

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Monday, November 20, 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 November 6, 2023
- b. Minutes of the Waxahachie City Council, Midlothian City Council, and Mid-Way Airport Board Joint Work Session of November 8, 2023
- c. Consider proposed Ordinance approving a request by Go Hard Properties LLC for a Petition for ETJ Release for approximately 1.47 acres, located at 1201 Lone Elm Road (Property ID 194920) – Owner: Go Hard Properties LLC (ETJ-PTN-164-2023)
- d. Consider proposed Ordinance approving a request by Jose Herrera for a Petition for ETJ Release for approximately 11.14 acres, located at 279 Mustang Road (Property ID 275564) – Owner: Jose Herrera (ETJ-PTN-165-2023)
- e. Consider proposed Ordinance approving a request by Boomerang Waxahachie LLC for a Petition for ETJ Release for approximately 191.776 acres, located at 2750 FM 878 (Property ID: 179007 and 280264) – Owner: Boomerang Waxahachie LLC (ETJ-PTN-166-2023)
- f. Consider proposed Ordinance approving a request by Turnerville Holdings LLC, for a Petition for ETJ Release for approximately 10.249 acres, located directly east of 1500 FM 387 (Property ID 289944) – Owner: Turnerville Holdings LLC (ETJ-PTN-167-2023)


- g. Consider proposed Ordinance approving a request by Nathan & Katherine Wilson for a Petition for ETJ Release for approximately 1.970 acres, located at 537 Youngblood Road (Property ID 208949) – Owners: Nathan & Katherine Wilson (ETJ-PTN-168-2023)
 - h. Consider proposed Ordinance approving a request by Jesus & Johanna Sigala for a Petition for ETJ Release for approximately 5.39 acres located at 411 FM 879, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 283721 & 283722) – Owner: Jesus H. Sigala-Mendoza & Johanna H. Sigala (ETJ-PTN-172-2023)
 - i. Consider proposed Ordinance approving a request by GRBK Edgewood LLC for a Petition for ETJ Release for approximately 3.004 acres, located at 1041, 1231, and 1415 Gibson Road (Property ID: 215706, 219099, and 219182) – Owner: GRBK Edgewood LLC (ETJ-PTN-177-2023)
 - j. Receive and accept the FY 2022-2023 Impact Fee Revenue and Expenditure Activity Report
 - k. Bid award for the Synthetic Turf Improvements Project Phase IV at the Sports Complex in the amount of \$647,743
 - l. Approve contract with A.C.E.S. Art LLC for downtown mural program and authorize funding from the Waxahachie Community Development Corporation (WCDC) unrestricted reserves up to \$100,000
 - m. Set City Council meeting dates of January 2, 2024 and January 22, 2024
6. **Present** Proclamation recognizing November 15, 2023 as “GIS Day”
 7. **Present** Proclamation recognizing the Salvation Army's 15th Annual Mayoral Challenge from early November-December 24th
 8. **Public Hearing** on a request by Maxwell Fisher, ZoneDev, for an Amendment to Ordinance 2281 to allow for revised development standards and a detailed site plan within an approved Planned Development located southwest of the intersection of FM 878 and FM 879 (Property ID: 290675) – Owner: ASD Waxi Fee Owner LLC (ZDC-69-2023)
 9. **Consider** proposed Ordinance approving ZDC-69-2023
 10. **Public Hearing** on a request by Katy Dockery, HKS Inc., for a Site Plan for the Baylor Scott & White Hospital Tower Expansion II, located at 2400 N Interstate 35E (Property ID: 180334) – Owner: Baylor Health Care System (SP-141-2023)
 11. **Consider** approval of SP-141-2023
 12. **Consider** Development Agreement for SP-141-2023
 13. **Consider** the award of a construction contract to Mann Robinson & Son, Inc. for the South Prong Dam Miscellaneous Repairs Project
 14. **Consider** proposed Ordinance amending Chapter 4 - Alcoholic Beverages of the Waxahachie Code of Ordinances
 15. **Consider** proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for the years 2024-2025

16. ***Convene*** into Executive Session for:
 - a. Consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code
 - b. Deliberation regarding Economic Development Negotiations as permitted by the Texas Government Code, Section 551.087
17. ***Reconvene*** and take any necessary action
18. Comments by Mayor, City Council, City Attorney and City Manager
19. 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

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall, City of Waxahachie, Texas, a place readily accessible to the general public at all times, on November 17, 2023 at 9:30 a.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Amber Villarreal, TRMC, CMC
City Secretary

(5a)

City Council
November 6, 2023

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, November 6, 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
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Richard Cody, Remedy Church, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Zac Barrington, 321 Ash Drive, Waxahachie, Texas, thanked City Council for allowing him to serve as Honorary Council Member for the month of October. He presented Patrick Souter with a token of appreciation.

Madeline Bracken, North Grove Subdivision, Waxahachie, Texas, expressed her concerns with pedestrian safety on North Highway 77. She noted there are not sidewalks or crosswalks for pedestrians.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 16, 2023
- b. Event application for Walk in Love Block Party to be held November 11, 2023 at Oak Lawn Park
- c. Event application for Secret Life of Pets Adoption event to be held November 18, 2023 at Railyard Park
- d. Event application for First we run, then we Feast to be held November 23, 2023
- e. Proposed Ordinance approving a request by Oak Creek Ranch Phase 2 and Oak Creek Ranch Phase 2A Series of EIS Development II LLC for a Petition for ETJ Release for approximately 155.27 acres, located at 5049 East FM 875 (Property ID 179473) – Owner: Oak Creek Ranch Phase 2 and Oak Creek Ranch Phase 2A Series of EIS Development II LLC (ETJ-PTN-151-2023)

- f. Proposed Ordinance approving a request by Molly Investments, LLC for a Petition for ETJ Release for approximately 1.54 acres, located at 3941 South Highway 287 (Property ID 147361) – Owner: Molly Investments, LLC (ETJ-PTN-156-2023)
- g. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- h. Contract between City of Waxahachie and Philip Taft and Associates related to services provided for Emergency Responders and their families for a Mental Health Program
- i. Proposed Resolution authorizing the City of Waxahachie to execute an agreement with the Texas Department of Transportation for grant funds for the Routine Airport Maintenance Program

ORDINANCE NO. 3419

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 155.27 ACRE TRACT OF LAND, LOCATED AT 5049 E FM 879, KNOWN AS PROPERTY ID 179473, 198016, 242477 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3420

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.54 ACRE TRACT OF LAND, LOCATED AT 3941 SOUTH HIGHWAY 287, KNOWN AS PROPERTY ID 198475, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

RESOLUTION NO. 1354

A RESOLUTION OF THE CITY OF MIDLOTHIAN AND CITY OF WAXAHACHIE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDS FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM; PROVIDING AN EFFECTIVE DATE.

Action:

Billie Wallace moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

6. Introduce Honorary Council Member

Mayor Hill announced there is not an Honorary Council Member for November.

7. Present Proclamation recognizing November 6-10, 2023 as "Municipal Court Week"

Mayor Hill presented a Proclamation recognizing November 6-10, 2023 as “Municipal Court Week.”

8. Hear update of activities from Sims Library

Jen Graf, Assistant Library Director, and Sarah Lucero, Children’s Program Director, provided an update of activities at Sims Library. The usage of the Library and various programs has increased. The Sims Library Bookmobile currently has had 4,318 program attendance, with 48 programs, 2,280 visitors, 97 new cards, and 108 stops. Library staff thanked City Council for their support of the Library and Bookmobile.

9. Public Hearing on a request by Kenneth Taft, Bobby Cox Companies, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Commercial (C) zoning district located at 1735 North Highway 77 (Property ID 237029)- Owner: CCP T Molly Wax 323 LP (ZDC-137-2023)

The Item was presented by Senior Planning Director Jennifer Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:28 p.m.

There being no others to speak for or against ZDC-137-2023, Mayor Hill closed the Public Hearing at approximately 7:30 p.m.

10. Consider proposed Ordinance approving ZDC-137-2023

ORDINANCE NO. 3421

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A DRIVE THROUGH ESTABLISHMENT USE (ROSA’S CAFÉ) WITHIN A PLANNED DEVELOPMENT DISTRICT – COMMERCIAL (PD-C) LOCATED AT 1735 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.562 ACRES KNOWN AS PROPERTY ID 237029, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the Ordinance for ZDC-137-2023, a Specific Use Permit for a restaurant with a Drive-Through use, subject to the conditions of the staff report with sign option 1 and authorize the City Manager and or Mayor to execute all documents necessary. Motion was seconded by Chris Wright and carried unanimously (5-0).

11. Consider approval of the contract for Short-Term Rental implementation solutions

The Item was presented by Ms. Pruitt.

Action:

Billie Wallace moved to approve a supplemental appropriation from the General Fund unrestricted reserve for \$29,178 and a contract with GovOS in the same amount for a short-term

rental compliance software system and service, and authorize the City Manager to execute all documents necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

12. Consider proposed Ordinance abandoning and vacating certain right-of-way along Virginia Avenue

The Item was presented by Executive Director of Public Works and Engineering James Gaertner.

Action:

Billie Wallace moved to approve an Ordinance abandoning right-of-way along Virginia Avenue as presented and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

13. Consider authorizing an Engineering Services Agreement Amendment No. 3 to the Wastewater Treatment Plant Phase 1 Improvements Project

The Item was presented by Senior Director of Utilities Kumar Gali.

Action:

Chris Wright moved to approve Professional Services Agreement Amendment No. 3 to Kimley-Horn and Associates, Inc. for the Wastewater Treatment Plant Phase 1 Improvements Project in an amount not to exceed \$80,000 and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

14. Consider Development Agreement with GRBK EDGEWOOD LLC, for Haven Ranch Development

The Item was presented by City Manager Michael Scott and Bobby Samuel, GRBK Edgewood, LLC, requested approval. Mr. Scott explained the development was originally approved in 2007 and the property is located within the City limits and the City's extra territorial jurisdiction.

Mr. Samuel reviewed the following from the Development Agreement:

- Four different lot types: 1-acre lots, Estate Lots, Manor Lots, and Cottage Lots
- Public Improvement District (PID) Creation
- Phased Annexation and Release from Ellis County Fresh Water Supply District No. 3
- City provides water and sanitary sewer
- Up to two school sites with conditional city flex site
- Neighborhood services +/- 6-acre retail site
- Dedication and development of Haven Park
- Two amenity center sites (primary and secondary HOA controlled)
- HOA pocket parks
- Trail connectivity

Action:

Billie Wallace moved to approve a Development Agreement with GRBK EDGEWOOD, LLC. for annexation and development of a 1,230-acre master planned community and authorize the City

Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

15. Consider proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for the years 2024-2025

The Item was presented by Mr. Scott. After a brief discussion, City Council agreed to move the Item to the November 20, 2023 City Council meeting.

Action:

Patrick Souter moved to table the consideration for the Resolution of votes cast to elect Directors for the Ellis County Appraisal District for the years 2024-2025 to the November 20, 2023 City Council meeting. Motion was seconded by Chris Wright and carried unanimously (5-0).

16. Convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

Mayor Hill announced at 8:14 p.m. the City Council would convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

26. Reconvene and take any necessary action

The meeting reconvened at 9:35 p.m.

No action taken.

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

Council Member Patrick Souter announced the Ellis County Veterans Celebration will be held on Saturday, November 11, 2023 at the Waxahachie Civic Center. He also noted the unveiling of the Chris Kyle statue will take place during the event.

Mayor Pro Tem Chris Wright thanked City staff for their work before, during, and after the Texas Country Reporter Festival.

Council Member Billie Wallace and Mayor Hill echoed Mr. Wright's sentiments. They also thanked First Responders for their service.

28. Adjourn

There being no further business, the meeting adjourned at 9:38 p.m.

Respectfully submitted,

Amber Villarreal, City Secretary City Secretary

(5b)

City Council
November 8, 2023

A Joint Special Called Meeting/Work Session of the Midlothian City Council, Waxahachie City Council, and the Joint Airport Board was held in the Waxahachie Civic Center, 2000 Civic Center Lane, Waxahachie, Texas on Wednesday, November 8, 2023 at 9:00 a.m.

Waxahachie 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
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Midlothian City Council Members Present:	Justin Coffman, Mayor Clark Wickliffe, Place 4, Mayor Pro Tem Allen Moorman, Place 1 Mike Rodgers, Place 2 Ed Gardner, Place 5 Hud Hartson, Place 6
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Midlothian City Council Member Absent:	Anna Hammonds, Place 3
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Mid-Way Regional Airport Board Members Present:	Alex Smith, Vice Chair Nanette Paghi Jennifer Chelwick Kevin Griffin
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Mid-Way Regional Airport Board Member Absent:	Morgan Whitehead
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Others Present:	Michael Scott, Waxahachie City Manager Albert Lawrence, Waxahachie Deputy City Manager Amber Villarreal, Waxahachie City Secretary Chris Dick, Midlothian City Manager Clyde Melick, Midlothian Assistant City Manager Tammy Varner, Midlothian City Secretary Joe Gorfida, Midlothian/Airport Board Legal Counsel
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Call to Order

Waxahachie Mayor David Hill, Midlothian Mayor Justin Coffman, and Airport Board Vice Chair Alex Smith called the meeting to order. Mayor Coffman provided the Invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

Citizens to be heard.

Walter Darrach, Midlothian, Texas, former Council Member and former liaison to the Joint Airport Board, requested review of the Airport Standards and Insurance Standards.

Staff presentation of the proposed amendments to the Joint Airport Agreement.

Richard Abernethy, Director of Administrative Services, presented an overview of the following:

- Joint Airport Agreement Timeline
- Joint Airport Fund
- Current Agreement Overview
- Proposed changes to the Agreement

Clyde Melick, Assistant City Manager, presented the survey results from 18 responses regarding the proposed changes to the Joint Airport Agreement.

Discuss the proposed amendments to the Joint Airport Agreement and direct staff as necessary.

Ed Gardner, Midlothian Council Member, proposed establishing a new process for selecting board members which would require approval of all board members by both City Councils. He proposed the Board serve in more than an advisory capacity by providing oversight to the Airport Manager and day-to-day operations at the Airport.

The majority consensus of the Waxahachie City Council supported the Airport Board serving as an advisory board and establishing a process for addressing issues/concerns through the Board Chair and Council liaisons.

Council Members and Airport Board Members discussed the proposed changes and provided feedback.

It was the general consensus to proceed with revising Section 10.B. of the redlined agreement and designating the Airport Board to serve in an advisory capacity.

No action taken.

4. Adjourn

There being no further business, the meeting adjourned at 10:23 a.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(54)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-164-2023



MEETING DATE(S)

City Council:

November 20, 2023

CAPTION

Consider proposed Ordinance approving a request by Go Hard Properties LLC for a **Petition for ETJ Release** for approximately 1.47 acres, located at 1201 Lone Elm Road (Property ID 194920) – Owner: Go Hard Properties LLC (ETJ-PTN-164-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-164-2023, a request by Go Hard Properties LLC, for a Petition for ETJ Release for approximately 1.47 acres, located at 1201 Lone Elm Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove thier property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Go Hard Properties LLC

Property Owner(s): Go Hard Properties LLC

Site Acreage: 1.47 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

SUBJECT PROPERTY

General Location: 1201 Lone Elm Road

Parcel ID Number(s): 194920

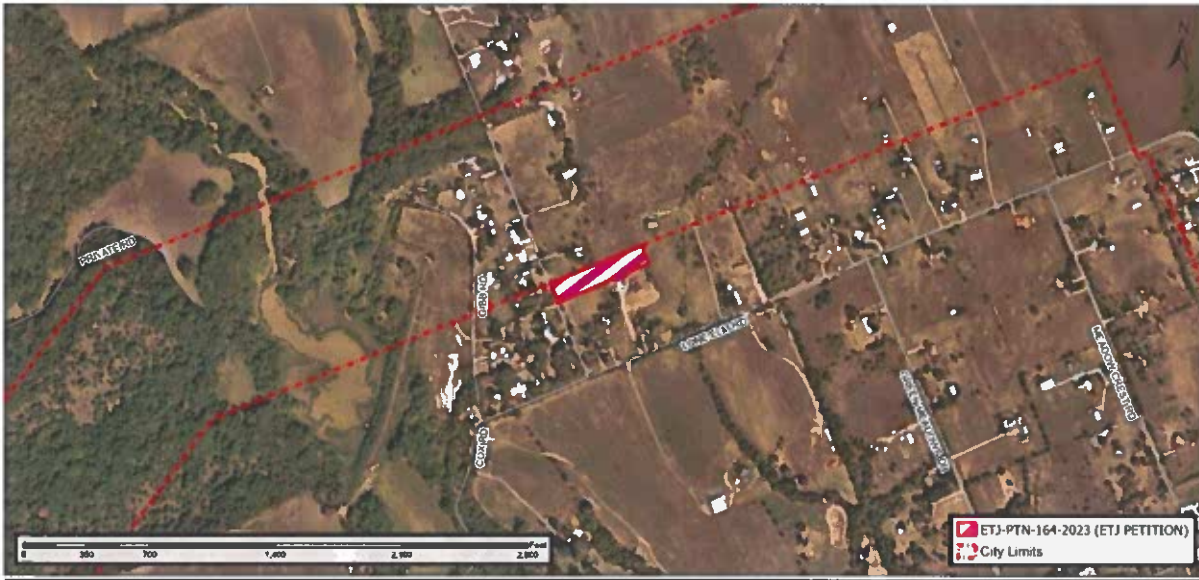
Current Zoning: ETJ

Existing Use: A single family residence currently exists on the subject property.

Platting History: The subject property is not platted.

CCN Service Area: Buena Vista-Bethel WSC

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for November 20, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

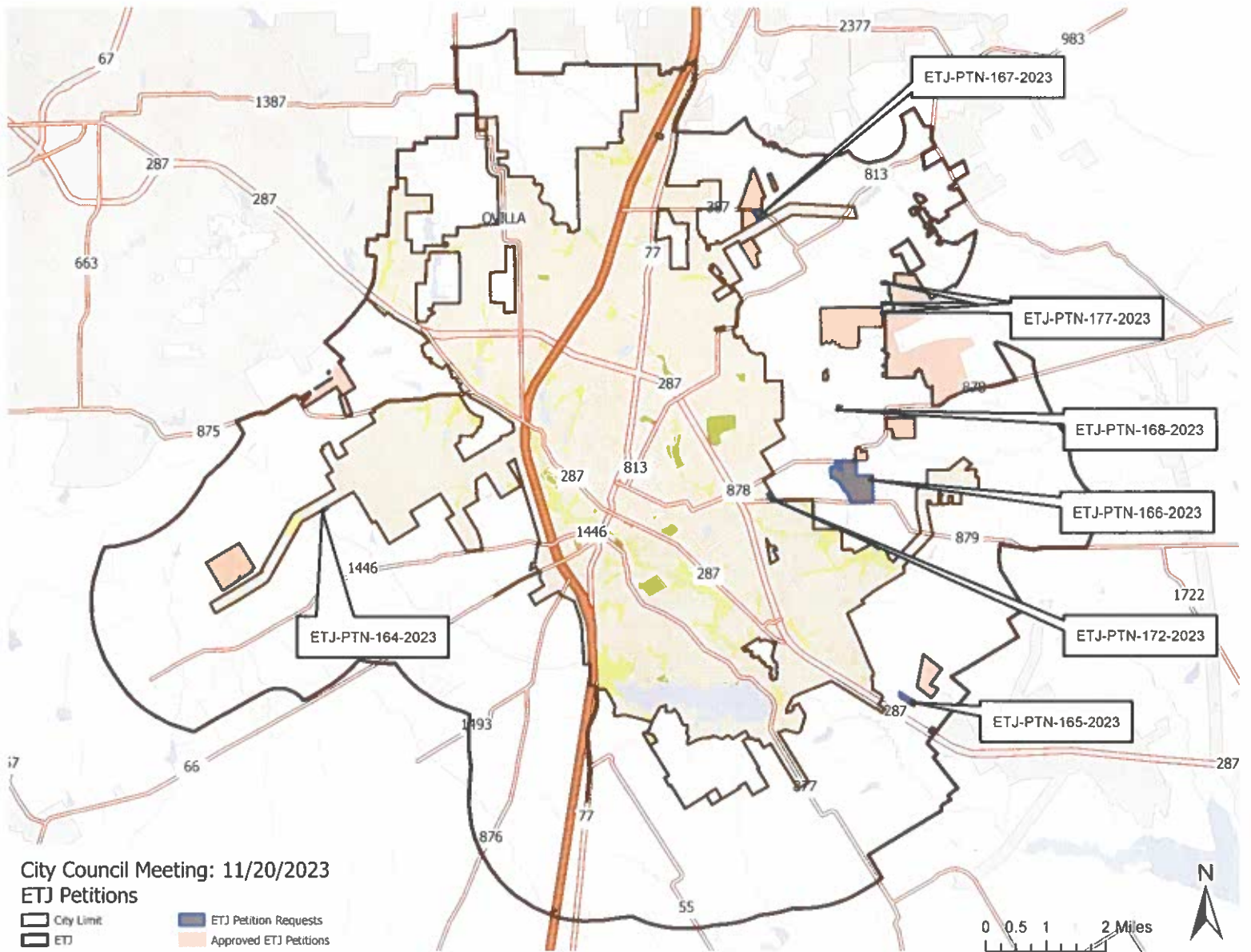
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 1.47 ACRE TRACT OF LAND, LOCATED AT 1201 LONE ELM ROAD, KNOWN AS PROPERTY ID 194920, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-164-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

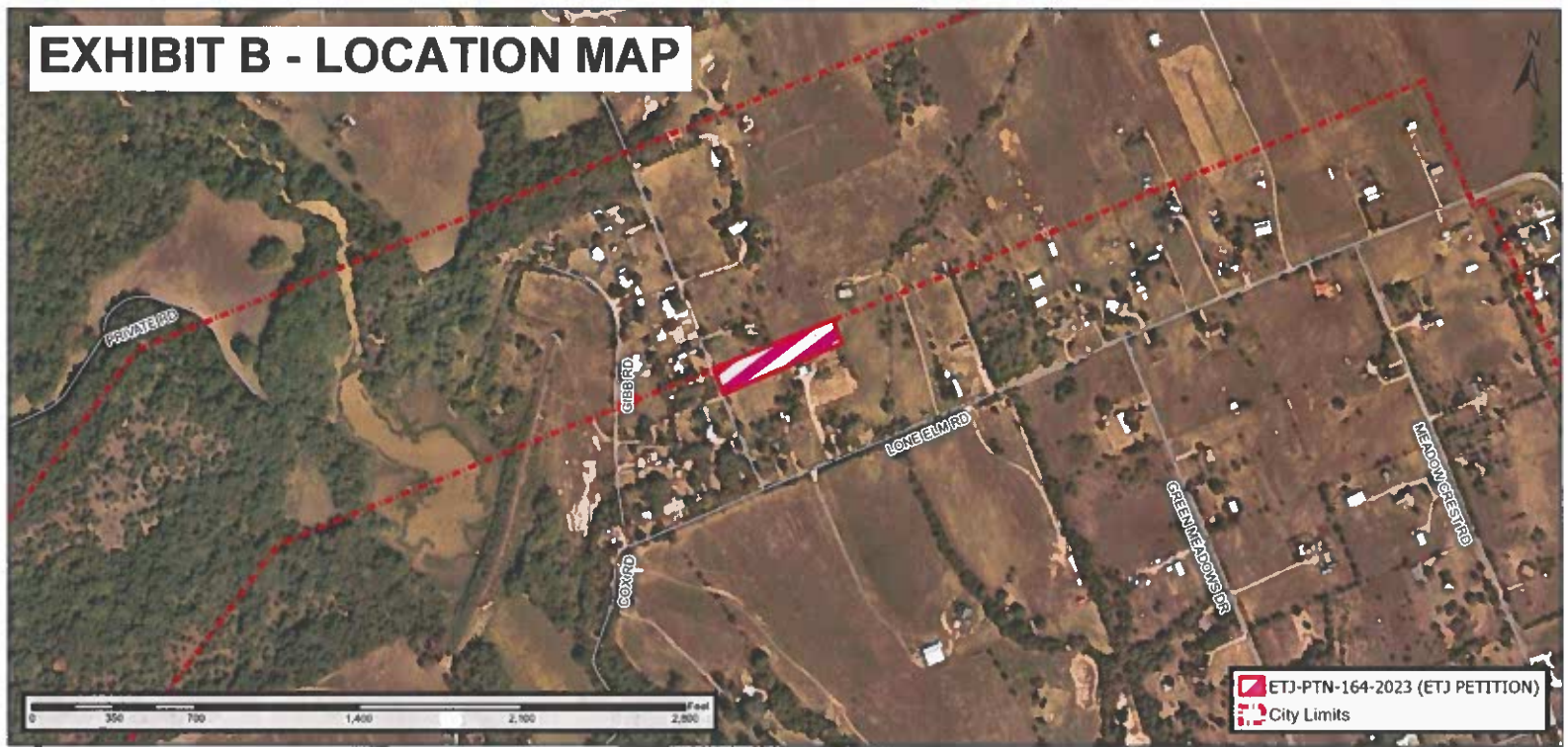
PASSED, APPROVED AND ADOPTED on this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT B - LOCATION MAP



(5A)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-165-2023



MEETING DATE(S)

City Council:

November 20, 2023

CAPTION

Consider proposed Ordinance approving a request by Jose Herrera, for a **Petition for ETJ Release** for approximately 11.14 acres, located at 279 Mustang Road (Property ID 275564) – Owner: Jose Herrera (ETJ-PTN-165-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-165-2023, a request by Jose Herrera, for a Petition for ETJ Release for approximately 11.14 acres, located at 279 Mustang Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Jose Herrera

Property Owner(s): Jose Herrera

Site Acreage: 11.14 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

SUBJECT PROPERTY

General Location: 279 Mustang Road

Parcel ID Number(s): 275564

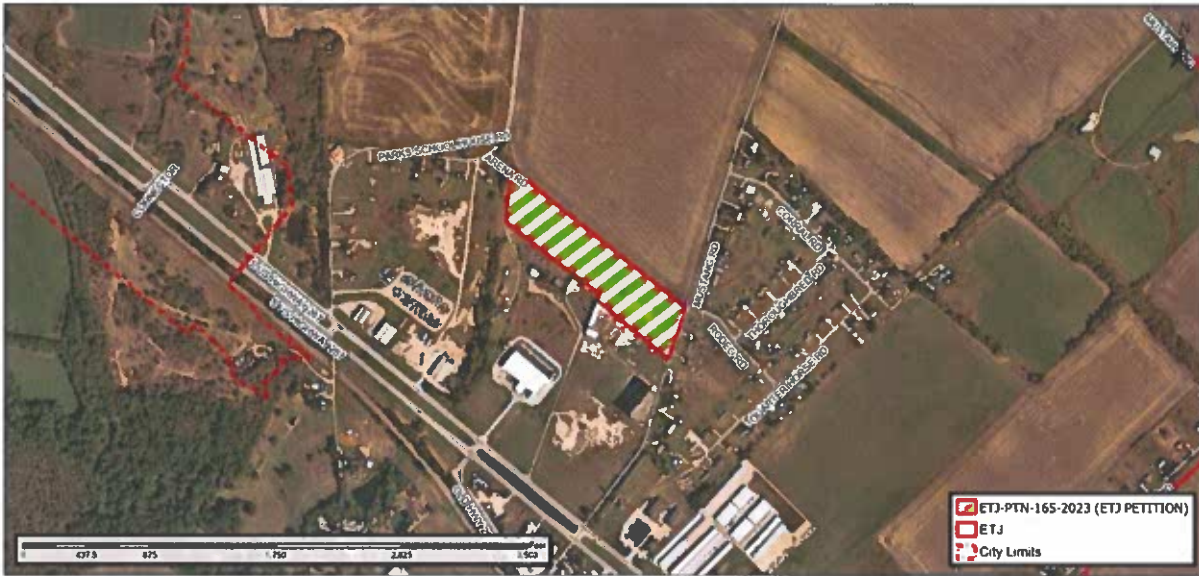
Current Zoning: ETJ

Existing Use: Two (2) storage structures currently occupy the subject property.

Platting History: The subject property is not platted.

CCN Service Area: Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for November 20, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

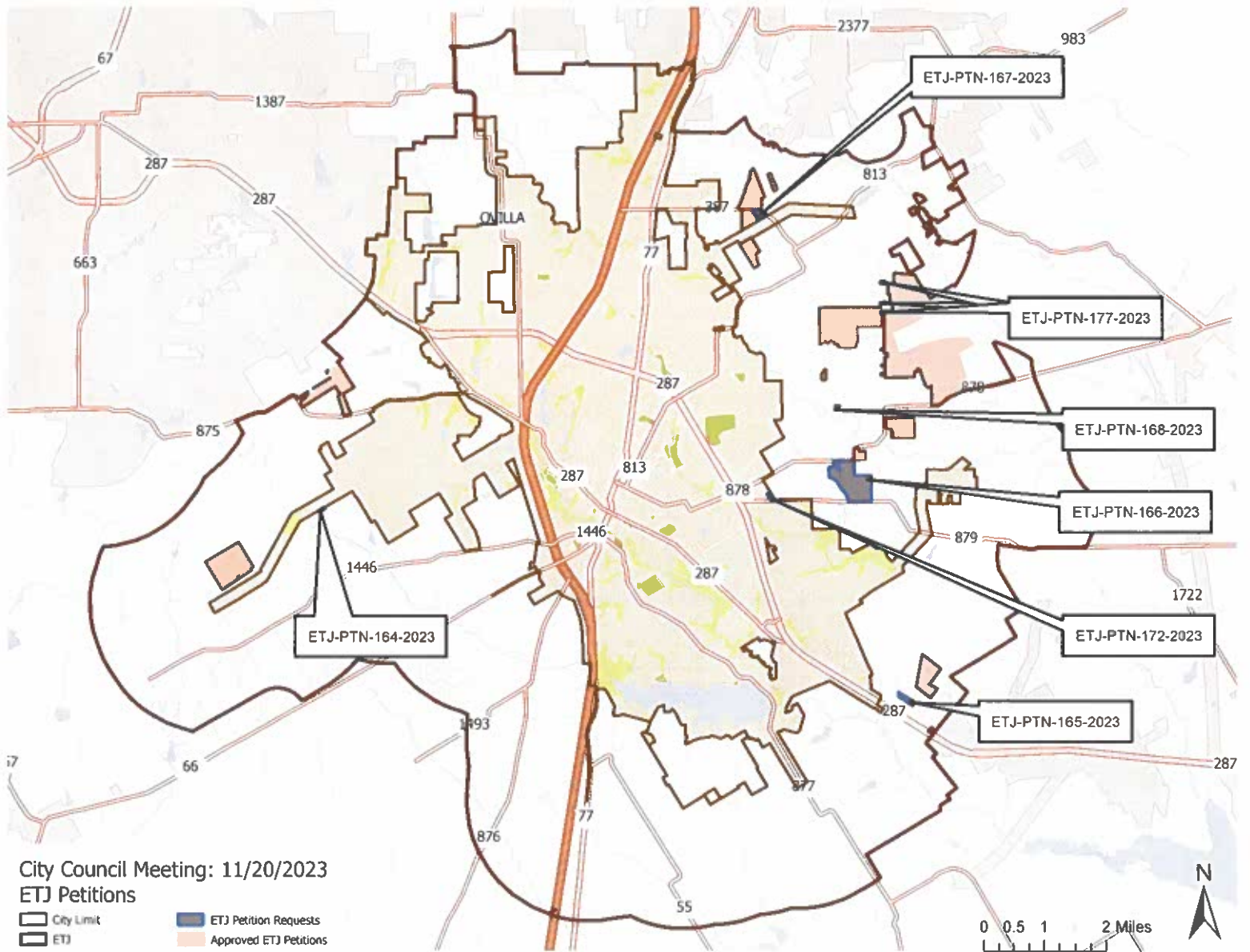
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 11.14 ACRE TRACT OF LAND, LOCATED AT 279 MUSTANG ROAD, KNOWN AS PROPERTY ID 275564, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-165-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

LAND TITLE SURVEY

MUSTANG ROAD, WAXAHACHIE, TEXAS 75165
BEING ALL THAT CERTAIN LOT TRACT OR PARCEL OF LAND LOCATED IN THE G. CARPENTER SURVEY, A-100,
ELLIS COUNTY, TEXAS BEING DESCRIBED AS PART OF A CALLED 40.071 ACRE TRACT OF
LAND DESCRIBED IN DEED TO STANLEY GROUP, L.L.C.-SERIES 3633 S HIGHWAY 287 RECORDED
IN INSTRUMENT # 1833023 OF THE DEED RECORDS ELLIS TEXAS (DEED).

G. CARPENTER
SURVEY A-190

SHIRLEY
SPALLET
117 53 200
212 218

BASIS OF BEARINGS
TEXAS COORDINATE
SYSTEM NORTH
CENTRAL ZONE NAD 83

SLIDEWAYS NOTES

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CARY L STARDIA RPLS - 4207
JUL 11 1968 JUL 10 1968

✓ 304 and 304075 are left



HARDIN SURVEYING

PO BOX 687
MABANK, TEXAS 76147
(803) 687-6874
FIRM# 10114700

DATE RECEIVED BY THE OFFICE OF THE
CLERK OF THE COURT
FBI BUREAU - JUNE 1968
FBI BUREAU - JUNE 1968

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-166-2023



MEETING DATE(S)

City Council:

November 20, 2023

CAPTION

Consider proposed Ordinance approving a request by Boomerang Waxahachie LLC, for a **Petition for ETJ Release** for approximately 191.776 acres, located at 2750 FM 878 (Property ID: 179007 and 280264) – Owner: Boomerang Waxahachie LLC (ETJ-PTN-166-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-166-2023, a request by Boomerang Waxahachie LLC for a Petition for ETJ Release for approximately 191.776 acres, located at 2750 FM 878, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove thier property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Boomerang Waxahachie LLC

Property Owner(s): Boomerang Waxahachie LLC

Site Acreage: 191.776 acres

Number of Parcels: 2 parcels

Number of Dwelling Units: 1 unit

SUBJECT PROPERTY

General Location: 2750 FM 878

Parcel ID Number(s): 179007 and 280264

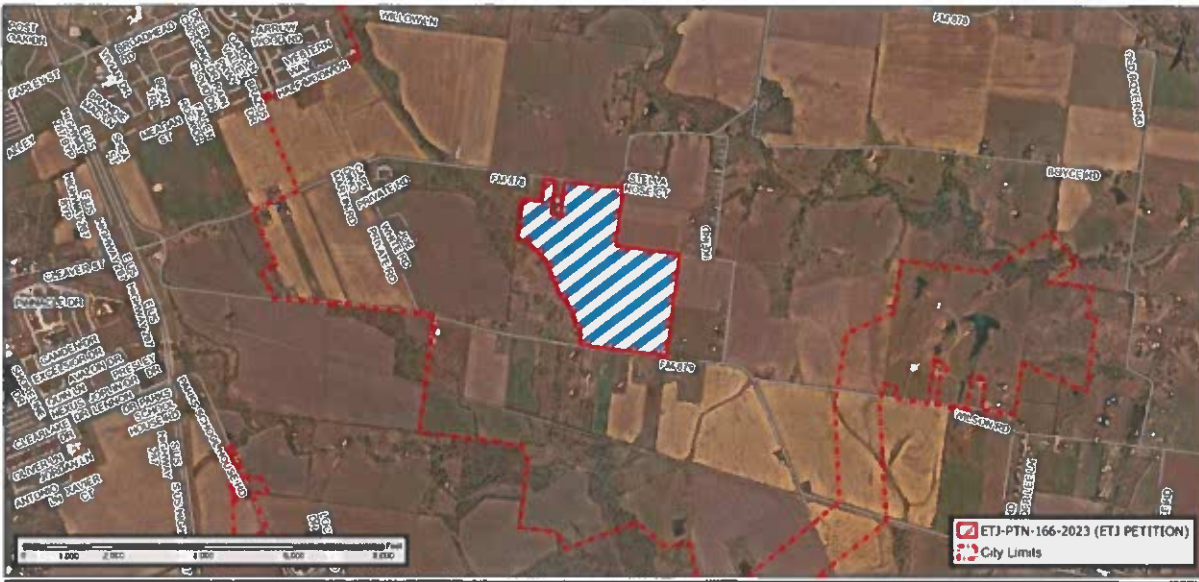
Current Zoning: ETJ

Existing Use: A single family residence and an airstrip currently exists on the subject property.

Platting History: The subject property is not platted.

CCN Service Area: Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for November 20, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

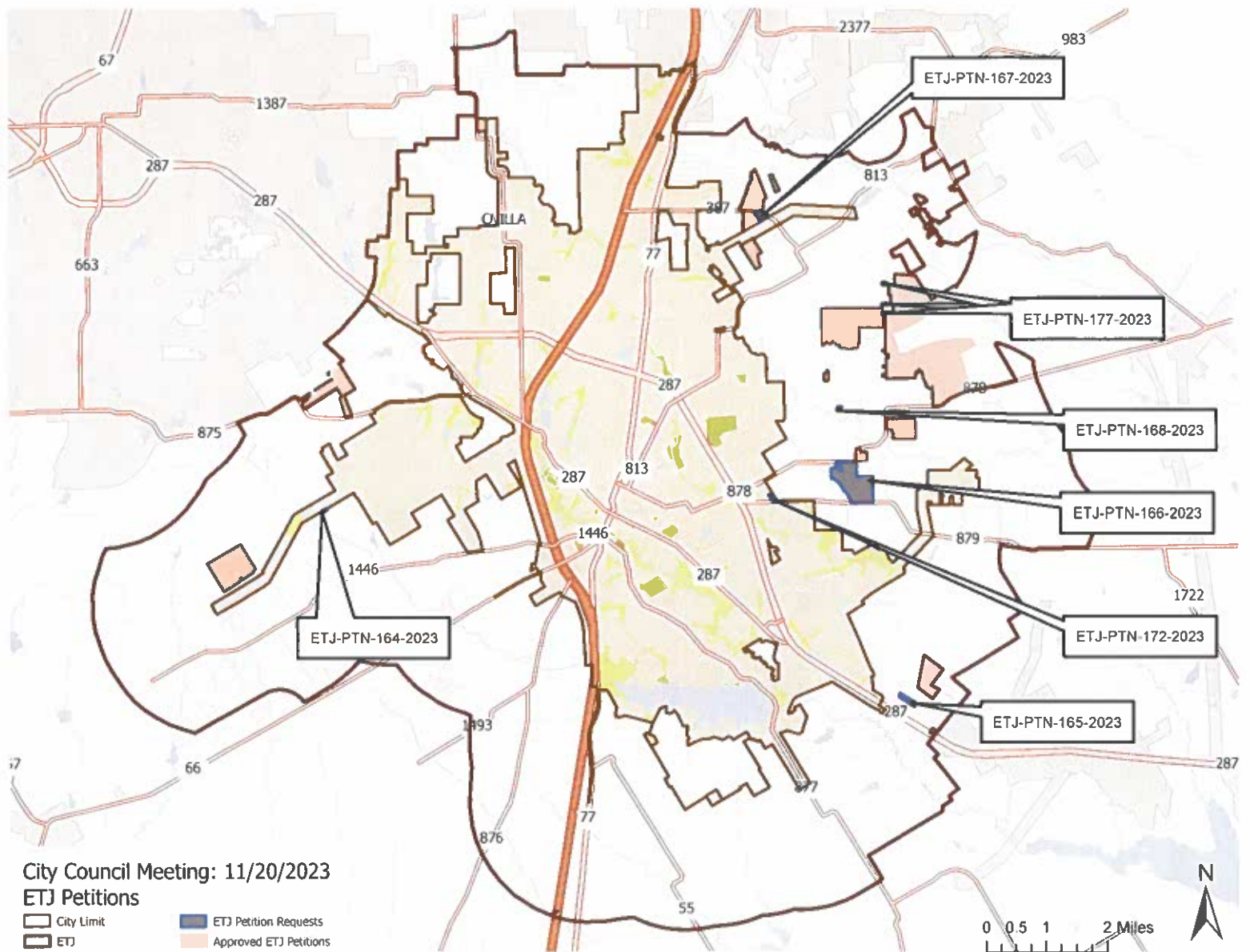
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 191.776 ACRE TRACT OF LAND, LOCATED AT 2750 FM 878, KNOWN AS PROPERTY ID 179007 and 280264, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-166-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LEGAL DESCRIPTION

EXHIBIT "A"

Legal Description and Map of the Property

BEING all that parcel of land located in the City of Waxahachie's ETJ, Ellis County, Texas and being a part of the John B Adams & Ann Adams Survey, Abstract No. 5, being a part of that called 25.0 acre tract of land described in deed to Happy State Bank and Trust Company, Trustee of the Hurn Family Trust recorded in County Clerk's Instrument Number 2013544, Real Property Records Ellis County, Texas, all of that called 2.0 acre tract of land described in deed to Happy State Bank and Trust Company, Trustee of the Hurn Family Trust recorded in County Clerk's Instrument Number 2013545, Real Property Records Ellis County, Texas, a part of that called 46.512 acre tract of land described in deed to Happy State Bank and Trust Company, Trustee of the Hurn Family Trust recorded in County Clerk's Instrument Number 2013546, Real Property Records Ellis County, Texas, all of that called 2.76 acre tract of land described in deed to Happy State Bank and Trust Company, Trustee of the Hurn Family Trust recorded in County Clerk's Instrument Number 2013547, Real Property Records Ellis County, Texas, all of that called 70 acre tract of land described in deed to Happy State Bank and Trust Company, Trustee of the Hurn Family Trust recorded in County Clerk's Instrument Number 2013548, Real Property Records Ellis County, Texas, all of that called 48.97 acre tract of land described in deed to Happy State Bank and Trust Company, Trustee of the Hurn Family Trust recorded in County Clerk's Instrument Number 2013549, Real Property Records Ellis County, Texas, and being further described as follows:

BEGINNING at a one-half inch iron rod found at the southeast corner of said 70 acre tract of land, said point being at the southwest corner of that tract of land described in deed to Roger C Vincell recorded in County Clerk's Instrument Number 1821042, Real Property Records Ellis County, Texas and said point being in the north line of Farm-to-Market Highway No. 879 (a variable width right-of-way);

THENCE along the north right-of-way line of Farm-to-Market Highway No. 879 as follows: South 88 degrees 20 minutes 46 seconds West, 1,336.57 feet to a three-eighths inch iron rod found at the southwest corner of said 70 acre tract of land and said point being at the southeast corner of said 46.512 acre tract of land; Northwesterly, 339.07 feet along the south line of said 46.512 acre tract of land and along a curve to the right having a central angle of 03 degrees 24 minutes 52 seconds, a radius of 5,689.58 feet, a tangent of 169.59 feet, and whose chord bears North 89 degrees 42 minutes 30 seconds West, 339.02 feet to a one-half inch iron rod with cap stamped "3B" set for corner; North 88 degrees 00 minutes 06 seconds West, 212.60 feet along the south line of said 46.512 acre tract of land to a one-half inch iron rod with cap stamped "3B" set for corner; North 88 degrees 43 minutes 06 seconds West, 66.80 feet to a one-half inch iron rod with cap stamped "3B" set for the southwest corner of said 46.512 acre tract of land and said point being at the southeast corner of that called 15.028 acre tract of land described in deed to Kevin Eugene Whitaker recorded in Volume 1598, Page 298, Deed Records Ellis County, Texas;

THENCE along the west line of said 46.512 acre tract of land and along the east line of said 15.028 acre tract of land as follows: North 02 degrees 29 minutes 36 seconds East, 210.09 feet to a one-half inch iron rod with cap stamped "3B" set for corner; North 16 degrees 56 minutes 48

EXHIBIT A - LEGAL DESCRIPTION

seconds West, 87.84 feet to a one-half inch iron rod with cap stamped "3B" set for corner; North 32 degrees 00 minutes 18 seconds West, 22.76 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 15 degrees 17 minutes 41 seconds West, 20.64 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 65 degrees 57 minutes 18 seconds West, 21.40 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 49 degrees 13 minutes 47 seconds West, 18.30 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 89 degrees 51 minutes 18 seconds West, 43.78 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 39 degrees 52 minutes 42 seconds West, 10.56 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 10 degrees 37 minutes 06 seconds West, 163.94 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

South 80 degrees 48 minutes 16 seconds West, 18.80 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 13 degrees 28 minutes 42 seconds West, 49.41 feet to a one-half inch iron rod with cap stamped "3B" set for corner;

North 32 degrees 36 minutes 42 seconds West, 442.08 feet to a one-half inch iron rod found at the northeast corner of said 15.028 acre tract of land;

THENCE North 89 degrees 48 minutes 30 seconds West, 96.70 feet along the west line of said 46.512 acre tract of land and along the north line of said 15.028 acre tract of land to a one-half inch iron rod with cap stamped "3B" set at the southeast corner of that tract of land described in deed to Raymond A. McCullough and Beverly B. McCullough Revocable Trust recorded in County Clerk's Instrument Number 1924299, Real Property Records Ellis County, Texas;

THENCE North 30 degrees 39 minutes 38 seconds West, 930.70 feet along the west line of said 46.512 acre tract of land and along the east line of said McCullough tract of land to a one-half inch iron rod with cap stamped "3B" set for corner;

THENCE North 52 degrees 48 minutes 12 seconds West, 632.45 feet to a one-half inch iron rod with cap stamped "3B" set in the south line of said 25.0 acre tract of land and said point being at the northeast corner of said McCullough tract of land;

THENCE South 87 degrees 39 minutes 50 seconds West, 191.88 feet to a one-half inch iron rod with cap stamped "3B" set at the southwest corner of said 25.0 acre tract of land, said point being

EXHIBIT A - LEGAL DESCRIPTION

at the northwest corner of said McCullough tract of land and said point being in the east line of that called 111 16/100 acre tract of land described in deed to the County of Ellis and the State of Texas recorded in Volume 35, Page 48, Deed Records Ellis County, Texas;

THENCE North 01 degrees 11 minutes 55 seconds West, 903.71 feet along the west line of said 25.0 acre tract of land and along the east line of said 111 16/100 acre tract of land to a one-half inch iron rod found at the southwest corner of that called 5.0 acre tract of land described in deed to Jesus Z. Oropeza and wife, Delia Oropeza recorded in Volume 853, Page 397, Deed Records Ellis County, Texas and said point being at the southeast corner of Lot 1, County Farm Subdivision, an addition to Ellis County, Texas recorded in Cabinet G, Slide 71, Plat Records Ellis County, Texas;

THENCE North 88 degrees 39 minutes 39 seconds East, 438.11 feet to a five-eighths inch iron rod found at the southeast corner of said Oropeza tract of land;

THENCE North 00 degrees 42 minutes 13 seconds West, 496.83 feet to a one-half inch iron rod found at the northeast corner of said Oropeza tract of land and being in the south right-of-way line of Farm-to-Market Highway No. 878 (80' right-of-way);

THENCE North 89 degrees 00 minutes 34 seconds East, 248.89 feet along the south right-of-way line of Farm-to-Market Highway No. 878 to a one-half inch capped iron rod found at the northwest corner of that called 3.616 acre tract of land described in deed to Top Quality Spindles, LLC recorded in County Clerk's Instrument Number 1903987, Real Property Records Ellis County, Texas;

THENCE South 00 degrees 59 minutes 25 seconds East, 750.00 feet to a one-half inch capped iron rod found at the southwest corner of said 3.616 acre tract of land;

THENCE North 89 degrees 00 minutes 35 seconds East, 210.00 feet to a one-half inch capped iron rod found at the southeast corner of said 3.616 acre tract of land;

THENCE North 00 degrees 59 minutes 25 seconds West, 750.00 feet to a one-half inch iron rod with cap stamped "3B" set at the northeast corner of said 3.616 acre tract of land and being in the south right-of-way line of Farm-to-Market Highway No. 878;

THENCE along the south right-of-way line of Farm-to-Market Highway No. 878 as follows:

North 89 degrees 00 minutes 34 seconds East, 1,006.01 feet to a one-half inch iron rod with cap stamped "3B" set for corner; Northeasterly, 169.09 feet, along a curve to the left having a central angle of 28 degrees 21 minutes 56 seconds, a tangent of 86.32 feet, and whose chord bears North 74 degrees 49 minutes 36 seconds East, 167.37 feet to a one-half inch iron rod found for the southwest corner of that called Tract B, a 0.20 acre tract of land described in deed to James L. Barnes and Daphen Barnes recorded in Volume 631, Page 187, Deed Records Ellis County, Texas;

THENCE North 89 degrees 11 minutes 51 seconds East, 152.13 feet to a three-quarter inch iron rod found at the southeast corner of said 0.20 acre tract of land and said point being in the west

EXHIBIT A - LEGAL DESCRIPTION

line of that called 121.583 acre tract of land described in deed to 122 Ikerd, LLC recorded in County Clerk's Instrument Number 1813169, Real Property Records Ellis County, Texas;

THENCE South 00 degrees 44 minutes 00 seconds East, at 372.77 feet passing a one-half inch iron rod found at the southwest corner of said 121.583 acre tract of land and said point being the northwest corner of that called 14.000 acre tract of land described in deed to Preston Barlow and Jessica Barlow recorded in County Clerk's Instrument Number 2003484, Real Property Records Ellis County, Texas, at 685.59 feet passing a one-half inch iron rod found at the southwest corner of said 14.000 acre tract of land and being at the northwest corner of that called 27.898 acre tract of land described in deed to Colt James recorded in County Clerk's Instrument Number 1929246, Real Property Records Ellis County, Texas, in all along the east line of said 48.97 acre tract of land, a total distance 1,310.61 feet to an axle found at the southwest corner of said 27.898 acre tract of land;

THENCE North 89 degrees 00 minutes 51 seconds East, 76.31 feet along the south line of said 27.898 acre tract of land to a three-quarter inch iron pipe found at the northwest corner of said 70 acre tract of land;

THENCE North 89 degrees 22 minutes 43 seconds East, 1,339.76 feet along the south line of said 27.898 acre tract of land to a one-half inch iron rod found at the northeast corner of said 70 acre tract of land and said point being at the northwest corner of that called 32.578 acre tract of land described in deed to W. E. Prachyl and Betty L. Prachyl recorded in Volume 580, Page 220, Deed Records Ellis County, Texas;

THENCE South 00 degrees 37 minutes 46 seconds East, 1,145.63 feet along the east line of said 70 acre tract of land to a one-half inch iron rod found at the southwest corner of said 32.578 acre tract of land and said point being the northwest corner of said Vincell tract of land;

THENCE South 00 degrees 35 minutes 31 seconds East, 1,122.71 feet along the east line of said 70 acre tract of land and along the west line of said Vincell tract of land to the POINT OF BEGINNING and containing 8,353,312 square feet or 191.766 acres of land.

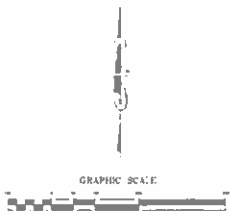
Basis of Bearing is derived from GPS observations relative to the Texas WDS RTK Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83.

EXHIBIT A - LEGAL DESCRIPTION



MATCHLINE: PAGE 1

MATCHLINE: PAGE 2



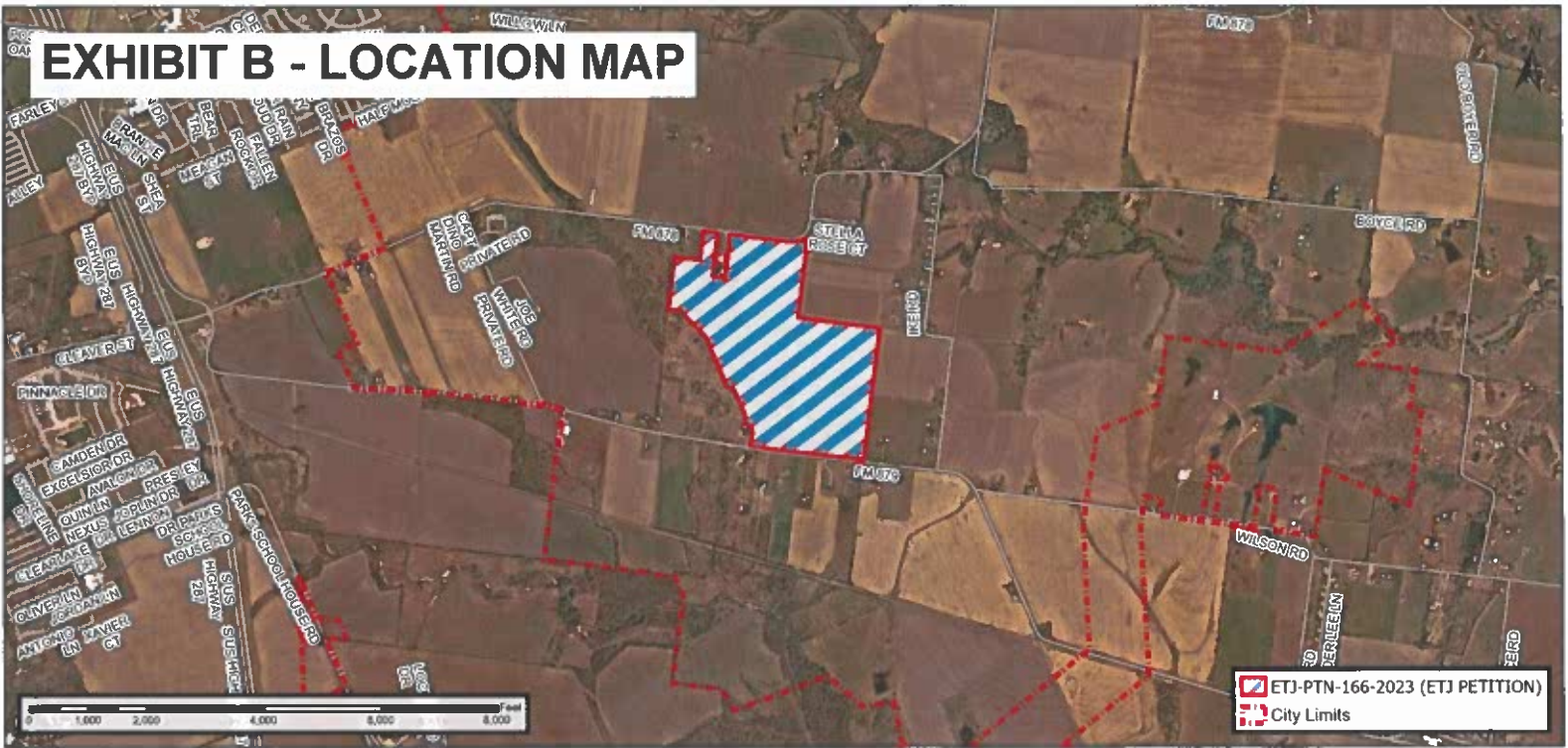
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3B
LAND
SURVEYING

656 Bacak Road
Ennis, Texas 75119
972-825-7949

[illegible]

EXHIBIT B - LOCATION MAP



(5f)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-167-2023



MEETING DATE(S)

City Council:

November 20, 2023

CAPTION

Consider proposed Ordinance approving a request by Turnerville Holdings LLC, for a **Petition for ETJ Release** for approximately 10.249 acres, located directly east of 1500 FM 387 (Property ID 289944) – Owner: Turnerville Holdings LLC (ETJ-PTN-167-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-167-2023, a request by Turnerville Holdings LLC, for a Petition for ETJ Release for approximately 10.249 acres, located directly east of 1500 FM 387, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove thier property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Turnerville Holdings LLC

Property Owner(s): Turnerville Holdings LLC

Site Acreage: 10.249 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

SUBJECT PROPERTY

General Location: Directly east of 1500 FM 387

Parcel ID Number(s): 289944

Current Zoning: ETJ

Existing Use: Undeveloped Land

Platting History: The subject property is not platted.

CCN Service Area: Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for November 20, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

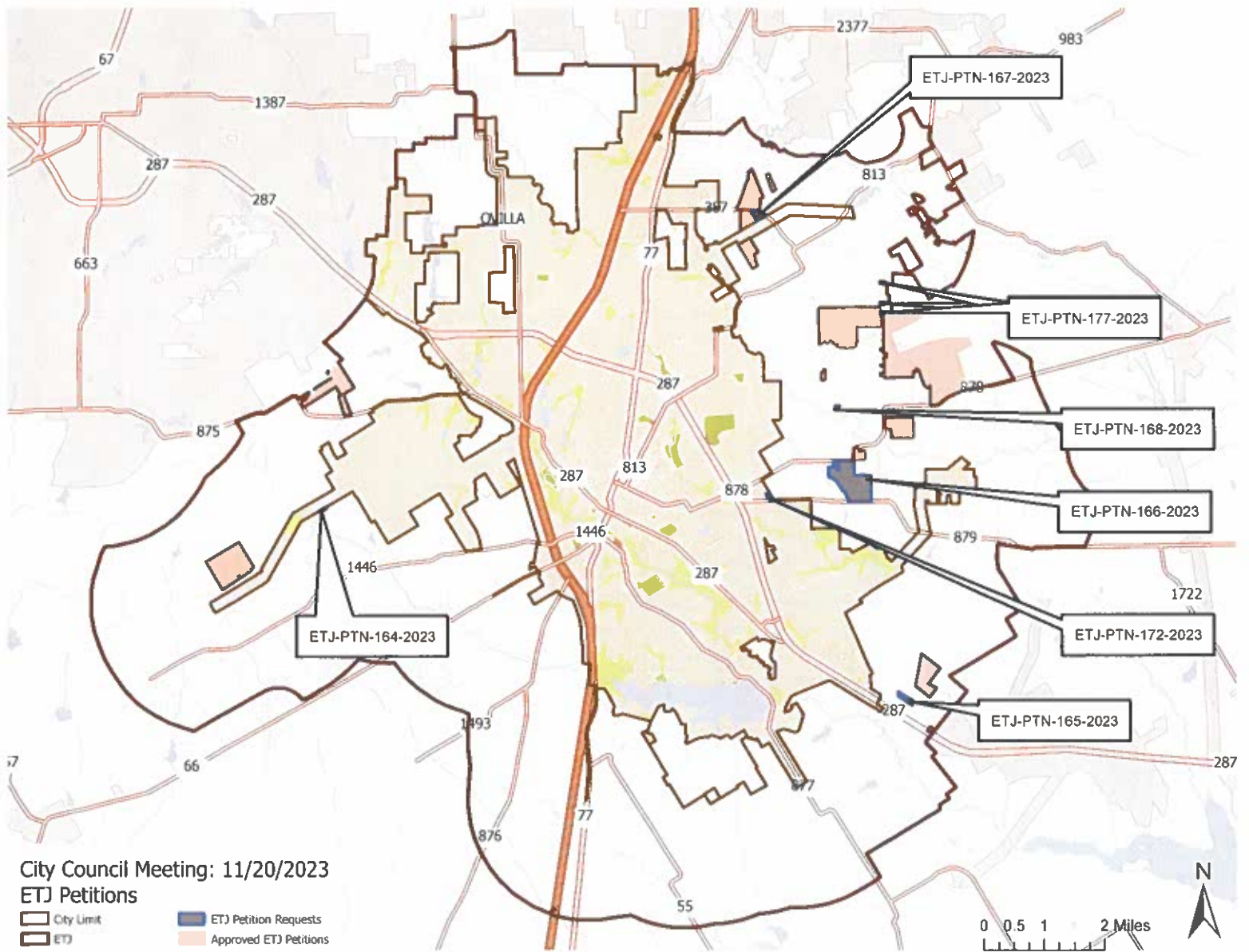
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.249 ACRE TRACT OF LAND, LOCATED DIRECTLY EAST OF 1500 FM 387, KNOWN AS PROPERTY ID 289944, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-167-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LEGAL DESCRIPTION

Legal Description

10.249 Acres (East Tract)

(ECAD Prop. ID 289944)

Turnerville Holdings, LLC

BEING a tract of land situated in the J.F. Stroop Survey, Abstract number 1042, Ellis County, Texas, said tract being a portion of a tract of land described by deed to Turnerville Holdings, LLC as recorded under Document Number 2121221, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.), the subject tract being more particularly described by metes and bounds as follow (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

BEGINNING at a 1/2 inch rebar found in the north line of said Turnerville tract, same being the northeast corner of a tract of land described by deed to Abdul Shakoor Badr and Aina Maryam as recorded under Document Number 2302086, (O.P.R.E.C.T.), and being the northwest corner of the herein described tract, said point being the beginning of a non-tangent curve to the right, having a radius of 3,224.04 feet, with a delta angle of 17 degrees 58 minutes 58 seconds, whose chord bears South 67 degrees 28 minutes 07 seconds East, a distance of 1,007.74 feet;

THENCE with the northeast line of said Turnerville tract, and along said non-tangent curve to the right, an arc length of 1,011.89 feet to a 5/8 inch rebar with cap stamped "WLSC" found for the north corner of a tract of land described by deed to Gerardo Garcia and Crystal J. Rodriguez as recorded under Document number 2230324, (O.P.R.E.C.T.);

THENCE South 58 degrees 59 minutes 33 seconds West, with the northwest line of said Garcia-Rodriguez tract (2230324), passing at a distance of 551.27 feet the west corner thereof, same being the north corner of a tract of land described by deed to Gerardo Garcia and Crystal J. Rodriguez as recorded under Document number 2246827, (O.P.R.E.C.T.), and continuing for a total distance of 651.28 feet to a point for the west corner of said Garcia-Rodriguez tract (2246827);

THENCE South 31 degrees 00 minutes 27 seconds East, with the southwest line of said Garcia-Rodriguez tract (2246827), a distance of 12.64 feet to a point in the southeast line of said Turnerville tract;

THENCE South 58 degrees 59 minutes 33 seconds West, with the southeast line of said Turnerville tract, a distance of 194.67 feet to the easternmost corner of a tract of land described by deed to Jireten, LLC as recorded under Document Number 2231820, (O.P.R.E.C.T.);

THENCE North 30 degrees 58 minutes 23 seconds West, with the northeast line of said Jireten tract, a distance of 617.25 feet to a 5/8 inch rebar with cap stamped "WLSC" found for the northeast corner thereof, same being the southeast corner of said Badr-Maryam tract;

THENCE North 19 degrees 08 minutes 44 seconds East, with the east line of said Badr-Maryam tract, a distance of 321.31 feet to the **POINT OF BEGINNING** and containing 10.249 acres (446,458 square feet) of land, more or less.

EXHIBIT B - LOCATION MAP



Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-168-2023



MEETING DATE(S)

City Council:

November 20, 2023

CAPTION

Consider proposed Ordinance approving a request by Nathan & Katherine Wilson for a **Petition for ETJ Release** for approximately 1.970 acres, located at 537 Youngblood Road (Property ID 208949) – Owners: Nathan & Katherine Wilson (ETJ-PTN-168-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-168-2023, a request by Nathan & Katherine Wilson, for a Petition for ETJ Release for approximately 1.970 acres, located at 537 Youngblood Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Nathan & Katherine Wilson

Property Owner(s): Nathan & Katherine Wilson

Site Acreage: 1.970 acres

Number of Lots: 1 lots

Number of Dwelling Units: 1 unit

SUBJECT PROPERTY

General Location: Located at 537 Youngblood Road

Parcel ID Number(s): 208949

Current Zoning: ETJ

Existing Use: Residential use

Platting History: The subject property was not previously platted.

CCN Service Area: Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for November 20, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

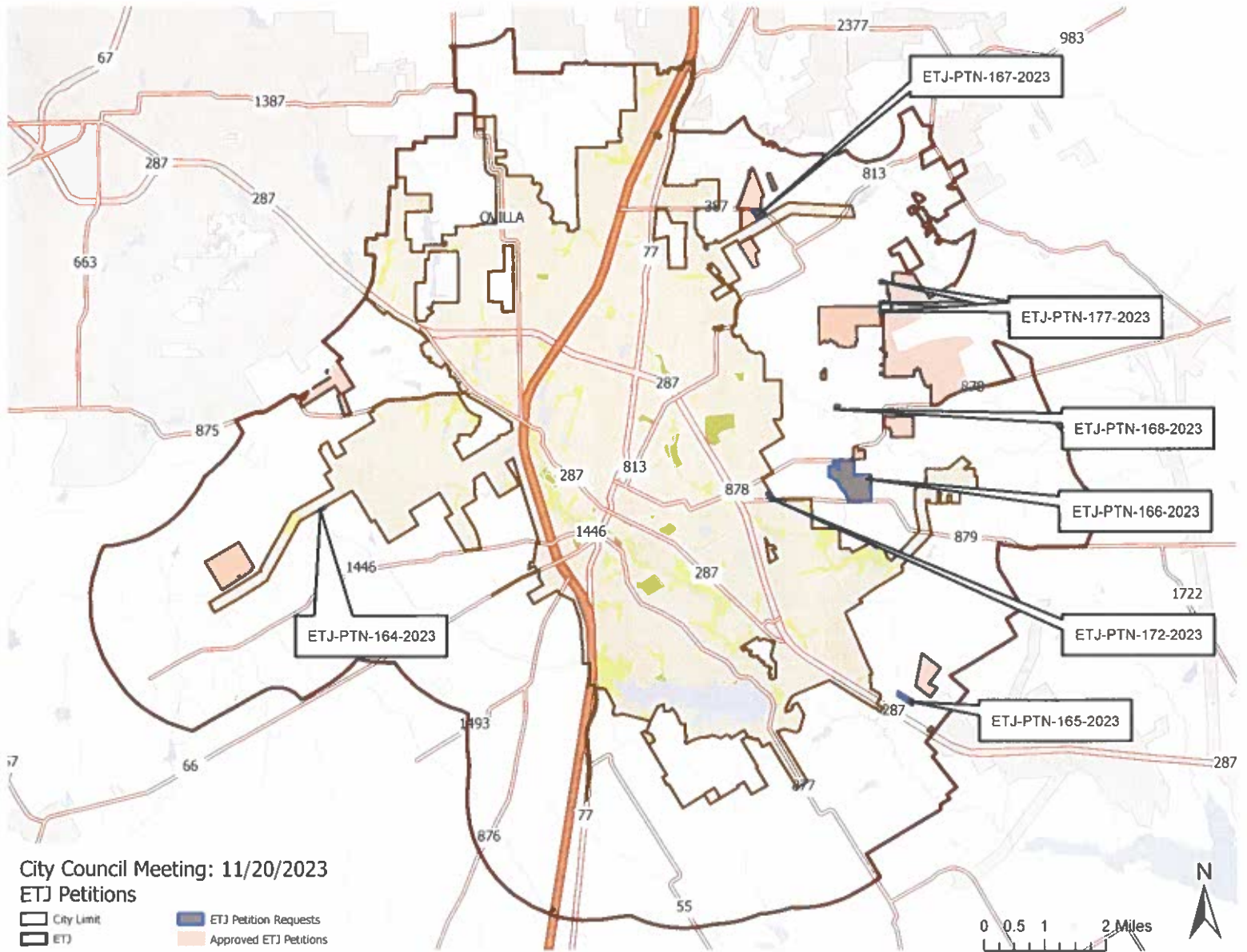
oanh.vu@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.970ACRE TRACT OF LAND, LOCATED AT 537 YOUNGBLOOD ROAD, KNOWN AS PROPERTY ID 208949, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

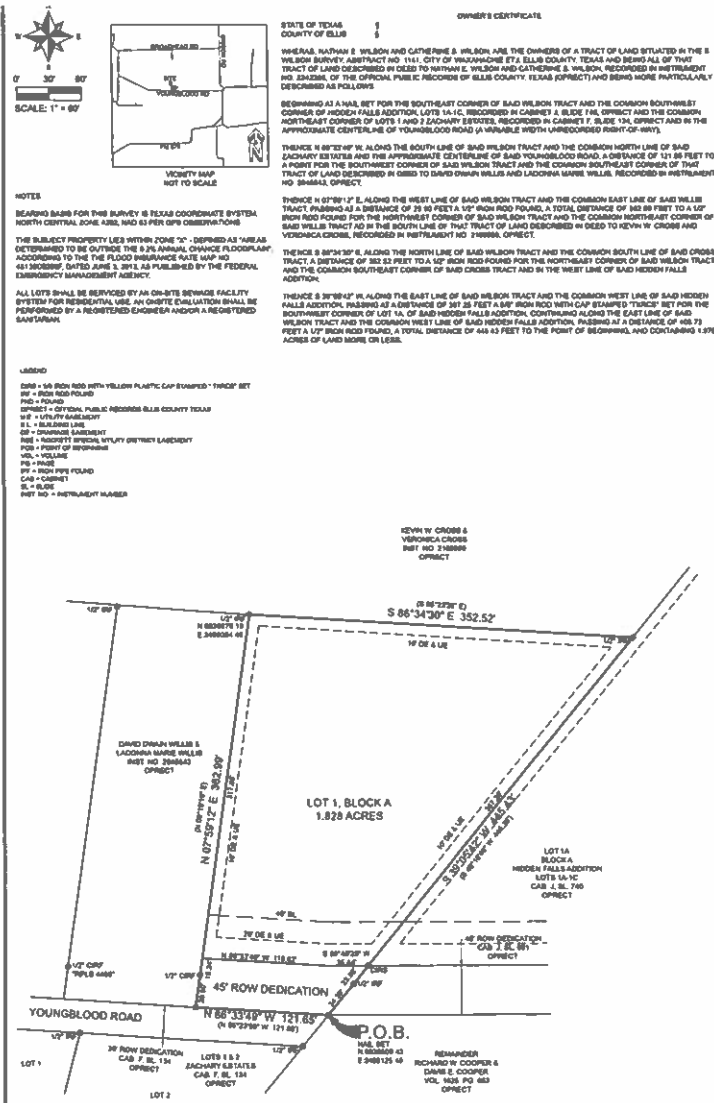
PASSED, APPROVED AND ADOPTED on this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

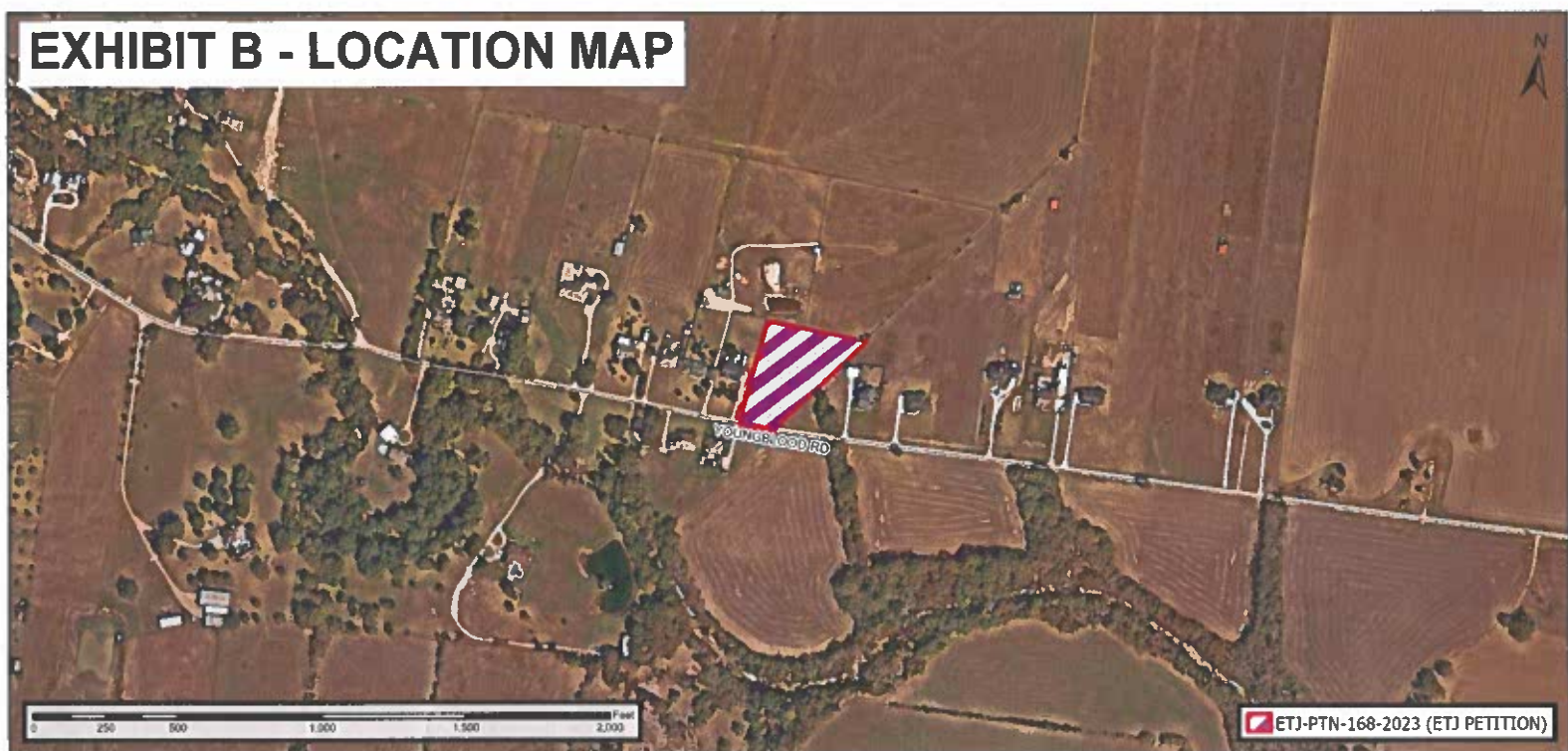
EXHIBIT A - METES & BOUNDS



4388

SEPTEMBER 2023 PAGE 1 OF 1

EXHIBIT B - LOCATION MAP



Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-172-2023



MEETING DATE(S)

City Council:

November 20, 2023

CAPTION

Consider proposed Ordinance approving a request by Jesus & Johanna Sigala, for a **Petition for ETJ Release** for approximately 5.39 acres located at 411 FM 879, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 283721 & 283722) – Owner: Jesus H. Sigala-Mendoza & Johanna H. Sigala (ETJ-PTN-172-2023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-172-2023, a request by Jesus & Johanna Sigala, for a Petition for ETJ Release for approximately 5.39 acres, located at 411 FM 879, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove thier property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

<i>Applicant:</i>	Jesus & Johanna Sigala
<i>Property Owner(s):</i>	Jesus H. Sigala-Mendoza & Johanna H. Sigala
<i>Site Acreage:</i>	5.39 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	1 unit

SUBJECT PROPERTY

<i>General Location:</i>	411 FM 879
<i>Parcel ID Number(s):</i>	283721 & 283722
<i>Current Zoning:</i>	ETJ
<i>Existing Use:</i>	A single-family residence currently exists on the subject property.
<i>Platting History:</i>	The subject property is not platted.
<i>CCN Service Area:</i>	City of Waxahachie

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for November 20, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

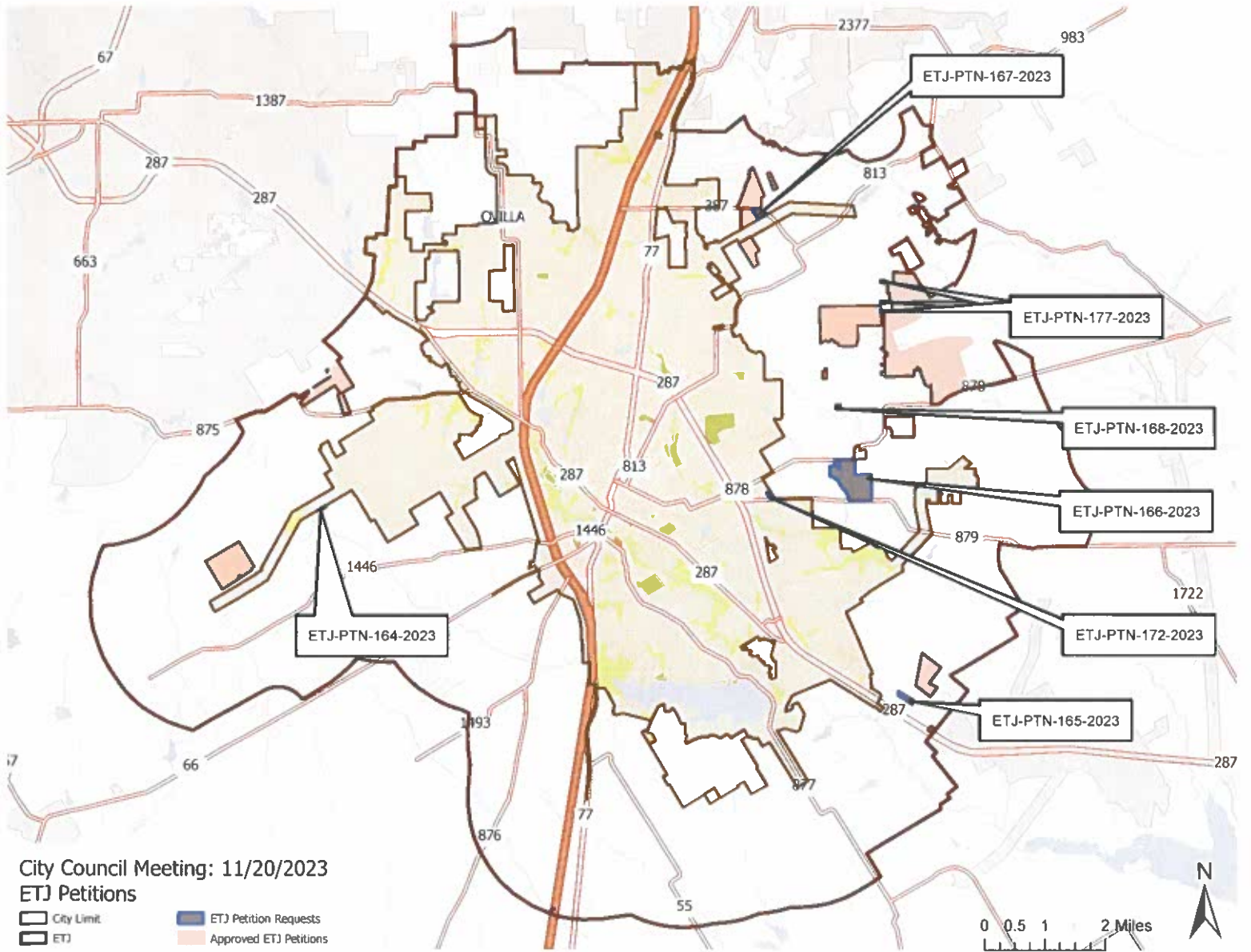
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.39 ACRE TRACT OF LAND, LOCATED AT 411 FM 879, KNOWN AS PROPERTY ID 283721 & 283722, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-172-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LEGAL DESCRIPTION

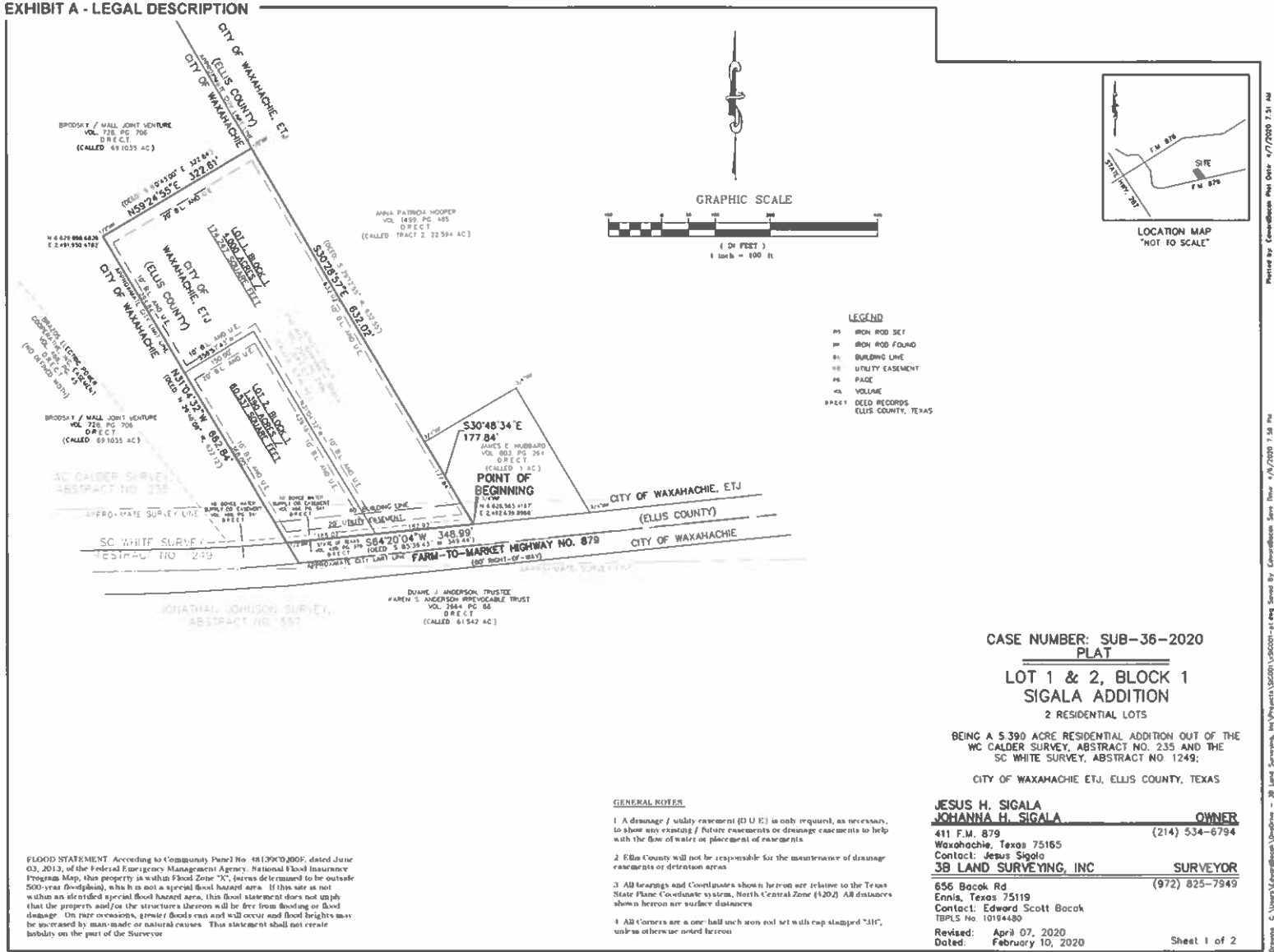


EXHIBIT B - LOCATION MAP

ETJ-PTN-172-2023 (ETJ PETITION)

City Limits

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-177-2023



MEETING DATE(S)

City Council:

November 20, 2023

CAPTION

Consider proposed Ordinance approving a request by GRBK Edgewood LLC, for a **Petition for ETJ Release** for approximately 3.004 acres, located at 1041, 1231, and 1415 Gibson Road (Property ID: 215706, 219099, and 219182) – Owner: GRBK Edgewood LLC (ETJ-PTN-177-20023)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-177-2023, a request by GRBK Edgewood LLC, for a Petition for ETJ Release for approximately 3.004 acres, located at 1041, 1231, and 1415 Gibson Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owner has petitioned the City to remove thier property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: GRBK Edgewood LLC

Property Owner(s): GRBK Edgewood LLC

Site Acreage: 3.004 acres

Number of Lots: 3 lots

Number of Dwelling Units: 0 units

SUBJECT PROPERTY

General Location: 1041, 1231, and 1415 Gibson Road

Parcel ID Number(s): 215706, 219099, and 219182

Current Zoning: ETJ

Existing Use: Undeveloped Land

Platting History: 1041 Gibson Road is unplatted. 1231 Gibson Road is platte as Lot 36 of Hunter's Run Phase 1. 1415 Gibson Road is platted as Lot 43 of Hunter's Run Phase 1.

CCN Service Area: Rockett Special Utility District

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for November 20, 2023 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

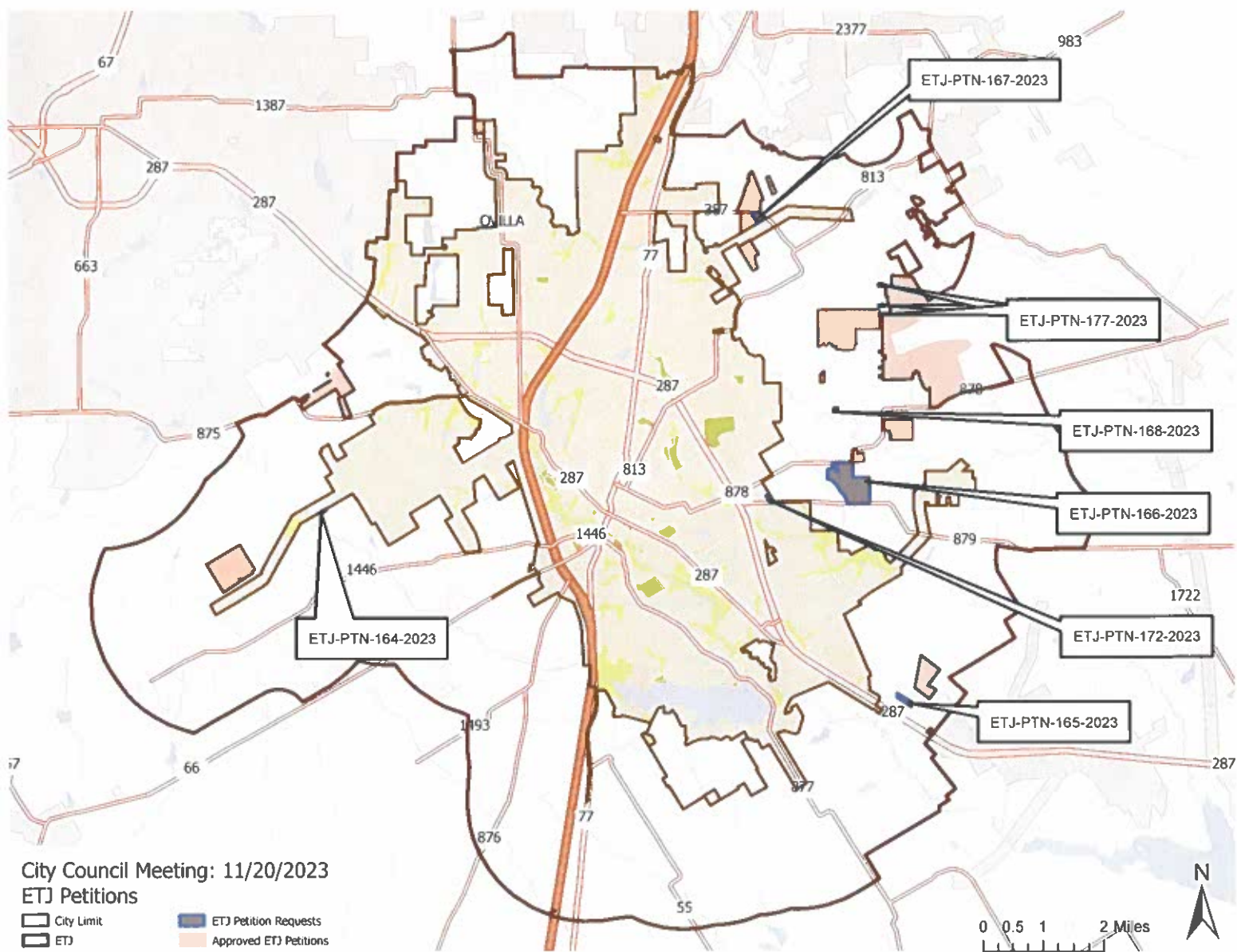
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF 3.004 ACRES OF LAND, LOCATED AT 1041, 1231, AND 1415 GIBSON ROAD, KNOWN AS PROPERTY ID 215706, 219099, AND 219182, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-177-2023, complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT 1

Being all that certain tract or parcel of land situated in the G. R. Wheelock Survey, Abstract No. 1117, Ellis County, Texas, and being that certain called 1.002 acre tract of land (commonly known as Lot 25, Hunters Run, an unrecorded subdivision), described by deed to AP OKC WAREHOUSE LIMITED PARTNERSHIP, recorded in Instrument No. 1934013, Official Public Records, Ellis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Northeast corner of the tract being described herein at a 5/8-inch capped iron rod stamped "Pettit RPLS 4087" found (controlling monument) for the Northeast corner of said 1.002 acre tract of land, and being the Southeast corner of that certain called 1.002 acre tract of land (commonly known as Lot 24, said Hunters Run unrecorded subdivision), described by deed to Xavier Vasquez and Rosa Vasquez, married, recorded in Volume 2486, Page 356, Deed Records, Ellis County, Texas, and also being in a West line of that certain called 354.15 acre tract of land, described by deed to AP OKC WAREHOUSE LIMITED PARTNERSHIP, recorded in Instrument No. 1901926, Official Public Records, Ellis County, Texas, from which a 5/8-inch iron rod with plastic cap stamped "Pettit RPLS 4087" found for the Northeast corner of said Vasquez 1.002 acre tract of land bears N00°39'00"W, a distance of 149.52 feet;

THENCE S00°39'00"E (South), with the East line of said AP OKC WAREHOUSE 1.002 acre tract of land and the West line of said 354.15 acre tract of land, a distance of 150.13 feet to a capped iron rod stamped "Dunaway" found (controlling monument) for the Southeast corner of said tract being described herein, and being in the North right-of-way line of Nile Road (60-foot Right-of-Way), as shown on the plat of Hunter's Run, Phase I, recorded in Cabinet E, Slide 81, Plat Records, Ellis County, Texas, from which a 5/8-inch capped iron rod stamped "Pettit RPLS 4087" found for the Northeast corner of Lot 26, said Hunter's Run, Phase I, and being in the South right-of-way line of said Nile Road bears S00°39'00"E, a distance of 60.00 feet;

THENCE S89°14'18"W (West), with the South line of said AP OKC WAREHOUSE 1.002 acre tract of land and the North right-of-way line of said Nile Road, a distance of 291.00 feet to a nail set for the Southwest corner of said tract being described herein, and being in the centerline of Gibson Road (an undedicated public road), and being in the East line of that certain called 43.880 acre tract of land described by deed to Javier P. Nava and Venancia Nava, recorded in Volume 2549, Page 48, Deed Records, Ellis County, Texas, and also being in the approximate West line of said Wheelock Survey and the approximate East line of the Benjamin Barton Survey, Abstract No. 137;

THENCE N00°39'00"W (North), with the West line of said AP OKC WAREHOUSE 1.002 acre tract of land and the centerline of said Gibson Road, and the East line of said 43.880 acre tract of land, a distance of 150.72 feet to a nail set for the Northwest corner of said tract being described herein, and being in the East line of a right-of-way dedication, as shown on the plat of Gibson Ranchettes, recorded in Cabinet B, Slide 487, Plat Records, Ellis County, Texas, from which a capped iron rod (illegible) found for the Northwest corner of said Vasquez 1.002 acre tract of land bears N00°39'00"W, a distance of 149.52 feet;

EXHIBIT A - LEGAL DESCRIPTION

THENCE N89°21'12"E (EAST), with the North line of said AP OKC WAREHOUSE 1.002 acre tract of land and the South line of said Vasquez 1.002 acre tract of land, a distance of 291.00 feet to the POINT OF BEGINNING and containing 1.002 acres of land, more or less.

TRACT 2

Being Lot 36, Hunter's Run, Phase 1, an Addition to Ellis County, Texas, according to the Map or Plat thereof recorded in Cabinet E, Slide 81, Plat Records, Ellis County, Texas.

TRACT 3

Being Lot 43, Hunter's Run, Phase 1, an Addition to Ellis County, Texas, according to the Map or Plat thereof recorded in Cabinet E, Slide 81, Plat Records, Ellis County, Texas.

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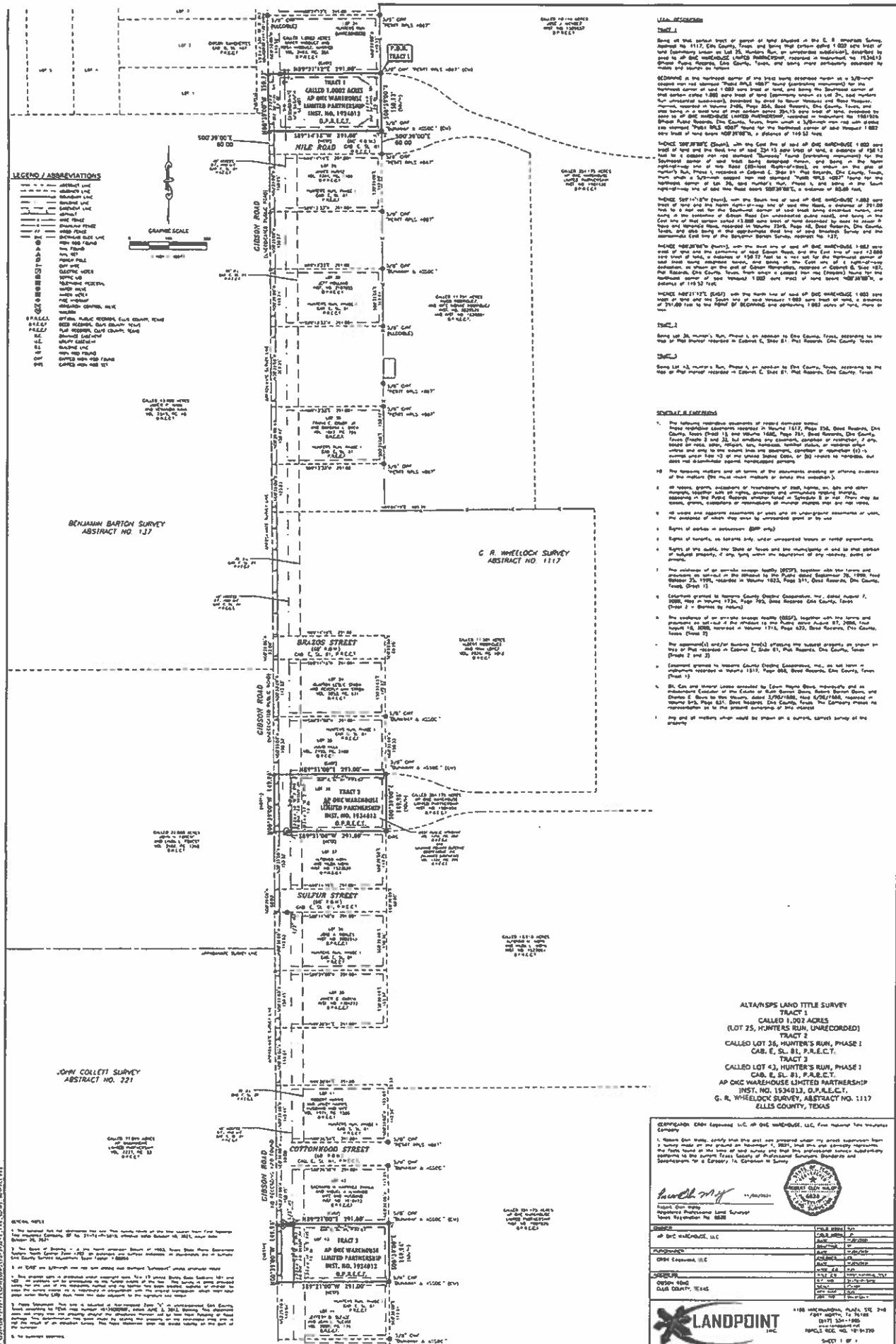
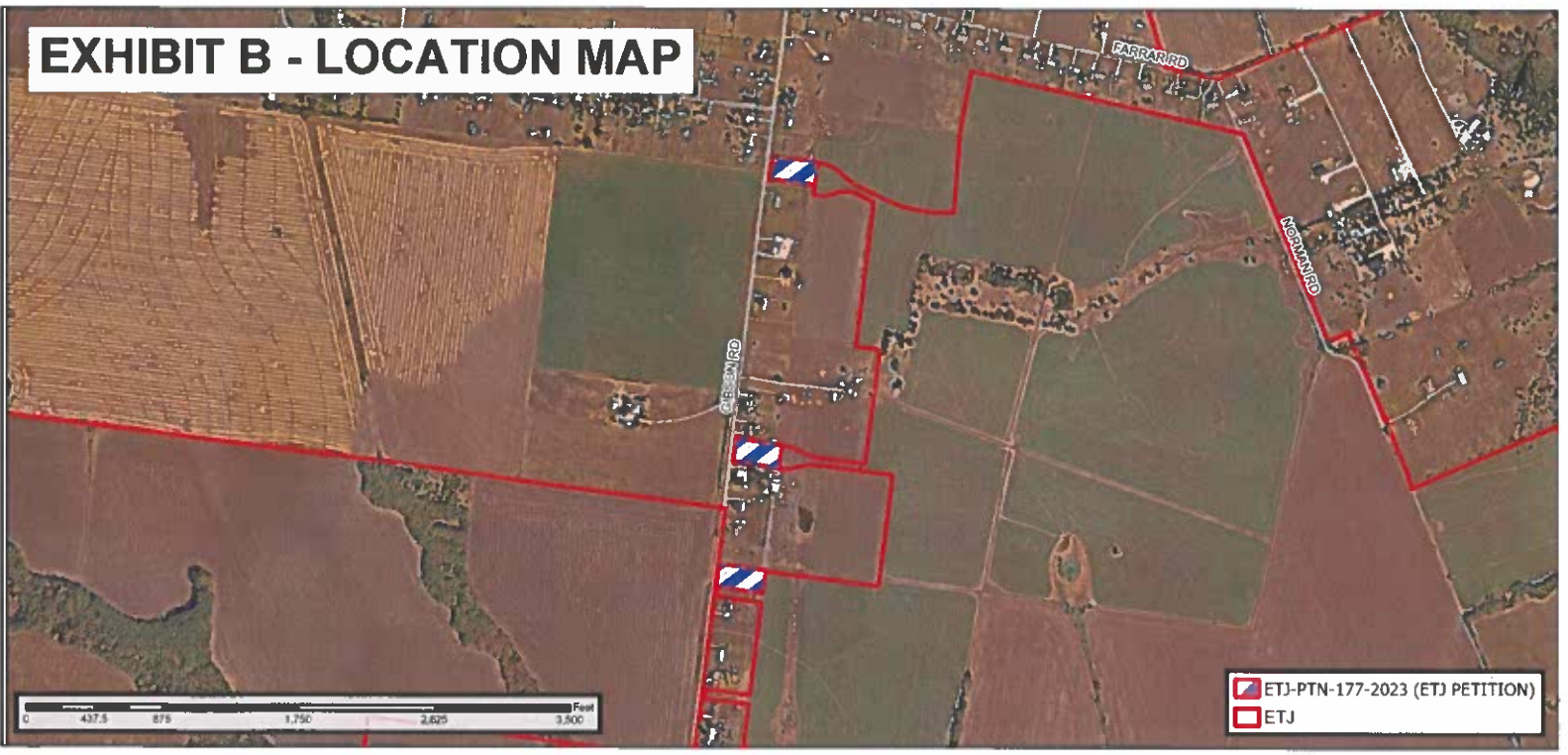


EXHIBIT B - LOCATION MAP





Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: November 20, 2023

Re: FY 2022-2023 Impact Fee Revenue and Expenditure Activity End of Year Report

RECOMMENDED MOTION

"I move to accept the 2022-2023 Impact Fee Revenue and Expenditure Activity End of Year Report."

On December 16, 2022, city staff presented the FY 2021-2022 Impact Fee Revenue and Expenditure Activity Report to City Council and action was taken to accept the recommendation of the Impact Fee Capital Improvement Advisory Committee (IFCIAC) to increase the Water, Wastewater, and Roadway Impact Fees to the maximum calculated rates allowed, starting April 1, 2023.

In May 2023, city staff presented the Mid-Year FY 2022-2023 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee. The activity summary detailed impact fee revenue and expenditures from October 1, 2022 to March 31, 2023. The following report entails the Impact Fee revenue and expenditure activity summary for the 2022-2023 fiscal year, which includes data from October 1, 2022 to September 30, 2023.

On November 14, 2023, city staff presented the FY 2022-2023 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee (IFCIAC). The IFCIAC moved to accept and recommend approval of the Impact Fee Revenue and Expenditure Activity End of Year Report 2022-2023.

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

Impact Fee Revenues and Expenditures

Below illustrates the revenues and expenditures for water, sewer, and roadway impact fees from October 1, 2022, to September 30, 2023, with a brief explanation of the associated spending from each project.

Water Impact Fees

Current Fiscal Year	(Through 09/30/2023)
Beginning Balance	\$4,178,990.41
Revenues	\$1,878,495.11
Expenses	\$1,717,146.56*
Ending Balance	\$4,340,338.46

Water Impact Fee Expenditure Summary FY 22-23

**Please note, expense discrepancies are the result of carry-over from the previous fiscal year.*

Below is a summary of the projects which have been funded, or partially funded through the use of water impact fees during the FY 22-23 budget year:

JP Tyler - Sunbelt Oversize Participation 16" Water Line

Staff entered into a participation agreement with Sunbelt Rentals to oversize an existing 12" water line with a 16" water line along the West side of the I-35E service for 2,725.07-linear feet. The developer received reimbursement in the amount of \$261,615.00.

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

The City entered into a civil engineering agreement to design a 12" water line extension, approximately 780 linear feet, from the I-35 frontage road near Brookside Road to Waxahachie Fire Station #4. This extension was vital for the new fire station and future development. Partly funded with \$15,000 from Water Impact Fees, the design engineer received the final payment of \$2,320.00.

Cardinal Rd Oversized Participation -24" Waterline

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

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

This project was the first phase to install approximately 8,900 linear feet of 24" diameter water transmission line. The limits were from Cardinal Road east of the BNSF Railroad west to Ovilla Rd at the Marshall Rd intersection. The project budget was partially funded with \$2,942,332 of Water Impact Fees. Expenditures in the amount of \$1,032,163.44 were recorded through September 30, 2023.

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

Staff entered into a service agreement for engineering design and construction oversight services to construct approximately 5800 linear feet of 20" and 24" diameter water transmission line that shall be installed along Ovilla Road from Marshall Road to the south side of HWY 287 bypass. This project is funded with \$672,575.00 of water impact fees that were transferred to the Water Capital Project Fund. Expenditures in the amount of \$409,611.06 were recorded through September 30, 2023.

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

This project includes the engineering design and construction oversight services of a new pump and motor configuration. This is a necessary system upgrade to fortify the existing infrastructure to provide additional treated water pumping capacity into the water distribution system to meet current and future demands from the Howard Road Water Treatment Plant. This project is fully funded with \$718,128.00 of water impact fees that were transferred to the Water Capital Project Fund. Expenditures in the amount of \$30,900.08 were recorded through September 30, 2023.

Water Distribution System Master Plan Update - FY23

Staff has entered into a professional services agreement to update the Water Distribution System Master Plan. The master plan process will include updating land use assumptions, water demand and flow projections, hydraulic water models, and recommended Capital Improvements Plan. The current master plan was last updated and adopted in FY2016. With the anticipated / current growth the City is experiencing, as well as recent legislative changes to annexation laws that directly impact our (CCN) service area, staff believe an update is warranted. The project is funded with \$305,500.00 from water impact fee funds. Expenditures in the amount of \$138,143.95 were recorded through September 30, 2023.

Debt Service

The City issues debt for financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures the government provides to support basic services, including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly water fees paid by the City's utility customers. Additionally, water impact fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2022-2023, water impact fees contributed \$99,000.00 toward the City's water debt service.

Anticipated FY 23-24 Water Impact Fee Expenditures

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

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

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

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

Saddle Brook Estates Phase III 16" Oversize Water Line Participation

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

Sewer Impact Fees

Current Fiscal Year	(Through 09/30/2023)
Beginning Balance	\$3,968,360.70
Revenues	\$1,763,119.16
Expenses	\$2,676,539.60*
Ending Balance	\$3,054,940.26

Sewer Impact Fee Expenditure Summary FY 22-23

** Please note, the expense discrepancy is a result of \$367,000.00 of wastewater impact fees transferred to the Lower Mustang Creek Trunk Sewer Phase 3 project that have not yet been spent.*

Below is a summary of the projects which have been funded, or partially funded through the use of sewer impact fees during the FY 22-23 budget year:

Wastewater Treatment Plant Improvements Project

In October 2019, City Council awarded BAR Construction a contract of \$12,875,550.00 for improvements in the Wastewater Treatment Plant. This project is funded by impact fees in the amount of \$1,414,198, with the rest of the project being funded through Certificate of Obligation Bonds. In accordance with IRS Rules governing bonds, the City will spend the bonds funds first. Expenditures in the amount of \$5,587.21 were recorded through March 31, 2023.

Jefferson Lift Station Capacity Expansion

A change order to the Wastewater Treatment Plant Improvements Project of approximately \$5.373 million was approved by City Council on April 4, 2022. While funding for this change order utilizes mainly Local Coronavirus Relief Funding, it also includes \$853,931.00 of wastewater impact fee funds. The new construction completion date is anticipated to be August 1, 2023. In accordance with IRS Rules governing bonds, the City will spend the bonds funds first. The impact fees associated with this project were fully expended in this current fiscal year. Expenditures in the amount of \$806,424.39 were recorded through March 31, 2023.

Wastewater Collection System Master Plan Update – FY23

Staff has entered into a professional service agreement to update the Wastewater Collection System Master Plan. The master plan process will include updating land use assumptions, wastewater demand and wastewater flow projections, wastewater hydraulic models, and providing Capital Improvements Plan. The current master plan was last updated and adopted in FY2016. With the anticipated current growth, the City is experiencing, as well as recent legislative changes to annexation laws that directly impact our (CCN) service area; staff believes an update is warranted. The project is funded with \$344,500.00 from the wastewater impact fee fund that has been transferred into the Wastewater Capital Project Fund. Expenditures in the amount of \$215,853.00 were recorded through September 30, 2023.

Wastewater Treatment Plant Master Plan Update

The current master plan was adopted in FY2017. With the anticipated / current growth the City is experiencing, as well as recent legislative changes to annexation laws that directly impact our (CCN) service area, staff believe an update is warranted. The project is funded with \$276,000.00 from the Wastewater Impact Fee Fund. Expenditures in the amount of \$54,035.00 were recorded through September 30, 2023.

Debt Service – The City issues debt for financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures provided by the government to support basic services, including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly sewer fees paid by the City's utility customers. Additionally, wastewater impact fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2022-2023, wastewater impact fees contributed \$1,227,640.00 toward the City's wastewater debt service.

Anticipated FY 23-24 Sewer Impact Fee Expenditures

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

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

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

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

Pine Meadows Oversized Wastewater Line Participation Project

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

Roadway Impact Fees

Below is a table illustrating the revenues and expenditures for roadway impact fees from October 1, 2022, to September 30, 2023:

Service Area	FY 2023 Start (09/30/2022)	Revenues	Expense	FY 2023 End (09/30/2023)
Service Area 1	\$507,955.89	----	----	\$531,421.67
Service Area 2	\$3,656,707.70	\$843,624.69	----	\$4,708,321.93
Service Area 3	\$759,810.47	\$154,957.20	----	\$957,026.72
Service Area 4	\$2,158,049.30	----	\$287,493.75	\$1,870,555.55
Service Area 5	\$2,597,991.27	\$164,460.36	----	\$2,890,067.18
Service Area 6	\$1,979,648.59	\$419,348.61	----	\$2,509,822.44
Service Area 7	\$1,613,465.59	\$16,149.02	----	\$1,704,897.08
Interest	----	\$675,002.53	----	----
Total	\$13,273,628.81	\$2,273,542.41	\$287,493.75	\$15,286,558.72

Roadway Impact Fee Expenditure Summary FY 22-23

Below is a summary of the projects which have been funded, or partially funded through the use of Roadway impact fees during the FY 22-23 budget year:

Farley Street Service Area 4

BGE Engineering firm has completed the concept plan for Farley Street. The limits of the Farley Street concept plan are from Richmond St. to Hwy 287. The next step is to determine the phase for 100% Plans and Construction. Expenditures in the amount of \$135,202.50 were recorded in the 2022-2023 fiscal year.

Left turn lane of Northgate onto Highway 77 Service Area 4

90% Engineering Design and begin construction in FY 2024 following TxDOT approval. Expenditures in the amount of \$152,291.25 were recorded in the 2022-2023 fiscal year.

Anticipated FY 23-24 Roadway Impact Fee Expenditures

Potential future projects for Roadways include:

Left turn lane of Northgate onto Highway 77 Service Area 4

Anticipated to start Engineering in mid-2023 and begin construction in early 2024. Negotiating contracts with the engineering firm.

Concept Plan for Broadhead Road Service Area 5

Anticipated to start the concept plan in 2024 from April Lane to North of Youngblood Rd. The concept plan will determine alignments and cost estimates for future construction phases.

Future Roadway Impact Fee Expenditure Expectations

Farley Street – Service Area 4

There is currently \$1,987,091.71 available for future projects in Service Area 4. This total is expected to be drawn down significantly by the future reconstruction of Farley Street.

Broadhead Road – Service Area 5

There is currently \$2,890,067.18 available for future projects in Service Area 5. This total is expected to be drawn down by future improvements to Broadhead Road.

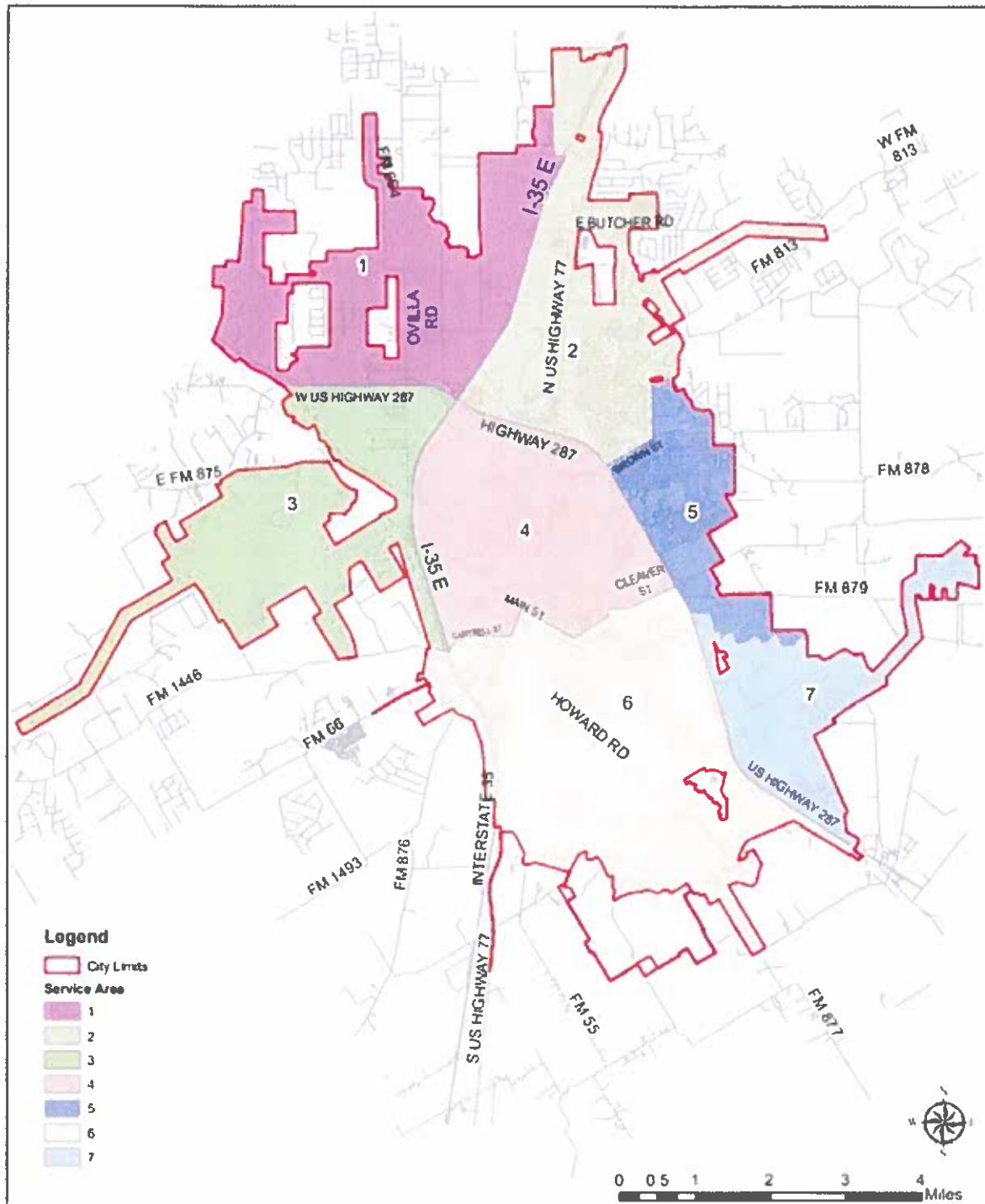
Expectations Service Areas 1, 2, 3, 6, & 7

Impact fee dollars are currently being reserved in Service Areas 1, 2, 3, 6, & 7 for future projects. Staff is scheduled to meet in December of 2023 to discuss potential future projects that warrant funding in Service Areas 1, 2, 3, 6, & 7.

Next Steps

Staff will continue to provide biannual updates to the Impact Fee Advisory Committee and City Council regarding the use of impact fees and the progress on the overall Capital Improvement Plan. Staff intends to provide its next Impact report to the Advisory Committee in the Spring of 2024, covering Impact Fee revenues and expenses from October 1, 2023, through March 31, 2024.

Roadway Impact Fee Service Area Map





Memorandum

To: Honorable Mayor and City Council

From: James Villarreal, Assistant Director - Sports Complex

Thru: Michael Scott, City Manager

Date: November 20, 2023

Re: Consider Bid Award for the Synthetic Turf Improvements Project Phase IV

Motion: "I move to approve the bid award to Sports Fields, Inc. in the amount of \$647,743.00, and authorize the City Manager to execute all necessary documents."

Item Description: Consider a bid award to Sports Fields, Inc., in the amount of \$647,743.00 for the Waxahachie Sports Complex Synthetic Turf Improvements Phase IV project.

Item Summary: Bids were solicited and received for the Waxahachie Sports Complex Synthetic Turf Improvements Phase IV on Thursday, November 2, 2023, at 2 p.m. The following bids were received and reviewed by the consultant, CEI Engineering.

Bids Received:

Sports Fields, Inc. - \$647,743.00 Field Turf USA, Inc. - \$653,281.00

TGS Sports, LLC. - \$795,600.00 Paragon Sports - \$885,678.00

Based on these reviews, it appears Sports Fields, Inc. is the lowest responsible bidder at \$647,743.00. It is important to note, that Sports Fields, Inc. has also been selected as the lowest responsible bidder on the previous three phases of turf improvements.

Please note the award was presented to the Waxahachie Community Development Corporation on November 14, 2023, and was approved unanimously.

Fiscal Impact: The proposed bid award to Sports Fields, Inc., in the amount of \$647,743.00 is part of the approved FY23-24 budget and is well within the approved funding of \$875,000.

(5L)



Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

Thru:

Date: November 15, 2023

Re: WCDC Mural Program

Motion: "I move to approve utilizing up to \$100,000 from the WCDC reserves in support of the downtown mural program and authorize the City Manager to execute the contract with A.C.E.S. Art LLC to serve as the program's curator"

Item Description: The Waxahachie Community Development Corporation has been discussing for some time the creation of a mural program as a means of beautifying a number of building walls in the downtown area. In engaging a small community group, a local artist was identified and agreed to serve as the project's curator. This curator will serve as one of the program's mural artists in addition to other regionally-located artists.

This request includes the use of \$100,000 from WDCD Fund reserves to sponsor the program that includes three installations of wall murals within the downtown area. Two of the walls have been identified (401 S. Elm and 210 W. Main) and another location is yet to be determined. The mural committee will work closely with the artists to identify appropriate mural designs for each installation as well as suitable building walls to seek the owner's permission.

Leighton Autry, of A.C.E.S. Art LLC, will serve as the project's curator, identify other artists, carry the necessary insurance and ensure the proper installation of the

artwork. The City will contract with A.C.E.S. Art LLC for these services and funding will be provided by the WCDC Fund.

Item Summary: The WCDC approved entering in to a curator contract with A.C.E.S. Art LLC as well as utilizing up to \$100,000 in reserves at their November 14th regular meeting for the advancement of a downtown mural program. This request is now being presented to the City Council to ratify the appropriation of funds as well as entering into the associated services contract.

Fiscal Impact: This item will result in a supplemental appropriation in the amount of \$100,000 from the WCDC reserves. The Fund has adequate capacity to absorb this request.

(5m)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: November 20, 2023

Re: Consider setting January 2024 City Council Meeting Dates

Item Description: Consider setting City Council meetings on Tuesday, January 2, 2024 and Monday, January 22, 2024 due to New Year's Day, Dr. Martin Luther King, Jr. holiday, and meeting room availability at the Civic Center.

Item Summary: Due to the January holiday schedule and meeting room availability at the Civic Center, staff is requesting to set the regularly scheduled City Council meetings on Tuesday, January 2, 2024 and Monday, January 22, 2024.

(6)

PROCLAMATION

WHEREAS, the City of Waxahachie recognizes that an understanding, use and application of geospatial technology is crucial to operating our infrastructure, sustaining our natural resources and stimulating economic growth, thus, benefiting the welfare of the general public throughout Waxahachie; and

WHEREAS, geographic information systems (GIS) technology allows us to see and model complex relationships and patterns to more intelligently respond; and

WHEREAS, there is a need to promote GIS awareness, education, and technical training to use this rapidly developing technology to its full potential; and

WHEREAS, the City of Waxahachie acknowledges those that have chosen GIS as their profession or as part of their discipline to improve the lives of our citizens; and

WHEREAS, to recognize and support the efforts of nonprofits who work on activities to improve conservation, human services, and various humanitarian efforts to better our world; and

WHEREAS, having a day of GIS activities open to students, citizens, and government leaders will help promote STEM education and inspire others to a higher calling to use technology for good; and

WHEREAS, the City of Waxahachie is committed to utilizing GIS to inform decision making and better serve its residents and make useful geographic information open and easily available to the public, as a platform for innovation.

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim November 15, 2023 as

“GIS DAY”

Proclaimed this 20th day of November, 2023.

MAYOR

ATTEST:

City Secretary

PROCLAMATION

WHEREAS, the City of Waxahachie is committed to fostering a spirit of community and philanthropy; and

WHEREAS, The Salvation Army, an organization dedicated to providing assistance to those in need, is hosting the Mayoral Challenge on December 9th, 2023, to raise awareness and funds for crucial community programs; and

WHEREAS, the Mayoral Challenge exemplifies the spirit of giving and community engagement, encouraging civic leaders to actively participate in philanthropy for the betterment of our city; and

WHEREAS, the City Council acknowledges the importance of supporting organizations like The Salvation Army, which play a vital role in addressing the needs of our community's most vulnerable members; and

WHEREAS, the City Council recognizes the efforts of The Salvation Army in creating positive change and making a significant impact on the lives of individuals and families in Waxahachie;

NOW, THEREFORE, be it resolved that the Waxahachie City Council hereby proclaims its support for The Salvation Army's Mayoral Challenge on December 9th, 2023, and encourages all residents to participate in this noble endeavor by contributing to the cause; and

BE IT FURTHER RESOLVED, that the City Council extends its appreciation to The Salvation Army for their dedication to serving the community and improving the lives of those in need; and

BE IT FINALLY RESOLVED, that a copy of this proclamation be presented to The Salvation Army as a symbol of the City of Waxahachie's gratitude and support for their tireless efforts.

IN WITNESS WHEREOF, I, David Hill, Mayor of the City of Waxahachie, do hereby set my hand and cause the seal of the City to be affixed this 20th day of November, in the year two thousand and twenty-three.

MAYOR

ATTEST:

City Secretary

(8+9)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, AICP, LEED-AP, CNU-A, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: November 14, 2023

Re: ZDC-69 -2023 ASD Waxahachie – PD Amendment

On November 8, 2023, the applicant requested to continue case no. ZDC-69-2023 from the November 14, 2023, Planning and Zoning Commission agenda and the November 20, 2023, City Council meeting agenda to the November 29, 2023, Planning and Zoning Commission agenda and the December 4, 2023, City Council meeting agenda.

(10 + 11)

Planning & Zoning Department

Zoning Staff Report

Case: SP-141-2023



MEETING DATE(S)

Planning & Zoning Commission: November 14, 2023

City Council: November 20, 2023

CAPTION

Public Hearing on a request by Katy Dockery, HKS Inc., for a **Site Plan** for the Baylor Scott & White Hospital Tower Expansion II, located at 2400 N Interstate 35E (Property ID: 180334) – Owner: Baylor Health Care System (SP-141-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SP-141-2023, a Site Plan for Baylor Scott & White Hospital Tower Expansion II, subject to the conditions the staff report."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on November 14, 2023, the Commission voted 6-0 to recommend approval of case number ZDC-73-2023, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Site Plan to allow for the construction of an additional hospital tower, ICU expansion, diagnostic and imaging expansion, and a new parking garage at the Baylor Scott & White hospital campus. The existing Planned Development (PD) zoning for the property requires the Planning & Zoning Commission and City Council to provide Site Plan approval for an expansion to the campus.

CASE INFORMATION

Applicant: Katy Dockery, HKS Inc.

Property Owner(s): Baylor Health Care System

Site Acreage: 43.76 acres

Current Zoning: Planned Development-Commercial (PD-C) – Ord. 2649 & 3287

Requested Zoning: Planned Development-Commercial (PD-C) – Ord. 2649 & 3287, with update Site Plan

SUBJECT PROPERTY

General Location: 2400 N Interstate 35E

Parcel ID Number(s): 180334

Existing Use: Baylor Scott & White Hospital

Development History:

On May 7, 2012, City Council approved a zoning change to a Planned Development (PD) district on the subject property, allowing the development of the Baylor Scott & White Hospital.

On November 17, 2014, City Council approved a Final Plat for the subject property.

On February 1, 2021, City Council approved relocating a billboard sign for the subject property.

On August 16, 2021, City Council approved a PD Amendment for the subject property to allow for an additional Medical Facility use on the subject property.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Heavy Industrial (HI)	Altec Service Center
East	Heavy Industrial (HI)	Lifoam Industries
South	N/A – Right of Way (ROW)	US Highway 287 Bypass
West	N/A – Right of Way (ROW)	Interstate 35E

Future Land Use Plan:

Regional Commercial & Industrial

Comprehensive Plan:

Commercial: These places are first identified by their principal focus on auto-oriented traffic. Logically placed near high-traffic intersections, these spaces bring people from many surrounding neighborhoods. Typical uses will include regional businesses including but not limited to restaurants, retail, gas stations, and offices. To create a more sustainable development, care should be given to make the experience for users pleasant once they exit their vehicle. A focus on adding spaces for public gathering and pedestrian shading to encourage people to walk from one establishment to another and interact with other patrons should be a priority of future development in the Regional Commercial Placetype. Though the size of a regional commercial node is flexible based on local context, generally these are about a half mile in diameter.

Industrial: 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 North I35E service road, the US Highway 287 Bypass service road, and Baylor Way.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Site Plan to allow for the construction of an additional hospital tower, ICU expansion, diagnostic and imaging expansion, and a new parking garage at the Baylor Scott & White hospital campus. The existing PD zoning (ord. 2649) for the property requires the Planning & Zoning Commission and City Council to provide Site Plan approval for an expansion to the campus.

Proposed Use:

The applicant proposes three additions to the existing hospital building, totaling 159,950 square feet. To accommodate the parking demands of this addition, the applicant is also proposing a detached 4-level parking garage totaling 195,000 square feet. These additions have been categorized into three (3) building elements by the applicant. Building Element 1 will include a two-story ICU expansion and a six-story medical tower expansion that is intended to house patient beds, medical/surgical rooms, and women's care rooms. Building Element 2 includes the parking garage; which will provide 504 additional parking spaces. The additional parking provided by the garage is sufficient to meet the additional parking demand generated by the expansion. Building Element 3 includes a two-story diagnostic and treatment addition. Below, *Exhibit 1* can be referenced for additional detail on the facilities proposed with each building element.

Phasing:

The applicant is proposing to construct the expansion in four total phases. Access to the site via the private ring road around the facility will be preserved throughout the construction of the expansion. Fire lanes around the campus will be re-routed; but will remain accessible during construction. Phase 0 will include the preparation of a construction yard and initial site work for the relocation of utilities, driveways, and fire lanes. Phase 1 will include the construction of the new parking garage and detention pond. Phase 2 will initiate the construction of the medical tower and ICU. Phase 3 will include the construction of diagnostic and treatment addition. The applicant intends to begin initial construction efforts in January 2024.

Exhibit 1:

Program Validation

Building Element #1

Inpatient Patient Care Unit Expansion

Med/Surg - 50 Beds + 25 Shell Beds

ICU - 6 Beds + 16 Shell Beds

Post-Partum - 9 Beds (6 beds conversions of Existing LDR)

NICU/CCN - 14 NICU beds

Labor & Delivery - 10 LDR

OB ED - 3 Exam

Support Services Expansion

Dietary, Mat's MGMT, Pharmacy/Lab, HIM, CVS/Linen, Facilities

Building Element #2

New Structured Parking Garage

500 Spaces

Building Element #3

D&T Expansion

Emergency - 14 Exam Rooms (includes 2 Trauma)

Imaging - 1 MRI, 1 CT

Surgery - 4 ORs + 2 Shell

Pre/Post/PACU Expansion

Central Sterile Relocation/Expansion

Central Utility Plant Expansion



HKS

Baylor Scott & White Health
Waxahachie Medical Center

Project Scope

Revised 11.10.14 - 11.10.14

Elevation/Façade Plan:

The applicant has provided a detailed elevation/façade plan for each building element included in the expansion. The elevation/façade uses of the same exterior construction materials as the existing building in an effort to seamlessly extend the existing façade. Specifically, the additions will utilize brick, calcium silicate masonry, glazing, EIFS, and composite metal panels. The elevation/façade plan adheres to the articulation requirements of the Waxahachie Zoning Ordinance. Adequate screening for roof-mounted equipment is provided. The location of additional signage is identified on the elevation/façade plan. The proposed signage adheres to the requirements of the existing PD for the property. Staff is recommending the execution of a Development Agreement to memorialize the elevation/façade plan.

Landscaping:

The applicant is proposing additional landscaping for the subject property to accommodate both the landscaping requirements of the expansion and the existing landscaping that will be removed to make room for the expansion. The proposed Landscape Plan meets the requirements of the Waxahachie Zoning Ordinance. However, the applicant has clustered trees on the site to maintain a clear flight path for the helicopter landing pad on the property. A permanent irrigation system will be installed for all additional landscape areas.

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 Site Plan request subject to the conditions noted below.

Conditions:

1. A mutually agreed upon Development Agreement shall be executed between BS&W and the City in conjunction with the Site Plan.

ATTACHED EXHIBITS

1. Project Narrative & Phasing Plan
2. Concept Renderings
3. Development Agreement
4. Exhibit A – Location Map
5. Exhibit B – Site Plan
6. Exhibit C – Landscape Plan
7. Exhibit D – Elevation/Façade Plan
8. Exhibit E – Signage Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, the applicant is required to provide the City with a hard copy of the signed Development Agreement for the expansion.
 - a. Once the development agreement is recorded, the applicant can apply for civil construction permits with the Public Works & Engineering Department and building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION*Prepared by:*

Zack King, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

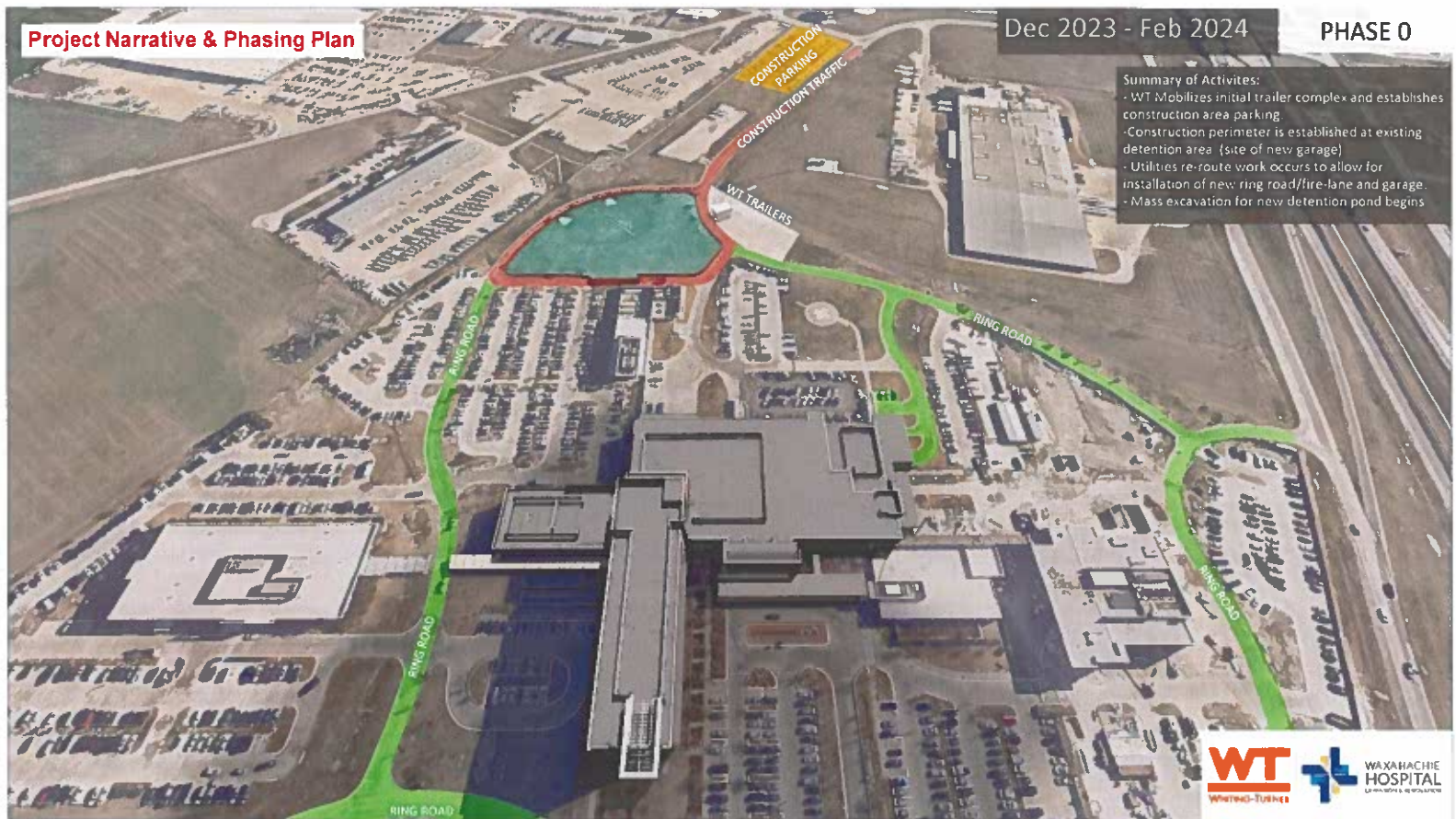
Project Narrative & Phasing Plan

Dec 2023 - Feb 2024

PHASE 0

Summary of Activities:

- WT Mobilizes initial trailer complex and establishes construction area parking.
- Construction perimeter is established at existing detention area (site of new garage)
- Utilities re-route work occurs to allow for installation of new ring road/fire-lane and garage.
- Mass excavation for new detention pond begins



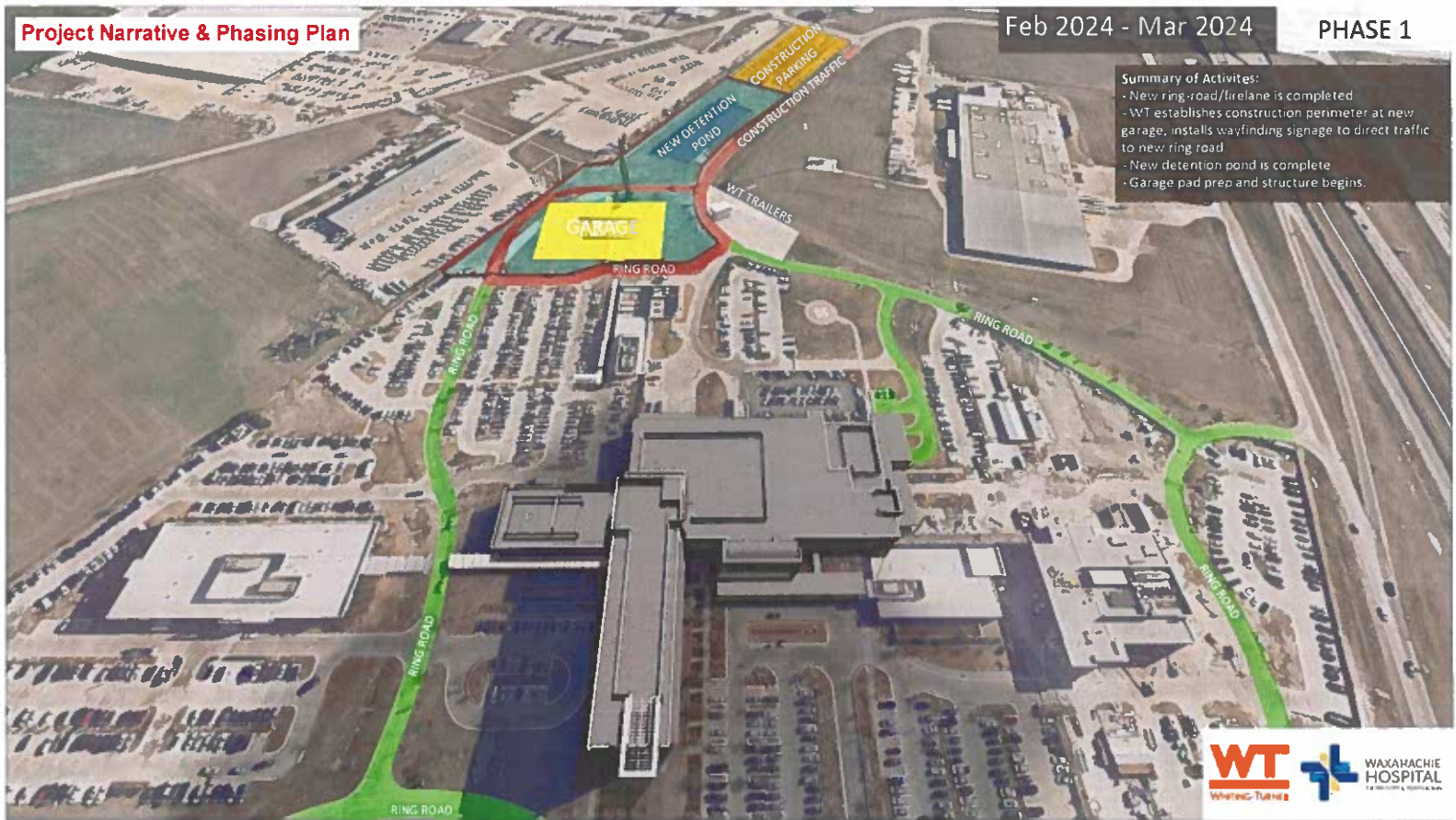
Project Narrative & Phasing Plan

Feb 2024 - Mar 2024

PHASE 1

Summary of Activities:

- New ring-road/firelane is completed
- WT establishes construction perimeter at new garage, installs wayfinding signage to direct traffic to new ring road
- New detention pond is complete
- Garage pad prep and structure begins.

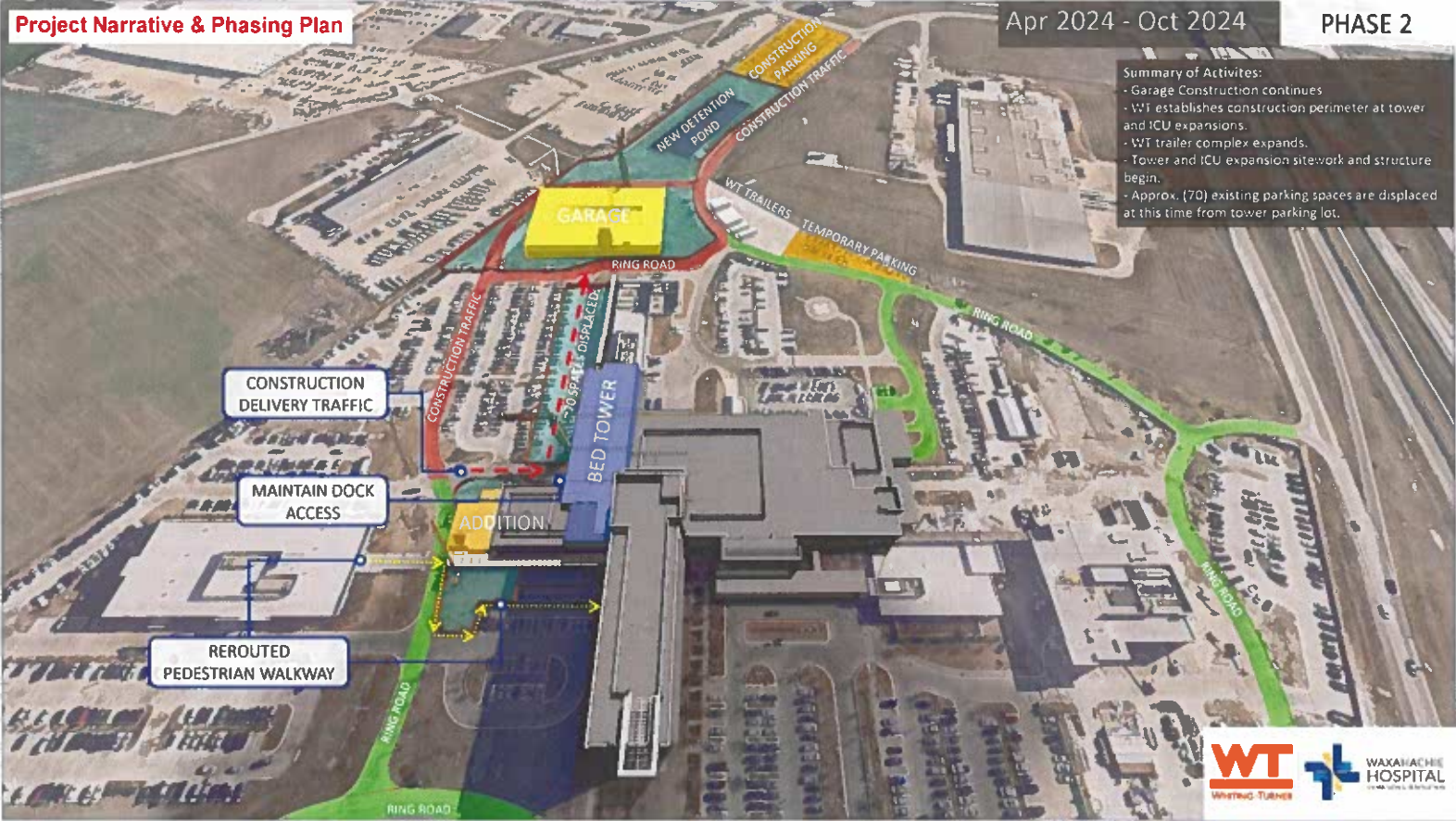


Project Narrative & Phasing Plan

Apr 2024 - Oct 2024

PHASE 2

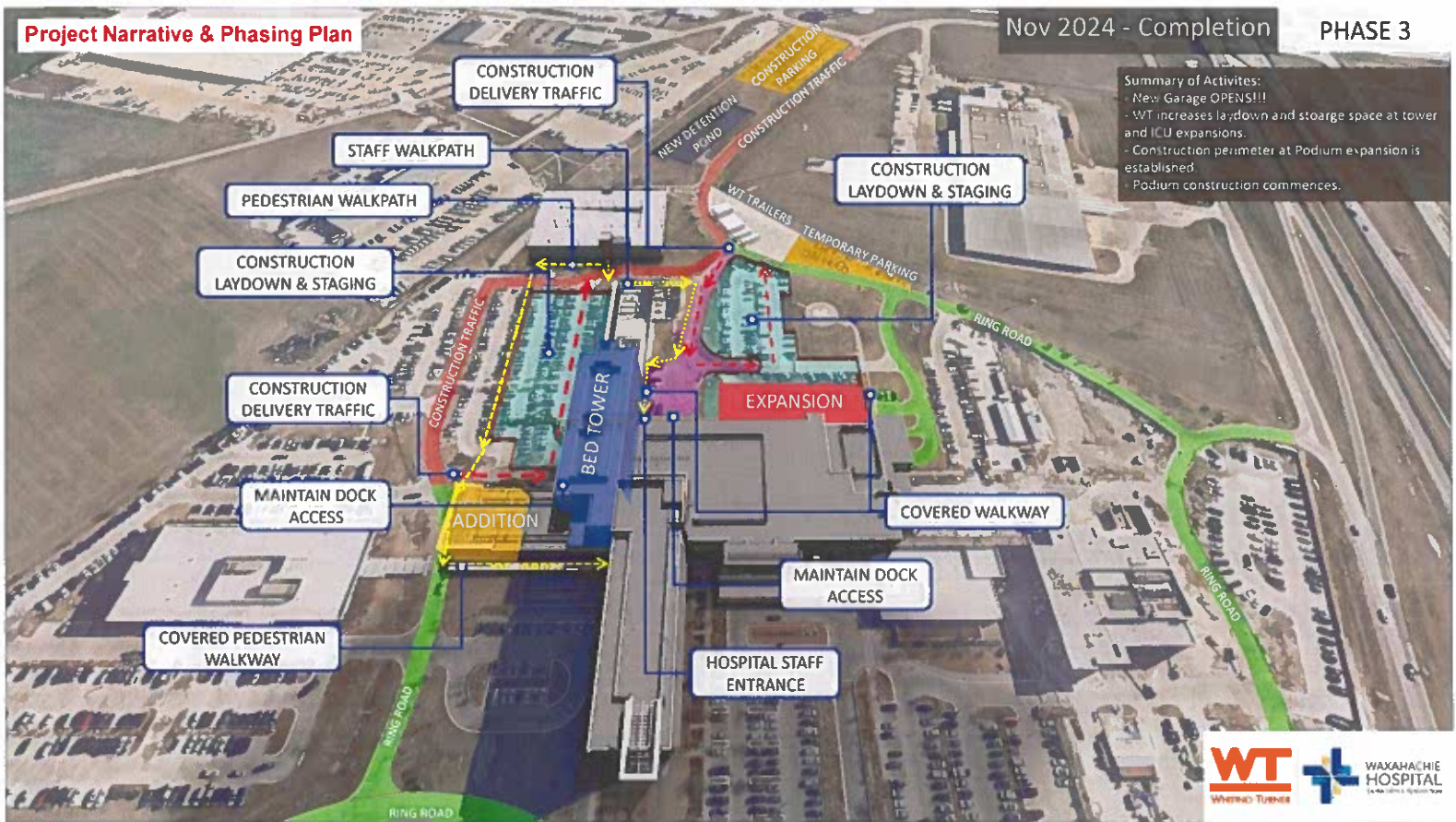
- Summary of Activities:
- Garage Construction continues
 - WT establishes construction perimeter at tower and ICU expansions.
 - WT trailer complex expands.
 - Tower and ICU expansion site work and structure begin.
 - Approx. (70) existing parking spaces are displaced at this time from tower parking lot.



Project Narrative & Phasing Plan

Nov 2024 - Completion

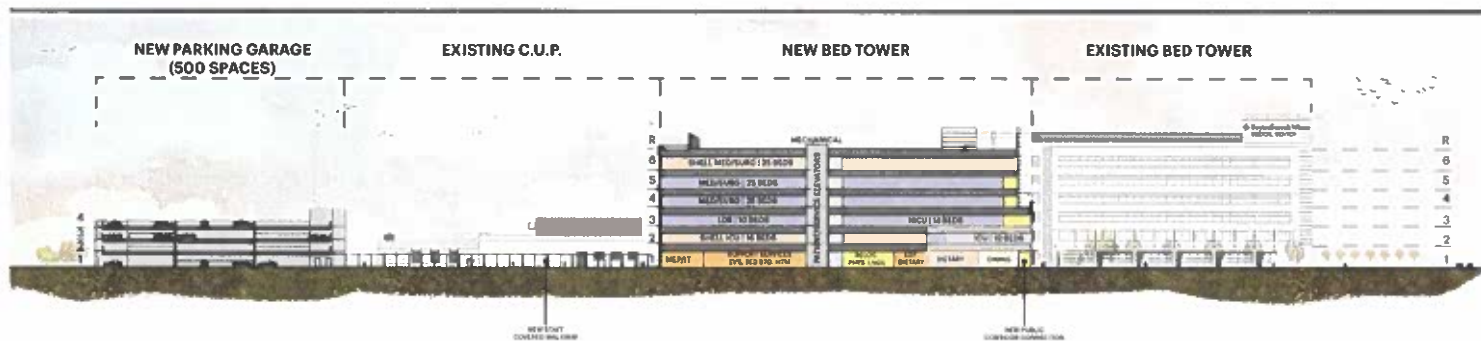
PHASE 3



Concept Renderings



NORTH/SOUTH STACKING DIAGRAM



WEST/EAST STACKING DIAGRAM

Concept Renderings



North Drive View



Baylor Scott & White Health
Waxahachie Medical Center

WAXAHACHIE, TX | 425966-000 | 06.27.2023

Concept Renderings



North View

Concept Renderings



North Entry View

Concept Renderings



Northeast Entry View

Concept Renderings



Northeast Entry View

Concept Renderings



Northeast Tower View

Concept Renderings



Bird's Eye - East D&T View

Concept Renderings



East D&T View

Concept Renderings



Staff Walkway from Parking Garage

Concept Renderings



Staff Walkway from Parking Garage

Concept Renderings



Staff Walkway from Parking Garage

Concept Renderings



North Bird's Eye View

Concept Renderings



North Bird's Eye View

Concept Renderings



North Bird's Eye View

Concept Renderings



Parking Garage - North View

Concept Renderings



Parking Garage - West View

Concept Renderings



Parking Garage - South East View

(12)

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR BAYLOR SCOTT & WHITE TOWER
COUNTY OF ELLIS	§	EXPANSION II

This Development Agreement for Baylor Scott & White Tower Expansion II ("**Agreement**") is entered into between Baylor Health Care System ("**BHCS**") and the City of Waxahachie, Texas ("**City**"). BHCS and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. BHCS is the owner of approximately 43.76 acres of real property generally located at 2400 N. Interstate 35E, Parcel Number 180334, in the City of Waxahachie, Texas (the "**Property**"), for which the owner has requested a Site Plan (SP-141-2023) addition to the Property's Planned Development ("**PD**") Commercial (Ordinance Nos. 2649 & 3287) zoning. The Property is currently zoned Planned Development-Commercial by the City, and incorporated approval of the Site Plan reviewed on November 20, 2023.

2. The planned use of the Property is to create a Site Plan update to allow for the development off an additional Hospital (Acute or Chronic Care), Medical Facility, and Parking Structure. The Site Plan process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing BHCS with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of BHCS and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of development standards to be reflected in the Site Plan update for **Ordinance Nos. (2649 & 3287)** a copy of which is attached hereto as ***Exhibit B*** and which contains the negotiated zoning and development standards for Baylor Scott & White Tower Expansion II.

4. This Agreement seeks to incorporate the negotiated and agreed upon development standards contained in the Baylor Scott & White Tower Expansion II Site Plan as contractually-binding obligations between the City of Waxahachie and BHCS, and to recognize BHCS's reasonable expectations in Ordinance Nos. 2649 & 3287 and the development of the Baylor Scott & White Tower Expansion II.

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon development standards contained in the Baylor Scott & White Tower Expansion II Site Plan, which incorporate by reference Ordinance Nos. 2649 & 3287 and the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of BHCS as the Developer.

BHCS, as the Developer, agrees that:

- (A) A mutually agreed upon Development Agreement (i.e. this agreement) will be required for the property.
- (B) The development shall conform as approved by the City Council under case number SP-141 -2023.
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).
- (D) BHCS shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C - Landscape Plan and maintain the required landscaping at all times.
- (E) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (F) Any zoning, land use requirement, or restriction not contained within this Development Agreement shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan. Where regulations are not specified in Exhibits A, B, C, D, E, this Development Agreement, or the regulations of Ordinance Nos. 2649 & 3287, the general zoning regulations of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (G) 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.

In consideration of BHCS's agreement in this regard, the City of Waxahachie agrees that BHCS has reasonable expectations in the Ordinance Nos. 2649 & 3287 and the development of the Baylor Scott & White Tower Expansion II, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Baylor Scott & White Tower Expansion II Site Plan without impacting BHCS's reasonable expectations.

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.
- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.
- E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
- F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.
- G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

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

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

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

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

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

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

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

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

for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

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

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

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

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

: Baylor Health Care System (Applicant)

By: _____

Date: _____

: Baylor Health Care System (Owner)

By: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

EXHIBIT A

Exhibit A - Location Map

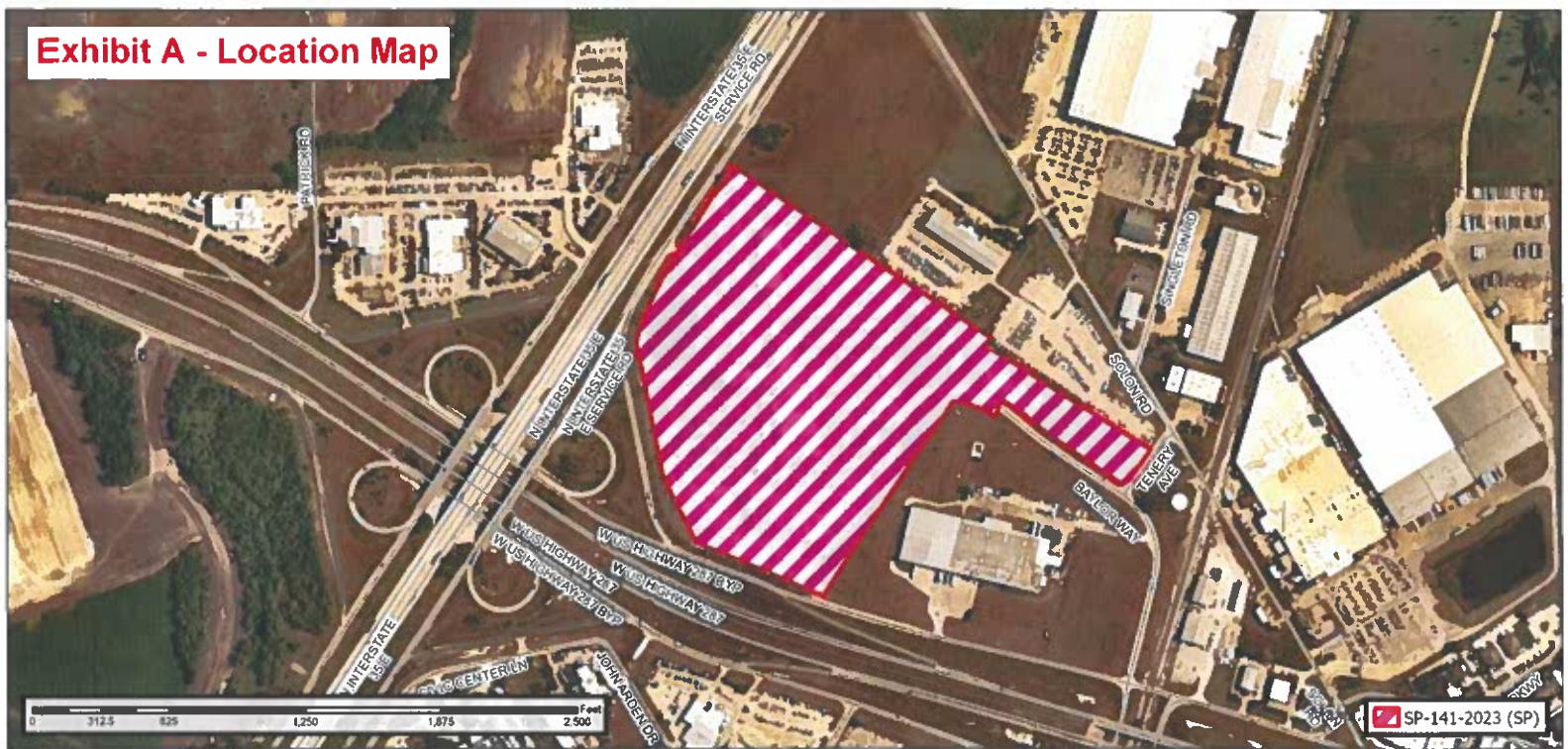
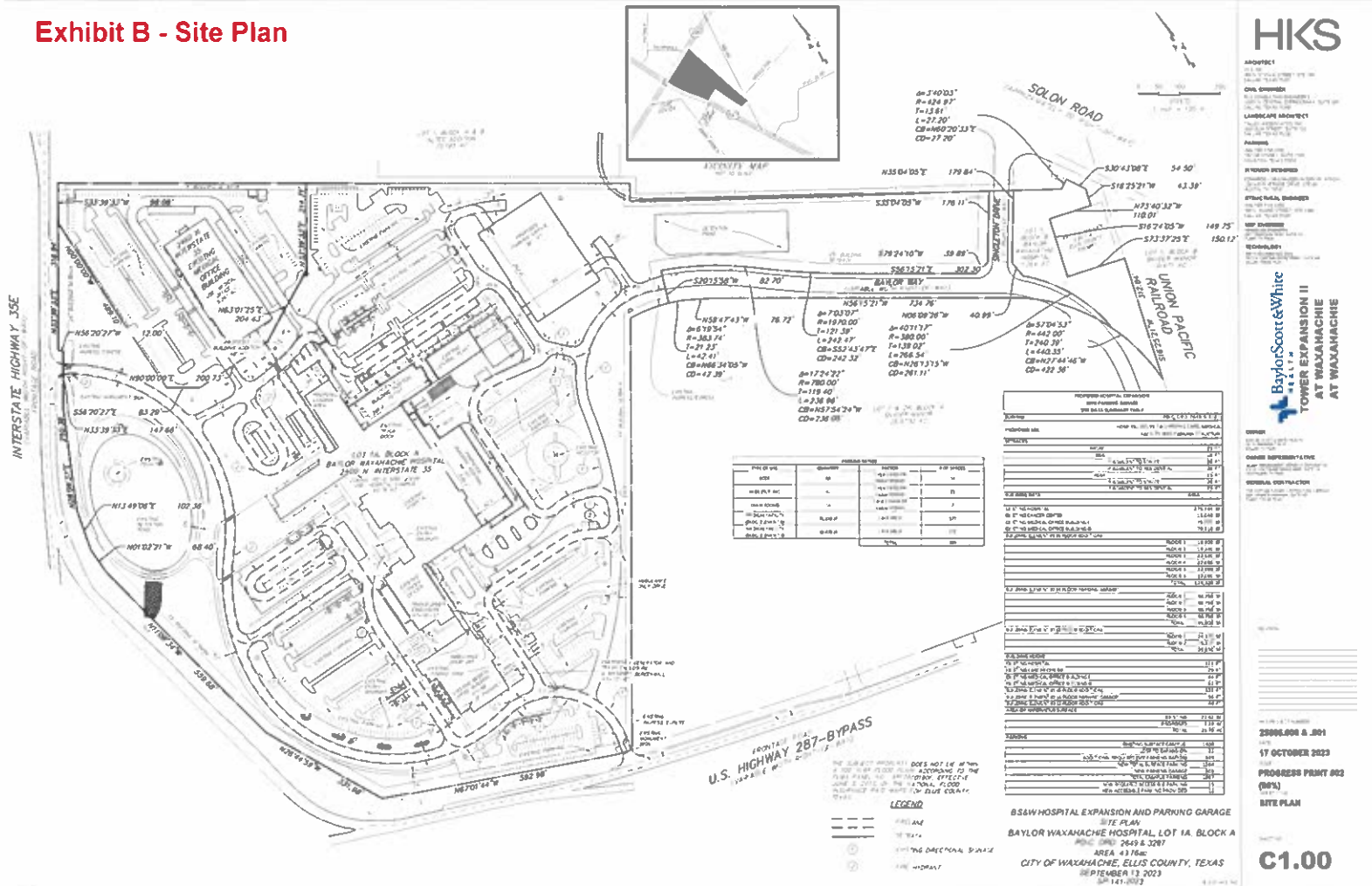


EXHIBIT B

Exhibit B - Site Plan



HKS

ARCHITECT
 CIVIL ENGINEER
 LANDSCAPE ARCHITECT
 PLANNING
 INTERIOR DESIGNER
 ENVIRONMENTAL DESIGNER
 HISTORIC PRESERVATION
 SCULPTURE
 LIGHTING DESIGNER
 SIGNAGE DESIGNER
 VIDEO DESIGNER
 AUDIO DESIGNER
 SECURITY DESIGNER
 ACCESSIBILITY DESIGNER
 SUSTAINABILITY DESIGNER
 BAYLOR SCOTT & WHITE
 TOWER EXPANSION II
 AT WAXAHACHE
 AT WAXAHACHE

23000.000 & .001
 17 OCTOBER 2023
 PROGRESS PRINT 002
 (00%)
 SITE PLAN

C1.00

EXHIBIT C

Exhibit C - Landscape Plan

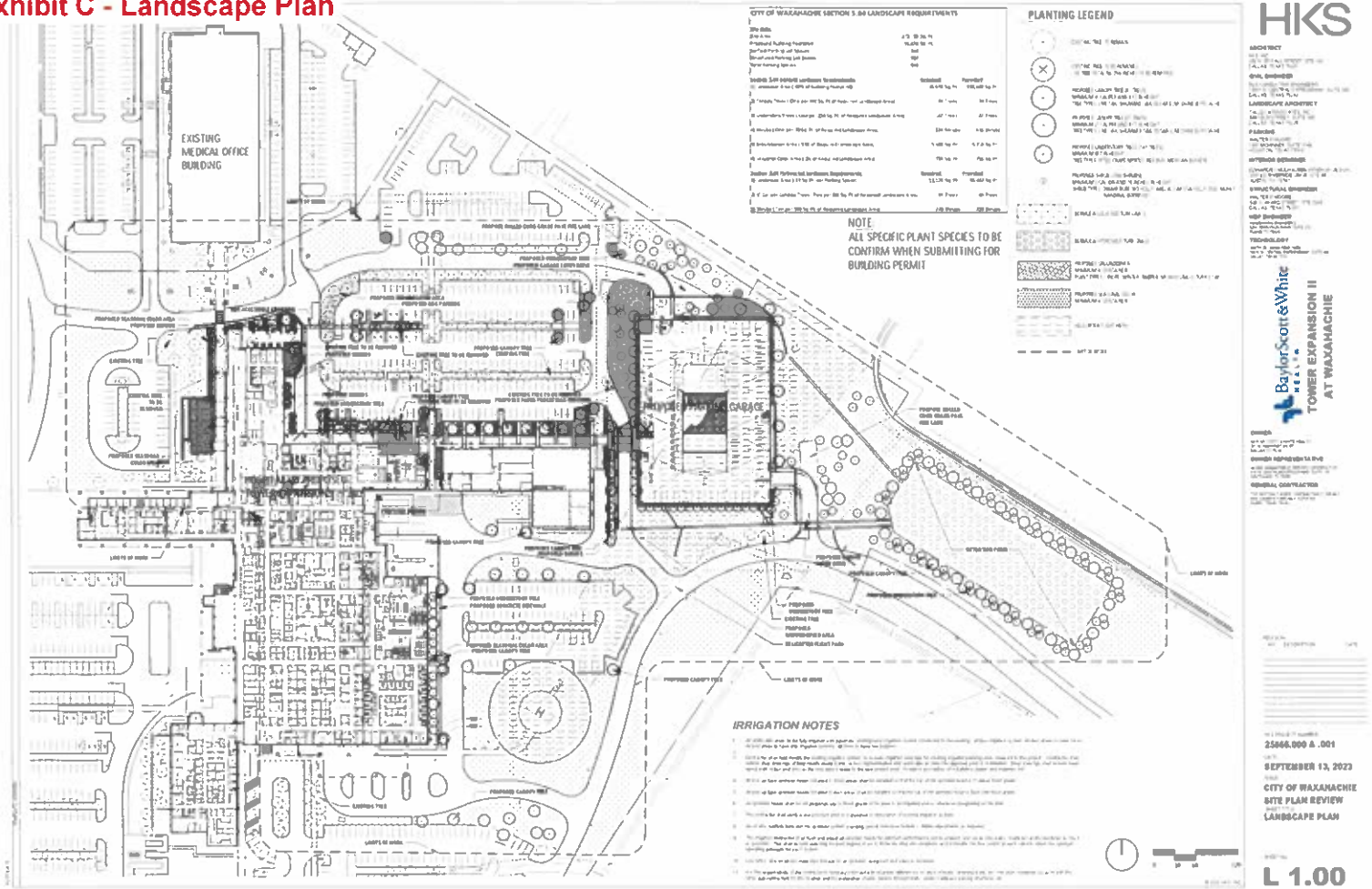
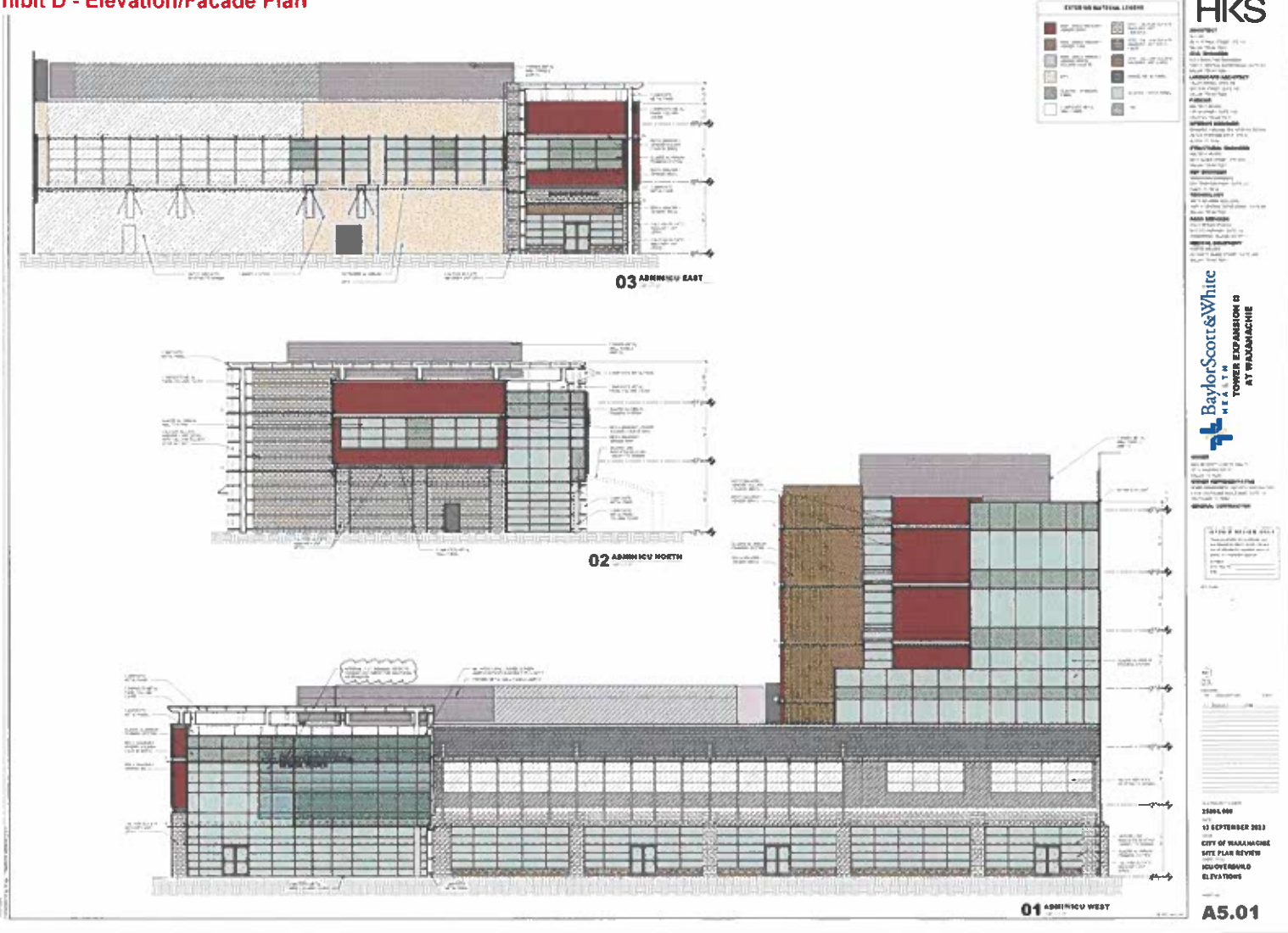


EXHIBIT D

Exhibit D - Elevation/Facade Plan

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Exhibit D - Elevation/Facade Plan



HKS

BaylorScott&White
HKS
TOWER EXPANSION IS
AT WAUKESHA

A5.01

Exhibit D - Elevation/Facade Plan

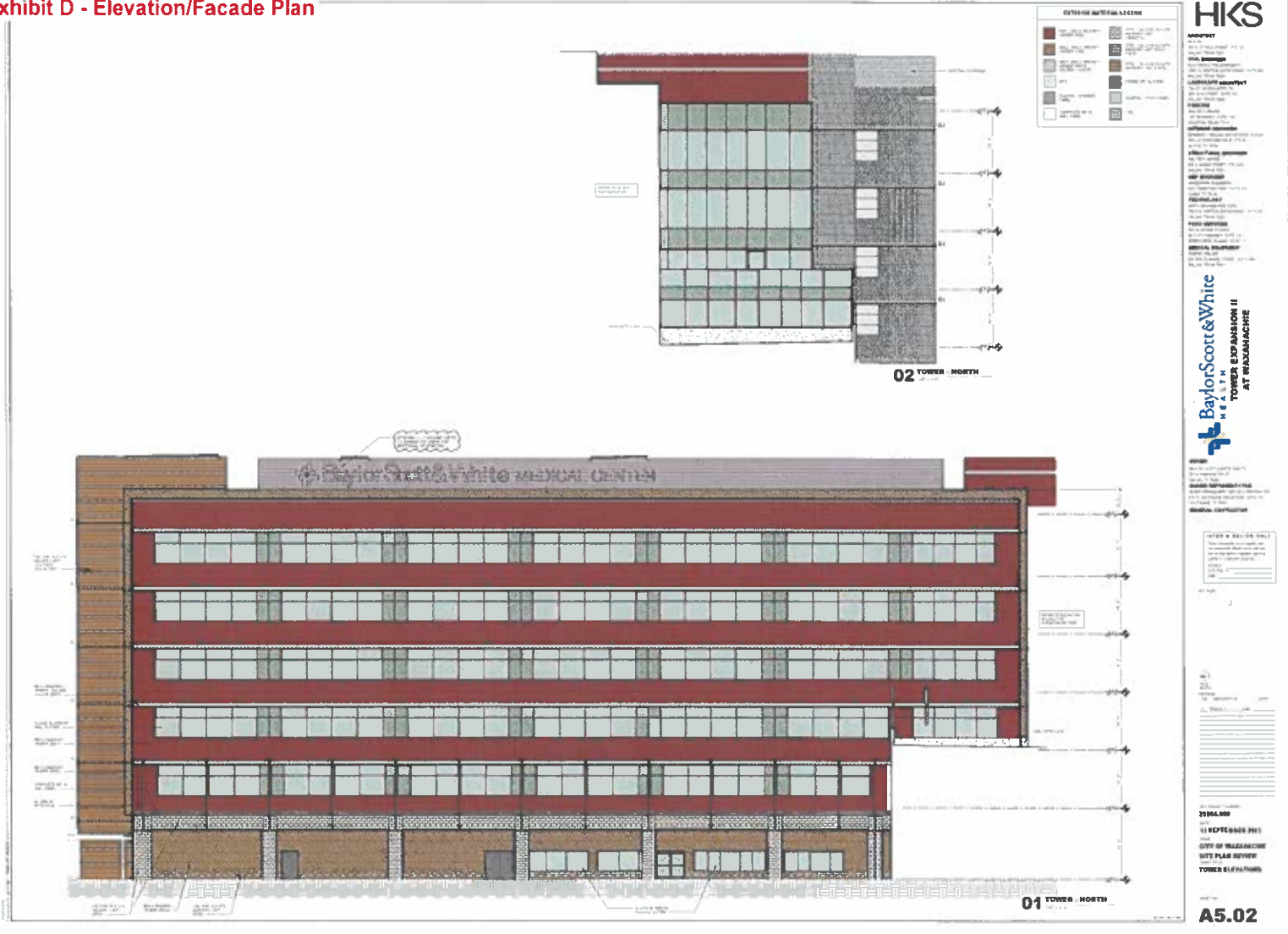
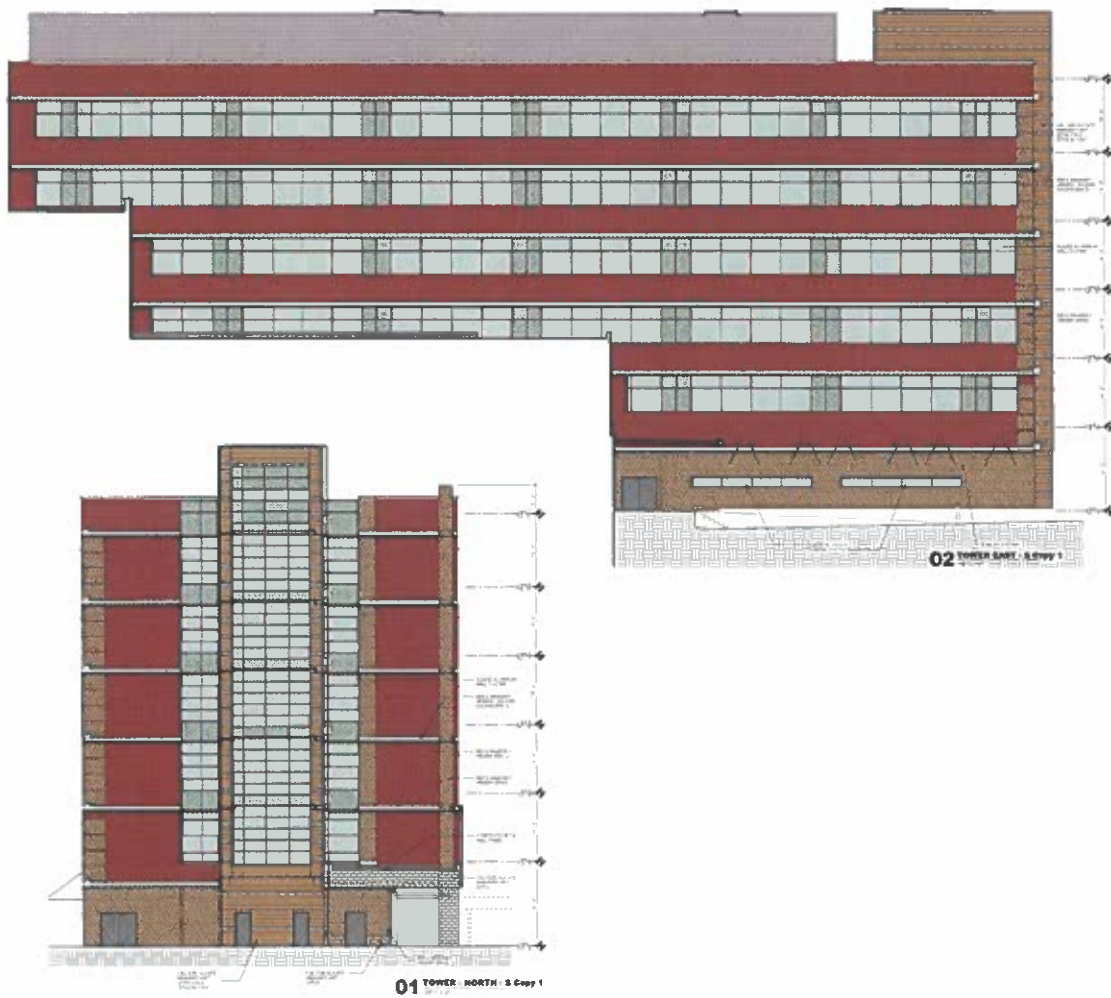


Exhibit D - Elevation/Facade Plan



LEGEND FOR MATERIALS (CLASH)

BRICK	GLASS	CONCRETE	ROOF
PAINT	WOOD	STEEL	LANDSCAPE
...

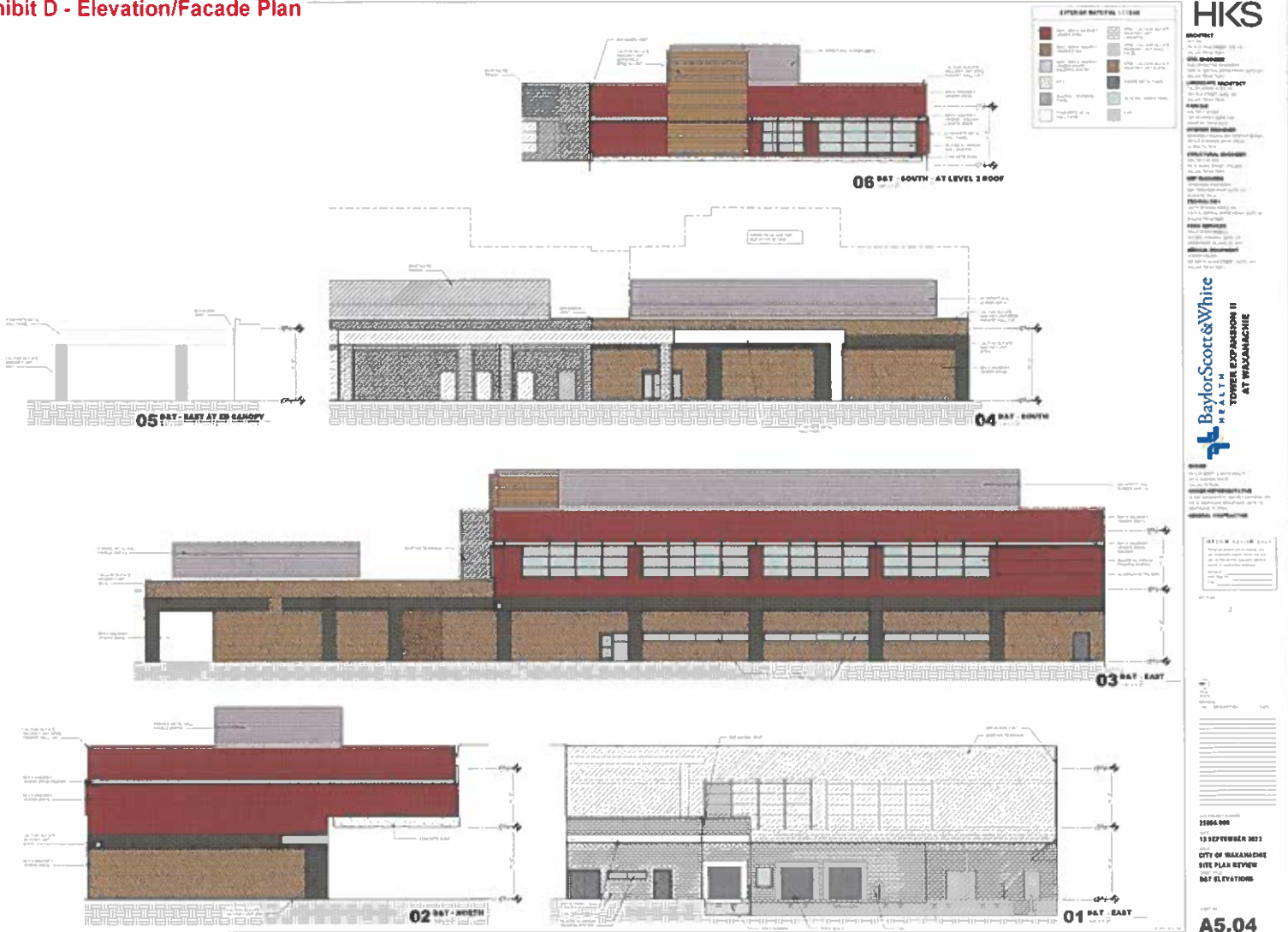
HKS

BaylorScott&White
H A L S H
TOWER EXPANSION II
AT WAXAHACHIE

DATE: 11 SEPTEMBER 2021
BY: [Signature]
CITY OF WAXAHACHIE
SITE PLAN REVIEW
TOWER ELEVATIONS

A5.03

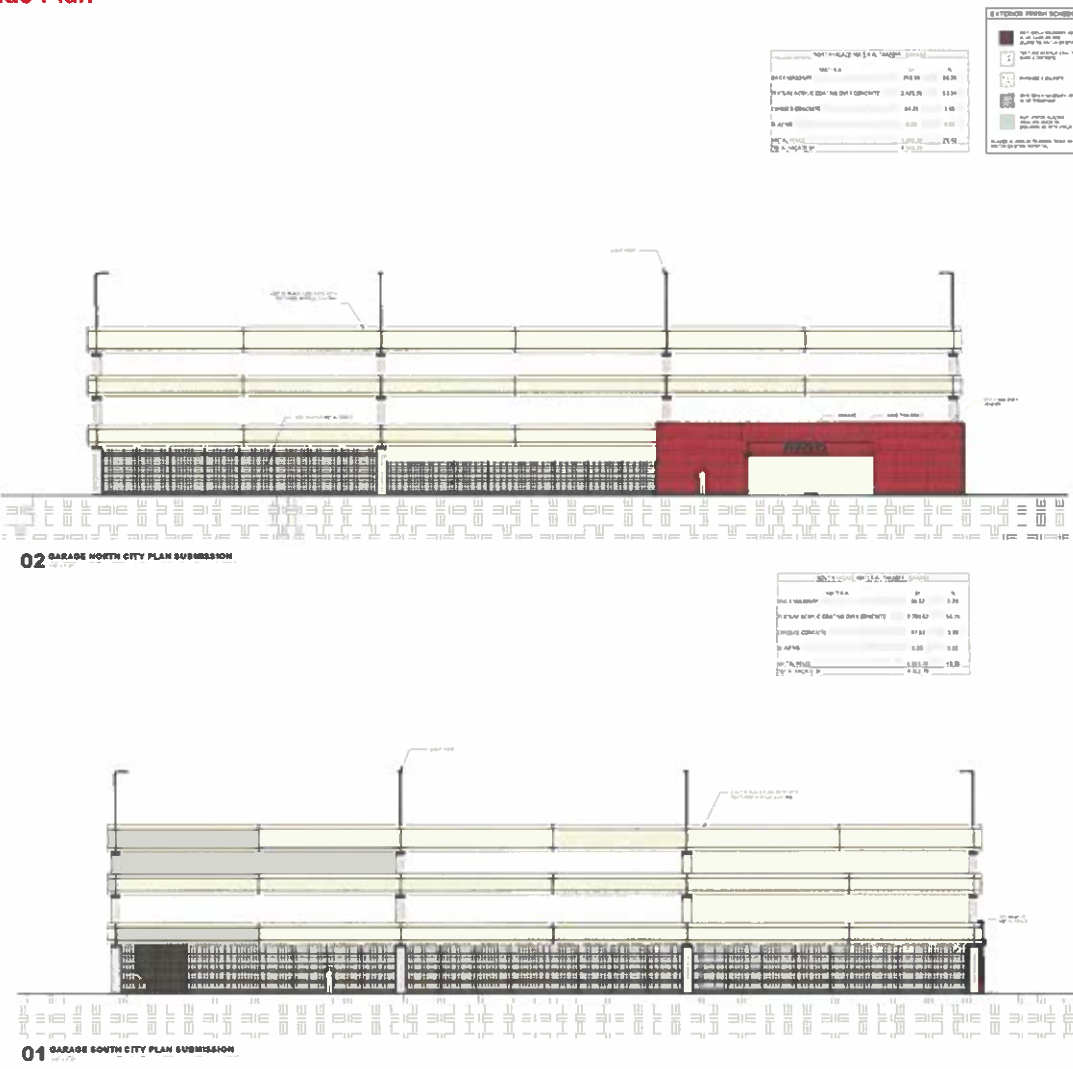
Exhibit D - Elevation/Facade Plan



HKS

BaylorScott&White
TOWER EXPANSION II
AT WAKANAHE

Exhibit D - Elevation/Facade Plan



HKS

BaylorScott & White
GARAGE
AT WAXAHACHIE

2016.10.10
13 SEPTEMBER 2017
CITY OF WAXAHACHIE
LIFE PLAN REVIEW
EXTERIOR ELEVATIONS

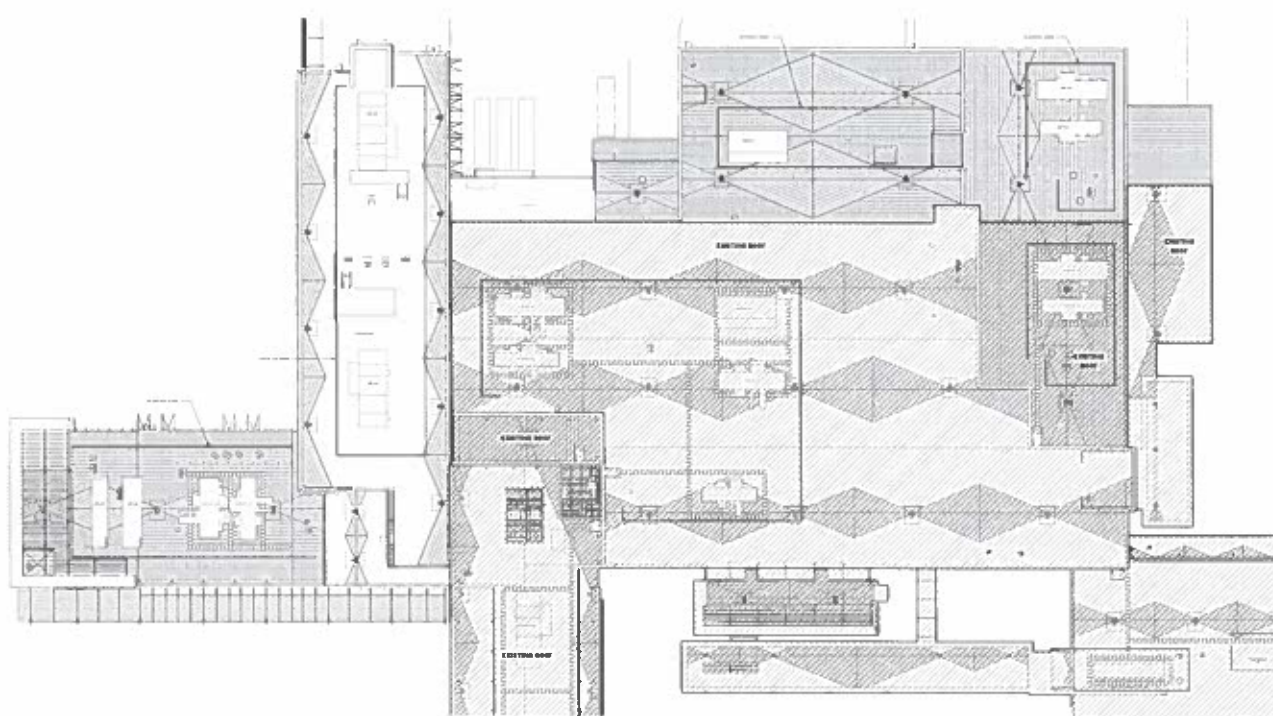
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Exhibit D - Elevation/Facade Plan

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10/1/2023
13 SEPTEMBER 2023
CITY OF WAXAHACHIE
SITE PLAN REVIEW
EXTERIOR ELEVATIONS

Exhibit D - Elevation/Facade Plan



01 OVERALL ROOF PLAN

HKS

[illegible]

BaylorScott&White
WEALTH
TOWER EXPANSION II
AT MEADOWDALE

ADDRESS: 6000 N. 19th Ave., Suite 100
Denver, CO 80202-7100

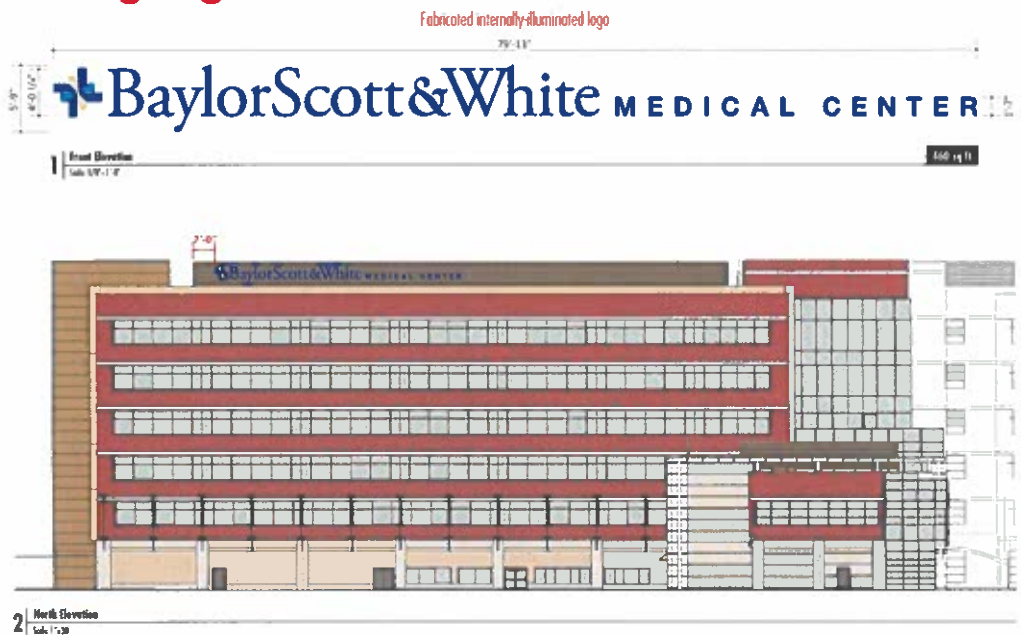
1000

25000.000
00- OCTOBER 2021
CITY OF WAXAHACH
SITE PLAN REVIEW
SYNOPSIS, ROOF PLAN

A2.80

EXHIBIT E

Exhibit E - Signage Plan



Logo glows white at night



Babendure Design Group
8140 Walnut Hill Ln. #950
Dallas, Texas 75231
214 265 1960
www.babendure.com

Illuminated Logo

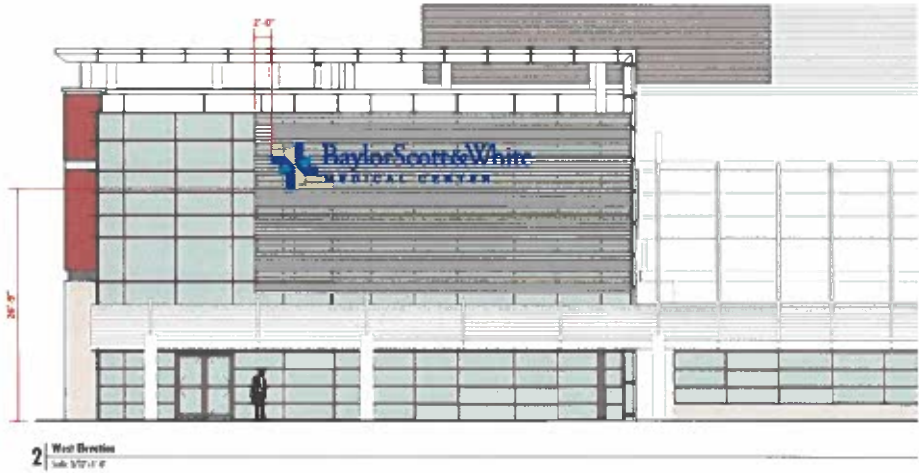
BSW Waxahatchie Medical Center

October 06, 2023

Exhibit E - Signage Plan




B D G
Babendure Design Group
8140 Walnut Hill Ln. #950
Dallas, Texas 75231
214 265 1960
www.babendure.com



Non-Illuminated Logo

BSW Waxahachie Medical Center
October 06, 2023

3



Memorandum

To: Honorable Mayor and City Council

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

Thru: Michael Scott, City Manager

Date: November 20, 2023

Re: Consider the Award of a Construction Contract to Mann Robinson & Son, Inc. for the South Prong Dam Miscellaneous Repairs Project

Motion: "I move to award a construction contract with Mann Robinson & Son, Inc. for \$325,662.50 and additional construction contingency in the amount of \$17,000 for the South Prong Dam Miscellaneous Repairs Project and authorize the City Manager to execute all necessary documents."

Item Description: Consider the award of a construction contract for the South Prong Dam Miscellaneous Repairs Project to Mann Robinson & Son, Inc. in the amount of \$325,662.50. Additionally, Staff recommends a \$17,000 contingency, for a total construction amount of \$342,662.50.

Item Summary: In December of 2021, City contracted with Freese and Nichols, Inc. (F&N) to complete field investigations and engineering analysis for the South Prong Dam and Lake Bardwell outfall structure. As a result of this study, F&N has recommended the following repairs to the South Prong Dam and outfall structure;

- Re-establish rock riprap protection on the upstream slope in the areas where riprap is missing on the upstream slope of the dam,
- Replace portions of the parapet wall located on the crest of the dam and stabilize the soil downslope of the replaced wall segments,
- Regrade an erosion pocket located upstream of the dam and install rock riprap protection, and

- Re-grade slope adjacent to the outfall structure and install rock riprap protection.

The City contracted with F&N in November of 2022 to provide design, bidding and construction phase services for the above listed repairs. Once the design was completed, the City with the assistance from F&N went through the bidding process. The City received a total of six sealed bids that were opened on Thursday, November 2nd, 2023. Mann Robinson & Son, Inc. was the lowest responsible bidder in the amount of \$325,662.50. F&N has reviewed the lowest bidder's qualifications, references, and recommends awarding the construction contract to Mann Robinson & Sons, Inc.

Fiscal Impact: The project is funded through the 2022 Water Fund bond sales and was originally budgeted for \$800,000. The contract amount of \$325,662.50 and additional \$17,000 contingency for a total of \$342,662.50 is well within the original budgeted amount.



Memorandum

To: Honorable Mayor and City Council

From: Gumaro Martinez, Executive Director of Parks & Leisure Services

Thru: Michael Scott, City Manager

Date: November 20, 2023

Re: Consider Textual Amendments to Chapter 4 – Alcoholic Beverages of City of Waxahachie Code of Ordinances

Recommended Motion: "I move to approve the textual amendments to the City of Waxahachie Code of Ordinances, Chapter 4 – Alcoholic Beverages as presented, and authorize the City Manager to execute all documents as necessary."

Item Description: Staff has received inquiries from various council members, community leaders, stakeholders, and event applicants regarding the sale and consumption of alcoholic beverages in relation to events and festivals. Upon review, staff has identified certain sections in the current Waxahachie Code of Ordinances, specifically in Chapter 4 – Alcoholic Beverages, that may benefit from textual amendments to enhance clarity. Proposed amendments to Sec. 4-2 - Consumption on streets, sidewalks, and Sec. 4-7 - Alcohol at approved festivals and events involve the repeal and modification of ordinance language, along with updated requirements. These changes aim to provide clearer guidelines as the city continues to host a large number of community events and festivals.

Item Summary: The current language in Sec. 4.2 regarding consumption on streets and sidewalks, specifically subsection 4.2(b), makes a reference to the Historic Overlay footprint, leading to confusion about its intent. To address this, staff proposes removing the Historic Overlay reference and repealing subsection 4.2(c) which restricts alcohol consumption to specific hours. The revised ordinance states that alcohol consumption on public sidewalks or city right-of-way is prohibited, unless authorized by the City Council for an event or festival.

Further amendments to Sec. 4.7 – Alcohol at approved festivals and events involve the removal of the phrase "No such events can be held in a residentially zoned area" from subsection 4.7(b)(1). Additionally, adjustments to the language in subsection 4.7(b)(2)a aim to clarify event boundaries in relation to alcohol sale and consumption. A new provision empowers the City Council to modify the festival footprint and areas

where alcoholic beverages can be sold or consumed. Subsections 4.7(5) and 4.7(6) are to be entirely repealed, superseded by the updated event and festival boundary language in subsection 4.7(b)(2)a. Subsection 4.7(8) introduces language to ensure compliance with the Texas Alcoholic Beverage Commission and other relevant state or local laws. Lastly, a new subsection, 4.7(10), grants the City Council the authority to impose additional measures deemed necessary for the protection of public health and safety.

Fiscal Impact: The textual amendments will provide guidance and clarification for event applicants, local business owners, residents, and all others seeking to hold or attend an event or festival within the City of Waxahachie. There will be no related fiscal impacts to the City.

Chapter 4 - ALCOHOLIC BEVERAGES

Footnotes:

-- (1) --

*Cross reference— Offenses and miscellaneous provisions, Ch. 21.**State Law reference— Local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 109.31 et seq., local fee authorized, V.T.C.A., Alcoholic Beverage Code § 11.38; local license fee authorized, V.T.C.A., Alcoholic Beverage Code § 61.36.*

Sec. 4-1. - Drunkenness.

Whoever shall get drunk or be found in a state of intoxication in any public place, or at any private house except his own, shall be fined not exceeding one hundred dollars (\$100.00).

Sec. 4-2. - Consumption on streets, sidewalks.

- (a) The consumption of any alcoholic beverages in or on any public sidewalk, or city right-of-way in the city is prohibited.
- (b) The provisions of subsection (a) shall not apply to consumption of alcoholic beverages ~~in the Historic Overlay District~~ during events that have been sanctioned and approved by the city, and specifically allow alcoholic beverage consumption.
- ~~(c) Consumption shall only be allowed between the hours of noon and midnight or the designated hours of the event when they fall within those hours.~~
- ~~(d)(c)~~ Containers cannot be made of glass unless specifically issued for use at the approved event.

(Ord. No. 2819 , 9-21-15)

Cross reference— Streets and sidewalks generally, Ch. 28.

Sec. 4-3. - Alcoholic beverage sales.

Beer and wine stores shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and to the following development criteria:

- (1) *Sale of alcoholic beverages prohibited in residential areas.* The sale of beer and wine is prohibited at any location that is within a residential zoning district or an identified portion of a planned development district exclusively restricted to residential uses.
- (2) *Fee established.* No person shall manufacture, distribute, sell or serve alcoholic beverages within the city without first having obtained a permit or license for the specific location from the Texas Alcoholic Beverage Commission.

Annual fee: There is hereby levied an annual permit fee and annual license fee in the amount equal to one-half of the fee charged by the State of Texas for each particular permit or license (or the maximum fee that the city is authorized by law to charge) issued by the Texas Alcoholic Beverage Commission, not to exceed three hundred seventy-five dollars (\$375.00) per year, or seven hundred fifty dollars (\$750.00) for two (2) years, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code. The fee shall be paid at time of application and on the date such permit or license is renewed with the state thereafter.

(3) *Distance requirement.*

a. No person may sell alcoholic beverages if the place of business is within:

1. Three hundred (300) feet of a church, public or private school or public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business and in a direct line across intersections.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

b. Subsection (3)a.1. does not apply to the holder of:

1. A license or permit issued by the Texas Alcoholic Beverage Code who also holds a food and beverage certificate by the Texas Alcoholic Beverage Commission; or
2. A license or permit covering a premises where minors are prohibited from entering under Section 109.53 (Unaccompanied minor in Package Liquor store).

c. In this section, "private school" means a private school, including a parochial school, that:

1. Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
2. Has more than one hundred (100) students enrolled and attending courses at a single location.

d. The city council may allow variances to the regulation if the city council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is

not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

- e. If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirements regarding distance from schools, churches and other types of premises set forth in this section, the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit.
- f. On the sale or transfer of the premises or the business on the premises in which a new original license or permit is required for the premises, the premises shall be deemed to satisfy any distance requirement as if the issuance of the new original permit of license were a renewal of a previously held permit or license.

(Ord. No. 2500, 1-5-09)

Sec. 4-4. - Possession, consumption by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to possess or consume any alcoholic beverage in any public place unless at the time of such possession or consumption such a person is accompanied by his parent, guardian, adult husband or adult wife who is actually, visibly and personally present at the time such an alcoholic beverage is possessed or consumed by such person under the age of twenty-one (21). Any person convicted of violating the provisions of this section shall be fined not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00).

Sec. 4-5. - Possession prohibited at school athletic events.

It shall be unlawful for any person to bring or carry into any enclosure, field or stadium, where athletic events sponsored or participated in by any public school are being held, any alcoholic beverage or to have any alcoholic beverage in his possession while in or on such enclosure, field or stadium.

Cross reference— Amusements, generally, Ch. 5.

Sec. 4-6. - Possession or consumption in city parks.

Unless approved by the City of Waxahachie as part of an authorized festival or event, it shall be unlawful for any person to possess or consume any alcoholic beverage within the limits of any city park, including any city-owned land surrounding Lake Waxahachie, but not including the water area of Lake Waxahachie, nor any strips of land between the water line and privately owned lake lots.

(Ord. No. 1683, 2-19-90; Ord. No. 1978, 8-2-99)

Sec. 4-7. - Alcohol at approved festivals and events.

- (a) It shall be unlawful for any person to possess or consume alcoholic beverages while on any street, sidewalk or other public way in the city per section 4-2 of this chapter or within the limits of any city park per section 4-6 of this chapter unless approved by the city council as an authorized festival or event.
- (b) Alcoholic beverages may be allowed in these areas provided the appropriate application, ~~as referenced by the City of Waxahachie festival guidelines~~, is submitted and a permit is issued.
- (1) Alcohol is allowed only during a festival or event that is approved by the City of Waxahachie.
~~No such events can be held in a residentially zoned area.~~
- (2) Applicant must submit a festival/event permit application at least sixty (60) days prior to the proposed festival/event that includes the following information:
- A map depicting the boundaries of the festival area, and boundaries in which alcoholic beverages may be sold and/or consumed, locations of fencing and type of fencing material to be approved by the city manager, locations of entrance and exit points and locations of alcohol sales. City Council reserves the right to expand or reduce the requested boundaries of the festival or event, and/or areas where alcoholic beverages may be sold or consumed.
 - Proof of required licenses, permits and paid fees mandated by state law for the sale of alcoholic beverages.
- (3) Applicant must present the request to the city council for consideration.
- (4) The sale or consumption of alcoholic beverages shall be limited to the area(s) indicated on the festival/event permit application.
- ~~(5) If the event is gated with controlled access, alcohol may be sold throughout the gated controlled access area. The gating and access control must be approved by the city manager.~~
- ~~(6) If the event is not gated with controlled access, alcohol may only be sold and served in areas designated in the festival/event permit application. Each designated area shall be fenced of a material approved by the city manager. The fence height shall be a minimum of forty-eight (48) inches. The designated area shall meet all applicable health and safety codes and shall have no more than one (1) public entrance.~~
- ~~(7)(5)~~ Peace officers licensed in the state must be on-site throughout the event's operation and outside the perimeter to provide security. The city manager shall determine the number of officers required for the event. Waxahachie Police Officers shall be used for the event. If additional officers are needed, the even event holder may use peace officers from other jurisdictions. The event holders will pay for the service of the peace officers.
- ~~(8)(6)~~ Alcoholic beverages may only be sold and consumed in accordance with state law the Texas Alcoholic Beverage Commission requirements and any other applicable state or local

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[laws or regulations.](#)

(9)(7) No glass containers will be allowed.

(10)(8) The applicant will be responsible for the proper disposal of all trash on any property, public or private, which was utilized by the organizer during the event. Proper disposal of trash shall occur immediately following the event.

(9) Liquor liability and general liability insurance is required per the festival guidelines.

(10) The City Council may impose any additional measures deemed necessary for the protection of public health and safety.

(11) (Ord. No. 2613, § 1, 6-6-11)

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(15)

TAXING UNIT: _____

Resolution No. _____

RESOLUTION OF **VOTES CAST** TO ELECT DIRECTORS FOR THE ELLIS
APPRAISAL DISTRICT FOR THE YEARS 2024-2025*

WHEREAS, Section 6.03 (k) of the Texas Property Tax Code, requires that each taxing unit entitled to vote cast their vote by Resolution and submit results of that vote to the Chief Appraiser of the Ellis Appraisal District before December 15, 2023.

THEREFORE, the _____ submits the attached Official Ballot, as issued by the Chief Appraiser, stating the votes cast for candidates in the 2024-2025 Board of Directors' Election for the Ellis Appraisal District.

ACTION TAKEN this _____ day of _____, 2023, in _____ Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the Ellis Appraisal District.

Presiding Officer

ATTEST:

City Secretary

*This election is for 2024. SB2 becomes effective 7/1/2024 and Section 6.0301 requires another election to take place prior to December 31, 2024 to appoint five directors who will begin serving January 1, 2025.

In that election, two of these appointed directors will serve a term of one year and three will serve a term of three years. I am seeking counsel on how this will be determined, but do not have an answer yet. This is only to inform you, as I understand this new law, there will be another election in 2024.

OFFICIAL BALLOT
TO
ELECT THE 2024 BOARD OF DIRECTORS
FOR THE ELLIS APPRAISAL DISTRICT

Issued to: CITY OF WAXAHACHIE

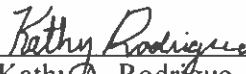
Number of Votes: **346**

Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate. You may cast all of your votes for one candidate or divide your votes among any number of the candidates.

CANDIDATES (listed alphabetically)

RUSTY BALLARD	_____
CORNEL BENFORD II	_____
TRAVIS BRUTON	_____
WALTER ERWIN	_____
DAVID HURST	_____
RICK KEELER	_____
SHERRON MOSLEY	_____
DANI MUCKLEROY	_____
MACHANTA NEWSON	_____
GEORGE RICKS	_____

Issued under my hand this 22nd day of October, 2023.



Kathy A. Rodriguez, RPA
Chief Appraiser
Ellis Appraisal District

Texas Property Tax Code Sec. 6.03. Board of Directors.

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director.

2024 Ellis Appraisal District Board of Directors' Candidate Information

Please find information for the nominated candidates:

*Rusty Ballard
Cornel Benford II
Travis Bruton*

*Walter Erwin
David Hurst
Rick Keeler
Sherron Mosley*

*Dani Muckleroy
Machanta Newson
George Ricks*

Rusty Ballard – Mr. Ballard was nominated by Ellis County. Mr. Ballard is a longtime resident of Ellis County and has lived primarily in the Forreton area for the past 40 years. Over the years Mr. Ballard has served the community in public office and city commissions for Ellis County and the City of Waxahachie. He received his Bachelor of Science degree in Criminal Justice from the University of Texas at Arlington and his Master of Science degree in Forensic Studies from Stevenson University. Mr. Ballard works as a claims investigator for CoventBridge Group LLC focusing on the insurance industry.

Cornel Benford II - Mr. Benford was nominated by the City of Glenn Heights. Mr. Benford earned his Bachelor of Science in Information Systems from DePaul University in Chicago. His career started in 2012 in California working for 3M. Since 2015 Mr. Benford began in the Pharmaceuticals Industry as a Primary Healthcare Representative I. Mr. Benford moved to Texas in 2017 and continued in the Healthcare arena as a Sales Representative at Pfizer, an Oncology Sales Representative for Ferring Pharmaceuticals, a Sales Representative at Romark Pharmaceuticals, and an ADHD Account Manager at Ironshore Pharmaceuticals. In 2022 Mr. Benford became a Solution Architect at Leica Biosystems.

Travis Bruton - Mr. Bruton was nominated by the City of Glenn Heights. Mr. Bruton earned his Bachelor of Business Administration in Finance at the University of Memphis and his Master of Business Administration at American Intercontinental University in Florida. His career started as an Accountant working with The ADT Corporation in Security Services in Florida. In 2013 Mr. Bruton moved to Texas to work with the Westwood Holding Group, followed by McKesson and Trinity Industries, Inc. as a Senior Accountant. In 2020, Mr. Bruton became the Principal Owner of Total Mortgage and Lending Solutions. He has served the City of Glenn Heights creating the first Youth Advisory Council and was elected in 2017 and 2021 as a City Councilman. He also served as the Vice Chair of the Small Cities Council with the National League of Cities.

Walter Erwin - Mr. Erwin was nominated by the City of Midlothian. Mr. Erwin has served on the Ellis Appraisal District Board of Directors as the Chairman of the Board of Directors in 2022 and 2023 and as a Member for a part of 2021. He was in the US Army Reserve from 1964-1971 while simultaneously earning his BBA from the University of Texas. From 1973-2018, he was the President and CEO of Erwin Distributing Co, Inc. DBA Wally's Party Factory while also founding Party Club of America and was co-owner/founder of Halloween and Party Expo, selling these businesses by 2018. Mr. Erwin remains the Managing Member of Erwin Properties, LP (I & II) and remains on the Ennis State Bank Board of Directors since 1985. He volunteered as the Vice-President of the Ennis Industrial Foundation in the 1970-80's and the Trinity River Authority of Texas from 1982-1993, serving as the President of their Board of Directors from 1991-1993.

David Hurst - Mr. Hurst was nominated by the City of Midlothian and Midlothian ISD. Mr. Hurst has served on the Ellis Appraisal District Board of Directors as a Member for a portion of 2023. He has been a resident of Ellis County since 1994. Mr. Hurst has been a licensed Texas Architect since September 1988 after graduating from the School of Architecture at the University of Texas. Professionally he has served as CEO for Integrated Builders from 2000-2008, Vice President of Southern Cross from 2009-2011 and is currently President of Falcon Construction Advisors. Mr. Hurst is the Former President and Chairman of the Board for Midlothian Economic Development Corporation.

2024 Ellis Appraisal District Board of Directors' Candidate Information

Please find information for the nominated candidates:

*Rusty Ballard
Cornel Benford II
Travis Bruton*

*Walter Erwin
David Hurst
Rick Keeler
Sherron Mosley*

*Dani Muckleroy
Machanta Newson
George Ricks*

Richard (Rick) Keeler - Mr. Keeler was nominated by the City of Midlothian. Mr. Keeler has served on the Ellis Appraisal District Board of Directors as a Member for 2022-2023. He has been a resident of Waxahachie since 1985, serving on the Waxahachie Planning and Zoning Commission as Chairman, on the City of Waxahachie Economic Development Commission and on the Steering Committee for the Waxahachie Economic Development Plan. He attended De Soto High School, received a BBA in Finance from Sam Houston State University and attended the School of Banking of the South at Louisiana State University. Professionally, Mr. Keeler has been with Options Real Estate Investments, Inc. since 1996, from 1981-1996 worked with Community and Commercial Banking and is a member of the Congress for the New Urbanism. He volunteers with Waxahachie Youth Baseball and the Waxahachie YMCA.

Sherron Mosley – Mr. Mosley was nominated by the City of Glenn Heights. He is a Real Estate Agent at JPAR-Arlington Real Estate and served as a Safety Officer at The Potter's House from 2017-2021. Mr. Mosley is a City Councilmember for the City of Glenn Heights.

Dani Muckleroy - Ms. Muckleroy was nominated by the City of Midlothian. Ms. Muckleroy has served on the Ellis Appraisal District Board of Directors as the Secretary for 2022-2023 and as a Member for a part of 2021. Ms. Muckleroy has been a resident of Ovilla for 28 years. She owned a retail gift shop in Duncanville for 14 years. She is a volunteer and supporter of several non-profit groups that meet the needs of marginal families with an emphasis on children. She has served on the Advisory Council of the Ellis County Salvation Army for 13 years and on the Board at Daniel's Den for one term. She presently serves, using her many years in accounting, on the Finance Committee of First United Methodist Church of Red Oak, understanding budgets and the reason for them. Ms. Muckleroy is a CASA volunteer and a mentor at Red Oak High School.

Manchanta Newson - Ms. Newson was nominated by the City of Glenn Heights. Ms. Newson earned her Bachelor of Social Work at Mississippi State University in 2003 and her Master of Science in Social Work in 2006 from the University of Tennessee. She started her career in 2006 as a Clinical Therapist and in 2007 moved into working in many different roles with the Department of Veterans Affairs, continuing currently as a Medical Foster Home Coordinator/Social Work Supervisor with the VA. Ms. Newson also is the Executive Director of Kennedy Kares in Glenn Heights and a Psychotherapist/Owner of Village Counseling & Consulting PLLC in Ovilla. She is a Licensed Clinical Social Worker in Texas and Tennessee and a Texas Board Approved Clinical Supervisor. Ms. Newson is a member of the Academy of Clinical Social Workers and an Active Member of the National Association of Social Workers. Ms. Newson has served as a City Councilmember for the City of Glenn Heights since 2017.

George Ricks - Mr. Ricks was nominated by the Midlothian ISD. Mr. Ricks graduated in 1977 with a Bachelor of Science in Chemical Engineering from the University of Oklahoma and in 1990 earned his Master of Business Administration from the University of Texas at Dallas. From 1977-2006 in Texas, he held positions including Petroleum Engineer, Sr. Drilling Engineer, Production Engineer, Contract Engineer, Sr. Engineering Specialist for companies such as Hunt Energy, Sunmark Exploration, May Petroleum, American Oil Partners, and Anadarko Petroleum Corporation. From 2007 to 2013, he was a Sr. Production Engineer for Reef Exploration, LP, and a Sr. Staff Operations Engineer for Pioneer Natural Resources from 2013-2019. Mr. Ricks retired in May of 2019.



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Board of Directors
T. Walter Erwin, Chairman
Diana B. Muckleroy, Secretary
David Hurst, Member
Richard Keeler, Member
Ken Marks, Member
Richard Rozier, Non-voting Member

Kathy Rodrigue, Chief Appraiser

September 12, 2023

Voting Taxing Units of the Ellis Appraisal District:

It is election time and the **2024-2025 Board of Directors Taxing Unit Voting Entitlements** are enclosed.

*This election is for 2024. SB2 becomes effective 7/1/2024 and Section 6.0301 requires another election to take place prior to December 31, 2024 to appoint five directors who will begin serving January 1, 2025. In that election, two of these appointed directors will serve a term of one year and three will serve a term of three years. I am seeking counsel on how this will be determined, but do not have an answer yet. This is only to inform you, as I understand this new law, there will be another election in 2024.

The FIRST step for in this process is NOMINATIONS. Each taxing unit may **nominate by resolution** adopted by its governing body (sample enclosed) one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the name(s) of the unit's nominee(s) to the chief appraiser before October 15th.

Before October 30th, the chief appraiser will prepare a ballot, listing the candidates and shall deliver a copy of the ballot to the presiding officer of your unit. **The SECOND step for you in this process is to VOTE.** The governing body shall determine its **vote by resolution** (sample enclosed) and submit it to the chief appraiser before December 15th. Your voting entitlement may be cast for one candidate or distributed as the governing body chooses. It takes **834 votes** to secure a position on the board. The chief appraiser will count the votes, declare the five candidates who received the largest cumulative vote totals elected, and submit the results before December 31st to each governing body. **Taxing Units with more than 5% of the total vote are listed on separate page and have additional requirements under Section 6.03(k-1).**

Please mark these dates for the governance of the Ellis Appraisal District:

Before October 15	Your governing body submits candidate(s) name(s) (with bio) to the chief appraiser
Before October 30	I will prepare and deliver a ballot to the presiding officer of your unit
Before December 15*	Your governing body will vote by resolution and submit to the chief appraiser
Before December 31	I will send the results of the election to each governing body

Please make plans on your scheduled meetings to consider and act on these matters. Your vote is very important to the continued dedicated leadership of this board.

I have asked the current board members about their interest in serving another term. Walter Erwin, Dani Muckleroy, Richard Keeler and David Hurst are willing to continue to serve. I am enclosing the history of the current board members.

So that all taxing units in the election are familiar with new candidates, **please submit a short bio and contact information** (email and cell phone) **for any newly nominated candidate.** Please contact me if you have any questions.

Respectfully submitted,

Kathy Rodrigue, RPA

Taxing Units with More than 5% of Total Votes in Board of Directors Election

SECTION 3. Section 6.03, Tax Code, is amended by amending Subsection (k) and adding Subsection (k-1) to read as follows:

(k) Except as provided by Subsection (k-1), the [The] governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(k-1) This subsection applies only to an appraisal district established in a county with a population of 120,000 or more. The governing body of each taxing unit entitled to cast at least five percent of the total votes must determine its vote by resolution adopted **at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body.** The governing body must submit its vote to the chief appraiser not later than the third day following the date the resolution is adopted.

This law applies to the following taxing units that make up 85% of the total votes:

Ellis County	15.00%	with 750 votes
Ennis ISD	9.45%	with 473 votes
Midlothian ISD	20.38%	with 1,019 votes
Red Oak ISD	7.86%	with 393 votes
Waxahachie ISD	18.19%	with 910 votes
City of Midlothian	7.21%	with 360 votes
City of Waxahachie	6.91%	with 346 votes