

AGENDA

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, November 16, 2020 at 7:00 p.m.**

Council Members: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3

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. **Accept** Ms. Tiffany Duran's Certificate of Withdrawal of the Runoff Election for Council Member Place 2
6. **Consider** proposed Ordinance canceling the Runoff Election for Council Member Place 2
7. **Administer** Oath of Office to Council Member Place 2
8. **Organization** of City Council
9. **Consent Agenda**

All matters listed under Item 9, 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 2, 2020
 - b. Minutes of the City Council briefing of November 2, 2020
 - c. Minutes of the special City Council meeting of November 12, 2020
 - d. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
 - e. Consider Waxahachie Community Development Corporation Expenditure and Award of Bid to Sports Fields, Inc. for Waxahachie Sports Complex Synthetic Turf Improvements
 - f. Authorize Agreement with TimeClock Plus for new Time Clock System
 - g. Event application for SAGU's Annual 5K Turkey Trot Fundraiser to be held November 19, 2020

- h. Event application for Gingerbread Trail Car Show to be held June 5, 2021
 - i. Event application for Cars in the Park Car Show to be held July 17, 2021
 - j. Event application for Waxahachie Fun Run Car Show to be held August 21, 2021
10. **Present** Proclamation proclaiming November 21, 2020 as “Testicular Cancer Awareness Day”
 11. **Public Hearing** on a request by Carolyn J Haman for Voluntary Annexation on approximately 150.5+/- acres located NW of 2374 W Highway 287 Bypass (Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-145-2020)
 12. **Consider** proposed Ordinance adopting ANX-DNX-145-2020
 13. **Public Hearing** on a request by Phillip Fisher, Macatee Engineering LLC, for a Zoning Change from a Future Development and General Retail zoning district to Planned Development-Mixed-Use Residential, located W of 2374 W Highway 287 Bypass (Property IDs 185971, 185972, 185886, 185978) - Owner: CAROLYN J HAMAN (ZDC-72-2020)
 14. **Consider** proposed Ordinance approving ZDC-72-2020
 15. **Consider** Development Agreement for ZDC-72-2020
 16. **Public Hearing** on a request by Kimberly Caldwell for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family Residential-2 zoning district located at 137 Valley Ranch Drive (Property ID 232345) - Owner: KIMBERLY CALDWELL and RICHARD & CELESTE GRAY (ZDC-140-2020)
 17. **Consider** proposed Ordinance approving ZDC-140-2020
 18. **Public Hearing** on a request by Anthony Hopkins, Waxahachie Golf Club, for a Specific Use Permit (SUP) for Private Country Club use within a Single Family Residential-1 zoning district located at 1920 W Highway 287 Business (Property ID 179581) - Owner: VARGAS SUMMIT II LLC (ZDC-142-2020)
 19. **Consider** proposed Ordinance approving ZDC-142-2020
 20. **Public Hearing** on a request by Christopher Anderson, JC’s, for a Specific Use Permit (SUP) for Convenience Store use within a General Retail zoning district located at 211 Ennis Street, Suite A (being a portion of Property ID 171493) - Owner: DAVID TERRY JR (ZDC-135-2020)
 21. **Consider** proposed Ordinance approving ZDC-135-2020
 22. **Public Hearing** on a request by Akhila Gondi, Triangle Engineering LLC, for a Specific Use Permit (SUP) for Auto Parts and Accessory Sales use within a Planned Development-General Retail zoning district located S of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: CRYSTAL S SHRIDHARANI (ZDC-137-2020)
 23. **Consider** proposed Ordinance approving ZDC-137-2020
 24. **Consider** Development Agreement for ZDC-137-2020

25. **Public Hearing** on a request by Keri Illauer for a Specific Use Permit (SUP) for Accessory Building +700 SF use within a Single Family Residential-2 zoning district located at 103 Poplar Street (Property ID 176750) - Owner: KERI GODDARD (ZDC-147-2020)
26. **Consider** proposed Ordinance approving ZDC-147-2020
27. **Consider** Development Agreement for ZDC-147-2020
28. **Continue Public Hearing** on a request by Paula Justice, Secure More Storage, for a Zoning Change from a Light Industrial-2 and Single-Family Residential-2 zoning district to Planned Development-Light Industrial-2, located at 602 Cantrell Street (Property ID 189795) - Owner: SECURE MORE STORAGE CORP (ZDC-130-2020)
29. **Consider** proposed Ordinance approving ZDC-130-2020
30. **Public Hearing** on a request by Jeri Thomas, Thomas & Burns, for a Replat of Lot 43, Ferris Second Addition, to create Lots 43A and 43B, Ferris Second Addition, 0.425 acres (Property ID 173386) – Owner: JERI A THOMAS (SUB-131-2020)
31. **Consider** approval of SUB-131-2020
32. **Public Hearing** on a request by applicant Nutrenare-AG, Inc., owner of property located at 4740 N. Interstate 35E, Waxahachie, Texas for a tax abatement agreement in support of an expansion of business operations including, but not limited to, a new building with improvements estimated at \$5,100,000 and the establishment of Tax Reinvestment Zone #30 at 4740 N. Interstate 35, Waxahachie, Texas
33. **Consider** proposed Ordinance designating a certain area within the taxing jurisdiction of the City of Waxahachie to be known as Reinvestment Zone #30; establishing the boundaries thereof; and providing for an effective date
34. **Consider** proposed Resolution approving Tax Abatement Agreement for Nutrenare-AG, Inc. in support of expansion of business operations at 4740 N. Interstate 35, Waxahachie, Texas.
35. **Public Hearing** on a request by applicant Timco Logistics Systems, Inc. and Myti Properties, LLC, owner of property located at 197 Ovilla Road, Waxahachie, Texas for a tax abatement agreement in support of an expansion of business operations including, but not limited to, a new building with improvements estimated at \$6,950,000 and the establishment of Tax Reinvestment Zone #31 at 197 Ovilla Road, Waxahachie, Texas
36. **Consider** proposed Ordinance designating a certain area within the taxing jurisdiction of the City of Waxahachie to be known as Reinvestment Zone #31; establishing the boundaries thereof; and providing for an effective date
37. **Consider** proposed Resolution approving Tax Abatement Agreement for Timco Logistics Systems, Inc. and Myti Properties, LLC in support of expansion of business operations at 197 Ovilla Road, Waxahachie, Texas.

38. **Public Hearing** on a request by applicant Kinro Texas, Inc., owner of property located at 101 Mushroom Road, Waxahachie, Texas for a tax abatement agreement in support of an expansion of business operations including, but not limited to, a new building with improvements estimated at \$18,000,000 and the establishment of Tax Reinvestment Zone #32 at 101 Mushroom Road, Waxahachie, Texas
39. **Consider** proposed Ordinance designating a certain area within the taxing jurisdiction of the City of Waxahachie to be known as Reinvestment Zone #32; establishing the boundaries thereof; and providing for an effective date
40. **Consider** proposed Resolution approving Tax Abatement Agreement for Kinro Texas, Inc. in support of expansion of business operations at 101 Mushroom Road, Waxahachie, Texas
41. **Consider** Interlocal Agreement with the Southern Regional Response Group/Special Response Team
42. **Consider** Professional Services Agreements for Architectural Services and Project Management Services for the City Hall Annex project
43. Comments by Mayor, City Council, City Attorney and City Manager
44. 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

(5)

SW-16
Prescribed by Secretary of State
Section 145.001, Texas Election Code
0107

CERTIFICATE OF WITHDRAWAL

I, Tiffany Duran, a candidate for the office of Waxahachie City Council Place 2, hereby withdraw my candidacy from the Run-off City of Waxahachie election. The election is being conducted by City of Waxahachie and is to be held on December 12, 2020.
(political subdivision/county/party) (date)

Tiffany Duran
Signature of Candidate

"The State of Texas

"County of Ellis

"This instrument was acknowledged before me on 11-12-2020 by
(date)

Tiffany Duran
(withdrawing candidate)



[Signature]
(Signature of officer)

Notary Public
(Title of officer)

My commission expires: 9-12-2022

*Forma prescrita por la Secretaría de Estado
Fracción 145.001 del Código Electoral de Texas*

CONSTANCIA DE RETIRO DE CANDIDATURA

Yo, _____, candidato/a al cargo de _____, por este medio retiro mi candidatura de la elección _____. Dicha elección estará a cargo de _____ y se celebrará el _____.
(subdivisión política/condado/partido) (fecha)

Firma del/de la Candidato/a

"El estado de _____

"Condado de _____

"El presente instrumento fue reconocido ante mi el _____ por
(fecha)

(persona que retira su candidatura)



Firma del/de la Oficial

(Título del/de la Oficial)
(Mi cargo se vence el): _____

(6)

CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, CANCELLING A RUNOFF ELECTION SET TO BE HELD ON TUESDAY, DECEMBER 8, 2020, FOR THE PURPOSE OF ELECTING AN AT-LARGE COUNCIL MEMBER FOR PLACE 2; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 3, 2020, an election was held for Council Member Place 2; and

WHEREAS, as a result of the election, no Place 2 candidate received a majority (over 50%) of all votes casts; and

WHEREAS, Section 2.01(c) of the City Charter provides, in pertinent part, that “[i]n 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;” and

WHEREAS, candidates Tiffany Duran and Doug Barnes were the two (2) candidates who received the highest number of votes for Council Member Place 2 and, accordingly, must compete in a runoff election to determine who shall be elected to Council Member Place 2; and

WHEREAS, on November 12, 2020, the City Council ordered, through Ordinance No. 3229, that a runoff election for Council Member Place 2 between Tiffany Duran and Doug Barnes shall be conducted on Tuesday, December 8, 2020, for At-Large Council Member for Place 2; and

WHEREAS, Tiffany Duran has timely filed with the City Secretary a written certificate of withdrawal withdrawing her candidacy from the runoff election, pursuant to Texas Election Code sections 145.092(d) and 145.093; and

WHEREAS, the City Council has accepted Ms. Duran’s certificate of withdrawal which, as provided by Texas Election Code section 145.095, automatically awards Doug Barnes the position of Council Member Place 2 and provides that the runoff election is not to be held.

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

SECTION 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The runoff election for Council Member Place 2 between Tiffany Duran and Doug Barnes, previously ordered to be conducted on Tuesday, December 8, 2020, for At-

(6)

Large Council Member for Place 2 on the Waxahachie City Council, is hereby cancelled and Ordinance No. 3229 ordering such runoff election is hereby repealed.

SECTION 3. The Council finds that an emergency involving efficient daily operations of the City is involved, and that this ordinance will become effective immediately.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS THE 16th DAY OF NOVEMBER 2020.

David Hill, Mayor

ATTEST:

Lori Cartwright, City Secretary

[SEAL]

APPROVED AS TO FORM:

Robert F. Brown, City Attorney

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 2, 2020 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor 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, Waxahachie, thanked city staff for repairs of park benches at Lions Park. He expressed concern with the placement of fencing on properties throughout the city.

Mr. Alan Fox, 327 University, Waxahachie, referenced the upcoming election noting the community has a lot of good people and city council is here to come together and not have a personal agenda. He noted we need good people on the City Council serving and the community needs to be participants.

Mr. Chris Wright, 808 West Marvin, Waxahachie, thanked city council for their time and effort they have spent looking out for the best interest of the city and its residents.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 19, 2020
- b. Minutes of the City Council briefing of October 19, 2020
- c. Revised 2020 Holiday Schedule
- d. Accept the Impact Fee Capital Improvement Advisory Committee's Capital Improvement Plan Recommendation Letter
- e. Budget Amendment increasing Miscellaneous Revenue and Human Resources – Employee Wellness Account
- f. Proposal for Architectural Design Services by la terra studio for Master Planning of City's Lake Parks and Authorizing Funding from Park Dedication Fees
- g. Proposed Resolution No. 1295 for Senior Housing for the Gala at Waxahachie, LP

(9a)

RESOLUTION NO. 1295

A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS, INDICATING CENSUS TRACT 48139060400 AS HAVING MORE THAN 20% HOUSING TAX CREDIT UNITS PER TOTAL HOUSEHOLDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

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

6. Present Proclamation proclaiming November 2-6, 2020 as “Municipal Court Week”

Mayor Hill read a proclamation proclaiming November 2-6, 2020 as “Municipal Court Week” and presented it to Municipal Court Administrator Tammie Atchison.

7. Consider a resolution to call a public hearing associated with the 5-Year Update for the City of Waxahachie’s Land Use Assumptions, Capital Improvement Plan and associated Impact Fees

Director of Public Works and Engineering James Gaertner explained the proposed Resolution would allow for a public hearing to be scheduled within 60 days, as required by State Law, with a tentative date of December 7, 2020 for the proposed public hearing to be held at City Council.

RESOLUTION NO. 1296

A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS ESTABLISHING A PUBLIC HEARING DATE TO CONSIDER APPROVAL OF CAPITAL IMPROVEMENT PLANS AND IMPACT FEES FOR ROADWAYS, WATER, AND WASTEWATER FACILITIES; AND PROVIDING AN EFFECTIVE DATE

Action:

Councilmember Kevin Strength moved to accept Resolution No. 1296 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

8. Public Hearing on a request by Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)

Mayor Hill opened the Public Hearing.

Director of Planning Shon Brooks reported during a city health inspection, staff noticed the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. He noted the owner was not aware of the required SUP. The Family Home has been licensed and regulated by the Texas Department of Health and Human Services for years. Staff recommended approval.

(9a)

There being no others to speak for or against ZDC-128-2020, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-128-2020

ORDINANCE NO. 3225

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 409 W. 6TH STREET, PROPERTY ID 176922, BEING LOT 2, BLOCK 35 OF WILLIAMS-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3225. Councilmember Melissa Olson seconded, All Ayes.

10. Public Hearing on a request by Yolanda Martinez, Martinez Day Care, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 317 W University Avenue (Property ID 176190) - Owner: JOE & YOLANDA MARTINEZ (ZDC-129-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported during a city health inspection, staff noticed the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. He noted the owner was not aware of the required SUP. The Family Home has been legally licensed and regulated by the Texas Department of Health and Human Services for years. Staff recommended approval.

There being no others to speak for or against ZDC-129-2020, Mayor Hill closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-129-2020

ORDINANCE NO. 3226

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 317 W. UNIVERSITY AVENUE, PROPERTY ID 176190, BEING LOT 8 OF THE UNIVERSITY ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3226. Councilmember Chuck Beatty seconded, All Ayes.

(9a)

12. **Public Hearing on a request by Carrie Finley for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 201 Olive Street (Property ID 176437) - Owner: RICKIE L & CARRIE R FINLEY (ZDC-134-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported during a city health inspection, staff noticed the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. He noted the owner was not aware of the required SUP. The Family Home has been legally licensed and regulated by the Texas Department of Health and Human Services for years. Staff recommended approval.

There being no others to speak for or against ZDC-134-2020, Mayor Hill closed the Public Hearing.

13. **Consider proposed Ordinance approving ZDC-134-2020**

ORDINANCE NO. 3227

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 201 OLIVE STREET, PROPERTY ID 176437, BEING LOT 1B, 2C, AND 6A OF UNIVERSITY ANNEX, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3227. Councilmember Melissa Olson seconded, All Ayes.

14. **Public Hearing on a request by Erik Barnard for a Zoning Change from a Single-Family Residential-1 zoning district to Commercial, located at 601 Ovilla Road (Property ID 191635) - Owner: ERIK BARNARD AND ELMWOOD HOMES LLC (ZDC-127-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting a zoning change to construct an office building. The applicant intends to remove the existing single-family structure from the subject property. Staff recommended approval.

There being no others to speak for or against ZDC-127-2020, Mayor Hill closed the Public Hearing.

(90)

15. Consider proposed Ordinance approving ZDC-127-2020

ORDINANCE NO. 3228

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO COMMERCIAL (C), TO ALLOW AN OFFICE DEVELOPMENT, LOCATED AT 601 OVILLA ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.005 ACRES, KNOWN AS A PORTION OF PROPERTY ID 191635, OF ABSTRACT 1080 OF THE WM C TUNNELL SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3228. Councilmember Chuck Beatty seconded, All Ayes.

16. Public Hearing on a request by Paula Justice, Secure More Storage, for a Zoning Change from a Light Industrial-2 and Single-Family Residential-2 zoning district to Planned Development-Light Industrial-2, located at 602 Cantrell Street (Property ID 189795) - Owner: SECURE MORE STORAGE CORP (ZDC-130-2020)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue the Public Hearing to the City Council meeting of November 16, 2020.

17. Consider proposed Ordinance approving ZDC-130-2020

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Paula Justice, Secure More Storage, for a Zoning Change from a Light Industrial-2 and Single-Family Residential-2 zoning district to Planned Development-Light Industrial-2, located at 602 Cantrell Street (Property ID 189795) - Owner: SECURE MORE STORAGE CORP (ZDC-130-2020) to the City Council meeting of November 16, 2020. Councilmember Kevin Strength seconded, All Ayes.

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

Councilmember Kevin Strength thanked Mr. Alan Fox for his comments.

City Manager Michael Scott noted Election Day is November 3, 2020 and thanked city council for their dedication to the city.

Mayor David Hill thanked all who spoke under Public Comments. He stated the city is a very special place to serve.

(9a)

19. Adjourn

There being no further business, the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(96)

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 2, 2020 at 6:30 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

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

Staff reviewed the following Consent Agenda Items:

- c. Revised 2020 Holiday Schedule – City Manager Michael Scott stated Veterans Day will be added to the Holiday Schedule.
- d. Accept the Impact Fee Capital Improvement Advisory Committee’s Capital Improvement Plan Recommendation Letter – James Gartner, Director of Public Works and Engineering, reviewed revisions regarding the impact fees program update.
- e. Budget Amendment increasing Miscellaneous Revenue and Human Resources – Employee Wellness Account – Assistant City Manager Albert Lawrence explained the accounts will increase by \$20,000 and the additional funds would come from Blue Cross Blue Shield.
- f. Proposal for Architectural Design Services by la terra studio for Master Planning of City’s Lake Parks and Authorizing Funding from Park Dedication Fees – Parks Director Gumaro Martinez reported the funds will be for master planning of Spring Park, Jetty Park, and Boat Dock Park. He stated funding in the amount of \$24,750 will be issued from the Parks Dedication Fees.
- g. Proposed Resolution for Senior Housing for the Gala at Waxahachie, LP – Planning Director Shon Brooks stated the Resolution is required in order for the applicant to commence with the development.

Mr. Brooks reviewed the following cases:

ZDC-128-2020, ZDC-129-2020, and ZDC-134-2020 – child daycares at single-family residences. The Specific Use Permits will bring the Family Homes into compliance with the City of Waxahachie.

(9b)

ZDC-127-2020 – The applicant is requesting a zoning change to construct an office building on one (1) acre. If approved the applicant intends to remove the existing single-family structure from the subject property.

ZDC-130-2020 – The applicant requested a continuance to the City Council meeting of November 16, 2020.

3. Adjourn

There being no further business, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Thursday, November 12, 2020 at 12:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor 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. Patrick Souter, 700 West Main Street, Waxahachie, spoke against the city's process of an election runoff and how it was handled. He stated because Ms. Duran moved out of the city, the election runoff should be between him and Mr. Barnes.

Mr. Ryan Finch, 504 Sycamore Street, Waxahachie, Mr. Souter's Campaign Finance Officer, spoke against the process of the election runoff.

5. Canvass and accept votes of City Council Election held on November 3, 2020

Mayor Hill canvassed the election returns of the City Council Election held on Tuesday, November 3, 2020 as follows:

Place 1	David Hill	9,317
Place 1	Paul Christenson	5,284
	Total Votes Cast:	14,601
Place 2	Tiffany Duran	6,150
Place 2	Patrick Souter	3,865
Place 2	Doug Barnes	4,038
Total Votes Cast:		14,053

(90)

Place 3	Melissa Olson	7,777
Place 3	Kevin Strength	6,857
Total Votes Cast:		14,634

Action:

Councilmember Kevin Strength moved to accept the election returns of the City Council Election held on Tuesday, November 3, 2020 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

6. Administer Oaths of Office to Council Member Place 1 and Council Member Place 3

City Secretary Lori Cartwright administered the Oaths of Office to Mr. David Hill and Ms. Melissa Olson.

7. Consider proposed Ordinance ordering a Runoff Election for Council Member Place 2

City Attorney Robert Brown stated the City received a Certificate of Withdrawal from Ms. Tiffany Duran for Place 2 after the agenda for the current city council meeting was posted. He explained the procedure of cancelling the order of a runoff election for Councilmember Place 2, noting Mr. Barnes will be sworn in at the City Council meeting of November 16, 2020. Mr. Brown presented Ordinance 3229 ordering a runoff election.

ORDINANCE NO. 3229

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING THAT A RUNOFF ELECTION BE HELD ON TUESDAY, DECEMBER 8, 2020, FOR THE PURPOSE OF ELECTING AN AT-LARGE COUNCIL MEMBER FOR PLACE 2; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH THE ELLIS COUNTY ELECTIONS ADMINISTRATOR; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3229 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

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

City Council and City Staff thanked Councilmember Kevin Strength for his dedicated years of service on City Council and the many projects that were completed and currently under construction because of him.

City Attorney Robert Brown referenced the Texas Election Code noting the code does allow a candidate, not a city, to go petition the court and try to declare somebody ineligible. He explained the only way Ms. Duran's name cannot be on the runoff ballot is for the city to call a runoff election and for her to submit a withdrawal, which is what happened. Mr. Brown stated if the judge says that she was ineligible, she still goes on the ballot. He explained there is no path for the 3rd place vote getter to be placed on a runoff election ballot.

(9c)

9. Adjourn

There being no further business, the meeting adjourned at 12:30 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(9d)

**INTERLOCAL AGREEMENT
BETWEEN COUNTY OF ELLIS, TEXAS
AND CITY OF WAXAHACHIE, TEXAS**

This Agreement entered into between the County of Ellis, a political body of the State of Texas, hereinafter referred to as (the "County"), and the City of WAXAHACHIE, a _____ of the State of Texas, hereinafter referred to as a (the "City").

WITNESSETH:

WHEREAS, the County and City desire to increase their efficiency and effectiveness by entering into this contract; and

WHEREAS, such contract is authorized under Chapter 791 of the Government Code of the State of Texas, said law cited as the Interlocal Cooperation Act of the State of Texas; and

WHEREAS, the function of service contracted for and to be provided by this Agreement is within the definition of "Governmental Function and Services" as defined by Section 791.003 of the Government Code; and

WHEREAS, the function of service contracted to be provided is a function or service that each party to the contract is authorized to perform individually.

NOW THEREFORE, for the mutual covenants and considerations expressed herein, the County and the City hereby agree as follows:

1. The County agrees to provide labor, equipment and materials necessary to complete road maintenance, enhancements, repairs and other projects that may be requested by City and accepted by County pursuant to this Agreement. Function or services provided shall include maintenance, repair and construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. The County shall further be authorized to sell City goods and services.
2. The City shall be the party receiving the function, goods, or service and providing payment for such function, goods and/or services.
3. The City, as paying party acknowledges and certifies, as required by the Interlocal Cooperation Act, that all payments shall be made from the current revenues available to City.
4. The term of this Agreement shall be for a fixed period commencing on the date of execution by the last governing body's authorized agent and ending on December 31st, 2021 ("Effective Period").

(9d)

5. Both parties acknowledge and understand, in reference to any project undertaken under this Agreement involving the maintenance, repair, and construction of streets, roads, alleys, bridges and parking areas, as well as the maintenance and construction of waterways and ditches, the following:
 - a) that prior to beginning said project, a "Work Order" in the form similar to Exhibit A attached hereto shall be adopted describing the project to be undertaken and identifying the project's location; and
 - b) that the payment and penalty provisions set out in Section 791.014 of the Government Code Interlocal Cooperation Act shall apply to this Agreement.
6. City agrees to pay within (30) days of billing for the goods, governmental function, and/or services provided in an amount that fairly compensates for service or functions performed by under this Agreement, or as outlined by the Texas Prompt Payment Act.
7. Nothing contained in this Agreement is intended to create a partnership or joint venture between the Parties, and any implication to the contrary is hereby expressly disavowed. This Agreement does not create a joint enterprise, nor does it appoint any Party as an agent of the other Party, for any purpose whatsoever.
8. Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party.

EXECUTED in duplicate this the ____ day of _____, 20__.

ELLIS COUNTY, TEXAS

By: _____
Todd B. Little, County Judge

ATTEST:

By: _____
Krystal C. Valdez, County Clerk

CITY OF WAXAHACHIE, TX.

By: _____
David Hill, Mayor, City of Waxahachie

Attest:

Lori Cartwright, City Secretary



(9e)

Memorandum

To: Honorable Mayor and City Council
From: James Villarreal, Assistant Director Sports Complex
Thru: Michael Scott, City Manager
Date: November 10, 2020
Re: Consider Waxahachie Community Development Corporation Expenditure and Award of Bid to Sports Fields, Inc. for Waxahachie Sports Complex Synthetic Turf Improvements

Item Description: Consider Waxahachie Community Development Corporation (WCDC) expenditure and award of bid to Sports Fields, Inc. for Waxahachie Sports Complex synthetic turf improvements including two alternatives for \$483,960 plus up to a 10% contingency to account for unforeseen costs.

Item Summary: On Tuesday November 3, 2020 the City of Waxahachie held a bid opening for the Waxahachie Sports Complex Synthetic Turf Improvements Phase I. Six sealed bids were received and opened by Jeff Bresee from CEI Engineering. The base bids were tabulated as follows:

- Sports Fields, Inc. - \$491,014
- General Sports Surfaces - \$497,200
- Hellas - \$529,000
- Field Turf - \$671,630
- Shmoldts - \$807,000
- Paragon - \$831,135

The apparent lowest bidder was Sports Fields, Inc. with a base bid of \$491,014. The base bids did not include the alternates outlined in the proposal. However, staff recommends adding the following two alternates as part of the project: Alternate #1- additional green turf around infield - \$21,083; Alternate #3 - new

(9e)

chain link fence gates - \$4,313. The total cost of the project including the two alternates was \$516,410, however, CEI Engineering reached out to Sports Fields, Inc. to see if any value engineering options could be presented for cost savings. Sports Fields, Inc. was able to do some value engineering by deleting the turf groomer and sweeper, as well as, using a non-thatched turf fiber for a total cost savings of \$32,450. The revised total cost of the project with the value engineering is \$458,564; with the alternates #1 and #3 the total revised cost is \$483,960.

The WCDC met on November 10, 2020 and unanimously approved awarding the bid to Sports Fields, Inc. plus the two recommended alternatives.

Fiscal Impact: The current budgeted funds for this project total \$400,000 and are not sufficient to cover the costs of the project. If the bid is awarded with the two recommended alternates at \$483,960, additional funding of \$83,960, plus contingency, from the WCDC unrestricted reserve will be necessary to cover the unbudgeted costs. There are sufficient funds in the reserve to cover this additional cost.

(9f)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: November 13, 2020

Re: Authorize Agreement with TimeClock Plus for new Time Clock System

If you recall, during the preparation of this year's budget, we discussed the need to automate our time reporting/payroll processes and as a part of that, the implementation of an automated time keeping system.

As a reminder, this time keeping system will allow the City to switch from a manual timekeeping process to a computerized time and attendance system. This will improve efficiency by reducing the manual calculations that go into payroll reporting and provide additional accuracy in forecasting budget and payroll costs. This system will allow employees and the City to easily access and view hours worked, schedules, and time off request from a mobile device, web clock, or the physical hardware. The time clock software will also be a useful reporting tool to help improve compliance with state and local laws.

After consideration of a number of such systems, TimeClock Plus was determined to be the most desirable and best fit for the City's requirements.

As such, staff recommends authorization of the City Manager to enter into an agreement with TimeClock Plus in an amount not to exceed \$85,000. This item was approved in the Fiscal Year 2021 General Fund Budget. Time Clock Plus is part of the National Cooperative Purchasing Alliance in which the City is a currently enrolled.



(99)

Application for a Festival or Event Permit

Event Name and Description: SAGU's Annual 5K Turkey Trot Fundraiser
This 5K run/walk is SAGU's number one fundraiser for the
semester to raise money for their "Giving Project."

Applicant Information

Name: Rebecca Fuentes
Address: 1200 Sycamore St. Ste 8233
City, State, Zip: Waxahachie, TX, 75165 Phone: 3257252740
E-mail Address: rebecca.fuentes@lionmail.sagu.edu

Organization Information

Organization Name: Southwestern Assemblies of God University
Address: 1200 Sycamore St Waxahachie TX 75165
Authorized Head of Organization: Rennae de Freitas
Phone: ~~028~~-469-309-8695 E-mail Address: rdefreitas@sagu.edu

Event Chairperson/Contact

Name: Rebecca Fuentes / Kelli Hill (214) 649-0021
Address: 1200 sycamore st ste 8233
City, State, Zip: Waxahachie, TX, 75165 Phone: 325-725-2740
E-mail Address: sma-treasurer@sagu.edu

Event Information

Event Location/Address: SAGU entrance, ~~perimeter~~, ^{perimeter} & through public streets.
Purpose: To raise money for local organization - Common Ground
Event Start Date and Time: November 19, 2020 3:00pm

(99)

Event End Date and Time: November 19, 2020 5:00 pm

Approximate Number of Persons Attending Event Per Day: MAX 120 people

Site Preparation and Set-Up Date and Time: SAGU Admin lawn November 19 2020 2:00 pm

Clean-Up Completion Date and Time: NOV 19, 2020 2:45-3 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.

- ▷ ⁽¹⁵⁰⁾ street cones to mark runner's path/route.
- ▷ socially distanced game booths like ring toss & bowling on the lawn

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

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

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

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

Will dumpsters be needed? NO.

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

R. Fuentes
Signature of Applicant

11/4/20
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).

(99)

Villarreal, Amber

From: SMA Treasurer <SMATreasurer@sagu.edu>
Sent: Thursday, November 05, 2020 1:33 PM
To: Villarreal, Amber
Subject: Re: Event Application

I agree! Thank you for this update.

Get [Outlook for iOS](#)

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Wednesday, November 4, 2020 4:50:48 PM
To: SMA Treasurer <SMATreasurer@sagu.edu>
Subject: Event Application

[EXTERNAL]

Good afternoon Rebecca,

Page 2 of our event application has been revised to read:

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. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

Please reply back to my email with a confirmation that you agree to the revised caption above or you may resubmit the second page to me through email. This is for your Turkey Trot for November 19, 2020.

Sorry for any inconvenience. 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

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(99)

South on University Ave

Left on Martha

Left on Kirven St.

Left on Sycamore

Right on E University

Left after Regents apartments into the parking lot, left through the parking lot

Right out of the parking lot onto Brummett Dr.

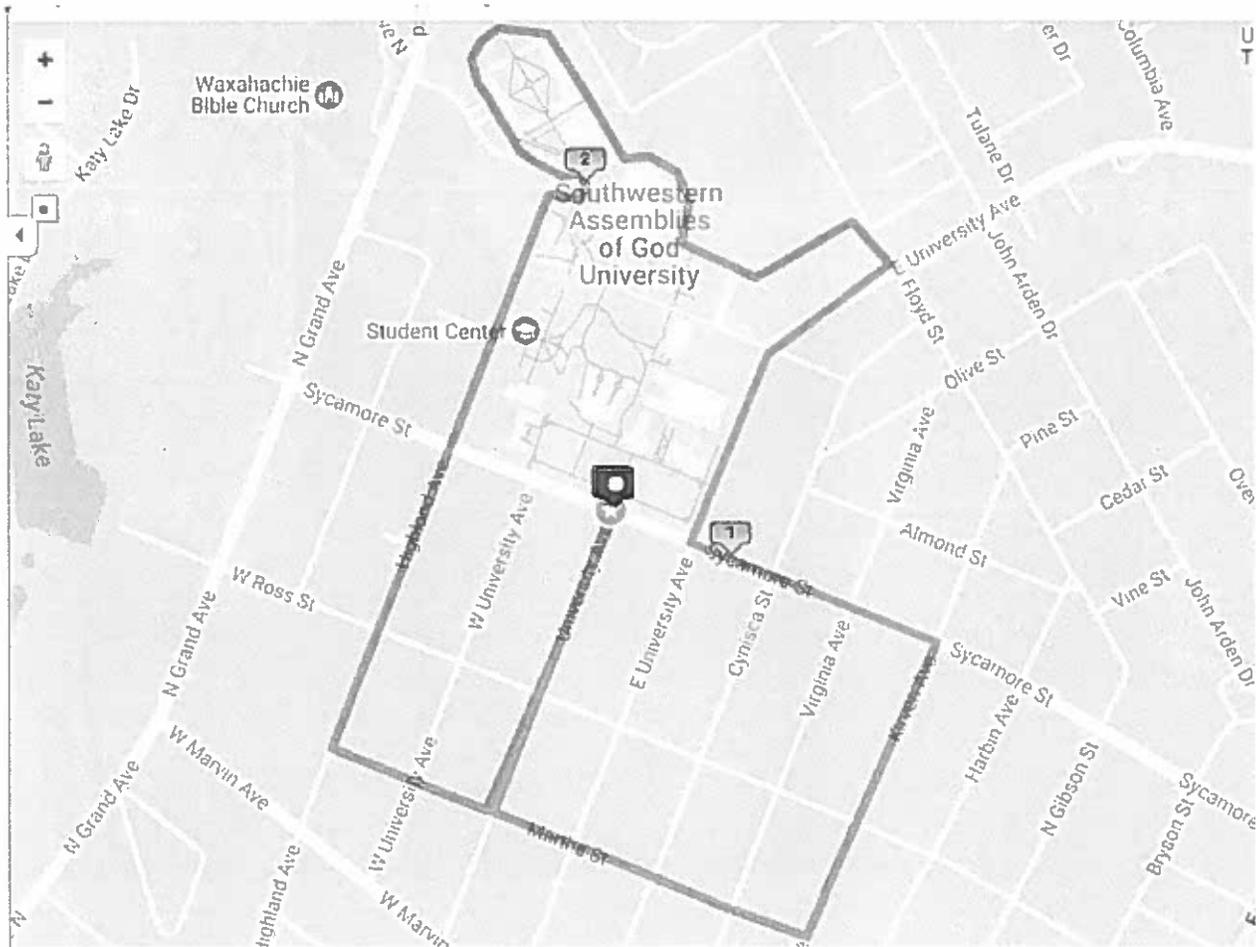
Circle behind the FLC, go behind GWC & Bridges, left to go in front of Teeter

Left back on to Brummett Dr.

Circle the turnabout and turn on to Highland Dr.

Go south on Highland to Martha and turn left

Left on University Dr. to head north all the way back to 1200 Sycamore St.



(93)

Villarreal, Amber

From: Mosley, Laurie
Sent: Wednesday, November 04, 2020 2:53 PM
To: Villarreal, Amber
Subject: RE: Event Application-SAGU 5k Turkey Trot

I see no issues with the event as it pertains to my department. I will let the other departments chime-in and someone at a higher level than me to decide.

Many thanks!
Laurie

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Wednesday, November 4, 2020 2:39 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Massey, Matt <mmassey@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; David Hill <dhill@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-SAGU 5k Turkey Trot

For your review/comments. Please see the attached event application. They are requesting the same assistance as last year.

Matt/Eneida, the Street Department provided 150 cones last year. Let me know if they are still able to do that.

Thank you!

Amber Villarreal, TRMC, CMC
Assistant City Secretary
City of Waxahachie
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(99)

Villarreal, Amber

From: Massey, Matt
Sent: Wednesday, November 04, 2020 4:44 PM
To: Villarreal, Amber
Cc: Ojeda, Eneida
Subject: RE: Event Application-SAGU 5k Turkey Trot

We can still provide cones. We just need to know where they want them dropped off.

Matt Massey

City of Waxahachie

Street Dept.

Office 469-309-4312

mmassey@waxahachie.com

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Wednesday, November 4, 2020 2:39 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <imosley@waxahachiecvb.com>; Massey, Matt <mmassey@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; David Hill <dhill@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-SAGU 5k Turkey Trot

For your review/comments. Please see the attached event application. They are requesting the same assistance as last year.

Matt/Eneida, the Street Department provided 150 cones last year. Let me know if they are still able to do that.

Thank you!

Amber Villarreal, TRMC, CMC

Assistant City Secretary

City of Waxahachie

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(99)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, November 05, 2020 8:33 AM
To: Villarreal, Amber
Subject: RE: Event Application-SAGU 5k Turkey Trot

I don't believe this is a good idea due to Covid concerns.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Wednesday, November 4, 2020 2:39 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Massey, Matt <mmassey@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; David Hill <dhill@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-SAGU 5k Turkey Trot

For your review/comments. Please see the attached event application. They are requesting the same assistance as last year.

Matt/Eneida, the Street Department provided 150 cones last year. Let me know if they are still able to do that.

Thank you!

Amber Villarreal, TRMC, CMC
Assistant City Secretary
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(9h)

Application for a Festival or Event Permit

Event Name and Description: Gingerbread Trail Car Show

Applicant Information

Name: Bill Redding
Address: 2010 clearview drive
City, State, Zip: midlothian, tx 76065 Phone: 972-977-3289
E-mail Address: clearview20007@hotmail.com

Organization Information

Organization Name: Midlothian Classic Wheels
Address: 1775 Bryson Ln
Authorized Head of Organization: Bill Redding
Phone: 972-977-3289 E-mail Address: clearview2007@hotmail.com

Event Chairperson/Contact

Name: Bill Redding
Address: 2010 clearview dr
City, State, Zip: Midlothian. Tx 76065 Phone: 972-977-3289
E-mail Address: clearview2007@hotmail.com

Event Information

Event Location/Address: Getzendaner Park, Waxahachie tx
Purpose: car show
Event Start Date and Time: June 5,2021 11am

(9h)

Event End Date and Time: June 5, 2021 3pm

Approximate Number of Persons Attending Event Per Day: 75-100

Site Preparation and Set-Up Date and Time: June 5, 2021 8am

Clean-Up Completion Date and Time: June 5, 2021 4pm

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.

car show in park. city open gate 8am

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

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

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

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

Will dumpsters be needed? no

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

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

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

Billy Reedy
Signature of Applicant

* 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).

(9h)

Villarreal, Amber

From: bill redding <clearview2007@hotmail.com>
Sent: Wednesday, November 04, 2020 7:41 PM
To: Villarreal, Amber
Cc: rthrowlette@sbcglobal.net
Subject: RE: Event Application

We agree to the changes. Bill Redding

Sent from [Mail](#) for Windows 10

From: [Villarreal, Amber](#)
Sent: Wednesday, November 4, 2020 4:54 PM
To: clearview2007@hotmail.com
Subject: Event Application

Good afternoon Mr. Redding,

Page 2 of our event application has been revised to read:

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. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

Please reply back to my email with a confirmation that you agree to the revised caption above or you may resubmit the second page to me through email. This is for your proposed events on June 5, 2021, July 17, 2021, and August 21, 2021.

Sorry for any inconvenience. Thank you!

Amber Villarreal, TRMC, CMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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(9i)

Application for a Festival or Event Permit

Event Name and Description: Cars In The Park Car Show

Applicant Information

Name: Bill Redding
Address: 2010 clearview dr
City, State, Zip: midlothian Phone: 972-977-3289
E-mail Address: clearview2007@hotmail.com

Organization Information

Organization Name: Midlothian Classic Wheels
Address: 1775 Bryson Lane
Authorized Head of Organization: Bill Redding
Phone: 972-977-3289 E-mail Address: clearview2007@hotmail.com

Event Chairperson/Contact

Name: Bill Redding
Address: 2010 clearview dr
City, State, Zip: midlothian Phone: 972-977-3289
E-mail Address: clearview 2007@hotmail.com

Event Information

Event Location/Address: Getzendaner Park Waxahachie Tx
Purpose: _____
Event Start Date and Time: July17 , 2021 1030am

(9i)

Event End Date and Time: July 17, 2021 330pm

Approximate Number of Persons Attending Event Per Day: 75-100

Site Preparation and Set-Up Date and Time: July 17, 2021 9am

Clean-Up Completion Date and Time: July 17, 2021 4pm

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.

Car show on Getzendander Park grounds. request city open gate 8am July 17 ,2021

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

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

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

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

Will dumpsters be needed? no

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

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

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

Bill Keshler
Signature of Applicant

* 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).

(9i)

Villarreal, Amber

From: bill redding <clearview2007@hotmail.com>
Sent: Wednesday, November 04, 2020 7:41 PM
To: Villarreal, Amber
Cc: rthrowlette@sbcglobal.net
Subject: RE: Event Application

We agree to the changes. Bill Redding

Sent from [Mail](#) for Windows 10

From: [Villarreal, Amber](#)
Sent: Wednesday, November 4, 2020 4:54 PM
To: clearview2007@hotmail.com
Subject: Event Application

Good afternoon Mr. Redding,

Page 2 of our event application has been revised to read:

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Please reply back to my email with a confirmation that you agree to the revised caption above or you may resubmit the second page to me through email. This is for your proposed events on June 5, 2021, July 17, 2021, and August 21, 2021.

Sorry for any inconvenience. Thank you!

Amber Villarreal, TRMC, CMC
Assistant City Secretary
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(9j)

Application for a Festival or Event Permit

Event Name and Description: Waxahachie Fun Run Car Show

Applicant Information

Name: Bill Redding
Address: 2010 clearview dr
City, State, Zip: midlothian.tx 76065 Phone: 972-977-3289
E-mail Address: clearview2007@hotmail.com

Organization Information

Organization Name: Midlothian Classic Wheels
Address: 1775 Bryson Ln
Authorized Head of Organization: Bill Redding
Phone: 972-977-3289 E-mail Address: clearview2007@hotmail.com

Event Chairperson/Contact

Name: Bill Redding
Address: 2010 clearview dr
City, State, Zip: midlothian , tx 76065 Phone: 972-977-3289
E-mail Address: clearview2007@hotmail.com

Event Information

Event Location/Address: Getzendaner Park, Waxahachie Tx
Purpose: car show
Event Start Date and Time: August 21 2021 11am

(9j)

Event End Date and Time: August 21, 2021 3pm

Approximate Number of Persons Attending Event Per Day: 75-100

Site Preparation and Set-Up Date and Time: August 21, 2021 8am

Clean-Up Completion Date and Time: August 21, 2021 4pm

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.

car show.. city open gate at 8am

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

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

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

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

Will dumpsters be needed? no

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

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

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

BW Redding
Signature of Applicant

* 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).

(9j)

Villarreal, Amber

From: bill redding <clearview2007@hotmail.com>
Sent: Wednesday, November 04, 2020 7:41 PM
To: Villarreal, Amber
Cc: rthrowlette@sbcglobal.net
Subject: RE: Event Application

We agree to the changes. Bill Redding

Sent from [Mail](#) for Windows 10

From: [Villarreal, Amber](#)
Sent: Wednesday, November 4, 2020 4:54 PM
To: clearview2007@hotmail.com
Subject: Event Application

Good afternoon Mr. Redding,

Page 2 of our event application has been revised to read:

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. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

Please reply back to my email with a confirmation that you agree to the revised caption above or you may resubmit the second page to me through email. This is for your proposed events on June 5, 2021, July 17, 2021, and August 21, 2021.

Sorry for any inconvenience. 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

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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.

(9j)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Friday, October 02, 2020 10:36 AM
To: Villarreal, Amber
Cc: Martinez, Gumaro
Subject: RE: Festival/Event Application-Car Shows 2021

Amber,

From a police perspective, I have no issues with the four events with the understanding that if we have a significant outbreak of the virus during any of these times, the event may be cancelled. From a park management perspective and availability to all of the public, I'm not sure if it is equitable for the same organization to reserve the park once a month for four months. That is more of a Parks issue... I don't know how much demand there is for the park.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, October 2, 2020 10:20 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Festival/Event Application-Car Shows 2021

For your review/comments for the four requested events in 2021.

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

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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.

(10)

PROCLAMATION

WHEREAS, Testicular Cancer is the number one cancer among men aged 15 - 35, but can occur in men of any age;

WHEREAS, over 8,500 men are diagnosed with Testicular cancer each year, and approximately 380 men die from it;

WHEREAS, testicular cancer is usually treatable if detected early;

WHEREAS, early stage testicular cancer can be detected with self -exams and regular visits to a healthcare provider;

WHEREAS, men who have testicular cancer and are educated about the value of early detection will be more likely to have the cancer detected when it is treatable;

WHEREAS, men who discuss treatment options with their healthcare provider and with their family are more likely to make good treatment decisions;

WHEREAS, testicular cancer not only affects men but also affects their family and friends;

WHEREAS, Waxahachie Testicular Cancer Awareness Day will encourage men to discuss testicular cancer with their healthcare provider;

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim November 21, 2020 as

“TESTICULAR CANCER AWARENESS DAY”

and further extend support to all victims of Testicular Cancer as well as those who promote awareness of this disease.

Proclaimed this 16th day of November 2020.

MAYOR

ATTEST:

CTY SECRETARY

(11/4/2)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: October 30, 2020
Re: ANX-DNX-145-2020 – Montclair Heights

On October 21, 2020, the applicant requested to continue case number ANX-DNX-145-2020 to the December 21, 2020 City Council meeting agenda.

(13-15)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: October 30, 2020
Re: ZDC-72-2020 – Montclair Heights

On October 21, 2020, the applicant requested to continue case number ZDC-72-2020 to the December 15, 2020 Planning and Zoning Commission meeting agenda, and the December 21, 2020 City Council meeting agenda.

(16)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-140-2020

MEETING DATE(S)

Planning & Zoning Commission: November 10, 2020

City Council: November 16, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 10, 2020, the Commission voted 7-0 to recommend approval of case number ZDC-140-2020, as presented by staff.

CAPTION

Public Hearing on a request by Kimberly Caldwell, for a Specific Use Permit (SUP) for **Family Home** use within a Planned Development-Single Family Residential-2 zoning district located at 137 Valley Ranch Drive (Property ID 232345) - Owner: KIMBERLY CALDWELL & RICHARD & CELESTE GRAY (ZDC-140-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

CASE INFORMATION

Applicant: Kimberly Caldwell

Property Owner(s): Kimberly Caldwell

Site Acreage: 0.1313 acres

Current Zoning: Planned Development-Single Family-2

Requested Zoning: Planned Development-Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 137 Valley Ranch Dr.

Parcel ID Number(s): 232345

Existing Use: Single Family Residence and Family Home

Development History: N/A

(16)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-SF2	Garden Valley Ranch Phase 2
East	PD-SF2	Garden Valley Ranch Phase I
South	PD-SF2	Garden Valley Ranch Phase I
West	NS & MF2	Promise Ministries/Garden Valley Ranch HOA Undeveloped Land

Future Land Use Plan: Low Density Residential

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

Thoroughfare Plan: The subject property is accessible via Valley Ranch Dr.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

Proposed Use:

The applicant, Kimberly Caldwell, is requesting approval to allow an existing Family Home (Mother Goose Day Care). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as “a facility that regularly provides care in the caretaker’s own residence, not exceeding twelve (12) children at any given time.” A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Mother Goose Day Care has been operating the at the subject property for 14 years (June 2006). The Family Home is licensed and regulated by the Texas Department of Health and Human Services. Mother Goose Day Care is allowed a maximum of six children who range in ages from two to four years of age. Operational hours are 7:00am – 6:00pm Monday-Friday.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 24 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 Specific Use Permit request.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Operational Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

(16)

Case ZDC 146 2018
Request Renewal Bonds Required 2017 Matriculation Area
Report 1 - Oppose II

PropertyID	Owner's Address	Address	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Proposed Address
232320	MAGUIZ STEVEN M	0 164	1 0 GARDEN VALLEY RANCH PH I @ 1340 ACRES	200 STAMPEDE ST	WAXAHACHE	TX	75160	200 STAMPEDE ST WAXAHACHE TX 75160
232321	OLSON CUTLER & HELLSBA	0 1213	LOT 2 BLK 5 GARDEN VALLEY RANCH PH I @ 1313 AC	202 STAMPEDE ST	WAXAHACHE	TX	75160	202 STAMPEDE ST WAXAHACHE TX 75160
232322	VORWEN MICHAEL T & KIMBYNA W	0 1313	LOT 3 BLK 5 GARDEN VALLEY RANCH PH I @ 1313 AC	204 STAMPEDE ST	WAXAHACHE	TX	75160	204 STAMPEDE ST WAXAHACHE TX 75160
232343	THOMASSEN GREGORY B CALLE ANTONIA	0 154	LOT 1 BLK 6 GARDEN VALLEY RANCH PH I @ 154 AC	142 DEPARTAMENTO 402	BURCO LSMA PEJALI		72564	141 VALLEY RANCH DR WAXAHACHE TX 75160
232344	STRALY MILDRED	0 1313	2 0 GARDEN VALLEY RANCH PH I @ 1313 ACRES	700 CR 2137	MERIDIAN	TX	75645	138 VALLEY RANCH DR WAXAHACHE TX 75160
232345	CALDWELL KIMBERLY & GRAY CELESTE G RICHARD	0 1313	3 0 GARDEN VALLEY RANCH PH I @ 1313 ACRES	127 VALLEY RANCH DR	WAXAHACHE	TX	75160	136 VALLEY RANCH DR WAXAHACHE TX 75160
232346	MAYO MARY BETH	0 1313	4 0 GARDEN VALLEY RANCH PH I @ 1313 ACRES	135 VALLEY RANCH DR	WAXAHACHE	TX	75160	135 VALLEY RANCH DR WAXAHACHE TX 75160
232347	PEVECHOURE WYLE & LETTIA	0 1313	LOT 5 BLK 6 GARDEN VALLEY RANCH PH I @ 1313 AC	PO BOX 3080	WAXAHACHE	TX	75160	133 VALLEY RANCH DR WAXAHACHE TX 75160
232348	BOALSB MED COY	0 1313	LOT 6 BLK 6 GARDEN VALLEY RANCH PH I @ 1313 AC	121 VALLEY RANCH DR	WAXAHACHE	TX	75160	131 VALLEY RANCH DR WAXAHACHE TX 75160
232349	DETERMINI JOHN	0 1313	LOT 7 BLK 6 GARDEN VALLEY RANCH PH I @ 1313 AC	129 VALLEY RANCH DR	WAXAHACHE	TX	75160	129 VALLEY RANCH DR WAXAHACHE TX 75160
232356	PORTER JOHATHAN G	0 154	LOT 1 BLK 7 GARDEN VALLEY RANCH PH I @ 154 AC	200 RAMMIDE ST	WAXAHACHE	TX	75163	200 RAMMIDE ST WAXAHACHE TX 75163
232358	CHC WOOD LLD	0 1313	LOT 3 BLK 7 GARDEN VALLEY RANCH PH I @ 1313 AC	300 N ANARD BY STE 3000	DALLAS	TX	75201	302 RAMMIDE ST WAXAHACHE TX 75163
232360	MAGIAS JORGE L & PAULA	0 1313	3 1 GARDEN VALLEY RANCH PH I @ 1313 ACRES	204 RAMMIDE ST	WAXAHACHE	TX	75160	204 RAMMIDE ST WAXAHACHE TX 75160
232381	MACE PAMELLE	0 1313	24 7 GARDEN VALLEY RANCH PH I @ 1313 ACRES	205 STAMPEDE ST	WAXAHACHE	TX	75160	205 STAMPEDE ST WAXAHACHE TX 75160
232382	KARLISME THERESE W & KEITH	0 1313	25 7 GARDEN VALLEY RANCH PH I @ 1313 ACRES	203 STAMPEDE ST	WAXAHACHE	TX	75160	203 STAMPEDE ST WAXAHACHE TX 75160
232383	MEDLISPOCKOS NARSTIN & MARCELL	0 154	28 7 GARDEN VALLEY RANCH PH I @ 154 ACRES	201 STAMPEDE ST	WAXAHACHE	TX	75160	201 STAMPEDE ST WAXAHACHE TX 75160
232386	OXDALL ANDREW C	0 154	LOT 1 BLK 8 GARDEN VALLEY RANCH PH I @ 154 AC	201 RAMMIDE ST	WAXAHACHE	TX	75163	201 RAMMIDE ST WAXAHACHE TX 75163
232387	DACY JOE B & JENNIFER M	0 1313	LOT 2 BLK 8 GARDEN VALLEY RANCH PH I @ 1313 AC	202 RAMMIDE ST	WAXAHACHE	TX	75160	202 RAMMIDE ST WAXAHACHE TX 75160
232401	EDWARDS DANZINE D & STEVEN E EDWARDS	0 164	1 0 GARDEN VALLEY RANCH PH I @ 164 ACRES	143 VALLEY RANCH DR	WAXAHACHE	TX	75160	143 VALLEY RANCH DR WAXAHACHE TX 75160
341951	GARDEN VALLEY RANCH HOME OWNERS ASSOCIATION C/O OGDENW MANAGEMENT INC	0 75	LOT P1 1R BLK 1 GARDEN VALLEY ASSEMBLY CENTER REV @ 75 AC	PO BOX 2033H	ALBERTA	TX	78720	520 GARDEN VALLEY PKWY WAXAHACHE TX 75160
232343	FRANCIS MARGARET J	1 225	LOT 1 BLK 1 PRIMAIRE CHILD DEVELOPMENT CENTER B S JB & A ADAMS 1 225 AC	PO BOX 801	WAXAHACHE	TX	75160	160 GARDEN VALLEY PKWY WAXAHACHE TX 75160
263475	GARDEN VALLEY RANCH HOME OWNERS ASSOCIATION C/O OGDENW MANAGEMENT INC	0 384	LOT P1 1R BLK 1 GARDEN VALLEY ASSEMBLY CENTER REV @ 384 AC	PO BOX 2033H	ALBERTA	TX	78720	GARDEN VALLEY PKWY WAXAHACHE TX 75160
272646	BETWARD TAMBORRA B CHAMBERS KATHLEEN	0 26	LOT 19 BLK 3 GARDEN VALLEY WEST @ 26 AC	400 ARBORSIDE DR	WAXAHACHE	TX	75165	400 ARBORSIDE DR WAXAHACHE TX 75165
272687	D R HORTON TEXAS LTD	0 28	LOT 20 BLK 3 GARDEN VALLEY WEST @ 28 AC	4306 MILLER RD	ROWLETT	TX	75089	282 WESTWOOD DR WAXAHACHE TX 75165

(16)

Case Number: ZDC-140-2020

City Reference: 232401

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, November 4, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

RECEIVED OCT 28 2020

SUPPORT

OPPOSE

Comments:

Support in home daycare only .

Darlene Edwards

Signature

10/22/2020

Date

Darlene Edwards, RN BSN

Printed Name and Title

143 Valley Ranch Dr.

Address

Wax 75165

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.

(16)



MOTHER GOOSE

Registered Pre-School and Child Care

OPERATIONAL POLICIES

Kimberly Caldwell
Child Development Director

MY GOALS AND PHILOSOPHY OF CHILD CARE:

- Every child is an individual who has his/her own rate of physical development and own pace of learning. Each child is accepted, loved, nurtured, and taught as an individual with this thought in mind
- To encourage and build each child's imagination and creativity
- To instill a greater sense of self-worth and encourage self-confidence
- To provide activities and an environment that will nurture the child's self-esteem
- To instill Christian values and character training
- To instruct in manners and etiquette
- Children in need of discipline will be corrected with an age appropriate time out (Example: Age 3, 3 minutes in time out)

Welcome To Our Pre-School and Child Care "Family"

Days/Hours of Operation

Monday – Friday 7:00 a.m. until 6 p.m.

Fees:

Registration fee: **50.00** - (non-refundable)

Tuition: **140.00** - 6 weeks to 12 yrs.

Your weekly fee is due even if your child misses 1, 2, 3, 4, or 5 days of the week.

Payment Fees:

Children dropped off before 7:00 a.m. or picked up after 6:00 p.m. will be charged an early/late fee of .50 per minute, per child on the day of occurrence. Weekly tuition must be received by 6:00 p.m. on Friday for the upcoming week. If payment is not received by that

(16)

time, there will be a \$10.00 per day late charge beginning the following Monday. Payment is accepted only during business hours. Full payment, including any late charges must be received by Tuesday morning for the child to continue to come that week.

PTO/Vacation:

Five paid days per year will be available to me for personal use. Prior notice will be given to you so that you may arrange for alternate care, unless there is an emergency for illness or bereavement.

Before your scheduled vacation, the regular weekly tuition will need to be paid before your vacation begins.

Holidays:

The following days are paid holidays:

- December 31 (New Year's Eve, closing at 1:00 p.m.)
- January 1 - New Year's Day
- March/April - Good Friday (the Friday before Easter)
- May - Memorial Day (Last Monday of the month)
- July 4 - Independence Day
- September - Labor Day (First Monday of the month)
- November - Thanksgiving & the day after (Fourth Thursday and Friday of the month)
- December - Christmas Eve & Christmas Day

Illness:

Every child will be observed for symptoms of illness. Any child showing symptoms of illness will be separated from the group; if his/her appearance warrants, the parents will be notified to pick up their child within an hour. If your child is running a temperature of 100 degrees Fahrenheit, or above, has diarrhea, or is vomiting please keep your child at home or find alternate care.

Medication:

If your child needs prescription medication administered, please sign the Medication Chart stating the times and the amount of medication to be given to your child. All medication provided must be clearly labeled with the child's full name and directions for the proper amount (dosage) and time(s) to be administered.

Medical Emergency:

If a child is seriously injured or becomes seriously ill, 911 will be called immediately for assistance and CPR and/or appropriate First Aid will be administered until paramedics arrive. The parents will be contacted as soon as possible with information deemed from the paramedics.

(16)

Pick-Up

Your child will only be allowed to leave with a person whose name is on file as a person authorized to pick up your child. A written notice or telephone call from the parent or legal guardian (prior to the child being picked up) stating the name and license plate number of the person picking up your child will be required. A photo ID and license plate number will be asked for upon their arrival before the child will be allowed to leave with them. This is strictly for your child's safety and your cooperation is greatly appreciated.

When picking up/dropping off your child, **please park curbside**. Please do not park in the driveway. This will prevent others from being blocked in. **Please note, the State of Texas/CPS limits the time of pick up/drop off, not to exceed 5 minutes.**

Pets:

My small, child-friendly poodle, Sami, will be in the home. Her immunizations are current and available for review upon your request.

Please Bring:

For Newborns to 2 ½ yrs. – Formula, diapers and 2 changes of clothing.

For Preschoolers 2 ½ to 5 yrs. – Pull-ups if needed, 1 change of clothing and swimsuit during the summer.

Notices:

A two-week notice is required for the following:

- **Termination of this agreement by either party, with exception of violation of the terms of this agreement, or the day care/children are in danger caused by the parent/legal guardian or child.**
- PTO/vacation periods for both parents and caregiver, with exception of life or death emergency
- Changes in child care fees

I (we) fully understand that this Parent/Provider Agreement is a legal and binding contract and agree to the terms stated herein.

Child: _____ Date of Birth: _____

(16)

Weekly Rate: _____

Mother: _____ Date: _____

Father: _____ Date: _____

Legal Guardian: _____ Date: _____

Child-Care Provider: _____ Date: _____

***Please make checks payable to: Kimberly Caldwell.**

You may contact the local Child Care Licensing office located at 121 Westgate Dr, Waxahachie, TX 75165. The phone number is (972) 937-8216. You may ask for my most recent Licensing Inspection report and/or questions about the Minimum Standard Rules for Registered and Licensed Child-Care Homes. You may obtain additional information by accessing www.texaschildcare.com.

If you suspect a child is being abused or neglected, call 1-800-252-5400 to make a report.

Parents are welcome to visit Mother Goose in home child-care any time during business hours (7 a.m. to 6 p.m.) to observe your child or my child-care home's operation and program activities, without having to secure prior approval.

(17)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2) ZONING DISTRICT, LOCATED AT 137 VALLEY RANCH DRIVE, PROPERTY ID 232345, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments PD-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 ZDC-140-2020. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF2 to PD-SF2, with an SUP in order to permit a Family Home (Mother Goose Daycare) on the following property: Property ID 232345, which is shown on Exhibit A.

SPECIFIC USE PERMIT

Purpose and Intent

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

(17)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FAMILY HOME (MOTHER GOOSE DAYCARE) USE IN THE PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-140-2020.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. If approved, the City Council shall have the right to review and/or deny the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of November, 2020.

MAYOR

ATTEST:

City Secretary

(17)



(118)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-142-2020



MEETING DATE(S)

Planning & Zoning Commission: November 10, 2020

City Council: November 16, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 10, 2020, the Commission voted 7-0 to recommend approval of case number ZDC-142-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Anthony Hopkins, Waxahachie Golf Club, for a Specific Use Permit (SUP) for **Private Country Club** use within a Single Family Residential-1 zoning district located at 1920 W Highway 287 Business (Property ID 179581) - Owner: VARGAS SUMMIT II LLC (ZDC-142-2020)

APPLICANT REQUEST

The applicant is requesting approval for a Specific Use Permit to allow the operation of a Private Country Club use with the sale of alcohol.

CASE INFORMATION

Applicant: Anthony Hopkins, Waxahachie Golf Club

Property Owner(s): Vargas Summit II LLC

Site Acreage: 43.427 acres

Current Zoning: Single Family-1

Requested Zoning: Single Family-1 with SUP

SUBJECT PROPERTY

General Location: 1920 W Highway 287 Business

Parcel ID Number(s): 179581

Existing Use: Waxahachie Golf Club

Development History: N/A

Table 1: Adjoining Zoning & Uses

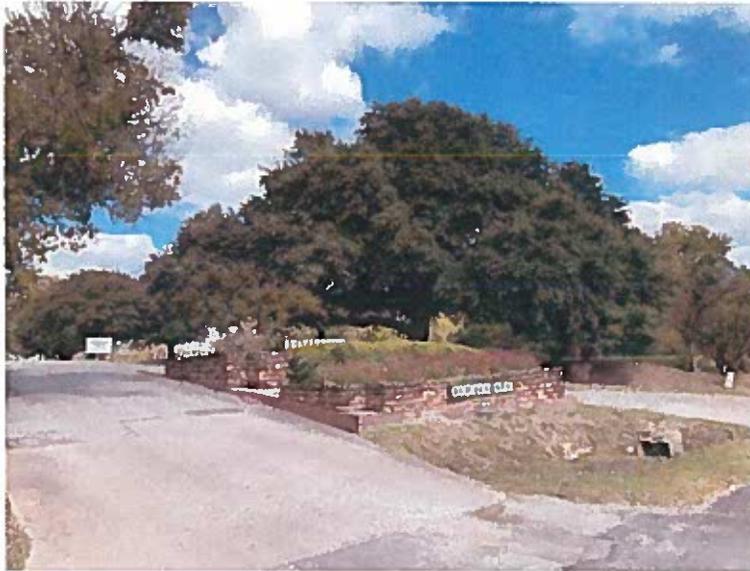
Direction	Zoning	Current Use
North	SF1	Currently Undeveloped
East	SF1 & SF2	Currently Undeveloped
South	SF1	Lake on the Greens Ph. 2
West	PD-17-SF	Country Club Village

Future Land Use Plan: Parks and Open Space

Comprehensive Plan: This land use designation identifies all of Waxahachie’s public parks and open spaces. A community’s park system is key to a high quality of life. The City has recognized this not only through its current allocation of significant park/open space areas, but also by the fact that the City also has a history of planning for parks and open space.

Thoroughfare Plan: The subject property is accessible via W. U.S. Highway 287 Business

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval for a Specific Use Permit to allow the operation of a Private Country Club use with the sale of alcohol.

Proposed Use:

In September 2020, staff received an application through the City Secretary’s Office for an alcohol permit for the Golf Club of Waxahachie. Staff informed the applicant that though the Golf Club has been operating at the subject property for an extended period, approval could not be granted until a Specific Use Permit is approved by City Council to allow the use of a Private Country Club with the sales of alcohol. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Golf Club into compliance with the City of Waxahachie and the Texas Alcoholic Beverage Code.

Note:

- (1) If this case is approved, the approval will just be allowing the requested alcohol variance. The applicant must obtain necessary TABC licensing, and meet all TABC requirements.
- (2) The location/use meets the requirements of the Texas Alcoholic Beverage Code being that it is not located within 300ft. of a public or private school, church and/or public hospital.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 51 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 two (2) letters of support and one (1) letter of opposition for the proposed SUP request.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 - 1. It should be noted that if this case is approved, the approval will just be allowing the requested alcohol variance. The applicant must obtain necessary TABC licensing, and meet all TABC requirements.

ATTACHED EXHIBITS

- 1. Property Owner Notification Responses
- 2. Ordinance
- 3. Location Exhibit

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Colby Collins
 Senior Planner
ccollins@waxahachie.com

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

(18)

Case ZDC-142-2020
Responses Received Inside Required 2007 Notification Area
Support 2 Oppose: 1

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP
173019	FAIRBANKS DAVID N & JUDY A	0.211	LOT 17 BLK C COUNTRY CLUB VILLAGE 2 .211 AC	408 GINGERBREAD LN	WAXAHACHIE TX		75185
173020	LANCE J B & FRANCES	0.211	LOT 19 BLK C COUNTRY CLUB VILLAGE 2 .211 AC	404 GINGERBREAD LN	WAXAHACHIE TX		75185
173021	RUIZ YVONNE D & JOHN J	0.211	LOT 21 BLK C COUNTRY CLUB VILLAGE 2 .211 AC	4671 SUNRISE LN	MIDLOTHIAN TX		76065
173025	PENN JOE BOB & ELIZABETH A	0.208	LOT 13 BLK C COUNTRY CLUB VILLAGE 2 .208 AC	418 GINGERBREAD LN	WAXAHACHIE TX		75185
173026	SPEER JOHN D	0.211	LOT 14 BLK C COUNTRY CLUB VILLAGE 2 .211 AC	414 GINGERBREAD LN	WAXAHACHIE TX		75185
173027	BOEDEKER REVOCABLE LIVING TRUST	0.211	LOT 15 BLK C COUNTRY CLUB VILLAGE 2 .211 AC	412 GINGERBREAD LN	WAXAHACHIE TX		75185
173028	LAW JULIE A	0.211	LOT 16 BLK C COUNTRY CLUB VILLAGE 2 .211 AC	410 GINGERBREAD LN	WAXAHACHIE TX		75185
173039	HOLCOMB LUETTA M	0	LOT 10 BLK A COUNTRY CLUB VILLAGE 1	110 GINGERBREAD LN	WAXAHACHIE TX		75185
173040	CURRY HAL & ASSOC INC	0.2278	LOT 11 BLK A COUNTRY CLUB VILLAGE 1 0.2278 AC	124 VANDERBILT LN	WAXAHACHIE TX		75185
173041	1612 ASSETS LLC	0.347	LOT 1-8 BLK B COUNTRY CLUB VILLAGE 1 .347 AC	P O BOX 20637	WACO TX		76702
173042	CURRY HAL & ASSOC INC	0.2138	LOT 7 BLK B COUNTRY CLUB VILLAGE 1 0.2138 AC	124 VANDERBILT LN	WAXAHACHIE TX		75185
173044	ODOM STEPHEN G & DEBORAH K	0	LOT 5 BLK A COUNTRY CLUB VILLAGE 1	120 VILLAGE GREEN CT	WAXAHACHIE TX		75185
173045	FISHER ALEX C & LAUREL	0.28	LOT 6 BLK A COUNTRY CLUB VILLAGE 1 0.28 AC	118 VILLAGE GREEN CT	WAXAHACHIE TX		75185
173048	YOUNTS MILTON L & PATRICIA D	0	7 A COUNTRY CLUB VILLAGE 1	116 VILLAGE GREEN CT	WAXAHACHIE TX		75185
173047	LYLE GARY L	0	LOT 8 BLK A COUNTRY CLUB VILLAGE 1	114 VILLAGE GREEN CT	WAXAHACHIE TX		75185
173048	BREKENGLENN LTD	0	9 A COUNTRY CLUB VILLAGE 1	238 KATY LAKE DR	WAXAHACHIE TX		75185
173050	BRONSON JOANNE	0	1 A COUNTRY CLUB VILLAGE 1	210 GINGERBREAD LN	WAXAHACHIE TX		75185
173051	NUNN LARRY A & PAMELA K	0	LOT 2 BLK A COUNTRY CLUB VILLAGE 1	206 GINGER BREAD LN	WAXAHACHIE TX		75185
173052	BREKENGLENN LTD	0	3 A COUNTRY CLUB VILLAGE 1	236 KATY LAKE	WAXAHACHIE TX		75185
173053	VASSAR EVERETT JR	0.27	LOT 4 BLK A COUNTRY CLUB VILLAGE 1 .27 AC	204 GINGERBREAD LN	WAXAHACHIE TX		75185
173060	FARMER JOANN	0.12	17R COUNTRY CLUB PL 0.12 ACRES	17 COUNTRY CLUB PL	WAXAHACHIE TX		75185
173060	ROSS DALLAS & WENDY	0.186	LOT 18 BLK J COUNTRY CLUB VILLAGE 2 .186 AC	407 GINGERBREAD LN	WAXAHACHIE TX		75185
173091	NAVY TERRY J & STACEY M SCARBOROUGH	0.192	LOT 19 BLK J COUNTRY CLUB VILLAGE 2 .192 AC	405 GINGERBREAD LN	WAXAHACHIE TX		75185
173092	GARRETT JONATHAN A & ALYSSA A	0.201	LOT 20 BLK J COUNTRY CLUB VILLAGE 2 .201 AC	403 GINGERBREAD LN	WAXAHACHIE TX		75185
173093	MORTON DAN E	0.21	LOT 21 BLK 4 COUNTRY CLUB VILLAGE 2 .21 AC	401 GINGERBREAD LN	WAXAHACHIE TX		75185
173094	1612 ASSETS LLC	0.296	LOT 1-4 BLK Z COUNTRY CLUB VILLAGE 2 0.296 AC	P O BOX 20637	WACO TX		76702
173095	FLETCHER MICHAEL GLENN	0.186	LOT 13 BLK J COUNTRY CLUB VILLAGE 2 .186 AC	417 GINGERBREAD LN	WAXAHACHIE TX		75185
173096	JOHNSON GALE	0.186	LOT 4 BLK J COUNTRY CLUB VILLAGE 2 .186 AC	409 GINGERBREAD LN	WAXAHACHIE TX		75185
173097	ROBINSON KATHRYN M	0.186	LOT 15 BLK J COUNTRY CLUB VILLAGE 2 0.186 AC	413 GINGERBREAD LN	WAXAHACHIE TX		75185
173098	FREELAND JEAN	0.186	LOT 16 BLK J COUNTRY CLUB VILLAGE 2 .186 AC	411 GINGERBREAD LN	WAXAHACHIE TX		75185
173099	RODRIGUEZ JUANA	0.186	LOT 17 BLK J COUNTRY CLUB VILLAGE 2 .186 AC	207 JOSEPH ST	WAXAHACHIE TX		75185
175307	LOFTIS PEGGY W	1.3	LOT 2 BLK A PAULUMAR 1.3 AC	119 OCOTILLO DR	WAXAHACHIE TX		75185
175308	HORTON EDDIE E	0.6	LOT 3 BLK A PAULUMAR .6 AC	121 OCOTILLO DR	WAXAHACHIE TX		75185
176581	VARGAS SUMMIT II LLC	43.427	41 J BARKER, 845 J E PRINCE 43.427 ACRES	PO BOX 23373	WACO TX		76702
189242	WAXAHACHIE BOWL LP & MAZ ENTERPRISES LLC	2.453	845 J E PRINCE HILLTOP LANES 2.453 ACRES	2010 W BUSINESS HWY 287	WAXAHACHIE TX		75185
189319	GILES MONUMENT CO INC	3	845 J E PRINCE 3.00 ACRES	2001 W HIGHWAY 287 BUSINESS	WAXAHACHIE TX		75185
189320	MPK ENTERPRISES LLC	1.5	845 J E PRINCE 1.5 ACRES	120 S GRAND STE 2	WAXAHACHIE TX		75185
189337	GRIFFIN MICHAEL W & LORRI K	0.8	845 J E PRINCE 0.8 ACRES	1901 W HIGHWAY 287 BUSINESS	WAXAHACHIE TX		75185
196448	WISER DELBERT W & KELLEY L	0.211	LOT 20 BLK C COUNTRY CLUB VILLAGE 2 .211 AC	402 GINGERBREAD LN	WAXAHACHIE TX		75185
200726	CROSS BEN & SUSAN	0.211	LOT 18 BLK C COUNTRY CLUB VILLAGE 2 0.211 AC	408 GINGERBREAD LN	WAXAHACHIE TX		75185
231194	KATY LAKE HOMEOWNERS	1.49	41 845 J BARKER J E PRINCE 1.49 ACRES	PO BOX 3075	WAXAHACHIE TX		75185
236828	KATY LAKE HOMEOWNERS	0.2281	41 845 J BARKER J E PRINCE 0.2281 ACRES	PO BOX 3075	WAXAHACHIE TX		75185
259353	GRAF MICHAEL D	0.5681	LOT 4 BLK A KATY LAKE ON THE GREENS PH 2 WEST .5681 AC	123 OCOTILLO DR	WAXAHACHIE TX		75185
259354	BOYD RICKY A & MONICA J	0.5204	LOT 5 BLK A KATY LAKE ON THE GREENS PH 2 WEST .5204 AC	125 OCOTILLO DR	WAXAHACHIE TX		75185
259355	MCCLUSKEY PHLOYD B & COLLINS SHERI D	0.4713	LOT 6 BLK A KATY LAKE ON THE GREENS PH 2 WEST .4713 AC	127 OCOTILLO DR	WAXAHACHIE TX		75185
259356	CLARK BETTIE L/E	0.47	LOT 7 BLK A KATY LAKE ON THE GREENS PH 2 WEST .47 AC	129 OCOTILLO DR	WAXAHACHIE TX		75185
259357	UNDERWOOD JAMES B III	0.47	LOT 8 BLK A KATY LAKE ON THE GREENS PH 2 WEST .47 AC	131 OCOTILLO DR	WAXAHACHIE TX		75185
259358	WORTHY SUSAN D	0.47	LOT 9 BLK A KATY LAKE ON THE GREENS PH 2 WEST .47 AC	133 OCOTILLO DR	WAXAHACHIE TX		75185
259359	HART MARLON & ANGELA WILLIS	0.47	LOT 10 BLK A KATY LAKE ON THE GREENS PH 2 WEST .47 AC	135 OCOTILLO DR	WAXAHACHIE TX		75185
259360	HUNTER RONALD N	0.6177	LOT 11 BLK A KATY LAKE ON THE GREENS PH 2 WEST .6177 AC	137 OCOTILLO RD	WAXAHACHIE TX		75185
277820	WGC HOLDINGS LLC	100	41 J BARKER 100 ACRES	5250 HWY 78 STE 750 LB 326	SACHSE TX		75048
173024		0					
36		0					

Case Number: ZDC-142-2020

(18)

City Reference: 173047

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 4, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED NOV - 2 2020

Comments:

Gary Lyle
Signature

10.24.20
Date

Gary Lyle
Printed Name and Title

114 Village Green Ct.
Address

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.

(18)

RECEIVED NOV - 4 2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-142-2020

JOHNSON GAIL
805 SHERBROOK DR
RICHARDSON, TX 75080

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 10, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 16, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Anthony Hopkins, Waxahachie Golf Club, for a Specific Use Permit (SUP) for Private Country Club use within a Single Family Residential-1 zoning district located at 1920 W Highway 287 Business (Property ID 179581) - Owner: VARGAS SUMMIT II LLC (ZDC-142-2020)

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

Case Number: ZDC-142-2020

City Reference: 173096

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, November 4, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I think it should remain a public golf course open to all golfers.

Gail Johnson
Signature

10/30/2020
Date

Gail Johnson
Printed Name and Title

415 Gingerbread Ln
Address

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.

(18)

Case Number: ZDC-142-2020

City Reference: 259355

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 4, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

Comments:

SUPPORT

OPPOSE

RECEIVED NOV - 5 2020

Phloyd McCluskey
Signature

11-1-20
Date

Phloyd McCluskey
Printed Name and Title

127 Ocotillo Dr.
Address

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.

(19)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE COUNTRY CLUB (WITH ALCOHOL SALES) USE WITHIN A SINGLE FAMILY-1 (SF1) ZONING DISTRICT, LOCATED AT 1920 W HIGHWAY 287 BUSINESS, BEING PROPERTY ID 179581, BEING ABSTRACT 41 OF THE J. BARKER SURVEY, AND ABSTRACT 845 OF THE J.E. PRINCE SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF1; 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 ZDC-142-2020. 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 SF1 to SF1, with an SUP in order to permit a Private Country Club (with Alcohol Sales) use on the following property: Abstract 41 of the J. Barker Survey, and Abstract 845 of the J.E. Prince Survey, which is shown on Exhibit A.

SPECIFIC USE PERMIT

Purpose and Intent

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

(19)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A PRIVATE COUNTRY CLUB (WITH ALCOHOL SALES) USE IN THE SINGLE FAMILY-1 (SF1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The use shall conform as approved by the City Council under case number ZDC-142-2020.
2. The development shall adhere to the City Council approved exhibit(s) in Exhibit A- Location Exhibit.
3. The applicant must obtain necessary TABC licensing, and meet all TABC requirements.
4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
5. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of November, 2020.

(19)

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

Planning & Zoning Department
Zoning Staff Report

(20)



Case: ZDC-135-2020

MEETING DATE(S)

Planning & Zoning Commission: November 10, 2020

City Council: November 16, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 10, 2020, the Commission voted 7-0 to recommend approval of case number ZDC-135-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Christopher Anderson, JC's, for a Specific Use Permit (SUP) for Convenience Store use within a General Retail zoning district located at 211 Ennis Street, Suite A (being a portion of Property ID 171493) - Owner: DAVID TERRY JR (ZDC-135-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow a convenience store within an existing retail building.

CASE INFORMATION

Applicant: Christopher and Jerry Anderson

Property Owner(s): David Terry Jr.

Site Acreage: 0.568 acres

Current Zoning: General Retail

Requested Zoning: General Retail with SUP

SUBJECT PROPERTY

General Location: 211 Ennis St.

Parcel ID Number(s): 171493

Existing Use: Retail Building

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF3	Single Family Residences
East	SF3	Lone Star Precision
South	LI1	Currently Undeveloped
West	SF3	Single Family Residences

Future Land Use Plan: Low Density Residential

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

Thoroughfare Plan: The subject property is accessible via Ennis St. and Cleaver St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a convenience store within an existing retail building.

Proposed Use:

Per the City of Waxahachie Zoning Ordinance, a convenience store within a General Retail zoning district requires a Specific Use Permit approval from City Council.

The current two suite building (1,316 sq. ft.) consists of a barbershop (Suite B) and a vacant suite (Suite A). The applicant intends to occupy the vacant suite (500 sq. ft.) to operate a convenience store. The convenience store intends to operate 7 days a week, 7am-12am. There will be three employees who help operate the convenience store during operational hours.

(20)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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:**
 - 1. A minimum of 3 parking spaces shall be provided for the convenience store use on the site.

ATTACHED EXHIBITS

1. Ordinance
2. Location Exhibit
3. Site Layout Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

(21)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 211 ENNIS STREET, BEING PROPERTY ID 171493, BEING LOT 5B, BLOCK 227 OF THE TOWN ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-135-2020. 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 GR to GR, with an SUP in order to permit a Convenience Store use on the following property: Lot 5B, Block 227 of the Town Addition, which is shown on Exhibit A, and the Site Layout Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

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

(21)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A CONVENIENCE STORE USE IN THE GENERAL RETAIL (GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-135-2020.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B – Site Layout Plan.
3. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
4. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of November, 2020.

(21)

MAYOR

ATTEST:

City Secretary

(21)



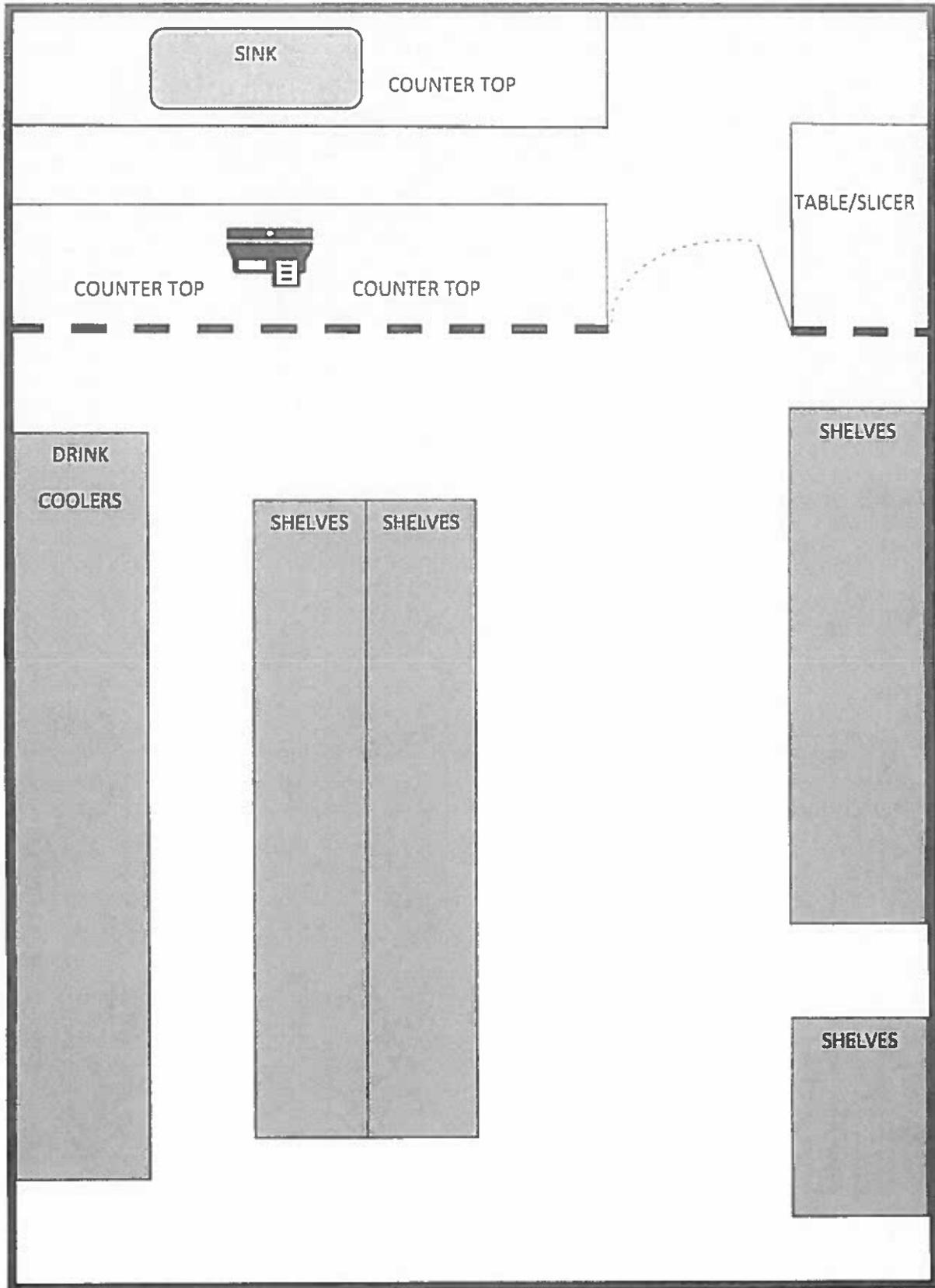
Exhibit A - Location Exhibit

0 250 500 1,000 1,500 2,000 Feet

ZDC-000135-2020 (SUP)

Exhibit B - Site Layout Plan

(21)



(22)

Planning & Zoning Department Zoning Staff Report



Case: ZDC-137-2020

MEETING DATE(S)

Planning & Zoning Commission: November 10, 2020

City Council: November 16, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 10, 2020, the Commission voted 7-0 to recommend approval of case number ZDC-137-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Akhila Gondi, Triangle Engineering LLC, for a Specific Use Permit (SUP) for **Auto Parts and Accessory Sales** use within a Planned Development-General Retail zoning district located S of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: CRYSTAL S SHRIDHARANI (ZDC-137-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an Auto Parts and Accessory Sales store (O'Reilly's Auto Parts) on 1.002 acres.

CASE INFORMATION

<i>Applicant:</i>	Doak Raulston, Vaquero Ventures
<i>Property Owner(s):</i>	Crystal Shridharani
<i>Site Acreage:</i>	8.39 acres
<i>Current Zoning:</i>	Planned Development-General Retail
<i>Requested Zoning:</i>	Planned Development-General Retail with SUP

SUBJECT PROPERTY

<i>General Location:</i>	South of 2980 N Highway 77
<i>Parcel ID Number(s):</i>	189379
<i>Existing Use:</i>	Currently Undeveloped
<i>Development History:</i>	N/A

(22)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	C	Exxon Gas Station
East	----	Ellis County
South	PD-GR	Currently Undeveloped
West	HI & LI1	Restaurants & Victron Park Planned Development

Future Land Use Plan: Retail

Comprehensive Plan: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan: The subject property is accessible via US Highway 77.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an Auto Parts and Accessory Sales store (O'Reilly's Auto Parts) on 1.002 acres.

Proposed Use:

Per the Operational Plan, O'Reilly's Auto Parts plans to operate an auto parts and accessory sales store South of 2980 N Highway 77. The store intends to sell automotive aftermarket parts, tools, supplies, equipment, and accessories. Operational hours for the store are proposed to be 7:30am-10:00pm. Trucks will only deliver to the store after operational hours. There will be 10-15 employees that help operate the store.

(22)

Table 2: Proposed Development Standards (General Retail)

***Items highlighted in bold do not meet the City of Waxahachie requirements**

Standard	City of Waxahachie	O'Reilly's Auto Parts	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	43,650	Yes
Min. Lot Width (Ft.)	60	217	Yes
Min. Lot Depth (Ft.)	100	201	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	20	Yes
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	18	Yes
Parking 1 space per 500 sq. ft.	15	39	Yes

**Additional Note: The building is proposed to be constructed of concrete masonry accent and EIFS.*

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 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 has received three (3) letters of support for the proposed development.

STAFF CONCERNS

Separation

A minimum of 9' separation is required between the water and sewer. Either the applicant shall receive a variance from the Utilities Director, or shift the sewer line to the East of the water line.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the property.
 2. All pending sanitary sewer concerns shall be addressed on the civil plans.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Operational Plan
4. Location Exhibit
5. Site Plan
6. Landscape Plan
7. Elevation/Façade Plan

APPLICANT REQUIREMENTS

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

(22)

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

(22)

Case ZDC-137-2020
Responses Received Inade Required 2007 Notification Area
Support 3 Oppose 0

Property ID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
180377	DMJ PROPERTIES LTD	41.744	848 A S PRUETT, 1000 J SHAYER, 1003 T B STOUT 41.744 ACRES	PO BOX 2590	WAXAHACHE	TX	75168	N HIGHWAY 77 WAXAHACHE TX 75165
180378	LRCA INVESTMENTS LLC	9.264	848 A S PRUETT 9.264 ACRES	3751 HWY 287 S	WAXAHACHE	TX	75165	HIGHWAY 77 WAXAHACHE TX 75165
180397	SHRIHARAMI CRYSTAL S	8.30	848 A S PRUETT 8.30 ACRES	1204 TRAVIS CIR S	IRVING	TX	75030	HIGHWAY 77 WAXAHACHE TX 75165
187447	LRCA INVESTMENTS LLC	71.808	848 A S PRUETT 71.808 ACRES	3751 HWY 287 S	WAXAHACHE	TX	75165	2850 N HIGHWAY 77 WAXAHACHE TX 75165
236750	WHATABURGE/RUNNALL BROWN	1.844	848 A S PRUETT 1.844 ACRES	3751 HWY 287 S	WAXAHACHE	TX	75165	HIGHWAY 77 WAXAHACHE TX 75165
208201	LEARCO REAL ESTATE LLC LEARCO RESTAURANT MGMT LLC	1.534	3 A DMJ BUSINESS CENTRE UNIT 1 1.534 ACRES	105 N INTERSTATE 45	ENNIS	TX	75119	2805 N HIGHWAY 77 WAXAHACHE TX 75165
272777	SAP PROPERTIES LLC	1.198	LOT 1 BLK A NORTH GROVE BUSINESS PARK PH 1 & 3 1.198 AC	713 W MAIN ST STE 1	OVILLA	TX	75154	N HIGHWAY 77 WAXAHACHE TX 75165
272778	MOMO PROPERTIES LLC	1.148	LOT 2 BLK A NORTH GROVE BUSINESS PARK PH 1 & 3 1.148 AC	7851 CLARK CT	OVILLA	TX	75154	2851 HIGHWAY 77 WAXAHACHE TX 75165
272779	SAP PROPERTIES LLC	2.337	LOT 1 BLK B NORTH GROVE BUSINESS PARK PH 1 & 3 2.337 AC	287 KIMBERLY DR	CLEBURNE	TX	76031	2831 HIGHWAY 77 WAXAHACHE TX 75165
273615	ROUX PROPERTIES LLC	1.246	LOT 2 BLK B NORTH GROVE BUSINESS PARK PH 2 & 4 1.246 AC	7851 CLARK CT	OVILLA	TX	75154	2801 HIGHWAY 77 WAXAHACHE TX 75165
				1328 W HWY 287 BYP STE 100	WAXAHACHE	TX	75165	2700/2701 VENTURE WAY WAXAHACHE TX 75165



(22)

RECEIVED OCT 27 2020

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-137-2020

LRCA INVESTMENTS LLC
3751 HWY 287 S
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 10, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 16, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Akhila Gondi, Triangle Engineering LLC, for a Specific Use Permit (SUP) for Auto Parts and Accessory Sales use within a Planned Development-General Retail zoning district located S of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: CRYSTAL S SHRIDHARANI (ZDC-137-2020)

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

Case Number: ZDC-137-2020

City Reference: 189378

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 4, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Chris Acker
Signature

10/27/2020
Date

Chris Acker
Printed Name and Title

5160 Honeysuckle Rd
Address
Middleton, TX 76065

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.



(22)

RECEIVED OCT 27 2020

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-137-2020

LRCA INVESTMENTS LLC
3751 HWY 287 S
WAXAHACHIE, TX 75165

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Case Number: ZDC-137-2020 City Reference: 189387

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SUPPORT OPPOSE

Comments:

Chris Acken
Signature

10/22/2020
Date

Chris Acken
Printed Name and Title

5100 Honeycreek Rd
Address
Midland TX 76065

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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.



(22)

RECEIVED OCT 27 2020

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-137-2020

LRCA INVESTMENTS LLC
3751 HWY 287 S
WAXAHACHIE, TX 75165

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Case Number: ZDC-137-2020 City Reference: 197447

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 4, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT OPPOSE

Comments:

Chris Helmer
Signature

10/22/2020
Date

Chris Helmer
Printed Name and Title

100 Hoveyquette Rd
Address
Mislothian TX 76065

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.

(22)



O'Reilly Automotive intends to be the dominant supplier of auto parts in our market areas by offering the best combination of price and quality provided with the highest possible service level.

The Company

- Family Owned

Stores/Distribution

- 5,512 stores in 47 states and 21 stores in Mexico
- 27 distribution centers and more than 18,455 delivery vehicles

Customers

- O'Reilly benefits not only the do-it-yourself customer, but also the professional customer.

10-15 Employees per Store

Customer base:

- Retail customers
- Professional Installers
- Jobbers

Hours of Operation: 7:30 AM- 10:00 PM

Trucks Only Deliver After Hours

(23)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO PARTS AND ACCESSORY SALES USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, PROPERTY ID 189379, BEING ABSTRACT 848 OF THE A S PRUITT SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-GR; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-137-2020. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-GR to PD-GR, with an SUP in order to permit an Auto Parts and Accessory Sales use on the following property: Abstract 848 of the A S Pruitt Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and the Elevation/Façade Plan attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

(23)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN AUTO PARTS AND ACCESSORY SALES USE IN THE PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-137-2020.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Operational Plan.
3. Per the applicant’s request, a Development Agreement will be required for the property.
4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
5. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of November, 2020.

(23)

MAYOR

ATTEST:

City Secretary

(23)

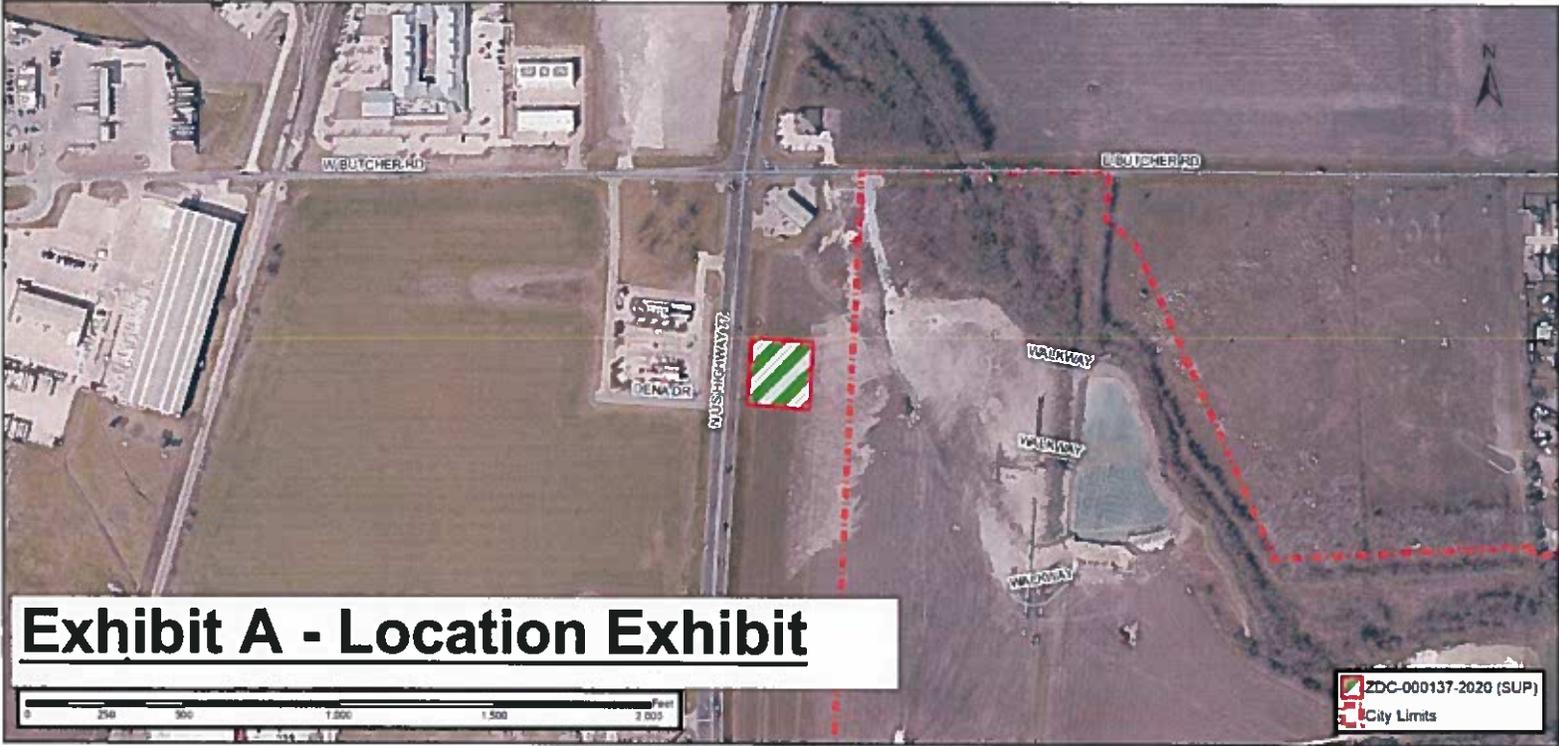


Exhibit A - Location Exhibit

(23)

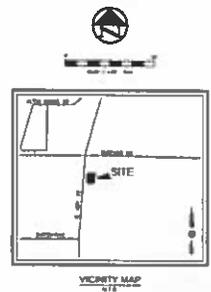
Exhibit B - Site Plan

ZONING SUMMARY TABLE		
Property	Zoning	Use Allowed
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential
1000 S. INDIANWAY	MS-1	Medium Density Residential

1000 S. INDIANWAY LLC A LOCAL LIMITED LIABILITY COMPANY
 214 S. 10TH ST. SUITE 100
 TAMPA, FL 33604
 813-288-0001

PROJECT CONTACT LIST	
OWNER 1000 S. INDIANWAY LLC 1000 S. INDIANWAY SUITE 100 TAMPA, FL 33604 214 S. 10TH ST. SUITE 100 TAMPA, FL 33604 813-288-0001	DESIGNER TRIANGLE CONSULTING 1000 S. INDIANWAY SUITE 100 TAMPA, FL 33604 214 S. 10TH ST. SUITE 100 TAMPA, FL 33604 813-288-0001
ENGINEER JPM LAND SERVICES, INC. 700 LINDSEY DRIVE WEST SUITE 110 TAMPA, FL 33604 813-288-0001	CONTRACTOR OREILLY AUTO PARTS 1000 S. INDIANWAY SUITE 100 TAMPA, FL 33604 214 S. 10TH ST. SUITE 100 TAMPA, FL 33604 813-288-0001

EXISTING LEGEND	
○	Existing Structure
○	Existing Driveway
○	Existing Sidewalk
○	Existing Street
○	Existing Utility
○	Existing Fence
○	Existing Wall
○	Existing Gate
○	Existing Pool
○	Existing Deck
○	Existing Stair
○	Existing Ramp
○	Existing Elevation
○	Existing Finish
○	Existing Material
○	Existing Color
○	Existing Texture
○	Existing Sound
○	Existing Smell
○	Existing Taste
○	Existing Feel
○	Existing Sound
○	Existing Smell
○	Existing Taste
○	Existing Feel



SITE DATA SUMMARY TABLE	
Site Address	1000 S. INDIANWAY
Site Area	10,000 SQ. FT.
Number of Units	1
Site Zoning	MS-1
Site Use	Medium Density Residential
Site Owner	1000 S. INDIANWAY LLC
Site Designer	TRIANGLE CONSULTING
Site Engineer	JPM LAND SERVICES, INC.
Site Contractor	OREILLY AUTO PARTS
Site Start Date	01/20/2020
Site Completion Date	03/31/2020
Site Status	Completed
Site Notes	See Site Plan for details.

SITE GENERAL NOTES

- All dimensions, measurements and notes shall be in accordance with the City of Tampa Ordinance 12.01, unless otherwise noted.
- The site owner shall be responsible for obtaining all necessary permits from the City of Tampa.
- The site owner shall be responsible for obtaining all necessary approvals from the City of Tampa.
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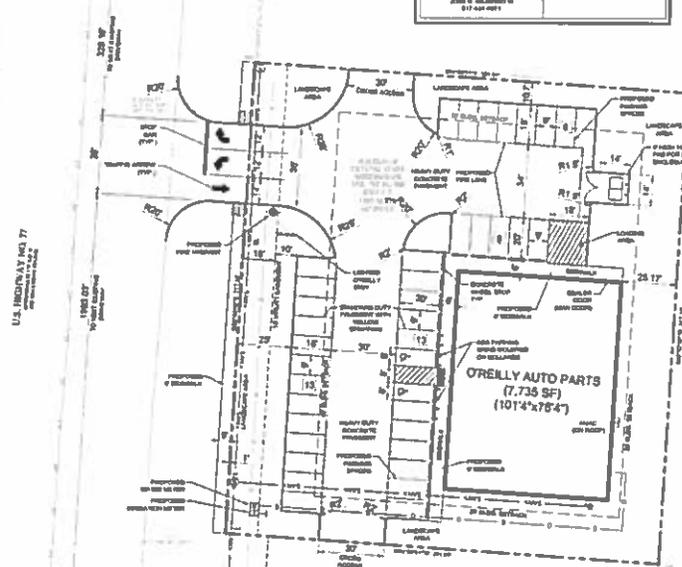
SITE LEGEND	
○	Proposed Structure
○	Proposed Driveway
○	Proposed Sidewalk
○	Proposed Street
○	Proposed Utility
○	Proposed Fence
○	Proposed Wall
○	Proposed Gate
○	Proposed Pool
○	Proposed Deck
○	Proposed Stair
○	Proposed Ramp
○	Proposed Elevation
○	Proposed Finish
○	Proposed Material
○	Proposed Color
○	Proposed Texture
○	Proposed Sound
○	Proposed Smell
○	Proposed Taste
○	Proposed Feel

FLOOD PLAN NOTE

This property lies within Zone 1 of the Flood Insurance Rate Map (FIRM) 17033C0210E, which is in Flood Hazard Zone 1 (Special Flood Hazard Area) as shown on FIRM 17033C0210E.

NOTE

THIS SITE PLAN IS SUBJECT TO THE CITY OF TAMPA'S ZONING ORDINANCE AND ALL APPLICABLE REGULATIONS.



WATER METER & SANITARY SEWER SCHEDULE			
ID	TYPE	SIZE	HS
○	Sanitary Sewer	12"	1
○	Water Meter	1/2"	1
○	Sanitary Sewer	12"	1
○	Water Meter	1/2"	1

ID	DATE	DESCRIPTION	BY
1	11-21-20	1st CITY SUBMITTAL	CD
2	11-21-20	2nd CITY SUBMITTAL	CD

SITE PLAN
OREILLY'S
 1000 S. INDIANWAY
 TAMPA, FL 33604
 1000 S. INDIANWAY SUITE 100
 TAMPA, FL 33604
 214 S. 10TH ST. SUITE 100
 TAMPA, FL 33604
 813-288-0001

Triangle Consulting
 1000 S. INDIANWAY SUITE 100
 TAMPA, FL 33604
 214 S. 10TH ST. SUITE 100
 TAMPA, FL 33604
 813-288-0001

DATE: 11-21-20
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: AS SHOWN
 11-21-20



(24)

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR O'REILLY AUTO PARTS
COUNTY OF ELLIS §

This Development Agreement for O'Reilly Auto Parts ("Agreement") is entered into between O'Reilly Auto Parts ("OAP") and the City of Waxahachie, Texas ("City"). OAP and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. OAP is the owner of approximately 1.002 acres of real property generally located South of 2980 N Highway 77, Parcel Number 189379, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Planned Development-General Retail to Planned Development-General Retail with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Planned Development-General Retail by the City, and is anticipated to have the SUP reviewed on November 16, 2020.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of an Auto Parts and Accessory Sales store (O'Reilly Auto Parts). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing OAP with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of OAP and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the "O'Reilly Auto Parts SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for O'Reilly Auto Parts.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the O'Reilly Auto Parts SUP Ordinance as contractually-binding obligations between the City of Waxahachie and OAP, and to recognize OAP's reasonable investment-backed expectations in the O'Reilly Auto Parts SUP Ordinance and the planned development of O'Reilly Auto Parts.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

(24)

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the O'Reilly Auto Parts SUP Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

(A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-137-2020.

(B) The minimum masonry exterior (%) for the building shall be as follows:

- Front Elevation: 28%
- Right Elevation: 81%
- Rear Elevation: 95%
- Left Elevation: 75%

(C) Business operations shall be consistent with the Operational Plan.

(D) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

In consideration of OAP's agreement in this regard, the City of Waxahachie agrees that OAP has reasonable investment-backed expectations in the O'Reilly Auto Parts SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the O'Reilly Auto Parts SUP Ordinance without impacting OAP's reasonable investment-backed expectations.

Section 4. Miscellaneous

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

(24)

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

(24)

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon OAP and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

{Signature Pages Follow}

(24)

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

: O'Reilly Auto Parts (Developer)

By: _____

Date: _____

: Crystal Shridharani (Property Owner)

By: _____

Date: _____

(24)

STATE OF TEXAS §

COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §

COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of O'Reilly Auto Parts, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(25)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-147-2020



MEETING DATE(S)

Planning & Zoning Commission: November 10, 2020

City Council: November 16, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 10, 2020, the Commission voted 7-0 to recommend approval of case number ZDC-147-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Keri Illauer for a Specific Use Permit (SUP) for **Accessory Building +700 SF** use within a Single Family Residential-2 zoning district located at 103 Poplar Street (Property ID 176750) - Owner: KERI GODDARD (ZDC-147-2020)

APPLICANT REQUEST

The applicant is requesting to construct a +700 sq. ft. (1,106 sq. ft.) accessory structure in the rear of a single family zoned property.

CASE INFORMATION

Applicant: Keri Illauer-Goddard

Property Owner(s): Keri Illauer-Goddard

Site Acreage: 0.216 acres

Current Zoning: Single Family-2

Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 103 Poplar St.

Parcel ID Number(s): 176750

Existing Use: Single Family Residence

Development History: N/A

(25)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	MH	KW Ornamental
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	SF2	Single Family Residences

Future Land Use Plan: Low Density Residential

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

Thoroughfare Plan: The subject property is accessible via Poplar St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant intends to construct an accessory structure in the rear of a single family zoned property at 103 Poplar. Per the City of Waxahachie Zoning Ordinance, an accessory structure that exceeds 700 square feet requires a SUP to be approved by City Council.

Proposed Use:

The applicant is requesting approval to construct a one story, 41 ft. x 27 ft. (1,106 sq. ft.) accessory structure. The applicant is proposing to construct the structure out of brick and siding to be consistent with the primary structure. The applicant intends to use the accessory structure as a pool house and accessory dwelling unit.

Note: The applicant is also requesting to construct the proposed accessory structure with a 14:12 roof pitch. Per the City of Waxahachie Zoning Ordinance, the minimum roof pitch for single family structures

(25)

is 7:12. Though staff noticed two primary structures along Poplar St. that had a high roof pitch for the primary structures, staff suggests that the applicant lower the roof pitch for the proposed accessory structure to be consistent with the other accessory structures within the surrounding area.

Though there are other accessory structures within the surrounding area, staff did not notice any structures of the proposed size (1,106 sq. ft.). At the time of this report (11/12/2020), staff has yet to receive any opposition from surrounding property owners.

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 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 development.

SPECIAL EXCEPTION/VARIANCE REQUEST

Setback

Due to the proposed pool house being an accessory dwelling, the applicant is not meeting the required setbacks. The applicant is requesting variances for the following setbacks:

Rear Yard:

The rear yard setback for an accessory dwelling unit is 25ft.
The applicant is proposing a 3ft. rear yard setback.

Side Yard:

The side yard setback for an accessory dwelling unit is 15ft.
The applicant is proposing a 5ft. 4in. side yard setback.

STAFF CONCERNS

Roof Pitch

Staff suggests that the applicant lower the roof pitch for the proposed accessory structure to be consistent with the other accessory structures within the surrounding area.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. If approved, construction improvements shall be made to the primary structure prior to, or simultaneously with the accessory structure.
 2. Staff suggests that the applicant lower the proposed roof pitch of the accessory structure to be consistent with the other accessory structures within the surrounding area.
 3. The accessory dwelling cannot be used to rent to outside tenants.

(25)

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Layout Packet

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Senior Planner

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(25)

Case ZDC-147-2020
Response Received Inside Required 200' Notification Area
Support 1 Oppose 0

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
173745	GOLDFEER INVESTMENT GROUP LLC	4.526	LOTS 1 & 2 BLK 16 & LOT 8 BLK 17 WEST END GRAND AVE MH VLG 4.526 ACRES	1037 PRESTON CREST LN	DALLAS	TX	75230	312 N GRAND AVE WAXAHACHE TX 75103
176680	YATES DEBORAH & PATRICIA YATES	0.436	LOT 6 BLK 12 WEST END-REV 0.436 AC	212 N GRAND AVE	WAXAHACHE	TX	75105	212 N GRAND AVE WAXAHACHE TX 75105
176680	REINER KP F	0.325	9A 12 WEST END REV 0.325 ACRES	120 PEBBLE BEACH DR	TROPHY CLUB	TX	76262	106 POPLAR ST WAXAHACHE TX 75105
176691	JUDD HENRY L & BARBARA J	0.109	9B 12 WEST END REV 0.109 ACRES	PO BOX 163	WAXAHACHE	TX	75108	106 POPLAR ST WAXAHACHE TX 75105
176692	PARR CHRISTINA	0.109	LOT 9C BLK 12 WEST END-REV 109 AC	17221 STEGER LN	MANOR	TX	76033	211 N CENTRAL AVE WAXAHACHE TX 75105
176693	LINDEN CORRINGTON	0.194	LOT 10C BLK 12 WEST END-REV 0.194 AC	209 N CENTRAL AVE	WAXAHACHE	TX	75105	209 N CENTRAL AVE WAXAHACHE TX 75105
176698	PICKARD BARAH D & BENJAMIN G	0.523	LOT 6A & 7 BLK 12 WEST END-REV 523 AC	209 N GRAND AVE	WAXAHACHE	TX	75105	208 N GRAND AVE WAXAHACHE TX 75105
176699	HAYES RUBY JUNE & HAYES DON H	0.510	LOT 8 BLK 11 WEST END-REV 0.510 AC	212 N CENTRAL AVE	WAXAHACHE	TX	75105	212 N CENTRAL AVE WAXAHACHE TX 75105
176709	ATKINS W L JR	0.436	LOT 7 BLK 11 WEST END-REV 436 AC	210 N CENTRAL AVE	WAXAHACHE	TX	75105	210 N CENTRAL AVE WAXAHACHE TX 75105
176750	GODDARD KERI	0.216	LOT 4B & 5B BLK 15 WEST END-REV 216 AC	103 POPLAR ST	WAXAHACHE	TX	75105	103 POPLAR ST WAXAHACHE TX 75105
176751	OSBORN RUSSELL & FELICIA	0.123	LOT 4C & 5C BLK 15 WEST END-REV 123 AC	105 POPLAR ST	WAXAHACHE	TX	75105	105 POPLAR ST WAXAHACHE TX 75105
176755	LAMORGESE LINDA	0.215	18.2A 15 WEST END 0.215 ACRES	901 ELLIS ST	WAXAHACHE	TX	75105	304 N GRAND AVE WAXAHACHE TX 75105
176757	HALL MARGARET A	0.485	LOT 2B & 1C 2C BLK 15 WEST END-REV 485 AC	202 INDIGO WAY	WAXAHACHE	TX	75105	302 N GRAND AVE WAXAHACHE TX 75105
176758	BELL ANITA H	0.287	LOT 3A BLK 15 WEST END-REV 287 AC	300 N GRAND AVE	WAXAHACHE	TX	75105	300 N GRAND AVE WAXAHACHE TX 75105
176759	CORTINA ROMEO	0.1492	38APT ALLEY 15 WEST END 1492 ACRES	116 LAKE PARK AVE	WAXAHACHE	TX	75105	101 POPLAR ST WAXAHACHE TX 75105
176764	GETZENDANER & READ	0.31	1A 15 WEST END 0.31 ACRES	4445 BKINNER RD	MIDCOTMAN	TX	76065	308 N GRAND AVE WAXAHACHE TX 75105
267684	GODDARD KEVIN A & VICKI	0.3601	LOT 4A-5A BLK PT 15 WEST END REV 3601 AC	P O BOX 873	WAXAHACHE	TX	75108	101 1/2 POPLAR ST WAXAHACHE TX 75105

(25)

Case Number: ZDC-147-2020

City Reference: 176690

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 4, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED NOV - 8 2020

Comments:

CASE # ZDC-147-2020



Signature

KIP REISER - OWNER

Printed Name and Title

10-25-20

Date

120 PEBBLE BEACH DR. TWAIN CLIFF TX

Address

76262

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.

(26)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700SF ACCESSORY STRUCTURE USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 103 POPLAR STREET, BEING PROPERTY ID 176750, BEING LOT 4B & 5B, BLOCK 15 OF WEST END-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as 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 ZDC-147-2020. 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 +700SF Accessory Structure use on the following property: Lot 4B & 5B, Block 15 of West End-Rev, which is shown on Exhibit A, and Site Layout Packet shown as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

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

(26)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A +700SF ACCESSORY STRUCTURE USE IN THE SINGLE FAMILY-2 (SF2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-147-2020.
2. The development shall adhere to the City Council approved exhibit(s) in Exhibit A- Location Exhibit and Exhibit B – Site Layout Plan.
3. The maximum roof pitch for the accessory structure shall be 14:12.
4. The minimum rear yard setback for the accessory structure shall be 3ft.
5. The minimum side yard setback for the accessory structure shall be 5ft.
6. Construction improvements shall be made to the primary structure prior to, or simultaneously with the accessory structure.
7. The accessory dwelling cannot be used to rent to outside tenants.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of November, 2020.

(26)

MAYOR

ATTEST:

City Secretary

(26)

Illauer Residence Pool House + Residence Addition

103 Poplar Street, Waxahachie Texas 75165



Exhibit B - Site Layout Packet

owner

Mr. & Mrs Illauer
103 Poplar Street, TX 75165
Contact : Kevin Illauer
Contact # : 512.773.9876

sheet list

A0.00	COVER PAGE
A1.01	SITE PLAN
A1.02	3D Image
A1.03	3D Image
A2.01	FLOOR PLAN - ADDITION + POOL HOUSE
A3.01	MAIN HOUSE EXT. ELEVATIONS
A3.02	POOL HOUSE EXTERIOR ELEVATIONS
A4.01	ROOF PLANS
A5.01	WALL SECTIONS & DETAILS
A6.01	LIGHTING PLANS
B1.00	FOUNDATION PLANS
B2.00	FOUNDATION DETAILS

architect

MVG architecture
619 N Grand Ave, Waxahachie TX 75165
Contact : Moises V Gonzalez, AIA
Contact # : 469.658.9097
moises@mvgarch.com



COVER PAGE

10.12.2020

619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

(26)

city of wachacha ordinance
Sec. 3.05 - Single-Family Residential-2 (SF2)

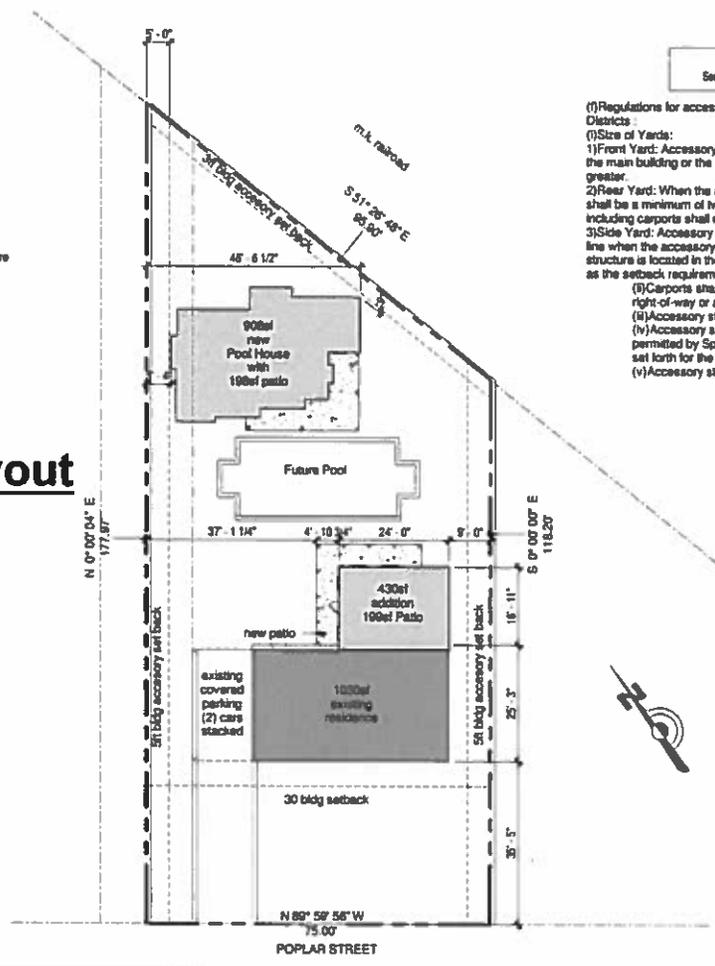
- Height Regulations
2 stories for the main building. 1 story for accessory buildings without garages
- Area Regulations
Minimum Lot Area 12,500 SF
Minimum Lot Width 90'
Minimum Lot Depth 120'
Minimum Front Yard 30'
Minimum Side Yard 15'; 20' on corner lots adjacent to a street
Minimum Rear Yard 25'
Maximum Lot Coverage 50% by main and accessory buildings
Parking Regulations Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
- Minimum DUA 1,600 SF

LOT COVERAGE:	
EXIST. + ADDITION + NEW POOL HOUSE	= 2,368SF
TOTAL LAND AREA	= 11,106SF
LOT COVERAGE	= 21.3%

city of wachacha ordinance
Sec. 5.07 - Accessory Structures and Accessory Uses

- (1) Regulations for accessory structures in FD, RR, SF1, SF2, SF3, 2F, and MH Zoning Districts
- (1) Size of Yards:
1) Front Yard: Accessory structures shall not be located closer to the front property line than the main building or the front yard setback requirement for that zoning district, whichever is greater.
2) Rear Yard: When the accessory structure is a garage with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory structures including carports shall not be located closer than three (3) feet to the rear property line.
3) Side Yard: Accessory structures shall not be closer than five (5) feet to the side property line when the accessory structure is located behind the main building. When the accessory structure is located in the side yard, the setback for the accessory structure will be the same as the setback requirement for the main building.
- (2) Carports shall be measured from the posts supporting the roof nearest to the right-of-way or alley. See Article IX.
(3) Accessory structures are not permitted without a main building.
(4) Accessory structures seven hundred (700) square feet or greater may only be permitted by Specific Use Permit and shall meet all of the Development Standards set forth for the main structure.
(5) Accessory structures shall not exceed one story in height.

Exhibit B - Site Layout Packet



SITE PLAN

10.12.2020



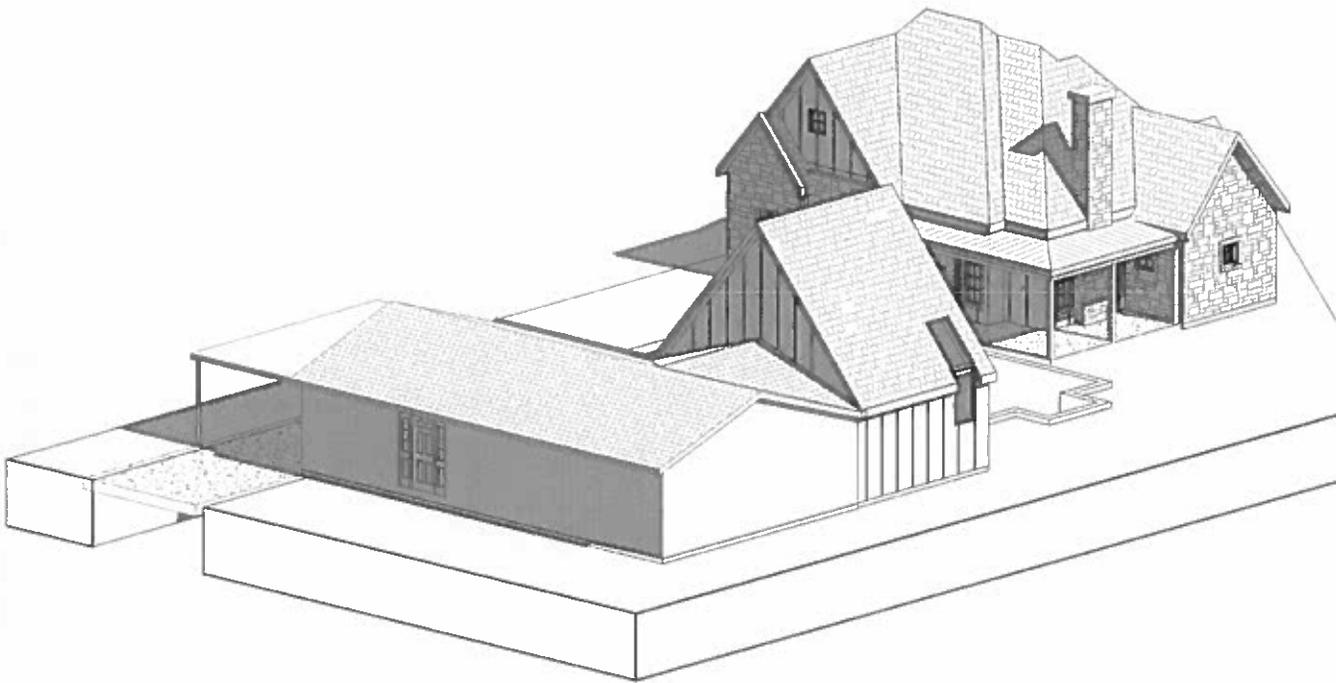
10.12.2020



619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

(26)

Exhibit B - Site Layout Packet



A1.02



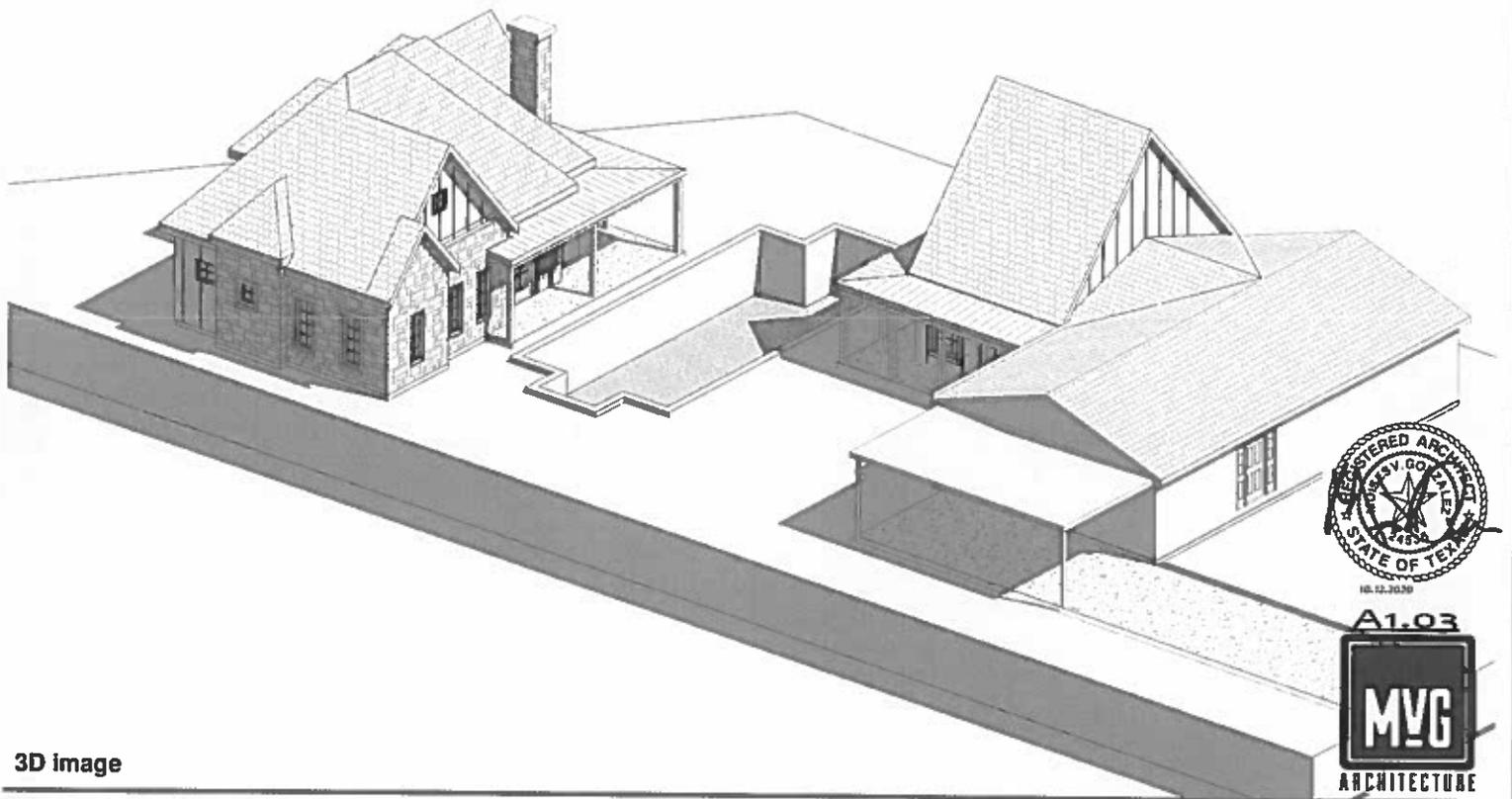
3D Image

10.12.2020

619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

(26)

Exhibit B - Site Layout Packet



10.12.2020

A1.03



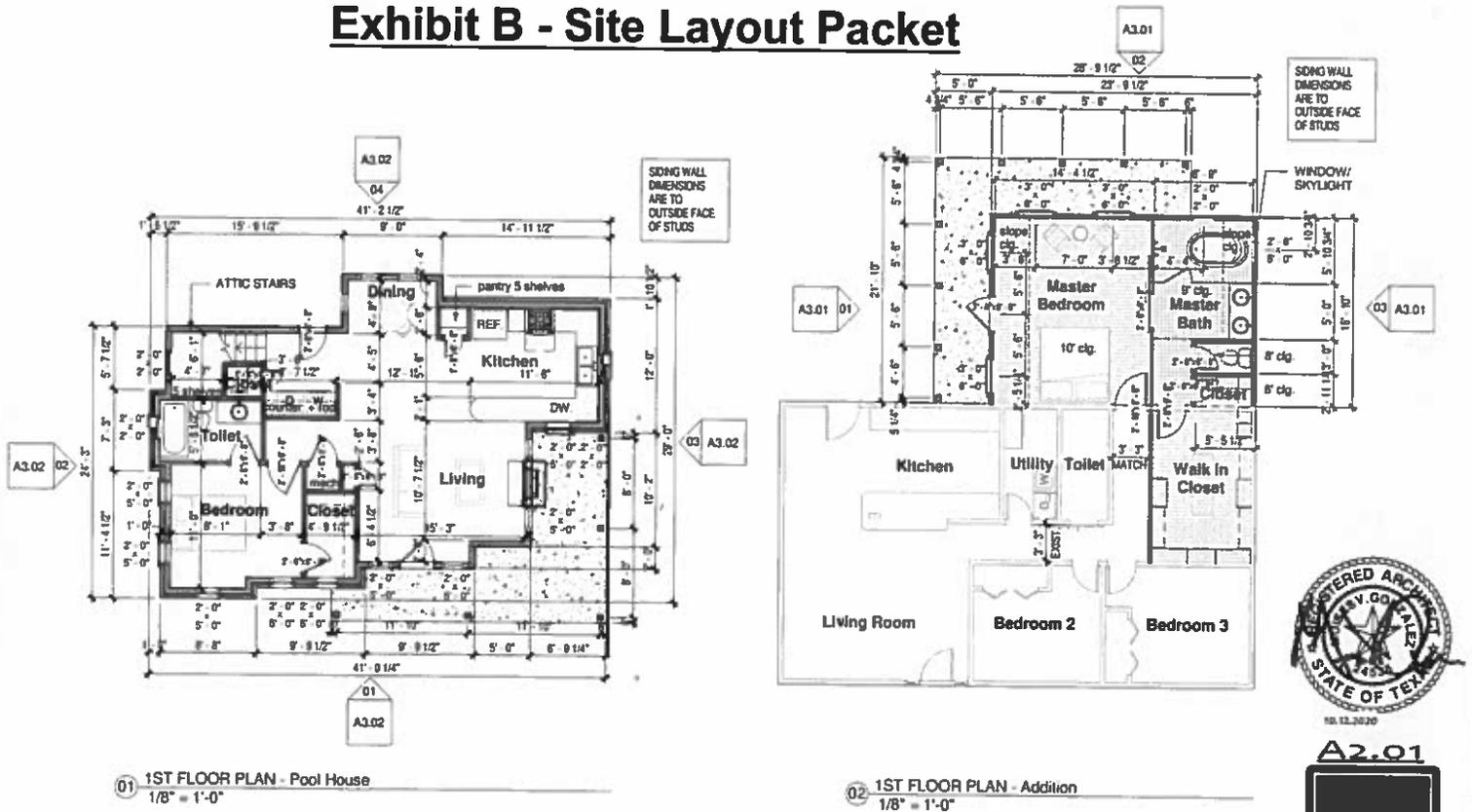
3D image

10.12.2020

519 N. Grand Ave. Waxahatchee, TX 75165
1.469.658.9097

(26)

Exhibit B - Site Layout Packet



A2.01



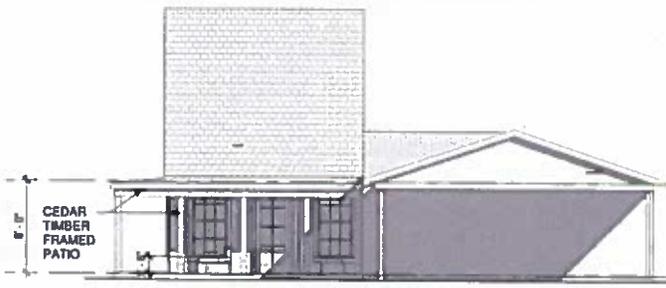
FLOOR PLAN - ADDITION + POOL HOUSE

10.12.2020

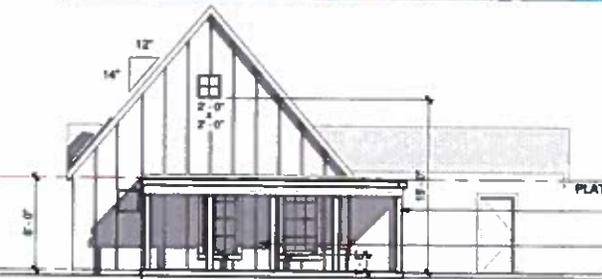
619 N. Grand Ave. Waxahatchie, TX 75165
1.469.658.9097

(2/6)

Exhibit B - Site Layout Packet



01 EAST ELEVATION
1/8" = 1'-0"

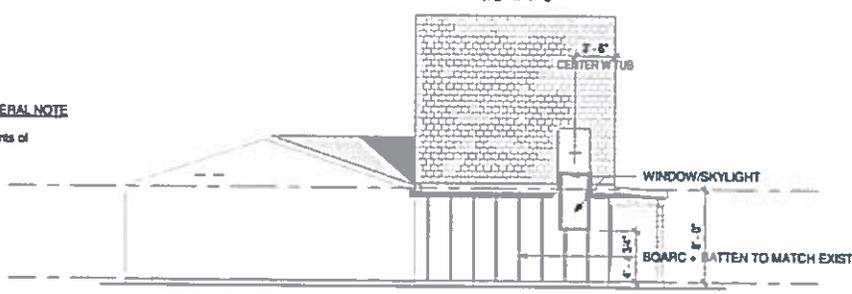


02 REAR ELEVATION
1/8" = 1'-0"

PLATE TO MATCH EXIST.
CEDAR TIMBER
FRAMED PATIO
BOARD + BATTEN TO
MATCH EXIST.

IECC FENESTRATION REQUIREMENTS - GENERAL NOTE

All windows shall meet the minimum requirements of the RESCHECK report submitted with these documents



03 WEST ELEVATION
1/8" = 1'-0"



MAIN HOUSE EXT. ELEVATIONS

10.12.2020

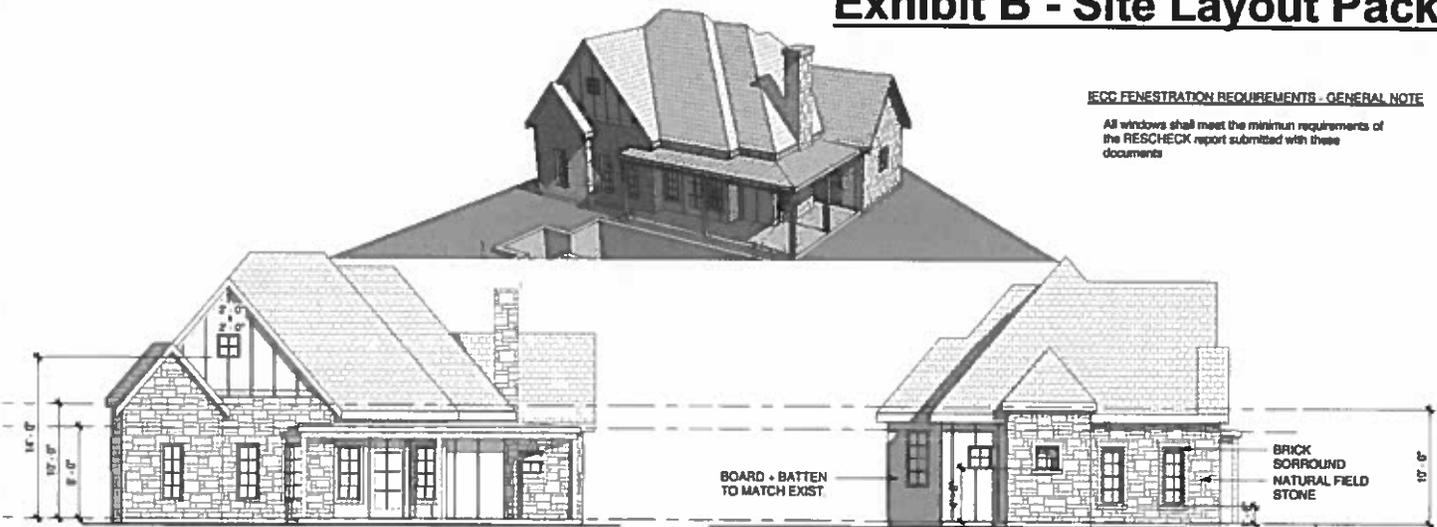
619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

(2/6)

Exhibit B - Site Layout Packet

IECC FENESTRATION REQUIREMENTS - GENERAL NOTE

All windows shall meet the minimum requirements of the RESCHECK report submitted with these documents



01 MAIN ELEVATION
1/8" = 1'-0"

02 EAST ELEVATION
1/8" = 1'-0"



03 WEST ELEVATION
1/8" = 1'-0"



04 REAR ELEVATION
1/8" = 1'-0"



A3.02
MYG
ARCHITECTURE

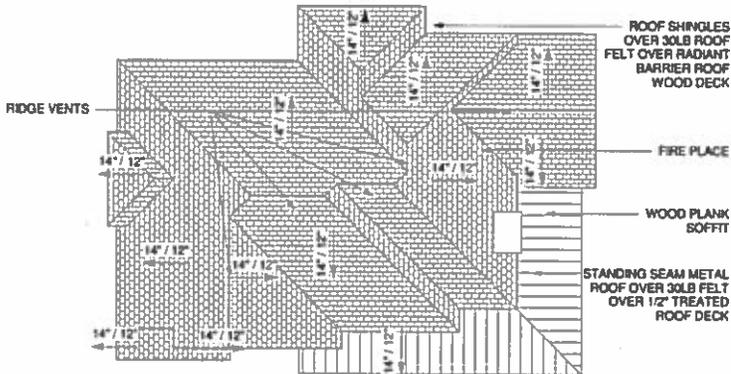
POOL HOUSE EXTERIOR ELEVATIONS

10.12.2020

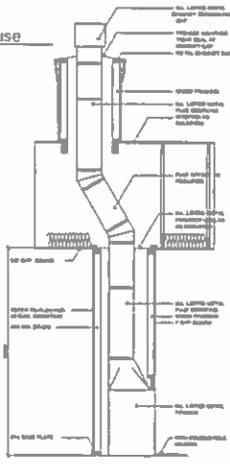
619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

(26)

Exhibit B - Site Layout Packet



2 ROOF PLAN - Pool House
1/8" = 1'-0"



3 FIRE PLACE DETAIL
1/4" = 1'-0"

1 ROOF PLAN - Addition
1/8" = 1'-0"

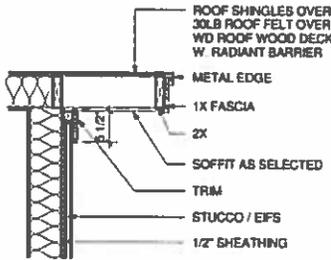


ROOF PLANS

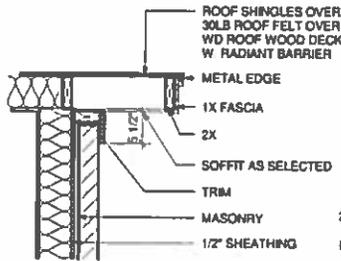
10.12.2020

619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

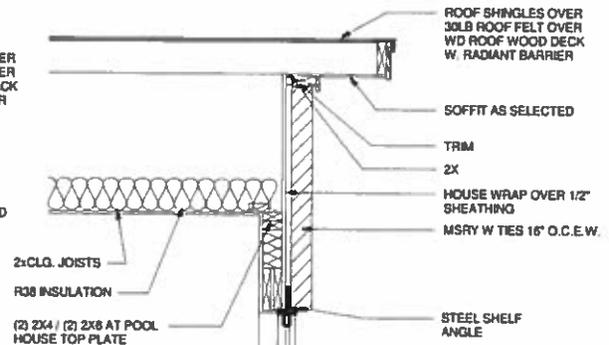
(26)



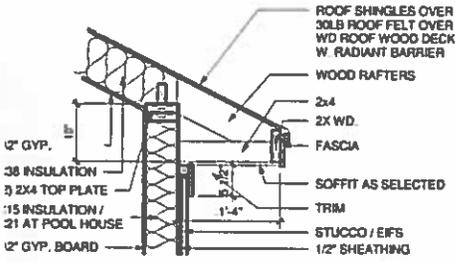
5 TYPICAL RAKE @ SIDING
3/4" = 1'-0"



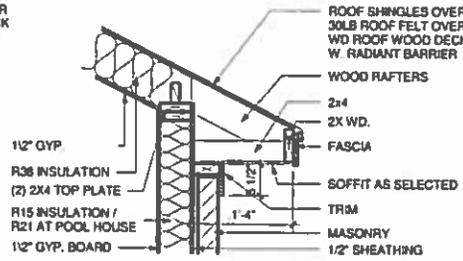
4 TYPICAL RAKE @ BRICK
3/4" = 1'-0"



1 WALL SECTION @ WINDOW (BRICK)
3/4" = 1'-0"



3 TYPICAL FACIA @ SIDING
3/4" = 1'-0"



2 TYPICAL FACIA @ BRICK
3/4" = 1'-0"

Exhibit B - Site Layout Packet

WALL SECTIONS & DETAILS

10.12.2020



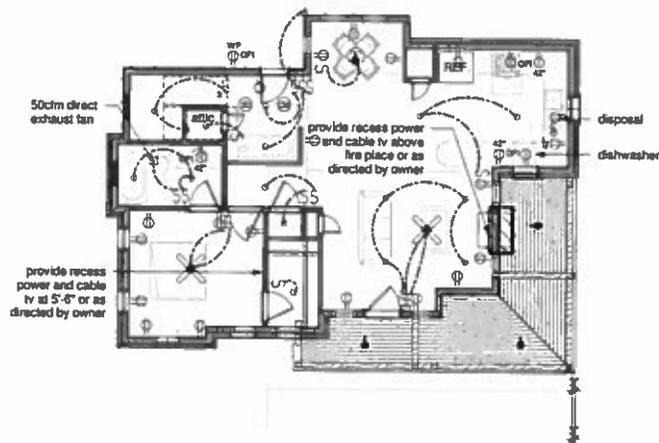
A5.01



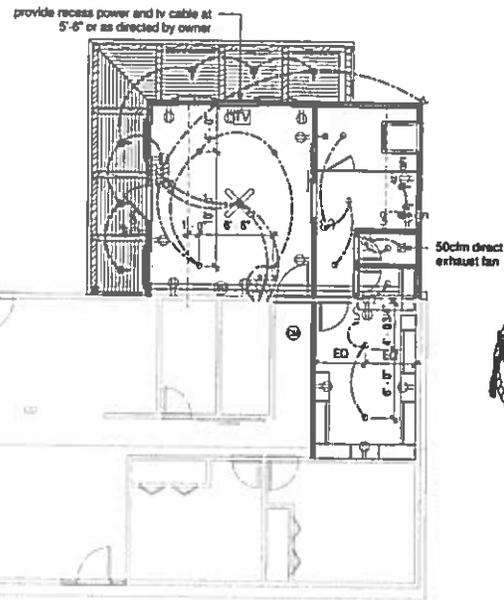
619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

(26)

Exhibit B - Site Layout Packet



② 1ST RCP PLAN - Pool House
1/8" = 1'-0"



① 1ST RCP PLAN - Addition
1/8" = 1'-0"

- CEILING FAN WITH BUILT IN LIGHT
- 220V ELECTRICAL OUTLET
- STANDARD ELECTRICAL OUTLET
- COMBINATION LIGHT/FAN FIXTURE
- GFI ELECTRICAL OUTLET
- CABLE OUTLET
- THERMOSTAT
- CARBON MONOXIDE DETECTOR
- SMOKE
- WEATHER + GFI PROOF ELEC OUTLET
- FLOOD LIGHT
- STANDARD LIGHT FIXTURE
- 3-WAY POWER SWITCH
- STANDARD POWER
- SUSPENDED LIGHT FIXTURE
- RECESSED LIGHT FIXTURE



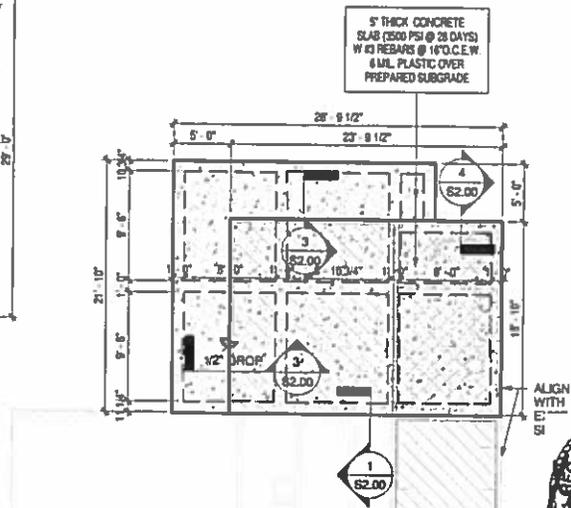
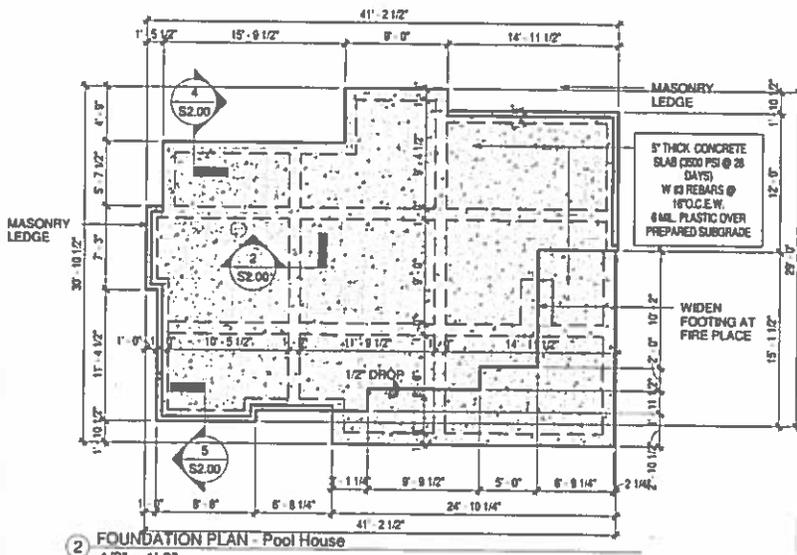
LIGHTING PLANS

10.12.2020

619 N Grand Ave. Waxahatchie, TX 75165
1.469.658.9097

(2)

Exhibit B - Site Layout Packet



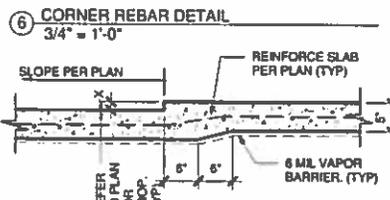
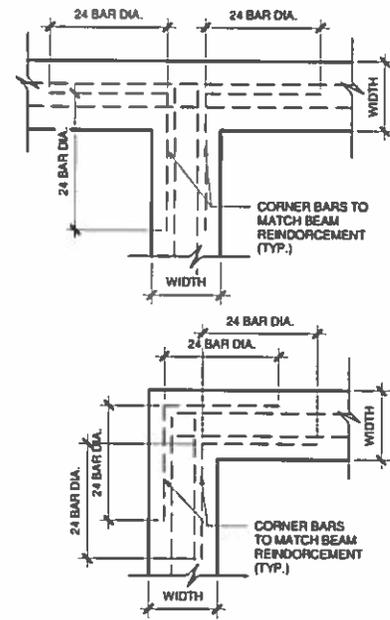
FOUNDATION PLANS

10.12.2020

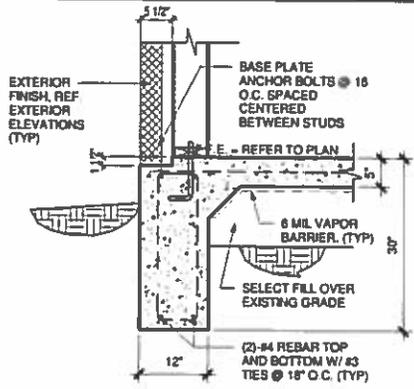
619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

(26)

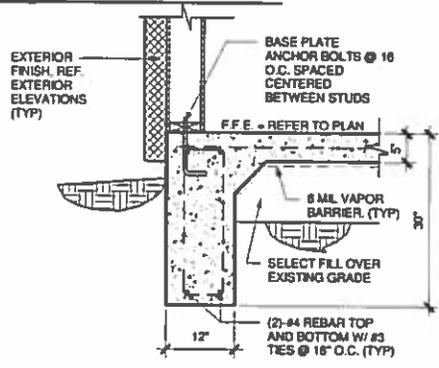
Exhibit B - Site Layout Packet



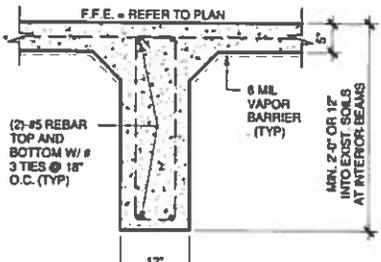
3 SECTION @ DROP
3/4" = 1'-0"



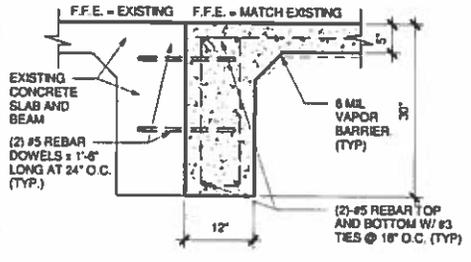
5 SECTION @ EXT. BEAM W/MASONRY
3/4" = 1'-0"



4 SECTION @ EXT. BEAM
3/4" = 1'-0"



2 SECTION @ INTERIOR BEAM
3/4" = 1'-0"



1 SECTION @ EXT. EXIST & NEW
3/4" = 1'-0"

FOUNDATION DETAILS

10.12.2020



\$2.00

MVG

ARCHITECTURE

619 N. Grand Ave. Waxahachie, TX 75165
1.469.658.9097

67

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR 103 POPLAR ST. - +700 ACCESSORY
 COUNTY OF ELLIS § STRUCTURE

This Development Agreement for 103 Poplar - +700 Accessory Structure ("**Agreement**") is entered into between Keri Illauer-Goddard ("**KIG**") and the City of Waxahachie, Texas ("**City**"). KIG and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. KIG is the owner of approximately 0.216 acres of real property generally located at 103 Poplar St., Parcel Number 176750, in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a change in the Property's Single Family-2 to Single Family-2 with Specific Use Permit ("**SUP**") zoning, revising specific development standards. The Property is currently zoned Single Family-2 by the City, and is anticipated to have the SUP reviewed on November 16, 2020.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of a +700 sq. ft. Accessory Structure. The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing KIG with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of KIG and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the "**103 Poplar St. - +700 Accessory Structure SUP Ordinance**"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for KIG.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the 103 Poplar St. - +700 Accessory Structure SUP Ordinance as contractually-binding obligations between the City of Waxahachie and KIG, and to recognize KIG's reasonable investment-backed expectations in the 103 Poplar St. - +700 Accessory Structure SUP Ordinance and the planned development of 103 Poplar St. - +700 Accessory Structure.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

(21)

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the 103 Poplar St. - +700 Accessory Structure SUP Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) The development shall conform as approved by the City Council under case number ZDC-147-2020.
- (B) The accessory structure shall be constructed of 75% minimum masonry exterior.
- (C) The maximum roof pitch for the accessory structure shall be 14:12.
- (D) The minimum rear yard setback for the accessory structure shall be 3ft.
- (E) The minimum side yard setback for the accessory structure shall be 5ft.
- (F) Construction improvements shall be made to the primary structure prior to, or simultaneously with the accessory structure.
- (G) The accessory dwelling cannot be used to rent to outside tenants.
- (H) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

In consideration of KIG's agreement in this regard, the City of Waxahachie agrees that KIG has reasonable investment-backed expectations in the 103 Poplar St. - +700 Accessory Structure SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the 103 Poplar St. - +700 Accessory Structure SUP Ordinance without impacting KIG's reasonable investment-backed expectations.

(27)

Section 4. Miscellaneous

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

(29)

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon KIG and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

{Signature Pages Follow}

(27)

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

: Keri Illauer-Goddard (Developer)

By: _____

Date: _____

: Keri Illauer-Goddard (Property Owner)

By: _____

Date: _____

(27)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of 103 Poplar St., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(28929)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Tommy Ludwig, Assistant City Manager *Tommy Ludwig*

Date: November 9, 2020

Re: ZDC-130-2020 – Waxahachie RV Park and Secure More Storage

On November 6, 2020, the applicant requested to withdraw case number ZDC-130-2020 from the November 10, 2020 Planning and Zoning Commission meeting agenda, and the November 16, 2020 City Council meeting agenda.

(30)

Planning & Zoning Department Plat Staff Report



Case: SUB-131-2020

MEETING DATE(S)

Planning & Zoning Commission: November 10, 2020

City Council: November 16, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 10, 2020, the Commission voted 7-0 to recommend disapproval of plat case no. SUB-131-2020.

CAPTION

Request by Jeri Thomas, Thomas & Burns, for a Replat of Lot 43, Ferris Second Addition, to create Lots 43A and 43B, Ferris Second Addition, 0.425 acres (Property ID 173386) – Owner: JERI A THOMAS (SUB-131-2020)

APPLICANT REQUEST

The applicant is requesting a replat to divide Lot 43, Ferris Second Addition into Lot 43A and 43B with Lot 43A fronting Ferris Ave and Lot 43B consisting of the shop in the backyard. The applicant is also requesting that a petition of hardship waiver be granted by City Council to allow for the establishment of Lot 43B and allow the proposed lot front Cow Alley without establishing direct access to Ferris Ave.

CASE INFORMATION

Applicant: Larry Burns

Property Owner(s): Jeri Thomas

Site Acreage: 0.425 acres

Number of Lots: 2 lots

Number of Dwelling Units: 1 unit

Park Land Dedication: The cash-in-lieu for park land dedication is \$600.00 (1 non-residential lot at \$600.00 per acre with a minimum rate of \$600.00).

Adequate Public Facilities: Adequate public facilities are available to this site.

SUBJECT PROPERTY

General Location: 1314 Ferris Ave

Parcel ID Number(s): 173386

(30)

Current Zoning:

General Retail

Existing Use:

Currently, a single-family residence occupies the northwestern half of the subject property and a metal building is located on the southeastern half of the subject property.

Platting History:

This property is Lot 43 of the Revised Ferris Addition plat.

Site Aerial:



STAFF CONCERNS

1. Per Sec. 3.6 (b) of the City of Waxahachie Subdivision Ordinance, each lot shall front onto a dedicated, improved public street. This replat fails to establish connection of the proposed Lot 43B to Ferris Ave. Instead, the proposed replat shows the proposed lot fronting Cow Alley. Per the City of Waxahachie Subdivision Ordinance Sec. 1.18 (d), an alley is defined as a minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting a street.
2. Per Sec. 3.6 (a) of the City of Waxahachie Subdivision Ordinance, lots shall conform to the minimum requirements of the established zoning district. The proposed replat fails to meet the standards established in Sec. 3.16 – General Retail (GR) of the City of Waxahachie Zoning Ordinance. General Retail zoning requires that the minimum front yard setback be 40-feet, the side yard setback be 20-feet, and the rear yard setback be 25-feet when adjacent to a residential use. The proposed lot depth also fails to meet the minimum 100-foot lot depth requirement.
3. An access easement has not been provided, which would allow access to the proposed Lot 43B from Ferris Ave. Per the City of Waxahachie Fire Marshall, “typically, an access from the public ROW is needed and would be required for this lot.”

APPLICANT RESPONSE TO CONCERNS

1. The applicant has requested a Petition of Hardship waiver from City Council to allow for the replat of this property, and allow for Lot 43B to front Cow Alley instead of providing access to the proposed Lot 43B from Ferris Ave.

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:

- Disapproval
 1. Per Sec. 3.6 (a) of the City of Waxahachie Subdivision Ordinance, lots shall conform to the minimum requirements of the established zoning district. The proposed replat fails to meet the standards established in Sec. 3.16 – General Retail (GR) of the City of Waxahachie Zoning Ordinance. General Retail zoning requires that the minimum front yard setback be 40-feet, the side yard setback be 20-feet, and the rear yard setback be 25-feet when adjacent to a residential use. The proposed lot depth also fails to meet the minimum 100-foot lot depth requirement.
 2. Per Sec. 3.6 (b) of the City of Waxahachie Subdivision Ordinance, each lot shall front onto a dedicated, improved public street. This plat fails to establish a connection between Ferris Ave. and Lot 43B. Instead, the proposed drawing shows the proposed Lot 43B fronting Cow Alley. Per Sec. 1.18 (d) in the City of Waxahachie Subdivision Ordinance, an alley is defined as a minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting a street.
- Approval, as presented.
- Approval, per the following conditions:

ATTACHED EXHIBITS

1. Plat Drawing
2. Petition of Hardship Request

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:
 Chris Webb
 Planner
cwebb@waxahachie.com

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

(30)

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, JERI A. THOMAS IS THE OWNER OF ALL OF LOT 43 OF THE REVISED MAP OF FERRIS SECOND ADDITION AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CARNET A, BLK 191 PLAT RECORDED IN ELLIS COUNTY, TEXAS (P.L.C.), AND WISHES MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARING AT A 1 1/4 INCH IRON ROD FOUND IN THE SOUTHWEST CORNER OF THE LINE OF FERRIS AVENUE, A CALLED 88' FOOT RIGHT-OF-WAY, AT THE NORTH CORNER OF SAID LOT 42.

THENCE SOUTH BY 89' 51" EAST, A DISTANCE OF 148.8 FEET TO A 1 1/4 INCH IRON ROD WITH A CAP STAMPED "1488" FOUND IN THE NORTHWEST CORNER OF A CALLED 88' FOOT ALLEY RIGHT-OF-WAY, AT THE EAST CORNER OF SAID LOT 43.

THENCE SOUTH BY 89' 51" WEST, ALONG SAID NORTHWEST ALLEY RIGHT-OF-WAY, A DISTANCE OF 65.8 FEET TO THE SOUTH CORNER OF SAID LOT 43, FROM WHICH A PLUMB, FOUND IN CONCRETE BEARS NORTH BY 89' 51" WEST, A DISTANCE OF 0.17 FEET.

THENCE NORTH BY 89' 51" WEST, ALONG SAID NORTHWEST ALLEY RIGHT-OF-WAY, A DISTANCE OF 188.8 FEET TO A 1 1/4 INCH IRON ROD WITH A CAP STAMPED "1888" FOUND IN SAID SOUTHWEST CORNER OF FERRIS AVENUE AT THE WEST CORNER OF SAID LOT 43, SAID POINT BEING NORTH BY 89' 51" EAST, A DISTANCE OF 65.8 FEET FROM A 1 1/4 INCH IRON ROD FOUND AT THE WEST CORNER OF LOT 44A AND 44B FERRIS SECOND ADDITION AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CARNET A, BLK 191 PLAT.

THENCE NORTH BY 89' 51" EAST, ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 188.8 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.82 SQUARE FEET OF SAID CORNER OF LAND, MORE OR LESS.

NOW, THEREFORE, SHOW ALL MEN BY THESE PRESENTS:

THAT JERI A. THOMAS ACTING HEREIN BY AND THROUGH HER DULY AUTHORIZED OFFICERS, DOES HEREBY ACCEPT THIS REPLAT DESCRIBING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 43-A AND 43-B, FERRIS SECOND ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AND DOES HEREBY DEDICATE, IN HER WHOLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DESIGNATED FOR STREET PURPOSES, THE SANITARY AND PUBLIC USE (SEWER, AS SHOWN), ARE DESIGNATED FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE SANITARY OR SEWER (EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE SANITARY) IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY SANITARY MAY ALSO BE USED FOR THE NATURAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR CROSS THE SAME UNDER THE SANITARY LINE USE TO PARTICULAR UTILITIES SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHE'S USE THEREOF, THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY INTERFERE OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID SANITARY, THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS TO OR FROM THEIR RESPECTIVE SANITARIES FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTENANCE, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OBTAINING PERMISSION FROM ANYONE.

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

IN WITNESS WHEREOF, I HAVE, THIS _____ DAY OF _____ 2011.

JERI A. THOMAS

PRELIMINARY
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JERI A. THOMAS, OWNER, SHOWING TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

ON THIS UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2011.

NOTARY PUBLIC, STATE OF TEXAS

BY COMMISSION EXPIRES ON _____

ATTEST

DATE

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

OWNER PERSON

DATE

ATTEST

DATE

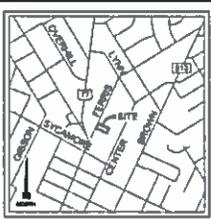
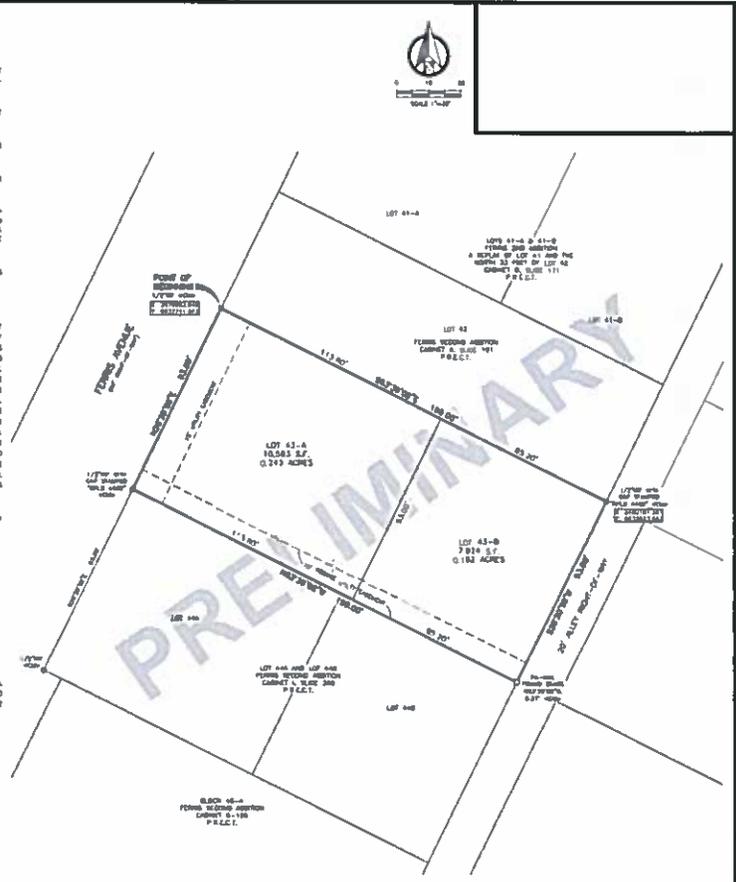
APPROVED BY CITY COUNCIL, CITY OF WAXAHACHE

SEAL FOR

DATE

ATTEST

DATE



LEGEND
PROJECT: PLAT RECORD, ELLIS COUNTY, TEXAS
CDS#:
3/27/2011 10:00 AM SET WITH YELLOW
CAP STAMPED "1018 0474"
BY: JEROME THOMAS
DATE CALCULATED POINT

NOTES
1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM AND IS NORTH CENTRAL ZONE AS OBSERVED FROM GPS OBSERVATIONS.
2. ALL LOT CORNERS SHALL BE MONUMENTED WITH A 1 1/4 INCH IRON ROD WITH A YELLOW CAP STAMPED "1018 0474" UNLESS OTHERWISE NOTED.

FLOOD STATEMENT
THE SUBJECT TRACT LIES WITHIN ZONE X UNFURNISHED, DEFINED AS "HIGHS DETERMINED TO BE OUTSIDE THE 5% ANNUAL CHANCE FLOODPLAIN" AS DESCRIBED IN THE FERRIS, EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 4810010101, DATED JUNE 2, 2003 FOR ELLIS COUNTY, TEXAS AND INCORPORATED PARAS. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION PURPOSES ONLY AND THE SURVEYOR DOES NOT CERTIFY TO THE ACCURACY THEREOF AND ASSUMES NO LIABILITY FOR THE USE THEREOF.

PROJECT: 00001
REVISED: 11/02/2011
CASE NO: 11-02-11-000

SURVEYOR'S CERTIFICATE
I, [SEAL], SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET HAVE PROPERLY BEEN PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBSCRIBER ORDINANCES OF THE CITY OF WAXAHACHE, TEXAS.

SEAL OF PROFESSIONAL LAND SURVEYOR
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 2014

REPLAT
LOT 43-A AND 43-B
FERRIS SECOND ADDITION
2 RESIDENTIAL LOTS
0.223 ACRES - EDWARD PERDUE
W.L. DYE SURVEY, ABSTRACT NUMBER 288
AN ADDITION TO THE CITY OF WAXAHACHE
ELLIS COUNTY, TEXAS
OWNER
JERI A. THOMAS
618 S. COLLIER ST.
WAXAHACHE, TX 75165 (972) 948-0002

AXIS
SURVEYING & ENGINEERING
P.O. BOX 178
WAXAHACHE, TEXAS 75165
TELEPHONE: 972-948-0002
FAX: 972-948-0003

(30)

RECEIVED OCT 28 2020

City of Waxahachie Development Review Committee

Applicant's response and Hardship Request pursuant to Case: SUB-131-2020

Jeri A. Thomas owner of: 43 Ferris 2ND... 0.420 acres aka 1314 Ferris Ave. comes forward and request a re-plat of the above listed property. Thereon said property includes a single family home built in 1955 facing Ferris Ave. and of which is purposed as Lot 43-A and addressed as 1314 Ferris Ave. Waxahachie, TX.. and meets all current requirements under Sub Division Rules. This home has been notoriously owned and occupied by the McLemore family since completion and up until the passing of Mr. Arvel Eugene McLemore May 8, 2018 and then became the property of Jeri A. Thomas.

On 1/13/1994 a building permit #3365 was issued by the City of Waxahachie for a shop building at the rear of 1314 Ferris Ave. The building, parking lot and drive approaches were constructed facing the right of way known as Cow Alley. Sewer was attached under said ROW while electric, gas and water was attached to the rear of the building from Ferris Avenue and Inspections including final were completed by the City of Waxahachie. This building was occupied and used as window shop from 1994 until it was purchased in 2019, closing in early 2020. Our re-plat request defines this property as Lot 43-B.

(30)

This request serves the best interest of the owner for the purposes of insurance; its original intended use and that of the property's neighboring use. When separately platted, it will allow the city a more defined control over its uses.

In closing the neighboring property was re-platted in 2014 in a near identical manner as RP2014-41 and its improvements were located in the same non-conforming manner receiving site plan approval under RP2014-41. A building permit #COM-15-00134 was issued and was address to 621 Cow Alley and the building was subsequently erected and occupied.

All supporting documents and photos are included with this request....

Thank you for your kind consideration,

Larry Burns, Owners representative

Submitted 10- 22- 2020

(30)

Development Review Committee (DRC)

Staff Comments



Case: SUB-131-2020 Report Date: 09/28/2020

Staff has completed a review of your request. Additional reviews may occur based on your response.

MEETING DATES

Planning & Zoning Commission: Tuesday, TBD

City Council: Monday, TBD

PLANNING, CASE MANAGER – Chris Webb (469) 309-4297; cwebb@waxahachie.com

1. Add Case Number SUB-131-2020 to the plat.
2. A current, embossed tax certificate will need to be provided to staff.
3. Per General Retail zoning, the lot depth must be 100 feet.
4. Per General Retail zoning, a 25-foot rear yard is required.
5. Per General Retail zoning, a 40-foot front yard setback is required.
6. Per ECAD, the lot coverage of the proposed Lot 43-B exceeds what is allowable for maximum lot coverage (max. allowed = 40%).
7. Per the Waxahachie subdivision ordinance, alleyways are not intended to provide the primary means of access to abutting lots.
8. The applicant will need to request a Petition of Hardship waiver in order to plat this lot. This waiver can only be approved by City Council.
9. Additional staff comments may be made in the future.

CITY ENGINEER – James Gaertner (469) 309-4301; jgaertner@waxahachie.com

1. Engineering comments are showing on the plat drawing. In order to view these, you will need to access the online portal.
2. Additional staff comments may be made in the future.

FIRE MARSHAL – Marcus Brown (469) 309-4203; mbrown@waxahachiefire.org

1. Reviewed:
 - a. Typically, an access from the public ROW is needed and would be required for this lot.

BUILDING AND COMMUNITY SERVICES DEPARTMENT – Building Department (469) 309-4020;

1. No comments.

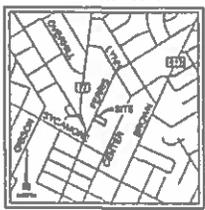
UTILITY DEPARTMENT – David Bailey (469) 309-4321; dbailey@waxahachie.com

1. No comments.

FEE EXPLANATIONS AND CALCULATIONS – Planning Department (469) 309-4290

1. Application Fee = \$355.00, which is due at resubmittal.

(30)



LEGEND
P.E.C. 1/4" EQUAL, 1/4" EQUAL, 1/4" EQUAL
C.M. 1/4" EQUAL, 1/4" EQUAL, 1/4" EQUAL
S.V. 1/4" EQUAL, 1/4" EQUAL, 1/4" EQUAL
D. 1/4" EQUAL, 1/4" EQUAL, 1/4" EQUAL

REPLAT OF LOT 43-A AND 43-B
STATE OF TEXAS
COUNTY OF WILSON
WARRANT, JOHN A. THOMAS IS THE OWNER OF ALL OF LOT 43 OF THE RE-PLAT MAP OF FERRIS SECOND ADDITION, AN ADDITION TO THE CITY OF WAZACHACHE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAN THE REEDED RECORDED IN EXHIBIT A, BOOK 101, PAGE 117, PLAT RECORDS, ELLIS COUNTY, TEXAS OF P.L.C. 117 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEING AND A SECTION FOUR CORNER TO THE SOUTHWEST RIGHT-OF-WAY LINE OF FERRIS AVENUE, A CALLED 66-FOOT RIGHT-OF-WAY AT THE NORTH CORNER OF SAID LOT 43.



PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or referred to in any way.

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

WITNESSE BY ME, BEING THE DAY OF 2008.
JENI A. THOMAS
STATE OF TEXAS
COUNTY OF WILSON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JENI A. THOMAS, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONVEYANCES THEREIN EXPRESSED AND IN HIS CAPACITY THEREAS.

WITNESSE MY HAND AND SEAL OF OFFICE THIS DAY OF 2008.
NOTARY PUBLIC, STATE OF TEXAS

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAZACHACHE

DATE PERIOD DATE

APPROVED BY CITY COUNCIL CITY OF WAZACHACHE

DATE DATE

DATE DATE

NOTES
1. OWNER OF LANDS IN THE TEXAS STATE PLAT RECORDS...
2. ALL LOT CORNERS SHALL BE MONUMENTED WITH A BRONCH IRON ROD WITH A YELLOW CAP STAMPED 'TOL' 30" UNLESS OTHERWISE NOTED.
PLAT STATEMENT:
THE SUBJECT TRACT LIES WITHIN SAID A JURISDICTION, OWNED AS 'UNDIVIDED' TO BE DIVIDED INTO SEVERAL LOTS, AND IS HEREBY RE-PLATED AS SHOWN BY THE FEDERAL CONVEYANCE COMMISSION SUBJECT TO THE PLAT RECORDS, PLAT MAP 117, AS SHOWN ON EXHIBIT A, BOOK 101, PAGE 117, PLAT RECORDS, ELLIS COUNTY, TEXAS AND ACCORDINGLY HEREBY, THE JURISDICTION (CORNER) NUMBER IS FOR INFORMATION PURPOSES ONLY AND THE SURVEYOR DOES NOT GUARANTEE THE ACCURACY THEREOF AND ACCEPTS NO LIABILITY FOR THE SAME THEREOF.
PROJECT NUMBER:
REVISED DRAWING:
CALL NO. 101-101-101

REPLAT
LOT 43-A AND 43-B
FERRIS SECOND ADDITION
0.435 ACRES - ZONED PD-40-04
W/ A CITY SURVEY, SUBJECT NUMBER 117
AN ADDITION TO THE CITY OF WAZACHACHE
ELLIS COUNTY, TEXAS
OWNER:
JENI A. THOMAS
619 S COLLEGE ST.
WAZACHACHE, TX 75165 (972) 848-0022
SUPERVISOR CERTIFICATE
I HAVE BEEN INFORMED, AS ABOVE CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET HAVE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBSCRIBED ORDINANCE OF THE CITY OF WAZACHACHE.
JENI A. THOMAS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 101



Permit for Existing Building (30)

City of Waxahachie Building Permit

Address: 1314 FERRIS AVE.

Building Permit # 3365

Business Name

Date: 1/13/1994

Location of Work

Time: 16:24:10

Owner DIXIE BROWNING

Owner's Phone 938-0674

Lot # 43 Block

Addition 2ND FERRIS ADDITION

Abstract:

Contractor's Name: AARON MCLEMORE

Contractor's Phone # 220-1912

Contractor's Address: 1118 WINTERGREEN DESOTO

Contractor's #: AARONMCLEMO

Use of Building: RESD.SHOP

New New Sq.Ft.: 1,800

Repair

Pool

Storage Building

Addition

Move

Fence

Approach

Alteration Value of Work: \$20,000.00

Remove

Parking Lot

Fuel Storage Tank

Building Sign: x \$50.00 =

Promotional Signage: 0 x \$30.00 =

Pole/Monument Sign: 0 x \$75.00 =

Stake Sign: 0 x \$ 7.50 =

Plan Check Fee: \$0.00

Type of Construction: V

Building Permit Fee: \$50.00

Occupancy Group: R

Code: 90

Investigation Fee

Number of Storage Units: 1

Maximum Occupancy Load: 0

Fire Zone:

Zoning: PD-30-GR

Fire Sprinkler:

Number of Dwelling Units: 0

Off Street Covered Parking: 0

Off Street Uncovered Parking: 0

CO Required: Number of Co's: 1

Description of Work: SHOP BLDG.IN BACK HOME.

Special Conditions:

Cash Check Check#: Credit Card

ALL WORK TO APPLICABLE CODES.

NOTICE:

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING WORK. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

DATE

Water/Sewer Receipt #:

Certificate of Occupancy #:

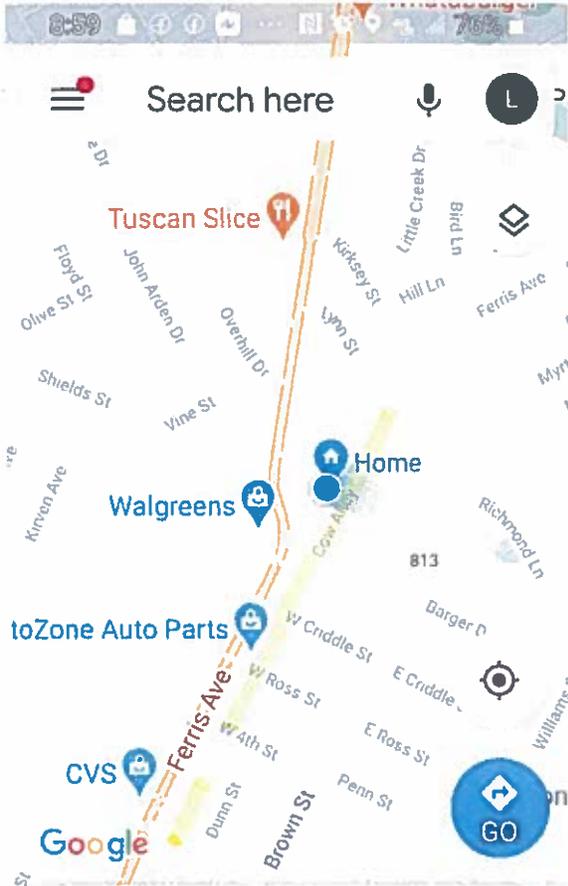
Issued By: SMS

DATE

(30)



(30)



Explore Waxahachie

- Explore
- Commute
- For you



Documents for
621 Cow Alley



December 3, 2014

John N. Roberston
1314 Ferris Ave
Waxahachie, TX 75165

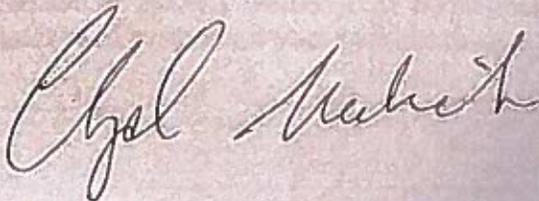
Re: SP2014-32 & RP2014-41 Ferris Ave

The request for Site Plan and Replat at 1304 Ferris Avenue will be heard at the **Planning and Zoning Commission meeting on Wednesday, December 10 at 4:30 p.m.** The meeting will be held in the Council Chamber at Waxahachie City Hall, 401 South Rogers Street.

I would strongly urge you to have a representative in attendance at the meeting to answer questions the Commission may have concerning your item, otherwise the Commission will most likely deny your request. A copy of the City Staff Comments is enclosed for your information and review. Please bring the comments to the meeting in order to discuss them with the Planning and Zoning Commission.

If approved this item will be scheduled for the **City Council** agenda for **Monday, December 15 at 7:00 p.m.** in the Council Chamber at City Hall, 401 South Rogers. Your attendance is requested.

Sincerely,



Clyde Melick
Director of Planning

(30)

RP2014-41
Page 1 of 1

MEMORANDUM

TO: CITY COUNCIL
THRU: PLANNING & ZONING COMMISSION
FROM: DIRECTOR OF PLANNING
DATE: DECEMBER 3, 2014
SUBJECT: FERRIS SECOND ADDITION REPLAT

CASE NUMBER: RP2014-41
REQUEST: APPROVE REPLAT REQUEST
LOCATION: 1304 FERRIS AVE
LOTS: 2
ACRES: 0.425
OWNER: JOHN N. ROBERTSON
RECOMMENDATION: APPROVE PER STAFF COMMENTS

REVIEW COMMENTS:

1. The applicant wishes to replat 1 lot into 2
2. This will allow the residential to remain while adding the retail to the east
3. A fifteen foot utility easement will serve this lot with water and wastewater
4. Applicant to submit twelve (12) additional corrected copies and Mylar all with original signatures of property owners within thirty (30) days of City Council approval

-END-

(30)

SITE PLAN
ZA2014-32
Page 1 of 1

MEMORANDUM

TO: CITY COUNCIL
THRU: PLANNING & ZONING COMMISSION
FROM: DIRECTOR OF PLANNING
DATE: DECEMBER 3, 2014
SUBJECT: SITE PLAN FOR RETAIL BUILDING ON COW ALLEY, BETWEEN
FERRIS AND DUNN

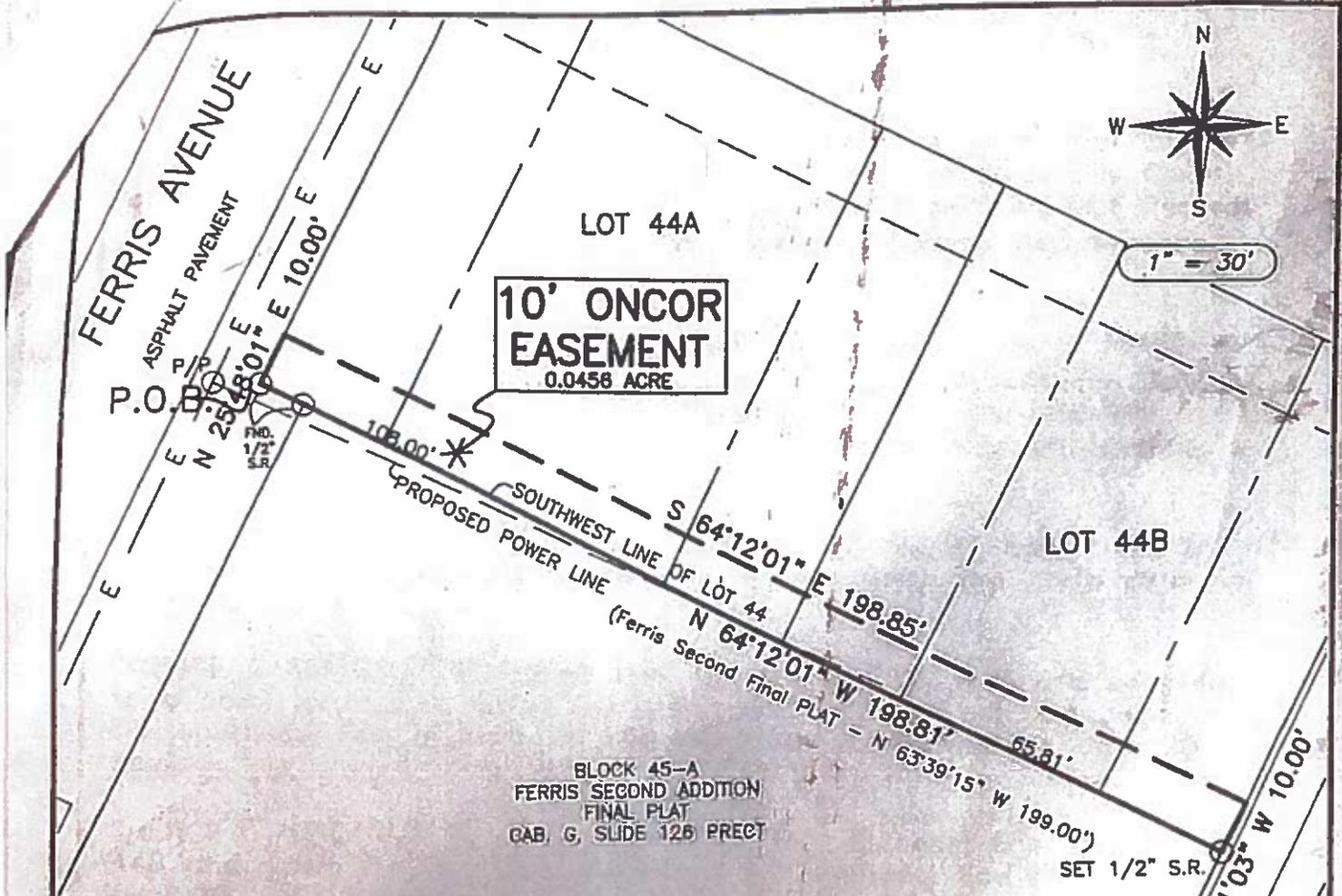
CASE NUMBER: ZA2014-32
REQUEST: APPROVE SITE PLAN
LOCATION: COW ALLEY
OWNER: JOHN N. ROBERSTON
APPLICANT: XAVIER CHAPA
ZONING: PLANNED DEVELOPMENT-40 GENERAL RETAIL
PD-40-GR

REVIEW COMMENTS:

- 1) Applicant is requesting approval of site plan for building a retail building within a Planned Development District
- 2) 90% masonry is required for any commercial building
- 3) Landscaping shall be installed per code
- 4) Applicant to provide corrected site plans

-END-

(30)



BLOCK 45-A
FERRIS SECOND ADDITION
FINAL PLAT
GAB, G, SLIDE 126 PRECT

SET 1/2" S.R.

Exhibit Plat

10' wide Oncor Electric Delivery Co., LLC Easement

0.0456 Acre (1988 sq. ft.)

out of Lot 44A & 44B, Ferris Second Addition City of Waxahachie Ellis County, Texas

Walter Keven Davis

Walter Keven Davis
Registered Professional Land Surveyor #4486

6/1/16

Date

ENGINEERS D & M SURVEYORS

DAVIS & McDILL, INC.

P.O. BOX 428, Waxahachie, Texas 75168
Phone: Metro 972-938-1185 Fax: 972-937-0307



Description: Easement Client: John Robertson G.F.# _____
Drawn by: Kevin Huber Scale: 1" = 30' Date: May 25, 2016 Job# 216-0095

Exhibit A

FIELD NOTES
0.0456 Acre

BEING all that certain lot, tract, or parcel of land being part of Lots 44A and Lot 44B, FERRIS SECOND ADDITION, City of Waxahachie, Ellis County, Texas, according to the replat filed in Cabinet I, Slide 399, Plat Records, Ellis County, Texas, (PRECT), and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found in the southeast line of FERRIS AVENUE (a city road) for the west corner of this tract, with the bearing basis for this description from GPS observation, Texas Co-Ordinate System, North Central Zone, with a beginning co-ordinate of: Northing = 6832545.25, Easting = 2479900.58;

THENCE N 25°48'01" E, 10.00 feet along the northwest line of said Lot 44 and same for this tract, to a point for corner, being the north corner of this tract;

THENCE S 64°12'01" E, 198.85 feet, through said Lot 44A and Lot 44B, to a point for corner, being the east corner of this tract and being in the southeast line of said Lot 44B and in the northwest line of a 20 foot alley;

THENCE S 26°01'03" W, 10.00 feet, along the southeast line of said Lot 44B and same for this tract and along the northwest line of said alley, to a 1/2" steel rod set, for the south corner of this tract and same for said Lot 44B and being the east corner of Block 45-A, FERRIS SECOND ADDITION, according to the replat filed in Cabinet G, Slide 126 PRECT;

THENCE N 64°12'01" W, along the southeast lines of said Lot 44B, 65.81 feet the west corner of said Lot 44B and the south corner of Lot 44A, 108.00 feet to a 1/2" steel rod found for the north corner of Lot 44A, 45-A, in all a total distance of 198.81 feet to the POINT OF BEGINNING, and containing approximately 0.0456 acre of land.

Walter Koven Davis
Walter Koven Davis
Registered Professional Land Surveyor #4488

6/1/16
Date



(30)

October 13, 2020

Commercial

Construction working hours are 6:00 am to 10:00 pm



Phone: 469-309-4020

Inspection Request Line: 469-309-4034

Fax: 469-309-4023

Job Address:	621 Cow Alley	Permit Number	COM-15-00134	Issue Date:	December 11, 2015
Subdivision:		Project Name:	Waxahachie Glass		
Lot:	Block:	Square Feet:	2400	Building/Permit Fee:	\$3,746.00
Description:	New 2400 Sq. Ft. Building	Valuation:	\$ 70,000.00	Water Impact Fee:	\$ 1,499.00
				Sewer Impact Fee:	\$ 1,970.00
				Roadway Impact Fee:	
				Total Fees Paid:	\$7,215.00
Contractor(s):	Deemy Enterprises	Anthony Deemy	Owner	469-236-2668	
		John Robertson	Owner	972-938-3505	

*******NOTE*******

Separate permits are required for electrical, plumbing, and mechanical work.

All Provisions of laws and ordinances governing this type of work must be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

This permit becomes void if work or construction authorized is not commenced within 180 days, or construction on work is suspended or abandoned for a period of 180 days at any time after work is commenced.

The City of Waxahachie has franchised solid waste and recycling collection and disposal with IESI. By contract, they are the only company permitted to collect and dispose of solid waste and recyclables in the territorial jurisdiction of the City of Waxahachie. For pricing information and to set up collection services call IESI at 972-923-9661

(30)



PERMIT FEE RECEIPT SUMMARY

December 04, 2015

Permit ID: COM-15-00134
Address: 621 Cow Alley
Project: Waxahachie Glass

Qty	Fee Description	Unit Cost	Total Cost	Amount Paid	Amount Waived	Receipt #	Check #
1	Certificate Of Occupancy	40.00	40.00	0.00	0.00		
1	Impact Fee (Wastewater 3/4 inch)	1,970.00	1,970.00	0.00	0.00		
1	Impact Fee (Water 3/4 inch)	1,499.00	1,499.00	0.00	0.00		
2400	Permit	0.25	600.00	0.00	0.00		
2400	Plan Review	0.05	120.00	0.00	0.00		
1	Roadway Service Area 4	2,986.00	2,986.00	0.00	0.00		
Total Fees :			7,215.00	0.00	0.00		
Balance Due:		7,215.00					

PO
1654
50 mg per hour

Posted By:

City of Waxahachie - 401 S. Rogers - Waxahachie, Tx 75165 - 469-309-4020 - www.waxahachie.com

Page 1 of 1

(30)



ENERGY CODE CERTIFICATION

This form is to certify that the structure listed below complies with the 2012 International Energy Conservation Code. It is also understood that certifying compliance with the 2012 International Energy Code when the structure does not actually comply with the Energy Code shall be grounds for the City of Waxahachie to suspend or revoke my ability, as well as the ability of the company I represent, to certify that any future structures in the City of Waxahachie comply with the Energy Code.

Permit number

621 Cow ALLEY
Address of structure

8/8/16
Date(s) of verification

MKEGANS 51135577, 28, 19, 61, 21K
Verified by: (signature) Printed Name Certification Number

EVANS SERVICE COMPANY
Company Represented

Verification of compliance can only be made by a person who has a current Energy Code Certification issued by the International Code Council (ICC).



(33)

Memorandum

To: Honorable Mayor and City Council
From: Warren Ketteman, Senior Economic Development Director
Thru: Michael Scott, City Manager
Date: November 12, 2020
Re: Consideration of an Ordinance Designating a Certain Area in the City of Waxahachie as "Tax Abatement Reinvestment Zone #30"

Item Description: An Ordinance of the City of Waxahachie creating Tax Abatement Reinvestment Zone #30.

Item Summary: Nutrenare AG, located at 4740 N. Interstate 35, Waxahachie, Texas wishes to expend approximately \$5,100,000 in real and personal property investment and Nutrenare AG has applied for real and personal property tax abatements from the City of Waxahachie. As directed by Texas Tax Code Chapter 312, the City of Waxahachie must create a "Tax Reinvestment Zone" prior to consideration of tax abatements within the zone. The zone area is identified by metes and bounds description contained within the ordinance.

Staff Recommendation: Adopt the ordinance as presented in the item description. On September 30, 2020, the Economic Development Commission unanimously approved the tax abatement and creation of the tax abatement reinvestment zone.

(33)

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING A CERTAIN AREA IN THE CITY OF WAXAHACHIE AS “TAX ABATEMENT REINVESTMENT ZONE #30, CITY OF WAXAHACHIE, TEXAS”; PROVIDING THE EFFECTIVE AND EXPIRATION DATES FOR THE ZONE AND A MECHANISM FOR RENEWAL OF THE ZONE; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE.

WHEREAS, pursuant to the City Council’s adoption on **January 22, 2019** of **Resolution No. 1261** (the “**Tax Abatement Policy**”), the City of Waxahachie, Texas (the “**City**”) has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the City and various third parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the “**Code**”); and

WHEREAS, the City Council desires to promote the development of the area in the CITY more specifically described in **Exhibit “A”** of this Ordinance (the “**Zone**”) through the creation of a reinvestment zone for purposes of granting a business expansion tax abatement, as authorized by and in accordance with Chapter 312 of the CODE; and

WHEREAS, **Nutrenare AG, Inc.**, or an affiliated entity (“**Company**”) wishes to expend or cause to be expended approximately **\$2,600,000** in real property improvements for the occupancy of a new manufacturing facility to be located in the Zone, and Company intends to install additional taxable tangible business personal property worth approximately **\$2,500,000** at the facility that ultimately will result in a combined real and personal property investment of approximately **\$5,100,000** (collectively, the “**Improvements**”); and

WHEREAS, **COMPANY** has applied for real and business personal property tax abatements from the CITY in return for the installation of the Improvements in the ZONE and compliance with certain other employment and spending commitments that will foster economic development in the ZONE and the CITY in general; and

WHEREAS, on **November 16, 2020** the City Council held a public hearing regarding the creation of the ZONE, received information concerning the IMPROVEMENTS proposed for the ZONE and afforded a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the ZONE (“**Public Hearing**”), as required by Section 312.201(d) of the COCE; and

WHEREAS, notice of the PUBLIC HEARING was published in a newspaper of general circulation in the CITY on November 8, 2020, which satisfies the requirement of Section 312.201(d)(1) of the CODE that publication of the notice occurs not later than the seventh day before the date of the PUBLIC HEARING; and

WHEREAS, in accordance with Sections 312.201(d)(2) and (e), of the CODE notice of the PUBLIC HEARING was delivered in writing not later than the seventh day before the date of the PUBLIC HEARING to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed ZONE;

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

Section 1.

FINDINGS.

That after reviewing all information before it regarding the establishment of the ZONE and after conducting the PUBLIC HEARING and affording a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the ZONE, the City Council hereby makes the following findings of fact:

- 1.1. The statements and facts set forth in the recitals of this Ordinance are true and correct. Therefore, the CITY has met the notice and procedural requirements established by the CODE for creation of a reinvestment zone under Chapter 312 of the CODE.
- 1.2. The IMPROVEMENTS proposed for the ZONE, as more specifically outlined in the PUBLIC HEARING, are feasible and practical and, once completed will benefit the land included in the ZONE as well as the CITY for a period of more than ten (10) years, which is the statutory maximum term of any tax abatement agreement entered into under the Chapter 312 of the CODE.
- 1.3. As a result of designation as a reinvestment zone, the area within the ZONE is reasonably likely to contribute to the expansion of primary employment and to attract major investment in the ZONE that will be a benefit to property in the Zone and will contribute to the economic development of the CITY.

Section 2.

DESIGNATION OF ZONE.

That the City Council hereby designates the ZONE described in the boundary description attached hereto as **Exhibit "A"** and made a part of this Ordinance for all purposes as a reinvestment zone for purposes of granting business expansion tax abatement, as authorized by and in accordance with Chapter 312 of the CODE. This ZONE shall be known as "**Tax Abatement Reinvestment Zone #30, City of Waxahachie, Texas.**" This project meets the Criteria for tax abatement incentives as defined in and in accordance with Section III of the Tax Abatement Policy.

(33)

Section 3.

TERM OF ZONE.

That the ZONE shall take effect upon the effective date of this Ordinance and expire five (5) years thereafter. The ZONE may be renewed by the City Council for one or more subsequent terms not to exceed five years.

Section 4.

SEVERABILITY.

That if any portion, section or part of a section of this Ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

Section 5.

IMMEDIATE EFFECT.

That this Ordinance shall take effect upon its adoption.

ADOPTED AND EFFECTIVE: on this _____ day of November, 2020 by the City Council of the City of Waxahachie, Texas.

Mayor

ATTEST:

City Secretary

(33)

EXHIBIT "A"
BOUNDARY DESCRIPTION OF TAX ABATEMENT REINVESTMENT ZONE #30,
CITY OF WAXAHACHIE, TEXAS

WHEREAS WE, Martindale Enterprise Group, Inc., are the Owners of a tract of land situated in the Elbert C. Newton Survey, Abstract No. 790 and the John Shaver Survey, Abstract No. 1000, in the City of Waxahachie, Ellis County, Texas and being a called 26.529 acre tract conveyed to them by deed as recorded in Volume 2632, Page 2196 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

FIELD NOTES ~ 26.529 Acres

BEING all that certain lot, tract, parcel of land situated in the Elbert C. Newton Survey, Abstract No. 790 and the John Shaver Survey, Abstract No. 1000 in the City of Waxahachie, Ellis County, Texas, and being that same called 26.529 acre tract of land conveyed to Martindale Enterprise Group, Inc. by deed as recorded in Volume 2632, Page 2196 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at the northwest corner of said 26.529 acre tract and the southwest corner of a called 18.738 acre tract of land conveyed to Buckley Property Company by deed as recorded in Volume 2617, Page 268 OPRECT in the east line of INTERSTATE HIGHWAY 35 E (I-35 E), a 300' wide right of way; (Note: The bearing basis for this description is from GPS observation, Texas Co-Ordinate System, North Central Zone, and having a beginning co-ordinate of: Northing = 6851955. 12, Easting = 2478851. 74, and a Scale Factor of: 0.999926721409)

THENCE N 89°26'51" E, 1046.41 feet along the north line of said 26.529 acre tract and the south line of said 18.738 acre tract to a 1/2" steel rod found for the northeast corner of said 26.529 acre tract and the southeast corner of said 18.738 acre tract in the west line of the Burlington Northern-Santo Fe Railroad (BN-SF Railroad), a 100' wide right of way, as conveyed in Volume 1289, Page 944 OPRECT;

THENCE S 16°29'34" W along the east line of said 26.529 acre tract and the west line of said BN-SF Railroad, passing at 796.01 feet a 1/2" steel rod set for witness corner, in all, 901.51 feet to the southeast corner of said 26.529 acre tract and the northeast corner of lot 2RR in Block 3 of THE LOFLAND DEVELOPMENT ADDITION-1990, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof as recorded in Cabinet H, Slide 537 of the Plat Records of Ellis County, Texas (PRECT) in the approximately flowline of South Grove Creek;

THENCE along the south line of said 26.529 acre tract and the north line of said Lat 2RR and along said South Grove Creek as follows:

(33)

EXHIBIT "A" Con't
BOUNDARY DESCRIPTION OF TAX ABATEMENT REINVESTMENT ZONE #30,
CITY OF WAXAHACHIE, TEXAS

S 86°35'50" W, 109.12 feet (adjoining Plat N 87°31'14" E, 109.12'); S 51°48'36" W, 194.55 feet (adjoining Plat N 52°44'00" E, 194.55'); S 61°29'36" W, 212.84 feet (adjoining Plat N 62°25'00" E, 212.84'); S 51°25'36" W, 125.69 feet (adjoining Plat N 52°21'00" E, 125.69'); S 82°32'36" W,

161.44 feet (adjoining Plat N 83°28'00" E, 161.44'); S 82°00'36" W, 213.07 feet (adjoining Plat N 82°56'00" E, 213.07') and N 80°32'24" W, 221.22 feet (adjoining Plat S 79°57'00" E, 221.22') to

the southwest corner of said 26.529 acre tract and the northwest corner of said Lot 2RR in the east line of said 1-35 E;

THENCE along the west line of said 26,529 acre tract and the east line of said 1-35 E as follows: N 16°26'54" E passing at 183.00 feet a 1/2" steel rod set for witness corner, in all, 733.50 feet to a 1/2" steel rod found;

N 16°20'31" E, 499.62 feet to the POINT OF BEGINNING and containing approximately 26.529 acres of land.



(34)

Memorandum

To: Honorable Mayor and City Council
From: Warren Ketteman, Senior Economic Development Director
Thru: Michael Scott, City Manager
Date: November 12, 2020
Re: Consideration of Resolution Adopting a Tax Abatement Agreement with Nutrenare- AG, Inc., 4740 N. Interstate 35, Waxahachie, Texas

Item Description: Resolution adopting Tax Abatement Agreement with Nutrenare- AG, Inc. and abating 50% of Ad Valorem Tax on Real and Business Personal Property for 5 years.

Item Summary: Nutrenare -AG, Inc. is currently operating in 76,539 square feet of building space. Expansion plans call for an addition of 18,100 square feet valued at approximately \$2,600,000 with additional business personal property valued at approximately \$2,500,000 with additional new employment of 12 persons.

Fiscal Impact: Estimated total taxes received and abated by the City of Waxahachie over the proposed 5 years: \$77,651 received and \$77,651 abated.

Staff Recommendation: Adopt the resolution as presented in item description. On September 30, 2020, the Economic Development Commission unanimously approved the tax abatement and creation of the tax abatement reinvestment zone.

(34)

RESOLUTION NO. _____

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

WHEREAS, the City Council has been presented a proposed Agreement by and between the City of Waxahachie, Texas and **Nutrenare-AG, Inc.** established **Tax Abatement Reinvestment Zone #30, City of Waxahachie, Texas**, and providing for a commercial/industrial tax abatement for **Nutrenare-AG, Inc.**, a copy of which is attached hereto as Exhibit No. 1 and incorporated herein by reference (hereinafter called "Agreement"); and

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

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

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

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

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

DULY PASSED AND APPROVED this ___ day of November 2020.

MAYOR

ATTEST:

CITY SECRETARY

EXHIBIT NO. 1
(Tax Abatement Agreement)

(34)

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THE STATE OF TEXAS)
)
COUNTY OF ELLIS)

Exhibit No. 1
AGREEMENT

This AGREEMENT is entered into by and between the City of Waxahachie, Texas, a home rule city and municipal corporation of Ellis County, Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY; and Nutrenare-AG, Inc. duly acting by and through its Authorized Officer, hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, pursuant to the City Council’s adoption on **January 22, 2019 of Resolution No. 1261** (the “**Tax Abatement Policy**”), the CITY has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the City and various third parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the “**Code**”); and

WHEREAS, on the **16th day of November, 2020**, the City Council of the City of Waxahachie, Texas, passed an Ordinance establishing **Tax Abatement Reinvestment Zone #30, City of Waxahachie, Texas**, for commercial/industrial tax abatement, as authorized by Chapter 312 of the CODE, as amended; and

WHEREAS, **Tax Abatement Reinvestment Zone No. 30, City of Waxahachie** has been established in the CITY for OWNER; and

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

WHEREAS, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said **Tax Abatement Reinvestment Zone No. 30, City of Waxahachie, Texas**, in accordance with the purposes for its creation and are in compliance with the CITY’s Policy on Economic Incentives and the ordinance creating such Tax Abatement Reinvestment Zone adopted by the CITY and all applicable laws;

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

1. The property to be the subject of this AGREEMENT shall be that real and personal property described by metes and bounds and attached hereto as **Exhibit A** and made a part hereof and shall be hereinafter referred to as PROPERTY.
2. The OWNER shall make improvements to the PROPERTY as specifically described in **Exhibit B** (hereinafter referred to as IMPROVEMENTS) with total expenditures in the approximate amount of **\$2,600,000** in real property investment for new construction of an

(34)

18,100 square foot production facility, and the installation of \$2,500,000 in new equipment to be substantially complete on or about February 2021 provided, that OWNER shall have such additional time to complete the IMPROVEMENTS as may be required in the event of "force majeure" if OWNER is diligently and faithfully pursuing completion of the IMPROVEMENTS. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of OWNER including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omissions of OWNER), fires, explosions or floods, strikes, lockouts or labor disputes and shortages of materials required for completion of construction. The date of completion of the IMPROVEMENTS shall be defined as the date a Certificate of Occupancy is issued by the City of Waxahachie. Actual construction of improvements shall begin no more than twelve (12) months from the date this agreement for tax abatement is approved. In event of non-compliance with this provision, the application shall be null and void with the right to reapply.

3. The OWNER agrees and covenants that it will diligently and faithfully, in a good and workmanlike manner, pursue the completion of the IMPROVEMENTS as a good and valuable consideration of this AGREEMENT. OWNER further covenants and agrees that all construction of the IMPROVEMENTS will be in substantial accordance with all applicable State and local laws, codes, and regulations or valid waiver thereof. In further consideration, OWNER, shall thereafter, from the date a Certificate of Occupancy is issued until the expiration of this AGREEMENT continuously operate and maintain the PROPERTY as a production and office space for the period ending January 1, 2027.

4. In the event that (a) the IMPROVEMENTS for which an abatement has been granted are not substantially completed in accordance with this AGREEMENT or (b) OWNER allows its ad valorem taxes owed the CITY to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes; or (c) OWNER breaches in any material respect any of the terms or conditions of this AGREEMENT, or (d) OWNER does not comply with the terms of its applicable zoning with its Specific Use Permit, then this AGREEMENT shall be in default. In the event that the OWNER defaults in its performance of either (a) or (b) or (c) or (d) above, then the CITY shall give the OWNER written notice of such default. If the default is a default under (b) or (d) above, OWNER will have 30 days from the date of the notice to cure the default. If the default is a default under (a) or (c) above, OWNER will have 90 days from the date of the notice to cure the default; provided that if OWNER promptly commences curative action and with diligence attempts to cure the default but can not cure the default within the 90 day period due to cause beyond the control of OWNER, OWNER will be granted an additional 60 days to cure the default. If OWNER fails to cure the default within the applicable time period, this AGREEMENT may be terminated by the CITY upon delivery of written notice thereof to OWNER. Notice shall be in writing and shall be delivered by personal delivery or certified mail to Nutrenare-AG, Attention: Plant Manager, 4740 N. Interstate 35E, Waxahachie, Texas, 75165. As liquidated damages in the event of the termination of this AGREEMENT as a result of default by OWNER, all taxes which otherwise would have been paid to the CITY without the benefit of abatement (interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, but without the addition of a penalty) will become a debt to the CITY, and shall be due, owing and paid to the CITY within sixty (60) days of the termination of this AGREEMENT as the sole

(34)

remedy of the CITY subject to any and all lawful offsets, settlements, deduction, or credits to which OWNER may be entitled. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

5. The parties hereto acknowledge that for the year **2020** the appraised **Real Property** value is **\$3,793,520**, excluding land. (Land is not included in the tax abatement). And for the year **2020** the appraised **Business Personal Property** value is **\$1,805,140**. Property values of supplies and inventory are specifically excluded by State Law and are not a part of this AGREEMENT.

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

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

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

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

10. Subject to the terms and conditions of this AGREEMENT, and subject to the rights of holders of any outstanding bonds of the CITY, a portion of ad valorem **Real and Business Personal Property** taxes from the PROPERTY and the IMPROVEMENTS otherwise owed to the CITY shall be abated. Said **Real and Business Personal Property** tax abatement shall be an amount equal to **50%** for a period of **FIVE (5)** years of the taxes assessed upon the increased value of the IMPROVEMENTS over the value in the year **2020** and in accordance with the terms of this AGREEMENT and all applicable State and local regulations or valid waiver thereof; provided that the **OWNER** shall have the right to protest and/or contest any assessment of the PROPERTY and IMPROVEMENTS, and said abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest and/or contest. Said abatement shall extend for a period of **FIVE (5)** years beginning from the first day of January of the year following completion of the IMPROVEMENTS which shall be **2022** (the "COMMENCEMENT DATE"). Unless earlier terminated as herein provided, this AGREEMENT shall automatically terminate on the **Fifth**

(34)

anniversary of the COMMENCEMENT DATE which will be **January 1, 2027**.

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

12. OWNER agrees that the employment count as of **January 1, 2020** is **14** full time employees and that the proposed IMPROVEMENTS will allow for the employment of approximately **12 additional** full time employees by **December 31, 2021** for a total of **26** full time employees.

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

14. This AGREEMENT was authorized by resolution of the City Council at its regularly scheduled meeting on the **16th** day of **November, 2020** authorizing the City Manager to execute the AGREEMENT on behalf of the CITY.

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

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

17. **Miscellaneous Provisions.** The following miscellaneous provisions are a part of this Agreement:

- (a) **Amendments.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.
- (b) **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Ellis County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of Ellis County, Texas.

(34)

- (c) **Assignment.** This Agreement may not be assigned without the express written consent of the other party.
- (d) **Caption Headings.** Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of the Agreement.
- (e) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- (f) **Effective Date.** The effective date (the "Effective Date") of this Agreement shall be the date of the later to execute this Agreement by OWNER and CITY.
- (g) **Filing.** In order to receive the tax abatement pursuant to this Agreement, OWNER understands it must file with the appraisal district an application for property tax abatement exemption between January 1 and April 30 of each year during the term of this Agreement. This filing form is in a form substantially similar to the form attached hereto as *Exhibit C* of this Agreement.
- (h) **Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.
- (i) **Time is of the Essence.** Time is of the essence in the performance of this Agreement.
- (j) **Undocumented Workers.** OWNER certifies that the OWNER does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, OWNER is convicted of a violation under 8 U.S.C. § 1324a(f), OWNER shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of six percent (6%), not later than the 120th day after the date the CITY notifies OWNER of the violation.
- (k) In accordance with Chapter 2270 of the Texas Government Code (as amended by Tex. H.B. 793, 86th Leg., R.S. (2019)), the CITY may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the OWNER is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this Agreement on behalf of the OWNER verifies that the

(34)

OWNER does not boycott Israel and will not boycott Israel during the term of this Agreement.

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

This AGREEMENT is performable in Ellis County, Texas, witness our hands this _____ day of November, 2020.

ATTEST:

City Secretary

APPROVED:

CITY OF WAXAHACHIE

City Manager

ATTEST:

Company: Nutrenare-AG

By: _____

Printed Name

Title

(34)

EXHIBIT "A"
(Boundary Description of Subject Property)

WHEREAS WE, Martindale Enterprise Group, Inc., are the Owners of a tract of land situated in the Elbert C. Newton Survey, Abstract No. 790 and the John Shaver Survey, Abstract No. 1000, in the City of Waxahachie, Ellis County, Texas and being a called 26.529 acre tract conveyed to them by deed as recorded in Volume 2632, Page 2196 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

FIELD NOTES ~ 26.529 Acres

BEING all that certain lot, tract, parcel of land situated in the Elbert C. Newton Survey, Abstract No. 790 and the John Shaver Survey, Abstract No. 1000 in the City of Waxahachie, Ellis County, Texas, and being that same called 26.529 acre tract of land conveyed to Martindale Enterprise Group, Inc. by deed as recorded in Volume 2632, Page 2196 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at the northwest corner of said 26.529 acre tract and the southwest corner of a called 18.738 acre tract of land conveyed to Buckley Property Company by deed as recorded in Volume 2617, Page 268 OPRECT in the east line of INTERSTATE HIGHWAY 35 E (1-35 E), a 300' wide right of way; (Note: The bearing basis for this description is from GPS observation, Texas Co-Ordinate System, North Central Zone, and having a beginning co-ordinate of: Northing = 6851955. 12, Easting = 2478851. 74, and a Scale Factor of: 0.999926721409)

THENCE N 89°26'51" E, 1046.41 feet along the north line of said 26.529 acre tract and the south line of said 18.738 acre tract to a 1/2" steel rod found for the northeast corner of said 26.529 acre tract and the southeast corner of said 18.738 acre tract in the west line of the Burlington Northern-Santo Fe Railroad (BN-SF Railroad), a 100' wide right of way, as conveyed in Volume 1289, Page 944 OPRECT;

THENCE S 16°29'34" W along the east line of said 26.529 acre tract and the west line of said BN-SF Railroad, passing at 796.01 feet a 1/2" steel rod set for witness corner, in all, 901.51 feet to the southeast corner of said 26.529 acre tract and the northeast corner of lot 2RR in Block 3 of THE LOFLAND DEVELOPMENT ADDITION-1990, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof as recorded in Cabinet H, Slide 537 of the Plat Records of Ellis County, Texas (PRECT) in the approximately flowline of South Grove Creek;

THENCE along the south line of said 26.529 acre tract and the north line of said Lat 2RR and along said South Grove Creek as follows:

S 86°35'50" W, 109.12 feet (adjoining Plat N 87°31'14" E, 109.12'); S 51°48'36" W, 194.55 feet (adjoining Plat N 52°44'00" E, 194.55'); S 61°29'36" W, 212.84 feet (adjoining Plat N 62°25'00" E, 212.84'); S 51°25'36" W, 125.69 feet (adjoining Plat N 52°21'00" E, 125.69'); S 82°32'36" W, 161.44 feet (adjoining Plat N 8.3°28'00" E, 161.44'); S 82°00'36" W, 213.07 feet (adjoining Plat N 82°56'00" E, 213.07') and N 80°32'24" W, 221.22 feet (adjoining Plat S 79°57'00" E, 221.22') to

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**EXHIBIT "A" Con't
(Boundary Description of Subject Property)**

the southwest corner of said 26.529 acre tract and the northwest corner of said Lot 2RR in the east line of said 1-35 E;

THENCE along the west line of said 26,529 acre tract and the east line of said 1-35 E as follows:
N 16'26'54" E passing at 183.00 feet a 1 /2" steel rod set for witness corner, in all, 733.50 feet to a 1 /2" steel rod found;

N 16'20'31" E, 499.62 feet to the POINT OF BEGINNING and containing approximately 26.529 acres of land.

(34)

EXHIBIT B

Improvements Description

Nutrenare-Ag, formerly Nutri-Ag, was established in 2005 to better satisfy the increasing demand of its products in the United States. Waxahachie's proximity to Mexico and strategic roads made it a desirable location for the Company. Nutrenare-Ag distributes products to customers in the United States, Canada, and Japan. The planned new production and warehouse facility, adjacent to the current manufacturing plant, will allow the Company to fabricate products made in Mexico towards manufacturing in the United States, and help the Company strengthen its position in the American market as a local chemical enterprise.

This project is to construct a new manufacturing and warehouse facility neighboring the existing plant located at 4740 N Interstate 35 East, Waxahachie, TX 75165. The existing facility is 76,408 square feet; the additional manufacturing facility and warehouse will add another 18,100 square feet.

Nutrenare-Ag currently employs a laboratory specialist, an engineer, 7 production employees, a maintenance employee, an administrative employee, a warehouse supervisor, a plant manager, and a CEO. The project expects to create 12 new positions, including 6 production employees with an expected hourly wage of \$16.65 per hour, 3 maintenance employees earning \$21.50 per hour, two laboratory specialist earning \$21.31 per hour, and an engineer earning \$29.30 per hour. Upon project completion, expected annual compensation will be approximately \$1.2 million. Nutrenare-Ag plans to invest approximately \$2.6 million to construct the new building and purchase approximately \$2.5 million in machinery and equipment. As such, total investment for the project is expected to be \$5.1 million. Nutrenare-Ag is committed to a long term investment in Waxahachie and expects the economic life of the facility to be 100 years. This planned investment will help Nutrenare-Ag increase production to better position itself as a local chemical manufacturer in the US agricultural market. By the 3rd year of operations at the new facility, production related to operations is expected to increase annually by 2.2 million pounds, or \$5.8 million in sales. The Company is optimistic this will be the first of several expansions in the coming years.

Utility and road infrastructure is already in place for the existing plant located at the same property. Only general infrastructure associated with building a new facility, such as concrete and steel, is expected with the project.

There will be no impact to the local housing market as the project is located in an industrial zone. Additionally, Nutrenare-Ag uses a 3rd party to confine any waste from the facility; as such, no environment impact is expected to be created from this project. The project will help retain and increase employment for residents of Waxahachie as well as provide work for local contractors, while maintaining its commitment to being an environmentally friendly producer and capitalizing on existing infrastructure.

(34)

Exhibit C

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

(34)

Application for Property Tax Abatement Exemption

Appraisal District Name

Phone (area code and number)

Appraisal District, Address, City, State, ZIP Code

GENERAL INSTRUCTIONS: This application is for use in claiming property tax exemptions pursuant to Tax Code Section 1128. A property owner who has established a tax abatement agreement under Tax Code Chapter 312, Property Redevelopment and Tax Abatement Act, is entitled to exemption from taxation by an incorporated city or town or other taxing unit of all or part of the value of the property as provided by the agreement.

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

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

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

OTHER IMPORTANT INFORMATION

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

State the tax year for which you are applying.

Tax Year

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

SECTION 1: Property Owner/Applicant

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

Individual Partnership Corporation Other (specify): _____

Name of Property Owner

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

Physical Address, City, State, ZIP Code

Phone (area code and number)

Email Address**

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

Mailing Address, City, State, ZIP Code

(34)

SECTION 2: Authorized Representative

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

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

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

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

Name of Authorized Representative _____ Driver's License, Personal I.D. Certificate or Social Security Number _____

Title of Authorized Representative _____ Primary Phone Number (area code and number) _____ Email Address** _____

Mailing Address, City, State, ZIP Code _____

SECTION 3: Property Description

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

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

Appraisal district account number (if known) _____

Legal Description:

[Empty box for Legal Description]

Was a wind-powered energy device installed or constructed:

- on a parcel of real property under an abatement agreement;
- at a location within 25 nautical miles of the boundaries of a military aviation facility located in this state; and
- on or after Sept. 1, 2017? Yes No

If yes, was the wind-powered energy device installed or constructed as part of an expansion or repowering of an existing project? .. Yes No

SECTION 4: Taxing Units that have Agreed to Abate Taxes

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

[Empty lines for listing taxing units and abatement agreements]

(34)

SECTION 5: Abatement(s) Questions

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

SECTION 6: Additional Required Documentation

The following documents must be included with this application.

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

SECTION 7: Certification and Signature

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

I, _____, swear or affirm the following:
Printed Name of Property Owner or Authorized Representative

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

sign here

Signature of Property Owner or Authorized Representative

Date

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

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



(36)

Memorandum

To: Honorable Mayor and City Council
From: Warren Ketteman, Senior Economic Development Director
Thru: Michael Scott, City Manager *MS*
Date: November 12, 2020
Re: Consideration of an Ordinance Designating a Certain Area in the City of Waxahachie as "Tax Abatement Reinvestment Zone #31"

Item Description: An Ordinance of the City of Waxahachie creating Tax Abatement Reinvestment Zone #31.

Item Summary: Timco Logistics/Myti Properties, 197 Ovilla Road, Waxahachie, Texas wishes to expend approximately \$6,950,000 in real property investment and Timco Logistics/Myti Properties has applied for real property tax abatements from the City of Waxahachie. As directed by Texas Tax Code Chapter 312, the City of Waxahachie must create a "Tax Reinvestment Zone" prior to consideration of tax abatements within the zone. The zone area is identified by legal description contained within the ordinance.

Staff Recommendation: Adopt the ordinance as presented in the item description. On September 30, 2020, the Economic Development Commission unanimously approved the tax abatement and creation of the tax abatement reinvestment zone.

(3e)

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING A CERTAIN AREA IN THE CITY OF WAXAHACHIE AS “TAX ABATEMENT REINVESTMENT ZONE #31, CITY OF WAXAHACHIE, TEXAS”; PROVIDING THE EFFECTIVE AND EXPIRATION DATES FOR THE ZONE AND A MECHANISM FOR RENEWAL OF THE ZONE; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE.

WHEREAS, pursuant to the City Council’s adoption on **January 22, 2019** of **Resolution No. 1261** (the “**Tax Abatement Policy**”), the City of Waxahachie, Texas (the “**City**”) has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the City and various third parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the “**Code**”); and

WHEREAS, the City Council desires to promote the development of the area in the CITY more specifically described in **Exhibit “A”** of this Ordinance (the “**Zone**”) through the creation of a reinvestment zone for purposes of granting a business expansion tax abatement, as authorized by and in accordance with Chapter 312 of the CODE; and

WHEREAS, **Timco Logistics Systems, Inc** or an affiliated entity (“**Company**”) wishes to construct and occupy a new facility and improve the existing facility to be located in the ZONE, that ultimately will result in a real property investment of approximately **\$6,950,000** (the “**Improvements**”); and

WHEREAS, COMPANY has applied for a real property tax abatement from the CITY in return for the installation of the IMPROVEMENTS in the ZONE and compliance with certain other employment and spending commitments that will foster economic development in the ZONE and the CITY in general; and

WHEREAS, on **November 16, 2020** the City Council held a public hearing regarding the creation of the Zone, received information concerning the IMPROVEMENTS proposed for the ZONE and afforded a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the ZONE (“**Public Hearing**”), as required by Section 312.201(d) of the CODE; and

WHEREAS, notice of the PUBLIC HEARING was published in a newspaper of general circulation in the CITY on November 8, 2020, which satisfies the requirement of Section 312.201(d)(1) of the CODE that publication of the notice occurs not later than the seventh day before the date of the PUBLIC HEARING; and

(31e)

WHEREAS, in accordance with Sections 312.201(d)(2) and (e), of the CODE notice of the PUBLIC HEARING was delivered in writing not later than the seventh day before the date of the PUBLIC HEARING to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed ZONE;

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

Section 1.

FINDINGS.

That after reviewing all information before it regarding the establishment of the ZONE and after conducting the PUBLIC HEARING and affording a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the ZONE, the City Council hereby makes the following findings of fact:

- 1.1. The statements and facts set forth in the recitals of this Ordinance are true and correct. Therefore, the CITY has met the notice and procedural requirements established by the CODE for creation of a reinvestment zone under Chapter 312 of the CODE.
- 1.2. The IMPROVEMENTS proposed for the ZONE, as more specifically outlined in the PUBLIC HEARING, are feasible and practical and, once completed will benefit the land included in the ZONE as well as the CITY for a period of more than ten (10) years, which is the statutory maximum term of any tax abatement agreement entered into under the Chapter 312 of the CODE.
- 1.3. As a result of designation as a ZONE, the area within the ZONE is reasonably likely to contribute to the expansion of primary employment and to attract major investment in the ZONE that will be a benefit to property in the ZONE and will contribute to the economic development of the CITY.

Section 2.

DESIGNATION OF ZONE.

That the City Council hereby designates the ZONE described in the boundary description attached hereto as **Exhibit "A"** and made a part of this Ordinance for all purposes as a reinvestment zone for purposes of granting business expansion tax abatement, as authorized by and in accordance with Chapter 312 of the CODE. This ZONE shall be known as "**Tax Abatement Reinvestment Zone #31, City of Waxahachie, Texas.**" This project meets the Criteria for tax abatement incentives as defined in and in accordance with Section III of the Tax Abatement Policy.

(31e)

Section 3.

TERM OF ZONE.

That the ZONE shall take effect upon the effective date of this Ordinance and expire five (5) years thereafter. The ZONE may be renewed by the City Council for one or more subsequent terms not to exceed five years.

Section 4.

SEVERABILITY.

That if any portion, section or part of a section of this Ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

Section 5.

IMMEDIATE EFFECT.

That this Ordinance shall take effect upon its adoption.

ADOPTED AND EFFECTIVE: on this _____ day of November, 2020 by the City Council of the City of Waxahachie, Texas.

Mayor

ATTEST:

City Secretary

(31)



Memorandum

To: Honorable Mayor and City Council
From: Warren Kettelman, Senior Economic Development Director
Thru: Michael Scott, City Manager
Date: November 12, 2020
Re: Consideration of Resolution Adopting a Tax Abatement Agreement with Timco Logistics Systems, Inc. and Myti Properties, LLC, 197 Ovilla Road, Waxahachie, Texas

Item Description: Tax Abatement Agreement with Timco Logistics Systems, Inc. and Myti Properties, LLC and abating 50% of Ad Valorem Tax on Real Property for 5 years.

Item Summary: Timco Logistics Systems, Inc. and Myti Properties, LLC is currently operating in an 11,194 square feet of building space. Expansion plans call for an addition of 29,000 square feet valued at approximately \$6,950,000 and an additional 15 new positions. Also, 18 positions will be relocating to Waxahachie from other Timco locations.

Fiscal Impact: Estimated total taxes received and abated by the City of Waxahachie over the proposed 5 years: \$119,355 received and \$119,355 abated.

Staff Recommendation: Adopt the resolution as presented in the item description. On September 30, 2020, the Economic Development Commission unanimously approved the tax abatement and creation of the tax abatement reinvestment zone.

(31)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF WAXAHACHIE, TEXAS, MYTI PROPERTIES, LLC, AND TIMCO LOGISTICS, INC.; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER, OR IN HIS ABSENCE THE ASSISTANT CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Agreement by and between the City of Waxahachie, Texas, Myti Properties, LLC, and TIMCO Logistics, Inc., establishing Tax Abatement Reinvestment Zone #31 City of Waxahachie, Texas, and providing for a commercial/industrial tax abatement for Myti Properties, LLC and TIMCO Logistics, Inc., a copy of which is attached hereto as Exhibit No. 1 and incorporated herein by reference (hereinafter called "Agreement"); and

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

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

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

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

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

DULY PASSED AND APPROVED this ___ day of November, 2020.

MAYOR

ATTEST:

CITY SECRETARY

EXHIBIT NO. 1
(Tax Abatement Agreement)

(31)

(31)

THE STATE OF TEXAS)
)
COUNTY OF ELLIS)

Exhibit No. 1
AGREEMENT

This AGREEMENT is entered into by and between the City of Waxahachie, Texas, a home rule city and municipal corporation of Ellis County, Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY; and Myti Properties, LLC and TIMCO Logistics Systems, Inc. duly acting by and through its Authorized Officer, hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, pursuant to the City Council’s adoption on **January 22, 2019 of Resolution No. 1261** (the “**Tax Abatement Policy**”), the CITY has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the CITY and various third parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the “**Code**”); and

WHEREAS, on the **16th day of November, 2020**, the City Council of the City of Waxahachie, Texas, passed an Ordinance establishing **Tax Abatement Reinvestment Zone #31** City of Waxahachie, Texas, for commercial/industrial tax abatement, as authorized by Chapter 312 of the CODE, as amended; and

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

WHEREAS, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said **Tax Abatement Reinvestment Zone #31 City of Waxahachie, Texas** in accordance with the purposes for its creation and are in compliance with the CITY’s Policy on Economic Incentives and the ordinance creating such enterprise zone adopted by the CITY and all applicable laws;

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

1. The property to be the subject of this AGREEMENT shall be that real property described and attached hereto as **Exhibit A** and made a part hereof and shall be hereinafter referred to as PROPERTY.

2. The OWNER shall make improvements to the PROPERTY as specifically described in **Exhibit B** (hereinafter referred to as IMPROVEMENTS) with total expenditures in the approximate amount of **\$6,950,000**. in real property investment for new construction of an **29,000** square foot maintenance facility, and various improvements to entryways and parking areas to be substantially complete on or about **March 2022** provided, that OWNER shall have such

(31)

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

3. The OWNER agrees and covenants that it will diligently and faithfully, in a good and workmanlike manner, pursue the completion of the IMPROVEMENTS as a good and valuable consideration of this AGREEMENT. OWNER further covenants and agrees that all construction of the IMPROVEMENTS will be in substantial accordance with all applicable State and local laws, codes, and regulations or valid waiver thereof. In further consideration, OWNER, shall thereafter, from the date a Certificate of Occupancy is issued until the expiration of this AGREEMENT continuously operate and maintain the PROPERTY as a production and office space for the period ending **January 1, 2028**.

4. In the event that (a) the IMPROVEMENTS for which an abatement has been granted are not substantially completed in accordance with this AGREEMENT or (b) OWNER allows its ad valorem taxes owed the CITY to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes; or (c) OWNER breaches in any material respect any of the terms or conditions of this AGREEMENT, or (d) OWNER does not comply with the terms of its applicable zoning with its Specific Use Permit, then this AGREEMENT shall be in default. In the event that the OWNER defaults in its performance of either (a) or (b) or (c) or (d) above, then the CITY shall give the OWNER written notice of such default. If the default is a default under (b) or (d) above, OWNER will have 30 days from the date of the notice to cure the default. If the default is a default under (a) or (c) above, OWNER will have 90 days from the date of the notice to cure the default; provided that if OWNER promptly commences curative action and with diligence attempts to cure the default but can not cure the default within the 90 day period due to cause beyond the control of OWNER, OWNER will be granted an additional 60 days to cure the default. If OWNER fails to cure the default within the applicable time period, this AGREEMENT may be terminated by the CITY upon delivery of written notice thereof to OWNER. Notice shall be in writing and shall be delivered by personal delivery or certified mail to **Myti Properties, LLC, Attention: Tim Balch, 197 Ovilla Road, Waxahachie, TX 75167** As liquidated damages in the event of the termination of this AGREEMENT as a result of default by OWNER, all taxes which otherwise would have been paid to the CITY without the benefit of abatement (interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, but without the addition of a penalty) will become a debt to the CITY, and shall be due, owing and paid to the CITY within sixty (60) days of the termination of this AGREEMENT as the sole remedy of the CITY subject to any and all lawful offsets, settlements, deduction, or credits to which OWNER may be entitled. The parties acknowledge that actual damages in the event of

(31)

default and termination would be speculative and difficult to determine.

5. The parties hereto acknowledge that for the year **2020** the appraised Real Property value is **\$975,300**, excluding land. (Land is not included in the tax abatement). Property values of supplies and inventory are specifically excluded by State Law and are not a part of this AGREEMENT.

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

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

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

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

10. Subject to the terms and conditions of this AGREEMENT, and subject to the rights of holders of any outstanding bonds of the CITY, a portion of ad valorem Real Property taxes from the PROPERTY and the IMPROVEMENTS otherwise owed to the CITY shall be abated. Said Real Property tax abatement shall be an amount equal to **50%** for a period of **FIVE (5)** years of the taxes assessed upon the increased value of the IMPROVEMENTS over the value in the year **2020** and in accordance with the terms of this AGREEMENT and all applicable State and local regulations or valid waiver thereof; provided that the OWNER shall have the right to protest and/or contest any assessment of the PROPERTY and IMPROVEMENTS, and said abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest and/or contest. Said abatement shall extend for a period of **FIVE (5)** years beginning from the first day of January of the year following completion of the IMPROVEMENTS which shall be **2023** (the "COMMENCEMENT DATE"). Unless earlier terminated as herein provided, this AGREEMENT shall automatically terminate on the **FIFTH** anniversary of the COMMENCEMENT DATE which will be **January 1, 2028**.

(31)

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

12. OWNER agrees that the employment count as of **January 1, 2020** is **185** full time employees and that the proposed IMPROVEMENTS will allow for the employment of approximately **15 additional** full time employees by **March 31, 2022** for a total of **200** full time employees.

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

14. This AGREEMENT was authorized by resolution of the City Council at its regularly scheduled meeting on the **16th** day of **November, 2020** authorizing the City Manager to execute the AGREEMENT on behalf of the CITY.

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

16. Prior to February 15th of each year, OWNER will certify to the City of Waxahachie whether or not OWNER is, as of the certification date, in compliance with each applicable term of this AGREEMENT. If OWNER is not in compliance with each applicable term of this AGREEMENT, OWNER will specify in the certification the term or terms with respect to which OWNER is not in compliance.

17. **Miscellaneous Provisions.** The following miscellaneous provisions are a part of this Agreement:

(a) **Amendments.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

(b) **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Ellis County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of Ellis County, Texas.

(c) **Assignment.** This Agreement may not be assigned without the express written consent of

(31)

the other party.

- (d) **Caption Headings.** Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of the Agreement.
- (e) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- (f) **Effective Date.** The effective date (the "Effective Date") of this Agreement shall be the date of the later to execute this Agreement by OWNER and CITY.
- (g) **Filing.** In order to receive the tax abatement pursuant to this Agreement, OWNER understands it must file with the appraisal district an application for property tax abatement exemption between January 1 and April 30 of each year during the term of this Agreement. This filing form is in a form substantially similar to the form attached hereto as *Exhibit C* of this Agreement.
- (h) **Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.
- (i) **Time is of the Essence.** Time is of the essence in the performance of this Agreement.
- (j) **Undocumented Workers.** OWNER certifies that the OWNER does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, OWNER is convicted of a violation under 8 U.S.C. § 1324a(f), OWNER shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of six percent (6%), not later than the 120th day after the date the CITY notifies OWNER of the violation.
- (k) In accordance with Chapter 2270 of the Texas Government Code (as amended by Tex. H.B. 793, 86th Leg., R.S. (2019)), the CITY may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the OWNER is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this Agreement on behalf of the OWNER verifies that the OWNER does not boycott Israel and will not boycott Israel during the term of this Agreement.

(31)

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

This AGREEMENT is performable in Ellis County, Texas, witness our hands this _____ day of November, 2020.

ATTEST:

City Secretary

APPROVED:

CITY OF WAXAHACHIE

City Manager

Company(ies): Myti Properties, LLC and
TIMCO Logistics Systems, Inc.

ATTEST:

By: _____

Printed Name

Title

(39)

EXHIBIT "A"
DESCRIPTION OF SUBJECT PROPERTY

Address: 197 Ovilla Road, Waxahachie, TX 75167

Property Legal Description(s): Property ID 180388: 101 E BELLOW 12.227 ACRES
 Property ID 180394: 101 E BELLOW 4.56 ACRES
 Property ID 180390: 101 E BELLOW 0.92 ACRES

(31)

EXHIBIT "B" **PROJECT IMPROVEMENTS**

Timco has recently acquired several companies and properties in Texas and in other states, and is currently re-evaluating various options for expanding and consolidating its operations to best plan for growth at a reasonable cost.

Currently under review is the expansion and consolidation of its maintenance facilities, which would require the purchase or construction of a new maintenance facility.

Employment Impact

Expansion of the current Timco maintenance facilities would create 15 new truck mechanic positions. These are professional technician jobs that have a base salary of approximately \$75,000 plus overtime and benefits including health insurance, flexible spending accounts, 401 (k), etc.

Relocating the Timco truck brokerage company to the Waxahachie Timco offices would bring in 18 jobs comprised of 2 executives, 3 managers, 9 sales and 4 accounting and administrative personnel. The current payroll for these employees is \$1,655,000 plus benefits including health insurance, flexible spending accounts, 401(k), etc.

In addition, these approximately thirty-five good paying jobs would create professional truck driver hiring opportunities as well.

The Timco Waxahachie facility currently employs 185 employees with a current payroll of \$10,500,000. These jobs consist of 2 executive, 5 management, 141 professional/technical, 35 accounting and administrative and 2 general labor positions. The current annual Waxahachie payroll would increase from \$10,946,000 to \$13,726,000 plus benefits.

Fiscal Impact

Expansion of the Timco Waxahachie facility would require building a new, 29,000 sf high-tech truck maintenance, safety and training facility at a cost of approximately \$4.2 million dollars plus an additional \$1.5 million dollars for a new truck entry and exit and driveway and parking lot paving.

The currently existing maintenance facility would be renovated to match the new maintenance building decor and would be converted into a trailer maintenance facility at a cost of \$1 million.

In addition, relocating the Timco brokerage business to Waxahachie would require expanding and renovating the Timco office building in order to accommodate new employees at a cost of \$250,000. The combined real property improvements would require a business investment of approximately \$7 million dollars. This investment is expected to grow Timco's business which would require additional investment in personal property such as trucks, trailers and equipment.

(31)

Improvements to the real property would be constructed to local commercial building codes and have a long term depreciable life as specified in the Federal Internal Revenue Service Code.

This project would allow Timco to conduct truck and trailer maintenance in a more streamlined and expeditious manner as the current maintenance facility is much too small for the current maintenance volumes required and would also separate truck from trailer maintenance.

It is not anticipated to increase truck and trailer traffic much more than current levels; however, the improved facilities will provide significant improvements for conducting efficient maintenance operations.

This project would limit the traffic entering Timco from Ovilla Road to customer and employee traffic only (non-truck and trailer traffic) and truck traffic would enter the premise from the south entrance on US-287 Business.

This project would require modifications and improvements to the entry and exit points of the property, drainage considerations, driveway and parking lot paving, construction of a new building and the renovation of two existing buildings.

The projected annual operating budget would be approximately \$60 million dollars.

Community Impact:

This project would bring more good paying jobs into the Waxahachie community and increase demand for local housing.

Construction of a new truck maintenance, safety and training facility and renovating the old maintenance facility and the Timco office building would be normal commercial building construction and have minimal environmental impact.

Although employee parking would increase and business volume would grow over time, the environmental impact is not expected to change from current operations.

In order to be profitable, it is imperative to have the truck fleet moving freight safely and efficiently on our nation's roads and highways. The goal is to maximize trucks operating safely on the roads and highways and to minimize downtime and parking time.

Timco trucks have the latest in environmentally friendly trucking technology providing quiet, clean and energy efficient transportation. The average age of the fleet equipment is 3.5 years.

The project is expected to conform to the City's Comprehensive Plan. The contemplated development and improvements would enhance the appearance of the property, provide greater efficiencies for the business and improve traffic ingress and egress.

(37)

Exhibit C

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

(31)

Application for Property Tax Abatement Exemption

Appraisal District Name

Phone (area code and number)

Appraisal District, Address, City, State, ZIP Code

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

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

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

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

OTHER IMPORTANT INFORMATION

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

State the tax year for which you are applying.

Tax Year

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

SECTION 1: Property Owner/Applicant

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

Individual Partnership Corporation Other (specify): _____

Name of Property Owner

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

Physical Address, City, State, ZIP Code

Phone (area code and number)

Email Address**

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

Mailing Address, City, State, ZIP Code

The Property Tax Assistance Division at the Texas Comptroller of Public Accounts provides property tax information and resources for taxpayers, local taxing entities, appraisal districts and appraisal review boards.

For more information, visit our website:
comptroller.texas.gov/taxes/property-tax
50-116 • 12/17/15

(31)

SECTION 2: Authorized Representative

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

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

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

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

Name of Authorized Representative _____ Driver's License, Personal I.D. Certificate or Social Security Number _____

Title of Authorized Representative _____ Primary Phone Number (area code and number) _____ Email Address** _____

Mailing Address, City, State, ZIP Code _____

SECTION 3: Property Description

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

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

Appraisal district account number (if known) _____

Legal Description:

[Empty box for Legal Description]

Was a wind-powered energy device installed or constructed:

- on a parcel of real property under an abatement agreement;
- at a location within 25 nautical miles of the boundaries of a military aviation facility located in this state; and
- on or after Sept. 1, 2017 Yes No

If yes, was the wind-powered energy device installed or constructed as part of an expansion or repowering of an existing project? .. Yes No

SECTION 4: Taxing Units that have Agreed to Abate Taxes

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

[Empty lines for listing taxing units and abatement agreements]

(31)

SECTION 5: Abatement(s) Questions

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

SECTION 6: Additional Required Documentation

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

SECTION 7: Certification and Signature

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

- I, _____, swear or affirm the following:
- Printed Name of Property Owner or Authorized Representative
1. that each fact contained in this application is true and correct;
 2. that the property described in this application meets the qualifications under Texas law for the exemption claimed; and
 3. that I have read and understand the *Notice Regarding Penalties for Making or Filing an Application Containing a False Statement*.

sign here

Signature of Property Owner or Authorized Representative _____ Date _____

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

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



(39)

Memorandum

To: Honorable Mayor and City Council
From: Warren Ketteman, Senior Economic Development Director
Thru: Michael Scott, City Manager
Date: November 12, 2020
Re: Consideration of an Ordinance designating a Certain Area in the City of Waxahachie as "Tax Abatement Reinvestment Zone #32"

Item Description: An ordinance of the City of Waxahachie creating Tax Abatement Reinvestment Zone #32.

Item Summary: Kinro Texas, 101 Mushroom Road, Waxahachie, Texas wishes to expend approximately \$18,000,000 in real and personal property investment and Kinro Texas has applied for real and personal property tax abatements from the City of Waxahachie. As directed by Texas Tax Code Chapter 312, the City of Waxahachie must create a "Tax Reinvestment Zone" prior to consideration of tax abatements within the zone. The zone area is identified by legal description contained within the ordinance.

Staff Recommendation: Adopt the ordinance as presented in the item description. On September 30, 2020, the Economic Development Commission unanimously approved the tax abatement and creation of the tax abatement reinvestment zone.

(39)

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING A CERTAIN AREA IN THE CITY OF WAXAHACHIE AS “TAX ABATEMENT REINVESTMENT ZONE #32, CITY OF WAXAHACHIE, TEXAS”; PROVIDING THE EFFECTIVE AND EXPIRATION DATES FOR THE ZONE AND A MECHANISM FOR RENEWAL OF THE ZONE; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE.

WHEREAS, pursuant to the City Council’s adoption on **January 22, 2019 of Resolution No. 1261** (the “**Tax Abatement Policy**”), the City of Waxahachie, Texas (the “**City**”) has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the City and various third parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the “**Code**”); and

WHEREAS, the City Council desires to promote the development of the area in the CITY more specifically described in **Exhibit “A”** of this Ordinance (the “**Zone**”) through the creation of a Tax Abatement Reinvestment Zone for purposes of granting a business expansion tax abatement, as authorized by and in accordance with Chapter 312 of the CODE; and

WHEREAS, **Kinro Texas, Inc.** or an affiliated entity (“**Company**”) wishes to expend or cause to be expended approximately **\$8,000,000** in real property improvements for the occupancy of a new manufacturing facility to be located in the ZONE, and COMPANY intends to install new taxable tangible business personal property worth approximately **\$10,000,000** at the facility that ultimately will result in a combined real and personal property investment of approximately **\$18,000,000** (collectively, the “**Improvements**”); and

WHEREAS, Company has applied for real and business personal property tax abatements from the CITY in return for the installation of the IMPROVEMENTS in the ZONE and compliance with certain other employment and spending commitments that will foster economic development in the ZONE and the CITY in general; and

WHEREAS, on **November 16, 2020** the City Council held a public hearing regarding the creation of the ZONE, received information concerning the IMPROVEMENTS proposed for the ZONE and afforded a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the ZONE (“**Public Hearing**”), as required by Section 312.201(d) of the CODE; and

WHEREAS, notice of the PUBLIC HEARING was published in a newspaper of general circulation in the CITY on **November 8, 2020**, which satisfies the requirement of Section 312.201(d)(1) of the CODE that publication of the notice occur not later than the seventh day before the date of the PUBLIC HEARING; and

(39)

WHEREAS, in accordance with Sections 312.201(d)(2) and (e), of the CODE notice of the PUBLIC HEARING was delivered in writing not later than the seventh day before the date of the PUBLIC HEARING to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed ZONE;

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

Section 1.

FINDINGS.

That after reviewing all information before it regarding the establishment of the ZONE and after conducting the PUBLIC HEARING and affording a reasonable opportunity for all interested persons to speak and present evidence for or against the creation of the ZONE, the City Council hereby makes the following findings of fact:

- 1.1. The statements and facts set forth in the recitals of this Ordinance are true and correct. Therefore, the CITY has met the notice and procedural requirements established by the CODE for creation of a reinvestment zone under Chapter 312 of the CODE.
- 1.2. The IMPROVEMENTS proposed for the ZONE, as more specifically outlined in the PUBLIC HEARING, are feasible and practical and, once completed will benefit the land included in the ZONE as well as the CITY for a period of more than ten (10) years, which is the statutory maximum term of any tax abatement agreement entered into under the Chapter 312 of the CODE.
- 1.3. As a result of designation as a reinvestment zone, the area within the ZONE is reasonably likely to contribute to the expansion of primary employment and to attract major investment in the ZONE that will be a benefit to property in the Zone and will contribute to the economic development of the CITY.

Section 2.

DESIGNATION OF ZONE.

That the City Council hereby designates the ZONE described in the boundary description attached hereto as **Exhibit "A"** and made a part of this Ordinance for all purposes as a reinvestment zone for purposes of granting business expansion tax abatement, as authorized by and in accordance with Chapter 312 of the CODE. This ZONE shall be known as "**Tax Abatement Reinvestment Zone #32, City of Waxahachie, Texas**". This project meets the Criteria for tax abatement incentives as defined in and in accordance with Section III of the Tax Abatement Policy.

(39)

Section 3.

TERM OF ZONE.

That the ZONE shall take effect upon the effective date of this Ordinance and expire five (5) years thereafter. The ZONE may be renewed by the City Council for one or more subsequent terms not to exceed five years.

Section 4.

SEVERABILITY.

That if any portion, section or part of a section of this Ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion or judgment.

Section 5.

IMMEDIATE EFFECT.

That this Ordinance shall take effect upon its adoption.

ADOPTED AND EFFECTIVE: on this _____ day of November, 2020 by the City Council of the City of Waxahachie, Texas.

Mayor

ATTEST:

City Secretary

(39)

EXHIBIT "A"
BOUNDARY DESCRIPTION OF TAX ABATEMENT REINVESTMENT ZONE #32,
CITY OF WAXAHACHIE, TEXAS

Property Address: 101 Mushroom Road, Waxahachie, TX 75165

Property Legal Description: PT 4R A N WAXAHACHIE IND PARK-REV18.783 ACRES

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Memorandum

To: Honorable Mayor and City Council
From: Warren Ketteman, Senior Economic Development Director
Thru: Michael Scott, City Manager
Date: November 12, 2020
Re: Consideration of Resolution Adopting a Tax Abatement Agreement with Kinro Texas, Inc., 101 Mushroom Road, Waxahachie, Texas

Item Description: Resolution adopting Tax Abatement Agreement with Kinro Texas, Inc. and abating 60% of Ad Valorem Tax on Real and Business Personal Property for 7 years.

Item Summary: Kinro Texas is currently operating in 196,400 square feet of building space. Expansion plans call for an addition of 156,000 square feet valued at approximately \$8,000,000 with additional business personal property valued at approximately \$10,000,000 with additional new employment of 151 persons.

Fiscal Impact: Estimated total taxes received and abated by the City of Waxahachie over the proposed 7 years: \$286,372 received and \$429,558 abated.

Staff Recommendation: Adopt the resolution as presented in the item description. On September 30, 2020, the Economic Development Commission unanimously approved the tax abatement and creation of the tax abatement reinvestment zone.

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RESOLUTION NO. _____

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

WHEREAS, the City Council has been presented a proposed Agreement by and between the City of Waxahachie, Texas and **Kinro Texas, Inc.**, established **Tax Abatement Reinvestment Zone #32 City of Waxahachie, Texas**, and providing for a commercial/industrial tax abatement for **Kinro Texas, Inc.**, a copy of which is attached hereto as Exhibit No. 1 and incorporated herein by reference (hereinafter called "Agreement"); and

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

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

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

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

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

DULY PASSED AND APPROVED this ___ day of _____ 2020.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

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EXHIBIT NO. 1
(Tax Abatement Agreement)

(40)

THE STATE OF TEXAS)
)
COUNTY OF ELLIS)

Exhibit No. 1
AGREEMENT

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

WITNESSETH:

WHEREAS, pursuant to the City Council’s adoption on **January 22, 2019** of **Resolution No. 1261** (the “**Tax Abatement Policy**”), the CITY has elected to be eligible to participate in tax abatement and has established guidelines and criteria governing tax abatement agreements entered into between the CITY and various third parties, as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, codified in Chapter 312 of the Texas Tax Code (the “**Code**”); and

WHEREAS, on the **16th** day of **November, 2020**, the City Council of the City of Waxahachie, Texas, passed an Ordinance establishing **Tax Abatement Reinvestment Zone #32 City of Waxahachie, Texas**, for commercial/industrial tax abatement, as authorized by Chapter 312 of the CODE, as amended; and

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

WHEREAS, the contemplated use of the property, as hereinafter defined, the contemplated improvements to the property in the amount as set forth in this AGREEMENT and the other terms hereof are consistent with encouraging development of said **Tax Abatement Reinvestment Zone #32 City of Waxahachie** in accordance with the purposes for its creation and are in compliance with the CITY’s Policy on Economic Incentives and the ordinance creating such zone adopted by the CITY and all applicable laws;

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

1. The property to be the subject of this AGREEMENT shall be that real and personal property described and attached hereto as **Exhibit A** and made a part hereof and shall be hereinafter referred to as PROPERTY.

2. The OWNER shall make improvements to the PROPERTY as specifically described in **Exhibit B** (hereinafter referred to as IMPROVEMENTS) with total expenditures in the approximate amount of **\$8,000,000**. in real property investment for new construction of an **156,000** square foot manufacturing facility, and the installation of **\$10,000,000** in new manufacturing equipment to be substantially complete on or about **December 2022** provided, that OWNER shall have such additional time to complete the IMPROVEMENTS as may be required

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

3. The OWNER agrees and covenants that it will diligently and faithfully, in a good and workmanlike manner, pursue the completion of the IMPROVEMENTS as a good and valuable consideration of this AGREEMENT. OWNER further covenants and agrees that all construction of the IMPROVEMENTS will be in substantial accordance with all applicable State and local laws, codes, and regulations or valid waiver thereof. In further consideration, OWNER, shall thereafter, from the date a Certificate of Occupancy is issued until the expiration of this AGREEMENT continuously operate and maintain the PROPERTY as a production and office space for the period ending **January 1, 2029**.

4. In the event that (a) the IMPROVEMENTS for which an abatement has been granted are not substantially completed in accordance with this AGREEMENT or (b) OWNER allows its ad valorem taxes owed the CITY to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of any such ad valorem taxes; or (c) OWNER breaches in any material respect any of the terms or conditions of this AGREEMENT, or (d) OWNER does not comply with the terms of its applicable zoning with its Specific Use Permit, then this AGREEMENT shall be in default. In the event that the OWNER defaults in its performance of either (a) or (b) or (c) or (d) above, then the CITY shall give the OWNER written notice of such default. If the default is a default under (b) or (d) above, OWNER will have 30 days from the date of the notice to cure the default. If the default is a default under (a) or (c) above, OWNER will have 90 days from the date of the notice to cure the default; provided that if OWNER promptly commences curative action and with diligence attempts to cure the default but can not cure the default within the 90 day period due to cause beyond the control of OWNER, OWNER will be granted an additional 60 days to cure the default. If OWNER fails to cure the default within the applicable time period, this AGREEMENT may be terminated by the CITY upon delivery of written notice thereof to OWNER. Notice shall be in writing and shall be delivered by personal delivery or certified mail to **Kinro Texas, Inc., Attention: Tom Bauters, CPA, 3501 County Road 6 E, Elkhart, IN, 46514**. As liquidated damages in the event of the termination of this AGREEMENT as a result of default by OWNER, all taxes which otherwise would have been paid to the CITY without the benefit of abatement (interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas, but without the addition of a penalty) will become a debt to the CITY, and shall be due, owing and paid to the CITY within sixty (60) days of the termination of this AGREEMENT as the sole remedy of the CITY subject to any and all lawful offsets, settlements, deduction, or credits to which OWNER may be entitled. The parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine.

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5. The parties hereto acknowledge that for the year **2020** the appraised Real Property value is **\$2,643,430**, excluding land. (Land is not included in the tax abatement). And for the year **2020** the appraised Business Personal Property value is **\$6,432,651**. Property values of supplies and inventory are specifically excluded by State Law and are not a part of this AGREEMENT.

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

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

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

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

10. Subject to the terms and conditions of this AGREEMENT, and subject to the rights of holders of any outstanding bonds of the CITY, a portion of ad valorem Real and Business Personal Property taxes from the PROPERTY and the IMPROVEMENTS otherwise owed to the CITY shall be abated. Said Real and Business Personal Property tax abatement shall be an amount equal to **60%** for a period of **SEVEN (7)** years of the taxes assessed upon the increased value of the IMPROVEMENTS over the value in the year **2020** and in accordance with the terms of this AGREEMENT and all applicable State and local regulations or valid waiver thereof; provided that the OWNER shall have the right to protest and/or contest any assessment of the PROPERTY and IMPROVEMENTS, and said abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest and/or contest. Said abatement shall extend for a period of **SEVEN (7)** years beginning from the first day of January of the year following completion of the IMPROVEMENTS which shall be **2023** (the "COMMENCEMENT DATE"). Unless earlier terminated as herein provided, this AGREEMENT shall automatically terminate on the **SEVENTH** anniversary of the COMMENCEMENT DATE which will be **January 1, 2029**.

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

12. OWNER agrees that the employment count as of **January 1, 2020** is **194** full time employees and that the proposed IMPROVEMENTS will allow for the employment of approximately **151 additional** full time employees by **December 31, 2023** for a total of **345** full time employees.

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

14. This AGREEMENT was authorized by resolution of the City Council at its regularly scheduled meeting on the **16th** day of **November, 2020** authorizing the City Manager to execute the AGREEMENT on behalf of the CITY.

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

16. Prior to February 15th of each year, OWNER will certify to the City of Waxahachie whether or not OWNER is, as of the certification date, in compliance with each applicable term of this AGREEMENT. If OWNER is not in compliance with each applicable term of this AGREEMENT, OWNER will specify in the certification the term or terms with respect to which OWNER is not in compliance.

17. **Miscellaneous Provisions.** The following miscellaneous provisions are a part of this Agreement:

(a) **Amendments.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

(b) **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Ellis County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of Ellis County, Texas.

(c) **Assignment.** This Agreement may not be assigned without the express written consent of

the other party.

- (d) **Caption Headings.** Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of the Agreement.
- (e) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- (f) **Effective Date.** The effective date (the "Effective Date") of this Agreement shall be the date of the later to execute this Agreement by OWNER and CITY.
- (g) **Filing.** In order to receive the tax abatement pursuant to this Agreement, OWNER understands it must file with the appraisal district an application for property tax abatement exemption between January 1 and April 30 of each year during the term of this Agreement. This filing form is in a form substantially similar to the form attached hereto as *Exhibit C* of this Agreement.
- (h) **Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.
- (i) **Time is of the Essence.** Time is of the essence in the performance of this Agreement.
- (j) **Undocumented Workers.** OWNER certifies that the OWNER does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, OWNER is convicted of a violation under 8 U.S.C. § 1324a(f), OWNER shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of six percent (6%), not later than the 120th day after the date the CITY notifies OWNER of the violation.
- (k) In accordance with Chapter 2270 of the Texas Government Code (as amended by Tex. H.B. 793, 86th Leg., R.S. (2019)), the CITY may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the OWNER is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this Agreement on behalf of the OWNER verifies that the OWNER does not boycott Israel and will not boycott Israel during the term of this Agreement.

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

This AGREEMENT is performable in Ellis County, Texas, witness our hands this _____ day of November, 2020.

ATTEST:

City Secretary

APPROVED:

CITY OF WAXAHACHIE

City Manager

Company: Kinro Texas, Inc.

By: _____

Printed Name

Title

ATTEST:

Printed Name

Title

(40)

EXHIBIT "A"
DESCRIPTION OF SUBJECT PROPERTY

Property Address: 101 Mushroom Road, Waxahachie, TX 75165

Property Legal Description: PT 4R A N WAXAHACHIE IND PARK-REV18.783 ACRES

(40)

EXHIBIT "B" **PROJECT IMPROVEMENTS**

Proposed Improvements

The company is considering construction of a new 156,000 sq ft axle and torsion spring production facility and investment in additional advanced manufacturing equipment. Total investment will be approximately \$8M in real property improvements and \$10M in personal property improvements.

Employment Impact

This project will generate a variety of manufacturing related jobs including laborers, welders, quality control, engineers, office and management positions.

Total retained and net new payroll is projected to be approximately \$7.9M annually for the axle manufacturing business. In addition to this, there is also approximately \$5.6M in annual payroll related to other manufacturing production this location.

Fiscal Impact

The company plans to invest approximately \$8M in real property improvements and \$10M in personal property improvements. In addition, the company also plans to increase inventory at the project location; however, this estimate is not yet available.

The economic life of the facility is expected to be 50 years; and the personal property is expected to be approximately 25 years.

This project will enable the company to grow their Texas operations and increase the employee numbers. This should have a positive impact on the existing business and office facilities via new jobs / payroll for the community as well as investment in capital, equipment and inventory. Required infrastructure construction includes a retention pond, electricity extension, natural gas extension, water/sewer extensions and potential expanded road access.

Community Impact

This project will generate approximately 150 net new jobs. This should have a positive impact on the local housing market prices and new construction.

Environmental Impact

Based on our initial assessments, the operations will fall under the "Permit by Rule" codified in Title 30 Part1 Chapter 106 Subchapter A Rule §106.4. The process will produce minimal quantities of volatile organic compounds, particulate matter and hazardous waste.

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Exhibit C

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

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Application for Property Tax Abatement Exemption

Appraisal District Name _____ Phone (area code and number) _____

Appraisal District, Address, City, State, ZIP Code _____

GENERAL INSTRUCTIONS: This application is for use in claiming property tax exemptions pursuant to Tax Code Section 1128. A property owner who has established a tax abatement agreement under Tax Code Chapter 312, Property Redevelopment and Tax Abatement Act, is entitled to exemption from taxation by an incorporated city or town or other taxing unit of all or part of the value of the property as provided by the agreement.

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

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

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

OTHER IMPORTANT INFORMATION

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

State the tax year for which you are applying.

Tax Year _____

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

SECTION 1: Property Owner/Applicant

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

Individual Partnership Corporation Other (specify): _____

Name of Property Owner _____ Driver's License, Personal I.D. Certificate
Social Security Number or Federal Tax I.D. Number*

Physical Address, City, State, ZIP Code _____

Phone (area code and number) _____ Email Address** _____

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

Mailing Address, City, State, ZIP Code _____

(40)

SECTION 2: Authorized Representative

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

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

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

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

Name of Authorized Representative _____ Driver's License, Personal I.D. Certificate or Social Security Number _____

Title of Authorized Representative _____ Primary Phone Number (area code and number) _____ Email Address** _____

Mailing Address, City, State, ZIP Code _____

SECTION 3: Property Description

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

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

Appraisal district account number (if known) _____

Legal Description:

[Empty box for legal description]

Was a wind-powered energy device installed or constructed:

- on a parcel of real property under an abatement agreement;
- at a location within 25 nautical miles of the boundaries of a military aviation facility located in this state; and
- on or after Sept. 1, 2017? Yes No

If yes, was the wind-powered energy device installed or constructed as part of an expansion or repowering of an existing project? .. Yes No

SECTION 4: Taxing Units that have Agreed to Abate Taxes

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

[Empty lines for listing taxing units and agreements]

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SECTION 5: Abatement(s) Questions

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

SECTION 6: Additional Required Documentation

The following documents must be included with this application.

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

SECTION 7: Certification and Signature

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

I, _____, swear or affirm the following:
 Printed Name of Property Owner or Authorized Representative

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

sign here

 Signature of Property Owner or Authorized Representative

 Date

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

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

(41)



Memorandum

To: Honorable Mayor and City Council
From: Wade G. Goolsby, Chief of Police
Thru: Michael Scott, City Manager
Date: October 28, 2020
Re: Interlocal Agreement

For the past few years, the Waxahachie Police Department has been assessing our ability to respond to critical events and the possibility of joining a regional response team to improve our capabilities in critical events. We have trained with various tactical teams and explored several options.

Over the past few years, we have fewer team members as there has been less interest in the department in being on a tactical team than in past years. As a result, we do not have enough members to have a functional team. In order to maintain the ability to respond to tactical situations, we must look at being a part of a multi-agency team.

There has been one team comprised of multiple agencies that has been in existence for a number of years. The Southern Regional Response Group/ Special Response Team (SRRG/SRT) was created in 2008 and is comprised of team members from DeSoto, Glenn Heights, Cedar Hill, Highland Park, and Midlothian. They also provide service to a number of smaller cities in the area. The SRRG/SRT has approximately 24 members, including two tactical medics on the team.

By joining this team, we will enhance our ability to respond to critical situations with a fully staffed and functional tactical team. The SRT trains approximately 20 hours a

(41)

month and can respond to barricaded persons, execute high risk warrants, provide dignitary protection, and any other tactical situations.

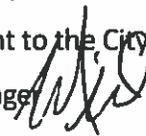
Every city that has participating members on the team contributes \$5,500 annually to assist in purchasing items for the team, training, and other team related expenses. The cities that receive service from the team but to not have members on the team pay an annual fee to assist in supporting the team. Our contribution to the team would not require any budget amendment and could be provided through our current budget.

I respectfully request City Council's authorization for the City Manager to execute the necessary interlocal agreement with the Southern Regional Response Group/ Special Response Team (SRRG/SRT) to put this program in place.



(42)

Memorandum

To: Honorable Mayor and City Council
From: Chelsey Gordon, Assistant to the City Manager
Thru: Michael Scott, City Manager 
Date: November 16, 2020
Re: Consider Professional Services Agreements for Architectural Services
and Project Management Services – City Hall Annex

Item Description: Consider authorizing City Manager to enter into agreement with Architexas for phase II architectural services and Vidaurri Management Group for project management services for the City Hall Annex project.

Item Summary: Last year, Council authorized funds for phase I architectural services for the conversion of 406 and 410 S. Rogers into a City Hall Annex to house the Development Services departments. Initial services included an existing facilities survey, programming, schematics design, and a detailed project budget. After initial analysis by Architexas and conversation with the Historic Preservation Commission ("HPC"), it was determined that conversion of the existing facility would not adequately serve the current and future needs of the organization and this approach would not be a good use of City funds. A new approach was then discussed to include a larger, new construction building on the site to better serve the City's growth needs. The new project will include the City Hall Annex office space, street level retail space to expand the downtown experience to the south, and public restrooms and additional parking that will also serve the new Railyard Park.

The design was then vetted again through the Historic Preservation Commission ("HPC") who voted to approve the demolition permits and certificate of appropriateness for the design.

The Architexas professional services agreement will provide for the development of construction documents to be bid while the Vidaurri Management Group agreement will provide for oversight in project organization, planning, schedule management, design, bidding and negotiation, and construction and closeout.

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Fiscal Impact: \$1,686,645 has been allocated within the FY20-21 budget for both professional services agreements.

Request: *Authorization for City Manager to engage Architexas for phase II architectural services in the amount of \$1,215,000 and the Vidaurri Management Group for project management services in the amount of \$390,000 for the City Hall Annex project.* Both do not exceed the budgeted amount of \$1,686,645. The budgeted amount also provides for printing, contingency, as well as other miscellaneous expenses that will likely be incurred.