

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Monday, January 22, 2024 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 December 18, 2023
- b. Minutes of the City Council Work Session of January 18, 2024
- c. Event application for Hachie Gras to be held February 10, 2024
- d. Event application for District 2-X1 Build Beds for Kids Project to be held March 16, 2024 at Lions Park
- e. Event application for Gingerbread Trail Car Show to be held June 8, 2024 at Getzendaner Park
- f. Event application for Cars in the Park Car Show to be held July 13, 2024 at Getzendaner Park
- g. Event application for Waxahachie Fun Run Car Show to be held August 10, 2024 at Getzendaner Park
- h. Event application for St. Jude Car Show to be held September 14, 2024 at Getzendaner Park
- i. Proposed Ordinance approving a request by Andrew Garrett, for a Petition for ETJ Release for approximately 21.955 acres, located at 982 E Butcher Road (Property ID 191454 and 189365)– Owner: WGM, LLC (ETJ-PTN-197-2023)

- j. Proposed Ordinance approving a request by Andrew Garrett, for a Petition for ETJ Release for approximately 10.711 acres, located at 731 South Westmoreland Road (Property ID 186474 and 186475)– Owner: Andrew Garret & Kati Garrett (ETJ-PTN-198-2023)
 - k. Authorize use of Park Dedication Fee Fund for professional services costs related to design and engineering of North Grove Park
 - l. Proposed Ordinance re-establishing classified positions under Civil Service
 - m. Adoption of the revised Joint Airport Agreement with the City of Midlothian
6. **Introduce** Honorary Councilmember
 7. **Consider** supplemental appropriation for the Waxahachie City Hall Remodel and Construction Project in the amount of \$5,603,751
 8. **Consider** approval of two new positions in the Human Resources Department and associated supplemental appropriation
 9. **Present** Proclamation recognizing January as “General Aviation Appreciation Month”
 10. **Hear** presentation on “Holidays with Heroes”
 11. **Public Hearing** on a request by Charles Shelburne, BSW Health, for a Replat of Lot 1, Block A of the Baylor Waxahachie Hospital Addition, 1 lot, being 46.931 acres, located at 2400 N Interstate 35E (Property ID: 180334 & 261917) – Owner: Baylor Health Care System and Baylor Scott & White Professional Plaza I (SUB-188-2023) Staff: Zack King
 12. **Consider** approval of SUB-188-2023
 13. **Public Hearing** on a request by Chris Clark, Clarkitecture LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (HTeaO) use within a Planned Development-24-General Retail zoning district, located at 502 N US Highway 77 (Property ID 289738) – Owner: RS Waxahachie LLC (ZDC-163-2023)
 14. **Consider** proposed Ordinance approving ZDC-163-2023
 15. **Consider** Development Agreement for ZDC-163-2023
 16. **Public Hearing** on a request by Suzanne Bell, Cove Construction, for a Specific Use Permit (SUP) for an Accessory Structure 700+ Square Feet use within a Single-Family Dwelling-1 (SF-1) zoning district located at 673 Brookglen Court (Property ID 216273) - Owner: John & Leslie Majors (ZDC-176-2023)
 17. **Consider** proposed Ordinance approving ZDC-176-2023
 18. **Public Hearing** on a request by the City of Waxahachie for a Textual Amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, adding language related to a Data Center use (ZTA-194-2023)
 19. **Consider** proposed Ordinance approving ZTA-194-2023

20. **Consider** approval of an Engineering Professional Services Agreement with Westfall Engineering for the Broadhead Road Reconstruction Project
21. **Consider** approval of an Engineering Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Pensacola Avenue Corridor Reconstruction Project
22. **Consider** the award of a construction contract to Red River Construction Co. for the Howard Road Water Treatment Plant Air Scour Blower and Chemical Storage Tank Rehabilitation and Replacement Project
23. Comments by Mayor, City Council, City Attorney and City Manager
24. 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

City Council
December 18, 2023

(5a)

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, December 18, 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
Terry Welch, 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

None.

5. Consent Agenda

- a. Minutes of the City Council meeting of December 4, 2023
- b. Event application for King Day March/Parade to be held January 15, 2024
- c. Proposed Ordinance approving a request by Old Maypearl Road LLC for a Petition for ETJ Release for approximately 293.843 acres, located southwest of the intersection of Old Maypearl Road and Cunningham Meadows Road (Property ID 183334) – Owner: Old Maypearl Road LLC (ETJ-PTN-147-2023)
- d. Proposed Ordinance approving a request by Harlan Properties, Inc. for a Petition for ETJ Release for approximately 17.680 acres, located north of 630 and 641 Wales Court (Property ID 181695) – Owner: Harlan Properties, Inc. (ETJ-PTN-159-2023)
- e. Proposed Ordinance approving a request by Johnny Fussell for a Petition for ETJ Release for approximately 47.919 acres, located north of the intersection of Wilson Road and Ryder Lee Lane (Property ID 192131) – Owner: Fuquez Property Company No. 105, LLC (ETJ-PTN-182-2023)
- f. Proposed Ordinance approving a request by Esher, LTD for a Petition for ETJ Release for approximately 81.950 acres, located east of F.M. 876 and north of Grainery Road (Property ID 183342) – Owner: Esher, LTD (ETJ-PTN-185-2023)

(5a)

- g. Proposed Ordinance approving a request by Clayton Snodgrass, Bluebonnet Capital Partners, for a Petition for ETJ Release for approximately 854.319 acres, located directly north of West Sterrett Road and east of Patrick Road (Property ID 184434, 184443, 271638, 284715, 290304) – Owners: CSAS 269, LP, SRP SS, LLC, and Sterrett Road Partners, LP (ETJ-PTN-186-2023)
- h. Proposed Ordinance approving a request by Clayton Snodgrass, Bluebonnet Capital Partners, for a Petition for ETJ Release for approximately 479.381 acres, located directly west of 813 Windham Road (Property ID 138308, 188546, 190063, 297156) – Owners: Wax 480 Partners, LLC and BBCP FTW 117, LLC (ETJ-PTN-187-2023)
- i. Mobile Home License Renewals for 2024
- j. Approve a Service Agreement for an HVAC Compressor Replacement and authorize a supplemental appropriation to the FY23-24 Civic Center Budget

ORDINANCE NO. 3435

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 293.843 ACRE TRACT OF LAND, LOCATED SOUTHWEST OF THE INTERSECTION OF OLD MAYPEARL ROAD AND CUNNINGHAM MEADOWS ROAD, KNOWN AS PROPERTY ID 183334, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3436

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 17.680 ACRE TRACT OF LAND, LOCATED NORTH OF 630 & 641 WALES COURT, KNOWN AS PROPERTY ID 181695, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3437

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 47.919 ACRE TRACT OF LAND, LOCATED NORTH OF THE INTERSECTION OF WILSON ROAD AND RYDER LEE LANE, KNOWN AS PROPERTY ID 192131, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3438

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 81.950 ACRE TRACT OF LAND, LOCATED EAST OF F.M. 876 AND NORTH OF GRAINERY ROAD,

(5a)

KNOWN AS PROPERTY ID 183342, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3439

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 854.319 ACRE TRACT OF LAND, LOCATED NORTH OF WEST STERRETT ROAD AND EAST OF PATRICK ROAD, KNOWN AS PROPERTY ID 184434, 184443, 271638, 284715, 290304, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3440

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 479.381 ACRE TRACT OF LAND, LOCATED DIRECTLY WEST OF 813 WINDHAM ROAD, KNOWN AS PROPERTY ID 138308, 188546, 190063, 297156, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve all items on the Consent Agenda as amended and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Patrick Souter and carried unanimously (5-0).

6. Introduce Honorary Council Member

Mayor Hill announced there was not an Honorary Council Member for December.

7. Public Hearing on a request by Stephen Lin, P.E., CDS Muery, for a Specific Use Permit (SUP) for an Outside Storage use and Heavy Machinery and Equipment, Rental, Sales or Storage (Holt Cat) use within a Light Industrial-1 (LI-1) zoning district located at 550 Austin Road (Property ID: 254632) – Owner: PC5 Properties LLC (ZDC-82-2023)

The Item was presented by Senior Director of Planning Jennifer Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:07 p.m.

There being no others to speak for or against ZDC-82-2023, Mayor Hill closed the Public Hearing at approximately 7:07 p.m.

8. Consider proposed Ordinance approving ZDC-82-2023

(5a)

ORDINANCE NO. 3441

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT RENTAL, SALES OR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED 550 AUSTIN ROAD, BEING PROPERTY ID 254632, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A OF THE AUSTIN INDUSTRIAL PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve an Ordinance for ZDC-82-2023, a Specific Use Permit for an Outside Storage use and Heavy Machinery and Equipment, Rental, Sales or Storage use, subject to the conditions of the staff report. Motion was seconded by Patrick Souter and carried unanimously (5-0).

9. Consider Development Agreement for ZDC-82-2023

Action:

Billie Wallace moved to approve the Development Agreement for ZDC-82-2023. Motion was seconded by Patrick Souter and carried unanimously (5-0).

10. Consider proposed Ordinance amending Appendix C Subdivisions, Section 7.2 Schedule of Filing Fees

The Item was presented by Senior Director of Public Works and Engineering Justin Stoker. Council Member Travis Smith expressed concern with the proposed flat fee. City Council discussed providing an option to developers to pay the flat rate or hourly billing, not to exceed the flat rate.

ORDINANCE NO. 3442

AN ORDINANCE AMENDING APPENDIX C SUBDIVISIONS; SECTION 7.2 SCHEDULE OF FILING FEES; MAKING FINDINGS AND SETTING AN EFFECTIVE DATE OF SEPTEMBER 1, 2023.

Action:

Billie Wallace moved to approve the Ordinance amending Appendix C Subdivisions, Section 7.2 Schedule of Filing Fees, allowing the developers to choose an hourly rate or the flat rate, and authorize the City Manager and/or Mayor to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

11. Consider award of a construction contract to Schofield Civil Construction, Inc. for the Robert W. Sokoll Water Treatment Plant Tube Settlers and Sodium Hypochlorite Tanks Replacement Project and the related supplemental appropriation

The item was presented by Senior Director of Utilities Kumar Gali.

(5a)

Action:

Billie Wallace moved to approve a construction contract with Schofield Civil Construction, Inc. in the amount of \$1,740,700 for the Sokoll Water Treatment Plant Tube Settlers and Sodium Hypochlorite Tanks Replacement Project, the associated funding supplemental appropriation in the amount of \$913,867.50, and authorize the City Manager to execute any necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

12. Consider revised agreement between Rockett Special Utility District and City of Waxahachie amending the Administration Fees associated with the billing of Wastewater Service and Garbage Collection

The Item was presented by Executive Director of Public Works and Engineering James Gaertner.

{Mayor Pro Tem Chris Wright left the meeting at 7:50 p.m.}

Action:

Patrick Souter moved to approve the revised agreement between Rockett Special Utility District and City of Waxahachie and authorize the City Manager to execute all necessary documents. Motion was seconded by Billie Wallace and carried unanimously (4-0).

13a. Consider the inclusion of City-owned property (Parcel 193904), 407 W. Jefferson, The Ellis County Woman's Building, within the proposed Historic Overlay

The Item was presented by City Manager Michael Scott. Council Member Smith noted to his recollection, the Heritage Preservation Commission did not recommend including the Ellis County Woman's Building in the proposed Historic Overlay expansion. Mr. Scott noted staff would review the Heritage Preservation Commission meeting minutes to confirm whether it was recommended to include the Ellis County Woman's Building in the proposed expansion of the Historic Overlay District.

Action:

Billie Wallace moved to approve the inclusion of City-owned property (Parcel 193904), located at 407 W. Jefferson, the Ellis County Woman's Building, within the proposed Historic Overlay.

Patrick Souter amended the motion to approve the inclusion of City-owned property (Parcel 193904), located at 407 W. Jefferson, the Ellis County Woman's Building, within the proposed Historic Overlay, subject to whether it was included in the recommendation from the Heritage Preservation Commission. Billie Wallace accepted the amendment.

Motion was seconded by Patrick Souter and carried unanimously (4-0).

13b. Consider the inclusion of a portion of City-owned property (Parcel 171053), 455 S. College, Railyard Park, within the proposed Historic Overlay

The Item was presented by Mr. Scott.

Action:

Billie Wallace moved to approve the inclusion of a portion of City-owned property (Parcel 171053), located at 455 S. College, Railyard Park, within the proposed Historic Overlay. Motion was seconded by Patrick Souter and carried unanimously (4-0).

13c. Consider the inclusion of a portion of City-owned property (Parcel 252537), Railyard Park, within the proposed Historic Overlay

The Item was presented by Mr. Scott.

Action:

Billie Wallace moved to approve the inclusion of a portion of City-owned property (Parcel 252537), located at 455 S. College, Railyard Park, within the proposed Historic Overlay. Motion was seconded by Travis Smith and carried by a 3-1 vote, with Patrick Souter voting in opposition.

13d. Consider the inclusion of City-owned property (Parcel 289894), 300 Smokey Lane, within the proposed Historic Overlay

The Item was presented by Mr. Scott.

Action:

Billie Wallace moved to approve the inclusion of City-owned property (Parcel 289894), located at 300 Smokey Lane, within the proposed Historic Overlay. Motion was seconded by Travis Smith and failed by a 2-2 vote, with David Hill and Patrick Souter voting in opposition.

13e. Consider the inclusion of City-owned property (Parcel 189786), 308 Smokey Lane, Texaco Bulk Plant facility, within the proposed Historic Overlay

The Item was presented by Mr. Scott.

Action:

Billie Wallace moved to approve the inclusion of City-owned property (Parcel 189786), located at 308 Smokey Lane, Texaco Bulk Plant facility, within the proposed Historic Overlay. Motion was seconded by Travis Smith and carried unanimously (4-0).

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

Council Member Billie Wallace noted she attended the Fire Department's Christmas Party and recognized their impressive work.

City Manager Michael Scott thanked City Council for attending the Employee Christmas Party and for their recognition of employees.

Council Member Patrick Souter expressed his appreciation for the opportunity to attend the City Employee Christmas Party and the Fire Department Christmas Party.

City Attorney Terry Welch expressed his appreciation to continue working with City Council.

(5a)

Mayor David Hill noted he enjoyed attending the Employee Christmas Party and expressed his appreciation for staff and first responders.

City Council and staff wished everyone Happy Holidays.

15. Adjourn

There being no further business, the meeting adjourned at 8:08 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5b)

City Council
January 18, 2024

A Work Session of the Waxahachie City Council was held in the Hatchet Conference Room at the Charles Beatty Municipal Services Building, 408 S. Rogers, Waxahachie, Texas, on Thursday, January 18, 2024 at 1:00 p.m.

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

Council Members Absent: David Hill, Mayor, Council Member Place 1
Travis Smith, Council Member Place 5

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

1. Call to Order

Mayor Pro Tem Chris Wright called the meeting to order.

2. Discuss renovation options for City Hall

Jon Vidaurri, Vidaurri Management Group (VMG), explained the initial goals for the City Hall remodel were to address leaks/water infiltration, HVAC system, and electrical issues. After a preliminary evaluation of the building with Architexas, several unforeseen issues were identified. Mr. Vidaurri discussed with City Council various options and associated costs to address project concerns. After a lengthy discussion, the consensus of City Council was to consider the following revised project scope at the January 22nd City Council meeting:

- Remodel the existing 1911 portion and 1950 addition, including electrical, HVAC, space allocations and finishes.
- Demolish the early 2000 addition and construct a new 8,000 SF 2-story office space to contain a new City Council Chambers, Municipal Court and support offices.
- Construct a third floor “warm white shell” space for future expansion and flex space.
- Design the new facility with an expandable “end wall” design to accommodate future growth if necessary.
- Deliver new parking lot and site lighting that is able to add much needed additional employee and public parking spaces due to the decreased size of the building footprint.
- Address the under-slab water intrusion that has plagued the existing structure over the years.
- Construct a building that meets the latest Building and Energy codes, as well as carries lower life-cycle costs to operate and maintain.
- Provide new low voltage/technology throughout, and new City Council Chambers audio visual system, access control and security system.

3. Adjourn

There being no further business, the meeting adjourned at 2:09 p.m.

Respectfully submitted,
Amber Villarreal, City Secretary

(50)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 1/3/24

Applicant Information

Applicant name: Wayne Strickland

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: 210 N. College Street

Host organization name: Waxahachie Food & Beverage Collective

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

On-site contact name: Richard Womack

Cell: _____

About the Event

Event name: HachieGras

Date: February 10, 2024

Location: Downtown Waxahachie

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

Anticipated attendance: 500 - 1,000 throughout the day

Description of event: Parade @ 11am (see parade route map) - DJ at RYP during Parade only

Following the parade, local restaurants will feature live music as well as themed food & drink specials

	Date(s)	Start Time:	End Time:
Event Date	2/10/24	11:00am	10:00pm
Event Set-up	N/A		
Event Breakdown	N/A		

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☒

5 or more times ☐

Location: _____

(50)



City of Waxahachie
City Secretary's Office

Special Event Application

Choose the best description of the event:

- | | |
|---|--|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input type="radio"/> Charitable / Fundraising |
| <input checked="" 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 |
| <input type="checkbox"/> Animals / Petting Zoo | <input checked="" type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input checked="" type="checkbox"/> Street closure |
| <input checked="" type="checkbox"/> DJ / Recorded Music (At Railyard Park) | <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.

Run / Walk:

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

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

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

Provide route on attached site map.

(50)



City of Waxahachie
City Secretary's Office

Special Event Application

Food / Beverage:

Will the event offer food/beverages? Yes ☒ No ☐ **Only at**
Will event require any food preparation on-site? Yes ☐ No ☒ **participating food**
Will alcohol be served/sold? ON Premise Yes ☒ No ☐ **& beverage**
businesses
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: 4 (Streets) 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: _____

College St @ RYP, left on Franklin left on Rogers, end at Downtown South Parking

Street closings to begin on date: 2/10/24 Start time: Parade End time: Parade

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

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: 60 Barricades How many: 30

Plus 10 at Atkins Seafood

(56)



City of Waxahachie
City Secretary's Office

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: _____

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☐

Both ☐

List contractor / supplier: N/A

Explain services in detail: N/A

Insurance

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

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

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

[Signature]
Signature

1/8/2024
Date

Contract Agreement

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

[Signature]
Signature

1/8/2024
Date

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

[illegible]

Parade Route

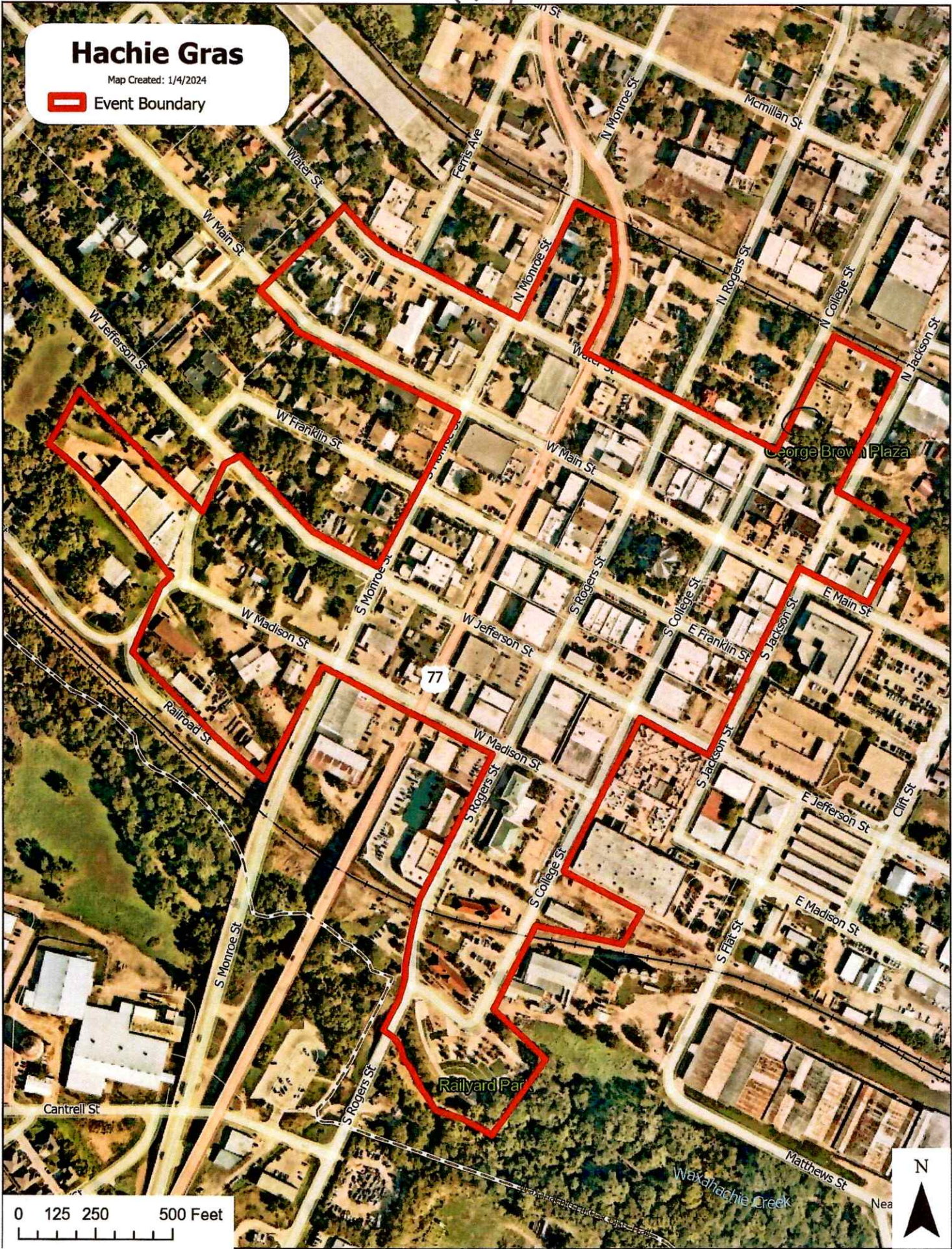
(56)

Hachie Gras

Map Created: 1/4/2024



Event Boundary



(50)

Bonner, Jami

From: Guinn, Danielle
Sent: Tuesday, January 9, 2024 9:44 AM
To: Barnes, Bradley; Bonner, Jami; Joe Wiser; Boyd, Ricky; Donna Insixiengmay; Megan Womack; Massey, Matt; Stoker, Justin; Gaertner, James; Martinez, Gumaro; Kettelman, Warren; Mosley, Laurie; Jordan, Me'Lony; Cooper, Kyle; Campos, Yadira; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - 2/10/24 HachieGras

Please forgive me, I just realized that I had two copies of this email response in my drafts folder and sent the one which still had an incomplete thought (see sentence regarding poly-carts). I apologize for the mistake and the resulting receipt of this secondary email.

Danielle Guinn

Cultural Arts & Programming Manager
Waxahachie Convention & Visitors Bureau
danielle.guinn@waxahachie.com
Office: 469-309-4051
Cell: 214-463-7815
www.visitwaxahachie.com
www.facebook.com/railyardparkwaxahachie

From: Guinn, Danielle <>
Sent: Tuesday, January 9, 2024 9:37 AM
To: Barnes, Bradley <bradley.barnes@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Stoker, Justin <justin.stoker@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Kettelman, Warren <warren.kettelman@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: Event Application - 2/10/24 HachieGras

Thank you Brad! I hope I can help with some of your questions and concerns.

The only power requirements will be what I need for the DJ (I will be handling Railyard Park) and he is simply for ambient music and entertainment. The parade will start at 11:00am in front of Railyard and end less than 30 minutes later at the same spot. The crowd will then disperse into the restaurants for the remaining events. We will not be setting up a tent, etc. at Railyard. DJ will likely arrive around 10 to set up and be gone by 12:00pm.

We will not need any additional portable toilets as there are already two at Railyard and the restaurants have restrooms for customers. We will need to make sure all of the public restrooms in downtown are unlocked that day. may take one or two poly-carts down to Railyard for the hour there are people there but not likely as even last year the permanent trash cans were sufficient.

(50)

They do know that they are not allowed to throw anything from the parade. Last year there were only 18 entries most of which were golf cars or pedicabs from which people gave out beads to the crowd. While we hope there are more entries this year, I hope I was present at last year's event and there was very little cleanup that needed to be done. Again, the main focus of this event is driving traffic into the individual establishments for live music and food & drink specials- the parade and Railyard part are very small portions.

Please let me know if I need to clarify any of this further or if you have any further concerns.

Danielle Guinn

Cultural Arts & Programming Manager

Waxahachie Convention & Visitors Bureau

danielle.guinn@waxahachie.com

Office: 469-309-4051

Cell: 214-463-7815

www.visitwaxahachie.com

www.facebook.com/railyardparkwaxahachie

From: Barnes, Bradley <bradley.barnes@waxahachie.com>

Sent: Tuesday, January 9, 2024 9:10 AM

To: Bonner, Jami <jami.bonner@waxahachie.com>; Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Stoker, Justin <justin.stoker@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Kettelman, Warren <warren.kettelman@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>

Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Guinn, Danielle <danielle.guinn@waxahachie.com>

Subject: RE: Event Application - 2/10/24 HachieGras

Parks Team staff will need to be on hand at RYP during performance. We need to know their power and access requirements. Also need to know what time the DJ would be on site to begin set up and what time their performance will end. Will they be asking for portable toilets? Trash cans/poly carts? If so, where will they need them? Who will handle clean-up after the event? Do they have the same restrictions on hand outs/throw outs during the parade that we do?

Are "beads" an issue during the Mardi Gras style events?

Brad Barnes

Assistant Director of Parks and Recreation

City of Waxahachie

Mobile: 214-903-5733

Work: 469-309-4272

From: Bonner, Jami

Sent: Tuesday, January 9, 2024 8:34 AM

To: Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Massey, Matt

(90

Bonner, Jami

From: Barnes, Bradley
Sent: Tuesday, January 9, 2024 9:10 AM
To: Bonner, Jami; Joe Wiser; Boyd, Ricky; Donna Insixiengmay; Megan Womack; Massey, Matt; Stoker, Justin; Gaertner, James; Martinez, Gumaro; Kettelman, Warren; Mosley, Laurie; Jordan, Me'Lony; Cooper, Kyle; Campos, Yadira; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice; Guinn, Danielle
Subject: RE: Event Application - 2/10/24 HachieGras

Parks Team staff will need to be on hand at RYP during performance. We need to know their power and access requirements. Also need to know what time the DJ would be on site to begin set up and what time their performance will end. Will they be asking for portable toilets? Trash cans/poly carts? If so, where will they need them? Who will handle clean-up after the event? Do they have the same restrictions on hand outs/throw outs during the parade that we do?

Are "beads" an issue during the Mardi Gras style events?

Brad Barnes
Assistant Director of Parks and Recreation
City of Waxahachie
Mobile: 214-903-5733
Work: 469-309-4272

From: Bonner, Jami
Sent: Tuesday, January 9, 2024 8:34 AM
To: Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Massey, Matt <mmassey@waxahachie.com>; Stoker, Justin <justin.stoker@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Kettelman, Warren <warren.kettelman@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Guinn, Danielle <danielle.guinn@waxahachie.com>
Subject: Event Application - 2/10/24 HachieGras

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

We have temporarily relocated to the Charles Beatty Municipal Services Building at 408 S. Rogers St. (across from City Hall)



(5d)

City of Waxahachie
City Secretary's Office

Special Event Application

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: Alternate John Eads

Cell: _____

About the Event

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

Date: March 16, 2024

Location: Getzendaner Park (1st Choice); Lions Park (2nd Choice)
An event site map is REQUIRED to be submitted with your application. Waxahachie, TX

Anticipated attendance: 200-250 Volunteers

Description of event: Lions Club project, in collaboration with Sleep In Heavenly Peace, to build 75 beds for children that have inadequate beds, or no bed at all.

	Date(s)	Start Time:	End Time:
Event Date	<u>SAT 3/16/2024</u>	<u>9 AM</u>	<u>3 PM</u>
Event Set-up	<u>3/16/2024</u>	<u>7 AM</u>	<u>9 AM</u>
Event Breakdown	<u>3/16/2024</u>	<u>3 PM</u>	<u>5 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

1 large 175 bed build at Lions Park
SAT September 9, 2023



(5d)

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 (Concession Trailer) |
| <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 are welcome.

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.



(5d)

* 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 ☒

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 ☐ N/A

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

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: 1-50' x 100' Tent

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

12/11/2023
Date

Contract Agreement

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

John D. Bonner
Signature

12/11/2023
Date

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

Proposed Getzendaner Park Location (Preferred)



Proposed Lions Park location (Backup Only)

Tent Location

(Sd)



(5d)

Bonner, Jami

From: Cooper, Kyle
Sent: Monday, December 18, 2023 12:13 PM
To: Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira
Subject: RE: Event Application - Lions Club District 2-X1 Build Beds for Kids Project

I recommend Lions Park to avoid any potential conflicts with Tulipalooza (March 8th – 24th).



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

From: Bonner, Jami
Sent: Monday, December 18, 2023 11:33 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Subject: FW: Event Application - Lions Club District 2-X1 Build Beds for Kids Project

Good morning,

Please reply with any comments in regards to the attached event application. Thank you.

From: Bonner, Jami <>
Sent: Thursday, December 14, 2023 10:50 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Joe Wiser <JWiser@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; 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>; Fuller, Brent <BFuller@waxahachiefire.org>; Myers, Gary <GMyers@waxahachiefire.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Lions Club District 2-X1 Build Beds for Kids Project

(5d)

Bonner, Jami

From: Fuller, Brent
Sent: Thursday, December 14, 2023 4:41 PM
To: Bonner, Jami
Subject: RE: Event Application - Lions Club District 2-X1 Build Beds for Kids Project

Good afternoon,

Any tent over 400 sq ft requires the company providing the tent to obtain a permit before setting it up. The only exception is that if the tent is open on ALL sides, it can then be 700 sq ft before a permit is required. The company providing the tent (if required to obtain a permit due to size) is also required to submit documentation regarding the flame propagation test of the tent materials.

If there are any questions from the applicant or the vendor providing the tent, please advise them to contact my office at any time.

Thanks,



Brent Fuller
Fire Marshal
Waxahachie Fire-Rescue
469-309-4203

From: Bonner, Jami
Sent: Thursday, December 14, 2023 10:50 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Wiser <JWiser@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; 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>; Fuller, Brent <BFuller@waxahachiefire.org>; Myers, Gary <GMyers@waxahachiefire.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Lions Club District 2-X1 Build Beds for Kids Project

For your review / comments. I have included Brent Fuller and Gary Myers due to the size of the tent planned for the event. Thank you.

Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 12/11/23

Applicant Information

Applicant name: Robert Timothy Rowlette

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: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name: Cheryl Rowlette Cell _____

About the Event

Event name: Gingerbread Trail Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits A Local

Charity _____

How many times has this event been hosted before?

1st time ☐ 2 – 4 times ☐ 5 or more times ☒ Location: Getzendaner Park

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: _____ |



(56)

Event activities include (check all that apply):

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

The event is:

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

Admission information, if applicable:

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

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	6/8/2024	9:00 a.m.	2:00 p.m.
Event Set-up	6/8/2024	7:15 a.m.	9:00 a.m.
Event Breakdown	6/8/2024	2:00 p.m.	2:30 p.m.

Run / Walk:

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

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

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

Provide route on attached site map.



(5c)

Food / Beverage:

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

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

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

Police / Security Services:

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

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

Company name: _____

Contact name and number: _____

Off duty police How many: 0 Date(s) & time(s): _____

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

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

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

Contact name: _____ Phone number: _____

Street Closures:

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

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

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

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

Traffic Safety Equipment:

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

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

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____

(5e)



City of Waxahachie
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes ☐

No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☒

Both ☐

List contractor / supplier:

Explain services in detail: Will be using existing 110v outlets in the main pavillion.

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.

Robert J. Bonner

Signature

12/11/2023

Date

Contract Agreement

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

Robert J. Bonner

Signature

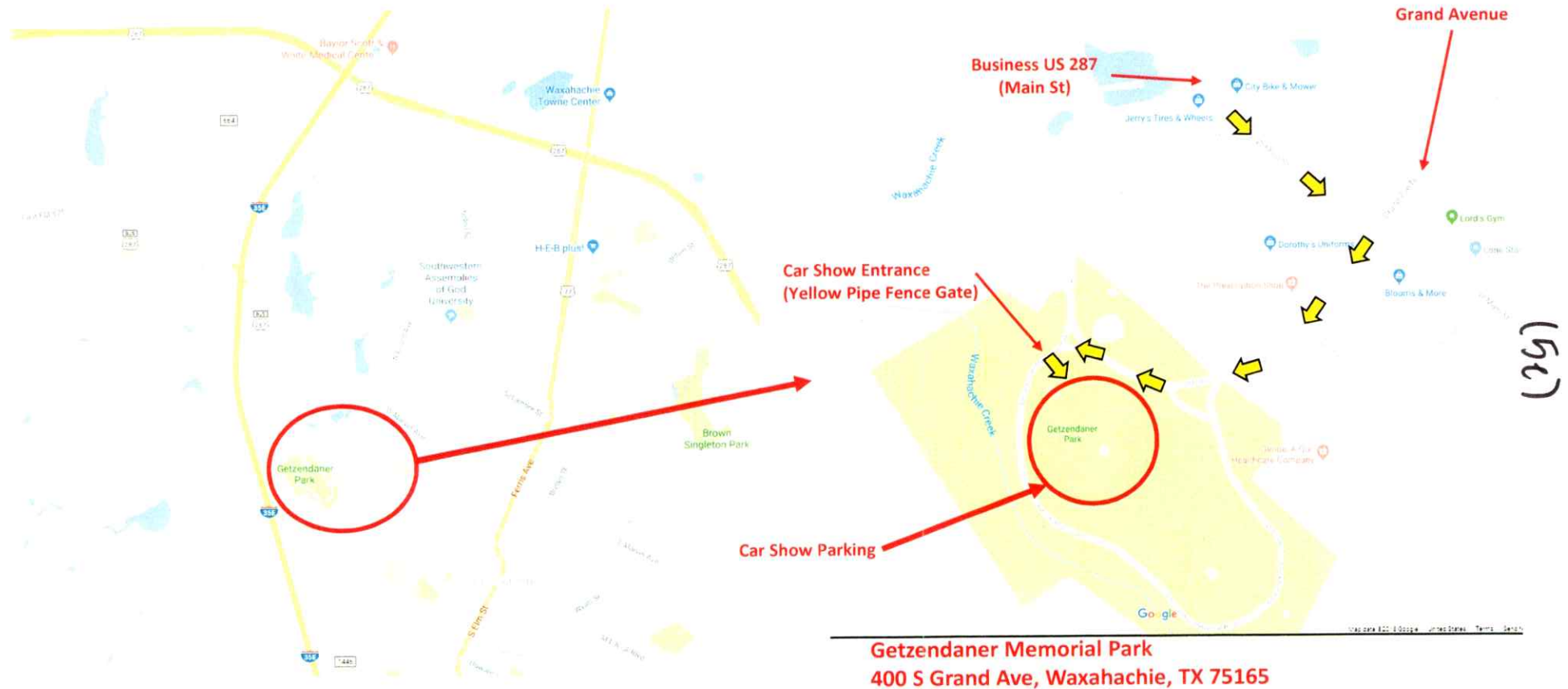
12/11/2023

Date

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

Midlothian Classic Wheels Car Show Map

6/8/2024, 7/13/2024, 8/10/2024, and 9/14/2024



Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

(50)

Bonner, Jami

From: Barnes, Bradley
Sent: Monday, December 11, 2023 4:08 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Griffith, Thomas; Donna Insixiengmay; Megan Womack; Joe Wiser; Boyd, Ricky
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications For Review / Comments

Generally speaking these are the issues we'd like to avoid with car shows at Getzendaner:

- At least one Parks team member (depending on the size of the event) will need to be on hand to open and close the park, keep trash picked up, keep restrooms clean, empty trash cans, etc.
- We need to reserve the right to keep the park closed in event of inclement weather to protect the condition of the park.
- The pavilions will need to be reserved (\$) for the duration of the event, including set-up and break-down.
- The park grounds need to be protected from damage if food is being prepared within the park (ashes, oil, water, coals, etc. must be removed, not disposed of within the park)

Brad Barnes
Assistant Director of Parks and Recreation
City of Waxahachie
Mobile: 214-903-5733
Work: 469-309-4272

From: Bonner, Jami
Sent: Monday, December 11, 2023 1:38 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>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Applications For Review / Comments

For your review / comments. Midlothian Classic Wheels has submitted the attached event applications for the events listed below. Thank you.

- Gingerbread Trail Car Show to be held on June 8, 2024
- Cars in the Park Car Show to be held on July 15, 2024
- Waxahachie Fun Run Car Show to be held on August 10, 2024
- St. Jude Car Show to be held on September 14, 2024

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



(5f)

Date submitted 12/11/24

Applicant Information

Applicant name: Robert Timothy Rowlette

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: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name: Cheryl Rowlette

Cell: 214-555-1234

About the Event

Event name: Cars in the Park Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits A Local Charity

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☐

5 or more times ☒

Location: Getzendaner Park

Choose the best description of the event:

☐ Festival

☐ Birthday Party / Picnic

☐ Movie Screening

☒ Charitable / Fundraising

☐ Parade

☐ Community / Neighborhood

☐ Private Event

☐ Concert / Live Performance

☐ Run / Walk

☐ Other:



Event activities include (check all that apply):

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

The event is:

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

Admission information, if applicable:

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

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	7/13/2024	9:00 a.m.	2:00 p.m.
Event Set-up	7/13/2024	7:15 a.m.	9:00 a.m.
Event Breakdown	7/13/2024	2:00 p.m.	2:30 p.m.

Run / Walk:

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

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

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

Provide route on attached site map.



Food / Beverage:

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

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

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

Police / Security Services:

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

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

Contact name and number: _____

Off duty police How many: 0 Date(s) & time(s): _____

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

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

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

Contact name: _____ Phone number: _____

Street Closures:

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

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

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

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

Traffic Safety Equipment:

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

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

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____



City of Waxahachie
City Secretary's Office

(5f)
Special Event Application

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes ☐

No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☒

Both ☐

List contractor / supplier:

Explain services in detail:

Will be using existing 110v outlets in the main pavillion.

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 of 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.

Robert Z. Potts

Signature

12/11/2023

Date

Contract Agreement

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

Robert Z. Potts

Signature

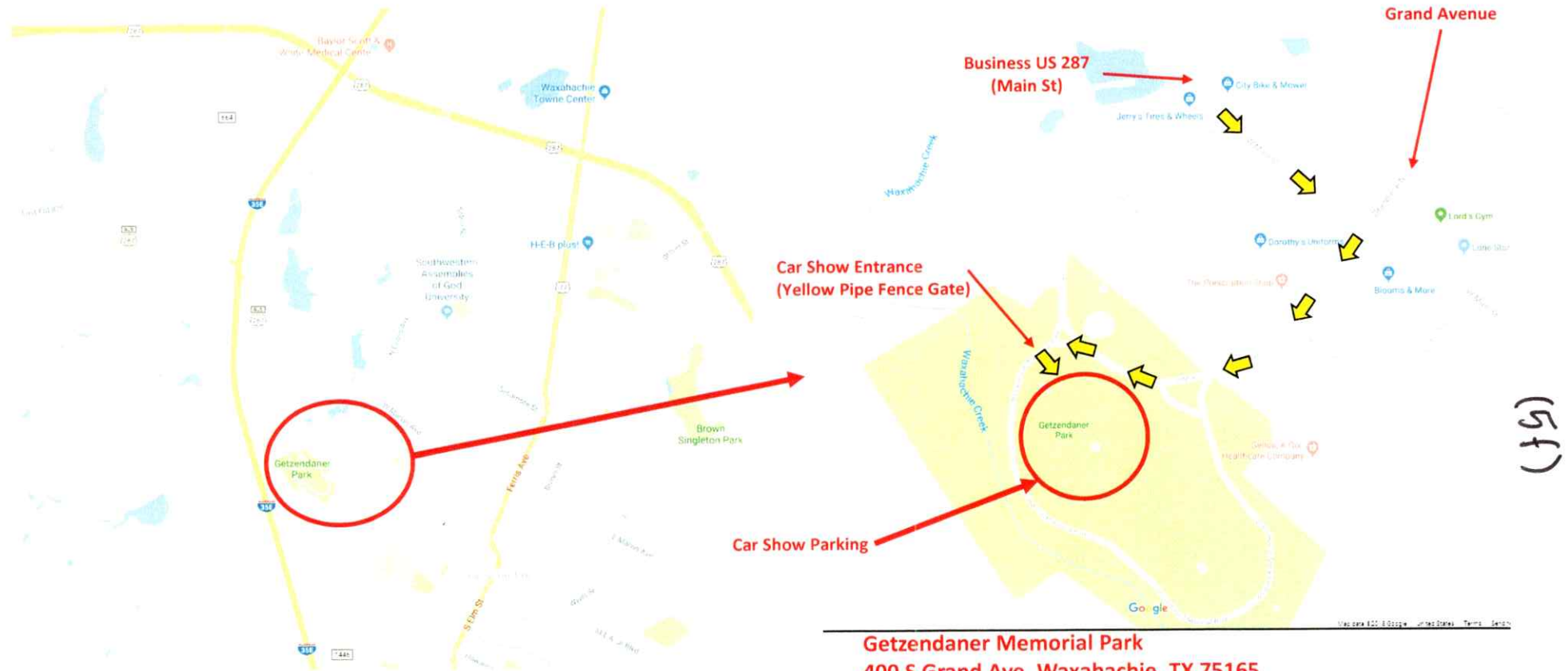
12/11/2023

Date

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

Midlothian Classic Wheels Car Show Map

6/8/2024, 7/13/2024, 8/10/2024, and 9/14/2024



Getzendaner Memorial Park
400 S Grand Ave, Waxahachie, TX 75165

Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

(5f)

Bonner, Jami

From: Barnes, Bradley
Sent: Monday, December 11, 2023 4:08 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Griffith, Thomas; Donna Insixiengmay; Megan Womack; Joe Wiser; Boyd, Ricky
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications For Review / Comments

Generally speaking these are the issues we'd like to avoid with car shows at Getzendaner:

- At least one Parks team member (depending on the size of the event) will need to be on hand to open and close the park, keep trash picked up, keep restrooms clean, empty trash cans, etc.
- We need to reserve the right to keep the park closed in event of inclement weather to protect the condition of the park.
- The pavilions will need to be reserved (\$) for the duration of the event, including set-up and break-down.
- The park grounds need to be protected from damage if food is being prepared within the park (ashes, oil, water, coals, etc. must be removed, not disposed of within the park)

Brad Barnes
Assistant Director of Parks and Recreation
City of Waxahachie
Mobile: 214-903-5733
Work: 469-309-4272

From: Bonner, Jami
Sent: Monday, December 11, 2023 1:38 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>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Applications For Review / Comments

For your review / comments. Midlothian Classic Wheels has submitted the attached event applications for the events listed below. Thank you.

- Gingerbread Trail Car Show to be held on June 8, 2024
- Cars in the Park Car Show to be held on July 15, 2024
- Waxahachie Fun Run Car Show to be held on August 10, 2024
- St. Jude Car Show to be held on September 14, 2024

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



City of Waxahachie
City Secretary's Office

Special Event Application

(59)

Date submitted 12/11/24

Applicant Information

Applicant name: Robert Timothy Rowlette

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: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name:

Cheryl Rowlette

Cell

About the Event

Event name: Waxahachie Fun Run Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits A Local
Charity

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☐

5 or more times ☒

Location: Getzendaner Park

Choose the best description of the event:

☐ Festival

☐ Birthday Party / Picnic

☐ Movie Screening

☒ Charitable / Fundraising

☐ Parade

☐ Community / Neighborhood

☐ Private Event

☐ Concert / Live Performance

☐ Run / Walk

☐ Other:



City of Waxahachie
City Secretary's Office

(5g)

Special Event Application

Event activities include (check all that apply):

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

The event is:

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

Admission information, if applicable:

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

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	8/10/2024	9:00 a.m.	2:00 p.m.
Event Set-up	8/10/2024	7:15 a.m.	9:00 a.m.
Event Breakdown	8/10/2024	2:00 p.m.	2:30 p.m.

Run / Walk:

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

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

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

Provide route on attached site map.



Food / Beverage:

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

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

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

Police / Security Services:

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

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

Company name: _____

Contact name and number: _____

Off duty police How many: 0 Date(s) & time(s): _____

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

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

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

Contact name: _____ Phone number: _____

Street Closures:

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

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

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

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

Traffic Safety Equipment:

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

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

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____



City of Waxahachie
City Secretary's Office

Special Event Application

(5g)

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes ☐

No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☒

Both ☐

List contractor / supplier:

Explain services in detail:

Will be using existing 110v outlets in the main pavillion.

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.

Robert J. Potts

Signature

12/11/2023

Date

Contract Agreement

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

Robert J. Potts

Signature

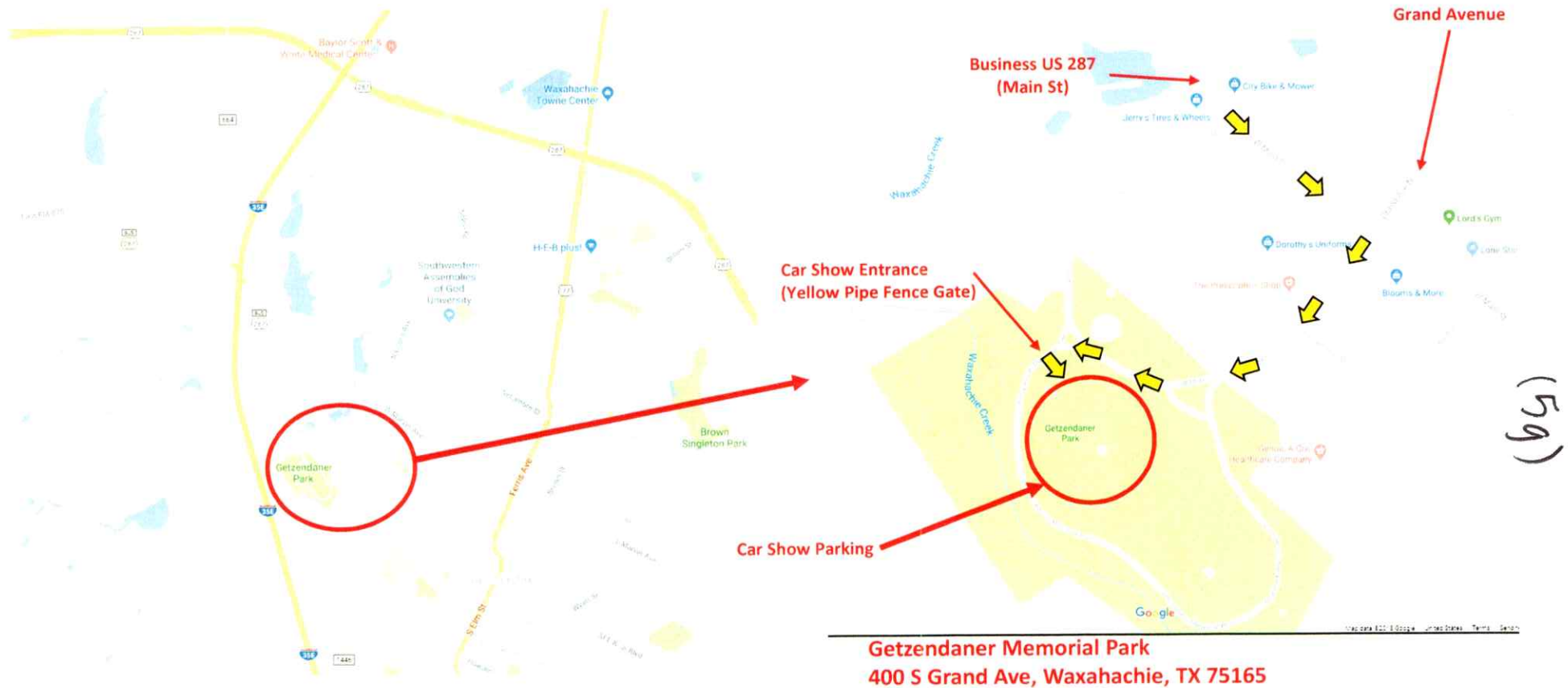
12/11/2023

Date

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

Midlothian Classic Wheels Car Show Map

6/8/2024, 7/13/2024, 8/10/2024, and 9/14/2024



Getzendaner Memorial Park
400 S Grand Ave, Waxahachie, TX 75165

Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

(59)

Bonner, Jami

From: Barnes, Bradley
Sent: Monday, December 11, 2023 4:08 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Griffith, Thomas; Donna Insixiengmay; Megan Womack; Joe Wiser; Boyd, Ricky
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications For Review / Comments

Generally speaking these are the issues we'd like to avoid with car shows at Getzendaner:

- At least one Parks team member (depending on the size of the event) will need to be on hand to open and close the park, keep trash picked up, keep restrooms clean, empty trash cans, etc.
- We need to reserve the right to keep the park closed in event of inclement weather to protect the condition of the park.
- The pavilions will need to be reserved (\$) for the duration of the event, including set-up and break-down.
- The park grounds need to be protected from damage if food is being prepared within the park (ashes, oil, water, coals, etc. must be removed, not disposed of within the park)

Brad Barnes
Assistant Director of Parks and Recreation
City of Waxahachie
Mobile: 214-903-5733
Work: 469-309-4272

From: Bonner, Jami
Sent: Monday, December 11, 2023 1:38 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>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Applications For Review / Comments

For your review / comments. Midlothian Classic Wheels has submitted the attached event applications for the events listed below. Thank you.

- Gingerbread Trail Car Show to be held on June 8, 2024
- Cars in the Park Car Show to be held on July 15, 2024
- Waxahachie Fun Run Car Show to be held on August 10, 2024
- St. Jude Car Show to be held on September 14, 2024

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



City of Waxahachie
City Secretary's Office

(5h)

Special Event Application

Date submitted 12/11/24

Applicant Information

Applicant name: Robert Timothy Rowlette

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: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name: Cheryl Rowlette Cell: _____

About the Event

Event name: St. Jude Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits A Local

Charity

How many times has this event been hosted before?

1st time ☐ 2 – 4 times ☐ 5 or more times ☒ Location: Getzendaner Park

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: _____ |



City of Waxahachie
City Secretary's Office

(5h)

Special Event Application

Event activities include (check all that apply):

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

The event is:

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

Admission information, if applicable:

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

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	9/14/2024	9:00 a.m.	2:00 p.m.
Event Set-up	9/14/2024	7:15 a.m.	9:00 a.m.
Event Breakdown	9/14/2024	2:00 p.m.	2:30 p.m.

Run / Walk:

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

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

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

Provide route on attached site map.



Food / Beverage:

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

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

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

Police / Security Services:

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

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

Contact name and number: _____

Off duty police How many: 0 Date(s) & time(s): _____

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

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

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

Contact name: _____ Phone number: _____

Street Closures:

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

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

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

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

Traffic Safety Equipment:

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

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

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____



City of Waxahachie
City Secretary's Office

(5h)

Special Event Application

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes ☐

No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☒

Both ☐

List contractor / supplier:

Explain services in detail: Will be using existing 110v outlets in the main pavillion.

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.

Robert J. Potts

Signature

12/11/2023

Date

Contract Agreement

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

Robert J. Potts

Signature

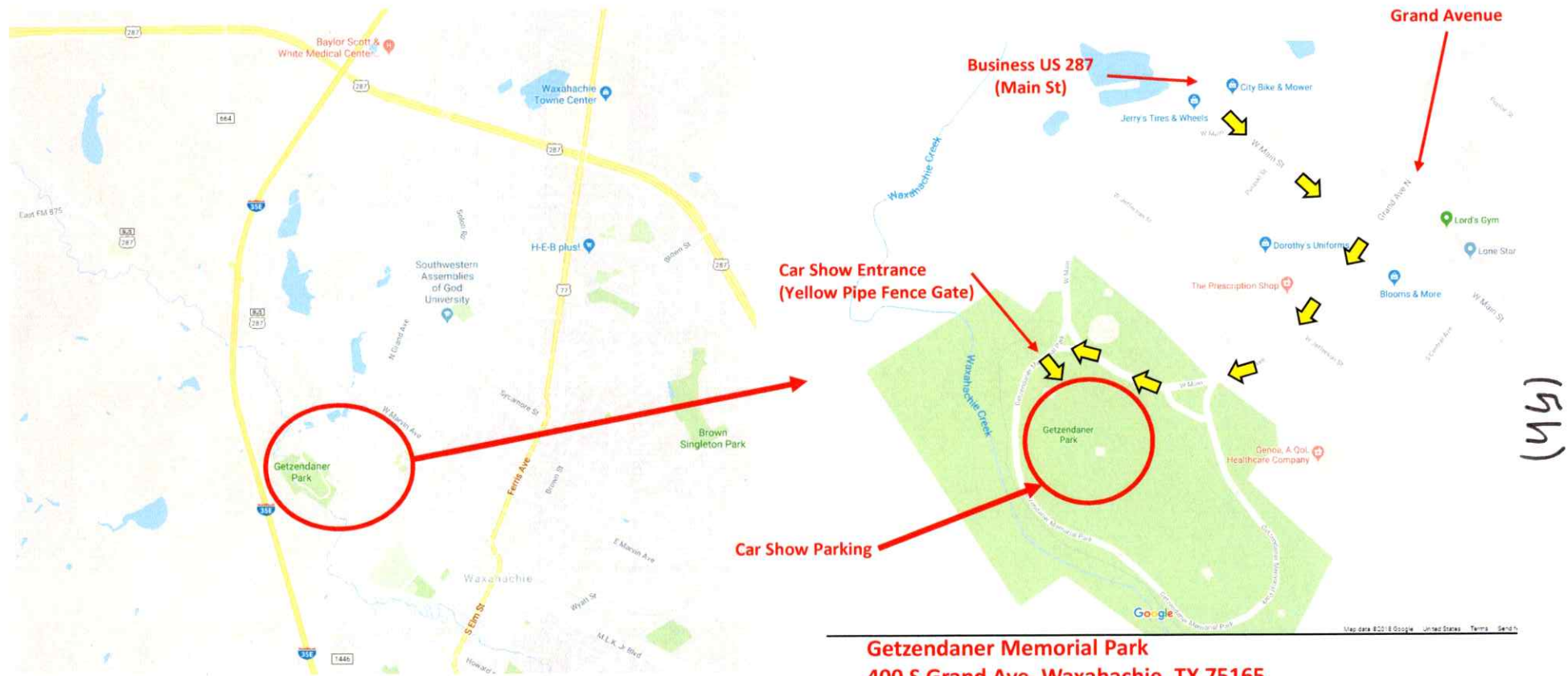
12/11/2023

Date

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

Midlothian Classic Wheels Car Show Map

6/8/2024, 7/13/2024, 8/10/2024, and 9/14/2024



Getzendaner Memorial Park
400 S Grand Ave, Waxahachie, TX 75165

Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

(5h)

Bonner, Jami

From: Barnes, Bradley
Sent: Monday, December 11, 2023 4:08 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Griffith, Thomas; Donna Insixiengmay; Megan Womack; Joe Wiser; Boyd, Ricky
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications For Review / Comments

Generally speaking these are the issues we'd like to avoid with car shows at Getzendaner:

- At least one Parks team member (depending on the size of the event) will need to be on hand to open and close the park, keep trash picked up, keep restrooms clean, empty trash cans, etc.
- We need to reserve the right to keep the park closed in event of inclement weather to protect the condition of the park.
- The pavilions will need to be reserved (\$) for the duration of the event, including set-up and break-down.
- The park grounds need to be protected from damage if food is being prepared within the park (ashes, oil, water, coals, etc. must be removed, not disposed of within the park)

Brad Barnes
Assistant Director of Parks and Recreation
City of Waxahachie
Mobile: 214-903-5733
Work: 469-309-4272

From: Bonner, Jami
Sent: Monday, December 11, 2023 1:38 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>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Applications For Review / Comments

For your review / comments. Midlothian Classic Wheels has submitted the attached event applications for the events listed below. Thank you.

- Gingerbread Trail Car Show to be held on June 8, 2024
- Cars in the Park Car Show to be held on July 15, 2024
- Waxahachie Fun Run Car Show to be held on August 10, 2024
- St. Jude Car Show to be held on September 14, 2024

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

(5i)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-197-2023



MEETING DATE(S)

City Council:

January 22, 2024

CAPTION

Consider proposed Ordinance approving a request by Andrew Garrett, WGM, LLC, for a **Petition for ETJ Release** for approximately 21.955 acres, located at 982 East Butcher Road (Property ID 191454 and 189365– Owner: WGM, LLC (ETJ-PTN-197-2023).

RECOMMENDED MOTION

"I move to approve ETJ-PTN-197-2023, a request by Andrew Garrett, WGM, LLC, for a Petition for ETJ Release for approximately 21.955 acres, located at 982 East Butcher Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Andrew Garrett, WGM, LLC

Property Owner(s): WGM, LLC

Site Acreage: 21.955 acres

Number of Lots: 2 lots

Number of Dwelling Units: 0 units

SUBJECT PROPERTY

General Location: Located at 982 East Butcher Road

Parcel ID Number(s): 191454, 189365

Current Zoning: ETJ

Existing Use: Undeveloped Land

Platting History: The subject property is not platted.

CCN Service Area: Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for January 22, 2024 City Council Meeting
2. Proposed Ordinance
3. Metes & Bounds (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

oanh.vu@waxahachie.com

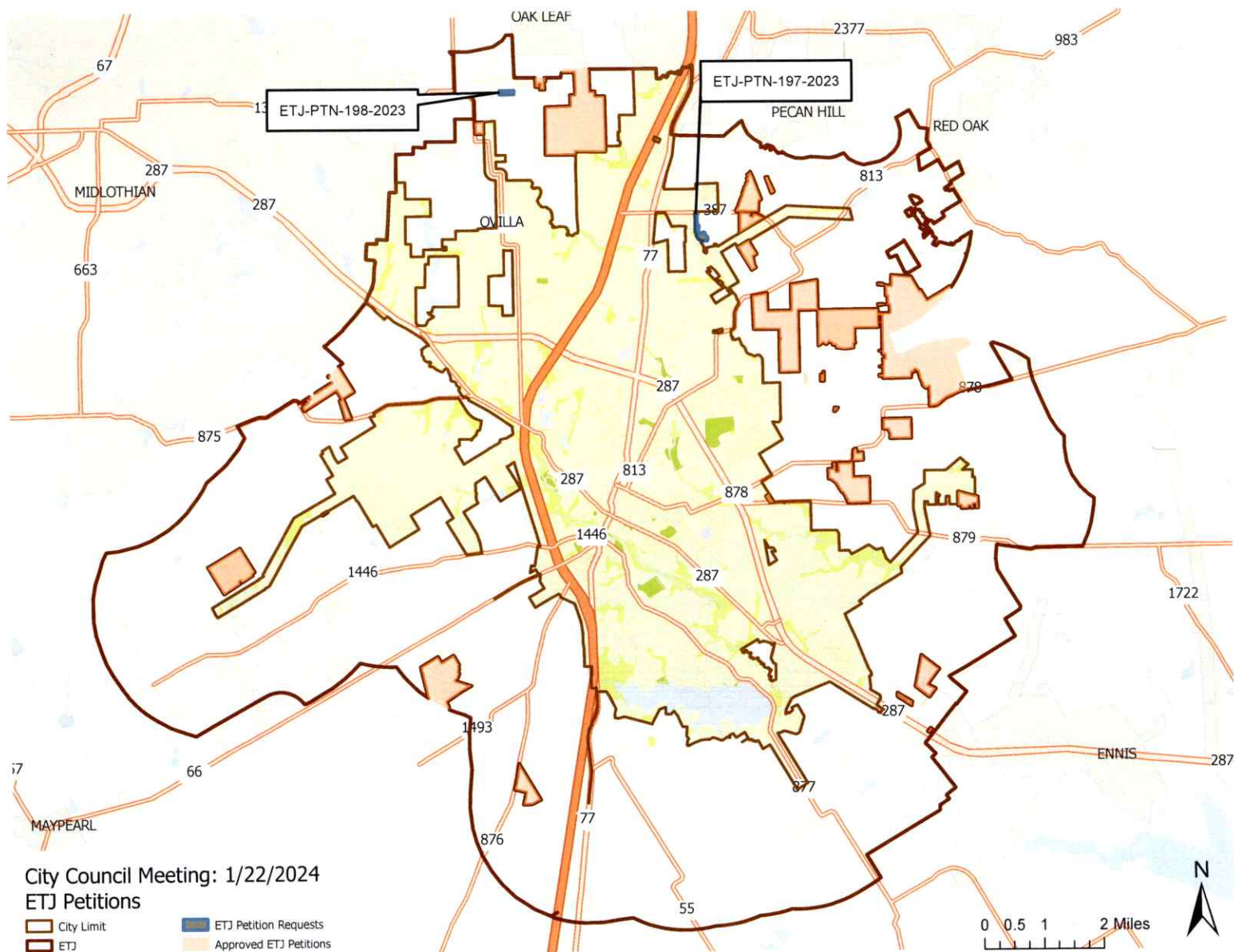
Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(5i)



ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 21.955 ACRE TRACT OF LAND, LOCATED AT 982 EAST BUTCHER ROAD, KNOWN AS PROPERTY ID 191454 AND 189365, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-197-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 22nd day of January 22, 2024.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - METES & BOUNDS (51)

PROPERTY DESCRIPTION:

BEING A TRACT OF LAND SITUATED IN THE A. PRUETT SURVEY, ABSTRACT NO. 848, THE J. STROOP SURVEY, ABSTRACT 1041 AND THE J. STROOP SURVEY, ABSTRACT NO. 1044, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO STACEY M. KNIGHT AND CHRISTINA M. KNIGHT, RECORDED IN INSTRUMENT NO. 1901666, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID KNIGHT TRACT AND THE COMMON NORTHWEST CORNER OF CARLTON ESTATES PHASE I, RECORDED IN CABINET A, SLIDE 639, OPRECT AND IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF FM 387/BUTCHER ROAD (A CALLED 100' ROW);

THENCE S 00°09'36" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID CARLTON ESTATES PHASE I, A DISTANCE OF 299.94 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID CARLTON ESTATES PHASE I AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO HERITAGE BAPTIST CHURCH, RECORDED IN VOLUME 770, PAGE 486, OPRECT;

THENCE S 00°21'21" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID HERITAGE BAPTIST CHURCH TRACT, A DISTANCE OF 264.65 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID HERITAGE BAPTIST CHURCH TRACT 1 AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO HERITAGE BAPTIST CHURCH, RECORDED IN VOLUME 1890, PAGE 356, OPRECT;

THENCE S 00°11'40" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID HERITAGE BAPTIST CHURCH TRACT 1, A DISTANCE OF 387.80 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID HERITAGE BAPTIST CHURCH TRACT 1 AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN DEED TO HERITAGE BAPTIST CHURCH, RECORDED IN VOLUME 1890, PAGE 356, OPRECT;

THENCE S 00°12'10" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID HERITAGE BAPTIST CHURCH TRACT 2, A DISTANCE OF 15.43 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHWEST CORNER OF SAID HERITAGE BAPTIST CHURCH TRACT 2 AND IN THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO CHRISTOPHER L. BROWN, RECORDED IN VOLUME 1463, PAGE 615, OPRECT;

THENCE S 00°14'23" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID BROWN TRACT, A DISTANCE OF 142.62 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID KNIGHT TRACT AND THE COMMON SOUTHWEST CORNER OF SAID BROWN TRACT;

THENCE S 88°42'22" E, ALONG THE NORTH LINE OF SAID KNIGHT TRACT AND THE COMMON SOUTH LINE OF SAID BROWN TRACT, A DISTANCE OF 157.04 FEET TO A 1/2" IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID KNIGHT TRACT AND THE COMMON SOUTHWEST CORNER OF LOT 8, BLOCK 4, CARLTON ESTATES PHASE II, RECORDED IN CABINET A, SLIDE 681, OPRECT AND THE COMMON NORTHWEST CORNER OF LOT 9, OF SAID CARLTON ESTATES PHASE II;

THENCE S 04°22'32" W, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID CARLTON ESTATES PHASE II, PASSING AT A DISTANCE OF 552.00 FEET A 3/8" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF LOT 12, BLOCK 4, OF SAID CARLTON ESTATES PHASE II AND THE COMMON NORTHWEST CORNER OF LOT 13R, BLOCK 4 CARLTON ESTATES, PH. 2, RECORDED IN CABINET H, SLIDE 497, OPRECT, CONTINUING ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID LOT 13R, A TOTAL DISTANCE OF 794.73 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID KNIGHT TRACT AND THE COMMON SOUTHWEST CORNER OF SAID LOT 13R;

THENCE N 68°30'02" E, ALONG THE NORTH LINE OF SAID KNIGHT TRACT AND THE COMMON SOUTH LINE OF SAID LOT 13R, A DISTANCE OF 509.01 FEET TO A 1/2" IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID KNIGHT TRACT AND THE COMMON SOUTHEAST CORNER OF SAID LOT 13R AND IN THE WEST ROW LINE OF CARLTON PARKWAY (A CALLED 90' ROW) ;

(51)
THENCE S 10°53'48" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST ROW LINE OF SAID CARLTON PARKWAY, A DISTANCE OF 40.65 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID KNIGHT TRACT AND FOR THE INTERSECTION OF THE WEST ROW LINE OF SAID CARLTON PARKWAY AND THE COMMON SOUTH ROW LINE OF MAREE DRIVE (A CALLED 60' ROW);

THENCE N 79°53'19" E, ALONG THE NORTH LINE OF SAID KNIGHT TRACT AND THE COMMON SOUTH ROW LINE OF SAID MAREE DRIVE, A DISTANCE OF 90.00 FEET TO A 1/2" IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID KNIGHT TRACT AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO RONNIE W. ROGERS AND BARBARA IRENE LOWELL, RECORDED IN VOLUME 759, PAGE 187, OPRECT AND IN THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 845.00 FEET, A CHORD BEARING OF S 03°23'31" E, A CHORD LENGTH OF 199.53 FEET;

THENCE ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID LOWELL TRACT AND WITH SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 200.00 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID KNIGHT TRACT AND A COMMON SOUTHWEST CORNER OF SAID LOWELL TRACT;

THENCE S 51°46'30" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON SOUTH LINE OF SAID LOWELL TRACT, A DISTANCE OF 302.69 FEET TO A 1/2" IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID KNIGHT TRACT AND THE COMMON SOUTHEAST CORNER OF SAID LOWELL TRACT AND IN THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO RUBY LAVERNE WILLIAMS, RECORDED IN INSTRUMENT NO. 1828491, OPRECT;

THENCE S 04°32'31" E, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID WILLIAMS TRACT, A DISTANCE OF 257.60 FEET TO A 1/2" IRON PIPE FOUND FOR ANGLE CORNER OF SAID KNIGHT TRACT AND A COMMON ANGLE CORNER OF SAID WILLIAMS TRACT;

THENCE S 30°59'40" W, ALONG THE EAST LINE OF SAID KNIGHT TRACT AND THE COMMON WEST LINE OF SAID WILLIAMS TRACT, A DISTANCE OF 119.44 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID KNIGHT TRACT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO BROOKBEND GROVE OWNER'S ASSOCIATION, INC, RECORDED IN VOLUME 1982, PAGE 1431, OPRECT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DAN D. AND SUSAN L. HAYSLIP, RECORDED IN VOLUME 1828, PAGE 1960, OPRECT;

THENCE S 89°55'37" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID HAYSLIP TRACT, A DISTANCE OF 260.34 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4466" FOUND FOR ANGLE CORNER OF SAID KNIGHT TRACT AND THE COMMON ANGLE CORNER OF SAID HAYSLIP TRACT;

THENCE N 87°35'19" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID HAYSLIP TRACT, A DISTANCE OF 148.72 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4466" FOUND FOR AN ANGLE POINT IN THE SOUTH LINE OF SAID KNIGHT TRACT AND THE NORTHWEST CORNER OF SAID HAYSLIP TRACT AND THE COMMON NORTHEAST CORNER OF BROOKBEND GROVE PHASE TWO, RECORDED IN CABINET D, SLIDE 86, OPRECT;

THENCE N 87°31'35" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID BROOKBEND GROVE PHASE TWO, A DISTANCE OF 124.35 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4466" FOUND FOR ANGLE CORNER OF SAID KNIGHT TRACT AND THE COMMON ANGLE CORNER OF SAID BROOKBEND GROVE PHASE TWO;

THENCE N 58°28'27" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID BROOKBEND GROVE PHASE TWO, A DISTANCE OF 126.02 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR ANGLE CORNER OF SAID KNIGHT TRACT AND THE COMMON ANGLE CORNER OF SAID BROOKBEND GROVE PHASE TWO;

THENCE N 57°52'18" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID BROOKBEND GROVE PHASE TWO, A DISTANCE OF 171.89 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4466" FOUND FOR AN ANGLE POINT IN THE SOUTH LINE OF SAID KNIGHT TRACT AND THE NORTHWEST CORNER OF SAID BROOKBEND GROVE PHASE TWO AND THE COMMON SOUTHEAST CORNER OF BROOKBEND GROVE PHASE THREE, RECORDED IN CABINET D, SLIDE 313, OPRECT;

THENCE N 33°13'10" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID BROOKBEND GROVE PHASE THREE, A DISTANCE OF 334.26 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4466" FOUND FOR ANGLE CORNER OF SAID KNIGHT

TRACT AND THE COMMON ANGLE CORNER OF SAID BROOKBEND GROVE PHASE THREE;

(51)

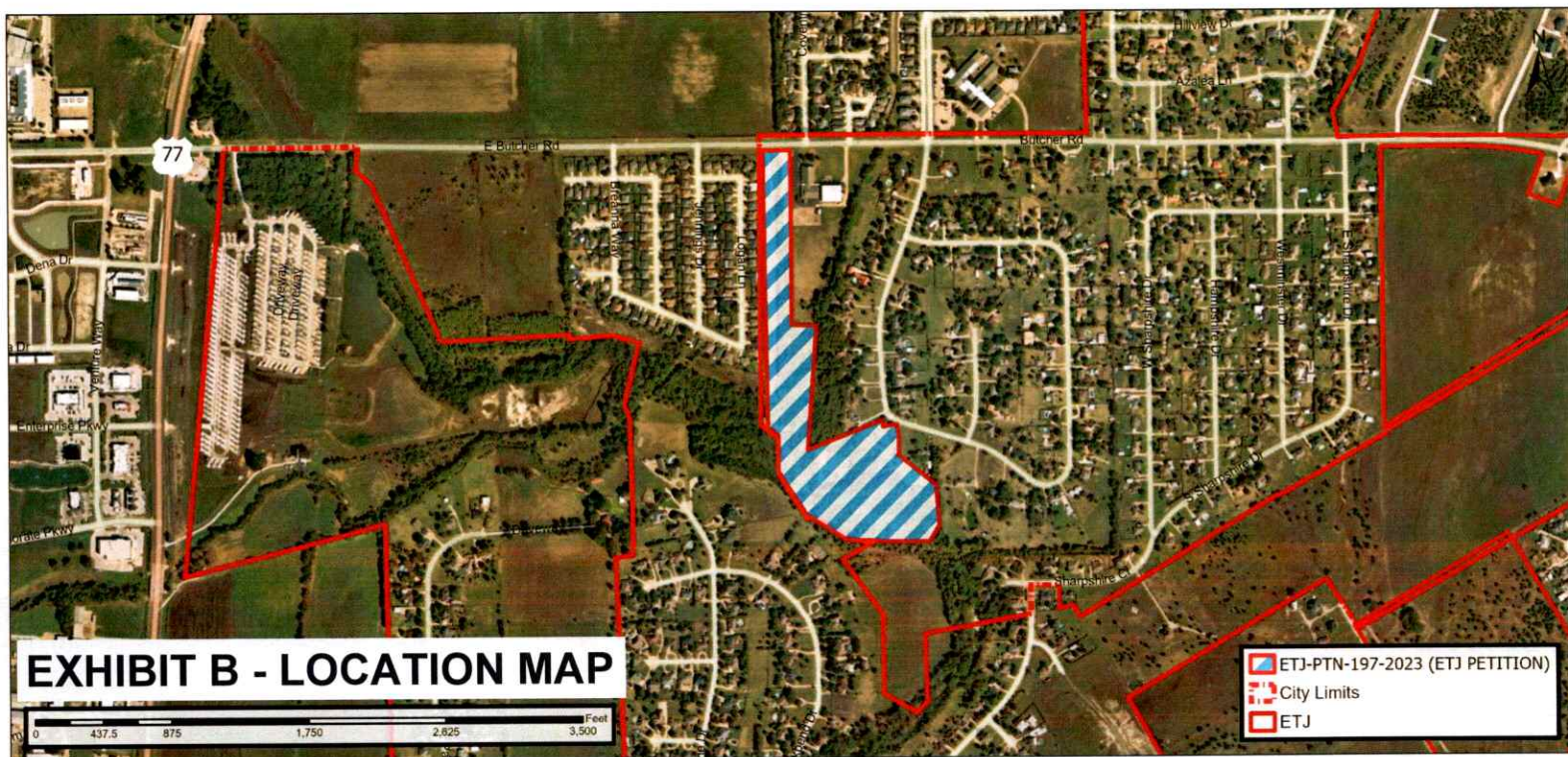
THENCE N 00°08'00" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID BROOKBEND GROVE PHASE THREE, A DISTANCE OF 228.38 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR ANGLE CORNER OF SAID KNIGHT TRACT AND THE COMMON ANGLE CORNER OF SAID BROOKBEND GROVE PHASE THREE;

THENCE N 50°36'07" W, ALONG THE SOUTH LINE OF SAID KNIGHT TRACT AND THE COMMON NORTH LINE OF SAID BROOKBEND GROVE PHASE THREE, A DISTANCE OF 83.24 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID KNIGHT TRACT AND THE COMMON SOUTHEAST CORNER OF HIGHLAND VILLAGE ESTATES, RECORDED IN CABINET F, SLIDE 191, OPRECT AND IN THE NORTH LINE OF SAID BROOKBEND GROVE PHASE THREE;

THENCE N 00°49'38" W, ALONG THE WEST LINE OF SAID KNIGHT TRACT AND THE COMMON EAST LINE OF SAID HIGHLAND VILLAGE ESTATES, PASSING AT A DISTANCE OF 1743.92 FEET A 1/2" IRON ROD FOUND FOR WITNESS, A TOTAL DISTANCE OF 1758.90 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID KNIGHT TRACT AND THE COMMON NORTHEAST CORNER OF SAID HIGHLAND VILLAGE ESTATES AND IN THE SOUTH ROW LINE OF SAID FM 387/BUTCHER ROAD;

THENCE N 89°32'26" E, ALONG THE NORTH LINE OF SAID KNIGHT TRACT, PASSING AT A DISTANCE OF 120.29 FEET A 1/2" IRON ROD FOUND, A TOTAL DISTANCE OF 180.34 FEET TO THE POINT OF BEGINNING, AND CONTAINING 21.955 ACRES OF LAND MORE OR LESS.

(5i)



(5j)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-198-2023



MEETING DATE(S)

City Council:

January 22, 2024

CAPTION

Consider proposed Ordinance approving a request by Andrew Garrett, for a **Petition for ETJ Release** for approximately 10.711 acres, located at 731 South Westmoreland Road (Property ID 186474 and 186475 – Owners: Andrew & Kati Garrett (ETJ-PTN-198-2023).

RECOMMENDED MOTION

"I move to approve ETJ-PTN-198-2023, a request by Andrew Garrett, for a Petition for ETJ Release for approximately 10.711 acres, located at 731 South Westmoreland Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

<i>Applicant:</i>	Andrew Garrett
<i>Property Owner(s):</i>	Andrew & Kati Garrett
<i>Site Acreage:</i>	10.711 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	1 unit

SUBJECT PROPERTY

<i>General Location:</i>	Located at 731 South Westmoreland
<i>Parcel ID Number(s):</i>	186474, 186475
<i>Current Zoning:</i>	ETJ
<i>Existing Use:</i>	Residential use
<i>Platting History:</i>	The subject property is not platted.
<i>CCN Service Area:</i>	Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for January 22, 2024 City Council Meeting
2. Proposed Ordinance
3. Survey (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

oanh.vu@waxahachie.com

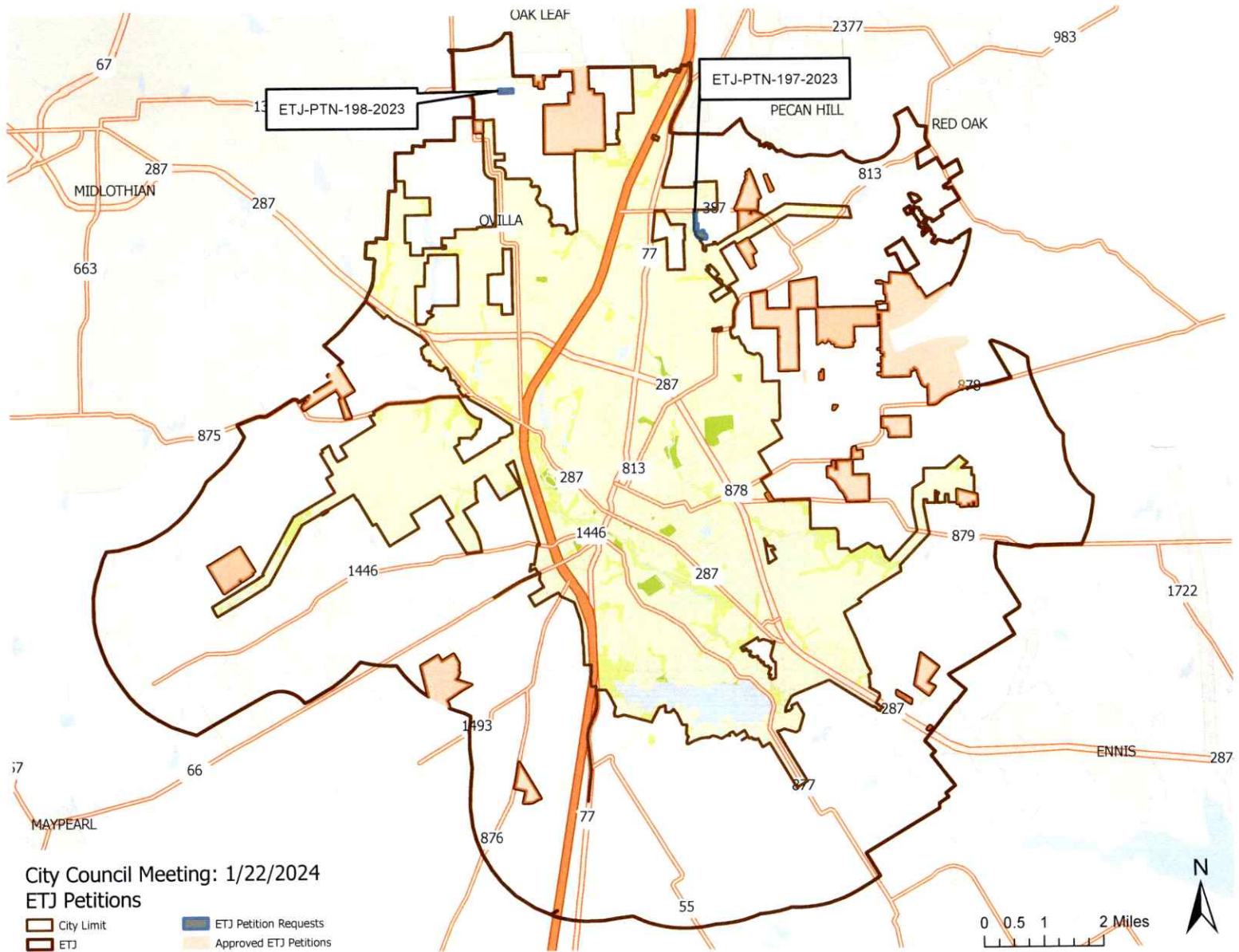
Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(5j)



(5j)

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.711 ACRE TRACT OF LAND, LOCATED AT 731 SOUTH WESTMORELAND ROAD, KNOWN AS PROPERTY ID 186474 AND 186475, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-198-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by survey in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

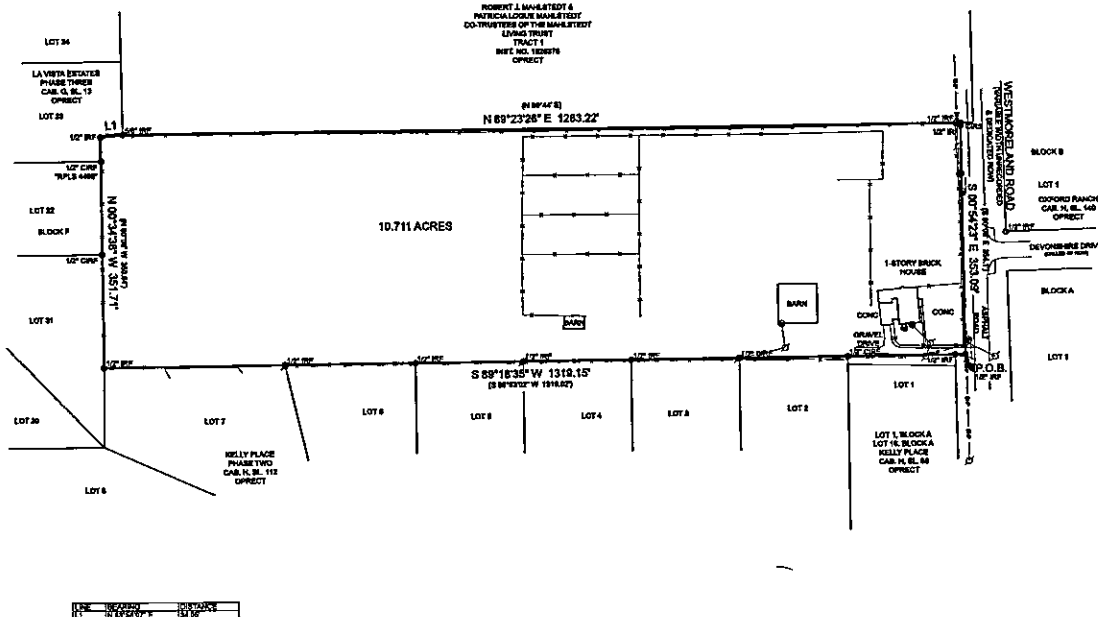
The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 22nd day of January 22, 2024.

MAYOR

ATTEST:

City Secretary



NOTES:

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

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES. THE SURVEYOR HAS NOT BEEN ADVISED BY THE SUBJECT PROPERTY OWNER OF ANY SUCH EASEMENTS OR ENCUMBRANCES. THE SURVEYOR HAS NOT BEEN ADVISED BY THE SUBJECT PROPERTY OWNER OF ANY COMMITMENT PROVIDED BY REPUBLIC TITLE ISSUED ON MAY 16, 2022, BY FIRST AMERICAN TITLE INSURANCE COMPANY OF NO. 1931-36991-81, FOR RESEARCH OF EASEMENTS.

UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPEARANCES.

THE SUBJECT PROPERTY LIES WITHIN ZONE 12C, DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 6.5% ANNUAL CHANCE FLOODPLAIN," ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 481902C01 DATED JAN. 3, 2012, AND ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 481902C02 DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY

PROPERTY DESCRIPTION:

BEING A TRACT OF LAND SITUATED IN THE F. KING SURVEY, ABSTRACT NO. 806, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO PATRICK ALAN MOORE AND DEBORAH MOORE, RECORDED IN VOLUME 762, PAGE 864, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS, (EXCEPT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT A 51° IRON ROD FOUND FOR THE SOUTHEAST CORNER OF BARD MOORE TRACT AND IN THE WEST FOOT-OF-WAY (POW) LINE OF WESTCORKLAND ROAD (A VULNERABLE WITH UNRECORDED AND DEDICATED ROW).

THENCE S 89°18'30" W, ALONG THE SOUTH LINE OF BARD MOORE TRACT AND THE COMMON NORTH LINE OF LOT 1, BLOCK A, L1 IN BLOCK A, KELLY PLACE, RECORDED IN CARNETT, B, BLK 18, OPRECT AND THE COMMON NORTH LINE OF KELLY PLACE PHASE TWO, RECORDED IN CARNETT M, BLK 18, OPRECT, A DISTANCE OF 1819.16 FEET TO A 16" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF BARD MOORE TRACT AND THE COMMON NORTHWEST CORNER OF BARD KELLY PLACE PHASE TWO AND IN THE EAST LINE OF LA VISTA ESTATE, PHASE THREE, RECORDED IN CARNETT

THENCE N 89°43'30" W, ALONG THE WEST LINE OF SAID MOORE TRACT AND THE COMMON EAST LINE OF SAID LA VIEJA ESTATES PHASE THREE, A DISTANCE OF 861.71 FEET TO A 1/2" IRON ROD POULD FOR THE NORTHWEST CORNER OF SAID MOORE TRACT AND A COMMON INTERIOR ELL CORNER OF SAID LA VIEJA ESTATES PHASE THREE;

THENCE N 83°00'00" E, ALONG THE NORTH LINE OF SAID MOORE TRACT AND THE COMMON SOUTH LINE OF SAID VALE ESTATES PHASE THREE, A DISTANCE OF 0.60 FEET TO A POINT TO FORM AN ANGULAR CORNER OF THE NORTH LINE OF SAID MOORE TRACT AND THE COMMON SOUTH-EAST CORNER OF SAID VALE ESTATES PHASE THREE AND THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED AS TRACT 14 IN DEED TO ROBERT J. MAHLETT AND PATRICIA LOUISE MAHLETT, CO-TRUSTEES OF THE MAHLETT LIVING TRUST, RECORDED IN INSTRUMENT NO. 1628379, OFFICE OF:

THENCE N 89°32'29" E, ALONG THE NORTH LINE OF SAID MOORE TRACT AND THE COMMON SOUTH LINE OF SAID MAHLSTREET TRACT, PASSING AT A DISTANCE OF 1278.08 FEET A 1/2" IRON ROD FOUND FOR WITNESS, A TOTAL DISTANCE OF 1283.32 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "TJORG" SET FOR THE NORTHEAST CORNER OF SAID MOORE TRACT AND IN THE WEST ROW LINE OF SAID

THENCE S 04°12'18" E, ALONG THE EAST LINE OF SAID MOORE TRACT AND THE COMMON WEST BOW LINE OF SAID WESTMORELAND ROAD, PASSING AT A DISTANCE OF 4.32 FEET A 1/2" IRON ROD FOUND FOR WITNESS, A TOTAL DISTANCE OF 268.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 18.711 ACRES OF LAND MORE OR LESS.

2. TIMOTHY L. JACKSON, RPLS. HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SURVEY PER THE DESCRIPTION SHOWN HEREON. THE SIZE, LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE AS SHOWN.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION IV SURVEY.


 TIMOTHY L. JACKSON
 REGISTRATION NUMBER 9944
 DATED: 09-17-2012

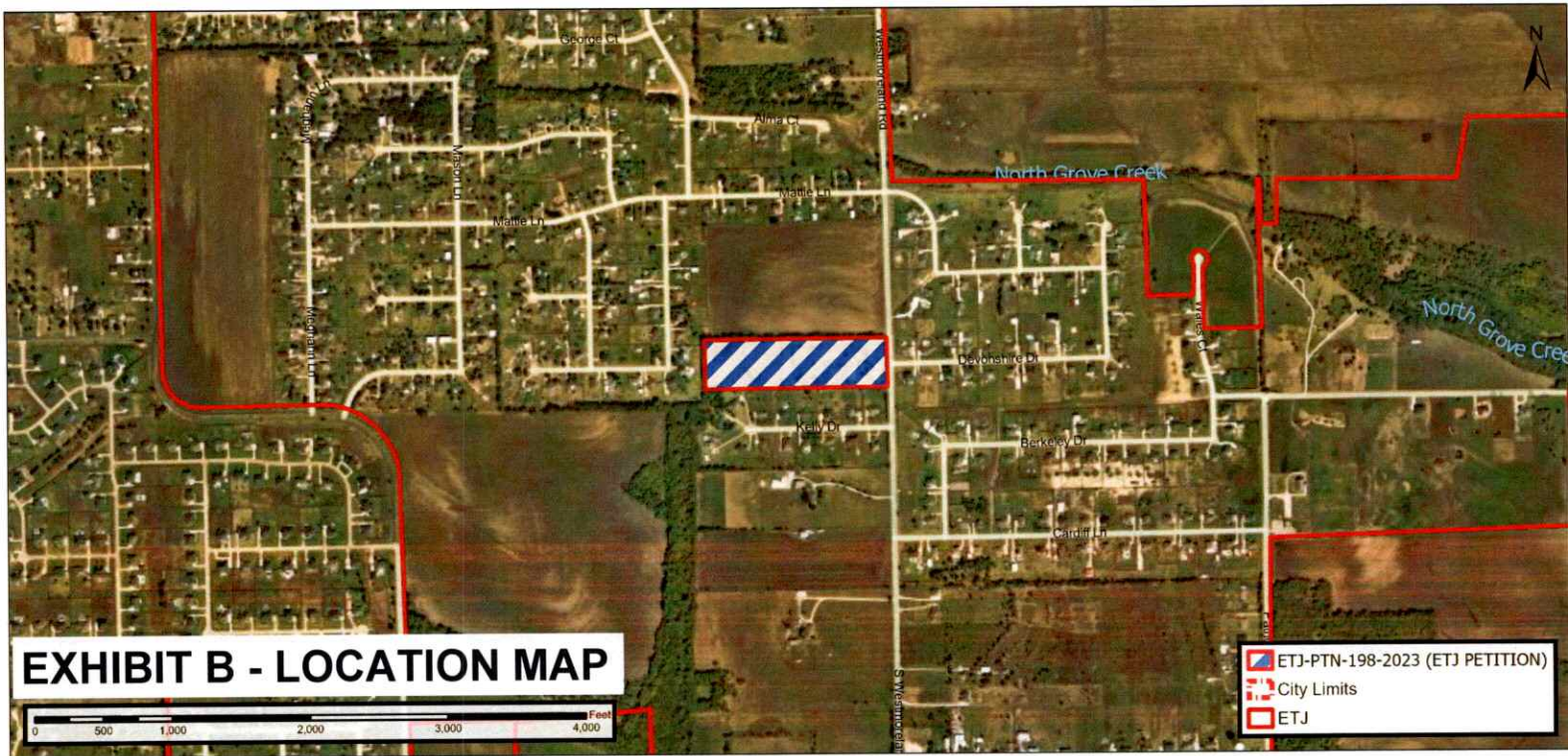
LEGEND:

- AIR CONDITIONER
 ● ELECTRIC METER
 ⚡ POWER POLE
 ● TELEPHONE MARKER
 ○ TELEPHONE PEDestal
 — FENCE LINE (VARIOUS TYPES)
 — OVERHEAD UTILITY LINES
 — W/ R/W R/Od W/ YELLOW PLASTIC CAP STAMPED "TERRCO" SET
 — BY PUBLIC RECORDS, EL PASO COUNTY, TEXAS
 — INDICATE RECORD ON DEED CALLS
 — RIGHT-OF-WAY

**LAND TITLE SURVEY
10.711 ACRES
SITUATED IN THE
F. KING SURVEY
ABSTRACT NO. 600
ELLIS COUNTY, TEXAS**

PROJECT NO. 1141
TEXAS REALITY CAPTURE
& SURVEYING, LLC
P.O. BOX 88
WALLISBURG, TEXAS 77884
936.274.0000
TXRCS
11410 WALLISBURG HIGHWAY, W. WALLISBURG, TX

(5j)





Memorandum

To: Honorable Mayor and City Council
From: Kyle Cooper, Senior Director of Parks & Recreation
Thru: Michael Scott, City Manager
Date: January 22, 2024
Re: Consider Authorization of Park Dedication Fee Fund for Professional Services Costs Related to Design and Engineering of North Grove Park Project

Recommended Motion: "I move to approve the use of the Park Dedication Fee Fund, in the amount of \$150,000, for professional services related to the design and engineering of North Grove Park, and authorize the City Manager to execute all necessary documents."

Item Description: The Park Dedication Fee Fund was budgeted as the funding source for the design and engineering of the North Grove Park Project at a cost of \$150,000 and discussed during the FY 2024 budget process. However, the use of this Fund must be approved by City Council.

Item Summary: The North Grove Park Project is part of the approved 5-Year Capital Improvement Program with design and engineering designated for FY 2024 and construction proposed in FY 2025 – 2028. The project was discussed during the budget workshops of the FY 2024 budget process with the Park Dedication Fee Fund identified as the funding mechanism for the design and engineering phase. However, city ordinance requires City Council to authorize expenditures from this fund. Staff has engaged Kimley-Horn as the design consultant, and a committee of various stakeholders will be created in the future to provide input on the design of the park. The authorization to use the designated funding source will allow staff to move forward in the process.

Fiscal Impact: Fund 227 - Park Dedication Fee Fund has sufficient capacity to cover the expenditures associated with the design and engineering of the North Grove Park Project. The expenditures will be tracked in account 227-000-53200 Professional Services.

(51)



Memorandum

To: Honorable Mayor and City Council

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

Thru: Michael Scott, City Manager

Date: January 22, 2024

Re: Classified Positions under Civil Service in the Police and Fire Departments

Recommended Motion: "I move to adopt the proposed ordinance re-establishing the classified positions under Civil Service in the Police and Fire Departments."

Item Description: Texas Local Government Code Chapter 143 requires cities to establish and maintain the number of classified positions in each rank in the Police and Fire Departments.

Item Summary: The proposed ordinance increases the number of authorized positions in the Fire Lieutenant and Fire Pumper Engineer, ranks to reflect the positions added and approved in the FY 2024 budget. The proposed ordinance also increases the number of positions in the Firefighter rank from 36 to 39 to allow for greater flexibility when hiring. The increase to the number of authorized positions in the Firefighter rank does not change the number of funded positions in the FY 2024 operating budget or create a vacancy in the rank under Civil Service.

ORDINANCE NO. _____

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

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

SECTION 1. The classified positions under Civil Service in the Fire Department shall be as follows:

Assistant Fire Chief	1
Fire Marshal	1
Fire Battalion Chief	5
Fire Captain	12
Fire Lieutenant	6
Fire Pumper Engineer	19
Firefighter	39

SECTION 2. The classified positions under Civil Service in the Police Department shall be as follows:

Assistant Police Chief	2
Police Lieutenant	5
Sergeants	8
Corporal	8
Police Patrol Officer	59

SECTION 3. The annual/monthly base rate pay for each of the above captioned classified positions shall be determined by each year's budget.

SECTION 4. The positions of Assistant Fire Chief and Assistant Police Chief shall be appointed positions, appointed by the head of the department.

SECTION 5. That all ordinances of the City of Waxahachie heretofore adopted which are in conflict with the provisions of this ordinance be, and the same are hereby repealed.

SECTION 6. That this ordinance shall take effect thirty days after passage and all requirements under Chapter 143 of the Local Government Code have been satisfied.

PASSED, APPROVED, AND ADOPTED this 22nd day of January, 2024.

MAYOR

ATTEST:

CITY SECRETARY

(5m)



Memorandum

To: Honorable Mayor and City Council
From: Dale Sigler, Interim Director of Administrative Services
Thru: Michael Scott, City Manager 
Date: January 11, 2024
Re: Consider Revised Joint Airport Agreement with the City of Midlothian

Recommended Motion: "I move to approve the revised Joint Airport Agreement with the City of Midlothian"

Item Description: Consider adopting the revised Joint Airport Agreement with the City of Midlothian. The revised agreement incorporates recommendations from the Midlothian and Waxahachie joint City Council work session held on November 8, 2023, was reviewed by legal counsel of the airport and was adopted by the City of Midlothian at their City Council meeting held on January 9, 2024.

Item Summary: In 1987, the City of Midlothian and City of Waxahachie entered into a Joint Airport Agreement to jointly acquire land, construct, develop, operate, and maintain an airport. In 1992, the cities entered into a revised agreement to define the roles and responsibilities of the Cities and the Airport Board to operate the Midlothian/Waxahachie Municipal Joint Airport now known as Mid-Way Regional Airport.

Under the current agreement, the Joint Airport Board has authority in several key areas beyond the typical duties and responsibilities of other city boards and commissions (i.e. hiring, compensation, budgets, contracts). As both cities continue to grow, they now have resources in house to more effectively manage and operate the airport on a daily basis. As a result, the authority and

responsibilities granted to the Airport Board, under the current agreement, is out of date, and redundant with city operations.

Recognizing this, both cities recently agreed to amend the Joint Airport Agreement to revise the roles and responsibilities of the Cities, the Airport Manager, as well as the Airport Board.

Under the revised Joint Airport Agreement the following amendments have been included:

- The Joint Airport Board will transition to an advisory role and does not serve in a capacity to represent or speak for the cities and the airport.
- The Cities directly contract or hire an Airport Manager.
- The Airport Manager and airport staff will work under the supervision of the Cities staff following the City of Waxahachie personnel rules.
- Meeting agendas are prepared by the Airport Manager or designee and must be approved by both Cities.
- Revises the conflict of interest clause to address board members doing business with the airport.
- Economic Development of the airport is handled directly by both Cities in conjunction with the Airport Manager.
- Purchasing and Property Disposal will be handled by the City of Midlothian Purchasing Manager.
- Marketing and Communication will be handled by the City of Midlothian.
- Board members are appointed in September and serve a three-year term.
- Streamlines the officer positions to just a chair and vice-chair.
- Officer selections are made by the Board in January of each year.
- Annual Audit is performed by the City of Waxahachie with a copy provided to City of Midlothian.
- The Airport Manager and City staff representatives for the Cities are responsible for preparing the annual budget to be approved by both Cities.

The revised agreement was reviewed by staff of both Cities and airport legal counsel. The revised agreement will better meet the current and future needs of Mid-Way Regional Airport as it continues to grow and was approved by the Midlothian City Council at their meeting on January 9, 2024.

Fiscal Impact: The amendments to the Joint Airport Agreement will have no fiscal impact on the City of Waxahachie or City of Midlothian.

(5m)

JOINT AIRPORT AGREEMENT

CITY OF MIDLOTHIAN and CITY OF WAXAHACHIE, TEXAS

THE STATE OF TEXAS)
)
COUNTY OF ELLIS)

KNOW ALL MEN BY THESE PRESENTS:

This Contract and Agreement (herein called this "Agreement") is made and entered into and effective as of January 22, 2024, by and between the City of Midlothian, Texas, and the City of Waxahachie, Texas, (herein collectively called the "Cities" or "City Councils") for the purposes and considerations stated below:

WITNESSETH:

WHEREAS, the City of Midlothian and the City of Waxahachie did enter into a Joint Airport Agreement on August 26, 1987 to jointly acquire land for an airport and to construct, develop, operate and maintain said airport, and to create an Airport Committee to have responsibility for the assets, grounds, improvements and funds of said Airport; and

WHEREAS, the Cities did jointly acquire the land and constructed the Airport pursuant to the Joint Airport Agreement of August 26, 1987, and named the Airport the Midlothian/Waxahachie Municipal Airport (herein called the "Airport"), and entered into a revised Joint Airport Agreement of April 20, 1992 to define the roles and responsibilities of the Cities and the Airport Committee that was confirmed and established as the Midlothian/Waxahachie Municipal Airport Joint Airport Board (herein called the "Board"); and

WHEREAS, the Cities now desire to further define the roles and responsibilities of the City Councils, City staff representatives and the Board in the operation, maintenance, and development of the Airport already commenced by and between the Cities, and to manage and administer the Airport on a joint basis pursuant to this Agreement and as provided by the laws of the State of Texas;

NOW, THEREFORE, in consideration of the premises and the performance of the mutual covenants and agreements by the parties hereto, the City of Midlothian and the City of Waxahachie do hereby covenant and agree one with the other as follows, to-wit;

1. Municipal Boundaries

In annexation of the Airport lands jointly acquired by the Cities, the Municipal boundaries of the Cities may at some future date divide the Airport land into two Municipal parts. The Cities, as joint owners of the Airport, agree to share on an equal basis in all the benefits, including but not limited to ad valorem tax receipts, which may accrue, and/or all the liabilities which may arise as a result of Airport activities and operations within the limits of the Airport without regard to any Municipal boundaries which may be established in the future around and across the Airport land.

2. Establishment of the Board

The Airport committee, heretofore created by the Joint Airport Agreement on August 26, 1987, and continued, confirmed, and established as the Midlothian/Waxahachie Municipal Airport Joint Airport

(5m)

Board (Board) by the Joint Airport Agreement on April 20, 1992 and amended on January 22, 2024, is hereby continued as an advisory board to the Cities and may make recommendations to the Cities as they pertain to the operation, maintenance and development of the Airport. At no time shall a Board member have the authority to speak on behalf of the Cities or the Airport.

The City Councils, designated City staff and the Board shall operate pursuant to this Agreement for clarity and completeness.

3. Board Qualifications

Each of the City Councils shall determine and establish for itself the manner of selection and the qualifications of those Board Members appointed to represent that respective City.

4. Composition of the Board

The Board shall consist of seven (7) members, three (3) appointed by the City of Midlothian and three (3) appointed by the City of Waxahachie. The Cities shall alternately appoint the seventh member every three years.

5. Terms of Board Members

Board members will be appointed in September of the year of selection to serve for three (3) years beginning on October 1 of the year of appointment through September 30 of the third year. Should any member not complete this term, the respective City Council shall appoint a successor to complete such members remaining unexpired term. City Councils may appoint Board Members to successive terms. Individual Board Members shall serve at the pleasure of the appointing City Council and may be removed at will and without cause by a majority vote of the appointing City Council.

6. Election of Officers; Meetings

Each January at a regularly scheduled Board Meeting, the Board shall elect officers for the ensuing year. The Board shall hold at least one (1) public meeting bi-monthly and minutes of all meetings shall be submitted to the City Councils of Midlothian and Waxahachie for their review.

7. Officers; Quorum

The Board shall organize by electing one of its members as Chairperson and another member as Vice Chairperson. The position of Chairperson shall alternate between the Cities annually, as well as, the position of Vice Chairperson shall alternate between the Cities annually. At no time, shall both positions be held by appointees of one City at the same time. The Chairperson shall preside at Board Meetings for the procedural purpose of conducting the meeting, but have no more duties or authority than any other Board Member. The Vice Chairperson shall act as the Chairperson during the absence of the Chairperson. Any four (4) members of the Board shall constitute a quorum, and a concurrence of a majority of members present shall be necessary for any official action taken by the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

8. Members Compensation; Reimbursement

The duly appointed members of the Board shall serve without compensation, but shall be entitled to reimbursement of actual travel expenses incurred in the performance of official duties attending

(5m)

meetings, seminars, or conferences located outside of the Midlothian/Waxahachie area upon prior approval of such expenses by the airport manager and/ or designated City staff representatives.

9. Conflict of Interest; Removal

Unless otherwise approved by the City Councils, no member of the Board thereof shall have a financial interest, direct or indirect, in the sale to the Airport of any materials, supplies, or services. Furthermore, no member of the Board shall have a direct or indirect financial interest in development or redevelopment projects in and around the Airport. Without such approval, any violation of this provision by a member of the Board shall be grounds for removal by a majority vote of the City Council appointing such member.

10. Powers and Duties

The Board shall serve as an advisory board to the City Councils and may make recommendations to the Cities as they pertain to the operation, maintenance and development of the Airport. The Cities and their designated staff representatives, in addition to other powers and duties herein conferred and imposed or authorized by law, shall have the following powers and duties, to-wit:

A. The Cities and Board shall be guided by the following objectives:

- to establish, operate, maintain and develop a first-class Business Service Airport as part of the National Plan of Integrated Airport Systems which support the public and business needs of the Cities and surrounding region;
- to foster public and business awareness of the community benefits derived from the Airport and aviation;
- for the Airport to operate in accordance with applicable Federal, State, and Local Government rules, regulations and policies;
- for the airport to operate as a self-supporting enterprise fund.

B. The designated staff representatives of the Cities may contract for or hire an Airport Manager and other Airport staff as necessary. The hiring committee for the Airport Manager shall consist of staff representatives of both cities and a minimum of one Airport Board representative. The Airport Manager and other Airport staff will work under the general supervision of the designated staff representative of the Cities and promote a professional working relationship with the Airport Board. The Personnel policies, procedures and regulations of the City of Waxahachie will be followed and adhered to and the Personnel Officer of the City of Waxahachie will maintain all personnel records for any person employed by the Cities. The City of Waxahachie pay schedule, compensation and benefits will be administered by the City of Waxahachie. Hiring or contracting for an Airport Manager and other Airport staff shall follow City of Waxahachie procedures and personnel selection shall be made by designated staff representatives of the Cities.

C. Any disputes or concerns of the Airport Board shall first be presented to the Airport Manager and staff representatives of the Cities for resolution. If the Airport Board is not satisfied with the outcome, they will then present the concerns to the City Council liaison to the Airport of each City for consideration. If the Airport Board is still not satisfied with the resolution, they may submit the concerns to the Mayor of each City. Once this process has been exhausted and deemed unsuccessful, the Airport Board may present concerns to each City Council for final

(5m)

resolution.

- D. The Airport Manager shall have the duties and responsibilities for the daily operation and maintenance of the Airport and for recommending projects to develop the Airport. Also, the Airport Manager or designee will be responsible for preparing all meeting agendas and recording minutes as necessary as well as ensuring that all Board meetings are in compliance with the provisions of the Texas Open Meetings Act. Each of the cities designated staff representatives shall approve the meeting agendas before they are posted for public notice.
- E. The Airport Manager and designated staff representatives of the Cities shall study the proposed revenues and expenditures for the operation, maintenance and development requirements of the Airport and prepare a five (5) year plan of such projections to include grant requests or other debt obligations, to be recommended for approval by the City Councils. By July 1 of each year, the Airport Manager and designated staff representatives of the Cities shall prepare a budget for the succeeding fiscal year prior to the meeting of each City Council to consider its budget for the next fiscal year. This will allow each City to approve its pro rata share of funds necessary to meet Airport needs, which shall be fifty percent (50%) from each City.
- F. Consistent with the approved budget, mutually adopted by the two Cities, the City of Waxahachie is authorized to receive, receipt for, disburse, spend and repay Federal, State or Cities funds or funds from other sources in order to plan or accomplish the purpose of this Agreement. All Federal funds accepted shall be expended upon such terms and conditions as are prescribed by the respective agency, and all State funds shall be accepted and expended as prescribed by the State of Texas and the agency making the grant, and all funds from the Cities shall be expended as approved by the City Councils. The Airport Manager shall cause to be deposited and recorded all funds received and shall keep the same in the proper accounts within the Joint Airport Fund to be maintained by the Director of Finance, City of Waxahachie, and the funds shall be devoted to the purposes for which they were made available and shall be held in trust for such purposes. The Airport Manager is not authorized to incur obligations or expend more funds than the total amount approved by the City Councils for that fiscal year, provided however, in the event of an emergency situation requiring funds in addition to those approved, the Airport Manager may request additional funds to be approved by the City Councils to meet the emergency.
- G. Upon review by the designated staff representative of the Cities, the Airport Manager may enter into the renewal of contracts, agreements, leases and other arrangements with any person granting the privileges of using the Airport or designated portions thereof or space therein for commercial aeronautical purposes following the procedures, terms, conditions, and requirements in the Minimum Standards for Commercial Aero- nautical Activities, Midlothian/Waxahachie Municipal Airport, and subject to all statutory legal requirement and restrictions applicable to the two Cities. The Airport Manager and/or designated City staff representative may at any time and for any reason they deem necessary, submit new or renewal of any contract, agreement, lease or other arrangement to the City Councils of each City for approval. Proposals for first time lease of Aircraft lands for any purpose, and proposals for lease of any part of the Airport for nonaeronautical use will be entered into only

by approval of the City Councils. The Cities shall fix the charges, rentals or fees for use of the Airport land, facilities or services. The City Attorney for the City of Midlothian will provide legal advice and review of contracts upon the request of the Cities.

H. The designated staff representatives of the Cities and the Airport Manager shall have the power to enforce the Airport Rules and Regulations, Midlothian/Waxahachie Municipal Airport, for the orderly, safe, efficient and sanitary operation of the Airport. In addition, the Airport Manager, designated staff representatives of the Cities and the Board shall establish rules of procedure for purposes of conducting Board meetings. The Cities shall provide response, assistance, advice, and support in response to any request from the Airport Manager for support services:

- Aircraft Rescue and Fire Fighting;
aircraft, vehicle, facilities, fires, accidents, spills, hazardous material and other ARFF
- as described in the Airport Aircraft Rescue and Fire Fighting Procedures, as agreed to between the Cities, April 1, 1992.
- Construction;
codes, review of plans, permits and inspection – to be provided by the City Building Official, City of Midlothian.
- Environmental;
stormwater management, fuel tank compliance and any other environmental requirements - to be provided upon mutual agreement between the respective City Managers of the two cities as the need arises.
- Finance and Accounting;
to be provided by the Director of Finance, City of Waxahachie.
- Purchasing and Property Disposal;
to be provided by the Purchasing Officer, City of Midlothian.
- Legal;
advice and contract/agreement review - to be provided by the City Attorney, City of Midlothian.
- Maintenance;
 - Animal control
 - Electrical, other than TU Electric
 - Grounds: landscaping, mowing, drainage, weed- control and fencing
 - Streets: runways, taxiways, ramps, potholes, asphalt and repairs
 - Vehicle equipment repairs and maintenance
 - Wastewater leaks and breaks
 - Water plumbing leaks and breaks
to be provided upon a rotating basis mutually agreed to by the Airport Manager and the respective City Managers of the two cities.
- Personnel Policies;
to be provided by the Personnel Officer, City of Waxahachie.

(5m)

- Economic Development;
to be provided by the Economic Development personnel of the two cities.
- Marketing and Communications;
to be provided by the Marketing and Communications Officer, City of Midlothian.
- Police and Security;
routine daily police, emergencies, traffic accidents, theft, vandalism and other police as described in the Airport Police and Security Procedures, dated April 1, 1992, and approved by both the City Councils of Waxahachie and Midlothian.

Except where stated above which City will provide specific support service, the Airport Manager, will request assistance in the non-specified support services from the Cities on a rotating basis and in accord with each Cities capability to provide the support requested. The Cities may charge the Joint Airport Fund for costs of providing support services as approved by both City Councils. It is incumbent upon the Airport Manager to establish a working relationship in requesting support services from the communities which will ensure a smooth effective response to solving Airport operational requirements.

The Airport Manager is authorized to contract for resources needed to correct emergency problems which may arise and be beyond the response capability of the City Departments to correct within the time limit required for safe, efficient Airport operations to continue.

- I. The enumeration of the particular powers in this Agreement shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, the Cities shall have, and may exercise, all the powers conferred or implied by Chapter 22 of the Texas Transportation Code, as the same presently exists or as it may here- after be amended.

11. Joint Airport Fund

For the purpose of accurately and adequately recording and accounting for the ownership, operations and properties contributed and committed by the Cities to the joint venture and providing procedures, policies and safeguards for receiving revenues and funds and execution of expenditures and purchases in carrying out the functions committed to under this Agreement, the Cities hereby create a Joint Airport Fund and direct that it, and all properties therein shall be held and supervised by the Cities subject to the terms of this Agreement. The necessary recording documentation and operation of the Joint Airport Fund will be carried out by the Director of Finance of the City of Waxahachie in accordance with the financial policies, procedures and regulations of that City. Within the Joint Airport Fund separate and special accounts may be created and maintained as shall be considered proper in the sound management of the Airport business and affairs.

12. Title to and Disposal of Airport Property

Vested title to all assets, real property or mixed shall remain with the Cities on an equal share basis for the use and benefit of the Airport. Except as otherwise provided herein, the Cities shall not dispose of any Airport facilities, equipment or real property under its jurisdiction, or any of the rights therein, except with the approval of the City Councils.

(5m)

13. Annual Audit

As part of the City of Waxahachie annual audit, the Joint Airport Fund will be included in the audit by an independent certified accountant and copies will be provided to Waxahachie City Council with a copy to the City of Midlothian.

14. Governmental Purpose

The acquisitions of any land, facilities, equipment, or services pursuant to this Agreement, the planning, operation, maintenance, development, construction, regulation, protection and policing of the Airport are hereby declared to be public and governmental functions. All lands and other property and privileges acquired are hereby declared to be acquired for municipal, public and governmental purposes as a matter of public necessity.

15. Duration of Joint Venture

The duration of the Joint Venture created and evidenced by this Agreement shall be perpetual, unless sooner terminated and dissolved by operation of law or mutual agreement of the City of Midlothian and the City of Waxahachie provided, however, the same shall not be dissolved by mutual agreement if such action would violate the terms or provisions of any outstanding grant or bond issue relating to the Airport.

16. Entirety of Contract

The duration of the Joint Venture created and evidenced by this Agreement shall be perpetual, unless sooner terminated and dissolved by operation of law or mutual agreement of the City of Midlothian and the City of Waxahachie provided, however, the same shall not be dissolved by mutual agreement if such action would violate the terms or provisions of any outstanding grant or bond issue relating to the Airport.

17. Severability

In the event any part or provision of this Agreement should be held invalid, unconstitutional, or inoperative, such fact shall not affect the validity of the remaining provisions hereof, but the remainder of this Agreement shall be given effect as if said invalid, unconstitutional or inoperative part or provision had not been included.

Entered into and effective as of the _____ day of January, 2024, by the respective Councils of the City of Midlothian and the City of Waxahachie.

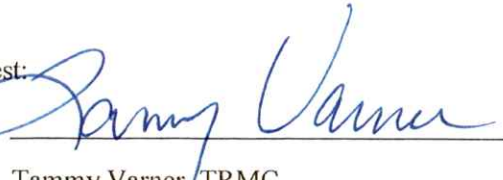
By: 
Justin Coffman
Mayor, City of Midlothian

By: _____
David Hill
Mayor, City of Waxahachie

(5m)

Attest:

By:



Tammy Varner, TRMC
City Secretary, City of Midlothian

By:

Amber Villarreal, TRMC, CMC
City Secretary, City of Waxahachie

(7)



Memorandum

To: Honorable Mayor and City Council
From: Dale Sigler, Interim Director of Administrative Services
Thru: Michael Scott, City Manager 
Date: January 22, 2024
Re: Consider Supplemental Appropriation for the Waxahachie City Hall Remodel and Construction Project

Recommended Motion: "I move to approve a supplemental appropriation from the General Fund unrestricted reserve fund balance in the amount of \$5,603,751 for the Waxahachie City Hall Remodel and Construction Project and authorize the City Manager to execute all documents as necessary."

Item Description: Consider the authorization of funding from the General Fund unrestricted reserve fund balance in the amount of \$5,603,751 for the remodeling, partial demolition, and construction of City Hall.

Item Summary: City Council previously authorized an architectural services contract with Architexas to space-plan for the City Hall Remodel and Construction Project and the Vidaurri Management Group (VMG) was hired to provide project management services. On January 9, 2024, city staff met with VMG and Architexas to evaluate various options and scopes of work to address several unforeseen issues that have been identified regarding the remodel project of City Hall. Based on the outcome of this meeting, staff scheduled a work session with City Council for January 18, 2024, to discuss the project and get guidance on how to proceed.

At the work session, staff, along with VMG and Architexas, thoroughly briefed the City Council and updated them on the ongoing challenges with the project as currently scoped. Multiple options and associated costs to address project

concerns were presented and discussed. Based on feedback and direction received from City Council the revised project scope will focus on the following highlights:

- Remodel the existing 1911 portion and 1950 addition, including electrical, HVAC, space allocations and finishes.
- Demolish the early 2000 addition and construct a new 8,000 SF 2-story office space to contain a new City Council Chambers, Municipal Court and support offices.
- Construct a third floor “warm white shell” space for future expansion and flex space.
- Design the new facility with an expandable “end wall” design to accommodate future growth if necessary.
- Deliver new parking lot and site lighting that is able to add much needed additional employee and public parking spaces due to the decreased size of the building footprint.
- Address the under-slab water intrusion that has plagued the existing structure over the years.
- Construct a building that meets the latest Building and Energy codes as well as carries lower life-cycle costs to operate and maintain
- Provide new low voltage/technology throughout, new City Council Chambers audio visual system, access control and security system.

Fiscal Impact: The General Fund unrestricted reserve fund balance has sufficient capacity to fund the \$5,603,751 supplemental appropriation for the Waxahachie City Hall Remodel and Construction Project.

Note: In consultation with the City’s Bond Counsel, staff recommends including this project expense in the City’s FY24 Bond issuance later this year as a reimbursement to the General Fund. We believe there to be capacity without negatively impacting the tax rate or other planned capital projects.

(8)



Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

Thru:

Date: January 16, 2024

Re: Approval of and supplemental appropriation for two new positions within the Human Resources Department

Recommended Motion: "I move to approve the addition of the two new positions within the Human Resources Department as described and the related supplemental appropriation of \$223,305."

Item Description: This item seeks to gain Council's approval for the midyear addition of two new positions to the Human Resources Department ("HR") as well as a supplemental appropriation to fund them for the remaining 8 months of this fiscal year.

Background: While the Human Resources Department did not have an additional position request within its five-year plan until 2027, the department's volume of work has drastically increased in recent years and caused management to revisit this timeline. As discussed before, the labor market shifts have resulted in the need to continually evaluate the most effective ways to identify, hire and retain quality employees. This burden is not unique to Waxahachie, however it does create significantly more work volume and expectations on this department in particular.

Operational Impact: Given the above background, City management is requesting two additional positions be authorized at this time within the HR Department:

(8)

1. Assistant Director of Human Resources: This position is being requested to help alleviate some of the high-level workload currently solely borne by the director. While we have a fantastic staff of quality employees serving in this department, due to the nature of many of the tasks that are high-level or particularly sensitive, additional management-level staff is necessary. In addition, as with other departments, building strong succession plans/resources is imperative for the long-term success and ease in transition when staffing changes occur.
2. Employee Engagement Coordinator: This position is being requested to help address the ever-changing labor market and our ability to successfully engage with and meet the needs/demands of our workforce. As an organization, our ability to continually adapt to remain attractive to both current and prospective employees will be a critical element for future successes. As our employees are the City's most essential resource, it is imperative that the City of Waxahachie remains a desirable place to work. This position will help connect with employees to understand the evolving employment culture. Specifically, this position will develop and facilitate employee training and employee recognition programs, evaluate the City's benefits and incentives offerings, facilitate employee engagement events, and manage and expand the City's wellness program.

Fiscal Impact: As both of these positions are new additions to the FY23-24 budget, funding is being requested from the City's Unrestrictive Reserve funds. The total cost of these two positions is as follows and is inclusive of 8 months of salary (at control point), benefits and initial position-related costs.

Assistant Director of Human Resources: \$134,285

Employee Engagement Coordinator: \$89,020

Total request for Supplemental Appropriation: \$223,305

(9)

PROCLAMATION

WHEREAS, general aviation and community airports play a critical role in the lives of our citizens, as well as in the operation of our businesses and farms; and

WHEREAS, a 2018 Texas Aviation Economic Impact Study found that general aviation airports in the state support an annual economic impact of over \$9.3 billion, supports over 48,000 jobs, and provides a total payroll of over \$2.5 billion; and

WHEREAS, according to the FAA, the state has 396 public-use airports serving general aviation. These airports serve 63,527 pilots and 26,485 registered aircraft; and

WHEREAS, Texas is home to 379 repair stations, 55 FAA-approved pilot schools, 21,820 student pilots, and 11,182 flight instructors; and

WHEREAS, general aviation improves overall quality of life by supporting emergency medical and healthcare services, law enforcement, fire-fighting, disaster relief, and investments in sustainable fuels and emerging technologies; and

WHEREAS, general aviation has been deeply affected by the COVID-19 pandemic, causing an impact on operations, jobs, and dependent industries, sectors, and communities; and

WHEREAS, general aviation stands at the forefront of the overall economic recovery; and

WHEREAS, general aviation airports are critical infrastructure that ensure future economic growth and support our next generation of aviation professionals and pilots.

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of Waxahachie, along with the entire City Council, do hereby proclaim January 2024 as

“GENERAL AVIATION APPRECIATION MONTH”

Proclaimed this 22nd day of January 2024.

Mayor

ATTEST:

City Secretary

Planning & Zoning Department

Plat Staff Report

Case: SUB-188-2023



MEETING DATE(S)

Planning & Zoning Commission:
City Council:

January 9, 2024
January 22, 2024

CAPTION

Public Hearing on a request by Charles Shelburne, BSW Health, for a **Replat** of Lot 1, Block A of the Baylor Waxahachie Hospital Addition, 1 lot, being 46.931 acres, located at 2400 N Interstate 35E, (Property ID: 180334 & 261917) – Owner: Baylor Health Care System (SUB-188-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-188-2023, a Replat for Lot 1R, Block A of the Baylor Waxahachie Hospital addition and the associated Petition for Relief Waiver, subject to the conditions the staff report, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on January 9, 2023, the Commission voted 5-0 to recommend approval of case number SUB-188-2023 and the associated Petition for Relief Waiver, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests to replat the subject property to abandon and relocate access, utility, and drainage easements to facilitate the expansion of the existing Baylor Hospital.

CASE INFORMATION

<i>Applicant:</i>	Charles Shelburne, Baylor Health Care System
<i>Property Owner(s):</i>	Baylor Health Care System
<i>Site Acreage:</i>	46.931 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

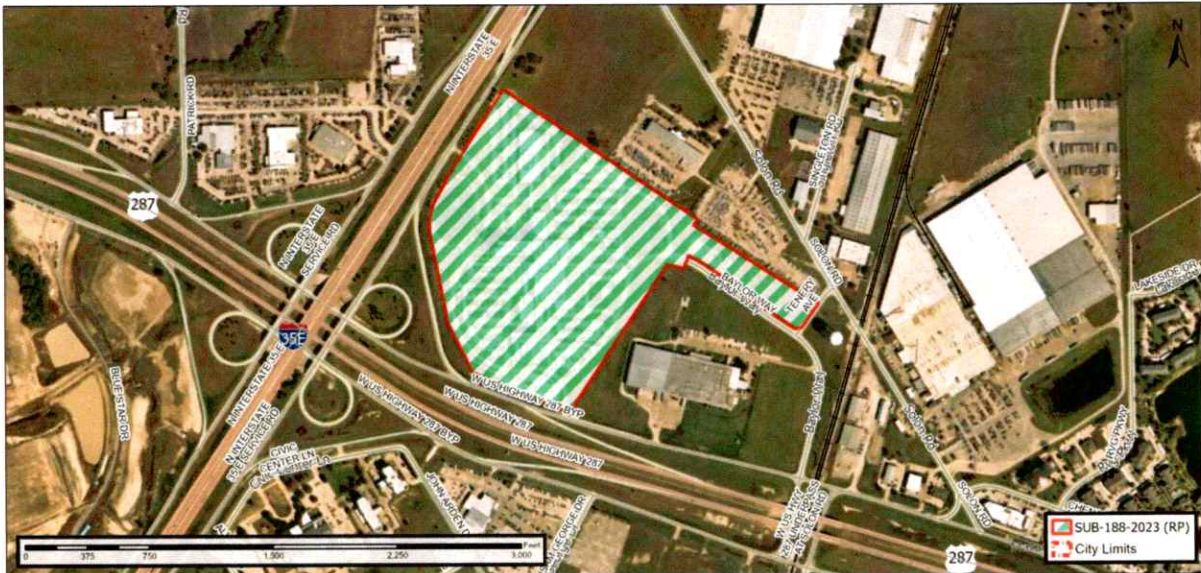
<i>General Location:</i>	2400 N Interstate 35E
<i>Parcel ID Number(s):</i>	18033 & 261917
<i>Current Zoning:</i>	Planned Development – Commercial (PD-C)
<i>Existing Use:</i>	Baylor Waxahachie Hospital Campus

(11+12)

Platting History:

The subject property is currently platted as Lot 1, Block A of the Baylor Waxahachie Hospital Addition.

Site Aerial:



PLANNING ANALYSIS

The applicant proposes to replat the subject property to abandon and relocate access, utility, and drainage easements to facilitate the expansion of the existing Baylor Hospital. The applicant is not proposing to adjust the boundaries of the property or subdivide the property with this Replat. The access, utility and drainage easements abandoned and relocated with this replat adhere to those approved with the Site Plan for the Hospital Expansion (case number SP-141-2023).

The proposed Replat contains minor errors that render it non-compliant with the Waxahachie Subdivision Ordinance. The applicant has been made aware of these items and confirmed they will be working to correct the deficiencies in the Replat. As these items have not yet been addressed, correction of each deficiency will be a condition of approval of the Replat.

Petition for Relief Waiver:

As part of this Replat, the applicant is requesting a Petition for Relief Waiver to eliminate the requirement for dedication of a 15' Utility Easement at two locations on the subject property. The applicant is seeking relief from this standards requirement along the eastern portion of Baylor Way and along Interstate 35E, directly adjacent to the existing Baylor monument sign. The attached Petition for Relief Waiver exhibit can be viewed for reference.

As part of the expansion of the Baylor Hospital Campus, the property owner is required to construct a new detention area to facilitate proper drainage for the site. The new detention area will be located in a detention easement along Baylor Way. However, the location of the detention easement conflicts with the City's standard requirement for a 15' Utility Easement adjacent to right-of-way (ROW). Similarly, the presence of an existing monument sign along I35E conflicts with 15' utility easement requirement. Due to the presence of existing utility infrastructure on site, there is not a need for additional easements to facilitate utility line extensions in the area. Staff is supportive of the Petition for Relief Waiver.

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 Replat request, with the conditions noted below.

Conditions:

1. Per Section 2.4.c.2 of the Waxahachie Subdivision Ordinance, correct boundary lines for the subject property are required. When reviewing the metes & bounds for the property, our team identified a mis-close of approximately 15' in our GIS system. This may result from the ROW taken by TxDOT along I35. Please confirm the metes & bounds provided here are fully accurate along I35. If no error is found, please provide a CAD file for the replat.
2. Per Section 2.4.c.4 of the Waxahachie Subdivision Ordinance, all easements on the replat are required to be labeled.
3. Per Section 2.4.c.15 of the Waxahachie Subdivision Ordinance, the replat document is required to be legible. Page 2 of the proposed replat is currently illegible due to clutter. Additional page(s) need to be added to the plat for the purpose of differentiating between new and abandoned easements.
4. Per Section 2.4.c.20 of the Waxahachie Subdivision Ordinance, accurate names need to be identified for right-of-way (ROW) abutting the property. The Replat is required to be revised to properly identify Tenery Avenue.
5. Per Section 2.4.c.20 of the Waxahachie Subdivision Ordinance, the dimensions of the Baylor Way right-of-way (ROW) are required to be identified on the replat.
6. Per Section 2.4.c.22 of the Waxahachie Subdivision Ordinance, coordinates (northing, easting) are required to be added at the Point of Beginning (POB) and at least one other property corner.
7. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a 2"x2" blank space is required to be provided in the top right corner of the page for recording information.
8. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a correct title block with reference to the current zoning of the property is required to be provided for the replat.
9. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a correct title block with reference to the current acreage of the property is required to be provided for the replat.
10. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a correct title block with reference to the application case number (SUB-188-2023) for the is required to be provided for the replat.
11. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a correct title block properly identifying the document as a "Replat" is required to be provided.
12. Per Section 2.4.c.25 of the Waxahachie Subdivision Ordinance, the actual name and title of the signatory for the replat is required to be printed with the owner's signature block.
13. Per Section 2.4.c.25 of the Waxahachie Subdivision Ordinance, the Owner's Certificate is required to be revised to reflect the proper formatting for the Planning & Zoning Commission approval block.
14. Per Section 3.3.a of the Waxahachie Subdivision Ordinance, 15' Utility Easements are required to be provided along public right-of-way (ROW). A 15' Utility Easement shall not be required along the portion of Baylor Way covered by the applicant's Petition for Relief Waiver, should the Petition for Relief Waiver be approved by City Council.

Conditions (continued):

15. Per Section 3.10.a of the Waxahachie Subdivision Ordinance, a note is required to be added to the plat stating that the detention area shall be maintained by the property owner.

ATTACHED EXHIBITS

1. Replat
2. Petition for Relief Waiver Exhibit

APPLICANT REQUIREMENTS

1. If approved by City Council, the applicant shall provide the Planning Department one revised electronic plan set that addresses all conditions of approval.
2. Once the revised plans are provided, staff shall process this resubmittal within 15 days and either Approve, Approve with Conditions, or Disapprove the application.
 - a. If all conditions are satisfied and the application approved, the applicant shall provide five signed, paper hard-copies of the replat for filing.

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, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

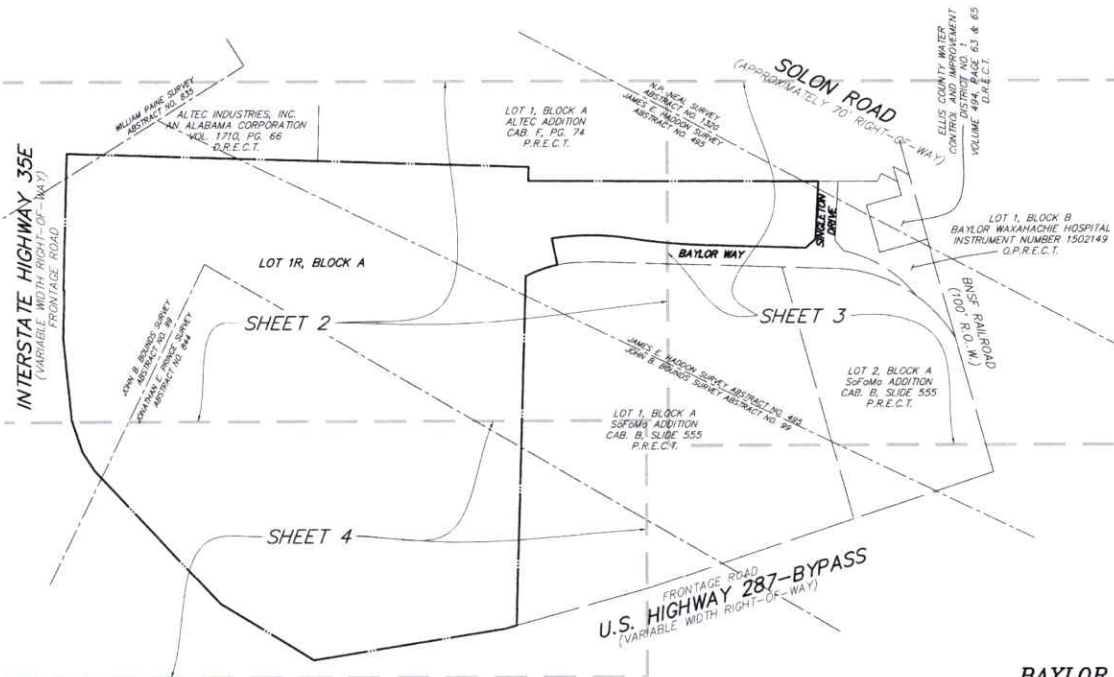
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(11+12)

Replat



0 100 200 400
(FEET)
1 inch = 200 ft.

SHEET 1 OF 6

FINAL PLAT
INDEX SHEET
OF
BAYLOR WAXAHACHIE HOSPITAL
LOT 1R, BLOCK A
REPLAT OF
BAYLOR WAXAHACHIE HOSPITAL
LOT 1, BLOCK A

JONATHAN E. PRINCE SURVEY, ABSTRACT NO. 844
JOHN B. BOUNDS SURVEY, ABSTRACT NO. 99
JAMES E. HADDON SURVEY, ABSTRACT NO. 495
WILLIAM PAINE SURVEY, ABSTRACT NO. 835
N.P. NEAL SURVEY, ABSTRACT NO. 1320
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

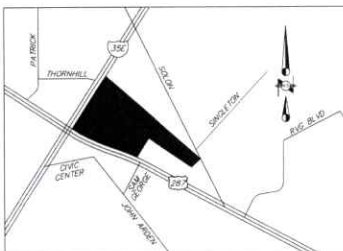
SCALE: 1" = 200'

DATE: OCTOBER 27, 2023

OWNER:
BAYLOR HEALTH CARE SYSTEM
301 N. WASHINGTON AVE.
DALLAS, TX 75246
(214) 820-8874
C/O CHARLES SHELBOURNE

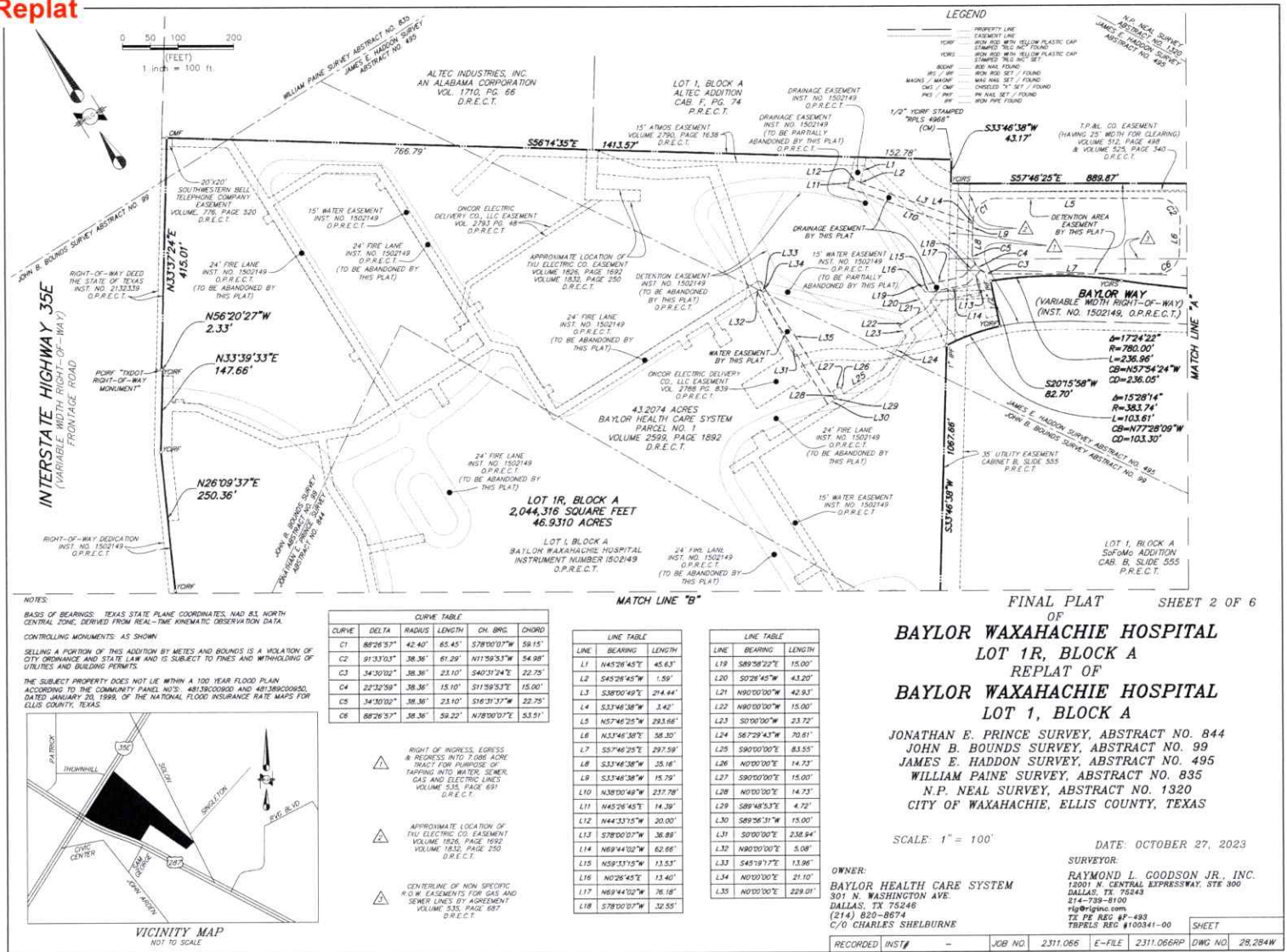
SURVEYOR:
RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPRESSWAY, STE 300
DALLAS, TX 75243
214-739-8100
rlg@rlginc.com
TX REG #1-493
TBPELS REG #100341-00

RECORDED	INST#	JOB NO.	2311.066	E-FILE	2311.066RP	DWG NO.	28.284W

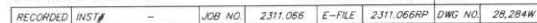


VICINITY MAP
NOT TO SCALE

Replat



Replat



(11+12)

Replat

OWNER'S CERTIFICATE

State of Texas 8
County of Ellis 8

Whereas Baylor Health Care System, a Texas non-profit corporation is the sole owner of a tract of land situated in the Jonathan E. Prince Survey, Abstract No. 844, the John B. Bounds Survey, Abstract No. 99, the James E. Haddon Survey, Abstract No. 495, the William Paine Survey, Abstract No. 835, and the N.P. Neal Survey, Abstract No. 1320, City of Waxahachie, Ellis County, Texas, being all of Lot 1, Block A, Baylor Waxahachie Hospital, on addition to the City of Waxahachie according to the plat recorded in instrument No. 1502149, Official Public Records, Ellis County, Texas, and being all of a called 43.207 acre tract of land described as Parcel No. 1 and part of a called 7.088 acre tract of land described as Parcel No. 2 conveyed by Special Warranty Deed to Baylor Health Care System, recorded in Volume 2359, Page 1892, Deed Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found on the northeast right-of-way line of U.S. Highway 287-Bypass (a variable width right-of-way) for the south corner of said Lot 1, Block A and the southwest corner of Lot 1, Block A, SoFoMo Addition, an addition to the City of Waxahachie according to the plat recorded in Cabinet B, Slide 555, Plat Records, Ellis County, Texas;

THENCE along the common line between said U.S. Highway 287 and said Lot 1, Block A, the following bearings and distances:

North 73°35'12" West, a distance of 37.68 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

North 67°01'44" West, a distance of 592.98 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found at the intersection of the north line of said U.S. Highway 287 and the cut-off line between the north line of said U.S. Highway 287 and the east line of Interstate Highway 35E (a variable width right-of-way);

THENCE along the common line between said Lot 1, Block A, and said Interstate Highway 35E, the following bearings and distances:

North 26°44'59" West, a distance of 331.98 feet to a 600 nail found for corner;

North 11°08'34" West, a distance of 559.68 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner;

North 01°02'21" West, a distance of 68.40 feet to a 1/2" iron rod found for corner;

North 13°49'06" East, a distance of 102.36 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner;

North 26°09'37" East, a distance of 250.36 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner;

North 33°39'33" East, a distance of 147.66 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner;

North 56°20'27" West, a distance of 2.33 feet to a 1/2" iron rod with pink plastic cap stamped "TXDOT RIGHT-OF-WAY MONUMENT" set for corner;

North 33°37'24" East, a distance of 415.01 feet to a chiseled "x" found for corner in the southwest line of a tract of land described in a deed to Altec Industries, Inc., recorded in Volume 1710, Page 66, Deed Records, Ellis County, Texas;

THENCE South 56°14'35" East, along the common line between said Altec Tract and said Lot 1, Block A, at 766.79 feet passing the south corner of said Altec Tract and the west corner of Lot 1, Block A, Altec Addition, an addition to the City of Waxahachie according to the plat recorded in Cabinet F, Page 74, Plat Records, Ellis County, Texas, and continuing in all a distance of 1413.57 feet to a 1/2" iron rod with yellow plastic cap stamped "RPLS 4966" found for a corner of said Lot 1, Block A, Altec Addition, and said Lot 1, Block A, Baylor Waxahachie Hospital;

THENCE along the common line between said Lot 1, Block A, Altec Addition and said Lot 1, Block A, Baylor Waxahachie Hospital, the following bearings and distances:

South 33°46'38" West, a distance of 43.17 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

South 57°46'25" East, a distance of 889.87 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for the north corner of Singleton Drive (a 70' right-of-way) for the east corner of said Lot 1, Block A, Baylor Waxahachie Hospital;

THENCE along the common line between said Singleton Drive and said Lot 1, Block A, the following bearings and distances:

South 35°04'05" West, a distance of 176.11 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

South 79°24'10" West, a distance of 39.89 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found at the intersection of the northwest right-of-way line of said Singleton Drive and the northeast right-of-way line of Baylor Way (a variable width right-of-way);

THENCE along the common line between said Lot 1, Block A, and said Baylor Way, the following bearings and distances:

North 56°15'21" West, a distance of 302.30 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for the beginning of a tangent curve to the right;

In a northerly direction along said tangent curve to the right, whose chord bears North 52°43'47" West a distance of 242.32 feet, having a radius of 1970.00 feet, a central angle of 07°03'07", and an arc length of 242.47 feet to a point at the end of said tangent curve to the right, for the beginning of a reverse curve to the left;

In a northerly direction along said reverse curve to the left, whose chord bears North 57°54'24" West a distance of 236.05 feet, having a radius of 780.00 feet, a central angle of 17°24'22", and an arc length of 236.96 feet to a 1/2" iron rod found for corner at the end of said reverse curve to the left;

South 20°15'58" West, a distance of 82.70 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found in the common line between said Lot 1, Block A, SoFoMo Addition and said Lot 1, Block A, Baylor Waxahachie Hospital, for the beginning of a non-tangent curve to the left;

THENCE along the common line between said Lot 1, Block A, SoFoMo Addition and said Lot 1, Block A, Baylor Waxahachie Hospital, the following bearings and distances:

In a northerly direction along said non-tangent curve to the left, whose chord bears North 77°28'09" West for a distance of 103.30 feet, having a radius of 383.74 feet, a central angle of 15°28'14", and an arc length of 103.61 feet to a 1" iron rod found at the end of said non-tangent curve to the left;

South 33°46'39" West, a distance of 1067.66 feet to the POINT OF BEGINNING containing 2,044,316 square feet or 46.9310 acres of land, more or less.

SHEET 5 OF 6

FINAL PLAT
OF
BAYLOR WAXAHACHIE HOSPITAL
LOT 1R, BLOCK A
REPLAT OF
BAYLOR WAXAHACHIE HOSPITAL
LOT 1, BLOCK A

JONATHAN E. PRINCE SURVEY, ABSTRACT NO. 844
JOHN B. BOUNDS SURVEY, ABSTRACT NO. 99
JAMES E. HADDON SURVEY, ABSTRACT NO. 495
WILLIAM PAINE SURVEY, ABSTRACT NO. 835
N.P. NEAL SURVEY, ABSTRACT NO. 1320
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

SCALE: 1" = 100'

DATE: OCTOBER 27, 2023

OWNER:

BAYLOR HEALTH CARE SYSTEM
301 N. WASHINGTON AVE.
DALLAS, TX 75246
(214) 820-8674
C/O CHARLES SHELburne

SURVEYOR:

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPRESSWAY, STE 300
DALLAS, TX 75243
214-739-8100
rlg@rlginc.com
TX PR REG #7-493
TBPELS REG #100341-00

RECORDED	INST#	JOB NO.	2311.066	E-FILE	2311.066RP	DWG NO.	28,284W
----------	-------	---------	----------	--------	------------	---------	---------

(11+12)

Replat

Owner's Acknowledgment

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT BAYLOR HEALTH CARE SYSTEM acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as BAYLOR WAXAHACHIE HOSPITAL, an addition to the City of Waxahachie, Ellis County, Texas, and does hereby dedicate, in fee simple, to 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 easements limits the use to particular utilities, said use by public utilities being subordinate to the Public's 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 of 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 _____, 2024.

BY:

Authorized Signature of Owner

Printed Name and Title

State of Texas §
County of Ellis §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Charles Shelburne, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2024.

Notary Public in and for the State of Texas
My commission expires:

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Brian R. Wade, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

Dated this the _____ day of _____, 2024.

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Brian R. Wade
Texas Registered Professional Land Surveyor No. 6098

State of Texas §
County of Dallas §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Brian R. Wade, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2024.

Notary Public in and for the State of Texas
My commission expires:

SHEET 6 OF 6

FINAL PLAT
OF
BAYLOR WAXAHACHIE HOSPITAL
LOT 1R, BLOCK A
REPLAT OF
BAYLOR WAXAHACHIE HOSPITAL
LOT 1, BLOCK A

JONATHAN E. PRINCE SURVEY, ABSTRACT NO. 844
JOHN B. BOUNDS SURVEY, ABSTRACT NO. 99
JAMES E. HADDON SURVEY, ABSTRACT NO. 495
WILLIAM PAINE SURVEY, ABSTRACT NO. 835
N.P. NEAL SURVEY, ABSTRACT NO. 1320
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

SCALE: 1" = 100'

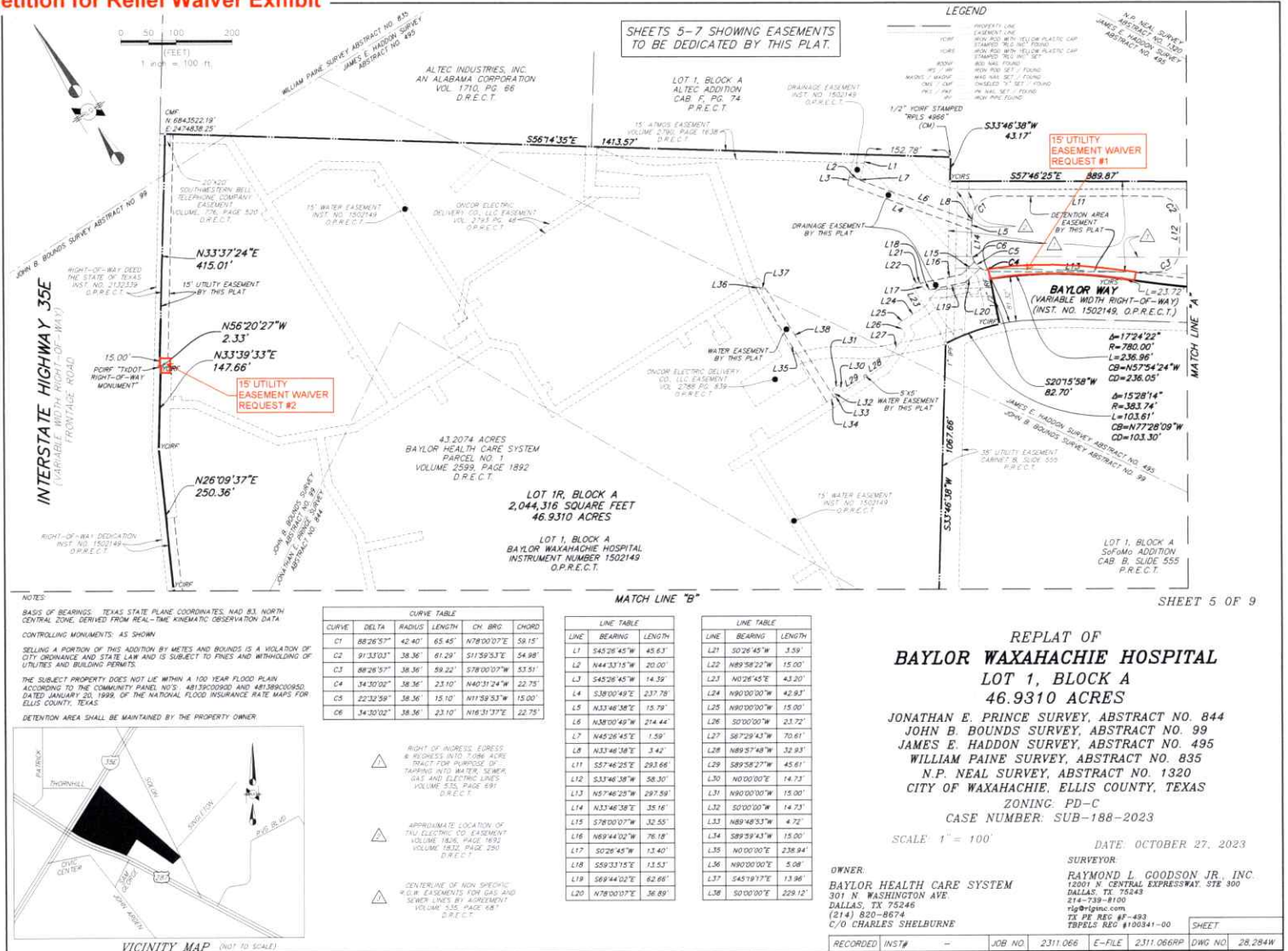
DATE: OCTOBER 27, 2023

OWNER:
BAYLOR HEALTH CARE SYSTEM
301 N. WASHINGTON AVE.
DALLAS, TX 75246
(214) 820-8674
C/O CHARLES SHELBURNE

SURVEYOR:
RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPRESSWAY, STE 300
DALLAS, TX 75243
214-739-8100
rlg@rlginc.com
TX PE REG #P-493
TBPELS REG #100341-00

RECORDED	INST#	-	JOB NO.	2311.066	E-FILE	2311.066RP	OWG NO.	28,284W
----------	-------	---	---------	----------	--------	------------	---------	---------

Petition for Relief Waiver Exhibit



Planning & Zoning Department

Zoning Staff Report

Case: ZDC-163-2023



MEETING DATE(S)

Planning & Zoning Commission:

January 9, 2024

City Council:

January 22, 2024

CAPTION

Public Hearing on a request by Chris Clark, Clarkitecture LLC, for a **Specific Use Permit (SUP)** for a Drive-Through Establishment (HTeaO) use within a Planned Development-24-General Retail zoning district, located at 502 N US Highway 77, (Property ID 289738) – Owner: RS Waxahachie LLC (ZDC-163-2023)
Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-163-2023, a Specific Use Permit (SUP) for a Drive-Through Establishment (HTeaO) at 502 N US Highway 77, subject to the conditions the staff report."

ACTION SINCE INICIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on January 9, 2023, the Commission voted 4-1 to recommend approval of case number ZDC-163-2023, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for a Drive-Through Establishment use (HTeaO) at 502 N US Highway 77.

CASE INFORMATION

Applicant:

Chris Clark, Clarkitecture LLC

Property Owner(s):

RS Waxahachie LLC

Site Acreage:

0.747 acres

Current Zoning:

Planned Development-24-General Retail (PD-24-GR)

Requested Zoning:

Planned Development-24-General Retail (PD-24-GR) with SUP for a Drive-Through Establishment

SUBJECT PROPERTY

General Location:

502 N US Highway 77

Parcel ID Number(s):

289738

Existing Use:

The subject property is currently undeveloped.

Development History:

The subject property was replatted in 2021 as Lot 2R of the Chapman Place Business Addition. In February of 2023, City Council denied a request for a Specific Use Permit (ZDC-173-2022) to allow a Drive-Through Car Wash use on the property.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-19-GR	Braum's
East	SF-2	Single Family Residences
South	PD-24-GR	Furniture By Sleep Quarters
West	PD-18-GR	Hibachio

Future Land Use Plan:

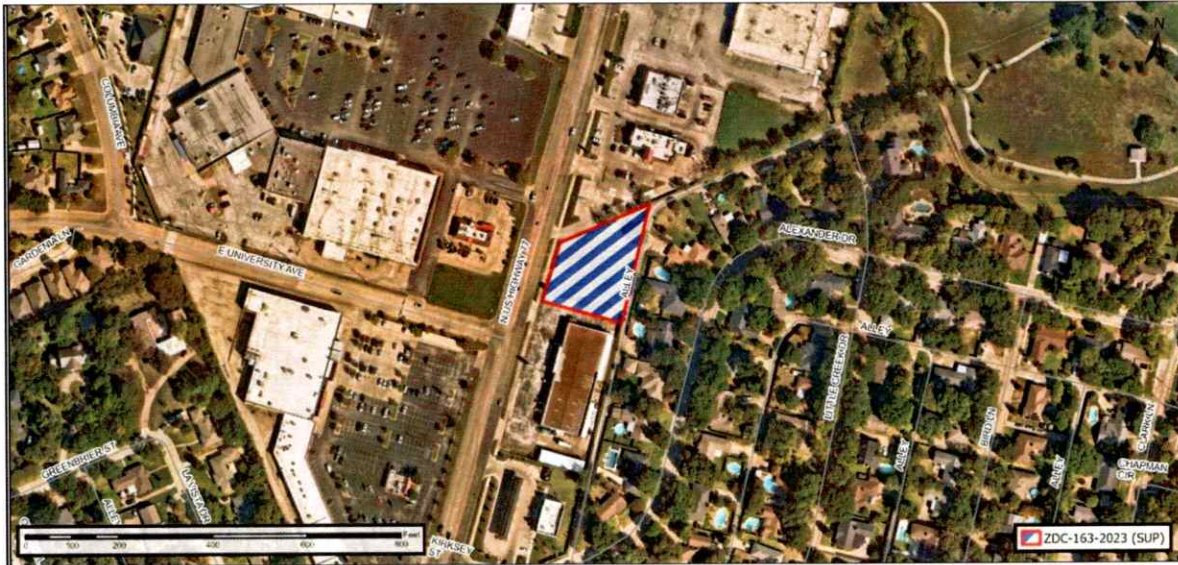
Local Commercial

Comprehensive Plan:

The local commercial placetype includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

Thoroughfare Plan:

The subject property fronts onto US Highway 77; but an additional driveway on this thoroughfare is unfeasible. The applicant has acquired mutual access easements allowing them to use existing driveways to the north and south of the property for access to the site.

Site Image:**PLANNING ANALYSIS**

The applicant proposes a Specific Use Permit to allow for development of an HTeaO. The proposed building is 2,043 square feet in size and features a walk-in retail area and drive-through. The proposed structure meets all setback requirements for the site, as established by the GR zoning district. HTeaO only serves teas and coffees; but will have prepackaged food and snacks for sale in the retail area. The business will operate from 7:00am to 9:05pm in the Spring and Summer. Operating hours will be reduced in the Fall and Winter to 7:00am to 8:05pm.

Proposed Use

The proposed HTeaO establishment will not include indoor or outdoor seating areas for customers. Due to the lack of seating areas, the applicant has been able to exceed the minimum parking requirement for the site. The proposal also affords space to stack twelve (12) vehicles in the drive-through lane, exceeding the minimum requirement of six (6) stacking spaces for the drive-through. Due to the small size of the subject property, staff did have initial concern regarding vehicles being able to properly maneuver to exit the drive-through lane. To alleviate this concern, the applicant is proposing several directional signs to control traffic flow into and out of the site.

Screening

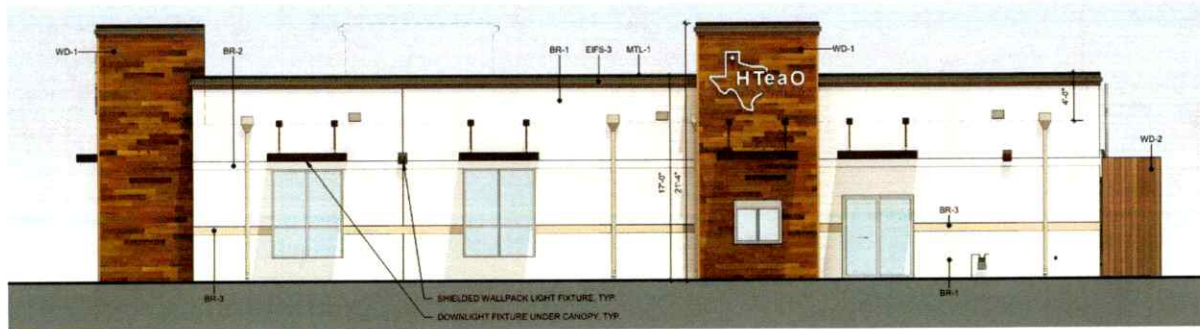
The applicant is proposing to construct an 8' masonry screening wall along the entirety of the eastern property line in order to provide proper screening for the adjacent residences. The 8' masonry screening wall will connect to the existing screening wall built behind the Furniture by Sleep Quarters establishment to the south. The 8' screening wall is designed to match the existing wall behind the 7/11 gas station at 400 N US Highway 77. The applicant has committed to completing construction of the screening wall in the initial phase of the development. To further mitigate potential impacts to the existing residences to the east, the applicant has taken efforts to shield light fixtures on the eastern side of the building. The proposed lighting does adhere to the Waxahachie Lighting Ordinance.

Access

The applicant is not proposing an additional driveway connection to Highway 77 to serve the subject property due to TxDOT driveway spacing requirements. Instead, the applicant has executed mutual access easements to the existing driveways north and south of the property in order to facilitate access to their property.

Elevation/Façade

The applicant proposes an elevation/façade plan consisting of a combination of brick and composite siding. Two (2) brick colors, cream and tan, are proposed for the building. The composite siding is designed to give the appearance of natural wood. The table below can be referenced for a breakdown of the exterior construction materials for each façade.

Exterior Material Breakdown:**NORTH ELEVATION**

BRICK AREA:	216 SF	48 %
COMPOSITE SIDING AREA:	172 SF	38 %
COPING AREA (EIFS):	25 SF	5 %
OPENING AREA (GLASS / METAL):	42 SF	9 %
WALL AREA:	455 SF	100 %

EAST ELEVATION

BRICK AREA:	848 SF	69 %
COMPOSITE SIDING AREA:	154 SF	13 %
COPING AREA (EIFS):	72 SF	5 %
OPENING AREA (GLASS / METAL):	157 SF	13 %
WALL AREA:	1,231 SF	100 %

SOUTH ELEVATION

BRICK AREA:	402 SF	89 %
COMPOSITE SIDING AREA:	0 SF	0 %
COPING AREA (EIFS):	27 SF	6 %
OPENING AREA (GLASS / METAL):	24 SF	5 %
WALL AREA:	453 SF	100 %

WEST ELEVATION

BRICK AREA:	921 SF	63 %
COMPOSITE SIDING AREA:	326 SF	22 %
COPING AREA (EIFS):	85 SF	5 %
OPENING AREA (GLASS / METAL):	140 SF	10 %
WALL AREA:	1,472 SF	100 %

Landscaping

The landscaping proposed with this SUP meets the requirements of the Waxahachie Zoning Ordinance. The applicant has incorporated eight (8) Crape Myrtles into the landscape plan. The applicant is also proposing to enhance the site with a landscape island to provide additional screening for the drive-through aisle.

Signage

The applicant is proposing an 8' monument sign featuring an internally lit HTeaO cup and backlit interchangeable message board. No pole sign is proposed with this SUP.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received no letters of support and one (1) letter of opposition to the proposed specific use permit.

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 SUP request, subject to the conditions noted below.

Conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The owner shall provide a permanent irrigation system for all required landscape areas shown on the Landscape Plan and maintain the required landscaping at all times.
3. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.
4. Construction of the proposed 8' masonry wall along the eastern property line shall be completed prior to issuance of a Certificate of Occupancy for drive-through establishment.

ATTACHED EXHIBITS

1. Letter of Opposition
2. Development Agreement
3. SUP Ordinance
4. Exhibit A – Location Map
5. Exhibit B – Site Plan
6. Exhibit C – Landscape Plan
7. Exhibit D – Elevation/Façade Plan
8. Exhibit E – Signage Plan
9. Exhibit F – Operational Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION*Prepared by:*

Zack King, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-163-2023

TROST MARY S
1613 ALEXANDER DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, January 22, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Chris Clark, Clarkitecture LLC, for a **Specific Use Permit (SUP)** for a Drive-Through Establishment (HTeaO) use within a Planned Development-24-General Retail zoning district, located at 502 N US Highway 77, (Property ID 289738) – Owner: RS Waxahachie LLC (ZDC-163-2023) Staff: Zack King

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

Case Number: ZDC-163-2023

City Reference: 193485

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on January 3, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

It's a small lot, there is already a lot of traffic with
business. Opposed to any request for set back variance.

Signature

Mary Abbott (Trost)

Printed Name and Title

Date

12-22-23

Address

1613 Alexander Dr.
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.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (HTEAO) USE WITHIN A PLANNED DEVELOPMENT-24-GENERAL RETAIL (PD-1-GR) ZONING DISTRICT, LOCATED AT 502 N US HIGHWAY 77, BEING PROPERTY ID 289738, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R OF THE CHAPMAN PLACE BUSINESS ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-24-GR; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-163-2023 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 Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-24-GR to PD-24-GR, with a SUP in order to permit a Drive-Through Establishment (HTeaO) use on the following property: Lot 2R of the Chapman Place Business Addition subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, the Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, the Signage Plan attached as Exhibit E, and the Operational Plan attached as Exhibit F.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE-THROUGH ESTABLISHMENT (HTEAO) USE WITHIN A PLANNED DEVELOPMENT-24-GENERAL RETAIL (PD-24-GR) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the property.
2. The development shall conform as approved by the City Council under case number ZDC-163-2023.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F – Operational Plan.
4. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
5. Developer shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C - Landscape Plan and maintain the required landscaping at all times.
6. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the Development Agreement, shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F – Operational Plan. Where regulations are not specified in Exhibits B, C, D, E, F in this Zoning Ordinance or the Development Agreement, the regulations of Planned Development-24-General Retail (PD-24-GR) and the General Retail (GR) zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
9. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. 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 22nd day of January, 2024.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LOCATION MAP

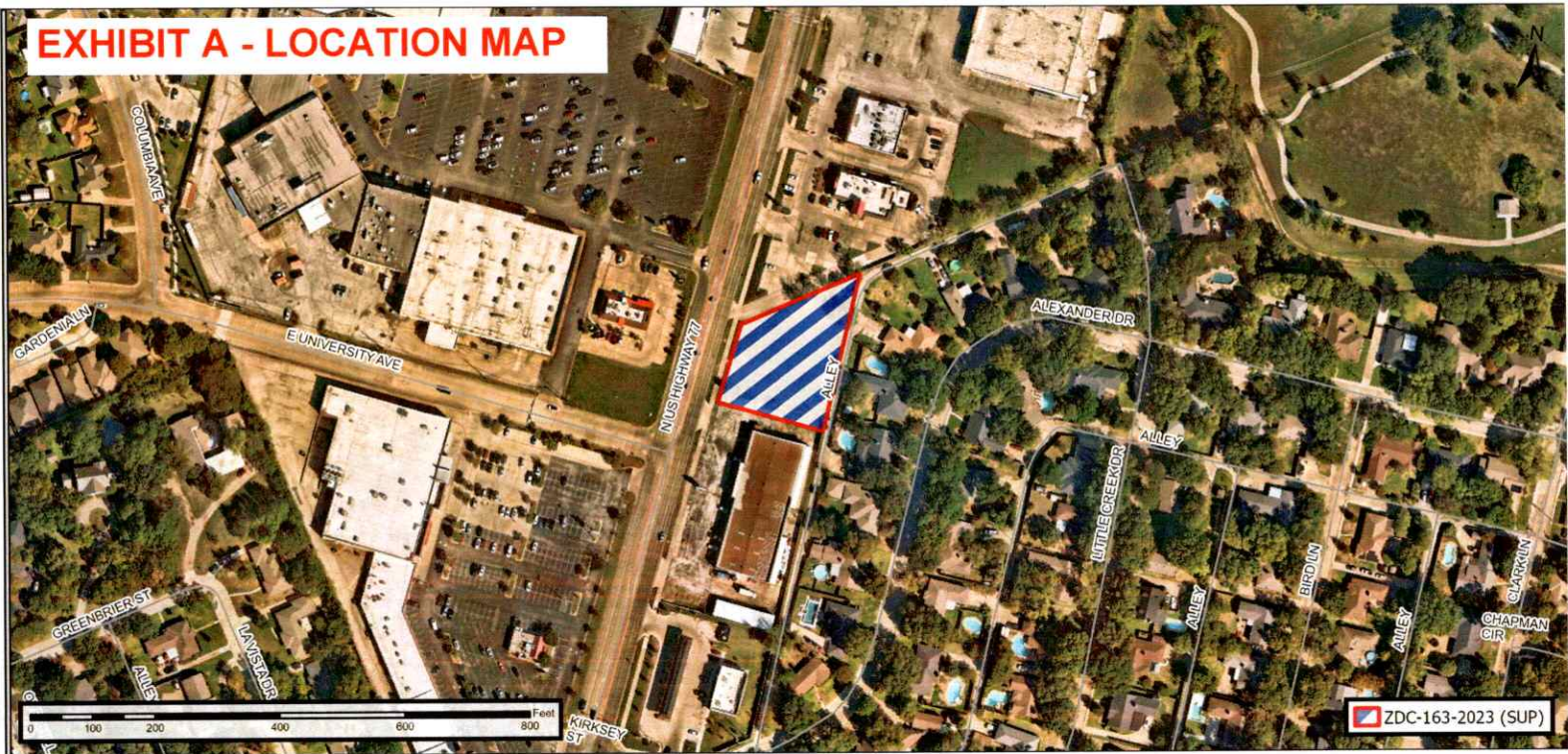


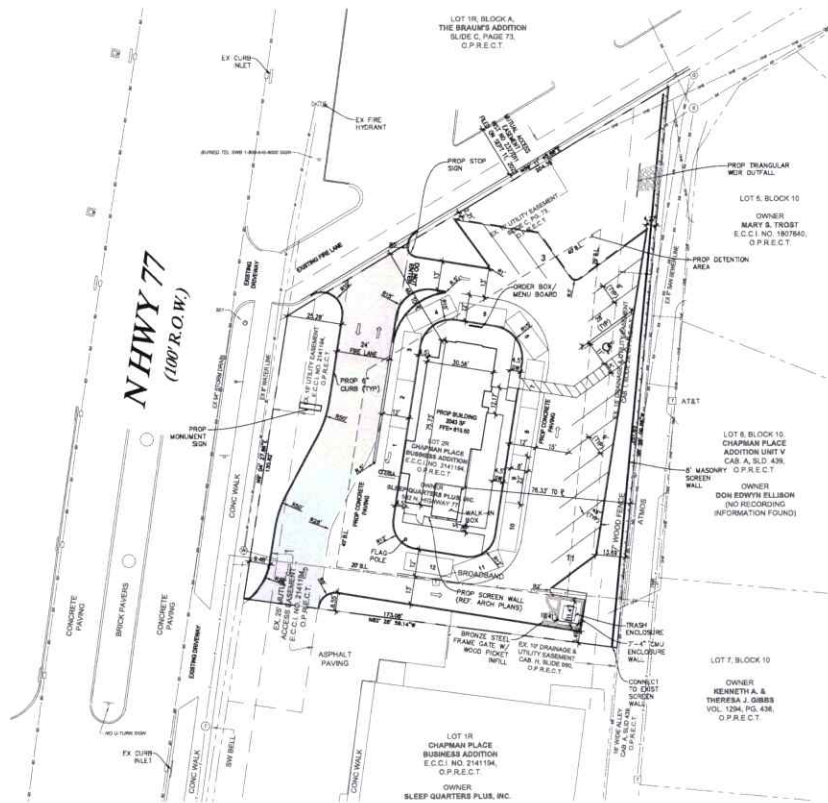
EXHIBIT B - SITE PLAN



SITE DATA SUMMARY TABLE	
ZONING	PD-24-GR
PROPOSED USE	GENERAL RETAIL, with SUP for a Drive-Thru
BUILDING AREA (gross ±)	2043 SF
BUILDING HEIGHT (ft & in)	19' 8" (AT TOWERS)
IMPERVIOUS AREA (sf & %)	2118 SF, 85%
LOT COVERAGE (sf & %)	2043 SF, 65%
PARKING REQUIRED	8
PARKING PROVIDED	14
HANDICAP PARKING REQ'D	1
HANDICAP PARKING PROVIDED	1
STACKING SPACES REQ'D	0
STACKING SPACES PROVIDED	0

DEVELOPMENT IMPACT:

NO KNOWN EXISTING NATURAL RESOURCES ON THE SITE.



LEGEND

- FIRELANE
- EXPANSION JOINT

GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE, AND MATERIAL OF ALL EXISTING UTILITIES AFFECTED BY CONSTRUCTION PRIOR TO COMMENCEMENT. CONTRACTOR SHALL CONTACT A UTILITY LOCATOR 48 HOURS PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY.
3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION BEING IN ACCORDANCE WITH THE APPLICABLE FEDERAL, STATE, AND LOCAL REQUIREMENTS, REGULATIONS, STATUTES, STANDARDS, AND SPECIFICATIONS.
4. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION FOR NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, LATEST EDITION.
5. CONTRACTOR SHALL PROTECT EXISTING CONTROL MONUMENTATION AND BENCHMARKS. ANY SUCH POINTS WHICH THE CONTRACTOR BELIEVES WILL BE DESTROYED SHALL HAVE OFFSET POINTS ESTABLISHED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY MONUMENTATION DESTROYED BY THE CONTRACTOR SHALL BE REESTABLISHED AT HIS EXPENSE.
6. CONTRACTOR SHALL PROTECT ALL PUBLIC UTILITIES IN THE CONSTRUCTION OF THIS PROJECT.
7. ALL EARTHWORK OPERATIONS, PAVEMENT INSTALLATION, ETC. SHALL CONFORM TO THE RECOMMENDATION OF THE GEOTECHNICAL REPORT.
8. THE CONTRACTOR SHALL VERIFY THE SUITABILITY OF ALL EXISTING AND PROPOSED SITE CONDITIONS, INCLUDING GRADES AND DIMENSIONS BEFORE COMMENCEMENT OF ANY CONSTRUCTION. IN THE EVENT OF ANY CONFLICT, AND PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION, IMMEDIATELY NOTIFY THE ENGINEER.
9. ALL CONCRETE PAVEMENT SHALL BE 3,800 PSI CONCRETE. CONCRETE THICKNESS SHALL BE 6" UNDER ALL FIRELANES AND HEAVY DUTY TRAFFIC AREAS, 4" UNDER MEDIUM DUTY TRAFFIC AREAS AND 3" UNDER ALL PARKING AREAS AS RECOMMENDED BY THE GEOTECHNICAL REPORT.
10. THE FIRE LANE SHALL BE 6" OF REINFORCED CONCRETE OR 6" OF STABILIZED SOIL WITH A MINIMUM OF 30 LB/SQ YD OF LIME OR CEMENT AS INDICATED IN THE GEOTECH REPORT. AN ALTERNATE SECTION IS ALLOWED AND MAY BE CONSTRUCTED WITH 4" OF REINFORCED CONCRETE ON SUB-COMPACTED BASE. *****MAY HAVE ADDITIONAL REQUIREMENTS (ADD AS REQUIRED)*****
11. DIMENSIONS ARE FACE OF CURB OR FACE OF BUILDING, UNLESS OTHERWISE INDICATED. *****MAY HAVE ADDITIONAL REQUIREMENTS (ADD AS REQUIRED)*****
12. ALL CONNECTIONS TO EXISTING PAVING SHALL HAVE A FULL 90TH SANGUET.
13. EROSION CONTROL SHALL BE IN PLACE PRIOR TO THE DISTURBANCE OF ANY EXISTING SURFACE.
14. REFER TO STORM WATER POLLUTION PREVENTION PLAN (SWPPP).

HT&O - SPECIFIC USE PERMIT
SITE PLAN
CHAPMAN PLACE BUSINESS
ADDITION, LOT 2R
ZONING: PD-24-GR
0.747acres
WAXAHACHIE, ELLIS COUNTY
10/31/2023
CASE NO: (ZDC-162-2023)

SITE PLAN

CIVIL POINT
ENGINEERS

5900 S LAKE FOREST DR, STE 300
MCKINNEY, TX 75070
972-554-1100 (OFFICE)
972-682-8129 (FAX)
TBPE Firm #: 9723

CLARKITECTURE
BUILDINGS THAT HAVE BUSINESS

PROJECT INFO

CLIENT:
TREVINO, LLC
PROJECT:
WAXAHACHIE, TX
ADDRESS:
802 N HWY 77
WAXAHACHIE, TX 75165
PROJECT NO:
318

MAIN CONTACT

CHAPMAN PLACE, STE 200
13 PALMVIEW PL, STE 200
PENNSACOLA, FL 32509
(904) 904-4711
chaps@chapsllc.com

DESIGN TEAM

ARCHITECTURE:
CLARKITECTURE
13 PALMVIEW PL, STE 200
PENNSACOLA, FL 32509
(904) 904-4711
chaps@chapsllc.com

MEP:
SC ENGINEERS
1000 W. WILSON ST.
DALLAS, TX 75201
(214) 750-1177

CIVIL:
CIVIL POINT ENGINEERS
5900 S LAKE FOREST DR, STE 300
MCKINNEY, TX 75070
(972) 554-1100

LANDSCAPE:
STUDIO 13 DESIGN GROUP
1000 W. WILSON ST.
DALLAS, TX 75201
(214) 750-1177

SHEET INFO

NO.	DESCRIPTION	DATE
1	REVISION SCHEDULE	
2		
3		
4		
5		
6		
7		
8		
9		
10		

PROFESSIONAL'S SEAL:
PRELIMINARY
NOT FOR
CONSTRUCTION

JOVEN H. BRENNER
PE # 18480

EXHIBIT C - LANDSCAPE PLAN

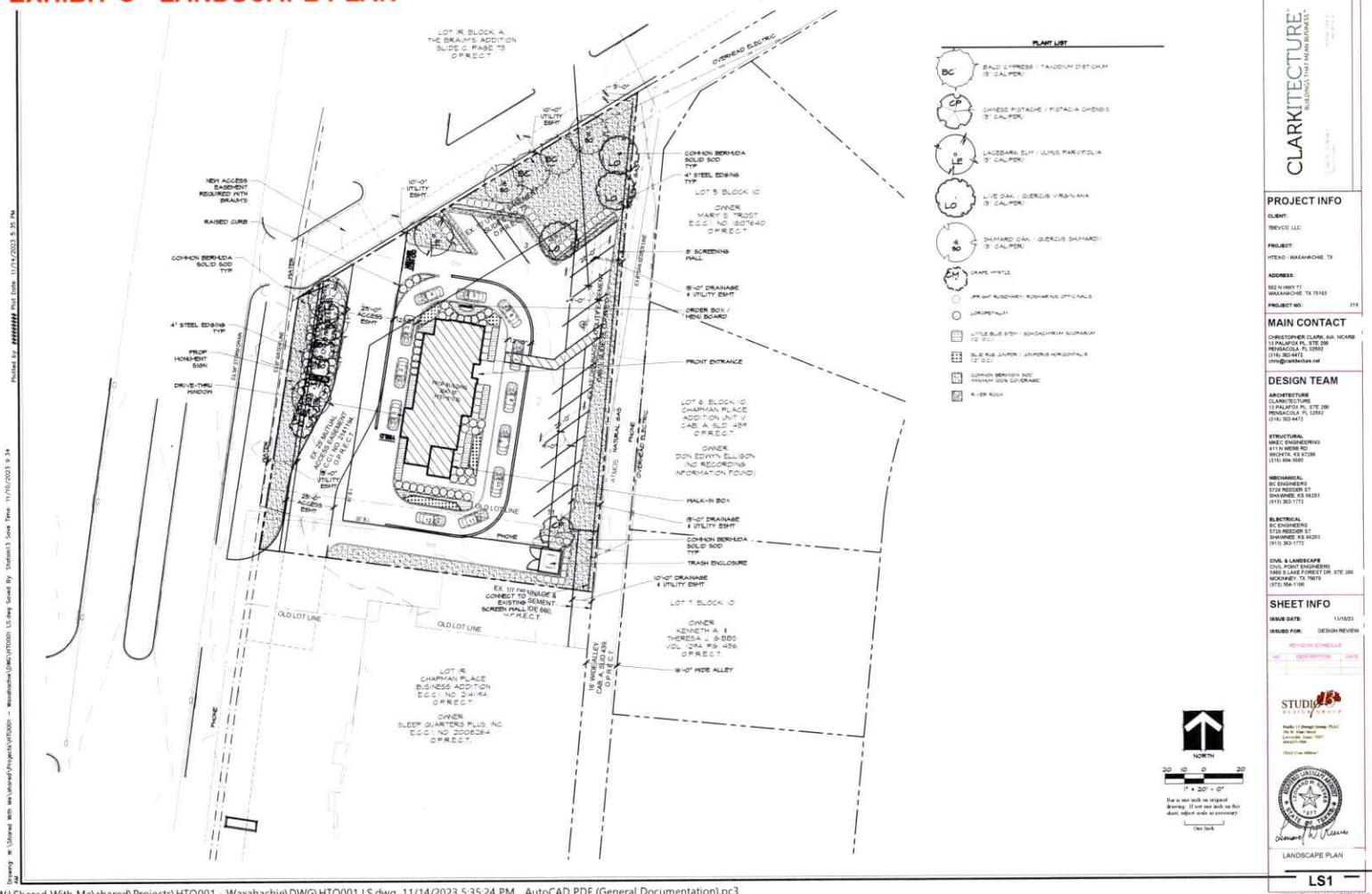


EXHIBIT C - LANDSCAPE PLAN

LANDSCAPE NOTES:

- [illegible]

PLANT LIST

SYMBOL	COMMON/BOTANICAL NAME	SIZE	SPACING	QUANTITY	REMARKS
LG	LIVE OAK / QUERCUS VIRGINICA	4" CALIPER	AS SHOWN	3	6' HIGHEST SPREAD; HIGHEST 12' HEIGHT; FULL WOOD HEAD 8' HIGHEST BRANCHING HEIGHT; NURSERY SPEC.
BO	BALD GINGER / TANGHUL DISTICHUM	4" CALIPER	AS SHOWN	3	6' HIGHEST SPREAD; HIGHEST 12' HEIGHT; FULL WOOD HEAD 8' HIGHEST BRANCHING HEIGHT; NURSERY SPEC.
SO	SHAMARD OAK / QUERCUS SHAMARDI	4" CALIPER	AS SHOWN	4	6' HIGHEST SPREAD; HIGHEST 12' HEIGHT; FULL WOOD HEAD 8' HIGHEST BRANCHING HEIGHT; NURSERY SPEC.
CF	CHINESE PISTACHE / PISTACIA GAMBENSIS	4" CALIPER	AS SHOWN	1	6' HIGHEST SPREAD; HIGHEST 12' HEIGHT; FULL WOOD HEAD 8' HIGHEST BRANCHING HEIGHT; NURSERY SPEC.
LE	LACONARIUM ELUM / LAMIA PAVLOVSKII	4" CALIPER	AS SHOWN	3	6' HIGHEST SPREAD; HIGHEST 12' HEIGHT; FULL WOOD HEAD 8' HIGHEST BRANCHING HEIGHT; NURSERY SPEC.
PK	PINK CRAFT YEW / LAURUSTROBILA INDICA "BONSAI" IN PK	3" CALIPER	AS SHOWN	8	6' HIGHEST SPREAD; HIGHEST 8' HEIGHT; 2" HIN. CAL. HEAD NURSERY GRADE
UR	UPRIGHT ROSEMARY / ROSMARINUS OFFICINALIS	30 BALLON	AS SHOWN	84	FULL PLANTS HIGHEST 24" HEIGHT
LL	LITTLE BLUEBERRY BRUSH / SCHIZAECHRYST SCOPARIUM	9 BALLON	12" O.C.	778	FULL PLANTS
TS	TEXAS SAGE / LOROPETALUM	1 BALLON	AS SHOWN	61	FULL PLANTS HIGHEST 24" HEIGHT
BL	BLUE ROSE JAPANESE / JAPANESE HORIZONTALIS	1 BALLON	12" O.C.	284	FULL PLANTS
RV	RIVER ROCK	4" DEPTH	SQUARE FEET	261	
CO	COMMON BERNARD SOLD SOO	SOLD SOO	SQUARE FEET	6,76.28	HIGHEST LOON COVERAGE
ST	STEEL EDGING	4" HEIGHT	LINEAR FEET	32.3	REFER TO DETAIL B.3

LANDSCAPE PROVIDED

CITY REQUIREMENTS

- A. INTERIOR LANDSCAPE AREAS:
1-4" CANOPY TREES/ 800 SQ FT
1-20" CANOPY TREES/ 250 SQ FT
SHRUBS/ 100 SQ FT
GROUND COVERAGE 0.25
1-20" CANOPY TREES/ 800 SQ FT + 3-4" CANOPY TREES PROVIDED
1-20" CANOPY TREES/ 250 SQ FT + 5-6" UNDERSTORY TREES PROVIDED
1-20" CANOPY TREES/ 800 SQ FT + 5-6" UNDERSTORY TREES PROVIDED
- B. PARKING LOT/ LANDSCAPE AREAS:
2-4" CANOPY TREES/ 800 SQ FT
SHRUBS/ 100 SQ FT
4-6" / 500 + 4" TREES PROVIDED
4-6" / 500 + 10" + 20" TREES PROVIDED
- C. DRIVE-THROUGH LANDSCAPE AREAS:
SCREENING SHARDES OF AT LEAST 2 FEET HEIGHT AND EVERGREEN.
- D. LANDSCAPE BUFFER:
2-4" CANOPY TREES/ 40 LINEAR FEET
10-26 FT / 40 FT + 4" CANOPY TREES PROVIDED

CLARKITECTURE®
BUILDINGS THAT MEAN BUSINESS.™

PROJECT INFO

CLIENT:
TREVCO, LLC

PROJECT:
HTEAG - WAUWATCHE, TX

ADDRESS:
502 N HWY 17
WAUWATCHE, TX 75166

PROJECT NO: 30

MAIN CONTACT

CHRISTOPHER CLARK, AIA, NCARB
12 PALAFOX PL., STE 208
PENSACOLA, FL 32503
(318) 302-4472
cclark@clarklectures.net

DESIGN TEAM

ARCHITECTURE
CLARK/TECHTURE
13 PALAFOX PL. STE 200
PENSACOLA, FL 32501
(318) 382-4472

STRUCTURAL
SUNEC ENGINEERING
411 N WEDGE RD
MOBILE, AL 36688
(318) 684-9800

MECHANICAL
INC ENGINEERS
6720 NEEDLE ST
ANN ARBOR MI 48106

CIVIL & LANDSCAPE
CIVIL/PORT ENGINEERS
1940 S LAKE FOREST DR. STE 300
MOONKEY, TX 75073
(972) 594-1500

SHEET INFO

ISSUE DATE: 7/1/03
ISSUED FOR: DESIGN REVIEW

NO	DESCRIPTION	CAT
----	-------------	-----

DATE _____

©2002 Pearson Education, Inc.

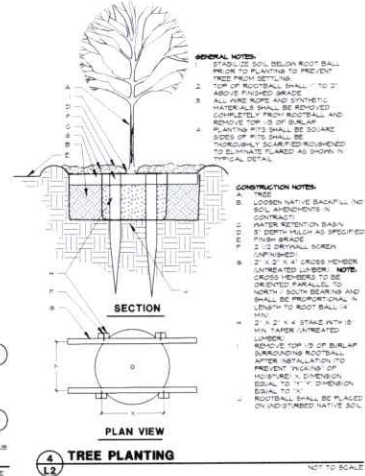
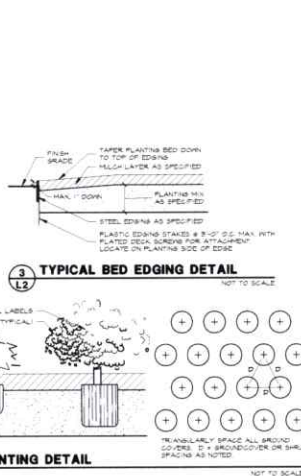
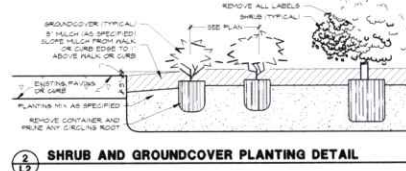
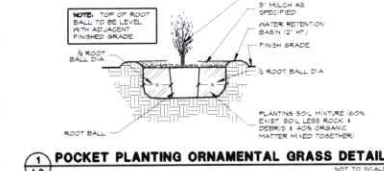


James H. Kellner

LANDSCAPE DETAILS

LS2

0123456789101112131415161718192021222324252627282930313233343536373839404142434445464748495051525354555657585960616263646566676869707172737475767778798081828384858687888990919293949596979899100



DATE: 01/11/2017
 TIME: 10:11 AM



PROJECT NO: 218

PROJECT INFO

CLIENT:
 TREVOX, LLC

PROJECT:
 HYDRO - WAKARUSA, TX

ADDRESS:
 500 N HWY 77
 BEECHAM, TX 75106

PROJECT ID:

MAIN CONTACT

CHRISTOPHER CLARK, AIA, NCARB
 13 PALMATA PL, STE 200
 PENNSACOLA, FL 32562
 (313) 362-6772
chris@clarktexture.com

DESIGN TEAM

ARCHITECTURE
 WRECK CONSTRUCTION
 13 PALMATA PL, STE 200
 PENNSACOLA, FL 32562
 (313) 362-6772

STRUCTURAL
 WRECK CONSTRUCTION
 4114 N 98TH RD
 MCKINNEY, TX 75069
 (313) 362-6772

MEP
 WRECK ENGINEERS
 STAR MEDICAL ST
 SEABOARD, NC 28583
 (313) 362-6772

CIVIL
 CONSULTANT ENGINEERS
 1800 E LANE FOREST DR, STE 300
 FORT WORTH, TX 76106
 (817) 342-1186

LANDSCAPE
 STUDIOS 12 DESIGN GROUP
 706 W 8TH ST
 LEWISVILLE, TX 75067
 (940) 488-0906

SHEET INFO

REVISION DATE: 11/01/20

STATUS: SUP / SITE PLAN

REVISION SCHEDULE

NO	DESCRIPTION	DATE

PROFESSIONAL SEAL:



COLOR ELEVATIONS

A35.0

(14)

EXHIBIT E - SIGNAGE PLAN

MS.1 INTERNALLY ILLUMINATED D/F MONUMENT SIGN - EXTERIOR (QTY 1)

SQUARE FOOTAGE: 79.1 PER FACE
SQUARE FOOTAGE ALLOWED: 250
NOTE: ARTWORK FOR CUP IS FOR PLACEHOLDER PURPOSES ONLY. ARTWORK TO BE FINALIZED.

SPECIFICATIONS:

- MAIN CABINET**
- 2" X 2" ALUMINUM TUBE FRAME WITH 125" ALUMINUM SHEETING W/ROUTED LOGO, PAINTED P-1, WITH DIGITALLY PRINTED OPAQUE VINYL GRAPHICS DP-1
 - 1/2" THICK WHITE ACRYLIC PUSH THRU LOGO & TAGLINE / 1/4" PROUD OF FACE
 - BRAKE FORMED .080" ALUMINUM TOP CAP PAINTED P-1, WITH 1" X 2" ALUMINUM TUBE TRIM P-2
 - POWER SUPPLIES MOUNTED INSIDE OF MAIN CABINET
 - 1/4" THICK FLAT CUT OUT ALUMINUM NUMBERS, PAINTED P-3, PIN MOUNTED TO FACES
 - LIFTING EYES (EYE BOLTS) MINIMUM OF 2
- PERFORATED CABINET CONNECTOR**
- 1" X 2" ALUMINUM TUBE FRAME, PAINTED P-2
 - 8 GAUGE, 1/2" ROUND ON 11/16" STAGGERED CENTER PERFORATED ALUMINUM SHEET FILLER, PAINTED P-1
- CUP ASSEMBLY**
- 1/4" THICK STEEL CUP MID-PLATE, COMPRISED OF TOP, CENTER, & BOTTOM SECTIONS WELDED TO EACH OTHER AND WELDED TO SUPPORT POLE, WITH 1/8" THICK X 1" STEEL FLANGE WELDED AROUND PERIMETER OF PLATES, INSET 3/16", FOR CUP HALVES TO SLIDE OVER AND ATTACH TO WITH SCREWS
 - 1/4" THICK SDO5 CUP HALVES PAN FORMED W/ FEMALE MOLD, W/ DIGITALLY PRINTED TRANSLUCENT VINYL GRAPHICS W/ FORMABLE INK DP-2 APPLIED BEFORE FORMING, AND OPAQUE VINYL COPY APPLIED AFTER FORMING V-1, V-2
 - ENVIRONMENTAL LIGHTS RGB LEDs W/ POWER SUPPLIES MOUNTED INSIDE OF MAIN CABINET
 - 1/4" THICK STEEL TOP & BOTTOM PLATES, PAINTED P-4
 - 4" STEEL SUPPORT POLE WITH 3/75" STEEL MOUNTING PLATE
 - FABRICATED 125" ALUMINUM BASE, PAINTED P-2
 - LIFTING EYES (EYE BOLTS) MINIMUM OF 2

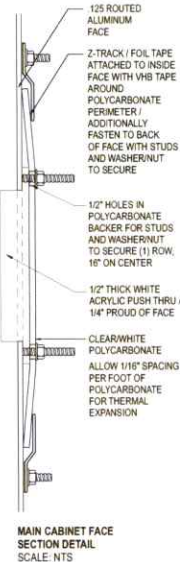
- READER BOARD**
- 1" X 4" ALUMINUM TUBE FRAME W/ ACM BACK, WHITE POLYCARBONATE FACE, AND BRAKE FORMED .063" ALUMINUM RETAINERS PAINTED P-2
 - CHANGEABLE COPY TRACKS ON FACE FOR 8TH LETTERS
 - TETRA 6500K LEDs WITH POWER SUPPLY MOUNTED INSIDE OF MAIN CABINET
 - LIFTING EYES (EYE BOLTS) MINIMUM OF 2

- BASE**
- 1" X 2" ALUMINUM TUBE FRAME W/ 125" ALUMINUM SHEETING P-2 FOR BASE
 - 2" X 3" ALUMINUM TUBE FRAME WITH 125" ALUMINUM SHEETING WITH DIGITALLY PRINTED OPAQUE VINYL GRAPHICS DP-3 FOR BASE ACCENT
 - 6" X 3/75" WALL STEEL SUPPORT POLE
 - 6'-0" DEEP X 3'-0" DIAMETER AUGURED CONCRETE FOOTING

- NOTES:**
- CABINET INTERIORS & CUP STEEL INNER COMPONENTS PAINTED WHITE
 - EXPOSED FASTENERS PAINTED TO MATCH ADJACENT SURFACE
 - ETL STICKER TO BE PLACED ON SIDE OF SIGN, VISIBLE FROM GROUND

COLORS / FINISHES:

P-1 T80	V-1 T80	DP-1 T80	DP-2 T80	DP-3 T80	DP-4 T80	DP-5 T80	DP-6 T80	DP-7 T80	DP-8 T80	DP-9 T80	DP-10 T80	DP-11 T80	DP-12 T80	DP-13 T80	DP-14 T80	DP-15 T80	DP-16 T80	DP-17 T80	DP-18 T80	DP-19 T80	DP-20 T80	DP-21 T80	DP-22 T80	DP-23 T80	DP-24 T80	DP-25 T80	DP-26 T80	DP-27 T80	DP-28 T80	DP-29 T80	DP-30 T80	DP-31 T80	DP-32 T80	DP-33 T80	DP-34 T80	DP-35 T80	DP-36 T80	DP-37 T80	DP-38 T80	DP-39 T80	DP-40 T80	DP-41 T80	DP-42 T80	DP-43 T80	DP-44 T80	DP-45 T80	DP-46 T80	DP-47 T80	DP-48 T80	DP-49 T80	DP-50 T80	DP-51 T80	DP-52 T80	DP-53 T80	DP-54 T80	DP-55 T80	DP-56 T80	DP-57 T80	DP-58 T80	DP-59 T80	DP-60 T80	DP-61 T80	DP-62 T80	DP-63 T80	DP-64 T80	DP-65 T80	DP-66 T80	DP-67 T80	DP-68 T80	DP-69 T80	DP-70 T80	DP-71 T80	DP-72 T80	DP-73 T80	DP-74 T80	DP-75 T80	DP-76 T80	DP-77 T80	DP-78 T80	DP-79 T80	DP-80 T80	DP-81 T80	DP-82 T80	DP-83 T80	DP-84 T80	DP-85 T80	DP-86 T80	DP-87 T80	DP-88 T80	DP-89 T80	DP-90 T80	DP-91 T80	DP-92 T80	DP-93 T80	DP-94 T80	DP-95 T80	DP-96 T80	DP-97 T80	DP-98 T80	DP-99 T80	DP-100 T80
---------	---------	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	------------



JONES SIGN Your Vision. Accomplished. <small>A HARRIS BRAND COMPANY</small>	JOB #: 19765-R2 DATE: 10.26.2023 DESIGNER: J. MILLER SALES REP: A. SCHWARTZ PROJ. MGR: C. ARENDT	REQUIRED: <input type="checkbox"/> FIELD SURVEY <input checked="" type="checkbox"/> VECTOR ARTWORK <input checked="" type="checkbox"/> PAINT COLOR <input checked="" type="checkbox"/> CLIENT PMS COLOR <input checked="" type="checkbox"/> FONTS <input checked="" type="checkbox"/> ENGINEERING OTHER: CUP LED COLOR	LANDLORD APPROVAL: _____ DATE: _____ CLIENT APPROVAL: _____ DATE: _____		HTeaO 1904 S JEFFERSON AVE MT PLEASANT, TX 75455	SHEET NUMBER 9.0
--	--	---	--	---	--	----------------------------

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the express written permission of JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 20% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for client's conception of project and are not to be understood as being exact size or exact colors.

EXHIBIT E - SIGNAGE PLAN

MS.1 INTERNALLY ILLUMINATED D/F MONUMENT SIGN - EXTERIOR (QTY 1)

SQUARE FOOTAGE: 79.1 PER FACE
SQUARE FOOTAGE ALLOWED: 250



NIGHT VIEW
SCALE: NTS

JONES SIGN Your Vision. Accomplished. <small>A NIGHTSHED COMPANY</small>	JOB # 19765-R2 DATE 10.26.2023 DESIGNER: J. MILLER SALES REP: A. SCHWARTZ PROJ. MGR: C. ARENDT	REQUIRED: <input type="checkbox"/> FIELD SURVEY <input type="checkbox"/> PAINT COLOR <input type="checkbox"/> FONTS <input checked="" type="checkbox"/> VECTOR ARTWORK <input type="checkbox"/> CLIENT PMS COLOR <input type="checkbox"/> ENGINEERING OTHER: CUP LED COLOR	LANDLORD APPROVAL _____ DATE _____		HTeaO 1904 S JEFFERSON AVE MT PLEASANT, TX 75455	SHEET NUMBER 10.0
			CLIENT APPROVAL _____ DATE _____			

This is an original, unpublished drawing by Jones Sign Co., Inc. It is for your personal use in conjunction with a project being planned for you by JONES SIGN. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the express written permission of JONES SIGN, is forbidden by law and carries a civil forfeiture of up to 20% of the purchase price of the sign. JONES SIGN will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for client's conception of project and are not to be understood as being exact size or exact scale.



OPERATIONAL PLAN

Oct 13, 2023

Development Name: HTeaO
Site Address: 502 N Hwy 77, Waxahachie, TX 75165
Parcel ID: 289738

Proposed Hours

- Fall/Winter Hours:
 - Sun: 11 AM – 8:05 PM
 - Mon: 7 AM – 8:05 PM
 - Tue: 7 AM – 8:05 PM
 - Wed: 7 AM – 8:05 PM
 - Thu: 7 AM – 8:05 PM
 - Fri: 7 AM – 8:05 PM
 - Sat: 8 AM – 8:05 PM
- Spring/Summer Hours
 - Sun: 11 AM – 9:05 PM
 - Mon: 7 AM – 9:05 PM
 - Tue: 7 AM – 9:05 PM
 - Wed: 7 AM – 9:05 PM
 - Thu: 7 AM – 9:05 PM
 - Fri: 7 AM – 9:05 PM
 - Sat: 8 AM – 9:05 PM

Number of Employees

- Total employment: +/- 25 employees
- Typical morning shift: 2-3 employees
- Typical mid shift: 3-4 employees
- Typical happy hour shift: 6-7 employees
- Typical late shift to close: 4 employees

Compatibility with Adjoining Uses

HTeaO's adjoining neighbors will include commercial retail uses to the south and west; a restaurant with drive-thru to the north; and residential development to the east. As a retail store with a drive-thru, it will be highly compatible with the retail and restaurant uses. An 8' masonry screen wall will be constructed along the east property line to mitigate the potential impact of a retail/drive-thru use adjacent to residential development.

The Company's Business Plan for the Proposed Establishment

HTeaO is a quick service retail store specializing in iced tea and water. It features a drive-thru and in-store retail sales. HTeaO's offerings include iced tea, water, hot beverages, prepackaged snacks and various merchandise such as branded mugs, coolers, T-shirts and hats.

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

This Development Agreement for HTeaO ("Agreement") is entered into between RS WAXAHACHIE, LLC ("RSW"), the City of Waxahachie, Texas ("City"), and TBEVCO LLC d/b/a HTeaO ("HTeaO" or "Developer"). RSW, the City, and HTeaO are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. RSW is the owner of approximately 0.747 acres of real property generally located at 502 N US Highway 77, Parcel Number 289738 in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Planned Development-24-General Retail (PD-24-GR) zoning to a Planned Development-24-General Retail (PD-24-GR) with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Planned Development-24-General Retail (PD-24-GR) by the City, and is anticipated to have the SUP reviewed on January 22, 2024.

2. The planned use of the Property is to create a SUP to allow for the use of a Drive-Through Establishment development (HTeaO). The SUP zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing RSW and HTeaO with agreed-upon and negotiated standards consistent with their respective business objectives.

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

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

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The development shall conform as approved by the City Council under case number ZDC-163-2023.
- (C) The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F – Operational Plan.
- (D) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
- (E) Developer shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C - Landscape Plan and maintain the required landscaping at all times.
- (F) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (G) 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.
- (H) Any zoning, land use requirement, or restriction not contained within this Development Agreement or Zoning Ordinance (Ordinance No. **TBD**), shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F – Operational Plan. Where regulations are not specified in Exhibits B, C, D, E, F in this Development Agreement or Zoning Ordinance

(Ordinance No. TBD) the regulations of Planned Development-24-General Retail (PD-24-GR) and the General Retail (GR) zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.

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

In consideration of RSW's and Developer's agreement in this regard, the City of Waxahachie agrees that RSW and Developer have reasonable investment-backed expectations in the HTeaO SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the HTeaO SUP Ordinance without impacting RSW's reasonable investment-backed expectations.

Section 4. Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2271 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2271 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2271 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

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

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

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

(15)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(15)

: RS WAXAHACHIE, LLC ("RSW") (Owner)

By: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

: TBEVCO LLC d/b/a HTeaO ("Developer")

By: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of **TBEVCO LLC d/b/a HTeaO**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-176-2023



MEETING DATE(S)

Planning & Zoning Commission: January 9, 2024

City Council: January 22, 2024

CAPTION

Public Hearing on a request by Suzanne Bell, Cove Construction, for a **Specific Use Permit (SUP)** for an Accessory Structure over 700 square feet within a Single-Family Dwelling-1 (SF-1) zoning district located at 673 Brookglen Court (Property ID 216273) - Owner: John & Leslie Majors (ZDC-176-2023)

RECOMMENDED MOTION

"I move to approve ZDC-176-2023, a Specific Use Permit (SUP) for an Accessory Structure over 700 square feet use within a Single-Family 1 (SF-1) zoning district, subject to the conditions on the staff report."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on January 9, 2024, the Commission voted 5-0 to recommend approval of case number ZDC-176-2023, subject to staff comments.

APPLICANT REQUEST

The Applicant is requesting an approval of a Specific Use Permit to allow for an Accessory Structure over 700 square feet at 673 Brookglen Court.

CASE INFORMATION

Applicant: Suzanne Bell, Cove Construction

Property Owner(s): John & Leslie Majors

Site Acreage: 0.517 acres

Current Zoning: Single-Family Dwelling-1 (SF-1)

Requested Zoning: SF-1 with a specific use permit (SUP) for an Accessory Structure over 700 square feet use

SUBJECT PROPERTY

General Location: Generally located at 673 Brookglen Court

Parcel ID Number(s): 216273

Existing Use: Residential use

Development History: A plat for the subject property was recorded on May 14, 1999.

Proposed Use:

According to the Ellis County Appraisal District, the single-family dwelling has an approximate size of 2,975 square feet, and the proposed accessory structure has an area of 813 square feet. The accessory structure is proposed to utilize brick and stone for the exterior façade to match with the primary structure. The owner plans to utilize the accessory structure for a pool house that consists of a kitchenette, living room, one full bathroom to be accessed from the interior, and a half-bathroom to be accessed from the exterior and interior of the accessory structure. The structure will be situated at the rear of the property, towards the southern part of the lot. A couple of larger accessory structures have been approved in the past within this neighborhood. Specifically, a 1,175-square-foot accessory structure was approved in 2002 at 201 Brookbend Drive, and a 1,362-square-foot accessory structure received approval in 2022 for 195 Brookbend Drive.

The applicant has confirmed to staff that the structure will not be used as a dwelling and will not be metered, sold, or leased separately from the existing primary structure.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 16 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 this staff report being published, the City has received no letters in opposition of the proposed accessory structure.

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.

Conditions:

1. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The accessory structure shall obtain a permit from the City of Waxahachie Building Department before constructing the accessory structure.

ATTACHED EXHIBITS

1. SUP Ordinance
2. Location map (Exhibit A)
3. Site plan (Exhibit B)
4. Floorplan (Exhibit C)
5. Elevations (Exhibit D)
6. Operational plan (Exhibit E)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION*Prepared by:*

Oanh Vu

Planner

oanh.vu@waxahachie.com*Reviewed by:*

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

ORDINANCE NO.

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE-FAMILY DWELLING-1 (SF-1) ZONING DISTRICT AT 673 BROOKGLEN COURT IN THE CITY OF WAXAHACHIE, TEXAS, ELLIS COUNTY TEXAS, BEING 0.517 ACRES KNOWN AS PROPERTY ID 216273 , 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-176-2023. 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 SF-1 to SF-1, with an SUP in order to allow an Accessory Structure Greater Than 700 Square Feet use on the following property: Property ID 216273, which is shown on the Location Map (Exhibit A), in accordance with the Site Plan (Exhibit B), Floorplan (Exhibit C), Elevations (Exhibit D), and Operational Plan (Exhibit E).

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE (673 BROOKGLEN COURT) IN THE SINGLE-FAMILY DWELLING-1 (SF-1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The accessory structure shall not be used as a dwelling without approval of a separate Specific Use Permit by City Council.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B - Site Plan, Exhibit C - Floorplan, Exhibit D - Elevations, Exhibit E - Operational Plan.
5. The building shall consist of the building design and composed of the exterior finishing materials as provided in Exhibit D - Elevations.
6. The Applicant and/or Developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
7. 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 Exhibits B, C, D, and E..
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibit B - Site Plan, Exhibit C - Floorplan, Exhibit D - Elevations, and Exhibit E - Operational Plan. Where regulations are not specified in Exhibits B, C, D, and E, or this Zoning Ordinance, the regulations of the Single-Family Dwelling-1 (SF-1) Zoning District shall apply to this development.
10. City Council shall have the right to review the Specific Use Permit at any point, necessary.

(17)

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. 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 22nd day of January, 2024.

MAYOR

ATTEST:

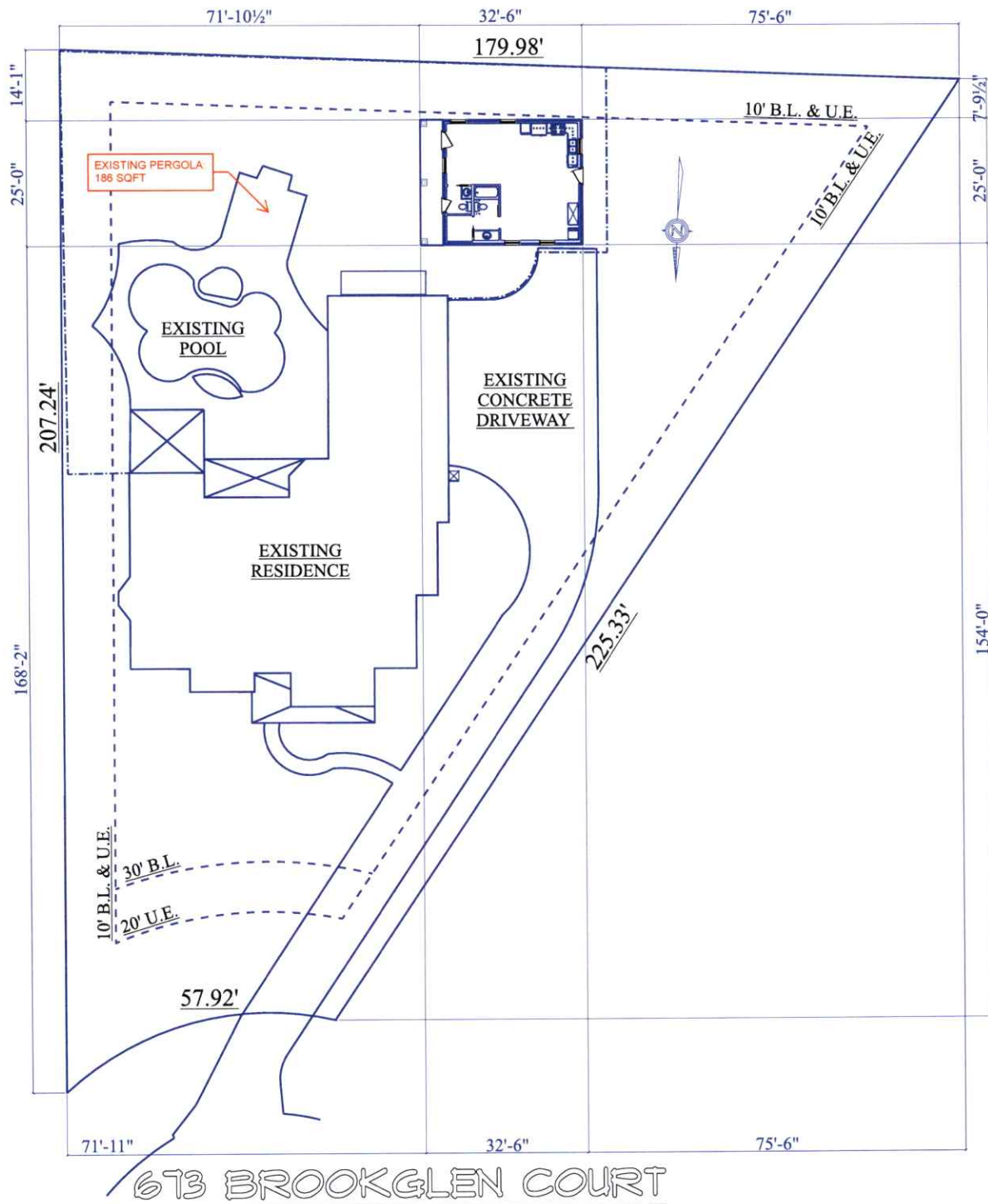
City Secretary

(17)



EXHIBIT B - SITE PLAN

(17)



SITE PLAN
SCALE: 1" = 20'-0"



130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972) 935-9710
WWW.PLAN-MASTER.COM



NOVEMBER 28th, 2023

A NEW POOL HOUSE
TO BE LOCATED @
673 BROOKGLEN CT
WAXAHACHIE, TEXAS
ELLIS COUNTY

**MAJORS
RESIDENCE**



EXHIBIT C - FLOORPLAN

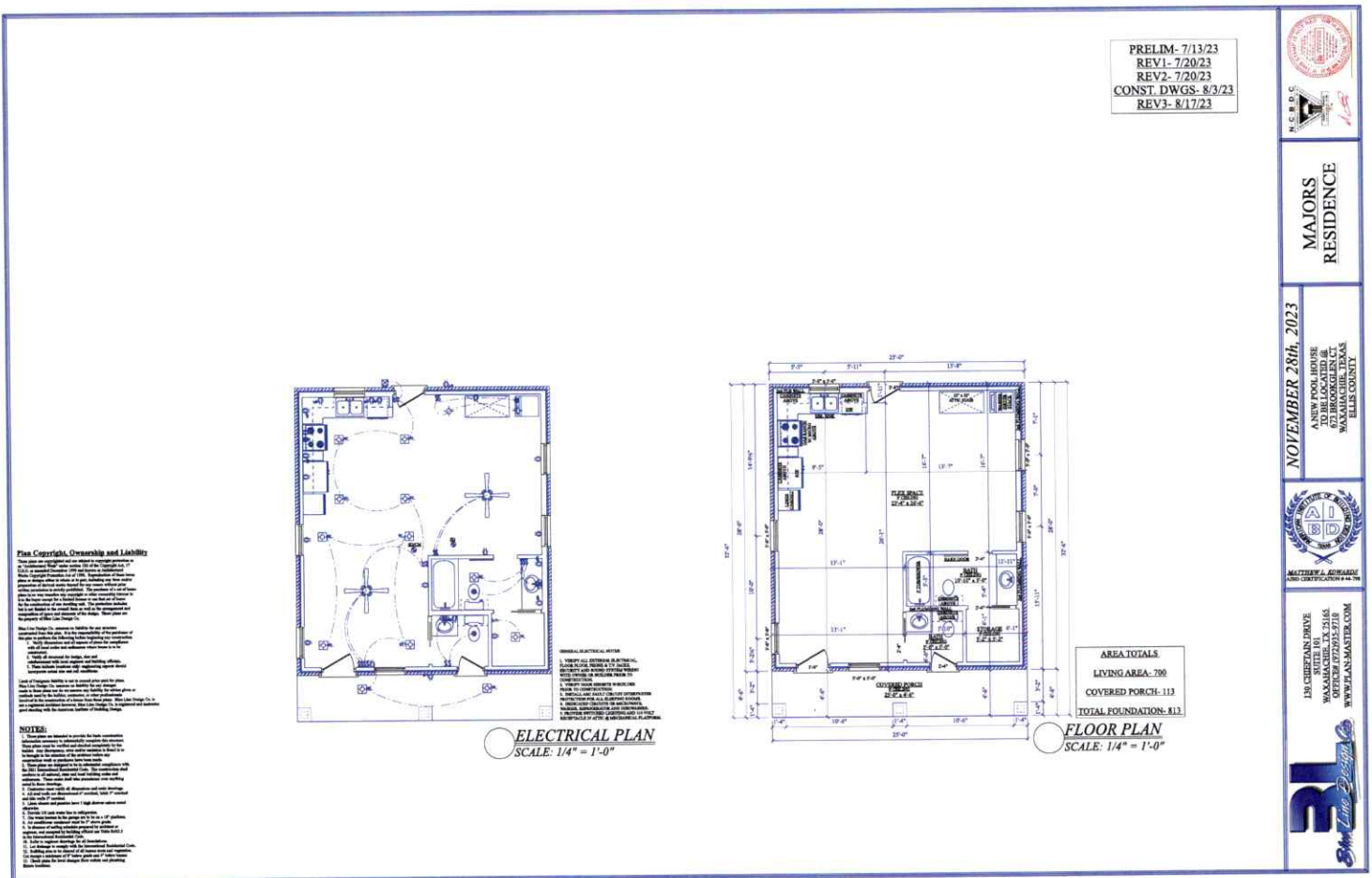


EXHIBIT D - ELEVATIONS



NOTES:

1. These genes are intended to provide the basic quantitative information necessary to establish a statistically significant effect. These genes may be modified and deleted completely by the user. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
2. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
3. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
4. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
5. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
6. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
7. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
8. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
9. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.
10. The user is cautioned that the deletion of any of these genes may be to be harmful to the reduction of the written below rules.

NOVEMBER 28th, 2023

AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES

MATTHEW L. EDWARDS
AND CERTIFICATION # 44-798



EXHIBIT E - OPERATIONAL PLAN (17)

SUP CASE: ZDC-176-2023

OPERATIONAL PLAN for:

673 Brookglen Ct., Waxahachie, TX 75165

Homeowners have requested to add a pool house accessory building of over 700sf with covered porch area. The structure will total 813. square feet and will include a small kitchenette open to the living/entertainment area, one full-size bathroom, a storage closet and one small pool bath to be accessed from the outside. The intended use for the structure is for games and pool table, extra meal prep area, hobby/crafts and storage.

The accessory structure will not be used as a dwelling nor for commercial purposes. The accessory structure will not be leased or sold separately from the primary residence and will not be metered separately.

The new accessory structure will be located behind the primary residence, within the allowable easement area away from property line. It will be approximately 10 feet behind and to the west of primary residence and just over 22' feet away from the existing accessory structure (pergola). The exterior materials will match existing primary residence (brick, stone, cedar posts and shingles). The height of primary residence is approximately 25 feet, and the ridge height of new structure will be 22 feet. The elevation drawings, exterior materials and site plan are within the neighborhood guidelines and have all been approved by the Brookbend Grove HOA and Architectural Control Committee.

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-194-2023 Zoning Text Amendment



MEETING DATE(S)

Planning & Zoning Commission: January 09, 2024
City Council: January 22, 2024

CAPTION

Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, (ZTA-194-2023) Data Center use.

RECOMMENDED MOTION

"I move to approve ZTA-194-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INICIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on January 9, 2023, the Commission voted 5-0 to recommend approval of case number ZTA-194-2023.

PLANNING ANALYSIS

By making data centers a distinct use, cities ensure clear zoning requirements are well defined for owners and builders, as well as for city staff and elected officials. Without clear zoning requirements, municipalities will be dependent on ad hoc use determinations or discretionary review processes, which can slow down application and review processes and lead to unpredictable decisions.

Data centers are a relatively new type of building that is not usually accounted for in many zoning codes. They are often built on sites that are zoned for light or heavy industrial, which is suitable for their development. Data centers are being built in a wider range of locations around the world to meet the growing demand for information.

A data center is a highly secure and centralized location where advanced computing and networking equipment is housed. Its purpose is to collect, store, process, distribute, and provide access to vast amounts of data, 24/7.

Modern data centers have evolved significantly from what they were just a short time ago. IT infrastructure has transitioned from traditional physical servers to virtual networks that support applications and workloads across pools of physical infrastructure and into a multi-cloud environment. Many businesses still use server rooms on-site for backups.

Some of the tasks that we need a data center for include:

- Email and file sharing
- Productivity applications
- Customer relationship management (CRM)
- Enterprise resource planning (ERP) and databases
- Big data, artificial intelligence, and machine learning
- Virtual desktops, communications, and collaboration services

The current Waxahachie Zoning Code also does not have a well-defined definition to allow for Data Center use.

The purpose of this Zoning Text Amendment is to:

1. Define the Data Center use
2. Add the Data Center use to the Use Charts for Section 4.03d- Industrial and Utility Uses, as a use allowed outright in LI-1, LI-2 and HI zoning districts

The new definition is noted below:

A Data Center is a structure that houses a large grouping of network computer servers typically used by businesses, governments, and organizations for remote storage, processing, and distribution of large amounts of data. This definition may include additional electrical substation requirements to be considered and allowed as a component of the primary Data Center use.

PUBLIC NOTIFICATIONS

As a courtesy, the City published notice of the public hearings for the Zoning Code in the Waxahachie Sun. The Texas Local Government Code (Section 213.002) does not require the City to mail notice of the public hearing to each property owner in the City of Waxahachie.

RECOMMENDATION

The Planning Department recommends approval of the Zoning Code Text Amendment ZTA-194-2023, a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts.

ATTACHED EXHIBITS

1. ZTA-194-2023 Ordinance
2. SECTION 4.03 USE CHART

STAFF CONTACT INFORMATION

Prepared by:

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

Reviewed by:

Shon Brooks, AICP
Executive Director of Development Services
sbrooks@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE (ORDINANCE NO. 3020), ARTICLE IV (DEFINITIONS AND USE REGULATIONS), SECTION 4.01 (DEFINITIONS) TO SECTION 4.03 (USE CHARTS), PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("City Council") has adopted a comprehensive zoning ordinance ("Zoning Ordinance"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on January 9, 2024, and a public hearing was held by the City Council on January 22, 2024, ZTA-194-2023, with respect to the proposed textual changes to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article IV (Definitions and Use Regulations), Section 4.01 (Definitions) to Section 4.03 (Use Charts) of the Zoning Ordinance, is hereby amended to add the Data Center definition:

A Data Center is a structure that houses a large grouping of network computer servers typically used by businesses, governments, and organizations for remote storage, processing, and distribution of large amounts of data. This definition may include additional electrical substation requirements to be considered and allowed as a component of the primary Data Center use.

Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 50. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place. 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. This ordinance shall become effective from and after the date of its passage

(19)

PASSED, APPROVED, AND ADOPTED on this 22nd day of January, 2024.

MAYOR

ATTEST:

City Secretary

(19)

Sec. 4.03 Use Charts.

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
4.03a - Residential Type Uses																						
Bed and Breakfast Inn			S	S	S	S	S	S						S	S	S	S					1 space per guest room, plus SF requirements
Boarding House or Home							•															1 space per sleeping room
Dormitory							•	•					S		S	•	S					1 space per 2 beds
Fraternity or Sorority House			S	S	S	S	•	•														1 / 2 beds on campus; 1.5 / 2 beds off campus
Home Occupation	•	•	•	•	•	•	•	•	•	•		•				•						
Housing for the Elderly/ Senior Apartments							•	•					•		S	S						1 space per dwelling unit
HUD Code Manufactured Home									•													2 spaces per unit
HUD Code Manufactured Home Park									•													2 spaces per unit

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Mobile Home									•													2 spaces per unit
Mobile Home Park									•													2 spaces per unit
Modular Prefabricated Structure or Modular Home		S	•	•	•	•	•	•	•													2 spaces per unit
Multiple-Family Dwelling or Apartment							•	•		S		S				•						1.5 / eff., 1, or 2-bed; 2.5 / 3-bed; 3 / 4-bed
Single-Family Dwelling, Attached (Townhouse or Townhome)						•	•	•		S		S				•						2 behind front building line, 1 enclosed
Single-Family Dwelling, Detached	•	•	•	•	•																	2 enclosed, behind front building line
Two-Family Dwelling (Duplex)						•	•	•														2 enclosed, behind front building line
Accessory Building, MF or Non-Residential							•	•					S	S	S	S	•	•	•	•	•	
Accessory Building (Residential), Less than 700 S.F.	•	•	•	•	•	•			•													

Created: 2021-08-17 15:17:43 [EST]

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Accessory Building (Residential), Greater than or Equal to 700 S.F.	S	S	S	S	S	S			S													
Accessory Building, Used as a Dwelling Unit	•	•	•	S	S																	
Garage Accessory Dwelling	•	•	•	S	S																	
Caretaker's or Guard's Residence	•	•	•						S		S						•	•	•	•	•	
Stables, Private	S	S	S														•	•	•			
4.03b - Educational, Institutional, and Special Uses																						
Adult Daycare Facility													•	•	•		•					1/2 employees (maximum shift)
Art Gallery or Museum			S	S	S	S	S	S	S	•		•	•	•	•	•	•	•	•		•	10, +1/300 sq ft over 2000 sq ft
Cemetery, Animal																	•	•	•			1/2 employees (maximum shift)
Cemetery or Mausoleum			S	S	S	S	S	S	S				S	S	S	S	S	S	S	S	S	10 +1 for each 500 sq ft over 5000 sq ft
Child Advocacy Center				S	S	S	S	S	S					S	•	•	•					1 space per 300 sq ft

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Child Daycare Center										•		•	S	•	•	•	S	S	S	S		1/10 pupils, + 1/teacher, + 1/bus/van
Church, Rectory, or Temple	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	1 space per 4 seats in the main venue
College or University			S	S	S	S	S	S					•	•	•	•	•	•				1 space per 3 day students
Community Home			•	•	•	•	•	•	•				S	S	S	S	S	S	S			1 space per 6 beds
Crematorium															•		•	•	•	•		2 spaces plus 1 space per 2 employees
Day Camp for Children			S	S	S	S	S	S	S				S	S	•		S	S				1/2 employees (maximum shift)
Fairgrounds, Rodeo Grounds or Exhibition Area		S													S	S	S	S	S	S	S	10 +1 for each 500 sq ft over 5000 sq ft
Family Home (Child Care)		S	S	S	S	S	S	S	S													Refer to the residential standard
Farm, Ranch, Garden, or Orchard	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	1/2 employees (maximum shift)
Fraternal Organization				S	S	S	S	S					S	S	•	•	•	•	•	•	•	1 space per 200 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
Home for Aged, Residence (Assisted Living)	FD	RR	S	S	S	S	•	•	•				S	S	S	S	S					1/6 beds, +1/1000 sq ft of outdoor uses
Hospital, Acute Care					S	S	S	S						S	S	S	S	S	S			1 space per 2 beds or examination rooms
Hospital, Chronic Care							S	S					S	S	S	S	S	S	S			1 space per 2 beds or examination rooms
Household Care Facility			S	S	S	S	S	S	S													1 space per 6 beds
Institution for Alcoholic, Narcotic, or Psychiatric Patients													S	S	•	•	•	•	•	•		1 space per 2 beds or examination rooms
Institution of Religious or Philanthropic Nature			S	S	S	S	S	S					•	•	•	•	•	•	•			10 spaces plus 1 per employee
Jail or Prison																		S	S	S		1/2 emp (maximum shift), + 1/350 sf intake, +1

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	visitor/20 inmate beds
Juvenile Detention Center															S		S	S	S	S		1 / 2 employees (maximum shift)
Kindergarten or Nursery School, Private			S	S	S	S	S	S	S				S	S	•	•	S	S	S	S		1/10 pupils, + 1/teacher, + 1/bus/van
Private Recreation Facility	S	S	S	S	S	S	S	S	S				S	S	•	•	•	•	•	•	•	10, + 1/500 sf over 5000 sf of building and rec
Public Community Center		•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•		10, + 1/500 sf over 5000 sf of building and rec
Rehabilitation Care Facility or Halfway House															S		S					1/2 employees (maximum shift)
Residential Home for Adults with Intellectual and Developmental Disabilities							S	S														1 space per 6 beds

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
School, Private		S	S	S	S	S	S	S	S				S	S	S	S	S	S	S	S		K-6: 1/15 st; 7-8: 1/12 st; 9-12: 1/3 st, and staff
School, Public	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•		K-6: 1/15 st; 7-8: 1/12 st; 9-12: 1/3 st, and staff
School, Vocational															•	S	•	•	S	S	S	1 space per 3 day students
Skilled Nursing Facility															S	S	S	S	S	S	S	1/6 beds, + 1/1000 sq ft of lot area
4.03c - Commercial and Retail Type Uses																						
Airport		S	S	S	S	S	S	S	S				S	S	S		S	•	•	•	•	Hangar:1/1000 sf; Office:1/300 sf
Alternative Financial Services																	S	S	S	S		1 space per 200 sq ft
Ambulance Service																	S	•	•	•	•	1/1000 sf or 1/2 emp, whichever is greater
Amusement, Indoor										•		•			•	•	•	•	•	•	•	1 space per 100 sq ft
Amusement, Outdoor															•	•	•	•	•	S		10, + 1/500 sf over 5000 sf of

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
																						building and rec
Animal Hospital or Kennel, Indoor Pens		S											•	•	•	•	•	•	•	•	•	1 space per 300 sq ft
Animal Hospital or Kennel, Outdoor Pens		S													S	S	•	S				1 space per 300 sq ft
Animal Pound																	S	•	•	•		1 space per 300 sq ft
Antique Shop										•		•		S	•	•	•	•	•	•		1 space per 200 sq ft
Appliance Rental, Service or Repair															•	•	•					1 space per 200 sq ft
Arcade										•		•			S	S	•	•	•	•		1/game table, + 1/amusement device
Auto Leasing and Rental															S		S	•	•	•	•	1 space per 1000 sq ft of the lot
Auto Parking Lot, Commercial										S		S	S	S	S	S	S	S	S	S	S	Per office requirements
Auto Parking Lot, Trucks and Trailers																	S	S	S	S		Per office requirements
Auto Parts and Accessory Sales												•			S		•	•	•	•	•	1 space per 500 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Auto Racing or Go-Cart Track																		S	S	S		10 spaces, plus 1 space per
Auto Repair, Major																	S	•	•	•		1 space per 200 sq ft
Auto Repair, Minor or Automotive Care Center															S		•	•	•	•	S	1 space per 200 sq ft
Auto Sales, New															•		•	•	•	•	•	1/500 sf or 1/1,000 sf lot, which is greater
Auto Sales, Used															S	S	S	•	•	•		1/500 sf or 1/1,000 sf lot, which is greater
Auto Storage or Auto Auction																				S		1 space per 1,000 sq ft of lot area
Auto Wrecking Yard																				S		1 space per 1,000 sq ft of lot area
Bail Bond Agency																S	S					1 space per 200 sq ft
Bakery, Commercial																S	•	•	•		•	1 space per 250 sq ft
Bakery, Retail										•		•	•	•	•	•	•	•			•	1 space per 200 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Bank or Credit Union										•		•	•	•	•	•	•	•	•	•	•	1 space per 200 sq ft, plus required stacking
Boat Sales																	S	•	•	•		1 space per 200 sq ft
Building Materials and Hardware Sales, Indoor													S	S	•	•	•				S	2 + 1/300 sq ft over 1,000 sq ft
Building Materials and Hardware Sales, Outdoor															S	S	•	•	•	•	S	2 + 1/300 sq ft over 1,000 sq ft
Bus Station or Terminal															S	S	•	•	•	•		1/1000 sf or 1/2 emp, whichever is greater
Cabinet or Upholstery Shop																S	•	•	•	•	S	1 space per 250 sq ft
Car Wash															S		•	•	•	•		Self Service: 1/bay; Full Service: 1/150 sq ft
Clinic, Dental, Medical, or Chiropractic										•		•	•	•	•	•	•	•	•	•	•	1 space per 200 sq ft
Convenience Store										S		S	S	S	S	S	S	S	S	S		1 space per 200 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
Copy or Print Shop										•		•		S	•	•	•	•	•	•	•	1 space per 200 sq ft
Cosmetic Restorative Studio (Permanent)															S	S	S					1/200 sq ft or 1.5/artist chair which is greater
Country Club, Private		•	S	S	S	S	S	S	S				•	•	•	•	•	•	•	•	•	4 /hole + 1/2 emp
Custom Personal Service Shop										•		•	S	•	•	•	•	•	•	•	•	1 space per 200 sq ft
Drive-Through Establishment													S	S	S	S	S	S	S	S		See stacking requirements
Dry Cleaning Establishment, Off-Site										•		•					•	•	•	•		1 space per 250 sq ft
Dry Cleaning Establishment, On-Site																	S	•	•	•		1 space per 250 sq ft
Feed and Grain Store																S	•	•	•	•		1 space per 250 sq ft
Flea Market or Farmers Market																	S	•	•	•		1 space per 200 sq ft of floor or sales area
Funeral Home or Mortuary															•	•	•	•	•	•	•	1 space per 200 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Furniture Manufacture and Refinishing Shop																S	•	•	•	•		1/1000 sf or 1/2 emp, whichever is less
Gasoline Sales										S		S			S	S	S	S	S	S		1/3 gas pumps, up to 8 nozzles on 2 sides
Golf Course		S	S	S	S	S	S	S	S				S		S	•	•	•	•	•	•	4/hole + 1/2 emp
Greenhouse, Nursery, Florist or Garden Shop										•		•	S	S	S	•	•	•	•	•	•	1 space per 200 sq ft
Hauling, Storage, or Motor Freight Terminal																	S	S	S	S	S	1/1000 sf or 1/2 emp, whichever is less
Heating and Air Conditioning Sales																S	•	•	•	•		1 space per 500 sq ft
Heavy Machinery and Equipment, Rental, Sales or Storage																	S	S	S	S		1 space per 500 sq ft
Helistop													S	S	S	S	S	S	S	S	•	2 spaces
Household Appliance Service or Repair															•	•	•					2 + 1/300 sq ft over 1,000 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
HUD Code Manufactured Home Display or Sales																		•	•	•		1 space per 250 sq ft
Kiosk										S		S	S	S	S	S	S	S			S	Per zoning (SUP)
Laboratory, Medical or Dental										S		S				S	S	S	S	S	S	1 space per 300 sq ft
Laboratory, Scientific or Research										S		S				S	•	•	•	•	•	1/2 employees (maximum shift)
Landscape Sales and Installation															S	S	•	•	•	•	S	1 space oer 250 sq ft
Laundromat														•	•	•	•					1 space per 300 sq ft
Massage Establishment													•	•	•	•	•	•	•	•	•	1 space per 200 sq ft
Massage Parlor																	S	S	S	S	S	1 space per 200 sq ft
Medical Appliance Fitting or Retail Sales													S		•	•	•	•	S	S	•	
Medical Facilities										S		S	S	S	S	S	S	S	S	S	S	1 space per 200 sq ft
Metal Recycling Center															S	S	S	S	S	S	S	1 space per 500 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
Micro-Brewery	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	1/2 emp + 1/4 seats
Mini-Warehouse or Self-Storage Facility															S		S	•	•	•	S	4 min. + 1/10,000 sf storage
Motel or Hotel (Less than 75 Rooms)										•		•		S	•	•	•	•	•	•	•	1/sleeping room, + for retail or office
Motel or Hotel (More than 75 Rooms)										•		•			•	•	•	•	•	•	•	1 space per sleeping room plus accessory
Office, Professional and Administrative										•		•	•	•	•	•	•	•	•	•	•	1 space per 300 sq ft
Outside Display										S		S			S	S	S	S	S	S	S	1 space per 600 sq ft of open sales/display
Outside Storage										S		S			S	S	S	S	S	S	S	1 space per 600 sq ft of open sales/display
Park or Playground, Private		S	•	•	•	•	•	•	•	S		S	S	S	S	S	S	S	S	S		1 space per 3 seats
Pawn Shop															S	S	•	•	•	•		1 space per 200 sq ft
Pet Shop and Grooming										•		•		S	•	•	•	•	•	•	•	1 space per 200 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Pharmacy										•		•	S	•	•	•	•				S	1 space per 200 sq ft
Playfield or Stadium, Public		S	S	S	S	S	S	S	S				S	S	S	•	•	•	•	•		1 space per 3 seats
Portable Building Sales															S		S	S	S	S		1 space per 300 sq ft
Private Club										S		S	S		S	S	S	S	S	S	S	1 space per 100 sq ft
Railroad Freight Depot																	S	•	•	•	•	1/1000 sf or 1/2 emp, whichever is less
Restaurant										•		•	•	•	•	•	•	•	•	•		1 space per 100 sq ft of seating or waiting area
Retail Stores and Shops										•		•		•	•	•	•	•	•	•		1 space per 200 sq ft
RV Sales																	S	S	S	S		1 space per 200 sq ft
Screen Printing Shop															•		•					1 space per 200 sq ft
Sexually Oriented Business																				•		1 space per 100 sq ft
Small Engine Repair Shop																		•	•	•	•	1 space per 200 sq ft

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Specialty Paraphernalia																	S	S	S	S		1 space per 300 sq ft
Stables, Public		S															S	S	S	S		1 space per 3 seats
Studio										•		•	S	•	•	•	•	•	•		•	1 space per 300 sq ft
Surgical Outpatient Facility										S		S	S	S	S	S	S	S	S	S	S	1 space per 200 sq ft
Swimming Pool, Commercial													S	S	S	S	•	•	•	•	•	1/100 sq ft of gross water surface and deck area
Tattoo or Body Piercing Shop															S	S	S					1/200 sq ft or 1.5/artist chair which is greater
Tavern										S		S		S	S	S	S	S	S	S		1 space per 100 sq ft
Theater, Indoor										•		•	S	S	•	•	•	•	•	•	•	1 space per 4 seating spaces
Tire Installation or Repair										S		•			S	•	•	•	•	•	•	1 space per 200 sq ft
Tool and Equipment Rental															•	•	•	•	•	•	•	1 space per 300 sq ft
Trailer and Heavy Load Vehicle Repair																		S	S	S		1 space per 500 sq ft, min 5 spaces

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Trailer or Truck Sales or Rental																		S	S	S		1 space per 200 sq ft
Truck Stop																	S	S	S	S		1 truck/10,000 sf site, + 1/200 sf of building
Winery										S		S	S	S	•	•	•					1 space per 100 sq ft of seating or waiting area
Zoo, Private		S																				10 + 1/500 sq ft over 5000 sq ft
Zoo, Public		S															S	S	S			10 + 1/500 sq ft over 5000 sq ft
4.03d - Industrial and Utility Uses																						
Animal Production Facility																			S	S		1/1,000 sq ft or 1 space per 2 emp
Antenna, Non-Commercial	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Batch Plant (Permanent Facility)																		S	S	S		1/1,000 sq ft or 1 space per 2 emp
Chemical Plant																				S		1/1,000 sq ft or 1 space per 2 emp

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Data Center																		•	•	•		1 space per 2 emp
Equipment Sales, New or Used																		S	S	S		1 space per 500 sq ft
Food Manufacturing or Processing Plant																S	S	S	S	S	S	1/1,000 sq ft or 1 space per 2 emp
Franchised Private Utility (Not Listed)	S	S	S	S	S	S	S	S	S				S	S	S	S	S	S	S	S	S	1/1,000 sq ft or 1 space per 2 emp
Heavy Manufacturing, Fully Indoor																		S	S	S	S	1/1,000 sq ft or 1 space per 2 emp
Heavy Manufacturing, Outdoor																				S		1/1,000 sq ft or 1 space per 2 emp
Landfill																				S		1/300 sq ft of office
Light Manufacturing												S					•	•	•	•	•	1/1,000 sq ft or 1 space per 2 emp
Local Utility Lines	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Machine Shop or Welding Shop																		•	•	•		1/1,000 sq ft or 1 space per 2 emp

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
Medium Manufacturing, Fully Indoor																		•	•	•	•	1/1,000 sq ft or 1 space per 2 emp
Medium Manufacturing, Outdoor																		S	S	S	S	1/1,000 sq ft or 1 space per 2 emp
Municipally-Owned Facilities and Uses	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	1/1,000 sq ft or 1 space per 2 emp
Noxious Uses																		S	S	S	S	1/1,000 sq ft or 1 space per 2 emp
Portable Storage Structure or Temporary Building	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•	1/2000 sq ft + main use
Public Building, Shop, or Yard of a Local, State, or Federal Agency	S	S													S		•	•	•	•	•	1/1,000 sq ft or 1 space per 2 emp
Public or Private Utility Shop or Storage																		•	•	•	•	1/1,000 sq ft or 1 space per 2 emp
Railroad Track	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	
Sand, Gravel, Stone or Petroleum Extraction																		S	S	S		1/1,000 sq ft or 1 space per 2 emp

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																						
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown	Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
Storage Warehouse	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	1/1,000 sq ft or 1 space per 2 emp	
4.03e - Accessory, Incidental and Sign Uses																							
Awning Sign										•		•	•	•	•		•	•	S	•	•		
Canopy Sign										•		•				•	•	•	S	•	•		
Development Sign		•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•		
Directional Sign (On-Site)							•	•	•				•	•	•	•	•	•	•	•	•		
Electronic Message Sign										S		S	S	S	S	S	S	S	S	S	S		
Garage Sale Sign	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•		
Informational Sign	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•		
Institutional Sign	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•		
Model Home Sign			•	•	•	•	•	•	•														
Monument Sign									•			•	•	•	•	•	•	•	•	•	•		
Name Plate	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•	•		
Off-Street Parking Incidental to Main Use	•	•	•	•	•	•	•	•	•			•	•	•	•	•	•	•	•	•	•		
Pole Sign																	S	S	S				
Portable Sign							•	•						•	•	•	•	•	•				
Real Estate Sign	•	•	•	•	•	•	•	•	•					•	•	•	•	•	•	•	•		
Searchlights																•	•	•	•				
Small Wind System	S		S	S	S													S	S	S			
Solar Panel Farm	S																			S			

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)

(19)

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																		
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2
Solar Panel System, Large In-Ground	S	S															S	S	S
Solar Panel System, Rooftop	•	•	•	•	•	•	•	•	•	S		S	S	S	S	S	S	S	S
Solar Panel System, Small In-Ground	•	•	•	•	•	•	•	•	•				S	S	S	S	S	S	•
Unified Lot Sign	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S
Wall Sign										•		•	•	•	•	•	•	•	•
Window Sign										•		•	•	•	•	•	•	•	•

(Ord. No. 3175 , § 3, 1-21-20)

Created: 2021-08-17 15:17:43 [EST]

(Supp. No. 27)



Memorandum

To: Honorable Mayor and City Council
From: Justin Stoker, P.E., CFM, Senior Director of Public Works & Engineering
Thru: Michael Scott, City Manager
Date: January 22, 2024
Re: Consider the Approval of an Engineering Professional Services Agreement with Westfall Engineering for the Broadhead Road Reconstruction Project

Recommended Motion: "I move to approve the agreement with Westfall Engineering for the Broadhead Road Reconstruction engineering services in the amount of \$367,250 and authorize the City Manager to execute all necessary documents."

Item Description: Consider approval of the professional services agreement with Westfall Engineering for design and construction engineering services associated with Broadhead Road Reconstruction.

Item Summary: The proposed Broadhead Road Reconstruction Project will widen the existing 2-lane chip seal roadway to a 4-lane undivided concrete roadway. The project also includes drainage improvements, installation of a portion of a 24" sewer force main section, and the addition of a sidewalk on the West side of Broadhead Road. The agreement includes the easement preparation, design, bidding and construction administration engineering services for this project.

Fiscal Impact: The total amount of the professional engineering services agreement is \$367,250. The project is included in the 5-Year Capital Improvement Plan and funding is available through Roadway Impact Fees Service Area #5.

(2b)



January 12, 2024
James Gaertner, PE
City of Waxahachie
408 S. Rogers Street
Waxahachie, Texas 75165

Re: Broadhead Road Design - Waxahachie, TX

Based on our discussions, Westfall Engineering, PLLC ("Engineer") is pleased to present this proposal to the City of Waxahachie ("Client" or "City") for Professional Civil Engineering Services for the above referenced project.

Project Description: Based on a meeting on October 27, 2023 with the Client and subsequent discussions, the Engineer understands that the City desires to have civil engineering plans prepared for Broadhead Road to widen the existing 2 lane road to a 4 lane undivided concrete roadway. These improvements will begin just west of April Lane and transition back to a 2-lane section just north of Equinox Parkway. Storm drainage is anticipated to be extended further to the north of the roadway improvements where it will follow the alignment of a private drive to the east and discharge into Grove Creek. The Engineer has performed previous work along the Broadhead Road right of way and has boundary and topographic survey for the majority of the alignment. This proposal anticipates the utilization of the existing survey information and add to it as needed for this design.

SCOPE OF SERVICES:

Task 1 – Topographic Survey

The Engineer will utilize previous topographic survey along the alignment of the roadway, however this task will provide for approximately 1.5 acres of additional survey. The survey will provide elevations representing the surface of the existing ground at one foot intervals based on a survey grid system and tied to existing control points. The survey will also locate existing, clearly visible improvements contained within and along the perimeter boundary of the right of way. The survey will be provided if requested in CAD format but will not be a standalone document.

Task 2 – Legal Descriptions/Exhibits

Legal Descriptions and Exhibits will be provided for needed ROW acquisitions. Language for the ROW/easement is assumed to be unaltered standard language from the City or as agreed to by the Grantor and Grantee and provided to the Engineer. Recording of the easement is assumed to be completed by the City. Coordination with land owners is anticipated to be completed by others or provided as an hourly Additional Service.

Task 3 – Roadway Design Plans

The roadway design will be divided into 4 phases to help ensure all parties are in agreement as the design progresses. These plans will be submitted digitally to the City for coordination and review. A 30% Schematic Design set will be shared to show general horizontal layout of the roadway design. A 60% design development will provide additional detail with vertical and preliminary storm design. A 90% that will serve as a final coordination set. The 100%, issue for permit will be the set submitted to the City in digital format for formal review and will consist of the following sheets:

1. Cover Sheet: General project information.
2. General Notes: Showing general notes related to proposed construction based on jurisdictional standards.
3. ROW Map: Showing schematic of existing and proposed right-of-way for the roadway.
4. Demolition Plan: Showing the existing, clearly visible improvements that are indicated on the survey and that are proposed to be removed as part of the project.
5. Paving Plan and profiles: Showing the proposed roadway improvements and elevations with applicable dimensions.
6. Signage and Striping Plan: Showing standard MUTCD and City specific pavement markings and signage.
7. Grading Plan: Showing proposed elevations, applicable spot shots, and one-foot contours. Any retaining walls needed will be shown on the drawings but structural design of the walls are not included and are anticipated to be done by others. This plan may be combined with the Paving Plan and Profile.

8. Drainage Area Map: Showing the existing and proposed drainage patterns.
9. Storm Drainage Plan and Profile: Will show the proposed roadway storm improvements.
10. Erosion Control: The erosion control plan will show erosion control measures that are to be installed by the Client's Contractor prior to any other construction work. It is anticipated that the Contractor will create the project Storm Water Pollution Prevention Plan (SWPPP).
11. Traffic Control Plan: The Traffic Control Plan (TCP) will show the placement of temporary traffic control devices and temporary striping based on the reviewing agency standards and the standards in the state's Manual on Uniform Traffic Control Devices (MUTCD). Implementation, execution, and updates as needed during construction of the TCP will be completed by the contractor, who is solely responsible for means and methods and for all aspects of public and contractor safety within, and adjacent to, the project.

Task 4 – Project Meetings and Calls

The Engineer will prepare for and attend project meetings and calls with reviewing staff to the extent requested by the Client.

Task 5 – Rockett Water and Franchise Utility Coordination

The Engineer will provide assistance to the City to coordinate with Rockett Special Utility District, franchise utilities, and lighting relocation on the roadway project. Design of any relocation would be an Additional Service. The Engineer will coordinate locating these utilities based on information provided by the utility providers.

Task 6 – Force Main Design

The Engineer will provide a plan and profile design for a 24-in force main following the alignment of the roadway project. The force main will be capped at both ends and to be extended in the future with a separate project. The size of the force main has been determined by others and this task does not provide for design associated with the lift station or capacity analysis for the force main. The pipe material will be as coordinated with the City to be consistent with other phases of the force main.

Task 7 – Bidding Assistance and OPC

The Engineer will assist the City with the contractor bidding process by completing Bid Forms, Bid Item Descriptions, and assembling the contract documents. The Engineer will work and coordinate with the City Engineer to assemble the contract documents and it is anticipated that the City will provide the standard contract language. The Contract Documents will include reference to North Central Texas Council of Governments (NCTCOG) and City specifications as coordinated with the City.

- Provide OPC and review bid tabs
- Providing plans to contractors
- Answer bidder questions
- Bid evaluation and recommendations
- Attend prebid meeting.

Task 8 – Construction Phase Services

Construction Phase Services can be provided if requested by the Client. Services include but are not limited to:

- 1) Review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or related safety precautions and programs.
- 2) Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.
- 3) Respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to the City as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the City.



Most contractors provide their own construction staking but this service can also be provided from the Engineer if requested and will be invoiced on a per trip basis.

Task 9 – Geotechnical Investigation and Recommendations

The Engineer will provide a Geotechnical Report with recommendations on pavement sections based on the City's published Thoroughfare Standards and Pavement Design Methods. The recommendations will be based on 9 sample borings taken to a depth of 10' assuming the roadway section most closely aligns with a Secondary Thoroughfare classification. The existing pavement is asphalt, however the City's design standards allow only for a concrete section for this roadway classification. The pavement design will match the more restrictive of either the City's minimum section or the geotechnical recommendation.

ITEMS EXCLUDED FROM SCOPE OF SERVICES:

- Platting
- Retaining wall designs (if any are needed)
- Traffic studies
- Photometric design
- All other items not listed in the Scope of Services

PROJECT ASSUMPTIONS:

- The list of tasks provided in the Scope of Services may not be comprehensive of what will be needed to complete the project. If additional tasks are identified to be needed, they will be provided as an additional service.
- The fees provided in the Fee Summary are to provide each task one time unless specifically indicated otherwise in the Scope of Services.

FEE SUMMARY:

Engineering Services		
Task 1 – Topographic Survey	\$6,750	Lump Sum
Task 2 – Legal Descriptions/Exhibits (\$1,200 Each)	\$24,000	Lump Sum(Assumes 20)
Task 3 – Roadway Design Plans	\$249,000	Lump Sum
Task 4 – Project Meetings and Calls (20 Hour budget)	\$4,500	Hourly
Task 5 – Rockett Water and Franchise Utility Coordination (20 Hour budget)	\$4,500	Hourly
Task 6 – Force Main Design	\$44,000	Lump Sum
Task 7 – Bidding Assistance (60 Hour budget)	\$15,000	Hourly
Task 8 – Construction Phase Services (40 Hour budget)	\$9,000	Hourly
Task 9 – Geotechnical Investigation and Recommendations	\$10,500	Lump Sum
Projected Lump Sum Subtotal	\$323,750	
Projected Hourly Subtotal	\$33,000	
Expenses (actual cost plus 15%)		
Projected Project Total:	\$367,250	

These fees are good for 90 days. After starting the project, if the project gets put on hold for any reasons longer than 90 days, the Engineer reserves the right to re-evaluated the fees.

Lump Sum Tasks: will be invoiced based on the completed percentage of work for that task.

Hourly Tasks: will be invoiced based the current rate schedule and the actual effort expended. If a value is provided for an hourly task in the fee summary above, this is only an estimate for budgeting purposes, but the actual invoiced amount could be more or less depending on the effort required to perform the task.

Reimbursable Expenses: Direct reimbursable expenses such as FedEx, couriers, print-shop reproduction, travel, and other direct expenses will be billed at cost plus 15%. All permitting, application, recording, and similar project fees will be paid directly by the Client.

The Client understands that the Consultant is not a contingent partner and agrees that the Consultant will be paid in full for the services rendered.

TERMS AND STANDARD PROVISIONS:

All payment terms and standard provisions are included in the following Standard Provisions.

CLIENT:
By: _____

Print Name: _____

Title: _____

Date: _____

ENGINEER:
By: Michael Westfall

Print Name: Michael Westfall, P.E.

Title: President

Date: January 12, 2024

Firm's Certificate No. 19101 (TX)

(20)



STANDARD PROVISIONS

Client's Responsibilities: Client shall be responsible for all requirements and instructions that it furnishes to Engineer pursuant to this Agreement, and for the accuracy and completeness of all programs, reports, data, and other information furnished by Client to Engineer pursuant to this Agreement. Engineer may use and rely upon such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement, subject to any express limitations or reservations applicable to the furnished items. Client shall give prompt written notice to Engineer whenever Client observes or otherwise becomes aware of any development that affects the scope or time of performance of Engineer's services; or of the presence at the Site of any hazardous substances; or any relevant, material defect or nonconformance in: (a) Engineer's services, (b) the Work, (c) the performance of any Constructor, or (d) Client's performance of its responsibilities under this Agreement.

Invoices and Payments: Engineer shall prepare invoices in accordance with its standard invoicing practices and shall submit its invoices to Client on a monthly basis. Invoices are due and payable within 30 days of receipt. Any Payments received will be credited first to any interest owed to Engineer and then to principal. If Client fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then: amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day; and Engineer may, after giving seven days written notice to Client, suspend services under this Agreement until Client has paid in full all amounts due for services, expenses, and other related charges. Client waives any and all claims against Engineer for any such suspension.

Opinions of Probable Construction Cost: Engineer's opinions (if any) of probable construction cost are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by Engineer. If Client requires greater assurance as to probable construction cost, then Client agrees to obtain an independent cost estimate.

Standard of Care: The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer.

Certifications: Engineer shall not be required to sign any document, no matter by whom requested, that would result in the Engineer having to certify, guarantee, or warrant the existence of conditions whose existence the Engineer cannot ascertain. Client agrees not to make resolution of any dispute with the Engineer or payment of any amount due to the Engineer in any way contingent upon the Engineer signing any such document.

Construction Phase Services: Engineer shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Site, nor for any failure of a constructor to comply with Laws and Regulations applicable to that constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any constructor. Engineer neither guarantees the performance of any constructor nor assumes responsibility for any constructor's, failure to furnish and perform work in accordance with the engineering documents. Engineer shall not be responsible for any decision made regarding the engineering documents, or any application, interpretation, clarification, or modification of the engineering documents, other than those made by Engineer or its consultants. Engineer is not required to provide and does not have any responsibility for surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements.

No Third-Party Beneficiaries; Assignments and Subcontracting: This Agreement gives no rights or benefits to anyone other than the Client and the Engineer, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and the Engineer. The Client shall not assign or transfer any rights under or interest in the Agreement without the written consent of the Engineer. The Engineer reserves the right to augment its staff with subconsultants as it deems appropriate.

Use of Documents: All documents are instruments of service, and Engineer shall retain an ownership and property interest therein (including the copyright and the right of reuse at the discretion of the Engineer) whether or not the project is completed. Engineer grants Client a limited license to use the documents on the project, extensions of the project, and for related uses of the Client, subject to receipt by Engineer of full payment due and owing for all services relating to preparation of the documents, and subject to the following limitations: (1) Client acknowledges that such documents are not intended or represented to be suitable for use on the project unless completed by Engineer, or for use or reuse by Client or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Client's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Client shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification

(20)



of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Client shall not create any rights in third parties. If Engineer at Client's request verifies the suitability of the documents, completes them, or adapts them for extensions of the project or for any other purpose, then Client shall compensate Engineer at rates or in an amount to be agreed upon by Client and Engineer.

Insurance: The Engineer carries professional liability insurance and general liability insurance. Revisions to coverage amounts, limits, deductibles etc. if available may be obtained at the Clients request and expense.

Termination: The obligation to provide further services under this Agreement may be terminated by either party upon 7 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination Engineer will be entitled to invoice Client and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

Controlling Law: This Agreement is to be governed by the laws and regulations of the state in which the project is located. Client and Engineer agree to negotiate all disputes between them in good faith for a period of 30. If after 30 days the dispute is not resolved then the matter shall be handled in the courts within Collin County Texas.

Environmental Condition of Site: Client represents to Engineer that to the best of Client's knowledge no hazardous substances and conditions, other than those disclosed in writing to Engineer, exist at or adjacent to the Site. If Engineer encounters or learns of an undisclosed hazardous substance or condition at the site, then Engineer shall notify (1) Client and (2) appropriate governmental officials if Engineer reasonably concludes that doing so is required by applicable laws or regulations. It is acknowledged by both parties that Engineer's scope of services does not include any services related to unknown or undisclosed hazardous substances or conditions. If Engineer or any other party encounters, uncovers, or reveals an undisclosed hazardous substances or conditions, then Client shall promptly determine whether to retain a qualified expert to evaluate such condition or take any necessary corrective action. If investigative or remedial action, or other professional services, are necessary with respect to undisclosed hazardous substances or conditions, or if investigative or remedial action beyond that reasonably contemplated is needed to address a disclosed or known hazardous substances or conditions, then Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the project affected thereby until such portion of the project is no longer affected. If the presence at the site of undisclosed hazardous substances or conditions adversely affects the performance of Engineer's services under this Agreement, then the Engineer shall have the option of (1) accepting an equitable adjustment in its compensation or in the time of completion, or both; or (2) terminating this Agreement for cause on 7 days notice. Client acknowledges that Engineer is performing professional services for Client and that Engineer is not and shall not be required to become an "owner," "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, which are or may be encountered at or near the site in connection with Engineer's activities under this Agreement.

Indemnification and Mutual Waiver: Indemnification by Engineer: In recognition of the relative risks and benefits of the Project to the Client and the Engineer, the risks have been allocated such that the Client agrees, to the fullest extent of the law, and notwithstanding any other provisions of this Agreement or the existence of applicable insurance coverage, that the total liability, in the aggregate, of the Engineer and Engineer's officers, directors, employees, agents, and subconsultants to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to the services under this Agreement from any cause or causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of the Engineer or the Engineer's officers, directors, employees, agents, and subconsultants, shall not exceed twice the total compensation received by the Engineer under this Agreement or \$50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. Under no circumstances shall the Engineer be liable for extra costs or other consequences due to changed conditions, or for costs related to the failure of contractors to perform work in accordance with the plans and specifications.



Memorandum

To: Honorable Mayor and City Council

From: Justin Stoker, P.E., Director of Public Works and Engineering

Thru: Michael Scott, City Manager

Date: January 22, 2024

Re: Consider an Engineering Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Pensacola Avenue Corridor Reconstruction Project

Recommended Motion: I move to approve a professional services agreement in the amount of \$299,500 with Kimley-Horn and Associates, Inc. for Pensacola Avenue engineering services.

Item Description: Consider approval of a professional services agreement in the amount of \$299,500 with Kimley-Horn and Associates, Inc. for design and construction engineering services associated with reconstruction of Pensacola Avenue from Richmond Lane to the cul-de-sac at the eastern end of the road.

Item Summary: This project is a budgeted Capital Improvement Plan (CIP) project with design scheduled in FY2024 and construction in FY2025. The proposed project includes reconstruction of the existing Pensacola Avenue from Richmond Lane to the eastern end of the road with concrete pavement, reconstruction of the existing water and sewer mains, storm drain improvements, sidewalk and accessible curb ramps and street light installation. The scope of this project also includes the portion of Chiles between Monticello Drive and Pensacola Ave. This engineering professional services agreement provides for the design and construction phase engineering services.

Fiscal Impact: The project is a CIP project in the approved FY2024 Budget with a budgeted amount of \$360,000 to be paid from the 2023 Bond. The amount of the professional engineering services agreement is \$299,500, providing a cost savings of \$60,500.



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, Executive Director of Public Works & Utilities
Thru: Michael Scott, City Manager
Date: January 22, 2024
Re: Consider Construction Contract for Howard Road Water Treatment Plant Air Scour Blower and Chemical Storage Tank Rehabilitation and Replacement Project

Motion: "I move to approve the award of a construction contract to Red River Construction Company in the amount of \$2,557,100 and additional construction contingency in the amount of \$127,900 for the Howard Road Water Treatment Plant Air Scour Blower and Chemical Storage Tank Rehabilitation and Replacement Project and authorize the City Manager to execute all necessary documents."

Item Description: Consider the award of a construction contract for the Howard Road Water Treatment Plant (HWTP) Air Scour Blower and Chemical Storage Tank Rehabilitation and Replacement Project.

Item Summary: This project is a culmination of multiple projects that are part of the 5-Year Capital Improvement Plan (CIP) with bonds sold in 2021 and 2022 to fund the engineering and construction of these projects. TCEQ approved the design in late FY 2023.

(22)

The project replaces the items listed below that have exceeded or are nearing the end of their service life:

- Replace four chemical storage tanks
- Install two chemical feed pumps
- Replace the air scour blower
- Add a redundant air scour blower
- Add four raw water flow meters
- Replace the filter media and filter underdrain system in Filter No. 6. at the HWTP
- Install necessary electrical, instrumentation, and programming improvements

The City received a total of three sealed bids and Red River Construction Co. was the lowest responsive bidder in the amount of \$2,557,100. Allan Plummer and Associates (Design Engineer) has reviewed the lowest bidder's qualifications/references and, along with City staff, recommends awarding the construction contract to Red River Construction Co.

Fiscal Impact: The project is part of the approved 5-Year CIP included in the approved FY 2024 Budget with engineering and construction funded through 2021 & 2022 Water Fund bond sales. Construction was originally budgeted at \$3,036,360, but the actual contract price with contingency totals \$2,685,000, realizing a cost savings of \$351,360.

(22)



PLUMMER

December 15, 2023

Mr. David Bailey
Senior Director of Utilities
City of Waxahachie
401 South Rogers
Waxahachie, TX 75165

Re: City of Waxahachie
Howard Road Water Treatment Plant
Air Scour Blower and Chemical Storage Tank Rehabilitation and Replacement
Recommendation of Award

Dear Mr. Bailey,

On Thursday, November 30, 2023, three bids were received, opened, and publicly read aloud at the City of Waxahachie's Charles Beatty Municipal Services Building for the above-referenced project. The bids were as follows:

Bidder	Total Bid
Schofield Civil Construction LLC	\$2,659,200.00
Red River Construction Co.	\$2,557,100.00
Crescent Constructors, Inc.	\$3,097,000.00

Red River Construction was the apparent low bidder with a Total Bid of \$2,557,100.00.

Plummer has reviewed Red River Construction's bid and all necessary bid documents are included. We have verified their bid bond. Plummer contacted references provided by Red River Construction Co. in their bid documents and we have received generally positive feedback from outside references. Based on the total bid amount and information submitted by Red River Construction, Plummer recommends that the City proceed with awarding this contract to Red River Construction Co. for the Total Bid amount of \$2,557,100.00.

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

Sincerely,

PLUMMER ASSOCIATES, INC.

Marshall Plunk, P.E.