

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
JANUARY 22, 2019  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
5:30 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 agenda items for the 7:00 p.m. regular meeting
3. Adjourn

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

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Tuesday, January 22, 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 January 7, 2019
  - b. Minutes of the City Council briefing of January 7, 2019
  - c. 2019 Junk in the Trunk Events
  - d. Sweethearts & Orphans Car Show to be held March 2, 2019
  - e. Lion's Club Hachie 50 Running Event to be held May 4, 2019
  - f. 2018 Farmers Market Year End Report
  - g. Funding for Walk of Fame Stars fabrication and installation
  - h. Funding for Downtown Crosswalk pedestals
  - i. Authorization of budget amendment for Human Resources - Professional Services
5. ***Introduce*** Honorary Councilmember
6. ***Consider*** request by Lance Rust, Joe Rust Co., for a Final Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: TRES GROUP LLC (FP-18-0208)
7. ***Public Hearing*** on a request by Anthony C. Lohden for a Replat of Lot 4, Block 4, College Addition, to create Lots 4-1R and 4-2R, Block 4, College Addition, 0.366 acres (Property ID 172822) – Owners: ANTHONY COLE LOHDEN AND ANNA MICHELLE LOHDEN (RP-18-0197)
8. ***Consider*** approval of RP-18-0197

9. **Consider** request by Jeff Douglas, Stanger Surveying, for a Final Plat of Silo House Ranch for 4 lots, being 5.84 acres situated in the S.C. White Survey, Abstract 1252 (Property ID 227069) in the Extra Territorial Jurisdiction – Owner: LYKELE K TAMMINGA (FP-18-0203)
10. **Public Hearing on a** request by Linda Kuckuck for a Replat of Lot 12, Green Meadow, to create Lots 12-1R, 12-2R, and 12-3R, Green Meadow, 5.174 acres (Property ID 150740 and 242437)D in the Extra Territorial Jurisdiction – Owners: KERRY L & LINDA K KUCKUCK and OVIDIO & CHANDRA PENA (RP-18-0207)
11. **Consider** approval of RP-18-0207
12. **Public Hearing** on a request by David Hill for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Single Family-2 zoning district, located at 607 W Marvin (Property ID 171941) – Owner: WILLIAM D & MICKIE HILL (SU-18-0206)
13. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0206
14. **Public Hearing** on a request by Billy Hufstetler for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Single Family-2 zoning district, located at 704 Bryson (Property ID 176921) – Owner: BILLY JOE HUFSTETLER (SU-18-0209)
15. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0209
16. **Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for Unified Lot Sign and Electronic Message Sign uses within a Planned Development-44-General Retail zoning district, located at the NW corner of Brown Street at Professional Place, being Lot 5, Block A, Chapman Plaza Phase II 0.459 acres (Property ID 230478) – Owner: TAHOE CITY PARTNERS LLC (SU-18-0173)
17. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0173
18. **Continue Public Hearing** on a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119)
19. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0119
20. **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)
21. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0180
22. **Public Hearing** on a request by the City of Waxahachie for a textual change to Section 2.01 (B) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding existing non-conforming single family uses. (TA-18-0196)

23. **Consider** proposed Ordinance approving Zoning Change No. TA-18-0196
24. **Public Hearing** on a request by the City of Waxahachie for a textual change to Section 5.01 (B) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding masonry construction for Single-Family and Duplex structures. (TA-18-0223)
25. **Consider** proposed Ordinance approving Zoning Change No. TA-18-0223
26. **Consider** Resolution in support of Bonner Carrington application for TDHCA Housing Tax Credits funding application
27. **Consider** proposed Ordinance amending the establishment of the Economic Development Commission
28. **Consider** proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development Incentives
29. **Consider** proposed Resolution approving a Tax Abatement Agreement with Cardinal Insulated Glass
30. **Consider** proposed Ordinance amending Chapter 11 (Building & Community Services Fee Schedule) of the Code of Ordinances of the City of Waxahachie by revising Section 11-1 Building & Community Services Fee Schedule, and setting an effective date of March 1, 2019
31. **Consider** award of a professional engineering services contract with Alan Plumber Associates, Inc. for the Howard Road Water Treatment Plant Master Plan Update
32. **Consider** proposed Ordinance ordering an election to be held to elect two City Council Members; providing for a contract for election services with Ellis County Elections Administration
33. **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.
34. **Convene** into Executive Session to discuss the purchase or lease and value of real estate as permitted under Section 551.072 of the Texas Government Code
35. **Reconvene** and take any necessary action
36. Comments by Mayor, City Council, City Attorney and City Manager
37. Adjourn

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

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(4a)

City Council  
January 7, 2019

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, January 7, 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 December 17, 2018
- b. Minutes of the City Council Briefing of December 17, 2018
- c. Approve budget amendment for CASA Weather Radar for Waxahachie Police Department
- d. Approve Mobile Home License
- e. Approve Taxi Cab License Renewal
- f. Approve Streets to Sheets Mutt Strut to be held April 6, 2019

**Action:**

*Mayor Pro Tem David Hill moved to approve items a. through f. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes*

**5. Introduce Honorary Councilmember**

Councilmember Melissa Olson introduced Ms. Blanca Perez as the Honorary Councilmember for the month of January. Blanca is a senior at Waxahachie Global High School serving as Vice-President. She is a member of the National Honor Society and the Technology Student Association and during her sophomore year, she helped co-found Global's Culture Club.

In the summer of 2017, Blanca participated in a physics camp sponsored by the STARS program at UT Southwestern. The following summer, she was selected for the summer research program directed by the same organization and spent eight weeks in the TRUST lab at UT Southwestern,

working under graduate student Annie Yang on a biomedical research project focused on the development and characterization of encapsulated catalase nano particles.

Outside of school, Blanca works part-time and have completed volunteer work at a variety of locations around Waxahachie. After graduation, she hopes to major in chemistry and minor in English and Education, all on a pre-medical track. As of December, Blanca has many college applications submitted, and although no acceptance is guaranteed, her top choices are Brown University, Dartmouth College, Bowdoin College and Washington University in St. Louis.

**6. Consider award of a three year service contract, with two one year renewal options, with AHI Facility Services, Inc. for City janitorial services**

Assistant City Manager Tommy Ludwig, stated the current contract expired included only three (3) facilities. He reported the City received three proposals and after a thorough evaluation process it was determined that AHI Facility Services, Inc. was the most advantageous with a bid of \$302,342.52. Mr. Ludwig stated the three year janitorial contract will provide services to City Hall, Civic Center, Park and Recreation Administration Building, the Fire Administration Building, and the Utilities Field Operations Building.

**Action:**

*Councilmember Melissa Olson moved to award a three year janitorial service contract to AHI Facility Services, Inc. in the amount of \$302,342.52 as presented. Mayor Pro Tem David Hill seconded, All Ayes.*

**7. Consider authorization of a budget amendment to increase appropriations in the Building and Community Services and Park and Recreation Departments for janitorial services**

Mr. Ludwig stated the City budgeted \$85,563.00 across five departments in Fiscal Year 2018-2019, and AHI Facility Services, Inc.'s full year one pricing proposal is \$96,855.02 resulting in a funding deficit of \$11,292.02.

**Action:**

*Councilmember Mary Lou Shipley moved to approve budget amendment to increase appropriations in the Building and Community Services and Park and Recreation Departments for janitorial services, as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**8. Consider proposed Ordinance repealing and replacing Chapter 8 (Building) of the Code of Ordinances of the City of Waxahachie; adopting the International Code Council Codes 2018 Edition and the National Electrical Code 2017 Edition with local amendments; and setting an effective date of March 1, 2019**

Mr. Ryan Studdard, Director of Building and Community Services, stated Items 8 through 15 pertain to the revision of Codes and Fees. He presented the following Ordinances depicting changes to the Codes and Fees.

(4a)

**ORDINANCE NO. 3074**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 8 (BUILDING) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL CODE COUNCIL CODES 2018 EDITION AND THE NATIONAL**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3074. Mayor Pro Tem David Hill seconded, All Ayes.*

9. **Consider proposed Ordinance repealing and replacing Chapter 11 (Electricity) of the Code of Ordinances of the City of Waxahachie and moving it to Chapter 8 (Building); renaming Chapter 11 to Building and Community Services Fee Schedule; adopting the International Code Council Valuation Table; adopting a revised fee schedule; and setting an effective date of March 1, 2019**

**ORDINANCE NO. 3075**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 11 (ELECTRICITY) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE AND MOVING IT TO CHAPTER 8 (BUILDING); RENAMING CHAPTER 11 TO BUILDING AND COMMUNITY SERVICES FEE SCHEDULE; ADOPTING THE INTERNATIONAL CODE COUNCIL VALUATION TABLE; ADOPTING A REVISED FEE SCHEDULE; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3075. Mayor Pro Tem David Hill seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

**The motion carried.**

10. **Consider proposed Ordinance repealing and replacing Chapter 25 (Plumbing and Gas) of the Code of Ordinances of the City of Waxahachie and moving it to Chapter 8 (Building); and setting an effective date of March 1, 2019**

**ORDINANCE NO. 3076**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 25 (PLUMBING AND GAS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE AND MOVING IT TO CHAPTER 8 (BUILDING); AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3076. Councilmember Melissa Olson seconded, All Ayes.*

11. Consider proposed Ordinance amending Chapter 3 (Advertising) of the Code of Ordinances of the City of Waxahachie by revising Section 3-3 Permit Fee for Erection of Commercial or Business Sign; and setting an effective date of March 1, 2019

**ORDINANCE NO. 3077**

**AN ORDINANCE AMENDING CHAPTER 3 (ADVERTISING) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 3-3 PERMIT FEE FOR ERECTION OF COMMERCIAL OR BUSINESS SIGN; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3077. Councilmember Mary Lou Shipley seconded, All Ayes.*

12. Consider proposed Ordinance amending Chapter 12 (Fire Protection and Prevention) of the Code of Ordinances of the City of Waxahachie by revising Section 12-43 Permit Fees; adopting the International Fire Code 2018 Edition with local amendments; and setting an effective date of March 1, 2019

**ORDINANCE NO. 3078**

**AN ORDINANCE AMENDING CHAPTER 12 (FIRE PROTECTION AND PREVENTION) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY; REVISING SECTION 12-43 PERMIT FEES; ADOPTING THE INTERNATIONAL FIRE CODE 2018 EDITION WITH LOCAL AMENDMENTS; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3078. Councilmember Melissa Olson seconded, All Ayes.*

13. Consider proposed Ordinance amending Chapter 13 (Food and Food Handlers) of the Code of Ordinances of the City of Waxahachie by revising Section 13-11 Food Establishment Permits – General Requirements; and setting an effective date of March 1, 2019

**ORDINANCE NO. 3079**

**AN ORDINANCE AMENDING CHAPTER 13 (FOOD AND FOOD HANDLERS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 13-11 FOOD ESTABLISHMENT PERMITS - GENERAL REQUIREMENTS; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.**



(4a)

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3079. Councilmember Chuck Beatty seconded, All Ayes.*

14. Consider proposed Ordinance amending Chapter 21 (Offenses and Miscellaneous Provisions) of the Code of Ordinances of the City of Waxahachie by revising Section 21-121 Garage Sales; revising Section 21-123 Estate Sales; revising Section 21-124 Garage or Estate Sale Sign; revising Section 21-125 Penalty; and setting an effective date of March 1, 2019

**ORDINANCE NO. 3080**

**AN ORDINANCE AMENDING CHAPTER 21 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 21-121 GARAGE SALES; REVISING SECTION 21-123 ESTATES SALES; REVISING SECTION 21-124 GARAGE OR ESTATE SALE SIGN; REVISING SECTION 21-125 PENALTY; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3080. Councilmember Chuck Beatty seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

**The motion carried.**

15. Consider proposed Ordinance amending Chapter 33 (Utilities) of the Code of Ordinances of the City of Waxahachie by revising Section 33-22 Standards for Private Sewage Facilities and Septic Tanks, Inspection Fee; revising Section 33-131 Enforcement of V.T.C.A., Health and Safety Code CH. 366, C.T.C.A., Water Code CH. 7 and 37, Associated Rules; revising Section 33-138 Permit Fees; and setting an effective date of March 1, 2019

**ORDINANCE NO. 3081**

**AN ORDINANCE AMENDING CHAPTER 33 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE BY REVISING SECTION 33-22 STANDARDS FOR PRIVATE SEWAGE FACILITIES AND SEPTIC TANKS, INSPECTION FEE; REVISING SECTION 33-131 ENFORCEMENT OF V.T.C.A., HEALTH AND SAFETY CODE CH. 366, C.T.C.A., WATER CODE CH. 7 AND 37, ASSOCIATED RULES; REVISING SECTION 33-138 PERMIT FEES; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.**

(4a)

City Council  
January 7, 2019  
Page 6

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3081. Councilmember Mary Lou Shipley seconded, All Ayes.*

**16. Public Comments**

None

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

Assistant City Manager Tommy Ludwig commended Mr. Ryan Studdard, Director of Building and Community Services, and his staff for the hours they committed to preparing the Code and Fee Schedule updates. He stated having the support of the builders speaks to the work Mr. Studdard and his team do.

Councilmember Melissa Olson thanked Mr. Ludwig and Mr. Studdard for their commitment to updating the Code and Fees.

City Manager Michael Scott applauded Mr. Studdard and asked him to introduce his team that participated on the updates of the Code and Fees. Mr. Studdard introduced Ms. Mari Herrera, Building and Development Coordinator, and Mr. Jason Watson, Plans Examiner.

City Council thanked Honorary Councilmember Blanca Perez for her attendance.

**18. Adjourn**

*There being no further business, Councilmember Mary Lou Shipley called the meeting adjourn at 7:20 p.m. Councilmember Chuck Beatty seconded, All Ayes.*

Respectfully submitted,

Lori Cartwright  
City Secretary

(4b)

City Council  
January 7, 2019

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, January 7, 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

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**

City Manager Michael Scott reviewed the Consent Agenda noting Item 4c pertains to the CASA Weather Radar providing for real time weather for customers that keep up with severe weather.

Mr. Tommy Ludwig, Assistant City Manager, reviewed the Janitorial Services bids recently received noting staff will recommend AHI Facility Services, Inc. in the amount of \$302,342,52. He stated daily cleaning services will be provided to City Hall, Civic Center, Park and Recreation Administration Building, the Fire Administration Building, and the Utilities Field Operations Building. Mr. Ludwig explained the process of how the vendor was selected noting staff is very comfortable with AHI Facility Services, Inc.

Mr. Ryan Studdard, Director of Building and Community Services, stated his department was looking for a way to streamline the process of inspections. He explained the Building Department now has the ability to offer multiple inspections through a combination inspection making one stop and inspecting all four trades which gives more control back to the General Contractor.

Mr. Studdard referenced the Code and Fee Schedule updates and reviewed the following proposed changes:

- An Ordinance repealing and replacing Chapter 8 (Building) of the Code of Ordinances; adopting the International Code Council Codes 2018 Edition and the National Electrical Code 2017 Edition with local amendments
- An Ordinance repealing and replacing Chapter 11 (Electricity) of the Code of Ordinances and moving it to Chapter 8 (Building); renaming Chapter 11 to Building and Community Services Fee Schedule; adopting the International Code Council Valuation Table; and, adopting a revised fee schedule

- An Ordinance repealing and replacing Chapter 25 (Plumbing and Gas) of the Code of Ordinances and moving it to Chapter 8 (Building)
- An Ordinance amending Chapter 12 (Fire Protection and Prevention) of the Code of Ordinances by revising Section 12-43 Permit Fees; adopting the International Fire Code 2018 Edition with local amendments
- An Ordinance amending Chapter 3 (Advertising) of the Code of Ordinances by revising Section 3-3 Permit Fee for the Erection of Commercial or Business Sign
- An Ordinance amending Chapter 13 (Food and Food Handlers) of the Code of Ordinances by revising Section 13-11 Food Establishment Permits – General Requirements
- An Ordinance amending Chapter 21 (Offenses and Miscellaneous Provisions) of the Code of Ordinances by revising Section 21-121 Garage Sales; revising Section 21-123 Estate Sales; revising Section 21-124 Garage or Estate Sale Sign; revising Section 21-125 Penalty
- An Ordinance amending Chapter 33 (Utilities) of the Code of Ordinances by revising Section 33-22 Standards for Private Sewage Facilities and Septic Tanks, Inspection Fee; revising Section 33-131 Enforcement of V.T.C.A., Health and Safety Code Chapter 366, C.T.C.A., Water Code Chapter 7 and 37, Associated Rules, revising Section 33-138 Permit Fees

Mr. Scott thanked the building community for attending the meeting. He thanked Mr. Studdard and his staff for their work on the proposed changes.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:41 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(4c)



## Memorandum

To: Honorable Mayor and City Council

From: Anita Brown *AB*

Thru: Michael Scott, City Manager *[Signature]*

Date: January 11, 2019

Re: 2019 Junk in the Trunk Events

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The Waxahachie Downtown Merchants Association hosts this quarterly event as a fundraiser for their organization. All funds from space rental go towards their programs to promote downtown.

Request permission to close Franklin Street from College to Jackson from 7 am to 3 pm

Request permission to close College Street from Main to Franklin from 7 am to 3 pm

2019 Dates:

March 9<sup>th</sup>

June 15<sup>th</sup>

September 14<sup>th</sup>

November 23<sup>rd</sup>

I will be available Tuesday to answer any additional questions you may have.

Thank you.

Legend



# JUNK IN THE TRUNK EVENT MAP



(4c)



**A COMMUNITY-WIDE RESALE EVENT**

**2019 DATES:**

**MARCH 9, JUNE 15, SEPTEMBER 14, NOVEMBER 23**

**9:00 AM TO 2:00PM**

**AROUND THE COURTHOUSE SQUARE**

**FOR MORE INFORMATION,  
PLEASE CALL 972-938-8085  
OR VISIT [WWW.DOWNTOWNWAXAHACHIE.COM](http://WWW.DOWNTOWNWAXAHACHIE.COM).**

(4d)



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown *AB*  
Thru: Michael Scott, City Manager *MS*  
Date: January 11, 2019  
Re: Sweethearts & Orphans Car Show

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Larry Kollie, a Waxahachie citizen, would like to bring the Sweethearts & Orphans car show back to downtown Waxahachie again this year.

In order to accommodate the expected number of vehicles he is requesting the following (map attached):

Close Franklin Street from College to Jackson

Close College Street from Main to Franklin

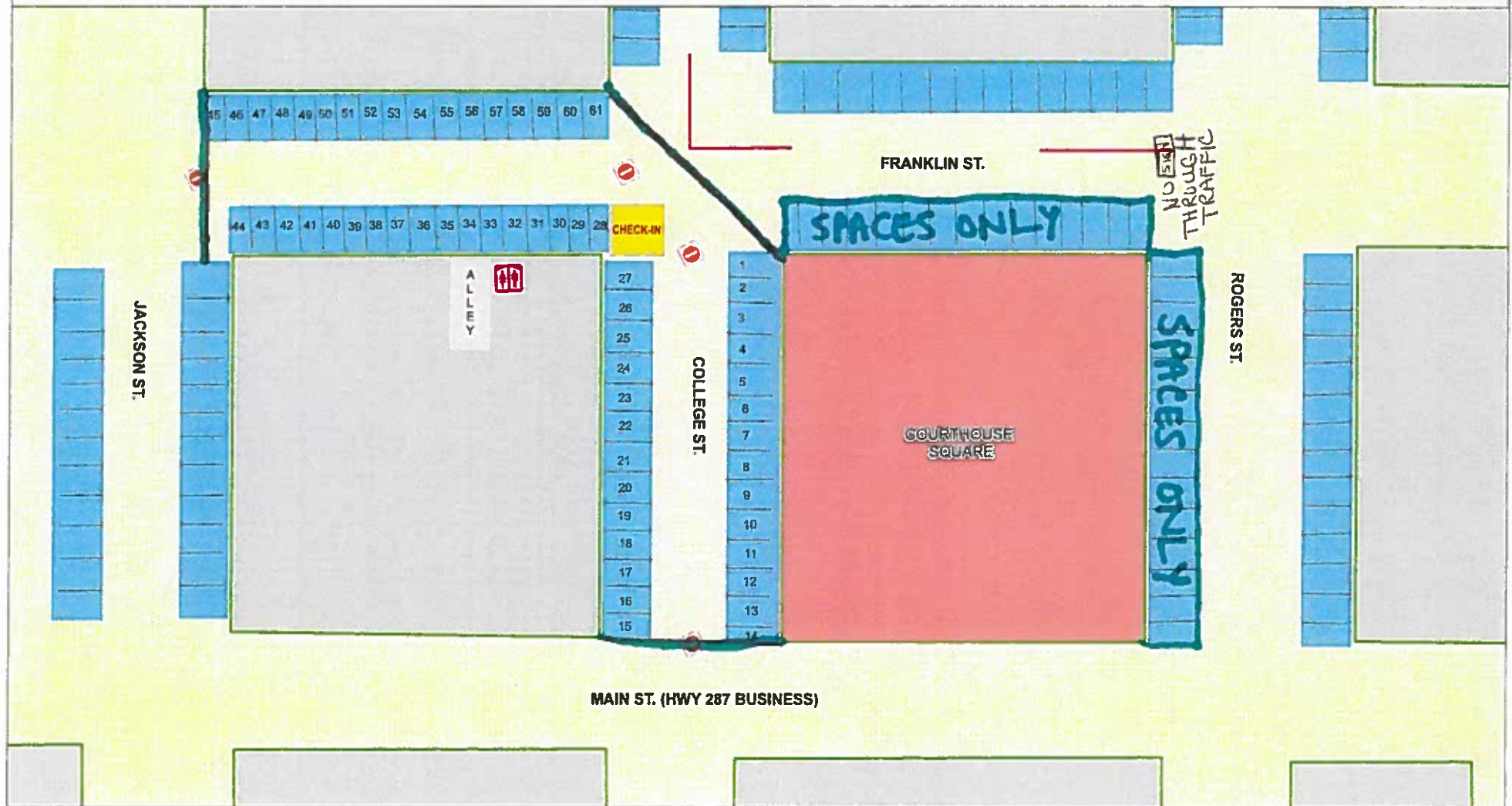
Parking spaces abutting the Courthouse on Franklin and Rogers Streets

The event will take place from 10 am to 3 pm on Saturday, March 2, 2019. Streets and parking spaces will be blocked off the night of Friday, March 1<sup>st</sup> to ensure they will be clear of vehicles for the event. Everything will be opened back up by 4 pm on Saturday. Mr. Kollie will attend the council meeting to answer any questions.

Thank you.



# SWEETHEARTS + ORPHANS CAR SHOW EVENT MAP



(4d)

Saturday, March 2, 2019  
10 am - 3pm

(4d)

## *Sweethearts & Orphans XX*

*March 1- 3, 2019, in Waxahachie, TX*

*Car Show March 2, 10am - 3 pm on the square*

The North Texas Chapter of the Hudson-Essex-Terraplane Club invites you to join us for Sweethearts & Orphans XX in historic Waxahachie, Texas!

For those who are not familiar with this event, the "Sweethearts" part of our name refers to the fact that this meet is held to take time during the Valentine Season to honor the wives, girlfriends, or significant others that put up with our old car obsession all year long albeit a few weeks after February 14.

The Orphans part refers to "orphan cars", those wonderful, historic automobiles whose manufacturers have disappeared into the mists of time - great American independent marques like Hudson, Studebaker, Willys, Graham-Paige, Nash, Kaiser-Frazer, Packard, AMC and hundreds of others. There are also "corporate orphans" - historic marques from Chrysler, Ford, and GM - such as LaSalle, DeSoto, Edsel, and more. More recent orphans like Plymouth, Oldsmobile, Mercury, Pontiac and others are welcome, but we ask you bring pre-1990 cars only, original or restored to "stock appearance". All 1942 and earlier vehicles, regardless of marque, will be eligible to participate in our meet as they are historically significant vehicles that should be seen and recognized. No customs or rods, please! We love all cars but S&O's focus is automotive history, not automotive art!

The Host Hotel: Special Rates are available for Check in February 28 through check out on March 3 at The LaQuinta Inn & Suites, 311 Stadium Dr, Waxahachie, TX, 75165. King or 2 Queens \$69 plus tax. Call 972-937-5525 and mention Sweethearts & Orphans. The Room block expires February 14 so please book as soon as possible. Pet friendly - no charge.

75 mile driving tour March 1, car show and Sweethearts dinner March 2, awards March 3. So, c'mon, join us... Sweethearts & Orphans is a non-judging meet and is about friendship, not competition.

TELL YOUR FELLOW ORPHAN FRIENDS!

Best Regards,  
Larry Kollie, S&O 2019 Meet Director  
972-903-9037 or [AKLOL1915@GMAIL.COM](mailto:AKLOL1915@GMAIL.COM)

(4e)



## Application for a Festival or Event Permit

Event Name and Description: Lion's Club Hachie 50  
Running event: 50 mile, 50K, marathon, and  
a fun run for children

### Applicant Information

Name: Ken Box  
Address: 330 Hunter Pass  
City, State, Zip: Wax TX 75165 Phone: 469-337-8044  
E-mail Address: Kenpaulbox@gmail.com

### Organization Information

Organization Name: Waxahachie Lion's Club  
Address: 418 Victorian Dr Wax TX  
Authorized Head of Organization: Paul Colwell president  
Phone: 469-471-2734 E-mail Address: paul\_colwell@alumni.baylor.edu

### Event Chairperson/Contact

Name: Paul Box Race Director  
Address: 133 Spring Grove Dr  
City, State, Zip: Wax TX 75165 Phone: 903-851-1271  
E-mail Address: paulbox80@yahoo.com

### Event Information

Event Location/Address: Gitzendener Park  
Purpose: fundraiser for Lion's Club  
Event Start Date and Time: May 3~~rd~~, 2019

Received in  
City Secretary's Office  
1-10-19 BW  
City of Waxahachie, Texas



(4e)

Event End Date and Time: May 4, 2019

Approximate Number of Persons Attending Event Per Day: 500

Site Preparation and Set-Up Date and Time: May 3, 2019

Clean-Up Completion Date and Time: May 4, 2019

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.

No street closures  
We will use Jefferson Street from old hospital  
to railroad tracks, run across Mathews Street  
on trail, mainly run running/bike trail

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

\*Will alcohol be available and/or sold? YES/NO NOT SOLD

If yes, will the event be in the Historic Overlay District? YES/NO NO

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

Will dumpsters be needed? No

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO 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.

K. B. D.  
Signature of Applicant

1-10-2019  
Date

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

(4e)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Friday, January 11, 2019 8:48 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

I have no issues or concerns.

**Ricky Boyd, Fire Chief**

**Waxahachie Fire-Rescue**

**214-463-9335**

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Friday, January 11, 2019 8:29 AM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>  
**Cc:** Scott, Michael <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** FW: Event Application-Hachie 50

Good morning,

Please review the attached event application and send me your comments or concerns. The applicant is requesting the following same services from the city as last year:

- 250 cones for traffic (Street Department)
- 10-15 Race Participant signs (Street Department)
- Light and generator on trailer for early morning hours at the park (Parks Department)
- EMS vehicle stationed close by (Fire Department)

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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---

**From:** Kenpaulbox <[kenpaulbox@gmail.com](mailto:kenpaulbox@gmail.com)>  
**Sent:** Thursday, January 10, 2019 8:09 PM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Cc:** [paulbox80@yahoo.com](mailto:paulbox80@yahoo.com)  
**Subject:** Re: Event Application-Hachie 50

**Villarreal, Amber**

---

**From:** Robert Best <rbest@waxahachiepd.org>  
**Sent:** Friday, January 11, 2019 8:39 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

No concerns.

---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Friday, January 11, 2019 8:29 AM  
**To:** John Smith <jsmith@waxahachie.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>; Jeff Chambers <jchambers@waxahachie.com>; Eneida Ojeda <eojeda@waxahachie.com>  
**Cc:** Michael Scott <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** FW: Event Application-Hachie 50

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**Cc:** paulbox80@yahoo.com  
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Yes Amber, all that is correct. I met with Gumaro on Wednesday, January 9th regarding all those you listed. One exception was the EMS vehicle. Can you help with that or should I reach out to the fire department. John Smith suggest I talk with him, was that correct?

Thanks,

(4e)

## Villarreal, Amber

---

**From:** Ojeda, Eneida  
**Sent:** Friday, January 11, 2019 9:33 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

Got it! Thank you!

---

**From:** Villarreal, Amber  
**Sent:** Friday, January 11, 2019 8:29 AM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** FW: Event Application-Hachie 50

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(4e)

**Villarreal, Amber**

---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Friday, January 11, 2019 9:51 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

No issues.

---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Friday, January 11, 2019 8:29 AM  
**To:** John Smith <jsmith@waxahachie.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>; Jeff Chambers <jchambers@waxahachie.com>; Eneida Ojeda <eojeda@waxahachie.com>  
**Cc:** Michael Scott <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** FW: Event Application-Hachie 50

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Thanks,



(4f)



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown *AB*  
Thru: Michael Scott, City Manager *MS*  
Date: January 11, 2019  
Re: 2018 Farmers Market Year End Report

---

Please find the attached:

2018 Farmers Market Year End Report

Attached are the totals for the 2<sup>nd</sup> half of the market season—August 4-October 27 as well as year-end totals.

I have also included information about the first half of the season on the report.

I will be available Tuesday to answer any additional questions you may have.

Thank you.

(4f)

**Farmer's Market Weekly Totals**  
August 4, 2018 thru October 27, 2018

8/4	\$ 5,810.23	26 Vendors (Tax Free weekend)
8/11	\$ 3,907.46	20 Vendors (heavy rain over weekend)
8/18	\$ 5,862.96	26 Vendors
8/25	\$ 6,398.72	25 Vendors
9/1	\$ 5,584.25	23 Vendors (Labor Day weekend)
9/8	\$ 5,455.34	21 Vendors (heavy rain)
9/15	\$ 5,137.96	22 Vendors
9/22	\$ 4,691.82	19 Vendors (Antique Alley; heavy flooding Friday)
9/29	\$ 3,401.20	23 Vendors (raining)
10/6	\$ 4,262.46	24 Vendors (Oddfest; chili cook-off; rain early)
10/13	\$ 1,021.00	12 Vendors (rain, flooding)
10/20	\$ 3,772.00	18 Vendors
10/27	\$ 1,141.00	7 Vendors (Texas Country Reporter Festival)

<b>Total last 13 weeks of season</b>	<b>\$56,446.40</b>
--------------------------------------	--------------------

<b>Total for first 14 weeks of season</b>	<b>\$99,263.56</b>
---	--------------------

<b>2018 Season TOTAL</b>	<b>\$155,709.96</b>
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(49)



## Memorandum

To: City Council

From: Amy Borders, Director of Communications and Marketing

Thru: Michael Scott, City Manager

Date: January 18, 2019

Re: Downtown Walk of Fame

---

On Friday, January 18, 2019, the TIRZ Board approved funding to add two new stars to the Downtown Walk of Fame. If also approved by City Council, the two new stars will be dedicated April 27, 2019 during the Crossroads of Texas Film and Music Festival. They will be located in the 100 block of S. College Street.

The first part of the request is the pricing for the granite from Giles Monument, a total of \$2900.00. The second part of the request is for \$2750.00 for installation of the two stones, by On-site Construction. These two entities have been used in the past for all previous stones and have done an outstanding job.

The total request is for up to \$6000.00 to allow for unforeseen overages, although none are expected.

(4g)

**Borders, Amy**

---

**From:** Kathy Giles <Kathy.giles@gilesmonument.com>  
**Sent:** Wednesday, January 09, 2019 1:15 PM  
**To:** Borders, Amy  
**Subject:** WALK OF FAME STARS

Amy

The Walk of Fame stars cost is as follows:

28x28x3 Lone Star Red Granite \$1,450.00 each.

Thank you

Kathy Giles  
Giles Monument Company  
2001 West Highway 287 Business  
Waxahachie, Texas  
75165  
972-938-2404

(4g)



January 9, 2019

City of Waxahachie

Attn: Amy

RE: Waxahachie Walk of Fame

**Scope of Work**

Saw cut & Demo 28"x 28" x 4" Thick Concrete Total of 2

Pour Back Concrete for Base area for Granite

Install Brick around Perimeter of Granite & Mortar Joints

Barricades Included

All Materials, Labor and Supervision Included

**Total \$2,750.00.00**

**Exclusions**

Permits, Testing, Engineering, Bonds, Utilities, Colored or Stamped Concrete, Granite

Note: This bid is good for 30 days.

Thank you,

Rusty Scott

(214) 243-7461

[Rusty@onsitecc.net](mailto:Rusty@onsitecc.net)



(4g)



(4h)



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown, Downtown Development Director/Heritage Preservation Officer *AB*  
Thru: Michael Scott, City Manager *MS*  
Date: January 11, 2019  
Re: TxDOT Project Downtown

---

The Texas Department of Transportation ("TxDOT") notified us at the end of 2017 that they were intending to make adjustments to the pedestrian WALK/DON'T WALK controls for the traffic signals downtown. James Gaertner, city engineer, has been working with them on this project and has been the City's point of contact.

In order to keep the historic aesthetic of our downtown, TxDOT has agreed to use City-selected appropriate poles, bases, and caps (that match or coordinate with the existing antique light poles) for these new ADA compliant pedestrian controls for the traffic signals. The City is responsible for the \$3,972.80 upcharge associated with these enhancements.

At their meeting on Friday, January 18, 2019, the TIRZ board voted to recommend approval of this expenditure to the City Council. Thank you in advance for your consideration to fund this project.



(4h)

Home > Company Profile > Product Catalogs > Brandon Industries, Inc.

Print Feedback



## Brandon Industries, Inc.

McKinney, TX 75069-8250 | [map](#)

Call: 800-247-1274 | [Website](#)

Save Supplier

Add To Shortlist

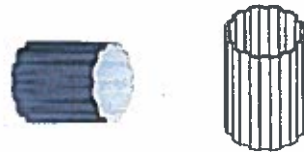
Contact Supplier

PROFILE FULL CATALOG CONTACT

## Brandon Industries, Inc. Full Catalog > 4 Inch (in) Fluted Sign Pole

Item #: SP4X8 4 Inch (in) Fluted Sign Pole

### IMAGES



### Specifications

Outside Diameter	4 in
Inside Diameter	3.4 in
Wall Thickness	0.125 in
Pole Length	8 ft
Pole Style	Fluted
Material	Extruded Aluminum Alloy 6005-T5
Applications	Outdoor Signs Traffic Signs Directional Signs Municipal Signs Sign Frames

Request for Quote

### DOWNLOAD

[4 inch \(in\) Sign Poles - Data Sheet](#)

### Manufacturing Notes

- Drawing for Information Only, Not Intended for Construction Purposes.
- Available Lengths Ranging from 8 ft to 14 ft.

Need More Info from this Supplier?

Ask Your Question Here...

Contact Brandon Industries, Inc.

Next



(4h)

Home > Company Profile > Product Catalogs > Brandon Industries, Inc.

Print Feedback



## Brandon Industries, Inc.

McKinney, TX 75069-8250 | [map](#)

Call 800-247-1274 | [Website](#)

Save Supplier

Add To Shortlist

Contact Supplier

PROFILE FULL CATALOG CONTACT

### Brandon Industries, Inc. Full Catalog > Sign Base

#### Item #: SB-94 Sign Base

##### IMAGES



##### Specifications

Height	16 in
Width	13 in
Base Style	Slip-Over
Material	Cast Aluminum Alloy 356
Used for	4 in Outer Diameter Round Pole

Request for Quote

##### DOWNLOAD

[SB-94 Sign Base - Data Sheet](#)

##### Manufacturing Notes

Drawing for Information Only, Not Intended for Construction Purposes.

### Contact Brandon Industries, Inc.



Ask your question here

Need More Info from this Supplier?

Ask Your Question Here ..

Contact Supplier

Next

(4h)

Home > Company Profile > Product Catalogs > Brandon Industries, Inc.

Print Feedback



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McKinney, TX 75069-8250 | [map](#)

Call 800-247-1274 | [Website](#)

Save Supplier

Add To Shortlist

Contact Supplier

PROFILE FULL CATALOG CONTACT

## Brandon Industries, Inc. Full Catalog > Large Circle Star Sign Finial

Item #: FIN-CS4 Large Circle Star Sign Finial

### IMAGES



### Specifications

Inside Diameter	4.2 in
Height	7.6 in
Finial Width	5.85 in
Finial Style	Large Circle Star Sign
Material	Cast Aluminum Alloy 356
Used for	4 in Outer Diameter Round Sign Pole

Request for Quote

### DOWNLOAD

[FIN-CS4 Sign Finial - Data Sheet](#)

### Manufacturing Notes

Drawing for Information Only, Not Intended for Construction Purposes.

Contact Brandon Industries, Inc.



Ask your question here

Need More Info from this Supplier?

Ask Your Question Here...

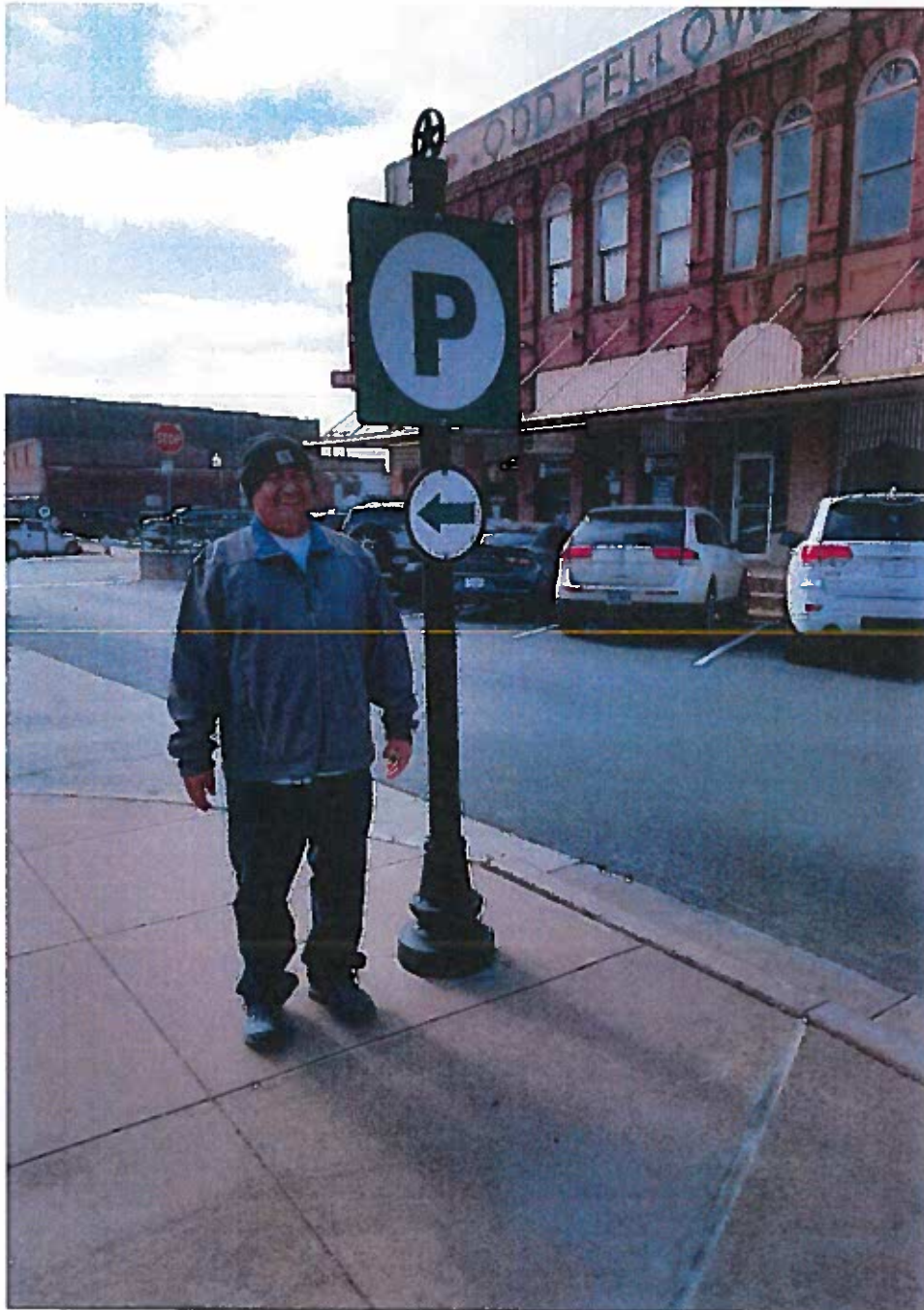
Contact Supplier

Next

(4h)



(4h)









## Memorandum

To: Honorable Mayor and City Council

From: Jamie Holbert, Director of Human Resources/Civil Service *JH*

Thru: Michael Scott, City Manager *MS*

Date: January 22, 2019

Re: Consider Budget Amendment for Human Resources – Professional Services

---

**Item Description:** Consider approving a budget amendment increasing the 2018-19 Human Resources – Professional Services budget by \$25,000.

**Item Summary:** The City of Waxahachie has seen a steady increase in health insurance premiums over the past few years, including a three percent increase this year. It also has been several years since the benefits offered and plan structures have been evaluated to ensure they still meet the needs of employees. Therefore, staff recommends hiring a benefits consultant that will assist with reviewing benefits and making recommendations on the best benefits, pricing and plan options, as well as, administering a request for proposal process that will have several insurance companies submit benefit plan proposals and associated insurance premium costs. The consultant will also negotiate rates on the behalf of the City.

After discussions with multiple benefits consultants, staff recommends utilizing the services of McGriff, Seibels & Williams, Inc. at a cost of \$25,000. It is likely, but not certain, that this cost will be recovered by future insurance premiums savings. The process would start in February and end with the selection of an insurance provider by the end of July.

**Fiscal Impact:** The proposed budget amendment would increase the Human Resources – Professional Services (100-150-53200) budget from \$14,050 to \$39,050. These additional funds would come from the General Fund unrestrictive reserve balance. The reserve balance has sufficient funds available to absorb the additional expenditure with no significant impact.

# Planning & Zoning Department

## Plat Staff Report

**Case: FP-18-0208**



### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend approval for case no. FP-18-0208 as presented by staff.

### CAPTION

*Consider* request by Lance Rust, Joe Rust Co., for a Final Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: TRES GROUP, LLC (FP-18-0208)

### CASE INFORMATION

*Applicant:* Lance Rust

*Property Owner(s):* Tres Group, LLC

*Site Acreage:* 5.174 acres

*Number of Lots:* 13 lots

*Number of Dwelling Units:* 13 units

*Park Land Dedication:* The cash in lieu of park land dedication for this case is estimated at \$5,200.00 (13 residential dwellings at \$400.00 per dwelling).

*Adequate Public Facilities:* Buena Vista-Bethel Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

### SUBJECT PROPERTY

*General Location:* Lone Elm Road

*Parcel ID Number(s):* 150740 and 242437

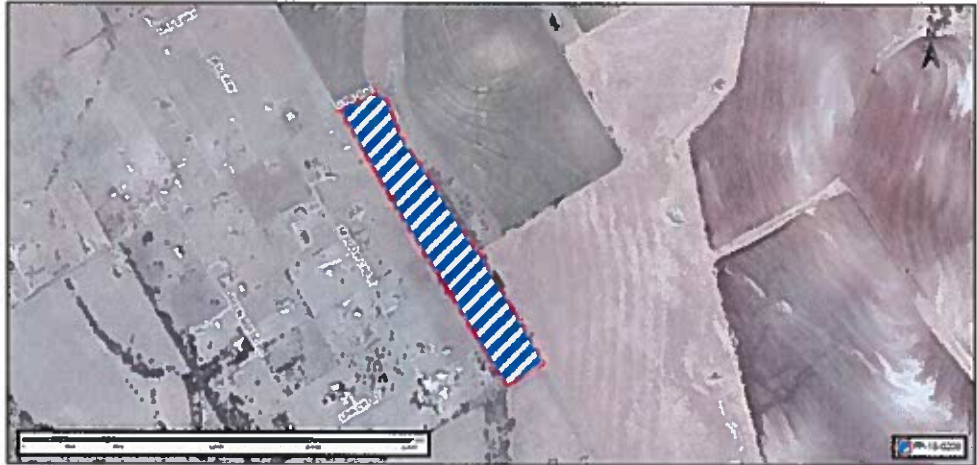
*Current Zoning:* N/A (ETJ)

*Existing Use:* Currently undeveloped



**Platting History:**

The Preliminary Plat was approved by City Council on July 2, 2018.

**Site Aerial:****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. Plat drawing
2. Water Utility Provider's Endorsement

**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:  
 Kelly Dent, MPA  
 Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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



# Planning & Zoning Department

## Plat Staff Report

**Case: RP-18-0197**



### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend approval for case no. RP-18-0197 pending staff comments are met.

### CAPTION

*Consider* request by Anthony C. Lohden for a Replat of Lot 4, Block 4, College Addition, to create Lots 4-1R and 4-2R, Block 4, College Addition, 0.366 acres (Property ID 172822) – Owners: ANTHONY COLE LOHDEN AND ANNA MICHELLE LOHDEN (RP-18-0197)

### CASE INFORMATION

*Applicant:* Anthony C Lohden

*Property Owner(s):* Anthony Cole Lohden and Anna Michelle Lohden

*Site Acreage:* 0.366 acres

*Number of Lots:* 2 lots

*Number of Dwelling Units:* 2 units

*Park Land Dedication:* The cash in lieu of park dedication is \$400.00.

*Adequate Public Facilities:* The plat cannot be filed until public infrastructure has been installed and accepted.

### SUBJECT PROPERTY

*General Location:* 111 McKenzie

*Parcel ID Number(s):* 172822

*Current Zoning:* Single Family-2

*Existing Use:* Single family residence

*Platting History:* College Addition, Block 4, Lot 4, was platted on October 4, 1875, and exists in the same format today as then.

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

1. The plat cannot be filed until public infrastructure has been installed and accepted.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revised drawings. The above comment is informative.

**RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. The plat cannot be filed until public infrastructure has been installed and accepted.

**ATTACHED EXHIBITS**

1. Plat drawing

**APPLICANT REQUIREMENTS**

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Reviewed by:  
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 Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(9)

## Planning & Zoning Department

### Plat Staff Report

Case: FP-18-0203



#### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend approval for case no. FP-18-0203 pending staff comments are met.

#### CAPTION

Consider request by Jeff Douglas, Stanger Surveying, for a Final Plat of Silo House Ranch for 4 lots, being 5.84 acres situated in the S.C. White Survey, Abstract 1252 (Property ID 227069) in the Extra Territorial Jurisdiction – Owner: LYKELE K TAMMINGA (FP-18-0203)

#### CASE INFORMATION

*Applicant:* Jeff Douglas, Stanger Surveying

*Property Owner(s):* Lykele K Tamminga

*Site Acreage:* 5.84 acres

*Number of Lots:* 4 lots

*Number of Dwelling Units:* 4 units

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

*Adequate Public Facilities:* Buena Vista-Bethel Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements. Fire hydrants are to be installed.

#### SUBJECT PROPERTY

*General Location:* 701 Cox Road

*Parcel ID Number(s):* 227069

*Current Zoning:* N/A (ETJ)

*Existing Use:* Currently undeveloped

**Platting History:**

The Preliminary Plat was approved by City Council on February 13, 2018.

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

1. The location of proposed fire hydrants must be indicated on the plat drawing. They must be installed so as to comply with Section 5.8 of the City's Subdivision Ordinance.
2. The City must receive written confirmation from the water provider that hydrants will be installed. Proof of payment for the installation must be received prior to the City Council meeting date.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revisions. The above concerns remain outstanding.

**RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:

1. The location of proposed fire hydrants must be indicated on the plat drawing. They must be installed so as to comply with Section 5.8 of the City's Subdivision Ordinance.
2. The City must receive written confirmation from the water provider that hydrants will be installed. Proof of payment for the installation must be received prior to the City Council meeting date.

**ATTACHED EXHIBITS**

1. Plat drawings
2. Water Utility Provider's Endorsement

**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:*

Kelly Dent, MPA

Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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

# Planning & Zoning Department

## Plat Staff Report

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**Case: RP-18-0207**

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### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend approval for case no. RP-18-0207 as presented by staff.

### CAPTION

**Consider** request by Linda Kuckuck for a **Replat** of Lot 12, Green Meadow, to create Lots 12-1R, 12-2R, and 12-3R, Green Meadow, 5.174 acres (Property ID 150740 and 242437) ) in the Extra Territorial Jurisdiction – Owners: KERRY L & LINDA K KUCKUCK and OVIDIO & CHANDRA PENA (RP-18-0207)

### CASE INFORMATION

*Applicant:* Linda Kuckuck

*Property Owner(s):* Kerry L & Linda K Kuckuck and Ovidio & Chandra Pena

*Site Acreage:* 5.174 acres

*Number of Lots:* 3 lots

*Number of Dwelling Units:* 3 units

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

*Adequate Public Facilities:* Buena Vista-Bethel Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements. A fire hydrant is to be installed on the property as indicated on the plat drawing.

### SUBJECT PROPERTY

*General Location:* 106 Green Meadows Drive

*Parcel ID Number(s):* 150740 and 242437

*Current Zoning:* N/A (ETJ)

**Existing Use:** Single family residence

**Platting History:** The Ellis County Commissioners' Court approved the Green Meadow plat on May 2, 1969.

**Site Aerial:**



#### **STAFF CONCERNS**

1. A fire hydrant is to be installed on the property.

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

1. Applicant has submitted revised drawings, indicating the placement of a fire hydrant. The above comment is informative.

#### **RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. A fire hydrant is to be installed on the property.

#### **ATTACHED EXHIBITS**

1. Plat drawing
2. Water Utility Provider's Endorsement



**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:*

Kelly Dent, MPA  
Planner

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

*Reviewed by:*

Shon Brooks, AICP  
Director of Planning

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



# Planning & Zoning Department

## Zoning Staff Report

**Case: SU-18-0206**



### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend approval for case no. SU-18-0206 as presented by staff.

### CAPTION

**Public Hearing** on a request by David Hill for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Single Family-2 zoning district, located at 607 W Marvin (Property ID 171941) – Owner: WILLIAM D & MICKIE HILL (SU-18-0206)

### CASE INFORMATION

*Applicant:* David Hill

*Property Owner(s):* William D & Mickie Hill

*Site Acreage:* 1.741 acres

*Current Zoning:* Single Family-2

*Requested Zoning:* Single Family-2 with SUP

### SUBJECT PROPERTY

*General Location:* 607 W Marvin

*Parcel ID Number(s):* 171941

*Existing Use:* Single Family Residence

*Development History:* N/A

### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	SF-2	Single Family Residence
South	SF-2	Single Family Residence

West	SF-2	Single Family Residence
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*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 Marvin Ave, a local street (50' ROW).

*Site Image:*



#### **PLANNING ANALYSIS**

The applicant is requesting approval to construct a 24 x 37 x 18 ft. tall (888 sq. ft.) accessory structure (detached garage/storage) in the rear of the property. The applicant intends to demolish an existing carport before constructing the proposed garage. The applicant is proposing to construct the accessory structure out of hardie board siding, matching the existing home's wood siding as closely as possible, and to use the structure to help protect vehicles.

Per the City of Waxahachie Ordinance, due to the applicant exceeding the maximum allowed 700 sq. ft. requirement, the applicant is required to apply for a Specific Use Permit (SUP). On December 20, 2018, the applicant submitted revisions to staff to correct all outstanding comments for the proposed accessory structure. At the time of this report (12/26/2018), staff has yet to receive any opposition from surrounding neighbors regarding the structure.

*Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, Building Inspections will ensure that the materials and construction complies with all regulations.*

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 16 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 12/21/2018.

**STAFF CONCERNS**

1. N/A

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant submitted revisions to staff on December 20, 2018. At the time of this report 12/26/2018, the applicant has no outstanding comments from staff.

**RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Site Plan
2. Elevations

**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)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY BUILDING +700 SQ FT USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 607 W MARVIN AVENUE, BEING PROPERTY ID 171941, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN 2 1 354A 304 AND 43A FERRIS OF THE WAXAHACHIE TOWN 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 SF-2; 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-18-0206. 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 SF-2 to SF-2, with an SUP in order to permit an Accessory Building (residential), greater than 700 square feet use on the following property: 2 1 354A 304 and 43A Ferris of the Waxahachie Town Addition, which is shown on Exhibit A, in accordance with the Site Layout Plan and Elevations 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 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

# Planning & Zoning Department

## Zoning Staff Report

**Case: SU-18-0209**



### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend denial for case no. SU-18-0209 as presented by staff.

### CAPTION

**Public Hearing** on a request by Billy Hufstetler for a Specific Use Permit (SUP) for **Accessory Building (Residential), Greater than or Equal to 700 S.F.** use within a Single Family-2 zoning district, located at 704 Bryson (Property ID 176921) – Owner: BILLY JOE HUFSTETLER (SU-18-0209)

### CASE INFORMATION

*Applicant:* Billy Hufstetler

*Property Owner(s):* Billy Joe Hufstetler

*Site Acreage:* 0.251 acres

*Current Zoning:* Single Family-2

*Requested Zoning:* Single Family-2 with SUP

### SUBJECT PROPERTY

*General Location:* 704 Bryson

*Parcel ID Number(s):* 176921

*Existing Use:* Single Family Residence

*Development History:* N/A

### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residential
East	SF-2	Single Family Residential
South	SF-2	Single Family Residential

West	SF-2	Single Family Residential
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**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 Bryson St and Sixth St, a local street (50' ROW).

**Site Image:**



### **PLANNING ANALYSIS**

The applicant is requesting approval to construct a 40 x 30 x 15 ft. 8 in. tall (1,200 sq. ft.) accessory structure (detached garage/storage) in the rear of the property. The applicant is proposing to construct the accessory structure out of hardie board siding. The applicant intends to use the accessory structure to help protect vehicles, boats, and furniture.

The applicant is not meeting the required rear yard setback requirement. Per Article 5, Section 7 of the city ordinance, *"Rear Yard: When the accessory structure is a garage with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory structures including carports shall not be located closer than three (3) feet to the rear property line."* Currently, the applicant is only providing a 3ft. rear setback.

*Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, Building Inspections will ensure that the materials and construction complies with all regulations.*

### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 21 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 12/21/2018.

Staff has received one letter of opposition to this case.

#### **STAFF CONCERNS**

1. The applicant is currently not meeting the required rear yard setback requirement. Per Article 5, Section 7 of the city ordinance, "Rear Yard: When the accessory structure is a garage with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory structures including carports shall not be located closer than three (3) feet to the rear property line." Currently, the applicant is only providing a 3ft. rear setback.

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

1. The applicant is aware of the comments made by staff. The applicant intends to state his case for the proposed accessory structure at the January 8, 2018 Planning and Zoning Commission meeting.

#### **RECOMMENDATION**

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

- ☒ Denial
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:

#### **ATTACHED EXHIBITS**

1. Site Plan
2. Elevations

#### **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 ACCESSORY BUILDING +700 SQ FT USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 704 BRYSON STREET, BEING PROPERTY ID 176921, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1 35 OF THE WILLIAMS 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 SF-2; 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-18-0209. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for denial 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 SF-2 to SF-2, with an SUP in order to permit an Accessory Building +700 square feet use on the following property: 1 35, Williams Addition, which is shown on Exhibit A, in accordance with the Site Layout Plan and Elevations 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 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

# Planning & Zoning Department

## Zoning Staff Report

**Case: SU-18-0173**



### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend approval for case no. SU-18-0173 pending staff comments are met.

### CAPTION

Request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for Unified Lot Sign and Electronic Message Sign uses within a Planned Development-44-General Retail zoning district, located at the NW corner of Brown Street at Professional Place, being Lot 5, Block A, Chapman Plaza Phase II 0.459 acres (Property ID 230478) – Owner: TAHOE CITY PARTNERS LLC (SU-18-0173)

### CASE INFORMATION

*Applicant:* Chris Reeves, Quickway Signs

*Property Owner(s):* Tahoe City Partners LLC

*Site Acreage:* 0.459 acres

*Current Zoning:* Planned Development-44-General Retail

*Requested Zoning:* PD-44-GR with SUP

### SUBJECT PROPERTY

*General Location:* NW corner of Brown Street at Professional Place

*Parcel ID Number(s):* 230478

*Existing Use:* Off premise signage (ground monument sign)

*Development History:* N/A

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	PD-GR	Buffalo Creek Assisted Living Facility
East	GR	Office
South	PD-GR	Office/Residential
West	PD-GR	Office/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 existing sign is accessible via Professional Pl. and Brown St.

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

The applicant is requesting to expand an existing unified lot sign. Expansion of this sign is to include the addition of an Electronic Messaging Sign to the existing sign. The applicant has obtained the signatures of the surrounding property owners to ensure its status as a unified lot sign.

The existing sign was constructed within 20 foot utility easement, which is not allowed per the City of Waxahachie Ordinance. The sign has been located in this location for a minimum of 10 years. If approved, the applicant shall meet the requirements for the both the ground monument sign as well as the electronic messaging sign per the City of Waxahachie Ordinance *listed below*.

Ground Monument Sign	Electronic Messaging Sign
Maximum Size: 125 square feet	SUP required
Maximum Height: Ten (10) measured from grade	Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
Setbacks: Fifteen (15) feet from street right-of-way	A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.
Setbacks: Fifteen (15) feet from property lines	Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.
	Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.

At the time of this report, staff has received one letter of opposition for the proposed request.

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 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 cannot determine the history of the sign. Sign does not meet current setback requirements.

#### **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
  1. If the applicant is allowed to expand the ground monument sign, the applicant cannot expand the monument sign further into the easement.

#### **ATTACHED EXHIBITS**

1. Conceptual lot sign

#### **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)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A UNIFIED LOT SIGN AND ELECTRONIC MESSAGE SIGN USE WITHIN A PLANNED DEVELOPMENT-44-GENERAL RETAIL (PD-44-GR) ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF BROWN STREET AND PROFESSIONAL PLACE, BEING PROPERTY ID 230478, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5, BLOCK A IN THE CHAPMAN PLAZA PHASE II 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 PD-44-GR; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-18-0173. 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-44-GR to PD-44-GR, with an SUP in order to permit a Unified Lot Sign and Electronic Message Sign use on the following property: Lot 5, Block A of Chapman Plaza Phase II, 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 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(18 + 19)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager  
Date: January 15, 2019  
Re: PD-18-0119 – Blue Bonnet Trails Phase 3

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At the Planning & Zoning Commission meeting, held January 8, 2019, the Commission voted 5-0 to recommend to continue case no. PD-18-0119 to the February 12, 2019 meeting. This case will be reviewed by City Council at the February 18, 2019 meeting.



# Planning & Zoning Department

## Zoning Staff Report

Case: SU-18-0180



### MEETING DATE(S)

*Planning & Zoning Commission:* January 8, 2019

*City Council:* January 22, 2019

### 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.

**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.

**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)

**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.

#### **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 are 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. There is illegal pole sign as well as illegal signage located along the fence of the property.
4. Staff would like for the applicant to "beautify" the property (increase landscaping and improve fencing for the SUP).

#### **APPLICANT'S RESPONSE**

1. At the time of this report (12/26/2018), the applicant has yet to submit any revisions for staff comments.

#### **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
2. Site photos
3. C.O. for Wabash National Trailer Center

#### **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)

(20)

**Villarreal, Amber**

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**Subject:** FW: SU-18-0180 – 4675 N Interstate 35 – Trailer, Truck Sales, or Rental

**From:** Collins, Colby <[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)>  
**Sent:** Tuesday, January 15, 2019 1:22 PM  
**To:** Steve Burnett <[sburnett@airmail.net](mailto:sburnett@airmail.net)>  
**Cc:** Kevin McDonnell <[kmcdonnell@kilaw.co](mailto:kmcdonnell@kilaw.co)>; Wright, Destiny <[dwright@waxahachie.com](mailto:dwright@waxahachie.com)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>  
**Subject:** RE: SU-18-0180 – 4675 N Interstate 35 – Trailer, Truck Sales, or Rental

Steve,

Thank you for the follow up. We will place you on the council agenda for January 22, 2019.



**Colby Collins**  
*Senior Planner*  
City of Waxahachie  
O: 469-309-4299  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

**From:** Steve Burnett <[sburnett@airmail.net](mailto:sburnett@airmail.net)>  
**Sent:** Tuesday, January 15, 2019 1:13 PM  
**To:** Collins, Colby <[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)>  
**Cc:** Kevin McDonnell <[kmcdonnell@kilaw.co](mailto:kmcdonnell@kilaw.co)>  
**Subject:** Re: SU-18-0180 – 4675 N Interstate 35 – Trailer, Truck Sales, or Rental

Colby,

Please retain the case on the current city council docket that is scheduled for January 22, 2019. I expect that further progress will be finished on the goals set by the P and Z. I will attempt to provide you with pictures of the improvements as we receive them.

Please feel free to contact us with any questions or needs you may have in regards to this application.

Sincerely,

Steve Burnett

215 W. 2nd Street  
Waxahachie, TX 75165  
Tel: 972.723.0522  
Fax: 972.937.3415

--- [ccollins@waxahachie.com](mailto:ccollins@waxahachie.com) wrote:

**From:** "Collins, Colby" <[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)>  
**To:** "[kmcdonnell@kilaw.co](mailto:kmcdonnell@kilaw.co)" <[kmcdonnell@kilaw.co](mailto:kmcdonnell@kilaw.co)>  
**CC:** "[sburnett@airmail.net](mailto:sburnett@airmail.net)" <[sburnett@airmail.net](mailto:sburnett@airmail.net)>

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 denial 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.

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 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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



(22)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: January 15, 2019

Re: TA-18-0196 Existing Non-Conforming Single-Family Uses

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The City of Waxahachie adopted a new Zoning Ordinance on May 21, 2018, which removed residential use types from non-residential zoning districts. In doing so, the City sought to ensure that future development would proceed in a manner conforming to the City's Comprehensive and Future Land Use plans. The City recognizes that non-residential zoning districts do contain a number of existing legal non-conforming single family residences and wishes to provide residents a means to continue their right of use and repair of such residences.

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

**AN ORDINANCE AUTHORIZING A TEXTUAL CHANGE TO SECTION 2.01 (B) OF THE CITY OF WAXAHACHIE ZONING ORDINANCE, LOCATED AT APPENDIX A OF WAXAHACHIE CITY CODE, REGARDING EXISTING NON-CONFORMING SINGLE FAMILY USES; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Section 2.01 (B) of the Zoning Ordinance addresses the Intent and Provisions of Nonconforming Uses and Structures; and

**WHEREAS**, it has been determined that an amendment to address Existing Non-Conforming Single Family Uses is in the best interests of the City of Waxahachie ("**City**"); and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission of the City on January 8, 2019 and a public hearing was held by the City Council on January 22, 2019, with respect to the proposed textual changes to the Zoning Ordinance; and

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

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

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

**Section 2.** Section 2.01 Nonconforming Uses and Structures (B) Intent of Provisions of the Zoning Ordinance, is hereby amended to include the following provision:

*"(vii) Notwithstanding the rezoning of property accomplished by this ordinance adopted by City Council on May 21, 2018, and as of the effective date of this amendment, any property containing an existing legal non-conforming single family residence located in a zoning district where such use is not permitted may lawfully continue the use of the property as a single family residential use, as a legally permitted use and make modification or rebuild to the City's single family development standards, as long as the property is continuously used for single family residential use. Should the property cease to be used for single family residential use for any reason other than the destruction of the residential structure by fire, weather, natural disaster, or other unforeseen event, the new use of the property shall conform to the use requirements of this ordinance. In the event that a residential structure located in a zoning district where such use is not permitted is destroyed by fire, weather, natural disaster, or other unforeseen event, the residential structure may be rebuilt as a matter of right and the property may resume its single family residential use."*

**Section 3.** That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such

(23)

remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

**Section 4.** That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

**PASSED, APPROVED, AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(24)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: January 15, 2019

Re: TA-18-0223 Masonry Construction for Single-Family and Duplex Structures

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The City of Waxahachie adopted a new Zoning Ordinance on May 21, 2018, which addressed development standards for single-family and duplex structures. The City recognizes the need to ensure that the construction of said structures serves to enhance the desirability of the City as a whole. To that end, the City seeks to amend the Masonry Construction requirements for single-family and duplex structures in residential zoning districts to restrict the use of non-masonry materials on elevations that face a right-of-way larger than a Type F Minor Street as defined in the City's most recent Comprehensive Plan.

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

**AN ORDINANCE AUTHORIZING A TEXTUAL CHANGE TO SECTION 5.01 (B) OF THE CITY OF WAXAHACHIE ZONING ORDINANCE, LOCATED AT APPENDIX A OF WAXAHACHIE CITY CODE, REGARDING MASONRY CONSTRUCTION FOR SINGLE-FAMILY AND DUPLEX STRUCTURES; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Section 5.01.b.ii.1 of the Zoning Ordinance addresses, as part of the development standards for Single-Family and Duplex Residential Structures, minimum masonry construction standards for single-family and duplex structures for new construction; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission of the City on January 8, 2019, and a public hearing was held by the City Council on January 22, 2019, with respect to the proposed textual changes to the Zoning Ordinance; and

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

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

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

**Section 2.** Section 5.01.b.ii.1 of the Zoning Ordinance, first paragraph, is hereby amended to read as follows:

All residential buildings and structures located in a residential zoning district, except RR, shall be constructed in such manner to include Masonry Construction covering at least seventy-five (75) percent of the total exterior walls above grade level, including roof overhang, excluding doors and windows. All construction shall also be performed in accordance with the City's building code and fire prevention code. Strict adherence to this rule shall not be such as to prevent architectural creativity. Cementitious planks, panels, fiberboards, PVC or plastic siding, exterior insulation and finish systems (EIFS), and similar wood or non-wood materials shall not be allowed to count toward the seventy-five (75) percent Masonry Construction requirement, except as outlined in Section 5.01 (c). Stucco, if applied in accordance with industry standards as approved by the Building Official, may qualify as brick or masonry. All residential buildings and structures with an exterior wall facing a public right of way greater than a Type F Minor Street, as defined in the City of Waxahachie Comprehensive Plan, must include masonry construction covering at least 100 percent of the total exterior walls above grade level, including roof overhang, excluding doors and windows. This includes exterior walls which are screened from the roadway by a perimeter screening wall.

(25)

**Section 3.** That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

**Section 4.** That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

**PASSED, APPROVED, AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(26)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS REGARDING SUPPORT FOR CYPRESS CREEK APARTMENT HOMES AT WAXAHACHIE (TDHCA# 19250)**

**WHEREAS**, Cypress Creek Waxahachie LP (the "Applicant") has proposed a development for an apartment home community to be located at approximately the northwest quadrant of Post Oak Drive and US 287, Waxahachie, Ellis County, Texas; to be named Cypress Creek Apartment Homes at Waxahachie (the "Development");

**WHEREAS**, the Applicant has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") in the 2019 competitive 9% application round for Housing Tax Credits and TDHCA HOME Funds for the Development;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the City of Waxahachie, acting through its governing body, hereby confirms that it supports the aforementioned proposed Development, and the related application to the TDHCA (#19250);

**FURTHER RESOLVED**, that the City intends to issue a commitment and letter confirming that the City will provide a loan, grant, reduced fees, or contribution of other value for the benefit of the Development so that the Applicant may receive one (1) point for a contribution from the City in an amount of \$500.00 or more; and

**FURTHER RESOLVED**, that the City of Waxahachie hereby supports the proposed Development, and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(a)(4); and

**FURTHER RESOLVED** that for and on behalf of the City of Waxahachie, Mayor Kevin Strength, are hereby authorized, empowered, and directed to certify this resolution to the TDHCA. This formal action has been taken to put on record the opinion expressed by the City of Waxahachie on January 22, 2019.

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

Section 1. The facts and opinions in the preamble of this resolution are true and correct.

Section 2. The City of Waxahachie, Ellis County, has voted specifically to support the Development and to authorize, if awarded by the Texas Department of Housing and Community Affairs, an allocation of Housing Tax Credits and authorized Applicant to apply on behalf of the City for HOME funds for the Development.

Section 3. This Resolution, related to potential financing, is not a statement of approval for site or building permits, zoning, or PUD; as such decision shall be made in due course with a future request.



(26)

Section 4. All resolutions and agreements or portions of resolutions and agreements in conflict herewith are hereby released to the extent of the conflict only.

**PASSED AND APPROVED** by the City Council of the City of Waxahachie, Texas on January 22, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(27 + 28)



## Memorandum

To: Honorable Mayor and City Council

From: Doug Barnes, Economic Development Director

Thru: Michael Scott, City Manager

Date: January 22, 2019

Re: Consideration of proposed ordinance amending the establishment of the Economic Development Commission and a resolution amending the guidelines and criteria (policy) for governing Economic Development Incentives

---

**Item Description:** Amendment of the ordinance establishing the Economic Development Commission by removing the Waxahachie School District as voting members, Ex Officio Members and changing the definition of the Ex Officio Member(s) from the City of Waxahachie.

The Policy on Economic Development Incentives also needs to be amended and updated to reflect the changes in the Commission, changes in Federal Law, and recommended changes by the Commission itself.

**Staff Recommendation:** Adopt ordinance and resolution as presented in item description.

**Item Summary:** Ordinance 1629 established the Economic Development Commission and defined the structure of the Commission. Since that time, state law has changed, the WISD no longer enters into incentives agreements, and the Ellis County Commissioners' Court has adopted their own guidelines and criteria. To that end, we are recommending removal of the language describing the other

taxing units and their participation on the Commission and simply stating that City Council will appoint the Economic Development Commission board members.

Additionally, Texas Government Code 312 requires that a taxing unit periodically review and adopt a resolution establishing tax abatement guidelines and criteria (The City of Waxahachie, Texas Policy on Economic Development Incentives). The current Economic Development Incentives Policy was most recently amended and renewed on February 16, 2015.

At this time, staff is recommending the following amendments to the incentives policy:

1. Amending the intro paragraph to Sect III. Criteria for Economic Development Incentives
2. Removing verbiage in Section V referring to "other taxing entities" and the clause defining the Economic Development Commission.
3. Adding a paragraph at the end of Section V prohibiting the employment of undocumented workers, with reference to Texas Government Code 2264.051 and 8 U.S.C. Section 1324a(f).

**Fiscal Impact:** NA

ORDINANCE NO. 1629

AN ORDINANCE ~~ESTABLISHING~~ AMENDING THE ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT COMMISSION FOR THE PURPOSE OF EVALUATING APPLICATIONS FOR TAX ABATEMENT PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, AS AMENDED, ON REAL PROPERTY IMPROVEMENTS WITHIN THE CITY OF WAXAHACHIE AND ITS EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie, having heretofore adopted RESOLUTIONS declaring that the City is eligible to participate in offering tax abatement under the Property Redevelopment and Tax Abatement Act, as amended, and setting forth a comprehensive policy of guidelines and criteria for governing economic development incentives; and

WHEREAS, such guidelines and criteria require the establishment of an ECONOMIC DEVELOPMENT COMMISSION by ordinance of the City of Waxahachie; and

~~WHEREAS, proper notification has been published for the time and in the manner as prescribed by City ordinances 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 the establishment of said ECONOMIC DEVELOPMENT COMMISSION;~~

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THAT, an ECONOMIC DEVELOPMENT COMMISSION be, and the same hereby is, ~~established~~ amended by removing the Waxahachie School District as voting members and Waxahachie School District Ex-officio member, and charged with the duty of making recommendations to the City Council ~~and the Waxahachie Independent School District Board of Trustees~~ concerning the approval or denial of applications for tax abatement pursuant to the Property Redevelopment and Tax Abatement Act, as amended and such other duties as are from time to time assigned to it, and the members of the ECONOMIC DEVELOPMENT COMMISSION shall be appointed as follows:

VOTING MEMBERS: City Council of Waxahachie, 2 members  
~~Waxahachie Independent School District Board of Trustees, 2 members~~  
 Ellis County Water Control and Improvement District No. 1, 1 member

EX-OFFICIO MEMBERS: ~~Representative of City Staff of City of Waxahachie~~  
 City Manager or his/her designee  
~~Representative of Financial Office of Waxahachie Independent School District~~

(27)

LEGAL COUNSEL,

to serve at the will of the appointing entity, or until their successors are appointed.

This Ordinance shall take effect immediately from and after its passage by the City Council.

PASSED AND APPROVED on this ~~2<sup>nd</sup>~~ day of ~~May, 1988~~ by the City Council of the City of Waxahachie, Texas.

~~/s/ Gene O'Donnell~~  
MAYOR

ATTEST:

~~/s/ Nancy Ross~~  
City Secretary

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

**AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT COMMISSION FOR THE PURPOSE OF EVALUATING APPLICATIONS FOR TAX ABATEMENT PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, AS AMENDED, ON REAL PROPERTY IMPROVEMENTS WITHIN THE CITY OF WAXAHACHIE AND ITS EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Waxahachie, having heretofore adopted RESOLUTIONS declaring that the City is eligible to participate in offering tax abatement under the Property Redevelopment and Tax Abatement Act, as amended, and setting forth a comprehensive policy of guidelines and criteria for governing economic development incentives; and

WHEREAS, such guidelines and criteria require the establishment of an ECONOMIC DEVELOPMENT COMMISSION by ordinance of the City of Waxahachie; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THAT, an ECONOMIC DEVELOPMENT COMMISSION be, and the same hereby is, amended by removing the Waxahachie School District as voting members and Waxahachie School District Ex-officio member, and charged with the duty of making recommendations to the City Council concerning the approval or denial of applications for tax abatement pursuant to the Property Redevelopment and Tax Abatement Act, as amended and such other duties as are from time to time assigned to it, and the members of the ECONOMIC DEVELOPMENT COMMISSION shall be appointed as follows:

VOTING MEMBERS:           City Council of Waxahachie, 2 members  
                                       Ellis County Water Control and Improvement District No. 1,  
                                       1 member

EX OFFICIO MEMBER:    City Manager or his/her designee

LEGAL COUNSEL, to serve at the will of the appointing entity, or until their successors are appointed.

This Ordinance shall take effect immediately from and after its passage by the City Council.

PASSED AND APPROVED on this 22<sup>nd</sup> day of January, 2019 by the City Council of the City of Waxahachie, Texas.

\_\_\_\_\_  
 MAYOR

ATTEST:

\_\_\_\_\_  
 CITY SECRETARY

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS,  
ADOPTING A COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR  
GOVERNING ECONOMIC DEVELOPMENT INCENTIVES, PARTICULARLY TAX  
ABATEMENT AGREEMENTS, WITHIN THE CITY OF WAXAHACHIE AND ITS  
EXTRATERRITORIAL JURISDICTION**

**WHEREAS**, the City Council desires to promote economic development within Waxahachie;  
and

**WHEREAS**, the provision of certain economic development incentives may encourage  
prospective businesses and companies to locate in Waxahachie or existing businesses and companies  
to expand; and

**WHEREAS**, the establishment of specific guidelines, criteria, and procedures are necessary to  
insure that tax abatement incentives are given and administered effectively; and

**WHEREAS**, the adoption of guidelines and criteria are required by State law before an area may  
be established as a reinvestment zone;

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

**Section 1.** That the City of Waxahachie hereby establishes certain guidelines and criteria  
governing economic development incentives, including tax abatement agreements, within the City  
of Waxahachie and its extraterritorial jurisdiction attached as "Exhibit A", and such guidelines and  
criteria shall expressly govern all subsequent tax abatement agreements.

**Section 2.** That an ECONOMIC DEVELOPMENT COMMISSION has been established by  
ordinance of the City of Waxahachie and charged with the duty of reviewing all applications for tax  
abatement, making recommendations to the City Council, concerning such applications, and  
initiating amendments to these guidelines and criteria.

**Section 3.** That such guidelines and criteria shall be effective for two (2) years from  
January 22, 2019 and may only be amended or repealed by a three-fourths vote of the City Council.

PASSED AND APPROVED this 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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



# CITY OF WAXAHACHIE, TEXAS

## POLICY ON ECONOMIC DEVELOPMENT INCENTIVES

### I. PURPOSE AND OBJECTIVE

The City of Waxahachie is committed to the promotion of quality development in all parts of the city; and to an ongoing improvement in the quality of life for its citizens. Insofar as these objectives are generally served by the enhancement and expansion of the local economy, the City of Waxahachie will, on a case-by-case basis, give consideration to providing incentives as a stimulation for economic development in Waxahachie. It is the policy of the City of Waxahachie that said consideration will be provided in accordance with the procedures and criteria outlined in this document. However, nothing herein shall imply or suggest that the City of Waxahachie or any other taxing entity is under obligation to provide any incentive to any applicant. All applicants shall be considered on a case-by-case basis.

### II. DEFINITIONS

- (a) **Agreement** means a contractual agreement between a property owner, a lessee (if applicable) and the City of Waxahachie for the purposes of tax abatement.
- (b) **Applicant** means one or more owners and, where applicable, lessees of property who request tax abatement in accordance with these guidelines. For example, when real property for which abatement is requested is to be leased to a lessee who will be employing persons at the property, both the owner and the lessee are collectively the applicant.
- (c) **Eligible Property** means all property eligible for tax abatement under the Property Redevelopment and Tax Abatement Act, including real property located within a Reinvestment and/or Enterprise Zone and tangible personal property which is located within a Reinvestment Zone and/or Enterprise Zone after the effective date of a tax abatement agreement.
- (d) **Permanent Employee** means an employee who is employed by the applicant to work at least 1,820 or more hours per year.
- (e) **Property Redevelopment and Tax Abatement Act** means such act as codified as Chapter 312 of V.T.C.A., *Tax Code*.
- (f) **Reinvestment Zone** means an area designated in accordance with the Property Redevelopment and Tax Abatement Act by the City of Waxahachie.

### III. CRITERIA FOR ECONOMIC DEVELOPMENT INCENTIVES

~~The following threshold criteria shall be used to determine whether any tax abatement incentives shall be granted:~~The following minimum criteria may be used for consideration of any tax abatement incentives:

- (1) The proposed development, redevelopment, expansion and/or modernization must add or retain at least ten (10) full time employees. If the project involves leased facilities, then either the owner or

- (3) The project meets all relevant zoning requirements.

In addition to the minimum requirements stated above, the following subjective criteria shall be considered prior to granting any economic development incentive:

- (4) Is the project consistent with the comprehensive plan of the City of Waxahachie?
- (5) What types and cost of public improvements and services (water and sewer main extension, streets and alleys, etc.) will be required of the City? What types and values of public improvements, if any, will be made by the applicant? How will this project affect the Waxahachie Independent School District and Ellis County?
- (6) Notwithstanding any other provision of this policy document, the exemption of real and tangible personal property can be considered for tax abatement only to the extent that its new value exceeds the value for the year in which the agreement is executed. As an example, if existing real property is valued at \$2 million and the personal property is valued at \$3 million, then all improvements (excepting inventory and supplies) over \$5 million could be considered for tax abatement purposes.

#### **IV. TYPES OF INCENTIVES**

It is the intent of the City of Waxahachie to customize the offering of economic development incentives on a case-by-case basis. This individualized design of a total incentive package is intended to allow maximum flexibility in addressing the unique concerns of each applicant while enabling the City to better respond to the changing needs of the community.

The criteria outlined in Section III above will be used to determine whether it is in the best interest of the City of Waxahachie to provide any economic development incentives to a particular applicant. The degree to which the specified project furthers the goals and objectives of the City of Waxahachie and the relative impact of the specified project will be used to determine the total value of the incentives provided. As a general rule, no tax abatement will be provided to any applicant in an amount exceeding the value of the following:

- (a) Where the increased value of the eligible improvements exceeds \$2,000,000 over the value in the year in which the agreement is executed, the amount of the tax abatement shall not exceed sixty percent (60%) of the taxes assessed and such abatement shall not exceed a term of seven (7) years.
- (b) Where the increased value of the eligible "new business" improvements exceed \$50,000,000 over the value in the year in which the agreement is executed, the amount of the tax abatement may be 100% of the taxes assessed for said eligible improvements for a maximum of two years to allow for construction in progress. To receive a maximum two year, 100% abatement, construction must extend through January 1st of two consecutive years. Tax abatements granted during construction in progress are in addition to any long-term abatements granted.

#### **V. APPLICATION PROCEDURES**

Any person, partnership, organization, corporation, or other entity desiring that the City of Waxahachie consider providing tax abatement incentives to encourage location or expanded operations within the city limits or the extraterritorial jurisdiction of Waxahachie shall be required to comply with the following application procedures. However, nothing within these guidelines shall imply or suggest that the City is under any obligation to provide any incentive to any applicant.

Applicant shall file an application form as required by the City Manager, which shall include at least the following information:

- (1) A plat showing the precise location of the property and present zoning, all roadways within 300 feet of the site, and all existing zoning and land uses within 300 feet of the site.
- (2) If the property is described by metes and bounds, a complete legal description shall be provided.
- (3) A brief description of the proposed improvements or expansion and its projected costs; the type of business operation proposed; the number and type of jobs created, including information pertaining to anticipated job transfers, the projected date of operation; and the type and value of any economic development incentives requested. Applicant must address issues in Section II (Criteria) of the Policy Statement in letter format.
- (4) The applicant shall provide any other information about the proposed project as may be required by the City.
- (5) The owner/proponent shall file a separate application with the County. The County may approve the same tax abatement agreement as the City or it may develop its own agreement. The County may request additional information from that submitted to the City.
- (6) An application must be on file with the City of Waxahachie and approved by the Waxahachie Economic Development Commission prior to any construction, equipment purchase, or land purchase, for said property to be considered for tax abatement purposes.

Once the application has been received, the information submitted will be reviewed by the City Manager for completeness and accuracy. The City Manager will then distribute the application to the appropriate departments for internal review and comments. Following staff review, copies of the complete application package and staff comments will be provided to the City Council, ~~and other taxing entities that may be willing to participate in offering tax abatement incentives.~~ The Economic Development Commission, ~~consisting of two (2) representatives from the Waxahachie City Council~~ will meet to discuss the proposal at a work session prior to making a formal recommendation to the City Council.

At a subsequent regular City Council meeting, the application for any economic development incentive may be considered. If any incentives include tax abatement, then certain public notice and hearings are required as mandated by State law under the Property Redevelopment and Tax Abatement Act and must be followed for the designation of a reinvestment zone and execution of a tax abatement agreement. Prior to final approval, all legal documents to effect such reinvestment zone(s) and tax abatement agreements shall be drafted and approved by the City Attorney.

Should the City Council determine that it is in the best interest of the City of Waxahachie to provide tax abatement incentives to a particular applicant, a resolution shall be adopted declaring that under the guidelines and criteria established herein, the application is eligible for tax abatement incentives and that the Mayor is authorized to execute a contract with the application enumerating the type of incentives and governing the conditions applicable to them. Any agreement so adopted must include at least the following specific items.

- (1) Description of the type of incentive to be provided and its duration.
- (2) Legal description of the property to be designated as a reinvestment zone.
- (3) Detailed information regarding the type, number, location, and costs of planned improvements.
- (4) A statement that actual construction of improvements will begin no more than twelve (12)

months from the date tax abatement is approved. In the event of non-compliance with this provision, the application shall be null and void with the right to reapply.

- (5) A statement granting the access to and inspection of the property and proposed improvements by City inspectors and officials to ensure that the improvements or repairs are made according to specifications and conditions of the agreements.
- (6) A statement limiting the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- (7) A statement providing for the recapturing of property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.

The agreement will provide for the recapture of all or a portion of property tax revenue lost as a result of the agreement if the owner of the property fails to create all or a portion of the number of new jobs provided by the agreement, if the appraised value of the property subject to the agreement does not attain a value specified in the agreement, or if the owner fails to meet any other performance criteria provided by the agreement, and payment of a penalty or interest, or both, on that recaptured property tax revenue

If a leased facility is granted tax abatement, the agreement shall be executed with the City, the lessor, and the lessee. —

In addition, Section 2264.051 of the Texas Government Code requires the City to provide within the tax abatement application a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. Further, the tax abatement agreement will contain a provision specifying the rate and terms of the payment of interest should the business be convicted of knowingly employing an undocumented worker, in violation of 8 U.S.C. Section 1324a(f).

#### **VI. COMPLIANCE AUDITS, REVIEWS AND INSPECTIONS**

The City shall have the right to conduct reviews, audits and inspections to evaluate the applicant's performance and compliance with the terms of the tax abatement agreement after the abatement is granted. The City shall also have the right to conduct review, audits and inspections during the application process to verify information in the application and assess project feasibility and benefit. The applicant must agree to provide to the City requested information promptly after request by the City for purposes of these reviews and audits, and agree to give the City the right to inspect the applicant's operations at reasonable times.

#### **VII. AMENDMENTS TO THESE GUIDELINES AND CRITERIA**

The guidelines and criteria adopted herein shall not be amended except by three-fourth (3/4ths) vote of the City Council. Amendments to these guidelines and criteria must be initiated by resolution approved by two-thirds (2/3rds) of the voting members of the Economic Development Commission and thereafter submitted to the City Council.

#### **VIII. EFFECTIVE DATE**

(28)

These guidelines and criteria adopted herein shall be effective for two (2) years from ~~February 7~~ January 22, 2019, unless otherwise repealed in their entirety by a majority vote of the City Council.

PASSED and APPROVED this ~~7<sup>th</sup>~~ 22<sup>nd</sup> day of ~~February~~ January, 2019.

\_\_\_\_\_  
MAYOR


ATTEST:

\_\_\_\_\_  
CITY SECRETARY

(29)



## Memorandum

To: Honorable Mayor and City Council  
From: Doug Barnes, Economic Development Director  
Thru: Michael Scott, City Manager   
Date: January 22, 2019  
Re: Consideration of Resolution adopting a Tax Abatement Agreement with Cardinal IG Company

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**Item Description:** Tax Abatement Agreement with Cardinal IG Company abating 60% of Ad Valorem Tax on Business Personal Property for 7 years.

**Staff Recommendation:** Adopt resolution as presented in item description.

**Item Summary:** Cardinal IG is adding on approximately 100,000 sq. ft. to their existing 180,000 sq. ft. plant for approximately \$7,000,000. The addition is for much needed space for finished product storage and additional manufacturing equipment. They are adding \$8,000,000 in equipment for increased IG demand for the residential window and door market. The primary addition is a \$4,500,000 insulating glass (IG) line. This line is unique to Cardinal IG Company because it is made by their automation group in Wisconsin. This will be their 4th IG line. Total investment is \$15,000,000. The company currently has 245 full time employees and plans to hire an additional 30 full time employees for the new line.

**Fiscal Impact:** Expected ad valorem receipts to the City are expected to be approximately \$485,500 with \$228,500 in ad valorem taxes abated.

(29)

**Cardinal IG Proposed Tax Abatement Schedule****New Building**

Year	Building Value	% Abated	% City Taxable	Tax Rate	Receipts Abated	City Receipts
1	\$7,000,000	0%	100%	0.68	\$0	\$47,600
2	\$7,000,000	0%	100%	0.68	\$0	\$47,600
3	\$7,000,000	0%	100%	0.68	\$0	\$47,600
4	\$7,000,000	0%	100%	0.68	\$0	\$47,600
5	\$7,000,000	0%	100%	0.68	\$0	\$47,600
6	\$7,000,000	0%	100%	0.68	\$0	\$47,600
7	\$7,000,000	0%	100%	0.68	\$0	\$47,600
					\$0	\$333,200

**New Equipment**

Year	Building Value	% Abated	% City Taxable	Tax Rate	Receipts Abated	City Receipts
1	\$8,000,000	60%	40%	0.68	\$32,640	\$21,760
2	\$8,000,000	60%	40%	0.68	\$32,640	\$21,760
3	\$8,000,000	60%	40%	0.68	\$32,640	\$21,760
4	\$8,000,000	60%	40%	0.68	\$32,640	\$21,760
5	\$8,000,000	60%	40%	0.68	\$32,640	\$21,760
6	\$8,000,000	60%	40%	0.68	\$32,640	\$21,760
7	\$8,000,000	60%	40%	0.68	\$32,640	\$21,760
					\$228,480	\$152,320

**TOTALS****\$228,480    \$485,520**



(29)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF WAXAHACHIE, TEXAS AND CARDINAL GLASS COMPANY; AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE THE ASSISTANT CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has been presented a proposed Agreement by and between the City of Waxahachie, Texas and Cardinal Glass Company, establishing a Reinvestment Zone in the City of Waxahachie, Texas, and providing for a commercial/industrial tax abatement for Cardinal Glass Company, a copy of which is attached hereto as Exhibit No. 1 and incorporated herein by reference (hereinafter called "Agreement"); and

**WHEREAS**, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or in his absence the Assistant City Manager, shall be authorized to execute it on behalf of the City of Waxahachie;

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

**Section 1.** The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Waxahachie and found to be acceptable and in the best interests of the City of Waxahachie and its citizens, are hereby in all things approved.

**Section 2.** The City Manager, or in his absence the Assistant City Manager, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Waxahachie, substantially according to the terms and conditions set forth in the Agreement.

**Section 3.** This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this 22<sup>nd</sup> day of January 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**THE STATE OF TEXAS**

)

)

**COUNTY OF ELLIS**

)

Exhibit No. 1

**AGREEMENT**

This AGREEMENT is entered into by and between the City of Waxahachie, Texas, a home rule city and municipal corporation of Ellis County, Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY; and **Cardinal IG Company**, a Minnesota company, duly acting by and through its Authorized Officer, hereinafter referred to as OWNER.

**WITNESSETH:**

**WHEREAS**, on the 22 day of January, 2019, the City Council of the City of Waxahachie, Texas, passed an Ordinance nominating an area as the Waxahachie Enterprise Zone in the City of Waxahachie, Texas, for commercial/industrial tax abatement, pursuant to The Texas Enterprise Zone Act (Texas Government Code, Chapter 2303) as amended; and

**WHEREAS**, Reinvestment Zone No. 14 has been established in the City of Waxahachie for OWNER; and

**WHEREAS**, the CITY has previously adopted a Policy on Economic Development Incentives; and

**WHEREAS**, the Policy on Economic Development Incentives constitutes appropriate guidelines and criteria governing tax abatement agreements to be entered into by the CITY as required by the Property Redevelopment and Tax Abatement Act; and

**WHEREAS**, the CITY has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

**WHEREAS**, in order to maintain and/or enhance the commercial/industrial economic and employment base of the Waxahachie area to the long term interest and benefit of the CITY; and

**WHEREAS**, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said Reinvestment Zone No. 14 in accordance with the purposes for its creation and are in compliance with the CITY's Policy on Economic Incentives and the ordinance creating such enterprise zone adopted by the CITY and all applicable laws;

**NOW THEREFORE**, the parties hereto do mutually agree as follows:

1. The property to be the subject of this AGREEMENT shall be that real and personal property described by metes and bounds and on the plat attached hereto as EXHIBIT "A" and made a part hereof and shall be hereinafter referred to as PROPERTY.

2. The OWNER shall make improvements to the PROPERTY as specifically described in Exhibit "B" (hereinafter referred to as IMPROVEMENTS) with total expenditures in the approximate amount of \$7,000,000.00 in real property investment for modification and expansion to include new construction of 100,000 square feet of warehouse space and office space, and exterior renovations and the installation of \$8,000,000.00 in new equipment to be substantially

complete on or about **March 31, 2019** provided, that **OWNER** shall have such additional time to complete the IMPROVEMENTS as may be required in the event of "force majeure" if **OWNER** is diligently and faithfully pursuing completion of the IMPROVEMENTS. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of **OWNER** including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of **OWNER**), fires, explosions or floods, strikes, lockouts or labor disputes and shortages of materials required for completion of construction. The date of completion of the IMPROVEMENTS shall be defined as the date a Certificate of Occupancy is issued by the City of Waxahachie. Actual construction of improvements shall begin no more than twelve (12) months from the date this agreement for tax abatement is approved. In event of non-compliance with this provision, the application shall be null and void with the right to reapply.

3. The **OWNER** agrees and covenants that it will diligently and faithfully, in a good and workmanlike manner, pursue the completion of the IMPROVEMENTS as a good and valuable consideration of this AGREEMENT. **OWNER** further covenants and agrees that all construction of the IMPROVEMENTS will be in substantial accordance with all applicable State and local laws, codes, and regulations or valid waiver thereof. In further consideration, **OWNER**, shall thereafter, from the date a Certificate of Occupancy is issued until the expiration of this AGREEMENT continuously operate and maintain the PROPERTY as a warehouse and office space for the period ending **2026**.

4. In the event that (a) the IMPROVEMENTS for which an abatement has been granted are not substantially completed in accordance with this AGREEMENT or (b) **OWNER** allows its ad valorem taxes owed the CITY to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes; or (c) **OWNER** breaches in any material respect any of the terms or conditions of this AGREEMENT, or (d) **OWNER** does not comply with the terms of its applicable zoning with its Specific Use Permit, then this AGREEMENT shall be in default. In the event that the **OWNER** defaults in its performance of either (a) or (b) or (c) or (d) above, then the CITY shall give the **OWNER** written notice of such default. If the default is a default under (b) or (d) above, **OWNER** will have 30 days from the date of the notice to cure the default. If the default is a default under (a) or (c) above, **OWNER** will have 90 days from the date of the notice to cure the default; provided that if **OWNER** promptly commences curative action and with diligence attempts to cure the default but can not cure the default within the 90 day period due to cause beyond the control of **OWNER**, **OWNER** will be granted an additional 60 days to cure the default. If **OWNER** fails to cure the default within the applicable time period, this AGREEMENT may be terminated by the CITY upon delivery of written notice thereof to **OWNER**. Notice shall be in writing and shall be delivered by personal delivery or certified mail to **Cardinal IG Company, Attention: Plant Manager, 201 Cardinal Road, Waxahachie, Texas, 75165**. AGREEMENT as a result of default by **OWNER**, all taxes which otherwise would have been paid to the CITY without the benefit of abatement (interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, but without the addition of a penalty) will become a debt to the CITY, and shall be due, owing and paid to the CITY within sixty (60) days of the termination of this AGREEMENT as the sole remedy of the CITY subject to any and all lawful offsets, settlements, deduction, or credits to which **OWNER** may be entitled. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

5. The parties hereto acknowledge that for the year **2018** the appraised Personal Property value is **\$11,469,370.00**. Property values of supplies and inventory are specifically

excluded and are not a part of this AGREEMENT.

6. The CITY represents and warrants that the PROPERTY does not include any property that is owned by a member of their respective councils or boards, agencies, commissions, or other governmental bodies approving this AGREEMENT.

7. The terms and conditions of this AGREEMENT are binding upon the successors and assigns of all parties hereto.

8. It is understood and agreed between the parties that the OWNER, in performing its obligations hereunder, is acting independently, and that the CITY assume no responsibility or liability in connection therewith to third parties and OWNER agrees to indemnify and hold harmless the CITY there from; it is further understood and agreed among the parties that the CITY, in performing their obligations hereunder, are acting independently, and the OWNER assumes no responsibility or liability in connection therewith to third parties and the CITY agree to indemnify and hold harmless the OWNER thereof.

9. The OWNER further agrees that the CITY, their agents and employees, shall have reasonable right of access to the PROPERTY to inspect the IMPROVEMENTS in order to insure that the construction of the IMPROVEMENTS are in substantial accordance with this AGREEMENT and all applicable State and local laws and regulations or valid waiver thereof. After completion of the IMPROVEMENTS, the CITY shall have the continuing right to inspect the PROPERTY and the IMPROVEMENTS thereon during regular business hours to insure that it is thereafter maintained and operated substantially in accordance with this AGREEMENT during the term of the AGREEMENT.

10. Subject to the terms and conditions of this AGREEMENT, and subject to the rights of holders of any outstanding bonds of the CITY, a portion of ad valorem personal property taxes from the PROPERTY and the IMPROVEMENTS otherwise owed to the CITY shall be abated. Said personal property tax abatement shall be an amount equal to 60% for a period of seven (7) years of the taxes assessed upon the increased value of the IMPROVEMENTS over the value in the year 2018 and in accordance with the terms of this AGREEMENT and all applicable State and local regulations or valid waiver thereof; provided that the OWNER shall have the right to protest and/or contest any assessment of the PROPERTY and IMPROVEMENTS, and said abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest and/or contest. Said abatement shall extend for a period of seven (7) years beginning from the first day of January of the year following completion of the IMPROVEMENTS which shall be 2020 (the "COMMENCEMENT DATE"). Unless earlier terminated as herein provided, this AGREEMENT shall automatically terminate on the Seventh anniversary of the COMMENCEMENT DATE which will be January 2026.

11. The City shall have the right to conduct reviews, audits and inspections to evaluate the applicant's performance and compliance with the terms of the tax abatement agreement after the abatement is granted. The City shall also have the right to conduct reviews, audits and inspections during the application process to verify information in the application and assess project feasibility and benefit. The applicant must agree to provide to the City requested information promptly after request by the City for purposes of these reviews and audits, and agree to give the City the right to inspect the applicant's operations during regular business hours.

12. OWNER agrees that the employment count as of January 2019 is 245 full time employees and that the proposed IMPROVEMENTS will allow for the employment of

approximately **30 additional** full time employees by **December 2019** for a total of **275** full time employees.

13. In order to efficiently administer the abatement, all parties agree that it is necessary to be able to identify and categorize all physical assets of the company as to date of acquisition, acquisition costs, and dates of termination of service. The company agrees to provide annually, before April 1, a full asset listing to the Ellis County Appraisal District.

14. This AGREEMENT was authorized by resolution of the City Council at its regularly scheduled meeting on the **22** day of **January, 2019** authorizing the City Manager to execute the AGREEMENT on behalf of the City.

15. This AGREEMENT shall constitute a valid and binding AGREEMENT between the CITY and **OWNER**, when executed in accordance herewith, regardless of whether any other taxing unit executes a similar agreement for tax abatement.

16. Prior to February 15<sup>th</sup> of each year, **OWNER** will certify to each Taxing Unit whether or not **OWNER** is, as of the certification date, in compliance with each applicable term of this AGREEMENT. If **OWNER** is not in compliance with each applicable term of this AGREEMENT, **OWNER** will specify in the certification the term or terms with respect to which **OWNER** is not in compliance.

17. In order to receive the tax abatement pursuant to this Agreement, **OWNER** understands it must file with the appraisal district an application for property tax abatement exemption, in a form similar to the form attached hereto as Exhibit "C," between January 1 and April 30 of each year during the term of this Agreement.

18. **OWNER** certifies that **OWNER** does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, **OWNER** is convicted of a violation under 8 U.S.C. § 1324a(f), **OWNER** shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of eight percent (8%), not later than the 120th day after the date the CITY notifies **OWNER** of the violation.

19. In accordance with Section 2270.002 of the Texas Government Code (as added by Tex. H.B. 89, 85th Leg. R.S. (2017)), the **OWNER** verifies that it does not boycott Israel and will not boycott Israel during the Term of this Agreement.

20. In accordance with Section 2252.152 of the Texas Government Code (as added by Tex. S. B. 252, 85th Leg., R.S. (2017)), the Parties covenant and agree that the **OWNER** is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 806.051, 807.051, or 2252.153 of the Texas Government Code.

(29)

This AGREEMENT is performable in Ellis County, Texas, witness our hands this 22<sup>nd</sup> day of January, 2019.

APPROVED:

**CITY OF WAXAHACHIE**

\_\_\_\_\_  
City Manager

ATTEST:

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

**CARDINAL IG COMPANY**

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

(29)

EXHIBIT "A"

ORIGINAL FILED  
98 DEC 22 AM 11:18

D-249

9827490

FIELD NOTES FOR DEDICATION:

FIELD NOTES  
48.721 Acres

FILED FOR RECORD  
CINDY POLLEY  
ELLIS COUNTY CLERK

BEING all that certain lot, tract or parcel of land lying in the A.W. BROWN SURVEY, A-102 and the J. STARRETT SURVEY, A-1024, in City of Waxahachie, Ellis County, Texas, and being a part of a called 94.448 acre tract of land as conveyed to TX-WYO, INC., by deed and recorded in Volume 809, Page 998, Deed Records, Ellis County, Texas, (DIRECT), and being a part of a called 48.455 acre tract of land as conveyed to Sumner, Inc. and and Sushil Corporation, by deed and recorded in Volume 734, Page 188, DIRECT, and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found in the east line of the M.K. & T. Railroad for the southwest corner of the aforesaid 94.448 acre tract and also being the northwest corner of the aforesaid 48.455 acre tract of land;

THENCE N 17°00'00" E, 908.64 feet ( Deed - N 17°15'20" E ) along the west line of the aforesaid 94.448 acre tract and same for this tract and along the east line of the said M.K. & T. Railroad to a 1/2" steel rod found for the northwest corner of this tract, said steel rod also being the southwest corner of a 45.490 acre tract of land as conveyed out of the 94.448 acre tract to TEMPLE/RE-COM INC., by deed and recorded in Volume 1315, Page 96, Official Public Records of Ellis County, Texas, (OPRECT);

THENCE S 89°58'15" E, 947.27 feet along the south line of the aforesaid 45.490 tract of land to a 1/2" steel rod set for the most northerly northeast corner of this tract;

THENCE SOUTH, 273.25 feet to a 1/2" steel rod set for corner;

THENCE S 66°20'00" E, 145.67 feet to a 1/2" steel rod set at the beginning of a curve to the left;

THENCE 315.80 feet along the arc of said curve ( Radius = 765.00 feet, Central Angle = 23°38'15", Long Chord = S 78°09'08" E, 313.37 feet ) to a 1/2" steel rod set for corner;

THENCE S 89°58'15" E, 574.04 feet to a 1/2" steel rod set at the beginning of a curve to the right;

THENCE 203.60 feet along the arc of said curve ( Radius = 835.00 feet, Central Angle = 13°58'15", Long Chord = S 82°59'08" E, 203.10 feet ) to a 1/2" steel rod set for corner;

THENCE S 76°00'00" E, 183.74 feet to a 1/2" steel rod set in the current west line of U.S. Highway 77 for the most easterly northeast corner of this tract and being in the east line of the aforesaid 94.448 acre tract;

THENCE S 14°57'45" W, 10.47 feet ( Deed - S 15°14'00" W ) ( NOTE: Bearings for this description from Texas Co-ordinate System, North Central Zone, NAD 27, and provided by the Texas Department of Transportation, Waxahachie Office ) along the east line of this tract and same for the aforesaid 94.448 acre tract to a 1/2" steel rod found at the beginning of a curve to the left;

THENCE 59.59 feet along the arc of said curve and current west line of U.S. Highway 77 ( Radius = 2291.77 feet, Central Angle = 01°29'23", Long Chord = S 11°24'42" W, 59.59 feet ) to a 1/2" steel rod set for the most easterly southeast corner of this tract;

THENCE N 76°00'00" W, 166.26 feet to a 1/2" steel rod set at the beginning of a curve to the left;

THENCE 186.54 feet along the arc of said curve ( Radius = 765.00 feet, Central Angle = 13°58'15", Long Chord = N 82°59'08" W, 186.07 feet ) to a 1/2" steel rod set for corner,

THENCE N 89°58'15" W, 574.04 feet to a 1/2" steel rod set at the beginning of a curve to the right;

THENCE 344.48 feet along the arc of said curve ( Radius = 835.00 feet, Central Angle = 23°38'15", Long Chord = N 78°09'08" W, 342.04 feet ) to a 1/2" steel rod set for corner;

THENCE N 66°20'00" W, 114.99 feet to a 1/2" steel rod set for corner;

THENCE SOUTH, at 514.46 feet pass the south line of the aforesaid 94.448 acre tract and north line of the called 48.455 acre tract, in all 1335.18 feet to a 1/2" steel rod set in the south line of the aforesaid 48.455 acre tract for the southeast corner of this tract, said steel rod also being in the north line of the REVCO SUBDIVISION, as recorded in Cabinet B, Slide 389 of the Plat Records of Ellis County, Texas;

THENCE S 89°54'05" W, ( Deed - S 89°43'45" W ) 1394.63 feet along the south line of the aforesaid 48.455 acre tract and the north line of said REVCO tract to a 1/2" steel rod set for the southwest corner of the aforesaid 48.455 acre tract and being the same for this tract, said steel rod also being in the east line of said M.K. & T. Railroad,

THENCE N 00°16'15" W, ( Same as Deed ) 221.07 feet along the west line of the aforesaid 48.455 acre tract and the east line of said M.K. & T. Railroad to a 1/2" steel rod set for corner;

THENCE N 17°00'00" E, 825.05 feet ( Deed - N 16°42'55" E ) along the west line of the aforesaid 48.455 acre tract and same for this tract and along the east line of the said M.K. & T. Railroad to the POINT OF BEGINNING and containing approximately 48.721 acres of land.

FINAL PLAT  
LOT 1, BLOCK A  
CARDINAL I G ADDITION  
Being a 48.721 Acre Addition in  
the A. W. Brown Survey, A-102  
and the J. Starrett Survey, A-1024  
City of Waxahachie  
Ellis County, Texas



EXHIBIT "B"



**CARDINAL IG  
PLANT EXPANSION  
WAXAHACHIE, TEXAS**

**CO.01**

17593

(29)

EXHIBIT "C"

Application for Property Tax Exemption  
Texas State Comptroller's Office  
Form 50-116

Texas Comptroller of Public Accounts

Form  
50-116

## Application for Property Tax Abatement Exemption

Appraisal District Name

Phone (area code and number)

Appraisal District, Address, City, State, ZIP Code

**GENERAL INSTRUCTIONS:** This application is for use in claiming property tax exemptions pursuant to Tax Code Section 11.28. A property owner who has established a tax abatement agreement under Tax Code Chapter 312, Property Redevelopment and Tax Abatement Act, is entitled to exemption from taxation by an incorporated city or town or other taxing unit of all or part of the value of the property as provided by the agreement.

**FILING INSTRUCTIONS:** This document and all supporting documentation must be filed with the appraisal district office in the county in which the property is taxable. Do not file this document with the Texas Comptroller of Public Accounts. A directory with contact information for appraisal district offices may be found on the Comptroller's website.

**APPLICATION DEADLINES:** The completed application and supporting documentation must be filed beginning Jan. 1 and no later than April 30 of the year for which an exemption is requested. For good cause shown, the chief appraiser may extend the deadline for filing the application by written order for a single period not to exceed 60 days.

**ANNUAL APPLICATION REQUIRED:** An application for this exemption must be filed each year. If information has not changed and/or agreement(s) were not modified, copies of the agreement(s) are not required to be attached.

### OTHER IMPORTANT INFORMATION

Pursuant to Tax Code Sec. 11.45, the chief appraiser may request additional information. The additional information must be provided within 30 days of the request or the application is denied. For good cause shown, the chief appraiser may extend the deadline for furnishing the additional information by written order for a single period not to exceed 15 days.

State the tax year for which you are applying.

Tax Year

Did the applicant own the property that is the subject of this application on Jan. 1 of the tax year? ☐ Yes ☐ No

### SECTION 1: Property Owner/Applicant

The applicant is the following type of property owner: (check one):

☐ Individual ☐ Partnership ☐ Corporation ☐ Other (specify): \_\_\_\_\_

Name of Property Owner

Driver's License, Personal I.D. Certificate  
Social Security Number or Federal Tax I.D. Number\*

Physical Address, City, State, ZIP Code

Phone (area code and number)

Email Address\*\*

Mailing Address of Property Owner (if different from the physical address provided above):

Mailing Address, City, State, ZIP Code

(29)

Texas Comptroller of Public Accounts

Form  
50-116

SECTION 2: Authorized Representative

If you are an individual property owner filing this application on your own behalf, skip to section 3; all other applicants are required to complete section 2.

Please indicate the basis for your authority to represent the property owner in filing this application:

- ☐ Officer of the company   ☐ General Partner of the company   ☐ Attorney for property owner
- ☐ Agent for tax matters appointed under Tax Code Section 1.111 with completed and signed Form 50-162
- ☐ Other and explain basis: \_\_\_\_\_

Provide the following information for the individual with the legal authority to act for the property owner in this matter:

Name of Authorized Representative

Driver's License, Personal I.D. Certificate or Social Security Number

Title of Authorized Representative

Primary Phone Number (area code and number)

Email Address\*\*

Mailing Address, City, State, ZIP Code

SECTION 3: Property Description

Provide the descriptive information requested below for the property that is the subject of this application. Provide the appraisal district account number (if known) or attach a tax bill or copy of appraisal or tax office correspondence concerning this account.

Physical Address (i.e. street address, not P.O. Box), City, State, ZIP Code

Appraisal district account number (if known)

Legal Description:

Was a wind-powered energy device installed or constructed:

- on a parcel of real property under an abatement agreement;
- at a location within 25 nautical miles of the boundaries of a military aviation facility located in this state; and
- on or after Sept. 1, 2017?

☐ Yes ☐ No

If yes, was the wind-powered energy device installed or constructed as part of an expansion or repowering of an existing project? ..

☐ Yes ☐ No

SECTION 4: Taxing Units that have Agreed to Abate Taxes

For each taxing unit identified, attach copies of abatement agreements unless you previously applied for and were granted the abatement and no changes have occurred and/or the agreement(s) were not modified.

For more information, visit our website: [comptroller.texas.gov/taxes/property-tax](http://comptroller.texas.gov/taxes/property-tax)

Page 2

(29)

Texas Comptroller of Public Accounts

Form  
50-116

SECTION 5: Abatement(s) Questions

1. Is this a continuation of an existing abatement agreement? ☐ Yes ☐ No
2. Are the terms and duration of each taxing unit's agreement different or identical? ☐ Different ☐ Identical
- If different, please copy this form for each taxing unit and complete section 5 for each unit. In the area where taxing units are listed, please circle the taxing unit being summarized.
- If identical, please describe the nature of the abatement agreements for this year by completing the following:
- ☐ Lump sum exemption of \$ \_\_\_\_\_
- ☐ Percentage exemption of \_\_\_\_\_ %
- ☐ Other (Attach a statement describing the method of calculating abatement. Provide dollar value to be exempted this year.)
3. Does the agreement abate taxes on personal property? ☐ Yes ☐ No
4. Are you in compliance with the agreement? ☐ Yes ☐ No
- If no, attach a statement explaining the reason for noncompliance.

SECTION 6: Additional Required Documentation

The following documents must be included with this application.

- copies of abatement agreements, unless the abatement was previously granted and no changes have occurred and/or the agreement(s) were not modified;
- a statement describing the method of calculating the abatement if it is not a lump sum or percentage exemption (provide the dollar amount to be exempted this year); and
- a statement explaining the reason for noncompliance if applicant is not in compliance with an abatement agreement.

SECTION 7: Certification and Signature

**NOTICE REGARDING PENALTIES FOR MAKING OR FILING AN APPLICATION CONTAINING A FALSE STATEMENT:** If you make a false statement on this form, you could be found guilty of a Class A misdemeanor or a state jail felony under Penal Code Section 37.10.

I, \_\_\_\_\_, swear or affirm the following:

Printed Name of Property Owner or Authorized Representative

1. that each fact contained in this application is true and correct;
2. that the property described in this application meets the qualifications under Texas law for the exemption claimed; and
3. that I have read and understand the Notice Regarding Penalties for Making or Filing an Application Containing a False Statement.

sign  
here

Signature of Property Owner or Authorized Representative

Date

\* If the property owner is a company or other legal entity (not an individual), the Federal Tax I.D. Number is to be provided. Disclosure of your social security number (SSN) may be required and is authorized by law for the purpose of tax administration and identification of any individual affected by applicable law. Authority: 42 U.S.C. § 405(c)(2)(C)(i); Tax Code Section 11.43(f). Except as authorized by Tax Code Section 11.48(b), a driver's license number, personal identification certificate number, or social security number provided in this application for an exemption filed with your county appraisal district is confidential and not open to public inspection under Tax Code Section 11.48(a).

\*\* An email address of a member of the public could be confidential under Government Code Section 552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.

For more information, visit our website: [comptroller.texas.gov/taxes/property-tax](http://comptroller.texas.gov/taxes/property-tax)

Page 1

**ORDINANCE NO. 3075**

AN ORDINANCE REPEALING AND REPLACING CHAPTER 11 (ELECTRICITY) OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE AND MOVING IT TO CHAPTER 8 (BUILDING); RENAMING CHAPTER 11 TO BUILDING AND COMMUNITY SERVICES FEE SCHEDULE; ADOPTING THE INTERNATIONAL CODE COUNCIL VALUATION TABLE; ADOPTING A REVISED FEE SCHEDULE; AND SETTING AN EFFECTIVE DATE OF MARCH 1, 2019.

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

THAT CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE IS REPEALED AND REPLACED TO READ AS FOLLOWS:

**Chapter 11 – BUILDING & COMMUNITY SERVICES FEE SCHEDULE****Section 11-1. BUILDING & COMMUNITY SERVICES FEE SCHEDULE****Building Inspection Fees****Amount****Building Permit -**

\$0.40 per sf for permit

**Includes New Construction, Additions,  
Alterations & Accessory Bldgs.**

\$0.05 per sf for plan review

*\* Note: Value for building permits is based on the latest building valuation table created by the International Code Council (ICC) which utilizes regional building valuation data (see Valuation Table).*

MEP Fee Associated w/ a Building Permit

**Building Mechanical Fee**

\$0.05 per sf

**Building Electrical Fee**

\$0.05 per sf

**Building Plumbing Fee**

\$0.05 per sf

MEP Fee NOT Associated w/ a Building Permit

**Mechanical Permit Fee**

*\$50 (if number of units exceeds two units, then \$50 will be charged per unit)*

**Electrical Permit Fee**

*\$50 (if number of units exceeds two units, then \$50 will be charged per unit)*

(30)

<b>Plumbing Permit Fee</b>	<i>\$50 (If number of units exceeds two units, then \$50 will be charged per unit)</i>
<b>Certificate of Occupancy</b>	\$50
<b>In-Ground Swimming Pool</b>	\$200
<b>Above-Ground Swimming Pool</b>	\$50
<b>On-Site Sewer Facility</b>	\$250
<b>Irrigation</b>	\$50
<b>Temporary Building</b>	\$50
<b>Moving Permit</b>	\$100
<b>Fence</b>	\$50
<b>Demolition</b>	\$50
<b>Fire Suppression</b>	\$50
<b>Fire Alarm</b>	\$50
<b>Fire Sprinkler</b>	\$50
<b>Signs</b>	Temporary / Promotional: \$30 Pole / Monument: \$75 Wall / Development / Real Estate: \$50
<b>Convenience Charge</b>	An additional third party fee may be charged for online payments.
<b>Temporary Use (events, tent sale, carnival, etc.)</b>	\$50
<b>Roofing</b>	\$50
<b>Garage Sale</b>	\$5
<b>Estate Sale</b>	\$25
<b>Miscellaneous (fee for work not listed)</b>	\$50
<b>Contractor Registration</b>	\$0 However, must still register

(30)

**Supplemental Plan Review**

\$50/hr  
min. 2 hrs. for single-family  
residential / min. 3 hrs. for non-  
single-family

**Re-Inspection**

\$50

**Food Establishment Fees**

**Amount**

**Permanent Food Establishment**

Facilities w/ 1,000 or less sf: \$125  
Facilities w/ 1,001 to 5,000 sf: \$175  
Facilities w/ 5,001 to 10,000 sf: \$225  
Facilities w/ 10,001 or more sf: \$300

**Mobile Food Establishments**

\$150

**Nonpermanent Food Establishments**

\$120

**Temporary Food Establishments**

Temperature Controlled: \$60  
Pre-Packaged: \$25

**Seasonal Food Establishments**

\$60

**Farmers Market**

\$30

**Change of Ownership**

\$25

**Re-Issuance of Permit after Expiration**

\$25

**Additional Printed Permits**


\$5 per copy

**Nonprofit Organizations**

\$60

**PASS, APPROVED, AND ADOPTED ON THIS THE 7<sup>th</sup> day of January, 2019.**



  
MAYOR

**ATTEST:**

  
City Secretary



(31)



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager  
Date: January 18, 2019  
Re: Howard Road Water Treatment Plant Master Plan Update

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On Tuesday, January 22, 2019 a professional services contract with Alan Plummer Associates, Inc. for the Howard Road Water Treatment Plant Master Plan Update will appear before the City Council in the amount of \$213,430. Specifically this contract will provide engineering services to evaluate plant capacity, expansion phases, treatment technology, mechanical evaluation, source water delivery, water quality, future staffing needs, and other associated components at the Howard Road Water Treatment Plant (HRWTP).

This analysis will be an update to the Master Plan that was completed in 2004. Since the 2004 Master Plan many critical variables relevant to the study have changed, including water quality and treatment rules, the purchasing of raw water from the Tarrant Regional Water District (TRWD), and the potential to purchase raw water from the Integrated Pipeline (IPL) through TRWD. The updated master plan will help address the continued changes in the industry and help plan for the City's future water treatment and water availability needs.

This project was originally intended to be funded through the sale of bonds this fiscal year. However staff is now recommending that surplus operations and maintenance funds, from the Central Pump Station Demolition Project, be utilized to pay for the costs associated with this project. The Central Pump

(31)

Station was originally scheduled to be demolished this fiscal year, and \$265,850 were incorporated into the FY18-19 operations and maintenance budget for this project. However the decommissioning and demolition of the Central Pump Station cannot begin until the completion of Howard Road High Service Pump Station Electrical Improvements and Lake Waxahachie Raw Water Pump Station No. 2 Generator Project.

As the estimated construction costs associated with High Service Pump Station Improvements and the Lake Waxahachie Raw Water Pump Station Number 2 Generator Project exceeds \$3,000,000, staff is recommending to not issue reimbursement resolutions for this work and to award construction after City Council authorizes the sale of bonds later this fiscal year. Staff is recommending preserving the City's reimbursement resolution capacity for the TxDOT Viaduct Couplet Project. As a result, there is \$265,850 amount of funds in the operation and maintenance budget that could be utilize to fund HRWTP Master Plan Update, rather than utilizing bond funds for the project.

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

Tommy Ludwig

(32)

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

***AN ORDINANCE ORDERING AN ELECTION TO BE HELD TO ELECT TWO CITY COUNCIL MEMBERS; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH ELLIS COUNTY ELECTIONS ADMINISTRATION; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE***

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

SECTION 1. That an election be held on the 1st Saturday of May, 2019, being May 4, 2019, under and by virtue of the provisions of the City Charter of the City of Waxahachie, for the purpose of electing two City Council members to fill the regular terms from May 2019 to May 2021.

SECTION 2. City of Waxahachie city officials are authorized and directed to contract with Ellis County Elections Administrator hereinafter referred to as "Contracting Officer" for Election Services.

SECTION 3. Contracting Officer shall be responsible for performing duties and shall furnish services and equipment as outlined in Exhibits "A", "B", "C", and "D" and in accordance with the Texas Election Code.

SECTION 4. The deadline for filing an application for a place on the ballot is Friday, February 15, 2019 at 5:00 p.m.

SECTION 5. The election shall be conducted with bilingual (English and Spanish) election materials and methods, in accordance with the Federal Voting Rights Act.

SECTION 6. The Council finds that an emergency involving the efficient daily operation of the City is involved, and that this ordinance will become effective immediately.

PASSED, APPROVED, AND ADOPTED on this the 22<sup>nd</sup> day of January, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(32)



**May 4, 2019**  
**Joint Election**  
**Contract for Election Services**

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## **May 4, 2019 Joint Election**

### **Table of Contents**

I.....	Duties and Services of Contracting Officer
II.....	Duties and Services of Participating Political Subdivisions
III.....	Cost of Election
IV.....	General Provisions

### **Exhibits**

Exhibit A.....	Early Voting Schedule and Location
Exhibit B.....	Election Day Polling Locations
Exhibit C.....	Cost of Services
Exhibit D.....	List of Political Subdivisions Races on Ballot



**THE STATE OF TEXAS  
ELLIS COUNTY**

**JOINT CONTRACT FOR  
ELECTION SERVICES**

**§**

**BY THE TERMS OF THIS CONTRACT** made and entered into by and between the following:

CITY OF ALMA  
CITY OF BARDWELL  
CITY OF CEDAR HILL  
CITY OF ENNIS  
CITY OF FERRIS  
CITY OF GARRETT  
CITY OF ITALY  
CITY OF MANSFIELD  
CITY OF MAYPEARL  
CITY OF MIDLOTHIAN  
CITY OF MILFORD  
CITY OF OAK LEAF  
CITY OF OVILLA  
CITY OF PALMER  
CITY OF PECAN HILL  
CITY OF RED OAK  
CITY OF VENUS  
CITY OF WAXAHACHIE  
ENNIS INDEPENDENT SCHOOL DISTRICT  
FERRIS INDEPENDENT SCHOOL DISTRICT  
ITALY INDEPENDENT SCHOOL DISTRICT  
MAYPEARL INDEPENDENT SCHOOL DISTRICT  
MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT  
MILFORD INDEPENDENT SCHOOL DISTRICT  
PALMER INDEPENDENT SCHOOL DISTRICT  
RED OAK INDEPENDENT SCHOOL DISTRICT  
WAXAHACHIE INDEPENDENT SCHOOL DISTRICT  
ROCKETT SPECIAL UTILITY DISTRICT

hereinafter referred to as "Participating Political Subdivisions" and JANA ONYON, Elections Administrator of Ellis County, Texas, hereinafter referred to as "Contracting Officer", pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the May 4, 2019 Joint Election.

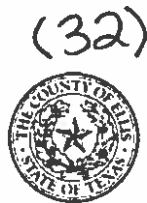


**THIS AGREEMENT** is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

**I. DUTIES AND SERVICES OF CONTRACTING OFFICER.** The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange for notification (including writ of election), training and compensation of all presiding judges, alternate judges, clerks for the polling site, Central Counting Station and early voting ballot board.

- a. The Contracting Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The presiding election judge of each polling place, will use his/her discretion to determine when additional manpower is needed during peak voting hours. The recommendations of the Participating Political Subdivisions will be the accepted guidelines for the number of clerks to work in each polling place. Election judges and early voting personnel shall be secured by the Contracting Officer using the recommended names provided by the Participating Political Subdivisions.
- b. Election judges, Alternate judges, Clerks and Student Clerks shall all attend the Contracting Officer's school of instruction. (Date and location to be determined)
- c. Election judges shall be responsible for picking up from and returning election supplies to the Contracting Officer. (Date to be determined). Compensation for this pickup and delivery of supplies will be \$25.00.
- d. The Contracting Officer shall compensate each election judge and election worker. Compensation will be based on what the county pays and has been approved in Commissioner's Court unless arranged otherwise. Early voting presiding officer shall receive \$10.50 per hour and clerks shall receive \$9.00 per hour for services. Each election day judge shall receive \$10.50 per hour for services rendered; each alternate judge shall receive \$9.50 per hour for services; and clerk shall receive \$9.00 per hour for services. Ballot Board, Central Counting Station Presiding judge and alternate shall receive the same as for Election Day judge and alternate for services. Each worker that attends training class shall receive up to 2 hours of pay per election. Overtime will be paid to each person working over 40 hours per week. All other required and additional expenses by law shall be paid. (ie: FICA, Medicaid, etc.)



- B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.
- a. Each Participating Political Subdivisions agrees that voting at the Joint Election will be by use of Election Systems and Software ExpressVote marking devices and DS200 Precinct Scanner/Tabulators and the DS450 Absentee Scanner/Tabulator voting system approved by the Secretary of State in accordance with the Texas Election Code.
  - b. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election.
  - c. The Contracting Officer shall secure all tables, chairs, and voting booths required to hold an election.
  - d. The Contracting Officer shall provide all lists of registered voters for use on Election Day and for the early voting period as mandated by law. Laptop computers will be used to qualify voters for the early voting period and on Election Day. A second laptop computer with the list of registered voters will be provided as back-up in each Early Voting and Election Day polling place.
  - e. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.
    - 1. Equipment includes the rental of DS200 voting machines (1 per site), ADA ExpressVote marking devices (6 or more per site), transfer cases, ballot cans, voting signs, voting booths and laptop computers.
    - 2. Supplies include election forms, ballots, labels, extension cords, pens, tape, markers, ballot pens, required signage, totem display poles, name tags, etc.





C. The Contracting Officer, Jana Onyon, shall be appointed the Early Voting Clerk by the Participating Political Subdivisions.

- a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person.
- b. Early Voting by personal appearance for the Participating Political Subdivisions shall be conducted during the time period and at the locations listed in Exhibit "A", attached and incorporated by reference into this contract. Cities are required to have 2 days of 12 hour voting and those will be the last 2 days of early voting.
- c. Any qualified voter for the Joint Election may vote early by personal appearance at any of the Early Voting locations within Ellis County. Elections Office 204 E Jefferson Street, Waxahachie, TX 75165 serves as the main location.
- d. Some Participating Political Subdivisions have requested additional Early Voting sites pending their participation, therefore Exhibit "A" is subject to change if any of the Participating Political Subdivisions cancel their election.
- c. All applications for an Early Voting mail ballot shall be received and processed by the Ellis County Elections Administration Office.
  1. Application for mail ballots erroneously mailed to the Participating Political Subdivisions shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.
  2. Absentee Application (Regular or Federal Postcard) for ballot by mail shall be mailed to:  
**Jana Onyon, Early Voting Clerk,  
 204 E Jefferson Street, Waxahachie, Tx 75165  
 or faxed to 972-923-5194  
 or email a scanned copy of signed application to elections@co.ellis.tx.us  
 (If faxed or emailed, then must receive original application within 4 days)**  
**Application for ballot by mail must be received no later than close of business on Tuesday, April 23, 2019.**
  3. All Federal Post Card Applicants (FPCA) and Annual Mail Ballot Applicants will be sent a mail ballot with required notices.



- d. All Early Voting ballots (those cast by mail/absentee) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed in the same manner as presiding election judges (Section 87.002b)
- D. The Contracting Officer shall arrange for the use of all Election Day polling places.
  - a. The Participating Political Subdivisions shall assume the responsibility of remitting the shared cost of all employee services required to provide access, provide security or provide custodial services for the polling locations.
  - b. The Election Day polling locations are listed in Exhibit "B", attached and incorporated by reference into this contract.
  - c. Some Participating Political Subdivisions have requested additional Election Day Vote Centers pending their participation, therefore Exhibit "B" is subject to change if any of the Participating Political Subdivisions cancel their election.
  - d. Any qualified voter for the Joint Election may vote on election day by personal appearance at any of the Election Day Vote Center locations within Ellis County.
- E. The Contracting Officer shall be responsible for establishing and overseeing the tabulation of the early voting and election day voted ballots by the Central Counting Station Personnel. Ballots shall be tabulated in accordance with Section 127.001 of the Texas Election Code and of this agreement.
  - a. The Contracting Officer shall prepare, test and run the county's tabulation system in accordance with statutory requirements and policies. The tabulation system will be used on Election Night at the Elections Office.
  - b. The Public Logic and Accuracy Test (L &A) of the electronic voting system shall be conducted. Contracting Officer will publish required notice in local newspaper (Waxahachie Daily Light) of time and place as required by the election code.



- c. Election night reports will be available to the Participating Political Subdivisions at 7pm on election night on the Ellis County website ([www.co.ellis.tx.us/elections](http://www.co.ellis.tx.us/elections)). Provisional ballots will be tabulated after election night in accordance with law.
- d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted for election day, provisional ballots, and any overseas ballots that will be tallied after the final deadline to count ballots. This report will be sent to the Participating Political Subdivisions for their canvass.
- e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months.
  - 1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
  - 2. The Participating Political Subdivisions can obtain the list of registered voters (Combination Forms) from the Elections Administration Office after this retention period. Pending no litigation and if the Participating Political Subdivisions does not request the lists, the Contracting Officer shall destroy them.
- f. The Contracting Officer shall conduct a manual partial recount as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the Participating Political Subdivisions in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

**II. DUTIES AND SERVICES OF THE PARTICIPATING POLITICAL SUBDIVISIONS.** The Participating Political Subdivisions shall assume the following responsibilities:

- A. The Participating Political Subdivisions shall prepare the election orders resolutions, notices, justice department submissions (if required), official canvass and other pertinent documents for adoption by the appropriate office or body. The Participating Political Subdivisions shall handle the candidate filing process and packets that are required by law. The Participating Political Subdivisions assume the responsibility of posting required notices and likewise promoting the schedules for Early Voting and Election Day.



- B. The Participating Political Subdivisions if recent changes have been made, shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic or printed format as soon as possible but no later than Friday, February 15, 2019, if any changes have occurred since the last election the county has held for your entity.
- C. The Participating Political Subdivisions shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format (word.doc preferred).
  - a. The Participating Political Subdivisions shall deliver to the Contracting Officer as soon as possible after the election has been ordered any proposition wording in English and Spanish. Candidate names should be given after the drawing. Should receive all information no later than Tuesday, February 26, 2019.
  - b. Exhibit "D" is provided with a listing of races and/or propositions on the ballot for each Participating Political Subdivisions pending any cancellations or withdrawals.
  - c. The Participating Political Subdivisions shall approve the "blue line" ballot format prior to printing.
- D. The Participating Political Subdivisions shall post the publication of the "Election Order" and "Election Notice" by the proper methods with the proper media in accordance with the Texas Election Code.
- E. The Participating Political Subdivisions shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual recount this election may require, or for a required runoff election consistent with charges and hourly rates shown on Exhibit "C" for required services.
- F. The Participating Political Subdivisions shall submit this signed contract and pay the Contracting Officer a deposit of 80% of the estimated cost to run the said election prior to Friday, March 29, 2019. The Contracting Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code.



The Deposit should be delivered within the mandatory time frame to:

**Ellis County Treasurer  
Att. Cheryl Chambers  
109 S. Jackson, 3<sup>rd</sup> Floor  
Waxahachie, Texas 75165**

Made payable to: "Ellis County Treasurer" with the note "for election services" included with check documentation.

The signed contract should be delivered or mailed to:

**Ellis County Elections  
Attn: Jana Onyon  
204 E Jefferson Street  
Waxahachie, Texas 75165**

- G. The Participating Political Subdivisions shall pay any additional cost and/or remaining final cost of conducting said election or any required runoff elections pursuant to the Texas Election Code, Section 31.100, within 30 days from the date the final billing was received.

### **III. COST OF SERVICES. See Exhibit "C."**

- A. All actual shared cost incurred in the conduct of the election will be divided by the Participating Political Subdivisions contracting with the Contracting Officer to hold the said election. If one of the Participating Political Subdivisions cancels their election, the full cost of the election will be the responsibility of the remaining Participating Political Subdivisions.
- B. Specifically, for the May 2019 Joint Election only the following applies:
  - a. Since Ellis County will have a proposition on the ballot. Ellis County will pay for 50% of the cost of the election and the remainder 50% will be paid by the Participating Political Subdivisions.
  - b. An addendum of Exhibit "C" to the contract shall be provided to the remaining participating Political Subdivisions no later than five (5) business days after receipt of any Political Subdivisions notification of intent to withdraw in writing by Ellis County.
  - c. All future elections cost will be divided as described in Section A above.
- C. If a Runoff Election is required, additional cost will be billed to the Participating Political Subdivisions. Runoff Election will be held on June 8, 2019, if required.



#### **IV. GENERAL PROVISIONS.**

- A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the May 4, 2019 Joint Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.
- B. Upon request, the Contracting Officer will provide copies of all invoices and other charges received in the process of running said election for the Participating Political Subdivisions.
- C. If a Participating Political Subdivision cancels an election pursuant to the Texas Election Code, they will not be liable for any further costs incurred by the Contracting Officer in conducting the said Election. Notice of a cancelled election should be provided to the Contracting Officer as soon as the Participating Political Subdivision has approved it in council meeting.
- D. If any provision of this joint election contract and election services agreement is construed to be illegal or invalid, this will not affect the legality or validity of any of the other provisions. The illegal or invalid provision will be deemed stricken and deleted, but all other provisions shall continue and be given effect as if the illegal or invalid provisions had never been incorporated.
- E. The Elections Administrator of Ellis County, Texas and all of the contracting authorities of all of the participating political subdivisions listed in this joint election contract and election services agreement represent that each has the full right, power and authority to enter and perform this Contract in accordance with all of the terms and conditions, and that the execution and delivery of this Contract has been made by authorized representatives of the parties to validly and legally bind the parties to all terms, performances and provisions set forth in this Contract.
- F. The Contracting Officer shall file copies of this contract with the County Judge, County Auditor and the County Treasurer of Ellis County, Texas.

(32)



WITNESS BY MY HAND THIS THE 8 DAY OF JANUARY 2019.

  
\_\_\_\_\_  
Jana Onyon, CERA  
Elections Administrator  
Ellis County, Texas

WITNESS BY MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019

By: \_\_\_\_\_  
Signature Printed Name and Title

Political Subdivision Name: \_\_\_\_\_  
Printed

**Ellis County, Texas Condado de Ellis, Texas**  
**2019 Joint Election Elección Conjunta de 2019**  
**May 4, 2019 04 de mayo de 2019**  
**Early Voting Vote Centers Centros de votación adelantada**

The below listed Early Voting Vote Centers will be established for any qualified voter with an effective date of registration on or before May 4, 2019. A voter may vote at any of the Early Voting Vote Centers for the 2019 Joint Election.

*Las ubicaciones para centros de votación anticipada que se enumeran a continuación se establecerán para cualquier votante calificado con una fecha efectiva de registro en o antes del 04 de mayo de 2019. Un votante puede votar en cualquiera de los lugares de votación anticipada para las Elección Conjunta de 2019.*

**Early Voting Location Dates and Times:**

*Ubicación, fechas, y horarios de la votación anticipada:*

1. Elections Office (**Main Location**) 204 E. Jefferson Street, Waxahachie, TX 75165
2. Midlothian Conference Center 1 Community Circle Dr., Midlothian, TX 76065
3. Palmer ISD Annex Building 303 Bulldog Way, Palmer, TX 75152
4. Ellis County Sub-Courthouse 207 S. Sonoma Trail, Ennis, TX 75119
5. Red Oak Municipal Center 200 Lakeview Pkwy, Red Oak, TX 75154
6. \*Waxahachie ISD Admin Building 411 N. Gibson Waxahachie, TX 75165 (WISD)
7. \*Mt Gilead Missionary Baptist Church 106 Harris Street, Italy, TX 76651 (Italy/Milford)

Monday, April 22, 2019	through	Friday, April 26, 2019	8:00 AM - 5:00 PM
<i>lunes, 22 de abril de 2019</i>	<i>hasta</i>	<i>viernes, 26 de abril de 2019</i>	<i>8:00 AM - 5:00 PM</i>

Monday, April 29, 2019	through	Tuesday, April 30, 2019	7:00 AM - 7:00 PM
<i>lunes, 29 de abril de 2019</i>	<i>hasta</i>	<i>martes, 30 de abril de 2019</i>	<i>7:00 AM - 7:00 PM</i>

**Mobile Voting Dates and Times:**

*Fechas y Horarios de votar móvil*

8. \*Ferris Public Library 301 E. 10th Street Ferris, TX 75125 (Ferris City/ISD)

Monday, April 29, 2019	and	Tuesday, April 30, 2019	7:00 AM - 7:00 PM
<i>lunes, 29 de abril de 2019</i>	<i>y</i>	<i>martes, 30 de abril de 2019</i>	<i>7:00 AM - 7:00 PM</i>

9. \*Alma Community Center 104 Interurban Rd, Ennis, TX 75119 (Alma)

10. \*First Baptist Church of Maypearl 5744 FM 66 Maypearl, TX 76064 (Maypearl City/ISD)

Tuesday, April 30, 2019	7:00 AM - 7:00 PM
<i>martes, 30 de abril de 2019</i>	<i>7:00 AM - 7:00 PM</i>

Last day to register to vote for the 2019 Joint Election is: Thursday, April 04, 2019.

*Último día para registrarse para votar en la Elección Conjunta de 2019 es: jueves, 04 de abril de 2019.*

Last day for the Election's Office to receive a Regular or FPCA Ballot by Mail Application: Tuesday, April 23, 2019.

*El Último día para que la Oficina de Elecciones reciba una solicitud regular o una solicitud de tarjeta postal federal para votar por correo (FPCA-por sus siglas en inglés) es: martes, 23 de abril de 2019.*

**\*\*Locations #6-#10 pending if any of the listed Political Subdivisions cancel their Election.**



**Ellis County, Texas Condado de Ellis, Texas**  
**2019 Joint Election Elección Conjunta de 2019**  
**May 4, 2019 04 de mayo de 2019**  
**Election Day Vote Centers Centros de votación el día de las elecciones**

**Polls open from 7:00 am to 7:00 pm***Horario de votación estarán abiertos de 7:00 am a 7:00 pm*

The below listed Election Day Vote Centers will be established for any qualified voter with an effective date of registration on or before May 4, 2019. A voter may vote at any of the Election Day Vote Centers for the 2019 Joint Election.

*Las ubicaciones para centros de voto de días de votación se establecerán para cualquier votante calificado con una fecha efectiva de registro en o antes del 04 de mayo de 2019. Un votante puede votar en cualquiera de los centros de votación de día de las elecciones para las Elección Conjunta de 2019.*

- 1 EASTRIDGE BAPTIST CHURCH 732 E OVILLA RD RED OAK, TX 75154
- 2 ELLIS COUNTY SUB-COURTHOUSE 207 S SONOMA TRAIL ENNIS, TX 75119
- 3 ENNIS PUBLIC LIBRARY 501 W. ENNIS AVE ENNIS, TX 75119
- 4 FAITH ASSEMBLY OF GOD CHURCH 1810 W BALDRIDGE STREET ENNIS, TX 75119
- 5 FARLEY STREET BAPTIST CHURCH 1116 BROWN STREET WAXAHACHIE, TX 75165
- 6 FERRIS PUBLIC LIBRARY 301 E 10TH STREET FERRIS, TX 75125
- 7 FIRST BAPTIST CHURCH-MAYPEARL 5744 FM 66 MAYPEARL, TX 76064
- 8 GRACE CHURCH OF OVILLA 519 WESTMORELAND RD OVILLA, TX 75154
- 9 MIDLOTHIAN CHURCH OF CHRIST 1627 N HWY 67 MIDLOTHIAN, TX 76065
- 10 MIDLOTHIAN CONFERENCE CENTER 1 COMMUNITY CIRCLE DR MIDLOTHIAN, TX 76065
- 11 MOUNTAIN PEAK COMMUNITY CHURCH 751 W. FM 875 MIDLOTHIAN, TX 76065
- 12 MT GILEAD MISSIONARY BAPTIST CHURCH 106 HARRIS STREET ITALY, TX 76651
- 13 PALMER ISD ANNEX BUILDING 303 BULLDOG WAY PALMER, TX 75152
- 14 PARK MEADOWS BAPTIST CHURCH 3350 N HWY 77 WAXAHACHIE, TX 75165
- 15 RED OAK MUNICIPAL CENTER 200 LAKEVIEW PKWY RED OAK, TX 75154
- 16 SALVATION ARMY OF ELLIS COUNTY 620 FARLEY STREET WAXAHACHIE, TX 75165
- 17 WAXAHACHIE PARKS & RECREATION BUILDING 401 S. ELM STREET WAXAHACHIE, TX 75166
- 18 \* MILFORD COMMUNITY CENTER 109 S. MAIN STREET MILFORD, TX 76670 (Milford ISD/City)
- 19 \* ALMA COMMUNITY CENTER 104 INTERURBAN RD ENNIS, TX 75119 (Alma)
- 20 \* LIFEPOINT COMMUNITY 201 LOUISE RITTER RD RED OAK, TX 75154 (Pecan Hill)
- 21 \* FIRST UNITED METHODIST -BARDWELL 104 PECAN STREET BARDWELL, TX 75119 (Bardwell)
- 22 \* MARVIN ELEMENTARY SCHOOL (CAFETERIA) 110 BROWN STREET WAXAHACHIE, TX 75165 (WISD)

**Last day to register to vote for the 2019 Joint Election is: Thursday, April 04, 2019.**

*Último día para registrarse para votar en la Elección Conjunta de 2019 es: jueves, 04 de abril de 2019.*

**Last day for the Election's Office to receive a Regular or FPCA Ballot by Mail Application: Tuesday, April 23, 2019.**

*El Último día para que la Oficina de Elecciones reciba una solicitud regular o una solicitud de tarjeta postal federal para votar por correo (FPCA-por sus siglas en inglés) es: martes, 23 de abril de 2019.*

**\*\*Locations #18-#22 pending if any of the listed Political Subdivisions cancel their Election.**

(32)

Exhibit C

**Estimated Cost for May 4, 2019 Joint Election  
County sharing cost with 28 Political Subdivisions (Estimated Cost Before Cancellations)**

Item	Estimated Total Invoiced Cost of Election
Election Day Locations	22
Early voting Locations	10
# of Ballots Ordered (Cost will be based on ballots used)	25,000
Election Systems & Software (ES&S) Ballots Cost Estimated	\$2,500.00
Election Systems & Software (ES&S) Ballot Layout Charges Estimated	\$900.00
Election Systems & Software (ES&S) Electronic Voting system programing Estimated	\$9,000.00
Waxahachie Newspaper Public Notice of Testing of Electronic voting System	\$120.00
Precinct Kits for Early Voting and Election Day: Labels, paper, envelopes, supplies, pens, tape, copies for precinct packets and training packets, signs for posting of state required information at polling place	\$1,600.00
Rental of County voting equipment DS200 Machines at \$57.50 each	\$1,840.00
Rental of County voting equipment ExpressVote Terminal Marking Device (ADA) at \$33.25 each	\$5,852.00
Movers Transportation of Voting Equipment 32 Early Voting and Election Day locations Dropped off and picked up after election at \$100 x 32 = \$3200.00	\$3,200.00
Voting Places Rental Charges locations	\$800.00
Election Day # of Poll workers	93
Election Day: Judges at \$10.50, Alternate Judges at \$9.50, Clerks at \$9.00 at 22 Polling Location on Election day Estimated of 93 poll workers, 15 hours on ED, 2 hours training, Judge pickup fees \$25	\$16,527.00
Early voting # of Poll workers	30
Main and Mobile EV sites: Judges at \$10.50, Clerks at \$9.00 at 10 Early Voting Locations Estimate of 26 Poll Workers 67reg hours, 9 overtime hours, 2 hours traling, Judge pickup fees \$25, Fica, Medicare	\$21,101.75
Absentee Mail Ballots Request	1000
Cost for Early Voting mail Ballots for postage and materials for each for ballot mailed	\$2,390.00
WiFi for Early voting and Election Day Laptops	\$500.00
Early Voting Ballot Board - 5 workers	\$800.00
Central Counting station - 2 workers	\$200.00
Additional Office Personnel to assist before/during/after the Election and technicians for Early Voting and Election Day	\$4,800.00
Election employee accrual of overtime hours Estimated	\$2,600.00
Technichians Mileage for Early Voting and Election Day Support at polling sites	\$200.00
Estimated Total Cost of Election Expenses	\$74,930.75
Political Subdivisons 50% Portion of the Cost of Election	\$37,465.38
Political Subdivisons 10% of Admin Fee	\$3,746.54
<b>Estimated Total Cost for Political Subdivisions</b>	<b>\$41,211.91</b>

(32)

Exhibit C

<b>Political Subdivisions estimated cost of contracting with the Elections Department for 2019 Joint Elections (Estimated Cost Before Cancellations)</b>			
<b>ENTITY</b>	<b>Voters 12/2018</b>	<b>Estimated Cost</b>	<b>80% of Deposit</b>
COUNTY ELECTION COST	106,773	\$37,465.38	
MANSFIELD	71	\$725.00	
VENUS	125	\$725.00	
ALMA	229	\$1,250.00	
GARRETT	246	\$1,250.00	
BARDWELL	289	\$1,250.00	
MILFORD	443	\$1,250.00	
CEDAR HILL	448	\$1,250.00	
PECAN HILL	477	\$1,250.00	
MAYPEARL	540	\$1,250.00	
MILFORD ISD	621	\$1,250.00	
ITALY	1123	\$1,250.00	
OAK LEAF	1140	\$1,250.00	
PALMER	1229	\$1,250.00	
FERRIS	1474	\$1,250.00	
ITALY ISD	1827	\$1,250.00	
OVILLA	2959	\$1,250.00	
MAYPEARL ISD	3566	\$1,250.00	
PALMER ISD	3643	\$1,250.00	
FERRIS ISD	5294	\$1,400.00	
RED OAK	7567	\$1,550.00	
ENNIS	9185	\$1,700.00	
ENNIS ISD	14087	\$1,850.00	
RED OAK ISD	18279	\$1,950.00	
MIDLOTHIAN	19924	\$2,050.00	
WAXAHACHIE	21217	\$2,175.00	
ROCKETT SPECIAL UTILITY DISTRICT	21818	\$2,200.00	
MIDLOTHIAN ISD	28654	\$2,300.00	
WAXAHACHIE ISD	30307	\$2,400.00	

As of 1/4/19 Subject to changes after Political Subdivison withdrawal and/or cancel of the Election.  
 Revised Report with deposit amount will be given after deadline to cancel.

**Ellis County, Texas**

**The following Political Subdivisions will be having an Election on May 4, 2019.  
They will be contracting with the Election's Department to conduct their Election.**

Ellis County Special Election voting to adopt or reject one proposed proposition

City of Alma General Election for the purpose of electing a Mayor & two At-Large Council Members – Vote for Two

City of Bardwell General Election for the purpose of electing a Mayor & two At-Large Council Members – Vote for Two

City of Cedar Hill General Election for the purpose of electing a Mayor & At-Large Council Member Places 3 & 5 and

City of Cedar Hill Local Option Election voting to prohibit or legalize one proposed local option issue

City of Ennis General Election for the purpose of electing Commissioner Wards 3 & 5

City of Ferris General Election for the purpose of electing At-Large Alderman Places 2, 3 & 5

City of Garrett General Election for the purpose of electing a Mayor & At-Large Council Member Places 1 & 2

City of Italy General Election for the purpose of electing a Mayor & two At-Large Council Members – Vote for Two and

City of Italy Special Election voting to adopt or reject one proposed proposition

City of Mansfield General Election for the purpose of electing a Mayor & At-Large Council Member Place 2

City of Maypearl General Election for the purpose of electing a Mayor & three At-Large Council Members – Vote for Three

City of Midlothian General Election for the purpose of electing At-large Council Members Places 3 & 4

City of Milford General Election for the purpose of electing three At-Large Council Members – Vote for Three

City of Oak Leaf General Election for the purpose of electing At-Large Council Member Places 1, 2 & 3 and

City of Oak Leaf Special Election for the purpose of electing a Mayor & Council Member Place 4, Unexpired Terms

City of Ovilla General Election for the purpose of electing a Mayor & At-Large Council Members Places 2 & 4 and

City of Ovilla Special Election voting to adopt or reject one proposed proposition

City of Palmer General Election for the purpose of electing a Mayor & two At-Large Alderman – Vote for Two

City of Pecan Hill General Election for the purpose of electing At-Large Council Members Places 3, 4 & 5

City of Red Oak General Election for the purpose of electing At-Large Council Members Places 2, 4 & 5

City of Venus General Election for the purpose of electing a Mayor & At-Large Council Member Places 1 & 2

City of Waxahachie General Election for the purpose of electing two At-Large Council Members – Vote for Two

Ennis ISD General Election for the purpose of electing Member of Board of Trustee At-Large Places 6 & 7

Ferris ISD General Election for the purpose of electing Member of Board of Trustee At-Large Places 4 & 5

Italy ISD General Election for the purpose of electing three At-Large Member of Board of Trustees – Vote for Three

Maypearl ISD General Election for the purpose of electing two At-Large Member of Board of Trustees – Vote for Two

Midlothian ISD General Election for the purpose of electing At-Large Member of Board of Trustee Places 4 & 5

Milford ISD General Election for the purpose of electing two At-Large Member of Board of Trustees – Vote for Two

Palmer ISD General Election for the purpose of electing two At-Large Member of Board of Trustees – Vote for Two

Red Oak ISD General Election for the purpose of electing At-Large Member of Board of Trustee Places 1 & 2 and

Red Oak ISD Special Election for the purpose of electing At-Large Member of Board of Trustee Place 5, Unexpired Term

Waxahachie ISD General Election for the purpose of electing two At-Large Member of Board of Trustees – Vote for Two

Rockett Special Utility District General Election for the purpose of electing three At-Large Member of Board of Directors –  
Vote for Three

**Dallas County Elections Office is Handling:**

City of Grand Prairie General Election for the purpose of electing a Mayor

City of Grand Prairie Local Option Election voting to prohibit or legalize one proposed local option issue

**Navarro County Elections Office is Handling:**

Frost ISD General Election for the purpose of electing two At-Large Member of Board of Trustees –Vote for Two