

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, Waxahachie, Texas, on ***Monday, November 15, 2021 at 7:00 p.m.***

Council Members: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

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. ***Speakers must observe the five (5) minute time limit.***
5. ***Consent Agenda***

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

- a. Minutes of the City Council meeting of November 1, 2021
- b. Minutes of the City Council briefing of November 1, 2021
- c. Minutes of the City Council Work Session of November 1, 2021
- d. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- e. Accept the Impact Fee Capital Improvement Advisory Committee's Capital Improvement Plan Recommendation Letter
- f. Request to allow for private Sanitary Sewer Easement within Waxahachie Sports Complex property
- g. Resolution Electing to Participate in the Proposed Opioid Settlements Presented by the State of Texas
- h. Supplemental Appropriation from WCDC reserves to fund power distribution boxes and cable connections for Railyard Park
- i. Award and Supplemental Appropriation for the Synthetic Turf Improvements Project Phase 2 at the Sports Complex

6. **Public Hearing** on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021)
7. **Consider** proposed Ordinance adopting ANX-DNX-178-2021)
8. **Public Hearing** on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)
9. **Consider** proposed Ordinance approving ZDC-162-2021
10. **Continue Public Hearing** on a request by Josh Dunlap, for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 (PD-MF-2) zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)
11. **Consider** proposed Ordinance approving ZDC-105-2021
12. **Continue Public Hearing** on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)
13. **Consider** proposed Ordinance approving ZDC-155-2021
14. **Continue Public Hearing** on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)
15. **Consider** proposed Ordinance approving ZDC-146-2021
16. **Public Hearing** on a request by Tarayn Dickerson, for a Specific Use Permit (SUP) for an Accessory Dwelling use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021)
17. **Consider** proposed Ordinance approving ZDC-157-2021
18. **Public Hearing** on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)
19. **Consider** proposed Ordinance approving ZDC-164-2021

20. ***Continue Public Hearing*** on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)
21. ***Consider*** proposed Ordinance approving ZDC-150-2021
22. ***Consider*** Development Agreement for ZDC-150-2021
23. ***Consider*** proposed Ordinance adopting Historic Residential Design Guidelines
24. ***Hear*** 2021 Farmer's Market Season Report
25. ***Consider*** proposed Ordinance regulating the operation of golf carts on public highways
26. Comments by Mayor, City Council, City Attorney and City Manager
27. 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 469-309-4006 or (TDD) 1-800-RELAY TX

(5a)

City Council
November 1, 2021

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, Waxahachie, Texas, on Monday, November 1, 2021 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Kevin Tully, First United Methodist Church, gave the invocation. Mayor Pro Tem Billie Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Alan Fox, 327 University, Waxahachie, Texas, thanked City Attorney Robert Brown for explaining the potential consequences of not complying with the speaker time limit.

Kevin Ivey, 1980 E. Highland, Waxahachie, Texas, requested Council not approve the funding request from Sims Library for a bookmobile. He encouraged the library to work with Waxahachie ISD to use their bookmobile.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 18, 2021
- b. Minutes of the City Council briefing of October 18, 2021
- c. Event application for 5th Annual Turkey Trot on November 18, 2021
- d. Authorize supplemental appropriation for Administration Department

Action:

Council Member David Hill moved to approve items a. through d. on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.

(50)

6. Present Proclamation proclaiming November 1-5, 2021 as “Municipal Court Week”

Mayor Barnes read a proclamation proclaiming November 1-5, 2021 as “Municipal Court Week” and presented it to the City of Waxahachie Municipal Court staff and Judge.

7. Continue Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-134-2021 to the November 15, 2021 City Council meeting.

8. Consider proposed Ordinance approving ZDC-134-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021) to the November 15, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

9. Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the November 15, 2021 City Council meeting.

10. Consider proposed Ordinance approving ZDC-146-2021

Action:

Council Member Melissa Olson moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the November 15, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

11. Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-155-2021 to the November 15, 2021 City Council meeting.

(50)

12. Consider proposed Ordinance approving ZDC-155-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) to the November 15, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

13. Continue Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)

Mayor Barnes continued the Public Hearing and announced at the October 26, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue ZDC-150-2021 to the November 15, 2021 City Council meeting.

14. Consider proposed Ordinance approving ZDC-150-2021

Action:

Council Member Melissa Olson moved to continue the Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021) to the November 15, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

15. Public Hearing on a request by Andria Moore, In York Industries, LLC for a Replat of the Harriet I. Nowlin Addition, to create two (2) residential lots, being 0.325 acres shown as, Lot 3, Block 14, Harriet I. Nowlin Addition (Property ID 175062) – Owner: In York Industries, LLC (SUB-79-2021)

Mayor Barnes opened the Public Hearing.

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting to replat the property into two (2) lots for single-family residential use. He explained the applicant is requesting a petition of relief waiver from the right-of-way dedication of an additional 25'. Staff believes a 10' right-of-way dedication for this property is sufficient and staff recommended approval as presented and approval of the petition of relief waiver.

There being no others to speak for or against SUB-79-2021, Mayor Barnes closed the Public Hearing.

16. Consider approval of SUB-79-2021

(5a)

Action:

Council Member Melissa Olson moved to approve a request by Andria Moore, In York Industries, LLC for a Replat of the Harriet I. Nowlin Addition, to create two (2) residential lots, being 0.325 acres shown as, Lot 3, Block 14, Harriet I. Nowlin Addition (Property ID 175062) – Owner: In York Industries, LLC (SUB-79-2021). Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 17. Public Hearing on a request by Robert Morgan, Robert Morgan Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-3 zoning district located at 1150 Dunaway St (Property ID 276925) - Owner: MORGAN ROBERT C & JENNIFER MORGAN (ZDC-152-2021)**

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting approval to construct a 1,589 sq. ft. accessory structure to be used as a garage, personal office, and storage space. Staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The accessory structure shall not be used as a dwelling unit.
3. The structure shall in any case not be leased or sold separately and shall not be separately metered.

Mr. Brooks explained the existing home on the property received a variance allowing for the driveway to be constructed out of asphalt due to the unique configuration of the site. Due to this, staff has only requested the immediate approach to the accessory structure be concrete and the applicant has agreed.

There being no others to speak for or against ZDC-152-2021, Mayor Barnes closed the Public Hearing.

- 18. Consider proposed Ordinance approving ZDC-152-2021**

ORDINANCE NO. 3302

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY – 3 (SF-3) ZONING DISTRICT, LOCATED AT 1150 DUNAWAY STREET, BEING PROPERTY ID 276925, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE MORGAN ESTATE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3302. Council Member Melissa Olson seconded, All Ayes.

(50)

19. Consider proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for the years 2022-2023

City Manager Michael Scott explained the City of Waxahachie has 336 votes to designate to a candidate for the Ellis Appraisal District for the years 2022-2023.

RESOLUTION NO. 1319

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2022-2023

Action:

Council Member David Hill moved to approve Resolution No. 1319 and designate 336 votes to Ryan Pitts. Mayor Pro Tem Billie Wallace seconded, All Ayes.

20. Consider bid award to Douglas Dailey Construction associated with the Wyatt Street and Hill Street Branch sewer system capital improvement project

Mr. Brooks requested approval to award a bid to Douglas Dailey Construction in the amount of \$1,035,885.00 associated with the construction rehabilitation project of the Wyatt/Hill Street Branch Sanitary Sewer Project. He explained the project has a projected savings of \$1,569,808.00 from the Engineering Estimated Opinion of Cost of \$2,605,693.00.

Action:

Mayor Pro Tem Billie Wallace moved to award bid to Douglas Dailey Construction associated with the Wyatt Street and Hill Street Branch sewer system capital improvement project in the amount of \$1,035,885.00. Council Member Melissa Olson seconded, All Ayes.

21. Consider professional services agreement with Birkhoff, Hendricks & Carter, LLP professional engineers for the design services of Lower Mustang Creek Lift Station Expansion, Phase 4

Mr. Brooks requested approval of a professional services agreement with Birkhoff, Hendricks & Carter, LLP in the amount of \$268,350.00 for the design of the Lower Mustang Creek Lift Station Expansion, Phase 4.

Action:

Mayor Pro Tem Billie Wallace moved to approve a professional services agreement with Birkhoff, Hendricks & Carter, LLP professional engineers for the design services of Lower Mustang Creek Lift Station Expansion, Phase 4 in the amount of \$268,350.00. Council Member Melissa Olson seconded, All Ayes.

22. Consider request for funding from Sims Library for Bookmobile

Mr. Scott explained Sims Library requested \$200,000.00 for a bookmobile to take their services into the community.

Action:

Council Member Melissa Olson moved to approve \$200,000 funding the Library's request for a bookmobile. Council Member Travis Smith seconded, All Ayes.

- 23. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code and for deliberation regarding real property as permitted under Section 551.072, Texas Government Code**

Mayor Barnes announced at 7:26 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 and for deliberation regarding real property as permitted under Section 551.072, Texas Government Code.

- 24. Reconvene and take any necessary action**

The meeting reconvened at 8:18 p.m.

No action taken.

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

Deputy City Manager Albert Lawrence thanked everyone for their help with the Texas Country Reporter Festival. He recognized the Economic Development Department, Warren Ketteman and Cassandra Carroll, for their recognition at the 2021 Texas Economic Development Council Annual Conference. They received "Merit Recognition" to local industry Kinro on their expansion and recognition was also given to the City's COVID-19 Emergency Loan Program.

Council Member Melissa Olson thanked staff for their work on the budget book. Ms. Olson thanked City Council for their support and Council Member David Hill for his work on the bookmobile for the Library noting it will be great for the community.

City Manager Michael Scott thanked the Finance Department, Chad Tustison, Gail Turner, Mariana Dunn, and Chris Childs for their work on the budget book as well as Amy Borders and Nichole Elliott for the graphics. Mr. Scott recognized and welcomed new employees Lindsey Mearns, Human Resources/Civil Service Director and Jennifer Pruitt, Senior Director of Planning. He also congratulated Stefanie Arredondo, Payroll Administrator, for receiving the President's Choice Award by the 2021 TPC Board President and noted Ms. Arredondo was recently chosen as President-Elect and will serve as the TPC Board President in 2023.

Mayor Pro Tem Billie Wallace thanked staff for their work on the budget book. Ms. Wallace also thanked staff for their work to quickly fulfill requests by citizens.

Council Member David Hill thanked staff for their work on the budget book and for staff's work to keep the community safe and clean.

City Secretary Amber Villarreal recognized her TMCA Yellow Rose Chapter for receiving the Chapter of the Year Award noting members were recognized at the Advanced Institute Conference on October 29th.

Mayor Doug Barnes praised City staff for their professionalism, thanked those in attendance of the meeting, and noted it was a great Texas Country Reporter Festival with thousands in attendance.

26. Adjourn

There being no further business, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5b)

City Council
November 1, 2021

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, November 1, 2021 at 6:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes 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:

- Item 5c, event application for 5th Annual Turkey Trot on November 18, 2021
- Item 5d., supplemental appropriation for Executive Assistant in Administration.
- Item 6, proclamation for Municipal Court Week.
- Item 19, the City of Waxahachie has 336 votes to cast to elect Directors for the Ellis Appraisal District for the years 2022-2023. He explained the Council nominated Ryan Pitts and Logan Brady and suggested casting all votes to one nominee as opposed to splitting the votes. He noted staff is willing to contact other entities who did not submit a nomination or have additional votes to cast and ask them to support Waxahachie's nominee.

Council Member Melissa Olson expressed her support for Logan Brady and the other Council Members expressed their support for Ryan Pitts.

- Item 22, the library is requesting approval of funding for a new bookmobile in the amount of \$200,000.00. He explained if approved, the bookmobile will take at least 300 days to be delivered.
- Item 23 will be reviewed in Executive Session.

Barb Claspell, Director of Sims Library, explained the bookmobile will be used to travel in the community and allow citizens to check out and return books, use printing services, and provide a mobile hotspot. She explained there are many ideas for community mobile outreach services including mobile story times, programming for all ages, and local event partnerships.

Shon Brooks, Executive Director of Development Services reviewed the following cases:

- ZDC-134-2021, applicant requested to continue this case to the November 15, 2021 City Council meeting.
- ZDC-146-2021, applicant requested to continue this case to the November 15, 2021 City Council meeting.
- ZDC-155-2021, applicant requested to continue this case to the November 15, 2021 City Council meeting.
- ZDC-150-2021, applicant requested to continue this case to the November 15, 2021 City Council meeting.
- SUB-79-2021, applicant is requesting to replat the subject property into two (2) lots for single-family residential use. He explained the applicant is requesting a petition of relief waiver from the right-of-way dedication request of an additional 25'. Staff recommends approval as presented and approval of the petition of relief waiver noting the 10' right-of-way dedication for this property is sufficient.
- ZDC-152-2021, applicant is requesting approval to construct a 1,589 sq. ft. accessory structure to be used as a garage, personal office, and storage space. Staff recommends approval per staff comments.
- Item 20, bids were received for the construction rehabilitation project of the Wyatt/Hill Street Branch Sanitary Sewer Project and Douglas Dailey Construction was the low bidder at \$1,035,885.00. The original budgeted engineering estimated opinion of cost was \$2,605,693.00 which will provide a projected cost savings of \$1,569,808.00.
- Item 21, staff requests approval of a professional services agreement with Birkhoff, Hendricks & Carter, LLP for the design and services of Lower Mustang Creek Lift Station Expansion, Phase 4 in the amount of \$268,350.00.

3. Adjourn

Deputy City Manager Albert Lawrence introduced and welcomed Lindsey Mearns, Human Resources/Civil Service Director.

Mr. Brooks introduced and welcomed Jennifer Pruitt, Planning Director.

There being no further business, the meeting adjourned at 6:28 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5c)

City Council
November 1, 2021

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, November 1, 2021 at 5:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Discuss Wynne Jackson Industrial Complex

Shon Brooks, Executive Director of Development Services, thanked everyone for their attendance and introduced Michael Jackson, Vice President at Wynne Jackson. He noted the Wynne Jackson development team has worked well with City staff for months on the case.

Mr. Michael Jackson reported his company has a 40-year history of investments and primarily focuses in Texas for residential development, industrial land development, student/multi housing, and mixed-use development. He explained they are proposing to rezone approximately 353 acres, west of IH35, between Patrick and Solon Road, from Single-Family-1 to Planned Development-Industrial for a proposed Class AA Industrial Park. He reviewed the concept plan and summary of the proposed zoning with the Planning & Zoning Commission's requests:

- Enhanced landscaping and screening adjacent to Settler's Glen and Owens Corning
- 100' landscape buffer adjacent to Settler's Glen
- 8' trail system along Patrick Road
- 6' iron fence along Patrick Road
- Construct Marshall Road with development
- Limitation to amount of distribution
 - Limited to 33% for general warehouse distribution use during 1st 5 years
 - Limited to 66% for general warehouse distribution use after 5 years.
- Property Owner's Association for maintenance of common areas
- Architectural restrictions
 - Exterior façade facing or visible from street 80% masonry
 - Accent materials required on façade at primary entrance/office
 - All lights will be shielded from existing residential
 - Noise restrictions
 - Masonry accent materials

(5c)

City Council
November 1, 2021
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- Height restriction of 60'
- Articulation of façade-horizontal and vertical

Mr. Jackson explained there will be a \$22 million infrastructure investment before any buildings are constructed and reviewed the potential projected fiscal impact to the city and school district.

Mr. Brooks explained staff is supportive of the proposal due to the need for an industrial base and balanced economy.

Deputy City Manager Albert Lawrence explained the current trend for Waxahachie is more dense residential housing which would impact more traffic and have a bigger impact on the school system.

City Council expressed concerns with manufacturing restrictions, truck traffic on Patrick Road, and most importantly, the impact it will have on the residents of Settler's Glen.

Mr. Jackson explained his team will work to address Council's requests of a berm, landscape improvements, extension of buffer for all of Phase 1 facing Patrick Road, and stepping of buildings for less of a view from the residential neighbors.

Staff explained the case will be continued to November 15, 2021 City Council meeting.

3. Adjourn

There being no further business, the meeting adjourned at 5:56 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5a)

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

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

WITNESSETH:

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

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

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

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

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

1. The County agrees to provide labor, equipment and materials necessary to complete road maintenance, enhancements, repairs and other projects that may be requested by City and accepted by County pursuant to this Agreement. Function or services provided shall include maintenance, repair and construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. The County shall further be authorized to sell City goods and services.
2. The City shall be the party receiving the function, goods, or service and providing payment for such function, goods and/or services.
3. The City, as paying party acknowledges and certifies, as required by the Interlocal Cooperation Act, that all payments shall be made from the current revenues available to City.
4. The term of this Agreement shall be for a fixed period commencing on the date of execution by the last governing body's authorized agent and ending on December 31st, 2022 ("Effective Period").

(5a)

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

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

ELLIS COUNTY, TEXAS

By: _____
Todd B. Little, County Judge

ATTEST:

By: _____
Krystal C. Valdez, County Clerk

CITY OF WAXAHACHIE, TX.

By: _____
Mayor, CITY of WAXAHACHIE

Attest:

City Secretary

(50)

FY '2022

EXHIBIT A

WORK ORDER UNDER INTERLOCAL AGREEMENT

Service Provider: Ellis County, Texas

Department to Provide Service: _____

Basis of Authority to Provide Service: *Interlocal Agreement dated:* _____

per Commissioners Count Minute Order _____

Local Government Requesting Service: _____

Description of Project to be Undertaken: _____

Location of Project to be Undertaken: _____

Requested by: _____
Kyle Butler

Department: *Ellis County Commissioner, Pct. 4*

APPROVED in Open Commissioners Court per Minute Order No. _____ on the
_____ day of _____, 20____.

Todd Little
County Judge, Ellis County, Texas

ACCEPTED AND AGREED TO this ____ day of _____, 20____.

Signature: _____

Title: _____

On Behalf of: _____

(5e)



Memorandum

To: Impact Fee Advisory Committee
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager *[Signature]*
Date: November 9, 2021
Re: FY 2020-2021 Impact Fee Revenue and Expenditure End of Year Activity Report

In April 2021, city staff presented the Mid-Year FY 2020-2021 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee. The activity summary detailed impact fee revenue and expenditures from October 1, 2020 to March 31, 2021.

The following report entails the Impact Fee revenue and expenditure activity summary for the second half of the 2020-2021 fiscal year, which includes data from April 1, 2021 to September 30, 2021. Impact fees are authorized under Chapter 395 of the Texas Local Government Code, and empower municipalities to levy a charge or assessment against a new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.

*Please note that additional revenues and/or expenses may post for this report period after the date of this report. If additional revenues and/or expenses are posted to this period they will be reflected in the next biannual report.

Impact Fee Revenues and Expenditures

Below are tables illustrating the revenues and expenditures for water, sewer, and roadway impact fees from October 1, 2020 to September 30, 2021, with a brief explanation of the associated expenditures from each project.

(5e)

Water Impact Fees

Fiscal Year	FY 20-21 (Through 09/30/2021)
Beginning Balance	\$4,257,712.22
Revenues	\$1,914,632.60
Expenses	\$376,406.68
Ending Balance	\$5,795,938.14

Water Impact Fee Expenditure Summary FY 20-21

Below is a brief summary of the projects which have been funded, or partially funded through the use of water impact fees during the second half of the FY 20-21 budget year:

- **BNSF Railroad 18" Water Transmission Line Project Phase 1 and Phase 2:**
These projects will replace approximately 6,600 linear feet of an existing 10-inch AC water line with 18" water transmission line and approximately 700 linear feet of 24" water transmission line. This new transmission line will be constructed parallel to, and on the east side of BNSF railroad from Butcher Road south to Mustang Creek. The new pipeline is part of a larger series of water infrastructure improvements that will help facilitate water through the 791 Service Area, support development growth north of downtown and will enhance the operations of the Sokoll Water Treatment Plant by allowing additional water to be pumped into the 791 Service Area. Engineering Design for these projects were funded with impact fees. Construction for these projects are funded with 2020 bond funds. Both BNSF projects were bid together as one for construction. The type of pipe for the project was changed from PVC to ductile iron on October 1st due to supply chain challenges. The project is anticipated to be completed in March of 2022 due to pipe delivery being delayed from the Winter Ice Storm.

- **Distribution Line: Loftland Road/Ovilla Road Phase 1 – (Engineering Design Only)**
This project is the first phase to install approximately 8,900 LF of 24" diameter water transmission line. The limits will be from Cardinal Road just east of the BNSF Railroad west to Ovilla Rd at the Marshall Rd intersection. This line will help sustain water pressures to the northern part of Settlers Glen Subdivision and surrounding areas, provide for additional capacity from the Sokoll Water Treatment Plant, and support development in the area west of IH-35 and north of the 287 Bypass. Project design has been completed by Birkhoff, Hendricks & Carter, LLP for the amount of \$370,100. Land rights acquisition services are still being conducted. Out of four (4) parcels, two (2) have been acquired and two (2) offers have been made. There will be a need for more compensation to Birkhoff, Hendricks, and Carter, LLP for additional unanticipated design and land rights

(5e)

acquisition services (at this time, fees are still being calculated). The design phase of this project was fully funded with impact fees.

- **Debt Service** – The City issues debt for the purpose of financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures provided by government to support basic services including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly water fees paid by the City's utility customers. Additionally, water impact fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2020-2021, water impact fees contributed \$98,500 toward the City's water debt service.2405

Anticipated FY 21-22 (First Half) Water Impact Fee Expenditures

Howard Road High Service Pump No. 5 - \$1,400,000

The total cost for engineering and construction for the additional High Service Pump is anticipated to be \$1,400,000. Of the \$1,400,000, an engineering contract for \$213,000 was approved with Plummer Associates, Inc. on March 1, 2021. It's anticipated currently that this project will be completed within fifteen to eighteen months. This is mainly due to supply chain issues related to COVID-19 and the Winter Ice Storm. This project is currently complete for Engineering and Design and will be fully funded through impact fees.

Sewer Impact Fees

Fiscal Year	FY 20-21 (Through 09/30/2021)
Beginning Balance	\$5,303,785.57
Revenues	\$2,383,091.56
Expenses	\$1,246,721.05
Ending Balance	\$6,440,156.08

Sewer Impact Fee Expenditure Summary FY 20-21

Below is a brief summary of the projects which have been funded, or partially funded through the use of sewer impact fees during the second half of the FY 20-21 budget year:

- **Waste Water Treatment Plant Rehabilitation Project:** In October 2019, City Council awarded a contract to BAR Construction in the amount of \$12,875,550 for the Wastewater Treatment Plant. \$1,354,550 of this project is anticipated to be funded by impact fees, with the rest of the project being funded through Certificate of Obligation Bonds. In addition, the City also executed a materials

(5e)

testing contract in January 2020 with Alpha Testing for \$53,888.50. This will also be funded with impact fees. Construction began in January 2020 and is on track for completion in mid-November of 2021. This project is currently 93% complete with construction improvements. In accordance with IRS Rules governing bonds, the City will spend the bonds funds first. The impact fees associated with this project will be fully expended in this current fiscal year.

- **Debt Service** - The City issues debt for the purpose of financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures provided by government to support basic services including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly sewer fees paid by the City's utility customers. Additionally, waste water impact fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2020-2021, waste water impact fees contributed \$1,227,400 toward the City's waste water debt service.

Anticipated FY 21-22 Sewer Impact Fee Expenditures

Due to COVID-19, city staff will continue to discuss what projects could be completed through the scheduling of capital improvement projects. Potential FY 21-22 projects have not been identified at this time.

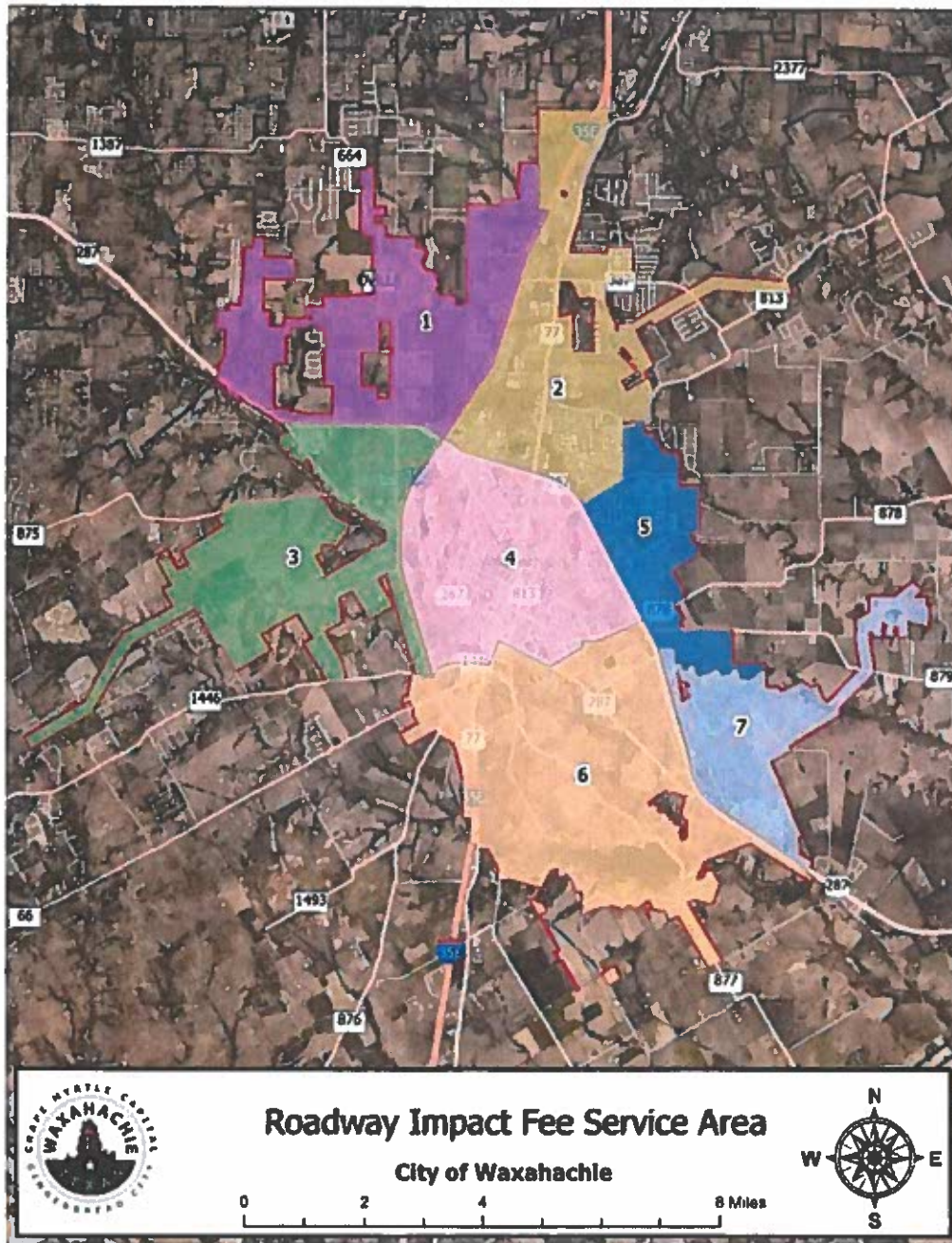
Current Roadway Impact Fees FY 20-21

Below is a table illustrating the revenues and expenditures for roadway impact fees from October 1, 2020 to September 30, 2021:

Service Area	FY 2021 Start	Revenues	Expense	FY 2021 End <i>*total amounts in this column includes Interest Allocation</i>
Service Area 1	\$973,913.04	\$2,795.52	----	\$977,388.66
Service Area 2	\$1,166,632.82	\$1,330,345.31	----	\$2,498,716.82
Service Area 3	\$169,166.09	\$473,047.75	----	\$642,661.02
Service Area 4	\$1,277,129.96	\$754,678.33	----	\$2,033,223.07
Service Area 5	\$1,547,185.60	\$565,677.81	----	\$2,114,334.63
Service Area 6	\$1,072,778.73	\$755,536.46	----	\$1,829,588.28
Service Area 7	\$668,986.42	\$428,321.95	----	\$1,097,982.38
Interest	----	\$7,789.07	----	----
Total	\$6,875,792.66	\$4,318,102.20	----	\$11,193,894.86

(se)

Roadway Service Area Map



Roadway Expenditure Summary FY 20-21

Due to COVID-19, and an all-time low in the cost of bond funding, originally budgeted Roadway Impact Fee funding was exchanged for other funding options (original budget was \$605,368 for Kaufman Road). As of Sept. 30, 2021, there were no expenditures for FY20-21 from any of the seven service areas.

(5e)

Anticipated FY 21-22 Roadway Impact Fee Expenditures

City staff (Public Works and Engineering and Utilities) will continue discussions to determine where efficiencies can be obtained through the scheduling of capital improvement projects for both departments. Potential future projects for Roadways include:

- Left turn lane of North Gate onto Highway 77
- Additional traffic lanes on Farley (River Oaks to Highway 287)
- Roadway improvements to Broadhead Road.

Next Steps

Upon receiving acceptance of this report by the Impact Fee Advisory Committee, staff will provide the report to City Council for consideration. Staff will continue to provide periodic updates to the Impact Fee Advisory Committee regarding the use of impact fees and the progress on the overall Capital Improvement Plan. The next biannual Impact Fee Capital Improvement Advisory Committee meeting will be held in April 2022, which will cover the impact fee revenues and expenses associated with the first half of FY21-22.

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

Shon Brooks

(5P)

AFTER RECORDING, RETURN TO:

**Waxahachie Development Corp.
200 North Elm Street
Waxahachie, Texas 75165**

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

PRIVATE SANITARY SEWER EASEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ELLIS

That **WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION** ("Grantor"), 401 South Rogers Street, Waxahachie, Texas 75165, for and in consideration of the sum of **TEN and 00/100 DOLLARS (\$10)**, in hand paid by **WAXAHACHIE DEVELOPMENT CORPORATION**, a Texas corporation ("Grantee"), 200 North Elm Street, Waxahachie, Texas 75165, the receipt and sufficiency of which are hereby acknowledged, does hereby **GIVE, GRANT, and CONVEY** unto Grantee following:

Grantor hereby does hereby **GIVE, GRANT, and CONVEY** unto Grantee a private sewer easement ("**Sanitary Sewer Easement**") with the right to construct, reconstruct, repair and perpetually maintain private sanitary sewer lines and all necessary appurtenances thereto (the "**Sanitary Sewer Line Facilities**") in, on, under, over and across the tract of land described by metes and bounds and graphically portrayed in **Exhibit "A"** attached hereto (the "**Sanitary Sewer Easement**").

(5f)

Improvements which are compatible with the use of the Sanitary Sewer Line Facilities may be approved by Grantee and placed on the Sanitary Sewer Easement Property.

The Grantee herein, its successors and assigns, shall have, and it is hereby granted, the right of ingress and egress over that portion of the servient estate as is reasonably necessary to and for the limited purpose of accessing the Sanitary Sewer Easement Property herein granted.

Grantor represents and warrants that there are no liens, attachments, or other encumbrances which will affect the title or right of the Grantor to convey the interests addressed in this instrument to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein, and subordinating any such lien or encumbrance to the Easement granted herein.

Grantor further warrants and conveys to Grantee **TO HAVE AND TO HOLD** the Sanitary Sewer Easement unto the Grantee for the purposes herein set forth, and Grantor hereby binds itself and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend the Sanitary Sewer Easement and rights granted herein to Grantee, its successors and assigns, against every person whomsoever lawfully claiming or attempting to claim the same or any part thereof by, through or under Grantor.

Remainder of page blank.

(5F)

WITNESS THE GRANTOR'S HAND this _____ day of _____
_____ 2021.

GRANTOR:

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION, by:

Name: _____

Title: _____

STATE OF TEXAS

COUNTY OF ELLIS

*Before me, a notary public, on this day personally appeared _____,
acting as _____ of WAXAHACHIE COMMUNITY DEVELOPMENT
CORPORATION, known to me to be the person whose name is/are subscribed to
the foregoing instrument and acknowledged to me that he/they executed the same for
purposes and considerations therein expressed and in the capacity so stated.*

Notary Public, State of _____

(5P)

GRANTEE:
WAXAHACHIE DEVELOPMENT CORPORATION
a Texas corporation

By: _____,
Marvin E. Singleton, III
Director

THE STATE OF TEXAS §
 §
COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, on this day personally appeared _____,
acting as _____ for and on behalf of **WAXAHACHIE COMMUNITY
DEVELOPMENT CORPORATION**, a Texas corporation; (s)he acknowledged to me that
(s)he executed said instrument for the purposes and consideration therein expressed and in the
capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of
_____, 2021.

Notary Public in and for the State of Texas
My Commission Expires: _____

(5F)

PROJECT NO. 180146
SANITARY SEWER EASEMENT
0.446 ACRES



EXHIBIT A

BEING A TRACT OF LAND LOCATED IN THE JOHN B ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5, WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING A PART OF LOT 1R OF THE REPLAT OF THE BROADHEAD ROAD SPORTS COMPLEX ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ACCORDING TO THE THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 686, PLAT RECORDS, ELLIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE WEST LINE OF SAID LOT 1R FROM WHICH A 5/8-INCH IRON ROD FOUND AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 1R BEARS SOUTH 01°00'57" EAST, A DISTANCE OF 27.33 FEET, AND FROM SAID 5/8-INCH IRON FOUND A 1/2-INCH IRON ROD FOUND BEARS NORTH 45°49'47" WEST, A DISTANCE OF 1.86 FEET;

THENCE NORTH 01°00'57" WEST, ALONG SAID WEST LINE, A DISTANCE OF 27.33 FEET TO A POINT FOR CORNER;

THENCE SOUTH 48°03'17" EAST, LEAVING SAID WEST LINE, A DISTANCE OF 260.60 FEET TO A POINT FOR CORNER;

THENCE SOUTH 70°11'37" EAST, A DISTANCE OF 85.38 FEET TO A POINT FOR CORNER;

THENCE SOUTH 88°56'22" EAST, A DISTANCE OF 85.85 FEET TO A POINT FOR CORNER;

THENCE SOUTH 66°46'13" EAST, A DISTANCE OF 211.15 FEET TO A POINT FOR CORNER;

THENCE SOUTH 86°29'49" EAST, A DISTANCE OF 142.82 FEET TO A POINT FOR CORNER;

THENCE SOUTH 30°25'00" EAST, A DISTANCE OF 107.99 FEET TO A POINT FOR CORNER;

THENCE SOUTH 80°20'11" EAST, A DISTANCE OF 66.22 FEET TO A POINT FOR CORNER;

THENCE SOUTH 29°36'36" EAST, A DISTANCE OF 24.90 FEET TO A POINT FOR CORNER IN THE NORTHWEST LINE OF AN EXISTING 10-FOOT SANITARY SEWER EASEMENT AS SHOWN ON SAID PLAT OF LOT 1R;

THENCE SOUTH 58°55'17" WEST, ALONG SAID NORTHWEST EASEMENT LINE, A DISTANCE OF 20.01 FEET TO A POINT FOR CORNER;

THENCE NORTH 29°36'36" WEST, LEAVING SAID NORTHWEST EASEMENT LINE, A DISTANCE OF 15.93 FEET TO A POINT FOR CORNER;

THENCE NORTH 80°20'11" WEST, A DISTANCE OF 66.05 FEET TO A POINT FOR CORNER;

THENCE NORTH 30°25'00" WEST, A DISTANCE OF 106.65 FEET TO A POINT FOR CORNER;

THENCE NORTH 86°29'49" WEST, A DISTANCE OF 135.65 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8-INCH IRON ROD FOUND AT AN ANGLE POINT IN THE SOUTHWEST LINE OF SAID LOT 1R BEARS SOUTH 73°28'17" WEST, A DISTANCE OF 58.39 FEET;

THENCE NORTH 66°46'13" WEST, A DISTANCE OF 210.70 FEET TO A POINT FOR CORNER;

THENCE NORTH 88°56'22" WEST, A DISTANCE OF 85.23 FEET TO A POINT FOR CORNER;

THENCE NORTH 70°11'37" WEST, A DISTANCE OF 92.59 FEET TO A POINT FOR CORNER;

(5f)

THENCE NORTH 48°03'17" WEST, A DISTANCE OF 245.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 19,436 SQUARE FEET OR 0.446 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.

AN EASEMENT EXHIBIT OF EVEN SURVEY DATE TO ACCOMPANY THIS FIELD NOTE DESCRIPTION AND MADE A PART HEREOF FOR ALL INTENTS AND PURPOSES.

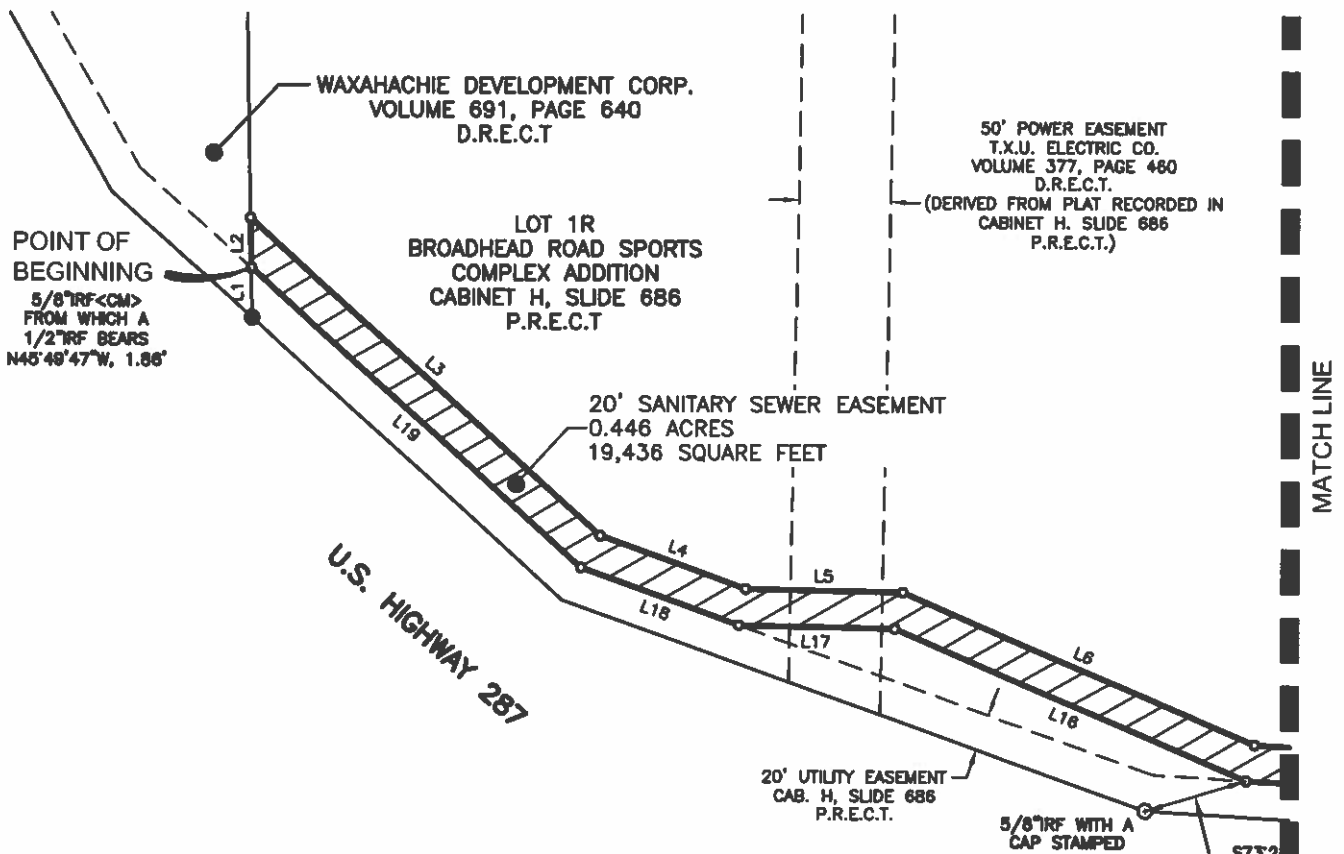


SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5674
TBPCLS FIRM REGISTRATION NO. 10194367
OCTOBER 5, 2021



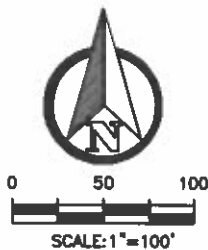
(5f)

EXHIBIT A



LEGEND

P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
<CM> CONTROL MONUMENT
○ CALCULATE POINT FOR CORNER
IRF IRON ROD FOUND



BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.

A FIELD NOTE DESCRIPTION OF EVEN SURVEY DATE TO ACCOMPANY THIS FIELD NOTE DESCRIPTION AND MADE A PART HEREOF FOR ALL INTENTS AND PURPOSES.



P.O. BOX 575 | WAXAHACHIE, TEXAS 75168
214.903.8200 | TBPELS FIRM NO. 10194367
INFO@AXIS-SURVEY.COM

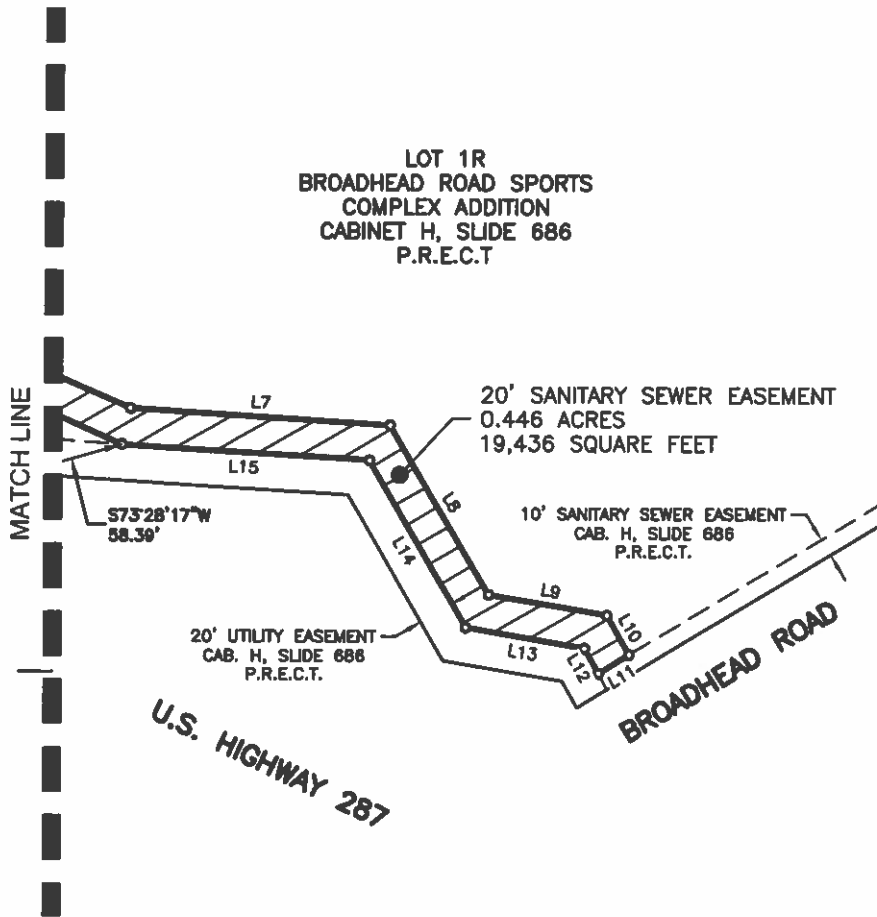


20' SANITARY SEWER EASEMENT
LOT 1R OF BROADHEAD ROAD
SPORTS COMPLEX ADDITION
WAXAHACHIE, ELLIS COUNTY, TEXAS

Sean Shropshire
Registered Professional Land Surveyor
No. 5674

(56)

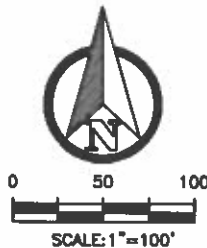
EXHIBIT A



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S01°00'57"E	27.33'
L2	N01°00'57"W	27.33'
L3	S45°03'17"E	280.60'
L4	S70°11'37"E	85.38'
L5	S86°56'22"E	85.85'
L6	S86°46'13"E	211.15'
L7	S86°29'49"E	142.62'
L8	S30°25'00"E	107.99'
L9	S60°20'11"E	66.22'
L10	S29°38'36"E	24.90'
L11	S58°55'17"W	20.01'
L12	N28°36'36"W	15.93'
L13	N80°20'11"W	66.05'
L14	N30°25'00"W	106.65'
L15	N86°29'49"W	135.65'
L16	N66°46'13"W	210.70'
L17	N86°56'22"W	85.23'
L18	N70°11'37"W	92.58'
L19	N45°03'17"W	245.89'

LEGEND

P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
<CM> CONTROL MONUMENT
• CALCULATE POINT FOR CORNER
IRF IRON ROD FOUND



BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE (4202) AS DERIVED FROM GPS OBSERVATIONS. ALL AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.

A FIELD NOTE DESCRIPTION OF EVEN SURVEY DATE TO ACCOMPANY THIS FIELD NOTE DESCRIPTION AND MADE A PART HEREOF FOR ALL INTENTS AND PURPOSES.



P.O. BOX 575 | WAXAHACHIE, TEXAS 75168
214.903.8200 | TBPELS FIRM NO. 10194367
INFO@AXIS-SURVEY.COM



20' SANITARY SEWER EASEMENT
LOT 1R OF BROADHEAD ROAD
SPORTS COMPLEX ADDITION
WAXAHACHIE, ELLIS COUNTY, TEXAS

Sean Shropshire
Registered Professional Land Surveyor
No. 5674

(59)

CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ELECTING TO PARTICIPATE IN THE PROPOSED OPIOID SETTLEMENTS BROUGHT BY THE STATE OF TEXAS AND OTHER JURISDICTIONS AGAINST VARIOUS PHARMACEUTICAL COMPANIES FOR THEIR ROLES IN THE NATIONAL OPIOID CRISIS; MAKING FINDINGS; AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE DOCUMENTATION RELATED THERETO; ADOPTING THE TEXAS TERM SHEET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Texas, along with a broad coalition of states and political subdivisions from across the country, sued three (3) major opioid distributors—McKesson, Cardinal Health and Amerisource Bergen—along with an opioid manufacturer—Johnson & Johnson—for their role in the national opioid crisis; and

WHEREAS, opioid use in the United States has resulted in an increase of opioid drug overdose deaths to a record high 69,000 in 2020, and in Texas at the same time drug overdose deaths increased 31.9%, driven primarily by opioid overdose deaths; and

WHEREAS, the opioid overdose death increase was driven primarily by fentanyl and other synthetic opioids; and

WHEREAS, all three (3) opioid distributors and opioid manufacturer Johnson & Johnson have reached a final settlement with Texas and the other jurisdictions; and

WHEREAS, Texas' combined share of the settlements is approximately \$1.5 billion, and Texas municipalities can participate in the settlement if they elect to participate and if a municipality elects not to participate, the municipality would be required to institute its own litigation against the opioid distributors and/or manufacturers; and

WHEREAS, the Texas Attorney General's Office has requested that Waxahachie and other Texas local governments elect to participate in the settlements, and to express such intent in a resolution by the governing body; and

WHEREAS, it is the intent of the City of Waxahachie to elect to participate in the settlements and therefore, such election to participate and to adopt the settlement term sheet will be forwarded to the Texas Attorney General's Office.

(59)

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

SECTION 1

The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2

The City Council of the City of Waxahachie, Texas, hereby authorizes the City Manager to execute all necessary documentation reflecting the City's election to participate in the settlements referenced in this Resolution, as reflected in the attached "Subdivision Settlement Participation Form," and the attached "Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet," and to take any and all other steps requested or authorized by the Texas Attorney General's Office relative the settlements referenced in this Resolution.

SECTION 3

Any and all resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this Resolution are hereby repealed and rescinded to the extent of any conflict herewith.

SECTION 4

This Resolution shall be effective from and after its passage by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THIS THE 15th DAY OF NOVEMBER, 2021.

Doug Barnes, Mayor

ATTEST:

Amber Villarreal, City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney

(59)

(Subdivision Settlement Participation Forms)

EXHIBIT K**Settlement Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of

Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

(59)

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

(59)

EXHIBIT K

Subdivision Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("*Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

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7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

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11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

(5A)

(Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet)

**TEXAS OPIOID ABATEMENT FUND COUNCIL AND
SETTLEMENT ALLOCATION TERM SHEET**

WHEREAS, the people of the State of Texas and its communities have been harmed through the National and Statewide epidemic caused by licit and illicit opioid use and distribution within the State of Texas; and now,

WHEREAS, the State of Texas, through its elected representatives and counsel, including the Honorable Ken Paxton, Attorney General of the State of Texas, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the supply chain accountable for the damage caused; and now,

WHEREAS, the State of Texas, through its Attorney General and its Political Subdivisions, share a common desire to abate and alleviate the impacts of the epidemic throughout the State of Texas; and now,

THEREFORE, the State of Texas and its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) relating to the allocation and use of the proceeds of any Settlements as described.

A. Definitions

As used in this Texas Term Sheet:

1. "The State" shall mean the State of Texas acting through its Attorney General.
2. "Political Subdivision(s)" shall mean any Texas municipality and county.
3. "The Parties" shall mean the State of Texas, the Political Subdivisions, and the Plaintiffs' Steering Committee and Liaison Counsel (PSC) in the Texas Opioid MDL, *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152d District Court of Harris County, Texas.
4. "Litigating Political Subdivision" means a Political Subdivision that filed suit in the state courts of the State of Texas prior to the Execution Date of this Agreement, whether or not such case was transferred to Texas Opioid MDL, or removed to federal court.
5. "National Fund" shall mean any national fund established for the benefit of the Texas Political Subdivisions. In no event shall any National Fund be used to create federal jurisdiction, equitable or otherwise, over the Texas Political Subdivisions or those similarly situated state-court litigants who are included in the state coalition, nor shall the National Fund require participating in a class action or signing a participation agreement as part of the criteria for participating in the National Fund.
6. "Negotiating Committee" shall mean a three-member group comprising four representatives for each of (1) the State; (2) the PSC; and (3) Texas'

Political Subdivisions (collectively, "Members"). The State shall be represented by the Texas Attorney General or his designees. The PSC shall be represented by attorneys Mikal Watts, Jeffrey Simon, Dara Hegar, Dan Downey, or their designees. Texas' Political Subdivisions shall be represented by Clay Jenkins (Dallas County Judge), Terrence O'Rourke (Special Assistant County Attorney, Harris County), Nelson Wolff (Bexar County Judge), and Nathaniel Moran (Smith County Judge) or their designees.

7. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant that includes the State and Political Subdivisions.
8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this Texas Term Sheet.
8. "Approved Purpose(s)" shall mean those uses identified in Exhibit A hereto.
9. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids or opioids products are manufactured, marketed, promoted, distributed, or dispensed.

10. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
11. "Texas Opioid Council" shall mean the Council described in Exhibit A hereto, which has the purpose of ensuring the funds recovered by Texas (through the joint actions of the Attorney General and the Texas Political Subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

B. Allocation of Settlement Proceeds

1. All Opioid Funds distributed in Texas shall be divided with 15% going to Political Subdivisions ("Subdivision Share"), 70% to the Texas Opioid Abatement Fund through the Texas Opioid Council (Texas Abatement Fund Share) identified and described on Exhibits A and C hereto, and 15% to the Office of the Texas Attorney General as Counsel for the State of Texas ("State Share"). Out of the Texas Opioid Abatement Fund, reasonable expenses up to 1% shall be paid to the Texas Comptroller for the administration of the Texas Opioid Council pursuant to the Opioid

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Abatement Fund (Texas Settlement) Opioid Council Agreement, Exhibit A hereto.

2. The Subdivisions Share shall be allocated in accordance with the division of proceeds on Exhibit B hereto.
3. The Texas Abatement Fund Share shall be allocated to the Opioid Council to be apportioned in accordance with the guidelines of Exhibit A, and Exhibit C hereto.
4. In the event a Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably based on the composition of the successor Subdivision. If a Subdivision for any reason is excluded from a specific settlement, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably among the participating Subdivisions.
5. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Texas Opioid Council and disbursed as set forth below.
6. The Subdivision share shall be initially deposited and paid in cash directly to the Subdivision under the authority and guidance of the Texas MDL Court, who shall direct any Settlement funds to be held in trust in a

segregated account to benefit the Subdivisions and to be promptly distributed as set forth herein and in accordance with Exhibit B.

7. Nothing in this Texas Term Sheet should alter or change any Subdivision's rights to pursue its own claim. Rather, the intent of this Texas Term Sheet is to join all parties to disburse settlement proceeds from one or more defendants to all parties participating in that settlement within Texas.
8. Opioid Funds from the Texas Abatement Fund Share shall be directed to the Texas Opioid Council and used in accordance with the guidelines as set out on Exhibit A hereto, and the Texas Abatement Fund Share shall be distributed to the Texas Opioid Council under the authority and guidance of the Texas MDL Court, consistent with Exhibits A and C, and the by-laws of the Texas Opioid Council documents and disbursed as set forth therein, including without limitation all abatement funds and the 1% holdback for expenses.
9. The State of Texas and the Political Subdivisions understand and acknowledge that additional steps may need to be undertaken to assist the Texas Opioid Council in its mission, at a predictable level of funding, regardless of external factors.

C. Payment of Counsel and Litigation Expenses

1. Any Master Settlement Agreement settlement will govern the payment of fees and litigation expenses to the Parties. The Parties agree to direct control of any Texas Political Subdivision fees and expenses to the “Texas Opioid Fee and Expense Fund,” which shall be allocated and distributed by the Texas MDL Court, *In re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas, and with the intent to compensate all counsel for Texas Political Subdivisions who have not chosen to otherwise seek compensation for fees and expenses from any federal MDL common benefit fund.
2. The Parties agree that no portion of the State of Texas 15% allocation share from any settlement shall be administered through the National Fund, the Texas MDL Court, or Texas Opioid Fee and Expense Fund, but shall be directed for payment to the State of Texas by the State of Texas.
3. The State of Texas and the Texas Political Subdivisions, and their respective attorneys, agree that all fees – whether contingent, hourly, fixed or otherwise – owed by the Texas Political Subdivisions shall be paid out of the National Fund or as otherwise provided for herein to the Texas Opioid Fee and Expense Fund to be distributed by the 152nd

District Court of Harris County, Texas pursuant to its past and future orders.

4. From any opioid-related settlements with McKesson, Cardinal Health, ABDC, and Johnson & Johnson, and for any future opioid-related settlements negotiated, in whole or in part, by the Negotiating Committee with any other Pharmaceutical Supply Chain Participant, the funds to be deposited in the Texas Opioid Fee and Expense Fund shall be 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of each payment (annual or otherwise) to the State of Texas for that settlement, plus expenses from the National Fund, and shall be sought by Texas Political Subdivision Counsel initially through the National Fund. The Texas Political Subdivisions' percentage share of fees and expenses from the National Fund shall be directed to the Texas Opioid Fee and Expense Fund in the Texas MDL, as soon as is practical, for allocation and distribution in accordance with the guidelines herein.
5. If the National Fund share to the Texas Political Subdivisions is insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, per subsection 4, immediately *supra*, or if payment from the National Fund is not received within 12 months after the date the

first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 12.5% of the Texas Political Subdivision Share to make up any difference.

6. If the National Fund and the Texas Political Subdivision share are insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, or if payment from the National Fund is not received within 12 months after the date the first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 8.75% of the Abatement Fund Share to make up any difference. In no event shall the Texas Political Subdivision share exceed 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of any settlement, plus expenses from the National Fund. In the event that any payment is received from the National Fund such that the total amount in fees and expenses exceeds 9.3925%, the Texas Political Subdivisions shall return any amounts received greater than 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions to those respective Funds.

7. For each settlement utilizing a National Fund, the Texas Political Subdivisions need only make one attempt at seeking fees and expenses there.
8. The total amount of the Texas Opioid Fee and Expense Fund shall be reduced proportionally, according to the agreed upon allocation of the Texas Subdivision Fund, for any Texas litigating Political Subdivision that (1) fails to enter the settlement; and (2) was filed in Texas state court, and was transferred to the Texas MDL (or removed before or during transfer to the Texas MDL) as of the execution date of this Agreement.

D. The Texas Opioid Council and Texas Abatement Fund

The Texas Opioid Council and Texas Abatement Fund is described in detail at Exhibit A, incorporated herein by reference.

E. Settlement Negotiations

1. The State and Negotiating Committee agree to inform each other in advance of any negotiations relating to a Texas-only settlement with a Pharmaceutical Supply Chain Participant that includes both the State and its Political Subdivisions and shall provide each other the opportunity to participate in all such negotiations. Any Texas-only Settlement agreed to with the State and Negotiating Committee shall be subject to the approval

of a majority of litigating Political Subdivisions. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants and to include the Negotiating Committee or designees. Neither this provision, nor any other, shall be construed to state or imply that either the State or the Negotiating Committee is unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the State's and Negotiation Committee's efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

2. Any Master Settlement Agreement (MSA) shall be subject to the approval and jurisdiction of the Texas MDL Court.
3. As this is a Texas-specific effort, the Committee shall be Chaired by the Attorney General. However, the Attorney General, or his designees, shall endeavor to coordinate any publicity or other efforts to speak publicly with the other Committee Members.
4. The State of Texas, the Texas MDL Plaintiff's Steering Committee representatives, or the Political Subdivision representatives may withdraw

from coordinated Settlement discussions detailed in this Section upon 10 business days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

5. The obligations in this Section shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

F. Amendments

The Parties agree to make such amendments as necessary to implement the intent of this agreement.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above Texas Term Sheet, including consideration based on comments solicited from Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the State and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require

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acceptance by the State of Texas and a majority of the Litigating Political Subdivisions.

We, the undersigned, hereby accept the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET. We understand that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Texas.

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Executed this 13 day of May, 2020.

FOR THE STATE OF TEXAS:

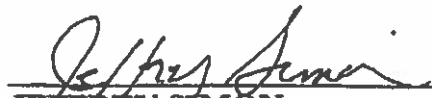


KENNETH PAXTON, JR.
ATTORNEY GENERAL

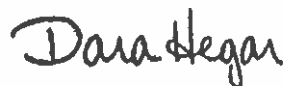
FOR THE SUBDIVISIONS
AND TEXAS MDL PSC:



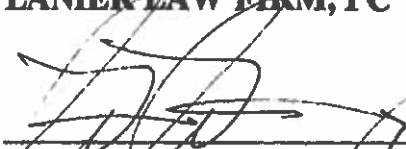
MIKAL WATTS
WATTS GUERRA LLP



JEFFREY SIMON
SIMON GREENSTONE PANATIER, PC



DARA HEGAR
LANIER LAW FIRM, PC



DAN DOWNEY
DAN DOWNEY, PC

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EXHIBIT A

Opioid Abatement Fund (Texas) Settlement

Opioid Council

As part of the settlement agreement and upon its execution, the parties will form the Texas Opioid Council (Council) to establish the framework that ensures the funds recovered by Texas (through the joint actions of the Attorney General and the state's political subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

I. Structure

The Council will be responsible for the processes and procedures governing the spending of the funds held in the Texas Abatement Fund, which will be approximately 70% of all funds obtained through settlement and/or litigation of the claims asserted by the State and its subdivisions in the investigations and litigation related to the manufacturing, marketing, distribution, and sale of opioids and related pharmaceuticals.

Money paid into the abatement fund will be held by an independent administrator, who shall be responsible for the ministerial task of releasing funds solely as authorized below by the Council, and accounting for all payments to and from the fund.

The Council will be formed when a court of competent jurisdiction enters an order settling the matter, including any order of a bankruptcy court. The Council's members must be appointed within sixty (60) days of the date the order is entered.

A. Membership

The Council shall be comprised of the following thirteen (13) members:

1. *Statewide Members.*

Six members appointed by the Governor and Attorney General to represent the State's interest in opioid abatement. The statewide members are appointed as follows:

- a. The Governor shall appoint three (3) members who are licensed health professionals with significant experience in opioid interventions;
- b. The Attorney General shall appoint three (3) members who are licensed professionals with significant experience in opioid incidences; and
- c. The Governor will appoint the Chair of the Council as a non-voting member. The Chair may only cast a vote in the event there is a tie of the membership.

2. *Regional Members.*

Six (6) members appointed by the State's political subdivisions to represent their designated Texas Health and Human Services Commission "HHSC" Regional Healthcare

Partnership (Regions) to ensure dedicated regional, urban, and rural representation on the Council. The regional appointees must be from either academia or the medical profession with significant experience in opioid interventions. The regional members are appointed as follows:

- a. One member representing Regions 9 and 10 (Dallas Ft-Worth);
- b. One member representing Region 3 (Houston);
- c. One member representing Regions 11, 12, 13, 14, 15, 19 (West Texas);
- d. One member representing Regions 6, 7, 8, 16 (Austin-San Antonio);
- e. One member representing Regions 1, 2, 17, 18 (East Texas); and
- f. One member representing Regions 4, 5, 20 (South Texas).

B. Terms

All members of the Council are appointed to serve staggered two-year terms, with the terms of members expiring February 1 of each year. A member may serve no more than two consecutive terms, for a total of four consecutive years. For the first term, four (4) members (two (2) statewide and two (2) for the subdivisions) will serve a three-year term. A vacancy on the Council shall be filled for the unexpired term in the same manner as the original appointment. The Governor will appoint the Chair of the Council who will not vote on Council business unless there is a tie vote, and the subdivisions will appoint a Vice-Chair voting member from one of the regional members.

C. Governance

1. *Administration*

The Council is attached administratively to the Comptroller. The Council is an independent, quasi-governmental agency because it is responsible for the statewide distribution of the abatement settlement funds. The Council is exempt from the following statutes:

- a. Chapter 316 of the Government Code (Appropriations);
- b. Chapter 322 of the Government Code (Legislative Budget Board);
- c. Chapter 325 of the Government Code (Sunset);
- d. Chapter 783 of the Government Code (Uniform Grants and Contract Management);
- e. Chapter 2001 of the Government Code (Administrative Procedure);
- f. Chapter 2052 of the Government Code (State Agency Reports and Publications);
- g. Chapter 2261 of the Government Code (State Contracting Standards and Oversight);
- h. Chapter 2262 of the Government Code (Statewide Contract Management);

- i. Chapter 262 of the Local Government Code (Purchasing and Contracting Authority of Counties); and
- j. Chapter 271 of the Local Government Code (Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments).

2. Transparency

The Council will abide by state laws relating to open meetings and public information, including Chapters 551 and 552 of the Texas Government Code.

- i. The Council shall hold at least four regular meetings each year. The Council may hold additional meetings on the request of the Chair or on the written request of three members of the council. All meetings shall be open to the public, and public notice of meetings shall be given as required by state law.
- ii. The Council may convene in a closed, non-public meeting:
 - a. If the Commission must discuss:
 - 1. Negotiation of contract awards; and
 - 2. Matters specifically exempted from disclosure by federal and state statutes.
 - b. All minutes and documents of a closed meeting shall remain under seal, subject to release only order of a court of competent jurisdiction.

3. Authority

The Council does not have rulemaking authority. The terms of each Judgment, Master Settlement Agreement, or any Bankruptcy Settlement for Texas control the authority of the Council and the Council may not stray outside the bounds of the authority and power vested by such settlements. Should the Council require legal assistance in determining their authority, the Council may direct the executive director to seek legal advice from the Attorney General to clarify the issue.

D. Operation and Expenses

The independent administrator will set aside up to one (1) percent of the settlement funds for the administration of the Council for reasonable costs and expenses of operating the foregoing duties, including educational activities.

1. Executive Director

The Comptroller will employ the executive director of the Council and other personnel as necessary to administer the duties of the Council and carry out the functions of the Council. The executive director must have at least 10 years of experience in government or public administration and is classified as a Director V/B30 under the State Auditor's State Classification. The Comptroller will pay the salaries of the Council employees from the

one (1) percent of the settlement funds set aside for the administration of the Council. The Comptroller will request funds from the Texas Abatement Fund Point of Contact.

2. Travel Reimbursement

A person appointed to the Council is entitled to reimbursement for the travel expenses incurred in attending Council duties. A member of the Council may be reimbursed for actual expenses for meals, lodging, transportation, and incidental expenses in accordance with travel rates set by the federal General Services Administration.

II. Duties/Roles

It is the duty of the Council to determine and approve the opioid abatement strategies and funding awards.

A. Approved Abatement Strategies

The Council will develop the approved Texas list of abatement strategies based on but not limited to the existing national list of opioid abatement strategies (see attached Appendix A) for implementing the Texas Abatement Fund.

1. The Council shall only approve strategies which are evidence-informed strategies.
2. The Texas list of abatement strategies must be approved by majority vote. The majority vote must include a majority from both sides of the statewide members and regional members in order to be approved, e.g., at least four (4) of six (6) members on each side.

B. Texas Abatement Fund Point of Contact

The Council will determine a single point of contact called the Abatement Fund Point of Contact (POC) to be established as the sole entity authorized to receive requests for funds and approve expenditures in Texas and order the release of funds from the Texas Abatement Fund by the independent administrator. The POC may be an independent third party selected by the Council with expertise in banking or financial management. The POC will manage the Opioid Council Bank Account (Account). Upon a vote, the Council will direct the POC to contact the independent administrator to release funds to the Account. The Account is outside the State Treasury and not managed by any state or local officials. The POC is responsible for payments to the qualified entities selected by the Council for abatement fund awards. The POC will submit a monthly financial statement on the Account to the Council.

C. Auditor

An independent auditor appointed by the Council will perform an audit on the Account on an annual basis and report its findings, if any, to the Council.

D. Funding Allocation

The Council is the sole decision-maker on the funding allocation process of the abatement funds. The Council will develop the application and award process based on the parameters outlined below. An entity seeking funds from the Council must apply for funds; no funds will be awarded without an application. The executive director and personnel may assist the Council in gathering and compiling the applications for consideration; however, the Council members are the sole decision-makers of awards and funding determination. The Council will use the following processes to award funds:

1. *Statewide Funds.* The Council will consider, adopt and approve the allocation methodology attached as Exhibit C, based upon population health data and prevalence of opioid incidences, at the Council's initial meeting. Adoption of such methodology will allow each Region to customize the approved abatement strategies to fit its communities' needs. The statewide regional funds will account for seventy-five (75) percent of the total overall funds, less the one (1) percent administrative expense described herein.
2. *Targeted Funds.* Each Region shall reserve twenty-five (25) percent of the overall funds, for targeted interventions in the specific Region as identified by opioid incidence data. The Council must approve on an annual basis the uses for the targeted abatement strategies and applications available to every Region, including education and outreach programs. Each Region without approved uses for the targeted funds from the Council, based upon a greater percentage of opioid incidents compared to its population, is subject to transfer of all or a portion of the targeted funds for that Region for uses based upon all Regions' targeted funding needs as approved by the Council on an annual basis.
3. *Annual Allocation.* Statewide regional funds and targeted funds will be allocated on an annual basis. If a Region lapses its funds, the funds will be reallocated based on all Regions' funding needs.

E. Appeal Process

The Council will establish an appeal process to permit the applicants for funding (state or subdivisions) to challenge decisions by the Council-designated point of contact on requests for funds or expenditures.

1. To challenge a decision by the designated point of contact, the State or a subdivision must file an appeal with the Council within thirty (30) days of the decision. The Council then has thirty (30) days to consider and rule on the appeal.
2. If the Council denies the appeal, the party may file an appeal with the state district court of record where the final opioid judgment or Master Settlement Agreement is filed. The Texas Rules of Civil Procedure and Rules of Evidence will govern these proceedings. The Council may request representation from the Attorney General in these proceedings.

In making its determination, the state district court shall apply the same clear error standards contained herein that the Council must follow when rendering its decision.

3. The state district court will make the final decision and the decision is not appealable.
4. Challenges will be limited and subject to penalty if abused.
5. Attorneys' fees and costs are not recoverable in these appeals.

F. Education

The Council may determine that a percentage of the funds in the Abatement Fund from the targeted funds be used to develop an education and outreach program to provide materials on the consequences of opioid drug use, prevention and interventions. Any material developed will include online resources and toolkits for communities.

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EXHIBIT B

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Exhibit B: Municipal Area Allocations: 15% of Total (\$150 million)

(County numbers refer to distribution to the county governments after payment to cities within county borders has been made. Minimum distribution to each county is \$1000.)

Municipal Area	Allocation	Municipal Area	Allocation
Abbott	\$688	Lakeport	\$463
Abernathy	\$110	Lakeside	\$4,474
Abilene	\$563,818	Lakeside City	\$222
Ackerly	\$21	Lakeview	\$427
Addison	\$58,094	Lakeway	\$31,657
Adrian	\$181	Lakewood Village	\$557
Agua Dulce	\$43	Lamar County	\$141,598
Alamo	\$22,121	Lamb County	\$50,681
Alamo Heights	\$28,198	Lamesa	\$29,656
Alba	\$3,196	Lampasas	\$28,211
Albany	\$180	Lampasas County	\$42,818
Aledo	\$331	Lancaster	\$90,653
Alice	\$71,291	Laredo	\$763,174
Allen	\$315,081	Latexo	\$124
Alma	\$1,107	Lavaca County	\$45,973
Alpine	\$29,686	Lavon	\$7,435
Alto	\$3,767	Lawn	\$58
Alton	\$11,540	League City	\$302,418
Alvarado	\$29,029	Leakey	\$256
Alvin	\$113,962	Leander	\$88,641
Alvord	\$358	Leary	\$797
Amarillo	\$987,661	Lee County	\$30,457
Ames	\$5,571	Lefors	\$159
Amherst	\$22	Leon County	\$67,393
Anahuac	\$542	Leon Valley	\$23,258
Anderson	\$19	Leona	\$883
Anderson County	\$268,763	Leonard	\$8,505
Andrews	\$18,983	Leroy	\$176
Andrews County	\$37,606	Levelland	\$46,848
Angelina County	\$229,956	Lewisville	\$382,094
Angleton	\$62,791	Lexington	\$2,318
Angus	\$331	Liberty	\$72,343
Anna	\$9,075	Liberty County	\$531,212
Annetta	\$5,956	Liberty Hill	\$2,780
Annetta North	\$34	Limestone County	\$135,684

(Table continues on multiple pages below)

Annetta South	\$602	Lincoln Park	\$677
Annona	\$738	Lindale	\$24,202
Anson	\$5,134	Linden	\$3,661
Anthony	\$4,514	Lindsay	\$1,228
Anton	\$444	Lipan	\$44
Appleby	\$1,551	Lipscomb County	\$10,132
Aquilla	\$208	Little Elm	\$69,326
Aransas County	\$266,512	Little River-Academy	\$798
Aransas Pass	\$57,813	Littlefield	\$7,678
Archer City	\$10,554	Live Oak	\$32,740
Archer County	\$45,534	Live Oak County	\$39,716
Arcola	\$7,290	Liverpool	\$1,435
Argyle	\$11,406	Livingston	\$73,165
Arlington	\$735,803	Llano	\$23,121
Armstrong County	\$974	Llano County	\$115,647
Arp	\$2,009	Lockhart	\$49,050
Asherton	\$112	Lockney	\$3,301
Aspermont	\$9	Log Cabin	\$1,960
Atascosa County	\$176,903	Lometa	\$1,176
Athens	\$105,942	Lone Oak	\$1,705
Atlanta	\$30,995	Lone Star	\$8,283
Aubrey	\$15,141	Longview	\$482,254
Aurora	\$1,849	Loraine	\$188
Austin County	\$76,030	Lorena	\$3,390
Austin	\$4,877,716	Lorenzo	\$11,358
Austwell	\$109	Los Fresnos	\$11,185
Avery	\$138	Los Indios	\$159
Avinger	\$1,115	Los Ybanez	\$0
Azle	\$32,213	Lott	\$1,516
Bailey	\$950	Lovelady	\$249
Bailey County	\$15,377	Loving County	\$1,000
Bailey's Prairie	\$5,604	Lowry Crossing	\$783
Baird	\$2,802	Lubbock	\$319,867
Balch Springs	\$27,358	Lubbock County	\$1,379,719
Balcones Heights	\$23,811	Lucas	\$5,266
Ballinger	\$9,172	Lueders	\$508
Balmorhea	\$63	Lufkin	\$281,592
Bandera	\$2,893	Luling	\$29,421
Bandera County	\$86,815	Lumberton	\$36,609
Bangs	\$3,050	Lyford	\$3,071

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Bardwell	\$362	Lynn County	\$6,275
Barry	\$200	Lytle	\$7,223
Barstow	\$61	Mabank	\$19,443
Bartlett	\$3,374	Madison County	\$49,492
Bartonville	\$8,887	Madisonville	\$11,458
Bastrop	\$46,320	Magnolia	\$26,031
Bastrop County	\$343,960	Malakoff	\$12,614
Bay City	\$57,912	Malone	\$439
Baylor County	\$29,832	Manor	\$12,499
Bayou Vista	\$6,240	Mansfield	\$150,788
Bayside	\$242	Manvel	\$12,305
Baytown	\$216,066	Marble Falls	\$37,039
Bayview	\$41	Marfa	\$65
Beach City	\$12,505	Marietta	\$338
Bear Creek	\$906	Marion	\$275
Beasley	\$130	Marion County	\$54,728
Beaumont	\$683,010	Marlin	\$21,634
Beckville	\$1,247	Marquez	\$1,322
Bedford	\$94,314	Marshall	\$108,371
Bedias	\$3,475	Mart	\$928
Bee Cave	\$12,863	Martin County	\$10,862
Bee County	\$97,844	Martindale	\$2,437
Beeville	\$24,027	Mason	\$777
Bell County	\$650,748	Mason County	\$3,134
Bellaire	\$41,264	Matador	\$1,203
Bellevue	\$56	Matagorda County	\$135,239
Bellmead	\$14,487	Mathis	\$15,720
Bells	\$1,891	Maud	\$423
Bellville	\$7,488	Maverick County	\$115,919
Belton	\$72,680	Maypearl	\$986
Benavides	\$152	McAllen	\$364,424
Benbrook	\$43,919	McCamey	\$542
Benjamin	\$951	McGregor	\$9,155
Berryville	\$14,379	McKinney	\$450,383
Bertram	\$182	McLean	\$14
Beverly Hills	\$4,336	McLendon-Chisholm	\$411
Bevil Oaks	\$549	Mcculloch County	\$20,021
Bexar County	\$7,007,152	Mclennan County	\$529,641
Big Lake	\$547	Mcmullen County	\$1,000
Big Sandy	\$4,579	Meadow	\$1,121

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Big Spring	\$189,928	Meadowlakes	\$905
Big Wells	\$236	Meadows Place	\$18,148
Bishop	\$8,213	Medina County	\$48,355
Bishop Hills	\$323	Mcargel	\$611
Blackwell	\$31	Melissa	\$15,381
Blanco	\$6,191	Melvin	\$345
Blanco County	\$49,223	Memphis	\$7,203
Blanket	\$147	Menard	\$991
Bloomburg	\$1,010	Menard County	\$14,717
Blooming Grove	\$352	Mercedes	\$21,441
Blossom	\$198	Meridian	\$3,546
Blue Mound	\$2,888	Merkel	\$10,117
Blue Ridge	\$1,345	Mertens	\$239
Blum	\$1,622	Mertzon	\$29
Boerne	\$45,576	Mesquite	\$310,709
Bogata	\$3,649	Mexia	\$21,096
Bonham	\$100,909	Miami	\$455
Bonney	\$2,510	Midland County	\$279,927
Booker	\$1,036	Midland	\$521,849
Borden County	\$1,000	Midlothian	\$95,799
Borger	\$69,680	Midway	\$78
Bosque County	\$71,073	Milam County	\$97,386
Bovina	\$173	Milano	\$904
Bowie	\$83,620	Mildred	\$286
Bowie County	\$233,190	Miles	\$93
Boyd	\$6,953	Milford	\$6,177
Brackettville	\$8	Miller's Cove	\$97
Brady	\$27,480	Millican	\$417
Brazoria	\$11,537	Mills County	\$19,931
Brazoria County	\$1,021,090	Millsap	\$34
Brazos Bend	\$462	Mincola	\$48,719
Brazos Country	\$902	Mineral Wells	\$92,061
Brazos County	\$342,087	Mingus	\$189
Breckenridge	\$23,976	Mission	\$124,768
Bremond	\$5,554	Missouri City	\$209,633
Brenham	\$54,750	Mitchell County	\$20,850
Brewster County	\$60,087	Mobeetie	\$52
Briarcliff	\$572	Mobile City	\$2,034
Briaroaks	\$57	Monahans	\$5,849
Bridge City	\$80,756	Mont Belvieu	\$19,669

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Bridgeport	\$33,301	Montague County	\$94,796
Briscoe County	\$977	Montgomery	\$1,884
Broadus	\$31	Montgomery County	\$2,700,911
Bronte	\$99	Moody	\$828
Brooks County	\$20,710	Moore County	\$40,627
Brookshire	\$6,406	Moore Station	\$772
Brookside Village	\$1,110	Moran	\$50
Brown County	\$193,417	Morgan	\$605
Browndell	\$152	Morgan's Point	\$3,105
Brownfield	\$14,452	Morgan's Point Resort	\$8,024
Brownsboro	\$3,176	Morris County	\$53,328
Brownsville	\$425,057	Morton	\$167
Brownwood	\$166,572	Motley County	\$3,344
Bruceville-Eddy	\$1,692	Moulton	\$999
Bryan	\$246,897	Mount Calm	\$605
Bryson	\$1,228	Mount Enterprise	\$1,832
Buckholts	\$1,113	Mount Pleasant	\$65,684
Buda	\$10,784	Mount Vernon	\$6,049
Buffalo	\$11,866	Mountain City	\$1,548
Buffalo Gap	\$88	Muenster	\$4,656
Buffalo Springs	\$188	Muleshoe	\$4,910
Bullard	\$7,487	Mullin	\$384
Bulverde	\$14,436	Munday	\$2,047
Bunker Hill Village	\$472	Murchison	\$2,302
Burkburnett	\$37,844	Murphy	\$51,893
Burke	\$1,114	Mustang	\$7
Burleson County	\$70,244	Mustang Ridge	\$2,462
Burleson	\$151,779	Nacogdoches	\$205,992
Burnet	\$33,345	Nacogdoches County	\$198,583
Burnet County	\$189,829	Naples	\$4,224
Burton	\$937	Nash	\$7,999
Byers	\$77	Nassau Bay	\$11,247
Bynum	\$380	Natalia	\$625
Cactus	\$4,779	Navarro	\$334
Caddo Mills	\$43	Navarro County	\$103,513
Caldwell	\$18,245	Navasota	\$37,676
Caldwell County	\$86,413	Nazareth	\$124
Calhoun County	\$127,926	Nederland	\$44,585
Callahan County	\$12,894	Needville	\$10,341
Callisburg	\$101	Nevada	\$237

Calvert	\$772	New Berlin	\$4
Cameron	\$11,091	New Boston	\$6,953
Cameron County	\$537,026	New Braunfels	\$307,313
Camp County	\$28,851	New Chapel Hill	\$288
Camp Wood	\$422	New Deal	\$338
Campbell	\$1,116	New Fairview	\$2,334
Canadian	\$1,090	New Home	\$9
Caney City	\$2,005	New Hope	\$1,024
Canton	\$56,734	New London	\$4,129
Canyon	\$26,251	New Summerfield	\$442
Carbon	\$620	New Waverly	\$2,562
Carl's Corner	\$48	Newark	\$520
Carmine	\$385	Newcastle	\$914
Carrizo Springs	\$1,671	Newton	\$6,102
Carrollton	\$310,255	Newton County	\$158,006
Carson County	\$29,493	Neylandville	\$163
Carthage	\$18,927	Niederwald	\$16
Cashion Community	\$322	Nixon	\$2,283
Cass County	\$93,155	Nocona	\$16,536
Castle Hills	\$12,780	Nolan County	\$50,262
Castro County	\$4,420	Nolanville	\$4,247
Castroville	\$4,525	Nome	\$391
Cedar Hill	\$70,127	Noonday	\$226
Cedar Park	\$185,567	Nordheim	\$697
Celeste	\$1,280	Normangee	\$6,192
Celina	\$18,283	North Cleveland	\$105
Center	\$58,838	North Richland Hills	\$146,419
Centerville	\$385	Northlake	\$8,905
Chambers County	\$153,188	Novice	\$76
Chandler	\$17,364	Nueces County	\$1,367,932
Channing	\$2	O'Brien	\$76
Charlotte	\$4,257	O'Donnell	\$27
Cherokee County	\$156,612	Oak Grove	\$2,769
Chester	\$1,174	Oak Leaf	\$612
Chico	\$2,928	Oak Point	\$9,011
Childress	\$37,916	Oak Ridge	\$358
Childress County	\$50,582	Oak Ridge North	\$33,512
Chillicothe	\$172	Oak Valley	\$7
China	\$522	Oakwood	\$148
China Grove	\$598	Ochiltree County	\$15,476

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Chireno	\$1,568	Odem	\$7,420
Christine	\$354	Odessa	\$559,163
Cibolo	\$13,690	Oglesby	\$29
Cisco	\$7,218	Old River-Winfree	\$21,653
Clarendon	\$114	Oldham County	\$10,318
Clarksville	\$20,891	Olmos Park	\$9,801
Clarksville City	\$54	Olney	\$6,088
Claude	\$26	Olton	\$1,197
Clay County	\$72,050	Omaha	\$4,185
Clear Lake Shores	\$6,682	Onalaska	\$31,654
Cleburne	\$228,184	Opdyke West	\$479
Cleveland	\$96,897	Orange	\$311,339
Clifton	\$9,939	Orange County	\$689,818
Clint	\$375	Orange Grove	\$1,677
Clute	\$51,350	Orchard	\$867
Clyde	\$17,287	Ore City	\$6,806
Coahoma	\$2,291	Overton	\$7,900
Cochran County	\$3,389	Ovilla	\$13,391
Cockrell Hill	\$512	Oyster Creek	\$9,633
Coffee City	\$1,087	Paducah	\$125
Coke County	\$5,522	Paint Rock	\$141
Coldspring	\$447	Palacios	\$14,036
Coleman	\$5,442	Palestine	\$178,009
Coleman County	\$4,164	Palisades	\$240
College Station	\$258,147	Palm Valley	\$1,918
Colleyville	\$46,049	Palmer	\$12,666
Collin County	\$1,266,721	Palmhurst	\$4,660
Collingsworth County	\$19,234	Palmview	\$7,577
Collinsville	\$1,831	Palo Pinto County	\$124,621
Colmesneil	\$2,211	Pampa	\$67,227
Colorado City	\$8,405	Panhandle	\$9,536
Colorado County	\$49,084	Panola County	\$80,699
Columbus	\$6,867	Panorama Village	\$1,292
Cornal County	\$396,142	Pantego	\$12,898
Comanche	\$16,503	Paradise	\$52
Comanche County	\$50,964	Paris	\$201,180
Combes	\$1,710	Parker	\$10,307
Combine	\$1,892	Parker County	\$476,254
Commerce	\$33,869	Parmer County	\$15,866
Como	\$415	Pasadena	\$356,536

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Concho County	\$3,859	Pattison	\$1,148
Conroe	\$466,671	Patton Village	\$9,268
Converse	\$27,693	Payne Springs	\$1,770
Cooke County	\$200,451	Pearland	\$333,752
Cool	\$731	Pearsall	\$11,570
Coolidge	\$243	Pecan Gap	\$719
Cooper	\$362	Pecan Hill	\$229
Coppell	\$86,593	Pecos	\$7,622
Copper Canyon	\$489	Pecos County	\$46,997
Copperas Cove	\$133,492	Pelican Bay	\$1,199
Corinth	\$75,298	Penelope	\$415
Corpus Christi	\$1,812,707	Penitas	\$312
Corral City	\$143	Perryton	\$23,364
Corrigan	\$21,318	Petersburg	\$1,691
Corsicana	\$87,310	Petrolia	\$17
Coryell County	\$123,659	Petronila	\$5
Cottle County	\$875	Pflugerville	\$86,408
Cottonwood	\$289	Pharr	\$144,721
Cottonwood Shores	\$1,203	Pilot Point	\$11,613
Cotulla	\$1,251	Pine Forest	\$3,894
Coupland	\$266	Pine Island	\$3,141
Cove	\$387	Pinchurst	\$32,671
Covington	\$519	Pineland	\$4,138
Coyote Flats	\$1,472	Piney Point Village	\$15,738
Crandall	\$12,094	Pittsburg	\$20,526
Crane	\$10,599	Plains	\$129
Crane County	\$26,146	Plainview	\$60,298
Cranfills Gap	\$128	Plano	\$1,151,608
Crawford	\$383	Pleak	\$270
Creedmoor	\$16	Pleasant Valley	\$308
Cresson	\$1,086	Pleasanton	\$29,011
Crockett	\$23,403	Plum Grove	\$258
Crockett County	\$18,210	Point	\$1,519
Crosby County	\$18,388	Point Blank	\$355
Crosbyton	\$1,498	Point Comfort	\$447
Cross Plains	\$4,877	Point Venture	\$588
Cross Roads	\$244	Polk County	\$370,831
Cross Timber	\$542	Ponder	\$1,282
Crowell	\$6,335	Port Aransas	\$31,022
Crowley	\$22,345	Port Arthur	\$367,945

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Crystal City	\$19,412	Port Isabel	\$9,802
Cuero	\$24,689	Port Lavaca	\$11,752
Culberson County	\$789	Port Neches	\$38,849
Cumby	\$5,320	Portland	\$76,517
Cuney	\$606	Post	\$2,332
Cushing	\$1,120	Post Oak Bend City	\$1,034
Cut and Shoot	\$2,141	Poteet	\$6,767
DISH	\$19	Poth	\$3,974
Daingerfield	\$12,476	Potter County	\$371,701
Daisetta	\$5,370	Pottsboro	\$12,302
Dalhart	\$11,609	Powell	\$110
Dallam County	\$21,686	Poynor	\$1,180
Dallas County	\$8,538,291	Prairie View	\$7,600
Dallas	\$2,999,902	Premont	\$3,321
Dalworthington Gardens	\$6,060	Presidio	\$148
Danbury	\$4,231	Presidio County	\$787
Darrouzett	\$101	Primera	\$2,958
Dawson	\$600	Princeton	\$19,245
Dawson County	\$46,911	Progreso	\$8,072
Dayton	\$47,122	Progreso Lakes	\$39
Dayton Lakes	\$38	Prosper	\$22,770
De Kalb	\$1,035	Providence Village	\$508
De Leon	\$8,218	Putnam	\$14
De Witt County	\$68,895	Pyote	\$22
DeCordova	\$13,778	Quanah	\$207
DeSoto	\$72,400	Queen City	\$4,837
Deaf Smith County	\$34,532	Quinlan	\$7,304
Dean	\$141	Quintana	\$492
Decatur	\$56,669	Quitaque	\$8
Deer Park	\$49,388	Quitman	\$15,619
Del Rio	\$59,056	Rains County	\$53,190
Dell City	\$15	Ralls	\$3,967
Delta County	\$30,584	Rancho Viejo	\$3,836
Denison	\$210,426	Randall County	\$278,126
Denton	\$458,334	Ranger	\$12,186
Denton County	\$1,132,298	Rankin	\$1,613
Denver City	\$2,104	Ransom Canyon	\$930
Deport	\$42	Ravenna	\$685
Detroit	\$965	Raymondville	\$7,466
Devers	\$191	Reagan County	\$25,215

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Devine	\$4,354	Real County	\$5,073
Diboll	\$25,533	Red Lick	\$23
Dickens	\$71	Red Oak	\$26,843
Dickens County	\$1,873	Red River County	\$29,306
Dickinson	\$83,683	Redwater	\$1,058
Dilley	\$2,633	Reeves County	\$103,350
Dimmit County	\$33,294	Refugio	\$8,839
Dimmitt	\$1,012	Refugio County	\$46,216
Dodd City	\$1,211	Rocklaw	\$1,136
Dodson	\$447	Reno	\$3,791
Domino	\$196	Reno	\$11,164
Donley County	\$22,370	Retreat	\$52
Donna	\$13,798	Rhame	\$12,285
Dorchester	\$231	Rice	\$1,972
Double Oak	\$4,765	Richardson	\$260,315
Douglassville	\$574	Richland	\$210
Dripping Springs	\$811	Richland Hills	\$24,438
Driscoll	\$39	Richland Springs	\$2,234
Dublin	\$14,478	Richmond	\$77,606
Dumas	\$26,229	Richwood	\$12,112
Duncanville	\$58,328	Riesel	\$1,118
Duval County	\$49,109	Rio Bravo	\$8,548
Eagle Lake	\$4,882	Rio Grande City	\$25,947
Eagle Pass	\$56,005	Rio Hondo	\$3,550
Early	\$14,838	Rio Vista	\$4,419
Earth	\$242	Rising Star	\$1,933
East Bernard	\$5,554	River Oaks	\$11,917
East Mountain	\$2,494	Riverside	\$858
East Tawakoni	\$2,723	Roanoke	\$275
Eastland	\$15,896	Roaring Springs	\$461
Eastland County	\$52,275	Robert Lee	\$85
Easton	\$329	Roberts County	\$547
Ector	\$1,108	Robertson County	\$44,642
Ector County	\$480,000	Robinson	\$18,002
Edcouch	\$4,101	Robstown	\$40,154
Eden	\$497	Roby	\$428
Edgecliff Village	\$2,232	Rochester	\$674
Edgewood	\$13,154	Rockdale	\$20,973
Edinburg	\$120,884	Rockport	\$54,253
Edmonson	\$136	Rocksprings	\$25

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Edna	\$18,194	Rockwall	\$114,308
Edom	\$2,149	Rockwall County	\$168,820
Edwards County	\$975	Rocky Mound	\$280
El Campo	\$31,700	Rogers	\$3,818
El Cenizo	\$621	Rollingwood	\$4,754
El Lago	\$5,604	Roma	\$16,629
El Paso	\$1,224,371	Roman Forest	\$8,610
El Paso County	\$2,592,121	Ropesville	\$2,122
Eldorado	\$50	Roscoe	\$778
Electra	\$15,716	Rose City	\$4,012
Elgin	\$26,284	Rose Hill Acres	\$2,311
Elkhart	\$301	Rosebud	\$1,489
Ellis County	\$315,372	Rosenberg	\$126,593
Elmendorf	\$746	Ross	\$147
Elsa	\$7,720	Rosser	\$549
Emhouse	\$83	Rotan	\$1,493
Emory	\$3,878	Round Mountain	\$454
Enchanted Oaks	\$1,299	Round Rock	\$475,992
Encinal	\$1,515	Round Top	\$140
Ennis	\$81,839	Rowlett	\$99,963
Erath County	\$102,616	Roxton	\$47
Escobares	\$40	Royse City	\$23,494
Estelline	\$909	Rule	\$800
Eules	\$92,824	Runaway Bay	\$6,931
Eureka	\$334	Runge	\$255
Eustace	\$2,089	Runnels County	\$33,831
Evant	\$2,068	Rusk	\$17,991
Everman	\$7,692	Rusk County	\$151,390
Fair Oaks Ranch	\$8,077	Sabinal	\$1,811
Fairchilds	\$81	Sabine County	\$46,479
Fairfield	\$1,245	Sachse	\$23,400
Fairview	\$32,245	Sadler	\$925
Falfurrias	\$2,221	Saginaw	\$31,973
Falls City	\$41	Salado	\$3,210
Falls County	\$34,522	San Angelo	\$536,509
Fannin County	\$131,653	San Antonio	\$4,365,416
Farmers Branch	\$94,532	San Augustine	\$25,182
Farmersville	\$10,532	San Augustine County	\$37,854
Farwell	\$343	San Benito	\$40,015
Fate	\$3,473	San Diego	\$11,771

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Fayette County	\$92,440	San Elizario	\$7,831
Fayetteville	\$391	San Felipe	\$1,498
Ferris	\$13,873	San Jacinto County	\$197,398
Fisher County	\$5,518	San Juan	\$28,845
Flatonia	\$5,661	San Leanna	\$36
Florence	\$3,949	San Marcos	\$325,688
Floresville	\$21,699	San Patricio	\$4,213
Flower Mound	\$215,256	San Patricio County	\$271,916
Floyd County	\$9,049	San Perlita	\$2,219
Floydada	\$6,357	San Saba	\$10,057
Foard County	\$5,764	San Saba County	\$17,562
Follett	\$212	Sanctuary	\$17
Forest Hill	\$26,132	Sandy Oaks	\$9,863
Forney	\$80,112	Sandy Point	\$1,637
Forsan	\$576	Sanford	\$308
Fort Bend County	\$1,506,719	Sanger	\$22,237
Fort Stockton	\$4,411	Sansom Park	\$223
Fort Worth	\$2,120,790	Santa Anna	\$329
Franklin	\$3,931	Santa Clara	\$87
Franklin County	\$25,783	Santa Fe	\$33,272
Frankston	\$274	Santa Rosa	\$2,138
Fredericksburg	\$56,486	Savoy	\$2,349
Freeport	\$72,973	Schertz	\$60,110
Freer	\$3,271	Schleicher County	\$5,695
Freestone County	\$50,495	Schulenburg	\$2,560
Friendswood	\$140,330	Scotland	\$148
Frio County	\$19,954	Scottsville	\$708
Friona	\$2,848	Scurry	\$1,110
Frisco	\$405,309	Scurry County	\$73,116
Fritch	\$4,548	Seabrook	\$30,270
Frost	\$321	Seadrift	\$991
Fruitvale	\$2,344	Seagoville	\$17,106
Fulshear	\$5,272	Seagraves	\$7,531
Fulton	\$1,602	Sealy	\$20,637
Gaines County	\$54,347	Seguin	\$376,538
Gainesville	\$153,980	Selma	\$22,429
Galena Park	\$13,093	Seminole	\$16,092
Gallatin	\$1,253	Seven Oaks	\$3,917
Galveston	\$488,187	Seven Points	\$7,452
Galveston County	\$1,124,093	Seymour	\$14,218

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Ganado	\$5,510	Shackelford County	\$1,288
Garden Ridge	\$11,351	Shady Shores	\$594
Garland	\$420,244	Shallowater	\$1,907
Garrett	\$2,510	Shamrock	\$4,328
Garrison	\$3,555	Shavano Park	\$3,178
Gary City	\$450	Shelby County	\$109,925
Garza County	\$8,944	Shenandoah	\$47,122
Gatesville	\$26,994	Shepherd	\$147
George West	\$6,207	Sherman	\$330,585
Georgetown	\$225,896	Sherman County	\$7,930
Gholson	\$1,505	Shiner	\$4,042
Giddings	\$12,674	Shoreacres	\$958
Gillespie County	\$63,191	Silsbee	\$66,442
Gilmer	\$33,951	Silverton	\$14
Gladewater	\$24,638	Simonton	\$1,906
Glasscock County	\$1,000	Sinton	\$23,658
Glen Rose	\$540	Skellytown	\$400
Glenn Heights	\$16,593	Slaton	\$154
Godley	\$3,115	Smiley	\$655
Goldsmith	\$677	Smith County	\$758,961
Goldthwaite	\$1,225	Smithville	\$17,009
Goliad	\$3,563	Smyer	\$300
Goliad County	\$34,660	Snook	\$1,422
Golinda	\$100	Snyder	\$9,018
Gonzales	\$14,882	Socorro	\$11,125
Gonzales County	\$33,230	Somerset	\$1,527
Goodlow	\$221	Somervell County	\$57,076
Goodrich	\$9,643	Somerville	\$3,806
Gordon	\$365	Sonora	\$7,337
Goree	\$749	Sour Lake	\$17,856
Gorman	\$3,107	South Houston	\$25,620
Graford	\$23	South Mountain	\$154
Graham	\$235,428	South Padre Island	\$30,629
Granbury	\$71,735	Southlake	\$70,846
Grand Prairie	\$445,439	Southmayd	\$7,096
Grand Saline	\$36,413	Southside Place	\$885
Grandfalls	\$65	Spearman	\$14,000
Grandview	\$6,600	Splendora	\$7,756
Granger	\$2,741	Spofford	\$7
Granite Shoals	\$11,834	Spring Valley Village	\$16,404

(5)

Granjeno	\$43	Springlake	\$3
Grapeland	\$7,287	Springtown	\$14,244
Grapevine	\$129,195	Spur	\$427
Gray County	\$65,884	St. Hedwig	\$111
Grays Prairie	\$17	St. Jo	\$7,360
Grayson County	\$539,083	St. Paul	\$21
Greenville	\$203,112	Stafford	\$75,145
Gregg County	\$243,744	Stagecoach	\$3,036
Gregory	\$4,697	Stamford	\$398
Grey Forest	\$474	Stanton	\$3,838
Grimes County	\$94,878	Staples	\$19
Groesbeck	\$5,745	Star Harbor	\$151
Groom	\$965	Starr County	\$99,896
Groves	\$40,752	Stephens County	\$35,244
Groveton	\$8,827	Stephenville	\$83,472
Gruver	\$1,166	Sterling City	\$62
Guadalupe County	\$146,824	Sterling County	\$939
Gun Barrel City	\$36,302	Stinnett	\$4,097
Gunter	\$4,609	Stockdale	\$741
Gustine	\$34	Stonewall County	\$1,822
Hackberry	\$94	Stratford	\$8,378
Hale Center	\$6,042	Strawn	\$987
Hale County	\$79,150	Streetman	\$5
Hall County	\$8,933	Sudan	\$32
Hallettsville	\$6,895	Sugar Land	\$321,561
Hallsburg	\$272	Sullivan City	\$6,121
Hallsville	\$10,239	Sulphur Springs	\$124,603
Haltom City	\$71,800	Sun Valley	\$4
Hamilton	\$3,581	Sundown	\$2,592
Hamilton County	\$66,357	Sunnyvale	\$3,248
Hamlin	\$4,656	Sunray	\$2,571
Hansford County	\$16,416	Sunrise Beach Village	\$2,083
Happy	\$327	Sunset Valley	\$9,425
Hardeman County	\$15,219	Surfside Beach	\$6,530
Hardin	\$100	Sutton County	\$6,541
Hardin County	\$379,800	Sweeny	\$4,503
Harker Heights	\$113,681	Sweetwater	\$68,248
Harlingen	\$165,429	Swisher County	\$7,251
Harris County	\$14,966,202	Taft	\$5,861
Harrison County	\$185,910	Tahoka	\$430

(9)

Hart	\$86	Talco	\$372
Hartley County	\$786	Talty	\$9,124
Haskell	\$10,829	Tarrant County	\$6,171,159
Haskell County	\$22,011	Tatum	\$972
Haslet	\$1,908	Taylor	\$57,945
Hawk Cove	\$674	Taylor County	\$351,078
Hawkins	\$7,932	Taylor Lake Village	\$412
Hawley	\$931	Taylor Landing	\$153
Hays	\$506	Teague	\$1,714
Hays County	\$529,489	Tehuacana	\$12
Hearne	\$16,824	Temple	\$280,747
Heath	\$28,751	Tenaha	\$4,718
Hebron	\$687	Terrell	\$148,706
Hedley	\$70	Terrell County	\$5,737
Hedwig Village	\$13,067	Terrell Hills	\$9,858
Helotes	\$15,790	Terry County	\$25,423
Hemphill	\$8,035	Texarkana	\$192,094
Hemphill County	\$14,394	Texas City	\$298,702
Hempstead	\$21,240	Texhoma	\$156
Henderson	\$59,966	Texline	\$865
Henderson County	\$327,965	The Colony	\$114,297
Henrietta	\$2,720	The Hills	\$1,004
Hereford	\$20,423	Thompsons	\$1,897
Hewitt	\$19,776	Thorndale	\$1,595
Hickory Creek	\$16,510	Thornton	\$270
Hico	\$5,534	Thorntonville	\$87
Hidalgo	\$26,621	Thrall	\$825
Hidalgo County	\$1,253,103	Three Rivers	\$4,669
Hidcaway	\$922	Throckmorton	\$29
Higgins	\$43	Throckmorton County	\$5,695
Highland Haven	\$320	Tiki Island	\$2,178
Highland Park	\$43,383	Timbercreek Canyon	\$369
Highland Village	\$50,315	Timpson	\$12,642
Hill Country Village	\$6,485	Tioga	\$2,390
Hill County	\$127,477	Tira	\$185
Hillcrest	\$5,345	Titus County	\$70,611
Hillsboro	\$46,609	Toco	\$4
Hilshire Village	\$859	Todd Mission	\$1,680
Hitchcock	\$28,796	Tolar	\$2,369
Hockley County	\$46,407	Tom Bean	\$2,293

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Holiday Lakes	\$1,795	Tom Green County	\$282,427
Holland	\$77	Tomball	\$34,620
Holliday	\$5,910	Tool	\$14,787
Hollywood Park	\$9,424	Toyah	\$40
Hondo	\$115,288	Travis County	\$4,703,473
Honey Grove	\$7,196	Trent	\$63
Hood County	\$292,105	Trenton	\$3,089
Hooks	\$2,702	Trinidad	\$5,859
Hopkins County	\$149,518	Trinity	\$23,652
Horizon City	\$7,520	Trinity County	\$105,766
Horseshoe Bay	\$48,173	Trophy Club	\$29,370
Houston County	\$78,648	Troup	\$7,918
Houston	\$7,021,793	Troy	\$5,320
Howard County	\$89,330	Tulia	\$8,911
Howardwick	\$84	Turkey	\$737
Howe	\$9,177	Tuscola	\$138
Hubbard	\$3,635	Tye	\$1,766
Hudson	\$6,840	Tyler	\$723,829
Hudson Oaks	\$15,637	Tyler County	\$131,743
Hudspeth County	\$985	Uhland	\$1,545
Hughes Springs	\$4,442	Uncertain	\$185
Humble	\$73,952	Union Grove	\$994
Hunt County	\$309,851	Union Valley	\$666
Hunters Creek Village	\$14,708	Universal City	\$28,428
Huntington	\$8,792	University Park	\$50,833
Huntsville	\$80,373	Upshur County	\$128,300
Hurst	\$99,187	Upton County	\$8,499
Hutchins	\$9,551	Uvalde	\$18,439
Hutchinson County	\$74,630	Uvalde County	\$36,244
Hutto	\$38,346	Val Verde County	\$117,815
Huxley	\$738	Valentine	\$207
Idalou	\$1,999	Valley Mills	\$2,228
Impact	\$8	Valley View	\$1,824
Indian Lake	\$473	Van	\$6,206
Industry	\$604	Van Alstyne	\$43,749
Ingleside on the Bay	\$142	Van Horn	\$211
Ingleside	\$40,487	Van Zandt County	\$248,747
Ingram	\$5,243	Vega	\$974
Iola	\$3,164	Venus	\$9,792
Iowa Colony	\$4,090	Vernon	\$81,337

(59)

Iowa Park	\$23,487	Victoria	\$84,598
Iraan	\$56	Victoria County	\$520,886
Iredell	\$216	Vidor	\$95,620
Irion County	\$9,105	Vinton	\$622
Irving	\$427,818	Volente	\$333
Italy	\$5,349	Von Ormy	\$513
Itasca	\$8,694	Waco	\$512,007
Ivanhoe	\$26	Waelder	\$3,427
Jacinto City	\$14,141	Wake Village	\$174
Jack County	\$14,799	Walker County	\$184,624
Jacksboro	\$23,254	Waller County	\$126,206
Jackson County	\$37,984	Waller	\$11,295
Jacksonville	\$80,179	Wallis	\$2,698
Jamaica Beach	\$4,913	Walnut Springs	\$183
Jarrell	\$2,423	Ward County	\$67,920
Jasper	\$78,422	Warren City	\$66
Jasper County	\$248,855	Washington County	\$83,727
Jayton	\$63	Waskom	\$5,346
Jeff Davis County	\$8,500	Watauga	\$33,216
Jefferson	\$11,194	Waxahachie	\$152,094
Jefferson County	\$756,614	Weatherford	\$207,872
Jersey Village	\$36,347	Webb County	\$505,304
Jewett	\$9,338	Webberville	\$1,280
Jim Hogg County	\$12,718	Webster	\$53,202
Jim Wells County	\$166,539	Weimar	\$5,830
Joaquin	\$810	Weinert	\$234
Johnson City	\$3,581	Weir	\$443
Johnson County	\$408,692	Wellington	\$9,111
Jolly	\$26	Wellman	\$383
Jones County	\$22,001	Wells	\$1,357
Jones Creek	\$5,078	Weslaco	\$73,949
Jonestown	\$6,419	West	\$3,522
Josephine	\$881	West Columbia	\$17,958
Joshua	\$20,619	West Lake Hills	\$17,056
Jourdanton	\$9,600	West Orange	\$42,452
Junction	\$4,825	West Tawakoni	\$6,995
Justin	\$8,575	West University Place	\$34,672
Karnes City	\$11,632	Westbrook	\$43
Karnes County	\$35,249	Westlake	\$41,540
Katy	\$52,467	Weston	\$266

(59)

Kaufman	\$27,607	Weston Lakes	\$189
Kaufman County	\$353,047	Westover Hills	\$4,509
Keene	\$38,296	Westworth Village	\$7,842
Keller	\$79,189	Wharton	\$31,700
Kemah	\$28,325	Wharton County	\$72,887
Kemp	\$6,419	Wheeler	\$447
Kempner	\$330	Wheeler County	\$26,273
Kendall County	\$100,643	White Deer	\$1,273
Kendleton	\$13	White Oak	\$15,305
Kenedy	\$676	White Settlement	\$23,304
Kenedy County	\$1,000	Whiteface	\$155
Kenefick	\$416	Whitchouse	\$29,017
Kennard	\$132	Whitesboro	\$18,932
Kennedale	\$21,024	Whitewright	\$7,098
Kent County	\$939	Whitncy	\$73
Kerens	\$1,924	Wichita County	\$552,371
Kermit	\$5,652	Wichita Falls	\$832,574
Kerr County	\$218,452	Wickett	\$87
Kerrville	\$190,357	Wilbarger County	\$55,124
Kilgore	\$105,583	Willacy County	\$24,581
Killeen	\$535,650	Williamson County	\$1,195,987
Kimble County	\$20,480	Willis	\$24,384
King County	\$1,000	Willow Park	\$26,737
Kingsville	\$20,083	Wills Point	\$43,765
Kinney County	\$2,142	Wilmer	\$426
Kirby	\$8,752	Wilson	\$12
Kirbyville	\$10,690	Wilson County	\$121,034
Kirvin	\$2	Wimberley	\$724
Kleberg County	\$124,109	Windcrest	\$12,908
Knollwood	\$1,160	Windom	\$1,087
Knox City	\$1,962	Windthorst	\$3,385
Knox County	\$11,730	Winfield	\$290
Kosse	\$2,468	Wink	\$120
Kountze	\$19,716	Winkler County	\$61,163
Kress	\$186	Winnsboro	\$28,791
Krugerville	\$1,508	Winona	\$319
Krum	\$9,661	Winters	\$6,229
Kurten	\$686	Wise County	\$289,074
Kyle	\$51,835	Wixon Valley	\$441
La Feria	\$10,381	Wolfe City	\$5,466

(59)

La Grange	\$9,623	Wolfforth	\$4,022
La Grulla	\$1,708	Wood County	\$267,048
La Joya	\$8,457	Woodbranch	\$9,617
La Marque	\$98,930	Woodcreek	\$358
La Porte	\$91,532	Woodloch	\$1,012
La Salle County	\$14,975	Woodsboro	\$1,130
La Vernia	\$3,217	Woodson	\$122
La Villa	\$572	Woodville	\$20,340
La Ward	\$321	Woodway	\$25,713
LaCoste	\$159	Wortham	\$376
Lacy-Lakeview	\$11,599	Wylie	\$114,708
Ladonia	\$2,011	Yantis	\$2,072
Lago Vista	\$13,768	Yoakum County	\$34,924
Laguna Vista	\$3,689	Yoakum	\$20,210
Lake Bridgeport	\$232	Yorktown	\$5,447
Lake City	\$2,918	Young County	\$44,120
Lake Dallas	\$25,314	Zapata County	\$56,480
Lake Jackson	\$75,781	Zavala County	\$38,147
Lake Tanglwood	\$613	Zavalla	\$1,088
Lake Worth	\$20,051		

(59)

EXHIBIT C

(54)

Exhibit C: TX Opioid Council & Health Care Region Allocations plus Administrative Costs
70% of Total (\$700 million)

Health Care Region Allocation*: \$693 million; Administrative Costs: \$7 million		
Region	Counties in Health Care Region	Allocation
1	Anderson, Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Marion, Morris, Panola, Rains, Red, River, Rusk, Smith, Titus, Trinity, Upshur, Van, Zandt, Wood	\$38,223,336
2	Angelina, Brazoria, Galveston, Hardin, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Tyler	\$54,149,215
3	Austin, Calhoun, Chambers, Colorado, Fort Bend, Harris, Matagorda, Waller, Wharton	\$120,965,680
4	Aransas, Bee, Brooks, De Witt, Duval, Goliad, Gonzales, Jackson, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, Victoria	\$27,047,477
5	Cameron, Hidalgo, Starr, Willacy	\$17,619,875
6	Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Kendall, Kerr, Kinney, La Salle, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, Zavala	\$68,228,047
7	Bastrop, Caldwell, Fayette, Hays, Lee, Travis	\$50,489,691
8	Bell, Blanco, Burnet, Lampasas, Llano, Milam, Mills, San Saba, Williamson	\$24,220,521
9	Dallas, Kaufman	\$66,492,094
10	Ellis, Erath, Hood, Johnson, Navarro, Parker, Somervell, Tarrant, Wise	\$65,538,414
11	Brown, Callahan, Comanche, Eastland, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Palo Pinto, Shackelford, Stephens, Stonewall, Taylor	\$9,509,818
12	Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, Yoakum	\$23,498,027
13	Coke, Coleman, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Pecos, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green	\$5,195,605
14	Andrews, Brewster, Crane, Culberson, Ector, Glasscock, Howard, Jeff Davis, Loving, Martin, Midland, Presidio, Reeves, Upton, Ward, Winkler	\$12,124,354
15	El Paso, Hudspeth	\$17,994,285
16	Bosque, Coryell, Falls, Hamilton, Hill, Limestone, McLennan	\$9,452,018
17	Brazos, Burleson, Grimes, Leon, Madison, Montgomery, Robertson, Walker, Washington	\$23,042,947
18	Collin, Denton, Grayson, Rockwall	\$39,787,684
19	Archer, Baylor, Clay, Cooke, Foard, Hardeman, Jack, Montague, Throckmorton, Wichita, Wilbarger, Young	\$12,665,268
20	Jim Hogg, Maverick, Webb, Zapata	\$6,755,656
	Administrative Costs	\$7,000,000

* Each Region shall reserve 25% of its allocation for Targeted Funds under the guidelines of Exhibit A.



Memorandum

To: Honorable Mayor and City Council
From: James Villarreal, Assistant Director of Sports Complex
Thru: Michael Scott, City Manager
Date: November 10, 2021
Re: Consider Award and Supplemental Appropriation for the Synthetic Turf Improvements Project Phase II

Item Description: Consider award to Sports Fields, Inc. for the Waxahachie Sports Complex Synthetic Turf Improvements Phase II and also consider a supplemental appropriation for additional funding needed for the project.

Item Summary: Quotes were solicited and received for the Waxahachie Sports Complex Synthetic Turf Improvements Phase II. All of the quotes received were over-budget. Staff asked the engineering consultant to reach out to the initial lowest bidder, Sprinturf, to value-engineer the project and find some potential cost savings. The project consultant also reached out to Sports Fields, Inc. to value-engineer, and it was determined that Sports Fields, Inc.'s initial quote was based on incorrect project specifications. After the revised quotes were received, Sports Fields, Inc. is the lowest apparent bidder.

- Sports Fields, Inc. - \$576,500
- Sprinturf - \$578,500
- Hellas - \$609,740
- Paragon - \$708,177

Sports Fields, Inc. is the apparent lowest qualified bidder with a revised base bid of \$576,500. The approved FY22 budget for this project is \$530,000, thus additional funding will be needed for the improvements and to also cover the additional consultant fees.

Staff recommends awarding the contract to Sports Fields, Inc. in the amount of \$576,500. In concurrence with the contract award, staff recommends a supplemental appropriation of \$75,000. Total supplemental appropriation request would cover the \$46,500 over-budget for the turf improvements, \$8,970 for additional consultant fees, and the remainder would be used as a contingency for any unforeseen issues.

(5i)

Please note the award and supplemental appropriation were presented to the Waxahachie Community Development Corporation on November 9, 2021, and were approved unanimously.

Fiscal Impact: The proposed supplemental appropriation would not have a significant impact to the WCDC unrestricted reserve fund balance for the FY22 budget.



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Executive Director Parks & Leisure Services
Thru: Michael Scott, City Manager
Date: November 10, 2021
Re: Consider Supplemental Appropriation to Fund Power Distribution Boxes and Cable Connections for Railyard Park

Item Description: Consider approving a supplemental appropriation to fund the purchase of two power distribution boxes and two sets of cam lock cable connections for use at Railyard Park.

Item Summary: The wait is finally over...events are happening at Railyard Park with great success! The park and venue are complemented for its use and event applications continue to filter in for requests to use the venue. City hosted events are also a large contributor to the success of Railyard Park. There is however, a need to be able to provide ample electrical power for any event or concert performing on the stage. The park is equipped with 2 (two) – 200amp services in the attic of the stage, however, we are lacking the proper equipment to connect the service panel and bring the power on the stage. Staff has been relying on generator rentals to provide power for events held on the main stage up to this point. The cost of the rentals is approximately, \$1,200 per event. At that rate, it would take approximately 13 events to recover the cost of the purchased equipment.

Staff recommends a supplemental appropriation to fund the purchase of the necessary electrical equipment in the amount of \$16,000 for the FY22 budget in fund 208.

Please note the supplemental appropriation was presented to the Waxahachie Community Development Corporation Board on November 9, 2021, and was approved unanimously.

Fiscal Impact: The proposed supplemental appropriation would not have a significant impact to the WCDC unrestricted reserve fund balance for the FY22 budget.

(6+7)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager *[Signature]*
Date: November 1, 2021
Re: ANX-DNX-178-2021 – The Oaks at Twin Creeks

On November 1, 2021, the applicant requested to continue case number ANX-DNX-178-2021 from the November 15, 2021 City Council meeting agenda to the December 20, 2021 City Council meeting agenda.

(8+9)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager *[Signature]*
Date: November 1, 2021
Re: ZDC-162-2021 – The Oaks at Twin Creeks

On November 1, 2021, the applicant requested to continue case number ZDC-162-2021 from the November 9, 2021 Planning and Zoning Commission meeting agenda and the November 15, 2021 City Council meeting agenda to the December 14, 2021 Planning and Zoning Commission meeting agenda, and the December 20, 2021 City Council meeting agenda.

(10+11)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager *[Signature]*
Date: November 1, 2021
Re: ZDC-105-2021 – Gibson Crossing

On November 1, 2021, the applicant requested to continue case number ZDC-105-2021 from the November 9, 2021 Planning and Zoning Commission meeting agenda and the November 15, 2021 City Council meeting agenda to the December 14, 2021 Planning and Zoning Commission meeting agenda, and the December 20, 2021 City Council meeting agenda.

(12413)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager *[Signature]*
Date: November 3, 2021
Re: ZDC-155-2021 – Wynne Jackson Industrial Development

On November 3, 2021, the applicant requested to continue case number ZDC-155-2021 from the November 9, 2021 Planning and Zoning Commission agenda and the November 15, 2021 City Council meeting agenda, and be placed on the December 14, 2021 Planning and Zoning Commission agenda and the December 20, 2021 City Council Agenda.

(14&15)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: November 10, 2021
Re: ZDC-146-2021 – Broadhead Road Mixed Use Development

On November 8, 2021, the applicant requested to continue case no. ZDC-146-2021 from the November 9, 2021 Planning and Zoning Commission agenda and the November 15, 2021 City Council meeting agenda to the November 23, 2021 Planning and Zoning Commission agenda and the December 6, 2021 City Council meeting agenda.

(16)

Planning & Zoning Department
Zoning Staff Report

Case: ZDC-157-2021



MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

City Council: November 15, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 9, 2021, the Commission voted 7-0 to recommend approval of zoning change ZDC-157-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Tarayn Dickerson, for a **Specific Use Permit (SUP)** for an **Accessory Dwelling** use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626)
- Owner: MICAH MUNCHRATH (ZDC-157-2021)

APPLICANT REQUEST

The applicant is requesting approval to construct a 288 sq. ft. accessory structure, to be used as a dwelling.

CASE INFORMATION

Applicant: Tarayn Dickerson
Property Owner(s): Micah Munchrath
Site Acreage: 0.353 acres
Current Zoning: Single Family-2 (SF-2)
Requested Zoning: Single Family-2 (SF-2) with a SUP for an Accessory Dwelling

SUBJECT PROPERTY

General Location: 1109 W Main Street
Parcel ID Number(s): 176626
Existing Use: A single family residence with a roughly 500 sq. ft. accessory dwelling currently exists on the site.
Development History: The property is platted as Lot 1A, Block 9 of the West End Revision

(116)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Home
East	SF-2	Single Family Home with an Accessory Garage
South	SF-2	Single Family Home
West	SF-2	Single Family Home

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 acres.

Thoroughfare Plan:

This property is accessible via W Main Street and Harding Street

Site Image:



PLANNING ANALYSIS

Purpose of Request

The applicant is requesting a Specific Use Permit to allow for the addition of a 288 sq. ft. accessory dwelling unit within a Single Family-2 zoning District. Located at 1109 W Main Street. According to the Ellis County Appraisal District, the primary structure on the property is 2,398 sq. ft., while the combined existing detached carport and accessory dwelling total 1,116 sq. ft.. Per the City of Waxahachie Zoning Ordinance, an accessory dwelling located in a Single Family-2 zoning district requires a SUP to be approved by City Council.

Proposed Use

The applicant is requesting approval to construct a 288 sq. ft. accessory structure, to be used as a dwelling. The accessory dwelling is proposed to be a 12 ft. x 24 ft. Ulrich prefabricated structure with an exterior comprised mostly of siding. During site visits, staff noticed there are other accessory structures in the surrounding neighborhood area with exterior siding, though none of these appear to be accessory dwellings. Finally, staff would like to note that the proposed location of the structure renders it entirely concealed from view from the Right-of-Way (ROW).

Staff has informed the applicant that should the SUP be approved, the proposed structure shall not be separately metered and thus the utilities must connect to the existing house.

(16)

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

PUBLIC NOTIFICATIONS

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
 2. The structure shall not, in any case, be leased or sold separately and shall not be separately metered.

ATTACHED EXHIBITS

1. SUP Ordinance for an Accessory Dwelling
2. Exhibit A – Location Map
3. Exhibit B – Site Plan
4. Exhibit C – Concept Plan
5. Exhibit D – Staff Report

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:
Zack King
Planner
zking@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Executive Director of Development Services
sbrooks@waxahachie.com

(17)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY DWELLING USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT, LOCATED 1109 W MAIN STREET, BEING PROPERTY ID 176626, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1A, BLOCK 9 IN THE WEST END REVISION 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-157-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit an Accessory Dwelling use on the following property: Lot 1A, Block 9 of the West End Revision subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, the Concept Plan attached as Exhibit C, and the Staff Report attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY DWELLING USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-157-2021.
2. The development shall adhere to the City Council approved Exhibit A – Location Map, Exhibit B- Site Plan, Exhibit C – Concept Plan, Exhibit D – Staff Report.
3. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
4. The structure shall not, in any case, be leased or sold separately and shall not be separately metered.
5. The accessory dwelling shall not exceed 288 sq. ft.
6. The applicant shall work with the City of Waxahachie Heritage Preservation Commission regarding the façade of the structure.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, if needed.

Compliance

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

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 15th day of November, 2021

(17)

MAYOR

ATTEST:

City Secretary

(17)




Exhibit A - Location Map



(17)

Exhibit B - Site Plan

Site Plan Exhibit ZDC-157-2021

-  Proposed Accessory Structure
-  Existing home & Accessory Structure
-  Property Line



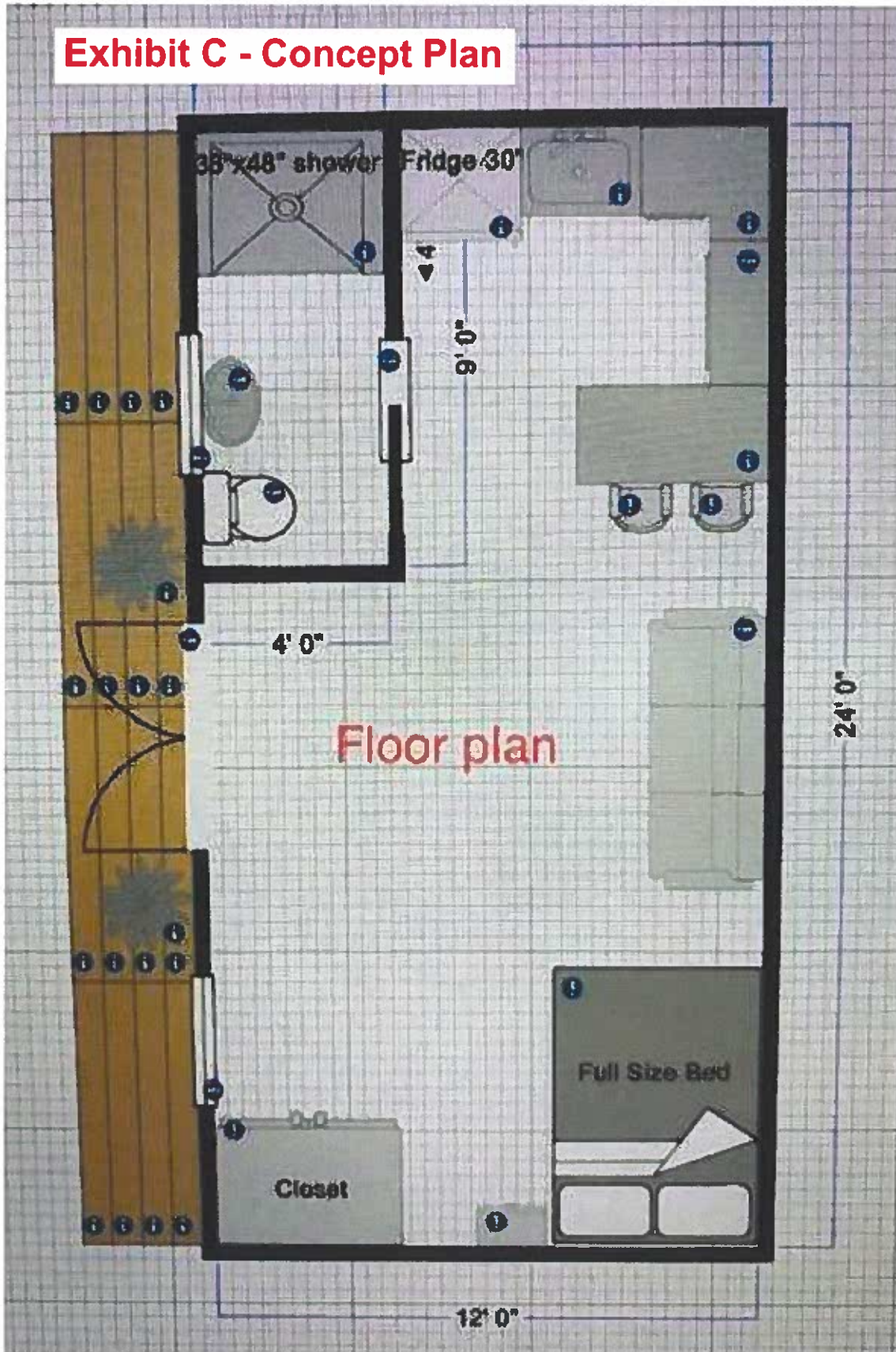
(17)

Exhibit C - Concept Plan



(17)

Exhibit C - Concept Plan



Planning & Zoning Department Zoning Staff Report

Case: ZDC-157-2021



MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

City Council: November 15, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 9, 2021, the Commission voted 7-0 to recommend approval of zoning change ZDC-157-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Tarayn Dickerson, for a **Specific Use Permit (SUP)** for an **Accessory Dwelling** use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626)
- Owner: MICAH MUNCHRATH (ZDC-157-2021)

APPLICANT REQUEST

The applicant is requesting approval to construct a 288 sq. ft. accessory structure, to be used as a dwelling.

CASE INFORMATION

Applicant: Tarayn Dickerson

Property Owner(s): Micah Munchrath

Site Acreage: 0.353 acres

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

Requested Zoning: Single Family-2 (SF-2) with a SUP for an Accessory Dwelling

SUBJECT PROPERTY

General Location: 1109 W Main Street

Parcel ID Number(s): 176626

Existing Use: A single family residence with a roughly 500 sq. ft. accessory dwelling currently exists on the site.

Development History: The property is platted as Lot 1A, Block 9 of the West End Revision

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Home
East	SF-2	Single Family Home with an Accessory Garage
South	SF-2	Single Family Home
West	SF-2	Single Family Home

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 acres.

Thoroughfare Plan:

This property is accessible via W Main Street and Harding Street

Site Image:



PLANNING ANALYSIS

Purpose of Request

The applicant is requesting a Specific Use Permit to allow for the addition of a 288 sq. ft. accessory dwelling unit within a Single Family-2 zoning District. Located at 1109 W Main Street. According to the Ellis County Appraisal District, the primary structure on the property is 2,398 sq. ft., while the combined existing detached carport and accessory dwelling total 1,116 sq. ft.. Per the City of Waxahachie Zoning Ordinance, an accessory dwelling located in a Single Family-2 zoning district requires a SUP to be approved by City Council.

Proposed Use

The applicant is requesting approval to construct a 288 sq. ft. accessory structure, to be used as a dwelling. The accessory dwelling is proposed to be a 12 ft. x 24 ft. Ulrich prefabricated structure with an exterior comprised mostly of siding. During site visits, staff noticed there are other accessory structures in the surrounding neighborhood area with exterior siding, though none of these appear to be accessory dwellings. Finally, staff would like to note that the proposed location of the structure renders it entirely concealed from view from the Right-of-Way (ROW).

Staff has informed the applicant that should the SUP be approved, the proposed structure shall not be separately metered and thus the utilities must connect to the existing house.

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

PUBLIC NOTIFICATIONS

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
 2. The structure shall not, in any case, be leased or sold separately and shall not be separately metered.

ATTACHED EXHIBITS

1. SUP Ordinance for an Accessory Dwelling
2. Exhibit A – Location Map
3. Exhibit B – Site Plan
4. Exhibit C – Concept Plan
5. Exhibit D – Staff Report

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:

Zack King

Planner

zking@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Executive Director of Development Services

sbrooks@waxahachie.com

(18)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-164-2021



MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

City Council: November 15, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 9, 2021, the Commission voted 7-0 to recommend denial of case number ZDC-164-2021.

CAPTION

Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

APPLICANT REQUEST

The applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop.

CASE INFORMATION

Applicant: Jonathan Cruz, HGO Tire Shop

Property Owner(s): Daystar Coaches & Tours Inc.

Site Acreage: 0.75 acres

Current Zoning: Future Development (FD)

Requested Zoning: Planned Development-Future Development

SUBJECT PROPERTY

General Location: 211 E. Sterrett Rd.

Parcel ID Number(s): 187131

Existing Use: Existing storage site for HGO Tires

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Single Family Residence/Office
East	FD	Undeveloped Land
South	FD	Single Family Residence
West	FD	Single Family Residence

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via E. Sterrett Rd.

Site Image:



PLANNING ANALYSIS

Purpose of Request

The applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop.

Site History:

It should be noted that the applicant is currently using the property for storage of additional tires for the HGO Tire Shop. Prior to HGO storing tires at the property, the subject property was owned and occupied by Daystar Coaches & Tours. Per the applicant, the owner agreed to lease the property to the applicant to allow storage on the site. HGO Tires has been using the property as storage since August 2020.

On September 8, 2021, staff received a complaint from a resident within the surrounding area stating that the site needed to be cleaned. Per the City of Waxahachie Code Enforcement Department, violations for Outside Storage (Tires), Junk Vehicles, and a Zoning Violation were identified and case #1932 was created.

Proposed Use

Due to limited space on the primary business property (3504 N Hwy 77), the applicant is requesting to use the subject property for storage and trailer parking. The site is proposed to primarily store utility trailers and overstock tires. The property will only be accessible to HGO employees during business hours 8AM to 8PM daily. All business transactions, tire work, and client relations will continue to be conducted at the primary business property. In addition, the applicant will keep up to 4 trailers and 7 employee vehicles at a time. The trailers will be kept on property overnight, and personal vehicles will be removed at the close of business. The existing barn structure on the property will be used to store the applicants overstock tires. To protect the trailers/vehicles and tires to be seen from public right-of-way, the applicant is proposing to screen the right side of property (where trailers will be located) with trees and shrubs. At the time of this report (11/10/2021), the applicant has not informed staff of the specific landscaping species that will be provided.

STAFF CONCERNS**Zoning Violation**

The subject property is currently zoned Future Development, which only allows for the use of residential. In addition, there is no primary use for the site. The use of storage is considered an accessory use. Per the City of Waxahachie Zoning Ordinance, an accessory use cannot occupy the property alone. An accessory use can only occupy as a secondary use on a property.

Code Enforcement/Neighbor Complaint

As mentioned in the "Site History" section of this staff report, staff has received neighbor complaints (via phone) for the proposed use. In addition, the Code Enforcement Department created a case due to continuous issues of Outside Storage (Tires), Junk Vehicles, and a Zoning Violation.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff has received six (6) letters of support for the proposed use.

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. Due to staff concerns, staff recommends denial for the proposed use.
 2. Note: If City Council votes to approve the requested use, staff suggests that the applicant meet the regulations of the Ordinance included in the agenda packet.
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Site Exhibit
5. City of Waxahachie Code Enforcement Response Letter
6. Code Enforcement Report Code

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Executive Director of Development Services

sbrooks@waxahachie.com

(18)

Proprietor	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
187039	PHOU HEK K	101 WILLOWBROOK DR	WAXAHACHIE	TX	75165
284071	BELL LOUIS W & KAJORN H	137 E STERRETT RD	WAXAHACHIE	TX	75165
294794	ELLIFF DONNA JOYCE	140 E STERRETT RD	WAXAHACHIE	TX	75165
185377	OTT ROOHE YE	206 E STERRETT RD	WAXAHACHIE	TX	75165
230024	WILSON DAVID C	3504 N HOLY FF	WAXAHACHIE	TX	75165
201844	BORDERS JOEY	3537 N HIGHWAY 77	WAXAHACHIE	TX	75165
239601	LA CARRETA MANAGEMENT CO LLC	5018 S I-35 E	WAXAHACHIE	TX	75165
239602	LA CARRETA MANAGEMENT CO LLC	5018 S I-35 E	WAXAHACHIE	TX	75165
239603	LA CARRETA MANAGEMENT CO LLC	5018 S I-35 E	WAXAHACHIE	TX	75165
239083	ALLEGANT INVESTMENTS C/D POLIIZ INC	PO BOX 1707	RED OAK	TX	75154



(18)

REVISED NOTICE

City of Waxahachie, Texas

Notice of Public Hearing

Case Number: **ZDC-164-2021**



MADRIGAL MARCO C
3504 N HWY 77
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**

City Reference: 239084

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 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:

Marco Madrigal
Signature

10/29/21
Date

Marco Madrigal
Printed Name and Title

Lot #2
Address

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

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



(18)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-164-2021

◇◇◇◇◇

DAYSTAR COACHES & TOURS INC
141 SEQUOIA CT
MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**

City Reference: 187131

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 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:

Paul R. Teeter Sec/TX
Signature

11/9/2021
Date

Paul R. Teeter, Sec/TX
Printed Name and Title

141 Sequoia
Address
MIDLOTHIAN, TX 76065

Daystar Coaches & Tours, Inc

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

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

(18)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-164-2021**



LA CARRETA MANAGEMENT CO LLC
5016 S I-35 E
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**

City Reference: 256602

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 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:


Signature

Eliverto owner
Printed Name and Title

11-8-21
Date

3545 N Highway 77 75165
Address

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

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



(18)

REVISED NOTICE
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-164-2021



LA CARRETA MANAGEMENT CO LLC
5016 S I-35 E
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**


City Reference: 256603

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 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:


Signature

11-8-21
Date

Printed Name and Title

214. E Sterrett Rd. 75165
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.



City of Waxahachie, Texas
 Notice of Public Hearing
 Case Number: ZDC-164-2021

LA CARRETA MANAGEMENT CO LLC
 5016 S I-35 E
 WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 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 Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development - Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021

City Reference: 256601

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, October 19, 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:

Eliverio Gonzalez

Signature

Eliverio Gonzalez

Printed Name and Title

11-9-21

Date

3545 N HIGHWAY 79 75165

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.

RE: hgo tire shop ON

(18)

imap://joeyssstoragewaxahachie%40gmail%2Ecom@imap.gmail..

Subject: RE: hgo tire shop ON

From: "Collins, Colby" <ccollins@waxahachie.com>

Date: 11/5/2021, 12:31 PM

To: Joeys Security Storage <joeyssstoragewaxahachie@gmail.com>, "Planning@waxahachie.com" <planning@waxahachie.com>

Received. Thank you!

Colby Collins
Planning Manager
City of Waxahachie
401 S. Rogers St., P.O. Box 757
Waxahachie, TX 75168
O: 469-309-4299
ccollins@waxahachie.com

-----Original Message-----

From: Joeys Security Storage <joeyssstoragewaxahachie@gmail.com>

Sent: Friday, November 5, 2021 10:20 AM

To: Planning@waxahachie.com

Subject: hgo tire shop ON

TO WHO IT MAY CONCERN, I am the owner of Joeys Security Storage. I have no opposition to the upcoming zoning for HGO tire shop on sterret rd. to have an extra building. I have no problem with it and would love for him to be able to build that. Thank you.





BUILDING & COMMUNITY SERVICES

MEMORANDUM

11/02/2021

To: Planning & Zoning Department

Re: 211 E. Sterrett Rd.

On 09/08/21 we received a complaint, from an area resident, of outside storage at 211 E. Sterrett Rd.

Violations for Outside Storage (Tires), Junk Vehicles, and a Zoning Violation were identified and case #1932 was created.

The number of tires at the location is quite large and about half of the tires are not stored inside a closed building or container. The location is not secured by a proper gate and fence and access to the public is in no way restricted. As such, the tires pose a significant fire/health hazard.

I recommend denial of any zoning change made to allow for the storage of any tires or vehicles at the location due to the above facts.

Yours truly,

Michael Carrillo

Senior Code Enforcement Officer
City of Waxahachie



City of Waxahachie, TX
Building & Community Services
Code Enforcement
Property Notice of Violation

(18)

Case Number: **CODE-001932-2021**

**Violation
Notice**

Case Type: **Code Enforcement**

Date Case Established: **09/08/2021**

Compliance Deadline: **10/03/2021**

Owner: DAYSTAR COACHES & TOURS INC

Mailing Address

DAYSTAR COACHES & TOURS INC
141 SEQUOIA CT
MIDLOTHIAN, TX 76065

Notice of Violation for the following location:

Address

Parcel

211 E STERRETT RD
WAXAHACHIE, TX 75165

187131

Violation: Sec. 15-32 (7) - Outside Storage

The outdoor storage of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours, unless such items are:

- a. Out of public view, behind a solid fence or wall of at least six (6) feet in height.
- b. Behind the main structure; or
- c. Not visible from a public thoroughfare and/or right-of-way.

Exemptions: This section shall not apply to construction material and/or equipment which is intended for use within thirty (30) days in construction or renovation on the premises or when there exists an active building permit on the premises.

Additionally this does apply to furniture made for outdoor use or landscape containers and objects, or children's play equipment.

Corrective Action: Please remove the all trash/debris and tires from the outside of the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

Compliance Date: 10/03/2021

Violation: Sec. 17-48 - Junked Vehicle

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

Corrective Action: Please remove the blue Dodge Ram (TX Lic. KVC1688, expired registration 06/21) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

Compliance Date: 10/03/2021

Violation: Sec. 17-48 - Junked Vehicle

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

Corrective Action: Please remove the tan Cadillac (TX Lic. R96VSJ, expired registration 07/04) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

Compliance Date: 10/03/2021

Violation: Sec. 4.02 (a) (i) - Zoning Use

No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

Corrective Action: This property is not zoned for tire storage and may not be used for such purposes. All tires must be removed within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

Compliance Date: 10/03/2021



City of Waxahachie, TX
Building & Community Services
Code Enforcement
Property Notice of Violation

Case Number: **CODE-001932-2021**

**Violation
Notice**

Case Type: **Code Enforcement**

Date Case Established: **09/08/2021**

Compliance Deadline: **10/03/2021**

Please correct each of the above violations within the indicated time frames. Each violation may be subject to a daily penalty. Failure to correct the above violation(s) will result in the City prosecuting you under the provisions of the ordinance, and/or correcting the conditions and billing you. **The Bill will include the cost to correct the condition, applicable sales tax and an administrative fee equal to the cost of cleanup. The administrative fee will not exceed one hundred dollars (\$100.00).** If unpaid, the City would then file a privileged lien against the property.

Sincerely,

Rance Taylor
Code Enforcement Officer

(18)



City of Waxahachie, TX
Building & Community Services
Code Enforcement
Property Notice of Violation

Case Number: **CODE-001932-2021**

**Violation
Notice**

Case Type: **Code Enforcement**

Date Case Established: **09/08/2021**

Compliance Deadline: **10/03/2021**

Violator: HGO Tire Shop

Mailing Address

HGO Tire Shop
3524 N US HIGHWAY 77
WAXAHACHIE, TX 75165

Notice of Violation for the following location:

Address

Parcel

211 E STERRETT RD
WAXAHACHIE, TX 75165

187131

Violation: Sec. 15-32 (7) - Outside Storage

The outdoor storage of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours, unless such items are:

- a. Out of public view, behind a solid fence or wall of at least six (6) feet in height.
- b. Behind the main structure; or
- c. Not visible from a public thoroughfare and/or right-of-way.

Exemptions: This section shall not apply to construction material and/or equipment which is intended for use within thirty (30) days in construction or renovation on the premises or when there exists an active building permit on the premises. Additionally this does apply to furniture made for outdoor use or landscape containers and objects, or children's play equipment.

Corrective Action: Please remove the all trash/debris and tires from the outside of the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

Compliance Date: 10/03/2021

Violation: Sec. 17-48 - Junked Vehicle

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

Corrective Action: Please remove the blue Dodge Ram (TX Lic. KVC1688, expired registration 06/21) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

Compliance Date: 10/03/2021

Violation: Sec. 17-48 - Junked Vehicle

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

Corrective Action: Please remove the tan Cadillac (TX Lic. R96VSJ, expired registration 07/04) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

Compliance Date: 10/03/2021

Violation: Sec. 4.02 (a) (i) - Zoning Use

No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

Corrective Action: This property is not zoned for tire storage and may not be used for such purposes. All tires must be removed within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

Compliance Date: 10/03/2021

(18)



City of Waxahachie, TX
Building & Community Services
Code Enforcement
Property Notice of Violation

Case Number: **CODE-001932-2021**

**Violation
Notice**

Case Type: **Code Enforcement**

Date Case Established: **09/08/2021**

Compliance Deadline: **10/03/2021**

Please correct each of the above violations within the indicated time frames. Each violation may be subject to a daily penalty. Failure to correct the above violation(s) will result in the City prosecuting you under the provisions of the ordinance, and/or correcting the conditions and billing you. **The Bill will include the cost to correct the condition, applicable sales tax and an administrative fee equal to the cost of cleanup. The administrative fee will not exceed one hundred dollars (\$100.00).** If unpaid, the City would then file a privileged lien against the property.

Sincerely,

Rance Taylor
Code Enforcement Officer



(18)

CODE CASE DETAILED REPORT CODE-001932-2021 FOR CITY OF WAXAHACHIE, TX

Case Type: Code Enforcement	Project:	Opened Date: 09/08/2021
Status: In Progress	District: Roadway Impact District 2	Closed Date: NOT CLOSED
Assigned To: Rance Taylor	Description: TIRES/MOSQUITOS	

Parcel: 187131	Main	Address: 211 E Sterrett Rd Waxahachie, TX 75165	Main
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Owner Daystar Coaches & Tours Inc 141 Sequoia Ct Midlothian, TX 76065	Violator Hgo Tire Shop Jonathan Cruz 211 E Sterrett Rd Waxahachie, TX 75165	Violator Hgo Tire Shop Jonathan Cruz 3524 N Us Highway 77 Waxahachie, TX 75165
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Note	Created By	Date and Time Created
1. I RECEIVED A CSS COMPLAINT REGARDING TIRES AND MOSQUITOS AT THE LOCATION.	Michael Carrillo	9/8/2021 9:15 am
2. I went to the location and observed an abundance of used tires, pile of trash/debris, two junk vehicles, and a trailer on an unimproved surface.	Rance Taylor	9/8/2021 3:25 pm
3. I went back to the location this morning and another trailer had been added to the lot.	Rance Taylor	9/9/2021 4:41 pm
4. A CO (CO-003036-2020) was filed for this location but was not approved. The CO was for tire and trailer storage.	Rance Taylor	9/9/2021 4:45 pm
5. Officer Lowe and I went to HGO Tire (who filed for the CO) to speak with them about the violations. They stated that they never heard back from the city after the initial CO application so they just began using the property for the purposes which were outlined. They also stated that they only rent part of the property, with the buses/coaches belonging to the actual property owner and the tires, trailers, vehicles, trash/debris being HGO Tire's.	Rance Taylor	9/11/2021 10:43 am
6. They asked if they could resubmit for the zoning change, which we let them know they could, but advised against. In the meantime, they were told to begin removing the tires, trash/debris, junk vehicles, and trailers from the property.	Rance Taylor	9/11/2021 10:46 am
7. Notice of Violation mailed to owner via certified mail.	Rance Taylor	9/23/2021 11:55 am
8. Notice of Violation mailed to violator via certified mail.	Rance Taylor	9/23/2021 11:55 am
9. I hand delivered a copy of the NOV to the business and explained the deadline being 03OCT2021.	Rance Taylor	9/23/2021 3:20 pm
10. Mr. Earl Teeter (owner of property/Daystar Coaches) contacted me about the notice. I explained that we've already been in communication with HGO Tires about the violations. He stated that the Cadillac actually belongs to his brother, not HGO Tires. I told him I'd update the deadline for that violation since he just received his copy of the NOV yesterday (30SEP2021).	Rance Taylor	10/1/2021 4:57 pm
11. I went to the location and observed that both junk vehicles have been removed, as well as almost all the outside storage except for a washer & dryer and one or two wheels. The main structure and walking ramp on the accessory structure are still being used to store tires.	Rance Taylor	10/4/2021 4:30 pm
12. There are no new applications/permits on file for this location.	Rance Taylor	10/4/2021 4:34 pm
13. Delivery receipt received for the owner, initialled (illegible) and dated 30SEP2021.	Rance Taylor	10/5/2021 3:18 pm
14. Delivery receipt received for the owner, initialled C19 and dated 29SEP2021.	Rance Taylor	10/6/2021 8:07 am

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CODE CASE DETAILED REPORT (CODE-001932-2021)

Violation Code: Sec. 4.02 (a) (i) **Violation Status:** In Violation **Citation Issue Date:** 09/23/2021
Code Description: Zoning Use **Compliance Date:** 10/03/2021
Resolved Date:
Corrective Action: This property is not zoned for tire storage and may not be used for such purposes. All tires must be removed within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

Violation Code: Sec. 17-48 **Violation Status:** Resolved **Citation Issue Date:** 09/11/2021
Code Description: Junked Vehicle **Compliance Date:** 10/03/2021
Resolved Date: 10/04/2021
Corrective Action: Please remove the blue Dodge Ram (TX Lic. KVC1688, expired registration 06/21) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

Violation Code: Sec. 17-48 **Violation Status:** Resolved **Citation Issue Date:** 09/11/2021
Code Description: Junked Vehicle **Compliance Date:** 10/11/2021
Resolved Date: 10/04/2021
Corrective Action: Please remove the tan Cadillac (TX Lic. R96VSJ, expired registration 07/04) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

Violation Code: Sec. 15-32 (7) **Violation Status:** In Violation **Citation Issue Date:** 09/11/2021
Code Description: Outside Storage **Compliance Date:** 10/03/2021
Resolved Date:
Corrective Action: Please remove the all trash/debris and tires from the outside of the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

(19)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-FUTURE DEVELOPMENT (PD-FD), TO ALLOW AN OUTDOOR STORAGE USE AND TRAILER PARKING USE, LOCATED AT 211 E. STERRETT RD. IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.75 ACRES KNOWN AS PROPERTY ID 187131, BEING ABSTRACT 655 OF THE J LAWRENCE SURVEY, 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, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-164-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change denial of the subject property from FD to PD-FD, with Concept Plan; 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 zoning amendment;

NOW, THEREFORE, this property is rezoned from FD to PD-FD, with Concept Plan in order to allow an Outside Storage use and Trailer Parking use on the following property: Property ID 187131, being known as Abstract 655 of the J Lawrence survey, which is shown on Exhibit A, and Site Layout Plan which is shown as Exhibit B.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to allow for an Outside Storage and Trailer and Truck Parking use, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to

(19)

the locations shown on the approved Site Layout Plan packet (Exhibits B).

Development Regulations

1. All proposed vehicles on the site shall be parked on a concrete surface.
2. The front of the property shall be screened with landscaping (trees and shrubs) to screen the storage and trailers from public use.
3. The property shall meet the regulations of Texas Commission on Environmental Quality (TCEQ), regarding tire storage.
4. The property shall only be accessible to HGO Tires employees from 8am-8pm.
5. All business transactions, tire work, and client relations shall be held at the primary business property (3504 N Hwy. 77).
6. All development within the Planned Development will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
7. A detailed Landscape Plan shall be reviewed administratively by the Planning Department prior to any building permits being issued.
8. If 50% or more of the existing storage structure is destroyed in any way, or if HGO Tires vacates the property, the property shall revert to the use of Future Development zoning.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 15th day of November, 2021.

MAYOR

ATTEST:

City Secretary

(19)



(19)



Exhibit B - Site Layout Plan

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Planning & Zoning Department

Zoning Staff Report

Case: ZDC-150-2021



MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

City Council: November 15, 2021 (continued from November 1, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 9, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-150-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a **Specific Use Permit (SUP)** for an **Outside Storage/Auto Repair, Major (Caliber Collision)** use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision.

CASE INFORMATION

Applicant: Sidney Stratton, Manhard Consulting

Property Owner(s): Ademm 1 Family Limited Partnership LTD

Site Acreage: 1.707 acres

Current Zoning: Light Industrial-1 (LI1)

Requested Zoning: LI1 with SUP for Outside Storage

SUBJECT PROPERTY

General Location: Located at the Southwest corner of Dart Way and Us Hwy 77

Parcel ID Number(s): 222752

Existing Use: Undeveloped

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Ann's Health Food Center & Market
East	N/A	US Hwy 77
South	C	Undeveloped
West	LI1	Warehouse

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Dart Way.

Site Image:



PLANNING ANALYSIS

Purpose of Request

The applicant is requesting approval of a Specific Use Permit to allow for Outside Storage to be included as part of a proposed Caliber Collision. Per the City of Waxahachie Zoning Ordinance, an Outdoor Storage use requires a Specific Use Permit.

Proposed Use

Caliber Collision intends to operate as an Auto Body Repair and Paint Shop. Per the operational plan provided to staff, the applicant is anticipating the proposed business will consist of the following:

- 12-15 employees
- 8-13 customers per day
- 2-3 drop offs, 2-3 pickups, and 2-3 estimates per day
- 7:00 AM – 6:00 PM (Proposed Hours of Operation Monday – Friday)

Table 2: Proposed Development Standards (Light Industrial-1)**Items highlighted in bold do not meet the City of Waxahachie requirements*

Standard	City of Waxahachie	Caliber Collision	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	74,505	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	30	30	Yes
Min. Rear Yard (Feet)	30	30	Yes
Max. Height	6 stories	1 story	Yes
Max. Lot Coverage (%)	40	22	Yes
Parking: Auto Repair, Major 1 space per 200 sq. feet	81 spaces	*75 spaces	No

**Per the City of Waxahachie Zoning Ordinance, Auto Repair (Major) requires 1 parking space for every 200 sq. ft. of building space (81 required spaces). Of the 75 spaces proposed by the applicant, 33 spaces will be used for Customer/Employee parking, and 42 spaces will be used for Outdoor Storage of cars for Caliber Collision. Though the applicant is requesting a variance, staff believes that 33 spaces would be sufficient to support customers and employee parking for the site.*

***Additional Note: Per the Elevation/Façade Concept Plan, the building is proposed to be constructed of stone, stucco and metal.*

Outside Storage:

The proposed use would be considered Auto Repair, Major per the City's Use Chart, and is allowable by right in LI1 zoning. However, the applicant is anticipating the need to store vehicles outdoors while awaiting repairs. Per the Site Plan, the vehicles awaiting repairs will be parked behind the building and will largely be concealed from view from US Hwy 77.

Landscape/Screening:

Per the landscape plan, the applicant is proposing to plant a combination of 4" caliper Cedar Elms and 2" caliper Chinese Pistache along the southern property boundary. The applicant is also proposing to plant 4" caliper Red Oaks and 2" caliper Chinese Pistache along the western property boundary and multi-trunk Eastern Redbuds along the eastern property boundary (facing US Hwy 77).

Ingress/Egress:

At staff's request, the applicant has moved their proposed ingress/egress to the subject property away from US Hwy 77. The applicant has now provided ingress/egress onto the subject site via Dart Way. The staff request to move the point of access from US Hwy 77 was made in anticipation of a future median that will be constructed on US Hwy 77 and will prevent northbound traffic from accessing the property. While Dart Way is considered a private drive/right-of-way (ROW), the applicant has presented staff with documentation allowing Caliber Collision to have access to Dart Way.

VARIANCE REQUEST

Parking

Per the City's Use Chart, the parking requirement for Auto Repair, Major is 1 space/200 sq. feet (81 spaces).

- The applicant is proposing 33 spaces for customer/employee parking. An additional 42 spaces (all double-stacked) will be used for storage.

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Street Trees (Dart Way)

Five (5) trees are required along Dart Way.

- The applicant is proposing three (3) trees along Dart Way.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.
 2. The applicant shall submit a detailed Elevation/Façade Plan to staff for administrative review.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Concept

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Executive Director of Development Services

sbrooks@waxahachie.com

(21)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTSIDE STORAGE/AUTO REPAIR, MAJOR (CALIBER COLLISION) USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF DART WAY AND US HWY 77, BEING PROPERTY ID 222752, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1-A A OF THE REVCO SUBDIVISION-REV, 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 LI1; 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-150-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 to LI1, with an SUP in order to permit an Outside Storage/Auto Repair, Major (Caliber Collision) use on the following property: Lot 1-A A of the Revco Subdivision-Rev, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, Elevation/Façade Concept Plan attached as Exhibit D, and the Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

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Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR AN OUTSIDE STORAGE/AUTO REPAIR, MAJOR USE IN THE LIGHT INDUSTRIAL-1 (LI1) DISTRICT**; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The site plan shall conform as approved by the City Council under case number ZDC-150-2021.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Concept Plan, and Exhibit E – Staff Report.
4. The applicant shall submit a detailed Elevation/Façade Plan to staff for administrative review.
5. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
6. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Concept Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.
7. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

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

(21)

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 15th day of November, 2021.

MAYOR

ATTEST:

City Secretary

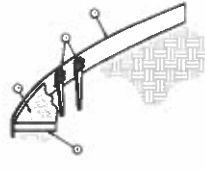
(18)



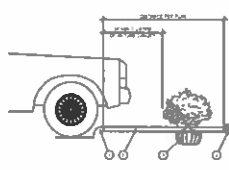
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PLANTING SPECIFICATIONS

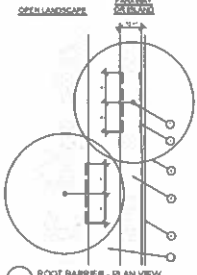
- [illegible]



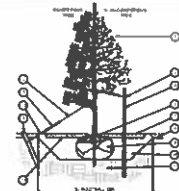
D STEEL EDGING
and soil fix



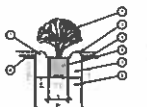
E PLANTING AT PARKING AREA



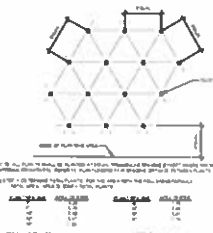
F ROOT BARRIER - PLAN VIEW



A TREE PLANTING



B SHRUB AND PERENNIAL PLANTING



C PLANT SPACING

Exhibit C - Landscape Plan

[illegible]

(21)



(21)

OPTION 1 REAR

- Added 2 raised parapets with stone to facade facing US-77
- Added false windows and eyebrow awnings over them
- Furred out walls at new parapets for depth change
- Added another stone raised parapet element to rear w/ false windows and awning
- Added screen wall



Exhibit D - Elevation/Facade Concept Plan

Exhibit E - Staff Report (21)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-150-2021



MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

City Council: November 15, 2021 (continued from November 1, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 9, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-150-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a **Specific Use Permit (SUP)** for an **Outside Storage/Auto Repair, Major (Caliber Collision)** use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision.

CASE INFORMATION

Applicant: Sidney Stratton, Manhard Consulting

Property Owner(s): Ademm 1 Family Limited Partnership LTD

Site Acreage: 1.707 acres

Current Zoning: Light Industrial-1 (LI1)

Requested Zoning: LI1 with SUP for Outside Storage

SUBJECT PROPERTY

General Location: Located at the Southwest corner of Dart Way and Us Hwy 77

Parcel ID Number(s): 222752

Existing Use: Undeveloped

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Ann's Health Food Center & Market
East	N/A	US Hwy 77
South	C	Undeveloped
West	LI1	Warehouse

Exhibit E - Staff Report⁽⁸¹⁾

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Dart Way.

Site Image:



PLANNING ANALYSIS

Purpose of Request

The applicant is requesting approval of a Specific Use Permit to allow for Outside Storage to be included as part of a proposed Caliber Collision. Per the City of Waxahachie Zoning Ordinance, an Outdoor Storage use requires a Specific Use Permit.

Proposed Use

Caliber Collision intends to operate as an Auto Body Repair and Paint Shop. Per the operational plan provided to staff, the applicant is anticipating the proposed business will consist of the following:

- 12-15 employees
- 8-13 customers per day
- 2-3 drop offs, 2-3 pickups, and 2-3 estimates per day
- 7:00 AM – 6:00 PM (Proposed Hours of Operation Monday – Friday)

Exhibit E - Staff Report⁽²¹⁾

Table 2: Proposed Development Standards (Light Industrial-1)

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

Standard	City of Waxahachie	Caliber Collision	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	74,505	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	30	30	Yes
Min. Rear Yard (Feet)	30	30	Yes
Max. Height	6 stories	1 story	Yes
Max. Lot Coverage (%)	40	22	Yes
Parking: Auto Repair, Major 1 space per 200 sq. feet	81 spaces	*75 spaces	No

**Per the City of Waxahachie Zoning Ordinance, Auto Repair (Major) requires 1 parking space for every 200 sq. ft. of building space (81 required spaces). Of the 75 spaces proposed by the applicant, 33 spaces will be used for Customer/Employee parking, and 42 spaces will be used for Outdoor Storage of cars for Caliber Collision. Though the applicant is requesting a variance, staff believes that 33 spaces would be sufficient to support customers and employee parking for the site.*

***Additional Note: Per the Elevation/Façade Concept Plan, the building is proposed to be constructed of stone, stucco and metal.*

Outside Storage:

The proposed use would be considered Auto Repair, Major per the City's Use Chart, and is allowable by right in LI1 zoning. However, the applicant is anticipating the need to store vehicles outdoors while awaiting repairs. Per the Site Plan, the vehicles awaiting repairs will be parked behind the building and will largely be concealed from view from US Hwy 77.

Landscape/Screening:

Per the landscape plan, the applicant is proposing to plant a combination of 4" caliper Cedar Elms and 2" caliper Chinese Pistache along the southern property boundary. The applicant is also proposing to plant 4" caliper Red Oaks and 2" caliper Chinese Pistache along the western property boundary and multi-trunk Eastern Redbuds along the eastern property boundary (facing US Hwy 77).

Ingress/Egress:

At staff's request, the applicant has moved their proposed ingress/egress to the subject property away from US Hwy 77. The applicant has now provided ingress/egress onto the subject site via Dart Way. The staff request to move the point of access from US Hwy 77 was made in anticipation of a future median that will be constructed on US Hwy 77 and will prevent northbound traffic from accessing the property. While Dart Way is considered a private drive/right-of-way (ROW), the applicant has presented staff with documentation allowing Caliber Collision to have access to Dart Way.

VARIANCE REQUEST

Parking

Per the City's Use Chart, the parking requirement for Auto Repair, Major is 1 space/200 sq. feet (81 spaces).

- The applicant is proposing 33 spaces for customer/employee parking. An additional 42 spaces (all double-stacked) will be used for storage.

Exhibit E - Staff Report⁽²¹⁾

Street Trees (Dart Way)

Five (5) trees are required along Dart Way.

- The applicant is proposing three (3) trees along Dart Way.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.
 2. The applicant shall submit a detailed Elevation/Façade Plan to staff for administrative review.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Concept

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Executive Director of Development Services

sbrooks@waxahachie.com

(28)

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR CALIBER COLLISION
COUNTY OF ELLIS §

This Development Agreement for Caliber Collision ("**Agreement**") is entered into between Caliber Collision ("**CC**") and the City of Waxahachie, Texas ("**City**"). CC and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. CALIBER is the owner of approximately 1.707 acres of real property generally located at the Southwest corner of Dart Way and Us Hwy 77, Parcel Number 222752, in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a change in the Property's Light Industrial-1 to Light Industrial-1 with Specific Use Permit ("**SUP**") zoning, revising specific development standards. The Property is currently zoned Light Industrial-1 by the City, and is anticipated to have the SUP reviewed on November 15, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Outside Storage/Auto Repair, Major (Caliber Collision). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing CC with agreed-upon and negotiated standards consistent with their business objectives.

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

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

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

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

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

(28)

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

The Developer agrees to:

- (A) The site plan shall conform as approved by the City Council under case number ZDC-150-2021.
- (B) The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Concept Plan, and Exhibit E – Staff Report.
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
- (D) The applicant, Caliber Collision, shall submit a detailed Elevation/Façade Plan to staff for administrative review.
- (E) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (F) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (G) Any zoning, land use requirement, or restriction not contained within this Development Agreement, Zoning Ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Concept Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.

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

(28)

Section 4. Miscellaneous

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

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

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

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

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

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

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

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

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

(28)

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

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

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

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity 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 contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

(25)

- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.
- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

(27)

{Signature Pages Follow}

(20)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(22)

: Caliber Collision (Developer)

By: _____

Date: _____

: ADEMM 1 Family Limited Partnership LTD (Owner)

By: _____

Date: _____

STATE OF TEXAS

§

§

COUNTY OF ELLIS

§

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____



Memorandum

To: City Council
From: Anita Simpson, Downtown Development Director
Thru: Michael Scott, City Manager
Date: November 8, 2021
Re: Consider Adoption of Proposed Ordinance for Historic Residential Design Guidelines

Item Description: Consider adopting a proposed ordinance for Historic Residential Design Guidelines directed to assist development and restoration for our historic neighborhoods.

Item Summary: In 2011 the Heritage Preservation Commission worked with consultants, Winter & Company, on design guidelines for the Downtown Overlay District. Those guidelines have proven to be a great tool for the Commission and stakeholders who have an interest in downtown properties.

The proliferation of "Do-It-Yourself" television programs and as evidenced by some of the properties that have been affected in our historic neighborhoods, it was clear that a similar tool was needed for our many residential historic properties and neighborhoods. The Heritage Preservation Commission employed, Winter & Company to develop a set of guidelines using three of the city's National Register Districts as the basis. Though the guidelines use these districts for examples and references, the guidelines are fully applicable and appropriate for any of Waxahachie's historic neighborhoods.

This design guideline document is not a regulatory document. It is a collection of guidelines that can be used for the proper maintenance, repair, and/or restoration of our historic building stock and for design of proper additions to properties or infill in historic neighborhoods.

Part of this project was funded through a Certified Local Government grant from the National Park Service, U.S. Department of the Interior, as administered by the Texas Historical Commission. The remainder was funded through the City of Waxahachie General Fund.

(23)
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS
ADOPTING RESIDENTIAL DESIGN GUIDELINES FOR HISTORIC PROPERTIES
AND NEIGHBORHOODS AND SETTING AN EFFECTIVE DATE.**

WHEREAS, Waxahachie is known for its concentration of historic buildings, even employing the name “Gingerbread City” on the official city seal and records; and

WHEREAS, Waxahachie City Council members and city management, past and present, have been unwavering in their support of preservation in our community by providing funding for projects and training, support of preservation initiatives, and adoption of ordinances that provide the necessary protection and incentives to make sure our historic resources are available for future generations to enjoy and by doing so they are ensuring that Waxahachie will continue to be “A Place in the Heart”; and

WHEREAS, preservation has long been a priority for our community and has contributed to the beauty and economic vitality of the City of Waxahachie; and

WHEREAS, the residential design guidelines are based on the Oldham Street, North Rogers Street, and West End National Register Districts but fully applicable and appropriate for use in any of Waxahachie’s historic neighborhoods; and

WHEREAS, the City Council of the City of Waxahachie finds it to be in the best interest of the citizens of Waxahachie to adopt the attached Residential Design Guidelines as a partner document to the Downtown Design Guidelines adopted by council in August of 2011;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF WAXAHACHIE, TEXAS that the “Waxahachie Residential Design Guidelines”, attached hereto as Exhibit “A”, is hereby passed and adopted as the residential design guidelines for historic neighborhoods in the City of Waxahachie.

PASSED, APPROVED, AND ADOPTED on this 15th day of November, 2021.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



Memorandum

To: City Council
From: Anita Simpson, Downtown Development Director
Thru: Michael Scott, City Manager
Date: November 8, 2021
Re: 2021 Farmers' Market Season Report

Item Description: Give an update on the 2021 "end of season" report for the Farmers' Market.

Item Summary: The Waxahachie Downtown Farmers' Market was started in 2003 on the courthouse square. This year marked the 19th year the Farmers' Market has been in operation, and the first year in the new location at 701 Howard Road.

The new location provided the opportunity for a larger number of vendors to participate. The additional space gave vendors more flexibility in their booth arrangements, which allowed for added activities to be offered at the market. The new locale also came with a large parking area to accommodate the customers, and facilitated access even when other activities were taking place downtown.

Participating vendor sales figures are reported and tracked weekly. Attached is the report for the 26 weeks of the 2021 market season for your consideration. One key figure to note, is that for the first time ever, the total gross sales exceeded \$250,000 for the season.

This year was a very successful season, and the City along with the vendors, and community look forward to next season!

(24)

Farmer's Market Weekly Totals
May 8 through October 30, 2021

5/8	\$18,531.00	42 vendors
5/15	\$15,611.00	44 vendors
5/22	\$13,624.08	39 vendors
5/29	\$12,601.10	37 vendors
6/5	\$12,529.37	41 vendors
6/12	\$ 8,970.07	36 vendors
6/19	\$10,264.92	35 vendors
6/26	\$10,076.13	41 vendors
7/3	\$ 9,320.20	36 vendors
7/10	\$ 9,760.98	37 vendors
7/17	\$11,377.92	38 vendors
7/24	\$11,563.83	38 vendors
7/31	\$10,737.09	33 vendors
8/7	\$10,223.48	36 vendors
8/14	\$ 9,128.82	33 vendors
8/21	\$ 8,823.17	29 vendors
8/28	\$10,254.70	33 vendors
9/4	\$ 7,921.38	31 vendors
9/11	\$ 8,829.15	28 vendors
9/18	\$ 4,879.43	28 vendors
9/25	\$ 7,597.32	27 vendors

(24)

10/2	\$ 6,794.55	25 vendors
10/9	\$ 7,228.35	24 vendors
10/16	\$ 6,714.34	23 vendors
10/23	\$ 3,864.00	14 vendors (Texas Country Reporter Festival)
10/30	\$10,125.98	25 vendors

26 weeks in season

2021 Season TOTAL	\$257,352.36*
--------------------------	----------------------

*This was the 19th year of the Farmers Market which started in 2003. This number represents the highest sales total ever reported for a season and an almost 42% increase over the previous best year. The previous sales record was \$181,322.51 in 2019.



Memorandum

To: Honorable Mayor and City Council

From: Wade G. Goolsby, Chief of Police

Thru: Michael Scott, City Manager

Date: October 29, 2021

Re: Golf Cart Ordinance

In the recent Council work session, the issue of golf carts and the legality of operating them on streets was discussed. The State law was reviewed and there were several points of the State law that were confusing to citizens and officers alike. However, in spite of there being statutes related to the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles, the statutes also gave municipalities the ability to adopt their own rules related to these vehicles.

In an effort to clarify and simplify the State statutes, there was a desire by Council to explore simplifying the rules, and legalizing the use of golf carts, neighborhood electric vehicles and off-highway vehicles with certain limitations. The proposed ordinance was drafted with those desires in mind.

The proposed ordinance would make the rules the same for golf carts, neighborhood electric vehicles and off-highway vehicles in order to simplify the rules. In essence, the proposed ordinance allows the following usage of the three types of vehicles:

Legalize the operation of the vehicles under the following conditions:

- The operator of the vehicle must hold a valid driver's license and carry evidence of financial responsibility (insurance) in accordance with Section 601.051 of the Texas Transportation Code.
- The driver and all occupants must be seated in a seat that was intended to hold a person.

(25)

- The vehicle must have the following equipment:
 - Headlamps;
 - Taillamps;
 - Reflectors;
 - Parking brake;
 - Mirrors;
 - Seat belts; and
 - A slow-moving vehicle emblem
- The vehicle may only be operated on a roadway with a posted speed limit no greater than 30mph
- The vehicle is prohibited on any roadway that has a posted speed limit in excess of 30mph or any roadway with a center stripe, regardless of the speed limit.

The proposed ordinance has been reviewed and approved by the City Attorney and has been reviewed by the City Manager.

(25)

CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 32, TRAFFIC, OF THE WAXAHACHIE CODE OF ORDINANCES BY ADDING A NEW ARTICLE XVII, OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS; REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC HIGHWAYS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, Section 551.4031 of the Texas Transportation Code authorizes the City Council of the City of Waxahachie, Texas ("City Council") to prohibit the operation of a golf cart on a highway if the municipality determines that the prohibition is necessary in the interest of safety. and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety, and general welfare to establish the following regulations for the operation of golf carts within the City.

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

SECTION 1. Findings Incorporated. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment to Chapter 32 (Traffic) of the Waxahachie Code of Ordinances. Chapter 32 (Traffic) of the Waxahachie Code of Ordinances is amended to add a new Article XVII to read as follows:

"ARTICLE XVII. OPERATION OF GOLF CARTS OR OFF HIGHWAY VEHICLES (OHV) ON PUBLIC STREETS"

Sec. 32-364. -Definitions.

The following words, terms, and phrases, when used in this Article, shall have the following meanings:

- (a) Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course.

- (b) Off Highway Vehicle means an all-terrain vehicle or recreational off-highway vehicle that is equipped with a seat or seats for the use of a rider, designed to propel itself with three or more tires in contact with the ground and designed by the manufacturer for off-highway use, but not designed by the manufacturer primarily for farming or lawn care and not more than 50 inches wide.
- (c) Neighborhood Electric Vehicle means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).
- (d) Operator means a person who drives or has physical control of a golf cart.
- (e) Public safety personnel means any employee or officer of a governmental law enforcement agency or fire department.
- (f) Public highway means a road, street, way, thoroughfare, or bridge:
 - (1) that is in this state;
 - (2) that is for the use of vehicles;
 - (3) that is not privately owned or controlled; and
 - (4) over which the state has legislative jurisdiction under its police power.

Sec. 32.365 Golf Carts, Neighborhood Electric Vehicles, Off-Highway Vehicles Permitted.

An operator may operate a golf cart, neighborhood electric vehicle or off-highway vehicle on all or part of a public highway that:

- (1) is in the corporate boundaries of the City; and
- (2) has a posted speed limit of not more than thirty (30) miles per hour.

Sec. 32.366 Golf Carts, Neighborhood Electric Vehicles, Off-Highway Vehicles Prohibited.

Golf Carts, Neighborhood Electric Vehicles, Off Highway Vehicles are prohibited on any roadway with a posted speed limit in excess of thirty (30) miles per hour or any roadway, regardless of the posted speed limit if the roadway has a center stripe.

Sec. 32.367 Operational Requirements.

- (a) A golf cart, neighborhood electric vehicle, or off-highway vehicle operated under this article must have the following equipment:
 - (1) headlamps;
 - (2) taillamps;
 - (3) reflectors;
 - (4) parking brake;
 - (5) mirrors;

(35)

- (6) seatbelts; and
 - (7) a slow-moving vehicle emblem.
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- (b) An operator of a golf cart must hold a valid driver's license and carry evidence of financial responsibility in accordance with Section 601.051 of the Texas Transportation Code, as amended.
 - (c) Golf carts, neighborhood electric vehicles, or off-highway vehicles must be operated with headlamps on at all times.
 - (d) An operator and all occupants of a golf cart, neighborhood electric vehicle, or off-highway vehicles must be seated in a seat intended to hold occupants while the golf cart is in motion. No occupant of a golf cart, neighborhood electric vehicle, or off-highway vehicle may stand or sit in the lap of another occupant while the golf cart is in motion.
 - (e) Golf carts, neighborhood electric vehicles, or off-highway vehicles must be operated during the daytime and may not be operated on a public roadway in the City after sunset or before sunrise.
 - (f) Golf carts, neighborhood electric vehicles, or off-highway vehicles may cross intersections, including a public highway that has a posted speed limit of more than thirty-five (35) miles per hour.
 - (g) Golf carts, neighborhood electric vehicles, or off-highway vehicles may not be operated in or on a public sidewalk, pedestrian walkway, playground, park, or other public recreational areas, not designated for motor vehicles.

Sec. 32.368 Public Safety Personnel.

Notwithstanding Section 12.803 of this Article, public safety personnel may operate a golf cart, neighborhood electric vehicle, or off-highway vehicle on any public highway within the City when the golf cart is being used in the performance of official duties.

Sec. 32.369 Penalty Provision.

Violations of this Article, as it exists or may be amended, shall be a misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation of this Article shall constitute a separate offense. The penalties imposed under this Article shall not preclude the City from filing suit to enjoin a violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 3. Savings/Repealing Clause. All ordinances of the City in conflict with the provisions of this Ordinance are hereby repealed to the extent they are in conflict.

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SECTION 4. Severability. Should any section, subsection, clause, or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full for force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, and phrases be declared unconstitutional and invalid.

SECTION 5. Effective Date. This Ordinance shall be effective from and after its passage and publication of its caption as required by law, and the City Secretary is hereby directed to implement such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS on this ____ day of _____, 2021.

APPROVED:

DOUG BARNES, MAYOR

ATTEST:

AMBER VILLARREAL, CITY SECRETARY