

**NOTICE OF CITY COUNCIL WORKSESSION  
JULY 15, 2019  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
6:00 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. Hear Presentation on MS4 5 Year Permit Renewal
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

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
JULY 15, 2019  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
6:15 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

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# **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 15, 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 July 1, 2019
  - b. Minutes of the City Council briefing of July 1, 2019
  - c. Renewal of Sodium Chlorite purchase and Chlorine Dioxide Generator Rental Agreements
  - d. Approval of Supplemental Appropriation for Economic Development – Land
  - e. Stop the Violence Festival to be held July 27, 2019
5. ***Introduce*** Honorary Councilmember
6. ***Consider*** Resolution directing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2019
7. ***Continue 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)
8. ***Consider*** proposed Ordinance approving SU-19-0071
9. ***Public Hearing*** on a request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) – Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077)
10. ***Consider*** approval of RP-19-0077

11. ***Continue 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)
12. ***Consider*** approval of RP-19-0069
13. ***Consider*** request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) – Owner: HAYOUNG & LEE SANG HUH (SP-19-0070)
14. ***Public Hearing*** on a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)
15. ***Consider*** proposed Ordinance approving SU-19-0078
16. ***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
17. ***Convene*** into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code
18. ***Reconvene*** and take any necessary action
19. Comments by Mayor, City Council, City Attorney and City Manager
20. Adjourn

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

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City Council  
July 1, 2019

(4a)

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, July 1, 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: Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

Others Absent: Michael Scott, City Manager

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Invocation**

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

Councilmember Chuck Beatty 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 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

**RESOLUTION NO. 1273**

**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**

(4A)

**Action:**

*Councilmember Kevin Strength moved to approve items a. through e. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**5. Introduce Honorary Councilmember**

Councilmember Kevin Strength introduced Anna Rodgers as the Honorary Councilmember for the month of July. She is the daughter of John and Lauri Rodgers and has one sister, Abigail. Anna is a 2019 graduating senior of Waxahachie High School where she is ranked number 18 out of 512 students, or the top 3%. She was an Academic All-State Volleyball player with perennial State qualifying WHS Lady Indians. Anna's other activities include Future Farmers of America Public Speaking Team, National Honor Society, Student Council, Superintendent's Honor Roll and Principal's Honor Roll. Throughout Anna's high school career, she was in all Advanced Placement and Dual Credit classes where she acquired 32 hours from Navarro College. Anna will attend Texas A&M University in the fall majoring in Allied Health, with the goal of being accepted into Nursing School. She is the recipient of multiple scholarships including: Rotary Club, Hilco Electric, WHS Athletic Hall of Fame, Ellis A&M Club, WHS Volleyball Boosters and the Shanleigh Mae Almon Memorial Scholarship.

**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.**

Ms. Elizabeth Tull, President of Waxahachie Arts Council, presented the Annual Financial Report and requested the contract be extended for one year expiring on December 31, 2020. She thanked council for supporting the eight groups that form the Waxahachie Arts Council.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to extend the contract between the Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2020. Councilmember Kevin Strength seconded, All Ayes.*

*City Attorney Robert Brown noted the contract was amended changing a typo from 315 to 15%.*

**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)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks announced the applicant requested a continuance of RP-19-0069 to the City Council meeting of July 15, 2019.

**8. Consider approval of RP-19-0069**

(4a)

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue a 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) to the City Council meeting of July 15, 2019. Councilmember Chuck Beatty seconded, All Ayes.*

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)**

Mayor Hill opened the Public Hearing.

Mr. Brooks announced the applicant requested a continuance of SU-19-0071 to the City Council meeting of July 15, 2019.

10. **Consider proposed Ordinance approving SU-19-0071**

**Action:**

*Councilmember Melissa Olson moved to continue 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) to the City Council meeting of July 15, 2019. Councilmember Kevin Strength seconded, All Ayes.*

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)**

Mayor Hill announced the applicant withdrew case PD-19-0072.

12. **Consider proposed Ordinance approving PD-19-0072**

**Action:**

*None*

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)**

Mr. Brooks reported the Final Plat does compare to the Preliminary Plat noting staff is working with the applicant on the detention pond. He recommended approval per staff comments.

(4a)

Mayor Pro Tem Mary Lou Shipley asked if some lots are going to be included in one lot, what will be the total lots. Mr. Brooks stated after the combination of lots there will be a total of 34 lots.

**Action:**

*Councilmember Kevin Strength moved to approve a 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) subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

- 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)**

Mr. Brooks reported the Final Plat matches the Planned Development and recommended approval per staff comments.

**Action:**

*Councilmember Chuck Beatty moved to approve a 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) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 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)**

Councilmember Strength announced he recuse himself from the case because of a conflict of interest.

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the location is 412 W. Light Street. He stated the applicant has met the requirements of the subdivision Ordinance as well as the development requirements and recommended approval per staff comments.

There being no others to speak for or against RP-19-0075, Mayor Hill closed the Public Hearing.

- 16. Consider approval of RP-19-0075**

**Action:**

*Councilmember Chuck Beatty moved to approve 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-*



(41)

0075) subject to staff comments. Councilmember Melissa Olson seconded. The vote was as follows:

Ayes: David Hill  
Mary Lou Shipley  
Chuck Beatty  
Melissa Olson

Abstained: Kevin Strength

*The motion carried.*

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)

Mr. Brooks reported the Final Plat meets the requirements of the Subdivision Ordinance and recommended approval per staff comments.

**Action:**

Councilmember Kevin Strength moved to approve a 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) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

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)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposes a multi-tenant monument sign within the North Grove Business Park Phases 2 & 4. He noted the sign will match an existing monument sign located within the North Grove Business Park. Mr. Brooks stated the maximum height not to exceed 35 feet and the maximum square footage shall not exceed 385 feet. He recommended approval per staff comments.

There being no others to speak for or against SU-19-0073, Mayor Hill closed the Public Hearing.

19. Consider proposed Ordinance approving SU-19-0073

(4a)

**ORDINANCE NO. 3123**

**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.**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3123 as presented per staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

- 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)**

Mayor Hill continued the Public Hearing and announced the applicant requested a continuance of PD-19-0066 to the City Council meeting of August 5, 2019.

Those who spoke for PD-19-0066:

Mr. Alan Fox, 327 University Drive, Waxahachie

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

**Action:**

*Councilmember Chuck Beatty 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 August 5, 2019. Councilmember Kevin Strength seconded, All Ayes.*

- 22. Consider contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive**

Assistant City Manager Tommy Ludwig reported Northgate Drive is a heavily traveled corridor which is utilized as a primary access point to both Wal-Mart and Lumpkins Stadium. He stated when you look at the surface it does not look that bad but under the surface it is failing and staff recommends to move forward with the engineering contract and will bid thereafter. Mr. Ludwig requested approval of engineering design services for the restoration of Northgate Drive for \$82,720.00.

(4A)

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve a contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive. Councilmember Kevin Strength seconded, All Ayes.*

- 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**

Assistant City Manager Ludwig presented textual changes to the current ordinance in order to be in compliance with HB 3231 that recently passed by the Texas Legislature and effective September 1, 2019. He explained the bill will allow for the development of recreational shooting range facilities within the City.

Councilmember Melissa Olson requested to amend Section 21-6 (c) by adding “or any person when lawfully defending a person or property”.

City Attorney Robert Brown stated Councilmember Olson’s request is a friendly amendment and stated the state law covers persons protecting themselves and their property.

**ORDINANCE NO. 3124**

**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.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance 3124 as amended. Councilmember Chuck Beatty seconded, All Ayes.*

- 24. Public Comments**

None

- 25. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code**

Mayor Hill announced at 7:28 p.m. the City Council would 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**

The meeting reconvened at 7:41 p.m.

(4A)

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to authorize the purchase of properties located at 105, 107, 109 and 111 South College, Waxahachie, TX for a purchase price of \$130,000 each plus all closing costs and property taxes owed and authorizing the City Manager to execute all documents as necessary to facilitate the purchase. Councilmember Melissa Olson seconded, All Ayes.*

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

Assistant City Manager Tommy Ludwig announced Planning Director Shon Brooks was chosen as one of the Top Urban Planners Under 40 by the Planning Peeps network. He noted Mr. Brooks is honored as one of the top planners on the national level.

Councilmember Kevin Strength referenced an article in the Sunday paper pertaining to Councilmember Chuck Beatty having a "Chuck Beatty Courage Award" named after him. He stated it is an honor to be serving with Councilmember Beatty.

Councilmember Chuck Beatty wished everyone a Happy 4<sup>th</sup> of July noting there are several events going on and he welcomed everyone to attend all the festivities.

City Manager Albert Lawrence stated the recent storms over the weekend resulted with a lot of debris down noting staff is working to get it cleaned up.

Mayor Pro Tem Mary Lou Shipley stated Spring Park is closed due to construction and will remain closed until completed noting closure includes 4<sup>th</sup> of July. She stated it will be ready for the Labor Day weekend with amenities. Mayor Pro Tem Shipley thanked the Street Department for acting quickly to remove a tree that fell across Howard Road during the recent weekend storm.

City Attorney Robert Brown wished everyone a Happy 4<sup>th</sup> of July.

Mayor David Hill wished everyone a Happy 4<sup>th</sup> of July. He congratulated Assistant Police Chief Dale Sigler on the recent corporate donation from the local State Farm Insurance team.

Assistant Police Chief Dale Sigler referenced the damage from the weekend storm and credited the Street Department for their quick reaction to clean up.

**28. Adjourn**

There being no further business, the meeting adjourned at 7:47 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, July 1, 2019 at 6:30 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: Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

Others Absent: Michael Scott, City Manager

**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**

Assistant City Manager Albert Lawrence reviewed the following Consent Agenda items:

- 4c - Resolution to reimburse expenditures for utility relocation of the viaduct location noting the amount increased from the funding estimate.
- 4d – Supplemental Appropriation increasing the 2018-2019 budget for the Convention/Visitors Bureau and Amphitheater Downtown to provide necessary funding to support a new Cultural Arts & Programming Manager position.
- 4e – WWII Reenactment to be held November 8-9, 2019. Reenactment will be in the same area with the actors understanding they will need to work around the Amphitheater construction site.

Mr. Lawrence referenced item 6 being a request from the Waxahachie Arts Council to extend their contract for one year. He referenced a typo in paragraph 1 stating it will be corrected from 315 to 15%.

Planner Shon Brooks reviewed the following cases:

- RP-19-0069, applicant requested to continue to July 15, 2019.
- SU-19-0071, applicant requested to continue to July 15, 2019.
- PD-19-0072, applicant withdrew application.
- FP-19-0068, Final Plat in the ETJ. It meets all requirements and staff recommended approval. City Engineer James Gaertner recommended the applicant combine the small lots on the end with the lot next to it.
- FP-19-0074, Final Plat meets all requirements and staff recommended approval.

(4b)

- RP-19-0075, Public Hearing on a Replat to separate 1 lot into 2 lots. Applicant meets all requirements and will dedicate the right-of-way. Staff recommended approval.
- FP-19-0067, Final Plat meets all requirements and staff recommended approval per staff comments.
- SU-19-0073, Public Hearing for a specific use permit to allow for a monument sign. Staff recommended approval per staff comments.
- PD-19-0066, applicant requested to continue to August 5, 2019.

Assistant City Manager Tommy Ludwig reviewed a contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive.

Mr. Ludwig reviewed an Ordinance amending Chapter 21 of the Code of Ordinances revising Section 21-6, Sale and discharge of firearms, and discharge of firearms in the city. He explained the textual changes will be in compliance with HB 3231 that will go into effect on September 1, 2019. Mr. Ludwig stated the amendment will allow for indoor and outdoor shooting ranges.

City Attorney Robert Brown stated Councilmember Melissa Olson expressed concern that language is not in the Ordinance pertaining to someone using a fire arm to protect their family. Councilmember Olson asked if the following could be added in Section 21-6 (c): *or any person when lawfully defending a person or property*. Discussion was held and Councilmembers stated the state law allows a person to defend his property and persons. Mr. Brown stated it is a friendly amendment and council could add the additional language.

### 3. Adjourn

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager  
Date: July 12, 2019  
Re: Contract Renewal – Evoqua Water Technologies

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On Monday, July 15, 2019 a contract renewal agreement with Evoqua Water Technologies for 1) the purchase of sodium chlorite and 2) the rental of generators utilized to create chlorine dioxide for water treatment purposes at the Howard Road and Sokoll Water Treatment Plants will appear before City Council for consideration. Chlorine dioxide is utilized as the pre-disinfectant at the Howard Road Plant and for iron and manganese control at the Sokoll Plant.

The City has held annual agreements with Evoqua Water Technologies for over ten years. Last year there was a three percent price increase for this agreement. There is an additional increase in this year's renewal due to an increase in the cost of raw materials. The City anticipates it will purchase approximately 175,000 pounds of chemicals from Evoqua. This cost increase was anticipated and accounted for in next years proposed budget. Contracts are for a one year duration with an effective date of October 1, 2019 through September 30, 2020. Staff has reviewed the contracts and are recommending renewal through the FY19-20 budget year. The initial agreements with Evoqua Water Technologies was awarded through a competitive bid process.

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

Tommy Ludwig



## Memorandum

To: Honorable Mayor and City Council

From: Albert Lawrence, Assistant City Manager

Thru: Michael Scott, City Manager

Date: July 10, 2019

Re: Consider Supplemental Appropriation for Economic Development – Land

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**Item Description:** Consider approving a budget amendment increasing the 2018-19 Economic Development – Land budget by \$526,116.

**Item Summary:** On July 1, 2019, City Council authorized the City Manager to purchase the properties located at 105, 107, 109 and 111 South College for a purchase price of \$130,000 each plus all closing costs and property taxes owed. The total cost for all the properties will be approximately \$526,116. Therefore, the line item for land in the Economic Development Budget of the General Fund must be increased by this amount.

**Fiscal Impact:** The proposed supplemental appropriation would increase the Economic Development – Land (100-170-57100) budget from \$0 to \$526,116. These additional funds would come from the General Fund unrestrictive reserve balance. The reserve balance has sufficient funds available to absorb the additional expenditure with no significant impact.





**Application for a Festival or Event Permit**

(4e)  
Event Name and Description: Stop The Violence Festival

**Applicant Information**

Name: Denard Williams  
Address: 411 Smokey Lane  
City, State, Zip: Waxahachie, Tx 75165 Phone: 469-420-8931  
E-mail Address: denardwilliams24@yahoo.com / whittren@gmail.com

**Organization Information**

Organization Name: Boyz To Men Mentors  
Address: 605 Antonio Waxahachie, Tx 75165  
Authorized Head of Organization: Addison Alexander  
Phone: 214-399-1547 E-mail Address: addisonalexander@yahoo.com

**Event Chairperson/Contact**

Name: Addison Alexander  
Address: 605 Antonio  
City, State, Zip: Waxahachie, Tx 75165 Phone: 214-399-1547  
E-mail Address: addisonalexander@yahoo.com

**Event Information**

Event Location/Address: Lee Penn Park 404 Getzendaner Street  
Purpose: Community Outreach Event  
Event Start Date and Time: July 27th 2019 3pm-7pm

Received in  
City Secretary's Office  
7-10-19 AW  
City of Waxahachie, Texas

(42)

Event End Date and Time: July 27<sup>th</sup> 2019 7pm

Approximate Number of Persons Attending Event Per Day: 50-75 people

Site Preparation and Set-Up Date and Time: July 27<sup>th</sup> 2019 12pm-3pm

Clean-Up Completion Date and Time: July 27<sup>th</sup> 2019 8pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

Bounce houses, face painting, free food and drinks, guest speakers, live performances

Requests: Tents & chairs, 3 barricades, Waxahachie Police Department, Waxahachie Fire Department

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

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

If yes, will the event be in the Historic Overlay District? 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

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO If so, provide a copy of the current FAA License.

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

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

[Signature]  
Signature of Applicant

07-09-19  
Date

\* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

(4e)

**Villarreal, Amber**

---

**From:** Hill, Krystyne  
**Sent:** Wednesday, July 10, 2019 10:17 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Permit Application-Stop the Violence

Good morning Amber,

The food note was pretty vague, he will absolutely need to look into catering or a mobile food unit. I have a few permitted with the city annually that I am sure would love to help him out. Let me know if he would be interested in those contacts.

Krystyne Hill  
Health Inspector  
City of Waxahachie  
469-309-4138

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Wednesday, July 10, 2019 10:10 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Permit Application-Stop the Violence

Please review the attached event application and send me your comments/concerns by tomorrow if possible. There event is requested for July 27<sup>th</sup> and if approved by staff, we will need to get it in the council packet this week.

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](http://www.waxahachie.com)

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---

**From:** Whitney Williams <[whittren@gmail.com](mailto:whittren@gmail.com)>  
**Sent:** Wednesday, July 10, 2019 10:03 AM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Permit Application

(42)  
**Villarreal, Amber**

---

**From:** Griffith, Thomas  
**Sent:** Thursday, July 11, 2019 2:03 PM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Permit Application-Stop the Violence

They need to have a designated Safety officer that will monitor weather conditions and be prepared to notify their attendees of any severe weather conditions approaching.  
They need to provide for enough shade, water and/or cooling stations for their attendees.

Thomas Griffith  
City of Waxahachie  
Emergency Management Coordinator

630 Farley Street  
Waxahachie, Texas 75165  
O: (469) 309-4417  
M: (469) 550 - 3231

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Wednesday, July 10, 2019 10:10 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Permit Application-Stop the Violence

Please review the attached event application and send me your comments/concerns by tomorrow if possible. There event is requested for July 27<sup>th</sup> and if approved by staff, we will need to get it in the council packet this week.

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  
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**From:** Whitney Williams <[whittren@gmail.com](mailto:whittren@gmail.com)>  
**Sent:** Wednesday, July 10, 2019 10:03 AM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Permit Application

(42)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Wednesday, July 10, 2019 10:59 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Permit Application-Stop the Violence

I have no concerns with this request. We will have representation there also.

**Ricky Boyd, Fire Chief**

**Waxahachie Fire-Rescue**

**214-463-9335**

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Wednesday, July 10, 2019 10:10 AM  
**To:** Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Permit Application-Stop the Violence

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

Please review the attached event application and send me your comments/concerns by tomorrow if possible. There event is requested for July 27<sup>th</sup> and if approved by staff, we will need to get it in the council packet this week.

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  
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---

**From:** Whitney Williams <[whittren@gmail.com](mailto:whittren@gmail.com)>  
**Sent:** Wednesday, July 10, 2019 10:03 AM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Permit Application

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**Villarreal, Amber**

(4c)

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Wednesday, July 10, 2019 3:15 PM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Permit Application-Stop the Violence

Amber,  
I have no issues with it. We will have some police officers there.

**Wade G. Goolsby**  
**Chief of Police**  
Waxahachie Police Department  
630 Farley St.  
Waxahachie, TX 75165  
469-309-4411



---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Wednesday, July 10, 2019 10:10 AM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; John Smith <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jeff Chambers <jchambers@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>  
**Cc:** Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>  
**Subject:** Event Permit Application-Stop the Violence

Please review the attached event application and send me your comments/concerns by tomorrow if possible. There event is requested for July 27<sup>th</sup> and if approved by staff, we will need to get it in the council packet this week.

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  
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(6)

**CERTIFICATE FOR RESOLUTION**

**THE STATE OF TEXAS           §**  
**COUNTY OF ELLIS           §**  
**CITY OF WAXAHACHIE       §**

We, the undersigned officers of the City Council of the City, hereby certify as follows:

1. The City Council of the City convened in a REGULAR MEETING ON THE 15TH DAY OF JULY, 2019, at the regular designated meeting place, and the roll was called of the duly constituted officers and members of the City Council, to wit:

David Hill, Mayor  
Mary Lou Shipley, Mayor Pro-Tem  
Chuck Beatty, Member  
Kevin Strength, Member  
Melissa Olson, Member

Lori Cartwright, City Secretary

and all of the persons were present, except \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

**RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION  
TO ISSUE CERTIFICATES OF OBLIGATION; AND RESOLVING  
OTHER MATTERS RELATING TO THE SUBJECT**

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be passed; and, after due discussion, the motion, carrying with it the passage of the Resolution, prevailed and carried by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

2. That a true, full and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid

(U)

notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose; that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting as given, all as required by Chapter 551, Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

**SIGNED AND SEALED** the 15th day of July, 2019.

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

\_\_\_\_\_  
Mayor

(SEAL)



(16)

## RESOLUTION

### DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND RESOLVING OTHER MATTERS RELATING OT THE SUBJECT

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in Exhibit A to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. That attached hereto and marked "Exhibit A" is a form of the "Notice of Intention to Issue Certificates of Obligation" (the "Notice"), the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause the Notice to be published, in substantially the form attached hereto, in the Waxahachie Daily Light, a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the thirtieth (30th) day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice.

Section 3. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the Notice.

Section 4. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within eighteen (18) months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 5. That this Resolution shall be effective immediately upon passage and adoption.

(u)

## EXHIBIT A

### NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Waxahachie, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit, improvements to streets and public mobility infrastructure, including the acquisition of right-of-way, throughout the City; the construction of improvements and extensions to the City's water and wastewater systems; acquiring, constructing, installing and equipping park and recreational improvements in the City, including to the City's Lee Penn Park and George Brown Plaza; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

The City Council tentatively proposes to authorize the issuance of said series (one or more) of Certificates of Obligation at its regular meeting place in the City Hall at a meeting to commence at 7:00 o'clock, p.m., on the 16th day of September, 2019. The maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold on said date for such purposes described above is \$31,525,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's water and wastewater systems.

CITY OF WAXAHACHIE, TEXAS

/s/ David Hill

Mayor

(7+8)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Tommy Ludwig, Assistant City Manager 

Date: July 2, 2019

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

---

On July 2, 2019, the applicant requested to continue case no. SU-19-0071 to the July 23, 2019 Planning and Zoning Commission agenda, and the August 5, 2019 City Council meeting agenda.

(9)

# Planning & Zoning Department

## Plat Staff Report

Case: RP-19-0077



### MEETING DATE(S)

Planning & Zoning Commission: July 9, 2019

City Council: July 15, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 9, 2019, the Commission voted 7-0 to recommend approval of plat no. RP-19-0077, subject to staff comments.

### CAPTION

Consider request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) – Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077)

### CASE INFORMATION

Applicant: George Susat

Property Owner(s): George K G Jr. and Paula C Susat

Site Acreage: 0.493 acres

Number of Lots: 2 lots

Number of Dwelling Units: 1 unit

Park Land Dedication: Cash in lieu of park land dedication for the property is set at \$400.00. This fee must be paid before the plat is filed.

Adequate Public Facilities: Adequate public facilities are available for part of this property. Sewer will need to be established for part of the property facing W Criddle St.

### SUBJECT PROPERTY

General Location: 415 Brown Street

Parcel ID Number(s): 171228 and 171231

Current Zoning: Single Family-2

Existing Use: Currently the property is one lot with a house located on the Eastern half.

Platting History: LOT 2A BLK 125 TOWN

(9)

**Site Aerial:**



**STAFF CONCERNS**

At the time of this report (6/28/19), a few engineering comments still need to be addressed:

1. Water and sanitary sewer services need to be installed prior to the recording of the plat.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant submitted an updated plat that addressed P&Z comments as well as one engineering comment. The remaining comments above will need to be addressed 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. Water and sanitary sewer services need to 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](mailto:cwebb@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

RP-19-0077 JOB NO. 1238 MAY 2019 PAGE 1 OF 1

(11)

## Planning & Zoning Department

### Plat Staff Report

**Case: RP-19-0069**



#### **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 July 9, 2019, the Commission voted 7-0 to recommend approval of plat no. RP-19-0069, subject to staff comments.

#### **CAPTION**

*Consider* 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)

#### **CASE INFORMATION**

*Applicant:* Araceli Aguirre

*Property Owner(s):* Rosa L Aguirre

*Site Acreage:* 30.562 acres

*Number of Lots:* 4 lots

*Number of Dwelling Units:* 4 units

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

*Adequate Public Facilities:* A water letter was received from Rockett SUD.

#### **SUBJECT PROPERTY**

*General Location:* 1615 Wilson Road

*Parcel ID Number(s):* 199206

*Current Zoning:* N/A (ETJ)

*Existing Use:* Largely unused land with 3 spaced out homesteads constructed on it.

*Plotting History:* LOT 1 WHISPERING MEADOWS was approved by City Council on 5/31/2006

**Site Aerial:****STAFF CONCERNS**

1. Several clerical issues still need to be address with this plat.
2. The applicant is also seeking a variance from the county in an effort to reduce the 150' frontage dedication required by Ellis County.
3. A waiver will be needed for fire flow.

**APPLICANT RESPONSE TO CONCERNS**

1. At the time of this report (7/10/19), the applicant submitted an updated plat. This addressed staff and Rockett SUD concerns regarding the presence of a 4" water line running along the front of the property. However, the above staff concerns still remain.

**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 variance from the County will be needed to reduce the required 150' frontage dedication.
  2. The clerical issues will need to be addressed before the plat can be filed.
  3. The plat cannot be filed without a variance from the County.
  4. A waiver will be needed for fire flow.

**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.



(11)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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





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



## WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Araceli Aguirre Parcel ID #: 199206  
Subdivision Name: \_\_\_\_\_

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

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

Contact Information:

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

To be completed by the water utility provider:

|  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. I have reviewed a copy of the proposed plat.  | <input 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. <i>not required</i>                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines. <i>Minimum of 8" line is required</i> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5. The water line size servicing the lots is <u>4"</u> inches.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

Rockett S.U.D  
Name of water provider company

Kay Phillips  
Signature of General Manager of water provider or Designee

05-10-19  
Date

Sheet 1 of 2  
 Drawn by: [illegible] Date: 10/1/14  
 01105 4000004100  
 1:10 1/1000  
 1:10 1/1000  
 1:10 1/1000

[illegible]

(13)

## Planning & Zoning Department Zoning Staff Report

Case: SP-19-0070



### MEETING DATE(S)

*Planning & Zoning Commission:* July 9, 2019 (continued from June 25, 2019)

*City Council:* July 15, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 9, 2019, the Commission voted 7-0 to recommend approval of case number SP-19-0070, as presented by staff.

### CAPTION

*Consider* request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) – Owner: HAYOUNG & LEE SANG HUH (SP-19-0070)

### CASE INFORMATION

*Applicant:* Chris Acker, Acker Construction

*Property Owner(s):* Hayoung and Lee Sang Huh

*Site Acreage:* .5644 acres

*Current Zoning:* Planned Development-25-General Retail

*Requested Zoning:* Site Plan Review

### SUBJECT PROPERTY

*General Location:* 2100 Brown Street

*Parcel ID Number(s):* 204843

*Existing Use:* Undeveloped Land

*Development History:* N/A

### Adjoining Zoning & Uses:

| Direction | Zoning   | Current Use   |
|-----------|----------|---|
| North     | PD-GR    | Undeveloped Land (The Village at Waxahachie development approved 5-20-2019) |
| East      | PD-25-GR | Brookdale Waxahachie  |
| South     | PD-25-GR | Bridgepoint Apartments  |
| West      | ---      | Undeveloped Land  |

*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 Brown St.

**Site Image:****PLANNING ANALYSIS**

The applicant is requesting Site Plan approval to construct an office building. The proposed development will replace the recently demolished carwash proposing to construct an office building after demolishing a pre-existing car wash. Per the Site Plan, the applicant will meet or exceed the masonry and landscaping requirements for the City of Waxahachie Zoning Ordinance.

**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:

(13)

**ATTACHED EXHIBITS**

1. Elevation/Façade Plan
2. Landscape Plan
3. Site Plan

**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](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)







[illegible]

(14)

## Planning & Zoning Department

### Zoning Staff Report

Case: SU-19-0078



#### MEETING DATE(S)

Planning & Zoning Commission: July 9, 2019

City Council: July 15, 2019

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 9, 2019, the Commission voted 4-3 to recommend approval of case number SU-19-0078, as presented by staff.

#### CAPTION

**Public Hearing** on a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)

#### CASE INFORMATION

Applicant: Jake Torpzy, Kimley-Horn

Property Owner(s): WAX 77 Investors LP

Site Acreage: 1.085 acres

Current Zoning: Planned Development-42-Commercial

Requested Zoning: PD-42-C with Specific Use Permit for Drive Through Establishment

#### SUBJECT PROPERTY

General Location: 1740 N Highway 77

Parcel ID Number(s): 263971

Existing Use: Undeveloped Land

Development History: N/A

#### Adjoining Zoning & Uses:

| Direction | Zoning  | Current Use                               |
|-----------|---------|---|
| North     | PD-42-C | Undeveloped Land                          |
| East      | PD-42-C | Waxahachie Towne Crossing                 |
| South     | PD-42-C | General Retail/Restaurant                 |
| West      | C       | Best Western Plus Waxahachie Inn & Suites |

(14)

*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**

Burger King will operate as a freestanding restaurant (1 story building), with a drive-thru on 1.085 acres. The proposed development will be located within the Waxahachie Towne Crossing addition along U.S. Highway 77 frontage road. Per the Operational Plan, anticipated operations of this development include operating hours of 6am – midnight seven days a week. The restaurant will also employ approximately forty (40) individuals to work multiple shifts.

Based on the submitted plans, the applicant has met the requirements for building materials and required landscaping on site. While staff is not opposed to the proposed use, staff has concerns with the proposed location of the use. Based on the projected growth of the surrounding area, staff believes there is a higher and better use for the property.

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 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 06/21/2019.

**PROPERTY OWNER NOTIFICATIONS**

Staff has received one (1) letter of support for the proposed development.

**STAFF CONCERNS**

1. While staff is not opposed to the proposed use, staff has concerns with the proposed location of the use. Based on the projected growth of the surrounding area, staff believes there is a higher and better use for the property.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant is aware of staff's concern and will state his reasoning at the July 15, 2019 City Council meeting.

**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:

**ATTACHED EXHIBITS**

1. Site Plan
2. Landscape Plan
3. Elevations/Façade
4. Operational Plan

**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](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



(14)



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SU-19-0078

[illegible]

## SITE PLAN

### 2.1.1

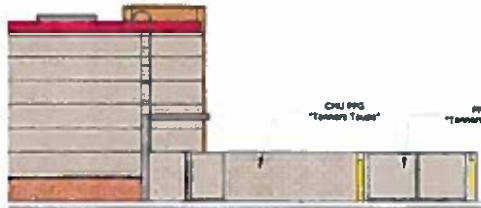
[illegible]



(14)



(14)



Side Entry Elevation

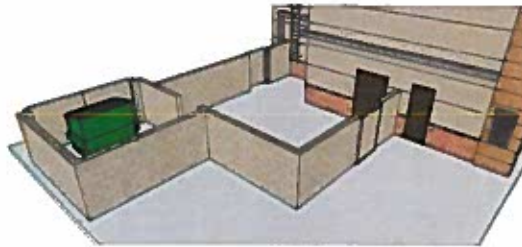


Back Elevation

Material and Color Legend



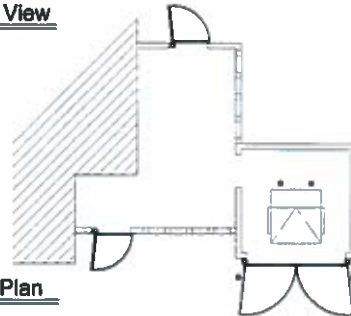
Back Corner View



Drive-thru Corner View



Drive-thru Elevation



Dumpster Floor Plan

**Exhibit D - Elevations/Facade Plan**

Kimley-Horn  
Burger King  
Exterior Renders  
3.3.5

(14)

## Kimley»Horn

June 21, 2019

Development Review Committee  
City of Waxahachie  
401 S. Rogers,  
Waxahachie, Texas 75165

**RE:   *Operational Narrative: Burger King  
Lot 3, Block A of Waxahachie Towne Crossing Addition***

Development Review Committee:

On behalf of Ampler Development, LLC (developer) and Wax 77 Investors, LP (property owner), Kimley-Horn is requesting a Specific Use Permit for the proposed 1.09-acre tract at the northeast corner of Marketplace Blvd and N Hwy 77, known as Lot 3, Block 1 of Waxahachie Towne Crossing Addition in the City of Waxahachie, Ellis County, Texas.

Ampler intends to develop a ±3,010 square foot Burger King restaurant with 34 parking spaces and a drive-thru with 14 stacking spaces. The building height is approximately 21' with approximately 24' tall accent towers. The proposed restaurant will have hours of operation from approximately 6 AM thru midnight with approximately 40 employees working multiple shifts.

If you have any additional questions or comments on this submittal, please contact me at (817) 339-2253 or [john.ainsworth@kimley-horn.com](mailto:john.ainsworth@kimley-horn.com). Thank you for your time and consideration on development.

Sincerely,

**KIMLEY-HORN AND ASSOCIATES, INC.**  
F-926



John Ainsworth, P.E.  
Project Manager

# Exhibit E - Operational Plan

(14)

## **CASE SU-19-0078**

Request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for **Drive Through Establishment** use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)

### **INSIDE REQUIRED 200' NOTIFICATION AREA**

- 1 Support
- 0 Oppose

### **SUPPORT**

1. Jeff Williams, President, Hunt Properties, 8235 Douglas Avenue, Suite 1300, Dallas, TX 75225

### **OPPOSE**

(14)

RECEIVED  
6/25/19



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-19-0078



WAX 77 INVESTORS LP  
8235 DOUGLAS AVE STE 1300  
DALLAS, TX 75225

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 9, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 15, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)

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

Case Number: SU-19-0078  
City Reference: 263976

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, July 2, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).



SUPPORT



OPPOSE

Comments: \_\_\_\_\_

Signature

Date

Printed Name and Title

Address

  
JEFF WILLIAMS - President

6/25/19  
8235 Douglas Ave #1300  
Dallas, TX 75205

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT (RESTAURANT) USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1740 N HIGHWAY 77, BEING LOT 3, BLOCK A OF THE WAXAHACHIE TOWNE CROSSING ADDITION, PROPERTY ID 263971, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as PD-42-C; 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-19-0078. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-42-C to PD-42-C, with an SUP in order to permit a Drive Through Establishment (Restaurant) use on the following property: Lot 3, Block A of the Waxahachie Towne Crossing Addition, which is shown on Exhibit A, the Site Plan attached as Exhibit B, Landscape Plan shown in Exhibit C, Elevations/Façade shown in Exhibit D, and the Operational Plan as shown in Exhibit E.

#### **SPECIFIC USE PERMIT**

##### **Purpose and Intent**

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

(15)

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE THROUGH ESTABLISHMENT (RESTAURANT) USE IN THE PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) 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-19-0078.
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 – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevations/Façade Plan, and Exhibit E – Operational Plan.
4. Signage shall comply with the City of Waxahachie Zoning Ordinance.

Compliance

All development must conform to the approved site plan and all exhibits incorporated as exhibits to this ordinance, as well as those incorporated herein by reference.

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 15<sup>th</sup> day of July, 2019.

(15)

\_\_\_\_\_  
MAYOR

ATTEST:

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