

# **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 **Monday, February 15, 2021 at 7:00 p.m.**

Council Members: David Hill, Mayor, Council Member Place 1  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Council Member  
Melissa Olson, Council Member Place 3  
Doug Barnes, Council Member Place 2

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of February 1, 2021
  - b. Minutes of the City Council briefing of February 1, 2021
  - c. Budget amendment for Emergency Management
  - d. Budget amendment for Midyear salary adjustments
  - e. Budget amendment for professional services within the Finance Department
  - f. Receive Fiscal Year 2021 1st Quarter Financial Report
  - g. Event application for Spring Fling Barrel Race Rodeo to be held March 14, 2021
6. **Continue Public Hearing** on a request by Joseph Ray, D&R Solutions LLC, for a Zoning Change from a Single-Family Residential-3 zoning district to Two-Family Residential-Duplex (2F), located at 200 Peters Street (Property ID 283063) - Owner: D & R SOLUTIONS LLC (ZDC-182-2020)
  7. **Consider** proposed Ordinance approving ZDC-182-2020
  8. **Continue Public Hearing** on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-179-2020)

9. **Consider** proposed Ordinance approving ZDC-179-2020
10. **Consider** Development Agreement for ZDC-179-2020
11. **Consider** ratification of emergency purchase of odor abatement equipment for the Grove Creek Lift Station
12. **Consider** proposed Resolution of Candidate Nomination for the Ellis Appraisal District Board of Directors Vacancy for the year 2021
13. **Consider** proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development Incentives
14. **Consider** recommendation to engage Verdunity to complete the City's Comprehensive and Thoroughfare Plans
15. **Consider** approval of Construction Manager At Risk (CMAR) for City Hall Annex Project
16. **Convene** into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code
17. **Reconvene** and take any necessary action
18. Comments by Mayor, City Council, City Attorney and City Manager
19. Adjourn

**The City Council reserves the right to go into Executive Session on any posted item.** This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty- eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

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, February 1, 2021 at 7:00 p.m.

**Council Members Present:** David Hill, Mayor, Council Member Place 1  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Council Member

**Council Member Absent:** Doug Barnes, Council Member Place 2  
Melissa Olson, Council Member Place 3

**Others Present:** Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Mayor Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Chris Wright, 808 Marvin, Waxahachie, thanked Mayor Hill and Mrs. Hill for their participation in getting the immunization information out to the public.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of January 19, 2021
- b. Minutes of the City Council briefing of January 19, 2021
- c. Waxahachie Police Department Racial Profiling Report for 2020
- d. Mutual Aid Agreement with Ellis County for Coordination of a Vaccine Hub

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve items a. through d. on the Consent Agenda. Council Member Chuck Beatty seconded, All Ayes.*

**6. Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for Pole Sign use within a Light Industrial-1 zoning district located at 7240 Interstate 35E (Property ID 186924) - Owner: 7240 I35 EAST LLC (ZDC-177-2020)**

Mayor Hill opened the Public Hearing.

(5a)

Director of Planning Shon Brooks reported the pole sign request does meet the zoning requirements and recommended approval.

There being no others to speak for or against ZDC-177-2020, Mayor Hill closed the Public Hearing.

**7. Consider proposed Ordinance approving ZDC-177-2020**

**ORDINANCE NO. 3250**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A POLE SIGN USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED 7240 N INTERSTATE 35, BEING PROPERTY ID 186924, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOCATED IN THE J.H. LAWRENCE SURVEY, ABSTRACT 633, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Chuck Beatty moved to approve Ordinance No. 3250. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**8. Public Hearing on a request by Kellen Robertson, RLG Consulting Engineers, for a Zoning Change from a Planned Development-Commercial zoning district to Planned Development-Commercial located at 2460 Interstate 35E (Property ID 261917) - Owner: BAYLOR SCOTT & WHITE PROFESSIONAL PLAZA I (ZDC-181-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported TxDOT will be widening the road in this area and the billboard, in its current location, will encroach on TxDOT's Right-of-Way easement. He explained the relocation would ensure that the billboard is outside of TxDOT's easement.

There being no others to speak for or against ZDC-181-2020, Mayor Hill closed the Public Hearing.

**9. Consider proposed Ordinance approving ZDC-181-2020**

**ORDINANCE NO. 3251**

**AN AMENDMENT TO ORDINANCE 2649 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-COMMERCIAL (PD-C) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C), WITH AMENDED ORDINANCE, TO ALLOW THE RELOCATION OF A BILLBOARD, LOCATED AT 2460 N INTERSTATE 35, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 5.261 ACRES KNOWN AS A PORTION OF PROPERTY ID 261917 OF BAYLOR WAXAHACHIE HOSPITAL SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

(5a)

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3251. Council Member Chuck Betty seconded, All Ayes.*

10. **Public Hearing on a request by Ben Talley, LJA Engineering, for an Amendment to Ordinance No. 2302 for Saddlebrook Estates to increase the Maximum Lot Coverage from 35% to 50% by main building and accessory structures in the remaining South Tract and Central Tract West (ZDC-180-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting to amend Ordinance 2302 to increase maximum lot coverage from 35% to 50% and recommended approval.

There being no others to speak for or against ZDC-180-2020, Mayor Hill closed the Public Hearing.

11. **Consider proposed Ordinance approving ZDC-180-2020**

**ORDINANCE NO. 3252**

**AN AMENDMENT TO ORDINANCE 2302 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), WITH AMENDED ORDINANCE, TO ALLOW AN INCREASE IN LOT COVERAGE, LOCATED AT THE NORTHWEST & SOUTHEAST OF THE INTERSECTION OF PIMLICO DR. AND HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 472.56 ACRES KNOWN AS A PORTION OF PROPERTY ID 262511, 189842, AND 241033, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Chuck Beatty moved to approve Ordinance No. 3252. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

12. **Public Hearing on a request by Cliff Bartosh, SAGU, for a Specific Use Permit (SUP) for Accessory Building (Non-Residential) use within a Planned Development-General Retail zoning district located at 1200 Sycamore Street (Property ID 193782) - Owner: SOUTHWESTERN BIBLE INSTITUTE (ZDC-176-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported Southwestern Assembly of God University (SAGU) is requesting to construct a 6,000 square foot multi-purpose accessory building for the baseball team adjacent to the baseball dorms. He recommended approval.

There being no others to speak for or against ZDC-176-2020, Mayor Hill closed the Public Hearing.

(5a)

**13. Consider proposed Ordinance approving ZDC-176-2020**

**ORDINANCE NO. 3253**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT NON-RESIDENTIAL ACCESSORY BUILDING USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, LOCATED AT 1200 SYCAMORE STREET, PROPERTY ID 193782, BEING ABSTRACT 148 OF THE WM BASKINS SURVEY AND BLOCKS 1-10 AND 18A AND 19A AND 20A OF BLOCK 2 OF UNIVERSITY ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3253. Council Member Chuck Beatty seconded, All Ayes.*

**14. Public Hearing on a request by Joshua Ward for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF, use within a Planned Development-23-Single-Family Residential-1 zoning district located at 125 Homestead Lane (Property ID 269684) - Owner: JOSHUA WARD & SABRINA HULL-WARD (ZDC-175-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting to construct a 3,100 square foot accessory structure and intends to use it for storage of supplies, vehicles, and workshop space. He explained the primary residence is 3,019 square feet.

There being no others to speak for or against ZDC-175-2020, Mayor Hill closed the Public Hearing.

**15. Consider proposed Ordinance approving ZDC-175-2020**

**ORDINANCE NO. 3254**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 125 HOMESTEAD LANE, PROPERTY ID 269684, BEING LOT 5, BLOCK B, HOMESTEAD ESTATES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Chuck Beatty moved to approve Ordinance No. 3254. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

(5a)

16. **Public Hearing on a request by Joseph Ray, D&R Solutions LLC, for a Zoning Change from a Single-Family Residential-3 zoning district to Two-Family Residential-Duplex (2F), located at 200 Peters Street (Property ID 283063) - Owner: D & R SOLUTIONS LLC (ZDC-182-2020)**

Mayor Hill opened the Public Hearing and stated the applicant requested to continue ZDC-182-2020 to the City Council meeting of February 15, 2021.

17. **Consider proposed Ordinance approving ZDC-182-2020**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Joseph Ray, D&R Solutions LLC, for a Zoning Change from a Single-Family Residential-3 zoning district to Two-Family Residential-Duplex (2F), located at 200 Peters Street (Property ID 283063) - Owner: D & R SOLUTIONS LLC (ZDC-182-2020) to the City Council meeting of February 15, 2021. Council Member Chuck Beatty seconded, All Ayes.*

18. **Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-179-2020)**

Mayor Hill opened the Public Hearing and stated the applicant requested to continue ZDC-179-2020 to the City Council meeting of February 15, 2021.

19. **Consider proposed Ordinance approving ZDC-179-2020**

**Action:**

*Council Member Chuck Beatty moved to continue the Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-179-2020) to the City Council meeting of February 15, 2021. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

20. **Consider Development Agreement for ZDC-179-2020**

**Action:**

*Council Member Chuck Beatty moved to move consideration of the Development Agreement for ZDC-179-2020 to the City Council meeting of February 15, 2021. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

21. **Consider proposed Resolution making findings regarding the creation of the Sterrett Road Municipal Management District**

**RESOLUTION NO. 1300**

**A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS, MAKING FINDINGS REGARDING THE CREATION OF THE STERRETT ROAD MUNICIPAL**

(5a)

**MANAGEMENT DISTRICT THROUGH ACT OF THE 87TH LEGISLATURE OF THE STATE OF TEXAS.**

**Action:**

*Council Member Chuck Beatty moved to approve Resolution No. 1300. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 22. Consider proposed Resolution in support of Navarro College's pursuit of legislative approval to offer a Bachelor of Science in Nursing (BSN) Degree**

Navarro College President Dr. Kevin G. Fegan presented Resolution 1301 and asked City Council to support House Bill 885, a proposal to allow Navarro College to create a Bachelor of Science in a Nursing Degree Program. He explained the proposed Resolution notes the outstanding efforts of State Representative Cody Harris and himself as President of Navarro College in the creation of House Bill 885.

**RESOLUTION NO. 1301**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ('CITY') IN SUPPORT OF HOUSE BILL 885, A PROPOSAL TO ALLOW NAVARRO COLLEGE TO CREATE A BACHELOR OF SCIENCE IN NURSING DEGREE PROGRAM, AND FURTHER NOTING THE OUTSTANDING EFFORTS OF STATE REPRESENTATIVE CODY HARRIS, AND NAVARRO COLLEGE PRESIDENT DOCTOR KEVIN G. FEGAN, IN THE CREATION OF HOUSE BILL 885**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Resolution No. 1301. Council Member Chuck Beatty seconded, All Ayes.*

- 23. Consider proposed Resolution accepting a petition to create the Emory Lakes public improvement district, calling for a public hearing to consider the feasibility and advisability of establishing the district and authorizing and directing the publication and mailing of notices of the public hearing**

**RESOLUTION NO. 1302**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ACCEPTING A PETITION TO CREATE THE EMORY LAKES PUBLIC IMPROVEMENT DISTRICT; CALLING FOR A PUBLIC HEARING TO CONSIDER THE FEASIBILITY AND ADVISABILITY OF ESTABLISHING THE DISTRICT; AUTHORIZING AND DIRECTING THE PUBLICATION AND MAILING OF NOTICES OF THE PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Council Member Chuck Beatty moved to approve Resolution No. 1302. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*



(524)

**24. Consider proposed Resolution of Candidate Nomination for the Ellis Appraisal District Board of Directors Vacancy for the year 2021**

Mayor Hill announced a proposed Resolution of Candidate Nomination for the Ellis Appraisal District Board of Directors Vacancy for the year 2021 will be considered at the City Council meeting of February 15, 2021.

**Action:**

*None*

**25. Consider authorization of smart meter funding analysis with Performance Services, Inc.**

Assistant City Manager Tommy Ludwig reported staff has been pursuing and researching moving forward converting the existing water meters with smart meters. He explained the City will enter into an agreement with Performance Services, Inc. in which they will conduct a water audit to determine if the project will be self-sufficient and funded. Mr. Ludwig stated the exercise will take approximately three (3) months and based on that analysis staff will come back to City Council with a recommendation.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved the authorization of smart meter funding analysis with Performance Services, Inc. Council Member Chuck Beatty seconded, All Ayes.*

**26. Consider approval of will serve agreement and certificate of convenience and necessity boundary adjustment with Sardis Lone-Elm Water Supply Corporation**

**Action:**

*Council Member Chuck Beatty moved to approve the agreement and certificate of convenience and necessity boundary adjustment with Sardis Lone-Elm Water Supply Corporation. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**27. Consider authorizing professional services with Birkhoff, Hendricks, and Carter, LLP associated with the Grove Creek Trunk Sewer Phase IV Capital Improvement Project**

Assistant Director of Utilities Richard Abernethy reported the services will include the design of approximately 15,000 linear feet of 24 inch to 27 inch sewer line diameter parallel upstream at the Grove Creek lift station and extending north westerly along Grove Creek to the north and south prong of Grove Creek at Highland Village. He stated the project is included in the five year CIP and will cover the design, land right acquisition services, bid specifications and preparation and construction support services. It will not only meet the existing needs of our wastewater system but also accommodate the additional capacity in the Grove Creek drainage basin in the northern part of the city. The funding is in the 2019 – 2020 bond sale.

(5a)

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to authorize professional services with Birkhoff, Hendricks, and Carter, LLP associated with the Grove Creek Trunk Sewer Phase IV Capital Improvement Project as presented. Council Member Chuck Beatty seconded, All Ayes.*

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

City Manager Michael Scott expressed his appreciation to Emergency Management Director Thomas Griffith and city staff for getting the Senior Center prepared for the COVID-19 vaccination hub. He congratulated Mayor David Hill and Council Member Melissa Olson for earning their Certified Municipal Official designation by completing the appropriate number of continuing education units (CEUs) in the Texas Municipal League Institute program. Mr. Scott thanked City Council for their support of staying on course with the sewer project noting this has been an ongoing effort for years.

Mayor Pro Tem Mary Lou Shipley asked for prayers for Council Member Doug Barnes. She commended Mr. Will Turner, President at Baylor Scott and White, and his entire staff as they continue to work through the COVID pandemic. She thanked city staff for their continued work on a number of large projects in the city.

Mayor David Hill stated the immunization hub at the Senior Center would go live on Tuesday, February 2, 2021 and vaccinate 200 – 300 people with plans on vaccinating 1,000 on Wednesday. He stated there would be 5,000 vaccines to distribute this week. The hub is located at the Senior Center for 90 days. He asked to keep the nurses in your prayers.

**29. Adjourn**

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

Respectfully submitted,

Lori Cartwright  
City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, February 1, 2021 at 6:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Council Member

Council Members Absent: Melissa Olson, Council Member Place 3  
Doug Barnes, Council Member Place 2

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the Mutual Aid Agreement with Ellis County for coordination and operation of a vaccine hub at the Senior Center. He explained a mutual aid agreement is required by the state as a component for the reimbursement process. Mr. Scott stated Tuesday, February 2, 2021 will be a soft opening providing approximately 200 immunizations and thanked all workers involved at the hub.

Mr. Scott referenced the Waxahachie Police Department Racial Profiling Report for 2020 noting the City is in full compliance with the reporting requirements of State Law.

Director of Planning Shon Brooks reviewed the following cases:

ZDC-177-2020 – The applicant is requesting a Specific Use Permit to allow for the construction of a pole sign for USA Trucks located at 7240 Interstate 35E. It meets all sign requirements and staff will recommend approval.

ZDC-181-2020 – Amendment request to a Planned Development to move billboard over per TxDOT requirements. Staff will recommend approval.

ZDC-180-2020 – The applicant intends to amend Ordinance 2302 to increase the maximum lot coverage from 35% to 50% in the Villages of Mustang Creek for Saddlebrook Estates.

ZDC-176-2020 – The applicant is requesting to construct a 6,000 square feet multi-purpose accessory building for the Southwestern Assemblies of God University baseball team. It will be located next to the dorms.

(56)

ZDC-175-2020 – The applicant reduced the requested size of the accessory building to 3,100 square feet to be more in compliance with the primary structure that is 3,019 square feet. Staff recommended approval.

ZDC-182-2020 – A brief discussion was held and ZDC-182-2020 will be continued to the City Council meeting of February 15, 2021.

ZDC-179-2020 – The applicant requested to continue to the City Council meeting of February 15, 2021.

Mr. Scott reviewed a proposed Resolution in support of Navarro College's pursuit of legislative approval to offer a Bachelor of Science in Nursing (BSN) Degree. He stated Dr. Kevin G. Fegan, Navarro College District President, will be at the City Council meeting to discuss.

Mr. Brooks presented a proposed Resolution accepting a petition to create the Emory Lakes Public Improvement District (PID). He explained Resolution approval is the first step and noted the PID is scheduled to appear before City Council on March 1, 2021 and the developer has requested the zoning change and PID request be considered concurrently.

Mr. Scott reviewed a request from Ellis Appraisal District to submit a nomination to fulfill an unexpired term for a resigning director. Council will consider a nomination at their meeting of February 15, 2021.

Assistant City Manager Tommy Ludwig presented a smart meter funding analysis to be conducted by Performance Services, Inc. for a detailed audit that will determine if the projected savings from the implementation of smart meters will be a net neutral (breakeven) or net positive endeavor. He explained, assuming that the analysis indicates that the smart meter initiative will fund itself, staff would recommend utilizing Performance Services, Inc. to manage the implementation of the smart meter project. Mr. Ludwig stated the cost associated with the analysis will be \$39,658 and explained in the event it is determined that the smart meter project is not net neutral, there is no fee associated with this study. If the analysis indicates the project is financially self-sufficient, Performance Services, Inc. will be owed \$39,658 once the final report is accepted by the City.

Mr. Ludwig presented a swap agreement with Sardis Lone-Elm Water Corporation. He explained the agreement will transfer approximately 74.45 acres from the City to Sardis, and Sardis will transfer approximately 220.36 acres of CCN to the City. In addition, approximately 110.57 acres will remain as dual certified CCN for both the City and Sardis. Mr. Ludwig stated the agreement better aligns the City's service area from both a maintenance and future growth perspective.

Assistant Director of Utilities Richard Abernethy reviewed a professional services contract with Birkhoff, Hendricks, and Carter, LLP associated with the Grove Creek Trunk Sewer Phase IV Capital Improvement Project.

Mr. Scott discussed a proposed Resolution regarding the creation of the Sterrett Road Municipal Management District (MMD).

(56)

Mr. Clayton Snodgrass, Developer, explained the project, how the MMD works and the justification of an MMD for his project. He stated the request is being made so he can introduce legislation for approval of the MMD in the current State Legislative Session. He stated the MMD is a financial tool to fund development and on-going operation expenses associated with the development of nearly 1,000 acres north of the City generally around the vicinity of Sterrett Road. Mr. Snodgrass reported the requested resolution of non-opposition includes language not obligating the City of support of this project until such time both parties are in agreement with associated terms of development and operation.

Mr. Scott emphasized the proposed Resolution allows for the introduction of legislation to authorize the creation of the MMD this Legislative Session.

**3. Adjourn**

There being no further business, the meeting adjourned at 6:47p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(50)



## Memorandum

To: Honorable Mayor and City Council  
From: Thomas Griffith, Emergency Management Coordinator  
Thru: Michael Scott, City Manager  
Date: February 11, 2021  
Re: Consider Budget Amendment for Emergency Management Budget for Supplies & Equipment and Overtime in Multiple Departments Due to Operating COVID-19 Vaccine Hub

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**Item Description:** Consider approving a budget amendment increasing the 2020-21 Emergency Management budget for Supplies & Equipment by \$110,000 and the Overtime Budget in multiple departments by a total of \$131,144. The proposed budget amendment total is \$241,144.

**Item Summary:** Due to COVID-19 response and operation of the COVID-19 vaccine hub, substantial costs have been incurred over the past couple of months and will continue in the near future. Currently, the vaccine hub is projected to operate through the end of April. Emergency Management projects that additional funds will be necessary to maintain our currently level of COVID-19 response activities, as well as, operations at the vaccine hub. Approximately \$110,000 is estimated to be needed for supplies and equipment and another \$131,144 is estimated to cover the overtime expenses in the numerous departments essential to the operations of the vaccine hub. The departments and estimated overtime expense breakdown can be found in the attachment. These expenses should ultimately be reimbursable through available federal funding.

**Fiscal Impact:** The proposed budget amendment would increase the Emergency Management budget for Supplies & Equipment (100-211-56100) by \$110,000 and Overtime Budgets will increase by the amounts listed for each of the departments on the attached spreadsheet for a total overtime increase of \$131,144. These additional funds would come from the General Fund unrestrictive reserve balance originally, but should ultimately be reimbursed by available federal funding. The reserve balance has sufficient funds available to absorb the additional expenditures.

(50)

**COVID - Vaccine Overtime  
Budget Amendment**

<b>Department</b>	<b>Salaries 51100</b>	<b>SS/MC 52200</b>	<b>TMRS/FR&amp;R 52501</b>	<b>Work's Comp 52600</b>	<b>TOTAL</b>
180 - Downtown	2,654	203	419	22	3,298
210 - Police	29,656	2,269	4,683	303	36,911
211 - ER Management	4,547	348	718	4	5,617
220 - Fire	44,343	3,392	7,002	513	55,250
510 - Parks	8,323	637	1,314	71	10,345
550 - SR Center	1,625	124	257	2	2,008
<b>General Fund Totals</b>	<b>91,148</b>	<b>6,973</b>	<b>14,393</b>	<b>915</b>	<b>113,429</b>
610 - CVB	2,413	185	381	2	2,981
<b>CVB Totals</b>	<b>2,413</b>	<b>185</b>	<b>381</b>	<b>2</b>	<b>2,981</b>
520 - Civic Center	1,769	135	279	2	2,185
530 - Sports Complex	10,097	772	1,594	86	12,549
<b>WCDC Totals</b>	<b>11,866</b>	<b>907</b>	<b>1,873</b>	<b>88</b>	<b>14,734</b>

(5d)



## Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

Date: February 11, 2021

Re: Budget Amendment – Midyear salary adjustments

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If you will recall, during the 2020-21 annual budget process, we discussed the uncertainty of city revenue impacts that may be realized as a result of the Coronavirus Pandemic. At the time, businesses were limiting access, citizens were encouraged to minimize non-essential errands and many businesses that were not deemed "essential" were temporarily closed. Clearly, these changes were anticipated to have an impact on the City's sales tax revenues, but at the time, it was uncertain how drastic. The decision was made during the Council's summer 2020 budget deliberations to delay any merit-based employee salary increases until midyear when we would have a better idea of the COVID impact.

Based on the February Comptroller Sales and Use Tax allocation report, the City is up 14% over projected budget figures for the first quarter of the FY21 Fiscal Year. This also represents a 10% increase over last year's tax figures for the same period. Given these positive sales tax figures and the current economic outlook appearing favorable, a budget adjustment to provide our employees with a midyear merit-based increase is being requested. These adjustments, like last year, will be allocated based on annual employee evaluations for non-civil service employees. I am also requesting a one-time salary structure adjustment for our civil service personnel.

Please consider the approval of a budget adjustment in the amount of \$380,000 for this purpose.



(5e)



## Memorandum

To: Honorable Mayor and City Council  
From: Chad Tustison, Finance Director  
Thru: Michael Scott, City Manager  
Date: February 10, 2021  
Re: Budget Amendment for Finance Department

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### Summary

This item is a request for an amendment to the Finance Department budget for professional services (account 100-120-53200) by a total of \$45,000 for sales tax recovery services, sales tax analysis software, and a federally-mandated single audit. Funding for this amendment is available in fund balance in the General Fund and is partially offset by recovered unanticipated sales tax collections.

### Background

Each year, the City contracts with MuniServices to audit and analyze detailed sales tax information to ensure that the City is receiving its share of sales tax collections. When an issue is found, MuniServices works with the State Comptroller's Office to investigate and determine the required payment from the taxpayer. As part of this agreement, the City passes on a finder's fee equal to 32.5% of the recovered amount to MuniServices. Recently, MuniServices was able to recover over \$100,000 for a single instance of underreporting of sales tax. In a typical year, the total amount passed on to MuniServices rarely exceeds \$10,000, and the Finance Department's budget reflects this typical payment amount. This budget amendment would increase

(5e)

this budget by \$35,000 to account for this above average amount and is offset by the additional \$100,000 in unanticipated collections.

This amendment would also increase the budget by \$5,000 for the City to utilize a web-based sales tax analysis tool provided by ZacTax. This software analysis tool would allow the City to review and monitor sales tax data at a more detailed level, identify trends for forecasting, assist economic development efforts, and perform sales tax audits.

Finally, this budget amendment request includes an additional \$5,000 for the City's external auditors, Patillo, Brown & Hill, L.L.P., to perform a single audit. The federal government requires that cities have an independent financial audit if the City expends more than \$750,000 of federal dollars in a single fiscal year. Typically the City receives federal funds under this threshold amount and a single audit is not required. As a result of the funding level of COVID-19 relief funds, and combined with other City grant funds, the city has exceeded this amount and will require a single audit.

(5F)



## Memorandum

To: Honorable Mayor and City Council  
From: Chad Tustison, Finance Director  
Thru: Michael Scott, City Manager  
Date: February 10, 2021  
Re: Fiscal Year 2021 First Quarter Financial Report

---

I am pleased to present the First Quarter Financial Report for Fiscal Year 2021, covering the period of October 2020 through December 2020. This report highlights the General Fund, Water and Wastewater funds, Waxahachie Community Development Corporation (WCDC) Fund, Hotel/Motel Fund and the Tax Increment Refinance Zone (TIRZ) Fund. This report compares actual revenue collections and expenses incurred during the year to the approved budget.

### General Fund

- The City's General Fund accounts for activities commonly associated with municipal government such as police and fire protection, parks and recreation, routine street maintenance, and library services. This fund is supported by property tax, sales tax, user fees, permits and other miscellaneous revenues. Overall, revenues have performed better than anticipated and expenses are within budget.
- **Property tax collections** account for approximately 40% of the City's revenue. Through the first quarter, property taxes in the City's General Fund amount to \$6.7 million and are in line with prior year collections.

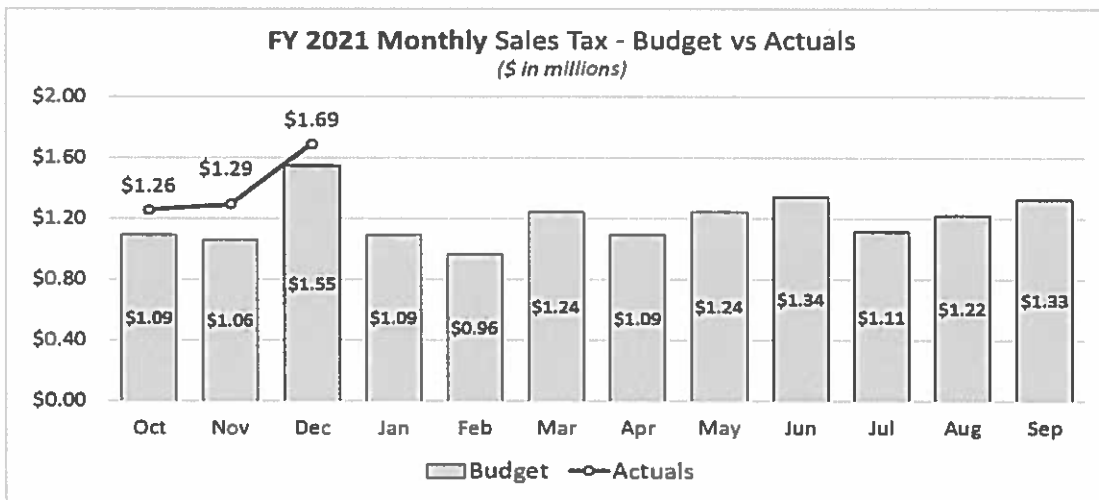
(5f)

The majority of collections occur from December through February as property tax payments become due.

- **Sales tax** is the second largest revenue source, accounting for over 30% of the City's General Fund. Of the 8.25 cents for every dollar of taxable sales, the state of Texas collects 6.25 cents, while 1.5 cents goes to the City's General Fund, and ½ cent goes to the WCDC fund.

In spite of the economic uncertainty and impact at the local and national levels, the City ended the fourth quarter of last year (September 2020) with collections in the General Fund approximately 9% above Fiscal Year 2019. Going into the current fiscal year (October 2020), we recommended a conservative approach to forecasting sales tax projections. Since October, the positive trend in sales tax collections has continued.

Through the first quarter, collections in the General Fund total \$4.2 million and represent an increase of 10% over the prior year. Compared to the budget for the same period, sales tax collections are up \$540,000, or 14%. While these figures are very positive, staff will continue to closely monitor sales tax reports and provide council updates on any changes to this trend.

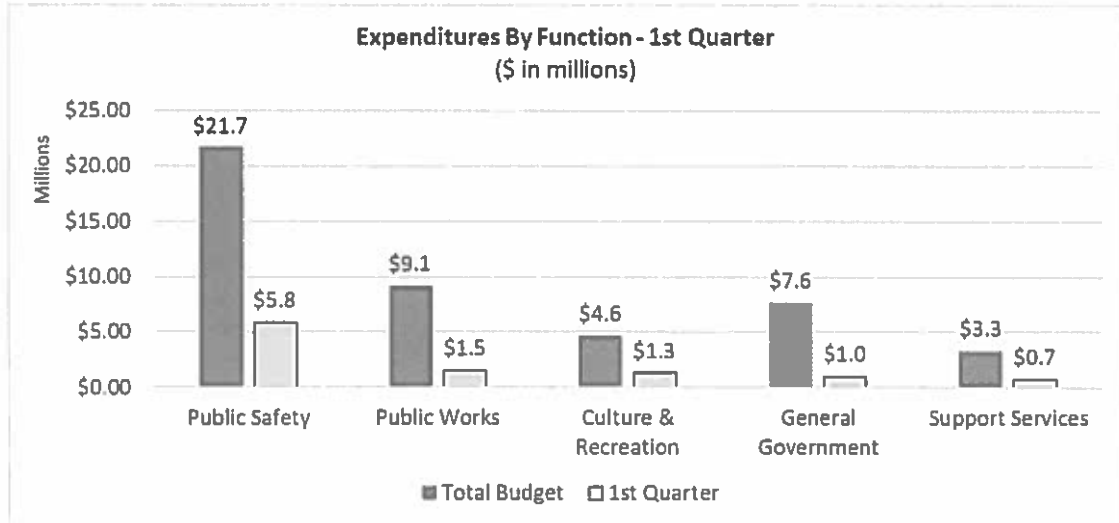


- Other major revenue sources include Franchise Fees, Licenses and Permits, Charges for Service, Miscellaneous revenue and Transfers In. Franchise fees are collected from local utility companies to pay for the use of the City's right-of-way. The first quarter will lag significantly since the majority of the utilities make payment following the close of their fiscal quarter. In other categories, building inspections and permits is

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trending higher than budget while street inspection fees, court fines, and interest income are lagging the budget through the first three months of the fiscal year.

- **Expenditures** in the General Fund for the first quarter (3 months) total \$10.2 million, or 22% of the budget. The following chart compares the budget for each City function to the actual expenditures through the first quarter.



- In the area of Public Works, spending is lagging slightly as the City ramps up and begins work on the street and sidewalk projects included in the budget. As the year progresses and contracts are authorized and executed, these funds are anticipated to be spent at the budgeted levels.
- In the area of General Government, the difference in budget to actual expenditures can be mainly attributed to the timing of site preparation for the new downtown Development Services building. The engineering and design of the building are underway, and the demolition of the existing building is expected to begin this summer.

### Other Funds

- The water and wastewater funds account for all revenues and expenditures associated with the operation and maintenance of the City's water distribution and wastewater treatment activities. For the water and wastewater funds, revenue is in line with the budget. Expenses are lower than budget for both funds due to the timing of the

(5f)

annual debt service payments. Principal and interest payments are occur in the second and fourth quarters of the fiscal year and will be reflected in those financial reports.

- The WCDC fund accounts for revenues and expenses associated with the Waxahachie Community Development Corporation in operating the Civic Center and Sports Complex, promoting economic development, and implementing quality of life improvements throughout the community. This fund is mainly funded by ½ cent sales tax and user fees. Overall, revenues and expenses are within budget. Civic center revenue continues to come in lower due to the impact of COVID-19. Similar to the General Fund, sales tax are up nearly 14%, or \$176,000, over the budget.
- The Hotel/Motel Tax Fund receives the proceeds from a 7% hotel occupancy tax available to be used to promote tourism and the convention and hotel industry. The City uses the fund to operate the Convention and Visitor's Bureau and various smaller non-city organizations that promote the arts and historic tourism and preservation. Revenues are Expenditures are lagging slightly due to the timing of the annual transfer to the Arts Council, which represents 25% of hotel revenue. This transfer occurs in the third and fourth quarters of the fiscal year.

(5f)



## CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2021 ~ 1ST QUARTER

(Oct 1, 2020-Dec 31, 2020)

### GENERAL FUND SUMMARY

	ACTUALS FY 2020	BUDGET FY 2021	1ST QUARTER FY 2021	ACTUAL AS % OF BUDGET
<b>REVENUES</b>				
Property Tax	\$18,013,575	\$19,403,500	\$6,722,321	35%
Sales Tax	15,141,348	14,327,000	4,240,778	30%
Franchise Fees	4,352,838	4,512,920	417,022	9%
Licenses & Permits	1,500,491	1,310,250	486,636	37%
Charges for Service	1,520,358	1,373,725	249,806	18%
Miscellaneous	1,666,346	1,100,550	507,619	46%
Transfers In	3,578,515	3,471,220	873,155	25%
<b>Total Revenues</b>	<b>\$45,773,471</b>	<b>\$45,499,165</b>	<b>\$13,497,337</b>	<b>30%</b>
<b>EXPENDITURES BY FUNCTION</b>				
Public Safety	\$19,675,886	\$21,661,427	\$5,836,090	27%
Public Works	9,869,953	9,100,855	1,459,461	16%
Culture & Recreation	4,625,859	4,614,514	1,271,896	28%
General Government	4,553,979	7,565,273	955,350	13%
Support Services	2,761,128	3,279,628	681,481	21%
<b>Total Expenditures</b>	<b>\$41,486,806</b>	<b>\$46,221,697</b>	<b>\$10,204,278</b>	<b>22%</b>

\* Quarterly actual figures are preliminary and unaudited

(5f)



## CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2021 - 1ST QUARTER

(Oct 1, 2020-Dec 31, 2020)

### OTHER FUNDS SUMMARY

	ACTUALS FY 2020	BUDGET FY 2021	1ST QUARTER FY 2021	ACTUAL AS % OF BUDGET
<b>WATER FUND</b>				
Revenues	\$14,906,438	\$15,111,670	\$3,852,784	25%
Expenses	13,699,434	13,461,982	2,555,286	19%
<b>WASTEWATER FUND</b>				
Revenues	\$10,714,020	\$10,889,000	\$2,453,189	23%
Expenses	9,633,250	10,167,317	1,505,164	15%
<b>WAXAHACHIE COMMUNITY DEVELOPMENT FUND (WCDC)</b>				
Revenues	\$5,559,678	\$5,435,501	\$1,502,742	28%
Expenses	5,664,623	5,601,254	1,454,829	26%
<b>HOTEL / MOTEL FUND</b>				
Revenues	\$673,908	\$715,600	\$166,624	23%
Expenses	754,394	803,057	142,246	18%
<b>TAX INCREMENT FINANCE ZONE FUND (TIRZ 1)</b>				
Revenues	\$487,158		\$255,683	-
Expenses	614,224		24,553	-

\* Quarterly actual figures are preliminary and unaudited





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Application for a Festival or Event Permit

Event Name and Description: Spring Fling Barrel race.  
Rodeo event of barrel racing

Applicant Information

Name: Breanna Jackson

Address: PO Box 1374

City, State, Zip: Fairfield TX 75840 Phone: 214-734-6013

E-mail Address: breanna.jack@yahoo.com

Organization Information

Organization Name: Shut Up + Ride Productions

Address: PO Box 1374 Fairfield TX 75840

Authorized Head of Organization: Breanna Jackson

Phone: 214-734-6013 E-mail Address: breanna.jackson@upricc

Event Chairperson/Contact

Name: Same as above

Address:

City, State, Zip: Phone:

E-mail Address:

Event Information

Event Location/Address: Rodeo Complex 701 Howard Rd  
Waxahachie TX 75165

Purpose: Barrel Race

Event Start Date and Time: March 14 2021 10am

Event End Date and Time: March 14 8pm (59)

Approximate Number of Persons Attending Event Per Day: 75

Site Preparation and Set-Up Date and Time: March 14 8am

Clean-Up Completion Date and Time: March 14 8pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

Food truck, vendor booths

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? \_\_\_\_\_

Will an Unmanned Aircraft Systems Unit (drone) be used?  YES /  NO If so, provide a copy of the current FAA License.

*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. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

Brian Jackson  
Signature of Applicant

1/28/2021  
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).

(59)

**Villarreal, Amber**

---

**From:** Lawrence, Albert  
**Sent:** Monday, February 01, 2021 8:28 AM  
**To:** Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Martinez, Gumaro; Drewry, Michaela; Griffith, Thomas; Martinez, Jose; Me'Lony Jordan  
**Cc:** Scott, Michael; Ludwig, Tommy; Cartwright, Lori; Crocker, Clarice  
**Subject:** RE: Rodeo Arena rental Application  
**Attachments:** OpenTexas-Checklist-Rodeo-Equestrian-Events.pdf

If approved and as a condition of approval, they will need to be given and agree to these State protocols and requirements for Rodeos that they must follow.

Albert Lawrence  
Assistant City Manager

City of Waxahachie  
401 S. Rogers  
PO Box 757  
Waxahachie, TX 75165  
Direct Line: 469-309-4001

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Friday, January 29, 2021 12:22 PM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Cartwright, Lori <cartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** FW: Rodeo Arena rental Application

For your review/comments.

Amber Villarreal, TRMC, CMC  
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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(59)

REVISED SEPTEMBER 17, 2020

# MINIMUM STANDARD HEALTH PROTOCOLS



## CHECKLIST FOR RODEO AND EQUESTRIAN EVENTS

Page 1 of 3

*Individuals may engage in, and sponsors may put on, rodeos and equestrian events. Spectators are allowed, provided that indoor venues limit the number of spectators to no more than 50% of the total listed occupancy of the venue, and outdoor venues may operate at up to 50% of the normal operating limits as determined by the facility owner. Six feet of separation between individuals not within the same household should be maintained to the extent feasible. To the extent the rodeo or equestrian event has spectators, the person sponsoring the event must ensure that ingress and egress from the venue allows for 6 feet of social distancing between individuals on entering and exiting the venue. All employees and customers must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household.*

*The following are the minimum recommended health protocols for all individuals engaging in, and sponsors putting on, rodeo and equestrian events in Texas. Individuals and sponsors may adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all employees, contractors, volunteers, and participants.*

*The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.*

*Please note, public health guidance cannot anticipate every unique situation. Participants and sponsors should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization. Participants and sponsors should also be mindful of federal and state employment and disability laws, workplace safety standards, and accessibility standards to address the needs of both workers and customers.*

### Health protocols for your spectators:

- Remote ticketing options are encouraged to help manage capacity limitations.
- Ensure proper spacing between patrons in the venue:
  - For venues that configure seating arrangements which are not in rows, ensure at least 6 feet of separation between other groups. No tables of more than 10 people.
  - For venues that configure seating arrangements in rows, maintain at least two empty seats (or six feet separation) between groups in any row, except as follows:
    - Two or more members of the same household can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
    - Two individuals who are not members of the same household but who are attending together can sit adjacent to one another, with two seats (or six feet separation) empty on either side.
      - Alternate rows between patrons (every other row left empty), as appropriate.
- Any other method to provide at least six feet of separation between groups of up to 10 individuals who attend the venue together. Disinfect seats and frequently touched areas before and after use.

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REVISED SEPTEMBER 17, 2020

## MINIMUM STANDARD HEALTH PROTOCOLS



### RODEO AND EQUESTRIAN EVENTS: Page 2 of 3

- For venues providing food service to patrons:
  - Do not leave condiments, silverware, flatware, glassware, or other traditional table top items on an unoccupied table.
  - Provide condiments only upon request, and in single use (non-reusable) portions or in reusable containers that are cleaned and disinfected after each use.
  - Clean and disinfect the area used for dining (table, etc.) after each group of customers depart the area.
  - Use disposable menus (new for each patron), or clean and disinfect reusable menus after each use.
  - If the venue allows customers to write down their food orders inside the venue, provide take-home pencils and notepads that cannot be used by other customers.
  - Have wait staff sanitize or wash hands between interactions with customers.
- For venues with counter food service for patrons:
  - Provide condiments or flatware only in single use, individually-wrapped items, and provide condiments only upon request.
  - Have employees and contractors follow proper food-handling protocols.
  - Disinfect any items that come into contact with customers.
- Contactless payment is encouraged. Where not available, contact should be minimized. Employees, contractors, and customers should sanitize their hands after the payment process.

### Health protocols for your employees, contractors, volunteers, and participants:

- Individuals not currently competing should remain at least 6 feet away from other individuals. Remaining in vehicles before and after a race, or in separate areas during other events, is strongly recommended.
- Train all employees, contractors, volunteers, and participants on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette.
- Screen employees, contractors, volunteers, and participants before the sporting event:
  - Send home any employee, contractor, volunteer, or participant who has any of the following new or worsening signs or symptoms of possible COVID-19:

- Cough	- Sore throat
- Shortness of breath or difficulty breathing	- Loss of taste or smell
- Chills	- Diarrhea
- Repeated shaking with chills	- Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
- Muscle pain	- Known close contact with a person who is lab confirmed to have COVID-19
- Headache	
  - Do not allow employees, contractors, volunteers, or participants with new or worsening signs or symptoms listed above to return to work until:

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REVISED SEPTEMBER 17, 2020

## MINIMUM STANDARD HEALTH PROTOCOLS



### RODEO AND EQUESTRIAN EVENTS: Page 3 of 3

- In the case of an individual who was diagnosed with COVID-19, the individual may return to work when all three of the following criteria are met: at least 3 days (72 hours) have passed *since recovery* (resolution of fever without the use of fever-reducing medications); and the individual has *improvement* in symptoms (e.g., cough, shortness of breath); and at least 10 days have passed *since symptoms first appeared*; or
  - In the case of an individual who has symptoms that could be COVID-19 and does not get evaluated by a medical professional or tested for COVID-19, the individual is assumed to have COVID-19, and the individual may not return to work until the individual has completed the same three-step criteria listed above; or
  - If the individual has symptoms that could be COVID-19 and wants to return to work before completing the above self-isolation period, the individual must obtain a medical professional's note clearing the individual for return based on an alternative diagnosis.
- Do not allow an individual with known close contact to a person who is lab-confirmed to have COVID-19 to return to the event until the end of the 14-day self-quarantine period from the last date of exposure (with an exception granted for healthcare workers and critical infrastructure workers).
- Have employees, contractors, volunteers, and participants wash or sanitize their hands upon entering the event venue.
- Have employees, contractors, volunteers, and participants maintain at least 6 feet of separation from other individuals. If such distancing is not feasible, other measures such as hand hygiene, cough etiquette, cleanliness, and sanitation should be rigorously practiced.
- If the event sponsor provides a meal for employees, contractors, volunteers, and/or participants, the sponsor is recommended to have the meal individually packed for each individual.

### Health protocols for your facilities:

- If 6 feet of separation is not available between individuals at the event, consider the use of engineering controls, such as dividers between individuals, to minimize the chances of transmission of COVID-19.
- Regularly and frequently clean and disinfect any regularly touched surfaces, such as doorknobs, tables, chairs, and restrooms.
- Disinfect any items that come into contact with individuals, including sporting event equipment.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available to employees, contractors, and customers.
- Consider placing [readily visible signage](#) at the venue to remind everyone of best hygiene practices.
- Consider having an individual wholly or partially dedicated to ensuring the health protocols adopted by the employer are being successfully implemented and followed.

(59)

**Villarreal, Amber**

---

**From:** Drewry, Michaela  
**Sent:** Friday, January 29, 2021 11:36 AM  
**To:** Villarreal, Amber; Martinez, Gumaro  
**Cc:** Cartwright, Lori; Crocker, Clarice  
**Subject:** RE: Rodeo Arena rental Application

Please proceed with sending this out for review. They will need to sign an agreement for use of the Rodeo Arena, but we will wait until they receive approval to have them fill out that paperwork.

Michaela Drewry  
Recreation Specialist  
City of Waxahachie  
Department of Parks & Recreation  
Work: 469-309-4275

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Thursday, January 28, 2021 1:53 PM  
**To:** Drewry, Michaela <michaela.drewry@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>  
**Cc:** Cartwright, Lori <lcartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** FW: Rodeo Arena rental Application

Michaela,

Please see the attached event application to use the rodeo arena. Not sure if y'all are renting out the rodeo arena and if there is another form she needs to use.

Thank you,

**Amber Villarreal, TRMC, CMC**  
**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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**From:** Breanna Jackson <[breannal.jackson@yahoo.com](mailto:breannal.jackson@yahoo.com)>  
**Sent:** Thursday, January 28, 2021 1:46 PM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Rodeo Arena rental Application

Hi,

(59)

**Villarreal, Amber**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Friday, January 29, 2021 12:39 PM  
**To:** Villarreal, Amber  
**Subject:** Re: Rodeo Arena rental Application

I have no concerns other than the Covid situation at the time of the event.

Sent from my iPhone

On Jan 29, 2021, at 12:22, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

For your review/comments.

**Amber Villarreal, TRMC, CMC**  
**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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---

**From:** Breanna Jackson <breannal.jackson@yahoo.com>  
**Sent:** Thursday, January 28, 2021 1:46 PM  
**To:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Rodeo Arena rental Application

Hi,

My name is Breanna Jackson, I would like to rent your rodeo arena out for a barrel race March 14. I have attached the application and look forward to hearing from you.

Thanks,  
Breanna Jackson  
<waxahchie application.pdf>



(59)

**Villarreal, Amber**

---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Monday, February 01, 2021 8:23 AM  
**To:** Villarreal, Amber  
**Subject:** RE: Rodeo Arena rental Application

I have no issues with this.

**Wade G. Goolsby**  
Chief of Police  
Waxahachie Police Department  
630 Farley St.  
Waxahachie, TX 75165  
469-309-4414

---

**From:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Sent:** Friday, January 29, 2021 12:22 PM  
**To:** Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Gumaro Martinez <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** FW: Rodeo Arena rental Application

For your review/comments.

**Amber Villarreal, TRMC, CMC**  
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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---

**From:** Breanna Jackson <[breanna.jackson@yahoo.com](mailto:breanna.jackson@yahoo.com)>  
**Sent:** Thursday, January 28, 2021 1:46 PM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Rodeo Arena rental Application

Hi,

(59)

**Villarreal, Amber**

---

**From:** Me'Lony Jordan  
**Sent:** Monday, February 01, 2021 4:05 PM  
**To:** Lawrence, Albert; Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Martinez, Gumaro; Drewry, Michaela; Griffith, Thomas; Martinez, Jose  
**Cc:** Scott, Michael; Ludwig, Tommy; Cartwright, Lori; Crocker, Clarice  
**Subject:** RE: Rodeo Arena rental Application

All food vendors must submit a temporary food permit along with supporting documents, inspections and fees 48 hours prior to the event.

*Me'Lony Jordan  
City of Waxahachie  
Health Inspector, FSIIC  
401 S. Rogers St.  
Waxahachie, TX 75165*

*Office (469) 309-4134  
Cell (972) 740-6724*

---

**From:** Lawrence, Albert  
**Sent:** Monday, February 1, 2021 8:28 AM  
**To:** Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Scott, Michael <mscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** RE: Rodeo Arena rental Application

If approved and as a condition of approval, they will need to be given and agree to these State protocols and requirements for Rodeos that they must follow.

Albert Lawrence  
Assistant City Manager

City of Waxahachie  
401 S. Rogers  
PO Box 757  
Waxahachie, TX 75165  
Direct Line: 469-309-4001

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# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-182-2020**

### MEETING DATE(S)

*Planning & Zoning Commission:* January 26, 2021

*City Council:* February 15, 2021 (continued from February 1, 2021)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 26, 2021, the Commission voted 6-0 to recommend denial of case number ZDC-182-2020.

At the City Council meeting, held February 1, 2021, City Council voted 3-0 to continue case number ZDC-182-2020 to the February 15, 2021 City Council meeting.

Staff Note: At the January 26, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted to recommend denial for the proposed Zoning Change due to the proposed use not being consistent with the current zoning (Single Family-3 Residential). However, after receiving new information, staff determined that the use of a duplex was allowed per the 1961 City of Waxahachie Zoning Ordinance (Ord. 0726). Due to this information, the subject property is considered "existing legal non-conforming", and staff is updating the recommendation from "Denial" to "Approval, per staff comments".

### CAPTION

**Public Hearing** on a request by Joseph Ray, D&R Solutions LLC, for a **Zoning Change** from a Single-Family Residential-3 zoning district to Two-Family Residential-Duplex (2F), located at 200 Peters Street (Property ID 283063) - Owner: D & R SOLUTIONS LLC (ZDC-182-2020)

### APPLICANT REQUEST

The applicant is requesting a zoning change from Single Family-3 (SF3) to Two-Family Residential (2F) to allow a duplex.

Staff Note: Due to receiving new information regarding the property, staff suggests that the property is rezoned from Single Family-3 to Planned Development-Single Family-3.

### CASE INFORMATION

*Applicant:* Joseph Ray, D&R Solutions, LLC

*Property Owner(s):* D&R Solutions, LLC

*Site Acreage:* 0.292 acres

*Current Zoning:* Single Family-3 (SF3)

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*Requested Zoning:*

Two-Family Residential (2F)

\*Staff suggests that the property be rezoned to Planned Development-Single Family-3.

**SUBJECT PROPERTY**

*General Location:*

200 Peters St.

*Parcel ID Number(s):*

283063

*Existing Use:*

Single Family Home

*Development History:*

N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF3	Single Family Residences
East	SF3	Single Family Residences
South	SF3	Single Family Residences
West	SF3	Single Family Residences

*Future Land Use Plan:*

Low Density Residential

*Comprehensive Plan:*

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

*Thoroughfare Plan:*

The subject property is accessible via Peters St. and Wyatt St.

*Site Image:*



**PLANNING ANALYSIS**

*Proposed Use:*

The applicant is applying for a zoning change to rezone 200 Peters St. from Single Family-3 to Two Family zoning to allow the use of a duplex. Currently, the applicant has renovated nearly 75% of the property

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to help enhance the subject property. If a zoning change is granted by City Council, the applicant intends to rent the property to future tenants and remain the owner of the property.

Analysis:

On December 11, 2020, the applicant (D&R Solutions) met with planning staff to inform them that they purchased a property located at 200 Peters St. on November 30, 2020. The applicant further explained to staff that the property was purchased through the MLS (Multiple Listing Service) system for the intended use of a duplex (as advertised in the MLS system). Once staff informed the applicant that the current zoning for the property (Single Family-3) does not allow the use for a duplex, the applicant chose to apply for a zoning change on December 16, 2020.

Prior to applying for a zoning change, the applicant informed staff that construction on the property had already begun. Per the City of Waxahachie Building Inspections Department, the applicant applied for various permits such as an Alteration/Remodel permit and Fence/Wall permit on December 7, 2020. The applicant also applied for another Alteration/Remodel permit on January 4, 2021. At the time of this report (2/10/2021), no permits have been released to the applicant for construction approval. However, it should be noted that the applicant has currently made nearly \$60,000 worth of changes to help rehab the property.

Due to the structure originally being constructed in the 1950's, and predating the Building Inspections permitting system, staff does not have any original information or building permits for the property. In addition, the existing detached garage facing Wyatt St. does not meet the 5ft. setback requirement for the Single Family-3 zoning district.

At the January 26, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to recommend denial for the proposed Zoning Change due to the proposed use not being consistent with the current zoning (Single Family-3 Residential). However, after receiving new information, staff determined that the use of a duplex was allowed per the 1961 City of Waxahachie Zoning Ordinance (Ord. 0726). Due to this information, the subject property is considered "existing legal non-conforming" and allowed per the 1961 Zoning Ordinance.

Though staff will update the recommendation from "Denial" to "Approval", staff suggests that the property is rezoned from Single Family-3 to Planned Development-Single Family-3 opposed to Two Family Residential. Due to no duplex structures being located within the immediate surrounding neighborhood area, staff suggests that if the use of a duplex ceases to exist for six (6) months or more, or if fifty percent (50%) or more of the structure is destroyed for any reason, then the property shall revert to the use of a single family residence.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

NEIGHBORHOOD CORRESPONDENCE

Though no official Property Owner Notification Responses were submitted to staff, the applicant received five (5) signatures of support for the duplex structure.

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**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. Before the duplex is occupied by any tenants, the applicant shall receive all required building permits from the Building Inspections Department, as well as pass all necessary inspections.
  2. If 50% or more of the structure is destroyed in any way, or if the use of a duplex ceases to exist for 6 months or more, then the property shall revert to the use of a single family residence.

**ATTACHED EXHIBITS**

1. Ordinance
2. Location Exhibit
3. Site Layout
4. Before/After (Current) Photos
5. Neighborhood Correspondence
6. City of Waxahachie 1961 Zoning Ordinance (Use Chart)/Zoning Map

**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 a set of drawings that incorporate all comments.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

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## BEFORE PHOTOS



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## CURRENT (AFTER) PHOTOS



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"Education in the community is our foundation."

Our company D&R Solutions purchased the property located at 200 Peters Waxahachie, TX 75165 on November 30, 2020 from New Western Acquisitions. The property was sold to us with zoning issues/electrical issues that were not revealed before we bought the property. We have invested \$60,000 into the property to bring it up to code including a complete rehab on the inside of both units that are a part of the duplex as well as the outside. We are making this request due to the amount of time and resources that have went into this project as well as the value of this being zoned properly will add to the community we live in. Will you support us in agreeing to the zoning change that can increase the value in our community.

Name	Address
Jahmal Hall	1300 Wyatt St Waxahachie, TX 75165
MARK SERINO <i>[Signature]</i>	215 PETERS ST waxahachie
<i>[Signature]</i>	115 Peters st TX 75165
Regina Creameans	101 Peters ST Waxahachie, TX 75145
Rayna Martinez	100 - Peters st.

*[Handwritten note on a yellow sticky note]*  
General Services

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Zoning Ord. 1961  
(Ord. 0726)

-6-

Not Updated Until  
10/28/71 Ord. 1035

SECTION 7

USE OF LAND & BUILDINGS

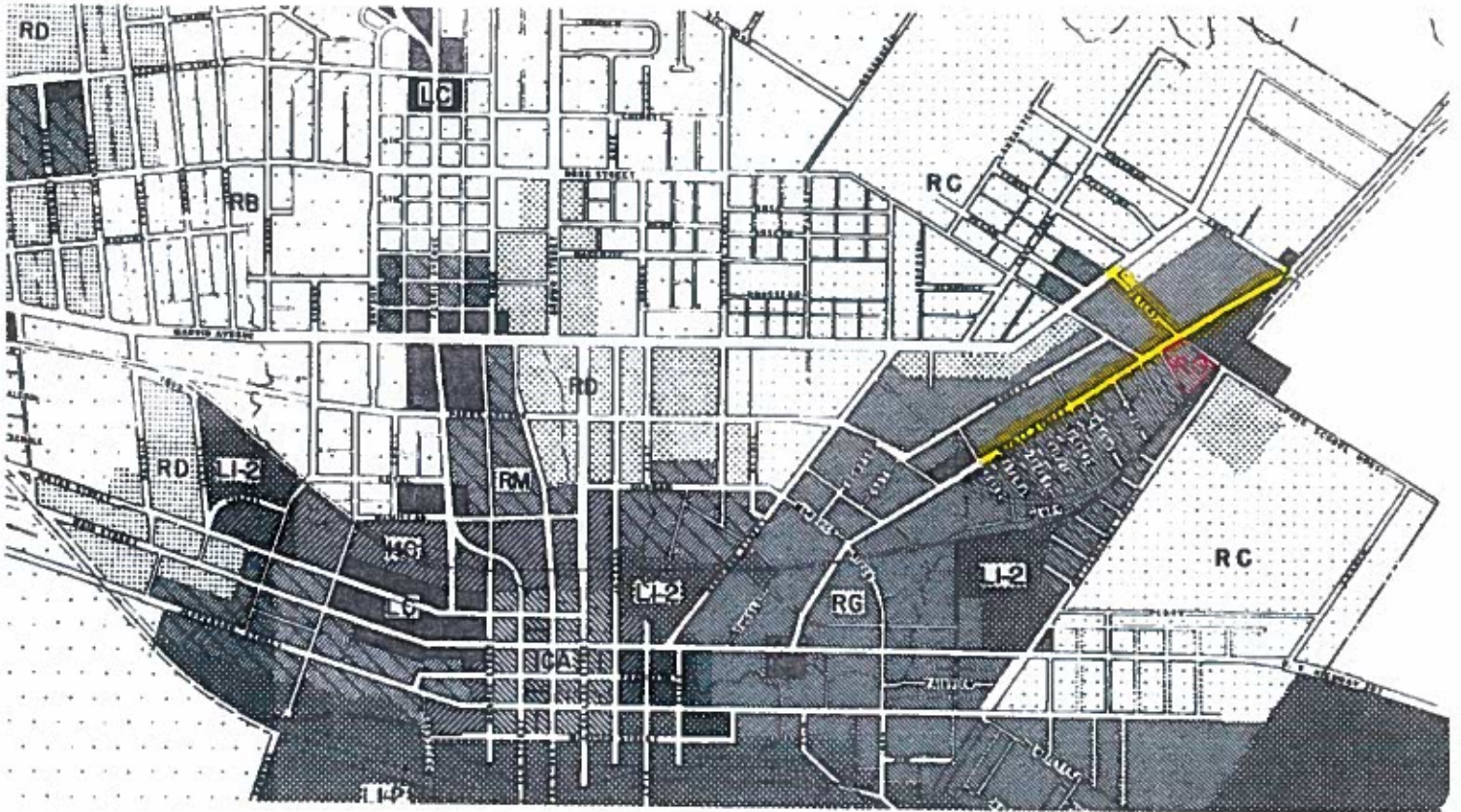
A. Land and buildings in each of the following classified Districts may be used for the specified uses for said Districts. No land shall hereafter be used and no building or structure shall hereafter be erected, altered or converted for any other use than those specified for the District in which it is located.

TYPE OF USE	RA	RB	RC	RD	RG	RM	LC	CA	HC	LI-1	LI-2	HI	PD
	ONE-FAMILY DWELLING DISTRICT	ONE-FAMILY DWELLING DISTRICT	ONE-FAMILY DWELLING DISTRICT	TWO-FAMILY DWELLING DISTRICT	GENERAL RESIDENCE DISTRICT	MULTIPLE FAMILY DWELLING DISTRICT	LOCAL COMMERCIAL DISTRICT	CENTRAL AREA DISTRICT	HEAVY COMMERCIAL DISTRICT	LIGHT INDUSTRIAL DISTRICT ONE	LIGHT INDUSTRIAL DISTRICT TWO	HEAVY INDUSTRIAL DISTRICT	PLANNED DEVELOPMENT DISTRICT
<b>PRIMARY RESIDENTIAL USES</b>													
One-Family Dwelling													
Two-Family Dwelling													
Multiple-Family or Apartment Building													
Apartment Hotel													
Community Unit Development (1)													
Boarding House													
Rooming House													
Trailer Camp or Mobile Home Park					SP	SP			SP				
<b>USES</b>													
Airport, Helipad or Landing Field	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Cemetery or Mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Church or Rectory													
City Hall or City Auditorium	SP	SP	SP	SP									
College, University or Private School (2)	SP	SP	SP	SP									
Country Club (private) with Golf Course	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Convent or Monastery	SP	SP	SP	SP									
Day Camp (3)	SP	SP	SP	SP									
Day Nursery or Kindergarten													



City of Waxahachie 1961 Zoning Ordinance Use Chart

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City of Waxahachie 1961 Zoning Map Layout

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), TO ALLOW A DUPLEX RESIDENTIAL DEVELOPMENT, LOCATED AT 200 PETERS STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.292 ACRES, KNOWN AS PROPERTY ID 283063, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a Zoning Change, has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-182-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF3 to PD-SF3; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

**NOW, THEREFORE**, this property is rezoned from SF3 to PD-SF3, in order to facilitate development of the subject property in a manner that allows duplex residential development on the following property: Property ID 283063, which is shown on Exhibit A, and in accordance with the Site Layout shown as Exhibit B.

### **ZONING CHANGE**

#### **Purpose and Intent**

The purpose of this zoning change is to develop a duplex development and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

#### **Development Standards**

All development on land located within the boundaries of this subject property shall adhere to the rules and regulations set forth in this ordinance.

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Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-182-2020.
2. If 50% or more of the structure is destroyed in any way, or if the use of a duplex ceases to exist for 6 months or more, then the property shall revert to the use of a single family residence and meet the requirements of the Single Family-3 zoning district.
3. Before the duplex is occupied by any tenants, the applicant shall receive all required building permits from the City of Waxahachie Building Inspections Department, as well as pass all necessary inspections.
4. Where regulations are not specified in this ordinance, the regulations of Single Family-3 (SF3) zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
5. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 15<sup>th</sup> day of February, 2021.

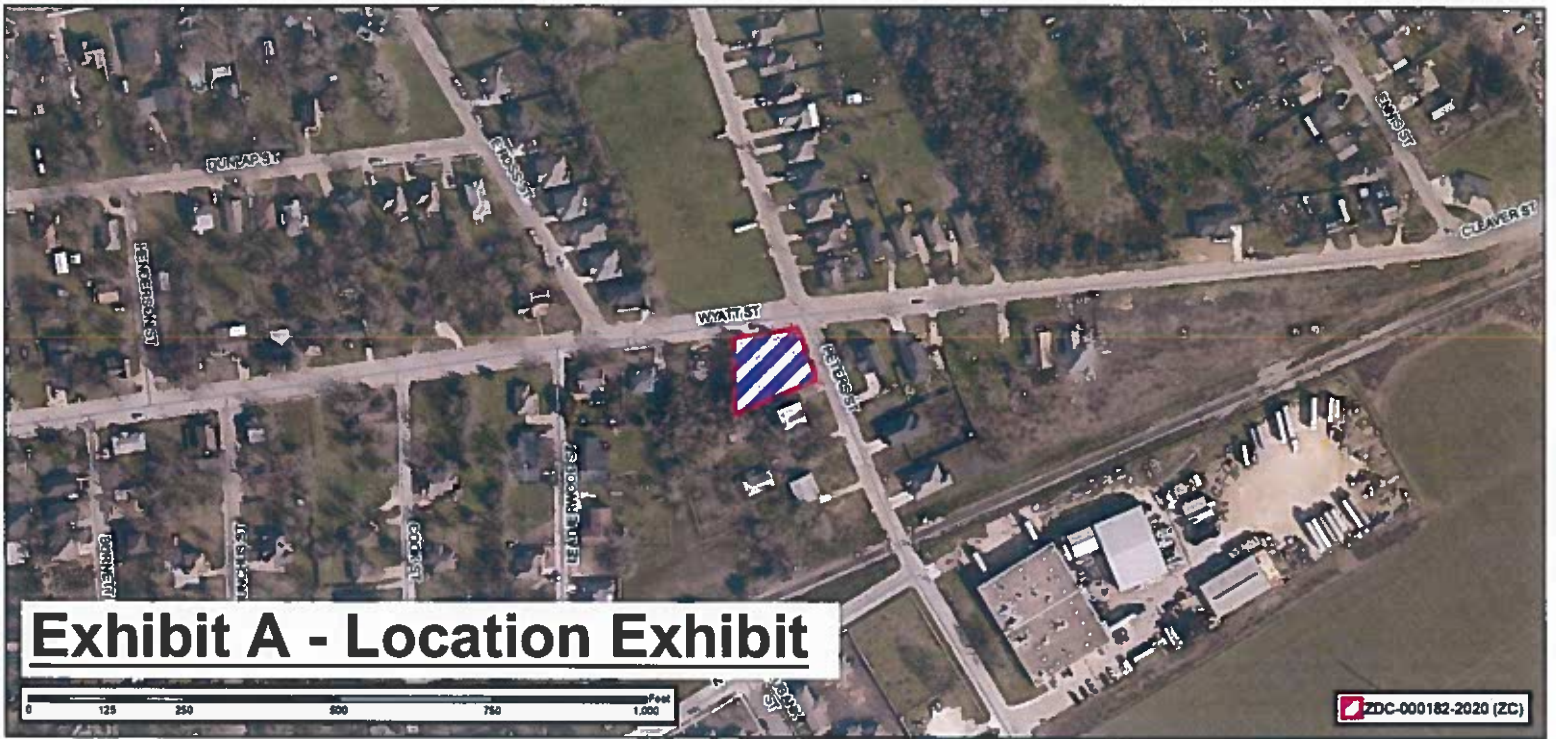
\_\_\_\_\_  
MAYOR

ATTEST:

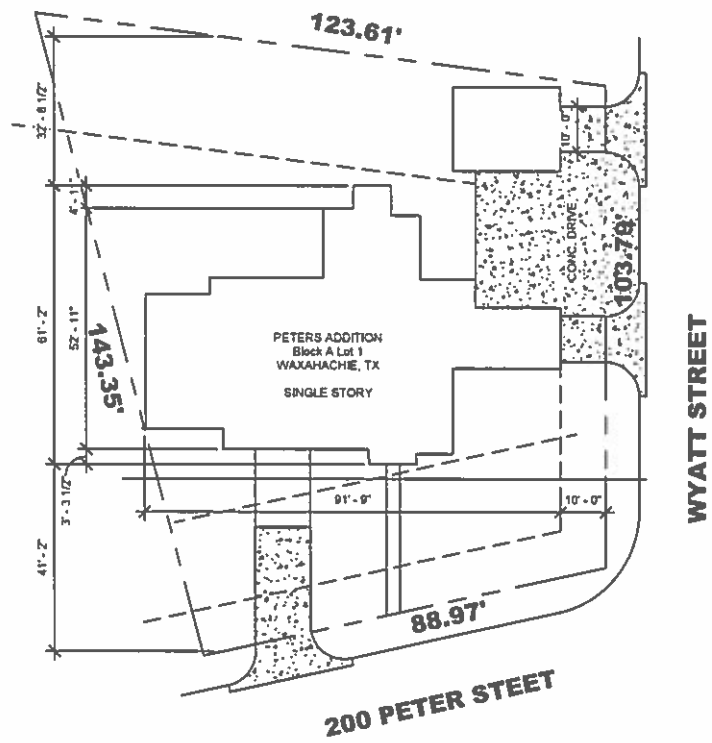
\_\_\_\_\_  
City Secretary



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**Exhibit B - Site Layout Plan**

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## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager  
Date: January 29, 2021  
Re: ZDC-179-2020 – Dominion Park

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On January 29, 2021, the applicant requested to continue case number ZDC-179-2020 from the February 9, 2021 Planning and Zoning Commission meeting agenda and the February 15, 2021 City Council meeting agenda to the February 23, 2021 Planning and Zoning Commission meeting agenda, and the March 1, 2021 City Council meeting agenda.

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## Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: February 12, 2021

Re: Grove Creek Lift Station Odor Abatement Emergency Purchase

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On Monday February 15, 2021 an item to authorize the emergency purchase of a passive odor abatement system for the Grove Creek Lift Station from Core & Main, will appear before the City Council for consideration, in the amount of \$71,350.

The Grove Creek Lift Station Expansion Project was completed late last year; however, since completion the surrounding neighbors notified the City that there has been odors emitting from the lift station. In response, staff utilized the project engineer to perform an analysis to determine what abatement method would be most efficient to address this issue. The project engineer has recommended the installation of a passive odor control system to effectively reduce the odor emissions coming from the lift station.

Staff obtained three quotes from vendors and Core & Main was the lowest. After consultation with the City Attorney, it was determined that this equipment would qualify as an emergency purchase.

This odor abatement system will effectively resolve the odor matter at the Grove Creek Lift Station and minimize any impact on the surrounding neighborhood.

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The purchase order has been issued to the vendor for the equipment with the delivery scheduled of four-weeks. City staff or a third party contractor will perform the installation upon equipment delivery, with the odor abatement system anticipated to be operational within two-week, with the anticipated in-service date of approximately March 24, 2021.

This purchase will utilize projects savings from the Grove Creek Lift Station Expansion Project, which was associated with the City's Capital Improvement Program.

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

Tommy Ludwig

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**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ('CITY') IN SUPPORT OF CANDIDATE NOMINATION FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS VACANCY FOR THE YEAR 2021**

**WHEREAS**, Section 6.03 (1) of the Texas Property Tax Code, requires that each taxing unit entitled to vote may nominate by Resolution one candidate to fill the vacancy and submit those nominations to the Chief Appraiser of the Ellis Appraisal District by Friday February 19, 2021; and

**NOW, THEREFORE**, the City of Waxahachie submits the following nomination for the vacancy on the Board of Directors of Ellis Appraisal District for 2021:

\_\_\_\_\_  
Kevin Strength

**ACTION TAKEN** this \_\_\_\_\_ day of \_\_\_\_\_, 2021, in the Waxahachie Session of the governing body of the above-mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of nominating candidates to the Board of Directors of Ellis Appraisal District.

**PASSED AND APPROVED** this 15th day of February 2021.

\_\_\_\_\_  
David Hill, Mayor

**ATTEST:**

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

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**Cartwright, Lori**

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**To:** Kathy Rodrigue  
**Subject:** RE: Vacancy on the 2021 Ellis Appraisal District Board of Directors

---

**From:** Kathy Rodrigue <kathy@elliscad.com>  
**Sent:** Friday, January 22, 2021 11:19 AM  
**Subject:** Vacancy on the 2021 Ellis Appraisal District Board of Directors

Hello All,

Tom Abram, who has served on the Ellis Appraisal District Board of Directors(BOD) since 2014, has submitted his resignation effective February 1, 2021 from the Board. Mr. Abram has been an extremely valuable member of the Board of Directors. Ellis Appraisal District is better for having his leadership, business acumen and willing stewardship!

If you previously submitted a nomination to fill Mr. Pitts vacancy, this will be an entirely new process in compliance with the law, so please follow the timeline below for submitting a nomination for Mr. Abram's vacancy.

The Texas Property Tax Code Section 6.03(l) speaks to the process where a vacancy on the BOD is filled. Each taxing unit that is entitled to vote may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy. Please see the timeline and eligibility requirements for this process.

Here is the timeline to address this vacancy:

- Please have your governing body act to nominate a candidate by resolution (please see attachment) by **Thursday, February 18<sup>th</sup>**
- Please submit your nominations by **Friday, February 19<sup>th</sup>** (please also include a resume with phone and email contact information for your nominee)
- The list of nominees will be sent to the current Board of Directors
- The Board of Directors will act on **Thursday, February 25<sup>th</sup> at 4pm** to fill the vacancy from the list of nominees
- You will receive notification of the new member on the Board of Directors

Here is what the Property Tax Code Sec 6.03(a) and 6.035 says about eligibility:

- To be eligible to serve on the board of directors, an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office.
- An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit.
- An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.
- An individual is ineligible to serve if the individual:
  - is related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district;
  - or owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless:
    - (A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02; or

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(B) a suit to collect the delinquent taxes is deferred or abated under Section 33.06 or 33.065

- An individual is ineligible to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title (for use in an ARB hearing or a tax agent) or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding five years.

Please let me know if you have any questions,  
Kathy

Kathy Rodrigue, RPA  
Chief Appraiser, Ellis Appraisal District

***Let's serve others and make a difference in this world!***

Direct Line: 972.937.3218  
Fax: 972.937.1618



(13)



## Memorandum

To: Honorable Mayor and City Council  
From: Warren Kettelman, Economic Development Director  
Thru: Michael Scott, City Manager  
Date: February 15, 2021  
Re: Consideration of a Resolution Amending the Guidelines and Criteria (Policy) for Governing Economic Development Incentives

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**Item Description:** Consideration of a resolution amending the guidelines and criteria (policy) for governing economic development incentives. Texas State Code requires that local governments review and renew their guidelines and criteria for governing Economic Development Incentives every two years.

**Recommendation:** The Economic Development Commission and City staff recommend approval.

**Item Summary:** City staff has reviewed the City's existing Policy on Economic Development Incentives and have determined that a number of amendments need to be made. Staff presented the proposed changes to the Economic Development Commission on Tuesday, February 9, 2021. The Commission approved staff's recommended changes along with some additional ones introduced by the Commission members during the meeting.

In general, the amendments to the policy include removing verbiage referencing other taxing entities within Ellis County, amendment of a definition, removal of references to specific City staff, changes to

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language to allow for more cohesive procedures and better understanding, and better reflect a new state law.

Proposed amendments to the incentives policy are listed below:

1. In Section I, removing the verbiage "... or any other taxing entity..."
2. In Section II, amending the definition of "Permanent Employee" to include verbiage for health benefits and wage thresholds. Also changing "full time" to "permanent" in Section III to properly reflect the definition for employees.
3. In Section III(A), amending the verbiage to better clarify the employment requirements new and existing companies.
4. In Section III(D), including "strategic" with "comprehensive" in reference to an applicant's use being consistent with the City's plans.
5. In Section IV, paragraph #2, including "Any incentives allowable by state and federal laws may be considered." to allow for consideration of new state and federal programs that are now available and may become available in the future.
6. In Section IV(A), changing the word "shall" to "may" to allow for more flexibility.
7. In Section V, paragraph #2, removing "as required by the City Manager".
8. In Section V, removing item #E which pertains to Ellis County.
9. In Section V, paragraph #4, removing "City Manager" references. Also the inclusion of the "Economic Development Commission" for receipt of an application.
10. In Section V, paragraph #7, changing a portion of the verbiage from paragraph form to a bulleted list.
11. In Section V, paragraph #8, adding language to reflect the changes in State Law, specifically Chapter 2270 of the Texas Government Code which requires a company that is under contract or agreement with a local government to agree not to boycott Israel.

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12. In Section V, adding a paragraph to provide instruction to applicants of the proper filing of the annual "Application for Property Tax Abatement Exemption" paperwork.
13. In Section VI, changing "at reasonable times" to "during regular business hours" to provide clarity and to be consistent with the language in the Tax Abatement Agreement template.
14. In Section VIII, adding "or amended" to the sentence discussing voting requirements.

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

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## CITY OF WAXAHACHIE, TEXAS POLICY ON ECONOMIC DEVELOPMENT INCENTIVES

### I. PURPOSE AND OBJECTIVE

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

### II. DEFINITIONS

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

### III. CRITERIA FOR ECONOMIC DEVELOPMENT INCENTIVES

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

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

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

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

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#### IV. TYPES OF INCENTIVES

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

The criteria outlined in Section III above will be used to determine whether it is in the best interest of the City of Waxahachie to provide any economic development incentives to a particular applicant. The degree to which the specified project furthers the goals and objectives of the City of Waxahachie and the relative impact of the specified project will be used to determine the total value of the incentives provided. As a general rule, no tax abatement will be provided to any applicant in an amount exceeding the value of the following:

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

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through January 1st of two consecutive years. Tax abatements granted during construction in progress are in addition to any long-term abatements granted.

**V. APPLICATION PROCEDURES**

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

Applicant shall file an application form ~~as required by the City Manager~~, which shall include at least the following information:

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

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~~(5) The owner/proponent shall file a separate application with the County. The County may approve the same tax abatement agreement as the City or it may develop its own agreement. The County may request additional information from that submitted to the City.~~

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

Once the application has been received, the information submitted will be reviewed ~~by the City Manager~~ for completeness and accuracy. ~~The City Manager will then distribute it~~ the application ~~will then be distributed~~ to the appropriate departments for internal review and comments. Following staff review, copies of the complete application package and staff comments will be provided to the ~~Economic Development Commission and subsequently to~~ City Council. The Economic Development Commission will meet to discuss the proposal at a work session prior to making a formal recommendation to the City Council.

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

Should the City Council determine that it is in the best interest of the City of Waxahachie to provide tax abatement incentives to a particular applicant, a resolution shall be adopted declaring that under the guidelines and criteria established herein, the application is eligible for tax abatement incentives and that the Mayor is

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authorized to execute a contract with the application enumerating the type of incentives and governing the conditions applicable to them. Any agreement so adopted must include at least the following specific items.

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

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

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

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

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

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

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

**VI. COMPLIANCE AUDITS, REVIEWS AND INSPECTIONS**

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

**VII. AMENDMENTS TO THESE GUIDELINES AND CRITERIA**

The guidelines and criteria adopted herein shall not be amended except by three-fourth (3/4ths) vote of the City Council. Amendments to these guidelines and criteria must be initiated by resolution approved by two-thirds (2/3rds) of the voting members of the Economic Development Commission and thereafter submitted to the City Council.

**VIII. EFFECTIVE DATE**

These guidelines and criteria adopted herein shall be effective for two (2) years from ~~January 22, 2019, February 22, 2021~~ unless otherwise repealed in their entirety or amended by ~~a majority three-fourth (3/4ths)~~ vote of the City Council.

PASSED and APPROVED this ~~22<sup>nd</sup>~~ day of ~~January~~February, 20~~19~~21.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

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RESOLUTION NO. \_\_\_\_\_

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

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

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

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

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

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

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

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

Section 3. That such guidelines and criteria shall be effective for two (2) years from February 15, 2021 and may only be amended or repealed by a three-fourths vote of the City Council.

PASSED AND APPROVED this 15th day of February, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

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CITY SECRETARY

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## Exhibit "A"

# CITY OF WAXAHACHIE, TEXAS POLICY ON ECONOMIC DEVELOPMENT INCENTIVES

### I. PURPOSE AND OBJECTIVE

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

### II. DEFINITIONS

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

### III. CRITERIA FOR ECONOMIC DEVELOPMENT INCENTIVES

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

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

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

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

### IV. TYPES OF INCENTIVES

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

The criteria outlined in Section III above will be used to determine whether it is in the best interest of the City of Waxahachie to provide any economic development incentives to a particular applicant. The degree to which the specified project furthers the goals and objectives of the City of Waxahachie and the relative impact of the specified project will be used to determine the total value of the incentives provided. As a general rule, no tax abatement will be provided to any applicant in an amount exceeding the value of the following:

- A. Where the increased value of the eligible improvements exceeds \$2,000,000 over the value in the year in which the agreement is executed, the amount of the tax abatement may not exceed sixty percent (60%) of the taxes assessed and such abatement may not exceed a term of seven (7) years.
- B. Where the increased value of the eligible "new business" improvements exceed \$50,000,000 over the value in the year in which the agreement is executed, the amount of the tax abatement may be 100% of the taxes assessed for said eligible improvements for a maximum of two years to allow for

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construction in progress. To receive a maximum two year, 100% abatement, construction must extend through January 1st of two consecutive years. Tax abatements granted during construction in progress are in addition to any long-term abatements granted.

## V. APPLICATION PROCEDURES

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

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

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

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

Once the application has been received, the information submitted will be reviewed for completeness and accuracy. The application will then be distributed to the appropriate departments for internal review and comments. Following staff review, copies of the complete application package and staff comments will be provided to the Economic Development Commission and subsequently to City Council. The Economic Development Commission will meet to discuss the proposal at a work session prior to making a formal recommendation to the City Council.

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

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

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

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

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

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

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

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

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

**VI. COMPLIANCE AUDITS, REVIEWS AND INSPECTIONS**

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

**VII. AMENDMENTS TO THESE GUIDELINES AND CRITERIA**

The guidelines and criteria adopted herein shall not be amended except by three-fourth (3/4ths) vote of the City Council. Amendments to these guidelines and criteria must be initiated by resolution approved by two-thirds (2/3rds) of the voting members of the Economic Development Commission and thereafter submitted to the City Council.

**VIII. EFFECTIVE DATE**

These guidelines and criteria adopted herein shall be effective for two (2) years from February \_\_\_\_, 2021 unless otherwise repealed in their entirety or amended by three-fourth (3/4ths) vote of the City Council.

PASSED and APPROVED this \_\_\_ day of February, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

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CITY SECRETARY

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## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager  
Date: February 11, 2021  
Re: Proposal for consulting services for the Comprehensive Plan

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On Monday February 15, 2021, a Proposal for professional consulting services by Verdunity for preparation of a Comprehensive and Thoroughfare Plan will appear before City Council for its consideration in the amount of \$249,925. The City's existing Comprehensive Plan was completed in 2007, with an addendum in 2016. This is a planned expense and staff budgeted \$250,000 in the FY20-21 budget for this scope of work.

Staff evaluated proposals and interviewed three qualified firms for the completion of this project. Through the evaluation process, staff determined Verdunity is best suited to complete this work which includes all elements desired for this plan. The projected timeline for this project is 12-18 months, and Planning and Zoning Commission and City Council will be actively involved throughout the project. City staff suggests that City Council approve the firm Verdunity as the selection to complete the City of Waxahachie's Comprehensive and Thoroughfare Plans.


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

Tommy Ludwig

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## Memorandum

To: Honorable Mayor and City Council  
From: Michael Scott, City Manager   
Thru:  
Date: February 12, 2021  
Re: Approval of CMAR for City Hall Annex Project

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Staff continues to work diligently to advance the City Hall Annex Project. The City's project team received five proposals in our call for a Construction Manager at Risk ("CMAR"). On Friday, February 5<sup>th</sup> the top three firms were interviewed to meet their project team, hear about qualifications and approach to this project. Steele & Freeman, Inc. from Fort Worth, TX was selected through this competitive bidding process as the CMAR of choice to engage for this very important work.

While the proposed fees were considered, all five proposals included a fee structure that made the cost difference nominal. Therefore, we considered closely the firm's experience on **similar** projects, project team experience, staffing model, approach to project and post-construction services.

The CMAR will begin working closely with the project architect, Architexas. Their role will include planning for the construction phase of the project, but even more important will be to begin the pre-construction services phase, which includes the pricing of the various design elements to make sure that what is being designed falls within the project budget. This early involvement of the construction manager in the project and the ability to minimize budget surprises later are some of the key advantages of the CMAR project delivery method. Steele & Freeman, Inc. had a no-cost bid for this phase of the project and as such, there is no request for funding authorization at this time.



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As a reminder, the anticipated cost of this project remains at \$13.5M in construction costs. This figure has been made clear to the architect as well as the proposing CMAR firms. The final construction cost or Guaranteed Maximum Price (or "GMP") will be brought back to Council in the future for final approval for these expenses.

At this time, I am requesting approval of the recommendation to proceed with Steele & Freeman, Inc. to serve as the CMAR for the City Hall Annex Project.