

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on **Monday, March 1, 2021 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
Doug Barnes, Council Member Place 2

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of February 15, 2021
 - b. Minutes of the City Council briefing of February 15, 2021
 - c. Minutes of the City Council meeting of February 18, 2021
 - d. Minutes of the City Council briefing of February 18, 2021
 - e. Minutes of the City Council meeting of February 22, 2021
 - f. Minutes of the City Council briefing of February 22, 2021
 - g. Event application for St. Jude Car Show on October 2, 2021
 - h. Event application for 2021 Junk in the Trunk dates
 - i. Authorizing Funding from Park Dedication Fees for Additional Costs Associated with Chapman Park and Lions Park Restrooms
 - j. Ratify funding recommendations from TIRZ meeting of February 23, 2021
6. **Consider** request by Marshall Patton, KFM Engineering & Design, for a Plat of Buffalo Ridge, Phase 6, for 177 lots, being 55.5859 acres situated in the W Dunn Survey, Abstract 303, and the W Calder Survey, Abstract 235 (Property ID 264869) – Owner: GRBK EDGEWOOD LLC (SUB-4-2021)
 7. **Consider** request by Chad Crawford, Brittain and Crawford, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the JB & Ann Adams Survey, Abstract 5 (Property ID 242239) – Owner: GARDEN VALLEY APARTMENTS LLC (SUB-5-2021)

8. **Public Hearing** on a request by Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)
9. **Consider** proposed Ordinance approving ZDC-6-2021
10. **Public Hearing** on a request by Islam Diab, ADTM Engineering & Construction Corp., for a Zoning Change from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)
11. **Consider** proposed Ordinance approving ZDC-186-2021
12. **Public Hearing** on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021)
13. **Consider** proposed Ordinance approving ZDC-7-2021
14. **Public Hearing** on amending the guidelines and criteria (policy) for governing Economic Development
15. **Consider** proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development
16. **Consider** proposed Resolution approving submission of a Staffing for Adequate Fire & Emergency Response (SAFER) Grant
17. **Consider** proposed Ordinance amending Chapter 9, Section 9-3 and adding Section 9-27 Establishing a Fee Schedule for Cemetery Plots and Related Cemetery Fees, and Establishing Columbarium Niche Prices and approving Addition of Permanent Marker Rule
18. **Consider** authorizing professional engineering services with Plumber Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump Number 5 Capital Improvement Project
19. Comments by Mayor, City Council, City Attorney and City Manager
20. 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

(50)

City Council
February 15, 2021

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on Monday, February 15, 2021 at 7:00 p.m.

Meeting was postponed due to inclement weather.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(5b)

City Council
February 15, 2021

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas to be held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, February 15, 2021 at 6:00 p.m.

Meeting was postponed due to inclement weather.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(5c)

City Council
February 18, 2021

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 Thursday, February 18, 2021 at 7:00 p.m.

Meeting was postponed due to inclement weather.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(5d)

City Council
February 18, 2021

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas to be held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Thursday, February 18, 2021 at 6:00 p.m.

Meeting was postponed due to inclement weather.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

City Council
February 22, 2021

(5e)

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, February 22, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

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

None

5. Consent Agenda

- a. Minutes of the City Council meeting of February 1, 2021
- b. Minutes of the City Council briefing of February 1, 2021
- c. Budget amendment for Emergency Management
- d. Budget amendment for Midyear salary adjustments
- e. Budget amendment for professional services within the Finance Department
- f. Receive Fiscal Year 2021 1st Quarter Financial Report
- g. Event application for Spring Fling Barrel Race Rodeo to be held March 14, 2021

Action:

Council Member Doug Barnes moved to approve items a. through g. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

6. Continue Public Hearing on a request by Joseph Ray, D&R Solutions LLC, for a Zoning Change from a Single-Family Residential-3 zoning district to Two-Family Residential-Duplex (2F), located at 200 Peters Street (Property ID 283063) - Owner: D & R SOLUTIONS LLC (ZDC-182-2020)

Mayor Hill continued the Public Hearing.

(ge)

Planning Director Shon Brooks presented the case noting the applicant is requesting a zoning change from Single Family-3 to Two-Family Residential to allow a duplex. He explained the Planning & Zoning Commission voted 6-0 to deny the request due to the proposed use not being consistent with the current zoning. However, after receiving new information, staff determined that the use of a duplex was allowed per the 1961 City of Waxahachie Zoning Ordinance (Ordinance 0726). Due to this information, the subject property is considered "existing legal non-conforming", and staff is updating the recommendation from "Denial" to "Approval, per staff comments."

Staff Comments:

1. Before the duplex is occupied by any tenants, the applicant shall receive all required building permits from the Building Inspections Department, as well as pass all necessary inspections.
2. If 50% or more of the structure is destroyed in any way, or if the use of a duplex ceases to exist for 6 months or more, then the property shall revert to the use of a single family residence.

There being no others to speak for or against ZDC-182-2020, Mayor Hill closed the Public Hearing.

7. Consider proposed Ordinance approving ZDC-182-2020

ORDINANCE NO. 3255

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), TO ALLOW A DUPLEX RESIDENTIAL DEVELOPMENT, LOCATED AT 200 PETERS STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.292 ACRES, KNOWN AS PROPERTY ID 283063, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3255 per Staff Comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

8. **Continue Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-179-2020)**

Mayor Hill announced the case was withdrawn by the applicant.

9. Consider proposed Ordinance approving ZDC-179-2020

Mayor Hill announced the case was withdrawn by the applicant.

10. Consider Development Agreement for ZDC-179-2020

(5e)

Mayor Hill announced the case was withdrawn by the applicant.

11. Consider ratification of emergency purchase of odor abatement equipment for the Grove Creek Lift Station

Utilities Director David Bailey requested approval to authorize the emergency purchase of a passive odor abatement system for the Grove Creek Lift Station in the amount of \$71,350.00. He explained this purchase will utilize project savings from the Grove Creek Lift Station Expansion Project.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve ratification of emergency purchase of odor abatement equipment for the Grove Creek Lift Station in the amount of \$71,350.00. Council Member Chuck Beatty seconded, All Ayes.

12. Consider proposed Resolution of Candidate Nomination for the Ellis Appraisal District Board of Directors Vacancy for the year 2021

City Manager Michael Scott explained Ellis Appraisal District asked for a nomination from the City of Waxahachie to fill the unexpired term of Tom Abram.

RESOLUTION NO. 1303

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ('CITY') IN SUPPORT OF CANDIDATE NOMINATION FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS VACANCY FOR THE YEAR 2021

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Resolution No. 1303 nominating Kevin Strength. Council Member Doug Barnes seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Doug Barnes. Noes: Melissa Olson.

The motion carried.

13. Consider proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development Incentives

Mayor Hill announced the Resolution will be moved to the next City Council agenda for consideration.

14. Consider recommendation to engage Verdunity to complete the City's Comprehensive and Thoroughfare Plans

Mr. Brooks requested approval of proposal for professional consulting services by Verdunity for preparation of a Comprehensive and Thoroughfare Plan in the amount of \$249,925.00. He explained the projected timeline for this project is 12-18 months, involving City Council, Planning and Zoning Commission, and citizen input.

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Action:

Council Member Melissa Olson moved to approve Verdunity to complete the City's Comprehensive and Thoroughfare Plans in the amount of \$249,925.00. Council Member Chuck Beatty seconded, All Ayes.

15. Consider approval of Construction Manager At Risk (CMAR) for City Hall Annex Project

Mr. Scott requested approval of Construction Manager At Risk for City Hall Annex to Steele & Freeman, Inc. He explained five proposals were received and the City's project team reviewed each firm's experience on similar projects, project team experience, staffing model, approach to project and post-construction services.

Action:

Council Member Doug Barnes moved to approve Steele & Freeman, Inc. for Construction Manager At Risk for City Hall Annex Project. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

16. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

Mayor Hill announced at 7:11 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

17. Reconvene and take any necessary action

The meeting reconvened at 7:44 p.m.

No action taken.

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

Assistant City Manager Tommy Ludwig thanked Public Works and Utilities Departments for their work during last week's snowstorm.

Assistant City Manager Albert Lawrence echoed Mr. Ludwig and additionally thanked Civic Center staff and Parks and Recreation Department for their work during the snowstorm.

Council Member Doug Barnes echoed the sentiments and additionally thanked Utilities Director David Bailey and Public Works and Engineering Director James Gaertner.

Council Member Chuck Beatty thanked all city departments for their work during the inclement weather.

City Manager Michael Scott thanked city employees, local churches, and the community for joining efforts during the extreme winter weather to help citizens.

(5e)

City Council
February 22, 2021
Page 5

Mayor Pro Tem Mary Lou Shipley echoed Council Member sentiments and additionally acknowledged the joint coordination with other entities to keep water supply in place for Waxahachie.

Council Member Melissa Olson echoed Council Member sentiments by thanking first responders and city employees for their work throughout the winter storm noting she is proud and grateful to call Waxahachie home.

City Attorney Robert Brown echoed Council Member comments.

Mayor David Hill echoed all comments noting the great leadership from City Manager Michael Scott. He reported the Ellis County Vaccine Hub has distributed over 10,000 vaccines to date and he has received positive feedback from those who have visited the hub.

19. Adjourn

There being no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, February 22, 2021 at 6:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

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

City Manager Michael Scott reviewed the following items:

- 5c. Budget amendment for Emergency Management Budget for an additional \$110,000 in Supplies & Equipment and \$131,144 in Overtime in Multiple Departments due to operating COVID-19 Vaccine Hub. The additional funds would come from the General Fund unrestrictive reserve balance originally, but should ultimately be reimbursed by available federal funding.
- 5d. Budget amendment for Midyear salary adjustments to allow for merit based increases for city employees based on annual employee evaluations for non-civil service employees and a one-time salary structure adjustment for civil service personnel.
- 5g. Event application for Spring Fling Barrel Race Rodeo to be held March 14, 2021 keeping in line with social distance requirements.
- Item 12. Reviewed Candidate nomination for the Ellis Appraisal District Board of Directors Vacancy by Tom Abram. He explained Waxahachie ISD was going to nominate Kevin Strength and it was the consensus of the Council Members present at the last meeting to nominate Mr. Strength as well. Council Member Melissa Olson noted Paula Anz expressed interest in serving.
- Item 15. Reviewed recommendation from City's project team for Steele & Freeman, Inc. to service as Construction Manager At Risk for the City Hall Annex Project.

Finance Director Chad Tustison reviewed the following items:

- 5e. Budget amendment for professional services in the amount of \$45,000 for sales tax recovery services, sales tax analysis software, and a federally mandated single audit.
- 5f. Fiscal Year 2021 First Quarter Financial Report. General Fund revenues have performed better than anticipated and expenses are within budget. Property taxes in the

(5f)

City's General Fund amount to \$6.7 million and are in line with prior year collections. Sales Tax collections in the General Fund total \$4.2 million and represent an increase of 10% over the prior year. Franchise fees will lag significantly since the majority of utilities make payment following the close of their fiscal quarter. Building inspections and permits are trending higher than budget while street inspection fees, court fines, and interest income are lagging through the first three months of the fiscal year. Water and Wastewater funds revenues are in line with the budget and expenses are lower than budget for both funds due to the timing of the annual debt service payments. WCDC revenues and expenditures are within budget. Hotel/Motel Tax Fund revenues and expenditures are lagging slightly due to the timing of the annual transfer to the Arts Council, which represents 25% of hotel revenue.

Planning Director Shon Brooks reviewed the following:

- Items 6 and 7. ZDC-182-2020; The applicant is requesting a zoning change from Single Family-3 to Two-Family Residential to allow a duplex. He explained the Planning & Zoning Commission voted 6-0 to deny the request due to the proposed use not being consistent with the current zoning. However, after receiving new information, staff determined that the use of a duplex was allowed per the 1961 City of Waxahachie Zoning Ordinance (Ordinance 0726). Due to this information, the subject property is considered "existing legal non-conforming", and staff is updating the recommendation from "Denial" to "Approval, per staff comments" to include if 50% or more of the structure is destroyed in any way, or if the use of a duplex ceases to exist for 6 months or more, then the property shall revert to the use of a single family residence.
- Items 8, 9, 10. ZDC-179-2020 was withdrawn by the applicant.
- Item 14. Reviewed proposal from Verdunity for preparation of a Comprehensive and Thoroughfare Plan.

Utilities Director David Bailey reviewed the following:

- Item 11. Reviewed emergency purchase of a passive odor abatement system for the Grove Creek Lift Station.

Economic Development Director Warren Kettelman presented the proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development Incentives. Council Member Olson noted a grammatical error under Section III. A. and suggested changing Economic Development Commission approval of two-thirds in Section VII. It was the consensus to change it to "majority" in place of "two-thirds." He noted the item will need to be considered at the next meeting as the law requires a Public Hearing before adoption.

3. Adjourn

There being no further business, the meeting adjourned at 6:36 p.m.

Respectfully submitted,

Amber Villarreal, Assistant City Secretary

(59)



Application for a Festival or Event Permit

Event Name and Description: St. Jude 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, Midlothian Tx 76065
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
Purpose: car show
Event Start Date and Time: Oct 2, 2021 11am

(59)

Event End Date and Time: Oct 2, 2021 3pm

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

Site Preparation and Set-Up Date and Time: Oct 2, 2021 8am

Clean-Up Completion Date and Time: Oct 2, 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.

Bruce 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).

(59)

Villarreal, Amber

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Tuesday, February 16, 2021 2:11 PM
To: Villarreal, Amber
Subject: RE: Gathering App REDDING

I have no objections. COVID concerns would be the only issue from my perspective.

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, February 12, 2021 5:55 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoalsby@waxahachiepd.org>; Gumaro Martinez <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>
Subject: FW: Gathering App REDDING

For your review/comments.

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.

From: Drewry, Michaela <michaela.drewry@waxahachie.com>
Sent: Thursday, February 11, 2021 4:23 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>

(59)

Villarreal, Amber

From: Martinez, Gumaro
Sent: Monday, February 22, 2021 5:01 PM
To: Villarreal, Amber; Ricky Boyd; Drewry, Michaela; Mosley, Laurie; Griffith, Thomas
Cc: Crocker, Clarice; Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: RE: Gathering App REDDING

No concerns noted with this event.

Gumaro Martinez, CGFO
City of Waxahachie
Director of Parks & Recreation
401 S. Elm
Waxahachie, TX 75165
469.309.4271 direct
214-903-3676 work cell
gmartinez@waxahachie.com

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From: Villarreal, Amber
Sent: Monday, February 22, 2021 4:14 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: RE: Gathering App REDDING

Reminder: For your review/comments.

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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From: Villarreal, Amber
Sent: Friday, February 12, 2021 5:55 PM
To: Ricky Boyd <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoalsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Mosley, Laurie

(59)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, February 22, 2021 7:17 PM
To: Villarreal, Amber
Subject: Re: Gathering App REDDING

No concerns other than those related to Covid.

Sent from my iPhone

On Feb 22, 2021, at 16:16, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Reminder: For your review/comments.

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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Cc: Cartwright, Lori <lcartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: FW: Gathering App REDDING

For your review/comments.

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

(59)

Crocker, Clarice

From: Lawrence, Albert
Sent: Tuesday, February 23, 2021 9:02 AM
To: Villarreal, Amber; Ricky Boyd; Martinez, Gumaro; Drewry, Michaela; Mosley, Laurie; Griffith, Thomas
Cc: Crocker, Clarice; Scott, Michael; Ludwig, Tommy
Subject: RE: Gathering App REDDING

I don't have a problem for the event, but they will have to follow the COVID-19 requirements/protocols in place at the time and we would need this documented somehow. I think they need to wait until closer to the event date to get the Mayor's approval for the outdoor gathering application. It may not even be needed by then or have some other requirements set by the state.

Albert Lawrence
Assistant City Manager

City of Waxahachie
401 S. Rogers
PO Box 757
Waxahachie, TX 75165
Direct Line: 469-309-4001

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, February 22, 2021 4:14 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: RE: Gathering App REDDING

Reminder: For your review/comments.

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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(5h)



Application for a Festival or Event Permit

Event Name and Description: WDMA Quarterly Junk in the Trunk

Applicant Information

Name: Waxahachie Downtown Merchants Association, Shane Henry, Pres.
Address: 501 S. Rogers (Fresh Market)
City, State, Zip: Waxahachie, TX 75165 Phone: 404-643-8827
E-mail Address: sherry308@gmail.com

Organization Information

Organization Name: Waxahachie Downtown Merchants Association
Address: Downtown Waxahachie
Authorized Head of Organization: Shane Henry, President
Phone: 404-643-8827 E-mail Address: sherry308@gmail.com

Event Chairperson/Contact

Name: Amy Waters
Address: 308 S. College
City, State, Zip: Waxahachie, TX 75165 Phone: 972-938-9090
E-mail Address: farmhouse308@gmail.com

Event Information

Event Location/Address: 100 block of S. College + 100 block of E. Franklin
Purpose: Community wide resale event benefitting the WDMA
Event Start Date and Time: April 17 from 8am-5pm; June 19 from 8am-2pm;
September 18 from 8am-5pm; November 20 from 8a-2pm

(5h)

Event End Date and Time: see previous entries

Approximate Number of Persons Attending Event Per Day: 3-500

Site Preparation and Set-Up Date and Time: 6 am setup for all dates

Clean-Up Completion Date and Time: 6 pm clean up for April + September dates
3 pm clean up for June + November dates

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.

Merchants are requesting street closures for 100 block of S. College and 100 block of E. Franklin; spaces will be rented to vendors who will sell to the public; this event is a fundraiser for the WDMA; only services requested are barricades for street closures

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 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.

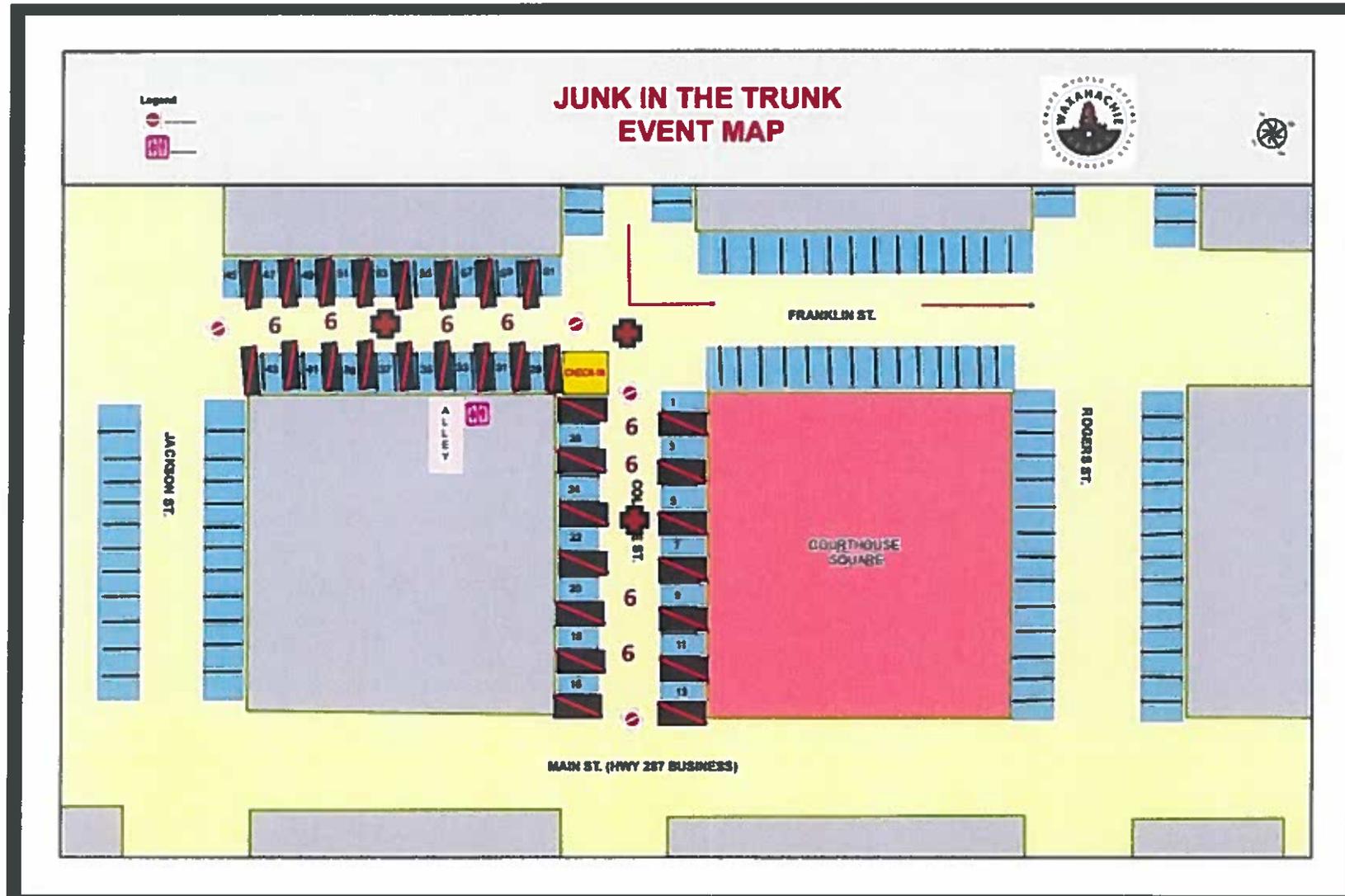
I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, 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.

Shane Henry
Signature of Applicant

Feb 5, 2021
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).

Junk in the Trunk Site Plan—2021



6 Designates Floor Reminders on Mandatory 6' Distancing

Designates Spaces Not Available for 2021

Designates Hand Sanitizer Locations

(sh)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, February 09, 2021 9:59 AM
To: Villarreal, Amber
Subject: RE: WDMA Event application for Junk in the Trunk

No issues.

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: Tuesday, February 9, 2021 8:50 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Simpson, Anita <asimpson@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Cartwright, Lori <cartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: FW: WDMA Event application for Junk in the Trunk

For your review/comments.

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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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.

From: Simpson, Anita <asimpson@waxahachie.com>
Sent: Monday, February 08, 2021 2:38 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: WDMA Event application for Junk in the Trunk

Amber,

(sh)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, February 22, 2021 7:17 PM
To: Villarreal, Amber
Subject: Re: WDMA Event application for Junk in the Trunk

No concerns other than those related to Covid.

Sent from my iPhone

On Feb 22, 2021, at 16:17, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Reminder: For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
Assistant City Secretary
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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.

From: Villarreal, Amber
Sent: Tuesday, February 09, 2021 8:50 AM
To: Ricky Boyd <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Simpson, Anita <asimpson@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <mScott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: FW: WDMA Event application for Junk in the Trunk

For your review/comments.

Thank you,

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www.waxahachie.com

(5/2)

Villarreal, Amber

From: Scott, Michael
Sent: Thursday, February 25, 2021 2:55 PM
To: Lawrence, Albert; Villarreal, Amber; Ricky Boyd; Simpson, Anita; Griffith, Thomas
Cc: Ludwig, Tommy; Crocker, Clarice
Subject: RE: WDMA Event application for Junk in the Trunk

I am good with this as long as our only role is dropping off some barricades on Friday afternoon for the organizers to set up for the event.

From: Lawrence, Albert <alawrence@waxahachie.com>
Sent: Thursday, February 25, 2021 2:17 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Simpson, Anita <asimpson@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: WDMA Event application for Junk in the Trunk

This is a site plan showing how the applicant will promote social distancing and other COVID-19 precautions.

Albert Lawrence
Assistant City Manager

City of Waxahachie
401 S. Rogers
PO Box 757
Waxahachie, TX 75165
Direct Line: 469-309-4001

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, February 22, 2021 4:15 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Simpson, Anita <asimpson@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: WDMA Event application for Junk in the Trunk

Reminder: For your review/comments.

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

(5H)

Villarreal, Amber

From: Simpson, Anita
Sent: Thursday, February 25, 2021 2:56 PM
To: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Ricky Boyd; Griffith, Thomas
Cc: Ludwig, Tommy; Crocker, Clarice
Subject: RE: WDMA Event application for Junk in the Trunk

That will be the extent of our involvement.



From: Scott, Michael <mscott@waxahachie.com>
Sent: Thursday, February 25, 2021 2:55 PM
To: Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Simpson, Anita <asimpson@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: WDMA Event application for Junk in the Trunk

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From: Lawrence, Albert <alawrence@waxahachie.com>
Sent: Thursday, February 25, 2021 2:17 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Simpson, Anita <asimpson@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: WDMA Event application for Junk in the Trunk

This is a site plan showing how the applicant will promote social distancing and other COVID-19 precautions.

Albert Lawrence
Assistant City Manager

City of Waxahachie
401 S. Rogers
PO Box 757
Waxahachie, TX 75165
Direct Line: 469-309-4001



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Director Parks & Recreation
Thru: Michael Scott, City Manager
Date: February 22, 2021
Re: Consider Authorizing Funding from Park Dedication Fees for Additional Costs Associated with Chapman Park and Lions Park Restrooms

Item Description: Consider authorizing funding from the Park Dedication Fee Fund for the additional costs associated with the restrooms at both Chapman Park and Lions Park in the amount of \$48,000 plus up to 10% in contingency costs.

Item Summary: As part of the FY2021 Parks departmental budget, restrooms for Chapman Park and Lions Park were approved by City Council. The addition of a restroom at Chapman Park is a great compliment to the recent trail and landscape improvements as part of Little Creek Trail and Chapman Family tree planting joint venture. Additionally, the new restroom at Lions Park will also be a compliment to the soccer field lights and irrigation approved by Council in previous years.

There were some additional, unexpected costs with the implementation and infrastructure of the setting the restrooms at these parks. When staff considered the size of the restroom to put at Chapman, a decision was made to install a larger unit that would better serve the playground, practice field users, as well as the trail goers. This is one main drivers for the additional costs for Chapman Park restroom. The total estimated cost of Chapman Park restroom is \$173,000, with a budget of \$150,000 there is a deficit of \$23,000.

The additional costs for the Lions Park restroom are attributed mainly to size of the restroom and establishing utilities. The total estimated cost of Lions Park restroom is \$221,000, with a budget of \$150,000 there is a deficit of \$71,000. In total, there is a budget deficit for both restrooms of \$94,000. Staff was able to find some costs savings in other capital items totaling \$46,000. Thus the unfunded budget deficit is \$48,000. Staff is asking Council to consider funding the unfunded budget deficit of \$48,000, plus an additional 10% (\$4,800) from the available Park Dedication Fees balance.

Fiscal Impact: The additional costs associated with these two restroom projects will be funded by the Park Dedication Fees – Fund 227. The fund balance is adequate to absorb this request (totaling up to \$52,800).



Memorandum

To: City Council

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

Thru: Michael Scott, City Manager

Date: February 25, 2021

Re: Consider TIRZ Board Recommendation for Funding for Ellis County Museum and new Farmers Market location

Item Description: Consider TIRZ Board recommendation for funding for Ellis County Museum capital improvement project and for the rehabilitation of the new location for Farmers Market

TIRZ Board Recommendation: On February 23rd, the TIRZ Board approved funding requests of \$105,000 from the Ellis County Museum and \$64,238.88 from the downtown department to rehabilitate the new Farmers Market location.

Item Summary: The Ellis County Museum is currently undergoing a major building rehabilitation that will put the unused 2nd and 3rd floors back into service and renovate the current museum space. The project is expected to cost \$2.1 million dollars; \$1.5 million dollars has been raised to date. The city's general fund participated with a donation of \$100,000 and the TIRZ has approved and is recommending funding of another \$105,000 from its funds to further assist in this important downtown initiative.

The Waxahachie Downtown Farmers Market will be moving to a new location for the 2021 season as the previous location is scheduled for demolition as part of the new city hall annex project. The former agriculture barn on Howard Road was identified as an appropriate location for the Market, but there are a number of improvements needed to prepare the site and building for this use. The TIRZ board has approved and is recommending funding of \$64,238.88 to make-ready the larger barn structure located at 701 Howard Road for the 2021 season of the Farmers Market.

(10)

Planning & Zoning Department Plat Staff Report

Case: SUB-4-2021



MEETING DATE(S)

Planning & Zoning Commission: February 23, 2021

City Council: March 1, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 23, 2021, the Commission voted 5-0 to recommend approval of plat no. SUB-4-2021, as presented.

The Commission also voted 5-0 to recommend approval of the Petition of Relief Waiver for a 10' utility easement instead of a 15' utility easement as required by the City Subdivision Ordinance.

CAPTION

Consider request by Joshua Millsap, KFM Engineering & Design, for a Plat of Buffalo Ridge Phase 6 for 178 lots, being 55.586 acres situated in the W. Calder Survey, Abstract 235 and the W. Dunn Survey, Abstract 303 (Property ID 264869) – Owner: Bobby Samuel, GRBK Edgewood, LLC (SUB-4-2021)

APPLICANT REQUEST

The applicant is requesting to plat the subject property into a sixth phase of the Buffalo Ridge subdivision. The applicant is also requesting a petition of relief waiver from City Council to allow for 10-foot utility easement setbacks instead of the 15-foot utility easement setbacks required in the Waxahachie Subdivision Ordinance.

CASE INFORMATION

Applicant: Joshua Millsap, KFM Engineering & Design

Property Owner(s): Bobby Samuel, GRBK Edgewood, LLC

Site Acreage: 55.586 acres

Number of Lots: 178 lots

Number of Dwelling Units: 177 units

Park Land Dedication: The cash in lieu of park land dedication for this case is **\$70,800.00** (\$400.00 per residential lot at 177 residential lots).

Adequate Public Facilities: Adequate public facilities are available for the subject property.

SUBJECT PROPERTY

General Location: Adjacent to and south of Broadhead Rd. and located just east of the previously approve Buffalo Ridge Ph. 5.

(U)

Parcel ID Number(s): 264869

Current Zoning: PD-SF

Existing Use: Undeveloped

Platting History: The subject property is located in the W. Calder Survey, Abstract 235 and the W. Dunn Survey, Abstract 303.

Site Aerial:



PETITION OF RELIEF WAIVER REQUEST

Background

This plat, along with the already approved Buffalo Ridge Phase 5, were included in the preliminary plat for Buffalo Ridge Phase 5 (PP-17-0029). When the applicant brought the plat for Buffalo Ridge Phase 5 (SUB-51-2020) through P&Z and City Council, they had requested a petition of relief waiver be granted to allow a 10' utility easement. The applicant provided staff with documentation from franchise utility companies stating they would be okay with the 10' utility easement. This request was approved by City Council on May 18, 2020.

Waiver Request

The applicant is again requesting a petition of relief from the 15' utility easement to be reduced down to 10'. Officially speaking, the already approved Buffalo Ridge Phase 5 must be viewed as an altogether different case, and therefore staff cannot automatically extend the waiver to Buffalo Ridge Phase 6 and will need City Council to grant or deny the waiver.

Required City Council Action

Due to this case having a petition for relief waiver associated with it, City Council must vote on two separate items:

1. Either a vote for approval or disapproval of the plat.
 - Bear in mind that since this is a plat case, approval with comment will not be an option.
2. Either vote of approval or denial of the petition of relief waiver.

(6)

PLAT 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
- Approval, as presented.

PETITION OF RELIEF WAIVER 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
- Approval, as presented.
 1. Given that Buffalo Ridge Phase 5 was granted this request, and that the franchise utility companies are okay with the 10' utility easement, staff is supportive of this request.

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

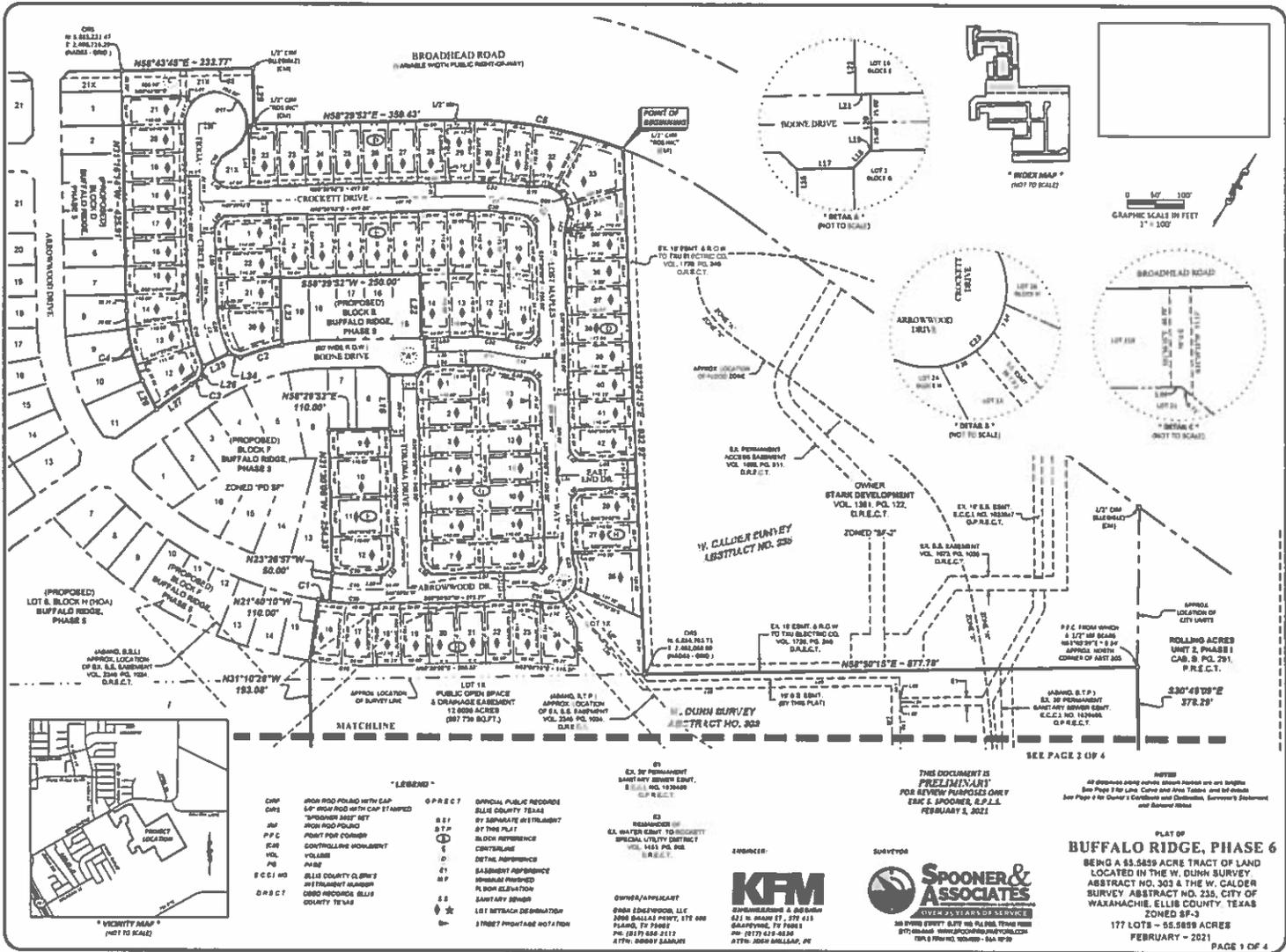
1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has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

(6)



- LEGEND**
- CHP IRON ROD POLED WITH CAP
 - CH2 IRON ROD WITH CAP STAMPED
 - CH3 IRON ROD POLED
 - P.F.C. POINT FOR CORNER
 - CONV. CONTROLLING DOCUMENT
 - VOL. VOLUME
 - PLAT PLAT
 - E.C.C.I. NO. ELLIS COUNTY CLIENT
 - D.R.E.C.T. DEED RECORDS ELLIS COUNTY TEXAS
 - OP.P.R.E.C.T. OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
 - S.P. BY SURVEYOR AT TRIANGULATION
 - B.T.P. BENCH REFERENCE
 - CENTLINE CENTERLINE
 - D. DETAIL REPRESENTATION
 - S. SURVEYOR'S AFFIDAVIT
 - R.M.E. IRON ROD ELEVATION
 - S.S. SURVEYOR'S SIGNATURE
 - LOT LOT IDENTIFICATION
 - LOT LOT BACKSLOPE NOTATION
 - EX. 30 PERMANENT SURVEYOR'S EASMENT, E.C.C.I. NO. 193449, D.R.E.C.T.
 - EX. 32 REMAINDER OF EX. 31 WATER EASMENT TO SPOONER SPECIAL UTILITY DISTRICT VOL. 145, PG. 98, D.R.E.C.T.
 - OWNER/APPLICANT: DASH EDGEWOOD, LLC 3008 GALLAGHER DRIVE, SUITE 100 PLANO, TX 75067 PH: (972) 565-2122 ATTN: SORBY SANDHU
 - ENGINEER: SPOONER & ASSOCIATES, INC. 3800 WEST STREET SUITE 100 PLANO, TEXAS 75075 (972) 424-0225 ATTN: JOSH MILLAR, PE

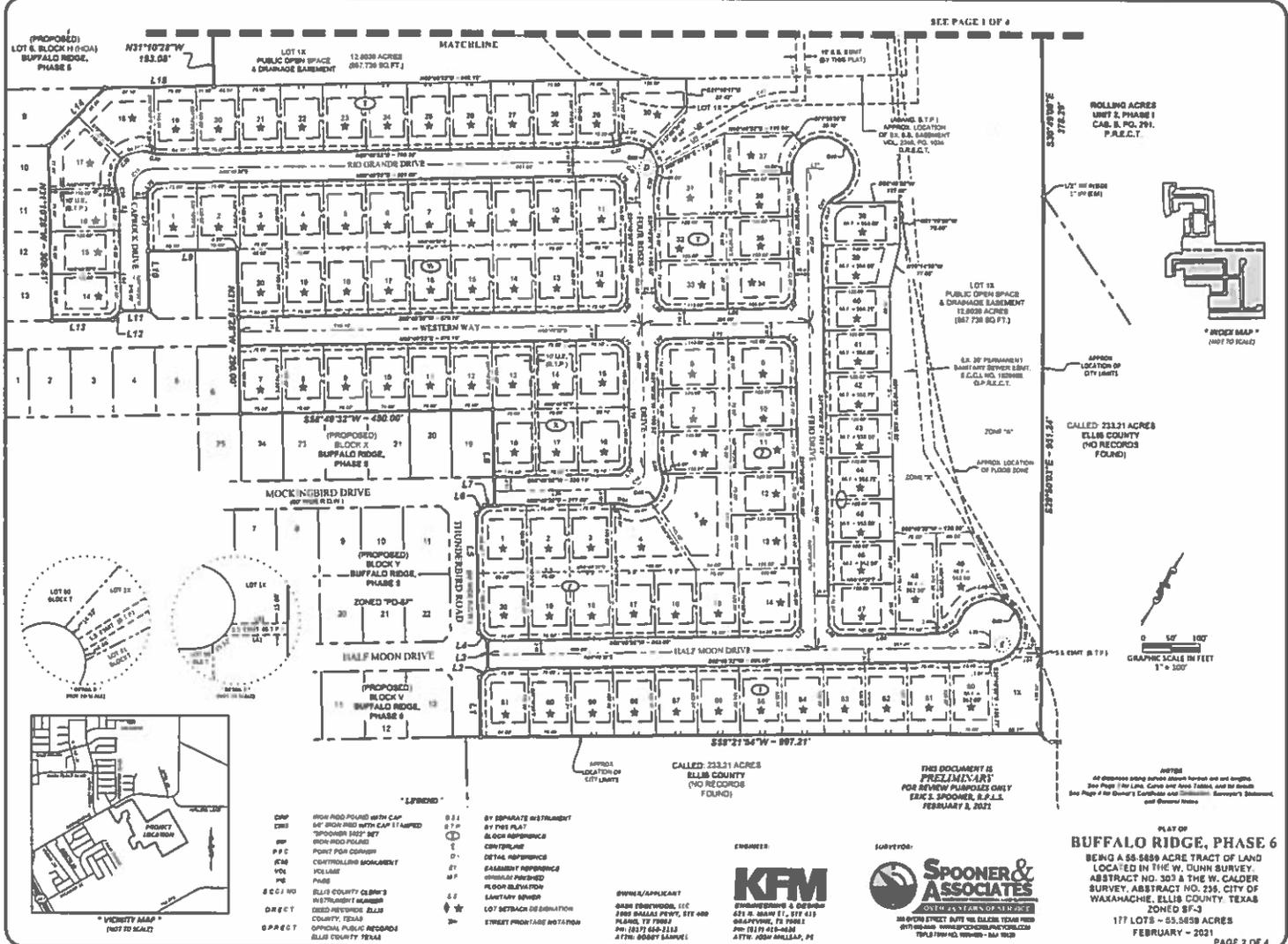
THIS DOCUMENT IS PRELIMINARY FOR REVIEW PURPOSES ONLY. ERIC S. SPOONER, R.P.L.S. FEBRUARY 3, 2021

NOTES: All dimensions and notes shown herein are in English. See Page 1 for Lines, Corners and Area Tables, and all details. See Page 4 for Owner's Certificate and Declaration, Surveyor's Statement and Signature Block.

PLAN OF BUFFALO RIDGE, PHASE 6 BEING A 65.5859 ACRE TRACT OF LAND LOCATED IN THE W. DUNN SURVEY ABSTRACT NO. 303 & THE W. CALDER SURVEY ABSTRACT NO. 235, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ZONED SF-3 177 LOTS - 65.5859 ACRES FEBRUARY - 2021

PAGE 1 OF 4

(6)



SEE PAGE 1 OF 4

(PROPOSED) LOT 6, BLOCK H (H-0A) BUFFALO RIDGE, PHASE 6

LOT 1X PUBLIC OPEN SPACE & DRAINAGE EASEMENT 12.8559 ACRES (881,726 SQ. FT.)

APPROX. S.T.P. 1 APPROX. LOCATION OF 12.8559 ACRES (881,726 SQ. FT.) DRAINAGE EASEMENT

LOT 12 PUBLIC OPEN SPACE & DRAINAGE EASEMENT 12.8559 ACRES (881,726 SQ. FT.)

ROLLING ACRES UNIT 2, PHASE 1 CAS. 8, PG. 291, P.A.E.C.T.

CALLED 233.31 ACRES ELLIS COUNTY (NO RECORDS FOUND)

CALLLED 233.31 ACRES ELLIS COUNTY (NO RECORDS FOUND)

THIS DOCUMENT IS PRELIMINARY FOR REVIEW PURPOSES ONLY EXEC. S. SPOONER, P.L.L.C. FEBRUARY 3, 2021

ALL DIMENSIONS SHOWN UNLESS OTHERWISE NOTED AND ALL LENGTHS SHOWN IN FEET UNLESS OTHERWISE NOTED. SEE PAGE 1 FOR LIMITS, CURVE AND AREA TABLES, AND FOR DETAILS. SEE PAGE 4 FOR OWNER'S CERTIFICATE AND DECLARATION, SURVEYOR'S STATEMENT AND BOUNDARY NOTES.

PLAT OF
BUFFALO RIDGE, PHASE 6
 BEING A 58,5859 ACRE TRACT OF LAND
 LOCATED IN THE W. DUNN SURVEY,
 ABSTRACT NO. 307 & THE W. CALDER
 SURVEY, ABSTRACT NO. 255, CITY OF
 WAXAHACHIE, ELLIS COUNTY, TEXAS
 ZONED SF-C
 177 LOTS - 63,5859 ACRES
 FEBRUARY - 2021

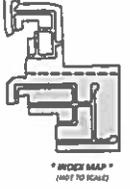
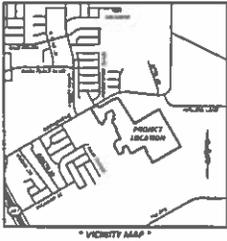
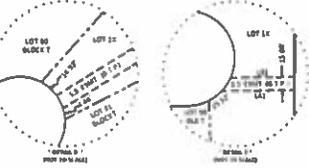
"L" PREFIX

DRP	IRON PADD FOUND WITH CAP	S 1 1	BY SEPARATE INSTRUMENT
DRS	5/8" IRON PADD WITH CAP 17 AMPED	S 1 P	BY THIS PLAT
DRP	IRON PADD FOUND	S 1 C	BLOCK REFERENCE
P 1 C	POINT FOR CORNER	C	CONTIGUOUS
ICM	CONTROLLING MEASUREMENT	D	DETAIL REFERENCE
VOL	VOLUME	E	SUBSEQUENT REFERENCE
ME	MEASUREMENT	M P	IRREGULAR PAVED
S C C 1 10	ELLIS COUNTY CUBIC YD	F	FLOOR ELEVATION
DR E C T	DEED REFERENCE ELLIS COUNTY, TEXAS	L	LANTARY SURVEY
O P A R T	OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS	L O T	DETACH OR IDENTIFICATION
		S	STREET FRONTAGE INDICATION

OWNER/APPLICANT
GRAN FIDELITY, LLC
 3800 BRAGG DRIVE, STE 400
 PLANO, TX 75075
 PH: (972) 456-2118
 ATTN: ROBERT DANIEL



SURVEYOR:
SPOONER & ASSOCIATES
 300 WEST STREET, SUITE 1000, DALLAS, TEXAS 75201
 (214) 750-1000
 WWW.SPOONERANDASSOCIATES.COM



GRAPHIC SCALE IN FEET
 1" = 100'

(4)

CURVE TABLE			
CURVE	ARCLEN	CH BEARING	CH LENGTH
C1	425.02	S84.27°E	15.47
C2	425.02	S84.27°W	76.77
C3	425.02	S84.27°W	16.87
C4	326.00	N42.48°W	127.27
C5	900.00	N89.36°E	304.77
C6	768.17	S84.27°E	197.32
C7	968.99	N64.36°E	188.97
C8	38.89	S79.50°E	44.89
C9	38.89	S11.79°W	49.89
C10	909.99	S82.31°W	64.29
C11	280.89	S88.99°W	61.17
C12	280.89	S2.92°E	52.61
C13	38.89	S11.79°W	49.89
C14	38.89	S11.79°E	49.89
C15	768.17	N64.36°E	126.89
C16	238.17	S84.27°E	124.89
C17	98.89	S84.27°E	82.89
C18	98.89	S81.17°E	83.49
C19	88.89	S67.42°E	17.79
C20	47.89	S89.36°E	42.19
C21	88.89	S10.36°E	19.89
C22	88.89	S11.79°E	19.89
C23	47.89	S11.79°E	46.49
C24	88.89	S11.79°E	19.89
C25	828.89	S7.89°E	41.79
C26	378.89	S82.31°E	69.79
C27	228.89	S89.36°E	69.87
C28	281.89	S89.36°E	48.27
C29	248.17	S84.27°E	191.89
C30	348.89	S7.89°E	128.89
C31	238.17	S7.89°E	31.77
C32	278.89	S89.36°E	72.37
C33	988.89	S26.74°E	128.89
C34	98.89	N42.48°E	19.89
C35	47.89	N11.79°E	88.49
C36	98.89	N89.36°E	19.89
C37	98.89	N47.42°E	19.89
C38	47.89	S79.50°E	88.49
C39	98.89	S11.79°E	19.89
C40	98.89	S84.27°E	82.87
C41	98.89	S81.17°E	83.49
C42	98.89	S89.36°E	83.49
C43	98.89	S82.31°E	82.87
C44	98.89	S11.79°E	19.89
C45	47.89	S11.79°E	88.49
C46	88.89	S11.79°E	19.89
C47	218.34	S84.27°E	122.79
C48	198.34	S84.27°E	128.77
C49	58.89	S79.50°E	48.89

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S81.17°W	188.19
L2	N81.17°E	21.27
L3	N81.17°W	98.89
L4	N79.50°W	21.27
L5	N81.17°W	214.89
L6	N81.17°E	21.27
L7	N89.36°E	17.89
L8	N81.17°W	179.89
L9	N89.36°E	193.89
L10	N81.17°E	188.89
L11	N89.36°E	99.89
L12	N79.50°E	21.27
L13	N89.36°E	168.89
L14	N81.17°E	143.77
L15	N89.36°E	198.89
L16	N81.17°E	98.89
L17	N89.36°E	98.89
L18	N79.50°E	21.27
L19	N89.36°E	5.29
L20	N81.17°W	98.89
L21	N89.36°E	5.29
L22	N81.17°W	113.89
L23	S81.17°E	193.87
L24	S89.36°E	22.89
L25	S81.17°E	98.89
L26	S79.50°E	21.27
L27	S79.50°E	76.89
L28	S89.36°E	98.89
L29	S81.17°E	188.89
L30	S89.36°E	38.89
L31	S81.17°E	113.89
L32	S89.36°E	21.27
L33	S81.17°E	113.89
L34	S89.36°E	168.89
L35	S81.17°E	113.89
L36	S89.36°E	21.27
L37	S81.17°E	113.89
L38	S89.36°E	21.27
L39	S81.17°E	113.89
L40	S89.36°E	21.27
L41	S81.17°E	113.89
L42	S89.36°E	21.27
L43	S81.17°E	113.89
L44	S89.36°E	21.27
L45	S81.17°E	113.89
L46	S89.36°E	21.27

LINE TABLE		
LINE	BEARING	DISTANCE
L47	N81.17°E	21.27
L48	S89.36°E	193.89
L49	N81.17°E	21.27
L50	N89.36°E	193.89
L51	N81.17°E	21.27
L52	N89.36°E	14.89
L53	N11.79°E	21.27
L54	N89.36°E	81.19
L55	S79.50°E	21.27
L56	N11.79°E	21.27
L57	S89.36°E	188.89
L58	N11.79°E	21.27
L59	N81.17°E	147.32
L60	N11.79°E	21.27
L61	S79.50°E	23.89
L62	N11.79°E	21.27
L63	S89.36°E	91.79
L64	N81.17°E	198.87
L65	S79.50°E	21.27
L66	S79.50°E	21.27
L67	N11.79°E	21.27
L68	N89.36°E	21.27
L69	N81.17°E	21.27
L70	N11.79°E	21.27
L71	S89.36°E	216.89
L72	N11.79°E	21.27
L73	N89.36°E	179.89
L74	N11.79°E	21.27
L75	S79.50°E	21.27
L76	S79.50°E	21.27
L77	S79.50°E	188.89
L78	S79.50°E	21.27
L79	S79.50°E	21.27
L80	S79.50°E	21.27
L81	S79.50°E	21.27
L82	S79.50°E	21.27
L83	S79.50°E	21.27
L84	S79.50°E	21.27
L85	S79.50°E	21.27
L86	S79.50°E	21.27
L87	S79.50°E	21.27
L88	S79.50°E	21.27
L89	S79.50°E	21.27
L90	S79.50°E	21.27
L91	S79.50°E	21.27
L92	S79.50°E	21.27
L93	S79.50°E	21.27
L94	S79.50°E	21.27
L95	S79.50°E	21.27
L96	S79.50°E	21.27
L97	S79.50°E	21.27
L98	S79.50°E	21.27
L99	S79.50°E	21.27
L100	S79.50°E	21.27

AREA TABLE - BLOCK D	
LOT	SQ. FT. ACRES
12	7953 0.1911
13	2347 0.1462
14	8892 0.2044
15	9900 0.2263
16	9900 0.2263
17	9900 0.2263
18	9900 0.2263
19	9900 0.2263
20	9900 0.2263
21	2749 0.1230
22	16141 0.3706
23	9900 0.2263
24	9900 0.2263
25	9900 0.2263
26	9900 0.2263
27	9900 0.2263
28	9900 0.2263
29	9900 0.2263
30	9900 0.2263
31	9900 0.2263
32	9900 0.2263
33	11024 0.2531
34	18271 0.4211
35	9900 0.2263
36	9900 0.2263
37	9473 0.2176
38	18273 0.4211
39	9776 0.2236
40	9900 0.2263
41	9900 0.2263
42	9900 0.2263
43	9900 0.2263
44	9900 0.2263
45	9900 0.2263
46	9900 0.2263
47	9900 0.2263
48	9900 0.2263
49	13487 0.3088
50	9900 0.2263
51	9900 0.2263
52	9900 0.2263
53	9900 0.2263
54	9900 0.2263
55	9900 0.2263
56	9900 0.2263
57	9900 0.2263
58	9900 0.2263
59	9900 0.2263
60	9900 0.2263
61	9900 0.2263
62	9900 0.2263
63	9900 0.2263
64	9900 0.2263
65	9900 0.2263
66	9900 0.2263
67	9900 0.2263
68	9900 0.2263
69	9900 0.2263
70	9900 0.2263
71	9900 0.2263
72	9900 0.2263
73	9900 0.2263
74	9900 0.2263
75	9900 0.2263
76	9900 0.2263
77	9900 0.2263
78	9900 0.2263
79	9900 0.2263
80	9900 0.2263
81	9900 0.2263
82	9900 0.2263
83	9900 0.2263
84	9900 0.2263
85	9900 0.2263
86	9900 0.2263
87	9900 0.2263
88	9900 0.2263
89	9900 0.2263
90	9900 0.2263
91	9900 0.2263
92	9900 0.2263
93	9900 0.2263
94	9900 0.2263
95	9900 0.2263
96	9900 0.2263
97	9900 0.2263
98	9900 0.2263
99	9900 0.2263
100	9900 0.2263

AREA TABLE - BLOCK F	
LOT	SQ. FT. ACRES
9	9900 0.2263
10	9900 0.2263
11	9900 0.2263
12	9900 0.2263

AREA TABLE - BLOCK G	
LOT	SQ. FT. ACRES
1	9498 0.1466
2	9900 0.2263
3	9900 0.2263
4	9900 0.2263
5	9900 0.2263
6	9900 0.2263
7	9498 0.1466
8	9900 0.2263
9	9900 0.2263
10	9900 0.2263
11	9900 0.2263
12	9900 0.2263
13	9900 0.2263
14	9900 0.2263
15	9900 0.2263
16	9900 0.2263
17	9900 0.2263
18	9900 0.2263
19	9900 0.2263
20	9900 0.2263
21	9900 0.2263
22	9900 0.2263
23	9900 0.2263
24	9900 0.2263
25	9900 0.2263
26	9900 0.2263
27	9900 0.2263
28	9900 0.2263
29	9900 0.2263
30	9900 0.2263
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32	9900 0.2263
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36	9900 0.2263
37	9900 0.2263
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40	9900 0.2263
41	9900 0.2263
42	9900 0.2263
43	9900 0.2263
44	9900 0.2263
45	9900 0.2263
46	9900 0.2263
47	9900 0.2263
48	9900 0.2263
49	9900 0.2263
50	9900 0.2263
51	9900 0.2263
52	9900 0.2263
53	9900 0.2263
54	9900 0.2263
55	9900 0.2263
56	9900 0.2263
57	9900 0.2263
58	9900 0.2263
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61	9900 0.2263
62	9900 0.2263
63	9900 0.2263
64	9900 0.2263
65	9900 0.2263
66	9900 0.2263
67	9900 0.2263
68	9900 0.2263
69	9900 0.2263
70	9900 0.2263
71	9900 0.2263
72	9900 0.2263
73	9900 0.2263
74	9900 0.2263
75	9900 0.2263
76	9900 0.2263
77	9900 0.2263
78	9900 0.2263
79	9900 0.2263
80	9900 0.2263
81	9900 0.2263
82	9900 0.2263
83	9900 0.2263
84	9900 0.2263
85	9900 0.2263
86	9900 0.2263
87	9900 0.2263
88	9900 0.2263
89	9900 0.2263
90	9900 0.2263
91	9900 0.2263
92	9900 0.2263
93	9900 0.2263
94	9900 0.2263
95	9900 0.2263
96	9900 0.2263
97	9900 0.2263
98	9900 0.2263
99	9900 0.2263
100	9900 0.2263

AREA TABLE - BLOCK H	
LOT	SQ. FT. ACRES
1	9900 0.2263
2	9900 0.2263
3	9900 0.2263
4	9900 0.2263
5	9900 0.2263
6	9900 0.2263
7	9900 0.2263
8	9900 0.2263
9	9900 0.2263
10	9900 0.2263
11	9900 0.2263
12	9900 0.2263
13	9900 0.2263
14	9900 0.2263
15	9900 0.2263
16	9900 0.2263
17	9900 0.2263
18	9900 0.2263
19	9900 0.2263
20	9900 0.2263
21	9900 0.2263
22	9900 0.2263
23	9900 0.2263

(7)

Planning & Zoning Department

Plat Staff Report



Case: SUB-5-2021

MEETING DATE(S)

Planning & Zoning Commission: February 23, 2021

City Council: March 1, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 23, 2021, the Commission voted 5-0 to recommend approval of plat no. SUB-5-2021, as presented.

The Commission also voted 5-0 to recommend denial of the Petition of Relief Waiver to waive park land dedication fees for the subject property.

CAPTION

Consider request by Chad Crawford, Brittain & Crawford Land Surveying & Topographic Mapping, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 242239) – Owner: Clint Nolen, Garden Valley Apartments, LLC (SUB-5-2021)

APPLICANT REQUEST

The applicant is requesting to plat this property for continued multi-family use. The applicant is also requesting a petition of relief waiver from City Council to waive park land dedication fees for the subject property.

CASE INFORMATION

Applicant: Chad Crawford, Brittain & Crawford Land Surveying & Topographic Mapping

Property Owner(s): Clint Nolen, Garden Valley Apartments, LLC

Site Acreage: 11.871 acres

Number of Lots: 1 lots

Number of Dwelling Units: 213 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at **\$85,200.00** (\$400.00 per unit at 213 units).

Adequate Public Facilities: Adequate public facilities are available for the subject site.

SUBJECT PROPERTY

General Location: 240 Park Place Blvd

(7)

Parcel ID Number(s): 242239
Current Zoning: Multifamily-2
Existing Use: Multifamily Apartments
Platting History: This property is located in the J.B. & Ann Survey, Abstract 5
Site Aerial:



PETITION OF RELIEF WAIVER REQUEST

Background

The preliminary plat for the Garden Valley Addition (PP-17-0138) was approved by City Council on November 6, 2017. The preliminary plat staff report noted that cash in lieu of park land dedication was estimated to be \$84,800.00 (212 residential units at \$400.00 per dwelling). This amount has increased an additional \$400.00 due to the fact the number of dwelling units increased from 212 units to 213 units.

After the approval of the preliminary plat, building permits were issued in April 2018, and the apartments that are on site now were constructed. The building permits were released in error and a final plat should have been required for the release of the building permits. In December 2020, staff determined that a final plat for the project had not been approved, and the applicant is now proceeding through the platting process with this case.

Waiver Request

The applicant is requesting that they receive a petition of relief waiver for cash in lieu of park land dedication fees. In proceeding with the plat, the applicant has raised a few concerns on their end:

1. The buildings have received permitting and are already constructed complete with a Certificate of Occupancy without requiring any park land dedication or cash in lieu of park land dedication.
2. The Title Company has disclosed to the applicant that platting is not a requirement for selling the property.

(7)

Required P&Z Action

Due to this case having a petition for relief waiver associated with it, the Planning and Zoning Commission must provide City Council a recommendation on two separate items:

1. Either a recommendation of approval or disapproval of the plat.
 - Bear in mind that since this is a plat case, approval with comment will not be an option.
2. Either a recommendation of approval or denial of the petition of relief waiver.

PLAT 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
- Approval, as presented.

PETITION OF RELIEF WAIVER 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. It is staff's belief that while the City erred in allowing the building permits to be released for construction, this action does not eliminate the applicant's responsibility to pay the park land dedication fees.
 2. The preliminary plat staff report, presented to City Council on November 6, 2017, noted that cash in lieu of park land dedication was estimated to be \$84,800.00 (212 residential units at \$400.00 per dwelling). This amount has increased an additional \$400.00 due to the fact the number of dwelling units increased from 212 units to 213 units.
 3. Staff also notes that the platting of this property is a City requirement, no matter whether the Title Company requires a plat or not.
- Approval, as presented.

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

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

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;

(7)

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

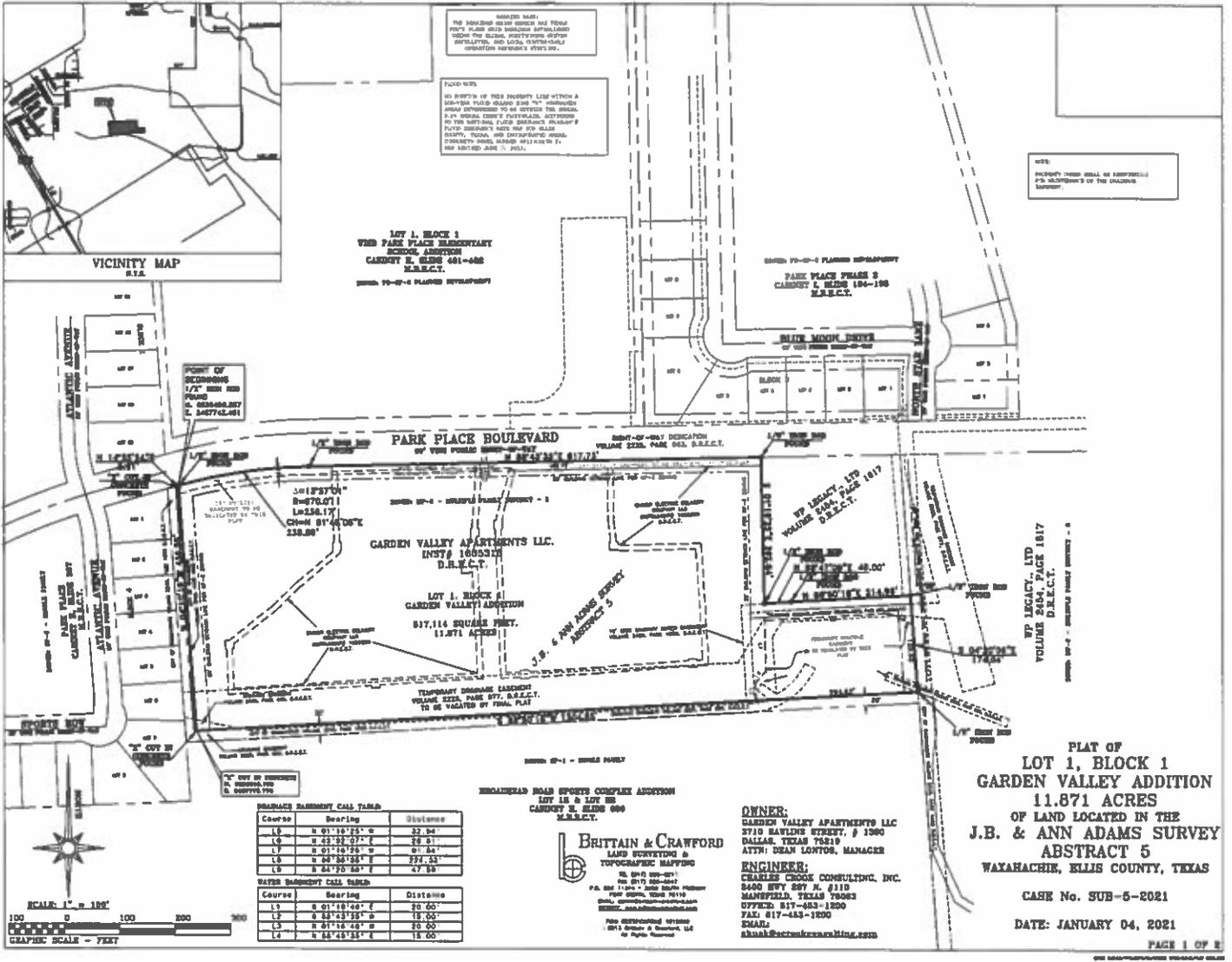
Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(7)



(7)

WHEREAS, GARDEN VALLEY APARTMENTS LLC IS THE OWNER OF 11.871 ACRES OF LAND SITUATED IN THE J.B. & ANN ADAMS SURVEY, ABSTRACT NO. 5, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

BEING 11.871 ACRES OF LAND LOCATED IN THE J.B. & ANN ADAMS SURVEY, ABSTRACT NO. 5, WAXAHACHE, ELLIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND CONVEYED TO GARDEN VALLEY APARTMENTS LLC BY THE DEED RECORDED IN INSTRUMENT NO. 152818, OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS, SAID 11.871 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METERS AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF WAXAHACHE, BY THE DEED RECORDED IN VOLUME 2789, PAGE 1098, OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS, AND SAID POINT OF BEGINNING LYING IN THE SOUTH RIGHT-OF-WAY LINE OF PARK PLACE BOULEVARD (A 40 FOOT WIDE PUBLIC RIGHT-OF-WAY):

THENCE ALONG THE NORTH BOUNDARY LINE OF AFORESAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE SOUTH RIGHT-OF-WAY LINE OF PARK PLACE BOULEVARD AS FOLLOWS:

1. NORTHEASTERLY 201.11 FEET, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 970.80 FEET, A CENTRAL ANGLE OF 13° 37' 01" AND A CHORD BEARING N 61° 46' 02" E, 236.99 FEET, TO A 1/2" IRON ROD FOUND AT THE END OF SAID CURVE.

2. N 48° 42' 36" E, 817.71 FEET, TO A 1/2" IRON ROD FOUND AT THE MOST NORTHERLY NORTHEAST CORNER OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO WP LEGACY, LTD. BY THE DEED RECORDED IN VOLUME 2484, PAGE 1617, OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS.

THENCE S 01° 16' 23" E, 282.84 FEET, ALONG THE EAST BOUNDARY LINE OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE WEST BOUNDARY LINE OF SAID WP LEGACY, LTD. TRACT, TO A 1/2" IRON ROD FOUND:

THENCE ALONG THE MOST SOUTHERLY NORTH BOUNDARY LINE OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AS FOLLOWS:

1. N 06° 47' 02" E, 49.09 FEET, TO A 1/2" IRON ROD FOUND.

2. N 06° 50' 12" E, 214.96 FEET, TO A 1/2" IRON ROD FOUND AT THE MOST SOUTHERLY NORTHEAST CORNER OF SAID GARDEN VALLEY APARTMENTS LLC TRACT.

THENCE S 04° 20' 02" E, 174.04 FEET, ALONG THE EAST BOUNDARY LINE OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE WEST BOUNDARY LINE OF SAID WP LEGACY, LTD. TRACT, TO A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID GARDEN VALLEY APARTMENTS LLC TRACT, LYING IN THE NORTH LINE OF TRACT OF LAND CONVEYED TO THE CITY OF WAXAHACHE, BY THE DEED RECORDED IN VOLUME 2344, PAGE 1498, OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS.

THENCE S 06° 00' 16" W, 1204.66 FEET, ALONG THE SOUTH BOUNDARY LINE OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE NORTH BOUNDARY LINE OF SAID CITY OF WAXAHACHE TRACT, TO AN "X" CUT IN CONCRETE FOUND AT THE SOUTHWEST CORNER OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE SOUTHEAST CORNER OF AFORESAID CITY OF WAXAHACHE TRACT RECORDED IN VOLUME 2789, PAGE 1098.

THENCE ALONG THE WEST BOUNDARY LINE OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE EAST BOUNDARY LINE OF SAID CITY OF WAXAHACHE TRACT AS FOLLOWS:

1. N 04° 12' 15" W, 436.99 FEET, TO AN "X" CUT IN CONCRETE FOUND.

2. N 14° 05' 47" E, 541 FEET, CONTINUING ALONG THE WEST BOUNDARY LINE OF SAID GARDEN VALLEY APARTMENTS LLC TRACT AND THE EAST BOUNDARY LINE OF SAID CITY OF WAXAHACHE TRACT, TO THE PLACE OF BEGINNING CONTAINING 11.871 ACRES (817,114 SQUARE FEET) OF LAND.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT GARDEN VALLEY APARTMENTS LLC, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 1, BLOCK 1, GARDEN VALLEY ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN ARE DEDICATED FOR THE PUBLIC USE FOREVER. FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE ON LEASING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ACCESS TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS MY HAND, THIS _____ DAY OF _____, 2021.

GARDEN VALLEY APARTMENTS LLC

BY _____

AUTHORIZED SIGNATURE OF OWNER

PRINTED NAME AND TITLE

STATE OF TEXAS

COUNTY OF ELLIS

BEFORE ME, THE UNDER-SIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED _____ OWNER KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SAME EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES _____

KNOW ALL MEN BY THESE PRESENTS:

THAT I, STUART F. SMITH, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MARKERS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHE.

STUART F. SMITH
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5484



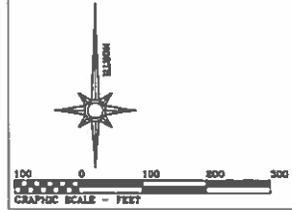
City Approval of Plat
Approved for preparation of this Plat by: _____
Approved by the Planning and Zoning Commission Date: _____
Attested by: _____
City Secretary Date: _____

PLAT OF
LOT 1, BLOCK 1
GARDEN VALLEY ADDITION
11.871 ACRES
OF LAND LOCATED IN THE
J.B. & ANN ADAMS SURVEY
ABSTRACT 5
WAXAHACHE, ELLIS COUNTY, TEXAS

CASE No. SUB-5-2021

DATE: JANUARY 04, 2021

PAGE 2 OF 2



(8)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-6-2021

MEETING DATE(S)

Planning & Zoning Commission: February 23, 2021

City Council: March 1, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 25, 2021, the Commission voted 5-0 to recommend denial of the zoning change ZDC-6-2021.

CAPTION

Request by Michael Head, Kosmos Solar, for a **Specific Use Permit** for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to allow for the placement of solar panels on the rooftop elevation facing the front right-of-way.

CASE INFORMATION

Applicant: Michael Head, Kosmos Solar

Property Owner(s): Matthew J & Nichole L Canute

Site Acreage: 0.436 acres

Current Zoning: Single Family-2 (SF-2)

Requested Zoning: SF-2 with SUP to allow solar panels placed on the rooftop elevation facing the front right-of-way

SUBJECT PROPERTY

General Location: 203 Shetland Ct.

Parcel ID Number(s): 267630

Existing Use: Single Family Residence

Adjoining Zoning & Uses:

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

(8)

Future Land Use Plan:

Low Density Residential

Comprehensive Plan:

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

Thoroughfare Plan:

This property is accessible via Shetland Ct.

Site Image:



PLANNING ANALYSIS

The applicant is seeking a Specific Use Permit to allow the placement of solar panels on the front facing rooftop elevation of the house. Historically, the City required a Specific Use Permit for all proposed solar panels, and the placement of solar panels facing any ROW was not allowed per our zoning ordinance. On January 21, 2020, City Council voted to amend the rooftop solar panel systems language in Sec. 5.01 of the zoning ordinance to allow for solar panels to face the ROW on the sides and rear of a residence. However, the language not allowing solar panels to be placed on the front ROW facing rooftop elevation was left in place.

Staff has discussed the solar panel placement requirements, and sent the list of solar panel requirements to the applicant. The applicant has indicated he would like to take the opportunity to obtain an SUP to allow for the placement of solar panels on the front facing rooftop elevation.

PUBLIC NOTIFICATIONS

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

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received three (3) letter of support for the proposed rooftop solar panel system.

(8)

STAFF CONCERNS

1. Per Sec. 5.01 of the City of Waxahachie Zoning Ordinance, panels shall not be installed on rooftop elevations facing the front right-of-way.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has stated he wishes to present his proposed solar panel layout, as is, to P&Z and City Council.

RECOMMENDATION

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

- Denial
 1. Per Sec. 5.01 of the City of Waxahachie Zoning Ordinance, solar panels shall not be installed on rooftop elevations facing the front right-of-way.
- Approval, as presented.
- Approval, per the following comments:

ATTACHED EXHIBITS

1. PON Responses
2. Ordinance
3. Exhibit A – Location Map
4. Exhibit B - Site Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(8)

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
267542	BRYANT ANNETTE	0.279	LOT 22 BLK K MUSTANG CREEK PH 4	279 AC	117 CANTLE ST	WAXAHACHIE	TX 75165	117 CANTLE ST WAXAHACHIE TX 75165
267543	JACKSON AARON E	0.279	LOT 23 BLK K MUSTANG CREEK PH 4	279 AC	115 CANTLE ST	WAXAHACHIE	TX 75165	115 CANTLE ST WAXAHACHIE TX 75165
267544	SANCHEZ SERGIO & EDITH VAZQUEZ RAMOS	0.279	LOT 24 BLK K MUSTANG CREEK PH 4	279 AC	113 CANTLE ST	WAXAHACHIE	TX 75165	113 CANTLE ST WAXAHACHIE TX 75165
267545	GARZA RAMON	0.279	LOT 25 BLK K MUSTANG CREEK PH 4	279 AC	111 CANTLE ST	WAXAHACHIE	TX 75165	111 CANTLE ST WAXAHACHIE TX 75165
267603	ZAMORE YOEL & YENIA M FIALLO	0.203	LOT 7 BLK W MUSTANG CREEK PH 4	203 AC	211 HITT ST	WAXAHACHIE	TX 75165	211 HITT ST WAXAHACHIE TX 75165
267604	PRIEST ANDREW L & BERTHA A	0.235	LOT 8 BLK W MUSTANG CREEK PH 4	235 AC	209 HITT ST	WAXAHACHIE	TX 75165	209 HITT ST WAXAHACHIE TX 75165
267605	SMITH CLAYTON D & DEENA	0.228	LOT 9 BLK W MUSTANG CREEK PH 4	228 AC	207 HITT ST	WAXAHACHIE	TX 75165	207 HITT ST WAXAHACHIE TX 75165
267606	WILKERSON MICHELLE M	0.206	LOT 10 BLK W MUSTANG CREEK PH 4	0 206 AC	205 HITT ST	WAXAHACHIE	TX 75165	205 HITT ST WAXAHACHIE TX 75165
267607	JOHNSON CEDRIC C & BRANDI TRAYLOR	0.200	LOT 11 BLK W MUSTANG CREEK PH 4	0 200 AC	203 HITT ST	WAXAHACHIE	TX 75165	203 HITT ST WAXAHACHIE TX 75165
267608	INCE JAMES E & ANDRIANA Y RODRIGUEZ	0.198	LOT 12 BLK W MUSTANG CREEK PH 4	198 AC	201 HITT ST	WAXAHACHIE	TX 75165	201 HITT ST WAXAHACHIE TX 75165
267609	RAMIREZ JOSE G & REBECCA S	0.245	LOT 1 BLK X MUSTANG CREEK PH 4	245 AC	3303 E PARKS AVE	WAXAHACHIE	TX 75165	210 HITT ST WAXAHACHIE TX 75165
267610	JONES TENAYA & JAQUAN R WHITE	0.229	LOT 2 BLK X MUSTANG CREEK PH 4	0 229 AC	208 HITT ST	WAXAHACHIE	TX 75165	208 HITT ST WAXAHACHIE TX 75165
267612	POLK DEMETRIA D	0.197	LOT 4 BLK X MUSTANG CREEK PH 4	197 AC	204 HITT ST	WAXAHACHIE	TX 75165	204 HITT ST WAXAHACHIE TX 75165
267614	OROPEZA TAURINO	0.185	LOT 6 BLK X MUSTANG CREEK PH 4	0 185 AC	200 HITT ST	WAXAHACHIE	TX 75165	200 HITT ST WAXAHACHIE TX 75165
267615	LOWE MATTHEW G	0.208	LOT 7 BLK X MUSTANG CREEK PH 4	208 AC	114 CANTLE ST	WAXAHACHIE	TX 75165	114 CANTLE ST WAXAHACHIE TX 75165
267617	PAPE JOSHUA E & SOPHIA R	0.185	LOT 9 BLK X MUSTANG CREEK PH 4	185 AC	3456 MARQUES CT	CASTRO VALLEY	CA 94546	114 CANTLE ST WAXAHACHIE TX 75165
267618	WARD QUINCY L & ANDREA L	0.185	LOT 10 BLK X MUSTANG CREEK PH 4	185 AC	108 CANTLE ST	WAXAHACHIE	TX 75165	108 CANTLE ST WAXAHACHIE TX 75165
267619	JOHNSON EARNER & GWENDOLYN R	0.185	LOT 11 BLK X MUSTANG CREEK PH 4	185 AC	106 CANTLE	WAXAHACHIE	TX 75165	106 CANTLE ST WAXAHACHIE TX 75165
267625	VERDUGO ANTONIO	0.314	LOT 17 BLK X MUSTANG CREEK PH 4	314 AC	213 BAY ST	WAXAHACHIE	TX 75165	213 BAY ST WAXAHACHIE TX 75165
267626	CLARK LEGRANT & SHONTELLE	0.352	LOT 18 BLK X MUSTANG CREEK PH 4	352 AC	200 SHETLAND CT	WAXAHACHIE	TX 75165	200 SHETLAND CT WAXAHACHIE TX 75165
267627	ABDULLAH KHIRY J	0.213	LOT 19 BLK X MUSTANG CREEK PH 4	213 AC	202 SHETLAND CT	WAXAHACHIE	TX 75165	202 SHETLAND CT WAXAHACHIE TX 75165
267628	MENDOZA ADRIAN E	0.306	LOT 20 BLK X MUSTANG CREEK PH 4	306 AC	206 SHETLAND CT	WAXAHACHIE	TX 75165	206 SHETLAND CT WAXAHACHIE TX 75165
267629	HALEY CHRISTOPHER CODY	0.381	LOT 21 BLK X MUSTANG CREEK PH 4	381 AC	205 SHETLAND CT	WAXAHACHIE	TX 75165	205 SHETLAND CT WAXAHACHIE TX 75165
267630	CANUTE MATTHEW J & NICHOLE L	0.436	LOT 22 BLK X MUSTANG CREEK PH 4	436 AC	203 SHETLAND CT	WAXAHACHIE	TX 75165	203 SHETLAND CT WAXAHACHIE TX 75165
267631	MORLOCK CASSANDRA M & DANIEL H AGUILAR	0.368	LOT 23 BLK X MUSTANG CREEK PH 4	368 AC	201 SHETLAND CT	WAXAHACHIE	TX 75165	201 SHETLAND CT WAXAHACHIE TX 75165
267632	RICHARDSON ANDREW & CHARMAINE	0.261	LOT 24 BLK X MUSTANG CREEK PH 4	0 261 AC	223 BAY ST	WAXAHACHIE	TX 75165	223 BAY ST WAXAHACHIE TX 75165
267633	OSWALT GARY & LANA	0.24	LOT 25 BLK X MUSTANG CREEK PH 4	24 AC	225 BAY ST	WAXAHACHIE	TX 75165	225 BAY ST WAXAHACHIE TX 75165
267634	HERNANDEZ REY L	0.261	LOT 26 BLK X MUSTANG CREEK PH 4	261 AC	227 BAY ST	WAXAHACHIE	TX 75165	227 BAY ST WAXAHACHIE TX 75165
267611	PROPERTY OWNER	0			206 HITT ST	WAXAHACHIE	TX 75165	206 HITT ST WAXAHACHIE TX 75165
267620	PROPERTY OWNER	0			104 CANTLE ST	WAXAHACHIE	TX 75165	104 CANTLE ST WAXAHACHIE TX 75165
267613	PROPERTY OWNER	0			202 HITT ST	WAXAHACHIE	TX 75165	202 HITT ST WAXAHACHIE TX 75165
267616	PROPERTY OWNER	0			112 CANTLE ST	WAXAHACHIE	TX 75165	112 CANTLE ST WAXAHACHIE TX 75165



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-6-2021

RECEIVED FEB 15 2021

HALEY CHRISTOPHER CODY
205 SHETLAND CT
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 23, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, March 1, 2021 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 Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)

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-6-2021

City Reference: 267629

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, February 16, 2021 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:

We have no objections or concerns.

Christopher Haley
Signature

2/14/2021
Date

Christopher Haley
Printed Name and Title

205 Shetland Court
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.

(8)

RECEIVED FEB 22 2021



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-6-2021

PROPERTY OWNER
202 HITT ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 23, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, March 1, 2021 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 Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)

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Case Number: ZDC-6-2021

City Reference: 267613

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, February 16, 2021** 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:

WE RECENTLY INSTALLED SOLAR OURSELVES SO WE ARE DELIGHTED TO SEE OUR NEIGHBORS FOLLOWING SUIT. USANETZERO2020!

George L. Proter-Smith
Signature

02/07/2021
Date

GEORGE L. PROTER-SMITH, Ph.D.
Printed Name and Title

202 HITT STREET
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.

RECEIVED FEB 08 2021



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-6-2021

MORLOCK CASSANDRA M & DANIEL H AGUILAR
201 SHETLAND CT
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 23, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, March 1, 2021 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 Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)

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-6-2021

City Reference: 267631

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, February 16, 2021 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:

Cassandra Morlock
Signature

2/15/2021
Date

Cassandra Morlock, Home owner
Printed Name and Title

201 Shetland Ct.
Address Waxahachie, Tx 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.

(9)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT THE INSTALLATION OF SOLAR PANELS FACING THE FRONT RIGHT-OF-WAY WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 203 SHETLAND COURT, BEING PROPERTY ID 267630, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 22, BLOCK X IN THE MUSTANG CREEK PHASE 4 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-6-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for denial and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit the installation of solar panels facing the front right-of-way use on the following property: Lot 22, Block X in the Mustang Creek Phase 4 subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this 1st day of March, 2021.

(9)

MAYOR

ATTEST:

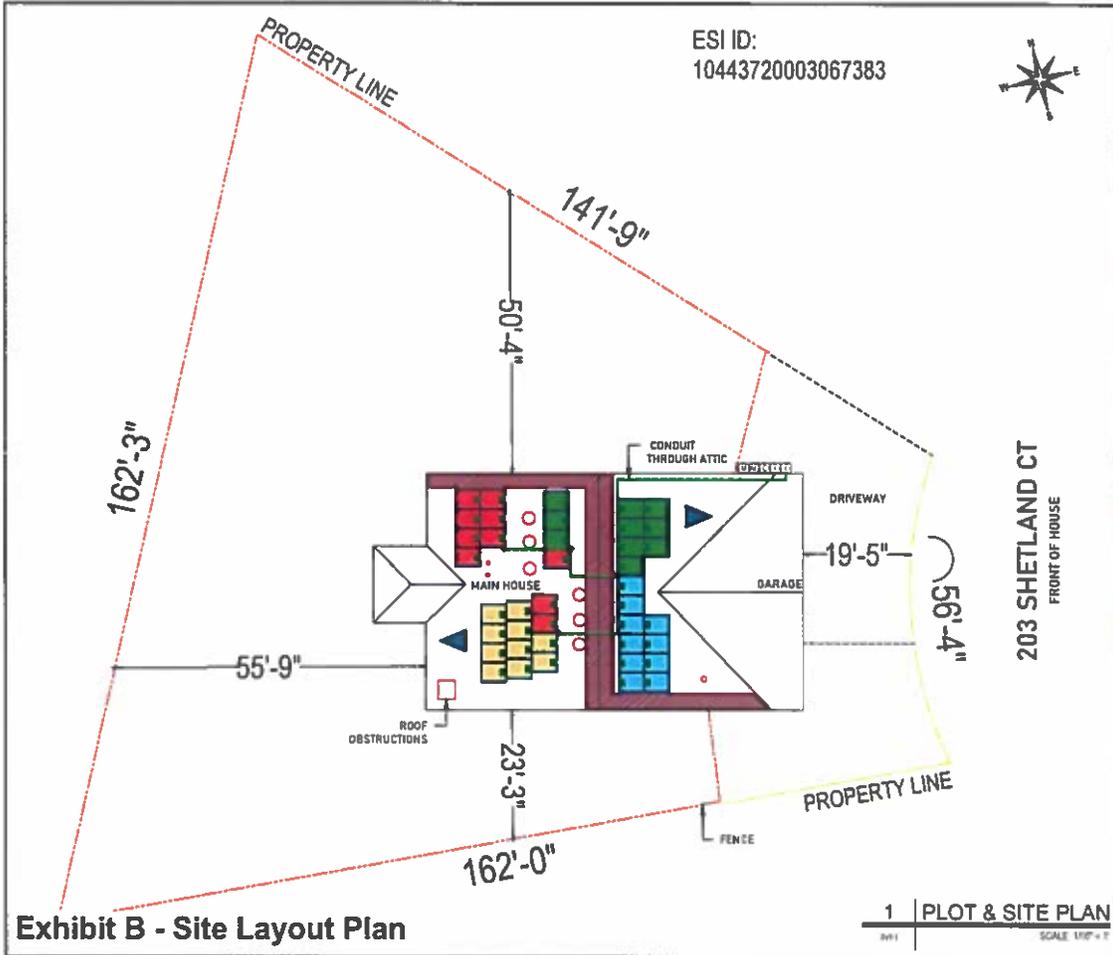
City Secretary

(9)



Exhibit A - Location Map

(9)



ESI ID:
10443720003067383



SYSTEM LEGEND

- M** EXISTING 6" INTERIOR MAIN SERVICE PANEL & POINT OF INTERCONNECTION TIED TO EXTERIOR UTILITY METER
 - AC** VISIBLE LOCKABLE LABELED FUSED DISCONNECT WITHIN 10 FEET FROM THE UTILITY METER
 - C** COMBINER SUB PANEL BOX
 - I** NEW (2) PV SYSTEM SOLAREDDO SEA400H-US INVERTERS
 - 40 NEW SOLARIA POWERXT-365R-PD WITH 40 SOLAREDDO OPTIMIZER P370 LOCATED ON THE BACKSIDE OF MODULES.
 - 34" FIRE PATHWAY
 - CONDUIT THROUGH ATTIC JUNCTION BOX
 - ROOF OBSTRUCTIONS
 - ATTIC RUN
- PARCEL NUMBER - 90658492402200112
LOT SIZE - 0.44 ACRES

ROOF SEGMENT

- ROOF SLOPE: 30
- MODULE: 17
- ROOF MATERIAL: COMP. SHINGLE
- ROOF AZIMUTH: 100
- RAFTER DIM: 2"X4"
- RAFTER SPACING: 24"
- ROOF SLOPE: 30
- MODULE: 23
- ROOF MATERIAL: COMP. SHINGLE
- ROOF AZIMUTH: 280
- RAFTER DIM: 2"X4"
- RAFTER SPACING: 24"



KOSMOS SOLAR
 1320 Post & Paddock Street #500,
 Grand Prairie, Texas 75050
 PH: (817)-259-1888
 support@kosmosolar.com

MATTHEW CANUTE RESIDENCE
 203 SHETLAND CT
 WAXAHACHIE, TX 75165
 PH NO: -----

SIGNATURE

SV1.1

PLOT & SITE PLAN

DESIGNED BY:
 SOLARROOT
 ENGINEERING SERVICES

Exhibit B - Site Layout Plan

1 | PLOT & SITE PLAN

SCALE 1/8" = 1'

(10+11)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: February 24, 2021
Re: ZDC-186-2021 – KSAM (Multi Use)

At the Planning and Zoning meeting, held February 23, 2021, the Planning and Zoning Commission voted 5-0 to continue case number ZDC-186-2021 to the March 9, 2021 Planning and Zoning meeting agenda and the March 15, 2021 City Council meeting agenda.

(12+13)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: February 24, 2021

Re: ZDC-07-2021 – Emory Lakes

At the Planning and Zoning meeting, held February 23, 2021, the Planning and Zoning Commission voted 5-0 to continue case number ZDC-07-2021 to the March 23, 2021 Planning and Zoning meeting agenda and the April 5, 2021 City Council meeting agenda.

(14 & 15)



Memorandum

To: Honorable Mayor and City Council
From: Warren Ketteman, Economic Development Director
Thru: Michael Scott, City Manager
Date: March 1, 2021
Re: Consideration of a Resolution Amending the Guidelines and Criteria (Policy) for Governing Economic Development Incentives

Item Description: Consideration of a resolution amending the guidelines and criteria (policy) for governing economic development incentives. Texas State Code requires that local governments review and renew their guidelines and criteria for governing Economic Development Incentives every two years.

Recommendation: The Economic Development Commission and City staff recommend approval.

Item Summary: City staff has reviewed the City's existing Policy on Economic Development Incentives and have determined that a number of amendments need to be made. Staff presented the proposed changes to the Economic Development Commission on Tuesday, February 9, 2021. The Commission approved staff's recommended changes along with some additional ones introduced by the Commission members during the meeting.

In general, the amendments to the policy include removing verbiage referencing other taxing entities within Ellis County, amendment of a definition, removal of references to specific City staff, changes to

(14 + 15)

language to allow for more cohesive procedures and better understanding, and better reflect a new state law.

Proposed amendments to the incentives policy are listed below:

1. In Section I, removing the verbiage "... or any other taxing entity..."
2. In Section II, amending the definition of "Permanent Employee" to include verbiage for health benefits and wage thresholds. Also changing "full time" to "permanent" in Section III to properly reflect the definition for employees.
3. In Section III(A), amending the verbiage to better clarify the employment requirements new and existing companies.
4. In Section III(D), including "strategic" with "comprehensive" in reference to an applicant's use being consistent with the City's plans.
5. In Section IV, paragraph #2, including "Any incentives allowable by state and federal laws may be considered." to allow for consideration of new state and federal programs that are now available and may become available in the future.
6. In Section IV(A), changing the word "shall" to "may" to allow for more flexibility.
7. In Section V, paragraph #2, removing "as required by the City Manager".
8. In Section V, removing item #E which pertains to Ellis County.
9. In Section V, paragraph #4, removing "City Manager" references. Also the inclusion of the "Economic Development Commission" for receipt of an application.
10. In Section V, paragraph #7, changing a portion of the verbiage from paragraph form to a bulleted list.
11. In Section V, paragraph #8, adding language to reflect the changes in State Law, specifically Chapter 2270 of the Texas Government Code which requires a company that is under contract or agreement with a local government to agree not to boycott Israel.

(14 & 15)

12. In Section V, adding a paragraph to provide instruction to applicants of the proper filing of the annual "Application for Property Tax Abatement Exemption" paperwork.
13. In Section VI, changing "at reasonable times" to "during regular business hours" to provide clarity and to be consistent with the language in the Tax Abatement Agreement template.
14. In Section VII, changing "two-thirds (2/3rds)" to "a majority" in the second sentence.
15. In Section VIII, adding "or amended" to the sentence discussing voting requirements.

Fiscal Impact: There will be no impact to the approved budget.

(15)

RESOLUTION NO. _____

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

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

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

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

WHEREAS, a Public Hearing was held regarding the amendments, adoption and reauthorization of the policy and to give the public the opportunity to be heard; and

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

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

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

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

Section 3. That such guidelines and criteria shall be effective for two (2) years from March 1, 2021 and may only be amended or repealed by a three-fourths vote of the City Council.

PASSED AND APPROVED this 1st day of March, 2021.

MAYOR

ATTEST:

CITY SECRETARY

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CITY OF WAXAHACHIE, TEXAS

POLICY ON ECONOMIC DEVELOPMENT INCENTIVES

I. PURPOSE AND OBJECTIVE

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

II. DEFINITIONS

- A. ***Agreement*** means a contractual agreement between a property owner, a lessee (if applicable) and the City of Waxahachie for the purposes of tax abatement.
- B. ***Applicant*** means one or more owners and, where applicable, lessees of property who request tax abatement in accordance with these guidelines. For example, when real property for which abatement is requested is to be leased to a lessee who will be employing persons at the property, both the owner and the lessee are collectively the applicant.
- C. ***Eligible Property*** means all property eligible for tax abatement under the Property Redevelopment and Tax Abatement Act, including real property located within a Reinvestment and/or Enterprise Zone and tangible personal property which is located within a Reinvestment Zone and/or Enterprise Zone after the effective date of a tax abatement agreement.
- D. ***Permanent Employee*** means an employee who is employed by the applicant to work at least 1,820 or more hours per year with a company provided health benefit plan and paid wages in excess of Ellis County's median wage. The health benefit plan for the employee must be at a reasonable rate and must allow the employee access to the plan for their dependents. The Ellis County median wage will be determined by the most recent release of the American Community Survey available at the time of submission of the Application for Incentives.
- E. ***Property Redevelopment and Tax Abatement Act*** means such act as codified as Chapter 312 of *V.T.C.A., Tax Code*.
- F. ***Reinvestment Zone*** means an area designated in accordance with the Property Redevelopment and Tax Abatement Act by the City of Waxahachie.

III. CRITERIA FOR ECONOMIC DEVELOPMENT INCENTIVES

The following minimum criteria may be used for consideration of any tax abatement incentives:

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- A. For new development, the project must add and retain at least ten (10) permanent employees. For existing companies, the development, redevelopment or expansion must employ at least 10 permanent employees as a result of the proposed development. If the project involves leased facilities, then either the owner or lessee must meet the job commitment; and
- B. An investment of at least \$2,000,000.00 in new property improvements as assessed on property tax roll is required, and the economic life of the facility or improvements must exceed the abatement period; and
- C. The project meets all relevant zoning requirements.

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

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

IV. TYPES OF INCENTIVES

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

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

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

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V. APPLICATION PROCEDURES

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

Applicant shall file an application form, which shall include at least the following information:

- A. A plat showing the precise location of the property and present zoning, all roadways within 300 feet of the site, and all existing zoning and land uses within 300 feet of the site.
- B. If the property is described by metes and bounds, a complete legal description shall be provided.
- C. A brief description of the proposed improvements or expansion and its projected costs; the type of business operation proposed; the number and type of jobs created, including information pertaining to anticipated job transfers, the projected date of operation; and the type and value of any economic development incentives requested. Applicant must address issues in Section II (Criteria) of the Policy Statement in letter format.
- D. The applicant shall provide any other information about the proposed project as may be required by the City.

An application must be on file with the City of Waxahachie and approved by the Waxahachie Economic Development Commission prior to any construction, equipment purchase, or land purchase, for said property to be considered for tax abatement purposes.

Once the application has been received, the information submitted will be reviewed for completeness and accuracy. The application will then be distributed to the appropriate departments for internal review and comments. Following staff review, copies of the complete application package and staff comments will be provided to the Economic Development Commission and subsequently to City Council. The Economic Development Commission will meet to discuss the proposal at a work session prior to making a formal recommendation to the City Council.

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

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

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

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

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

The agreement will provide for the recapture of all or a portion of property tax revenue lost as a result of the agreement:

- A. If the owner of the property fails to create all or a portion of the number of new jobs provided by the agreement; or
- B. If the appraised value of the property subject to the agreement does not attain a value specified in the agreement; or
- C. If the owner fails to meet any other performance criteria provided by the agreement, and payment of a penalty or interest, or both, on that recaptured property tax revenue.

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

In accordance with Chapter 2270 of the Texas Government Code (as amended by Tex. H.B. 793, 86th Leg., R.S. (2019)), the agreement must also contain a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. 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 agreement 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 the Agreement on behalf of the OWNER must verify that the OWNER does not boycott Israel and will not boycott Israel during the term of the agreement.

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

Once the tax abatement agreement has been established, the property owner must file an "Application for Property Tax Abatement Exemption" form with the Ellis Appraisal District. This form, Form 50-116, is provided by the Texas Comptroller of Public Accounts and can be obtained via their website at www.comptroller.texas.gov.

VI. COMPLIANCE AUDITS, REVIEWS AND INSPECTIONS

The City shall have the right to conduct reviews, audits and inspections to evaluate the applicant's performance

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

VII. AMENDMENTS TO THESE GUIDELINES AND CRITERIA

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

VIII. EFFECTIVE DATE

These guidelines and criteria adopted herein shall be effective for two (2) years from March 1, 2021 unless otherwise repealed in their entirety or amended by three-fourth (3/4ths) vote of the City Council.

PASSED and APPROVED this 1st day of March, 2021.

MAYOR

ATTEST:

CITY SECRETARY

(10)



Memorandum

To: Honorable Mayor and City Council
From: Ricky Boyd, Fire Chief
Thru: Michael Scott, City Manager
Date: February 24, 2021
Re: Resolution for Grant Application

In the 5-Year Operating Plan, Waxahachie Fire-Rescue requested the addition of three (3) new firefighter positions to be added to our staffing levels for four (4) consecutive fiscal years (FY19, 20, 21, and 22). These 12 new positions are needed to staff the anticipated Engine 4 at Fire Station 4 (which is currently scheduled to open in FY23 according to the 5-Year CIP). By following this phase-in plan, we will have a better trained and experienced pool of personnel to staff the new station when it opens versus hiring them all in a short period of time.

The Assistance to Firefighters Grant (AFG) Program offers several types of grants to fire departments designed to improve the services they provide. One such grant, the Staffing for Adequate Fire & Emergency Response (SAFER) Grant, provides matching funds for new firefighter positions. The Council approved the first six (6) new firefighter positions under this plan with assistance from the FY17 & FY18 SAFER Grants. The Council also approved the latest three (3) new firefighter positions in FY21 without the assistance of the FY19 SAFER Grant. As a result, we need to add three (3) additional firefighters in FY22 to finalize the staffing of Engine 4.

The FY17 & FY18 SAFER Grants we received provide 75% of the eligible costs with a City match of 25% for the first and second years of the performance period and 35% of the eligible costs with a City match of 65% for the third year of the performance

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period. However, the FY20 SAFER Grant provides 100% of the eligible costs for all three (3) years of the performance period.

If we are allowed to apply for and are subsequently awarded and accept the FY20 SAFER Grant for the three (3) remaining firefighter positions needed to staff Engine 4, the costs and reimbursements for fiscal years 22-24 are estimated to be as follows:

	FY22	FY23	FY24	Total
City Budget	\$292,246	\$292,214	\$302,602	\$887,062
SAFER Funds	\$255,714	\$255,714	\$255,714	\$767,142
City Net Cost	\$36,532	\$36,500	\$46,888	\$119,920

The application period for this grant is currently open and it closes on March 12th. Therefore, at this time, we respectfully request your approval to apply for the SAFER Grant so that we will have sufficient time to complete and submit the application. I want to stress the fact that this is only a request to submit an application for the grant. If awarded, the City may choose to accept or decline the grant. As such, this is not a request for a commitment of the City's cost share of the grant at this time.

In closing, I respectfully request approval of the accompanying resolution so that we may apply for the SAFER Grant.



Ricky Boyd,
Fire Chief

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING SUBMISSION OF GRANT APPLICATION TITLED “STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE” TO THE ASSISTANCE TO FIREFIGHTERS (AFG) GRANT PROGRAM

WHEREAS, The City of Waxahachie finds it in the best interest of the citizens of Waxahachie that Waxahachie Fire-Rescue improve services for fiscal year 2022 and beyond by adding three (3) new firefighter positions; and

WHEREAS, The City of Waxahachie agrees to fund its cost share if awarded and accepts the grant; and

WHEREAS, The City of Waxahachie agrees to adhere to all program guidelines if awarded and accepts the grant; and

WHEREAS, The City of Waxahachie agrees that in the event of loss or misuse of the AFG funds, City of Waxahachie assures that the funds will be returned to the AFG in full; and

WHEREAS, The City of Waxahachie designates the Chief of Waxahachie Fire-Rescue as the grantee’s authorized official who as such is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waxahachie approves submission of the grant titled “Staffing for Adequate Fire & Emergency Response” to the Assistance to Firefighters Grant Program for the current open grant period.

APPROVED this 1st day of March, 2021.

MAYOR

ATTEST:

City Secretary



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Director of Parks & Recreation
Thru: Michael Scott, City Manager
Date: February 24, 2021
Re: Consider Amending Chapter 9, Section 9-3 and Adding Section 9-27 Establishing a Fee Schedule for Cemetery Plots and Related Cemetery Fees, and Establishing Columbarium Niche Prices and Approving Addition of Permanent Marker Rule

Item Description: Consider Amending Chapter 9, Section 9-3 and adding section 9-27 "Cemetery Fees" that will summarize the prices for burial plots, cremation plots, and related cemetery fees, and establish columbarium niche prices. Also, consider amending section 9-3 "Rules and regulations" and adding a rule regarding permanent markers to be provided by the City Cemetery for graves that do not have a headstone after two years of interment.

Recommendations: On February 4, 2021, the Cemetery Board reviewed and approved the changes to Chapter 9 – Cemeteries, including the schedule of fees. Both the Cemetery Board and City Staff recommend that City Council approve the proposed ordinance changes and schedule of fees.

Item Summary: The addition of the new cemetery pavilion and columbarium capital project triggered staff to review the current pricing structure of the burial plots and establish prices for the new columbarium niches. A review of the burial plot prices determined that the current price for burial plots were lower than some of the surrounding cemeteries in Ellis County. The funding for the long-term care of the City Cemetery is strictly derived from the sale of cemetery plots. It is prudent that the prices of the cemetery plots, whether land or columbarium niches, be analyzed on a periodic basis to ensure the Cemetery Fund has an adequate balance to facilitate the proper long-term care and maintenance, as well as any general improvements as approved by Council. Additionally, the new proposed fees for burial plots will establish a non-resident surcharge. Non-residents will incur an additional \$500 fee

for land plots bought in the City Cemetery. Exceptions to non-resident fees will be evaluated on a case by case basis and approved at the discretion of the department director. The new fee structure was presented and approved by the Cemetery Board on February 4, 2021. The following fee table shows the original and revised or new cemetery fees:

Original Cemetery Fees	Revised or New Cemetery Fees
Older Section (OC) Plots - \$1,700	Older Section (OC) Plots - \$2,000 resident / \$2,500 non-resident
Newer Section Plots - \$1,400	Newer Section Plots - \$1,700 resident / \$2,200 non-resident
Cremation Plots - \$500	Cremation Plots - \$500
Baby Land Plots - \$500	Baby Land Plots - \$500
Family Plots - \$14,500	Family Plots - \$14,500
Grave Inspection Fee - \$25	Grave Inspection Fee - \$25
Cemetery Removal Charge - \$50	Cemetery Removal Charge - \$50
Columbarium Niches – NEW	Columbarium Niches – Top Row \$1,600 Middle Rows \$1,800 Bottom Row \$1,400
Columbarium Cover Plate Engraving Fee – NEW	Columbarium Cover Plate Engraving Fee – \$250/engraving

Additionally, the Cemetery Board approved on February 4, 2021, the placement of an affordable permanent flat grave marker after two years of interment for those graves that do not have a grave marker. The cost of the permanent marker will be funded through the available cemetery funds. The cost of the permanent marker is estimated to be \$250 per marker. It is anticipated that approximately 5% – 10% of interments after two years may need a permanent flat grave marker.

Fiscal Impact: The estimated additional revenue generated from the cemetery fee increase is approximately \$360,000 based on the remaining available plots and niches . The fiscal impact of the revenues collected is anticipated to provide an adequate fund balance to supplement Cemetery Fund expenses.

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AN ORDINANCE OF THE CITY OF WAXAHACHIE

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING AMENDMENTS TO CHAPTER 9, "CEMETERIES", BY AMENDING SECTION 9-3 THROUGH 9-26, AND ADDING SECTION 9-27, "CEMETERY FEES"; AUTHORIZING THE CITY CEMETERY TO SET A PERMANENT FLAT MARKER ON UNMARKED GRAVES; ESTABLISHING A SCHEDULE OF FEES FOR THE CITY CEMETERY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie, Texas is a Home-Rule Municipality located in Ellis County created in accordance with provisions of the Texas Local Government Code and operating pursuant to the legislation of the State of Texas ("City"); and

WHEREAS, the of the City of Waxahachie City Council ("City Council") has determined long-term care and maintenance is vital to the City Cemetery; and

WHEREAS, the City operates a cemetery and the proper tracking and record of interments necessitate grave markers for unmarked graves; and

WHEREAS, the City Council has determined the regulations concerning the cemetery fees assessed throughout Waxahachie; and

WHEREAS, the City Council has considered the provisions contained herein, and determined that the fees and regulations set forth will serve the public purpose and fit public needs providing adequate care and maintenance of the City cemetery; and

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

SECTION 1. That Chapter 9 "Cemeteries", be amended by amending Section 9-3 and adding Article V. – Cemetery Fees, Section 9-27 "Cemetery Fees" which reads as follows:

Sec. 9-3. - Rules and regulations—Generally.

The following rules shall apply in all of the Waxahachie City Cemetery:

- (a) No planting shall be allowed on any new plots sold or used in any part of the cemetery, except for grass.
- (b) Every casket in any grave used in the future may be enclosed in a permanent type of box of concrete or equal material.
- (c) No flower containers may be placed anywhere in the cemetery except on markers or monuments or on the concrete monument supports. This requirement is not to be in effect while funeral services are being held for a burial on a particular tract.

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- (d) The cemetery is open to the public only during daylight hours, and is closed after sunset.
- (e) Funeral homes shall be responsible for the opening and closing of graves, and shall be responsible for leveling of graves and cleanup of the site after each funeral service. In the event that a contractor does not level a grave site within a reasonable time after the service, the city may prohibit the opening or closing of any other graves in the cemetery by said contractor until said grave is leveled. An inspection fee based on fee chart below, or such fee as is set by the city council, shall be paid to the City of Waxahachie before each grave is opened, said fee to pay for inspection of the site for removal of excess rock and debris and for cleanup, and to help defray any expense the city may incur in following up on said matters. The city may require completion of any suitable forms for grave openings.
- (f) Funeral homes shall be responsible for any damage to monuments, trees, etc., in the cemetery caused by their operations or that of their contractors for opening and closing graves or other subcontractors, and shall carry insurance against said damage.
- (g) The City of Waxahachie reserves the right to compel all persons coming into the cemetery to obey all rules and regulations. The rules and regulations may be changed without notice to any owner by the city council of the City of Waxahachie, Texas.
- (h) The city shall take reasonable precautions to protect the property rights of owners within the cemetery from loss or damage; but it disclaims all responsibility for loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrection, riots, or an order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
- (i) Persons within the cemetery grounds shall use only the avenues, walkways and roads.
- (j) The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery; the right to lay, maintain, operate, or change pipe lines of gutters is expressly reserved. The City of Waxahachie reserves to itself, and those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purposes of passage to and from other lots.
- (k) The sale or transfer of any cemetery lot by any owner or purchaser, shall not be binding upon the cemetery unless same shall first be duly approved in writing by the properly authorized officer of the City of Waxahachie. This procedure is required in order that the cemetery may at all times have a complete and accurate record of all owners and purchasers.
- (l) The subdivision of interment rights is not allowed without the consent of the cemetery and no one shall be buried in any lot not having an interest therein, except by written consent of all parties interested in such lot and of the City of Waxahachie.
- (m) All work on the lots will be done by the employees of the City of Waxahachie under the direction of the City of Waxahachie, except when permission is otherwise granted by said City of Waxahachie. All grading, landscape work, and improvements of any kind, and all care of lots, shall be done, and all trees, shrubs and herbage of any kind shall be planted, trimmed, cut or removed, by the City of Waxahachie, or under its direct supervision.

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- (n) No enclosure of any kind, such as a fence, hedge, or ditch, shall be permitted around any grave or lot other than that already existing at the date of passage of the section.
- (o) If any tree, shrub or plant standing upon any lot, by means of its roots, branches, or otherwise, be or becomes detrimental to adjacent lots or avenues, or if for any other reason its removal is deemed necessary, the City of Waxahachie shall have the right to remove such tree, shrub, or plant, or any part thereof, or otherwise correct the condition existing as in its judgment seems best.
- (p) No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the cemetery other than from their own family lots.
- (q) For the protection of all lot owners, it is required that persons other than lot owners or their families, erecting, cleaning, or repairing memorials, curbing, watering systems, etc., obtain a permit, and any person in doing such work must comply with the standards and codes as defined by the Building and Community Services Departments and pay any related fees.
- (r) The cemetery will require all monument dealers or monument builders placing a memorial, mausoleum, or tombs in the cemetery to work under the direct supervision of the City of Waxahachie.
- (s) Should any monument, mausoleum or tomb become unsightly, dilapidated, or a menace to visitors, the cemetery shall have the right at the expense of the lot owner either to correct the condition or to remove the same.
- (t) Graves must be located by the family or its representatives and authorization signed by the lot owner or legal representative of the lot owner, at the cemetery office. This gives the cemetery legal right to open the grave space selected by the family on their lot.
- (u) When removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights therein shall revert to the cemetery. The removal of said bodies shall be done in strict compliance with all state requirements regulating same. Arrangements for the removal of a body must be made by someone other than the cemetery. The cemetery removal charge shall be based on fee chart below, and payable in advance. Application for removal permit must be signed by the next of kin, properly notarized prior to removal.
- (v) The following general regulations shall be enforced in the cemetery:
 - (1) No wooden or cast-iron bench or chair, or any wooden or wire trellis shall be permitted to be brought upon the grounds.
 - (2) The city has authority to enter upon any lot and to remove any objectionable thing or any erection that may have been placed there contrary to the regulations of said city council, and they may remove any dead or damaged tree, shrub or vine.
 - (3) No person shall be permitted to enter or leave the cemetery except by the public gates.
 - (4) Speed of over fifteen (15) miles per hour will not be permitted, and no person shall either ride or drive upon the lawns.

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- (5) All persons are forbidden to hunt, or to fish, or to feed or disturb the fish, fowls, or other animals about the cemetery.
 - (6) All persons are strictly forbidden to break, or injure any tree or shrub, or mar any landmark, marker, or memorial, or in any way deface the grounds of the cemetery.
 - (7) No money shall be paid the attendants at the entrance or on the grounds. The entire time of the persons regularly employed on the grounds belongs to the cemetery. Visitors and owners must not otherwise engage them. All orders, inquiries and complaints must be left at the office of the city secretary of the City of Waxahachie.
 - (8) All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance, and disregard of the rules.
 - (9) It is of the utmost importance that there should be a strict observance of all the properties due the place, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.
 - (10) All well-disposed persons will confer a favor by informing the cemetery of any breach of property decorum that may come under their notice.
 - (11) Touch nothing in the cemetery that does not belong to you. This is the only safe rule to adopt in visiting this cemetery.
 - (12) No persons, other than an employee of the City of Waxahachie, shall be permitted to bring or carry firearms within the cemetery except a military guard of honor and then only when in the charge of an officer and during a military service.
 - (13) All work and all planting of any kind of all lots and graves is strictly prohibited, except as provided by (a), (m) and (q) of this section. Cut flowers or artificial flowers may be used at any time.
 - (14) The cemetery reserves the right to remove all flowers, potted plants, summer wreaths or baskets when they become withered, or for any other reason, and the caretakers are ordered to make such removals when in their judgment it is to the best interest of the cemetery.
 - (15) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The city, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications in any of the rules and regulations when, in its judgment, the same appear advisable and such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application of such.
- (w) Addition Eleven to the city cemetery, in addition to the rules and regulations above stated, shall be subject to the following rules and regulations, with Addition Eleven being subject to the rules above stated where they do not conflict with the special rules for Addition Eleven, and subject also to the following rules, which are to control in case of any conflict:
- (1) All grave spaces are to be physically marked before opening for interment by the cemetery sextant.

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- (2) Marker dimensions are to be no larger than twenty-eight (28) inches long by eighteen (18) inches wide by four (4) to six (6) inches thick.
- (3) All markers must be set with concrete footing and placed such that the top surface of the marker is flush with the surrounding lawn. All markers must be previously approved by the cemetery sextant and the installation must meet strict specifications to be established by the city engineer. The cemetery sextant must be established by the city engineer. The cemetery sextant must inspect the installation of all markers and has the power to refuse an installation if it does not meet city standards.
- (4) Only one (1) headstone and one (1) footstone is permitted per grave space and must be oriented and placed on the grave space in the manner specified on the plat of the Eleventh Addition of the section in which it is located. Any footstone markers are to be made of bronze or granite with top of the marker finished flat. Footstone markers dimensions are to be no larger than twenty-four (24) inches long and eighteen (18) inches wide by four (4) inches thick and the top surface thereof shall be flush with the surrounding lawn.
- (5) All grading, landscape work and improvements of any kind, and all care on lots shall be done solely by the City of Waxahachie employees. The ownership of right of interment in lots does not confer any right to do planting on those lots.
- (6) No cross-curbing of lots or covering of lots with concrete or ornamental materials of any type will be permitted.
- (7) In order to properly maintain lawns, it is necessary that all grave decorations be limited to fresh cut-flowers, placed in approved sub-surface, permanent, cemetery vases. The following exceptions to this rule apply on special occasions only:

Placement of artificial flowers, wreaths, pot plants, and baskets are permitted only on Valentine's Day, Easter, Mother's Day, Father's Day and Memorial Day. Placement may be made during the week before and will be removed by the cemetery on the 8th day following the occasion, and disposed of.

Christmas wreaths and pot plants may be placed on graves any time after the Friday before Thanksgiving and will be removed by the cemetery on or after January 15th.
- (8) Due to the city's obligation to maintain the lawn throughout the grass growing season, digging holes in the ground or placing of rods or brackets to support top-heavy pots and containers at places of interment is not permitted at any time of year since there is danger of bodily injury to employees using power equipment or possible damage to expensive maintenance equipment.
- (9) The cemetery reserves the right to reroute or remove roads in this addition without prior notice to lot holders.
- (x) All burial plots shall have a grave marker within two years of interment. After, such time, if the burial plot is without a grave marker, the City Cemetery reserves the right to place an affordable, flat permanent marker at the head of the grave. The marker may be removed by the family or set at the foot of the grave once the family's headstone is set.

(Ord. No. 1055, § 2, 8-28-72; Ord. No. 1443, 1-21-85; Ord. No. 1444, 1-21-85; Ord. No. 2339, 11-7-05; Ord. No. 2435, 10-1-07; Ord. No. 2512, 4-6-09)

Editor's note— Ord. No. 1055 being non-amendatory of the Code, §§ 2—4 thereof were added as §§ 9-3—9-5 at the editor's discretion.

Sec. 9-4. - Same—In sections dedicated after June 30, 1972, excluding Addition Twelve of the Waxahachie City Cemetery.

The following regulations shall apply only in sections of the cemetery platted and dedicated after June 30, 1972:

- (a) No monuments shall be over thirty (30) inches in height, or twelve (12) inches thick. All monuments, headstones, etc., shall be placed within the forty-two-inch wide concrete foundation strip in such a manner that a six-inch wide border is retained around all monuments.

(Ord. No. 1055, § 3, 8-28-72; Ord. No. 2339, 11-7-05)

Note— See editor's note, § 9-3.

Sec. 9-5. - Deed restriction; excluding Addition Twelve of the Waxahachie City Cemetery. All deeds to cemetery lots in sections of the cemetery platted and dedicated after June 30, 1972, hereafter sold by the City of Waxahachie shall contain the following restrictions:

"This lot is conveyed subject to the restriction that no monument shall be placed on the lot which is over 30" in height, or over 12" thick, and that all monuments, headstones, etc., shall be placed within the 42" wide concrete foundation strip in such a manner that a 6" wide border is retained around all monuments. Title is conveyed subject to such other restrictions on the use of said lot as may be placed on lots in the City Cemetery by the City Council of the City of Waxahachie".

(Ord. No. 1055, § 4, 8-28-72; Ord. No. 2339, 11-7-05)

Note— See editor's note, § 9-3.

Secs. 9-6—9-17. - Reserved.

ARTICLE II. - CEMETERY BOARD

Sec. 9-18. - Created.

There is hereby created a cemetery board in and for the city.

(Ord. No. 1045, § 1, 4-10-72)

Sec. 9-19. - Composition.

The cemetery board shall be composed of five (5) or more members.

(Ord. No. 1045, § 1, 4-10-72; Ord. No. 1055, § 1, 8-28-72)

Sec. 9-20. - Appointment.

The members of the cemetery board shall be appointed by the city council by resolution entered in the minutes of the meeting at which such appointments are made.

(Ord. No. 1045, § 1, 4-10-72)

Sec. 9-21. - Terms.

The members of the cemetery board shall serve until their successors are appointed and take office.

(Ord. No. 1045, § 1, 4-10-72)

Sec. 9-22. - Function.

The purpose and duty of the cemetery board is to advise the city council on all matters concerning the city cemetery or any cemeteries owned or operated by the city in the future. Any matters relating to the cemetery shall be referred to the cemetery board for their consideration and recommendation before action is taken by the city council, but the recommendations of the board shall be advisory only.

(Ord. No. 1045, § 2, 4-10-72)

ARTICLE III. - ADDITION TWELVE

Sec. 9-22.5. - Rules generally.

Addition Twelve to the city cemetery, in addition to the rules and regulations previously listed in Article I, shall be subject to those rules where they do not conflict with the special rules for Addition Twelve which are as set out in this article.

(Ord. No. 2339, 11-7-05)

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Sec. 9-23. - Blocks one and three.

No monument in blocks one and three shall be over seventy-two (72) inches in height or more than fourteen (14) inches wide (thick). All above grade monuments shall be placed on a twenty-inch wide foundation pad, excluding flush markers at grade level, which will require a pier support structure. These pads are to be placed at grade level (flush with the soil) under the monument. Granite pads will be a minimum of four (4) inches thick and concrete pads shall be a minimum of six (6) inches thick and reinforced. Pads of both types will have a six-inch diameter by twelve-inch deep pier at each corner (four (4) total). All monuments, headstones, etc., shall be placed in such a manner that a six-inch wide border is retained around each monument. Monuments which are larger than these specifications must be approved by the cemetery board. No double stacking of graves is allowed in Block One; stacking of graves is allowed in Section 3.

(Ord. No. 2339, 11-7-05; Ord. No. 2525, 5-18-09)

Sec. 9-24. - Block 2 (Babyland).

- (a) All markers in Babyland will be upright and be made of granite. Marker dimensions are to be no larger than twenty-four (24) inches long by twenty (20) inches wide by ten (10) inches thick.
- (b) All markers in Babyland are to be placed on a concrete pad (similar to block three) and be placed in such a manner that there is a three-inch border provided by the footing for the marker.

(Ord. No. 2339, 11-7-05)

Sec. 9-25. - Cremation area.

Addition 12, Block Five of the Waxahachie City Cemetery is designated a cremation area. Cremation plots are three (3) feet by three (3) feet and the cost is based on fee chart below. Up to two cremations and two markers are allowed per plot. Any marker shall be flat, shall rise no more than six (6) inches above grade and shall measure no more than two (2) feet by two (2) feet if it is the only marker on the plot or one and one-half (1.5) feet if there are two (2) markers on the plot.

Baylor Hospital of Waxahachie is granted use of a portion of the cremation area, at the discretion of the cemetery board, for the interment of ashes from neonatal loss as described by Baylor. This area will be for all Waxahachie residents experiencing neonatal loss. Any and all landscaping, signage and amenities will need approval from the cemetery board before installation.

The cemetery board reserves the right to approve or deny any interment. Ashes of any Waxahachie resident may be spread over the surface of the soil in any common area of the cemetery that is not owned by any individual.

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(Ord. No. 2512, 4-6-09)

ARTICLE IV. - FAMILY ESTATES

Sec. 9-26. - Family estates section.

- (a) The family estates section of the Waxahachie City Cemetery shall be established on that portion of the cemetery shown on the attached Exhibit "A" to Ordinance 2463.
- (b) Each individual family estate:
 - (i) Shall measure 20-foot by 20-foot;
 - (ii) May be set with corner posts, which shall be made of granite and be no wider than 12 inches and shall extend above the surface of the ground no more than 12 inches;
 - (iii) May have one central stone that may be placed upright and may extend above the surface of the ground by no more than six feet;
 - (iv) All other markers, which must be of stone, shall not extend above the surface of the ground;
 - (v) Shall have no landscaping other than turf.
- (c) Variances from the rules enumerated in subsection (b) above shall be only granted upon written approval of the cemetery board upon submission of a written desired alternate site plan for a family estate plot by an applicant.

(Ord. No. 2463, 5-5-08)

ARTICLE V. – CEMETERY FEES

Sec. 9-27. – Cemetery Fees.

- (a) The cemetery fees section of the Waxahachie City Cemetery shall establish the fees for burial plots, columbarium niches, and any other cemetery related fee as based on the fee chart below.

PLOT, NICHE, OR RELATED FEES	AMOUNT
OLDER SECTION (OC) PLOTS – RESIDENTS	\$2,000
OLDER SECTION (OC) PLOTS – NON-RESIDENTS	\$2,500
NEW SECTION PLOTS – RESIDENT	\$1,700
NEW SECTION PLOTS – NON-RESIDENT	\$2,200
CREMATION PLOTS	\$500
BABY LAND PLOTS	\$500

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FAMILY PLOTS	\$14,500
GRAVE INSPECTION FEE	\$25
CEMETERY REMOVAL CHARGE	\$50
COLUMBARIUM NICHES – TOP ROW	\$1,600
COLUMBARIUM NICHES – MIDDLE ROWS	\$1,800
COLUMBARIUM NICHES – BOTTOM ROW	\$1,400
COLUMBARIUM NICHE COVER PLATE ENGRAVING FEE	\$250/ENGRAVING

SECTION 2. That all provisions of the Ordinances of the City of Waxahachie, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Waxahachie, Texas, this the 1st day of March, 2021.

CITY OF WAXAHACHIE, TEXAS

DAVID HILL, MAYOR

ATTEST:

LORI CARTWRIGHT, CITY SECRETARY

APPROVED AS TO FORM

ROBERT F. BROWN, CITY ATTORNEY

(18)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager 
Date: February 24, 2021
Re: Howard Road WTP High Service Pump No. 5 – Capital Improvement Project

On Monday, March 1, 2021 an item authorizing professional services with Plummer Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump No. 5 will appear before the City Council for consideration, in the amount of \$213,000.

The item will authorize engineering design, bid specification preparation, and construction support services. More particularly the design work will include a new pump and motor configuration similar to the existing pumps & motors and new electrical motor control center and appurtenances to provide for additional treated water pumping capacity into the water distribution system to meet current and future demands from the Howard Road Water Treatment Plant.

The project is in the City's current Capital Improvement Plan with funding to be from the City's Water Impact Fee funds. I am available at your convenience should you need additional information.

Tommy Ludwig