

AGENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on ***Tuesday, September 7, 2021 at 7:00 p.m.***

Council Members: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

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

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 August 16, 2021
 - b. Minutes of the City Council briefing of August 16, 2021
 - c. Minutes of the City Council special meeting of August 31, 2021
 - d. Stampede of Speed Fan Fest Events October 6-7, 2021
 - e. Event application for North Texas Oldsmobile Club Car Show for September 25, 2021
 - f. Event application for Oddfest 2021 on October 2, 2021
 - g. Supplemental Appropriation for Emergency Repair at Howard Road Water Treatment Plant
 - h. Bid Award and Supplemental Appropriation for FY 21-22 for Broadhead Road Pavement Repair
 - i. Supplemental Appropriation for FY 21-22 for aesthetic enhancements for Butcher Road bridge
6. ***Continue Public Hearing*** on a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Rental, Sales, or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021)

7. **Consider** proposed Ordinance approving ZDC-100-2021
8. **Public Hearing** on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)
9. **Consider** proposed Ordinance approving ZDC-122-2021
10. **Public Hearing** on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1), to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road (Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021)
11. **Consider** proposed Ordinance approving ZDC-116-2021
12. **Public Hearing** on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)
13. **Consider** proposed Ordinance approving ZDC-105-2021
14. **Public Hearing** on a request by Gilberto Escobedo, Jr. for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)
15. **Consider** approving SUB-109-2021
16. **Public Hearing** on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store with Gasoline Sales (7-Eleven) within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021)
17. **Consider** proposed Ordinance approving ZDC-113-2021
18. **Consider** Development Agreement for ZDC-113-2021
19. **Consider** proposed Ordinance approving revised budget figures for fiscal year 2020-2021 and approving the budget for fiscal year 2021-2022
20. **Consider** proposed Ordinance amending Water and Wastewater fees and setting an effective date of October 1, 2021
21. **Consider** a motion to ratify the property tax revenue increase reflected in the Fiscal Year 2021-2022 budget in accordance with the Texas Local Government Code
22. **Consider** proposed Ordinance adopting the Tax Rate for fiscal year 2021-2022

23. *Consider* proposed Ordinance re-establishing classified positions under Civil Service
24. *Consider* proposed Ordinance approving an Interlocal Boundary and ETJ Agreement adjusting the current and ultimate boundaries of the City of Waxahachie's Extraterritorial Jurisdictional and Corporate Limits between the City and the City of Midlothian
25. *Consider* bid award for 2021 Asphalt Rehabilitation Project to Reynolds Asphalt & Construction Inc. and contingency
26. *Consider* appointments to Boards and Commissions
27. Comments by Mayor, City Council, City Attorney and City Manager
28. Adjourn

The City Council reserves the right to go into Executive Session on any posted item. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

City Council
August 16, 2021

(5a)

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, August 16, 2021 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Pastor Bill Schoneman, Waxahachie Bible Church, gave the invocation. Council Member Travis Smith led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Melissa Chapman, representing Gingerbread Antiques at 310 S. College, Waxahachie, Texas, requested denying the event application for Big Al-O-Ween Party. She noted closing S. Rogers, between Franklin and Jefferson, would create a traffic issue due the surrounding current construction. Ms. Chapman suggested alternate locations such as Railyard Park or Franklin Street, between S. Rogers and Elm.

Melissa Baker, representing Old Town Village at 307 S. Rogers, Waxahachie, Texas, requested denying the event application for Big-Al-O-Ween Party due to current downtown construction, noting S. Rogers is a main artery into downtown.

Dr. Kevin Fegan, President of Navarro College, thanked City Council for their support in assisting Navarro College with the passing of House Bill 885, which allows Navarro College to offer a baccalaureate degree program in nursing.

Alan Fox, 327 University, Waxahachie, Texas, expressed his support for allowing public input for naming the annex building. He also spoke in support of property donated to the City to be used for the citizens and not as a revenue source.

(5a)

Patrick Souter, 700 W. Main Street, Waxahachie, Texas, echoed the comments from Ms. Chapman and Ms. Baker in regards to closing S. Rogers Street. He expressed his concerns with setting a precedent of closing public streets for private events.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 2, 2021
- b. Minutes of the City Council briefing of August 2, 2021
- c. Minutes of the City Council work session of August 2, 2021
- d. Minutes of the City Council work session of August 9, 2021
- e. Set City Council meeting for September 7, 2021
- f. Event application for Rewind the Tracks Ole School Music on August 28, 2021
- g. Event application for Wings 'N' Wheels Fly-in/Drive-in on September 18, 2021
- h. Event application for Big Al-O-Ween Party on October 30, 2021
- i. Resolution to approve a Negotiated Settlement Between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

RESOLUTION NO. 1315

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

Action:

Mayor Pro Tem Billie Wallace moved to deny item h. on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.

Action:

Council Member Melissa Olson moved to approve items a. through g. and item i. on the Consent Agenda. Mayor Pro Tem Billie Wallace seconded, All Ayes.

6. Continue Public Hearing on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2

(5a)

zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-105-2021 to the September 7, 2021 City Council meeting.

7. Consider proposed Ordinance approving ZDC-105-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021) to the September 7, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

8. Public Hearing on a request by Jaclyn Archer, Archer Recycling Inc., for a Specific Use Permit (SUP) for Clothing Bin Donation Box use within a Planned Development-25-Commercial zoning district located at 2100 Brown Street (Property ID 179006) - Owner: BRIDGEPOINT JOINT VENTURE (ZDC-111-2021)

Mayor Barnes opened the Public Hearing.

Executive Director of Development Services Shon Brooks presented the case noting the applicant is requesting approval to allow four (4) clothing bin donation boxes to operate in the parking lot of the proposed site. He noted staff and the Planning & Zoning Commission recommended denial due to staff concerns with maintenance/service, location, and property ownership.

Jaclyn Archer, 2811 London Lane, Crowley, Texas, requested approval to allow continuance of her small business. She explained she has had bins in Waxahachie for four years and pays monthly rent to the property owners. She noted she understands staff concerns and is willing to work with the City to move the bins to an area to the rear of the property. She explained there are sensors in place on the bins to notify her when the bins need to be emptied and she also relies on the property owners to notify her of overflow or trash that needs to be removed.

Council Member Melissa Olson asked how long she has had bins at this location and if she is permitted in other cities. Ms. Archer noted they have been on-site for about 3 ½ years and she is in multiple cities in the area and each city handles the business differently. Council Member Olson asked if Ms. Archer ever contacted the City for compliance and Ms. Archer noted there are no specifications in the ordinances requiring permission.

Council Member Travis Smith asked where the products are sent and Ms. Archer noted they are sold by the pound to a buyer and then they are sent to different places: thrift store, other countries, or recycled. She explained the focus is to keep clothing out of landfills.

There being no others to speak for or against ZDC-111-2021, Mayor Barnes closed the Public Hearing.

(5a)

Council Member Smith noted this case needs to be distinguished from a donation box since this is a for profit business and is concerned this use is not addressed.

Council Member Olson explained she is troubled that the owner never contacted the city for permission since she deals with so many other municipalities for permitting this business.

9. Consider proposed Ordinance approving ZDC-111-2021

Action:

Mayor Pro Tem Billie Wallace moved to deny ZDC-111-2021. Council Member Travis Smith seconded, All Ayes.

10. Public Hearing on a request by Jaclyn Archer, Archer Recycling Inc., for a Specific Use Permit (SUP) for a Clothing Donation Box within a Commercial zoning district located at 1713 W Hwy 287 Business (Property ID 201987) - Owner: RAJU CORPORATION (ZDC-112-2021)

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for one (1) clothing bin to be located at the subject property. He noted staff and the Planning & Zoning Commission recommended denial due to staff concerns with maintenance and location.

Ms. Archer explained she is concerned with why she is being kicked out of the city if the bins are clean noting she has a right to do business and she isn't breaking any rules.

There being no others to speak for or against ZDC-112-2021, Mayor Barnes closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-112-2021

Action:

Mayor Pro Tem Billie Wallace moved to deny ZDC-112-2021. Council Member Travis Smith seconded, All Ayes.

12. Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store with Gasoline Sales (7-Eleven) within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021)

Mayor Barnes opened the Public Hearing and announced at the August 10, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue case ZDC-113-2021 to the next meeting.

13. Consider proposed Ordinance approving ZDC-113-2021

Action:

(sa)

Council Member Melissa Olson moved to continue the Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store with Gasoline Sales (7-Eleven) within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021) to the September 7, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

14. Consider Development Agreement for ZDC-113-2021

Action:

No action taken.

15. Public Hearing on a request by Anita Linney-Isaacson, HKS, Inc., for an Amendment to Ordinance No. 2649 to allow for an additional Medical Facility, within an approved commercial planned development located at 2400 N I-35 (Property IDs 180334) - Owner: BAYLOR HEALTH CARE SYSTEM (ZDC-110-2021)

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to amend Ordinance No. 2649 to allow for an additional medical facility for Baylor Scott & White Hospital. The proposed project will include an additional building to the site that will house a second hospital, medical office suites, and shell space that will be connected to the existing hospital with a second-floor connector. Mr. Brooks noted staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement must be signed by the applicant.
2. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3649 requirements.

There being no others to speak for or against ZDC-110-2021, Mayor Barnes closed the Public Hearing.

16. Consider proposed Ordinance approving ZDC-110-2021

ORDINANCE NO. 3287

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 AN ADDITIONAL MEDICAL FACILITY (PHASE II ADDITION) FOR BAYLOR SCOTT & WHITE HOSPITAL, LOCATED AT 2400 N. INTERSTATE 35E, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 43.76 ACRES KNOWN AS PROPERTY ID 180334, LOT PT 1, BLOCK A, OF BAYLOR WAXAHACHIE HOSPITAL, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

(5a)

Council Member Melissa Olson moved to approve Ordinance No. 3287. Council Member David Hill seconded, All Ayes.

17. Consider Development Agreement for ZDC-110-2021

Action:

Council Member David Hill moved to approve a Development Agreement for ZDC-110-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

18. Consider and act on the 2021-22 annual service plan update for the Waxahachie PID No. 1

Mr. Joshua Arendt, Administrator for Municap, Inc., presented the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll.

In summary, he reported Phase One and Phase Two improvements are complete and accepted by the City. Mr. Arendt presented the annual budget for the District which includes two main components to provide funding and sources for funding of the debt service on the bonds that were issued and administration cost. Phase 1 budget totals \$134,783.00, Phase 2 budget totals \$68,786.00, and Phase 3 totals \$132,046. He reviewed the annual installments per lot type and noted there are no changes to assessment methodology. He explained the parcels within the Phase 1 and Phase 2 of the District have been fully subdivided.

He reviewed the prepayment summary:

- Phase One, no additional prepayments since last year's annual SAP update and Four Lot Type 2 Parcels and Two Lot Type 3 Parcels were prepaid in full within Phase 1 of the PID.
- Phase Two, one additional prepayment for a Lot Type 1 Parcel since last year's annual SAP update and One Lot Type 1 Parcel, One Lot Type 2 Parcel, and three Lot Type 3 Parcels were prepaid in full within Phase Two of the PID.
- Phase Three, no prepayments as of the date of this report.

Action:

Council Member David Hill moved to approve the 2021-22 annual service plan update for the Waxahachie PID No. 1 as presented. Council Member Melissa Olson seconded, All Ayes.

19. Consider and act on the 2021-22 annual service plan update for the North Grove PID

Mr. Arendt presented the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll.

In summary, he reported Improvement Area #1 is complete and accepted by the City. He reported the total authorized improvements for Area #2 is \$5,281,655.00. Mr. Arendt presented the annual budget for Improvement Area #1 budget totals \$563,756.00 and Improvement Area #2 budget totals \$0. He reviewed the Parcel Subdivision History noting there are 826 total lots and no changes to the assessment methodology.

(5A)

He reviewed the prepayment summary:

- Improvement Area #1, no prepayments as of July 31, 2021
- Improvement Area #2, no prepayments as of July 31, 2021

Action:

Mayor Pro Tem Billie Wallace moved to approve the 2021-22 annual service plan update for the North Grove PID as presented. Council Member David Hill seconded, All Ayes.

20. Consider setting Proposed Tax Rate and Dates for Public Hearing

Finance Director Chad Tustison reported, as part of the annual budget process, Chapter 26 of the Property Tax Code requires taxing units to comply with the truth-in-taxation laws in adopting their tax rates. He stated the FY 2022 proposed budget includes a proposed tax rate of \$0.66000. Staff recommended taking a record vote to propose an ad valorem tax rate of \$0.66000 for FY 2022 and schedule a public hearing for Tuesday, August 31, 2021 at 6:00 p.m. The City Council will consider adoption of the tax rate for FY 2022 on September 7, 2021.

Action:

Council Member David Hill moved to set a proposed tax rate of 66 cents per \$100, schedule a public hearing on the tax rate for August 31, 2021 at 6:00 p.m., and vote to adopt the tax rate on September 7, 2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

21. Consider authorizing an Initial Guaranteed Maximum Price for construction activities associated with the City Hall Annex Project

Director of Administrative Services Richard Abernethy requested approval to authorized an Initial Guaranteed Maximum Price for construction activities associated with the City Hall Annex Project in the amount of \$14,500,000.00. He explained approval would authorize the City Manager to move forward with authorizing the necessary bid packages that are associated with each stage of construction for the Annex facility. He explained a total of \$7,500,000.00 was included in the recently approved FY20-21 bond package, \$7,000,000.00 was included in the FY21-22 operation and maintenance budget, and there is approximately \$1,500,000.00 in additional costs for furniture, fixtures, equipment, technology, and moving expenses. He noted staff anticipates requesting the additional authorization for those expenditures early in the 2021-2022 Fiscal Year.

Jon Vidaurri, Vidaurri Management Group, presented an updated rendering of the City Hall Annex including floor plans for the facility.

Action:

Council Member David Hill moved to approve authorizing an Initial Guaranteed Maximum Price for construction activities associated with the City Hall Annex Project in the amount of \$14,500,000.00. Mayor Pro Tem Billie Wallace seconded, All Ayes.

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

Executive Director of Development Shon Brooks announced there will be a Comprehensive Plan Advisory Committee meeting on August 31, 2021 at 6:30 p.m.

Council Member Travis Smith encouraged Big Al to reapply for his event application after addressing citizen concerns. He explained his vote of denial for the clothing bins was to support regulations and not a vote against small businesses.

City Manager Michael Scott congratulated Dr. Kevin Fegan on House Bill 885 allowing Navarro College to offer a baccalaureate degree program in nursing. Mr. Scott thanked City Council for their support on the City Hall Annex Project.

Mayor Pro Tem Billie Wallace thanked the City for sending herself and Council Member Smith to the TML Newly Elected Officials Orientation. She also expressed her appreciation for citizen involvement and meeting attendance.

Council Member David Hill expressed his appreciation to Dr. Fegan for his work on House Bill 885. Council Member Hill thanked the first responders for keeping the city safe and noted military veterans are in everyone's prayers.

Mayor Doug Barnes thanked Dr. Fegan for all his work in the successful passing of House Bill 885.

23. Adjourn

There being no further business, the meeting adjourned at 8:18 p.m.

Respectfully submitted,

Amber Villarreal
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, August 16, 2021 at 6:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes 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 following agenda items:

- Item 5e. The next Council meeting will be Tuesday, September 7th due to the Labor Day holiday.
- Item 5f-5h. event applications for Rewind the Tracks Ole School Music on August 28, 2021, Wings 'N' Wheels Fly-in/Drive-in on September 18, 2021, and Big Al-O-Ween Party on October 30, 2021.

Council Member Melissa Olson noted there will be citizens to speak on the Big-Al-O-Ween Party during Public Comments.

Deputy City Manager Albert Lawrence reviewed item 5i. noting the City is a member of the Atmos Steering Committee which has attorneys who negotiate the rate request from Atmos on behalf of cities. He explained the attorney fees are paid by Atmos and not the City.

Executive Director of Development Services Shon Brooks reviewed the following:

- Items 6-7. ZDC-105-2021, applicant requested to continue the Public Hearing to the September 7, 2021 City Council meeting.
- Items 8-9. ZDC-111-2021, staff and the Planning & Zoning Commission recommended denial due to staff concerns.
- Item 10.-11. ZDC-112-2021, staff and the Planning & Zoning Commission recommended denial due to staff concerns.

(5b)

- Items 12-14. ZDC-113-2021, applicant requested to continue to the September 7, 2021 City Council meeting.
- Items 15-17. ZDC-110-2021, staff recommended approval per staff comments.

Mr. Scott reviewed items 18-19. noting the Annual Service Plan Update will be presented by Municap, the City's Public Improvement District (PID) administrator. City Attorney Robert Brown explained the debt from the Public Improvement District is not City debt.

Director of Administrative Services Richard Abernethy requested approval authorizing an Initial Guaranteed Maximum Price for construction activities associated with the City Hall Annex Project in the amount of \$14,500,000. He explained approval would authorize the City Manager to move forward with authorizing necessary bid packages that are associated with each stage of construction for the Annex facility. Mr. Abernethy explained a total of \$7,500,000 was included in the recently approved FY20-21 bond package and another \$7,000,000 was included in the FY21-22 operation and maintenance budget. He reminded Council there is approximately \$1,500,000 in additional costs associated for furniture, fixtures, equipment, technology, and moving related expenses for the City Hall Annex that will be requested from Council early in the 2021-2022 Fiscal Year.

Mr. Jon Vidaurri, Vidaurri Management Group, reviewed the timeline of events, design/site plan, schedule, and budget summary for the City Hall Annex. He presented revised renderings of the Annex building noting some modifications were made to reduce unnecessary costs.

3. Adjourn

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(50)

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Tuesday, August 31, 2021 at 6:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

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

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Pro Tem Billie Wallace gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Paul Christenson, 100 Williams Street, Waxahachie, Texas, spoke in opposition of the proposed \$0.66 tax rate and the \$45 million-dollar debt through Certificates of Obligation. He requested using General Obligation bonds in the future so the citizens can vote.

Stacey Bailey, 105 Sunburst Drive, Waxahachie, Texas, requested Council to set, or get as close to, the no-new revenue tax rate to prevent taxing citizens out of their homes. She thanked Council Member Melissa Olson for requesting to lower the tax rate.

Alan Fox, 327 University, Waxahachie, Texas, explained property taxes comes with owning a home and people expect a return on their taxes. He noted the city has grown and so have the services the city provides. He thanked City Council and staff for their work and requested Council stay the course they are on.

Chris Wright, 808 West Marvin, Waxahachie, Texas, explained there are requirements for keeping certain fund balances and commended staff for their work during the budget process. He noted the current tax rate is the lowest from surrounding cities in our area.

Amy Hedtke, 106 Vanderbilt, Waxahachie, Texas, requested Council lower the tax rate explaining citizens need tax relief. She asked the City to align their budget with a lower tax rate.

5. Public Hearing on the proposed Tax Rate for fiscal year 2021-2022

(50)

Finance Director Chad Tustison reviewed the proposed tax rate at \$0.66000 per \$100 valuation, which is unchanged from the current rate. He explained the rate provides for additional funding for operating costs to keep pace with growth and to fund capital needs throughout the city. He explained \$0.48110 is for Operations and Maintenance (including Sims Library) and \$0.17890 is for Interest and Sinking. He noted the proposed rate exceeds the no-new-revenue rate of \$0.62588 but does not exceed the voter-approval tax rate of \$0.66050.

Mayor Barnes opened the Public Hearing on the proposed Tax Rate for fiscal year 2021-2022.

There being no others to speak for or against the Public Hearing on the proposed Tax Rate for fiscal year 2021-2022, Mayor Barnes closed the Public Hearing.

6. Public Hearing on the City of Waxahachie proposed Budget for fiscal year 2021-2022 and vote to set the date for adoption

Mr. Tustison presented the following FY 2022 proposed budget:

- General Fund \$52,737,125.00
- Water Fund \$15,755,704.00
- Waste Water Fund \$11,635,071.00
- Waxahachie Community Development Corporation Fund \$5,904,952.00
- Hotel/Motel Fund \$860,101.00

Mayor Barnes opened the Public Hearing on the City of Waxahachie proposed Budget for fiscal year 2021-2022.

There being no others to speak for or against the Public Hearing on the City of Waxahachie proposed Budget for fiscal year 2021-2022, Mayor Barnes closed the Public Hearing.

Action:

Mayor Pro Tem Billie Wallace moved to set the date for adoption of the City of Waxahachie Budget for fiscal year 2021-2022 to the City Council meeting of September 7, 2021. Mayor Doug Barnes seconded, All Ayes.

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

Council Member Travis Smith stated the pleas from citizens for a tax break are not going unheard. He explained the City needs to work towards moving closer to the no-new revenue rate to provide some relief to the citizens. He noted he is confident city staff is able to assist with reducing the tax rate, if that is the direction of the majority of Council. Council Member Smith noted he is confident with the proposed budget and commended staff for their work. He applauded the previous council for reducing the tax rate last year and he was disheartened that did not continue this year.

Council Member Melissa Olson stated she supports moving to the no-new revenue rate and does not believe it is too late to reduce the rate by at least 2-3 cents. She explained she does not have

(50)

an issue with the proposed budget but would like to reduce the tax rate and use fund balance to balance the budget. Council Member Olson thanked the citizens in attendance.

Mayor Pro Tem Billie Wallace stated she is pleased the City Council reduced the tax rate by 2 cents last year. She understands there are many demands in our city that are important to all of us, including city services such as first responders, roads, and infrastructure. City Council and city leaders want to continue to keep residents in Waxahachie and afford each of us the best standard of living. She explained there are other entities in the equation that comprise property taxes. She stated as a council member she will always have the upmost concern for the citizens and the needs of the city. Mayor Pro Tem Wallace thanked staff for their work and thanked the citizens in attendance.

Council Member David Hill stated City Council has held meetings to discuss the budget and tax rate; however, no one had proposed lowering the tax rate until tonight's meeting. Council Member Hill clarified the city issued \$43 million in bonds recently and because of the city's good financial standing, \$36 million in bonds were purchased and \$6,400,000 were given to the city. He expressed his support for the current rate explaining there has been plenty of opportunity for Council to request lowering the rate.

Mayor Doug Barnes stated the tax rate is discussed in the budget process and no one likes to pay additional taxes but the city has grown and so has the need for services. He pledged to do what the City can to keep the tax rate and taxes as low as possible so long as the City can continue to provide the quality of life and services that citizens deserve.

8. Adjourn

There being no further business, the meeting adjourned at 6:32 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



Memorandum

To: Honorable Mayor and City Council

From: Laurie Mosley

Thru: Michael Scott, City Manager 

Date: August 31, 2021

Re: Stampede of Speed Fan Fest Events

The Waxahachie Convention & Visitors Bureau and Texas Motorplex are excited to announce plans for the *Stampede of Speed Fan Fest* to take place at Railyard Park as part of the *37th Annual NHRA Texas Fall Nationals*.

Scheduled events to take place in Waxahachie include:

Wednesday, October 6 - Pub Crawl and Movie night with The Snake (6p – 10p)

Join the stars of the NHRA as they sample local brews and eateries in Waxahachie on a walking Pub Crawl followed by an exclusive showing of the film *Snake & Mongoose* featuring drag racing legend Don "The Snake" Prudhomme hosting an in-person Q&A and autograph session at Railyard Park. The evening will be capped off with a fireworks show.

Thursday, October 7 - Fan Fest and Scavenger Hunt (6p – 9p)

The wildly popular and free Fan Fest event will take place at Railyard Park highlighting race cars, interactive games, scavenger hunt with participating downtown merchants, concert with LIVE 80s – the Ultimate 80's Experience and family fun. A massive driver autograph session will be the highlight of the evening which will be capped off with a fireworks show.

Christie Meyer Johnson, Texas Motorplex co-owner and daughter of Motorplex founder Billy Meyer said, "We are working with our neighbors in Waxahachie to host a Wednesday night movie screenings with pub crawls and of course our free FanFest event in downtown Waxahachie on Thursday night with all the stars of the NHRA. The excitement level for the Stampede of Speed will only grow as more events are announced and we feel this will be one of the largest multi-day events in the Metroplex with fans coming to Texas to stay for the duration of the week."

(5d)



TEXAS FALL NATIONALS

STAMPEDE OF SPEED

OCTOBER 2-10, 2021

2ND

NIGHT LIGHTS

3RD

STAMPEDE OF SPEED MUSIC FEST
BBQ CONTEST & BEER EXPO

4TH

THE STAMPEDE OF SPEED NITRO SIDE SHOW
& SCOTT STURGEON CONCERT

5TH

INAUGURAL NHRA TEXAS
STAMPEDE OF SPEED SHOOTOUT

6TH

PRO INVITATIONAL
PUB CRAWL & MOVIE NIGHT WITH THE SNAKE

7TH

SPORTSMAN QUALIFYING
FAN FEST IN DOWNTOWN WAXAHACHIE

8TH

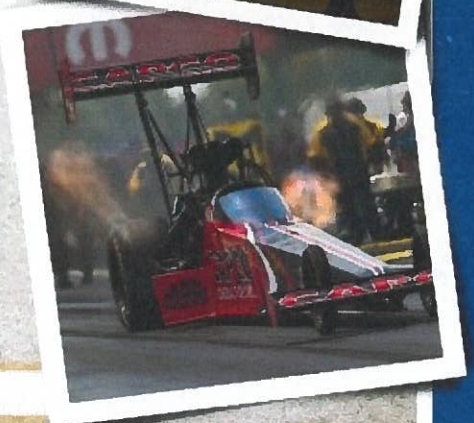
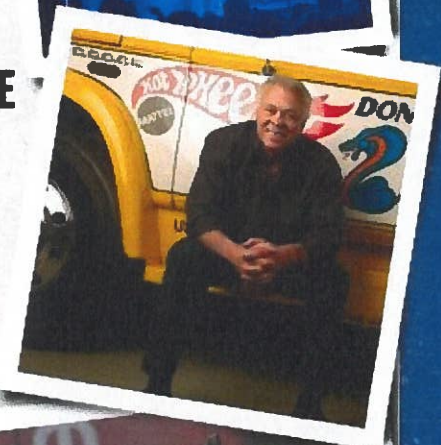
FRIDAY NIGHT LIVE AT TEXAS MOTORPLEX

9TH

FINAL QUALIFYING FOR
NHRA TEXAS FALL NATIONALS

10TH

NHRA TEXAS FALL NATIONALS RACE DAY



(5e)



Application for a Festival or Event Permit

Event Name and Description: North Texas Oldsmobile Club
Zone Show - Car Show

Applicant Information

Name: Cindy Payton
Address: 402 E. Pecan Tree Rd
City, State, Zip: Waxahachie 75165 Phone: 214 850 8193
E-mail Address: Cindy Payton 8193 @ gmail . com

Organization Information

Organization Name: North Texas Oldsmobile Club
Address: P.O. Box 856 Rowlett TX 75030-856
Authorized Head of Organization: Fred Burkle
Phone: 972 955-8909 E-mail Address: FBurkle @ yahoo . com

Event Chairperson/Contact

Name: Cindy Payton
Address: 402 E Pecan Tree Rd
City, State, Zip: Waxahachie 75165 Phone: 214 850 8193
E-mail Address: Cindy Payton 8193 @ gmail . com

Event Information

Event Location/Address: Singleton Plaza
Purpose: Car Show
Event Start Date and Time: Sept 25, 2021 8:00 AM

(5c)

Event End Date and Time: Sept 25, 2021 6:00pm

Approximate Number of Persons Attending Event Per Day: 30-40

Site Preparation and Set-Up Date and Time: Sept 25, 2021 7:00 AM

Clean-Up Completion Date and Time: Sept 25, 2021 5:00-6:00pm

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.

Request City to barricade ^{All} entrances for our use and provide 2 Trash Cans for one day only.

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

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

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO 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.

Cindy Payton
Signature of Applicant

8/30/21
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).

(5e)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, August 30, 2021 11:17 AM
To: Bonner, Jami
Subject: RE: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami [mailto:jami.bonner@waxahachie.com]
Sent: Monday, August 30, 2021 11:12 AM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>
Subject: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

For your review / comments. Thank you.

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

(50)

Bonner, Jami

From: Gaertner, James
Sent: Monday, August 30, 2021 4:57 PM
To: Bonner, Jami; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Martinez, Gumaro; Campos, Yadira; Massey, Matt; Martinez, Jose; Brooks, Shon
Cc: Villarreal, Amber; Crocker, Clarice; Scott, Michael; Lawrence, Albert
Subject: RE: Event Application - North Texas Oldsmobile Club Zone Show - Car Show
Attachments: EA2021.09.25 N. TX Oldsmobile Club Zone Show - Car Show.pdf

I don't have issues with this request. It appears that they only need barricades to close the Singleton Plaza Parking lot and not the street.

I am including Matt to this email. I am assuming Parks provides the trash cans.

James Gaertner, PE, CFM, CPM
Director of Public Works & Engineering
Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, August 30, 2021 11:12 AM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>
Subject: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

For your review / comments. Thank you.

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

(5c)

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, August 30, 2021 5:03 PM
To: Bonner, Jami
Subject: RE: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

I have no issues.

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

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, August 30, 2021 11:12 AM
To: Wade Goolsby <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; James Gaertner <jgaertner@waxahachie.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Matt Massey <mmassey@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Shon Brooks <sbrooks@waxahachie.com>
Cc: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>
Subject: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

For your review / comments. Thank you.

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

(5e)

Bonner, Jami

From: Martinez, Gumaro
Sent: Monday, August 30, 2021 5:17 PM
To: Bonner, Jami; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Gaertner, James; Campos, Yadira; Massey, Matt; Martinez, Jose; Brooks, Shon
Cc: Villarreal, Amber; Crocker, Clarice; Scott, Michael; Lawrence, Albert; Barnes, Bradley
Subject: RE: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

No comments from Parks Dept. – we can provide the poly carts (trash cans) needed. I will suggest we have at least 4 poly carts instead of 2.

Gumaro Martinez
City of Waxahachie
Executive Director of Parks & Leisure Services
401 S. Elm
Waxahachie, TX 75165
469.309.4271 direct
214.903.3676 work cell
gmartinez@waxahachie.com

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.

From: Bonner, Jami
Sent: Monday, August 30, 2021 11:12 AM
To: Wade Goolsbey <wgoalsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>
Subject: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

For your review / comments. Thank you.

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

(5e)

Bonner, Jami

From: Brooks, Shon
Sent: Monday, August 30, 2021 5:18 PM
To: Bonner, Jami
Subject: RE: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

No comments from Planning.

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, August 30, 2021 11:12 AM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>
Subject: Event Application - North Texas Oldsmobile Club Zone Show - Car Show

For your review / comments. Thank you.

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



(5P)

Application for a Festival or Event Permit

Event Name and Description: ODDFEST 2021 - IOOF #80
Annual Art Sale

Applicant Information

Name: Wayne Strickland
Address: 210 N. College St.
City, State, Zip: Waxahachie, Tx 75165 Phone: 972-814-0605
E-mail Address: collegestreetpub@yahoo.com

Organization Information

Organization Name: Waxahachie IOOF #80 Lodge
Address: 208 1/2 S. Rogers St.
Authorized Head of Organization: Wayne Strickland
Phone: 972-814-0605 E-mail Address: collegestreetpub@yahoo.com

Event Chairperson/Contact

Name: Wayne Strickland
Address: 210 N. College St.
City, State, Zip: Waxahachie, Tx 75165 Phone: 972-814-0605
E-mail Address: collegestreetpub@yahoo.com

Event Information

Event Location/Address: Singleton Plaza 200 N. Rogers St.
Waxahachie, Tx.
Purpose: Annual IOOF #80 Fundraiser
Event Start Date and Time: 10/2/2021 @ 10 AM.
Event End Date and Time: 10/2/2021 @ 6pm

Approximate Number of Persons Attending Event Per Day: ^(5k) ≈ 1,000 - 1,500 ^{come in 60.}

Site Preparation and Set-Up Date and Time: 10/2/2021 @ 08:00 pm

Clean-Up Completion Date and Time: 10/2/2021 @ 7:00 pm

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.

Art vendors; music; Beer; Wine; Food Trucks; vendors

Requested City Services: Port-A-Lets; Barriers; Poly Cans
1 large Dumpster; Hand wash station

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

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

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

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

Will dumpsters be needed? yes 1 large Dumpster

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.

[Signature] 8/11/2021
Signature of Applicant 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).

WAXAHACHIE T.N.

STREET P.O.S

College St.



440
Rail Road →

BRICK FENCE

Brick & Iron Fence

XXX
Closed

ENTRANCE/EXIT
ONLY
Security Posted

XXX
Closed

STAGE

SEATING
AREA

VENDOR
AREA

FOOD & DRINK
AREA

SINGLETON PLAZA

200 N. Rogers St. Waxahachie,
TEXAS

XXX
ENTRANCE/EXIT
Closed

XXX
Closed

XXX
Closed



ROGERS ST



CREEK

(15)

(5E)

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Thursday, August 12, 2021 8:08 AM
To: Bonner, Jami
Subject: RE: Event Application - Oddfest 2021

As long as they have permission to use the parking lot, I have no issues with it.

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

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, August 11, 2021 4:35 PM
To: Shon Brooks <sbrooks@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; James Gaertner <jgaertner@waxahachie.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Matt Massey <mmassey@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Oddfest 2021

For your review / comments. Thank you.

Oddfest 2021 – IOOF # 80
October 2, 2021

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

(5P)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Wednesday, August 11, 2021 5:08 PM
To: Bonner, Jami
Subject: Re: Event Application - Oddfest 2021

I don't have any concerns with this request.

Sent from my iPhone

On Aug 11, 2021, at 16:36, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

For your review / comments. Thank you.

Oddfest 2021 – IOOF # 80
October 2, 2021

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

<Event Application - 2021.10.02 Oddfest 2021 - IOOF # 80.pdf>

(5f)

Bonner, Jami

From: Me'Lony Jordan
Sent: Thursday, August 12, 2021 10:29 AM
To: Bonner, Jami
Subject: Re: Event Application - Oddfest 2021

All food trucks will need to apply for a temporary food establishment permit to ensure a recent passing health inspections. Applications and guidelines are available online under the building and community services dept..

Sent from my iPad

On Aug 11, 2021, at 4:34 PM, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

For your review / comments. Thank you.

Oddfest 2021 – IOOF # 80
October 2, 2021

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

<Event Application - 2021.10.02 Oddfest 2021 - IOOF # 80.pdf>

(5F)

Bonner, Jami

From: College St. Pub Waxahachie <collegestreetpub@yahoo.com>
Sent: Thursday, August 12, 2021 5:27 PM
To: Bonner, Jami
Cc: Villarreal, Amber
Subject: Re: Oddfest Questions

Jami,

Barricades will be utilized to block ingress into Singleton Plaza on Friday evening, October 1st. Additional barricades are placed the same evening to essentially divide the lot in two. Vendors load in that evening on one side leaving the other side open for the evening's downtown commerce. 12-15 barricades have typically been provided in the past.

Use of Singleton Plaza for the previous five years of Oddfest has been approved verbally with no written document required. The property owners provide a written approval to the TABC for the sale of alcohol for the event which is included in the application packet.

In years past the city through the Parks Department has been a valued partner in providing Portable toilets, poly cans, and a roll off dumpster. Lodge members can be counted upon to dump the cans and clean the lot and adjacent city property.

We hope we can count upon the city's support for Oddfest. Our event has provided a needed boost to our fundraising program as well as bringing new customers to our downtown district.

Regards,
Wayne.

[Sent from Yahoo Mail for iPhone](#)

On Thursday, August 12, 2021, 10:16 AM, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Good morning Wayne,

I received a couple of questions from staff in regards to Oddfest 2021. Please respond. Thank you.

Are the barricades requested to close the parking lot or roads? How many barricades are needed?

Do you have written permission from the property owner to utilize the parking lot?

(58)

Bonner, Jami

From: Martinez, Gumaro
Sent: Tuesday, August 17, 2021 8:52 PM
To: Gaertner, James; Bonner, Jami
Cc: Brooks, Shon; Martinez, Jose; Me'Lony Jordan; Griffith, Thomas; Ricky Boyd; Wade Goolsbey; Campos, Yadira; Drewry, Michaela; Massey, Matt; Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Oddfest 2021

We can provide them with porta-pots, poly carts, and was stations as well. We will need to know if they need a 40yd open container for the "large" dumpster and mark location of the container on site plan.

Gumaro Martinez
City of Waxahachie
Executive Director of Parks & Leisure Services
401 S. Elm
Waxahachie, TX 75165
469.309.4271 direct
214.903.3676 work cell
gmartinez@waxahachie.com

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material.

From: Gaertner, James
Sent: Thursday, August 12, 2021 7:43 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Brooks, Shon <sbrooks@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Re: Event Application - Oddfest 2021

It appears that the barricades requested are to close the parking lot and not to close any roads.

Please confirm. We need to know how many barricades they need.

Do they have written permission from the property owner to use this parking lot?


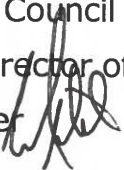
Public Works does not have washing hand stations or portapotty. I assume this is something they need to get from a 3rd party service.

James G
Sent from my iPhone

(59)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services 
Thru: Michael Scott, City Manager 
Date: September 7, 2021
Re: Supplemental Appropriation – Howard Road 20-Inch Emergency Raw Water Line Repair

On Monday, September 7, 2021, a supplemental appropriation will appear before the City Council, in association with the emergency raw water line repair within the Howard Road Water Treatment Plant (account 510-720-54320, Maintenance, Improvements) for \$41,200.00.

During the week of August 23, 2021, a leak was detected in a 20 inch raw water line within the Howard Road Water Treatment Plant. In order to repair the line, a contractor was required to excavate the area. Once the area was excavated, it was discovered that the pipe running from raw water line one to raw water line two had holes within it due to corrosion. This leak caused the plant to be taken offline (unable to treat water). The contractor cut out the corrosive pipe, and welded a sleeve onto it to stop the leak. The plant was brought back online by the end of the business day.

The Howard Road Water Treatment Plant was offline for approximately seven hours. During the time the plant was offline, the system was able to maintain water storage capacities as well as meet the water demands. At no time were the citizens of Waxahachie in danger of running out of water.

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

Shon Brooks



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Director of Public Works & Engineering

Thru: Michael Scott, City Manager

Date: September 3, 2021

Re: Bid Award and Supplemental Appropriation – Broadhead Pavement Improvements

On Tuesday September 7, 2021, a bid award and supplemental appropriation associated with Broadhead Pavement Improvements will appear before the City Council. XIT was the only bidder with a total bid of \$246,090. Staff is also recommending City Council approve funding for a project contingency in the amount \$13,910.

This project will allow for pavement improvements along Broadhead Road from US Hwy 287 Frontage Road to April Lane. It includes the replacement of continually failing concrete pavers with regular concrete. The crosswalk across Broadhead to Howard Junior High replacement includes stamped integral color concrete.

This project was not a planned expense in the Streets Department Operations budget. This request is for a supplemental appropriation in the FY2021-2022 budget to increase the Streets – Maintenance, Improvements – Streets, ROW, Lights, and Signs (100-320-54322) budget by \$260,000. These additional funds would come from the General Fund unrestrictive reserve balance. The reserve balance has sufficient funds available to absorb the additional expenditure.

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

James Gaertner, PE, CFM, CPM

(51)



Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

CC:

Date: August 31, 2021

Re: Supplemental Appropriation for I-35 Bridge at Butcher Road

City Council and staff have been working with TXDOT for several years to secure the necessary funding from the State for the reconstruction of the Butcher Road (FM 387) bridge at Interstate 35. Funding has now been appropriated from the State for the construction. The City is required to participate in the increased costs associated with the aesthetic enhancements requested during construction.

Like in phase one of the I-35 project and as a part of the viaduct reconstruction, the City has requested enhancements to make the projects more aesthetically pleasing. In keeping with these designs, the Butcher Road bridge will receive enhanced railings and detailed bent caps that reflect the City's Crossroads star. The costs of these enhancements to the City is \$158,366.34. The project will also receive the same paint scheme as with the other TXDOT roadway projects. This project is set to let over the next several months.

This request is for \$158,366.34 in supplemental appropriations in the FY21-22 budget to fund the City's portion of this long-time coming and very visible capital project. The funds will come from General Fund unallocated reserves.

(51)

CSJ #	0048-04-094
District #	Dallas - 18
Code Chart 64 #	50071
Project Name	IH 35E
Limits	At FM 387 (Butcher Road)
County	Ellis

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY
LOCAL GOVERNMENT CONTRIBUTIONS
TO TRANSPORTATION IMPROVEMENT PROJECTS
WITH NO REQUIRED MATCH
ON-SYSTEM**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the "State", and the City of Waxahachie, acting by and through its duly authorized officials, called the "Local Government". The State and Local Government shall be collectively referred to as "the parties" hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, Transportation Code, Chapters 201 and 221, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and

WHEREAS, the Texas Transportation Commission passed Minute Order Numbers 115112 and 115814 authorizing the State to undertake and complete a highway improvement generally described as the reconstruction and widening of the frontage roads from a 4-lane road to 4-lane road and 6-lane road at the FM 387 (Butcher Road) interchange of IH 35E in Ellis County; and

WHEREAS, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as the costs for the construction of aesthetic rails and bent cap on FM 387 (Butcher Road) bridge at IH 35E interchange in the City of Waxahachie (Project); and

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the state;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

(51)

CSJ #	0048-04-094
District #	Dallas - 18
Code Chart 64 #	50071
Project Name	IH 35E
Limits	At FM 387 (Butcher Road)
County	Ellis

AGREEMENT

1. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in full force and effect until the Project has been completed and accepted by all parties or unless terminated as provided below.

2. Project Funding and Work Responsibilities

- A. The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities (Attachment A) which is attached to and made a part of this contract. In addition to identifying those items of work paid for by payments to the State, Attachment A also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.
- B. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its financial share for the State's estimated construction oversight and construction costs.
- C. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- D. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.

3. Right of Access

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

4. Adjustments Outside the Project Site

The Local Government will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

5. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

(51)

CSJ #	0048-04-094
District #	Dallas - 18
Code Chart 64 #	50071
Project Name	IH 35E
Limits	At FM 387 (Butcher Road)
County	Ellis

6. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

7. Interest

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

8. Inspection and Conduct of Work

Unless otherwise specifically stated in Attachment A, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the *Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges* adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

9. Increased Costs

If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased cost to the department for a highway improvement project, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

10. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not

(51)

CSJ #	0048-04-094
District #	Dallas - 18
Code Chart 64 #	50071
Project Name	IH 35E
Limits	At FM 387 (Butcher Road)
County	Ellis

maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

11. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in Attachment A or existing maintenance agreements with the Local Government.

12. Termination

- A. This agreement may be terminated in the following manner:
 - 1. By mutual written agreement and consent of both parties;
 - 2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or
 - 3. By the State if it determines that the performance of the Project is not in the best interest of the State.
- B. If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.
- C. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

13. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
<p>City of Waxahachie ATTN: City Manager 401 S. Rogers Street Waxahachie, Texas 75165</p>	<p>Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11th Street Austin, Texas 78701</p>

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided in this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

14. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

(5i)

CSJ #	0048-04-094
District #	Dallas - 18
Code Chart 64 #	50071
Project Name	IH 35E
Limits	At FM 387 (Butcher Road)
County	Ellis

15. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

16. Amendments

By mutual written consent of the parties, this agreement may be amended in writing prior to its expiration.

17. State Auditor

Pursuant to Texas Government Code § 2262.154, the state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

18. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

 Kenneth Stewart
 Director of Contract Services
 Texas Department of Transportation

 Michael Scott
 City Manager
 City of Waxahachie

Date

Date

(5i)

CSJ #	0048-04-094
District #	Dallas - 18
Code Chart 64 #	50071
Project Name	IH 35E
Limits	At FM 387 (Butcher Road)
County	Ellis

**ATTACHMENT A
PAYMENT PROVISION AND WORK RESPONSIBILITIES**

The Local Government will provide a contribution in the amount of **\$158,366.34** for the State to construct aesthetic rails and bent cap along FM 387 (Butcher Road) bridge, in the City of Waxahachie. The Local Government will be responsible for all construction costs and overruns.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
Construction (by State)	\$144,640.00	0%	\$0.00	0%	\$0.00	100%	\$144,640.00
Direct State Costs @ 4.97%	\$7,188.61	0%	\$0.00	0%	\$0.00	100%	\$7,188.61
Subtotal	\$151,828.61		\$0.00		\$0.00		\$151,828.61
Indirect State Costs 4.52%	\$6,537.73	0%	\$0.00	0%	\$0.00	100%	\$6,537.73
TOTAL	\$158,366.34		\$0.00		\$0.00		\$158,366.34

Total Estimated Local Government Participation = **\$158,366.34**

Total Estimated Payment by the Local Government to the State on full execution of this Agreement = **\$158,366.34**

This is an estimate. The final amount of the Local Government participation will be based on actual costs.

(647)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: August 13, 2021
Re: ZDC-100-2021 – Sunbelt Rentals

On August 11, 2021, the applicant requested to continue case number ZDC-100-2021 from the August 24, 2021 Planning and Zoning Commission meeting agenda and the September 7, 2021 City Council meeting agenda to the September 14, 2021 Planning and Zoning Commission meeting agenda, and the September 28, 2021 City Council meeting agenda.

(8+9)



Memorandum


To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: August 13, 2021
Re: ZDC-122-2021 – 617 Solon Road – Private Club

On August 13, 2021, the applicant requested to continue case no. ZDC-122-2021 from the August 24, 2021 Planning and Zoning Commission agenda and the September 7, 2021 City Council meeting agenda to the September 14, 2021 Planning and Zoning Commission meeting and the September 20, 2021 City Council meeting agenda.

(10&11)



Memorandum

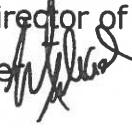
To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager 
Date: August 19, 2021
Re: ZDC-116-2021 – I-35E Logistics Hub

On August 19, 2021, the applicant asked staff to continue case no. ZDC-116-2021 from the August 24, 2021 Planning and Zoning Commission agenda, as well as the September 7, 2021 City Council meeting agenda to the September 14, 2021 Planning and Zoning Commission meeting agenda, and the September 20, 2021 City Council meeting agenda.

(12 & 13)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager 
Date: August 25, 2021
Re: ZDC-105-2021 – Gibson Crossing

At the August 24, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue case number ZDC-105-2021 from the August 24, 2021 Planning and Zoning Commission meeting agenda and the September 7, 2021 City Council meeting agenda to the September 28, 2021 Planning and Zoning Commission meeting agenda, and the October 4, 2021 City Council meeting agenda.

(14)

Planning & Zoning Department Plat Staff Report

Case: SUB-109-2021



MEETING DATE(S)

Planning & Zoning Commission: August 24th, 2021

City Council: September 7th, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 24, 2021, the Commission voted 5-1 to recommend approval of SUB-109-2021 and its associated Petition of Relief Waiver for Right-of-Way dedication.

CAPTION

Public Hearing on a request by Gilberto Escobedo, for a **Replat** of Lot 13R, Block 180, Oak Lawn Addition, to create Lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, 0.191 acres (Property ID 175115) – Owner: ESCOBEDO GILBERTO JR (SUB-109-2021)

APPLICANT REQUEST

The applicant is requesting to replat the subject property into two (2) lots for single family residential use. The applicant is also requesting a Petition of Relief Waiver for a Right-of-Way dedication along Henry Street.

CASE INFORMATION

Applicant: Gilberto Escobedo Jr.

Property Owner(s): Gilberto Escobedo Jr.

Site Acreage: 0.191 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Park Land Dedication: N/A

Adequate Public Facilities: Adequate public facilities are available to the site.

SUBJECT PROPERTY

General Location: 309 Henry Street

Parcel ID Number(s): 175115

Current Zoning: SF-3

(14)

Existing Use: The site is currently undeveloped

Platting History: The subject property was originally lot 13 & 14 of the Oak Lawn Addition. However, in 1985 the property was replatted into one (1) lot: Lot 13R, Block 180 of the Oak Lawn Addition.

Site Aerial:



PLATTING ANALYSIS

The applicant is requesting to replat the subject property from one (1) lot into two (2) lots for single family, residential use. The property was originally platted as Lots 13 & 14 of the Oak Lawn Addition before being replatted into lot 13R in 1985. The original Lots 13 & 14 were of similar size to the currently proposed lots. The property is located within the City's infill overlay district and the proposed lots will be consistent in size with the neighboring lots on Henry Street. Due to the lots closely aligning with the surrounding area, staff is supportive of this replat and the Petition of Relief Waiver.

PETITION OF RELIEF WAIVER

The applicant has requested a Petition of Relief Waiver for the right-of-way (ROW) dedication requirement along Henry Street for this property. The required ROW dedication is an additional 15ft. of the applicant's property; which would result in a total of 27ft of ROW from the centerline of Henry Street. The applicants' Petition of Relief Waiver will allow the proposed properties to remain consistent with the surrounding lots; none of which have dedicated additional right-of-way for Henry Street. The waiver would also allow the homes to be built on the properties to remain consistent with the surrounding homes in terms of size and placement on the lots.

PUBLIC NOTIFICATIONS

To comply with State Ia contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 30 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.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received five (5) letters of support for the proposed replat.

- The 5 letters of support for the replat were submitted by 1 property owner.

(14)

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:

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Plat Drawing
3. Petition of Relief Waiver

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.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:
Zack King
Planner
zking@waxahachie.com

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

(14)

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
171350	LOREN GRAY INVESTMENTS LLC	2.48	LOT 2 BLK 1PT TOWN 2.48 AC	PO BOX 2895	WAXAHACHIE	TX	75168	111 GETZENDANER ST WAXAHACHIE TX 75165
171350	VIEN LADD	0.149	LOT 77 & 78 BLK 181 TOWN 0.149 AC	1015 FERRIS AVE	WAXAHACHIE	TX	75165	119 BATEMAN ST WAXAHACHIE TX 75165
171351	TUNSON NETTIE	0.034	LOT 79 BLK 181 TOWN 0.034 AC	114 BATEMAN ST	WAXAHACHIE	TX	75168	114 BATEMAN ST WAXAHACHIE TX 75165
171367	JACKSON FRONCELL C/O RENARD JACKSON	0.101	LOT 58B & 59 BLK 181 TOWN .101 AC	2715 TRANQUIL WAY	DALLAS	TX	75237	117 JARRETT ST WAXAHACHIE TX 75165
175089	AMERITEX HOMES LLC	0.148	LOT 29 OAKLAWN 0.148 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	302 HENRY ST WAXAHACHIE TX 75165
175100	TATUM EDGAR ETAL	0.121	LOT 30-32 OAKLAWN 0.17 AC	618 OVERLOOK DR	MIDLOTHIAN	TX	78065	300 HENRY ST WAXAHACHIE TX 75165
175104	IBRAHIM AISHA N	0.17	LOT 35 & PT 36A OAKLAWN 0.121 AC	3010 RED RIVERT CT	WAXAHACHIE	TX	75167	212 HENRY ST WAXAHACHIE TX 75165
175105	LOREN GRAY INVESTMENTS LLC	0.095	LOT 23-24 OAKLAWN 0.095 AC	PO BOX 2898	WAXAHACHIE	TX	75168	300 HENRY ST WAXAHACHIE TX 75165
175106	JOHNSON LESTER B & HENRIETTA	0.063	25 OAKLAWN 0.063 ACRES	312 HENRY ST	WAXAHACHIE	TX	75165	312 HENRY ST WAXAHACHIE TX 75165
175107	MIMS ARTIE MAE	0.078	26 OAKLAWN 0.078 ACRES	414 N FLAT ST	WAXAHACHIE	TX	75165	310 HENRY ST WAXAHACHIE TX 75165
175108	JEFFERSON JOSEPH	0.098	LOT 27 OAKLAWN 0.098 AC	433 OLD HWY 287	WAXAHACHIE	TX	75165	308 HENRY ST WAXAHACHIE TX 75165
175109	AMERITEX HOMES LLC	0.124	LOT 28 OAKLAWN 0.124 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	306 HENRY ST WAXAHACHIE TX 75165
175110	LOREN GRAY INVESTMENTS LLC	0.097	18-19 OAKLAWN 0.097 ACRES	PO BOX 2898	WAXAHACHIE	TX	75168	319 HENRY ST WAXAHACHIE TX 75165
175113	MALONE SYLVESTER	0.034	LOT 22 OAKLAWN 0.034 AC	219 NORTHGATE DR	WAXAHACHIE	TX	75165	318 HENRY ST WAXAHACHIE TX 75165
175115	ESCOBEDO GILBERTO JR	0.179	LOT 13R OAKLAWN REV 0.179 AC	1100 PIERCE RD	RED OAK	TX	75154	309 HENRY ST WAXAHACHIE TX 75165
175116	LOREN GRAY INVESTMENTS LLC	0.15	LOT 15 OAKLAWN 0.15 AC	PO BOX 2898	WAXAHACHIE	TX	75168	315 HENRY ST WAXAHACHIE TX 75165
175118	ROBINSON MATTIE L & JESSIE G	0.063	17 OAKLAWN 0.063 ACRES	317 HENRY ST	WAXAHACHIE	TX	75165	317 HENRY ST WAXAHACHIE TX 75165
175120	VAZQUEZ LUIS E	0.092	LOT 8 OAKLAWN 0.092 AC	211 HENRY ST	WAXAHACHIE	TX	75165	211 HENRY ST WAXAHACHIE TX 75165
175121	HANCOCK WILLARD	0.096	LOT 9 OAKLAWN 0.096 AC	16148 VALLEY VIEW RD	FORNEY	TX	75126	301 HENRY ST WAXAHACHIE TX 75165
175122	GRIFFITH-AGUILAR CRISTIAN	0.096	LOT 10 OAKLAWN .096 AC	303 HENRY ST	WAXAHACHIE	TX	75165	303 HENRY ST WAXAHACHIE TX 75165
175123	AMERITEX HOMES LLC	0.092	LOT 11 OAKLAWN 0.092 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	305 HENRY ST WAXAHACHIE TX 75165
175124	AMERITEX HOMES LLC	0.092	LOT 12 OAKLAWN 0.092 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	307 HENRY ST WAXAHACHIE TX 75165
175857	AMERITEX HOMES LLC	0.1	LOT 12A BLK 3 TEMPLE REV 0.1 AC	PO BOX 2898	WAXAHACHIE	TX	75168	112 KINCHUM ST WAXAHACHIE TX 75165
175857	AMERITEX HOMES LLC	0.115	LOT 12 BLK 2 TEMPLE-REV 0.115 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	111 KINCHUM ST WAXAHACHIE TX 75165
175858	BUCKLEY JOHN	0.09	LOT 13 BLK 2 TEMPLE-REV .09 AC	113 KINCHUM	WAXAHACHIE	TX	75165	113 KINCHUM ST WAXAHACHIE TX 75165
175935	DOMINGUEZ CARLOS & COSTILLA ELIZABETH M	0.148	LOT 1-2 BLK 4 TEMPLE-REV .148 AC	112 RYBURN ST	WAXAHACHIE	TX	75165	112 RYBURN ST WAXAHACHIE TX 75165
175944	PEREZ PRISCILIANO & ALICIA	0.249	LOT 12, 13 BLK 3 TEMPLE-REV .249 AC	109 RYBURN ST	WAXAHACHIE	TX	75165	109 RYBURN ST WAXAHACHIE TX 75165
175946	TAYLOR FREDDIE M ETAL	0.145	LOT 3R BLK 3 TEMPLE-REV .145 AC	1313 STAFFORD DR	FT WORTH	TX	76134	110 KINCHUM ST WAXAHACHIE TX 75165
205458	GIBSON & GIBSON L	7	LOT PT1 BLK 171 TOWN 7 AC	105 CRYSTAL COVE	WAXAHACHIE	TX	75165	E MAIN ST WAXAHACHIE TX 75165
274867	KACZMARSKI ADAM M	0.1117	LOT 60R BLK 181 PHILLIPS ADDN .1117 AC	116 JARRETT ST	WAXAHACHIE	TX	75165	116 JARRETT ST WAXAHACHIE TX 75165



(14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-109-2021

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 24, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, September 07, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Gilberto Escobedo, Jr., for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: SUB-109-2021

City Reference: 175849

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, August 17, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brad Yates member
Printed Name and Title

Date

8/11/21
PO Box 2868
Address

Wax. TX. 75168

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-109-2021



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 24, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, September 07, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Gilberto Escobedo, Jr., for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: SUB-109-2021

City Reference: 171254

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, August 17, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brad Yates
Printed Name and Title

Date

Address

8/11/21

PO Box 2868
Wax. TX. 75168

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-109-2021



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 24, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, September 07, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Gilberto Escobedo, Jr., for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: SUB-109-2021

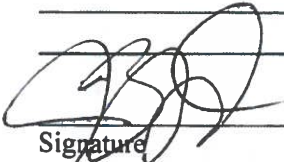
City Reference: 175105

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, August 17, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:



Signature

8/11/21

Date

Brad Yates member

Printed Name and Title

PO Box 2868

Address
Wax, TX 75168

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-109-2021**

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 24, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, September 07, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Gilberto Escobedo, Jr., for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **SUB-109-2021**

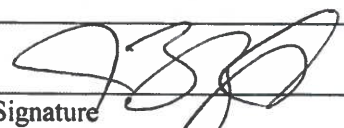
City Reference: 175110

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, August 17, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature

8/11/21
Date

Brad Yates member
Printed Name and Title

PO Box 2868
Address
Wax. TX. 75168

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-109-2021



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 24, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, September 07, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Gilberto Escobedo, Jr., for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)

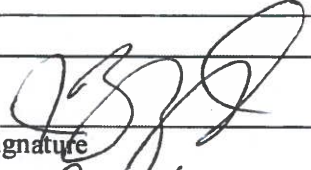
You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: SUB-109-2021 City Reference: 175116

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, August 17, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT OPPOSE

Comments:



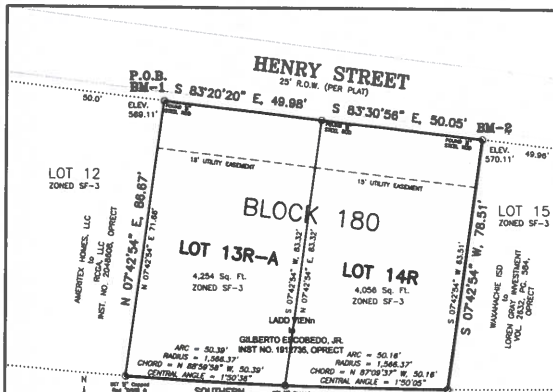
Signature
Brad Yates member
Printed Name and Title

8/11/21
Date
PO Box 2868
Address
Wax. Tx. 75168

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(14)



STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, Gilberto Escobedo are the Owners of a tract of land situated in the A. M. Keen Survey, Abstract No. 595, Ellis County, Texas and being out of a 0.179 acre tract (by Ellis Appraisal District) conveyed to them by Ladd Vian and being more particularly described as follows:

BEING Lot 13R, Block 180, Oak Lawn Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Slide 308, Plat Records, Ellis County, Texas (PRECT), described in Instrument Number 1912735, Official Public Records, Ellis County, Texas, and being Lots 13 and 14, Block 180, Oak Lawn Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet A, Slide 34, PRECT, and being more particularly described by its metes and bounds as follows:

BEGINNING at a 3/8 inch steel rod found on the south line of Henry Street, at the common north corner of said Lot 13R and Lot 12, Block 180 of said, Oak Lawn Addition, recorded in Cabinet A, Slide 34, PRECT;

THENCE with the south line of Henry Street and the north line of said Lot 13R, the following courses and distances: S 83°20'20" E, 49.98 feet to a 3/8 inch steel rod found and S 83°30'56" E, 50.05 feet (plat call 100 feet) to a 3/8 inch steel rod found at the common north corner of said Lot 13R and Lot 15, Block 180 of said, Oak Lawn Addition, recorded in Cabinet A, Slide 34, PRECT;

THENCE S 07°42'54" W, with the common line of said Lots 13R and 15 for 78.51 feet, (plat call 78 feet) to a 3/8 inch steel rod, with plastic cap stamped "DAVIS & McDILL, set at the common south corner of said Lots 13R and 15, on the north right of way line of the Southern Pacific Railroad, formerly the Houston and Texas Central Railroad and the Waxahachie Tap Railroad, said right of way being in a curve;

THENCE Westerly, with said Railroad right of way and the arc of said curve to the right, having a central angle of 3°40'41", a radius of 1566.37 feet, an arc length of 100.55 feet (plat call 100 feet), whose long chord bears N 88°04'44" W a distance of 100.536 feet to the end of said curve, a 3/8 inch steel rod with plastic cap stamped "DAVIS & McDILL, set, at the common south corner of said Lots 13R and 12;

THENCE N 07°42'54" W, with the common line of said Lots 13R and 12 for 86.67 feet (plat call 80 feet) to the point of beginning and containing approximately 8311 square feet or 0.191 acre of land.

STATE OF TEXAS
COUNTY OF ELLIS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Gilberto Escobedo Jr., acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Oak Lawn Addition, Block 180, Lots 13R-A and 14R, an addition to the City of Waxahachie, Texas; and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of city buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, painting, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time. This plat approved subject to all planning ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this the _____ day of _____, 20____.

Authorized Signature of Owner

Printed Name and Title

STATE OF TEXAS
COUNTY OF ELLIS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Gilberto Escobedo, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Notary Public in and for the State of Texas

My Commission Expires On: _____

Surveyor's Certificate:

KNOW ALL MEN BY THESE PRESENTS: That I, Stuart C. Hamilton, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

"Preliminary, this document shall not be resubmitted for any purposes."

Registered Professional Land Surveyor
Number 4480

Approval Block:

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: _____ Date _____

Attest: _____ Date _____

REPLAT

Of

Oak Lawn Addition

Block 180, Lots 13R-A and 14R

Zoned SF-3

Being a 0.191 Acre Replat of Block 180, Lot 13R of the Oak Lawn Addition, an addition to the City of Waxahachie, Texas as recorded in Cabinet B, Slide 308, of the Plat Records of Ellis County, Texas. 2 Residential Lots

Planning and Zoning Case Number SUB-109-2021

SOUTH FULL CURVE DATA
ARC = 100.55'
RADIUS = 1,566.37'
CHORD = N 83°25'34" W, 100.53'
CENTRAL ANGLE = 3°40'41"

BENCHMARK DATA
BM-1: FND 1/2" STEEL ROD FOR NORTHWEST CORNER OF LOT 13. N=6826675.045, E=2482531.090, ELEVATION=569.11'
BM-2: FND 1/2" STEEL ROD FOR THE NORTHEAST CORNER OF LOT 14. N=6826683.594, E=2482630.472, ELEVATION=570.11'

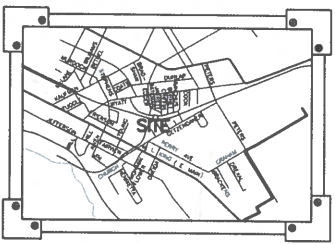
BUILDING SET BACK NOTE
THE BUILDING SETBACKS WILL ADHERE TO THE REQUIREMENTS OUTLINED IN SEC. 3.25 OVERLAY DISTRICT FOR INFILL DEVELOPMENT OF THE CITY OF WAXAHACHIE ZONING ORDINANCE.

CITY NOTE:
WATER AND SEWER SERVICES MUST BE INSTALLED PRIOR TO FILING OF THIS PLAT. ALSO SIDEWALKS SHALL BE CONSTRUCTED ACROSS LOTS 13R-A AND 14R AT THE TIME OF CONSTRUCTION PER CITY STANDARDS.

OWNER: GILBERTO ESCOBEDO JR
120 DEER CREEK DRIVE
WAXAHACHIE, TX. 75165
469-441-2984
ELLISCAD PROPERTY ID 175115
DEED OF RECORD: INSTRUMENT NUMBER 1912735, OPRECT

LEGEND table with symbols for Boundary Corner Monument, Property Line, Easement, etc.

LEGEND table with symbols for Site Fence, Wood Fence, Iron Fence, Chain Link Fence, etc.



LOCATION MAP SCALE: 1" = 2000'

ENGINEERS
DAVIS & McDILL, Inc.
D&M
SURVEYORS

Date: 07/20/2021
Scale: 1" = 20'
Drawn: DWH
Job: 221-0046
Sheet 1
of 1 sheets.

P.O. BOX 908 WAXAHACHIE, TEXAS 75168
PHONE: 972-536-1189
FAX: 972-536-1189
(A Texas Licensed Surveying Firm # T-8437)

(14)

July 20, 2021

**Petition of Relief Waiver
Oak Lawn Addition, Block 180, Lots 13RA and 14R**

Honorable City Council of Waxahachie,

The Planning and Zoning Department has requested this letter as a formality in the process of a Replat for the above mentioned project located on Henry Street in the City of Waxahachie. The P&Z issue was about the right of way dedication for Henry Street, stating it needed to be approximately 15 feet more dedication on the Replat.

Unfortunately in doing this, the new right of way would not be uniform with its surrounding properties, so Mr. King at P&Z has decided that I should request this Waiver of Dedication, to keep the existing right of way as it has been since it was platted originally in Cabinet A, Slide 34, Plat Records, Ellis County, Texas.

Please let Zachary King and I know the ruling on this request.

Thank you for your time,

Daryl Hocutt
Unlicensed Survey & Engineer Tech
Davis & McDill, Inc.
972-938-11856
dh@davismcdill.com

(110)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-113-2021

MEETING DATE(S)

Planning & Zoning Commission: August 24, 2021

City Council: September 7, 2021 (continued from August 16, 2021 City Council Meeting)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 24, 2021, the Commission voted 6-0 to recommend approval of a Specific Use Permit request, ZDC-113-2021, for a Convenience Store with Gasoline Sales (7 Eleven) use, per staff comments.

CAPTION

Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for **Convenience Store with Gasoline Sales (7-Eleven)** within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Convenience Store with Gasoline Sales (7-Eleven) on 1.52 acres.

CASE INFORMATION

<i>Applicant:</i>	Matthew Smith, Vaquero Ventures
<i>Property Owner(s):</i>	Triumph Square, LLC
<i>Site Acreage:</i>	1.52 acres
<i>Current Zoning:</i>	General Retail (GR)
<i>Requested Zoning:</i>	General Retail with SUP for Convenience Store with Gasoline Sales use

SUBJECT PROPERTY

<i>General Location:</i>	1851 N Hwy 77
<i>Parcel ID Number(s):</i>	262430
<i>Existing Use:</i>	Undeveloped
<i>Development History:</i>	An SUP for a Convenience Store with Gasoline Sales was approved on August 17, 2020 (Ordinance 3204). However, after approval, 7-Eleven decided to not proceed with any construction on the site.

(116)

Table 1: Adjoining Zoning and Uses

Direction	Zoning	Current Use
North	GR	Community National Bank
East	North Grove PD	Undeveloped
South	GR	Medical Office
West	LI1	Undeveloped

Future Land Use Plan:

Retail

Comprehensive Plan:

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan:

The subject property is accessible via N Hwy 77, W North Grove Blvd, and North Town Blvd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Convenience Store with Gasoline Sales (7-Eleven) on 1.52 acres.

Case History:

At the City Council meeting, held August 17, 2020, City Council voted 5-0 to recommend approval of case number ZDC-89-2020 (original case number), to allow a 7-Eleven Convenience Store/Gas Station on the subject property. Prior to any construction on the site, 7-Eleven elected to not proceed with development on the property. After further consideration, 7-Eleven decided to revive the project proposal and submitted a zoning application to staff on June 30, 2021.

(14)

The applicant is proposing to primarily remain consistent with what was originally approved by City Council, with the exception of the following modifications:

CHANGES FROM THE 8/17/2021 CC MEETING

Building Size (Sq. ft.)

The building size will be increased from 4,088 sq. ft. to 4,872 sq. ft. The increase in square footage would allow the development to be consistent with the 7 Eleven 2.0 prototype (*per Elevation/Façade Plan*). The size increase would allow the store to incorporate concepts such as a larger coffee bar as well as more food options to provide to customers.

Elevation/Façade

At the August 17, 2020 City Council meeting, City Council approved a “standard” 7-Eleven concept design which consisted of a 4,088 sq. ft. building primarily constructed of brick and stone. The applicant is now requesting approval of a new design, “7-Eleven 2.0 prototype” (*per Elevation/Façade plan*), that provides a more modern aesthetic to the structure. The facade will primarily be constructed out of French limestone and brick. Fiber cement panels will be used for the wood aesthetic around the northeast corner of the building.

Fueling Pumps

The new layout will feature a straight, in-line canopy (opposed to stacked fueling canopy) with 6 pumps and 12 fueling stations. This change would allow the store employees to have full visibility of the customers at the pumps, providing a safer fueling environment for customers. The applicant is proposing to use French limestone for the exterior of the support poles.

Proposed Use:

Per the operational plan, 7-Eleven plans to operate a convenience store and gas station at 1851 N Hwy 77. This store will operate 24 hours a day, 7 days a week. 7-Eleven anticipates there will be an average of three (3) staff members per shift that will be on hand at all times, day and night. There will be six (6) pumps which will allow for up to 12 vehicles to get gas at any given time. The fuel pumps will be able to service both gasoline and diesel vehicles.

Table 2: Proposed Development Standards (General Retail)

Standard	City of Waxahachie	7-Eleven	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	66,385	Yes
Min. Lot Width (Feet)	60	250.08	Yes
Min. Lot Depth (Feet)	100	268.53	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	20	20	Yes
Min. Rear Yard (Feet)	20; 25 (adjacent to residential)	40	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	7	Yes
Parking: Convenience Store 1 space per 200 sq. feet	25 spaces	25 spaces	Yes
Parking: Gasoline Sales 1 space per 3 gas pumps	2 spaces	2 spaces	Yes

**Additional Note: The building is proposed to be constructed with French limestone, brick, fiber cement panels and metal trim.*

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Operation Plan
3. Exhibit A – Location Map
4. Exhibit B – Site Plan
5. Exhibit C – Landscape Plan
6. Exhibit D – Elevation/Facade Plan
7. Exhibit E – Sign Plan
8. Exhibit F – Staff Report

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
 Chris Webb
 Senior Planner
cwebb@waxahachie.com

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

(17)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH GASOLINE SALES USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 1851 N HWY 77, BEING PROPERTY ID 262430, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, BLOCK A IN THE VICTORY PARK REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as GR; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-113-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from GR to GR, with an SUP in order to permit a Convenience Store with Gasoline Sales use on the following property: Lot 2R, Block A of the Victory Park Rev subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, Elevation/Facade Plan attached as Exhibit D, the Sign plan attached as Exhibit E, and the Staff Report attached as Exhibit F.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

(17)

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A CONVENIENCE STORE WITH GASOLINE SALES USE IN THE GENERAL RETAIL (GR) DISTRICT**; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-113-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Sign Plan, Exhibit F – Staff Report, and Operational Plan.
3. Per the applicant’s request, a Development Agreement will be required for the property.
4. 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.
5. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 7th day of September, 2021.

(17)

MAYOR

ATTEST:

City Secretary



Operational Plan

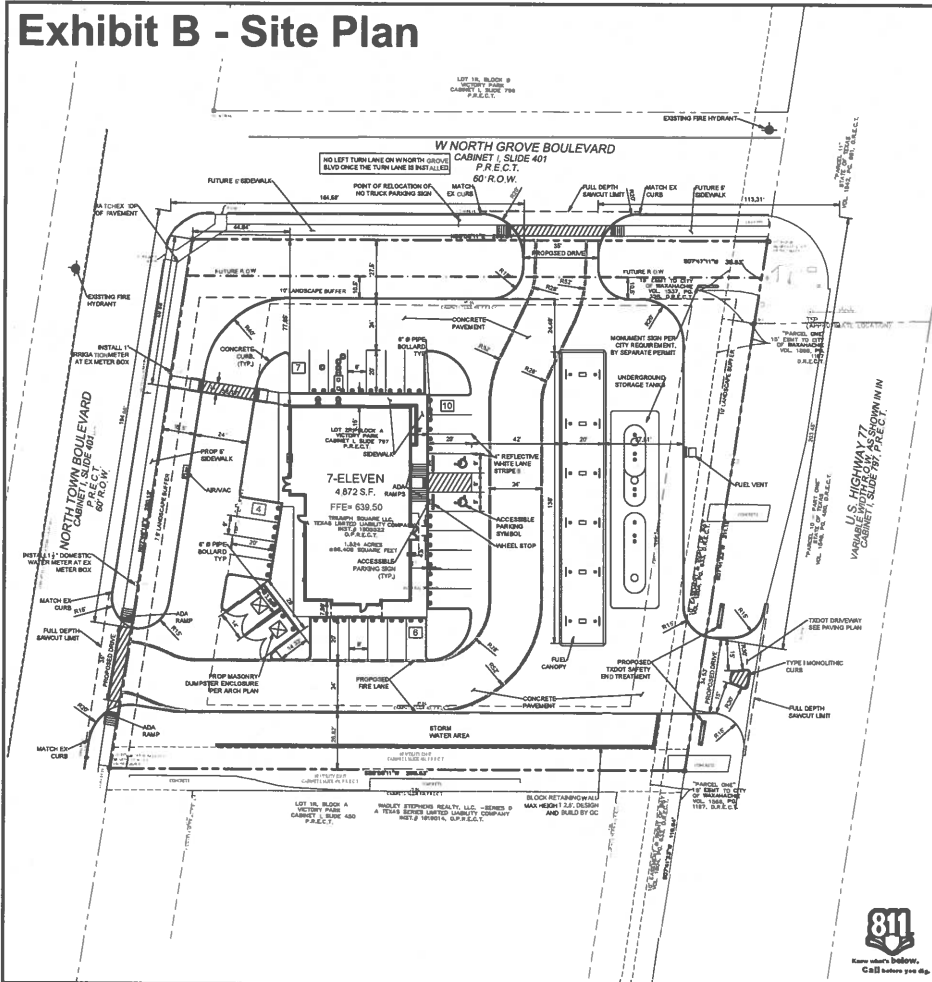
7 Eleven plans to operate a convenience store and gas station at 1851 N. Highway 77 Waxahachie, TX 75165. The location will operate 24 hours a day, 7 days a week. There will be six gas pumps which allows for a maximum of 12 cars to fuel at any given time. The pumps will service both gasoline and diesel vehicles. There will be an average of three employees per shift throughout the day and night.

(17)



(17)

Exhibit B - Site Plan



PROJECT CONTACT LIST

PROMOTER TRIANGLE DEVELOPMENT LLC 1784 MADGROVE DR., STE. 110 AILEN, TX, 75017 CONTACT: KEVIN KAM TEL: 469-212-0206	OWNER/DEVELOPER TRIANGLE DEVELOPMENT LLC 2800 WINGATE STREET, SUITE 200 FORT WORTH, TX 76107 CONTACT: MATTHEW SMITH TEL: 817-327-0684
---	---

SITE DATA SUMMARY TABLE

SITE ACREAGE	1.52 ACRES (66,388 S.F.)
PROPOSED USE	CONVENIENCE STORE
BUILDING AREA	4,872 S.F.
NUMBER OF STORES	1
BUILDING HEIGHT	1
PARKING COVERAGE	7.5%
FLOOR AREA RATIO	0.67
PERVIOUS AREA	42,818 S.F. (67.2%)
PERVIOUS AND CANOPY AREA	51,418 S.F. (77.5%)
TREES TO BE MAINTAINED	27 SPACES (6' x 7')
RELOCATED TREES PROVIDED	28 SPACES
LANDSCAPING PROVIDED	11 SPACES (1' W/ ACCESSIBLE)
HANDICAP PARKING PROVIDED	2 SPACES (1' W/ ACCESSIBLE)
TOTAL PARKING PROVIDED	37 SPACES
ON-SITE PARKING PROVIDED	37 PARKING SPACES
OFF-SITE PARKING PROVIDED	0 PARKING SPACES

ZONING SUMMARY TABLE

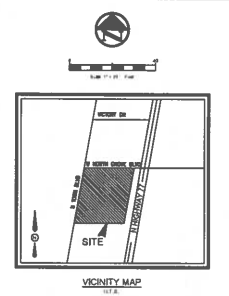
ZONING	REQUIRED	PROVIDED
CONCRETE CURB	60,000 SQ. FT. MIN.	66,388 SQ. FT.
MIN. LOT AREA	7,000 SF	66,388 SF
MIN. LOT DEPTH	40'	100'
MIN. FRONT SETBACK	40'	40'
MIN. SIDE SETBACK	20' @ ADJACENT	40'
MIN. REAR SETBACK	20'	40'
MAX. BUILDING HEIGHT	2 STORIES	1 STORY
MAX. LOT COVERAGE	20%	7.5%

SITE LEGEND

CONCRETE CURB	[Symbol]
FIRE LANE	[Symbol]
STREET	[Symbol]
PARKING SPACES	[Symbol]
MONUMENT SIGN PER CITY REQUIREMENT	[Symbol]
WHEEL STOP	[Symbol]
HANDICAP SIGN	[Symbol]
PUMP	[Symbol]
BOLLARD	[Symbol]
DUMPSTER	[Symbol]
FIRE HYDRANT	[Symbol]
SANITARY SEWER CLEANOUT	[Symbol]
SANITARY SEWER DOUBLE CLEANOUT	[Symbol]
SANITARY SEWER SAMPLE POINT	[Symbol]
GREASE TRAP	[Symbol]
DOMESTIC WATER METER	[Symbol]
GAS METER	[Symbol]

FLOODPLAIN NOTE
NO PORTION OF THIS PROPERTY LIES WITHIN A 100 YEAR FLOOD PLAIN, ZONE X, OR ANCHORAGE ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR ELLIS COUNTY, TEXAS (MAP# 13031M F, DATED JUNE 3, 2013)

ONSITE DETENTION POND SHALL BE PROVIDED TO RELEASE AT PRE-DEVELOPED FLOW CONDITION AS SHOWN ON THE VICTORY PARK PHASE I



- SITE GENERAL NOTES**
- ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE CITY OF FORT WORTH LOCAL ORDINANCES AND REGULATIONS.
 - THE LOCATION OF UNDERGROUND UTILITIES INDICATED ON THE PLANS IS TAKEN FROM A DATE UTILITY PLANS OR RECORDS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE ARRANGEMENTS WITH THE OWNERS OF SUCH UNDERGROUND UTILITIES PRIOR TO WORKING IN THE AREA TO CONFIRM THEIR EXACT LOCATION AND TO DETERMINE WHETHER ANY ADDITIONAL UTILITIES EXIST OTHER THAN THOSE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF DAMAGE TO THE UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRING THE UTILITIES.
 - IF THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES OR DAMAGE TO THE UTILITIES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRING THE UTILITIES.
 - ALL EXCAVATIONS, TRENCHING AND BORING OPERATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE U.S. DEPARTMENT OF LABOR, OSHA, AND ANY LOCAL ORDINANCES AND REGULATIONS.
 - THE CONTRACTOR SHALL RESTORE ALL AREAS DAMAGED BY CONSTRUCTION TO ORIGINAL CONDITION OR BETTER. RESTORED AREAS SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER. ANY CHANGES TO ORIGINAL CONDITION OR BETTER SHALL BE APPROVED BY THE CITY ENGINEER. THESE CHANGES SHALL BE INDICATED ON THE PLANS.
 - THE CONTRACTOR SHALL PROVIDE "RED LINED" MARKED PRINTS TO THE ENGINEER PRIOR TO FINAL INSPECTION INDICATING ALL CONSTRUCTION WORK COMPLETED FROM THE PLANS OR WAS CONSTRUCTED IN ADDITION TO THAT INDICATED ON THE PLANS.
 - ALL CURB RADIUS TO BE 15' OR 3' UNLESS OTHERWISE NOTED ON THE SITE PLAN.

FLOODPLAIN NOTE
NO PORTION OF THIS PROPERTY LIES WITHIN A 100 YEAR FLOOD PLAIN, ZONE X, OR ANCHORAGE ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR ELLIS COUNTY, TEXAS (MAP# 13031M F, DATED JUNE 3, 2013)

ONSITE DETENTION POND SHALL BE PROVIDED TO RELEASE AT PRE-DEVELOPED FLOW CONDITION AS SHOWN ON THE VICTORY PARK PHASE I

CASE # ZDC-113-2021
SITE ACREAGE 1.524 ACRES (66,385 SF)

SITE PLAN
7-ELEVEN
1851 N HIGHWAY 77
NORTHGROVE
ELLIS COUNTY, TEXAS 75186
VICTORY PARK LOT 2R, BLOCK A

TRIANGLE DEVELOPMENT LLC
14111 WINGATE STREET, SUITE 200, FORT WORTH, TX 76107
www.triangledevelopment.com

811
Call before you dig.

NO.	DATE	DESCRIPTION	BY
1	07-08-21	SUBMITTAL	MJK
2	07-21-21	CITY COMMENTS	MJK

07/27/2021

SCALE: 1" = 40' (SEE PLAN)

DATE: 07-27-2021

PROJECT NO.: 21-001

(17)

Exhibit D - Elevation/Facade Plan

ELEVATION - FRONT

ELEVATION - RIGHT SIDE

ELEVATION - BACK SIDE

ELEVATION - LEFT SIDE

GAS CANOPY ELEVATION - FRONT

GAS CANOPY ELEVATION - SIDE

MATERIAL PALETTE

MT-1 DARK METAL FINISHED METAL WALLS & CANOPY PILLARS	MT-2 FRENCH LIMESTONE CANOPY WALLS BY TRC BLOCK	MT-3 CORADO STONE FRENCH LIMESTONE "FRENCH WHITE"	MT-4 INSULATED CLEAR GLAZING BY SLIDIGATE OR EQUAL	FC-3, P-3, P-9 PAINT SW 7055 "DIPPING BRONZE"
BK-1 MUSHROOM BROWN TRIM-TRICK	BK-2 KAWNEER "DARK BRONZE" ALUMINUM STOREFRONT FRAME & INSULATED CLEAR GLAZING BY SLIDIGATE OR EQUAL	BK-3 CORADO STONE FRENCH LIMESTONE "FRENCH WHITE"	BK-4 CORADO STONE FRENCH LIMESTONE "FRENCH WHITE"	BK-5 CORADO STONE FRENCH LIMESTONE "FRENCH WHITE"

DETAILS:

- 2" GA. ENDOING BRONZE CAP FLUSHED TO SURFACE
- 2" GA. ENDOING BRONZE CAP FLUSHED TO SURFACE
- 2" GA. ENDOING BRONZE CAP FLUSHED TO SURFACE

7-ELEVEN INC.
1300 HACKETT ROAD, SUITE 11000
MURKIN, MASSACHUSETTS 01945
20111201

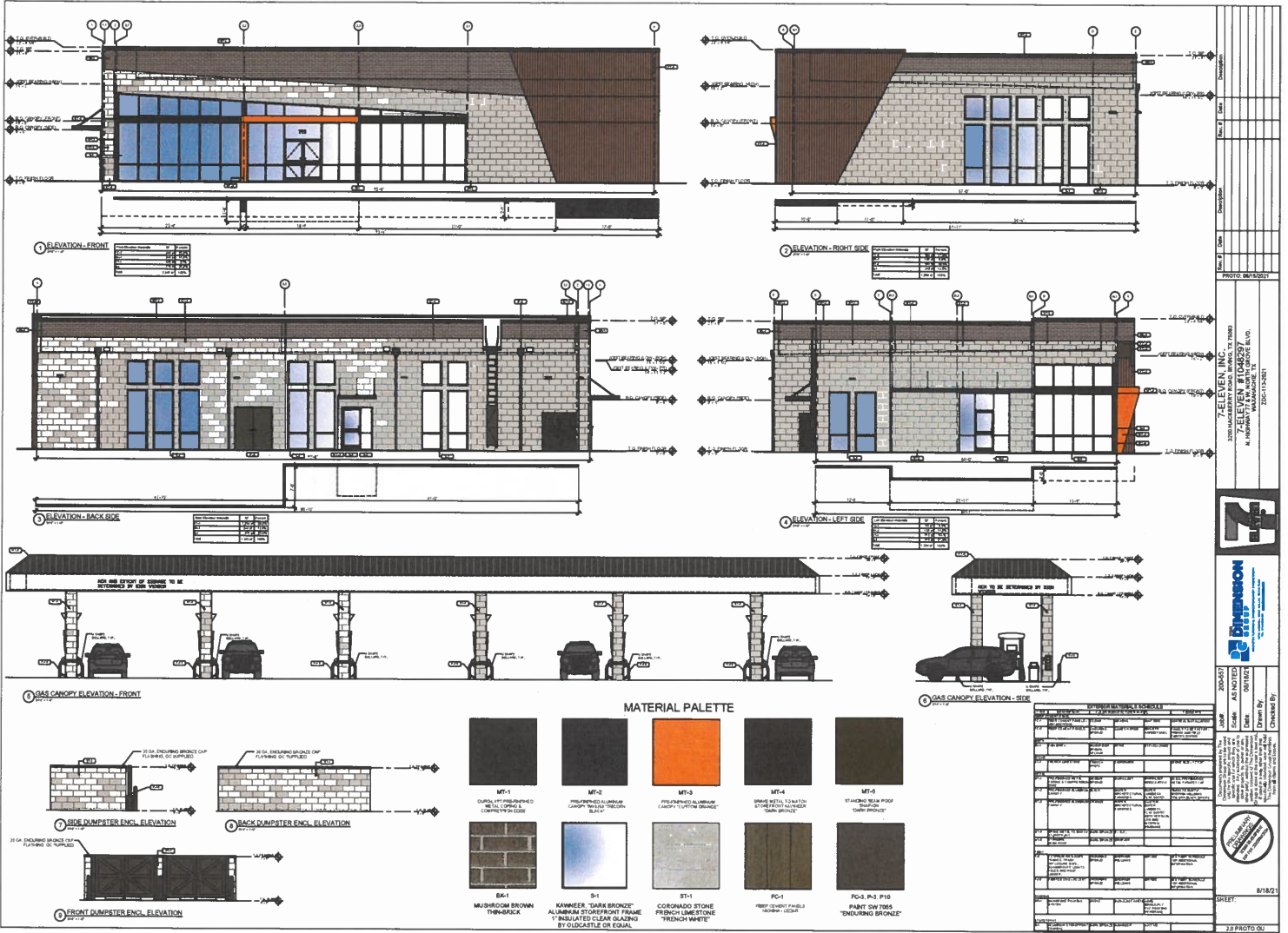
7-ELEVEN

PROJECT NO. 17-0000000000
DATE: 08/15/17
DRAWN BY: [Name]
CHECKED BY: [Name]

8/15/17

18 PHOTO DU

(17)

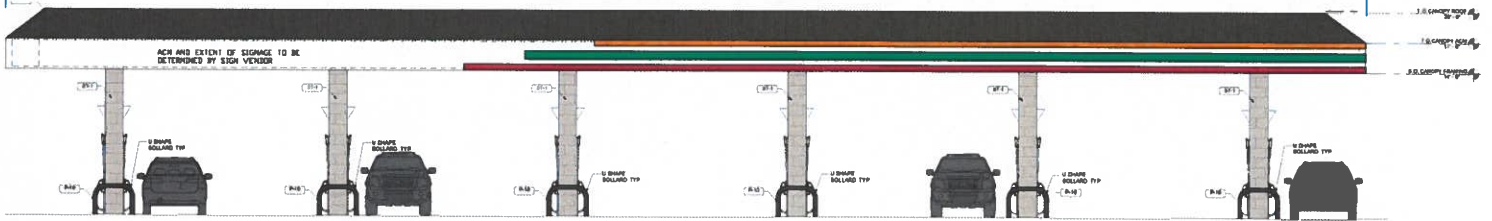


(17)

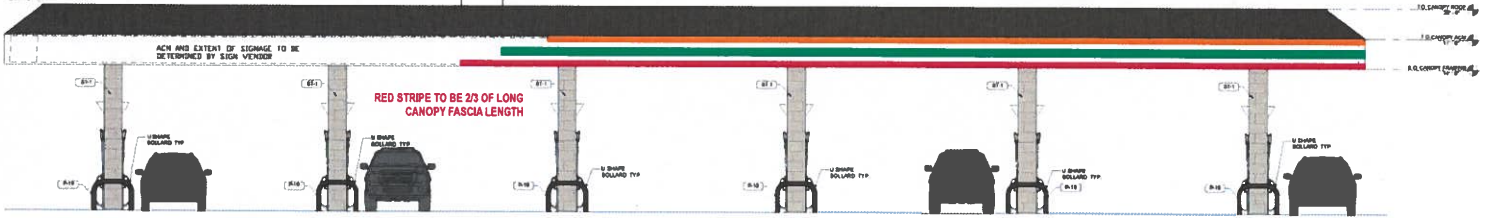
Exhibit E - Sign Plan

FUEL CANOPY FASCIA CHANNEL LETTERS & STRIPES

136'-0"



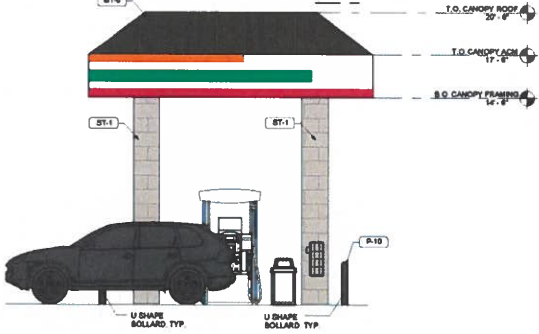
FRONT (FACING STREET) - ILLUMINATED STRIPES BY CUMMINGS



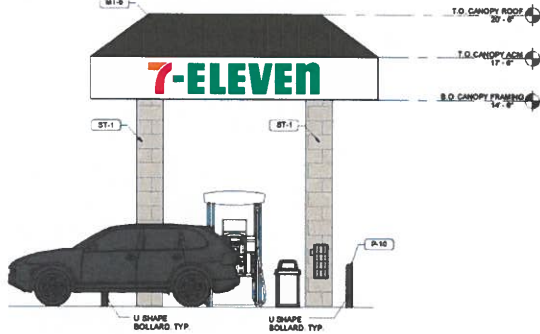
REAR (FACING STORE) - VINYL STRIPES BY OTHERS

FUEL CANOPY SIGNAGE CANNOT EXCEED 25 SQ FT

20'-0"



LEFTSIDE - VINYL STRIPES BY OTHERS



RIGHT SIDE - ILLUMINATED LETTERS BY CUMMINGS

Job Location: 1048297
 N. Town BLVD & Triumph Ln
 Waxahachie, TX 75165
 Date: August 19, 2021



D-ORDER# 715848470.05 WSJ
 Project Mgr.: Jennifer Atkinson
 jennifer.atkinson@cummingsigns.com
 Page: 8 of 16

(17)

SCALE: 1/4" = 1'-0"

L & M 37 DF MONUMENT SIGN - (PWM FLAT PCU TRACK) -W/WORDPLATES

M

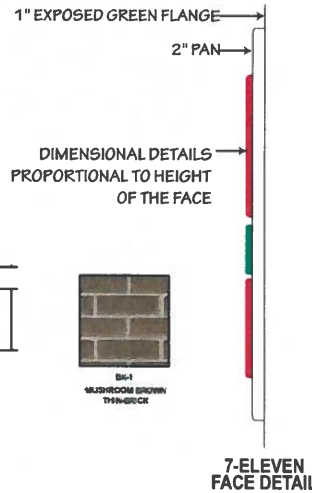
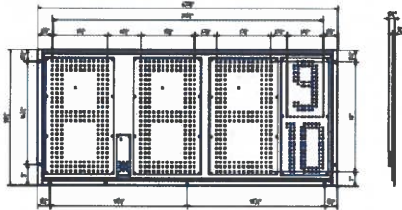
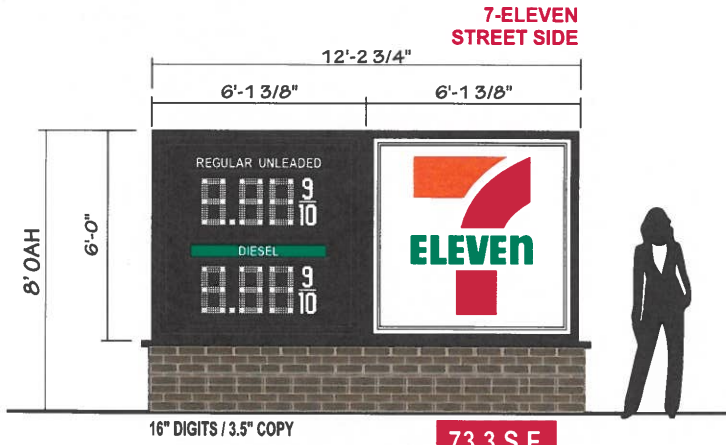


Exhibit E - Sign Plan

BRICK				
BK-1	THIN BRICK	MUSHROOM BROWN VELOUR	ACME	DTP102-126092



73.3 S.F.

DF INTERNALLY ILLUMINATED MONUMENT SIGN

7-ELEVEN SIGN HEAD

- 8" DEEP, DF EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED TRICORN BLACK SW 6258
- PAN-FORMED & EMBOSSED WHITE POLYCARBONATE FACES W/1ST SURFACE DECORATION
- LED ILLUMINATION

FUEL PRICE SIGN HEAD

- 8" DEEP, DF EXTRUDED ALUMINUM CABINET & RETAINER PAINTED TRICORN BLACK SW 6258
- PAN-FORMED CLEAR POLYCARBONATE FACES BACK SPRAYED BLACK WITH WHITE RECTANGLES FOR FLAT CLEAR ACRYLIC WORD PLATES WITH COPY WEEDED FROM BLACK & GREEN BACK-GROUNDS TO SLIDE INTO 1ST SURFACE APPLIED CLEAR TRACKS. **FLAT PCU TRACK (PWM) 16" WHITE LED DIGTS.**

- LED ILLUMINATION

WORD PLATES:

4.75" X 46" CLEAR ACRYLIC W/ 3.5" COPY WEEDED FROM BLACK VINYL TM FACE.

REGULAR UNLEADED

4.75" X 46" CLEAR ACRYLIC W/ 3.5" COPY WEEDED FROM 3M 3630-26 GREEN VINYL

DIESEL

BASE

FABRICATED ALUMINUM PAINTED TRICORN BLACK

7-ELEVEN COLORS

- 3M 3630-26 (Green)
- 3M 3630-33 (Red)
- 3M 3630-44 (Orange)
- WHITE

SETBACK: MINIMUM OF 15' FROM ROW

MAX ALLOWED: 80 SQ. FT.

Job Location: 1048297
 N. Town BLVD & Triumph Ln
 Waxahachie, TX 75165
 Date: August 19, 2021



D-ORDER# 715848470.05 WSJ
 Project Mgr.: Jennifer Atkinson
 jennifer.atkinson@cummingsigns.com
 Page: 11 of 16

Exhibit F - Staff Report (17)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-113-2021



MEETING DATE(S)

Planning & Zoning Commission: August 24, 2021

City Council: September 7, 2021 (continued from August 16, 2021 City Council Meeting)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 24, 2021, the Commission voted 6-0 to recommend approval of a Specific Use Permit request, ZDC-113-2021, for a Convenience Store with Gasoline Sales (7 Eleven) use, per staff comments.

CAPTION

Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for **Convenience Store with Gasoline Sales (7-Eleven)** within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Convenience Store with Gasoline Sales (7-Eleven) on 1.52 acres.

CASE INFORMATION

Applicant: Matthew Smith, Vaquero Ventures

Property Owner(s): Triumph Square, LLC

Site Acreage: 1.52 acres

Current Zoning: General Retail (GR)

Requested Zoning: General Retail with SUP for Convenience Store with Gasoline Sales use

SUBJECT PROPERTY

General Location: 1851 N Hwy 77

Parcel ID Number(s): 262430

Existing Use: Undeveloped

Development History: An SUP for a Convenience Store with Gasoline Sales was approved on August 17, 2020 (Ordinance 3204). However, after approval, 7-Eleven decided to not proceed with any construction on the site.

Exhibit F - Staff Report (17)

Table 1: Adjoining Zoning and Uses

Direction	Zoning	Current Use
North	GR	Community National Bank
East	North Grove PD	Undeveloped
South	GR	Medical Office
West	LI1	Undeveloped

Future Land Use Plan:

Retail

Comprehensive Plan:

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan:

The subject property is accessible via N Hwy 77, W North Grove Blvd, and North Town Blvd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Convenience Store with Gasoline Sales (7-Eleven) on 1.52 acres.

Case History:

At the City Council meeting, held August 17, 2020, City Council voted 5-0 to recommend approval of case number ZDC-89-2020 (original case number), to allow a 7-Eleven Convenience Store/Gas Station on the subject property. Prior to any construction on the site, 7-Eleven elected to not proceed with development on the property. After further consideration, 7-Eleven decided to revive the project proposal and submitted a zoning application to staff on June 30, 2021.

Exhibit F - Staff Report (17)

The applicant is proposing to primarily remain consistent with what was originally approved by City Council, with the exception of the following modifications:

CHANGES FROM THE 8/17/2021 CC MEETING

Building Size (Sq. ft.)

The building size will be increased from 4,088 sq. ft. to 4,872 sq. ft. The increase in square footage would allow the development to be consistent with the 7 Eleven 2.0 prototype (*per Elevation/Façade Plan*). The size increase would allow the store to incorporate concepts such as a larger coffee bar as well as more food options to provide to customers.

Elevation/Façade

At the August 17, 2020 City Council meeting, City Council approved a “standard” 7-Eleven concept design which consisted of a 4,088 sq. ft. building primarily constructed of brick and stone. The applicant is now requesting approval of a new design, “7-Eleven 2.0 prototype” (*per Elevation/Façade plan*), that provides a more modern aesthetic to the structure. The facade will primarily be constructed out of French limestone and brick. Fiber cement panels will be used for the wood aesthetic around the northeast corner of the building.

Fueling Pumps

The new layout will feature a straight, in-line canopy (opposed to stacked fueling canopy) with 6 pumps and 12 fueling stations. This change would allow the store employees to have full visibility of the customers at the pumps, providing a safer fueling environment for customers. The applicant is proposing to use French limestone for the exterior of the support poles.

Proposed Use:

Per the operational plan, 7-Eleven plans to operate a convenience store and gas station at 1851 N Hwy 77. This store will operate 24 hours a day, 7 days a week. 7-Eleven anticipates there will be an average of three (3) staff members per shift that will be on hand at all times, day and night. There will be six (6) pumps which will allow for up to 12 vehicles to get gas at any given time. The fuel pumps will be able to service both gasoline and diesel vehicles.

Table 2: Proposed Development Standards (General Retail)

Standard	City of Waxahachie	7-Eleven	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	66,385	Yes
Min. Lot Width (Feet)	60	250.08	Yes
Min. Lot Depth (Feet)	100	268.53	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	20	20	Yes
Min. Rear Yard (Feet)	20; 25 (adjacent to residential)	40	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	7	Yes
Parking: Convenience Store 1 space per 200 sq. feet	25 spaces	25 spaces	Yes
Parking: Gasoline Sales 1 space per 3 gas pumps	2 spaces	2 spaces	Yes

**Additional Note: The building is proposed to be constructed with French limestone, brick, fiber cement panels and metal trim.*

Exhibit F - Staff Report (17)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Operation Plan
3. Exhibit A – Location Map
4. Exhibit B – Site Plan
5. Exhibit C – Landscape Plan
6. Exhibit D – Elevation/Facade Plan
7. Exhibit E – Sign Plan
8. Exhibit F – Staff Report

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:

Chris Webb

Senior Planner

cwebb@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Executive Director of Development Services

sbrooks@waxahachie.com

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR 7-ELEVEN
 COUNTY OF ELLIS §

This Development Agreement for 7-Eleven (“Agreement”) is entered into between Triumph Square, LLC (“TS”) and the City of Waxahachie, Texas (“City”). TS and the City are sometimes referred herein together as the “Parties” and individually as a “Party.”

Recitals:

1. TS is the owner of approximately 1.524 acres of real property generally located at 1851 N. Highway 77, Parcel Number 262430, in the City of Waxahachie, Texas (the “Property”), for which the applicant has requested a change in the Property’s General Retail to General Retail with Specific Use Permit (“SUP”) zoning, revising specific development standards. The Property is currently zoned General Retail by the City, and is anticipated to have the SUP reviewed on September 7, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of a convenience store with gasoline sale (7-Eleven). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City’s desired development standards, as well as providing TS with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of TS and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the “7-Eleven SUP Ordinance”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for 7-Eleven.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the 7-Eleven SUP Ordinance as contractually-binding obligations between the City of Waxahachie and TS, and to recognize TS’s reasonable investment-backed expectations in the 7-Eleven SUP Ordinance and the planned development of 7-Eleven.

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the 7-Eleven SUP Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) The site plan shall conform as approved by the City Council under case number ZDC-113-2021.
- (B) The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Sign Plan, and Exhibit F – Staff Report and Operational Plan.
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).
- (D) Business operations shall be consistent with the Operational Plan.
- (E) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City’s applicable rules and regulations governing such permits.
- (F) 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.
- (G) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, F, zoning ordinance, or Development Agreement, the regulations of the Light Industrial Zoning District shall apply to this development.

In consideration of TS’s agreement in this regard, the City of Waxahachie agrees that TS has reasonable investment-backed expectations in the 7-Eleven SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the 7-Eleven SUP Ordinance without impacting TS’s reasonable investment-backed expectations.

Section 4. Miscellaneous

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

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

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

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

(18)

{Signature Pages Follow}

(18)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(18)

: Triumph Square, LLC (Applicant)

By: _____

Date: _____

: Triumph Square, LLC (Owner)

By: _____

Date: _____

STATE OF TEXAS §
§
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(19)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 2, 2021

Re: Consider Proposed Ordinance Approving Revised Budget Figures For Fiscal Year 2020-2021 And Approving The Budget For Fiscal Year 2021-2022

This agenda item is for the City Council to consider the approval of revised budget figures for Fiscal Year 2020-2021 and the proposed budget for Fiscal year 2021-2022.

The process of developing the annual budget is a comprehensive effort that involves input from the Mayor and City Council, and all City departments. The process also provides residents an opportunity to speak on the budget during a public hearing held before budget adoption. On June 29, a budget work session was held to provide City Council an overview of the draft budget, including all major funds, proposed five-year operating and capital plans, major revenue sources, as well as an opportunity to discuss the proposed tax rate. On August 2, staff provided a budget update, including changes to the draft budget presented at the work session. The City held a public hearing on the proposed budget on August 31.

The motion to approve the proposed budget would be –

“I move to approve an ordinance revising budget figures for Fiscal Year 2020-2021 and adopting the FY 2021-2022 budget as presented.”

(19)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2020-2021, FUNDS APPROPRIATED FOR STREET MAINTENANCE AND PROFESSIONAL SERVICES WILL BE USED FOR THAT PURPOSE, EITHER BY ENCUMBRANCE OR BY TRANSFER TO CAPITAL PROJECT FUND FOR STREETS; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND TERMINATING SEPTEMBER 30, 2022, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Waxahachie, Texas (hereinafter referred to as the "City") has caused to be filed with the City Secretary a budget to cover all proposed expenditures of the government of the City for the fiscal year beginning October 1, 2021, and ending September 30, 2022, (hereinafter referred to as the "Budget"); and

WHEREAS, public notice of the public hearing on the proposed annual budget, stating the date, time, place and subject matter of said public hearing, was given as required by the Charter of the City of Waxahachie and the laws of the State of Texas; and

WHEREAS, such public hearing was held on August 31, 2021, prior approval of such date being hereby ratified and confirmed by the City Council, and all those wishing to speak on the Budget were heard; and

WHEREAS, the City Council has studied the Budget and listened to the comments of the taxpayers at the public hearing therefore and has determined that the Budget attached hereto is in the best interest of the City.

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

Section 1. That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. That the revised budget figures, prepared and submitted by the City Manager for the 2020-2021 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

Section 3. That the Budget attached hereto and incorporated herein for all purposes is adopted for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; and there is hereby appropriated from the funds indicated such projects, operations, activities, purchases and other expenditures as proposed in the Budget.

Section 4. That the City Manager shall file or cause to be filed a true and correct copy of the approved Budget, along with this ordinance, with the City Secretary and in the office of the County Clerk of Ellis County, Texas, as required by State Law.

(19)

Section 5. That the distribution and division of the above-named appropriations are made at the departmental level in all budgeted funds for the payment of operating expenses and capital outlay as set out in the municipal budget.

Section 6. That at any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among or between general classifications within a department. The City Manager shall report such transfer to the City Council by written message at the next regular council meeting following the transfer action. The City Manager may not authorize transfer of part of all of any unencumbered appropriation balance among or between departments or funds of the City. The City Manager may recommend such transfer to the City Council. The City Council may, at the recommendation of the City Manager or on its own volition, transfer part or all of any unencumbered appropriation balance from one department or fund to another department or fund by resolution.

Section 7. That any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict herewith.

Section 8. That if any section, article, paragraph, sentence, clause, phrase or word in the Ordinance, or application thereto my person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction such holding shall not affect the validity of the remaining portions of the Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 9. That the necessity of adopting and approving a proposed budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED on this the 7th day of September, 2021.

MAYOR

ATTEST:

City Secretary

(19)

CITY OF WAXAHACHIE EXPENDITURES BY DEPARTMENT

GENERAL FUND	ORIGINAL BUDGET FY2021	RVSD/ YE ESTIMATE FY2021	PRPOSED BUDGET FY2022
Total Revenues & Transfers In	45,479,165	52,824,951	52,757,490
Expenditures			
General Administration	1,600,128	1,555,181	1,715,179
Finance	1,308,480	1,309,605	1,310,557
City Attorney	115,000	145,000	145,000
General Items	3,152,769	3,598,278	7,284,951
Facility Maintenance	348,480	349,449	473,641
Human Resources	598,895	599,737	753,569
Information Technology	819,300	784,350	811,435
Economic Development	1,502,155	1,453,860	1,645,195
Downtown Development	252,812	246,812	278,697
Planning	888,480	877,124	788,978
Airport Operations	15,343	15,343	0
Police Department	11,289,689	11,173,496	12,399,519
Emergency Management	334,997	408,681	301,147
Fire Department	9,265,158	9,679,176	9,559,176
Building Services	935,460	1,173,995	1,251,574
Municipal Court	351,950	352,084	358,523
City Marshall	197,780	148,852	204,817
Street Department	6,044,185	6,287,769	6,617,210
Central Garage	298,322	299,804	320,923
Engineering	885,285	879,352	1,346,106
City Engineer	0	0	0
Community Services	389,805	361,722	399,914
Animal Control	248,790	242,342	321,997
Parks & Recreation	2,417,870	2,416,912	2,259,023
Chautauqua Auditorium	22,212	23,880	50,175
Waxahachie Rodeo	18,290	14,741	15,155
Penn Park Pool	69,670	222,160	82,822
Optimist Pool	48,810	41,599	41,857
Amphitheater	113,220	92,796	102,191
Sims Library Tax Transfer	1,091,814	1,094,400	1,108,055
Senior Citizen Center	742,409	640,408	789,739
Total Expenditures	45,367,558	46,488,908	52,737,125
Transfers Out			
Transfer to Main Street Prog Grant	0	0	0
Total Transfers Out	0	0	0
Total Expenditures & Transfers Out	45,367,558	46,488,908	52,737,125
Revenues & Transfers In less Expenditures	111,607	6,336,043	20,365

(19)

CITY OF WAXAHACHIE EXPENDITURES BY DEPARTMENT

	ORIGINAL BUDGET FY2021	RVSD/ YE ESTIMATE FY2021	PRPOSED BUDGET FY2022
WATER FUND			
Non Departmental	4,398,824	4,360,334	5,135,862
Utility Administration	491,063	487,392	568,075
Meters	850,563	879,632	935,574
Water Production	3,910,901	3,843,269	4,325,766
Water Distribution	947,111	877,188	1,730,617
Water - Utility Billing	400,520	458,574	508,450
Transfers Out	2,491,920	2,512,970	2,551,360
Total Expenditures	13,490,902	13,419,359	15,755,704
WASTEWATER FUND			
Non Departmental	3,791,595	3,756,950	4,513,268
Utility Administration	442,831	439,430	499,567
Wastewater Collection	1,274,977	1,363,072	1,643,404
Wastewater Treatment	2,494,429	2,595,412	2,867,021
Wastewater Utility Billing	352,485	385,355	417,855
Transfers Out	1,811,000	1,877,950	1,693,956
Total Expenditures	10,167,317	10,418,169	11,635,071
SOKOLL FUND			
Non Departmental	2,763,260	2,763,260	2,766,560
Sokoll Operations	1,969,645	2,049,431	2,558,765
Transfers Out	380,900	380,900	397,730
Total Expenditures	5,113,805	5,193,591	5,723,055
WCDC FUND			
Non Departmental	11,310	1,085,846	12,775
Civic Center	1,227,286	1,202,197	1,524,949
Sports Complex	1,573,930	1,633,081	2,021,778
Community Beautification	500,007	551,515	535,879
Debt Service Transfer	1,730,885	1,740,504	1,743,771
Transfers Out	75,480	61,900	65,800
Total Expenditures	5,118,898	6,275,043	5,904,952
HOTEL MOTEL FUND			
Non Departmental	179,400	210,030	202,500
Convention/Visitors Bureau	613,657	603,862	642,601
Transfers Out	10,000	10,000	15,000
Total Expenditures	803,057	823,892	860,101
REFUSE SERVICES FUND			
Convenience Station	370,197	361,329	367,060
Contracted Refuse Service	1,182,800	1,212,800	1,146,600
Transfers Out	314,709	314,709	71,070
Total Expenditures	1,867,706	1,888,838	1,584,730
GENERAL DEBT SERVICE FUND			
Non-Departmental	6,192,233	6,489,339	7,461,530
Total Expenditures	6,192,233	6,489,339	7,461,530
CEMETERY FUND			
Cemetery	398,700	528,123	199,852
Total Expenditures	398,700	528,123	199,852

(20)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 2, 2021

Re: Consider ordinance setting Water and Wastewater fees and setting an effective date of October 1, 2021

This item is for the City Council to approve the water and wastewater rates and fees included as part of the Proposed Budget for Fiscal Year 2021-2022.

The water and wastewater funds provide for the administration, operation and maintenance of all City water services including distribution, wastewater collection, water and wastewater treatment activities, meter management, and billing services. Revenue to support these operations is generated primarily through water and sewer usage rates, as outlined in City ordinance.

As part of the budget process, city staff recommends that City Council vote to affirm these rates annually and amend the rates when necessary. The Fiscal Year 2021-2022 Budget does not include a rate increase to customer water or sewer-related rates. The proposed ordinance does include an adjustment to the Sokoll Rate fee. Updated annually, this rate is charged to the City and Rocket SUD to recover each entity's proportional cost to operate and maintain the Sokoll Water plant.

The motion to approve the ordinance would be –

"I move to approve an ordinance setting Water and Wastewater fees as presented, with an effective date of October 1, 2021."

(20)

ORDINANCE NO. _____

AN ORDINANCE SETTING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2021 AND DECLARING AN EMERGENCY.

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

That Section 33 of the Code of Ordinances, City of Waxahachie, is hereby amended to read as follows:

SECTION 33-33. Deposits required.

Residential: A deposit of ninety-two dollars (\$92.00) is required for regular residential service. A deposit of sixty-nine dollars (\$69.00) is required for accounts with wastewater and trash collection service. A deposit of forty-three dollars (\$43.00) is required for trash collection service only. The billing department may adjust the amount of deposit based on payment history.

Residential New Construction: A deposit of one hundred fifty-nine dollars (\$159.00) is required for each new construction residential account.

Apartments, Commercial, and Industrial: The billing department may require higher amounts; however, deposits are generally based on meter size as follows:

up to 1" water meter	\$238.00
1 1/2" water meter	\$357.00
2" water meter	\$594.00
3" water meter	\$1,187.00
4" water meter	\$2,373.00
6" water meter	\$3,559.00
8" water meter	\$7,117.00
10" water meter or larger	\$11,861.00
Fire Hydrant meter with RPZ *	\$2,147.00

*Customer will be responsible for the cost of any damages incurred while meter is in their possession.

No interest shall be paid on deposits. No deposit is required for other government entities. The billing department may waive the deposit for separate irrigation meters.

That Section 33-36 of the Code of Ordinances, City of Waxahachie is hereby amended to read as follows:

(20)

SECTION 33-36. Water and Wastewater Rates.

(A) Water inside city: From and after the effective date of this ordinance, uniform monthly water rates which shall prevail to all City of Waxahachie water customers are:

MONTHLY WATER RATES:

(1) Minimum water bill for the first fifteen hundred (1,500) gallons of usage (all accounts):

up to 1" water meter	\$19.71
1 ½" water meter	\$44.02
2" water meter	\$64.61
3" water meter	\$125.62
4" water meter	\$259.88
6" water meter	\$505.40
8" water meter	\$874.40
10" water meter or larger	\$1,367.02
Fire Hydrant meter	\$216.40

(2) The amount shown for the first fifteen hundred gallons of consumption in the above schedule shall constitute a minimum bill for each customer. Billing shall be made in hundreds of gallons. Irrigation meters using less than 200 gallons per month will not be charged.

(3) Residential and sprinkler system meters will be subject to the following rates:

1,501 - 10,000	\$5.19
10,001 - 20,000	\$6.02
20,001 - 30,000	\$6.82
30,001 - 40,000	\$7.56
40,001 & above	\$8.56

Non-irrigation apartment meters, and commercial/industrial meters will be charged at a rate of \$5.19 per thousand gallons for all monthly usage above 1,500 gallons.

(B) Wastewater inside city: From and after the effective date of this ordinance, sewer charges to apply to each dwelling unit for all single family and duplex residential connections all mobile home parks or apartment complexes, and all commercial and industrial customers shall be as follows:

(20)

Monthly Wastewater Rates

Water Usage	Apartments, Mobile Home, Single-Family and Duplex Residence (Per Dwelling Unit)
First 1,500 gallons	\$24.88 (minimum charge)
Over 1,500 to 11,000 gallons	\$4.38 per 1,000 gallons
All over 11,000 gallons, maximum billing per dwelling	\$66.51

When there is a single billing for more than one (1) residence, each unit is to receive a one thousand five hundred-gallon credit before additional charges are made, not to exceed eleven thousand (11,000) gallons per unit.

Water Usage	Commercial	Industrial	Industrial Cost Recovery Per 1,000 Gallons
First 1,500 gallons	\$24.88 (minimum charge)	\$24.88 (minimum charge)	\$0.21 (minimum charge)
All usage over 1,500 gallons	\$4.38 per 1,000 gallons	\$4.38 per 1,000 gallons	\$0.21 per 1,000 gallons

That Section 33-40 of the Code of Ordinances, City of Waxahachie is hereby amended to read as follows:

SECTION 33-40. Late charges; service restored upon payment of bill; fee for returned checks; fee for replacement of cut-off valve; fire hydrant meter set fee; broken curb stop fee; cut lock fee; reread meter service charge; tampering penalty.

(a) Late Fee. Payment for utility service shall be due fourteen (14) days after the billing date. Any account with a balance due fourteen (14) days after the due date shall be assessed a penalty of \$10.00. If such date falls on the weekend or legal holiday, then payment is due the next business day.

(b) Disconnection for Nonpayment: Any account with a balance due greater than \$130.00, twenty-one (21) days after the billing date, shall be subject to disconnection. The past due amount plus a reconnect fee of \$41.00 (\$74.00 after regular office hours) must be paid prior to reconnection of services.

(c) Return Connection Fee: Customers are encouraged but not required to be present (or have a representative present) anytime service is reestablished (This is recommended in order to prevent flooding and water damage that could result from interior faucets being left in the "on" position, hanging toilets floats, leaks and other conditions that could arise subsequent to the disconnection.) In the event the customer or a designated representative (a) cannot be located on-site when the service is reconnected and (b) the meter registers usage after the service has been reestablished and thus presents the risk of water damage, the service will be turned back off and the customer will be notified of the problem and asked to reschedule the reconnection. Subsequent trips to reestablish service will be subject to a Return Reconnection Fee of \$41.00 each if performed during

(20)

working hours or \$74.00 if performed after working hours. This fee is applicable when service has been disconnected for nonpayment; when service to a new account is established or when service has been disconnected at the request of the customer.

(d) Return Check Fee. In the event the bank does not honor a customer's check for any service or good provided by the City, a \$35.00 fee will be charged.

(e) Replacement of Cut-off Valve. In the event a customer has damaged a cut-off valve or curb stop to the point the valve must be replaced, then, the customer shall be billed a \$74.00 replacement fee, plus the actual cost of materials to replace the damaged item. In the event a customer has broken a cut-off valve for the purpose of removing a lock, an additional tampering penalty of \$152.00 (see "(j)" below) must be paid before service is restored.

(f) Fire hydrant meter set fee: \$38.00

(g) Meter Box Replacement Fee: \$63.00 plus actual materials cost

(h) Cut lock fee: \$152.00

(i) Reread meter service charge: \$18.00

(j) Tampering penalty: \$152.00

(k) New account fee: \$19.00

(l) Sokoll Rate fee: \$1.30 per 1,000 gallons

(k) Solid Waste fee: \$11.43 (*excluding sales tax)

PASSED, APPROVED AND ADOPTED this the 7th day of September, 2021.

ATTEST:

City Secretary

Mayor

(21)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 2, 2021

Re: Consider a Motion to Ratify the Property Tax Revenue Increase
Reflected in the Fiscal Year 2021-2022 Budget In Accordance With the
Texas Local Government Code

The Texas Local Government Code requires that "adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget."

The increase in the budget provides for continued and additional funding for essential city services such as public safety; street and sidewalk installation and maintenance; parks and trail maintenance and improvements; and continued support of the City's capital improvements program.

The motion would be -

"I move to ratify the property tax increase reflected in the budget."

(28)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 2, 2021

Re: Consider Proposed Ordinance Adopting the Tax Rate for Fiscal Year 2021-2022

This agenda item is for the City Council to consider the proposed Property Tax rate included in the Fiscal Year 2021-2022 Budget. In accordance with the Tax Code, a public hearing on the property tax rate was held on August 31, 2021. The proposed rate of \$0.660000 is above the no-new-revenue rate of \$0.625875 and lower than the voter-approval rate of \$0.660501.

The increase in the budget provides for continued and additional funding for essential city services such as public safety; street and sidewalk installation and maintenance; parks and trail maintenance and improvements; and continued support of the City's capital improvements program.

Tax Code 26.05(b) requires that the following language be used in adopting the tax rate:

"I move that the property tax rate be increased by the adoption of a tax rate of 66 cents, which is effectively a 5.5 percent increase in the tax rate."

(28)

ORDINANCE NO. _____

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2022 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.

Be it ordained by the City Council of the City of Waxahachie, Texas, that section 30-2 of the Code of Ordinances, City of Waxahachie, is hereby amended to read as follows:

Sec. 30-2. Tax Levy. There is hereby levied and there shall be assessed and collected for the Maintenance and Operation of the municipal government of the City of Waxahachie, Texas, and to meet Interest and Sinking requirements for fiscal year 2022, upon all property, real, personal and mixed within the corporate limits of the City subject to taxation, a total tax of \$0.66000 on each one hundred dollars (\$100.00) of assessed valuation based on 100% of market value of said property, said tax being so levied and apportioned to the specific purpose herein set forth.

- a. For the maintenance and operation of the general government including current expenses and for general improvements of the City and its property, known as the General Fund, \$0.45610 on each one hundred dollars (\$100.00) of assessed valuation of all taxable property, and
- b. For the maintenance and operation of a public library within the City, known as Sims Library, \$0.02500 on each one hundred dollars (\$100.00) of assessed valuation of all taxable property, and
- c. For the purpose of paying interest and principal for the redemption of bonds, warrants, and other long-term obligations heretofore legally issued by the City, known as the Interest and Sinking Fund, \$0.17890 on each one hundred dollars (\$100.00) of assessed valuation of all taxable property.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.39 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$15.79.

All Taxes as set out above shall be payable as set out by existing city ordinances and statutes of the State of Texas.

In order to provide for the efficient, usual daily operation of the City by immediately levying the tax rates for the current fiscal year, an emergency is hereby declared to exist and this ordinance shall take effect immediately from and after its passage.

PASSED, APPROVED AND ADOPTED on this the 7th day of September, 2021.

MAYOR

ATTEST:

City Secretary

(23)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The classified positions under Civil Service in the Fire Department shall be as follows:

Assistant Fire Chief	1
Fire Marshal	1
Fire Battalion Chief	5
Fire Captain	9
Fire Lieutenant	3
Fire Pumper Engineer	12
Firefighter	36

SECTION 2. The classified positions under Civil Service in the Police Department shall be as follows:

Assistant Police Chief	2
Police Lieutenant	5
Sergeants	8
Corporal	4
Police Patrol Officer	59

SECTION 3. The annual/monthly base rate pay for each of the above captioned classified positions shall be determined by each year's budget.

SECTION 4. The positions of Assistant Fire Chief and Assistant Police Chief shall be appointed positions, appointed by the head of the department.

SECTION 5. That all ordinances of the City of Waxahachie heretofore adopted which are in conflict with the provisions of this ordinance be, and the same are hereby repealed.

SECTION 6. That this ordinance shall take effect thirty days after passage and all requirements under Chapter 143 of the Local Government Code have been satisfied.

PASSED, APPROVED, AND ADOPTED this 7th day of September, 2021.

MAYOR

ATTEST:

CITY SECRETARY

(24)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Executive Director of Development Services

Thru: Michael Scott, City Manager

Date: September 2, 2021

Re: City of Waxahachie – City of Midlothian ETJ Exchange

City staff is seeking permission from City Council to enter into an interlocal boundary and Extraterritorial Jurisdiction (ETJ) agreement between the City of Waxahachie and the City of Midlothian to adjust the current and ultimate boundaries of the City of Waxahachie's ETJ and corporate limits between the City of Waxahachie and the City of Midlothian.

The purpose of this proposed exchange between the two cities is to limit multi-municipality oversight for development around portions of FM Highway 875.

As part of this agreement proposal, the City of Waxahachie will provide the City of Midlothian with two (2) tracts totaling 58.685 acres to add to Midlothian's ETJ. In return, the City of Midlothian will provide the City of Waxahachie with three (3) tracts totaling 66.766 acres to add to Waxahachie's ETJ.

The Midlothian City Council voted to approve the proposed ETJ exchange at their August 24, 2021 City Council meeting, pending an approval from the Waxahachie City Council.

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

Shon Brooks

(54)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING; AN INTERLOCAL BOUNDARY AND ETJ AGREEMENT ADJUSTING THE CURRENT AND ULTIMATE BOUNDARIES OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTIONAL AND CORPORATE LIMITS BETWEEN THE CITY OF WAXAHACHIE AND THE CITY OF MIDLOTHIAN, TEXAS, AND UPDATING THE OFFICIAL MAP; AUTHORIZING THE MAYOR TO EXECUTE THE BOUNDARY AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Midlothian, Texas, has agreed to set the current and ultimate extraterritorial jurisdiction ("ETJ") and corporate boundaries through an Interlocal Boundary and ETJ Agreement; and

WHEREAS, the City Council of Waxahachie, Texas finds and determines that the Interlocal Boundary and ETJ Agreement ("Boundary Agreement") is in the best interests of the public health, safety and welfare, and does, by this ordinance, approve the Boundary Agreement, a true and correct copy of which is attached hereto and incorporated herein as Exhibit "A";

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

SECTION 1. That the City Council of the City of Waxahachie, Texas hereby approves the Boundary Agreement by and between the City of Waxahachie, Texas, and the City of Midlothian, Texas, a copy of which is attached hereto as Exhibit "A" with the current and ultimate boundary set forth in Exhibit "A".

SECTION 2. That the City Council hereby authorizes the Mayor to execute the Boundary Agreement on the City's behalf and to execute such related documents as may be necessary or appropriate.

SECTION 3. That the City Secretary is hereby directed to amend the City's official map to incorporate the changes effected by this Boundary Agreement and to file copies thereof with the County Clerk of Ellis County, Texas.

SECTION 5. This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ON THIS THE 7TH DAY OF SEPTEMBER, 2021.

(24)

APPROVED:

Doug Barnes, Mayor

ATTEST:

Amber Villarreal, City Secretary

APPROVED AS TO FORM:

Robert F. Brown, City Attorney

(24)

STATE OF TEXAS §
 § **INTERLOCAL BOUNDARY AND ETJ**
 § **AGREEMENT**
 COUNTY OF ELLIS §

This Interlocal Boundary and ETJ Agreement (“Boundary Agreement”) is made by and between the City of Midlothian, Texas (“Midlothian”), a home rule municipality, located in Ellis County, Texas; and the City of Waxahachie, Texas (“Waxahachie”), a home rule municipality, located in Ellis County, Texas (each individually referred to as a “City” and collectively referred to as the “Cities”), acting by and through their authorized representatives.

Recitals:

WHEREAS, Midlothian and Waxahachie are neighboring municipalities that currently or will in the future share common boundaries; and

WHEREAS, the Cities are empowered by state law and the Constitution to establish their respective corporate boundaries; and

WHEREAS, the Cities seek to avoid certain conflicts and uncertainty relative to the extent and location of their respective corporate limits and extraterritorial jurisdiction ("ETJ"), and the potential for litigation involving the same; and

WHEREAS, each of the Cities has reviewed their respective corporate boundaries and ETJ based upon their respective populations and Chapter 42 of the Texas Local Government Code, and collectively acknowledge and agree that such area would be best served by the municipal services of the Cities as reflected in the maps attached as Exhibits “A”, “B” and “C” attached hereto and incorporated herein for all purposes; and

WHEREAS, the Cities have investigated and determined that it is necessary and in the best interest of the public health, safety and welfare of their residents to confirm boundaries and make certain agreements and adjustments regarding their respective current and future corporate boundaries and ETJ and the provision of services; and

WHEREAS, this Boundary Agreement is made under the authority granted by and pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, providing for the cooperation between local governmental bodies, for beneficial governmental purposes; and

WHEREAS, the Cities have each submitted to their respective governing bodies an ordinance approving this Boundary Agreement which confirms and adjusts their respective current and ultimate corporate boundaries and ETJ, as set forth herein in Exhibits “A”, “B” and “C”.

NOW, THEREFORE, for and in consideration of the mutual benefits and obligations set forth in this Agreement, the Cities agree as follows:

(24)

ARTICLE I Incorporation of Premises

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

ARTICLE II Obligations and Agreements of the Cities

Pursuant to Chapter 42 of the Texas Local Government Code, Midlothian hereby agrees to allocate the area described in Exhibit "B" to Waxahachie; and, Waxahachie hereby agrees to allocate the area described in Exhibit "C" to Midlothian.

2.1 Boundaries. The Cities covenant and agree that from and after the approval and execution of this Boundary Agreement by each of the respective Cities, the boundaries in the depicted area of the respective corporate limits and ETJ of Midlothian and Waxahachie, and future expansion of said boundaries, shall be described and depicted in the attached Exhibits "A", "B" and "C". The Cities covenant and agree that no City shall assert any police powers or other governmental powers, nor annex property or expand ETJ, into any area depicted in Exhibits "A", "B" and "C", as being within the other City's corporate limits, boundaries or ETJ without such City's written consent. A City may otherwise expand its ETJ in accordance with state law; however, in no event may a City's ETJ include an area shown on Exhibits "A", "B" and "C" be within the corporate boundaries of the ETJ of any other City, without such City's written consent.

2.2 Adoption of Official Map. The respective governing bodies of the Cities shall take appropriate action to effectuate the terms of this Boundary Agreement approved hereby through the adoption of an official map ("Official Map") showing their respective boundaries and ETJ, and future maximum boundaries and ETJ, as required by Section 41.001 of the Texas Local Government Code. The Official Map of each City shall be filed by each respective City with the appropriate county clerk(s) within thirty (30) days of adoption of the City's Official Map, and a copy of each City's ordinance adopting, and authorizing the execution of this Boundary Agreement, after the effective date, shall be filed in the deed records of the appropriate counties where the Cities are situated.

2.3 Prior Actions. Each City fully waives and releases, to date, any and all claims of every conceivable nature against each other City and their respective City Council members, officers, employees and representatives regarding this Boundary Agreement, the ordinance adopting and authorizing this Boundary Agreement, and any and all boundary, ETJ, and annexation issues or claims, demands, controversies or causes of action, including under the Declaratory Judgment Act.

(24)

ARTICLE III Term/Consideration

3.1 The Cities agree and stipulate that the mutual covenants and agreements contained herein, and the actions taken by each of the Cities in fulfilling its agreements hereunder are good and valuable consideration for this Boundary Agreement. The Cities further agree that the boundary and ETJ adjustments made hereunder constitute additional good and valid consideration and serve the valid government purpose of establishing and confirming current and ultimate corporate boundaries and ETJ.

3.2 By entering into this Boundary Agreement, the Cities agree to not, by legal proceedings or other legal process, either directly or by supporting a third party: (1) challenge or contest this Boundary Agreement or any of its provisions or attempt in any manner to oppose or set aside the provisions hereof or impair or invalidate any of its provisions; or (2) attempt to annex or assert any form of extraterritorial control over the other City's future or ultimate corporate limits, boundaries or ETJ as identified on Exhibits "A", "B" and "C".

ARTICLE IV General Provisions

4.1 Default. In the event of a breach of this Boundary Agreement by any City hereto, the Cities agree that they may pursue any legal remedy available at law or in equity.

4.2 Additional Documents. The Cities agree to cooperate fully and in good faith to execute any and all supplementary documents and to take all actions which are necessary to give full force and effect to the basic terms of this Boundary Agreement within thirty (30) days of execution of this Boundary Agreement by both Cities.

4.3 Relationship of Parties. The Cities understand and agree that each of the Cities performing obligations required by this Boundary Agreement is acting as an independent entity and that the execution of this Boundary Agreement shall not be construed as creating a joint venture or agency relationship by or among any one or more of the Cities. Each City hereto is an independent governmental entity acting pursuant to the state laws and local ordinances regulating its conduct, and by execution of this Boundary Agreement, the parties make no representations regarding the validity of the actions taken by any of the other parties hereto.

4.4 Third-Party Beneficiaries. Nothing in this Boundary Agreement shall be construed to create any right in any third-party not a signatory to this Boundary Agreement and the Cities do not intend to create any third-party beneficiaries by entering into this Boundary Agreement.

4.5 Immunity. Nothing in this Boundary Agreement shall be deemed a waiver of the governmental, sovereign, or official immunity afforded by law to the Cities, either individually or collectively. The Cities stipulate that this Boundary Agreement is not subject to the terms of Local Government Code Ch. 271, Subchapter I.

(24)

4.6 Notices. All written notices required under this Boundary Agreement must be hand delivered or sent by certified mail return receipt requested addressed to the proper City at the following addresses:

City of Midlothian:

Attention: City Manager
Address: 104 West Avenue E,
Midlothian, Texas 76065
Phone: 972-775-3481

City of Waxahachie:

Attention: City Manager
Address: 401 S. Rogers Street
Waxahachie, Texas 75165
Phone: 469-309-4000

Each City may change the address to which notices are sent by giving the other City written notice, within ten (10) days, of the new address in the manner provided by this paragraph.

4.7 Capacity. Each of the signatories below hereby represents that this Boundary Agreement has been approved by his or her City Council and that he/she has full capacity and authority to sign and assume all obligations granted and assumed under this Boundary Agreement.

4.8 Waiver of Breach. Forbearance or waiver of one or more instances of breach of this Boundary Agreement by any City shall not constitute a continuing forbearance or a waiver of any subsequent breach of this Boundary Agreement.

4.9 Applicable Law/Venue/Mediation. This Boundary Agreement shall be construed under, and in accordance with the laws of the State of Texas, and exclusive venue shall lie in Ellis County, Texas. If one or more disputes arise with regard to the interpretation, performance and/or breach of this Boundary Agreement or any of its provisions, the Cities agree to attempt in good faith to resolve same by scheduling and attending one (1) day of mediation. The mediation shall be conducted within thirty (30) days of the dispute with a mediator agreed to by the Cities, and the cost of the mediation shall be shared equally by the Cities. If a City refuses to mediate, that City shall not recover or seek to recover attorney's fees or costs in any lawsuit brought to construe or enforce this Boundary Agreement.

4.10 Legal Construction/Severability. In case any section, article, paragraph, provision, sentence, clause, phrase or word provisions contained in this Boundary Agreement shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Boundary Agreement, and this Boundary Agreement shall be construed as if the invalid, illegal, or unenforceable provision had not been included in this Boundary Agreement. Such holding shall not affect the validity of the remaining portions of this Boundary Agreement, and the respective

(24)

governing body of each of the Cities hereby declares it would have passed and approved such remaining portions of this Boundary Agreement despite such invalidity, which remaining portions shall remain in full force and effect. The Cities expressly agree that if, as of the effective date of this Boundary Agreement, any portion of the corporate limits or ETJ of any City shown on the Boundary Map is within the corporate limits or ETJ of any other city that is not a party to this Boundary Agreement, the remainder of the Boundary Agreement shall remain in full force and effect as if such property had not been included.

4.11 Entire Agreement. This Boundary Agreement constitutes the sole and entire agreement of the Cities and supersedes any prior understandings or written or oral agreements between the Cities relating to the subject matter of this Boundary Agreement.

4.12 Construction. This Boundary Agreement has been negotiated by the Cities and shall be deemed drafted equally by all Cities hereto. The language of all parts of this Boundary Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any City shall not apply.

4.13 Amendment. No amendment, modification, or alteration of the terms of this Boundary Agreement shall be binding unless it is in writing, dated subsequent to the date of this Boundary Agreement, and duly approved and executed by the authorized representative of each of the Cities to this Boundary Agreement; however, Cities may adjust mutual boundaries with other cities without the written consent of any of the other parties to this Boundary Agreement.

4.14 Counterparts. This Boundary Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

(signature page to follow)

(24)

EXECUTED this _____ day of _____, 2021.

CITY OF MIDLOTHIAN, TEXAS

By: _____
Richard Reno, Mayor

Attest:

By: _____
Mary McDonald, Deputy City Secretary

Approved as to form:

By: _____
Joseph J. Gorfida, Jr., City Attorney

EXECUTED this _____ day of _____, 2021.

CITY OF WAXAHACHIE, TEXAS

By: _____
Doug Barnes, Mayor

Attest:

By: _____
Amber Villarreal, City Secretary

Approved as to form:

By: _____
Robert F. Brown, City Attorney

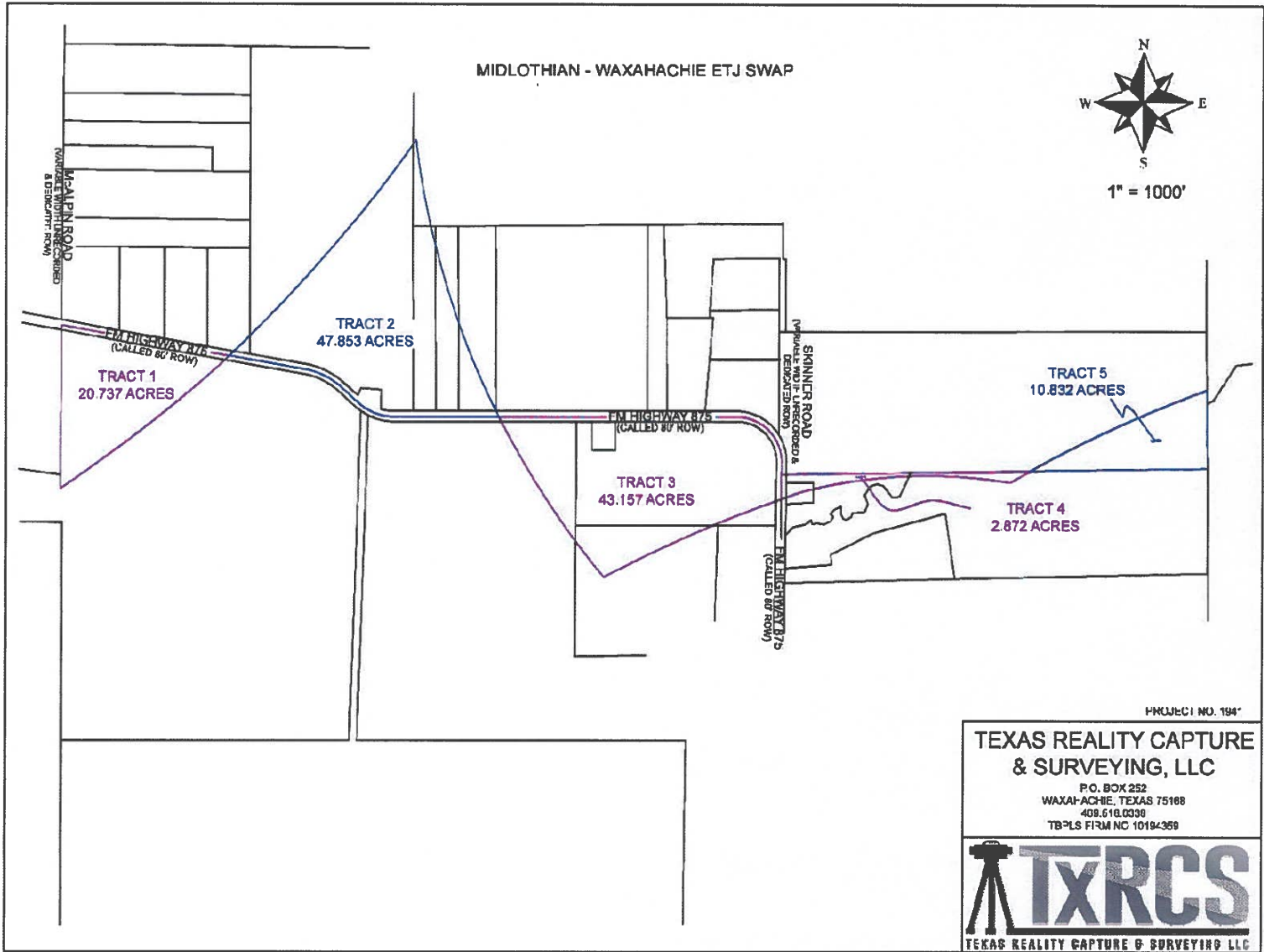
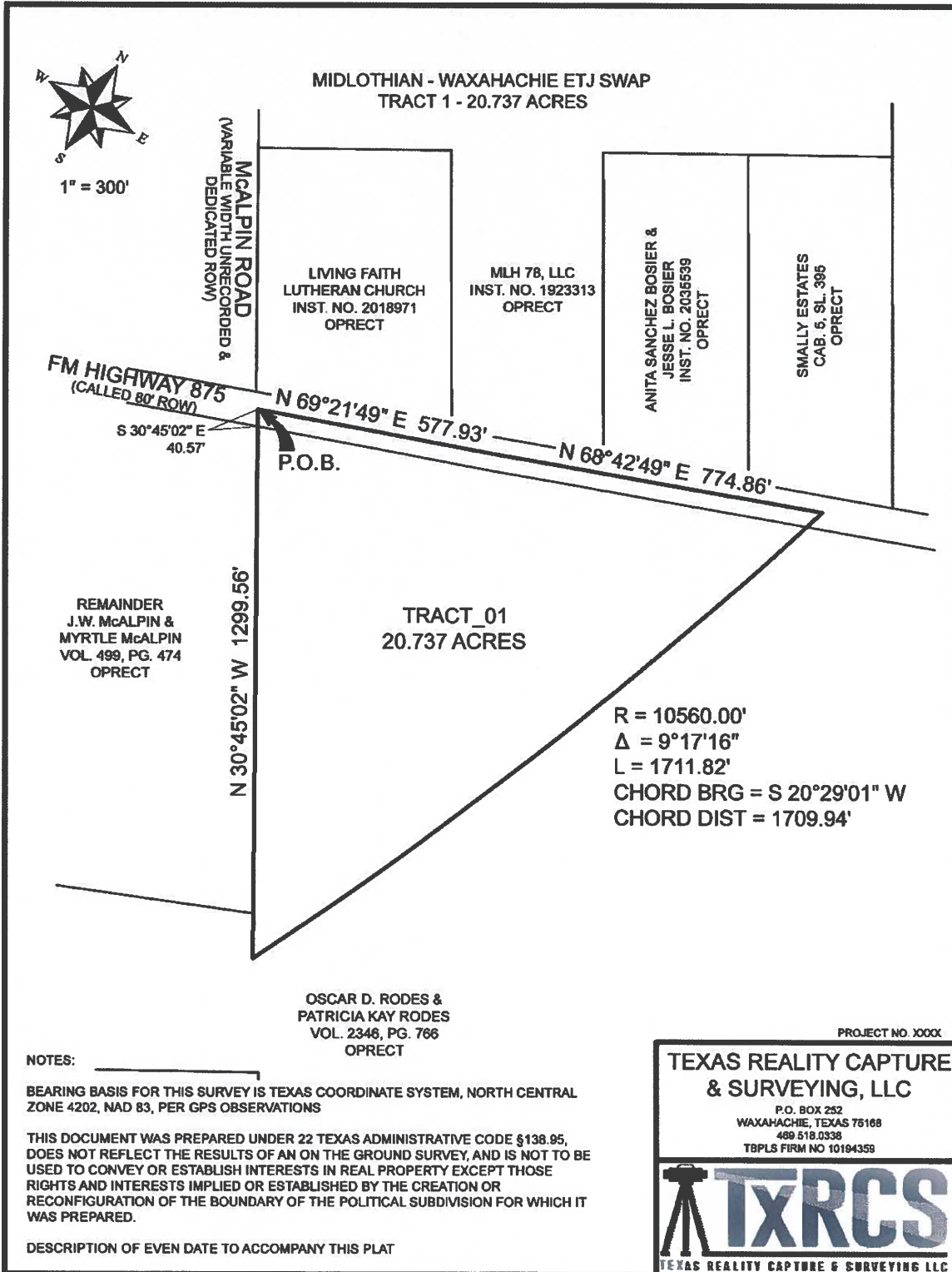


EXHIBIT "A" (Overall Map)

(g4)

(24)

EXHIBIT "B" (Midlothian to Waxahachie - Tract 1)



(24)

EXHIBIT "B" (Midlothian to Waxahachie – Tract 1)

**MIDLOTHIAN - WAXAHACHIE ETJ SWAP
TRACT 1 - 20.737 ACRES**

**PROPERTY DESCRIPTION: APPROXIMATE CITY LIMITS
ETJ CITY OF MIDLOTHIAN, TEXAS TO ETJ CITY OF WAXAHACHIE, TEXAS
TRACT 1**

BEING A TRACT OF LAND SITUATED IN THE N.N.J.J. & B.L. EDWARDS SURVEY, ABSTRACT NO. 340 AND THE J. AGEE SURVEY, ABSTRACT NO. 31, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THE EXISTING ETJ OF THE CITY OF MIDLOTHIAN, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO OSCAR D. RODES AND PATRICIA KAY RODES, RECORDED IN VOLUME 2346, PAGE 766, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING A PORTION OF THE RIGHT-OF-WAY (ROW) OF FM HIGHWAY 875 (A CALLED 80' ROW), AND BEING FURTHER DESCRIBED AS FOLLOWS:

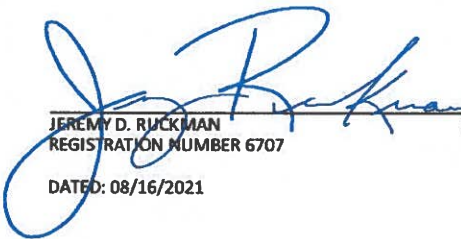
BEGINNING AT A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, FROM WHICH THE NORTHWEST CORNER OF SAID RODES TRACT AND THE NORTHEAST CORNER OF THE REMAINING PORTION OF THAT TRACT OF LAND DESCRIBED IN J.W. McALPIN AND MYRTLE McALPIN, RECORDED IN VOLUME 499, PAGE 474, OPRECT BEARS S 30°45'02" E, A DISTANCE OF 40.57 FEET;

THENCE N 69°21'49" E, ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, A DISTANCE OF 577.93 FEET TO A POINT FOR CORNER;

THENCE N 68°42'49" E, CONTINUING ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, A DISTANCE OF 774.88 FEET TO A POINT FOR CORNER IN THE APPROXIMATE ETJ LINE OF THE CITY OF MIDLOTHIAN AND THE COMMON ETJ LINE OF THE CITY OF WAXAHACHIE, AND BEING THE BEGINNING OF A NON-TANGENT CURVE THE RIGHT HAVING A RADIUS THAT BEARS N 74°09'38" W, A DISTANCE OF 10560.00 FEET;

THENCE OVER AND ACROSS SAID RODES TRACT, ALONG SAID COMMON ETJ LINE AND WITH SAID NON-TANGENT CURVE TO THE RIGHT A DELTA ANGLE OF 09°17'16", AN ARC LENGTH OF 1711.82 FEET, A CHORD BEARING OF S 20°29'01" W, AND A CHORD LENGTH OF 1709.94 FEET TO A POINT FOR CORNER;

THENCE N 30°45'02" W, LEAVING SAID COMMON ETJ LINE, CONTINUING OVER AND ACROSS SAID RODES TRACT AND ALONG A WEST LINE OF SAID RODES TRACT AND THE COMMON EAST LINE OF SAID REMAINING McALPIN TRACT, AND OVER AND ACROSS SAID FM HIGHWAY 875 ROW, A DISTANCE OF 1299.56 FEET TO THE POINT OF BEGINNING, AND CONTAINING 20.737 ACRES OF LAND, MORE OR LESS.


JEREMY D. RUCKMAN
REGISTRATION NUMBER 6707
DATED: 08/16/2021



NOTES:

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

THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

PLAT OF EVEN DATE TO ACCOMPANY THIS DESCRIPTION

PROJECT NO. 1941

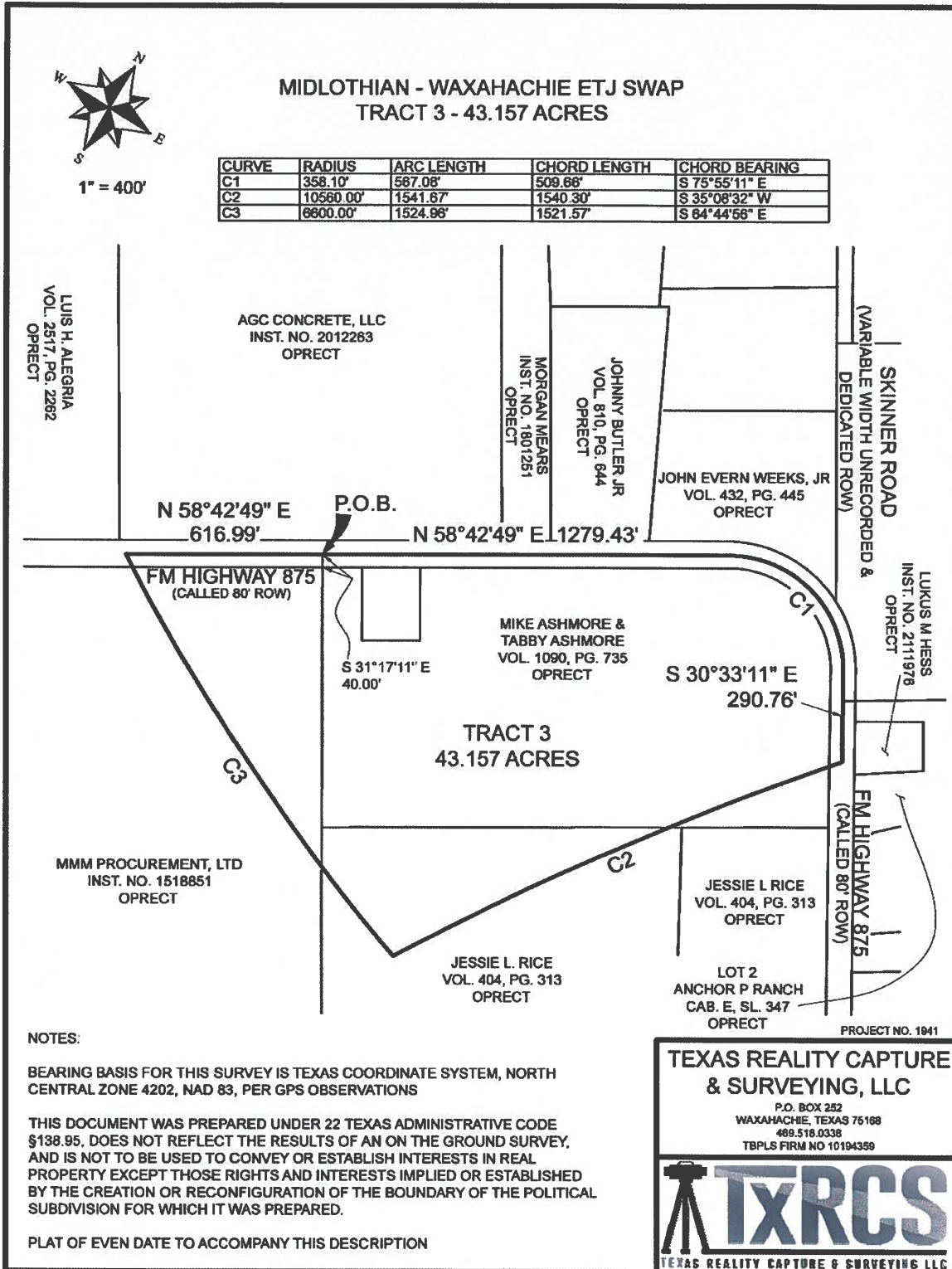
**TEXAS REALITY CAPTURE
& SURVEYING, LLC**

P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194359



(24)

EXHIBIT "B" (Midlothian to Waxahachie - Tract 3)



(24)

EXHIBIT "B" (Midlothian to Waxahachie – Tract 3)

**MIDLOTHIAN - WAXAHACHIE ETJ SWAP
TRACT 3 - 43.157 ACRES**

BEING A TRACT OF LAND SITUATED IN THE J. BARKER SURVEY, ABSTRACT NO. 40, AND THE D. FEARIS SURVEY, ABSTRACT NO. 378, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THE EXISTING ETJ OF THE CITY OF MIDLOTHIAN, AND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND: MMM PROCUREMENT, LTD, RECORDED IN INSTRUMENT NO. 1518851, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND MIKE ASHMORE AND TABBY ASHMORE, RECORDED IN VOLUME 1090, PAGE 735, OPRECT, AND JESSIE L. RICE, RECORDED IN VOLUME 404, PAGE 313, OPRECT, AND BEING A PORTION OF THE RIGHT-OF-WAY (ROW) OF FM HIGHWAY 875 (A CALLED 80' ROW), AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, FROM WHICH THE NORTHEAST CORNER OF SAID MMM PROCUREMENT TRACT AND THE COMMON NORTHWEST CORNER OF SAID ASHMORE TRACT BEARS S 31°17'11" E, A DISTANCE OF 40.00 FEET;

THENCE N 58°42'49" E, ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, A DISTANCE OF 1279.43 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS S 31°17'11" E, A DISTANCE OF 358.10 FEET;


THENCE CONTINUING ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875 AND WITH SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 90°44'00", AN ARC LENGTH OF 567.08 FEET, A CHORD BEARING OF S 75°55'11" E, AND A CHORD LENGTH OF 509.66 FEET TO A POINT FOR CORNER;

THENCE S 30°33'11" E, CONTINUING ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, A DISTANCE OF 290.76 FEET TO A POINT FOR CORNER IN THE APPROXIMATE ETJ LINE OF THE CITY OF MIDLOTHIAN AND THE COMMON ETJ LINE OF THE CITY OF WAXAHACHIE, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS THAT BEARS S 50°40'31" E, A DISTANCE OF 10560.00 FEET;

THENCE OVER AND ACROSS THE ROW OF SAID FM HIGHWAY 875, SAID ASHMORE TRACT, AND SAID RICE TRACT, ALONG SAID COMMON ETJ LINE, AND WITH SAID NON-TANGENT CURVE TO THE LEFT HAVING A DELTA ANGLE OF 08°21'53", AN ARC LENGTH OF 1541.67 FEET, A CHORD BEARING OF S 35°08'32" W, AND A CHORD LENGTH OF 1540.30 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS N 18°37'55" E, A DISTANCE OF 6600.00 FEET;

THENCE OVER AND ACROSS SAID RICE TRACT, SAID MMM PROCUREMENT TRACT AND THE ROW OF SAID FM HIGHWAY 875, CONTINUING ALONG SAID COMMON ETJ LINE, AND WITH SAID COMPOUND CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 13°14'18", AN ARC LENGTH OF 1524.96 FEET, A CHORD BEARING OF N 64°44'56" W, AND A CHORD LENGTH OF 1521.57 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875;

THENCE N 58°42'49" E, ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, A DISTANCE OF 616.99 FEET TO THE POINT OF BEGINNING, AND CONTAINING 43.157 ACRES OF LAND, MORE OR LESS.


JEREMY D. RUCKMAN
REGISTRATION NUMBER 6707
DATED: 08/16/2021



NOTES:

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

THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

PLAT OF EVEN DATE TO ACCOMPANY THIS DESCRIPTION

PROJECT NO. 1941

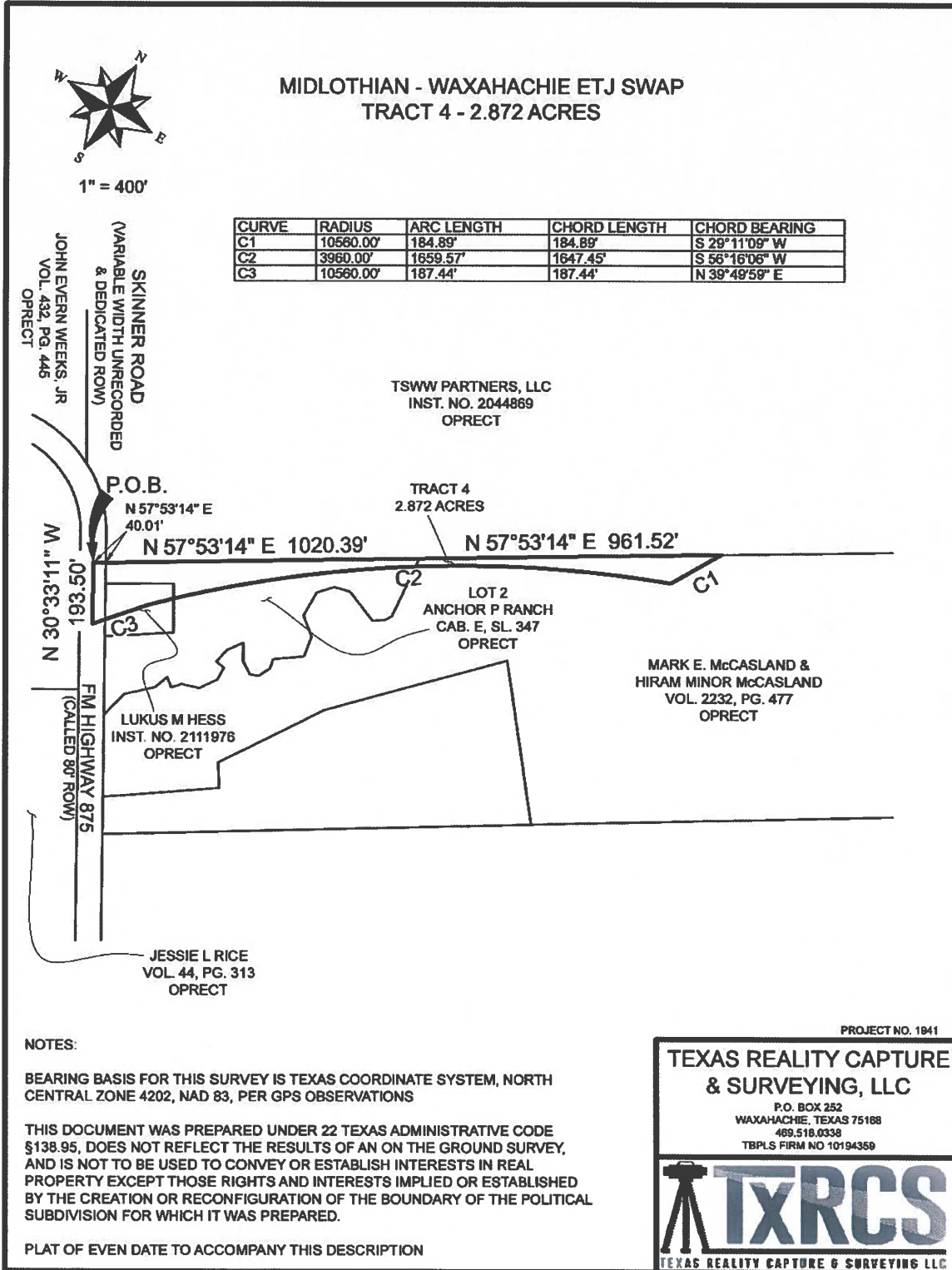
**TEXAS REALITY CAPTURE
& SURVEYING, LLC**

P.O. BOX 252
WAXAHACHIE, TEXAS 75188
469.518.0338
TBPL8 FIRM NO 10194359



(24)

EXHIBIT "B" (Midlothian to Waxahachie – Tract 4)



(24)

EXHIBIT "B" (Midlothian to Waxahachie – Tract 4)

MIDLOTHIAN - WAXAHACHIE ETJ SWAP TRACT 4 - 2.872 ACRES

BEING A TRACT OF LAND SITUATED IN THE J. BARKER SURVEY, ABSTRACT NO. 40, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THE EXISTING ETJ OF THE CITY OF MIDLOTHIAN, AND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND: LOT 2 OF ANCHOR P RANCH, AN ADDITION TO ELLIS COUNTY, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, SLIDE 347, OPRECT, AND LUKUS M HESS, RECORDED IN INSTRUMENT NO. 2111978, OPRECT, AND MARK E. MCCASLAND AND HIRAM MINOR MCCASLAND, RECORDED IN VOLUME 2232, PAGE 477, OPRECT, AND BEING A PORTION OF THE RIGHT-OF-WAY (ROW) OF FM HIGHWAY 875 (A CALLED 80' ROW), AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, FROM WHICH THE NORTHWEST CORNER OF SAID LOT 2 AND THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO TSWW PARTNERS, LLC, RECORDED IN INSTRUMENT NO. 2044869, OPRECT BEARS N 57°53'14" E, A DISTANCE OF 40.00 FEET;

THENCE N 57°53'14" E, OVER AND ACROSS THE ROW OF SAID FM HIGHWAY 875, ALONG THE NORTH LINE OF SAID LOT 2 AND THE COMMON SOUTH LINE OF SAID TSWW PARTNERS TRACT, A DISTANCE OF 1027.52 FEET TO A POINT FOR CORNER AT THE NORTHEAST CORNER OF SAID LOT 2 AND A COMMON NORTHWEST CORNER OF SAID MCCASLAND TRACT;

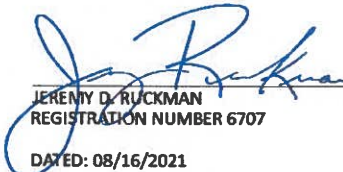
THENCE N 57°53'14" E, ALONG THE SOUTH LINE OF SAID TSWW PARTNERS TRACT AND THE NORTH LINE OF SAID MCCASLAND TRACT, A DISTANCE OF 954.39 FEET TO A POINT FOR CORNER IN THE APPROXIMATE ETJ LINE OF THE CITY OF MIDLOTHIAN AND THE COMMON ETJ LINE OF THE CITY OF WAXAHACHIE, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS THAT BEARS S 60°18'45" E, A DISTANCE OF 10560.00 FEET;

THENCE OVER AND ACROSS SAID MCCASLAND TRACT, ALONG SAID COMMON ETJ LINE, AND WITH SAID NON-TANGENT CURVE TO THE LEFT HAVING A DELTA ANGLE OF 01°00'11", AN ARC LENGTH OF 184.89 FEET, A CHORD BEARING OF S 29°11'09" W, AND A CHORD LENGTH OF 184.89 FEET TO A POINT FOR CORNER, AND BEING THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS THAT BEARS S 21°43'33" E, A DISTANCE OF 3960.00 FEET;

THENCE OVER AND ACROSS SAID MCCASLAND TRACT, SAID LOT 2 AND SAID HESS TRACT, ALONG SAID COMMON ETJ LINE, AND WITH SAID COMPOUND CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 24°00'42", AN ARC LENGTH OF 1659.57 FEET, A CHORD BEARING OF S 56°16'06" W, AND A CHORD LENGTH OF 1647.45 FEET TO A POINT FOR CORNER, AND BEING THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS THAT BEARS S 49°39'30" E, A DISTANCE OF 10560.00 FEET;

THENCE OVER AND ACROSS SAID HESS TRACT AND THE ROW OF SAID FM HIGHWAY 875, ALONG SAID COMMON ETJ LINE, AND WITH SAID COMPOUND CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 01°01'01", AN ARC LENGTH OF 187.44 FEET, A CHORD BEARING OF S 39°49'59" W, AND A CHORD LENGTH OF 187.44 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875;

THENCE N 30°33'11" W, ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, A DISTANCE OF 193.50 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.872 ACRES OF LAND, MORE OR LESS.


JEREMY D. RUCKMAN
REGISTRATION NUMBER 6707
DATED: 08/16/2021



NOTES:

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

THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

PLAT OF EVEN DATE TO ACCOMPANY THIS DESCRIPTION

PROJECT NO. 1941

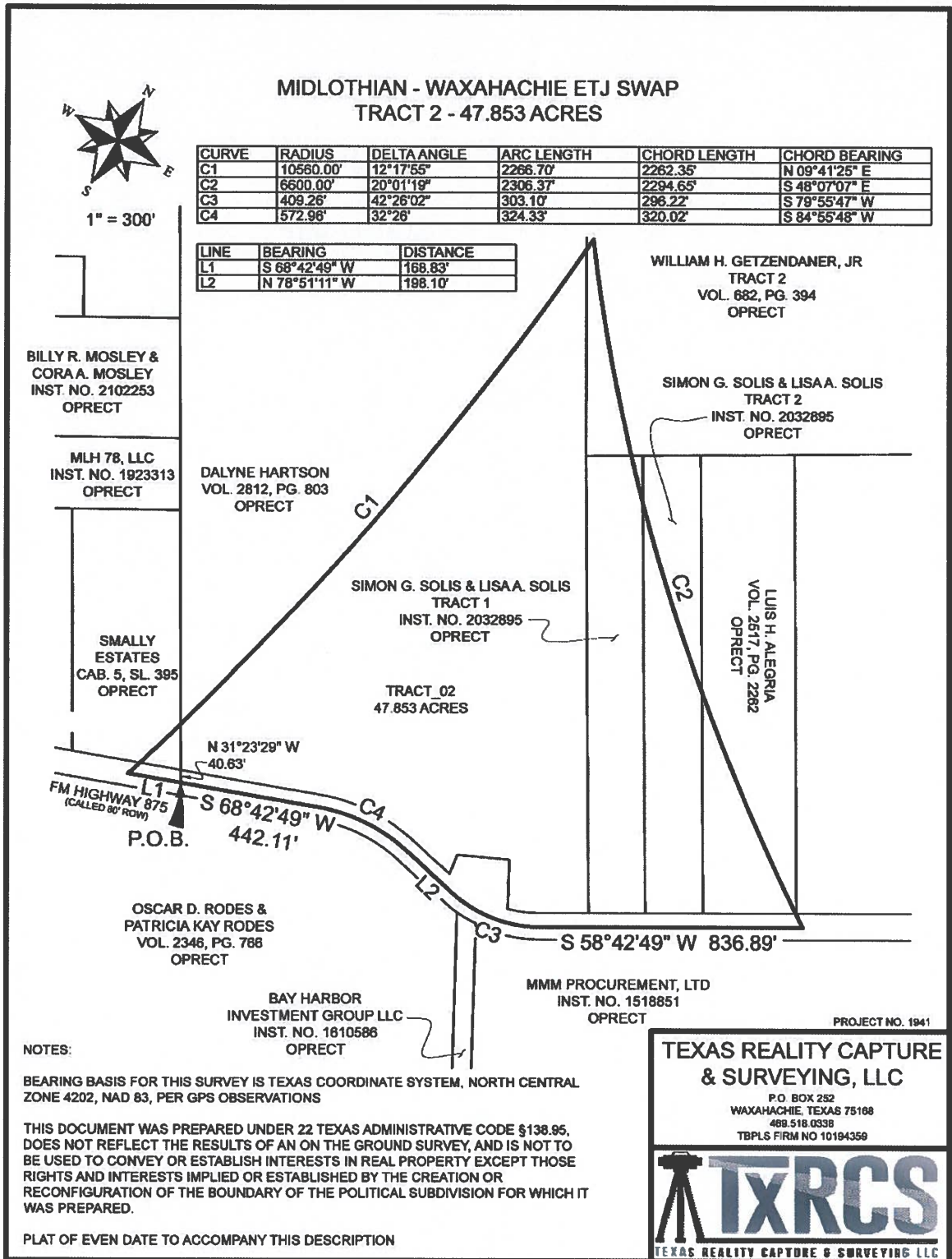
TEXAS REALITY CAPTURE & SURVEYING, LLC

P.O. BOX 252
WAXAHACHIE, TEXAS 75168
409.518.0938
TBPLS FIRM NO 10194359



(24)

EXHIBIT "C" (Waxahachie to Midlothian - Tract 2)



(24)

EXHIBIT "C" (Waxahachie to Midlothian – Tract 2)

**MIDLOTHIAN - WAXAHACHIE ETJ SWAP
TRACT 2 - 47.853 ACRES**

BEING A TRACT OF LAND SITUATED IN THE N.N.J.J. & B.L. EDWARDS SURVEY, ABSTRACT NO. 340, THE H. TAYLOR SURVEY, ABSTRACT NO. 1099 AND THE B. WYATT SURVEY, ABSTRACT NO. 1193, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THE EXISTING ETJ OF THE CITY OF WAXAHACHIE, AND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND: SMALLY ESTATES, AN ADDITION TO THE CITY OF MIDLOTHIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET K, SLIDE 385, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND DALYNE HARTSON, RECORDED IN VOLUME 2812, PAGE 803, OPRECT, AND TRACT 2 IN DEED TO WILLIAM H. GETZENDANER, JR, RECORDED IN VOLUME 882, PAGE 394, OPRECT, AND TRACTS 1 AND 2 IN DEED TO SIMON G. SOLIS AND LISA A. SOLIS, RECORDED IN INSTRUMENT NO. 2032895, OPRECT, AND LUIS H. ALEGRIA, RECORDED IN VOLUME 2517, PAGE 2262, OPRECT, AND AGC CONCRETE, LLC, RECORDED IN INSTRUMENT NO. 2012263, OPRECT, AND BEING A PORTION OF THE RIGHT-OF-WAY (ROW) OF FM HIGHWAY 875 (A CALLED 80' ROW), AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, FROM WHICH THE SOUTHWEST CORNER OF SAID HARTSON TRACT AND THE COMMON SOUTHEAST CORNER OF SAID SMALLY ESTATES BEARS N 31°23'29" W, A DISTANCE OF 40.63 FEET;

THENCE S 68°42'49" W, ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, A DISTANCE OF 168.83 FEET TO A POINT FOR CORNER IN THE APPROXIMATE ETJ LINE OF THE CITY OF WAXAHACHIE AND THE COMMON ETJ LINE OF THE CITY OF MIDLOTHIAN, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS THAT BEARS N 74°09'38" W, A DISTANCE OF 10580.00 FEET

THENCE OVER AND ACROSS THE ROW OF SAID FM HIGHWAY 875, SAID SMALLY ESTATES, SAID HARTSON TRACT AND SAID GETZENDANER TRACT, ALONG SAID COMMON ETJ LINE, AND WITH SAID NON-TANGENT CURVE TO THE LEFT HAVING A DELTA ANGLE OF 12°17'55", AN ARC LENGTH OF 2286.70 FEET, A CHORD BEARING OF N 09°41'25" E, AND A CHORD LENGTH OF 2262.35 FEET TO A POINT FOR CORNER IN A COMPOUND CURVE TO THE LEFT HAVING A RADIUS THAT BEARS N 51°53'32" E, A DISTANCE OF 6600.00 FEET;

THENCE OVER AND ACROSS SAID GETZENDANER TRACT, SAID SOLIS TRACTS, SAID ALEGRIA TRACT, AND THE ROW OF SAID FM HIGHWAY 875, ALONG SAID COMMON ETJ LINE AND WITH SAID NON-TANGENT CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 20°01'19", AN ARC LENGTH OF 2306.37 FEET, A CHORD BEARING OF S 48°07'07" E, AND A CHORD LENGTH OF 2294.65 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875,

THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID FM HIGHWAY 875, AS FOLLOWS:


S 58°42'49" W, A DISTANCE OF 636.89 FEET TO A POINT FOR CORNER, AND BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS N 31°17'14" W, A DISTANCE OF 409.26 FEET;

WITH SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 42°26'02", AN ARC LENGTH OF 303.10 FEET, A CHORD BEARING OF S 79°55'47" W, AND A CHORD LENGTH OF 296.22 FEET TO A FOR CORNER;

N 78°51'11" W, A DISTANCE OF 198.10 FEET TO A POINT FOR CORNER, AND BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS THAT BEARS S 11°08'48" W, A DISTANCE OF 572.96 FEET;

WITH SAID CURVE TO THE LEFT HAVING A DELTA ANGLE OF 32°26'00", AN ARC LENGTH OF 324.33 FEET, A CHORD BEARING OF S 84°55'48" W, AND A CHORD LENGTH OF 320.02 FEET TO A FOR CORNER;

S 68°42'49" W, A DISTANCE OF 442.11 FEET TO THE POINT OF BEGINNING, AND CONTAINING 47.853 ACRES OF LAND, MORE OR LESS.


JEREMY D. RUCKMAN
REGISTRATION NUMBER 6707
DATE: 08/16/2021



NOTES:

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

THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

PLAT OF EVEN DATE TO ACCOMPANY THIS DESCRIPTION

PROJECT NO. 1941

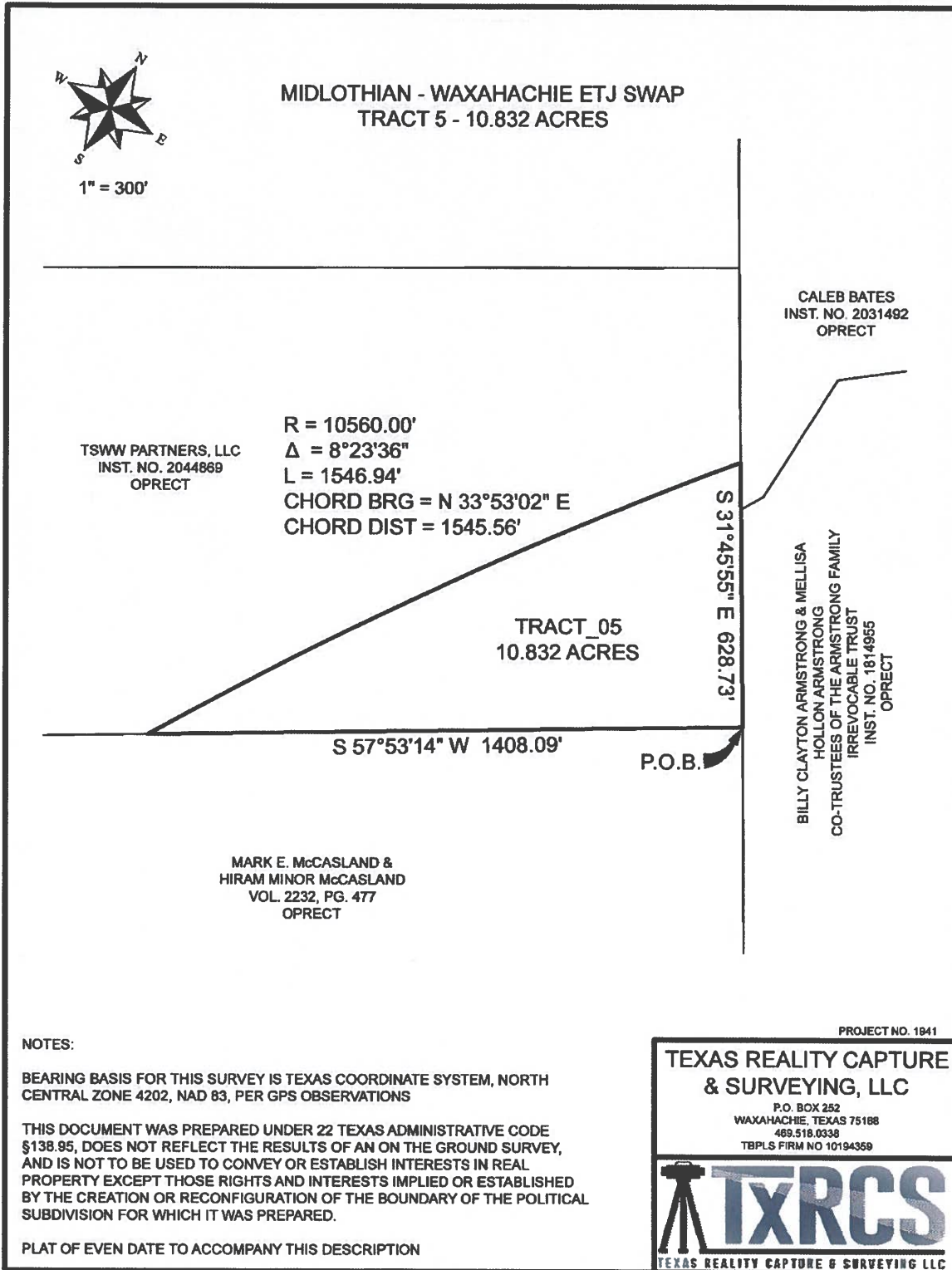
TEXAS REALTY CAPTURE & SURVEYING, LLC

P.O. BOX 252
WAXAHACHIE, TEXAS 75168
409.518.0339
TBPLS FIRM NO 10194359



(24)

EXHIBIT "C" (Waxahachie to Midlothian - Tract 5)



(24)

EXHIBIT "C" (Waxahachie to Midlothian – Tract 5)

**MIDLOTHIAN - WAXAHACHIE ETJ SWAP
TRACT 5 - 10.832 ACRES**

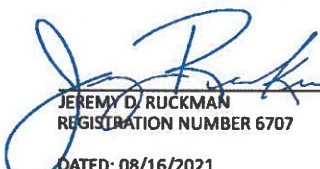
BEING A TRACT OF LAND SITUATED IN THE J. BAKER SURVEY, ABSTRACT NO. 40, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THE EXISTING ETJ OF THE CITY OF WAXAHACHIE, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO TSWW PARTNERS, LLC, RECORDED IN INSTRUMENT NO. 2044889, OF THE OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT A POINT FOR CORNER AT THE SOUTHEAST CORNER OF SAID TSWW PARTNERS TRACT AND THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO MARK E. McCASLAND AND HIRAM MINOR McCASLANDIN, RECORDED IN VOLUME 2232, PAGE 477, OPRECT, AND IN THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO BILLY CLAYTON ARMSTRONG AND MELLISA HOLLON ARMSTRONG, CO-TRUSTEES OF THE ARMSTRONG FAMILY IRREVOCABLE TRUST, RECORDED IN INSTRUMENT NO. 1814955, OPRECT;

THENCE S 57°53'14" W, ALONG THE SOUTH LINE OF SAID TSWW PARTNERS TRACT AND THE COMMON NORTH LINE OF SAID McCASLAND TRACT, A DISTANCE OF 1408.09 FEET TO A POINT FOR CORNER IN THE APPROXIMATE ETJ LINE OF THE CITY OF WAXAHACHIE AND THE COMMON ETJ LINE OF THE CITY OF MIDLOTHIAN, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS S 60°18'45" E, A DISTANCE OF 10560.00 FEET;

THENCE OVER AND ACROSS SAID TSWW PARTNERS TRACT, ALONG SAID COMMON ETJ LINE, AND WITH SAID NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 08°23'38", AN ARC LENGTH OF 1546.94 FEET, A CHORD BEARING OF N 33°53'02" E, AND A CHORD LENGTH OF 1545.56 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID TSWW PARTNERS TRACT, THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO CALEB BATES, RECORDED IN INSTRUMENT NO. 2031482, OPRECT;

THENCE S 31°45'55" E, ALONG THE EAST LINE OF SAID TSWW PARTNERS TRACT, THE COMMON WEST LINE OF SAID BATES TRACT, AND THE WEST LINE OF SAID ARMSTRONG TRACT, A DISTANCE OF 628.73 FEET TO THE POINT OF BEGINNING, AND CONTAINING 10.832 ACRES OF LAND, MORE OR LESS.


JEREMY D. RUCKMAN
REGISTRATION NUMBER 6707
DATED: 08/16/2021



NOTES:

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

THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

PLAT OF EVEN DATE TO ACCOMPANY THIS DESCRIPTION

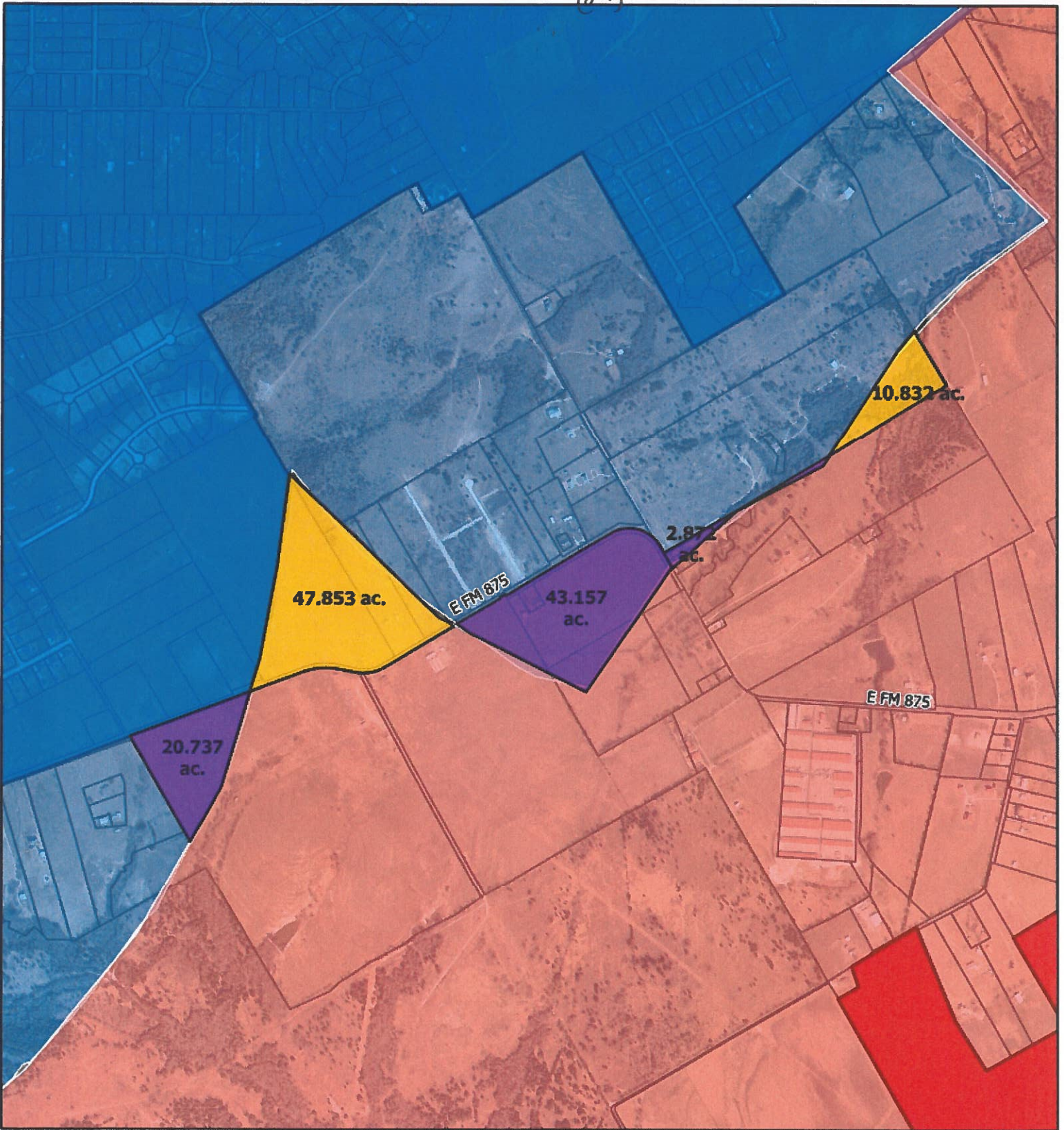
PROJECT NO. 1941

**TEXAS REALITY CAPTURE
& SURVEYING, LLC**

P.O. BOX 252
WAXAHACHIE, TEXAS 75188
469.518.0338
TBPLS FIRM NO 10194359



(24)



CITY OF
WAXAHACHIE
TEXAS

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.

Midlothian - Waxahachie ETJ Swap Exhibit

Date: 7/19/2021

Legend

- WAX to MID ETJ - 58.685 ac.
- MID to WAX ETJ - 66.766 ac.
- Waxahachie City Limits
- Midlothian City Limits
- Midlothian ETJ
- Parcels
- Waxahachie ETJ



(25)



Memorandum

To: Honorable Mayor and City Council
 From: James Gaertner, Director of Public Works & Engineering
 Thru: Michael Scott, City Manager
 Date: September 3, 2021
 Re: Bid Award – 2021 Asphalt Street Rehabilitation

On Tuesday September 7, 2021, a bid award associated with 2021 Asphalt Street Rehabilitation will appear before the City Council in an amount of \$757,866.60. Staff is recommending City Council approve additional funding for a project contingency in the amount of \$170,000.00. This contingency will add some streets to this project and stay within the 25% maximum change order. This project is a planned expense in the Public Works Department Operations budget. The city budgeted \$1,000,000 for this project. Following this bid, engineering, and testing, it has a remaining budget of \$172,133.

This project is part of the annual street rehabilitation program. The project includes scarification, re-compaction, and cement stabilization of the existing pavement and subgrade, and repaving the asphalt driving surface for the following streets

Street name	from	to
John Arden Drive	E. University	BNSF Railroad
Oak Creek Drive	100 Block Cul-de-sac	218 Cul-de-sac
Oak Creek Circle	Oak Creek Drive	END
N. Rogers Street	W. Marvin	UP Railroad
Spencer Street	W. Main	Odom
Odom Street	Highland	Spencer

The additional streets recommended include: (25)

Street name	from	to
West Ross	Kirven	Ferris (US 77)
Lynn	US77	Ferris

There were eight (8) bidders for this project. Reynolds Asphalt and Construction Company was the lowest responsible bidder with a total bid of \$757,866.60. This bid was \$73,246.50 less than the next lowest responsible bidder. Reynolds Asphalt was the contractor that performed the 2020 Asphalt Rehabilitation project.

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

James Gaertner, PE, CFM, CPM

(25)



Founded on **Quality**
Built on **Trust**

August 31, 2021

Via: E-Mail

Jim Lockart, P.E., CFM
Assistant Director
Public Works and Engineering
City of Waxahachie, Texas
401 S. Rogers
Waxahachie, TX 75165

Re: Recommendation of Award
2021 Asphalt Street Rehabilitation
City of Waxahachie
Binkley & Barfield Project No. 21228

Dear Jim Lockart, P.E., CFM:

We have checked the bids received at 2:00 p.m., Tuesday, August 24, 2021, for the 2021 Asphalt Street Rehabilitation project. Please find a copy of the Bid Summary and Bid Tabulations attached to this letter.

Reynolds Asphalt & Construction Company of North Richland Hills, Texas submitted the low bid in the amount of \$757,866.60. References were included on recent similar projects completed by Reynolds for the Cities of Grand Prairie and Farmers Branch. The references were contacted, and they provided positive feedback concerning Reynolds work in their Cities. Both references stated they will continue to work with Reynolds in the future.

Based on the information available, we recommend that the City accept the bid from Reynolds Asphalt & Construction Company and award them the contract in the amount of \$755,866.60 for construction of the 2021 Asphalt Street Rehabilitation project.

Please contact us if you would like to discuss our evaluation in further detail.

Regards,

Binkley & Barfield, Inc.

A handwritten signature in black ink, appearing to read 'Richard A. Arvizu'. The signature is stylized and written over a light gray, textured background.

Richard A. Arvizu, P.E., CFM
Regional Vice President - Richardson
rarvizu@binkleybarfield.com

cc: Shawn Rockenbaugh, P.E.
Tony Romo, P.E.

(26)



Memorandum

To: Honorable Mayor and City Council
From: Amber Villarreal, City Secretary
Thru: Michael Scott, City Manager
Date: September 7, 2021
Re: Appointments to Boards and Commissions

Please consider the following appointments to various Boards and Commissions:

AIRPORT BOARD (3-year term)
Jennifer Chelwich

BUILDING STANDARDS COMMISSION (2-year term)
Truett Calvert
Chris Oliver
Ryan Simpson

CEMETERY BOARD (2-year term)
Perry Giles
Chelsea Holder
Connie McGuire

ECONOMIC DEVELOPMENT COMMISSION (No Term Limit)
Logan Brady
Sandy King

ELECTRICAL ADVISORY BOARD (2-year term)
Jimmy Haney
Wayne Eiland

(20)

**ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1
(2-year term)**

KaNequa Blackwell (filling unexpired term to September 2022)
Jerry Chapman
Ryan Simpson

HERITAGE PRESERVATION (2-year term)

Peggy Crabtree
Glinda Felty
Michelle Haye
Shannon Simpson

KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3-year term)

D'Andra Royse (filling unexpired term to September 2022)
Ginger Cole
Faustina Gallagher
Jesse Gibson
Polly Williams

PARK BOARD (3-year term)

Jana Condor
Jon Garrett
Julissa Martinez

PLANNING AND ZONING COMMISSION (2-year term)

Melissa Ballard
Betty Square Coleman
David Hudgins
Rick Keeler

SENIOR CENTER ADVISORY COMMITTEE (2-year term)

Brad Burns
Ellie Gates
Carrie Lewis
Kelly Saunders

TAX INCREMENT REINVESTMENT ZONE (2-year term)

Dusty Autrey
Pat Souter
Chris Wright

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2-year term)

Jude Demoney
Dave McSpadden
Elizabeth Tull

(20)

WAXAHACHIE HOUSING AUTHORITY (2-year term)

Adrian Cooper

Ruthie Sutton

ZONING BOARD OF ADJUSTMENTS (2-year term)

Nick Box

Mike Fenton