

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, June 6, 2022 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
Travis Smith, Council Member Place 5
Chris Wright, Council Member Place 3

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Public Comments:*** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***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 May 16, 2022
 - b. Minutes of the City Council briefing of May 16, 2022
 - c. Minutes of the City Council special meeting of May 24, 2022
 - d. Event application for Juneteenth Musical, Parade, & Celebration on June 17-18, 2022
 - e. Accept the FY 2021-2022 Impact Fee Revenue and Expenditure Mid-Year Report
 - f. Authorize supplemental appropriation funding the runoff election on June 18, 2022 in the amount of \$13,910
 - g. Resolution to suspend the effective date of a rate increase request by Oncor
 - h. Set City Council meeting for Tuesday, July 5, 2022
6. ***Present*** Proclamation proclaiming June 19, 2022 as Juneteenth Day
7. ***Present*** Proclamation proclaiming June 4, 2022-July 4, 2022 as Crape Myrtle Month
8. ***Public Hearing*** on a request by Chad Adams, Oak Hull Investments, for a Replat of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473 & 176474) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022)

9. **Consider** approval of SUB-28-2022
10. **Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)
11. **Consider** proposed Ordinance approving ZDC-45-2022
12. **Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)
13. **Consider** proposed Ordinance approving ZDC-42-2022
14. **Continue Public Hearing** on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022)
15. **Consider** approval of SUB-35-2022
16. **Consider** and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2022; directing the preparation of a preliminary official statement and related materials; and providing an effective date
17. **Consider** supplemental appropriation of \$15,222 to fund Cemetery gravestone repairs
18. **Consider** supplemental appropriation of \$29,900 to fund increase for Wastewater Administration Professional Services
19. **Consider** authorizing a professional services agreement for engineering services for the design of the Perry Avenue Water & Sewer Improvements
20. **Consider** authorizing a professional services agreement for engineering services for the design of the IH35E 18-inch water transmission main Lofland Road to Butcher Road
21. **Consider** bid award for additions to Water Distribution System-Marshall Road/Lofland Road 24” transmission main
22. Comments by Mayor, City Council, City Attorney and City Manager
23. 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
May 16, 2022

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, May 16, 2022 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
Travis Smith, Council Member Place 5
Chris Wright, Council Member Place 3

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

Pastor James Worley, Lighthouse Baptist Church, gave the invocation. Council Member Melissa Olson led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Alan Fox, 327 University, Waxahachie, Texas, congratulated David Hill for being elected to continue serving as Council Member Place 1. He expressed his thankfulness to the great citizens and Council Members with integrity. Mr. Fox thanked Council Member Melissa Olson for bringing truth to the Council and for representing the people in a dignified way. He also thanked Ms. Olson's family for their support and stated Waxahachie is proud of Council Member Olson.

5. Canvass and accept votes of City Council Election held on May 7, 2022

Mayor Barnes canvassed the election returns of the City Council Election held on Saturday, May 7, 2022 as follows:

Place 1	David Hill	1,799
Place 1	Darrin Robinson	570
Total Votes Cast:		2,369
Place 2	Doug Barnes	1,017
Place 2	Johnny Bryant	671

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City Council
May 16, 2022
Page 2

Place 2	Patrick Souter	726
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Total Votes Cast:		2,414
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Place 3	Chris Wright	1,383
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Place 3	Melissa Olson	1,089
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Total Votes Cast:		2,472
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Action:

Council Member Travis Smith moved to accept the election returns of the City Council General Election held on Saturday, May 7, 2022 as presented. Mayor Pro Tem Billie Wallace seconded, All Ayes.

Mayor Barnes presented flowers to Ms. Melissa Olson and thanked her for her service to Waxahachie.

Ms. Olson congratulated Chris Wright for his win of Place 3 and encouraged City Council to continue doing what is best for the citizens of Waxahachie.

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

City Secretary Amber Villarreal administered the Oaths of Office to David Hill, Council Member Place 1 and Chris Wright, Council Member Place 3.

7. Consent Agenda

- a. Minutes of the City Council meeting of May 2, 2022
- b. Minutes of the City Council briefing of May 2, 2022
- c. Minutes of the City Council special meeting of May 9, 2022
- d. Fourth of July parade route for the 24th Annual Grape Myrtle Festival
- e. Application for Seasonal Vendor Permit at Lake Waxahachie
- f. Event application for Summer Kick Off to be held May 28, 2022
- g. Event application for Freedom Church Movie Night to be held May 29, 2022
- h. Event application for Soldiers for Christ Gospel Event to be held July 2, 2022
- i. Supplemental appropriation from the General Fund for legal services in the amount of \$95,000
- j. Authorizing use of Park Dedication Fee funds for Lee Penn Pool & Bathhouse Project in the amount of \$108,137
- k. Receive Fiscal Year 2022 2nd Quarter Financial Report

Action:

Council Member Travis Smith moved to approve items a. through k. on the Consent Agenda as presented. Mayor Pro Tem Billie Wallace seconded, All Ayes.

(5a)

8. **Public Hearing on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue the Public Hearing to the June 6, 2022 City Council meeting.

9. **Consider approval of SUB-35-2022**

Action:

Mayor Pro Tem Billie Wallace moved to continue the public hearing on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022) to the June 6, 2022 City Council meeting. Mayor Doug Barnes seconded, All Ayes.

10. **Public Hearing and consider an Ordinance accepting and approving an updated Service And Assessment Plan and an Improvement Area #3 Assessment Roll for the North Grove Public Improvement District; making a finding of special benefit to the property in Improvement Area #3 of the District; levying special assessments against property within Improvement Area #3 of the District and establishing a lien on such property; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date**

Mayor Barnes opened the Public Hearing.

There being no others to speak, Mayor Barnes closed the Public Hearing.

ORDINANCE NO. 3326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE ACCEPTING AND APPROVING AN UPDATED SERVICE AND ASSESSMENT PLAN AND AN IMPROVEMENT AREA #3 ASSESSMENT ROLL FOR THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN IMPROVEMENT AREA #3 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN IMPROVEMENT AREA #3 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

(5A)

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3326. Council Member David Hill seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Chris Wright.

The motion carried.

11. **Consider an Ordinance authorizing the issuance of the “City of Waxahachie, Texas, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project)”;** approving and authorizing an indenture of trust, a bond purchase agreement, an official statement, a continuing disclosure agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date

Ms. Marti Shew, Hilltop Securities, explained approval of the proposed Ordinance is the final step in the bond issuance process for North Grove Public Improvement District Improvement Areas #2 and #3. She noted the Ordinance will approve levying the assessments for the repayment of the bonds.

ORDINANCE NO. 3327

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE “CITY OF WAXAHACHIE, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (NORTH GROVE PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREAS #2-3 PROJECT)”; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Chris Wright requested clarification on how property owners are notified that they are in a Public Improvement District. Ms. Shew explained there is a legal requirement for property owners to be informed during the purchase of the property and noted recent legislation now requires property owners to sign a disclosure notice prior to closing.

Council Member Travis Smith inquired about the importance to adopt the current bond rates and Ms. Shew explained with the volatility and pressure in the market, rates have increased. Ms. Shew noted it is in the best interest of the City to adopt now due to the anticipated rate increases expected.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3327. Council Member David Hill seconded, All Ayes.

12. **Consider proposed Ordinance ordering a Runoff Election for At-Large Council Member Place 2**

(5a)

City Secretary Amber Villarreal presented the proposed Ordinance ordering the runoff for At-Large Council Member Place 2 to be held June 18, 2022. She explained a supplemental appropriation will be forthcoming to cover the cost of the runoff.

ORDINANCE NO. 3328

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING THAT A RUNOFF ELECTION BE HELD ON SATURDAY, JUNE 18, 2022, FOR THE PURPOSE OF ELECTING AN AT-LARGE COUNCIL MEMBER FOR PLACE 2; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH THE ELLIS COUNTY ELECTIONS ADMINISTRATOR; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3328. Council Member Travis Smith seconded, All Ayes.

13. Consider Cardinal Road Self Storage Oversized Participation Agreement for 24-inch Water Line and utilization of Water Impact Fee Funds in the amount of \$129,812.61

David Bailey, Director of Utilities, requested approval of the Oversized Participation Agreement to provide for the extension of a 24-inch water line along Cardinal Road. He explained the water line will be installed along the northern right-of-way of Cardinal Road for approximately 310-linear feet.

Action:

Mayor Pro Tem Billie Wallace moved to approve the Cardinal Road Self Storage Oversized Participation Agreement in the amount of \$129,812.61. Council Member Travis Smith seconded, All Ayes.

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

City Secretary Amber Villarreal thanked Ms. Melissa Olson for her service to the City and support of staff. She welcomed new Council Member Chris Wright and congratulated Council Member David Hill for his re-election.

City Attorney Robert Brown thanked Ms. Olson for her service on City Council and for challenging him as a City Attorney.

Council Member David Hill noted he is proud of Ms. Olson and wished her well.

Mayor Pro Tem Billie Wallace echoed comments about Ms. Olson and noted she is proud to have served along side her. She welcomed Council Member Wright and congratulated Council Member Hill.

City Manager Michael Scott recognized Ms. Olson's service and noted she will be missed. Mr. Scott welcomed Council Member Wright and congratulated Council Member Hill. Mr. Scott

(5a)

announced there will be a beam signing on Wednesday, May 18th at 11 a.m. for the City Hall Annex.

Council Member Chris Wright thanked Ms. Olson for being gracious and helpful to him and noted he is following in the footsteps to continue Ms. Olson's lead on transparency. Council Member Wright requested City Council Briefings be streamed and the quarterly financial reports to be moved to the regular agenda. Mr. Wright thanked his wife, daughter, and son in-law for their support and encouragement during the election.

Council Member Travis Smith thanked Ms. Olson for her service to Waxahachie and her efforts to bring and improve transparency. He also thanked Ms. Olson's family for their support during her tenure.

Deputy City Manager Albert Lawrence congratulated David Hill and Chris Wright on their elections. He thanked Ms. Olson for her support of staff and for never abandoning her responsibilities as a Council Member.

Mayor Doug Barnes stated Ms. Olson is a true asset to the City Council and noted he hopes she continues to make suggestions and provide guidance for Waxahachie. He thanked Ms. Olson's family for their support. Mayor Barnes congratulated Chris Wright and David Hill on their election wins.

15. Adjourn

There being no further business, the meeting adjourned at 7:34 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5b)

City Council
May 16, 2022

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, May 16, 2022 at 6:30 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 agenda items:

- Item 5 and 6, canvassing and accepting the votes from the May 7, 2022 General Election followed by the City Secretary administering the Oaths of Office.
- Item 7d, approving Fourth of July Parade for the 24th Annual Crape Myrtle Festival. He explained staff is finalizing plans to move the lineup location due to current construction on College Street. He noted the parade will still continue on Main Street.
- Item 7e, approving event application for seasonal vendor permit at Lake Waxahachie to rent kayaks.
- Item 7f, approving event application for Summer Kick Off to be held May 28, 2022
- Item 7g, approving event application for Freedom Church Movie Night to be held May 29, 2022.
- Item 7h, approving event application for Soldiers for Christ Gospel event to be held July 2, 2022.
- Item 7i, supplemental appropriation from the General Fund for legal services in the amount of \$95,000 for increased legal services.
- Item 7j, authorizing the use of Park Dedication Fee funds for Lee Penn Pool and Bathhouse Project in the amount of \$108,137 due to increase in pricing for supplies and materials.
- Item 8, the applicant for SUB-35-2022 requested to continue the Public Hearing to the June 6, 2022 City Council meeting.
- Items 10 and 11, are the final steps to completing the North Grove Public Improvement District Areas #2 and #3.

(5b)

City Council
May 16, 2022
Page 2

Marti Shew, Hilltop Securities, explained the bonds will be paid through PID assessments in the designated areas. She provided an overview of final assessments noting the final bond pricing increased to 5.46% since the preliminary assessment was presented two weeks ago.

Council Member Melissa Olson asked for the process if assessments are not paid and City Attorney Robert Brown explained the City would then foreclose on the property. Council Member Olson asked how property owners are notified that they are in a Public Improvement District and Ms. Shew explained a legal disclosure is required during the closing process. Mr. Greg Schaecher, McCall Parkhurst, explained it is the obligation of the homebuilders to disclose to potential property owners they are purchasing in an approved Public Improvement District.

Mayor Pro Tem Billie Wallace requested written notification to potential property owners and Mr. Schaecher explained property owners are required to sign an acknowledgement during the closing process. He noted new legislation now requires property owners to sign prior to closing.

Finance Director Chad Tustison reviewed Item 7k, the Fiscal Year 2022 2nd quarter financial report, noting sales tax increased 17% compared to the same period of the prior year. He noted all funds are in line with budget for revenue and expenditures. Due to the current inflation trend, staff is continuously monitoring the sales tax numbers.

City Secretary Amber Villarreal, reviewed Item 12 noting the proposed Ordinance will order the runoff election for June 18, 2022 to elect At-Large Council Member Place 2. She explained a supplemental appropriation will be forthcoming to cover the cost of the runoff election.

David Bailey, Director of Utilities, reviewed Item 13 explaining approval of the Oversized Participation Agreement will provide for the extension of a 24-inch water line along Cardinal Road. He reported the water line will be installed along the northern right-of-way of Cardinal Road for approximately 310-linear feet.

3. Adjourn

There being no further business, the meeting adjourned at 6:56 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(50)

City Council
May 24, 2022

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Tuesday, May 24, 2022 at 11:00 a.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
Travis Smith, Council Member Place 5
Chris Wright, Council Member Place 3

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

City Manager Michael Scott gave the invocation.

3. Public Comments

Pat Souter, 700 W. Main, Waxahachie, Texas, expressed his concerns with improprieties amongst City Council due to certain social media posts that allude to unethical behavior by some members of Council.

4. Convene into Executive Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Associate Judge as permitted by Texas Government Code, Section 551.074

Mayor Barnes announced at 11:07 a.m. the City Council would convene into Executive Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Associate Judge as permitted by Texas Government Code, Section 551.074.

5. Reconvene and take any necessary action

The meeting reconvened at 12:18 p.m.

Action:

Mayor Pro Tem Billie Wallace moved to appoint Bill Scott as Associate Municipal Court Judge.

Council Member Travis Smith moved to amend the motion to add the term "Interim" to the Associate Municipal Court Judge. Mayor Pro Tem Wallace accepted the amendment to the motion. Council Member Chris Wright seconded, All Ayes.

(5C)

City Council
May 24, 2022
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6. Comments by Mayor, City Council, City Attorney and City Manager

Mayor Pro Tem Billie Wallace thanked Interim Municipal Court Judge Calla Ross for serving so there is no disruption in the Municipal Court. She also thanked Interim Municipal Court Associate Judge Bill Scott for his willingness to assist during this transition for the court.

7. Adjourn

There being no further business, the meeting adjourned at 12:20 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5d)



Application for a Festival or Event Permit

Event Name and Description: Juneteenth Musical, Parade, Celebration

Applicant Information

Name: Waxahachie Branch NAACP 6240

Address: P.O. Box 478

City, State, Zip: Waxahachie, TX 75168 Phone: (972) 937-2077

E-mail Address: naacp6240@att.net

Organization Information

Organization Name: Same

Address: _____

Authorized Head of Organization: Betty Square Coleman

Phone: (972) 937-2077

E-mail Address: naacp6240@att.net

Event Chairperson/Contact

Name: Same.

Address: _____

City, State, Zip: _____ Phone: _____

E-mail Address: _____

Event Information

Event Location/Address: Lee Penn Park

Purpose: Freedom Celebration

Event Start Date and Time: 8:00 a.m. - 4:00 p.m.

June 17, 18,

Event End Date and Time: Same.

(5d)

Approximate Number of Persons Attending Event Per Day: 1 - 1,000 (Maybe)

Site Preparation and Set-Up Date and Time: 06/18/2022 8:00 a.m. - 5:00 p.m.

Clean-Up Completion Date and Time: Same.

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

Juneteenth Musical, Parade, Celebration

Requested City Services: All. portable toilets (3), polycarts/extra trashcans

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

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

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

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

Will dumpsters be needed? Maybe.

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

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

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

Betty Square Coleman
Signature of Applicant

07/16/2021

Date

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



(5d)
WAXAHACHIE BRANCH NAACP #6240

P.O. Box 478

Waxahachie, TX 75168

(972) 937-2077 (Ph) *** (972) 937-3993 (Fax)

Email: naacp6240@att.net

<https://www.facebook.com/WaxahachieEllisCountyNAACP>

April 5, 2022

City of Waxahachie

Attn: City Council/City Manager/City Secretary

401 S. Rogers Street

Waxahachie, TX 75165

RE: JUNETEENTH IN THE PARK COMMUNITY CELEBRATION

Greetings All:

The Waxahachie Branch NAACP would like to cordially invite you to the **Annual Juneteenth In The Park Parade and Celebration**. This event is planned to take place on Saturday, June 18, 2022, at Lee Penn Park. The festivities will include a **Parade and Celebration In The Park**. The parade will begin at 11 a.m. There is no cost per entry.

FYI: Please note Planned Parade Route: The procession will begin at Lee Penn Park, 402 Getzendaner Avenue, Waxahachie, TX 75165. The procession will proceed North on Getzendaner Avenue to Peters Street. The procession will then turn left on Peters Street and proceed west to Wyatt Street and then turn left, going South on Wyatt Street to MLK Boulevard. The procession will then turn right onto MLK Boulevard and proceed West on MLK Boulevard to Clift Street. The procession will then turn left on Clift Street and proceed South to East Jefferson Street. The procession will then turn left on East Jefferson Street and continue East to Getzendaner Avenue. The procession will then turn left onto Getzendaner Avenue and proceed North back to Lee Penn Park.

A Program and Dedication will be presented following the Parade. There will be food, fun and fellowship for all. The Parade and Celebration is open to the **Ellis County Community** and anyone else wishing to celebrate this **Historic Event that was made a Holiday honoring Freedom!!!** We look forward to everyone's participation, especially from our Churches, City, County, Elected Officials, schools, businesses and organizations in the Waxahachie/Ellis County area.

Register/Information please contact: Waxahachie Branch NAACP at (972) 937-2077

Email: naacp6240@att.net or <https://www.facebook.com/WaxahachieEllisCountyNAACP>.

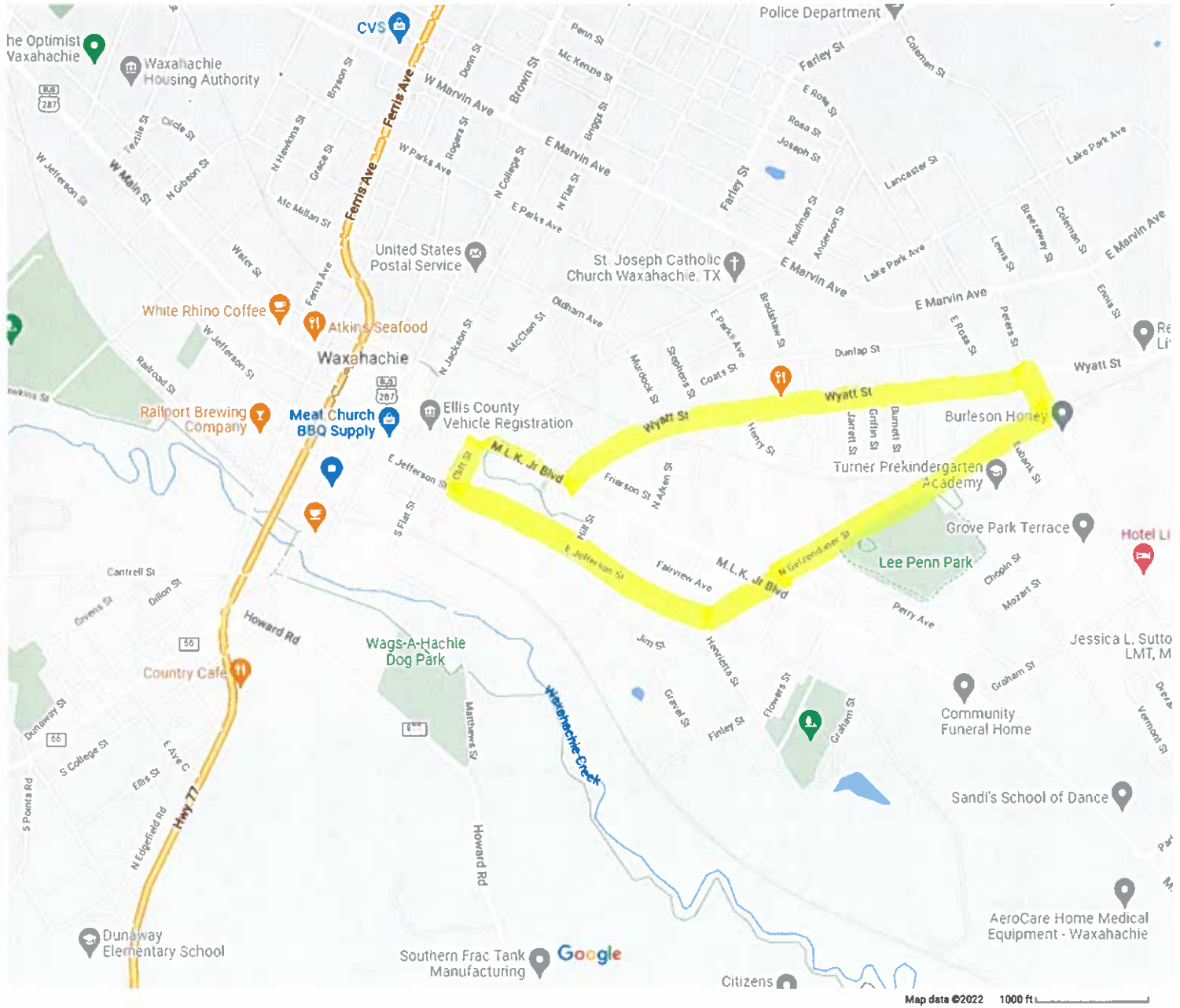
Thank you and we look forward to seeing you there.

Sincerely,

Betty Square Coleman, President

***Contributions or gifts to this NAACP Unit are generally not tax deductible.

(5d)



(5d)

Bonner, Jami

From: Bonner, Jami
Sent: Tuesday, May 17, 2022 2:29 PM
To: Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Ricky Boyd; Wade Goolsby; Griffith, Thomas; Gaertner, James; Brooks, Shon; Mosley, Laurie; Me'Lony Jordan; Massey, Matt
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: Event Application - Juneteenth Musical, Parade, Celebration
Attachments: EA2022.06.1718 Juneteenth Musical Parade Celebration.pdf

For your review / comments.

- Applicant stated food will be prepared offsite and delivered to event location (Penn Park) to be distributed for free
- The applicant is requesting June 17 & 18 for event dates.
 - o Friday, June 17th (evening) - blues music in the park.
 - o Saturday, June 18th (8:00 am – 5:00 pm) - parade, food, park activities.

Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

(5d)

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, May 17, 2022 3:41 PM
To: Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Ricky Boyd; Griffith, Thomas; Gaertner, James; Brooks, Shon; Mosley, Laurie; Me'Lony Jordan; Massey, Matt
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Juneteenth Musical, Parade, Celebration

I don't have any issues with it.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
469-309-4411

H.E.A.R.T

Honor Ethics Accountability Respect Transparency

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, May 17, 2022 2:29 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Juneteenth Musical, Parade, Celebration

For your review / comments.

- Applicant stated food will be prepared offsite and delivered to event location (Penn Park) to be distributed for free
- The applicant is requesting June 17 & 18 for event dates.
 - o Friday, June 17th (evening) - blues music in the park.
 - o Saturday, June 18th (8:00 am – 5:00 pm) - parade, food, park activities.

Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

(5d)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, May 17, 2022 3:46 PM
To: Bonner, Jami
Subject: RE: Event Application - Juneteenth Musical, Parade, Celebration

I have no issues with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami [mailto:jami.bonner@waxahachie.com]
Sent: Tuesday, May 17, 2022 2:29 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosey@waxahachiecvb.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Juneteenth Musical, Parade, Celebration

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

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(5d)

Bonner, Jami

From: Me'Lony Jordan
Sent: Tuesday, May 17, 2022 3:56 PM
To: Bonner, Jami
Subject: RE: Event Application - Juneteenth Musical, Parade, Celebration

Food permit required for ALL food even prepared off-site. This is to ensure the food is being prepared in a kitchen inspected by a State or local health official.



Me'Lony Jordan
Health Inspector/CCO
Office: (469) 309-4134
Mobile: (972) 740-6724

From: Bonner, Jami
Sent: Tuesday, May 17, 2022 2:29 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Juneteenth Musical, Parade, Celebration

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(5d)

Bonner, Jami

From: Martinez, Gumaro
Sent: Tuesday, May 17, 2022 4:30 PM
To: Bonner, Jami; Barnes, Bradley; Campos, Yadira; Ricky Boyd; Wade Goolsbey; Griffith, Thomas; Gaertner, James; Brooks, Shon; Mosley, Laurie; Me'Lony Jordan; Massey, Matt
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Juneteenth Musical, Parade, Celebration

I don't have any concerns regarding the activities within the park.

Gumaro Martinez
City of Waxahachie
Executive Director of Parks & Leisure Services
401 S. Elm
Waxahachie, TX 75165
469.309.4271 direct
214.903.3676 cell
gmartinez@waxahachie.com

From: Bonner, Jami
Sent: Tuesday, May 17, 2022 2:29 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Juneteenth Musical, Parade, Celebration

For your review / comments.

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Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

(5d)

Bonner, Jami

From: Gaertner, James
Sent: Tuesday, May 17, 2022 4:53 PM
To: Wade Goolsby; Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Ricky Boyd; Griffith, Thomas; Brooks, Shon; Mosley, Laurie; Me'Lony Jordan; Massey, Matt
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Juneteenth Musical, Parade, Celebration

Ignore this email. I have no comments.

James G.

From: Gaertner, James <>
Sent: Tuesday, May 17, 2022 3:43 PM
To: Wade Goolsby <wgoalsby@waxahachiepd.org>; Bonner, Jami <jami.bonner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Juneteenth Musical, Parade, Celebration

Based on having food trucks, we need to close the portion of College Street along the Railyard. Please coordinate this with Matt (included).



James Gaertner, PE, CFM
Director of Public Works & Engineering
401 S. Rogers St.
Waxahachie, TX 75165
Office: 469-309-4301
jgaertner@waxahachie.com

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Tuesday, May 17, 2022 3:41 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice

(5e)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director Planning

Thru: Michael Scott, City Manager

Date: May 24, 2022

Re: FY 2021-2022 Impact Fee Revenue and Expenditure Activity Mid-Year Report

In November 4, 2021, city staff presented the FY 2020-2021 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee (IFCIAC). The activity summary detailed impact fee revenue and expenditures from October 1, 2020 to September 30, 2021. This item was initially scheduled for IFCIAC action on April 26, 2022, there was no action taken due to a lack of a IFCIAC quorum.

The following report entails the Impact Fee revenue and expenditure activity summary for the first half of the 2021-2022 fiscal year, which includes data from October 1, 2021 to March 31, 2022. 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, 2021 to March 31, 2022, with a brief explanation of the associated expenditures from each project.

(56)

Water Impact Fees

Fiscal Year	FY 21 - 22 (Through 03/31/2022)
Beginning Balance	\$6,109,203.05
Revenues	\$ 925,096.83
Expenses	\$ 174,770.21
Ending Balance	\$ 6,859,529.67

Water Impact Fee Expenditure Summary FY 21-22 (Mid-Year)

Below is a brief summary of the projects which have been funded, or partially funded through the use of water impact fees during the first half of FY 21-22 budget year:

- **BNSF Railroad 18" Water Transmission Line Project Phase 1 and Phase 2 (Engineering Design Only):**

This project is replacing 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 are funded with impact fees.

Distribution Line: Lofland 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. The design phase of this project is being fully funded with impact fees. Approximately \$1.65 million of FY2020 Bonds and \$2.198 million of Water Impact Fees are anticipated to be used for Construction. This project has been delayed due to negotiations over water utility easements and right-of-way purchases with one of the property owners. \$100,740 of Water Impact Fees have been used to fund easement acquisitions. This project was advertised for bids on April 20th and 27th, 2022, with bid opening on May 12, 2022. Staff intends to carry to City Council on June 6,

(5e)

2022, for award. Once bid opening occurs, staff will have a better idea on the full amount of Water Impact Fees utilized for construction.

Howard Road WTP High Service Pump No.5 – This project includes the engineering design, bid specification preparation, and construction support services of a new pump and motor configuration. This is similar to the existing pumps and motors and new electrical motor control center and appurtenances to provide for additional treated water pumping capacity into the water distribution system to meet current and future demands from the Howard Road Water Treatment Plant. This project is in the City's Current Capital Improvement Plan to be fully funded with impact fees. The total project budget is \$718,128 with \$163,738 of impact fee funds spent to date.

Dove Hollow – City Council approved in March of 2022, City participation in the oversizing of approximately 1610 linear feet of 12" water line to 16" water line in the Dove Hollow development Phase I.

- 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 2021-2022, water impact fees are scheduled to contribute \$99,000 toward the City's water debt service.

Anticipated FY 22-23 (Second Half) Water Impact Fee Expenditures

Oversized Water Participation Projects – Staff has discussed with several developments participating in oversized water lines (Sun Belt Rental 16" - \$219,500 estimate, Cardinal Road 24" - \$130,000, and Saddle Brook Estates Phase III 16" - \$130,000 estimate). Staff anticipates bringing these projects to City Council for approval during the next reporting phase.

City of Waxahachie Fire Station No. 4 (Offsite 12" water line engineering) \$15,000
– Engineering fees will be reimbursed to the Fire Department after completion.

Water Distribution System Master Plan Update \$75,000 estimate – During the next reporting phase, staff plans to bring to City Council a Water Distribution Master Plan Update proposal. The current master plan was adopted in FY2016 and with the anticipated / current growth the City is experiencing, as well as recent legislative changes to annexation laws which have a direct impact on our (CCN) service area, staff believe an update is warranted.

(5e)

Sewer Impact Fees

Fiscal Year	FY 21-22 (Through 03/31/2022)
Beginning Balance	\$6,505,703.57
Revenues	\$ 962,081.17
Expenses	\$778,002.45
Ending Balance	\$ 6,689,782.29

Sewer Impact Fee Expenditure Summary FY 21-22 (Mid-Year)

Below is a brief summary of the projects which have been funded, or partially funded through the use of sewer impact fees during the first half of FY 21-22 budget year:

- Waste Water Treatment Plant Improvements 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 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 was on track for completion in August of 2021. A change order of approximately \$5.373 million (Jefferson Lift Station) was approved by City Council on April 4, 2022. While funding for this change order utilizes mostly Local Coronavirus Relief Funding, it also includes a total of \$984,931 of wastewater impact fee funds. The new construction completion date is anticipated to be March 1, 2023.
- 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 2021-2022, waste water impact fees are scheduled to contribute \$1,227,640 toward the City's waste water debt service.

Anticipated FY 21-22 (Second Half) Sewer Impact Fee Expenditures

Oversized Wastewater Line Participation Project \$75,000 - Staff anticipates entering into a developer agreement with the developer of the Pine Meadows Phase II development. The City will oversize an existing 12" sewer line with a 15" sewer line.

Wastewater Collection Master Plan Update \$75,000 - During the next reporting phase, staff plans to bring to City Council a Wastewater Collection System Master

(56)

Plan Update proposal. The current master plan was adopted in FY2016 and with the anticipated / current growth the City is experiencing, as well as recent legislative changes to annexation laws which have a direct impact on our (CCN) service area, staff believe an update is warranted.

Wastewater Treatment Plant Master Plan Update \$150,000 - During the next reporting phase, staff plans to bring to City Council a Wastewater Treatment Plant Master Plan Update proposal. The current master plan was adopted in FY2017 and with the anticipated / current growth the City is experiencing, as well as recent legislative changes to annexation laws which have a direct impact on our (CCN) service area, staff believe an update is warranted.

Current Roadway Impact Fees FY 21-22 (Mid-Year)

Below is a table illustrating the revenues and expenditures for roadway impact fees from September 30, 2021 to March 31, 2022:

Service Area	FY 2022 Start (9/30/2021)	Revenues	Expense	March 2022 End (03/31/2022) <i>*total amounts in this column includes Interest Allocation</i>
Service Area 1	\$977,414.37	----	----	\$977,676.99
Service Area 2	\$2,498,782.54	\$731,609.87	----	\$3,291,997.12
Service Area 3	\$651,078.74	\$37,371.42	----	\$688,637.25
Service Area 4	\$2,033,276.55	\$105,741.52	----	\$2,139,599.37
Service Area 5	\$2,136,445.46	\$250,089.71	----	\$2,387,699.07
Service Area 6	\$1,829,636.40	\$50,710.16	----	\$1,881,263.60
Service Area 7	\$1,123,576.79	\$474,501.30	----	\$1,598,860.47
Interest	----	\$6,320.64	----	----
Total	\$11,250,213.85	\$1,716,344.62	----	\$12,966,558.47

Roadway Expenditure Summary FY 21-22 (Mid-Year)

Below is a brief summary of the projects which have been funded, or partially funded through the use of roadway impact fees during the first half of FY 21-22 budget year:

(5e)

- Roadway Impact Fee Update: State law requires that a professional engineer update and/or prepare a municipality's Capital Improvement Plan and calculate the corresponding impact fees. In FY20-21, the City has contracted with the engineering firm Freese and Nichols for \$62,750 to review land use assumptions, and update the City's roadway Capital Improvement Plan and to recalculate the associated impact fees based upon the update. This update will be 100% funded through Impact Fees. Each service area will remit payment for their proportionate share of the analysis, based on the amount of improvements identified within the specific service areas. Work on this project was completed and approved by the IFCIAC, the Planning and Zoning Commission (P&Z), and the City Council in January 2021. As of March 31, 2021, a total of \$88,000 has been equally expensed from all seven Service Areas for associated expenses. *This figure isn't shown in the above graph due to all associated work being completed and charged by September 30, 2021 (FY20-21), while the final process was approved in January of 2022 (FY21-22).*

Anticipated FY 22-23 (Second Half) Roadway Impact Fee Expenditures

Potential future projects for Roadways include:

- **Left turn lane of North Gate onto Highway 77 Service Area 4-** Anticipated to start Engineering, October 2022 and begin construction June 2023.
- **Concept Plan for Farley Street Service Area 4** – Anticipate start concept plan May 2022 from Richmond to Hwy 287. The concept plan will determine the phasing limits of this road we can fund.
- **Concept Plan for Broadhead Road Service Area 5** – Anticipate start concept plan June 2022 from April Lane to North of Youngblood. The concept plan will determine the phasing limits of this road we can fund.
- **Marshall Road Service Area 1** – Purchase Right of Way from I35 to Patrick Road (\$580,422). These expenditures have been paid as of April 26, 2022, and will be reflected in the Second half expense IFCIAC report in the Fall.
- **Dove Hollow – Vista Way Water Main Phase I Reimbursement Area 2** – Roadway impact fee reimbursement of \$331,095 for Vista Way is association with Dove Hollow Phase I subdivision. These expenditures are also anticipated to be noted as paid in the Second half expense IFCIAC report in the Fall.

(5e)

Next Steps

Upon receiving acceptance of this report by the Impact Fee Advisory Committee, staff will provide it 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. Staff intends to provide its next Impact report to the Advisory Committee in the Fall of 2022, covering revenues and expenses for the entire FY22-23 budget year.



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: June 6, 2022

Re: Consider Supplemental Appropriation for run-off election to be held
June 18, 2022

Item Description: Consider authorizing Supplemental Appropriation funding the run-off election on June 18, 2022.

Item Summary: As a comparison, the cost to the City for the May 7, 2022 General Election was \$6,450.00. For the runoff election, we share the cost with only one other jurisdiction, therefore the costs burden to the City increases significantly.

This request is for a Supplemental Appropriation in the amount of \$13,910.00 to 100-110-53111 (Election) to fund the runoff election to be held June 18, 2022 for City Council At-Large Place 2.



Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: June 6, 2022

Re: Consider Resolution to Suspend the Effective Date of a Rate Increase Request by Oncor

Item Description: Consider resolution to suspend the effective date of Oncor's request to increase its distribution rates within the City; authorizing participation with the Oncor Cities Steering Committee; and authorizing the hiring of legal counsel and consulting services.

Item Summary: Oncor has submitted a request to the Public Utility Commission (PUC) to amend its Distribution Cost Recovery Factor which would ultimately increase their distribution revenue by approximately \$251,000,000. This would equate to approximately a \$6.02 increase to the average residential customers' monthly bill. The resolution suspends the effective date of Oncor's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Oncor Cities Steering Committee (OCSC), to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. Staff recommends adopting a resolution suspending this request.

The City of Waxahachie has retained jurisdiction to regulate utility rates and is an active member on the OCSC. The OCSC is a large group of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the PUC and the courts. In the past, the OCSC, with assistance from legal firms and consultants, have been very successful in

(59)

negotiating terms of utility rate increase that were significantly lower than originally requested by Oncor. This success has been instrumental in saving money for our residents and businesses.

Fiscal Impact: The City of Waxahachie is already a member of the OCSC and there will be no additional cost associated with hiring of legal services or consultants to conduct the rate negotiations on behalf of the OCSC. All expenses associated with this rate must be reimbursed by Oncor. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.

(59)

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF WAXAHACHIE
SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF
ONCOR ELECTRIC DELIVERY COMPANY'S
REQUESTED RATE CHANGE TO PERMIT THE CITY
TIME TO STUDY THE REQUEST AND TO ESTABLISH
REASONABLE RATES; APPROVING COOPERATION
WITH THE STEERING COMMITTEE OF CITIES SERVED
BY ONCOR TO HIRE LEGAL AND CONSULTING
SERVICES AND TO NEGOTIATE WITH THE COMPANY
AND DIRECT ANY NECESSARY LITIGATION AND
APPEALS; FINDING THAT THE MEETING AT WHICH
THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC
AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS
RESOLUTION TO THE COMPANY AND LEGAL
COUNSEL FOR THE STEERING COMMITTEE**

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Waxahachie a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and

WHEREAS, the City of Waxahachie is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

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

1. That the June 17, 2022 effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

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2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 6th day of June _____, 2022.

Mayor, City of Waxahachie

ATTEST:

City Secretary

(u)

PROCLAMATION

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves free and paving the way for the passing of the 13th Amendment which formally abolished slavery in the United States of America; and

WHEREAS, more than two years would pass before news reached African Americans living in Texas, when on June 19, 1865, Major General Gordon Granger led his regiment into Galveston, Texas, and read to the people General Order Number 3, *“The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor.”*; and

WHEREAS, Texans began the celebration of Juneteenth in 1866, with community events such as parades, picnics, family gatherings, musical performances and historical cultural readings to commemorate African American freedom and emphasizing education and achievement; and

WHEREAS, Juneteenth became an official Texas state holiday on January 1, 1980 and a federal holiday on June 17, 2021; and

WHEREAS, Juneteenth celebrations have grown across the United States signifying acknowledgement of history and the celebration of achievements and contributions African Americans have made, and continue to make, in Texas and across our Nation.

NOW, THEREFORE, be it resolved that I, Doug Barnes, Mayor of Waxahachie, along with the entire City Council do hereby proclaim June 19, 2022 as

“JUNETEENTH”

and call upon the people of Waxahachie and Texas to join their fellow citizens across the United States in recognizing and participating in this special observance.

Proclaimed this 6th day of June 2022.

MAYOR

ATTEST:

CITY SECRETARY

(7)

PROCLAMATION

WHEREAS, the 75th Texas State Legislature in House Concurrent Resolution #14 named the City of Waxahachie "THE CRAPE MYRTLE CAPITAL OF TEXAS"; and

WHEREAS, this Resolution was passed in 1997, after the Crape Myrtle Council spent many hours in Austin proving their case for this designation; and

WHEREAS, Representative Jim Pitts and Senator Jane Nelson were leaders in the Legislature in this endeavor; and

WHEREAS, the Crape Myrtle Council, the Chamber of Commerce, the Convention and Visitors Bureau, and local businesses have sponsored a Crape Myrtle Festival in July every year since 1998 with an orchestra or band at the Waxahachie Sports Complex, and a fireworks display; and

WHEREAS, a parade has been held on July 4th every year since 1998 through downtown Waxahachie to honor our country and the crape myrtle tree which is beautiful and in full bloom at this time of year, as well as honoring the Crape Myrtle Queen who represents the Crape Myrtle City; and

WHEREAS, it is important to continue showing our City's support for the title we so proudly carry as the Crape Myrtle Capital of Texas;

NOW THEREFORE, I, Mayor Doug Barnes, along with the entire City Council, do hereby proclaim Saturday, June 4, 2022 through Monday, July 4, 2022 as

"CRAPE MYRTLE MONTH"

in the City of Waxahachie.

Proclaimed this 6th day of June 2022.

MAYOR


ATTEST:

CITY SECRETARY

(849)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Senior Director of Planning
Thru: Michael Scott, City Manager 
Date: May 13, 2022
Re: SUB-28-2022 University Annex Addition Replat

On May 12, 2022, the applicant requested to continue case no. SUB-28-2022, University Annex Addition Replat from the May 24, 2022, Planning and Zoning Commission agenda and the June 6, 2022, City Council meeting agenda to the June 28, 2022, Planning and Zoning Commission agenda and the July 5, 2022, City Council meeting agenda.

(10 & 11)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: May 27, 2022

Re: ZDC-45-2022- Cowboy Church – Electronic Message Sign

On May 24, 2022, the applicant requested to continue case no. ZDC-45-2022, - Cowboy Church – Electronic Message Sign from the May 24, 2022, Planning and Zoning Commission meeting agenda and the June 6, 2022, City Council meeting agenda to the June 14, 2022 Planning and Zoning Commission meeting agenda and the June 20, 2022 City Council meeting agenda.

(18)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-42-2022



MEETING DATE(S)

Planning & Zoning Commission: May 24, 2022

City Council: June 6, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 24, 2022, the Commission voted 4-1 to recommend approval of case number ZDC-42-2022, per the requirements outlined in Section 5.08 of the Waxahachie Zoning Ordinance for Electronic Message Signs.

CAPTION

Public Hearing on a request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

APPLICANT REQUEST

The applicant is requesting to relocate an existing ground monument sign 100ft. south of the existing location. The applicant is requesting to add a 16 square foot (2 ft. x 8 ft.) electronic message sign to the design of the new sign at First United Methodist Church (505 W. Marvin Ave.).

CASE HISTORY

In October of 2021, staff received a Specific Use Permit (SUP) application (ZDC-161-2021) from the First United Methodist Church for an electronic message sign similar to the one proposed with this request. During the review of this application, staff received a total of eleven (11) letters of opposition and one (1) letter of support for the request. Staff conveyed the concerns outlined by citizens in the letters of opposition to the applicant. The applicant was also informed that staff would recommend denial for the proposed SUP. Prior to the Planning & Zoning Commission hearing for this case, the applicant chose to withdraw the application.

CASE INFORMATION

Applicant: Chris Reeves, Quickway Signs

Property Owner(s): First United Methodist

Site Acreage: 4.226 acres

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

Requested Zoning: Single Family-2 (SF-2) with a Specific Use Permit (SUP) for an Electronic Message Sign

(12)

SUBJECT PROPERTY

General Location: 505 W. Marvin

Parcel ID Number(s): 219714

Existing Use: First United Methodist Church

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2 & MF1	Single Family Residences/ Marvin Place Apartments
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	SF2	Single Family Residences

Future Land Use Plan: Low Density Residential

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

Thoroughfare Plan: The subject property is accessible via Bryson St. and W. Marvin Ave.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to relocate an existing ground monument sign 100ft. south of the existing location, and install a new monument sign with an electronic message component at First United Methodist Church (505 W. Marvin Ave.). Per the City of Waxahachie Zoning Ordinance, Electronic Message Signs require a Specific Use Permit (SUP) to be approved by City Council.

Proposed Use:

The applicant is requesting approval of a Specific Use Permit (SUP) to install an 80 sq. ft. ground monument sign with a 16 sq. ft. electronic message board component. The sign is proposed to be relocated approximately 100 feet southeast of the existing location along W. Marvin Ave. The sign is proposed to consist of the same façade (brick and granite) as the existing sign. Per the City of Waxahachie Zoning Ordinance, electronic message signs shall meet the following stipulations listed in Table 2 below.

Table 2: Sign Regulation Chart

Items highlighted in **bold are not consistent with the City of Waxahachie Zoning Ordinance*

Electronic Messaging Sign (City of Waxahachie)	First United Methodist Church
Signage shall not be located within the public right-of-way.	The sign is <u>not</u> located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic message sign shall not display or be used for off-site advertising.
Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the signs come with an automatic sensor that reduces the brightness of the sign at night.
Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts	The proposed sign will only feature static content. The sign will not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.	The sign shall not be illuminated between the hours of 8pm – 8am.
A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.	A maximum of 20% of the sign will be used as a changeable sign copy (electronic message board).
Max. Size= 80 sq. ft.	Proposed Size= 80 sq. ft.
Max. Height= 8 ft.	Proposed Height= 8 ft. tall
Setback= 15 ft. from public ROW	Proposed sign will be setback a minimum of 15 ft. from the public right-of-way.

(12)

STAFF CONCERNS

Character of the District

Due to First United Methodist Church being located in an area with multiple historic structures, staff has concerns that approving the proposed electronic message sign could affect the character of the area. In addition, staff has received several letters of opposition from surrounding neighbors regarding the potential negative effect of the proposed sign on the character of West Marvin Avenue.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 29 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

Inside 200 ft. Notification Buffer: Staff has received thirteen (13) letters of opposition and two (2) letters of support for the proposed use. (Note: Two (2) of the opposition letters were provided by the same property owner.)

Outside 200 ft. Notification Buffer: Staff has received three (3) letters of opposition and six (6) letters of support for the proposed use.

Staff Note: A total of forty-one (41) percent of the property owners within two hundred (200) feet of the proposed Specific Use Permit (SUP) have submitted letters of opposition.

Per Section 2.04 (h)(v)(1) of the Waxahachie Zoning Ordinance, a favorable vote of three-fourths ($\frac{3}{4}$) of all members, which equates to four (4) of the five (5) members, of the City Council shall be required to approve any change in zoning when written objections of twenty (20) percent or more property owners within two hundred (200) feet of the proposed change are submitted to the City Secretary in accordance with the provisions of Section 211.006 of the Local Government Code of the State of Texas.

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 the City Council motions to approve the proposed use:
 - a. A favorable vote of three-fourths ($\frac{3}{4}$) of all members, which equates to four (4) of the five (5) members, of the City Council is also required due to the submission of letters of opposition by a total of forty-one (41) percent of the property owners within two hundred (200) feet of the proposed Specific Use Permit. (Sec. 2.04, City of Waxahachie Zoning Ordinance)
3. Note: If the City Council chooses to approve the proposed use, staff suggests that the following conditions be added to the motion for approval.
 - a. The sign shall not be internally illuminated between the hours of 8pm – 8am.
 - b. The sign shall be setback a minimum of 15 feet from the public right-of-way.
 - c. The electronic message sign shall not display or be used for off-site advertising.
 - d. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.

(12)

- e. The proposed sign shall only feature static content. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. PON Response Exhibit
3. Ordinance
4. Location Map (Exhibit A)
5. Site Layout Plan (Exhibit B)
6. Sign Rendering (Exhibit C)

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:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(12)



John C. Wray
Partner

jcwray@elliscountylaw.com

May 10, 2022

Via Email: zking@waxahachie.com

City of Waxahachie
Planning Department
P.O. Box 757
Waxahachie TX 75168

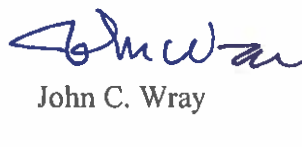
RE: CASE #ZDC-42-2022; Sign Request – First United Methodist Church

Dear Members of the Planning & Zoning Commission and City Council:

As the owner of the property located at 510 West Marvin (Marvin Place Apartments), which is directly across the street from First United Methodist Church, I am writing to express my strong support for the sign application FUMC has submitted to the City of Waxahachie. I respectfully request that you approve this request such that FUMC may proceed with installation of the sign. In my opinion, the sign will not disrupt the character of the surrounding neighborhood, nor will it disturb neighboring residents. It will be a tasteful monument sign utilizing the latest technology, thereby reducing its impact on surrounding properties. Moreover, the sign will play a vital role in furthering FUMC's ministry in Waxahachie. As a neighboring property owner, the installation of the sign has my full support.

I welcome any inquiries you may have, so please contact me if you care to discuss this matter further. Thank you for your consideration of my letter.

Sincerely,



John C. Wray

(12)

From: January Moore
Sent: Friday, May 20, 2022 10:02 AM
To: King, Zack
Subject: P&Z Meeting for FUMC Electronic sign

Zack King
City of Waxahachie
Planning Dept.

RE: CASE# ZDC-42-2022

Mr. King,

My name is January Moore and I serve as the Lay Leader for the First United Methodist Church (FUMC) of Waxahachie located at 505 W. Marvin in Waxahachie. As representative of the congregation of the church I can say with all confidence that the congregation supports the lighted sign as proposed by the Trustees and Administrative Council of our church.

We are extremely vigilant to the concerns of the neighborhood of a lighted sign for the church on Marvin and want the Planning and Zoning Commission to know that every effort has been applied to create a blending and inoffensive lighted sign. We serve many missions within this community. We feel that it is important to the growth of these missions to be able to promote, tastefully; and to make motorists and pedestrians aware of our availability to them.

Our sign will be very attractive and we will abide by the guidelines set for signage by the city. I thank you for your time and ask that the P&Z allow FUMC Waxahachie the same consideration it has provided other churches and schools in the immediate vicinity

Respectfully,
January Moore
Lay Leader, FUMC Waxahachie

(12)

From:
Sent: Friday, May 13, 2022 11:22 AM
To: Planning@waxahachie.com
Subject: Case Number ZDC-42-2022
Attachments: Original letter of Opposition to FUMC Electronic Sign.pdf

Good morning. My name is Elizabeth Getzendaner Cunliffe and my husband, John and I reside at 415 West Marvin Avenue, directly across from the First United Methodist Church. It has come to our attention that the Church and Quickway Signs have applied for another Specific Use Permit (SUP) for an Electronic Message Sign for installation within a Single Family-2 zoning district located at 505 West Marvin Avenue. My husband and I opposed the original application for a SUP in November 2021 and I have attached our original email dated November 2, 2021 for reference.

We are opposed to this Electronic Sign for multiple reasons: 1) this is a residential street not a commercial one, 2) it will set a negative precedence for our residential street, 3) it will be an eyesore for those driving down our residential street after so much money was spent to improve and enhance Marvin Avenue and 4) FUMC has a social media presence and can provide worship times, special events, etc. on its social media.

The Avenue Church doesn't feel the need to have an Electronic Message Sign on 77 and they are located off the road and have a very large congregation. The First United Methodist Church is located on a residential street, has been for decades and has done just fine. If they need a sign so badly perhaps they could install one on Ferris Avenue along with all the other commercial signs that are eyesores and cheapen the look and feel of Waxahachie. Marvin Avenue is a residential street with many older and historical homes which add to the charm and beauty of Waxahachie. Our home was built in 1906. We feel the installation of an Electronic Message Sign would not be in keeping with this residential neighborhood.

It is for these many reasons that my husband and I cannot and do not support the granting of a Specific Use Permit that would allow the First United Methodist Church to install an Electronic Message Sign next door to our home.

I hope the Planning and Zoning Committee and the City Council will take this opposition into consideration when discussing Case Number ZDC-42-2022.

Respectfully,
Elizabeth and John Cunliffe



(12)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-42-2022

MARSHALL WHITNEY R & RICHARD
608 W MARVIN AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

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-42-2022

City Reference: 174091

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on May 17, 2022 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:

W Marshall
Signature

WHITNEY MARSHALL
Printed Name and Title

5-7-2022
Date

608 W. MARVIN AVE
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.

(12)

May 9, 2022

To the members of the Planning and Zoning Commission of the City of Waxahachie:

While both a member of FUMC Waxahachie and a homeowner I am pulled in both directions, but ultimately I am writing in **opposition** to the proposed addition of a LED sign to FUMC Waxahachie.

The type of sign being proposed is in no way appropriate for a historical, residential neighborhood. I find it is my family's responsibility to help preserve the historic character of our property and we hold the rest of the home owners and business owners, including our church, to this standard. Such a sign would take away from the efforts of the neighborhood to honor the architectural past of our community and lower the standard, allowing other businesses to follow suit.

FUMC Wax. belongs to a charming neighborhood with the magical ability to transport you back in time. In this day and age that is a beautiful thing, especially for a mother like myself raising 2 small children. We moved to this area 2.5 years ago specifically for that quaint feel. An LED sign not only kills the magic, but takes away from the beautiful architectural moments that FUMC contributes.

Another large concern is safety. I currently cross the cross walk, by the church on Marvin Ave., with both of my small children to take them to pre-school at FUMC Wax. and again on Sundays to attend church there. We are constantly having problems with drivers not stopping and not even noticing the pedestrian light flashing. The last thing our family wants is to add a sign that would contribute to distracted drivers and endanger us and more importantly, our children.

While an LED sign might be an obvious path to get FUMC Wax.'s messages and events out, I think it lacks creative problem solving. As someone with 10+ years experience in visual communication, 7 of those years spent as a communications staff member at one of the most prominent Methodist churches in North Texas, it is my professional opinion that this LED sign is not necessary. I believe other solutions should be explored to achieve FUMC Wax.'s goals that will also maintain the integrity of the historic district and not endanger the neighborhood children trying to attend preschool and church services there.

I hope that this request will be **denied**.

Thank you,
The Marshall Family
Richard, Whitney, Magnolia (2), Ophelia (7mo.)
608 W. Marvin Ave.
Waxahachie, TX 75165
214.662.5394



(12)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-42-2022

ORTEGA MARIA E MD
603 W MARVIN AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

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-42-2022

City Reference:

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *May 17, 2022* 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:

S. Clements
Signature
Sara Clements
Printed Name and Title

5/9/22
Date
514 W. Marvin
Address
Waxahachie

RECEIVED MAY 16 2022

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-42-2022

HILL WILLIAM D & MICKIE
607 W MARVIN AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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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.

Return by May 17

Case Number: ZDC-42-2022

City Reference: 171941

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** 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:

An electronic message sign would be a distraction to drivers and could cause accidents especially with an elementary school

Mickie Hill

Signature

May 11, 2022

Date

MICKIE HILL

Printed Name and Title

607 WEST MARVIN

Address

AVENUE

**close by. An electronic sign would historic also detract from the beauty of our Avenue WAXAHACHIE, TX 75165 and the impressive Methodist Church.*

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

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

RECEIVED MAY 16 2022

Case Number: ZDC-42-2022

City Reference: 173317

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** 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:

Waxahachie is a historic city. Marvin is a historic street
lets keep it that way NO BIG SIGNS

[Signature]

Signature

5.11.22

Date

RATE MORRIS

Printed Name and Title

501 W GIBSON ST

Address

RECEIVED MAY 13 2022

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)



(18)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-42-2022



ORTEGA MARIA E MD
603 W MARVIN AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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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-42-2022

City Reference: 171940

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** 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:

W. Marvin has heavy pedestrian traffic from Wilkerson Elementary School. An electronic message sign would distract drivers and pose a danger to children.

Signature

Date

MARIA E. ORTEGA
Printed Name and Title

5/9/2022
603 W. Marvin Ave
Address

RECEIVED MAY 16 2022

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-42-2022**

MONTEJANO JACQUELINE E & MIKULA RUDY
412 W MARVIN AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

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-42-2022**

City Reference: 176935

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

I would appreciate additional information regarding this request.

Signature

Printed Name and Title

JACQUELINE MONTEJANO

Date

Address

5-17-22

412 W. MARVIN AVE, WAXAHACHIE TX 75165

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(18)
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-42-2022

ORTEGA MARIA E MD
603 W MARVIN AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-42-2022

City Reference:

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☐ SUPPORT

☒ OPPOSE

Comments:

Susan Parker
Signature

Susan Parker
Printed Name and Title

5/9/2022
Date

615 W. Parks Ave.
Address

RECEIVED MAY 16 2022

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

Case Number: **ZDC-42-2022**

City Reference: 173324

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☐ SUPPORT

☒ OPPOSE

Comments:

COULD CAUSE DISTRACTED DRIVERS AND
H. SOL A BAD PRECEDENT FOR A RESIDENTIAL
NEIGHBORHOOD.

Ernest F. Barker
Signature

5/10/22
Date

ERNEST F. BARKER
Printed Name and Title

615 W. Parks Ave
Address

RECEIVED MAY 1 2 2022

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(17)
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-42-2022

ORTEGA MARIA E MD
603 W MARVIN AVE
WAXAHACHIE, TX 75165

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Case Number: ZDC-42-2022

City Reference:

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☐ SUPPORT

☒ OPPOSE

Comments:

This is predominantly a residential area not
a business district.

William I Brown

Signature

William I Brown

Printed Name and Title

9 May 2022

Date

503 W. Parks Ave

Address

173329

RECEIVED MAY 16 2022

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(12)
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-42-2022

ORTEGA MARIA E MD
603 W MARVIN AVE
WAXAHACHIE, TX 75165

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Case Number: ZDC-42-2022

City Reference:

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☐ SUPPORT

☒ OPPOSE

Comments:

Signature

BOBBIE FINCHER
TERRY FINCHER

Printed Name and Title

5/9/2022

Date

610 W. Parks

Address

RECEIVED MAY 16 2022

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Venissat, Michelle

(18)
ZDC-42-2022

RECEIVED MAY 17 2022

From:
Sent: Tuesday, May 17, 2022 4:34 PM
To: Planning@waxahachie.com
Subject: First United Methodist Church Proposed LED sign

To whom it may concern,

I am formally sharing opposition to the First United Methodist Church's proposed LED sign. I live at 414 W Marvin Ave, which is adjacent to the front of the church. I appreciate the value the church brings to my community, my family has attended many events at the church.

I believe an LED sign will take away from the historical character of our neighborhood that we try hard to preserve. My family and I enjoy sitting on our front porch and this activity has brought a sense of community with our neighbors that is sometimes lost into today's society. A sign of this nature would distract during the evening hours and the current scene we enjoy will be compromised.

I understand the church wants to communicate events with the community, however in today's world it seems an online presence would be of greater value.

Thank for your time and service.

Sincerely,
Brandy Mayo
469-285-9476
414 W Marvin Ave

(12)

RECEIVED MAY 23 2022

Venissat, Michelle

From: King, Zack
Sent: Monday, May 23, 2022 11:25 AM
To: Venissat, Michelle
Subject: FW: CASE #ZDC-42-2022

Hi Michelle,

We received another PON for this case. Can you process it when you get a chance? (I confirmed the receipt already.)

Thanks,
Zack King
Planner
City of Waxahachie
O: 469-309-4294
zking@waxahachie.com

From: Tina Cair.
Sent: Monday, May 23, 2022 11:21 AM
To: King, Zack <zking@waxahachie.com>; Kevin Tully <kevin@fumcwaxahachie.org>; Judy Demoney
Subject: Re: CASE #ZDC-42-2022

CASE #ZDC-42-2022

To the Honorable Members of the Waxahachie City Council and Planning and Zoning Commission,

As you are aware, the First United Methodist Church of Waxahachie is seeking approval for a proposed digital marquee to be located along the property fronting Marvin Avenue. As a church trustee board member, I am writing in request of your support of the sign project.

Exciting times are going on in our church and we are hoping to spread God's message to the community of Waxahachie through a beautiful stone graphic sign! We would love to share the events and happenings of our church and welcome new families into our congregation. An aesthetically pleasing sign would be a great addition to our efforts and would help us in our ministry to serve this purpose and our community of Waxahachie.

Your support would be greatly appreciated.

Respectfully,
Tina Cain
First Methodist Church of Waxahachie
Board of Trustees

Sent from my iPhone

(18)

From:
Sent: Wednesday, May 18, 2022 2:56 PM
To: King, Zack
Cc: mikefenton@aol.com; Noel Nalls
Subject: FW: Case#ZDC-42-2022

From: Noel Nalls
Sent: Wednesday, May 18, 2022 2:37 PM
To:
Subject: Case#ZDC-42-2022

Dear Mr.King

As a property owner of 610 West Marvin please let this email serve as our support for the new Electronic sign for the First United Methodist Church to help reach people in our community to feel invited and informed about all activities going on at FUMC.

Sincerely,

Noel and Anjie Nalls

God Bless!!!

(12)

RECEIVED MAY 23 2022

Venissat, Michelle

From: King, Zack
Sent: Monday, May 23, 2022 11:00 AM
To: Venissat, Michelle
Subject: FW: ZDC-42-2022

Hi Michelle,

As time allows, can you save this PON and update our PON spreadsheet? I've already responded to Mr. Nehib.

Thanks,
Zack King
Planner
City of Waxahachie
O: 469-309-4294
zking@waxahachie.com

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

From: Greg Nehib
Sent: Monday, May 23, 2022 10:53 AM
To: King, Zack <zking@waxahachie.com>
Cc: Brooks, Shon <sbrooks@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: ZDC-42-2022

Zach,

I want to express my support for conservative digital church signs that conform to P&Z guidelines. I feel that these signs are necessary for the churches that provide a necessary service to our community. Many churches and public buildings in town already have lighted signs of some form. City functions like elections, food drives, Meals on Wheels or small group meetings that are conducted in church buildings need to be effectively communicated to be of greater good to our citizens.

I know you have also had complaints about approving another lighted sign on Marvin Ave. Based on the P&Z rules that exist today, this sign conforms. Marvin Ave is not part of a named historic district as identified by the City, State or National Registers. Marvin Ave consists of a broad mixture of commercial and residential structures today. If we don't want to see historic churches in the downtown district abandoned, denying this sign request would be the wrong move. I like the mixture of building types in the larger downtown area and would like to encourage successful, helpful entities like churches to remain viable in their current locations.

Lastly, as a former member of WPI, I was a part of an effort to tighten building restrictions in a larger downtown area. While this program did not extend all the way to this portion of Marvin Ave., I find it ironic that some of the people that did not support tightened building restrictions or expanded historic districts have now complained about this sign application and are finding themselves on the opposite side of the argument.

The rules are in place for a reason. Conforming signs that follow the P&Z process should be permitted. Groups that disagree should work on tightening P&Z building restrictions and should not single out individual sign applications that they do not "like".

Thanks,

Greg Nehib
1025 W Main St.

RECEIVED MAY 24 2022

(18)

Z DC-42-2022

Venissat, Michelle

From: King, Zack
Sent: Tuesday, May 24, 2022 7:56 AM
To: Venissat, Michelle
Subject: FW: Proposed Electronic Sign at First United Methodist Church

Hi Michelle,

Had another PON come in last night. Can you please add this to the list. I've responded to them already.

Thanks,
Zack King
Planner
City of Waxahachie
O: 469-309-4294
zking@waxahachie.com

From: Mike and Nancy Fenton
Sent: Monday, May 23, 2022 6:26 PM
To: King, Zack <zking@waxahachie.com>
Subject: Proposed Electronic Sign at First United Methodist Church

Dear Mr. King,

As a property owner at 615 West Marvin I want to indicate our support for the new electronic sign at the First United Methodist Church. This new sign will be unobtrusive to the neighborhood and will provide the community with information as to what is going on at FUMC. For instance, the free Christmas Day lunch that is provided to all commers, the annual Worship Outside the Walls, the Spanish Language Ministry and many other programs.

Thank you for your consideration.

Mike and Nancy Fenton

(12)

RECEIVED MAY 24 2022

Venissat, Michelle

From: King, Zack
Sent: Tuesday, May 24, 2022 7:59 AM
To: Venissat, Michelle
Subject: FW: ZDC-42-2022

Hi Michelle,

Can you add this PON to the list too?

Thanks again!
Zack King
Planner
City of Waxahachie
O: 469-309-4294
zking@waxahachie.com

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

From: Mike Tull
Sent: Monday, May 23, 2022 4:55 PM
To: King, Zack <zking@waxahachie.com>
Cc: Brooks, Shon <sbrooks@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>
Subject: ZDC-42-2022

Zach King,

I want to submit my comments in support of the conservative sign request on subject P&Z Request ZDC-42-2022. In my review, the sign conforms to all current P&Z guidelines and ordinances applicable. I feel that signs that conform to the guidelines and ordinance are needed by churches in order to communicate important service information to residents. For instance, yesterday, the church had a community blood donation drive and at other times, voting location or other community related events at this location are important to residents. There is a need for church events to be communicated to the community. These events and services serve the entire community and in multiple languages.

The area and address of the sign location are not designated as a "Historic District" and signs that conform to the ordinance and guidelines should be permitted. The design and operation of the sign will fully comply.

Please grant this permit for the sign that is requested and needed.

Thank you,

Mike Tull
136 Mustang Creek Drive
Waxahachie, TX. 75165

(17)

First United Methodist Church
505 West Marvin Avenue, 1950

This restrained Gothic Revival style church has been on this location since 1950. It serves as a buffer between the increasing commercialization of Ferris Ave. and the important single family homes to its west. Protection from this commercial area is very important and stops that progression westward down Marvin.

The 2019 Historic Resources of Waxahachie - Zone 1 Survey created by HHM and Associates rates the church as "high priority". The professionals doing that study have also suggested that the portion of W. Marvin including the church should be designated a National Register District, with the church a contributing member of that district.

The preservation design guidelines suggest the importance of such buildings that are in residential areas, or on the borders of such, should compliment the residential area and not be so commercial. This building would be enhanced by a more subtle dignified sign. It is not on a 4 lane fast moving street and it is obviously a church. I also understand that the neighbors do not want it. Please deny this sign and protect our historic neighborhoods.

More commercial like changes to these border properties just start a trend toward tearing down homes and loss of great long lasting properties from the tax roles

Becky Kauffman, preservationist, City Historic Pres. Commission
972.489.2614

(18)

From: Villarreal, Amber
Sent: Sunday, May 15, 2022 12:09 PM
To: Margaret Crabtree
Cc: Pruitt, Jennifer; King, Zack; Venissat, Michelle; Tuley, Eleana; Jones, Ashlie
Subject: Re: Planning and Zoning Commission -- RE: Signage proposal for First United Methodist Church

Received. Thank you.

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
(469) 309-4006 (Office)

From: Margaret Crabtree <peggy_crabtree@att.net>
Sent: Saturday, May 14, 2022 6:20 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Planning and Zoning Commission -- RE: Signage proposal for First United Methodist Church

Dear Ms. Villarreal,

I am attaching a letter of opposition to the proposed illuminated sign for the First United Methodist Church on West Marvin Street in Waxahachie. Such a sign would be entirely inappropriate for such a setting in our historic city residential neighborhood. Also attached is an opinion given by the Texas Historical Commission's Texas Main Street Center Design Staff for a similar sign proposed in the City of La Grange. While that opinion specifically references a historic city downtown, such signage would be even less appropriate for a historic city residential neighborhood.

Please share my letter and document with the Planning and Zoning Commission and any other appropriate parties prior to their making a decision in this matter. Should I be unable to attend the meeting to speak in opposition on this particular agenda item, I would like my opinion to be included in the record.

Sincerely,

Peggy Crabtree
(Margaret Spalding Crabtree)
607 W. Jefferson St.
Waxahachie, TX 75165-3225
972-935-2365

(18)

From: Amy Wright
Sent: Friday, May 20, 2022 9:52 AM
To: Planning@waxahachie.com
Subject: ZDC-42-2022


I live at 808 W. Marvin Ave close to First United Methodist Church. I am writing in opposition to any type of LED signage for the church. I grew up in this historic neighborhood and have spent my adult life in the neighborhood. This church has stood at this location for as long as I can remember and I'm 62 years old. I don't object to a sign, but just do not support a "flashy" type sign in this neighborhood. I drove down East Marvin and saw the type of signage that was at St. Joseph Catholic Church and Trinity Church on the corner of E. Marvin and Farley. Either of those two types of signs would be more appropriate for this neighborhood. It might not be as easy because someone would have to go outside and change the lettering, but it would fit in this historic area of town. The Trinity Church had regular lights lighting up their sign from behind which I thought was not objectionable and served the need to be seen after dark.


I believe that our historic neighborhood should not begin to allow certain types of more modern signage.

Thank you,

Amy Alderdice Wright
808 W. Marvin Ave.
Waxahachie, TX 75165
972-935-6928


ZDC-42-2022 - Electronic Message Sign PON Response Exhibit

 Support (8 shown)

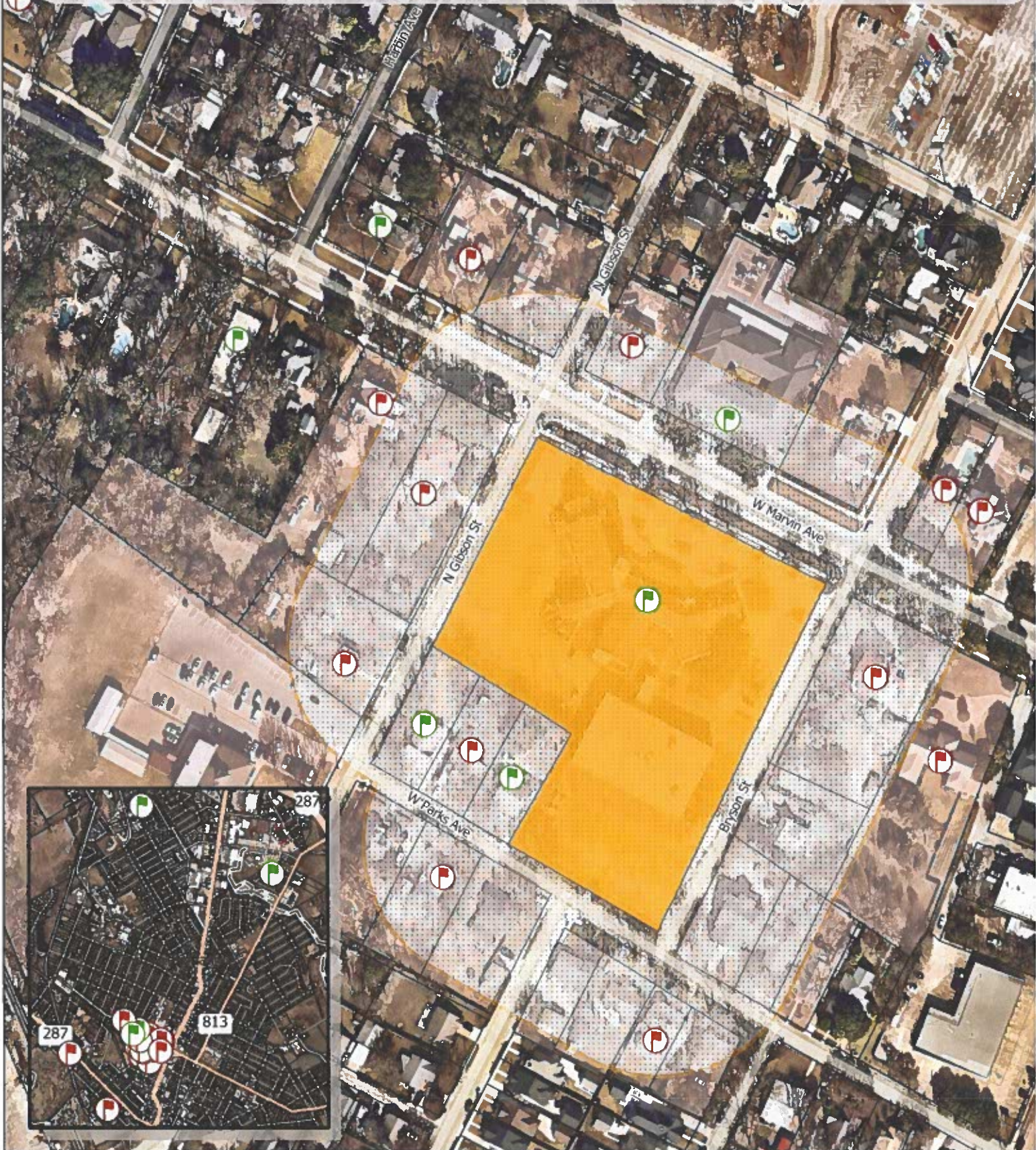
 Opposition (14 shown)

 First United Methodist Church  Property Lines

 200ft Notification Buffer

 Properties Within Buffer

Note: 15 Opposition responses and 10 Support responses were received, however, addresses were only provided for 22.



(13)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ELECTRONIC MESSAGE SIGN USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED 505 W MARVIN AVENUE, BEING PROPERTY ID 219714, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PART OF LOT 1R, OF THE FUMC ADDITION 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-42-2022. 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 a SUP in order to permit an Electronic Message Sign use on the following property: part of Lot 1R of the FUMC Addition subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B and Sign Rendering attached as Exhibit C.

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.

(13)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ELECTRONIC MESSAGE SIGN USE IN 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-42-2022.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. The development shall adhere to the City Council approved exhibits of Exhibit A- Location Exhibit, Exhibit B – Site Layout Plan, and Exhibit C – Sign Rendering.
4. The sign shall be constructed of brick and granite as per the Sign Rendering shown as Exhibit C.
5. The maximum height for the sign shall not exceed 8 ft.
6. The maximum square footage for the sign shall not exceed 80 sq. ft.
7. The maximum square footage for the electronic message board component of the sign shall not exceed 16 sq. ft.
8. The sign shall be setback a minimum of 15 ft. from the public right-of-way.
9. The sign shall not be located in any utility easement.
10. The sign shall not be illuminated between the hours of 8 pm and 8 am.
11. The electronic message sign shall not display or be used for off-site advertising.
12. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
13. The proposed sign shall only feature static content. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
14. If approved, the City Council shall have the right to review the Specific Use Permit after 6-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. 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.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

(17)

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2022.

MAYOR

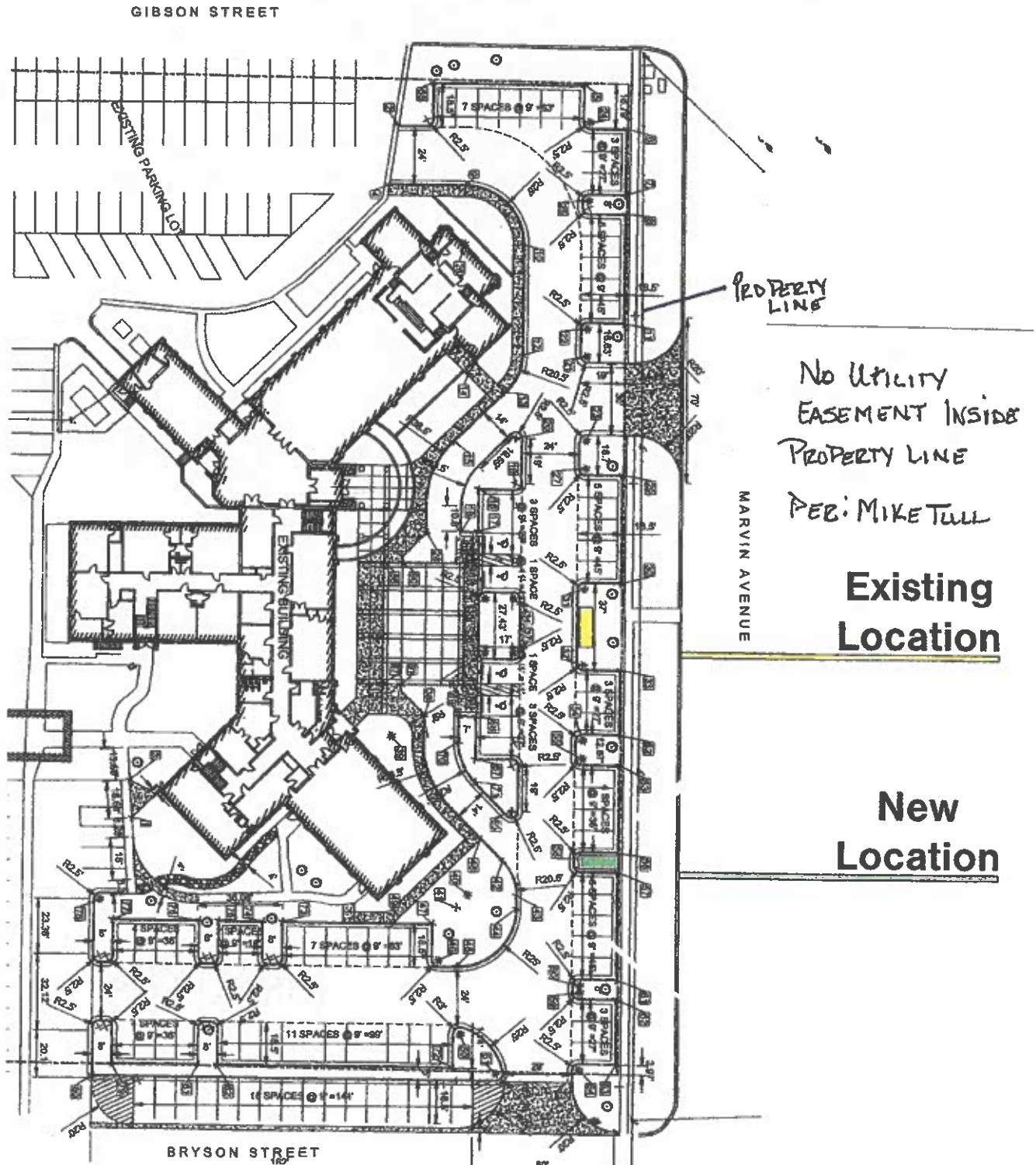
ATTEST:

City Secretary

Exhibit A - Location Map

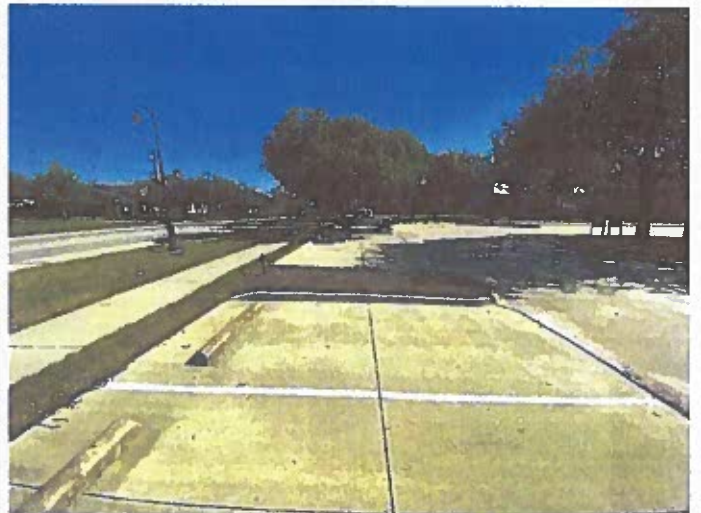


Exhibit B - Site Layout Plan (13)



New Location

Granite and
Masonry
existing
Relocated
By Mason's.



(14)

Planning & Zoning Department

Plat Staff Report

Case: SUB-35-2022



MEETING DATE(S)

Planning & Zoning Commission: May 24, 2022 –Continued from May 10, 2022

City Council: June 6, 2022

CAPTION

Public Hearing on a request by Dean Settlemyer, Just Settle Investments, LLC for a **Replat** of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022).

APPLICANT REQUEST

The purpose of this request is to replat the subject property into one (1) lot for commercial use.

CASE INFORMATION

Applicant: Dean Settlemyer, Just Settle Investments, LLC

Property Owner(s): Just Settle Investments, LLC

Site Acreage: 4.277 acres

Number of Lots: one (1) commercial lot

Number of Dwelling Units: 0 units

Park Land Dedication: N/A

Adequate Public Facilities: Adequate Public Facilities are available

SUBJECT PROPERTY

General Location: 1518 W. Main Street

Parcel ID Number(s): 176678

Current Zoning: Commercial, General Retail, Single-Family Residential-2

Existing Use: The subject property is currently vacant.

Platting History: The subject is platted as Lot 8, Block 13 of the West End Addition.

Site Aerial:**PLATTING ANALYSIS**

The applicant is proposing to replat the subject property into one (1) commercial lot. All City of Waxahachie lot size and dimension requirements have been met. The applicant is providing a 15' Right-of-Way (ROW) dedication along U.S. Highway 287 in conformance with the City of Waxahachie Thoroughfare Plan. The City of Waxahachie Future Land Use Plan designates this area as intended for Mixed-Used Non-Residential Development.

VARIANCE REQUEST – PETITION FOR RELIEF WAIVER**Request:**

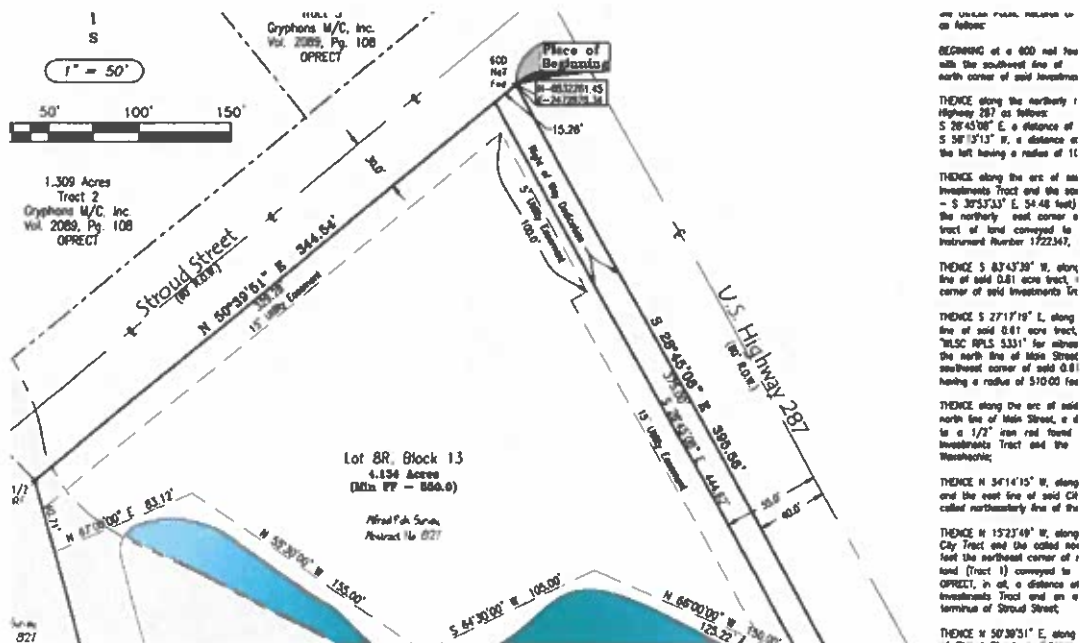
The City of Waxahachie Thoroughfare Plan identifies a 110' Thoroughfare running along the eastern boundary of the subject property. As part of the platting process, the applicant is required to provide a ROW dedication in conformance with the Thoroughfare Plan. In this case, the applicant is required to provide a 55' ROW dedication along the entirety of the eastern property line. The applicant has met this requirement. The applicant is also required to provide a 15' Utility, Water and Wastewater Easement and meet a 25' building line requirement along the eastern property line. The applicant has made a Petition for Relief Waiver request for the 15' Utility, Water and Wastewater Easement. As part of the Petition for Relief Waiver, the applicant is seeking a variance to allow for a reduced utility easement of 5' for a distance of 100 feet along the eastern property line, with the standard 15' utility easement for the remainder of the eastern property line.

The applicant's is requesting this variance in order to accommodate the location of his desired structure.

Staff's Response:

Per section 3.1 of the Subdivision ordinance, the property owner shall provide a minimum 15' utility easement for gas, electric, and other utilities approved by the City. In an effort to work with the applicant, Staff is supportive of this variance request as presented on the plat.

(14)



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:

- ☒ Approval, as presented.

ATTACHED EXHIBITS

1. Plat
2. Letter of Support
3. Letter of Opposition

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Ashlie Jones

Senior Planner

ashlie.jones@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

WLSC

Walker Land Surveying Company

P.O. Box 2911 Waco, Texas 76788
TPELS Firm No. 10112400

APPROVED BY Planning and Zoning Commission
City of Waco

By:

Chairperson

Attest

APPROVED BY City Council
City of Waco

By:

Chairperson

Attest

Notes

1. Utility Easements: 15' Utility Easement along right of way and others as shown.
2. A portion of this property lies within a 100 year flood plain according to the Flood Insurance Rate Map for Ellis County, Texas Map# 48159C0190 F, Zones AE & X, dated June 3, 2013.
3. Basis of Bearings: GPS Observation, Texas Coordinate System, North Central Zone 4202 Beginning Coordinate - Northing=8832781.45 Easting=2472878.34

OWNER'S CERTIFICATION
State of Texas
County of Ellis

WHEREAS, Just Settle Investments, LLC, are the owners of that certain parcel of land lying in the City of Waco, Texas and being situated in the ALFRED POLK SURVEY, ABSTRACT NO. 827, Ellis County, Texas, and a portion of Lot 8, Block 13 of West End Addition, an addition in the City of Waco, Texas, according to the Plat thereof recorded in Cabinet A, Side 149 of the Plat Records of Ellis County, Texas, and being all of the 4.277 acre tract of land conveyed to Just Settle Investments, LLC by Warranty Deed recorded in Instrument Number 1722137 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a 600' nail found at the southeast line of Stroud Street (60' foot right of way) with the southeast line of U.S. Highway 287 (Business) (variable width right of way) for the north corner of said Investments Tract;

THENCE along the northerly-northeast line of said Investments Tract and the southwest line of Highway 287 as follows:
S 28°45'08" E, a distance of 395.56 feet to a 1/2" iron rod found for corner; and
S 58°13'13" W, a distance of 9.95 feet to a 1/2" iron rod found in a non-tangent curve to the left having a radius of 1004.93 feet and a central angle of 83°06'24";

THENCE along the arc of said curve and continuing along the northerly-northeast line of said Investments Tract and the southwest line of Highway 287, a distance of 34.49 feet (Long Chord - S 30°53'33" E, 54.48 feet) to a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for the northerly east corner of said Investments Tract and the north corner of the 0.61 acre tract of land conveyed to Jerry's Tire & Wheels, LLC by Texas Warranty Deed recorded in Instrument Number 1722347, OPRECT;

THENCE S 83°43'39" W, along the easterly south line of said Investments Tract and the north line of said 0.61 acre tract, a distance of 124.26 feet to a point in a pond lake for an anterior corner of said Investments Tract and the northwest corner of said 0.61 acre tract;

THENCE S 27°17'19" E, along the southerly-northeast line of said Investments Tract and the west line of said 0.61 acre tract, passing at 52.00 feet a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for witness, in all, a distance of 153.07 feet to a 1/2" iron rod found in the north line of Main Street for the southerly east corner of said Investments Tract and the southeast corner of said 0.61 acre tract, said iron rod lies in a non-tangent curve to the left having a radius of 510.00 feet and a central angle of 37°40'46";

THENCE along the arc of said curve and along the south line of said Investments Tract and the north line of Main Street, a distance of 335.39 feet (Long Chord - S 58°39'28" W, 329.38 feet) to a 1/2" iron rod found in the southwest line of Lot 8 for the south corner of said Investments Tract and the southeast corner of a tract of land conveyed to the City of Waco;

THENCE N 54°14'15" W, along the southwest line of said Investments Tract and same for Lot 8 and the west line of said City Tract, a distance of 124.26 feet to a point in a pond lake for the east corner of Lot 8;

THENCE N 52°34'49" W, along the west line of said Investments Tract and the east line of said City Tract and the easterly line of the Waco-Sanders Road, passing at 190.36 feet the northeast corner of said City Tract and the southeast corner of the 0.660 acre tract of land (Tract 1) conveyed to Gryphons M/C, Inc. by WD recorded in Volume 2089, Page 108, OPRECT, in all, a distance of 516.58 feet to a 1/2" iron rod found northeast corner of said Investments Tract and on an angle corner of said 0.660 acre tract and being the southwest terminus of Stroud Street;

THENCE N 50°59'15" E, along the northeast line of said Investments Tract and the southwest line of Stroud Street, a distance of 344.54 feet to the PLACE OF BEGINNING and containing 4.277 acres of land as surveyed on the ground.

R=1004.93'
L=54.49'
Δ=3°06'24"
C=S 30°53'33" E
54.48'

HOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Just Settle Investments, LLC acting herein by and through its duly authorized officers, does hereby certify that the hereinabove described property as the Final Plat of Lot 8, Block 13 of West End Addition (being a Replat of a portion of Lot 8, Block 13 of West End Addition and being in the Alfred Polk Survey, Abstract No. 827), an addition in the City of Waco, Texas, and being all of the 4.277 acre tract of land conveyed to Just Settle Investments, LLC by Warranty Deed recorded in Instrument Number 1722137 of the Official Public Records of Ellis County, Texas (OPRECT), in all, a distance of 516.58 feet to a 1/2" iron rod found northeast corner of said Investments Tract and on an angle corner of said 0.660 acre tract and being the southwest terminus of Stroud Street;

No buildings, fences, lines, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in Landscaping Easements, if approved by the City of Waco. In addition, Utility Easements may be also used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, and use by public utilities being subordinate to the Public's and City of Waco's use thereof. The City of Waco and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, lines, shrubs or other improvements or growths which may at any time encroach or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waco and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purposes of construction, reconstruction, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waco, Texas.

Witness my hand this _____ day of _____, 2022.

By:

Dean Settlemyer
Just Settle Investments, LLC

State of Texas

Before me, the undersigned authority, a notary public in and for the state of this day personally appeared Dean Settlemyer, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity stated.

Given under my hand and seal of office this _____ day of _____, 2022.

Notary Public

REPLAT
Lot 8R
Block 13
West End Addition

A Portion of Lot 8, Block 13

West End Addition

And in the Alfred Polk Survey, Abstract No. 827

City of Waco, Texas, Ellis County, Texas

Case No. SUB-35-2022 Prepared Date: March, 2022

Surveyor's Declaration

KNOW ALL MEN BY THESE PRESENTS

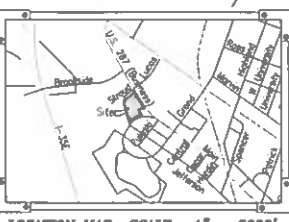
That I, J. Sherrill Walker, do hereby certify that I have prepared this Plat from an actual and accurate survey made on the ground and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Waco, Texas.

FOR EXAMINATION PURPOSES ONLY
AND IN NO WAY TO BE USED FOR
APPROVED FOR RECORD PURPOSES

J. Sherrill Walker, R.P.L.S.
Texas Registration No. 5331

LEGEND

1	Property Corner
2	Iron Rod
3	Found Iron
4	Centerline
5	Centerline
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10	Centerline
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(14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-35-2022**

FAJARDO J D DPM PC
1620 W HIGHWAY 287 BUSINESS
WAXAHACHIE, TX 75165

RECEIVED APR 2 2 2022

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 10, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 16, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Dean Settlemyer, Just Settle Investments, LLC for a **Replat** of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022)

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: **SUB-35-2022**

City Reference: 200782

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 3, 2022** 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

Printed Name and Title

Date

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.

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-35-2022**



STANTON MIKE
PO BOX 888
ATHENS, TX 75751

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 10, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 16, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Dean Settlemyer, Just Settle Investments, LLC for a **Replat** of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022)

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Case Number: **SUB-35-2022**

City Reference: 176661

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 3, 2022** 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

Mike Stanton
Printed Name and Title

Date

4/25/22
PO Box 888, Athens, TX 75751
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.

(110)

CERTIFICATE FOR RESOLUTION

**THE STATE OF TEXAS
COUNTY OF ELLIS
CITY OF WAXAHACHIE**

§
§
§

We, the undersigned officers of the City Council of the City, hereby certify as follows:

1. The City Council of the City convened in a REGULAR MEETING ON THE 6th DAY OF JUNE, 2022, at the regular designated meeting place, and the roll was called of the duly constituted officers and members of the City Council, to wit:

Doug Barnes, Mayor
Billie Wallace, Mayor Pro-Tem
David Hill, Member
Travis Smith, Member
Chris Wright, Member

Amber Villareal, City Secretary

and all of the persons were present except, _____ thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; DIRECTING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be passed; and, after due discussion, the motion, carrying with it the passage of the Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. That a true, full and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose; that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting as given, all as required by Chapter 551, Government Code.

(10)

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED the 6th day of June, 2022.

City Secretary

Mayor

(SEAL)

(11)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; DIRECTING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in Exhibit A to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City's City Manager, Director of Finance, Financial Advisor and Bond Counsel are prepared to draft and distribute necessary documents for the sale on a competitive bid basis of the Certificates of Obligation;

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. That attached hereto and marked Exhibit A is a form of notice (the "Notice"), the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause the Notice to be published, in substantially the form attached hereto, in the Waxahachie Sun, a newspaper of general circulation in the City of Waxahachie, Texas, for two (2) consecutive weeks, the date of the first publication to be before the forty-fifth (45th) day before the date tentatively set for the adoption of the ordinance authorizing the issuance of the Certificates of Obligation as shown in the Notice.

Section 3. That the City Secretary shall cause the Notice to be posted, in substantially the form attached hereto, continuously on the City's internet website for at least forty-five (45) days before the date tentatively set for the adoption of the ordinance authorizing the issuance of the Certificates of Obligation as shown in the Notice.

Section 4. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention. No bond proposition to authorize the issuance of bonds for the same purpose as any of the projects described in Exhibit A to be financed with the proceeds of the proposed Certificates of Obligation was submitted to the voters of the City during the preceding three (3) years and failed to be approved.

Section 5. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within eighteen (18) months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 6. That the City Manager and Director of Finance are hereby directed to cause the preparation of a Preliminary Official Statement for the Certificates of Obligation, together with related materials, and the

(10)

Director of Finance and the Financial Advisor are authorized to distribute same among entities which would be interested in bidding on the Certificates of Obligation and other interested persons.

Section 7. That the Director of Finance and the Financial Advisor are authorized to apply to rating agencies for ratings on the Certificates of Obligation and to make presentations to them and provide to such entities the information reasonably requested by them.

Section 8. That the Council hereby authorizes its advisors, the City Manager and the Director of Finance of the City, and its members to do all things necessary to prepare for the sale of the Certificates of Obligation.

Section 9. That this Resolution shall be effective immediately upon passage and adoption.

(14)
EXHIBIT A

NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Waxahachie, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit (i) the construction, installation and equipment of park and recreational improvements in the City; (ii) the construction, improvement and equipment of public safety facilities in the City, including the purchase of fire apparatuses; (iii) constructing, reconstructing and improving streets, roads, and sidewalks, including related drainage, utility relocation, signalization, landscaping, lighting and signage; and; (iv) the construction of improvements and extensions to the City's water and wastewater system; and (v) the payment of fiscal, engineering and legal fees incurred in connection therewith.

The City Council tentatively proposes to authorize the issuance of said series (one or more) of Certificates of Obligation at its regular meeting place in the City Hall at a meeting to commence at 7 o'clock, p.m., on August 1, 2022. The maximum amount of Certificates of Obligation that may be authorized to be sold on said date for such purposes described above is \$21,250,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's water and wastewater systems.

In accordance with the provisions of Subchapter C of Chapter 271, Texas Local Government Code, as amended ("Chapter 271"), the following information has been provided by the City: (i) the principal amount of all outstanding debt obligations of the City is \$197,590,000; (ii) the current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$267,923,953; (iii) the maximum principal amount of the certificates of obligation to be authorized is \$21,250,000; (iv) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$30,728,595; (v) the maximum interest rate for the certificates of obligation may not exceed the maximum legal interest rate; and (vi) the maximum maturity date of the certificates of obligation to be authorized is August 1, 2042.

CITY OF WAXAHACHIE, TEXAS

(16)

FY!

2022 BOND PROJECTS*City of Waxahachie***DRAFT**

CATEGORY	NO. OF PROJECTS	AMOUNT
Streets	5	\$5,950,000
Parks	1	2,000,000
Fire	1	1,475,000
Water	9	7,175,000
Wastewater	3	4,331,000
Total	19	\$20,931,000

CATEGORY	PROJECT	PHASE	PROJECT COST
Streets	University Ave	Construction	\$3,000,000
Streets	Wilmington Ave	Construction	1,800,000
Streets	Chiles St	Construction	500,000
Streets	Perry St	Engineering	400,000
Streets	Charlotte Ave	Engineering	250,000
Parks	Park Improvements/Boat Dock Park	Construction	2,000,000
Fire	New Fire Truck 1	Construction	1,475,000
TOTAL GENERAL FUND			\$9,425,000
Water	Perry Street	Construction	\$475,000
Water	East Ross Street	Construction	551,000
Water	Oldham Ave	Eng/Construction	110,000
Water	Water Street Water Line Rehab	Construction	1,648,000
Water	West Main St. Old Water Well Plugging	Eng/Construction	200,000
Water	IH 35 Water Main from Lofland Rd to Butcher	Eng/Construction	1,736,000
Water	South Prong Dam and Spillway Improvements	Eng/Construction	800,000
Water	715 & 791 Water Svc Area Boundary Relocation Ph2	Engineering	500,000
Water	HWTP Filter 6 and Raw Meter	Engineering	1,155,000
TOTAL WATER FUND			\$7,175,000
Wastewater	Lower Mustang Creek Lift Station Exp Ph4	Construction	\$2,231,000
Wastewater	Perry Street & Alley Sewers	Engineering	1,200,000
Wastewater	South Rogers St & Alley Sewers & Bauder St.	Construction	900,000
TOTAL WASTEWATER FUND			\$4,331,000
TOTAL BOND PACKAGE - ALL PROJECTS			\$20,931,000



Memorandum

To: Honorable Mayor and City Council
From: Brad Barnes, Assistant Director of Parks and Recreation
Thru: Michael Scott, City Manager
Date: June 6, 2022
Re: Consider Supplemental Appropriation of \$15,222 to Fund Cemetery Gravestone Repairs

Item Description: Consider approving a supplemental appropriation of \$15,222 from the Cemetery Fund for the remaining repairs to the damaged gravestones caused by vandalism.

Item Summary: On Monday, February 28, our cemetery staff discovered that the cemetery had suffered extensive damage from vandalism over the weekend. Our most recent accounting indicates that approximately 287 gravestones were damaged to some degree.

There has been an outpouring of support from the community and surrounding areas. Many companies, organizations, and individuals have contributed towards the restoration of the damaged gravestones. Most repairs to this point have been by volunteers and companies donating their time, materials, and energy. At this time, the gravestones remaining to be repaired require someone with restoration experience and expertise. Additionally, the City has received donations to help offset the cost of repairs.

Staff recently solicited and received a quote from a qualified and reputable gravestone restoration contractor, Texas Cemetery Restoration, for the repair of the remaining 97 gravestones. The total quoted cost of the repairs is \$49,936.24. The City currently has available \$34,715 in donations for the repairs to the vandalized gravestones, and is recommending a supplemental appropriation for the difference.

Staff Recommendation: Staff recommends approval of a supplemental appropriation from the Cemetery Fund totaling \$15,222 for the remaining repairs.

Fiscal Impact: The Cemetery Fund fund balance for FY22 has sufficient capacity to fund the supplemental appropriation. The appropriation would increase account 221-360-54320 Maintenance, Improvements.



Memorandum

To: Honorable Mayor and City Council
From: David Bailey, Senior Director of Utilities
Thru: Michael Scott, City Manager
Date: June, 6th 2022
Re: Budget Amendment Increase for Wastewater Administration (520-750)
Professional Services Account (53200).

Item Description: A Budget Amendment request to increase the expenditures budget for professional services line item account (53200) in the Wastewater Administration Department (520-750).

Item Summary: The budget increase amendment will allow several projects to reach completion and provide extra resources for unforeseen engineering service related expenses for the remainder of this budget year. The following projects will be impacted by the budget increase amendment: 1) Additional capacity evaluation and recommendations associated with the Cole Creek, Grove Creek and Lower Northeast Trunk Sewer collection system basins; 2) South Rogers Trunk Sewer Line easement research; 3) Environmental Engineering services associated with the Grove Creek Lift Station Odor Abatement project; and 4) Funds for miscellaneous wastewater professional services through the end of this fiscal budget year.

Fiscal Impact: The total amount of the budget amendment increase is \$29,900 with the breakdown as follows: Item 1) \$11,500; Item 2) \$1,400; Item 3) \$9,000; and Item 4) \$8,000. Staff is requesting approval of this Budget Amendment for \$29,900.



Memorandum

To: Honorable Mayor and City Council

From: David Bailey, Senior Director of Utilities

Thru: Michael Scott, City Manager

Date: June, 6th 2022

Re: Perry Avenue Water & Sewer Improvements – Engineering Services by
Teague Nall & Perkins (TNP)

Item Description: On Monday, June 6, 2022, an item authorizing a professional services agreement for engineering services for the design of the Perry Avenue Water & Sewer Improvements will appear before the City Council in the amount of \$336,160.00 with TNP Inc.

Item Summary: The proposal includes survey, design, bidding, and construction administration services for the project. This project provides new infrastructure that will update and improve water and wastewater services on Perry Avenue. The Perry Avenue Water and Sewer Improvements project includes approximately 2,200 – linear feet of 8-inch water line improvements, approximately 4,400 – linear feet of 8-inch sanitary sewer improvements, as well as a conceptual storm drain design along Perry Avenue from Getzendaner Street to Graham Street

Fiscal Impact: This project is a planned and budgeted expense and was a part of the departments FY21 Bond sale. Bonds were sold at a proposed cost of \$181,368, leaving a funding gap of \$154,792. Remaining funding from a prior bond sale will be utilized to make up this gap. Staff recommends approving this project and the associated funding.



Memorandum

To: Honorable Mayor and City Council
From: David Bailey, Senior Director of Utilities
Thru: Michael Scott, City Manager *[Signature]*
Date: June, 6th 2022

Re: IH 35E (East ROW) 18-inch Water Transmission Main Lofland Road to
Butcher Road - Engineering Services by Birkhoff, Hendricks & Carter L.L.P.

Item Description: On Monday, June 6, 2022, an item authorizing a professional services agreement for engineering services for the design of the IH35E (East ROW) 18-inch Water Transmission Main Lofland Road to Butcher Road will appear before the City Council in the amount of \$278,650.00 with Birkhoff, Hendricks, and Carter, L.L.P. (BHC).

Item Summary: The proposal includes survey, design, bidding, land rights acquisition and construction administration services for the project. This project will add additional infrastructure to assist in the transitioning of water out of the Sokoll Water Plant to the northern areas of Waxahachie. The base project is approximately 4,230-LF of 18-inch Water Line along the east right of way of IH35E from the existing 18-inch water line on the north side of Butcher Road to the 24-inch water line on the south side of Lofland Road at the Owens Corning facility. The water line is to be situated in a new utility easement dedicated to the City of Waxahachie. Base services are at a cost of \$140,500.

The additive alternate portion of the project is a 1,350-L.F. of 18-inch Water Line relocation across the Cosmocel Addition to accommodate the new TxDOT right of way for IH35E, Phase 2 Improvements. This portion of the project is eligible for reimbursement from TxDOT after the relocation is completed. The cost for the additive alternate portion is an additional \$138,150.

Fiscal Impact: This project is a planned and budgeted expense and was a part of the departments FY21 bond sale. Bonds were sold with a projected cost of \$352,913. The proposal is for \$278,650 creating a savings of \$74,263. Staff recommends approving this project and funding.



Memorandum

To: Honorable Mayor and City Council

From: David Bailey, Senior Director of Utilities

Thru: Michael Scott, City Manager

Date: June, 6th 2022

Re: Consider Bid Award for Additions to Water Distribution System - Marshall Road/Lofland Road 24" Transmission Main - CIP Project W-11C.

Item Description: On Monday, June 6, 2022 a bid award associated with construction of the Marshall Road/Lofland Road 24" Water Transmission Main will appear before the City Council in the amount of \$3,253,674.69 with Circle H Contractors, L.P.

Item Summary: This item is for construction of approximately 9,600-linear feet of proposed 24" RCCP (reinforced concrete cylinder pipe) water transmission line along Marshall Road/Lofland Road. The limits of construction will be from east of the BNSF Railroad at Owens Corning Facility then west to Ovilla Road. The proposed 24" water main will help transport water from the Robert W. Sokoll Water Treatment Plant utilizing our existing capacity and deliver water to the northern section of the city. This line will aid in sustaining pressures to the Settlers Glen Subdivision. The City's Water Distribution Master Plan indicates a 24-inch diameter water line along this alignment.

There were nine (9) qualified sealed bids received at the bid opening on Tuesday, May 24, 2022. PVC pipe was bid as the base pipe materials, however due to limited availability and rising cost of large diameter PVC pipe, alternative pipe materials were bid. Ductile iron and RCCP pipe was included in the bid schedule as "add or deduct" items. Circle H Contractors, L.P. submitted the lowest responsible base bid for PVC pipe in the amount of \$3,518,870.09. Circle H Contractors, L.P. submitted the lowest responsible bids for ductile iron pipe in the amount of \$3,309,600.62 and for RCCP in the amount of \$3,253,674.69. After evaluation of all the bid information, it is recommended that Circle H Contractors, L.P. of Midlothian, Texas be awarded the alternate bid for RCCP pipe in the amount of \$3,253,674.69.

All bids received were above the engineers' latest estimate of construction cost and the allocated budget for this project, which was \$2,774,660 in FY19-20 Bond Funds. However, a portion of these bond funds were utilized to make up the shortfall in the

(21)

Generator for Raw Water Pump Station #2 and Howard Road Water Treatment Plant Electrical Improvements Project. Approval of utilizing those funds was by City Council action on June 21, 2021. Other items that have contributed to increased cost of this project are the current labor shortages, and supply chain delivery delays. This project is water impact fee eligible and staff has coordinated with the Finance Department to identify water impact fees to make up the shortfall.

Fiscal Impact: The funding for this project will be from FY20 Bond funds in the amount of \$1,649,542 and from Water Impact Fee funds in the amount \$1,604,131.69 for the total of \$3,253,674.69. In addition to the bid award, staff is recommending a 10% project contingency fund of \$325,370 also from the Water Impact Fee funds. Staff is requesting City Council approval of this project to Circle H Contractor, LP in the amount of \$3,253,674.69 with a \$325,370 contingency funding.