Pursuant to Section 551 of the Texas Government Code, notice is hereby given of a Works Session and Regular Meeting of the Hutchins City Council to be held on Monday, July 17, 2023, with Work Session beginning at 5:00 p.m. and the Regular Meeting beginning at 6:30 p.m. at the Hutchins City Hall - Council Chamber located at 321 N. Main Street, Hutchins, Texas, at which time the following items will be discussed and considered:

Notice is hereby given that one or more council members may participate remotely and a quorum of the governing body and the presiding officer will be present at the above-named location in compliance with the Texas Open Meetings Act.

As authorized by Section 551.071 of the Texas Government Code, the city council reserves the right to convene in Executive Session for the purpose of seeking confidential legal advice from the city attorney on any agenda item listed herein.

Meeting hosted through RingCentral
To access the meeting via video conference click the link below:
https://meetings.ringcentral.com/j/1480595601
To access the meeting via telephone:
Dial: (469) 445-0100 (US South)
Meeting ID: 148 059 5601

WORK SESSION - 5:00 p.m.
A. Animal Shelter Update - Seagoville-SPCA
   Presented by: Steve Perry, Police Chief
B. Budget Work Session#1
   Presented by: William Wooten, Finance Director

REGULAR SESSION
A. CALL TO ORDER: The Mayor will call the meeting order and declare a quorum.
   1. Roll Call
   2. Invocation
   3. Pledge of Allegiance
B. CITIZEN COMMENTS - This agenda item provides an opportunity for citizens to address the City
Council on any matter that is not posted on the agenda. Anyone wishing to address the City Council should complete a Citizen Comments Form and submit it to the City Secretary prior to the start of the City Council meeting. There is a three (3) minute time limit for each citizen to speak. However, in accordance with the Texas Open Meetings Act, the City Council cannot discuss issues raised or make any decision at this time.

C. CONSENT AGENDA - All items presented in the Consent Agenda require no deliberation by the Council. Each Council member has the opportunity of removing an item from this agenda so that it may be considered separately.

D. PRESENTATIONS

E. PUBLIC HEARINGS

1. Conduct a public hearing, discuss a request by Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources LLC) for a zone change from Highway Commercial (HC) to Heavy Industrial (HI) in the U Wuthrick Abstract 1518 pg 030 Tract 1, a 184.14 tract of land commonly addressed as 1001 S IH 20.
   
   Presented by: Tim Rawlings, Building Official

2. Conduct a public hearing, discuss a request by Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources for a SUP request for a "Concrete or Asphalt Batching Plant (Permanent)" in the Heavy Industrial District (HC) in the U Wuthrick Abstract 1518 pg 030 Tract 1, 184.14 tract of land commonly addressed as 1001 S IH 20
   
   Presented by: Tim Rawlings, Building Official

3. Conduct a public hearing, discuss a request by John Richardson with Zion Chapel Church/Zion Kidz Academy for a Specific Use Permit (SUP) for a "Child Care Center/ Day Care Center" in the Single Family Residential 8,500 (SF-8.5) District, Lot 6B Block 6, 0.5062 tract of land commonly addressed as 122 Franklin St.
   
   Presented by: Tim Rawlings, Building Official

F. REGULAR AGENDA

1. Discuss and consider Ordinance 2023-1172 OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS; APPROVING A CHANGE IN ZONING FROM HIGHWAY COMMERCIAL (HC) TO HEAVY INDUSTRIAL (HI) ON ±184.14 ACRE TRACT OF LAND SITUATED IN THE U. WUTHRICK SURVEY, ABSTRACT NO. 1518, LOCATED NORTH OF I-45 ADDRESSED AS 1001 S. IH20 CITY OF HUTCHINS, DALLAS COUNTY, TEXAS.
   
   Presented by: Tim Rawlings, Building Official

2. Discuss and consider Ordinance 2023-1173 OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT ("SUP") TO ALLOW A CONCRETE BATCHING PLANT (PERMANENT) ON LAND ZONED HEAVY INDUSTRIAL ("HI"), CONSISTING OF ±184.14 ACRES OF LAND, SITUATED IN THE U. WUTHRICK SURVEY, ABSTRACT NO. 1518, LOCATED AT 1001 S. IH20, CITY OF HUTCHINS, DALLAS COUNTY, TEXAS
   
   Presented by: Tim Rawlings, Building Official

3. Discuss and consider Ordinance 2023-1174 THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT ("SUP") TO ALLOW A CHILD CARE CENTER/DAYCARE FACILITY ON LAND ZONED SINGLE FAMILY RESIDENTIAL 8.5 ("SF-8.5") CONSISTING OF ±0.51 ACRES OF LAND, LOCATED IN SUBDIVISION 8, DIVISION NO. 6, OF HUTCHINS ACREAGE ADDITION, AN UNRECORDED SUBDIVISION SITUATED IN THE J. WAMPLER SURVEY, ABSTRACT NO. 1538, DALLAS COUNTY, TEXAS, COMMONLY ADDRESSED AS 122 FRANKLIN ST.
4. Discuss and consider Resolution R2023-1122 OF THE CITY OF HUTCHINS, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HUTCHINS FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

Presented by: Cynthia Olguin, City Secretary

5. Discuss and consider Resolution R2023-1123 OF THE CITY OF HUTCHINS, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE ASSOCIATE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HUTCHINS FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

Presented by: Cynthia Olguin, City Secretary

6. Presentation regarding the work and happenings of the Hutchins Municipal Court of Record.

Presented by: Cass Calloway

7. Discuss and consider Timberhill Impact Fee Challenge.

Presented by: Robert McWayne, Interim Director of Public Works

8. Discuss and consider Resolution R2023-1124 OF THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS, AUTHORIZING THE MAYOR TO ADVISE THE DALLAS DISTRICT OF THE TEXAS DEPARTMENT OF TRANSPORTATION OF THE CITY’S DECISION TO EITHER PURCHASE OR WAIVE ITS PRIORITY RIGHT TO PURCHASE THE STATE-OWNED PROPERTY LOCATED AT IH 45 AND EAST PALESTINE STREET, HUTCHINS, DALLAS COUNTY, TEXAS, CONSISTING OF ±0.1262 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Presented by: Robert McWayne, Interim Director of Public Works

G. EXECUTIVE SESSION

1. Texas Government Code, Section 551.074: Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Municipal Court Judge and Associate Municipal Court Judge

2. Texas Government Code Section 551.072 Deliberation regarding Real Property: Discuss property located at 400 N. JJ Lemmon Rd.

H. RECONVENE INTO REGULAR SESSION

1. Take any action as a result of Executive Session.

I. ITEMS OF COMMUNITY INTEREST

1. Atwell Public Library Board meeting, July 18, 2023, at 6:30 p.m. at Atwell Public Library, 300 N. Denton St., Hutchins, TX 75141.

2. Planning and Zoning Commission meeting, July 20, 2023, at 6:00 p.m. at Hutchins City Hall - Council Chamber, 321 N. Main St., Hutchins, TX 75141.

3. Neighborhood Crime Watch meeting, July 20, 2023, at 6:30 p.m. - Public Safety Building Training Room, 551 W. Palestine, Hutchins, TX.

4. Mobile Shred Event rescheduled for Saturday, July 29, 2023, 9 am - 11 pm at City Hall back parking lot.

5. Hutchins Citizens Police Academy is accepting applications for their next session kicking off on August 3, 2023, at the Public Safety Building 551 W. Palestine, Hutchins, TX.

6. Parks and Recreation Board meeting, August 8, 2023, at 6:30 p.m. at Hutchins City Hall - Council Chamber, 321 N. Main St., Hutchins, TX 75141.
7. City Council Meeting, Monday, August 7, 2023, at 6:30 p.m. at the Hutchins City Hall - Council Chamber, 321 N. Main St., Hutchins, TX 75141.

J. ADJOURNMENT

CERTIFICATION

I certify that a copy of the July 17, 2023, agenda of items to be considered by the Hutchins City Council was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website www.cityofhutchins.org, in accordance with Chapter 551 of the Texas Government Code. Posted on July 14, 2023, before 6:30 p.m.

Cynthia Olguin
City Secretary
Seagoville Animal Shelter update:

1. Seagoville plans to begin construction later this year and expects their animal shelter to be complete in late 2024 early 2025.

2. Facility size, approximately 6000 sq ft.

3. Open to contracting services to the City of Hutchins.
   a. Per animal basis
   b. Medical
   c. Provide a fulltime shelter attendant
Founded in 1938, SPCA of Texas is the most comprehensive and longest-serving animal welfare agency in North Texas. Our mission is to provide every animal exceptional care and a loving home.
MEETING DATE: July 17, 2023  
SUBMITTED BY: Tim Rawlings, Building Official  
AGENDA ITEM: E.1.  
AGENDA CAPTION: Conduct a public hearing, discuss a request by Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources LLC) for a zone change from Highway Commercial (HC) to Heavy Industrial (HI) in the U Wuthrick Abstract 1518 pg 030 Tract 1, a 184.14 tract of land commonly addressed as 1001 S IH 20.

Background Information

Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources LLC) has requested a change in the zoning for the property located north of I-45 addressed as 1001 I-20 from Highway Commercial (HC) to Heavy Industrial (HI). The only access to this property is via a TexDot access easement under I-20 from Langdon Road with no on or off ramps from I-20 and no plans for any in the future. There is currently a Specific Use Permit (SUP) in place on the property allowing for the operation of a concrete crushing facility. If the zone change is granted Mr. Luttrell intends to request a Specific Use Permit (SUP) for a permanent concrete batch plant.

On Thursday, May 25, 2023, the Hutchins Planning and Zoning Commission conducted a public hearing. At the meeting there were no members of the public to speak and Mr. Luttrell represented the applicants. After the public hearing was closed, Commissioners deliberated and voted 4-0 in favor of forwarding a recommendation of approval of the zone change from Highway Commercial (HC) to Heavy Industrial (HI) to the Council.

Budget Implications

N/A

Operational Impact

N/A

Legal Review

Yes

Staff Recommendation
Staff recommends Council review and consider appropriate action. Should the Council choose to approve the zone change, the change would be harmonious with the concrete crushing plant SUP currently on the property.

**Supporting Documentation and Attachments**

1. doc02966720230712133219 (1)
2. 184 ACRE LEGAL DESCRIPT
3. 184 acre survey (1)
4. HI District Regulations
LEGAL DESCRIPTION

Being an approximate 184.14 acre tract of land situated in the U. Wuthrick Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas and being part of a tract of land conveyed to Diann Tessman Slaton by Gift Warranty Deed recorded on October 17, 1996, said tract described in deed to Montell O. Tessman recorded in 'v'üiuifle 94 i 19, Page 4690, Deed Records uf Daiias vouniy, Texas, and being more particularly described as follows:

BEGINNING at a point at the intersection of the northwest line of Interstate Highway 20 (LBJ Freeway, a variable width right of way) with the northeast line of the H&T CD Railroad right of way (a 00 foot right of way);

THENCE, N 26°37' 14" W with the northeast line of the said Railroad, a distance of 716.00 feet to a point for a corner, said point being the northwest corner of the said Tessman tract;

THENCE, N 59°33'05" E, with the northwest line of the said Tessman tract. a distance of 9.916.67 feet to a point for a corner in the west bank of the Trinity River said point bang the northeast corner of the said Tessman tract;

THENCE, Southwesterly and Southerly, with the meanders of the west bank of the Trinity River, a distance of approximately 1,675 feet to a point for a corner in the northwest line of Interstate Highway

THENCE, the following courses and distances with the northwest line of Interstate Highway 20 S 73°31' 08" W, a distance of 291.15 feet to an angle point; S 66°10'26" W, a distance of 1 ,377.19 feet to an angle point: S 62°39'45" W, a distance of 1,171.31 feet to an angle point; S 60°00'02" W, a distance of 250.00 feet to an angle point; S 50° 16'08" W, a distance of 404.47 feet to an angle point; S 58°47'59" W, a distance of 450.00 feet to an angle point S 54°02' 10" W, a distance of 301.04 feet to an angle point;

S 63°56'33" W, a distance of 502.02 feet to an angle point; S 58°47'59" W, a distance of 1,500.00 feet to an angle point:
S 71°47'59" W, a distance of 511.62 feet to an angle point;
S 64°15'47" W, a distance of 616.11 feet to the Point of Beginning.

NOTE: THIS LEGAL DESCRIPTION AND DRAWING PREPARED FROM DEED INFORMATION ONLY AND NOT AN ON THE GROUND SURVEY AND MAY NOT ACCURATE REPRESENT THE PROPERTY THE BEARING BASIS FOR THIS DESCRIPTION 'S THE NORTHWEST LINE OF INTERSTATE HIGHWAY 20 AS SHOWN ON THE ROW STRIP MAP FOR THE HIGHWAY.

Prepared On July 24, 2003
29HI – HEAVY INDUSTRIAL DISTRICT.

29.1 GENERAL PURPOSE AND DESCRIPTION:
The HI, Heavy Industrial, district is intended primarily for the conduct of manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

29.2 PERMITTED USES:
A. The following uses are permitted in the Heavy Industrial district, provided that such manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, as further defined by the Performance Standards (Section 38), at that point, and provided that such use does not create fire or safety hazards on surrounding property.
   1. Those uses specified in Section 32 (Use Charts).
   2. Such uses as may be allowed by Specific Use Permits, Section 31.

29.3 HEIGHT REGULATIONS:
A. Maximum Height:
   1. Occupied structures/buildings - Three (3) stories or forty-five feet (45'), but limited to a maximum height of thirty-five feet (35') on any portion of the site that is within two hundred feet (200') of any residentially zoned property (i.e., A, SF-10, SF-8.5, SF-7, SF-PH, D, SFA, MF or MH), and a maximum height of one (1) story within sixty feet (60') of residential.

   2. Unoccupied structures (e.g., private grain silos, private water towers/utility structures, communications antennae, etc.) - Sixty feet (60'); Where any structure over thirty-five feet (35') in height is to be constructed on a site that is adjacent to a residential zoning district (A, SF-10, SF-8.5, SF-7, SF-PH, D, SFA, MF or MH), additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one (1) additional foot for each foot that such structures exceed thirty-five feet (35'). (Also see Section 37.6 for communications antennae and support structures/towers.)

   3. One (1) story for accessory buildings.
   4. Other (Section 37.5).
29.4 AREA REGULATIONS:

A. Size of Lot:
   1. Minimum Lot Area - Twenty thousand (20,000) square feet
   2. Minimum Lot Width - One hundred feet (100')
   3. Minimum Lot Depth - Two hundred feet (200')

B. Size of Yards:
   1. Minimum Front Yard - Fifty feet (50'); all yards adjacent to a street shall be considered a front yard.
   2. Minimum Side Yard - Twenty-five feet (25')
   3. Minimum Rear Yard - Twenty-five feet (25')
   4. Adjacent to a Residential District - The side or rear setback, whichever is adjacent to a residential zoning district, shall observe a sixty-foot (60') setback for any occupied building that is over one (1) story in height, and a two-hundred-foot (200') setback for occupied buildings over two (2) stories or thirty-five feet (35') in height.

C. Maximum Lot Coverage: Sixty-five percent (65%), including accessory buildings.

29.5 SPECIAL REQUIREMENTS:

A. Site Plan Review - Review and approval of a site plan (in accordance with Section 12) shall be required for any tract/lot within the HI district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City.

B. Parking Requirements - As established by Section 33, Off-Street Parking and Loading Requirements.

C. All buildings and walls shall have at least eighty percent (80%) masonry exterior construction, exclusive of doors and windows. Glass block may be counted as masonry for the purposes of this Section; stucco may be allowed with Site Plan approval (see Section 12).

D. For landscaping requirements, see Section 34.

E. For signage requirements, see the City’s Sign Ordinance (Ordinance No. 486).

F. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

G. No permanent use of temporary buildings.

H. Other Regulations: As established in the Development Standards, Sections 33 through 41.
Background Information

Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources LLC) has requested a Specific Use Permit (SUP) for the operation of a Concrete or Asphalt Batching Plant (Permanent) on the property located at 1001 I-20. This property is located on the north side of I-20 and is accessible only by an access easement that has been granted by TexDot from Langdon Road that goes under the I-20 overpass. The property currently has a SUP for the operation of a concrete crushing operation.

Due to concerns about increased truck traffic in the area as well as the Union Pacific rail crossing. If the SUP is granted, a traffic impact analysis may be required to determine if any roadway improvements or traffic control devices will be required.

On Thursday, May 25, 2023, the Hutchins Planning and Zoning Commission conducted a public hearing. At the meeting there were no members of the public to speak and Mr. Luttrell represented the applicants. After the public hearing was closed, Commissioners deliberated and voted 4-0 in favor of forwarding a recommendation of approval of the Specific Use Permit (SUP) for the operation of a Concrete or Asphalt Batching Plant (Permanent) to the Council.

Budget Implications

N/A

Operational Impact

N/A

Legal Review

Yes

Staff Recommendation
Should the Council choose to approve the SUP allowing for the operation of a Concrete or Asphalt Batching Plant (Permanent), the use would be harmonious with the concrete crushing plant SUP currently on the property and, the location of the property on the north side of I-20 is a better location for this type use. Staff recommends Council review and consider appropriate action.

Supporting Documentation and Attachments

1. Location
2. Request for batching plant SUP April 2023
3. 184 ACRE LEGAL DESCRIPT
4. 184 acre survey (1)
5. HI District Regulations
REASONS FOR REQUESTING SUP FOR BATCHING REQUEST

- Property is located north of I-20 next to the McCommas Bluff Landfill, the second largest landfill in Texas and the seventh largest in the United States.
  - Few businesses are willing to located next to a landfill.
  - The ability of the owners and the city to realize the potential use of the property is very limited.
  - There appears to be no residents of Hutchins within almost a mile of the proposed SUP.
  - Some of the property is located in the floodplain and is within protected wetlands.

- Property is only accessible by a private road owned and maintained by the owners and tenants. This includes a right of passage under 4 I-20 overpasses.
  - McCommas Bluff Landfill is adjacent to the north.
  - The Trinity River and government owned property is located to the east.
  - The Union Pacific railroad track is to the west. There is no way physical way to go over or under the railroad track due to the 4% grade and height requirement of Union Pacific.
  - I-20 is located to the south.

- The property is the only property, beside the junkyard to the west, that is inside the city limits of Hutchins and north of I-20. In other words, a lot of citizens don’t even realize it is inside the city limits of Hutchins. It doesn’t appear that Hutchins recognizes itself as being north of I-20. It is basically less than .004% of the land located inside the City of Hutchins.
• The only business located on the property is a rock crushing facility ran by Arcosa.

• The owners gave up previous SUP’s on the property that were for sand and gravel mining, heavy equipment and truck parking and landscaping / mulching. These were all forfeited at the request of the City of Hutchins. The City of Hutchins required proper documentation and work at the closure of the sand and gravel mining and backfilling. All required data was supplied to the city in a timely fashion.

• The new SUP will complement the current rock crushing SUP on the property. This will:
  o Create additional revenues to the city via sales tax revenues and tangible property taxes.
  o Zoning is designed to help create the best possible usage of the land.
  o The access to the property is via a private road that was built and wholly maintained by the property owners and their tenants at no expense to the city.
  o The TCEQ restricts operations and maintains regular inspection of any such operators. Government regulations oversees these operations for the protection of all citizens.
LEGAL DESCRIPTION

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$ 63°56'33" W, a distance of 502.02 feet to an angle point;
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Prepared On July 24, 2003

PROPERTY SKETCH FOR SUP
29HI – HEAVY INDUSTRIAL DISTRICT.

29.1 GENERAL PURPOSE AND DESCRIPTION:
The HI, Heavy Industrial, district is intended primarily for the conduct of manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

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A. The following uses are permitted in the Heavy Industrial district, provided that such manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, as further defined by the Performance Standards (Section 38), at that point, and provided that such use does not create fire or safety hazards on surrounding property.
   1. Those uses specified in Section 32 (Use Charts).
   2. Such uses as may be allowed by Specific Use Permits, Section 31.

29.3 HEIGHT REGULATIONS:
A. Maximum Height:
   1. Occupied structures/buildings - Three (3) stories or forty-five feet (45'), but limited to a maximum height of thirty-five feet (35') on any portion of the site that is within two hundred feet (200') of any residentially zoned property (i.e., A, SF-10, SF-8.5, SF-7, SF-PH, D, SFA, MF or MH), and a maximum height of one (1) story within sixty feet (60') of residential.
   2. Unoccupied structures (e.g., private grain silos, private water towers/utility structures, communications antennae, etc.) - Sixty feet (60'); Where any structure over thirty-five feet (35') in height is to be constructed on a site that is adjacent to a residential zoning district (A, SF-10, SF-8.5, SF-7, SF-PH, D, SFA, MF or MH), additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one (1) additional foot for each foot that such structures exceed thirty-five feet (35'). (Also see Section 37.6 for communications antennae and support structures/towers.)
   3. One (1) story for accessory buildings.
   4. Other (Section 37.5).
29.4 AREA REGULATIONS:

A. Size of Lot:
   1. Minimum Lot Area - Twenty thousand (20,000) square feet
   2. Minimum Lot Width - One hundred feet (100')
   3. Minimum Lot Depth - Two hundred feet (200')

B. Size of Yards:
   1. Minimum Front Yard - Fifty feet (50'); all yards adjacent to a street shall be considered a front yard.
   2. Minimum Side Yard - Twenty-five feet (25')
   3. Minimum Rear Yard - Twenty-five feet (25')
   4. Adjacent to a Residential District - The side or rear setback, whichever is adjacent to a residential zoning district, shall observe a sixty-foot (60') setback for any occupied building that is over one (1) story in height, and a two-hundred-foot (200') setback for occupied buildings over two (2) stories or thirty-five feet (35') in height.

C. Maximum Lot Coverage: Sixty-five percent (65%), including accessory buildings.

29.5 SPECIAL REQUIREMENTS:

A. Site Plan Review - Review and approval of a site plan (in accordance with Section 12) shall be required for any tract/lot within the HI district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City.

B. Parking Requirements - As established by Section 33, Off-Street Parking and Loading Requirements.

C. All buildings and walls shall have at least eighty percent (80%) masonry exterior construction, exclusive of doors and windows. Glass block may be counted as masonry for the purposes of this Section; stucco may be allowed with Site Plan approval (see Section 12).

D. For landscaping requirements, see Section 34.

E. For signage requirements, see the City’s Sign Ordinance (Ordinance No. 486).

F. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

G. No permanent use of temporary buildings.

H. Other Regulations: As established in the Development Standards, Sections 33 through 41.
MEETING DATE: July 17, 2023
SUBMITTED BY: Tim Rawlings, Building Official
AGENDA ITEM: E.3.
AGENDA CAPTION: Conduct a public hearing, discuss a request by John Richardson with Zion Chapel Church/Zion Kidz Academy for a Specific Use Permit (SUP) for a "Child Care Center/ Day Care Center" in the Single Family Residential 8,500 (SF-8.5) District, Lot 6B Block 6, 0.5062 tract of land commonly addressed as 122 Franklin St.

Background Information
John Richardson, with Zion Chapel Church/Zion Kidz Academy has made a request for a Specific Use Permit (SUP) to allow a "Child Care Center/ Day Care Center" in the Single Family Residential 8,500 (SF-8.5) District.

Day care centers are permitted in residential zoning districts by SUP only. Zion Chapel currently operates a facility in Lancaster and has identified a need for child care in Hutchins. Mr. Richardson has had several meetings with staff to determine everything that will be required to operate a child care facility here. If granted emergency exits will be required in each classroom.

On Thursday, May 25, 2023, the Hutchins Planning and Zoning Commission conducted a public hearing. At the meeting there were no members of the public to speak and Mr. Richardson represented the applicant. After the public hearing was closed, Commissioners deliberated and voted 4-0 in favor of forwarding a recommendation of approval of the Specific Use Permit (SUP) for the operation of a "Child Care Center/ Day Care Center" in the Single Family Residential 8,500 (SF-8.5) District to the Council.

Budget Implications
N/A

Operational Impact
N/A

Legal Review
Yes

Staff Recommendation
Staff recommends Council review and consider appropriate action.
Supporting Documentation and Attachments

1. Location
2. Franklin St SUP Letter
3. Franklin Legal
4. 122 Franklin Site Plan
5. 122 Franklin Survey
To Joseph Matthews
Hutchins City Hall
321 N. Main Street
Hutchins, TX 75141
www.cityofhutchins.org

Zion Chapel Primitive Baptist Church and Zion Kidz Academy and Learning Center is requesting a specific Use Permit (SUP) for the tenants' use of church and child care center. The subject property is located at 122 Franklin St., Hutchins, TX and is currently zoned Single-Family Residential-8.5 (SF-8.5)

Zion Chapel Primitive Baptist Church and Zion Kidz Academy and Learning Center
Is a 104 year old church family that services the community with opportunities to worship weekly and educate it's congregants in developing their faith, our early child Learning and Development Center has been in operation since 2012 providing students from Infants to age 12 with training that equips them to succeed in life. We are a State Licensed Child Care Center # 1404488 with Texas Health and Human Services, our hours of operation is 6: AM to 6:PM, M-F. Zion Chapel Church alone with Zion Kidz Academy plans to employe 12 people during our operation.

As we anticipate the opening and operating of The Zion Chapel Church and Zion Kidz Academy from 122 Franklin Str, Hutchins, TX. We will work with the City and Community for the betterment of all of us. We are coordinating and operating Franklin as a second worship and service site to our Lancaster campus location 1004 N. Jefferson Lancaster 75146 Zion Chapel Primitive Baptist Church. If you have any questions please feel free to reach out to me at 214 403 6482 cell 972 218 9789 email zionkidzl22@gmail.com

New Land... New Levels... No Limits!!!

John A. Richardson Sr. Pastor
214-403-6482 cell Church Line 972 218 9789

Myyon Hardeman
Myyon Hardeman
Executive Administrative Assistant
214-669-1373 cell
EXHIBIT "A"

Being in Subdivision 8, Division No. 6, of HUTCHINS ACREAGE ADDITION, an unrecorded subdivision situated in the J. Wampler Survey, Abstract No. 1538, Dallas County, Texas, same being a tract of land conveyed to Keyland Investment, L.P., by deed recorded in Volume 2002128, Page 11226, Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a mag nail set for corner, said corner being the intersection of the Northeast line of Franklin Street (50 foot right-of-way) and the Southeast line of W. Hickman Street (100 foot right-of-way), and being the beginning of a non-tangent curve turning to the right, with a radius of 805.00 feet, a delta angle of 09 degrees 13 minutes 10 seconds, a chord bearing of North 45 degrees 04 minutes 28 seconds East, and a chord length of 129.39 feet;

THENCE along said curve to the right, along the said Southeast line of W. Hickman Street, an arc length of 129.53 feet to a 5/8 iron rod found for corner, said corner being the West corner of Lot 6B, Block 6, of Hutchins Acreage, Division 6, according to the Plat thereof recorded in Instrument Number 20070263324, Map Records of Dallas County, Texas;

THENCE South 29 degrees 57 minutes 10 seconds East, along the Southwest line of said Lot 6B, Block 6, of said Hutchins Acreage, Division 6, a distance of 191.43 feet to an "X" set for corner, said corner being the North corner of a tract (referred to as Tract 2) of land conveyed to Renuka Investments LLC, a Texas Limited Liability Company, by deed recorded in Instrument Number 202200289070, Official Public Records of Dallas County, Texas, from which a 3/8 inch iron rod found at the East corner of said Renuka Investments LLC tract (Tract 2), bears South 29 degrees 57 minutes 10 seconds East a distance of 134.29 feet for witness;

THENCE South 60 degrees 02 minutes 50 seconds West, along the Northwest line of said Renuka Investments LLC tract (Tract 2), a distance of 125.00 feet to a mag nail set for corner, said corner being the West corner of said Renuka Investments LLC tract, and lying on the aforementioned Northeast line of said Franklin Street, from which a 3/8 inch iron rod found bears South 32 degrees 02 minutes 24 seconds West a distance of 0.86 feet for witness;

THENCE North 29 degrees 57 minutes 10 seconds West, along the said Northeast line of Franklin Street, a distance of 158.00 feet to the POINT OF BEGINNING and containing 22,064 square feet or 0.51 acres of land.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.
122 Franklin Street

Being In Subdivision B, Lot No. 12, OF HUTCHINSON ACREAGE ADDITION, an unrecorded subdivision platted in the J. Thompson Survey, Abstract No. 1358, Delta County, Texas, other than being a front of approximately 92.50 feet on the western property line of the above described real property, and being more particularly described by marks and bounds as follows:

BEGINNING at a rag nail set for corner, said corner being the intersection of the Northeast line of Franklin Street (old right-of-way) and the Southeast line of W. Wilson Street (old right-of-way), and being the beginning of a non-reverted curve lying to the right, with a radius of 826.00 feet, a central angle of 90 degrees 12 minutes 15 seconds, a central bearing of North 45 degrees 04 minutes 32 seconds East, and a distance of 129.39 feet;

THENCE along said curve to the right, along the said Southeast line of W. Wilson Street, a distance of 255.50 feet to a stake set in the center of said road (Lot 12) bounded by a 92.50 foot right-of-way, and being the West corner of Lot 12;

THENCE due East 129.39 feet, to a stake set in the center of said road (Lot 12), bounded by a 92.50 foot right-of-way, and being the West corner of Lot 12;

THENCE due South 255.50 feet, to the southwest corner of a building, bounded by a 92.50 foot right-of-way;

THENCE due West 129.39 feet, to the southwest corner of a building, bounded by a 92.50 foot right-of-way;

THENCE due North 255.50 feet, to the southwest corner of a building, bounded by a 92.50 foot right-of-way;

THENCE due West 129.39 feet to the beginning, containing 0.51 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor hereby certifies to the City of Kilgore & Learning Center, First American Title Insurance Company, and Republic Title of Texas, in connection with the transaction described in GSB 1602-3978865-877, that:

(a) this is a final survey and the property description set forth herein was prepared from an actual on-the-ground survey of the real property 122 Franklin Street described in Volume 2020118, Page 12300, and shown herein;
(b) the survey was conducted by the Surveyor, under his direction, and under the direct supervision of the registered professional land surveyor.

The Surveyor has personally traversed, observed, and plotted herein (except as shown herein there are no accessible protrusions or to the Property or accessible protrusion from them. There are no other improvements on the Property. There are no adverse discrepancies, conflicts, shortages in area or boundary line; (a) the size, location and type of improvements, if any, are shown herein, and all are located within the Property;

(c) the Property has no legal access to and from a public roadway; (d) recorded easements listed herein have been accurately described and depicted herein; (e) the boundaries, dimensions and other details shown herein are shown to the applicable accuracy standards of the State of Texas; (f) the Property is not located in a 100 Year Flood Plain as defined by the U. S. Department of Interior and Housing & Urban Development (Federal Emergency Management Community Floodplain Map, 461102051B, with a date of 07/06/2016) pursuant to the Flood Disaster Protection Act of 1973.

The surveyor expressly understands and agrees that entities mentioned above are entitled to rely on this survey as having been performed to the applicable standards of the current (2022 Columbus) Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey, as set forth by the Texas Board of Professional Surveyors.

Use of this survey by any other party and/or for any other purpose shall be at user's own risk and any loss resulting from use other than that stated shall not be the responsibility of the undersigned.

EXECUTED this 23rd day of March, 2023.

[Registered Professional Land Surveyor's Signature]

[Registered Professional Land Surveyor's Name]
MEETING DATE:      July 17, 2023
SUBMITTED BY:     Tim Rawlings, Building Official
AGENDA ITEM:       F.1.
AGENDA CAPTION:    Discuss and consider Ordinance 2023-1172  OF THE CITY OF
                   HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE
                   AND MAP OF THE CITY OF HUTCHINS, TEXAS; APPROVING A CHANGE IN
                   ZONING FROM HIGHWAY COMMERCIAL (HC) TO HEAVY INDUSTRIAL (HI) ON
                   ±184.14 ACRE TRACT OF LAND SITUATED IN THE U. WUTHRICK SURVEY,
                   ABSTRACT NO. 1518, LOCATED NORTH OF I-45 ADDRESSED AS 1001 S. IH20
                   CITY OF HUTCHINS, DALLAS COUNTY, TEXAS.

Background Information

Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources
LLC) has requested a change in the zoning for the property located north of I-45
addressed as 1001 I-20 from Highway Commercial (HC) to Heavy Industrial (HI). The
only access to this property is via a TexDot access easement under I-20 from Langdon
Road with no on or off ramps from I-20 and no plans for any in the future. There is
currently a Specific Use Permit (SUP) in place on the property allowing for the operation
of a concrete crushing facility. If the zone change is granted Mr. Luttrell intends to
request a Specific Use Permit (SUP) for a permanent concrete batch plant.

On Thursday, May 25, 2023, the Hutchins Planning and Zoning Commission conducted
a public hearing. At the meeting there were no members of the public to speak and Mr.
Luttrell represented the applicants. After the public hearing was closed, Commissioners
deliberated and voted 4-0 in favor of forwarding a recommendation of approval of the
zone change from Highway Commercial (HC) to Heavy Industrial (HI) to the Council.

Budget Implications

N/A

Operational Impact

N/A

Legal Review

Yes
Staff Recommendation

Staff recommends Council review and consider appropriate action. Should the Council choose to approve the zone change, the change would be harmonious with the concrete crushing plant SUP currently on the property.

Supporting Documentation and Attachments

1. ORD 2023-1172 Change in Zoning (184.14 Acre U. Wuthrick Survey Abstract 1518) 07-17-2023
ORDINANCE NO. 2023-1072

AN ORDINANCE OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS; APPROVING A CHANGE IN ZONING FROM HIGHWAY COMMERCIAL (HC) TO HEAVY INDUSTRIAL (HI) ON ±184.14 ACRE TRACT OF LAND SITUATED IN THE U. WUTHRICK SURVEY, ABSTRACT NO. 1518, CITY OF HUTCHINS, DALLAS COUNTY, TEXAS; SAID TRACT BEING PART OF A TRACT OF LAND CONVEYED TO DIANN TESSMAN SLATON BY GIFT WARRANTY DEED RECORDED ON OCTOBER 17, 1996, SAID TRACT DESCRIBED IN DEED TO MONTELL O. TESSMAN RECORDED IN VOLUME 9419, PAGE 4690 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Hutchins, Texas and the City Council of the City of Hutchins, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Hutchins, Texas is of the opinion and finds that said zoning change should be granted and that the Comprehensive Zoning Ordinance and Map should be amended;

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Hutchins, Texas, be and the same are hereby amended to grant a change in zoning from Highway Commercial (HC) to Heavy Industrial (HI) on ±184.14 acre tract of land situated in the U. Wuthrick Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas; said tract being all of the certain tract of land conveyed to Diann Tessman Slaton by Gift Warranty Deed recorded on October 17, 1996, said tract described in deed to Montell O. Tessman recorded in recorded in Volume 9419 Page 4690 of the Official Public Records of Dallas County, Texas, and being more particularly described in Exhibit “A”.

SECTION 2. That the Property shall be developed and used in accordance with the development regulations as established under the Comprehensive Zoning Code for a Heavy Industrial District (“HI”).

SECTION 3. That the property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Hutchins, Texas, as heretofore amended, and as amended herein; and which is hereby approved.
SECTION 4. That, to the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Hutchins governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 5. That all provisions of the Ordinances of the City of Hutchins, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Hutchins, Texas, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Hutchins, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Hutchins, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.


APPROVED:

__________________________
Mario Vasquez, Mayor

APPROVED AS TO FORM: ATTEST:

Joseph J. Gorfida Jr., City Attorney
(06-30-2023: TM 135763)

Cynthia Olguin, City Secretary
Exhibit “A”

LEGAL DESCRIPTION

Being an approximate 184.14 acre tract of land situated in the U. Wuthrick Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas and being part of a tract of land conveyed to Diann Tessman Slaton by Gift Warranty Deed recorded on October 17, 1996, said tract described in deed to Montell O. Tessman recorded in Volume 9419 Page 4690, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point at the Intersection of the northwest line of Interstate Highway 20 (LBJ Freeway, a variable width right of way) with the northeast line of the H&T CD Railroad right of way (a 00 foot right of way);

THENCE, N 26°37' 14" W with the northeast line of the said Railroad, a distance of 716.00 feet to a point for a corner, said point being the northwest corner of the said Tessman tract;

THENCE, N 59°33'05" E, with the northwest line of the said Tessman tract, a distance of 9,916.67 feet to a point for a corner in the west bank of the Trinity River said point bang the northeast corner of the said Tessman tract;

THENCE, Southwesterly and Southerly, with the meanders of the west bank of the Trinity River, a
distance of approximately 1,675 feet to a point for a corner in the northwest line of Interstate Highway

THENCE, the following courses and distances with the northwest line of Interstate Highway 20: S 73°31' 08" W, a distance of 291.15 feet to an angle point; S 66°10'26" W, a distance of 1,377.19 feet to an angle point; S 62°39'45" W, a distance of 1,171.31 feet to an angle point;
S 60°00'02" W, a distance of 250.00 feet to an angle point; S 50° 16'08" W, a distance of 404.47 feet to an angle point; S 58°47'59" W, a distance of 450.00 feet to an angle point S 54°02' 10" W, a distance of 301.04 feet to an angle point;
S 63°56'33" W, a distance of 502.02 feet to an angle point;
S 58°47'59" W, a distance of 1,500.00 feet to an angle point:
S 71° 47'59" W, a distance of 511.62 feet to an angle point;
S 64°15'47" W, a distance of 616.11 feet to the Point of Beginning.

NOTE: THIS LEGAL DESCRIPTION AND DRAWING PREPARED FROM DEED INFORMATION ONLY AND NOT AN ON THE GROUND SURVEY AND MAY NOT ACCURATE
REPRESENT THE PROPERTY THE BEARING BASIS FOR THIS DESCRIPTION THE NORTHWEST LINE OF INTERSTATE HIGHWAY 20 AS SHOWN ON THE ROW STRIP MAP FOR THE HIGHWAY.

Prepared On July 24, 2003
Exhibit “A”

PROPERTY SKETCH FOR CHANGE IN ZONING
184.14 ACRE TRACT
U. WUTHRICK SURVEY, ABSTRACT NO. 1518 HUTCHINS, DALLAS COUNTY, TEXAS
PREPARED BY T KADLECK & ASSOCIATES
MEETING DATE: July 17, 2023
SUBMITTED BY: Tim Rawlings, Building Official
AGENDA ITEM: F.2.
AGENDA CAPTION: Discuss and consider Ordinance 2023-1173 OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT ("SUP") TO ALLOW A CONCRETE BATCHING PLANT (PERMANENT) ON LAND ZONED HEAVY INDUSTRIAL ("HI"), CONSISTING OF ±184.14 ACRES OF LAND, SITUATED IN THE U. WUTHRICK SURVEY, ABSTRACT NO. 1518, LOCATED AT 1001 S. IH20, CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

Background Information

Jim Luttrell (representing the property owners Diann Slaton and Patricia Luttrell with DP Resources LLC) has requested a Specific Use Permit (SUP) for the operation of a Concrete or Asphalt Batching Plant (Permanent) on the property located at 1001 I-20. This property is located on the north side of I-20 and is accessible only by an access easement that has been granted by TexDot from Langdon Road that goes under the I-20 overpass. The property currently has a SUP for the operation of a concrete crushing operation.

Due to concerns about increased truck traffic in the area as well as the Union Pacific rail crossing. If the SUP is granted, a traffic impact analysis may be required to determine if any roadway improvements or traffic control devices will be required.

On Thursday, May 25, 2023, the Hutchins Planning and Zoning Commission conducted a public hearing. At the meeting there were no members of the public to speak and Mr. Luttrell represented the applicants. After the public hearing was closed, Commissioners deliberated and voted 4-0 in favor of forwarding a recommendation of approval of the Specific Use Permit (SUP) for the operation of a Concrete or Asphalt Batching Plant (Permanent) to the Council.

Budget Implications

N/A

Operational Impact

N/A

Legal Review
Yes

**Staff Recommendation**

Should the Council choose to approve the SUP allowing for the operation of a Concrete or Asphalt Batching Plant (Permanent), the use would be harmonious with the concrete crushing plant SUP currently on the property and, the location of the property on the north side of I-20 is a better location for this type use. Staff recommends Council review and consider appropriate action.

**Supporting Documentation and Attachments**

1. ORD 2023-1173 SUP for Concrete Batching Plant located at 1002 I-20 (Permanent) 07-17-2023
AN ORDINANCE OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT ("SUP") TO ALLOW A CONCRETE BATCHING PLANT (PERMANENT) ON LAND ZONED HEAVY INDUSTRIAL ("HI"), CONSISTING OF ±184.14 ACRES OF LAND, SITUATED IN THE U. WUTHRICK SURVEY, ABSTRACT NO. 1518, CITY OF HUTCHINS, DALLAS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND CONVEYED TO DIANN TESSMAN SLATON BY GIFT WARRANTY DEED Recorded ON OCTOBER 17, 1996, SAID TRACT DESCRIBED IN DEED TO MONTELL O. TESSMAN RECORDED IN VOLUME 9419, PAGE 4690, DEED RECORDS OF DALLAS COUNTY, TEXAS; PROVIDING FOR THE APPROVAL OF THE PROPOSED SITE PLAN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hutchins, in compliance with the laws of the State of Texas, with references to the granting of zoning classification changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; the said governing body is of the opinion that the Specific Use Permit zoning application should be approved; and, in the exercise of legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Map of the City of Hutchins should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Hutchins, Texas, be and the same are hereby amended by granting a Specific Use Permit ("SUP") to allow a Concrete Batching Plant (Permanent), on land zoned Heavy Industrial ("HI"), consisting of ±184.14 acres of land, situated in the U. Wuthrick Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas, and being part of a tract of land conveyed to Diann Tessman Slaton by Gift Warranty Deed recorded on October 17, 1996, said tract described in Deed to Montell O. Tessman recorded in Volume 9419, Page 4690, Deed Records of Dallas County, Texas (the "Property"), and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.
SECTION 2. That the Property shall be developed and used in accordance with the development regulations as established in Section 29 – Heavy Industrial District of the Comprehensive Zoning Ordinance with the following requirements:

A. Site Plan. The Property shall be developed and used substantially in accordance with the Site Plan attached hereto as Exhibit “B” which is hereby approved.

SECTION 3. That the property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Hutchins, Texas, as heretofore amended, and as amended herein; and which is hereby approved.

SECTION 4. That, to the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Hutchins governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 5. That all provisions of the Ordinances of the City of Hutchins, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Hutchins, Texas, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Hutchins, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Hutchins, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

APPROVED:

______________________________
Mario Vasquez, Mayor

APPROVED AS TO FORM:

Joseph J. Gorfida Jr., City Attorney  
(07-07-2023:TM 135793)

ATTEST:

______________________________
Cynthia Olguin, City Secretary
Exhibit "A"
Property Description

LEGAL DESCRIPTION

Being an approximate 184.14 acre tract of land situated in the U. Wuthrick Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas and being part of a tract of land conveyed to Diann Tessman Slaton by Gift Warranty Deed recorded on October 17, 1996, said tract described in deed to Montell O. Tessman recorded in volume 9419, Page 4690, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point at the Intersection of the northwest line of Interstate Highway 20 (LBJ Freeway, a variable width right of way) with the northeast line of the H&T CD Railroad right of way (a 00 foot right of way);

THENCE, N 26°37' 14" W with the northeast line of the said Railroad, a distance of 716.00 feet to a point for a corner, said point being the northwest corner of the said Tessman tract;

THENCE, N 59°33'05" E, with the northwest line of the said Tessman tract, a distance of 9,916.67 feet to a point for a corner in the west bank of the Trinity River said point bang the northeast corner of the said Tessman tract;

THENCE, Southwesterly and Southerly, with the meanders of the west bank of the Trinity River, a distance of approximately 1,675 feet to a point for a corner in the northwest line of Interstate Highway

THENCE, the following courses and distances with the northwest line of Interstate Highway 20 : S 73°31 '08" W, a distance of 291.15 feet to an angle point; S 66°10'26" W, a distance of 1,377.19 feet to an angle point; S 62 °39'45" W, a distance of 1,171.31 feet to an angle point; S 60°06'02" W, a distance of 250.00 feet to an angle point; S 50° 16'08" W, a distance of 404.47 feet to an angle point; S 58°47'59" W, a distance of 450.00 feet to an angle point S 54°02' 10" W, a distance of 301.04 feet to an angle point;
S 63°56'33" W, a distance of 502.02 feet to an angle point;
S 58°47'59" W, a distance of 1,500.00 feet to an angle point:
S 71 °47'59" W, a distance of 511.62 feet to an angle point;
S 64°15'47" W, a distance of 616.11 feet to the Point of Beginning.
MEETING DATE: July 17, 2023
SUBMITTED BY: Tim Rawlings, Building Official
AGENDA ITEM: F.3.
AGENDA CAPTION: Discuss and consider Ordinance 2023-1174 THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT (“SUP”) TO ALLOW A CHILD CARE CENTER/DAYCARE FACILITY ON LAND ZONED SINGLE FAMILY RESIDENTIAL 8.5 (“SF-8.5”) CONSISTING OF ±0.51 ACRES OF LAND, LOCATED IN SUBDIVISION 8, DIVISION NO. 6, OF HUTCHINS ACREAGE ADDITION, AN UNRECORDED SUBDIVISION SITUATED IN THE J. WAMPLER SURVEY, ABSTRACT NO. 1538, DALLAS COUNTY, TEXAS, COMMONLY ADDRESSED AS 122 FRANKLIN ST.

Background Information
John Richardson, with Zion Chapel Church/Zion Kidz Academy has made a request for a Specific Use Permit (SUP) to allow a "Child Care Center/ Day Care Center" in the Single Family Residential 8,500 (SF-8.5) District.

Day care centers are permitted in residential zoning districts by SUP only. Zion Chapel currently operates a facility in Lancaster and has identified a need for child care in Hutchins. Mr. Richardson has had several meetings with staff to determine everything that will be required to operate a child care facility here. If granted emergency exits will be required in each classroom.

On Thursday, May 25, 2023, the Hutchins Planning and Zoning Commission conducted a public hearing. At the meeting there were no members of the public to speak and Mr. Richardson represented the applicant. After the public hearing was closed, Commissioners deliberated and voted 4-0 in favor of forwarding a recommendation of approval of the Specific Use Permit (SUP) for the operation of a "Child Care Center/ Day Care Center" in the Single Family Residential 8,500 (SF-8.5) District to the Council.

Budget Implications
N/A

Operational Impact
N/A

Legal Review
Yes

**Staff Recommendation**

Staff recommends Council review and consider appropriate action.

**Supporting Documentation and Attachments**

1. Ordinance Granting SUP for Child Care_Daycare Facility (Franklin)-135788
AN ORDINANCE OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT (“SUP”) TO ALLOW A CHILD CARE CENTER/DAYCARE FACILITY ON LAND ZONED SINGLE FAMILY RESIDENTIAL 8.5 (“SF-8.5”) CONSISTING OF ±0.51 ACRES OF LAND, LOCATED IN SUBDIVISION 8, DIVISION NO. 6, OF HUTCHINS ACREAGE ADDITION, AN UNRECORDED SUBDIVISION SITUATED IN THE J. WAMPLER SURVEY, ABSTRACT NO. 1538, DALLAS COUNTY, TEXAS, SAME BEING A TRACT OF LAND CONVEYED TO KEYLAND INVESTMENT, L.P., BY DEED RECORDED IN VOLUME 2002128, PAGE 11226, DEED RECORDS OF DALLAS COUNTY, TEXAS; PROVIDING FOR THE APPROVAL OF THE PROPOSED SITE PLAN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hutchins, in compliance with the laws of the State of Texas, with references to the granting of zoning classification changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; the said governing body is of the opinion that the Specific Use Permit zoning application should be approved; and, in the exercise of legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Map of the City of Hutchins should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Hutchins, Texas, be and the same are hereby amended by granting a Specific Use Permit (“SUP”) to allow a Child Care Center/Daycare Facility on land zoned Single Family Residential 8.5 (“SF-8.5) consisting of ±0.51 acres of land, located in Subdivision 8, Division No. 6, of Hutchins Acreage Addition, an unrecorded subdivision situated in the J. Wampler Survey, Abstract No. 1538, Dallas County, Texas, same being a tract of land conveyed to Keyland Investment L.P., by Deed recorded in Volume 2002128, Page 11226, Deed Records of Dallas County, Texas (the "Property"), and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.
SECTION 2. That the Property shall be developed and used in accordance with the
development regulations as established in Section 16 – Single-Family-8.5 District of the
Comprehensive Zoning Ordinance with the following requirements:

A. Site Plan. The Property shall be developed and used substantially in accordance
with the Site Plan attached hereto as Exhibit “B” which is hereby approved.

SECTION 3. That the property shall be used only in the manner and for the purposes
provided for by the Comprehensive Zoning Ordinance of the City of Hutchins, Texas, as heretofore
amended, and as amended herein; and which is hereby approved.

SECTION 4. That, to the extent of any irreconcilable conflict with the provisions of this
ordinance and other ordinances of the City of Hutchins governing the use and development of the
Property and which are not expressly amended by this ordinance, the provisions of this ordinance
shall be controlling.

SECTION 5. That all provisions of the Ordinances of the City of Hutchins, Texas, in
conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other
provisions of the Ordinances of the City of Hutchins, Texas, not in conflict with the provisions of
this Ordinance shall remain in full force and effect.

SECTION 6. That should any word, sentence, paragraph, subdivision, clause, phrase or
section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same
shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than
the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the
Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed
by prior law and the provisions of the Ordinances of the City of Hutchins, as amended, in effect
when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms
of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning
Ordinance of the City of Hutchins, as heretofore amended, and upon conviction shall be punished
by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense; and each
and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. This Ordinance shall take effect immediately from and after its passage and
the publication of the caption, as the law and charter in such cases provides.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
HUTCHINS, TEXAS ON THIS THE ________ DAY OF JULY 2023.
APPROVED:

Mario Vasquez, Mayor

APPROVED AS TO FORM:

Joseph J. Gorfida Jr., City Attorney

(07-07-2023:TM 135788)

ATTEST:

Cynthia Olguin, City Secretary
Exhibit "A"
Property Description

Being in Subdivision 8, Division No. 6, of HUTCHINS ACREAGE ADDITION, an unrecorded subdivision situated in the J. Wampler Survey, Abstract No. 1538, Dallas County, Texas, same being a tract of land conveyed to Keyland Investment, LP., by deed recorded in Volume 2002128, Page 11226, Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a mag nail set for corner, said corner being the intersection of the Northeast line of Franklin Street (50 foot right-of-way) and the Southeast line of W. Hickman Street (100 foot right-of-way), and being the beginning of a non-tangent curve turning to the right, with a radius of 805.00 feet, a delta angle of 09 degrees 13 minutes 10 seconds, a chord bearing of North 45 degrees 04 minutes 28 seconds East, and a chord length of 129.39 feet;

THENCE along said curve to the right, along the said Southeast line of W. Hickman Street, an arc length of 129.53 feet to a 5/8 iron rod found for corner, said corner being the West corner of Lot 6B, Block 6, of Hutchins Acreage, Division 6, according to the Plat thereof recorded in Instrument Number 20070263324, Map Records of Dallas County, Texas;

THENCE South 29 degrees 57 minutes 10 seconds East, along the Southwest line of said Lot 6B, Block 6, of said Hutchins Acreage, Division 6, a distance of 191.43 feet to an "X" set for corner, said corner being the North corner of a tract (referred to as Tract 2) of land conveyed to Renuka Investments LLC, a Texas Limited Liability Company, by deed recorded in Instrument Number 202200289070, Official Public Records of Dallas County, Texas, from which a 3/8 inch iron rod found at the East corner of said Renuka Investments LLC tract (Tract 2), bears South 29 degrees 57 minutes 10 seconds East a distance of 134.29 feet for witness;

THENCE South 60 degrees 02 minutes 50 seconds West, along the Northwest line of said Renuka Investments LLC tract (Tract 2), a distance of 125.00 feet to a mag nail set for corner, said corner being the West corner of said Renuka Investments LLC tract, and lying on the aforementioned Northeast line of said Franklin Street, from which a 3/8 inch iron rod found bears South 32 degrees 02 minutes 24 seconds West a distance of 0.86 feet for witness;

THENCE North 29 degrees 57 minutes 10 seconds West, along the said Northeast line of Franklin Street, a distance of 158.00 feet to the POINT OF BEGINNING and containing 22,064 square feet or 0.51 acres of land.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.
MEETING DATE: July 17, 2023
SUBMITTED BY: Cynthia Olguin, City Secretary
AGENDA ITEM: F.4.
AGENDA CAPTION: Discuss and consider Resolution R2023-1122 OF THE CITY OF HUTCHINS, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HUTCHINS FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

Background Information

Texas Local Government Code Sec. 29 provides for the appointment and qualifications of the municipal court judge and associate judge. The judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution. Chapter 7, Section 7.01.003 of the Hutchins Code of Ordinances provides for the appointment, qualifications, and compensation of the presiding and associate judge of the municipal court.

Judge Callaway began serving as an associate municipal judge in 2010 and the following year, he was appointed as the presiding judge of the Hutchins Municipal Court and has continued to serve since 2010.

Budget Implications

Operational Impact

Legal Review

Staff Recommendation

Staff recommends council approve Resolution R2023-1122 authorizing the appointment of Cass Callaway as presiding judge for the Hutchins Municipal Court for a two-year term.

Supporting Documentation and Attachments

1. R2023-1122 Appointment of Municipal Court Judge 07-17-2023
RESOLUTION NO. R2023-1122

A RESOLUTION OF THE CITY OF HUTCHINS, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HUTCHINS FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Government Code Sec. 29.004(b) provides for the appointment and qualifications of the judge; and

WHEREAS, pursuant to Texas Government Code Sec. 29.005, the judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution; and

WHEREAS, the City Council of the City of Hutchins, Texas has determined that it is in the best interest of the City of Hutchins and for the orderly operation of the City of Hutchins Municipal Court to reappoint Cass Callaway as Presiding Judge of the Hutchins Municipal Court for a two-year term.

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

SECTION 1. The City Council of the City of Hutchins does hereby appoint Cass Callaway, as Municipal Judge for the City of Hutchins Municipal Court for a two-year term in accordance with Texas Government Code Section 29.005.

SECTION 2. This Resolution shall become effective immediately from and after its passage, as the law provides.


APPROVED:

________________________________________________________________________
Mario Vasquez, Mayor

ATTEST:

________________________________________________________________________
Cynthia Olguin, City Secretary

(07-12-2023: ND 4876-5732-3632, v. 1)
Background Information

Texas Local Government Code Sec. 29 provides for the appointment and qualifications of the municipal court judge and associate judge. The judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution.

Chapter 7, Section 7.01.003 of the Hutchins Code of Ordinances provides for the appointment, qualifications, and compensation of the presiding and associate judge of the municipal court.

The associate judge will serve as needed for the presiding judge with arraignments at the jail, presiding over any assigned dockets, and other duties assigned by the presiding judge of the Hutchins Municipal Court.

Ashley McSwain, attorney at law, has submitted her resume for consideration for the appointment of associate judge for the Hutchins Municipal Court. Ms. McSwain has years of experience working as an associate municipal judge in other cities, and she currently serves as a board member and faculty member with the Texas Municipal Courts Education Center. Municipal Court Presiding Judge Cass Callaway recommends the appointment of Ms. McSwain.

Budget Implications

Operational Impact

Legal Review

Staff Recommendation
Staff recommends council approve Resolution R2023-XXXX authorizing the appointment of an associate municipal court judge for the City of Hutchins for a two-year term.

**Supporting Documentation and Attachments**

1. Municipal Court Associate Judge - AMcSwain - LETTER OF INTEREST
2. Municipal Court Associate Judge - AMcSwain - RESUME
3. R2023-1123 Appointment of Associate Municipal Court Judge 07-17-2023
July 7, 2023

City of Hutchins  
Attn: City Council  
321 N. Main Street  
Hutchins, TX 75141  
Via electronic mail

Re: Letter of Interest for Associate Judge Position

Dear Honorable Mayor and Council,

My name is Ashley McSwain and I understand that the City of Hutchins has an opening for the position of Associate Municipal Court Judge. I have worked in Municipal Courts for almost 17 years in various capacities, including work as a court administrator, a prosecutor, and a municipal judge. I worked full-time as a municipal court administrator and 9-1-1 dispatcher while I attended law-school at a part-time evening program. Since becoming a licensed attorney, I have continued my work in municipal courts and have devoted my career (both paid and volunteer) to municipal courts in the State of Texas.

I currently work with Judge Callaway in other municipalities and am excited at the prospect of possibly adding another city in which we can work together! I have enclosed a copy of my curriculum vitae for your review and consideration. Please do not hesitate to contact me if you would like any additional information.

Sincerely,

Ashley McSwain  
Attorney
ASHLEY MCSWAIN

Phone: (469) 626-9871
Ashley.McSwain@wylielegal.com

108 S. Jackson Ave., Ste. 207
Wylie, Texas 75098

Education

JD  Texas A&M University School of Law
    Doctorate of Jurisprudence
    Journal of Property Law
    December 2015

BS  University of Phoenix
    Bachelors of Science
    Criminal Justice Administration
    March 2012

Experience

Pace & McSwain, PLLC, Wylie, Texas  
April 2020-Present
Attorney & Owner
Advise and represent clients in multiple areas of law, including local governments, civil litigation, and family law. In addition to my practice, I currently serve as the deputy city attorney providing municipal prosecution and code enforcement services for multiple municipalities and as an Associate Municipal Judge in three cities.

City of Wylie, Wylie, Texas  
Dec. 2020-Present
Associate Municipal Court Judge
Preside over dockets, magistrate jail inmates, draft and issue bond conditions and emergency protective orders, review and execute warrants, review and execute judgments, preside over bond condition violation hearings and emergency protective order violation hearings.

City of Murphy, Murphy, Texas  
Feb. 2022-Present
Associate Municipal Court Judge
Magistrate jail inmates, draft and issue bond conditions and emergency protective orders, review and execute warrants, preside over bond condition violation hearings and emergency protective order violation hearings.

City of Rowlett, Rowlett, Texas  
Jan. 2023-Present
Associate Municipal Court Judge
Magistrate jail inmates, draft and issue bond conditions and emergency protective orders, review and execute warrants, preside over bond condition violation hearings and emergency protective order violation hearings.

Board of Directors of Texas Municipal Courts Education Center and Texas Municipal Court Association, Austin, Texas  
**Region III Director**  
**Membership Committee Chair**  
**Audit Committee Chair**

The Texas Municipal Courts Education Center was formed by the Texas Municipal Courts Association to provide extensive, continuing education and training programs for municipal court personnel. The Board of Directors are the governing body for these two organizations which are financed by a grant from the Court of Criminal Appeals each year. The Region III Director serves on the board to represent the interests of all municipal courts located in Collin, Dallas, Fannin, Grayson, Hunt, Kaufman, and Rockwall Counties.

Texas Municipal Courts Education Center, Austin, Texas  
**Faculty Member**

Speak and provide education to all municipal courts throughout the State of Texas by developing course materials and speaking at numerous conferences each year.

Messer, Fort, & McDonald, PLLC, Frisco, Texas  
**Associate Attorney, Chief Prosecutor, & Police Legal Advisor**

Oversaw the municipal court prosecution division and prosecutors in approximately two dozen courts. Served as the firm’s police legal advisor, drafting various legal opinions and providing guidance regarding Texas Best Practices, enforcement of criminal laws, and employment matters. Served as the firm’s emergency services legal advisor. Provided a broad range of legal advice to city council members, and municipality staff. Drafted numerous city ordinances, interlocal agreements, contracts, liability waivers, and provided legal advice and representation for enforcement of the municipal code of ordinances. Represented municipalities in various litigation matters.

City of Van Alstyne, Van Alstyne, Texas  
**Assistant City Attorney, Court Administrator, Custodian of Police Records, & 9-1-1 Dispatch Supervisor**

I worked in Van Alstyne as the Court Administrator of the Municipal Court, Custodian of Police Records, and 9-1-1 Dispatch Supervisor full-time while I attended law school. After graduation of law school I remained the Custodian of Police Records and 9-1-1 Dispatch Supervisor but transferred out of my role as Court Administrator and into my role as Municipal Court Prosecutor and Assistant City Attorney. During my employment with the city I supervised 6 employees; answered 9-1-1 calls; dispatched for police, fire, and ems; maintained all police records; received and responded to records requests – including drafting numerous withholding requests to the Texas Attorney General’s Office; performed all ministerial duties of the Municipal Court; prosecuted in the Municipal Court; assisted the City Attorney with research projects and legal opinions; and attended numerous council meetings.

Rockwall County Criminal District Attorney’s Office, Rockwall, Texas  
**Legal Intern**

Assisted on numerous research projects, Justice of the Peace dockets, and case intake. Participated in multiple trials and plea hearings.
Grayson County District Attorney’s Office, Sherman, Texas  

Legal Intern  
May 2014-Aug. 2014  

Assisted on numerous research projects, Justice of the Peace dockets, and case intake. Participated in multiple trials and plea hearings.

Awards

Excellence Award  
2013  
Awarded by the Texas Court Clerk’s Association. The Association describes this award as the highest honor awarded by the Association to recognize the exemplary performance of an individual in the court profession, serving in a non-judicial capacity.

Distinguished Service  
2010  
Awarded by the Texas Court Clerk’s Association. The Association describes this award to recognize a service, program, task or endeavor performed by an individual in a court profession, serving in a non-judicial capacity.

Excellence Award  
2009  
Awarded by the Texas Court Clerk’s Association. The Association describes this award as the highest honor awarded by the Association to recognize the exemplary performance of an individual in the court profession, serving in a non-judicial capacity.

Certifications and Licensure

State Bar of Texas  
Licensed Attorney  
May 2016-Present

Texas Municipal Court Clerk Certification  
Level II Certification  
Apr. 2010-Present

Texas Commission on Law Enforcement  
Master Telecommunicator’s License  
Dec. 2006-Mar. 2017

Public Speaking

Riding the circuit: Conflicts and Dual Office Holding  

Roles and Relationships within the Court  

Introduction to the Codes: Transportation Code and More

“I solemnly swear or affirm”… Oaths

Post-Judgment: Appeals, Motions for New Trial, and More

Enhancements in Municipal Court Cases
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2019-2020 academic year at conferences in Tyler, San Antonio, Houston, and Addison.

Junked Vehicles

Motions & Writs: What the Clerk Needs to Know

Forfeiting a Bond in Municipal Court (4 hour practical workshop)
Texas Municipal Courts Education Center, Court Administrator’s Conference. Presented during the 2018-2019 academic year in Austin.

Texas Court Clerks Association, North Texas Chapter. Presented at the Hudson Oaks training on March 3, 2018, the Frisco training on June 7, 2019, the Murphy training on June 22, 2018, and the Wylie training in the fall of 2022.

Handling Criminal Evidence: The Court Clerk’s Role in Discovery
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2018-2019 academic year at conferences in Austin, Houston, Addison, and South Padre.

Administrative and Civil Cases in Municipal Court
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2017-2018 academic year at conferences in Longview, Austin, Galveston, and Houston.


Tickets are for Concerts: Dissecting the Citation
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2016-2017 academic year at conferences in Tyler, Galveston, Addison, Amarillo, South Padre Island, and Odessa.

All about the Bonds, continued…
Texas Court Clerks Association, North Texas Chapter Regional Training. Presented at the Frisco training on August 30, 2017.

All About the Bonds (No Trouble!)
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2015-2016 academic year at conferences in Tyler, Austin, Galveston, Addison, Lubbock, South Padre Island, and El Paso

Internal Controls II: The Importance of Theft Prevention
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2014-2015 academic year at conferences in Tyler and Addison

Texas Court Clerks Association, North Texas Chapter. Presented at the McKinney training on June 8, 2018.

DSC and Deferred Disposition
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2014-2015 academic year at the Abilene conference.

Legislation Comes to Life: From a Clerk’s Perspective
Texas Municipal Courts Education Center, Regional Clerk’s Conference. Presented during the 2013-2014 academic year at conferences in Tyler, Austin, Galveston, Addison I and Addison II, and Houston

Personal

Born in Dallas, Texas. I spent my childhood in Rowlett, Texas and graduated from Lakeview Centennial High School in Garland. I am married to a Lieutenant with the Balch Springs Police Department, have one son and three stepsons. I live in Wylie Texas and am a fifth generation Texan. I enjoy spending time with family, listening to music, dancing, and laughter.
A RESOLUTION OF THE CITY OF HUTCHINS, TEXAS, PROVIDING FOR THE APPOINTMENT OF THE ASSOCIATE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HUTCHINS FOR A TWO-YEAR TERM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Government Code Sec. 29.004(b) provides for the appointment and qualifications of the municipal court judge and associate judge; and

WHEREAS, pursuant to Texas Government Code Sec. 29.005, the judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution; and

WHEREAS, the City Council of the City of Hutchins, Texas has determined that it is in the best interest of the City of Hutchins and for the orderly operation of the City of Hutchins Municipal Court to appoint _______________________________ as Associate Judge of the Hutchins Municipal Court for a two-year term.

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

SECTION 1. The City Council of the City of Hutchins does hereby appoint _______________________________ as Associate Municipal Judge for the City of Hutchins Municipal Court for a two-year term in accordance with Texas Government Code Section 29.005.

SECTION 2. This Resolution shall become effective immediately from and after its passage, as the law provides.


APPROVED:

______________________________________
Mario Vasquez, Mayor

ATTEST:

______________________________________
Cynthia Olguin, City Secretary
MEETING DATE: July 17, 2023
SUBMITTED BY: Cass Calloway
AGENDA ITEM: F.6.
AGENDA CAPTION: Presentation regarding the work and happenings of the Hutchins Municipal Court of Record.

Background Information

Municipal Court presentation.

Budget Implications

Operational Impact

Legal Review

Staff Recommendation

N/A

Supporting Documentation and Attachments

1. HMC City Council Update PowerPoint - JULY 17 2023 - FINAL
CAT
HUGHES
Court Administrator
Hutchins Municipal Court
Supreme Court of Texas

Misc. Docket No. 23-9005

Final General Emergency Order Regarding the COVID-19 State of Disaster
7. This Order is effective February 1, 2023, and expires March 1, 2023.
VIDEO JAIL
MAGISTRATIONS
ZOOM
COURT DOCKETS
ZOOM
ARREST WARRANTS
□ Affiant’s personal investigation of this alleged offense
□ A fellow Peace Officer of the Hutchins Police Department, Dallas County, TX, who personally participated in the investigation of this alleged offense, providing this information to Affiant, and whose information Affiant believes to be credible

**NARRATIVE IS ATTACHED TO THIS AFFIDAVIT**

WHEREFORE, Affiant requests that an arrest warrant or capias be issued for the above accused individual in accordance with the law.

[Signature]

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of ____________, 2023.

MAGISTRATE, in and for DALLAS COUNTY, TEXAS
DANGEROUS DOG HEARINGS
CAUSE DDH-2022-0414

IN RE: §

ONE PITBULL BULL MASTIFF § MUNICIPAL COURT OF RECORD
MIX, BRindle COLORED DOG §
“BURLEY” §

OWNED BY: §
JIMMIE DEWAYNE OSTEEN §
DALLAS COUNTY, TEXAS §

ORDER AFFIRMING DANGEROUS DOG DETERMINATION

On Friday, April 28, 2023, came to be considered the above-referenced matter, namely an appeal authorized by TEXAS HEALTH AND SAFETY CODE Section 822.042(d) and (c) appealing the determination of the Hutchins Animal & Control that a dog is a dangerous dog as authorized by TEXAS HEALTH AND SAFETY CODE Section 822.042(1).

The Court after hearing the testimony and evidence and reviewing the court’s file, hereby FINDS and ORDERS the following:

I. GOVERNING LAW AND DEFINITIONS

1. For purposes of this hearing, the applicable law governing the matter shall be the TEXAS HEALTH AND SAFETY CODE Chapter 822, the state statute, as the provisions relating to dangerous dogs in the HUTCHINS CODE OF ORDINANCES were repealed by ordinance in 2008 by Ordinance 2010-06 and replaced with provisions that conflict with Chapter 822 and that do not provide for due process. The issue was presented to the parties, and the parties agreed, with no objection, to proceed under state law not ordinance.

2. “Bodily injury” shall mean physical pain, illness, or an impairment of physical condition.

3. “Dangerous dog” shall mean a dog which (A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

4. “Enclosure” shall mean a fenced area, building, habitation (home), outbuilding, or enclosed kennel.

5. “Owner” shall mean a person who owns or has custody or control of the dog.

6. “Unprovoked” shall mean the victim of the dog attack conducted themselves peacefully and lawfully without tormenting, abusing, assaulting (kicking, striking, hitting, etc.

VIII. ORDER

32. As the Court affirms the dangerous dog determination made by Animal Control, the Court hereby ORDERS Osteen to comply fully with the requirements of an owner of a dangerous dog as required by TEXAS HEALTH AND SAFETY CODE Section 822.042, namely: a person who owns or has custody or control of the dog at all times on a leash in the immediate control of a person or in a secure enclosure, obtaining liability insurance coverage or showing financial responsibility in an amount of at least $100,000 to cover the damages resulting from an attack by the dangerous dog causing bodily injury to a person and providing proof of the required liability insurance coverage or financial responsibility to Animal Control. Osteen is ORDERED to comply by Monday, May 14, 2023 by 5:00 p.m.

33. Animal Control is ORDERED to conduct an inspection of the premises of both 216 East Palestine Street and 422 North Main Street to confirm compliance with TEXAS HEALTH AND SAFETY CODE Section 822.042, 822.043, and 822.041(4) by filing with the court, as soon as practicable after the deadline, a report of compliance or non-compliance. The report should include photos of all enclosures, locks, or other compliance related proof from both properties. Proof of compliance with Section 822.042(3) shall also be included. If the Court finds Osteen has not complied, based on a preliminary review of the report, a hearing shall be scheduled as required by Section 822.042 to determine compliance.

34. If Osteen has not complied with all applicable requirements of dangerous dog ownership by Monday, May 14, 2023 by 5:00 p.m., Osteen is ORDERED to surrender/deliver Burley to Animal Control by 5:00 p.m. that day. If Osteen fails to do so, Animal Control may seek a seizure warrant from the Court to seize Burley.

35. Osteen is ORDERED to pay quarantine boarding fees of $150.00, boarding fees of $160.00 (through Monday, May 1) and $10 per day thereafter until picked up, and a $45.00 impound pick-up fee, all to the “City of Ferris” before Burley may be released. (See Exhibit “J”.)

1. TEXAS HEALTH AND SAFETY CODE Sec. 822.043. REGISTRATION: (a) A animal control authority for the area in which the dog kept shall annually register a dangerous dog of the owner. (1) presents proof of (A) liability insurance or financial responsibility, as required by Section 822.042; (B) current rabies vaccination of the dangerous dog; and (C) the secure enclosure in which the dog will be kept; and (2) pay an annual registration fee of $50. (b) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner shall place the tag on the dog’s collar. (3) It is not required of a registered dangerous dog or a new address, the owner, not later than the 14th day after the date of sale or move, shall notify the animal control authority for the area in which the new owner is located. On presentation by the owner of the dog, the animal control authority shall give the registration tag to be placed on the dog’s collar. (4) An owner of a registered dangerous dog shall notify the office in the event that the dangerous dog was registered or attacked by any other dog and the danger dog on the premises.

2. “Secure enclosure” means a fenced area or structure that is: (A) locked; (B) capable of preventing the escape or release of a dog; and (C) enclosed securely to contain a dangerous dog, and is in conformance with the requirements for enclosures established by the local animal control authority. TEXAS HEALTH AND SAFETY CODE Section 822.041(4).
JUNKED VEHICLE HEARINGS
IN RE:
1996 SATURN SL2
VIN: 1G8ZK357XW227963

MUNICIPAL COURT OF RECORD

DALLAS COUNTY, TEXAS

JUNKED VEHICLE ADMINISTRATIVE DETERMINATION AND ORDER

On Wednesday, May 17, 2023, came onto the record before the Hutchins Municipal Court of Record ("Court"), an administrative proceeding to determine whether a vehicle was the definition of a
"junked vehicle" and if such a finding made authorizing statement of the public nuisance. Upon
presentation of the evidence, and hearing of argument, the Court makes the following findings and
orders.

FINDING NO. 1 – The Court has jurisdiction to hear this matter authorized by TEXAS
GOVERNMENT CODE Sec. 60.005(b), the TEXAS TRANSPORTATION CODE Chapter 603 and HUTCHINSS
CODE OF ORDINANCES Section 8.03.067.

FINDING NO. 2 – Present for the hearing were Presiding Judge Castele Royal Callaway, Presenting
Attorney Christopher Sampson ("Sampson"), Court Administrator Cadirona Hughes ("Hughes"),
Code Office; John Sale ("Sale"), Hutchins Police Officer Christopher Smith ("Smith"), and
Hutchins Police Officer Nathan Jones ("Jones").

FINDING NO. 3 – At the start of the hearing, the court sought clarification from Sampson as to
choice of law; specifically as to which definition of "junked vehicle" was to be used as the
HUTCHINSS CODE OF ORDINANCES defined vehicle. Sampson elected for the same definition,
amely TEXAS TRANSPORTATION CODE Section 603.371, to be used. Sampson further provided
choice of law for the hearing procedure, as HUTCHINSS CODE OF ORDINANCES Section 8.03.067. The
Court concurred and took judicial notice of both provisions.

FINDING NO. 4 – Testimony was heard by Sale, and two exhibits were entered. Petitioner's
Exhibit "A", the application for a hearing and the materials and Petitioner's Exhibit "B" (photos of
the vehicle). Both exhibits were admitted into evidence for all purposes.

FINDING NO. 5 – The vehicle subject to this matter is a 1996 Saturn SL2 motor vehicle
("Vehicle"), gray in color, with VIN 1G8ZK357XW227963.

FINDING NO. 6 – On or about February 28, 2023, Sale conducted an inspection of the premises
located at 1209 Thunderbird Avenue, Hutchins, Texas 75141 and observed the Vehicle visible
from the street (See Petitioner's Exhibit "A" Page 1).

Final of Vehicle Administrative Determination and Order –
1209 Thunderbird Avenue, Hutchins, Texas 75141 – Cause No. TV817202-4 – Page 1/3
Cases Filed and Disposed – Hutchins Municipal Court

August 2022
September 2022
October 2022
November 2022
December 2022
January 2023
February 2023
March 2023
April 2023
May 2023

Cases Disposed
Cases Filed

0 50 100 150 200 250 300

Page 81 of 116
TYPES OF CASES FILED INTO HUTCHINS MUNICIPAL COURT - 2023

- Code Officer Issued CODE: 0%
- Police Officer Issued CODE: 3%
- Animal Control: 6%
- Traffic/Penal Code: 91%
QUESTIONS?
Background Information

In December 2022 the Timber Hill development paid roadway impact fees totaling $1,334,189.78 based on the City of Hutchins current ordinance utilizing total acreage to calculate the fee. The property owner being represented by Kimley-Horn is appealing the fee and feels that they should only be charged for usable acreage, not total acreage, and feels that they should be refunded approximately $506,282.

Budget Implications

N/A

Operational Impact

N/A

Legal Review

This item has been reviewed by the City Attorney.

Staff Recommendation

Staff recommends that council discuss and consider this item.

Supporting Documentation and Attachments

1. Timber Hill Site
2. 20230712_142904
3. 20230712_143420
4. 20230712_143236
5. 20230712_143240
6. 20230712_143232
7. DLH Impact Fees (Timber Hill)
8. Amount of impact fee
9. Roadway Impact Fee Calculations
10. Usable Area Exhibit
Permit #: 220805
Permit Date: 12/08/22
Permit Type: Commercial
Type of Construction: New
Applicant Name: ARCO
Applicant Address: 4925 Greenville Ave Suite 915
City, State, Zip: Dallas, TX 75206
Phone Number: 2149264740
Description: Commercial Truck Parking Lot
Valuation: 14511582
Square Feet A/C: 0
Garage/Other Sq Ft: 0
Total Sq Ft Under Roof: 0
Type of Material:  
Height: 0
Linear Feet: 0
Status: Pending
TAHDPDR and NEWSHAP Approval:
TAHDPDR and NEWSHAP Approval Date:
Roadway Impact: 0
Sewer Impact: 0
Water Impact: 0
Additional Impervious Surface Area: 0.00
Assigned To: Tim Rawlings I-2550

Property
Parcel #   Address   Legal Description   Owner Name   Owner Phone   Zoning
65010172510230000  2055 Joe Ed Wallace Way  JOSIAH G BEATTY ABST 101 PG 725 TR 23 ACS 46.7603  INT200600059449 DD02132006 CO-DC 0101725102300 4CU01017251

Contractors
Contractor                  Primary Contact   Phone   Address               Contractor Type   License   License #
ARCO- Murray Design Build   Hunter Malmin   2143776681  4925 Greenville Ave Suite 915   General   General   GC228-22
## Fees

<table>
<thead>
<tr>
<th>Fee</th>
<th>Description</th>
<th>Notes</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial New</td>
<td>PERM</td>
<td></td>
<td>$55,763.82</td>
</tr>
<tr>
<td>Plan Review - Commercial New</td>
<td>PERM</td>
<td></td>
<td>$36,246.48</td>
</tr>
<tr>
<td>Commercial Electrical</td>
<td>PERM</td>
<td></td>
<td>$75.00</td>
</tr>
<tr>
<td><strong>Roadway Impact</strong></td>
<td>STIMP</td>
<td></td>
<td>$1,334,189.78</td>
</tr>
<tr>
<td>Water Meter 1 Inch</td>
<td>METER</td>
<td></td>
<td>$326.99</td>
</tr>
<tr>
<td>Water Impact Fee 1 Inch Meter</td>
<td>IMPAC</td>
<td></td>
<td>$3,400.00</td>
</tr>
</tbody>
</table>

**Total** $1,430,002.07

## Payments

<table>
<thead>
<tr>
<th>Date</th>
<th>Paid By</th>
<th>Description</th>
<th>Payment Type</th>
<th>Accepted By</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/08/2022</td>
<td>ARCO</td>
<td>1440</td>
<td></td>
<td>Haley Taylor</td>
<td>$36,246.48</td>
</tr>
</tbody>
</table>

**Outstanding Balance** $1,393,755.59
§ 10.03.005. Amount of impact fee.

(a) The impact per service unit which is to be paid by each new development within the service area shall be as established herein and may be amended from time to time.

(b) The impact fees due for a new development shall be assessed and collected at the time of platting in the case of a new subdivision or, if new development occurs or is proposed to occur without platting, such fees shall be assessed and collected at the time of issuance of any building permit for connection to the city’s water or sewer system or for other construction. For new development platted prior to the adoption of this article, an impact fee may not be collected under this article for a period of one (1) year from the date of adoption hereof, provided, however, any other ordinance of the city requiring dedication of land for public parks, requiring dedication of right-of-way or easements, or construction or dedication of on-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs necessitated by and attributable to new development, or fees to be placed in trust for the purpose of reimbursing the city or developers for oversizing or constructing water or sewer mains or lines shall remain in full force and effect and not be repealed by the terms of this article.

(c) An impact fee for water facilities shall be calculated as provided in the water and wastewater 2018–2028 impact fee update engineering evaluation report dated June 2018. Such rate shall not exceed the maximum amounts established and as set out in the fee schedule found in appendix A of this code.

(d) An impact fee for wastewater facilities shall be calculated as provided in the 2020–2030 wastewater impact fee update engineering evaluation report dated February 2020. Such rate shall not exceed the maximum amounts established and as set out in the fee schedule found in appendix A of this code.

(e) An impact fee for roadway facilities shall be calculated as provided in the 2018 roadway impact fee update. Such rate shall not exceed the maximum amounts established and as set out in the fee schedule found in appendix A of this code.

(1992 Code, sec. 11.605; Ordinance 2020-1106, sec. 3, adopted 6/15/20)
### Table 3.10
Calculation of Maximum Impact Fees (Uncredited)

<table>
<thead>
<tr>
<th>Line #</th>
<th>Maximum Assessable Impact Fee</th>
<th>Service Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Veh-Miles of Capacity Added by the CIP</td>
<td>15,799</td>
</tr>
<tr>
<td></td>
<td>(From Projected Veh-Miles of New Capacity - Table 4.8)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Total Veh-Miles of Existing Demand on CIP Roads</td>
<td>2,304</td>
</tr>
<tr>
<td></td>
<td>(From Veh-Miles of Existing Demand on CIP Roadways - Table 4.9)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Total Veh-Mile of Existing Deficiencies on Existing Roads</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>(From Excess Capacity and Deficiencies - Table 4.4)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Net Amount of Veh-Mile Capacity Added</td>
<td>13,495</td>
</tr>
<tr>
<td></td>
<td>(Line #1-Line #2-Line #3)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Total Cost of CIP Within Service Area</td>
<td>$39,705,547</td>
</tr>
<tr>
<td></td>
<td>(From Engineer's Opinion of Probable Construction Costs - Table 4.7)</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Cost of Net Capacity Supplied</td>
<td>$33,915,207</td>
</tr>
<tr>
<td></td>
<td>(Net of Capacity Added/Total of Capacity Added)<em>CIP Cost - (Line #4/Line #1)</em> (Line #5)</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Cost to Meet Existing Needs and Usage</td>
<td>$5,790,340</td>
</tr>
<tr>
<td></td>
<td>(Total Cost of CIP-Cost of Net Capacity Supplied) - Line #5-Line #6</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Total Veh-Mile of New Demand Over 10 Years</td>
<td>39,059</td>
</tr>
<tr>
<td></td>
<td>(From Projected Vehicle-Miles of New Demand - Table 4.5)</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>% of Capacity AddedAttributed to New Growth</td>
<td>289%** (100%)</td>
</tr>
<tr>
<td></td>
<td>(Total of New Demand/Net Amount of Capacity Added) - Line #8/Line #4**</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Cost of Capacity AddedAttributed to New Growth</td>
<td>$33,915,207</td>
</tr>
<tr>
<td></td>
<td>(Cost of Net Capacity Supplied * Cost Attributed to New Growth) - Line #6*Line#9</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Maximum Uncredited Fee per Service Unit</td>
<td>$868.31</td>
</tr>
<tr>
<td></td>
<td>(Cost of Net Capacity Attributed to New Growth/Total Veh-Mile of New Demand) - Line #10/Line #8</td>
<td></td>
</tr>
</tbody>
</table>

**If Line 8-Line 4 then reduce Line 9 to 100%

The maximum 50% credited fee per service unit is $434.15
3.10 Land Use / Vehicle-Mile Equivalency Table

A land use/vehicle-mile equivalency table establishes the service unit rate for various land uses. This table is a result of combining the weighted average based upon the # studies available for each land use (large trip generators were discounted to lower the overall average rate to obtain a more realistic trip rate) and the average trip lengths for the six selected land use categories. The trips rates were obtained using the ITE Trip Generation Manual, 9th Edition for the PM peak hour of adjacent street traffic. The rates were adjusted for pass-by trips. These rates are based on an appropriate development unit for each land use. For example; office and retail are based on development of 1,000 square feet of gross floor area, hotel/motel are based upon rooms, while single-family and multi-family residential is based on dwelling units. The City of Hutchins determined industrial land uses would be based upon acreage. The City of Hutchins's Land-Use Vehicle Mile Equivalency Table is made up of 6 general use land categories, they are: Residential-Single Family, Multi Family, Office, Retail/Commercial, Industrial, and Hotel/Motel. Table 3.11 illustrates the total service units generated by the various land uses. Appendix F provides the land-uses, trip rates and travel lengths used for this table.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Development Unit</th>
<th>Total Service Units (Veh-mi/Dev Unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential-Single Family</td>
<td>Dwelling Unit (D.U.)</td>
<td>5.08</td>
</tr>
<tr>
<td>Multi-Family (includes townhomes and mobile home parks)</td>
<td>Dwelling Unit (D.U.)</td>
<td>3.12</td>
</tr>
<tr>
<td>Office</td>
<td>1,000 GFA</td>
<td>8.79</td>
</tr>
<tr>
<td>Retail/Commercial</td>
<td>1,000 GFA</td>
<td>8.50</td>
</tr>
<tr>
<td>Industrial</td>
<td>Acres</td>
<td>41.47</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Rooms</td>
<td>1.72</td>
</tr>
</tbody>
</table>
3.11 Calculating the Roadway Impact Fees

The calculation of the actual fee charged to development is a two-part process. These parts are:

**Part 1:** Determine number of service units (vehicle-miles) generated by the development. This information is obtained from the land-use vehicle-mile equivalency table (Table 4.11).

\[
\text{No. of Development Units} \times \frac{\text{Vehicle-miles (Total Service Units) per development unit}}{} = \text{Development’s Vehicle-miles}
\]

**Part 2:** Calculate the impact due by new development. This fee based on the cost per service unit as adopted by Council (Table 4.11)

\[
\text{Development’s Vehicle-miles (from part 1) x Cost per vehicle-mile (from CIP calculation- Council’s adopted fee)} = \text{Impact Fee due from development}
\]

Examples: The following fee would be assessed to new developments which has a maximum (credited) fee per service unit of $434.

**Single-Family Dwelling**

(1 dwelling unit x 5.08 vehicle-miles – from equivalency table) / 1 dwelling unit = 5.08 vehicle-miles

5.08 Vehicle-miles x $434/ vehicle-mile = $2,205

**Multi-Family – 100 units**

(100 dwelling unit x 3.12 vehicle-miles – from equivalency table) /1 dwelling unit = 312 vehicle-miles

312 Vehicle-miles x $434/ vehicle-mile = $135,408

**General Office Building - 10,000 square foot (s.f.)**

(10,000 s.f. x 8.79 vehicles-miles – from equivalency table)/1000 s.f. units = 87.9 vehicle-miles

87.9 vehicle-miles x $434/vehicle-mile = $38,149

**Retail Center - 60,000 square foot (s.f.)**

(60,000 s.f. x 8.50 vehicle-miles – from equivalency table)/ 1,000 s.f. units = 510 vehicle-miles

510 vehicle-miles x $434/vehicle-mile = $221,340

**Industrial Development on 10 acres**

(10 acres x 41.47 vehicle-miles – from equivalency table = 414.7 vehicle-miles

414.7 vehicle-miles x $434/ vehicle-mile = $179,980
TOTAL AREA = 74 ACRES

USABLE AREA = 46 ACRES

UNUSABLE AREA = 28 ACRES
MEETING DATE: July 17, 2023  
SUBMITTED BY: Robert McWayne, Interim Director of Public Works  
AGENDA ITEM: F.8.  
AGENDA CAPTION: Discuss and consider Resolution R2023-1124 OF THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS, AUTHORIZING THE MAYOR TO ADVISE THE DALLAS DISTRICT OF THE TEXAS DEPARTMENT OF TRANSPORTATION OF THE CITY’S DECISION TO EITHER PURCHASE OR WAIVE ITS PRIORITY RIGHT TO PURCHASE THE STATE-OWNED PROPERTY LOCATED AT IH 45 AND EAST PALESTINE STREET, HUTCHINS, DALLAS COUNTY, TEXAS, CONSISTING OF ±0.1262 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

Background Information

The Dallas District of the Department of Transportation (TxDOT) has decided that the property in question is no longer needed for state highway purposes. They are looking to see if the City of Hutchins would be interested in purchasing the property for $43,984.00 and taking responsibility for the property going forward.

Budget Implications

$43,984.00

Operational Impact

N/A

Legal Review

The city attorney reviewed this item to prepare the resolution.

Staff Recommendation

N/A

Supporting Documentation and Attachments

1. R2023-1124 Department of Transportation Purchase of Property Offer 4870-4361-1247 v.1
2. TXDOT - Sale of State Owned Property
3. TxDOT proposed property
4. 20230707_160647
5. 20230707_160706
6. 20230707_160621
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS, AUTHORIZING THE MAYOR TO ADVISE THE DALLAS DISTRICT OF THE TEXAS DEPARTMENT OF TRANSPORTATION OF THE CITY’S DECISION TO EITHER PURCHASE OR WAIVE ITS PRIORITY RIGHT TO PURCHASE THE STATE-OWNED PROPERTY LOCATED AT IH 45 AND EAST PALESTINE STREET, HUTCHINS, DALLAS COUNTY, TEXAS, CONSISTING OF ±0.1262 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Dallas Division of the Texas Department of Transportation (“TxDOT”) has determined that the state-owned property located at IH 45 and East Palestine Street, Hutchins, Dallas County, Texas, consisting of ±0.1262 acres (the “Property”), is no longer needed for state highway purposes; and

WHEREAS, TxDOT has advised the City of its priority right to purchase the Property for the amount of Forty-Three Thousand Nine Hundred Eight-Four Dollars ($43,985.00); and

WHEREAS, the City Council has been presented with TxDOT’s offer letter addressed to the City (“Offer”), and upon full review and consideration of the Offer, and all matters related thereto, the City Council is of the opinion and finds that the Mayor is authorized to communicate the City’s decision to either purchase or waive its priority right to purchase the Property;

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

SECTION 1. The Mayor is hereby authorized to communicate the City’s decision to TxDOT’s Offer to purchase the Property, which is attached hereto as Exhibit “A,” on behalf of the City of Hutchins.

SECTION 2. This Resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Hutchins, Texas, this the 17th day of July 2023.

CITY OF HUTCHINS, TEXAS

__________________________
Mario Vasquez, Mayor

ATTEST:

__________________________
Cynthia Olguin, City Secretary

(06-23-2023: ND 4870-4361-1247)
June 23, 2023

RE: Potential Sale of State-Owned Property
+/- 0.1262 acres; D18-057-484
IH 45 & E. Palestine Street
Hutchins, Dallas Co., Tx 75141

VIA FEDERAL EXPRESS

Mario Vasquez
Mayor
City of Hutchins
321 North Main Street
Hutchins, TX 75141

Dear Priority Holder,

The Dallas District of the Texas Department of Transportation ("TxDOT") has determined that the above-described property is no longer needed for state highway purposes. A copy of the survey of the property is enclosed. In accordance with Texas Transportation Code § 202.021, governmental entities with the authority to condemn the real property have a priority right to purchase TxDOT real property that is sold, and this letter is a notice of your right to purchase this property.

The purchase price for this property is FORTY-THREE THOUSAND NINE HUNDRED EIGHTY-FOUR and No/100 DOLLARS ($43,984.00), plus survey costs, appraisal costs, and any additional incurred closing costs, including the cost of any owner’s title insurance policy you may require. This transaction is subject to change or cancellation by TxDOT. Furthermore, the conveyance will be made subject to any easements for access to a right of way, implied or otherwise, appurtenant to any and all properties abutting the property being sold.

To exercise your priority, you must provide TxDOT with a written election statement of your entity’s intent to purchase the property on these terms, within thirty (30) days of the receipt of this letter. Please email this to: Stephen.Dodge@txdot.gov.

If TxDOT does not receive a written election statement, TxDOT will consider your right to purchase the property waived. If the priority holder is not interested in purchasing the property, please return the enclosed Waiver prior to the automatic 30-day waiver.

If you have any questions concerning this matter, email or call me at: (512) 416-2875.

Sincerely,

[Signature]

Stephen Dodge
Director, Real Estate Services Section, Right of Way Division

cc: Ceason G. Clemens, P.E., District Engineer, Dallas District
Jennifer Houdmann, ROW Project Delivery Manager, Dallas District
Waiver of Priority Purchase Right
by Governmental Entity

RE: Potential Sale of State-Owned Property
Texas Department of Transportation
+/- 0.1262 acres; D18-057-484
IH 45 & E. Palestine Street
Hutchins, Dallas Co., Tx 75141

Stephen Dodge, Director
Real Estate Services Section
Right of Way Division
Texas Department of Transportation
6230 E. Stassney Lane
Austin, Texas 78744

Dear Mr. Dodge:

We have reviewed TxDOT’s letter dated June 23, 2023 regarding the proposed sale of the above-referenced property.

The Priority Holder IS NOT interested in purchasing this property.

The Priority Holder WAIVES the priority right to purchase this property.

Sincerely,

________________________________________ [Signature]

________________________________________ [Name]

________________________________________ [Title]

________________________________________ [Entity Name]

Date: __________________________, 20__

Mario Vasquez
Mayor
City of Hutchins
321 North Main Street
Hutchins, TX 75141
EXHIBIT “A”

County: Dallas
Highway: Interstate Highway 45
RCSJ: 0092-02

Tract 1

BEING all that certain parcel of land being situated in the THOMAS FREEMAN SURVEY, ABSTRACT NO. 453, and being a portion of Tract No. II (Parcel 1) conveyed by J.J. Moore to the State of Texas by Right of Way Deed recorded in Volume 3915, Page 410 of the Deed Records of Dallas County, Texas (DRDCT) and a portion of Tract No. II (Parcel 1) (2.92 acres) conveyed by Ida Nichols, et al to the State of Texas by Right of Way Deed recorded in Volume 3925, Page 419, and being more particularly described as follows:

COMMENCING at a 1/2” iron rod found in the west line of Interstate Highway 45 (I-45, a variable width right of way) for the southeast corner of Lot 3, Block 1 of The William L. Smith Subdivision, an addition in the City of Hutchins, Texas, according to the plat thereof recorded in Volume 83127, Page 4214, DRDCT and at the intersection of the extended north line of a called 14 foot alley as dedicated in the plat of Jeffers, Davis and Moore Subdivision, an addition in the City of Hutchins, Texas, according to the plat thereof recorded in Volume 589, Page 2134 of the Map Records of Dallas County, Texas (MRDCT);

THENCE S 19°27’14” E, along the current east line of said alley, a distance of 13.68 feet to a 1/2” iron rod found at the intersection of the extended south line of said 14 foot alley with the west line of Interstate Highway 45 and same for said Tract No. II (Moore) for the northeast corner of Tract #1 conveyed to Maliette Landau Wolens by Special Warranty Deed recorded in Volume 96056, Page 4705, DRDCT for the PLACE OF BEGINNING;

1) THENCE S 34°03’30” E, along the east line of this tract, a distance of 69.07 feet to a 1/2” iron rod set with cap marked "WLSC RPLS 5331" for corner;

2) THENCE S 14°31’17” E, continuing along the east line of this tract, passing the south line of said Tract No. II (Moore) and the north line of Tract No. II (Nichols), in all, a distance of 135.71 feet to a 1/2” iron rod set with cap marked "WLSC RPLS 5331" for corner;

3) THENCE S 18°38’33” W, continuing along the east line of this tract, a distance of 26.8 feet to a 1/2” iron rod set with cap marked "WLSC RPLS 5331" for corner;

4) THENCE S 68°36’18” W, along the south line of this tract, a distance of 63.00 feet to a 1/2” iron rod set with cap marked "WLSC RPLS 5331" for corner;

5) THENCE S 39°30’46” W, continuing along the south line of this tract, a distance of 27.41 feet to a cotton gin spike found at the intersection of the west line of I-45 with the north line of Palestine Street (formerly Dowdy’s Ferry Road, a variable right of way) for the southeast corner of this tract and the southwest corner of said Tract No. II (Nichols) and the southeast corner of Tract #3 conveyed to Maliette Landau Wolens by Special Warranty Deed recorded in Volume 96056, Page 4705, DRDCT;

6) THENCE N 24°35’37” E, along the east line of Tract #3 and the west line of I-45 and same for said Tract No. II (Nichols), a distance of 111.67 feet to a cotton gin spike found for a northeast corner of Tract #3 and a southeast corner of Tract #1 conveyed to Maliette Landau Wolens by Special Warranty Deed recorded in Volume 96056, Page 4705, DRDCT and a west corner of said Tract No. II (Nichols) and the southwest corner of Tract No. II (Moore);

7) THENCE N 34°00’57” E, along the east line of Tract #1 and the west line of I-45 and same for Tract No. II (Moore), a distance of 26.30 feet to a cotton gin spike found for an interior corner of Tract No. II (Moore) and a southeast corner of Tract #1;
8) THENCE N 20°07'15" W, continuing along the east line of Tract #1 and the west line of I-45 and same for Tract No. II (Moore), a distance of 143.32 feet to the PLACE OF BEGINNING and containing 5498 square feet or 0.1262 acres of land. Basis of bearings is Texas Coordinate System, North Central Zone 4202, NAD 83 per GPS observation. Coordinates are grid.

J. Shawne Walker, R.P.L.S.
Texas Registration No. 5331
TBPELS Firm No. 10112400
Exhibit "A"
Interstate Highway 45
5,498 Square Foot Tract in the
Thomas Freeman Survey, Abstract No. 453
City of Hutchins, Dallas County, Texas

LOCATION MAP  NOT TO SCALE

Legend

1/4" IRF  1/4" iron rod found
1/2" CIRS  1/2" capped iron rod set with cap marked "WLSC RPLS 5331"
CGSF  Cotton Gin Spike Found
CGSS  Cotton Gin Spike Set
DRDCT  Deed Records of Dallas County, Texas
MRDCT  Map Records of Dallas County, Texas
Vol.  Volume
Pg.  Page
R.O.W.  Right of Way
C.M.  Control Monument
MEETING DATE: July 17, 2023
SUBMITTED BY: 
AGENDA ITEM: G.1.
AGENDA CAPTION: Texas Government Code, Section 551.074: Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Municipal Court Judge and Associate Municipal Court Judge

Background Information
N/A

Budget Implications

Operational Impact

Legal Review

Staff Recommendation
n/a

Supporting Documentation and Attachments
MEETING DATE: July 17, 2023
SUBMITTED BY: G.2.
AGENDA CAPTION: Texas Government Code Section 551.072 Deliberation regarding Real Property: Discuss property located at 400 N. JJ Lemmon Rd.

Background Information
NA

Budget Implications

Operational Impact

Legal Review

Staff Recommendation
NA

Supporting Documentation and Attachments
MEETING DATE:       July 17, 2023
SUBMITTED BY:      
AGENDA ITEM:        H.1.
AGENDA CAPTION:     Take any action as a result of Executive Session.

Background Information

Budget Implications

Operational Impact

Legal Review

Staff Recommendation

Supporting Documentation and Attachments