

AGENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on **Monday, May 5, 2025 at 7:00 p.m.**

Council Members: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
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 April 21, 2025
- b. Minutes of the City Council work session of April 21, 2025
- c. Event application for the Oaks Young Adults Pop Up Service to be held May 12, 2025 at Railyard Park
- d. Event application for Fall for Hachie – Benny and Boneless Storybook Adventure Walkthrough to be held in Downtown Waxahachie October 4, 11, 18, 19, 25, 26, and 31st
- e. Event application for the Navarro College PTA Program 5k Run to be held October 25, 2025 at Getzendaner Park
- f. Proposed Ordinance approving a request by Edmund Zamorano, for a Petition for ETJ Release for approximately 8.6 acres, located at 3838 S US Highway 287 (Property ID 303112, 303113, 303114, 303115, 303116, 303117) – Owner: Del Z Enterprise (ETJ-PTN-55-2025)
- g. Proposed Ordinance approving a request by Jonathan Markert, for a Petition for ETJ Release for approximately 1.849 acres, located at 451 S Ring Road (Property ID 274665) – Owner: Jonathan Markert & Lindsay Markert (ETJ-PTN-56-2025)

- h. Proposed Ordinance approving a request by Nathan Petty, for a Petition for ETJ Release for approximately 32.899 acres, located directly west of 1832 FM 66 (Property ID 182189) – Owner: HRB Global LTD (ETJ-PTN-57-2025)
 - i. Appointment to fill unexpired terms on the Park Board
 - j. Budget transfer to East Ross and Kaufman Street Reconstruction Project
 - k. Contract for replacement of a pump motor at Raw Water Pump Station Number 2 and supplemental appropriation
6. **Introduce** Honorary Council Member
7. **Recognize** Donna Insixiegnmay for earning the *Certified Emergency Manager* designation
8. **Recognize** Waxahachie’s “*Keep Texas Beautiful Silver Affiliate*” status
9. **Recognize** Becky Kauffman for receiving the *Ruth Lester Award* from the Texas Historical Commission
10. **Present** Proclamation recognizing May as “National Preservation Month”
11. **Hear** presentation of Insurance Service Office (ISO) 1 classification
12. **Public Hearing** on a request by Ray Porter for a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined area use within a Commercial (C) zoning district located at 105 Lucas Street (Property ID 189027) – Owner(s): Ray Porter & Wanda Porter (ZDC-133-2024)
13. **Consider** proposed Ordinance approving ZDC-133-2024
14. **Public Hearing** on a request by Robert Morgan, Robert Morgan Construction for a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use within a Future Development (FD) zoning district located at 3349 Howard Road (Property ID 176528) – Owner(s): Robert & Kristy Pennock (ZDC-39-2025)
15. **Consider** proposed Ordinance approving ZDC-39-2025
16. **Consider** proposed Ordinance repealing existing Chapter 31, “Taxicabs,” of the City of Waxahachie Code of Ordinances by replacing it with a new Chapter 31, “Taxicabs and Limousines”
17. **Consider** closing lake parks during summer holiday weekends
18. **Consider** contract for replacement of cranes at Jefferson Lift Station
19. **Consider** Professional Services Agreement for Northeast Trunk Sewer Expansion Project
20. **Consider** contract for replacement of outdoor lighting at Howard Road Wastewater Treatment Plant
21. **Convene** into Executive Session to consult with City Attorney about pending or contemplated litigation as permitted by Section 551.071 of the Texas Government Code

22. *Reconvene* and take any necessary action
23. Comments by Mayor, City Council, City Attorney and City Manager
24. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

City Council
April 21, 2025

(5a)

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, April 21, 2025 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Travis Smith, Council Member Place 5

Council Member Absent: Patrick Souter, Council Member Place 2

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Rusty Ballard gave the invocation. Mayor Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 7, 2025
- b. Minutes of the City Council Work Session of April 15, 2025
- c. Proposed Ordinance approving a request by Aurora Reyes, for a Petition for ETJ Release for approximately 5.418 acres, located at 2562 S US Highway 77 (Property ID 217424) – Owner: Aurora Reyes (ETJ-PTN-11-2025)
- d. Proposed Ordinance approving a request by Nallely Lara, for a Petition for ETJ Release for approximately 6.17 acres, located at 781 Youngblood Road (Property ID 284707) – Owner: Nallely Lara (ETJ-PTN-25-2025)
- e. Proposed Ordinance approving a request by Erik Barnard, for a Petition for ETJ Release for approximately 2.066 acres, located at 431 S Ring Road (Property ID 274664) – Owner: Barnard Family Trust (ETJ-PTN-51-2025)
- f. Proposed Ordinance approving a request by Kyle Beller, for a Petition for ETJ Release for approximately 1.837 acres, located at 411 S Ring Road (Property ID 274663) – Owner: Kyle Beller & Jennifer Beller (ETJ-PTN-52-2025)
- g. Supplemental appropriation from the Waxahachie Community Development Corporation for Tulipalooza
- h. Supplemental appropriation for Chautauqua Lighting Repairs

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ORDINANCE NO. 3612

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 5.418 ACRE TRACT OF LAND, LOCATED AT 2562 S US HIGHWAY 77 KNOWN AS PROPERTY ID 217424, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3613

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 6.17 ACRE TRACT OF LAND, LOCATED AT 781 YOUNG BLOOD ROAD KNOWN AS PROPERTY ID 284707, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3614

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 2.066 ACRE TRACT OF LAND, LOCATED AT 431 S RING ROAD KNOWN AS PROPERTY ID 274664, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3615

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.837 ACRE TRACT OF LAND, LOCATED AT 411 S RING ROAD KNOWN AS PROPERTY ID 274663, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

Action:

Tres Atkins moved to approve all items on the Consent Agenda. Motion was seconded by Travis Smith and carried unanimously (4-0).

6. Introduce Honorary Council Member

There was not an Honorary Council Member in attendance.

7. Present Keep Waxahachie Beautiful Committee Pride in Neighborhood (PIN) Award

Kyle Cooper, Senior Director of Parks and Recreation, announced the Martinez family, who reside at 273 Atlas Drive, have been awarded the Keep Waxahachie Beautiful Pride in Neighborhood

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(PIN) Award, which celebrates homeowners and businesses that contribute to the beauty and character of their neighborhoods.

As part of their recognition, the Martinez family was presented with a \$50 gift card to a local business and a yard sign acknowledging their achievement, which will remain on display this month. Mayor Wallace expressed appreciation for the Martinez Family's contributions to uplifting the neighborhood.

8. Present Tree City USA Recognition

Chris Seale, Horticulturist, announced that the city has received recognition from the Arbor Day Foundation and has been honored with the Tree City USA designation. To qualify as a Tree City USA, the city had to meet four core standards: maintain a tree board or department, have a community tree ordinance, spend at least \$2 per capita on urban forestry, and host an Arbor Day celebration. The city was officially recognized on March 10th and received a plaque and two street signs. The signs will be placed on the south side of town on Highway 287 and on the north side along I-35.

9. Public Hearing on a request by Steven Chambers & Cheryl Chambers for a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet, use within a Single Family-3 (SF-3) zoning district located at 711 College Street (Property ID 172399) – Owner: Steven Chambers & Cheryl Chambers (ZDC-27-2025)

Trenton Robertson, Senior Director of Planning, presented the Item and applicant Michael Evans requested approval. The applicant proposes a Specific Use Permit (SUP) to construct a 1,975-square-foot accessory structure at 711 South College Street. The primary structure on the subject property is approximately 2,490 square feet. The property does have an existing accessory structure. The applicant is proposing to remove the existing structure prior to constructing the proposed accessory structure. The applicant has provided a Site Plan for the accessory structure that verifies all setback requirements established by the Waxahachie Zoning Ordinance have been met.

The applicant proposes to utilize the structure for a personal garage to park vehicles. The structure will be used for the storage of personal vehicles and household materials. The proposed accessory structure is comprised of metal R-panel. The applicant proposes to extend a 15' wide concrete driveway from the edge of the existing gravel driveway to the proposed accessory structure. The applicant requests not to replace the existing gravel with concrete at this time. The applicant will not be extending the water or electrical services to the proposed accessory structure.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, twenty-six (26) 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. Staff has received zero (0) letters of opposition and zero (0) letters of support for the SUP request.

Mayor Wallace opened the Public Hearing at approximately 7:17 p.m.

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There being no others to speak for or against ZDC-27-2025, Mayor Wallace closed the Public Hearing at approximately 7:18 p.m.

10. Consider proposed Ordinance approving ZDC-27-2025

ORDINANCE NO. 3616

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN ACCESSORY STRUCTURE EXCEEDING SEVEN-HUNDERED SQUARE FEET USE WITHIN A SINGLE FAMILY-3 (SF-3) LOCATED AT 711 SOUTH COLLEGE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.344 ACRES KNOWN AS PROPERTY ID 172399, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Tres Atkins moved to approve ZDC-27-2025, a Specific Use Permit for an Accessory Structure exceeding 700 square feet, subject to the conditions of the staff report and authorize the Mayor and/or City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (4-0).

11. Public Hearing on a request by Alfredo Rojas for a Specific Use Permit (SUP) for an Accessory Dwelling Unit (ADU) use within a Single Family-2 (SF-2) zoning district located at 303 McKenzie Street (Property ID 172575) – Owner: Alfredo Rojas (ZDC-34-2025)

Mr. Robertson presented the Item. The applicant proposes a Specific Use Permit (SUP) to construct an approximately 630-square-foot accessory dwelling unit (ADU) at 303 McKenzie Street. The primary structure on the subject property is approximately 1,587 square feet. The proposed ADU is existing and was not properly permitted prior to construction.

The applicant received approval for an accessory structure (shed) that was approximately 496 square feet in size in October of 2022. However, the permitted structure is not the same structure that was then built by the applicant. Staff received a complaint that led to a code enforcement visit to the property. Staff identified unpermitted construction activity had taken place that included electrical and plumbing work intended to make the structure into a dwelling unit. Once this was identified, the property owner was instructed to submit a SUP application to seek zoning level approval for an ADU before continuing through the building permitting process.

As part of this SUP application, the applicant has provided a Site Plan for the subject property. The Site Plan does not appear to show that the accessory dwelling unit meets the 5' setback requirement of Waxahachie Zoning Ordinance. Additionally, the Site Plan does not identify the correct size, shape, or dimensions of the existing structure. The proposed accessory dwelling unit is constructed of wood siding. The applicant proposes to utilize the structure for familial use as an accessory dwelling unit. The structure is specifically proposed to be used for the applicant's father.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, twenty-six (26) notices were mailed to property owners within 200

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feet of the request. Staff has received two (2) letters of opposition and one (1) letter of support for the proposed SUP.

Mr. Robertson confirmed that the ADU does not comply with standard zoning regulations, the City of Waxahachie Code of Ordinances, or applicable building codes. She also noted that a tenant answered the door during a City visit, despite the property being listed as a homestead with the Ellis County Appraisal District.

Mayor Wallace opened the Public Hearing at approximately 7:22 p.m.

There being no others to speak for or against ZDC-34-2025, Mayor Wallace closed the Public Hearing at approximately 7:23 p.m.

Alfredo Rojas, 303 McKenzie Street, Waxahachie, Texas, stated that he purchased the home in 2020. He noted that he resides at the property approximately half of the year, as he also lives part-time in Duncanville. Mr. Rojas explained that he was unaware a new permit was required for the recent structure, as he had previously obtained a permit for another structure on the property. He stated that the ADU complies with setback requirements, as his measurements meet the 5-foot minimum. While no one has lived in the ADU to date, he indicated that it is intended for use by his family in the future.

Mayor Pro Tem Chris Wright asked if the Homestead Exemption has been addressed and Mr. Rojas stated he has contacted the Appraisal District with some additional questions.

Council Member Travis Smith expressed concerns with the building causing issues to the neighbor's fence and impact to drainage along the property lines.

Council Member Atkins inquired about the size of the structure and staff noted the applicant submitted a building permit for a 496 sq. ft. accessory structure, but after construction, it was found to be approximately 630 sq. ft. The structure was built larger than what was originally approved. The City has not received updated site plans showing proper setbacks or code compliance, despite multiple requests. There are concerns about the structure's proximity to a neighbor's fence, life safety issues (e.g., fire access, wiring, water heater), and whether the unit complies with building and fire codes.

The Council discussed whether to deny the request, enforce demolition, or allow the owner to bring the structure into compliance with inspections, fines, and updated documentation. The owner, who bought the property in late 2020, admitted to not always residing there and may have rented parts of the property to family. Questions about homestead eligibility and permit violations were raised. The Council emphasized that breaking city ordinances, knowingly or not, requires accountability and possible financial penalties to avoid setting a precedent.

12. Consider proposed Ordinance approving ZDC-34-2025

Action:

Chris Wright moved to deny ZDC-34-2025, a Specific Use Permit for an Accessory Dwelling Unit use within a Single Family-2 zoning district. Motion was seconded by Billie Wallace and carried 3-1 with Travis Smith voting in opposition.

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13. Public Hearing on a request by Richard Shinpaugh, Ellis County Bail Bonds, to consider revoking a Specific Use Permit (Ordinance 3495) which allows for the use of a Bail Bond Agency located at 216 South Jackson Street (Property ID 170438) – Owner: Richard Shinpaugh (ZDC-35-2025)

Mr. Robertson presented the Item. The applicant requests the revocation of an approved SUP (Ordinance 3495) for a Bail Bond Agency use (Ellis County Bail Bonds) within the Central Area (CA) zoning district located at 216 South Jackson Street.

The property owner, Richard Shinpaugh, received approval of a two-year SUP for a Bail Bond Agency (ZDC-58-2023) at 104 North Jackson Street on June 19, 2023. The temporary SUP was requested because he planned to build a new building for his Bail Bond Agency at the subject property (216 South Jackson Street). Mr. Shinpaugh proposed to move his business from 104 North Jackson Street to 216 South Jackson Street when the new building was completed. Mr. Shinpaugh received approval of a SUP for a Bail Bond Agency (ZDC-112-2023) for the subject property on May 20, 2024.

Mr. Shinpaugh no longer wishes to operate a Bail Bond Agency at the subject property and submitted a new SUP application (ZDC-6-2025) to continue to operate a Bail Bond Agency at 104 North Jackson Street. If the SUP application (ZDC-6-2025) was approved, he requested to have the current SUP (ZDC-112-2023) at 216 South Jackson Street revoked. The SUP application (ZDC-6-2025) was approved with the condition that Mr. Shinpaugh is allowed to operate Ellis County Bail Bonds for five (5) years from the approval date. Mr. Shinpaugh would like to proceed with the process of having his SUP (ZDC-112-2023) at 216 South Jackson Street to be revoked since he no longer wishes to operate a Bail Bond Agency at the subject property. Mr. Shinpaugh is aware that he will have to submit a SUP application for the Bail Bond Agency use should he choose to move his business to 216 South Jackson Street in the future.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 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 on the property. Staff has received no letters in support and opposition for the SUP request.

Mayor Wallace opened the Public Hearing at approximately 7:45 p.m.

There being no others to speak for or against ZDC-35-2025, Mayor Wallace closed the Public Hearing at approximately 7:45 p.m.

14. Consider proposed Ordinance approving ZDC-35-2025

ORDINANCE NO. 3617

AN ORDINANCE REPEALLING SPECIFIC USE PERMIT (SUP) NO. ZDC-112-2023 AND ASSOCIATED ORDINANCE NO. 3495, BEING A BAIL BOND AGENCY USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED AT 216 SOUTH JACKSON STREET, WITH AN ELLIS APPRAISAL DISTRICT PROPERTY IDENTIFICATION NUMBER OF 170438, IN THE CITY OF WAXAHACHIE, ELLIS

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COUNTY, TEXAS, BEING LOT 5B-R, BLOCK 14 IN THE ORIGINAL TOWN OF WAXAHACHIE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-35-2025, revoking the Specific Use Permit Ordinance 3495 for the use of a Bail Bond Agency and authorize the Mayor and/or City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (4-0).

15. Public Hearing on a request by Ben Williams, QuikTrip South, LLC for a Specific Use Permit (SUP) for a Convenience Store & Gasoline Sales uses within a Light Industrial-1 zoning district located east of 1000 Solon Road (Property ID 291997) - Owner: Round Top Assets, LLC (ZDC-17-2025)

Mr. Robertson announced the applicant is requesting a continuance for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses (QuikTrip).

Mayor Wallace opened the Public Hearing at approximately 7:47 p.m.

There being no others to speak for or against ZDC-17-2025, Mayor Wallace closed the Public Hearing at approximately 7:49 p.m.

Ben Williams, 4217 Foxborough Trail, Arlington, Texas, requested to continue the Item. He explained some staff concerns have been addressed and resubmitted to the City.

Mr. Robertson confirmed that staff has not yet completed the review of the resubmittal due to the limited time between its submission and the Council meeting.

The Council and developers discussed the QT project and the need to address the incomplete connection from Lofland Road to the service road, which is currently inadequate for regular use. While TxDOT is expected to handle major infrastructure improvements, the timeline for this work remains uncertain. The developers indicated they won't open the store until most of TxDOT's work is complete, though they could not commit to funding the remaining connection if TxDOT does not. Council Members stressed the importance of multiple access points and asked for clarity on whether the developer would cover the gap in infrastructure. The developers requested an extension to allow staff more time to review recent submittals and to finalize outstanding agency approvals.

Council Members discussed whether the project should return to the Planning and Zoning Commission, with some suggesting it could reduce the Council's voting threshold from a supermajority to a simple majority.

Tommy Vilbig, 1700 Alma Drive, Suite 375, Plano, Texas, requested that the matter be returned to the Planning and Zoning Commission for further review and approval.

16. Consider proposed Ordinance approving ZDC-17-2025

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Action:

Travis Smith moved to remand ZDC-17-2025, a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses, back to the Planning and Zoning Commission for consideration at a later date as set by the applicant and agreed to by staff. Motion was seconded by Tres Atkins and carried unanimously (4-0).

17. Consider Development Agreement for ZDC-17-2025

No action taken.

18. Public Hearing on a request by Joey Scott, Stephens Engineering, for a Specific Use Permit (SUP) for a Self-Storage Facility use within a General Retail zoning district located at 51 Indian Drive (Property ID 295119) - Owner: Buffalo Creek Plaza, LLC (ZDC-231-2024)

Mr. Robertson presented the Item and applicant Brad Tidwell requested approval. The applicant requests a SUP for a Self-Storage Facility use (Oak View Self-Storage) within the General Retail (GR) zoning district located at 51 Indian Drive. A Self-Storage Facility Land Use requires a SUP to be approved by City Council per the City of Waxahachie Zoning Ordinance. Staff received the SUP application on December 18, 2024. Staff reviewed the application and provided comments to the applicant on December 31, 2024. Staff provided comments to the applicant within five (5) business days of each of the three (3) resubmittals provided by the applicant.

Oak View Capital Partners, LLC (the business owner of Oak View Self-Storage) is a Dallas-based development firm who focuses on developing multi-story climate-controlled self-storage facilities with locations within the Dallas-Fort Worth metroplex and Kansas City area. This location will consist of a primary structure of approximately 97,800 square feet with the total height of 46'-10 1/2". The proposed facility is staffed by one employee during the hours of operation of 6:00 a.m. to 10 p.m., every day.

The proposed project does meet the minimum parking requirements and minimum landscape requirements per the City of Waxahachie Zoning Ordinance. The applicant is not requesting any deviations from the City's Code of Ordinances.

Typically, a six-foot (6') masonry screening wall is required for all proposed non-residential developments located adjacent to a residential zoning district or residential use property per Section 5.03 of the City of Waxahachie Zoning Ordinance. The adjacent properties located to the south and west are within a residential zoning district; however, it is undeveloped. The applicant is proposing to install a combination of canopy trees and ornamental trees along the southern property boundary to provide live screening in the event that the adjacent property develops; which is an appropriate alternative in this context.

The applicant has provided two sets of architectural elevations. Both elevations have the same building design and exterior finishes except the color scheme for each option is different. Staff recommends Option 1 because the color scheme offers earthy tones that are more compatible with the adjacent ClarkSky Rehabilitation Hospital, whereas Option 2 offers a red undertone.

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The applicant proposes to mount shielded wall packs on the proposed building, along with a twenty-foot light pole to be located at the parking lot located on the western side of the property. The applicant has provided a photometric plan that meets Section 6.03 of the City of Waxahachie Zoning Ordinance, along with the lighting specifications of the proposed lighting fixtures

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 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. Staff has received five (5) letters in support and no letters in opposition for the SUP request.

Although the photometric plan meets Section 6.03 of the City of Waxahachie Zoning Ordinance, Staff has a concern that the proposed fixtures may cause a glare issue. The applicant shall provide a shield for each lighting fixtures at the time of building permitting to prevent any glare issues.

At the Planning and Zoning Commission meeting held on April 15, 2025, the Commission voted 4-0 to recommend approval of case number ZDC-231-2024, with Elevation Option 2 and the additional condition that the applicant add additional landscaping to the property.

Mayor Wallace opened the Public Hearing at approximately 8:12 p.m.

There being no others to speak for or against ZDC-231-2024, Mayor Wallace closed the Public Hearing at approximately 8:12 p.m.

19. Consider proposed Ordinance approving ZDC-231-2024

ORDINANCE NO. 3618

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SELF-STORAGE FACILITY USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED 51 INDIAN DRIVE, BEING PROPERTY ID 295119, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PART OF LOT 9, BLOCK A IN THE BUFFALO CREEK ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Tres Atkins moved to approve ZDC-231-2024, a Specific Use Permit for a Self-Storage Facility use, subject to the conditions of the staff report and authorize the Mayor and/or City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (4-0).

20. Consider Development Agreement for ZDC-231-2024

Action:

Tres Atkins moved to approve the Development Agreement for ZDC-231-2024. Motion was seconded by Chris Wright and carried unanimously (4-0).

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21. Consider proposed Ordinance amending repealing existing Chapter 31, "Taxicabs," of the City of Waxahachie Code of Ordinances by replacing it with a new Chapter 31, "Taxicabs and Limousines"

City Attorney Terry Welch presented the Item. At the March 3rd meeting, it was requested that the City's taxicab ordinance be reviewed and amended to provide for background checks on licensed drivers. Upon review of the existing taxicab ordinance, it was apparent that a significant number of amendments were necessary. The current ordinance was adopted in 1947, and the last amendment to it occurred in the mid-1970s. For example, Section 31-10 prohibited the transport of "any criminal, narcotic peddler, prostitute [or] bootlegger" and Section 31-11 prohibited taxicab owners or drives from acting "in any manner as a panderer or pimp for prostitutes." The current ordinance provided no background checks, and the insurance requirements for drivers and operators were wildly out of date. For example, Section 31-S0(a)(1) and (2) required a \$10,000 insurance policy for injury or death of a person in an accident, with a maximum liability for any accident capped at \$20,000. With the input of staff, it was determined that the taxicab ordinance required significant amendments. Consequently, the proposed ordinance repeals existing Chapter 31, "Taxicabs," in its entirety and replaces it with a new Chapter 31, "Taxicabs and Limousines."

The new ordinance generally provides as follows:

- Addresses both taxis and limousine services includes but is not limited to a facility from which the service is operated (§ 31-3); and
- Provides for definitions in interpreting the ordinance (§ 31-3) and exceptions (§ 31-2); and
- Prohibits "cruising" around the City to solicit passengers (§ 31-4); and
- Requires a permit to operate a taxi or limousine, with requirements for the issuance of a permit, the terms and conditions of permits, permit fees and required insurance (§ 31-6 though § 31-11); and
- Drivers must have a license and to qualify, an applicant must (1) be at least 19 years old;
- (2) be a legal U.S. resident; (3) possess a valid Texas drivers license; (4) must be able to communicate in English; (4) can have no disease or disability that prevents him/her from exercising reasonable control over a vehicle; (5) cannot have more than four moving traffic violations or be involved in more than two at-fault accidents during preceding 36 months; and (6) cannot have a conviction for prostitution or related offense, DWI, driving under the influence of drugs, or have any felony or offense involving moral turpitude (§ 31-17); and
- The Police Department will investigate each applicant and prepare a report about each applicant's qualifications (§ 31-19); and
- If an applicant is denied a license, he/she may appeal to the City Manager within 10 days. The City Manager holds a hearing where the applicant can present evidence why a license should be granted. The City Manager's determination is final (§ 31-23).

The following matters have not been included in the proposed ordinance:

- The fixing of rates and fares by the City Council (§ 31-5) (It is presumed that the free market would dictate the appropriate rates to be set by the taxicab or limousine service, without City Council intervention);
- Municipal citations issued for intent to defraud by refusing to pay the driver or licensee

- (§31-7) (it would be virtually impossible to prove beyond a reasonable doubt an intent to defraud in a Class C misdemeanor case); and
- Transportation of criminals (§ 31-10), acting on behalf of prostitutes or unlawful establishments (§ 31-11), consumption of alcoholic beverages in vehicles (§ 31-12), and sale of alcoholic beverages in vehicles (§ 31-13) (enforcement of these provisions would be very problematic in municipal court); and
- The City's right to examine and audit the books of owners to determine gross income (§ 31-34)

The Council discussed updates to a draft ordinance concerning vehicle-for-hire licensing. One key addition proposed by Mayor Wallace was a clause disqualifying applicants who had received deferred adjudication for certain offenses within the past five years. Concerns were raised about the scope of automatic disqualifiers, with some Council Members requesting more stringent rules—such as extending the disqualification period to 10 years for felonies, and permanently banning applicants convicted of violent crimes, sexual offenses, or crimes involving children or weapons.

The discussion also touched on whether party buses fall under the current limousine definition in the ordinance. Mr. Welch indicated language can be added to include such vehicles if necessary but noted enforcement could be difficult if operators are not based in the city.

Ultimately, Mr. Welch agreed to revise the ordinance further and return at the next meeting with an expanded list of offenses that would disqualify applicants from receiving a license. Council agreed to postpone approval until those updates are made.

Action:

Travis Smith moved to table the review of the Ordinance repealing existing Chapter 31, "Taxicabs" by replacing it with Chapter 31 "Taxicabs and Limousines" to the May 5, 2025 meeting. Motion was seconded by Tres Atkins and carried unanimously (4-0).

22. Consider Contract with SSC Signs & Lighting LLC for Park Identification Signage and Threshold Gateway Sign at Bynum Plaza

Mr. Cooper presented the Item. The project includes the fabrication and installation of 21 double-sided park identification signs and a gateway threshold sign at Bynum Plaza. Staff issued a Request for Proposals from January 8, 2025 through February 5, 2025 and notified local vendors of the opportunity. A total of 11 proposals were received.

In collaboration with the design consultant, FD2S, staff evaluated each submission based on cost, relevant experience, approach to service delivery, and the qualifications of the proposed project manager. Following the initial review, three vendors were selected to provide physical samples and of those selected, SSC Signs & Lighting LLC and Stratus Unlimited LLC submitted samples for evaluation. After a thorough review, staff and FD2S determined that SSC Signs & Lighting LLC submitted a sample that best aligned with the project's expectations in terms of quality and design and offered the best value for the project while adequately meeting all the other proposal criteria and qualifications. Based on this assessment, staff recommends awarding the contract to SSC Signs & Lighting LLC.

The Park Identification Signage and Threshold Gateway Sign Project is in the approved FY24-25 budget and the \$192,302.16 cost is well under the \$275,000 in the approved budget.

Action:

Tres Atkins moved to approve the contract with the SSC Signs and Lighting, LLC in the amount of \$192,302.16 for the production and installation of park signage and a gateway threshold sign at Bynum Plaza and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (4-0).

23. Discuss and consider removal of Park Board Members in accordance with Ordinance No. 3353, Section (c) Attendance Requirements

The City Council discussed the attendance of three Parks Board members: Ann Marie Kornman, Joe Tolbert, and Marques Cameron, due to ongoing issues with meeting quorum. Ms. Kornman provided valid reasons for missing meetings (e.g., wedding, illness, prior commitments) and it was noted she doesn't anticipate future conflicts. She's also been consistently communicating her absences.

It was noted that Mr. Tolbert, a police officer, and Mr. Cameron, a school teacher, likely face scheduling conflicts, making it difficult for them to attend the afternoon meetings. Despite efforts to adjust meeting times, there was no interest from the board in changing the schedule.

The Council agreed they have discretion to remove members based on attendance. There was a general consensus to keep Ms. Kornman on the board and replace the other two due to their attendance issues.

Action:

Chris Wright moved to remove Joe Tolbert from the Park Board. Motion was seconded by Tres Atkins and carried unanimously (4-0).

Action:

Chris Wright moved to remove Marques Cameron from the Park Board. Motion was seconded by Tres Atkins and carried unanimously (4-0).

24. Convene into Executive Session to:

Mayor Wallace announced at 8:35 p.m. the City Council would convene into Executive Session to Consult with City Attorney about pending or contemplated litigation as permitted by Section 551.071 of the Texas Government Code and review Performance Evaluation for City Secretary as permitted by Section 551.074 of the Texas Government Code

25. Reconvene and take any necessary action

The meeting reconvened at 10:59 p.m.

Action:

(5a)

City Council
April 21, 2025
Page 13

Travis Smith moved to authorize the Mayor to extend the City Secretary's contract, per the terms discussed during the closed session, and execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (4-0).

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

Mayor Pro Tem Chris Wright congratulated the Martinez family for winning the PIN Award and commended their pride in maintaining their property. He also thanked the City Council for attending a busy week of meetings. Additionally, he acknowledged David Smith, Waxahachie's Cowboy Poet Lariat, who sent irises, the city flower, to display at the meeting.

27. Adjourn

There being no further business, the meeting adjourned at 11:00 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

City Council
April 21, 2025

(9b)

A Work Session of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms C and D, Waxahachie, Texas on Monday, April 21, 2025 at 5:30 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Travis Smith, Council Member Place 5

Council Member Absent: Patrick Souter, Council Member Place 2

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

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Hear presentation and discuss development proposal by Minto Communities -USA for the planned development district formerly known as the Emory Lakes development

Trenton Robertson, Senior Director of Planning, introduced Dutch Neuweiler, Senior VP of Acquisition and Land Development, Minto Communities. Mr. Neuweiler introduced the Minto team: Michael Ross, Len Capozzo, and Dennis Church.

The Minto team shared a presentation outlining Minto's vision for a planned community in Waxahachie. The presentation outlined Minto's credentials, vision, and commitment to long-term success. The development team requested conditional consent for a Municipal Management District (MMD) to finance the required infrastructure to develop the site.

Michael Ross reviewed the community vision key characteristics: Intergenerational living, lifestyle focused environments, forward thinking planning local character, and sustainable infrastructure and fiscal responsibility. He explained the four dimensions of living: intergenerational, resort style living for active adults, hometown living with mixed use planning convenience, and homes designed for all lifestyles.

Dennis Church explained the proposed development includes 3,170 acres with approximately 13,800 homes. He reviewed the master concept plan, initial phases, connected parks and trails, amenities, and intergenerational amenity center.

Council Members raised concerns regarding the proposed project's density, the scale of retail space, the upkeep and oversight of public areas, potential financial strain on the city and school district, and increased pressure on the water and sewer infrastructure.

(9b)

Len Capozzo spoke more in depth about the active adult amenity center, planned education infrastructure, and proposed architectural styles. He explained the projected economic and fiscal benefits of the proposed development.

Mr. Ross requested a conditional consent from City Council to support the MMD financing mechanism.

City Council reached a general consensus that the developer should continue collaborating with City staff to address outstanding concerns and enhance the proposed development. Council Members also expressed opposition to supporting the proposed MMD at this time, encouraging Minto to work closely with staff to further refine their plan.

3. Adjourn

There being no further business, the meeting adjourned at 6:48 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



Date submitted 4.17.25

Applicant Information

Applicant name: Isaiah Chavez

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: _____

Mailing address: 777 S Interstate 35 E, Red Oak, TX 75154

Host organization name: Oaks Church - Oaks Young Adults

Alternate contact that will be on-site during the event.

On-site contact name: Olayinka Obasanya Cell: _____

About the Event

Event name: Oaks Young Adults Pop Up Service

Location: Railyard Park Ampitheater

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 100 -120

Description of event: This will be an offsite young adult church service, with before and after

social time, with worship and a brief message to follow.

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: Oaks Church, and Bloom & Pour

Choose the best description of the event:

- | | |
|--|--|
| <input type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input checked="" type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input checked="" type="checkbox"/> Other: Church Service |



Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	May 12,2025	7:00pm	8:30 pm
Event Set-up	May 12,2025	4:00pm	6:00pm
Event Breakdown	May 12,2025	8:30 pm	8:50 pm

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile

_____ 5K

_____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____



When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Signature

April 17, 2025

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Signature

April 17, 2025

Date



(hd)

City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted

Applicant Information

Applicant name: Alex Lohmann

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: same

Email: _____

Mailing address: 801 W. Main st, waxahachie tx 75165

Host organization name: When Hinges Creak LLC

Alternate contact that will be on-site during the event.

On-site contact name: Jennifer Lohmann Cell: _____

About the Event

Event name: Fall For 'Hachie

Location: 500 W. Madison, Ste B and 105-111 s. College, Waxahachie tx 75165

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 3500 for the duration of the event.

Description of event: A children's walkthrough adjacent to the square, a haunted house on Ma

decor and photo ops throughout downtown, location based on city input, work with local business to h

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: Red Oak, tx, Grand Prairie TX

Choose the best description of the event:

- | | |
|--|--|
| <input type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input checked="" type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |



Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Haunt \$25. Children's walkthrough \$5, part of which will go back into the community.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	10/3 10/4 10/10 10/11	3pm	11:30pm
Event Set-up	9/27-10/2	10am	11pm
Event Breakdown	11/1-11/5	10am	11pm

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____



City of Waxahachie
City Secretary's Office

(5d)

Special Event Application

When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator Franchise Utilities Both

List contractor / supplier: _____

Explain services in detail: _____

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

[Handwritten Signature]

Signature

March 27, 2025

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

[Handwritten Signature]

Signature

March 27, 2025

Date





(5d)

(5d)



(5d)

From: Alex Lohmann [REDACTED]
Subject: Fwd: 105 S. College
Date: Apr 17, 2025 at 2:27:49 PM
To: Reindeer Manor texashauntedhouse@yahoo.com


Sent from my iPhone

Begin forwarded message:

From: Brad and Lorinda Yates [REDACTED]
Date: April 17, 2025 at 2:15:20 PM CDT
To: Alex Lohmann [REDACTED]
Subject: 105 S. College

To whom it may concern, I Brad Yates of Loren Gray Investments hereby give permission to Alex Lohman to use lots located at 105 S. College for an outdoor event and activity. I have instructed him to obtain necessary permits from the city.

Brad Yates



4-25-25

(5d)

Event name: Fall for 'Hachie – Benny and Boneless Storybook Adventure (walkthrough)

Applicants: Jennifer and Alex Lohmann

Dates	Times
Saturday, October 4 th	3:00 – 7:00 pm
Saturday, October 11 th	3:00 – 7:00 pm
Saturday, October 18 th	3:00 – 7:00 pm
Sunday, October 19 th	3:00 – 6:00 pm
Saturday, October 25 th	3:00 – 7:00 pm
Sunday, October 26 th	3:00 – 6:00 pm
Friday, October 31 st	3:00 – 9:00 pm

Location: 105 – 111 S. College Street

Loren Grey Investments, the property owner, has provided written permission for the use of the properties for the Benny and Boneless Storybook Adventure.



Event description provided by the applicant:

During operation hours, a ticket attendant will be present at the event as well as a logistics crew member for safety and maintenance.

The construction will be simple with low fences, several emergency exits, adequate trash receptacles and fire extinguishers. Furthermore, there will be no dead ends and no ceiling, roofs or dark enclosed areas and children inside will always have a clear view of outside the attraction.

This is a child friendly event with characters that focus on the fun and whimsical instead of scary with most of the other static characters being children. The intent of this event is for small kids to have an event all their own and tailored to their age level. The aesthetics of the attraction is vintage Halloween with 30s and 40s flair.

(5d)

In addition to the walkthrough, the applicant proposes a partnership with haunted history tours, décor and photos opportunities throughout downtown, and assisting local businesses to help make this a successful event for everyone.

Please Note:

- The applicant is coordinating the Fall for Hachie Festival in conjunction with proposed operations of the Reindeer Manor Haunted House at 500 W. Madison. They are actively working with the Planning Department to prepare and submit a Specific Use Permit (SUP) application for City Council consideration.
- The Crossroads of Texas Festival is scheduled for Saturday, October 25, 2025. The applicant has communicated with Laurie Mosley and agreed to accommodate vendor setup on Friday, October 24, as well as during the event on Saturday.
- Kalen McCarthy, the Producer for Reindeer Manor and Benny and Boneless Storybook Adventure, also currently serves as the designer and producer for Bethlehem Revisited.
- If approved, Downtown staff will collaborate with the applicant on logistics related to the walkthrough setup, trash management, and other operational details.
- The applicant proposes to host community outreach days that may include participation from local fire and police departments, dental providers, and other service organizations.
- Tickets for the walkthrough will be priced at \$5 per person. Twenty percent (20%) of ticket sales will go toward covering overhead costs. Remaining profits will be equally distributed between the Oddfellows & Rebekahs and the WISD theater program.
- The applicant has secured a storage location off Madison Street to house materials for the walkthrough and haunted house.
- Setup of the walkthrough is expected to take two to three days, with teardown anticipated to be completed in one day.
- The walkthrough will be fully enclosed and secured during non-operating hours.
- The applicant intends to work with City staff to enhance existing City events such as Trunk-a-palooza and Trick or Treat on the Square.
- Staff has confirmed that the on-site electrical infrastructure is sufficient to support the walkthrough.
- The existing shade structures will remain open and unaffected by the proposed setup.



Date submitted

Applicant Information

Applicant name: Zubair Inayat

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: _____

Mailing address: 2333 Lucas Dr Arlington Tx 76015

Host organization name: Navarro College, Midlothian PTA program

Alternate contact that will be on-site during the event.

On-site contact name: Ashlie Christenson Cell: _____

About the Event

Event name: Navarro College PTA Program 5K run

Location: Getzender Park

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: 100 participants

Description of event: 5K run/walk hosted by Navarro College PTA program to raise money for graduation and board exams

How many times has this event been hosted before?

1st time 2 - 4 times 5 or more times Location: Getzender Park

Choose the best description of the event:

- | | |
|--|---|
| <input type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input type="checkbox"/> Concert / Live Performance |
| <input checked="" type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |



Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Entry by participation or registration fee
- Free & open to the general public
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

\$40 participation/entry fee

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	10/25/2025	8:00am	1:00pm
Event Set-up	10/25/2025	7:00am	8:00am
Event Breakdown	10/25/2025	1:00pm	2:00pm

Run / Walk:

Please provide the start time for each distance (if applicable)

1 mile 8:00am 5K _____ Other distance _____

Please indicate your expected attendance: 100

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

[Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events](#)

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up?



When will the traffic equipment be set-up?

Date: _____ Time: _____

When will the traffic equipment be removed?

Date: _____ Time: _____

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

N/A

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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 of local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Zubair Anayat

Signature

04/04/2025

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Zubair Anayat

Signature

04/04/2025

Date

(5f)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-55-2025



MEETING DATE

City Council:

May 5, 2025

CAPTION

Consider proposed Ordinance approving a request by Edmund Zamorano, for a **Petition for ETJ Release** for approximately 8.6 acres, located at 3838 S US Highway 287 (Property ID 303112, 303113, 303114, 303115, 303116, 303117) – Owner: Del Z Enterprise (ETJ-PTN-55-2025)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-55-2025, a request by Del Z Enterprise, for a Petition for ETJ Release for approximately 8.6 acres, located at 3838 S US Highway 287, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owners have petitioned the City to remove their property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:

Edmubd Zamorano

Property Owner(s):

Del Z Enterprise

Site Acreage:

8.6 Acres

Number of Lots:

6 lots

Number of Dwelling Units:

0 units

SUBJECT PROPERTY

General Location:

3838 S US Highway 287

Parcel ID Number(s):

303112, 303113, 303114, 303115, 303117, 303116

Current Zoning:

N/A (ETJ)

Existing Use:

N/A

Platting History:

The subject property is platted as Lots 1-6, Block 1 of the Reagor Springs Business Park subdivision.

CCN Service Area:

Rockett – SUD

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for May 5, 2025 City Council Meeting
2. Proposed Ordinance
3. Plat (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Harper Lindamood

Planner

Harper.lindamood@waxahachie.com

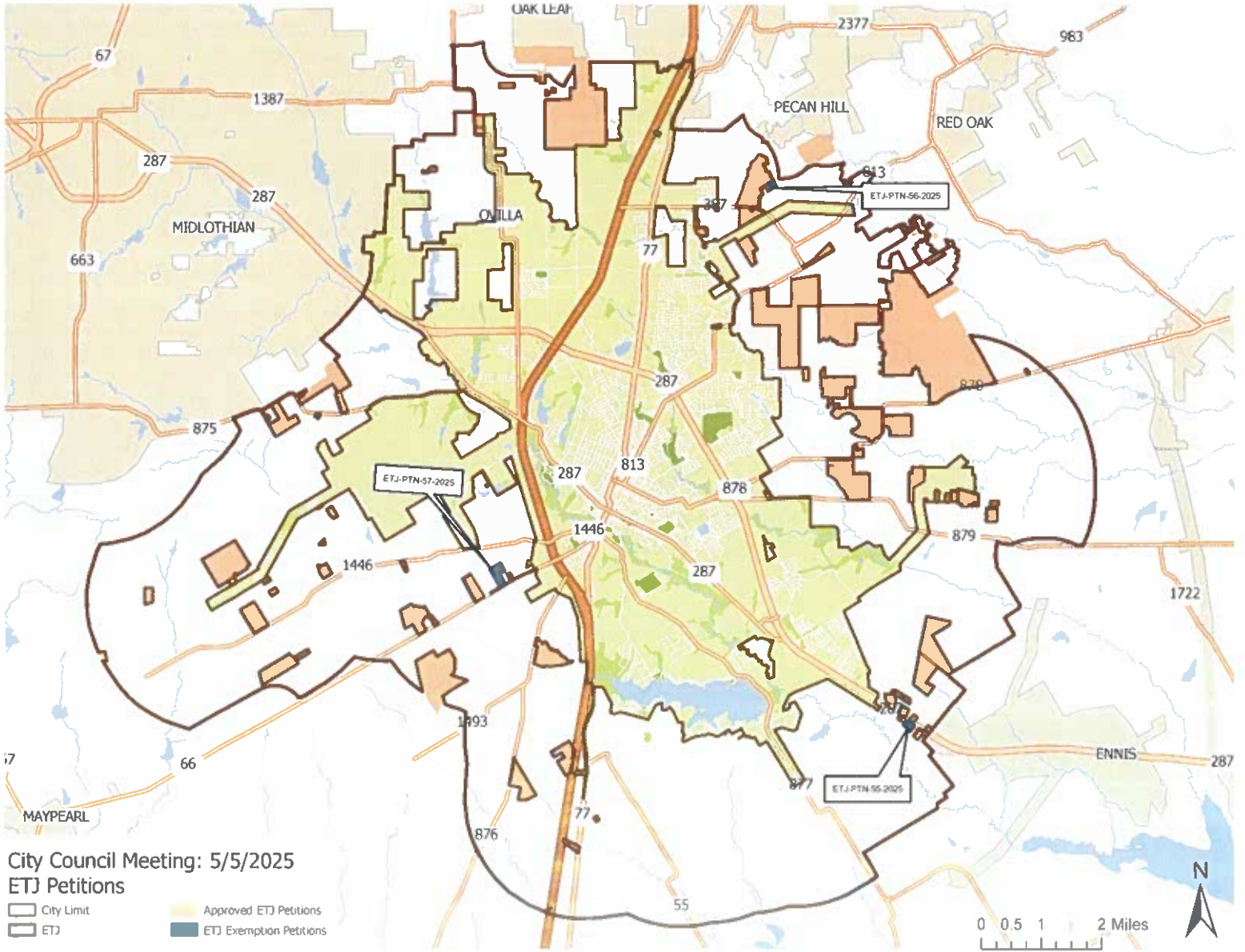
Reviewed by:

Trenton Robertson, AICP

Senior Director of Planning

trenton.robertson@waxahachie.com

(5f)



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 8.6 ACRE TRACT OF LAND, LOCATED AT 3838 S US HIGHWAY 287, KNOWN AS PROPERTY ID 303112, 303113, 303114, 303115, 303116 303117, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie (“City”) exclude the property herein described from the City’s Extraterritorial Jurisdiction (“ETJ”); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-55-2025, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City’s ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City’s ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City’s ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City’s ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

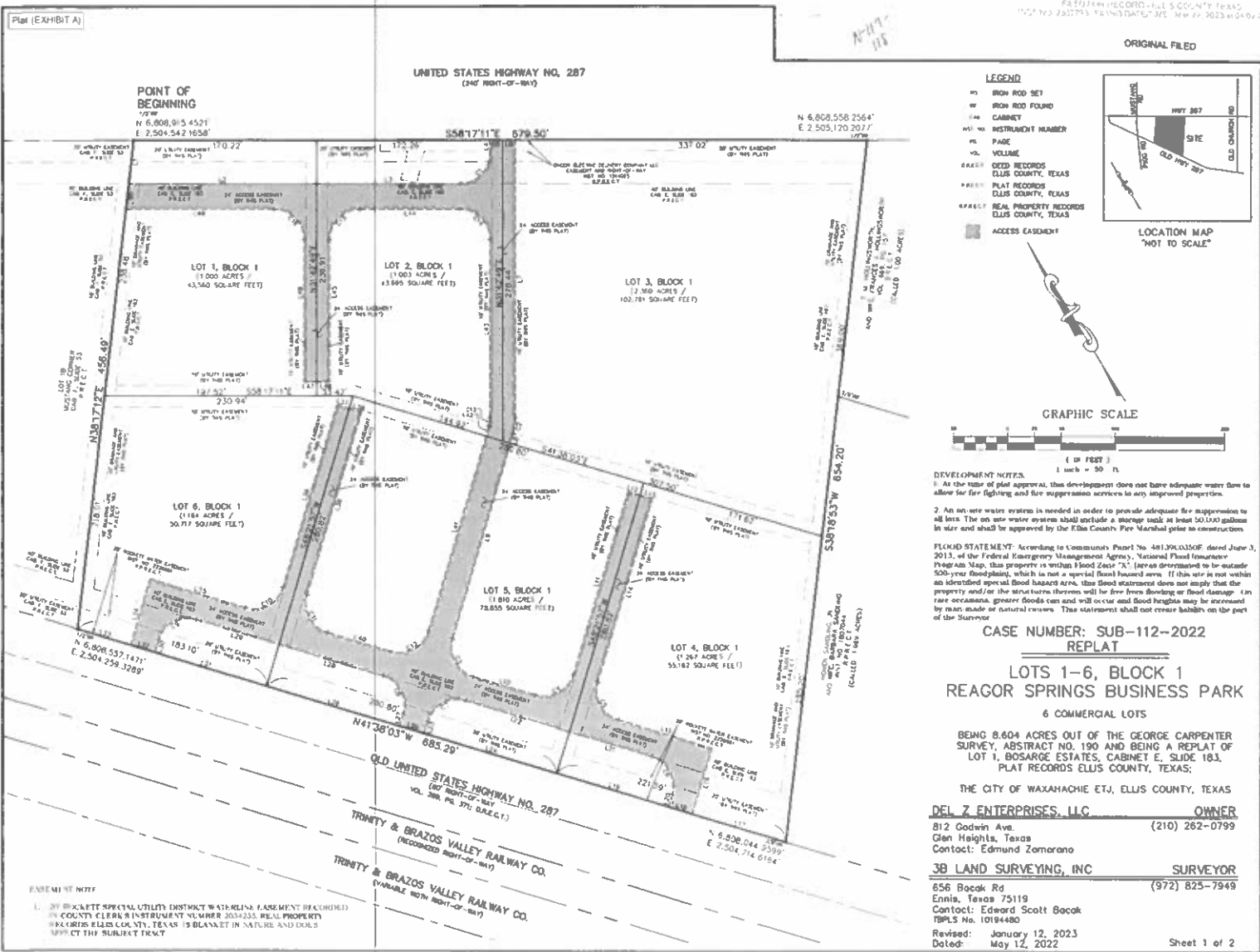
PASSED, APPROVED AND ADOPTED on this 5th day of May, 2025.

MAYOR

ATTEST:

City Secretary

(5f)



(5f)

Plat (EXHIBIT A)
STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN IN THESE PRESENTS
WHEREAS Del Z Enterprises, LLC is the owner of all that parcel of land located in the City of Waxahachie a ETJ and in Ellis County, Texas, being a part of the George Carpenter Survey, Abstract No. 190, being 48 of Lot 1, Bosarge Pasture, an addition to Ellis County, Texas recorded in Cabinet E, Slide 183, Plat Records Ellis County, Texas and being all of that tract of land described in deed to Del Z Enterprises, LLC recorded in County Clerk's Instrument Number 2017103. Real Property Records Ellis County, Texas and being further described as follows

BEGINNING at a one-half inch iron rod found at the north corner of said Lot 1, and said point being at the west corner of Lot 1B, Mustang Corner, an addition to Ellis County, Texas recorded in Cabinet F, Slide 53, Plat Records Ellis County, Texas and said point being in the southwest right-of-way line of United States Highway No. 287 (340' right of way).

THENCE South 58 degrees 17 minutes 11 seconds East, 679.40 feet along the northeast right-of-way line of United States Highway No. 287 to a one-half inch iron rod found at the east corner of said Lot 1 and said point being at the north corner of that called 1.00 acre tract of land described in deed to T.M. Hallingworth, and wife Patricia J. Hallingworth recorded in Volume 669, Page 157, Deed Records Ellis County, Texas.

THENCE South 38 degrees 18 minutes 53 seconds West, 654.20 feet to a three-eighths inch iron rod found at the south corner of said Lot 1, and said point being at the west corner of that called 1.969 acre tract of land described in deed to Homer Sandling, Jr. and wife Barbara Sandling recorded in County Clerk's Instrument Number 1807044. Real Property Records Ellis County, Texas and said point being in the northeast right-of-way line of Old United States Highway No. 287 (190' right of way).

THENCE North 41 degrees 35 minutes 03 seconds West, 643.20 feet along the northeast right-of-way line of Old United States Highway No. 287 to a one-half inch iron rod found at the west corner of said Lot 1 and said point being at the north corner of said Lot 1B.

THENCE North 38 degrees 17 minutes 12 seconds East, 456.40 feet along the northeast line of said Lot 1 and along the southeast line of said Lot 1B to the POINT OF BEGINNING and containing 374.700 square feet or 8.654 acres of land.

Plans of bearing is derived from GPS observations relative to the Texas NAD83 RTN Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83

SURVEY CERTIFICATION
This is to certify that I, Edward Scott Barak, a Registered Public Land Surveyor of the State of Texas, have plotted the above subdivisions from an actual survey on the ground and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

Edward Scott Barak, R.P.L.S. No. 6248



OWNER'S CERTIFICATE
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT I, Del Z Enterprises, LLC acting herein by and through its duly authorized officers do hereby certify and adopt this plat designating the herein above described property as Lot 1-6, Block 1, Reagor Springs Business Park, an addition to Ellis County, and do hereby dedicate to the public use forever, the streets and alleys shown thereon. Del Z Enterprises, LLC, does hereby certify the following:

- 1. The streets and alleys are dedicated in fee simple for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
3. The easements and public use areas, as shown, and created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growth shall be constructed or placed upon, over or across the easements as shown.
5. Ellis County is not responsible for replacing any improvements in, under, or over any easements caused by negligence or repair.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and Ellis County's use thereof.
7. Ellis County and/or public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
8. Ellis County and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, repairing, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.
9. All modifications to this document shall be by means of plat and approved by Ellis County.

This plat is approved subject to all planning ordinances, rules, regulations and resolutions of the Ellis County, Texas

WITNESS MY HAND, THIS 12 DAY OF January, 2023

By: [Signature]
Edmund Zamorano

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Edmund Zamorano, 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 set forth under my hand and seal of office, this 12th day of January, 2023.

Christa Williams
Notary Public in and for the State of Texas



GENERAL NOTES

- 1. A drainage / utility easement (D/U/E) is only required, as necessary, to show any existing / future easements or drainage easements to help with the flow of water or placement of easements.
2. Ellis County will not be responsible for the maintenance of drainage easements or detention areas.
3. All bearings and coordinates shown hereon are relative to the Texas State Plane Coordinate System, North Central Zone (4202). All distances shown hereon are surface distances.
4. All corners are a one-half inch iron rod set with cap stamped "H", unless otherwise noted hereon.
DEVELOPMENT NOTES
1. At the time of plat approval, this development does not have adequate water flow to allow for fire fighting and fire suppression services to any improved properties.
2. An on-site water system is provided in order to provide adequate fire suppression to all lots. The on-site water system shall include a storage tank at least 11,000 gallons in size and shall be approved by the Ellis County Fire Marshal prior to construction.

STATE OF TEXAS
COUNTY OF ELLIS
Certificate of approval by the Commissioners' Court of Ellis County, Texas
Approved this day the 12th day of January, 2023

[Signatures of County Judge, Commissioners, and County Clerk]

ON-SITE SEWAGE FACILITY STATEMENT
This Plat has been approved by the Department of Development of Ellis County, Texas for on-site sewage disposal facilities and meets or exceeds the minimum requirements established by TCEQ and the Ellis County Septic Order, pending any and all information as may be required by the Ellis County Department of Development.

APPROVED BY PLANNING AND ZONING COMMISSION
CITY OF WAXAHACHIE

By: [Signatures]
Date: 1-10-23

Case Number: SUB-112-2022
REPLAT

LOTS 1-6, BLOCK 1
REAGOR SPRINGS BUSINESS PARK
6 COMMERCIAL LOTS
BEING 8.604 ACRES OUT OF THE GEORGE CARPENTER SURVEY, ABSTRACT NO. 190 AND BEING A REPLAT OF LOT 1, BOSARGE ESTATES, CABINET E, SLIDE 183, PLAT RECORDS ELLIS COUNTY, TEXAS;

DEL Z ENTERPRISES, LLC OWNER
812 Godwin Ave. (210) 262-0799
Olen Heights, Texas
Contact: Edmund Zamorano
3B LAND SURVEYING, INC SURVEYOR
656 Bocak Rd (972) 825-7949
Lynn, Texas 75119
Contact: Edward Scott Barak
TPLS No. 10154480
Revised: January 12, 2023
Dated: May 12, 2022 Sheet 2 of 2

Table with columns: LINE TABLE, LINE TABLE, CURVE TABLE. Contains survey data including bearings, distances, and curve information for various lots.

(59)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-56-2025



MEETING DATE(S)

City Council:

May 5, 2025

CAPTION

Consider proposed Ordinance approving a request by Jonathan Markert, for a **Petition for ETJ Release** for approximately 1.849 acres, located at 451 S Ring Road (Property ID 274665) – Owner: Jonathan Markert & Lindsay Markert (ETJ-PTN-56-2025)

RECOMMENDED MOTION

"I move to approve ETJ-PTN-56-2025, a request by Jonathan Markert, for a Petition for ETJ Release for approximately 1.849 acres, at 451 S Ring Road, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owners have petitioned the City to remove thier property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant:

Jonathan Markert

Property Owner(s):

Jonathan Markert & Lindsay Markert

Site Acreage:

1.849 acres

Number of Lots:

1 lot

Number of Dwelling Units:

1 unit

SUBJECT PROPERTY

General Location:

451 S Ring Road

Parcel ID Number(s):

274665

Current Zoning:

N/A (ETJ)

Existing Use:

Residential

Platting History:

A Plat for The Ranch at Hidden Creek, Lot 3, Block B was filed for the subject property on October 23, 2018,

CCN Service Area:

Rockett SUD

(59)

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for May 5, 2025 City Council Meeting
2. Proposed Ordinance
3. Recorded Plat (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Caleb Ensley

Planner

caleb.ensley@waxahachie.com

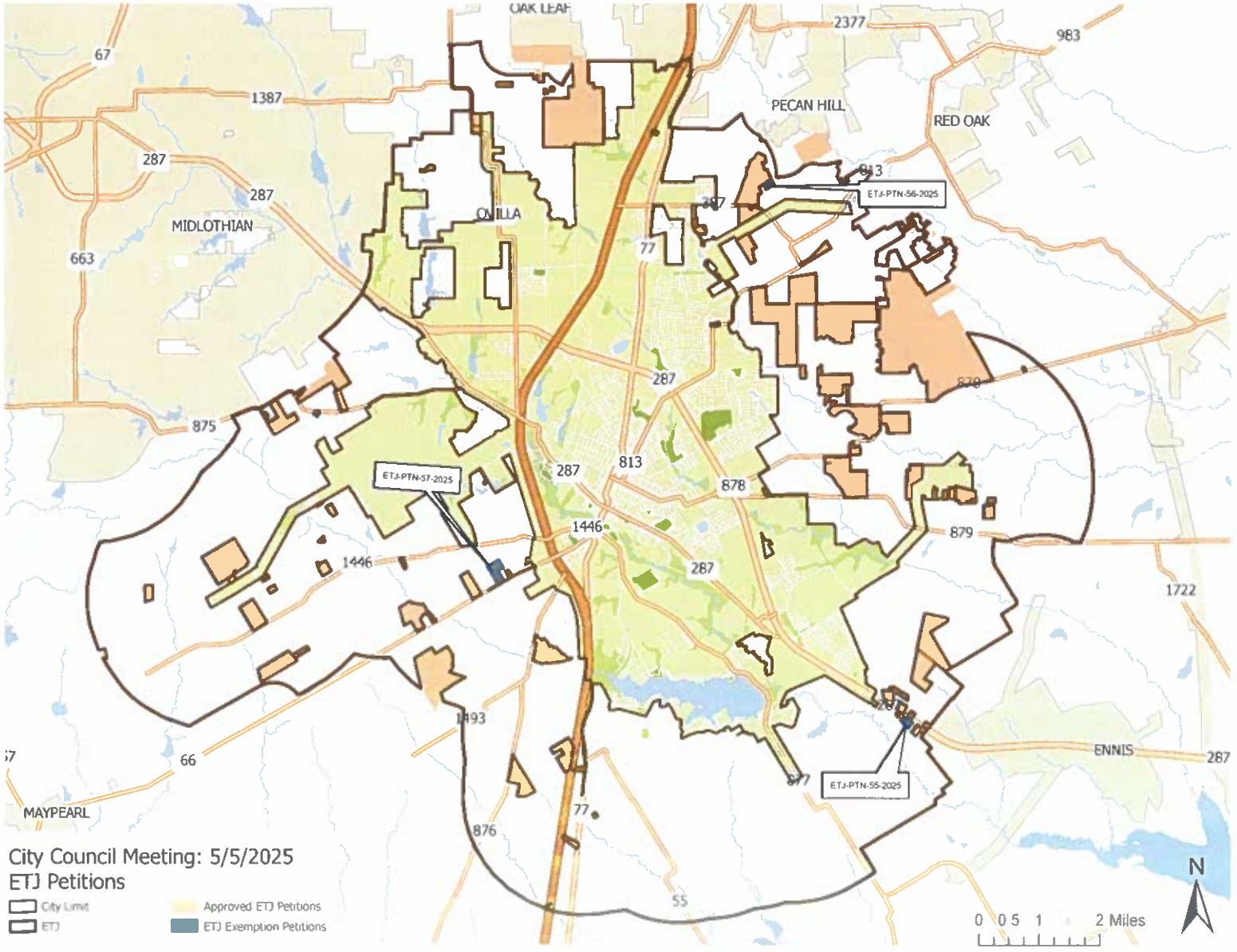
Reviewed by:

Trenton Robertson, AICP

Senior Director of Planning

Trenton.Robertson@waxahachie.com

(59)



(5g)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 1.849 ACRE TRACT OF LAND, LOCATED AT 451 S RING ROAD KNOWN AS PROPERTY ID 274665, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-56-2025, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by the recorded Plat in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

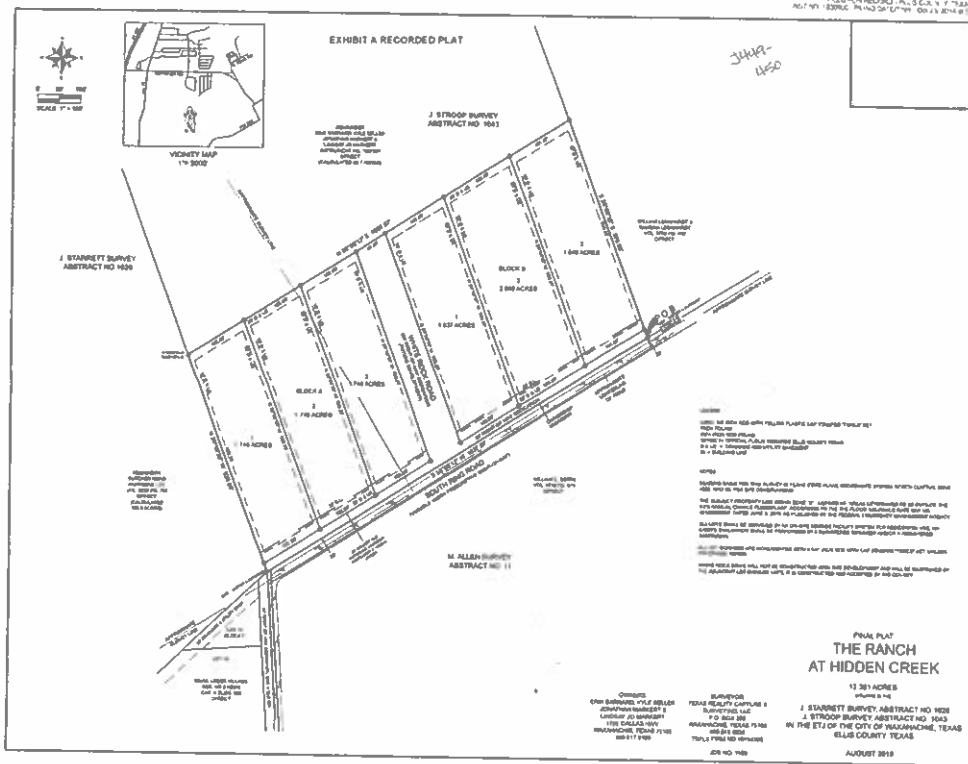
PASSED, APPROVED AND ADOPTED on this 5th day of May, 2025.

MAYOR

ATTEST:

City Secretary

(59)



(59)

EXHIBIT B LOCATION MAP



(5h)

Planning & Zoning Department

Petition for ETJ Release

Case: ETJ-PTN-57-2025



MEETING DATE

City Council:

May 5, 2025

CAPTION

Consider proposed Ordinance approving a request by Nathan Petty, for a **Petition for ETJ Release** for approximately 32.899 acres, located directly west of 1832 FM 66 (Property ID 182189) – Owner: HRB Global LTD (ETJ-PTN-57-2025).

RECOMMENDED MOTION

"I move to approve ETJ-PTN-57-2025, a request by HRB Global LTD, for a Petition for ETJ Release for approximately 32.899 acres, located directly west of 1832 FM 66, authorizing the Mayor to sign the associated documents accordingly."

APPLICANT REQUEST

The property owners have petitioned the City to remove their property from the extraterritorial jurisdiction (ETJ).

CASE INFORMATION

Applicant: Nathan Petty

Property Owner(s): HRB Global LTD

Site Acreage: 32.899 Acres

Number of Lots: 0 lots

Number of Dwelling Units: 0 units

SUBJECT PROPERTY

General Location: Directly west of 1832 FM 66

Parcel ID Number(s): 182189

Current Zoning: N/A (ETJ)

Existing Use: N/A

Plotting History: The subject property is not currently platted.

CCN Service Area: Buena Vista – Bethel WSC

Site Aerial:



PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

ATTACHED EXHIBITS

1. ETJ Petition Map for May 5, 2025 City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

STAFF CONTACT INFORMATION

Prepared by:

Harper Lindamood

Planner

Harper.lindamood@waxahachie.com

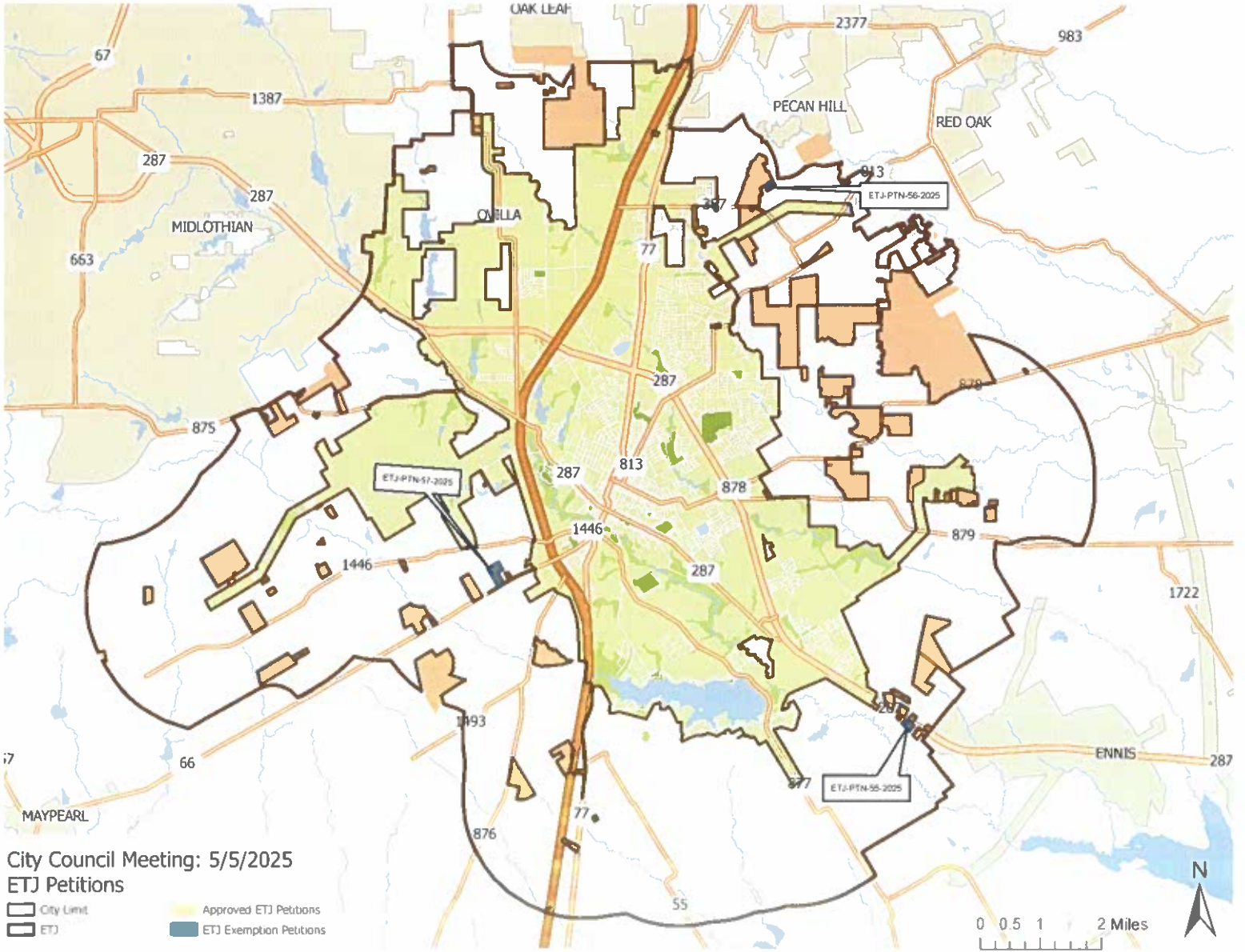
Reviewed by:

Trenton Robertson, AICP

Senior Director of Planning

trenton.robertson@waxahachie.com

(5h)



(5h)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF AN APPROXIMATELY 32.899 ACRE TRACT OF LAND, LOCATED DIRECTLY WEST OF 1832 FM 66, KNOWN AS PROPERTY ID 182189, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie (“City”) exclude the property herein described from the City’s Extraterritorial Jurisdiction (“**ETJ**”); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-57-2025, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City’s ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City’s ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City’s ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City’s ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

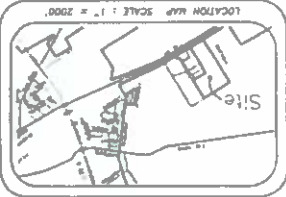
PASSED, APPROVED AND ADOPTED on this 5th day of May, 2025.

MAYOR

ATTEST:

City Secretary

(5h)



SURVEY PLAT
32.899 Acres
J. Drinkard Survey, Abstr. 273
 Ellis County, Texas

Date: 5-08-2012
 Scale: 1" = 100'
 Drawn: SSS
 Job: 100-10000
 Sheet: 1
 of 1 sheets

ENGINEERS
D & M
SURVEYORS

DAVIS & McDILL, Inc.

7.5 Year Renewal expiring Nov. 7, 2015; 10.0 Year Renewal expiring Nov. 7, 2015
 46,000 4th. St., Houston, Texas 77002
 Phone: 713-621-1100 Fax: 713-621-1101

LEGEND

---	Proposed
---	Survey
---	Boundary
---	Right-of-Way
---	Utility Line
---	Electric Line
---	Gas Line
---	Water Line
---	Drain Line
---	Other Line
---	Proposed Right-of-Way
---	Proposed Utility
---	Proposed Gas
---	Proposed Water
---	Proposed Drain
---	Proposed Other

LEGEND

---	Proposed
---	Survey
---	Boundary
---	Right-of-Way
---	Utility Line
---	Electric Line
---	Gas Line
---	Water Line
---	Drain Line
---	Other Line
---	Proposed Right-of-Way
---	Proposed Utility
---	Proposed Gas
---	Proposed Water
---	Proposed Drain
---	Proposed Other



(5h)

Location Map (EXHIBIT B)



(5i)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: May 5, 2025

Re: Appointment to the Park Board to Fill Unexpired Terms

Recommended Motion: "I move to appoint Brad Burns to the Park Board to fill the unexpired term of Joe Tolbert until September 2026 and appoint Dani Cagle to the Park Board to fill the unexpired term of Marques Cameron until September 2027 as presented."

Item Description: Consider appointments to fill unexpired terms on the Park Board.


Item Summary: At the April 21, 2025, City Council voted to remove Joe Tolbert and Marques Cameron from the Park Board in accordance with Ordinance No. 3353, Section (c) Attendance Requirements. Mayor Billie Wallace and Mayor Pro Tem Chris Wright recommend the following appointments to fill the unexpired terms.

Park Board

- Brad Burns (filling unexpired term of Joe Tolbert until September 2026)
- Dani Cagle (filling unexpired term of Marques Cameron until September 2027)



Memorandum

To: Honorable Mayor and City Council
From: Kumar Gali, Senior Director of Utilities
Thru: Michael Scott, City Manager 
Date: May 5, 2025
Re: Consider Budget Transfer to East Ross and Kaufman Street Reconstruction Project

Motion: "I move to utilize project savings from 2021 Water Bond by transferring \$22,000 to the East Ross and Kaufman Street Reconstruction Project and authorize the City Manager to execute all necessary documents."

Item Description: Consider authorization of a \$22,000 budget transfer from savings from the 2021 Water Bond for the design services related to water line improvements along Kaufman and Aldridge Streets.

Item Summary: The East Ross and Kaufman Street Reconstruction Project involves reconstruction of pavement, wastewater, and drainage along Kaufman Street (from E Marvin Avenue to E Ross Street), E Ross Street (from Farley Street to Lancaster Street) and Aldridge Street (from Kaufman Street to Anderson Avenue). To align with paving and drainage improvements, the project scope would like to be expanded to include additional design efforts for water line replacements on Kaufman and Aldridge Streets. This budget transfer will cover the additional design services for the following locations:

- Kaufman Street: E Ross Street to Marvin Avenue (1,170 linear feet of 12-inch water main)
- Aldridge Street: Kaufman Street to Anderson Street (240 linear feet of 8-inch water main)

Fiscal Impact: Staff recommends transferring \$22,000 from the 2021 Water Bond fund savings to cover the cost of water main design on Kaufman and Aldridge Streets.

(5K)



Memorandum

To: Honorable Mayor and City Council

From: Kumar Gali, Senior Director of Utilities

Thru: Michael Scott, City Manager

Date: May 5, 2025

Re: Consider Contract for Replacement of a Pump Motor at Raw Water Pump Station Number 2 and Supplemental Appropriation

Motion: "I move to approve a contract with Odessa Pumps & Equipment Inc. in the amount of \$100,490 to replace a pump motor at the Raw Water Pump Station Number 2 and approve a supplemental appropriation in the same amount from the Water Fund unrestricted reserve to fund the contract and authorize the City Manager to execute all the necessary documents."

Item Description: Consider approving a contract with Odessa Pumps & Equipment Inc. for \$100,490 and a correlating supplemental appropriation for the replacement of Pump Number 1 motor at the Raw Water Pump Station Number 2.

Item Summary: The Pump Number 1 motor at the Raw Water Pump Station Number 2 is currently non-operational. The motor was originally installed in 1990's and was rebuilt in 2008. Staff recommends replacing the motor due to its age. The scope of the contract with Odessa Pumps & Equipment Inc. is to retrieve the motor with a crane on the Lake Waxahachie property and to install the replacement motor for a total cost of \$100,490.

Fiscal Impact: Staff requests a supplemental appropriation of \$100,490 from the Water Fund unrestricted reserve to fund the replacement of Pump Number 1 motor at Raw Water Pump Station Number 2.

(107)

PROCLAMATION

WHEREAS, founded in 1850, Waxahachie has long served as a vital agricultural, commercial, educational, and transportation center in North Texas; and

WHEREAS, Waxahachie, known as the “Gingerbread City,” boasts one of the state’s richest and most extensive collections of Victorian-era residential and commercial architecture, including:

- 75 Buildings individually listed on the National Register of Historic Places
- 23 Texas Historical Commission markers
- 23 Recorded Texas Historic Landmarks
- 3 State Antiquities Landmarks
- 6 National Register Historic Districts; and

WHEREAS, architectural landmarks such as the Ellis County Courthouse, Chautauqua Auditorium, Sims Library, Joshua Chapel AME, and the MKT Train Depot are among the many historic sites that contribute to the unique architectural fabric that defines the character of our community; and

WHEREAS, Waxahachie’s architectural legacy embodies the distinctive character and history of our community, creating a living connection to the past and fostering a strong sense of pride among its citizens; and

WHEREAS, preserving these historic places supports local economic vitality through tourism, reinvestment, and small business growth—by creating spaces people love to live, work, and visit; and

WHEREAS, National Preservation Month honors the achievements and leadership of those in the past whose dedication and foresight helped shape and protect the places we cherish today; and

WHEREAS, National Preservation Month also recognizes and gives thanks to the ongoing efforts of City officials, individuals, and organizations who champion the conservation of historic places—demonstrating that everyone can play a part in preserving Waxahachie’s unique legacy for future generations;

NOW, THEREFORE, I, Billie Wallace, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim the month of May 2025 as

“National Preservation Month”

in the city of Waxahachie and call upon the people of Waxahachie to join their fellow citizens across the United States in recognizing and celebrating this special national observance.

Proclaimed this 5th day of May 2025.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-133-2024



MEETING DATE(S)

Planning & Zoning Commission: April 29, 2025
City Council: May 5, 2025

CAPTION

Public Hearing on a request by Ray Porter for a **Specific Use Permit (SUP)** for Accessory Structures exceeding 1,000 square feet in combined area use within a Commercial (C) zoning district located at 105 Lucas Street (Property ID 189027) – Owner(s): Ray Porter & Wanda Porter (ZDC-133-2024)

RECOMMENDED MOTION

"I move to approve ZDC-133-2024, a Specific Use Permit (SUP), subject to the conditions the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on April 29, 2025, the Commission voted 6-0 to recommend approval of case number ZDC-133-2025, subject to the conditions of the staff report

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use.

CASE INFORMATION

Applicant: Ray Porter
Property Owner(s): Ray Porter & Wanda Porter
Site Acreage: 0.402 acres
Current Zoning: Commercial (C)
Requested Zoning: C with a SUP for Accessory Structures exceeding 1,000 square feet in combined floor area.

SUBJECT PROPERTY

General Location: 105 Lucas Street
Parcel ID Number(s): 189027
Existing Use: Single-family residential

(127)

Development History: A portion of the subject property is platted as a portion of Lot 2 of the Strength addition. The majority of the property is unplatted.

Future Land Use Plan: Mixed - Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via Lucas Street

Site Image:



PLANNING ANALYSIS

The applicant is requesting a Specific Use Permit (SUP) to construct Accessory structures exceeding 1,000 square feet in combined floor area at 105 Lucas Street. The subject property has three existing accessory structures totaling approximately 2,155 square feet in size located at the rear of the property. The applicant is proposing to keep all existing accessory structures in addition to the carport accessory structure requested with this SUP Application.

Proposed Use:

According to the Ellis County Appraisal District, the existing primary structure is approximately 1,782 square feet, and the proposed accessory structure is approximately 576 square feet. The applicant has noted that the carport is desired at this time to shield personal vehicles from fallen tree debris, as there is no garage for the home. The accessory structure is proposed to be comprised of either wooden beams or 4" steel posts and a bronze metal roof. The applicant is proposing to expand the existing gravel driveway to access the accessory structure as opposed to installing a new concrete driveway.

With this application, the property owner is requesting deviations from the Waxahachie Zoning Ordinance to allow the structure to encroach within the typical front setback requirement of 25'. The site plan shows the proposed to be located approximately 12' from the front property line; but the applicant has confirmed that the structure will be a minimum of 15' from the property line when constructed, if this SUP is approved. This confirmation has addressed a previous staff concern that the structure may conflict with a future 15' Utility Easement established at the time of platting. The property owner requests to utilize a "Survey Plat" of the property for building permitting purposes as opposed to the typical requirement for a Plat for the property. The Planning & Zoning Commission provided a recommendation of approval for the SUP request, with the condition that the property is Replatted. The elimination of the requirement for the property to be Replatted would result in a 15' Utility Easement not being established at this time. If City Council opts to permit the use of a "Survey Plat" for building permitting purposes, the motion to approve the SUP request will need to specifically revise recommended condition 3 below.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, fourteen (14) 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. Staff received zero (0) letters of support and zero (0) letters of opposition for the proposed SUP.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request, subject to the conditions noted below.

Conditions:

1. The accessory structure shall not be used for commercial purposes.
2. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
3. The applicant shall Replat the subject property prior to the issuance of a building permit for the accessory structure.
4. The applicant shall obtain all necessary permits for construction and demolition from the City of Waxahachie Building Department prior to the construction of the accessory structure.

ATTACHED EXHIBITS

1. Applicant Letter
2. Site Photos
3. SUP Ordinance
4. Location Map (Exhibit A)
5. Site Plan (Exhibit B)
6. Elevations (Exhibit C)

STAFF CONTACT INFORMATION

Prepared by:

Harper Lindamood

Planner

Harper.lindamood@waxahachie.com

Reviewed by:

Trenton Robertson, AICP

Senior Director of Planning

Trenton.robertson@waxahachie.com

William R. & Wanda J. Porter
105 Lucas Street
Waxahachie, Texas 75165

Waxahachie City Council &
Planning & Zoning Board
408 South Rogers Street
Waxahachie, Texas 75165

June 11, 2024

RE: Specific Use Permit for
Carport for our home

Uploaded on the Citizen Self Service Portal

Ladies & Gentlemen,

Following is the Specific Use Permit (SUP) Application and the documents that I am uploading to the Citizen Self Service Portal with this letter.

Wanda and I would like to build a carport in front of our house on the Northeast corner of our lot where we have been parking for many years. I know the Building Code is that carports must be located no closer to the facing street than half-way from the side of our house to the street so we are also asking for a Variance for that as well.

We would also like to widen our existing driveway up to 6' on both sides due to the constraints of our property as discussed below.

We have a grackle and pecan tree problem. In the Spring, grackles swarm in the hundreds and perch on the Pecan trees above our cars. They leave many, many white splotches on our cars each day. In Summer, the 100+ year old pecan trees above our cars leave copious amounts of sap and provide broken limbs as they "self-prune". We also have a hail problem with the extreme weather we are now experiencing. These are the main reasons we would like to build a carport.

We have lived in our house for 36 years. It was grandfathered in and is Residential Use as long as the owner wants to use it as residential. Originally, we had access to the one-car garage in the back of the property using an unimproved road from Business Hwy. 287 that we used for 14 years. It now is where the Strength Medical Building is located. When Kevin Strength was planning the building, we made a deal whereby he would take away our rear access and sell us a 13' wide strip along the North side of our tract for access from Lucas Street in front to the back of our property. The garage in the back of our property has been used as a work shop for all these years. For this reason, we have been parking on the Northeast corner of our lot for the last 22 years. We also put crushed concrete down over our parking area many years ago.

Continued

William R. & Wanda J. Porter
105 Lucas Street
Waxahachie, Texas 75165

Waxahachie City Council & Planning & Zoning Board Letter dated June 11, 2024 Page 2

When we began planning for a 24' x 24' carport, we knew that we had to leave enough room along the Strength fence line on the North side of our property so we could have access to the back of the property. This requires us to move the carport just a few feet left of the existing 24' wide driveway when facing the front of our parking area. Our request for widening the driveway up to 6' on either side is to align the left side of the carport with the driveway for easier entrance and exit on that side and to accommodate access to the back of the property on the right side, see Corner Detail following.

Our house was built in 1932 and since our house is recognized by Historic Waxahachie, Inc., we want to make sure the carport matches the architecture of our house as much as possible. We plan to use either composite wood planks miter cut to be flush and to cover the 4" square steel posts or to use rock that matches the rock on our house. The carport will have a bronze metal roof and front which will match our chimney cap.

I have spoken with City officials and they believe that approving our SUP and Variance may be feasible since we are surrounded by commercial property on all sides and since this is an "infill" request with no future development available on Lucas Street.

We hope that you will approve our Application and please contact me if you need additional information.

Sincerely,


William Ray Porter

C: Attachments

(12)

Site Photos



(12)

Site Photos



(137)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT ACCESSORY STRUCTURES EXCEEDING 1,000 SQUARE FEET IN COMBINED FLOOR AREA USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 105 LUCAS STREET, BEING PROPERTY ID 189027, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-133-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from C to C, with a SUP in order to permit Accessory Structures Exceeding 1,000 Square Feet in Combined Floor Area use on the following property: 105 Lucas Street (Property ID: 189027), which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and the Elevations as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR ACCESSORY STRUCTURES EXCEEDING 1,000 SQUARE FEET IN COMBINED FLOOR AREA USE IN A COMMERCIAL (C) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-133-2024.
2. The accessory structure shall not be separately metered.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be leased or sold separately from the primary residence.
5. The property owner shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.
6. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C – Elevations.
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 Zoning Ordinance as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Floor Plan and Exhibit D –Elevations/Façade Plan. Where regulations are not specified in Exhibits B and C, or this Zoning Ordinance, the regulations of the Future Development (FD) Zoning District shall apply to this development.
9. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business of 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 (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.

(13)

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 5th day of May, 2025.

MAYOR

ATTEST:

City Secretary

(13)

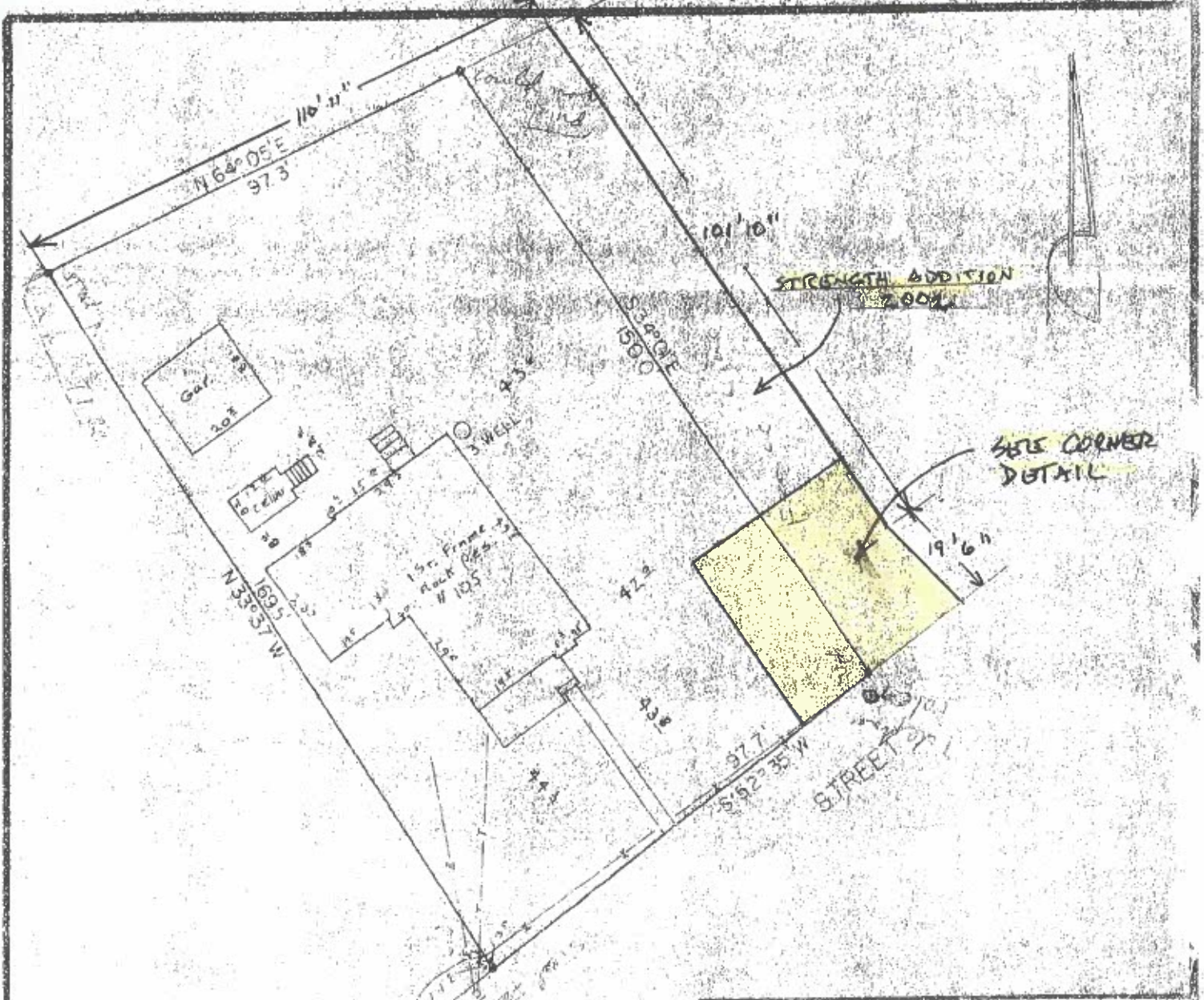
Location Map (EXHIBIT A)



105 LUCAS ST - SURVEY UPDATED FOR STRENGTH PURCHASE - 2002
 TOTAL .402 AC.

(13)

J. Curlee



U.S. Hwy 287

SURVEY PLAT
 0.36 Acres in the
 A. Polk Survey
 Abstract 827
 Ellis County, Texas

I certify that this plat is a representation of a survey made on the ground on OCT. 22, 1976. There are no visible encroachments or protrusions or easements unless shown on plat.

- STEEL ROD
- PIPE
- Hwy. Man
- △ Box D'ore
- E-E- Electric
- X-X- Fence
- T-T- Telephone
- P-P- Pipeline
- W-W- Waterline

REGISTERED PUBLIC SURVEYOR
 No. 1480

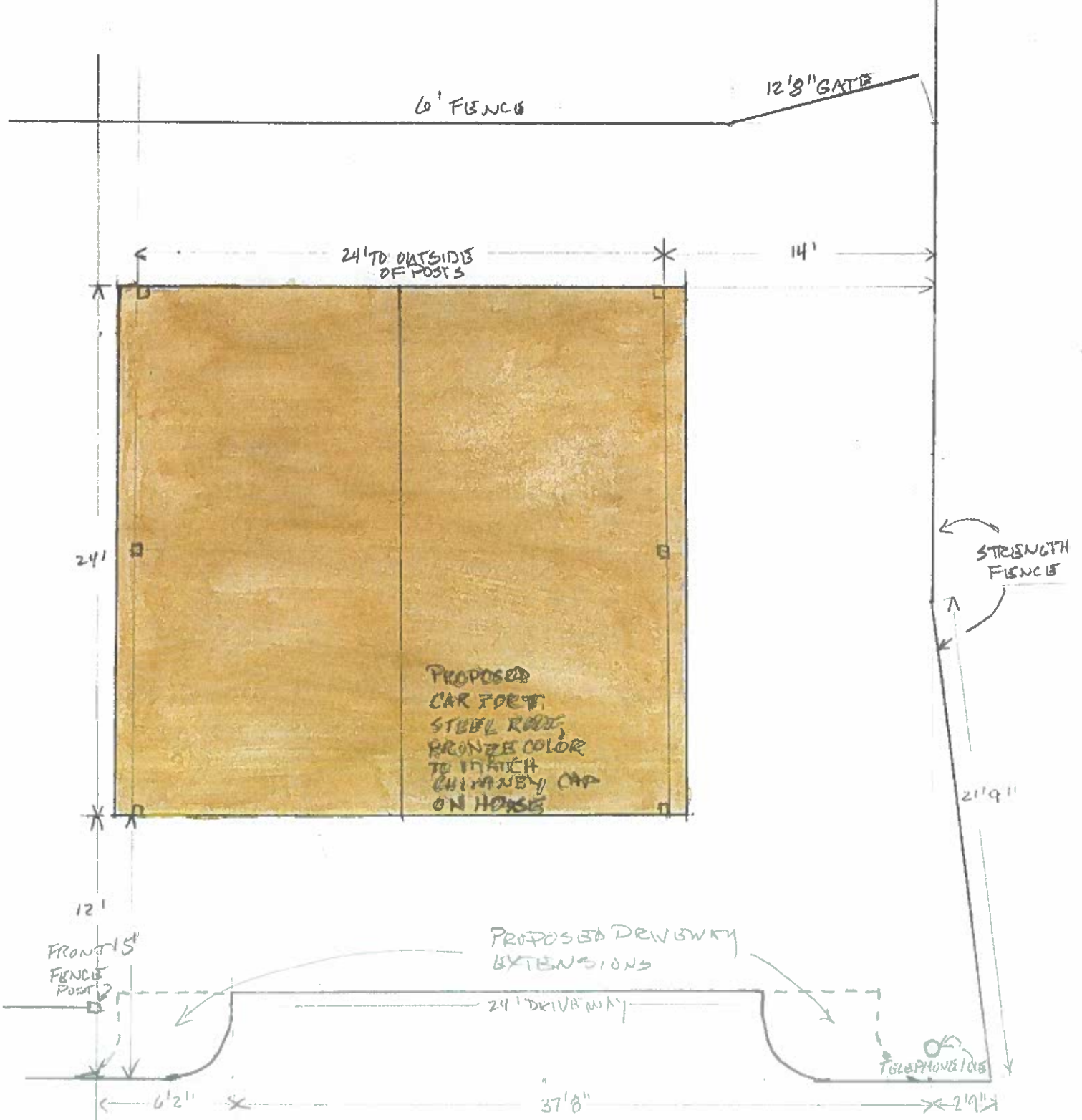
SEAL

SCALE: 1" = 30' JOB NO. 2101-T

ELLIS ASSOCIATES
 SURVEYORS
 106 N. COLLEGE, WAXAHACHIE TEXAS 75165
 PH: 214/937-7474

WILLIAM & WANDA PORTER - 105 LUCAS STREET (13)

PROPOSED CAR PORT - CORNER DETAIL
TOP VIEW

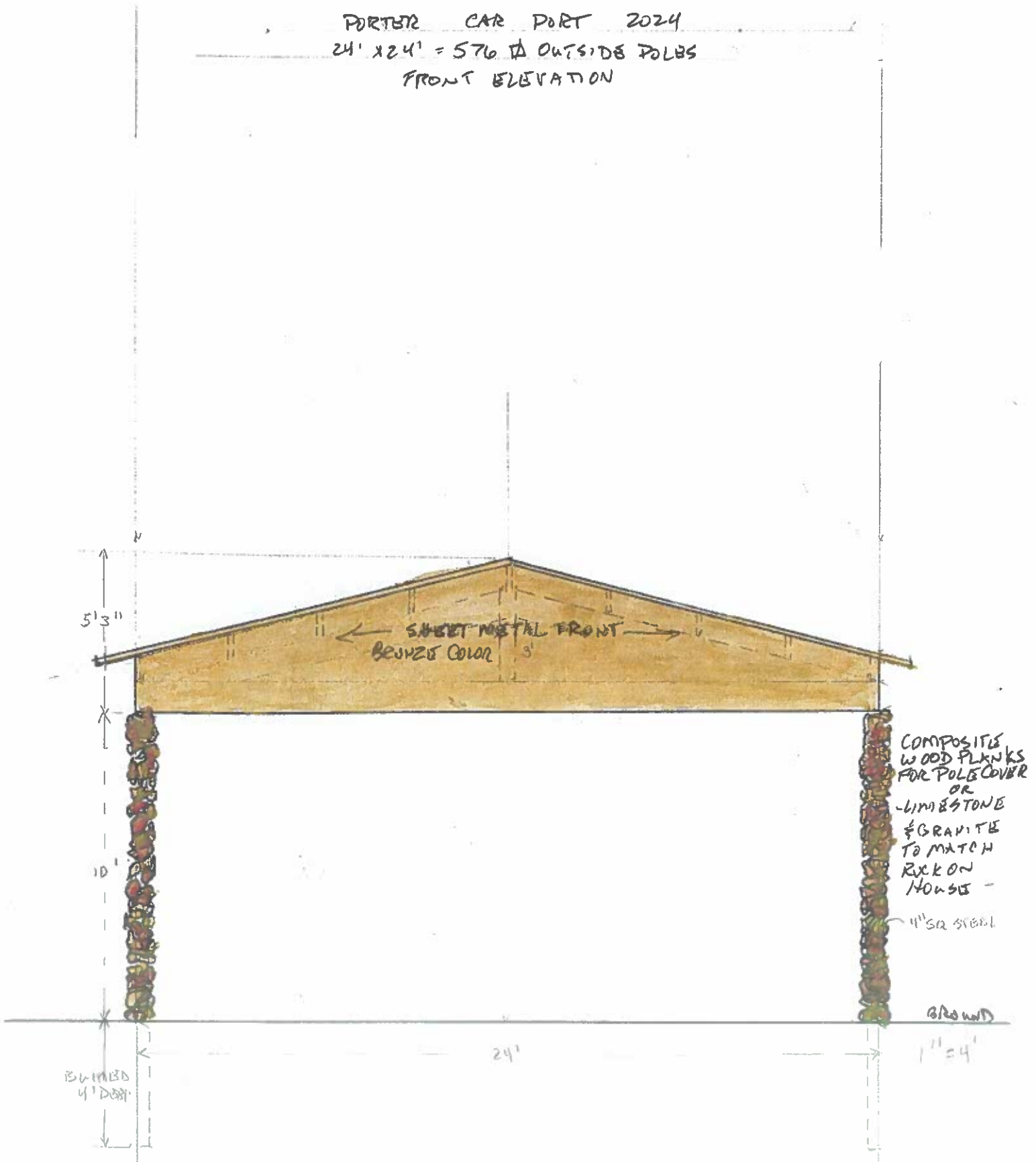


NORTHEAST CORNER OF PORTER TRACT

1" = 6'

- LUCAS STREET -

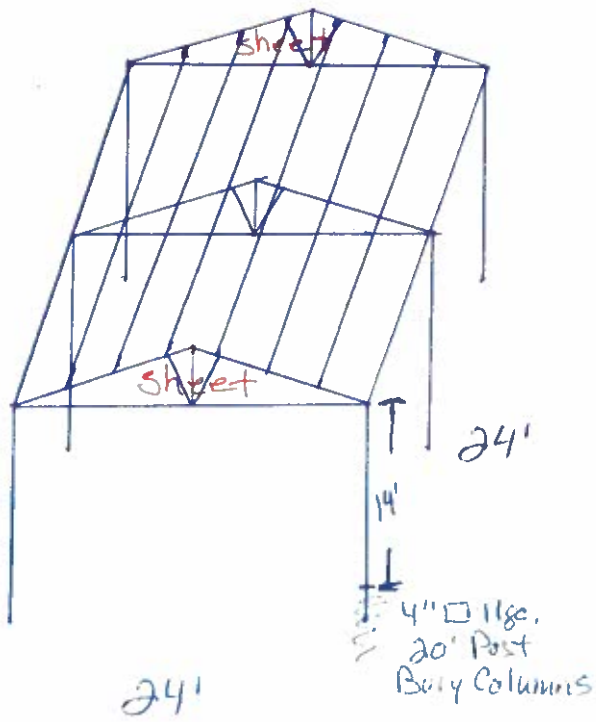
PORTER CAR PORT 2024
24' x 24' = 576 sq OUTSIDE POLBS
FRONT ELEVATION



Elevations (EXHIBIT C)

Ray Porter
#972-268-0696

Metal Mart 03
7200 N IH 35E
Waxahachie, TX 75165
1-800-677-2503
metalmart03@mcclroymetal.com



(14)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-39-2025



MEETING DATE(S)

Planning & Zoning Commission: April 29, 2025
City Council: May 5, 2025

CAPTION

Public Hearing on a request by Robert Morgan, Robert Morgan Construction for a **Specific Use Permit (SUP)** for Accessory Structures exceeding 1,000 square feet in combined floor area use within a Future Development (FD) zoning district located at 3349 Howard Road (Property ID 176528) – Owner(s): Robert & Kristy Pennock (ZDC-39-2025)

RECOMMENDED MOTION

"I move to approve of ZDC-39-2025, a Specific Use Permit (SUP), subject to the conditions the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 29, 2025, the Commission voted 6-0 to recommend approval of case number ZDC-39-2025, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a specific use permit for Accessory Structures exceeding 1,000 square feet in combined floor area use.

CASE INFORMATION

Applicant: Robert Morgan, Robert Morgan Construction
Property Owner(s): Robert & Kristy Pennock
Site Acreage: 1.52 acres
Current Zoning: Future Development (FD)
Requested Zoning: FD with a specific use permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use

SUBJECT PROPERTY

General Location: 3349 Howard Road
Parcel ID Number(s): 176528
Existing Use: Residential use
Development History: The subject property is platted as Lot 7 of the Waxahachie Lake Estates Section One Addition in 1985

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	FD	Residential use
East	FD	Residential use
South	PD-SF-1	Undeveloped land
West	RR	Residential use

Future Land Use Plan:

Rural Estate

Comprehensive Plan:

This placetype is characterized by large lots with single-family homes in rural settings away from the city center as well as public services. This type of development leaves ample amount of surrounding open space, and should involve minimal infrastructure investment. Though this placetype will almost exclusively be single family homes, it is to be expected that home-based businesses may thrive in this environment.

Thoroughfare Plan:

The primary access to the subject property is from Howard Road, a Minor Arterial (100' right-of-way) on the Thoroughfare Plan.

Site Image:



PLANNING ANALYSIS

The Applicant requests a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use at 3349 Howard Road. The subject property has two existing accessory structures used for storing lawncare items and a boat. Per the City of Waxahachie Zoning Ordinance, accessory structures exceeding 1,000 square feet in combined floor area use requires a SUP to be approved by the City Council.

Proposed Use:

According to the Ellis County Appraisal District, the subject property currently has an existing primary structure of approximately 3,528 square feet, and the proposed accessory structure has 698 square feet of air-conditioned space with a covered porch of 318 square feet, totaling 1,016 square feet. The accessory structure features an exterior façade and roof that provides a modern element to the existing home, while complimenting the characteristics of the existing home. The proposed accessory structure will be utilized as a pool house for their grandchildren so that they will not have to walk to the primary structure. The location of the proposed accessory structure meets the typical setback requirements of the City of Waxahachie Zoning Ordinance. It is also important to note that there are several existing accessory structures of comparable size within 0.5 miles of the subject property. Plumbing and electrical work are proposed for the accessory structure; however, the property owners are aware that the accessory structure shall not be separately metered. The property owners have confirmed to Staff that the structure will not be used as a dwelling or short-term rental and will not be separately sold or leased from the existing primary structure.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 12 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. Staff has received two (2) letters of support and two (2) letters of opposition.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP, subject to the conditions listed below.

Conditions:

1. The accessory structure shall not be used as an accessory dwelling or Short-Term Rental without a Specific Use Permit approved by City Council.
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 accessory structure shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Site Plan (Exhibit B)
5. Floor Plan (Exhibit C)
6. Elevations/Façade Plan (Exhibit D)

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu
Senior Planner
oanh.vu@waxahachie.com

Reviewed by:

Trenton Robertson, AICP
Senior Director of Planning
trenton.robertson@waxahachie.com

(14)

Case Number: ZDC-39-2025

City Reference: 263579

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 23, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature

4/16/25
Date

RUDY A. COVINGTON
Printed Name and Title

3343 FM 877, WAXAHACHIE
Address

Case Number: ZDC-39-2025

City Reference: 201920

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 23, 2025 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165

SUPPORT

OPPOSE

RECEIVED APR 16 2025

Comments:

This is a residential area

Patrick Kunkle
signature

April 15, 2025
Date

PATRICK KUNKLE
Printed Name and Title

2411 Ash Drive
Address

(14)

Case Number: ZDC-39-2025

City Reference: 201920

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 23, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED APR 16 2025

Comments:

Not appropriate for residential area.

Vicki Kunke
Signature

4/15/2025
Date

Vicki Kunke
Printed Name and Title

241 Ash Dr.
Address

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-39-2025

RECEIVED APR 22 2025

WALSER DAN & LORI
3359 HOWARD RD
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 29, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 5, 2025 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Robert Morgan, Robert Morgan Construction for a Specific Use Permit (SUP) for Accessory Structures exceeding 1,000 square feet in combined floor area use within a Future Development (FD) zoning district located at 3349 Howard Road (Property ID 176528) – Owner(s): Robert & Kristy Pennock (ZDC-39-2025)

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

Case Number: ZDC-39-2025

City Reference: 242726

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 23, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

It is their property, they should be able to do what they want

Dan Walser
Signature

4/18/2025
Date

Dan Walser
Printed Name and Title

3359 Howard Road
Address *Waxahachie Tx 75165*

(157)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT ACCESSORY STRUCTURES EXCEEDING 1,000 SQUARE FEET IN COMBINED FLOOR AREA USE WITHIN A FUTURE DEVELOPMENT (FD) ZONING DISTRICT, LOCATED AT 3349 HOWARD ROAD, BEING PROPERTY ID 176528, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 7 OF THE WAXAHACHIE LAKE ESTATES SECTION ONE ADDITION, 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 FD; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-39-2025. 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 FD to FD, with a SUP in order to permit Accessory Structures Exceeding 1,000 Square Feet in Combined Floor Area use on the following property: Lot 7 of the Waxahachie Lake Estates Section One Addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, the Floor Plan attached as Exhibit C, and Elevations/Façade Plan as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR ACCESSORY STRUCTURES EXCEEDING 1,000 SQUARE FEET IN COMBINED FLOOR AREA USE IN A FUTURE DEVELOPMENT (FD) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used as a short-term rental without a Specific Use Permit that has been approved by City Council.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
5. The accessory structure shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.
6. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C – Floor Plan, Exhibit D – Elevations/Façade Plan.
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 Zoning Ordinance as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Floor Plan and Exhibit D –Elevations/Façade Plan. Where regulations are not specified in Exhibits B and C, or this Zoning Ordinance, the regulations of the Future Development (FD) 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.

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Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business of 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 (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.

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 5th day of May, 2025.

MAYOR

ATTEST:

City Secretary

(15)



EXHIBIT A - LOCATION MAP

ZDC-39-2025 (SUP)

EXHIBIT D - ELEVATIONS/FACADE PLAN



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



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



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



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



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

PLAN, ELEVATION, SECTION AND FINISHES
These plans are complete and in accordance with the building code...
1. These plans are intended to provide the basic construction information...
2. The contractor is responsible for obtaining all necessary permits...
3. The contractor is responsible for providing all necessary materials...
4. The contractor is responsible for providing all necessary labor...
5. The contractor is responsible for providing all necessary equipment...
6. The contractor is responsible for providing all necessary subcontractors...
7. The contractor is responsible for providing all necessary subcontractors...
8. The contractor is responsible for providing all necessary subcontractors...
9. The contractor is responsible for providing all necessary subcontractors...
10. The contractor is responsible for providing all necessary subcontractors...

JANUARY 24TH, 2023
3349 FM 877 POOL HOUSE
LOT 7 SECTION 1
WAXAHACHIE LAKE ESTATES
WAXAHACHIE, TEXAS

TWB CUSTOM DESIGNS
4013 FM 811
WAXAHACHIE, TEXAS 75145
PHONE # 972-921-2366

PENNOCK
RESIDENCE

FISCAL PLANS

(1u)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: May 5, 2025

Re: Consider proposed Ordinance repealing Existing Chapter 31, "Taxicabs" by replacing it with Chapter 31 "Taxicabs and Limousines"

Recommended Motion: "I move to approve an ordinance repealing existing Chapter 31, "Taxicabs" by replacing it with Chapter 31 "Taxicabs and Limousines" as presented."

Item Description: Consider proposed ordinance repealing existing Chapter 31, "Taxicabs" by replacing it with Chapter 31 "Taxicabs and Limousines."

Item Summary: At the request of City Council, the Taxicabs ordinance was updated to include background checks. The City Attorney drafted the proposed ordinance to incorporate Council's request, modernize the overall language, and is available to address any specific questions City Council may have.

(16)

CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, REPEALING EXISTING CHAPTER 31, "TAXICABS," OF THE OF CITY OF WAXAHACHIE CODE OF ORDINANCES BY REPLACING IT WITH A NEW CHAPTER 31, "TAXICABS AND LIMOUSINES"; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie, Texas ("City"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, existing Chapter 31, "Taxicabs," of the Code of Ordinances is outdated and contains provisions that should be amended as a result; and

WHEREAS, Subchapter D of Chapter 215 of the Texas Local Government Code specifically authorizes home-rule municipalities to license, fix the charges and otherwise regulate vehicles for hire; and

WHEREAS, the City Council has determined that revisions to the existing taxicab regulations are in the best interest of the City and its residents.

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

SECTION 1

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

SECTION 2

From and after the effective date of this Ordinance, existing Chapter 31, "Taxicabs," is hereby repealed in its entirety and replaced with a new Chapter 31, "Taxicabs and Limousines," to read as follows:

"CHAPTER 31 TAXICABS AND LIMOUSINES

ARTICLE I. IN GENERAL

Sec. 31-1. Policy statement.

This chapter, which provides for the regulation of rates and services of vehicles for hire, promotes adequate and efficient taxicab and limousine service in the city, while protecting the public health and safety. The city intends this chapter to respect the concept of free enterprise, as well as provide for the public convenience and necessity.

Sec. 31-2. Exceptions.

This chapter does not apply to:

- (1) The transportation of a person by vehicle for hire licensed by another governmental entity from a point outside the city to a destination inside the city, if the vehicle leaves the city without receiving a passenger inside the city;
- (2) A taxicab service operated under state or federal authority, which services are not subject to the city's regulatory authority; and
- (3) Any regional transportation agency or authority created under state law, including its agents or assigns under contract, that enters into an interlocal agreement with the city to provide paratransit services to mobility-impaired residents of the city.

Sec. 31-3. Definitions.

The following definitions apply for the purposes of this chapter:

Annual permit or *permit* means permission granted by the city to a person to operate a taxicab or limousine service inside the city for a period of one (1) year, renewable under the provisions of this chapter.

Conviction means a judgment of guilt in a federal court or a court of any state, foreign nation, or political subdivision of a state or foreign nation that is not reversed, vacated, or pardoned.

Driver means an individual who drives or operates a taxicab or limousine.

Driver's permit means a permit issued to an individual by the police department authorizing that person to operate a taxicab or limousine in the city.

Holder means a person who the city has granted an annual permit under this chapter.

Legal resident means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

Limousine means a chauffeured motor vehicle for hire not equipped with a taximeter, with a manufacturer's rating for seating capacity of not more than fifteen (15) passengers, used for transportation of persons on either a regular or irregular route and with either a schedule or on an on call and demand basis.

(14)

Limousine service means the business of offering or providing transportation of persons for hire by limousine when a driver is furnished as part of the service and the service is offered on a prearranged basis, where the prearrangement occurs at least one (1) hour in advance of the time of the transportation or in accordance with a preapproved route, and includes but is not limited to a facility in the city from which the service is operated.

Operate means to drive or be in control of a taxicab or limousine.

Operator means the driver or owner of a taxicab or limousine, or the holder of a taxicab or limousine operating permit.

Owner means the person to whom state license plates for the vehicle were issued.

Person means an individual, corporation, government or governmental subdivision, or agency, trust, partnership, or two (2) or more persons having a joint or common economic interest.

Police chief means the chief of the department designated to enforce and administer this chapter and includes the chief or his designated agent.

Police department means the department designated by this chapter to enforce and administer the provisions of this chapter.

Taxicab means a chauffeured motor vehicle for hire equipped with a taximeter, with a rated passenger capacity of eight (8) or less, used to transport persons, and which typically operates on irregular routes, on irregular schedules, and on a call and demand basis, but does not include limousines as defined by this chapter.

Taxicab service means a passenger transportation service operated for hire that uses taxicabs in the operation of the service and includes but is not limited to a facility in the city from which the service is operated.

Taximeter means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges specified in the operating authority or rate ordinance which pertains to the holder.

Sec. 31-4. Cruising.

Any driver of any taxicab or limousine commits an offense by driving or cruising about the streets of the city in an effort to solicit passengers who have not previously ordered or called for a taxicab or limousine.

Sec. 31-5. Reserved.

ARTICLE II. PERMIT

Sec. 31-6. Vehicle permit required.

A person may not operate a taxicab or limousine service within the city for the pickup of passengers inside the city without first having obtained a permit from the city issued under the terms and provisions of this article.

Sec. 31-7. Permit application.

An applicant for a permit required by this article shall file with the police department a written application signed by the applicant. The application must contain the following information:

- (1) The applicant's name, address, and telephone number; the assumed name certificate under which applicant does business; the street address of the business; and, if incorporated, the name and address of the corporate officers registered with the secretary of state;
- (2) The name, local address, and local telephone number of the business for which the applicant seeks a permit;
- (3) Proof of insurance as required in section 31-11 of this article; and
- (4) A description of the business services which the applicant intends to offer, including the number and identification number of all vehicles for which the applicant seeks a permit.

Sec. 31-8. Permit terms and conditions.

A permit issued under this article:

- (1) Is an annual permit that expires twelve (12) months after the date of issuance;
- (2) Is effective for a single place of business only;
- (3) Vests no property right in the permittee except to operate a taxicab or limousine service within the city in accordance with the terms and conditions of this chapter; and
- (4) Is nontransferable and non-assignable, except that in the event of a vehicle's discontinuation in service for any reason, the owner of said vehicle may, within thirty (30) days of the discontinuation, apply to the police department for a transfer of said permit to another vehicle.

Sec. 31-9. Permit fees.

A holder of an annual permit shall pay the city a permit fee as provided below:

- (1) Two hundred fifty dollars (\$250.00) a year for each taxicab authorized to operate under the permit; or
- (2) Five hundred dollars (\$500.00) a year for a limousine service, with an additional twenty dollars (\$20.00) for each vehicle authorized to operate under the permit.

Sec. 31-10. License to be in vehicle.

- (a) The owner of a annual permit shall be supplied with a license indicating his authority to operate within the city, which shall be valid for the same time period as is the permit. The license must be carried in each vehicle in a manner so that it is readily available for inspection and review upon request.
- (b) A person commits an offense if he:
 - (1) Operates a taxicab or limousine with an expired license or with no license;
 - (2) Forges, alters, or counterfeits a license required by this section; or
 - (3) Possesses a forged, altered, or counterfeited license required by this section.
- (c) A license assigned to one (1) vehicle is not transferable to another without the consent of the police department as provided for in section 31-8.

Sec. 31-11. Insurance.

It shall be unlawful for any permittee to operate a taxicab or limousine service unless said permittee shall maintain in force during the authorized period of its operating authority the amount and character of insurance coverage for all vehicles used in such service as follows:

- (1) A five hundred thousand dollar (\$500,000.00) per occurrence combined single limit liability policy with a deductible not to exceed one thousand dollars (\$1,000.00) which shall pay on behalf of the insured named therein and any other person, as insured, using any such taxicab motor vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damage arising out of the operation of the taxicab service or the ownership, maintenance or use of such taxicab motor vehicles or motor vehicles operated for or on behalf of the permittee;
- (2) Be carried with an insurance company authorized to do business in the State of Texas;

- (3) Include a cancellation rider under which the insurance company is required to notify the city in writing not fewer than fourteen (14) days before canceling or making a material change to the insurance policy.
- (4) Provides that the city is an additional named insured;
- (5) Provides coverage for all vehicles operating under the name of the permittee whether said vehicles are owned, leased, hired or contracted and liability coverage for the drivers operating said vehicles, whether on or off duty;
- (6) Contains a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon;
- (7) The insurance policy required by this chapter shall be filed with the police chief five (5) working days prior to the time any of the vehicles operated by the permittee may be operated upon city streets; and
- (8) Prior to the time the permittee may operate any vehicles upon the streets of the city, the permittee must secure written confirmation from the city that the policy meets the requirements of this section.

Secs. 31-12—31-15. Reserved.

ARTICLE 3. TAXICAB AND LIMOUSINE DRIVER'S LICENSE

Sec. 31-16. Driver's permit required, exception.

- (a) A person may not drive a taxicab or limousine inside the city unless he has a valid driver's permit issued to him by the city under this article.
- (b) A vehicle permit holder may not employ or contract with a driver or otherwise allow a person to drive or hire a vehicle owned, controlled or operated by the vehicle permit holder unless the person has a valid driver's permit issued to him by the city under this article.

Sec. 31-17. Qualifications.

To qualify for a taxicab or limousine driver's permit, an applicant must:

- (1) Be at least nineteen (19) years of age;
- (2) Be a legal resident of the United States;
- (3) Hold a valid driver's license issued by the State of Texas;
- (4) Be able to communicate in the English language;

(16)

- (5) Not be afflicted with a physical or mental disease or disability that is likely to prevent him from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;
- (6) Not have been convicted of more than four (4) moving traffic violations arising out of separate incidents, or involved in more than two (2) automobile accidents in which it could be reasonably determined that he was at fault, within any twelve-month period during the preceding thirty-six (36) months;
- (7) Not, within ten (10) years preceding the date of the application for employment, have been finally convicted in a court of competent jurisdiction or have been subject to an order of deferred adjudication for any of the following offenses:
 - a. Driving while intoxicated; or
 - b. Driving while under the influence of drugs.
- (8) Not have been finally convicted in a court of competent jurisdiction or have been subject to an order of deferred adjudication for any of the following offenses:
 - a. Kidnapping, unlawful restraint, or smuggling of persons as described in Chapter 20 of the Texas Penal Code, as amended;
 - b. Reckless discharge of a firearm as prohibited by the Texas Penal Code, as amended;
 - c. Trafficking of persons as described in Chapter 20A of the Texas Penal Code, as amended;
 - d. Prostitution, solicitation of prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, sexual performance by a child, employment harmful to a child, the sale, distribution or display of harmful material to a child, or sexual conduct or performance by a child, all as described in Chapter 43 of the Texas Penal Code, as amended;
 - e. Aggravated assault, sexual assault, or aggravated sexual assault as described in Chapter 22 of the Texas Penal Code, as amended;
 - f. Disorderly conduct as described by Section 42.01(a)(7) or 42.01(a)(8) of the Texas Penal Code, as amended; or
 - g. Any felony or criminal offense involving moral turpitude.

Sec. 31-18. Application and fee.

To obtain a taxicab or limousine driver's permit or renewal thereof, a person must file a completed written application with the police department on a form provided for that purpose. The department shall require each application to state such information as it may consider necessary to determine whether an applicant is qualified. A processing fee of twenty dollars (\$20.00) will be charged each applicant.

Sec. 31-19. Investigation of applicant.

- (a) The police department shall investigate each applicant and compile a report concerning the applicant's qualification under this article. The department shall further obtain a copy of the applicant's motor vehicle driving record and a list of any warrants of arrest for the applicant which might be outstanding.
- (b) The department may conduct such other investigations as it considers necessary to determine whether an applicant for a taxicab or limousine driver's permit is qualified.

Sec. 31-20. Issuance and denial.

If the police department determines an applicant is qualified, a permit shall be issued to the applicant.

- (a) An application for a taxicab or limousine driver's license may be denied if the applicant:
 - 1. Is not qualified under this article; or
 - 2. Makes a false statement of a material fact in the application for a taxicab or limousine driver's permit.
- (b) If it is determined that a permit should be denied the applicant, the police department shall notify the applicant in writing that his application is denied and include in the notice reason for denial and a statement informing the applicant of his right to appeal under section 31-24 herein.

Sec. 31-21. Voidance of permit upon suspension or revocation of state driver's license.

If a permittee's state driver's license is suspended or revoked by the state, his city taxicab or limousine driver's permit automatically will become void. A permittee shall notify the police department and the holder for whom he drives within three (3) days of a suspension or revocation of his driver's license by the State of Texas and shall immediately surrender his driver's permit to the police department.

Sec. 31-22. Display of permit.

When operating a taxicab or limousine the driver shall at all times conspicuously display his permit in a manner where it may be readily observed by any passenger. A taxicab or limousine driver shall allow any peace officer to examine his driver's permit upon request.

- (a) If the police chief determines that a permittee has failed to comply with a regulation established by this chapter, the chief may suspend the taxicab or limousine driver's permit for a definite period of time not to exceed sixty (60) days.
- (b) If at any time the police chief determines that a permittee is not qualified to possess a permit, the chief shall suspend the taxicab or limousine driver's license until such time as it is determined that the permittee is qualified.
- (c) The permittee whose taxicab or limousine driver's permit is suspended or revoked shall not drive a taxicab or limousine for hire inside the city during that time.
- (d) While operating a taxicab for hire, a driver shall prominently display the rate card or sticker inside the taxicab in a manner approved by the police department so that it can be easily read by passengers sitting in the vehicle.

Sec. 31-23. Appeal.

- (a) A person may appeal a denial, suspension or revocation of a permit under this chapter if he requests an appeal in writing, delivered to the city manager within ten (10) days after notice of the appealed action is received.
- (b) The city manager or his designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument in his behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make his ruling on a basis of a preponderance of the evidence presented at the hearing.
- (c) The hearing officer may affirm, modify, or reverse all or part of the order being appealed. The decision of the hearing officer shall be final.

Sec. 31-24. Falsifying of a permit.

A person commits an offense if he:

- (1) Forges, alters, or counterfeits a taxicab or limousine driver's permit or other document required by law; or
- (2) Possesses a forged, altered, or counterfeited taxicab or limousine driver's permit or other document required by law.

(16)

An individual issued a driver's permit under this chapter shall maintain a current mailing address on file with the police department. The permittee shall notify the police department of any change in his mailing address within five (5) days of the change.

Secs. 31-25—31-29. Reserved.”

SECTION 3

This Ordinance shall be cumulative of all other ordinances of the City of Waxahachie and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4

If any section, chapter, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THIS 5TH DAY OF MAY, 2025.

Billie Wallace, Mayor

ATTEST:

Amber Villarreal, City Secretary

(17)



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Executive Director of Parks & Leisure Services
Thru: Michael Scott, City Manager *[Signature]*
Date: May 5, 2025
Re: Consider Closing Lake Parks During Summer Holiday Weekends

Recommended Motion: "I move to approve the closing of Boat Dock Park, Jetty Park, and Spring Park May 23, 2025 – May 26, 2025, July 4, 2025 – July 6, 2025, and August 29, 2025 – September 1, 2025."

Item Description: Close all lake parks for Memorial Day Weekend (May 23, 2025 – May 26, 2025), July 4th Weekend (July 4, 2025 – July 6, 2025), and Labor Day Weekend (August 29, 2025 – September 1, 2025) due to safety concerns and operational challenges.

Item Summary: During holiday weekends, the lake parks become overcrowded, leading to unsafe conditions, verbal/physical altercations, parking issues, and significant litter accumulation. These situations have generated numerous complaints from Waxahachie residents. The Waxahachie Police Department has also expressed concerns about the inability to manage the large crowds and maintain public safety.

After thorough consideration, staff feel that closing the lake parks for the summer holiday weekends is the most effective solution. Last year, members of the Council and Waxahachie Community Development Corporation supported closing the lake parks for Labor Day Weekend. This action would help prevent accidents and altercations, as well as minimize the impact to the local residents during peak holiday usage. Moreover, it would alleviate the operational strain on city staff and law enforcement, who would otherwise be managing the large crowds and dealing with the aftermath of the holiday weekend.

Fiscal Impact: Closing the lake parks for these holiday weekends is expected to save an estimated \$19,500 in additional staffing costs.



Memorandum

To: Honorable Mayor and City Council

From: Kumar Gali, Senior Director of Utilities

Thru: Michael Scott, City Manager *MS*

Date: May 5, 2025

Re: Consider Contract for Replacement of Cranes at Jefferson Lift Station

Motion: "I move to approve a contract with Staples Construction Company, Inc. in the amount of \$227,675 and an additional contingency of \$20,000 for the replacement of two steel structures and hoist cranes at Jefferson Lift Station and authorize the City Manager to execute all the necessary documents."

Item Description: Consider approval of a contract in the amount of \$227,675 and an additional contingency of \$20,000 with Staples Construction Company, Inc. through the Sourcewell cooperative purchasing program for the replacement of two steel structures and hoist cranes at Jefferson Lift Station.

Item Summary: Jefferson Lift Station is one of the largest lift stations of the City's wastewater collection system and houses seven large pumps that pump the City's wastewater flows into the Howard Road Wastewater Treatment Plant. The current crane and steel support structure providing access to Pumps No.1 through No.5 has exceeded its service life and the crane and steel support structure for Pumps No.8 and No.9 was damaged from a recent grass fire. To ensure continued accessibility for maintenance of the seven pumps, staff proposes replacement of two steel structures and hoist cranes at the lift station. The scope of the agreement includes all necessary materials, labor, and equipment required for the installation of the new steel structures and hoist cranes.

(18)

Fiscal Impact: The replacement of the steel structures and hoist cranes is an approved project in the Utility Department's FY 2025 Operations and Maintenance Budget for \$300,000. The contract with Stapples Construction Company is \$227,675 and staff is requesting a construction contingency of \$20,000, for a total of \$247,675.

(19)



Memorandum

To: Honorable Mayor and City Council
From: Kumar Gali, Senior Director of Utilities
Thru: Michael Scott, City Manager 
Date: May 5, 2025
Re: Consider Professional Services Agreement for Northeast Trunk Sewer Expansion Project

Motion: "I move to approve a professional services agreement in the amount of \$1,900,000 with Halff Associates for the design services of the first three phases of the Northeast Trunk Sewer Expansion project and authorize the City Manager to execute all necessary documents."

Item Description: Consider approval of a professional services agreement with Halff Associates for the design services associated with the first three phases of the Northeast Trunk Sewer Expansion project.

Item Summary: This project consists of design and engineering of wastewater infrastructure improvements from Jefferson Lift Station to Grove Creek Lift Station to provide additional wastewater capacity for future growth and development in Grove Creek, Cole Creek and Lower Mustang Creek wastewater basins. The professional services agreement includes survey, engineering, right-of-way acquisitions, and bidding phase services for the proposed 48-inch parallel wastewater interceptor from the Jefferson Street Lift Station to intersection of Parks School House Road and Whitewater Drive.

Fiscal Impact: This project is an approved Capital Improvement Project and the \$1,900,000 design services agreement will be funded through the 2023 and 2024 Wastewater Bond Sales.

(20)



Memorandum

To: Honorable Mayor and City Council

From: Kumar Gali, Senior Director of Utilities

Thru: Michael Scott, City Manager

Date: May 5, 2025

Re: Consider Contract for Replacement of Outdoor Lighting at Howard Road
Wastewater Treatment Plant

Motion: "I move to approve a contract with Facility Solutions Group, Inc. in the amount of \$125,189 for the replacement of outdoor lighting infrastructure at the Howard Road Wastewater Treatment Plant and authorize the City Manager to execute all the necessary documents."

Item Description: Consider approval of a contract with Facility Solutions Group, Inc. for \$125,189 through The Interlocal Purchasing System (TIPS) cooperative purchasing program for the replacement of outdoor lighting poles and fixtures at the wastewater treatment plant.

Item Summary: The outdoor lighting infrastructure at the Wastewater Treatment Plant was installed in 2005 and has deteriorated due to age. Staff recommends replacing 53 existing light poles and fixtures at the plant to enhance the safety of personnel working in operational areas, particularly during night shifts and low-light conditions. The scope of the agreement includes all materials, labor, and equipment necessary to replace the 53 existing light poles and fixtures.

Fiscal Impact: The replacement of the outdoor lighting infrastructure is an approved project in the FY 2025 Wastewater Treatment Operations and Maintenance budget for the amount of \$100,000. The additional \$25,189 will be funded from the \$72,325 savings realized from the purchase of Jefferson Lift Station cranes included in FY 2025 Wastewater Treatment Operations and Maintenance budget.