

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, October 1, 2018 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 September 4, 2018
 - b. Minutes of the City Council meeting of September 17, 2018
 - c. Minutes of the Special City Council meeting of September 20, 2018
 - d. City Manager's appointment of member to Civil Service Commission
 - e. Oddfest 2018 event to be held October 6, 2018
 - f. Parade route for Waxahachie ISD Homecoming Parade to be held on October 26, 2018
 - g. 6th Annual YMCA Santa Run to be held on December 15, 2018
 - h. Tulip Trot event to be held March 30, 2019
5. ***Introduce*** Honorary Councilmember
6. ***Continue Public Hearing*** on a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)
7. ***Consider*** approving RP-18-0136
8. ***Public Hearing*** on a request by Iran Magallon for a Replat of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)
9. ***Consider*** approving RP-18-0143

10. **Public Hearing** on a request by Ron Barson, Ledbetter Real Estate, for a Replat of Lot 2, Block E to create Lots 2R and 3, Block E, North Grove Business Park Phases Two and Four, 4.983 acres (Property ID 189293 and 189294) – Owner: LEDBETTER REAL ESTATE LTD (RP-18-0139)
11. **Consider** approving RP-18-0139
12. **Consider** request by James McDill, Davis & McDill, for a Preliminary Plat of Oxford Ranch Two Phase 2 for 48 lots, being a 69.645 acre addition in the T. Cassidy Survey, Abstract 255 and the H.G. Hurst Survey, Abstract 458 (Property ID 181695) in the Extra Territorial Jurisdiction – Owner: HARLAN PROPERTIES INC (PP-18-0147)
13. **Consider** request by Mathew Williamson, Gateway Engineering, for a Preliminary Plat of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (PP-18-0146)
14. **Consider** a development agreement with the Mark on 287 and the Waxahachie Independent School District for the dedication of right of way and the construction of roadways associated with the City's Thoroughfare Plan
15. **Consider** a service contract with Tyler Technologies, Inc. for the purchase of EnerGov Life Cycle Management Software and five years of associated maintenance and support services
16. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
17. Comments by Mayor, City Council, City Attorney and City Manager
18. Adjourn

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

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

(40)

City Council
September 4, 2018

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 Tuesday, September 4, 2018 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
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. Public Comments

Mr. Craig and Deborah Smith, 304 Cynisca Street, Waxahachie, and Mr. Roberto Rodriguez, 218 Cynisca Street, Waxahachie, spoke in opposition of a new house construction at the corner of Cynisca Street and Ross Street being a 2 story, 2,500 square foot home. Mrs. Smith stated the property was split into two (2) parcels without Planning and Zoning Commission approval and stated the surrounding neighbors were not notified of any changes to the neighborhood. She noted it is illegal because the address is described as two (2) lots noting 217 Cynisca has a driveway and back yard and now a two story 4 bedroom, 2,500 square foot house is being built on the side lot where the previous garage and half of the driveway existed. Mrs. Smith stated 219 Cynisca will take the garage and half of the driveway from 217 Cynisca. She stated the new construction is taking away from the quaint neighborhood houses on Cynisca Street are known for. She stated there will be no back yard on the new property and trees have been cut down and parking will become an issue for a house that size. Ms. Smith stated the neighborhood is losing its charm and asked City Council to protect their neighborhood.

Mr. Smith stated their street is currently under construction and the driveway for the two addresses is going to split onto two lots. He stated this project has gone through without much thought as to how it will affect parking and the driveway at 217 Cynisca is literally on two separate lots. Mr. Smith stated the idea is there was going to be some kind of joint parking agreement between these two properties and he doesn't see how that is going to happen.

Mr. Roberto Rodriguez, 218 Cynisca, Waxahachie, supported Mr. and Mrs. Smith's statements.

(4a)

Mr. Jason Shelby, 1439 Boyce Road, Waxahachie, spoke in opposition of item 14 noting his concern is turning 5 acres into 4 lots. He stated aerobic systems are required and the spray fields will spray over to neighboring tracts. Mr. Shelby stated the water system cannot supply fire protection noting their area has an ISO fire rating of 10 that affects their insurance. He stated the closest hydrant is a half a mile away.

Ms. Roberto King, 1409 Boyce Road, Waxahachie, spoke in opposition of item 14 noting she purchased her property in 1994 and when they were planning to build they discussed it with their neighbors and if agreed they signed a petition. She stated homes in this area are very nice and the neighborhood is not just valued in dollars but also what the neighbors have invested. Several residents in Whispering Meadows stood in support of her comments.

Mr. Chris Wright, 808 West Marvin, Waxahachie, responded to the comments pertaining to the lots on Cynisca Street. He stated he owns 5 of the 14 properties on Cynisca and does not plan to bring the value of the properties down. Mr. Wright stated when entering the project he and his contractor followed all rules and regulations with the city noting they are in compliance with the city's Infill Ordinance. He stated the new address will have a 2 car garage entering from Ross Street and have 2 more parking spaces in front of the garage on concrete. Mr. Wright stated 217 Cynisca will have a bib in the front and one car can park in the front of the house and 2 more vehicles can park in the back of that property. He stated most houses on Cynisca do not have garages and allows for one car parking with most parking on the street. Mr. Wright stated all regulations were followed.

Mr. Alan Fox, 327 University, Waxahachie, referenced the agenda item pertaining to the public hearing on the fiscal year budget noting the budget allows enhancing of public works and what builds a community. He stated at one point people thought the Sports Complex, Civic Center and hike and bike trail was a waste of money but what they have done is increased the quality of life in the city. Mr. Fox stated a councilmember proposed we reduce the tax rate by a penny noting for him that totals \$25.00. He proposed the city keep his money and put it towards street repairs and not reduce it for the sake of appearance. Mr. Fox asked council to pass the proposed budget as is.

Mr. Darren Jackson, 205 Clydesdale Street, Waxahachie, spoke in opposition of item 21 noting he has lived in Saddlebrook Estates 9 years. He stated the developer wants to increase their assessment taxes in order to fulfill the next phase of building noting homes range in many different prices. Mr. Jackson stated the developer needs to share the masterplan that was discussed in 2007 and why the development has not come to fruition.

Mr. Mike Lee, 245 Saddlebrook Lane, Waxahachie, spoke on the value of his property tax increasing noting in two years his appraisal value on his house increased \$30,000. He stated this is good for someone wanting to sell their house but difficult for property owners to come up with the extra money to accommodate the value of their homes. Mr. Lee ask council to reduce the tax rate in order to make it more economically for homeowners to save a little more each month. Mr. Lee stated when kids are walking to city parks, they are having to walk out into the street around vehicles that are parked blocking the sidewalks. He asked Council to review the parking Ordinance.

(4a)

Ms. India Thompson, 1558 Old Boyce Road, Waxahachie, spoke in opposition of item 14 noting she built her home 17 years ago. She expressed concern with no fire hydrant in the area and adding 4 more homes on 5 acres.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 20, 2018
- b. Minutes of the City Council Special meeting of August 22, 2018
- c. Minutes of the City Council and Planning and Zoning Commission Joint Work Session of August 27, 2018
- d. Approve Veterans Day and WWII weekend events
- e. Approve 2018 WISD Legacy Run
- f. Consider authorization of interdepartmental budget transfer request for the Building and Community Services Department
- g. Authorization of budget amendment for Optimist Pool
- h. Authorization of budget amendment to increase appropriations in the Utilities Department water operating fund

Councilmember Melissa Olson requested to remove item a. and item h. for separate discussion.

Action:

Councilmember Melissa Olson moved to approve items b. through g. on the Consent Agenda. Mayor Pro Tem David Hill seconded, All Ayes.

Councilmember Olson stated on item a., page 6, the amount referenced the city owes is \$1.2 million in bonds. She stated the correct number is \$120 million. City Secretary Lori Cartwright stated the minutes will be amended to reflect the correct amount.

Councilmember Olson referenced item h. and asked for clarification on the TCEQ storage requirements. Mr. Tommy Ludwig, Executive Director of Development Services, explained TCEQ requires a set amount of chemicals for creating water at that facility and there is a bare minimal of chemicals required to keep in reserve.

Action:

Councilmember Chuck Beatty moved to approve items a. and h. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.

6. Introduce Honorary Councilmember

Councilmember Chuck Beatty introduced Ms. Tianyi Zhou as the Honorary Councilmember for the month of September. Tianyi is a senior at Waxahachie Global High School and ranked 15th in her class of 103. She has completed 20 hours at Navarro College and expects to graduate in 2019 with an Associates of Science. Since 2015 Tianyi has been taking courses at the University of Texas at Tyler. The organizations she currently participates in includes Interact Club, Technology Student Association, Yearbook Committee, Culture Club, 16.5 Minutes Study Group, and ProjectileX Program Lead. Her extracurricular activities include Hidden Miracles, Kids Against Hunger, Interact Leadership Summit, Trick or Treat So Kids Can Eat, and

D.E.A.R. Day. She placed third in TSA Regional for Fashion Design, third place in UIL Regional for Mathematics Team, Global Outstanding Performance in World History, and Rotary Student of the Month.

7. Consider Street closures for Waxahachie Antique Alley event

Ms. Amber Caverly, President, Waxahachie Downtown Merchants Association (WDMA), stated the Cleburne Antique Alley 30 mile garage sale invited Waxahachie to participate. She stated the event will be held September 27, 2018 from 9:00 a.m. to 4:00 p.m. and will be set up similar to the WDMA Junk in the Trunk events. Ms. Caverly requested permission to close Franklin Street from College Street to Jackson Street and to close College Street from Main Street to Franklin Street from 7:00 a.m. to 6:00 p.m.

Action:

Councilmember Mary Lou Shipley moved to approve street closures for the Waxahachie Antique Alley event as presented. Councilmember Melissa Olson seconded, All Ayes.

8. Second Public Hearing on the proposed Tax Rate for fiscal year 2018-2019

Mayor Strength opened the Second Public Hearing on the proposed Tax Rate for fiscal year 2018-2019.

Mr. Scott reported the proposed tax rate is to remain at .68 per 100 noting this keeps the city's debt rate at 0.170000 as it did last year.

Those who spoke against the proposed Tax Rate for fiscal year 2018-2019:

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie
Ms. Qulaveshia Bowen, 107 Blue Moon, Waxahachie
Ms. Sylvia Coulson, 1350 Dixie Lane, Waxahachie
Ms. April Castle, 202 Hedgewood Drive, Waxahachie
Ms. Natlie Torres, 201 Stardust, Waxahachie

Those who spoke for the proposed Tax Rate for fiscal year 2018-2019:

Mr. Alan Fox, 327 University, Waxahachie

There being no others to speak for or against the Public Hearing on the proposed Tax Rate for fiscal year 2018-2019, Mayor Strength closed the Second Public Hearing.

9. Public Hearing on the City of Waxahachie Budget for fiscal year 2018-2019

Mayor Strength opened the Public Hearing on the City of Waxahachie Budget for fiscal year 2018-2019.

City Manager Michael Scott reported the public hearing is required by City Charter and was published in the local paper. He reported the proposed budget totals \$40,328,882.

(4a)

There being no others to speak for or against the proposed budget for fiscal year 2018-2019, Mayor Strength closed the Public Hearing.

10. **Consider request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126)**

Mr. Shon Brooks, Director of Planning, stated an access easement will be at the rear of lots as well as at the front. He recommended approval as presented.

Action:

Councilmember Chuck Beatty moved to approve a request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126). Councilmember Mary Lou Shipley seconded, All Ayes.

11. **Consider request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128)**

Mr. Brooks reported the development is on City water and presently the development is on septic. He stated there is a note on the plat that states any further development of the property necessitates connection to City sanitary sewer. Additionally, when sewer becomes available, the development must convert from septic to City sewer regardless of whether further development occurs on the site. He recommended approval as presented.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128). Councilmember Chuck Beatty seconded, All Ayes.

12. **Public Hearing on a request by Ann Sayegh for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Rural Residential zoning district, located at 3360 FM 877, 5 & 6 LINDMARK ESTS 4.072 ACRES (Property ID 231002) - Owner: SAYEGH WILLIAM & ANN (SU-18-0130)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to erect a metal horse barn noting it is permitted with a SUP because barns on properties that are 2 or more acres are exempt from the masonry construction requirements provided said barns are used for agricultural purposes. He stated staff received 4 responses in support of the request. Mr. Brooks recommended approval.

(4a)

There being no others to speak for or against SU-18-0130, Mayor Strength closed the Public Hearing.

13. Consider proposed Ordinance approving SU-18-0130

ORDINANCE NO. 3048

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ACCESSORY BUILDING (RESIDENTIAL), GREATER THAN OR EQUAL TO 700 S.F. USE WITHIN A RURAL RESIDENTIAL (RR) ZONING DISTRICT, LOCATED AT 3360 FM 877, BEING PROPERTY ID 231002, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 5&6 IN THE LINDMARK ESTATES, REVISED, SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem David Hill moved to approve Ordinance No. 3048 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

14. Public Hearing on a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the request is to replat one lot into four lots located in the ETJ. He stated staff received 3 letters in opposition and one email today. Mr. Brooks stated the Planning and Zoning Commission had a tie vote and noted the applicant requested to continue to City Council for consideration. He stated the fire flow is not sufficient but council has approved previous request under these circumstances.

Mr. Andrew Garrett, applicant, 4345 Wilson Road, Waxahachie, provided a presentation for Boyce Farms Development to review the details. He stated neighboring properties depict several lots that owners purchased are from a cut out of a bigger tract. Mr. Garrett showed a slide of a recent development depicting farmhouse style homes. He stated the deed restrictions are in place and they will be met or exceeded for these homes.

Those who spoke against RP18-0127:

Mr. John Pierce, 995 Wilson Road, Waxahachie
Ms. Roberta King, 1409 Boyce Road, Waxahachie
Ms. Brandy Underwood, 2790 Wilson Road, Palmer
Mr. Jimmy Green, 1422 Boyce Road, Waxahachie

(4a)

There being no others to speak for or against RP-18-0127, Mayor Strength closed the Public Hearing.

15. Consider approving RP-18-0127

Action:

Councilmember Chuck Beatty moved to approve a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127). The motion died do to a lack of second.

Action:

Councilmember Melissa Olson moved to deny a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127). Councilmember Mary Lou Shipley seconded. The vote was as follows:

*Ayes: Kevin Strength
Mary Lou Shipley
Melissa Olson*

*Noes: David Hill
Chuck Beatty*

The motion carried.

16. Consider request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124)

Mr. Brooks reported the development fronts onto TxDOT right-of-way noting before building a residence on Lot 1, access to this lot will be determined by TxDOT. Because of the spacing, a variance from TxDOT is needed.

Action:

Mayor Pro Tem David Hill moved to approve a request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124). Councilmember Chuck Beatty seconded, All Ayes.

17. Consider request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122)

(4a)

Mr. Brooks reported Nash-Forreston initially indicated that their existing system can furnish the requested service in conformity with the TCEQ standards for water distribution and the ISO fire flow requirements. He stated Nash-Forreston have since clarified that they cannot meet ISO fire flow requirements. Mr. Brooks explained had they initially indicated their inability to meet fire flow requirements, this application would have been deemed incomplete. He stated the request was denied by the Planning and Zoning Commission.

Councilmember Olson asked for a description of fire flow. Mr. James Gaertner, City Engineer, stated there are certain standards and timing of pressure that is determined by the size of a water tap to accommodate the fire flow. Councilmember Olson asked City Manager Michael Scott his comfort level with the request. Mr. Scott stated when fire flow is not adequate it does not meet the city's standards. He stated Council has offered relief in the past because some of the areas are so far out and bringing water lines to serve it is many years away. Mr. Scott stated, in this case, there is rural water that we don't have any jurisdiction over.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122). 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.

- 18. Consider request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123)**

Mr. Brooks reported the Final Plat is a companion case to PP-18-0122 and recommended approval.

Action:

Mayor Pro Tem David Hill moved to approve a request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123). Councilmember Chuck Beatty seconded. The vote was as follows:

*Ayes: Kevin Strength
David Hill
Chuck Beatty*

(4a)

Mary Lou Shipley

Noes: Melissa Olson

The motion carried.

19. Consider proposed Resolution approving Rate Review Mechanism Tariff for Atmos Energy

Mr. Doug Barnes, Director of Economic Development, reported on April 1, 2018, Atmos Energy Corporation, Mid-Tex Division, filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2017 entitled it to system-wide revenues of \$42.0 million. He stated, following further negotiations, ACSC Executive Committee agreed to recommend an increase of \$24.9 million, which was accepted by the Company.

Mr. Barnes stated the following rates will increase effective October 1, 2018:

- Residential 1.61%
- Commercial 1.27%
- Industrial 1.61%

Councilmember Olson asked why we would approve a rate increase. Mr. Barnes stated it reflects the service needed for more safer and reliable gas. Councilmember Olson asked what would happen if denied. Mr. Barnes explained Atmos will have to go back to the Railroad Commission noting the negotiated rate gives the citizens the least amount of increase.

RESOLUTION NO. 1253

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

(4a)

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1253 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

20. Consider award of a bid to Peachtree Construction, Ltd. for the 2018 Street Rehabilitation Program and authorize staff to increase the quantity of work provided within the bid up to 25%

Mr. Jeff Chambers, Director of Public Works, reported four (4) bids were received on August 24, 2018 and Peachtree Construction, Ltd. was the lowest bidder with a submission of \$779,408.40 which was \$211,591.60 below the engineer's estimate. He explained the City has the ability to increase the quantity of work to be performed within the bid award by 25% and requested Council authorize staff to increase the quantity of work within the contract up to the maximum of 25% for a total of \$194,851.10. Mr. Chambers stated this is specifically for the 2018 Asphalt Street Rehabilitation Program.

Action:

Councilmember Mary Lou Shipley moved to award the bid to Peachtree Construction, Ltd. in the amount of \$779,408.40 and authorize city staff to increase the quantity of work to be performed by 25%. Councilmember Melissa Olson seconded, All Ayes.

21. Consider annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll

Ms. Lindsey Banner, Vice President, Municap, presented the Annual Service Plan Update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll noting in 2011 the City issued \$1,340,000 in Special Assessment Bonds and subsequently a note in the amount of \$749,059. She stated the budget for the Phase One annual installments to be collected for 2018-2019 totals \$136,807. The budget for Phase Two annual installments to be collected for 2018-2019 totals \$65,927. Ms. Banner stated since the original service plan was proposed there have been no changes to the assessment methodology and all the parcels in the PID have been fully subdivided.

Action:

After further discussion, Councilmember Chuck Beatty moved to adopt the Annual Service Plan Update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

22. Consider annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll

Ms. Banner, presented the Annual Service Plan Update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll noting in 2015 the City issued \$6,675,000 in Special Assessment Revenue Bonds to authorize improvements to the city in the amount of \$4,530,000. She explained there have been no updates to the public infrastructure financed with those bonds since the time the bonds were issued and the Service Enhancement

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Plan was adopted. Ms. Banner reported the budget for the annual installments to be collected for 2018-19 totals \$552,500. Since the last assessment, there have not been methodology updates. She stated there have been subdivisions noting last year there were 83 residential lot subdivisions and this year 75 residential lot subdivisions have been added. Ms. Banner noted there have been no Special Assessments prepayments as of the date of this report.

Action:

Councilmember Chuck Beatty moved to adopt the Annual Service Plan Update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll as presented. Mayor Pro Tem David Hill seconded, All Ayes.

23. Consider appointments to Boards and Commissions

Mr. Scott reported appointments to Boards and Commissions were reviewed in a recent executive session and the following nominees have been compiled for consideration. He stated since that time, there is another opening on the Airport Board due to a resignation. Mr. Scott noted the Council can consider an applicant at this time or at a future meeting. Mayor Strength recommended consideration of Airport Board member at a later council meeting.

BUILDING STANDARDS COMMISSION (2 year term)

Joshua Atilano
Lawrence Kollie

CEMETERY BOARD (2 year term)

Chad Hicks
Peggy Crabtree

ELECTRICAL ADVISORY BOARD (2 year term)

Gary Estes
Harold DeBorde

ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1

(2 year term)

Joe Rust
Wayne Eiland
Brian Ford

HERITAGE PRESERVATION (2 year term)

Becky Kauffman
Jeff Smith
Curtiss Thompson

KEEP WAXAHACHIE BEAUTIFUL (3 year term)

Jesse Gibson
Ginger Cole
Polly Williams
Faustina Duvall

(4a)

PARK BOARD (3 year term)

Betsy Engelbrechtsen
Byron Gibson

PLANNING AND ZONING COMMISSION (2 year term)

Bonney Ramsey
Jim Phillips
Erik Test

SENIOR CENTER ADVISORY COMMITTEE (2 year term)

Joe Jenkins
R. Lee Johnson
Peggy Loftis

TAX INCREMENT REINVESTMENT ZONE (2 year term)

Jason Smith
Coy Sevier
Brad Yates

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2 year term)

Bob Lynn
Daniel Morton

WAXAHACHIE HOUSING AUTHORITY (2 year term)

Sandra Hartman
Johnny Rodriguez
Don Nelson
Jane Vineyard
Cameron Gomez (fill unexpired term to 2019)

ZONING BOARD OF ADJUSTMENTS (2 year term)

Brad Yates
Marion Reynolds
Diane Johnson Collard

Action:

Councilmember Chuck Beatty moved to approve the appointments to Boards and Commissions as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 24. 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**

Mayor Strength announced at 8:59 p.m. the City Council would 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.

- 25. Reconvene and take any necessary action**

The meeting reconvened at 9:10 p.m.

Action:

Mayor Kevin Strength moved to purchase the Univar property located on Highway 287 and to pay \$750,000 from the Economic Development fund and the balance from the Waxahachie Community Development fund. 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.

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

Ms. Amy Borders, Director of Communications and Marketing, stated the key locket retainer wall art project located downtown is under construction and will be completed soon.

27. Adjourn

There being no further business, Councilmember Mary Lou Shipley moved the meeting adjourned at 9:13 p.m. Councilmember Chuck Beatty seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary

City Council
September 17, 2018

(46)

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, September 17, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor
Chuck Beatty, Councilmember
Melissa Olson, Councilmember

Council Members Absent: David Hill, Mayor Pro Tem
Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, 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

City Manager Michael Scott 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 September 4, 2018
- b. Minutes of the City Council Work Session of September 4, 2018
- c. City Manager's appointment of member to Civil Service Commission
- d. 23rd Annual Texas Country Reporter Festival
- e. Acceptance of 2017 SAFER Grant

Councilmember Melissa Olson requested to remove item a. for separate discussion.

Action:

Councilmember Melissa Olson moved to approve items b. through e. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

Councilmember Olson stated she contacted City Secretary Lori Cartwright noting names were left off a public hearing case that was heard on September 4, 2018 and asked for an explanation. Ms. Cartwright stated at the September 4, 2018 City Council meeting a Public Hearing on the 2018-2019 city's tax rate was heard and when audience members speak they are required to give their name and address for record. Ms. Cartwright stated the two men that spoke refused to give their addresses and therefore were not recognized in the minutes. Councilmember Olson stated they gave the city they were from and could it not be noted to add "address not provided". Ms. Cartwright responded noting that is not the City's practice.

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Councilmember Olson asked City Attorney Robert Brown if he needs to provide a ruling. Mr. Brown stated no because how minutes are compiled and produced is up to each City Secretary noting the state law only depicts a city must keep minutes. He stated you don't even have to put names and addresses and can just note that people from the audience spoke for or against an item. Mr. Brown stated if it is the policy to identify people by name and address and putting them in the minutes, we have every right staying with that policy and if people refuse to give their address then they don't have a right to be included in the minutes.

Action:

Councilmember Chuck Beatty moved to approve item a. on the Consent Agenda. Mayor Kevin Strength seconded. The vote was as follows:

*Ayes: Kevin Strength
Chuck Beatty*

Noes: Melissa Olson

Mr. Brown reported the City Charter depicts that three (3) members of City Council constitutes a quorum and explained, in this case, that no action of three members shall be valid or binding unless adopted by the affirmative vote of three or more members of council. He stated due to the vote, item a. will be considered at the City Council meeting of October 1, 2018.

5. Introduce Honorary Councilmember

Councilmember Chuck Beatty introduced Ms. Tianyi Zhou as the Honorary Councilmember for the month of September and presented her with a Certificate of Appreciation for her participation in the Honorary Councilmember program.

6. Present Proclamation proclaiming September 16-22, 2018 as Constitution Week

Mayor Strength read a proclamation proclaiming September 16-22, 2018 as Constitution Week and presented it to the Rebecca Boyce Chapter Daughters of the American Revolution.

7. First Public Hearing at 7:00 p.m. and second Public Hearing at 7:30 p.m. to consider requested annexation by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664

At 7:00 p.m. Mayor Strength opened the First Public Hearing to consider requested annexation by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664.

There being no others to speak for or against the First Public Hearing on the requested annexation, Mayor Strength closed the Public Hearing.

(46)

At 7:30 p.m. Mayor Strength opened the Second Public Hearing to consider requested annexation by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664.

Mr. John Granatino, 2305 Marshall Road, Waxahachie, asked for clarification pertaining to the requested annexation.

Mr. Shon Brooks, Director of Planning, stated the city received a request for a Planned Development of residential lots and presented a map depicting a 20 acre area.

There being no others to speak for or against the Second Public Hearing on the requested annexation, Mayor Strength closed the Public Hearing.

8. **Consider request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)**

Mr. Brooks reported the property is currently underdeveloped and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132). Councilmember Melissa Olson seconded, All Ayes.

9. **Consider request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)**

Mr. Brooks stated the Final Plat is a companion to PP-18-0132 noting the applicant is platting 6 lots on the frontage road. He recommended approval.

Action:

Councilmember Melissa Olson moved to approve a request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133). Councilmember Chuck Beatty seconded, All Ayes.

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- 10. Public Hearing on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Commercial located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to rezone the property to construct a medical office. He stated the City's most recent Future Land Use Plan shows the area projected for retail use. Staff recommended approval.

Mr. Dalton Bradbury, applicant, 118 Village Green Court, Waxahachie, was available for questions.

There being no others to speak for or against ZC-18-0135, Mayor Strength closed the Public Hearing.

- 11. Consider proposed Ordinance approving ZC-18-0135**

ORDINANCE NO. 3049

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1) TO COMMERCIAL (C) LOCATED AT 2271 N HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.864 ACRES KNOWN AS LOT 2-A, BLOCK 18A OF THE REVCO SUBDIVISION-REVISED, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3049 as presented. Councilmember Melissa Olson seconded, All Ayes.

- 12. Public Hearing on a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated staff has concerns with the title block and the multiple platted lots included with this plat. He reported historically this is an older plat from the Hawkins map noting it was originally platted as Lot 1 and Lot 2. The request is to carve Lot 1 into two separate lots as well as to establish lot lines to the north of the property. Mr. Brooks reported staff received 3 letters in opposition and 2 letters in support of RP-18-0136 and stated after speaking with Prosperity Bank, they verbally withdrew their opposition.

Mr. Brooks stated over the years, these properties have been sold by metes and bounds and separated out. He recommended to approve with all portions of the lot to be included in the

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application, or signatures included on the plat indicating surrounding property owner's acceptance of replatting of this land as a portion of the overall Lot 1. He noted ideally the entire block would be cleaned up and property owners would have corrected plats.

Mr. Brooks stated the applicant requested a Hardship Waiver and it can only be issued by City Council noting a hardship waiver is one way of not obtaining all the required signatures.

Ms. Abigail Wright, 409 Royal Street, Waxahachie, and Ms. Elda Allen, 411 Royal Street, Waxahachie, asked for clarification on the request. Mr. Brooks stated the lots along Royal Street have been established for many years and there is no debate as to the established homes, but they were sold off by metes and bounds. He explained metes and bounds is a process where you sell a piece of land, get a survey and take it to the county to record. Mr. Brooks stated this is why the city ask people to replat their land so the city has official record of the separation of land. Mr. Brooks stated the applicant is requesting to formally create the northern property line and eastern property line through the formal process.

Mr. Brooks recommended prior to the filing of this plat, the applicant get signatures of all surrounding property owners to be included on the plat.

Mayor Strength stated if the property owners can get their corners marked they can see where the applicant's line is surveyed noting it is a way to see if the lines meet up. He stated there is at least one property owner that would like to get his corners marked and could not get it done on such short notice. He recommended continuing the Public Hearing to the City Council meeting of October 1, 2018 to give landowners time to get their land marked.

13. Consider approving RP-18-0136

Action:

After further discussion, Mayor Kevin Strength moved to continue a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136) to the City Council meeting of October 1, 2018. Councilmember Chuck Beatty seconded.

Councilmember Olson stated she thought council had enough information to make a decision. Mayor Strength stated the neighbors are not ready and council does not need to be in a hurry to make a decision until the property owners are satisfied.

Councilmember Olson stated she is under the impression that the property owners don't have to get their land marked and it would be up to the applicant to get their signatures. She supported staff's recommendation. Mayor Strength stated property owners don't have to get their land marked but some do want to make sure they are not being encroached upon.

The vote was as follows:

*Ayes: Kevin Strength
Chuck Beatty*

(46)

Noes: *Melissa Olson*

Mr. Brown reported the City Charter depicts that three (3) members of City Council constitutes a quorum and explained, in this case, that no action of three members shall be valid or binding unless adopted by the affirmative vote of three or more members of council. He stated due to the vote, RP-18-0136 will be considered at the City Council meeting of October 1, 2018.

- 14. Public Hearing on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to Planned Development-Heavy Industrial, with Concept Plan, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant requests an additional pole sign for Carlisle Chevrolet. He stated there are currently three (3) standing pole signs noting staff is aware of two (2) signs that have been in place for a number of years. Mr. Brooks presented a drawing of the requested pole sign noting it will be thirty-six (36) feet tall. He stated the applicant does not have the street frontage required for pole signs. Mr. Brooks recommended denial for not meeting the requirements of the sign ordinance. He stated it passed 4-3 at the recent Planning and Zoning Commission meeting.

Mr. Austin Blankenbeckler, applicant, 1701 W. Highway 287, Waxahachie, requested 18 feet off the required 36 feet set back to set uniform with all the other signage.

Mayor Strength stated he looked at the site and understands the uniformity of the requested signage.

There being no others to speak for or against PD-18-0137, Mayor Strength closed the Public Hearing.

- 15. Consider proposed Ordinance approving PD-18-0137**

ORDINANCE NO. 3050

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-14-HEAVY INDUSTRIAL (PD-14-HI) TO PLANNED DEVELOPMENT-HEAVY INDUSTRIAL (PD-HI), WITH CONCEPT PLAN LOCATED AT 1701 W HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.414 ACRES KNOWN AS LOT 1, BLOCK A OF THE CARLISLE ADDITION, PROPERTY ID 269700, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3050 as presented. Councilmember Melissa Olson seconded, All Ayes.

(46)

16. Public Hearing on a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)

Mayor Strength opened the Public Hearing.

Ms. Becky Kauffman, 817 West Main, Waxahachie, Chairman of the Heritage Preservation Commission (HPC), presented an Ordinance creating a Historic Overlay District for the Oldham Street neighborhood. She stated 2.5 blocks of Oldham Street are on the National Register of Historic District and the proposed ordinance will further protect them.

Ms. Anita Brown, Downtown Development Director, stated the Main Street Board worked for four (4) years updating the Historic Overlay District Ordinance and in February of 2018 City Council approved the updated Ordinance that included the neighborhood Historic Overlay District. She stated the process to get to this point included property owner notifications, meetings, public notices, and public hearings. Ms. Brown stated 73.9% of the Oldham Street homeowners voted in support of the Historic Overlay District noting there was no response from the remaining percent.

Councilmember Olson stated she sent an email and asked the HPC to add "opt out" in the neighborhood historic overlay. She expressed concern that if someone gets ill their house will have to take a step back. Ms. Brown explained there is nothing to opt out of noting the HPC has no authority to make someone fix their home. Ms. Kauffman stated the only reasons a homeowner would come to the HPC is for Historic Tax Exemption and approval to change only the front façade of their home.

Ms. Brown presented a handout of the Oldham Street Historic District noting out of 22 homes, 14 homes received the historic tax exemption, 3 were denied the historic tax exemption due to inappropriate alterations, and 5 are non-contributing structures.

Those who spoke for TA-18-0145:

Mr. Robby Kinsala, 401 Oldham, Waxahachie
Ms. Jane Wedding, 210 South Hawkins, Waxahachie
Ms. Paula Myers, 601 Oldham, Waxahachie
Mr. Jim Kauffman, 817 W. Main Street, Waxahachie
Mr. Kevin Myers, 601 Oldham, Waxahachie
Ms. Kathleen Bowen, 527 West Jefferson, Waxahachie
Mr. Mark Singleton, 130 Willowcrest, Waxahachie
Ms. Jane Vineyard, 208 Oldham, Waxahachie
Mr. Jimmy Cox, 408 Oldham, Waxahachie
Mr. Alan Fox, 327 University, Waxahachie

Those who spoke against TA-18-0145:

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie

There being no others to speak for or against TA-18-0145, Mayor Strength closed the Public Hearing.

17. Consider proposed Ordinance approving TA-18-0145

ORDINANCE NO. 3051

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS CREATING A HISTORIC OVERLAY DISTRICT PER THE REQUIREMENTS OF THE ZONING ORDINANCE NUMBER 3020 ESTABLISHING SECTION 3.24, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Kevin Strength moved to approve Ordinance No. 3051 as presented. Councilmember Melissa Oslon seconded, All Ayes.

18. Public Comments

Mayor Strength stated he moved Public Comments to the end of the agenda and asked if anyone from the audience has any comments.

Ms. Kathleen Bowen, 527 West Jefferson, Waxahachie, thanked City Council for their service and for listening to the citizens.

Ms. Shelia Clay, 110 Citation Lane, Waxahachie, stated she lives in Saddlebrook Estates and leaving and entering the Estates is very dangerous. She asked for a turn lane and/or light to be installed at the entrance of the Estates. Mr. Scott asked her to visit with city staff after the meeting.

Ms. Laurie Mosley, Director of the Convention and Visitors Bureau, announced the 23rd Texas Country Reporter Festival is October 27, 2018 with over 200 booths. She stated it is a one day event free to the public with entertainment throughout the day.

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, asked that the special City Council meeting to be held on Thursday, September 20, 2018 at noon be live streamed. Staff responded noting the meeting will be live streamed.

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

Councilmember Melissa Olson stated City Council will have a special meeting on Thursday, September 20, 2018. She read a quote from Mr. Less Brown.

Councilmember Chuck Beatty thanked Honorary Councilmember Tianyi Zhou and his neighbors on Oldham Street for their attendance and participation.

City Manager Michael Scott thanked the Heritage Preservation Commission members for their hard work and Ms. Becky Kauffman for her leadership on the Commission. He thanked the residents on Oldham Street for showing their support and involvement of the neighborhood Historic Overlay District.

Mayor Kevin Strength stated he has lived in Waxahachie a long time and council is proud of this town and they are not doing anything to destroy it. He stated they are trying to build it back, working on the street program, sidewalks, and making it a place that citizens are proud of for your children to come back and raise their families here and become leaders. Mayor Strength stated residents like Mr. Robby Kinsala came back after college putting his roots down on Oldham Street and continues the business his father started.

Mayor Strength stated he loves Waxahachie noting C.A. Wilson was his grandfather and was in this community since 1929. He stated the Strength family has been in and around the community noting he and his children graduated from Waxahachie High School. Mayor Strength stated he is not scared of what is going on in Waxahachie today but we are being made to be scared by a select group that thinks that we are just not doing the right thing. He stated he has the upmost respect for Mayor Pro Tem David Hill, Councilmember Chuck Beatty, Councilmember Mary Lou Shipley and former Mayor Pro Tem Mark Singleton who has the best interest of the citizens of Waxahachie in mind when decisions are made. He stated Waxahachie citizens do not need people from out of town coming to the meetings and telling council how to vote.

Mayor Strength referred to Councilmember Melissa Olson and stated he doesn't understand how she voted for improvements and then voted no to fund the improvements. He stated you have to vote yes on both in order to get the improvements done. Mayor Strength stated it must be easy to vote no so that you can look good because you are running for something else. He stated he is not running for anything else and is here to do what is good for this city noting he is not trying to get high up in the Republican Party in Austin so he can show up at some meeting at a National event.

Mayor Strength told the audience if we don't stand up and go to the polls we are going to get overrun. He encouraged citizens to take heed and go to the polls and vote for Chuck Beatty and Mary Lou Shipley. Mayor Strength stated we have a good group of Councilmembers but we have one that needs to look and see what Waxahachie is about before speaking and not be led by people that are not from Waxahachie.

20. Adjourn

There being no further business, Councilmember Chuck Beatty moved the meeting adjourn at 8:40 p.m. Mayor Strength seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary

A special 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 Thursday, September 20, 2018 at 12:00 p.m.

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

Council Member Absent: Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
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

Mayor Pro Tem David Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consider proposed Ordinance approving revised budget figures for fiscal year 2017-2018 and approving the budget for fiscal year 2018-2019

ORDINANCE NO. 3052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2017-2018, FUNDS APPROPRIATED FOR STREET MAINTENANCE AND PROFESSIONAL SERVICES WILL BE USED FOR THAT PURPOSE, EITHER BY ENCUMBRANCE OR BY TRANSFER TO CAPITAL PROJECT FUND FOR STREETS; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND TERMINATING SEPTEMBER 30, 2019, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem David Hill moved to approve Ordinance No. 3052. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, and Chuck Beatty. Noes: Melissa Olson. The motion carried 3-1

5. Consider proposed Ordinance approving the Water and Wastewater Budget for fiscal year 2018-2019

(4c)

ORDINANCE NO. 3053

AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WAXAHACHIE'S WATER AND WASTEWATER OPERATIONS FOR THE PERIOD BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 AND DECLARING AN EMERGENCY.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3053. Councilmember Melissa Olson seconded, All Ayes.

6. **Consider proposed Ordinance amending Water and Wastewater fees setting an effective date of October 1, 2018**

ORDINANCE NO. 3054

AN ORDINANCE AMENDING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1ST, 2018 AND DECLARING AN EMERGENCY.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3054. Mayor Pro Tem David Hill seconded, All Ayes.

7. **Consider proposed Ordinance approving the Robert W. Sokoll Water Treatment Plant Budget for fiscal year 2018-2019**

ORDINANCE NO. 3055

AN ORDINANCE ADOPTING THE BUDGET, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE SOKOLL WATER TREATMENT PLANT JOINT VENTURE FOR THE PERIOD BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 AND DECLARING AN EMERGENCY.

Action:

Mayor Pro Tem David Hill moved to approve Ordinance No. 3055. Councilmember Chuck Beatty seconded, All Ayes.

8. **Consider proposed Ordinance approving the Refuse Service Fund; Hotel Tax Fund; Waxahachie Community Development Corporation Budget; and, Interest and Sinking Fund for fiscal year 2018-2019**

ORDINANCE NO. 3056

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF WAXAHACHIE FOR THE FISCAL YEAR

(4c)

BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 AND DECLARING AN EFFECTIVE DATE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3056. Mayor Pro Tem David Hill seconded, All Ayes.

- 9. Consider proposed Ordinance amending the Solid Waste and Recycling Provisions Section 14.25 (b) Senior Citizens Discount**

ORDINANCE NO. 3057

AN ORDINANCE AMENDING SOLID WASTE AND RECYCLING PROVISIONS, BY AMENDING SECTION 14.25 (b) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem David Hill moved to approve Ordinance No. 3057. Councilmember Chuck Beatty seconded, All Ayes.

- 10. Consider proposed Ordinance approving the Tax Rate for fiscal year 2018-2019**

ORDINANCE NO. 3058

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2019 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.

Action:

Mayor Pro Tem David Hill moved that the property tax rate be increased by the adoption of a tax rate of 0.680000, which is effectively a 3.26 percent increase in the tax rate approving Ordinance No. 3058. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, and Chuck Beatty. Noes: Melissa Olson. The motion carried 3-1.

- 11. Consider proposed Ordinance re-establishing classified positions under Civil Service**

ORDINANCE NO. 3059

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

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3059. Councilmember Melissa Olson seconded, All Ayes.

12. Consider award of Amphitheater bid and related change order

Action:

Mayor Pro Tem David Hill moved to award the bid for the Amphitheater to FBM Construction in the amount of \$3,551,855.14 plus additional alternate of \$19,627.66, and approve deductive change order reducing the contract to \$2,995,491.46. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, and Chuck Beatty. Noes: Melissa Olson. The motion carried 3-1.

13. Consider recommendation by Waxahachie Community Development Corporation for additional funding for Amphitheater project

Action:

Mayor Pro Tem David Hill moved to approve additional appropriation from the Waxahachie Community Development Corporation working capital in the amount of \$300,000 for the Amphitheater project. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, and Chuck Beatty. Abstained: Melissa Olson. The motion carried 3-1.

14. Public Comments

None

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

Councilmember Melissa Olson explained her voting. She thanked Mr. Charles Harris, Director of Finance and his staff for their work on the budget and thanked City Manager Michael Scott for his leadership. Councilmember Olson thanked City Council for their work, effort and their time.

Councilmember Chuck Beatty thanked city staff for all their work on the city budget.

City Manager Michael Scott stated staff started the budget process back in April and engaged Council in July with a number of workshops and looked to Council's leadership and direction in putting the budget together. He thanked City Council for passing the budget and stated they will receive the official budget book on October 15, 2018. Mr. Scott thanked Finance Director Charles Harris, Assistant Finance Director Gail Turner and Budget Analyst Kristi Phillips for their hard work putting the budget together noting the city has a group of terrific professionals that work together cohesively to get us here today. Mr. Scott thanked Mr. Jim Phillips, Mr. John Sanders and Leadership Waxahachie for their vision on the Amphitheater project. He announced the groundbreaking for the project is Tuesday, October 2, 2018 at 3:00 p.m.

16. Adjourn

There being no further business, Councilmember Melissa Olson moved the meeting adjourn at 12:12 p.m. Councilmember Chuck Beatty seconded, All Ayes.

Respectfully submitted,


City Council
September 20, 2018
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Lori Cartwright
City Secretary



Memorandum

To: Honorable Mayor and City Council
From: Michael Scott, City Manager 
Thru:
Date: September 25, 2018
Re: Civil Service Appointment – Curtis Williams

As you know, per LGC 143, the Civil Service Commission is made up of three members from the community. These positions each serve a three year term with one term expiring each year. The City Manager is charged with making these appointments.

This year Curtis William's position is up for consideration. Curtis has served in this capacity and has done a fantastic job chairing the commission. As such, I am recommending his reappointment to the Commission.



(4e)

Application for a Festival or Event Permit

Event Name and Description: Oddfest 2018
Annual Fundraising Festival Event.
Hosted by Waxahachie IOOF Lodge #80.

Applicant Information

Name: Wayne Strickland
Address: 210 N. College St.
City, State, Zip: Waxahachie TX Phone: 972-938-2062
E-mail Address: collegestreetpub@yahoo.com

Organization Information

Organization Name: Waxahachie IOOF Lodge #80
Address: 208 1/2 S. Rogers St.
Authorized Head of Organization: Wayne Strickland
Phone: 972-814-0605 E-mail Address: collegestreetpub@yahoo.com

Event Chairperson/Contact

Name: Wayne Strickland
Address: 210 N. COLLEGE ST.
City, State, Zip: Waxahachie, TX 75165 Phone: 972-814-0605
E-mail Address: collegestreetpub@yahoo.com

Event Information

Event Location/Address: 200 N. Rogers St. Singleton Plaza
Purpose: Festival - Fundraising event for WAX. IOOF #80
Event Start Date and Time: 10/6/18 @ 10 AM

RECEIVED IN
CITY SECRETARY'S OFFICE
9/18/18 AV
CITY OF WAXAHACHIE, TEXAS

Event End Date and Time: 10/6/18 @ 5:00pm ⁽⁴⁶⁾

Approximate Number of Persons Attending Event Per Day: 800-1,000

Site Preparation and Set-Up Date and Time: 10/5/18 @ 5:00pm

Clean-Up Completion Date and Time: 10/6/18 @ 7:00pm

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.

Artist Vendor Booths. Food Vendors

Craft Beer : Wine Booth

Street Closures not required.

Traffic control not Required

Request Parking in old WPD parking lot.

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

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

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

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

Will dumpsters be needed? YES. Portable Toilets : Trash Cans
REQUESTED

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

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

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

Daune
Signature of Applicant

9/18/18
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).

CUAXAHACHE R.V.

STREET FORD

College Str.

(4e)

Rail Road

BRICK FENCE

closed

Entrance/Exit
ONLY
Security Posted

closed

STAGE

SEATING
AREA

FOOD & DRINK
AREA

VENDOR
AREA

SINGLETON PLAZA
200 N. Rogers St. WAXAHACHIE,
TEXAS

Entrance/Exit
closed

closed

closed

Brick & IRON FENCE

CREEK

Rogers St

(4e)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Wednesday, September 19, 2018 1:55 PM
To: Villarreal, Amber
Subject: RE: Event Application-Oddfest 2018

I have no issues with it.

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



From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, September 18, 2018 1:14 PM
To: Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Leila Cole <lcole@waxahachie.com>; John Smith <jsmith@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Oddfest 2018

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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

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(4e)

Villarreal, Amber

From: Robert Best <rbest@waxahachiepd.org>
Sent: Tuesday, September 18, 2018 1:22 PM
To: Villarreal, Amber
Subject: RE: Event Application-Oddfest 2018

I'm good with this.

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, September 18, 2018 1:14 PM
To: Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Leila Cole <lcole@waxahachie.com>; John Smith <jsmith@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Oddfest 2018

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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(4e)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, September 18, 2018 1:22 PM
To: Villarreal, Amber
Subject: RE: Event Application-Oddfest 2018

I have no concerns with this request.

Ricky Boyd, Fire Chief
Waxahachie Fire-Rescue
214-463-9335

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, September 18, 2018 1:14 PM
To: Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Cole, Leila <cole@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Oddfest 2018

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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(4e)

Villarreal, Amber

From: Brown, Anita
Sent: Tuesday, September 18, 2018 1:43 PM
To: Villarreal, Amber
Subject: RE: Event Application-Oddfest 2018

Amber,

I don't have any problems with this application. It's all in Singleton Plaza and no streets closed so it's not a problem.

Anita

From: Villarreal, Amber
Sent: Tuesday, September 18, 2018 1:14 PM
To: Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Cole, Leila <lcoble@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Oddfest 2018

Please see the attached event application for your review. Please send me your comments/concerns/approval.

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
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(4e)

Villarreal, Amber

From: Cole, Leila
Sent: Tuesday, September 18, 2018 1:30 PM
To: Villarreal, Amber
Subject: RE: Event Application-Oddfest 2018

Approved ☺

Leila Cole

City of Waxahachie
Health Inspector – Building & Community Services
Texas Standardized - Retail Food Inspection Officer
Office: 469-309-4138 / City Cell: 972-351-3219
Fax: 469-309-4139



From: Villarreal, Amber
Sent: Tuesday, September 18, 2018 1:14 PM
To: Brown, Anita; Mosley, Laurie; Borders, Amy; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Cole, Leila; Smith, John
Cc: Scott, Michael; Cartwright, Lori
Subject: Event Application-Oddfest 2018

Please see the attached event application for your review. Please send me your comments/concerns/approval.

Amber Villarreal, TRMC
Assistant City Secretary
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(4e)

Villarreal, Amber

From: Mosley, Laurie
Sent: Friday, September 21, 2018 10:59 AM
To: Villarreal, Amber
Subject: RE: Event Application-Oddfest 2018

I have not problems with this event. Sorry for the late reply.

From: Villarreal, Amber
Sent: Tuesday, September 18, 2018 1:14 PM
To: Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Cole, Leila <cole@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Oddfest 2018

Please see the attached event application for your review. Please send me your comments/concerns/approval.

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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Application for a Festival or Event Permit

(4P)

Event Name and Description: Waxahachie High School
Homecoming Parade 2018

Applicant Information

Name: _____

Address: _____

City, State, Zip: _____ Phone: _____

E-mail Address: _____

Organization Information

Organization Name: Waxahachie High School

Address: 3001 US Hwy. 287 Bypass, Waxahachie, TX 75167

Authorized Head of Organization: Adam Casas, Principal

Phone: 972-923-4600 E-mail Address: acasas@wisd.org

Event Chairperson/Contact

Name: Anna Marie Warren

Address: 3001 US Hwy. 287 Bypass, Waxahachie, TX 75167

City, State, Zip: Waxahachie, TX 75167 Phone: cell (972) 935-8590

E-mail Address: awarren@wisd.org

Event Information

Event Location/Address: Downtown Waxahachie

Purpose: Homecoming + Alumni Parade

Event Start Date and Time: Friday, Oct. 26th, 2:00pm.

RECEIVED IN
CITY SECRETARY'S OFFICE
9/25/18
CITY OF WAXAHACHIE, TEXAS

(144)
Event End Date and Time:

Friday, Oct. 26th, 3:30pm.

Approximate Number of Persons Attending Event Per Day: _____

Site Preparation and Set-Up Date and Time:

Marvin Elementary - 11:30pm, Oct. 26th

Clean-Up Completion Date and Time:

Friday, Oct. 26th, 3:30pm.

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.

Parade - no booths

*See attached map

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

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

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

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

Will dumpsters be needed?

n/a

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

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

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

Anna Marie Waver

Signature of Applicant

9-24-2018

Date

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

(4f)

2018 WHS Homecoming Parade Route

Please arrive no earlier than 11:30 pm for Check-In at Marvin Elementary School. STUCO Tent

All floats must have a registration number.

WISD will line up in the Green Section on the Street

Band and Charmers stage at Marvin Elementary-lead parade

Alumni Floats line up in front of Marvin Elementary

All other floats line up on the East side of Marvin Elementary and wrap-around



(4P)



Waxahachie
Independent School District

Erik Kyle
Coordinator of Safety / Security

3001 US Highway 287 Bypass · Waxahachie, TX 75167 · (972) 923-2260 · (972) 923-2099 Fax · www.wisd.org

September 18, 2018

Waxahachie City Manager,

Dear, Michael Scott

I would like to request the following route for our Homecoming Parade on October 26, 2018. We will be starting in the 200 block of N. College Street, at the railroad tracks with line up continuing around the perimeter of Marvin Elementary School. We will proceed South to Main Street, turn West on Main Street and proceed to Elm Street. We will turn North on Elm Street to Marvin, turning East on Marvin and ending at College Street. We will be starting the line up at about 11:30 am and the Parade will start at 2:00 pm. We have met with the Waxahachie Police Department to help manage traffic control at all of the major intersections. We will also have our security officers at the railroad crossings to help ensure that no float stops across the tracks.

Thank you for your consideration and if you need any further information please let me know.

Sincerely,

Captain Erik Kyle
Waxahachie ISD Security

cc: Juan Paredes Area Engineer TX DOT

(4f)

Villarreal, Amber

From: Mosley, Laurie
Sent: Tuesday, September 25, 2018 3:53 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Brown, Anita; Chambers, Jeff; Ojeda, Eneida; Borders, Amy
Cc: Cartwright, Lori; Scott, Michael
Subject: RE: Event Application-Homecoming 2018

As long as the parade spectators know that parking and viewing downtown will have some challenges because of TCR Festival set-up, I think we should be in good shape.

From: Villarreal, Amber
Sent: Tuesday, September 25, 2018 3:46 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-Homecoming 2018

Please review the attached event application and send me your thoughts, questions, or concerns.

Thank you!

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

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(47)

Villarreal, Amber

From: Mosley, Laurie
Sent: Tuesday, September 25, 2018 4:28 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Brown, Anita; Chambers, Jeff; Ojeda, Eneida; Borders, Amy
Cc: Cartwright, Lori; Scott, Michael
Subject: RE: Event Application-Homecoming 2018

One more thought . . . We probably just need to block Rogers at Main to keep traffic from trying to come down Rogers near the main stage. Plus, we will be setting up some of the infrastructure early on Franklin Street and do not need the extra traffic in that area. I believe that we ended up blocking that intersection last year for safety reasons so it shouldn't be anything new.

From: Villarreal, Amber
Sent: Tuesday, September 25, 2018 3:46 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-Homecoming 2018

Please review the attached event application and send me your thoughts, questions, or concerns.

Thank you!

Amber Villarreal, TRMC
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(47)

Villarreal, Amber

From: Chambers, Jeff
Sent: Tuesday, September 25, 2018 4:36 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Brown, Anita; Ojeda, Eneida; Mosley, Laurie; Borders, Amy
Cc: Cartwright, Lori; Scott, Michael
Subject: RE: Event Application-Homecoming 2018

Amber:

I offer no objections. I remember what happened to the Fire Chief.

Jeff

From: Villarreal, Amber
Sent: Tuesday, September 25, 2018 3:46 PM
To: Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Brown, Anita; Chambers, Jeff; Ojeda, Eneida; Mosley, Laurie; Borders, Amy
Cc: Cartwright, Lori; Scott, Michael
Subject: Event Application-Homecoming 2018

Please review the attached event application and send me your thoughts, questions, or concerns.

Thank you!

Amber Villarreal, TRMC
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(4A)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, September 25, 2018 5:59 PM
To: Villarreal, Amber
Subject: Re: Event Application-Homecoming 2018

I have no concerns with this request.

Sent from my iPhone

On Sep 25, 2018, at 15:46, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Please review the attached event application and send me your thoughts, questions, or concerns.

Thank you!

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
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<Event Application-Homecoming 2018.pdf>

(47)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, September 25, 2018 5:23 PM
To: Villarreal, Amber
Subject: RE: Event Application-Homecoming 2018

We're ok with it.

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, September 25, 2018 3:46 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Jeff Chambers <jchambers@waxahachie.com>; Eneida Ojeda <eojeda@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Michael Scott <msscott@waxahachie.com>
Subject: Event Application-Homecoming 2018

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(4f)

Villarreal, Amber

From: Brown, Anita
Sent: Thursday, September 27, 2018 9:03 AM
To: Mosley, Laurie; Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Chambers, Jeff; Ojeda, Eneida; Borders, Amy
Cc: Cartwright, Lori; Scott, Michael
Subject: RE: Event Application-Homecoming 2018

I agree with what Laurie said. This year is going to be a challenge but at least the parade is scheduled to start at 2 and end at 3:30, so that will give us a little more time between it and TCR registration. ☺ It's gonna be a heck of a weekend!

From: Mosley, Laurie
Sent: Tuesday, September 25, 2018 4:28 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Borders, Amy <aborders@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: RE: Event Application-Homecoming 2018

One more thought . . . We probably just need to block Rogers at Main to keep traffic from trying to come down Rogers near the main stage. Plus, we will be setting up some of the infrastructure early on Franklin Street and do not need the extra traffic in that area. I believe that we ended up blocking that intersection last year for safety reasons so it shouldn't be anything new.

From: Villarreal, Amber
Sent: Tuesday, September 25, 2018 3:46 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-Homecoming 2018

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Thank you!

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(49)



Application for a Festival or Event Permit

Event Name and Description: 6th Annual YMCA Santa Run - 5k and 1 Mile Fun Run for Families,
Adults and Children alike.

Applicant Information

Name: Jon McLaughlin - YMCA
Address: 100 YMCA Drive
City, State, Zip: Waxahachie, TX 75165 Phone: 972-937-9622
E-mail Address: jmclaughlin@ymcadallas.org

Organization Information

Organization Name: Waxahachie Family YMCA
Address: 100 YMCA Drive
Authorized Head of Organization: Jon McLaughlin
Phone: 972-937-9622 E-mail Address: JMCLAUGHLIN@YMCDALLAS.ORG

Event Chairperson/Contact

Name: Emily Golden
Address: 100 YMCA Drive
City, State, Zip: Waxahachie, TX 75165 Phone: _____
E-mail Address: egolden@ymcadallas.org

Event Information

Event Location/Address: Downtown Square - Franklin Street (Between Rogers & College)
Purpose: Community Event
Event Start Date and Time: Saturday, December 15, 2018 (7am)

RECEIVED IN
CITY SECRETARY'S OFFICE
9/11/18 AV
CITY OF WAXAHACHIE, TEXAS

(49)

Event End Date and Time: 12/15/18 (11:30am)

Approximate Number of Persons Attending Event Per Day: 900

Site Preparation and Set-Up Date and Time: Friday, December 14, 6pm

Clean-Up Completion Date and Time: 12/15/18 (12:30pm)

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.

Street Closure will be needed on Franklin Street between College and Rogers for pre and post race activities. Activities will include bounce houses, game trucks, kids area, registration and vendor booths

A stage with live music and announcements, and pre race activities. Run begins at 9am and traffic closure will be needed briefly on Franklin and Elm street at 9:05.

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

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

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

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department. ✓ TOMMY'S HOT DOGS

Will dumpsters be needed? NO

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

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

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

[Signature]
Signature of Applicant

9/2/18
Date

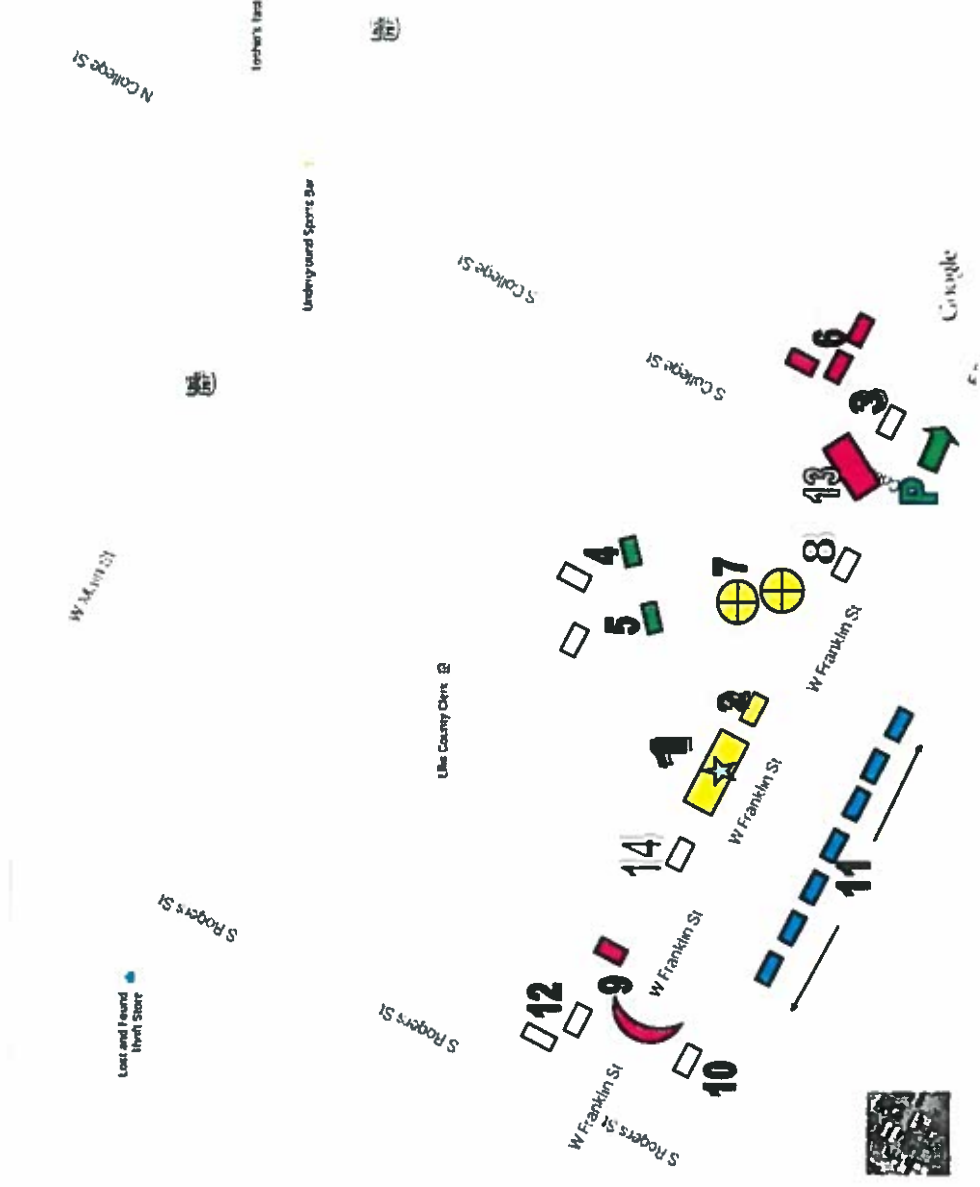
* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

2017 Santa

Run—Race

Day Layout

1. YMCA Santa Run Stage
2. Award / Trophy Table
3. Volunteer Check In / Refreshments
4. Race Day Registration
5. Packet Pick up
6. AOA Kids Area
7. Remedy Church Bounce Houses
8. The Firewolves—Concessions
9. Start Line—Chip 2 Chip
10. Altus—Fruit, Water
11. Frosty's Lane (Vendor tables—blue)
11 Tables needed
12. Baylor -Milk & Cookies **2 Tables**
13. Party Guy 2-U Video Game Truck
14. KBEC

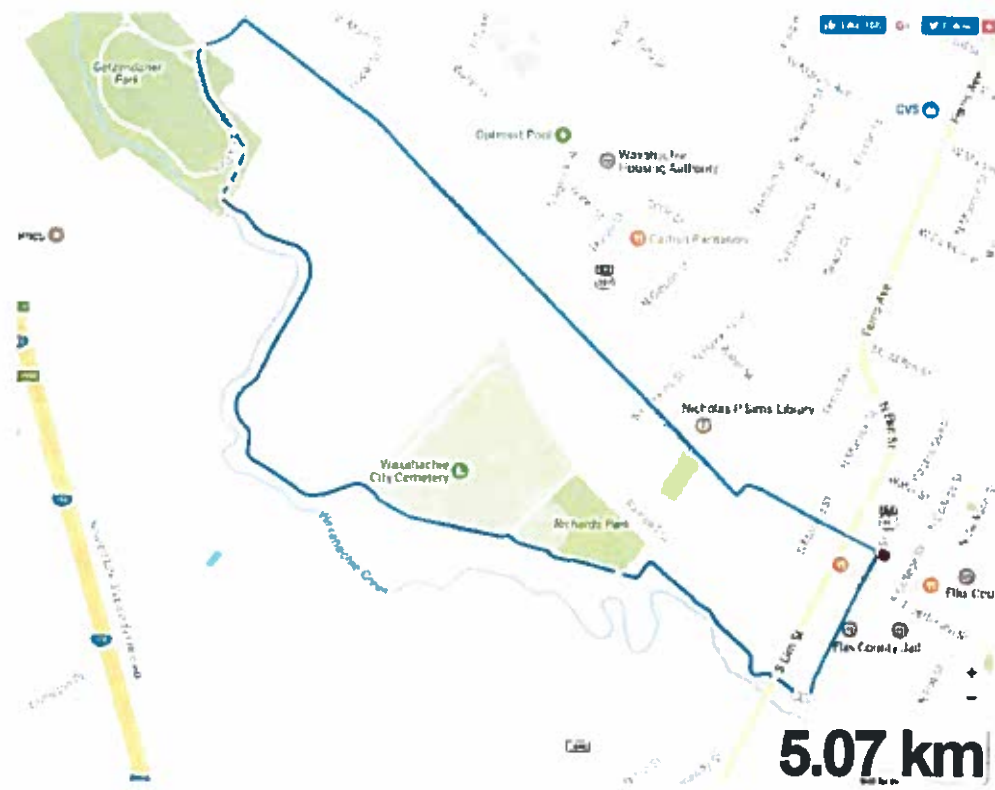


1 Table Needed for HEB Wa-
ter Station by Richards Park
1 For Baylor at old Admin lot

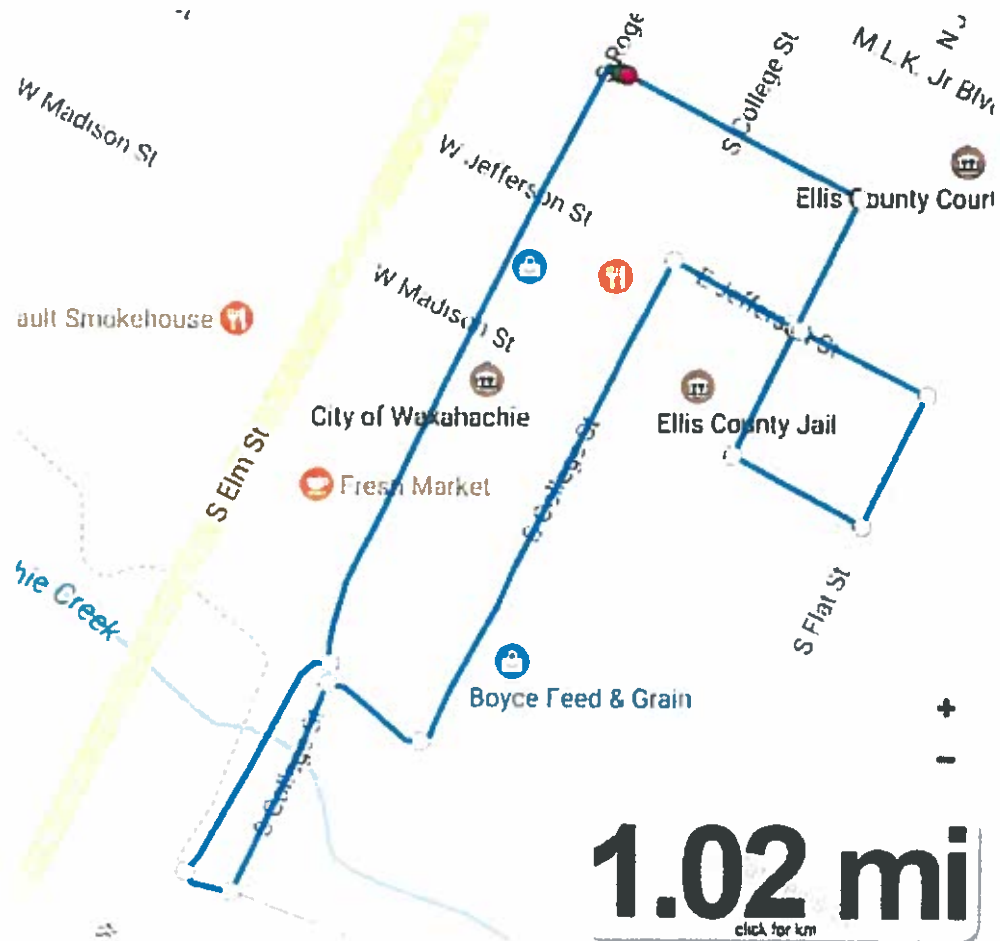
(49)

(49)

2017 YMCA Santa Run – 5K Route



1 MILE – ELF RUN



(49)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, September 11, 2018 12:36 PM
To: Villarreal, Amber
Subject: RE: Event Application-YMCA SANTA RUN

No issues.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
216 N. College St.
Waxahachie, TX 75165
469-309-4411



From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, September 11, 2018 10:26 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Amy Borders <aborders@waxahachie.com>; Leila Cole <lcole@waxahachie.com>; John Smith <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Michael Scott <msscott@waxahachie.com>
Subject: Event Application-YMCA SANTA RUN

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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

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(49)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, September 11, 2018 10:34 AM
To: Villarreal, Amber
Subject: RE: Event Application-YMCA SANTA RUN

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, September 11, 2018 10:26 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Cole, Leila <lcoble@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-YMCA SANTA RUN

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Assistant City Secretary

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(49)

Villarreal, Amber

From: Brown, Anita
Sent: Tuesday, September 11, 2018 10:32 AM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Mosley, Laurie; Borders, Amy; Cole, Leila; Smith, John
Cc: Cartwright, Lori; Scott, Michael
Subject: RE: Event Application-YMCA SANTA RUN

No issues. This is our 6th one and it's a great event. And he moved it to the 3rd weekend so it extends our holiday activities and doesn't interfere with earlier ones.

Anita

From: Villarreal, Amber
Sent: Tuesday, September 11, 2018 10:26 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Cole, Leila <lcoble@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-YMCA SANTA RUN

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Thank you,

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Assistant City Secretary
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(49)

Villarreal, Amber

From: Mosley, Laurie
Sent: Tuesday, September 11, 2018 11:39 AM
To: Brown, Anita; Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Borders, Amy; Cole, Leila; Smith, John
Cc: Cartwright, Lori; Scott, Michael
Subject: RE: Event Application-YMCA SANTA RUN

I am in agreement with Anita. Thank you!!

From: Brown, Anita
Sent: Tuesday, September 11, 2018 10:32 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Cole, Leila <lcoble@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: RE: Event Application-YMCA SANTA RUN

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Anita

From: Villarreal, Amber
Sent: Tuesday, September 11, 2018 10:26 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Cole, Leila <lcoble@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-YMCA SANTA RUN

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Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
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(49)

Villarreal, Amber

From: Cole, Leila
Sent: Tuesday, September 11, 2018 1:17 PM
To: Villarreal, Amber
Subject: RE: Event Application-YMCA SANTA RUN

Approved ☺

Leila Cole

City of Waxahachie
Health Inspector – Building & Community Services
Texas Standardized - Retail Food Inspection Officer
Office: 469-309-4138 / City Cell: 972-351-3219
Fax: 469-309-4139



From: Villarreal, Amber
Sent: Tuesday, September 11, 2018 10:26 AM
To: Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Brown, Anita; Mosley, Laurie; Borders, Amy; Cole, Leila; Smith, John
Cc: Cartwright, Lori; Scott, Michael
Subject: Event Application-YMCA SANTA RUN

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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
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(49)

Villarreal, Amber

From: Smith, John
Sent: Tuesday, September 11, 2018 4:09 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Dale Sigler; Robert Best; Brown, Anita; Mosley, Laurie; Borders, Amy; Cole, Leila
Cc: Cartwright, Lori; Scott, Michael
Subject: RE: Event Application-YMCA SANTA RUN

Approved,
Thanks,
John

From: Villarreal, Amber
Sent: Tuesday, September 11, 2018 10:26 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Brown, Anita <abrown@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Cole, Leila <lcole@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: Event Application-YMCA SANTA RUN

Please see the attached event application for your review. Please send me your comments/concerns/approval.

Thank you,

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Assistant City Secretary
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(4h)



Application for a Festival or Event Permit

"TULIP TROT"

Event Name and Description: BBQ COMPETITION/5K FUNRUN/CONCERT

Applicant Information

Name: JOHN POSTON
Address: 4848 LEMMON AVE, #520 (P.O. Box)
City, State, Zip: DALLAS, TX 75219 Phone: 214 718 1945
E-mail Address: johnbposton@gmail.com

Organization Information

Organization Name: POSTON GARDENS & YMCA (METROPOLITAN)
Address: ~~THE~~ SAME AS ABOVE
Authorized Head of Organization: JOHN POSTON
Phone: SAME E-mail Address: SAME

Event Chairperson/Contact

Name: JOHN POSTON
Address: 818 CANTRELL STREET
City, State, Zip: WAXAHACHIE, TX 75165 Phone: 214-718-1945
E-mail Address: _____

Event Information

Event Location/Address: GETZENBACHER PARK & CHAUTAUQUA
Purpose: FUNDRAISER FOR YMCA (MOODY & WAXAHACHIE)
Event Start Date and Time: MARCH 29 SET UP BEGINNING AT NOON
MARCH 30 8:00 AM UNTIL 7:00 PM

RECEIVED IN
CITY SECRETARY'S OFFICE
9-10-18 DV
CITY OF WAXAHACHIE, TEXAS

(4h)

Event End Date and Time: MARCH 30 AT 7:00 AM

Approximate Number of Persons Attending Event Per Day: +/- 1,500 ON MARCH 30

Site Preparation and Set-Up Date and Time: MARCH 29 AT NOON

Clean-Up Completion Date and Time: NO LATER THAN 9 PM MARCH 30

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.

BBQ COMPETITION/COOKOFF +/- 30 COOKERS ALL DAY

5K RUN ON HIKE + BIKE TRAIL (10AM - NOON)

TENTS + VENDOR BOOTHS

FAMILY ATTRACTIONS: BOUNCE HOUSE, CLOWN,

~~ENTERTAINMENT~~ ENTERTAINMENT - 2:00 PM CONCERT + 4 PM CONCERT

Will food and/or beverages be available and/or sold? YES/NO BUT NOT SOLD

*Will alcohol be available and/or sold? YES/NO I WOULD LIKE TO OFFER ALCOHOL IN DESIGNATED AREAS. NOT FOR SALE.

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

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

Will dumpsters be needed? YES

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

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

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


Signature of Applicant

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).

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, September 10, 2018 10:34 AM
To: Villarreal, Amber
Subject: RE: Event Application-Tulip Trot

Sounds good... then, I have no issues.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
216 N. College St.
Waxahachie, TX 75165
469-309-4411



From: Villarreal, Amber [<mailto:avillarreal@waxahachie.com>]
Sent: Monday, September 10, 2018 10:32 AM
To: Wade Goolsby <wgoolsby@waxahachiepd.org>
Subject: RE: Event Application-Tulip Trot

The 5k will be from 10am-noon. I spoke to John Smith and he said the run will be contained in the park and on the trail. They won't be crossing any streets.

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

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From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, September 10, 2018 10:16 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application-Tulip Trot

I have no issues overall, but need to know the time of the 5K and see the route. If they are crossing Elm St., they will need an officer.

(4h)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, September 10, 2018 10:00 AM
To: Villarreal, Amber
Subject: RE: Event Application-Tulip Trot

I have no concerns with this request.

Ricky Boyd, Fire Chief
Waxahachie Fire-Rescue
214-463-9335

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Monday, September 10, 2018 9:52 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Cole, Leila <lcole@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Tulip Trot

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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
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(4h)

Villarreal, Amber

From: Smith, John
Sent: Monday, September 10, 2018 10:40 AM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Robert Best; Dale Sigler; Cole, Leila
Cc: Scott, Michael; Cartwright, Lori
Subject: RE: Event Application-Tulip Trot

Approved.
Thanks,
John

From: Villarreal, Amber
Sent: Monday, September 10, 2018 9:52 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Robert Best <rbest@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Cole, Leila <lcole@waxahachie.com>; Smith, John <jsmith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Tulip Trot

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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(yh)

Villarreal, Amber

From: Cole, Leila
Sent: Monday, September 10, 2018 10:19 AM
To: 'johnbposton@gmail.com'
Cc: Villarreal, Amber; Del Buono, Mary
Subject: Event Application-Tulip Trot - Food Details Requested
Attachments: Event Application-Tulip Trot.pdf

Mr. Poston,

I am reviewing your event application and I need more information about the BBQ Cook-off and any other food you plan to provide. The city does not allow home prepared BBQ served at a public event, where will the participants be cooking? All food venders must be permitted with Building and Community Services, I will need a list of food and alcohol venders participating in this event.

Thanks,

Leila Cole

City of Waxahachie
Health Inspector – Building & Community Services
Texas Standardized - Retail Food Inspection Officer
Office: 469-309-4138 / City Cell: 972-351-3219
Fax: 469-309-4139



From: Villarreal, Amber
Sent: Monday, September 10, 2018 9:52 AM
To: Ricky Boyd; Wade Goolsbey; Robert Best; Dale Sigler; Cole, Leila; Smith, John
Cc: Scott, Michael; Cartwright, Lori
Subject: Event Application-Tulip Trot

Please see the attached event application for your review. Please send me your comments/concerns/approval.

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www.waxahachie.com

(6)

Planning & Zoning Department Plat Staff Report

Case: RP-18-0136



MEETING DATE(S)

Planning & Zoning Commission: September 11, 2018

City Council: September 17, 2018

CAPTION

Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

CASE INFORMATION

Applicant: Marvin E. Singleton III, CNB of Texas

Property Owner(s): Citizens Bank of Texas

Site Acreage: 0.773 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Adequate Public Facilities: Adequate Public Facilities are available

SUBJECT PROPERTY

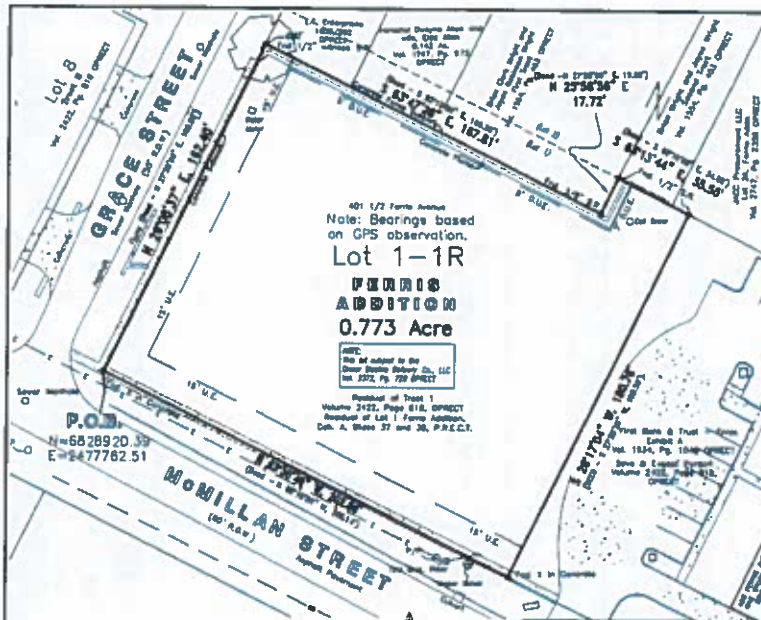
General Location: 401 ½ Ferris Avenue

Parcel ID Number(s): 173282

Current Zoning: General Retail

Existing Use: Storage/Warehouse

Platting History: The lot is platted as Lot 1 of the Ferris Addition.

FIELD NOTES
0.773 60204

being at that certain lot, tract, or parcel of land being known and designated as part of Lot 7 of Form A Addition, an addition to the City of Mountcastle, Elko County, Idaho, according to the plat thereof recorded in Cabinet A, Sheet 31 and 38 of the Plat Records, Elko County, Idaho, or referenced by Volume 2422, Page 818 of the Official Public Records, Elko County, Idaho (OPREC), and being more particularly described as follows:

BC0000000 at an "X" found in a concrete walk for the west corner of the front and some for side Lot 1, being on the northeast right of way of Midland Street (a 50 foot R.O.W.) and on the southeast right of way of Grace Street (a 50 foot R.O.W.). The bearing basis for this description from GPS observation, Towns North Central Area 42002, NAD 83 Datum, and having a beginning co-ordinate of Northing = 6833882.36, Easting = 2477783.91.

THENCE N 28°08'37" E, 182.40 feet (Dowd - N 27°50'00" E, 180.0 feet) along the northeast line of this tract and some for said Lot 4 and along the southeast line of Drake Street to a point for corner within a wood fence and in a concrete fence support which bears N 63°47'28" E, 0.92 feet from a 1/4" steel rod found for witness to the corner, and being the southeast corner of a parcel donated to C. Enterprises in Volume 1850, Page 852, DPAC77;

THENCE S 83°47'28" E, 187.81 feet (David - S 87°53'00" E, 188.50 feet), along the northeast line of this tract, same for said Lot 1, passing the recognized southerly corners of Harmer and Eda Allen as described in Volume 1747, Page 873 OREGON, to a 3/8" steel rod found for an insect corner of this tract and same for said Lot 1 and being the south corner of a parcel deeded to Brian and Joyce Wright in Volume 1554, Page 403, OREGON.

THENCE N 23°58'58" E, 17.73 feet (Dead - N 27°50'00" E, 19.30 feet) along a northwest line of this tract, Lot 1, and the southeast line of said Wright tract to a 1/2" steel rod found for a north corner of this tract, and being an inside corner of said Allen tract;

THENCE S 87°13' E, 35.35 feet (Deed - S 87°10'00" E, 34.68 feet) along a northeast line of this tract, Lot 1, and along the southwest line of said Wright tract, passing the recognized easterly south corner of said Wright tract and the recognized east corner of Lot 2A as divided by JACC Producers, LLC in Volume 2747, Page 2389, CORRECT to a "W" steel rod found for the east corner of this tract, and being the north corner of the Sevo and Ensign tract divided by First Bank & Trust - Ensign in Volume 3422, Page 818. CORRECT.

THEXCE 5 28° 17' 04" W, 180.79 feet (Deed - 5 27° 35' 28" W, 180.56 feet) along the southeast line of this tract, through said Lot 1, and along the northwest line of said bank tract to an "X" found on a concrete sidewalk for the south corner of this tract, the west corner of bank tract, being on the southwest line of Lot 1, and being on the northwest line of Madison Street, said point bears N 63° 30' 48" W, 194.89 feet (Deed - N 62° 10' 00" W, 194.84 feet) from an "X" set in concrete for the south corner of said bank tract.

THENCE N 63°30'48" W, 202.86 feet (Deed - N 62°10'00" W, 203.14 feet along the southwest line of this tract, serve for Lot 1, and along the northeast line of said street to the POINT OF BEGINNING, and containing approximately 0.773 acre of land.

If this land is being platted out of a larger piece of land, it's going to be a replot, and we'll need to see the larger piece of land included. Additionally, the owners of the rest of the land must be included on the plat, since, legally, it's also plating their land. This would mean including the ET Greenpeace, Allen, and Wright properties, as well as the parking lot.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

[illegible]

The plot approved subject is all getting engineers, rules, regulations and resolutions of the City of Washington, Texas

WITNESS, my hand, this the _____ day of
_____, 2014.

107

Marvin E. Sengster, III

STATE OF TEXAS
COUNTY OF EL PASO

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Marvin J. Singleton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein contained.

Given under my hand and seal of office, this _____ day of _____, 2018.

History (ending in end for the State of Texas)

[My Certification Expires On:](#)

CITY OF SARASOTA, TEXAS FINAL PLAT APPROVAL

APPROVED BY: Planning and Zoning Commission
City of Westchester

Dr. _____

APPROVED BY: City Council

Name _____ **Date** _____

401 1/2 Ferris Avenue
Note: Bearings based
on GPS observation.
Lot 1-1R
FERRIS
ADDITION
0.773 Acre

NOTE:
This lot subject to the
Owen Steiner Delivery Co., LLC
lot 3372, Pg. 729 P.D.C.T.

Revised: Tract 1
Volume 3422, Page 618, P.D.C.T.
Revised of Lot 1 Farm Addition,
Cdn. A, Sheets 37 and 38, P.D.C.T.

Developer:
Citizens National Bank of Texas
200 N. Elm
Waco, TX 76783
Phone: 872-351-3220
Marvin E. Singleton, III

FLOODPLAIN NOTE:
100 YEAR FLOODPLAIN
PER FIRM MAP # 48120C0130 F
ZONE: X UNSHOULDER AS SHOWN

declare that the plat and field notes herein are the representation of an actual and accurate survey made on the ground in April of 1918, and that corner monuments were set and used by personal supervision. There are no visible encroachments, and the survey is correct in all respects. The bearings recited in parentheses herein are based on the record plat of subject subdivision. According to the survey of the subject property, Filed for Record, Rate Map Number 48159CC033 P, dated April 3, 1913, in Ellis County, Texas, and Incorporated Areas, this tract is not within a special road hazard area inundated by 100-year flood. This is a true and correct copy of the original filed in the Citizens National Bank of Texas.

Stuart G. Hamilton
Registered Professional Land Surveyor
Number 4480

SEP 14 2009
Date



REPLAT
Lot 1-1R
FERRIS ADDITION
City of Waxahachie,
Ellis County, Texas

ELLIS ASSOCIATES
SURVEYORS

213 North College Tel. 972-937-7414
 Washington, Texas 75105
 TSP's Library No. 10087100

Date 9/11/2018

Scale: 1" = 30'

Drewett DWH

Job 18103



**Citizens
National Bank
Of Texas**

Your Bank Since 1868

August 22, 2018

RE: Replat Application Case: RP-18-0136
Hardship Waiver Request

To Whom It May Concern:

Please consider this formal request to grant a Hardship Waiver regarding replat application case RP-18-0136. This request to only replat our property is due to the difficulty in acquiring all property owners' signatures.

For additional information please contact me directly at [REDACTED] or via email at [REDACTED]. Thank you for your consideration.

Sincerely,

Marvin E. Singleton III
President/CEO



(u)

CASE RP-18-0136

***SUPPORT* 2**

***OPPOSE* 2**

Request by Marvin E. Singleton III, CNB of Texas, for a **Replat** of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

SUPPORT

1. Brad Yates, 211 N. Gibson, Waxahachie, TX 75168
 - a. "Please approve."
2. Craig Rudolph, 411 Ferris Avenue, Waxahachie, TX 75165

OPPOSE

1. Candi Hunt, 401 Ferris Avenue, Waxahachie, TX 75165
 3. Richard Wilson, 413 W. Royal, Waxahachie, TX 75165
 - a. "Concerns with additional noise, from equipment and race car engine noise."
-



(6)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0136

RECEIVED
8/28/18

PROSPERITY BANK ATTN: ACCOUNTING
80 SUGAR CREEK CENTER BLVD
SUGAR LAND, TX 77478

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

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

Case Number: RP-18-0136 ☐ SUPPORT ☒ OPPOSE

Comments: _____

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 5, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Caroli Hunt LmAp
Signature

8-27-18
Date

Caroli Hunt LmAp
Printed Name and Title

401 Ferris Ave. Waxahachie 75165
Address



RECEIVED
9/5/18

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0136



ALLEN HERSCHEL DWAYNE & ELDA
411 ROYAL ST
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

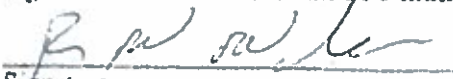
Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) - Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

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

Case Number: RP-18-0136 SUPPORT X OPPOSE

Comments: Concerns with additional noise, from equipment and race car engine noise

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.


Signature

September 5, 2018
Date

Richard Wilson Facilities Manager
Printed Name and Title

413 W. Royal, Waxahachie, TX 75165
Address



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **RP-18-0136**



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

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

Case Number: **RP-18-0136** ☒ SUPPORT ☐ OPPOSE

Comments: please approve

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Signature

Printed Name and Title

Date

Address

Bred Yates

8/29/18
211 N. Gibson Wax. TX.
75168



RECEIVED
9/10/18

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0136



JACC PROCUREMENT LLC
100 SHORT PUTT DR
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

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

Case Number: RP-18-0136

☒ SUPPORT

☐ OPPOSE

Comments: _____

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Signature

Printed Name and Title

Craig Rudolph, Owner

Date

Address

9-6-18

411 Forns Ave. Waxa TX 75165

(6)

Site Aerial:



STAFF CONCERNS

1. Because this plat is multiple lots subdivided via deed from the original Lot One of the Ferris addition, all portions of the original platted lot must be included in the application, or signatures included on the plat indicating surrounding property owner's acceptance of replatting of this land, as a portion of the overall Lot One.

APPLICANT RESPONSE TO CONCERNS

1. A plat was resubmitted September 24, 2018. The above comment remains outstanding.
2. Applicant has submitted a Petition of Hardship Waiver, requesting the removal of the requirement of including the surrounding property owner's signatures on the plat. This is to be considered as an inclusion in the motion by City Council.

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, per comments.
 1. The approval of the submitted plat are dependent on revisions per staff concerns.
- ☐ Additional consideration required

ATTACHED EXHIBITS

1. Plat Drawing
2. Petition for Hardship Waiver

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 11, 2018, the Commission voted 7-0 to recommend approval of plat no. RP-18-0136, subject to staff comments. At the City Council meeting, held September 17, 2018, the Council voted 3-0 to continue plat no. RP-18-0136 to the October 1, 2018, City Council meeting. Staff has since received a resubmittal of the plat drawing. The need to either include all deeded lots from Lot One or the signatures of all property owners remains outstanding.

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0143



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Consider request by Iran Magallon for a Replat of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 & 2, R&M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

CASE INFORMATION

Applicant: Iran Magallon

Property Owner(s): Tomas & Rita Reyes

Site Acreage: 13.821 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Adequate Public Facilities: This development is on City water and served by on-site septic.

SUBJECT PROPERTY

General Location: 120 Lakeshore

Parcel ID Number(s): 230996

Current Zoning: Rural Residential

Existing Use: Lot 2 has a residence while Lot 1 is undeveloped.

Platting History: The Lindmark Estates Revised plat was approved by City Council on April 4, 2005.

Site Aerial:**STAFF CONCERNS**

1. None outstanding.

APPLICANT RESPONSE TO CONCERNS

1. Resubmittal cleared all outstanding 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.
- ☐ Approval, per the following comments:

ATTACHED EXHIBITS

1. Plat drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Kelly Dent, MPA
 Planner
kdent@waxahachie.com

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

(8)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 25, 2018, the Commission voted 5-0 to recommend approval of plat no. RP-18-0143, subject to staff comments.

PAGE 1 OF 2

(8)

STATE OF TEXAS
COUNTY OF BLISS

KNOW ALL MEN BY THESE PRESENTS

WHEREAS TOMAS REYES AND RETA REYES ARE THE SOLE OWNERS A TRACT OF LAND DESCRIBED IN 1992 TOMAS REYES AND RETA REYES, RECORDED IN VOLUME 2394, PAGE 1906, AND VOLUME 2394, PAGE 1910, OF THE OFFICIAL PUBLIC RECORDS OF BLISS COUNTY, TEXAS, CORRECTLY AND TRULY BEING ALL OF LOT 12 AND ALL OF LOT 4, LANDMARK ESTATES, REVISOR, RECORDED IN CASHIER PL. BLISS 9, CORRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CORNER POINT FOR THE EASTERN MOST NORTHWEST CORNER OF SAID LOT 4 AND THE COMMON SOUTHEAST CORNER OF LOT 3, OF SAID LANDMARK ESTATES, IN THE WEST RIGHT-OF-WAY (ROW) LINE OF F.M. HIGHWAY NO. 417 (AS CALLED BY ROW);

THENCE S 89°42'47" E, ALONG THE EAST LINE OF SAID LOT 4 AND THE COMMON WEST ROW LINE OF SAID F.M. HIGHWAY NO. 417, A DISTANCE OF 106.65 FEET TO A 10" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 4 AND THE COMMON SOUTHEAST CORNER OF LOT 3 OF SAID LANDMARK ESTATES;

THENCE S 89°42'47" E, ALONG A SOUTH LINE OF SAID LOT 4 AND THE COMMON NORTH LINE OF SAID LOT 3, A DISTANCE OF 106.65 FEET TO A 10" IRON ROD WITH CAP STAMPED "106.65" FOUND FOR AN INTERIOR BL CORNER OF SAID LOT 4 AND THE COMMON NORTHWEST CORNER OF SAID LOT 3;

THENCE S 89°42'47" E, ALONG THE EAST LINE OF SAID LOT 4 AND THE COMMON WEST LINE OF SAID LOT 3 AND THE WEST LINE OF LOT 4 OF SAID LANDMARK ESTATES, A DISTANCE OF 106.65 FEET TO A 10" IRON ROD WITH CAP STAMPED "106.65" FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 4 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 3 IN THE NORTH LINE OF LOT 4 OF SAID LANDMARK ESTATES;

THENCE S 89°42'47" E, ALONG THE SOUTH LINE OF SAID LOT 4 AND THE COMMON NORTH LINE OF SAID LOT 3 AND THE NORTH LINE OF LOT 10 AND LOT 11 OF SAID LANDMARK ESTATES, A DISTANCE OF 402.88 FEET TO A 10" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 4 AND THE COMMON NORTHWEST CORNER OF SAID LOT 11 AND THE COMMON SOUTHEAST CORNER OF SAID LOT 10;

THENCE S 89°42'47" E, ALONG THE EAST LINE OF SAID LOT 13 AND THE COMMON WEST LINE OF SAID LOT 12 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 11, IN THE NORTH ROW LINE OF LANDSHORE DRIVE, A VARIABLE WIDTH ROW, SAID POINT BEING THE BEGINNING OF A 100' WIDE RIGHT-OF-WAY CLINE TO THE RIGHT HANDS, A RADIUS OF 300'-41' FEET, A CHORD BEARING S 89°42'47" E, A CHORD LENGTH OF 129.88 FEET;

THENCE, ALONG THE SOUTH LINE OF SAID LOT 12 AND THE COMMON NORTH ROW LINE OF SAID LANDSHORE DRIVE AND ALONG SAID CLINE TO THE RIGHT, AN ARC LENGTH OF 130.27 FEET TO A 10" IRON ROD FOUND FOR CORNER;

THENCE S 71°44'17" E, SOUTHWEST ALONG THE SOUTH LINE OF SAID LOT 12 AND THE COMMON NORTH ROW LINE OF SAID LANDSHORE DRIVE, A DISTANCE OF 86.67 FEET TO A 10" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 12 AND THE COMMON SOUTHEAST CORNER OF LOT 13 OF SAID LANDMARK ESTATES;

THENCE S 89°42'47" E, ALONG THE WEST LINE OF SAID LOT 12 AND THE COMMON EAST LINE OF SAID LOT 13, A DISTANCE OF 406.91 FEET TO A 10" IRON ROD WITH CAP STAMPED "106.91" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 13 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 12 IN THE SOUTH LINE OF LOT 14 OF SAID LANDMARK ESTATES;

THENCE S 71°44'17" E, ALONG THE NORTH LINE OF SAID LOT 13 AND THE COMMON SOUTH LINE OF SAID LOT 14, A DISTANCE OF 177.46 FEET TO A 10" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 13 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 14 IN THE WEST LINE OF SAID LOT 4;

THENCE S 89°42'47" E, ALONG THE WEST LINE OF SAID LOT 4 AND THE COMMON EAST LINE OF SAID LOT 13, A DISTANCE OF 706.88 FEET TO A 10" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 4 AND THE COMMON SOUTHWEST CORNER OF LOT 16, REPLAT OF LOT 1, LANDMARK ESTATES RECORDED IN CASHIER PL. BLISS 133, CORRECT;

THENCE S 89°42'47" E, ALONG THE NORTH LINE OF SAID LOT 4 AND THE COMMON SOUTH LINE OF SAID LOT 16, A DISTANCE OF 406.88 FEET TO A 10" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 4 AND THE COMMON NORTHWEST CORNER OF LOT 3, OF SAID LANDMARK ESTATES;

THENCE S 89°42'47" E, ALONG AN EAST LINE OF SAID LOT 4 AND THE COMMON WEST LINE OF SAID LOT 3 AND THE COMMON WEST LINE OF SAID LOT 1, A DISTANCE OF 106.65 FEET TO A 10" IRON ROD FOUND FOR AN INTERIOR BL CORNER OF SAID LOT 4 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 3;

THENCE S 89°42'47" E, ALONG A NORTH LINE OF SAID LOT 4 AND THE COMMON SOUTH LINE OF SAID LOT 3, A DISTANCE OF 106.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.81 ACRES OF LAND, MORE OR LESS;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT TOMAS REYES AND RETA REYES, DO HEREBY ADOPT THIS PLAT DESCRIBED BY THE HEREIN ABOVE DESCRIBED PROPERTY AS IS IN SITES, AN ADDITION TO THE CITY OF WAXAHACHE, BLISS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FREE BOWEL, TO THE CITY OF WAXAHACHE, TEXAS, FOR THE PUBLIC USE, FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS AS SHOWN ARE DEDICATED FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT AND BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR ORNAMENT SHALL BE CONSTRUCTED OR PLACED UNDER OR ABOVE THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE NATURAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIGNED TO USE OR UNDER THE SAME UNDER THE EASEMENT LIFT THE USE TO PRIVATE UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND REPAIR RESPONSED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR ORNAMENT WHICH MAY IN ANY WAY INTERFERE OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR OPERATION OF SUCH RESPECTIVE UTILITIES IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF PASSAGE AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, MAINTAINING, IMPROVING, REPLACING, AND/OR TO OR REPAIRING ALL OR PARTS OF THEIR RESPECTIVE UTILITIES WITHOUT THE NECESSITY AT ANY TIME OBTAINING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHE, TEXAS

WITNESS MY HAND, THIS _____ DAY OF _____, 2016

TOMAS REYES

STATE OF TEXAS
COUNTY OF BLISS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED TOMAS REYES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/HE SHE EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL, THIS _____ DAY OF _____, 2016

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

WITNESS MY HAND, THIS _____ DAY OF _____, 2016

STATE OF TEXAS
COUNTY OF BLISS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED RETA REYES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/HE SHE EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL, THIS _____ DAY OF _____, 2016

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

I, TIMOTHY L. JACKSON, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN LOCATED OR SET AS SHOWN.

"Protesters, the document shall not be recorded.
No my protest will shall not be used to record or
which shall be a final return document"

TIMOTHY L. JACKSON
PROFESSION NUMBER 8044

STATE OF TEXAS
COUNTY OF BLISS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED TIMOTHY L. JACKSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/HE SHE EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL, THIS _____ DAY OF _____, 2016

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY _____ DATE _____

APPROVED BY CITY CLERK,
CITY OF WAXAHACHE

BY _____ DATE _____

WITNESS _____ DATE _____

R & M ESTATES
LOTS 1 & 2
BEING A REPLAT OF
LOTS 4 & 12
LANDMARK ESTATES REVISOR
CASHIER PL. BLISS 9
PLAT RECORDED, BLISS COUNTY,
TEXAS
OF CITY OF WAXAHACHE, TEXAS
ELLIS COUNTY, TEXAS
13.81 ACRES
2 RESIDENTIAL LOTS
ZONED RR

OWNER
TOMAS REYES &
RETA REYES
180 LANDSHORE DRIVE
WAXAHACHE, TX 76706

SURVEYOR
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 253
WAXAHACHE, TEXAS 76706
800.511.0338
TBP#S FIRM NO. 10184384

JOB NO. 1181

AUGUST 2016 PAGE 2 OF 2

CASE RP-18-0143***SUPPORT* 2*****OPPOSE* 0**

Request by Iran Magallon for a **Replat** of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

SUPPORT

1. Rita Reyes, 120 Lakeshore, Waxahachie, TX 75165
2. William Sayegh, 3360 FM 877, Waxahachie TX 75165
 - a. “Since both lots are at least two acres, the replat is consistent with the original restrictions. Therefore, it has NO impact.”

(8)



RECEIVED
9/17/18

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0143



REYES TOMAS & RITA
120 LAKESHORE DR
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, October 1, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Iran Magallon for a Replat of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

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

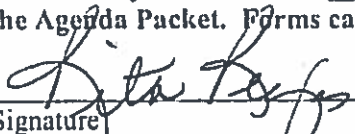
Case Number: RP-18-0143

☒ SUPPORT

☐ OPPOSE

Comments: _____

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 19, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.


Signature

9-17-18
Date

Rita Reyes
Printed Name and Title

-120 Lakeshore
Address

(8)

RECEIVED
9/18/18



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0143



SAYEGH WILLIAM & ANN
3360 FM 877
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, October 1, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Iran Magallon for a Replat of Lots 4 and 12, Lindmark Estates Revised, to create Lots 1 and 2, R and M Estates, 13.821 acres (Property ID 230996) – Owner: REYES TOMAS & RITA (RP-18-0143)

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

Case Number: RP-18-0143 ☒ SUPPORT ☐ OPPOSE

Comments: Since both lots are at least two acres, the replat is consistent with the original restrictions. Therefore, it has NO impact.

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 19, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

William Sayegh
Signature

William Sayegh
Printed Name and Title

September 18, 2018
Date

3360 fm 877
Address

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0139



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Consider request by Ron Barson, Ledbetter Real Estate, for a Replat of Lot 2, Block E to create Lots 2R and 3, Block E, North Grove Business Park Phases Two and Four, 4.983 acres (Property ID 189293 and 189294) – Owner: LEDBETTER REAL ESTATE LTD (RP-18-0139).

CASE INFORMATION

Applicant: Ron Barson, Ledbetter Real Estate

Property Owner(s): Ledbetter Real Estate Ltd

Site Acreage: 4.983 acres

Number of Lots: 2 lots

Number of Dwelling Units: 0 units

Park Land Dedication: Cash in lieu of park land dedication was to be paid with the Final Plat of the entire property. The cash in lieu has not been paid, and is set at \$22,126.80. This must be paid before the plat is filed with Ellis County.

Adequate Public Facilities: Yes

SUBJECT PROPERTY

General Location: Near intersection of North Highway 77 and Grove Creek

Parcel ID Number(s): 189293 and 189294

Current Zoning: Commercial – Ordinance 2878

Existing Use: Currently undeveloped

Platting History: The Final Plat for the North Grove Business Park Phases Two and Four was approved by City Council on April 2, 2018.

Site Aerial:



STAFF CONCERNS

1. Filing fees of \$104.00 remain outstanding.
2. Cash in lieu of park dedication fees of \$22,126.80 remain outstanding.
3. Attention needed, but not a requirement: May want to rethink placement of the FLAE. C zoning requires 25' front setback, but new zoning ordinance allows reduction in parking if you keep 80% of required parking to the sides or rear of the building. As shown, your building(s) will be setback around 50 feet. Greater visibility for the buildings would be available if they were as close to the 25-foot setback as possible.
4. Formatting issues remain outstanding.

APPLICANT RESPONSE TO CONCERNS

1. Awaiting applicant response.

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. Filing fees of \$104.00 remain outstanding.
 2. Cash in lieu of park dedication fees of \$22,126.80 remain outstanding.
 3. Formatting issues remain outstanding.

ATTACHED EXHIBITS

1. Plat drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Kelly Dent, MPA

Planner

kdent@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 25, 2018, the Commission voted 5-0 to recommend approval of plat no. RP-18-0139, subject to staff comments and payment of outstanding fees.

277



(10)



OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF ELLIS §

WHEREAS, LEDBETTER REAL ESTATE, LTD. IS THE OWNER OF A TRACT OF LAND LOCATED IN THE A.S. PRUETT SURVEY, ABSTRACT NO. 848, BAYSHORE, ELLIS COUNTY, TEXAS AND BEING ALL OF LOT 2, BLOCK E OF NORTH GROVE BUSINESS PARK - PHASES TWO AND FOUR, AN ADDITION TO THE CITY OF BAYSHORE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, BLK. 304 AND 360, PLAT RECORDED, ELLIS COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE WEST RIGHT-OF-WAY LINE OF VENTURE WAY, A 50-FOOT RIGHT-OF-WAY, AT THE NORTHEAST CORNER OF SAID LOT 2;

THENCE SOUTHERLY, ALONG SAID WEST RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

SOUTH 05°30'00" EAST, A DISTANCE OF 110.02 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10°00'00", A RADIUS OF 425.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 05°30'00" EAST, 74.00 FEET;

THENCE SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 74.00 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 10°30'00" EAST, A DISTANCE OF 3.80 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10°00'00", A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 34°30'00" WEST, 20.28 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 21.42 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF CORPORATE PARKWAY, A 60-FOOT RIGHT-OF-WAY;

THENCE SOUTH 75°30'00" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 842.95 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 81°11'59", A RADIUS OF 630.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 84°03'59" WEST, 181.04 FEET;

THENCE WESTERLY, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 101.19 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 81°11'41", A RADIUS OF 25.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 47°32'41" WEST, 28.80 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 31.87 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER IN THE EAST RIGHT-OF-WAY LINE OF ASPEN WAY, A 60-FOOT RIGHT-OF-WAY;

THENCE NORTH 09°05'45" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 315.16 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID LOT 2;

THENCE NORTH 09°29'20" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 780.8 FEET TO THE POINT OF BEGINNING AND CONTAINING 217,063 SQUARE FEET OR 4.983 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT LEDBETTER REAL ESTATE, LTD. ACTING HEREIN BY AND THROUGH ITS DUTY AUTHORIZED OFFICER, DOES HEREBY ACCEPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 2R AND 3, BLOCK E, NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR, AN ADDITION TO THE CITY OF BAYSHORE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS IF APPROVED BY THE CITY OF BAYSHORE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE UTILITY USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF BAYSHORE'S USE THEREOF. THE CITY OF BAYSHORE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY OBSTRUCT OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF BAYSHORE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, MAINTAINING, MAINTAINING, REPAIRING, AND ADJUSTING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OBTAINING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF BAYSHORE, TEXAS.

WITNESS MY HAND, THIS _____ DAY OF _____, 2018

BY _____

RON BARON - LEDBETTER REAL ESTATE, LTD.

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED RON BARON OF LEDBETTER REAL ESTATE, LTD., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2018

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS,

THAT I, SEAN SHIFFERMAN, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCES OF THE CITY OF BAYSHORE.

PRELIMINARY
THIS DOCUMENT IS NOT TO BE
RECORDED FOR ANY PURPOSES

SEAN SHIFFERMAN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5674

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF BAYSHORE

CHUR PERSON DATE

APPROVED BY CITY COUNCIL, CITY OF BAYSHORE

WATSON DATE

ATTEST DATE

REPLAT
LOTS 2R AND 3, BLOCK E
NORTH GROVE BUSINESS PARK
PHASES TWO AND FOUR

2 COMMERCIAL LOTS
4.983 ACRES - ZONED "PD-C"
AN ADDITION TO THE CITY OF BAYSHORE
A.S. PRUETT SURVEY - ABSTRACT NO. 848
ELLIS COUNTY, TEXAS

JULY 2018 SCALE: 1"=30'

OWNERS
LEDBETTER REAL ESTATE, LTD.
5328 W. LEDBETTER DRIVE
DALLAS, TX 75236 (214) 941-9700

SURVEYOR

AXIS
SURVEYING

P.O. Box 878 | Waco, Texas 76798
214.202.0200 | TOP-LEVEL Phone No. 971.04.387
info@axis-surveying.com

AXIS SURVEYING, LLC

(12)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0147



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Insert Caption from Agenda

CASE INFORMATION

Applicant: James McDill, Davis & McDill

Property Owner(s): Harlan Properties Inc.

Site Acreage: 69.645 acres

Number of Lots: 48 lots

Number of Dwelling Units: 48 units

Adequate Public Facilities: Rockett 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: Westmoreland Road @ Cardiff Lane

Parcel ID Number(s): 181695

Current Zoning: N/A (ETJ)

Existing Use: Currently undeveloped

Platting History: The Preliminary Plat for this development (case no. PLM2015-40) was approved by City Council January 19, 2016. That plat has since expired. To continue to work on construction plans with Ellis County, the applicant needs an active plat.

Site Aerial:



STAFF CONCERNS

ELLIS COUNTY DEPARTMENT OF DEVELOPMENT – Alberto Mares (972) 825-5200;
alberto.mares@co.ellis.tx.us

1. If there will be multiple phases proposed, go ahead and label them accordingly.
2. Ellis County fees of \$1,840.00 remain outstanding.

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Drainage calculations
 - a. Please examine the corrections to the Drainage Calculations and revise and resubmit

APPLICANT RESPONSE TO CONCERNS

1. Awaiting applicant response

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. If there will be multiple phases proposed, label them accordingly.
 2. Ellis County fees of \$1,840.00 remain outstanding.
 3. Please examine the corrections to the Drainage Calculations and revise and resubmit.

ATTACHED EXHIBITS

1. Plat drawing
2. Drainage calculations
3. CCRs

1121

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.

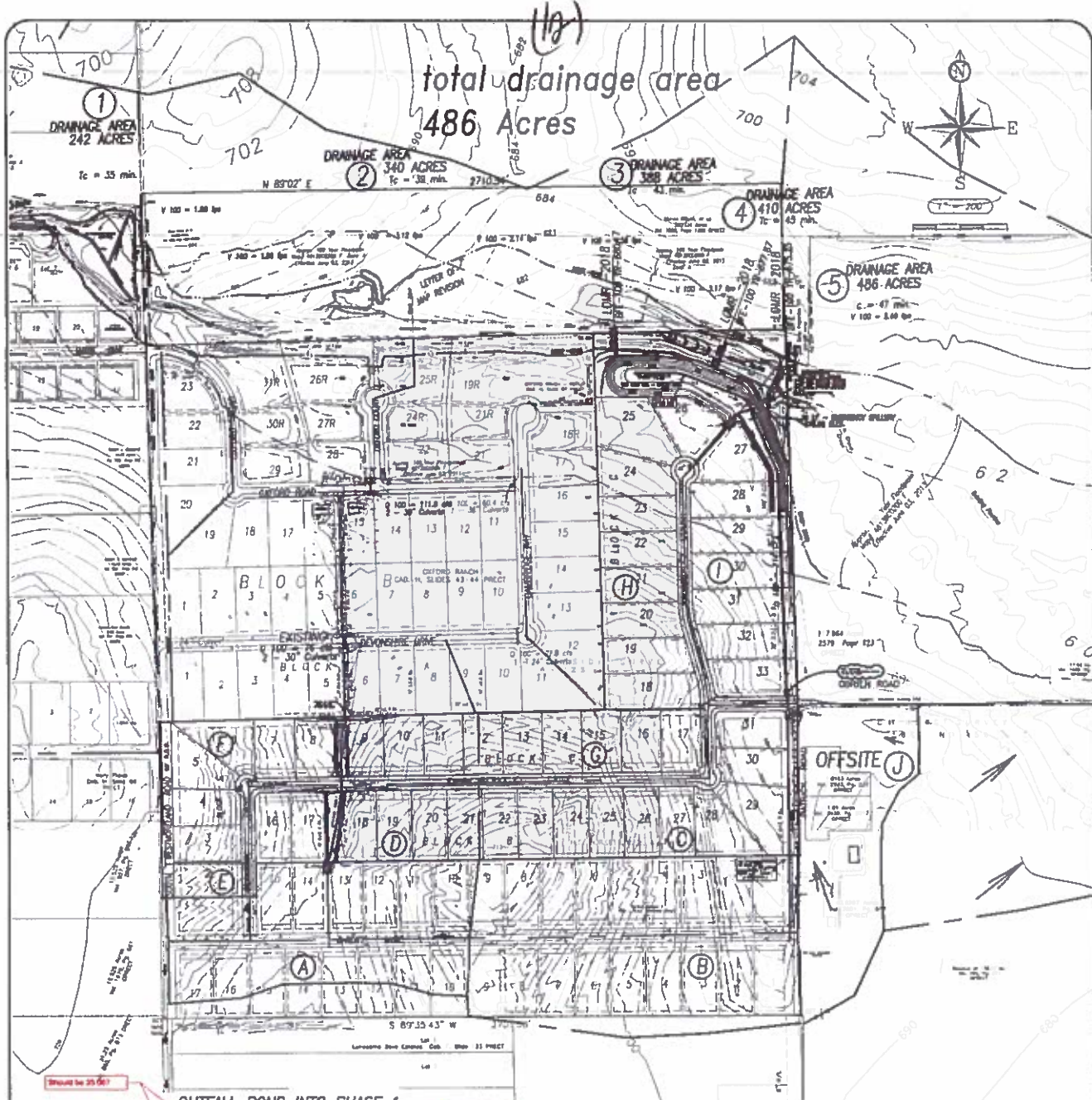
STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 25, 2018, the Commission voted 5-0 to recommend approval of plat no. PP-18-0147, subject to staff comments and payment of outstanding fees.



OUTFALL POND INTO PHASE 1

PRE-DEVELOPMENT:
AREAS A,D,E & F - 35.07 Acres C = 0.35 Time Conc = 20 min.
34.5 ACRES 0.35 20 4.36/4.96/5.80/7.18 53.4 / 60.7 / 71.0 / 88.0

FULL-DEVELOPMENT:
AREAS A,D,E & F - 35.07 Acres C = 0.50 Time Conc = 15 min.
35.07 ACRES 0.50 15 4.98/5.64/6.57/8.09 87.3 / 98.9 / 115 / 142

OUTFALL POND INTO PHASE 1

YEAR STORM	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION
5	53.4	87.3	39.7 @ 698.23 ELEV
10	60.7	98.9	42.8 @ 698.50 ELEV
25	71.0	115	47.1 @ 698.92 ELEV
50	79.5	128	48.7 @ 699.20 ELEV
100	88.0	142	52.25 @ 699.48 ELEV

DRAINAGE CALCULATIONS
NORTH DETENTION AREA
DESIGN TOP (OUTLET STRUCTURE) OF 30" x 30" PIPES
30 U EMERGENT SWALLOW & GULLS
ASSUME DOWNSTREAM U.S. 875.94

YEAR STORM	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION	DETENTION ELEVATION
5	87.3	174.8	88.70	676.88
10	106.4	198.3	73.48	677.16
25	118.3	225.2	79.94	677.48
50	133.2	258.9	84.53	677.89
100	148.5	287.4	88.48	677.95

OXFORD RANCH-TWO - PHASE TWO - DRAINAGE CALCULATIONS

Drainage Area	Area Acres	Runoff Coeff. (C)	Time of Conc. min.	Rainfall Intensity in./hr. 5/10/25/100 yr	Storm Runoff 5/10/25/100 yr	Time High?
PROPOSED NORTH DETENTION POND: TO BE DESIGNED FOR AREAS B,C,G,H,I & J						
PRE-DEVELOPMENT: AREAS B,C,G,H,I & J - 80.06 Acres C = 0.35 Time Conc = 37 min						
(AREAS B to J) 80.06 0.35 37 3.12/3.58/4.22/5.30 87.4/100 / 118 / 149						
FULL-DEVELOPMENT: AREAS B,C,G,H,I & J - 80.06 Acres C = 0.50 Time Conc = 20 min						
(AREAS B to G) 80.06 0.50 20 4.36/4.96/5.80/7.18 175 / 199 / 232 / 287						

FULLY-DEVELOPED

A	6.34	0.50	15	4.98/5.64/6.57/8.09	15.8/17.9/20.8/25.6
B	12.66	0.50	15	4.98/5.64/6.57/8.09	31.5/35.7/41.6/51.2
C	23.30	0.50	15	4.98/5.64/6.57/8.09	58.0/65.7/76.5/94.2
D	14.54	0.50	15	4.98/5.64/6.57/8.09	36.2/41.6/47.8/58.8
E	2.68	0.50	15	4.98/5.64/6.57/8.09	6.7 / 7.56/8.80/10.8
F	11.50	0.50	15	4.98/5.64/6.57/8.09	28.6/32.4/37.8/46.5
G	6.50	0.50	15	4.98/5.64/6.57/8.09	16.2/18.3/21.4/26.3
H	15.2	0.50	15	4.98/5.64/6.57/8.09	37.8/42.9/49.9/61.5
I	11.50	0.50	15	4.98/5.64/6.57/8.09	28.6/32.4/37.8/46.5
J	10.9	0.50	15	4.98/5.64/6.57/8.09	27.1/30.7/35.8/44.1

OFFSITE-EAST OF PATRICK ROAD

FULL DEVELOPMENT @ NORTH DETENTION AREA:

AREAS B, C & J: CULVERT @ O'BRIEN & PATRICK ROAD = 46.86 ac.
AREA B - time of conc. = 15 min. TIME Conc. = 20 Min.
1200 U Channel Flow @ 4 fps = 5.0 min

DRAINAGE PLAN OXFORD RANCH TWO

Being a 69.645 Acre Addition in
the T. CASSIDY SURVEY, ABST. 256 and
the H. G. HURST SURVEY, ABST. 468
in the Extra Territorial Jurisdiction
(ETJ) of the City of Waxahachie,
Ellis County, Texas
48 Single Family Lots

Owner
Horton Properties
2404 Texas Drive
Irving, Texas 75062
972-659-0655

D&M
ENGINEERS

DAVIS & McDILL, Inc.

(A Texas Licensed engineering firm # 7-6428)
P.O. BOX 428, Waxahachie, Texas 75168
Phone: (972) 972-1338-1785 Fax: 972-957-3307

Date: 08-22-2018
Scale: 1" = 300'
Drawn by: KJ/KB
213-0388-0470
S-PH2-BASE
-DRAINAGE
Sheet: J-A
of 13

(18)

18/5

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

for

OXFORD RANCH TWO

Ellis County, Texas

STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ELLIS

§

THIS Declaration of Covenants, Conditions and Restrictions ("Declaration"), is made on the date hereinafter set forth by **Harlan Properties, Inc.**, a Texas corporation ("**Declarant**").

WITNESSETH:

WHEREAS, Daclarant is owner of certain property in the County of Ellis, State of Texas, which is more particularly described on Exhibit A, and also known as:

All of Oxford Ranch Two Phase 1, shown on the plat recorded in Volume _____, Page _____, Plat Records of Ellis County, Texas (The Plat); and

All of Oxford Ranch Two Phase 2, shown on the plat recorded in Volume _____, Page _____, Plat Records of Ellis County, Texas (The Plat).

NOW THEREFORE, Declarant hereby declares that all of the real property described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, said real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

Section 1.1 "Owner" shall mean and refer to the record owner, whether one (1) or more persons or entities, of fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 1.2 "Property" shall mean and refer to the Oxford Ranch Subdivision.

Section 1.3 "County" shall mean the County of Ellis, Texas.

Section 1.4 "Lot" shall mean and refer to any lot of land shown upon any recorded plat of the Property.

(18)

Section 1.5 "Declarant" shall mean and refer to Harlan Properties, Inc., a Texas corporation, its successors and assigns if such successors or assigns should acquire more than one (1) undeveloped Lot from the Declarant for the purpose of development.

Section 1.6 "Committee" shall mean and refer to the Architectural Control Committee constituted as set forth in Article II.

ARTICLE II ARCHITECTURAL CONTROL COMMITTEE

No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in comparison to surrounding structures and topography by the Architectural Control Committee composed of three (3) or more representatives appointed by the Declarant. In the event said Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

ARTICLE III CONSTRUCTION OF IMPROVEMENTS AND USE OF THE LOTS

Section 3.1 Residential Use. All Lots shall be used for the construction of single-family, detached residential dwellings units. Structures built on the Lots shall be limited to one single-family residence per Lot. No building or structure on any Lot shall exceed two (2) stories in height.

Section 3.2 Restriction on Re-Subdividing. No Lot shall, at any time, be re-subdivided into additional Lots.

Section 3.3 Minimum Floor Area. The total air-conditioned/heated living area of the main structure, as measured to the outside of exterior walls but exclusive of open porches, garages, patios, and detached accessory buildings, shall be not less than Sixteen Hundred (1,600) square feet.

Section 3.4 Prohibited Uses. No Lot shall be used and no building shall be erected or converted for any use other than as single family residential home and its accessory usage. The following uses are also prohibited within the Properties:

- a. Any illegal, noxious or offensive activity of any kind that may become an annoyance or nuisance to the adjacent home owners in the Property;
- b. Any use which is offensive by reason of odor, fumes, vibrations, dust, smoke, radiation, noise, or pollution or that is hazardous by reason of excessive danger of fire or explosion;

- c. No animals, livestock or poultry of any kind shall be raised, bred or kept except common household pets, no more than four per household, properly leashed or corralled, that are not kept, bred or maintained for commercial purposes;
 - d. No lot or improvement shall be used for business, commercial or manufacturing purposes of any kind. No noxious or offensive activity shall be undertaken within the Property, nor shall anything be done which is or may become an annoyance or nuisance to the neighborhood;
 - e. Except within fireplaces in the main residential dwelling and except for outdoor cooking, no burning of anything shall be permitted anywhere within the Property;
 - f. No open or exterior storage of goods or materials;
 - g. No storage of oil, gasoline or other flammable liquid in bulk of more than ten (10) gallons gross capacity in a U.L. approved container;
 - h. No overnight parking of large trucks (one ton or larger), except by the builders during construction, and no parking at any time of motor vehicles of any type which are in obvious disrepair or any vehicles that are used to transport flammable or explosive cargo;
 - i. No portion of the Properties shall be used as dumping grounds for rubbish of any kind and all trash shall be kept in sanitary containers and inside a building, and then placed at the appropriate location specified by the authority which will pick up trash;
-
- j. No building previously constructed elsewhere shall be moved onto any Lot, it being the intention that only new construction placed and erected thereon.
 - k. No temporary or portable dwelling, shop, trailer, shed or mobile home of any kind or any improvement of a temporary structure of any kind shall be permitted, except for those used in the marketing and construction of homes on the Lots;
 - l. No individual water systems may be installed on any Lot. Pending availability of public sewers, sewage disposal shall be effected by means of individual licensed septic tank system approved by the regulatory governmental body having the jurisdiction over such matters in Ellis County, Texas;
 - m. No air conditioning and/or heating apparatus may be installed on the ground in front of a dwelling unit or shall be attached to any front wall or window of a dwelling unit;

- n. No antennas shall be permitted other than those commonly used for AM or FM radio reception, UHF or VHF television reception or satellite dishes installed in the rear yards of Lots with fences. No antenna or support structure shall rise more than five (5) feet above of the highest point of the roof of any building. No satellite dish in excess of six (6) feet in diameter or support structure may rise higher than the rear yard fence, and shall be screened by either fence or landscaping so that it is not visible from the street;
- o. The erection of signs or advertising structures of any kind is prohibited, except that one (1) sign advertising the sale of a dwelling unit or Lot is permitted, provided that it does not exceed ten (10) square feet in size. During the construction and marketing of homes and the Lots, builders, Owners and Declarant may erect larger and more numerous signs;
- p. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted. No derrick or other structure designed for use in quarrying for oil, natural gas or any minerals shall be permitted; and
- q. Neither a motorboat, houseboat or other similar water-borne vehicle nor any "camper" vehicle or motor home may be maintained, stored or kept on the street in front of any Lot or on any portion of the Properties, except in areas specifically approved by the Committee.

ARTICLE IV

GENERAL PROVISIONS

Section 4.1 **Enforcement.** Enforcement of these Covenants and Restriction shall be by a proceeding initiated by any Owner, any member of the Committee or Declarant against any person or persons violating or attempting to violate any Covenant or Restriction contained herein, either to restrain or enjoin such violation or to recover damages for the violation, or both, or to enforce any lien created by this instrument. The Committee, and each of its appointed members, shall have an election and right, but not an obligation or duty, to enforce these Covenants and Restrictions by a proceeding or proceeding at law or in equity. Notwithstanding any provision to the contrary in these Covenants and Restrictions, Declarant shall not have any duty, obligation, or responsibility to enforce any of these Covenants and Restrictions. Failure by any party to enforce any Covenant or Restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4.2 **Severability.** Invalidation of any one (1) of these covenants or restrictions by judgment or court order shall in no way affect any other provision which shall remain in full force and effect.

Section 4.3 **Amendment.** The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty-five (25) years from the date this Declaration is recorded, after

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which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first (1st) twenty (20) year period by an instrument signed by not less than seventy five percent (75%) of the Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Owners. Any amendment must be recorded. Any amendment by the Owners may be effected with the consent given in writing and signed by the Owners who hold or control the required percentage of ownership.

Section 4.4 Attorney's Fees. If any Owner, Declarant or the Association files suit to enforce any provision of this Declaration, then the prevailing party in such suit shall be entitled to receive from the other party its reasonable attorney's fees and court costs incurred in connection with such suit.

Section 4.5 Headings. The headings contained in these covenants or restrictions are for reference purposes only and shall not in any way affect the meaning or interpretation of these covenants or restrictions.

Section 4.6 Notices to Owners. Any notice required to be given to any Owner under the provisions of these covenants or restrictions shall be deemed to have been properly delivered when deposited in the United States mails, postage prepaid, addressed to the last known address of the person who appears as an Owner of the record within the Property at the time of such mailing.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal to be effective the 9th day of March, 2015.

HARLAN PROPERTIES, INC.
a Texas corporation

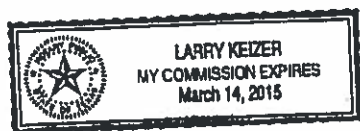
By: 
Suresh Shridharani, President


STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this 9th day of March, 2015, by Suresh Shridharani, President of Harlan Properties, Inc., a Texas corporation, on behalf of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

(SEAL)




Notary Public

(12)

DOD

Any provision herein which restricts the sale, rental, or use of this described real property because of color or race is invalid and unenforceable under federal law.
STATE OF TEXAS, COUNTY OF ELLIS
I hereby certify this instrument was filed on the date and time stamped herein and was duly recorded in the
OFFICIAL PUBLIC RECORDS of Ellis
County Texas and stamped hereon



Cindy Polley
COUNTY CLERK ELLIS COUNTY, TEXAS

FILED FOR RECORD - ELLIS COUNTY, TX
INST NO. 1511060
on May 19, 2015 at 01:26:00 PM

(17)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0146



MEETING DATE(S)

Planning & Zoning Commission: September 25, 2018

City Council: October 1, 2018

CAPTION

Consider request by Mathew Williamson, Gateway Engineering, for a **Preliminary Plat** of The Mark on 287 for 1 lot, being 6.525 acres situated in the William C. Tunnel Survey Abstract 1080 (Property ID 264879) – Owner: MARK ON 287 OWNER LLC (PP-18-0146)

CASE INFORMATION

Applicant: Mathew Williamson, Gateway Engineering

Property Owner(s): Mark on 287 Owner LLC

Site Acreage: 6.525 acres

Number of Lots: 1 lot

Number of Dwelling Units: To be finalized

Park Land Dedication: Cash in lieu of park land dedication will be calculated at site plan application.

Adequate Public Facilities: Yes

SUBJECT PROPERTY

General Location: South side of US Highway 287, adjacent to new Waxahachie High School

Parcel ID Number(s): 264879

Current Zoning: Planned Development-Multi Family-2 (Ordinance 3036)

Existing Use: Currently undeveloped

Platting History: William C. Tunnel Survey, Abstract No. 1080

(13)

Site Aerial:



STAFF CONCERNS

1. WISD to dedicate ROW by separate instrument.

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revised drawings. The ROW dedication remains 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. WISD to dedicate ROW by separate instrument.

ATTACHED EXHIBITS

1. Plat drawing
2. Public ROW Development Agreement

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.

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STAFF CONTACT INFORMATION

Prepared by:

Kelly Dent, MPA

Planner

kdent@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 25, 2018, the Commission voted 5-0 to recommend approval of plat no. PP-18-0146, subject to staff comments and payment of outstanding fees.

(14)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PUBLIC ROW DEVELOPMENT AGREEMENT

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF ELLIS

§

§

This PUBLIC ROW DEVELOPMENT AGREEMENT (this "**Agreement**"), is made this _____ day of _____, 2018 ("**Effective Date**"), by and between The Mark on 287 Owner, LLC, a Texas limited liability company ("**M287**"), Waxahachie Independent School District, a Texas nonprofit corporation ("**District**"), and the City of Waxahachie, Texas (the "**City**"). M287, District, and the City are individually referred to herein as a "**Party**" and collectively, the "**Parties**".

RECITALS

A. M287 is the owner of that real property described on **Exhibit A**, attached hereto and made a part hereof (the "**M287 Property**"), on which M287 intends to construct a 140-unit multifamily apartment complex substantially in conformance with the site plan depicted on **Exhibit B**, attached hereto and made a part hereof (the "**M287 Project**").

B. District is the owner of the real property described on **Exhibit C**, attached hereto and made a part hereof (the "**District Property**"), which abuts the M287 Property. Each of the M287 Property and District Property shall be referred to individually as a "**Tract**", and collectively, the "**Tracts**").

C. During M287's zoning case with the City (PD-18-0048), District filed a letter of opposition to the M287 Project because M287's site plan reflected ingress/egress access from Highway 287 service road (the "**Service Road**"), which, due to certain TxDOT regulations, would prohibit District from constructing its proposed entrance off the same Service Road.

D. In consideration for District's withdraw of the letter of opposition, and submission of a letter of support of the M287 Project, M287 agreed to redesign and reconfigure its site plan, specifically including the relocation of ingress/egress access from the Service Road to the District's proposed eighty foot (80') public right-of-way (the "**Public ROW**").

E. To accelerate construction of the public infrastructure and to support the City's thoroughfare plan, District agreed to dedicate to the City (1) an eighty foot (80') wide strip of land along the western eastern line of the District Property, as generally depicted in **Exhibit D**, attached hereto and made a part hereof (the "**Dedicated East District Land**"), over which the Public ROW will be constructed, and (2) a strip of land of varying width along the northern property line of the District Property, as generally depicted in **Exhibit D**, over which the City plans to construct an east-west public ROW (the "**Dedicated North District Land**"), together with the Dedicated East District Land, the "**Dedicated District Land**").

(14)

F. To further support the public infrastructure City's thoroughfare plan, M287 agreed to dedicate to the City a strip of land of varying width along the southern property line of the M287 Property, as generally depicted in Exhibit D, attached hereto and made a part hereof (the "Dedicated M287 Land"), over which the City plans to construct an east-west public ROW.

G. In consideration for M287's agreement to design and construct on the Dedicated East District Land at M287's sole cost and expense, that portion of the Public ROW extending from the Service Road up to the M287 Project's front entrance, as generally depicted in Exhibit E, attached hereto and made a part hereof (the "Boulevard") the City agreed to credit the total construction cost for such design and construction against any roadway impact that become due and payable as part of the M287 Project (the "Roadway Impact Fee"), it being understood that the amount of such Roadway Impact Fee shall be no less than \$220,990 USD. Should the cost to design and construct the Boulevard exceed the amount of the Roadway Impact Fee applicable to the M287 Project, M287 will bear the cost of such excess expenses as part of its overall construction costs for the M287 Project, and M287 will not receive any further or continuing benefit in the form of fee offsets, credits, or otherwise from the City, unless agreed to in writing.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, including the recitals above, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Public ROW Land Dedication.

A. *District Dedication.* District hereby agrees to dedicate to the City the Dedicated District Land either by private instrument or through preparation of its final plat, but in all cases such dedication must be recorded in the real property records for Ellis County, Texas. Dedication of the Dedicated East District Land shall be fully executed on or prior to September 15, 2018 (the "Deadline"). Due to the critical necessity of the Boulevard to M287 and the M287 Project for access to the M287 Property, should District not dedicate the Dedicated East District Land to the City by the Deadline, District hereby appoints M287 as its attorney in fact for the specific purpose of conveying the Dedicated East District Land to the City and authorizes M287 to prepare, record, and otherwise orchestrate the Public ROW dedication contemplated by this Agreement. Additionally, should District fail to convey the Dedicated East District Land to the City per the terms of this Agreement, M287 will suffer immediate and irreparable harm, and therefor may enforce its rights under this Agreement via any applicable remedy available to it under the law, with such remedies being cumulative and non-exclusive.

B. *M287 Dedication.* M287 hereby agrees to convey to the City, via dedication, for use as a public right of way, the Dedicated M287 Land. Such conveyance must be recorded in the real property records for Ellis County, Texas.

2 Public ROW Construction. M287 hereby agrees to design and construct the Boulevard in substantial conformance to the plans and specifications that are agreed to by the Parties prior to the commencement of construction, which such plans shall reflect a 4-lane boulevard road with landscaped and lighted median (the "Boulevard Plans"), at M287's sole cost and expense, within a reasonable time after the date of this Agreement and approval from the City to construct the Boulevard but in no event later than six (6) months after the Deadline. Notwithstanding anything herein to the contrary, nothing in this Agreement shall impose an obligation on M287 to construct any other improvements, or otherwise require M287 to provide any facilities which are not currently depicted on the Boulevard Plans, including but not limited to the placement or extension of any utility lines or any other public or private improvements. Because completion of the Boulevard is critical to the construction of the M287 Project and for access by emergency service personnel and vehicles during construction of the M287 Project, the City hereby agrees

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to allow M287 to begin construction of the Boulevard upon approval of the Boulevard Plans, which shall not be contingent upon the release of any grading, building, or other permits related to the M287 Project.

3. Impact Fee Credit. As referenced in Section 2 above and in recital G above, M287 shall be responsible, at its sole cost and expense, for the design and construction of the Boulevard. In consideration for M287's agreement to bear sole responsibility for the cost and expense of the Boulevard, the City hereby agrees to a dollar-for-dollar credit against any Roadway Impact Fees that would otherwise become due and payable as part of the M287 Project (the "Credits"). For example, if the total cost paid by M287 for the design and construction of the Boulevard is \$100,000.00, then the Roadway Impact Fees charged to M287 for the M287 Project will be reduced by \$100,000.00. If any Roadway Impact Fees become due and payable prior to completion of the Boulevard, the City agrees to abate collection of the same until the thirtieth (30th) day after the later of (1) completion of the Boulevard, as evidenced by final written approval from the City, and (2) the City and M287 agreeing in writing on the amount of all Credits.

4. Boulevard Costs. M287 shall submit all final construction and design bids, contracts, and invoices to District and the City as conclusive evidence of the costs to design and construct the Boulevard. In order to receive the Credits, M287 shall provide a sworn affidavit to District and the City that the costs incurred to construct the Boulevard are true, accurate, complete, and reasonable.

5. TIA Report Waiver. It is hereby acknowledged by all Parties that each Party is desirous of and will be benefitted by the design and construction of the Boulevard. As additional consideration for M287's agreement to design and construct the Boulevard, the City hereby unconditionally waives any requirement that M287 produce a Traffic Impact Analysis (TIA) study as a condition to the acceptance of M287's preliminary or final plat for the M287 Project.

6. M287 Drainage Easement. Subject to the limitations set forth herein, District hereby grants and establishes perpetual non-exclusive drainage easements for stormwater drainage from the M287 Property across those portions of the District Property depicted and described in **Exhibit F**, attached hereto and made a part hereof (the "**Stormwater Drainage Easements**"). TO HAVE AND TO HOLD the Stormwater Drainage Easements onto M287, and District hereby binds itself, its successors and assigns, to warrant and forever defend the grant of this Stormwater Drainage Easements unto M287, its successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through or under District, subject to all matters of public record and which are applicable to and/or affect the District Property to the extent the same are valid, subsisting, and affect the District Property. The Stormwater Drainage Easements shall be for the benefit of the owner of the M287 Property and its successors, assigns, employees, agents, contractors, tenants, guests, invitees and customers. District and M287 each acknowledge and agree that the Stormwater Drainage Easements will be in the areas generally depicted in Exhibit F, which such Exhibit F shall be substituted for the final legal descriptions prepared by M287 and consented to by District in writing, consent not being unreasonably conditioned, withheld, or delayed.

7. Indemnification and Insurance.

(a) Waiver and Indemnification. The Parties each (in any case, "**Indemnitor**") agree to indemnify, defend, save, and hold harmless the other and the other's agents, members, board members, and employees, (collectively, the "**Indemnitees**") from all third-party losses, damages, judgments, claims, expenses, costs and liabilities imposed upon or incurred by or asserted against the Indemnitees, including without limitation reasonable attorneys' fees and expenses, for death or injury to, or damage to property of, third parties, to the extent caused by the gross negligence or willful misconduct of Indemnitor or any of Indemnitor's agents, members, or employees on the applicable property. If any action, suit or proceeding is brought against any of the Indemnitees by reason of the gross negligence or willful misconduct of Indemnitor or any of Indemnitor's agents,

members, or employees then Indemnitor will, at Indemnitor's expense and at the option of said Indemnitees, by counsel reasonably approved by said Indemnitees, resist and defend such action, suit or proceeding. Each Indemnatee hereby waives any claims that it may have against the Indemnitor to the extent that the Indemnatee receives insurance proceeds from an insurance carrier for such claims.

(b) Insurance. As applicable, each Owner shall at all times during the term hereof maintain or cause to be maintained commercial general liability insurance covering such Party's property, insuring against the risks of bodily injury, property damage and personal injury with respect to such property, in amounts not less than what is commonly required in the marketplace. Any policy required hereunder may be maintained under a so-called "blanket policy" or an "umbrella liability form" insuring other parties and other locations so long as the amount of insurance required to be provided hereunder is not thereby diminished. Each Party shall, upon request of any other Party, provide the requesting Party with a certificate of insurance and all required endorsements evidencing such Party's insurance.

(c) Performance of Indemnity Agreements. All policies of insurance required under this Section shall insure the performance of the Party insured thereunder of the indemnity agreements contained herein. Each Party shall promptly notify the other Parties of any asserted claim with respect to which such Party is or may be indemnified against hereunder and shall deliver to the other Parties copies of process and pleadings.

8. Enforceability. The covenants of this Agreement are specifically enforceable by any Party. Any such Party shall have the right to seek injunctive relief to specifically enforce the covenants of this Agreement in addition to all other remedies available at law or in equity.

9. Attorneys' Fees. The prevailing Party in any legal proceeding regarding this Agreement shall be entitled to recover from the other Party all reasonable attorneys' fees and costs incurred in connection with such proceeding.

10. Governing Law. This Agreement will be construed and enforced in accordance with the internal laws of the State of Texas, without regard to any conflicts of law analysis, and any action or proceeding arising out of or relating to this Agreement shall be solely heard and determined in a state district court sitting in Dallas County, Texas.

11. Binding Effect. This Agreement shall constitute covenants running with the land and shall be binding upon and inure to the owners of the District Property and the M287 Property, respectively, and their respective heirs, executors, administrators, successors, and assigns. All transferees of any portion of the Tracts, by acceptance of a deed conveying title thereto, shall be deemed to have accepted the deed upon and subject to all of the terms, provisions, conditions, covenants and agreements contained in this Agreement and, by acceptance of such deed, to have agreed to and assumed all of the terms, provisions, conditions, covenants and agreements contained in this Agreement arising from the date of such deed forward, as the same are applicable to such Tract or portion thereof. Any transferor of all or any portion of the Tracts shall, upon the completion of such transfer, be relieved of all further liability under this Agreement except liability with respect to matters that may have arisen during its period of ownership of the property so conveyed that remain unsatisfied.

12. Notices. Any notice, demand or request which may be permitted, required or desired to be given in connection herewith must be in writing and effective: (i) on the business day sent if sent by facsimile or by .PDF attachment by email and a copy is sent by one of the other authorized methods of delivery; (ii) upon receipt if delivered personally; (iii) on the next business day after deposit with a

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nationally recognized, overnight courier service on a business day; or (iv) on the business day of deposit in the United States mail, certified, return receipt requested, postage prepaid; in each instance addressed to District, M287, or the City as follows:

If to District:

Dr. Jeremy Glenn
Superintendent
Waxahachie Independent School District
411 N Gibson St.
Waxahachie, Texas 75165
E-mail: jglenn@wisd.org

If to M287:

Grant M. Robinson
Manager
The Mark on 287 LLC
P.O. Box 670452
Dallas, Texas 75367
Email: grobinson@cpghomesllc.com

If to the City:

Michael Scott City Manager
The City of Waxahachie, Texas
401 S Rogers St
Waxahachie, Texas 75165
Email: mscott@waxahachie.com

Each party shall have the right to designate a different individual or address for notices under this Agreement by giving a notice in writing to the other party in the manner provided above at least ten (10) days prior to the effective date of the change. Notices on behalf of either party may be given by such party's counsel.

13. Estoppel. Each Party hereby covenants and agrees that, upon written request from time to time of another Party, such Party will issue an estoppel certificate stating: (i) whether the Party to whom the request has been directed knows of any breach or default by the requesting Party under this Agreement; (ii) whether to its knowledge this Agreement has been assigned, modified or amended in any way (or if it has, then stating the nature thereof); and (iii) that, to the Party's knowledge, this Agreement as of that date is in full force and effect. Such statement shall act as a waiver of any claim by the Party furnishing it to the extent such claim is based upon facts contrary to those asserted in the statement and to the extent the claim is asserted against a bona fide encumbrance or purchaser for value without knowledge of facts to the contrary of those contained in the statement, and who has acted in reasonable reliance upon the statement.

14. No Dedication. Other than the Dedicated District Land and Dedicated M287 Land, nothing contained in this Agreement shall ever be deemed to create a gift or dedication of all or any portion of the real property underlying the remaining portion of the Tracts to the general public or for any public use or public purpose whatsoever.

(14)

15. Severability. Invalidation of any of the provisions contained in this Agreement or the application thereof to any Party by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other owner and the same shall remain in full force and effect.

16. Relationship of Parties. It is expressly understood and agreed that the provisions of this Agreement shall never be deemed or construed to cause the Parties, as owners of the respective Tracts, to be considered as partners or joint venturers. No Party shall have the right to act as agent for another Party unless expressly authorized to do so by written instrument signed by the authorizing Party.

17. Required Consents. Except as specifically provided in this Agreement, no consent to the modification, from time to time, or termination of the provisions of this Agreement shall ever be required of any tenant, licensee or concessionaire, if any, as to any portion of the Tracts covered hereby; nor shall any such tenant, licensee or concessionaire, if any, or any employee, customer or business invitee of same, have any right to enforce any of the provisions herein.

18. No Citizen Standing. The general public, neighboring landowners to the Tracts, or any other person or entity not a party to this Agreement shall have no right to enforce the terms of this Agreement. Only the Parties hereto may enforce the terms of this Agreement.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

(14)

District Signature Page

EXECUTED AND MADE EFFECTIVE as of the Effective Date.

DISTRICT:

Waxahachie Independent School District,
a Texas nonprofit corporation

By: _____

Name: _____

Title: _____

STATE OF TEXAS

§

§

COUNTY OF _____

§

This instrument was acknowledged before me, the undersigned authority, this ____ day of _____, 2018, by _____ of Waxahachie Independent School District, a Texas nonprofit corporation, on behalf of said corporation.

[SEAL]

Notary Public ★ State of Texas

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City Signature Page

EXECUTED AND MADE EFFECTIVE as of the Effective Date.

CITY:

The City of Waxahachie, Texas

By: _____

Name: _____

Title: _____

STATE OF TEXAS

§
§
§

COUNTY OF _____

This instrument was acknowledged before me, the undersigned authority, this ____ day of _____, 2018, by _____ of The City of Waxahachie, on behalf of said municipality.

[SEAL]

Notary Public ★ State of Texas

(14)

EXHIBIT A

M287 Property

BEING a tract of land situated in the William C. Tunnell Survey, Abstract No. 1080, City of Waxahachie, Ellis County, Texas; and being part of a called 229.018 acre tract of land described in Special Warranty Deed to The Cowley Family Foundation recorded in Volume 2479, Page 673 of the Official Public Records, Ellis County, Texas; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the northernmost northeast corner of said 229.018 acre tract and being in the south right-of-way line of U.S. Highway 287 (a variable width right-of-way);

THENCE departing said south right-of-way line of U.S. Highway 287 and with an east line of said 229.018 acre tract, South 0°47'05" East, a distance of 725.01 feet to a 1/2" iron rod found for an inner ell corner of said 229.018 acre tract;

THENCE North 88°56'10" East, a distance of 624.84 feet to a 1/2-inch iron rod found for the easternmost northeast corner of said 229.018 acre tract and being in the west line of a called 16.671 acre tract of land described in Special Warranty Deed to B & T Realty Services, Inc. recorded in Volume 2198, Page 1442 of said Official Public Records;

THENCE with said west line of said 16.671 acre tract, South 0°43'12" East, a distance of 80.66 feet to the easternmost northeast corner of a called 222.571 acre tract of land described in Special Warranty Deed to Waxahachie Independent School District recorded in Instrument No.2015-1509865 of said Official Public Records; from said point a 1/2-inch iron rod found for reference bears North 80°51'45" West, a distance of 0.95 feet and a 1/2-inch iron rod found for the southwest corner of said 16.671 acre tract bears South 0°43'12" East, a distance of 23.47 feet;

THENCE departing said west line of a 16.671 acre tract and with a north line of said 222.571 acre tract, South 89°10'45" West, a distance of 917.74 feet to a 1/2" iron rod with "RPLS 3047" cap found for an inner ell corner of said 222.571 acre tract;

THENCE with an east line of said 222.571 acre tract, North 0°44'41" West, a distance of 797.45 feet to a 1/2-inch iron rod with "RPLS 3047" cap found for the northernmost northeast corner of said 222.571 acre tract and in said south right-of-way line of U.S. Highway 287;

THENCE with said south right-of-way line of U.S. Highway 287 and the north line of said 229.018 acre tract, the following courses and distances:
North 86°03'43" East, a distance of 83.49 feet to a point for corner; from said point a 5/8-inch iron rod found for reference bears North 69°31'23" East, a distance of 2.63 feet;
North 88°53'55" East, a distance of 209.09 feet to the **POINT OF BEGINNING** and containing 6.525 acres or 284,243 square feet of land.

(14)

EXHIBIT B

M287 Project



PUBLIC ROW DEVELOPMENT AGREEMENT

The City of Waxahachie, Texas - Waxahachie Independent School District - The Mark on 287 Owner, LLC

Exhibit B

(14)

EXHIBIT C

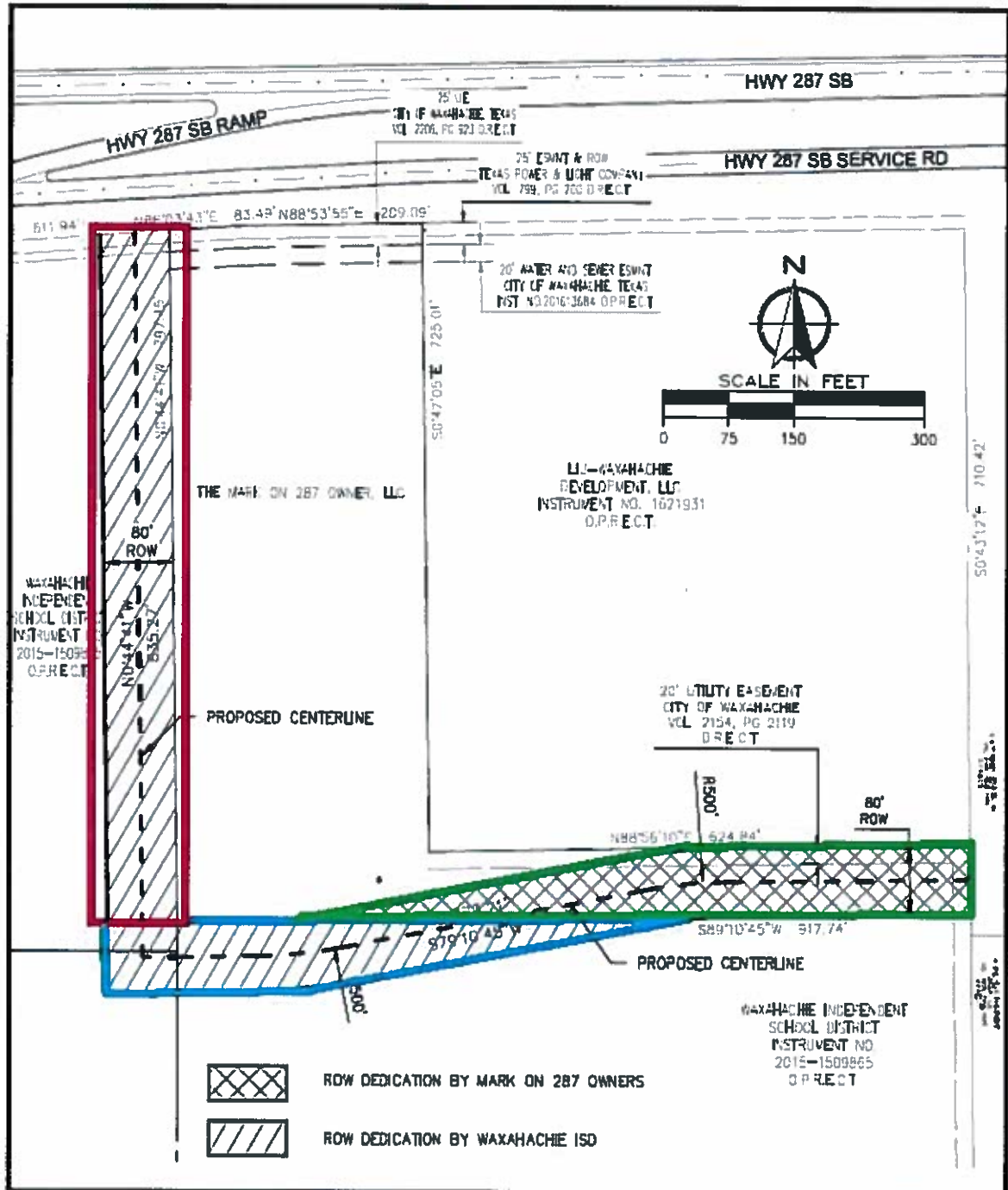
[Insert District Property Description]

EXHIBIT D

 **Dedicated East District Land**

Dedicated North District Land

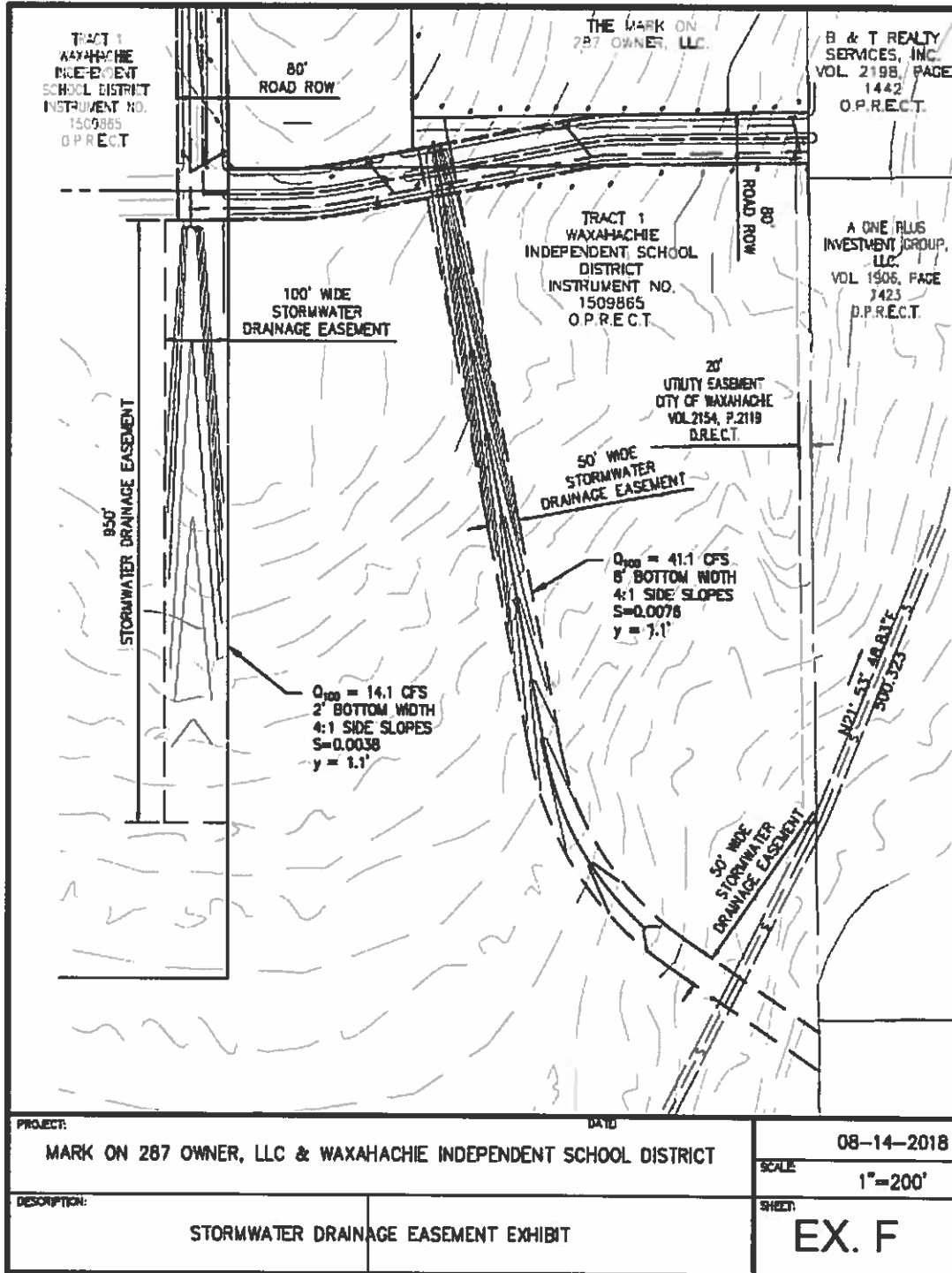
Dedicated M287 Land



(14)

EXHIBIT F

Stormwater Drainage Easement



PUBLIC ROW DEVELOPMENT AGREEMENT

The City of Waxahachie, Texas - Waxahachie Independent School District - The Mark on 287 Owner, LLC

Exhibit F



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: September 28, 2018
Re: Development Services Life Cycle Management Software

On Monday October 1, 2018 a five year service agreement with Tyler Technologies, Inc. will appear before the City Council for consideration, in the amount of \$486,602, though The Interlocal Purchasing System (TIPS) national cooperative purchasing program. This agreement will provide for the purchase of user licenses, training, data migration services, and system configuration services for Tyler Technologies, Inc.'s EnerGov Life Cycle Management Software. The agreement will also provide data hosting, maintenance, and technical support services to the City for a five year period. This software will enhance the City's operational efficiency by providing a single platform to track development activity, the ability for staff to perform simultaneous electronic plan reviews, and allowing customers to apply for permits, submit plans, submit payments, and schedule inspections online.

Staff conducted initial software demonstrations with five leading software vendors in February 2018 in an effort to begin building a series of minimum requirements for its Life Cycle Management Software needs. After developing a comprehensive list of minimum requirements, staff provided these minimum requirements to the same five vendors and asked them to return to the City and conduct in-depth demonstrations in July 2018 illustrating the vendors could meet City's needs. Through this evaluation process Tyler Technologies, Inc.'s EnerGov platform was unanimously determined to be the best match to the City's functional requirements.

The City budgeted \$400,000 in FY18-19 for Year One costs associated with the Life Cycle Management Software Implementation. Year One costs under the proposed agreement with Tyler Technologies, Inc. are projected to be \$274,005; approximately 68.5% of the budgeted amount. Staff projected annual ongoing maintenance and support in the Five Year Operating Budget to be \$75,000. Under the proposed agreement annual maintenance cost in Year Two through Year Five range from \$50,560 to \$56,321. Due to the advantageous pricing provided by the vendor, staff recommends purchasing the software through the TIPS national cooperative purchasing program rather than through the formal Request for Proposal process. Please note this five year agreement is subject to annual appropriations each year and the City reserves the right to terminate this agreement for a lack of funding in future years at no penalty.

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

Tommy Ludwig