

**NOTICE OF CITY COUNCIL BRIEFING SESSION
JULY 1, 2019
CITY COUNCIL CONFERENCE ROOM
401 S. ROGERS
WAXAHACHIE TEXAS
6:30 P.M.**

Agenda

Council Members: David Hill , Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

1. Call to Order
2. Conduct a briefing to discuss agenda items for the 7:00 p.m. regular meeting
3. Adjourn

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, July 1, 2019 at 7:00 p.m.***

Council Members: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of June 17, 2019
 - b. Minutes of the City Council briefing of June 17, 2019
 - c. Resolution authorizing the reimbursement of Water and Wastewater Operating Funds from the proceeds of future debt for the advance funding agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects
 - d. Approval of Supplemental Appropriation for Convention/Visitors Bureau and Amphitheater downtown
 - e. WWII Reenactment event to be held November 8, 2019
5. ***Introduce*** Honorary Councilmember
6. ***Request to appear*** by Elizabeth Tull President, Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend current contract between Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2020.
7. ***Public Hearing*** on request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069)
8. ***Consider*** approval of RP-19-0069
9. ***Public Hearing*** on a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071)
10. ***Consider*** proposed Ordinance approving SU-19-0071
11. ***Public Hearing*** on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Planned Development-Single-Family Residential-1, with Concept Plan, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (PD-19-0072)
12. ***Consider*** proposed Ordinance approving PD-19-0072
13. ***Consider*** request by Cory Murray, M. Sharp Family L.P., for a Final Plat of Murray Estates for 37 lots, being 39.60 acres situated in F.M. Woodward Survey, Abstract 1120 (Property ID 192138) in the Extra Territorial Jurisdiction – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (FP-19-0068)

14. **Consider** request by Christopher P. Holleman, Holleman Construction Co., for a Final Plat of Holleman Addition for 1 lot, being 7.085 acres situated in the Alfred Polk Survey, Abstract 827 (Property ID 189014) – Owner: HOLLEMAN CONSTRUCTION COMPANY INC (FP-19-0074)
15. **Public Hearing** on a request by Gunther Strength for a Replat of Lot 1, Block 13, Bullards Addition, to create Lots 1A and 1B, Bullards Addition, .3206 acres (Property ID 172392) – Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (RP-19-0075)
16. **Consider** approval of RP-19-0075
17. **Consider** request by Wes Dorough, JH Development LLC, for a Final Plat of The Haven Phase One for 101 residential lots and 2 open space lots, being 36.567 acres situated in the Robert Russell Survey, Abstract 911 (Property ID 274596) – Owner: JHH NORTH GROVE DEVELOPMENT LLC (FP-19-0067)
18. **Public Hearing** on a request by Ron Barson, Ledbetter Real Estate LTD, for a Specific Use Permit (SUP) for Unified Lot Sign use within a Planned Development-General Retail zoning district, located at 2751 N Highway 77 (Property ID 273976) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0073)
19. **Consider** proposed Ordinance approving SU-19-0073
20. **Continue Public Hearing** on a request by Joy Ranton, Daniel’s Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066)
21. **Consider** proposed Ordinance approving PD-19-0066
22. **Consider** contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive
23. **Consider** proposed Ordinance amending Chapter 21 (Offenses and Miscellaneous Provisions) of the Code of Ordinances of the City of Waxahachie by revising Section 21-6 Sale and discharge of firearms, discharge of firearms; and setting an effective date of July 1, 2019
24. **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
25. **Convene** into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code
26. **Reconvene** and take any necessary action
27. Comments by Mayor, City Council, City Attorney and City Manager
28. Adjourn

The City Council reserves the right to go into Executive Session on any posted item.

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A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, June 17, 2019 at 7:00 p.m.

Council Members Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, 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

Mayor Pro Tem Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consent Agenda

- a. Minutes of the City Council meeting of June 3, 2019
- b. Minutes of the City Council briefing of June 3 2019
- c. Approval of WCDC recommendation for Phase 2 of Hachie Hearts and Mural projects
- d. Approval of Supplemental Appropriation for Human Resources – Professional Services
- e. Approval of Supplemental Appropriation for Administration – Summer Intern
- f. Approval of establishing an Emergency Management Department and Operating Budget for Fiscal Year 2018-2019
- g. Juneteenth Parade to be held on June 19, 2019
- h. Juneteenth Celebration at Lee Penn Park to be held on June 22, 2019
- i. Arbor at Willow Grove Summer BBQ & Pool Party to be held on June 29, 2019
- j. Fireworks event at The Avenue Church to be held on June 29, 2019
- k. Community Street Dance (Oak Lawn Reunion) to be held on July 4, 2019
- l. Oak Lawn Memorial Celebration and High School Reunion Parade to be held on July 6, 2019

Action:

Councilmember Melissa Olson moved to remove item k. and approve items a. through l. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

(40)

Councilmember Melissa Olson expressed concern with the proposed street closure on item k. City Manager Michael Scott stated staff will work with the applicant on the street closure.

Action:

Councilmember Melissa Olson moved to approve item k. subject to staff to working with applicant on the street closure. Councilmember Chuck Beatty seconded, All Ayes.

5. Introduce Honorary Councilmember

Mayor Pro Tem Shipley introduced Emmeline Bearden as the Honorary Councilmember for the month of June 2019 and presented her with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

6. Consider request by Juan Carlos Flores, Flores Homes INC, for a Preliminary Plat of Clift Estates Phase V for 21 lots, being 7.356 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: JUAN C FLORES (PP-19-0058)

Planning Director Shon Brooks presented the Preliminary Plat of Clift Estates Phase V and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Juan Carlos Flores, Flores Homes INC, for a Preliminary Plat of Clift Estates Phase V for 21 lots, being 7.356 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: JUAN C FLORES (PP-19-0058). Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

7. Consider request by Vernon L. Witherspoon, FirstLook, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval of PP-17-0088 Lakeridge II (Property ID 186874) – Owner: FERRIS AVENUE BAPTIST DBA THE AVENUE (PP-19-0064)

Mr. Brooks reported the applicant requested a continuance for two (2) years and recommended approval.

Action:

Councilmember Melissa Olson moved extend a request by Vernon L. Witherspoon, FirstLook, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval of PP-17-0088 Lakeridge II (Property ID 186874) – Owner: FERRIS AVENUE BAPTIST DBA THE AVENUE (PP-19-0064) for two (2) years. Councilmember Chuck Beatty seconded, All Ayes.

8. Public Hearing on a request by James Bledsoe for a Replat of Lot 9A, Whispering Meadows Addition, to create Lots 9A-1 and 9A-2, Whispering Meadows Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: JAMES BLEDSOE AND NETA BLEDSOE (RP-19-0059)

(4a)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the request meets the requirements of the subdivision regulations except Rockett SUD is not able to provide fire flow.

There being no others to speak for or against RP-19-0059, Mayor Hill closed the Public Hearing.

9. Consider approving RP-19-0059

Action:

Councilmember Chuck Beatty moved to approve a request by James Bledsoe for a Replat of Lot 9A, Whispering Meadows Addition, to create Lots 9A-1 and 9A-2, Whispering Meadows Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: JAMES BLEDSOE AND NETA BLEDSOE (RP-19-0059). Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

10. Continue Public Hearing on a request by Michael Evans, GSW Land Surveyors, for a Replat of a portion of Lots 3 and 4 and all of Lot 5, Block 14, West End, to create Lot 5R, Block 14, West End, 4.478 acres (Property ID 176761 and 176763) – Owner: CHRISTOPHER L GLEASON (RP-19-0051)

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the applicant will need to connect to city utilities before the plat is filed. He recommended approval.

Dr. Christopher Gleason, 104 Meadowwood Lane, Red Oak, Texas, stated the property is located at 309 North Grand Avenue and has a barn and covered arena. He presented a power point noting the animal clinic will look like a train depot due to it is next to the railroad tracks. Dr. Gleason requested relief from connecting to city utilities.

Mr. John Bailey, 513 North Rogers Street, Waxahachie, stated the applicant has five (5) acres and the septic has worked well on the property. He requested waiver of connection to the city sewer.

Councilmember Olson stated the city has an ordinance in place depicting connection to city sewer. Assistant City Manager Albert Lawrence confirmed the Ordinance states you must connect to city sewer noting there is a connection in front of the property.

Councilmember Kevin Strength asked Mr. Bailey if he looked at the cost of connecting to the city sewer. Mr. Bailey stated the septic system will cost approximately \$10,000.00 and contractors told me connecting to city sewer will cost approximately \$20,000.00.

City Engineer James Gaertner explained the logistics of the city sewer capacity noting there is plenty of volume in the line.

Mr. Michael Evans, GSW Land Surveyors, 600 Strada Circle, Mansfield, Texas, stated there is history on this property and the septic has served it historically.

(4a)

There being no others to speak for or against RP-19-0051, Mayor Hill closed the Public Hearing.

11. Consider approving RP-19-0051

Action:

Councilmember Chuck Beatty moved to approve a request by Michael Evans, GSW Land Surveyors, for a Replat of a portion of Lots 3 and 4 and all of Lot 5, Block 14, West End, to create Lot 5R, Block 14, West End, 4.478 acres (Property ID 176761 and 176763) – Owner: CHRISTOPHER L GLEASON (RP-19-0051) per staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

12. Continue Public Hearing on a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 1, Americase Business Park, to create Lots 1A, 1B, 1C, and 1D, Americase Business Park, 10.71 acres (Property ID 273983) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0055)

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the Replat meets the Subdivision regulations and recommended approval.

Those who spoke against RP-19-0055:

Kathleen Clement, 420 Hoyt Road, Waxahachie

There being no others to speak for or against RP-19-0055, Mayor Hill closed the Public Hearing.

13. Consider approving RP-19-0055

Action:

Councilmember Chuck Beatty moved to approve a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 1, Americase Business Park, to create Lots 1A, 1B, 1C, and 1D, Americase Business Park, 10.71 acres (Property ID 273983) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0055) per staff comments. Councilmember Kevin Strength seconded, All Ayes.

14. Continue Public Hearing on a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 4, Americase Business Park, to create Lots 4A and 4B, Americase Business Park, 6.06 acres (Property ID 273986) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0056)

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the Replat meets the Subdivision regulations and recommended approval per staff comments.

There being no others to speak for or against RP-19-0056, Mayor Hill closed the Public Hearing.

(4a)

15. Consider approving RP-19-0056

Action:

Councilmember Chuck Beatty moved to approve a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 4, Americase Business Park, to create Lots 4A and 4B, Americase Business Park, 6.06 acres (Property ID 273986) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0056) per staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

16. Public Hearing on a request by Edwin Walker, Standard ECO, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family Residential-2 zoning district, located at 1565 Reserve Road (Property ID 265966) – Owner: LOUIE C RODRIGUEZ (SU-19-0060)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the rooftop solar panel system was installed without a permit. He stated staff will enact additional consequences on the applicant.

There being no others to speak for or against SU-19-0060, Mayor Hill closed the Public Hearing.

17. Consider proposed Ordinance approving SU-19-0060

ORDINANCE NO. 3119

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 1565 RESERVE ROAD, BEING PROPERTY ID 265966, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 13, BLOCK G IN THE COVE PHASE I SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3119 as presented. Councilmember Chuck Beatty seconded, All Ayes.

18. Public Hearing on a request by Ben Martinez, Kosmos Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family Residential-2 zoning district, located at 129 Liberty Way (Property ID 242010) – Owner: ROBERT & JANET LESIKAR (SU-19-0065)

Mayor Hill opened the Public Hearing.

Mr. Brooks stated the request meets the requirements of the Zoning Ordinance and recommended approval.

There being no others to speak for or against SU-19-0065, Mayor Hill closed the Public Hearing.

(4a)

19. Consider proposed Ordinance approving SU-19-0065

ORDINANCE NO. 3120

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 129 LIBERTY WAY, BEING PROPERTY ID 242010, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 21, BLOCK M IN SETTLERS GLEN ADDITION PHASE II, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3120 as presented. Councilmember Kevin Strength seconded, All Ayes.

20. Consider a request by Blain Vinson, Aspen Community Development, for a Site Plan Review of The Cottages on Cantrell located East of 865 Cantrell Street (Property ID 244351) - Owner: SAP PROPERTIES LLC (SP-19-0076)

Mr. Brooks reported when the planned development was approved Council required a detailed Site Plan be reviewed and approved before the applicant can submit a Final Plat. He reviewed the applicant's proposal being 5 cottage plans each with 2 complimenting elevations for a total of 10 options in each POD. Mr. Brooks stated square footage of the cottages will range from 945 square feet to 1,766 square feet. Key features of the development include a gym, walking trail, bridge connecting to Bullard Heights Neighborhood Park and a Dog Park.

Mr. Brooks recommended approval per the following staff comments:

- Maximum of seventy-three (73) residential lots.
- Maximum of ten (10) carriage lots.
- At least sixty (60) percent of the total area must be reserved for green space.
- Applicant shall provide decomposed granite along the proposed walking trail within the development.
- No overnight guest shall stay in the carriage houses within the development. Carriage houses should only be used for community events.
- A HOA Development/Bylaws document shall be required before the commencement of any vertical construction.

Mr. Blain Vinson, applicant, Aspen Community Development, 2801 N. Highway 77, Waxahachie, stated he would appreciate Council's approval noting he is very excited to get the project started. He referenced the bridge connecting to Bullard Heights Neighborhood Park noting it will cost approximately \$75,000.00 and asked for relief of park dedication fees to build the bridge.

Action:

Councilmember Kevin Strength moved to approve a request by Blain Vinson, Aspen Community Development, for a Site Plan Review of The Cottages on Cantrell located East of 865 Cantrell

(40)

Street (Property ID 244351) - Owner: SAP PROPERTIES LLC (SP-19-0076) and waiving the park dedication fees. Councilmember Chuck Beatty seconded. The motion was as follows:

*Ayes: David Hill
Chuck Beatty
Kevin Strength
Melissa Olson*

Noes: Mary Lou Shipley

The motion carried.

- 21. Public Hearing on a request by Chris Acker, Southfork Capital LLC, for a Zoning Change from a Commercial zoning district to Planned Development-Single-Family Residential-3, with Detailed Site Plan, located at 500 Dunaway (Property ID 172322) - Owner: SOUTHFORK CAPITAL LLC (PD-19-0062)**

Mayor Hill opened the Public Hearing.

Mr. Brooks presented a concept plan to allow construction of 7 single family homes. The development will feature gated access to all units and the HOA will be responsible for maintaining the streets and landscaping. He noted utilities will run in the street. Mr. Brooks explained this being a different type of development the lot sizes do not meet the Zoning Ordinance. He stated they do meet the surrounding residences and recommended approval per staff comments.

There being no others to speak for or against PD-19-0062, Mayor Hill closed the Public Hearing.

- 22. Consider proposed Ordinance approving PD-19-0062**

ORDINANCE NO. 3121

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN LOCATED AT 500 DUNAWAY IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.031 ACRES KNOWN AS A PORTION OF PROPERTY ID 172322 OF LOT 1B, BLOCK 1, OF THE BULLARD-REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3121 per staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 23. Public Hearing on a request by Chris Acker, Southfork Capital LLC, for a Replat of Lot 1B, Block 1, Bullards Addition, to create Lots 1-8, Block A, Payton's Place Addition, 1.031 acres (Property ID 172322) – Owner: SOUTHFORK CAPITAL LLC (RP-19-0063)**

(4a)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported RP-19-0063 is a corresponding plat of PD-19-0062 and recommended approval.

There being no others to speak for or against RP-19-0063, Mayor Hill closed the Public Hearing.

24. Consider approving RP-19-0063

Action:

Councilmember Melissa Olson moved to approve a request by Chris Acker, Southfork Capital LLC, for a Replat of Lot 1B, Block 1, Bullards Addition, to create Lots 1-8, Block A, Payton's Place Addition, 1.031 acres (Property ID 172322) – Owner: SOUTHFORK CAPITAL LLC (RP-19-0063) per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

25. Public Hearing on a request by Maxwell Fisher, AICP, Masterplan, for a Zoning Change from a Future Development zoning district to Planned Development-Commercial, with Detailed Site Plan, located at 3502 N Highway 77 (Property ID 193323, 209693, and 151344) - Owner: LOCKWOOD PROPERTIES LLC (PD-19-0057)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting approval to allow for restricted commercial use noting the site contains two developable parcels and explained one parcel has an existing building and will house a roofing company. Lot 2 has an exterior storage area and applicant proposes to add an additional business. Mr. Brooks recommended approval per staff comments.

Mr. Maxwell Fisher, applicant, AICP, Masterplan, 900 Jackson Street, Dallas, presented a power point depicting the following improvements: extensive interior and exterior cleanup, removing containers, unscreened outdoor storage, plumbing repairs, and painted exterior making it more business usable. Mr. Fisher stated Stiller Roofing is a local company that will own the property and operate out of the existing building.

There being no others to speak for or against PD-19-0057, Mayor Hill closed the Public Hearing.

26. Consider proposed Ordinance approving PD-19-0057

ORDINANCE NO. 3122

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C), WITH CONCEPT PLAN LOCATED AT 3502 AND 3504 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.145 ACRES KNOWN AS A PORTION OF PROPERTY ID 193323, 209693, AND 151344 OF THE HILLVIEW REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

(40)

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3122 as presented. Councilmember Chuck Beatty seconded, All Ayes.

- 27. Public Hearing on a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066)**

Mayor Hill opened the Public Hearing and announced the applicant asked to continue PD-19-0066 to the City Council meeting of July 1, 2019.

- 28. Consider proposed Ordinance approving PD-19-0066**

Action:

Councilmember Kevin Strength moved to continue a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066) to the City Council meeting of July 1, 2019. Councilmember Melissa Olson seconded, All Ayes.

- 29. Consider proposal from Blue Cross Blue Shield to provide employee major medical insurance and plan administration for Fiscal Year 2019-20; authorizing the City Manager to negotiate and execute a contract with Blue Cross Blue Shield, following review by the City Attorney**

Director of Human Resources Jamie Holbert reported after review of proposals staff requested to enter into a contract with Blue Cross Blue Shield to provide employee major medical insurance and plan administration for Fiscal Year 2019-2020.

City Manager Scott stated staff will converse with the city attorney pertaining to the contract with Blue Cross Blue Shield as well as item 30 being a proposed contract with Cigna for employee dental insurance.

Mayor Hill stated by getting new proposals the city is saving approximately \$768,000.00 noting he greatly appreciates staff due diligence.

Action:

Council Member Kevin Strength moved to approve a proposal from Blue Cross Blue Shield to provide employee major medical insurance and plan administration for Fiscal Year 2019-20; authorizing the City Manager to negotiate and execute a contract with Blue Cross Blue Shield, following review by the City Attorney. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

(40)

- 30. Consider proposal from Cigna to provide employee dental insurance and plan administration for Fiscal Year 2019-20; authorizing the City Manager to negotiate and execute a contract with Cigna, following review by the City Attorney**

Action:

Councilmember Kevin Strength moved to approve a proposal from Cigna to provide employee dental insurance and plan administration for Fiscal Year 2019-20; authorizing the City Manager to negotiate and execute a contract with Cigna, following review by the City Attorney. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 31. Consider award of bid for Spring Park parking lot project to J&K Excavation**

Director of Parks and Recreation John Smith reported bids were received and opened on June 12, 2019 and J&K Excavation was the lowest qualified bidder with a base bid of \$327,932.96 and alternative option of \$5,002.82 for concrete pavement. He reported the project will be funded through the available Park Dedication Fund Balance.

Action:

Councilmember Melissa Olson moved to award the bid for Spring Park parking lot to J&K Excavation with a base bid of \$327,932.96 and alternative option of \$5,002.82 for concrete pavement. Councilmember Chuck Beatty seconded, All Ayes.

- 32. Consider award of bid to Circle H Contractors, L.P. for the construction of the FM 664 Water Line Project**

Assistant City Manager Tommy Ludwig reported bids were received and opened on June 6, 2019. The low bidder was unable to provide relevant work experience with water line construction projects that are 18-inches in diameter or larger; therefore, not meeting the qualifications for the project. Mr. Ludwig stated the second lowest responsive bidder, Circle H Contractors, L.P., submitted a bid of \$1,172,802.50 which was \$62,377.50 below the project budget. He stated Circle H Contractors, L.P. has the required experience to perform the work and recommended awarding the project to Circle H Contractors, L.P. in the amount of \$1,172,802.50.

Action:

Councilmember Kevin Strength moved to award Circle H Contractors, L.P. for the construction of the FM 664 Water Line Project in the amount of \$1,172,802.50. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 33. Public Comments**

Ms. Betty Square Coleman, 116 Bradshaw Street, Waxahachie, asked if item k. on the Consent Agenda being the Oak Lawn Reunion community street dance on July 4, 2019 was approved. City Manager Scott stated Council charged Staff to work with the applicant on street closure. Ms. Coleman invited all to attend the event.

- 34. Comments by Mayor, City Council, City Attorney and City Manager**

(4a)

Assistant City Manager Tommy Ludwig announced Ms. Macey Martinez passed her Engineering in Training exam. He thanked Councilmember Kevin Strength, past President of the North Central Texas Council of Governments (NCTCOG), for his work on the Board.

Assistant City Manager Albert Lawrence congratulated Ms. Martinez on passing her test. He stated the work City Engineer James Gaertner and Ms. Martinez did on the Spring Park Parking depicts a huge value of them being the City Engineering Department. Mr. Lawrence stated the Lions Club State Convention was recently held in Waxahachie and the city received a letter recognizing the Convention and Visitors staff, Laurie Mosley and Monica Boyd for the hospitality and Civic Center Director April Ortiz and her staff for catering to all their needs. He stated the letter noted holding the convention in Waxahachie was their best Lions Club State convention yet.

Councilmember Chuck Beatty thanked Councilmember Kevin Strength, past President of the NCTCOG, for representing the City while on the Board.

City Manager Michael Scott thanked Council for supporting staff and thanked them for approving the Emergency Management Coordinator. He asked for continued prayers for the Jenkins family.

Mayor David Hill thanked Honorary Councilmember Emmeline Bearden for her attendance. He stated he recently attend the Global High graduation and stated Councilmember Melissa Olson's daughter graduated 4th in her class and congratulated her on her daughters achievement. He thanked Misty Christian with Kimley Horn on getting the city the best projects.

Mayor Pro Tem Mary Lou Shipley stated she appreciates all of the work the Parks Department has done getting the Spring Park Parking project underway.

Councilmember Melissa Olson thanked Honorary Councilmember Emmeline Bearden for her attendance. She thanked city staff for all the work they put in to the city.

City Attorney Robert Brown thanked Emmeline Bearden. He stated he is following the TML responses to bring Council the best strategies dealing with what has been passed in the Senate Bills and House Bills.

Mayor Hill stated Councilmember Chuck Beatty has an award named after him called the "Chuck Beatty Courage Award" noting kids from all over Ellis County are considered. He stated the award was given out at the inaugural banquet. Mayor Hill stated Councilmember Beatty was quite the NFL football player and honored to call him a friend. He stated Councilmember Kevin Strength was president of the NCTCOG and now past president. His accomplishment was the IH35 expansion noting money is coming into Ellis County due to Kevin's presence on the board.

35. Adjourn

There being no further business, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Lori Cartwright, City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, June 17, 2019 at 5:30 p.m.

Council Members Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott stated former Mayor Joe Jenkins is in the hospital. He welcomed Mr. Thomas Griffith as the new Emergency Management Coordinator. Mr. Griffith stated he came from the City of Lancaster and has been doing emergency management for more than 20 years and looks forward to working for the City of Waxahachie.

Human Resources Director Jamie Holbert introduced Ms. Kristen Ramos, Senior Account Manager, McGriff, Seibels & Williams, Inc. to provide the results of proposals received for employee medical and dental insurance for fiscal year 2019-2020. She reported the city has been with the current provider for over 30 years and determined it was in the best interest of the city to seek new proposals.

Ms. Ramos reported the firm was contracted by the City in January to conduct Request for Proposals for medical, dental, vision, life, disability, flexible spending account, and voluntary worksite products. She stated 5 medical proposals and 16 ancillary proposals were received. Ms. Ramos reviewed the recommendations and in summary proposed the following:

- Medical – Blue Cross Blue Shield
- Dental – Cigna
- Life Insurance and ancillary voluntary plans – Voya
- Vision – EyeMed
- Flexible Spending - Discovery Benefits

Ms. Ramos stated the savings on medical is approximately \$768,000 annually, dental approximately \$22,680 annually, and vision approximately \$16,500 annually.

(46)

Mr. Scott stated the memo in the packet references item 29 and 30. He stated 4d on the consent agenda keeps McGriff, Seibels & Williams, Inc. on as a professional consulting service. Mr. Scott stated staff feels very positive with the results.

After further discussion, Mr. Scott stated staff will work with city attorney and check with local hospital to see if they are in network.

Mr. Scott reviewed the consent agenda noting a concern with item 4k being a community street dance shutting down all of Wyatt Street. He stated there are public safety concerns and staff will recommend to continue working with the applicant for a better solution. He referenced item 4l noting staff is waiting on TxDOT approval to cross Martin Luther King Boulevard. Mr. Scott stated several of the applications for events arrived late and staff is going to have to push back noting it is becoming an issue.

Assistant City Manager Albert Lawrence referenced 4f noting it establishes the department and budget for the Emergency Management Coordinator through this fiscal year.

Director of Planning Shon Brooks reviewed the following cases:

- PP-19-0058, staff recommends approval.
- PP-19-0064, applicant request approval to extend for 2 years.
- RP-19-0059, applicant request to create 1 lot into 2 lots located in the ETJ. The property does not have enough fire flow and will require a waiver. Ellis County will give an automatic approval for 2 lots.
- RP-19-0051, applicant meets all subdivision requirements and has access to city sewer. The applicant will propose to not be on city sewer and remain on a septic system on their approximately 5 acres. City Ordinance does require applicant to tie into the city sewer.
- RP-19-0055, applicant request to create 1 lot into 4 lots located in the ETJ. The request does meet the city requirements.
- RP-19-0056, applicant request to create 1 lot into 2 lots located in the ETJ. The request does meet the city requirements.
- SU-19-0060, applicant request rooftop solar panel system and installed the panels prior to permit approval. Panels are properly located and a penalty may be assessed for not obtaining a permit.
- SU-19-0065, applicant request rooftop solar panel system and staff recommended approval.
- SP-19-0076, applicant request approval for the Cottages on Cantrell. Key features include gym, walking trail, bridge connecting to Bullard Heights Neighborhood Park, and a Dog Park. Each pod shares a carriage house that will be used for entertainment. One stipulation is there is not overnight guest in the carriage houses.
- PD-19-0062, applicant proposes the construction of 7 single family homes generally located at 500 Dunaway. The development will feature gated access with staff requiring 20 feet off the property line. Staff supports the design with nice homes and good elevations. Lots are comparable to the area.
- RP-19-0063, companion to PD-19-0062 and staff will recommend approval upon approval of the approved zoning.

(46)

- PD-19-0057, applicant has cleaned up the property and will have their roofing company in the existing building. The applicant will add wood fencing and landscape for screening. The parcel has a septic system and contains 2 developable parcels. Staff's concern is sharing a septic system on 2 lots. Staff recommended approval pending the sanitary sewer be resolved.
- PD-19-0066, applicant requested a continuance at the Planning and Zoning Commission meeting and therefore will be continued.

Parks and Recreation Director John Smith reviewed item 31 on the agenda noting bids for the Spring Park Parking project were received and J&K Excavation was the low bidder. The project will have concrete parking and pipe fencing. If approved, the project will start immediately which will have the park closed on July 4th. Base bid and alternate total \$332,935.78. Funds are in the park dedication budget to pay for the project.

Assistant City Manager Tommy Ludwig reviewed item 32 on the agenda noting bids for the FM 664 24-inch water line improvement project were received and reported the lowest bidder did not meet the qualifications for the project. He stated Circle H Contractors, L.P. was the second lowest bidder and has experience to perform the work.

Mr. Scott referenced a letter received praising the hospitality from the Convention and Visitors Bureau and Civic Center staff during the Lions Club State Convention held in Waxahachie.

3. Adjourn

There being no further business, the meeting adjourned at 6:45 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(40)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: June 28, 2019

Re: Reimbursement Resolution – TxDOT Viaduct Utility Relocation Project

On Monday July 1, 2019 a reimbursement resolution associated with the TxDOT Viaduct Utility Relocation Project will appear before City Council for consideration. City Council originally approved an advanced funding agreement with TxDOT, and a supporting reimbursement resolution, for the Viaduct Utility Relocation Project on May 6, 2019. However, this advanced funding agreement was based on the engineer's estimate of probable cost and not the actual construction amount. Since City Council's initial approval, TxDOT has received bids and the City's share of the construction is \$1,910,512.91; an increase of \$480,710.81 from the advanced funding agreement. Per the terms of the City's contract with TxDOT, the City must remit additional project funding to TxDOT within 30 days after their request. This reimbursement resolution will allow the Utility Department to reimburse the Water and Wastewater Operating Funds for this additional expenditure from the proceeds of future debt.

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

Tommy Ludwig

RESOLUTION NO.**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE ADVANCE FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS**

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for the engineering design services for the advance funding agreement with Texas Department of Transportation for voluntary utility relocation contributions on State highway improvement projects and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

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

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

WHEREAS, on May 6, 2019 the City approved an initial reimbursement resolution in the amount of \$792,000 from the Water Operating Fund and \$638,000 from the Wastewater Operating Fund

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

SECTION 1

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

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the Operating Fund in an amount not to exceed \$310,375 from the Water Operating Fund and \$170,145 from the Wastewater Operating Fund

SECTION 3

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

ADOPTED THIS 1st day of July, 2019.

MAYOR

ATTEST:

City Secretary

(4d)



Memorandum

To: Honorable Mayor and City Council
From: Albert Lawrence, Assistant City Manager *AL*
Thru: Michael Scott, City Manager *MS*
Date: June 27, 2019
Re: Consider Supplemental Appropriations for Convention/Visitor's Bureau
and Amphitheater Downtown

Item Description: Consider approving supplemental appropriations increasing the 2018-19 Budget for the Convention/Visitor's Bureau by \$20,392 and Amphitheater Downtown by \$6,340 in order to provide necessary funding to support a new Cultural Arts & Programming Manager position.

Item Summary: As we discussed at the City Council retreat, the new amphitheater and park that is currently under construction will require dedicated resources for the proper marketing, management and operations of the facility. Since the City does not currently have these resources available, it is necessary to hire a Cultural Arts & Programming Manager and provide adequate funding. Therefore, budget increases are necessary.

Listed below are the new fiscal year 2018-19 adjusted total budget amounts for accounts that require an increase.

Convention/Visitor's Bureau Budget

202-610-51100	Salaries	\$148,840
202-610-52200	FICA/Medicare	\$11,593
202-610-52501	TMRS	\$24,545
202-610-52600	Workers Comp	\$176

(46)

Amphitheater Downtown Budget

100-515-55265	Marketing	\$5,000
100-515-54400	Vehicle Lease	\$1,225
100-515-54345	Maintenance, Leased Vehicle	\$115

Fiscal Impact: The Convention/Visitor's Bureau budget increase of \$20,392 would come from reserves in the Hotel/Motel Tax Fund and the Amphitheater Downtown budget increase of \$6,340 would be split 2/3 from reserves in the Waxahachie Community Development (WCDC) Fund and 1/3 from reserves in the Tax Increment Reinvestment Zone (TIRZ) Fund. This split percentage for all current and future Amphitheater operations was previous approved by the WCDC Board, TIRZ Board and City Council. The reserves for all the Funds are sufficient to absorb the additional expenditure with no significant impact.

(4e)

RECEIVED IN
CITY SECRETARY'S OFFICE
6-17-19
CITY OF WAXAHACHIE, TEXAS

Application for a Festival or Event Permit

Event Name and Description: WWII Reenactment

Applicant Information

Name:

John Smith

Address:

401 S. Roger St.

City, State, Zip:

Wax TX 75165

Phone:

469 309 4271

E-mail Address:

j.smith@waxahachie.com

Organization Information

Organization Name:

WWII Reenactment

Address:

Authorized Head of Organization:

Phone:

E-mail Address:

Event Chairperson/Contact

Name:

John Smith

Address:

City, State, Zip:

Phone:

E-mail Address:

Event Information

Event Location/Address:

Downtown - Square to Depot

Purpose:

Veteran's Day observance

Event Start Date and Time:

November 8th 5pm 2019

(He)

Event End Date and Time: November 9th 7pm 2019

Approximate Number of Persons Attending Event Per Day: 2,500

Site Preparation and Set-Up Date and Time: November 8th 5pm

Clean-Up Completion Date and Time: November 9th 7pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc.

The closure of Franklin St. between College and Jackson will provide area for the "Black Market". Parking spaces on Franklin will be blocked (square side) for vehicle display. Troop encampments will set up south of the depot starting on Friday. Saturday event is all day with the battle starting @ 3pm. Police assistance is requested to help with crowd control during the battle.

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

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

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? No

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

I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

John Smith

6-17-19

Signature of Applicant

Date

(4e)

Villarreal, Amber

From: Brown, Anita
Sent: Monday, June 17, 2019 2:29 PM
To: Villarreal, Amber; Wade Goolsbey; Ricky Boyd; Smith, John; Mosley, Laurie
Cc: Cartwright, Lori; Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: RE: Event Application-WWII Reenactment

I do not have any concerns. No merchants will be affected by street closures except El Mexicano and they love events in their area. Plus, if there aren't many vendors we only close to the alley and their area is open. It's a great event for Waxahachie!

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, June 17, 2019 2:24 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Smith, John <jsmith@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-WWII Reenactment

Please review the attached event application and send me your comments/concerns.

Thank you,

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

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(4e)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, June 17, 2019 2:59 PM
To: Villarreal, Amber
Subject: RE: Event Application-WWII Reenactment

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, June 17, 2019 2:24 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Smith, John <jsmith@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
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(4e)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, June 17, 2019 3:02 PM
To: Villarreal, Amber
Subject: RE: Event Application-WWII Reenactment

I don't have any issues.

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Monday, June 17, 2019 2:24 PM
To: Wade Goolsby <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; John Smith <jsmith@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>
Subject: Event Application-WWII Reenactment

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Thank you,

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(4e)

Villarreal, Amber

From: Mosley, Laurie
Sent: Tuesday, June 18, 2019 3:36 PM
To: Villarreal, Amber
Subject: RE: Event Application-WWII Reenactment

I have no problems with the submitted event. Thank you!

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, June 17, 2019 2:24 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Smith, John <jsmith@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-WWII Reenactment

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(4e)

Villarreal, Amber

From: Smith, John
Sent: Tuesday, June 25, 2019 4:34 PM
To: Villarreal, Amber
Subject: RE: Event Application-WWII Reenactment

Approved.

Thanks,
John

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, June 17, 2019 2:24 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Smith, John <jsmith@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-WWII Reenactment

Please review the attached event application and send me your comments/concerns.

Thank you,

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(16)

AGREEMENT ON HOTEL-MOTEL TAX REVENUE

WHEREAS, Texas law in Chapter 351, Municipal Hotel Occupancy Taxes, of the Tax Code provides that Cities may provide for a municipal hotel occupancy tax, which the City of Waxahachie does charge and collect, and

WHEREAS, the said Texas statutes provide that municipalities may contract for the management of programs and activities funded with said tax, and the City of Waxahachie and the Waxahachie Arts Council, Inc. desire to so contract;

NOW, THEREFORE, it is hereby contracted and agreed as follows:

1. The City of Waxahachie and the Waxahachie Arts Council, Inc., hereby contract and agree that 25% of the available hotel-motel tax revenues are to be paid to the Waxahachie Arts Council, Inc., but only in compliance with all provisions of the Texas Statutes above described. It is specifically agreed that no more than 15% of the total funds collected by the City, being 315 of the funds paid to the Waxahachie Arts Council, Inc., may be spent on the encouragement, promotion, improvement and application of the arts, as provided in Section 351.101 (a) (4) of the State Tax Code. The remaining funds must be spent either for the historical restoration and preservation projects or activities to encourage tourists to visit historical sites or museums, in accordance with Section 351.101 (a) (5) of said statute, or solicitations or promotional programs to attract tourists and convention delegates, as allowed by Section 351.101 of said statute.

2. The City of Waxahachie shall review and approve in advance each year the annual budget of the Waxahachie Arts Council, Inc., for the expenditure of said funds, and the City may require amendments before approval, and shall require quarterly reports of funds expended during the last quarter. The Waxahachie Arts Council, Inc., shall keep accurate records of any funds expended, which shall at all office hours be available for review by the City.

3. Funds for each quarter will not be released until the quarterly report for the previous quarter is received, reviewed and approved by the City staff.

4. The City may, at its option and at any time, appoint a representative to review any accounts, and to have the right to appear at any meetings of the Waxahachie Arts Council, Inc., which deal with said fund.

5. This contract may be amended by the City at any time that state law is amended so as to comply with state law, if said amendment by the City is required in order to comply with the law.

6. This contract shall be extended for one year expiring on December 31, 2020. The City reserves the right to cancel this contract on 30 days notice in writing if the Waxahachie Arts Council, Inc., does not comply with this contract, but only after 30 days notice in writing of the alleged violation and failure to comply with this contract and correct any violation during said 30 day grace period. Any such cancellation shall not apply to funds contracted for in writing for long term commitments. This contract replaces all existing contracts on this subject between the parties hereto.

(6)

Executed this 1st day of July, 2019.

WAXAHACHIE ARTS COUNCIL, INC.

By: _____

CITY OF WAXAHACHIE

By: _____
Mayor

(6)

MR. MAYOR AND MEMBERS OF THE CITY COUNCIL

In 2003, the City Council approved a two-year contract extension with the Waxahachie Arts Council to receive 25% of the Hotel/Motel tax. Over the years, these funds have been used by non-profit organizations to promote the arts and tourism in Waxahachie and are greatly needed and appreciated.

When the contract was approved in 2003, there were five members of the Waxahachie Arts Council and they are as follows: Ellis County Museum, Ellis County Art Association, Historic Waxahachie, Waxahachie Community Theater and the Waxahachie Symphony Association. In 2003 the Chautauqua Preservation Society applied and was approved for membership. In 2007, we had an application from Bethlehem Revisited and it was approved and in 2015, we received an application from the Crossroads of Texas Film Festival and it was also approved. Currently, these are the eight organizations that comprise the membership.

This request is made to allow the member organizations to better plan for their expenditures and prepare their budgets. This is especially true for the Waxahachie Symphony Association which must contract for future concerts.

On behalf of the non-profit organizations that are members of the Waxahachie Arts Council, I want to thank the City Council for their past support and request approval of this extension of the contract.

A handwritten signature in cursive script, reading "Elizabeth N. Tull".

Elizabeth Nelson Tull, President
Waxahachie Arts Council

(6)

Ellis County Museum
 Treasurer's Report (YTD) - 2018
 1/1/2018 through 12/31/2018

1/14/2019

Page 1

Category	1/1/2018- 12/31/2018
INCOME	
Arts Council	21,150.00
Diamond Ball	7,276.00
Donations	4,232.25
Lock Engraving	200.00
Love Locks	2,450.00
TOTAL Donations	6,882.25
Dues	6,360.00
Duff Estate Dividend	19,619.02
Evening Fundraisers	3,282.00
Grants	3,000.00
Hagler Estate	5,096.13
Interest Income	12,100.11
Memorials	750.00
Misc. Income	351.36
Peters Estate	49,511.42
Restoration Fund	500.00
Sales	1,777.15
TIRZ Funding	35,450.00
Trail Inc	16,581.77
TOTAL INCOME	189,687.21
EXPENSES	
Ads	50.00
Archival Supplies	163.17
Capital Exp.	53,950.00
Contract Labor	9,600.50
Credit Card Exp	319.05
Diamond Ball Exp	5,621.05
Electrical	2,965.26
Equipment	1,789.63
Exhibit Supply	618.10
Gas	967.43
Gift Shop	3,160.95
Health Ins.	15,299.00
Health Ins Reimburse	-777.00
TOTAL Health Ins.	14,522.00
Insurance	4,850.00
Internet	638.44
Web Hosting	96.00
TOTAL Internet	734.44
Janitorial	1,920.00
Miscellaneous	3,227.48
Office Supplies	1,120.97
Postage	306.50

(6)

Ellis City Museum
Treasurer's Report (YTD) - 2018
1/1/2018 through 12/31/2018

1/14/2019

Page 2

Category	1/1/2018- 12/31/2018
Repairs	1,827.00
Salary	39,600.00
Medicare	-574.32
Social Security	-2,455.20
Withholding	-1,708.00
TOTAL Salary	34,862.48
Security	239.40
Software	31.86
Subscriptions	406.00
Taxes	
Employee	3,029.41
Medicare	574.21
Property	148.87
Sales Tax	240.03
Social Security	2,455.20
Withholding	1,956.00
TOTAL Taxes	8,403.72
Telephone	782.94
Water	625.84
TOTAL EXPENSES	153,065.77
 OVERALL TOTAL	 36,621.44

(6)

4:15 PM

ELLIS COUNTY ART ASSOCIATION

01/17/19

Profit & Loss

Accrual Basis

January through December 2018

	Jan - Aug 18	Sep - Dec 18	TOTAL
Ordinary Income/Expense			
Income			
ART ACADEMY INCOME	2,270.85	0.00	2,270.85
DONATIONS INCOME	987.46	518.41	1,505.87
FALL ART SHOW INCOME	0.00	4,051.06	4,051.06
GALLERY SALES	8,050.12	4,551.86	12,601.98
INTEREST INCOME	323.75	221.98	545.73
MEMBERSHIP DUES	1,125.00	1,950.00	3,075.00
PLEIN AIRE INCOME	10,722.09	0.00	10,722.09
SUMMER SHOW	75.00	406.20	481.20
SUMMER SHOW -ENTRY FEES	555.00	0.00	555.00
TEACHER INCOME	736.00	0.00	736.00
WAXAHACHIE ARTS COUNCIL	18,150.00	3,000.00	21,150.00
WORKSHOP INCOME	11,820.30	4,065.00	15,885.30
Total Income	54,815.57	18,784.51	73,580.08
Gross Profit	54,815.57	18,784.51	73,580.08
Expense			
ADVERTISING	444.17	1,377.23	1,821.40
ART ACADEMY EXPENSES	910.72	0.00	910.72
ARTWORK SOLD (PMT TO ARTIST)	15,920.96	4,673.46	20,594.42
BANKCARD CHARGES	370.48	137.84	508.32
BANKCARD CHARGES-WORLDPAY	856.14	436.05	1,292.19
BOOKKEEPING SERVICE	2,100.00	1,200.00	3,300.00
BUILDING	2,400.98	3,024.69	5,425.67
BUILDING RENTAL EXPENSES	18,120.00	9,664.00	27,784.00
CHRISTMAS PARTY EXPENSES	0.00	149.58	149.58
DEMONSTRATOR-ARTIST	8,241.66	450.00	8,691.66
DUES, SUBSCRIPTIONS & FEES	619.61	606.00	1,225.61
FALL ART SHOW	0.00	4,879.67	4,879.67
GALLERY STAFF	640.00	800.00	1,440.00
GALLERY SUPPLIES	97.84	109.86	207.70
MISCELLANEOUS (1 TIME CHGS)	1.00	0.00	1.00
OFFICE	816.42	753.86	1,570.28
OFFICE EQUIPMENT	0.00	453.58	453.58
OFFICE WORKER	200.00	0.00	200.00
PLEIN AIRE	5,019.00	0.00	5,019.00
PO BOX RENTAL	92.00	0.00	92.00
POSTAGE	50.00	56.70	106.70
REFUND	949.59	132.95	1,082.54
SAUNDERS	725.18	0.00	725.18
STATE COMPTROLLER	1,276.00	0.00	1,276.00
TAX RETURNS - YEARLY	0.00	425.00	425.00
TELEPHONE	1,451.63	772.46	2,224.09
UTILITIES	1,578.39	719.47	2,297.86

(6)

Historic Waxahachie Inc
Income Statement
 December 2018

	Dec 18	Jan - Dec 18
Ordinary Income/Expense		
Income		
Arts Council Income	0.00	21,150.00
Grant Income	0.00	5,000.00
Historic Marker Income	0.00	725.00
Interest Income	18.98	234.19
Membership Dues	35.00	9,200.00
Other Income	0.00	208.25
Total Income	53.98	36,517.44
Expense		
Bank Service Charges	7.70	94.34
Community Improvement		
Most Endangered Places	0.00	1,313.88
Total Community Improvement	0.00	1,313.88
Contract Labor	1,600.00	7,700.00
Donations	0.00	750.00
Dues and Memberships	0.00	800.00
Educational Programs		
Veterans Day Event	0.00	375.41
Window Restoration Program	0.00	456.32
Total Educational Programs	0.00	831.73
Historic Markers	208.00	624.00
Insurance Expense	0.00	1,043.00
Membership	74.84	402.84
Newsletter	0.00	159.00
Office Expense	118.63	880.37
Oral History	0.00	71.00
Professional Fees	0.00	135.00
Public Relations and Publicity	328.50	2,450.26
Rent	0.00	330.00
Service Fees	0.00	95.64
Social	1,144.99	1,637.37
Tours		
Courthouse	0.00	960.00
Total Tours	0.00	960.00
Total Expense	3,482.46	20,278.43
Net Ordinary Income	-3,428.48	16,239.01
Other Income/Expense		
Other Expense		
Special Projects		
Caboosa	250.00	522.41
Calaboosa & Wyatt	0.00	7,873.12
Interurban Car	0.00	16,248.13
Walking Tour App	0.00	2,388.00
Total Special Projects	250.00	27,031.66
Total Other Expense	250.00	27,031.66
Net Other Income	-250.00	-27,031.66
Net Income	-3,678.48	-10,792.65

(16)

Historic Waxahachie Inc
Balance Sheet
As of December 31, 2018

	Dec 31, 18
ASSETS	
Current Assets	
Checking/Savings	
Citizens National Bank	86,881.53
Total Checking/Savings	86,881.53
Total Current Assets	86,881.53
Fixed Assets	
Fixed Assets	2,000.00
Total Fixed Assets	2,000.00
TOTAL ASSETS	<u>88,881.53</u>
LIABILITIES & EQUITY	
Equity	
Unrestricted Net Assets	99,674.18
Net Income	-10,792.65
Total Equity	88,881.53
TOTAL LIABILITIES & EQUITY	<u>88,881.53</u>

(4)

**Waxahachie Community Theater
2018 Income and Expense Summary**

	Jan - Dec 2018
Income	
Concession Sales	1,272.26
Corporate Underwriting	5,700.00
Donations Received	
Arts Council	21,150.00
Donations Received - Other	33,564.79
Total Donations Received	54,714.79
Interest	55.75
Membership Dues	1,700.23
Membership Meeting Income	995.00
Other Inc	355.59
Season Ticket Sales 2018	2,190.63
Season Tickets 2019	610.00
Show Apparel Income	2,227.80
Ticket Sales	20,775.95
Tickets to the City Rebate	39.80
Total Income	90,637.80
Expense	
Advertising	1,162.90
Concession Costs	185.85
Courtesy Memberships	200.00
Directing Fees	4,500.00
Donations	0.00
Insurance	872.00
Membership Meeting Expense	1,322.25
Miscellaneous	8,204.10
Office Equipment	0.00
Office Supplies	156.82
Payroll Tax Expense	2,722.82
Postage	36.93
PRINTING	1,988.56
PROD COSTS	23,906.25
PROF_MEMB	442.45
PROF_SERV	390.00
PROMO_EXP	0.00
Recognition Gifts	1,226.86
Royalties and Scripts	6,848.24
Salary	14,300.00
Show Apparel Expense	1,969.00
Square fees	64.89
Storage	14,506.00
Subscriptions	37.74
TTC Fee	15.20
WCT Scholarship	0.00
Web Site	149.00
Total Expense	85,207.86

(6)

WAXAHACHIE SYMPHONY ASSOCIATION, INC.
Statement of Revenues and Expenses - Income Tax Basis

	1 Month Ended July 31, 2018	12 Months Ended July 31, 2018
Revenues		
Arts Council grants	\$ 0.00	\$ 14,250.00
TCA grants	0.00	3,300.00
Waxahachie Foundation grants	0.00	6,500.00
Gifts	0.00	23,103.00
Season ticket subscriptions	0.00	17,743.84
Individual concert ticket sales	0.00	15,399.65
Belles and Beaus fees	0.00	3,221.00
Refreshments	0.00	(152.46)
Total Revenues	<u>0.00</u>	<u>83,365.03</u>
Gross Profit	<u>0.00</u>	<u>83,365.03</u>
Operating Expenses		
Insurance	0.00	603.75
Advertising	262.50	1,694.43
Office supplies	35.90	362.33
Belles and Beaus expenses	1,076.82	12,659.91
Dues and subscriptions	0.00	475.00
Rent	275.00	275.00
Scholarships	(1,000.00)	5,000.00
Postage and freight	0.00	93.35
Storage rental	0.00	204.00
Instrument rental and tuning	0.00	296.70
Performer fees	0.00	34,087.40
Printing	138.75	7,227.06
Supplies	35.64	168.40
Venue fees	0.00	3,019.39
Total Operating Expenses	<u>824.61</u>	<u>66,166.72</u>
Operating Income (Loss)	<u>(824.61)</u>	<u>17,198.31</u>
Other Income (Expenses)		
Interest income	5.95	69.99
Total Other Income (Expenses)	<u>5.95</u>	<u>69.99</u>
Net Income (Loss) Before Taxes	<u>(818.66)</u>	<u>17,268.30</u>
Net Income (Loss)	<u>\$ (818.66)</u>	<u>\$ 17,268.30</u>

(6)

WAXAHACHIE SYMPHONY ASSOCIATION, INC.
Statement of Cash Flows
For the 12 Months Ended July 31, 2018

Cash Flows from Operating Activities	
Net Income (Loss)	\$ 17,268.30
Adjustments to reconcile net income (loss) to net cash provided by (used in) operating activities:	
Losses (Gains) on Sales of Fixed Assets	0.00
Decrease (Increase) in Operating Assets:	
Increase (Decrease) in Operating Liabilities:	
Total Adjustments	<u>0.00</u>
Net Cash Provided By (Used In) Operating Activities	<u>17,268.30</u>
Cash Flows from Investing Activities	
Net Cash Provided By (Used In) Investing Activities	<u>0.00</u>
Cash Flows from Financing Activities	
Net Cash Provided By (Used In) Financing Activities	<u>0.00</u>
Net Increase (Decrease) In Cash and Cash Equivalents	17,268.30
Beginning Cash and Cash Equivalents	<u>100,582.75</u>
Ending Cash and Cash Equivalents	<u>\$ 117,851.05</u>

(6)

Chautauqua Preservation Society
2018 Arts Council Report
January 29, 2018

Description	2018 Actual
Income	
Arts Council	\$ 21,150.00
Communities Foundation	\$ 128.89
Corporate Donations	\$ 4,450.00
Memberships	\$ 6,532.86
Other Income (cash donations on Sept 29)	\$ 1,813.25
Refund (Deposits)	\$ 1,200.00
Cash Reserves Budgeted (Includes \$3000 from Savings for sidewalk)	\$ 7,000.00
TOTAL INCOME	\$42,275.00

Expenses	2018 Actual
Marketing	\$ 6,551.31
Membership Promotion	\$ 968.52
Office Supplies (ink, paper)	\$ 341.72
Organization Memberships	\$ 412.50
Chamber of Commerce	
Chautauqua Trail	
Waxahachie Downtown Merchants Assn	
Communities Foundation (NTX Giving Day Registration)	
Presenter & Performers	\$ 15,114.00
Travel for Presenters & Performers (airfare, lodging)	\$ 1,554.53
Rentals	\$ 860.00
PO Box	
Storage Unit	
September Event Production	\$ 10,181.02
Special Projects & Events	\$ 6,531.37
Chautauqua Eve Event	
July 26 Event	
July 4 Parade	
Sept 27 Movie	
Trash Can Transformation	
Sidewalk Installation	
Tax Preparation	\$ 90.00
Webhosting	\$ 296.82
TOTAL EXPENSES	\$43,101.79
DIFFERENCE (Income-expenses)	(\$826.79)

(6)

BETHLEHEM REVISITED		
FINANCIAL STATEMENT 2018		
BEGINNING BALANCE		66,955.71
GENERAL INCOME		
Gate Receipts	9,829.93	
Memorials		
Donation		
Petty Cash Returned/Souvenirs	400.00	
Souvenirs	3,144.54	
Waxahachie Arts Council	21,150.00	
TOTAL GENERAL INCOME		34,524.47
OPERATING EXPENSES		
Administrative Fee, 501C3	2,000.00	
Advertising	4,911.03	
Animals (Camels/\$5,190; Ewe Petting Zoo/\$2,000)	7,190.00	
Building & Grounds	2,642.63	
Cast	1,491.24	
Costumes	500.00	
Custodial Help	116.16	
Lighting & Tech Services	1,214.05	
Petty Cash (Souvenirs)	400.00	
Postage	1,181.42	
Production	5,924.00	
Souvenir Expense	10,070.02	
Supplies & Props	4,847.89	
Utilities (Electricity/\$1,947.12 Water/\$200.88)	2,148.00	
Yard Maintenance	1,375.00	
LESS TOTAL EXPENSES		46,011.44
ENDING BALANCE		55,468.74

(12)

11:35 AM

01/11/19

Accrual Basis

Crossroads of Texas Film Festival
Profit & Loss
January through December 2018

	Jan - Dec 18
Ordinary Income/Expense	
Income	
Arts Council	21,470.00
Sponsorships	19,000.00
Ticket Sales	24,735.21
Total Income	65,205.21
Gross Profit	65,205.21
Expense	
Advertising/Marketing	3,381.93
Airfare	2,043.67
Alcohol	2,443.27
Catering/Food	9,291.89
Contract Services	
Accounting Fees	10.00
Total Contract Services	10.00
Film Licensing	4,430.00
Gifts	1,008.67
Lodging	5,623.38
Music	27,000.00
Operations	
Postage, Mailing Service	7.20
Total Operations	7.20
Other Types of Expenses	
Insurance - Liability, D and O	175.81
Total Other Types of Expenses	175.81
Petty Cash	475.00
Production	9,721.71
Security	960.00
Supplies	1,448.59
Travel Stipend/Mileage	2,672.59
Total Expense	70,693.71
Net Ordinary Income	-5,488.50
Net Income	-5,488.50

(148)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: June 27, 2019
Re: RP-19-0069 – Whispering Meadows

On June 6, 2019, the applicant asked staff to continue case no. RP-19-0069 from the June 25, 2019 Planning and Zoning Commission agenda, as well as the July 1, 2019 City Council public hearing meeting agenda.

(9470)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: June 19, 2019

Re: SU-19-0071 – Drive Through Establishment (Car Wash)

On June 19, 2019, the applicant requested to continue case no. SU-19-0071 to the July 9, 2019 Planning and Zoning Commission agenda, and the July 15, 2019 City Council meeting agenda.

(11/4/2)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: June 26, 2019

Re: PD-19-0072 Water Garden Place

On June 25, 2019, the applicant requested to withdraw case no. PD-19-0072 from the June 25, 2019 Planning and Zoning Commission agenda, and the July 1, 2019 City Council meeting agenda.

(13)

Planning & Zoning Department Plat Staff Report

Case: FP-19-0068



MEETING DATE(S)

Planning & Zoning Commission: June 25, 2019

City Council: July 1, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 25, 2019, the Commission voted 6-0 to recommend approval of plat no. FP-19-0068, subject to staff comments.

CAPTION

Consider request by Cory Murray, M. Sharp Family L.P., for a Final Plat of Murray Estates for 37 lots, being 39.60 acres situated in F.M. Woodward Survey, Abstract 1120 (Property ID 192138) in the Extra Territorial Jurisdiction – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (FP-19-0068)

CASE INFORMATION

Applicant: Cory Murray, M. Sharp Family L.P.

Property Owner(s): M. Sharp Family Limited Partnership

Site Acreage: 39.60 acres

Number of Lots: 37 lots

Number of Dwelling Units: 34 units

Park Land Dedication: ETJ (N/A)

Adequate Public Facilities: Rockett SUD has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

SUBJECT PROPERTY

General Location: 650 Wilson Road

Parcel ID Number(s): 192138

Current Zoning: N/A (ETJ)

Existing Use: Undeveloped land

Platting History: 1120 F M WOODARD

Site Aerial:**STAFF CONCERNS**

1. All initial staff comments have been met. In the Title Block it says there are 37 total lots but only 36 lots are shown in the official block/lot count.

APPLICANT RESPONSE TO CONCERNS

1. The applicant submitted an updated plat that addressed all staff concerns at the time.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Minor platting issues will need to be addressed before this plat can be filed.

ATTACHED EXHIBITS

1. Plat Drawing
2. Water Letter

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Chris Webb
 Planner
cwebb@waxahachie.com

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

Book Department, Department of the Army, 1015 Army Avenue, Washington, D.C. 20315-5060
 For more information, contact: 1-800-376-8274
 For more information, contact: 1-800-376-8274
 For more information, contact: 1-800-376-8274
 For more information, contact: 1-800-376-8274

**FULLER ENGINEERING
& LAND SURVEYING, INC.**



(113)

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



WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Cory Murray Parcel ID #: 192138
Subdivision Name: Murray Estates

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

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

Contact Information:

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

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>8</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Kay Phillips
Print Name of General Manager of water provider or Designee

Rockett SUD
Name of water provider company

Kay Phillips
Signature of General Manager of water provider or Designee

5-15-19
Date

(14)

Planning & Zoning Department

Plat Staff Report

Case: FP-19-0074



MEETING DATE(S)

Planning & Zoning Commission: June 25, 2019

City Council: July 1, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 25, 2019, the Commission voted 6-0 to recommend approval of plat no. FP-19-0074, subject to staff comments.

CAPTION

Consider request by Christopher P. Holleman, Holleman Construction Co., for a **Final Plat** of Holleman Addition for 1 lot, being 7.085 acres situated in the Alfred Polk Survey, Abstract 827 (Property ID 189014) – Owner: HOLLEMAN CONSTRUCTION COMPANY INC(FP-19-0074)

CASE INFORMATION

Applicant: Christopher P. Holleman, Holleman Construction Co.

Property Owner(s): Holleman Construction Company, Inc.

Site Acreage: 7.085 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Park Land Dedication: The cash in lieu of park land dedication is estimated at \$4,251.00 (7.085 acres at \$600.00 per acre).

Adequate Public Facilities: Adequate public facilities are available for this property.

SUBJECT PROPERTY

General Location: 120 Lucas Street

Parcel ID Number(s): 189014

Current Zoning: Planned Development-Light Industrial-1 (Ordinance 2974)

Existing Use: Undeveloped Land

Platting History: 827 A POLK

Site Aerial:**STAFF CONCERNS**

At the time of this report, staff still has multiple outstanding concerns that need to be addressed.

1. A letter of acceptance will be required from the City Public Works Department before filing the plat.
2. Water and sewer lines must be installed prior to recording the plat.

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (6/26/19) staff received a plat update that addressed most staff concerns.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. A letter of acceptance from the Public Works Department will be needed before plat filing.
 2. Water and sewer lines must be installed prior to the recording of the plat.

ATTACHED EXHIBITS

1. Plat drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(14)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, HOLLEMAN CONSTRUCTION CO., INC., do hereby adopt this plat designating the herein above described property as a HOLLEMAN ADDITION, as a addition to the City of Waxahachie, 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 public use, as shown, and are dedicated to the public use forever, for the purpose indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growing shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, and and accompanied with a public utility desiring to use or using the same unless the easement limits the use in particular utility, said use by public utility, being utility within a half mile have the right to remove and keep removed all or parts of any building, fences, trees, shrubs or other improvements or growing which may in any way or on any day interfere with the operation, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities and at all times have the full right of ingress and egress to or from their respective easements for the purpose of so reconstructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and so doing to or removing or parts of their respective systems with the necessity at any time procuring permission from anyone.

This plat approved subject to all existing ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this day of _____, 2019.

BY:

Christopher P. Holleman
HOLLEMAN CONSTRUCTION CO. INC.

STATE OF TEXAS
COUNTY OF ELLIS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Christopher P. Holleman, of Holleman Construction Company, Inc., 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 and consideration therein expressed.

Given under my hand and seal of office, this day of _____, 2019.

Notary Public in and for the State of Texas

My Commission Expires On:

CITY OF WAXAHACHIE, TEXAS FINAL PLAT APPROVAL

APPROVED BY: Planning and Zoning Commission
City of Waxahachie

By: _____
Chairperson Date

APPROVED BY: City Council
City of Waxahachie

By: _____
Mayor Date

Attest: _____
Date

SURVEYOR'S DECLARATION

I declare that the plat and field notes herein are the representation of an actual and accurate survey made on the ground in May of 2019, and that neither products were found in soil under my personal supervision. There are no visible encroachments, protrusions or easements, unless shown hereon. The bearings, distances in parentheses in right are based on the recorded plat of original subdivision. According to the Boundary Emergency Management Agency, Flood Insurance Rate Map, Number 48190C01 00 P, dated June 3, 2013, for Ellis County, Texas, and Interstate Area, this tract is not within a special flood hazard area numbered by 100-year flood. The survey is for the benefit of Christopher Holleman, a Division of Holleman Construction Company, Inc.

Registered Professional Land Surveyor
Number 4480

JUN 17 2019
Date



Owner & Developer
HOLLEMAN CONSTRUCTION CO. INC.
154 Juban Street,
Denton, Texas 76203
Christopher P. Holleman
214-475-4991

BENCHMARK INFORMATION
BM-1: BET MAGNETIC NAIL AT THE 50 FEET ROAD US PO 1/4" IN THE NORTH END OF LUCAS STREET N 883278.75 E 2473229.88 ELEVATION = 584.0
BM-2: SANITARY SEWER MANHOLE R/W WEST OF THE WEST PROPERTY LINE APPROXIMATELY 50 FEET NORTH OF LUCAS STREET RIGHT OF WAY N 8832834.045 E 2473380.583 ELEVATION = 581.48



**FINAL PLAT
HOLLEMAN ADDITION
Lot 1, Block A**

4.08 Acres
situated to We W Fred Polk Suzzep, Abu 8E7
In the City of Waxahachie,
Ellis County, Texas
(1 Commercial Lot)

Case # 17-18-0074
Page 2 of 2

**ELLIS ASSOCIATES
SURVEYORS**
212 North College Tel 817-637-7174
Waxahachie, Texas 76180
TSPS License No. 10007108

Date: JUN 17 19
Scale: 1" = 60'
Drawn by: D. OCUR
Job: 18112

(15)

Planning & Zoning Department

Plat Staff Report

Case: RP-19-0075



MEETING DATE(S)

Planning & Zoning Commission: June 25, 2019

City Council: July 1, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 25, 2019, the Commission voted 6-0 to recommend approval of plat no. RP-19-0075, subject to staff comments.

CAPTION

Consider request by Gunther Strength for a Replat of Lot 1, Block 13, Bullards Addition, to create Lots 1A and 1B, Bullards Addition, .3206 acres (Property ID 172392) – Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (RP-19-0075)

CASE INFORMATION

Applicant: Gunther Strength

Property Owner(s): Donald I. and Peggy E. Cole Revocable Living Trust

Site Acreage: .3206 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Park Land Dedication: The cash in lieu of park land dedication is estimated at \$400.00 (1 new dwelling unit added to the site at \$400 per dwelling unit).

Adequate Public Facilities: Adequate public facilities are available for this property.

SUBJECT PROPERTY

General Location: 415 W. Light Street

Parcel ID Number(s): 172392

Current Zoning: Planned Development-Single Family-3 (Ordinance 3007)

Existing Use: 1 house currently exists on the NW side of the site while the rest of the land remains undeveloped.

Platting History: LOT 1 BLK 13 BULLARD-REV

Site Aerial:



STAFF CONCERNS

Only one staff concern remains after the applicant's resubmitted plat.

1. Water and sewer services will need to be installed before the recording of the plat.

APPLICANT RESPONSE TO CONCERNS

At the time of this staff report (6/17/19), staff received an updated plat that addressed all concerns posed by staff with the only exception being that water and sewer services will need to be installed before the plat can be filed.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Applicant will need to provide a note stating that water and sewer services will be installed before the recording of the plat.

ATTACHED EXHIBITS

1. Plat drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(11)

Planning & Zoning Department Plat Staff Report

Case: FP-19-0067



MEETING DATE(S)

Planning & Zoning Commission: June 25, 2019

City Council: July 1, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 25, 2019, the Commission voted 6-0 to recommend approval of plat no. FP-19-0067, subject to staff comments.

CAPTION

Consider request by Wes Dorough, JH Development LLC, for a **Final Plat** of The Haven Phase One for 101 residential lots and 2 open space lots, being 36.567 acres situated in the Robert Russell Survey, Abstract 911 (Property ID 190002) – Owner: JHH NORTH GROVE DEVELOPMENT LLC (FP-19-0067)

CASE INFORMATION

Applicant: Wes Dorough, JH Development LLC

Property Owner(s): JHH North Grove Development LLC

Site Acreage: 36.567 acres

Number of Lots: 101 residential lots and 2 open space lots

Number of Dwelling Units: 101 units

Park Land Dedication: The park land dedication has been met with this plat.

Adequate Public Facilities: Adequate public facilities are available for this property.

SUBJECT PROPERTY

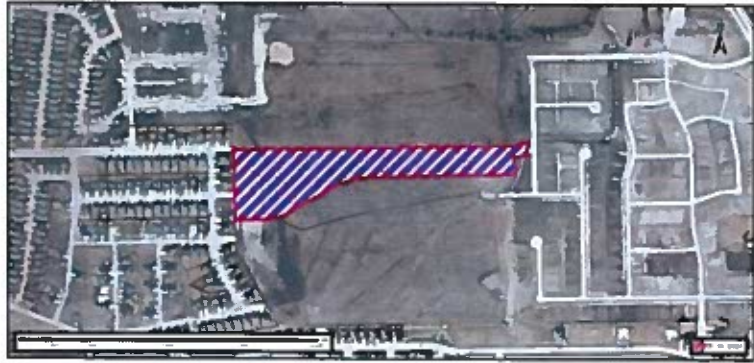
General Location: Between Estates of North Grove Phase 1 and The Cove Phase 1

Parcel ID Number(s): 274596

Current Zoning: Planned Development

Existing Use: Undeveloped Land

Platting History: This plat was originally approved as part of PLM2016-41 North Grove Phase 3-7 & 12 at the November 21, 2016 City Council Meeting.

Site Aerial:**STAFF CONCERNS**

A public works letter of acceptance will be required when work is completed before this plat can be filed.

APPLICANT RESPONSE TO CONCERNS

An updated plat submittal was received by staff that addressed most staff concerns with the plat. Still a public works letter of acceptance will be required by staff.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Staff will require a public works letter of acceptance before this plat can be filed.

ATTACHED EXHIBITS

Identify the exhibits that will be included as agenda backup material.

1. Plat drawing.

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

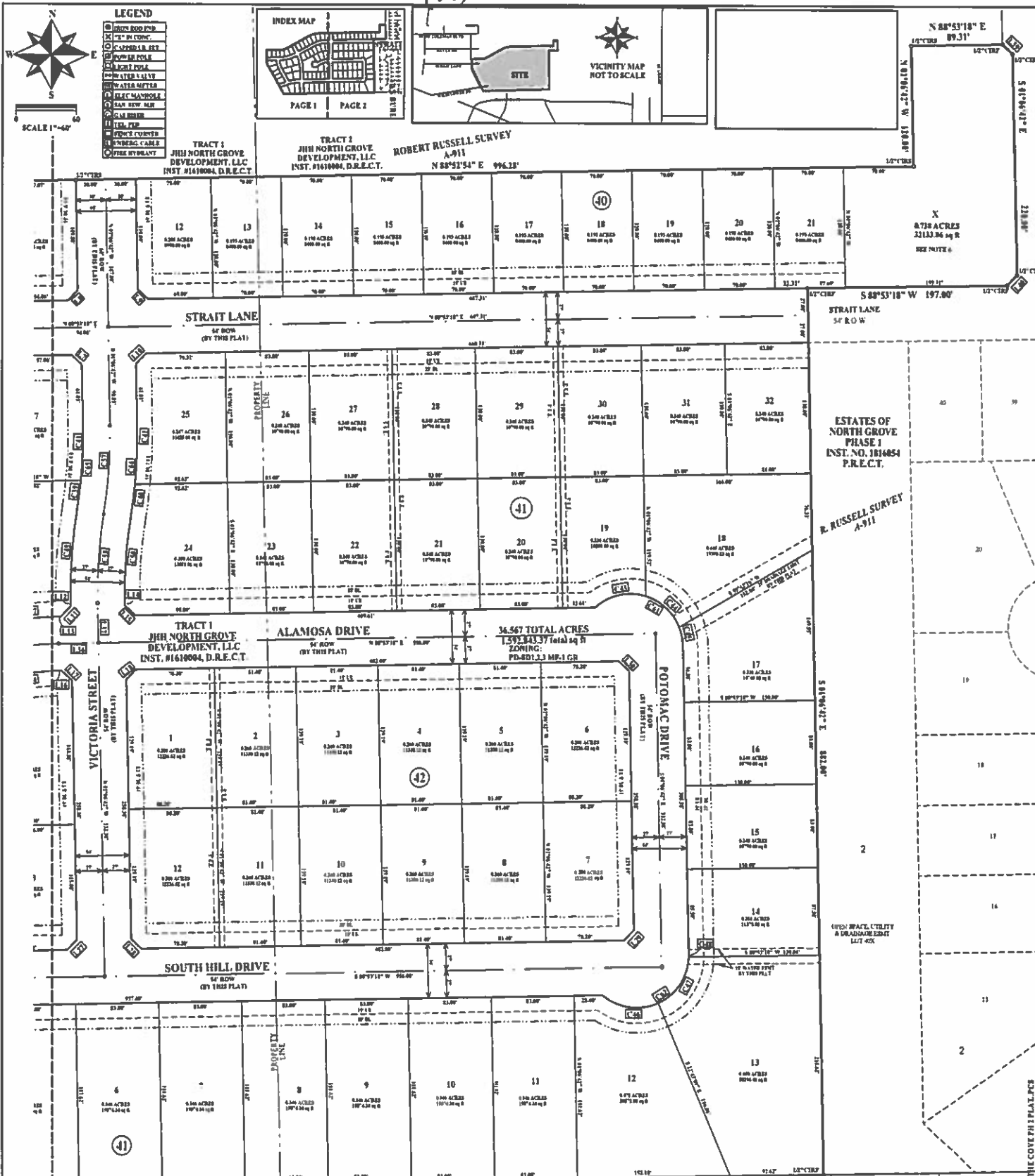
Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com



AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND
BEING SITUATED IN THE ROBERT RUSSELL SURVEY, ABSTRACT NO. 911,
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.
CASE NUMBER 77-19-0067

OWNER:
JHH NORTH GROVE
DEVELOPMENT LLC
P.O. BOX 804
MIDLOTHIAN, TX. 76065
CONTACT: CHIP BOYD
(817) 646-6008

117



GENERAL NOTES:
1. THE SUBJECT TRACT LIES WITHIN ZONE "E" (UNDRAINED FLOOD PLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR ELLIS COUNTY, TEXAS AND UNINCORPORATED AREAS, COMMUNITY PANEL NUMBER 490000W, EFFECTIVE DATE 7/26/04, 2013).
2. 1/2" IRON RODS STAMPED "RFL-400" WILL BE SET AT ALL LOT CORNERS AFTER CONSTRUCTION IS COMPLETED.
3. SURVEY FOR THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (GCS, NORTH AMERICAN DATUM 83, AS DERIVED FROM STATE OBSERVATION AND POLAROID SURVEY CALCULATIONS).
4. ALL OPEN SPACE AND DETENTION FEATURES ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
5. WOOD FENCES WITH GATES, PORTS ARE TO BE CONSTRUCTED ON ALL LOTS ADJACENT TO EXISTING RESIDENTIAL LOTS. FENCES TO BE CONSTRUCTED BY HOME BUILDERS AT THE TIME OF INDIVIDUAL LOT CONSTRUCTION.
6. LOT 1 IS PRIVATE ROAD DEVELOPER OWNED AND MAINTAINED OPEN SPACE.

SURVEYOR:
WHITFIELD-HALL SURVEYORS
REGISTERED PROFESSIONAL
LAND SURVEYORS
3559 WILLIAMS ROAD, SUITE 107
FORT WORTH, TEXAS 76116
TBP#3 FIRM REG. NO. 1012800
(817) 560-2516
whh@whh-survey.com

ENGINEERS:
PAPE-DAWSON ENGINEERS
ONE RIDGEMAR CENTRE
6500 WEST F.W.Y. SUITE 700
FORT WORTH, TX, 76116
(817) 870-3448
CONTACT: MARK SPEAR
TYPE FIRM REG. NO. 479

OWNER:
JHH NORTH GROVE
DEVELOPMENT LLC
P.O. BOX 984
MIDLOTHIAN, TX, 76065
CONTACT: CHIP BOYD
(846) 644-6008

THE HAVEN
PHASE ONE
36.567 ACRES
AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING SITUATED IN THE ROBERT RUSSELL SURVEY, ABSTRACT NO. 911, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.
CASE NUMBER FF-19-0067

(17)

CL CURVE TABLE					
ID	Delta	Radius	Arc Length	Chord	Ch Bearing
C31	13°59'23"	300.00'	83.64'	84.56'	N 71°57'57" E
C32	07°24'13"	500.00'	64.61'	64.56'	N 67°04'51" E
C33	17°30'28"	500.00'	152.77'	152.17'	N 80°08'08" E
C34	28°13'35"	300.00'	147.79'	146.30'	S 12°30'12" E
C35	27°37'04"	450.00'	216.91'	214.82'	N 74°47'31" E
C36	27°54'19"	450.00'	219.17'	217.81'	S 74°56'00" W
C37	10°09'49"	500.00'	88.69'	88.59'	N 63°58'13" E
C38	10°09'49"	500.00'	88.69'	88.59'	S 63°58'13" W
C39	41°08'23"	300.00'	212.32'	213.42'	S 68°03'04" W
C40	17°30'28"	500.00'	152.77'	152.17'	N 12°30'12" W

CL LINE TABLE			ROW LINE TABLE		
ID	Bearing	Distance	ID	Bearing	Distance
L1	S 79°57'10" W	6.74'	L1	S 46°49'44" E	14.35'
L2	N 81°01'15" E	37.75'	L2	N 43°05'10" E	14.01'
L3	N 47°12'54" E	6.64'	L3	N 19°58'39" E	14.14'
L4	S 42°47'05" E	25.00'	L4	S 74°01'01" E	14.14'
L5	N 88°53'10" E	39.58'	L5	S 72°07'24" E	13.67'
L6	N 01°06'42" W	39.58'	L6	N 17°41'00" E	14.56'
L7	S 80°53'10" W	71.34'	L7	S 46°06'42" E	14.14'
L8			L8	N 43°53'10" E	14.14'
L9			L9	N 46°06'42" W	14.14'
L10			L10	N 43°53'10" E	14.14'
L11			L11	N 43°53'10" E	14.14'
L12			L12	N 01°06'42" W	2.53'
L13			L13	N 88°53'10" E	2.68'
L14			L14	N 01°06'42" W	2.53'
L15			L15	S 46°06'42" E	14.14'
L16			L16	S 80°53'10" W	2.68'
L17			L17	S 46°06'42" E	14.14'
L18			L18	N 43°53'10" E	14.14'
L19			L19	N 46°06'42" W	14.14'
L20			L20	N 43°53'10" E	14.14'
L21			L21	S 46°06'42" E	14.14'
L22			L22	N 43°53'10" E	14.14'
L23			L23	N 79°57'10" E	16.41'
L24			L24	N 18°46'11" E	13.25'
L25			L25	S 67°41'54" E	15.77'
L26			L26	N 09°46'39" W	18.97'
L27			L27	N 43°53'10" E	14.14'
L28			L28	S 46°06'42" E	14.14'
L29			L29	N 43°53'10" E	14.14'
L30			L30	S 46°06'42" W	14.14'

BOUNDARY TABLE		
ID	Bearing	Distance
B1	S 46°06'42" E	14.14'
B2	S 46°06'42" W	14.14'

ROW CURVE TABLE					
ID	Delta	Radius	Arc Length	Chord	Ch Bearing
C1	04°37'14"	423.80'	51.34'	51.31'	N 83°07'28" E
C2	14°26'51"	423.80'	106.38'	106.38'	N 74°23'23" E
C3	04°12'59"	423.80'	45.89'	45.87'	N 64°05'28" E
C4	08°44'05"	477.80'	72.71'	72.65'	N 84°14'01" E
C5	10°22'33"	477.80'	87.58'	87.58'	N 71°52'57" E
C6	08°28'56"	477.80'	69.51'	69.45'	N 65°09'27" E
C7	03°38'57"	477.80'	22.85'	22.85'	S 61°12'27" W
C8	00°00'00"	477.80'	66.62'	66.57'	S 67°38'00" W
C9	00°00'00"	477.80'	66.62'	66.57'	S 73°31'00" W
C10	00°00'00"	477.80'	66.62'	66.57'	S 83°03'17" W
C11	01°14'54"	477.80'	10.40'	10.40'	S 88°15'50" W
C12	03°13'25"	423.80'	22.80'	22.80'	S 63°35'41" W
C13	11°23'15"	423.80'	85.30'	85.16'	S 69°59'01" W
C14	11°55'44"	423.80'	87.70'	87.11'	S 61°19'52" W
C15	01°11'59"	423.80'	8.94'	8.94'	S 89°53'10" W
C16	10°14'56"	327.80'	60.38'	60.29'	S 80°25'28" E
C17	12°56'48"	327.80'	73.88'	73.72'	S 28°11'10" E
C18	03°05'23"	327.80'	17.64'	17.64'	S 28°11'10" E
C19	26°16'11"	273.80'	112.48'	112.48'	N 10°45'00" W
C20	03°57'11"	473.80'	31.65'	31.64'	S 65°53'23" W
C21	15°02'11"	473.80'	131.74'	131.73'	S 75°27'10" W
C22	05°55'08"	473.80'	48.84'	48.82'	S 85°55'48" W
C23	07°11'14"	527.80'	66.13'	66.11'	S 87°02'15" W
C24	06°48'13"	527.80'	62.58'	62.54'	S 85°29'21" W
C25	15°58'25"	273.80'	76.11'	75.86'	N 71°57'57" E
C26	15°27'43"	327.80'	80.24'	80.24'	N 71°42'36" E
C27	02°45'59"	527.80'	25.44'	25.44'	N 65°21'44" E
C28	11°12'32"	527.80'	102.25'	102.89'	N 64°04'28" W
C29	06°25'56"	473.80'	52.10'	52.07'	N 64°19'48" W
C30	17°04'45"	473.80'	140.99'	140.47'	N 14°05'08" W
C31	12°44'11"	527.80'	117.15'	116.91'	N 18°42'19" W
C32	03°42'41"	273.80'	17.65'	17.65'	S 47°53'47" W
C33	23°44'41"	73.80'	112.30'	112.48'	S 61°19'15" W
C34	15°21'43"	273.80'	73.30'	72.98'	S 81°12'24" W
C35	11°23'22"	327.80'	64.91'	64.80'	S 68°52'23" W
C36	11°23'39"	327.80'	65.83'	64.92'	S 72°15'23" W
C37	10°56'06"	327.80'	62.41'	62.31'	S 87°02'15" W
C38	27°22'26"	52.80'	24.28'	24.28'	S 82°13'53" W
C39	03°36'35"	473.80'	29.80'	29.79'	N 87°14'49" E
C40	03°48'13"	527.80'	34.37'	34.37'	N 87°11'00" E
C41	06°33'14"	473.80'	54.11'	54.08'	N 82°09'25" E
C42	06°55'56"	527.80'	59.11'	59.08'	N 82°06'04" E
C43	59°19'47"	52.80'	51.47'	51.47'	S 77°04'37" W
C44	51°34'01"	52.80'	46.98'	45.24'	N 47°24'29" W
C45	29°38'46"	52.80'	18.62'	18.52'	N 11°21'05" W
C46	45°02'59"	52.80'	39.85'	35.53'	S 82°14'07" E
C47	64°08'16"	52.80'	58.21'	55.22'	N 33°09'38" E
C48	02°12'15"	52.80'	2.80'	2.80'	N 88°02'04" E
C49	10°09'49"	527.80'	91.48'	91.36'	S 83°58'12" W
C50	10°09'49"	473.80'	82.91'	82.80'	S 85°58'12" W
C51	11°24'35"	52.80'	119.26'	94.79'	N 64°49'08" W
C52	11°24'35"	52.80'	119.26'	94.79'	S 64°35'15" W
C53	33°42'06"	327.80'	192.34'	189.58'	S 72°02'15" W
C54	42°50'38"	273.80'	204.14'	199.42'	S 67°27'29" W
C55	10°09'49"	473.80'	82.91'	82.80'	N 83°58'12" E
C56	10°09'49"	527.80'	91.48'	91.36'	S 85°58'12" W
C57	27°54'19"	477.80'	212.32'	210.63'	S 74°56'00" W
C58	27°54'19"	423.80'	206.82'	203.99'	S 74°56'00" W
C59	27°37'04"	477.80'	219.17'	217.71'	N 74°47'31" E
C60	27°37'04"	423.80'	203.99'	201.53'	N 74°47'31" E
C61	36°36'55"	327.80'	151.30'	150.54'	S 16°02'21" E
C62	13°39'36"	527.80'	128.71'	128.39'	S 81°53'29" W
C73	24°54'31"	671.80'	305.64'	304.80'	N 76°56'00" E

LAND USE SUMMARY:	
LOTS	36.961 ACRES
OPEN SPACE	1.715 ACRES
ROW	7.931 ACRES
TOTAL ACRES	36.567 ACRES

STATE OF TEXAS

COUNTY OF ELLIS

WHEREAS, JHH North Grove Development, LLC, being the owner of a 36.567 acre tract of land in the Robert Russell Survey, Abstract Number 911, City of Waxahachie, Ellis County, Texas, and being a portion of Tract 1 and a portion of Tract 2 as described in deed to JHH North Grove Development, LLC, recorded in Instrument Number 1618004, Deed Records, Ellis County, Texas, and being situated in the North American Datum 1983, as derived from static observation and NOAA/NGS OPUS calculations. Said 36.567 Acres being described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap found at the southwest corner of said Tract 1, the southeast corner of Lot 17, Block D, of The Cove, Phase 1A, an addition to the City of Waxahachie, Ellis County, Texas, recorded in Cabinet 1, Sheet 613-614, Plat Records, Ellis County, Texas, and being the most westerly northwest corner of Lot 23, Block T, Mustang Creek, Phase 4, an addition to the City of Waxahachie, Ellis County, Texas, recorded in Cabinet 1, Page 740, Plat Records, Ellis County, Texas;

THENCE along the east line of said The Cove, Phase 1A and the west line of said JHH North Grove Development, LLC tract, the following courses and distances:

North 19°44'55" West, a distance of 572.78 Feet to a 1/2" iron rod with plastic cap found;

North 61°54'05" West, a distance of 229.55 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

THENCE departing said east and west lines and continuing over and across said JHH North Grove Development, LLC tract, the following courses and distances:

North 88°34'05" East, a distance of 273.91 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 64°51'00" East, a distance of 158.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 64°58'59" East, a distance of 419.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 78°12'40" East, a distance of 98.91 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 79°27'53" East, a distance of 94.90 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 80°53'54" East, a distance of 994.25 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 01°06'42" West, a distance of 128.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 88°53'18" East, a distance of 39.31 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found in the west line of The Estates of North Grove, Phase 1, an addition to the City of Waxahachie, Ellis County, Texas, recorded in Instrument Number 1816854, Plat Records, Ellis County, Texas;

THENCE along said west line of The Estates of North Grove, the following courses and distances:

South 46°06'42" East, a distance of 14.14 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found;

South 01°06'42" East, a distance of 228.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found;

South 43°53'10" West, a distance of 14.14 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found;

South 80°53'18" West, a distance of 197.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found;

South 01°06'42" East, a distance of 882.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" found in the south line of said JHH North Grove Development, LLC tract and in the north line of Sandstone Ranch, Phase 2, an addition to the City of Waxahachie, Ellis County, Texas, recorded in Cabinet 1, Page 64, Plat Records, Ellis County, Texas;

THENCE South 88°53'18" West, departing said west line and continuing along said north and south lines, a distance of 1492.35 Feet to the POINT OF BEGINNING and containing a computed area of 36.567 Acres, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That JHH North Grove Development, LLC, acting herein by and through their duly authorized officers, do hereby adopt this plat designating the hereinbefore described property as THE HAVEN, PHASE ONE, an addition to the City of Waxahachie, Texas and do 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 growth shall be constructed or placed upon, over or across the Easements on 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 natural use and accommodation of all public utilities existing in use or using the same unless the easement 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 and from their respective easements for the purpose of construction, reconstruction, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

Witness my hand this _____ day of _____, 2019.

JHH North Grove Development, LLC

By: _____
CHIP BOYD

STATE OF TEXAS

COUNTY OF TARRANT

BEFORE me, the undersigned, a Notary Public in and for the state of Texas, on this day personally appeared Chip Boyd known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

Notary Public State of Texas
My Commission expires _____

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, JOHNNY D.L. WILLIAMS, R.L.S., No. 4818, 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.

PRELIMINARY - FOR REVIEW ONLY

NOT TO BE FILED FOR ANY REASON

JOHNNY D.L. WILLIAMS DATE _____
Whitefield-Hall Surveyors
3559 Williams Road, Suite 107
Fort Worth, Texas 76116

APPROVED BY: PLANNING AND ZONING COMMISSION
CITY OF WAXAHACHIE, TEXAS

By: _____ DATE: _____
CHAIRPERSON

APPROVED BY: CITY COUNCIL, CITY OF WAXAHACHIE

By: _____
MAYOR

ATTEST: _____ DATE: _____

FINAL PLAT
OF

LOTS 12-21, X, BLOCK 40; LOTS 3-32, BLOCK 41; LOTS 1-12, BLOCK 42; LOTS 1-18, X, BLOCK 43; LOTS 1-4, BLOCK 44; LOTS 6-11, BLOCK 47; LOTS 1-7, BLOCK 48; LOTS 1-4, BLOCK 49; LOTS 1-3, BLOCK 50

181 RESIDENTIAL LOTS & 2 OPEN SPACE LOTS
PREPARED MAY 13, 2019

THE HAVEN
PHASE ONE
36.567 ACRES

AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING SITUATED IN THE ROBERT RUSSELL SURVEY, ABSTRACT NO. 911, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.

SURVEYOR:
WHITEFIELD-HALL SURVEYORS
REGISTERED PROFESSIONAL
LAND SURVEYORS
3559 WILLIAMS ROAD, SUITE 107
FORT WORTH, TEXAS 76116
TRIPLE FIRM REG. NO. 10128506
(817) 565-2916
whitefieldhall@earthlink.net

ENGINEERS:
FAPE-DAWSON ENGINEERS
ONE RIDGEHAR CENTRE
6500 WEST FWY, SUITE 700
FORT WORTH, TX 76116
(817) 870-3468
CONTACT: MARK SPEAR
TRIPLE FIRM REG. NO. 478

OWNER:
JHH NORTH GROVE
DEVELOPMENT LLC
P.O. BOX 84
MIDLOTHIAN, TX 76065
CONTACT: CHIP BOYD
(866) 636-6800

(18)

Planning & Zoning Department

Zoning Staff Report

Case: SU-19-0073



MEETING DATE(S)

Planning & Zoning Commission: June 25, 2019

City Council: July 1, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 25, 2019, the Commission voted 6-0 to recommend approval of case no. SU-19-0073, subject to staff comments.

CAPTION

Public Hearing on a request by Ron Barson, Ledbetter Real Estate LTD, for a Specific Use Permit (SUP) for **Unified Lot Sign** use within a Planned Development-General Retail zoning district, located at 2751 N Highway 77 (Property ID 273976) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0073)

CASE INFORMATION

Applicant: Ron Barson, Ledbetter Real Estate LTD

Property Owner(s): Ledbetter Real Estate LTD

Site Acreage: .005 acres

Current Zoning: General Retail

Requested Zoning: GR with Specific Use Permit for Unified Lot Sign

SUBJECT PROPERTY

General Location: 2751 N Highway 77

Parcel ID Number(s): 273976

Existing Use: Undeveloped Land

Development History: The Final Plat for North Grove Business Park Phases 2 & 4 was approved by City Council on April 2, 2018.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Undeveloped Land
East	GR	North Grove Business Park
South	PD-GR	Undeveloped Land
West	HI	Industrial Warehouse Use

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via U.S. Highway 77.

Site Image:



PLANNING ANALYSIS

The applicant is requesting approval for a Unified Lot Sign within North Grove Business Park Phases 2 & 4. The proposed lot sign would allow for advertisement of businesses within the existing development. To remain consistent with the surrounding development, the applicant intends to construct a similar monument sign (located at 2325 N. Highway 77 – North Grove Business Park) that was approved by City Council on October 16, 2017 (Ord. 2981).

This unified lot sign has to be constructed at a location agreed upon by the owner(s) and the City, and must meet the requirements set forth in the City's Sign Regulations for unified lot signs.

Proposed Multi-Tenant Monument Sign (Per City of Waxahachie Zoning Ordinance Standards)

Standard	City of Waxahachie	Applicant	Meets Y/N
Max. Size	125 sq. ft.	385 sq. ft.	No
Max. Height	10 ft.	35 ft.	No
Setback	15 ft. from public ROW	35 ft. from public ROW	Yes

***Rows highlighted in bold indicate a deviation from the City of Waxahachie Zoning Ordinance

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 4 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 6/5/19.

STAFF CONCERNS

1. Staff has no outstanding concerns for the applicant.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has no outstanding concerns from staff.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The maximum height for the sign shall not exceed 35 ft.
 2. The maximum square footage for the sign shall not exceed 385 sq. ft.

ATTACHED EXHIBITS

1. Survey
2. Conceptual Sign Layout
3. Location Exhibit
4. Ordinance

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A UNIFIED LOT SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 2751 N. HIGHWAY 77, BEING PROPERTY ID 273976, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK C IN THE NORTH GROVE BUSINESS PARK PHASE 2 & 4, 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 GR; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0073. 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 GR to GR, with an SUP in order to permit a Unified Lot Sign use on the following property: Lot 1, Block C of North Grove Business Park Phase 2 & 4, which is shown on Exhibit A, in accordance with the Concept Layout Plan attached as Exhibit B, and the Survey shown in Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN UNIFIED LOT SIGN USE IN THE GENERAL RETAIL (GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0073.

(19)

2. 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.
3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Concept Layout Plan, and Exhibit C – Survey.
4. The maximum height for the sign shall not exceed 35 ft.
5. The maximum square footage for the sign shall not exceed 385 sq. ft.
6. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months 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 1st day of July, 2019.

MAYOR

ATTEST:

City Secretary

(19)



(19)

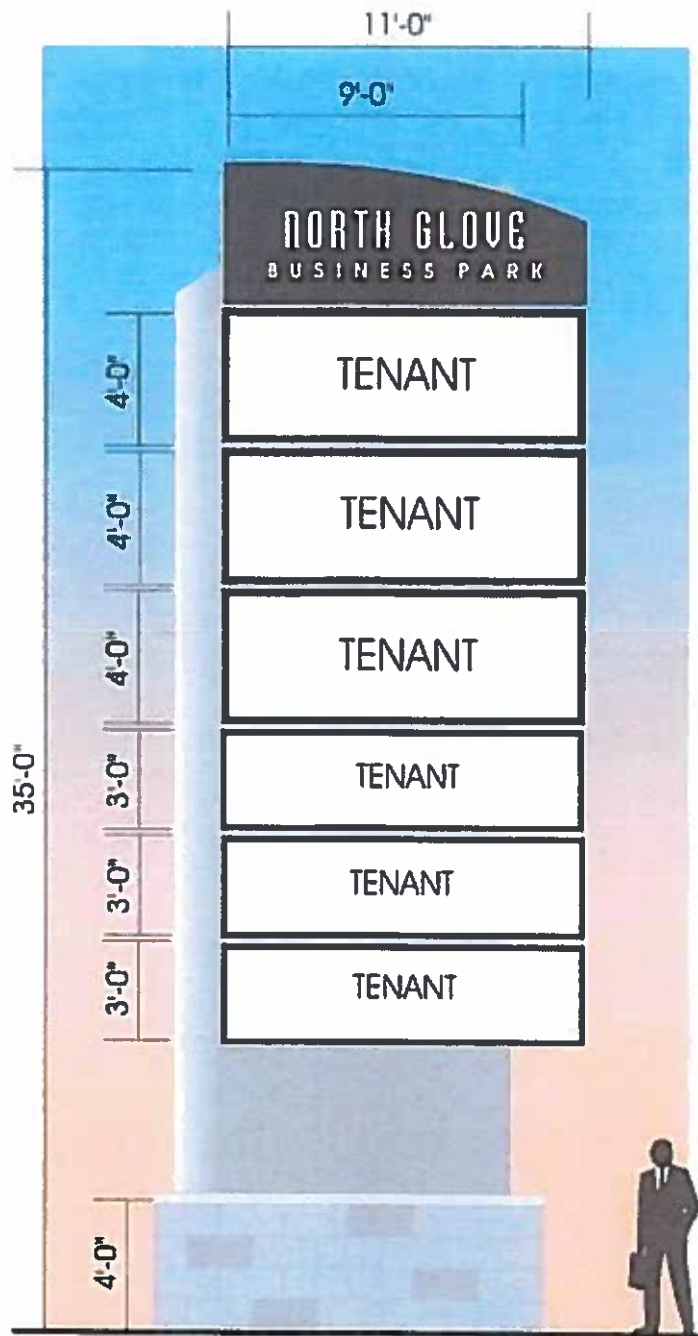


Exhibit B - Concept Layout Plan

(119)

Exhibit C - Survey

EXHIBIT A
SHEET 1 OF 2

SIGN
EASEMENT
0.005 ACRES

BEING A TRACT OF LAND SITUATED IN THE A. PRUETT SURVEY, ABSTRACT NO. 848 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING A PORTION OF LOT 1, BLOCK C, OF NORTH GROVE BUSINESS PARK, PHASE TWO & FOUR, AN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET J, SLIDE 419, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID LOT 1, AND IN THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 77 (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE N 89°58'01" W, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 48.72 FEET TO A POINT;

THENCE OVER AND ACROSS SAID LOT 1, AS FOLLOWS:

N 00°01'59" E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

N 89°58'01" W, A DISTANCE OF 15.04 FEET TO A POINT FOR CORNER;

N 04°03'22" E, A DISTANCE OF 15.04 FEET TO A POINT FOR CORNER;

S 89°58'01" E, A DISTANCE OF 15.04 FEET TO A POINT FOR CORNER;

S 04°03'22" W, A DISTANCE OF 15.04 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.005 ACRES OF LAND, MORE OR LESS.

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

DATED: 04/25/2019



NOTES:

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

PLAT OF EVEN DATE TO ACCOMPANY THIS DESCRIPTION

PROJECT NO. 1325

TEXAS REALITY CAPTURE
& SURVEYING, LLC

P.O. BOX 252
WAXAHACHIE, TEXAS 75168
409.518.0338
TBPLS FIRM NO 10184359



(19)



**SIGN
EASEMENT
0.005 ACRES**

A. PRUETT SURVEY
ABSTRACT NO. 848

**NORTH GROVE BUSINESS PARK
PHASES TWO & FOUR
CAB. J, SL. 419
OPRECT**

US HIGHWAY 77

STATE OF TEXAS
REGISTERED
★
TIMOTHY L. JACKSON
5844
PROFESSIONAL
LAND SURVEYOR



DESCRIPTION OF EVEN DATE TO ACCOMPANY THIS PLAT

(80421)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: June 26, 2019

Re: PD-19-0066 – 512 N. College – Household Care Facility (Daniel's Den)

At the June 25, 2019 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue case no. PD-19-0066 to the July 23, 2019 Planning and Zoning Commission agenda, and the August 5, 2019 City Council meeting agenda.



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: June 28, 2019
Re: Northgate Drive Rehabilitation (Engineering)

On Monday July 1, 2019 a professional services contract with Birkhoff, Hendricks & Carter, L.L.P. for engineering design services associated with the rehabilitation of Northgate Drive will appear before City Council for consideration in the amount of \$82,720. Northgate Drive is a heavily traveled corridor which is utilized as a primary access point to both Wal-Mart and the Stuart B. Lumpkins Stadium. Northgate Drive appears to be nearing a critical failure from U.S. Highway 77 to the east property line of Wal-Mart, near Donut Depot. Northgate Drive is not a planned capital expense however staff recommends that, due to the heavy traffic volumes, a corridor restoration be performed.

The scope of work for this contract will only include the portion of Northgate Drive between U.S. 77 to the east property line of Wal-Mart, and will provide engineering for the complete replacement of the existing concrete road surface. There is sufficient funding in the FY18-19 budget to perform the engineering services for Northgate Drive through savings from various projects. In addition staff has accounted for an additional \$717,000 in the FY18-19 budget to fund the construction of Northgate Drive. Again there is sufficient funding in the budget to fund this scope of work due to saving from previous projects.

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: June 28, 2019
Re: Ordinance Revision - Discharge of Firearms within City Limits

On Monday July 1, 2019 a revision to the Waxahachie Code of Ordinances Section 21-6 "Sale and Discharge of Firearms, Discharge of Firearms" will appear before City Council for its consideration. As presently written, Section 21-6 prohibits the discharging of a firearm in the City limits to anyone other than peace officers in the line of duty. This current restriction also bans the development of recreational shooting range facilities within the City. Staff is proposing ordinance revisions to Section 21-6, which among other changes, would allow for the development of both indoor and outdoor shooting ranges within the City.

Staff is recommending these textual changes to City Council in an effort to become compliant with HB 3231, recently passed by the Texas Legislature and effective September 1, 2019, which will limit a municipality's ability to regulate firearm use within the City. In addition, the retail amusement use in the City's current Zoning Ordinance allows for shooting ranges by right within certain zoning districts, but the use is currently prohibited by the contradictory language in Section 21-6 of the Code of Ordinances. Finally the Planning Department has been approached by an individual proposing to develop an indoor shooting range in an area currently zoned for a retail amusement use, which will ultimately be allowed by right September 1, 2019.

The proposed changes were prepared by the City Attorney and regulate the use of firearms within the City to the maximum extent allowed by State Law. Finally please note that while HB 3231 limits a municipality's ability to regulate the use of firearms, municipalities retain their right to determine which land uses and zoning districts are compatible or not compatible with shooting range uses.

Should you have any questions, please feel free to contact me.

Tommy Ludwig

(23)

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 21-6 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, REVISING LANGUAGE FOR THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

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

THAT Section 21-6 of the Code of Ordinances is hereby amended, to read as follows:

Sec. 21-6. - Sale and discharge of firearms, discharge of firearms.

- (a) Definitions: "Firearm" means any device designed, made or adopted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, which shall include, but not necessarily be limited to, a handgun, shotgun, pistol, rifle, center fire or rim fire rifle or pistol, air gun, air pistol, air rifle, and BB gun.

"Fireworks" means any firecracker, rocket, roman candle, aerial bomb, or other device used to obtain visible or audible display of fireworks.

- (b) It shall be unlawful for any person, firm or corporation to sell, or use, discharge, explode, or fire any fireworks within the city limits of the City of Waxahachie, with the following exceptions:
- (1) Public displays of fireworks may be held with written approval of the city council. The city council may impose any restrictions or make any requirements it deems necessary, if it sees fit to issue such approval.
 - (2) Reserved.
 - (3) Signal flares, or devices, designated and used for the purpose of emergency warning, or by railroads as signal devices, are not prohibited.
- (c) It shall be unlawful for any person other than a peace officer in line of duty to discharge a firearm within the city limits of the City of Waxahachie, except
- (1) Within a properly secured and permitted indoor or outdoor firearms range, constructed and maintained in accordance with applicable National Rifle Association specifications and standards and any standards prescribed by city ordinance;
 - (2) Upon a shooting range owned and operated by a governmental entity; or
 - (3) In an area annexed by the municipality after September 1, 1981, if the firearm is:
 - (i) a shotgun, air rifle or pistol, or BB gun discharged on a tract of land of 10 acres or more, and more than 150 feet from a residence or occupied building located on another property; and is discharged in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
 - (ii) a center fire or rim fire rifle or pistol of any caliber discharged on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

(23)

(d) The provisions of this ordinance shall become effective immediately upon its passage, approval, and publication. A public emergency is declared to exist, as the public safety, health, and welfare requires control over the discharge of weapons.

PASSED, APPROVED AND ADOPTED on this the 1st day of July, 2019.

MAYOR

ATTEST:

City Secretary