

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, May 1, 2023 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 April 17, 2023
 - b. Minutes of the City Council retreat of April 25, 2023
 - c. Event application for Dripstar Day at Lee Penn Park to be held May 28, 2023
 - d. Event application for Outside Worship Concert at Railyard Park to be held May 10th, 17th, 24th, 2023
 - e. Event application for Shelby Flowers Memorial and Community Event at Lee Penn Park to be held July 4, 2023
 - f. Event application for Railyard Nights Summer Concert Series to be held June 3rd, 10th, 17th, 24th, and July 1st
 - g. 25th Annual Crape Myrtle Festival Fireworks Display to be held July 3, 2023
 - h. Approve the purchase of a 2023 F-350 for the Water Distribution Department in the amount of \$80,521
6. ***Introduce*** Honorary Council Member
7. ***Recognize*** Elizabeth Jones for 34 years of service to the Waxahachie Housing Authority
8. ***Present*** Proclamation recognizing May 2023 as “National Preservation Month”

9. **Present** Proclamation recognizing May 2023 as “Foster Parent Awareness Month”
10. **Present** Proclamation recognizing May 7-13, 2023 as National Travel and Tourism Week
11. **Public Hearing** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts (ZTA-37-2023)
12. **Consider** proposed Ordinance approving ZTA-37-2023
13. **Continue Public Hearing** on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022)
14. **Consider** approval of SUB-57-2022
15. **Public Hearing** on a request by Jeffrey Villarreal, Rago Enterprises, LLC, for a Specific Use Permit (SUP) for an Outside Storage use within a Heavy Industrial (HI) zoning district located at 5907 N Interstate 35 E (Property ID: 148302) – Owner: SPUR 10 HOLDINGS, LP (ZDC-149-2022)
16. **Consider** proposed Ordinance approving ZDC-149-2022
17. **Consider** appointments to fill unexpired terms on the Waxahachie Housing Authority Board
18. **Consider** proposed Ordinance revising Development Fees for Building and Community Services, Subdivision and Development, Utility Service, Fire Inspection, and Plan Review
19. **Consider** authorizing contracts and approving a budget amendment for the engineering and construction of an 8-inch water line along McLane Street
20. **Public Hearing** on reauthorizing the guidelines and criteria (policy) for governing Economic Development
21. **Consider** proposed Resolution reauthorizing the guidelines and criteria (policy) for governing Economic Development
22. **Convene** into Executive Session for deliberation regarding economic development negotiations as permitted under Section 551.087, Texas Government Code and consultation with City Attorney on legal issues regarding employee benefits and contract employees as permitted under Section 551.071, Texas Government Code
23. **Reconvene** and take any necessary action
24. Comments by Mayor, City Council, City Attorney and City Manager
25. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

(5a)

City Council
April 17, 2023

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, April 17, 2023 at 7:00 p.m.

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

Council Member Absent: Patrick Souter, Council Member Place 2

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, 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

Bishop Aaron Blake, Harvest Family Life Ministries, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 3, 2023
- b. Event application for Hymn Singing at Railyard Park on April 30, 2023
- c. Event application for the Waxahachie Symphony Association at the Chautauqua Auditorium on May 6, 2023
- d. Approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc. for the Perry Ave Paving and Drainage Improvements Project
- e. Supplemental appropriation in the amount of \$216,000 for legal services

Action:

Council Member Billie Wallace moved to approve items a. through e. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.

6. Introduce Honorary Council Member

Mayor Pro Tem Chris Wright introduced Thomas Jordan as the Honorary Council Member for April 2023. Thomas is 50 years old, the son of Carolyn Jordan, and grew up in Waxahachie. His

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grandfather, Albert Jack Levingston, used to work on city buildings when he was living. Mr. Jordan has worked alongside Mr. Wright mowing and cleaning up his family plot at Prince Hall Fraternal Cemetery. He has been homeless for about 10 years and owns land on McClain Street in Waxahachie. Mr. Jordan previously worked as a heavy equipment operator and truck driver until he became disabled. He is a friend of Mr. Wright and assists him and the Boy Scouts with setting out flags for the Rotary Club. Mayor Pro Tem Wright thanked Mr. Jordan for his attendance as a representative of the homeless community.

7. Present Proclamation recognizing April 2023 as “Child Abuse Prevention Month”

Mayor Hill presented a proclamation to Bishop Aaron Blake recognizing April 2023 as “Child Abuse Prevention Month.”

8. Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a Zoning Change from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (ZDC-13-2023)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant proposes to rezone the subject property from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district. The proposed zoning change is a companion case to SUB-17-2023; which is a replat request for the subject property seeking to divide the property into two buildable single-family lots. Despite the subject property’s MF-1 zoning, a single-family residence has existed on site since the 1920’s. All adjacent single-family residences along W. Marvin Avenue and much of Bryson Street are currently zoned SF-2. Staff recommended approval.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-13-2023, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-13-2023

ORDINANCE NO. 3368

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI-FAMILY-1 (MF-1) TO SINGLE FAMILY-2 (SF-2) LOCATED AT 502 W MARVIN AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.569 ACRES KNOWN AS LOTS 7 & 8, BLOCK 352 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-13-2023, a Zoning Change request from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district at 502 W. Marvin Avenue, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.

10. Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a Replat of Lots 7 & 8, Block 352, Town Addition, to create Lots 7R & 8R, Block 352, Town Addition, two (2) residential lots, being 0.569 acres, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (SUB-17-2023)

Ms. Pruitt presented the case noting the applicant proposes to replat the subject property into two (2) lots for single-family residential use. The proposed replat is a companion case to ZDC-13-2023; which is a zoning change request for the subject property seeking to rezone the property from Multi-Family-1 (MF-1) to Single Family-2 (SF-2). This replat request is contingent on the approval of ZDC-13-2023; so, the application was reviewed against the requirements of the SF-2 zoning district and the Infill Overlay District.

The proposed Lot 8R does not meet the minimum lot size requirement of the infill Overlay District. This is due in large part to a few larger than average lots in the immediate vicinity that skew the average lot size within 50' of the property. However, the 6,989-square-foot proposed lot is still comparable to existing lots along Bryson Street which range from 7,700 square feet to 9,500 square feet. The applicant is seeking a Petition for Relief Waiver for the size of Lot 8R due to the existing conditions of the site. A detached garage is currently situated on the subject property serving Lot 7R; which restricts the maximum size of Lot 8R. Due to the existing conditions of the site, and the comparable size to existing lots on Bryson Street, staff is supportive of the Petition for Relief Waiver for Lot Size.

The applicant is also seeking a Petition for Hardship Waiver to allow for a 10' utility easement for Lot 7R along Bryson Street. The applicant is seeking this variance because the existing home on proposed Lot 7R is situated closer to the property line than 15'. The typical utility easement requirement along public right-of-way (ROW) is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement due to the fact that City utility facilities are located within the Bryson Street ROW.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against SUB-17-2023, Mayor Hill closed the Public Hearing.

11. Consider approval of SUB-17-2023

Action:

Council Member Billie Wallace *moved to approve SUB-17-2023, a replat of Lots 7 & 8, Block 352 of the Town Addition, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Mayor Pro Tem Chris Wright seconded, All Ayes.*

12. Public Hearing on a request by Brad Yates, for a Zoning Change to Amend Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948)– Owner: GRAILY HOLDINGS LLC (ZDC-21-2023)

Ms. Pruitt presented the case noting the applicant proposes to amend Ord. 3297, a Planned Development for The Graily Private Club (Event Center), to allow for a second-floor lounge and balcony in lieu of a second-floor storage area. Ordinance 3297, approved on October 4, 2021, allowed for the conversion of the South Ward/Bullard Heights School House into a one-story event center. At the time of this approval, a Development Agreement was also approved for the project. Both the Development Agreement and Planned Development (Ord. 3297) required a Detailed Site Plan to be approved by City Council prior to on-site improvements. On August 1, 2022 a Detailed Site Plan (SP-70-2022) for the event center was approved by City Council. This Detailed Site Plan included a new second story addition. The second story addition was verbally noted by the applicant/owner to be used exclusively for storage.

Following approval of the Detailed Site Plan, the applicant began construction of the event center. As construction was near completion in early 2023, the Building & Community Services Department staff noticed the second floor was not finished out exclusively as a storage space. At this time, the applicant informed staff that a decision had been made to finish out the second floor as a lounge and balcony for the event center. As this use of the second story was not approved with the PD or Detailed Site Plan for the property, the applicant submitted a Planned Development Amendment request in order to allow for a second floor lounge and balcony. With this request, the applicant provided an As-Built Floor Plan, As-Built Site Plan, and As-Built Civil Construction Plans for the site. The second floor lounge and balcony has added floor area for the event center and triggers a need for additional parking. A combination of 57 on-site parking spaces and an agreement for 35 off-site parking spaces at Full Life Assembly of God Church (800 S Rogers Street) is sufficient to meet the venue's minimum parking requirement of 62 spaces. Staff recommended approval.

Mayor Pro Tem Wright asked if the use of the second floor increased the parking space requirement and Ms. Pruitt noted the total square footage of the building determined the parking space requirement.

Mayor Hill opened the Public Hearing.

Brad Yates, 626 Kaufman, Waxahachie, Texas, stated he is not asking for an increase in occupancy capacity for the building.

Council Member Billie Wallace thanked Mr. Yates for the renovation of the building.

Those who spoke in favor:

John Hamilton, 300 Briggs, Waxahachie, Texas
Amber Adams, 301 S. Rogers, Waxahachie, Texas

There being no others to speak for or against ZDC-21-2023, Mayor Hill closed the Public Hearing.

13. Consider proposed Ordinance approving ZDC-21-2023

ORDINANCE NO. 3369

AN AMENDMENT TO ORDINANCE 3297 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH AN AMENDED ORDINANCE, TO ALLOW THE USE OF A SECOND-FLOOR LOUNGE AND BALCONY IN LIEU OF A SECOND-FLOOR STORAGE AREA USE, LOCATED AT 716 DUNAWAY STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.873 ACRES KNOWN AS A PORTION OF PROPERTY ID 193948, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the amended Ordinance for ZDC-21-2023, a Zoning Change, subject to the condition of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.

- 14. Public Hearing on a request by Amber Adams, Ellis County Museum, for a Specific Use Permit (SUP) for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for a Private Club (Ellis County Museum Event Venue) use on the entire third floor of 201 S. College Street. The Ellis County Museum began a comprehensive remodel project in 2020 that included all three floors. In total, the third floor is 4,253 square feet and can be accessed via stairs or an elevator at the rear of the building. The applicant has noted the venue will be titled “1889 on the Square” and will play host to public and private events such as weddings, receptions, and celebrations. A kitchen area is available on the third floor; but it is not functional as a traditional kitchen or restaurant. Instead, the space will only be available for caterers to prep food on site. The venue is anticipated to be open from 9:00 am to 12:00 am in 4-hour to 8-hour increments. The applicant anticipates retaining between two and five staff members for the venue. Staff recommended approval.

Mayor Hill opened the Public Hearing.

Council Member Travis Smith asked why only the third floor is included in the Specific Use Permit request and Ms. Pruitt explained that was the request from the applicant.

Amber Adams, 301 S. Rogers, Waxahachie, Texas, explained the event space is a separate entity from the Ellis County Museum. Due to liability and insurance issues, the third floor is the space that will be used as an event venue.

There being no others to speak for or against ZDC-29-2023, Mayor Hill closed the Public Hearing.

- 15. Consider proposed Ordinance approving ZDC-29-2023**

ORDINANCE NO. 3370

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE CLUB (ELLIS COUNTY MUSEUM EVENT VENUE) USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED ON THE THIRD-FLOOR OF 201 S COLLEGE STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PROPERTY ID 193406, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-29-2023, a Specific Use Permit (SUP) request for a Private Club use on the third-floor of 201 S. College Street, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.

- 16. Public Hearing on a request by Gina McLean, Nationwide Construction, for a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care) within a Commercial (C) zoning district located at 1601 N Highway 77 (Property ID 174568)- Owner: MC INVESTMENT FUND, LLC (ZDC-161-2022)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit for a medical facility use (Expedian Urgent Care) located at 1601 N. Highway 77. The new medical facility will replace the existing medical building. The applicant proposes constructing a new 6,397 square foot building on a 1.2 acre tract. The building will have three suites, one for the medical facility and two for retail and/or office uses. The property owner does not have a prospective tenant for the two additional suites, but has parked the remaining building area for retail, anticipating a retail user in the future. The property owner understands that future occupants must comply with the City's parking requirement. Additionally, since most of the site is paved with concrete, the applicant plans to add new concrete curbs to improve site circulation and a new trash enclosure. The site provides adequate access and maneuvering for fire and emergency responders. As presented, the landscape plan complies with all other landscape requirements and staff recommended approval.

Mayor Hill opened the Public Hearing.

City Council expressed concerns with traffic safely exiting the property to Highway 77. The Council reviewed options to connect to the feeder road to the north of the property or requiring a right turn only exit to Highway 77.

James Gaertner, Executive Director of Public Works and Engineering, noted he was not aware of the property owner exploring those options due to the need of an access easement from the adjacent property owner and the property is not currently restricted to a right turn exit to Highway 77.

Gina McClain, Nationwide Construction, stated the owner will agree to a right turn only exit to Highway 77. She explained the rear of the property is in a floodplain and there is an elevation drop between the adjacent property so connecting to the rear feeder road was not a consideration.

Mr. Gaertner recommended adding an island to force a right turn only and noted the permit approval would be needed by TxDOT.

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Kevin Ivey, 1980 E. Highland Road, Waxahachie, Texas, explained the street exit directly across from Expedian Urgent Care is not restricted to a right turn only and expressed his disapproval for requesting this property owner to add a right turn only exit.

There being no others to speak for or against ZDC-161-2022, Mayor Hill closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-161-2022

ORDINANCE NO. 3371

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A MEDICAL FACILITY (EXPEDIAN URGENT CARE) WITHIN A COMMERCIAL DISTRICT LOCATED AT 1601 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.24 ACRES KNOWN AS PROPERTY ID 174568, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-161-2022, a Specific Use Permit (SUP) for a medical facility use, subject to the conditions of the staff report, request approval by TxDOT for a right turn only exit, and authorize the City Manager and/or Mayor to execute all documents as necessary. Mayor Pro Tem Chris Wright seconded, All Ayes.

18. Consider Development Agreement for ZDC-161-2022

Action:

Council Member Billie Wallace moved to approve a Development Agreement for ZDC-161-2022. Mayor Pro Tem Chris Wright seconded, All Ayes.

19. Public Hearing on a request by Cassie Williams, Saddles Bar and Grill, for a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425)-Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023)

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit for Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N. College Street. The building at 200 North College Street is 3 stories and approximately 3,500 square feet. The building currently has a basement (1,289 sq. ft.), first floor (1,985 sq. ft.), and a loft. The bar and grill will occupy the basement and the first floor with the bar and grill, and will use the loft area for storage. The applicant will need to amend the SUP to use the loft area for the restaurant in the future, since they are currently proposing to use it for storage only. Upon obtaining approval for the Specific Use Permit, the applicant will be obligated to apply for building permits and bring the building up to code in compliance with the standards established by the International Building Code and Fire Code.

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The basement will have pool tables, restrooms and the restaurant kitchen. The first floor will have the bar, high top dining tables, booths, a dance floor, and a performance stage for live entertainment. The applicant anticipates having about 18 employees at opening, and this number may change based on business demands. Saddles Bar and Grill will be open for business Tuesdays 11:00 am to 10:00 pm, and Wednesday through Friday 11:00 am to 12:00 am, and Saturday 11:00 am to 1:00 am. The applicant has indicated to staff that they intend to comply with all TABC requirements.

Ms. Pruitt explained the Planning and Zoning Commission added the following two provisions:

1. The Specific Use Permit to operate a tavern use on the subject property will not transfer to a future property owner/operator.
2. The Specific Use Permit will terminate if the tavern use doesn't occupy the building within two years from the date City Council approves the specific use permit.

Cassie Williams, 671 Robnett Road, Waxahachie, Texas, explained improvements will include the repair of the pier and beams in the foundation as well as other improvements to bring the building up to code. She noted the plan is to open in January 2024.

Council Member Smith strongly encouraged the applicant to have the building thoroughly assessed for potential safety hazards prior to funding improvements and leasing the space.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-16-2023, Mayor Hill closed the Public Hearing.

20. Consider proposed Ordinance approving ZDC-16-2023

ORDINANCE NO. 3372

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A TAVERN USE (SADDLES BAR AND GRILL) WITHIN A CENTRAL AREA (CA) DISTRICT LOCATED AT 200 NORTH COLLEGE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.11 ACRES KNOWN AS PROPERTY ID 170425, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-16-2023, a Specific Use Permit (SUP) for a Tavern use, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.

- 21. Public Hearing on a request by Christopher Heipp, P&K Stone for a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the**

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**property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC.
(ZDC-100-2022)**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) on a 12 acre tract located east of the property at 1000 Solon Road. The applicant plans to operate the aggregate production facility soon after SUP approval and the Cement Treated Base (CTB) plant a year after SUP approval. CTB is a base layer that is used underneath building foundations and roadways. CTB is a granular base aggregate product that adds cement into the gradation mix to increase the stiffness and stability of the base layer of a roadway or building foundation.

Given the nature of the use, the applicant plans only to pave the parking, fire, and emergency access with concrete per the City's specifications. Additionally, the applicant proposes constructing a 6-foot brick screening wall along the eastern and southern property line to screen the subject property.

The property located directly west of the subject property received approval for a SUP to operate as a permanent batch plant in 2004. The current owner (RL Leasing, Inc) will continue to own the two properties located west of the subject property, and plans to sell the subject property to P&K Stone. The applicant provided mitigation measures for dust control. Given the surrounding land uses, staff recommended approval of the Specific Use Permit for the aggregate production facility and the permanent CTB plant.

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-100-2022, Mayor Hill closed the Public Hearing.

22. Consider proposed Ordinance approving ZDC-100-2022

ORDINANCE NO. 3373

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN AGGREGATE PRODUCTION FACILITY AND A CEMENT TREATED BASE PLANT USE (P&K STONE) WITHIN A LIGHT INDUSTRIAL-2 (LI-2) DISTRICT LOCATED EAST OF THE PROPERTY AT 1000 SOLON ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.01 ACRES KNOWN AS PROPERTY ID 140093, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-100-2022, a Specific Use Permit (SUP) for an Aggregate Production Facility and a Permanent Cement Treated Base Plant use, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.

23. Consider Development Agreement for ZDC-100-2022

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Action:

Council Member Billie Wallace moved to approve a Development Agreement for ZDC-100-2022. Council Member Travis Smith seconded, All Ayes.

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

Council Member Travis Smith announced the Crossroads Film and Music Festival will be held April 20-22, 2023 and encouraged attendance.

City Manager Michael Scott announced the City Council will have a Work Session on April 25, 2023 at the Waxahachie Civic Center beginning at 8:30 a.m.

Mayor Pro Tem Chris Wright thanked Honorary Council Member Thomas Jordan for his attendance, the Waxahachie Police Department for the success of the Cops and Kids Picnic, and announced Council Member Patrick Souter's absence is due to him presenting at a national law association meeting in Nashville.

City Secretary Amber Villarreal announced early voting for the General Election begins April 24, 2023.

Honorary Council Member Thomas Jordan thanked City Council for his certificate.

25. Adjourn

There being no further business, the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

City Council
April 25, 2023

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A City of Waxahachie City Council Retreat was held at the Waxahachie Civic Center, Crape Myrtle Room, 2000 Civic Center Lane, Waxahachie, Texas on Tuesday, April 25, 2023 at 8:30 a.m.

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

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Presentation and discussion regarding 5-year Capital Improvement Plan and personnel requests

City Manager Michael Scott explained the goal of the meeting is to review the 5-year Capital Improvement Plan to ensure the plan aligns with City Council's priorities and receive a consensus for staff to move forward with a bond issuance. He noted departments will begin preparing the operating budget.

Chad Tustison, Finance Director, reviewed the following:

- Budget Development Process
- Overview of Capital Improvement Plan (CIP)
- CIP Budget Process (Operating budget or Bond funded)
- Funding Strategies and Debt Management
- Debt Defeasance/Payoff
- Next steps: Budget, Bond Issuance

Mr. Tustison reviewed the proposed FY 2024 Capital Improvement Plan Summary including, streets, parks, public safety, water, and wastewater. He identified the various projects proposed to be funded through bonds, general fund, impact fees, park dedication fund, water fund, and wastewater fund.

Council Members discussed projects on the 5-year CIP Plan. Council Member Travis Smith expressed concern with bonding \$2 million for park improvements. He asked if the proposed funding for the engineering and design of North Grove park and restroom can be better utilized elsewhere. Mr. Scott explained park improvements have been included in each bond because the general fund is not able to sustain the needed improvements. Mr. Scott noted the City Council committed to the North Grove improvements when the Planned Development was approved.

(9b)

Council Members discussed the various itemized projects within the 5-year Capital Improvement Plan and recommended no changes at this time.

Mr. Tustison explained potential state legislation and appraisals could impact the FY 24 budget. He explained new personnel requests are under evaluation as part of the budget process and recommendations will be presented at the June City Council Budget Work Session.

It was the general consensus of City Council to proceed with the proposed FY 24 bond plan and 5-year Capital Improvement Plan as presented.

3. Adjourn

There being no further business, the meeting adjourned at 11:03 a.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5c)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted

Applicant Information

Applicant name: waneshia taylor

Are you representing the host organization?

Yes ☒

No ☐

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

Yes ☒

No ☐

Phone: _____ Cell: 469-987-5950

Email: _____

Mailing address: 305 perry ave

Host organization name: _____

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

On-site contact name: keiondre henderson

Cell: 972-268-1517

About the Event

Event name: dripstar day

Date: 05-28-2023

Location: 404 getzendaner street waxahachie tx 75165

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

Anticipated attendance: _____

Description of event: celebrating the death of a love one

	Date(s)	Start Time:	End Time:
Event Date	05-28-23	4:00pm	9:00pm
Event Set-up			
Event Breakdown			

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☐

5 or more times ☐

Location: _____

(5c)



City of Waxahachie
City Secretary's Office

Special Event Application

Choose the best description of the event:

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

Event activities include (check all that apply):

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

Admission information, if applicable:

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

Run / Walk:

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

_____ 1 mile

_____ 5K

_____ Other distance

Please indicate your expected attendance:

less than 99

Number of participants:

- | | |
|---------|----------------------------------|
| 1-99 | <input checked="" 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: _____ Date(s) & time(s): _____
Volunteers How many: _____ Date(s) & time(s): _____
Private security How many: _____ Date(s) & time(s): _____
Company name: _____

Contact name and number: _____

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

Have you made arrangements with the police? Yes ☐ No ☐

If no, you will be provided the information on how 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 ☒

City Equipment:

Are you requesting the use of City equipment? Yes ☐ No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

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

Traffic Cones How many: _____ Barricades How many: _____

(5c)

Bonner, Jami

From: Neshia Taylor <nenotaylor@icloud.com>
Sent: Tuesday, April 25, 2023 11:51 AM
To: Bonner, Jami
Subject: Event Application

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: _____

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, its 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, its officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Wanesha A
Signature _____ Date 04-21-23

Consent Agreement

Applicant / organization has read, understood, and agrees to all conditions listed on this application.
WANE SHIA

Date 04-21-23

Sent from my iPhone

(5C)



Area for
DJ circle
area that's
in green

(5c)

Bonner, Jami

From: Joe Bill Wiser
Sent: Tuesday, April 25, 2023 1:18 PM
To: Bonner, Jami
Subject: RE: Event Application - Dripstar Day 5.28.23

No comments

Joe Wiser

From: Bonner, Jami
Sent: Tuesday, April 25, 2023 1:06 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Dripstar Day 5.28.23

For your review / comments. Thank you.

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

(50)

Bonner, Jami

From: Boyd, Ricky
Sent: Tuesday, April 25, 2023 2:18 PM
To: Bonner, Jami
Subject: RE: Event Application - Dripstar Day 5.28.23

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, April 25, 2023 1:06 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Dripstar Day 5.28.23

For your review / comments. Thank you.

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

(5c)

Bonner, Jami

From: Martinez, Gumaro
Sent: Thursday, April 27, 2023 4:22 PM
To: Bonner, Jami; Cooper, Kyle; Campos, Yadira; Barnes, Bradley
Subject: RE: Event Application - Dripstar Day 5.28.23

No issues or concerns with this event.



From: Bonner, Jami
Sent: Thursday, April 27, 2023 4:20 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>
Subject: FW: Event Application - Dripstar Day 5.28.23

Good afternoon,

Please reply with any comments you may have for the attached event application. We would like to add the application to the May 1st CC agenda. Thank you.

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

From: Bonner, Jami <>
Sent: Tuesday, April 25, 2023 1:06 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <mscott@waxahachie.com>; Amber Villarreal <avillarreal@waxahachie.com>; Clarice Crocker <ccrocker@waxahachie.com>
Subject: Event Application - Dripstar Day 5.28.23

For your review / comments. Thank you.

(5c)

Bonner, Jami

From: Barnes, Bradley
Sent: Friday, April 28, 2023 8:54 AM
To: Bonner, Jami; Cooper, Kyle; Martinez, Gumaro; Campos, Yadira
Subject: RE: Event Application - Dripstar Day 5.28.23

Will they be responsible for cleaning up after the event?
Will they need/have security?
There are 4 electrical outlets available at the pavilion.

Brad Barnes
Assistant Director of Parks and Recreation
City of Waxahachie
Mobile: 214-903-5733
Work: 469-309-4272

From: Bonner, Jami
Sent: Thursday, April 27, 2023 4:20 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>
Subject: FW: Event Application - Dripstar Day 5.28.23

Good afternoon,

Please reply with any comments you may have for the attached event application. We would like to add the application to the May 1st CC agenda. Thank you.

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

From: Bonner, Jami <>
Sent: Tuesday, April 25, 2023 1:06 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <mscott@waxahachie.com>; Amber Villarreal <avillarreal@waxahachie.com>; Clarice Crocker <ccrocker@waxahachie.com>
Subject: Event Application - Dripstar Day 5.28.23

For your review / comments. Thank you.

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

(5c)

Bonner, Jami

From: Bonner, Jami
Sent: Friday, April 28, 2023 9:05 AM
To: Barnes, Bradley; Cooper, Kyle; Martinez, Gumaro; Campos, Yadira
Subject: RE: Event Application - Dripstar Day 5.28.23

Good morning Brad,

We can require clean up after the event.

They did not indicate that alcohol will be sold/provided. That would be the only security requirement for an event this size. Chief Wiser did not have any comments for this event.

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

From: Barnes, Bradley <bradley.barnes@waxahachie.com>
Sent: Friday, April 28, 2023 8:54 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Subject: RE: Event Application - Dripstar Day 5.28.23

Will they be responsible for cleaning up after the event?
Will they need/have security?
There are 4 electrical outlets available at the pavilion.

Brad Barnes
Assistant Director of Parks and Recreation
City of Waxahachie
Mobile: 214-903-5733
Work: 469-309-4272

From: Bonner, Jami
Sent: Thursday, April 27, 2023 4:20 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>
Subject: FW: Event Application - Dripstar Day 5.28.23

Good afternoon,

Please reply with any comments you may have for the attached event application. We would like to add the application to the May 1st CC agenda. Thank you.

Jami Bonner
Assistant City Secretary

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted

Applicant Information

Applicant name: Tad Ruiz

Are you representing the host organization?

Yes ☒

No ☐

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

Yes ☒

No ☐

Phone: 319-321-0660

Cell: 972-935-3014

Email: TRuiz@fuego.church

Mailing address: 211 Main St, Red Oak, TX 75154

Host organization name: Fuego Church

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

On-site contact name: Vanessa Mejia

Cell: (469) 508-5375

About the Event

Event name: Outside Worship Concert

Location: Railyard Park (Ampitheater)

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

Anticipated attendance: 500

Description of event: The Program will consist of a song set for 25 mins, a short devotional, and a time of prayer

How many times has this event been hosted before?

1st time ☐

2 - 4 times ☒

5 or more times ☐

Location: Railyard park - Same as last year.

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: _____

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

- | | |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Amusement rides / Inflatables | <input 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 checked="" type="checkbox"/> Live music |
| <input checked="" type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

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

Admission information, if applicable:

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

N/A

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	May 10, 17, 24	7:00pm	8:00pm
Event Set-up	May 10, 17, 24	3:00pm	6:00pm
Event Breakdown	May 10, 17, 24	8:45pm	9:45pm (10:00pm)

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: Sgt Brian Fuller Phone number: 469-309-4442

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?

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: 1 tent behind the stage (amphitheater) for media

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☐

Both ☐

List contractor / supplier:

City of Waxahachie

Explain services in detail:

We used the electricity provided at the Amphitheater area

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, its 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, its officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Signature

Date

Contract Agreement

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

Signature

Date

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

Page 4 of 4

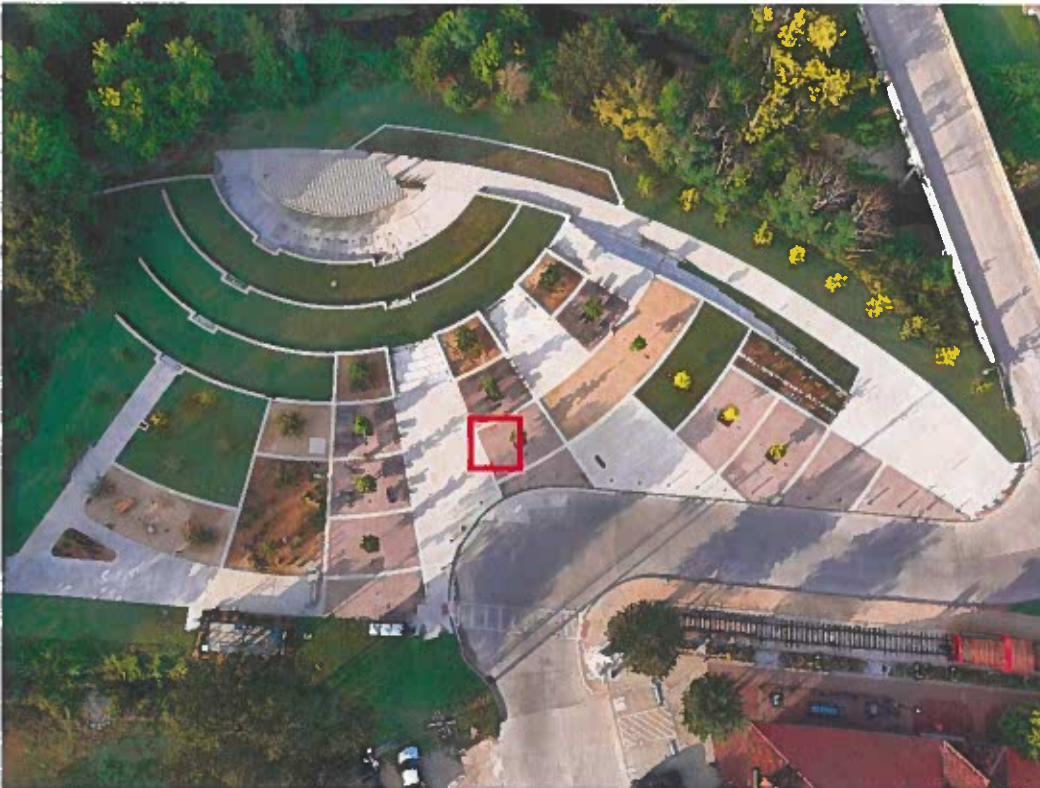
(5d)

Bonner, Jami

From: Tad Ruiz <truiz@fuego.church>
Sent: Tuesday, April 18, 2023 4:35 PM
To: Bonner, Jami
Cc: Guinn, Danielle
Subject: Re: Railyard Park Use

Hello Jami and Danielle,

We will give out bottles of water in this area (red square) only as people come towards the Amphitheater area...



If you need anything more on this or anything else please let me know.

Thank you.

On Tue, Apr 18, 2023 at 10:20 AM Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Received. Thank you.

From: Tad Ruiz <truiz@fuego.church>
Sent: Tuesday, April 18, 2023 9:57 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Guinn, Danielle <danielle.guinn@waxahachie.com>
Subject: Re: Railyard Park Use

(5d)

Bonner, Jami

From: Joe Bill Wiser
Sent: Tuesday, April 18, 2023 5:09 PM
To: Bonner, Jami
Subject: RE: Event Application Outside Worship Concert May 10, 17, & 24

No Concerns

Joe Wiser

From: Bonner, Jami
Sent: Tuesday, April 18, 2023 4:51 PM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <mscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application Outside Worship Concert May 10, 17, & 24

For your review / comments. Only bottled water will be provided for attendees. Thank you.

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

(5d)

Bonner, Jami

From: Boyd, Ricky
Sent: Tuesday, April 18, 2023 7:16 PM
To: Bonner, Jami
Subject: RE: Event Application Outside Worship Concert May 10, 17, & 24

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, April 18, 2023 4:51 PM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application Outside Worship Concert May 10, 17, & 24

For your review / comments. Only bottled water will be provided for attendees. Thank you.

Jami Bonner
Assistant City Secretary
City of Waxahachie
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www.waxahachie.com

(5d)

Bonner, Jami

From: Guinn, Danielle
Sent: Wednesday, April 19, 2023 9:07 AM
To: Bonner, Jami; Mosley, Laurie; Martinez, Gumaro; Joe Bill Wiser; Boyd, Ricky; Jordan, Me'Lony
Cc: Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application Outside Worship Concert May 10, 17, & 24

I do not have any concerns regarding this event.

This is an event that happened around this same time last year and had very good attendance. Fuego Church is wonderful to work with.

Thank you Jami!

Danielle Guinn
Cultural Arts & Programming Manager
Waxahachie Convention & Visitors Bureau
danielle.guinn@waxahachie.com
Office: 469-309-4051
Cell: 214-463-7815
www.visitwaxahachie.com
www.facebook.com/railyardparkwaxahachie

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, April 18, 2023 4:51 PM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Jordan, Me'Lony <mjordan@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application Outside Worship Concert May 10, 17, & 24

For your review / comments. Only bottled water will be provided for attendees. Thank you.

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



Date submitted 4/18/23

Applicant Information

Applicant name: Andreas Flowers

Are you representing the host organization?

Yes ☒

No ☐

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

Yes ☒

No ☐

Phone: _____

Cell: 9729213702

Email: _____

Mailing address: 806 east jefferson street waxahachie tx 756165

Host organization name: flowers construction company

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

On-site contact name: brittany edwards

Cell: 2545771434

About the Event

Event name: Shelby Flowers Memeorial and Community Event.

Date: july 4th, 2023

Location: Lee Penn Park

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

Anticipated attendance: 100

Description of event: there will be live music performances from local musicians and live bands, face painting for children and bounce house etc.

3 on 3 basketball tournament and motivational speakers from the community

	Date(s)	Start Time:	End Time:
Event Date	07/04/23	5pm	9:30pm
Event Set-up	07/03/23	6pm	8pm
Event Breakdown	tournament	performances	motivational speakers

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☒

5 or more times ☐

Location: _____



Choose the best description of the event:

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

Event activities include (check all that apply):

- | | |
|----------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Amusement rides / Inflatables | <input 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 checked="" 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: face painting and bball tournament |

The event is:

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

Admission information, if applicable:

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

this is a free event and open to the general public

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 checked="" type="radio"/> - No walking or running |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input type="radio"/> |

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages?

Yes ☐

No ☒

Will event require any food preparation on-site?

Yes ☐

No ☒

Will alcohol be served/sold?

Yes ☐

No ☒

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

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

Police / Security Services:

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

Event staff

How many: _____

Date(s) & time(s): _____

Volunteers

How many: _____

Date(s) & time(s): _____

Private security

How many: _____

Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police

How many: _____

Date(s) & time(s): _____

Have you made arrangements with the police?

Yes ☐

No ☐

If no, you will be provided the information on how 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 ☐

City Equipment:

Are you requesting the use of City equipment?

Yes ☐

No ☐

Availability is not guaranteed

Streets cannot be blocked without prior approval.

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

Traffic Cones

How many: _____

Barricades

How many: _____



City of Waxahachie
City Secretary's Office

Special Event Application

(5e)

Other: none

Where should equipment be dropped off & picked up?

When will the equipment be set-up?

Date: _____

Time: _____

When will the equipment be removed?

Date: _____

Time: _____

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: _____

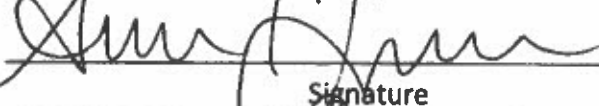
Insurance

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.

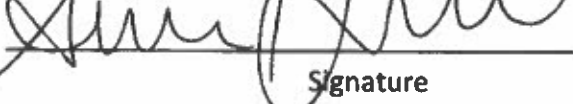

Signature

04/18/2023

Date

Applicant Acknowledgment

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


Signature

04/18/2023

Date

Email completed Special Events Application and site map to
Jami Bonner at Jami.Bonner@waxahachie.com.

(5e)

3RD SHELBY FLOWERS MEMORIAL & COMMUNITY EVENT

SITE PLAN:

PARKING: BOTH OF THE LEE PENN PARK PARKING LOTS WILL BE USED FOR PARKING, AS WELL AS THE GRASS LOT AT THE CORNER OF MLK BLVD & GETZENDANER (HOLDS UP TOO 200 VEHICLES)

SET UP: THE FACE PAINTING WILL BE DONE UNDER THE GAZEBO FOR THE CHILDREN. THE 3 ON 3 BASKETBALL TOURNAMENT (AGES 13-18) WILL BE HELD ON THE BASKETBALL COURT UNDER THE COVER FOR SHADE. AND THE DJ AND STAGE WILL BE SET UP IN THE REAR OF THE FRONT PARKING LOT.

BOUNCE HOUSES: WILL BE SET UP ON THE EAST AND WEST SIDES OF THE GAZEBO FOR THE CHILDREN AGES (3-12)

FOOD & BEVERAGES: NONE

EVENT HOST:

ANDREAS R. FLOWERS

(5e)

Bonner, Jami

From: Martinez, Gumaro
Sent: Wednesday, April 19, 2023 2:19 PM
To: Bonner, Jami; Cooper, Kyle; Campos, Yadira; Barnes, Bradley; Boyd, Ricky; Joe Bill Wiser
Cc: Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Shelby Flowers Memorial and Community Event

Jami,

See my comments below:

Parking: The public parking lots are fine, but the grass lot at the corner of MLK Blvd & Getzendaner Ave. is private and would require authorization from the owner.

Bounces Houses: The Parks Dept request the applicant utilize sandbags for anchoring/securing the bounces houses. No staking please.

Thank you,



From: Bonner, Jami
Sent: Wednesday, April 19, 2023 1:43 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Shelby Flowers Memorial and Community Event

For your review / comments. Thank you.

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

(5e)

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, April 19, 2023 3:13 PM
To: Bonner, Jami
Subject: RE: Event Application - Shelby Flowers Memorial and Community Event

I think the estimate for attendees may be low for this event. I have no other comments to add.

Joe Wiser

From: Bonner, Jami
Sent: Wednesday, April 19, 2023 1:43 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Shelby Flowers Memorial and Community Event

For your review / comments. Thank you.

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

(5c)

Bonner, Jami

From: Boyd, Ricky
Sent: Wednesday, April 19, 2023 3:34 PM
To: Bonner, Jami
Subject: Re: Event Application - Shelby Flowers Memorial and Community Event

I don't have any concerns.

Sent from my iPhone

On Apr 19, 2023, at 13:43, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

For your review / comments. Thank you.

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

<EA2023.07.04 Shelby Flowers Memorial and Community Event.pdf>

(5f)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 4/25/23

Applicant Information

Applicant name: Danielle Guinn

Are you representing the host organization? Yes ☒ No ☐

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

Phone: 469-309-4051 Cell: 214-463-7815

Email: danielle.guinn@waxahachie.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Railyard Park

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

On-site contact name: _____ Cell: _____

About the Event

Event name: Railyard Nights Summer Concert Series

Location: Railyard Park

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

Anticipated attendance: 200-250

Description of event: Evening Summer Concert Events including live music, a DJ, yard games, food trucks and local alcoholic beverage vendors.

How many times has this event been hosted before?

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

Choose the best description of the event:

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

(5f7)



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 checked="" type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input checked="" type="checkbox"/> Street closure |
| <input checked="" type="checkbox"/> DJ / Recorded Music | <input checked="" type="checkbox"/> Other: |

The event is:

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

Admission information, if applicable:

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

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	6/3, 6/10, 6/17, 6/24, 7/1	June - 7:00pm, July - 4:00pm	10:00pm
Event Set-up	6/3, 6/10, 6/17, 6/24, 7/1	June - 2:00pm, July - 12:00pm	June - 7:00pm, July - 4:00pm
Event Breakdown	6/3, 6/10, 6/17, 6/24, 7/1	10:00pm	11:30pm

Run / Walk:

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

1 mile

5K

Other distance

Please indicate your expected attendance:

Number of participants:

- | | |
|---------|-----------------------|
| 1-99 | <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: 3 Date(s) & time(s): All dates; load-in to load-out
 Volunteers How many: N/A Date(s) & time(s): N/A
 Private security How many: N/A Date(s) & time(s): N/A
 Company name: N/A

Contact name and number: Note: Paying for security has proven to be problematic in the past due to WPD vacation & OT conflicts

Off duty police How many: 2 Date(s) & time(s): _____

Have you made arrangements with the police? Yes ☐ No ☒

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

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

Contact name: _____ Phone number: _____

Street Closures:

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

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

S. College Street from Fresh Market Coffee to intersection with Rogers St.

Street closings to begin on date: 6/3, 6/10, 6/17, 6/24, 7/1 Start time: June 5pm, July 2pm End time: June & July - 11:00pm

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: TBD based on Streets recommendations

Where should equipment be dropped off & picked up? Railyard Park

(5f)



City of Waxahachie
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: 6/3, 6/10, 6/17, 6/24, 7/1

Time: June - 5:00pm, July - 2:00pm

When will the traffic equipment be removed?

Date: 6/3, 6/10, 6/17, 6/24, 7/1

Time: June & July - 11:00pm

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:

Franchise utilities for all music & park activities

Explain services in detail:

Generators used (and provided) by Food Trucks if necessary

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.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2023.04.24 16:18:46 -05'00'

04/24/23

Signature

Date

Contract Agreement

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

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2023.04.24 16:19:35 -05'00'

04/24/23

Signature

Date

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



MUSIC

BEER VENDOR

RYP TENT

FOOD TRUCKS

STREET CLOSURE

**TRAFFIC CONES
FOR PEDESTRIANS**

**STREET
CLOSURE**

(54)

(5f)

Bonner, Jami

From: Joe Bill Wiser
Sent: Monday, April 24, 2023 4:56 PM
To: Bonner, Jami
Subject: RE: Event Application - Railyard Nights Summer Concert Series

No Concerns, should be great fun for everyone.

Joe Wiser

From: Bonner, Jami
Sent: Monday, April 24, 2023 4:35 PM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Railyard Nights Summer Concert Series

For your review / comments. Thank you.

The dates are as follows:

- June 3, 2023
- June 10, 2023
- June 17, 2023
- June 24, 2023
- July 1, 2023

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

(51)

Bonner, Jami

From: Cooper, Kyle
Sent: Monday, April 24, 2023 4:59 PM
To: Bonner, Jami
Subject: RE: Event Application - Railyard Nights Summer Concert Series

Danielle has provided us with everything needed from parks. We are good to go!



Kyle Cooper, CPRP
Senior Director
Parks and Recreation
City of Waxahachie
469-309-4277
972-268-4549
Kyle.Cooper@waxahachie.com

From: Bonner, Jami
Sent: Monday, April 24, 2023 4:35 PM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmmassey@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Railyard Nights Summer Concert Series

For your review / comments. Thank you.

The dates are as follows:

- June 3, 2023
- June 10, 2023
- June 17, 2023
- June 24, 2023
- July 1, 2023

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

Bonner, Jami

From: Gaertner, James
Sent: Tuesday, April 25, 2023 1:09 PM
To: Bonner, Jami; Guinn, Danielle; Mosley, Laurie; Massey, Matt; Jordan, Me'Lony; Boyd, Ricky; Joe Bill Wiser; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice; Abernethy, Richard
Subject: RE: Event Application - Railyard Nights Summer Concert Series

Rogers Street should be open for 2 way traffic by May 12th (last update received). Rogers has to be open to 2 way traffic in order to close College St as requested for these events. I am including Richard to the email, just in case the Annex Contractor needs the road closed more than anticipated.

If Rogers St is open to 2 way traffic by June 3rd, Street Department can provide the barricades to close the section of College Street marked on the exhibit.

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: Monday, April 24, 2023 4:35 PM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Railyard Nights Summer Concert Series

For your review / comments. Thank you.

The dates are as follows:

- June 3, 2023
- June 10, 2023
- June 17, 2023
- June 24, 2023
- July 1, 2023

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

(5f)

Bonner, Jami

From: Abernethy, Richard
Sent: Tuesday, April 25, 2023 1:22 PM
To: Gaertner, James; Bonner, Jami; Guinn, Danielle; Mosley, Laurie; Massey, Matt; Jordan, Me'Lony; Boyd, Ricky; Joe Bill Wiser; Martinez, Gumaro; Cooper, Kyle; Campos, Yadira
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Railyard Nights Summer Concert Series

Good afternoon, the contractor is on track to complete their work on May 12th and reopen Rogers to two way traffic. However, there are some pending proposals to relocate some landscaping and make some changes to the parking spots along Rogers which could impact traffic flow. I will keep everyone updated on these items and will work with the contractor on these dates.

Please contact me at your earliest convenience.

Thank you,



Richard B. Abernethy
Director of Administrative Services
City of Waxahachie
O: 469-309-4007
C: 469-732-4378
rabernethy@waxahachie.com

From: Gaertner, James <jgaertner@waxahachie.com>
Sent: Tuesday, April 25, 2023 1:09 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Massey, Matt <mmassey@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Abernethy, Richard <rabernethy@waxahachie.com>
Subject: RE: Event Application - Railyard Nights Summer Concert Series

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James Gaertner, PE, CFM, CPM
Executive Director of Public Works & Utilities
Office: 469-309-4301

(59)



Memorandum

To: Honorable Mayor and City Council

From: Laurie Mosley

Thru: Michael Scott, City Manager

Date: May 1, 2023

Re: 25th Annual Crape Myrtle Festival – 4th of July Fireworks & Parade

The Crape Myrtle Capital of Texas will be in full-bloom and ready to celebrate Independence Day with the 25th Annual Crape Myrtle Festival 4th of July Fireworks & Parade.

The patriotic celebration will begin on Monday, July 3rd, at 6 p.m. with a tailgate party at the Waxahachie Sports Complex, located at 151 Broadhead Rd. The festival layout at the Sports Complex will remain the same as last year. Madness Entertainment will entertain the crowd before the concert.

This year, guests will enjoy a concert by Seger System scheduled to start at 7:30 p.m. Following the concert, there will be a spectacular H-E-B and City of Waxahachie fireworks display starting at 9:15 p.m.

On Tuesday, July 4, the celebration will continue at 10 a.m. with a hometown parade downtown Main Street.

The parade route is also the same as last year. The parade will line-up at Getzendaner Park, then from the park:

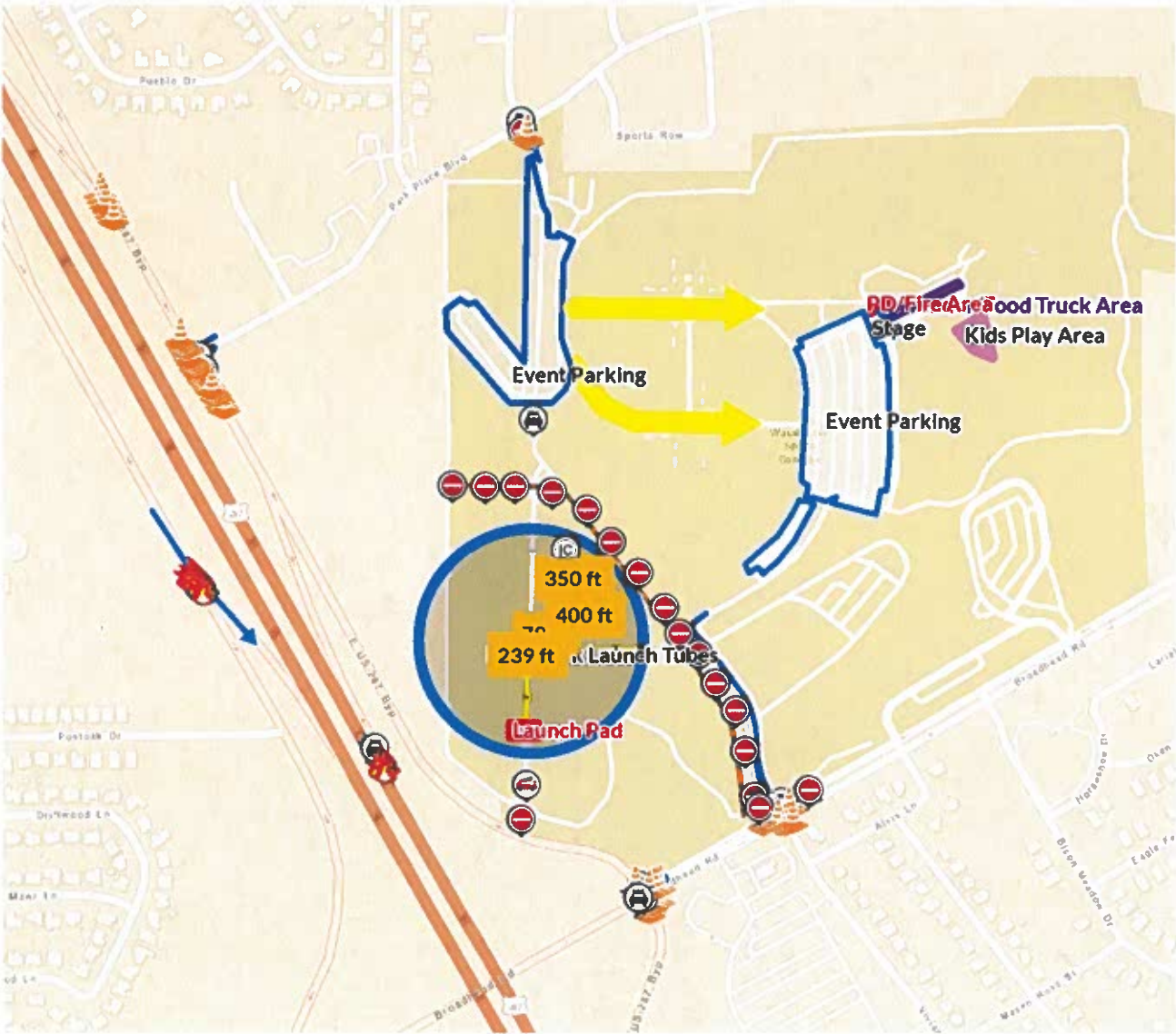
- Head north on Grand Avenue to Main Street
- Head east on Main Street to Rogers Street
- South on Rogers Street towards Railyard Park for disbursement

Police, Fire, Emergency Management, Parks and other departments met on Wednesday, April 19 to discuss logistics. Staff and key stakeholders will continue to meet once a month until the event to review details.

The Crape Myrtle Festival 4th of July Fireworks & Parade are FREE to the public.

(5g)

Site Layout for the Waxahachie Sports Complex



(5g)

Map of the Start of the Parade





(5h)

Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Development Services

Thru: Michael Scott, City Manager

Date: May 1, 2023

Re: Consider Approving the Purchase of a 2023 Ford F-350

Recommended Motion: "I move to approve the purchase of a 2023 Ford F-350 in the amount of \$80,521 and authorize the City Manager to execute all documents as necessary."

Item Description: Consider approving the purchase of a new 2023 Ford F-350 Chassis 4x4 SD Crew Cab with a 9-foot Standard DRW Royal Service/Utility Body from Mac Haik Ford Lincoln in the amount of \$80,521. The proposed purchase would be through the Buyboard cooperative purchasing program.

Item Summary: The Water Distribution Department requests the purchase of a new 4-wheel drive, heavy-duty truck with a special utility body to transport a three-man crew and equipment to facilitate essential City Utility Services. This truck was approved as a part of the FY23 budget as a lease, but due to limited lease availability, staff is requesting to purchase it outright. The additional funding is available from within budget due to other vehicle maintenance savings.

Fiscal Impact: The total cost of this purchase is \$80,521 and will be funded out of the FY23 Water Distribution Operations & Maintenance budget.

PROCLAMATION

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, revitalization through historic preservation is one of the best methods of sustainable economic development in this country; and

WHEREAS, preservation has contributed to the beauty and economic vitality of the city of Waxahachie; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, historic place-savers pour their time, energy, and money into protecting places they care about, often without recognition; and

WHEREAS, “People Saving Places”, the theme for National Preservation Month 2023, sponsored by the National Trust for Historic Preservation is a national high-five to everyone doing the great work of saving places—in ways big and small—and inspiring others to do the same;

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim the month of May 2023 as

“National Preservation Month”

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

Proclaimed this 1st day of May, 2023.

MAYOR

ATTEST:

CITY SECRETARY

(9)

PROCLAMATION

WHEREAS, every child has the inherent right to grow up in a safe, permanent, and loving family, and this experience lays the foundation for a happy and productive adulthood; and

WHEREAS, a growing number of individuals and families in Waxahachie are becoming foster parents, helping children of all ages, races, cultures, mental/physical conditions, and emotional needs to become valued members of their community; and

WHEREAS, foster parents have the opportunity to see children grow, develop a stronger self-image, and create stronger ties with members of their community; and

WHEREAS, the residents of Waxahachie are encouraged to show their respect and gratitude for foster parents who unselfishly share their lives with the youngest and most vulnerable members of our society; and

WHEREAS, the city of Waxahachie is privileged to work with valuable community parents such as Harvest Family Life and the Department of Family and Protective Services to increase public awareness regarding the importance of foster parents and foster care;

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim the month of May 2023 as

“FOSTER PARENT AWARENESS MONTH”

in the city of Waxahachie and encourage all citizens to recognize this observance.

Proclaimed this 1st day of May, 2023.

MAYOR

ATTEST:

CITY SECRETARY

PROCLAMATION

WHEREAS, the first full week of May is annually recognized as National Travel and Tourism Week, a tradition first celebrated in 1984; and

WHEREAS, travel has a critical role in Waxahachie and the nation's economic prosperity; and

WHEREAS, travelers' spending directly generates tax revenue for federal, state and local governments, which is used to support essential services and programs; and

WHEREAS, meetings, sports, events and incentive travel are core business functions that help companies strengthen business performance, align and educate employees and customers, and reward business accomplishments; and

WHEREAS, leisure travel, which accounts for more than three-quarters of all trips taken in the United States, spurs countless benefits to travelers' creativity, cultural awareness, education, happiness, productivity, relationships and wellness; and

WHEREAS, \$82.2 million dollars were spent in Waxahachie by tourists in 2022; and

WHEREAS, tourism directly provided 540 jobs with an annual payroll of \$26.4 million; and

WHEREAS, Waxahachie, through tourism, contributed over \$7.6 million in local and state taxes; and

WHEREAS, without travel spending, Texas households would each pay \$555 more in state and local taxes each year to maintain current levels of service;

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of the City of Waxahachie, Texas, and on behalf of the Waxahachie City Council, do hereby proclaim May 7-13, 2023 as

"NATIONAL TRAVEL AND TOURISM WEEK"

in Waxahachie and urge all citizens to join me in recognizing the critical role this industry places in Waxahachie, Texas.

Proclaimed this 1st day of May, 2023.

MAYOR

ATTEST:

CITY SECRETARY

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-37-2023 Zoning Text Amendment



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

City Council: May 1, 2023

CAPTION

Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, (ZTA-37-2023) Staff: Jennifer Pruitt

RECOMMENDED MOTION

"I move to recommend approval of ZTA-37-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 26, 2023, the Commission voted 4-0 to recommend approval of case number ZTA-37-2023.

PLANNING ANALYSIS

As a result of several Tattoo use Zoning District Change Requests, the City Council directed the Planning staff to evaluate the Tattoo use process of comparable cities in the Dallas-Fort Metroplex. The information gathered by staff clearly noted that a majority of the comparable cities allowed the Tattoo use by Specific Use Permit approval. In addition to the SUP approval process for the use, it was also common to have a clear distinction between traditional Tattoo use and Cosmetic Restorative Tattoo use.

Currently, the city of Waxahachie allows the use of a Tattoo or Body Piercing Shop by right in the Commercial (C) zoning district only. Unfortunately, the current Zoning Code also does not have a well-defined definition to allow for a Cosmetic Restorative Tattoo use.

The purpose of this Zoning Text Amendment is to:

1. Define the Tattoo or Body Piercing Shop Primary use in more detail
2. Define Cosmetic Restorative Tattoo use
3. Add language to further define Cosmetic Tattoo (accessory)
4. Add a SUP requirement to the Use Charts for Tattoo use and Cosmetic Restorative Tattoo use
5. Delete the previous *Tattoo or Body Piercing Shop* definition

The new definitions are noted below:

Tattoo or Body Piercing Shop Primary - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, Cosmetic and Restorative Studio (Accessory) or incidental micro-blading activities are not included under this use.

- a) *Cosmetic and Restorative Studio (Accessory)* - An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A cosmetic and restorative studio may be an accessory use to a tattoo and body piercing shop, barber, hairdresser or beauty shop.

Cosmetic and Restorative Studio (Permanent) - An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative tattoo services aim to restore the natural appearance of a certain area of the body or skin, such as areola re-pigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A permanent cosmetic and restorative studio will serve as the primary use and will not be an accessory to another use.

PUBLIC NOTIFICATIONS

As a courtesy, the City published notice of the public hearings for the Zoning Code in the Waxahachie Sun. The Texas Local Government Code (Section 213.002) does not require the City to mail notice of the public hearing to each property owner in the City of Waxahachie.

RECOMMENDATION

Based on the details provided in this Staff Report staff recommends approval of the Zoning Code Text Amendment ZTA-37-2023, a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts as it relates to Tattoo uses.

ATTACHED EXHIBITS

1. ZTA-37-2023 Ordinance

STAFF CONTACT INFORMATION

Prepared by:

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

Reviewed by:

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE (ORDINANCE NO. 3020), ARTICLE IV (DEFINITIONS AND USE REGULATIONS), SECTION 4.01 (DEFINITIONS) TO SECTION 4.03 (USE CHARTS), PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("City Council") has adopted a comprehensive zoning ordinance ("Zoning Ordinance"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on April 26, 2023, and a public hearing was held by the City Council on May 1, 2023, with respect to the proposed textual changes to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article IV (Definitions and Use Regulations), Section 4.01 (Definitions) to Section 4.03 (Use Charts) of the Zoning Ordinance, is hereby amended to include the following changes:

~~251) Tattoo or Body Piercing Shop - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, intradermal cosmetic studios or incidental micro-blading activities are not included under this use.~~

251) *Tattoo or Body Piercing Shop Primary* - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, Cosmetic and Restorative Studio (Accessory) or incidental micro-blading activities are not included under this use.

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Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 50. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place. 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. This ordinance shall become effective from and after the date of its passage

PASSED, APPROVED, AND ADOPTED on this 1st day of May, 2023.

MAYOR

ATTEST:

City Secretary

251) ~~Tattoo or Body Piercing Shop – An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, intradermal cosmetic studios or incidental micro-blading activities are not included under this use.~~

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LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																					
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District	Parking Requirement
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP	
4.03a – Commercial and Retail Type Uses																						

Tattoo or Body Piercing Shop															S	S	S					1/200 sq ft or 1.5/artist chair which is greater
Cosmetic Studio Restorative (Permanent)															S	S	S					1/200 sq ft or 1.5/artist chair which is greater

(13+14)

Planning & Zoning Department

Plat Staff Report

Case: SUB-57-2022



MEETING DATE(S)

Planning & Zoning Commission:

April 26, 2023

City Council:

May 1, 2023

CAPTION

Continue Public Hearing on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a **Replat** of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-57-2022, a Replat of Lot 9A, Leo Hightower Lots, Lot 1, with the associated variance request, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 26, 2023, the Commission voted **4-0** to recommend approval of case number SUB-57-2022, with the associated variance request.

APPLICANT REQUEST

The applicant requests to abandon approximately 2,300 square feet of alley right-of-way (ROW) off of Lakeshore Drive and incorporate the abandoned area into the subject property via a Replat.

CASE INFORMATION

<i>Applicant:</i>	Tim Jackson, Texas Realty Capture & Surveying LLC
<i>Property Owner(s):</i>	Jerome Begnaud
<i>Site Acreage:</i>	1.515 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	1 unit
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

<i>General Location:</i>	153 Lakeshore Drive
<i>Parcel ID Number(s):</i>	230811
<i>Current Zoning:</i>	Planned Development-Single Family-1 (PD-SF-1)
<i>Existing Use:</i>	A single family home currently exists on the subject property.

(13+14)

Platting History:

The subject property has been previously platted as Lot 9 of the Leo Hightower Lots Phase 2 and Lot 9A of the Leo Hightower Lots Phase 2.

Site Aerial:



PLANNING ANALYSIS

The applicant proposes to abandon approximately 2,300 square feet of alley right-of-way (ROW) off of Lakeshore Drive and incorporate the abandoned area into the subject property via a Replat. The alley area proposed to be abandoned has never been paved or maintained by the City and the City has no intention of improving the alley or maintaining the area in the future. The subject property fully surrounds the alley area and the property owner has historically maintained the alley area.

A portion of the alley area is utilized by neighboring property owners to access existing homes to the south of the subject property. The adjacent homes to the south of the subject property do not currently have frontage onto Lakeshore Drive. Both driveways and utility service lines cross the alley area to reach the homes to the south of the subject property. The adjacent home owners utilize access easements across the subject property in order to access the alley area and Lakeshore Drive. With this replat, the applicant is proposing to create a new access easement and utility easement across a portion of the abandoned alley area in order to preserve the adjacent property owner's ability to legal access their property from Lakeshore Drive. The proposed easements just cover the existing gravel driveways utilized by the neighboring property owners, not the entire alley area.

PETITION FOR RELIEF WAIVER – ROW DEDICATION VARIANCE REQUEST

Lakeshore Drive is identified on the 2023 Waxahachie Thoroughfare Plan as a future 80' thoroughfare. Lakeshore Drive was also identified as a future 80' thoroughfare on the 2019 Waxahachie Thoroughfare Plan. During the platting process, the Waxahachie Subdivision Ordinance requires property owners to provide ROW dedication in conformance with the Thoroughfare Plan. In this instance, the property owner is required to provide ROW dedication of up to 40' from the centerline of the Lakeshore Drive ROW. In order to meet this requirement, the applicant would need to dedicate approximately 15' of ROW along the Lakeshore Drive. The applicant is requesting a variance from this requirement and is seeking approval to dedicate no additional ROW for Lakeshore Drive. Staff has no concerns with this variance request due to the sole purpose of the replat being to officially incorporate abandoned ROW into the subject property.

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 Replat request.

ATTACHED EXHIBITS

1. Replat

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Senior Planner

zking@waxahachie.com

Reviewed by:

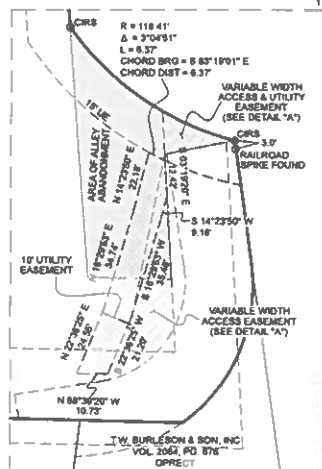
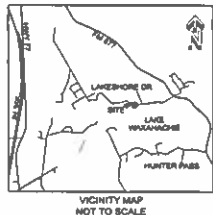
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com



0' 15' 30'
SCALE: 1" = 30'



DETAIL "B"
10' UTILITY EASEMENT
(BY THIS PLAT)
NOT TO SCALE

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD - ZONE "A" - DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48138C0330F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN.

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY. THE SURVEYOR RELIED UPON THE TITLE COMMITMENT PROVIDED BY ELLIS COUNTY ABSTRACT & TITLE CO., INC. POLICY DATE JULY 25, 2006, BY STEWART TITLE GUARANTY COMPANY OF NO. 0608206, FOR RESEARCH OF EASEMENTS.

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED BY ELLIS COUNTY ABSTRACT & TITLE CO., INC. POLICY DATE JULY 25, 2006, BY STEWART TITLE GUARANTY COMPANY OF NO. 0608206, APPEAR TO HAVE AN EFFECT ON THE SUBJECT PROPERTY:

- UTILITY EASEMENT VOL. 628, PG. 174, OPRECT (UNABLE TO LOCATE)

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED BY ELLIS COUNTY ABSTRACT & TITLE CO., INC. POLICY DATE JULY 25, 2006, BY STEWART TITLE GUARANTY COMPANY OF NO. 0608206, HAVE A DESCRIPTION THAT IS AMBIGUOUS IN NATURE, THEREFORE THE SURVEYOR IS UNABLE TO DETERMINE THE EFFECT, IF ANY, ON THE SUBJECT PROPERTY:

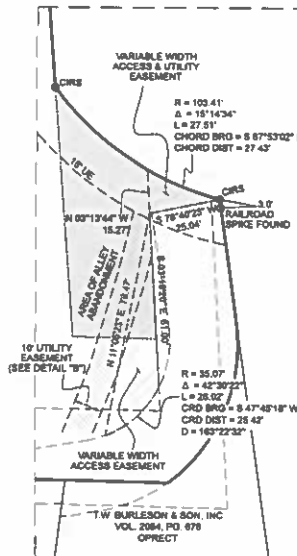
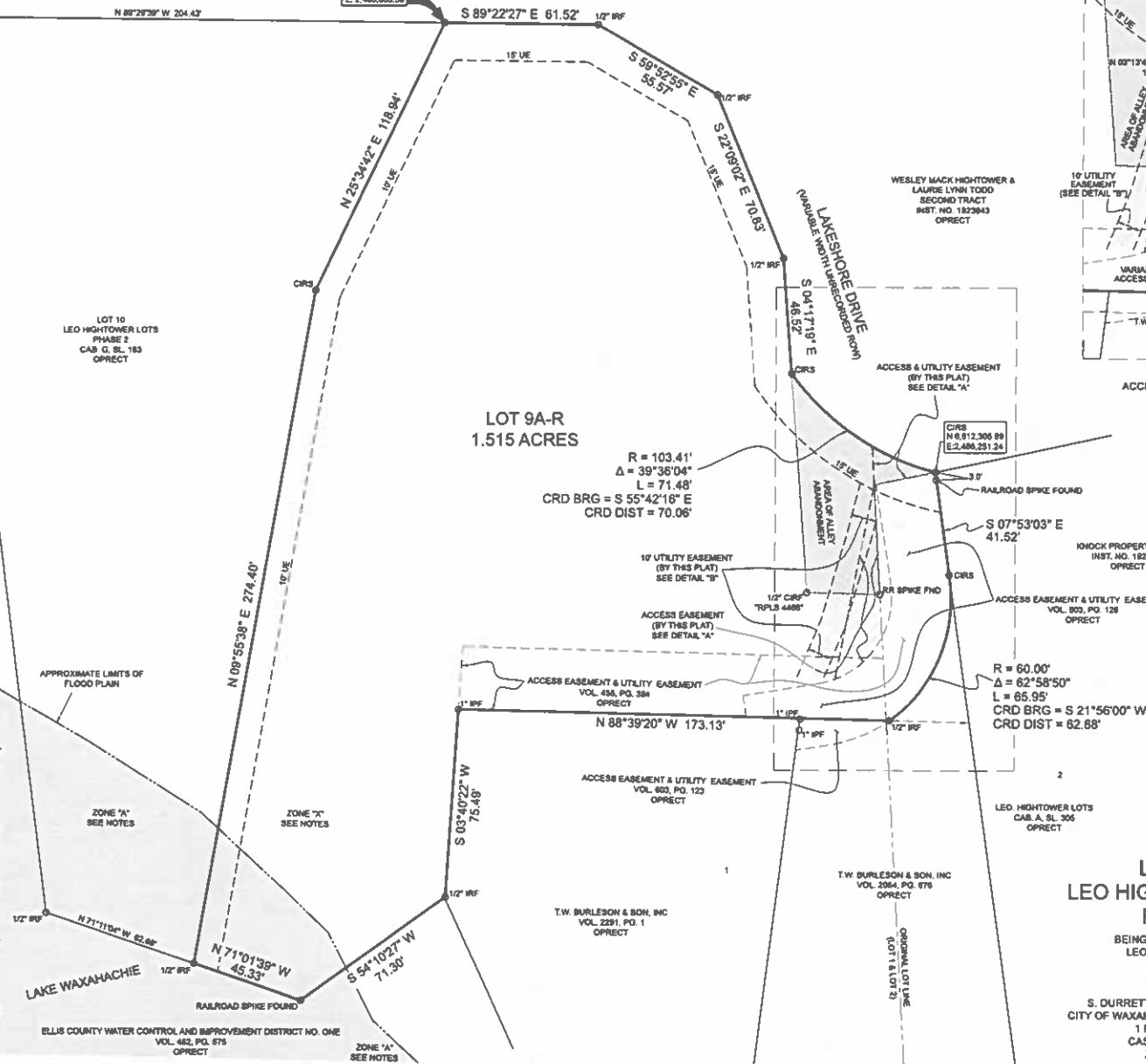
- TPAL EASEMENT VOL. 389, PG. 282, OPRECT (UNABLE TO LOCATE)

LEGEND

CIRS = 60 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TORS" SET
CIRF = CAPPED IRON ROD FOUND
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE

WESLEY MACK HIGHTOWER &
LAURIE LYNN TODD
SECOND TRACT
INST. NO. 1823843
OPRECT

P.O.B.
1/2" CIRF
RPLS 4488
N 89°12'48.52" E
E 2,486,053.59



DETAIL "A"
ACCESS & UTILITY EASEMENTS
(BY THIS PLAT)
NOT TO SCALE

OWNER:
JEROME LOUIS BEGNAUD &
LYNDA H. BEGNAUD
183 LAKESHORE DR
WAXAHACHIE, TX 75166
713-412-3666

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 282
WAXAHACHIE, TEXAS 75168
409-519-0538
TBLPS FIRM NO 10104369

REPLAT
LOT 9A-R
LEO HIGHTOWER LOTS
PHASE 2
BEING A REPLAT OF LOT 9A
LEO HIGHTOWER LOTS
PHASE 2
1.515 ACRES
ESTATED IN THE
S. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
1 RESIDENTIAL LOT
CASE NO. SUB-57-2021
ZONED: PD-SF-1

STATE OF TEXAS
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS JEROME LOUIS BEGNAUD AND LYNDA H. BEGNAUD ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE S. DURRETT SURVEY, ABSTRACT NO. 272, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO JEROME LOUIS BEGNAUD AND LYNDA H. BEGNAUD, RECORDED IN VOLUME 2227, PG. 883, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS, AND BEING ALL OF LOT 9A, OF LOT 9A OF LEO HIGHTOWER LOTS, PHASE 2, RECORDED IN CABINET G, SLIDE 228, ORRECT, AND BEING ALL OF A 30' WIDE ROADWAY RESERVATION FOR LEO HIGHTOWER LOTS, RECORDED IN CABINET A, SLIDE 305, ORRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4448" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 9A AND THE COMMON NORTHEAST CORNER OF LOT 10, LEO HIGHTOWER LOTS, PHASE 2, RECORDED IN CABINET G, SLIDE 183, ORRECT, AND IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF LAKESHORE DRIVE (A VARIABLE WIDTH ROW), FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 10, BEARS N 88°28'30" W, A DISTANCE OF 204.43 FEET;

THENCE ALONG THE NORTH LINES OF SAID LOT 9A AND THE COMMON SOUTH ROW LINES OF SAID LAKESHORE DRIVE, AS FOLLOWS:

S 88°22'27" E, A DISTANCE OF 81.52 FEET TO A 1/2" IRON ROD FOUND FOR CORNER,

S 54°52'56" E, A DISTANCE OF 56.87 FEET TO A 1/2" IRON ROD FOUND FOR CORNER,

S 22°08'02" E, A DISTANCE OF 70.83 FEET TO A 1/2" IRON ROD FOUND FOR CORNER,

S 04°17'18" E, A DISTANCE OF 48.52 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 100.41 FEET, A DELTA ANGLE OF 39°36'04", A CHORD BEARING OF S 58°42'16" E, AND A CHORD LENGTH OF 70.08 FEET;

THENCE OVER AND ACROSS THE ROW OF SAID LAKESHORE DRIVE WITH SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 71.48 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT 9A AND A POINT IN THE NORTH LINE OF LOT 2, OF SAID LEO HIGHTOWER LOTS, SAME BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO KNOCK PROPERTY 4 LLC, RECORDED IN INSTRUMENT NO. 1823571, ORRECT;

THENCE S 07°33'02" E, ALONG AN EAST LINE OF SAID LOT 9A AND THE COMMON WEST LINE OF SAID KNOCK PROPERTY TRACT, A DISTANCE OF 41.82 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO T.W. BURLESON AND SON, INC. RECORDED IN VOLUME 2084, PAGE 678, ORRECT (SAID BURLESON TRACT 1), SAME BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 80.00 FEET, A DELTA ANGLE OF 62°58'50", A CHORD BEARING OF S 21°58'00" W, AND A CHORD LENGTH OF 82.88 FEET;

THENCE ALONG AN EAST LINE OF SAID LOT 9A AND A COMMON WEST LINE OF SAID BURLESON TRACT 1 AND WITH SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 85.96 FEET TO A 1" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 9A AND A COMMON INTERIOR ELL CORNER OF SAID BURLESON TRACT 1;

THENCE N 88°39'20" W, ALONG A SOUTH LINE OF SAID LOT 9A AND THE COMMON NORTH LINE OF SAID BURLESON TRACT 1 AND THE COMMON NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO T.W. BURLESON & SON, INC. RECORDED IN VOLUME 2281, PAGE 1, ORRECT (SAID BURLESON TRACT 2), A DISTANCE OF 173.13 FEET TO A 1" IRON PIPE FOUND FOR AND INTERIOR ELL CORNER OF SAID LOT 9A AND THE COMMON NORTHWEST CORNER OF SAID BURLESON TRACT 2;

THENCE S 03°40'22" W, ALONG AN EAST LINE OF SAID LOT 9A AND THE COMMON WEST LINE OF SAID BURLESON TRACT 2, A DISTANCE OF 75.49 FEET TO A 1/2" IRON ROD FOUND FOR AN ANGLE CORNER IN THE SOUTH LINE OF SAID LOT 9A, A COMMON ANGLE CORNER IN THE WEST LINE OF SAID BURLESON TRACT 2, AND IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELLIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. ONE, RECORDED IN VOLUME 452, PAGE 678, ORRECT;

THENCE S 84°19'27" W, ALONG A SOUTH LINE OF SAID LOT 9A AND THE COMMON NORTH LINE OF SAID ELLIS COUNTY WATER CONTROL TRACT, A DISTANCE OF 71.30 FEET TO A RAILROAD SPIKE FOUND FOR CORNER,

THENCE N 71°51'38" W, ALONG A SOUTH LINE OF SAID LOT 9A AND A COMMON NORTH LINE OF SAID ELLIS COUNTY WATER CONTROL TRACT, A DISTANCE OF 45.33 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 9A AND THE COMMON SOUTHEAST CORNER OF SAID LOT 10, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 10 BEARS N 71°11'04" W, A DISTANCE OF 62.88 FEET;

THENCE ALONG THE WEST LINES OF SAID LOT 9A AND THE COMMON EAST LINES OF SAID LOT 10, AS FOLLOWS:

N 08°56'36" E, A DISTANCE OF 274.40 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

N 25°34'42" E, A DISTANCE OF 119.84 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.515 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, JEROME LOUIS BEGNAUD AND LYNDA H. BEGNAUD, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 9A-R, LEO HIGHTOWER LOTS, PHASE 2, AN ADDITION TO THE CITY OF WAXAHACHIE, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT: NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL, AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS, MY HAND, THIS THE _____ DAY OF _____, 2022.

BY:

JEROME LOUIS BEGNAUD

LYNDA H. BEGNAUD

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X", DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE "1% ANNUAL CHANCE FLOOD", ZONE "A", DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48198C0300P DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

ALL LOTS SHALL BE SERVICED BY AN ON-SITE BEVERAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN.

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JEROME LOUIS BEGNAUD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2022.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

STATE OF TEXAS :
COUNTY OF ELLIS:

BEFORE ME THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED LYNDA H. BEGNAUD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2022.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

I, JEREMY D. RUCKMAN, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

"PRELIMINARY: THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE AND SHALL
NOT BE USED OR VIEWED OR RELIED UPON AS
A FINAL SURVEY DOCUMENT"

JEREMY D. RUCKMAN
REGISTRATION NUMBER 6707

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ DATE _____
CHAIRPERSON

APPROVED BY: CITY COUNCIL
CITY OF WAXAHACHIE

BY: _____ DATE _____
MAJOR

ATTEST _____ DATE _____

REPLAT
LOT 9A-R
LEO HIGHTOWER LOTS
PHASE 2

BEING A REPLAT OF LOT 9A
LEO HIGHTOWER LOTS
PHASE 2
1.515 ACRES
INTENDED IN THE
S. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
1 RESIDENTIAL LOT
CASE NO. SUB-57-2021
ZONED: PD-SF-1

OWNER:
JEROME LOUIS BEGNAUD &
LYNDA H. BEGNAUD
163 LAKESHORE DR
WAXAHACHIE, TX 75105
713.412.3658

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 262
WAXAHACHIE, TEXAS 75108
409.618.0538
TBPUS FIRM NO. 10194369

(13+14)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-149-2022



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023
City Council: May 1, 2023

CAPTION

Public Hearing on a request by Jeffrey Villarreal, Rago Enterprises, LLC, for a **Specific Use Permit (SUP)** for an **Outside Storage** use within a Heavy Industrial (HI) zoning district located at 5907 N Interstate 35 E (Property ID: 148302) – Owner: Spur 10 Holdings, LP (ZDC-149-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-149-2022, a Specific Use Permit (SUP) request for an Outside Storage use at 5907 N Interstate 35E, subject to the conditions of the staff report, authorizing the Mayor and City Manager to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 26, 2023, the Commission voted **4-0** to recommend approval of case number ZDC-149-2022, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for an Outside Storage use for Rago Enterprises at 5907 N Interstate 35 E.

CASE INFORMATION

Applicant: Jeffrey Villarreal, Rago Enterprises, LLC
Property Owner(s): Spur 10 Holdings, LP
Site Acreage: 4.197 acres
Current Zoning: Heavy Industrial (HI)
Requested Zoning: Heavy Industrial (HI) with SUP for Outside Storage

SUBJECT PROPERTY

General Location: 5907 N Interstate 35 E
Parcel ID Number(s): 148302
Existing Use: An office building and pole sign currently exist on the subject property.
Development History: The subject property is platted as Lot 17 of Brown Industrial Site Phase 1. The subject property was previously occupied by Ken's Trucking.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Light Industrial-1 (LI-1)	Rivera Truck
East	Heavy Industrial (HI)	I-35E & Georgia-Pacific
South	Heavy Industrial (HI)	I-35 Storage
West	Heavy Industrial (HI)	Webber Construction

Future Land Use Plan: Industrial

Comprehensive Plan: Industrial uses vary from the technology industry to manufacturing. The designated locations for heavier industrial uses are intended to keep them away from residential categories. These are located along roadways that have adequate capacity to serve the larger industrial vehicles. Required parking is encouraged to be placed behind structures to keep these areas more readily able to redevelop into more urban places over time. When uses are abutting a residential property, a separation should be provided such as a landscape buffer, deeper setback, and/or a screening wall.

Thoroughfare Plan: The subject property is accessible via the I-35 E Service Road.

Site Image:**PLANNING ANALYSIS**

The applicant requests approval of a Specific Use Permit (SUP) to allow for an Outside Storage use for Rago Enterprises at 5907 N Interstate 35 E. The majority of the existing lot is covered in gravel with no intentional landscaping. An existing pole sign approximately 40' in height is currently located on the subject property. The applicant is not proposing to increase the height or size of the existing sign with this SUP. The SUP is requested to specifically allow for the outside storage of concrete formwork materials; which include aluminum beams, steel beams, metal post shores, metal walls, column forms, and elevated deck forms for example. Outside storage of heavy equipment, trucks, or trailers will be prohibited with the proposed SUP. Only the incidental use of trucks, trailers, and heavy equipment to move the concrete formwork materials on site shall be allowed. In the event dust becomes an issue on site, the applicant has noted that a water truck will be utilized to control dust.

Planning Analysis (continued)

The applicant is proposing several improvements to the site with this SUP. The applicant is proposing to install a concrete drive aisle from the I-35 Service Road to the existing building. The additional concrete paving will also include 10 parking spaces and a fire lane. The applicant is also proposing to remove the existing gravel up to 30' behind the existing wrought iron fence on site. This 30' area will be replaced with a landscape buffer including street trees, Crape Myrtles, evergreen shrubs, and mulch to provide a visual screen between the storage area and traffic on I-35. Finally, the applicant is proposing to extend a new wrought iron fence along the southern property line and the remainder of the eastern property line up to the existing fence line on the I-35 Service Road frontage. The existing red ornamental iron fence and pole sign will be refurbished to a black color to match the new wrought iron fence along the southern property line. The applicant is not proposing additional landscaping or screening improvements along the northern or western property lines, due to the existence of similar outside storage uses directly adjacent to the subject property.

Comprehensive Plan Compliance

The subject property is designated as Industrial on the City of Waxahachie Future Land Use Plan (FLUP). The proposed Outside Storage use of the subject property is appropriate for this FLUP category due to the adjacency of other industrial uses and the ability to quickly access I-35. Improvements proposed with this SUP are consistent with improvements called for in the 2023 Comprehensive Plan.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

Conditions:

1. The items allowed to be stored outside will be limited to concrete formwork materials. Outside storage of heavy equipment, trucks, or trailers is prohibited. Only the incidental use of trucks, trailers, and heavy equipment to move the concrete formwork materials on site shall be allowed.
2. The Applicant shall obtain an updated Certificate of Occupancy (CO) for Rago Enterprises noting the allowance of an Outside Storage use prior to storing concrete formwork materials on-site. The CO shall refer to the ordinance number of the approved SUP.
3. The landscaping and pavement improvements identified on the Site Plan/Landscape Plan shall be installed prior to the issuance of an updated Certificate of Occupancy (CO) for Rago Enterprises' Outside Storage use.

ATTACHED EXHIBITS

1. SUP Ordinance
2. Site Plan/Landscape Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, the applicant shall apply for building permits and 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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A AN OUTSIDE STORAGE (RAGO ENTERPRISES) USE WITHIN A HEAVY INDUSTRIAL (HI) ZONING DISTRICT, LOCATED 5907 N INTERSTATE 35E, BEING PROPERTY ID 148302, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 17 OF BROWN INDUSTRIAL SITE PHASE 1, 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 HI; 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-149-2022. 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 HI to HI, with an SUP in order to permit an Outside Storage (Rago Enterprises) use on the following property: Lot 17 of Brown Industrial Site Phase 1, which is shown on Exhibit A, in accordance with the Site Plan and Landscape Plan attached as Exhibit B.

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 (RAGO ENTERPRISES) USE WITHIN A HEAVY INDUSTRIAL (HI) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The Site Plan and Landscape Plan shall conform as approved by the City Council under case number ZDC-149-2022.
2. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan and Landscape Plan.
3. The items allowed to be stored outside will be limited to concrete formwork materials. Outside storage of heavy equipment, trucks, or trailers is prohibited. Only the incidental use of trucks, trailers, and heavy equipment to move the concrete formwork materials on site shall be allowed.
4. The Applicant shall obtain an updated Certificate of Occupancy (CO) for Rago Enterprises noting the allowance of an Outside Storage use prior to storing concrete formwork materials on-site. The CO shall refer to this ordinance number directly.
5. The landscaping and pavement improvements identified on the Site Plan and Landscape Plan, attached as Exhibit B, shall be installed prior to the issuance of an updated Certificate of Occupancy (CO) for Rago Enterprises' Outside Storage use.
6. 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.
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. 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 Landscape Plan. Where regulations are not specified in Exhibit B or this Zoning Ordinance, the regulations of the Heavy Industrial (HI) Zoning District shall apply to this development.
9. City Council shall have the right to review the Specific Use Permit at any point, if needed.

(16)

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 1st day of May, 2023.

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map


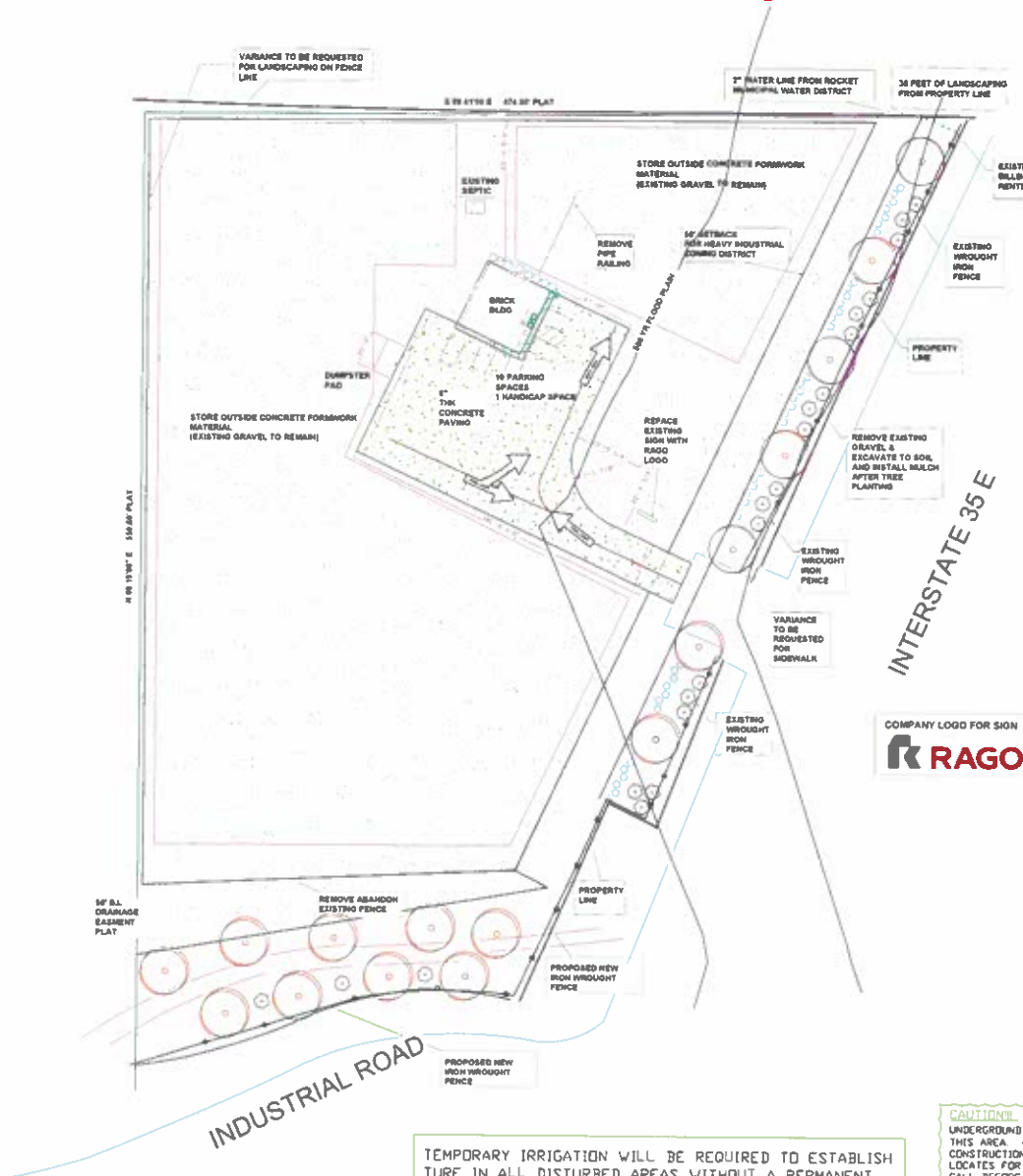
 ZDC-149-2022 (SUP)

Exhibit B - Site Plan/Landscape Plan



PLANTING NOTES

1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE
2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK
3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE
4. ALL CONTAINER GROWN PLANTS TO HAVE FULL VIGOROUS ROOT SYSTEM COMPLETELY ENCOMPASSING CONTAINER
5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF HEIGHT
6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS
7. MAINTAIN PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE
8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURB, SET SHRUBS BACK FROM CURB 3 FT
9. SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS
10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES INCLUDING BUT NOT LIMITED TO TELEPHONE, TELESCOPE, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER
11. EXISTING TREES ARE SHOWN TO REMAIN. CONTRACTOR SHALL PRUNE ONLY ON APPROVAL OF CITY AND PRIOR WORK TO INCLUDE REMOVAL OF ALL SUCHER GROWTH DEAD AND DISEASED BRANCHES AND LIMBS, VINES, BRARS AND OTHER INVASIVE GROWTH. AND ALL INTERFERING BRANCHES MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE
12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING
13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS. FILE ALL CORNERS SMOOTH
14. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURER'S INSTRUCTIONS ON ALL GROUND COVER SHRUB BEDS WITH A SLOPE OF 4:1 OR GREATER
15. AT TIME OF PLANT PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL B&B PLANTS WHEN AVAILABLE. IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF SEASON, PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION
16. PRIOR TO PLANTING, CONTRACTOR SHALL STAKE TREE LOCATIONS FOR APPROVAL BY OWNER




PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	LAG IND	21	Lagerstroemia indica	Crape Myrtle	15 gal	8 - 10 FT	As Shown	3 to 5 Cans
	QUE VIR	16	Quercus virginiana	Southern Live Oak	3" Cal	12' Height Min	As Shown	
TREET	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	ILE NAN	10	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	5 gal		36" O.C.	
	LEU PRU	10	Leucophyllum frutescens	Texas Sage	5 gal		36" O.C.	
	LAG PHU	47	Ligustrum japonicum	Waxleaf Ligustrum	5 gal		48" O.C.	

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. INSTALL SOD TO ESTABLISH TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS

CAUTION!!
UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG.
TEXAS EXCAVATION SAFETY SYSTEM (TESS) 1-800-344-8377
TEXAS ONE CALL SYSTEMS 1-800-245-4343
LONG STAR NOTIFICATION CENTER 1-800-669-8344 EXT. 5



BEFORE YOU DIG...

LOT 17 OF BROWN INDUSTRIAL SITES PHASE ONE
182,824 Sq. Ft. or 4.197 Acres of Land
Existing Zoning: Heavy Industrial w/ SUP Open Storage
Waxoachie Address: 5907 N. Interstate Highway 35,
Case # - ZDC - 149-2022

RAGO ENTERPRISES
MAIN OFFICE: 5610 FM 2218

(14)



(17)

Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: May 1, 2023

Re: Appointments to Waxahachie Housing Authority to Fill Unexpired Terms

Recommended Motion: "I move to approve the appointments to the Waxahachie Housing Authority, to fill unexpired terms, as presented."

Item Description: Consider appointments to fill unexpired terms on the Waxahachie Housing Authority as follows:

WAXAHACHIE HOUSING AUTHORITY (2-year term)

- Jonathan Bickerstaff, resident member (filling unexpired term of Roy Reynolds until September 2024)
- Andrew Henderson (filling unexpired term of Ruthie Sutton until September 2023)

Item Summary: Roy Reynolds, Waxahachie Housing Authority (WHA) Resident Commissioner, is stepping down from his position due to health issues. Jonathan Bickerstaff, another resident of WHA, has agreed to serve in his place. Commissioner Ruth Sutton, WHA's Vice Chairman, is resigning after serving many years on the Waxahachie Housing Authority Board of Commissioners, effective April 30, 2023. The Board of Commissioners is encouraged by HUD to have an inclusive board that will help reflect and properly represent the community. The WHA staff recommend Andrew Henderson to serve in Ms. Sutton's place and he has agreed.



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, AICP Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: May 1, 2023
Re: Consider Ordinance Revising Development Fees

Recommended Motion: "I move to approve the ordinance revising development fees as presented and authorize the City Manager and or Mayor to execute all necessary documents."

Item Description: Consider approving an ordinance revising development fees associated with Building and Community Services Fees, Subdivision and Development Fees, Utility Service Fees, and Fire Inspection and Plan Review Fees as previously discussed at the City Council Workshop on January 25, 2023.

Item Summary: This fee increase brings the City of Waxahachie's development fees in line with those of surrounding communities and allows the City to continue the level of service provided to citizens and developers for projects throughout the City. A comprehensive analysis has been completed and presented to the Council at the January workshop comparing development fees to surrounding cities' fees. The proposed fees provide emphasis on the increase of development fees, while maintaining fees for small project permit types and provides for minimal impact to residents requiring permits.

The last building fee revision was done in 2019. Plan review and inspection fees were minimal at that time and have been updated to include fire sprinkler and fire alarm review. The Development fees located in the Subdivision Ordinance were last updated in the 2001 ordinance adoption.

Fiscal Impact: As discussed in the City Council Workshop, this change will not increase any expenses, but will increase revenue to help staff maintain high levels of service for development projects.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11 BUILDING AND COMMUNITY SERVICES FEE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE; AND AMENDING APPENDIX C-SUBDIVISION, CHAPTER VII-FILING FEES AND PLAT SUBMISSION REQUIREMENTS, SECTION 7.2 SCHEDULE OF FILING FEES; AND ASSOCIATED DEVELOPMENT FEES; AND AMENDING CHAPTER 33 ARTICLE II. – RATES AND CHARGES; AND SETTING AN EFFECTIVE DATE OF MAY 1, 2023.

WHEREAS, the City Council of the City of Waxahachie has adopted a fee schedule, which is to be amended with updated fees. This revision amends the existing Code of Ordinances Chapter 11; and

WHEREAS, the City Council of the City of Waxahachie has adopted a fee schedule, which is to be amended to include revised and additional fire review and inspection fees. This revision amends the existing Code of Ordinances Chapter 11; and

WHEREAS, additionally, while Appendix C Subdivisions of the City of Waxahachie remains intact, the fee schedule of Section 7.2 is to be amended accordingly; and

WHEREAS, the existing Development Fees are to be included in Section 11-2 Subdivision and Development Fee Schedule.

WHEREAS, the existing Rates and Charges of Chapter 33- Utilities Article II- Rates and Charges are to be amended to include updated fees and charges.

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

SECTION 1. Existing Chapter 11, “Building and Community Services Fee Schedule,” of the Code of Ordinances of the City of Waxahachie, Texas, is hereby repealed in its entirety and is replaced to read as follows:

“CHAPTER 11” FEE SCHEDULE

Building, Community Services, and Fire Fees Schedule.

<u>Building Inspection Fees</u>	<u>Amount</u>
Building Permit -	\$0.60 per sf for permit
Includes New Construction, Additions, Alterations & Accessory Bldgs.	\$0.15 per sf for plan review

** Note: Value for building permits is based on the latest building valuation table created by the International Code Council (ICC) which utilizes regional building valuation data (see Valuation Table).*

MEP Fee Associated w/ a Building Permit

Building Mechanical Fee	\$75
Building Electrical Fee	\$75
Building Plumbing Fee	\$75

MEP Fee NOT Associated w/ a Building Permit

Mechanical Permit Fee	\$75
Electrical Permit Fee	\$75
Plumbing Permit Fee	\$75

Certificate of Occupancy	\$75
In-Ground Swimming Pool	\$250
Above-Ground Swimming Pool	\$100
On-Site Sewer Facility	\$250
Irrigation	\$75
Temporary Building	\$75
Moving Permit	\$100
Fence	\$75
Demolition	\$75

Burn Permit	\$150 per Day
Fireworks Display	\$100
Access Control Gates	\$75
Temporary Tents and Membrane Structures	\$75 per structure
Spray Booth/Dipping Operations	\$75
Underground Storage Tank Installation and/or Removal	\$125 per tank
Standpipe Systems	\$75 per system
Automatic Sprinkler Systems	\$125 underground
	\$75 1-20 heads
	\$125 21-100 heads
	\$200 101-300 heads
	\$375 301-500 heads
	\$400 501-1000 heads
	Over 1000 heads add. \$0.50 per head

Fire Alarm Installation	\$50 1-10 devices
	\$75 11-25 devices
	\$150 26-100 devices
	\$200 101-200 devices
	\$300 201-400 devices
	Over 400 devices add. \$1.00 per device
Day Care Permit/Inspections	\$75
Chemical Extinguishing System	\$75
Foster Home Inspections	\$75
Fire Pumps	\$100
LPG Tank Storage	\$100 per tank
Signs Temporary/Promotional:	\$30
Pole/Monument:	\$75
Wall / Development / Real Estate:	\$50

Convenience Charge An additional third-party fee may be charged for online payments.

Temporary Use (events, tent sale, carnival, etc.) \$75

Roofing \$75

Garage Sale \$5

Estate Sale \$25

Miscellaneous (fee for work not listed) \$75

Contractor Registration \$50

Supplemental Plan Review \$50/hour

min. 2 hrs. for single-family residential / min. 3 hrs. for non-single-family

Re-Inspection \$75

Work Without a Permit Two times (2x) original permit fee

Refunds *plan review fees are non-refundable

Food Establishment Fees

Amount

Permanent Food Establishment

Facilities w/ 1,000 or less sf: \$125

Facilities w/ 1,001 to 5,000 sf: \$175

Facilities w/ 5,001 to 10,000 sf: \$225

Facilities w/ 10,001 or more sf: \$300

Mobile Food Establishments \$150

Nonpermanent Food Establishments \$120

Temporary Food Establishments

Temperature Controlled: \$60

Pre-Packaged: \$25

Seasonal Food Establishments \$60

Farmers Market \$30

Re-Issuance of Permit after Expiration \$25

Additional Printed Permits \$5 per copy

Nonprofit Organizations \$60

APPENDIX C SUBDIVISIONS

Existing Appendix C Subdivisions of the City of Waxahachie remains intact, the fee schedule of Section 7.2; and existing Development Fees are to be included in the Subdivision Ordinance, and is to read as follows:

Subdivision and Development Fee Schedule.

	Amount
Land Use Study:	\$250.00 Plus \$10.00 per lot.
Plat/Final Plat*:	\$500.00 Plus \$10.00 per lot.
Development Plat:	\$250.00 Plus \$25.00 per lot.
Replat:	\$500.00 Plus \$10.00 per lot
Amended Plat	\$350.00 Plus \$10.00 per lot.
Plat Vacation:	\$300.00
Administrative Plat:	\$250.00 Plus \$5.00 per lot.
Preliminary Plat:	\$500.00* Plus \$35.00 per acre.
Plat Filing (i.e., at the County): Subject to Ellis County Recordation Fees	
Infrastructure Inspection Fee: percentage total infrastructure cost 3.5% Public Works Inspection	
Overtime Rates for non-business hours and weekend inspections of \$50/hr. with 4 hours minimum.	
Public Infrastructure Construction Plans Review: \$500 for the first 3 reviews; \$250 for each additional review	
Change Street Name (after plat approval) for each name changed \$100.00	
Landscape/Irrigation Plan (for required landscaping and for any proposed living screens, subdivision entrance landscaping, landscaping in the right-of-way and on medians, etc.) \$100.00	
In addition to any other fees, a \$2,500.00 deposit will be paid at the time of submission of a plat for review by City Consultants of any facilities agreement and/or civil construction plans. At the time of final approval of any given plat, the deposit will be adjusted up or down based on the actual cost of review(s) by the City Consultants. An invoice for costs over \$2,500.00 will be provided to the applicant or a refund to the extent that actual costs are less than \$2,500.00.	

***Note: The Preliminary Plat and Final Plat fees have been determined proactively for when in the future the Subdivision Ordinance is amended to reflect the forthcoming processes.**

<u>DEVELOPMENT FEES:</u>	<u>Amount:</u>
Zoning District Change	\$500.00 Plus \$10.00 per acre
Planned Development	\$1,000.00 Plus \$20.00 per acre
Site Plan	\$500.00
Amended Site Plan	\$250.00
Specific Use Permit	\$500.00 Plus \$10.00 per acre
Amended SUP	\$500.00 Plus \$10.00 per acre
Variances/Waivers	\$250.00
Annexation	\$500.00
De-Annexation	\$500.00

CHAPTER 33- UTILITIES ARTICLE II**Utility Service Fee Schedule.**

Existing Chapter 33-Utilities ARTICLE II for the City of Waxahachie – Rates and Charges; are to be revised and is to read as follows:

Tap Fees

All costs the responsibility of the Property Owner / Developer and Contractor

Meter Selection

Meter size determined by Plumbing Engineer of the Property Owner / Developer. Utility Director has the final approval on required meter size for all projects

<u>Meter Set Fee</u>	<u>Meter W/Sensor</u>	<u>Box Fee</u>	<u>Set Fee</u>	<u>Total</u>
5/8 X ¾	\$285.00	\$185.00	\$130.00	\$600.00

One inch and larger: Cost of materials and labor to be provided by the private property owner / private developer and the registered utility contractor.

Street Cut Fee**Asphalt**

Cost of materials and labor to be provided by the private property owner / private developer and the utility contractor.

Concrete

Cost of materials and labor to be provided by the private property owner / private developer and the utility contractor.

Road Boring

Cost of materials and labor to be provided by the private property owner / private developer and the utility contractor.

Miscellaneous Fees

Locate/Remove Meter \$375.00

Bull Head One Inch \$850.00

Utility Investigations \$125.00

ROW Permit for Public Infrastructure (Water, Sewer, Drainage, Street Repair) 3.5% of Public Infrastructure Cost (\$150.00 minimum fee).

Pre-Treatment

Permit (5-Year) \$140.00

Surcharge Fees

BOD \$0.28 per lbs

TSS \$0.28 per lbs

FOG \$0.25 per lbs

Industrial Sampling \$125.00

Waste Hauler Permit

First Truck \$155.00

Each Addt. \$95.00

(18)

Meter Testing

Test Fee \$50.00 plus the cost of test (per test) up front. If meter is found faulty, the cost of the test and fee will be reimbursed to the customer in the form of a water bill credit

Cut off Valve Replace \$130.00 plus cost of materials

Meter Box Replace \$130.00 plus cost of materials

SECTION 2. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS THE 1ST DAY OF MAY, 2023.

APPROVED:

DAVID HILL, MAYOR

ATTEST:

AMBER VILLARREAL, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT BROWN, CITY ATTORNEY



(19)

Memorandum

To: Honorable Mayor and City Council

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

Thru: Michael Scott, City Manager

Date: May 1, 2023

Re: Consider Authorizing Contracts and Approving a Budget Amendment for the Engineering and Construction of an 8-inch Water Line along McLane Street

Recommended Motion: "I move to authorize contracts for the engineering and construction of an 8-inch water line along McLane Street and approve a budget amendment from the Water Utility Fund working capital not to exceed \$360,000 and authorize the City Manager to execute any documents necessary to complete the project."

Item Description: Consider authorizing the City Manager to negotiate, prepare and execute any contracts/documents necessary for the engineering and construction of an 8-inch water line along McLane Street. Also, consider approving a budget amendment from the Water Utility Fund working capital of \$360,000 to fund the project.

Item Summary: The project is for the engineering and construction of approximately 650 linear feet of a new 8-inch diameter water line, two hydrants, and appurtenances along McLane Street. The new 8-inch line will replace a 2-inch water line and connect to a 4-inch water line along Oldham Street and a 2-inch water line at the end of McLane Street. City staff will engage an engineer to prepare construction plans and bid the project. The estimated total project cost is expected not to exceed \$360,000.

Fiscal Impact: This project is not currently within the 2023 budget and will require additional funding to be appropriated. The Water Utility Fund has sufficient working capital for this \$360,000 budget amendment and is the recommended source to fund this project.



McLane St Proposed 8-inch Water Line

LEGEND

●	ssManhole
—	ssMain
—	COWGIS.DBO.wMain
	Parcels

This information is designed for illustrative purposes only. The features depicted here are generalized. Every effort is made to ensure the information displayed here is accurate however, the City of Waxahachie makes no claims to its accuracy or completeness.





Memorandum

To: Honorable Mayor and City Council

From: Warren Kettelman, Senior Economic Development Director

Thru: Michael Scott, City Manager

Date: May 1, 2023

Re: Consideration of Resolution Reauthorizing the Guidelines and Criteria
(Policy) for Governing Economic Development Incentives

Recommended Motion: "I move to approve a Resolution reauthorizing the guidelines and criteria for governing economic development incentives."

Item Description: Consideration of a Resolution reauthorizing the guidelines and criteria (policy) for governing economic development incentives. Texas State Tax Code Chapter 313 requires that local governments review and renew their guidelines and criteria for governing economic development incentives every two (2) years.

Item Summary: The policy was reviewed and updated with several changes in 2021. Staff has reviewed the current policy and does not recommend any changes.

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

RESOLUTION NO.

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

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

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

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

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

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

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

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

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

Section 3. That such guidelines and criteria shall be effective for two (2) years from May 1, 2023 and may only be amended or repealed by a three-fourths vote of the City Council.

PASSED AND APPROVED this 1st day of May, 2023.

MAYOR

ATTEST:

City Secretary

Exhibit "A"

CITY OF WAXAHACHIE, TEXAS POLICY ON ECONOMIC DEVELOPMENT INCENTIVES

I. PURPOSE AND OBJECTIVE

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

II. DEFINITIONS

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

- F. **Reinvestment Zone** means an area designated in accordance with the Property Redevelopment and Tax Abatement Act by the City of Waxahachie.

III. CRITERIA FOR ECONOMIC DEVELOPMENT INCENTIVES

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

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

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

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

IV. TYPES OF INCENTIVES

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

The criteria outlined in Section III above will be used to determine whether it is in the best interest of the City of Waxahachie to provide any economic development incentives to a particular applicant. The degree

to which the specified project furthers the goals and objectives of the City of Waxahachie and the relative impact of the specified project will be used to determine the total value of the incentives provided. As a general rule, no tax abatement will be provided to any applicant in an amount exceeding the value of the following:

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

V. APPLICATION PROCEDURES

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

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

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

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

Once the application has been received, the information submitted will be reviewed for completeness and accuracy. The application will then be distributed to the appropriate departments for internal review

and comments. Following staff review, copies of the complete application package and staff comments will be provided to the Economic Development Commission and subsequently to City Council. The Economic Development Commission will meet to discuss the proposal at a work session prior to making a formal recommendation to the City Council.

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

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

- A. Description of the type of incentive to be provided and its duration.
- B. Legal description of the property to be designated as a reinvestment zone.
- C. Detailed information regarding the type, number, location, and costs of planned improvements.
- D. A statement that actual construction of improvements will begin no more than twelve (12) months from the date tax abatement is approved. In the event of non-compliance with this provision, the application shall be null and void with the right to reapply.
- E. A statement granting the access to and inspection of the property and proposed improvements by City inspectors and officials to ensure that the improvements or repairs are made according to specifications and conditions of the agreements.
- F. A statement limiting the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- G. A statement providing for the recapturing of property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.

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

- A. If the owner of the property fails to create all or a portion of the number of new jobs provided

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

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

In accordance with Chapter 2270 of the Texas Government Code (as amended by Tex. H.B. 793, 86th Leg., R.S. (2019)), the agreement must also contain a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the agreement has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the OWNER is not subject to Chapter 2270 for the reasons stated herein, the signatory executing the Agreement on behalf of the OWNER must verify that the OWNER does not boycott Israel and will not boycott Israel during the term of the agreement.

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

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

VI. COMPLIANCE AUDITS, REVIEWS AND INSPECTIONS

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

VII. AMENDMENTS TO THESE GUIDELINES AND CRITERIA

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

VIII. EFFECTIVE DATE

These guidelines and criteria adopted herein shall be effective for two (2) years from May 1, 2023 unless otherwise repealed in their entirety or amended by three-fourth (3/4ths) vote of the City Council.

PASSED and APPROVED this 1st day of May, 2023.

MAYOR

ATTEST:

CITY SECRETARY