

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on ***Monday, September 20, 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 September 7, 2021
 - b. Minutes of the City Council briefing of September 7, 2021
 - c. Event application for Worship at Railyard on October 29, 2021
 - d. Award of bid for the Wags-A-Hachie Dog Park Project
 - e. Approve Contract with Freese & Nichols for Drainage Master Plan Phase 2
6. ***Present*** Proclamation proclaiming September 17-23, 2021 as “Constitution Week”
 7. ***Present*** Proclamation proclaiming October 3-10, 2021 as a “Week of Prayer”
 8. ***Request to appear*** by Elizabeth Tull, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend contract
 9. ***Continue 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)

10. **Consider** proposed Ordinance approving ZDC-122-2021
11. **Continue 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)
12. **Consider** proposed Ordinance approving ZDC-116-2021
13. **Public Hearing** on a request by Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for a Drive Through Establishment (restaurant) use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021)
14. **Consider** proposed Ordinance approving ZDC-129-2021
15. **Public Hearing** on a request by Brad Yates, Colonial Restoration Group, Inc. for Planned Development (PD) to allow a Private Club (Event Center) use within a Single Family-3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021)
16. **Consider** proposed Ordinance approving ZDC-131-2021
17. **Consider** Development Agreement for ZDC-131-2021
18. **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)
19. **Consider** proposed Ordinance approving ZDC-100-2021
20. **Consider** Development Agreement for ZDC-100-2021
21. **Consider** proposed Resolution for Candidate Nominations for the Ellis Appraisal District Board of Directors for the Years 2022-2023
22. Comments by Mayor, City Council, City Attorney and City Manager
23. 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
September 7, 2021

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 Tuesday, September 7, 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
Terry Welch, 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 Jim Markle, Waxahachie Bible Church, gave the invocation. Council Member Travis Smith led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Kathleen Bowen, 527 W. Jefferson, Waxahachie, Texas, spoke in favor of keeping the current tax rate to avoid unintended consequences by cutting budget items.

Christine Bonnell, 1001 W. Main, Waxahachie, Texas, requested consideration of railroad quiet zones.

Jim Kauffman, 817 W. Main, Waxahachie, Texas, spoke in favor of keeping the current tax rate to keep current city services.

Paul Christenson, 110 Williams Street, Waxahachie, Texas, spoke in favor of reducing the tax rate and spoke in opposition to the issuing of \$43 million dollars of debt through Certificates of Obligations.

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, requested the city to bypass the courtesy letter sent to residents with high grass due to the property owners taking advantage of the time to respond. He noted high grass creates a fire hazard.

Alan Fox, 327 University, Waxahachie, Texas, spoke in favor of keeping the current tax rate noting it is not the Council's fault if people lose their homes. He explained the cost of living, economy, and other factors contribute to citizens losing their homes.

Kevin Ivey, 1980 E. Highland, Waxahachie, Texas, encouraged Council to continue doing what is right and best for the citizens of Waxahachie.

5. Consent Agenda

- 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

Action:

Council Member Melissa Olson moved to approve items a. through i. on the Consent Agenda. Council Member David Hill seconded, All Ayes.

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)

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-100-2021 to the September 20, 2021 City Council meeting.

7. Consider proposed Ordinance approving ZDC-100-2021

Action:

Council Member David Hill moved to continue the 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) to the September 20, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

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

(5a)

a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-122-2021 to the September 20, 2021 City Council meeting.

9. Consider proposed Ordinance approving ZDC-122-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the 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) to the September 20, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.

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)

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ZDC-116-2021 to the September 20, 2021 City Council meeting.

11. Consider proposed Ordinance approving ZDC-116-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the 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) to the September 20, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.

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)

Mayor Barnes opened the Public Hearing and announced the Planning and Zoning Commission voted to continue the Public Hearing for ZDC-105-2021.

13. Consider proposed Ordinance approving ZDC-105-2021

Action:

Council Member David Hill 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 October 4, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

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)

Shon Brooks, Executive Director of Development Services, presented the case noting the applicant is requesting to replat the subject property into two (2) lots for single-family residential use. He explained the applicant is also requesting a Petition of Relief Waiver for a right-of-way dedication along Henry Street.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against SUB-109-2021, Mayor Barnes closed the Public Hearing.

15. Consider approving SUB-109-2021

Action:

Council Member David Hill moved to approve 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) and approval of petition of relief waiver. Mayor Pro Tem Billie Wallace seconded, All Ayes.

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)

Mr. Brooks presented the case noting the applicant is requesting approval to allow a Convenience Store with Gasoline Sales (7-Eleven) on 1.52 acres. He noted staff recommended approval per the following staff comment:

1. A mutually agreed upon Development Agreement will be required for the development.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-113-2021, Mayor Barnes closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-113-2021

(5a)

ORDINANCE NO. 3288

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.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3288 per staff comments. Council Member David Hill seconded, All Ayes.

18. Consider Development Agreement for ZDC-113-2021

Action:

Council Member David Hill moved to approve a Development Agreement for ZDC-113-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

19. Consider proposed Ordinance approving revised budget figures for fiscal year 2020-2021 and approving the budget for fiscal year 2021-2022

Finance Director Chad Tustison presented the proposed Ordinance approving revised budget figures for fiscal-year 2020-2021 and approving the budget for fiscal year 2021-2022. He noted the budget was compiled after meeting with departments, stakeholders, and City Council and the required Public Hearing was held on August 31, 2021.

ORDINANCE NO. 3289

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.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3289. Council Member Travis Smith seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melisa Olson.

The motion carried.

20. Consider proposed Ordinance amending Water and Wastewater fees and setting an effective date of October 1, 2021

Mr. Tustison requested approval of the proposed Ordinance amending Water and Wastewater fees. He noted there is not a rate increase for water or sewer customers at this time but does include an adjustment to the Sokoll rate fee that is charged to the City and Rockett Sud to recover each entity's proportional cost to operate and maintain the Sokoll Water Plant.

ORDINANCE NO. 3290

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.

Action:

Council Member David Hill moved to approve Ordinance No. 3290. Council Member Melissa Olson seconded, All Ayes.

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

Mr. Tustison explained the Texas Local Government Code requires a motion to ratify the property tax revenue increase reflected in the Fiscal Year 2021-2022 budget. He reported 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.

Action:

Mayor Pro Tem Billie Wallace moved to ratify the property tax revenue increase reflected in the Fiscal Year 2021-2022 budget in accordance with the Texas Local Government Code. Council Member David Hill seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melisa Olson.

The motion carried.

22. Consider proposed Ordinance adopting the Tax Rate for fiscal year 2021-2022

Mr. Tustison reported a public hearing was held on the proposed \$0.660000 tax rate on August 31, 2021. He explained the tax rate is above the no-new revenue rate of \$0.625875 and lower than the voter-approval rate of \$0.660501.

ORDINANCE NO. 3291

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.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3291 and moved that the property tax rate be increased by the adoption of a tax rate of \$0.66, with an operation and maintenance rate of \$0.4811, and an interest and sinking rate of \$0.1789 which is effectively a 5.5 percent increase in the tax rate. Council Member Travis Smith seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melisa Olson.

The motion carried.

23. Consider proposed Ordinance re-establishing classified positions under Civil Service

City Manager Michael Scott presented the proposed Ordinance re-establishing classified positions under Civil Service which ratifies additional positions approved in the FY 22 budget.

ORDINANCE NO. 3292

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.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3292. Mayor Pro Tem Billie Wallace seconded, All Ayes.

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

Mr. Brooks requested approval 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. He noted the City of Midlothian City Council approved the agreement at their August 24, 2021 meeting. He explained as part of the agreement, the City of Waxahachie will provide the City of Midlothian with two (2) tracts totaling 58.685 acres to add to the City of 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 the City of Waxahachie’s ETJ. The location is around portions of FM Highway 875.

ORDINANCE NO. 3293

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING AN INTERLOCAL BOUNDARY AND ETJ AGREEMENT ADJUSTING THE CURRENT

(5a)

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.

Action:

Council Member David Hill moved to approve Ordinance No. 3293. Mayor Pro Tem Billie Wallace seconded, All Ayes.

25. Consider bid award for 2021 Asphalt Rehabilitation Project to Reynolds Asphalt & Construction Inc. and contingency

James Gaertner, Director of Public Works and Engineering, requested to award a bid in the amount of \$757,866.60 to Reynolds Asphalt and Construction Company for the 2021 Asphalt Street Rehabilitation and approval of \$170,000.00 for project contingency.

Action:

Mayor Pro Tem Billie Wallace moved to approve a bid award for the 2021 Asphalt Rehabilitation Project to Reynolds Asphalt & Construction Inc. in the amount of \$757,866.60 and contingency of \$170,000.00. Council Member Travis Smith seconded, All Ayes.

26. Consider appointments to Boards and Commissions

City Manager Michael Scott presented appointments to the following 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

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 2023)

Ginger Cole

Faustina Gallagher

Jesse Gibson

Polly Williams

Park Board (3-Year Term)

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)

Judy Demoney

Dave McSpadden

Elizabeth Tull

Waxahachie Housing Authority (2-Year Term)

Adrian Cooper

Ruthie Sutton

Zoning Board of Adjustments (2-Year Term)

Nick Box
Mike Fenton

Action:

Council Member David Hill moved to approve the appointments to Boards and Commissions as presented. Mayor Pro Tem Billie Wallace seconded, All Ayes.

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

Deputy City Manager Albert Lawrence thanked Finance Director Chad Tustison and Assistant Finance Director Gail Turner for their work making the budget process run smoothly.

Council Member Travis Smith applauded Mr. Tustison, City Manager Michael Scott, and staff for their work noting the budget addresses large infrastructure needs. He noted the budget was presented and received well by all of Council.

Council Member Melissa Olson apologized if she did not speak up soon enough to request lowering the tax rate and noted she did not feel confident supporting the budget and tax rate at the current rate. She requested next year’s budget to be based on the no-new revenue rate.

City Manager Michael Scott commended the Finance Department and Council for their direction during the budget process. He noted staff are stewards of tax payer money and wants to continue to provide quality services to the citizens. He thanked most of Council for their support in the adoption of the budget.

Mayor Pro Tem Billie Wallace thanked City staff and the City Manager for working diligently on the budget. She also recognized citizens in attendance who spoke.

Council Member David Hill praised the Finance Department for their work on the budget and thanked the Council that supported the budget and tax rate. He noted decreasing the tax rate would not be in the best interest of the city. He thanked new Council Members for doing their due diligence and recognizing the need to keep the tax rate the same to continue providing quality services to the citizens.

Mayor Doug Barnes thanked those in attendance and Council for approving the budget. He also recognized staff for their work during the budget process. He noted a balanced economy relieves the citizens of the full tax burden and explained he will work to continue the balance.

28. Adjourn

There being no further business, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5b)

City Council
September 7, 2021

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 Tuesday, September 7, 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
Terry Welch, 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:

- Items 5d-5f. event applications for Stampede of Speed Fan Fest Events October 6-7, 2021, North Texas Oldsmobile Club Car Show on September 25, 2021, and Oddfest on October 2, 2021.
- Item 5g. supplemental appropriation in association with the emergency raw water line repair within the Howard Road Water Treatment Plant.
- Item 5h. amending FY 22 budget associated with Broadhead Pavement Improvements from US Hwy. 287 Frontage Road to April Lane.
- Item 5i. amending FY 22 budget for supplemental appropriation for I-35 Butcher Road bridge aesthetic enhancements.
- Item 23. ordinance re-establishing classified positions under Civil Service in the Fire and Police Departments reflective of the FY 22 budget.
- Item 26. Board and Commission list was updated to reflect filling the unexpired term of Mr. Jim Kauffman on Keep Waxahachie Beautiful Committee, Park Board had only two appointments, and adding Chris Oliver to serve on the Building Standards Commission.

Executive Director of Development Services Shon Brooks reviewed the following:

- Items 6-7. ZDC-100-2021, applicant requested to continue the Public Hearing to the September 20, 2021 City Council meeting.
- Items 8-9. ZDC-122-2021, applicant requested to continue the Public Hearing to the September 20, 2021 City Council meeting.

- Items 10-11. ZDC-116-2021, applicant requested to continue the Public Hearing to the September 20, 2021 City Council meeting.
- Items 12-13. ZDC-105-2021, applicant requested to continue to the October 4, 2021 City Council meeting.
- Items 14-15. SUB-109-2021, staff recommended approval of the plat as presented and approval of the petition of relief waiver.
- Items 16-18. ZDC-113-2021, staff recommended approval per staff comments and Development Agreement.
- Item 24. ordinance approving an interlocal boundary and Extraterritorial Jurisdiction (ETJ) Agreement with the City of Midlothian to adjust the current and ultimate boundaries of the City of Waxahachie's ETJ and corporate limits. He noted the City of Midlothian approved the Interlocal Agreement at their August 24, 2021 City Council meeting.

Finance Director Chad Tustison reviewed the following items:

- Item 19. Ordinance approving revised FY 21 budget figures and FY 22 budget.
- Item 20. Ordinance approving Water and Wastewater fees for customers noting there is no increase this year. He noted there is an adjustment to the Sokoll rate fee charged to the City and Rockett SUD to recover each entity's proportional cost to operate and maintain the Sokoll Water plant.
- Item 21. Requires that "adoption of a budget that will require raising more revenue from property taxes than in the previous years requires a separate vote of the governing body to ratify the property tax increase reflected in the budget." He explained the increase in the budget provides for continued and additional funding for essential city services.
- Item 22. Ordinance adopting the tax rate for FY 22 at \$0.660000. He noted the Tax Code requires specific language for the approval if the adopting rate is higher than the no-new revenue rate.

James Gaertner, Director of Public Works and Engineering, requested approval of a bid award associated with the 2021 Asphalt Street Rehabilitation in the amount of \$757,766.60 and a \$170,000.00 contingency. He explained the City budgeted \$1,000,000.00 for this project leaving a remaining budget of \$172,133.00 to add West Ross (from Kirven to Ferris) and Lynn Street (from US77 to Ferris). He noted the project includes scarification, re-compaction, and cement stabilization of the existing pavement and subgrade, and repaving the asphalt driving surface.

Council Member Travis Smith inquired about how the streets were chosen and Mr. Gaertner explained staff used the street analysis performed two years ago and considered streets that will need water and sewer upgrades in the near future.

3. Adjourn

There being no further business, the meeting adjourned at 6:31 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(50)



Application for a Festival or Event Permit

Event Name and Description: Worship At The Railyard

Applicant Information

Name: Brett Roberts

Address: 5089 April Ln

City, State, Zip: Waxahachie TX 75165 Phone: 469 537-5415

E-mail Address: Brett0885@gmail.com

Organization Information

Organization Name: Worship collective Elle's co.

Address: 5089 April Ln. Waxahachie TX

Authorized Head of Organization: Brett Roberts 75165

Phone: 469-537-5415 E-mail Address: Brett0885@gmail

Event Chairperson/Contact

Name: Brett

Address: 5089 April Ln

City, State, Zip: Waxahachie TX 75165 Phone: 469 537 5415

E-mail Address: swim

Event Information

Event Location/Address: Railyard Park 455 S. College St. Waxahachie

Purpose: To connect the local church & Presby

Event Start Date and Time: 7pm 7/20/21

Event End Date and Time: 10pm

(50)

Approximate Number of Persons Attending Event Per Day: 300

Site Preparation and Set-Up Date and Time: 11 AM 10-29-2021

Clean-Up Completion Date and Time: 10:30 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.

Requested City Services: Turning lights on, projector screen, shut street down, access to water, (not blocking any business)

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? No

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]

8-30-21

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).

Villarreal, Amber

From: Villarreal, Amber
Sent: Tuesday, August 31, 2021 4:45 PM
To: Wade Goolsby; Boyd, Ricky; Griffith, Thomas; Gaertner, James; Martinez, Gumaro; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan; Mosley, Laurie; Simpson, Anita
Cc: Scott, Michael; Lawrence, Albert; Brooks, Shon; Jami Bonner
Subject: FW: Event Application - Worship at the Railyard - 10.29.21
Attachments: Event Application WorshipAtTheRailyard 10.29.21.pdf

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

From: Skistimas, Kelly
Sent: Tuesday, August 31, 2021 4:40 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Worship at the Railyard - 10.29.21

Hi Amber,

Please see the attached event application.

They are wanting to block College between Fresh Coffee and Railyard Park. No business access would be blocked with this.

We just had a smaller version of this on Saturday and it went well.

Kelly Skistimas
Cultural Arts and Programming Manager
City of Waxahachie
Office: 469.309.4051
Cell: 214.463.7815

Villarreal, Amber

From: Me'Lony Jordan
Sent: Wednesday, September 1, 2021 9:01 AM
To: Villarreal, Amber
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

Temporary food permit available on the CCS portal. Permits should be obtained 5 days prior to the event. For assistance with the portal they may contact us in Building and Community services.

<https://waxahachietx-energovpub.tylerhost.net/Apps/SelfService#/home>



Me'Lony Jordan
Health Inspector/CCO
Office: (469) 309-4134
Mobile: (972) 740-6724

From: Villarreal, Amber
Sent: Tuesday, August 31, 2021 4:45 PM
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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
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To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Worship at the Railyard - 10.29.21

Villarreal, Amber

From: Mosley, Laurie
Sent: Wednesday, September 1, 2021 10:27 AM
To: Villarreal, Amber
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

No issues from our department 😊.

Thank you!!
Laurie Mosley, CTE
Director
Waxahachie Convention & Visitors Bureau
2000 Civic Center Lane
Waxahachie, TX 75165
Office: 469-309-4046

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Tuesday, August 31, 2021 4:45 PM
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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: FW: Event Application - Worship at the Railyard - 10.29.21

For your review/comments.

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To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Worship at the Railyard - 10.29.21

Hi Amber,

Villarreal, Amber

From: Martinez, Gumaro
Sent: Wednesday, September 1, 2021 11:31 AM
To: Villarreal, Amber; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Gaertner, James; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan; Mosley, Laurie; Simpson, Anita
Cc: Scott, Michael; Lawrence, Albert; Brooks, Shon; Bonner, Jami
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

No comments

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

From: Villarreal, Amber
Sent: Tuesday, August 31, 2021 4:45 PM
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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Mosley, Laurie <imosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
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Thank you,

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From: Skistimas, Kelly
Sent: Tuesday, August 31, 2021 4:40 PM

(50)

Villarreal, Amber

From: Mosley, Laurie
Sent: Wednesday, September 1, 2021 2:48 PM
To: Lawrence, Albert; Villarreal, Amber; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Gaertner, James; Martinez, Gumaro; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan; Simpson, Anita
Cc: Scott, Michael; Brooks, Shon; Bonner, Jami; Skistimas, Kelly
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

This event will basically be a duplicate of an event that took place last weekend in the park.

Albert's recommended street closure time of 6 pm will work perfect for the event.

We will provide 10 trash cans which will be more than adequate based on the use from the last event.

The water will be used to fill up the baptismal.

Please let us know if you have any other questions.

Sincerely,

Laurie Mosley, CTE
Director
Waxahachie Convention & Visitors Bureau
2000 Civic Center Lane
Waxahachie, TX 75165
Office: 469-309-4046

From: Lawrence, Albert <alawrence@waxahachie.com>
Sent: Wednesday, September 1, 2021 12:00 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; 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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

Since the event doesn't start until 7 pm. I recommend we not shut the street down until 6 pm and then it needs to be opened back up at the end of the event. The only part to be closed is from the corner near the crosswalk by Fresh on College Street over to Rogers Street. We will probably need to provide more trash cans.

Also, what water do they need access to and how will it be used?

Albert Lawrence
Deputy City Manager

(5c)

Bonner, Jami

From: Lawrence, Albert
Sent: Wednesday, September 1, 2021 12:00 PM
To: Villarreal, Amber; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Gaertner, James; Martinez, Gumaro; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan; Mosley, Laurie; Simpson, Anita
Cc: Scott, Michael; Brooks, Shon; Bonner, Jami
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

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Albert Lawrence
Deputy City Manager

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

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Tuesday, August 31, 2021 4:45 PM
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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>
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Subject: FW: Event Application - Worship at the Railyard - 10.29.21

For your review/comments.

Thank you,

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City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

(5c)

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Friday, September 3, 2021 1:27 PM
To: Villarreal, Amber; Ricky Boyd; Griffith, Thomas; Gaertner, James; Martinez, Gumaro; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan; Mosley, Laurie; Simpson, Anita
Cc: Scott, Michael; Lawrence, Albert; Brooks, Shon; Bonner, Jami
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

I have no issues.

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

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Tuesday, August 31, 2021 4:45 PM
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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Shon Brooks <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: FW: Event Application - Worship at the Railyard - 10.29.21

For your review/comments.

Thank you,

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City Secretary
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(50)

Bonner, Jami

From: Simpson, Anita
Sent: Wednesday, September 8, 2021 8:40 AM
To: Mosley, Laurie; Lawrence, Albert; Villarreal, Amber; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Gaertner, James; Martinez, Gumaro; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan
Cc: Scott, Michael; Brooks, Shon; Bonner, Jami; Skistimas, Kelly
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

No comments

From: Mosley, Laurie
Sent: Wednesday, September 1, 2021 2:48 PM
To: Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; 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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
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The water will be used to fill up the baptismal.

Please let us know if you have any other questions.

Sincerely,

Laurie Mosley, CTE
Director
Waxahachie Convention & Visitors Bureau
2000 Civic Center Lane
Waxahachie, TX 75165
Office: 469-309-4046

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Villarreal, Amber

From: Gaertner, James
Sent: Wednesday, September 8, 2021 10:50 AM
To: Simpson, Anita
Cc: Mosley, Laurie; Lawrence, Albert; Villarreal, Amber; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Martinez, Gumaro; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan; Scott, Michael; Brooks, Shon; Bonner, Jami; Skistimas, Kelly; Massey, Matt
Subject: Re: Event Application - Worship at the Railyard - 10.29.21

No comment

James G
Sent from my iPhone

On Sep 8, 2021, at 8:40 AM, Simpson, Anita <asimpson@waxahachie.com> wrote:

No comments

From: Mosley, Laurie
Sent: Wednesday, September 1, 2021 2:48 PM
To: Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; 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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
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Laurie Mosley, CTE
Director
Waxahachie Convention & Visitors Bureau
2000 Civic Center Lane
Waxahachie, TX 75165

(5c)

Villarreal, Amber

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Sent: Wednesday, September 8, 2021 8:40 AM
To: Mosley, Laurie; Lawrence, Albert; Villarreal, Amber; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Gaertner, James; Martinez, Gumaro; Campos, Yadira; Barnes, Bradley; Martinez, Jose; Me'Lony Jordan
Cc: Scott, Michael; Brooks, Shon; Bonner, Jami; Skistimas, Kelly
Subject: RE: Event Application - Worship at the Railyard - 10.29.21

No comments

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To: Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; 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>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
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Office: 469-309-4046

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(5d)



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Executive Director of Parks & Leisure Services
Thru: Michael Scott, City Manager
Date: September 15, 2021
Re: Consider award of bid to J&K Excavation for the Wags-A-Hachie Dog Park Project

Item Description: Consider award of bid to J & K Excavation for the Wags-A-Hachie Dog Park Project in the amount of \$429,095.96.

Item Summary: On April 15, 2021 the WCDC (Waxahachie Community Development Corporation) authorized \$724,828 for the redevelopment of Wags-A-Hachie Dog Park. The project is funded through the WCDC unrestricted fund balance. Additionally, on April 19, 2021, City Council approved the funding from the WCDC for the Wags-A-Hachie Dog Park Project.

The scope of the bid award will consist of demolition of existing on ground appurtenances, mass grading, paving of new 53 space parking lot, and miscellaneous park and fencing improvements.

Bids were solicited and received on August 30, 2021. Staff received two bids as follows:

J & K Excavation, LLC - \$452,179
Homerun Construction - \$501,794

The apparent lowest bidder is J & K Excavation, LLC, with a base bid of \$452,179. However, staff was able to reduce the scope of the original bid for items such as turf establishment on disturbed areas, and reducing the quantity of topsoil dressing needed. Turf establishment will be done in-house. The adjusted contract amount is \$429,095.96.

(5d)

Staff Recommendation: Staff recommends awarding the bid to J & K Excavation, LLC, in the amount of \$429,095.96.

Fiscal Impact: As mentioned above, the funding source for this project was previously authorized by the WCDC and approved by Council. The remaining budget for this project has adequate funding available to award the contract.

(5e)



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, Director of Public Works & Engineering
Thru: Michael Scott, City Manager
Date: September 17, 2021
Re: Drainage Master Plan Phase 2 (Engineering)

On Monday September 20, 2021, an item authorizing professional services with Freese and Nichols, Inc. for the second phase of the City-Wide Drainage Master Plan will appear before the City Council for consideration in the amount of \$60,000.

The City is developing a City-Wide Drainage Master Plan that will be implemented in phases. Phase 1 of the planning effort is complete and it inventoried the existing storm water systems, provided a preliminary analysis of flood risks throughout the city. This next phase of the planning effort will provide more detail analysis in areas identified in Phase I including but not limited to the watershed draining towards E. Marvin, Dunlap, Wyatt, Oak Lawn drainage system. The detail analysis will include improvement recommendation to lower risk of flooding.

Funding for this phase of the project is included in the FY20-21 Public Works operation and maintenance budget.

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

James Gaertner, PE, CFM, CPM

(6)

PROCLAMATION

WHEREAS, it is the privilege and duty of the American people to commemorate the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW THEREFORE, I, Doug Barnes, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim September 17-23, 2021 as

"CONSTITUTION WEEK"

and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Proclaimed this 20th day of September, 2021.

MAYOR

ATTEST:

CITY SECRETARY

PROCLAMATION

WHEREAS, civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, the Week of Prayer is an opportunity for residents of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to Waxahachie and its citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a week of prayer in Waxahachie when all may acknowledge our blessings and express gratitude for them, while recognizing the needs for strengthening religious and moral values in our City, County, State and Nation;

NOW, THEREFORE, I, Doug Barnes, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim October 3-10, 2021 as

"A WEEK OF PRAYER IN WAXAHACHIE"

and urge all citizens of Waxahachie to observe the week in ways appropriate to its importance and significance.

Proclaimed this 20th day of September 2021.

MAYOR

ATTEST:

CITY SECRETARY

(8)

HISTORIC WAXAHACHIE, INC.

P.O. Box 22

Waxahachie, TX 75168

Arts Council Report, 2020

Emily Glidewell-Finch,

President

**HISTORIC WAXAHACHIE, INC.
P.O. Box 22
Waxahachie, TX 75168**

Arts Council Report, 2020

**Emily Glidewell-Finch,
President**

ATTACHMENT A

PART 1 – HEADS AND BEDS

Every expenditure must put “heads in beds”. Every funded project must attract overnight tourists to the city’s hotels and motels, thus promoting the hotel industry.

Total Part 1

Expenses:

\$3,273.63

1) Christmas Tour of Lights and Contest

Driving and voting tour of Christmas lights in the historical districts of town. Voting boxes were placed around areas of town in restaurants as well as local businesses. Tour book had listings of local places to eat.

Expenses:

31.87

\$2,2

2) Tour Waxahachie – Walking Tour App

Online free app that visitors can download and walk to and learn about downtown historic sites

Expenses:

\$54

a tourist attraction – Ongoing.

3) Calaboose/Wyatt Building Maintenance

To bring awareness to the oldest commercial building remaining in Waxahachie and the first jail, which are tourist attractions. HWI opens the buildings for tours during Oddfest, and other special events – Ongoing.

4) Facade Grants

To provide up to \$5,000 grants to businesses in the Downtown Historic Overlay district which will encourage proper restoration and maintenance of the City’s most historic resources which attracts visitors – Ongoing.

5) Graffiti Abatement Reimbursement

To provide reimbursement to businesses in the Downtown Historic Overlay district which will ensure the buildings remain graffiti free and are visually appealing to visitors - Ongoing.

Category 9 - Signage directing the public to sights and attractions that are visited frequently by hotel guests

Total Category 9

Expenses: \$2,621.76

1) Historic Home Marker program

To identify historic homes, make it easier for tourists to drive by and look at these homes and know their historic significance and date built – Ongoing.

2) Historic Signage

To identify locations of historic significance for tourists who walk around our downtown area so they can learn about Waxahachie history – Ongoing.

3) Tour Waxahachie – Walking Tour App

Online free app that tourists can download on their phones which identifies historic areas of significance in the downtown area - Ongoing (Expenses included in PART 1 above).

ATTACHMENT B

List of activities/events that fulfill the statement: “All entities that are funded by local hotel occupancy tax must provide a list of the scheduled activities, programs or events that they will offer that will directly enhance and promote tourism and the convention and hotel industry annually.”

town in restaurants as well as local businesses. Tour book had listings of local places to eat. The Tour took place in December, 2020.

11) Facade Grants

To provide up to \$5,000 grants to businesses in the Downtown Historic Overlay district which will encourage proper restoration and maintenance of the City's most historic resources which attracts visitors - Ongoing.

12) Graffiti Abatement Reimbursement

To provide reimbursement to businesses in the Downtown Historic Overlay district which will ensure the buildings remain graffiti free and are visually appealing to visitors - Ongoing.

ATTACHMENT C

List and attach examples of marketing materials that were used to promote the event outside the local area.

Attached are:

- 1) Ads that ran in the Wixahachie Sun Special Christmas Guide promoting the Christmas Tour Lights and Contest.

Total Category 5 Expenses:

\$9,325.00

All events and activities undertaken by HWI are to encourage and promote historic preservation. From attracting new members, highlighting the City's history and historical resources, and the promotion of visiting Waxahachie during the Christmas Tour of Lights. All of our events highlight and promote our city's history which in turn makes Waxahachie a great place for heritage tourism. Our activities in 2020 were:

1) Scholarship for WISD Student

To raise awareness of the importance of Waxahachie's unique history for high school age students and their parents – April 2020.

2) Interurban Freight Car Restoration

Project to restore the Interurban freight car which will be donated to the City and placed near the Railyard Park as a tourist attraction – Ongoing.

3) Calaboose/Wyatt Building Maintenance

To bring awareness to the oldest commercial building remaining in Waxahachie and the first jail, which are tourist attractions. HWI opens the buildings for tours during Oddfest, and other special events – Ongoing.

4) Facade Grants

To provide up to \$5,000 grants to businesses in the Downtown Historic Overlay district which will encourage proper restoration and maintenance of the City's most historic resources which attracts visitors – Ongoing.

5) Graffiti Abatement Reimbursement

To provide reimbursement to businesses in the Downtown Historic Overlay district which will ensure the buildings remain graffiti free and are visually appealing to visitors - Ongoing.

Category 9 - Signage directing the public to sights and attractions that are visited frequently by hotel guests

Total Category 9 Expenses:

\$2,621.76

1) Historic Home Marker program

To identify historic homes, make it easier for tourists to drive by and look at these homes and know their historic significance and date built – Ongoing.

2) Historic Signage

To identify locations of historic significance for tourists who walk around our downtown area so they can learn about Waxahachie history – Ongoing.

3) Tour Waxahachie – Walking Tour App

ATTACHMENT B

List of activities/events that fulfill the statement: "All entities that are funded by local hotel occupancy tax must provide a list of the scheduled activities, programs or events that they will offer that will directly enhance and promote tourism and the convention and hotel industry annually."

HWI Planned 2021 Events:

1) Membership, Social and Program Events

Open to Public meetings to encourage existing and new property owners to perform proper historic restoration – Fall 2021. (If allowed.)

2) Scholarship for WISD Student

To raise awareness of the importance of Waxahachie's unique history for high school age students and their parents – April 2021.

3) Historic Home Marker program

To identify historic homes, make it easier for tourists to drive by and look at these homes and know their historic significance and date built – Ongoing.

4) Historic Signage

To identify locations of historic significance for tourists who walk around our downtown area so they can learn about Waxahachie history – Ongoing.

5) Tour Waxahachie – Walking Tour App

Make updates and continue funding for the online free app that tourists can download on their phones which identifies historic areas of significance in the downtown area – Ongoing.

6) Interurban Freight Car Restoration

Project to restore the Interurban freight car which will be donated to the City and placed near the Railyard Park as a tourist attraction – Currently being restored.

7) Calaboose/Wyatt Building Maintenance and Tours

To bring awareness to the oldest commercial building remaining in Waxahachie and the first jail which are tourist attractions. HWI opens the buildings during Oddfest, and other special events – Ongoing.

8) Red Caboose Tours

To ensure the red caboose remains a popular tourist attraction – Ongoing.

9) Courthouse Tours

To raise awareness of the beauty and importance of the Ellis County Courthouse HWI provides tours during the Gingerbread Trail, Christmas Tour of Homes and other special events – Ongoing.

ATTACHMENT C

List and attach examples of marketing materials that were used to promote the event outside the local area.

Attached are:

- 1) Ads that ran in the Waxahachie Sun Special Christmas Guide promoting the Christmas Tour Lights and Contest.

12/31/20

Historic Waxahachie Inc
Recap of 2020 Activity
January through December 2020

	<u>Jan - Dec '20</u>
Ordinary Income/Expense	
Income	
Arts Council Income	31,400.00
Calaboose & Wyatt Maintenance Sponsorship Revenue	500.00
Total Calaboose & Wyatt Mainten...	<u>500.00</u>
Christmas Tour of Lights - Inco Sponsorship Revenue	1,500.00
Total Christmas Tour of Lights - I...	<u>1,500.00</u>
Grant Income	19,989.39
Historic Marker Income	1,051.00
Interest Income	306.96
Membership Dues	5,515.00
Total Income	<u>60,262.35</u>
Expense	
Bank Service Charges	171.76
Christmas Tour - Expenses	
Advertising	153.13
Kickoff Meeting	160.16
Total Christmas Tour - Expenses	<u>313.29</u>
Christmas Tour of Lights - Expe	
Advertising	661.36
Ballot Boxes	59.52
Prizes	500.00
Supplies	697.70
Total Christmas Tour of Lights - E...	<u>1,918.58</u>
Contract Labor	160.00
Donations	(75.00)
Dues and Memberships	350.00
Facade Grant	6,000.00
Historic Markers	1,999.00
Historic Signage	82.00
Insurance Expense	1,072.00
License, Fees & Permits	14.00
Membership	562.68
Office Expense	1,065.85
Professional Fees	90.00
Rent	520.00

(8)

	<u>Jan - Dec '20</u>
Scholarship Expense	1,750.00
Service Fees	52.36
Social	15.13
Supplies	47.58
Total Expense	<u>16,109.20</u>
Net Ordinary Income	<u>44,153.15</u>
Other Income/Expense	
Other Expense	
Special Projects	
Calaboose & Wyatt	1,575.00
Walking Tour App	540.76
Total Special Projects	<u>2,115.76</u>
Total Other Expense	<u>2,115.76</u>
Net Other Income	<u>(2,115.76)</u>
Net Income	<u>42,037.39</u>

(8)

Ellis County Museum
Treasurer's Report (YTD) - 2020
1/1/2020 through 12/31/2020

2/22/2021

Page 1

Category	1/1/2020- 12/31/2020
INCOME	
Arts Council	31,400.00
Chairs & Tables	2,725.00
Cooking Class Inc.	900.00
Donations	2,160.78
Love Locks	2,760.00
TOTAL Donations	4,920.78
Dues	4,745.00
Duff Estate Dividend	21,137.52
Evening Fundraisers	
Chairs & Tables	2,800.00
TOTAL Evening Fundraisers	2,800.00
Hagler Estate	2,006.64
Interest Income	2,835.02
Memorials	2,515.00
Misc. Income	409.08
Sales	1,501.99
TOTAL INCOME	77,896.03
EXPENSES	
Ads	100.00
Capital Campaign Expense	2,000.00
Capital Exp.	113,691.79
Contract Labor	1,118.25
Cooking Class Exp	511.29
Credit Card Exp	1,144.45
Electrical	1,707.43
Equipment	241.54
Evening Fundraiser Exp.	302.63
Exhibit Supply	436.99
Gas	912.60
Gift Shop	120.40
Heart Locks	1,299.25
Insurance	5,102.00
Internet	5.32
Janitorial	1,926.00
Miscellaneous	1,893.47
Office Supplies	766.62
Phone-Internet	1,341.48
Postage	368.10
Repairs	2,022.50
Salary	54,252.00
Medicare	-786.72
Social Security	-3,363.60
Withholding	-5,316.00

(8)

Category	11/1/2020- 12/31/2020
TOTAL Salary	44,785.68
Security	239.40
Software	359.00
Subscriptions	543.00
Taxes	
Employee	4,150.32
Medicare	786.72
Property	225.94
Sales Tax	376.37
Social Security	3,363.60
Withholding	5,274.00
TOTAL Taxes	14,176.95
Water	665.45
TOTAL EXPENSES	197,781.59
OVERALL TOTAL	-119,885.56

**Chautauqua Preservation Society
2020 Annual Report
Jan 2020**

2020 Activities and Accomplishments

- Executed a contract for a new 40 foot lighted flag pole, an American flag and a Chautauqua flag. Since installation was completed in early January 2021. Funds from 2020 for this project (\$8300) were encumbered and spent in January 2021.
- Installed permanent 20 amp and 30 amp electrical service on the east side of the Auditorium near the new flag pole. This electrical service was also to provide power for the flag pole.
- Initiated a First Friday Film Series starting in February. This was in partnership with the Parks and Recreation Department providing funds for film licensing fees. The series was discontinued in March due to the COVID pandemic.
- All planned in-person activities at the Chautauqua and Park were canceled due to the pandemic. However, two programs had already been engaged for the 2020 Chautauqua – the Birds of Prey and Tim Tingle, Native American Indian storyteller. Both groups agreed to reschedule for September 2021 should we be able to organize an event.
- Waxahachie Chautauqua Day celebration (July 26)
 - A birthday celebration via ZOOM conferencing.
 - Included an astronomy talk with astrophysicists Dr. Richard Olenick and Arthur Sweeney, University of Dallas, along with birthday cake.
 - Attendance about 30.
- Presentation about the Waxahachie Chautauqua history was made to the Heirloom Club.
- Maintained an extensive website of Chautauqua history and event information (www.waxahachiechautauqua.org)
- Maintained a social media presence.
- Sent periodic e-newsletters to over 900 subscribers nationwide.
- Due to the COVID pandemic, memberships for 2020 were waived.

**Chautauqua Preservation Society
2020 Annual Report
Jan 2020**

2020 Activities and Accomplishments

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Chautauqua Preservation Society - 2020 Cash Flow - Last year
1/1/2020 through 12/31/2020

2/2/2021

Category	1/1/2020- 12/31/2020
INFLOWS	
Arts Council	24,200.00
Communities Foundation	176.80
Donations for Branded Items	50.00
Membership	271.94
Other Inc	50.00
Refund - Deposit	85.00
TOTAL INFLOWS	24,833.74
OUTFLOWS	
Flag Pole Installation	1,030.00
Marketing	
Master Gardeners Expo Booth	85.00
Promotion Items	308.09
TOTAL Marketing	393.09
Movie Licensing	540.00
Organization Membership	303.00
Presenter-Performer	500.00
Rental	
PO Box Rental	288.00
Storage Unit	842.00
TOTAL Rental	1,130.00
Tax Preparation	90.00
Webhosting	379.42
TOTAL OUTFLOWS	4,365.51
OVERALL TOTAL	20,468.23

(8)

Chautauqua Preservation Society - 2020 Cash Flow - Last year
1/1/2020 through 12/31/2020

2/2/2021

Page 1

Category	1/1/2020- 12/31/2020
INFLOWS	
Arts Council	24,200.00
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TOTAL INFLOWS	24,833.74
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TOTAL Marketing	393.09
Movie Licensing	540.00
Organization Membership	303.00
Presenter-Performer	500.00
Rental	
PO Box Rental	288.00
Storage Unit	842.00
TOTAL Rental	1,130.00
Tax Preparation	90.00
Webhosting	379.42
TOTAL OUTFLOWS	4,365.51
OVERALL TOTAL	20,468.23

(8)

8:17 AM

03/18/21

Accrual Basis

Crossroads of Texas Film Festival
Profit & Loss
January through December 2020

	<u>Jan - Dec 20</u>
Ordinary Income/Expense	
Income	
Arts Council	20,400.00
Sponsorships	13,000.00
Ticket Sales	-2,697.15
Total Income	<u>30,702.85</u>
Gross Profit	30,702.85
Expense	
Advertising/Marketing	
Appearance Fee	582.38
Contract Services	1,200.00
Accounting Fees	
Total Contract Services	<u>11.00</u>
Film Licensing	
Music	2,365.00
Production	18,000.00
Supplies	733.93
Total Expense	<u>26,125.13</u>
Net Ordinary Income	<u>4,577.72</u>
Net Income	<u><u>4,577.72</u></u>

10:44 AM
12/16/20
Cash Basis

Waxahachie Symphony Association, Inc.
Balance Sheet
As of November 30, 2020

(8)

Balance Sheet	<u>Nov 30, 20</u>
ASSETS	
Current Assets	
Checking/Savings	
101 · CNB Checking Account	\$ 86,031.69
102 · CNB Money Market Account	75,394.81
103 · CNB Belles & Beaus	5,295.12
Total Checking/Savings	<u>166,721.62</u>
Total Current Assets	<u>166,721.62</u>
TOTAL ASSETS	<u>\$ 166,721.62</u>
LIABILITIES & EQUITY	
Equity	
Fund Balance	\$ 164,724.54
Net Income	1,997.08
Total Equity	<u>166,721.62</u>
TOTAL LIABILITIES & EQUITY	<u>\$ 166,721.62</u>

Waxahachie Symphony Association, Inc.
Balance Sheet
As of November 30, 2020

Balance Sheet		Nov 30, 20
ASSETS		
Current Assets		
Checking/Savings		
101 · CNB Checking Account		\$ 86,031.69
102 · CNB Money Market Account		75,394.81
103 · CNB Belles & Beaus		5,295.12
Total Checking/Savings		<u>166,721.62</u>
Total Current Assets		<u>166,721.62</u>
TOTAL ASSETS		<u>\$ 166,721.62</u>
LIABILITIES & EQUITY		
Equity		
Fund Balance		\$ 164,724.54
Net Income		1,997.08
Total Equity		<u>166,721.62</u>
TOTAL LIABILITIES & EQUITY		<u>\$ 166,721.62</u>

(8)

ELLIS COUNTY ART ASSO.
PO BOX 2064
WAXAHACHIE TX 75168

WAXAHACHIE ARTS COUNCIL

DEAR COUNCIL MEMBERS,

WE HERE AT THE ELLIS COUNTY ART ASSOCIATION CANNOT EXPRESS HOW GRATEFUL WE ARE FOR YOUR CONTINUED SUPPORT DURING THIS VERY DIFFICULT YEAR. WE ALSO WISH TO CONVEY OUR SINCERE THANKS TO THE CITY OF WAXAHACHIE FOR FUNDING THE COUNCIL WHICH SUPPORTS THE ARTS COMMUNITY HERE IN OUR TOWN.

VERY TRULY YOURS,

SHAWN DAVIS
TREASURER-ECAA
214-399-7583



(8)

11:09 AM
12/30/20
Accrual Basis

ELLIS COUNTY ART ASSOCIATION
Profit & Loss
January through December 2020

	<u>TOTAL</u>
Ordinary Income/Expense	
Income	
ART ACADEMY INCOME	350.00
BUILDING RENTAL INCOME	1,350.00
DONATIONS INCOME	340.91
FALL ART SHOW INCOME	1,720.00
GALLERY SALES	1,165.94
INTEREST INCOME	638.43
MEMBERSHIP DUES	5,855.00
OTHER INCOME	20.00
PLEIN AIRE INCOME	1,065.00
REFUND-INCOME	41.81
WAXAHACHIE ARTS COUNCIL	20,400.00
WORKSHOP INCOME	899.00
Total Income	<u>33,948.09</u>
Gross Profit	33,948.09
Expense	
ADVERTISING	8,048.79
ARTWORK SOLD (PMT TO ARTIST)	700.77
BANKCARD CHARGES	468.13
BOOKKEEPING SERVICE	4,230.00
BUILDING	3,885.17
BUILDING RENTAL EXPENSES	30,657.00
DEMONSTRATOR-ARTIST	1,325.00
DUES, SUBSCRIPTIONS & FEES	1,821.90
FALL ART SHOW	2,203.75
GALLERY STAFF	2,400.00
GALLERY SUPPLIES	1,425.20
OFFICE	1,038.75
OFFICE EQUIPMENT	1,948.43
PO BOX RENTAL	118.00
POSTAGE	141.35
REFUND	1,854.34
STATE COMPTROLLER	244.59
TELEPHONE	2,105.22
UTILITIES	2,903.94
VOLUNTEER RECOGNITION EXPENSE	87.81
WEBSITE PROGRAM	1,317.42
Total Expense	<u>68,725.56</u>
Net Ordinary Income	<u>-34,779.47</u>
Net Income	<u><u>-34,779.47</u></u>

BETHLEHEM REVISITED

FINANCIAL STATEMENT 2020

BEGINNING BALANCE		35,558.09
GENERAL INCOME		
Gate Receipts		
Memorials	0.00	
Donation	0.00	
Petty Cash Returned/Souvenirs	0.00	
Souvenirs	0.00	
Waxahachie Arts Council	0.00	
TOTAL GENERAL INCOME	31,400.00	31,400.00
OPERATING EXPENSES		
Administrative Fee, 501C3		
Advertising	2,000.00	
Animals (Camels/\$5,190; Ewe Petting Zoo/\$2,400)	7,890.00	
Building & Grounds	1,125.00	
Cast	418.00	
Costumes	500.00	
Custodial Help	0.00	
Lighting & Tech Services	750.00	
Membership (Waxahachie Chamber of Commerce)		
Petty Cash (Souvenirs)		
Postage		
Production		
Signs	2,478.90	
Souvenir Expense	249.90	
Supplies & Props		
Utilities (Electricity/\$1,514.46 Water/\$233.33)	1,747.79	
Yard Maintenance	1,550.00	
LESS TOTAL EXPENSES		18,709.59
ENDING BALANCE		48,248.50

(8)

1:23 PM

01/11/21

Cash Basis

Bethlehem Revisited
Profit & Loss
 January through December 2020

	Jan - Dec 20
Income	
Waxahachie Arts Council	
	31,400.00
Total Income	31,400.00
Gross Profit	31,400.00
Expense	
Administrative Fee, 501C3	
Advertising	2,000.00
Animals	
Camels	
Ewe Pet Petting Zoo	5,190.00
Total Animals	2,700.00
	7,890.00
Building & Grounds	
Tree Service	
Building & Grounds - Other	125.00
Total Building & Grounds	1,000.00
	1,125.00
Cast	
Cast Party	
Total Cast	418.00
	418.00
Costumes	500.00
Lighting & Sound, Tech Services	750.00
Production	
Radio Rental	
Artistic Director	478.90
Cast Director	1,000.00
Total Production	1,000.00
	2,478.90
Signs	
Supplies/Props	249.90
	0.00
Utilities	
Electricity	
Water	1,514.46
Total Utilities	233.33
	1,747.79
Yard Maintenance	
Russell Garrick	
Total Yard Maintenance	1,550.00
Total Expense	1,550.00
Net Income	18,709.59
	12,690.41

2020 Waxahachie Community Theater Income and Expense Summary Report

	<u>Amount</u>
Income	
Donations - Build the Dream	330.00
Donations Received	
Arts Council	31,400.00
Donations Received - Other	33,058.06
Total Donations Received	64,458.06
Interest	140.09
Membership Dues	730.00
Membership Meeting Income	1,175.00
PROMO_INC	20.00
SBA Payroll Protection Plan Loan	3,900.00
Season Tickets 2020	2,000.00
Show Apparel Income	630.00
Ticket Sales	4,958.00
Tickets to the City Rebate	26.90
Total Income	78,368.05
Expense	
Advertising	176.15
Courtesy Memberships	792.94
Directing Fees	1,500.00
Donations	2,905.00
Insurance	872.00
Membership Meeting Expense	1,454.32
Miscellaneous	270.75
Office Supplies	314.60
Payroll Tax Expense	3,157.67
Postage	10.50
PRINTING	1,116.59
PROD COSTS	27,796.42
PROF_MEMB	908.25
PROF_SERV	360.00
Recognition Gifts	2,000.00
Royalties and Scripts	1,038.65
Salary	15,400.00
Show Apparel Expense	532.00
Square fees	92.11
Storage	17,154.32
Subscriptions	618.37
WCT Scholarship	2,000.00
Total Expense	80,470.64
Net Total	-2,102.59

AGREEMENT ON HOTEL-MOTEL TAX REVENUE

WHEREAS, Texas law in Chapter 351, Municipal Hotel Occupancy Taxes, of the Tax Code provides that Cities may provide for a municipal hotel occupancy tax, which the City of Waxahachie does charge and collect, and

WHEREAS, the said Texas statutes provide that municipalities may contract for the management of programs and activities funded with said tax, and the City of Waxahachie and the Waxahachie Arts Council, Inc. desire to so contract;

NOW, THEREFORE, it is hereby contracted and agreed as follows:

1. The City of Waxahachie and the Waxahachie Arts Council, Inc., hereby contract and agree that 25% of the available hotel-motel tax revenues are to be paid to the Waxahachie Arts Council, Inc., but only in compliance with all provisions of the Texas Statutes above described. It is specifically agreed that no more than 15% of the total funds collected by the City, being 315 of the funds paid to the Waxahachie Arts Council, Inc., may be spent on the encouragement, promotion, improvement and application of the arts, as provided in Section 351.101 (a) (4) of the State Tax Code. The remaining funds must be spent either for the historical restoration and preservation projects or activities to encourage tourists to visit historical sites or museums, in accordance with Section 351.101 (a) (5) of said statute, or solicitations or promotional programs to attract tourists and convention delegates, as allowed by Section 351.101 of said statute.

2. The City of Waxahachie shall review and approve in advance each year the annual budget of the Waxahachie Arts Council, Inc., for the expenditure of said funds, and the City may require amendments before approval, and shall require quarterly reports of funds expended during the last quarter. The Waxahachie Arts Council, Inc., shall keep accurate records of any funds expended, which shall at all office hours be available for review by the City.

3. Funds for each quarter will not be released until the quarterly report for the previous quarter is received, reviewed and approved by the City staff.

4. The City may, at its option and at any time, appoint a representative to review any accounts, and to have the right to appear at any meetings of the Waxahachie Arts Council, Inc., which deal with said fund.

5. This contract may be amended by the City at any time that state law is amended so as to comply with state law, if said amendment by the City is required in order to comply with the law.

6. This contract shall start January 1, 2022, and shall run for one year expiring on December 31, 2022. The City reserves the right to cancel this contract on 30 days notice in writing if the Waxahachie Arts Council, Inc., does not comply with this contract, but only after 30 days notice in writing of the alleged violation and failure to comply with this contract and correct any violation during said 30-day grace period. Any such cancellation shall not apply to funds contracted for in writing for long term commitments. This contract replaces all existing contracts on this subject between the parties hereto.

Executed this 20th day of September, 2021.

WAXAHACHIE ARTS COUNCIL, INC.

By: _____


CITY OF WAXAHACHIE

By: _____
Mayor

(9)



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: ZDC-122-2021 – 617 Solon Road – Private Club

On September 2, 2021, the applicant requested to continue case no. ZDC-122-2021 from the September 14, 2021 Planning and Zoning Commission agenda and the September 20, 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.

(11)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager 
Date: September 10, 2021
Re: ZDC-116-2021 – I-35E Logistics Hub

On September 10, 2021, the applicant asked staff to continue case no. ZDC-116-2021 from the September 14, 2021 Planning and Zoning Commission agenda, as well as the September 20, 2021 City Council meeting agenda to the October 12, 2021 Planning and Zoning Commission meeting agenda, and the October 18, 2021 City Council meeting agenda.

Planning & Zoning Department
Zoning Staff Report

(13)



Case: ZDC-129-2021

MEETING DATE(S)

Planning & Zoning Commission: September 14, 2021

City Council: September 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 14, 2021, the Commission voted 6-0 to recommend approval of zoning change ZDC-129-2021, as presented.

CAPTION

Public Hearing on request by Kyle Hunt, Hunt Restoration, for a **Specific Use Permit (SUP)** for a **Drive Through Establishment (restaurant)** use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021)

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to allow a drive through use at an existing restaurant (Ta Molly's Restaurant) on the subject property.

CASE INFORMATION

Applicant: Kyle Hunt, Hunt Restoration

Property Owner(s): DSK PROPERTIES, LLC

Site Acreage: 1.562 acres

Current Zoning: Commercial

Requested Zoning: Commercial with SUP for a Drive Through Establishment

SUBJECT PROPERTY

General Location: 1735 N US Hwy 77

Parcel ID Number(s): 237029

Existing Use: Ta Molly's Restaurant

Development History: The subject property is located on Lot 3, Block A, Spring Lake Development

Adjoining Zoning & Uses:

(13)

Direction	Zoning	Current Use
North	C	Altus Emergency Center
East	N/A	N Hwy 77
South	C	Best Western Plus
West	C	Parking Lot for Ferris Ave Baptist Church

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 and North Town Blvd

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The purpose of this request is to allow a proposed drive through establishment use to be added onto an already existing restaurant (Ta Molly's). Per the City of Waxahachie Zoning Ordinance, a drive through establishment requires a Specific Use Permit.

Proposed Use:

The applicant is requesting approval to allow for the construction of a drive through window to their existing restaurant (Ta Molly's). Per the Site Plan, the proposed drive through will be located at the rear of the existing building, and provides six (6) stacking spaces which is consistent with the City of Waxahachie Zoning Ordinance. Per the applicant, the use of a drive through would allow the restaurant to offer customers the option(s) of dining in the restaurant or pick up to-go orders. The proposed addition of a drive through is consistent with the character of the surrounding area.

(13)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 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:

ATTACHED EXHIBITS

1. Ordinance
2. Exhibit A – Location Map
3. Exhibit B – Site Plan
4. Exhibit C – 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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 1735 N US HWY 77, BEING PROPERTY ID 237029, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK A IN THE SPRING LAKE DEVELOPMENT 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 C; 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-129-2021. 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 C to C, with an SUP in order to permit a Drive Through Establishment use on the following property: Lot 3, Block A in the Spring Lake Development subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, and the Staff Report shown as Exhibit C.

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.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE THROUGH ESTABLISHMENT USE IN THE COMMERCIAL (C) 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-129-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Layout Plan, and Exhibit C – Staff Report.

3. 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.
4. City Council shall have the right to review the Specific Use Permit at any point, 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 20th day of September, 2021.

MAYOR

ATTEST:

City Secretary

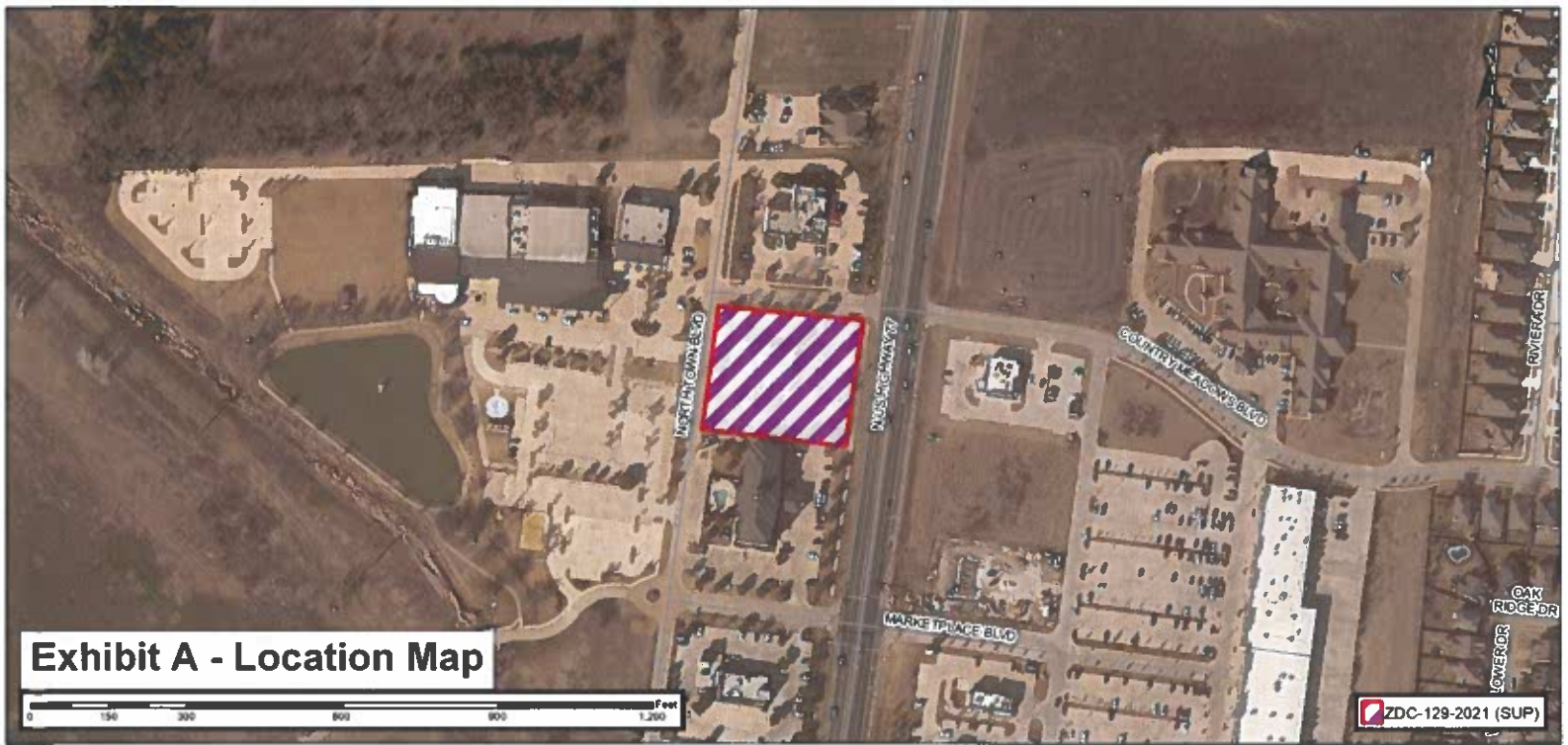


Exhibit A - Location Map

Exhibit C - Staff Report

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-129-2021



MEETING DATE(S)

Planning & Zoning Commission: September 14, 2021

City Council: September 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 14, 2021, the Commission voted 6-0 to recommend approval of zoning change ZDC-129-2021, as presented.

CAPTION

Public Hearing on request by Kyle Hunt, Hunt Restoration, for a **Specific Use Permit (SUP)** for a **Drive Through Establishment (restaurant)** use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021)

APPLICANT REQUEST

The applicant is requesting a Specific Use Permit (SUP) to allow a drive through use at an existing restaurant (Ta Molly's Restaurant) on the subject property.

CASE INFORMATION

Applicant: Kyle Hunt, Hunt Restoration

Property Owner(s): DSK PROPERTIES, LLC

Site Acreage: 1.562 acres

Current Zoning: Commercial

Requested Zoning: Commercial with SUP for a Drive Through Establishment

SUBJECT PROPERTY

General Location: 1735 N US Hwy 77

Parcel ID Number(s): 237029

Existing Use: Ta Molly's Restaurant

Development History: The subject property is located on Lot 3, Block A, Spring Lake Development

Exhibit C - Staff Report

(14)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Altus Emergency Center
East	N/A	N Hwy 77
South	C	Best Western Plus
West	C	Parking Lot for Ferris Ave Baptist Church

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 and North Town Blvd

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The purpose of this request is to allow a proposed drive through establishment use to be added onto an already existing restaurant (Ta Molly's). Per the City of Waxahachie Zoning Ordinance, a drive through establishment requires a Specific Use Permit.

Proposed Use:

The applicant is requesting approval to allow for the construction of a drive through window to their existing restaurant (Ta Molly's). Per the Site Plan, the proposed drive through will be located at the rear of the existing building, and provides six (6) stacking spaces which is consistent with the City of Waxahachie Zoning Ordinance. Per the applicant, the use of a drive through would allow the restaurant to offer customers the option(s) of dining in the restaurant or pick up to-go orders. The proposed addition of a drive through is consistent with the character of the surrounding area.

Exhibit C - Staff Report

(14)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 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:

ATTACHED EXHIBITS

1. Ordinance
2. Exhibit A – Location Map
3. Exhibit B – Site Plan
4. Exhibit C – 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

Planning & Zoning Department
Zoning Staff Report

(15)



Case: ZDC-131-2021

MEETING DATE(S)

Planning & Zoning Commission: September 14, 2021

City Council: September 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 14, 2021, the Commission voted 5-1 to recommend approval of zoning change ZDC-131-2021, subject to staff comments.

CAPTION

Public Hearing Request by Brad Yates, Colonial Restoration Group, Inc. for **Planned Development (PD)** to allow a **Private Club (Event Center)** use within a Single Family - 3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021)

APPLICANT REQUEST

The applicant is requesting to change the zoning of the subject property from Single Family-3 (SF-3) to Planned Development-Single Family-3 (PD-SF-3) to allow a Private Club (Event Center) use.

CASE INFORMATION

Applicant: Brad Yates, Colonial Restoration Group, Inc.

Property Owner(s): Loren Gray Investments, LLC.

Site Acreage: 0.873 acres

Current Zoning: SF-3

Requested Zoning: PD-SF-3 to allow for Private Club (Event Center)

SUBJECT PROPERTY

General Location: 716 Dunaway

Parcel ID Number(s): 193948

Existing Use: Vacant building (formerly The South Ward School/Bullard Heights School) is located on the subject property.

Development History: The property was platted as Lot 5 of the Bullard Addition. The school house on the site was constructed in 1911.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-3	Single Family House
East	SF-3	Single Family House
South	SF-3	Undeveloped
West	SF-3	Single Family House

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:

This site will be accessible via Dunaway Street.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting a zoning change for this site from SF-3 zoning to PD-SF-3 zoning to allow for a Private Club (Event Center) use on 0.873 acres. The school house located on the site will remain. A parking lot will be added to the subject site as well as additional screening and vegetation. An outdoor courtyard will also be included as part of the overall proposal.

Proposed Use:

The applicant is requesting approval for a zoning change to allow the existing South Ward/Bullard Heights School House to be converted into an Event Center. The building is currently 4,576 sq. ft. consisting of four rooms. The applicant intends to update the floorplan of the building to make the building more conducive to an event center use. A portion of the building will be converted to one large ballroom, while the remaining rooms remain intact. The remaining rooms will consist of restroom facilities, a small prep kitchen, and two gathering rooms. In addition to the already existing building, the applicant is proposing the addition of a courtyard area with a gazebo that will allow for an outdoor use

as part of the Event Center. Examples of anticipated Event Center uses include weddings, class reunions, business and corporate events, and other small gatherings. Alcohol will be provided by outside vendors. A parking lot will be constructed to allow for on-site parking and a circular drive will be added to provide a drop-off/pick-up point to the main entrance of the proposed Event Center. The applicant will also repair and update the facade of the building by updating the building with new stucco material to help the building look more aesthetically pleasing. Additional vegetation and screening is also proposed to be added to the site.

SPECIAL EXCEPTION/VARIANCE REQUEST:

On-site Screening

The applicant is requesting that screening for the subject property be primarily vegetative with more enhanced screening to be constructed for the courtyard area. The courtyard screening will consist of a concrete base with concrete columns and decorative cedar fencing in between the columns. The applicant is requesting the easing of screening restrictions due to the fact that that building already exists, and that the surrounding three existing streets and one unimproved alley act as an additional buffer to this site.

- Per Sec. 5.03 (f)(i) of the Zoning Ordinance, a solid brick or masonry screening wall of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these districts.
 - o Staff is willing to be flexible in regard to the screening. Since the schoolhouse is already existing on this site, staff believes that requiring a masonry screening wall to be constructed around the perimeter of the property would not be aesthetically pleasing. However, staff would like to see 6' ornamental iron fencing with masonry columns placed every 30' around the perimeter of the subject property. This would not be required for the enhanced screening the applicant is already proposing for the courtyard area. Vegetative screening will need to be included as part of the screening as well.

Sidewalks

The applicant is requesting that the sidewalk requirement be waived due to there not being other sidewalks in the area. The applicant has also stated that sidewalks would encourage additional street parking to the proposed event center.

- Per the City of Waxahachie Subdivision Ordinance, "sidewalks not less than six feet (6') shall be provided within all non-residential developments".
 - o Staff suggests that sidewalks be constructed along Dunaway and a portion of W Avenue C to allow access to a private sidewalk for the proposed event center.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **28** 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

Inside 200 ft.: Staff received two (2) letters of support and one (1) letter of opposition for the proposed development.

Outside 200 ft.: Staff received one (1) letters of support for the proposed development.

STAFF CONCERNS

Noise

Due to the SF-3 zoning in place and the existing single family use that largely surrounds the subject property, staff is concerned that noise generated from the event center will be disruptive to the surrounding neighbors. Staff is most concerned with the following sections contained within Chapter 20 – Noise of the City’s Code of Ordinance:

- **Sec. 20-1 – Prohibited Generally**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

- **Sec. 20-2 – Radios, Phonographs, Etc.**

Using, operating or permitting to be played, used or operated, any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto, shall be deemed a violation of this chapter. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- **Sec. 20-10 – Yelling, Shouting**

Yelling, shouting, hooting, whistling or singing in the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity shall be deemed a violation of this chapter.

Street Parking

Staff is concerned that the proposed site will be under parked leading to street parking around the site. Given that the width of the streets in this area are narrow, street parking could lead to the clogging of thoroughfares in the area.

APPLICANT RESPONSE TO CONCERNS

Noise

The applicant has proposed self-imposed curfews of 10pm on weekdays and 12am on weekends. The applicant has also provided staff with signed documents expressing support of the proposed use from the property owners of 802 S Rogers Street, 700 S Rogers Street, and 401 Brady Street.

Street Parking

The applicant has presented staff with a mutually signed agreement with the Full Life Assembly of God (800 S Rogers Street) stating that their parking lot can be used for overflow parking for the proposed event center and vice versa (approx. 37 additional spaces). While staff cannot officially count these spaces when reviewing the available parking for the site, this does reduce concerns regarding the possibility of street parking.

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.
 2. 6ft. ornamental fencing with masonry columns spaced every 30' as well as enhanced landscape screening should be provided along Brady Street, W Avenue C, and the unimproved ROW along the rear of the property.
 3. Sidewalks shall be installed along Dunaway Street and a portion of W Avenue C to allow connectivity to a private sidewalk located on the subject property.
 4. The event center shall have a mandatory curfew of 10pm on weekdays and 12am on weekends.
 5. Any exterior light added or located on the property shall be inward facing.
 6. A detailed Site Plan packet shall be approved the Planning and Zoning Commission prior to any on-site improvements being made.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Property Owner Notification Responses
3. Letters of Support
4. Operational Plan
5. Location Exhibit
6. Conceptual Site Plan
7. Conceptual Elevations
8. Mutual Parking Agreement
9. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
172317	JONES NELSON W	107 CHAPMAN CIR	WAXAHACHIE	TX	75165
202987	GONZALEZ LEONARD & DEBORAH	1231 AMBERWOOD DR	DUARTE	CA	91010
202989	GILAD YUVAL	1709 MACKENZIE LN	CEDAR PARK	TX	78613
202988	MARTINEZ ALFREDO & SARA	225 CHIMNEY ROCK DR	WAXAHACHIE	TX	75167
173187	405 W AVE C SERIES OF CM SANCHES & ASSOCIATES LLC	300 LYNN ST	WAXAHACHIE	TX	75165
173188	409 W AVE C A SERIES OF CM SANCHEZ & ASSOCIATES LLC	300 LYNN ST	WAXAHACHIE	TX	75165
173195	403 W AVE C SERIES OF CM SANCHEZ & ASSOCIATES LLC	300 LYNN ST	WAXAHACHIE	TX	75165
173196	400 DEWBERRY SERIES OF CM SANCHEZ & ASSOCIATES LLC	300 LYNN ST	WAXAHACHIE	TX	75165
172312	HARBIN JAMES B II	302 DEWBERRY ST	WAXAHACHIE	TX	75165
172305	STRENGTH GUNTHER	302 MODENE AVE	WAXAHACHIE	TX	75165
172313	DUNBAR JEFFREY G	303 W AVENUE C	WAXAHACHIE	TX	75165
172314	TURBO PROPERTIES LLC	307 S ELM	WAXAHACHIE	TX	75165
193948	SOUND BRIDGE ACOUSTIC LABS INC	3501 I 35 E	WAXAHACHIE	TX	75165
202980	SOSA STACY & CHRIS AGUAYO	401 BRADY ST	WAXAHACHIE	TX	75165
194026	CONTRERRAS RACHEL	402 DEWBERRY ST	WAXAHACHIE	TX	75165
276671	SKEANS ABIGAIL K	407 W LIGHT ST	WAXAHACHIE	TX	75165
202985	BRANTLEY ZACK JACOB	6250 KINGSTON DR	MIDLOTHIAN	TX	76065
172310	COLE DONALD I & PEGGY E	700 DUNAWAY ST	WAXAHACHIE	TX	75165
172319	COLE I CHRISTOPHER	700 DUNAWAY ST	WAXAHACHIE	TX	75165
172387	SLETMOEN ROSA L S	700 S ROGERS ST	WAXAHACHIE	TX	75165
172368	MARCHBANKS STEPHANIE C	708 S ROGERS ST	WAXAHACHIE	TX	75165
172391	SMITH PATRICIA L	801 GIVENS ST	WAXAHACHIE	TX	75165
202986	VILLA JUAN M & MISSY R	805 GIVENS ST	WAXAHACHIE	TX	75165
172306	BRUNNER DENISA	806 DUNAWAY ST	WAXAHACHIE	TX	75165
172369	SOUTH PARK ASSEMBLY OF GOD	PO BOX 249	WAXAHACHIE	TX	75168
193799	SOUTH PARK ASSEMBLY OF GOD	PO BOX 249	WAXAHACHIE	TX	75168
172384	SANCHEZ CARLOS I SR	PO BOX 2673	WAXAHACHIE	TX	75168
172393	SANCHEZ CARLOS I SR	PO BOX 2673	WAXAHACHIE	TX	75168

(15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-131-2021

RECEIVED SEP 03 2021

JONES NELSON W
107 CHAPMAN CIR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 20, 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 Brad Yates, Colonial Restoration Group, Inc. for **Planned Development (PD)** to allow a Private Club (Event Center) use within a Single Family - 3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021)

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-131-2021

City Reference: 172311

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, September 7, 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:

This is a quiet residential neighborhood. The proposed location is ~~in the~~ actually in the back yard of my property. NOT appropriate

Signature

Date

Nelson W. Jones, M.D.
Printed Name and Title

303 W. Light St.
Address
Waxahachie, TX 75165

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

Loren Gray Investments, LLC

PO Box 2868

Waxahachie, TX. 75168

City of Waxahachie

August 23, 2021

This letter is to show support and acknowledgement of Loren Gray Investments, LLC plan for the building located at 716 Dunaway. The proposed plan will take the existing structure and renovate for use as an event center that will become known as "The Heights". This center will be used for class reunions, family gatherings, weddings and baby showers, corporate events, weddings, and small gatherings.

Roger Restal

802 S. Rogers St.

Address

(15)

Loren Gray Investments, LLC

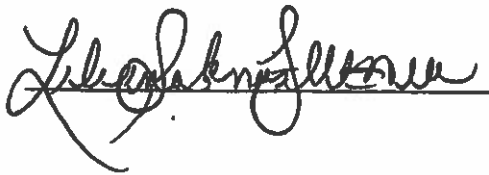
PO Box 2868

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August 23, 2021

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700 S. Rogers 86
Address

1469-563-5841

Loren Gray Investments, LLC

PO Box 2868

Waxahachie, TX. 75168

City of Waxahachie

August 23, 2021

This letter is to show support and acknowledgement of Loren Gray Investments, LLC plan for the building located at 716 Dunaway. The proposed plan will take the existing structure and renovate for use as an event center that will become known as "The Heights". This center will be used for class reunions, family gatherings, weddings and baby showers, corporate events, weddings, and small gatherings.



Chris Aguayo

401 Brady St

Address

Loren Gray Investments, LLC
PO Box 2868
Waxahachie, TX 75168
972-938-3383

Proposed Project:
The Heights Event Venue
716 Dunaway Street
Waxahachie, TX 75165

August 4, 2021

Loren Gray Investments, LLC is a Real Estate Investment Company that was formed in 2009. It currently holds, manages and develops properties throughout Ellis County. The Bullard Heights School located at 716 Dunaway in Waxahachie was purchased roughly 9 months ago. After extensive investigation and informal conversations with the surrounding neighbors, it was concluded that the current best use of the space is an event venue.

The existing structure is approximately 4576 square feet consisting of basically 4 rooms. With minimal changes, a portion can be converted to one large ballroom leaving the remaining rooms intact. These rooms will consist of restroom facilities, small prep kitchen and two gathering rooms. In addition to indoor space, there will be an approximately 5500 square foot fenced in courtyard to allow for outdoor gatherings. Anticipated occupancy for indoor facilities is 225.

The finished project will be a multi-use facility that will house activities such as class reunions, family reunions, wedding and baby showers, weddings, receptions, business and corporate events, and small gatherings. All food and beverage will be outside vendors, but require insurance and security onsite for event.

The attractiveness of this project is that the facility is small in size and located near the heart of downtown. Due to it being surrounded by residential properties, the events scheduled will be sensitive to the noise ordinances currently in place.

The Bullard Heights School has been vacant since approximately 2000. It has fallen into disarray, been vandalized and is quickly becoming a forgotten part of Waxahachie's history. The easiest use of this space would be to raze the structure and develop the land; however, with Waxahachie's deep rooted history and sensitivity to old structures, the restoration of the Bullard Heights School into The Heights Event Center would allow us to remember the past and find an alternate use for a struggling building.

The Heights Event Center

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), TO ALLOW A PRIVATE CLUB (EVENT CENTER), LOCATED AT 716 DUNAWAY STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.873 ACRES KNOWN AS PROPERTY ID 193948, BEING LOT 5 OF THE BULLARD REVISED 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, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-131-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-3 to PD-SF-3, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from SF-3 to PD-SF-3, with Concept Plan in order to facilitate development of the subject property in a manner that allows a Private Club (Event Center) use on the following property: Property ID 193948, being known as Lot 5 of the Bullard - Revised subdivision, which is shown on Exhibit A, Concept Plan which is shown as Exhibit B, Conceptual Elevations shown as Exhibit C and Staff Report shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a Private Club (Event Center), and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site/Concept Plan packet (Exhibits B-D).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. A 6-foot ornamental fence with masonry columns spaced every 30' as well as enhanced landscape screening shall be provided along Brady Street, W Avenue C, and the unimproved ROW along the rear of the property.
3. Sidewalks shall be installed along Dunaway Street and a portion of W Avenue C to allow connectivity to a private sidewalk located on the subject property.
4. The event center shall have a mandatory curfew of 10pm on weekdays and 12am on weekends.
5. Any exterior lights added or located on the property shall be inward facing towards the development.
6. All development within the Planned Development will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
7. A detailed Site Plan packet shall be reviewed and approved by the Planning and Zoning Commission and City Council prior to any on-site improvements being made.
8. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Conceptual Elevations, and Exhibit D - Staff Report. Where regulations are not specified in Exhibits B, C, D, or in this ordinance, the regulations of Single Family-3 zoning shall apply to this development.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

PASSED, APPROVED, AND ADOPTED on this 20th day of September, 2021.

(16)

MAYOR

ATTEST:

City Secretary

(16)



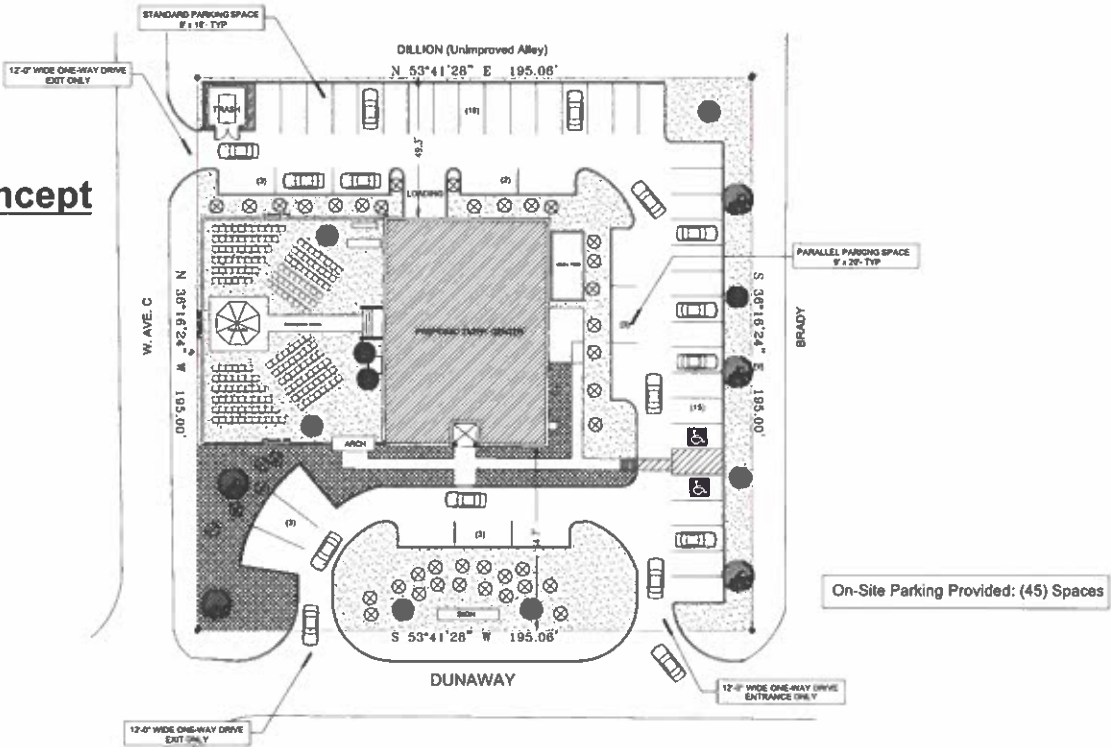
Exhibit A - Location Exhibit

0 125 250 500 750 1,000 Feet

ZDC-131-2021 (PD)

(14)

Exhibit B - Concept Plan



On-Site Parking Provided: (45) Spaces

Landscaping Requirements

PROPOSED BUILDING FLOOR AREA:	4,710 SF		
8% LANDSCAPING REQUIREMENT BASED ON FLOOR AREA:	2,350 SF		
ACTUAL LANDSCAPED SITE AREA:	7,393 SF		
CANOPY TREE	1/500 SF	REQUIRED: (5)	PROVIDED: (5)
UNDERSTORY TREE	1/250 SF	REQUIRED: (10)	PROVIDED: (10)
SHRUBS	1/70 SF	34	PROVIDED: (40)
GROUND COVER	15%	REQUIRED: (353 SF)	PROVIDED: (715 SF)

Landscaping Notes

ALL LANDSCAPING TO BE COMPLIANT WITH THE CITY OF WAXAHACHIE'S LANDSCAPE ORDINANCE
 ALL PLANT MATERIALS ARE TO BE ON THE CITY'S APPROVED PLANTING LIST PER SEC. 5.04
 ALL PLANT MATERIALS WILL BE IRRIGATED BY AN APPROVED AUTOMATIC SPRINKLER SYSTEM
 *OR IN-ACH COMPLETE PLANS ARE TO BE PROVIDED UPON SUBMITTAL FOR THE BUILDING PERMIT

Landscape Key

	CANOPY TREE
	UNDERSTORY TREE
	SHRUB WITH SEASONAL COLOR
	GROUND COVER
	HYDROPHILACH BERMDUDA GRASS

Conceptual Site Plan

Proposed Bullard Heights Event Center
 716 Dunaway Street
 City of Waxahachie, Ellis County, Texas



FOR CONCEPT REVIEW ONLY
 REVISED 9.7.21

Bullard Heights Event Center
 716 Dunaway
 Waxahachie, Texas

Colonial Restoration Group
 Waxahachie, Texas



800 East Valley Street
 Waxahachie, TX 75165
 Phone: 940.949.1111
 Fax: 940.949.1112
 Website: www.mconsultants.com

716 Dunaway
 www.mconsultants.com

Exhibit C - Concept Elevations



Exhibit C - Concept Elevations



Exhibit C - Concept Elevations



Exhibit C - Concept Elevations



Mutual Release and Agreement

August 23, 2021

This agreement is between Loren Gray Investments, LLC, owner of The Heights Event Center, and Full Life Assembly of God. Both agree that terms of agreement are for mutual use of parking facilities that each entity has on their respective properties for use only as overflow parking. In addition, to granting parking both Loren Gray Investments, LLC and Full Life Assembly of God hold harmless from liability each entity from actions of persons either incorporated with or without the said organization.

Rogier Resten, Pastor

Full Life Assembly of God


Loren Gray Investments, LLC

Exhibit D - Staff Report

Planning & Zoning Department Zoning Staff Report

Case: ZDC-131-2021



MEETING DATE(S)

Planning & Zoning Commission: September 14, 2021

City Council: September 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 14, 2021, the Commission voted 5-1 to recommend approval of zoning change ZDC-131-2021, subject to staff comments.

CAPTION

Public Hearing Request by Brad Yates, Colonial Restoration Group, Inc. for **Planned Development (PD)** to allow a **Private Club (Event Center)** use within a Single Family - 3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021)

APPLICANT REQUEST

The applicant is requesting to change the zoning of the subject property from Single Family-3 (SF-3) to Planned Development-Single Family-3 (PD-SF-3) to allow a Private Club (Event Center) use.

CASE INFORMATION

Applicant: Brad Yates, Colonial Restoration Group, Inc.

Property Owner(s): Loren Gray Investments, LLC.

Site Acreage: 0.873 acres

Current Zoning: SF-3

Requested Zoning: PD-SF-3 to allow for Private Club (Event Center)

SUBJECT PROPERTY

General Location: 716 Dunaway

Parcel ID Number(s): 193948

Existing Use: Vacant building (formerly The South Ward School/Bullard Heights School) is located on the subject property.

Development History: The property was platted as Lot 5 of the Bullard Addition. The school house on the site was constructed in 1911.

Exhibit D - Staff Report

Adjoining Zoning & Uses:

(16)

Direction	Zoning	Current Use
North	SF-3	Single Family House
East	SF-3	Single Family House
South	SF-3	Undeveloped
West	SF-3	Single Family House

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:

This site will be accessible via Dunaway Street.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting a zoning change for this site from SF-3 zoning to PD-SF-3 zoning to allow for a Private Club (Event Center) use on 0.873 acres. The school house located on the site will remain. A parking lot will be added to the subject site as well as additional screening and vegetation. An outdoor courtyard will also be included as part of the overall proposal.

Proposed Use:

The applicant is requesting approval for a zoning change to allow the existing South Ward/Bullard Heights School House to be converted into an Event Center. The building is currently 4,576 sq. ft. consisting of four rooms. The applicant intends to update the floorplan of the building to make the building more conducive to an event center use. A portion of the building will be converted to one large ballroom, while the remaining rooms remain intact. The remaining rooms will consist of restroom facilities, a small prep kitchen, and two gathering rooms. In addition to the already existing building, the applicant is proposing the addition of a courtyard area with a gazebo that will allow for an outdoor use

Exhibit D - Staff Report (16)

as part of the Event Center. Examples of anticipated Event Center uses include weddings, class reunions, business and corporate events, and other small gatherings. Alcohol will be provided by outside vendors. A parking lot will be constructed to allow for on-site parking and a circular drive will be added to provide a drop-off/pick-up point to the main entrance of the proposed Event Center. The applicant will also repair and update the facade of the building by updating the building with new stucco material to help the building look more aesthetically pleasing. Additional vegetation and screening is also proposed to be added to the site.

SPECIAL EXCEPTION/VARIANCE REQUEST:

On-site Screening

The applicant is requesting that screening for the subject property be primarily vegetative with more enhanced screening to be constructed for the courtyard area. The courtyard screening will consist of a concrete base with concrete columns and decorative cedar fencing in between the columns. The applicant is requesting the easing of screening restrictions due to the fact that that building already exists, and that the surrounding three existing streets and one unimproved alley act as an additional buffer to this site.

- Per Sec. 5.03 (f)(i) of the Zoning Ordinance, a solid brick or masonry screening wall of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these districts.
 - o Staff is willing to be flexible in regard to the screening. Since the schoolhouse is already existing on this site, staff believes that requiring a masonry screening wall to be constructed around the perimeter of the property would not be aesthetically pleasing. However, staff would like to see 6' ornamental iron fencing with masonry columns placed every 30' around the perimeter of the subject property. This would not be required for the enhanced screening the applicant is already proposing for the courtyard area. Vegetative screening will need to be included as part of the screening as well.

Sidewalks

The applicant is requesting that the sidewalk requirement be waived due to there not being other sidewalks in the area. The applicant has also stated that sidewalks would encourage additional street parking to the proposed event center.

- Per the City of Waxahachie Subdivision Ordinance, "sidewalks not less than six feet (6') shall be provided within all non-residential developments".
 - o Staff suggests that sidewalks be constructed along Dunaway and a portion of W Avenue C to allow access to a private sidewalk for the proposed event center.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **28** 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

Inside 200 ft.: Staff received two (2) letters of support and one (1) letter of opposition for the proposed development.

Outside 200 ft.: Staff received one (1) letters of support for the proposed development.

Exhibit D - Staff Report

(16)

STAFF CONCERNS

Noise

Due to the SF-3 zoning in place and the existing single family use that largely surrounds the subject property, staff is concerned that noise generated from the event center will be disruptive to the surrounding neighbors. Staff is most concerned with the following sections contained within Chapter 20 – Noise of the City’s Code of Ordinance:

- Sec. 20-1 – Prohibited Generally

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

- Sec. 20-2 – Radios, Phonographs, Etc.

Using, operating or permitting to be played, used or operated, any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto, shall be deemed a violation of this chapter. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- Sec. 20-10 – Yelling, Shouting

Yelling, shouting, hooting, whistling or singing in the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity shall be deemed a violation of this chapter.

Street Parking

Staff is concerned that the proposed site will be under parked leading to street parking around the site. Given that the width of the streets in this area are narrow, street parking could lead to the clogging of thoroughfares in the area.

APPLICANT RESPONSE TO CONCERNS

Noise

The applicant has proposed self-imposed curfews of 10pm on weekdays and 12am on weekends. The applicant has also provided staff with signed documents expressing support of the proposed use from the property owners of 802 S Rogers Street, 700 S Rogers Street, and 401 Brady Street.

Street Parking

The applicant has presented staff with a mutually signed agreement with the Full Life Assembly of God (800 S Rogers Street) stating that their parking lot can be used for overflow parking for the proposed event center and vice versa (approx. 37 additional spaces). While staff cannot officially count these spaces when reviewing the available parking for the site, this does reduce concerns regarding the possibility of street parking.

Exhibit D - Staff Report

RECOMMENDATION

(16)

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.
 2. 6ft. ornamental fencing with masonry columns spaced every 30' as well as enhanced landscape screening should be provided along Brady Street, W Avenue C, and the unimproved ROW along the rear of the property.
 3. Sidewalks shall be installed along Dunaway Street and a portion of W Avenue C to allow connectivity to a private sidewalk located on the subject property.
 4. The event center shall have a mandatory curfew of 10pm on weekdays and 12am on weekends.
 5. Any exterior light added or located on the property shall be inward facing.
 6. A detailed Site Plan packet shall be approved the Planning and Zoning Commission prior to any on-site improvements being made.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Property Owner Notification Responses
3. Letters of Support
4. Operational Plan
5. Location Exhibit
6. Conceptual Site Plan
7. Conceptual Elevations
8. Mutual Parking Agreement
9. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

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 THE HEIGHTS EVENT CENTER
 COUNTY OF ELLIS §

This Development Agreement for the Heights Event Center (“**Agreement**”) is entered into between Loren Gray Investments, LLC (“**LGI**”) and the City of Waxahachie, Texas (“**City**”). LGI and the City are sometimes referred herein together as the “**Parties**” and individually as a “**Party**.”

Recitals:

1. LGI is the owner of approximately 0.873 acres of real property generally located at 716 Dunaway Street, parcel number 193948, in the City of Waxahachie, Texas (the “**Property**”), for which he has requested a change in the Property’s Single-Family-3 zoning to a Planned Development (“**PD**”) Single Family-3 zoning, revising allowable use development standards. The Property is currently zoned Single Family-3 by the City, and is anticipated to have the zoning changed to PD-SF-3 zoning on September 20, 2021.

2. The planned use of the Property is to create a Planned Development to allow for a Private Club (Event Center). The PD zoning 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 LGI 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 LGI 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 PD zoning change **Ordinance No. (TBD)** (the “**The Heights Event Center PD Ordinance**”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for The Heights Event Center.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in The Heights Event Center PD Ordinance as contractually-binding obligations between the City of Waxahachie and LGI, and to recognize LGI’s reasonable investment-backed expectations in The Heights Event Center PD Ordinance and the planned development of The Heights Event Center.

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 The Heights Event Center PD 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) A mutually agreed upon Development Agreement will be required for the property.
- (B) A 6-foot ornamental fence with masonry columns spaced every 30', as well as enhanced landscape screening, shall be provided along Brady Street, W Avenue C, and the unimproved ROW along the rear of the property.
- (C) Sidewalks shall be installed along Dunaway Street and a portion of W Avenue C to allow for connectivity to a private sidewalk located on the subject property.
- (D) The Event Center shall have mandatory curfew of 10pm on weekdays and 12am on weekends.
- (E) Any exterior lights added or located on the property shall be inward facing.
- (F) A detailed Site Plan packet shall be reviewed and approved by the Planning and Zoning Commission and City Council prior to any on-site improvements being made.
- (G) All development within the Planned Development will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (H) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Conceptual Elevations, and Exhibit D - Staff Report. Where regulations are not specified in Exhibits B, C, D, or in this ordinance, the regulations of Single Family-3 zoning shall apply to this development.
- (I) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

In consideration of LGI's agreement in this regard, the City of Waxahachie agrees that LGI has reasonable investment-backed expectations in The Heights Event Center PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the The Heights Event Center PD Ordinance without impacting LGI'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 LGI 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.

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
§
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

: Loren Gray Investments, LLC (Applicant)

By: _____

Date: _____

: Loren Gray Investments, LLC (Owner)

By: _____

Date: _____

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Loren Gray Investments, 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: _____

Planning & Zoning Department

Zoning Staff Report

(18)



Case: ZDC-100-2021

MEETING DATE(S)

Planning & Zoning Commission: September 14, 2021

City Council: September 20, 2021 (continued from September 7, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 14, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-100-2021, subject to staff comments.

CAPTION

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)

APPLICANT REQUEST

The applicant (Sunbelt Rentals) is requesting approval of a Specific Use Permit at a vacant industrial/commercial building (*formerly Stelco Industries Inc.*) to allow the use of Heavy Machinery and Equipment, Rental, Sales or Storage and Outdoor Display.

CASE INFORMATION

Applicant: Perry Thompson, Thompson Architectural Group, Inc.

Property Owner(s): JP Tyler, LLC

Site Acreage: 3.095 acres

Current Zoning: Commercial

Requested Zoning: Commercial with SUP

SUBJECT PROPERTY

General Location: 1313 N. Interstate Highway 35

Parcel ID Number(s): 180355

Existing Use: Vacant Industrial/Commercial building (Previously Stelco Industries, Inc.)

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	C	Undeveloped Land
East	C	Industrial Use(s)
South	N/A	Interstate Highway 35
West	C	Undeveloped Land

Future Land Use Plan:

Mixed Use Non-Residential

Comprehensive Plan:

Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan:

The subject property is accessible via N. Interstate Highway 35 (East) service road.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant (Sunbelt Rentals) is requesting approval of a Specific Use Permit at a vacant industrial/commercial building (formerly Stelco Industries Inc.) to allow the use of Heavy Machinery and Equipment, Rental, Sales or Storage and Outdoor Display.

Proposed Use:

The applicant is proposing to use the existing building, located at 1313 N. Interstate Highway 35, for a Sunbelt Rentals business. The Sunbelt Rentals facility will serve as a retail center for the rental and maintenance of heavy equipment. Areas of construction include(s) a finish-out of the existing office space, the addition of a wash bay area to the south of the original building, site work including addition of concrete drive(s), striping for fire lanes, and the removal of approximately (5) existing trees to the northwest corner of the site.

In addition, the applicant intends to provide additional landscaping and ornamental iron fencing to the site. The proposed landscaping will provide trees and shrubs to a site that currently has limited vegetation within the property boundaries. Customer parking is proposed to remain near the front of the property. The applicant intends to have operational hours for the property of 7am-5pm Monday through Friday.

Table 2: Development Standards (Commercial)

***Table 2 reflects current standards for the existing building at the subject property**

Standard	City of Waxahachie	Sunbelt Rentals	Meets Y/N
Min. Lot Area (Sq. Ft.)	5,000	134,818 (3.095 acres)	Yes
Min. Building Size (Sq. Ft.)	N/A	12,134 (existing building)	Yes
Min. Lot Width (Ft.)	50	228	Yes
Min. Lot Depth (Ft.)	100	699	Yes
Max. Height	3 stories	1 story	Yes
Max. Lot Coverage (%)	40	9	Yes
Parking 1 space per 500 sq. ft.	24	25	Yes

Landscaping

The property is subject to landscape and screening requirements per the City of Waxahachie Zoning Ordinance. Table 3, listed below, summarizes the landscaping requirements in a comparison chart.

Table 3: Landscaping

Standard	City of Waxahachie	Sunbelt Rentals	Meets Y/N
Area (Sq. Ft.)	4,853.6	4,854	Yes
1 Canopy Tree per 500 sq. ft.	10	10	Yes
1 Understory Tree per 250 sq. ft.	20	20	Yes
1 Shrub per 70 sq. ft.	70	70	Yes

Additional Landscaping Notes

Canopy Trees: Shumard Oak (Quercus Texana)

Understory Trees: Mexican Buckeye (Ungnadia Speciosa)

Shrubs: Dwarf Yaupon (Ilex Vomitoria)

Additional: 12 Wax Myrtle (Morella Cerifera)

**All landscaping and irrigation shall comply with the City of Waxahachie Zoning Ordinance*

STAFF ANALYSIS

Currently, there is an existing 2-inch water line that does not provide sufficient fire protection to the site. Due to this, staff is requiring the applicant to provide a 16" water line utility connection from the North of the property that would provide sufficient fire protection for the subject property. If the applicant is unable to provide a utility connection from the North of the property to the site, staff would not be supportive of the request due to inadequate fire protection.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 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.
 2. Any new pavement for the site shall be concrete. In addition, areas with outdoor display structures shall be located on a concrete surface.
 3. The existing chain link fence shall be replaced with ornamental iron fencing (min. 6ft.) along the front and side of the property.
 4. The applicant is responsible for providing a (16") utilities connection to the site from the Northern direction of the property.
 - a. An official Certificate of Occupancy shall not be issued until all necessary utilities are provided to the site.
 5. The fire sprinkler FDC (Fire Department Connection) must be within 100 ft. of a fire hydrant.
 6. All parts of the building must be within 600 ft. of a fire hydrant.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. 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:
 Colby Collins
 Planning Manager
ccollins@waxahachie.com

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

Sunbelt Rentals Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE AND OUTDOOR DISPLAY USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 1313 N. INTERSTATE HIGHWAY35, PROPERTY ID 180355, BEING ABSTRACT 99 OF THE J B BOUNDS SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, 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 C; 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-100-2021. 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 C to C, with an SUP in order to permit a Heavy Machinery and Equipment, Rental, Sales or Storage use and Outdoor Display use on the following property: Property ID 180355, being Abstract 99 of the J B Bounds Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and Staff Report attached as Exhibit D.

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.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE AND OUTDOOR DISPLAY USE IN THE COMMERCIAL (C) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Any new pavement for the site shall be concrete. In addition, areas with outdoor display structures shall be located on a concrete surface.
3. The existing chain link fence shall be replaced with ornamental iron fencing (min. 6ft.) along the front and side(s) of the property.
4. The applicant is responsible for providing a (16") utilities connection to the site from the Northern direction of the property.
 - a. An official Certificate of Occupancy shall not be issued until all necessary utilities are provided to the site.
5. The fire sprinkler FDC (Fire Department Connection) must be within 100 ft. of a fire hydrant.
6. All parts of the building must be within 600 ft. of a fire hydrant.
7. Note: The city would pay oversize participation for water lines greater than 12" in diameter, provided funds are available, or this participation may be in form of water impact fee credits and would be included in an Oversize Participation Agreement approved by the City Council.
8. All development within the Specific Use Permit will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
9. The site plan shall conform as approved by the City Council under case number ZDC-100-2021.
10. The development shall adhere to the City Council approved in Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Staff Report.
11. The exterior of the building shall not be altered in any way.
12. 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.
13. 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, and Exhibit D - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, Zoning Ordinance, or Development Agreement, the regulations of the Commercial Zoning District shall apply to this development.
14. City Council shall have the right to review the Specific Use Permit at any point, 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 20th day of September, 2021.

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

0 200 400 600 1,200 1,600 Feet

ZDC-100-2021 (SUP)

Exhibit D - Staff Report

(19)

Planning & Zoning Department Zoning Staff Report



Case: ZDC-100-2021

MEETING DATE(S)

Planning & Zoning Commission: September 14, 2021

City Council: September 20, 2021 (continued from September 7, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 14, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-100-2021, subject to staff comments.

CAPTION

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)

APPLICANT REQUEST

The applicant (Sunbelt Rentals) is requesting approval of a Specific Use Permit at a vacant industrial/commercial building (*formerly Stelco Industries Inc.*) to allow the use of Heavy Machinery and Equipment, Rental, Sales or Storage and Outdoor Display.

CASE INFORMATION

Applicant: Perry Thompson, Thompson Architectural Group, Inc.

Property Owner(s): JP Tyler, LLC

Site Acreage: 3.095 acres

Current Zoning: Commercial

Requested Zoning: Commercial with SUP

SUBJECT PROPERTY

General Location: 1313 N. Interstate Highway 35

Parcel ID Number(s): 180355

Existing Use: Vacant Industrial/Commercial building (Previously Stelco Industries, Inc.)

Development History: N/A

Exhibit D - Staff Report

(19)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	C	Undeveloped Land
East	C	Industrial Use(s)
South	N/A	Interstate Highway 35
West	C	Undeveloped Land

Future Land Use Plan:

Mixed Use Non-Residential

Comprehensive Plan:

Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan:

The subject property is accessible via N. Interstate Highway 35 (East) service road.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant (Sunbelt Rentals) is requesting approval of a Specific Use Permit at a vacant industrial/commercial building (*formerly Stelco Industries Inc.*) to allow the use of Heavy Machinery and Equipment, Rental, Sales or Storage and Outdoor Display.

Exhibit D - Staff Report

(1a)

Proposed Use:

The applicant is proposing to use the existing building, located at 1313 N. Interstate Highway 35, for a Sunbelt Rentals business. The Sunbelt Rentals facility will serve as a retail center for the rental and maintenance of heavy equipment. Areas of construction include(s) a finish-out of the existing office space, the addition of a wash bay area to the south of the original building, site work including addition of concrete drive(s), striping for fire lanes, and the removal of approximately (5) existing trees to the northwest corner of the site.

In addition, the applicant intends to provide additional landscaping and ornamental iron fencing to the site. The proposed landscaping will provide trees and shrubs to a site that currently has limited vegetation within the property boundaries. Customer parking is proposed to remain near the front of the property. The applicant intends to have operational hours for the property of 7am-5pm Monday through Friday.

Table 2: Development Standards (Commercial)

***Table 2 reflects current standards for the existing building at the subject property**

Standard	City of Waxahachie	Sunbelt Rentals	Meets Y/N
Min. Lot Area (Sq. Ft.)	5,000	134,818 (3.095 acres)	Yes
Min. Building Size (Sq. Ft.)	N/A	12,134 (existing building)	Yes
Min. Lot Width (Ft.)	50	228	Yes
Min. Lot Depth (Ft.)	100	699	Yes
Max. Height	3 stories	1 story	Yes
Max. Lot Coverage (%)	40	9	Yes
Parking 1 space per 500 sq. ft.	24	25	Yes

Landscaping

The property is subject to landscape and screening requirements per the City of Waxahachie Zoning Ordinance. Table 3, listed below, summarizes the landscaping requirements in a comparison chart.

Table 3: Landscaping

Standard	City of Waxahachie	Sunbelt Rentals	Meets Y/N
Area (Sq. Ft.)	4,853.6	4,854	Yes
1 Canopy Tree per 500 sq. ft.	10	10	Yes
1 Understory Tree per 250 sq. ft.	20	20	Yes
1 Shrub per 70 sq. ft.	70	70	Yes

Additional Landscaping Notes

Canopy Trees: Shumard Oak (*Quercus Texana*)

Understory Trees: Mexican Buckeye (*Ungnadia Speciosa*)

Shrubs: Dwarf Yaupon (*Ilex Vomitoria*)

Additional: 12 Wax Myrtle (*Morella Cerifera*)

**All landscaping and irrigation shall comply with the City of Waxahachie Zoning Ordinance*

STAFF ANALYSIS

Currently, there is an existing 2-inch water line that does not provide sufficient fire protection to the site. Due to this, staff is requiring the applicant to provide a 16" water line utility connection from the North of the property that would provide sufficient fire protection for the subject property. If the applicant is unable to provide a utility connection from the North of the property to the site, staff would not be supportive of the request due to inadequate fire protection.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 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.
 2. Any new pavement for the site shall be concrete. In addition, areas with outdoor display structures shall be located on a concrete surface.
 3. The existing chain link fence shall be replaced with ornamental iron fencing (min. 6ft.) along the front and side of the property.
 4. The applicant is responsible for providing a (16") utilities connection to the site from the Northern direction of the property.
 - a. An official Certificate of Occupancy shall not be issued until all necessary utilities are provided to the site.
 5. The fire sprinkler FDC (Fire Department Connection) must be within 100 ft. of a fire hydrant.
 6. All parts of the building must be within 600 ft. of a fire hydrant.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. 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:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Executive Director of Development Services

sbrooks@waxahachie.com

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR SUNBELT RENTALS
COUNTY OF ELLIS	§	

This Development Agreement for Sunbelt Rentals (“**Agreement**”) is entered into between Sunbelt Rentals (“**SR**”) and the City of Waxahachie, Texas (“**City**”). SR and the City are sometimes referred herein together as the “**Parties**” and individually as a “**Party**.”

Recitals:

1. SR is the owner of approximately 3.095 acres of real property generally located at 1313 N. Interstate Highway 35, Parcel Number 180355, in the City of Waxahachie, Texas (the “**Property**”), for which the applicant has requested a change in the Property’s Commercial to Commercial with Specific Use Permit (“**SUP**”) zoning, revising specific development standards. The Property is currently zoned Commercial by the City, and is anticipated to have the SUP reviewed on September 20, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of a Sunbelt Rentals (Heavy Machinery and Equipment, Rental, Sales or Storage and Outdoor Display). 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 SR 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 SR 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 “**Sunbelt Rentals SUP Ordinance**”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Sunbelt Rentals.

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

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 Sunbelt Rentals 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-100-2021.
- (B) The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Staff Report.
- (C) A mutually agreed upon Development Agreement will be required for the development.
- (D) Any new pavement for the site shall be concrete. In addition, areas with outdoor display structures shall be located on a concrete surface.
- (E) The existing chain link fence shall be replaced with ornamental iron fencing (min. 6ft.) along the front and side(s) of the property.
- (F) The applicant is responsible for providing a (16”) utilities connection to the site from the Northern direction of the property.
 - An official Certificate of Occupancy shall not be issued until all necessary utilities are provided to the site.
- (G) The fire sprinkler FDC (Fire Department Connection) must be within 100 ft. of a fire hydrant.
- (H) All parts of the building must be within 600 ft. of a fire hydrant.
- (I) Note: The city would pay oversize participation for water lines greater than 12” in diameter, provided funds are available, or this participation may be in form of water impact fee credits and would be included in an Oversize Participation Agreement approved by the City Council.
- (J) All development within the Specific Use Permit will be subject to obtaining building permits from the City in accordance with the City’s applicable rules and regulations governing such permits.

(K) The exterior of the building shall not be altered in any way.

(L) 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.

(M) Any zoning, land use requirement, or restriction not contained within this Development Agreement, Zoning Ordinance, 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, and Exhibit D - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, Development Agreement, or Zoning Ordinance, the regulations of the Commercial Zoning District shall apply to this development.

(N) City Council shall have the right to review the Specific Use Permit at any point, if needed.

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

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
§
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

: Sunbelt Rentals (Developer)

By: _____

Date: _____

: JP Tyler, LLC (Property Owner)

By: _____

Date: _____

**STATE OF TEXAS §
 §
COUNTY OF ELLIS §**

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Sunbelt Rentals, 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: _____

(21)

TAXING UNIT: CITY OF WAXAHACHIE

Resolution No. _____

RESOLUTION OF **CANDIDATE NOMINATIONS** FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEARS 2022-2023

WHEREAS, Section 6.03 (g) of the Texas Property Tax Code, requires that each taxing unit entitled to vote may nominate by Resolution one candidate for each of the five positions to be filled and submit those nominations to the Chief Appraiser of the Ellis Appraisal District before October 15, 2021.

THEREFORE, the City of Waxahachie submits the following nomination(s) with contact information for Board of Directors of the Ellis Appraisal District for 2022-2023:

Name	E-mail	Cell	Bio Included

ACTION TAKEN this 7th day of September, 2021, in Open Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of nominating candidates to the Board of Directors of the Ellis Appraisal District.

Presiding Officer

ATTEST: _____