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.

(9)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A BAIL BOND AGENCY USE (ELLIS COUNTY BAIL BONDS) WITHIN A COMMERCIAL DISTRICT (C) AT 201 E. MAIN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.28 ACRES KNOWN AS PROPERTY ID 170540, 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 adopted a zoning ordinance and map showing the classification of the property located within the city limits of said City; 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-58-2023. 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 City Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from C to C, with an SUP in order to allow a Bail Bond Agency use on the following property: Property ID 170540, which is shown on the location map (Exhibit A).

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 the Zoning Ordinance.

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR A BAIL BOND AGENCY USE (ELLIS COUNTY BAIL BONDS) IN THE COMMERCIAL (C) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A bail bond agency is limited to suite 109 at 201 E. Main Street as shown in Exhibit A. A bail bond agency shall not be permitted anywhere else in the multi-tenant building at 201 E. Main Street.
2. Permission to operate a bail bond agency use is only granted to "Ellis County Bail Bonds" managed and operated by "Richard Shinpaugh." Approval to operate a bail bond agency use at 201 E. Main Street, Suite 109 will not transfer to another bail bond agency business or owner for "Ellis County Bail Bonds."
3. "Ellis County Bail Bonds" may conduct business at 201 E. Main Street, Suite 109 for a period not to exceed two (2) years from the approval of this ordinance. After two (2) years, the property owner in coordination with Richard Shinpaugh, shall request approval of another specific use permit to reestablish the use.
4. The hours of operation for "Ellis County Bail Bonds" are limited to Monday through Sunday 8:00 am to 9:00 pm.
5. Exterior building signage shall require approval by the Heritage Preservation Commission and a building permit from the Building and Community Services Department.
6. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in this ordinance.
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. City Council shall have the right to review the Specific Use Permit at any point, necessary.

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 business (Ellis County Bail Bonds) covered by this Specific Use Permit ceases to operate on the premises, a new Specific Use Permit shall be required to re-establish the use.

(9)

3. This Specific Use Permit shall not run with the land and therefore may not be transferred from owner to owner.
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 19th day of June, 2023.

MAYOR

ATTEST:

City Secretary



EXHIBIT A - LOCATION MAP

(b)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, AICP Executive Director of Development Services

Thru: Michael Scott, City Manager

Date: June 19, 2023

Re: Consider a Resolution approving the terms and conditions of a boundary and an Interlocal Agreement for the relinquishing of extraterritorial jurisdiction ("ETJ") by the City of Waxahachie to the City of Red Oak


Recommended Motion: "I move to approve the resolution establishing the terms and conditions of a boundary and interlocal agreement for the relinquishing of a portion of ETJ between the Cities' of Waxahachie and Red Oak and authorizing the City Manager and or Mayor to execute all necessary documents."


Item Description: This is the first of a two-step process. This item includes considering a resolution and an accompanying Interlocal Agreement with the City of Red Oak to allow for the release of extraterritorial jurisdiction and establishing of conditions of said boundary between the two municipalities' ETJs. The resolution approving the actual relinquishment of jurisdiction and adjusting of boundaries will be presented at the next scheduled City Council meeting on July 17th.


Item Summary: This request was brought forward by the City of Red Oak to allow for the cohesive development of anticipated residential development that would span into both jurisdictions. This action would allow for that development to be reviewed, constructed, inspected and served by a single jurisdiction. City staff has reviewed this request and given the size and distance from city services, has no objection to relinquishing approximately 65 acres to the City of Red Oak.


Fiscal Impact: The relinquishment of this ETJ would have no significant impact in the foreseeable future to the City of Waxahachie's growth patterns or fiscal outlook.


Waxahachie-Red Oak
(10) ETJ Swap
6/16/2023

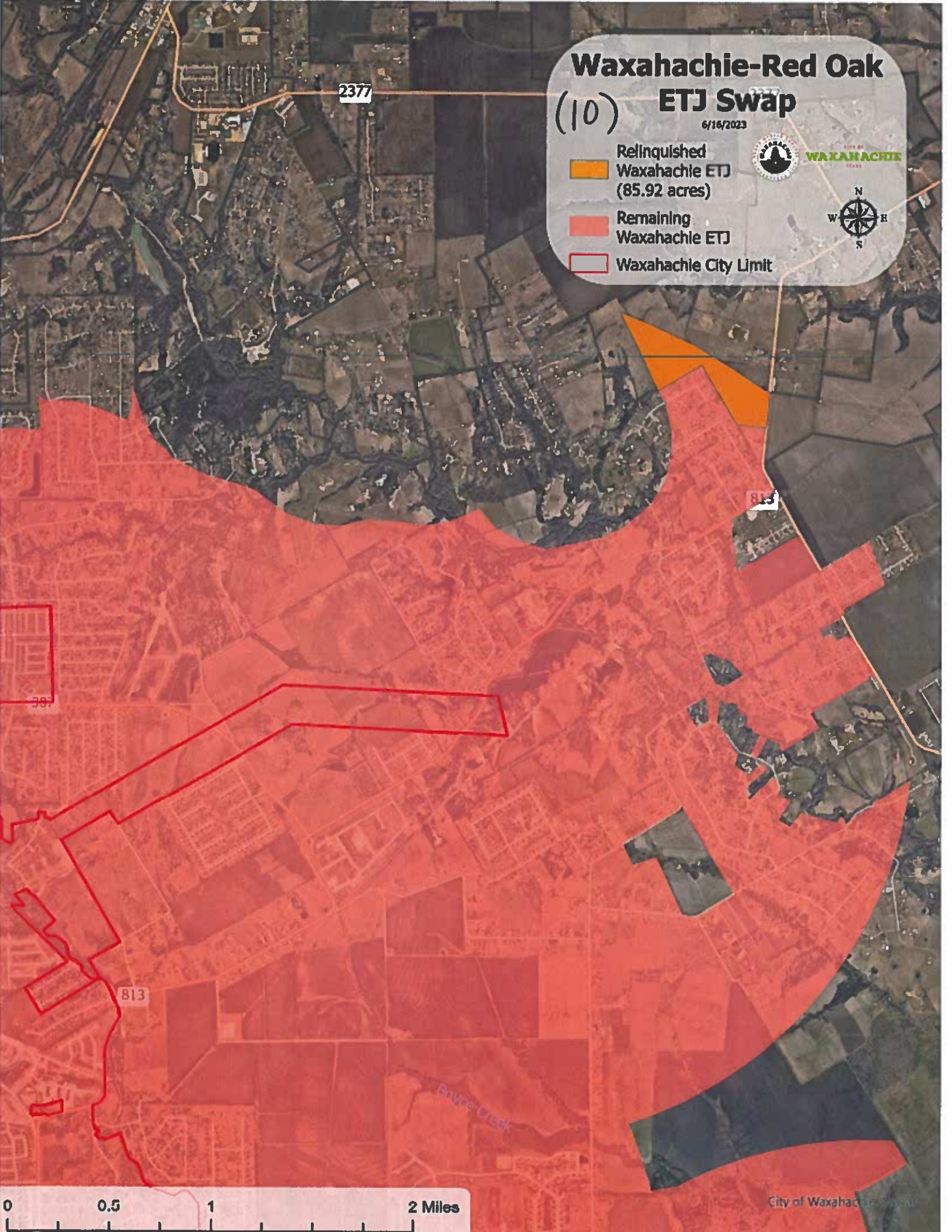
 Relinquished
Waxahachie ETJ
(85.92 acres)

 Remaining
Waxahachie ETJ

 Waxahachie City Limit

 **WAXAHACHIE**
TEXAS





RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A BOUNDARY AND INTERLOCAL AGREEMENT BETWEEN THE CITY OF WAXAHACHIE AND THE CITY OF RED OAK RELINQUISHING A PORTION OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION AS SET FORTH IN EXHIBIT A; AND ESTABLISH A NEW EXTRATERRITORIAL JURISDICTIONAL BOUNDARY; AUTHORIZING ITS EXECUTION BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie and the City of Red Oak negotiated a boundary agreement to relinquish certain extraterritorial jurisdiction ("ETJ") currently located within the extraterritorial jurisdictional boundaries of Waxahachie; and

WHEREAS, the location of said ETJ property makes difficult for the City of Waxahachie to provide services in a cost efficient and adequate manner; and

WHEREAS, in the spirit of the governmental cooperation, the City Council of the City of Red Oak desires to enter into a Boundary and Interlocal Agreement with the City of Waxahachie agreeing to release and relinquish certain portions of Waxahachie's ETJ and allow said area relinquish to be included by operation of law into Red Oak's ETJ; and.

WHEREAS, upon full review and consideration of the Boundary and Interlocal Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor shall be authorized to execute it on behalf of the City of Waxahachie.

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

SECTION 1. That the terms and conditions of the attached Boundary and Interlocal Agreement and Exhibit A attached thereto, having been reviewed by the City Council of the City of Waxahachie, Texas which provides for the relinquishing of a portion of Waxahachie's ETJ as set forth in Exhibit A; and establishes a new ETJ boundary; and, therefore found to be acceptable and in the best interests of the City of Waxahachie and its citizens, are hereby in all things approved.

SECTION 2. That the Mayor is hereby authorized to execute the attached Agreement and all other documents in connection therewith on behalf of the City of Waxahachie, substantially according to the terms and conditions set forth in the Agreement and this Resolution.

SECTION 3. That this resolution shall take effect upon passage.

(10)

1
5/22/23

**PASSED AND APPROVED BY THE CITY COUNCIL OF WAXAHACHIE,
TEXAS, THIS _____ DAY OF _____, 2023.**

CITY OF WAXAHACHIE, TEXAS

APPROVED:

DAVID HILL, MAYOR

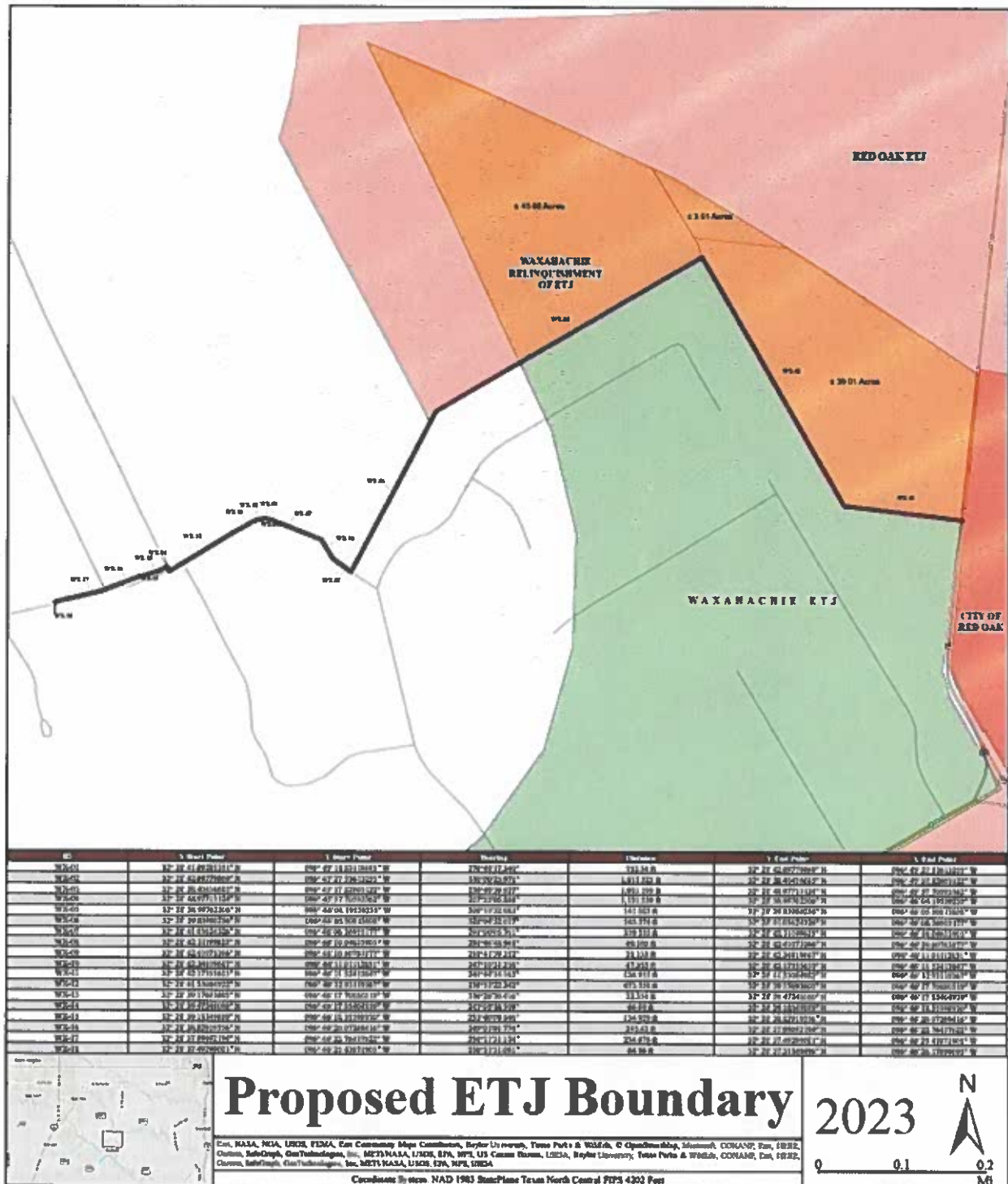
ATTEST:

AMBER VILLEREAL, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT F. BROWN, CITY ATTORNEY

EXHIBIT A



STATE OF TEXAS	§	BOUNDARY AND INTERLOCAL
	§	AGREEMENT TO RELINQUISH
COUNTY OF ELLIS	§	EXTRATERRITORIAL JURISDICTION

This Boundary Agreement ("**Agreement**") is made by and between the City of Red Oak ("**Red Oak**") and the City of Waxahachie ("**Waxahachie**"), both of which are political subdivisions located in Ellis County in the State of Texas.

WHEREAS, Red Oak and Waxahachie are contiguous and adjacent towns; and

WHEREAS, Red Oak and Waxahachie have extraterritorial jurisdiction (hereinafter "**ETJ**") territory which potentially 'overlaps' and said cities have determined that a long-term solution is to agree to a relinquishment by Waxahachie of a portion of its ETJ as set forth in Exhibit "A"; and

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, state law further authorizes local government to enter into agreements and contracts of the nature envisioned in this **Agreement**; and

WHEREAS, Section 42.023 of the Local Government Code authorizes a municipality to reduce or release its ETJ by a resolution adopted by the governing body of the affected municipalities in accordance with said section; and

WHEREAS, the City of Waxahachie is a home rule municipality and as such may relinquish its ETJ; and

WHEREAS, the City of Red Oak is a home rule municipality; and

WHEREAS, Red Oak and Waxahachie have determined that the extraterritorial jurisdiction of these areas either overlap and it will benefit and enhance the general welfare of Red Oak and Waxahachie to adjust, relinquish and release a part of Waxahachie's extraterritorial jurisdiction which would, by operation of the law, create the addition of such released area into Red Oak's extraterritorial jurisdiction as reflected in the attached Exhibit "A."

WHEREAS, Red Oak and Waxahachie, in the true spirit of governmental cooperation, intend this **Agreement** to reflect sound growth management principles and interregional planning.

NOW, THEREFORE, Red Oak and Waxahachie, for the mutual consideration hereinafter stated, agree and understand as follows:

1. From and after the Effective Date of this **Agreement**, Waxahachie and Red Oak hereby agree to adjust its respective extraterritorial jurisdiction of each of the respective city's

extraterritorial jurisdiction to meet at the points and along the lines more specifically set out in Exhibit "A," which is attached hereto and incorporated herein by reference.

2. That Waxahachie agrees to consider a resolution by its governing body whereby it releases and relinquishes a portion of its extraterritorial jurisdiction consisting of three tracts of real property as set forth identified in Exhibit "A," which is attached hereto and incorporated herein. That after the passage of an appropriate resolution thereby causing the relinquishment and release of ETJ as set forth herein, the Parties agree that ETJ of both cities shall meet at the point of the boundaries established as set forth in Exhibit "A".

3. Failure of either party to comply with or perform any term, obligation, or condition of the **Agreement** shall constitute an event of default. The non-defaulting party shall give written notice to the other party of any default, and the defaulting party shall have thirty (30) days to begin to cure said default. Should said default remain uncured, the non-defaulting party shall have the right to terminate this **Agreement**, enforce specific performances as appropriate, or maintain a cause of action for damages caused by the event(s) of default, to the extent authorized by law.

4. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this **Agreement**. The parties agree that this **Agreement** is performable in Ellis County, Texas, and that exclusive venue shall lie in Ellis County, Texas.

5. This **Agreement** embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

6. This **Agreement** shall be binding upon the parties hereto, their successors, and assigns. Neither of the parties will assign nor transfer and interest in this **Agreement** without the written consent of the other party.

7. **Effective Date.** The effective date of this agreement shall be the last day this **Agreement** is approved by a party hereto as indicated on the signature blocks below ("the **Effective Date**").

8. The governing bodies of both **Waxahachie** and **Red Oak** have approved by resolution this **Agreement** as to form and content, and authorize their respective representatives to execute this **Agreement** on behalf of same.

9. Before a suit is filed by either party based on or pertaining to this **Agreement**, the parties agree that they will submit the dispute for mediation, pursuant to the procedure described in Section 154.023 of the Texas Civil Practice and Remedies Code.

10. Either party may file a certified copy of this Agreement and the Resolution approving this Agreement in the real property records of Ellis County, Texas.

11. If any article, paragraph, subdivision, clause, or phrase of this **Agreement** be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this **Agreement** as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

12. It is expressly understood and agreed that, in the execution of this **Agreement**, no part waives, nor shall be deemed hereby to have waived, and immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this **Agreement**, the parties do not create and obligations, express or implied, other than those set forth herein, and this **Agreement** shall not create any rights in parties not signatories hereto.

13. This **Agreement** shall be effective upon execution by the parties and shall continue in effect annually until final completion of this **Agreement**. This **Agreement** shall automatically renew annually on the anniversary date of the Effective Date of this Agreement during this period.

AUTHORIZED and approved by the City Council of the City of Waxahachie, Texas, at its meeting held on the _____ day of _____ 2023, and executed by the Mayor.

CITY OF WAXAHACHIE, TEXAS

David Hill, Mayor

ATTEST:

Amber Villarreal, City Secretary

AUTHORIZED and approved by the City Council of the City of Red Oak, Texas, at its meeting held on the _____ day of _____ 2023, and executed by the Mayor.

CITY OF RED OAK, TEXAS

Mark L. Stanfill, DVM, Mayor

ATTEST:

Caryn Stevens, City Secretary

(11)



Memorandum

To: Honorable Mayor and City Council
From: Anita Simpson, Downtown Development Director
Thru: Michael Scott, City Manager *[Signature]*
Date: June 19, 2023
Re: Consider Adoption of the "Vacant Structure Regulations in Designated Areas" Ordinance

Recommended Motion: "I move to adopt the 'Vacant Structure Regulations in Designated Areas' ordinance as presented and authorize the City Manager to execute all necessary documents."

Item Description: Consider amendment of the City of Waxahachie Code of Ordinances, Chapter 8 "Building" by adding Article XV, to be entitled "Vacant Structure Regulations in Designated Areas". This ordinance provides requirements for vacant commercial buildings, structures, and property located in the City's Downtown Historic District Overlay. The ordinance will also provide a process for monitoring vacant buildings and returning them to active service.

Item Summary: One of the Community Transformation Strategies adopted by the Waxahachie Partnership, Inc. (WPI) Board for 2021-2022 was to develop incentives and initiatives for vacant and underutilized downtown buildings. As part of the transformation strategy, the board developed a vacant building ordinance to help with tracking and monitoring of vacant properties. The goal of this ordinance is to identify vacant buildings and encourage building owners to take advantage of the downtown building rehabilitation incentive program.

(11)

City staff along with a council representative, reviewed similar ordinances from other communities in Texas and developed a draft for the WPI board's review. A revised draft was then submitted to the City Attorney for further review and comment. The attached ordinance is the result of several stages of review and revision. At their May 17, 2023 meeting, the Waxahachie Partnership, Inc. board voted to approve the current draft and forwarded it to the City Council for consideration and adoption.

Vacant Structure Ordinance Overview

The proposed City Ordinance would impose the following requirements on owners of vacant structures or those in disrepair:

- Satisfy the requirements of (i) the current building codes and (ii) the vacant structure codes applicable to commercial structures within the Downtown Historic District Overlay.
- Register such structures with the City of Waxahachie and designate a local agent of the owner as the contact person.
- Establish a plan and timeline for the repair, rehabilitation and maintenance of the structure
- Pay annual registration fee of \$250.
- Structures will be subject to annual inspections.
- Establish authority to impose fines for non-compliance.

Fiscal Impact: The expected fiscal impact of adopting this ordinance is minimal and would be realized only from registration fees and any fines that may be imposed. The preservation and revitalization of vacant buildings have the potential to generate significant economic benefits for the city by enabling their utilization and creating additional economic impacts.

**CITY OF WAXAHACHIE, TEXAS
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY ADDING TO THE CODE ARTICLE XV, "VACANT STRUCTURE REGULATIONS IN DESIGNATED AREAS," TO PROVIDE REQUIREMENTS FOR VACANT COMMERCIAL BUILDINGS, STRUCTURES, AND PROPERTY LOCATED IN THE CITY'S DOWNTOWN HISTORIC DISTRICT OVERLAY; PROVIDING FOR REGISTRATION; PROVIDING FOR DESIGNATION OF A PROPERTY MANAGER OR AGENT; PROVIDING FOR A STANDARD OF CARE; PROVIDING FOR A REGISTRATION FEE; PROVIDING FOR WAIVERS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the expectation of the City that owners of commercial buildings and similar types of structures will maintain, repair, or offer for sale vacant buildings that do not comply with the City's Building, Mechanical, Electrical, Plumbing, Energy Codes; and

WHEREAS, vacant and abandoned commercial structures can harm the community as such structures can deteriorate, become public nuisances and substandard structures, create threats to public safety and welfare, and can be a cause of neighborhood deterioration; and

WHEREAS, the costs of abating, securing or demolishing such buildings often become, by default, the responsibility of the City, causing taxpayers to bear the costs of remedial action; and

WHEREAS, the purpose of this Ordinance to ensure that owners of such buildings cannot evade their legal responsibilities to abate, maintain, or demolish such structures; and

WHEREAS, the City Council has determined that in order to protect and maintain the unique and significant nature of the Downtown Historic Overlay District for the economic benefit of the City, its residents and its visitors, it is necessary to require property owners of vacant commercial structures to maintain their properties in good repair so that they are sound and sanitary, and so that said properties do not detract from the economic value and utility of neighboring properties.

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

SECTION 1**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2**AMENDMENTS**

That the City of Waxahachie Code of Ordinances, Chapter 8, "Building," is hereby amended by adding Article XV, to be entitled "VACANT STRUCTURE REGULATIONS IN DESIGNATED AREAS," which shall be read in its entirety as shown in the attached "Exhibit A", which is attached hereto and incorporated herein for all purposes.

SECTION 3**CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4**ENFORCEMENT AND PENALTY CLAUSE**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, as provided by section 1-12 of the City's Code, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. Each day such violation continues shall be deemed a separate offense.

SECTION 5**SEVERABILITY CLAUSE**

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole. City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6**EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

DULY PASSED by the City Council of the City of Waxahachie, Texas, this the 6th day of June, 2022.

CITY OF WAXAHACHIE, TEXAS

DAVID HILL, MAYOR

ATTEST:

AMBER VILLARREAL, CITY SECRETARY

APPROVED AS TO FORM

ROBERT F. BROWN, CITY ATTORNEY

Exhibit "A"**ARTICLE XV. VACANT STRUCTURE REGULATIONS IN DESIGNATED AREAS****Sec. 8-80. Definitions.**

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

City means the City of Waxahachie, Texas.

City Manager refers to the City Manager for the City of Waxahachie, Texas, and his/her designees.

Lawful activity means the use/occupancy of a building that is lawfully authorized by a certificate of occupancy issued by the City's Building and Community Services Department.

Owner means any person, agent, firm, partnership or corporation having a legal interest in the property or legal right of possession, or been given a legal power of attorney to act on behalf of such person.

Person shall mean any person, firm, partnership, corporation, or other legal entity that is hired, employed, or used by an owner.

Secured means that all accessible means of ingress and egress to the vacant structure including, but not limited to, all exterior doorways and windows, are locked so as to prevent unauthorized entry into the structure.

Temporarily secured means that all accessible means of ingress and egress to the vacant structure including, but not limited to, all exterior doorways and windows, are covered with plywood or other suitable materials which has been nailed or bolted in place to prevent unauthorized entry.

Structure means that which is built or constructed, and includes an enclosed building, open building, a portion of a building and partially open building.

Unoccupied means not being used for a lawful occupancy.

Vacant structure means a commercial structure or portion of a structure that is unoccupied and/or that all lawful activity has ceased, or reasonably appears to have ceased, for at least 60 or more consecutive calendar days. This provision excludes seasonal businesses which use has not ceased for a period exceeding 365 days.

Sec. 8-81. Purpose, Applicability and Administration.

(a) The City Council finds and declares that:

- (1) Commercial structures that are vacant and unsecured and/or not properly maintained attract trespassers such as vagrants, criminals and other non-invitees as prime locations to conduct illegal criminal activities or otherwise commit mischievous acts.
- (2) Commercial structures that are vacant and unsecured and/or not properly maintained are vulnerable to being set on fire by unauthorized persons.

- (3) Commercial structures that are vacant and unsecured and/or not properly maintained are a blight and cause deterioration and instability in neighboring properties and surrounding areas.
 - (4) Commercial structures that are vacant and unsecured and/or not properly maintained pose serious threats to the public's health and safety.
 - (5) Abatement and rehabilitation of commercial structures that are vacant and unsecured and/or not properly maintained are necessary.
 - (6) Commercial structures that are vacant and unsecured and/or not properly maintained are declared to be public nuisances.
 - (7) The purpose of this Article is to protect the public health, safety, and welfare of the City, its residents and its visitors.
- (b) This Article shall apply to all vacant structures (or portions of structures) as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and which are within the City's Downtown Historic Overlay District.
 - (c) The City Manager or his/her designee is authorized to administer and enforce the provisions of this Article and to make all necessary inspections, to issue citations, to give notice, to file applicable charges and to otherwise cooperate in the enforcement of this Article.
 - (d) The City Manager or his/her designee shall have the authority to render interpretations of this Article and to adopt policies and procedures to clarify the application of its provisions, and may, at his/her sole discretion, enter into an agreement with a registered property owner to obtain compliance with this Article by a date certain.

Sec. 8-82. Registration Required.

- (a) Upon vacancy of a structure, or if vacant at the time of adoption of this Article, a property owner shall within 120 days register as provided by this Article. The City may issue a written notice of vacancy which shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to the county appraisal district records, and by posting on the property.
- (b) Upon the issuance of notice of vacancy, property owners within 120 days shall register with the City and provide the following information verified under oath and on a form prescribed by the City:
 - (1) The address and legal description of the property;
 - (2) The current name, physical address, mailing address, driver's license, telephone number, and email information for any owner(s) with an ownership interest in the property, all known lienholders and all other parties with an ownership interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
 - (3) The contact information for a property manager of the properties and/or improvements located on said property, as applicable, and whether the property manager has the authority to independently act on the owner's behalf to repair or maintain the property.
 - (4) Proof of liability insurance of not less than \$250,000 for the property and/or a surety bond for the value of the structure if insurance cannot be obtained. Said value shall

be the appraised value as determined by the Ellis Central Appraisal District.

- (5) Provide a detailed timeline and plan for correcting violations, rehabilitation, and maintenance while vacant regarding a standard of care pursuant to this Article. If the owner does not intend to occupy the structure in the future, the owner must, at a minimum, demonstrate the property is actively marketed for-sale, or for-lease, and install a for-lease or for-sale sign on the premises with current contact information. The timeline and plan required by this section shall include the following for all vacant structures:

- (A) The period of time the structure is expected to remain vacant;
- (B) If the owner plans to return the structure to a lawful occupancy and use, the estimated date for returning the structure to a lawful occupancy and use;
- (C) If the owner proposes to rehabilitate or renovate the structure, the date the structure rehabilitation or renovation is scheduled to commence and be completed;
- (D) If the owner proposes to retain the structure, the measures that will be taken to try to reduce any adverse impact on the property values of adjacent property from the retention of the vacant structure;
- (E) A plan for regular maintenance of the structure during the period of vacancy with certification that the structure is compliant with all applicable codes;
- (F) Measures the owner will employ to secure the structure, which may include one or more of the following methods:
 - (i) Installation and maintenance of adequate windows and doors together with locks designed to secure the structure;
 - (ii) Installation and maintenance of security shutters, grills, and bars for windows and doors;
 - (iii) Installation, operation, and monitoring of an electronic security system, which monitors windows and doors by glass breakage or motion sensors, and a method of responding to alarms from the electronic security system, other than sole reliance on the city's police department;
 - (iv) Installation of boards on windows and doors pursuant to this Article for temporarily secured structures, which temporary secured status shall not exceed 30 days; and/or
 - (v) Any other method approved by the City Manager or his/her designee.

(II)

- (G) Measures the owner will employ to monitor and inspect the property on a weekly basis, which monitoring and inspection must be performed by the owner, property manager, or an agent of the owner with full authority to maintain and make repairs to the property on a weekly basis;
 - (H) Any reasonably related additional information required by the City Manager or his/her designee.
- (6) Vacant structure property owners shall provide written notice to the City Manager or his/her designee, including a copy of the deed or instrument of conveyance, of any change in:
- a. Ownership of the property;
 - b. Contact information for either the owner or designated property manager. Written notice must be provided to the City no later than 30 days after said changes have occurred.
- (c) The registration submitted by the owner must be complete and sufficient to be approved by City Manager or his/her designee.
 - (d) Registration is valid for one year from the date the registration is approved by the City Manager or his/her designee, unless the ownership of the property changes.
 - (e) The owner of a registered vacant structure shall be required to disclose to any buyer that the property is under registration with the City as a vacant structure. The owner shall also disclose the requirement for the buyer to advise the City Manager or his/her designee of the requirements of this Article within ninety (90) days of closing.
 - (f) If a change other than described in (e) of this section occurs during the period the registration is otherwise valid, the owner shall be required to update the registration with the City Manager or his/her designee within thirty (30) days of the change.
 - (g) Continued annual registration of the property by the vacant structure property owner is required until said structure is deemed occupied and in compliance with all relevant code requirements by the City Manager or his/her designee.
 - (h) If the owner disputes the City Manager or his/her designee's determination that the structure should be classified as a vacant structure under this Article, the owner shall file a written notice of appeal with the City Manager or his/her designee within ten (10) days from receipt of the notice provided in this Article. The appeal shall be verified under oath and shall be on a form prescribed by the City. The City Manager and his/her designee shall schedule a hearing before the city council to determine whether the structure should be classified as a vacant structure under this Article.
 - (i) The City Manager and his/her designee shall revoke any registration for which the owner has failed to comply with the timetables specified in the registration form pursuant to this Article. Should a registration be revoked, the owner of the unregistered vacant structure shall have seven (7) days from the date of the notice of the revocation to file a new registration with the City Manager or his/her designee and pay a new registration fee.

Sec. 8-83. Property Manager or Agent

- (a) Vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the City. The property manager shall serve as agent for the property owner for purposes of accepting legal service; however, the vacant property owner remains personally liable in criminal prosecutions for code violations.
- (b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe.

Sec. 8-84. Standard of Care for Vacant Property and Inspections.

- (a) The standard of care shall follow the appropriate City codes including, but not limited to, the following:
 - (1) Protective treatment: All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained weathertight and in such condition to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.
 - (2) Premises identification: The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of one-half inch. All buildings shall display a vacant building identification placard as required by the City Manager.
 - (3) Structure: All structural members and foundation shall be maintained free from deterioration and shall be capable of safely supporting the imposed loads.
 - (4) Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials, and graffiti.
 - (5) Roof and drainage: The roof and flashing shall not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be free from obstructions and operational.
 - (6) Decorative features: All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained with proper anchorage and in a safe condition.
 - (7) Overhang extensions and awnings: All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be properly anchored and supported.
 - (8) Stairways, decks, porches and balconies: Every exterior stairway, deck, porch and

balcony, and all appurtenances attached thereto, shall be maintained with proper anchorage and capable of supporting the imposed loads.

- (9) Chimneys and towers: All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound.
- (10) Handrails and guards: Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads.
- (11) Window, skylight and door: Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition. All broken or missing windows shall be replaced with glass and secured in a manner to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure (which shall not exceed 30 days), and the same shall be removed within a period designated by the City Manager.
- (12) Secure and maintain the property, both structure and grounds, against trespasser, including maintaining all windows and doors with locks, replacing all broken doors and windows, and securing any other openings into the structure that are readily accessible to trespassers. In the event that a window or windows cannot be maintained as required herein, the owner or property manager shall secure windows that are visible from any public right of way with rigid transparent material such as but not limited to clear Lexan type material. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way.
- (13) Weather protection of all exterior surfaces shall be maintained, including paint on exterior wood surfaces.
- (14) Both interior and exterior areas of the property shall be kept free of accumulations of junk, trash, debris, combustible or other materials such as would constitute an unsafe, unsanitary or unsightly condition or appearance. The building shall not be utilized for storage.
- (15) In all applicable respects, the condition, maintenance and appearance of vacant property shall be subject to the requirements of all applicable state and local ordinances, standards, regulations and abatement procedures currently in effect. This will include any applicable City issued permits and site plans in the replacement and repair of all elements of the exterior of the building and site.
- (16) Owners of vacant structures shall remove all combustibles as defined by the fire code.

(b) Inspections.

- (1) The City Manager or his/her designee shall provide for the inspection of each registered vacant structure at the time of registration and thereafter not less than annually.
- (2) In addition to the inspection referred to in subsection (1) above, if there is probable cause to believe that a code violation may be present in the vacant structure or on the premises where the vacant structure is located, the City Manager or his/her designee shall provide for the inspection of the vacant building and/or property.

- (3) All inspections shall be conducted to determine compliance with this Article and all applicable codes.
- (4) The results of the inspection shall be provided to the owner of the vacant building and the person designated by the owner to make response to any emergency or alleged violation related to the vacant structure.
- (5) The City Manager or his/her designee shall assess an inspection fee of \$75 per inspector per hour for inspections of vacant structure against the owner of the vacant structure. This fee shall be charged annually for inspections associated with the registration and thereafter as inspections are warranted in accordance with this Article.
- (c) All repairs shall be subject to approval for adequacy by the City Manager or his/her designee. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.
- (d) All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this Article. A vacant building in a blighted condition shall be deemed a public nuisance under the Code of Ordinances.
- (e) Failure to maintain the vacant property to the standard of care specified by the City is a violation of this Article.
- (f) Providing false information to the City is a violation of this Article.

Sec. 8-85. Registration fees

Vacant structure property owners shall tender an annual registration and inspection fee of \$250 for each vacant property after the initial partial year of registration, for which no fee shall be due. Subsequent annual registration fees shall increase by \$50 per year of registration above the fee from the previous year, and shall be due and postmarked no later than January 31 of each year. (For example, the fee in Year 1 for fees shall be \$250, Year 2 shall be \$300 and Year 3 shall be \$350.)

Sec. 8-86. Fee waivers

- (a) All fee waivers must be applied for, using the forms provided, on an annual basis, and are subject to approval by the City Manager or his/her designee. A fee waiver is only valid for twelve (12) months. If a fee waiver is approved, registration and full compliance with this Article are otherwise required.
- (b) Qualifications for possible fee waivers:
 - (1) Property which has been devastated by a catastrophe such as fire or flood: The owner has thirty (30) days to register from the date of the disaster but may be exempt from the fees. This exemption is for the duration of one (1) year from the date of the catastrophe; thereafter all applicable fees are due.
 - (2) Representative(s) of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this Article; the City Manager on a one-time basis may waive the annual registration fee provided that the property is maintained in accordance with the requirements of this Article.

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- (3) Where the owner of the property has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy, the owner must register the property and is otherwise subject to this Article but may be exempt from the registration fees.
- (4) The property owner of a property that has maintained the property to the standards of care required under this Article, as well as all other applicable ordinances and laws, must register the property.

Sec. 8-87. Jurisdiction, Enforcement and Penalties

- (a) Written notice of violation will precede the issuance of a criminal citation, in which the vacant property owner will be given a reasonable length of time, as determined by the City Manager, to remedy the violation. Written notice shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to the county appraisal district records, and by posting on the property.
- (b) Failure to register with the City after written notice of vacancy to the vacant structure property owner, as is hereinafter specified, is a violation of this Article.
- (c) In addition to the required fees, violation of this Article is a Class C misdemeanor.
 - (1) This is a strict liability offense in which no mental state is required.
 - (2) The fine for this offense may not exceed \$500 per day.
 - (3) Each day any violation of this Article shall continue shall constitute a separate offense
- (d) The provisions of this Article are not exclusive. The remedies provided by this Article are in addition to other procedures or remedies provided by law or equity. Nothing in this Article may be deemed to abolish or impair existing authority or remedies of the City. Criminal prosecution may occur regardless of pursuit of civil or administrative remedies and vice versa.

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Memorandum

To: Honorable Mayor and City Council

From: Ricky Boyd, Fire Chief

Thru: Michael Scott, City Manager 

Date: June 14, 2023

Re: Request to Purchase New Truck 3

Recommended Motion: "I move to approve the purchase of a 2027 Pierce 105' Ladder Truck and all of the necessary equipment to place it in service in the amount of \$1,735,000 to replace the Fire Department's current Truck 3."

Item Description: As previously discussed at the Council Work Shop on April 25, 2023, we need to replace current Truck 3, a 2014 Pierce 105' Ladder Truck, with a 2027 Pierce 105' Ladder Truck.

Operational Impact: The industry standard for the service life of a truck is 15 years in front-line service and 10 years in reserve. Current build times for a ladder truck is three (3) years from the date the order is placed. If we order the new ladder truck in July 2023 as requested, it will arrive in the fall of 2026. At that time, current Truck 3 will be 13 years old.

If this request is approved, current Truck 3 would then enter into reserve status as Extra Truck 2 (XT-2). While it has served the City well, XT-2 is a 1997 model. The manufacturer has discontinued making proprietary parts. Thus, if a major component of the aerial ladder brakes, it will no longer be able to function as needed and intended. Furthermore, the NFPA does not

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recommend keeping an emergency apparatus in service more than 25 years, even in reserve status.

If this request is approved, it will greatly enhance our capability and readiness to provide a safe environment for our citizens, businesses and visitors at the level they deserve.

Fiscal Impact: During the June 5, 2023 Council Meeting, the Council approved to issue certificates of obligation in the amount of \$37.4 million which includes \$1,735,000 needed for this request. If we place the order in July, we will avoid a 2-3% increase in August (\$35,000-55,000). We would then have until mid-September when the COs are funded to pay for the truck and take advantage of the prepaid discount of \$107,212. If approved, this purchase will be made through the HGAC cooperative purchasing program.