

AGENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on **Monday, November 7, 2022 at 7:00 p.m.**

Council Members: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. *Speakers must observe the five (5) minute time limit.*
5. **Consent Agenda**

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

- a. Minutes of the City Council meeting of October 17, 2022
- b. Minutes of the City Council briefing of October 17, 2022
- c. Event application for “Alice” play performance to be held November 15, 2022 at Railyard Park
- d. Event application for Holly Jolly Christmas to be held December 10, 2022 at Railyard Park
- e. Event application for Getzendaner Proactive Run to be held March 4, 2023
- f. Interlocal Agreement with Waxahachie ISD for the purchase of various goods and services
- g. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- h. Restore utility fee for cut off valve and meter box replacements
- i. Letter of Support for a Traffic Signal 2022 SMART Grant Program
- j. 2022 Farmer’s Market Season Report
- k. Supplemental appropriation of \$308,809 from the Waxahachie Community Development Corporation for the land purchase of 55.965 acres adjacent to Lions Park

6. **Introduce** Honorary Councilmember
7. **Recognize** the Finance Department for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association
8. **Present** Proclamation proclaiming November 7-11, 2022 as “Municipal Court Week”
9. **Public Hearing** on a request by Rodney & Suzie Bell, Cove Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 601 N. Grand Ave (Property ID 176840) - Owner: THOMAS A. & VERONICA SCHAEFFER (ZDC-121-2022)
10. **Consider** proposed Ordinance approving ZDC-121-2022
11. **Consider** Development Agreement related to a Replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022)
12. **Consider** approval of a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services
13. **Consider** bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program
14. **Consider** approval of a Professional Engineering Services Agreement with Freese and Nichols Inc. for South Prong Dam miscellaneous repairs
15. **Consider** approval of a Professional Engineering Services Agreement with Garver Engineers LLC for lead and copper rule revision assistance
16. Comments by Mayor, City Council, City Attorney and City Manager
17. 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

City Council
October 17, 2022

(5A)

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, October 17, 2022 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Pastor Alex Farr, First Baptist Waxahachie, gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None

5. Consent Agenda

- a. Minutes of the City Council meeting of October 3, 2022
- b. Minutes of the City Council briefing of October 3, 2022
- c. Event application for CHMC Fall Festival to be held October 28, 2022
- d. Event application of 80's Family Night to be held on October 30, 2022
- e. Event application for Community Tree Lighting & Parade to be held on November 29, 2022
- f. Cooperative Purchasing Agreement with Sourcewell for various goods and services
- g. Cooperative Interlocal Agreement with 1 Governmental Procurement Alliance for various goods and services
- h. Interlocal Agreement with Lubbock County for various goods and services
- i. Supplemental appropriation for insurance reimbursement to the Parks Department Budget in the amount of \$16,236.42
- j. Resolution denying a rate increase request by Oncor Electric Delivery Company, LLC
- k. Renewal of Sodium Chlorite purchase and Chlorine Dioxide Generator Rental Agreements at the Howard Road and Robert W. Sokoll Water Treatment Plants

(5A)

1. Authorize staff to make any necessary closures/traffic flow modifications to accommodate Halloween activities in and around West Marvin Ave.

RESOLUTION NO. 1335

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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

Action:

Council Member Billie Wallace moved to approve items a. through l. on the Consent Agenda. Council Member Patrick Souter seconded, All Ayes.

6. Introduce Honorary Councilmember

Mayor Pro Tem Chris Wright recognized and presented a Certificate of Appreciation to Madilyn "Maddie" Dunn, Honorary Councilmember for October. Ms. Dunn is a Junior at Waxahachie High School where she is an "A" honor roll student, AP scholar, and ranks in the top 1% of her class. She's the 1st Lieutenant of the National Champions Cherokee Charmer Drill Team, Student Council Secretary for the Junior class, Business Manager and Junior Editor of the yearbook staff, member of the Broadcast Media Program, and an active member in the Interact Club. Ms. Dunn serves on the Youth Leadership Team at the First Baptist Church of Waxahachie and works part time. She hopes to continue her dance training in college and is interested in pursuing a career in communications and nursing.

7. Public Hearing on a request by Reginald Levingston, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family-3 (SF-3) zoning district located at 110 Elder St (Property ID 171560) - Owner: REGINALD LEVINGSTON (ZDC-93-2022)

Senior Director of Planning Jennifer Pruitt reviewed the case noting the applicant is requesting a Specific Use Permit for an existing metal carport structure exceeding 700+ sq. ft. Staff recommended approval per staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department.

(5A)

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-93-2022, Mayor Hill closed the Public Hearing.

8. Consider proposed Ordinance approving ZDC-93-2022

ORDINANCE NO. 3347

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 110 ELDER STREET, BEING PROPERTY ID 141560, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK 232, IN THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve Ordinance No. 3347. Council Member Travis Smith seconded, All Ayes.

9. Consider quote for services and authorizing an agreement with Musco Sports Lighting, LLC for the purchase and installation of athletic field lighting at Lee Penn Park

Brad Barnes, Assistant Director of Parks and Recreation, requested approval of a quote for services and authorizing an agreement with Musco Sports Lighting, LLC for the purchase and installation of lighting for the baseball field at Lee Penn Park. He explained staff received a quote through the BuyBoard purchasing cooperative, for a total cost of \$158,311. In the FY 23 Budget, City Council approved a service enhancement in the amount of \$165,000 for the replacement of the ballfield lights at Lee Penn Park.

Action:

Council Member Travis Smith moved to approve a quote for services and authorize an agreement with Musco Sports Lighting, LLC for the purchase and installation of lighting for the baseball field at Lee Penn Park in the amount of \$158,311 as presented. Council Member Billie Wallace seconded, All Ayes.

10. Consider bid awards and authorization of contracts for Lawn Maintenance and Landscaping Services for the City

Gumaro Martinez, Executive Director of Parks and Leisure Services, requested approval of a bid award and authorization of contract to Lantana Lawn Care for the "high profile" city properties in the amount of \$317,857.09 and also approve a bid award and authorization of contract to Hoots Lawn Care for the "Utilities Department" properties in the amount of \$74,795. He explained, if approved, the effective date of the new contracts will be November 1, 2022. He reported the contract is a two-year initial term, with three one-year renewal options.

(50)

Action:

Council Member Billie Wallace moved to approve a bid award and authorization of contract to Lantana Lawn Care for the "high profile" city properties in the amount of \$317,857.09 and also approve a bid award and authorization of contract to Hoots Lawn Care for the "Utilities Department" properties in the amount of \$74,795. Mayor Pro Tem Chris Wright seconded, All Ayes.

11. Consider approval of a change order to a Construction Services Agreement with Dailey Construction, Inc. for Wastewater Main Improvements along Wyatt Street and Hill Street Branch

David Bailey, Director of Utilities, requested approval of a change order in the amount of \$62,109 to a construction services agreement with Dailey Construction, Inc. for wastewater main improvements along Wyatt Street and Hill Street Branch. He explained the proposed change order is for pipe bursting of approximately 375-linear feet of 6-inch diameter clay tile sanitary sewer line and replacing it with 9-inch PVC pipe. The sewer line will be replaced along North College Street from just south of the Union Pacific Railroad right-of-way to Water Street at College Street intersection.

Council Member Travis Smith inquired about the timeline for the project and Mr. Bailey explained the project will take approximately 30 days to complete.

Action:

Council Member Billie Wallace moved to approve a change order in the amount of \$62,109 to a construction services agreement with Dailey Construction, Inc. for wastewater main improvements along Wyatt Street and Hill Street Branch. Council Member Travis Smith seconded, All Ayes.

12. Consider approval of a Professional Services Agreement with Birkhoff, Hendricks, and Carter, LLP for Distribution Line-Lofland/Ovilla Road Loop Phase 2 Project W-W-11C

Mr. Bailey requested approval of a Professional Engineering Service Agreement with Birkhoff, Hendrick, & Carter, LLP for Distribution Line-Lofland/Ovilla Road Loop Phase 2 in the amount of \$672,575.

Council Member Smith asked if this will affect northern businesses currently on septic systems and Mr. Bailey explained it will bring water to the northern quadrant of Waxahachie and help sustain water pressure in Settler's Glen subdivision.

Action:

Council Member Billie Wallace moved to approve a Professional Engineering Service Agreement with Birkhoff, Hendrick, & Carter, LLP for Distribution Line-Lofland/Ovilla Road Loop Phase 2 in the amount of \$672,575. Mayor Pro Tem Chris Wright seconded, All Ayes.

13. Consider approval of a Quote from Odessa Pumps to Repair Lake Bardwell Pump Station No. 1 Pump and Motor

(5A)

Brandon Lacy, Assistant Director of Utilities, requested approval of a quote from Odessa Pumps to repair Lake Bardwell Pump Station No. 1 pump and motor in the amount of \$76,624. He explained the project is a budgeted expense included in the Utility Department's FY 23 operations and maintenance budget.

Action:

Council Member Billie Wallace moved to approve a quote from Odessa Pumps to repair Lake Bardwell Pump Station No. 1 pump and motor in the amount of \$76,624. Council Member Travis Smith seconded, All Ayes.

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

Council Member Travis Smith thanked the City Secretary's Office for scheduling and preparing travel information for the Texas Municipal League (TML) Annual Conference.

Council Member Billie Wallace thanked the City Secretary's Office for scheduling and preparing travel information for the Texas Municipal League Annual Conference. Ms. Wallace also thanked Police Chief Joe Wisner for working with staff to keep the citizens safe in the Harbin Street area during Halloween with additional staffing and street closures, as needed.

City Manager Michael Scott noted an Everbridge notification will be sent to residents in the Harbin Street area regarding any street closures. Mr. Scott congratulated James Gaertner on his promotion to Executive Director of Public Works and Engineering. Mr. Scott also recognized Macey Martinez on receiving her Professional Engineering License.

Mayor Pro Tem Chris Wright thanked Maddie Dunn for her participation in the Honorary Council Member program and thanked Police Chief Wisner and staff for their assistance with the Homecoming Parade. Mr. Wright congratulated Macey Martinez and James Gaertner. Mr. Wright explained the TML Conference provided a great learning opportunity for Council Members.

Council Member Patrick Souter thanked the City Secretary's Office for scheduling and preparing travel information for the Texas Municipal League (TML) Annual Conference. He explained the conference had about 3,500 attendees from across the state and it was a great learning and networking opportunity. He noted it was informative learning about Best Practices and was pleased to know those are in place in Waxahachie.

Honorary Council Member Maddie Dunn thanked City Council for allowing her participation at the meeting.

Mayor David Hill recognized there has been approximately 23,000 Building Inspections and Plan Reviews which averages to about 480 inspections per inspector. Mayor Hill thanked Maddie Dunn for her attendance and noted the TML Conference was very informative and beneficial.

15. Adjourn

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

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Respectfully submitted,

Amber Villarreal
City Secretary

(5b)

City Council
October 17, 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, October 17, 2022 at 6:30 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4

Council Member Absent: Travis Smith, Council Member Place 5

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

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- Item 5c, event application for CHMC Fall Festival to be held October 28, 2022.
- Item 5d, event application for 80's Family Night to be held October 30, 2022.
- Item 5e, event application for Community Tree Lighting and Parade to be held November 29, 2022.
- Item 5f, Cooperative Purchasing Agreement with Sourcewell for various goods and services.
- Item 5g, Cooperative Interlocal Agreement with 1 Governmental Procurement Alliance for various goods and services.
- Item 5h, Interlocal Agreement with Lubbock County for various goods and services.
- Item 5i, supplemental appropriation for insurance reimbursement to the Parks Department in the amount of \$16,236.42 related to the shade canopy and posts over Lee Penn Park playground.
- Item 5l, authorizing staff to make any necessary closures/traffic flow modifications to accommodate Halloween activities in and around West Marvin Avenue due to ensure safety.

Council Members expressed support for providing safety to citizens and requested property owner notification in the area. Amy Borders, Director of Communications and Marketing, noted staff will issue a call through Everbridge notifying residents in the area.

- Item 6, October Honorary Council Member Maddie Dunn will be introduced and receive her certificate of appreciation.

(5b)

Richard Abernethy, Director of Administrative Services, reviewed Item 5j, noting the proposed Resolution is to deny a rate increase request by Oncor Electric Delivery Company, LLC, authorize participation with the Oncor Cities Steering Committee, and authorize the hiring of legal counsel and consulting services. Mr. Abernethy explained the City is a member of the Oncor Cities Steering Committee and there will be no fiscal impact to the budget with hiring of legal services or consultants to conduct the rate negotiations.

Brandon Lacy, Assistant Director of Utilities, reviewed the following items:

- Item 5k, renewal of sodium chlorite purchase and chlorine dioxide generator rental agreements at the Howard Road and Robert W. Sokoll Water Treatment Plants from October 1, 2022-September 30, 2023. He explained the project is a budgeted expense included in the Utility Department's FY 23 operations and maintenance budget.
- Item 13, requesting approval of a quote from Odessa Pumps to repair Lake Bardwell Pump Station No. 1 pump and motor in the amount of \$76,624. He explained the project is a budgeted expense included in the Utility Department's FY 23 operations and maintenance budget.

Jennifer Pruitt, Senior Director of Planning, reviewed the following case:

- ZDC-93-2022, the applicant is requesting a Specific Use Permit for an existing metal carport structure exceeding 700+ sq. ft. Staff recommends approval per staff comments.

Brad Barnes, Assistant Director of Parks and Recreation, reviewed Item 9, requesting approval of a quote for services and authorizing an agreement with Musco Sports Lighting, LLC for the purchase and installation of lighting for the baseball field at Lee Penn Park. He explained staff received a quote through the BuyBoard purchasing cooperative, for a total cost of \$158,311. In the FY 23 Budget, City Council approved a service enhancement in the amount of \$165,000 for the replacement of the ballfield lights at Lee Penn Park.

Gumaro Martinez, Executive Director of Parks and Leisure Services, reviewed Item 10, requesting Council approval of a bid award and authorization of contract to Lantana Lawn Care for the "high profile" city properties in the amount of \$317,857.09 and also approve a bid award and authorization of contract to Hoots Lawn Care for the "Utilities Department" properties in the amount of \$74,795. He explained, if approved, the effective date of the new contracts will be November 1, 2022. He reported the contract is a two-year initial term, with three one-year renewal options.

David Bailey, Director of Utilities, reviewed the following items:

- Item 11, requesting approval of a change order in the amount of \$62,109 to a construction services agreement with Dailey Construction, Inc. for wastewater main improvements along Wyatt Street and Hill Street Branch. He explained the proposed change order is for pipe bursting of approximately 375-linear feet of 6-inch diameter clay tile sanitary sewer line and replacing it with 9-inch PVC pipe. The sewer line will be replaced along North College Street from just south of the Union Pacific Railroad right-of-way to Water Street at College Street intersection.

(5b)

City Council
October 17, 2022
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- Item 12, requesting approval of a Professional Engineering Service Agreement with Birkhoff, Hendrick, & Carter, LLP for Distribution Line-Lofland/Ovilla Road Loop Phase 2 in the amount of \$672,575.

3. Adjourn

There being no further business, the meeting adjourned at 6:52 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



Date submitted 10/14/22

Applicant Information

Applicant name: Charity Mullican

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: 214-597-8436

Email: cmullican@wisd.org

Mailing address: 678 Ebenezer Rd, palmer TX, 75152

Host organization name: Theatre Coleman Backstage Boosters

Alternate contact that will be on-site during the event.

On-site contact name: Ryan Mullican Cell: 214-597-8435

About the Event

Event name: "Alice" play performance

Location: Railway Park Amplitheatre

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 100

Description of event: Coleman JH Advanced Theatre kids will perform the play "Alice". It is about 1 hour long and appropriate for all ages.

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input type="radio"/> Charitable / Fundraising |
| <input type="radio"/> Parade | <input type="radio"/> Community / Neighborhood |
| <input type="radio"/> Private Event | <input checked="" type="radio"/> Concert / Live Performance |
| <input type="radio"/> Run / Walk | <input type="radio"/> Other: _____ |



Event activities include (check all that apply):

- Amusement rides / Inflatables
- Food – sampled, served, or sold
- Animals / Petting Zoo
- Products / Services – given away, sampled, or sold
- Announcement / Speeches
- Live music
- Information / Literature Distribution
- Street closure
- DJ / Recorded Music
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

5 & under are free, all others \$5.00 per ticket

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	Nov 15	7pm	8:20 pm
Event Set-up	Nov 15	5pm	7:00 pm
Event Breakdown	Nov 15	8:20p	9:30pm

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

- Will the event offer food/beverages? Yes No
- Will event require any food preparation on-site? Yes No
- Will alcohol be served/sold? Yes No

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

- Event staff How many: n/a Date(s) & time(s): _____
- Volunteers How many: _____ Date(s) & time(s): _____
- Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, please contact Sgt. Brian Fuller at bfuller@waxahachiepd.org to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up?



(50)

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Explain services in detail:

I don't understand this question.

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Charity Mullican

Digitally signed by Charity Mullican
Date: 2022.10.14 12:51:56 -05'00'

10/14/22

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Charity Mullican

Digitally signed by Charity Mullican
Date: 2022.10.14 12:54:54 -05'00'

10/14/22

Signature

Date



(50)

Bonner, Jami

From: Boyd, Ricky
Sent: Monday, October 17, 2022 12:49 PM
To: Bonner, Jami
Subject: RE: Event Application - "Alice" Play Performance 11-15-22

I have no concerns.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, October 17, 2022 11:58 AM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - "Alice" Play Performance 11-15-22

For your review / comments. Thank you.

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

(56)

Bonner, Jami

From: Joe Bill Wiser
Sent: Monday, October 17, 2022 1:33 PM
To: Bonner, Jami
Subject: RE: Event Application - "Alice" Play Performance 11-15-22

No comments or concerns

From: Bonner, Jami
Sent: Monday, October 17, 2022 11:58 AM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - "Alice" Play Performance 11-15-22

For your review / comments. Thank you.

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

Bonner, Jami

(56)

From: Jordan, Me'Lony
Sent: Monday, October 17, 2022 1:42 PM
To: Bonner, Jami
Subject: RE: Event Application - "Alice" Play Performance 11-15-22

Mobile food vendor shall show proof of valid health permit issued by City of Waxahachie. All non-mobile food vendors are required to obtain a temporary food establishment permit.

*The City of Waxahachie has a new online portal for electronic plan review and permits, **please see below and submit your application with required documents online.** To enhance customer experience for submitting plans and obtaining permits some of the key features include the ability to:*

- *Submit Applications and Payments Electronically*
- *Schedule Inspections Online*
- *Track the Status of Permits in Real Time*
- *Submit Plans and Receive Comments Electronically*

Use the Link below to access the online portal.

<https://waxahachietx-energovpub.tylerhost.net/Apps/SelfService#/home>

Thank you and please let us know if you have any questions.

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, October 17, 2022 11:58 AM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - "Alice" Play Performance 11-15-22

For your review / comments. Thank you.

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)

Date submitted 10/20/22

Applicant Information

Applicant name: Paul O'Rear

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: 972-937-8855 work Cell: 972-896-7839

Email: _____

Mailing address: 201 Cumberland Rd., Waxahachie, TX 75165

Host organization name: Moral Courage Foundation

Alternate contact that will be on-site during the event.

On-site contact name: Mandy Hillner Cell: 817-584-4177

About the Event

Event name: Holly Jolly Christmas

Location: Railyard Park

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 150 - 200

Description of event: A family friendly Christmas event with musical performances, a petting zoo, craft stations, etc.

How many times has this event been hosted before?

1st time 2 - 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input checked="" type="radio"/> Charitable / Fundraising |
| <input type="radio"/> Parade | <input type="radio"/> Community / Neighborhood |
| <input type="radio"/> Private Event | <input type="radio"/> Concert / Live Performance |
| <input type="radio"/> Run / Walk | <input type="radio"/> Other: _____ |



(50)

Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
(Food trucks that are already registered with the city)
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Free admission, donations will be accepted for the Moral Courage Scholarship Fund

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	12/10/2022	5:30 PM	8:00 PM
Event Set-up	12/10/2022	4:00 PM	5:30 PM
Event Breakdown	12/10/2022	8:00 PM	9:30 PM

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



(5d)

Food / Beverage:

Will the event offer food/beverages? Yes No (Food trucks that are already registered with the city)

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, please contact Sgt. Brian Fuller at bfuller@waxahachiepd.org to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: S. College St. from

S. Rogers St. to the corner between Fresh Coffee and Boyce Feed Store

Street closings to begin on date: 12/10/2022 Start time: 5:00 PM End time: 8:15 PM

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: 16-20 Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? We will provide the traffic cones



City of Waxahachie
City Secretary's Office

(50)

Special Event Application

When will the traffic equipment be set-up?
When will the traffic equipment be removed?
Are you requesting the use of City traffic equipment?

Date: 12/10/2022 Time: 5:00 PM

Date: 12/10/2022 Time: 8:15 PM

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Explain services in detail:

We will use the electrical pole at the park

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

[Signature]

Signature

10/20/2022

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

[Signature]

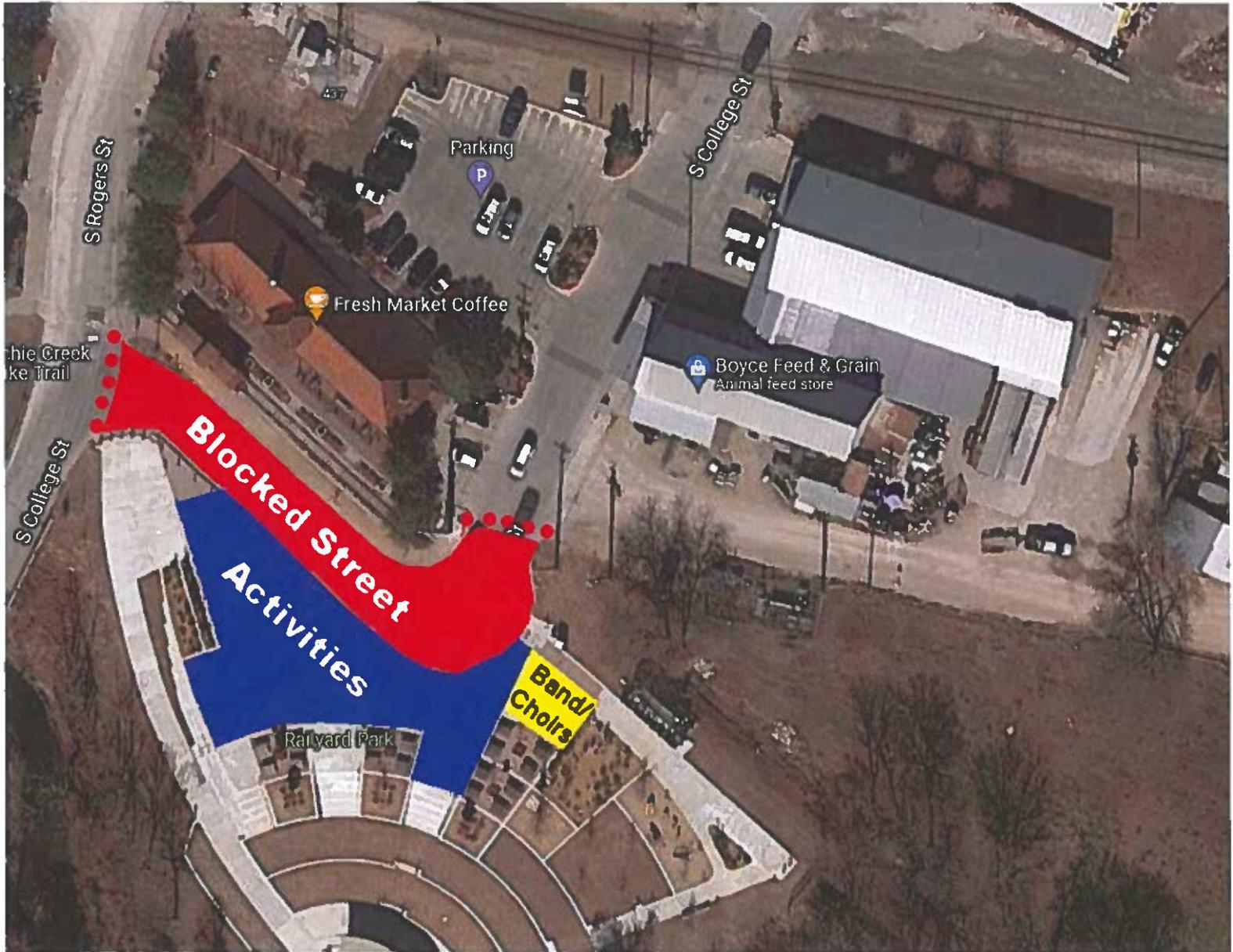
Signature

10/20/2022

Date

Email completed Special Event Application and site map to Jami Bonner at jami.bonner@waxahachie.com.

(5d)



(5d)

Bonner, Jami

From: Boyd, Ricky
Sent: Monday, October 24, 2022 10:49 AM
To: Bonner, Jami
Subject: RE: Event Application - Holly Jolly Christmas 12.10.22

I have no concerns.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, October 24, 2022 9:43 AM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Holly Jolly Christmas 12.10.22

For your review / comments. Thank you.

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: Joe Bill Wiser
Sent: Monday, October 24, 2022 2:32 PM
To: Bonner, Jami
Subject: RE: Event Application - Holly Jolly Christmas 12.10.22

I have no concerns

From: Bonner, Jami
Sent: Monday, October 24, 2022 9:43 AM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Holly Jolly Christmas 12.10.22

For your review / comments. Thank you.

Jami Bonner
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www.waxahachie.com

(5d)

Bonner, Jami

From: Skistimas, Kelly
Sent: Tuesday, October 25, 2022 9:16 AM
To: Mosley, Laurie; Bonner, Jami
Subject: RE: Event Application - Holly Jolly Christmas 12.10.22

Yes. The main thing is making sure they clean up all the petting zoo remnants. Someone from their team should be designated to check (and be prepared with needed tools to clean anything) after the petting zoo folks leave.

From: Mosley, Laurie <Imosley@waxahachievb.com>
Sent: Monday, October 24, 2022 5:59 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Subject: RE: Event Application - Holly Jolly Christmas 12.10.22

I'll defer to Kelly Skistimas on this event to make sure she has been working with them.

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, October 24, 2022 9:43 AM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Mosley, Laurie <Imosley@waxahachievb.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Holly Jolly Christmas 12.10.22

For your review / comments. Thank you.

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



(5e)

Date submitted 9/28/20

Applicant Information

Applicant name: Kye S. White

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: (903) 8515747 Cell: (903) 8515747

Email: kyewhite@oath2015.org

Mailing address: P.O. Box 568, Midlothian, Texas 76065

Host organization name: "OATH" until we get "Veteran's OATH" approved

Alternate contact that will be on-site during the event.

On-site contact name: Nicole Vasquez Cell: (817) 675-9181

About the Event

Event name: "Getzendaner Proactive Run"

Location: Getzendaner Memorial Park, 400 S Grand Ave, Waxahachie, 75165

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 500-5000

Description of event: Mile and a half from park through grave yard.

Turn around point is under the bridge of HWY 77. Then back to the park to finish.

How many times has this event been hosted before?

1st time 2 - 4 times 5 or more times Location:

Choose the best description of the event:

- Festival
- Birthday Party / Picnic
- Movie Screening
- Charitable / Fundraising
- Parade
- Community / Neighborhood
- Private Event
- Concert / Live Performance
- Run / Walk
- Other:



(52)

Event activities include (check all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Amusement rides / Inflatables | <input checked="" type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input checked="" type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches | <input type="checkbox"/> Live music |
| <input checked="" type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|--|--|
| <input type="radio"/> Private | <input checked="" type="radio"/> Free & open to the general public |
| <input type="radio"/> Entry by participation or registration fee | <input type="radio"/> Entry by admission fee or ticket |

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	March 4th, 2023		
Event Set-up	March 4th, 2023	6:00 a.m.	
Event Breakdown	March 4th, 2023		1:00 p.m.

Run / Walk:

Please provide the start time for each distance (if applicable)

8:00 a.m. 1 mile 8:30 a.m. 5K _____ Other distance

Please indicate your expected attendance: 500

Number of participants:

- | | |
|---------|----------------------------------|
| 1-99 | <input type="radio"/> |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input checked="" type="radio"/> |

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: 2 Date(s) & time(s): 3/4/23 6am -1pm

Volunteers How many: 18 Date(s) & time(s): 3/4/23 6am -1pm

Private security How many: _____ Date(s) & time(s): _____

Company name: Veteran's OATH

Contact name and number: Kye White (903) 851-5747

Off duty police How many: 4 Date(s) & time(s): 3/4/23 6am -1pm

Have you made arrangements with the police? Yes No

If no, please contact Sgt. Brian Fuller at bfuller@waxahachiepd.org to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: We will use some of Getzendaner's parking lot to start and finish.

Street closings to begin on date: 3/4/2023 Start time: 6 a.m. End time: 1 p.m.

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: 10 Barricades How many: 0

Other: _____

Where should equipment be dropped off & picked up?



When will the traffic equipment be set-up?

Date: 3/4/2023

Time: 6 a.m.

When will the traffic equipment be removed?

Date: 3/4/2023

Time: 1 p.m.

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes: possible (37) 10X10 along with (1) 12X12

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Malachi's Party Rental (Bounce house)

Explain services in detail:

Bounce with 1 generator along with sandbags to hold it down.

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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 of local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Kyle Schubert

Signature

9/28/2022

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Kyle Schubert

Signature

9/28/2022

Date



Veteran's OATH

(We're Family Taking Care of Family)



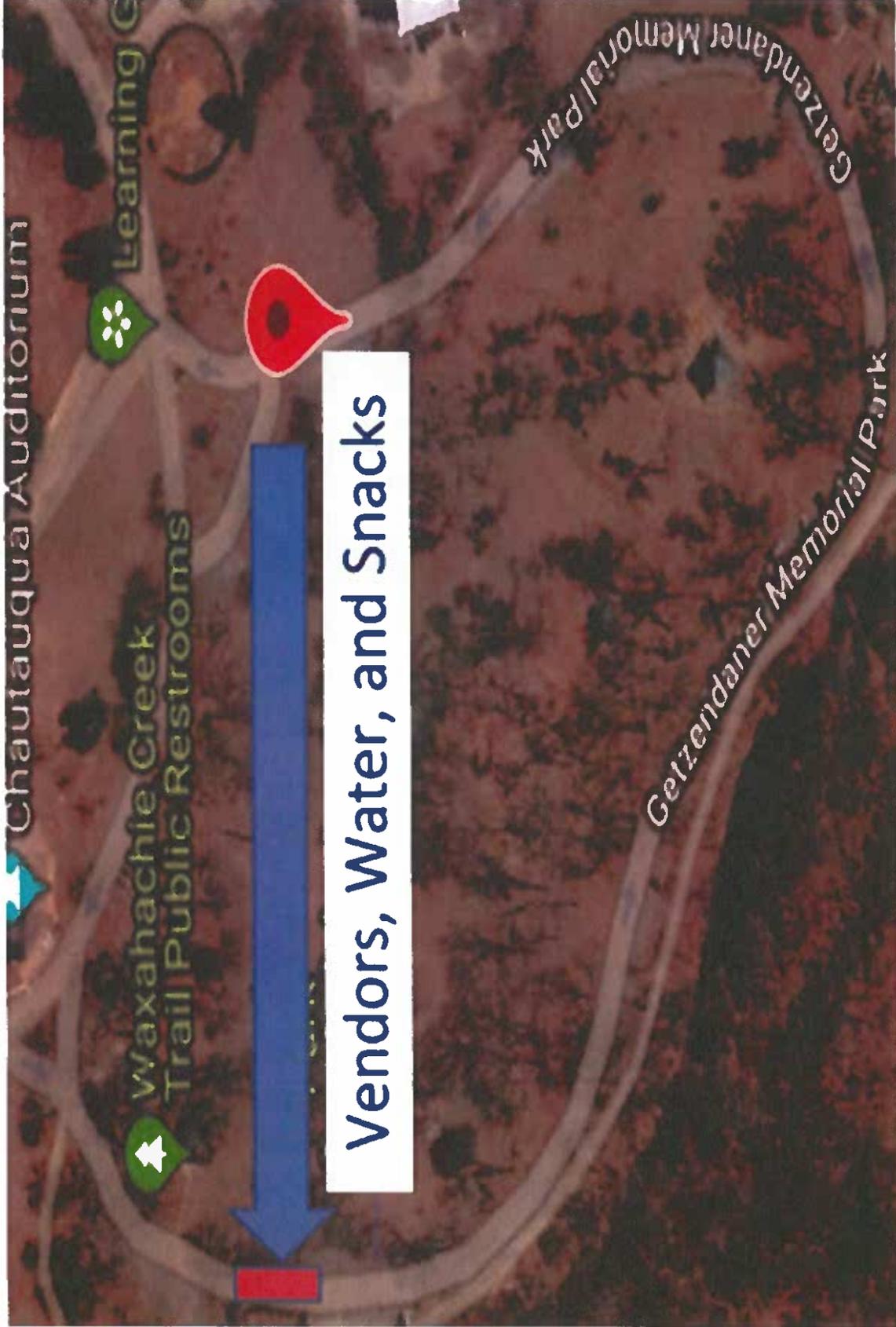
(52)

Veteran's OATH is here to pick those up that have fallen!! Leave no soldier behind!!! Please donate at veteransoath.org



Veteran's OATH

(We're Family Taking Care of Family)



(SE)

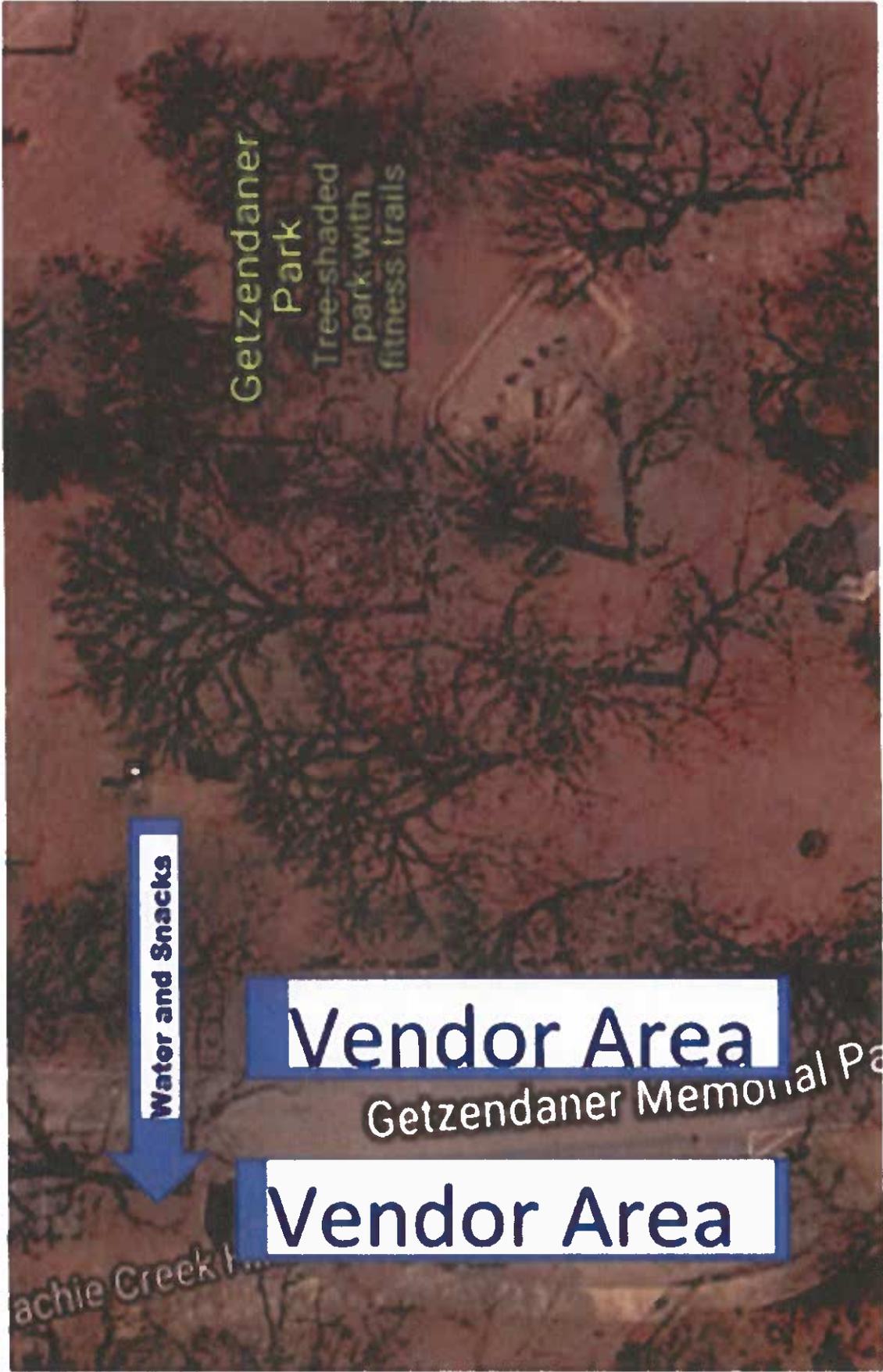
Veteran's OATH is here to pick those up that have fallen!! Leave no soldier behind!!! Please donate at veteransoath.org



Veteran's OATH

(We're Family Taking Care of Family)

(5e)

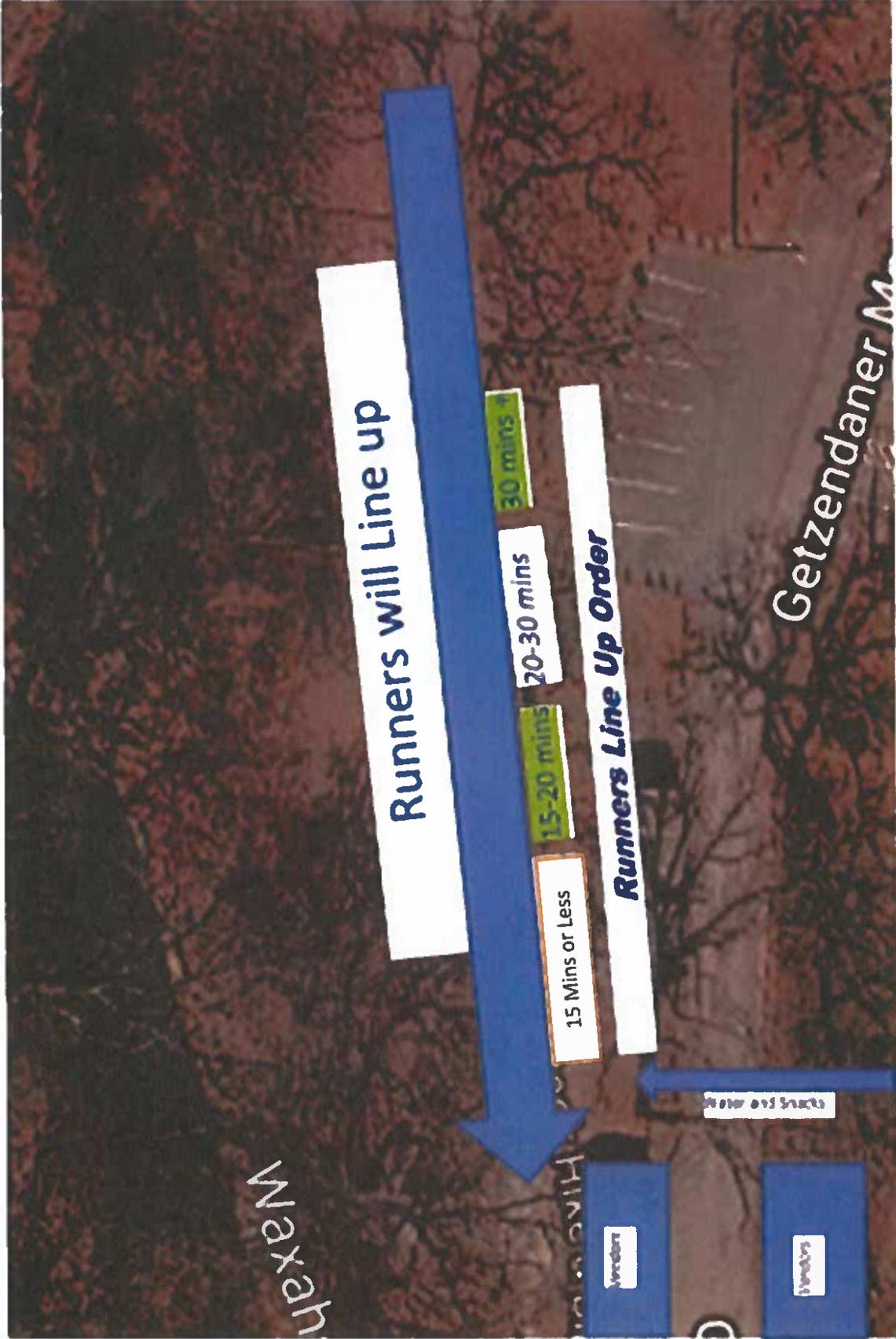


Veteran's OATH is here to pick those up that have fallen!! Leave no soldier behind!!! Please donate at veteransoath.org



Veteran's OATH

(We're Family Taking Care of Family)

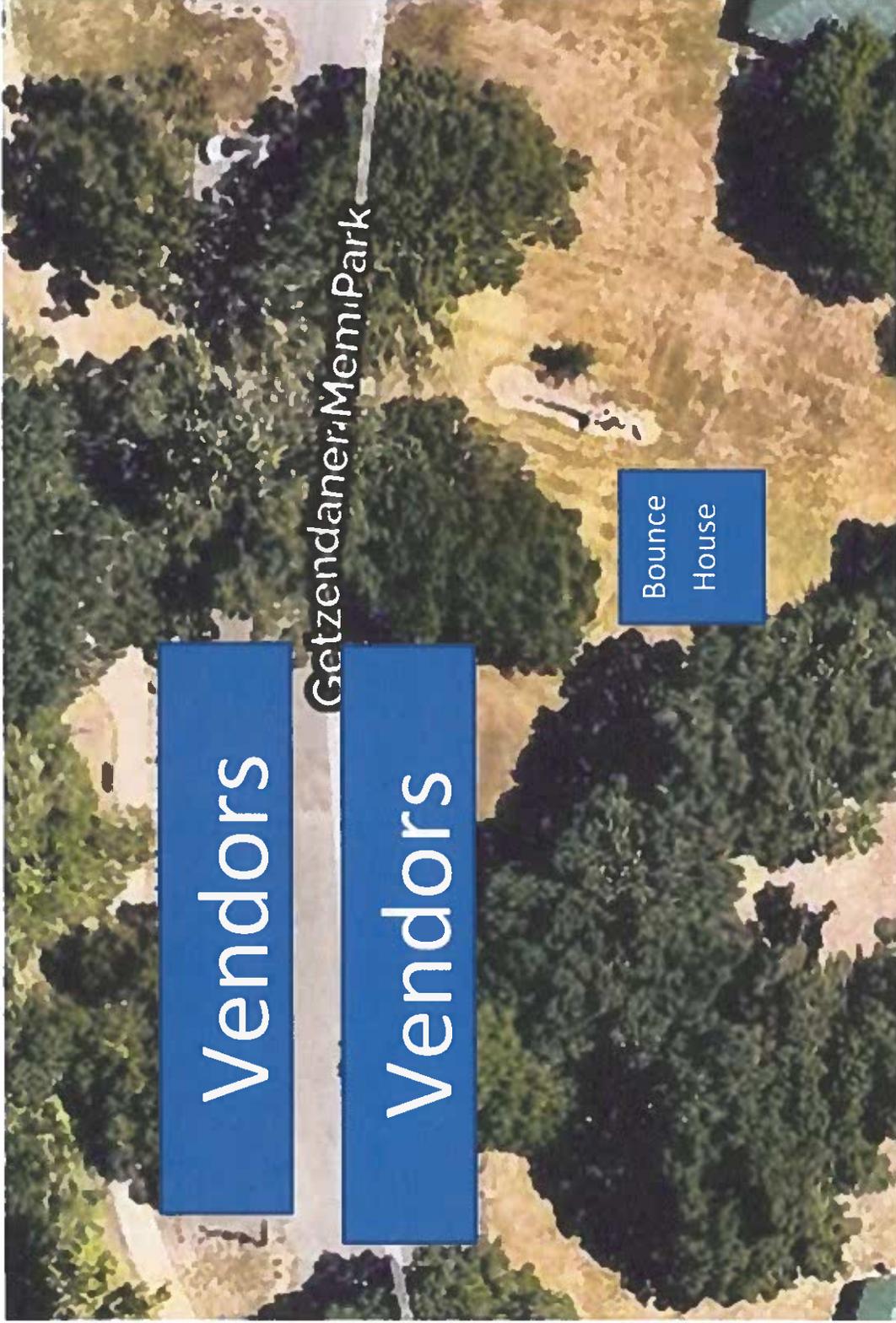


Veteran's OATH is here to pick those up that have fallen!! Leave no soldier behind!!! Please donate at veteransoath.org



Veteran's OATH

(We're Family Taking Care of Family)



(5e)

Veteran's OATH is here to pick those up that have fallen!! Leave no soldier behind!!! Please donate at veteransoath.org

(52)

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, October 5, 2022 2:14 PM
To: Bonner, Jami
Subject: RE: Event Application - Trinity Church 80s Family Night

I have no concerns.

From: Bonner, Jami
Sent: Wednesday, October 5, 2022 2:09 PM
To: Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Brooks, Shon <sbrooks@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Trinity Church 80s Family Night

For your review / comments. Thank you.

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

(5e)

Bonner, Jami

From: Griffith, Thomas
Sent: Wednesday, October 5, 2022 4:33 PM
To: Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Cooper, Kyle; Campos, Yadira; Joe Bill Wiser; Boyd, Ricky; Jordan, Me'Lony
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Getzendaner Proactive Run 03.04.2023

We would like them to have a completed safety plan.

John Thomas Griffith
Emergency Management Coordinator
630 Farly St. Waxahachie, Tx 75165

Office 469-309-4417
Mobile 469-550-3231

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, October 5, 2022 2:36 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@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 - Getzendaner Proactive Run 03.04.2023

For your review / comments.

The attached application is a reschedule of previously approved "Run to be Proactive". The applicant decided to reschedule the run due to lack of entries for the October 15th event. Please respond with any comments you may have. Thank you.

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

(5e)

Bonner, Jami

From: Boyd, Ricky
Sent: Wednesday, October 5, 2022 3:34 PM
To: Bonner, Jami
Subject: RE: Event Application - Getzendaner Proactive Run 03.04.2023

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, October 5, 2022 2:36 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@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 - Getzendaner Proactive Run 03.04.2023

For your review / comments.

The attached application is a reschedule of previously approved "Run to be Proactive". The applicant decided to reschedule the run due to lack of entries for the October 15th event. Please respond with any comments you may have. Thank you.

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

(5e)

Bonner, Jami

From: Martinez, Gumaro
Sent: Thursday, October 20, 2022 3:17 PM
To: Bonner, Jami; Cooper, Kyle
Subject: RE: Event Application - Getzendaner Proactive Run 03.04.2023

We will not be able to close the "street/drive" in the park, but we can cone off the parking lot they are wanting to use for the start and finish.

I would advise having some additional portable restrooms for the event. Please have them contact the Parks dept once approved to determine quantities.



From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, October 20, 2022 3:10 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>
Subject: FW: Event Application - Getzendaner Proactive Run 03.04.2023

Good afternoon,

Does the Parks Dept. have any comments in regards to the attached event application? Thank you.

From: Bonner, Jami <>
Sent: Wednesday, October 12, 2022 10:47 AM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>
Cc: Martinez, Gumaro <gmartinez@waxahachie.com>
Subject: FW: Event Application - Getzendaner Proactive Run 03.04.2023

Good morning Kyle,

Please review the attached event application and let me know if you have any questions or concerns. Thank you.

From: Bonner, Jami <>
Sent: Wednesday, October 5, 2022 2:36 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas

(Se)

Bonner, Jami

From: Cooper, Kyle
Sent: Thursday, October 20, 2022 3:18 PM
To: Bonner, Jami
Subject: RE: Event Application - Getzendaner Proactive Run 03.04.2023

No additional comments from me, Gumaro summed it all up.



Kyle Cooper, CPRP
Senior Director
Parks and Recreation
City of Waxahachie
972-268-4549
Kyle.Cooper@waxahachie.com

From: Bonner, Jami
Sent: Thursday, October 20, 2022 3:10 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>
Subject: FW: Event Application - Getzendaner Proactive Run 03.04.2023

Good afternoon,

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To: Cooper, Kyle <kyle.cooper@waxahachie.com>
Cc: Martinez, Gumaro <gmartinez@waxahachie.com>
Subject: FW: Event Application - Getzendaner Proactive Run 03.04.2023

Good morning Kyle,

Please review the attached event application and let me know if you have any questions or concerns. Thank you.

From: Bonner, Jami <>
Sent: Wednesday, October 5, 2022 2:36 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas

(5f)



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager *MS*
Date: November 7, 2022
Re: Waxahachie ISD Interlocal Agreement

Item Description: On Monday, November 7, 2022 an interlocal agreement between Waxahachie Independent School District and the City of Waxahachie will be presented to Council for consideration.

Item Summary: Staff is requesting the City Council's approval to enter into an interlocal agreement with Waxahachie Independent School District in reference to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which Waxahachie Independent School District and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. Waxahachie Independent School District and the City of Waxahachie shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts.

Approving this interlocal agreement will allow for potential cost savings and more efficient procurement practices.



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, P.E., Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: November 7, 2022

Re: Consider the approval of an Interlocal Agreement between the City of Waxahachie and Ellis County

Item Description: Consider approval of an Interlocal Agreement between the City of Waxahachie and Ellis County for procurement and services.

Item Summary: The interlocal agreement will allow the City of Waxahachie and Ellis County to share in the procurement for services, labor, equipment and materials.

This agreement also allows the county and city to perform work for each other at an agreed rate for labor, equipment and materials prior to performing the work in an as needed basis.

Fiscal Impact: Approval from City Council will be required when services, labor, equipment and materials are in excess of \$50,000.

(5H)



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager
Date: November 3, 2022
Re: Restore utility fee for cut off valve and meter box replacements

This agenda item modifies subsections (e) and (g) of section 33-40 of the Code of Ordinances to correct an inaccuracy in the fee structure.

Background

On October 4, 2021, staff recommended and City Council approved an adjustment to Section 33-40 of the Code of Ordinances to include an increase in the fee for the replacement of a damaged water cut-off valve, curb stop, or a meter box to \$130, plus the actual cost of materials to replace the damaged item. These costs are primarily charged to developers and builders to recover costs for damage to these items during the course of construction.

Subsequently on September 2, 2022, Council approved an ordinance setting water and wastewater rates and fees as part of the annual budget process. This ordinance inadvertently included an old rate for the two fees mentioned above.

Recommendation

Staff recommends approval of this item to restore the replacement fee previously approved on October 4, 2021 as follows:

- Section 33-40 (e) - Replacement of Cut-off Valve. In the event a customer has damaged a cut-off valve or curb stop to the point the valve must be replaced, then, the customer shall be billed a \$130.00

(5h)

replacement fee, plus the actual cost of materials to replace the damaged item. In the event a customer has broken a cut-off valve for the purpose of removing a lock, an additional tampering penalty of \$158.00 (see "(j)" below) must be paid before service is restored.

- Section 33-40 (g) - Meter Box Replacement Fee: \$130.00 plus actual materials cost.



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, Executive Director of Public Works and Utilities
Thru: Michael Scott, City Manager *MS*
Date: November 7, 2022
Re: Consider approval of a Letter of Support for a Traffic Signal 2022 SMART Grant Program

Item Description: Consider approval of a Letter of Support for a Traffic Signal 2022 SMART Grant Program.

Item Summary: The North Central Texas Council of Government (NCTCOG), TxDOT and the City of Waxahachie are working together on the 2022 Strengthening Mobility and Revolutionizing Transportation (SMART) Grant program. NCTCOG will seek for funding from two (2) grants from the Federal SMART Grant Program. The first grant will fund the project to evaluate equipment with traffic signal detection technology, artificial intelligence or probe-derived data collection methods, and remote connection. In the future, NCTCOG will seek another Federal SMART Grant to purchase the equipment selected. NCTCOG will be responsible for submitting grant documentation and TxDOT will pay for the cost share of the grants.

Even though all traffic signals are owned and maintained by TxDOT, City staff supports this grant application, since we want to be proactive to have the best traffic signals and controls within city limits. Also, the City will be responsible for maintaining the traffic signals when our population reaches 50,000 (per Census). City staff will be involved with the equipment selection with NCTCOG and TxDOT.

Fiscal Impact: The city will have no financial responsibility, since TxDOT currently owns and maintains the traffic signals and will pay for the cost share of the grants.



Memorandum

To: Honorable Mayor and City Council
From: Anita Simpson, Downtown Development Director/HPO
Thru: Michael Scott, City Manager
Date: November 4, 2022
Re: 2022 Farmers Market Year-End Report

This was the 20th year of the Farmers Market which started in 2003. The market operated for 25 weeks this year. A new sales record was set again this year by the vendors who participated. Total sales for the 2022 season are **\$290,291.14**.

This number represents an almost 13% increase over the previous best year with one week less in the market season. The previous sales record was \$257,352.36 in 2021 for 26 weeks.

(5)

Farmer's Market Weekly Totals
May 7 through October 22, 2022

5/7	\$21,601.88	44 vendors	
5/14	\$12,751.87	41 vendors	
5/21	\$10,804.75	41 vendors	
5/28	\$15,487.56	38 vendors	May total: \$60,646.06
6/4	\$14,056.56	39 vendors	
6/11	\$13,333.47	40 vendors	
6/18	\$11,963.24	41 vendors	
6/25	\$12,428.47	39 vendors	June total: \$51,781.74
7/2	\$16,686.77	42 vendors	
7/9	\$ 9,939.00	41 vendors	
7/16	\$ 9,835.00	40 vendors	
7/23	\$10,093.97	35 vendors	
7/30	\$10,737.09	35 vendors	July total: \$57,153.22
8/6	\$10,611.66	37 vendors	
8/13	\$10,796.69	34 vendors	
8/20	\$13,066.95	39 vendors	
8/27	\$ 9,579.00	36 vendors	August total: \$44,054.30
9/3	\$13,448.55	42 vendors	
9/10	\$11,008.47	41 vendors	
9/17	\$ 8,040.74	36 vendors	
9/24	\$ 8,920.81	32 vendors	September total: \$41,418.57

(5)

10/1	\$ 8,915.90	34 vendors	
10/8	\$ 9,355.63	34 vendors	
10/15	\$ 6,917.00	35 vendors	
10/22	\$10,048.72	31 vendors	October total: \$35,237.25

25 weeks in season

2022 Season TOTAL \$290,291.14

This was the 20th year of the Farmers Market which started in 2003. This number represents the highest sales total ever reported for a season and an almost 13% increase over the previous best year with one week less in the market season. The previous sales record was \$257,352.36 in 2021 for 26 weeks.



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Executive Director of Parks & Leisure Services
Thru: Michael Scott, City Manager *MS*
Date: November 7, 2022
Re: Consider Supplemental Appropriation of \$308,809 from the Waxahachie Community Development Corporation for the Land Purchase of 55.965 Acres Adjacent to Lions Park

Item Description: Consider approving a supplemental appropriation of \$308,809 from the Waxahachie Community Development Corporation (WCDC) Fund for the purchase of 55.965 acres from Mrs. Radora Doyle, adjacent to Lions Park.

Item Summary: The WCDC Board unanimously approved the acquisition and purchase of the Doyle's property in the September 13, 2022 meeting. Additionally, City Council unanimously approved to authorize the City Manager to negotiate and enter into an agreement for the Doyle's land as discussed in the Executive Session during the September 19, 2022 meeting.

The City Manager has entered into an agreement to purchase the land, and closed on the Doyle's property located between Lions Park and the Waxahachie Creek Hike and Bike Trail on November 1, 2022. The property was surveyed and the total acreage is 55.965 acres. The total purchase price for the property was approximately \$308,809.

The supplemental appropriation from the WCDC Fund would simply put the funds in the FY22-23 budget to properly record the land purchase.

Fiscal Impact: The WCDC Fund fund balance for FY22-23 has sufficient capacity to fund the supplemental appropriation. The appropriation would increase account 208-000-57100 - Land by \$308,809.

(8)

PROCLAMATION

WHEREAS, municipal courts play a significant role in preserving public safety and promoting quality of life in Texas; and

WHEREAS, more people come in contact with municipal courts than all other Texas courts combined and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court; and

WHEREAS, state law authorizes a municipality to either appoint or elect a municipal judge for a term of office, the Waxahachie Municipal Court is a state court and its judges are members of the state judiciary; and

WHEREAS, the procedures for the Waxahachie Municipal Court operations are set forth in the Texas Code of Criminal Procedure and other laws of the State of Texas; and

WHEREAS, the City of Waxahachie is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, Waxahachie Municipal Judges are not policy makers for the City of Waxahachie but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees; and

WHEREAS, the City Council recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the Waxahachie Municipal Court in complying with such legal requirements;

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of Waxahachie, along with the entire City Council do hereby proclaim November 7 – 11, 2022 as

“MUNICIPAL COURT WEEK”

in the City of Waxahachie and recognize the fair and impartial justice offered to our citizens by the Municipal Court of Waxahachie.

Proclaimed this 7th day of November 2022.

MAYOR

ATTEST:

CITY SECRETARY

(9)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-121-2022

MEETING DATE(S)

Planning & Zoning Commission: October 25, 2022

City Council: November 7, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held October 25, 2022, the Commission voted 5-0 to recommend approval of the case number ZDC-121-2022, as recommended by Staff.

CAPTION

Public Hearing on a request by Rodney & Suzie Bell, Cove Construction, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf**, use within a Single Family – 1 (SF-1) zoning district located at 601 N. Grand Ave (Property ID 176840) - Owner: Thomas A. & Veronica Schaeffer

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to expand an existing pool house (324 sq ft) to 972 sq ft to accommodate a bathroom and kitchenette, for entertainment purposes only.

CASE INFORMATION

Applicant: Rodney & Suzie Bell, Cove Construction

Property Owner(s): Thomas & Veronica Schaeffer

Site Acreage: 1.113 acres

Current Zoning : Single Family-1 (SF-1)

Requested Zoning: Single Family-1 (SF-1) with a Specific Use Permit (SUP) for an accessory structure greater than 700 square feet.

SUBJECT PROPERTY

General Location: 601 N Grand Ave.

Parcel ID Number(s): 176840

Current Zoning: Single Family-1 (SF-1)

Existing Use: A single family residence with an accessory pool house currently exists on the subject property.

Development History The subject property is platted as Lot 1B, Block 27 of the West End Revision.

Adjoining Zoning & Uses:

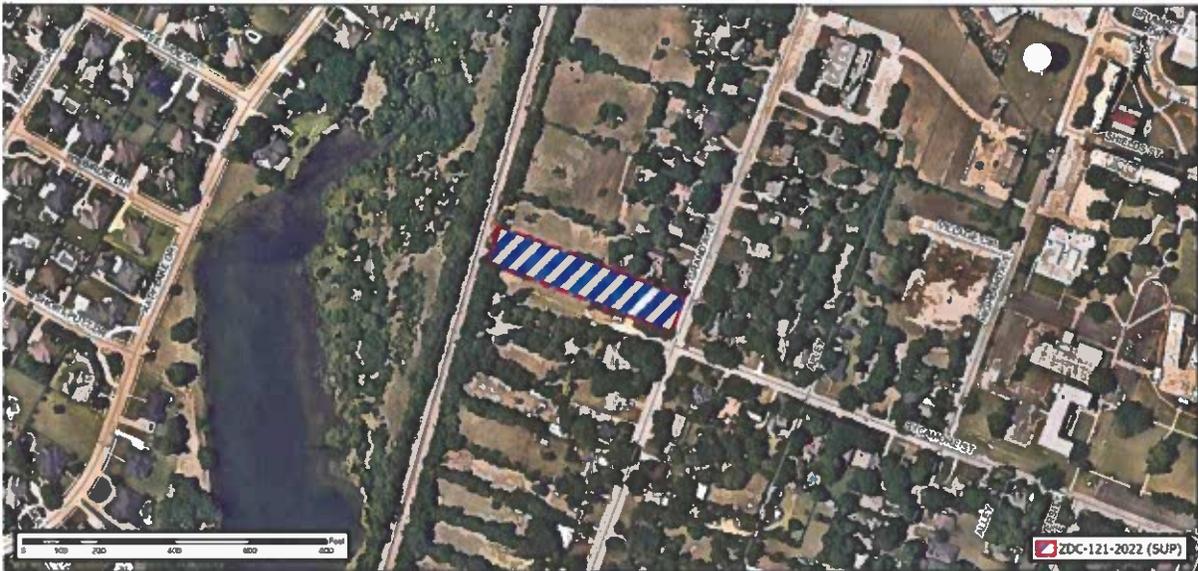
Direction	Zoning	Current Use
North	Single-Family-1	Single Family Residential Home
East	Single-Family-2	Single Family Residential Home
South	Single-Family-1	Single Family Residential Home
West	Single-Family-1	Single Family Residential Home

Future Land Use Plan: Low Density Residential

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

Thoroughfare Plan: The subject property is accessible via N. Grand Avenue

Site Aerial:



PLANNING ANALYSIS

The applicant is requesting a Specific Use Permit (SUP) to expand an existing pool house from 324 sq. ft. to 972 sq. ft. to accommodate a bathroom and kitchenette. The accessory structure is located to the rear of a single-family residential lot at 601 N Grand Ave. The primary structure on the property is 3,843 square feet. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a SUP to be approved by City Council.

Proposed Use:

The applicant is requesting a SUP for to expand an existing pool house from 324 sq. ft. to 972 sq. ft. to accommodate a bathroom and kitchenette. The intended use for the accessory structure is as a non-dwelling pool house for the homeowners to use when entertaining. The accessory structure will be accessible via the existing concrete patio and pool deck located at the rear of the home. The accessory structure will not be accessible to vehicles or used to store vehicles. The applicant has confirmed to staff that the structure will not be used as a dwelling of any kind and will not be metered, sold, or leased separately from the existing home.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff has received one (1) letter of support for the proposed Specific Use Permit.

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, per the following comments:
 1. The accessory structure shall not be used as a dwelling.
 2. The accessory structure shall not be used for commercial purposes.
 3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
 4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

ATTACHED EXHIBITS

Identify the exhibits that will be included as agenda backup material.

1. Letter of Support
2. Ordinance
3. Exhibit A - Location Map
4. Exhibit B - Site Layout Exhibit
5. Exhibit C - Elevation/Façade
6. Exhibit D - Floor Plan
7. Exhibit E – Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

(9)

Case Number: ZDC-121-2022

City Reference: 176842

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

RECEIVED OCT 17 2022

Signature

J. V. COOPER JR.

Printed Name and Title

Date

Address

10.17.22

605 N. GRANT

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.

(10)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED 601 N GRAND AVENUE, BEING PROPERTY ID 176840, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1B, BLK 27 WEST END-REVADDITION, 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 the said ordinance and any amendments thereto as SF-1; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-121-2022. 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-1 to SF-1, with a SUP in order to permit an Accessory Structure Equal to or Greater Than 700 Square Feet use on the following property: Lot 1B, BLK 27 West End Rev Addition, which is shown on Exhibit A, in accordance with the Site Layout Exhibit attached as Exhibit B, the Elevation/Façade Plan attached as Exhibit C, Floor Plan attached as Exhibit D, and the Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY – 1 (SF-1) 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-121-2022.
2. The development shall adhere to the City Council approved Exhibit A – Location Exhibit, Exhibit B- Site Layout Exhibit, Exhibit C – Elevation/Façade Plan Exhibit, Exhibit D – Floor Plan, and Exhibit E – Staff Report.
3. The accessory structure shall not be used as a dwelling.
4. The accessory structure shall not be used for commercial purposes.
5. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
6. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to the construction of the accessory structure.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, if needed.

Compliance

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

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

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

(10)

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

MAYOR

ATTEST:

City Secretary

(10)

Exhibit A - Location Map



(10)

Exhibit B - Site Layout Exhibit



**Site Layout Exhibit
ZDC-121-2022**

- Property Line
- Proposed Accessory Dwelling (972 sq. ft.)
- Existing Home & Accessory Structure

0 50 100 200-Foot



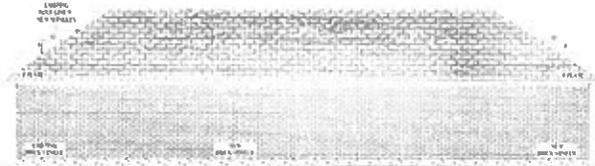
(10)

Exhibit C - Elevation/Facade Plan

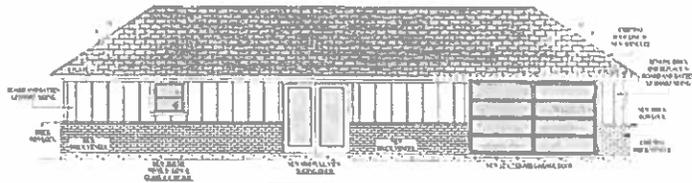
Site Plan Case #: ZOC-121-2022



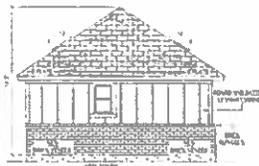
1. ROOF PLAN
14'4" x 12'



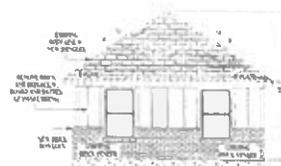
4. RIGHT ELEVATION
14'4" x 12'



3. LEFT ELEVATION
14'4" x 12'



2. REAR ELEVATION
14'4" x 12'



5. FRONT ELEVATION
14'4" x 12'

NOTES:

1. All work shall be in accordance with the applicable building codes and regulations of the City of Dallas.
2. The proposed pool house shall be constructed of brick and horizontal siding on the upper portion. The exterior finish shall be in accordance with the applicable building codes and regulations of the City of Dallas.
3. The proposed pool house shall be constructed of brick and horizontal siding on the upper portion. The exterior finish shall be in accordance with the applicable building codes and regulations of the City of Dallas.
4. The proposed pool house shall be constructed of brick and horizontal siding on the upper portion. The exterior finish shall be in accordance with the applicable building codes and regulations of the City of Dallas.
5. The proposed pool house shall be constructed of brick and horizontal siding on the upper portion. The exterior finish shall be in accordance with the applicable building codes and regulations of the City of Dallas.

DC TEXAS ARCHITECTURE
 401 N Grand Avenue
 Waco, Texas 76798
 Phone: 817.870.1234
 Fax: 817.870.1235

POOL HOUSE
 401 N Grand Avenue
 Waco, Texas 76798

ISSUE FOR PERMIT
 August 31, 2022



REVISIONS

REVISED BY DATE

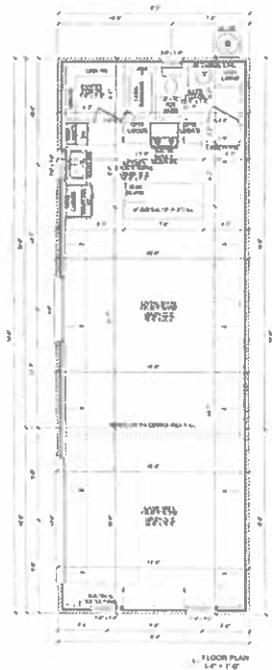
TITLE ELEVATIONS

Sheet **A-301**
 Copyright © 2022
 by DC TEXAS ARCHITECTURE

(10)

Exhibit D - Floor Plan

Site Plan Case #: ZDC-121-2022



AREA TOTALS

EXISTING AREA	324
NEW AREA	648
TOTAL FOUNDATION	972

NOTES:

1. These plans are prepared in accordance with the applicable building codes and standards. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
2. These plans are prepared for a residential building. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
3. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
4. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

DC TEXAS
ARCHITECTURE

1111 North Loop West, Suite 1000
Houston, Texas 77004
Tel: 713.867.1111
www.dctexasarch.com

POOL HOUSE
601 N Grand Avenue
Waxahatchie, Texas 75165

ISSUE FOR PERMIT
August 31, 2022



KEYWORDS

DATE: 08/31/22 BY: [Signature]

TITLE: FLOOR PLAN

Sheet
A-101
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DC TEXAS ARCHITECTURE

Planning & Zoning Department
Zoning Staff Report



Case: ZDC-121-2022

MEETING DATE(S)

Planning & Zoning Commission: October 25, 2022

City Council: November 7, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held October 25, 2022, the Commission voted 5-0 to recommend approval of the case number ZDC-121-2022, as recommended by Staff.

CAPTION

Public Hearing on a request by Rodney & Suzie Bell, Cove Construction, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf**, use within a Single Family – 1 (SF-1) zoning district located at 601 N. Grand Ave (Property ID 176840) - Owner: Thomas A. & Veronica Schaeffer

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to expand an existing pool house (324 sq ft) to 972 sq ft to accommodate a bathroom and kitchenette, for entertainment purposes only.

CASE INFORMATION

Applicant: Rodney & Suzie Bell, Cove Construction

Property Owner(s): Thomas & Veronica Schaeffer

Site Acreage: 1.113 acres

Current Zoning : Single Family-1 (SF-1)

Requested Zoning: Single Family-1 (SF-1) with a Specific Use Permit (SUP) for an accessory structure greater than 700 square feet.

SUBJECT PROPERTY

General Location: 601 N Grand Ave.

Parcel ID Number(s): 176840

Current Zoning: Single Family-1 (SF-1)

Existing Use: A single family residence with an accessory pool house currently exists on the subject property.

Development History The subject property is platted as Lot 1B, Block 27 of the West End Revision.

Exhibit E - Staff Report

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Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single-Family-1	Single Family Residential Home
East	Single-Family-2	Single Family Residential Home
South	Single-Family-1	Single Family Residential Home
West	Single-Family-1	Single Family Residential Home

Future Land Use Plan:

Low Density Residential

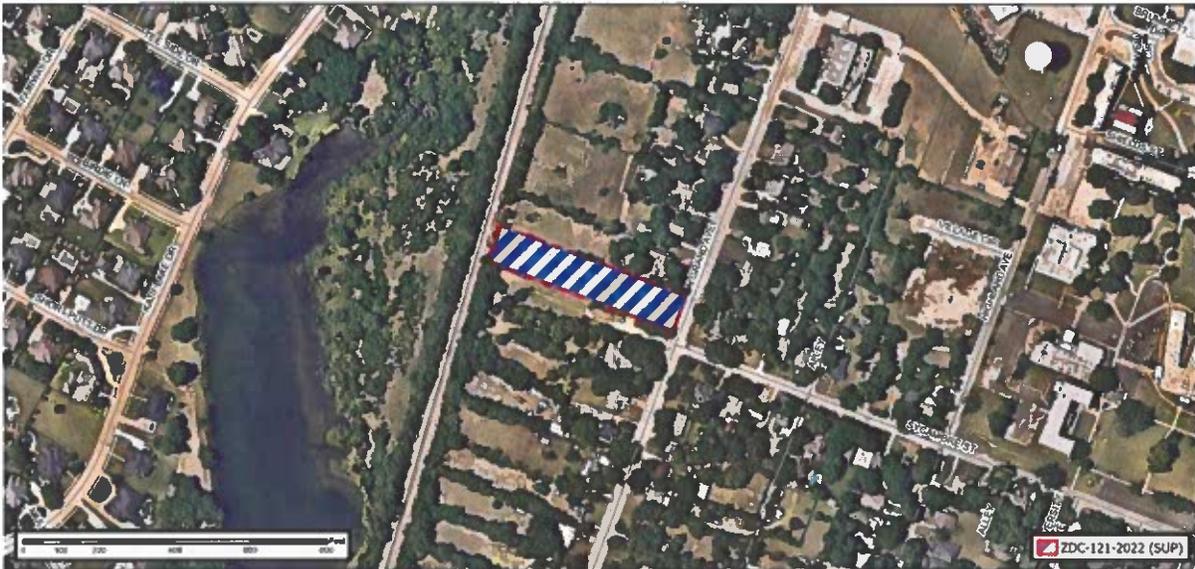
Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N. Grand Avenue

Site Aerial:



PLANNING ANALYSIS

The applicant is requesting a Specific Use Permit (SUP) to expand an existing pool house from 324 sq. ft. to 972 sq. ft. to accommodate a bathroom and kitchenette. The accessory structure is located to the rear of a single-family residential lot at 601 N Grand Ave. The primary structure on the property is 3,843 square feet. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a SUP to be approved by City Council.

Proposed Use:

The applicant is requesting a SUP for to expand an existing pool house from 324 sq. ft. to 972 sq. ft. to accommodate a bathroom and kitchenette. The intended use for the accessory structure is as a non-dwelling pool house for the homeowners to use when entertaining. The accessory structure will be accessible via the existing concrete patio and pool deck located at the rear of the home. The accessory structure will not be accessible to vehicles or used to store vehicles. The applicant has confirmed to staff that the structure will not be used as a dwelling of any kind and will not be metered, sold, or leased separately from the existing home.

Exhibit E - Staff Report

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PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff has received one (1) letter of support for the proposed Specific Use Permit.

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, per the following comments:
 1. The accessory structure shall not be used as a dwelling.
 2. The accessory structure shall not be used for commercial purposes.
 3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
 4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

ATTACHED EXHIBITS

Identify the exhibits that will be included as agenda backup material.

1. Letter of Support
2. Ordinance
3. Exhibit A - Location Map
4. Exhibit B - Site Layout Exhibit
5. Exhibit C - Elevation/Façade
6. Exhibit D - Floor Plan
7. Exhibit E – Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

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Planning & Zoning Department Staff Report



Cardinal IG Development Agreement

MEETING DATE(S)

City Council:

November 7, 2022

APPLICANT REQUEST

The applicant is requesting a Development Agreement to accompany the Cardinal IG Addition Replat (SUB-40-2022); which was approved by the Planning & Zoning Commission on October 25, 2022.

CASE INFORMATION

Applicant: Erik Shoquist, Cardinal IG

Property Owner(s): Cardinal IG Company

Site Acreage: 66.456 acres

SUBJECT PROPERTY

General Location: 201 & 203 Cardinal Road

Parcel ID Number(s): 209418, 226867, 285601, & 285602

Current Zoning: Light Industrial-2 (LI-2)

Existing Use: The subject property is currently occupied by the Cardinal IG and Cardinal CG plants.

Platting History: The subject property is currently platted as part of Lot 1, Block A of the Cardinal Addition. However, on October 25, 2022, a Replat of the property was approved to divide the property into Lot 1R & 2R, Block A of the Cardinal IG Addition.

Site Aerial:



STAFF ANALYSIS

Proposed Use: The proposed Development Agreement is intended to allow Cardinal IG to continue to privately use a portion of property dedicated as right-of-way (ROW) with the Cardinal IG Addition replat (SUB-40-2022).

Background: The City of Waxahachie Thoroughfare Plan identifies Cardinal Road as a future 110' thoroughfare connecting I-35E and US Highway 77. As part of the Cardinal IG Addition replat, the applicant provided a 110' ROW dedication in conformance with the City's Thoroughfare Plan. However, the City of Waxahachie does not have immediate plans prepared to extend Cardinal Road across the BNSF railroad and ROW to get to I-35. Due to this, the applicant desired to continue to privately use the ROW dedicated with the replat until such time that the City actively begins the extension of Cardinal Road.

City staff has no objection to this request and worked with the applicant to craft a Development Agreement to regulate the private use of the Cardinal Road ROW in question. The Development Agreement allows Cardinal IG Company to privately utilize the ROW in question as drives, walkways, truck and automobile parking, trailer parking and other outdoor storage uses for the length of the agreement.

The Development Agreement is proposed to expire when the City of Waxahachie provides Cardinal IG Company with notice of its intention to begin the extension of Cardinal Road or twenty-five (25) years after the effective date of the agreement, if BNSF has provided confirmation in writing to the City that a railroad crossing for the extension of Cardinal Road will not be acceptable. In the event that the Cardinal Road extension does not occur as per the Development Agreement, the ROW dedicated for Cardinal Road will be vacated and returned to Cardinal IG Company.

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, per the following comments:
 1. A physical copy of the Development Agreement with original signatures will be provided to staff for filing.

ATTACHED EXHIBITS

1. Development Agreement
2. Exhibit A – Legal Description of the Subject Property
3. Exhibit B – Cardinal IG Addition Replat
4. Exhibit C – Depiction of ROW Extension
5. Exhibit D – Site Plan of Permitted Improvements

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide a physical copy of the Development Agreement, including the attached exhibits, that contains original signatures from the property owner.
2. Once the physical Development Agreement is received, staff will verify the documents match those approved by City Council and proceed to sign and officially record the agreement.
 - a. If errors or omissions are present in the physical easement agreements, the applicant will be notified to make corrections.

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STAFF CONTACT INFORMATION

Prepared by:

Zack King

Senior Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR CARDINAL I G ADDITION
COUNTY OF ELLIS	§	

This Development Agreement for Cardinal I G Addition ("Agreement") is entered into between Cardinal IG Company, a Minnesota corporation ("**Cardinal IG**") and the City of Waxahachie, Texas ("City"). Cardinal IG and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. Cardinal IG is the owner of 66.456 acres of real property generally located West of the US Highway 77 between Cardinal Road and Dart Way, Parcel Numbers 226867, 209418, 285602, & 285601, in the City of Waxahachie, Texas, described on Exhibit A attached hereto (the "Property"), for which Cardinal IG has requested City approval of a replat of the Property as shown on the attached Exhibit B ("Replat"), the City has requested dedication of additional right-of-way for Cardinal Road (the "**New Road Right-of-Way**"), and Cardinal IG has requested a right and easement for continued use of a portion of the New Road Right-of-Way shown on the attached Exhibit C ("**Extension Right-of-Way**") until such Extension Right-of-Way is improved by the City for the Future Cardinal Road Extension, as defined below. The Property is currently zoned Light Industrial-1 and Light Industrial-2 by the City.

2. The Property is currently improved with two (2) manufacturing plants, the most easterly of such plants is referred to herein as the "**Cardinal IG Plant**," and the most westerly of such plants is referred to herein as the "**Cardinal CG Plant**." The Replat is not necessary for expansion of the Cardinal CG Plant, which is currently being expanded. The Replat is necessary for the expansion of the Cardinal IG Plant ("**IG Plant Expansion**") in accordance with City codes and ordinances. The City is willing to approve the Replat and Cardinal is willing to grant the New Right-of-Way Dedication on the terms and conditions set forth in this Agreement.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of Cardinal IG and City staff have occurred during various meetings, in an effort to finalize the terms of this Agreement.

4. The City has granted Cardinal IG final plat approval for the Replat in accordance with Chapter 212 of the Texas Local Government Code and Appendix C to the Code of Ordinances of the City.

5. This Agreement seeks to incorporate the terms and conditions negotiated between Cardinal IG and the City as contractually-binding obligations of the City and Cardinal IG, and to recognize and document Cardinal IG's reasonable investment-backed expectations with respect to approval of the Replat and the terms of this Agreement.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration,

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the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Investment-Backed Expectations: Cardinal IG shall have the right to rely on the negotiated and agreed upon terms and conditions of this Agreement in connection with its investment in the IG Plant Expansion and dedication of the New Road Right-of-Way in the Replat. The zoning and building codes set forth in the City of Waxahachie Code of Ordinances are hereby incorporated into this Agreement as contractually-binding obligations of Cardinal IG subject to the exceptions set forth in this Agreement.

Cardinal IG agrees to:

- (A) Reasonably maintain and improve or expand, as deemed necessary or desirable by Cardinal IG, the drives and parking areas within the Extension Right-of-Way until the City constructs a future road thereon ("**Future Cardinal Road Extension**") extending through the Extension Right-of-Way and across the Burlington Northern Santa Fe Railroad right-of-way that runs along the westerly boundary of the Property and extending northward and southward ("**BNSF Right-of-Way**").
- (B) Not construct additional buildings or structures or utilities within the Extension Right-of-Way, other than paving, curbing and lighting for the drives and parking areas located thereon and adjacent portions of the Property and other than utilities serving the drives and parking areas operated by Cardinal IG; provided that nothing herein shall be deemed to prohibit construction or installation of utilities within existing easements to serve the Cardinal CG Plant and Cardinal IG Plant.
- (C) Hold the City harmless from any liability caused by use of the Extension Right-of-Way by Cardinal IG or its employees, agents or contractors.

The City agrees:

- (A) To allow Cardinal IG to use the Extension Right-of-Way for private purposes, subject to the restrictions set forth in this Agreement ("**Reserved Right of Private Use**"), until such Reserved Right of Private Use is terminated as provided below. The City hereby grants such Reserved Right of Private Use to Cardinal IG, its successors and

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assigns as owners of the Property, which Reserved Right of Private Use is reserved and excepted in the Replat. Cardinal IG's use of the Extension Right-of-Way shall be limited to use as drives, walkways, truck and automobile parking areas and other outdoor storage by Cardinal IG and its affiliates, employees, agents, contractors and customers, including improvements related thereto, all in accordance with applicable City codes and ordinances. Other private uses and improvements shall be approved by the City Manager or designee, which approval shall not unreasonably be withheld so long as construction of the Future Cardinal Road Extension is not subjected to further delays by reason thereof.

- (B) The Reserved Right of Private Use provided for in paragraph (A) of this Section 3 shall expire and terminate ninety (90) days after the City has (1) approved and allocated funding for construction of the Future Cardinal Road Extension, and (2) obtained all required private and public approvals for the RR Crossing, and (3) notified Cardinal IG in writing that it intends to commence construction of the Future Cardinal Road Extension.
- (C) After termination of the Reserved Right of Private Use and construction of the Future Cardinal Road Extension, to allow crossings of the Future Cardinal Road Extension by service roads currently used by Cardinal IG to access parking areas located across the Extension Right-of-Way from the Cardinal IG Plant and Cardinal CG Plant ("**Service Road Crossings**"), subject to reasonable and customary traffic controls as determined necessary or appropriate by the City engineering department.
- (D) All costs of the Future Cardinal Road Extension, including any improvements to the existing Cardinal Road to accommodate such extension and the additional usage resulting therefrom, all costs of constructing any at-grade or grade-separated crossing of the BNSF Right-of-Way ("**RR Crossing**"), all costs of power pole or other utility relocation as required for construct the Cardinal Road Extension or RR Crossing, all costs of traffic lights or other traffic controls for Service Road Crossings or for the RR Crossing or otherwise, all costs of installing utilities along the Cardinal Road Extension, and all costs of obtaining permits and approvals from other private parties or governmental entities for the same, shall be paid by the City and not assessed, in whole or in part, to the Property or otherwise charged to Cardinal IG or its successors or assigns as owners of the Property. The City and Cardinal acknowledge that the provisions of this paragraph are fair and reasonable compensation to Cardinal IG for the dedication of the New Road Right-of-Way. Notwithstanding the foregoing, the City shall be responsible for maintenance and repair of existing Cardinal Road and the Future Cardinal Road Extension, and may assess such costs of maintenance and repair to adjoining property owners, including Cardinal IG, as provided by the Texas Local Government Code, the Code of Ordinances of the City and other applicable law. Cardinal IG shall have the right and option, at Cardinal IG's sole expense, to continue its current practice of mowing unpaved areas and striping Cardinal Road unless and until the City notifies Cardinal IG to cease such mowing and striping.

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- (E) The City has approved, in or in connection with the resolution granting final plat approval for the Replat, such setback or other variances, conditional or special use permits, or other City approvals, as may be necessary for Cardinal IG to use the Extension Right-of-Way as provided in this Agreement prior to construction of the Future Cardinal Road Extension and to continue the existing and proposed uses of the balance of the Property as shown on the site plan attached hereto as Exhibit D, including without limitation the trailer parking area located Northerly of the Extension Right-of-Way and the two (2) existing Service Road Crossings. Any additional improvements constructed on the Extension Right-of-Way by Cardinal IG after the date of this Agreement (other than asphalt paving) shall be removed by Cardinal IG, at its expense, prior to commencement of construction by the City of the Future Cardinal Road Extension, to the extent such improvements interfere with construction of the Future Cardinal Road Extension.
- (F) The dedication of the Extension Right-of-Way shall lapse and be of no further force or effect on the date twenty-five (25) years after the date of this Agreement if Burlington Northern Santa Fe Railroad has provided confirmation in writing to the City of Waxahachie that a railroad crossing for the extension of Cardinal Road will not be acceptable and if the Reserved Right of Private Use has not been terminated by the City in accordance with paragraph (B) of this Section 3. In such event, the City agrees to take such action as shall be required to vacate the Extension Right-of-Way of record. In the event the Extension Right-of-Way lapses and is vacated in accordance with this paragraph, the provisions of paragraph (D) of this Section 3 shall have no further force or effect.

In consideration of Cardinal IG's agreement in this regard, the City agrees that Cardinal IG has reasonable investment-backed expectations in the agreements of the City in this Agreement, and in particular this Section 3, and that the City may not unilaterally change the terms of this Agreement without impacting Cardinal IG's reasonable investment-backed expectations.

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.
- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid,

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or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.
- E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
- F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.
- G. Except as expressly provided herein, this Agreement is made subject to the existing provisions of the City of Waxahachie Code of Ordinances, and all other present rules, regulations, procedures and ordinances of the City, and all applicable laws, rules, and regulations of the State of Texas and the United States. The City represents and warrants that the Agreements of the City set forth in this Agreement are permitted under all such applicable laws. Cardinal IG represents and warrants that the Agreements of Cardinal IG set forth in this Agreement are permitted under its articles of incorporation, bylaws and all other instruments governing Cardinal IG.
- H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.
- I. This Agreement may be only amended or altered by written instrument signed by the Parties.
- J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.
- K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

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- L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon Cardinal IG and all heirs, successors, and assigns and the future owners of the Property and any portion thereof.
- M. **Form 1295 Certificate.** Cardinal IG agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, Cardinal IG agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the City, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.
- N. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Cardinal IG is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- O. **Notices.** Required or permitted notices to Cardinal IG shall be in writing, and shall be deemed given when either hand delivered to Cardinal IG or three (3) business days after mailed to Cardinal IG by certified or registered mail, with a copy sent by e-mail, at the following address:

Cardinal IG Company/Waxahachie IG
Attention: Plant Manager
201 Cardinal Road
Waxahachie, TX 75165
E-mail: eshoquis@cardinalcorp.com

Notices to the City shall be in writing and shall be deemed given when either hand delivered to the City Manager or three (3) business days after mailed to the City by registered or certified mail in care of the City Manager, with a copy sent by e-mail, at the following addresses:

City of Waxahachie
Attention: _____
401 S. Rogers Street, P.O. Box 757
Waxahachie, TX 75168
E-mail: _____

The Parties may designate different addresses or persons to receive such notices by similar notice given to the other Party not less than ten (10) days prior to the effective date of such change.

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____, 2022

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, 2022, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

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EXHIBIT A

A LEGAL DESCRIPTION OF THE PROPERTY

OWNER'S CERTIFICATE

State of Texas
County of Ellis

Whereas, Cardinal IG Company are the owners of that certain parcel of land being situated in the ALLEN W. BROWN SURVEY, ABSTRACT NO. 102, Ellis County, Texas, and being all of Lot 1, Block A of Cardinal I G Addition, an addition in the City of Waxahachie, Texas, according to the Plat thereof recorded in Cabinet D, Slide 249 of the Plat Records of Ellis County, Texas (PRECT) and all of the 6.087 acre tract of land conveyed to Cardinal IG Company by Texas General Warranty Deed recorded in Instrument Number 2105457 of the Official Public Records of Ellis County, Texas (OPRECT) and all of the 11.790 acre tract of land conveyed to Cardinal IG Company by Texas Special Warranty Deed recorded in Instrument Number 2105464, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found with cap marked "RPLS 4466" in the east line of the Burlington Northern Sante Fe Railroad for the northwest corner of Cardinal I G Addition and the westerly southwest corner of Lot 1, Block 1 of James Hardie Building Products Manufacturing Site, an addition in the City of Waxahachie, Texas, according to the Plat thereof recorded in Cabinet L, Slide 169, PRECT;

THENCE N 89°28'59" E, along the westerly north line of Cardinal I G Addition and the westerly south line of James Hardie Building Products Manufacturing Site, a distance of 946.54 feet to a 1/2" iron rod found with cap marked "RPLS 4466" for the northeast corner of Cardinal I G Addition and an interior corner of James Hardie Building Products Manufacturing Site;

THENCE S 00°33'02" E, along the northerly east line of Cardinal I G Addition and the southerly west line of James Hardie Building Products Manufacturing Site, a distance of 273.43 feet to a 1/2" iron rod found for the easterly southwest corner of James Hardie Building Products Manufacturing Site and the northwest terminus of Cardinal Road;

THENCE S 66°52'17" E, along the easterly north line of Cardinal I G Addition and the north line of Cardinal Road and the easterly south line of James Hardie Building Products Manufacturing Site, a distance of 145.61 feet to a 1/2" iron rod found at the beginning of a curve to the left having a radius of 765.00 feet and a central angle of 23°58'06";

THENCE in an easterly direction along the arc of said curve and continuing along the easterly north line of Cardinal I G Addition and the north line of Cardinal Road and the easterly south line of James Hardie Building Products Manufacturing Site, a distance of 315.57 feet (Long Chord – S 78°38'41" E, 313.34 feet) to a 1/2" iron rod found for corner;

THENCE N 89°27'43" E, continuing along the easterly north line of Cardinal I G Addition and the north line of Cardinal Road and the easterly south line of James Hardie Building Products Manufacturing Site, a distance of 574.22 feet to a 1/2" iron rod found for the southerly southeast corner of James Hardie Building Products Manufacturing Site and the southwest corner of the 2.042 acre tract of land conveyed to Del Z Enterprises, LLC by Texas Warranty Deed recorded in Instrument Number 1529174, OPRECT and at the beginning of a curve to the right having a radius of 835.00 feet and a central angle of 13°58'04";

THENCE in an easterly direction along the arc of said curve and continuing along the easterly north line of Cardinal I G Addition and the north line of Cardinal Road and the westerly south line of said 2.042 acre tract, passing at 25.16 feet the southerly southeast corner of said 2.042 acre tract and the southwest corner of the 1.1194 acre tract of land conveyed to J&B Rental, Inc by Warranty Deed recorded in Volume 2760, Page 1060, OPRECT, in all, a distance of 203.56 feet (Long Chord – S 83°23'32" E, 203.05 feet) to a 1/2" iron rod found for corner;

THENCE S 76°56'20" E, continuing along the easterly north line of Cardinal I G Addition and the north line of Cardinal Road and along the south line of said 1.1194 acre tract, a distance of 83.34 feet to a 1/2" iron rod found in the west line of U.S. Highway 77 as defined by Deed recorded in Volume 1554, Page 564, OPRECT for the easterly northeast corner of Cardinal I G Addition and of Cardinal Road and the southeast corner of said 1.1194 acre tract;

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THENCE S 10°48'39" W, along the most easterly line of Cardinal I G Addition and the west line of U.S. Highway 77, a distance of 70.02 feet to a 1/2" iron rod found for the easterly southeast corner of Cardinal I G Addition and of Cardinal Road and the northeast corner of CSP1 Addition, an addition in the City of Waxahachie, Texas, according to the Plat thereof recorded Cabinet L, Slides 73-74, PRECT;

THENCE N 76°23'40" W, along the easterly south line of Cardinal I G Addition and the south line of Cardinal Road and the north line of CSP1 Addition, a distance of 86.67 feet to a 1/2" iron rod found at the beginning of a curve to the left having a radius of 765.00 feet and a central angle of 13°59'17";

THENCE in a westerly direction along the arc of said curve and continuing along the easterly south line of Cardinal I G Addition and the south line of Cardinal Road and the north line of CSP1 Addition, a distance of 186.77 feet (Long Chord – N 83°33'29" W, 186.30 feet) to a 1/2" iron rod found for corner;

THENCE S 89°27'01" W, continuing along the easterly south line of Cardinal I G Addition and the south line of Cardinal Road and the north line of CSP1 Addition, passing at 75.76 feet the northwest corner of CSP1 Addition and the current northeast corner of the residual of the 11.712 acre tract of land conveyed to Connell Storage by Warranty Deed recorded in Instrument Number 1829744, OPRECT, in all, a distance of 388.62 feet to a 1/2" iron rod found with cap marked "TXRCS" for the northeast corner of said 6.087 acre tract;

THENCE S 00°30'50" E, along the east line of said 6.087 acre tract, a distance of 393.33 feet to a 1/2" iron rod found with cap marked "TXRCS" for the southeast corner of said 6.087 acre tract and the northeast corner of said 11.790 acre tract;

THENCE S 00°32'43" E, along the east line of said 11.790 acre tract, a distance of 823.84 feet to a 1/2" iron rod found with cap marked "TXRCS" in the north line of Lot IRR of Revco Subdivision, an addition in the City of Waxahachie, Texas, according to the Plat thereof recorded in Cabinet D, Slide 399, PRECT for the southeast corner of said 11.790 acre tract;

THENCE S 89°19'56" W, along the south line of said 11.790 acre tract and the north line of Revco Subdivision, a distance of 624.90 feet to a 1/2" iron rod found for the southwest corner of said 11.790 acre tract and the southeast corner of Cardinal I G Addition;

THENCE S 89°20'25" W, along the south line of Cardinal I G Addition and continuing along the north line of Revco Subdivision, a distance of 1394.37 feet to a 1/2" iron rod found in the east line of said Railroad for the southwest corner of Cardinal I G Addition;

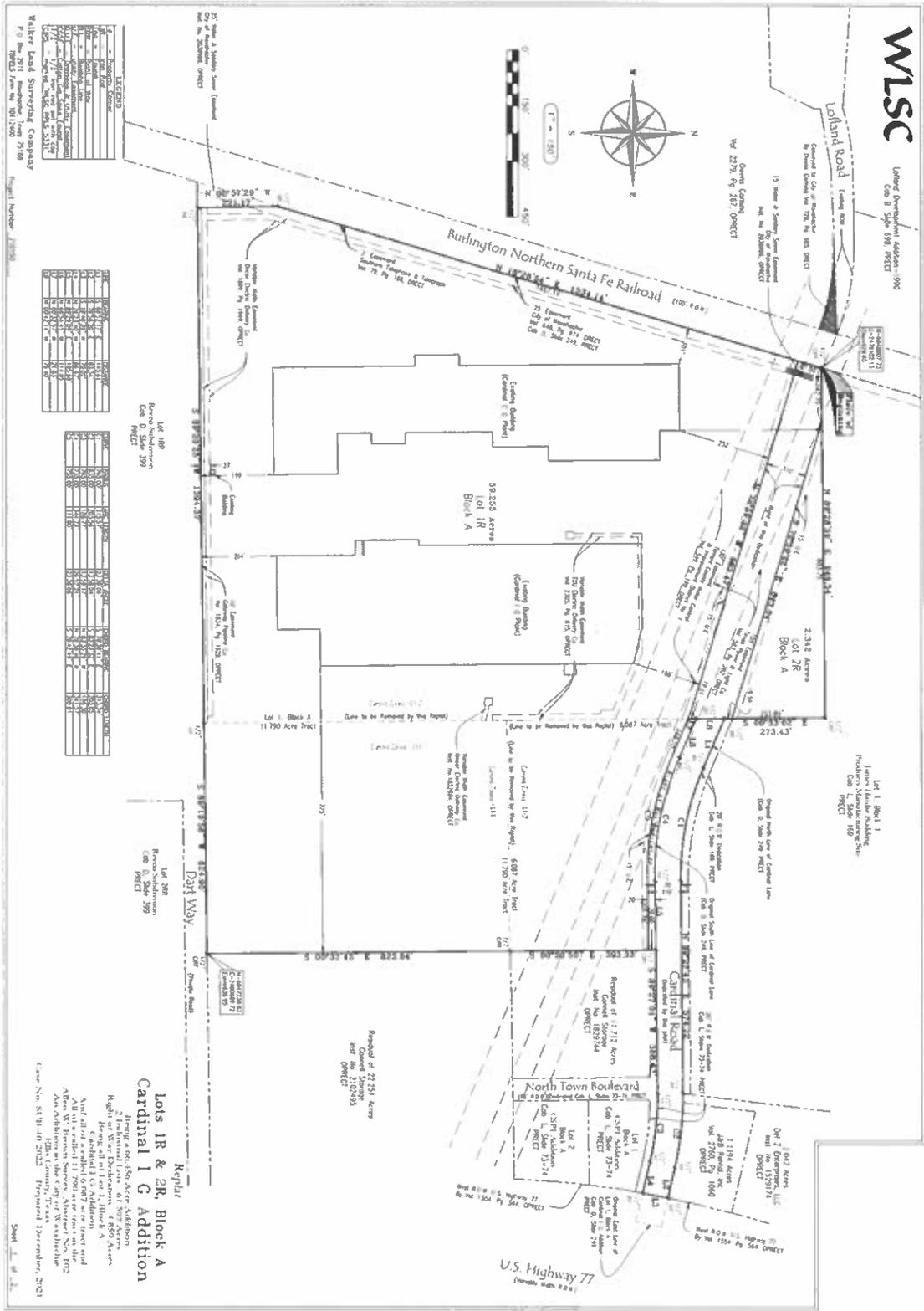
THENCE along the west line of Cardinal I G Addition and the east line of said Railroad as follows:

N 00°57'29" W, a distance of 221.17 feet to a 1/2" iron rod found for corner; and

N 16°28'54" E, a distance of 1534.14 feet to the PLACE OF BEGINNING and containing 66.456 acres of land as surveyed on the ground.

(111)

EXHIBIT B

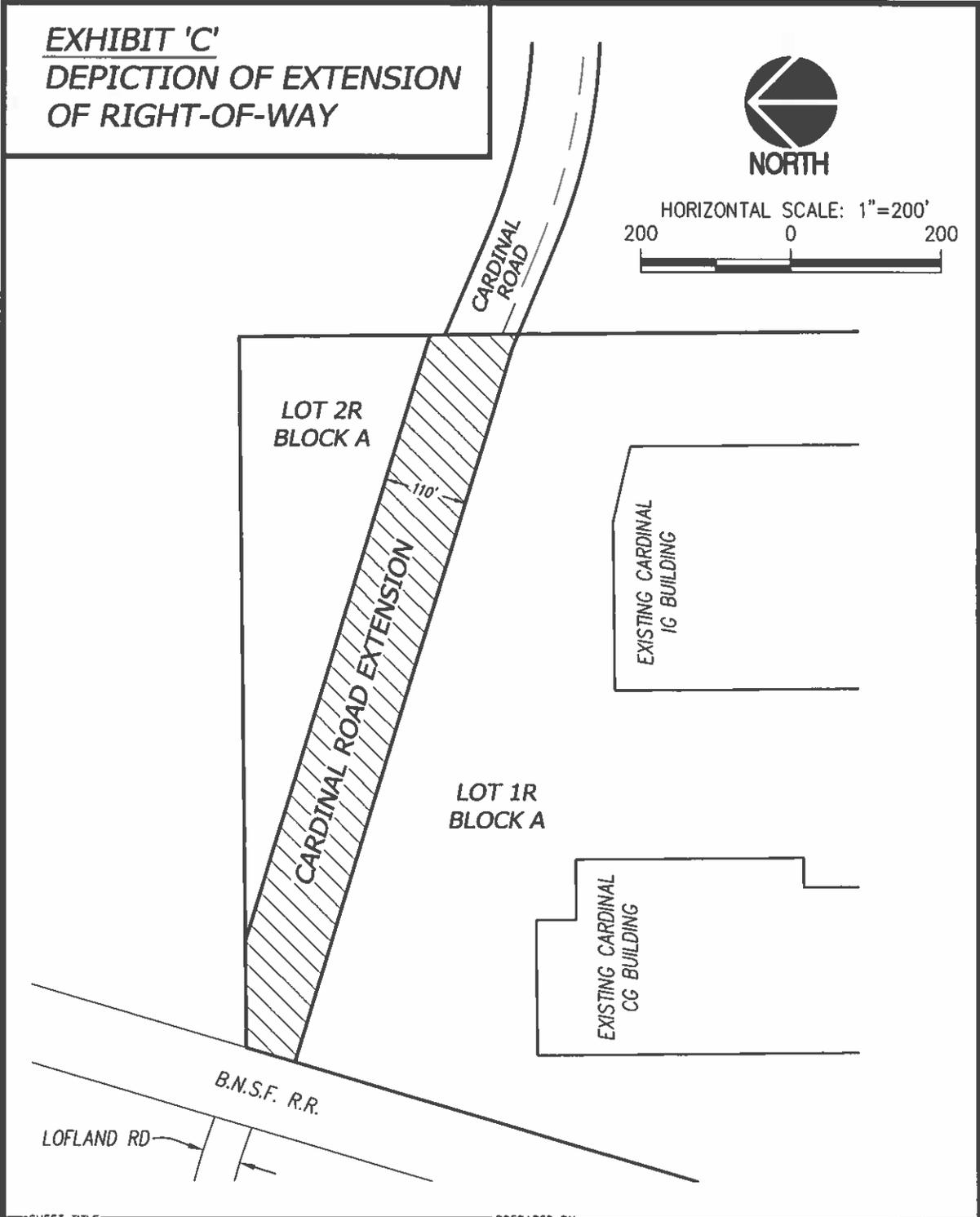
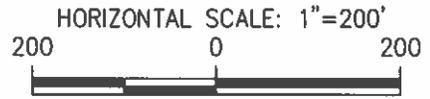


(11)

EXHIBIT 'C'
DEPICTION OF EXTENSION
OF RIGHT-OF-WAY



NORTH



SHEET TITLE

EXHIBIT 'C'
DEPICTION OF EXTENSION OF
RIGHT-OF-WAY

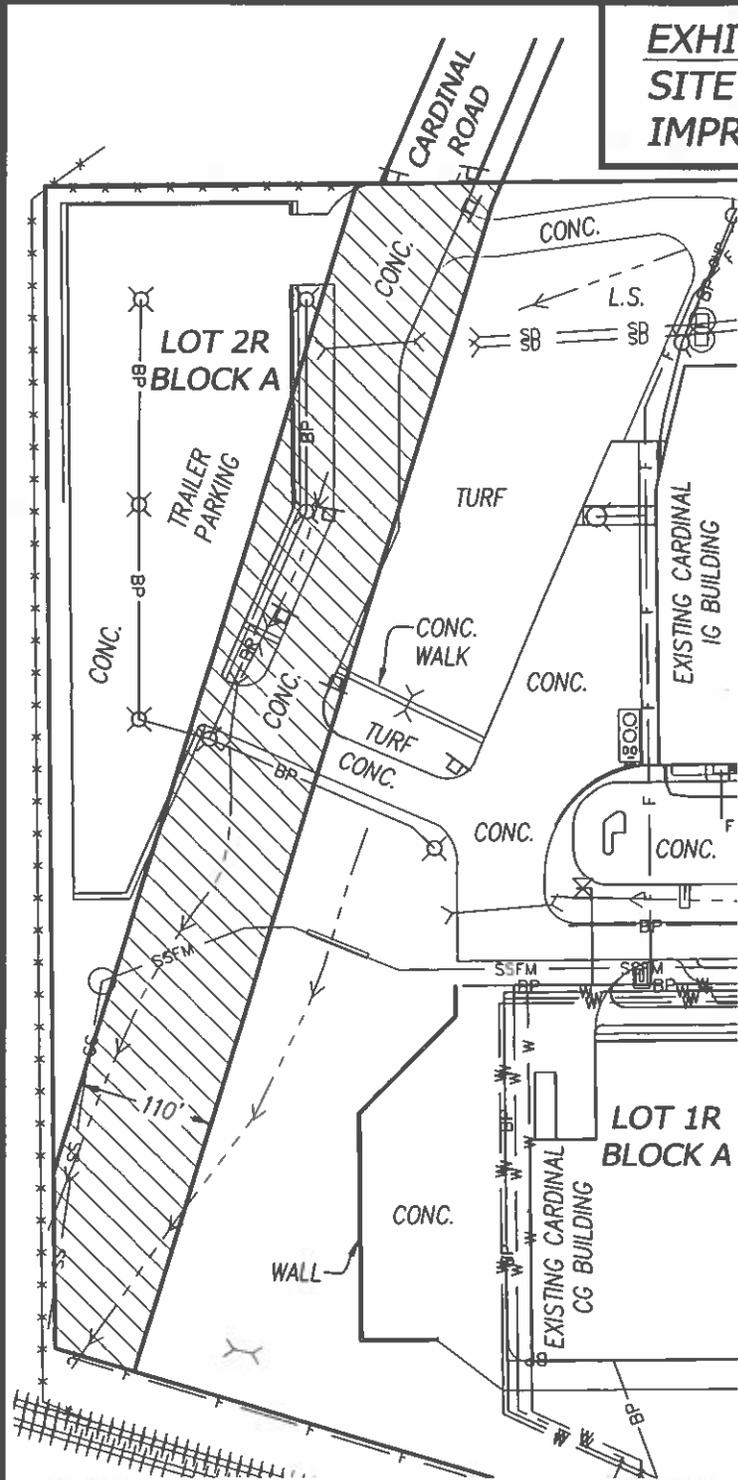
PREPARED BY



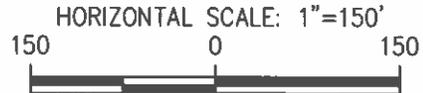
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4815 CENTER STREET ITACOMA, WA. 98409
PHONE: (253) 474-9449 | <http://www.sittshill.com/>

(11)

EXHIBIT 'D' SITE PLAN OF PERMITTED IMPROVEMENTS



NORTH



LEGEND

- CARDINAL ROAD EXTENSION
- BOUNDARY LINE
- BURIED WATER LINE
- BURIED FIRE LINE
- BURIED POWER LINE
- OVERHEAD POWER LINE
- DITCH LINE
- BURIED STORM LINE
- SANITARY SEWER GRAVITY PIPE
- SANITARY SEWER FORCE MAIN
- FENCE LINE
- RAILROAD TRACKS
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- STORM CULVERT
- WATER VALVE
- FIRE HYDRANT
- UTILITY POLE
- LIGHT POLE
- SIGN

SHEET TITLE
EXHIBIT 'D'
SITE PLAN OF PERMITTED
IMPROVEMENTS

PREPARED BY



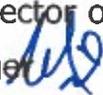
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Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager 

Date: November 7, 2022

Re: Consider Approval of a Service Contract with Tyler Technologies, Inc. for the Purchase of Incode Court Software

Item Description: Consider the approval of a service contract with Tyler Technologies, Inc. for the purchase of Incode Court Software and four years of associated maintenance and support services in the amount of \$292,200.

Item Summary: The current software utilized by the municipal court has become antiquated and out of date. In December 2021, staff began conducting software evaluations of four leading court software vendors. Through this evaluation process Tyler Technologies, Inc.'s Incode Court platform was unanimously determined to be the best match to the City's functional requirements.

This agreement will provide for the purchase of user licenses, training, data migration services and system configuration services. In addition, it will also provide data hosting, maintenance, and technical support services to the City for four years. The software will be procured through the Sourcewell Purchasing Cooperative.

The software will enhance the City's operational efficiency by providing paperless processes, multiple automated features, virtual court options, electronic record keeping and will allow customers to make payments, enter pleas and schedule court dates online. Most importantly, it will communicate with Police Department software and fully integrate with the City's financial software.

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Fiscal Impact: Funding for this software was included in the approved FY 2022-23 Municipal Court Budget. The first-year cost for the software will be \$131,265 which includes installation and first year maintenance and support. The annual ongoing maintenance and support cost will be \$53,645 each year for last three years of the agreement.



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, P.E., Executive Director of Public Works and Utilities
Thru: Michael Scott, City Manager
Date: November 7, 2022
Re: Consider Bid Award for 2021 Sidewalk Program.

Item Description: Consider bid award to Excel 4 Construction, LLC for the 2021 Sidewalk Program in the amount of \$418,212.00.

Item Summary: This project generally includes approximately 4,000 linear feet of concrete sidewalk construction along the following streets: a) Harbin Street from Second St to Sycamore St.; b) Gibson St, one block north and south of Wilemon Elementary, and c) Peter Street from Graham St to Park School House Road. Sidewalks will vary from four to five feet in width. The project also includes removal and replacement of approximately 410 square yards of concrete driveways, some curb repair, miscellaneous landscape repairs and sodding.

Bids were received from the following five (5) contractors:

Name of Company	Total Amount
ONO Contracting, Inc.	\$ 331,833.00
Excel 4 Construction, LLC	\$ 418,212.00
Estrada Concrete Company	\$ 497,231.00
JR West Texas Concrete	\$ 533,330.00
FNH Construction, LLC	\$ 581,279.00

The Engineer of Record and City staff recommend approving Excel 4 Construction, LLC (2nd to lowest bidder) in the amount of \$418,212.00. This recommendation to approve the second lowest bidder is due to the lack of experience of Ono Contracting, Inc. (lowest bidder) as a prime contractor and references received from other municipalities. References from Excel 4 Construction were favorable from multiple municipalities.

Fiscal Impact: The available funding for this project is \$421,429.75 which includes the FY21 Sidewalk Program and savings from the FY21 Sidewalk Grant. These funds were moved to Street Capital Fund but reserved for this project. Staff is requesting City Council award of this project to Excel 4 Construction, LLC in the amount of \$418,212.00, and

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approval for \$21,000 in contingency (5%) from Street Capital Fund. Delays to this project were due to coordination with property owners and obtaining easements.



Memorandum

To: Honorable Mayor and City Council

From: David Bailey, Senior Director of Utilities

Thru: Michael Scott, City Manager 

Date: November 7, 2022

Re: Consider the approval of a Professional Engineering Services Agreement with Freese and Nichols Inc. for South Prong Dam Miscellaneous Repairs

Item Description: Consider a Professional Engineering Service Agreement with Freese and Nichols Inc. (FNI) in the amount of \$172,731 for South Prong Dam Miscellaneous Repairs.

Item Summary: In December 2021 FNI completed an engineering analysis that included field investigations for several miscellaneous issues at the South Prong Dam. As a result of this study FNI recommended various repairs to the South Prong Dam and Emergency Spillway. This proposal would include design, bidding and construction phase services for these repairs, but not the actual repairs. The repairs will go out to bid for construction at a later date.

The design services will be for the following general dam modifications:

- Replace portions of the parapet wall and stabilize the soil downslope of the wall
- Regrade the upstream erosion pocket and install rock riprap protection
- Remove the concrete slab from the vertical concrete walls of the Bardwell outfall structure, regrade the slope and install rock riprap protection
- Re-establish rock riprap protection on the upstream slope in areas where it is missing

Fiscal Impact: This project is a budgeted expense in the amount of \$200,000 which is included in the Utility Department's FY-23 bond sale. Staff has reviewed the proposal and recommends City Council approval in the amount of \$172,731.



Memorandum

To: Honorable Mayor and City Council
From: David Bailey, Senior Director of Utilities
Thru: Michael Scott, City Manager *MS*
Date: November 7, 2022
Re: Consider the approval of a Professional Engineering Services Agreement with Garver Engineers LLC for Lead and Copper Rule Revision Assistance

Item Description: Consider a Professional Engineering Service Agreement in the amount of \$97,200 with Garver Engineers, LLC (Garver) for Lead and Copper Rule Revision Assistance.

Item Summary: In December 2020, the Environmental Protection Agency implemented a Lead and Copper Rule Revision. The purpose of this revision is to better protect public health through removing/reducing lead exposure from drinking water systems. This proposal would be the second task of a proposed three-year task order schedule. Garver will provide technical guidance to assist the City of Waxahachie with preparation and compliance with the regulatory time frame associated with this rule revision.

Fiscal Impact: This project is a budgeted expense included in the Utility Department's FY-23 operations and maintenance budget. Staff has reviewed the proposal and recommends City Council approval in the amount of \$97,200.