

# **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, December 2, 2019 at 7:00 p.m.***

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

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

All matters listed under Item 5, 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 November 18, 2019
  - b. Minutes of the City Council briefing of November 18, 2019
  - c. Minutes of the City Council work session of November 18, 2019
  - d. Consider approving the proposals for playground installation at Boat Dock Park, landscaping and irrigation at Spring Park, and Lions Park soccer field irrigation
  - e. Consider authorizing an Interlocal Agreement with the University of Texas at Arlington for inspection and data analysis services associated with sanitary sewer system pipelines
  - f. Street Closures for Santa Run to be held December 14, 2019
  - g. Event Application for King Day Celebration and Parade to be held on January 20, 2020
  - h. Event Application for Hachie 50 Event to be held on May 2, 2020
6. ***Introduce*** Honorary Councilmember

7. **Public Hearing** on a request by Brian Shaw, Blue Bonnet Trail LLC, for a Zoning Change from a Planned Development-11-Multiple Family-1 zoning district to Planned Development-Multiple Family-1, with Concept Plan, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (PD-19-0135)
8. **Consider** proposed Ordinance approving PD-19-0135
9. **Public Hearing** on a request by Brandon Edgley, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 227 Equestrian Drive (Property ID 236368) – Owner: Christina and Dan R Orona III (SU-19-0137)
10. **Consider** proposed Ordinance approving SU-19-0137
11. **Public Hearing** on a request by Toby Fitzgerald, Bulldog Electrical Contractors, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-3 zoning district, located at 204 Frierson (Property ID 171323) – Owner: Stephen D Hale & Sherayah Dillaha (SU-19-0139)
12. **Consider** proposed Ordinance approving SU-19-0139
13. **Consider** proposed Resolution adopting a revised charter, as approved and amended by the voters at the election held on November 5, 2019, through the passage of one (1) home-rule charter amendment
14. **Consider** proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for years 2020-2021
15. **Consider** proposed Ordinance re-establishing classified positions under Civil Service
16. **Consider** land exchange with Loren Gray Investments, LLC
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

(5a)

City Council  
November 18, 2019

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, November 18, 2019 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, Councilmember

Councilmember Absent: Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Acting City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Invocation**

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

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

**4. Public Comments**

Mr. Ira Tenpenny, 109 Rosa Street, expressed his concerns with alcohol sales at stores and restaurants in Waxahachie. He voiced his safety concerns with DUI's in our city.

Reverend Myron Goins, 111 Dunn Street, expressed his concern with the neglect of the east side of Waxahachie. He requested council take action with landlords who are not keeping their properties up to standard living conditions. He asked council to look into more efficient ways to transfer water service in utility billing.

Mr. Richard Morris, 206 Bluebonnet Lane, asked council to not use asphalt as a repair solution for streets and encouraged the use of concrete.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of November 4, 2019
- b. Minutes of the City Council briefing of November 4, 2019
- c. Consider proposed Ordinance releasing certain designated Extraterritorial Jurisdiction comprising approximately 28.215 acres at the approximate address of 831 Interstate 35 Red Oak, Texas 75154

**ORDINANCE NO. 3154**

(5a)

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, RELEASING CERTAIN DESIGNATED EXTRATERRITORIAL JURISDICTION COMPRISING APPROXIMATELY 28.215 ACRES AS DESCRIBED HERETO FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL MAP OF THE CITY OF WAXAHACHIE, TEXAS; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

- d. Set Public Hearings date of January 6, 2020 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately +/- 110ac tract generally situated off of Farm to Market Road No. 877
- e. Consider Budget Adjustment to increase appropriations in the Water Fund for the costs of a damaged vehicle repair in the Utilities Department
- f. Consider Interlocal Agreement for Communications Site Agreement with Ellis County

**Action:**

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

**6. Introduce Honorary Councilmember**

Mayor Pro Tem Mary Lou Shipley presented Ms. Mia Charles a certificate of appreciation as the Honorary Councilmember for the month of November. Ms. Charles is a Senior at Waxahachie High School and will graduate in the top 11% of her class. Throughout high school she has earned 20 college hours on top of her required high school courses. She has participated in numerous clubs and organizations and is President of Interact Club and the president of TAFE (Texas Association of Future Educators). Outside of school Mia enjoys spending time with her parents, Joe and Gina, her little sister Nayeli, her older brothers Joey and Mikey, her sister-in-law Candice, and nephew Liam. She currently works part time at the YMCA as a child care attendant and is a Youth Peer Minister at her church.

**7. Present Proclamation recognizing the 25<sup>th</sup> anniversary of The Dove's Nest**

Mayor Hill read a proclamation recognizing the 25<sup>th</sup> anniversary of The Dove's Nest and presented it to owner Cindy Burch.

**8. Present Proclamation proclaiming November 30, 2019 as "Small Business Saturday"**

Mayor Hill read a proclamation proclaiming November 30, 2019 as "Small Business Saturday" and presented it to Chamber of Commerce President Sandy King and Waxahachie Downtown Merchant's Association Vice President Amber Caverly.

**9. Canvass and accept votes of City Council Special Election held on November 5, 2019**

(5a)

City Council  
November 18, 2019  
Page 3

Mayor Hill read the following results from the City of Waxahachie Special Election held on November 5, 2019:

Precincts Counted	17
Registered Voters	22,159
Ballots Cast	2,623
Voter Turnout	11.84%

Waxahachie City Prop A	
For	1,988
Against	601

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to accept the votes of the City Council Special Election held on November 5, 2019 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

- 10. Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue SU-19-0133 to the January 6, 2020 City Council meeting.

- 11. Consider proposed Ordinance approving SU-19-0133**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133) to the January 6, 2020 City Council meeting. Councilmember Kevin Strength seconded, All Ayes.*

- 12. Public Hearing on a request by Amanda Doty, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 403 Johnston Blvd (Property ID 174966) – Owner: GLYNNIE J & BILLY R STONE (SU-19-0129)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant complies with city ordinances and staff recommended approval.

There being no others to speak for or against SU-19-0129, Mayor Hill closed the Public Hearing.

- 13. Consider proposed Ordinance approving SU-19-0129**

(5A)

**ORDINANCE NO. 3155**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 403 JOHNSTON BLVD, BEING PROPERTY ID 174966, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2 6 IN THE NORTHGATE #2 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3155. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 14. Public Hearing on a request by Brandon Edgley, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-3 zoning district, located at 128 Garden Grove Drive (Property ID 272737) – Owner: ROLAND F & MARSHA L MAHARRY (SU-19-0130)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant complies with city ordinances and staff recommended approval.

There being no others to speak for or against SU-19-0130, Mayor Hill closed the Public Hearing.

- 15. Consider proposed Ordinance approving SU-19-0130**

**ORDINANCE NO. 3156**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY 3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 128 GARDEN GROVE DRIVE, BEING PROPERTY ID 272737 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 23 BLOCK 4 IN THE GARDEN VALLEY WEST SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3156. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 16. Public Hearing on a request by Keri Blalock, My Own Power, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 305 Richmond Lane (Property ID 172239) – Owner: AVAMAE B & VAUGHN FRANKS (SU-19-0131)**

(50)

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant complies with city ordinances and staff recommended approval.

There being no others to speak for or against SU-19-0131, Mayor Hill closed the Public Hearing.

**17. Consider proposed Ordinance approving SU-19-0131**

**ORDINANCE NO. 3157**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 2 ZONING DISTRICT, LOCATED AT 305 RICHMOND LANE, BEING PROPERTY ID 172239, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 41, BLOCK 5 IN THE BELLE-VUE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3157. Councilmember Kevin Strength seconded, All Ayes.*

**18. Public Hearing on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0132)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reviewed the request to create a multi-family residential development within a Planned Development zoning district. The Planning & Zoning Commission approved the request with the following stipulations:

- A minimum of 70% masonry is required for each building within the development
- A minimum of one hundred detached garages shall be provided for the development
- An 8 foot masonry fence is required adjacent to the single family River Oaks subdivision. A 6 foot decorative ornamental iron fence is required along the remainder of the property (front, sides, and rear).
- Connectivity shall be provided to the adjacent hike/bike trail (Brown Singleton Trail.)

Mr. Brooks also reviewed the following additional variance requests from the applicant:

- Accessory structures such as garages and carports are allowed in front of primary structure.
- Structures taller than two stories are requested to be less than the 100 ft. setback.
- Trash enclosure is proposed in the building setback.
- Proposed 5:12 roof pitch along the sides of the building. A 7:12 roof pitch will be visible facing the ROW.

(5A)

Mr. Brooks noted staff received 6 letters of opposition and one letter of support.

Ms. Emily Protine, Bonner Carrington, reviewed the overview of the company, updated site plan, and requested council approval.

Councilmember Kevin Strength expressed his concern with the 3 and 4 bedroom units proposed. He asked Ms. Protine to discuss reducing the number of 3 and 4 bedroom units with the Planning Director. Ms. Protine noted due to the state funding mechanism the units proposed couldn't be changed.

Reverend Myron Goins, 111 Dunn Street, expressed safety concerns for students due to the close proximity of the frontage road.

There being no others to speak for or against PD-19-0132, Mayor Hill closed the Public Hearing.

**19. Consider proposed Ordinance approving PD-19-0132**

**Action:**

*Councilmember Kevin Strength moved to deny PD-19-0132. Councilmember Chuck Beatty seconded, All Ayes.*

**20. Consider Development Agreement for Cypress Creek Apartment Homes**

*No action taken.*

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

Police Chief Wade Goolsby requested approval of three additional School Resource Officers and one Sergeant. He explained approximately two years ago, the school district approached the police department and discussed the idea of having School Resource Officers who work in the schools full time. An interlocal agreement was developed where the school district would pay for the officer during the school weeks and the City would pay the officer during the summer and school holidays. If approved by council, the interlocal agreement would continue.

**ORDINANCE NO. 3158**

**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:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3158. Councilmember Kevin Strength seconded, All Ayes.*

(5A)

**22. Consider budget amendment request from Police Department for School Resource Officers**

**Action:**

*Councilmember Kevin Strength moved to approve a budget amendment request from the Police Department for School Resource Officers as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**23. Consider contract with Zuercher Solutions, Inc. for Computer Aided Dispatch (CAD) and records management system**

Chief Goolsby requested approval of contract with Zuercher Solutions, Inc. for Computer Aided Dispatch and records management system. He explained the new system would greatly enhance our abilities to perform crime analysis, manage our information, and share information.

**Action:**

*Councilmember Kevin Strength moved to approve a contract with Zuercher Solutions, Inc. for Computer Aided Dispatch (CAD) and records management system as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**24. Consider professional services contract with Freese and Nichols, Inc. for Roadway Impact Fee Update**

Assistant City Manager Tommy Ludwig requested approval of a professional services contract with Freese and Nichols, Inc. for Roadway Impact Fee Update in the amount of \$75,500.00. He explained capital improvement plans must be updated at a minimum of every five years by State Law; the City's next update must be completed in FY 2020.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve a professional services contract with Freese and Nichols, Inc. for Roadway Impact Fee Update in the amount of \$75,500.00. Councilmember Chuck Beatty seconded, All Ayes.*

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

Assistant City Manager Albert Lawrence commended the Police Department on their daily actions in their profession. He thanked Chief Goolsby for the invitation to attend the Police Department's Awards Banquet.

Councilmember Chuck Beatty thanked Mia Charles for her attendance as Honorary Councilmember.

Mr. Scott thanked the Waxahachie Chamber of Commerce and their staff for hosting the WX Leaders Summit.

Mayor Pro Tem Mary Lou Shipley thanked Mia Charles for her participation. She also expressed her appreciation for our community, state, and country after her recent trip to a third world country.

(5a)

City Attorney Robert Brown thanked Mia Charles for her participation and wished her well in her future.

Ms. Mia Charles thanked City Council for allowing her to serve as the Honorary Councilmember for November.

Mayor Hill asked for continued prayers for City Secretary Lori Cartwright.

**26. Adjourn**

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Amber Villarreal  
Acting City Secretary

City Council  
November 18, 2019

(5b)

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, November 18, 2019 at 6:15 p.m.

Councilmembers Present: David Hill , Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, Councilmember

Councilmember Absent: Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Acting City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- 5c. will release disannexed property from the city's ETJ
- 5d. will set Public Hearings for voluntary annexation
- 5e. approving supplemental appropriation to the Water Fund in the amount of \$18,155.00 associated with an insurance reimbursement for an unbudgeted vehicular accident
- 5f. approving Interlocal Agreement with Ellis County for the use of the county owned radio towers for the new 700 MHz simulcast radio project
- Mayor Pro Tem Mary Lou Shipley will introduce the Honorary Councilmember
- Proclamation for Dove's Nest 25<sup>th</sup> Anniversary
- Proclamation for Small Business Saturday
- Canvass votes from Charter Amendment Election held November 5, 2019

Planning Director Shon Brooks reviewed the following cases:

- SU-19-0133, requested continuance to the January 6, 2020 City Council meeting.
- SU-19-0129, SU-19-0130, and SU-19-0131 are solar panel cases that comply with city standards and staff recommended approval.
- PD-19-0132, the request for a multi-family zoning district includes variances to city standards.

Police Chief Wade Goolsby reviewed the School Resource Officer program noting the school district is requesting additional officers to the program. With the addition of the three School Resource Officers and one Sergeant, an updated Civil Service Ordinance is needed.

City Council  
November 18, 2019  
Page 2

(5b)

Chief Goolsby requested approval of a contract with Zuercher Solutions, Inc. for implementation of a new Computer Aided Dispatch system and records management system.

Assistant City Manager Tommy Ludwig reviewed the professional services contract with Freese & Nichols, Inc. for the Roadway Impact Fee update.

**3. Adjourn**

There being no further business, the meeting adjourned at 6:51 p.m.

Respectfully submitted,

Amber Villarreal  
Acting City Secretary

City Council  
November 18, 2019

(5c)

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Conference Room, City Hall, 401 South Rogers, Waxahachie, Texas, on Monday, November 18, 2019 at 6:00 p.m.

Councilmembers Present: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, Councilmember

Councilmember Absent: Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Acting City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Hear Waxahachie Fire-Rescue Annual Report 2018-2019**

Fire Chief Ricky Boyd reviewed the 2018-2019 Waxahachie Fire-Rescue Annual Report highlighting personnel changes including promotions and retirements, mutual aid, training, and community involvement.

**3. Discuss votes cast to elect Directors for the Ellis Appraisal District for years 2019-2020**

City Manager Michael Scott explained City Council has 320 votes to elect a Director for the Ellis Appraisal District for 2019-2020. Council, as a whole, will take formal action at the December 2, 2019 meeting.

**4. Adjourn**

There being no further business, the meeting adjourned at 6:24 p.m.

Respectfully submitted,

Amber Villarreal  
Acting City Secretary



## Memorandum

To: Honorable Mayor and City Council  
From: John Smith, Parks and Recreation Director  
Thru: Michael Scott, City Manager  
Date: 11-25-19  
Re: Boat Dock Park Playground, Lions Park Irrigation, and Spring Park Landscaping

**Item Description:** Consider approving the proposals for playground installation at Boat Dock Park by Kraftsman Playgrounds, landscaping and irrigation at Spring Park and Lions Park soccer field irrigation by Lantana Landscape Co.

**Item Summary:** The Park Board has approved the proposed playground and costs associated with its purchase and installation. The old and outdated equipment will be removed and the new pieces will fit within the existing curb. See Exhibit A

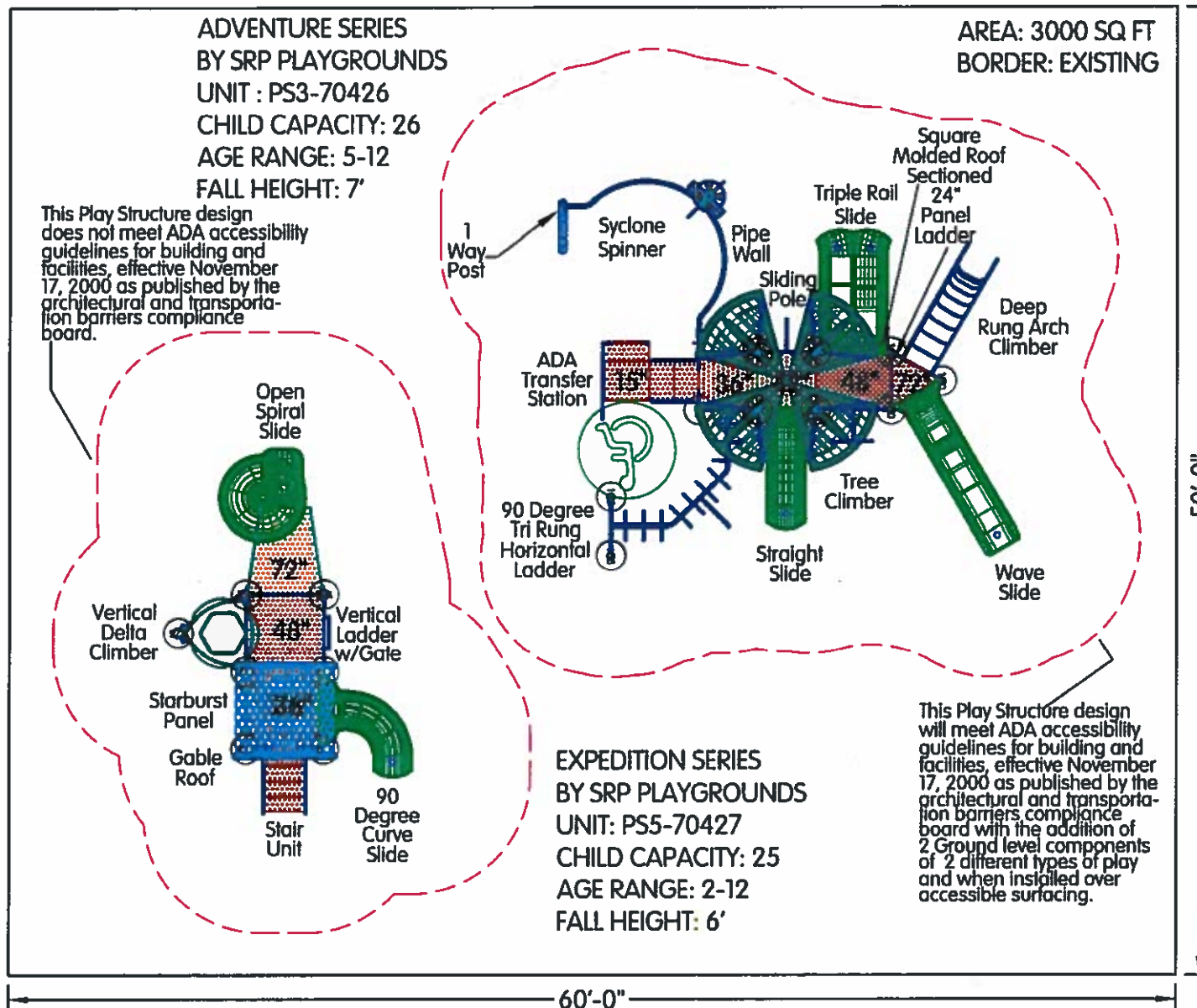
The Park Board also approved the proposal for irrigating the lighted soccer field at Lions Park from Lantana Lawn Care. Council has previously approved new lighting for the field and in anticipation of increased use, irrigation was seen as a need.

Additionally, we are requesting the installation of both new landscaping and irrigation at Spring Park to compliment the new restroom and parking lot project. See Exhibit B for an example of what is being planned.

**Fiscal Impact:** The landscaping and irrigation at Spring Park will cost \$32,500 and \$16,350, respectively. We are opting to plant larger trees to provide for a more immediate impact. Boat Dock playground and installation will cost, after Buy Board discounts, \$59,798.22 and the irrigation at Lions Park will cost \$19,800. This gives

(5d)

us a total expenditure of \$128,448.22. The Park Dedication Fund has \$240,000 in available funds and is recommended as the source for the funding of these exciting projects.



kraftsmanplay.com

**KRAFTSMAN**

COMMERCIAL RECREATION

19825 Houde Rd.

Spring, TX

77388

P: 800.451.4869

F: 281.353.2265

SCALE

1/8"=1'

SHEET NO.

Pat Kennedy

PROJECT NO. 23601

PLAN VIEW

Boat Dock Playground

HM

11-13-19

BAT

0

2

0

2

0

0

0

0

Note: Drawing should not be scaled unless in its original 8.5" x 11" printed format

PRELIMINARY DESIGN - NOT FOR CONSTRUCTION

EXHIBIT A



(5A)

## Adventure Series

STRUCTURE PS3-70426

For illustration purposes only. Colors may vary.





## Expedition Series

STRUCTURE PS5-70427

For illustration purposes only. Colors may vary.





SPRING PARK  
MAIN LOT  
TREES, SHRUBS. PERENNIALS



7 - Shumardii Oaks

SPRING PARK  
BOAT TRAILER ISLAND  
TREES



1- Cedar Elm 50-70' Tall x 40-60' wide

3- Oklahoma Redbuds

3- Possumhaw Hollies

4- Abelia 2-2.5' Tall x 3-3.5' wide

" " " " 2-4' Tall x 3-4' wide

~~Low growing juniper or Dallas Red Landmark~~ Boulder Cluster  
6' Boulders - 31 if all the way across  
15 if every 12'

## SPRING PARK NORTH NOOK 2



Chinquapin 80' Tall x 60' wide 3 Every 42'

Uitex 3

Uitex Border 18

Flame Acanthus 3-5

Zexmenia 3-5

SPRING PARK

MAIN LOT

NORTH NOOK 1



## Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: November 27, 2019

Re: Interlocal Agreement – Sewer Line Inspection and Analysis

---

On Monday December 2, 2019 an Interlocal Cooperation Agreement with the University of Texas at Arlington (UTA) will appear before the City Council for consideration. This agreement will provide the City of Waxahachie with sewer line inspection and data analysis services, which will assist in determining how much useful life is left in segments of line that are scheduled for rehabilitation/replacement. This analysis has the potential to provide the City with significant cost savings by identifying sections of line that have useful life remaining and do not need to be replaced in their entirety.

This interlocal agreement is for a five year period and for an amount not to exceed \$500,000. This agreement does not obligate the City to encumber or expend funds, and individual contracts must be executed separately from this agreement for specific scopes of work. Such contracts, depending upon price, will either appear before City Council for consideration or be executed by the City Manager. Staff recommends approval of this agreement, as it provides an additional tool and resource for staff to better utilize their financial resources.

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

Tommy Ludwig

(56)

## INTERLOCAL COOPERATION CONTRACT

THE STATE OF TEXAS  
COUNTY OF TARRANT

This Interlocal Cooperation Contract (this "Contract") is entered into by and between the Contracting Parties shown below pursuant to authority granted in and in compliance with the *Interlocal Cooperation Act, Chapter 791, Texas Government Code*.

### I. Findings:

Each party finds that the subject of this Contract is necessary for the benefit of the public and that each has the legal authority to perform and to provide the government functions or services which are the subject matter of this Contract; and

Each party finds that the performance of this Contract is in its common interest and that the division or payment of costs fairly compensates the performing party for the services or functions under this Contract; and

### II. Contracting Parties:

The Receiving Party: City of Waxahachie, Texas (sometimes "City"), a municipal corporation of the State of Texas:

Attn:  
Michael Scott  
City of Waxahachie  
401 S. Rogers Street  
Waxahachie, TX 75165  
Email: mscott@waxahachie.com

Agreement terms and all other matters:  
See Section IX

The Performing Party: The University of Texas at Arlington (sometimes "UTA"), a State University of Higher Education established under the laws of the State of Texas as an institution of the University of Texas System:

Programmatic Matters:

Ali Abolmaali, P.E., Ph.D  
Professor and Department Chair  
Dept. of Civil Engineering  
UTA Box 19308  
Arlington, TX 76019

(5e)

Tel. 817-272-5055 Fax. 817-272-2630  
Email: abolmaali@uta.edu

Agreement terms and all other matters:  
See Section IX

### **III. Statement of Services to be Performed**

UTA will perform inspections of City of Waxahachie sewer/gravity pipelines including data analysis and determination of remaining service life, and other related projects (sometimes "Research Services").

Tasks associated with interlocal cooperation contract will be performed on an as needed basis. Individual service contracts will be mutually negotiated and executed between the parties for each individual project scope.

### **IV. Contract Amount**

Compensation by the City to UTA under this Contract is an amount not to exceed \$500,000. Individual task orders may be issued up to the Contract Amount. This Contract may be amended from time to time to add scope and increase the interlocal cooperation contract purchase threshold amounts. This interlocal cooperation agreement does not obligate the City to encumber or expend funds unless a mutually agreed upon contract, for a specific scope of work and amount, is executed separately from this agreement by both the City and the Performing Party.

### **V. Payments**

UTA will invoice the City for their services based on an estimated cost per task order, which shall be established prior to issuance of any task order, in a lump sum.

City will remit payments to UTA for services satisfactorily performed under this Contract in accordance with the *Texas Prompt Payment Act, Chapter 2251, Texas Government Code*. The payments shall be submitted to: The University of Texas at Arlington, 219 West Main Street, Box 19136, Arlington, TX 76019-0136 (Attn: Grant and Contract Accounting).

Payments made under this Contract will (1) fairly compensate Performing Party for the services performed under this Contract, (2) be made from current revenues available to Receiving Party.

### **VI. Warranties**

Performing Party warrants that (1) it has authority to perform the services under authority granted in Section 65.31, *Texas Education Code* and Chapter 791, *Texas Government Code*; (2) it has all necessary power and has received all necessary approvals to execute and deliver this Contract; and (3) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

(5e)

Receiving Party warrants that (1) the services are necessary and authorized for activities that are properly within its statutory functions and programs; (2) it has the authority to contract for the services under authority granted in Chapter 791, *Texas Government Code*; (3) it has all necessary power and has received all necessary approvals to execute and deliver this Contract; and (4) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

## **VII. Term of the Agreement**

This Agreement is for a term commensurate with the expenditure of the funds, effective as of the Effective Date as established, below and shall terminate upon the exhaustion of the funds or the expiration of Five (5) years from the Effective Date, unless terminated sooner under Section VIII.

## **VIII. Termination**

In the event of a material failure by a Contracting Party to perform its duties and obligations in accordance with the terms of this Contract, the other party may terminate this Contract upon sixty (60) days' advance written notice of termination setting forth the nature of the material failure; provided that, the material failure is through no fault of the terminating party. The termination will not be effective if the material failure is fully cured prior to the end of the 60 day period.

This Agreement may also be terminated for convenience by one party notifying the other party in writing of its intent to cancel the agreement. Termination or cancellation of this Agreement shall not affect the rights and obligations of the Contracting Parties accrued prior to termination. Upon termination, Receiving Party shall pay Performing Party for all reasonable and non-cancellable expenses incurred or committed to be expended as of the effective termination date. UTA shall invoice the Receiving Party for all such items within sixty (60) days of the termination notice. Upon termination, the Performing Party shall provide the Receiving Party with any and all inspection data and analysis performed for which compensation has been received by the Performing Party.

## **IX Notices**

All notices, communications and reports required or permitted under this Contract shall be personally delivered or mailed to the respective parties by depositing same in the United States mail, postage prepaid, at the addresses shown below, unless and until either party is otherwise notified in writing by the other party, at the following addresses. Mailed notices shall be deemed communicated as of actual receipt.

If intended for Receiving Party, to:

Attn:  
Michael Scott  
City of Waxahachie  
401 S. Rogers Street  
Waxahachie, TX 75165

(5e)

Email: tludwig@waxahachie.com

If intended for UTA, to:

Jeremy Forsberg  
Assistant Vice President for Research  
The University of Texas at Arlington  
701 S. Nedderman Drive  
Box 19145  
Arlington, TX 76019-0145

**X Assignment**

UTA has or will have commitments from multiple third parties such as vendors and contractors or consultants, or subcontractors, to assist UTA to accomplish the Research Services, all of which will be disclosed to City as part of each proposal for Research Services, and UTA may use or contract with these third parties under UTA direction and at UTA's sole and reasonably exercised discretion.

**Executed and effective as of the date subscribed by the party whose signature makes this Contract fully executed ("Effective Date") by the following duly authorized representatives of the Contracting Parties:**

Receiving Party  
City of Waxahachie

Performing Party  
The University of Texas at Arlington

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

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

Name:

Name:

Title:

Title:

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

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



## Memorandum

To: City Council

From: Anita Simpson, Downtown Development Director/Heritage Preservation Officer

Thru: Michael Scott, City Manager

Date: November 20, 2019

Re: Consider street closure for Santa Run

---

**Item Description:** Consider closing the 100 block of W. Franklin Street from 7 am to 12 pm on Saturday, December 14, 2019.

**Item Summary:** The 7<sup>th</sup> annual Santa Run is scheduled for Saturday, December 14<sup>th</sup>. The original plan for this year was to start the race and have the festivities at the Railyard Park amphitheater but construction will not be complete in time for that to happen. Since that plan is no longer viable the YMCA would like to move the event back to the 100 block of W. Franklin Street where it has been every year since the start.

Jon McLaughlin is requesting that the 100 block of W. Franklin Street be closed from 7 am to noon on Saturday, December 14<sup>th</sup>. Parking spaces on the west side of S. Rogers Street will be coned off to create a lane for runners returning to the square. Everything will be opened back up for public use no later than noon.

Thank you in advance for your consideration.

(59)



## Application for a Festival or Event Permit

Event Name and Description: King Day Celebration and Parade

### Applicant Information

Name: Betty Square Coleman

Address: 116 Bradshaw Street

City, State, Zip: Waxahachie, TX Phone: 972-935-9692

E-mail Address: naacp6240@att.net

### Organization Information

Organization Name: Waxahachie Branch NAACP 6240

Address: PO Box 478 Waxahachie, TX 75168

Authorized Head of Organization: Betty Square Coleman, President

Phone: (972) 937-2077 E-mail Address: same

### Event Chairperson/Contact

Name: Same

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

### Event Information

Event Location/Address: \_\_\_\_\_

Purpose: \_\_\_\_\_

Event Start Date and Time: \_\_\_\_\_

Received in  
City Secretary's Office  
6-5-19  
City of Waxahachie, Texas

(59)

Event End Date and Time: January 20, 2020

Approximate Number of Persons Attending Event Per Day: 100 - 200

Site Preparation and Set-Up Date and Time: Courthouse Square

Clean-Up Completion Date and Time: 1/20/20 5:00 pm

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

Will 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? \_\_\_\_\_

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.

Betty Square Coleman  
Signature of Applicant

6/5/2019  
Date

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

(59)

**Villarreal, Amber**

---

**From:** Betty Jefferson <squarebj@swbell.net>  
**Sent:** Monday, November 18, 2019 7:52 AM  
**To:** Villarreal, Amber  
**Subject:** Re: King Day Celebration

Good Morning Ms. Amber,

Yes ma'am. The planned parade route is as follows:

Parade Route: East Jefferson Street and South Aiken Street  
Parade will proceed West on Jefferson Street to College Street  
Turn right on Rogers Street. Continue to Main Street  
Turn right onto Main Street/MLK Blvd  
Proceed East on MLK Blvd to Getzendaner Avenue  
Right on Getzendaner Avenue to Jim Street  
Parade ends at Jim Street Christian Church

Thank you. Have a wonderful and blessed day.

Betty

On Thursday, November 14, 2019, 09:07:33 AM CST, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Good morning Betty,

I found your King Day Celebration event application in Lori's inbox. She noted you still needed to submit your parade route with the application. Can you get that to me so I can get it routed to staff and approved by council?

Thank you!

**Amber Villarreal, TRMC, CMC**

**Acting City Secretary**

**City of Waxahachie**

Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168

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

(59)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Monday, November 18, 2019 11:15 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-King Day Celebration & Parade

I have no concerns with this request.

**Ricky Boyd, Fire Chief**

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

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Monday, November 18, 2019 10:52 AM  
**To:** Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Simpson, Anita <asimpson@waxahachie.com>; Smith, John <jsmith@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Application-King Day Celebration & Parade

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

Thank you,

**Amber Villarreal, TRMC, CMC**  
**Acting City Secretary**  
**City of Waxahachie**  
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.*

**Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.**

(59)

**Villarreal, Amber**

---

**From:** Smith, John  
**Sent:** Monday, November 18, 2019 3:13 PM  
**To:** Simpson, Anita; Villarreal, Amber; Ricky Boyd; Wade Goolsbey  
**Cc:** Scott, Michael; Lawrence, Albert; Ludwig, Tommy  
**Subject:** RE: Event Application-King Day Celebration & Parade

I agree with Anita, with that change, it should be easy to approve as we have in past years..

Thanks,  
John

---

**From:** Simpson, Anita <[asimpson@waxahachie.com](mailto:asimpson@waxahachie.com)>  
**Sent:** Monday, November 18, 2019 11:02 AM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Smith, John <[jsmith@waxahachie.com](mailto:jsmith@waxahachie.com)>  
**Cc:** Scott, Michael <[mscott@waxahachie.com](mailto:mscott@waxahachie.com)>; Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Ludwig, Tommy <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>  
**Subject:** RE: Event Application-King Day Celebration & Parade

Amber,

I hope she got Rogers and College streets confused. Rogers is a one-way street and they can't turn right from Jefferson or they will be going up it the wrong way. I am assuming that Monday is a holiday and lots of places will be closed, but it is still ill-advised to do that.



---

**From:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Sent:** Monday, November 18, 2019 10:52 AM  
**To:** Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Simpson, Anita <[asimpson@waxahachie.com](mailto:asimpson@waxahachie.com)>; Smith, John <[jsmith@waxahachie.com](mailto:jsmith@waxahachie.com)>  
**Cc:** Scott, Michael <[mscott@waxahachie.com](mailto:mscott@waxahachie.com)>; Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Ludwig, Tommy <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>  
**Subject:** Event Application-King Day Celebration & Parade

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

Thank you,



(5h)

## Application for a Festival or Event Permit

Event Name and Description: Lion's Club Hachie 50  
Running Event: 50 mile, 50K, marathon, and  
children's fun run 1 mile

### Applicant Information

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

### Organization Information

Organization Name: Waxahachie Lion's Club  
Address: 418 Victorian Dr Wax TX 75165  
Authorized Head of Organization: Aracelis Armstrong Ken Box  
Phone: 469-337-8044 E-mail Address: kenpaulbox@gmail.com

### Event Chairperson/Contact

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

### Event Information

Event Location/Address: Getzenlander Park + Trail  
Purpose: fund raiser for Lion's Club  
Event Start Date and Time: May 2<sup>nd</sup> 2020

Received in  
City Secretary's Office  
10/29/19 AV  
City of Waxahachie, Texas

(5th)

Event End Date and Time:

May 2<sup>ND</sup> 2020

Approximate Number of Persons Attending Event Per Day:

500

Site Preparation and Set-Up Date and Time:

Clean-Up Completion Date and Time:

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

No Street Closures

We will use city street cones down Jefferson St from old hospital to railroad, run trail from betzendams to Lions Park

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

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

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

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

Will dumpsters be needed?

No

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

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

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

Signature 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).

We will need 250 street cones and  
we will need metal street signs to mark trail.

(5h)

**Villarreal, Amber**

---

**From:** Hill, Krystyne  
**Sent:** Wednesday, October 30, 2019 8:17 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

Good morning,

If they are bringing their own alcohol or snacks I have no comment. If they are supplying either of the two they will need a permit from us and possibly TABC.

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

---

**From:** Villarreal, Amber  
**Sent:** Tuesday, October 29, 2019 4:56 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Application-Hachie 50

Good afternoon,

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

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

Thank you,

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

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.*

(5h)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Wednesday, October 30, 2019 9:21 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

I have no concerns with this request.

**Ricky Boyd, Fire Chief**

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

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Tuesday, October 29, 2019 4:56 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Application-Hachie 50

Good afternoon,

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

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

Thank you,

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

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.*

(5h)

**Villarreal, Amber**

---

**From:** Smith, John  
**Sent:** Wednesday, October 30, 2019 9:13 AM  
**To:** Villarreal, Amber; Martinez, Gumaro; Ricky Boyd; Wade Goolsbey; Mosley, Laurie; Gaertner, James; Ojeda, Eneida; Griffith, Thomas; Hill, Krystyne; Martinez, Jose  
**Cc:** Scott, Michael; Cartwright, Lori; Ludwig, Tommy  
**Subject:** RE: Event Application-Hachie 50

Approved.

Thanks,  
John

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Tuesday, October 29, 2019 4:56 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Application-Hachie 50

Good afternoon,

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

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

Thank you,

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

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.*

(5M)

**Villarreal, Amber**

---

**From:** Ojeda, Eneida  
**Sent:** Wednesday, October 30, 2019 8:38 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

Good morning,

Has this been approved? We do have all the requested.

Thank you,  
Eneida

---

**From:** Villarreal, Amber  
**Sent:** Tuesday, October 29, 2019 4:56 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Application-Hachie 50

Good afternoon,

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

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

Thank you,

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

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.*

(54)

**Villarreal, Amber**

---

**From:** Griffith, Thomas  
**Sent:** Wednesday, October 30, 2019 12:14 PM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

Please tell them that I will help them complete a safety plan.

Thanks,

**Thomas Griffith**  
**City of Waxahachie**  
**Emergency Management Coordinator**

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

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Tuesday, October 29, 2019 4:56 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Application-Hachie 50

Good afternoon,

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

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

Thank you,

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

(5h)

**Villarreal, Amber**

---

**From:** Mosley, Laurie  
**Sent:** Wednesday, October 30, 2019 12:19 PM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Hachie 50

Good Afternoon!

I have no conflicts with this event.

Thank you!

Laurie Mosley, CTE  
Director  
Waxahachie Convention & Visitors Bureau  
2000 Civic Center Lane  
Waxahachie, TX 75165  
Office: 469-309-4046

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Tuesday, October 29, 2019 4:56 PM  
**To:** Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** Event Application-Hachie 50

Good afternoon,

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

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

Thank you,

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

(54)

**Villarreal, Amber**

---

**From:** Gaertner, James  
**Sent:** Wednesday, October 30, 2019 12:41 PM  
**To:** Smith, John; Villarreal, Amber; Martinez, Gumaro; Ricky Boyd; Wade Goolsbey; Mosley, Laurie; Ojeda, Eneida; Griffith, Thomas; Hill, Krystyne; Martinez, Jose  
**Cc:** Scott, Michael; Cartwright, Lori; Ludwig, Tommy  
**Subject:** RE: Event Application-Hachie 50

I have checked with the street crews and they have the materials requested.

I have not comments.

James Gaertner, PE, CFM  
Director of Public Works & Engineering  
Office: 469-309-4301  
[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)  
\*\*My phone number changed\*\*

---

**From:** Smith, John <[jsmith@waxahachie.com](mailto:jsmith@waxahachie.com)>  
**Sent:** Wednesday, October 30, 2019 9:13 AM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Mosley, Laurie <[imosley@waxahachiecvb.com](mailto:imosley@waxahachiecvb.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Ojeda, Eneida <[Eojeda@waxahachie.com](mailto:Eojeda@waxahachie.com)>; Griffith, Thomas <[john.griffith@waxahachie.com](mailto:john.griffith@waxahachie.com)>; Hill, Krystyne <[khill@waxahachie.com](mailto:khill@waxahachie.com)>; Martinez, Jose <[jose.martinez@waxahachie.com](mailto:jose.martinez@waxahachie.com)>  
**Cc:** Scott, Michael <[miscott@waxahachie.com](mailto:miscott@waxahachie.com)>; Cartwright, Lori <[lcartwright@waxahachie.com](mailto:lcartwright@waxahachie.com)>; Ludwig, Tommy <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>  
**Subject:** RE: Event Application-Hachie 50

Approved.

Thanks,  
John

---


**From:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Sent:** Tuesday, October 29, 2019 4:56 PM  
**To:** Smith, John <[jsmith@waxahachie.com](mailto:jsmith@waxahachie.com)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Mosley, Laurie <[imosley@waxahachiecvb.com](mailto:imosley@waxahachiecvb.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Ojeda, Eneida <[Eojeda@waxahachie.com](mailto:Eojeda@waxahachie.com)>; Griffith, Thomas <[john.griffith@waxahachie.com](mailto:john.griffith@waxahachie.com)>; Hill, Krystyne <[khill@waxahachie.com](mailto:khill@waxahachie.com)>; Martinez, Jose <[jose.martinez@waxahachie.com](mailto:jose.martinez@waxahachie.com)>  
**Cc:** Scott, Michael <[miscott@waxahachie.com](mailto:miscott@waxahachie.com)>; Cartwright, Lori <[lcartwright@waxahachie.com](mailto:lcartwright@waxahachie.com)>; Ludwig, Tommy <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>  
**Subject:** Event Application-Hachie 50

Good afternoon,

(748)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager   
Date: November 12, 2019  
Re: PD-19-0135 – The Park at Northgate

---

On November 12, 2019, the applicant requested to continue case no. PD-19-0135 to the December 10, 2019 Planning and Zoning meeting and the December 16, 2019 City Council meeting agenda.

(9)

## Planning & Zoning Department Zoning Staff Report

**Case: SU-19-0137 (ZDC-000004-2019)**



### MEETING DATE(S)

*Planning & Zoning Commission:* November 19, 2019

*City Council:* December 2, 2019

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 19, 2019, the Commission voted 5-0 to recommend approval of zoning change SU-19-0137, as presented.

### CAPTION

**Public Hearing** on a request by Brandon Edgley, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 227 Equestrian Drive (Property ID 236368) – Owner: Christina and Dan R Orona III (SU-19-0137)

### APPLICANT REQUEST

The purpose of this request is to permit the use of residential solar panels.

### CASE INFORMATION

*Applicant:* Brandon Edgley, Sunpro Solar

*Property Owner(s):* Christina and Dan R Orona III

*Site Acreage:* .19 acres

*Current Zoning:* Single Family-2

*Requested Zoning:* Specific Use Permit for Rooftop Solar Panel System

### SUBJECT PROPERTY

*General Location:* 227 Equestrian Drive

*Parcel ID Number(s):* 236368

*Existing Use:* Single Family Residence

### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	SF-2	Single Family Residence
South	SF-1	Single Family Residence
West	SF-2	Single Family Residence

(9)

*Future Land Use Plan:*

Low Density Residential

*Comprehensive Plan:*

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

*Thoroughfare Plan:*

This property is accessible via Equestrian Dr.

*Site Image:*



#### **PLANNING ANALYSIS**

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

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 31 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

#### **RECOMMENDATION**

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

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

(9)

**ATTACHED EXHIBITS**

1. Ordinance
2. Location Exhibit
3. Site Plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Chris Webb  
Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

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

(10)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY (SF2) ZONING DISTRICT, LOCATED AT 227 EQUESTIRAN DRIVE, BEING PROPERTY ID 236368, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4 BLOCK J IN THE MUSTANG CREEK PHASE 1 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as SF2; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0137. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF2 to SF2, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 4 Block J of the Mustang Creek Phase 1 subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

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

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

(16)

\_\_\_\_\_  
MAYOR

ATTEST:

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



EXHIBIT A - LOCATION MAP

(16)

# Install Map - Dan Orona III

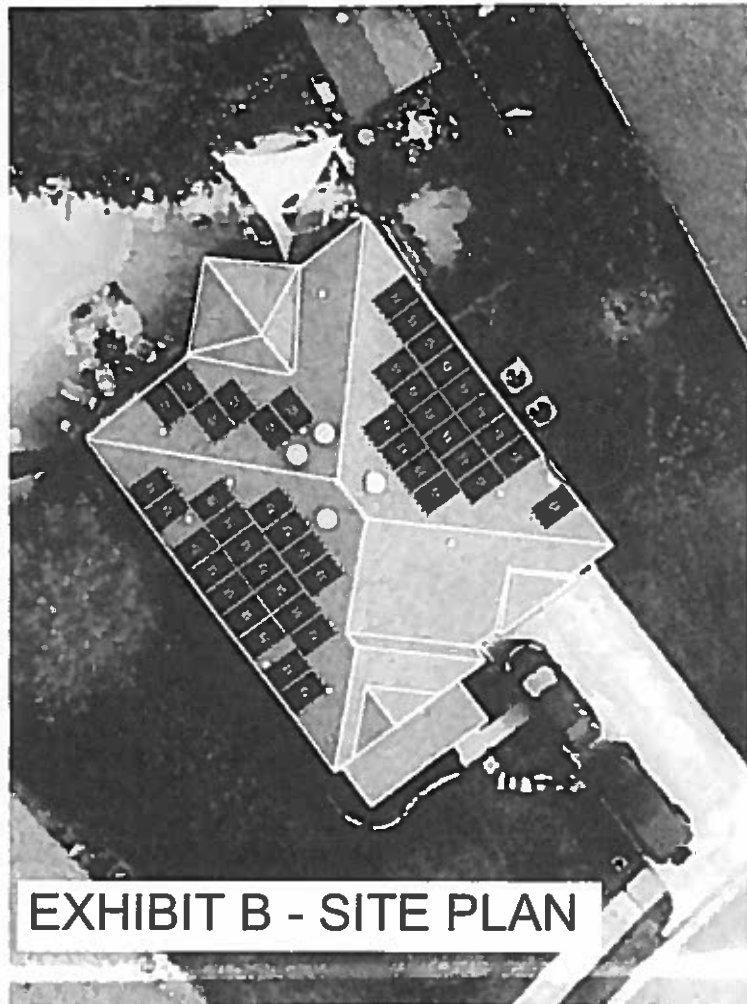


EXHIBIT B - SITE PLAN

NOTE: THIS DESIGN IS NOT ABSOLUTE AND MAY BE SUBJECT TO CHANGE ON SITE REDSIGN DUE TO UNFORTHEN CIRCUMSTANCES OR SIZE RESTRICTIONS TO BE APPROVED BY THE HOMEOWNER



Quantity: 45  
Panel: LG 335N1C-V5  
Inverter: Enphase IQ7-60-2-US (240V)

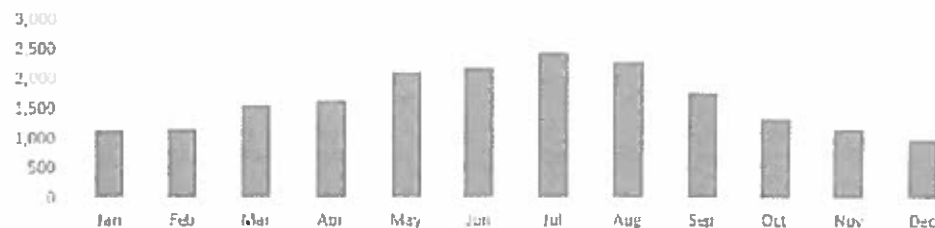
## Estimated Energy Savings

Annual Results	19,919 kWh per Year*	
	Low	High
Estimated Solar Energy Production <small>(kWh)</small>	19,619	20,219
Estimated Energypro Efficiency Savings <small>(kWh)</small>	2,000	6,000
Solar + Energypro Estimated Annual Benefit <small>(kWh)</small>	21,619	26,219
Monthly Estimates <small>(kWh)</small>	995	2,448

\*The solar energy production provided here is only an estimate and does not take into account any pre-existing shade issues. The final solar energy production guarantee will be issued after the job is complete and based on the shade measurements conducted at the day of installation.

\*\*Results from the energy efficiency work conducted by Energypro are estimates only and cannot be guaranteed as every home utilizes different construction methods.

## Estimated Monthly Production



I, \_\_\_\_\_, APPROVE THE PROPOSED DESIGN AND  
ESTIMATED\* ENERGY SAVINGS FOR MY SOLAR PANEL INSTALLATION.

X \_\_\_\_\_

**MARCJONES**  
CONSTRUCTION  
residential • commercial • solar

**SUNPRO**  
SOLAR HOME SPECIALISTS

227 Equestrian Drive, Waxahachie TX 75165

Install:	15.08 kW Solar Panel System		
Jurisdiction:	City of Waxahachie		
Utility:	ONCOR ESI: 10443720008498633		
Designer:	J. Cruz		
Date:	10.03.19	REV: 1	Sheet: 1 of 1

(10)

(11)

## Planning & Zoning Department

### Zoning Staff Report

**Case: SU-19-0139 (ZDC-000006-2019)**



#### MEETING DATE(S)

*Planning & Zoning Commission:* November 19, 2019

*City Council:* December 2, 2019

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 19, 2019, the Commission voted 5-0 to recommend approval of zoning change SU-19-0139, as presented.

#### CAPTION

Public Hearing on a request by Toby Fitzgerald, Bulldog Electrical Contractors, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-3 zoning district, located at 204 Frierson (Property ID 171323) – Owner: Stephen D Hale & Sherayah Dillaha (SU-19-0139)

#### APPLICANT REQUEST

The purpose of this request is to permit the use of residential solar panels.

#### CASE INFORMATION

*Applicant:* Toby Fitzgerald, Bulldog Electrical Contractors

*Property Owner(s):* Stephen D Hale and Sterayah Dillaha

*Site Acreage:* .33 acres

*Current Zoning:* Single Family-3

*Requested Zoning:* Specific Use Permit for Rooftop Solar Panel System

#### SUBJECT PROPERTY

*General Location:* 204 Frierson

*Parcel ID Number(s):* 171323

*Existing Use:* Single Family Residence

#### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-3	Joshua Chapel A.M.E. Church
East	SF-3	Single Family Residence
South	SF-3	Single Family Residence
West	SF-3	Single Family Residence

(11)

*Future Land Use Plan:*

Low Density Residential

*Comprehensive Plan:*

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

*Thoroughfare Plan:*

This property is accessible via Frierson Street.

*Site Image:*



#### **PLANNING ANALYSIS**

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

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 32 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

#### **PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received one (1) letter of support for the proposed rooftop solar panel system.

#### **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:

(11)

**ATTACHED EXHIBITS**

1. Ordinance
2. Location Map
3. Site plan
4. PON Responses

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Chris Webb  
Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

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

Case SU-19-0139  
Responses Received Inside Required 200' Notification Area  
Support: 1 Oppose: 0

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
171257	WHITTED APRIL	0.105	LOT 11A BLK 159 TOWN .105 AC	1117 BORDEAUX AVE	DESOTO	TX	75115	107 N AIKEN ST WAXAHACHIE TX 75165
171258	MAHDI NIMR A	0.117	LOT 11B BLK 159 TOWN .117 AC	PO BOX 1	FORRESTON	TX	76041	817 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171276	RICHARDSON BETTIE	0.431	7A 158 TOWN 0.431 ACRES	5824 S VAN NESS AVE	LOS ANGELES	CA	90047	122 GARDNER ST WAXAHACHIE TX 75165
171282	KING ERICA A	0.113	PT 4 158 TOWN 0.113 ACRES	2050 WILD CREEK CT	DALLAS	TX	75253	114 N AIKEN ST WAXAHACHIE TX 75165
171286	SARGENT BRODERICK L	0.5135	6C 158 TOWN 0.5135 ACRES	224 FRIERSON ST	WAXAHACHIE	TX	75165	224 FRIERSON ST WAXAHACHIE TX 75165
171317	BULLOCK SALLY S	0.104	LOT 4F BLK 176 TOWN .104 AC	7880 ST RT 78	WHITNEY POINT	NY	13862	310 FRIERSON ST WAXAHACHIE TX 75165
171323	HALE STEPHEN D & SHERAYAH DILLAHA	0.33	LOT 4B BLK 176 TOWN .33 AC	204 FRIERSON ST	WAXAHACHIE	TX	75165	204 FRIERSON ST WAXAHACHIE TX 75165
171324	DAVIS LEONARD CARROLL	0.222	LOT 4C BLK 176 TOWN .222 AC	3936 WEDGWAY DR	FORT WORTH	TX	76133	709 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171325	LOREN GRAY INVESTMENTS LLC	0.233	LOT 4D BLK 176 TOWN .233 AC	PO BOX 2868	WAXAHACHIE	TX	75168	707 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171326	LOREN GRAY INVESTMENTS LLC	0.112	LOT 4E BLK 176 TOWN .112 AC	PO BOX 2868	WAXAHACHIE	TX	75168	705 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171327	JACKSON VINCENT G	0.307	LOT 2; 2F BLK 175 TOWN 0.307 AC	1412 DR MARTIN LUTHER KING JR	WAXAHACHIE	TX	75165	312 FRIERSON ST WAXAHACHIE TX 75165
171328	SCOTT RONALD W & KIMBERLY R	0.098	LOT 2J BLK 175 TOWN .098 AC	305 FRIERSON ST	WAXAHACHIE	TX	75165	305 FRIERSON ST WAXAHACHIE TX 75165
171329	KOVAL AUSTIN	0.131	LOT 1 BLK 176 TOWN .131 AC	108 N AIKEN	WAXAHACHIE	TX	75165	108 N AIKEN ST WAXAHACHIE TX 75165
171330	WILLIAMS HELEN	0.11	LOT 2 BLK 176 TOWN .11 AC	803 WYATT ST	WAXAHACHIE	TX	75165	701 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171331	BENNETT ALICE	0.135	LOT 3 BLK 176 TOWN .135 AC	116 DRIFTWOOD LN	WAXAHACHIE	TX	75165	703 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171333	JACKSON VINCENT G	0.158	LOT 2E BLK 175 TOWN 0.158 AC	1412 DR MARTIN LUTHER KING JR	WAXAHACHIE	TX	75165	717 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171335	FOUR POINT INVESTMENTS GROUP LLC	0.206	LOT 2G BLK 175 TOWN .206 AC	1411 SYCAMORE ST	WAXAHACHIE	TX	75165	719 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171336	JACKSON VINCENT G	0.188	LOT 2H BLK 175 TOWN .188 AC	1412 DR MARTIN LUTHER KING JR	WAXAHACHIE	TX	75165	711 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171339	SCOTT RONALD W & KIMBERLY R	0.603	LOT 1 & 2A BLK 175 TOWN .603 AC	305 FRIERSON ST	WAXAHACHIE	TX	75165	200 YOUNG ST WAXAHACHIE TX 75165
171340	SCOTT RONALD W & KIMBERLY R	0.098	LOT 2B BLK 175 TOWN .098 AC	305 FRIERSON ST	WAXAHACHIE	TX	75165	201 YOUNG ST WAXAHACHIE TX 75165
173168	SPEER JOHN	0.115	4 FAIRVIEW 0.115 ACRES	414 GINGERBREAD LN	WAXAHACHIE	TX	75165	710 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
173169	STEEGER PROPERTIES LTD	0.115	5 FAIRVIEW 0.115 ACRES	PO BOX 505	RED OAK	TX	75164	712 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
173170	GIBSON BYRON W, GIBSON & GIBSON LLC	0.115	LOT 6 FAIRVIEW .115 AC	105 CRYSTAL COVE	WAXAHACHIE	TX	75165	714 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
173173	FLEMING DAVID EST C/O DAVID FLEMING JR	0.528	1 FAIRVIEW 0.528 ACRES	6936 WOODWICK DR	DALLAS	TX	75232	701 S AIKEN ST WAXAHACHIE TX 75165
173174	FLEMING DAVID EST C/O DAVID FLEMING JR	0.258	2A FAIRVIEW 0.258 ACRES	6936 WOODWICK DR	DALLAS	TX	75232	700 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
173175	MENDOZA MARTHA MARTINEZ	0.241	LOT 2B FAIRVIEW 0.241 AC	5640 MISSION CT	MIDLOTHIAN	TX	76085	706 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
173176	IBRAHIM UMAR	0.23	LOT 3 FAIRVIEW 0.23 AC	3010 RED RIVER CT	WAXAHACHIE	TX	75167	708 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
193606	JOSHUA CHAPEL AME CHURCH	0.7579	ALL BLK 157 & LOTS 5 6A AND 6B BLK 158 TOWN 7579 AC	110 N AIKEN ST	WAXAHACHIE	TX	75165	110 N AIKEN ST WAXAHACHIE TX 75165
193607	JOSHUA CHAPEL AME CHURCH	1.586	LOT B & C & D & E BLK 154 & ALL BLK 156 TOWN 1.586 AC	110 N AIKEN ST	WAXAHACHIE	TX	75165	109 N AIKEN ST WAXAHACHIE TX 75165
219989	SARGENT BRODERICK	0.069	LOT PT 2D BLK 175 TOWN 0.069 AC	224 FRIERSON ST	WAXAHACHIE	TX	75168	FRIERSON ST WAXAHACHIE TX 75165
220622	LAMBERT TERESA A	0.109	PT 4 158 TOWN 0.109 ACRES	114 1/2 N AIKEN ST	WAXAHACHIE	TX	75165	114 1/2 N AIKEN ST WAXAHACHIE TX 75165
240427	MULTIPLE OWNERS	0.134	LOT 4A BLK 176 TOWN .134 AC					

Case Number: **SU-19-0139**

City Reference: 240427

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, November 13, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com).



SUPPORT



OPPOSE

RECEIVED  
11/13/19

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

Barbara McPartey  
Signature

Nov 5, 2019  
Date

BARBARA McPartey - Homeowner  
Printed Name and Title

211 Frierson St. WAXAHACHIE, TX 75765  
Address

(11)

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

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(12)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 3 (SF3) ZONING DISTRICT, LOCATED AT 204 FRIERSON ST, BEING PROPERTY ID 171323, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4B, BLOCK 176 IN THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as SF3; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0139. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF3 to SF3, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 4B, Block 176 of the Town subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

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

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

(12)

\_\_\_\_\_  
MAYOR

ATTEST:

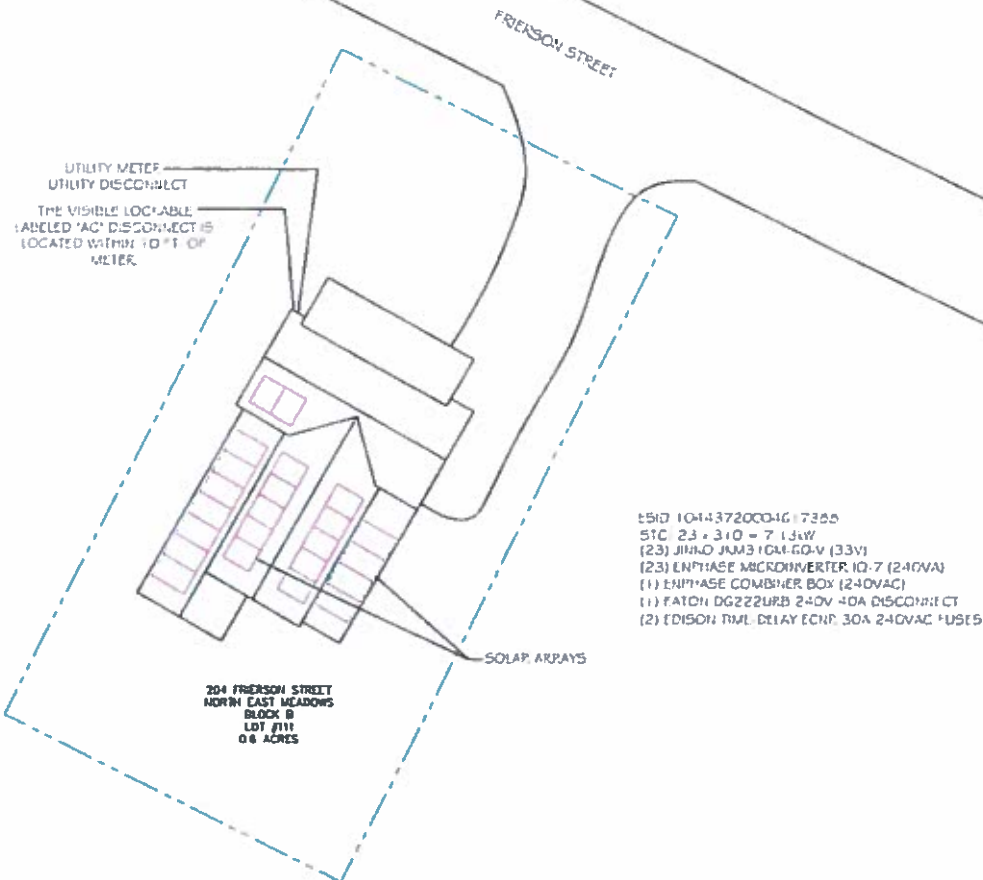
\_\_\_\_\_  
City Secretary



(18)

## GENERAL NOTES

- 1 FIELD VERIFY ALL MEASUREMENTS
- 2 ITEMS BELOW MAY NOT BE ON THIS PAGE



A  
A-101

SITE PLAN

1/16" = 1'-0"



## CONTRACTOR

JC SOLAR LLC

PHONE 940-366-7740

ADDRESS 1630 N. HAY ST.  
ROWLE, TX 76280

LIC. NO.  
REC. NO.  
ELE. NO.

NEW PV SYSTEM 7.13 kWp

HALE  
RESIDENCE

204 FRIERSON STREET  
WAXAHACHIE, TX 75165

ENGINEER OF  
RECORD

PAPER SIZE: 11" x 17" (ANSI B)

SITE PLAN

DATE: 09.03.2018

DESIGN BY: FDA

CHECKED BY: JT

REVISIONS

A-101.00

(18)

## EXHIBIT B - SITE PLAN

(17)

**CITY OF WAXAHACHIE, TEXAS**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING A REVISED CHARTER, AS APPROVED AND AMENDED BY THE VOTERS AT THE ELECTION HELD ON NOVEMBER 5, 2019, THROUGH THE PASSAGE OF ONE (1) HOME-RULE CHARTER AMENDMENT.**

**WHEREAS**, on November 9, 2019, the City of Waxahachie, Texas ("City"), conducted an election which submitted to the qualified voters of the City a single proposition for the adoption or rejection of a proposed amendment of the Home-Rule Charter of the City of Waxahachie, Texas ("City Charter"), pursuant to Section 9.004(a) of the Texas Local Government Code and Section 10.12 of the City Charter; and

**WHEREAS**, as established by the canvassing of the election results, the single proposed Charter amendment was adopted by the voters, with the result being the amendment of Section 2.01(c) of the City Charter ("Section 2.01(c)") to reflect the voter-approved changes and revisions; and

**WHEREAS**, the City Council of the City of Waxahachie, through this Resolution, desires to formally approve the form of the City Charter with the amended Section 2.01(c), and to confirm that all changes, amendments and revisions approved by the voters are contained in the City Charter with the amended Section 2.01(c), which amended City Charter shall be enrolled in the records of the City Secretary.

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

**Section 1.     Findings.**

The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct legislative findings and are adopted as part of this Resolution for all purposes.

**Section 2.     Amended City Charter with Amended Section 2.01(c).**

The City Charter, with the following amended Section 2.01(c) set forth below, is hereby confirmed and approved as containing all changes, amendments and revisions to the City Charter as approved by the voters at the election on November 5, 2019. City staff is hereby authorized and directed to make copies of the City Charter, as amended, available to the public. City staff is further authorized to print and publish the City Charter, as amended, in the form and format selected by the City Manager. The amended Section 2.01(c) shall read as follows:

(17)

(c) *Election and terms.* The regular election of councilmen shall be held on the first Saturday of May in each year. Each voter shall be entitled to vote for one candidate for each city council place on the ballot. The members of the city council shall hold their office for a term of two years and until their successors have been elected and qualified. The councilmen in the office at the time of the adoption of this charter shall continue in office until the expiration of the term for which they were elected, subject to the provisions of this charter, so that three councilmen shall be elected at the election to be held on the first Saturday in April, 1972, and two councilmen shall be elected at the election to be held on the first Saturday in April, 1973; and annually thereafter there shall be elected three and two councilmen, respectively; that is, in each odd-numbered year two councilmen shall be elected and in each even-numbered year three councilmen shall be elected. Beginning with the election in May, 2020, City Council Places 1, 2, and 3 shall be established, and any eligible candidate may run for office for one of the three Places. Beginning with the election in May, 2021, City Council Places 4 and 5 shall be established, and any eligible candidate may run for office for one of the two Places. All City Council Places shall be at large and no candidate need live in any particular geographic location of the City to be eligible to run for a City Council Place. The candidate receiving the majority of all votes in each City Council Place shall be elected as the Council Member for that City Council Place. In the event a candidate fails to receive a majority of all votes for a City Council Place, a runoff election shall be conducted between the two (2) candidates who received the highest number of votes for that City Council Place. If more than two (2) candidates tie for the highest number of votes for that City Council Place, the tied candidates shall draw by lots to determine which two (2) are to be in a runoff election. The City Secretary shall supervise the drawing of lots under this section.

**PASSED AND APPROVED** by the City Council of the City of Waxahachie, Texas this the 2nd day of December, 2019.

---

David Hill, Mayor

ATTEST:

---

Amber Villarreal, Acting City Secretary

APPROVED AS TO FORM:

---

Robert F. Brown, City Attorney

(14)

**TAXING UNIT: CITY OF WAXAHACHIE**

**RESOLUTION NO.**

**RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE  
ELLIS APPRAISAL DISTRICT FOR THE YEARS 2020-2021**

WHEREAS, Section 6.03 (k) of the Texas Property Tax Code, requires that each taxing unit entitled to vote cast their vote by Resolution and submit results of that vote to the Chief Appraiser of the Ellis Appraisal District before December 15, 2019.

THEREFORE, the City of Waxahachie submits the attached Official Ballot, as issued by the Chief Appraiser, stating the votes cast for candidates in the 2020-2021 Board of Directors' Election for the Ellis Appraisal District.

ACTION TAKEN this 2<sup>nd</sup> day of December, 2019, in Regular Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the Ellis Appraisal District.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(14)

OFFICIAL BALLOT  
TO ELECT  
BOARD OF DIRECTORS  
FOR THE  
ELLIS APPRAISAL DISTRICT  
FOR 2020-2021

Issued to: CITY OF WAXAHACHIE


Number of Votes: 320

Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate. You may cast all of your votes for one candidate or divide your votes among any number of the candidates.

NAME OF CANDIDATES  
(listed alphabetically)

1. CHARLES T. "TOM" ABRAM \_\_\_\_\_
2. JAN DAVIS \_\_\_\_\_
3. SHEILA DOMSTEAD \_\_\_\_\_
4. JOHN KNIGHT \_\_\_\_\_
5. KEN MARKS \_\_\_\_\_
6. JIM MENTZEL \_\_\_\_\_
7. JOE PITTS \_\_\_\_\_
8. JOHN TABOR \_\_\_\_\_
9. ROBERT KYLE WILSON \_\_\_\_\_

Issued under my hand this 21<sup>st</sup> day of October, 2019.

  
Kathy A. Rodrigue, RPA  
Chief Appraiser  
Ellis Appraisal District

**Texas Property Tax Code Sec. 6.03. Board of Directors.**

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director.

(15)



## Memorandum

To: Honorable Mayor and City Council  
From: Ricky Boyd, Fire Chief  
Thru: Michael Scott, City Manager  
Date: November 22, 2019  
Re: Authorized Positions in the Fire Department

---

Honorable Mayor and City Council Members,

As you may recall, our Administrative Lieutenant is over the EMS, Safety, Public Education and IT needs and programs of the Department. I believe that the level of duties and responsibilities of this position warrants staffing at the chief level. Likewise, this position in other area fire departments is staffed by a person at a chief rank. By following this plan, our Administration and thereby our Department shall become much more efficient and streamlined. As such, we requested to change the rank of this position to Battalion Chief in the current budget which you approved.

Our current authorized positions are as follows:

Assistant Fire Chief- 1  
Fire Marshal- 1  
Battalion Chief- 4  
Captain- 9  
Lieutenant- 4  
Pump Engineer- 12  
Firefighter- 27

In order to accomplish our new authorized positions, we hereby request your approval to abolish one (1) position in the Lieutenant rank. Therefore, we request

(15)

three (3) authorized Lieutenants instead of the current four (4). Furthermore, we request your approval to create one (1) position in the rank of Battalion Chief. Therefore, we request five (5) authorized Battalion Chiefs instead of the current four (4). We request that these changes begin on December 29, 2019.

Additionally, the adoption of the FY20 Budget included the addition of three (3) new firefighter positions. We administered an Entrance Exam on November 23, 2019. We plan to start these three (3) new firefighters on January 5, 2020.

Therefore, if you approve to abolish one (1) position in the Lieutenant rank, create one (1) position in the Battalion Chief rank, and create three (3) new firefighter positions, the amended authorized positions for the Fire Department would be as follows:

Assistant Fire Chief- 1  
Fire Marshal- 1  
Battalion Chief- 5  
Captain- 9  
Lieutenant- 3  
Pump Engineer- 12  
Firefighter- 30

Thank you for your consideration in this matter.

Respectfully,

  
Ricky Boyd, Fire Chief

(16)

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

**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.**

**WHEREAS**, the citizens of Waxahachie adopted Chapter 143, municipal civil service for its Fire Department and Police Department; and

**WHEREAS**, the Department Head of the Fire Department has identified the need to restructure the administrative responsibilities of the Fire Department and assign those duties to a Chief level position rather than a Lieutenant and in order to effectuate that restructuring, one (1) Lieutenant position should be abolished and one (1) Battalion Chief position should be created in the Fire Department; and

**WHEREAS** the City Council of the City of Waxahachie hereby creates three (3) Firefighter positions in the Fire Department; and

**WHEREAS** the City Council of the City of Waxahachie approved the above and likewise provided the funding for the above when it adopted the FY19-20 Budget;

**Be it ordained by the City Council of the City of Waxahachie, Texas:**

**SECTION 1.** That the matters set forth in the preamble are hereby found to be true and correct.

**SECTION 2.** The prior classified positions under Civil Service in the Fire Department were as follows:

Assistant Fire Chief	1
Fire Marshal	1
Battalion Chief	4
Captain	9
Lieutenant	4
Pump Engineer	12
Firefighter	27

As of the effective date of this Ordinance, the classified positions under Civil Service in the Fire Department shall be as follows:

Assistant Fire Chief	1
Fire Marshal	1
Fire Battalion Chief	5
Fire Captain	9
Fire Lieutenant	3
Fire Pump Engineer	12
Firefighter	30

(15)

**SECTION 3.** The classified positions under Civil Service in the Police Department remain unchanged as follows:

Assistant Police Chief	2
Police Lieutenant	5
Police Sergeants	8
Police Corporal	4
Police Patrol Officer	55

**SECTION 4.** The annual/monthly base rate pay for each of the above captioned classified positions shall be determined by each year's budget.

**SECTION 5.** The positions of Assistant Fire Chief and Assistant Police Chief shall be appointed positions, appointed by the head of the department.

**SECTION 6.** That all ordinances of the City of Waxahachie heretofore adopted which are in conflict with the provisions of this ordinance be, and the same are hereby repealed.

**SECTION 7.** That this ordinance shall take effect immediately after passage and all requirements under Chapter 143 of the Local Government Code have been satisfied.

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of December, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(14)



## Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

CC:

Date: November 26, 2019

Re: Land Exchange

Greg Nehib has requested the City exchange a tract of land adjacent to one of his properties with a tract they own adjacent to a City parcel. This request would transfer the remainder of the former Flat Street tract adjacent to 217 E. Main/MLK to Loren Gray Investments, LLC. In exchange, the City would receive the .1217 acre tract adjacent to the east of the Freedman's Memorial tract. In consideration of this exchange, a \$600 park dedication credit is being requested for use on a forthcoming redevelopment project on Patterson Street.

Staff views this land exchange as being of mutual benefit and is recommending City Council approval.

(110)

## **PURCHASE AND SALE AGREEMENT THROUGH REAL ESTATE EXCHANGE**

THIS PURCHASE AND SALE AGREEMENT THROUGH REAL ESTATE EXCHANGE ("**Agreement**") is made effective as of this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between Loren Gray Investments, a Texas Limited Liability Corporation, ("**Developer**"), and the CITY OF WAXAHACHIE, TEXAS, a Texas municipal corporation ("**City**").

### **WITNESSETH:**

WHEREAS, Developer is the owner of the real estate described on *Exhibit A* attached hereto and incorporated herein by reference, including any improvements and structures thereon (all being hereinafter collectively referred to as the "**Developer Property**"; and

WHEREAS, the City is the owner of the real estate described on *Exhibit B* attached hereto and incorporated herein by reference, including any improvements and structures thereon (all being hereinafter collectively referred to as the "**City Property**"; and

WHEREAS, Developer and the City desire to exchange and swap the two properties (collectively referred to as the "**Exchange Properties**") such that Developer will convey to the City the Developer Property, and the City will convey to Developer the City Property, with the consideration for such exchange being the transfer of titles, as well as the City's grant of a \$600 park dedication credit to be used in conjunction with Developer's future Patterson Street Development Project; and

NOW, THEREFORE, in consideration of the premises and of the mutual covenants of Developer and the City (hereinafter collectively referred to as the "**Parties**" and singularly as a "**Party**"), it is hereby agreed as follows:

### **ARTICLE I**

#### **PURCHASE AND SALE THROUGH REAL ESTATE EXCHANGE**

1.1 **Agreement to Sell and Purchase the Developer Property.** In accordance with and subject to the terms and conditions hereof, on the date of Closing (as hereinafter defined), Developer agrees to sell to the City, and the City agrees to purchase from Developer, the Developer Property.

1.2 **Agreement to Sell and Purchase the City Property.** In accordance with and subject to the terms and conditions hereof, on the date of Closing (as hereinafter defined), City agrees to sell to Developer, and Developer agrees to purchase from the City, the City Property.

1.3 **Consideration for the Sales.** The consideration for the sale by Developer of the Developer Property to the City, and the purchase of the Developer Property by the City, shall be the City's transfer of title to the City Property to the Developer. The consideration for the sale by the City of the City Property to Developer, and purchase of the City Property by Developer, shall be Developer's transfer of title to the Developer Property to the City. Additional consideration

(16)

shall be the City's grant of a \$600 park dedication credit to be used in conjunction with Developer's future Patterson Street Development Project. There is no cash consideration for the transfer/exchange of the properties. The real estate transfer/exchanges shall be conducted by the Title Company at Closing.

The Title Company shall be as follows:

Ellis County Title Company  
408 Ferris Ave.  
Waxahachie, Texas 75165

**1.4 Pro-Rata Adjustments at Closing.** The following items, if applicable, shall be paid at closing on the basis of a year of 12 months, 30 days to the month:

(a) General real and personal property taxes (state, county, municipal, school and fire district) for the then current tax fiscal year based upon the latest available tax bills or assessment information, whether for that year or the preceding year.

(b) Special taxes or assessments, if any, upon the properties assessed or becoming a lien prior to the date hereof (but only a pro rata share of the then current installment of such special taxes or assessment, if any).

In the event, on the date of Closing, the precise figures necessary for any of the foregoing adjustments are not capable of determination, the adjustments shall be made on the basis of the good faith estimates of Developer and the City (using the most recent currently available information) and final adjustments shall be made promptly after precise figures are determined or available.

Except as expressly provided in this **Section 1.4** or as expressly provided elsewhere in this Agreement, Developer and the City shall pay their own respective costs and expenses, including attorneys' fees, incidental to this Agreement and the transactions contemplated hereby.

**1.5 Possession.** On the date of the Closing, Developer shall transfer possession of the Developer Property to the City, and the City shall transfer possession of the City Property to Developer.

**1.6 Closing.** The closing (herein referred to as the "**Closing**") of the transactions contemplated hereby shall be on at date and time mutually agreed upon by the Parties at the offices of the Title Company.

**1.7 Documents at Closing.**

On the date of Closing, the Parties shall execute and deliver or cause to be delivered to each other, the following documents:

(a) A deed without warranty transferring and conveying to other party title to the property subject to the exchange;

(16)

(b) A standard form Seller's affidavit against mechanics liens and against parties in possession, and such other documents, if any, as may be required by the Title Company, on forms customarily used by the Title Company and reasonably satisfactory to the Parties; and

(c) An affidavit from Developer, in form reasonably satisfactory to the City, affirming that Developer is not a foreign person under the Foreign Investment in Real Property Tax Act of 1980, as amended, and that no taxes or withholding shall be assessed or applied to the City in connection with the Closing and the transactions contemplated hereby.

## **ARTICLE II**

### **REPRESENTATIONS AND WARRANTIES OF THE PARTIES**

The Parties makes the following representations and warranties, which representations and warranties are true and correct on the date hereof, and which representations and warranties shall survive the Closing for a period of one year from the date thereof.

#### **2.1 Corporate Authority.**

(a) With respect to the City, the City represents and warrants, in particular, that:

(1) The City is a municipal corporation duly organized, validly existing and in good standing under the laws of the State of Texas.

(2) The City has all necessary power and authority to own, use and transfer its properties (including the City Property), and has full power and authority to enter into this Agreement, to execute and deliver the documents required of the City herein, and to perform its obligations hereunder.

(3) The City is duly authorized to execute, deliver and perform this Agreement and all documents and instruments and transactions contemplated hereby or incidental hereto.

(4) The individual executing this Agreement on behalf of the City is authorized to do so and, upon executing this Agreement, this Agreement shall be binding and enforceable upon the City in accordance with its terms.

(b) With respect to Developer, the Developer represents and warrants, in particular, that:

(1) Developer is a \_\_\_\_\_ duly organized, validly existing and in good standing under the laws of the State of Texas.

(2) Developer has all necessary power and authority to own, use and transfer its properties (including the Developer Property), and has full power and authority to

(16)

enter into this Agreement, to execute and deliver the documents required of Developer herein, and to perform its obligations hereunder.

(3) Developer is duly authorized to execute, deliver and perform this Agreement and all documents and instruments and transactions contemplated hereby or incidental hereto.

(4) The individual executing this Agreement on behalf of Developer is authorized to do so and, upon executing this Agreement, this Agreement shall be binding and enforceable upon the City in accordance with its terms.

**2.2 Commissions.** There shall be no commission payable by either Party for this transaction.

**2.3 Litigation.** To the Parties' actual knowledge, there are no claims, actions, suits, condemnation actions or other proceedings pending or, threatened by any entity against either Party regarding the Exchange Properties.

**2.4 No Violations of Laws.** To the Parties' actual knowledge, they are not aware of any current violations of any applicable federal, state and local laws, ordinances, codes, regulations, rulings, orders, case law and other legal requirements ("Laws") affecting the Exchange Properties, except as previously disclosed by the Parties in writing.

**2.5 No Option.** To the Parties' actual knowledge, they have not granted any options or rights of first refusal to purchase with respect to the Exchange Properties.

**2.6 Tenancies.** There are no tenancies or occupancies affecting properties Exchange Properties or persons in possession of any part thereof which will not be terminated on or before Closing. There are no persons or entities with whom the Parties or their agents have negotiated with regard to prospective leases of the Exchange Properties that in any manner might give rise to a claim by such persons or entities against either Party or the Exchange Properties.

**2.7 Operating Agreements.** There are no service, supply, maintenance, leasing or management agreements affecting the properties or the operation of any part thereof which will be binding upon the Exchange Properties after Closing.

**2.8 Environmental.** To the Parties' actual knowledge, the Exchange Properties have been and are in compliance in all material respects with all applicable environmental laws.

**2.9 Value of Conveyed Property.** This Agreement reflects and acknowledges that the City Property conveyed by the City to Developer is equal in value to the Developer Property conveyed by Developer to the City, and the Parties so acknowledge.

**2.10 Additional Representations.** Further, at the time of conveyance of any property by one Party to the other, the City and Developer acknowledge and warrant that (i) there are no parties in possession of any portion of the Exchange Properties referenced herein, whether as lessees, tenants at sufferance, trespassers, or otherwise; (ii) no suit, action, or other proceeding, including, without limitation, a condemnation or similar proceeding or assessment, is pending or threatened in any court or governmental agency against all or any part of the properties

(16)

referenced herein; (iii) there are no contracts or agreements to which Developer is a party that affect the value or marketability of the properties referenced herein other than as filed for record; and (iv) Developer shall promptly upon written request of the City cure and remove any and all clouds on or defects in title to the Developer Property to the City's satisfaction.

**2.11 No Obligation by the City to Zoning Designations or Land Use Entitlements.**

The execution of this Agreement by the City shall not confer any entitlement(s) or constitute any agreement(s) concerning any future Comprehensive Plan land use classifications, zoning designations or other land use(s), either implied or otherwise, on any of City Property. Further, the City makes no guarantee or assurance that either the current Comprehensive Plan land use classification(s) or current zoning designation(s) will ever be changed or modified to facilitate Developer's intended use of the City Property.

**ARTICLE III**

**MISCELLANEOUS PROVISIONS**

**3.1 Binding Agreement.** This Agreement shall be binding on and shall inure to the benefit of the Parties named herein and to their respective heirs, administrators, executors, personal representatives, successors and assigns.

**3.2 Assignment.** Neither Party may assign its rights and interests hereunder without the prior written consent of the other Party.

**3.3 Notices.** All notices, requests, demands and other communications hereunder shall be deemed to have been duly given if the same shall be in writing and shall be delivered personally (which shall include delivery by national overnight courier service) or sent by registered or certified mail, postage prepaid, and addressed as set forth below:

(a) If to the City:

City of Waxahachie, Texas  
401 S. Rogers  
Waxahachie, Texas 75165  
Attention: Michael Scott, City Manager

With a copy to:

Brown & Hofmeister, L.L.P.  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081  
Attention: Robert Brown, Esq.

If to Developer:

Loren Gray Investments, LLC  
PO Box 2868  
Waxahachie, TX 75168

(16)

Attention: Brad Yates

Any party may change the address to which notices are to be addressed by giving the other parties notice in the manner herein set forth.

**3.4 Governing Law.** This Agreement shall be construed and interpreted according to the laws of the State of Texas.

**3.5 Entire Agreement.** This Agreement, together with all the Exhibits attached hereto and incorporated by reference herein, constitutes the entire undertaking between the parties hereto, and supersedes any and all prior agreements, arrangements and understandings between the parties.

**3.6 Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall constitute an original.

**3.7 AS IS.**

(a) EXCEPT AS EXPRESSLY PROVIDED IN ARTICLE II HEREOF: (I) IT IS EXPRESSLY ACKNOWLEDGED AND AGREED BY THE PARTIES THAT NO REPRESENTATIONS OR WARRANTIES OF ANY KIND HAVE BEEN MADE BY THE PARTIES OR THE PARTIES' AGENTS OR CONSULTANTS TO EACH OTHER WITH RESPECT TO THE PROPERTIES; AND (II) ANY STATEMENTS WHATSOEVER MADE BY THE PARTIES OR THE PARTIES' AGENTS OR CONSULTANTS TO EACH OTHER OUTSIDE OF ARTICLE II ARE NOT MATERIAL AND HAVE NOT BEEN RELIED UPON BY EITHER PARTY. WITHOUT LIMITING THE GENERALITY OF THIS ACKNOWLEDGMENT AND AGREEMENT, IT IS SPECIFICALLY ACKNOWLEDGED AND AGREED THAT THE PROPERTIES SHALL BE ACCEPTED BY THE PARTIES IN "AS IS", "WHERE IS" CONDITION, "WITH ALL FAULTS".

(b) EXCEPT AS EXPRESLLY PROVIDED IN ARTICLE II HEREOF: THE PARTIES EXPRESSLY DISCLAIM ANY WARRANTY OF MERCHANTABILITY AND WARRANTY FOR FITNESS FOR A PARTICULAR USE OR ANY OTHER WARRANTY EXPRESSED OR IMPLIED THAT MAY ARISE BY OPERATION OF LAW OR UNDER THE UNIFORM COMMERCIAL CODE OF THE STATE OF TEXAS.

**3.8 Severability.** The provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any provisions of this Agreement shall not affect the validity or enforceability of the other provisions hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on \_\_\_\_\_, however, to be effective as of \_\_\_\_\_.

(16)

**"DEVELOPER"**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

**"CITY"**

CITY OF WAXAHACHIE, TEXAS,  
a Texas municipal corporation

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

Name: Michael Scott

Title: City Manager

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

Received:

Title Company:

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

(16)

EXHIBIT A

REAL PROPERTY LEGAL DESCRIPTION FOR DEVELOPER PROPERTY

Project No. 190105

**PROPERTY DESCRIPTION**

BEING all that certain parcel of land being a portion of Block 61 in Town Addition, an addition in the City of Waxahachie Texas, according to the Official Phillips and Hawkins Map thereof recorded in Cabinet A, Slides 181-184 of the Plat Records of Ellis County, Texas, and being all of the tract of land conveyed to Loren Gray Investments, LLC by Sheriff's Tax Deed recorded in Volume 2632, Page 5764 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

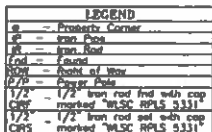
BEGINNING at a 1/2" iron rod set with cap marked "WLSC RPLS 5331" in the north line of Block 61 and in the south line of Martin Luther King, Jr. Boulevard (Main Street) (U.S. Highway 287 Business) for the northeast corner of said Gray Investments Tract and the northwest corner of the tract of land conveyed to E.L. Gibson by Warranty Deed recorded in Volume 454, Page 388 of the Deed Records of Ellis County, Texas (DRDCT);

THENCE S 26°19'40" W, along the east line of said Gray Investments Tract and the west line of said Gibson Tract, a distance of 126.66 feet to a 1/2" iron rod set with cap marked "WLSC RPLS 5331" in the south line of Block 61 and in the north line of Block 107 in Town Addition for the southeast corner of said Gray Investments Tract and the southwest corner of said Gibson Tract;

THENCE S 74°18'26" W, along the south line of said Gray Investments Tract and of Block 61 and the north line of Block 107, distance of 49.80 feet to a point for the southwest corner of said Gray Investments Tract;

THENCE N 26°19'40" E, along the west line of said Gray Investments Tract, a distance of 160.00 feet to a 1/2" iron rod set with cap marked "WLSC RPLS 5331" in the north line of Block 61 and in the south line of MLK Boulevard for the northwest corner of said Gray Investments Tract;

THENCE S 63°40'20" E (Plat – S 62°30' E), along the north line of said Gray Investments Tract and of Block 61 and the south line of MLK Boulevard, a distance of 37.00 feet to the PLACE OF BEGINNING and containing 0.1217 acres of land as surveyed on the ground June 4, 2019 by Walker Land Surveying Company. Basis of bearings is GPS observation, Texas Coordinate System, North Central Zone. Beginning coordinate - Northing=6826464.90, Easting=2480186.21.



Jackson Street Warehouses, Inc.  
Vol. 1643, Pg. 51  
OPREC

BEING all that certain parcel of land being a portion of Flat Street as dedicated in the plat of Original Town of Waco, Texas, according to the Official Phillips and Hawkins Map thereof recorded in Cabinet A, Slides 137-140 and Cabinet A, Slides 181-184 of the Plat Records of Ellis County, Texas, and being more particularly described as follows:

THENCE N 28°49'31" E (0.0811 Acre Deed - Bearing Basis Line, Same Distance), along a west line of this tract and an east line of said 0.0811 acre tract, a distance of 101.87 feet to a 1/2" iron rod found with cap marked "WESC RPLS 5331" for corner;

THENCE N 72°46'29" E (Same as 080111 Ace Dred), along a steel line of the tract and an east line of said 080111 Ace Dred, passing at 6.10 feet a 1/2" iron rod found with cap marked "WLS: RPLS 5311" for the northern northeast corner of said 080111 Ace tract and the curved southeast corner of the tract of land conveyed to Spalgus Properties, LLC by General Warranty Dred recorded in Volume 2765, Page 2278, OREGON, and passing at 90.18 feet a 1/2" iron rod found with cap marked "WLS: RPLS 5311" for WRECK, in all, a distance of 121.97 feet to a point in the south line of the tract of land conveyed to Spalgus Properties, LLC by General Warranty Dred recorded in Volume 1643, Page 51, OREGON for the northeast corner of this tract and the northeast corner of said Spalgus tract.

THENCE S 77°05'54" W, along the east line of this tract and the west line of said 0.733 acre tract, a distance of 224.00 feet to 1/2" iron rod set with cap marked "WLSO APLS 5331" in the north line of Main Street for the southeast corner of this tract and the southwest corner of said 0.733 acre tract.

Certified to:  
Big Blue Truck, LLC  
City of Waco, Texas

All original copies are multi-colored and marked with the Surveyor's embossed seal. Only these copies may be considered true and correct copies. Any copies not multi-colored and marked with the embossed seal are illegal copies and render this certification null and void.

FOR INSPECTION PURPOSES ONLY  
AND IN NO WAY OFFICIAL OR  
APPROVED FOR RECORD PURPOSES

Project Number: 190069

(116)

## EXHIBIT B

### REAL PROPERTY LEGAL DESCRIPTION FOR CITY PROPERTY

Project No. 190089

#### **PROPERTY DESCRIPTION**

BEING all that certain parcel of land being a portion of Flat Street as dedicated in the plat of Original Town of Waxahachie Texas, according to the Official Phillips and Hawkins Map thereof recorded in Cabinet A, Slides 137-140 and Cabinet A, Slides 181-184 of the Plat Records of Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a "V" found in the north line of Main Street (U.S. Highway 287) for the southwest corner of this tract and the southeast corner of the 0.0811 acre tract of land conveyed to Big Blue Truck, LLC by General Warranty Deed recorded in Instrument Number 1834837 of the Official Public Records of Ellis County, Texas (OPRECT);

THENCE N 26°49'31" E (0.0811 Acre Deed – Bearing Basis Line, Same Distance), along a west line of this tract and an east line of said 0.0811 acre tract, a distance of 101.87 feet to a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for corner;

THENCE N 62°30'19" W (Same as 0.0811 Acre Deed), along a south line of this tract and a north line of said 0.0811 acre tract, a distance of 8.16 feet to an "X" found for corner;

THENCE N 27°46'29" E (Same as 0.0811 Acre Deed), along a west line of this tract and an east line of said 0.0811 acre tract, passing at 6.10 feet a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for the northerly northeast corner of said 0.0811 acre tract and the current southeast corner of the tract of land conveyed to Spilsgus Properties, LLC by General Warranty Deed recorded in Volume 2765, Page 2279, OPRECT, and passing at 90.16 feet a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for witness, in all, a distance of 121.97 feet to a point in the south line of the tract of land conveyed to Jackson Street Warehouses, Inc. by Warranty Deed recorded in Volume 1643, Page 51, OPRECT for the northwest corner of this tract and the northeast corner of said Spilsgus Tract;

THENCE S 62°30'19" E, along the north line of this tract and the south line of said Jackson Street Warehouse Tract, a distance of 30.20 feet to a point in the west line of the 0.733 acre tract of land conveyed to Fogarty Holmes by General Warranty Deed recorded in Instrument Number 10904010, OPRECT for the northeast corner of this tract and the southeast corner of said Jackson Street Warehouse Tract;

THENCE S 27°05'54" W, along the east line of this tract and the west line of said 0.733 acre tract, a distance of 224.00 feet to 1/2" iron rod set with cap marked "WLSC RPLS 5331" in the north line of Main Street for the southeast corner of this tract and the southwest corner of said 0.733 acre tract;

THENCE N 62°06'04" W, along the south line of this tract and the north line of Main Street, a distance of 23.00 feet to the PLACE OF BEGINNING and containing 0.1410 acres of land as surveyed on the ground October 18, 2019 by Walker Land Surveying Company.

# WLSC

Walker Land Surveying Company

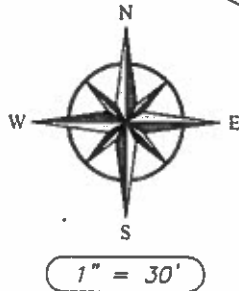
P.O. Box 2911 Waxahachie, Texas 75168

Phone: (972) 938-8693

TBPLS Firm No. 10112400

See Attached Property Description

Martin Luther King, Jr. Boulevard  
(Main Street - Highway 287 Business)



City of Waxahachie

0.1217 Acres

N 26°19'40" E 160.00'

S 26°19'40" W 126.66'

E.L. Gibson  
Vol. 454, P. 9, 388  
DIRECT

City of Waxahachie

## BOUNDARY SURVEY

0.1217 Acres

A Portion of Block 61

Town Addition

City of Waxahachie, Texas

This property lies entirely within a 100 year flood plain  
Map# 48139C0190F, June 3, 2013.

This is to certify that I have, on this date, made a true and correct on the ground survey of the subject property. The plat hereon is an accurate representation of the boundary and area as determined by survey. The size, location, and type of buildings and improvements are as shown. Any visible utilities and easements are located as shown. I do not warrant that those shown comprise all such utilities in the area, whether in service or abandoned. The surveyor has not abstracted the property. This survey substantially complies with the Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition 2 Survey. This certification is not a representation of warranty of title or a guarantee of ownership. This survey was completed exclusively for the above named parties in the original transaction only. It was completed for single use only and no license is granted for any other use without the express written consent of Walker Land Surveying Company. This survey plat contains material protected by United States copyright law and international treaties. Copyright ©2019 Walker Land Surveying Company. All rights reserved.

### LEGEND

⊙	- Property Corner
IP	- Iron Pipe
IR	- Iron Rod
Fnd	- Found
ROW	- Right of Way
B.L.	- Building Line
U.E.	- Utility Easement
D&UE	- Drainage & Utility Easement
P/P	- Power Pole
1/2"	- 1/2" Iron rod set with cap
CIRS	- marked "WLSC RPLS 5331"

Date: October 18, 2019

Scale: 1"=40'

Job: 190105

Copyright © 2019 Walker Land Surveying Company.  
All rights reserved.

FOR INSPECTION PURPOSES ONLY.  
AND IN NO WAY OFFICIAL OR  
APPROVED FOR RECORD PURPOSES

J. Shawne Walker, R.P.L.S.  
Texas Registration #5331