

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
FEBRUARY 18, 2019  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
5:00 P.M.**

**Agenda**

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

1. Call to Order
2. Conduct a briefing to discuss 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, February 18, 2019 at 7:00 p.m.***

Council Members: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, 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 February 4, 2019
  - b. Minutes of the City Council briefing of February 4, 2019
  - c. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of February 4, 2019
  - d. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of February 12, 2019
  - e. Waxahachie Police Department Racial Profiling Report for 2018
  - f. Historic Preservation Matters event to be held March 2, 2019
  - g. Run for Orphans 5K run to be held October 26, 2019
5. ***Introduce*** Honorary Councilmember
6. ***Present*** Proclamation Proclaiming February as “Congenital Heart Defect Awareness” Month
7. ***Public Hearing*** on a request by James R. Henry for a Zoning Change from a Future Development zoning district to Planned Development-Single Family-1, with Concept Plan, located at 2801 Howard Road (Property IDs 257995 and 182121) - Owner: JAMES R HENRY and LINDA S OSBORN (PD-19-0001)
8. ***Consider*** proposed Ordinance approving Zoning Change No. PD-19-0001
9. ***Consider*** request by James R. Henry for a Preliminary Plat of Crooked Creek Farms for 3 lots, being 94.996 acres situated in the S.M. Durrett Survey, Abstract 272 (Property IDs 257995 and 182121) – Owner: JAMES R HENRY and LINDA S OSBORN (PP-19-0002)

10. **Public Hearing** on a request by Robert C. Morgan, Grantava Holdings LLC, for a Replat of Lot 3A, Block 184, Town Addition, to create Lots 1 through 9, Block A, Wyatt Heights, 2.512 acres (Property ID 270088) – Owner: GRANTAVA INC (RP-19-0003)
11. **Consider** approval of RP-19-0003
12. **Consider** request by Robert C. Morgan, Grantava Holdings LLC, for a Preliminary Plat of Morgan Estate for 1 lot, being 2.566 acres situated in the J.C. Armstrong Survey, Abstract 6 (Property ID 179112) – Owner: GRANTAVA INC (PP-19-0004)
13. **Consider** request by Robert C. Morgan, Grantava Holdings LLC, for a Final Plat of Morgan Estate for 1 lot, being 2.566 acres situated in the J.C. Armstrong Survey, Abstract 6 (Property ID 179112) – Owner: GRANTAVA INC (FP-19-0005)
14. **Public Hearing** on a request by Isabel Bewley for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-43-Single Family-3 zoning district, located at 3016 Coventry Lane (Property ID 205613) – Owner: ISABEL C BEWLEY (SU-19-0007)
15. **Consider** proposed Ordinance approving Zoning Change No. SU-19-0007
16. **Continue Public Hearing** on a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194)
17. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0194
18. **Continue Public Hearing** on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0180)
19. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0180
20. **Consider** award of a bid to Axis Contracting Inc. for the corridor rehabilitation of the Colonial Acres Addition
21. **Consider** proposed ordinance amending Chapter 8 (Building) of the Code of Ordinances of the City of Waxahachie by repealing and replacing Article III Substandard and Inadequate Structure Section 8.57 Introduction to Section 8.74 Requiring repair, removal, or demolition of the building or other structure; and setting an effective date of March 1, 2019
22. **Consider** proposed Ordinance amending “Offenses and Miscellaneous Provisions” of the Waxahachie Code of Ordinances by adding Article XV – “Registered Sex Offenders” prohibiting registered sex offenders from residing or going in, on, or within 1,000 feet of a child safety zone and providing for a penalty of a fine
23. **Consider** proposed Ordinance amending Chapter 32 (Traffic) of the Code of Ordinances of the City of Waxahachie by repealing Article I; Section 32-7 “Same – Protective Headgear Required”

24. **Consider** a quote for services and authorizing an agreement with Musco Sports Lighting, LLC for the purchase and installation of athletic field lighting at Lee Penn Park
25. **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.
26. **Convene** into Executive Session to consult with City Attorney about pending or contemplated litigation as permitted under Section 551.071 of the Texas Government Code, including disputes regarding sign ordinance
27. **Reconvene** into Open Session for possible action resulting from any items posted and discussed in Executive Session including, but not limited to, consideration of potential ordinance adoption
28. Comments by Mayor, City Council, City Attorney and City Manager
29. 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, February 4, 2019 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, 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 Kevin Strength called the meeting to order.

**2. Invocation**

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

Councilmember 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 January 22, 2019
- b. Minutes of the City Council briefing of January 22, 2019
- c. Funday Run Day to be held March 2, 2019
- d. Cinco de Mayo Festival to be held May 3-4, 2019

**Action:**

*Councilmember Melissa Olson moved to approve items a. through d. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.*

**5. Introduce Honorary Councilmember**

Councilmember Chuck Beatty introduced Mr. Zachary Navarro as Honorary Councilmember. Zachary is a senior at Waxahachie High School with a 3.0 grade point average. His accomplishments include: Student of the month twice this year, regional qualifier in golf, making a hole in one in golf, and an academic UIL Current Events District Champion. Zachary is a flag runner for the football team and a basketball manager for the running Indians. He plays golf and is a huge Cowboys fan. After graduation, Zachary plans on attending Texas A&M and major in Sports Management. After college he wants to be an equipment manager for a major sports team.

**6. Consider request by William Collard for a Preliminary Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract**

(4a)

**328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (PP-18-0219)**

Mr. Shon Brooks, Director of Planning, reported water is provided and applicant has provided a location for the required fire hydrant. He stated there are some formatting issues with the plat but will be corrected prior to filing. Mr. Brooks recommended approval per staff comments.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by William Collard for a Preliminary Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract 328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (PP-18-0219) per staff comments. Mayor Pro Tem David Hill seconded, All Ayes.*

- 7. Consider request by William Collard for a Final Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract 328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (FP-18-0220)**

Mr. Brooks reported the Final Plat accompanies PP-18-0219 noting some minor errors on the plat need to be corrected prior to filing. He recommended approval per staff comments.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by William Collard for a Final Plat of Cowboy Acres for 4 lots, being 9.4184 acres situated in the Ellis County School Land Survey, Abstract 328 (Property ID 194702) in the Extra Territorial Jurisdiction – Owner: KEVIN R & CHERRISSA S SMITH (FP-18-0220) per staff comments. Councilmember Chuck Beatty seconded, All Ayes.*

- 8. Public Hearing on a request by Khalid Ali, Aztec Renewable Energy, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 208 North Star Lane (Property ID 265846) – Owner: THOMAS M DAVIS (SU-18-0221)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant meets the requirements of the placement of the solar panels. He recommended approval noting staff received two letters of support.

There being no others to speak for or against SU-18-0221, Mayor Strength closed the Public Hearing.

- 9. Consider proposed Ordinance approving Zoning Change No. SU-18-0221**

**ORDINANCE NO. 3090**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-**

(4a)

**SF-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 208 NORTH STAR LANE, BEING PROPERTY ID 265846, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 17, BLOCK 2, PARK PLACE PHASE 3, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3090. Councilmember Melissa Olson seconded, All Ayes.*

- 10. Consider request by Grant Robinson, The Mark on 287 LLC, for a Final Plat of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey, Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (FP-18-0217)**

Mr. Brooks reported the Final Plat is for a future multi-family development. He stated staff will hold the filing until the Public Infrastructure has been received. Mr. Brooks noted staff received a revised plat with Conquest Boulevard platted from north to south. He recommended approval noting it is common to request approval prior to infrastructure being installed.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Grant Robinson, The Mark on 287 LLC, for a Final Plat of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey, Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (FP-18-0217). Councilmember Chuck Beatty seconded, All Ayes.*

- 11. Public Hearing on a request by Ladd Vien for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Place Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNG MEE (RP-19-0006)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the Replat is located off Highway 77 frontage and Madison Street. He stated the applicant chose not to dedicate the right-of-way that was previously approved. Mr. Brooks explained Council agreed to provide relief of the required twenty-three (23) feet right-of-way dedication to 18.5 feet.

Mr. Ladd Vien, 312 Hunter Pass, Waxahachie, stated the 18.5 dedication will put the right-of-way next to the existing building. He stated they can't give up property due to the new building they want to build. Mr. Vien stated he is in agreement with the setback requirements for the new building but not willing to give up the right-of-way dedications.

Mr. Brooks stated the city would acquire the right-of-way and then design the street noting there will be sidewalks and landscaping buffers.

(4a)

There being no others to speak for or against RP-19-0006, Mayor Strength closed the Public Hearing.

**12. Consider approving RP-19-0006**

**Action:**

*Mayor Pro Tem David Hill moved to deny a request by Ladd Vien for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Place Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNG MEE (RP-19-0006). Councilmember Mary Lou Shipley seconded. The vote was as follows:*

*Ayes: Kevin Strength  
David Hill  
Chuck Beatty  
Mary Lou Shipley*

*Noes: Melissa Olson*

**The motion carried.**

**13. Continue Public Hearing on a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194)**

Mayor Strength continued the Public Hearing.

Mr. Brooks stated the Specific Use Permit was approved at the Planning and Zoning Commission meeting. He stated staff recommended denial and still request denial due to the visibility with the improvements of IH35 and Butcher Road. Mr. Brooks stated IH35 will eventually be able to look down into this site.

Mr. Drew Dubocq, 421 Calvert Drive, Midlothian, and Mr. David Wassermann, 613 Dove Creek, Midlothian, representing the applicant, presented a handout of the proposed storage location noting the storage will not be seen from the service road. They proposed fencing and landscaping at the proposed site.

After further discussion, it was determined to continue the public hearing to the City Council meeting of February 18, 2019.

**14. Consider proposed Ordinance approving Zoning Change No. SU-18-0194**

**Action:**

*Councilmember Chuck Beatty moved to continue a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for Outside Storage use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194) to the City Council meeting of February 18, 2019. Mayor Pro Tem David Hill seconded, All Ayes.*



(4a)

**15. Consider proposed Resolution in support of GFH Arden Hill Seniors, Ltd. for TDHCA Housing Credits funding application**

Mr. Brandon Bolin, Ground Floor Development, Austin, Texas, stated the proposed Arden Hill Seniors will have 159 units with several amenities for seniors over 55. He requested Council's support of the proposed Resolution.

City Manager Michael Scott stated the Resolution follows the standard language of support.

**RESOLUTION NO. 1263**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS SUPPORTING THE PROPOSED ARDEN HILL SENIORS HOUSING COMMUNITY; APPROVING AN APPLICATION FOR FEDERAL LOW INCOME HOUSING TAX CREDITS TO FINANCE SUCH PROJECT; PROVIDING AN IN KIND CONTRIBUTION FOR SUCH PROJECT AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1263. Councilmember Mary Lou Shipley seconded, All Ayes.*

**16. Consider proposed Ordinance repealing Chapter 7 (Auctions) of the Code of Ordinance of the City of Waxahachie; and setting an effective date of February 4, 2019**

**ORDINANCE NO. 3091**

**AN ORDINANCE REPEALING CHAPTER 7 (AUCTIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE; AND SETTING AN EFFECTIVE DATE OF FEBRUARY 4, 2019.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3091. Councilmember Mary Lou Shipley seconded, All Ayes.*

**17. Public Comments**

Mr. Dan Gus, 1291 Panorama Loop, Waxahachie, presented his argument pertaining to the billboard signage in litigation. He stated he believes the City Council and staff are not against prayer. Mr. Gus disagreed with the city ordinance noting the council is good people trying to enforce a bad law. He spoke on permitting and was disappointed in the city's response that his client illegally erected the sign without permits and inspections. Mr. Gus proposed that his client erect a modern sign being electronic signage and work with the city to modernize the status. He stated his client bought the sign that was illegally erected. Mr. Gus stated he does respect the leadership of the city.

Reverend Byron Goins, 328 Leisure Lane, Waxahachie, stated he is the new pastor at Jeff Creek Church and expressed concern with enforcing code compliance on the east side of Waxahachie.

(41)

He asked Council, through Code Enforcement, to get businesses more attractive to the east side noting some businesses are eyesores. Reverend Goins stated code enforcement is not as prevalent as other areas in the city. He stated he met with City Manager Michael Scott and progress was made noting there is still more to do. Reverend Goins stated his church has a food bank and feeds seventy-five families twice a month. He stated he didn't come to take from the city but to see what he can do for the city.

**18. Convene into Executive Session to consult with City Attorney about pending or contemplated litigation as permitted under Section 551.071 of the Texas Government Code**

Mayor Strength announced at 7:54 p.m. the City Council would convene into Executive Session to consult with the City Attorney about pending or contemplated litigation as permitted under Section 551.071 of the Texas Government Code.

**19. Reconvene and take any necessary action**

The meeting reconvened at 8:43 p.m.

**Action:**

*None*

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

City Manager Michael Scott announced the WISD will host Superintendent Search Forum on Tuesday, February 5, 2019 at 8:00 a.m. at the Civic Center.

Mayor Kevin Strength asked Assistant City Manager Tommy Ludwig to contact Reverend Goins to discuss his concerns.

**21. Adjourn**

*There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:45 p.m. Mayor Pro Tem David Hill seconded, All Ayes.*

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, February 4, 2019 at 6:30 p.m.

Council Members Present: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, 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 Kevin Strength called the meeting to order.

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

Planning Director Shon Brooks reviewed the following cases:

- SU-18-0194 being a request for a specific use permit for outside storage. Applicant seeks to store shingles behind a proposed six foot board on board fence and plant landscaping. Staff expressed concern with the ultimate improvements to IH35 and Butcher Road. Staff will recommend to deny.
- RP-19-0006 was previously approved where applicant dedicated right-of-way on Highway 77 and Madison. Staff explained the city made concessions and lowered the required right-of-way dedication by reducing it from 23 feet to 18.5 feet. After approval the applicant decided not to dedicate the land and resubmitted the plat without right-of-way dedications. Without dedications it does not meet the requirements of the thoroughfare plan. Staff will recommend to deny.
- Proposed Ordinance repealing Chapter 7 (Auctions) of the Code of Ordinances. Staff explained it abolishes the chapter.

City Manager Michael Scott stated item 15 on the council agenda pertains to a Resolution in support of GFH Arden Hill Seniors, Ltd. for TDHCA Housing Credits funding application. He introduced Mr. Brandon Bolin, founder of Ground Floor Development. Mr. Bolin presented an overview of the proposed development noting it will be a multi-development with 159 units for seniors over age 55 and will be independent living. Amenities will include a full-time live in on the property, swimming pool, fitness center, business center, BBQ and picnic areas, theatre rooms, and storage spaces. He stated the company will maintain ownership once built and self-manage it.

(Hb)

**3. Adjourn**

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(4C)

City Council and Planning & Zoning Commission  
February 4, 2019

A Joint Work Session of the Mayor and City Council and Planning & Zoning Commission of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers on Monday, February 4, 2019 at 5:30 p.m.

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

Planning & Zoning  
Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
Erik Test

Planning & Zoning  
Members Absent: Melissa Ballard, Vice Chairman  
David Hudgins

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary  
Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
James Gaertner, City Engineer

**1. Call to Order by Mayor Kevin Strength and Chairman Rick Keeler**

Mayor Kevin Strength called the City Council meeting to order.

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

**2. Discussion of proposed Thoroughfare Plan amendments**

City Manager Michael Scott stated a lot has happened since the last update in 2016 and it comes imperative to meet the requirements of the current developments. He stated the City Engineer, James Gaertner, will review modifications of the 2016 update noting in 2020 there will most likely be a complete overhaul of the Comprehensive Plan.

Mr. James Gaertner, City Engineer, stated the purpose of the Thoroughfare Plan is to look at major streets and see how we can move people around the city and handling growth while keeping our city unique. He stated every time a plan is reviewed the Thoroughfare Plan is looked at to see how it can handle traffic with a proposed development. Mr. Gaertner reviewed the existing Thoroughfare Plan and the proposed changes. He focused on the outside four quadrants due to

developments. Discussion was held and it was determined the proposed revisions to the Thoroughfare Plan will be limited to the following sections of the city:

- Southwest of Interstate Highway 35 East (IH-35E) and Highway 287
- Northwest of Interstate Highway 35 East (IH-35E) and Highway 287
- Around Dove Hollow Subdivision
- North Grove Boulevard and Garden Valley Parkway

**3. Adjourn**

There being no further business, the meeting adjourned at 6:25 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(4d)

City Council and Planning & Zoning Commission  
February 12, 2019

A Joint Work Session of the Mayor and City Council and Planning & Zoning Commission of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers on Tuesday, February 12, 2019 at 5:00 p.m.

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

Council Member Absent: Chuck Beatty, Councilmember

Planning & Zoning  
Members Present: Rick Keeler, Chairman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Planning & Zoning  
Members Absent: Melissa Ballard, Vice Chairman  
Betty Square Coleman

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Amber Villarreal, Assistant City Secretary  
Shon Brooks, Director of Planning  
Colby Collins, Senior Planner

**1. Call to Order by Mayor Kevin Strength and Chairman Rick Keeler**

Mayor Kevin Strength called the City Council meeting to order.

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

**2. Hear presentation regarding proposed planned development district and public improvement district for the Emory Lakes development**

City Manager Michael Scott stated the property is approximately 2,800 acres and the applicant is presenting a revised presentation after comments from council and the commission from the last joint work session in August 2018. The Walton Group would like to receive additional feedback from City Council, Planning and Zoning Commission and city staff.

Mr. Aaron Duncan, Walton Group introduced the project team for the Emory Lakes Development. Mr. Duncan stated they will be requesting a zoning change amending the existing Planned Development to add the recently annexed property. He reported there will be three (3) different Zoning Districts being Residential District, Neighborhood Village District, and Mixed Use

(4d)

City Council and Planning & Zoning Commission

February 12, 2019

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District. He reviewed the lot sizes and lot mix, sufficiency of amenity package, PID justification, and amount of commercial property. He explained the proposal is for enhanced architectural design, 9,875 total residential units, 100 acres zoned for commercial, greater mix of lot types, enhanced landscape buffers and vegetative screening, at least 15% open space, developed neighborhood parks within ½ mile of every resident, at least 4 community amenity centers, and 4 unique zoning districts.

Chairman Keeler inquired about the responsibility of the ongoing maintenance of the amenity centers and the applicant noted the Homeowner's Association will pay the maintenance fees after the PID is completed. He explained the Planning and Zoning Commissions' duty is to the city as a whole and they rely on the Zoning Ordinance and Comprehensive Plan to direct their decisions and those requirements have been relayed to the developer.

Mayor Strength expressed concerns with the PID tax noting the proposed number is half of the city tax. The applicant noted the proposed rate is the max that the market can handle according to their financial advisors. They believe if the customers are getting their value for that tax then they won't have issues selling lots.

The applicant explained the proposed \$125,000,000 PID will be used for water, sanitary sewer, utilities, roadways, and landscape and then will be turned over to the city for ongoing maintenance. Councilmember Melissa Olson asked if the city is responsible for the bond debt if the project defaults and a legal representative of the applicant advised the city to consult with the city attorney and finance director, but typically if the project defaults the city will have to foreclose the property and will not be responsible for the debt.

The applicant noted the team has been working on this project for about 2 ½ years and Chairman Keeler noted little progress has been made to adhere to city comments.

Mr. Jim Phillips confirmed 85% of the total master planned community is smaller than the minimum city requirements and voiced his support for the developer adhering to the city's development standards.

Discussion was held and the city continued to express concern over the density of the area, the high PID tax, and the minimum city development standards not being met.

### **3. Adjourn**

*There being no further business, Councilmember Melissa Olson moved the City Council meeting adjourn at 6:33 p.m. Councilmember Mary Lou Shipley seconded, All Ayes.*

*There being no further business, Mr. Jim Phillips moved the Planning and Zoning Commission meeting adjourn at 4:48 p.m. Mr. Erik Test seconded, All Ayes.*

Respectfully submitted,  
Amber Villarreal, Assistant City Secretary



(4e)



# WAXAHACHIE POLICE DEPARTMENT



## 2018 CITIZEN CONTACT REPORT

January 25, 2019

(4e)

### **Executive Summary**

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched.

The analysis of material and data from the Waxahachie Police Department revealed the following:

The analysis of statistical information from WPD reveals that there are not any indications of systemic racial profiling by the department.

The WPD is in full compliance with applicable Texas law concerning the prohibition of racial profiling.

## Introduction

This report details an analysis of the Waxahachie Police Department's statistical information on citizen contacts for the year 2018. According to the State of Texas, "Race or ethnicity" means the following categories: "Alaska native or American Indian; Asian or Pacific Islander; Black; White; and Hispanic or Latino." This definition has changed from previous years when Middle Eastern was previously considered a race or ethnicity and has now been removed.

This report has been prepared to specifically comply with Article 2.132 (7) of the Texas Code of Criminal Procedure regarding the compilation and analysis of citizen contacts data. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into five analytical sections: WPD's policy on racial profiling; WPD's training and education on racial profiling; WPD's complaint process and public education on racial profiling; and analysis of statistical data on citizen contacts.

For the purposes of this report and analysis, the following definition of racial profiling is used: Racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

The demographic information contained in this report was taken from the demographic profile from the 2010 census. Waxahachie demographic information was compared to Ellis County information for analytical and comparison purposes.

The greatest challenge in presenting meaningful numbers is using an appropriate comparison. Census data is the most readily available data that identifies the demographics of the city and county. However, the accuracy of census data is always questioned and even if accurate in the beginning, the data becomes aged and out of date as the decade progresses. Since the data is only collected every ten years, the data becomes less and less accurate with each passing year.

Even if the census data is fresh, there are still questions about the accuracy of the data. In some of the data, the numbers do not add up. This is primarily caused by individuals being counted twice. The Census Bureau considers Hispanics to be a culture and not a race, so there are White Hispanics and Black Hispanics. This can cause some individuals to be counted twice, depending on how the individual completes the Census survey form. On the other hand, the State of Texas considers "Hispanic" to be a race. However, the State does not provide any census data based on their definitions of race.

Other challenges related to the statistical comparisons relate to the percentage of citations written to residents vs. non-residents vs. regional visitors, etc. We have several major thoroughfares through Waxahachie and many people who receive citations do not live in the city or the county.

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The population and race statistics are shown below for both the city of Waxahachie and for Ellis County.

**2010 Population – City of Waxahachie\***

Total Population	29,621	
Caucasian (Not Hispanic)	22,381	75.6%
African (Black)	3,819	12.9%
Amer. Indian	175	0.6%
Asian	155	0.5%
Two or More Races	678	2.3%
Middle Eastern	Not shown in survey	
Hispanic	6,870**	23.2%**

\*These numbers provided by the US Census Bureau

\*\* Total sum of races exceeds actual total population

**2010 Population – Ellis County\***

Total Population	149,610	
Caucasian (Not Hispanic)	117,662	78.6%
African (Black)	13,482	9.0%
Amer. Indian	893	0.6%
Asian	851	0.6%
Hispanic	35,161**	23.5%**

\*These numbers provided by the US Census Bureau

\*\* Total sum of races exceeds actual total population

The State of Texas has defined "Race or ethnicity" as the following categories: "Alaska native or American Indian; Asian or Pacific Islander; black; white; and Hispanic or Latino." Since the State is requiring the reporting, we are required to use their definition but for comparison purposes, we must use Census data and their definitions. It should also be noted that Texas has changed its definition of Race or Ethnicity since last year. The State no longer recognizes "Middle Eastern" as a race or ethnicity and eliminated that category.

Another issue is the fact that the US Census considers "Hispanic" to be a culture and not a race, compared to the State of Texas who defines Hispanic as a race. In the census, there are White Hispanics and Black Hispanics and the result is an overlapping of counting. As seen in the numbers above, the total number of Races exceed the population due to this overlapping in counting.

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## **Waxahachie Police Department Policy on Racial Profiling**

A review of WPD policies reveal that the department has adopted policies to be in compliance with Article 2.132 of the Texas Code of Criminal Procedure. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Departmental policies. The General Orders provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or social status. Appendix B lists the applicable statute and corresponding General Orders. Specifically however, Policy 4.162 states in part:

### **II. POLICY:**

- A. POLICING IMPARTIALY** - Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- B. Race/ethnicity** will never be used as the sole basis for probable cause or reasonable suspicion. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s).

### **III. DEFINITIONS**

- A. BIAS BASED PROFILING** - Means a law enforcement-initiated action based on an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable group, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- B. RACIAL PROFILING** means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

#### **IV. PROCEDURES**

- A. PROHIBITED** - The Waxahachie Police Department strictly prohibits police officers employed by this agency to engage in acts of racial profiling or bias based profiling as defined above.
- B.** This policy is intended to reaffirm the Waxahachie Police Departments commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

#### **Waxahachie Police Department Training and Education on Citizen Contacts**

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on citizen contacts for all Texas Peace officers. Documentation provided by WPD reveals that citizen contacts training and certification has occurred and has either been provided to all officers in the department or is being obtained for new officers. New officers are typically trained as they are hired.

#### **Waxahachie Police Department Complaint Process and Public Education on Citizen Contacts**

Article 2.132(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on citizen contacts and that the agency provide public education on the complaint process. The department has prepared a brochure on the citizen complaint process which includes a specific section on citizen contacts. The brochure is clearly written and provides detailed information on the process and whom to contact to file a complaint.

#### **Waxahachie Police Department Video Review**

In accordance with State mandates, the Waxahachie Police Department regularly reviews video footage captured by cameras installed in the patrol vehicles. The footage is chosen randomly and a log is maintained documenting the review. In addition to random viewing, the footage is reviewed when related to complaints or evidence. There were no violations of racial profiling prohibitions found during this process. The 2018 video review log is attached to this report.

#### **Waxahachie Police Department Statistical Data on Citizen Contacts**

Article 2.132(b)6 requires that law enforcement agencies collect statistical information on traffic stops and detentions with specific information on the race of the person stopped. In addition, information concerning searches of persons and whether or not

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the search was based on consent or probable cause is also collected. Data regarding the use of force in these stops is also collected.

### 201.76 Analysis of Traffic Stops

Waxahachie Police Officers made a total of 12,101 stops that resulted in citations, warnings or arrests during 2018. Figure 1 depicts the percentages of people detained by race. As can be seen, the percentages of those stopped are somewhat reflected by the percentages of the Waxahachie population. For example, 23% of Waxahachie is Hispanic and 16% of the traffic stops were Hispanic drivers. In this case, the percentage of Hispanics stopped is lower than the local population percentage. African/Americans make up 13% of Waxahachie and 19% of traffic stops were African/American drivers. Caucasians make up 76% of the population in Waxahachie and the percentage of traffic stops for Caucasians was 64%.

It should be noted that the race of drivers is determined by the officer's perception. The law allows for the determination to be made by either perception or by asking. However, it is generally believed that asking for the person's race would often result in an argument or confrontation due to the issue of race being brought up by the officer. In reality, if an officer was engaging in profiling it would be based on perception anyway, so using perception as a determination is appropriate.

**Figure 1**  
Traffic stops resulting in Citations or Arrests

	Caucasian	Asian	Hispanic	African/ Black	Amer. Indian	
Total Contacted	7,751	89	1,935	2,277	49	
Percentage	64%	1%	16%	19%	0%	
Waxahachie Population	75.6%	0.5%	23.2%	12.9%	0.6%	
Ellis Population	78.6%	0.6%	23.5%	9.0%	0.6%	

It should be noted that officers do not stop only city residents or county residents. They often stop individuals who live outside of the county. The major thoroughfares in Waxahachie bring county, regional, and out-of-state residents through the city. However, the use of city and county population data is most appropriate because these residents would have the highest likelihood of using Waxahachie roadways. Using the city and county population data, percentage of traffic stops by race appear both expected and understandable.

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## **2018 Analysis of Persons Searched**

The State statute requires police departments to capture data related to searches. Unfortunately, the statute does not define "search". The term "search" can mean different things to different people and the term can mean one thing to law enforcement and another to citizens. The definitions listed below are the terms and definitions relative to law enforcement.

**Frisk** – a "frisk" is used when an officer has a reasonable suspicion that the individual may be armed or may have a weapon within reach in the vehicle. The frisk may involve the person or it may involve the vehicle. The officer can check for weapons in those areas of a vehicle that are within reach of the vehicle occupant. This is not considered a "search" by law enforcement but might be considered a search by the vehicle occupant.

**Vehicle Search** – a complete search of a vehicle based on probable cause or consent. If an officer has probable cause to be belief that there is contraband or evidence in a vehicle, the officer may search the vehicle. The vehicle occupant can also give consent for the officer to search the vehicle regardless whether probable cause exists.

**Vehicle Inventory** – a vehicle inventory is conducted after an individual is arrested to ensure the safekeeping of any valuables in the vehicle. The department is responsible for the vehicle and its contents after an individual is arrested out of that vehicle. The inventory is not considered a search by law enforcement but may be considered a search by the vehicle owner.

**Search incident to arrest** – This search refers to a search of an individual after they have been arrested. The Courts have recognized that it is necessary to search individuals after they are arrested to ensure the safety of the officers and the security of the jail facility.

The table below reports the summaries for the total number of persons or vehicles searched subsequent to being stopped by WPD for traffic offenses and either cited to court or searched prior to being arrested. Officers may be concerned for their personal safety (the possibility of a weapon), they may have probable cause that a crime has been committed and the person stopped is concealing evidence of the crime, or they may only have a suspicion of a criminal offense and request consent from the person to search the person or vehicle. Per policy, they also perform searches incident to an arrest.



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**Figure 2**  
Searches

Total Stops	No Search	By Consent	By Probable Cause	Inventory	Plain View Contraband	Incident to Arrest
12,101	11,122	30	62	1	7	879

**Figure 3**  
Was Contraband Found?

Yes	196
No	783

**Figure 4**  
Description of Contraband

Alcohol	23
Currency	1
Drugs	148
Other	9
Weapons	15
Total	196

**Figure 5**  
Results of the Stop

Citation	6,311
Written Warning	4,808
Verbal Warning	1
Citation and Arrest	99
Written Warning and Arrest	3
Arrest Only	879
Total	12,101

Verbal warnings are virtually non-existent due to the changes in the racial profiling statutes. Due to the changes in the law requiring the capture of data with stops that result in warnings, the officers now create written warnings instead of verbal warnings. Recent legislation changes require that agencies submit specified data to the Texas Commission on Law Enforcement (TCOLE). The data submitted is as follows:

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## TCOLE Submitted Data

Total Stops: 12,101

### Gender

Female: 5,072  
Male: 7,029

### Race or Ethnicity:

Black: 2,277  
Asian/Pacific Islander: 89  
White: 7,751  
Hispanic/Latino: 1,935  
Alaska Native/American Indian: 49

### Was Race or Ethnicity Known Prior to Stop?

Yes: 306  
No: 11,795

### Reason for Stop:

Violation of Law: 394  
Pre-existing Information: 124  
Moving Traffic Violation: 10,044  
Vehicle Traffic Violation: 1,539

### Street Address of approximate location of the Stop:

City Street: 8,243  
US Highway: 3,115  
State Highway: 443  
County Road: 177  
Private Property: 123

### Was a search conducted?

Yes: 979  
No: 11,122

### Reason for Search:

Consent: 30  
Contraband: 7  
Probable Cause: 62  
Inventory: 1  
Incident to Arrest: 879

### Was contraband discovered?

Yes: 196  
No: 783

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**Description of contraband:**

Drugs:	148
Currency:	1
Weapons:	15
Alcohol:	23
Stolen Property:	0
Other:	9

**Result of Stop:**

Verbal Warning:	1
Written Warning:	4808
Citation:	6311
Written Warning & Arrest:	3
Citation & Arrest:	879

**Arrest Total**

Total: 981

**Arrest Based On:**

Violation of Penal Code:	632
Violation of Traffic Law:	72
Violation of City Ordinance:	4
Outstanding Warrant:	273

**Was Physical Force Resulting in Bodily Injury used during Stop?**

Yes:	11
No:	12,090

**2018 Analysis of Traffic Stops**

For comparison, WPD has included the 2017 traffic stop data as well. During 2017, Waxahachie Police Officers had a total of 8,114 contacts that resulted in a citation or arrest as compared to 12,101 contacts that resulted in a citation, warning or arrest in 2018. Note that 2018 includes stops that resulted in warnings but these stops were not included in the 2017 report.

Figure 6 shows a comparison of 2017 and 2018.  
(See next page)

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**Figure 6**

**YEAR TO YEAR COMPARISON**  
A Comparison of Contacts 2017-2018

**TRAFFIC CONTACTS - 2018**

	Number	Percent*
Caucasian	7751	64%
Black	2277	19%
Hispanic	1935	16%
Asian	89	1%
Native Amer.	49	0%
	12,101	100%*

**TRAFFIC CONTACTS - 2017**

	Number	Percent*
Caucasian	4732	58%
African	1489	18%
Hispanic	1712	21%
Asian	60	1%
Middle East.	50	1%
Native Amer.	23	0%
Other	48	1%
	8,114	100%

\*Percentages are rounded to nearest whole number

As shown in the tables above, there has been a significant increase in the recorded traffic stops this year. This is primarily due to the change in reporting requirements. Last year's data was based on traffic stops that resulted in a citation or arrest and this year's data includes warnings.

**Analysis of Citizen Contacts Compliance by Waxahachie Police Department**

The foregoing analysis shows that WPD is fully in compliance with all relevant Texas law concerning citizen contacts. Data on traffic stops revealed that all races are stopped at a percentage that is reasonably representative of Waxahachie or the Ellis County area. The comparison percentages change when compared to the City of Waxahachie vs. Ellis County but it demonstrates the difficulty in getting truly meaningful comparisons. Another point of consideration is the fact that some drivers that we stop for traffic violations do not live in Waxahachie or Ellis County, thus making meaningful

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comparisons more difficult. We have several highways that travel through Waxahachie. Inter-State Highway 35 and Highway 67 both funnel residents from the entire area through the city. It is reasonable to assume that these individuals commit their share of traffic violations.

### **Data Collection Issues**

There are a variety of issues with any data collected on citizen contacts. First, although the law mandates collection, there are some variations in how the data is collected. Hence, there is wide variation in the reporting by law enforcement across the state. In our case, we use data from the Municipal Court software system since all citations are processed through the municipal court. For arrest data, we have our Investigations clerk keep a physical count throughout the year of arrests that originate from traffic stops. There have been efforts to standardize collection methods and agencies are now required to submit certain data to the Texas Commission on Law Enforcement (TCOLE).

The determination of race is sometimes difficult and is left to the officer's opinion. Currently, race is not identified on a State of Texas driver's license. As previously discussed, asking a person for their race could create the perception of a bias. As a result, in compliance with the law, the officers of the Waxahachie Police Department determine race through their perception. Hence, each officer must code race as best they can based on physical appearance and surnames.

Finally, the law provides no standards by which to compare the data collected. It only states that a report will be provided to the legislative body. If a comparison is to be made, any statistics gathered must be compared to a variety of other measures and must take into account regional and city variations. For example, this report compared Waxahachie statistics with both the city and Ellis County in an attempt to show that although Waxahachie has certain percentages of various races, the same is not necessarily true for the county or the region. City population statistics do not take into account the effect that a major arterial roadway connecting the region will have or the impact that the level of crime in a large retail area will have on decisions to detain or search. In short, a growing community with construction and traffic might very well have higher rates of detentions and searches of minorities than is reflected in their actual population. This does not mean that the agency is racially profiling.

### **Summary**

Statistics alone will never reveal whether police officers engage in racial profiling or not. The police department makes every effort to ensure that each officer is trained and held to high standards of conduct. As can be seen by the video review log, supervisors review an extensive number of traffic contacts to view officer performance. In the end, a police department has to rely on the ethics of its officers and the values instilled within the organization. This department has made efforts in hiring to have a department that is as racially diverse as the community, but it is challenging. We have made strides in this area and will continue to improve the racial makeup of the department.

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At some point in the past, the citizens of Waxahachie voted for the department to be governed by Civil Service rules and the hiring process for officers is very strictly defined by law. This inflexible process limits the ability for the department to hire minority and female officers but we have made significant efforts this past year to recruit and attract more minorities to apply with the Waxahachie Police Department. We have recruited heavily at college campuses and we continue to attract a fairly diverse applicant pool. In the past year, we have been able to hire one Hispanic female and an African-American male. We will continue these recruiting efforts as we have openings.

**City Demographics\***

Total Population	29,621	
Caucasian	22,381	75.6%
African (Black)	3,819	12.9%
Amer. Indian	175	0.6%
Asian	155	0.5%
Two or More Races	678	2.3%
Hispanic	6,870	23.2%**
Middle Eastern	Not shown in Census	

\* Numbers provided by the US Census Bureau

\*\* Total sum of races exceed actual total population

**Police Department by Race (Sworn Officers Only)**

Total Number of Officers	62	
Caucasian	53	85%*
African (Black)	3	5%
Amer. Indian	0	0%
Asian	1	2%
Hispanic	4	6%
* Percentages are rounded to nearest whole number		

It should be noted that the racial composition of the department is based on the number of officers currently employed. The department is authorized to have 68 officers but we currently have six openings for police officers. The numbers shown reflect actual numbers of officers. It should also be noted that these numbers only represent the sworn officers of the department and does not include the 22 civilian employees.

The Waxahachie Police Department is committed to providing police services in a fair and bias free manner. Waxahachie police officers are some of the finest officers in the region and are committed to avoiding any form of bias based policing. Our mission remains to provide the highest level of professional police and emergency services, and dedicating ourselves to protecting life and property, while maintaining the highest ethical standards.

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The Waxahachie Police Department is also committed to providing promotional opportunities to officers of every race and gender.

Officers are held accountable for their actions and supervisors are trained to critique the day-to-day performance of their officers. As a routine practice, supervisors review videos from the in-car videos related to traffic stops and other calls. Some of these reviews are generated by questions or issues related to the traffic stop and some of them are random. The video review log (Appendix B) is included in this report.

The Waxahachie Police Department is proud of its officers and we are committed to providing the highest level of service to all of the citizens and visitors to Waxahachie.

## **Appendix A**

### **Racial Profiling Statutes and Laws**

#### **Art. 3.05. Racial Profiling**

In this code, "**racial profiling**" means a law enforcement-initiated action based on an individual's **race**, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, § 2, eff. Sept. 1, 2001.

**Art. 2.131. RACIAL PROFILING PROHIBITED.** A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

#### **Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.**

(a) In this article:

- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.
- (2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- (3) "Race or ethnicity" means the following categories:
  - (A) Alaska native or American Indian;
  - (B) Asian or Pacific Islander;
  - (C) black;
  - (D) white; and
  - (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;



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- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
  - (E) the location of the stop; and
  - (F) the reason for the stop; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - (A) the Texas Commission on Law Enforcement; and
  - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law

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enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

- (e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).
- (f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.
- (g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.
- (h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

#### **Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article:

- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
- (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1

of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

- (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
- (B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and
- (C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

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Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

#### **Art. 2.1385. CIVIL PENALTY.**

- (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.
- (b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.
- (c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

#### **§ 1701.253. School Curriculum**

(a) The commission shall establish minimum curriculum requirements for preparatory and advanced courses and programs for schools subject to approval under Section 1701.251(c)(1).

(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1) the investigation and documentation of cases that involve:

(A) child abuse or neglect;

(B) family violence; and

(C) sexual assault;

(2) issues concerning sex offender characteristics; and

(3) crime victims' rights under Chapter 56, Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

(c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, racial sensitivity, and cultural diversity for persons licensed under this chapter.

(d) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries; and

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 657, § 4

(e) As part of the minimum curriculum requirements relating to the vehicle and traffic laws of this state, the commission shall require an education and training program on laws relating to the operation of motorcycles and to the wearing of protective headgear by motorcycle operators and passengers. In addition, the commission shall require education and training on motorcycle operator profiling awareness and sensitivity training.

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 897, § 1

(e) Training officers and recruits in investigation of cases required by Subsection (b)(1)(B) shall include instruction in preventing dual arrest whenever possible and conducting a thorough investigation to determine which person is the predominant aggressor when allegations of family violence from two or more opposing persons are received arising from the same incident.

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 929, § 5

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

(41)

Text of subsection (e) added by Acts 2001, 77th Leg., ch. 947, § 4

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 657, § 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 897, § 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 929, § 5, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, § 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1034, § 14, eff. Sept. 1, 2001.

#### **§ 1701.402. Proficiency Certificates**

(a) The commission shall issue certificates that recognize proficiency based on law enforcement training, education, and experience. For this purpose the commission shall use the employment records of the employing agency.

(b) As a requirement for a basic proficiency certificate, the commission shall require completion of local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers and county jailers, including:

- (1) civil service;
- (2) compensation, including overtime compensation, and vacation time;
- (3) personnel files and other employee records;
- (4) management-employee relations in law enforcement organizations;
- (5) work-related injuries;
- (6) complaints and investigations of employee misconduct; and
- (7) disciplinary actions and the appeal of disciplinary actions.

(c) An employing agency is responsible for providing the training required by this section.

Text of subsec. (d) as added by Acts 2001, 77th Leg., ch. 929, § 6

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on asset forfeiture established by the commission under Section 1701.253(e).

(H)

Text of subsec. (d) as added by Acts 2001, 77th Leg., ch. 947, § 5

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 929, § 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, § 5, eff. Sept. 1, 2001.

## APPENDIX B

Waxahachie Police Department					
2018 Video Camera Review Log					
1st QUARTER					
B Shift					
	Officer Name	Date of Incident	Case No.(Opt.)	Date of Review	Reviewed by
	Bittle, D	3/6/2014	E0027157	4/2/2018	114
	Bittle, D	3/15/2018	E0027202	4/2/2018	114
	Bittle, D	3/29/2018	E0027264	4/2/2018	114
	Daniel, R	1/3/2018	E0022731	4/2/2018	114
	Daniel, R	2/25/2018	E0023878	4/2/2018	114
	Daniel, R	3/29/2018	E0020424	4/2/2018	114
	Gilbert, B	1/1/2018	1800000015	1/1/2018	114
	Gilbert, B	2/23/2018	1800005299	2/24/2018	114
	Gilbert, B	3/9/2018	1800006760	3/10/2018	114
	Gonzales, A	2/28/2018	1800005704	3/1/2018	114
	Gonzales, A	2/28/2018	1800005775	3/1/2018	114
	Gonzales, A	3/19/2018	E0026159	4/2/2018	114
	Gonzales, M	1/17/2018	E0022479	4/2/2018	114
	Gonzales, M	2/15/2018	E0025149	4/2/2018	114
	Gonzales, M	3/14/2018	E0023923	4/2/2018	114
	Heiskell, D	1/31/2018	1800003209	2/1/2018	114
	Heiskell, D	2/23/2018	1800005283	2/24/2018	114
	Heiskell, D	3/24/2018	1900008328	3/24/2018	132
	Kaelin, C	2/24/2018	1800005345	2/24/2018	114
	Kaelin, C	1/31/2018	E0027011	4/2/2018	114

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Kaelin, C	3/29/2018	E0009377	4/2/2018	114
Kirk, J	1/23/2018	1800002455	2/1/2018	JWO
Kirk, J	3/15/2018	1800007270	3/16/2018	JWO
Kirk, J	3/6/2018	180006385	3/20/2018	JWO
Lewis, J				
Lewis, J				
Lewis, J				
Rollins, A	1/3/2018	E0024187	4/2/2018	114
Rollins, A	2/14/2018	E0023832	4/2/2018	114
Rollins, A	3/20/2018	E0022907	4/2/2018	114
Sibley, C	3/14/2018	180007255	3/15/2018	JWO
Sibley, C	2/15/2018	180004714	3/20/2018	JWO
Sibley, C	3/6/2018	180006467	3/20/2018	JWO
Starkey, A	1/23/2018	1800002416	2/1/2018	JWO
Starkey, A	2/11/2018	1800003464	3/20/2018	JWO
Starkey, A	2/25/2018	1800005465	3/29/2018	JWO
Stephens, B	1/18/2018	1800001869	2/1/2018	JWO
Stephens, B	3/15/2018	1800007270	3/16/2018	JWO
Stephens, B	3/21/2018	1800007903	3/29/2018	JWO
Turner, J	1/19/2018	1800001969	2/1/2018	JWO
Turner, J	3/6/2018	180006385	3/20/2018	JWO
Turner, J	3/30/2018	1800008921	3/30/2018	JWO
Wilmot, R	3/15/2018	1800007270	3/16/2018	JWO
Wilmot, R	3/7/2018	1800006462	3/29/2018	JWO
Wilmot, R	3/9/2018	1800006804	3/30/2018	JWO

Waxahachie Police Department					
2018 Video Camera Review Log					
2nd QUARTER					
B Shift					
	Officer Name	Date of Incident	Case No.(Opt.)	Date of Review	Reviewed by
	Bittle, D	4/16/2018	1800011015	6/30/2018	JWO
	Bittle, D	5/23/2018	1800015647	6/30/2018	JWO
	Bittle, D	6/29/2018	1800019869	6/30/2018	JWO
	Daniel, R	4/20/2018	E0026544	7/1/2018	RG114
	Daniel, R	5/16/2018	1800014729	7/1/2018	RG114
	Daniel, R	6/16/2018	E0031602	7/1/2014	RG114
	Gilbert, B	6/3/2018	1800017019	6/3/2018	RG114
	Gilbert, B	6/1/2018	1800016881	6/1/2018	RG114



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Gilbert, B	5/2/2018	1800012884	6/7/2018	RG114
Gonzales, A	5/19/2018	1800015141	6/6/2018	RG114
Gonzales, A	5/20/2018	1800015291	6/6/2018	RG114
Gonzales, A	6/6/2018	1800017480	6/7/2018	RG114
Gonzales, M	6/15/2018	1800018380	6/15/2018	JWO
Gonzales, M	4/16/2018	1800010983	6/25/2018	JWO
Gonzales, M	5/6/2018	1800013412	6/25/2018	JWO
Heiskell, D	5/28/2018	1800016366	6/6/2018	RG114
Heiskell, D	5/29/2018	1800016437	6/6/2018	RG114
Heiskell, D	4/16/2018	1800011029	6/7/2018	RG114
Winchester, A	6/7/2018	E0030779	7/1/2018	RG114
Winchester, A	6/18/2018	E0028947	7/1/2018	RG14
Winchester, A	6/30/2018	E0031286	7/1/2018	RG114
Kirk, J	6/25/2018	1800019503	6/26/2018	JWO
Kirk, J	4/16/2018	1800010974	6/26/2018	JWO
Kirk, J	5/24/2018	1800015768	6/26/2018	JWO
Lewis, J				
Lewis, J				
Lewis, J				
Rollins, A	5/25/2018	1800015814	5/26/2018	RG114
Rollins, A	6/11/2018	1800018050	6/13/2018	RG114
Rollins, A	6/30/2018	E0030371	7/11/2018	RG114
Sibley, C	6/11/2018	1800018050	6/13/2018	RG114
Sibley, C	6/16/2018	E0029226	7/1/2018	RG114
Sibley, C	6/3/2018	E0029206	7/1/2018	RG114
Starkey, A	4/2/2018	1800009429	4/3/2018	JWO
Starkey, A	5/18/2018	1800015068	5/28/2018	JWO
Starkey, A	5/19/2018	1800015149	5/28/2018	JWO
Stephens, B	6/15/2018	1800018380	6/15/2018	JWO
Stephens, B	4/11/2018	1800010389	6/26/2018	JWO
Stephens, B	5/23/2018	1800015646	6/30/2018	JWO
Turner, J	4/16/2018	1800011014	6/30/2018	JWO
Turner, J	5/19/2018	1800015168	6/30/2018	JWO
Turner, J	6/25/2018	1800019487	6/30/2018	JWO
Wilmot, R	4/16/2018	1800010983	6/25/2018	JWO
Wilmot, R	5/6/2018	1800013412	6/25/2018	JWO
Wilmot, R	6/29/2018	1800019834	6/30/2018	JWO

## Waxahachie Police Department

### 2018 Video Camera Review Log

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3rd QUARTER					
B Shift					
	Officer Name	Date of Incident	Case No. (Opt.)	Date of Review	Reviewed by
	Bittle, D	7/14/2018	E0032404	9/8/2018	RG114
	Bittle, D	8/16/2018	E0035104	9/8/2018	RG114
	Bittle, D	9/7/2018	E0035310	9/8/2018	RG114
	Borjas, A	7/6/2018	P1800020780	7/6/2018	rt105
	Borjas, A	7/1/2018	RNC 1800018963	7/1/2018	rt105
	Borjas, A	8/24/2018	1800026620	8/24/2018	JWO112
	Winchester, A	7/15/2018	E0030926	9/8/2018	RG114
	Winchester, A	8/16/2018	E0032692	9/8/2018	RG114
	Winchester, A	9/7/2018	1800028227	9/8/2018	RG114
	Gilbert, B	7/10/2018	1800021357	9/8/2018	RG114
	Gilbert, B	8/1/2018	1800027283	9/8/2018	RG114
	Gilbert, B	8/30/2018	1800027283	9/8/2018	RG114
	Gonzales, A	7/14/2018	1800021746	9/8/2018	RG114
	Gonzales, A	8/11/2018	E0033270	9/8/2018	RG114
	Gonzales, A	9/7/2018	E0033377	9/8/2018	RG114
	Gonzales, M	6/25/2018	1800018380	6/25/2018	rt105
	Gonzales, M	8/2/2018	E0027947	12/15/2018	RG114
	Gonzales, M	9/26/2018	E0034159	12/15/2018	RG114
	Heiskell, D	7/9/2018	1800021221	9/8/2018	RG114
	Heiskell, D	7/28/2018	1800023434	9/8/2018	RG114
	Heiskell, D	9/17/2018	1800029419	9/17/2018	JWO112
	Kirk, J	8/25/2018	1800026628	8/25/2018	JWO112
	Kirk, J	8/16/2018	1800025557	8/16/2018	JWO112
	Kirk, J	7/27/2018	1800023321	7/27/2018	JWO112
	Rollins, A	7/4/2018	E0029833	12/15/2018	RG114
	Rollins, A	8/15/2018	E0032689	12/15/2018	RG114
	Rollins, A	9/27/2018	E0034709	12/15/2018	RG114
	Sibley, C	8/12/2018	1800025087	8/12/2018	JWO112
	Sibley, C	8/2/2018	1800024072	8/2/2018	JWO112
	Sibley, C	8/30/2018	1800027327	8/30/2018	JWO112
	Skidmore	8/26/2018	1800023593	8/26/2018	rt105
	Skidmore				
	Skidmore				
	Starkey, A	8/30/2018	1800027321	9/3/2018	rt105
	Starkey, A	8/27/2018	1800026773	8/27/2018	JWO112
	Starkey, A	8/2/2018	1800024072	8/2/2018	JWO112
	Stephens, B	6/25/2018	1800018380	6/25/2018	rt105
	Stephens, B	8/21/2018	1800026169	8/21/2018	JWO112

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Stephens, B	8/30/2018	1800027327	8/30/2018	JWO112
Wilmot, R	7/6/2018	1800020763	9/5/2018	JWO112
Wilmot, R	8/8/2018	1800024670	8/8/2018	JWO112
Wilmot, R	8/30/2018	1800027316	8/30/2018	JWO112

Waxahachie Police Department					
2018 Video Camera Review Log					
4th QUARTER					
B Shift					
	Officer Name	Date of Incident	Case No.(Opt.)	Date of Review	Reviewed by
	Bittle, D	11/21/2018	Complaint	11/22/2018	RT105
	Bittle, D	12/7/2018	1800039117	12/11/2018	JWO112
	Bittle, D	12/11/2018	1800039690	12/14/2018	JWO112
	Borjas, A	10/5/2018	1800031652	10/7/2018	JWO112
	Borjas, A	9/23/2018	1800030160	10/5/2018	JWO112
	Borjas, A	12/11/2018	1800039670	12/14/2018	JWO112
	Gilbert, B	10/10/2018	None	12/15/2018	RG114
	Gilbert, B	11/13/2018	1800036329	12/15/2018	RG114
	Gilbert, B	12/2/2018	1800038544	12/15/2018	RG114
	Gonzales, A	10/3/2018	1800031261	12/15/2018	RG114
	Gonzales, A	11/27/2018	1800037891	12/15/2018	RG114
	Gonzales, A	12/7/2018	E0039803	12/15/2018	RG114
	Gonzales, M	10/20/2018	1800031904	10/30/2018	RG114
	Gonzales, M	11/17/2018	E0034927	12/26/2018	RG114
	Gonzales, M	12/15/2018	E0042002	12/26/2018	RG114
	Heiskell, D	11/14/2018	citation	11/25/2018	RT105
	Heiskell, D	11/14/2018	arrest	11/25/2018	RT105
	Heiskell, D	10/11/2018	E0037197	12/26/2018	RG114
	Farmer, C	10/17/2018	E0028215	12/26/2018	RG114
	Farmer, C	11/14/2018	E0037370	12/26/2018	RG114
	Farmer, C	12/15/2018	E0039302	12/26/2018	RG114
	Kirk, J	12/11/2018	1800039690	12/14/2018	JWO112
	Kirk, J	12/19/2018	1800040794	12/24/2018	JWO112
	Kirk, J	12/25/2018	1800041661	12/30/2018	JWO112
	Page, N	10/11/2018	1800032346	11/4/2018	JWO112
	Page, N	11/22/2018	E0040517	11/25/2018	RT105
	Page, N	12/19/2018	1800040794	12/24/2018	JWO112
	Rollins, A	11/23/2018	1800037353	11/25/2018	RT105
	Rollins, A	11/19/2018	1800036947	11/25/2018	Rt105
	Rollins, A	10/21/2018	E0035867	12/26/2018	RG114

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Sibley, C	10/5/2018	1800031652	10/7/2018	JWO112
Sibley, C	11/19/2018	E0034382	11/25/2018	Rt105
Sibley, C	12/11/2018	E0040165	12/11/2018	JWO112
Starkey, A	12/20/2018	1800040935	12/24/2018	JWO112
Starkey, A	12/19/2018	1800040815	12/24/2018	JWO112
Starkey, A	12/29/2018	E0039420	12/29/2018	JWO112
Stephens, B	12/20/2018	None	12/24/2018	JWO112
Stephens, B	12/10/2018	1800039561	12/30/2018	JWO112
Stephens, B	12/28/2018	2018-12-28 1136	12/30/2018	JWO112
Wilmot, R	10/5/2018	1800031652	10/7/2018	JWO112
Wilmot, R	10/11/2018	1800032346	11/4/2018	JWO112
Wilmot, R	12/1/2018	1800038229	12/1/2018	JWO112
Winchester,A	10/15/2018	E0037224	12/26/2018	RG114
Winchester,A	11/30/2018	E0039180	Dec-18	RG114
Winchester,A	12/20/2018	E0040214	12/26/2018	RG114

## Waxahachie Police Department

### 2018 Video Camera Review Log

1st QUARTER					
A Shift					
	Officer Name	Date of Incident	Case No. (Opt.)	Date of Review	Reviewed by
	Dunn, B	2/27/2018	E0026116	4/1/2018	CD117
	Dunn, B	3/26/2018	1800008539	4/1/2018	CD117
	Dunn, B	3/31/2018	E0026216	4/1/2018	CD117
	Wright, K	1/24/2018	E0022787	4/1/2018	CD117
	Wright, K	3/16/2018	1800007412	4/1/2018	CD117
	Wright, K	3/31/2018	180009171	4/1/2018	CD117
	Young, D	1/15/2018	Not Tagged	4/1/2018	CD117
	Young, D	1/25/2018	1800002638	4/1/2018	CD117
	Young, D	2/18/2018	Not Tagged	4/1/2018	CD117
	Partington, A	1/2/2018	1800000144	4/1/2018	CD117
	Partington, A	2/22/2018	E0024838	4/1/2018	CD117
	Partington, A	3/31/2018	1800009169	4/1/2018	CD117
	Behringer, D	3/31/2018	E0028501	4/1/2018	CD117
	Behringer, D	3/26/2018	E0025258	4/1/2018	CD117
	Behringer, D	3/17/2018	1800007545	4/1/2018	CD117
	Koch, D	3/13/2018	E0025209	4/1/2018	CD117
	Koch, D	2/19/2018	1800004965	4/1/2018	CD117
	Koch, D	3/3/2018	E0025785	4/1/2018	CD117
	Murphy, E	3/3/2018	1800006413	4/1/2018	CD117

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Murphy, E	3/31/2018	E0024437	4/1/2018	CD117
Murphy, E	3/8/2018	E0025800	4/1/2018	CD117

## Waxahachie Police Department 2018 Video Camera Review Log

2nd QUARTER					
A Shift					
	Officer Name	Date of Incident	Case No. (Opt.)	Date of Review	Reviewed by
	Martin, W				
	Martin, W				
	Martin, W				
	Dunn, B	3/7/2018	Traffic	3/8/2018	130
	Dunn, B	6/11/2018	1800017902	6/24/2018	122
	Dunn, B	5/21/2018	E0029129	6/24/2018	122
	Knight, D	2/24/2018	CFS	2/26/2018	119
	Knight, D	2/24/2018	CFS	2/26/2018	119
	Knight, D	2/24/2018	Traffic	2/26/2018	119
	Wright, K	4/16/2018	1800010940	6/24/2018	122
	Wright, K	5/12/2018	E0030654	6/24/2018	122
	Wright, K	6/11/2018	CFS	6/28/2018	122
	Partington, A	3/21/2018	CFS	3/21/2018	130
	Partington, A	5/7/2018	E0030593	6/24/2018	122
	Partington, A	6/9/2018	1800017808	6/24/2018	122
	Behringer, D	5/28/2018	1800016260	6/24/2018	122
	Behringer, D	6/13/2018	E0032552	6/24/2018	122
	Behringer, D	5/22/2018	E0027683	6/28/2018	122
	Koch, D	4/19/2018	1800011414	6/24/2018	122
	Koch, D	5/18/2018	E0028773	6/24/2018	122
	Koch, D	5/25/2018	CFS	6/28/2018	122
	Murphy, E	3/21/2018	CFS	3/21/2018	130

## Waxahachie Police Department 2018 Video Camera Review Log

3rd QUARTER					
A Shift					
	Officer	Date of	Case No.	Date of	Reviewed

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Name	Incident		Review	by
Martin, W	Medical Leave			
Martin, W	8/19/2018	1800025947	8/19/2018	130
Martin, W	8/9/2018	E0029406	9/12/2018	130
Dunn, B	7/25/2018	E0031437	9/16/2018	122
Dunn, B	7/16/2018	1800021983	9/16/2018	122
Dunn, B	7/11/2018	Call for service	9/16/2018	122
Taylor, J	7/7/2018	1800020889	7/12/2018	120
Taylor, J	8/6/2018	E0034002	9/12/2018	130
Taylor, J	7/31/2018	E0029960	9/12/2018	130
Fuller, B	7/26/2018	1800023147	9/25/2018	117
Fuller, B	8/27/2018	1800026887	9/25/2018	117
Fuller, B	9/24/2018	1800030236	9/25/2018	117
Blain, N	7/9/2018	Not tagged	7/12/2018	120
Blain, N	9/5/2018	1800028042 not tagged	8/6/2018	130
Blain, N	8/23/2018	156691	9/12/2018	130
Knight, D	6/10/2018	E00325047	6/10/2018	120
Knight, D	7/8/2018	E0033210	7/12/2018	120
Knight, D	9/7/2018	E0037054	9/12/2018	130
Wright, K	9/5/2018	E0033762	9/16/2018	122
Wright, K	8/9/2018	1800024825	9/16/2018	122
Wright, K	7/22/2018	Call for service	9/16/2018	122
Partington, A	9/10/2018	E0034614	9/19/2018	122
Partington, A	8/13/2018	1800025217	9/19/2018	122
Partington, A	7/30/2018	CFS	9/19/2018	122
Behringer, D	8/5/2018	E0033630	9/16/2018	122
Behringer, D	7/21/2018	1800022545	9/19/2018	122
Behringer, D	7/7/2018	CFS	9/19/2018	122
Clayton, R	7/8/2018	1800021025	7/12/2018	120
Clayton, R	8/24/2018	2018-08-24-0119	8/29/2018	130
Clayton, R	7/11/2018	1800021501	8/29/2018	130
Koch, D	9/11/2018	E0033793	9/16/2018	122
Koch, D	8/27/2018	1800026844	9/16/2018	122
Koch, D	7/21/2018	Call for service	9/16/2018	122
Patterson, K	7/11/2018	1800021499	7/12/2018	120
Patterson, K	8/19/2018	1800025947	8/19/2018	130
Patterson, K	8/19/2018	E0026828	9/12/2018	130
Snyder, D.	9/14/2018	E0034631	9/16/2018	122
Snyder, D.	8/22/2018	1800026243	9/16/2018	122
Snyder, D.	7/7/2018	Call for service	9/16/2018	122
Kaelin, C.	9/6/2018	E0035298	9/19/2018	122
Kaelin, C.	8/3/2018	1800024177	9/19/2018	122
Kaelin, C.	7/6/2018	CFS	9/19/2018	122

(4e)

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## Waxahachie Police Department

### 2018 Video Camera Review Log

4th QUARTER					
A Shift					
	Officer Name	Date of Incident	Case No.	Date of Review	Reviewed by
	Martin, W	10/22/2018	1800033589	12/22/2018	120
	Martin, W	11/28/2018	E0034440	12/22/2018	120
	Martin, W	12/9/2018	1800039401	12/22/2018	120
	Dunn, B	10/12/2018	E0037206	12/21/2018	122
	Dunn, B	11/9/2018	1800035876	12/21/2008	122
	Dunn, B	12/3/2018	CFS	12/21/2018	122
	Taylor, J	10/17/2018	E0037226	12/22/2018	120
	Taylor, J	11/23/2018	1800037386	12/22/2018	120
	Taylor, J	12/17/2018	1800040511	12/22/2018	120
	Fuller, B	10/23/2018	1800033706	12/21/2018	117
	Fuller, B	11/15/2018	1800036450	12/21/2018	117
	Fuller, B	12/9/2018	1800039386	12/21/2018	117
	Blain, N	10/22/2018	1800033586	12/22/2018	120
	Blain, N	11/23/2018	E0039704	12/22/2018	120
	Blain, N	12/13/2018	1800039972	12/22/2018	120
	Knight, D	10/17/2018	E0033981	12/22/2018	120
	Knight, D	11/28/2018	1800037921	12/22/2018	120
	Knight, D	12/17/2018	E0042023	12/22/2018	120
	Wright, K	10/22/2018	1800034207	12/21/2018	122
	Wright, K	11/9/2018	E0039623	12/21/2018	122
	Wright, K	12/9/2018	CFS	12/21/2018	122
	Partington, A	10/18/2018	1800033147	12/22/2018	122
	Partington, A	11/19/2018	1800035920	12/22/2018	122
	Partington, A	12/12/2018	E0038222	12/22/2018	122
	Clayton, R	10/8/2018	1800031978	12/22/2018	120
	Clayton, R	11/6/2018	1800035479	12/22/2018	120
	Clayton, R	12/18/2018	1800040648	12/22/2018	120
	Koch, D	10/23/2018	1800033860	12/21/2018	122
	Koch, D	11/19/2018	1800037013	12/21/2018	122
	Koch, D	12/3/2018	CFS	12/21/2018	122
	Patterson, K	10/23/2018	E0038028	12/22/2018	120
	Patterson, K	11/9/2018	1800035866	12/22/2018	120

(4e)

Patterson, K	12/3/2018	E0040119	12/22/2018	120
Snyder, D	10/5/2018	1800031603	12/22/2018	122
Snyder, D	11/9/2018	E0038116	12/22/2018	122
Snyder, D	12/14/2018	CFS	12/22/2018	122
Kaelin, C.	10/12/2018	E0035834	12/22/2018	122
Kaelin, C.	11/19/2018	1800036991	12/22/2018	122
Kaelin, C.	12/7/2018	E0038885	12/22/2018	122
Skidmore, R.	10/23/2018	E0034263	12/22/2018	122
Skidmore, R.	11/6/2018	1800035435	12/22/2018	122
Skidmore, R.	12/4/2018	CFS	12/22/2018	122
Brasher, A.	10/18/2018	1800033155	12/22/2018	122
Brasher, A.	11/10/2018	E0034897	12/22/2018	122
Brasher, A.	12/13/2018	1800039986	12/22/2018	122



(4f)



## Application for a Festival or Event Permit

Event Name and Description: HISTORIC PRESERVATION MATTERS  
- a presentation by the Ex. Director of Preservation  
Dallas about the importance & value of historic  
preservation

### Applicant Information

Name: Kathleen Bowen  
Address: 527 W. Jefferson  
City, State, Zip: Wax. 75165 Phone: 713.557.6871  
E-mail Address: Kpbowen2@att.net

### Organization Information

Organization Name: HISTORIC WAXAHACHIE INC.  
Address: P.O. BOX 22 WAX. 75168  
Authorized Head of Organization: Kathleen Bowen  
Phone: 713.557.6871 E-mail Address: Kpbowen2@att.net

### Event Chairperson/Contact

Name: Emily Finch  
Address: Sycamore  
City, State, Zip: Wax 75165 Phone: 214.552.9820  
E-mail Address: eglidewell@gmail.com

### Event Information

Event Location/Address: Chautaugua - Getzendaner Park  
Purpose: Educate the community about historic preservation  
Event Start Date and Time: Saturday March 2<sup>ND</sup> 2006 2:00

Received in  
City Secretary's Office  
2/7/19  
City of Waxahachie Texas

(4f)

Event End Date and Time: Saturday March 2<sup>ND</sup> 4:00

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

Site Preparation and Set-Up Date and Time: Friday March 1<sup>ST</sup> afternoon for 1 hour

Clean-Up Completion Date and Time: Saturday March 2<sup>ND</sup> 5:00

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.

- Will need to meet with John Smith Friday the 1<sup>ST</sup> for setup / overview of facility / entry instructions
- Will have HWI and Chautauqua tables setup for membership and general info
- Presentation and social gathering - projector & screen needed

Will food and/or beverages be available and/or sold? YES/NO - catered food from third party

\*Will alcohol be available and/or sold? YES/NO - wine only free

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. N/A

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.

Kathleen A. Brown

Signature of Applicant

3-7-19

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).

(4f)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Thursday, February 07, 2019 9:46 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Historic Preservation Matters

I have no concerns with this request.

**Ricky Boyd, Fire Chief**

**Waxahachie Fire-Rescue**  
**214-463-9335**

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Thursday, February 7, 2019 9:32 AM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Historic Preservation Matters

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

Thank you,

**Amber Villarreal, TRMC**  
**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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(4f)

## Villarreal, Amber

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**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Thursday, February 07, 2019 9:58 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Historic Preservation Matters

No issues.

**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:** Thursday, February 07, 2019 9:32 AM  
**To:** John Smith <jsmith@waxahachie.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Cc:** Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Historic Preservation Matters

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

Thank you,

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Assistant City Secretary  
City of Waxahachie  
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(4f)

**Villarreal, Amber**

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**From:** Smith, John  
**Sent:** Thursday, February 07, 2019 10:59 AM  
**To:** Villarreal, Amber  
**Cc:** Martinez, Gumaro; Ricky Boyd; Wade Goolsbey; Scott, Michael; Cartwright, Lori  
**Subject:** Re: Event Application-Historic Preservation Matters

Approved.

Thanks  
John

On Feb 7, 2019, at 9:31 AM, Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)> wrote:

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

Thank you,

**Amber Villarreal, TRMC**  
**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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<Event Application-Historic Preservation Matters.pdf>

(49)

## Application for a Festival or Event Permit

Event Name and Description: Run for Orphans 5K Run. This run will raise money for our non profit organization  
Backyard Orphans.

### Applicant Information

Name: Kelly Weinberg

Address: PO Box 117

City, State, Zip: Midlothian, TX 76065 Phone: (630) 699-3183

E-mail Address: kweinberg@backyardorphans.org

### Organization Information

Organization Name: Backyard Orphans

Address: PO Box 117, Midlothian, TX 76065

Authorized Head of Organization: Eric Porter

Phone: (417) 830-5126 E-mail Address: eporter@backyardorphans.org

### Event Chairperson/Contact

Name: Kelly Weinberg

Address: 121 Claremont Drive

City, State, Zip: Ovilla, TX 75154 Phone: (630) 699-3183

E-mail Address: kweinberg@backyardorphans .org

### Event Information

Event Location/Address: Getzendaner Park  
400 S Grand Ave. Waxahachie, TX 75165

Purpose: A 5K fun run to help raise funds and awareness to Backyard Orphans to

Event Start Date and Time: October 26, 2019 from 8:00AM

(49)

Event End Date and Time: October 26, 2019 at 1:00PM

Approximate Number of Persons Attending Event Per Day: Approx 200

Site Preparation and Set-Up Date and Time: October 26, 2019 at 7:30

Clean-Up Completion Date and Time: 1:00PM

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. We are still planning all of the details, but there will be a few vendor booths and

Possibly a food truck on site. We will not need any street closures as the race will be run in the park on the trail.

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.

Kelly Weirberg  
Signature of Applicant

2/8/19

Date

(49)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Friday, February 08, 2019 1:32 PM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Run for Orphans 5k

I have no concerns with this request.

**Ricky Boyd, Fire Chief**

**Waxahachie Fire-Rescue**

**214-463-9335**

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Friday, February 8, 2019 12:50 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Studdard, Ryan <rstuddard@waxahachie.com>; Herrera, Mariamne <mherrera@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Run for Orphans 5k

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

Thank you!

**Amber Villarreal, TRMC**

**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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(49)

**Villarreal, Amber**

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**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Friday, February 08, 2019 3:21 PM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Run for Orphans 5k

I don't have any issues.

**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:** Friday, February 08, 2019 12:50 PM  
**To:** John Smith <jsmith@waxahachie.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Studdard, Ryan <rstuddard@waxahachie.com>; Herrera, Mariamne <mherrera@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Run for Orphans 5k

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

Thank you!

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**Assistant City Secretary**  
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(49)

**Villarreal, Amber**

---

**From:** Smith, John  
**Sent:** Monday, February 11, 2019 8:29 AM  
**To:** Villarreal, Amber; Martinez, Gumaro; Ricky Boyd; Wade Goolsbey; Studdard, Ryan; Herrera, Mariamne; Robert Best  
**Cc:** Scott, Michael; Cartwright, Lori  
**Subject:** RE: Event Application-Run for Orphans 5k

Approved, thanks.

John

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Friday, February 8, 2019 12:50 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Studdard, Ryan <rstuddard@waxahachie.com>; Herrera, Mariamne <mherrera@waxahachie.com>; Robert Best <rbest@waxahachiepd.org>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Run for Orphans 5k

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

Thank you!

**Amber Villarreal, TRMC**  
**Assistant City Secretary**  
**City of Waxahachie**  
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(U)

# **PROCLAMATION**

**WHEREAS**, a congenital heart defect, also known as CHD, is a malformation in the heart present at birth; and

**WHEREAS**, CHDs are the number one type of birth defects, affecting approximately 1 in 100 births; and

**WHEREAS**, each year approximately 40,000 babies will be born in the United States with a CHD, and 8,000 of them will not live to see their first birthday; and

**WHEREAS**, CHDs are the most common and most lethal birth defect in both the United States and throughout the world; and

**WHEREAS**, twice as many children die from CHDs than all childhood cancers combined, yet research is grossly underfunded; and

**WHEREAS**, more than 50% of all children born with critical CHDs will require at least one invasive surgery in their lifetime; and

**WHEREAS**, some CHDs may be diagnosed during pregnancy; however, some CHDs are not detected until after birth, during childhood, or even adulthood; and

**WHEREAS**, an estimated more than 2 million individuals in the United States are living with a congenital heart defect; approximately 1.4 million of those living with CHDs have now reached adulthood thanks to medical advances; and

**WHEREAS**, less than 10% of adults with CHDs in the United States are able to receive the specialized care they need due to lack of insurance and providers; and

**WHEREAS**, since there is no cure for CHD, individuals with congenital heart defects will need to be monitored throughout their lives and may need additional surgical or medical intervention as they age and develop more serious conditions related to the CHD;

**NOW, THEREFORE**, I, Kevin Strength, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim February 2019, as

## ***"CHD AWARENESS MONTH"***

DATED this 18<sup>th</sup> day of February, 2019.

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MAYOR

ATTEST:

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City Secretary

(7)

## Planning & Zoning Department Zoning Staff Report

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**Case: PD-19-0001**

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### MEETING DATE(S)

*Planning & Zoning Commission:* February 12, 2019

*City Council:* February 18, 2019

### CAPTION

**Public Hearing** on a request by James R. Henry for a Zoning Change from a Future Development zoning district to **Planned Development-Future Development, with Concept Plan**, located at 2801 Howard Road (Property IDs 257995 and 182121) - Owner: JAMES R HENRY and LINDA S OSBORN (PD-19-0001)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 12, 2019, the Commission voted 5-0 to recommend approval of Planned Development no. PD-19-0001, subject to staff comments and the following conditions:

- The minimum lot depth within the PD is allowed to be 320 ft.
- Only the existing gravel driveway at the applicant's home shall be allowed. All other driveways shall consist of concrete.
- Water meters shall be provided within the Planned Development, however, the City of Waxahachie must have access to read each meter as well as perform meter maintenance.
- A maximum of 5 lots will be allowed within the Planned Development.
- Each lot shall be limited to one single family home.

### CASE INFORMATION

*Applicant:* James R. Henry

*Property Owner(s):* James R. Henry and Linda S. Osborn

*Site Acreage:* 94.996 acres

*Current Zoning:* Future Development

*Requested Zoning:* Planned Development-Future Development

### SUBJECT PROPERTY

*General Location:* 2801 Howard Road

*Parcel ID Number(s):* 257995 and 182121

*Existing Use:* Vacant Land

*Development History:* N/A

(7)

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	FD	Vacant Land
East	FD	Vacant Land
South	FD	Vacant Land
West	FD	Vacant Land

**Future Land Use Plan:**

Low Density Residential

**Comprehensive Plan:**

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

**Thoroughfare Plan:**

The site is accessible via Howard road.



**Site Image:**

**PLANNING ANALYSIS**

The applicant is proposing to create a Planned Development on 94.966 acres that will be known as Crooked Creek Farms. The Crooked Creek Farms Planned Development shall comply with the standards for the Future Development (FD) zoning district. The proposed zoning use for Crooked Creek Farms Planned Development is Single Family Residential. Single Family Residential shall also be the only use allowed within the Planned Development district. The purpose and intent of this Planned Development (PD) is to develop a maximum of five (5) residential lots. Individual water meters shall be provided within the Planned Development, and, the City of Waxahachie must have access to read each meter as well as perform meter maintenance. The primary access point, *as depicted in the preliminary plat (Exhibit B)*, shall be allowed a gravel driveway within the Crooked Creek Farms Planned Development. Additionally, the applicant seeks to allow a deviation from the minimum lot depth by permitting a minimum depth of 320 as is indicated in the corresponding preliminary plat.

(1)

#### **DEVELOPMENT STANDARDS**

The development standards set forth for Crooked Creek Farms are compatible with the base zoning district standards for Future Development (FD), with the exception of the minimum lot depth. The following development standards shall be applicable within the project:

Standard	Future Development (FD)	Proposed
Min Lot Area	3 Acres	3 Acres
Min DU Size (Sq Ft)	1,500	1,500
Min Lot Width	250 ft	250 ft
Min Lot Depth	500 ft	320 ft
Front Yard Setback	35 ft	35 ft
Rear Yard Setback	25 ft	25 ft
Side Yard Setback	10% of LW 50 (ROW)	10% of LW 50 (ROW)
Max Building Height	3 Stories	2 Stories
Max Lot Coverage	50%	50%

**\*\*\* The primary access point, as depicted in the preliminary plat (Exhibit B), shall be allowed a gravel driveway within the Crooked Creek Farms Planned Development. \*\*\***

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 14 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 01/23/2019.

#### **STAFF CONCERNS**

1. This request functionally only memorializes the continued use of the existing gravel driveway which would not be impacted by the development of the lots.

#### **APPLICANT RESPONSE TO CONCERNS**

1. The applicant informed staff that he would like for the Planned Development case to be reviewed at the February 12, 2019 Planning and Zoning Commission and the February 18, 2019 City Council public hearing meetings.

#### **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.
- ☐ Additional consideration

#### **ATTACHED EXHIBITS**

1. Site Layout
2. PD Provisions
3. PON Responses

(7)

**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 a set of drawings that incorporate all comments.

**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)

(8)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT TO PLANNED DEVELOPMENT-FUTURE DEVELOPMENT (PD-FD), WITH CONCEPT PLAN LOCATED AT 2801 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 94.996 ACRES KNOWN AS PROPERTY ID 257995 AND 182121 OF S.M. DURRETT SURVEY, ABSTRACT NO. 272, 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**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0001. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from FD to PD-FD, with Concept Plan; 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 zoning amendment;

**NOW, THEREFORE**, this property is rezoned from FD to PD-FD, with Concept Plan in order to facilitate development of the subject property in a manner that allows an a maximum of five residential single family dwellings on the following property: a portion of Property ID 257995 and 182121 of the S.M. Durrett Survey, Abstract No. 272, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B. Development on this property cannot commence until the approval of residential building permits and the approval of a final plat.

Any zoning, land use requirement or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibit B (Concept Plan Provisions). Where regulations are not specified in Exhibit B or in this ordinance, the regulations of the Future Development (FD) district of the Development Code shall apply to this development.

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.



(8)

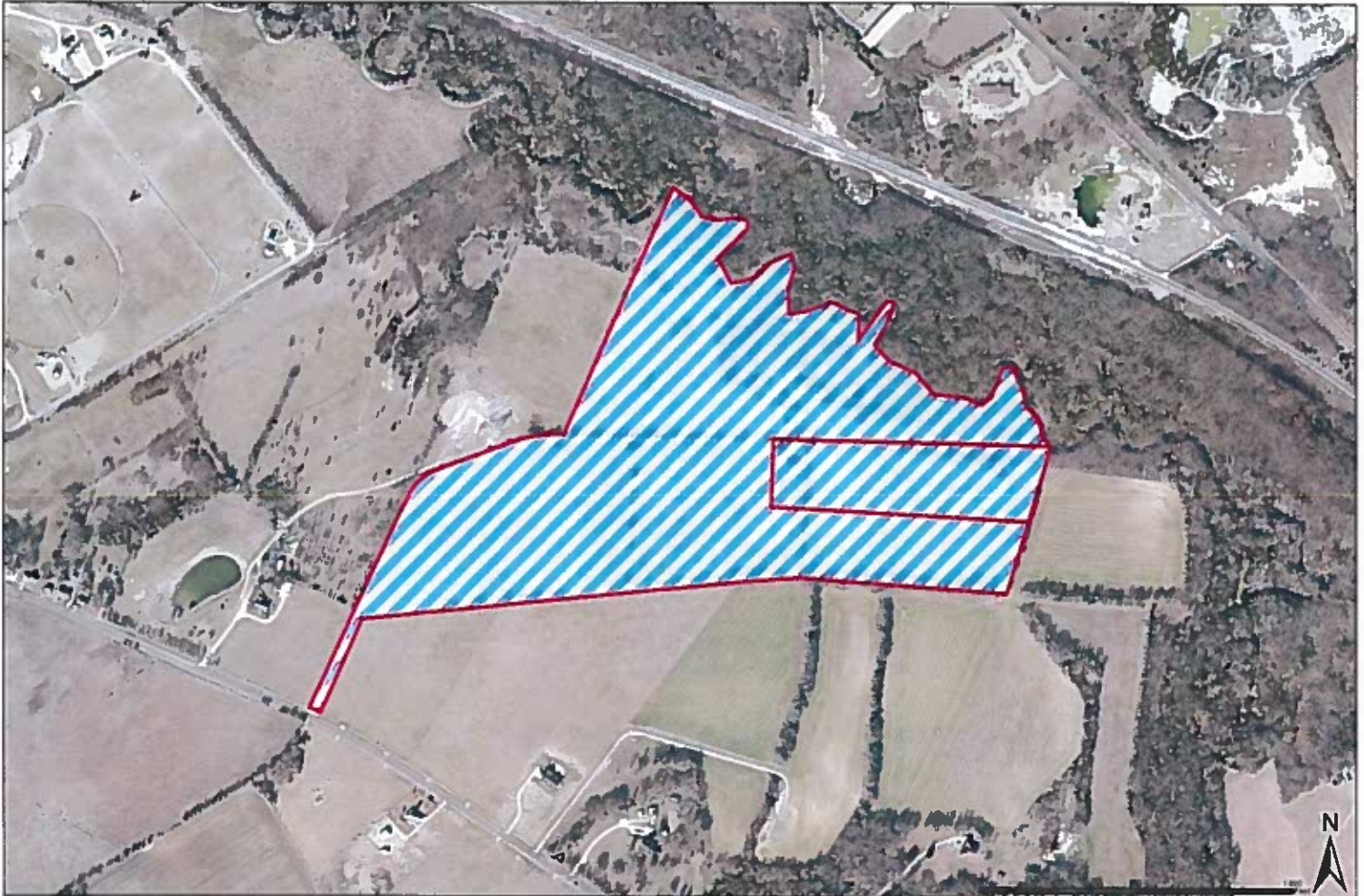
**PASSED, APPROVED, AND ADOPTED** on this 18th day of February, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(8)



**PD-19-0001 Crooked Creek Farms  
Location Exhibit**

**Legend**

 PD-19-0001

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.

## EXHIBIT B

### CONCEPT PLAN PROVISIONS

#### Purpose and Intent

The purpose and intent of this Planned Development (PD) is to develop a maximum of five (5) residential lots on 94.966 acres. Any conditions found within the Future Development (FD) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

#### Compliance with the City's Comprehensive Plan

Zoning District FD is the intended base zoning classification underlying this PD. The FD zoning district as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, convenience, and protecting and preserving places and areas of historical, cultural or architectural importance and significance in the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the over-crowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

#### PD District Development Standards

##### ***Description of Request***

- A Planned Development on 94.966 acres for a maximum of five (5) residential lots within the City of Waxahachie city limits. Single Family Residential zoning will be the only use allowed within the Planned Development district.
- Each lot shall be limited to one single family home.
- Establish a private easement for access and utilities that may be utilized by the city for meter reading and maintenance that addresses access for the lots and contains the private water line.

##### ***Proposed Use of Property***

- The proposed Planned Development for the 94.966 acres will be known as Crooked Creek Farms. The Crooked Creek Farms Planned Development shall comply with the standards for the Future Development (FD) zoning district. The proposed use for Crooked Creek Farms Planned Development is Single Family Residential. The purpose and intent of this Planned Development (PD) is to develop a maximum of five (5) residential lots. The primary access point, as depicted in the preliminary plat, shall be allowed a gravel driveway within the Crooked Creek Farms Planned Development. All other lots shall consist of gravel. Private meters shall be provided within the Planned Development, however, the City of Waxahachie must have access to read each meter as well as perform meter maintenance.

(8)

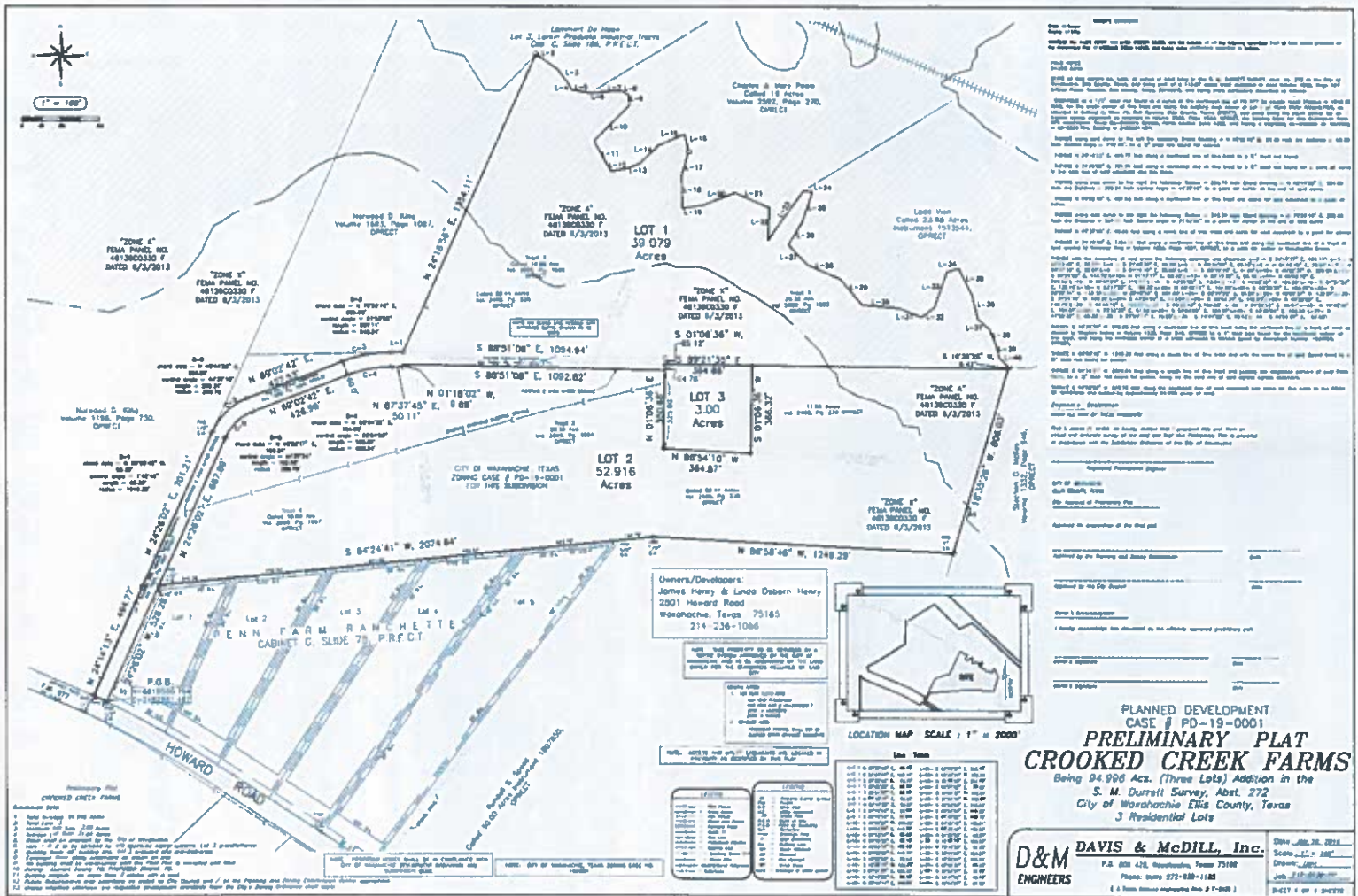
### ***General Development Requirements***

The development standards set forth for Crooked Creek Farms are compatible with the base zoning district standards for Future Development (FD). The following development standards shall be applicable within the project:

<b>Standard</b>	<b>Future Development (FD)</b>	<b>Proposed</b>
Min Lot Area	3 Acres	3 Acres
Min DU Size (Sq Ft)	1,500	1,500
Min Lot Width	250 ft	250 ft
<b>Min Lot Depth</b>	<b>500 ft</b>	<b>320 ft</b>
Front Yard Setback	35 ft	35 ft
Rear Yard Setback	25 ft	25 ft
Side Yard Setback	10% of LW 50 (ROW)	10% of LW 50 (ROW)
Max Building Height	3 Stories	2 Stories
Max Lot Coverage	50%	50%

**\*\*\* The primary access point, as depicted in the preliminary plat, shall be allowed a gravel driveway within the Crooked Creek Farms Planned Development \*\*\***

(8)



(8)

**CASE PD-19-0001**

***SUPPORT* 1**

***OPPOSE* 0**

Request by James R. Henry for a Zoning Change from a Future Development zoning district to **Planned Development-Single Family-1, with Concept Plan**, located at 2801 Howard Road (Property IDs 257995 and 182121) - Owner: JAMES R HENRY and LINDA S OSBORN (PD-19-0001)

**SUPPORT**

1. Mark Thedford, Akamai Designs, 146 Royal Park Lane, Waxahachie, TX 75165
  - a. "I have no objections and favor this proposal."

-----



(8)

RECEIVED  
1/28/19



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: PD-19-0001

AKAMAI DESIGN INC.  
145 ROYAL PARK LN  
WAXAHACHIE, TX 75160

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 18, 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 James R. Henry for a Zoning Change from a Future Development zoning district to Planned Development-Single Family-1, with Concept Plan, located at 2801 Howard Road (Property IDs 237993 and 182121) - Owner: JAMES R. HENRY and LINDA S. USBORN (PD-19-0001)

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: PD-19-0001

☒ SUPPORT

☐ OPPOSE

Comments: I HAVE NO OBJECTIONS AND  
FAVOR THIS PROPOSAL

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, FEBRUARY 6, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Date

MARK THEDFORD

1/28/2019

Printed Name and Title

CEO AKAMAI DESIGNS

Address

145 ROYAL PARK LANE

(9)

## Planning & Zoning Department

### Plat Staff Report

Case: PP-19-0002



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 12, 2019

*City Council:* February 18, 2019

#### CAPTION

**Consider** request by James R. Henry for a **Preliminary Plat** of Crooked Creek Farms for 3 lots, being 94.996 acres situated in the S.M. Durrett Survey, Abstract 272 (Property IDs 257995 and 182121) – Owner: JAMES R HENRY and LINDA S OSBORN (PP-19-0002).

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 12, 2019, the Commission voted 5-0 to recommend approval of plat no. PP -19-0002, subject to staff comments.

#### CASE INFORMATION

*Applicant:* James R. Henry

*Property Owner(s):* James R. Henry and Linda S. Osborn

*Site Acreage:* 94.996 acres

*Number of Lots:* 3 lots

*Number of Dwelling Units:* 3 units

*Park Land Dedication:* The cash in lieu of park land dedication for this case is estimated at **\$800.00** (2 residential dwellings at \$400.00 per dwelling, 1 existing welling not included in this figure).

#### SUBJECT PROPERTY

*General Location:* 2801 Howard Road

*Parcel ID Number(s):* 257995 and 182121

*Current Zoning:* Future Development

*Existing Use:* Single family residence

*Platting History:* S.M. Durrett Survey, Abstract No. 272



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

1. Establish a private easement for access and utilities that may be utilized by the city for meter reading and maintenance that addresses access for the lots and contains the private water line.
2. Separate water meters are required for each lot once developed.

**APPLICANT RESPONSE TO CONCERNS**

1. Staff is awaiting a resubmittal that addresses all comments from the January 23, 2019 comment review 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:
  1. Establish a private easement for access and utilities that may be utilized by the city for meter reading and maintenance that addresses access for the lots and contains the private water line.
  2. Separate water meters are required for each lot once developed.

**ATTACHED EXHIBITS**

1. Plat drawing

(9)

**APPLICANT REQUIREMENTS**

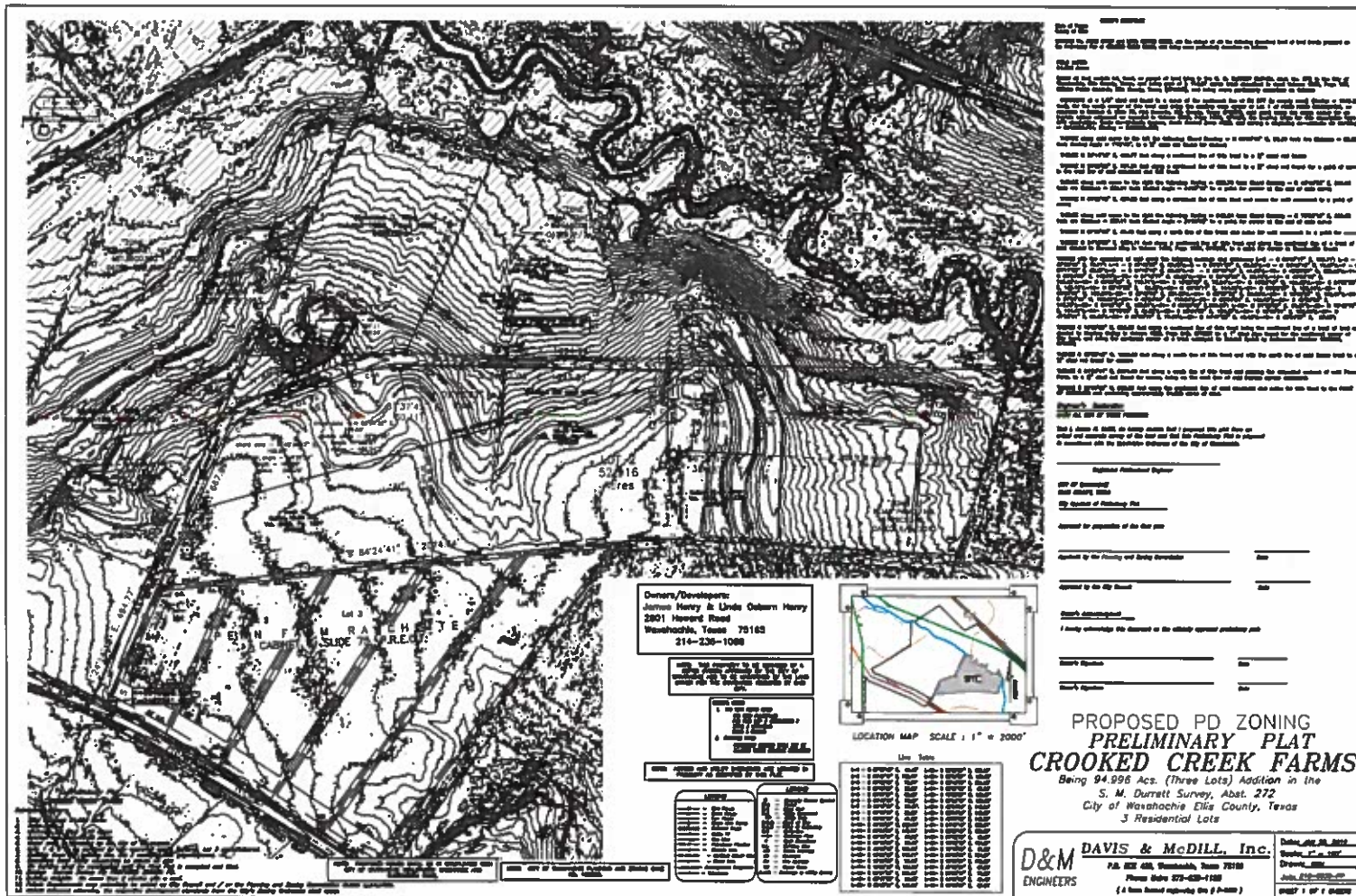
1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, 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:*  
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)

(9)



(10)

## Planning & Zoning Department

### Plat Staff Report

Case: RP-19-0003



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 12, 2019

*City Council:* February 18, 2019

#### CAPTION

*Consider* request by Robert C. Morgan, Grantava Holdings LLC, for a Replat of Lot 3A, Block 184, Town Addition, to create Lots 1 through 9, Block A, Wyatt Heights, 2.512 acres (Property ID 270088) – Owner: GRANTAVA INC (RP-19-0003)

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 12, 2019, the Commission voted 5-0 to recommend approval of plat no. PP -19-0003, subject to staff comments.

#### CASE INFORMATION

*Applicant:* Robert C. Morgan, Grantava Holdings LLC

*Property Owner(s):* Grantava Inc.

*Site Acreage:* 2.512 acres

*Number of Lots:* 9 lots

*Number of Dwelling Units:* 9 units

*Park Land Dedication:* The cash in lieu of park land dedication for this case is estimated at \$3,600.00 (9 residential dwellings at \$400.00 per dwelling).

*Adequate Public Facilities:* The development will be on City water and wastewater.

#### SUBJECT PROPERTY

*General Location:* 1308 Wyatt Street

*Parcel ID Number(s):* 270088

*Current Zoning:* Planned Development-Single Family-3 (Ordinance 3064)

*Existing Use:* Currently undeveloped

*Platting History:* The most recent replat of this property was approved by City Council on June 19, 2017.



(10)

**Site Aerial:**



**STAFF CONCERNS**

1. Formatting issues remain outstanding.
2. Drainage must be towards the street, not lot to lot.

**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. Formatting issues remain outstanding.
  2. Drainage must be towards the street, not lot to lot.

**ATTACHED EXHIBITS**

1. Plat drawing
2. PON Responses

**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:*  
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)

**REPLAT**  
**Lots 1 through 9, Block A**  
**WYATT HEIGHTS**  
( 2.512 Acres )  
Being a REPLAT of Lot 3A, Block 184,  
Town Addition, Revised  
an addition to the City of Waxahachie, Ellis County, Texas.  
9 Residential Lots  
Currently Zoned PD SF-3

**ELLIS ASSOCIATES SURVEYORS**

Date: 02-07-2019  
Scale: 1" = 50'  
Drawn: DWH  
Job: 215-0232

Page 1 of 2

(10)

OWNER'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS WE, Granteva Holdings, LLC, are the Owners of a tract of land situated in the City of Waco, Texas, and being all of Lot 3A in Block 184 of TOWN ADDITION, and being more particularly described as follows:

FIELD NOTES  
2.512 ACRES

BEING all that certain lot, tract, parcel of land being known and designated as being all of LOT 3A, BLOCK 184 of a REPLAT of TOWN ADDITION, REVISED on addition to the City of Waco, Texas, according to the Plat thereof as recorded in Cabinet J, Slides 168 and 169 of the Plat Records of Ellis County, Texas (PRECT) and being more particularly described as follows:

BEING all of a 1/2" steel rod found for the south corner of this tract and same for said Lot 3A, being the west corner of LOT 7, BLOCK 184 of said Town Addition, Revised and on the northerly right of way of Burlington Northern and Santa Fe Railroad (B.N. & S.F.);

THENCE along the southwest line of this tract and same for said Lot 3A, and with the respective northeast lines of Lot 7, LOT 3, and LOT 8 of Block 184, the following: N 22°00'05" W, 82.52 feet to a 1/2" steel rod found for the common west corner of said Lots 7 and 8; N 22°19'04" W, 80.50 feet to a 1/2" steel rod set with a yellow cap stamped "RPLS 4480" for the common east corner of said Lots 3 and 8; N 22°19'11" W, at 98.84 feet passing a 1/2" steel rod set with a yellow cap stamped "RPLS 4480" for the 15 feet dedication of right of way to the south line of WYATT STREET (variable public right of way), in all 114.43 feet to the northwest corner of this tract and same for said Lot 3A, and being the northeast corner of said Lot 8, Block 184;

THENCE along the north line of this tract, same for said Lot 3A, and same for said 15 feet dedication, N 83°30'53" E, 117.87 feet to a 1/2" steel rod set with a yellow cap stamped "RPLS 4480" for a centrally located northeast corner of this tract, being the northwest corner of LOT 2, BLOCK 184 of Town Addition, according to the Plat thereof as recorded in Cabinet I, Slide 878 of the Plat Records of Ellis County, Texas (PRECT);

THENCE S 06°29'07" E, at 15 feet passing a 1/2" steel rod set for the new south right of way of said Wyatt Street, in all 133.45 feet to a set 1/2" steel rod with a yellow cap stamped "RPLS 4480" for an inset corner of this tract, also being the southwest corner of said Lot 2;

THENCE N 83°30'53" E, 80.01 feet along a centrally located north line of this tract and same for said Lot 3A, and along the south line of said Lot 2 to a 1/2" steel rod set with a yellow cap stamped "RPLS 4480" for an inset corner of this tract;

THENCE N 06°28'25" W, at 118.45 feet passing a 1/2" steel rod set with a yellow cap stamped "RPLS 4480" for the 15 feet dedication of right of way to the south line of WYATT STREET (variable public right of way), in all 133.85 feet to a northwest corner of this tract and same for said Lot 3A, being the northeast corner of said Lot 2;

THENCE N 83°30'53" E, at 85.11 feet along said Wyatt Street and with the north line of this tract passing a 1/2" steel rod found for a point on line of said right of way, in all 583.51 feet to a 1/2" steel rod found for the east corner of this tract and same for said Lot 3A, and being on the northerly line of said Railroad;

THENCE S 54°45'36" W, 411.71 feet along the southeast line of this tract and same for said Lot 3A, and along the northwest line of said Railroad to a 1/2" steel rod set with a yellow cap stamped "RPLS 4480" for the southeast corner of this tract;

THENCE S 84°54'17" W, 344.77 feet along the southeast line of this tract and same for said Lot 3A, and along the north line of said Railroad to the POINT OF BEGINNING and containing approximately 108,438.4 square feet or 2.512 acres of land, of which 10,409.4 square feet or 0.239 acres is dedicated to city road right of way, leaving a net of 98,029 square feet or 2.273 acres

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, Granteva Holdings, LLC, do hereby adopt this plat designating the herein above described property as a REPLAT of LOTS 1 through 9 in BLOCK A of WYATT HEIGHTS, ( Being a Replat of Lot 3A in Block 184 of TOWN ADDITION ), on addition to the City of Waco, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in Landscape Easements. If approved by the City of Waco, Texas. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waco, Texas's use thereof. The City of Waco, Texas 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 Waco, Texas and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, petrolling, 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 platting ordinances, rules, regulations and resolutions of the City of Waco, Texas

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BY:

Robert C. Morgan, Owner  
Granteva Holdings, LLC

STATE OF TEXAS  
COUNTY OF ELLIS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Robert C. Morgan, 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 considerations 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:

APPROVED BY: City Council  
City of Waco, Texas

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF WACAHACHE, TEXAS REPLAT APPROVAL

APPROVED BY: Planning and Zoning Commission  
City of Waco, Texas

By: \_\_\_\_\_  
Chairperson

Date: \_\_\_\_\_

SURVEYOR'S DECLARATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Stuart G. Hamilton, do hereby declare 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 Waco, Texas.

Stuart G. Hamilton,  
Registered Professional  
Land Surveyor #4480

**REPLAT**  
**Lots 1 through 9, Block A**  
**WYATT HEIGHTS**  
**( 2.512 Acres )**  
**Being a REPLAT of Lot 3A, Block 184,**  
**Town Addition, Revised**  
**on addition to the City of Waco, Texas, Ellis County, Texas.**  
**9 Residential Lots**  
**Currently Zoned PD SF-3**

**ELLIS ASSOCIATES**  
**SURVEYORS**

212 North College Tel. 872-837-7474  
Waco, Texas 76710  
TOLIS License No. 10087100

Page 2 of 2

Date: 02-07-2019

Drawn: DWH

Job: 215-0232

(10)

**CASE RP-19-0003**

***SUPPORT* 1**

***OPPOSE* 0**

Request by Robert C. Morgan, Grantava Holdings LLC, for a **Replat** of Lot 3A, Block 184, Town Addition, to create Lots 1 through 9, Block A, Wyatt Heights, 2.512 acres (Property ID 270088) – Owner: GRANTAVA INC (RP-19-0003)

**SUPPORT**

1. Guadalupe E. Duron, 214 Ennis Street, Waxahachie, TX 75165
  - a. “There has to be a three way stop sign or light at Ennis Street and Wyatt due to high traffic. Adding these homes will add more traffic to this road. Very dangerous.”  
-----





(10)

**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: RP-19-0003**

◇◇◇◇◇

**DURON GENARO RUIZ & GUADALUPE E**  
**214 ENNIS ST**  
**WAXAHACHIE, TX 75165**

The Waxahachie City Council will hold a Public Hearing on Monday, February 18, 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 Robert C. Morgan, Grantava Holdings LLC, for a **Replat** of Lot 3A, Block 184, Town Addition, to create Lots 1 through 9, Block A, Wyatt Heights, 2.512 acres (Property ID 270088) – Owner: GRANTAVA INC (RP-19-0003)

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: **RP-19-0003**      ☒ **SUPPORT**      ☐ **OPPOSE**

Comments: There has to be a three way stop sign or light at Ennis st & Wyatt due to high traffic adding these homes will add more traffic to this road. Very dangerous.

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, FEBRUARY 6, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Guadalupe E Duron  
Signature

Guadalupe E Duron  
Printed Name and Title

1-31-2019  
Date

214 Ennis Waxahachie TX 75165  
Address

(18)

## Planning & Zoning Department

### Plat Staff Report

Case: PP-19-0004



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 12, 2019

*City Council:* February 18, 2019

#### CAPTION

**Consider** request by Robert C. Morgan, Grantava Holdings LLC, for a **Preliminary Plat** of Morgan Estate for 1 lot, being 2.566 acres situated in the J.C. Armstrong Survey, Abstract 6 (Property ID 179112) – Owner: GRANTAVA INC (PP-19-0004).

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 12, 2019, the Commission voted 5-0 to recommend approval of plat no. PP -19-0004, subject to staff comments.

#### CASE INFORMATION

*Applicant:* Robert C. Morgan, Grantava Holdings LLC

*Property Owner(s):* Grantava Inc.

*Site Acreage:* 2.566 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 1 units

*Adequate Public Facilities:* Development will be on City water and wastewater.

#### SUBJECT PROPERTY

*General Location:* 1000 S. Rogers Street

*Parcel ID Number(s):* 179112

*Current Zoning:* Planned Development-Single Family-3

*Existing Use:* Currently undeveloped

*Platting History:* J.C. Armstrong Survey, Abstract 6



Site Aerial:

#### **STAFF CONCERNS**

1. Formatting issues remain outstanding.
2. Dunaway Street should be a fifty (50) foot ROW. Dedication is required.

#### **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. Formatting issues remain outstanding.
  2. Dunaway Street should be a fifty (50) foot ROW. Dedication is required.

#### **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:  
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]

(13)

## Planning & Zoning Department

### Plat Staff Report

Case: FP-19-0005



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 12, 2019

*City Council:* February 18, 2019

#### CAPTION

*Consider* request by Robert C. Morgan, Grantava Holdings LLC, for a Final Plat of Morgan Estate for 1 lot, being 2.566 acres situated in the J.C. Armstrong Survey, Abstract 6 (Property ID 179112) – Owner: GRANTAVA INC (PP-19-0004).

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 12, 2019, the Commission voted 5-0 to recommend approval of final plat no. FP -19-0005, subject to staff comments.

#### CASE INFORMATION

*Applicant:* Robert C. Morgan, Grantava Holdings LLC

*Property Owner(s):* Grantava Inc.

*Site Acreage:* 2.566 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 1 units

*Park Land Dedication:* The cash in lieu of park land dedication for this case is estimated at **\$400.00** (1 residential dwellings at \$400.00 per dwelling).

*Adequate Public Facilities:* The development will be on City water and wastewater.

#### SUBJECT PROPERTY

*General Location:* 1000 S. Rogers Street

*Parcel ID Number(s):* 179112

*Current Zoning:* Planned Development-Single Family-3

*Existing Use:* Currently undeveloped

*Platting History:* Companion case no. PP-19-0004 was presented at this meeting.



Site Aerial:

#### **STAFF CONCERNS**

1. Formatting issues remain outstanding.
2. Dunaway Street should be a fifty (50) foot ROW. Dedication is required.
3. Fees must be paid and infrastructure installed before the plat is 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. Formatting issues remain outstanding.
  2. Dunaway Street should be a fifty (50) foot ROW. Dedication is required.
  3. Fees must be paid and infrastructure installed before the plat is filed.

#### **ATTACHED EXHIBITS**

1. Plat drawing

#### **APPLICANT REQUIREMENTS**

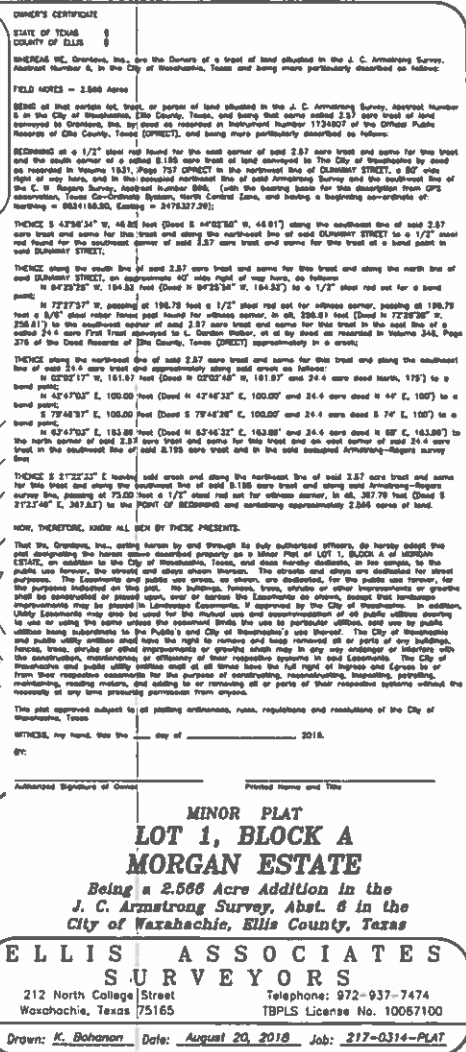
1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, 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:  
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)

## Planning & Zoning Department Zoning Staff Report

Case: SU-19-0007



### MEETING DATE(S)

Planning & Zoning Commission: February 12, 2019

City Council: February 18, 2019

### CAPTION

**Public Hearing** on a request by Isabel Bewley for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-43-Single Family-3 zoning district, located at 3016 Coventry Lane (Property ID 205613) – Owner: ISABEL C BEWLEY (SU-19-0007)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 12, 2019, the Commission voted 5-0 to recommend approval of Specific Use Permit no. SU -19-0007, as presented.

### CASE INFORMATION

**Applicant:** Isabel Bewley  
**Property Owner(s):** Isabel C Bewley  
**Site Acreage:** 0.253 acres  
**Current Zoning:** PD-43-SF-3  
**Requested Zoning:** PD-43-SF-3 with SUP

### SUBJECT PROPERTY

**General Location:** 3016 Coventry Lane  
**Parcel ID Number(s):** 205613  
**Existing Use:** Single Family Residence  
**Development History:** The Final Plat for Windchase Addition Phase III, was approved by City Council on June 2, 1997.

### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-43-SF-3	Single Family Residential
East	PD-43-SF-3	Single Family Residential
South	PD-43-SF-3	Single Family Residential
West	PD-43-SF-3	Single Family Residential



*Future Land Use Plan:*

Low Density Residential

*Comprehensive Plan:*

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

*Thoroughfare Plan:*

The site is accessed via Coventry Ln, a local street (50' ROW).

*Site Image:***PLANNING ANALYSIS**

The applicant seeks to install solar panels on the roof of this single family residence. Solar panels are permitted, with a Specific Use Permit, and must be installed so that they do not front onto the right-of-way. According to the current exhibit submitted by the applicant, there will be no solar panel systems facing the public ROW.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 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 01/23/2019.

At the time of this report, staff has received three letters of opposition.

**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. Property Owner Notification Response

**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)

(15)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SF-3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 3016 COVENTRY LANE, BEING PROPERTY ID 205613, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 14, BLOCK B, WINDCHASE ADDITION PHASE 3, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as PD-SF-3; 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-19-0007. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-SF-3 to PD-SF-3, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 14, Block B of Windchase Addition Phase 3, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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 18<sup>th</sup> day of February, 2019.

(15)

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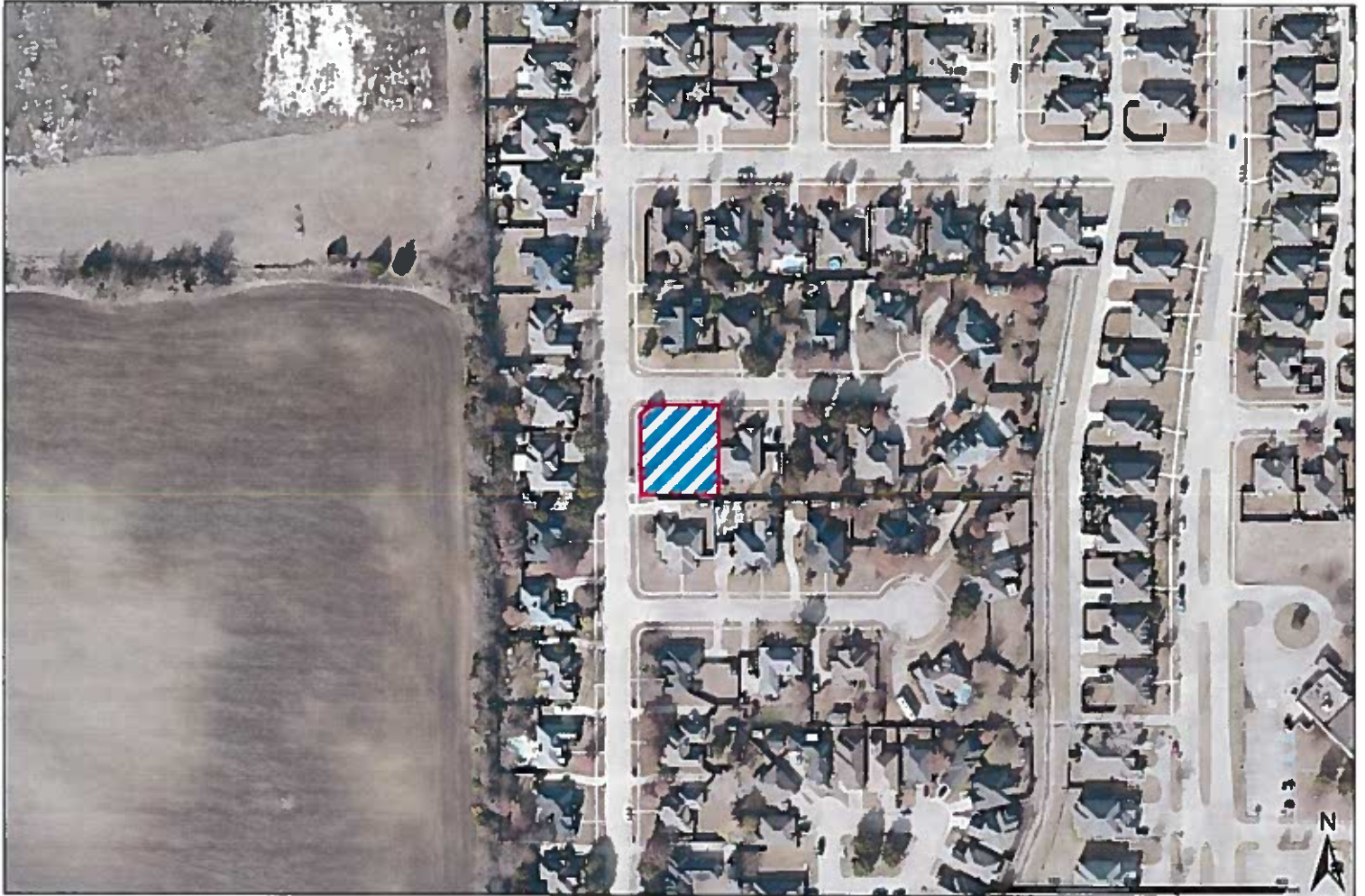
MAYOR

ATTEST:

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City Secretary

(15)



### 3016 Coventry Rooftop Solar Panel System Location Exhibit

#### Legend



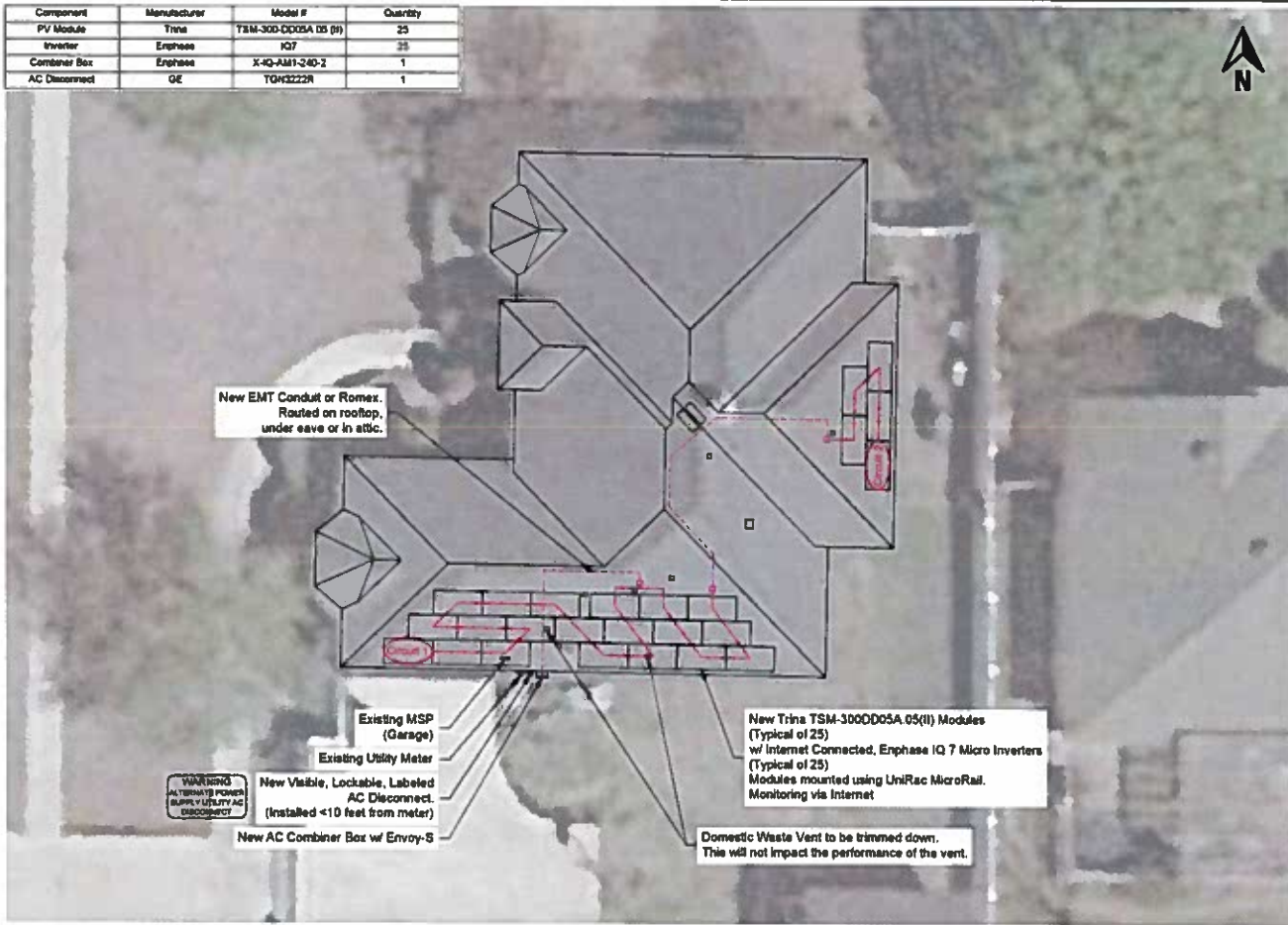
SU-19-0007

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.



(15)

Component	Manufacturer	Model #	Quantity
PV Module	Tiina	TBM-300-DDCSA 03 (B)	23
Inverter	Enphase	IQ7	23
Combiner Box	Enphase	X-40-AM1-240-2	1
AC Disconnect	QE	TQH3222A	1



**Lic. #32505**  
**Exp. 03/23/2019**  
Sunfinity Solar - TX LLC  
17300 Dallas Pkwy.  
Ste. 202D  
Dallas, TX 75248  
Design & Drafting By:  
Joel Arrandondo  
NABCEP: PV-102117-018111

**SHELTON RESIDENCE**  
7.7.50 kW (DC) Roof Mounted  
pv Array  
David Shelton  
(817) 412-2074  
2018 Coventry Lane  
Washington, TX 75165  
Project # 04-08262018 ESD: 10443720096312023

No. Revision	Date
<b>Title</b>	
Class      10/11/2018	
Scale:       1" = 10'	
Drawn By:   JRA	
<b>Title</b>	
Z - Site Plan	
Sheet	
2	

**CASE SU-19-0007*****SUPPORT* 0*****OPPOSE* 3**

Request by Isabel Bewley for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-43-Single Family-3 zoning district, located at 3016 Coventry Lane (Property ID 205613) – Owner: ISABEL C BEWLEY (SU-19-0007)

**OPPOSE**

1. Michael R. Brown, 101 Yorkshire Court, Waxahachie, TX 75165
  2. Carol Watson, 3008 Coventry, Waxahachie, TX 75165
    - a. "I feel that the appearance of rooftop solar panels is not attractive and will lower the value of my home."
  3. Pamela R. Peterson-Boner, 103 Yorkshire Court, Waxahachie, TX 75165
    - a. "No! Uncertain about emissions, any noise factors, unsightly, no consistency, there are restrictions in this neighborhood and no one follows. No!"
-



(15)

RECEIVED  
1/30/19

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **SU-19-0007**



**BROWN MICHAEL R & REGINA**  
101 YORKSHIRE CT  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 18, 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 Isabel Bewley for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-43-Single Family-3 zoning district, located at 3016 Coventry Lane (Property ID 205613) – Owner: ISABEL C BEWLEY (SU-19-0007)

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-19-0007**      ☐ SUPPORT      ☒ OPPOSE

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

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, FEBRUARY 6, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

*Michael Braun*

Signature

Michael R. Braun

Printed Name and Title

1-28-2019

Date

~~1-28-2019~~ 101 Yorkshire Ct.

Address



(15)

Case Number: **SU-19-0007**

☐ SUPPORT

☒ OPPOSE

Comments:

I feel that the appearance of Rooftop Solar Panels is not attractive and will lower the value of my home

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, FEBRUARY 6, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Carol Watson

Printed Name and Title

Date

1/26/19

Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

RECEIVED  
1/31/19

(15)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **SU-19-0007**



**BONER CLIFFORD W & PETERSON PAMELA R**  
**103 YORKSHIRE CT**  
**WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 18, 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 Isabel Bewley for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-43-Single Family-3 zoning district, located at 3016 Coventry Lane (Property ID 205613) – Owner: ISABEL C BEWLEY (SU-19-0007)

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-19-0007**             SUPPORT             OPPOSE

Comments: NO! Uncertain about emissions, any noise factors, all slightly -  
no consistency, and there are restrictions in this neighborhood  
no one follows. ~~NO!~~

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, FEBRUARY 6, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Pamela R Peterson-Boner  
C.W. Boner

Signature  
PAMELA R. PETERSON-BONER

Printed Name and Title  
Property owner

2-1-2019

Date

103 Yorkshire Ct.  
Address Waxahachie

We work and unable to attend

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

(116)

## Planning & Zoning Department

### Zoning Staff Report

Case: SU-18-0194



#### **MEETING DATE(S)**

*Planning & Zoning Commission:*

January 29, 2019 (Continued from December 11, 2018)

*City Council:*

February 18, 2019 (Continued from February 4, 2019)

#### **CAPTION**

**Public Hearing** on a request by Drew Dubocq, Bannister Engineering, for a Specific Use Permit (SUP) for **Outside Storage** use within a Heavy Industrial zoning district, located at 201 Butcher Road (Property ID 173464) – Owner: WAXAHACHIE ASSOCIATES LLC (SU-18-0194)

#### **ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held January 29, 2019, the Commission voted 5-0 to recommend approval of Specific Use Permit SU -18-0194, with the provision that storage along Butcher Road be limited to shingles and that the height of the shingles not exceed the six (6) foot fence.

At the City Council meeting, held February 4, 2019, Council voted 5-0 to continue Specific Use Permit SU -18-0194, with the provision that the applicant consider a six (6) foot masonry wall be installed along Butcher Road rather than the proposed six (6) foot fence.

#### **CASE INFORMATION**

*Applicant:*

Drew Dubocq, Bannister Engineering

*Property Owner(s):*

Waxahachie Associates LLC

*Site Acreage:*

28.73 acres

*Current Zoning:*

Heavy Industrial

*Requested Zoning:*

Heavy Industrial with SUP

#### **SUBJECT PROPERTY**

*General Location:*

201 Butcher Road

*Parcel ID Number(s):*

173464

*Existing Use:*

ABC Supply Co., Inc

*Development History:*

The Final Plat for Four B's Addition was approved by City Council January 4, 1996.

(16)

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	PD-C	QuickTrip Gas Station
East	LI-1	Vacant Land
South	HI	Vacant Land
West	N/A	Interstate 35 Highway

**Future Land Use Plan:**

Industrial

**Comprehensive Plan:**

Industrial applies to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to major roadways and air transportation are becoming increasingly difficult to find for the industrial business community. However, these businesses can be advantageous for a municipality in terms of providing employment and an increased tax base. Therefore, several large areas have been identified as Industrial. Examples of desirable uses within these areas include company headquarters, computer technology businesses, and other types of large businesses.

**Thoroughfare Plan:**

The subject property is accessible via Interstate 35 and Butcher Road

**Site Image:**



**PLANNING ANALYSIS**

The applicant is requesting a (S)pecific (U)se (P)ermit to allow outdoor storage within the Heavy Industrial zoning district, located at 201 Butcher Rd. ABC Supply Company currently has an existing 128,000 sf. building at the subject property. Due to the growth of business, the applicant is proposing to store additional company material (roofing material, shingles, etc.) within the ABC Secure Storage along the subject property. The applicant intends to screen the property with fencing (proposed 6 foot masonry wall per City Council recommendation) as well as landscaping to help the property look more

aesthetically pleasing from the Interstate 35 service road and Butcher Road. The applicant is fencing the ABC Supply building off from the remaining building on site occupied by a separate tenant.

The applicant has submitted revisions addressing concerns, and meets the city's stacking space requirements, an issue discussed at the December 18, 2018 Planning and Zoning Commission meeting, while also maintaining sufficient landscaping. Though the applicant has addressed the stacking space concern, city staff has concerns about the proposed outside storage being visible from the surrounding thoroughfare.

#### **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 11/21/18.

#### **STAFF CONCERNS**

1. Due to the proposed development of Butcher Road, staff has concern with outside storage being visible from the surrounding thoroughfare at this location.

#### **APPLICANT RESPONSE TO CONCERNS**

1. The applicant submitted revisions to staff showing twenty-three (23) proposed Eastern Red Cedar trees and a six (6) foot masonry wall along Butcher Road to help prevent the outside storage being visible from the thoroughfare.

#### **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.
- ☒ Additional consideration

#### **ATTACHED EXHIBITS**

1. Site Plan
2. Landscape Plan
3. Survey

#### **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)

(17)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT OUTDOOR STORAGE USE WITHIN A HEAVY INDUSTRIAL (HI) ZONING DISTRICT, LOCATED AT 201 BUTCHER ROAD, BEING PROPERTY ID 173464, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1R, IN THE FOUR B S ADDITION, 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 HI; 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-18-0194. 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 HI to HI, with an SUP in order to permit Outdoor Storage use on the following property: Lot 1R of the Four B S Addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and Landscape Plan attached as Exhibit C.

**Specific Use Permit**

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR OUTSIDE STORAGE USE IN THE HEAVY INDUSTRIAL (HI) 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-18-0194.
2. The development shall adhere to the City Council approved Exhibit A – Location Exhibit, Exhibit B – Site Plan, and Exhibit C – Landscape Plan.

(17)

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 18<sup>th</sup> day of February, 2019.

---

MAYOR

ATTEST:

---

City Secretary



(M)



## SU-18-0194 201 Butcher Road Location Exhibit

### Legend

 SU-18-0194

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.



The site plan shows a large rectangular building footprint (100,000 sq. ft.) with a parking lot to its north and east. The building has a main entrance on the south side and a smaller entrance on the east side. The parking lot is divided into several sections by a road and a driveway. The plan includes dimensions for the building (100,000 sq. ft.), parking lot (100,000 sq. ft.), and various setbacks and easements. A north arrow is located in the upper right corner. A scale bar indicates 1" = 20'.

**Legend:**

- PROPOSED BUILDING
- PARKING LOT
- DRIVEWAY
- SETBACKS
- EASEMENTS
- ADJACENT PROPERTY
- STREET
- RAILROAD

**Dimensions:**

- Building: 100,000 sq. ft.
- Parking Lot: 100,000 sq. ft.
- Setbacks: 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1340, 1350, 1360, 1370, 1380, 1390, 1400, 1410, 1420, 1430, 1440, 1450, 1460, 1470, 1480, 1490, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580, 1590, 1600, 1610, 1620, 1630, 1640, 1650, 1660, 1670, 1680, 1690, 1700, 1710, 1720, 1730, 1740, 1750, 1760, 1770, 1780, 1790, 1800, 1810, 1820, 1830, 1840, 1850, 1860, 1870, 1880, 1890, 1900, 1910, 1920, 1930, 1940, 1950, 1960, 1970, 1980, 1990, 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070, 2080, 2090, 2100, 2110, 2120, 2130, 2140, 2150, 2160, 2170, 2180, 2190, 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270, 2280, 2290, 2300, 2310, 2320, 2330, 2340, 2350, 2360, 2370, 2380, 2390, 2400, 2410, 2420, 2430, 2440, 2450, 2460, 2470, 2480, 2490, 2500, 2510, 2520, 2530, 2540, 2550, 2560, 2570, 2580, 2590, 2600, 2610, 2620, 2630, 2640, 2650, 2660, 2670, 2680, 2690, 2700, 2710, 2720, 2730, 2740, 2750, 2760, 2770, 2780, 2790, 2800, 2810, 2820, 2830, 2840, 2850, 2860, 2870, 2880, 2890, 2900, 2910, 2920, 2930, 2940, 2950, 2960, 2970, 2980, 2990, 3000, 3010, 3020, 3030, 3040, 3050, 3060, 3070, 3080, 3090, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3170, 3180, 3190, 3200, 3210, 3220, 3230, 3240, 3250, 3260, 3270, 3280, 3290, 3300, 3310, 3320, 3330, 3340, 3350, 3360, 3370, 3380, 3390, 3400, 3410, 3420, 3430, 3440, 3450, 3460, 3470, 3480, 3490, 3500, 3510, 3520, 3530, 3540, 3550, 3560, 3570, 3580, 3590, 3600, 3610, 3620, 3630, 3640, 3650, 3660, 3670, 3680, 3690, 3700, 3710, 3720, 3730, 3740, 3750, 3760, 3770, 3780, 3790, 3800, 3810, 3820, 3830, 3840, 3850, 3860, 3870, 3880, 3890, 3900, 3910, 3920, 3930, 3940, 3950, 3960, 3970, 3980, 3990, 4000, 4010, 4020, 4030, 4040, 4050, 4060, 4070, 4080, 4090, 4100, 4110, 4120, 4130, 4140, 4150, 4160, 4170, 4180, 4190, 4200, 4210, 4220, 4230, 4240, 4250, 4260, 4270, 4280, 4290, 4300, 4310, 4320, 4330, 4340, 4350, 4360, 4370, 4380, 4390, 4400, 4410, 4420, 4430, 4440, 4450, 4460, 4470, 4480, 4490, 4500, 4510, 4520, 4530, 4540, 4550, 4560, 4570, 4580, 4590, 4600, 4610, 4620, 4630, 4640, 4650, 4660, 4670, 4680, 4690, 4700, 4710, 4720, 4730, 4740, 4750, 4760, 4770, 4780, 4790, 4800, 4810, 4820, 4830, 4840, 4850, 4860, 4870, 4880, 4890, 4900, 4910, 4920, 4930, 4940, 4950, 4960, 4970, 4980, 4990, 5000, 5010, 5020, 5030, 5040, 5050, 5060, 5070, 5080, 5090, 5100, 5110, 5120, 5130, 5140, 5150, 5160, 5170, 5180, 5190, 5200, 5210, 5220, 5230, 5240, 5250, 5260, 5270, 5280, 5290, 5300, 5310, 5320, 5330, 5340, 5350, 5360, 5370, 5380, 5390, 5400, 5410, 5420, 5430, 5440, 5450, 5460, 5470, 5480, 5490, 5500, 5510, 5520, 5530, 5540, 5550, 5560, 5570, 5580, 5590, 5600, 5610, 5620, 5630, 5640, 5650, 5660, 5670, 5680, 5690, 5700, 5710, 5720, 5730, 5740, 5750, 5760, 5770, 5780, 5790, 5800, 5810, 5820, 5830, 5840, 5850, 5860, 5870, 5880, 5890, 5900, 5910, 5920, 5930, 5940, 5950, 5960, 5970, 5980, 5990, 6000, 6010, 6020, 6030, 6040, 6050, 6060, 6070, 6080, 6090, 6100, 6110, 6120, 6130, 6140, 6150, 6160, 6170, 6180, 6190, 6200, 6210, 6220, 6230, 6240, 6250, 6260, 6270, 6280, 6290, 6300, 6310, 6320, 6330, 6340, 6350, 6360, 6370, 6380, 6390, 6400, 6410, 6420, 6430, 6440, 6450, 6460, 6470, 6480, 6490,



PROPOSED  
ABC SUPPLY CO.  
WAXAHACHIE, TX

[illegible]

ABC SUPPLY CO. SPECIFIC USE PERMIT	
ANY VARIATION	OFFICER'S SIGNATURE
01-10-0101	MAINTENANCE & ELECTRICAL
01-10-0101	01-10-0101
01-10-0101	20 75 4200 5
01-10-0101	01-10-0101
01-10-0101	01-10-0101

These drawings are intended to achieve design and construction of governing building codes and to be used for construction.

8/7/2018



[illegible]

# Planning & Zoning Department

## Zoning Staff Report

Case: SU-18-0180



### MEETING DATE(S)

*Planning & Zoning Commission:*

January 8, 2019

*City Council:*

February 18, 2019 (continued from January 22, 2019)

### CAPTION

**Public Hearing** on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for **Trailer, Truck Sales or Rental** use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0180)

### CITY COUNCIL ACTION

At the City Council meeting, held January 22, 2019, the Council voted 5-0 to continue case no. SU-18-0180 to the February 18, 2019 City Council meeting.

### PLANNING AND ZONING ACTION

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend denial for case no. SU-18-0180 as presented by staff.

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted to deny the zoning change SU-18-0054. Since that time, staff has had the opportunity to do further research regarding this case.

At the present time, Ervin Equipment is operating at the site without a valid Certificate of Occupancy (C.O.). The only C.O. at the site was issued on May 29, 2003, for Wabash National Trailer Centers with a use type of "selling and storage of used semi-trailers," and the owner of Wabash was listed as Jerry Dumont. Per Section 11.1 of the 1997 Zoning Ordinance (and all subsequent zoning ordinances), a C.O. is required for the change in occupancy or business within a building such that even if the use type has remained the same, a new C.O. was needed when Ervin Equipment became the company occupying the site.

During the public hearing on May 22, 2018, a representative for Ervin stated that he was only applying for the SUP because he thought he needed to in order to maintain his ability to do trailer storage at the site, and that no sales or leasing was done at the site. Staff visited the site and found signage along the fencing and on the mud flaps of trailers that advertised leasing services. Additional signage advertised the ability to sell, buy or lease new or used trailers, and that Ervin Equipment is a dealer for Stoughton. The banner signs attached to the fences lack sign permits, and, as a result, must be removed. The pole sign that exists on site does not have a permit for Ervin's usage of the sign, making this an illegal conforming sign, though a permit was granted for an addition to the illegal conforming sign that would advertise Stoughton.

During the public hearing, the representative stated that the entire site was covered in rock, and that gravel, grass and dirt were not in the areas where trailers are stored on the site. During staff's visit to the site, staff saw trailers parked on grass.

In the City Council meeting to obtain the SUP in 2015, the applicant was told of the need to beautify the site through increased landscaping and improving the fencing as a condition for the SUP. The representative stated his belief that since Ervin elected not to begin sales and leasing at the site, there was no need to beautify the site.

In light of the applicant not completing the required site improvements, staff recommends denial of the SUP. If Council decides against denial, staff would recommend that should the applicant receive an SUP for Trailer, Truck Sales or Rental at the site, or an SUP for Auto Parking Lot, Trucks and Trailers, at the site, the beautification be required as a condition of the SUP. Staff would also request that the applicant obtain a valid C.O. for operations at the site that accurately reflect the nature of the business conducted at the site, and remove the banner signs attached to the fencing.

#### **CASE INFORMATION**

**Applicant:** Barb J. Hall

**Property Owner(s):** Luis Estrada

**Site Acreage:** 29.74 acres

**Current Zoning:** Light Industrial-2 and Future Development

**Requested Zoning:** Light Industrial-2 and Future Development with SUP

#### **SUBJECT PROPERTY**

**General Location:** 4675 N Interstate 35

**Parcel ID Number(s):** 188460

**Existing Use:** Ervin Trucks and Trailer Rentals

**Development History:** The site is unplatted, however, the current SUP for the property, Ordinance No. 2808 expires January 1, 2019.

Case No.	Direction from Site	Request	Result
ZA2015-15	Site	SUP for use	Approved, Ord. No. 2808

#### **Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	LI1	Currently undeveloped
East	LI2	Nutri Ag.
South	LI1	Austin Industrial Park
West	LI1	Austin Industrial Park

***Future Land Use Plan:***

Highway Commercial

***Comprehensive Plan:***

Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

***Thoroughfare Plan:***

The site is accessed via Interstate 35 Service Road.

***Site Images:*****PLANNING ANALYSIS**

The applicant operates a trailer and truck rental and sales business at this site. The SUP to continue the use expires on January 1, 2019. The applicant would like to continue the usage at the site, however the use and the maintenance of the site are not in compliance with the City's future land use plan for the site. Additionally, the parking lot at the site is unpaved, trailers are parked on gravel, dirt and grass, and has existing illegal signage along the property. The requirements of the SUP in 2015 required

landscaping and ornamental rail fencing be installed along the I-35 frontage to enhance the property. As of this time, these site improvements have not been completed. At the September 8, 2015 City Council meeting, City Council informed the applicant of the need to beautify the site through increased landscaping and improving the fencing as a condition for the SUP. At the January 8, 2019 Planning and Zoning meeting, the Commission voted 5-0 to recommend denial for case no. SU-18-0180 due to the applicant only partially addressing staff concerns over a three year period. At the City Council meeting, held January 22, 2019, the Council voted 5-0 to continue the case to the February 18, 2019 City Council meeting to allow the applicant time to complete and address all of staff's concerns, as well as the council stipulations (*see below*) from the September 8, 2015 meeting.

#### **COUNCIL STIPULATIONS FROM SEPTEMBER 8, 2015 MEETING**

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) for the used tractor sales.
- 2) They are required to utilize pavement along Interstate 35 for 400 ft. and 80 ft. deep, for the display of the tractors, while allowing the storage of trailers on gravel at the back of the lot.
- 3) The storage of the trailers on the back part of the lot is a legal non-conforming use that is not affected by this application.
- 4) The 2007 Future Land Use Plan has this area being Highway Commercial. This calls for traditional commercial land uses that are developed to higher standards due to higher visibility. The Highway Commercial designation allows for some commercial uses while maintaining a positive image of Waxahachie along the Interstate 35 corridor.
- 5) Floodplain limits must be shown on the site plan. Any work within the floodplain must be determined by engineering methods, performed by a Professional Engineer, which creates no rise to the floodplain.
- 6) There will be landscaped clusters of ornamental trees and shrubs placed within the landscaped frontage. The requirement for street trees has now been met.
- 7) A 6 ft. high wrought iron fence is proposed.
- 8) Generally, undeveloped lands surround this site; any residential is greater than 500 ft. away.

#### **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 12/21/18.

#### **STAFF CONCERNS**

1. Staff is concerned about continuing this use along one of the main entryways into the City of Waxahachie.
2. Trailers are parked on gravel, dirt, and grass instead of the required concrete.
3. Trailers and trucks are parked in the floodplain.
4. There is illegal pole sign as well as illegal signage located along the fence of the property.
5. Staff would like for the applicant to "beautify" the property (increase landscaping and improve fencing for the SUP).
6. No existing irrigation for the property.

**APPLICANT'S RESPONSE**

1. At the time of this report (2/14/2019), the applicant has completed the required fencing, landscaping, and irrigation for the property.

**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.
- ☒ Additional consideration is required

**ATTACHED EXHIBITS**

1. Ordinance No. 2808

**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)

(18)

**ORDINANCE NO. 2808**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON PROPERTY IN THE E. C. NEWTON SURVEY, ABSTRACT NO. 790 AND J. SHAVER SURVEY, ABSTRACT NO. 1000, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 4675 INTERSTATE HIGHWAY 35-E, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-2 AND FUTURE DEVELOPMENT (LI-2 & FD) TO LIGHT INDUSTRIAL-2 AND FUTURE DEVELOPMENT WITH SPECIFIC USE PERMIT (LI-2 & FD w/SUP), FOR THE PURPOSE OF ALLOWING TRUCK AND TRAILER RENTAL AND SALES, 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 of 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 hereinbelow described property is classified in said ordinance and any amendments thereto as Light Industrial-2 and Future Development (LI-2 & FD); and

**WHEREAS**, proper application for a Specific Use Permit has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended 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 Specific Use Permit;

**NOW, THEREFORE**, this Specific Use Permit is to allow truck and trailer rental and sales, and the Specific Use Permit is hereby authorized on the following property:

Property in the E. C. Newton Survey, Abstract No. 790 and J. Shaver Survey, Abstract No. 1000, Waxahachie, Ellis County, Texas, located at 4675 Interstate Highway 35-E, Waxahachie, Ellis County, Texas.

Said Specific Use Permit is granted subject to all regulations and licensing requirements. This Specific Use Permit is for three years only and expires January 1, 2019. If the Landowner wishes to continue the uses covered by the Specific use Permit, they must, before that date, make a new application for a new Specific Use Permit.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

An emergency is declared to exist and this ordinance is to be effective upon passage.

**PASSED, APPROVED AND ADOPTED** on this 8<sup>th</sup> day of September, 2015.

  
MAYOR

ATTEST:  
  
City Secretary



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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TRAILER, TRUCK SALES OR RENTAL USE WITHIN A LIGHT INDUSTRIAL-2 AND FUTURE DEVELOPMENT (LI-2 AND FD) ZONING DISTRICT, LOCATED AT 4675 N INTERSTATE 35, BEING PROPERTY ID 188460, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 790 EC NEWTON, 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 LI-2 and FD; 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-18-0180. 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 LI-2 and FD to LI-2 and FD, with an SUP in order to permit a Trailer, Truck Sales or Rental use on the following property: 790 EC Newton, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

**Specific Use Permit**

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR TRAILER, TRUCK SALES, AND RENTAL USE IN THE LIGHT INDUSTRIAL-2 (LI-2) AND FUTURE DEVELOPMENT (FD) 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-18-0180.
2. The development shall adhere to the City Council approved Exhibit A – Location Exhibit

(19)

and Exhibit B – Site Layout Plan.

**Standards and Conditions**

1. All trailers and trucks for the property shall be parked on concrete.
2. All trailers and trucks shall be removed from the floodplain.
3. All signage for the property shall be approved by the City of Waxahachie Building Inspections and Planning Department. If such signage has not been approved by either department, then the signage is considered illegal and shall be removed.

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 18<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(19)



**Exhibit A - Location Exhibit**



**SU-18-0180 4675 N Interstate 35E  
Trailer, Truck Sales, or Rental  
Location Exhibit**

**Legend**

 SU-18-0180

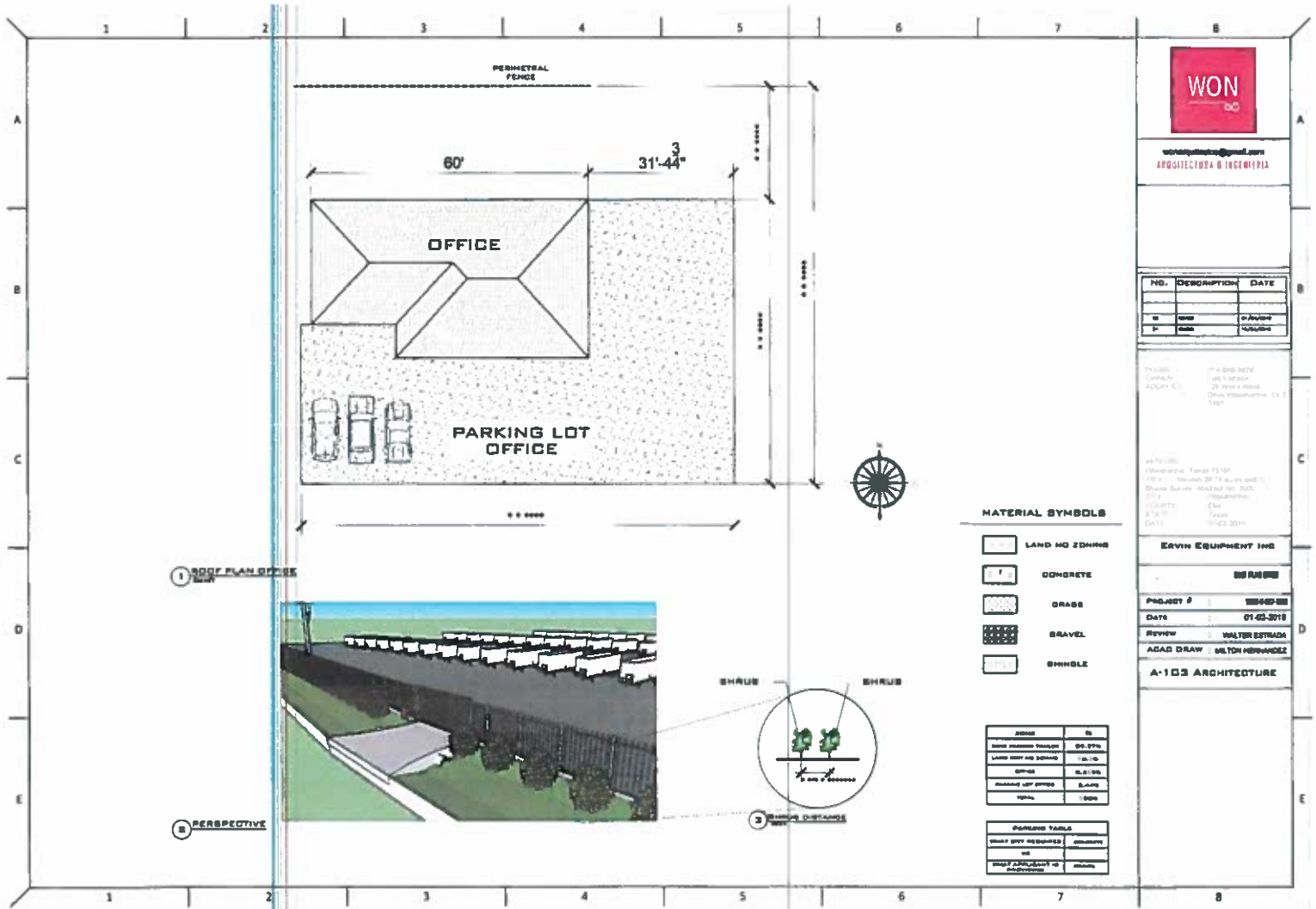
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.

**Exhibit B**  
**- Site Plan**  
**Exhibits**





(19)



ARQUITECTURA E INGENIERIA

NO.	DESCRIPTION	DATE
1	PROYECTO	01-03-2015
2	REVISOR	01-03-2015
3	REVISOR	01-03-2015

PROYECTO: 11-4-2015-2015  
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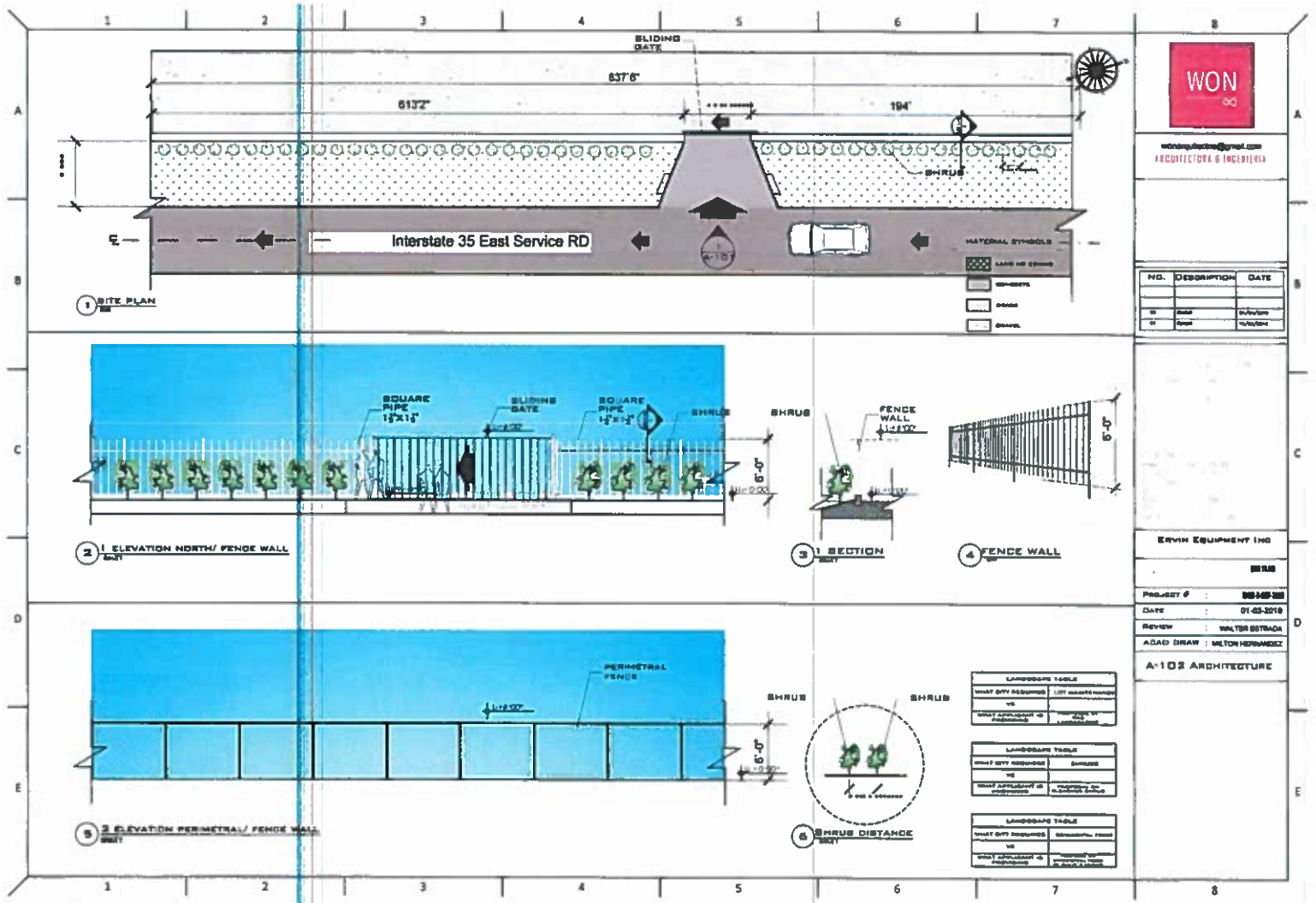
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(19)





## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager  
Date: February 15, 2019  
Re: Colonial Acres Addition Corridor Rehabilitation – CIP Project

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On Monday February 18, 2019 a bid award associated with the corridor restoration of the Colonial Acres Addition will appear before City Council for consideration in the amount of \$1,903,522.50. Axis Contracting, Inc. was the lowest responsive bidder of 5 proposers, with a submission that was \$134,477.50 below the budgeted amount for the project. This corridor restoration is a planned expense, and part of the City's Five Year Capital Improvement Plan, for which City Council approved \$2,038,000 in the FY18-19 Operation and Maintenance budget to fund this work. Specifically, this project will provide for new curbs, gutters, storm drainage, sidewalks, street pavement, street lighting, landscaping, and in pavement utilities for Apache Court, Cherokee Court, Indian Court, Comanche Court, and High School Drive.

Traditionally corridor restorations provide for the replacement of all water and sewer lines, however in the case of the Colonial Acres Addition much of the sewer lines are located within easements behind the homes rather than in the right of way. As a result, a number of added alternatives were bid for the possible replacement of the out of right of way utilities. Upon further investigation the existing out of right of way sewer lines appear to be in good condition and staff believes that replacing the lines now would result in losing approximately one half of their useful life. As the sewer lines are not in pavement and can be replaced at any time, staff recommends moving forward with the award of only the base bid.

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

Tommy Ludwig



February 12, 2019

Mr. Jeff Chambers  
City of Waxahachie  
401 S. Rogers Street  
Waxahachie, Texas 75165

Re: Colonial Acres Reconstruction - Apache Ct., Cherokee Ct., Indian Ct., Comanche Ct., & High School Dr.  
KHA No. 061269729

Dear Mr. Chambers:

On January 22, 2019, the City of Waxahachie received bids for the Colonial Acres Reconstruction - Apache Ct., Cherokee Ct., Indian Ct., Comanche Ct., & High School Drive project. The project consists of reconstructing approximately 8,000 SY of existing asphalt roadway with concrete pavement, installing approximately 200 LF of 4'x2' reinforced concrete box culvert, 520 SY of 6" reinforced concrete flumes, 2,165 LF of 6"-8" water line, 3,175 LF of 8"-10" sanitary sewer line, sidewalks and street lights. The roadway pavement section consists of 6" of reinforcement pavement with monolithic curb and 6" of flexible base subgrade. The project also includes driveway repairs, landscape and irrigation restoration efforts.

The following bid proposals were received:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alt. 1A</u>	<u>Alt. 1B</u>	<u>Alt. 2A</u>	<u>Alt. 2B</u>	<u>Alt. 3A</u>
Axis Contracting, Inc.	\$1,903,522.50	\$70,020.00	\$83,850.00	\$59,932.00	\$83,990.00	\$60,420.00
Circle H Contractors, LP	\$1,934,093.50	\$80,420.00	\$54,655.00	\$66,434.75	\$52,019.75	\$61,497.50
J&K Excavation, LLC	\$2,050,023.20	\$90,210.45	\$109,708.50	\$78,755.00	\$112,006.35	\$86,256.05
Tiseo Paving Company	\$2,077,582.50	\$85,250.00	\$55,357.50	\$70,562.00	\$53,022.50	\$71,605.00
FNH Construction, LLC	\$2,394,830.00	\$56,975.00	\$106,700.00	\$46,600.00	\$103,800.00	\$45,150.00

<u>Bidder</u>	<u>Alt. 3B</u>	<u>Alt. 4A</u>	<u>Alt. 4B</u>	<u>Alt. 5A</u>	<u>Alt. 5B</u>	<u>Alt. 6B</u>
Axis Contracting, Inc.	\$88,150.00	\$68,360.00	\$84,455.00	\$54,644.00	\$69,850.00	\$211,040.00
Circle H Contractors, LP	\$54,250.00	\$59,115.00	\$52,827.50	\$47,149.50	\$43,690.00	\$132,795.00
J&K Excavation, LLC	\$107,555.01	\$69,467.30	\$87,755.03	\$69,553.70	\$91,253.30	\$267,002.80
Tiseo Paving Company	\$54,855.00	\$68,880.00	\$55,742.50	\$63,219.00	\$46,220.00	\$129,654.00
FNH Construction, LLC	\$113,350.00	\$47,450.00	\$98,750.00	\$43,410.00	\$119,300.00	\$319,000.00

The base bid includes replacing all the roadway, storm drain, water and sanitary sewer line within the limits of the roadway construction. The alternate bids consist of reconstructing the existing sanitary sewer line located in the alleys and outside of the project limits. Each bid alternate may include a 'A' or 'B'. These designations mean the following types of construction: 'A' Alternates are using open cut construction methods, 'B' Alternates use pipe bursting methods. For further clarification, the Alternates are described below:



(20)

- Alt 1A- Open cut sanitary sewer line between Apache Ct. and Cherokee Ct.
- Alt 1B- Pipe burst sanitary sewer line between Apache Ct and Cherokee Ct.
- Alt 2A- Open cut sanitary sewer line between Cherokee Ct. and Indian Ct.
- Alt 2B- Pipe burst sanitary sewer line between Cherokee Ct. and Indian Ct.
- Alt 3A- Open cut sanitary sewer line between Indian Ct. and High School Dr.
- Alt 3B- Pipe burst sanitary sewer line between Indian Ct. and High School Dr.
- Alt 4A- Open cut sanitary sewer line between High School Dr. and Comanche Ct.
- Alt 4B- Pipe burst sanitary sewer line between High School Dr. and Comanche Ct.
- Alt 5A- Open cut sanitary sewer line behind Comanche Ct.
- Alt 5B- Pipe burst sanitary sewer line behind Comanche Ct.
- Alt 6B- Pipe burst sanitary sewer lines in open field by Indian Ct. and under proposed flume behind Cherokee Ct. and Apache Ct.

Based upon feedback from City staff, the sewer appears to be in good condition and replacement would result in loss of value remaining on the lines. Since the sewer is not under the pavement and can be replaced at any time without disrupting the street, it is our recommendation that the Bid be awarded without any alternates. Kimley-Horn's Opinion of Probable Construction Cost (OPCC) for the base bid is \$2,171,535.00. Kimley-Horn has reviewed the lowest base bidder's qualifications and has verified that the Contractor's bonding company is licensed in the State of Texas. Based on these reviews it appears that Axis Contracting, Inc. is the lowest qualified responsive bidder (base bid only). Enclosed is a copy of the bid tabulation for your reference. The contract time for the project is 210 calendar days.

Thank you for the opportunity to be of service to the City of Waxahachie. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,  
KIMLEY-HORN AND ASSOCIATES, INC.



Misty D. Christian, P.E., CFM

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**BID TABULATION**  
KIMLEY-HORN AND ASSOCIATES, INC.

CHECKED BY: Misty Christian  
Misty Christian, P.E., CFM.

Owner: City of Waxahachie  
Job No.: 061269729  
Project: Colonial Acres Reconstruction  
Date:

		BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5	
		Circle H Contractors, LP		Tiseo Paving Company		Axis Contracting Inc.		J&K Excavation, LLC		FNN Construction, LLC	
		P.O. Box 220		P.O. Box 270040		P.O. Box 360715		P.O. Box 886		4099 McEwen Rd, Ste 600	
		Midlothian, TX 76065		Dallas, TX 75227-0040		Dallas, TX 75336-0715		Italy, TX 76851		Farmers Branch, TX 75244	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
1	Mobilization	1	LS	\$103,675.00	\$103,675.00	\$36,000.00	\$36,000.00	\$123,000.00	\$123,000.00	\$139,874.98	\$139,874.98
2	Traffic Control and Traffic Control Plan	1	LS	\$22,500.00	\$22,500.00	\$24,225.00	\$24,225.00	\$14,000.00	\$14,000.00	\$25,000.00	\$25,000.00
3	Temporary Erosion, Sedimentation, and Water Pollution Prevention and Control Plan	1	LS	\$15,000.00	\$15,000.00	\$14,500.00	\$14,500.00	\$9,500.00	\$9,500.00	\$33,000.00	\$33,000.00
4	Project Sign	2	EA	\$1,200.00	\$2,400.00	\$550.00	\$1,100.00	\$800.00	\$1,600.00	\$1,750.00	\$3,500.00
5	General Site Preparation	1	LS	\$25,000.00	\$25,000.00	\$215,000.00	\$215,000.00	\$38,000.00	\$38,000.00	\$75,741.00	\$75,741.00
6	Unclassified Street Excavation	3,050	CY	\$19.55	\$59,627.50	\$17.90	\$54,595.00	\$18.00	\$54,900.00	\$21.00	\$64,050.00
7	Embankment	120	CY	\$28.80	\$3,456.00	\$11.00	\$1,320.00	\$11.00	\$1,320.00	\$50.00	\$6,000.00
8	6" Reinforced Concrete w/ Integral 6" Curb	7,800	SY	\$68.00	\$530,400.00	\$68.65	\$535,020.00	\$61.65	\$480,870.00	\$59.88	\$465,504.00
9	6" Concrete Drive Approach	950	SY	\$81.40	\$77,330.00	\$75.00	\$71,250.00	\$68.00	\$64,600.00	\$75.00	\$71,250.00
10	6" Flexbase for Pavement Section, Grade 1	8,250	SY	\$19.80	\$163,350.00	\$10.00	\$82,500.00	\$10.00	\$82,500.00	\$8.00	\$66,000.00
11	6" Concrete Curb	300	LF	\$22.00	\$6,600.00	\$35.00	\$10,500.00	\$4.00	\$1,200.00	\$35.00	\$10,500.00
12	Temporary Roadway/Driveway Surface Flexbase (Grade 1)	1,000	TON	\$51.75	\$51,750.00	\$37.00	\$37,000.00	\$38.00	\$38,000.00	\$70.00	\$70,000.00
13	Temporary Roadway Surface (1.5"-2" Aggregate)	500	TON	\$34.50	\$17,250.00	\$42.00	\$21,000.00	\$42.00	\$21,000.00	\$50.00	\$25,000.00
14	Asphalt Repair	75	SY	\$92.00	\$6,900.00	\$95.00	\$7,125.00	\$85.00	\$6,375.00	\$135.00	\$10,125.00
15	Concrete Panel Repair	850	SY	\$75.00	\$63,750.00	\$125.00	\$106,250.00	\$100.00	\$85,000.00	\$89.42	\$76,007.00
16	Sod	3,500	SY	\$5.50	\$19,250.00	\$14.50	\$50,750.00	\$8.00	\$28,000.00	\$29.015	\$101,552.50
17	4" Reinforced Concrete Sidewalk/Leadwalk (width varies, Class A)	2,100	SY	\$68.20	\$143,220.00	\$57.00	\$119,700.00	\$57.00	\$119,700.00	\$63.00	\$132,300.00
18	3" Roll-Over Curb	250	LF	\$4.80	\$1,200.00	\$45.00	\$11,250.00	\$12.00	\$3,000.00	\$35.00	\$8,750.00
19	ToDOT Barrier Free Pedestrian Ramp (Type 1)	2	EA	\$1,980.00	\$3,960.00	\$2,300.00	\$4,600.00	\$1,500.00	\$3,000.00	\$1,750.00	\$3,500.00
20	ToDOT Barrier Free Pedestrian Ramp (Type 2)	2	EA	\$2,310.00	\$4,620.00	\$2,300.00	\$4,600.00	\$1,500.00	\$3,000.00	\$1,750.00	\$3,500.00
21	ToDOT Barrier Free Pedestrian Ramp (Type 7)	18	EA	\$2,960.00	\$53,280.00	\$1,850.00	\$33,300.00	\$1,500.00	\$27,000.00	\$1,750.00	\$31,500.00
22	6" Flagstone Driveway (Match Existing)	30	SY	\$150.00	\$4,500.00	\$210.00	\$6,300.00	\$100.00	\$3,000.00	\$250.00	\$7,500.00
23	5" Standard Curb Inlet	1	EA	\$4,000.00	\$4,000.00	\$4,400.00	\$4,400.00	\$4,000.00	\$4,000.00	\$4,500.00	\$4,500.00
24	4x2' Reinforced Box Culvert	185	LF	\$228.40	\$42,154.00	\$255.00	\$47,175.00	\$250.00	\$46,250.00	\$259.48	\$47,903.20
25	6" Reinforced Concrete Flume with Integral Curb	520	SY	\$112.00	\$58,240.00	\$125.00	\$65,000.00	\$85.00	\$44,200.00	\$78.62	\$40,882.40
26	6" Reinforced Concrete Flume without Curb	100	SY	\$77.00	\$7,700.00	\$115.00	\$11,500.00	\$70.00	\$7,000.00	\$72.00	\$7,200.00
27	Storm Drain Trench Safety	185	LF	\$0.10	\$18.50	\$1.10	\$203.50	\$1.10	\$203.50	\$1.09	\$201.65
28	Connect Proposed 4x2' to Existing Junction Box	1	EA	\$1,750.00	\$1,750.00	\$2,000.00	\$2,000.00	\$2,600.00	\$2,600.00	\$2,200.00	\$2,200.00
29	Concrete Repair (Outfall)	25	SY	\$150.00	\$3,750.00	\$75.00	\$1,875.00	\$100.00	\$2,500.00	\$100.00	\$2,500.00
30	1" DR-18 C900 PVC Pipe	1,250	LF	\$38.50	\$48,125.00	\$42.50	\$53,125.00	\$40.00	\$50,000.00	\$44.00	\$55,000.00
31	6" DR-18 C900 PVC Pipe	1,000	LF	\$43.00	\$43,000.00	\$47.50	\$47,500.00	\$45.00	\$45,000.00	\$48.00	\$48,000.00
32	Fire Hydrant Assembly	8	EA	\$4,200.00	\$33,600.00	\$4,650.00	\$37,200.00	\$5,300.00	\$28,400.00	\$5,125.00	\$26,000.00
33	8" Gate Valve	8	EA	\$950.00	\$7,600.00	\$1,050.00	\$8,400.00	\$1,800.00	\$14,400.00	\$1,083.34	\$8,666.72
34	8" Gate Valve	5	EA	\$1,300.00	\$6,500.00	\$1,450.00	\$7,250.00	\$2,100.00	\$10,500.00	\$1,400.00	\$7,000.00
35	12" Gate Valve	8	EA	\$2,150.00	\$17,200.00	\$2,375.00	\$19,000.00	\$3,200.00	\$25,600.00	\$2,500.00	\$20,000.00
36	Abandon Existing Water Valve	12	EA	\$100.00	\$1,200.00	\$550.00	\$6,600.00	\$540.00	\$5,880.00	\$1,700.00	\$20,400.00
37	Remove and Salvage Existing Fire Hydrant Assembly	4	EA	\$1,000.00	\$4,000.00	\$1,100.00	\$4,400.00	\$1,350.00	\$5,400.00	\$1,250.00	\$5,000.00
38	1" Short Water Service with Water Meter Box	26	EA	\$750.00	\$19,500.00	\$825.00	\$21,450.00	\$1,150.00	\$29,900.00	\$800.00	\$20,800.00
39	1" Long Water Service with Water Meter Box	23	EA	\$825.00	\$18,975.00	\$910.00	\$20,930.00	\$1,170.00	\$26,910.00	\$1,046.66	\$24,073.18
40	2" Water Service with Water Meter Box	2	EA	\$1,875.00	\$3,750.00	\$2,075.00	\$4,150.00	\$2,150.00	\$4,300.00	\$2,000.00	\$4,000.00
41	Ductile Iron Fittings	2	TON	\$8,600.00	\$17,200.00	\$7,260.00	\$14,520.00	\$1,350.00	\$2,700.00	\$1,125.00	\$2,250.00
42	Sampling Station	1	EA	\$2,275.00	\$2,275.00	\$2,505.00	\$2,505.00	\$3,400.00	\$3,400.00	\$2,500.00	\$2,500.00
43	Abandon Existing Water Line (Cut and Plug)	17	EA	\$1,500.00	\$25,500.00	\$1,650.00	\$28,050.00	\$1,850.00	\$31,450.00	\$1,784.71	\$30,339.87
44	Locate, Cut and Remove Existing Tee (Various Sizes)	8	EA	\$1,000.00	\$8,000.00	\$1,100.00	\$8,800.00	\$2,100.00	\$16,800.00	\$1,250.00	\$10,000.00
45	Connect to Existing Water Line	4	EA	\$2,500.00	\$10,000.00	\$2,750.00	\$11,000.00	\$2,100.00	\$8,400.00	\$3,125.00	\$12,500.00
46	6" SDR-26 PVC pipe (all depths)	590	LF	\$68.50	\$40,405.00	\$74.00	\$43,660.00	\$78.00	\$46,020.00	\$72.89	\$42,995.10
47	Concrete Encasement (1,500 PSI)	50	LF	\$45.00	\$2,250.00	\$50.00	\$2,500.00	\$41.00	\$2,050.00	\$52.00	\$2,600.00
48	4" Diameter Sanitary Sewer Manhole (all depths)	6	EA	\$4,000.00	\$24,000.00	\$4,400.00	\$26,400.00	\$3,500.00	\$21,000.00	\$5,000.00	\$30,000.00
49	4" Sanitary Sewer Service w/ Cleanout	4	EA	\$850.00	\$3,400.00	\$935.00	\$3,740.00	\$2,200.00	\$8,800.00	\$937.50	\$3,750.00
50	Connect Proposed Sanitary Sewer Line to Existing Sanitary Sewer Line with Wastewater Access Device	4	EA	\$2,500.00	\$10,000.00	\$2,750.00	\$11,000.00	\$2,900.00	\$11,600.00	\$3,750.00	\$15,000.00
51	Sanitary Sewer Trench Safety	590	LF	\$1.00	\$590.00	\$1.10	\$649.00	\$1.10	\$649.00	\$1.03	\$607.70
52	Plug and Abandon Existing Sanitary Sewer Line	1	EA	\$750.00	\$750.00	\$825.00	\$825.00	\$1,350.00	\$1,350.00	\$950.00	\$950.00
53	Post Construction Inspection for Sanitary Sewer Line	590	LF	\$1.85	\$1,091.50	\$2.10	\$1,239.00	\$7.00	\$4,130.00	\$2.04	\$1,203.60
54	Landscape Restoration Allowance	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
55	Irrigation Restoration Allowance	1	LS	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
56	Street Address Painting on Curbs	40	EA	\$135.00	\$5,400.00	\$50.00	\$2,000.00	\$150.00	\$6,000.00	\$8,000.00	\$32,000.00
57	Signage and Pavement Markings	1	LS	\$8,475.00	\$8,475.00	\$10,500.00	\$10,500.00	\$11,000.00	\$11,000.00	\$8,500.00	\$8,500.00
58	Street Light Foundation	17	EA	\$900.00	\$15,300.00	\$1,050.00	\$17,850.00	\$1,050.00	\$17,850.00	\$3,500.00	\$59,500.00
59	2" Sch. 40 Conduit for Street Lights	1,625	LF	\$9.00	\$14,625.00	\$13.00	\$21,125.00	\$12.00	\$19,500.00	\$10.78	\$17,515.50

(90)

**BID TABULATION**  
KIMLEY-HORN AND ASSOCIATES, INC.

CHECKED BY: Misty Christian  
Misty Christian, P.E., CFM.

Owner: City of Waxahachie  
Job No.: 061269729  
Project: Colonial Acres Reconstruction  
Date:

				BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5	
				Circle H Contractors, LP P.O. Box 220 Midlothian, TX 78065		Tisco Paving Company P.O. Box 270040 Dallas, TX 75227-0040		Axis Contracting Inc. P.O. Box 360715 Dallas, TX 75336-0715		J&K Excavation, LLC P.O. Box 886 Italy, TX 78651		FNN Construction, LLC 4099 McEwen Rd, Ste 600 Farmers Branch, TX 75244	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
60	Secondary Connection Box	5	EA	\$650.00	\$3,250.00	\$825.00	\$4,125.00	\$800.00	\$4,000.00	\$700.00	\$3,500.00	\$850.00	\$4,250.00
61	Tree Removal (>12" Caliper)	10	EA	\$200.00	\$2,000.00	\$320.00	\$3,200.00	\$400.00	\$4,000.00	\$500.00	\$5,000.00	\$1,000.00	\$10,000.00
62	4" Reinforced Concrete Sidewalk w/Integral Cur (6"-12")	50	LF	\$82.50	\$4,125.00	\$44.00	\$2,200.00	\$42.00	\$2,100.00	\$70.00	\$3,500.00	\$85.00	\$4,250.00
63	Remove and Replace Existing Chainlink Fence	180	LF	\$25.00	\$4,500.00	\$26.00	\$5,040.00	\$48.00	\$8,640.00	\$26.88	\$4,802.40	\$30.00	\$5,400.00
64	Remove and Replace Existing Wooden Fence	200	LF	\$45.00	\$9,000.00	\$45.00	\$9,000.00	\$50.00	\$10,000.00	\$32.50	\$6,500.00	\$80.00	\$12,000.00
65	Unclassified Flume Excavation	550	CY	\$8.00	\$4,400.00	\$20.00	\$11,000.00	\$19.00	\$10,450.00	\$14.55	\$8,002.50	\$20.00	\$11,000.00
66	Flume Embankment	15	CY	\$200.00	\$3,000.00	\$11.00	\$165.00	\$11.00	\$165.00	\$50.00	\$750.00	\$40.00	\$600.00
67	Sidewalk Underdrain	2	EA	\$1,500.00	\$3,000.00	\$1,100.00	\$2,200.00	\$1,500.00	\$3,000.00	\$3,500.00	\$7,000.00	\$3,500.00	\$7,000.00
68	Locate, Remove and Replace Existing Fire Hydrant Assembly	1	EA	\$4,000.00	\$4,000.00	\$4,400.00	\$4,400.00	\$6,000.00	\$6,000.00	\$2,500.00	\$2,500.00	\$6,500.00	\$6,500.00
<b>Total Base Bid</b>					<b>\$1,934,093.50</b>		<b>\$2,077,582.50</b>		<b>\$1,903,522.50</b>		<b>\$2,050,023.20</b>		<b>\$2,394,830.00</b>

(28)



**BID TABULATION**  
KIMLEY-HORN AND ASSOCIATES, INC.

CHECKED BY: Misty Christian  
Misty Christian, P.E., CFM

Owner: City of Waxahachie  
Job No.: 061269729  
Project: Colonial Acres Reconstruction  
Date:

				BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5	
				Circle H Contractors, LP P.O. Box 220 Midlothian, TX 78065		Tiseo Paving Company P.O. Box 270040 Dallas, TX 75227-0040		Ade Contracting Inc. P.O. Box 360715 Dallas, TX 75336-0715		J&K Excavation, LLC P.O. Box 886 Italy, TX 78651		FNI Construction, LLC 4099 McEwen Rd, Ste 800 Farmers Branch, TX 75244	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
<b>Line A- Alternate 1A- Open Cut</b>													
1	10" SDR-26 PVC pipe (all depths)	325	LF	\$166.75	\$54,193.75	\$170.00	\$55,250.00	\$84.00	\$30,550.00	\$169.25	\$55,006.25	\$65.00	\$21,125.00
2	4" Diameter Sanitary Sewer Manhole (all depths)	1	EA	\$4,000.00	\$4,000.00	\$4,400.00	\$4,400.00	\$4,600.00	\$4,600.00	\$4,800.00	\$4,800.00	\$6,500.00	\$6,500.00
3	4" Sanitary Sewer Service w/ Cleanout	8	EA	\$850.00	\$6,800.00	\$935.00	\$7,480.00	\$1,400.00	\$11,200.00	\$1,000.00	\$8,000.00	\$850.00	\$6,800.00
4	Connect Proposed Sanitary Sewer Line to Existing Sanitary Sewer Line with Wastewater Access Device	1	EA	\$2,500.00	\$2,500.00	\$2,750.00	\$2,750.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$1,500.00	\$1,500.00
5	Sanitary Sewer Trench Safety	325	LF	\$1.00	\$325.00	\$1.10	\$357.50	\$2.20	\$715.00	\$1.24	\$403.00	\$5.00	\$1,625.00
6	Post Construction Inspection for Sanitary Sewer	325	LF	\$1.85	\$601.25	\$2.10	\$682.50	\$7.00	\$2,275.00	\$3.08	\$1,001.00	\$5.00	\$1,625.00
7	Tree Removal in Easements (all sizes)	1	LS	\$1,000.00	\$1,000.00	\$2,550.00	\$2,550.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
8	Remove and Replace Existing Wooden Fence	100	LF	\$45.00	\$4,500.00	\$45.00	\$4,500.00	\$48.00	\$4,800.00	\$50.00	\$5,000.00	\$50.00	\$5,000.00
9	Remove and Replace Existing Chainlink Fence	260	LF	\$25.00	\$6,500.00	\$28.00	\$7,280.00	\$48.00	\$12,480.00	\$30.77	\$8,000.20	\$30.00	\$7,800.00
<b>Total Line A- Alternate 1A- Open Cut</b>					<b>\$80,420.00</b>		<b>\$85,250.00</b>		<b>\$70,020.00</b>		<b>\$90,210.45</b>		<b>\$56,975.00</b>
<b>Line A- Alternate 1B- Pipe Burst</b>													
1	10" SDR-21 HDPE Pipe (Pipe Bursting)	325	LF	\$81.25	\$26,406.25	\$75.00	\$24,375.00	\$87.00	\$28,275.00	\$153.85	\$50,001.25	\$180.00	\$58,500.00
2	4" Diameter Sanitary Sewer Manhole	1	EA	\$5,755.00	\$5,755.00	\$5,760.00	\$5,760.00	\$8,900.00	\$8,900.00	\$5,000.00	\$5,000.00	\$6,500.00	\$6,500.00
3	4" Sanitary Sewer Service w/ Cleanout	7	EA	\$1,000.00	\$7,000.00	\$1,005.00	\$7,035.00	\$1,400.00	\$9,800.00	\$2,500.00	\$17,500.00	\$850.00	\$5,950.00
4	Sanitary Sewer Point Repair	100	LF	\$71.50	\$7,150.00	\$72.00	\$7,200.00	\$230.00	\$23,000.00	\$150.00	\$15,000.00	\$200.00	\$20,000.00
5	Connect Proposed Sanitary Sewer Line to Existing Sanitary Sewer Line with Wastewater Access Device	1	EA	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,800.00	\$3,800.00	\$4,500.00	\$4,500.00	\$3,500.00	\$3,500.00
6	Tree Removal in Easements (all sizes)	1	LS	\$1,000.00	\$1,000.00	\$2,550.00	\$2,550.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
7	Post Construction Inspection for Sanitary Sewer	325	LF	\$2.25	\$731.25	\$2.20	\$715.00	\$7.00	\$2,275.00	\$3.70	\$1,202.50	\$5.00	\$1,625.00
8	Remove and Replace Existing Wooden Fence	50	LF	\$27.50	\$1,375.00	\$45.00	\$2,250.00	\$48.00	\$2,400.00	\$100.00	\$5,000.00	\$50.00	\$2,500.00
9	Remove and Replace Existing Chainlink Fence	50	LF	\$22.00	\$1,100.00	\$28.00	\$1,400.00	\$48.00	\$2,400.00	\$100.00	\$5,000.00	\$30.00	\$1,500.00
10	Pre-Construction Television Inspection	325	LF	\$3.50	\$1,137.50	\$3.30	\$1,072.50	\$8.00	\$2,600.00	\$4.83	\$1,569.75	\$5.00	\$1,625.00
<b>Total Line A- Alternate 1B- Pipe Burst</b>					<b>\$54,655.00</b>		<b>\$55,367.50</b>		<b>\$83,850.00</b>		<b>\$109,708.50</b>		<b>\$106,700.00</b>
<b>Line B- Alternate 2A- Open Cut</b>													
1	10" SDR-26 PVC pipe (all depths)	335	LF	\$138.00	\$46,230.00	\$144.00	\$48,240.00	\$90.00	\$30,150.00	\$147.70	\$49,479.50	\$50.00	\$16,750.00
2	4" Diameter Sanitary Sewer Manhole (all depths)	1	EA	\$4,000.00	\$4,000.00	\$4,400.00	\$4,400.00	\$5,100.00	\$5,100.00	\$4,500.00	\$4,500.00	\$6,500.00	\$6,500.00
3	4" Sanitary Sewer Service w/ Cleanout	10	EA	\$850.00	\$8,500.00	\$935.00	\$9,350.00	\$1,400.00	\$14,000.00	\$950.00	\$9,500.00	\$850.00	\$8,500.00
4	Sanitary Sewer Trench Safety	335	LF	\$1.00	\$335.00	\$1.10	\$368.50	\$2.20	\$737.00	\$2.31	\$773.85	\$5.00	\$1,675.00
5	Post Construction Inspection for Sanitary Sewer	335	LF	\$1.85	\$618.75	\$2.10	\$703.50	\$7.00	\$2,345.00	\$2.98	\$1,091.85	\$5.00	\$1,675.00
6	Tree Removal in Easement (all sizes)	1	LS	\$1,000.00	\$1,000.00	\$1,600.00	\$1,600.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
7	Remove and Replace Existing Wooden Fence	100	LF	\$45.00	\$4,500.00	\$45.00	\$4,500.00	\$48.00	\$4,800.00	\$50.00	\$5,000.00	\$50.00	\$5,000.00
8	Remove and Replace Existing Chainlink Fence	50	LF	\$25.00	\$1,250.00	\$28.00	\$1,400.00	\$48.00	\$2,400.00	\$70.00	\$3,500.00	\$30.00	\$1,500.00
<b>Total Line B- Alternate 2A- Open Cut</b>					<b>\$66,434.75</b>		<b>\$70,562.00</b>		<b>\$59,932.00</b>		<b>\$78,755.00</b>		<b>\$46,600.00</b>
<b>Line B- Alternate 2B- Pipe Burst</b>													
1	10" SDR-21 HDPE Pipe (Pipe Bursting)	335	LF	\$68.80	\$22,981.00	\$63.00	\$21,105.00	\$79.00	\$26,465.00	\$164.19	\$55,003.65	\$180.00	\$60,300.00
2	4" Diameter Sanitary Sewer Manhole	1	EA	\$5,755.00	\$5,755.00	\$5,750.00	\$5,750.00	\$8,900.00	\$8,900.00	\$7,500.00	\$7,500.00	\$6,500.00	\$6,500.00
3	4" Sanitary Sewer Service w/ Cleanout	10	EA	\$1,000.00	\$10,000.00	\$1,005.00	\$10,050.00	\$1,300.00	\$13,000.00	\$1,750.00	\$17,500.00	\$850.00	\$8,500.00
4	Sanitary Sewer Point Repair	100	LF	\$71.50	\$7,150.00	\$72.00	\$7,200.00	\$230.00	\$23,000.00	\$150.00	\$15,000.00	\$200.00	\$20,000.00
5	Tree Removal in Easements (all sizes)	1	LS	\$500.00	\$500.00	\$1,600.00	\$1,600.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
6	Post Construction Inspection for Sanitary Sewer	335	LF	\$2.25	\$753.75	\$2.20	\$737.00	\$7.00	\$2,345.00	\$2.98	\$1,091.85	\$5.00	\$1,675.00
7	Remove and Replace Existing Wooden Fence	75	LF	\$27.50	\$2,062.50	\$45.00	\$3,375.00	\$48.00	\$3,600.00	\$68.87	\$5,165.25	\$50.00	\$3,750.00
8	Remove and Replace Existing Chainlink Fence	75	LF	\$22.00	\$1,650.00	\$28.00	\$2,100.00	\$48.00	\$3,600.00	\$60.00	\$4,500.00	\$30.00	\$2,250.00
9	Pre-Construction Television Inspection	335	LF	\$3.50	\$1,172.50	\$3.30	\$1,105.50	\$8.00	\$2,680.00	\$4.48	\$1,500.80	\$5.00	\$1,675.00
<b>Total Line B- Alternate 2B- Pipe Burst</b>					<b>\$52,019.75</b>		<b>\$53,022.50</b>		<b>\$83,990.00</b>		<b>\$112,006.35</b>		<b>\$103,800.00</b>
<b>Line C- Alternate 3A- Open Cut</b>													
1	10" SDR-26 PVC pipe (all depths)	350	LF	\$118.00	\$41,350.00	\$144.00	\$50,400.00	\$90.00	\$31,500.00	\$157.15	\$55,002.50	\$48.00	\$16,800.00
2	4" Diameter Sanitary Sewer Manhole (all depths)	1	EA	\$4,000.00	\$4,000.00	\$4,400.00	\$4,400.00	\$5,100.00	\$5,100.00	\$4,500.00	\$4,500.00	\$6,500.00	\$6,500.00
3	4" Sanitary Sewer Service w/ Cleanout	11	EA	\$850.00	\$9,350.00	\$935.00	\$10,285.00	\$1,400.00	\$15,400.00	\$954.55	\$10,500.05	\$850.00	\$9,350.00
4	Sanitary Sewer Trench Safety	350	LF	\$1.00	\$350.00	\$1.10	\$385.00	\$2.20	\$770.00	\$2.15	\$752.50	\$5.00	\$1,750.00
5	Post Construction Inspection for Sanitary Sewer	350	LF	\$1.85	\$647.50	\$2.10	\$735.00	\$7.00	\$2,450.00	\$2.86	\$1,001.00	\$5.00	\$1,750.00
6	Tree Removal in Easement (all sizes)	1	LS	\$2,000.00	\$2,000.00	\$1,750.00	\$1,750.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
7	Remove and Replace Existing Wooden Fence	50	LF	\$45.00	\$2,250.00	\$45.00	\$2,250.00	\$48.00	\$2,400.00	\$100.00	\$5,000.00	\$50.00	\$2,500.00

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**BID TABULATION**  
KIMLEY-HORN AND ASSOCIATES, INC.

CHECKED BY: Misty Christian  
Misty Christian, P.E., CFM.

Owner: City of Waxahachie

Job No.: 061269729

Project: Colonial Acres Reconstruction

Date:

Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
8	Remove and Replace Existing Chainlink Fence	50	LF	\$25.00	\$1,250.00	\$28.00	\$1,400.00	\$48.00	\$2,400.00	\$90.00	\$4,500.00	\$30.00	\$1,500.00
Total Line C- Alternate 3A- Open Cut					\$61,497.50		\$71,605.00		\$60,420.00		\$86,256.05		\$45,150.00

**Line C- Alternate 3B- Pipe Burst**

1	12" SDR-21 HDPE Pipe (Pipe Bursting)	350	LF	\$67.50	\$23,625.00	\$62.00	\$21,700.00	\$80.00	\$28,000.00	\$151.43	\$53,000.50	\$180.00	\$63,000.00
2	4" Diameter Sanitary Sewer Manhole	1	EA	\$5,750.00	\$5,750.00	\$5,750.00	\$5,750.00	\$8,900.00	\$8,900.00	\$4,800.00	\$4,800.00	\$8,500.00	\$8,500.00
3	4" Sanitary Sewer Service w/ Cleanout	11	EA	\$1,000.00	\$11,000.00	\$1,005.00	\$11,055.00	\$1,400.00	\$15,400.00	\$1,590.91	\$17,500.01	\$450.00	\$9,350.00
4	Sanitary Sewer Point Repair	100	LF	\$71.50	\$7,150.00	\$72.00	\$7,200.00	\$230.00	\$23,000.00	\$150.00	\$15,000.00	\$200.00	\$20,000.00
5	Tree Removal in Easements (all sizes)	1	LS	\$1,000.00	\$1,000.00	\$1,750.00	\$1,750.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
6	Post Construction Inspection for Sanitary Sewer	350	LF	\$2.25	\$787.50	\$2.20	\$770.00	\$7.00	\$2,450.00	\$2.86	\$1,001.00	\$5.00	\$1,750.00
7	Remove and Replace Existing Chainlink Fence	75	LF	\$22.00	\$1,650.00	\$28.00	\$2,100.00	\$48.00	\$3,600.00	\$86.67	\$6,500.25	\$30.00	\$2,250.00
8	Remove and Replace Existing Wooden Fence	75	LF	\$27.50	\$2,062.50	\$45.00	\$3,375.00	\$48.00	\$3,600.00	\$86.67	\$6,500.25	\$50.00	\$3,750.00
9	Pre-Construction Television Inspection	350	LF	\$3.50	\$1,225.00	\$3.30	\$1,155.00	\$8.00	\$2,800.00	\$3.56	\$1,253.00	\$5.00	\$1,750.00
<b>Total Line C- Alternate 3B- Pipe Burst</b>					<b>\$54,250.00</b>		<b>\$54,855.00</b>		<b>\$88,150.00</b>		<b>\$107,555.01</b>		<b>\$113,350.00</b>

**Line D- Alternate 4A- Open Cut**

1	12" SDR-26 PVC pipe (all depths)	275	LF	\$122.75	\$33,756.25	\$144.00	\$39,600.00	\$80.00	\$22,400.00	\$152.73	\$42,000.75	\$48.00	\$13,200.00
2	4" Sanitary Sewer Service w/ Cleanout	9	EA	\$850.00	\$7,650.00	\$835.00	\$7,515.00	\$1,400.00	\$12,600.00	\$1,000.00	\$9,000.00	\$850.00	\$7,650.00
3	Sanitary Sewer Trench Safety	275	LF	\$1.00	\$275.00	\$1.10	\$302.50	\$2.20	\$605.00	\$1.28	\$352.00	\$5.00	\$1,375.00
4	Post Construction Inspection for Sanitary Sewer	275	LF	\$1.85	\$508.75	\$2.10	\$577.50	\$7.00	\$1,925.00	\$2.22	\$610.50	\$5.00	\$1,375.00
5	Tree Removal in Easement (all sizes)	1	LS	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
6	Remove and Replace Existing Chainlink Fence	520	LF	\$25.00	\$13,000.00	\$28.00	\$14,560.00	\$48.00	\$24,960.00	\$14.43	\$7,503.60	\$30.00	\$15,600.00
7	Remove and Replace Existing Wooden Fence	65	LF	\$45.00	\$2,925.00	\$45.00	\$2,925.00	\$48.00	\$3,120.00	\$76.93	\$5,000.45	\$50.00	\$3,250.00
<b>Total Line D- Alternate 4A- Open Cut</b>					<b>\$59,115.00</b>		<b>\$68,880.00</b>		<b>\$68,360.00</b>		<b>\$69,467.30</b>		<b>\$47,450.00</b>

**Line D- Alternate 4B- Pipe Burst**

1	12" SDR-21 HDPE Pipe (Pipe Bursting)	275	LF	\$78.75	\$21,656.25	\$72.00	\$19,800.00	\$80.00	\$22,000.00	\$152.73	\$42,000.75	\$180.00	\$49,500.00
2	4" Sanitary Sewer Service w/ Cleanout	9	EA	\$1,000.00	\$9,000.00	\$1,005.00	\$9,045.00	\$1,400.00	\$12,600.00	\$1,666.67	\$15,000.03	\$850.00	\$7,650.00
3	Sanitary Sewer Trench Safety	75	LF	\$71.50	\$5,362.50	\$72.00	\$5,400.00	\$230.00	\$17,250.00	\$200.00	\$15,000.00	\$200.00	\$15,000.00
4	Tree Removal in Easements (all sizes)	1	LS	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
5	Post Construction Inspection for Sanitary Sewer	275	LF	\$2.25	\$618.75	\$2.20	\$605.00	\$7.00	\$1,925.00	\$1.82	\$500.50	\$5.00	\$1,375.00
6	Pre-Construction Television Inspection	275	LF	\$3.50	\$962.50	\$3.30	\$907.50	\$8.00	\$2,200.00	\$2.73	\$750.75	\$5.00	\$1,375.00
7	Remove and Replace Existing Chainlink Fence	520	LF	\$22.00	\$11,440.00	\$28.00	\$14,560.00	\$48.00	\$24,960.00	\$9.82	\$5,002.50	\$30.00	\$15,600.00
8	Remove and Replace Existing Wooden Fence	65	LF	\$27.50	\$1,787.50	\$45.00	\$2,925.00	\$48.00	\$3,120.00	\$89.24	\$5,800.80	\$50.00	\$3,250.00
<b>Total Line D- Alternate 4B- Pipe Burst</b>					<b>\$52,927.50</b>		<b>\$55,742.50</b>		<b>\$84,455.00</b>		<b>\$87,755.03</b>		<b>\$98,750.00</b>

**Line E- Alternate 5A- Open Cut**

1	12" SDR-26 PVC pipe (3-8" Deep)	270	LF	\$98.00	\$26,460.00	\$144.00	\$38,880.00	\$80.00	\$21,600.00	\$148.15	\$40,000.50	\$48.00	\$12,960.00
2	4" Diameter Sanitary Sewer Manhole (3-8" Deep)	1	EA	\$4,000.00	\$4,000.00	\$4,400.00	\$4,400.00	\$5,100.00	\$5,100.00	\$4,800.00	\$4,800.00	\$6,500.00	\$6,500.00
3	4" Sanitary Sewer Service w/ Cleanout	5	EA	\$850.00	\$4,250.00	\$835.00	\$4,175.00	\$1,400.00	\$7,000.00	\$1,200.00	\$6,000.00	\$850.00	\$4,250.00
4	Sanitary Sewer Trench Safety	270	LF	\$1.00	\$270.00	\$1.10	\$297.00	\$2.20	\$594.00	\$1.86	\$502.20	\$5.00	\$1,350.00
5	Post Construction Inspection for Sanitary Sewer	270	LF	\$1.85	\$499.50	\$2.10	\$567.00	\$7.00	\$1,890.00	\$2.78	\$750.60	\$5.00	\$1,350.00
6	Tree Removal in Easement (all sizes)	1	LS	\$1,000.00	\$1,000.00	\$3,400.00	\$3,400.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
7	Remove and Replace Existing Chainlink Fence	200	LF	\$25.00	\$5,000.00	\$28.00	\$5,600.00	\$48.00	\$9,600.00	\$17.50	\$3,500.00	\$30.00	\$6,000.00
8	Remove and Replace Existing Wooden Fence	120	LF	\$45.00	\$5,400.00	\$45.00	\$5,400.00	\$48.00	\$5,760.00	\$41.67	\$5,000.40	\$50.00	\$6,000.00
<b>Total Line E- Alternate 5A- Open Cut</b>					<b>\$47,149.50</b>		<b>\$63,219.00</b>		<b>\$54,644.00</b>		<b>\$69,553.70</b>		<b>\$43,410.00</b>

**Line E- Alternate 5B- Pipe Burst**

1	12" SDR-21 HDPE Pipe (Pipe Bursting)	270	LF	\$78.75	\$21,262.50	\$73.00	\$19,710.00	\$80.00	\$21,600.00	\$148.15	\$40,000.50	\$180.00	\$48,600.00
2	4" Diameter Sanitary Sewer Manhole (3-8" Deep)	1	EA	\$5,750.00	\$5,750.00	\$5,750.00	\$5,750.00	\$9,000.00	\$9,000.00	\$7,500.00	\$7,500.00	\$8,500.00	\$8,500.00
3	4" Sanitary Sewer Service w/ Cleanout	5	EA	\$1,000.00	\$5,000.00	\$1,005.00	\$5,025.00	\$1,400.00	\$7,000.00	\$2,500.00	\$12,500.00	\$6,500.00	\$32,500.00
4	Sanitary Sewer Point Repair	100	LF	\$71.50	\$7,150.00	\$72.00	\$7,200.00	\$230.00	\$23,000.00	\$150.00	\$15,000.00	\$200.00	\$20,000.00
5	Tree Removal in Easements (all sizes)	1	LS	\$500.00	\$500.00	\$3,400.00	\$3,400.00	\$400.00	\$400.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
6	Post Construction Inspection for Sanitary Sewer	270	LF	\$2.25	\$607.50	\$2.20	\$594.00	\$7.00	\$1,890.00	\$1.86	\$502.20	\$5.00	\$1,350.00
7	Pre-Construction Television Inspection	270	LF	\$3.50	\$945.00	\$3.30	\$891.00	\$8.00	\$2,160.00	\$2.78	\$750.60	\$5.00	\$1,350.00
8	Remove and Replace Existing Chainlink Fence	50	LF	\$22.00	\$1,100.00	\$28.00	\$1,400.00	\$48.00	\$2,400.00	\$100.00	\$5,000.00	\$30.00	\$1,500.00
9	Remove and Replace Existing Wooden Fence	50	LF	\$27.50	\$1,375.00	\$45.00	\$2,250.00	\$48.00	\$2,400.00	\$100.00	\$5,000.00	\$50.00	\$2,500.00

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**BID TABULATION**  
KIMLEY-HORN AND ASSOCIATES, INC.

CHECKED BY: Misty Christian  
Misty Christian, P.E., CFM.

Owner: City of Waxahachie  
Job No.: 061269729  
Project: Colonial Acres Reconstruction  
Date:

				BIDDER 1		BIDDER 2		BIDDER 3		BIDDER 4		BIDDER 5	
				Circle H Contractors, LP P.O. Box 220 Midlothian, TX 76065		Tiseo Paving Company P.O. Box 270040 Dallas, TX 75227-0040		Axis Contracting Inc. P.O. Box 360715 Dallas, TX 75336-0715		J&K Excavation, LLC P.O. Box 886 Italy, TX 76651		FNH Construction, LLC 4099 McEwen Rd, Ste 600 Farmers Branch, TX 75244	
Item No.	Item Description	Quantity	Unit	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
<b>Total Line E- Alternate 5B- Pipe Burst</b>					<b>\$43,690.00</b>		<b>\$46,220.00</b>		<b>\$69,850.00</b>		<b>\$91,253.30</b>		<b>\$119,300.00</b>

<b>Line F- Alternate 6B- Pipe Burst ONLY</b>													
1	6" SDR-21 HDPE Pipe (Pipe Bursting)	600	LF	\$64.50	\$38,700.00	\$61.00	\$36,600.00	\$60.00	\$36,000.00	\$166.87	\$100,002.00	\$180.00	\$108,000.00
2	10" SDR-21 HDPE Pipe (Pipe Bursting)	520	LF	\$61.25	\$42,250.00	\$77.00	\$40,040.00	\$85.00	\$44,200.00	\$150.00	\$78,000.00	\$220.00	\$114,400.00
3	4" Diameter Sanitary Sewer Manhole (all depths)	4	EA	\$6,175.00	\$24,700.00	\$6,160.00	\$24,640.00	\$8,900.00	\$35,600.00	\$7,500.00	\$30,000.00	\$6,500.00	\$26,000.00
4	Sanitary Sewer Point Repair	300	LF	\$71.50	\$21,450.00	\$72.00	\$21,600.00	\$230.00	\$69,000.00	\$150.00	\$45,000.00	\$200.00	\$60,000.00
5	Post Construction Inspection for Sanitary Sewer	1,120	LF	\$2.25	\$2,520.00	\$2.20	\$2,464.00	\$7.00	\$7,840.00	\$1.34	\$1,500.80	\$5.00	\$5,600.00
6	Pre-Construction Television Inspection	200	LF	\$3.50	\$700.00	\$3.30	\$660.00	\$8.00	\$1,600.00	\$12.50	\$2,500.00	\$5.00	\$1,000.00
7	Remove and Replace Existing Chainlink Fence	50	LF	\$22.00	\$1,100.00	\$28.00	\$1,400.00	\$48.00	\$2,400.00	\$100.00	\$5,000.00	\$30.00	\$1,500.00
8	Remove and Replace Existing Wooden Fence	50	LF	\$27.50	\$1,375.00	\$45.00	\$2,250.00	\$48.00	\$2,400.00	\$100.00	\$5,000.00	\$50.00	\$2,500.00
<b>Total Line F- Alternate 6B- Pipe Burst ONLY</b>					<b>\$132,795.00</b>		<b>\$129,654.00</b>		<b>\$211,040.00</b>		<b>\$267,002.80</b>		<b>\$319,000.00</b>

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## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager  
Date: February 15, 2019  
Re: Substandard Structure Ordinance Revision

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On Monday February 18, 2019 an item will appear before City Council to consider amending Chapter 8 (Building) of the City Code of Ordinances by repealing and replacing the Substandard and Inadequate Structures Section of the Code. The City's Substandard and Inadequate Structures Ordinance enables the City to help protect the health, safety and welfare of the community by providing Code Compliance and Building Inspection staff with the ability to deem structures inadequate, either based on their physical integrity or outstanding maintenance related issues. While this ordinance ultimately provides the avenue by which structures may be condemned and demolished, this is a last resort and staff's intention is to seek voluntary compliance to address substandard violations whenever possible.

Specifically the revisions recommended by staff for this ordinance:

- More clearly define what constitutes a substandard structure, enabling Code Compliance and Building Inspection staff to better address violations within the community
- Simplifies the existing ordinance by providing clearer definitions and eliminating repetitive or unnecessary language
- Better outlines the process by which structures are ordered to be demolished

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

Tommy Ludwig

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

AN ORDINANCE AMENDING CHAPTER 8 (BUILDING) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REPEALING AND REPLACING ARTICLE III SUBSTANDARD AND INADEQUATE STRUCTURE SECTION 8.57 INTRODUCTION TO SECTION 8.74 REQUIRING REPAIR, REMOVAL, OR DEMOLITION OF THE BUILDING OR OTHER STRUCTURE; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

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

THAT CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REVISED TO READ AS FOLLOWS:

**Chapter 8 - BUILDING**

**ARTICLE XII. - SUBSTANDARD STRUCTURES**

**Sec. 8-57. - Purpose.**

- (a) The purpose of this article is to protect the health, safety, and welfare of the citizens of the City of Waxahachie by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation. Remedial measures as appropriate are provided for.

**Sec. 8-58. - Definitions.**

In this article:

*Basement* means the part of a building that is wholly or partly below ground level.

*Bathroom* means an enclosed space containing one (1) or more bathtubs, showers, or both, and when may also include toilets, lavatories, or fixtures serving similar purposes.

*Cellar* means a room below ground level in a house, typically used for storing wine or coal.

*Departments* means the Building and Community Services Department designated by the city manager to enforce and administer this article.

*Director* means the director of the Building and Community Services designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

*Dwelling* means a structure or building occupied as a residence.

*Floor space* means the total area of all habitable space.

*Grade* means the natural surface of the ground, or surface ground after completion of any change in contour.

*Habitable space* means the space occupied by one (1) or more persons while living, sleeping, eating, and cooking; excluding kitchenettes, bathrooms, toilet rooms, laundries,



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pantries, dressing rooms, closets, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms.

*Kitchen* means a space, sixty (60) square feet or more in floor area with a minimum width of five (5) feet, used for cooking or preparation of food.

*Kitchenette* means a space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

*Operating condition* means free of leaks, safe, sanitary, and in good working order.

*Owner* means the record title holder according to the Ellis County records.

*Person* means any individual, corporation, organization, partnership, association, or any other legal entity.

*Plumbing fixtures* means gas pipes, water pipes, toilets, laboratories, sinks, laundry tubs, dishwashers, garbage disposal units, clothes washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

*Premises or property* means a lot, plot, or parcel of land, including any structures on the land.

*Property manager* means a person who for compensation has managing control of real property.

*Public nuisance* means a premises or structure that:

- a. Is dangerous to the physical health or safety of an occupant or other person; or
- b. Because of violations of this article, its state of disrepair is such that it could cause injury, damage, harm, or inconvenience to the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities, tastes, and habits living in the community.

*Public sewer* means a sewer operated by a public authority or public utility and available for public use.

*Sanitary* means any condition of good order and cleanliness that precludes the probability of disease transmission.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner.

#### **Sec. 8-59. – Substandard Structures Defined**

- (a) *Generally.* Any building or portion thereof which is determined to be an unsafe building in accordance with the building code, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which

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there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

(b) *Inadequate Sanitation.* Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include but not be limited to the following:

- (1) Lack of or improper water closet, lavatory, bathtub, or shower.
- (2) Lack of or improper kitchen sink in a dwelling unit.
- (3) Lack of hot and cold running water to plumbing fixtures.
- (5) Lack of adequate heating facilities.
- (6) Lack of or improper operation of required ventilating equipment.
- (7) Lack of minimum amounts of natural light and ventilation required by codes.
- (8) Room and space dimensions less than required by codes.
- (9) Lack of required electrical lighting.
- (10) Dampness of habitable rooms.
- (11) Infestation by vermin (insects, rodents, etc.).
- (12) General dilapidation or improper maintenance.
- (13) Lack of or inadequate connection to required sewage disposal system.
- (14) Lack of adequate garbage and rubbish storage and removal facilities.
- (15) Partial destruction or damage by fire unrepaired for more than ninety (90) days.

(c) *Structural Hazards.* Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

- (1) Deteriorated or inadequate foundation;
- (2) Defective or deteriorated flooring or floor supports;
- (3) Flooring or floor supports of insufficient size to carry imposed load with safety;
- (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
- (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
- (8) Fireplaces or chimneys which tilt, bulge, or settle due to defective material or deterioration;
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

- (10) Heating flues and exhausts which tilt, bulge, or settle due to defective material or deterioration.
- (d) *Nuisances.* Buildings or portions thereof in which there exists any nuisance as defined by ordinance are deemed substandard buildings.
- (e) *Hazardous Electrical Wiring.* Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition, or which is not being used in a safe manner shall be considered substandard.
- (f) *Hazardous Plumbing.* Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition, or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.
- (g) *Hazardous Mechanical.* Mechanical equipment which was installed in violation of code requirements in effect at the time of installation, or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.
- (h) *Faulty Weather Protection.* Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include but not be limited to the following:
- (1) Deteriorated, crumbling, or loose plaster.
  - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
  - (3) Defective or lack of weather protection for exterior wall coverings (eg: lack of paint, weathering due to lack of paint or lack of other approved protective covering).
  - (4) Broken, rotted, missing, split or buckled exterior walls, wall coverings, or roof coverings.
- (i) *Fire Hazards.* Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the director, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered a substandard building.
- (j) *Faulty Materials of Construction.* The use of materials of construction except those which are specifically allowed or approved by the building code shall cause a building to be substandard.
- (k) *Hazardous or Insanitary Premises.* The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, rat harborages, stagnant water, combustible materials and similar materials or conditions on premises constitutes a nuisance to be abated as provided by this article.

- (l) *Inadequate Exits.* Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard. Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the director finds that an unsafe condition exists through an improper location of exits, or a lack of an adequate number or width of exit, or when other conditions exist which are dangerous to human life.
- (m) *Inadequate Fire Protection or Firefighting Equipment.* Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the codes of the city, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (n) *Improper occupancy.* All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.

#### **Sec. 8-60. – Notices and Orders of the Director**

- (a) *Commencement of proceedings.* Proceedings to bring a substandard property into compliance shall commence whenever the director has inspected or caused to be inspected any building, and has found and determined one of the following:
- (1) Substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
  - (2) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage, or could be entered or used by children; or
  - (3) Boarded up, fenced, or otherwise secured in any manner if:
    - (A) The building constitutes a danger to the public even though secured from entry; or
    - (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (a)(2) of this section.
- (b) *Issuance of notice.* The director shall issue a notice directed to the record owner of the building. The notice shall contain as applicable:
- (1) The street address and description (legal or other) sufficient for identification of the premises upon which the building is located;

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- (2) A statement that the director has found the building to be substandard, with a brief and concise description of the conditions found to render the building substandard;
  - (3) A statement of the action required to be taken as determined by the director;
  - (4) A requirement that the owner or person in charge of the building or premises secure required permits and commence the required action within fifteen (15) days from the date of such notice and that all work be completed within 90 days, or as the director determines is reasonable;
  - (5) If the director has determined that the building or structure must be vacated, the notice shall contain a requirement that the building be vacated within such time from the date of the notice as determined by the director to be reasonable;
  - (6) A statement advising that, if any required repair or demolition work is not commenced within the time specified, the director will, without further notice, order the building vacated and posted to prevent further occupancy until the work is completed;
  - (7) A statement advising that, if any required repair or demolition work is not commenced or completed within the time specified, proceedings will be commenced to have the building repaired, removed, or demolished and the cost of such assessed as a charge against the land.
- (c) *Service of Notice.* The notice and any amended notice shall be served upon the record owner.
- (d) *Method of Service.* Service of notice shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last tax roll of the city, or as known to the director. If no address of any such person so appears or is known to the director, then a copy of the notice and order shall be published twice within ten (10) consecutive days in a newspaper of general circulation in the city. Failure to receive such notice or order shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner provided in this section shall be deemed effective on the date of mailing. Service by publication shall be deemed effective on the date of the second publication.
- (e) *Order to Vacate.* An order to vacate immediately may be issued only if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants.
- (f) *Posting.* Every notice to vacate shall, in addition to being served as provided in subsection (d), be posted at or upon each exit of the building, and shall be in the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a Misdemeanor to Occupy this Building  
or to Remove or Deface this Notice

Director of Building & Community Services  
City of Waxahachie, TX

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**Sec. 8-61. - Public hearing; order by council**

If the required repair or demolition has not been commenced within fifteen (15) days from the date of any notice served pursuant to this article, or if required action has not been completed within 90 days or as required by such notice, the director shall commence proceedings as follows:

(1) The council shall be notified and requested to consider holding a public hearing to decide whether to order the repair, removal or demolition specified in such notice to be done and whether to cause the cost of such work to be paid and levied as a special assessment against the property.

(2) The City Manager will set a date and time for a public hearing to consider ordering the improvement and assessment of any property the owner has failed to improve as required by notices described in this article. Such public hearing shall be held not less than fifteen (15) nor more than sixty (60) days from the date such hearing is set.

(3) A title search shall be conducted to discover each owner, mortgagee and lienholder, and notice of the public hearing to be held before the council shall be given by causing a notice thereof to be served on the owner of such property and upon each mortgagee and lienholder having an interest in the building or in the property on which the building is located. A diligent search shall be made by searching the following records:

- (i) County real property records;
- (ii) Appraisal district records;
- (iii) Records of the secretary of state;
- (iv) Assumed name records of the county;
- (v) Tax records of the city; and
- (vi) Utility records of the city.

Such notice shall be mailed to such owner, mortgagee and lienholder by certified mail, return receipt requested. The notice shall include the date, time and place of such hearing and shall state that the owner, lienholder or mortgagee will be required to submit proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work together with:

- (i) The name and address of the record owner;
- (ii) The street address of the premises;
- (iii) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (iv) A description of the violation of city standards that is present at the building; and
- (v) A statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.

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(4) After conducting a hearing authorized under this section, if the council finds that the allegations are true, the council shall require the owner, lienholder, or mortgagee of the building to, within thirty (30) days:

- (A) Secure the building from unauthorized entry; or
- (B) Repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within that time frame.

(5) If the council allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the council.

(6) The owner, lienholder, or mortgagee shall not be allowed more than ninety (90) days to repair, remove, demolish the building, or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

- (A) Submits a detailed plan and time schedule for the work at the hearing; and
- (B) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.

(7) If the council allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the owner, lienholder, or mortgagee shall be required to regularly submit progress reports to the city to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the council or its designee to demonstrate compliance with the time schedules.

(8) In a public hearing to determine whether a building complies with the standards set out in this article, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work. The council shall specify a reasonable time for the building to be vacated, secured, repaired, removed or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time for the ordered action to be taken by the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.

(9) The council's requirement shall be reduced to writing and shall be considered an order. Within ten (10) days after the date that the order is issued, the city secretary shall:

- (A) File a copy of the order in the office of the municipal secretary or clerk; and
- (B) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
  - (i) The street address or legal description of the property;
  - (ii) The date of the hearing;
  - (iii) A brief statement indicating the results of the order; and
  - (iv) Instructions stating where a complete copy of the order may be obtained.

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(10) After the hearing, the city secretary shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building and the lienholder and/ or mortgagee.

**Sec. 8-62. - Performance of work by city; recovery of city's costs**

- (a) *Procedure.* If the building is not vacated, secured, repaired, removed, demolished, or the occupants are not relocated within the allotted time pursuant to the provisions of the order of the city council, the work may be accomplished by city personnel or by private contract as may be deemed necessary. Rubble and debris shall be removed from any premises and the lot shall be cleaned. The building or building materials may be sold if removal is ordered, and the proceeds shall be used to offset other costs of cleaning the lot.
- (b) *Costs.* The cost of such work shall be paid from the city funds and shall constitute a special assessment and a lien against such property to secure its payment from the date the lien is recorded in the county clerk's office. Such liens shall be privileged as provided by law. The city attorney may bring an action in any court of proper jurisdiction to foreclose the lien and to recover the costs incurred by the city.

**Sec. 8-63. - Notice of lien**

A sworn account of the expense incurred by the city in the repair, removal or demolition of any building, done pursuant to the provisions of this article, shall be filed by the director with the city secretary. The city secretary shall file such notice of the city's assessment and lien in the records of the county clerk. Such notices shall read substantially as follows:

STATE OF TEXAS  
COUNTY OF ELLIS  
NOTICE OF LIEN

\_\_\_\_\_, Director of Building & Community Services for the City of Waxahachie, makes oath and says that the City of Waxahachie has incurred an expense of \$\_\_\_in improving property, the legal description of which is \_\_\_\_\_. Such expense was incurred to repair, remove or demolish substandard buildings after notices pursuant to ordinance and to Chapter 214, Texas Local Government Code, were served on the record owner thereof, \_\_\_\_\_, whose address is \_\_\_\_\_.

\_\_\_\_\_  
Director of Building & Community Services  
Waxahachie, Texas

SWORN TO AND SUBSCRIBED before me by the said \_\_\_\_\_this \_\_\_\_day of \_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas



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**Sec. 8-64. - Violations; penalty.**

A person who violates a provision of this article, or who fails to perform an act required of him by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued. A violation of this article is punishable by a fine not to exceed two thousand dollars (\$2,000.00) per violation. No person shall remain in or enter any building which has been posted except that entry may be made to repair, demolish or remove such building under substandard building repair permit. No person or animal shall remain in or on the property between 10:00 p.m. and 6:00 a.m. No person shall remove or deface any such notice after it is posted until the required repair, demolition or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the building code. Any person violating this section shall be guilty of a class C misdemeanor, and any person who fails to meet the requirements made in any notice duly served as provided in this article shall be guilty of a misdemeanor for each day such failure continues after the date the notice requires compliance.

**Sec. 8-65-74. Reserved**

**PASS, APPROVED, AND ADOPTED ON THIS THE \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
MAYOR

ATTEST:

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

**CHAPTER 8****ARTICLE III. - SUBSTANDARD AND INADEQUATE STRUCTURES****DIVISION 1. - GENERALLY****Sec. 8-33. - Introduction.**

There exists in the City of Waxahachie, Texas, structures used for human habitation and nonresidential purposes that are substandard in structure and maintenance. Furthermore, inadequate provision for light and air, insufficient protection against fire, lack of proper heating, unsanitary conditions, and overcrowding constitute a menace to the health, safety, welfare, and reasonable comfort of the citizens of the City of Waxahachie. The existence of such conditions will create slum and blighted areas requiring large scale clearance, if not remedied. Furthermore, in the absence of corrective measures, such areas will experience a deterioration of social values, a curtailment of investment and tax revenue, and an impairment of economic values. The establishment and maintenance of minimum structural and environmental standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, and welfare.

(Ord. No. 1805, 3-7-94)

**Sec. 8-34. - Purpose of article.**

(a) The purpose of this article is to protect the health, safety, and welfare of the citizens of the City of Waxahachie by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation. Remedial measures as appropriate are provided for.

(b) This article is found to be remedial and essential to the public interest, and it is intended that this article be liberally construed to effect its purpose. All structures within the city on the effective date of this article, or constructed or altered, thereafter, must comply with the provisions of this article.

(Ord. No. 1805, 3-7-94)

**Sec. 8-35. - Definitions.**

In this article:

- (1) Basement means the portion of a structure that is partly underground and has more than one-half ( $\frac{1}{2}$ ) its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining a structure.
- (2) Bathroom means an enclosed space containing one (1) or more bathtubs, showers, or both, and when may also include toilets, lavatories, or fixtures serving similar purposes.
- (3) Board means the building and standards commission.

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- (4) Cellar means the lowermost portion of a structure partly or totally underground having one-half ( $\frac{1}{2}$ ) or more of its height, measured from clear floor to ceiling, below the average finished grade of adjoining ground.
- (5) Departments means the department designated by the city manager to enforce and administer this article.
- (6) Director means the director of the departments designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.
- (7) Dwelling means a structure or building occupied as a residence.
- (8) Floor space means the total area of all habitable space.
- (9) Grade means the natural surface of the ground, or surface ground after completion of any change in contour.
- (10) Habitable space means the space occupied by one (1) or more persons while living, sleeping, eating, and cooking; excluding kitchenettes, bathrooms, toilet rooms, laundries, pantries, dressing rooms, closets, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms.
- (11) Kitchen means a space, sixty (60) square feet or more in floor area with a minimum width of five (5) feet, used for cooking or preparation of food.
- (12) Kitchenette means a space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.
- (13) Operating condition means free of leaks, safe, sanitary, and in good working order.
- (14) Owner means the record title holder according to the Ellis County records.
- (15) Person means any individual, corporation, organization, partnership, association, or any other legal entity.
- (16) Plumbing fixtures means gas pipes, water pipes, toilets, laboratories, sinks, laundry tubs, dishwashers, garbage disposal units, clotheswashing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.
- (17) Premises or property means a lot, plot, or parcel of land, including any structures on the land.
- (18) Property manager means a person who for compensation has managing control of real property.
- (19) Public nuisance means a premises or structure that:
- a. Is dangerous to the physical health or safety of an occupant or other person; or

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b. Because of violations of this article its state of disrepair is such that it could cause injury, damage, harm, or inconvenience to the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities, tastes, and habits living in the community.

(20) Public sewer means a sewer operated by a public authority or public utility and available for public use.

(21) Sanitary means any condition of good order and cleanliness that precludes the probability of disease transmission.

(22) Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner.

(Ord. No. 1805, 3-7-94)

## **DIVISION 2. - ADMINISTRATION**

### **Sec. 8-36. - Building and standards commission.**

(a) There is created the buildings and standards commission, which shall be composed of five (5) members to be appointed by the city council for a term of two (2) years.

(b) Any member of the commission who has a pecuniary interest relating to any property before the commission shall refrain from any consideration of any matter concerning that property.

(c) The director of environmental health, the fire marshal, and the chief building official or their designees shall serve in an advisory capacity as ex officio members of the commission with nonvoting privileges.

(d) All hearings by the commission must be heard by at least four (4) commission members.

(e) The city council shall appoint up to four (4) alternate commission members who shall serve in the absence of regular members, when requested to do so by the mayor or city manager. The alternate members shall be appointed for two-year terms.

(f) One (1) of the five (5) members shall be elected chair and another vice chair by the commission.

(g) The appointing authority may remove a commission member for cause on a written charge. Before a decision regarding removal of a commission member with an unexpired term is made, the appointing authority must hold a public hearing on the matter if requested by the commission member subject to the removal action.

(h) A vacancy shall be filled for any unexpired term.

(Ord. No. 1805, 3-7-94)

**Sec. 8-37. - Procedure.**

- (a) Meetings of the building and standards commission will be held at the call of the chairman, or in his absence the vice chairman, or the chairman's designated acting chairman, or as the board may determine. The chairman, acting chairman, or the vice chairman may administer oaths and compel the attendance of witnesses.
- (b) The city secretary or his/her designated representative shall act as secretary to the building and standards commission and keep all minutes and records.
- (c) City staff shall present the evidence of the violation to the building standards commission.
- (d) Provide time for presentation of evidence and testimony by respondents relating to alleged violations.
- (e) The concurring vote of four (4) members of the commission is necessary to take any action under this subchapter and any ordinance adopted by the municipality in accordance with this subchapter.
- (f) After a public hearing the decision of the building and standards commission is final as to administrative remedies.
- (g) Once the decision of a hearing has become final under this section, the person affected by an order may appeal the decision to the state district court. Appeal to the district court must be filed within thirty (30) days after the date, after a copy of the final commission order is mailed first class mail, return receipt requested to all persons to whom notice is required to be mailed by this article. Appeal in the district court shall be limited to a hearing under the substantial evidence rule.

(Ord. No. 1805, 3-7-94)

**Sec. 8-38. - Building and standards enforcement official.**

The director, and/or a designated representative, shall serve as the building and standards commission enforcement official of the city. All complaints received by city staff with regard to structures/property alleged to violate provisions of this article shall be directed to the director and/or a designated representative for investigation and recommendation of what action, if any, is necessary to bring the property/structure into compliance with this article. If the city staff is unable to resolve the complaint, they shall bring the complaint to the building and standards commission for action. If a complainant and/or owner of the affected property/structure is dissatisfied with the city staff recommendation, they may appeal directly to the commission by written request.

(Ord. No. 1805, 3-7-94)

**Sec. 8-39. - Investigative powers of director.**

The director, and/or a designated representative, shall have the power to obtain search warrants allowing the inspection of any specified premises to determine the presence of a health hazard or

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unsafe building condition, including but not limited to any structural, property, or utility hazard, or a violation of any health or building regulation, statute, or ordinance.

For the purpose of ascertaining whether violations of this article exist, the director is authorized at a reasonable time to inspect:

- (a) The exterior of a structure and premises which contain no structure;
- (b) The interior of a structure, if the permission of the owner, occupant, or person in control is given;
- (c) The interior of a structure, if the permission of the owner, occupant, or person in control is refused, then by a search warrant.

(Ord. No. 1805, 3-7-94)

### **DIVISION 3. - MINIMUM STANDARDS**

#### **Sec. 8-40. - Minimum standards; responsibilities of owner.**

(a) Property standards. An owner shall:

- (1) Eliminate a hole, excavation, sharp protrusion, and any other object or condition that exists on the land and is capable of causing injury to a person;
- (2) Securely cover or close a well, cesspool, or cistern;
- (3) Provide solid waste receptacles or containers when required by city ordinance;
- (4) Provide drainage to prevent standing water and flooding on the land;
- (5) Remove dead trees and tree limbs that are capable of immediately causing injury to a person or property;
- (6) Keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry.

(b) Structural standards. An owner shall:

- (1) Protect and repair exterior surfaces of a structure which are subject to decay, or which exhibit written language or signs which tend to cause an immediate breach of the peace, by application of paint or other coating;
- (2) Fill hollow, masonry supporting piers, if used, with concrete footings with a five-eighth-inch steel dowel;
- (3) Provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the Waxahachie Building Code;
- (4) Repair holes, cracks, and other defects capable of causing injury to a person on stairs, porches, steps, and balconies;

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(5) Maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a weathertight and watertight condition;

(6) Maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely;

(7) Provide cross-ventilation of not less than one and one-half (1½) square feet for each twenty-five (25) lineal feet of wall in each basement, cellar, and crawl space;

(8) Repair or replace chimney flue and vent attachments that do not function properly;

(9) Repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings; and

(10) Provide and maintain moisture-resistant finish or material of the flooring or subflooring of each bathroom, shower room, and toilet room.

(c) Utility standards. An owner shall:

(1) Provide and maintain in operational condition connections to discharge sewage from a structure or land into a public sewer system where available;

(2) Provide and maintain in operational condition a toilet connected to a water source and to a public sewer, where available, in each structure intended for human habitation;

(3) Provide and maintain in operational condition connections and pipes to supply potable water at adequate pressure to a structure intended for human occupancy;

(4) Provide and maintain in operating condition a device to supply hot water of a minimum temperature of one hundred twenty (120) degrees Fahrenheit within each structure intended for human habitation;

(5) Provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human habitation;

(6) Connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Waxahachie City Ordinance;

(7) Provide and maintain heating equipment in operating condition so that it is capable of maintaining a minimum inside temperature of sixty-eight (68) degrees Fahrenheit from November 1 through April 15 in each room of a structure intended for human occupancy;

(8) If screens are not provided as required in subsection (d)(2), provide and maintain in operating condition, from May 1 through October 15, refrigerated air equipment capable of maintaining a maximum inside temperature that is twenty (20) degrees lower than the outside temperature or eighty-five (85) degrees Fahrenheit, whichever is warmer, in each room of a structure intended for human occupancy;

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(9) Provide and maintain in operating condition supply lines for electrical service to each structure intended for human occupancy;

(10) Connect each heating and cooking device that burns solid fuel to a chimney or flue; and

(11) Provide and maintain in operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures.

(d) Health standards. An owner shall:

(1) Eliminate rodents and vermin in or on the land;

(2) Provide a structure intended for human habitation with a screen for keeping out insects at each opening of the structure if the structure is not cooled with refrigerated air;

(3) Maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage;

(4) Keep the interior of a structure free from insects, rodents, and vermin, except as specified in section 8-41(b) of this article.

(e) It is a defense to prosecution under subsection (a) of this section that the premises concerned is the site of new construction and reasonable and continuous progress is being made to complete the construction.

(f) It is a defense to prosecution under subsection (d)(4) of this section that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act once within the preceding six (6) months.

(g) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:

(1) After being issued a notice for violation of subsection (c)(7) of this section, the owner fails to repair heating equipment within seventy-two (72) hours after receiving such notice and the overnight low temperature, as measured by the National Weather Service at Waxahachie, Texas, is below forty (40) degrees Fahrenheit for three (3) consecutive days after receiving such notice; or

(2) After being issued a notice for violation of subsection (c)(8) of this section, the owner fails to repair refrigerated air equipment within seventy-two (72) hours after receiving such notice and the daytime high temperature, as measured by the National Weather Service at Waxahachie, Texas, is ninety-five (95) degrees Fahrenheit or above for three (3) consecutive days after receiving such notice.

(h) It is a defense to prosecution under subsections (c)(7) and (c)(8) of this section and to the alternative housing requirements of subsection (g) of this section that:



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(1) Failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or

(2) The owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice for a violation of subsection (c)(7) or (c)(8) of this section.

(i) It is a defense to prosecution under subsection (c)(7) of this section and to the alternative housing requirements of subsection (g)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Waxahachie Mechanical Code, as amended, in each room of the structure intended for human occupancy.

(j) It is a defense to prosecution under subsection (c)(8) of this section and to the alternative housing requirement of subsection (g)(2) of this section that the structure is provided with exterior windows and doors that are easily opened to provide air ventilation and covered with screens in compliance with subsection (d)(2) of this section.

(Ord. No. 1805, 3-7-94)

#### **Sec. 8-41. - Responsibilities of occupant.**

(a) An occupant shall:

(1) Maintain those portions of the interior of a structure under his control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, or vermin;

(2) Remove an animal or animals from a structure if the presence of the animal or animals is a health hazard to an occupant or general public;

(3) Connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the Waxahachie Plumbing Code and the Waxahachie Mechanical Code;

(4) Provide solid waste receptacles or containers when required by city ordinance; and

(5) Not alter a structure or its facilities so as to create a violation of this article.

(b) The tenant/occupant of a single-family residential structure shall keep the interior of the structure free from insects, rodents, and vermin if the owner can show that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act:

(1) Within two (2) weeks before the date tenant took occupancy; or

(2) Once within the preceding six (6) months if there has been more than one (1) tenant during the preceding six (6) months.

(Ord. No. 1805, 3-7-94)

**Sec. 8-42. - Retaliation against tenants prohibited.**

(a) A landlord commits an offense if he raises a tenant's rent, diminishes services to a tenant, or attempts eviction of a tenant within six (6) months after:

(1) The tenant files a valid complaint with the director complaining of a violation of this article on property occupied by the tenant; a complaint is considered valid if it results in an action described in paragraph (2), (3), or (4) of this subsection;

(2) The director issues to the landlord or his agent a written notice listing any violation of this article that exists on property occupied by the tenant;

(3) The director issues to the landlord or his agent written notice of a hearing before the building and standards commission concerning any violation of this article that exists on property occupied by the tenant;

(4) Repairs are completed on property occupied by the tenant in compliance with either a written notice issued by the director or a written order issued by the building and standards commission.

(b) It is a defense to prosecution under subsection (a) that:

(1) Rent was increased pursuant to an escalation clause in a written lease which provided for changes in costs of utilities, taxes, and insurance;

(2) Rent was increased, services were reduced, or notices to vacate were issued as part of a pattern of rent increases, service reductions, or evictions for an entire multidwelling project;

(3) The tenant was delinquent in rent when the landlord gave notice to vacate or filed an eviction action;

(4) The tenant was responsible for or caused a violation of this chapter that existed on property occupied by the tenant;

(5) The tenant's written lease fixing the rent, services, or term of occupancy had expired, unless, at the time an action described in subsection (a)(1), (2), (3), or (4) occurred, a violation of this article that was dangerous to the physical health or safety of the tenant or another person existed on property occupied by the tenant;

(6) The tenant holds over after giving notice of termination or intent to vacate;

(7) The tenant holds over after the landlord gives notice of termination at the end of the rental term and, at the time the notice of termination was given, the landlord or his agent had not received actual notice that a valid complaint had been filed with the city complaining of violations of this chapter on property occupied by the tenant;

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(8) Before filing a complaint with the city complaining of a violation of this article on property occupied by the tenant, other than a violation that is dangerous to the physical health or safety of the tenant or another person, the tenant fails to comply with a written lease provision requiring the tenant to:

- a. Notify the landlord or his agent, in writing, of the violation; and
- b. Allow the landlord fifteen (15) days to correct the violation; or

(9) The landlord proves that the rent increase, service reduction, or attempted eviction was for good cause and not for purposes of retaliation against the tenant.

(c) An offense under this section may be prosecuted upon the filing of a written complaint by the tenant with the city attorney.

(Ord. No. 1805, 3-7-94)

#### **DIVISION 4. - COMMISSION HEARINGS AND ORDERS**

##### **Sec. 8-43. - Public nuisance; repair, demolition, receivership, and notice.**

(a) The director shall give notice of a hearing to consider repair, demolition, or receivership of a structure, or the assessment of a civil penalty against the owner, to the owner or owners, lessor, occupant of the structure, and any mortgagee or lienholder of record of the real property concerned. A structure may be considered for repair, demolition, receivership, or a civil penalty if the structure is not maintained in compliance with one (1) or more of the minimum standards of section 8-40, and the structure is a public nuisance.

(b) Notice of all proceedings before the commission must be given:

- (1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the Office of the County Clerk of Ellis County if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the county clerk; and
- (2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(c) The notice shall be mailed and posted on or before the tenth day before the date of the hearing before the commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the municipality on one (1) occasion on or before the tenth day before the date fixed for the hearing.

The commission may file notice of a proceeding in the Official Public Records of Real Property in Ellis County. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the proceeding. The filing of the notice is binding on subsequent grantees,

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lienholder or other transfers of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(d) The building standards commission (the "commission") shall send a notice to an owner of real property for the purpose of enforcing a municipal ordinance and shall include the following statement in the first notice:

"According to the Real Property Records of Ellis County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the twentieth day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not."

In addition, all notices shall contain:

- (1) An identification, which is not required to be a legal description, of the building and property on which it is located;
- (2) A description of the violation of municipal ordinance that is present at the premise; and
- (3) A statement that the municipality will vacate, seize, remove or demolish the structure or relocate the occupants of the structure if the ordered action is not taken within a reasonable time.

(e) After action is ordered by the commission, a notice of the ordered action must be given:

- (1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a record lien against the affected property, as shown by the records in the office of the county clerk in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk; and
- (2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable. An abbreviated copy of the order shall be published one (1) time in a newspaper of general circulation in the municipality within ten (10) calendar days after the date of the mailing of the copy as provided by this subsection, including the street address or legal description of the property; the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained, and a copy shall be filed in the office of the municipal secretary or clerk.

(f) The commission, after hearing evidence has the following powers, including but not limited to:

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- (1) To order the reduction in occupancy load of an overcrowded structure or vacation of a structure that is reasonably dangerous to the health, safety, or welfare of the occupants;
  - (2) To order, the repair of the structure by the owner within a fixed period;
  - (3) To order the demolition of a structure found to be a public nuisance;
  - (4) To order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard structure found to exist;
  - (5) To order that a vacant structure or vacant portion of a structure constituting a dangerous condition or nuisance be securely closed and made safe;
  - (6) To order or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or private contractor. Costs of correction are the responsibility of the owner;
  - (7) To grant appropriate relief when, in the opinion of the building and standards commission, a literal interpretation of this chapter would result in the imposition of an unnecessary or unreasonable hardship;
  - (8) To cause an action to be brought in district court in accordance with section 214.003 of the Texas Local Government Code of the appointment of a receiver for property found to be a public nuisance;
  - (9) To enlist the action of appropriate city officials to enforce and carryout lawful orders or directives of the commission;
  - (10) To determine the amount and duration of the civil penalty the municipality may recover as provided by Texas law;
  - (11) Find that the structure is not a public nuisance and refer the matter to the director for further appropriate action.
- (g) If the owner, mortgagee, or lienholder of the affected property/structure has not taken the action ordered by the commission within the time frame set forth by the commission, the city may complete or contract out the completion of the actions ordered by the building and standards commission. All expenses incurred by the city are to be assessed against the owner of the property/structure.
- (h) The expense of repair or demolition of a structure, when performed by the city or a contractor employed by the city, and any civil penalty assessed against the owner, constitutes a nontransferable lien against the real property on which the structure stands or stood, unless it is a homestead as protected by the Texas Constitution, and the lien runs with the land. The city's lien attaches when notice of the lien is recorded and indexed in the Office of the County Clerk of Ellis County. The notice must contain the name and address of the owner, if reasonably

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determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due. The city's lien for demolition expenses is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the property, if each mortgagee and lienholder is given notice and an opportunity to repair or demolish the structure. The city's lien for repair expenses or civil penalties is inferior to any previously recorded bona fide mortgage lien attached to the real property if the mortgage lien was filed for record in the County Clerk's Office of Ellis County in which the real property is located before the date the civil penalty is assessed or the repair is begun by the city, but is superior to all other previously recorded judgment liens. A lien acquired by the city under this subsection for repair expenses may not be foreclosed if the structure upon which the repairs were made is the residential homestead of a person sixty-five (65) years of age or older and is occupied by that person.

(i) The city may use lawful means to collect repair and demolition costs and civil penalties from an owner. Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten (10) percent a year from the date of the assessment until paid in full. In any judicial proceeding regarding enforcement of city rights under this section, the city is entitled to recover reasonable attorney's fees from the nonprevailing party.

(j) When an order issued under this chapter has been filed in the Deed Records of Ellis County, execution of the order is not affected by a sale or other transfer of the premises. A person acquiring interest in property after an order has been so filed is subject to the requirements of the order. If an order to demolish or repair is timely effected, the director shall, upon request and payment of the cost by the owner, file a notice of compliance in the Deed Records of Ellis County.

(Ord. No. 1805, 3-7-94)

**Sec. 8-44. - Treatment for insects and rodents.**

A structure is ordered demolished by a buildings and standards commission, if the owner fails to obtain certification from a person licensed under the Texas Structural Pest Control Act that:

(a) The structure is free of insects and rodents; or

(b) The structure has been treated within the preceding thirty (30) days to eliminate insect and rodent infestation; the city may obtain the certification and charge the cost as part of the expense of demolition constituting a lien against the real property as provided in section 8-43(h).

(Ord. No. 1805, 3-7-94)

**Sec. 8-45. - Reduction of occupancy load; vacation of structure; relocation of occupants; placing of placard on structure.**

(a) The director shall, by certified mail, return receipt requested, sent to the last known address of the owner, lessor, and occupant of a structure and any mortgagee or lienholder of the real property concerned, give notice of a hearing to consider:

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- (1) Reduction of occupancy load of a structure or portion of a structure that is overcrowded; or
  - (2) Vacation of a structure or portion of a structure that is unsanitary or unsafe and that presents a danger to the health, safety, or welfare of occupants.
- (b) The director may place a placard on a structure or dwelling unit that is unsanitary or unsafe warning of its dangerous condition. A person commits an offense if he:
- (1) Without authority from the director removes or destroys a placard placed by the director;
  - (2) Occupies a vacant structure or dwelling unit on which the director has placed a placard; or
  - (3) As owner of a structure or dwelling unit, authorizes a person to occupy a vacant structure or dwelling unit on which the director has placed a placard.
- (c) A public hearing to consider reduction of occupancy load or vacation of a structure shall be held before the commission at least ten (10) days after receipt of notice by the owner, lessor, occupant, mortgagee, and lienholder, or at least five (5) days after the mail is returned undelivered. The director shall present evidence of the overcrowded or dangerous condition of the structure and the owner, lessor, occupant, mortgagee, and lienholder may present evidence on relevant issues.
- (d) The commission shall order reduction of the occupancy load if it finds the structure or dwelling unit is overcrowded or vacation of a structure or dwelling unit if it finds the structure is dangerous to the health, safety, or welfare of the occupants. The commission may order that the occupants of the structure or dwelling unit be relocated within a reasonable time. Notice of the order to reduce the occupancy load, to vacate, or to relocate shall be given to the occupants and the order shall be filed in the Deed Records of Ellis County.
- (e) Vacation of a structure or relocation of the occupants of a structure may be accomplished by an owner, mortgagee, or lienholder as compliance with this section or by the city.
- (f) The expenses of vacation or relocation of the occupants of a structure, when performed under contract with the city or by city forces, constitutes a lien against the real property on which the structure is located, unless it is a homestead as protected by the Texas Constitution. The city's lien attaches when notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner, if reasonably determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due. If each mortgagee and lienholder is given notice and an opportunity to repair or demolish the structure, the city's lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the property.
- (g) Each occupant of a structure or dwelling unit that has been ordered vacated shall vacate the structure or dwelling unit within a specified time determined by the commission. No person shall

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occupy a structure or dwelling unit that has been ordered vacated. The occupants of a structure or dwelling unit that has been ordered reduced in occupancy load shall reduce the occupancy to the number ordered by the commission within the specified time determined by the commission.

(h) A structure or dwelling unit is overcrowded if the following standards are not met:

(1) Floor space per person. Each structure or dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant and at least one hundred (100) square feet of additional habitable floor space for each additional occupant.

(2) Sleeping space per person. In each structure or dwelling unit of two (2) or more rooms, each room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant.

(3) Special provisions. Children under twelve (12) months of age shall not be considered occupants, and children under twelve (12) years of age shall be considered as one-half ( $\frac{1}{2}$ ) of one (1) occupant for purposes of subparagraphs (h)(1) and (2).

(4) Ceiling height. For purposes of subparagraphs (h)(1) and (2), a room of a structure must have a ceiling height of at least seven (7) feet to be considered habitable space.

(i) The city shall bear no responsibility for any displaced person.

(Ord. No. 1805, 3-7-94)

#### **Sec. 8-46. - Closure of a structure.**

(a) The director shall by certified mail, return receipt requested, sent to the last known address of the owner of a structure that is open and vacant or a portion of which is open and vacant and any mortgagee or lienholder of record of the real property concerned, give notice of a hearing to consider closure of the structure. If notice sent to an owner, mortgagee, or lienholder is returned undelivered, the director shall give notice by publication once in the official newspaper of the city. A vacant structure or vacant portion of a structure is open if a door, window, or other opening is not securely closed to prevent unauthorized entry, and the structure is left unattended.

(b) A public hearing to consider closure of a structure or portion of a structure shall be before the commission at least ten (10) days after receipt of notice by the owner, mortgagee, or lienholder or at least five (5) days after the publication date. The director shall present evidence of the need to close a vacant and open structure or portion of a structure and the owner may present evidence on relevant issues.

(c) The commission shall order closure of a structure if it finds the structure or a portion of the structure to be open and potentially dangerous to the health, safety, or welfare of the public.

(d) If the owner, mortgagee, or lienholder appears at the hearing, the commission shall give each a reasonable and specified period of time to accomplish closure of a structure, but if closure is



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not accomplished in compliance with the order or if the owner, mortgagee, or lienholder does not appear at the hearing, the commission may cause closure. The expense of closure, when performed under city contract or by city forces, constitutes a lien against the real property on which the structure is located, unless it is a homestead as protected by the Texas Constitution. The city's lien attaches when notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner, if reasonably determinable, a legal description of the real property, the amount of expenses incurred by the city, and the balance due. If each mortgagee and lienholder is given notice and an opportunity to repair or demolish the structure, the city's lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the property. The city may use lawful means to collect closure costs from an owner.

(e) The director may place a placard on an open and vacant structure or portion of a structure warning of its dangerous condition:

(1) No person without authority from the director shall remove a placard placed by the director.

(2) No person shall occupy an open and vacant structure on which a placard has been placed. A person who begins occupying a structure or portion of a structure after the director places a placard on the structure warning of its dangerous condition is also subject to the restrictions of section 8-45(i).

(Ord. No. 1805, 3-7-94)

## **DIVISION 5. - PENALTIES FOR NONCOMPLIANCE**

### **Sec. 8-47. - Violations; penalty.**

A person who violates a provision of this article, or who fails to perform an act required of him by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued. A violation of this article is punishable by a fine not to exceed two thousand dollars (\$2,000.00) per violation.

(Ord. No. 1805, 3-7-94)

### **Sec. 8-48. - Donation of noncomplying property to a nonprofit corporation.**

(a) A judge of the municipal court may dismiss one (1) or more citations of a property owner who is charged with violating this article, if the property owner:

(1) Brings the property, for which the notices have been issued, into compliance with this article within a specific time period ordered by the municipal judge; or

(2) Donates the property, for which the notices have been issued, to a nonprofit corporation selected by the city.

(b) The building and standards commission may waive a civil penalty or part of a civil penalty or part of a civil penalty assessed against a property owner pursuant to section 8-47 of this article if

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the property owner donates the property, for which the civil penalty has been assessed, to a nonprofit corporation selected by the city.

(c) The city is authorized to contract with a nonprofit corporation for the acceptance of property donated pursuant to subsection (a)(2) or (b) of this section. The terms of the contract must provide that the nonprofit corporation will:

(1) Within ninety (90) days from the date of acceptance of the donated property, bring the property into compliance with this article, including, but not limited to, providing all necessary cleanup, maintenance, repairs, and alterations; and

(2) Within one hundred twenty (120) days from the date of acceptance of the donated property, sell the property directly to an occupant owner or rent the property directly to an occupant tenant.

(Ord. No. 1805, 3-7-94)

## **DIVISION 6. - EMERGENCY PROCEDURES**

### **Sec. 8-49. - Conditions, regulations and procedures for vacation, repair or demolition of substandard building or structure.**

Substandard buildings or structures may be ordered to be and shall be vacated, repaired, or demolished, under the following conditions, regulations and procedures:

(a) Emergency procedures. When a building or structure in the City of Waxahachie is a substandard building under the terms of this article, and if such building or structure or the manner of its use constitutes an immediate and/or serious danger to life and property, that condition shall be deemed justification for securing the consent and approval of the city manager or his designee to order any of the following emergency measures:

(1) a. Immediate vacating of such building, structure and/or adjoining buildings or structures;

b. Vacating of the danger area around such building or structures;

c. Such emergency shoring up and bracing of walls, roofs and support as are required to render such building and structure safe;

d. The destruction of such walls, roofs, and supports of the entire structure or so much thereof as cannot be braced or made secure with safety; or

e. Post notices on or near such buildings or structures notifying the public of such orders and ordering all persons to keep out of such building, buildings, structure or structures, and the areas surrounding it or them.

(2) When any of the above mentioned measures are ordered to be taken, notice of such orders shall be given as follows:

(21)

a. Such orders shall be directed to the owner of such substandard building or structure, or his authorized representative, if the same shall be known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service to the owner of the building or structure or his said representative.

b. In the event that such notification would create such a delay as would materially increase the danger of life or property, then such notice shall be waived.

(3) In the event that such notification is waived or such notice is given and the owner shall refuse or fail to satisfactorily carry out such orders in a timely manner, then, in either such event, the building standards commission, upon approval of the city manager or his designee, may proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property so repaired and/or demolished.

[(b) Reserved. ]

(Ord. No. 1805, 3-7-94)

**Sec. 8-50. - Requiring repair, removal, or demolition of building or other structure.**

(a) The city council of the City of Waxahachie may find that a building, bulkhead or other measure of shoreline protection, fence, shed, awning, or other structure, or part of a structure, is likely to endanger persons or property.

Upon such a finding the city council may:

(1) Order the owner of the structure, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or part of the structure, within a specified time; or

(2) Repair, remove, or demolish the structure, or part of the structure, at the expense of the city, on behalf of the owner of the structure or owner of the property on which the structure is located, and assess the repair, removal, or demolition expenses on the property on which the structure was located.

(b) The repair, removal, or demolition expenses incurred under subsection (a)(2) above shall be assessed against the owner of the structure and/or against the owner of the property on which the structure is located. The city shall cause a lien against the structure and/or against the property on which the structure is located to be filed with the county clerk, secretary of state, or other appropriate place where liens are to be recorded. Notice of this assessment shall be given to the owner of the structure and the owner of the property on which the structure is located and to any lienholders for the property by certified mail return receipt requested at the last known address of the owners and/or lienholders. The city may also undertake any other legally necessary step to recover the expenses assessed.

(21)

(c) The city council may punish by a fine not to exceed two thousand dollars (\$2,000.00) a day, confinement in jail, or both a person who does not comply with an order issued under subsection (a)(1) above.

(Ord. No. 2209, 10-24-03)

**Sec. 8-51. - Reserved.**



## Memorandum

To: Honorable Mayor and City Council  
From: Wade G. Goolsby, Chief of Police  
Thru: Michael Scott, City Manager  
Date: February 5, 2019  
Re: Sex Offender Ordinance

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The City of Waxahachie currently has approximately seventy five (75) registered sex offenders living within the city limits. By State law, each offender must register with the city when they move into the city and then at specified intervals. Recently, I was made aware of the fact that the City of Waxahachie does not currently have an ordinance related to residency requirements for sex offenders. Upon checking into area cities that have sex offender residency ordinances, I found that Midlothian, Ennis, DeSoto, Duncanville and Red Oak all have these ordinances. By not having any residency restrictions on sex offenders, we may be making Waxahachie a more inviting place for these offenders to live.

This proposed ordinance is not intended to prevent sex offenders from living in our city, but it is a common sense approach to providing some level of restriction with regard to the proximity of the offender to children. Not only does the ordinance put us in line with surrounding cities, it provides an added layer of safety for children within our community.

The proposed ordinance would restrict sex offenders from being able to reside within 1000 feet of a child safety zone. The term includes public or private schools, public

(22)

playgrounds, public or private youth centers, a video arcade facility, a public swimming pool, or any other facility that regularly holds event primarily for children.

There are several exceptions defined in the proposed ordinance.

- (1) The person established the permanent or temporary residence and has complied with all of the sex offender registration laws of the state, prior to the date of the adoption of this article;
- (2) The person was a minor when he or she committed the offense and was not convicted as an adult;
- (3) The person is a minor or a ward under guardianship;
- (4) The child safety zone within 1,000 feet of the person's permanent or temporary residence became a child safety zone after the person established the permanent or temporary residence and complied with all sex offender registration laws of the state;
- (5) The person proves that the information on the database is incorrect, and that if corrected, this article would not apply to the person;
- (6) The person has been exempted by a court order from registration as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure; or
- (7) The person has had the offense, for which registration as a sex offender was required, reversed on appeal, or pardoned.

The Waxahachie Police Department will maintain a map to illustrate restricted areas of residency and it will be reviewed annually to determine if updates are needed.

The proposed ordinance has been reviewed by the City Attorney and by the City Manager.

I respectfully request approval of the proposed ordinance.

(22)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADDING ARTICLE XV, "REGISTERED SEX OFFENDERS," TO CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE WAXAHACHIE CODE OF ORDINANCES; PROHIBITING REGISTERED SEX OFFENDERS FROM RESIDING OR GOING IN, ON, OR WITHIN 1,000 FEET OF A CHILD SAFETY ZONE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("City Council") has determined that sex offenders pose a legitimate and serious threat to the public health, safety and welfare of the City of Waxahachie, Texas ("City"), and its children; and

WHEREAS, the City has the authority and deems it necessary to adopt rules for safeguarding the public health, safety and welfare, and further finds that the adoption of this Ordinance best serves the public health, safety and welfare of the City and its children by enacting reasonable restrictions on the locations where registered sex offenders can reside within the City; and

WHEREAS, the City Council has determined that the dangers of child sex offenses and the costs to society imposed by them are devastating and detrimental to public health, safety and welfare of the City; and

WHEREAS, it is the intent of this Ordinance to meet the City's compelling interest to promote, protect, and improve the public health, safety and welfare of the City.

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

**SECTION 1.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.** That Article XV, "Registered Sex Offenders," is hereby added to Chapter 21, "Offenses and Miscellaneous Provisions," of the Waxahachie Code of Ordinances, to read as follows:

**"ARTICLE XV. – REGISTERED SEX OFFENDERS**

**Sec. 21-226. REGISTERED SEX OFFENDERS.**

(a) **Definitions.**

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For the purposes of this article, the following terms, words, and the derivations thereof shall have the meanings given herein.

- (1) Child safety zone – Premises where children commonly gather. The term includes a school, day-care center, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 552.241 of the Texas Insurance Code.
- (2) City – The City of Waxahachie, Texas.
- (3) Database – The designated repository of sex offender registration information within the State of Texas maintained by the Texas Department of Public Safety.
- (4) Minor – A person younger than eighteen (18) years of age.
- (5) Permanent residence – A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.
- (6) Playground – Any outdoor facility that is not on the premises of a school and that:
  - (i) is intended for recreation;
  - (ii) is open to the public; and
  - (iii) contains any type of sports fields or two or more separate apparatus intended for the recreation of children, such as slides, swing sets, and teeterboards.
- (7) Premises – Real property and all buildings and appurtenances pertaining to the real property.
- (8) Registered sex offender – An individual who is required to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure.
- (9) School – A private or public elementary or secondary school or a day-care center, as defined by Section 42.002 of the Texas Human Resources Code.
- (10) Temporary residence – A place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.
- (11) Youth center – Any recreational facility or gymnasium that:



- (i) is intended primarily for use by minors; and
- (ii) regularly provides athletic, civic, or cultural activities.

(b) **Offenses**

- (1) It shall be unlawful for a registered sex offender to establish a permanent residence or a temporary residence within 1,000 feet of any child safety zone in the city.
- (2) It shall be unlawful for a registered sex offender to go in, on, or within 1,000 feet of a child safety zone in the city.

(c) **Evidentiary Matters, Measurements**

- (1) It shall be prima facie evidence that this article applies to a person that is a registered sex offender, as defined in this article.
- (2) For purposes of determining the minimum distance separation, the 1,000-foot requirement shall be measured by following a straight line from the outer property lot line of the permanent or temporary residence to the nearest property lot line of the child safety zone, or in the case of multiple residences on one property, measuring from the nearest property lot line of the property where the multiple residences are situated to the nearest property lot line of the child safety zone.
- (3) A map depicting the prohibited areas shall be maintained by the city. The map will be made available to the public for inspection at the Waxahachie Police Department. The city shall review the map at least annually for changes, but the map shall be for general information purposes only. Actual compliance with this article shall be determined by measurements taken in accordance with this article.

(d) **Culpable Mental State Not Required**

Neither allegation nor evidence of a culpable mental state is required to be alleged or proven as an element of an offense under this article, and any offense shall be considered a strict liability offense.

(e) **Property Owners Prohibited from Renting Real Property to Sexual Offenders**

- (1) It shall be unlawful for the owner, lessee, or occupant (collectively, the “lessor”) of any place, residence, structure, or dwelling in the city, to rent or lease the same, or any part thereof, to a registered sex offender, with the knowledge that it will be used as a permanent residence or temporary residence by such person, if such place, residence, structure, or dwelling is located within 1,000 feet of a child safety zone, as determined in accordance with this article.

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- (2) The lessor, as described herein, shall be deemed to have knowledge that such person is a registered sex offender if the person's information appears on the database.

(f) **Affirmative Defense**

It is an affirmative defense to prosecution of an offense under this article that the registered sex offender was in, on, or within 1,000 feet of a child safety zone in the city for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

(g) **Exceptions**

Nothing in this article shall be interpreted to modify or reduce the state's child safety ban. A registered sex offender residing within 1,000 feet of a child safety zone will not be in violation of this article if:

- (1) The person established the permanent or temporary residence and has complied with all of the sex offender registration laws of the state, prior to the date of the adoption of this article;
- (2) The person was a minor when he or she committed the offense and was not convicted as an adult;
- (3) The person is a minor or a ward under guardianship;
- (4) The child safety zone within 1,000 feet of the person's permanent or temporary residence became a child safety zone after the person established the permanent or temporary residence and complied with all sex offender registration laws of the state;
- (5) The person proves that the information on the database is incorrect, and that if corrected, this article would not apply to the person;
- (6) The person has been exempted by a court order from registration as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure; or
- (7) The person has had the offense, for which registration as a sex offender was required, reversed on appeal, or pardoned.

(h) **Exemptions**

- (1) A registered sex offender who established residency in a residence located within 1,000 feet of a child safety zone before the adoption of this article shall be exempt from this article; provided, however, this exemption shall apply only to:
  - (i) areas necessary for the registered sex offender to have access to and live in the residence; and

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- (ii) the period the registered sex offender maintains residency in the residence.
- (2) A registered sex offender may apply for an exemption from the requirements of this article by filing an application with the Waxahachie Police Department. The Chief of Police may grant an exemption if:
  - (i) the exemption is not contrary to the public interest or to the public health, safety, or welfare of the city;
  - (ii) the exemption will not increase the burden on the city's staff or resources;
  - (iii) the exemption fits within the spirit of this article; and
  - (iv) the application of the requirements of this article on the applicant would create an unnecessary or undue hardship.
- (3) The Chief of Police shall send the applicant written notice of the decision to grant or deny an exemption, and if denied, a statement regarding the applicant's right to appeal the decision.
- (4) Any person who is denied an exemption under this article may appeal the decision to the City Council. Any request for an appeal must be submitted to the City Secretary within ten days of the date that the notice of denial is sent by the Chief of Police.

(i) **Penalties**

- (1) Any person, firm, corporation or other entity that violates any provision of this article shall be deemed guilty of a Class C misdemeanor, and upon conviction, shall be fined not more than \$500.00 for each offense. Each day that a violation is committed, continued, or permitted shall constitute a separate offense.
- (2) Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article, and to seek remedies as allowed by law, including, but not limited to the following:
  - (i) if the City Council determines that a violation of this article poses a threat to the public safety, injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
  - (ii) except as may otherwise be provided herein, a civil penalty up to one hundred dollars (\$100.00) per day when it is shown that the person was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take corrective action necessary for compliance with this article; and

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(iii) any other relief available by law.

- (3) The city shall not be required to give bond as a condition to the issuance of injunctive relief.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance or of the Waxahachie Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of this Ordinance or the Waxahachie Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** This Ordinance shall be cumulative of all provisions of the City except where the provisions of this Ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed.

**SECTION 5.** A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**The City of Waxahachie, Texas**

\_\_\_\_\_  
Kevin Strength, Mayor

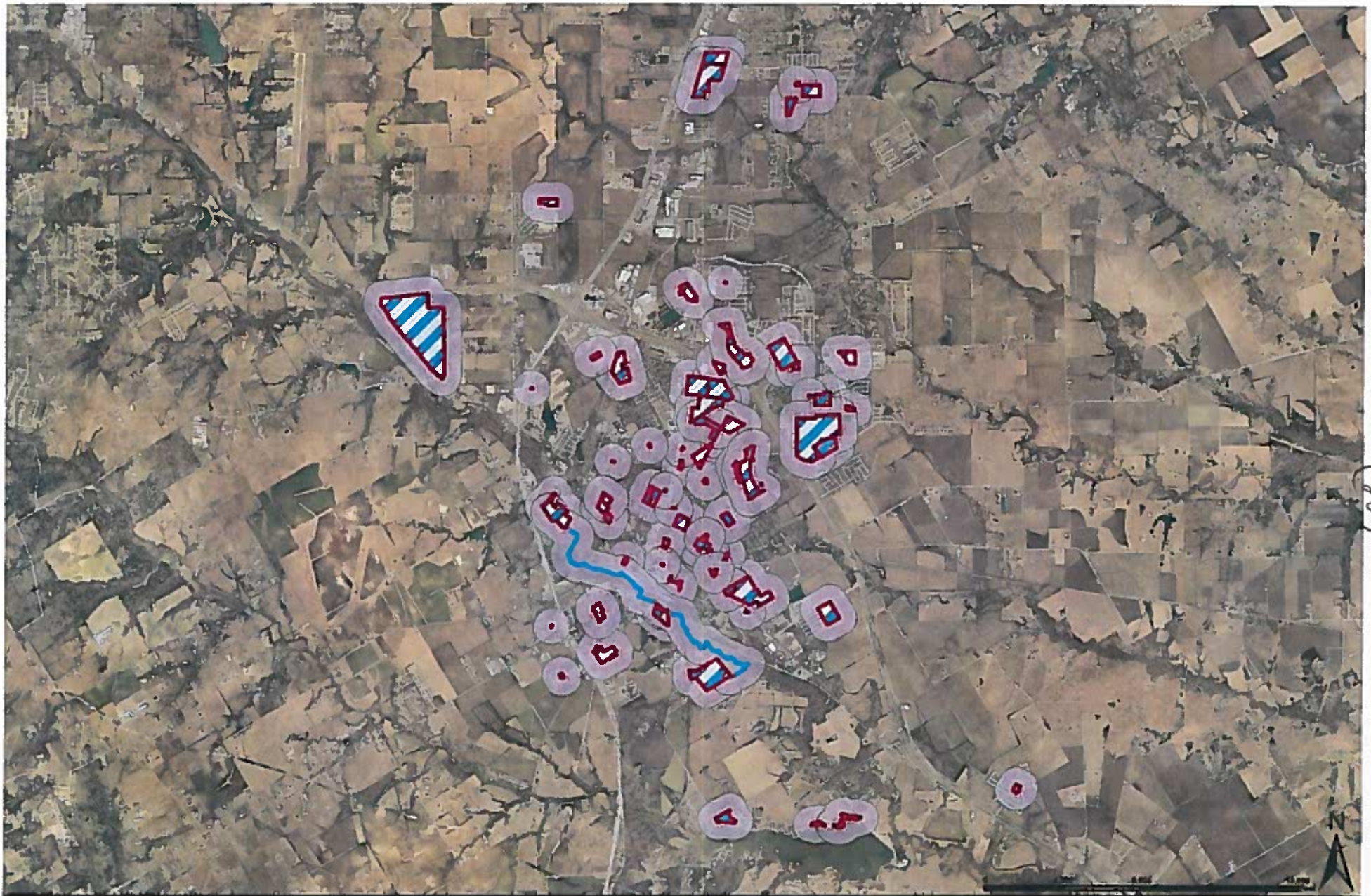
ATTEST:

\_\_\_\_\_  
Lori Cartwright, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Brown, City Attorney





## Schools, Daycares, Parks

### City of Waxahachie

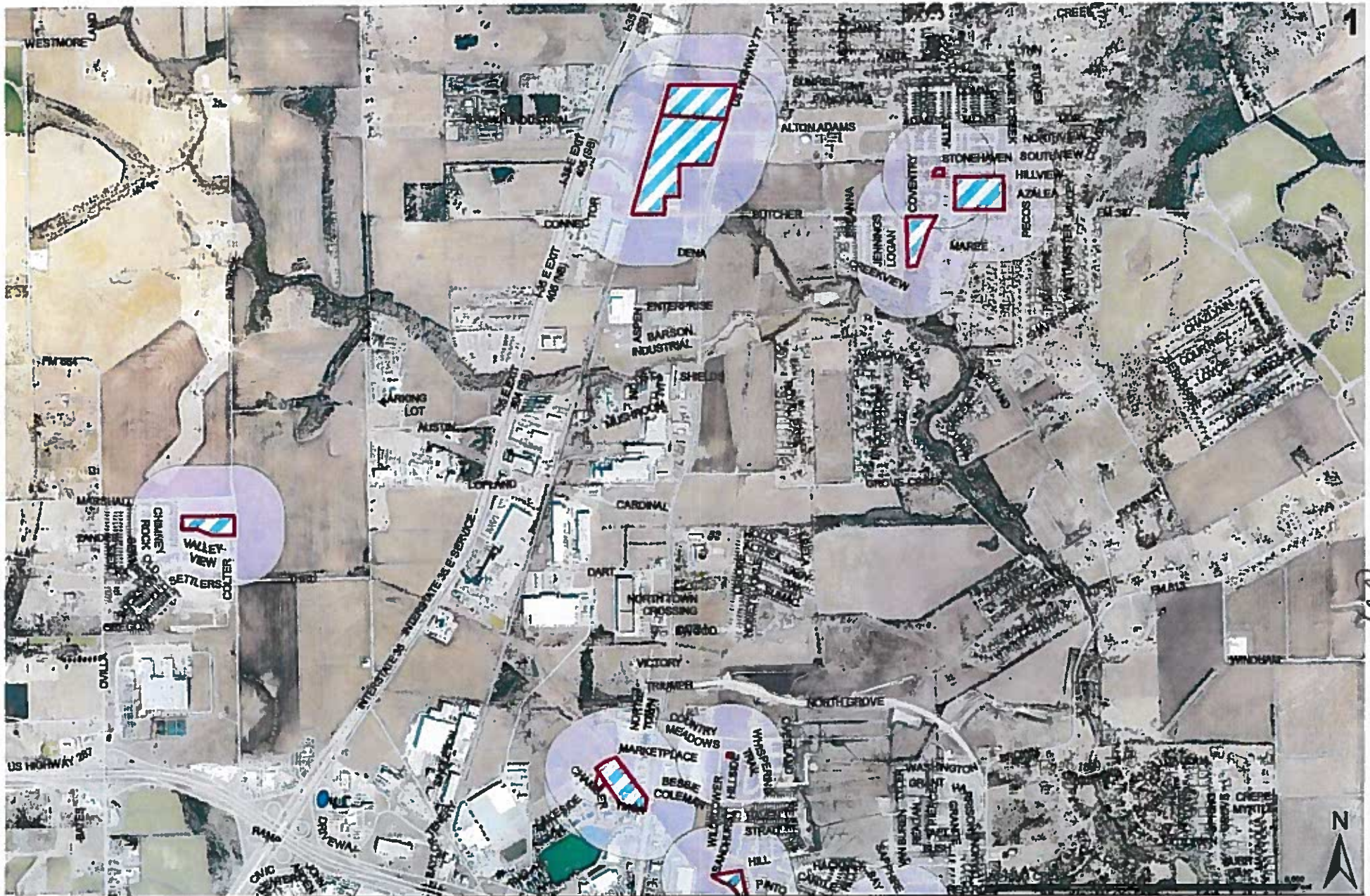
### 1,000-Foot Buffer Map

#### Legend

-  School, Daycare, Parks
-  Waxahachie Trail
-  1000-Foot Buffer

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.





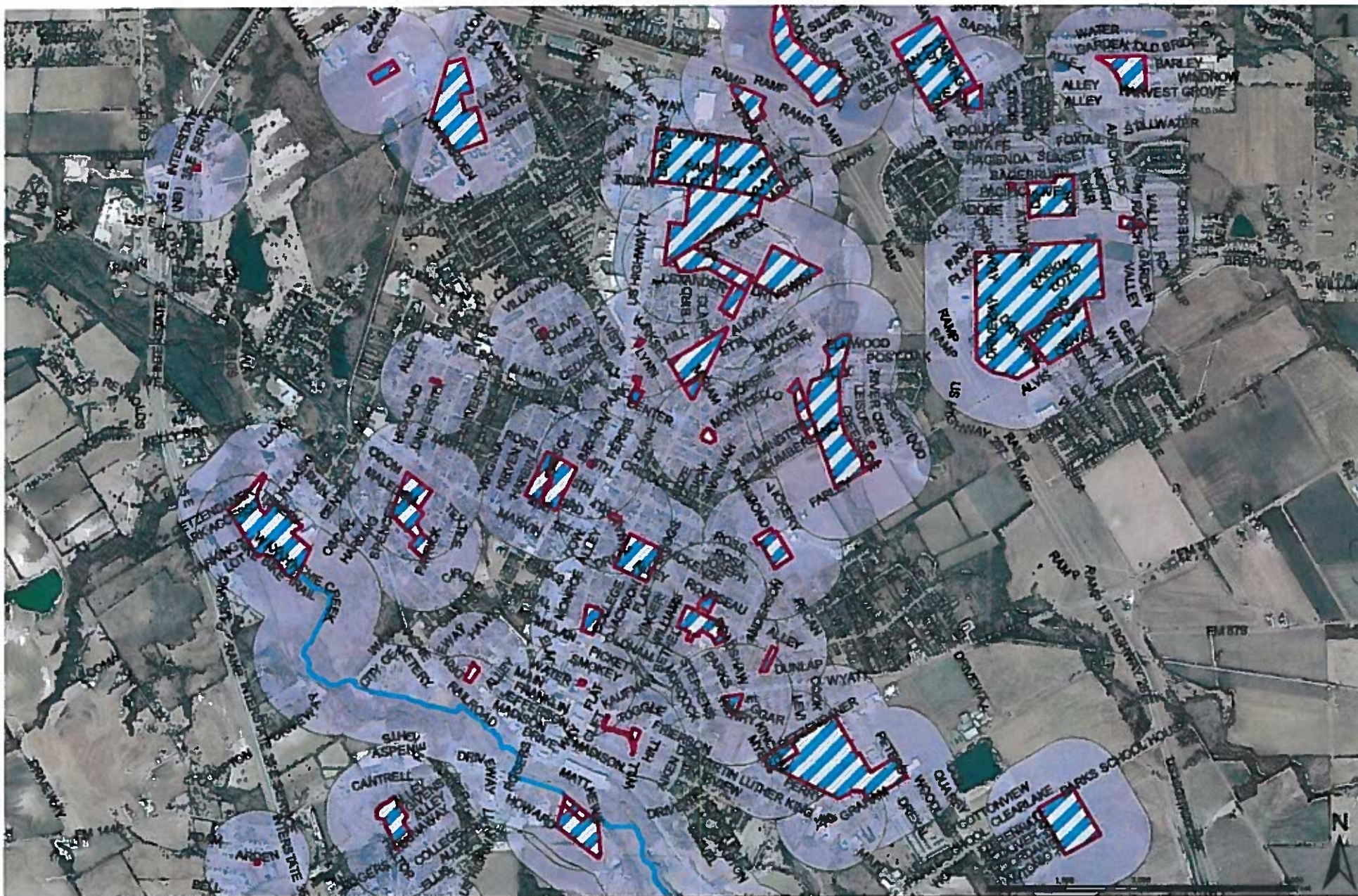
## School, Park, Daycare North Waxahachie 1,000-Foot Buffer Map

### Legend

-  School, Daycare, Park Location
-  1000-Foot Buffer

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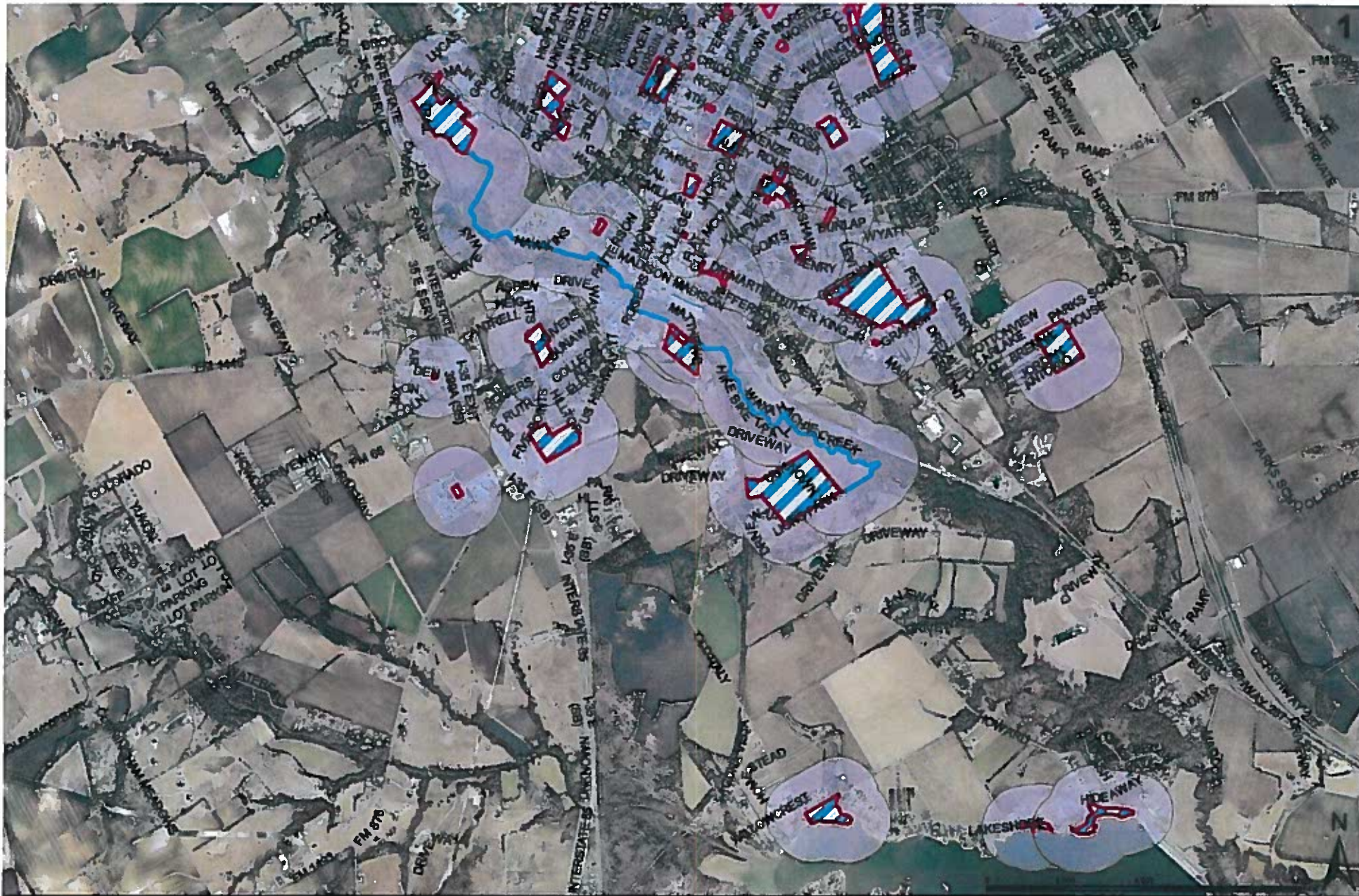
# **Schools, Daycares, Parks** **Central Waxahachie** **1,000-Foot Buffer Map**

## **Legend**

- School, Daycare, Parks
- Waxahachie Trail
- 1000-Foot Buffer

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.





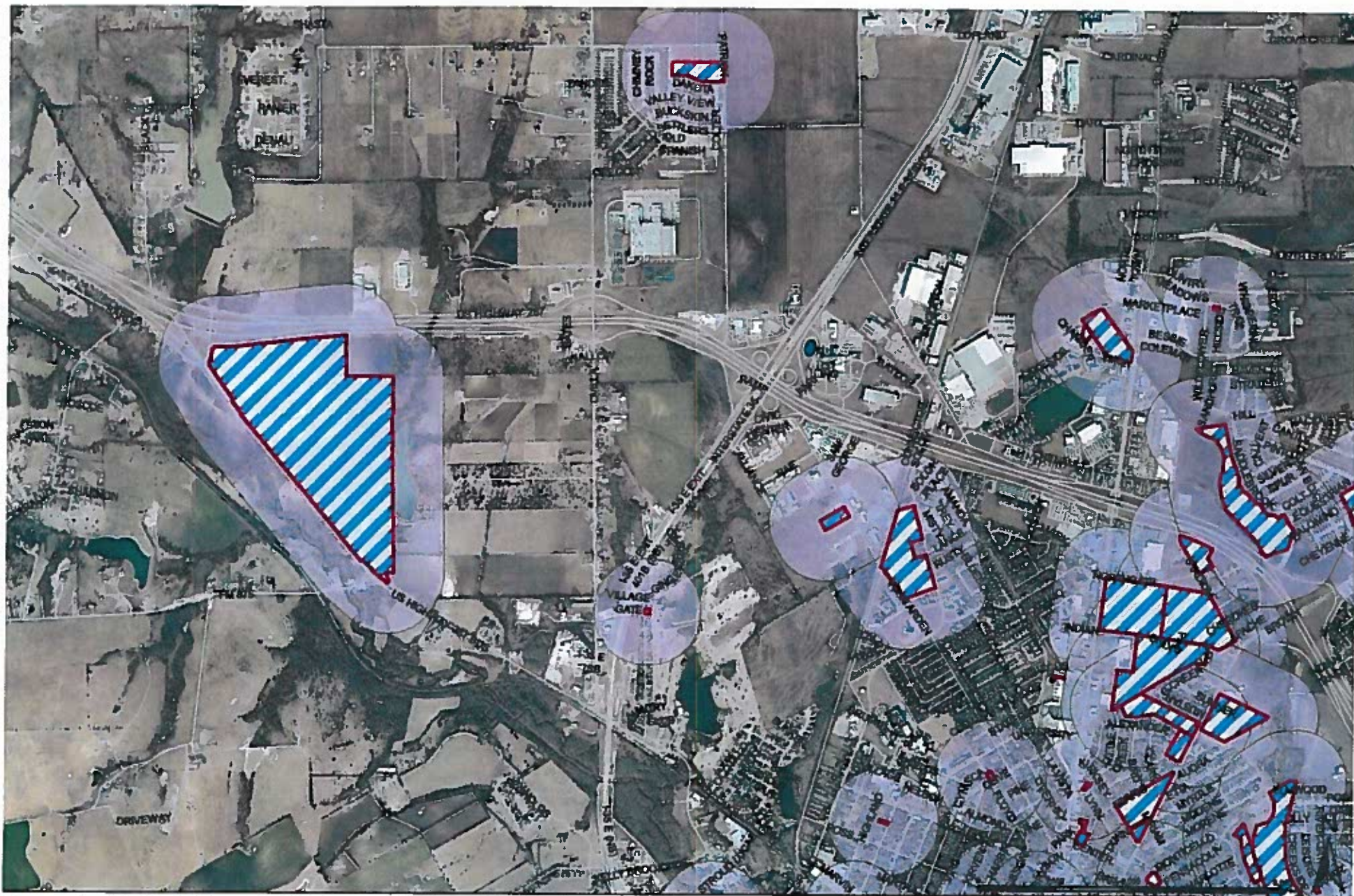
# **Schools, Daycares, Parks** **South Waxahachie** **1,000-Foot Buffer Map**

## **Legend**

- School, Daycare, Parks
- Waxahachie Trail
- 1000-Foot Buffer

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## School, Park, Daycare West Waxahachie 1,000-Foot Buffer Map

### Legend

-  School, Daycare, Park Location
-  1000-Foot Buffer

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.



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## Memorandum

To: Honorable Mayor and City Council

From: Wade G. Goolsby, Chief of Police

Thru: Michael Scott, City Manager

Date: February 5, 2019

Re: Ordinance Revision – Repeal of 32-7. – Same-Protective headgear required.

---

The purpose of this memo is to request consideration from the City Council for the amendment of Chapter 32 of the Code of Ordinances with the repeal of Article 1, Sec. 32-7. In the Code of Ordinances, Chapter 32, Article 1; Sec. 32-7 addresses the wearing of protective headgear while riding a motorcycle.

Chapter 32 Article 1; Sec 32-7 states the following:

***Sec. 32-7. - Same—Protective headgear required.***

- (a) *It shall be unlawful for any person to operate a motorcycle upon the streets of the city unless such person shall wear protective headgear which has been approved by the state department of public safety. It shall also be unlawful for any person to carry a passenger, or for a passenger to be carried, upon a motorcycle unless such passenger shall also wear such protective headgear.*
- (b) *Any person who may be guilty of violating the provisions of this section may be punished by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00).*

It was recently pointed out that the above ordinance does not accurately reflect the various components of State law and is therefore in conflict with State law. The

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duplication of State law in a city ordinance creates several issues. First, State law supersedes a city ordinance thus making the city ordinance invalid. By retaining the city ordinance, the issuance of citations based on city ordinance instead State law becomes a possibility and would be invalid. In light of these issues, it is my recommendation that we repeal City Ordinance Chapter 32 Article 1; Sec 32-7 and reserve that ordinance number for future use.

We will utilize the State law for enforcement purposes related to helmet usage.

The corresponding State law is provided in part, below.

(Texas Transportation Code) which states in part:

**Sec. 661.003. OFFENSES RELATING TO NOT WEARING PROTECTIVE HEADGEAR.**

*(a) A person commits an offense if the person:*

- (1) operates or rides as a passenger on a motorcycle on a public street or highway; and*
- (2) is not wearing protective headgear that meets safety standards adopted by the department.*

*(b) A person commits an offense if the person carries on a motorcycle on a public street or highway a passenger who is not wearing protective headgear that meets safety standards adopted by the department.*

*(c) It is an exception to the application of Subsection (a) or (b) that at the time the offense was committed, the person required to wear protective headgear was at least 21 years old and had successfully completed a motorcycle operator training and safety course under Chapter 662 or was covered by a health insurance plan providing the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle. A peace officer may not arrest a person or issue a citation to a person for a violation of Subsection (a) or (b) if the person required to wear protective headgear is at least 21 years of age and presents evidence sufficient to show that the person required to wear protective headgear has successfully completed a motorcycle operator training and safety course or is covered by a health insurance plan as described by this subsection.*

I respectfully request the amendment of City Ordinance Chapter 32, Article 1, to repeal and reserve Sec 32-7, "Same—Protective headgear required."

Staff is available at your convenience should you need any further information.

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

**AN ORDINANCE AMENDING CHAPTER 32 (TRAFFIC) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REPEALING SECTION 32-7 SAME - PROTECTIVE HEADGEAR REQUIRED; AND SETTING AN EFFECTIVE DATE OF FEBRUARY 18, 2019.**

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

THAT CHAPTER 32, SECTION 32-7, SAME - PROTECTIVE HEADGEAR REQUIRED, OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REPEALED AND REVISED TO READ AS FOLLOWS:

**Chapter 32 – TRAFFIC**

**ARTICLE 1. - GENERAL**

**Sec. 32-7 - RESERVED**

**PASS, APPROVED, AND ADOPTED ON THIS THE 18th day of February, 2019.**

\_\_\_\_\_  
MAYOR

ATTEST:

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



## Memorandum

To: Honorable Mayor and City Council  
From: Gumaro Martinez, Assistant Director of Parks & Recreation *G.M.*  
Thru: Michael Scott, City Manager *[Signature]*  
Date: February 14, 2019  
Re: Quote for services and agreement authorization with Musco Sports Lighting, LLC for the purchase and installation of athletic field lighting at Lee Penn Park

---

**Item Description:** Consider approving a quote for services and authorizing an agreement with Musco Sports Lighting, LLC for the purchase and installation of lighting for the baseball field at Lee Penn Park.

**Item Summary:** City Council has authorized and approved major renovations and improvements at Lee Penn Park. As part of these renovations, replacing the non-functioning baseball field lighting is integral in developing the field into a place for youth to play and practice. City staff has obtained a quote from Musco Sports Lighting, LLC through the BuyBoard purchasing cooperative, for a total cost of \$109,500. The ability to utilize BuyBoard for this portion of the renovations will help expedite the project and allow the City to take advantage of potential cost savings.

**Fiscal Impact:** As with many other portions of the Lee Penn Park project funding would come from the available balance of the 2016 CO WDCDC Park Improvement Bonds. The available balance has sufficient funds to absorb the additional expenditure.

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## Quote

**Project: Lee Penn Park Softball Field**

**Waxahachie, TX**

**Ref: 196850**

**Date: February 7, 2019**

**BuyBoard**

**Master Project: 146396, Contract Number: 512-16, Expiration: 09/30/2019**

**Commodity: Parks and Recreation Equipment and Field Lighting Products and Installation**

### **Quotation Price – Materials Delivered to Job Site and Installation**

**Softball Field Lighting - ..... \$ 109,500**

*Sales tax (if applicable) is not included.*

*Pricing furnished is effective for 60 days unless otherwise noted and is considered confidential.*

### **Light-Structure System with Total Light Control – TLC for LED™ technology**

#### **Guaranteed Lighting Performance**

- Guaranteed light levels of 50 foot-candles infield and 30 foot-candles outfield. Uniformity of 2.0:1.0 infield and 2.5:1.0 outfield.
- BallTracker™ technology – targeted light, optimizing visibility of the ball in play with no glare in the players typical line-of-sight

#### **Light-Structure System**

- (4) Pre-cast concrete bases with integrated lightning grounding
- (4) 60' Galvanized steel poles
- Factory wired and tested remote electrical component enclosures
- Pole length, factory assembled wire harnesses
- Factory wired poletop luminaire assemblies
- (16) Factory aimed and assembled luminaries, including BallTracker™ luminaires
- UL Listed as a complete system

#### **Control Systems and Services**

- Control -Link® system with contactors for remote on/off control and performance monitoring with 24/7 customer support

#### **Operation and Warranty Services**

- Reduction of energy and maintenance costs by 50% to 85% over typical 1500W metal halide equipment
- Product assurance and warranty program that covers materials and onsite labor, eliminating 100% of your maintenance costs for 25 years
- Support from Musco's Lighting Services Team – over 170 Team members dedicated to operating and maintaining your lighting system – plus a network of 1800+ contractors

### **Installation Services Provided**

See scope of work below.



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## Quote

### **Payment Terms**

Email or fax a copy of the Purchase Order to Musco Sports Lighting, LLC & BuyBoard:

Musco Sports Lighting, LLC  
Attn: Ryan Tighe  
Fax: 800-374-6402  
Email: musco.contracts@musco.com

BuyBoard Cooperative Purchasing  
Attn: Sharon McAfee  
Fax: 800-211-5454  
Email: info@buyboard.com

All purchase orders should note the following:  
BuyBoard purchase – Contract Number: 512-16

### **Delivery Timing**

6 - 8 weeks for delivery of materials to the job site from the time of order, submittal approval, and confirmation of order details including voltage, phase, and pole locations.

Due to the built-in custom light control per luminaire, pole locations need to be confirmed prior to production. Changes to pole locations after the product is sent to production could result in additional charges.

### **Notes**

Quote is based on:

- Shipment of entire project together to one location.
- Voltage and phasing to be confirmed prior to production.
- Structural code and wind speed = 2012 IBC, 115 mi/h, Importance Factor 1.0.
- Owner is responsible for getting electrical power to the site, coordination with the utility, and any power company fees.
- Includes supply and installation of Musco system including underground wiring and conduit, service entrance panel board, and controls by a licensed contractor.
- Standard soil conditions – rock, bottomless, wet or unsuitable soil may require additional engineering, special installation methods and additional cost.
- Confirmation of pole locations prior to production.

Thank you for considering Musco for your lighting needs. Please contact me with any questions or need additional details.

Frank Heys  
Senior Sales Representative  
Musco Sports Lighting, LLC  
Phone: 641-660-6377  
E-mail: frank.heids@musco.com





## Quote

**Lee Penn Park Softball  
Turnkey Scope of Work**

**Customer Responsibilities:**

1. Complete access to the site for construction using standard two-wheel drive rubber tire equipment.
2. Locate existing underground utilities not covered by "One Call" and mark all irrigation systems and sprinkler heads. Musco or Subcontractor will not be responsible for repairs to unmarked utilities.
3. Locate and mark field reference points per Musco supplied layout.
4. Owner to pay for extra costs associated with foundation excavation in non-standard soils (rock, caliche, high water table, collapsing holes, etc.). Standard soils are defined as soils that can be excavated using standard earth auguring equipment.
5. Owner responsible for any power company fees and requirements. (If necessary).
6. Owner responsible for all permitting fees (payment). Contractor will obtain the required permitting.
7. Provide area on site for disposal of spoils from foundation excavation.
8. Provide sealed Electrical Plans. (If required)

**Musco Responsibilities:**

1. Provide required poles, fixtures, and foundations.
2. Provide layout of pole locations and aiming diagram.
3. Provide Project Management as required.
4. Provide stamped foundation designs based on 2500psf soils.
5. Musco shall provide Performance and Payment Bonds in an amount equal to the total amount of bid. (Only if Required, Not included in quote)

**Musco Subcontractor Responsibilities:**

1. Provide equipment and materials to off load equipment at jobsite per scheduled delivery.
2. Provide storage containers for material, (including electrical components enclosures), as necessary and waste disposal.
3. Provide adequate security to protect Musco delivered products from theft, vandalism or damage during the installation.
4. Obtain any required permitting.
5. Provide materials and equipment to install electrical service panels as required or necessary.
6. Provide materials and equipment to install all underground conduit, wiring, pull boxes etc. and terminate wiring as required per electrical design.
7. Confirm the existing underground utilities and irrigation systems have been located and are clearly marked so as to avoid damage from construction equipment. Repair any such damage during construction.
8. Provide materials and equipment to install (4) Light Structure® System foundations as specified on Layout.
9. Remove spoils to owner designated location at jobsite.
10. Provide materials and equipment to assemble (14) TLC-LED fixtures and terminate all necessary wiring.
11. Provide equipment and materials to assemble and erect (4) Light Structure® System Poles.
12. Provide equipment and materials to install a Lighting Contactor Cabinet and terminate all necessary wiring.
13. Provide step down transformer for 120v control circuit if not available.
14. Contractor will commission Control- Link® by contacting Control- Link Central™ Service Center at (877-347-3319).
15. Check all Zones to make sure they work in both auto and manual mode.
16. Set base line for the DAS (Diagnostic Acquisition System)
17. Keep all heavy equipment off of playing fields when possible. Repair damage to grounds which exceeds that which would be expected. Indentations caused by heavy equipment traveling over dry ground would be an example of expected damage. Ruts and sod damage caused by equipment traveling over wet grounds would be an example of damage requiring repair.
18. Provide startup and aiming as required to provide complete and operating sports lighting system.
19. Provide as built drawings on completion of installation.

