

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
JANUARY 16, 2018  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
5:30 P.M.**

**Agenda**

**Council Members:** Kevin Strength, Mayor  
Mark Singleton, Mayor Pro Tem  
Chuck Beatty, Councilmember  
David Hill, Councilmember  
Mary Lou Shipley, Councilmember

1. Call to Order
2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting
3. Adjourn

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

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Tuesday, January 16, 2018 at 7:00 p.m.***

Council Members: Kevin Strength, Mayor  
Mark Singleton, Mayor Pro Tem  
Chuck Beatty, Councilmember  
David Hill, Councilmember  
Mary Lou Shipley, Councilmember

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Texas Pledge of Allegiance      *Honor the Texas Flag;  
I pledge allegiance to thee;  
Texas, one state under God, one and indivisible*
5. ***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 551.071, Texas Government Code.
6. ***Consent Agenda***

All matters listed under Item 6, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of December 18, 2017
- b. Minutes of the City Council Briefing Session of December 18, 2017
- c. Minutes of the regular Planning and Zoning Commission meeting of January 9, 2018
- d. Minutes of the Park Board meeting of January 4, 2018
- e. Minutes of the Cemetery Board meeting of January 4, 2018
- f. Minutes of the Heritage Preservation Commission meeting of December 14, 2017
- g. Monthly Code Enforcement Report for December 2017
- h. Monthly Violation Activity Statistics for December 2017
- i. Monthly Crime Report for December 2017
- j. Monthly Fire and EMS Report for December 2017
- k. Taxicab License Renewal

- l. Application for Texas Tree Climbing Competition to be held May 20, 2018
- m. Application for Sweethearts & Orphans Car Show to be held March 3, 2018
- n. Appointment to Boards and Commissions

- 7. **Introduce** Honorary Councilmember
- 8. **Presentation** of Texas Downtown Association “Best Marketing Campaign” Award
- 9. **Present** 2017 Farmer’s Market Year End Report
- 10. **Consider** Street closures for 2018 Junk in the Trunk events
- 11. **Consider** request by Nathan Petty, Americas Storage, for a Preliminary Plat of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey, Abstract No. 1002 (Property ID 191086 and 191095) – Owner: DIMSDLE GREG & PAULA (PP-17-0149)
- 12. **Consider** Landscape Plan for Americas Storage as a companion to PP-17-0149 – Owner: DIMSDLE GREG & PAULA
- 13. **Consider** request by Terry Weaver, JHDMC, LLC, for a Preliminary Plat of Sheppard’s Place for 260 residential lots and 5 open space lots, being 79.664 acres in the E. Horton Survey, Abstract No. 466 (Property ID 185243) – Owner: SHEPHERD PLACE HOMES INC (PP-17-0157)
- 14. **Consider** Landscape Plan for Sheppard’s Place as a companion to PP-17-0157 – Owner: SHEPHERD PLACE HOMES INC
- 15. **Consider** request by Jamie Isaguirre for a Final Plat of Isaguirre Addition for 2 lots, being 14.859 acres in the James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244 (Property ID 183251) in the Extra Territorial Jurisdiction – Owner: ISAGUIRRE ALFONSO (FP-17-0163)
- 16. **Public Hearing** on a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2287, as amended, to Sections 31.A.1 through 31.A.9, to update said sections of the Zoning Ordinance, relating to the Historic Overlay District, and establishing rules relating to historic structures (TA-17-0164)
- 17. **Consider** proposed Ordinance approving Zoning Change No. TA-17-0164
- 18. **Public Hearing** on a request by the City of Waxahachie for a textual change to Section 34.2(B)(3) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding roof materials for single family and duplex structures (TA-17-0166)
- 19. **Consider** proposed Ordinance approving Zoning Change No. TA-17-0166
- 20. **Consider** proposed Ordinance adding overnight camping and temporary shelters to Chapter 21, Offenses and Miscellaneous Provisions of the Waxahachie City Code
- 21. **Consider** proposed Resolution supporting Mariposa Apartment Homes at the northwest quadrant of Post Oak Drive and U.S. 287

22. **Consider** award of a bid to the Nay Company for the construction of a new Utilities Department Field Maintenance Building
23. **Consider** a bid award change order for a scope reduction with the Nay Company for the construction of a new Utilities Department Field Maintenance Building
24. **Consider** contract services for Police Department to obtain DUI search warrants
25. **Convene** into Executive Session for the review Performance Evaluation for City Manager as permitted by the Texas Government Code, Section 551.074
26. **Reconvene** and take any necessary action
27. Comments by Mayor, City Council, City Attorney and City Manager
28. Adjourn

**The City Council reserves the right to go into Executive Session on any posted item.**

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(6a)

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, December 18, 2017 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
Mark Singleton, Mayor Pro Tem  
Chuck Beatty, Councilmember  
David Hill, Councilmember  
Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

- 2. Invocation**
- 3. Pledge of Allegiance**
- 4. Texas Pledge of Allegiance**

Mayor Pro Tem Mark Singleton gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**5. Public Comments**

None

**6. Consent Agenda**

- a. Minutes of the regular City Council meeting of December 4, 2017
- b. Minutes of the City Council Briefing Session of December 4, 2017
- c. Minutes of the City Council Work Session of December 4, 2017
- d. Minutes of the Planning and Zoning Commission meeting of December 12, 2017
- e. Minutes of the Waxahachie Community Development Corporation meeting of December 12, 2017
- f. Minutes of the Cemetery Board meeting of December 7, 2017
- g. Minutes of the Park Board meeting of December 7, 2017
- h. Minutes of the Heritage Preservation Commission meeting of November 16, 2017
- i. Minutes of the Firemen's Relief & Retirement Fund meeting of November 13, 2017
- j. Monthly Code Enforcement Report for November 2017
- k. Monthly Violation Activity Statistics for November 2017
- l. Monthly Crime Report for November 2017
- m. Monthly Fire and EMS Report for November 2017
- n. Consider request by Blain Vinson, Aspen Community Development, for a Final Plat of North Grove Business Park, Phases One & Three for 6 lots, being 31.822 acres in the A.S. Pruett Survey, Abstract No. 848, John Shaver Survey, Abstract

(66)

No. 1000, and the E.C. Newton Survey, Abstract No. 791 (Property ID 189301) – Owner: SAP PROPERTIES, LLC (FP-17-0159)

- o. Interlocal Cooperation Agreement with City of Red Oak for the purchase of goods and services
- p. Application for Waxahachie Preparatory Academy Warrior Run to be held April 7, 2018
- q. Taxicab License Renewal

Councilmember Mary Lou Shipley requested item q. be removed for separate action.

**Action:**

*Councilmember Mary Lou Shipley moved to approve items a. through p. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.*

*Councilmember Mary Lou Shipley referenced item q. and moved to renew the taxicab license for Silver Bullet Taxi and deny the taxicab license for Boppalong Tours, LLC. Mayor Pro Tem Mark Singleton seconded, All Ayes.*

**7. Introduce Honorary Councilmember**

Councilmember David Hill introduced Ms. Emma Cook as the Honorary Councilmember for the month of December and presented her with a Certificate of Appreciation for participating in the Honorary Councilmember Program.

**8. Public Hearing on a request by Clyde Melick, Waxahachie ISD, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Planned Development-Single Family-2 (PD-SF-2), with Concept Plan, located at 631 Solon Road, being 1 SOLON ROAD ELEMENTARY 23.948 ACRES (Property ID 220963) - Owner: WAXAHACHIE ISD (PD-17-0154)**

Mayor Strength opened the Public Hearing.

Planning Director Shon Brooks stated the applicant seeks to build office space and a warehouse for the District's support services team. The new building will match the existing facility.

There being no others to speak for or against PD-17-0154, Mayor Strength closed the Public Hearing.

**9. Consider proposed Ordinance approving Zoning Change No. PD-17-0154**

**ORDINANCE NO. 2992**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-2) TO PLANNED DEVELOPMENT-SINGLE FAMILY- (PD-SF-2), WITH CONCEPT PLAN LOCATED AT 631 SOLON ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 23.948 ACRES KNOWN AS PROPERTY ID 220963 OF THE SOLON ROAD ELEMENTARY SUBDIVISION, AND**

(66)

**ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem Mark Singleton moved to approve Ordinance No. 2992 as presented. Councilmember David Hill seconded, All Ayes.*

10. **Public Hearing on a request by Helen F. Reed, Helen's House, for a Zoning Change from a General Retail (GR) zoning district to Single Family-2 (SF2), located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: REED HELEN F (ZC-17-0160)**

Mayor Strength opened the Public Hearing.

Planning Director Shon Brooks stated the applicant currently operates a daycare from the site and seeks to rezone the property from a child day care center to a family home (child care in place of residence) to enable her to move back in. He reported the applicant has updated her license to match State requirements.

There being no others to speak for or against ZC-17-0160, Mayor Strength closed the Public Hearing.

11. **Consider proposed Ordinance approving Zoning Change No. ZC-17-0160**

**ORDINANCE NO. 2993**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL WITH A SPECIFIC USE PERMIT (GR WITH SUP) TO SINGLE FAMILY-2 (SF-2) LOCATED AT 320 LYNN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.341 KNOWN AS LOT 2E PT PT RD 1 OF THE FERRIS 2ND SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 2993 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

12. **Public Hearing on a request by Helen F. Reed, Helen's House, for a Specific Use Permit (SUP) to allow a Family Home (child care in place of residence) use within a Single Family-2 (SF2) zoning district, located at 320 Lynn Street (Property ID 173399), being 2E PT PT RD 1 FERRIS 2ND 0.341 ACRES – Owner: REED HELEN F (SU-17-0158)**

Mayor Strength opened the Public Hearing.

Planning Director Shon Brooks stated this item is a companion case to item 10 and reported a Specific Use Permit is required to allow a Family Home (child care in place of residence).

(6a)

There being no others to speak for or against SU-17-0158, Mayor Strength closed the Public Hearing.

**13. Consider proposed Ordinance approving Zoning Change No. SU-17-0158**

**ORDINANCE NO. 2994**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME (CHILD CARE IN PLACE OF RESIDENCE) USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED 320 LYNN STREET, BEING PROPERTY ID 173399, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2E PT PT RD 1, OF THE FERRIS 2ND SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 2994 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.*

**14. Hear update from John Hamilton on downtown expansion and planning activities**

Mr. John Hamilton, President, Waxahachie Partnership Incorporated (WPI), presented an update on downtown expansion and planning activities noting currently the Central Area is too small to contain more businesses. He presented an area map with boundaries depicting two (2) proposed areas possibly calling them Central Area No. 1 and Central Area No. 2 that will allow for organized development. Mr. Hamilton stated the maps are a concept plan at this time and the WPI will continue to evaluate them.

**15. Comments by Mayor, City Council, City Attorney and City Manager**

Mayor, City Council, City Manager, City Attorney and Staff wished everyone a Merry Christmas.

Councilmember David Hill thanked Ms. Emma Cook for her participation in the Honorary Councilmember Program. Mayor Strength thanked Mrs. Mickie Hill for providing participants.

Mayor Strength thanked City Manager Michael Scott for his leadership and welcomed new staff members to the City.

**16. Adjourn**

There being no further business, the meeting adjourned at 7:23 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary



City Council  
December 18, 2017

(6b)

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, December 18, 2017 at 6:30 p.m.

Council Members: Kevin Strength, Mayor  
Mark Singleton, Mayor Pro Tem  
Chuck Beatty, Councilmember  
David Hill, Councilmember  
Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

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

City Manager Michael Scott presented an update on the Utility Department Building noting Staff is working with the contractor and architect and it will be ready for presentation at the Council meeting of January 16, 2018.

Mr. Scott stated there is some reorganized seating in the Council Chamber. The Honorary Councilmember will relocate to the opposite side of the room and the Executive Director of Development Services will sit by the Director of Planning.

Mr. Scott reported the Waxahachie Community Development Corporation (WCDC) minutes reflect their moving forward on the Amphitheater project and their partnership with the Tax Increment Reinvestment Zone No. 1 (TIRZ) with construction and ongoing maintenance cost. He noted the City will issue debt in the spring.

Pertaining to other items on the agenda, Mr. Scott stated the Interlocal Agreement with the City of Red Oak pertains to the purchase of goods and services. He stated for information purposes Mr. Hamilton will speak of creating a zoning standard.

Planning Director Shon Brooks reviewed the zoning cases and the Specific Use Permit request noting there are no issues with the applications.

**3. Adjourn**

There being no further business, the meeting adjourned at 6:49 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

The Waxahachie Planning & Zoning Commission (P&Z) held a regular meeting on Tuesday, January 9, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Bonney Ramsey  
Jim Phillips  
Erik Barnard  
David Hudgins

Members Absent: Melissa Ballard, Vice Chairman  
Betty Square Coleman

Others Present: Shon Brooks, Director of Planning  
Kelly Dent, Planner  
James Gaertner, City Engineer  
Lori Cartwright, City Secretary  
David Hill, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Consent Agenda**

- a. Minutes of the regular P&Z meeting of December 12, 2017
- b. **Consider** request by Jamie Isaguirre for a **Final Plat** of Isaguirre Addition for 2 lots, being 14.859 acres in the James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244 (Property ID 183251) in the Extra Territorial Jurisdiction – Owner: ALFONSO ISAGUIRRE (FP-17-0163)

Chairman Keeler removed item b. for separate discussion.

**Action:**

*Mrs. Bonney Ramsey moved to approve item a. on the Consent Agenda. Mr. Jim Phillips seconded, All Ayes.*

Ms. Kelly Dent, Planner, reviewed item b. noting an issue with fire protection. She explained the property is in the ETJ and Buena Vista-Bethel can furnish water but they cannot conform with the ISO fire flow requirements. Staff recommended denial because the proposed subdivision does not confirm to the Subdivision Ordinance.

**Action:**

*Mr. Jim Phillips moved to deny item b. on the Consent Agenda. Mrs. Bonney Ramsey seconded, All Ayes.*

4. **Consider request by Nathan Petty, Americas Storage, for a Preliminary Plat of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey,**

(6c)

**Abstract No. 1002 (Property ID 191086 and 191095) – Owner: GREG & PAULA DIMSDLE (PP-17-0149)**

Ms. Dent reported the property falls within the City CCN, however, the City does not yet have lines to this property. As a result, Rockett SUD will provide adequate water and fire protection to this property and when the City's lines extend to this property, this property will make the switch over to the City lines and cap off the line from Rockett. She stated the applicant will pay cash in lieu of park land dedication in an estimated amount of \$4,382.40. Staff recommended approval per staff comments.

**Action:**

*Mr. Jim Phillips moved to approve a request by Nathan Petty, Americas Storage, for a Preliminary Plat of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey, Abstract No. 1002 (Property ID 191086 and 191095) – Owner: GREG & PAULA DIMSDLE (PP-17-0149) subject to staff comments. Mr. Erik Barnard seconded, All Ayes.*

**5. Consider Landscape Plan for Americas Storage as a companion to PP-17-0149 – Owner: GREG & PAULA DIMSDLE**

Ms. Dent presented the Landscape Plan for Americas Storage.

Mr. Nathan Petty, Americas Storage, 4300 Oakland, Dallas, Texas, stated the plant mix includes Cedar Elm, Crape Myrtle, and Red Oak trees.

**Action:**

*Mrs. Bonney Ramsey moved to approve a Landscape Plan for Americas Storage as a companion to PP-17-0149 – Owner: GREG & PAULA DIMSDLE. Mr. Jim Phillips seconded, All Ayes.*

**6. Consider Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: SHEPHERD PLACE HOMES INC**

Ms. Dent reported the Preliminary Plat was previously approved and presented the Landscape Plan for consideration.

Mr. Mark Shelton, JHW Development, reported the plant mix will include Cedar Elm, Live Oak and Red Oak.

Mrs. Bonney Ramsey requested to add Crape Myrtle trees. Mr. Shelton concurred.

**Action:**

*Mr. David Hudgins moved to approve a Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: SHEPHERD PLACE HOMES INC. Mrs. Bonney Ramsey seconded, All Ayes.*

**7. Public Hearing on a request by Luis Morales, Green Wolf Energy Inc., for a Specific Use Permit (SUP) to allow a Rooftop Solar Panel System use within a Rural Residential (RR) zoning district, located at 118 Lakeshore Drive, being 11**

(6c)

**LINDMARK ESTS 2.0070 ACRES (Property ID 231007– Owner: BRENDA J & VICTOR MORGAN (SU-17-0155))**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to install solar panels along the roof of an existing single family residence. The proposed solar panels will face onto street frontage. She explained the City does not permit solar panels be facing the right of way and therefore the panels will need to be moved.

Mr. Luis Morales, Green Wolf Energy, Inc., 1018 Harrison Avenue, Arlington, Texas, stated the purpose for the panels facing the south is for production getting enough power and explained placing the panels on the north side will not be productive.

Those who spoke against SU-17-0155:

Mr. Wayne Powell, 116 Lakeshore Drive, Waxahachie

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, stated when Ordinances are written people are spending more money on their property and it is hurting property owners. She charged the Commission to fix it.

Mr. David Hudgins recommended the company install ground mounts at the back of the house. Mr. Morales stated that would increase the cost but will revisit it with the owner.

There being no others to speak for or against SU-17-0155, Chairman Keeler closed the Public Hearing.

**8. Consider recommendation of Zoning Change No. SU-17-0155**

**Action:**

*Mr. Jim Phillips moved to deny a request by Luis Morales, Green Wolf Energy Inc., for a Specific Use Permit (SUP) to allow a Rooftop Solar Panel System use within a Rural Residential (RR) zoning district, located at 118 Lakeshore Drive, being 11 LINDMARK ESTS 2.0070 ACRES (Property ID 231007– Owner: BRENDA J & VICTOR MORGAN (SU-17-0155)). Mr. David Hudgins seconded, All Ayes.*

**9. Public Hearing on a request by Michael Thomas, MJ Thomas Engineering, LLC, for a Zoning Change from a Planned Development-General Retail (PD-GR) zoning district to a Planned Development-Multi Family-2 (PD-MF-2), with Concept Plan, located at 411 Alliance Blvd., being 4R WAXAHACHIE CIVIC CENTER REV14.172 ACRES (Property ID 227433) - Owner: LOOKOUT PARTNERS LP (PD-17-0161)**

Ms. Dent announced the applicant withdrew their application and therefore the case will not be heard.

(uc)

**10. Consider recommendation of Zoning Change No. PD-17-0161**

**Action:**

No action taken – Applicant withdrew application

**11. Public Hearing on a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2287, as amended, to Sections 31.A.1 through 31.A.9, to update said sections of the Zoning Ordinance, relating to the Historic Overlay District, and establishing rules relating to historic structures (TA-17-0164)**

Chairman Keeler opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported the proposed Ordinance amends an existing ordinance of areas of historical and cultural importance relating to the Historic Overlay District.

Mrs. Bonney Ramsey stated it provides tax incentives and broadens the scope of how we protect the historic structures in the city. She explained it is an option for the homeowner to participate in the program.

**12. Consider recommendation of Zoning Change No. TA-17-0164**

**Action:**

*After a lengthy discussion, Mrs. Bonney Ramsey moved to continue a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2287, as amended, to Sections 31.A.1 through 31.A.9, to update said sections of the Zoning Ordinance, relating to the Historic Overlay District, and establishing rules relating to historic structures (TA-17-0164) to the Planning and Zoning Commission meeting of January 23, 2018. Mr. Jim Phillips seconded, All Ayes.*

**13. Public Hearing on a request by the City of Waxahachie to amend the City Zoning Ordinance, Ordinance No. 2288, as amended, to Sections 24.51 through 24.60 of the City's Code of Ordinances, and matters relating to the Heritage Preservation Commission, and the Historic Overlay Districts (TA-17-0165)**

Mr. Brooks announced due to a clerical error, item 13 is being removed and not heard by the Commission. He explained the technical language indicated Code of Ordinances and not Zoning Ordinance, therefore, no action to be taken by the Commission.

**14. Consider recommendation of Zoning Change No. TA-17-0165**

**Action:**

No action taken

(6c)

**15. Public Hearing on a request by the City of Waxahachie for a textual change to Section 34.2(B)(3) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding roof materials for single family and duplex structures (TA-17-0166)**

Chairman Keeler opened the Public Hearing.

Mr. Brooks reported the Ordinance shall apply to new building construction and existing structures for which new roofing materials are to be used for roof repair or replacement noting there are no exemptions from the roofing materials standards for existing single-family or duplex structures. He stated roof materials shall be comprised of laminated, three-dimensional appearance composition architectural shingles (30-year minimum).

There being no others to speak for or against TA-17-0166, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. TA-17-0166**

**Action:**

*After further discussion, Mr. Jim Phillips moved to approve a request by the City of Waxahachie for a textual change to Section 34.2(B)(3) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding roof materials for single family and duplex structures (TA-17-0166). Mr. Erik Barnard seconded, All Ayes.*

**17. Public Comments**

Mr. Jamie Isaguirre, 1613 N. Oak Branch Road, Waxahachie, asked for clarification on Consent item b. Staff noted they will meet with Mr. Isaguirre pertaining to his inquiry.

**18. Adjourn**

There being no further business, the meeting adjourned at 8:32 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

A regular meeting of the City of Waxahachie Park Board was 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 Present: Chad Hicks, Chairman  
Ginger Cole, Vice Chairman  
Coy B. Sevier  
William Major  
Byron Gibson

Member Absent: Betsy Engelbrechtsen

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 December 7, 2017**

**Action:**

*Mr. Coy Sevier moved to approve the minutes of the Park Board meeting of December 7, 2017. Vice Chairman Ginger Cole seconded, All Ayes.*

**3. Discuss Penn Park Design and take any necessary action**

Mr. John Smith, Director of Parks and Recreation, referenced alternative methods for use of splash pad water at Penn Park and presented two options. Option 1 pertained to recirculating splash pad water totaling \$95,300 and Option 2 pertained to capturing portion of water for irrigation purposes totaling \$204,000.

Discussion was held and it was determined the most cost effective approach is to have the water discharged to the storm drain. Mr. Smith stated the water will drain back to the treatment plant. He stated \$175,000 is budgeted for the splash pad and City Council is ready to move forward.

**Action:**

*Mr. Coy Sevier moved to approve the splash pad project with the original plan of water draining to the storm drain. Mr. William Major seconded, All Ayes.*

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

Mr. Smith reviewed a revised Spring Park design noting it provides additional parking spaces.

Chairman Hicks referenced the green space on the photo and asked if dirt can be brought in to make it functional. City Engineer James Gaertner stated dirt can be added to build it up noting it is not in the flood plain.

(led)

Mr. William Major asked if restrooms will be added in Spring Park. Mr. Smith stated City Council wants to get a crowd and traffic control count and once completed, they will consider restrooms.

**Action:**

*After further discussion, Mr. Coy Sevier moved to approve parking design number 4 for Spring Park. Vice Chairman Ginger Cole seconded, All Ayes.*

**5. Discuss Old Howard Road and take any necessary action**

Chairman Hicks stated at the last meeting lake property owners living near Old Howard Road reported people cross their property to get to the lake and leave debris behind. He stated Old Howard Road is a Farm-to-Market Road and poses difficulties to us as a City. Chairman Hicks explained the City does own 50 feet around the area and therefore we can investigate activity. He stated the City is considering putting a light at the road for security and it can be aimed at the location where people gather. Mr. Smith stated the Parks and Recreation crew will provide clean up on the city side.

Property owners in attendance requested to fence across the state property to keep trespassers out. Mr. Smith stated it is a public right-of-way and access has to be allowed to public property.

No action taken.

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

Mr. Smith reported Integrity Tree Repair is in Getzendaner Park looking for dead limbs and trimming trees. He stated a tree climbing and trimming competition is planned for May 2018.

Mr. Smith stated he and Mr. Chris Seale, City Horticulturalist, will start the tree planting program.

Mr. Smith reported he has a new program to increase the maintenance of the City Parks. Eight park crew members will go around mowing and another group of five will be picking up trash and restroom cleanup.

Mr. Seale reported the Texas Parks and Wildlife will be out to add more fish to the pond at the Sports Complex.

Mr. Smith presented pictures of Boat Dock Park depicting new installed bumper post. He presented a sign package for the park noting the project is well under budget.

No action taken.

**7. Review Camping Ordinance and take any necessary action**



(led)

Mr. Smith reviewed a proposed Camping Ordinance noting overnight camping is allowed at Lake Waxahachie and explained the Ordinance provides language whereas a camping permit will be required by the Director of Parks and Recreation.

**Action:**

*Mr. Coy Sevier moved to approve proposed Camping Ordinance as presented. Mr. William Major seconded, All Ayes.*

**8. Public Comments**

None

**9. Adjourn**

There being no further business, the meeting adjourned at 4:03 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

A regular meeting of the City of Waxahachie Cemetery Board was held on Thursday, January 4, 2018 at 8:30 a.m. in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas.

Members Present: Chad Hicks, Chairman  
Peggy Crabtree  
Connie McGuire  
Chelsea Holder

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 the City Cemetery Board meeting of December 7, 2017**

**Action:**

*Mrs. Peggy Crabtree moved to approve the minutes of the Cemetery Board meeting of December 7, 2017. Mrs. Connie McGuire seconded, All Ayes.*

**3. Discuss cemetery activities and take any necessary action**

Director of Parks and Recreation John Smith stated in the past thirty days the cemetery had four burials and four burial purchases. He noted there are no issues to address.

No action taken.

**4. Discuss cemetery pavilion and take any necessary action**

Mr. Smith presented preliminary renderings of a 40x36 pavilion. Discussion was held and it was concluded to expand the roof to reach over the column burials for better weather protection, add seating on the edge for overflow during a funeral service and add tie downs for wind breaks. Mr. Smith stated he will have the drawings revised and will bring back for further review.

No action taken.

**5. Review cemetery services and take any necessary action**

Mr. Smith reported approximately ten years ago the city went out for bids for cemetery services and at that time NAVCO Cemetery Services was awarded the bid and currently services the cemetery. He explained the contract does not expire but can be revisited at any time.

Mr. Jeff Hess, Complete Cemetery Services, reviewed his company's services noting they service approximately fifty cemeteries and have enough equipment to do six funerals per day. He presented a pricelist of complete cemetery services. He stated pickups are used for hauling

(lee)

dirt due to the weight of a dump truck. Mr. Hess presented pictures after burials serviced by his company noting they use sand on top to allow the grave to look very nice with no clods. The sand settles in as the ground shifts and it is easier on lawnmowers. Mr. Hess stated grass will grow through the sand.

Mr. Smith stated there is no action necessary and if the board wishes to consider another vendor, from our current vendor, NAVCO Cemetery Services, the city would have to go out for bids.

No action taken.

**6. Public Comments**

None

**7. Adjourn**

There being no further business, the meeting adjourned at 9:09 a.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(let)

## MINUTES

A meeting of the **Heritage Preservation Commission** of the City of Waxahachie, Texas was held in the City Council Chambers/Conference Room at City Hall, 401 S. Rogers on **Thursday, December 14, 2017 at 5:30 p.m.**

Heritage Preservation Commission Members present:   Becky Kauffman  
Louis Brown  
Shannon Simpson  
Glinda Felty  
Peggy Crabtree  
Jane Wedding

Heritage Preservation Officer:                                   Anita Brown

Guests: Chris Acker, Amy Hedtke

### **1. Call to Order**

The meeting was called to order at 5:31 p.m.

### **2. Approve minutes of meeting held November 16, 2017**

Glinda Felty made a motion to approve the minutes of the meeting held on November 16, 2017. The motion was seconded by Shannon Simpson. **All ayes.**

### **3. Consider approval of plans for 208 W. Franklin**

Chris Acker told the commission how he acquired the property at 208 W. Franklin and what his plans for the property are. He acknowledged that the plans submitted for this building are unlike anything currently downtown. Becky Kauffman referenced several sections of the *Downtown Guidelines* in noting small changes that could be made to make the building more appropriate including brick patterns, awnings, and door placement. There was some discussion and the alley was suggested as possible outdoor dining/patio space. Mr. Acker agreed to revise the plans for the property and resubmit to the commission at a later date.

### **4. Consider approval of new HT tax exemption applications**

609 Ferris—inappropriate siding that has changed the proportion of window and door openings; if removed property may be eligible for exemption

Jane Wedding made a motion to **deny** the application for 609 Ferris. Louis Brown seconded the motion. **All ayes.** Anita will note in denial letter that removal of the siding may make property eligible and the 50% incentive can be applied for.

219 Monticello—removed from the table; request historic photo so commission can compare front door and porch posts

### **5. Consider approval of renewal HT tax exemption applications**

The following properties were reviewed by the Commission:

41 Bird Lane	900 Bryson	503 N. College	507 N. College
509 N. College	310 S. College	106 Floyd	211 Harbin
310 Harbin	207 S. Hawkins	209 S. Hawkins	607 W. Jefferson
209 Kaufman	813 W. Main	309 E. Marvin	1301 E. Marvin

(6f)

1201 W. Marvin  
400 Oldham  
606 Sycamore

401 N. Monroe  
205 Overhill  
120 University

201 Oldham  
102 W. Ross  
113 Williams

304 Oldham  
600 Sycamore

Shannon Simpson made a motion to approve the above properties for the 2018 HT exemption. Jane Wedding seconded the motion. **All ayes.**

**6. Citizens Petitions & Requests**

None were presented.

**7. Comments by Commission members and Heritage Preservation Officer**

Anita asked the commission what text they wanted on the postcard that will be sent to the owners of the Oldham Street properties. They directed her to keep it brief and include information about whether they support the creation of an Overlay District for that neighborhood.

**8. Adjourn**

A motion to adjourn was made by Jane Wedding and seconded by Shannon Simpson. **All ayes.**  
Meeting adjourned at 6:15 pm.

*Respectfully submitted by Anita Brown*



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## Code Enforcement Summary Report

### Report Criteria:

Status	Assigned To	Census Tract	Violation	Initiation	Open Date Range	Follow up Date Range	Close Date Range
All	All		All	All	From 12/01/2017 To 12/31/2017	From To	From To

### CE Totals

	Total	Closed Cases	Open Cases
<b>Totals</b>	<b>79</b>	<b>52</b>	<b>27</b>

### CE Cases by Employee

Employee	Total	Closed Cases	Open Cases
DelBuono, Mary	2	1	1
Jordan, Me'Lony	42	29	13
Pickard, Sunnie	16	13	3
Speaks, Pam	19	9	10
<b>Totals</b>	<b>79</b>	<b>52</b>	<b>27</b>

### CE Cases by Violation

Violation	Total Violations	Closed Violations	Open Violations
Accessory Structure Not Maintained	2	0	2
Address Numbers	0	0	0
Clutter Prohibited	2	2	0
Construction/Demolition Litter	0	0	0
Defacement of Property	0	0	0
Dumpster not properly maintained	1	1	0
Garage/Estate Sales	1	0	1
High Grass/Weeds; Junk/Debris; Limbs/Yard Waste	27	15	12
Illegal Dumping	1	1	0
Improper disposal of garbage	1	1	0
Junk Vehicle	8	4	4
No storing or advertising of vehicles for sale	0	0	0
Not keeping property clean; garbage accumulation	4	0	4
Off Street Parking	4	2	2
Open Well	0	0	0
Outside Storage Prohibited	30	21	9
Parking Greater Than 48-Hours	1	1	0
Parking in Alley	0	0	0

Parking of Commercial Vehicles	1	0	1
Parking on Unimproved Surface	17	12	5
Prohibited Signage (Vehicle)	0	0	0
Rat Harborage Prohibited	1	1	0
Sewage Surfacing	0	0	0
Signage	15	13	2
Standing Water/Stagnant Water	1	1	0
Substandard Structure	0	0	0
Unauthorized Hauling	0	0	0
Unlawful Parking	1	1	0
<b>Totals</b>	<b>118</b>	<b>76</b>	<b>42</b>

(69)

Date: 1/8/2018  
Time: 10:41:23 AM

(leh)  
**MONTHLY VIOLATION ACTIVITY STATISTICS**

Page 1  
ytd\_sum.rdlc

From 12/1/2017 To 12/31/2017

Information contained here in for YTD is for 12/1/2017 To 12/31/2017  
Information contained here in for Previous YTD is for 10/1/2016 To 12/31/2016

VIOLATION ISSUED BY:	CURRENT MONTH	YEAR TO DATE	PREVIOUS YTD	VARIATION IN (+/-)
Municipal Police Department	535	2183	2071	112
<b>TOTALS</b>	<b>535</b>	<b>2183</b>	<b>2071</b>	<b>112</b>

<b>TOTAL NEW FEES LEVIED:</b>	<b>\$128,613.20</b>	<b>\$537,187.50</b>	<b>\$581,044.16</b>	<b>\$-43,856.66</b>
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**FUNDS COLLECTED:**

State Taxes:	\$38,924.15	\$137,863.30	\$117,964.90	\$19,898.40
Fines:	\$61,888.48	\$196,147.53	\$150,521.36	\$45,626.17
LEA Fees:	\$2,304.50	\$7,979.90	\$6,965.00	\$1,014.90
Multiuse:	\$1,120.00	\$4,680.00	\$11,350.00	\$-6,670.00
D/L Fees:	\$1,666.30	\$4,344.30	\$4,535.93	\$-191.63
Warrant Fees:	\$3,132.80	\$8,351.10	\$7,389.80	\$961.30
Capias Fees:	\$2,189.10	\$5,269.48	\$4,121.20	\$1,148.28
Pay Plan Fees:	\$2,887.80	\$8,460.60	\$7,114.80	\$1,345.80
Collection Fees:	\$3,874.21	\$9,279.25	\$8,923.17	\$356.08
<b>TOTALS</b>	<b>\$117,987.34</b>	<b>\$382,375.46</b>	<b>\$318,886.16</b>	<b>\$63,489.30</b>

**WARRANT INFORMATION:**

Warrants Issued:	275	673	551	122
Capias Issued:	86	259	152	107
<b>TOTALS</b>	<b>361</b>	<b>932</b>	<b>703</b>	<b>229</b>

Warrants Closed:	156	456	419	37
Capias Closed:	107	281	212	69
<b>TOTALS</b>	<b>263</b>	<b>737</b>	<b>631</b>	<b>106</b>

**OTHER INFORMATION:**

Citations Closed:	557	1765	1924	-159
Failure to Appear:	0	12	24	-12

Average current month speeding ticket issued was for 19.8 miles above posted limit.

By: Jammie Atcher

Date: 1-10-18



# CRIMINAL SECTION (Leh)

COURT City of Waxahachie MONTH 12 YEAR 2017	TRAFFIC MISDEMEANORS			NON-TRAFFIC MISDEMEANORS		
	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
Total Cases Pending First of Month:	3116	1903	371	482	211	217
1. Active Cases	1074	253	342	28	66	78
2. Inactive Cases	2042	1650	29	454	145	139
New Cases Filed	300	157	31	48	0	13
Cases Reactivated	112	76	1	26	9	2
All Other Cases Added	0	0	0	0	0	0
Total Cases on Docket (Sum of Lines 1a, 2, 3 & 4)	1486	486	374	102	75	93
Dispositions Prior to Court Appearance or Trial:						
a. Uncontested Dispositions (Disposed without appearance before a judge (CCP Art. 27.14))	278	148	31	35	4	12
b. Dismissed by Prosecution	1	7	0	1	5	3
Dispositions at Trial:						
a. Convictions						
1) Guilty Plea or Nolo Contendere	0	0	0	0	0	0
2) By the Court	0	0	0	0	0	0
3) By the Jury	0	0	0	0	0	0
b. Acquittals:						
1) By the Court	0	0	0	0	0	0
2) By the Jury	0	0	0	0	0	0
c. Dismissed by Prosecution	0	0	0	0	0	0
Compliance Dismissals:						
a. After Driver Safety Course (CCP, Art. 45.0511)	68					
b. After Deferred Disposition (CCP, Art. 45.051)	23	4	5	3	4	0
c. After Teen Court (CCP, Art. 45.052)	0	0	0	0	0	0
d. After Tobacco Awareness Course (HSC, Sec. 161.253)					0	
e. After Treatment for Chemical Dependency (CCP, Art. 45.053)				0	0	
f. After Proof of Financial Responsibility (TC, Sec. 601.193)	4					
g. All Other Transportation Code Dismissals	2	0	0	0	0	0
9. All Other Dispositions	0	0	0	0	0	0
10. Total Cases Disposed (Sum of Lines 6, 7, 8 & 9)	376	159	36	39	13	15
11. Cases Placed on Inactive Status	157	121	2	31	5	3
12. Total Cases Pending End of Month:	3040	1901	366	491	198	215
a. Active Cases (Equals Line 5 minus the sum of Lines 10 & 11)	953	206	336	32	57	75
b. Inactive Cases (Equals Line 1b minus Line 3 plus Line 11)	2087	1695	30	459	141	140
13. Show Cause Hearings Held	31	13	0	7	1	0
14. Cases Appealed:						
a. After Trial	0	0	0	0	0	0
b. Without Trial	0	0	0	0	0	0

(leh)

## JUVENILE/MINOR ACTIVITY

JUERT City of Waxahachie	TOTAL
MONTH 12 YEAR 2017	
Transportation Code Cases Filed	4
Non-Driving Alcohol Beverage Code Cases Filed	0
Driving Under the Influence of Alcohol Cases Filed	0
Drug Paraphernalia Cases Filed (HSC, Ch. 481)	0
Tobacco Cases Filed (HSC, Sec. 161.252)	0
Failure to Attend School Cases Filed (Ed. Code, Sec. 25.094)	0
Education Code (Except Failure to Attend) Cases Filed	0
Violation of Local Daytime Curfew Ordinances Cases Filed (Local Govt. Code, Sec 341.005)	0
All Other Non-Traffic Fine-Only Cases Filed	2
0. Transfer to Juvenile Court:	
a. Mandatory Transfer (Fam. Code, Sec. 51.08(b)(1))	0
b. Discretionary Transfer (Fam. Code, Sec. 51.08(b)(2))	0
1. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct) (CCP, Art. 45.050 (c)(1))	0
2. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges) (CCP, Art. 45.050 (c)(2))	0
3. Juvenile Statement Magistrate Warning:	
a. Warnings Administered	0
b. Statements Certified	0
14. Detention Hearings Held (Fam. Code, Sec. 54.01)	0
15. Orders for Non-Secure Custody Issued	0
16. Parent Contributing to Nonattendance Cases Filed (Ed. Code, Sec. 25.093)	0

(leh)

# ADDITIONAL ACTIVITY

JURT City of Waxahachie	NUMBER GIVEN	NUMBER REQUESTS FOR COUNSEL
MONTH 12 YEAR 2017		
<b>Magistrate Warnings:</b>		
a. Class C Misdemeanors	175	
b. Class A and B Misdemeanors	93	37
c. Felonies	59	29
		<b>TOTAL</b>
<b>Arrest Warrants Issued:</b>		275
a. Class C Misdemeanors		1
b. Class A and B Misdemeanors		0
c. Felonies		86
<b>Capiases Pro Fine Issued</b>		2
<b>Search Warrants Issued</b>		0
<b>Warrants for Fire, Health and Code Inspections Filed</b> (CCP, Art. 18.05)		0
<b>Examining Trials Conducted</b>		0
<b>Emergency Mental Health Hearings Held</b>		5
<b>Magistrate's Orders for Emergency Protection Issued</b>		1
<b>Magistrate's Orders Ignition Interlock Device Issued</b> (CCP, Art. 17.441)		0
<b>0. All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond</b>		0
<b>1. Driver's License Denial, Revocation or Suspension Hearings Held</b> (TC, Sec. 521.300)		0
<b>12. Disposition of Stolen Property Hearings Held</b> (CCP, Ch. 47)		0
<b>13. Peace Bond Hearings Held</b>		1
<b>14. Cases in Which Fine and Court Costs Satisfied by Community Service:</b>		1
a. Partial Satisfaction		45
b. Full Satisfaction		0
<b>15. Cases in Which Fine and Court Costs Satisfied by Jail Credit</b>		\$0.00
<b>16. Cases in Which Fine and Court Costs Waived for Indigency</b>		
<b>17. Amount of Fines and Court Costs Waived for Indigency</b>		
<b>18. Fines, Court Costs and Other Amounts Collected:</b>		
a. Retained by City		\$81,436.56
b. Remitted to State		\$36,553.68
c. Total		\$117,990.24

(61)



## Memorandum

To: Honorable Mayor and City Council

From: Wade Goolsby, Chief of Police

Thru: Michael Scott, City Manager

Date: January 8, 2018

Re: Monthly Report – December 2017

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### Personnel Issues

Officer Erica Murphy finished the Field Training Program and is now working on her own as a Patrol officer. Dylan Snyder, Ray Skidmore, and Nicholas Page are all doing well in the police academy. Ty Hall has started the Field Training Program and is doing well at this point. We have made three more conditional job offers and have one more officer position open. We are working on background investigations to fill that final position.

In Dispatch, Denise Mooney is doing well in the training program and we have hired Brittany Hutto and Evan Cuellar for two of the openings. They have started their training as well. We had a recent resignation so we still have two openings in Dispatch but are doing background investigations on some applicants at this time. We are currently doing background investigations on the newest applicants in an effort to fill the remaining positions.

Officer Meagan Gonzales has returned to work from her maternity leave.

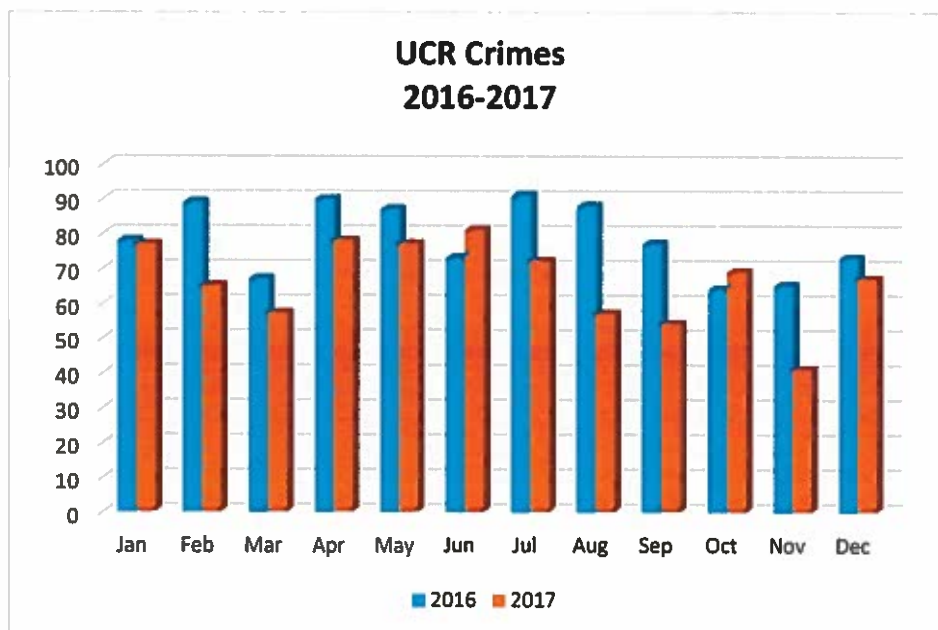
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## Statistical Data for the Month of December 2017

### Reported Uniform Crime Report (UCR) Offenses – 67

The UCR crimes are those crimes that are collected for crime statistics throughout the United States. They include Homicide, Aggravated Assault, Theft, Burglary, Rape, and Auto Theft. The chart below illustrates the number of reportable UCR crimes for the year.

We had a significant increase in offenses for the month of December as compared to November with an increase from 41 to 67. However, this number represents a slight decrease when compared with the same month last year when we had 73 offenses in December, 2016 as compared to 67 this year. We usually see an increase in offenses in the month of December.



At some point in the next twelve months, we will be changing to a different crime reporting system. The current UCR system has been in place for more than 50 years and the FBI has been trying to get agencies to convert over to a National Incident Based Reporting System (NIBRS) for the last 20 years or so. The State of Texas has finally mandated that all agencies in the state convert to NIBRS by September of 2019. The change of data reporting is significant because our crime numbers will look drastically different.

The method of collecting crime data changes under NIBRS as compared to UCR. Under UCR, if a suspect went into a bank and robbed six customers and

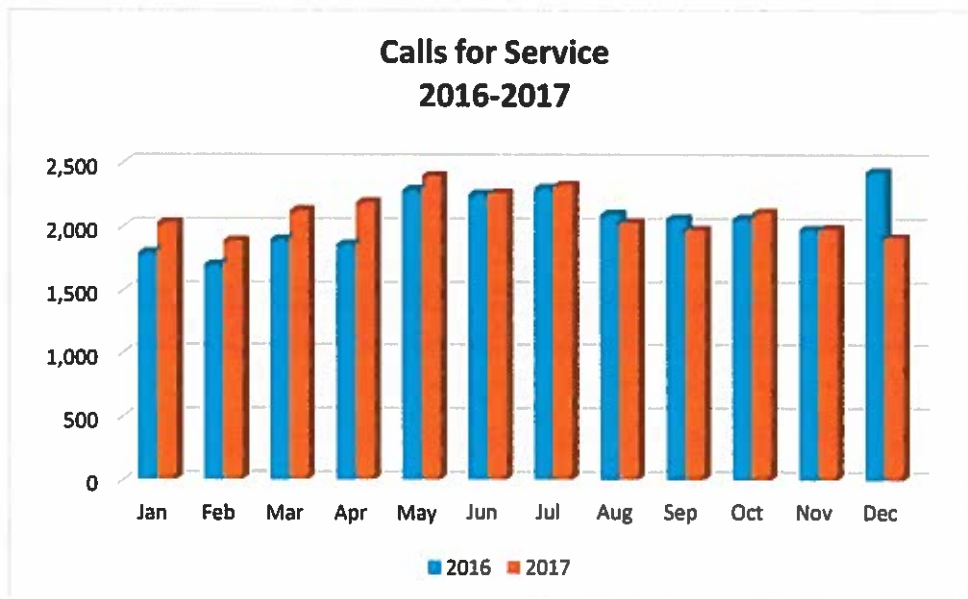
(6i)

then robbed the cashiers, the crime would be counted as one offense (one robbery). Under NIBRS with the same scenario, the incident would be counted as seven robberies. Each robbery of each individual would be counted separately along with the bank being robbed. Under NIBRS, there is also a significant amount of data collected regarding the relationship of the suspect to the victim. In the end, we can do better analysis with NIBRS data, but it will appear as though crime has doubled or tripled even though it has remained the same.

### **Calls for Service – 1,911**

Calls for service are defined as requests received by the police department that require a response by an officer to the complainant or event. The calls for service do not include officer initiated activity such as building checks, traffic stops, suspicious person contacts or similar events that are initiated by the officer. It is also important to understand that the call for service numbers do not reflect the number of officers needed per call. A major accident that requires multiple officers is counted as one call for service.

The chart below shows the relationship between the calls for service in 2016 as compared to the calls for service in 2017. We had a slight decrease in the number of calls for service this month as compared to last month with 1,911 calls this month compared to 1,981 in November. As compared to the same month last year, we also had a decrease in calls with 1,911 this December and 2,429 last December.



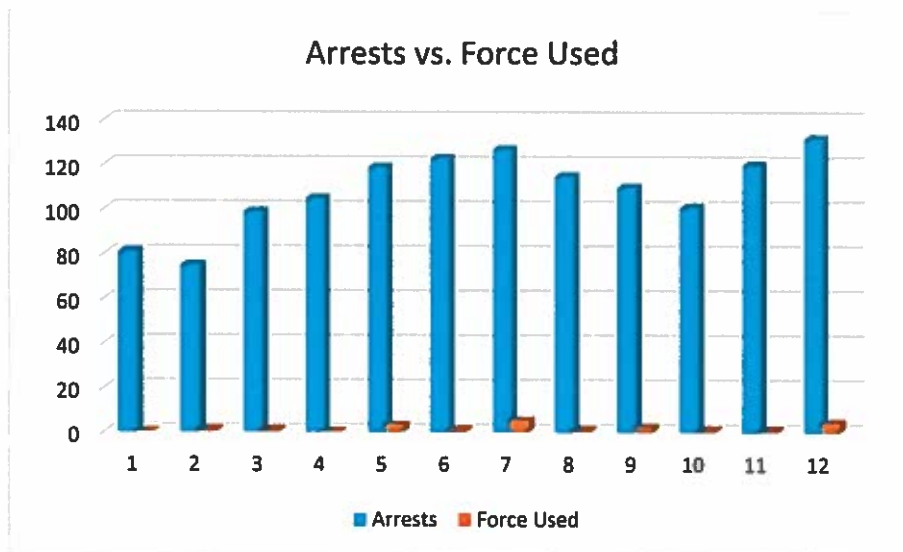
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### Use of Force Incidents

In the month of December, we responded to 1,911 calls for service. We made 132 arrests and had one incident where we had to use force in making an arrest.

Summary:	Calls for Service:	1,911
	Arrests:	132
	Use of Force Incidents:	4

We had one arrest where the officer really did not use any force but directed the suspect to the ground after he swallowed suspected drugs. The report was initiated due to the officer directing him to the ground. We had one Taser deployed after the suspect threatened his father with a knife and resisted officers. We had one incident where OC spray was used to gain compliance. The fourth incident was when a suspect was forced to the ground after a vehicle pursuit. It should be noted that many of the calls for service involve disturbance calls or family violence calls where the situation is volatile when the officers arrived but no arrest is made. The low number of incidents where the use of force is required is indicative of de-escalation techniques being successfully used.



### Notable Incidents

Officers arrested Malone, Colby Tyrell of Desoto, TX after he tried to commandeer two occupied vehicles near the TJ Maxx store. Malone had just shoplifted merchandise from the TJ Maxx Store and was apparently in need of a getaway vehicle. Malone went as far as to punch one of the car's occupants

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several times before being held down by a bystander who was able to hold him until officers arrived. He was arrested and is charged with Theft and two counts of Robbery.

Detectives continue to investigate the shooting death of Clifton Jackson at his home in the 100 blk. of Frierson St. Suspected narcotics were found by investigators inside Jackson's residence and the list of potential suspects continues to grow. We continue to pursue leads and are working diligently on this case.

Officer Dustin Koch found cocaine, PCP and marijuana during a nighttime traffic stop in the 300 blk. of Wyatt. Jasmone Hollonson, 39, of Dallas, tried to run away from the officers when they were about to arrest him for outstanding traffic warrants. After relieving him of a 38 Special handgun, they found cocaine in his overalls and more drugs in his car. The stop ultimately yielded approx. 50 grams of suspected PCP and 15 grams of cocaine. He remains jailed on multiple charges.

## Waxahachie Police Department

### Activity Report

12/1/17 Through 12/31/17

Total Primary Calls-For-Service: 1911		Avg. Unit Response Time:	
Calls-For-Service By Type		6min / 52sec	
		Primary	Backups
911 HANG UP	-	7	8
ABANDONED VEHICLE	-	26	2
ANIMAL BITE	-	4	1
ANIMAL COMPLAINT	-	28	4
ARREST	-	1	0
ASSAULT	-	10	2
ASSAULT-SEXUAL	-	2	1
ASSIST ANIMAL CONTROL	-	1	0
ASSIST OFFICER	-	16	8
ATS	-	10	32
ATTEMPTED SUICIDE	-	4	7
BMV	-	15	3
BURG IN PROGRESS	-	4	8
BURG REPORT	-	13	1
BUSINESS ALARM	-	105	109
BY PHONE-MEET COMPLAINT	-	138	0
CAR FIRE-MAJOR ST/HIGHWAY	-	3	6
CAR FIRE-RESIDENTIAL ST	-	1	0
CHECK THE AREA	-	120	100



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CITY ORDINANCE VIOLATION	-	23	10
CIVIL MATTER	-	6	2
CIVIL STANDBY	-	11	11
COMMUNITY POLICING	-	19	6
COURTESY TRANSPORT	-	2	0
CRIMINAL MISCHIEF	-	31	7
CRIMINAL TRESPASS	-	3	3
DEBRIS IN ROADWAY	-	9	2
DELIVER MESSAGE	-	1	0
DEMENTED PERSON	-	6	8
DISTURBANCE	-	78	113
DOM DISTURBANCE	-	12	17
DRUG ACTIVITY	-	6	7
DWI	-	6	8
EXTRA PATROL	-	92	1
FIGHT IN PROGRESS	-	3	9
FLAG DOWN	-	14	2
FOLLOW UP INVEST	-	59	23
FOOT PATROL	-	3	1
FORGERY	-	1	0
FOUND/LOST PROPERTY	-	11	0
FRAUD	-	12	1
FRAUD IN PROGRESS	-	1	2
HARASSMENT	-	4	0
HIT AND RUN ACCIDENT	-	27	17
HOLD-UP ALARM	-	9	10
HOUSE/BUSINESS CHECK	-	22	19
LOUD MUSIC DISTURBANCE	-	16	14
LOUD NOISE DISTURBANCE	-	6	6
MAJOR ACCIDENT	-	40	67
MEDICAL ALARM	-	2	2
MEDICAL ASSIST	-	5	3
MEET COMPLAINANT	-	148	32
MINOR ACCIDENT	-	110	44
MISSING PERSON	-	1	2
MOTORIST ASSIST	-	93	25
OPEN DOOR	-	8	7
PAPERWORK	-	1	0
PARKING VIOLATION	-	13	1
PEDESTRIAN STOP	-	29	11
PERSON W/A GUN	-	3	11
PHYS DISTURBANCE	-	8	14
PROWLER	-	6	7
PUB INTOX	-	4	4
PUBLIC SERVICE	-	2	1
RECKLESS DRIVER	-	62	34
RESIDENCE ALARM	-	50	48
ROADWAY BLOCKED	-	6	3

(6i)

ROBBERY	-	1	7
RUNAWAY LOCATED	-	2	1
RUNAWAY REPORT	-	2	1
SHOTS FIRED	-	15	16
SOLICITOR	-	2	2
SPECIAL ASSIGNMENT	-	11	15
STRUCTURE FIRE	-	3	9
SUSP PERSON	-	39	39
SUSP VEHICLE	-	73	36
THEFT	-	51	17
THEFT IN PROGRESS	-	10	17
TRAFFIC CONTROL	-	5	1
TRAIN EMERGENCY	-	1	0
TRAINING	-	3	0
TRANSPORT	-	4	0
TRASH DUMPING	-	2	0
UNATTENDED DEATH	-	3	5
UUV JUST OCCURRED	-	4	15
UUV REPORT	-	7	0
VERBAL DISTURBANCE	-	16	16
WALK THROUGH	-	4	0
WARRANT SERVICE	-	2	1
WEAPONS DISTURBANCE	-	5	23
WELFARE CHECK	-	54	54

(6j)

# WAXAHACHIE FIRE DEPARTMENT

## FIRE & EMS MONTHLY REPORT

December 2017

### MONTHLY FIRE STATISTICS

TOTAL FIRE/RESCUE CALLS: 430

AVERAGE RESPONSE TIMES: 5 Minutes 31 Seconds

### BREAKDOWN OF FIRE/RESCUE/MISC. CALLS:

<u>FIRE</u>	<u>COUNT</u>	<u>%</u>	<u>EMS</u>	<u>COUNT</u>	<u>%</u>
Commercial:	1	0.23%	Medical Trauma Not Auto:	44	10.23%
Residential:	7	1.62%	Medical Other than Trauma:	182	42.32%
Institutional:	0	0.00%			
Other Structure:	3	0.69%			
Motor Vehicle:	2	0.46%			
Grass & Refuse:	2	0.46%			
Control Burn:	5	1.16%			
			<u>MISC</u>		
			Assist the Public:	71	16.51%
			Assist Other Agencies	18	4.18%
			False Call:	38	8.83%
			Power Lines, Nat Gas Leaks,	13	3.02%
			Gas/Oil Cleanup		
<u>RESCUE</u>			Other:	7	1.62%
Auto Acc w/Inj:	16	3.72%			
Auto Acc w/o Inj:	21	4.88%			
No Auto w/ Inj:	0	0.00%			
No Auto w/o Inj:	0	0.00%			

Incendiary/ Suspicious Fires (from totals above): 0

### MONTHLY FIRE PREVENTION INSPECTION REPORT

Total Inspections: 75

Fire Drills (Schools, Nursing Homes, Hospitals): 0

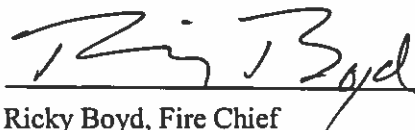
Lectures-Presentations Made/Films Shown: 1

Total Audience: 55

### YEARLY TOTALS

TOTAL FIRE/RESCUE CALLS TO DATE: 4522

TOTAL INSPECTIONS TO DATE: 1194

  
Ricky Boyd, Fire Chief

# Waxahachie Fire Department

(lej)

## Monthly Incident Counts By Station

Alarm Date Between {01/01/2017} And {12/31/2017}

Station #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Percent
1	168	111	145	145	144	165	147	117	121	129	114	145	1651	36.51%
2	88	59	88	91	97	90	70	73	85	76	88	109	1014	22.42%
3	139	113	152	160	166	172	175	122	158	161	158	176	1852	40.95%
A	0	0	0	0	0	0	0	0	0	0	1	0	1	0.02%
ALM	0	0	0	0	0	0	0	1	0	0	0	0	1	0.02%
NA	0	0	0	0	0	1	0	1	0	0	1	0	3	0.06%

### Total Runs by Month

Jan	395	Feb	283	Mar	385	Apr	396	May	407	Jun	428
Jul	392	Aug	314	Sep	364	Oct	366	Nov	362	Dec	430

Grand Total Runs: 4522

(6j)  
**Waxahachie Fire Department**

**Type of Alarm Report (Summary)**

**Alarm Date Between {12/01/2017} And {12/31/2017}**

Type of Alarm		Count	Percent
*	< Not Reported >	1	0.23%
01	Fire, Commerical Structure	1	0.23%
02	Fire, Residential Structure	7	1.62%
04	Fire, Other Structure	3	0.69%
05	Fire, Motor Vehicles	2	0.46%
06	Fire, Grass and Refuse	2	0.46%
07	Fire, Control Burn	5	1.16%
08	Rescue, Automoblle Accident with Injuries	16	3.72%
09	Rescue, Automobile Accident without Injuries	21	4.88%
12	EMS, Medical Trauma other that Auto Accident	44	10.23%
13	EMS, Medical other than Trauma	181	42.09%
14	Misc, Assist the Public	71	16.51%
15	Misc, Assist other Agencies	18	4.18%
16	Misc, False Call	38	8.83%
17	Misc, Power Lines, Nat Gas Leaks, Gas/Oil cleanup	13	3.02%
18	Misc, Other	7	1.62%

**Total Incident Count: 430**

(6j)

**Waxahachie Fire Department**

**Type of Alarm Report (Summary)**

**Alarm Date Between {01/01/2017} And {12/31/2017}**

Type of Alarm		Count	Percent
*	< Not Reported >	1	0.02%
01	Fire, Commerical Structure	20	0.44%
02	Fire, Residential Structure	30	0.66%
03	Fire, Institution Structure	5	0.11%
04	Fire, Other Structure	10	0.22%
05	Fire, Motor Vehicles	28	0.61%
06	Fire, Grass and Refuse	53	1.17%
07	Fire, Control Burn	32	0.70%
08	Rescue, Automoblle Accident with Injuries	217	4.79%
09	Rescue, Automobile Accident without Injuries	161	3.56%
10	Rescue, Rescue with Injuries other than Auto Acc	2	0.04%
11	Rescue, Rescue without Injuries other than Auto	20	0.44%
12	EMS, Medical Trauma other that Auto Accident	477	10.54%
13	EMS, Medical other than Trauma	2,079	45.97%
14	Misc, Assist the Public	611	13.51%
15	Misc, Assist other Agencies	95	2.10%
16	Misc, False Call	473	10.46%
17	Misc, Power Lines, Nat Gas Leaks,Gas/Oil cleanup	137	3.02%
18	Misc, Other	71	1.57%

**Total Incident Count: 4,522**

(65)  
Waxahachie Fire Department

Incident Response Time Analysis

Alarm Date Between {12/01/2017} And {12/31/2017}

Response		Count	Percentage
Hrs	Mins		
	00	10	2.4%
	01	9	2.1%
	02	46	11.1%
	03	62	15.0%
	04	69	16.7%
	05	66	16.0%
	06	56	13.6%
	07	37	9.0%
	08	20	4.8%
	09	11	2.6%
	10	7	1.7%
	11	5	1.2%
	12	3	0.7%
	13	3	0.7%
	14	2	0.4%
	16	1	0.2%
	17	2	0.4%
	18	2	0.4%
		411	

**Overall Average Response Time: 00:05:31**

(6j)  
Waxahachie Fire Department

Incident Response Time Analysis

Alarm Date Between {01/01/2017} And {12/31/2017}

Response		Count	Percentage
Hrs	Mins		
00		174	4.0%
01		177	4.0%
02		417	9.5%
03		737	16.9%
04		789	18.1%
05		720	16.5%
06		500	11.5%
07		321	7.3%



Waxahachie Fire Department

(6j)

Incident Response Time Analysis

Alarm Date Between {01/01/2017} And {12/31/2017}

Response		Count	Percentage
Hrs	Mins		
	08	174	4.0%
	09	114	2.6%
	10	65	1.4%
	11	40	0.9%
	12	39	0.8%
	13	17	0.3%
	14	17	0.3%
	15	10	0.2%
	16	11	0.2%
	17	6	0.1%
	18	9	0.2%
	19	4	0.0%
	22	1	0.0%
	24	1	0.0%
	33	1	0.0%
	40	1	0.0%
	42	1	0.0%
		4346	

Overall Average Response Time: 00:05:12

(6j)

# WFD Fire Marshal's Office Monthly Report

MONTH:

YEAR: 2017

Inspections			
Plan Reviews	11	Underground Visuals	1
General Inspections	54	Underground Hydros/Flushes	0
Certificate of Occupancies	11	Fire Alarm Acceptance Tests	1
Foster Home Inspections	0	Reinspections	0
Site Inspections	1	Ventahood Acceptance Tests	0
Restaurant/Bars	0	Tornado Drills Etc...	0
Fire Drills	0	Others	1
Aboveground Visuals	4		
Aboveground Hydros	2	Total Monthly Inspections	75

Fire Safety Education	
Total Number of Presentations	1
Total Number of Participants	55

Fire and Arson Investigations	
Accidental Fires	MFR
Suspicious/Incendiary Fires	0

Fire Marshal's Monthly Stats	
Inspections Conducted	22
Presentations Made	0
Fire Drills Conducted	0
Incident Response (on-duty)	1
Incident Response (off-duty)	1
Investigations Performed (on-duty)	1
Investigations Performed (off-duty)	1
Training/Classes Attended	

Fire Inspector's Monthly Stats	
Inspections Conducted	53
Presentations Made	1
Fire Drills Conducted	0
Incident Response (on-duty)	n/a
Incident Response (off-duty)	n/a
Investigations Performed (on-duty)	n/a
Investigations Performed (off-duty)	n/a
Training/Classes Attended	

Fire Marshal's Other Monthly Activities

Fire Inspector's Other Monthly Activities

Dennis Crecelius

01/18

Fire Marshal

Date

Gary Myers

Fire Inspector

Date

(6K)



## Memorandum

To: Honorable Mayor and City Council  
From: Lori Cartwright, City Secretary  
Thru: Michael Scott, City Manager  
Date: January 16, 2018  
Re: Taxicab License Renewal

---

The following companies have requested a taxicab license renewal for January 1, 2018-December 31, 2018:

Boppalong Tours LLC  
130 Liberty Way  
Waxahachie, TX 75167

(64)

Application for a Festival or Event Permit

Event Name and Description: Texas Tree Climbing Competition

Applicant Information

Name: Markus Smith  
Address: P.O. Box 4005  
City, State, Zip: Austin TX 78765 Phone: 512-789-8733  
E-mail Address: Markus@Justtrees.com

Organization Information

Organization Name: Texas Chapter International Society of Arboriculture  
Address: 2013 Oakwood Trl. College Station TX 77845  
Authorized Head of Organization: John Giedratys  
Phone: 409 979 324 1929 E-mail Address: jg@ISA Texas.com

Event Chairperson/Contact

Name: Markus Smith  
Address: P.O. Box 4005  
City, State, Zip: Austin TX 78765 Phone: 512-789 8733  
E-mail Address: Markus@Justtrees.com

Event Information

Event Location/Address: Getzenauer Park  
Purpose: Tree Climbing Competition  
Event Start Date and Time: Tuesday May 15 thru May 20, 2018  
Event End Date and Time: May 20, 2018  
Approximate Number of Persons Attending Event Per Day: ~150

RECEIVED IN  
CITY SECRETARY'S OFFICE  
12/20/17  
CITY OF WAXAHACHIE, TEXAS

(66)

Site Preparation and Set-Up Date and Time: Tuesday May 15, 2018

Clean-Up Completion Date and Time: Sunday May 20, 2018

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc.

Tree Fair - for the general public (info on trees)  
Climbing Class - teaches advanced Climbing Techniques  
Class - Topic of the year for artists  
Climbing Comp. 5 events to determine best climber  
in Texas

Will food and/or beverages be available and/or sold? YES/NO

\*Will alcohol be available and/or sold? YES/NO


If yes, will the event be in the Historic Overlay District? YES/NO

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? I do not believe so

Please submit a site plan showing the layout of the event including equipment, stages, and street locations

I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

  
Signature of Applicant

12/21/2017  
Date

\* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

(let)

## Villarreal, Amber

---

**From:** Mosley, Laurie  
**Sent:** Thursday, December 21, 2017 10:06 AM  
**To:** Villarreal, Amber; Smith, John; Borders, Amy; Wade Goolsbey; Dale Sigler; Ricky Boyd  
**Cc:** Scott, Michael; Cartwright, Lori  
**Subject:** RE: Event Application-Texas Tree Climbing Competition

Sounds pretty cool to me! As long as John Smith approves, I approve 😊.

---

**From:** Villarreal, Amber  
**Sent:** Thursday, December 21, 2017 9:43 AM  
**To:** Smith, John <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Texas Tree Climbing Competition

For your review/comments.

**Amber Villarreal, TRMC**  
**Assistant City Secretary**  
**City of Waxahachie**  
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

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(let)

**Villarreal, Amber**

---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Thursday, December 21, 2017 10:27 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Texas Tree Climbing Competition

I don't have any issues

---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Thursday, December 21, 2017 9:43 AM  
**To:** John Smith <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>  
**Cc:** Michael Scott <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Texas Tree Climbing Competition

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(66)

**Villarreal, Amber**

---

**From:** Smith, John  
**Sent:** Thursday, December 21, 2017 10:28 AM  
**To:** Villarreal, Amber; Mosley, Laurie; Borders, Amy; Wade Goolsbey; Dale Sigler; Ricky Boyd  
**Cc:** Scott, Michael; Cartwright, Lori  
**Subject:** RE: Event Application-Texas Tree Climbing Competition

I am in favor of the event and will assist with it. The date was the biggest question. Any one see any conflicts?

Thanks,  
John

---

**From:** Villarreal, Amber  
**Sent:** Thursday, December 21, 2017 9:43 AM  
**To:** Smith, John <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>  
**Cc:** Scott, Michael <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Texas Tree Climbing Competition

For your review/comments.

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(let)

**Villarreal, Amber**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Friday, December 22, 2017 9:54 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Event Application-Texas Tree Climbing Competition

I have no concerns with this request.

*Ricky Boyd, Fire Chief*  
Waxahachie Fire-Rescue  
214-463-9335

---

**From:** Villarreal, Amber [mailto:avillarreal@waxahachie.com]  
**Sent:** Thursday, December 21, 2017 9:43 AM  
**To:** Smith, John <jsmith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Dale Sigler <dsigler@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Cc:** Scott, Michael <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>  
**Subject:** Event Application-Texas Tree Climbing Competition

For your review/comments.

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(lem)



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown *AB*  
Thru: Michael Scott, City Manager *MS*  
Date: January 4, 2018  
Re: Sweethearts & Orphans Car Show

---

Please place the following item on the city council agenda for the meeting to be held on Tuesday, January 16, 2018:

Larry Kollie, a Waxahachie citizen, would like to bring the Sweethearts & Orphans car show back to downtown Waxahachie this year. It used to be held here when I first came then started rotating to other historic downtowns for several years. Now they want to come back for the March event.

In order to accommodate the expected number of vehicles they are requesting the following (map attached):

Close Franklin Street from College to Jackson

Close College Street from Main to Franklin

Parking spaces abutting the Courthouse on Franklin and Rogers Streets

The event will take place from 9 am to 3 pm on Saturday, March 3, 2018. Streets and parking spaces will be blocked off the night of Friday, March 2<sup>nd</sup> to ensure they will be clear of vehicles for the event. Everything will be opened back up by 4 pm on Saturday. Mr. Kollie will attend the council meeting to answer any questions.

Google Maps



Sweethearts + Orphans Car Show  
Saturday, March 3, 2018  
9 AM to 3 PM

Imagery ©2018 Google, Map data ©2018 Google 50 ft

(6N)



## Memorandum

To: Honorable Mayor and City Council  
From: Lori Cartwright, City Secretary  
Thru: Michael Scott, City Manager  
Date: January 11, 2018  
Re: Appointments to Boards and Commissions

---

Please consider the following appointment to the Heritage Preservation Commission to fill a vacancy:

- Mr. Curtiss Thompson (January 2018 – September 2018)

(9)



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown  
Thru: Michael Scott, City Manager *MS*  
Date: January 2, 2018  
Re: 2017 Farmers Market Year End Report

---

I would like to place the following item on the agenda for the City Council meeting to be held on Tuesday, January 16, 2018:

2017 Farmers Market Year End Report

Attached are the totals for the 2<sup>nd</sup> half of the market season—July 29-October 28.

I have also included information about the first half of the season on the report.

If you have any questions, please let me know.

Thank you,

Anita

(9)

**Farmer's Market Weekly Totals**  
July 29, 2017 to October 28, 2017

7/29	\$ 6,327.50	23 Vendors
8/5	\$ 6,496.00	27 Vendors (Tax Free Weekend)
8/12	\$ 5,439.61	25 Vendors (construction at Nay & front of market)
8/19	\$ 7,093.27	28 Vendors
8/26	\$ 4,549.50	27 Vendors
9/2	\$ 6,492.91	26 Vendors
9/9	\$ 6,176.80	25 Vendors
9/16	\$ 4,846.00	25 Vendors (Rogers St. in front of market torn up)
9/23	\$ 5,377.08	25 Vendors (heavy road construction in front)
9/30	\$ 3,773.34	21 Vendors (heavy road construction in front)
10/7	\$ 4,983.40	26 Vendors (road paved & open; chili cook off at mkt)
10/14	\$ 4,147.25	18 Vendors
10/21	\$ 3,381.67	21 Vendors
10/28	\$ 3,723.99	14 Vendors (Texas Country Reporter Festival)

**Total last 14 weeks of season** **\$72,808.32**

**Total for first 14 weeks of season** **\$79,850.72**

**2017 Season TOTAL** **\$152,659.04**



(9)

**Farmer's Market Weekly Totals**  
April 22, 2017 to July 22, 2017

4/22	\$ 6,193.82	26 Vendors (57 degrees, windy & cold, threat of rain)
4/29	\$ 5,023.40	24 Vendors
5/6	\$ 4,270.26	20 Vendors (Cinco de Mayo)
5/13	\$ 5,970.70	26 Vendors (Mother's Day weekend)
5/20	\$ 5,901.33	24 Vendors
5/27	\$ 6,299.76	26 Vendors (Memorial Day weekend)
6/3	\$ 5,057.91	19 Vendors (Gingerbread Trail; rainy weekend)
6/10	\$ 6,533.65	24 Vendors (Junk in the Trunk)
6/17	\$ 6,030.00	22 Vendors
6/24	\$ 5,095.18	23 Vendors (Rotary Bike Ride cancelled due to rain)
7/1	\$ 4,821.25	20 Vendors (rain again)
7/8	\$ 5,052.00	21 Vendors
7/15	\$ 6,315.00	22 Vendors
7/22	\$ 7,286.46	25 Vendors (MG Grill Fest; KBEC remote)
<b>Total</b>	<b>\$ 79,850.72</b>	

(10)



## Memorandum

To: Honorable Mayor and City Council

From: Anita Brown

Thru: Michael Scott, City Manager *mf*

Date: January 2, 2018

Re: 2018 Junk in the Trunk Events

---

I would like to place the following item on the agenda for the City Council meeting to be held on Tuesday, January 16, 2018:

### 2018 Dates

March 10<sup>th</sup>

June 9<sup>th</sup>

September 8<sup>th</sup>

November 17<sup>th</sup>

Request permission to close Franklin Street from College to Jackson from 7 am to 2 pm

Request permission to close College Street from Main to Franklin from 7 am to 2 pm

This event shifted its location last year in order to keep more streets with active businesses and residents open. It will now run from 9 am to 1 pm. It will still take place four times over the year.

If you have any questions or this is not enough information, let me know.



(11)

## Planning & Zoning Department

### Plat Staff Report

Case: PP-17-0149



#### MEETING DATE(S)

*Planning & Zoning Commission:* January 9, 2018

*City Council:* January 16, 2018

#### CAPTION

**Consider** request by Nathan Petty, Americas Storage, for a Preliminary Plat of Americas Storage for 1 lot, being a 7.304 acre addition in the T. Selby Survey, Abstract No. 1002 (Property ID 191086 and 191095) – Owner: DIMSDLE GREG & PAULA (PP-17-0149)

#### CASE INFORMATION

*Applicant:* Nathan Petty, Americas Storage

*Property Owner(s):* Greg & Paula Dimsdle

*Site Acreage:* 7.304 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The cash in lieu of park land dedication for this case is estimated at \$4,382.40 (7.304 acres at \$600.00 per acre).

*Adequate Public Facilities:* This property falls within the City of Waxahachie's CCN, however, the City does not yet have lines to this property. As a result, Rockett SUD will provide adequate water and fire protection to this property at this point, and when the City's lines extend to this property, this property will make the switch over to the City lines and cap off the line from Rockett.

#### SUBJECT PROPERTY

*General Location:* 3467 N Highway 77

*Parcel ID Number(s):* 191086 and 191095

*Current Zoning:* Commercial

*Existing Use:* Residential structures, to be removed.

*Platting History:* T. Selby Survey, Abstract No. 1002

**Site Aerial:****STAFF CONCERNS**

1. A parallel water line connected to Rockett SUD (8-inch min. or as required to provide fire flow for this development) is being considered and when the city water line is connected to the parallel line the water line will be disconnected from Rockett SUD water line.
2. The Design Manual show the need for 12-inch along commercial/industrial areas, but since this is the end of the Waxahachie CCN, we are ok with using 8-inch pipe depending on the fire demand for this site.
3. Need flushing valve.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revised drawings, resulting in the above comments.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. A parallel water line connected to Rockett SUD (8-inch min. or as required to provide fire flow for this development) is being considered and when the city water line is connected to the parallel line the water line will be disconnected from Rockett SUD water line.
  2. The Design Manual show the need for 12-inch along commercial/industrial areas, but since this is the end of the Waxahachie CCN, we are ok with using 8-inch pipe depending on the fire demand for this site.
  3. Need flushing valve.

(11)

**ATTACHED EXHIBITS**

1. Plat drawing
2. Drainage and utility plan
3. Landscape plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner I  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held January 9, 2018, the Commission voted 5-0 to recommend approval of plat no. PP-17-0149 subject to staff comments.

d=03°49'35"  
R=5679.65'  
A=379.29'  
LC= N 23°36'24" E  
379.22'

Location of 20' wide Communications Corp. Communications Corp. L.P., & LEVEL 3 Communications, LLC Easement. t. 151733 OPRCT

2.76' FND. S.R.  
WIRE FENCE  
FIBER OPTIC MARKER  
BARN  
636  
637  
638  
639  
P/O.B.  
N=6858495.449  
E=2481951.993

EXISTING STRUCTURES TO BE REMOVED.  
BARN  
G-WIRE  
P/P  
CONC. PAD  
STORAGE BUILDING  
LIGHT WOOD DECK  
PROPANE TANK  
BRICK SHED  
PUMP SHED  
WELL  
ONE STORY BRICK  
3467 HIGHWAY

Approx. location of 10' wide ROCKET Special Util. Dist. Water Line Easement. Vol. 845, Pg. 570 DRECT

WAXAHACHIE I.S.D.  
49.906 ACRES  
VOL. 747, PG. 372 DRECT

7.304 ACRES  
1230.54  
(Deed - N 72°45'00" W, 1297.27')

CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
City Approval of Preliminary Plat

Approved for preparation of the final plat:

Approved by the Planning and Zoning Commission Date

Approved by the City Council Date

Owner's Acknowledgment

I hereby acknowledge this document as the officially approved preliminary plat:

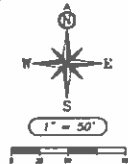
Owner's Signature

Date

ATMOS ENERGY  
LOT 1, BLOCK A  
ATMOS ENERGY ADDITION  
6.907 ACRES  
INST. # 1513681 OPRCT

ZONING - COMMERCIAL (C)

(Deed - S 26°13'55" W, 70.15')  
(Deed - S 26°46'34" W, 70.23')  
(Deed - S 68°55'45" E, 740.46')  
(Deed - S 69°26'51" E, 683.49')



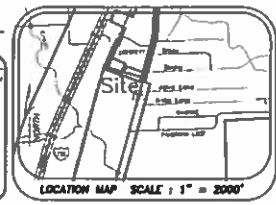
Approx. location of 15' wide Sanitary Sewer Easmt Clerk File No. 1528950 OPRCT

FND. TX DOT MONUMENT (DISK)

FND. TX DOT MONUMENT (DISK)

Approx. location of 15' wide Sanitary Sewer Easmt Clerk File No. 1528950 OPRCT

Owner & Developer:  
VARD INVESTMENTS  
4311 OAK LANE AVE., SUITE 300  
DALLAS, TEXAS 75219  
DALLAS, TEXAS 75219  
DALLAS, TEXAS 75219



LEGEND	LEGEND
— 10' Sanitary Sewer	— 10' Sanitary Sewer
— 15' Sanitary Sewer	— 15' Sanitary Sewer
— 20' Sanitary Sewer	— 20' Sanitary Sewer
— 24" Water Main	— 24" Water Main
— 30" Water Main	— 30" Water Main
— 36" Water Main	— 36" Water Main
— 42" Water Main	— 42" Water Main
— 48" Water Main	— 48" Water Main
— 54" Water Main	— 54" Water Main
— 60" Water Main	— 60" Water Main
— 66" Water Main	— 66" Water Main
— 72" Water Main	— 72" Water Main
— 78" Water Main	— 78" Water Main
— 84" Water Main	— 84" Water Main
— 90" Water Main	— 90" Water Main
— 96" Water Main	— 96" Water Main
— 102" Water Main	— 102" Water Main
— 108" Water Main	— 108" Water Main
— 114" Water Main	— 114" Water Main
— 120" Water Main	— 120" Water Main
— 126" Water Main	— 126" Water Main
— 132" Water Main	— 132" Water Main
— 138" Water Main	— 138" Water Main
— 144" Water Main	— 144" Water Main
— 150" Water Main	— 150" Water Main
— 156" Water Main	— 156" Water Main
— 162" Water Main	— 162" Water Main
— 168" Water Main	— 168" Water Main
— 174" Water Main	— 174" Water Main
— 180" Water Main	— 180" Water Main
— 186" Water Main	— 186" Water Main
— 192" Water Main	— 192" Water Main
— 198" Water Main	— 198" Water Main
— 204" Water Main	— 204" Water Main
— 210" Water Main	— 210" Water Main
— 216" Water Main	— 216" Water Main
— 222" Water Main	— 222" Water Main
— 228" Water Main	— 228" Water Main
— 234" Water Main	— 234" Water Main
— 240" Water Main	— 240" Water Main
— 246" Water Main	— 246" Water Main
— 252" Water Main	— 252" Water Main
— 258" Water Main	— 258" Water Main
— 264" Water Main	— 264" Water Main
— 270" Water Main	— 270" Water Main
— 276" Water Main	— 276" Water Main
— 282" Water Main	— 282" Water Main
— 288" Water Main	— 288" Water Main
— 294" Water Main	— 294" Water Main
— 300" Water Main	— 300" Water Main

ENGINEER'S DECLARATION  
KNOW ALL MEN BY THESE PRESENTS:

That I, James H. McMill, do hereby declare that I prepared this plat from an accurate and correct survey of the land described by Deeds & Records in 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 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3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 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# NATHAN PETTY BUSINESS PARK - DRAINAGE CALCULATIONS

PRE-DEVELOPMENT: A = 4.0 acres C = 0.40 Time Conc. = 20 min.  
 4.0 ac 0.40 20 4.38/4.98/5.80/7.18 6.98 /7.94 /9.28 /11.48  
 B = 3.3 acres C = 0.40 Time Conc. = 20 min.  
 3.3 ac 0.40 20 4.38/4.98/5.80/7.18 4.76 /6.55 /7.68 /9.48

FULL DEVELOPMENT: AREAS A & B C = 6.90 Commercial To = 10 min.  
 AREA A (DEVELOPED) 5.30 Acres 0.90 10 5.84/6.56/7.82/9.31 27.9 /31.3 /36.3 /44.4  
 AREA B (DEVELOPED) 2.0 Acres 0.90 10 5.84/6.56/7.82/9.31 10.5 /11.8 /13.7 /18.8

## NORTHWEST DETENTION POND

YEAR STORM	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION
5	6.98	27.9	4.89 @ 636.00 ELEV
10	7.94	31.3	5.08 @ 636.13 ELEV
25	9.28	36.3	7.40 @ 636.32 ELEV
100	11.48	44.4	9.38 @ 636.62 ELEV

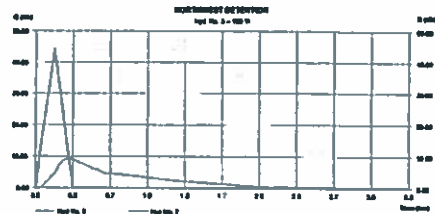
## NORTHEAST DETENTION PIPES

YEAR STORM	EXISTING RUNOFF	FULLY DEVELOPED RUNOFF	DEVELOPED RUNOFF WITH DETENTION
5	4.76	10.5	5.05 @ 631.29 ELEV
10	6.55	11.8	5.42 @ 631.50 ELEV
25	7.68	13.7	5.85 @ 631.83 ELEV
100	9.48	18.8	6.94 @ 632.54 ELEV

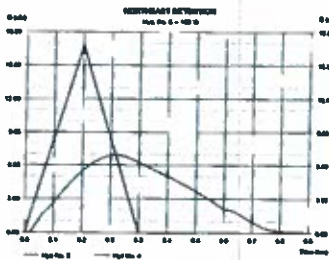
## Pond Report

Storm	Runoff	Detention	Detention	Detention
5	6.98	27.9	4.89	636.00
10	7.94	31.3	5.08	636.13
25	9.28	36.3	7.40	636.32
100	11.48	44.4	9.38	636.62

## Hydrograph Plot



## Hydrograph Plot



## Pond Report

Storm	Runoff	Detention	Detention	Detention
5	6.98	27.9	4.89	636.00
10	7.94	31.3	5.08	636.13
25	9.28	36.3	7.40	636.32
100	11.48	44.4	9.38	636.62

RAILROAD R.O.W. NOTE:  
 ANY WORK DONE IN RAILROAD  
 RIGHT OF WAY (R.O.W.)  
 REQUIRES THEIR APPROVAL  
 AND/OR PERMIT.

Developed  
 5.3 ACRES

RICHARD & SUSAN NEFF  
 3.925 ACRES  
 VOL. 1144, PG. 680  
 OPRCT

ATMOS ENERGY  
 LOT 1, BLOCK A  
 ATMOS ENERGY ADDITION  
 6.907 ACRES  
 INST. # 1513681 OPRCT

Developed  
 2.0 ACRES

Approx. location of  
 15' wide Sanitary Sewer Easement  
 Clerk File No. 1528950 (OPREC)

Developed  
 3.30 ACRES

Approx. location of 10'  
 wide ROCKETT Special  
 Util. Dist. Water Line  
 Easement, Vol. 845,  
 Pg. 570 DRECT

WAXAHACHIE, I.S.D.  
 49.906 ACRES  
 VOL. 747, PG. 372  
 DRECT

FLOWLINE DESIGN REQUIREMENTS:  
 750 GPM MINIMUM WATER FLOW  
 REQUIRED TO SUPPORT THE  
 FIRE SPRINKLER SYSTEM.

## NOTES:

1. PER DRAIN REQUIREMENTS, A 4:1 SIDE SLOPE  
 MINIMUM SHALL BE MAINTAINED BY THE DEVELOPER.
2. BETWEEN GRANT AND SHALL BE MAINTAINED  
 IN ALL DEVELOPED AREAS OF DRAIN R.O.W.

## THOT R.O.W. NOTE:

ANY WORK DONE IN THOT R.O.W.  
 REQUIRES THOT APPROVAL  
 AND/OR PERMIT.

**DRAINAGE & UTILITY PLAN**  
**AMERICAS STORAGE**  
**COMMERCIAL ZONING**  
 Being a 7.304 Acre Addition in the  
 T. Selby Survey, Abst. 1002  
 of the City of Waxahachie, in Ellis County, Texas

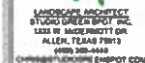


**D&M**  
**ENGINEERS**

**DAVIS & McDILL, Inc.**  
 P.O. BOX 428, Waxahachie, Texas 75168  
 Phone: Muro 972-833-1183 Fax: 972-833-8307  
 (A Texas Record expiring Dec 31-2008)

Date: Dec 28, 2017  
 Scale: 1" = 80'  
 Drawn: JMM  
 317-8234  
 Job: 0000-020  
 SHEET 2 OF 2 SHEETS





### HYPODERMIS CHLORITES

- [illegible]

0.5

TYPE	CODE	COMPLAINT	IS MEDICAL CODE	IS INJURY	IS SUSPECT
CE	001	Other Site	Minor scratch	0	0
CE	002	Other Injury Tendon Tear	Severe laceration	1	1
CE	003	Any Site	Severe abrasion	0	0
CE	004	Any Site	Severe bruise	0	0
CE	005	Any Site	Severe burn	1	1
CE	006	Any Site	Severe fracture	1	1
CE	007	Any Site	Severe laceration	1	1
CE	008	Any Site	Severe sprain	0	0
CE	009	Any Site	Severe strain	0	0
CE	010	Any Site	Severe tear	1	1
CE	011	Any Site	Severe trauma	1	1
CE	012	Any Site	Severe wound	1	1
CE	013	Any Site	Severe burn	1	1
CE	014	Any Site	Severe fracture	1	1
CE	015	Any Site	Severe laceration	1	1
CE	016	Any Site	Severe sprain	0	0
CE	017	Any Site	Severe strain	0	0
CE	018	Any Site	Severe tear	1	1
CE	019	Any Site	Severe trauma	1	1
CE	020	Any Site	Severe wound	1	1
CE	021	Any Site	Severe burn	1	1
CE	022	Any Site	Severe fracture	1	1
CE	023	Any Site	Severe laceration	1	1
CE	024	Any Site	Severe sprain	0	0
CE	025	Any Site	Severe strain	0	0
CE	026	Any Site	Severe tear	1	1
CE	027	Any Site	Severe trauma	1	1
CE	028	Any Site	Severe wound	1	1
CE	029	Any Site	Severe burn	1	1
CE	030	Any Site	Severe fracture	1	1
CE	031	Any Site	Severe laceration	1	1
CE	032	Any Site	Severe sprain	0	0
CE	033	Any Site	Severe strain	0	0
CE	034	Any Site	Severe tear	1	1
CE	035	Any Site	Severe trauma	1	1
CE	036	Any Site	Severe wound	1	1
CE	037	Any Site	Severe burn	1	1
CE	038	Any Site	Severe fracture	1	1
CE	039	Any Site	Severe laceration	1	1
CE	040	Any Site	Severe sprain	0	0
CE	041	Any Site	Severe strain	0	0
CE	042	Any Site	Severe tear	1	1
CE	043	Any Site	Severe trauma	1	1
CE	044	Any Site	Severe wound	1	1
CE	045	Any Site	Severe burn	1	1
CE	046	Any Site	Severe fracture	1	1
CE	047	Any Site	Severe laceration	1	1
CE	048	Any Site	Severe sprain	0	0
CE	049	Any Site	Severe strain	0	0
CE	050	Any Site	Severe tear	1	1
CE	051	Any Site	Severe trauma	1	1
CE	052	Any Site	Severe wound	1	1
CE	053	Any Site	Severe burn	1	1
CE	054	Any Site	Severe fracture	1	1
CE	055	Any Site	Severe laceration	1	1
CE	056	Any Site	Severe sprain	0	0
CE	057	Any Site	Severe strain	0	0
CE	058	Any Site	Severe tear	1	1
CE	059	Any Site	Severe trauma	1	1
CE	060	Any Site	Severe wound	1	1
CE	061	Any Site	Severe burn	1	1
CE	062	Any Site	Severe fracture	1	1
CE	063	Any Site	Severe laceration	1	1
CE	064	Any Site	Severe sprain	0	0
CE	065	Any Site	Severe strain	0	0
CE	066	Any Site	Severe tear	1	1
CE	067	Any Site	Severe trauma	1	1
CE	068	Any Site	Severe wound	1	1
CE	069	Any Site	Severe burn	1	1
CE	070	Any Site	Severe fracture	1	1
CE	071	Any Site	Severe laceration	1	1
CE	072	Any Site	Severe sprain	0	0
CE	073	Any Site	Severe strain	0	0
CE	074	Any Site	Severe tear	1	1
CE	075	Any Site	Severe trauma	1	1
CE	076	Any Site	Severe wound	1	1
CE	077	Any Site	Severe burn	1	1
CE	078	Any Site	Severe fracture	1	1
CE	079	Any Site	Severe laceration	1	1
CE	080	Any Site	Severe sprain	0	0
CE	081	Any Site	Severe strain	0	0
CE	082	Any Site	Severe tear	1	1
CE	083	Any Site	Severe trauma	1	1
CE	084	Any Site	Severe wound	1	1
CE	085	Any Site	Severe burn	1	1

NOTE: Part 10 is to be taken only. Contractor shall verify all quantities in plan. All figures are given in meters. All quantities shall not be more than 10% above or below the quantities in the plan. All items to be measured shall be in meters.

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

**PROJECT PROPOSAL**  
**RELANDING OF WHITE LAKE SHIP LIFT WITH PERMITS FOR DREDGING AND  
 REPAIRS TO THE SHIP LIFT**

**RELANDING**                      **PERMITS**

**LANDSCAPE BUFFERS**  
 WE PROUDLY OFFER YOU A LANDSCAPE BUFFER OF 10' WITH 100% TREE PERMITS.

NO TREE LANDSCAPE BUFFER  
30 FEET

☐ **RECLOSED**  
☐ **IF SEE LANDSCAPE OFFER**  
☐ **REUSE**

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FOR SPECIAL PLANNING CONSTRUCTION  
CONTACT US TODAY



1



THIS BULB GETS 2 1/4 INCHES AND ROPE OF BOND IN PLACE  
KID TO PLACE IT WITHIN 100% PLEASE

FREE PROTECTION FENCE B

#### NOTICE TO CONTRIBUTORS

- [illegible]

**HIGHWAY 77 SELF-STORAGE**  
HIGHWAY 77  
WAXAHACHIE, TEXAS

HIGHWAY 77  
WAXAHACHIE, TEXAS

**WISCONSIN**  
Public Information Rights Act of 1982

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DATE: 10/22/2011

**THEY TALKED:**  
LANDSCAPE PLANNING

**SHEET NUMBER.**

L1

1000

100



(12)

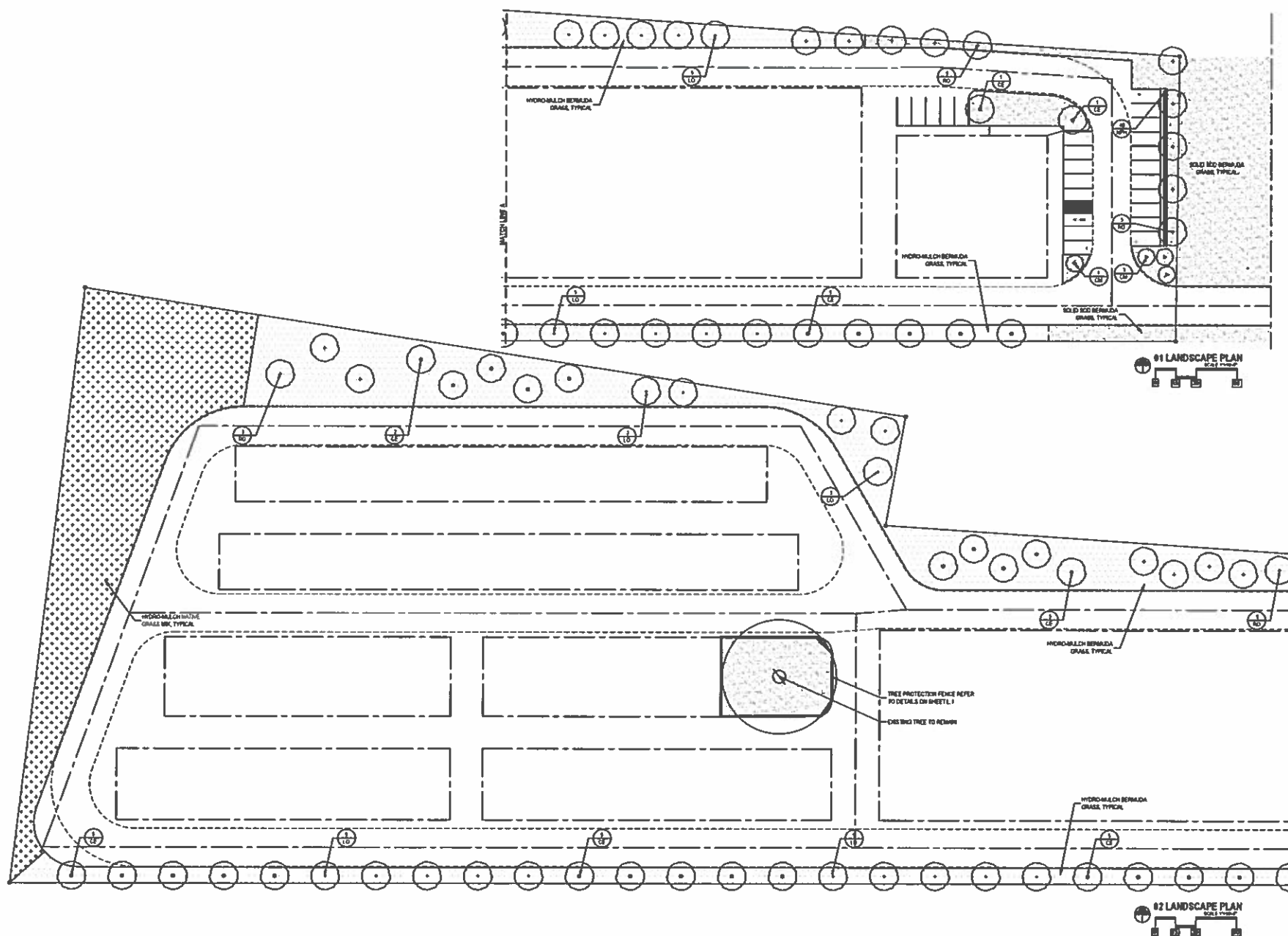
Page Approved by: [Signature]

421.375

LANDSCAPE PLANS

100

L.2



(13)

## Planning & Zoning Department Plat Staff Report

**Case: PP-17-0157**



### **MEETING DATE(S)**

*Planning & Zoning Commission:* December 12, 2017

*City Council:* December 18, 2017

### **CAPTION**

**Consider** request by Terry Weaver, JHDMC, LLC, for a Preliminary Plat of Sheppard's Place for 260 residential lots and 5 open space lots, being 79.664 acres in the E. Horton Survey, Abstract No. 466 (Property ID 185243) – Owner: SHEPHERD PLACE HOMES INC (PP-17-0157).

### **CASE INFORMATION**

*Applicant:* Terry Weaver, JHDMC, LLC

*Property Owner(s):* Shepherd Place Homes INC

*Site Acreage:* 79.664 acres

*Number of Lots:* 265 residential lots and 4 open space lots

*Number of Dwelling Units:* 265 units

*Park Land Dedication:* Applicant has the option of amenitizing the open space and maintaining it with the HOA, donating the land to the City, or paying the required fees.

*Adequate Public Facilities:* The development will be on City water and sewer.

### **SUBJECT PROPERTY**

*General Location:* West side of FM 664 and North of Business 287

*Parcel ID Number(s):* 185243

*Current Zoning:* Planned Development-74-Single Family-2, Ord. No. 2219

*Existing Use:* Currently undeveloped

*Platting History:* E. Horton Survey, Abstract No. 466



**Site Aerial:****STAFF CONCERNS**

1. There remain outstanding questions about how the park land dedication is to be handled. The City would prefer to see the applicant amenitized the open space and maintain it via the HOA, with the proposed reversion clause. At this point, the applicant's legal team is drafting the proposed reversion clause for the City's legal team to review. If an agreement cannot be reached, applicant is responsible for **\$106,000.00** in park land dedication fees (fees revised from Staff Comments to account for additional residential lots proposed in the resubmittal).
2. A landscape plan is required but was not submitted. The landscape plan will need to be submitted and will be presented before the Planning & Zoning Commission and City Council for approval when it is submitted.
3. Please make the necessary corrections on the plat drawings' measurements.
4. The City requires a 54' ROW for residential streets. Adjustments will need to be made.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revised plat drawings. Some comments remain outstanding from the plat drawings. At time of publishing, Staff is awaiting a reversion clause to settle the park land dedication.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. There remain outstanding questions about how the park land dedication is to be handled. The City would prefer to see the applicant amenitized the open space and maintain it via the HOA, with the proposed reversion clause. At this point, the applicant's legal team is drafting the proposed reversion clause for the City's legal team to review. If an agreement cannot be reached, applicant is responsible for \$106,000.00 in park land dedication fees (fees revised from Staff Comments to account for additional residential lots proposed in the resubmittal).
  2. A landscape plan is required but was not submitted. The landscape plan will need to be submitted and will be presented before the Planning & Zoning Commission and City Council for approval when it is submitted.
  3. Please make the necessary corrections on the plat drawings' measurements.
  4. The City requires a 54' ROW for residential streets. Adjustments will need to be made to the plat.

**ATTACHED EXHIBITS**

1. Redlined plans
2. Landscape plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Kelly Dent, MPA  
 Planner I  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

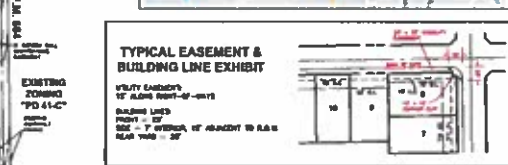
*Reviewed by:*  
 Shon Brooks, AICP  
 Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

**ACTION SINCE INITIAL STAFF REPORT**

Applicant has submitted a revised plat drawing, addressing the measurements concerns. Other comments remain outstanding. At the Planning & Zoning Commission meeting, held December 12, 2017, the Commission voted 5-2 to recommend approval of plat no. PP-17-0157 subject to staff comments. At the Planning & Zoning Commission meeting held January 9, 2018, the Commission voted 5-0 to approve the landscape plan, with the addition of Crape Myrtles.

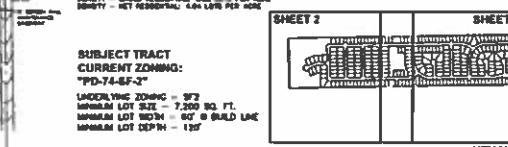






**LAND USE DATA:**

TOTAL LAND AREA	70.00 ACRES
TOTAL NUMBER OF LOTS	200
TOTAL NUMBER OF RESIDENTIAL LOTS	200
TOTAL AREA OF OPEN SPACE	13.00 ACRES
TOTAL AREA OF BUILT-UP SPACE	57.00 ACRES
TOTAL AREA FOR RESIDENTIAL	57.00 ACRES
DENSITY - GROSS RESIDENTIAL	2.86 LOTS PER ACRE
DENSITY - NET RESIDENTIAL	2.86 LOTS PER ACRE



**CITY APPROVAL OF PRELIMINARY PLAT**  
APPROVED FOR PREPARATION OF FINAL PLAT

APPROVED BY THE PLANNING AND ZONING COMMISSION: DATE

APPROVED BY THE CITY COUNCIL: DATE

OFFICE'S ACKNOWLEDGMENT: DATE

OFFICE'S EXAMINATION: DATE

**SURVEYOR'S CERTIFICATE:**  
I, JERRY A. HILL, JR., being duly sworn, depose and say that I am a duly licensed Surveyor in the State of Texas, and that I have personally examined the above described plat and find that it is a true and correct representation of the land and that the same conforms to the requirements of the laws of the State of Texas and the rules and regulations of the State Board of Surveyors.

JERRY A. HILL, JR., S.P.S. No. 100



**OWNER:**  
HARTMAN CONCRETE, INC.  
2004 COUNTY ROAD 1804  
FARMERSVILLE, TX 76842  
(972) 766-2000  
FAX (972) 766-2000  
CONTACT: JERRY HILL, JR., S.P.S.  
jerryhill@jerryhill.com

**SURVEYOR:**  
JERRY A. HILL, JR., S.P.S. No. 100  
2004 COUNTY ROAD 1804  
FARMERSVILLE, TX 76842  
(972) 766-2000  
FAX (972) 766-2000  
CONTACT: JERRY HILL, JR., S.P.S.  
jerryhill@jerryhill.com

**200 RESIDENTIAL LOTS**  
**4 OPEN SPACE LOTS**  
**200 TOTAL LOTS**

**PRELIMINARY PLAT**  
LOTS 1-16, BLOCK 1; LOTS 1-16, BLOCK 2;  
LOTS 1-16, BLOCK 3; LOTS 1-16, BLOCK 4;  
LOTS 1-16, BLOCK 5; LOTS 1-16, BLOCK 6;  
LOTS 1-16, BLOCK 7; LOT A & LOTS 1-16, BLOCK 8;  
LOTS 1-16, BLOCK 9; LOT A & LOTS 1-16, BLOCK 10;  
LOT A & LOTS 1-16, BLOCK 11; LOTS 1-16, BLOCK 12;  
LOTS 1-16, BLOCK 13; LOTS 1-16, BLOCK 14;  
AND LOT A & LOTS 1-16, BLOCK 15

**SHEPPARD'S PLACE**  
BEING 70.00 ACRES OF LAND IN THE  
E. HORTON SURVEY, ABSTRACT NUMBER 408  
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS  
PREPARED NOVEMBER 1, 2017  
REVISED NOVEMBER 20, 2017

**HCE** Hickman Consulting Engineers, Inc.  
2004 County Road 1804  
Farmersville, Texas 76842  
P (972) 766-2000 • F (972) 766-2000  
Engineers Planners  
Texas Registered Engineering Firm #10779

119

(12)



(15)

## Planning & Zoning Department

### Plat Staff Report

Case: FP-17-0163



#### MEETING DATE(S)

*Planning & Zoning Commission:* January 9, 2018

*City Council:* January 16, 2018

#### CAPTION

**Consider** request by Jamie Isaguirre for a **Final Plat** of Isaguirre Addition for 2 lots, being 14.859 acres in the James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244 (Property ID 183251) in the Extra Territorial Jurisdiction – Owner: ISAGUIRRE ALFONSO (FP-17-0163)

#### CASE INFORMATION

*Applicant:* Jamie Isaguirre

*Property Owner(s):* Alfonso Isaguirre

*Site Acreage:* 14.859 acres

*Number of Lots:* 2 lots

*Number of Dwelling Units:* 2 units

*Adequate Public Facilities:* Buena Vista-Bethel has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution. However, they have indicated that they cannot conform with the ISO fire flow requirements.

#### SUBJECT PROPERTY

*General Location:* 1613 N Oak Branch Road

*Parcel ID Number(s):* 183251

*Current Zoning:* N/A (ETJ)

*Existing Use:* Residential structures

*Platting History:* James A. Blakely Survey, Abstract No. 89 and the Theodore H. Sampley Survey, Abstract No. 1244

**Site Aerial:****STAFF CONCERNS**

1. Per the Subdivision Ordinance, Appendix C, Chapter V, Section 5.8.C,
  - a. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply and to furnish fire protection to all lots shall be provided. Water lines shall extend to the property line, and a box for the water meter(s) for each lot shall be installed either in the right-of-way or immediately adjacent to the right-of-way in an easement.
  - b. This proposed subdivision will not meet the fire protection conditions set forth in the City's Subdivision Ordinance. City Council will need to determine a way to proceed.
2. Formatting concerns regarding the plat remain outstanding.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revised drawings, comments remain outstanding.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☒ Denial.
- Because the proposed subdivision does not conform to the Subdivision Ordinance as presented. City Council will need to determine how they wish to proceed on subdividing this land given the lack of fire protection.
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:
1. If checking the last box, then include the comments recommended for P&Z and City Council to use as discussion points.

**ATTACHED EXHIBITS**

1. Final plat
2. Endorsement from applicable water utility



**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

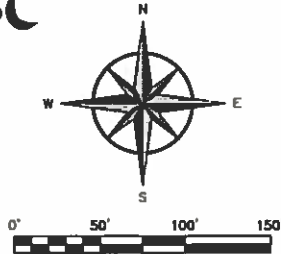
*Prepared by:*  
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[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held January 9, 2018, the Commission voted 5-0 to recommend denial of plat no. FP-17-0163.

# WLSC



150.8369 Acres  
David E. Smith  
Vol. 1488, Pg. 618  
OPRECT

Holcom L. Davis  
Vol. 843, Pg. 168  
OPRECT

OWNER'S CERTIFICATE  
STATE OF TEXAS  
COUNTY OF ELLIS  
CITY OF WAXAHACHIE

WHEREAS, Altona Impire is the owner of that certain parcel of land situated in the JAMES A. BLAKELY SURVEY, ABSTRACT NO. 189 and in the THEODORE H. SAMPLEY SURVEY, ABSTRACT NO. 1244, Ellis County, Texas, and being all of the 14.859 acre tract of land conveyed to Altona Impire by Warranty Deed recorded in Volume 2816, Page 1811 of the Official Public Records of Ellis County, Texas (19W032), and being more particularly described as follows:

BEING that a railroad right-of-way located in Oak Branch Road (a county road) and in the east line of the Blakely Survey and in the east line of the Sampley Survey, Abstract No. 182 for the northeast corner of said Impire tract and the southeast corner of the 150.8369 acre tract of land conveyed to David E. Smith by Warranty Deed recorded in Volume 1488, Page 618, OPRECT;

THENCE S 37°17'50" E, along the east line of said Impire tract and the common Blakely - Sampley Survey line and along Oak Branch Road, a distance of 330.53 feet to a railroad right-of-way located for the southeast corner of said Impire tract and the southeast corner of the 10.100 acre tract of land conveyed to John A. Peak by General Warranty Deed recorded in Volume 2764, Page 2020, OPRECT;

THENCE S 05°37'27" E, along the north line of said Impire tract, passing the common Blakely - Sampley Survey line, to a distance of 1294.32 feet to a 1/2" iron rod found in the northeast line of the 509.180 acre tract of land conveyed to Shana Boston by Warranty Deed recorded in Volume 2581, Page 1383, OPRECT for the southeast corner of said Impire tract and the northeast corner of said Impire tract;

THENCE N 37°31'33" E, along the northeast line of said Impire tract, passing the common Sampley - Blakely Survey line, to a distance of 608.57 feet to a 1/2" iron rod found and marked "WPLS 4406" in the south line of said South tract for the northeast corner of said Impire tract and the northeast corner of said Impire tract;

THENCE N 37°22'07" E, along the north line of said Impire tract and the south line of said South tract, a distance of 1334.71 feet to the PLACE OF BEGINNING and containing 14.859 acres of land as surveyed on the ground.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Altona Impire, do hereby adopt this plat designating the herein above described property as the Final Plat of Impire Addition, as defined in Ellis County, Texas, and do hereby dedicate, to the public use forever, the streets and alleys shown hereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, or streets, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, houses, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements so shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waxahachie. In addition, utility easements may also be used for the market use and accommodation of all public utilities existing to use or using the same unless the easement limits the use of particular utilities, said use being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and take removed all or parts of any buildings, houses, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, improving, maintaining, repairing, altering, and adding to or removing all or parts of their respective systems without the necessity of any time permitting procedures therefrom.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Altona Impire  
Owner

STATE OF TEXAS  
COUNTY OF ELLIS

Before me the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Altona Impire, 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 therein expressed and in the capacity stated.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notary Public in and for the State of Texas

APPROVED BY: Planning and Zoning Commission City of Waxahachie

Chairman

APPROVED BY: City Council

Mayor

Attest

STATE OF TEXAS  
COUNTY OF ELLIS

Certificate of Approval by the Commissioners Court of Ellis County, Texas.

Approved this date, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notariable Carol Bush, County Judge

This plat has been approved by the Department of Development for an on-site average building setback, pending any and all information as may be required by the Ellis County Department of Development.

Department of Development

Date

Final Plat (City of Waxahachie)  
Simplified Plat (Ellis County)

ISAGUIRE ADDITION

14.859 Acres

James A. Blakely Survey, Abstract No. 89

Theodore H. Sampley Survey, Abstract No. 1244

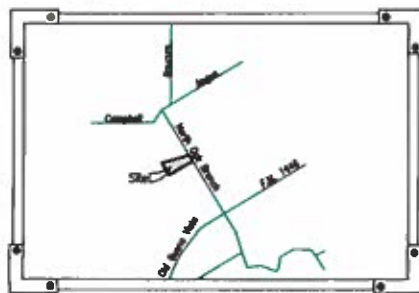
ETJ of City of Waxahachie, Ellis County, Texas

December, 2017

James A. Blakely Survey Abstract No. 89  
Theodore H. Sampley Survey Abstract No. 1244

509.180 Acres  
Shana Boston  
Vol. 2581, Pg. 1383  
OPRECT

LEGEND
1/2" - Property Corner
1/2" - Iron Rod
1/2" - Road
1/2" - Road of Way
1/2" - Building Line
1/2" - Utility Easement
1/2" - Landscape A. Utility Easement
1/2" - 1/2" iron rod found and marked "WPLS 4406"



LOCATION MAP SCALE: 1"=4000'

Walker Land Surveying Company  
P.O. Box 2911 Waxahachie, Texas 75168  
Phone: (972) 838-8883 TPLS Firm No. 10112400

NOTES:

1. No building shall be constructed until Final Plat is accepted and filed with Ellis County and infrastructure is completed and accepted by Ellis County (the hydraulic, district and drainage).
2. The portion of this property less than a 100 year floodplain according to the Flood Insurance Rate Map for Ellis County Map# 401300325 F, dated June 3, 2013, Zone X, unshaded.
3. The proposed along Oak Branch Road is contained on the property line. No dedication or easement shall be found in the Deed Records.
4. State of Texas: North line of 14.859 acre tract (N 37°22'07" E)

Owner's Declaration

KNOW ALL MEN BY THESE PRESENTS:

That I, J. Shanna Walker, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon are set more properly placed by myself or under my direct and personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

FOR INSPECTION PURPOSES ONLY  
AND IN NO WAY OFFICIAL OR  
APPROVED FOR RECORD PURPOSES

J. Shanna Walker, SUTLS  
Texas Registration 5531

Owner:  
Altona Impire  
1613 N. Oak Branch Road  
Waxahachie, Texas 75167  
Contact - Jamie Impire  
(972) 921-1878

All the dedications read that everything is being dedicated to the City of Waxahachie, but this is the ETJ, so it need to be dedicated to the County as well.

(15)

(15)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | [www.waxahachie.com/Departments/PlanningandZoning](http://www.waxahachie.com/Departments/PlanningandZoning)



### WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: JAMIE ISAGUIRE Parcel ID #: 183251  
Subdivision Name: ISAGUIRE addition

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

*Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.*

**Contact Information:**

Buena Vista-Bethel SUD	(972) 937-1212
Carroll Water Company	(972) 617-0817
Mountain Peak SUD	(972) 775-3765
Rockett SUD	(972) 617-3524
Sardis-Lone Elm WSC	(972) 775-8566
Nash Foreston WSC	(972) 483-3039

**To be completed by the water utility provider:**

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. The water line size servicing the lots is <u>4</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Wayne Pratt

Print Name of General Manager of water provider or Designee

Buena Vista-Bethel SUD

Name of water provider company

  
Signature of General Manager of water provider or Designee

11-21-17

Date

(15)

**CE** **CHILDRESS ENGINEERS**  
**ENGINEERS & CONSULTANTS**  
TEXAS REGISTERED ENGINEERING FIRM F-702

ROBERT T. CHILDRESS, JR., P.E. • BENJAMIN S. SHANKLIN, P.E. • ROBERT T. CHILDRESS III, P.E.

August 11, 2017

Mr. Joe Buchanan, Manager  
Buena Vista-Bethel Special Utility District  
312 S. Oak Branch Road  
Waxahachie, Texas 75167

Re: Hydraulic Analysis for  
Jamie Isaguirre  
1 Meter Near Node 78  
Map Sheet 8

Dear Mr. Buchanan,

In response to your request, we have examined the hydraulic capability of your system to provide the above referenced service. We understand that this includes one (1) meter off of the existing 4" main along N Oak Branch Road. This will require a longside bored casing. The homes in this area are greater than 100' apart and according to Chapter 7 of the 2014 ISO Guide for determination of Needed Fire Flow, for 1 and 2 family dwellings not exceeding 2 stories in height for homes greater than 30' apart, the required fireflow is 500 gpm. The existing 4" line cannot furnish any fireflow.

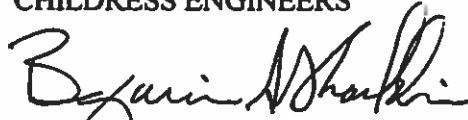
Our evaluation indicates that at this time the existing system can furnish the requested domestic service in conformity with Texas Commission on Environmental Quality standards for water distribution.

Please be advised that this hydraulic analysis is only good for six (6) months from the date of this letter.

If you have any questions concerning this matter, please call.

Very truly yours,

CHILDRESS ENGINEERS

  
Benjamin S. Shanklin, P.E.

BSS/ts

(16417)



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown  
Thru: Michael Scott, City Manager *MS*  
Date: January 11, 2018  
Re: Revised Heritage Preservation Commission Ordinances

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The Planning & Zoning Commission reviewed the revised Heritage Preservation ordinances at their meeting on January 9<sup>th</sup> and continued them until the January 23<sup>rd</sup> meeting.

Request City Council to open public hearing and continue these items until the next regularly scheduled meeting on February 5, 2018.

(16 & 17)

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

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CITY ZONING ORDINANCE, ORDINANCE NO. 2287, AS AMENDED, TO SECTIONS 31.A.1 THROUGH 31.A.9, TO UPDATE SAID SECTIONS OF THE ZONING ORDINANCE, RELATING TO THE HISTORIC OVERLAY DISTRICT, AND ESTABLISHING RULES RELATING TO HISTORIC STRUCTURES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 211.001 et .seq. of the Texas Local Government Code authorizes the City Council of the City of Waxahachie to:

Protect and preserve places and areas of historical and cultural importance and significance and to designate places and areas of historic and cultural importance, and to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures to maintain property values; and

WHEREAS, the City contemplates amending Sections 31.A.1 through 31.A.9 of the Code of Ordinances to oversee programs for historic properties and districts, and provide criteria and procedures for administering these programs; and

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

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety and that Sections 31.A.1 through 31.A.9 of the Code of Ordinances of the City of Waxahachie, Texas hereby is amended to read as follows:

**SECTION 31.A HISTORIC OVERLAY DISTRICTS**

**31.A.1 GENERAL PURPOSE AND DESCRIPTION:**

The City hereby declares that as a matter of public policy, the protection, preservation and enhancement of districts and landmarks of architectural, archaeological, cultural, and historic importance is necessary to promote the economic, cultural, educational, and general welfare of the citizens of Waxahachie. The unique identity of the City of Waxahachie and the history of the area since its founding, which produced significant historic, architectural, archaeological and cultural resources, require this ordinance to:

1. Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic areas, places, buildings and structures, by appropriate regulations.
2. Promote economic stability and prosperity of the community by encouraging the most appropriate use of such significant property in Waxahachie.
3. Protect and enhance the City's attractions to tourists and visitors, as well as provide support and stimulus to business and industry.
4. Ensure the identification and evaluation of buildings, structures, places and areas of historical, architectural and cultural importance or value; and to provide efficient

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procedures for that process, and any necessary adjustments or variances from unduly harsh application of the provisions of this ordinance.

5. To balance the rights of the public which justify preservation of the City's history and culture, with those of private property owners who own and control property, and are entitled to the reasonable use and return from their assets.

### **31.A.2 CREATION OF DISTRICT**

#### **A. Nature of District**

The City may designate a site, building, structure, landscape or object as a historic resource and a unique area as a historic district together with the public rights of way in and surrounding the resource or district, by establishing a Historic Overlay District that combines with one or more base zoning districts pursuant to the procedures set forth in Section 10 of the City's zoning ordinance.

1. Permitted uses within the Historic Overlay District shall be those allowed in the base zoning district.
2. Unless expressly modified by or limited by an action taken pursuant to this Section 31.A, the height and area standards, special requirements and other regulations shall be those applicable within the base zoning district.

#### **B. Criteria for Historic Resources:**

A Historic Overlay District may be established to preserve historic resources of exemplary architectural, archaeological, cultural or historic value having one or more of the following characteristics:

1. Possesses significance in history, architecture, archeology, or culture of the city, county, state or nation.
2. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state or national history.
3. Is associated with the lives of persons significant in Waxahachie's past.
4. Embodies distinctive characteristics of a type, period or method of construction.
5. Represents the work of a master designer, builder or craftsman.
6. Represents an established and familiar visual feature of the City of Waxahachie.
7. Is the location of a significant event.

#### **C. Criteria for Historic Area**

A Historic Overlay District may be established to preserve a historic area if the area contains properties that meet one or more of the criteria for designation contained for a historic resource and constitutes a unique section of the City of Waxahachie that contributes to the heritage of the community.

(1/64/17)

#### D. Request for Designation

1. A property owner or the Heritage Preservation Commission (HPC) may request establishment of a Historic Overlay District to designate certain sites, buildings, structures, landscapes or objects as historic resources, or to designate certain areas as historic districts. A property owner must obtain a favorable recommendation by the HPC following a public hearing as set forth in Subsection 2 before the request for a Historic Overlay District will be acted upon by the Planning and Zoning Commission and the City Council.
2. The HPC may recommend on its own initiative or upon the request of a property owner that a building, site, structure, landscape or object be preserved as a historic resource or that a unique area be preserved as a historic district. The Heritage Preservation Officer will send notification to property owners within the proposed district boundaries of the proposal. When the HPO has received verifiable written support from the owners of at least thirty (30) percent of the properties within the proposed historic district boundary, the Heritage Preservation Officer shall forward the application to the Heritage Preservation Commission for a public hearing and recommendation. Prior to such hearing, the HPC shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the area of the proposed district. At the public hearing, commissioners, owners and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural or cultural importance of the proposed historic resource or historic district. The record may also contain staff reports and public comments. Following the public hearing, the HPC shall formulate its recommendation to the Planning and Zoning Commission and the City Council concerning establishment of a Historic Overlay District.

#### E. Process for Designation

1. The HPC shall make its recommendation on the proposed Historic Resource or Historic District to the Planning and Zoning Commission within thirty (30) days from the date of the public hearing on the proposed designation of the historic resource or historic district, coupled with a request to establish a Historic Overlay District for the site or area.
2. Upon receipt of the HPC recommendation, the Planning and Zoning Commission shall give notice, conduct its public hearing and make recommendations to the City Council in the same manner and according to the same procedures as provided in Section 10.
3. The City Council shall give notice, follow the publications procedure, hold public hearings and make its determination on the Historic Overlay District in the same manner and in accordance with the procedures for a zoning amendment, as provided in Section 10.
4. Upon establishment of the Historic Overlay District designation, the Historic Overlay District shall be recorded on the official zoning map of the City of Waxahachie. All zoning maps shall identify the Historic Overlay District with the



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suffix "H". The boundaries of each Historic Overlay District shall be described in detail and shall be filed in the city secretary's office for public inspection.

### **31.A.3 CERTIFICATE OF APPROPRIATENESS FOR ALTERATION, RESTORATION, OR NEW CONSTRUCTION WITHIN HISTORIC OVERLAY DISTRICTS:**

#### **A. Prohibition on Alteration or Development**

1. Within a Historic Overlay District, no person shall alter any building, site, structure, landscape or object designated as a historic resource or alter any portion of the exterior of a structure within a historic district, or place, construct, maintain, expand or remove any structure on such site without first obtaining a Certificate of Appropriateness from the HPC.
2. No building permit shall be issued until an application for a Certificate of Appropriateness has been reviewed and approved by the HPC. The Certificate of Appropriateness shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Waxahachie.

#### **B. Procedures for Certificate of Appropriateness**

1. Prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner shall file an application for such a certificate with the Heritage Preservation Commission. The Commission, if requested, shall aid the property owner in preparation and completion of the application. The application form shall contain the following:
  - (a) Name, address, telephone number of the applicant, and a detailed description of the proposed work.
  - (b) Current photographs of the property
  - (c) Historical photographs (if available) upon which the proposed work is based
  - (d) Elevation drawing(s) of any part of the structure that is visible from the public right-of-way with details drawn to scale for work to be done
  - (e) List of materials for all exterior surfaces and/or signs
  - (f) Dollar value of improvements to be made
  - (g) Location map of proposed buildings and structures
  - (h) Details of proposed light fixtures
  - (i) Sample(s) of material(s) to be used
  - (j) Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work.
2. An application for a Certificate of Appropriateness shall be submitted to the Heritage Preservation Officer or other designated City official as stipulated by the City Manager. The HPC shall hold a public meeting on the application within thirty (30) days of receipt of the completed application. All applications received twenty (20) days in advance of the next meeting will be reviewed and discussed at the next scheduled Commission meeting.
3. The HPC shall make a final decision on the application within forty-five (45) days of the filing date. If no action has been taken by such date, a Certificate of Appropriateness shall be deemed issued by the Commission.

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4. All decisions of the HPC shall be in writing and will be sent to the applicant and the Building Official within ten (10) working days of the Commission's decision.

### C. Criteria

The HPC shall take into account the following criteria for determining whether to issue a Certificate of Appropriateness.

1. The Downtown Waxahachie Design Guidelines, adopted by the City Council in August 2011, which are based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings shall be used in this process.
2. The judgment of new construction proposals and the rehabilitation of non-historic buildings will be based on the compatibility of the design within the context of the property's adjacent and nearby historic buildings.
3. The design of new buildings may have key elements of an existing or previous building of the historic period, including massing, scale, fenestration and materials. Buildings may not be absolute reproductions and shall appear as clearly contemporary.
4. Infill buildings between contributing buildings shall be similar in setback, roof form, cornice line and materials, to one of the adjacent buildings. The height of the new buildings shall relate to the heights of adjacent structures. New buildings should not tower over existing buildings. Exterior building finishes shall be similar to that of surrounding historic structures.
5. When constructing an addition to a historic building, it shall be done in a manner so that there is the least possible loss of historic materials and so that character defining features are not obscured, damaged or destroyed. Every effort should be made to locate the addition at the rear of the building or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.
6. The new addition should be designed in a manner that makes it clear what is historic and what is new. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms and mass, materials and relationship of solids to voids.

### D. Appeal from Action of HPC Concerning Application for Permits

1. An applicant for a Certificate of Appropriateness dissatisfied with the action of the HPC on the application may appeal the decision to the City Council within fifteen (15) days after receipt of notification of such action. The applicant shall be advised by the Heritage Preservation Officer of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the same.

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2. In determining the appeal, the City Council shall consider the same factors as the HPC, the report of the HPC and any other matters presented at the hearing on the appeal. The City Council shall affirm, modify or reverse the decision by the HPC on the application for the Certificate of Appropriateness, and may impose such conditions as are necessary to assure that the proposed action meets the criteria for approval. If the application is disapproved, the City Council may indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. The applicant and the HPC shall be notified of the Council's decision by the Heritage Preservation Officer.

#### E. Issuance of Permits

1. Upon approval of an application for a Certificate of Appropriateness, the Building Official shall be authorized to issue a building permit or other permits required to undertake the action proposed in the application consistent with all applicable City standards.
2. No change shall be made in the scope of work for any building permit after issuance of Certificate of Appropriateness without submittal of an application to amend the Certificate, which shall be considered by the HPC in the same manner as provided above. If a property owner wishes to change the scope of work under a Certificate of Appropriateness, the property owner shall consult the Heritage Preservation Officer who shall have the authority to approve non-substantive changes. If the Heritage Preservation Officer deems the requested changes to be substantive, such changes shall be referred to the Heritage Preservation Commission for action.

### 31. A.4 MINOR IN KIND REPAIRS AND ORDINARY MAINTENANCE

1. Nothing in this Section 31.A shall be construed to prevent minor in kind repairs or ordinary maintenance. Minor in kind repairs and ordinary maintenance, including painting, do not require a Certificate of Appropriateness unless the tax incentive for maintenance is being sought. If the 25% tax incentive for maintenance is requested, all provisions of Section 24.57 in Ordinance #2288 will apply.
2. The Downtown Waxahachie Design Guidelines should be consulted when performing minor in-kind repairs or ordinary maintenance. The Heritage Preservation Officer is also available as an additional resource and should be consulted concerning questions about minor in-kind repairs and ordinary maintenance. If the Heritage Preservation Officer deems a Certificate of Appropriateness necessary, the procedures in Section 31.A.3 shall apply.

### 31.A.5 DEMOLITION OR RELOCATION OF HISTORIC RESOURCES

#### A. Demolition Permit Required

A permit for the demolition or relocation of a historic resource or any structure within a Historic Overlay District shall not be granted by the Chief Building Official without the review and approval of a completed application by the Heritage Preservation Commission. Any person, firm, or corporation who violates, disobeys, omits, neglects

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or refuses to comply with the provision of this ordinance shall be fined not more than \$2,000 for each offense.

#### B. Application

Certain information must be submitted by the applicant along with an application for a permit for demolition or relocation prior to the Heritage Preservation Commission making a ruling on the application. The applicant must supply the following information before the application is considered complete:

1. Information describing the condition of the structure.
2. An estimate of the cost of restoration or repair.
3. Demonstration that adaptive use or restoration of the structure has been seriously considered.
4. Any available historic records of the building (drawings, photographs).
5. Architectural drawings for the proposed new construction which is intended to replace the historic structure if applicable.
6. Any improvements proposed by the property owner to be placed on the land or new development that would mitigate the loss of the historic structure if applicable.
7. Any other information deemed appropriate by the Commission to assist in rendering a decision on the application.

#### C. Action on Application

Upon formal notification from the Heritage Preservation Officer that the application has been received, an automatic sixty (60) day stay will go into effect. During this time the Heritage Preservation Commission shall consider the state of repair of the building, reasonableness of the cost of restoration or repair, the existing and/or potential usefulness, the purpose behind preserving the structure, the character of the neighborhood, and all other factors it finds appropriate. If the Commission determines that, in the interest of preserving historical values, the structure should be preserved, it shall notify the

building official that the application has been disapproved. If disapproved, the applicant may appeal to the City Council in the same manner as for a Certificate of Appropriateness. If demolition or relocation is approved, the HPC shall notify the building official so the appropriate permit(s) can be issued.

#### 31.A.6 DUTY TO MAINTAIN/DEMOLITION BY NEGLECT

No owner or person with an interest in real property designated as a historic resource, a National Register property, or included in a historic district shall allow such property to fall into a serious state of disrepair without requesting a demolition permit. Property owners who allow properties to fall into a serious state of disrepair are subject to all the provisions of Chapter 8, Article III in the City of Waxahachie Code of Ordinances.

(16417)

Examples of a state of serious disrepair shall include, but are not limited to, the following:

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.
3. Deterioration of exterior chimneys.
4. Deterioration or crumbling of exterior stucco or mortar.
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
6. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety.
7. Deterioration of ornamental features.

### **31.A.7 ENFORCEMENT**

#### **A. Compliance Required**

All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to all requirements included herein and all other City codes. It shall be the duty of the building inspector to periodically inspect any such work to ensure compliance.

#### **B. Enforcement Proceedings**

In the event that work being performed is found to not be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Heritage Preservation Commission, the Building Official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. All other remedies authorized under this Zoning Ordinance shall be applicable to non-compliance with a Certificate of Appropriateness.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this ordinance shall be fined not more than \$2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

### **31.A.8 DEFINITIONS**

For purposes of this Section 31.A, the following definitions apply:

**Archeology**—the science or study of material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of the Interior's Archeological Resources Protection Act of 1979.

**Area**—a specific geographic division in the City of Waxahachie

(1/6/17)

**Building**—any structure created to shelter people or things, such as a house, barn, church, office, hotel, or similar structure.

**Certificate of Appropriateness** – a signed and dated document evidencing the approval of the Heritage Preservation Commission and/or Heritage Preservation Officer for work proposed by an owner or applicant of a structure within a Historic Overlay District or an individual Historic Resource.

**Citizen**—a legal resident of the City of Waxahachie.

**Demolition** – an act or process (not withstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

**Downtown Waxahachie Design Guidelines** – guidelines adopted by the Heritage Preservation Commission and the City Council for property designated as a Historic Resource or Historic District to protect, perpetuate and enhance the historical, cultural, architectural or archaeological character of an object, site, structure or district.

**Development Review**—means processing of proposed development requests.

**Heritage Preservation, Heritage Commission or Commission** – the Heritage Preservation Commission of the City of Waxahachie, as established by Ordinance 2288, Section 1-3, as amended.

**Heritage Preservation Officer (HPO)** – a staff person for the City of Waxahachie whose duties encompass all historic preservation activities for the city as established by Ordinance 2288, Section 1-4, as amended.

**Historic Resource Preservation Plan (or Preservation Plan)**—a document established by the Heritage Preservation Commission and adopted by the City Council to provide a current inventory of Historic Resources and Historic Districts and policy recommendations to guide historic preservation activities for the City of Waxahachie.

**Historic Preservation**—the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of Historic Resources, or any one or a combination of the foregoing activities.

**Historic Property**—the full range of properties identified in the Historic Resource Survey and/or special studies which are significant in history, pre-history, architecture, engineering, archaeology and culture, including properties significant to the whole nation or those significant at the state, regional, or local level.

**Historic Resource**—a structure, site, building, or landmark, or a collection of the same within an contiguous area of the City, which satisfies one (1) or more of the criteria set out in Section 31.A.2.B of this ordinance and which is designated as such in accordance with that Section.

**Historic Overlay District**—an area which includes two (2) or more structures or sites which satisfy one (1) or more of the criteria set out in Section 31.A.2.B, together with their accessory buildings, fences, and other appurtenances, located within a geographically definable area possessing a significant concentration, linkage or continuity of objects, sites or structures united

(116417)

by past events or aesthetically by plan or physical development, and which is established as a zoning district in accordance with chapter 31.A of the Zoning Ordinance. A Historic Overlay District may have within its boundaries other structures that, while not of such historical, cultural, architectural or archeological significance as to be designated as an Historic Resource, nevertheless contribute to the overall visual setting of or characteristics of the Historic District.

**Historic Resource Survey**—the survey of Historic Resources published by the Heritage Preservation Commission, as amended from time to time.

**Landmark**—a structure or property that is of value in preserving the historical, cultural, architectural or archeological heritage, or is an outstanding example of design or a site closely related to an important personage, act or event in history.

**Minor In-kind Repairs** – small scale repairs to correct minor problems or damage to the exterior. Minor in-kind repairs do not include a change in design, material or outward appearance, only in-kind replacement or repair. Examples of minor in-kind repair include, but are not limited to touch-up painting, replacement of a window pane, caulking, securing loose boards, etc.

**Non-Historic Resource**—a structure, site, building, or landmark, which does not satisfy any of the criteria set out in Section 31.A.2.B of this ordinance and which is designated as such in accordance with that Section.

**Object** – material thing that can be seen or touched that is associated with cultural tradition or heritage. Examples include but are not limited to brass stop signs, obelisk street signs, or hitching stones.

**Ordinary Maintenance** – any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those material available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary Maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair. Examples of Ordinary Maintenance include, but are not limited to: replacement or repair of roofing materials, painting or other minor architectural features, etc.

**Relocation**—any change of the location of a structure, object or material thing in its present setting or to another setting.

**Restoration**—the act or process of accurately recovering the form and details of a structure or property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**Secretary of the Interior's Standards for Rehabilitation**– the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, reported at 36 Code of Federal Regulations 67.7, as amended or as recodified.

**Site**—the location of a significant event, a prehistoric or historic occupation or activity, or a structure or cluster of structures, whether standing, ruined or vanished, where the location itself maintains historical or archeological value, regardless of the value of any existing structure.

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**Stabilization**—the act or process of applying measures designed to re-establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated structure or property while maintaining the essential form as it presently exists.

**Structure**—anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including, without limitation, buildings.

### 31.A.9 TAX INCENTIVES

The owner of property within a Historic Overlay District may qualify for the tax incentives set forth in Section 24.57 of Ordinance No. 2288 by complying with the criteria identified in that section in accordance with the procedures set forth in Section 24.58 thereof.

**Zoning Ordinance**—The Zoning Ordinance of the City of Waxahachie, as may be amended from time to time.

**Section 3.** That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4.** That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place.

**Section 5.** That this ordinance shall become effective from and after the date of its passage thirty days after its adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS on this the \_\_\_\_ day of \_\_\_\_\_, 2018.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary



(18419)

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

**AN ORDINANCE AUTHORIZING A TEXTUAL CHANGE TO SECTION 34.2 OF THE CITY OF WAXAHACHIE ZONING ORDINANCE, LOCATED AT APPENDIX A OF WAXAHACHIE CITY CODE, REGARDING ROOF MATERIALS FOR SINGLE-FAMILY AND DUPLEX STRUCTURES; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Section 34.2(B)(3) of the Zoning Ordinance addresses, as part of the development standards for Single-Family and Duplex Residential Structures, permitted roof materials for a single-family and duplex structures for new construction; and

**WHEREAS**, it has been determined that a modification to such roof material standards, for both new construction existing structures, is in the best interests of the City of Waxahachie ("**City**"); and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission of the City on \_\_\_\_\_, and a public hearing was held by the City Council on \_\_\_\_\_, with respect to the proposed textual changes to the Zoning Ordinance; and

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

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

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

**Section 2.** Section 34.2 of the Zoning Ordinance, first paragraph, is hereby amended to read as follows:

*Minimum masonry exterior construction standards.* The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within the City. (See subsection E. for exceptions.) Notwithstanding this provision, Section 34.2(B)(3) of the Zoning Ordinance (regarding roof materials for a single-family or duplex structures) shall apply to (1) new building construction and (2) existing structures for which new roofing materials are to be used for roof repair or replacement. There are no exemptions from the roofing materials standards for existing single-family or duplex structures.

(18419)

**Section 3.** Section 34.2(B)(3) of the Zoning Ordinance is hereby amended to read as follows:

Roof materials for a single-family or duplex structure shall be comprised of laminated, three-dimensional appearance composition architectural shingles (30-year minimum); flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed); or terra cotta or slate tile in muted colors. No three-tab type shingles are permitted. Minimum roof pitch shall be at least 7:12, unless otherwise stated in the applicable zoning district or PD ordinance.

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

**Section 5.** That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

**PASSED, APPROVED, AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(20)



## Memorandum

To: Honorable Mayor and City Council  
From: John Smith, Director of Parks and Recreation  
Thru: Michael Scott, City Manager  
Date: January 11, 2018  
Re: Camping & Temporary Structure Ordinance

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Over the past year, we have also seen an increase in individuals camping in parks and publicly owned land and the City has very little regulation related to these activities. In an effort to properly maintain our parks and publicly owned lands, we need to have a process to approve and regulate camping and temporary structures in these areas.

If camping is unregulated, it can present a hazard due to camp fires, trash, and accumulated debris in a campsite. The proposed ordinance requires that a camping permit is required before an individual can camp in a park, publicly owned property or right-of-way. The ordinance also defines standards for maintaining the camping area and prohibits the altering of a campsite by digging or leveling the ground without permission from the Parks Department.

The purpose of this ordinance is not to restrict legitimate organizations (ie. Boy Scouts, Girl Scouts) from using the parks but to merely require a permit so that we are aware of individuals or groups using the parks and to create accountability for the camping sites.

In addition to the camping restrictions, the ordinance includes restrictions on constructing temporary structures on any parks, grounds, or facilities under the control of the city parks and recreation board. It is a defense to prosecution if the

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person that placed the temporary shelter is authorized to do so by the city, or obtains a special event permit that would allow the shelter.

The proposed ordinance has been reviewed and approved by the City Attorney and I respectfully request approval of this proposed ordinance.

(20)

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADDING ARTICLE XIII, "OVERNIGHT CAMPING AND TEMPORARY SHELTERS," 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 and Temporary Shelters," is hereby added to Chapter 21, "Offenses and Miscellaneous Provisions," of the Waxahachie City Code, to read as follows:

**"ARTICLE XIII.**

**OVERNIGHT CAMPING AND TEMPORARY SHELTERS**

**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.

(20)

- (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 properties, grounds, buildings, facilities, or rights-of-way owned, leased, or controlled by the city; and

- (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.

**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

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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

(21)

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS REGARDING SUPPORT FOR MARIPOSA APARTMENT HOMES AT WAXAHACHIE (TDHCA #18220)**

**WHEREAS**, Waxahachie Senior Residential LP (the "Applicant") has proposed a development for an apartment home community located at approximately the northwest quadrant of Post Oak Drive and US 287, Waxahachie, Ellis County, Texas; to be named Mariposa Apartment Homes at Waxahachie (the "Development");

**WHEREAS**, the Applicant has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") in the 2018 competitive 9% application round for Housing Tax Credits and TDHCA HOME Funds for the Development;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the City of Waxahachie, acting through its governing body, hereby confirms that it supports the aforementioned proposed Development, and the related application to the TDHCA (#18220);

**FURTHER RESOLVED**, that the City intends to issue a commitment and letter confirming that the City will provide a loan, grant, reduced fees, or contribution of other value for the benefit of the Development so that the Applicant may receive one (1) point for a contribution from the City in an amount up to \$500.00; and

**FURTHER RESOLVED**, that the City of Waxahachie hereby supports the proposed Development, and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(a)(4); and

**FURTHER RESOLVED** that for and on behalf of the City of Waxahachie, **Mayor Kevin Strength**, is hereby authorized, empowered, and directed to certify this resolution to the TDHCA. This formal action has been taken to put on record the opinion expressed by the City of Waxahachie on **January 16, 2018**.

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

Section 1. The facts and opinions in the preamble of this resolution are true and correct.

Section 2. The City of Waxahachie, Ellis County, has voted specifically to support the Development and to authorize, if awarded by the Texas Department of Housing and Community Affairs, an allocation of Housing Tax Credits and authorized Applicant to apply on behalf of the City for HOME funds for the Development.

Section 3. This Resolution, related to potential financing, is not a statement of approval for site or building permits, zoning, or PUD; as such decision shall be made in due course with a future request.

Section 4. All resolutions and agreements or portions of resolutions and agreements in conflict herewith are hereby released to the extent of the conflict only.



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**PASSED AND APPROVED** by the City Council of the City of Waxahachie, Texas on January 16, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager  
Date: January 12, 2018  
Re: Utilities Department Field Maintenance Building Bid Award

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This agenda item is for the award of a bid for the construction of a new Utilities Department field maintenance building. The Nay Company was the single bidder for this project and submitted a base bid in the amount of \$1,419,891. Approval of this item will authorize the construction of a new field maintenance office, which will replace the existing facility located at 301 Cliff Street.

The existing building is approximately 750 square feet and severely undersized for the 17 line maintenance personnel currently officed there. In addition there are a number of repairs that are needed at the existing facility that exceed the overall value of the building; making its repair or expansion a non-cost effective alternative to new construction. Upon construction of the new facility, the existing building will be demolished.

The budget associated with the construction of the new facility is \$921,440. Staff has reviewed the bid information associated with this project and recommends approval of this contract, with a recommendation for an immediate change order reducing the project scope (see next agenda item) and bringing construction within the City's budgeted amount.

I am available at your convenience should you need additional information.

Tommy Ludwig



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager *MS*  
Date: January 12, 2018  
Re: Change Order – Utilities Department Field Maintenance Building

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This agenda item authorizes a change order in the amount of \$519,234 for a scope reduction with the Nay Company for the construction of a new Utilities Department field maintenance building. The following is a summary of the proposed scope reduction:

- Total size of the building is reduced from 6,138 to 4,317 square feet, through the removal of future office space and storage areas
- One air handling unit is eliminated, as a result of the reduced square footage
- Minor interior and cosmetic modifications are incorporated into the design

The intent of this change order is to reduce the overall project cost to remain within the City's original budget for the maintenance facility. The primary cost reduction associated with this change order is the decrease in overall square footage. The building was initially bid to include office and storage space for future growth, which is not currently needed. The field maintenance office has been designed to easily connect to a future building through an exterior corridor, should the need arise. This change order will reduce the overall award to the Nay Company for the maintenance facility to \$900,657.

I am available at your convenience should you need additional information.

Tommy Ludwig

(24)



## Memorandum

To: Honorable Mayor and City Council  
From: Wade G. Goolsby, Chief of Police  
Thru: Michael Scott, City Manager *MS*  
Date: December 22, 2017  
Re: Magistrate Contract

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The Waxahachie Police Department is committed to the apprehension and conviction of drivers who are operating under the influence of alcohol or drugs. As such, it is often required to obtain a search warrant in order to obtain a blood sample for analysis. A number of years ago, the standard for determining the level of intoxication was through the use of a machine referred to as an intoxilyzer. With the use of the intoxilyzer, prosecutors often found that juries were confused by the complexity of the machine and would often find the defendant not guilty merely due to the fact that they did not understand the functionality of the machine. Over time, prosecutors began using blood tests and found that jurors could relate to the results of a blood test due to the fact that most people have blood tests performed as a routine part of medical procedures.

A few years ago, Ellis County started trying to obtain blood tests routinely instead of relying on the intoxilyzer. In cases when the accused refusing to volunteer for a blood test, a search warrant for the blood sample would have to be obtained. Over time, the procedure was streamlined but it still required a judge to review and sign the warrant. When they first went to the procedure, it was discovered that it was often difficult to find a judge in the middle of the night to review and sign a warrant.

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Ellis County started paying the judges a minimal amount (\$50) for their time and inconvenience and found it to be very successful.

Several months ago, we were notified that the County had run out of funds to continue the payment program and the District Attorney asked if local agencies would be able to continue the practice. As originally stated, we are committed to the apprehension of DWI drivers and need to continue the practice of paying a nominal amount to judges for their time in reviewing and signing these types of search warrants. In most cases, these warrants are needed in the middle of the night and represent a true inconvenience for the magistrate.

I am respectfully requesting Council approval to enter into a contractual agreement with Judge Scott Kurth, and any other magistrate in the future, for search warrant services and paying the sum of \$50.00 for each warrant signed. This will not result in any budget amendment at this time. The police department is willing to absorb these costs into their current operating budget. This contract has already been reviewed by the City Attorney.

(24)

**CONTRACT FOR MAGISTRATE SERVICES**

**STATE OF TEXAS**

§

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**COUNTY OF ELLIS**

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This Contract is made and entered into, effective upon the 16th day of January, 2018, by and between City of Waxahachie, Texas (hereinafter referred to as "City") and Scott Kurth (hereinafter referred to as "Magistrate"), who is an attorney licensed by the State of Texas and a judge of the municipal courts of Red Oak, Ferris and Glenn Heights, all located within Ellis County, Texas.

**Article I - Legal Authority**

1.1 Pursuant to Article 18.01 (j) of the Code of Criminal Procedure, any magistrate who is an attorney licensed by this state may issue a search warrant under Article 18.02(10) of the Code of Criminal Procedure to collect a blood specimen from a person who: (1) is arrested for an offense under Penal Code Section 49.04 [Driving While Intoxicated], 49.045 [Driving While Intoxicated With Child Passenger], 49.05 [Flying While Intoxicated], 49.06 [Boating While Intoxicated], 49.065 [Assembling or Operating an Amusement Ride While Intoxicated], 49.07 [Intoxication Assault], or 49.08 [Intoxication Manslaughter]; and (2) refuses to submit to a breath or blood alcohol test.

**Article II - Consideration**

2.1 The intoxication offenses specifically enumerated above, which endanger the peace and safety of the citizens of Waxahachie, can occur at all hours of the day and night. Accordingly, City desires to engage the services of Magistrate, to timely analyze information presented by law enforcement officers employed by the Waxahachie Police Department pertaining to alleged intoxication offenses to determine whether sufficient facts justify the issuance of a search warrant as described within Article 18.01(j) of the Code of Criminal Procedure. Magistrate will derive a benefit in the form of monetary compensation for the timely performance of the services as set forth within this Contract. In consideration of these mutual benefits, City and Magistrate agree as follows:

**Article III - Work**

3.1 Upon the presentation of a sworn affidavit by a law enforcement officer employed by the Waxahachie Police Department pertaining to an alleged intoxication offense occurring within Waxahachie, Texas, Magistrate shall determine whether sufficient facts justify the issuance of a search warrant under Article 18.02(10) to collect a blood specimen from a person who: (1) is arrested for an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and (2) refuses to submit to a breath or blood alcohol test.

3.2 If Magistrate determines the sworn affidavit sets forth sufficient facts as described within Article 18.01(b), (c) and (j) of the Code of Criminal Procedure, Magistrate may issue a search warrant to collect a blood specimen as described above.

3.3 Magistrate shall be responsible for all of the materials, supplies, equipment and other expenses, including travel, as may be necessary in order to perform the services of a magistrate.

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#### **Article IV - Compensation**

4.1 Magistrate shall be compensated by City in the amount of Fifty Dollars (\$50.00) each instance Magistrate performs the services described within Section 3.01 of this Contract in response to the presentation of a sworn affidavit by a law enforcement officer employed by the Waxahachie Police Department. The amount expressed herein represents the total consideration to be paid by City to Magistrate for the services described within this Contract.

4.2 Compensation shall not be conditioned upon the issuance of a search warrant pursuant to Section 3.02 of this Contract.

4.3 Magistrate's services pursuant to this Contract will be performed upon an as-needed basis. Magistrate understands that City makes no guarantee of any minimum number of instances Magistrate's services will be sought during the term of this Contract, if any.

4.4 To receive payment pursuant to this Contract, Magistrate shall submit a request for payment at the end of each month to: Waxahachie Police Department, Attention Reta Norris, 216 N. College Street, Waxahachie, Texas 75165. The request for payment shall itemize each instance within the month the Magistrate performed the services described within this Contract. Magistrate will only receive payment for each instance within the month the Magistrate performed the services described within this Contract.

#### **Article V - Term**

5.1 The term of this Contract shall be one year, effective upon January 16, 2018. The initial one-year term of this Contract shall renew annually, unless terminated earlier by either party as described within Sections 5.02 and 5.03.

5.2 This Contract may be terminated at any time by mutual agreement of the parties.

5.3 This Contract may be terminated, with or without cause, upon written notice by either party to the other party. Said written notice shall be delivered at least thirty [30] days prior to the intended date of termination of this Contract.

#### **Article VI - Liability**

6.1 Magistrate shall be responsible to keep and maintain all necessary licenses and credentials to perform all services described within this Contract. City shall have no liability in any matter arising from Magistrate's performance of the services described within this Contract.

#### **Article VII - General Provisions**

7.1 Magistrate is an independent contractor, separate and distinct from City. Nothing contained in this Contract shall be deemed to create an employment relationship between City and Magistrate. Magistrate understands that Magistrate is entitled to none of the benefits of employment with City.

(24)

7.2 If any provision of this Contract is deemed invalid or unenforceable, the remainder of Contract shall be interpreted so as to best give effect to the intent of City and Magistrate.

7.3 This Contract expresses the complete understanding of the parties with respect to the subject matter. This Contract may not be amended except in a writing signed by both City and Magistrate.

7.4 The failure to exercise any right provided in this Contract shall not be a waiver of prior or subsequent rights.

7.5 This Contract shall be governed in accordance with the laws of the State of Texas and the United States of America.

7.6 In the event of a dispute between the parties to this Contract, each party shall be responsible for its own costs and attorneys' fees.

7.7 Magistrate consents to the exclusive jurisdiction and venue of the state courts located in Ellis County, Texas, in any action arising out of or relating to this Contract. Magistrate waives any other venue to which Magistrate might be entitled by domicile or otherwise.

IN WITNESS WHEREOF, City and Magistrate have executed this Contract, to be effective on January 16, 2018. All portions of the Contract Documents have been signed and agreed to by City and Magistrate.

APPROVED by the City of Waxahachie City Council on the 16<sup>th</sup> day of January, 2018.

**City of Waxahachie:**

**Magistrate:**

\_\_\_\_\_  
Kevin Strength  
City Mayor

\_\_\_\_\_  
Hon. Scott Kurth  
Municipal Judge

**Attest:**

\_\_\_\_\_  
Michael Scott  
City Manager





City Council  
Waxahachie City Hall  
401 S. Rogers Street  
Waxahachie, Texas 75165

Date: 12/13/2017

Dear City Council Members:

The Texas Baptist Home, located in the city of Waxahachie and Bedford, provides a variety of campus and community based services to children, youth and families. One of these programs includes providing foster care for children requiring therapeutic services.

We are notifying you, as required by our license with the Texas Department of Family and Protective Services that we will soon be licensing a new therapeutic foster home located at 101 Honeysuckle Lane, Waxahachie, Texas 75165. We have also notified and received a signed agreement with the Waxahachie Independent School District regarding the educational plan for the children in this foster home.

Please contact me if you have any questions or concerns.

Sincerely,

Bethany Reese, LMSW, LCPA  
Family Development Supervisor  
972-937-1321  
[breese@tbhc.org](mailto:breese@tbhc.org)

Received in  
City Secretary's Office  
12-14-17  
City of Waxahachie, Texas