

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, April 4, 2022 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. ***Speakers must observe the five (5) minute time limit.***
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 March 21, 2022
 - b. Minutes of the City Council briefing of March 21, 2022
 - c. Event application for Old Time American Music event to be held May 21, 2022
 - d. Event application for Spook Out Homelessness event to be held October 22, 2022
 - e. Renewal of Facilities Maintenance Agreement with AHI Facility Services, Inc.
 - f. Service Contract with Andale Construction, Inc. for High Density Mineral Bond Seal, Pavement Preservation
6. ***Recognize*** Downtown Waxahachie as a *Great Neighborhood* for the 2022 Great Places in Texas program
7. ***Public Hearing*** on a request by Brandon Layman, 7 Brew Drive-Thru Coffee, for a Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-42-Commercial (PD-42-C) zoning district located East of Highway 77 and North of Country Meadows Blvd (Property ID 224192) - Owner: WILLIAM C & SALLY R ESTES LIVING TRUST (ZDC-22-2022)
8. ***Consider*** proposed Ordinance approving ZDC-22-2022

9. **Consider** Development Agreement for ZDC-22-2022
10. **Consider** the approval of a ground lease and construction agreement with Don Jackson Construction Company, Inc. for the development of six new private box hangars at Mid-Way Regional Airport
11. **Consider** supplemental appropriation for two replacement outdoor warning sirens
12. **Consider** request for additional funding for the construction of Fire Station 4
13. **Consider** Professional Services Agreement Amendment with Kimley Horn for design and construction oversight related services for the Wastewater Treatment Plant Improvement Project Change Order No. 10
14. **Consider** approving Change Order No. 10 for the Wastewater Treatment Plant Improvement Project to BAR Constructors
15. **Consider** approving Change Order No. 1 with Clark Electric, Inc. for the Raw Water Pump Station No. 2 Generator and Howard Road Water Treatment Plant Electrical Improvements Project
16. Comments by Mayor, City Council, City Attorney and City Manager
17. 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

(5a)

City Council
March 21, 2022

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, March 21, 2022 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: Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Pastor Josh Balthrop, SOMA Church, gave the invocation. Deputy City Manager Albert Lawrence led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Jeff Evans, 121 McClain Street, Waxahachie, Texas, expressed concerns with street repairs on his street and on Smokey Lane (private drive). He requested additional street lights, code compliance with the two abandoned houses on his street, cleaning of the nearby creek, and clearing of the alley behind his house.

Chris Wright, 808 W. Marvin, Waxahachie, Texas, requested supplemental appropriations be removed from the consent agenda and considered individually.

Angeline Johnson, 110 McClain Street, Waxahachie, Texas, requested street improvements on McClain Street and additional lighting to improve safety.

5. Consent Agenda

- a. Minutes of the City Council meeting of March 7, 2022
- b. Minutes of the City Council briefing of March 7, 2022
- c. Renewal of parking and loading zone spaces for April 1, 2022-March 31, 2023
- d. Event application for City-Wide Easter Egg Hunt on April 16, 2022
- e. Event application for Hach Town OGz on April 17, 2022
- f. Event application for Rainbow Room Fun Run on April 30, 2022

(5a)

- g. Event application for Strut Your Mutt Fun Walk on May 13, 2023
- h. Event application for Downtown Jamboree on July 9, 2022
- i. Event application for Big Al's Down the Hatch 5 Year Anniversary Party on October 8, 2022
- j. Supplemental appropriation from TIRZ account for Farmers Market improvements in the amount of \$106,884.25
- k. Supplemental appropriation from TIRZ account for Downtown Parking Garage improvements in the amount of \$138,867.18
- l. Supplemental appropriation authorizing the insurance reimbursement of the Fire Department vehicle maintenance fund in the amount of \$24,552.00
- m. Supplemental appropriation from WCDC account to fund additional Wags-a-Hachie Dog Park improvements in the amount of \$83,600.00

Action:

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

6. Public Hearing on a request by Robert Fillingim for a Specific Use Permit (SUP) for an Accessory Structure equal to or greater than 700SF use within a Planned Development-23-Single Family-1 (PD-23-SF-1) zoning district located at 112 Homestead Ln (Property ID 269663) - Owner: ROBERT & VANESSA FILLINGIM (ZDC-19-2022)

Shon Brooks, Executive Director of Development Services, reviewed the case noting the applicant is requesting to construct a +700 sq. ft. (1,840 sq. ft.) accessory structure to the side and rear of a single-family residential lot. Staff and the Planning and Zoning Commission recommended approval per the following staff comments:

- 1. The accessory structure shall not be used as a dwelling.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
- 4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-19-2022, Mayor Barnes closed the Public Hearing.

7. Consider proposed Ordinance approving ZDC-19-2022

ORDINANCE NO. 3319

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF-1) ZONING

DISTRICT, LOCATED 112 HOMESTEAD LANE, BEING PROPERTY ID 269663, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK A IN THE HOMESTEAD ESTATES 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. 3319 subject to staff comments. Mayor Pro Tem Billie Wallace seconded, All Ayes.

8. Public Hearing on a request by Angela Glass for a Specific Use Permit (SUP) for an Accessory Structure equal to or greater than 700SF use within a Single Family-1 (SF1) zoning district located at 808 W Main St (Property ID 171906) - Owner: ROBERT V & ANGELA GLASS (ZDC-17-2022)

Mr. Brooks presented the case noting the applicant is requesting a specific use permit to construct a 952 sq. ft. accessory structure on the rear portion of the single-family lot. The subject property is a double frontage lot with the front façade of the primary structure facing West Main Street and the rear oriented towards Water Street. Staff and the Planning and Zoning Commission recommended approval per the following staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-17-2022, Mayor Barnes closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-17-2022

ORDINANCE NO. 3320

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 808 W MAIN STREET, BEING PROPERTY ID 171906, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ALL OF BLOCK 321 IN THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3320 subject to staff comments. Council Member Melissa Olson seconded, All Ayes.

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

Council Member Melissa Olson requested supplemental appropriations be removed from the consent agenda and considered individually.

Council Member Travis Smith echoed Council Member Olson's comments and requested streaming of the City Council Briefings.

11. Adjourn

There being no further business, the meeting adjourned at 7:18 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

City Council
March 21, 2022

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, March 21, 2022 at 6:30 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: Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

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

Deputy City Manager Albert Lawrence reviewed the following agenda items:

- Item 5c, approving annual renewal of Parking and Loading Zones for April 1, 2022-March 31, 2023.
- Item 5d, approving event application for City-Wide Easter Egg Hunt to be held April 16, 2022.
- Item 5e, approving event application for Hachie Town Ogz to be held on April 17, 2022.
- Item 5f, approving event application for Rainbow Room Fun Run to be held April 30 2022.
- Item 5g, approving event application for Strut Your Mutt Fun Walk to be held May 13, 2023.
- Item 5h, approving event application for Downtown Jamboree to be held July 9, 2022.
- Item 5i, approving event application for Big Al's Down the Hatch 5-year Anniversary Party to be held October 8, 2022.
- Item 5j, approving supplemental appropriation from TIRZ account for Farmers Market improvements adding a thermal/moisture barrier to the roof, commercial grade ceiling fans, and two space concrete handicap parking area with sidewalk connection to the Dog Park sidewalk in the amount of \$106,884.25, including a 10% contingency.
- Item 5k, approving supplemental appropriation from TIRZ account for Downtown Parking Garage improvements in the amount of \$138,867.18, including a 10% contingency. The improvements would include the following: upgrading lighting to LED fixtures, new camera surveillance system, refreshing and updating signage, restriping the parking spaces, and servicing of the A/C units in the IT and elevator room.
- Item 5l, approving supplemental appropriation authorizing the reimbursement of the Fire Department vehicle maintenance fund in the amount of \$24,552. He explained two fire engines were involved in accidents earlier this fiscal year and the insurance money was

(5b)

City Council
March 21, 2022
Page 2

deposited into the General Fund and the request is to transfer that money back to the Fire Department for other vehicle repairs.

- Item 5m, approving supplemental appropriation from WCDC account to fund additional Wags-A-Hachie Dog Park improvements in the amount of \$83,600 for additional irrigation and sodding of interior dog park and common areas.

Shon Brooks, Executive Director of Development Services, reviewed the following cases:

- ZDC-19-2022, the applicant is requesting to construct a +700 square foot (1,840 sq. ft.) accessory structure to the side and rear of a single-family residential lot. Staff and the Planning and Zoning Commission recommends approval per staff comments.
- ZDC-17-2022, the applicant is requesting a specific use permit to construct a 952 square foot accessory structure on the rear portion of the single-family lot. He noted the property is a double frontage lot with the front façade of the primary structure facing West Main St. and the rear oriented towards Water St. Staff and the Planning and Zoning Commission recommends approval per staff comments.

3. Adjourn

There being no further business, the meeting adjourned at 6:39 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5c)



Application for a Festival or Event Permit

Event Name and Description: "Old Time American Music with Dan Levenson". Come hear the extraordinary musician & storyteller Dan Levenson on the fiddle and claw-hammer banjo. He has been described as one of the best claw-hammer banjo players in the country, and he will be here in Waxahachie!

Name: Leslie Cozakas

Address: 672 Brookhaven Ct.

City, State, Zip: Waxahachie TX Phone: 530-355-9909

E-mail Address: leslie.cozakas@gmail.com

Organization Information

Organization Name: Leslie's School of Music

Address: 672 Brookhaven Ct, Waxahachie 75165

Authorized Head of Organization: Leslie Cozakas

Phone: 530-355-9909 E-mail Address: leslie.cozakas@gmail.com

Event Chairperson/Contact

Name: Leslie Cozakas

Address: (same)

City, State, Zip: _____ Phone: _____

E-mail Address: _____

Event Information

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

Purpose: live music performance

Event Start Date and Time: May 21 6pm

Event End Date and Time: May 21 8pm

Approximate Number of Persons Attending Event Per Day: 120 (5c)

Site Preparation and Set-Up Date and Time: May 21 4pm

Clean-Up Completion Date and Time: May 21 9pm

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.

none

Requested City Services: _____

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

Leslie Conakas
Signature of Applicant

3-22-22
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).

(50)

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Thursday, March 24, 2022 10:27 AM
To: Bonner, Jami; Ricky Boyd; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Gaertner, James; Brooks, Shon
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Old Time American Music with Dan Levenson

I don't have any issues with it.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
469-309-4411

H.E.A.R.T

Honor Ethics Accountability Respect Transparency

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, March 24, 2022 9:49 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Old Time American Music with Dan Levenson

For your review / comments. Thank you.

From: Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Sent: Thursday, March 24, 2022 9:15 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Leslie's School of Music <lesliecozakas@gmail.com>
Subject: Event Application - Dan Levenson - Clawhammer Banjo and Old Time Fiddle Player

Good morning,

Please see attached event application.

No street closures are requested

Event: Dan Levenson – Clawhammer Banjo and Old Time Fiddle Player
Date: Saturday, May 21, 2022

Kelly Skistimas

(50)

Bonner, Jami

From: Gaertner, James
Sent: Thursday, March 24, 2022 11:05 AM
To: Bonner, Jami; Ricky Boyd; Wade Goolsbey; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Brooks, Shon
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Old Time American Music with Dan Levenson

I don't have any comments, except that was the nicest hand writing I have seen in this type of application. 😊

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

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, March 24, 2022 9:49 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Old Time American Music with Dan Levenson

For your review / comments. Thank you.

From: Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Sent: Thursday, March 24, 2022 9:15 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Leslie's School of Music <lesliecozakas@gmail.com>
Subject: Event Application - Dan Levenson - Clawhammer Banjo and Old Time Fiddle Player

Good morning,

Please see attached event application.

No street closures are requested

Event: Dan Levenson – Clawhammer Banjo and Old Time Fiddle Player
Date: Saturday, May 21, 2022

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

Bonner, Jami

From: Martinez, Gumaro
Sent: Thursday, March 24, 2022 2:56 PM
To: Bonner, Jami; Ricky Boyd; Wade Goolsbey; Barnes, Bradley; Campos, Yadira; Gaertner, James; Brooks, Shon
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Old Time American Music with Dan Levenson

I have not comments for this event.

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: Bonner, Jami
Sent: Thursday, March 24, 2022 9:49 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoalsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Old Time American Music with Dan Levenson

For your review / comments. Thank you.

From: Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Sent: Thursday, March 24, 2022 9:15 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Leslie's School of Music <lesliecozakas@gmail.com>
Subject: Event Application - Dan Levenson - Clawhammer Banjo and Old Time Fiddle Player

Good morning,

Please see attached event application.

No street closures are requested

Event: Dan Levenson – Clawhammer Banjo and Old Time Fiddle Player
Date: Saturday, May 21, 2022

Kelly Skistimas
Cultural Arts and Programming Manager
City of Waxahachie

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, March 24, 2022 3:10 PM
To: Bonner, Jami
Subject: RE: Event Application - Old Time American Music with Dan Levenson

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami [mailto:jami.bonner@waxahachie.com]
Sent: Thursday, March 24, 2022 9:49 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Old Time American Music with Dan Levenson

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

For your review / comments. Thank you.

From: Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Sent: Thursday, March 24, 2022 9:15 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Cc: Leslie's School of Music <lesliecozakas@gmail.com>
Subject: Event Application - Dan Levenson - Clawhammer Banjo and Old Time Fiddle Player

Good morning,

Please see attached event application.

No street closures are requested

Event: Dan Levenson – Clawhammer Banjo and Old Time Fiddle Player
Date: Saturday, May 21, 2022

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

(5d)



Application for a Festival or Event Permit

Event Name and Description: SPOOK OUT HOMELESSNESS
FUN RUN/WALK

Applicant Information

Name: DANIEL'S DEN
Address: 507 W JEFFERSON
City, State, Zip: WAXAHACHIE TX Phone: 972.938.0103
E-mail Address: daniels-den@icloud.com

Organization Information

Organization Name: SAME
Address: SAME
Authorized Head of Organization: JOY RANTON
Phone: 972.938.0103 E-mail Address: daniels-den@icloud.com

Event Chairperson/Contact

Name: JOY RANTON
Address: 507 W. JEFFERSON
City, State, Zip: WAXAHACHIE TX Phone: 972.938.0103
E-mail Address: daniels-den@icloud.com

Event Information

Event Location/Address: _____
Purpose: FUNDRAISER
Event Start Date and Time: 10.22.22 9:30
Event End Date and Time: 10.22.22 1:00

(5d)

Approximate Number of Persons Attending Event Per Day: 75-100

Site Preparation and Set-Up Date and Time: 10.22.22 7:30

Clean-Up Completion Date and Time: 10.22.22 2:00

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.

GETZENDANER PAVILION - CHECK IN

RAILYARD PARK AMPHITHEATER - FACE PAINTING

SELFIE BOOTHS HS CHEER & DRUM LINE FOOD

~~Requested City Services:~~ TRUCKS, LIONS PARK - WATER STATION

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

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

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

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

Will dumpsters be needed? 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.

Jay Ranta
Signature of Applicant

3.14.22
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).

(5d)

Google Maps Getzendaner Memorial Park to Railyard Park

Walk 2.0 miles, 38 min




 via Waxahachie Creek Hike & Bike Trail 38 min
 2.0 miles

Mostly flat

Google Maps Railyard Park to Lions Park, Howard Road, Waxahachie, TX

Walk 2.3 miles, 44 min



44 min
2.3 miles

via Waxahachie Creek Hike & Bike Trail 44 min
2.3 miles

Mostly flat

(5d)

Bonner, Jami

From: Gaertner, James
Sent: Monday, March 14, 2022 3:05 PM
To: Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Ricky Boyd; Wade Goolsbey; Massey, Matt; Griffith, Thomas; Skistimas, Kelly
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

Jami,

I don't have any comments. Just let us know what they need for barricades.

Thanks,

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

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, March 14, 2022 3:00 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

For your review / comments. Thank you.

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

(5d)

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, March 15, 2022 10:03 AM
To: Bonner, Jami
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

Jami,
I am assuming that the run/walk is on the hike/bike trail. If so, I have no issues.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
469-309-4411

H.E.A.R.T
Honor Ethics Accountability Respect Transparency

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, March 14, 2022 3:00 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

For your review / comments. Thank you.

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

(5d)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, March 15, 2022 6:57 AM
To: Bonner, Jami
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami [mailto:jami.bonner@waxahachie.com]
Sent: Monday, March 14, 2022 3:00 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

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

For your review / comments. Thank you.

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

(5d)

Bonner, Jami

From: Skistimas, Kelly
Sent: Wednesday, March 16, 2022 1:30 PM
To: Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Ricky Boyd; Wade Goolsbey; Gaertner, James; Massey, Matt; Griffith, Thomas
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

I see no conflicts or issues from the Railyard side.

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



From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Monday, March 14, 2022 3:00 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

For your review / comments. Thank you.

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

(5d)

Bonner, Jami

From: Martinez, Gumaro
Sent: Wednesday, March 16, 2022 1:58 PM
To: Bonner, Jami; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Ricky Boyd; Wade Goolsbey; Gaertner, James; Massey, Matt; Griffith, Thomas; Skistimas, Kelly
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

If they plan on having food trucks at Railyard Park, closing that section of College St. may be a good idea.

They also have food trucks as part of the events, but below that where it states "Will food or drinks be available and/or sold" they circled "NO"???

I would also recommend having Parks Dept provide some additional polycarts at Railyard park

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: Bonner, Jami
Sent: Monday, March 14, 2022 3:00 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

For your review / comments. Thank you.

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

(5d)

Bonner, Jami

From: Skistimas, Kelly
Sent: Thursday, March 17, 2022 11:10 AM
To: Martinez, Gumaro; Bonner, Jami; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Ricky Boyd; Wade Goolsbey; Gaertner, James; Massey, Matt; Griffith, Thomas
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

Hi there,
I just spoke with Joy. I'm not sure who, if anyone, they had worked with on this prior to submitting.

She said they are wanting food trucks at Railyard, so we would need to close that portion of College between the park and Fresh Coffee, and take out some polycarts.

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



From: Martinez, Gumaro <gmartinez@waxahachie.com>
Sent: Wednesday, March 16, 2022 1:58 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <>wgoolsby@waxahachiepd.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

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They also have food trucks as part of the events, but below that where it states "Will food or drinks be available and/or sold" they circled "NO"???

I would also recommend having Parks Dept provide some additional polycarts at Railyard park

Gumaro Martinez
City of Waxahachie
Executive Director of Parks & Leisure Services

(5d)

Bonner, Jami

From: Gaertner, James
Sent: Monday, March 21, 2022 1:24 PM
To: Skistimas, Kelly; Martinez, Gumaro; Bonner, Jami; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Ricky Boyd; Wade Goolsbey; Massey, Matt; Griffith, Thomas; Abernethy, Richard
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

I don't have any issues with closing the portion of College Street along the Railyard in October, since Rogers will be re-opened by then (hopefully). 😊

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

From: Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Sent: Thursday, March 17, 2022 11:10 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: RE: Event Application - Spook Out Homelessness Fun Run/Walk 10-22-22

Hi there,
I just spoke with Joy. I'm not sure who, if anyone, they had worked with on this prior to submitting.

She said they are wanting food trucks at Railyard, so we would need to close that portion of College between the park and Fresh Coffee, and take out some polycarts.

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



(5e)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: April 4, 2022
Re: Consider award of bid to AHI Facility Services, Inc., for option for janitorial and cleaning maintenance services.

Item Description: Consider award of bid to AHI Facility Services, Inc., for the fourth year option in the amount of \$108,948.65.

Item Summary: The existing contract with AHI was approved and effective January 17, 2019. The initial contract was approved for a total of a three year term, with two one-year renewal options.

The yearly totals for the contract were as follows:

Year 1 -	\$96,855.02
Year 2 -	\$100,729.18
Year 3 -	\$104,758.30
Year 4 - (Option)	\$108,948.65

AHI was chosen as a response to a Request for Proposal in 2018 and the contract was approved by City Council and effective in 2019. AHI has been responsive to requests for alterations to the cleaning schedule and areas to be cleaned as needed. AHI provides services to City facilities on a daily basis. In the future, a Request for Proposal will be required and completed for future facility cleaning services at the conclusion of the remaining contract, including or following the remaining one-year renewal option.

Staff recommends approval for the total cost of the fourth year at \$108,948.65.



Memorandum

To: Honorable Mayor and City Council
 From: James Gaertner, P.E., CFM, CPM Director of Public Works and Engineering
 Thru: Michael Scott, City Manager
 Date: April 1, 2022
 Re: Consider the Approval of a Service Contract with Andale Construction, Inc. for High Density Mineral Bond Seal, Pavement Preservation

Item Description: Consider approval of a service contract to Andale Construction, Inc. for the application of High Density Mineral Bond Seal for asphalt pavement preservation in the amount of \$142,569.30.

Item Summary: This project consists of applying a high density mineral bond seal to the following asphalt streets:

Audra Ave.	from Brown	to	cul-de-sac
Etta Ave.	from Brown	to	cul-de-sac
Myrtle Ave.	from Brown	to	cul-de-sac
Modene Ave.	from Mirian	to	cul-de-sac
Morene Ave.	from cul-de-sac	to	cul-de-sac
Annette Ave.	from Audra	to	Morene
Mary Ave.	from Etta	to	Morene
Mirian Ave.	from Brown	to	Modene

The application of this material will protect and extend the life of the pavement. It is a cost effective solution that provides a smooth coat to the pavement and protects the asphalt from water infiltration and UV deterioration.

This contract is available through the Cooperative Purchasing Agreement with the City of Hurst. Staff is recommending award of the contract.

Fiscal Impact: Funding for this project is available Operating and the Street Capital Fund.

(5f)



- Legend**
- Day 1
 - Day 2
 - Day 3
 - Day 4
 - Day 5



1000 ft



Waxahachie, TX

Total SY: 34,773

(7)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-22-2022



MEETING DATE(S)

Planning & Zoning Commission: March 29, 2022

City Council: April 4, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held March 29, 2022, the Commission voted 6-0 to recommend approval of case number ZDC-22-2022, subject to staff comments.

CAPTION

Public Hearing on a request by Brandon Layman, 7 Brew Drive-Thru Coffee, for a Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-42-Commercial (PD-42-C) zoning district located East of Highway 77 and North of Country Meadows Blvd (Property ID 224192) - Owner: WILLIAM C & SALLY R ESTES LIVING TRUST (ZDC-22-2022)

APPLICANT REQUEST

The applicant is requesting approval of a Specific Use Permit (SUP) to allow a Drive-Through Establishment (7 Brew Coffee) on 0.597 acres.

CASE INFORMATION

<i>Applicant:</i>	Brandon Layman
<i>Property Owner(s):</i>	Risser Estes & Kris Estes (Estes William C & Sally R Living Trust)
<i>Site Acreage:</i>	0.597 acres
<i>Current Zoning:</i>	Planned Development-42-Commercial (PD-42-C)
<i>Requested Zoning:</i>	PD-42-C with a Specific Use Permit for a Drive-Through Establishment

SUBJECT PROPERTY

<i>General Location:</i>	North of 1760 N US Highway 77, at the intersection of Country Meadows Blvd. and N US Highway 77.
<i>Parcel ID Number(s):</i>	224192
<i>Existing Use:</i>	The subject property is currently undeveloped
<i>Development History:</i>	N/A

(7)

Table 1: Adjoining Zoning and Uses

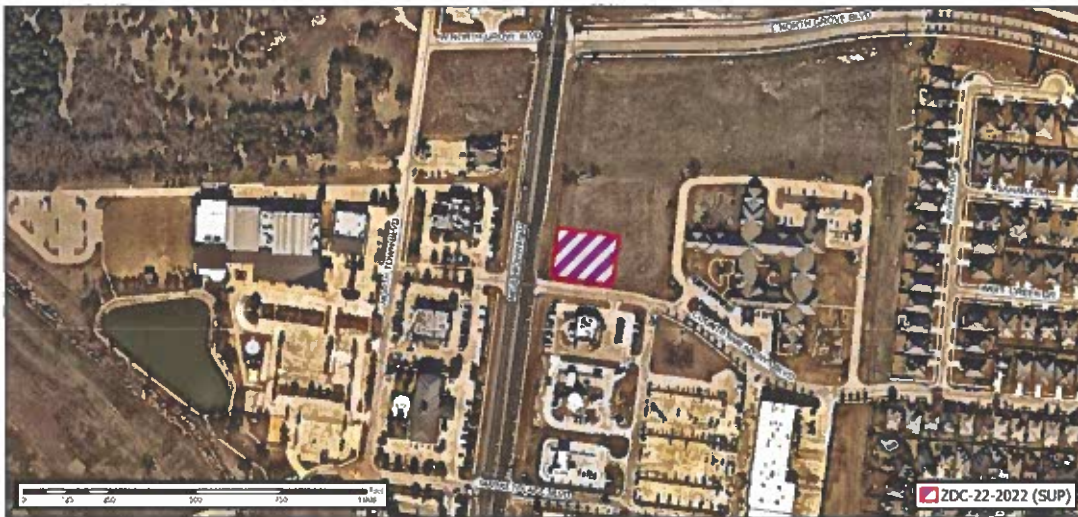
Directio	Zoning	Current Use
North	PD-42-C	Undeveloped land
East	PD-42-C & PD	Legend Oaks Healthcare
South	PD-42-C	Tacos 4 Life Restaurant
West	C with SUP for Electronic Message Sign	Altus Emergency Room

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 will front on N US Highway 77; but will be accessible via a private drive on Country Meadows Blvd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Specific Use Permit (SUP) to allow a Drive-Through Establishment (7 Brew Coffee) on 0.597 acres. Per the City of Waxahachie Zoning Ordinance, the use of a Drive-Through Establishment within a Commercial zoning district requires a Specific Use Permit to be reviewed by City Council.

Proposed Use:

Operation

Per the operational plan provided to staff, 7 Brew plans to operate a drive-through coffee shop located north of the intersection of Country Meadows Boulevard and Highway 77 (Parcel ID: 224192). 7 Brew intends to serve coffees, teas and frozen drinks. This store will have typical operational hours of 5:30am-10:00pm Sundays through Thursdays and 5:30am-11:00pm on Fridays and Saturdays. 7 Brew anticipates having between 12 and 20 total employees for this location; with approximately 6 employees being present during any given shift.

Operation (continued)

The proposed 7 Brew Coffee location will include two (2) parallel drive through lines for beverage ordering and pickup. Seven Brew is proposing a strictly drive-through service with no indoor dining. Due to the lack of dining space, the building will have a footprint of 510 square feet. A single entrance is proposed for the site in the form of a private drive connecting to Country Meadows Boulevard. The private driveway location is proposed to align with the Tacos-4-Life driveway directly south of the subject property. Additionally, sidewalks are proposed along Highway 77 and Country Meadows Boulevard.

Operation (Update from the March 29, 2022 Planning & Zoning Commission Meeting)

During the Planning & Zoning Commission meeting on March 29, 2022, the applicant noted that outdoor seating may be made available under the covered awning for employee use. Customers who park may also be permitted to utilize this seating; but customers will not be served at these tables and will not be able to order beverages at a walk-up window. The applicant is exceeding the minimum parking requirements for the site and the addition of this seating will not require additional parking beyond what is being provided (19 spaces).

Table 2: Proposed Development Standards (Commercial)

Standard	City of Waxahachie	7 Brew Coffee	Meets Y/N
Min. Lot Area (Sq. Feet)	5,000	26,026	Yes
Min. Lot Width (Feet)	50	145.04	Yes
Min. Lot Depth (Feet)	100	179.42	Yes
Min. Front Yard (Feet)	25	25	Yes
Min. Side Yard (Feet)	15; 20 (ROW), 0 (Retail)	20	Yes
Min. Rear Yard (Feet)	20	20	Yes
Max. Height	3 stories	1 story	Yes
Max. Lot Coverage (%)	40%	5.18%	Yes
Parking: Restaurant 1 space per 100 sq. feet	6 spaces	19 spaces	Yes

Landscaping

This property is subject to the landscaping requirements of Section 5.04 of the Waxahachie Zoning Ordinance. The applicant is proposing to meet or exceed all landscaping requirements for the site. Table 3 provides a summary of the landscaping for the development below. For further reference, please see the Landscape Plan exhibit attached to the end of this report.

Landscaping (Update from the March 29, 2022 Planning & Zoning Commission Meeting)

During the Planning & Zoning Commission meeting on March 29, 2022, the Commission requested that the applicant incorporate at least one crape myrtle into the Landscape Plan. The applicant has incorporated 4 crape myrtles into the Landscape Plan as requested.

Table 3: Landscape Requirements

Standard	City of Waxahachie	7 Brew	Meets Y/N
Area (Sq. Feet)	526	1,804	Yes
Trees	10	10	Yes
Street Trees	4	4	Yes

Building Design/Facade

The building is currently proposed to be constructed of primarily of brick, with metal accents and a metal roof. The applicant has stated that the brick used in the proposed facade will be Crimson Plymouth Brick and Midnight Black Modern Brick. The proposed building elevations can be referenced in the exhibits below. Additionally, please note that neon-light strips are proposed to be used on the edge of the awnings and roof of the "tower" on the building, which is a signature 7 Brew brand design element.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 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. All necessary Building Permits will need to be issued by the City of Waxahachie Building and Community Services Department prior to construction on the site.
 3. The applicant shall incorporate at least one (1) crape myrtle into the Landscape Plan.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Facade Plan
6. Sign Plan
7. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Zack King
 Planner
zking@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Senior Director of Planning
jennifer.pruitt@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED NORTH OF 1760 N US HIGHWAY 77, AT THE INTERSECTION OF COUNTRY MEADOWS BOULEVARD & N US HIGHWAY 77, BEING A PORTION OF PROPERTY ID 224192, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A, IN THE 7 BREWS ADDITION 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 PD-42-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-22-2022. 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 PD-42-C to PD-42-C, with an SUP in order to permit a Drive Through Establishment use on the following property: Lot 1, Block 1 of the 7 Brews Addition subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, Elevation/Façade Plan attached as Exhibit D, Sign Plan attached as Exhibit E, and the Staff Report attached as Exhibit F.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE THROUGH ESTABLISHMENT (7 BREW) USE IN THE PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-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. The site plan shall conform as approved by the City Council under case number ZDC-22-2022.
3. The development shall include at least one (1) crape myrtle.
4. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
5. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D). The masonry components of this Elevation/Façade Concept Plan are composed of: Nichiha–Plymouth Brick–Crimson; and Nichiha–Modern Brick–Midnight Black.
6. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City’s applicable rules and regulations governing such permits.
7. 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.
8. 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, Exhibit D – Elevation/Façade Plan, Sign Plan attached as Exhibit E, and the Staff Report attached as Exhibit F. Where regulations are not specified in Exhibits B, C, D, E, F, zoning ordinance, or Development Agreement, the regulations of the General Retail Zoning District shall apply to this development.
9. 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 4th day of April, 2022.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LOCATION MAP

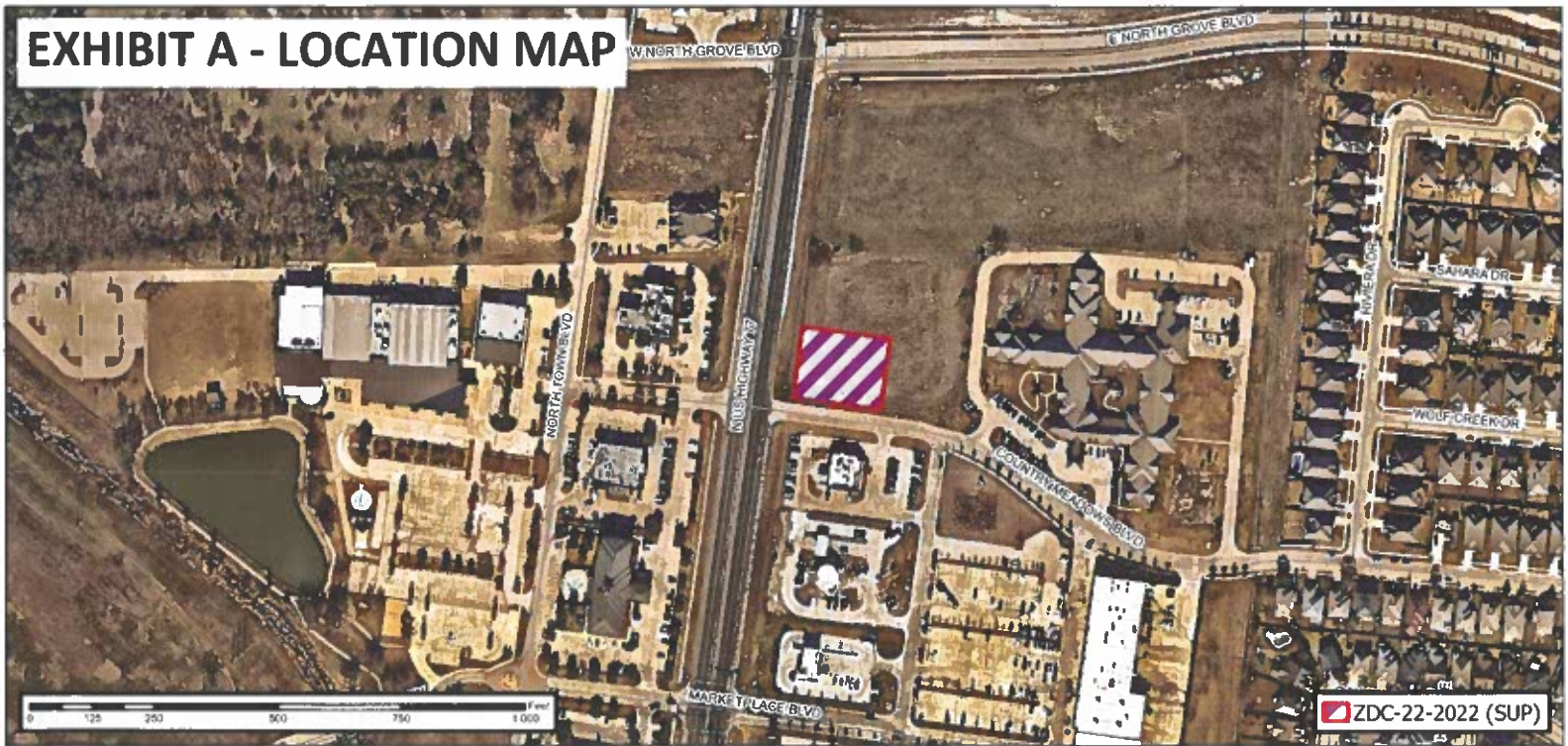
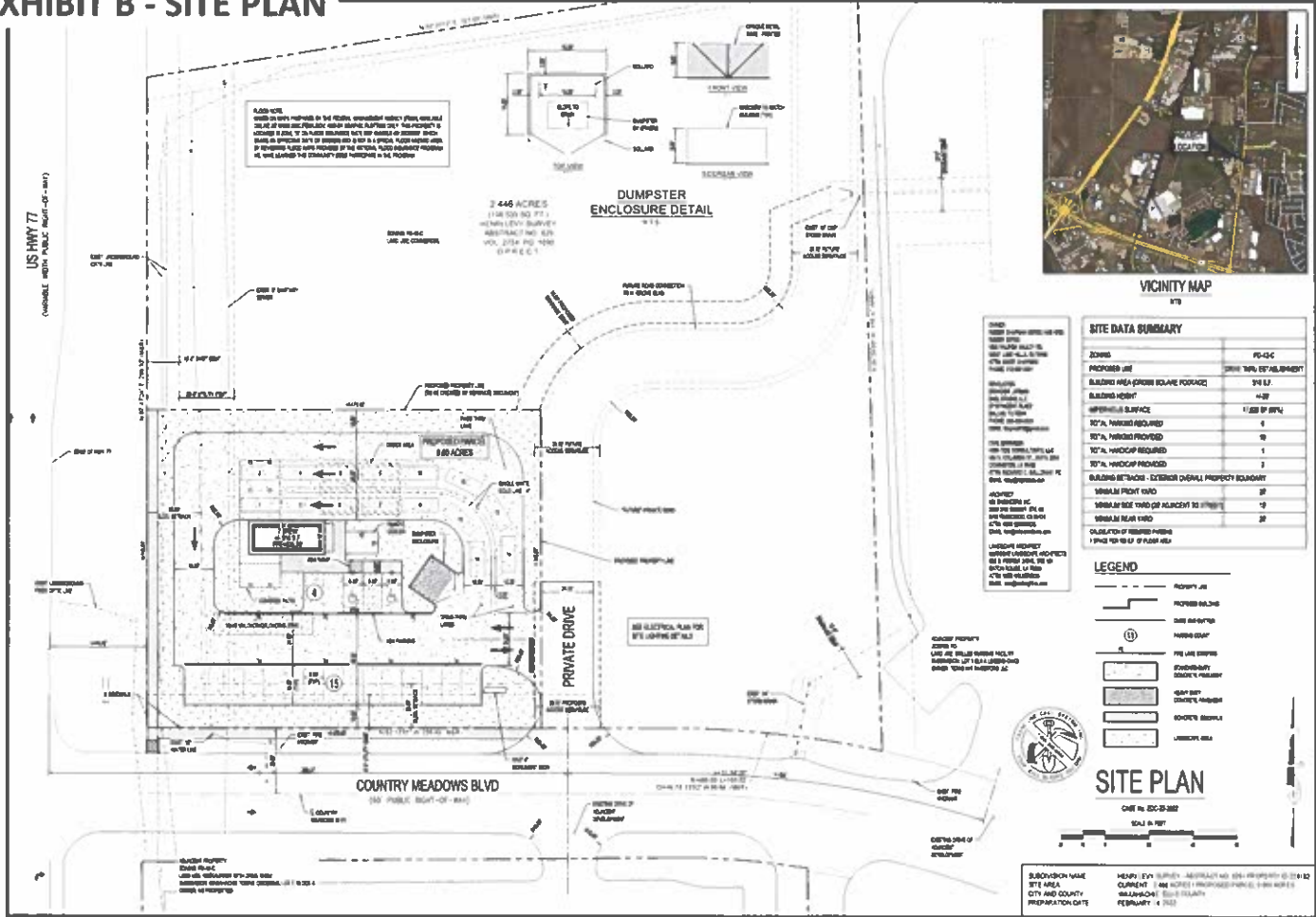


EXHIBIT B - SITE PLAN



SITE DATA SUMMARY

ZONING	PD-C
PROPOSED USE	DRUG STORE, RETAIL
BUILDING AREA (GROSS SQUARE FOOTAGE)	214 SF
BUILDING HEIGHT	4-10'
APPROXIMATE SURFACE	1'100 SF (10%)
10% TREES REQUIRED	1
10% WOODS REQUIRED	1
10% WOODS PROVIDED	1
BUILDING SETBACKS - EXTERIOR CHANGEL PROPERTY BOUNDARY	2
MINIMUM FRONT YARD	30'
MINIMUM SIDE YARD (IF APPLICABLE TO FRONT)	10'
MINIMUM REAR YARD	20'
QUALITY OF IMPROVEMENTS	1 POND FOR 10' OF FRONT YARD

LEGEND

- PROPERTY LINE
- PROPOSED BUILDING
- EXISTING BUILDING
- PROPOSED DRIVE
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING DRIVE
- PROPOSED DRIVE
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- PROPOSED DRIVE
- EXISTING DRIVE

SITE PLAN
 DATE: 03-22-2022
 SCALE: 1/8" = 1'-0"

SUBDIVISION NAME: HIGH TIDE CONSULTANTS LLC
 CITY AND COUNTY: WYOMING, TEXAS
 PREPARATION DATE: MARCH 22, 2022

REVISION

HIGH TIDE CONSULTANTS LLC
 434 N. COLUMBIA ST. SUITE 300A
 WYOMING, TEXAS 76793
 www.hightideh.com

HT

MARCH 22, 2022

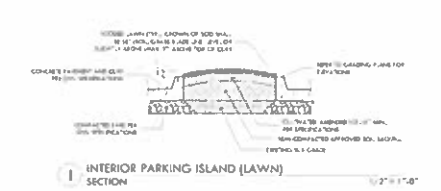
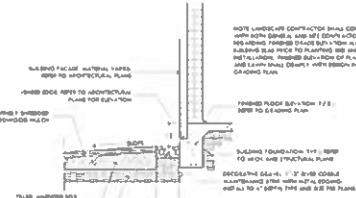
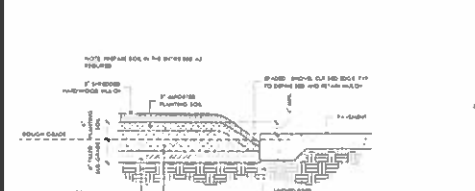
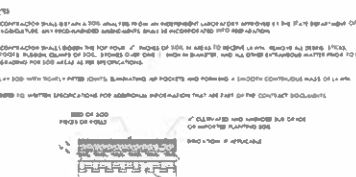
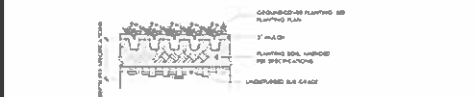
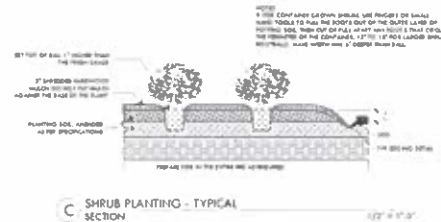
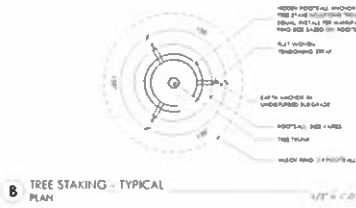
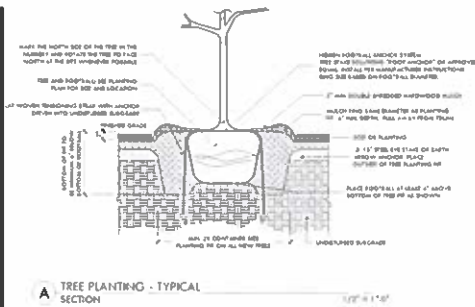
PROPOSED BY: BRYAN COFFEY
 WYOMING, TEXAS

HIGH TIDE CONSULTANTS LLC
 434 N. COLUMBIA ST. SUITE 300A
 DALLAS, TX 75201

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EXHIBIT C - LANDSCAPE PLAN



REVISION	BY

HIGH TIDE CONSULTANTS LLC
 700 CANAL BOULEVARD
 THIBODAUX, LA 70301
 www.hightide.com



PROPOSED BREW COFFEE
 WAXAHACHE, TEXAS

HIGH TIDE CONSULTANTS LLC
 700 CANAL BOULEVARD
 THIBODAUX, LA 70301

DATE	BY	REVISION



EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN



(8)

EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN



EXHIBIT D - ELEVATION/FACADE PLAN

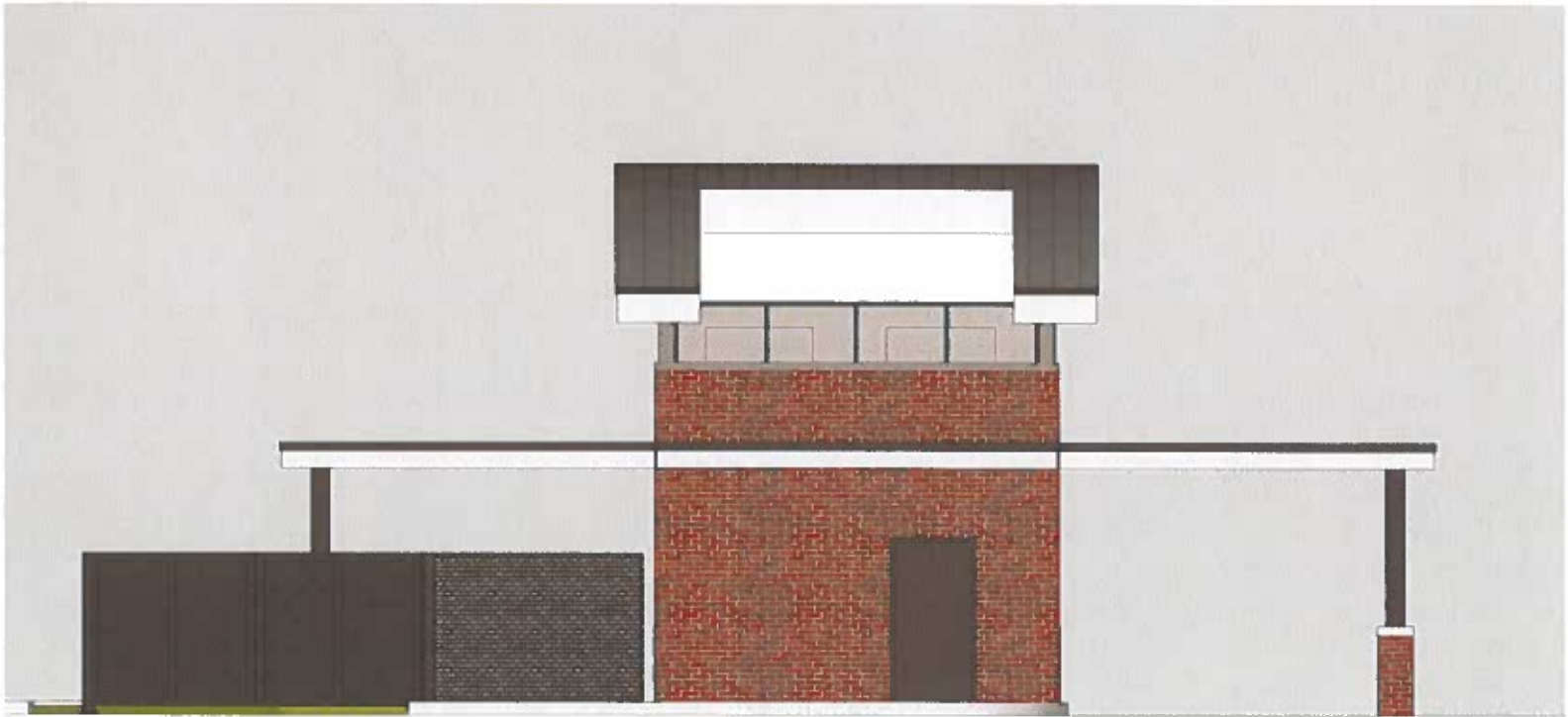


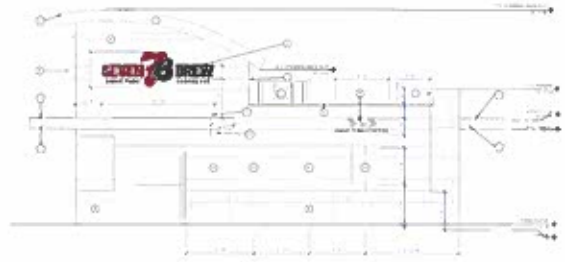
EXHIBIT D - ELEVATION/FACADE PLAN



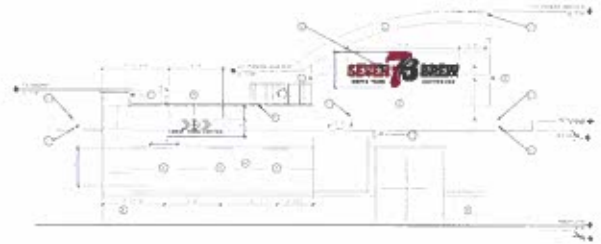
EXHIBIT E - SIGN PLAN



1 EXTERIOR ELEVATION - FRONT



2 EXTERIOR ELEVATION - RIGHT SIDE



1 EXTERIOR ELEVATION - LEFT SIDE

EXHIBIT F - Staff Report

(8)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-22-2022



MEETING DATE(S)

Planning & Zoning Commission: March 29, 2022

City Council: April 4, 2022

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held March 29, 2022, the Commission voted 6-0 to recommend approval of case number ZDC-22-2022, subject to staff comments.

CAPTION

Public Hearing on a request by Brandon Layman, 7 Brew Drive-Thru Coffee, for a Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-42-Commercial (PD-42-C) zoning district located East of Highway 77 and North of Country Meadows Blvd (Property ID 224192) - Owner: WILLIAM C & SALLY R ESTES LIVING TRUST (ZDC-22-2022)

APPLICANT REQUEST

The applicant is requesting approval of a Specific Use Permit (SUP) to allow a Drive-Through Establishment (7 Brew Coffee) on 0.597 acres.

CASE INFORMATION

Applicant: Brandon Layman

Property Owner(s): Risser Estes & Kris Estes (Estes William C & Sally R Living Trust)

Site Acreage: 0.597 acres

Current Zoning: Planned Development-42-Commercial (PD-42-C)

Requested Zoning: PD-42-C with a Specific Use Permit for a Drive-Through Establishment

SUBJECT PROPERTY

General Location: North of 1760 N US Highway 77, at the intersection of Country Meadows Blvd. and N US Highway 77.

Parcel ID Number(s): 224192

Existing Use: The subject property is currently undeveloped

Development History: N/A

EXHIBIT F - Staff Report

(8)

Table 1: Adjoining Zoning and Uses

Directio	Zoning	Current Use
North	PD-42-C	Undeveloped land
East	PD-42-C & PD	Legend Oaks Healthcare
South	PD-42-C	Tacos 4 Life Restaurant
West	C with SUP for Electronic Message Sign	Altus Emergency Room

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 will front on N US Highway 77; but will be accessible via a private drive on Country Meadows Blvd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Specific Use Permit (SUP) to allow a Drive-Through Establishment (7 Brew Coffee) on 0.597 acres. Per the City of Waxahachie Zoning Ordinance, the use of a Drive-Through Establishment within a Commercial zoning district requires a Specific Use Permit to be reviewed by City Council.

Proposed Use:

Operation

Per the operational plan provided to staff, 7 Brew plans to operate a drive-through coffee shop located north of the intersection of Country Meadows Boulevard and Highway 77 (Parcel ID: 224192). 7 Brew intends to serve coffees, teas and frozen drinks. This store will have typical operational hours of 5:30am-10:00pm Sundays through Thursdays and 5:30am-11:00pm on Fridays and Saturdays. 7 Brew anticipates having between 12 and 20 total employees for this location; with approximately 6 employees being present during any given shift.

EXHIBIT F - Staff Report

(8)

Operation (continued)

The proposed 7 Brew Coffee location will include two (2) parallel drive through lines for beverage ordering and pickup. Seven Brew is proposing a strictly drive-through service with no indoor dining. Due to the lack of dining space, the building will have a footprint of 510 square feet. A single entrance is proposed for the site in the form of a private drive connecting to Country Meadows Boulevard. The private driveway location is proposed to align with the Tacos-4-Life driveway directly south of the subject property. Additionally, sidewalks are proposed along Highway 77 and Country Meadows Boulevard.

Operation (Update from the March 29, 2022 Planning & Zoning Commission Meeting)

During the Planning & Zoning Commission meeting on March 29, 2022, the applicant noted that outdoor seating may be made available under the covered awning for employee use. Customers who park may also be permitted to utilize this seating; but customers will not be served at these tables and will not be able to order beverages at a walk-up window. The applicant is exceeding the minimum parking requirements for the site and the addition of this seating will not require additional parking beyond what is being provided (19 spaces).

Table 2: Proposed Development Standards (Commercial)

Standard	City of Waxahachie	7 Brew Coffee	Meets Y/N
Min. Lot Area (Sq. Feet)	5,000	26,026	Yes
Min. Lot Width (Feet)	50	145.04	Yes
Min. Lot Depth (Feet)	100	179.42	Yes
Min. Front Yard (Feet)	25	25	Yes
Min. Side Yard (Feet)	15; 20 (ROW), 0 (Retail)	20	Yes
Min. Rear Yard (Feet)	20	20	Yes
Max. Height	3 stories	1 story	Yes
Max. Lot Coverage (%)	40%	5.18%	Yes
Parking: Restaurant 1 space per 100 sq. feet	6 spaces	19 spaces	Yes

Landscaping

This property is subject to the landscaping requirements of Section 5.04 of the Waxahachie Zoning Ordinance. The applicant is proposing to meet or exceed all landscaping requirements for the site. Table 3 provides a summary of the landscaping for the development below. For further reference, please see the Landscape Plan exhibit attached to the end of this report.

Landscaping (Update from the March 29, 2022 Planning & Zoning Commission Meeting)

During the Planning & Zoning Commission meeting on March 29, 2022, the Commission requested that the applicant incorporate at least one crape myrtle into the Landscape Plan. The applicant has incorporated 4 crape myrtles into the Landscape Plan as requested.

Table 3: Landscape Requirements

Standard	City of Waxahachie	7 Brew	Meets Y/N
Area (Sq. Feet)	526	1,804	Yes
Trees	10	10	Yes
Street Trees	4	4	Yes

EXHIBIT F - Staff Report

(8)

Building Design/Facade

The building is currently proposed to be constructed of primarily of brick, with metal accents and a metal roof. The applicant has stated that the brick used in the proposed facade will be Crimson Plymouth Brick and Midnight Black Modern Brick. The proposed building elevations can be referenced in the exhibits below. Additionally, please note that neon-light strips are proposed to be used on the edge of the awnings and roof of the "tower" on the building, which is a signature 7 Brew brand design element.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 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. All necessary Building Permits will need to be issued by the City of Waxahachie Building and Community Services Department prior to construction on the site.
 3. The applicant shall incorporate at least one (1) crape myrtle into the Landscape Plan.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Facade Plan
6. Sign Plan
7. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Zack King
Planner
zking@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR SEVEN BREW
 COUNTY OF ELLIS §

This Development Agreement for Seven Brew ("Agreement") is entered into between SEVEN BREW ("7B") and the City of Waxahachie, Texas ("City"). 7B and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. 7B is the owner of approximately 0.597 acres of real property generally located directly north of 1760 N US Highway 77 at the intersection of Country Meadows Boulevard and Highway 77, Parcel Number 224192, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Planned Development-42-Commercial to Planned Development-42-Commercial with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Planned Development-42-Commercial by the City, and is anticipated to have the SUP reviewed on April 4, 2022.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Drive-Through Establishment (Seven Brew). 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 7B 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 7B 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 "Seven Brew SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Seven Brew.

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

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 Seven Brew 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-22-2022.
- (B) The development shall include at least one (1) crape myrtle.
- (C) The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
- (D) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Concept Plan (Exhibit D). The masonry components of this Elevation/Façade Concept Plan are composed of: Nichiha–Plymouth Brick–Crimson; and Nichiha–Modern Brick–Midnight Black.
- (E) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City’s applicable rules and regulations governing such permits.
- (F) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (G) Any zoning, land use requirement, or restriction not contained within this 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, Exhibit D – Elevation/Façade Plan, Sign Plan attached as Exhibit E, and the Staff Report attached as Exhibit F. Where regulations are not specified in Exhibits B, C, D, E, F, zoning ordinance, or Development Agreement, the regulations of the General Retail Zoning District shall apply to this development.

In consideration of 7B's agreement in this regard, the City of Waxahachie agrees that 7B has reasonable investment-backed expectations in the Seven Brew SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Seven Brew SUP Ordinance without impacting 7B'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 7B 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.
- M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.
- N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.
- O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this

Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.
- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

{Signature Pages Follow}

(9)

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: _____

: Seven Brew (Developer)

By: _____

Date: _____

: High Octane Joes, LLC (Owner)

By: _____

Date: _____

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

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Seven Brew, 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: _____

(10)



Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: April 1, 2022

Re: Consider the approval of a ground lease and construction agreement with Don Jackson Construction Company, Inc. for the development of six new private box hangars at Mid-Way Regional Airport

Item Description: Consider the approval of a ground lease and construction agreement with Don Jackson Construction Company, Inc. for the development of six new private box hangars at Mid-Way Regional Airport.

Item Summary: In August 2020, the Airport advertised a Request for Proposal (RFP) for Private Investment for new hangar development. The Airport received a total of three (3) proposals. After thorough review, the Airport Board selected Don Jackson Construction Company, Inc. on October 22, 2020. Since that time there have been several delays in negotiations due to COVID 19, construction requirements and legal review by both parties. The private hangar ground lease and construction contract with Don Jackson Construction Company, Inc., was presented to the Airport Board on February 10, 2022. The Airport Board voted unanimously to approve the agreements with Don Jackson Construction, Inc. and are now bringing it forward to the City Council for consideration. If approved, the agreements will also have to be approved by the City of Midlothian's City Council.

The terms of the agreement include issuing a \$0.30 per square foot ground lease to Don Jackson Construction, Inc. for 30 years and a construction agreement for Don Jackson Construction, Inc. to construct six private box hangars with a value of approximately \$1,102,264.

As part of the agreement, Don Jackson Construction Company, Inc. will construct six private box hangars (total of 10,800 sf), infrastructure for a taxiway and parking solely at their expense. With each resale of a hangar, the new owner will receive an updated 30 year ground lease and the Airport will receive payment equal to 6% of the appraised value of the hangar, as well as, annual payment for the ground lease. The initial \$0.30 per square foot rate for the ground lease will be reviewed a minimum of every five years or when a hangar is sold, but the rate cannot increase more than 10% from the previous lease rate. Individual tenants will have a ground lease directly with the Airport and will be under Airport Rules and Regulations and Minimum Standards.

Fiscal Impact: This is a private development on land at the Airport and there is no cost to the City of Waxahachie or City of Midlothian. The Airport will receive revenue from the resale of the hangars (6% appraised value), as well as, annual revenue from the ground lease (\$0.30 per sf initially with escalation over time).

(11)



Memorandum

To: Honorable Mayor and City Council

From: Thomas Griffith, Emergency Management Coordinator

Thru: Michael Scott, City Manager

Date: March 29, 2022

Re: Consider Budget Amendment for Emergency Management Budget to Replace Outdoor Early Warning Sirens and Control Unit

Item Description: Consider approving a budget amendment increasing the Fiscal Year 2021-2022 Emergency Management budget for Office & Other Equipment account (100-211-57500) by \$63,700 to purchase two new sirens and a control unit.

Item Summary: The City of Waxahachie's Outdoor Warning System consists of 17 sirens placed strategically throughout the city. Siren tests are performed monthly and this month 2 sirens failed. One siren is located at Lee Penn Park and the other at Estes Electric on FM 66. The service company has advised us that the motors have malfunctioned. It would be more economical and reliable to replace the units rather than try to repair them.

Fiscal Impact: This proposed budget amendment would increase the Emergency Management Budget for Supplies & Equipment (100-211-57500) from \$3,752 to \$81,000. The amount of \$63,700 would be moved from the General Fund unrestrictive reserve balance.

The remaining funds will be moved from current line items in the Emergency Management budget:

- \$7,000 from Siren Maintenance (100-211-54330),
- \$10,000 from Computer Services and Support (100-211-53401) and
- \$300 from Other Purchased Services (100-211-55000).

This will bring the total in the Supplies and Equipment account (100-211-57500) to \$81,000.



Memorandum

To: Honorable Mayor and City Council

From: Ricky Boyd, Fire Chief

for Thru: Michael Scott, City Manager *MS* Deputy City Manager

Date: March 31, 2022

Re: Request for Additional Funds for the Construction of Fire Station 4

Honorable Mayor and City Council,

The bids for the construction of Fire Station 4 ended on March 17, 2022. It was a very competitive process with a total of 189 bids received including multiple bids for every aspect of the building. Additionally, the range of bids in every phase of construction from lowest to highest was very tight.

As you are aware, construction costs have increased at a historical rate. The Guaranteed Maximum Price (GMP) for the construction of Station 4 is \$8,315,038. Through value-engineering, we have taken advantage of every available cost savings opportunity that will not adversely affect the long-range usability and durability of the station. In addition to the GMP, two other costs that need to be included in this request are for the Furniture, Fixtures and Equipment (FFE) at \$425,000 as well as Technology-related costs of \$192,531. This brings to the total cost of the project to \$8,932,569. Current available funding for the fire station is \$5,282,569 (from 2021 bonds) and results in a shortfall of \$3,650,000.

As a reminder, this fire station has been planned for several years as we have added 3 firefighters each of the previous four years in preparation of its opening. This will allow us to immediately occupy and begin operations from this station without the need for requesting additional personnel. Engine 4 has been ordered and is currently

being built and is expected to be delivered in late summer. This station will also allow us to better serve our community and with lower response times, especially along Interstate 35 and to the west.

Staff recognizes the significance of this additional funding request. We believe given the competitiveness of the bids received, the preparations already taken for this station, the added benefit it brings to our community and the availability of adequate funding, this project remains necessary and continues to be recommended. As such, I hereby request \$3,650,000 in additional funding for the construction of Station 4. Funds are available from the City's unrestrictive reserves.



Respectfully submitted,
Ricky Boyd, Fire Chief



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager *[Signature]*
Date: April 4, 2022
Re: Consider an amendment to the Professional Services contract with Kimley-Horn for the Wastewater Treatment Plant Improvements Phase I Project.

Item Description: Approval of a contract amendment in the amount of \$273,610 to the engineering services and construction management contract of Kimley-Horn for the Jefferson Lift Station Capacity Expansion in association with the Wastewater Treatment Plant Improvements Phase 1 Project. This is a companion amendment item to the BAR Construction Change Order #10 for this project.

Item Summary: In September of 2021, City Council was briefed on recommended projects that could be funded with Coronavirus Local Fiscal Recovery Funds (CLFRF). The Jefferson Lift Station expansion project was identified as one of the top three projects that the Utility Department staff should move forward with. As a reminder, this project will cover various expansion construction at the Jefferson Street Lift Station and additional solids handling pump, piping, and electrical components at the wastewater treatment plant. This amendment will allow for the design of the upgraded lift station and provide construction management oversight until project completion.

Fiscal Impact: This project is part of the Utility Department's submittals for CLFRF funding which there is currently \$4,662,233 available. Staff is recommending City Council approve this amendment in the amount of \$273,610.



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: April 1, 2022
Re: Consider Change Order #10 with BAR Constructors for the Wastewater Treatment Plant Improvements Phase I Project.

Item Description: Approval of a change order in the amount of \$5,242,554 to the construction services contract BAR Constructors for Jefferson Lift Station Capacity Expansion in association with the Wastewater Treatment Plant Improvements Phase 1 Project. This is a companion change order item to the Kimley Horn Professional Services Amendment for this project.

Item Summary: In September of 2021, City Council was briefed on recommended projects that could be funded with Coronavirus Local Fiscal Recovery Funds (CLFRF). This project was identified as one of the top three projects that the Utility Department staff should move forward with. As a reminder, this change order will cover various expansion improvements at the Jefferson Street Lift Station and additional solids pumping, piping and electrical components at the wastewater treatment plant.

These improvements were included in the original Wastewater Treatment Plant Improvement Project awarded in November 2019. At the time of bid award, the City Council approved a deductive change order in the amount of \$4,291,850 to bring the project to within budget. As the primary aim of the Phase I Project was dewatering and solids handling at the Wastewater Treatment Plant, many of the components associated with the Jefferson Street Lift Station were removed from the scope of work. Adding the various improvements back into the project will increase the pumping capacity of the Jefferson Street Lift Station from its current capacity of

(14)

approximately 28 mgd to 32 mgd. These improvements will also allow for the Jefferson Lift Station to be further expanded at a future date to 48 mgd.

Fiscal Impact: This project is part of the Utility Department's submittals for CLFRF funding which there is currently \$4,388,623 available with the remaining \$853,931 being funded from Wastewater Impact Fee Funds for the total of \$5,242,554. In addition, staff is requesting a construction contingency of \$131,000 (approximately 2.5%) be approved from the Wastewater Impact Fees for this project. The total requested funding approval would be \$5,373,554. Staff is recommending City Council approval of this project Change Order and contingency.

(15)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Executive Director of Development Services

Thru: Michael Scott, City Manager

Date: April 4, 2022

Re: Consider the Approval of a Change Order for the Howard Road SWTP High Service Electrical Improvements and Raw Water Pump Station No. 2 Generator Project for an addition of Two Backwash Pump Variable Frequency Drives.

Item Description: Consider adding two backwash pump variable frequency drives (VFD's) to the current construction contract with Clark Electric in association with the Howard Road SWTP High Service Electrical Improvements and Raw Water Pump Station No. 2 Generator Project in the amount of \$91,822.00.

Item Summary: This addition of VFD's on the backwash pumps will allow the pumps to be operated more efficiently and allow the operators more control over output flows. The backwash pumps are used to clean the water filter media at Howard Road Surface Water Treatment Plant.

Fiscal Impact: This is an approved project in the Utility Department's Howard Road O&M budget (Department 720). The project was budgeted and will be funded through FY2021-FY2022 Operations and Maintenance Funds of the Howard Surface Water Treatment Plant in the amount of \$91,822.00. The original contract amount is \$4,788,477.00 and with the additional requested amount the new total will be \$4,880,299.00. The Staff recommends the approval of the change order with Clark Electrical, Inc.