

# **A G E N D A**

A regular meeting of the City of Waxahachie Park Board to be held on ***Thursday, January 4, 2018 at 3:00 p.m.*** in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas.

Members: Chad Hicks, Chairman  
Ginger Cole Vice Chairman  
Coy B. Sevier  
William Major  
Betsy Engelbrechtsen  
Byron Gibson

1. Call to Order
2. Approval of minutes of Park Board meeting of December 7, 2017
3. Discuss Penn Park Design and take any necessary action
4. Discuss Spring Park Design and take any necessary action
5. Discuss Old Howard Road and take any necessary action
6. Discuss park activities and take any necessary action
7. Review Camping Ordinance and take any necessary action
8. Public Comments
9. Adjourn

**The Park Board reserves the right to go into Executive Session on any posted item.**

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4005 or (TDD) 1-800-RELAY TX

Park Board  
December 7, 2017

(2)

A regular meeting of the City of Waxahachie Park Board was held on Thursday, December 7, 2017 at 3:00 p.m. in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas.

Members Present: Chad Hicks, Chairman  
Ginger Cole Vice Chairman  
Coy B. Sevier  
William Major  
Betsy Engelbrechtsen

Member Absent: Byron Gibson

Others Present: John Smith, Director of Parks and Recreation  
Lori Cartwright, City Secretary  
David Hill, Council Representative

**1. Call to Order**

Chairman Chad Hicks called the meeting to order.

**2. Approval of minutes of Park Board meeting of November 2, 2017**

**Action:**

*Mr. Coy Sevier moved to approve the minutes of the Park Board meeting of November 2, 2017. Vice Chairman Ginger Cole seconded, All Ayes.*

**3. Discuss Mustang Creek Park Improvements**

Director of Parks and Recreation John Smith reported there are available funds for a park located at Saddlebrook Lane. He provided an example of a playground structure being a red barn that will be installed. The playground will be located near the pond with concrete parking. Phase one will cost approximately \$39,000 and the balance of the \$125,000 will be spent on the playground equipment.

No action taken.

**4. Discuss Spring Park Design and take any necessary action**

Mr. Smith presented two schematics of parking lots for Spring Park. The Board held discussion altering the parking to allow more vehicles with boats. After further discussion, Mr. Smith stated he will provide a third design for the Board's approval at their next meeting.

No action taken.

(2)

**5. Discuss Park Land Dedication at Settler's Glen and take any necessary action**

Mr. Smith reported the park land is six (6) acres and staff will be working with City Council to get a budget for amenities. The Board discussed amenities such as soccer fields, basketball court, pavilion, perimeter trail with exercise apparatus, trees and distinct entrance with signage.

No action taken.

**6. Discuss park activities and take any necessary action**

Mr. Smith announced the Boat Dock Park has accessible parking at the restroom and includes a handicap ramp. He presented pictures of the "Fun Town" bicycle obstacle course located at Getzendaner Park. Mr. Smith reported the basketball court across from the Depot is finished and lights are up. Chairman Hicks stated Ms. Peggy Linguist was very appreciative of the project. Mr. Smith stated staff is working on re-routing the water from the splash pad at Penn Park and will report back at next meeting.

Mr. Chris Seale, Horticulturist, reported fish were put into the pond at the Sports Complex on Monday, December 4, 2017. Initial stocking was 1,000 trout and the Texas Department of Parks and Wildlife will match 1,000 in January.

**7. Public Comments**

Ms. Crystal Taylor and Mr. Reggie Gousel, 115 Cynisca, Waxahachie, reported of littering at Lake Waxahachie.

Mr. David Bond, 194 Old Howard Road, Waxahachie, stated every weekend cars are parked on Old Howard Road until 2:00 a.m. – 3:00 a.m. He said they have spoken to the Police Department and they will patrol the area. Mr. Bond referenced the location as Old Howard Road Park noting it is being used as a party location. Ms. Taylor stated people cross their property to get to the lake and they leave behind trash consisting of cans, bottles, batteries, and drug paraphernalia. She stated her and Mr. Gousel have picked up several bags of trash and would like to have a more permanent solution to the situation.

Mr. Smith stated the area referenced is city property and a city road that goes to the shore line. He stated it is not a dedicated city park and explained the city is having difficulty with how to block that area off.

**8. Adjourn**

There being no further business, the meeting adjourned at 3:52 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(4)



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADDING ARTICLE XIII, "OVERNIGHT CAMPING, TEMPORARY SHELTERS, AND PANHANDLING" TO CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE WAXAHACHIE CITY CODE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("City Council") has determined that the adoption of this ordinance best serves the general welfare of the City of Waxahachie, Texas ("City"), and its residents by enacting reasonable restrictions on certain activities that the City Council has determined are detrimental to the City, and which restrictions will promote and preserve the public health, safety, and welfare.

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

**SECTION 1.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.** That Article XIII, "Overnight Camping, Temporary Shelters, and Panhandling," is hereby added to Chapter 21, "Offenses and Miscellaneous Provisions," of the Waxahachie City Code, to read as follows:

**"ARTICLE XIII.**

**OVERNIGHT CAMPING, TEMPORARY SHELTERS, AND PANHANDLING**

**Sec. 21-223. OVERNIGHT CAMPING PROHIBITED.**

- (a) No person shall camp overnight in a park, publicly-owned property, or right-of-way, except in designated areas and without first obtaining a camping permit from the director of the parks and recreation department.
- (b) Campers, picnickers and all other persons shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.
- (c) No person shall camp at one or more campsites for a period longer than fourteen (14) days during any thirty (30) consecutive day period without written permission from the director of the parks and recreation department.

- (d) No person shall alter any campsite, dig or level any ground, nor construct any structure on a campsite, without written permission from the director of the parks and recreation department.

**Sec. 21-224. PROHIBITION ON THE UNAUTHORIZED PLACEMENT, ERECTION, OR MAINTENANCE OF TEMPORARY SHELTERS ON DESIGNATED PUBLIC PROPERTY.**

- (a) In this section:

- (1) **DESIGNATED PUBLIC PROPERTY** means any of the following:

- (A) Any parks, grounds, buildings, facilities, or rights-of-way under the jurisdiction, management, or control of the city parks and recreation board.

- (B) Any of the following properties, grounds, buildings, facilities, or rights-of-way owned, leased, or controlled by the city:

- (i) The Waxahachie City Hall;

- (ii) The Waxahachie Civic Center and center grounds; and

- (iii) The Waxahachie Central Library and library grounds.

- (C) Any vacant and unimproved lots owned, leased, or controlled by the city.

- (2) **TEMPORARY SHELTER** means any tent or other type of portable or impermanent structure, whether manufactured or makeshift, in or under which a person can be sheltered or partially sheltered from the elements.

- (b) A person commits an offense if the person places, erects, or maintains a temporary shelter in or upon any designated public property.

- (c) It is a defense to prosecution under Subsection (b) of this section that the placement, erection, or maintenance of the temporary shelter by the person on the designated public property was expressly authorized by:

- (1) an ordinance or resolution of the city council;

- (2) a special event permit issued by the city or another license or permit granted by the city;

- (3) a contract with the city; or

- (4) if the designated public property is under the jurisdiction, management, or control of the city parks and recreation board, a permit or other written authorization granted by the board, or by the director of the parks and recreation department.

**Sec. 21-225. PANHANDLING.**

- (a) Definitions. "Panhandling," for the purpose of this section, is any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this section. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person
- (b) Time of Panhandling. Any person who panhandles between the hours of one-half (½) hour before sunset and 9:00 a.m. the following morning, or at any time on a Sunday, is guilty of a misdemeanor under this section.
- (c) Place of Panhandling. Any person who panhandles when the person solicited is in any of the following places is guilty of a misdemeanor under this section:
  - (1) At any bus stop or train stop;
  - (2) In any public transportation vehicle or facility;
  - (3) In any vehicle on the street; or
  - (4) On private property, unless the panhandler has permission from the owner or occupant.
- (d) Manner of Panhandling. Any person who panhandles in any of the following manners is guilty of a misdemeanor under this section:
  - (1) By coming within three feet of the person solicited, until that person has indicated that he does wish to make a donation;
  - (2) By blocking the path of the person solicited along a sidewalk or street;
  - (3) By following a person who walks away from the panhandler;
  - (4) By using profane or abusive language, either during the solicitation or following a refusal;
  - (5) By panhandling in a group of two or more persons; or
  - (6) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat.

- (e) False or Misleading Solicitation. Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of a misdemeanor under this section.

False or misleading representations include, but are not limited to, the following:

- (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (2) Stating that the donation is needed to meet a need which does not exist;
- (3) Stating that the solicitor is from out of town and stranded, when that is not true;
- (4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
- (5) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
- (6) Use of any makeup or device to simulate any deformity; or
- (7) Stating that the solicitor is homeless, when he is not homeless.

- (f) Permit Requirement.

(1) No person shall panhandle on five or more days in a single calendar year without a permit issued by the police department. A person who has been issued a permit shall keep it on his person at all times while panhandling and show it to any peace officer upon request. No person whose permit has been revoked shall panhandle for a period of two years following the revocation. Any person who violates this subdivision is guilty of a misdemeanor under this section.

(2) The police department shall issue the permit, without fee, to any eligible person who presents himself at the central police station, states his true name, presents a photo identification or signs a declaration under penalty of perjury that he has no such identification, and permits himself to be photographed and fingerprinted.

(3) A person is ineligible for a permit if within the past five years he

(i) has been convicted of two or more violations of this section,

(ii) has had a permit revoked pursuant to subdivisions (e) or (f) of this section, or

(iii) has been convicted of two or more offenses under the law of any jurisdiction which involve aggressive or intimidating behavior while panhandling or false or misleading representations while panhandling.

(4) If the police department is unable to determine eligibility within 24 hours of the application, the department shall issue a permit good for 30 days and determine eligibility



for a regular permit before the temporary permit expires. The regular permit shall expire three years from the date of issuance. Along with the permit, the police department shall give the applicant a copy of this section.

(5) Any person who makes any false or misleading representation while applying for a permit under this section is guilty of a misdemeanor. Upon conviction of violation of this section, the police department shall revoke any permit issued to the defendant under this section.

(6) If a permit is issued to a person under this section and that person subsequently commits and is convicted of a violation of any provision of this section, the police department shall revoke the permit."

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Waxahachie City Code, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Waxahachie City Code, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Waxahachie City Code, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** A person who violates a provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS this \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**The City of Waxahachie, Texas**

\_\_\_\_\_  
Kevin Strength, Mayor

ATTEST:

\_\_\_\_\_  
Lori Cartwright, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Brown, City Attorney