

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on ***Monday, December 19, 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 December 5, 2022
 - b. Minutes of the City Council briefing of December 5, 2022
 - c. Event application for Gingerbread Trail Car Show to be held June 10, 2023 at Getzendaner Park
 - d. Event application for Cars in the Park Car Show to be held July 15, 2023 at Getzendaner Park
 - e. Event application for Waxahachie Fun Run Car Show to be held August 19, 2023 at Getzendaner Park
 - f. Event application for St. Jude Benefit Car Show to be held September 30, 2023 at Getzendaner Park
 - g. Mobile Home License Renewals for 2023
 - h. Interlocal Agreement with the City of Ennis for the purchase of various goods and services
 - i. Receive and accept the FY 2021-2022 Impact Fee Revenue and Expenditure Activity Report
6. ***Introduce*** Honorary Councilmember

7. **Public Hearing** on a request by Christina and Hymen Wallace for a Specific Use Permit (SUP) for an accessory structure +700 sf use within a Future Development zoning district located at 241 Oak Tree Drive (Property ID 201955 & 201954) - Owner: Hymen & Christina Wallace (ZDC-138-2022)
8. **Consider** proposed Ordinance approving ZDC-138-2022
9. **Public Hearing** on a request by Lynn Rowland, Claymoore Engineering, for a Specific Use Permit (SUP) for Outside Storage, Outside Display, and Pole Sign uses within Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) zoning districts located directly South of the intersection of Austin Road and the I-35E Service Road (Property ID: 290135 & 2554633) – Owner: PC5 Properties LLC (ZDC-68-2022)
10. **Consider** proposed Ordinance approving ZDC-68-2022
11. **Consider** Development Agreement for ZDC-68-2022
12. **Public Hearing** on a request by Ramon Galaviz, for a Specific Use Permit (SUP) for an Outside Storage use within a General Retail (GR) zoning district located at 101 Tracy Lane (Property ID: 151310) – Owner: Juan M. Rosas & Guillermina Rosas (ZDC-130-2022)
13. **Consider** proposed Ordinance approving ZDC-130-2022
14. **Public Hearing** on a request by Dani Cagle, Texas Art & Pour, for a Specific Use Permit (SUP) for a Tavern use within a Central Area zoning district located at 109 W Franklin Street, Suite 115 (Property ID: 193341) – Owner: Mutual Pursuits LLC (ZDC-148-2022)
15. **Consider** proposed Ordinance approving ZDC-148-2022
16. **Consider** proposed Ordinance amending Water, Sewer, and Roadway Impact Fees
17. **Consider** TxDOT land purchase of City right-of-way (0.288 acres) located on the east side of Highway 664, south of Bob White Lane
18. **Receive** Fiscal Year 2022 4th Quarter Financial Report
19. Comments by Mayor, City Council, City Attorney and City Manager
20. Adjourn

The City Council reserves the right to go into Executive Session on any posted item. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

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, December 5, 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: 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 Moses Akitwine, Heavenly Bridge Ministries, gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Waxahachie Police Officer Noelle Blain, and her shift of officers, expressed their gratitude to City Council for the Christmas bonus.

5. Consent Agenda

- a. Minutes of the City Council meeting of November 21, 2022
- b. Minutes of the City Council briefing of November 21, 2022
- c. Event application for The Heart of Revival to be held March 26-30, 2023 at Railyard Park
- d. Event application for Big Night in the City to be held April 29, 2023 at the Chautauqua
- e. Set City Council meetings of Tuesday, January 3, 2023 and Tuesday, January 17, 2023

Action:

Council Member Billie Wallace moved to approve items a. through e. on the Consent Agenda, noting the music for Item d. will stop by 11:00 p.m. Council Member Patrick Souter seconded, All Ayes.

6. Introduce Honorary Councilmember

Council Member Billie Wallace introduced Averii Hunter as the Honorary Councilmember for December and her mother, Wendy Johnson. Averii is a respectful and dedicated high school student with a demonstrated commitment to educational excellence, volunteerism, and plans to pursue a degree in Chemical Engineering from the University of Texas in Austin. Ms. Hunter is a senior at Life High School Waxahachie, ranked 8th out of 225 students in her class, academic honor roll, and in pursuit of Distinguished Level of Achievement in STEM. She is a recipient of the Lady Cougar of the Year Award, Life School Certificates of Achievement in Academics, Life School Certificate of Recognition: Critical Thinking, National Junior Honor Society Inductee, National Honor Society of Secondary Schools Inductee, National Honor Society of High School Scholars Inductee, and Congress of Future Medical Leaders Inductee. Her extracurricular activities include Texas Black Belt Academy-Camo Belt, Varsity Girls Golf-District 3 years, Mustang Mentor, and Mustang Sports Manager.

7. Consider approval of a three-year service contract with Unified ConneXions Inc. to provide the City with information technology managed services

Richard Abernethy, Executive Director of Administrative Services, reviewed Item 7 seeking approval of a three-year service contract with Unified ConneXions (UCX) Inc. to provide the City with information technology managed services for both the Police Department and City departments in the amount of \$924,768. He explained the contract will automatically renew for one-year terms unless the City or UCX provides 90 days advance notice prior to the end of the term. The total first year cost is \$296,400, the cost for years two and three will be \$314,184 each year, and the cost for any additional one-year terms will be negotiated at the time of the extension. This contract is being purchased through the TIPS Purchasing Cooperative.

Action:

Council Member Patrick Souter moved to approve a three-year service contract with Unified ConneXions, Inc. in the amount of \$924,768 to provide the City with information technology managed services and authorize the City Manager to negotiate and execute all documents necessary. Council Member Billie Wallace seconded, All Ayes.

8. Consider a construction bid award with LC Paving and Construction for the Bryson Street Water Main Rehab Project

David Bailey, Director of Utilities, reviewed Item 8 seeking approval of a construction bid award with LC Paving and Construction for the Bryson Street Water Main Rehab Project in the amount of \$1,065,989 and a \$53,000 (approximately 5%) construction contingency. He explained the project will replace the existing six (6) inch cast iron main with approximately 2300 linear feet of new eight (8) inch PVC water line within Bryson Street from W. Marvin to Sycamore. The project will include the new water main, fire hydrants, services, and street repair. He reported six competitive bids were received and LC Paving & Construction, LLC from Coolidge, Texas, was the lowest qualified bidder. City Staff and Engineer of Record reviewed the bids and references and recommended awarding the construction contract to LC Paving & Construction. Mr. Bailey noted the project is funded in the Utilities Capital Fund; however, the proposed bid award and construction contingency will be funded from the Water Fund and Water Bond Fund Savings.

Council Member Travis Smith asked if the City has worked with this vendor and Mr. Bailey noted the City of Waxahachie has not. Council Member Smith noted he spoke with a Commissioner in McClennan County and he did not have positive feedback regarding this vendor and noted they are not credited with the Better Business Bureau.

Mr. Bailey explained the City's engineering firm reviewed and contacted references from other cities and they received no negative feedback.

Council Member Wallace inquired about how the City oversees the project and Mr. Bailey explained City inspectors review the quality of work before deeming a project complete. He also noted there is a 2-year warranty on the project.

James Gaertner, Executive Director of Public Works and Engineering, explained City inspectors ensure all specifications are being followed and testing is done prior to connecting to the water system and prior to the project being deemed complete.

Council Member Smith expressed his support for due diligence noting his concern with the contractor's quality of work.

Council Member Patrick Souter inquired about checking references for comparable projects.

Mr. Bailey explained references were thoroughly evaluated for comparable projects completed by the contractor.

Deputy City Manager Albert Lawrence explained the City does not always recommend the lowest bid after thorough evaluation.

Action:

Council Member Billie Wallace moved to approve a construction bid award to LC Paving & Construction, LLC in the amount of \$1,065,989, as well as, a \$53,000 construction contingency, and authorize the City Manager to negotiate and execute all documents necessary. Council Member Patrick Souter seconded, All Ayes.

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

Council Member Billie Wallace thanked City employees for all their hard work in making the Christmas Parade and Tree Lighting a successful event.

Deputy City Manager Albert Lawrence echoed Council Member Wallace's sentiments noting it is a team effort and the commitment from staff is very much appreciated.

Mayor Pro Tem Chris Wright thanked Averii Hunter for her attendance. Mayor Pro Tem Wright thanked staff for working late after the parade to clean up. Mr. Wright encouraged the public to contact City Council directly with complaints or concerns as opposed to posting in groups on social media. He thanked staff for responding to and addressing a traffic concern on Thanksgiving weekend.

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City Council
December 5, 2022
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Council Member Patrick Souter welcomed Averii Hunter and recognized her accomplishments. Council Member Souter echoed positive comments regarding staff and parade efforts. Mr. Souter explained he requested the music conclude by 11:00 p.m. for the Big Night in the City event to be held April 29, 2023 at the Chautauqua so not to disturb residents in the area. He thanked the Police Officers for their attendance at the meeting and expressed his appreciation to first responders.

City Attorney Robert Brown thanked Averii Hunter and her mother for their attendance at the Council meeting.

Averii Hunter thanked Council Member Billie Wallace and City Council for allowing her to participate as Honorary Council Member.

10. Adjourn

There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, December 5, 2022 at 6:45 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: 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

Deputy City Manager Albert Lawrence reviewed the following agenda items:

- Item 5c, event application for The Heart of Revival to be held March 26-30, 2023 at Railyard Park.
- Item 5d, event application for Big Night in the City to be held April 29, 2023 at the Chautauqua.

Council Member Patrick Souter requested the music cease by 11:00 p.m. to prevent disturbance to residential neighbors.

- Item 5e, set City Council meetings of Tuesday, January 3, 2023 and Tuesday, January 17, 2023 due to Holiday schedule.

Richard Abernethy, Executive Director of Administrative Services, reviewed Item 7 seeking approval of a three-year service contract with Unified ConneXions (UCX) Inc. to provide the City with information technology managed services for both the Police Department and City departments in the amount of \$924,768. He explained the contract will automatically renew for one-year terms unless the City or UCX provides 90 days advance notice prior to the end of the term. The total first year cost is \$296,400, the cost for years two and three will be \$314,184 each year, and the cost for any additional one-year terms will be negotiated at the time of the extension. This contract is being purchased through the TIPS Purchasing Cooperative.

David Bailey, Director of Utilities, reviewed Item 8 seeking approval of a construction bid award with LC Paving and Construction for the Bryson Street Water Main Rehab Project in the amount of \$1,065,989 and a \$53,000 (approximately 5%) construction contingency. He explained the project will replace the existing six (6) inch cast iron main with approximately 2300 linear feet of new eight (8) inch PVC water line within Bryson Street from W. Marvin to Sycamore. The project

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City Council
December 5, 2022
Page 2

will include the new water main, fire hydrants, services, and street repair. He reported six competitive bids were received and LC Paving & Construction, LLC from Coolidge, Texas, was the lowest qualified bidder. City Staff and Engineer of Record reviewed the bids and references and recommended awarding the construction contract to LC Paving & Construction. Mr. Bailey noted the project is funded in the Utilities Capital Fund; however, the proposed bid award and construction contingency will be funded from the Water Fund and Water Bond Fund Savings.

Council Member Billie Wallace introduced Averii Hunter as the December Honorary Council Member.

3. Adjourn

There being no further business, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

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City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 11/28/22

Applicant Information

Applicant name: Robert Timothy Rowlette

Are you representing the host organization? Yes ☒ No ☐

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

Phone: 972-723-5177 Cell: 817-368-0592

Email: _____

Mailing address: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name: Cheryl Rowlette Cell: 210-326-7460

About the Event

Event name: Gingerbread Trail Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits A Local Charity

How many times has this event been hosted before?

1st time ☐ 2 – 4 times ☐ 5 or more times ☒ Location: Getzendaner Park

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: _____ |

(5C)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

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

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" 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.

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	6/10/2023	9:00 a.m.	2:00 p.m.
Event Set-up	6/10/2023	7:15 a.m.	9:00 a.m.
Event Breakdown	6/10/2023	2:00 p.m.	2:30 p.m.

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

Provide route on attached site map.

(5c)



City of Waxahachie
City Secretary's Office

Special Event Application

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: 0 Date(s) & time(s): _____
 Volunteers How many: 0 Date(s) & time(s): _____
 Private security How many: 0 Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: 0 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? _____

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City of Waxahachie
City Secretary's Office

Special Event Application

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:

Will be using existing 110v outlets in the main pavillion.

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.

Robert J. Proke

Signature

11/28/2022

Date

Contract Agreement

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

Robert J. Proke

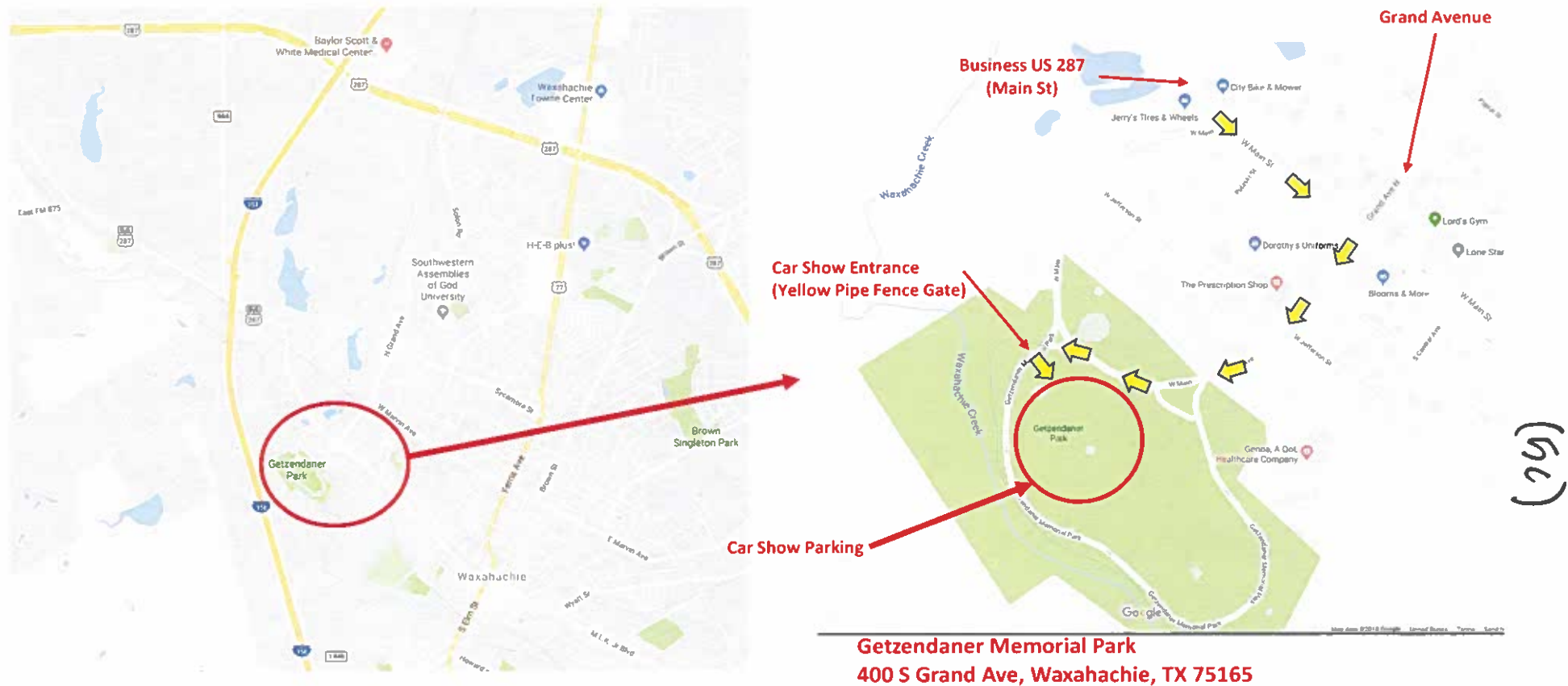
Signature

11/28/2022

Date

Midlothian Classic Wheels Car Show Map

6/10/2023, 7/15/2023, 8/19/2023, and 9/30/2023



Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

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(56)

Bonner, Jami

From: Boyd, Ricky
Sent: Wednesday, November 30, 2022 11:08 AM
To: Bonner, Jami
Subject: Re: Event Applications - Car Shows

No concerns from me.

Sent from my iPhone

> On Nov 30, 2022, at 08:54, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

>

> I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

>

> June 10, 2023 – Gingerbread Trail Car Show July 15, 2023 - Cars in the
> Park Car Show August 19, 2023 – Waxahachie Fun Run Car Show September
> 30, 2023 – St. Jude Benefit Car Show

>

> 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<<http://www.waxahachie.com/>>

>

(9c)

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, November 30, 2022 9:46 AM
To: Bonner, Jami
Subject: RE: Event Applications - Car Shows

No comments

From: Bonner, Jami
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@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 Applications - Car Shows

I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

June 10, 2023 – Gingerbread Trail Car Show
July 15, 2023 - Cars in the Park Car Show
August 19, 2023 – Waxahachie Fun Run Car Show
September 30, 2023 – St. Jude Benefit Car Show

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

(5c)

Bonner, Jami

From: Gaertner, James
Sent: Friday, December 2, 2022 12:37 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

I don't have comments to these events.

James Gaertner, PE, CFM, CPM
Executive Director of Public Works & Utilities
Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@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 Applications - Car Shows

I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

June 10, 2023 – Gingerbread Trail Car Show
July 15, 2023 - Cars in the Park Car Show
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Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

(5c)

Bonner, Jami

From: Martinez, Gumaro
Sent: Monday, December 5, 2022 11:15 AM
To: Bonner, Jami; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas; Gaertner, James
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

No comments. Events are smaller scaled car shows and take place annually.

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

From: Bonner, Jami
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@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 Applications - Car Shows

I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

June 10, 2023 – Gingerbread Trail Car Show
July 15, 2023 - Cars in the Park Car Show
August 19, 2023 – Waxahachie Fun Run Car Show
September 30, 2023 – St. Jude Benefit Car Show

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)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 11/28/22

Applicant Information

Applicant name: Robert Timothy Rowlette

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: 972-723-5177 Cell: 817-368-0592

Email: _____

Mailing address: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name: Cheryl Rowlette

Cell: 210-326-7460

About the Event

Event name: Cars In The Park Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits A Local Charity

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☐

5 or more times ☒

Location: Getzendaner Park

Choose the best description of the event:

☐ Festival

☐ Movie Screening

☐ Parade

☐ Private Event

☐ Run / Walk

☐ Birthday Party / Picnic

☒ Charitable / Fundraising

☐ Community / Neighborhood

☐ Concert / Live Performance

☐ Other: _____

(9d)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

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

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" 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.

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	7/15/2023	9:00 a.m.	2:00 p.m.
Event Set-up	7/15/2023	7:15 a.m.	9:00 a.m.
Event Breakdown	7/15/2023	2:00 p.m.	2:30 p.m.

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

Provide route on attached site map.

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

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: 0 Date(s) & time(s): _____
 Volunteers How many: 0 Date(s) & time(s): _____
 Private security How many: 0 Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: 0 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? _____

(5d)



City of Waxahachie
City Secretary's Office

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: _____ Time: _____
Date: _____ Time: _____
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:

Will be using existing 110v outlets in the main pavillion.

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

11/28/2022

Date

Contract Agreement

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

[Signature]

Signature

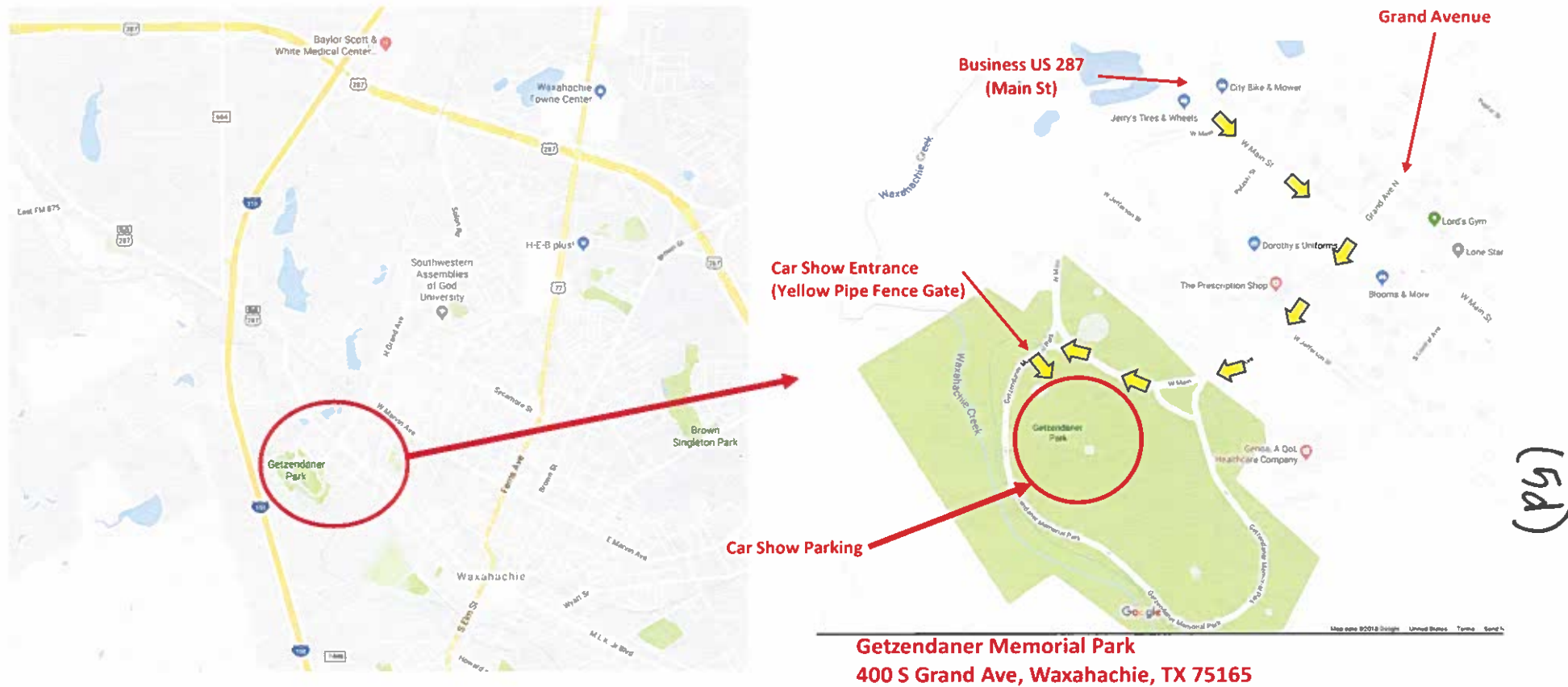
11/28/2022

Date

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

Midlothian Classic Wheels Car Show Map

6/10/2023, 7/15/2023, 8/19/2023, and 9/30/2023



Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

(5d)

(5d)

Bonner, Jami

From: Boyd, Ricky
Sent: Wednesday, November 30, 2022 11:08 AM
To: Bonner, Jami
Subject: Re: Event Applications - Car Shows

No concerns from me.

Sent from my iPhone

> On Nov 30, 2022, at 08:54, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

>

> I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

>

> June 10, 2023 – Gingerbread Trail Car Show July 15, 2023 - Cars in the

> Park Car Show August 19, 2023 – Waxahachie Fun Run Car Show September

> 30, 2023 – St. Jude Benefit Car Show

>

> 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<<http://www.waxahachie.com/>>

>

(5d)

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, November 30, 2022 9:46 AM
To: Bonner, Jami
Subject: RE: Event Applications - Car Shows

No comments

From: Bonner, Jami
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
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June 10, 2023 – Gingerbread Trail Car Show
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August 19, 2023 – Waxahachie Fun Run Car Show
September 30, 2023 – St. Jude Benefit Car Show

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

(5d)

Bonner, Jami

From: Gaertner, James
Sent: Friday, December 2, 2022 12:37 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

I don't have comments to these events.

James Gaertner, PE, CFM, CPM
Executive Director of Public Works & Utilities
Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@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 Applications - Car Shows

I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

June 10, 2023 – Gingerbread Trail Car Show
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City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

(5d)

Bonner, Jami

From: Martinez, Gumaro
Sent: Monday, December 5, 2022 11:15 AM
To: Bonner, Jami; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas; Gaertner, James
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

No comments. Events are smaller scaled car shows and take place annually.

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

From: Bonner, Jami
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@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 Applications - Car Shows

I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

June 10, 2023 – Gingerbread Trail Car Show
July 15, 2023 - Cars in the Park Car Show
August 19, 2023 – Waxahachie Fun Run Car Show
September 30, 2023 – St. Jude Benefit Car Show

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)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 11/28/22

Applicant Information

Applicant name: Robert Timothy Rowlette

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: 972-723-5177 Cell: 817-368-0592

Email: _____

Mailing address: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name: Cheryl Rowlette

Cell: 210-326-7460

About the Event

Event name: Waxahachie Fun Run Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits A Local Charity

How many times has this event been hosted before?

1st time ☐

2 - 4 times ☐

5 or more times ☒

Location: Getzendaner Park

Choose the best description of the event:

☐ Festival

☐ Movie Screening

☐ Parade

☐ Private Event

☐ Run / Walk

☐ Birthday Party / Picnic

☒ Charitable / Fundraising

☐ Community / Neighborhood

☐ Concert / Live Performance

☐ Other: _____

(56)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

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

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" 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.

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	8/19/2023	9:00 a.m.	2:00 p.m.
Event Set-up	8/19/2023	7:15 a.m.	9:00 a.m.
Event Breakdown	8/19/2023	2:00 p.m.	2:30 p.m.

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

Provide route on attached site map.

(56)



City of Waxahachie
City Secretary's Office

Special Event Application

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: 0 Date(s) & time(s): _____
Volunteers How many: 0 Date(s) & time(s): _____
Private security How many: 0 Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: 0 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? _____

(56)



City of Waxahachie
City Secretary's Office

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: _____ Time: _____
Date: _____ Time: _____
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:

Will be using existing 110v outlets in the main pavillion.

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

11/28/2022

Date

Contract Agreement

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

[Signature]

Signature

11/28/2022

Date

Midlothian Classic Wheels Car Show Map

6/10/2023, 7/15/2023, 8/19/2023, and 9/30/2023



Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

(5c)

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, November 30, 2022 9:46 AM
To: Bonner, Jami
Subject: RE: Event Applications - Car Shows

No comments

From: Bonner, Jami
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@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 Applications - Car Shows

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June 10, 2023 – Gingerbread Trail Car Show
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August 19, 2023 – Waxahachie Fun Run Car Show
September 30, 2023 – St. Jude Benefit Car Show

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: Boyd, Ricky
Sent: Wednesday, November 30, 2022 11:08 AM
To: Bonner, Jami
Subject: Re: Event Applications - Car Shows

No concerns from me.

Sent from my iPhone

> On Nov 30, 2022, at 08:54, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

>

> I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

>

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> Park Car Show
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>

> Jami Bonner

> Assistant City Secretary

> City of Waxahachie

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> Texas 75168 www.waxahachie.com<<http://www.waxahachie.com/>>

>

(96)

Bonner, Jami

From: Gaertner, James
Sent: Friday, December 2, 2022 12:37 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

I don't have comments to these events.

James Gaertner, PE, CFM, CPM
Executive Director of Public Works & Utilities
Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@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 Applications - Car Shows

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

(9c)

Bonner, Jami

From: Martinez, Gumaro
Sent: Monday, December 5, 2022 11:15 AM
To: Bonner, Jami; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas; Gaertner, James
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

No comments. Events are smaller scaled car shows and take place annually.

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Executive Director of Parks & Leisure Services
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(5f)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 11/28/22

Applicant Information

Applicant name: Robert Timothy Rowlette

Are you representing the host organization? Yes ☒ No ☐

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

Phone: 972-723-5177 Cell: 817-368-0592

Email: _____

Mailing address: 5220 Crystal Springs Dr., Midlothian, TX 76065

Host organization name: Midlothian Classic Wheels

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

On-site contact name: Cheryl Rowlette Cell: 210-326-7460

About the Event

Event name: St. Jude Benefit Car Show

Location: Getzendaner Park In And Around Main Pavillion

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

Anticipated attendance: 250 People and 75 Cars/Trucks

Description of event: Annual Car and Truck Show That Benefits St. Jude

Hospital _____

How many times has this event been hosted before?

1st time ☐ 2 - 4 times ☐ 5 or more times ☒ Location: Getzendaner Park

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: _____ |

(5f)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

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

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" 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.

\$20 Entry Fee For Participants, Free And Open To General Public

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	9/30/2023	9:00 a.m.	2:00 p.m.
Event Set-up	9/30/2023	7:15 a.m.	9:00 a.m.
Event Breakdown	9/30/2023	2:00 p.m.	2:30 p.m.

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

Provide route on attached site map.

(5f)



City of Waxahachie
City Secretary's Office

Special Event Application

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: 0 Date(s) & time(s): _____
Volunteers How many: 0 Date(s) & time(s): _____
Private security How many: 0 Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: 0 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? _____

(5f)



City of Waxahachie
City Secretary's Office

Special Event Application

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:

Will be using existing 110v outlets in the main pavillion.

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.

Ruby J. Ruby

Signature

11/28/2022

Date

Contract Agreement

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

Ruby J. Ruby

Signature

11/28/2022

Date

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

Midlothian Classic Wheels Car Show Map

6/10/2023, 7/15/2023, 8/19/2023, and 9/30/2023



Setup Will Start At 7:15 a.m.
Gates Will Open For Entrants Around 8:30 a.m.
Show Is Over at 2:00 p.m.

(5)

(5f)

Bonner, Jami

From: Boyd, Ricky
Sent: Wednesday, November 30, 2022 11:08 AM
To: Bonner, Jami
Subject: Re: Event Applications - Car Shows

No concerns from me.

Sent from my iPhone

> On Nov 30, 2022, at 08:54, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

>

> I have attached four event applications for your review / comments. Each application is the same other than the event name and dates. (listed below) The site map is the same for each event. Thank you.

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> Park Car Show August 19, 2023 – Waxahachie Fun Run Car Show September
> 30, 2023 – St. Jude Benefit Car Show

>

> 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<<http://www.waxahachie.com/>>

>

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, November 30, 2022 9:46 AM
To: Bonner, Jami
Subject: RE: Event Applications - Car Shows

No comments

From: Bonner, Jami
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>
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www.waxahachie.com

Bonner, Jami

From: Gaertner, James
Sent: Friday, December 2, 2022 12:37 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

I don't have comments to these events.

James Gaertner, PE, CFM, CPM
Executive Director of Public Works & Utilities
 Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, November 30, 2022 8:54 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
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(sf)

Bonner, Jami

From: Martinez, Gumaro
Sent: Monday, December 5, 2022 11:15 AM
To: Bonner, Jami; Cooper, Kyle; Campos, Yadira; Jordan, Me'Lony; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas; Gaertner, James
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Applications - Car Shows

No comments. Events are smaller scaled car shows and take place annually.

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

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(59)



Memorandum

To: Honorable Mayor and City Council
From: Amber Villarreal, City Secretary
Thru: Michael Scott, City Manager
Date: December 19, 2022
Re: Mobile Home License Renewal

Please consider the following Mobile Home License Renewals for January 1, 2023 - December 31, 2023:

<u>MOBILE HOME PARK</u>	<u>NO. OF LOTS</u>
Grand Avenue Mobile Home M.H.C. 312 N. Grand Avenue Trl. Waxahachie, Texas 75165	32
Vista Hills MHC, LTD. 290 S. IH 35 East Waxahachie, TX 75165	275
Granite Pine Meadow Estates 3455 South Interstate Highway 35E Waxahachie, Texas 75165	180

(5h)



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager *[Signature]*
Date: December 19, 2022
Re: City of Ennis Interlocal Agreement

Item Description: On Monday, December 19, 2022 an interlocal agreement between the City of Ennis 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 the City of Ennis in reference to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which the City of Ennis and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. The City of Ennis 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.

(5i)



Memorandum

To: City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: December 16, 2022

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

Background

On December 13, 2022, city staff presented the FY 2021-2022 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee (IFCIAC). The activity summary detailed impact fee revenues and expenditures from October 1, 2021 to September 30, 2022. This item is now being forwarded to City Council to receive and accept as well.

As a reminder, impact fees are authorized under Chapter 395 of the Texas Local Government Code and empower municipalities to levy a charge or assessment against new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.

Impact Fee Revenues and Expenditures

Illustrate below are the revenues and expenditures for water, sewer, and roadway impact fees from October 1, 2021 to September 30, 2022, with a brief explanation of the associated spending from each project. Please note that the amounts identified within the project summaries will not exactly equate to the amount in the summary table as figures in the table include transfers made on behalf of each project into a capital project account. In other words, while those funds are not physically spent, they are designated for specific projects.

Water Impact Fees

Fiscal Year	FY 21-22 (Through 09/30/2022)
Beginning Balance	\$6,109,203.05
Revenues	\$1,698,946.39
Expenses	\$3,676,553.60
Ending Balance	\$4,131,595.84

Water Impact Fee Expenditure Summary FY 21-22

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

BNSF Railroad 18" Water Transmission Line Project Phase 1 and Phase 2 (Engineering Design only)

This project replaces approximately 6,600 linear feet of an existing 10-inch AC water line with an 18" water transmission line and approximately 700 linear feet of a 24" water transmission line. This new transmission line will be constructed parallel to and on the east side of the BNSF railroad from Butcher Road south to Mustang Creek. The new pipeline is part of a more extensive series of water infrastructure improvements that will help facilitate water through the 791 Service Area. A contract for the engineering design and construction oversight services for these projects are funded with \$263,601.58 from Water Impact Fees that were transferred to the Water Capital Project Fund. Expenditures in the amount of \$6,087.06 were recorded in the 2021-2022 fiscal year.

Distribution Line: Lofland Road/Ovilla Road Phase 1 (Construction only)

This project is the first phase to install approximately 8,900 linear feet of 24" diameter water transmission line. The limits are from Cardinal Road east of the BNSF Railroad west to Ovilla Rd at the Marshall Rd intersection. The project budget is partially funded with \$2,942,332.15 of Water Impact Fees. Expenditures in the amount of \$154,989.77 were recorded in the 2021-2022 fiscal year.

Dove Hollow (Oversize Participation)

Staff has entered into a participation agreement to oversize approximately 1,610 linear feet of 16" water line in the Dove Hollow development. The developer has been reimbursed with funds from the Water Impact Fee Fund in the amount of \$130,000.00.

Howard Road WTP High Service Pump No.5 (Engineering and Construction)

This project includes the engineering design and construction oversight services of a new pump and motor configuration. This is a necessary system upgrade to fortify the existing infrastructure to provide additional treated water pumping capacity into the water distribution system to meet current and future demands from the Howard Road Water Treatment Plant. This project is fully funded with \$718,128.00 of Water Impact Fees that

were transferred to the Water Capital Project Fund. Expenditures in the amount of \$88,603.30 were recorded in the 2021-2022 fiscal year.

Water Line - Fire Station No.4 (Engineering Design only)

Staff entered into a civil engineering services agreement to design a new 12" water line extension, approximately 780 linear feet, along the I-35 frontage road south of Brookside Road and to the southeast corner of the Waxahachie Fire Station #4 Site to serve the new Fire Station #4. This project is partially funded with \$15,000.00 of Water Impact Fee funds, of which \$12,680.00 were recorded in the 2021-2022 fiscal year.

Debt Service

The City issues debt for financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures provided by the government to support basic services, including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly water fees paid by the City's utility customers. Additionally, water impact fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2021-2022, Water Impact Fees contributed \$99,000.00 toward the City's water debt service.

Anticipated FY 22-23 Water Impact Fee Expenditures

JP Tyler - Sunbelt Oversize Participation 16" Water Line

Staff has entered into a participation agreement with Sunbelt Rentals. The City will oversize an existing 12" water line with a 16" water line that shall be installed along the West side of the I35E service for 2,725.07-linear feet. The developer will be reimbursed with funds from the Water Impact Fee Fund for \$261,615.00.

Water Distribution System Master Plan Update - FY23

Staff has entered into a professional services agreement to update the Water Distribution System Master Plan. The master plan process will include updating land use assumptions, water demand and flow projections, hydraulic water models, and recommended Capital Improvements Plan. The current master plan was last updated and adopted in FY2016. With the anticipated and current growth the City is experiencing, as well as recent legislative changes to annexation laws that directly impact our (CCN) service area, staff believes an update is warranted. The project is funded with \$305,500.00 from water impact fee funds.

Distribution Line: Lofland/Ovilla Road Loop Phase 2 (Engineering Design only)

Staff entered into a service agreement for engineering design and construction oversight services to construct approximately 5,800 linear feet of 20" and 24" diameter water transmission line that shall be installed along Ovilla Road from Marshall Road to the south side of HWY 287 bypass. This project is funded with \$672,575.00 of water impact fees that were transferred to the Water Capital Project Fund.

Cardinal Road Oversized Participation - 24" Waterline

Staff has entered into a participation agreement with Cardinal Road Self Storage LTD. The City will oversize an existing 12" water line with a 24" water line that shall be installed along Cardinal Road for approximately 310 linear feet along the northern Cardinal Road right-of-way. This 24" diameter line is consistent with the City's current Water Distribution System Master Plan. The developer will be reimbursed with funds from the Water Impact Fee Fund for \$129,812.61.

Saddlebrook Estates Phase III 16" Oversize Water Line Participation

Possible participation with 287 Waxahachie, LP. The City would oversize approximately 1,160 linear feet of 16" diameter water line within the Saddlebrook Estates development. This line is consistent with the City's current Water Distribution System Master Plan. The developer will be reimbursed with funds from the Water Impact Fee Fund for approximately \$130,000.00.

FM 878 at Hwy 287 Bypass 12" and 16" Water Line (Engineering Design only)

Water Impact Fees in the amount of \$416,000.00 were transferred from the Water Impact Fee fund to the Water Capital Project fund for engineering design and construction oversight services of approximately 13,500 linear feet of 16" and 12" water lines that will extend water service from Cleaver Street to the eastern portion of the service area including FM 878 and FM 879 areas in the 715 pressure plane. This project includes a bored waterline crossing under Hwy 287 Bypass at Cleaver Street, and connecting to the existing water line on Parks School House Road to provide a looped system. This project is the companion project to the Lower Mustang Creek Trunk Sewer line.

I-35 Water Main Lofland to Butcher (Construction only)

Water Impact Fees in the amount of \$132,250.00 were transferred from the Water Impact Fee Fund to the Water Capital Improvement Fund to supplement the cost of the construction of 4,230 linear feet of 18" water line along the east right of way of I-35 from the existing 18" water line at Butcher Road to the 18" water line on the south side of Lofland Road at the Owens Corning facility.

Sewer Impact Fees

Fiscal Year	FY 21-22 (Through 09/30/2022)
Beginning Balance	\$6,505,703.57
Revenues	\$1,743,148.42
Expenses	\$5,126,902.84
Ending Balance	\$3,121,949.15

Sewer Impact Fee Expenditure Summary FY 21-22

Below is a summary of the projects which have been funded, or partially funded through the use of Sewer Impact Fees during the FY 21-22 budget year:

Wastewater Treatment Plant Improvements Project

In October 2019, City Council awarded BAR Construction a contract of \$12,875,550.00 for the Wastewater Treatment Plant Optimization Project. \$1,359,493.00 of this project is funded by Impact Fees, with the rest of the project being funded through Certificate of Obligation Bonds. In addition, the City also executed a material testing contract in January 2020 with Alpha Testing for \$53,888.50. This is also funded with Sewer Impact Fees. In addition, there was a budget of \$856.00 allocated for advertising the solicitation. In accordance with IRS Rules governing bonds, the City will spend the bonds funds first. As such, expenditures in the amount of \$824,277.00 in Impact Fees were recorded in the 2021-2022 fiscal year.

Jefferson Lift Station Capacity Expansion

A change order to the Wastewater Treatment Plant Improvements Project of approximately \$5.373 million was approved by City Council on April 4, 2022. While funding for this change order utilizes mostly Local Coronavirus Relief Funding, it also includes \$853,931.00 of Wastewater Impact Fee Funds. The new construction completion date is anticipated to be August 1, 2023. In accordance with IRS Rules governing bonds, the City will spend the bonds funds first. The Impact Fees associated with this project will be fully expended in this current fiscal year. Expenditures in the amount of \$42,151.07 were recorded in the 2021-2022 fiscal year.

Debt Service – The City issues debt for financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures provided by the government to support basic services, including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly sewer fees paid by the City's utility customers. Additionally, Wastewater Impact Fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2021-2022, Wastewater Impact Fees contributed \$1,227,880.00 toward the City's wastewater debt service.

Anticipated FY 22-23 Sewer Impact Fee Expenditures

Wastewater Collection System Master Plan Update – FY23

Staff has entered into a professional service agreement to update the Wastewater Collection System Master Plan. The master plan process will include updating land use assumptions, wastewater demand and wastewater flow projections, wastewater hydraulic models, and providing Capital Improvements Plan. The current master plan was last updated and adopted in FY2016. With the anticipated current growth, the City is experiencing, as well as recent legislative changes to annexation laws that directly impact our (CCN) service area, staff believe an update is warranted. The project is funded with \$344,500.00 from the Wastewater Impact Fee Fund that has been transferred into the Wastewater Capital Project Fund.

Wastewater Treatment Plant Master Plan Update

The current WWTP master plan was adopted in FY2017. With the anticipated and current growth the City is experiencing, as well as recent legislative changes to annexation laws that directly impact our (CCN) service area, staff believe an update is warranted. The project is funded with \$276,000.00 from the Wastewater Impact Fee Fund.

Pine Meadows Oversized Wastewater Line Participation Project

Staff anticipates entering into a participation agreement with the Pine Meadows Phase II developer. The Developer will oversize an existing 12" sewer line along Cantrell Street with a 15" sewer line. The developer will be reimbursed with funds from the Wastewater Impact Fee Fund for \$75,000.00.

Lower Mustang Creek Trunk Sewer Phase 3 (Engineering Design only)

Engineering design and construction oversight services to update approximately 15,000 linear feet of 12" diameter pipe to 21" diameter sewer line that will provide service to an undeveloped area east of Hwy 287 Bypass and FM 878/879 corridor. This project is west of the Cole Creek Trunk Sewer Project and would service approximately 1,800 acres in the drainage basin between Cole Creek and Hwy 287 Bypass. The limits are from the existing 27" gravity sewer near the Lower Mustang Creek Lift Station, extending northwest upstream along Mustang Creek and terminating near the FM 878 and Hwy 287 Bypass intersection. The project is funded with \$367,000.00 from the Wastewater Impact Fee Fund that was transferred to the Wastewater Capital Improvement Fund. This is the companion project to FM 878 at 287 Bypass Water Line project.

Grove Creek Parallel Gravity Trunk Sewer Phase IV (Construction only)

Staff entered into a service agreement for engineering design and construction oversight services to construct approximately 18,675 linear feet of 27" sanitary trunk sewer and approximately 645 five-foot diameter sanitary sewer manholes parallel to the existing Grove Creek Trunk Sewer from south of Butcher Road at Highland Village south to the Grove Creek Lift Station. The parallel sewer is expected to be situated mainly inside an existing 30-foot-wide Sanitary Sewer Easement. This project is partially funded with \$3,052,565.00 of Wastewater Impact Fees that were transferred to the Wastewater Capital Projects Fund. This project has been delayed due to easement negotiations.

Roadway Impact Fees

Below is a table illustrating the revenues and expenditures for Roadway Impact Fees from October 1, 2021 to September 30, 2022:

Service Area	FY 2022 Start	Revenues	Expense	FY2022 End
Service Area 1	\$977,414.37	\$105,596.34	\$578,749.11	\$507,955.89
Service Area 2	\$2,498,782.54	\$1,462,425.65	\$331,095.18	\$3,656,707.70
Service Area 3	\$651,078.74	\$103,205.74	----	\$759,810.47
Service Area 4	\$2,033,276.55	\$109,077.58	----	\$2,158,049.30
Service Area 5	\$2,136,445.46	\$442,651.01	----	\$2,597,991.27
Service Area 6	\$1,829,636.40	\$135,614.50	----	\$1,979,648.59
Service Area 7	\$1,123,579.79	\$478,151.31	----	\$1,613,465.59
Interest	----	\$96,626.64	----	----
Total	\$11,250,213.85	\$2,933,259.25	\$909,844.29	\$13,273,628.81

Roadway Impact Fee Expenditure Summary FY 21-22

Below is a summary of the projects which have been funded, or partially funded through the use of Roadway Impact Fees during the FY 21-22 budget year:

Farley Street - Service Area 4

BGE Engineering firm is preparing the concept plan for corridor improvements to Farley Street and is anticipated to be completed by Spring of 2023. The limits of Farley Street concept plan is from Richmond St. to Hwy 287 Bypass. The concept plan will determine alignments, cross-sections and cost estimates for this project and determine possible construction phases based on funding availability. Expenditures in the amount of \$135,265.00 were recorded in the 2021-2022 fiscal year.

Marshall Road - Service Area 1

The City purchased Right of Way for the extension of Marshall Road from I-35 to Solon Road utilizing \$578,749.11 in Roadway Impact Fees.

Dove Hollow – Vista Way Roadway Reimbursement - Service Area 2

The City reimbursed the developer of Dove Hollow Phase I \$331,095.18 for the construction of Vista Way extending north of North Grove Boulevard.

Anticipated FY 22-23 Roadway Impact Fee Expenditures

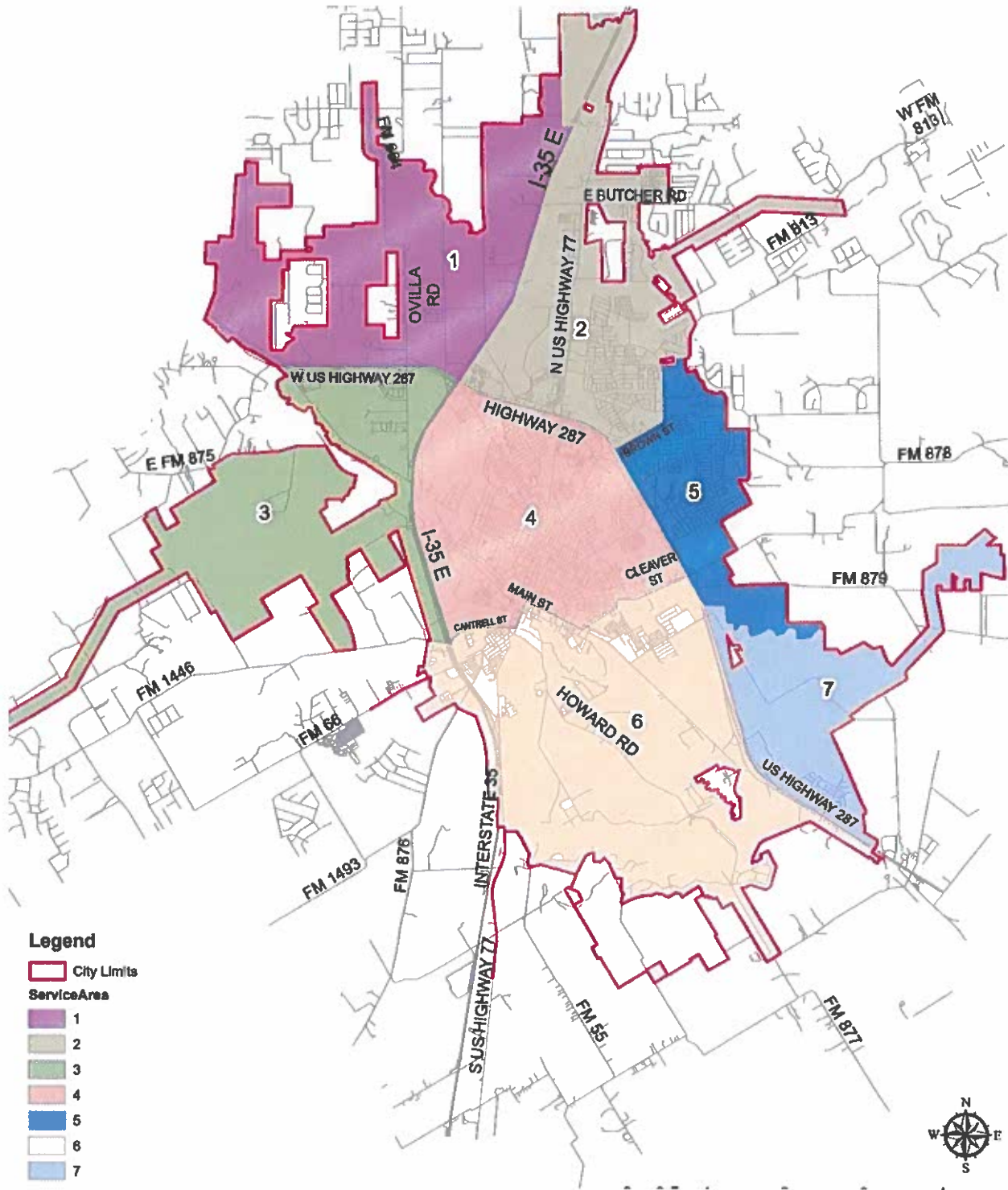
The following are a list of anticipated future projects that will utilize Roadway Impact Fees:

Left turn lane of Northgate onto Highway 77 - Service Area 4

This project is anticipated to start Engineering early 2023 and begin construction in late 2023.

Concept Plan for Broadhead Road - Service Area 5

The concept plan will include the roadway segment from April Lane and extend to just north of Youngblood Road. The scope includes determining alignments and cost estimates for future construction phases. The anticipated start date for developing the plan is early 2023.



(5i)

In closing, staff will continue to update the Impact Fee Advisory Committee on the use of impact fees and the progress on the overall Capital Improvement Plan. Staff intends to provide its next Impact report to the Advisory Committee in the Spring of 2023, covering Impact Fee revenues and expenses for the semi-annual period of October 1, 2022, through March 31, 2023.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-138-2022



MEETING DATE(S)

Planning & Zoning Commission: December 15, 2022

City Council: December 19, 2022

CAPTION

Public Hearing on a request by Christina and Hymen Wallace for a **Specific Use Permit (SUP)** for an accessory structure +700 sf use within a Future Development zoning district located at 241 Oak Tree Drive (Property ID 201955 & 201954) - Owner: Hymen & Christina Wallace (ZDC-138-2022)

RECOMMENDED MOTION

"I move to approve ZDC-138-2022, a Specific Use Permit (SUP) for an accessory structure +700 sf use, subject to the conditions in the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on December 13, 2022, the Commission voted 5-0 to recommend approval of case number ZDC-138-2022, subject to staff comments.

APPLICANT REQUEST

The applicant is requesting a specific use permit to construct an accessory structure greater than 700 square feet on the rear side of a single-family residential lot at 241 Oak Tree Drive.

CASE INFORMATION

<i>Applicant:</i>	Hymen & Christina Wallace
<i>Property Owner(s):</i>	Hymen & Christina Wallace
<i>Site Acreage:</i>	1.164 acres
<i>Current Zoning:</i>	Future Development (FD)
<i>Requested Zoning:</i>	FD with a Specific Use Permit (SUP) for an accessory structure greater than 700 square feet

SUBJECT PROPERTY

<i>General Location:</i>	241 Oak Tree Drive
<i>Parcel ID Number(s):</i>	171906
<i>Existing Use:</i>	A single-family home currently exists on the subject property

Development History:

The subject property was replatted in August 2022 to combine two lots into one lot for residential use (SUB-43-2022).

Adjoining Zoning & Uses:

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

Future Land Use Plan:

Estate Residential

Comprehensive Plan:

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan:

The subject property is accessible through Oak Tree Drive

Site Image:



PLANNING ANALYSIS

The applicant is requesting a specific use permit to construct an accessory structure greater than 700 square feet on the rear side of a single-family residential lot at 241 Oak Tree Drive. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a Specific Use Permit (SUP) to be approved by City Council.

Proposed Use:

Per the Ellis County Appraisal District, the primary structure is approximately 2,773 square feet, and the proposed accessory structure is 1,200 square feet. The accessory structure will be constructed of exterior metal panels. The Applicant has indicated to staff that they will use the accessory structure to store

household items, tools, lawn equipment, and vehicle storage. The accessory structure will be located on the side of the property towards the rear portion of the lot.

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. The accessory structure will be connected to the existing driveway with a concrete drive.

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. Staff received 2 letters of support.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the SUP request with the motion and conditions noted below.

Conditions:

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 the construction of the accessory structure.

ATTACHED EXHIBITS

1. Survey
2. Accessory Structure Dimensions
3. Elevation
4. Letters of Support

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

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Senior Planner

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Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(1)

Case Number: ZDC-138-2022

City Reference: 201925

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **December 7, 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

RECEIVED DEC 02 2022

Comments:

Donald Birkoks
Signature

11/30/22
Date

DONALD BIRKOKS
Printed Name and Title OWNER

330 ASH DR.
Address

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

(1)

Case Number: ZDC-138-2022

City Reference: 201926

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **December 7, 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

RECEIVED DEC 0 2 2022

Comments:

Signature

DONALD BROOKS
Printed Name and Title OWNER

Date

11/30/22
330 ASH DR.
Address

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

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 FUTURE DEVELOPMENT DISTRICT (FD) LOCATED AT 241 OAK TREE DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.164 ACRES KNOWN AS PROPERTY ID 171906, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-138-2022. 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 FD to FD, with an SUP in order to permit an accessory structure use equal to or greater than 700 square feet on the following property: Property ID 171906, which is shown on the location map (Exhibit A), site layout exhibit (Exhibit B), site plan (Exhibit C), and elevations (Exhibit D).

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE USE EQUAL TO OR GREATER THAN 700 SQUARE FEET IN THE FUTURE DEVELOPMENT DISTRICT (FD); 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-138-2022.
2. The development shall adhere to the City Council approved in Exhibit A - Location Map, Exhibit B – Site Layout Exhibit, Exhibit C – Site Plan, and Exhibit D – Elevations.
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 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, the City Council reserves the right to review the specific use permit at any point in the future, if needed.

Compliance

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

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

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

(8)

PASSED, APPROVED AND ADOPTED on this 19th day of December, 2022.

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map



Exhibit B - Site Layout Exhibit

Site Layout Exhibit ZDC-138-2022

- Proposed Accessory Structure (1200 sq. ft.)
- Existing Home
- Property Line



Exhibit D - Elevations



Perspective View



Front



Left Side

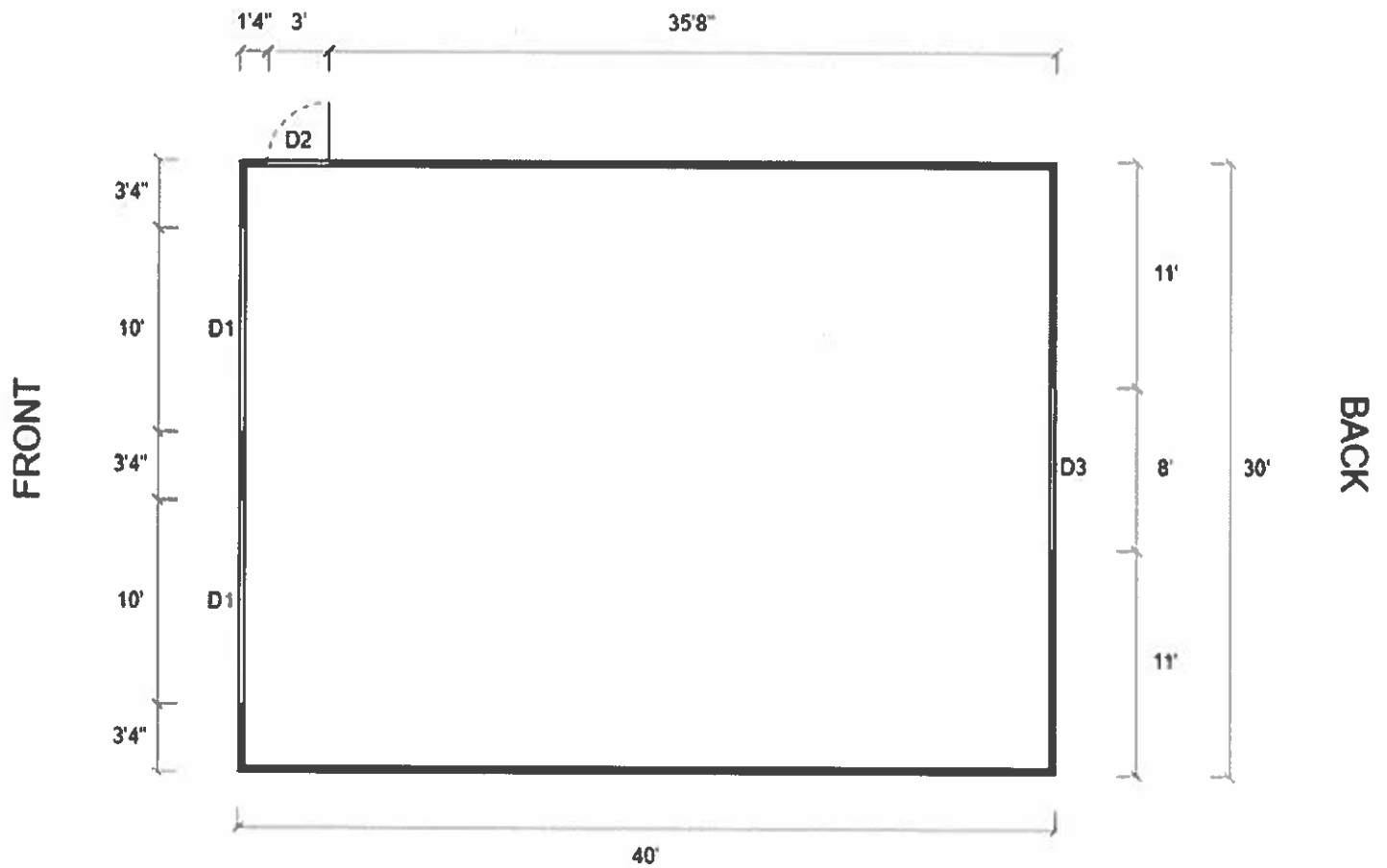


Right Side



Back

Exhibit D - Elevations LEFT SIDE



RIGHT SIDE

SYMBOL LEGEND

D1

10x10 Roll Up Door

D2

Metal 36 Walk-In Door

D3

8x8 Roll Up Door

—

Closed Wall

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-68-2022



MEETING DATE(S)

Planning & Zoning Commission: December 13, 2022

City Council: December 19, 2022

CAPTION

Public Hearing on a request by Lynn Rowland, Claymoore Engineering, for a **Specific Use Permit (SUP)** for **Outside Storage, Outside Display, and Pole Sign** uses within Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) zoning districts located directly South of the intersection of Austin Road and the I-35E Service Road (Property ID: 290135 & 2554633) – Owner: PC5 Properties LLC (ZDC-68-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-68-2022, a Specific Use Permit (SUP) for a Heavy Machinery and Equipment, Rental, Sales or Storage use, Outdoor Display, and Pole Sign use, subject to the conditions in the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 13, 2022, the Commission voted 5-0 to recommend approval of case number ZDC-68-2022, subject to the conditions of the staff report.

Following discussion regarding the preservation of existing trees on-site at the Planning & Zoning Commission meeting, the applicant has voluntarily agreed to install 4" caliper street trees along the I-35E Service Road in locations where existing trees are unable to be preserved.

APPLICANT REQUEST

The applicant (Texas First Rentals) is requesting a Specific Use Permit (SUP) for Heavy Machinery and Equipment, Rental, Sales or Storage use, Outdoor Display, and Pole Sign use.

CASE INFORMATION

Applicant: Lynn Rowland, Claymoore Engineering

Property Owner(s): PC5 Properties LLC

Site Acreage: 7.22 acres

Current Zoning: Light Industrial-1 (LI-1) & Light Industrial-2 (LI-2)

Requested Zoning: LI-1 with a SUP for Heavy Machinery and Equipment, Rental, Sales or Storage use and Outdoor Display use.

SUBJECT PROPERTY

General Location: Directly South of the intersection of Austin Road and the I-35E Service Road

Parcel ID Number(s): 290135 & 2554633

Existing Use: The subject property is currently undeveloped.

Development History: A Replat was approved for the subject property at the November 15, 2022, Planning & Zoning Commission meeting. At the time of this report, the replat has not been filed.

Adjoining Zoning & Uses:

Table 1: Adjacent Uses

Direction	Zoning	Current Use
North	Light Industrial-1 (LI-1)	Undeveloped
East	N/A	Interstate 35E
South	Light Industrial-1 (LI-1)	Undeveloped
West	Light Industrial-1 (LI-1)	Undeveloped & Concrete Batch Plant

Future Land Use Plan: Highway Commercial

Comprehensive Plan: Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

Thoroughfare Plan: The subject property is accessible via Austin Road and the N. I-35E service road.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is proposing a Specific Use Permit (SUP) for Heavy Machinery and Equipment, Rental, Sales or Storage use, Outdoor Display, and Pole Sign use on a 7.22-acre tract at the intersection of Austin Road and the I-35E Service Road. The subject property will have driveways to access both the I-35E Service Road and Austin Road.

Proposed Use:

As part of the SUP request, the applicant is proposing to construct a single 15,125 square foot building on site. The proposed building will house a 3,901 square foot office area, an approximately 7,986 square foot maintenance area, and a 3,238 equipment wash bay. A dumpster enclosure and equipment charging station is proposed along the southern property line. Approximately 98,000 square feet of outdoor storage is proposed with this request. The outdoor storage areas are proposed to have a concrete base due to the intent to store heavy equipment. An outdoor equipment display area is proposed along the frontage of the property between the primary building and the I-35E Service Road. The applicant is proposing 32 parking spaces; which exceeds the minimum requirement for this use. The applicant is also proposing a 28' tall, 96 square foot pole sign along the frontage of the property.

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

Standard	City of Waxahachie	Texas First Rentals	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	314,487	Yes
Min. Lot Width (Feet)	70	739.08	Yes
Min. Lot Depth (Feet)	100	533.70	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	30; 20 (ROW), 0 (Retail)	20	Yes
Min. Rear Yard (Feet)	30	30	Yes
Max. Height	6 stories	1 story	Yes
Max. Lot Coverage (%)	60%	~4.48%	Yes
Parking: Heavy Equipment Sales/Rentals 1 space per 500 sq. feet	31 spaces required	32 spaces	Yes

Screening

The applicant is proposing a variety of screening options for the development. Specifically, the applicant is proposing a 6' masonry (stylized concrete) fence along the entirety of the southern and western property lines to screen the outdoor storage areas. A 6' ornamental iron fence paired with 3' evergreen shrubs are proposed along the northern and eastern property lines in order to provide visibility to the outdoor display area. Details regarding the proposed screening can be referenced in the Screening Plan attached to the end of this report.

Landscaping

This property is subject to the landscaping requirements of Section 5.04 of the Waxahachie Zoning Ordinance. The applicant is proposing to meet or exceed all landscaping requirements for the site. Table 3 provides a summary of the landscaping for the development below. For further reference, please see the Landscape Plan exhibit attached to the end of this report.

Table 3: Landscape Requirements

Standard	City of Waxahachie	Texas First Rentals	Meets Y/N
Landscape Area (Sq. Feet)	1,950	1,950	Yes
Trees	12	12	Yes
Street Trees	45	45	Yes

Building Design/Façade

The applicant has provided two (2) elevation options for the primary building façade. Each option utilizes a variety of materials, but varies in terms of the color palette. Metal panels comprise the majority of the building materials proposed by the applicant. Table 4 can be referenced for a summary of the materials proposed for the primary building.

Table 4: Elevation/Façade

Material	Façade Percentage	Option 1 Color	Option 2 Color
R-Panel	24%	Shasta White	Brownstone
7.2 Metal Panel	22%	Charcoal Gray	Galvalume
Metal Garage Doors	21%	Charcoal Gray	Medium Bronze
Split Face CMU	12%	White Birch	Walnut Brown
Window Glazing	12%	Bronze Finish	Bronze Finish
Stone	9%	Grey Lueders Limestone	Oklahoma Multi-Blend

STAFF CONCERNS**Landscaping**

The subject property is currently heavily treed. Through multiple reviews of the SUP proposal, staff requested that the applicant incorporate the existing trees on-site into the Landscape Plan. This would allow the site to maintain mature trees while enhancing the landscaping and screening of the development. The applicant has proposed not to preserve any existing trees on site. Staff still suggests the applicant preserve existing trees along the southern and eastern property lines as part of their Landscape Plan.

Storage Area – Equipment Height

The applicant has not proposed specific standards regarding the allowable height of the equipment stored or displayed on site. Staff suggests that all equipment stay in a stowed position while stored or displayed on-site.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of support for the proposed SUP.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request with the conditions noted below.

Conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The equipment stored or displayed on site shall remain in a stowed position and shall not be extended while stored or displayed on site.
3. The applicant shall preserve existing trees along the southern and eastern property lines that fall within the landscape area proposed by the applicant.
4. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

ATTACHED EXHIBITS

1. Public Notification Response Letter
2. Development Agreement & SUP Ordinance
 - a. Exhibit A – Location Map
 - b. Exhibit B – Site Plan
 - c. Exhibit C - Landscape Plan
 - d. Exhibit D - Elevation/Façade Plan
 - e. Exhibit E - Screening Plan
 - f. Exhibit F - Signage Plan

APPLICANT REQUIREMENTS

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

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

(97)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-68-2022**



AUSTIN INTERNATIONAL VENTURES INC
3535 TRAVIS ST STE 300
DALLAS, TX 75204

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 13, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 19, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Lynn Rowland, Claymoore Engineering, for a **Specific Use Permit (SUP)** for Outside Storage, Outside Display, and Pole Sign uses within Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) zoning districts located directly South of the intersection of Austin Road and the I-35E Service Road (Property ID: 290135 & 2554633) – Owner: PC5 Properties LLC (ZDC-68-2022) Staff: Zack King

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

Case Number: **ZDC-68-2022**

City Reference: 188455

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **December 7, 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:

Chris Wong
Signature

December 7, 2022
Date

Director - Asset Management
Printed Name and Title

3535 TRAVIS ST, STE 300
Address DALLAS, TX 75204

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.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT RENTAL, SALES OR STORAGE USE, AN OUTDOOR DISPLAY USE, AND A POLE SIGN USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) AND LIGHT INDUSTRIAL-2 (LI-2) ZONING DISTRICT, LOCATED AT THE INTERSECTION OF AUSTIN ROAD AND THE I-35E SERVICE ROAD, BEING PROPERTY ID 254633 & 290135, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, BLOCK A IN THE AUSTIN INDUSTRIAL PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI-1 and LI-2; 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-68-2022. 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 LI-1 and LI-2 to LI-1 and LI-2, with a SUP in order to permit a Heavy Machinery and Equipment Rental, Sales or Storage use, Outdoor Display use, and a Pole Sign use on the following property: Lot 2R, Block A of the Austin Industrial Park subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, Elevation/Façade Plan attached as Exhibit D, Screening Plan attached as Exhibit E, and Signage Plan attached as Exhibit F.

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 A HEAVY MACHINERY AND EQUIPMENT RENTAL, SALES OR STORAGE USE, AN OUTDOOR DISPLAY USE, AND A POLE SIGN USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) AND LIGHT INDUSTRIAL-2 (LI-2) ZONING DISTRICT**; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The site plan shall conform as approved by the City Council under case number ZDC-68-2022.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Screening Plan, and Exhibit F – Signage Plan.
4. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
5. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City’s applicable rules and regulations governing such permits.
6. 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.
7. Any zoning, land use requirement, or restriction not contained within this Development Agreement, Zoning Ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Screening Plan attached as Exhibit E, and the Signage Plan attached as Exhibit F. Where regulations are not specified in Exhibits B, C, D, E, F, zoning ordinance, or Development Agreement, the regulations of the Light Industrial-1 (LI-1) Zoning District shall apply to this development.
8. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 19th day of December, 2022.

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map

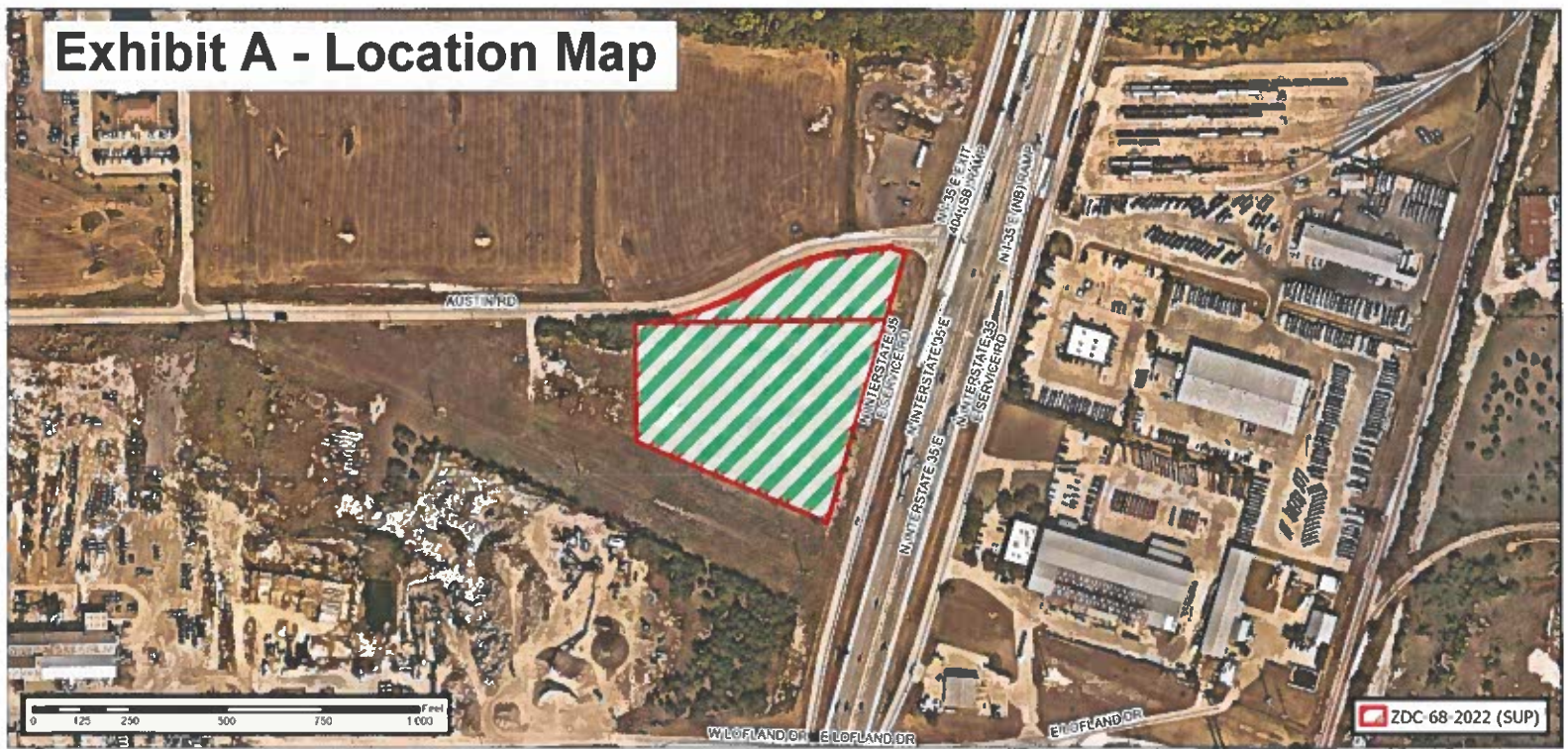
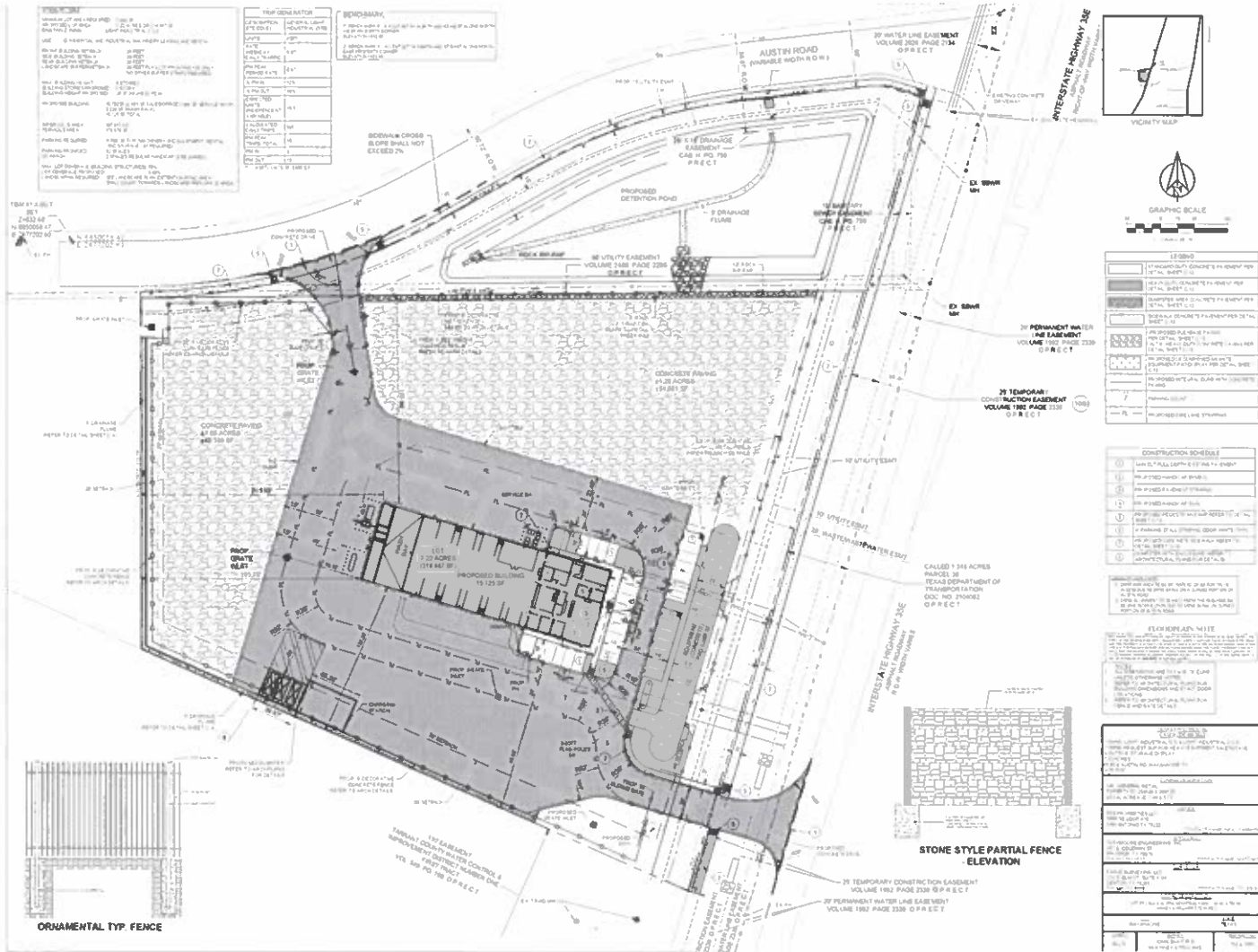


Exhibit B - Site Plan



CLAYMOORE
ENGINEERING

**TEXAS FIRST RENTALS
WAXAHACHIE, TX**

RECEIVED

...the ... of ... the ...
...the ... of ... the ...
...the ... of ... the ...
...the ... of ... the ...
...the ... of ... the ...

100

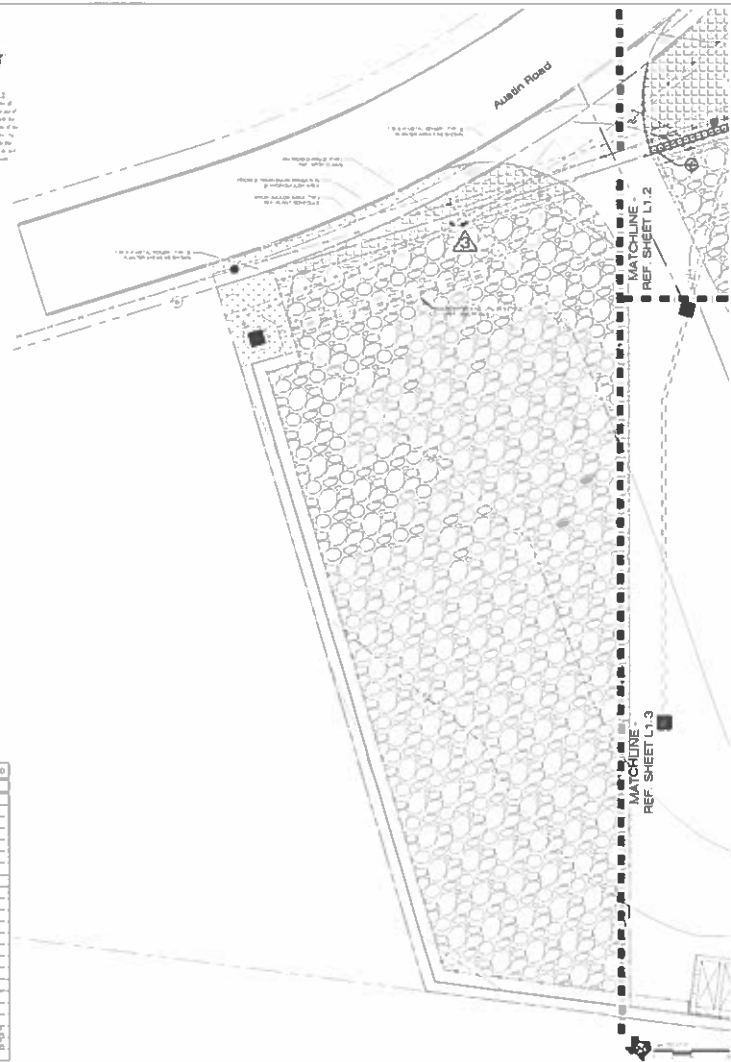
2000

SP-1

Exhibit C - Landscape Plan



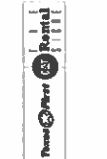
The staff of the City and County of Denver
 respectfully request that you be elected to the
 Board of Directors of the City and County of
 Denver for the term ending on December 31, 1991.
 I am sure that you will be a valuable asset to
 the City and County of Denver.
 I am sure that you will be a valuable asset to
 the City and County of Denver.
 I am sure that you will be a valuable asset to
 the City and County of Denver.



PLANT SCHEDULE							SIZE = GAUGE OR BREAK
PLANT - SCIENTIFIC NAME	COMMON NAME	HGT.	SIZE	QTY	CONDITION	REMARKS	
FRUITS							
1. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
2. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
3. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
4. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
5. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
6. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
7. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
8. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
9. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
10. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
BRANCHES							
1. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
2. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
3. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
4. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
5. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
6. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
7. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
8. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
9. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
10. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
LEAVES AND TWIGS							
1. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
2. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
3. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
4. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
5. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
6. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
7. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
8. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
9. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	
10. 1 specimen collected on	10/10/2021	1	17.5	1	1	10/10/2021 10/10/2021	



row	col	cell	cell	cell	cell
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3



TEXAS FIRST RENTALS
WAXAHACHIE, TEXAS

FOR EXTENSIVE REVIEW

MARINE PRICE

[illegible][illegible]

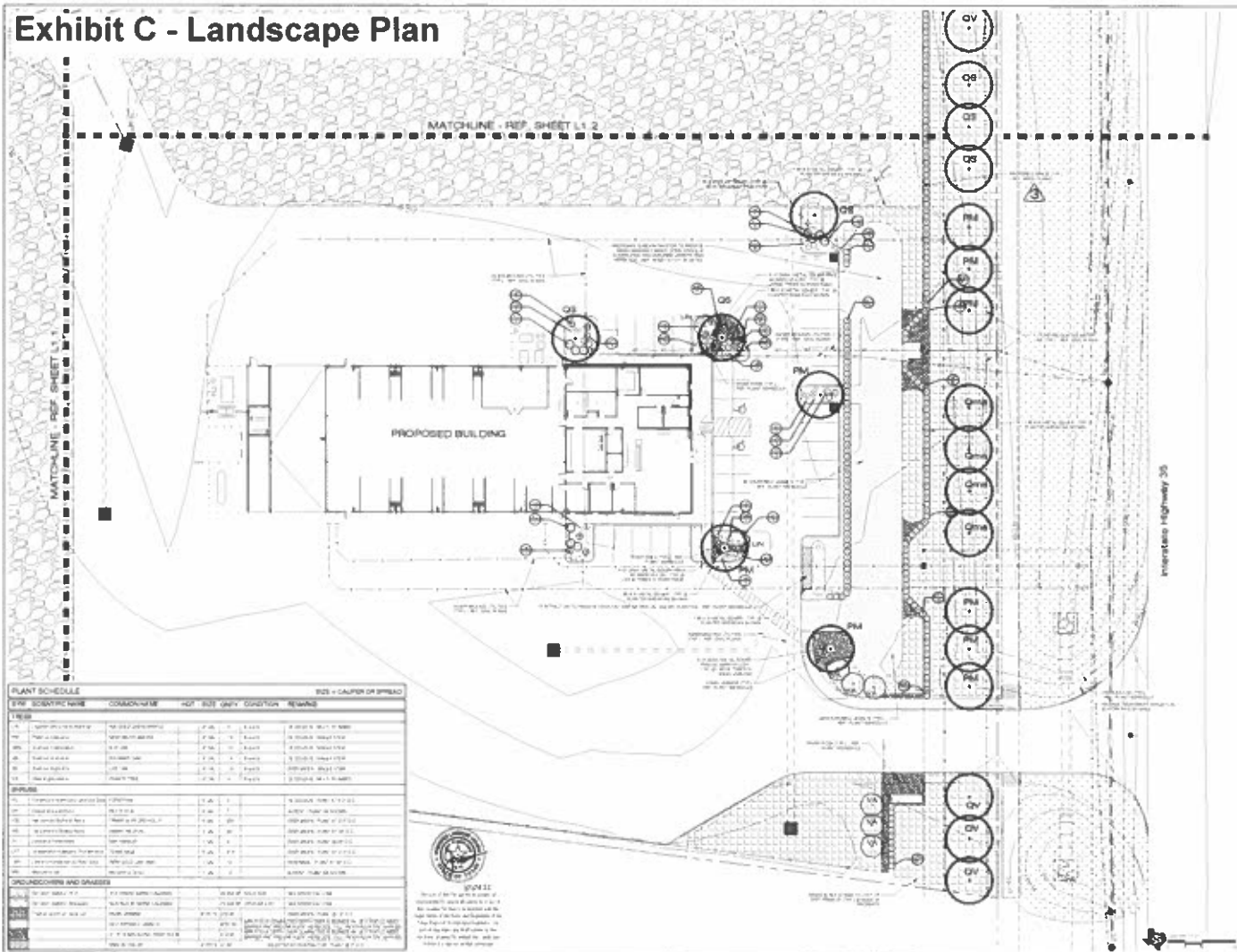
ENLARGED LANDSCAPE PLANTING PLAN

L1.1

Exhibit C - Landscape Plan



Exhibit C - Landscape Plan



TEXAS FIRST RENTALS
WAXAHACHIE, TEXAS



L1.3

Exhibit D - Elevation/Facade Plan



TFR - Waxahachie
 Waxahachie, Texas

LUNA
 ARCHITECTURE
 15102 Hulsbush Road - San Antonio, Texas 78219
 (210) 310-2100 - www.LunaArchitecture.com

(1b)

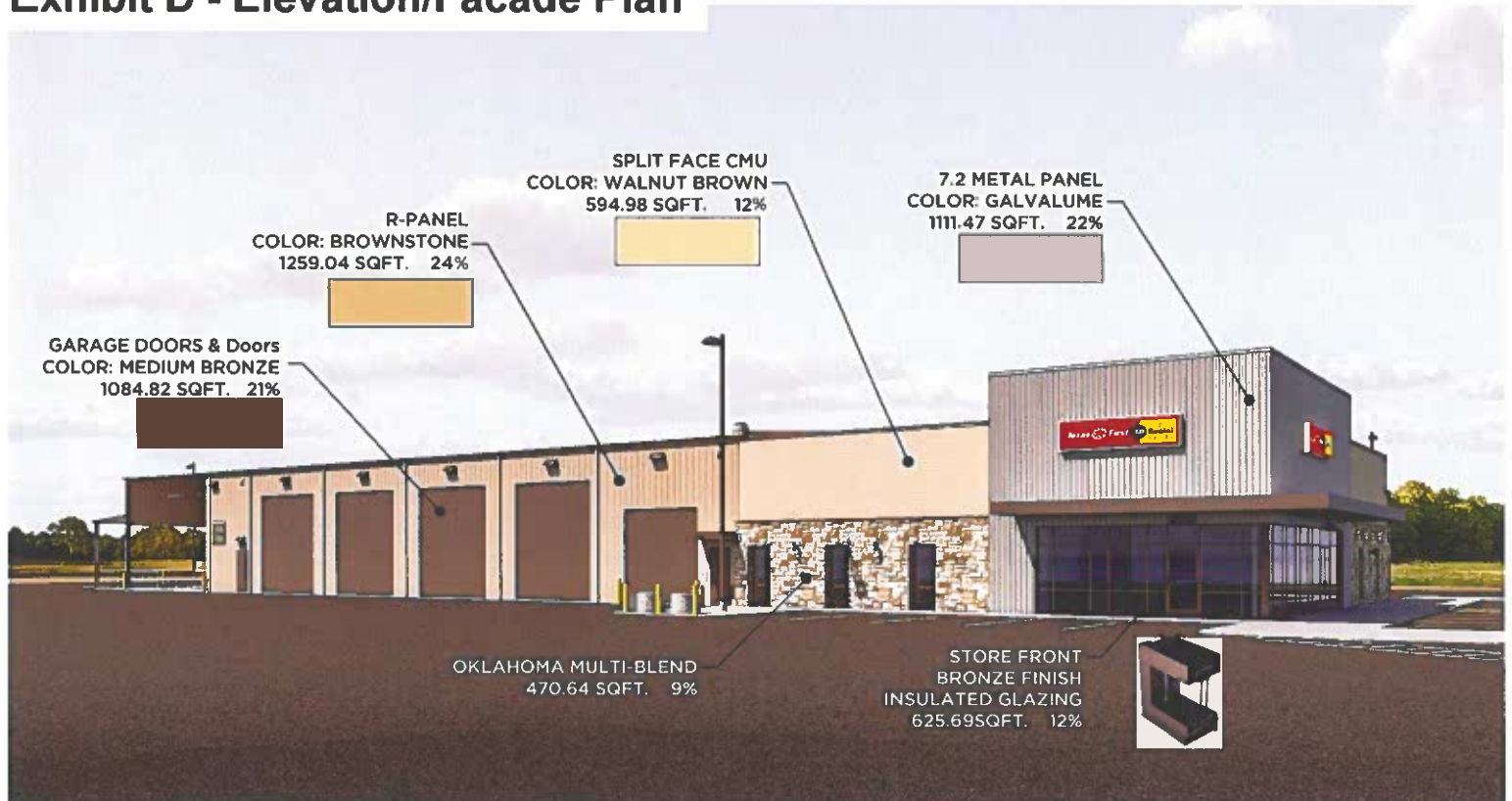
Exhibit D - Elevation/Facade Plan



TFR - Waxahachie
Waxahachie, Texas

LUNA
ARCHITECTURE
16105 Huguenot Road • San Antonio, Texas 78219
(210) 510-2100 • www.lunaarchitecture.com

Exhibit D - Elevation/Facade Plan



TFR - Waxahachie
Waxahachie, Texas

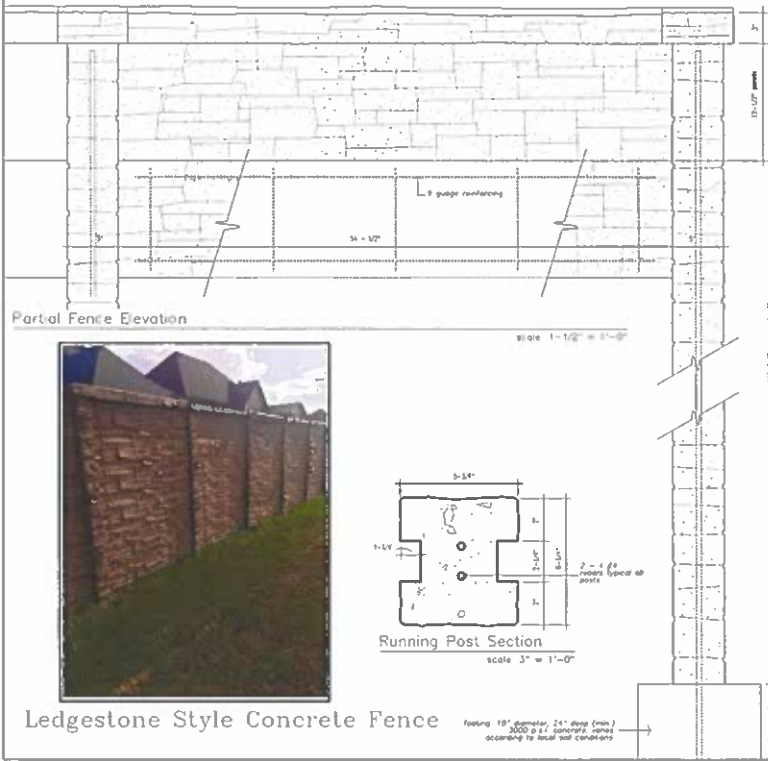
LUNA
ARCHITECTURE
16,105 Hayden • Potts • Oak • Midland, Texas 79701
(210) 210-2100 • www.LunaArchitecture.com

Exhibit E - Screening Plan

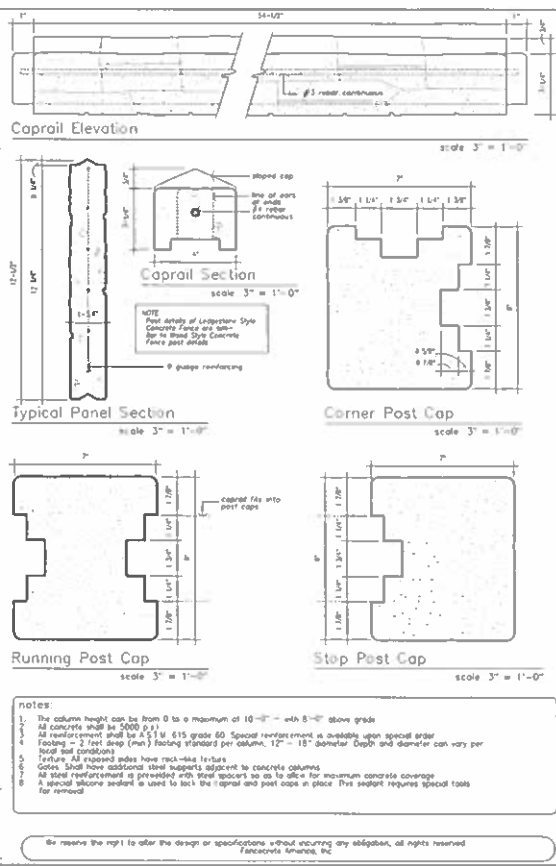
ERICA, INC.



manufacturers of precast concrete fencing and masonry wall systems
15089 tradesmen drive san antonio, texas 78249 210-492-7911 800-229-7811 www.fenceinc.com



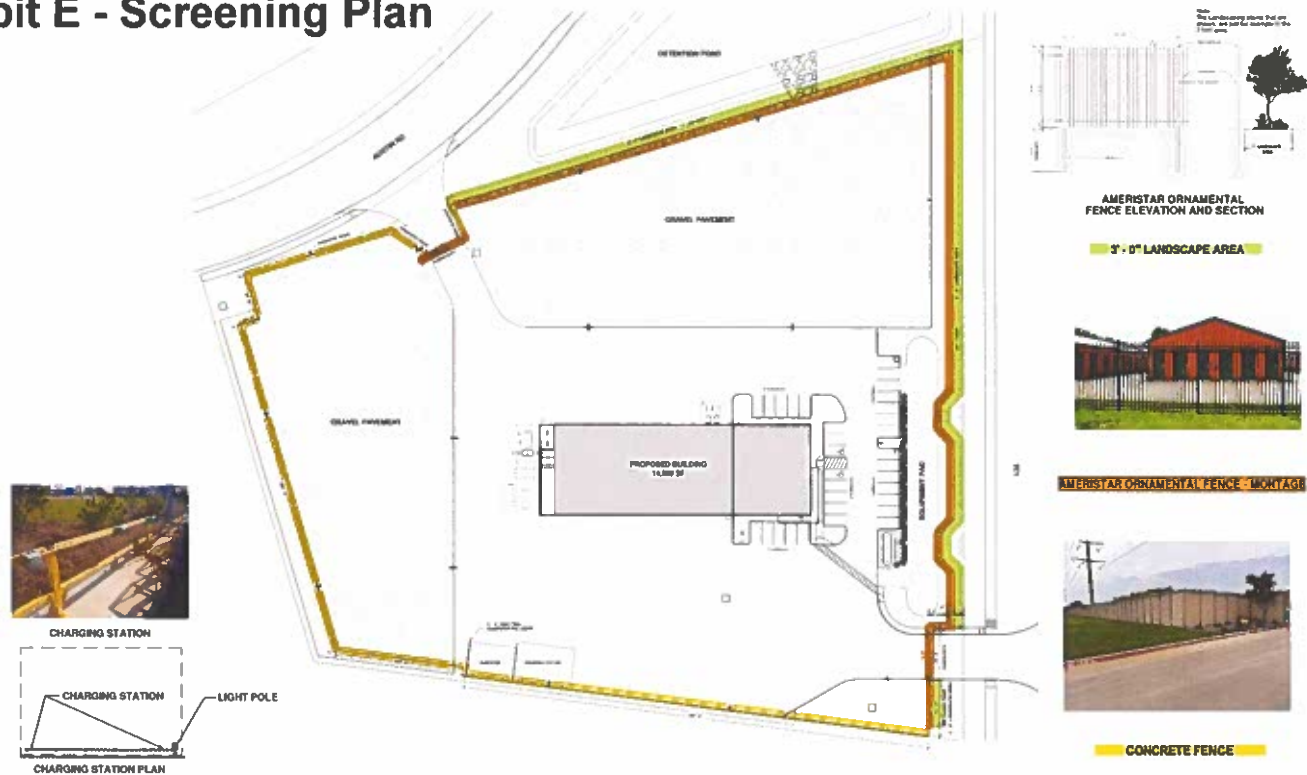
Ledgestone Style Concrete Fence



TFR - Waxahachie
Waxahachie, Texas

LUNA ARCHITECTURE
16105 Hubbell Road - San Antonio, Texas 78219
(210) 510-2100 - www.luna-architecture.com

Exhibit E - Screening Plan



TFR - Waxahachie
Waxahachie, Texas



(10)

Exhibit F - Signage Plan



(2) EXTERIOR WALL SIGNS 3X12
@ 36 SQ.FT. EACH

(2) EXTERIOR WALL SIGNS.....36 SQ.FT. EACH

(1) POLE SIGN CABINET.....96 SQ.FT.

TOTAL SQUARE FOOTAGE.....168 SQ.FT.



(1) POLE SIGN CABINET 8X12
@ 96 SQ.FT.



TFR - Waxahachie
Waxahachie, Texas

LUNA
ARCHITECTURE
16103 Mulberry Road • San Antonio, Texas 78233
(210) 210-2100 • www.lunarchitects.com

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR TEXAS FIRST RENTALS
COUNTY OF ELLIS	§	

This Development Agreement for Texas First Rentals (“**Agreement**”) is entered into between PC5 Properties LLC (“**PC5**”) and the City of Waxahachie, Texas (“**City**”). PC5 and the City are sometimes referred herein together as the “**Parties**” and individually as a “**Party**.”

Recitals:

1. PC5 is the owner of approximately 7.22 acres of real property generally located at the intersection of Austin Road and the I-35E Service Road, Parcel Numbers 254633 & 290135 in the City of Waxahachie, Texas (the “**Property**”), for which the applicant has requested a change in the Property’s Light Industrial-1 and Light-Industrial-2 zoning to Light Industrial-1 and Light Industrial-2 with a Specific Use Permit (“**SUP**”) zoning, revising specific development standards. The Property is currently zoned Light Industrial-1 and Light Industrial-2 by the City, and is anticipated to have the SUP reviewed on December 19, 2022.

2. The planned use of the Property is to create a Specific Use Permit to allow for a Heavy Machinery and Equipment Rental, Sales or Storage use, an Outdoor Display use, and a Pole Sign use for Texas First Rentals. The SUP process is utilized to ensure that the Property would develop in a manner that meets the City’s desired development standards, as well as providing PC5 with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of PC5 and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP **Ordinance No. (TBD)** (the “**Texas First Rentals SUP Ordinance**”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Texas First Rentals.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Texas First Rentals SUP Ordinance as contractually-binding obligations between the City of Waxahachie and PC5, and to recognize PC5’s reasonable investment-backed expectations in the Texas First Rentals SUP Ordinance and the planned development of Texas First Rentals.

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The development shall conform as approved by the City Council under case number ZDC-68-2022.
- (C) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (D) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Concept Plan (Exhibit D).
- (E) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (F) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (G) Any zoning, land use requirement, or restriction not contained within this Development Agreement, or Zoning Ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Screening Plan, and Exhibit F – Signage Plan. Where regulations are not specified in Exhibits B, C, D, E, & F in this Development Agreement, Zoning Ordinance, the regulations of Light Industrial-1 (LI-1) Zoning District shall apply to this development.

In consideration of PC5's agreement in this regard, the City of Waxahachie agrees that PC5 has reasonable investment-backed expectations in the Texas First Rentals SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Texas First Rentals SUP Ordinance without impacting PC5'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, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.
- E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
- F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.
- G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.
- H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.
- I. This Agreement may be only amended or altered by written instrument signed by the Parties.

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

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

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 WOD and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

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

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

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

{Signature Pages Follow}

(11)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(11)

: PC5 Properties LLC (Developer)

By: _____

Date: _____

: PC5 Properties LLC (Owner)

By: _____

Date: _____

STATE OF TEXAS

§
§
§

COUNTY OF ELLIS

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Belmont Farms, 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: _____

Planning & Zoning Department
Zoning Staff Report

Case: ZDC-130-2022



MEETING DATE(S)

Planning & Zoning Commission: December 13, 2022

City Council: December 19, 2022

CAPTION

Public Hearing on a request by Ramon Galaviz, for a **Specific Use Permit (SUP)** for an **Outside Storage** use within a General Retail (GR) zoning district located at 101 Tracy Lane (Property ID: 151310) – Owner: Juan M. Rosas & Guillermina Rosas (ZDC-130-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-130-2022, a Specific Use Permit (SUP) for Outside Storage use, subject to the conditions in the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 13, 2022, the Commission voted 5-0 to recommend approval of case number ZDC-130-2022, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to allow for an Outside Storage (Pecos Bill) use at 101 Tracy Lane.

CASE INFORMATION

Applicant: Ramon Galaviz, Pecos Bill

Property Owner(s): Juan & Guillermina Rosas

Site Acreage: 0.39 acres

Current Zoning: General Retail (GR)

Requested Zoning: General Retail (GR) with a SUP for Outside Storage use.

SUBJECT PROPERTY

General Location: 101 Tracy Lane

Parcel ID Number(s): 151310

Existing Use: A 672-square-foot retail building currently occupies the site.

Development History: The subject property is a portion of Lot1A, Block A of the Hillview Revision. The subject property was rezoned from Future Development (FD) to General Retail (GR) in 2013 (Ord. 2705).

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	General Retail (GR)	Undeveloped
East	Future Development (FD)	Single Family Residence
South	Planned Development-General Retail (PD-GR)	HGO Tire
West	General Retail (GR) with SUP for a Kiosk use	Retail Store & Ice Kiosk

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via a driveway on Tracy Lane.

Site Image:**PLANNING ANALYSIS***Purpose of Request:*

The applicant is proposing a Specific Use Permit (SUP) to allow for an Outside Storage (Pecos Bill) use at 101 Tracy Lane. Pecos Bill is a retail establishment specializing in the sale of outdoor furniture and art. The subject property is adjacent to Highway 77; but is only accessible via Tracy Lane. A small, existing retail building with four (4) parking spaces currently occupies the site along with an accessory storage building and covered patio.

Proposed Use:

The applicant is proposing to utilize approximately 2,500 square feet of the site as an outside storage to area for yard art inventory for Pekos Bill. The applicant has stated that the typical hours of operation will be from 10:00 am to 6:00 pm, Monday through Saturday. The yard art inventory includes clay pottery, metal art, concrete art, and concrete outdoor furniture. The applicant intends to place the clay pottery and concrete items on pallets located at the northeastern corner of the property. The outdoor storage areas are proposed to remain gravel. Staff is not concerned with the proposed use of the gravel base for the storage areas due to the fact that no heavy equipment is to be stored or operated on site.

An overhead electric easement approximately 16' in width crosses through the center of the subject property. The applicant has not attained permission from the easement holder to utilize the space within the easement as a storage area. Due to this, the applicant is not permitted to use the area for outside storage and is not proposing to utilize the area.

Landscaping

The subject property is currently sparsely landscaped. The site meets the minimum interior landscape area required for the property; but does not currently have a street buffer yard or street trees. Due to this, the applicant is proposing to add a landscaped buffer yard with eight total street trees. The addition of this landscaping will bring the site into compliance with Section 5.04 of the Waxahachie Zoning Ordinance. Table 1 provides a summary of the landscaping for the development below.

Table 1: Landscape Requirements

Standard	City of Waxahachie	Pekos Bill	Meets Y/N
Landscape Area (Sq. Feet)	300	861	Yes
Trees	1	1	Yes
Street Trees	8	8	Yes

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 19 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.

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of opposition and two (2) letters of support for the proposed SUP. Notably, one letter of support was provided by the property owner.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request with the conditions noted below.

Conditions:

1. Landscaping shall be installed on site in accordance with the Landscape Plan prior to the issuance of a certificate of occupancy (CO) for Pekos Bill.
2. The portion of the site within the overhead electric easement shall not be used as a storage area.

ATTACHED EXHIBITS

1. Public Notification Response Letters
2. SUP Ordinance
 - a. Exhibit A – Location Map
 - b. Exhibit B - Site Plan
 - c. Exhibit C - Landscape Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, the applicant can apply for a certificate of occupancy (CO) from the Building and Community Services Department.

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

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-130-2022**

RECEIVED DEC 06 2022

BORDERS JOEY
3537 N HIGHWAY 77
WAXAHACHIE, TX 75165-5623

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 13, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 19, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Ramon Galaviz, for a **Specific Use Permit (SUP)** for an Outside Storage use within a General Retail (GR) zoning district located at 101 Tracy Lane (Property ID: 151310) – Owner: Juan M. Rosas & Guillermina Rosas (ZDC-130-2022) Staff: Zack King

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

Case Number: **ZDC-130-2022**

City Reference: 201644

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **December 7, 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:

Joel Borders

Signature

Date

11-29-22

JOEL BORDERS PRESIDENT

Printed Name and Title

Address

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

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

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-130-2022



RECEIVED 11/28/22

MADRIGAL MARCO C
3504 N HWY 77
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 13, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 19, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Ramon Galaviz, for a **Specific Use Permit (SUP)** for an Outside Storage use within a General Retail (GR) zoning district located at 101 Tracy Lane (Property ID: 151310) – Owner: Juan M. Rosas & Guillermina Rosas (ZDC-130-2022) Staff: Zack King

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

Case Number: ZDC-130-2022

City Reference: 239084

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on December 7, 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:

Marco Madrigal
Signature

Marco Madrigal-Owner
Printed Name and Title

11/28/22
Date

3504 N. Hwy 77
Address

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

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

(12)

Case Number: ZDC-130-2022

City Reference: 151310

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **December 7, 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

RECEIVED DEC 06 2022

Comments:

Me, Guillermina Rosas and my husband Juan M. Rosas, fully support the request by Ramon Galaviz for a Specific Use Permit (SOP)

Guillermina Rosas

Signature

12-06-22

Date

Thank You

Guillermina Rosas Owner

Printed Name and Title

311 E. Ross St. Waxahachie, Tx.

Address

75165

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

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTSIDE STORAGE USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 101 TRACY DRIVE, BEING A PORTION OF PROPERTY ID 151310, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PART OF LOT 1A, BLOCK 1 IN THE HILLVIEW REVISION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as GR; 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 SU-130-2022. 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 GR to GR, with a SUP in order to permit a Outside Storage use on the following property: Part of Lot 1A, Block 1 of the Hillview Revision subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B and Landscape Plan attached as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN OUTSIDE STORAGE USE WITHIN A GENERAL RETAIL (GR) 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-130-2022.
2. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, and Exhibit C - Landscape Plan.
3. All development within the subject property will be subject to obtaining building permits and a certificate of occupancy from the City in accordance with the City's applicable rules and regulations governing such permits.
4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
5. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan and Exhibit C – Landscape Plan. Where regulations are not specified in Exhibits B and C, or this Zoning Ordinance, the regulations of the General Retail (GR) Zoning District shall apply to this development.
6. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

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

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

PASSED, APPROVED AND ADOPTED on this 19th day of December, 2022.

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map



Exhibit B - Site Plan

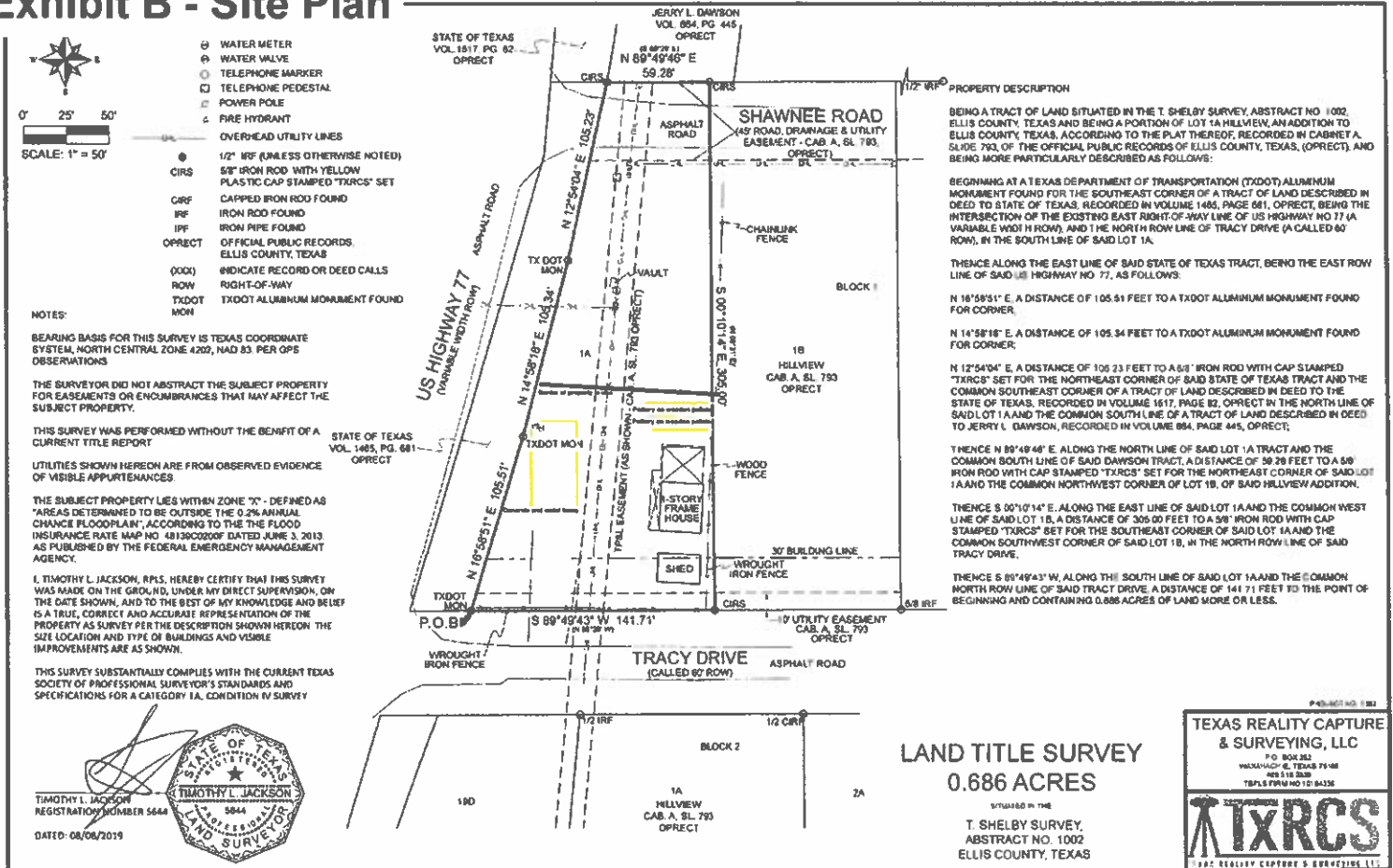
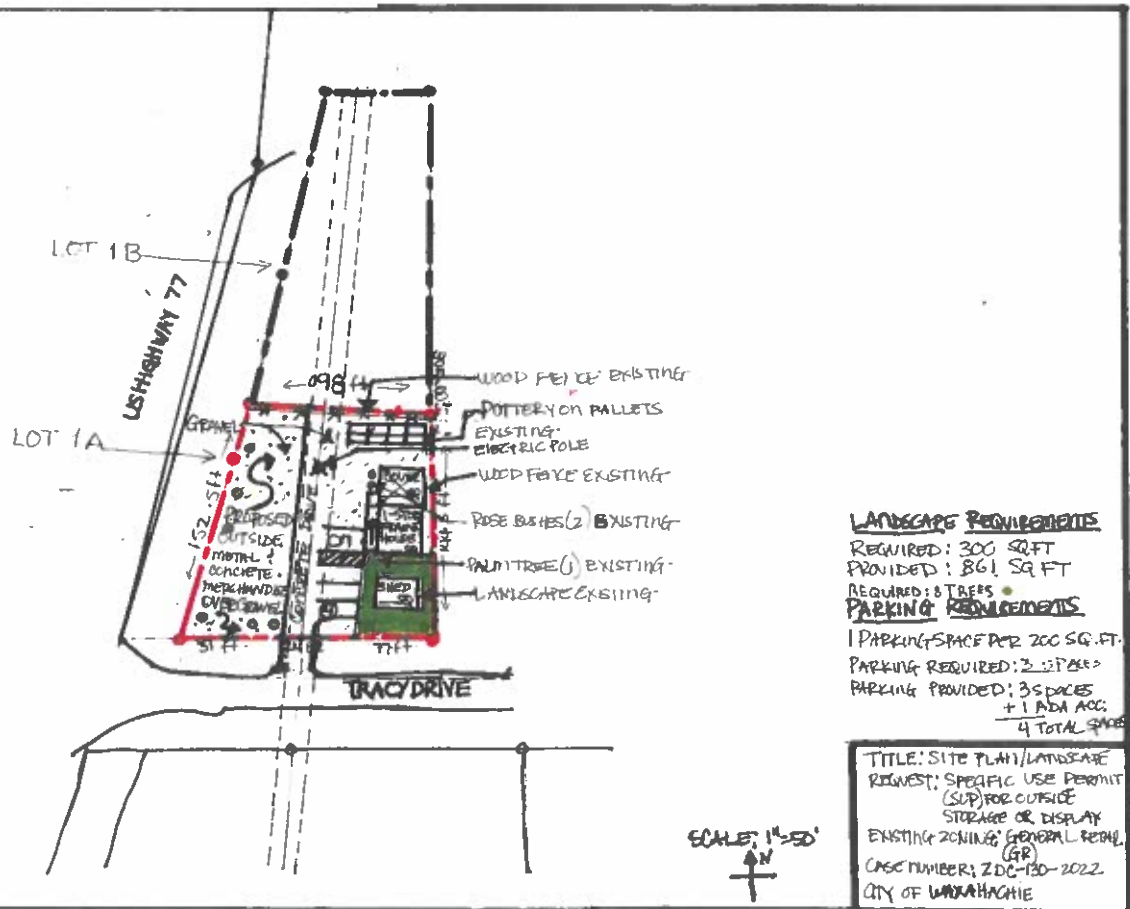


Exhibit C - Landscape Plan



Planning & Zoning Department

Zoning Staff Report

Case: ZDC-148-2022



MEETING DATE(S)

Planning & Zoning Commission: December 13, 2022

City Council: December 19, 2022

CAPTION

Public Hearing on a request by Dani Cagle, Texas Art & Pour, for a **Specific Use Permit (SUP)** for a **Tavern** use within a Central Area zoning district located at 109 W Franklin Street, Suite 115 (Property ID: 193341) – Owner: Mutual Pursuits LLC (ZDC-148-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-148-2022, a Specific Use Permit (SUP) for a Tavern use for Texas Art & Pour subject to the conditions in the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 13, 2022, the Commission voted 5-0 to recommend approval of case number ZDC-148-2022, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant is requesting approval of a Specific Use Permit (SUP) for a Tavern use for Texas Art & Pour, located within the Central Area (CA) zoning district at 109 W Franklin Street, Suite 115.

CASE INFORMATION

Applicant: Dani Cagle, Texas Art & Pour

Property Owner(s): Mutual Pursuits LLC

Site Acreage: 0.248 acres

Current Zoning: Central Area (CA)

Requested Zoning: CA with a SUP for a Tavern use for Texas Art & Pour

SUBJECT PROPERTY

General Location: 109 W Franklin Street, Suite 115

Parcel ID Number(s): 193341

Existing Use: The subject suite was previously home to Bistro 115 and is currently undergoing renovations.

Development History:

The subject suite is located within a two-story multi-tenant building constructed in 1895. The building currently has five (5) retail suites on the first floor and multiple residential suites on the second floor.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	CA	Historic Ellis County Courthouse
East	CA	Art Gallery - Art on the Square
South	CA	Office - Southwest Data Solutions
West	CA	Restaurant – Farm Luck

Future Land Use Plan:

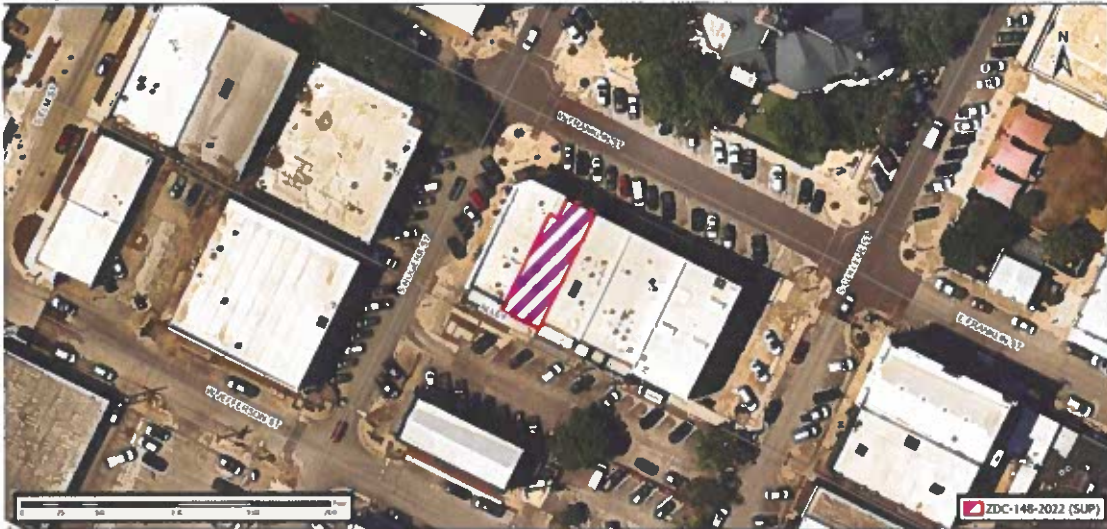
Public/Semi-Public

Comprehensive Plan:

This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area; therefore, only the current Public/Semi-Public uses are shown on the map.

Thoroughfare Plan:

The subject property is accessible via W Franklin Street

Site Image:**PLANNING ANALYSIS**

The applicant is proposing a Specific Use Permit (SUP) for a Tavern use for Texas Art & Pour, located within the Central Area (CA) zoning district at 109 W Franklin Street, Suite 115. A Tavern use is defined by the Waxahachie Zoning Ordinance as “a business engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises”. An establishment may be included in this category if alcohol sales exceed forty-nine (49) percent of the gross revenue of the business.

The suite is approximately 1,775 square feet in size and is located entirely on the first floor of the building. The applicant has stated that Texas Art & Pour intends to provide a distinctive shopping experience for Texas-made art and goods. Texas Art & Pour is proposed to offer art products along with beer, wine, and locally sourced food. A tap and bar are proposed to be added to the suite. The applicants, Dani Cagle and Sean Cagle, intend to act as the only employees for the business. Texas Art & Pour has proposed to operate daily from 10:00 am to 9:00 pm.

Proposed Development Standards

The applicant has acknowledged agreement to the following development standards for the use.

- An amendment to the proposed SUP, approved by the Planning & Zoning Commission and City Council, shall be required in the event Texas Art & Pour wishes to expand beyond the footprint detailed in the Floor Plan below.
- A Certificate of Occupancy from the Building and Community Services Department shall be required for Texas Art & Pour prior to the opening of the business.
- All signage for the use shall require sign permit(s) from the Building and Community Services Department prior to installation.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 33 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.

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of support for the proposed Tavern use.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request with the conditions noted below.

Conditions:

1. The use shall comply with the development standards proposed with the SUP request.
2. An amendment to the SUP will be required in the event Texas Art & Pour wishes to expand beyond the footprint detailed in the Floor Plan exhibit.
3. An amendment to the SUP will be required in the event Texas Art & Pour wishes to modify its hours of operation. Texas Art & Pour has proposed to operate daily from 10:00 am to 9:00 pm.
4. A new SUP will be required to reestablish the Tavern use in the event Texas Art & Pour vacates 109 W Franklin Street, Suite 115 or a new tenant seeks occupancy at 109 W Franklin Street, Suite 115.
5. The Applicant shall receive approval of all necessary building permits necessary to establish and operate the Tavern use.

ATTACHED EXHIBITS

1. Public Notification Response Letters
2. SUP Ordinance
 - a. Exhibit A – Location Map
 - b. Exhibit B – Floor Plan
 - c. Exhibit C – Operational Plan

APPLICANT REQUIREMENTS

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

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



(147)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-148-2022

HACHIE PROPERTIES LLC
327 BLUE RIBBON RD
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 13, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 19, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Dani Cagle, Texas Art & Pour, for a **Specific Use Permit (SUP)** for a Tavern use within a Central Area zoning district located at 109 W Franklin Street, Suite 115 (Property ID: 193341) – Owner: Mutual Pursuits LLC (ZDC-148-2022) Staff: Zack King

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

Case Number: **ZDC-148-2022**

City Reference: 170519

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **December 7, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ **SUPPORT**

☐ **OPPOSE**

Comments:

I think the use is good for downtown.

Signature

Brett Hess
BRETT HESS
Printed Name and Title

Date

11-30-2022

Address

1056 FRANKLIN -
WAXAHACHIE, TX
75165

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

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TAVERN USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED 109 W FRANKLIN STREET, SUITE 115, BEING PROPERTY ID 193341, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING A PROTION OF LOTS A, 4A, 4B, 5A, & 5B, BLOCK 15 IN THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as CA; 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-148-2022. 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 CA to CA, with a SUP in order to permit a Tavern use on the following property: 109 W Franklin Street, Suite 115, which is shown on the Location Map attached as Exhibit A, in accordance with the Floor Plan attached as Exhibit B and the Operational Plan attached as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A TAVERN USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT**; the following standards and conditions are hereby established as part of this ordinance:

1. The use shall conform as approved by the City Council under case number ZDC-130-2022.
2. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Floor Plan, and Exhibit C - Operational Plan.
3. All development within the subject property will be subject to obtaining building permits and a certificate of occupancy from the City in accordance with the City's applicable rules and regulations governing such permits.
4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
5. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Floor Plan and Exhibit C – Operational Plan. Where regulations are not specified in Exhibits B and C, or this Zoning Ordinance, the regulations of the Central Area (CA) Zoning District shall apply to this development.
6. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

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

(19)

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

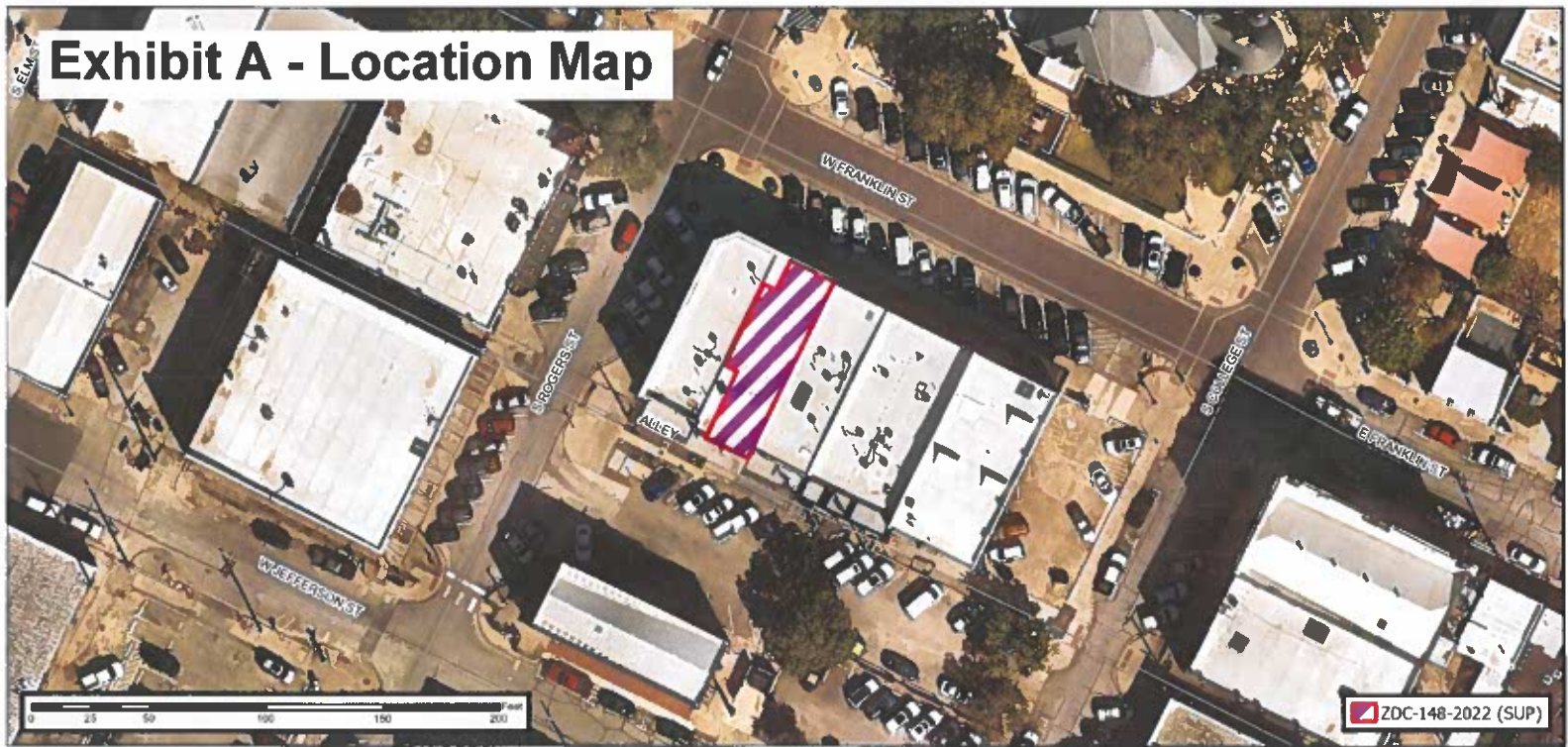
PASSED, APPROVED AND ADOPTED on this 19th day of December, 2022.

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map



(15)

Exhibit B - Floor Plan

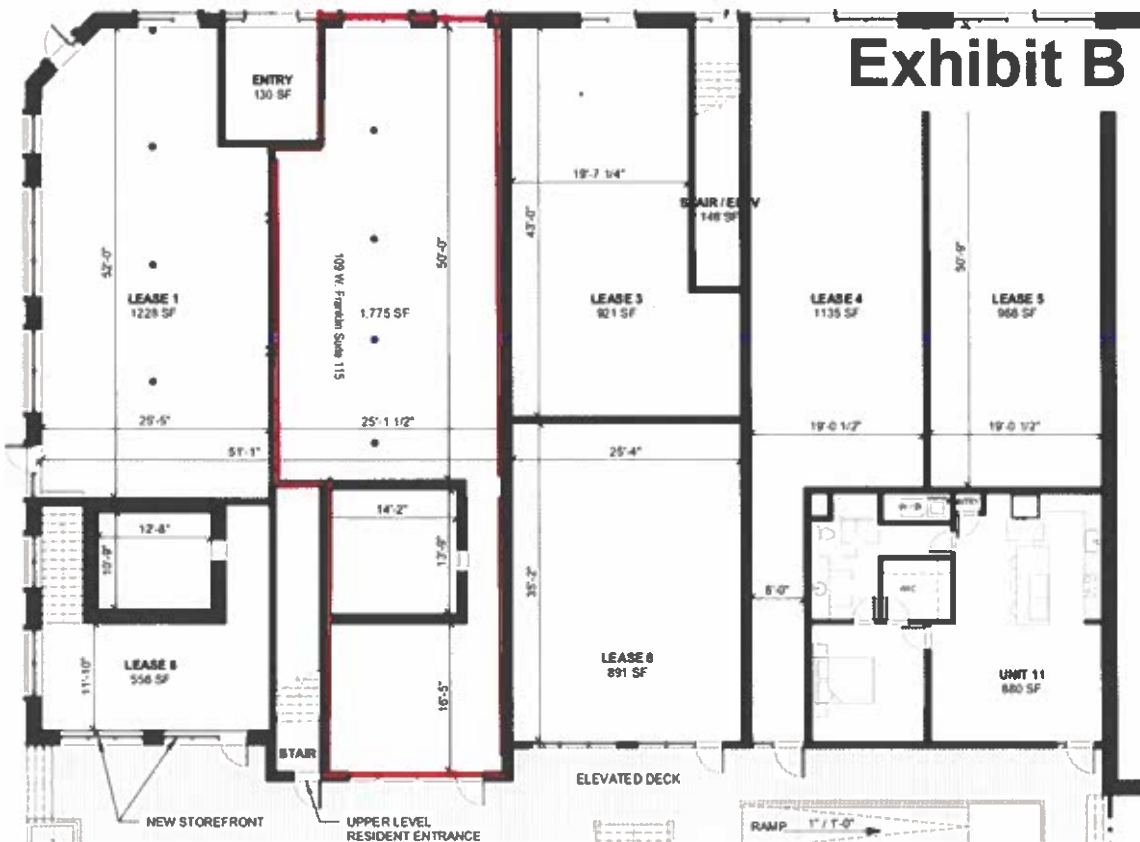


EXHIBIT B

W FRANKLIN ST
GROUND FLOOR PLAN

WAXAHACHIE REDEVELOPMENT
WAXAHACHIE, TEXAS

Job Number: 15-011 Order By: A. Lopez
Date: 11/16/15 Drawn By: 11/16/15 10:53 AM



3/32" = 1'-0"

© Copyright 2015 by W. Daniel 1994-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025

Exhibit C - Operational Plan

(15)

SUP Application – Operational Plan

Texas Art & Pour – Operational Plan

115 W. Franklin St. Waxahachie, 75165

Hours of Operation:

Wednesday – Thursday: 11-7

Friday – Saturday: 11-8

Sunday: 12-6

Number of employees: 2

Compatibility with adjoining areas: Texas Art and Pour will be a compliment to the adjoining locations. Farm Luck and Art on the Square are similar business and we will help to increase foot traffic to each other's businesses.

Business Plan:

Identity

Texas Art and Pour fosters the growing creative scene in Texas by establishing a unique setting for community and art. We provide a distinctive shopping experience with Texas-made art and goods.

Challenge and Innovation

Waxahachie residents have long been big supporters of art and community. Texas Art and Pour will become a destination in the downtown area where residents and visitors can enjoy Texas-sourced art, goods, beverages, and foods.

Target market

Locally-minded shoppers who enjoy Texas-crafted art, unique goods, beer, wine, and fine foods. We will cater to those who enjoy art shows, demonstrations, and respect of the creative process.

The competition

There are several retail locations in the downtown area. These include home goods, antiques, clothing, and art.

Exhibit C - Operational Plan

There are also several places to purchase a beer or wine to enjoy on-site. Cork House Winery, College Street Pub, Big Al's, and Cork and Keg. There are fewer places that offer the combination of retail beer/wine, on-site drinks, and shopping. There are no locations which offer the combination of Texas-sourced art and goods and beer and wine service.

Revenue streams

Texas Art and Pour will sell Texas-made products such as:

- art and craft goods at a variety of price points
- beer and wine by the per glass, bottles, and cans to-go
- food items such as olive oils, vinegars, cheeses, meats, and baked goods
- locally sourced quality food to enjoy on site or to grab and go

Marketing activities

Texas Art and Pour will advertise using: (1) targeted social media ads and account activities (2) partnerships with other downtown and Texas merchants and retailers (3) community events/outreach (4) partnerships with Texas artists and wholesalers

Expenses

- | | |
|---------------------------------|-----------------------------------|
| • Building remodel/construction | • Furniture/displays |
| • Permits and licensing | • Art and good inventory |
| • Tap and bar set up | • Food inventory |
| • Refrigeration | • Inventory displays for products |
| • Kitchen/glassware | • Advertising |

Team and key roles

The only employees will be the owners, Sean and Dani Cagle.

Risk Mitigating Milestones

Determine location in downtown area – secure leases/purchase property

Determine food offerings and permitting restrictions

Remodel/Construction: design, permits, complete

Certificate of Occupancy

Set up interior for retail – build inventory

Establish marketing strategy in advance of opening

Obtain TABC and other permits

Open business

As business grows, Texas Art and Pour will promote community partnerships that drive deeper connections among downtown businesses, Texas artists, and community members.

(16)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: December 16, 2022

Re: Consider Ordinance Amending Water, Wastewater and Roadway Impact Fees

Recommended Motion: "I move to approve an ordinance increasing the Water, Wastewater and Roadway Impact Fees to the maximum calculated rates allowed as recommended by the Impact Fee Capital Improvement Advisory Committee with an effective date of April 1, 2023."

Item Description: Consider approving an ordinance increasing the Water, Wastewater and Roadway Impact Fees to the maximum calculated rates allowed. As documented by attached memorandum from the IFCIAC Chairman, Rick Keeler, the Impact Fee Capital Improvement Advisory Committee (IFCIAC) unanimously recommended this increase during their meeting on December 13, 2022. Staff recommends the increase commence on April 1, 2023. That would allow staff time to notify the development community accordingly and complete the Mid-Year Impact Fee Report after March 31, 2023.

Item Summary: On December 13, 2022, city staff presented the FY 2021-2022 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee (IFCIAC). The activity summary detailed impact fee revenue and expenditures from October 1, 2021, to September 30, 2022 and an impact fee analysis that the IFCIAC felt supported an increase to the Water, Wastewater and Roadway Impact Fees to the maximum calculated rates allowed.

Impact fees are authorized under Chapter 395 of the Texas Local Government Code and empower municipalities to levy a charge or assessment against new development to

generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.

The City of Waxahachie authorized Freese and Nichols and Birkhoff, Hendricks & Carter, L.L.P. to evaluate and update the City's land use assumptions, capital improvements plan, and impact fees as part of a 2020 Impact Fee Study. These firms used growth projections, roadway, water, and wastewater loading criteria, based on the City's Thoroughfare Plan, water and wastewater Master Plans. The report updated the City's use assumptions for 2020 through 2030.

The sum of all upcoming projects' projected costs was used to calculate a total impact fee divided by the projected growth in living unit equivalents for water and wastewater to determine the maximum allowable impact fees for those systems.

For simplicity of the analysis, we will review the Impact Fees increase impact to a single family residential development. The resulting maximum calculated impact fee and effective collected impact fee for a residential 5/8" x 3/4" meter and the average roadway service area fee is summarized in the table below:

	Current Fees	Percent of Maximum Allowed	Proposed Fee	Percent of Maximum Allowed
Water	\$2,216	67.66%	\$3,275	100%
Wastewater	\$2,321	61.39%	\$3,781	100%
Roadway*	\$1,103	92.22%	\$1,196	100%

*Roadway Impact Fee is the average of the Service Areas Fees

Since the Roadway Impact fee is already near the maximum allowed, we will focus on the water and sewer impact fees for the analysis. However, additional roadway impact fees are going to be needed to keep up with the growth demand of the thoroughfare infrastructure, including some costly projects such as the proposed bridges for Ridge Crossing to the High School, Farley Street, and Cardinal Road. Staff believes these costs should be shared by the developer to the extent allowed under state statute.

In FY2022, the Utilities Department allocated \$8,803,457.00 in impact fees to fund capital improvement projects, infrastructure, and facility expansions. The City collected \$3,442,094.81 in Water and Wastewater Impact Fees for FY2022. On December 01, 2022, there was an undesignated available balance of \$2,589,448.00 in the Water Impact Fee Fund and \$1,063,302.00 in the Wastewater Impact Fee Fund.

There are numerous impact fee eligible projects proposed in the future, including the expansion of the Wastewater Treatment Plant and a Water Treatment Plant that will likely

require an expansion within the 10-year period. We also have other growth-related projects in the 5-year CIP that will require funding.

Staff developed a revenue projection model based on the number of applicants for building permits subject to an impact fee in FY2022. The projection model provides potential revenue at 85, 95, and 100% of the maximum allowable for water and wastewater impact fees to highlight the potential that exists with a rate adjustment. Below is a table illustrating the revenues for water and sewer impact fees collected for FY2022 and additional columns illustrating the potential revenue attained with an adjustment to the imposed fee up to the maximum allowed according to Chapter 395 of the Texas Local Government Code.

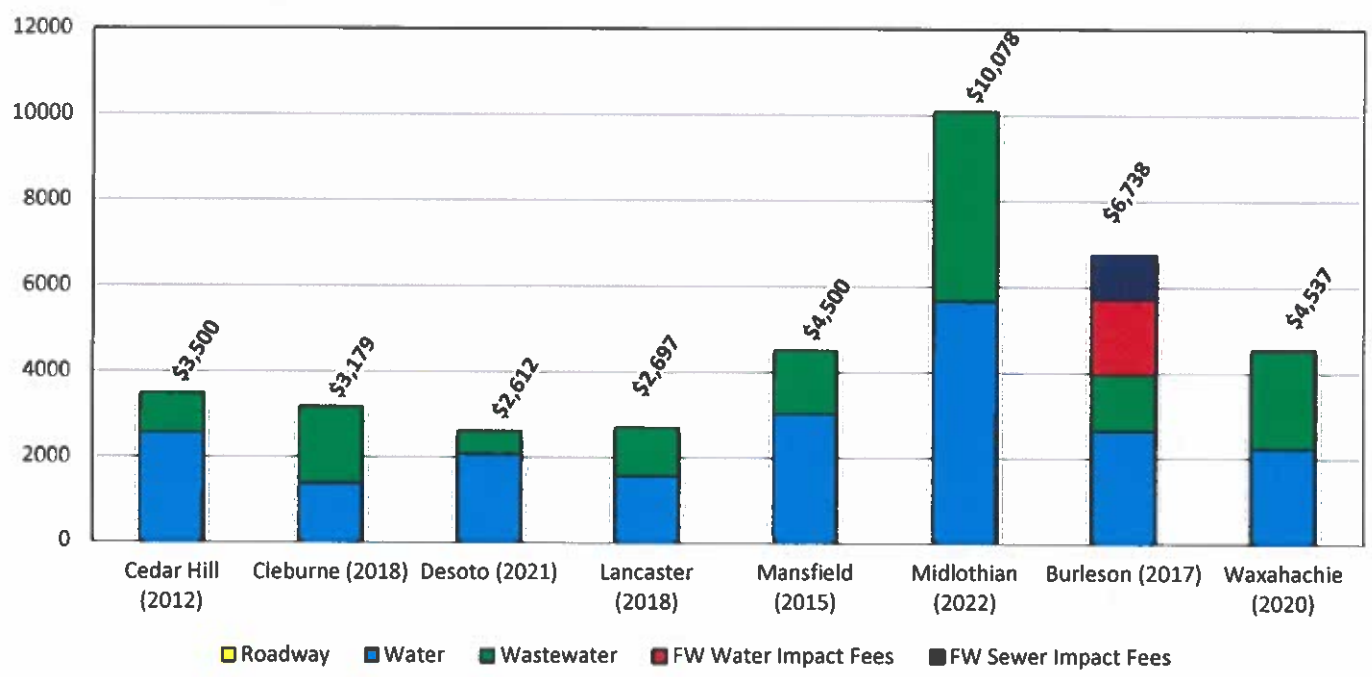
FY22 Water and Wastewater Impact Fees Collected and Potential Fees

Meter Size	FY22 Collected Amount	85% of Maximum*	95% of Maximum*	Maximum Allowed
5/8"x 3/4"	\$2,497,354.38	\$3,810,829.65	\$4,259,162.55	\$4,483,329.00
1"	\$98,451.50	\$127,411.60	\$142,401.20	\$149,896.00
1 1/2"	\$97,247.00	\$127,405.65	\$142,394.55	\$149,889.00
2"	\$435,041.98	\$635,654.65	\$710,437.55	\$747,829.00
4"	\$87,149.95	\$149,930.65	\$167,569.55	\$176,389.00
6"	\$226,850.00	\$299,863.00	\$335,141.00	\$352,780.00
Total	\$3,442,094.81	\$5,151,095.20	\$5,757,106.40	\$6,060,112.00

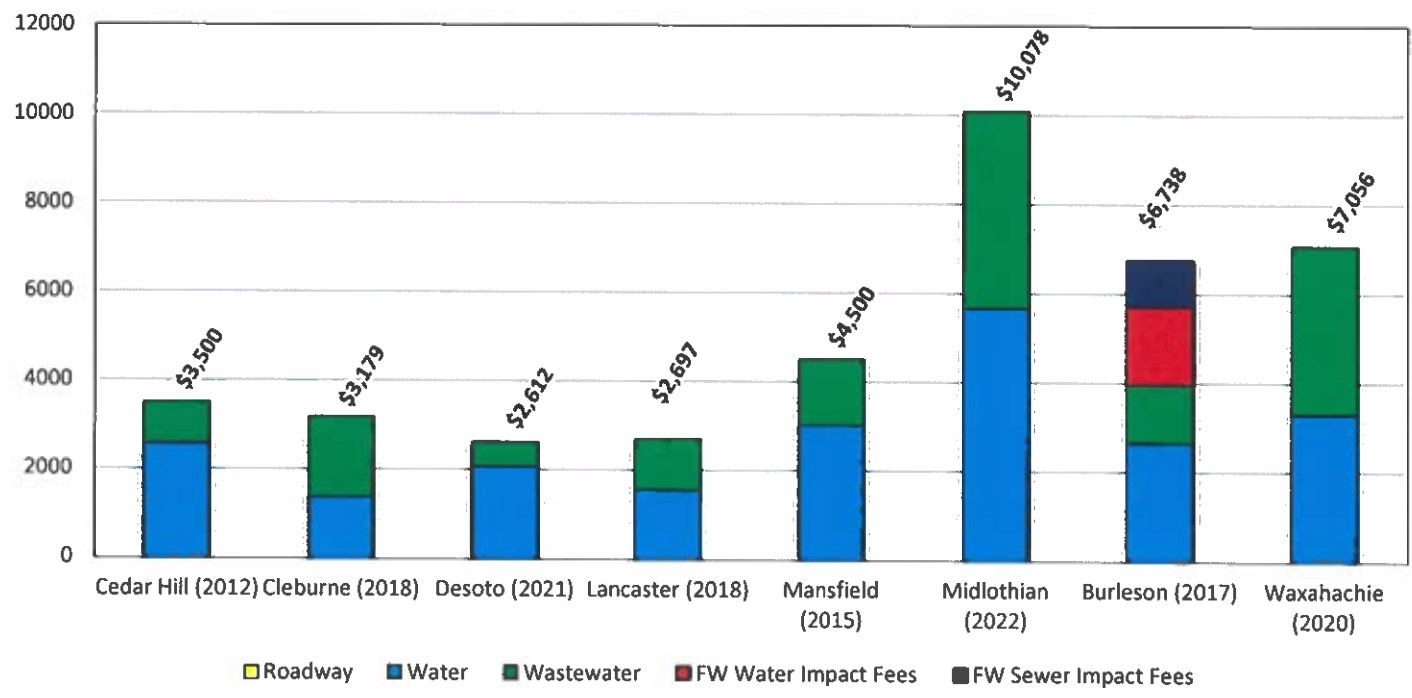
Recently, staff compared the current impact fee schedule against cities in the region. The data analysis from comparable "full service" cities indicates that the current fee schedule is near the mean for the municipalities in the pool. The benchmark used in the study was the typical meter size installed for new residential water and wastewater service. The tables on the next page illustrate the combined total water and wastewater impact fees for the listed municipalities.

(16)

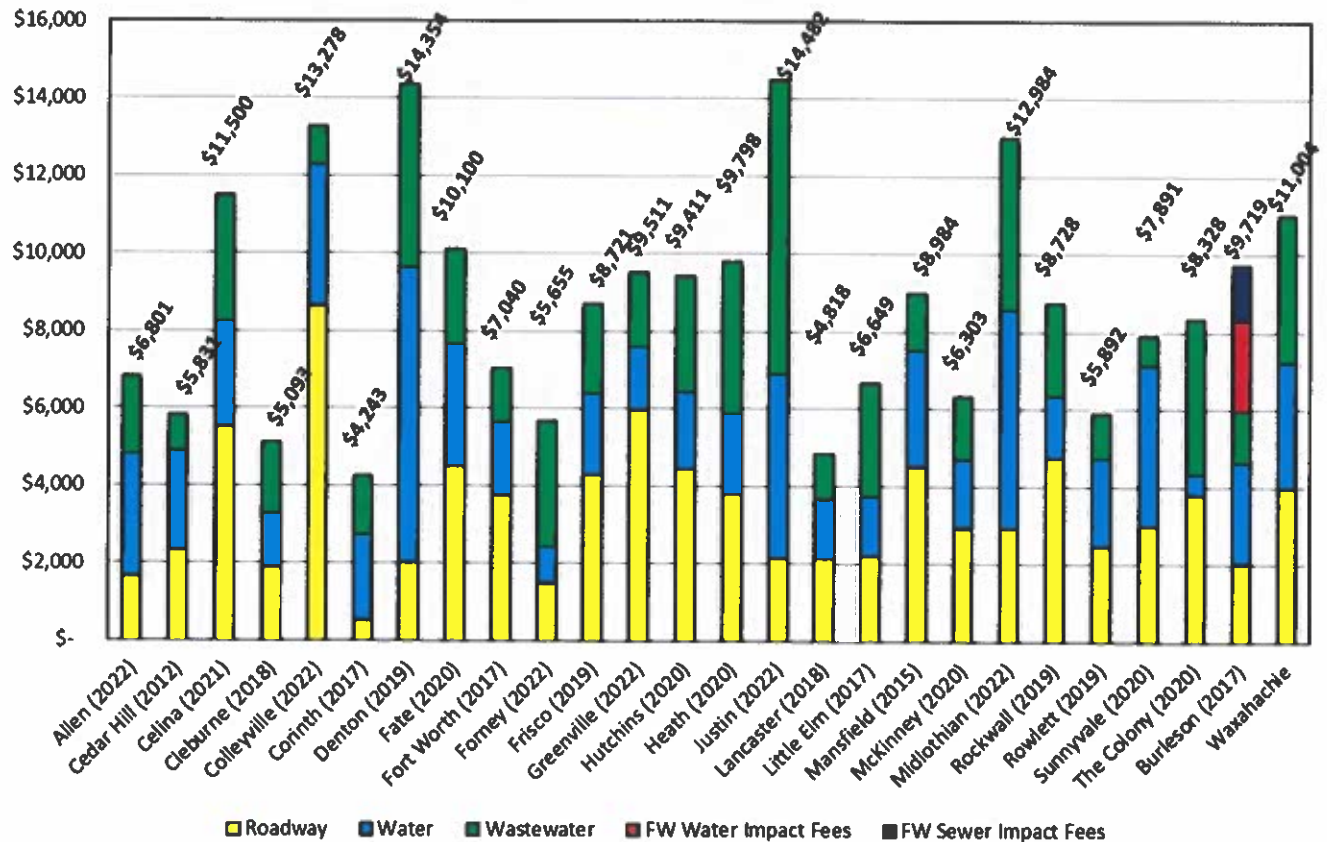
Existing Water and Wastewater Impact Fee Comparison Single-Family Residential



Proposed Water and Wastewater Impact Fee Comparison Single-Family Residential



Proposed Water and Wastewater Impact Fee Comparison Single-Family Residential



Fiscal Impact: Based on the impact fees collected in FY2022, an increase to maximum allowable rates would increase annual revenue by approximately \$2,800,000 or more.

(16)



TO: Mayor and City Council

FROM: Rick Keeler, Chairman, *Impact Fee Capital Improvement Advisory Committee*

DATE: December 13, 2022

SUBJECT: Recommendation Regarding Impact Fee Program Update

In accordance with Texas Local Government Code, the Impact Fee Capital Improvement Advisory Committee (IFCIAC) conducted its end-of-year Impact Fee Capital Improvement Advisory Committee meeting on December 13, 2022. The purpose of the meeting was to provide the members with an update to impact fees collected, Impact Fees used, project summaries and to provide comparison data analysis relative to the update of the water, wastewater, and roadway impact fee program. The IFCIAC consists of the Planning and Zoning Commission, additional ad hoc members from the development community and the City's extraterritorial jurisdiction, and a City Council Member. A quorum of seven (7) IFCIAC members was in attendance to make the recommendation noted in this memorandum.

After consideration and deliberation of the information presented by staff, the IFCIAC recommends the following:

- Increase the collection to the Maximum Calculated Fee for Water, Wastewater, and Roadway.

The following represent the recommended collection rates for the impact fee program:

**CITY OF WAXAHACHIE
SCHEDULE 2
WATER AND WASTEWATER IMPACT FEE
MAXIMUM COLLECTION RATE**

Meter Type	Meter Size	Land Use Equivalency	Rate to be Charged		
			Water	Wastewater	Total
Simple	5/8" X 3/4"	1	\$3,275.00	\$3,781.00	\$7,056.00
Simple	1"	2.5	\$8,187.00	\$9,452.00	\$17,639.00
Simple	1-1/2"	5	\$16,373.00	\$18,905.00	\$35,278.00
Simple	2"	8	\$26,197.00	\$30,248.00	\$56,445.00
Compound	2"	8	\$26,197.00	\$30,248.00	\$56,445.00
Turbine	2"	10	\$32,746.00	\$37,810.00	\$70,556.00
Compound	3"	16	\$52,394.00	\$60,496.00	\$112,890.00
Turbine	3"	24	\$78,591.00	\$90,743.00	\$169,334.00
Compound	4"	25	\$81,865.00	\$94,524.00	\$176,389.00
Turbine	4"	42	\$137,534.00	\$158,801.00	\$296,335.00
Compound	6"	50	\$163,731.00	\$189,049.00	\$352,780.00
Turbine	6"	92	\$301,264.00	\$347,849.00	\$649,113.00
Compound	8"	80	\$261,969.00	\$302,478.00	\$564,447.00
Turbine	8"	160	\$523,938.00	\$604,955.00	\$1,128,893.00
Compound	10"	115	\$376,580.00	\$434,812.00	\$811,392.00
Turbine	10"	250	\$818,653.00	\$945,243.00	\$1,763,896.00
Turbine	12"	330	\$1,080,621.00	\$1,247,720.00	\$2,328,341.00

(16)

**CITY OF WAXAHACHIE
SCHEDULE 2
ROADWAY IMPACT FEE
MAXIMUM COLLECTION RATE**

Roadway Service Area	Maximum Collection Impact Fee Rate	Percentage of Maxium Assessment Impact Fee Rate*
1	\$1,095.00	100%
2	\$1,130.00	100%
3	\$1,348.00	100%
4	\$1,193.00	100%
5	\$1,221.00	100%
6	\$923.00	100%
7	\$1,463.00	100%

The Committee came to these conclusions after reviewing the needed funds for anticipated Water and Wastewater Treatment Plant Expansions, other necessary infrastructure growth, and the comparable cities' impact fees to ensure that Waxahachie would remain competitive based on the proposed rate structure. The IFCIAC recommends that the City Council approve the water, wastewater, and roadway impact fees as presented.

Sincerely,



Rick Keeler
Impact Fee Capital Improvement Advisory Committee
Committee Chairman

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED COLLECTION SCHEDULES FOR WATER, WASTEWATER, AND ROADWAY IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 395, Tex. Loc. Gov't Code, provides procedures for adopting and updating land use assumptions, capital improvements plans, and impact fees; and

WHEREAS, the City Council for the City of Waxahachie, Texas, adopted land use assumptions, capital improvements plans and impact fees for water and wastewater facilities in accordance with statutory procedures and established provisions for administering its impact fee program through Ordinance No. 2092, adopted August 20, 2001; and

WHEREAS, the City Council for the City of Waxahachie, Texas, adopted land use assumptions, a capital improvement plan and impact fees for roadway facilities in accordance with statutory procedures and established provisions for administering its impact fee program through Ordinance No. 2494, adopted November 17, 2008; and

WHEREAS, the City Council last approved updated land use assumptions and capital improvements plans for water and wastewater facilities by Ordinance No. 3239, adopted December 7, 2020; and

WHEREAS, the City last updated its Water and Wastewater Schedule 1 and 2 rates for collecting impact fees by Ordinance No. 3239, adopted December 7, 2020; and

WHEREAS, the City Council last approved updated land use assumptions and capital improvements plans for roadway facilities by Ordinance No. 3239, adopted December 7, 2020, 2015; and

WHEREAS, the City last updated its Roadway Schedule 1 and 2 rates for collecting impact fees by Ordinance No. 3239 adopted December 7, 2020; and

WHEREAS, the City of Waxahachie has appointed an Impact Fee Capital Improvements Advisory Committee to advise the City Council concerning amendments to and adoption of the land use assumptions, impact fee capital improvements plans, and impact fees for water, wastewater, and roadway facilities; and

WHEREAS, the City has retained consultants to prepare and/or update land use assumptions, capital improvements plans, and impact fees for water, wastewater, and roadway facilities; and

WHEREAS, the capital improvements plans and impact fees for water, wastewater, and roadway facilities were prepared by a qualified professional engineer; and

WHEREAS, notice has been published, public hearing held, and the written recommendations of the Impact Fee Capital Improvements Advisory Committee received concerning revised land use assumptions, impact fee capital improvements plans, and the assessment of impact fees for water, wastewater, and roadway facilities; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City to adopt updated land use assumptions, capital improvements plans, and impact fees for water, wastewater and roadway facilities; and

WHEREAS, the City Council finds that in all things the City has complied with Chapter 395 of the Texas Local Government Code in the notice, adoption, promulgation, and methodology necessary to adopt impact fees; and

WHEREAS, this ordinance is intended to and satisfies the statutory requirements for adoption of land use assumptions, capital improvements plans and impact fees; and

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

Section 1. Schedule Two. Schedule 2 for water, wastewater, and roadway facilities is hereby updated, setting forth the maximum collection rate per service unit to be charged against new development for water, wastewater, and roadway facilities, which schedule is attached hereto as Exhibit A, and is incorporated herein by reference as if fully set forth. City Council may increase or decrease the maximum collection rate for water, wastewater, and roadway facilities, but in no event may the maximum collection rate be set higher than the maximum assessment rate for water, wastewater, and roadway facilities.

Section 2. Provisions Cumulative; Conflicts. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Waxahachie, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are hereby superseded.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of any other section, sentence, clause or phrase of this ordinance. The remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall become effective thirty (30) days after approval. The collection rates to the maximums will start on April 1, 2023.

CITY OF WAXAHACHIE, TEXAS:

PASSED, APPROVED AND ADOPTED on this 19th day of December, 2022.

(14)

DAVID HILL, MAYOR

ATTEST:

AMBER VILLARREAL, CITY SECRETARY

APPROVED AS TO FORM

ROBERT F. BROWN, CITY ATTORNEY

EXHIBIT A

(14)

**CITY OF WAXAHACHIE
SCHEDULE 2
WATER AND WASTEWATER IMPACT FEE
MAXIMUM COLLECTION RATE**

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(16)

**CITY OF WAXAHACHIE
SCHEDULE 2
ROADWAY IMPACT FEE
MAXIMUM COLLECTION RATE**

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5	\$1,221.00	100%
6	\$923.00	100%
7	\$1,463.00	100%




(17)

Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works, Engineering & Utilities

Thru: Michael Scott, City Manager 

Date: December 19, 2022

Re: Consider TXDOT land purchase of City ROW (0.288 Acres) located on the East Side of Hwy 664, South of Bob White Lane

Recommended Motion: "I move to approve the sale of the City ROW in the amount of \$15,839 to TXDOT and authorize the City Manager to execute all necessary documents."

Item Description: Consider TXDOT land purchase of City ROW (0.288 Acres) located on the East Side of Hwy 664, South of Bob White Lane, Waxahachie, Texas.

Item Summary: TXDOT is acquiring property along FM 664 (Ovilla Rd) for a road widening project. TXDOT requested approval for the acquisition and purchase of the 12,559 square foot (0.255 acre) of City ROW out of the Shedrick Powers Survey, Abstract No. 837, adjacent to Ellis Cad Property ID# 273160 located in the City of Waxahachie, Ellis County, Texas in the amount of \$15,839.

Refer to the attached exhibit for City ROW Location.

Based on the 3rd party appraisal of the City ROW, the value of the ROW is \$1.26 per square foot and was used to establish the sale price. Per the Ellis CAD, the adjacent properties have a land value of \$0.76 to \$0.94 per square foot. Based on this information, staff feels that the City ROW sale amount is acceptable, since the value of the City ROW is higher than the adjacent buildable land value. In addition, the City recently sold another City ROW property further south on FM 664 (by Settler's Glen subdivision) at a value of \$1.26 per square foot.

Fiscal Impact: The \$15,839 from the sale of this City ROW will be deposited in the City's General Fund-Unrestricted Reserves account.



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager
Date: December 15, 2022
Re: Fiscal Year 2022 4th Quarter Financial Report

I am pleased to present the Fourth Quarter Financial Report for fiscal year 2022, covering the period of October 2021 through September 2022. This report highlights the General Fund, Water and Wastewater funds, Waxahachie Community Development Corporation (WCDC) Fund, Hotel/Motel Fund and the Tax Increment Refinance Zone (TIRZ) Fund. This report compares actual revenue collections and expenses incurred during the year to the approved budget.

Although we do not anticipate any major variations in these figures, please note that this report is preliminary and may change as we go through the year-end close-out process and annual audit. The audit is anticipated to be completed and presented to the City Council in March 2023. In summary, the City's financial position is positive for all funds.

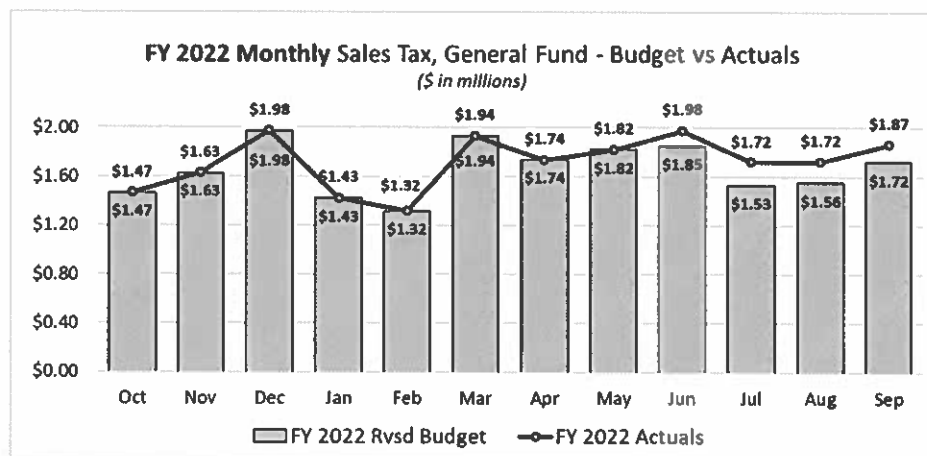
General Fund

- The City's General Fund accounts for activities commonly associated with municipal government such as police and fire protection, parks and recreation, routine street maintenance, and library services. This fund is supported by property tax, sales tax, user fees, permits and other

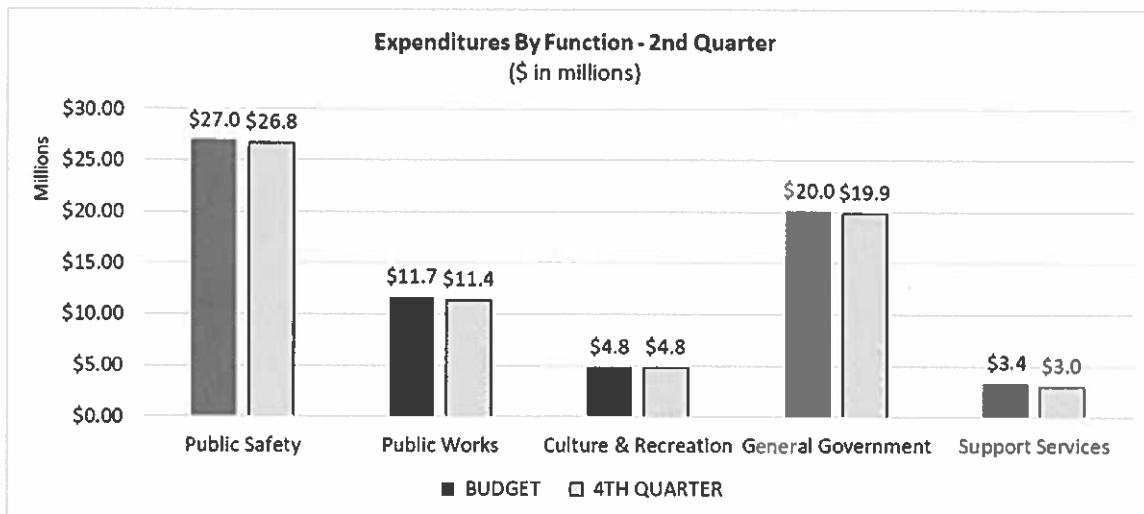
miscellaneous revenues. Overall, revenues have performed better than anticipated and expenses are within budget.

- **Revenues** for the fourth quarter (12 months) total \$55.8 million. This represents an increase of \$2.3 million over the same period last year. Total revenue collected through the end of the fiscal year comes in over the revised budget by \$1.1 million, or 2.1%. The increase in revenue from the prior year can be attributed mainly to strong sales tax collections, growth in the property tax base, higher than anticipated franchise fees, and additional interest income.
- Property tax collections accounted for approximately 38% of the City's revenue. The majority of collections occur from December through February as property tax payments become due. Through the fourth quarter, property taxes in the City's General Fund amount to \$21.2 million and are in line with year-end budget projections.
- Sales tax is the second largest revenue source, accounting for over 37% of the City's General Fund. Of the 8.25 cents for every dollar of taxable sales, the state of Texas collects 6.25 cents, while 1.5 cents go to the City's General Fund, and ½ cent goes to the WCDC fund.

Through the fourth quarter, collections in the General Fund totaled \$20.6 million and represent an increase of 14% over the prior year. Including the sales tax collected for the WCDC fund, the City collected a total of \$27.5 million. Compared to the revised budget, sales tax collections are up \$660,000, or 3.3%. Because sales tax can be volatile and is heavily impacted by local, national and global economies, staff will continue to closely monitor sales tax reports and provide council updates on any changes to this trend. The following chart shows the actual sales tax collections by month compared to the revised budget.



- Other major revenue sources include Franchise Fees, Licenses and Permits, Charges for Service, Miscellaneous revenue and Transfers In. Franchise fees are collected from local utility companies to pay for the use of the City's right-of-way, and represent approximately 8.6% of total revenue sources. Through the fourth quarter, franchise fees totaled nearly \$4.8 million and represent an increase of 3.4% over the prior year. Licenses and permitting revenue are lower than FY 2021 due to a softening in permit activity for single-family residential development. Interest income has increased, coinciding with the interest rate increases by the Federal Reserve.
- Expenditures** in the General Fund for the fourth quarter (12 months) total \$65.9 million, or 1.5% below the revised budget. In summary, the City's expenses for the fourth quarter are in line with the revised budget. The following chart compares the budget for each City function to the actual expenditures through the fourth quarter.



- In the area of Public Works there are designated, yet unspent funds of approximately \$1.2 million in annual street maintenance and improvements. As part of the year-end close-out process, these funds will be transferred out of the General Fund budget to the Streets Capital Fund. This transfer is reflected in the Public Works Category.

Other Funds

- The water and wastewater funds account for all revenues and expenditures associated with the operation and maintenance of the City's water distribution and wastewater treatment activities. For the water and wastewater funds, revenue has come in higher than budget. This is largely due to more watering as a result of a dryer than normal

summer. Additionally, the citywide replacement of aging water meters has provided more accurate consumption readings. Year-end expenditures are within budgeted amounts.

- The WCDC fund accounts for revenues and expenses associated with the Waxahachie Community Development Corporation in operating the Civic Center and Sports Complex, promoting economic development, and implementing quality of life improvements throughout the community. This fund is supported mainly by ½ cent sales tax and user fees. Overall, revenues are 5.7% over the revised budget due to higher-than-anticipated sales tax, healthy bookings at the Civic Center, and additional interest income. The Sports Complex continues to perform well.
- The Hotel/Motel Tax Fund receives the proceeds from a 7% hotel occupancy tax available to be used to promote tourism and the convention and hotel industry. The City uses the fund to operate the Convention and Visitor's Bureau and various smaller non-city organizations that promote the arts and historic tourism and preservation. Hotel tax revenue continues to perform very well. Revenues are up significantly over the last year by \$197,000, or 23%, as a result increased hotel activity and occupancy rates since restrictions from COVID-19 have been lifted. Hotel/Motel Fund expenditures are over budget by less than 2%. Because the Arts Council receives 25% of the hotel occupancy tax, and since revenues came in higher than budgeted, the additional payment is offset by the additional revenue collected.
- The Tax Increment Reinvestment Zone (TIRZ) Fund collects property tax revenue in the designated zone to fund the redevelopment and economic vitality of the area, which includes the Waxahachie downtown. In addition to property tax revenue, the fund received \$200,000 for the sale of the Texas Theater. Major TIRZ expenditures included renovation of the Farmer's Market and parking garage improvements.



CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2022 ~ 4TH QUARTER

(October 1, 2021 thru September 30, 2022)

GENERAL FUND SUMMARY

	ACTUALS FY 2021	BUDGET FY 2022	4TH QUARTER FY 2022	ACTUAL AS % OF BUDGET
REVENUES				
Property Tax	\$19,427,867	\$21,173,700	\$21,178,911	100%
Sales Tax	18,045,104	19,986,000	20,645,710	103%
Franchise Fees	4,600,209	4,543,722	4,756,576	105%
Licenses & Permits	2,751,576	2,176,880	1,871,245	86%
Charges for Service	2,296,518	2,392,011	2,599,929	109%
Miscellaneous	2,892,123	987,410	1,364,385	138%
Transfers In	3,501,408	3,461,583	3,412,814	99%
Total Revenues	\$53,514,805	\$54,721,306	\$55,829,571	102%
EXPENDITURES BY FUNCTION				
Public Safety	\$21,930,009	\$26,962,256	\$26,768,931	99%
Public Works ¹	7,836,850	11,695,104	11,426,522	98%
Culture & Recreation	4,224,983	4,849,208	4,811,592	99%
General Government	6,022,664	20,037,194	19,896,085	99%
Support Services	2,961,194	3,356,764	3,017,813	90%
Total Expenditures	\$42,975,700	\$66,900,526	\$65,920,943	99%
Revenues less expenses ²	\$10,539,105	-\$12,179,220	-\$10,091,372	

¹ Savings for annual street maintenance is transferred out to the Streets Capital Fund at year-end and is reflected in 4th Quarter actuals

² Expenditures in FY 2022 include planned use of available fund balance for one-time expenditures

Quarterly actual figures are preliminary and unaudited and may change based on timing of payments and the year-end close-out process
4th Quarter FY 2021 Actuals include encumbrances that will be carried forward into Fiscal Year 2022



CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2022 ~ 4TH QUARTER

(October 1, 2021 thru September 30, 2022)

OTHER FUNDS SUMMARY

	ACTUALS FY 2021	BUDGET FY 2022	4TH QUARTER FY 2022	ACTUAL AS % OF BUDGET
WATER FUND				
Revenues	\$15,017,396	\$16,031,710	\$19,185,194	120%
Expenses	15,288,575	16,593,385	15,691,418	95%
WASTEWATER FUND				
Revenues	\$15,053,031	\$11,839,180	\$12,474,226	105%
Expenses	9,014,305	11,612,268	11,248,697	97%
WAXAHACHIE COMMUNITY DEVELOPMENT FUND (WCDC)				
Revenues	\$6,637,783	\$7,333,042	\$7,747,979	106%
Expenses	5,531,411	6,979,173	6,859,918	98%
HOTEL / MOTEL FUND				
Revenues	\$880,317	\$1,032,600	\$1,081,168	105%
Expenses	842,063	913,843	929,543	102%
TAX INCREMENT FINANCE ZONE FUND (TIRZ 1)				
Revenues	\$553,281		\$840,299	-
Expenses	309,909		218,572	-

Quarterly actual figures are preliminary and unaudited and may change based on timing of payments and the year-end close-out process