

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on ***Monday, June 5, 2023 at 7:00 p.m.***

Council Members: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Public Comments:*** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***Speakers must observe the five (5) minute time limit.***
5. ***Consent Agenda***

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of May 15, 2023
 - b. Event application for Juneteenth Musical, Parade, & Celebration on June 17, 2023
 - c. Cancellation of the regularly scheduled July 3, 2023 City Council meeting
 - d. Request from the Texas Theater to allow guests to consume alcoholic beverages on the sidewalk for a private event to be held July 22, 2023
 - e. Interlocal Agreement with the City of Baytown for the purchase of various goods and services
 - f. Amendment to the Airport Project Participation Agreement with the Texas Department of Transportation for the Airport Master Plan update for Mid-Way Regional Airport
 - g. Supplemental appropriation in the amount of \$4,350 for final cost of joint election services for the May 6, 2023 General Election
6. ***Introduce*** Honorary Council Member
7. ***Present*** Proclamation recognizing June 4, 2023-July 4, 2023 as Crape Myrtle Month

8. **Public Hearing** on a request by Matthew Kepler, for a Replat of Lots 32R and 34R, Block 181 of the Town Addition, to create Lot 32R-R, Block 181 of the Town Addition, 1 residential lot, being 0.2595 acres, located at 111 Griffin Street, (Property ID: 226134) – Owner: MATTHEW KEPLER (SUB-18-2023)
9. **Consider** approval of SUB-18-2023
10. **Consider** and take action on a resolution directing publication of notice of intention to issue Certificates of Obligation, Series 2023; directing the preparation of a preliminary official statement and related materials; and providing an effective date
11. **Consider** approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc. for improvements to the Northgate Drive at US 77 intersection
12. **Consider** authorizing a budget amendment for a change order to the Lake Waxahachie Pump Station No. 2 control room upgrades Project
13. **Consider** approval of a sewer line rehabilitation contract for the Southwest Interceptor Rehab Phase I Project
14. **Consider** proposed Ordinance amending Section 20-1 (Noise) of the Code of Ordinances
15. **Convene** into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code
16. **Reconvene** and take any necessary action
17. Comments by Mayor, City Council, City Attorney and City Manager
18. Adjourn

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

(5a)

City Council
May 15, 2023

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, May 15, 2023 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mike Sweet gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Alan Fox, 327 University, Waxahachie, Texas, thanked City Council for their service noting it is a collaboration with citizens to make Waxahachie successful.

5. Canvass and accept votes of City Council Election held on May 6, 2023

Mayor Hill canvassed the election returns of the City Council Election held on Saturday, May 6, 2023 as follows:

Place 4	Billie Wallace	3,523
Total Votes Cast:		3,523
Place 5	Travis M. Smith	2,627
Place 5	Randy Melton	1,564
Total Votes Cast:		4,191

Action:

Patrick Souter moved to accept the election returns of the City Council General Election held on Saturday, May 6, 2023 as presented. Chris Wright seconded, All Ayes.

6. Administer Oath of Office to Council Member Place 4 and Council Member Place 5

City Secretary Amber Villarreal administered the Oaths of Office to Billie Wallace, Council Member Place 4 and Travis Smith, Council Member Place 5.

7. Organization of City Council

Action:

Patrick Souther moved David Hill be nominated and appointed as Mayor of the City of Waxahachie and Chris Wright be nominated and appointed as Mayor Pro Tem. Chris Wright seconded, the vote was as follows: Ayes: David Hill, Chris Wright, Patrick Souther, and Travis Smith. Noes: Billie Wallace.

The motion carried.

8. Consent Agenda

- a. Minutes of the City Council meeting of May 1, 2023
- b. Event application for Police Memorial to be held May 16, 2023 at Downtown Waxahachie Pocket Park
- c. Event application for Corpus Christi Procession to be held June 11, 2023
- d. Accept the FY 2022-2023 Impact Fee Revenue and Expenditure Mid-Year Report
- e. Authorize funding from the Tax Increment Reinvestment Zone No. 1 (TIRZ) for Texas Theater renovation expenses
- f. Supplemental appropriation of \$76,810 from the Waxahachie Community Development Corporation (WCDC) for a Business Plan for Mid-Way Regional Airport
- g. Accept the Waxahachie Community Development Corporation Financial Report for year ended September 30, 2022
- h. Resolution to suspend the effective date of proposed gas utility rate increase by SiEnergy

RESOLUTION NO. 1341

A RESOLUTION BY THE CITY OF WAXAHACHIE, TEXAS AUTHORIZING AND APPROVING MEMBERSHIP IN THE CITIES SERVED BY SIENERGY (CITIES) FOR THE PURPOSE OF PROTECTING THE INTEREST OF THE CITY AND ITS CITIZENS WITH RESPECT TO SIENERGY MATTERS; FURTHER SUSPENDING THE JUNE 9, 2023 EFFECTIVE DATE OF THE STATEMENT OF INTENT OF SIENERGY, LP TO INCREASE RATES WITHIN INCORPORATED AREAS OF NORTH, CENTRAL, AND SOUTH TEXAS; TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY SIENERGY; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE

PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Action:

Travis Smith moved to approve items a. through d and items f. through h. on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Billie Wallace seconded, All Ayes.

Action:

Billie Wallace moved to approve item e. on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Patrick Souter seconded, the vote was as follows: Ayes: David Hill, Chris Wright, Patrick Souter, and Billie Wallace. Noes: None. Abstain: Travis Smith.

The motion carried.

9. Introduce Honorary Council Member

Council Member Patrick Souter presented Avery Mathis with a Certificate of Appreciation for serving as the May 2023 Honorary Council Member. Avery, the daughter of Shawna and Scott Mathis, is in the top 10% of her class and on the AB Honor Roll at Waxahachie High School (WHS). She has danced competitively since the age of ten and is currently on the Elite Scholar Team at Avant Garde Ballet Academy in Ennis. Avery is a second year Varsity member of the Cherokee Charmers Drill Team. She serves a public relations person for the DTC Council of the Charmers and a second-year member of the Cherokee Charmers elite team dance, C.C. & Company. Avery accepts all opportunities offered to her in the community from the Charmers and WHS. She founded the BrAvery Sock Foundation which is an organization that gives happy socks and toys to children in burn hospitals. Avery started the organization at the age of seven after experiencing a burn accident herself. The BrAvery Sock Foundation has collected over 200,000 socks and toys to provide to hospitals all over the nation. Looking forward, Avery is considering attending Penn State or NYU with a focus on pre-med, dance, or both. In Avery's spare time, she likes to read, enjoys the company of her friends, traveling, and shopping.

10. Present Proclamation recognizing May 21-27, 2023 as National Public Works Week

Mayor Hill presented proclamation recognizing May 21-27, 2023 as National Public Works Week.

Mayor Hill presented proclamation recognizing May 14-20, 2023 as National Police Week.

11. Consider a request by Anna Carrillo, Carrillo Engineering, for a Plat of the North Grove Center Addition, being 20.01 acres, located at the northeast corner of US Highway 77 and E North Grove Boulevard, situated in the Henri Sange Survey, Abstract 1009, and the Allen W. Brown Survey, Abstract 102, an addition to the City of Waxahachie (Property ID: 191121, 262125, & 262126) – Owner: HIGH FIVE TRUST – BJA (Mark) (SUB-15-2023)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant proposes to Plat the subject property into ten (10) lots for commercial use as part of the North Grove Center Planned Development (Ord. 3365). The proposed lots are in conformance with the zoning for the property, as well as the 2023 Waxahachie Thoroughfare Plan. With this plat, the applicant is proposing a variable-width Public Access Easement to allow for connectivity between all lots.

The applicant is seeking a variance from Section 3.6(b) of the Waxahachie Subdivision Ordinance; which requires each proposed lot to front onto a dedicated, improved public street. The applicant is seeking this variance to allow proposed Lot 1 & Lot 10 to have no frontage on a dedicated, improved public street. The location of Lot 1 & Lot 10 on the proposed Plat does conform with the concept plan for the development approved with Ordinance 3365. Lot 10 is proposed to front onto the Public Access Easement as opposed to a dedicated, improved public street. Lot 1 is proposed to serve only as a storm water detention lot and is required to be owned and maintained in perpetuity by the owner of Lot 9. Due to this, it will be possible to access the proposed Lot 1 through the internal drives of Lot 9. Considering all proposed lots will have reasonable access, staff is supportive of this variance request. Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the plat with the associated variance request.

Action:

Billie Wallace moved to approve SUB-15-2023, a Plat of the North Grove Center Addition, and the associated variance request, authorizing the City Manager and/or Mayor to execute all documents accordingly. Travis Smith seconded, All Ayes.

- 12. Continue Public Hearing on a request by Gilberto Escobedo, LGE Investment Homes LLC, for a Replat of Lot 1A of the Martin Addition, to create Lot 1AR & 1BR of the Martin Addition, two (2) residential lots, being 0.192 acres, located at 215 Finley Street (Property ID: 175899) – Owner: LGE INVESTMENT HOMES LLC (SUB-180-2022)**

Mayor Hill announced the applicant requested to withdraw SUB-180-2022.

- 13. Consider approval of SUB-180-2022**

No action taken.

- 14. Receive Fiscal Year 2023 2nd Quarter Financial Report**

Chad Tustison, Senior Finance Director, reviewed the Fiscal Year 2023 2nd quarter financial report noting revenues and expenses are performing as expected and are in line with the General Fund budget. Sales tax collections represent an increase of 8.6% over the prior year. Mr. Tustison reported the City is seeing additional interest income due to the higher interest rates offered by our local government investment pool. He explained building inspections and permits are trending slightly lower than budget. Expenditures in the General Fund for the 2nd quarter total 52% of the budget. Due to strong room occupancy rates, revenues from hotel/motel taxes are coming in above budget.

(5a)

Action:

Billie Wallace moved to accept the Fiscal Year 2023 2nd quarter financial report. Travis Smith seconded, All Ayes.

15. Consider proposed Resolution adopting financial policies for the City of Waxahachie

Mr. Tustison requested adoption of the proposed financial policies. He explained the financial policies provide baseline standards and guidelines for financial decision making and set the strategic intent for financial management. They are central to a strategic, long-term approach to the practice of strong stewardship over City funds. According to the Government Finance Officers Association, formal written policies help cities:

- Institutionalize good financial management practices
- Clarify strategic intent for financial management
- Define boundaries
- Support good bond ratings
- Promote long-term strategic thinking
- Manage risks to financial condition
- Comply with established public management best practices

The City currently maintains an internal set of financial policies. For the last two years, staff has included these financial policies in the annual budget document. These policies, as outlined in the attached document, provide basic standards and best practices on various financial topics including the Annual Budget, Reserve Policies, Capital Expenditures, Debt Management, and Financial Reporting.

Since the approval of the FY 2023 Budget, the financial policy document has been updated to include a section on Debt Management. This section provides standards around the issuance of debt, use of an independent financial advisor and bond counsel, bond ratings, capital planning, and federal reporting guidelines. It is the intent of City staff to bring forward any changes to the policies as needed throughout the year, or as part of the annual budget adoption process.

RESOLUTION NO. 1342

A RESOLUTION APPROVING FINANCIAL POLICIES FOR THE CITY OF WAXAHACHIE, TEXAS; RE-AFFIRMING AND EXPANDING PREVIOUS POLICIES; REPEALING PRIOR RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE

Action:

Chris Wright moved to approve the proposed Resolution formally adopting financial policies for the City of Waxahachie. Patrick Souter seconded, All Ayes.

16. Consider approval of a Master Agreement with Westhill Construction, Inc. for miscellaneous asphalt and concrete work

James Gaertner, Executive Director of Public Works & Utilities, requested approval of a master agreement with Westhill Construction, Inc. for miscellaneous asphalt and concrete work at various locations throughout the city. Mr. Gaertner explained utilizing the interlocal cooperative

purchase agreement currently in place with the City of Fort Worth, the City of Waxahachie will be able to leverage its buying power. Since the City of Fort Worth has larger scale needs and budget, we can obtain better unit pricing and achieve more cost savings than bidding the work out ourselves. The master agreement is necessary to support multiple departments' asphalt and concrete needs throughout the City of Waxahachie. The goal is to maintain a reasonable repair schedule, minimize public disruptions, and ensure repairs do not adversely impact the quality of life of the residents of the city.

Action:

Chris Wright moved to approve a master agreement with Westhill Construction, Inc. for miscellaneous asphalt and concrete work at various locations throughout the city via an interlocal agreement with the City of Fort Worth. Billie Wallace seconded, All Ayes.

17. Consider authorizing a budget amendment for engineering of a 6-inch water line along Patrick Street

David Bailey, Senior Director of Utilities, requested approval of a budget amendment for engineering of a 6-inch water line along Patrick Street. Patrick Street water line engineering will be added to the 2022 Water & Sewer Rehab Project. Mr. Bailey explained the proposed Patrick Street water line replacement is approximately 830 linear feet of a new 6-inch PVC water line. This proposed water line is replacing an aging 6-inch cast iron water line that runs from the Waxahachie Housing Authority to Textile Street. The requested budget amendment is necessary to supplement the engineering cost.

Mr. Bailey explained the total engineering cost for the Patrick St water line is \$32,120. The 2022 Water & Sewer Rehab project has engineering savings in the amount \$28,385, which will be used to fund the majority of the additional engineering for Patrick Street. The BNSF Railroad 18" Water Line Phase I & II Project construction is complete and City staff is requesting a budget amendment to transfer \$3,735 to the 2022 Water & Sewer Rehab Project. Funding for construction of the 2022 Water & Sewer Rehab Project will be funded from the 2023 bonds and water operating funds.

Action:

Travis Smith moved to approve a budget amendment to transfer project savings of \$3,735 from the BNSF Railroad 18" Water Line Phase I & II Project into the 2022 Water & Sewer Rehab Project. Billie Wallace seconded, All Ayes.

18. Consider contract approval and authorization of funding from Park Dedication Fees for Pickleball Courts

Kyle Cooper, Senior Director of Parks and Recreation, requested approval to authorize funding from the Park Dedication Fee Fund, in the amount of \$64,633, for the renovation of the Salvation Army's unused tennis courts, which will be converted into three Pickleball courts. Additionally, Mr. Cooper requested approval of the related contracts with CourTex Construction Inc. and Bob Owens Electrical Co. for the project.

Mr. Cooper explained at the City Council retreat in January, the Parks Department presented various options to augment the inventory of park and recreation amenities by introducing

pickleball courts. The direction provided by the Council was to present pricing for the conversion of an unused tennis court at the Salvation Army into three Pickleball courts. It was determined that this option would be ideal to gauge the community's interest in pickleball and cost significantly less than a design-build pickleball facility.

Staff solicited and received three proposals for the pickleball court conversion project with CourtTex Construction Inc. submitting the lowest proposal. The project scope includes resurfacing the existing tennis court, as well as, providing three nets, six pole lights, 6-ft tall windscreens surrounding the court, and two additional entry gates. As part of the installation of the light poles, it was determined that a separate electrical contractor will be required to wire and connect them to a new electrical service. Staff solicited and received three proposals with Bob Owens Electric Co. submitting the lowest proposal. The total cost of the project is \$58,758; however, staff is requesting an additional 10% contingency of \$5,875 to account for any unforeseen expenditures, bringing the total funding request to \$64,633.

Action:

Chris Wright moved to approve contracts with CourTex Construction Inc. for the Pickleball Court Conversion Project and with Bob Owens Electric Company for electrical services, as well as, authorize funding not to exceed \$64,633 from the Park Dedication Fee Fund and authorize the City Manager to execute all necessary documents. Travis Smith seconded, All Ayes.

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

City Staff and the City Attorney congratulated Billie Wallace and Travis Smith for being re-elected to serve on City Council.

Council Member Travis Smith congratulated Billie Wallace and noted it is an honor to serve.

Council Member Billie Wallace congratulated Travis Smith and stated it is an honor to serve on City Council. She thanked Avery Mathis for her attendance and acknowledged her accomplishments. Ms. Wallace expressed her support to appoint the Mayor through a transparent process by agreeing on a rotation plan for Council members or allowing citizens to elect a Mayor.

City Manager Michael Scott recognized and thanked the Public Works Department, Police Department, and Finance Department.

Mayor Pro Tem Chris Wright thanked Avery Mathis, Public Works Department, Police Department, Finance Department, and Parks Department for their efforts. Mr. Wright recognized Mayor Hill's dedication of extra time to serve the citizens and expressed his support for him as Mayor. He spoke in opposition to having a rotation plan for Council Members to serve as Mayor and noted he is not opposed to voters electing a Mayor as long as there is a list of requirements to serve.

Council Member Patrick Souter echoed Mr. Wright's comments and expressed his support for Mayor Hill. Mr. Souter extended his prayers for the community of Allen, Texas and encouraged everyone to check on those who are isolated or disconnected. He read an email from Sergeant

(5a)

Brad Elliott, Ellis County Sheriff's Office, recognizing Matt Massey and Michael Valencia for their outstanding assistance with the Strut Your Mut event this past weekend at Getzendaner Park.

Avery Mathis, May Honorary Council Member, expressed thanks for her participation at the City Council meeting.

Mayor David Hill stated it is an honor to serve the City of Waxahachie. He expressed thanks to the Finance, Utilities, Public Works, Fire, and Police Departments. He welcomed Billie Wallace and Travis Smith back to City Council.

20. Adjourn

There being no further business, the meeting adjourned at 8:06 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



City of Waxahachie
City Secretary's Office

Special Event Application

(56)

Received in
City Secretary's Office
6/17/23 JB
City of Waxahachie, Texas

Date submitted

Applicant Information

Applicant name: Waxahachie Branch NAACP 6240

Are you representing the host organization? Yes ☒ No ☐

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

Phone: _____ Cell: _____

Email: _____

Mailing address: P.O. Box 478

Host organization name: Waxahachie Branch NAACP 6240

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

On-site contact name: Betty Square Coleman Cell: _____

About the Event

Event name: NAACP Juneteenth Celebration

Date: June 17, 2023

Location: Lee Penn Park 402 Getzendaner Avenue Waxahachie, TX 75165

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

Anticipated attendance: 200 or More

Description of event: Parade and Celebration

	Date(s)	Start Time:	End Time:
Event Date	06/17/2023	10:00 a.m.	5:00 p.m.
Event Set-up	06/16/2023	Early Morning	Not Sure
Event Breakdown	06/17/2023	5:00 p.m.	

How many times has this event been hosted before?

1st time ☐ 2 – 4 times ☐ 5 or more times ☒ Location: Lee Penn Park



City of Waxahachie
City Secretary's Office

Special Event Application

(5b)

Choose the best description of the event:

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

Event activities include (check all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Amusement rides / Inflatables | <input checked="" type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches | <input type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure |
| <input checked="" type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|--|--|
| <input type="radio"/> Private | <input checked="" type="radio"/> Free & open to the general public |
| <input type="radio"/> Entry by participation or registration fee | <input type="radio"/> Entry by admission fee or ticket |

Admission information, if applicable:

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

Run / Walk:

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

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- | | |
|---------|-----------------------|
| 1-99 | <input type="radio"/> |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input type="radio"/> |

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes ☒ No ☐
Will event require any food preparation on-site? Yes ☐ No ☒
Will alcohol be served/sold? Yes ☐ No ☒

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

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

Police / Security Services:

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

Event staff How many: _____ Date(s) & time(s): _____
Volunteers How many: _____ Date(s) & time(s): _____
Private security How many: _____ Date(s) & time(s): _____
Company name: _____

Contact name and number: _____

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

Have you made arrangements with the police? Yes ☒ No ☐

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

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

Contact name: _____ Phone number: _____

Street Closures:

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

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

MLK Blvd, Jefferson Street, Around Courthouse Square, Getzendaner Avenue

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

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

City Equipment:

Are you requesting the use of City equipment? Yes ☐ No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

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

Traffic Cones How many: _____ Barricades How many: _____



City of Waxahachie
City Secretary's Office

Special Event Application

(5b)

Other: _____

Where should equipment be dropped off & picked up? _____

When will the equipment be set-up? _____

Date: _____

Time: _____

When will the equipment be removed? _____

Date: _____

Time: _____

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes: _____

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied? _____

Generator ☐

Franchise Utilities ☐

Both ☐

List contractor / supplier: _____

Explain services in detail: _____

Insurance

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

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

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Betty Square Coleman
Signature

April 10, 2023

Date

Contract Agreement

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

Betty Square Coleman
Signature

April 10, 2023

Date

Email completed Special Events Application and site map to
Jami Bonner at Jami.Bonner@waxahachie.com.



WAXAHACHIE BRANCH NAACP #6240

(56)

P.O. Box 478

Waxahachie, TX 75168

(972) 937-2077 (Ph) *** (972) 937-3993 (Fax)

Email: naacp6240@att.net

<https://www.facebook.com/WaxahachieEllisCountyNAACP>

April 10, 2023

RE: JUNETEENTH IN THE PARK COMMUNITY CELEBRATION

Greetings All:

The Waxahachie Branch NAACP would like to cordially invite you to the **Annual Juneteenth In The Park Parade and Celebration**. This event is planned to take place on Saturday, **June 17, 2023, at Lee Penn Park, 404 Getzendaner Avenue, Waxahachie, TX 75165**. The festivities include a **Parade and Celebration In The Park**. The parade begins at 11 a.m. There is no cost per entry. However, donations are always welcome.

FYI: Please note Planned Parade Route: The procession will begin at the intersection of Getzendaner and Jefferson Street. The procession will proceed East on Jefferson Street to College Street. The procession will then turn right onto College Street and proceed to Martin Luther King, Jr. Blvd. The parade will then turn right onto MLK Boulevard and proceed east to Getzendaner Avenue. The procession will then turn left onto Getzendaner Avenue and proceed North to Lee Penn Park.

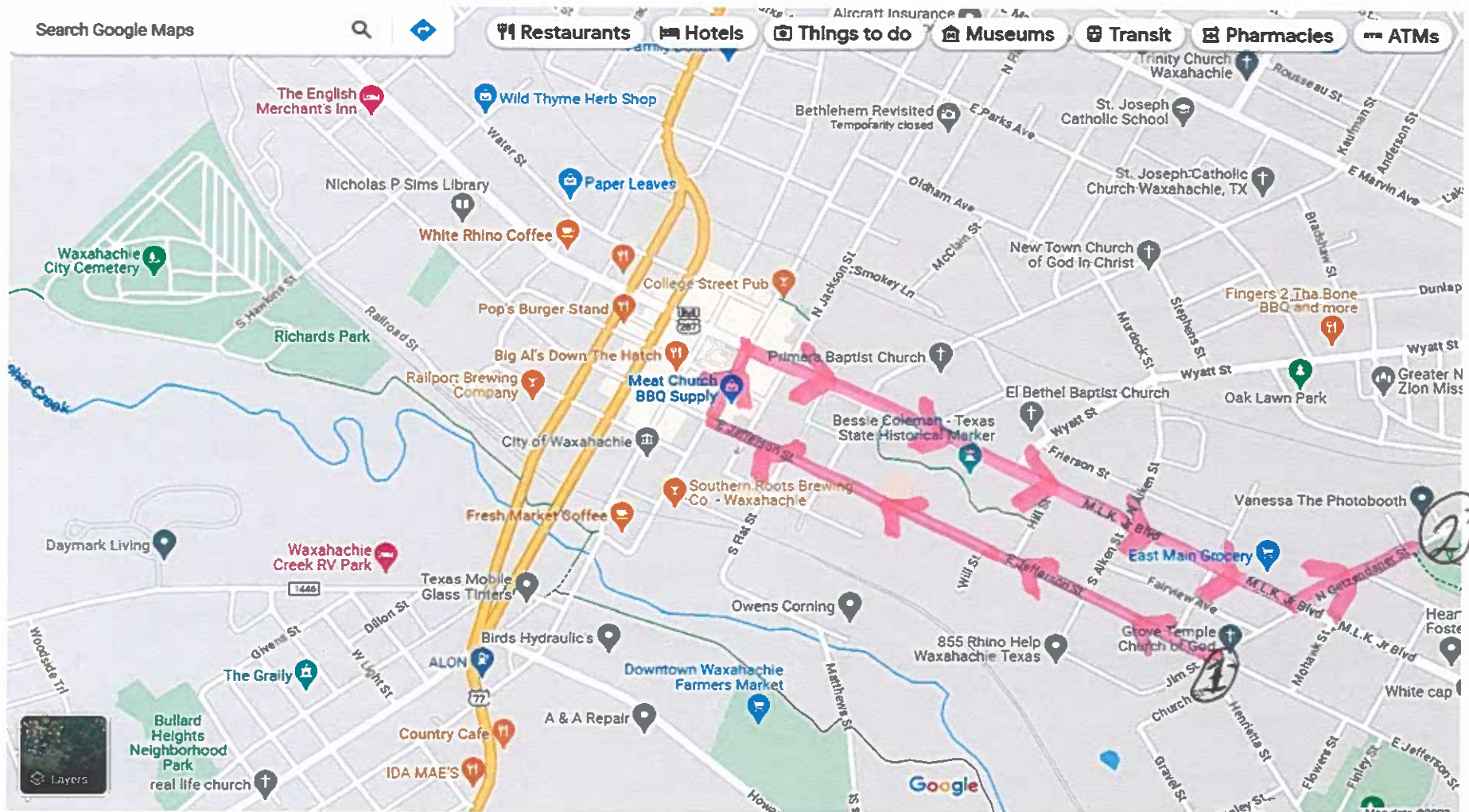
A Program and Dedication will be presented following the Parade. There will be food, fun and fellowship for all. The Parade and Celebration is open to the **Ellis County Community** and anyone else wishing to celebrate with us remembering this **Historic Event that was made a Holiday honoring Freedom!!!** We look forward to everyone's participation, especially from our Churches, City, County, Elected Officials, Schools, Businesses and Organizations in the Waxahachie/Ellis County area.

Register/Information please contact: Waxahachie Branch NAACP at (972) 937-2077(Ph)
Email: naacp6240@att.net or <https://www.facebook.com/WaxahachieEllisCountyNAACP>.

Thank you and we look forward to seeing you there.

Sincerely,
Betty Square Coleman, President

Google Maps



(5b)

① Parade Route Start

② Parade Route End



(567)

(5b)

Villarreal, Amber

From: Bonner, Jami
Sent: Tuesday, May 30, 2023 3:43 PM
To: Betty Square Jefferson
Cc: Villarreal, Amber
Subject: RE: Requests for Juneteenth Celebration

Good afternoon Betty,

The City Council will consider the Juneteenth Celebration event application at the June 5th City Council meeting. I have received the following responses from staff to be included:

- The park will be mowed and litter picked up as part of the normal maintenance schedule and should be ready for the event, weather permitting
- Additional trash barrels can be placed prior to the event to accommodate the crowds
- Two tents and a stage can be provided
- Staff is unable to provide any other equipment/supplies such as microphone, extension cords, water, coolers, chairs, tables, ice, water, and trash bags
- TxDOT approval needed for MLK Jr. Blvd street closure – please share approval letter as soon as possible. (email with contact info sent 5/25/23)

Thank you.

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

From: Bonner, Jami <>
Sent: Wednesday, May 24, 2023 4:38 PM
To: Betty Square Jefferson <naacp6240@att.net>
Subject: RE: Requests for Juneteenth Celebration

Received. Thank you.

From: Betty Square Jefferson <naacp6240@att.net>
Sent: Wednesday, May 24, 2023 3:43 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Re: Requests for Juneteenth Celebration

Good Afternoon,

Pursuant to your request, please note the following items needed for Juneteenth '23 In The Park:

- (1) Cleaning, Mowing of Park and Facilities
- (2) Table/Stage

(5b)

Bonner, Jami

From:
Sent: Wednesday, May 24, 2023 3:43 PM
To: Bonner, Jami
Subject: Re: Requests for Juneteenth Celebration

Good Afternoon,

Pursuant to your request, please note the following items needed for Juneteenth '23 In The Park:

- (1) Cleaning, Mowing of Park and Facilities
- (2) Table/Stage
- (3) Microphone, Extension Cords
- (4) Tents (1-10x20, 2-10 X 10)
- (5) Chairs and Tables for Immediate Area Near Concession Stand
- (6) Ice, Water, Trash Bags, etc.
- (7) Ant Repellent, Check For Wasp, Hornet Nest, Excess Dirt In Concession Stand, Working Lights In Concession Stand

Thank you in advance for the assistance. Should have any questions and or need further information please feel free to contact me.

Betty Square Coleman
President
Waxahachie Branch NAACP 6240

On Wednesday, May 17, 2023 at 03:16:15 PM CDT, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Hi Betty,

Please reply with your detailed requests for staff. (tents, pavilion use, polycarts, etc.) If requests are not included in the application, they may not be available due to timing.

Thank you.

Jami Bonner

(5b)

Bonner, Jami

From: Martinez, Gumaro
Sent: Tuesday, May 30, 2023 8:53 AM
To: Bonner, Jami; Cooper, Kyle; Barnes, Bradley; Campos, Yadira
Subject: RE: Event Application - Juneteenth Celebration 6/17/23

We have provided two tents and a stage in the previous years, and I don't have an issue making the same consideration this year.

We will not be able to provide any other equipment such as microphone/extension cords, water, coolers, chairs and tables, ice/water, and trash bags.

The parks will be mowed and litter picked up as part of the normal maintenance schedule and should be ready, weather permitting.

Additional trash barrels can be placed prior to the event to accommodate the crowds.

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

From: Bonner, Jami
Sent: Tuesday, May 30, 2023 8:24 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Subject: FW: Event Application - Juneteenth Celebration 6/17/23

Good morning Parks team,

Please let me know if you have any comments for the Juneteenth Celebration event application (attached). We'll need to include it on the June 5th City Council agenda. Thank you.

From: Bonner, Jami <>
Sent: Wednesday, May 24, 2023 4:42 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Amber Villarreal <avillarreal@waxahachie.com>; Clarice Crocker <ccrocker@waxahachie.com>
Subject: Event Application - Juneteenth Celebration 6/17/23

(5b)

Bonner, Jami

From: Boyd, Ricky
Sent: Thursday, May 25, 2023 8:51 AM
To: Bonner, Jami
Subject: RE: Event Application - Juneteenth Celebration 6/17/23

I do not have any concerns.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, May 24, 2023 4:42 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Juneteenth Celebration 6/17/23

For your review / comments. Please see page 8 for detailed requests. Thank you.

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

(5b)

Bonner, Jami

From: Joe Bill Wiser
Sent: Wednesday, May 24, 2023 4:55 PM
To: Bonner, Jami
Subject: RE: Event Application - Juneteenth Celebration 6/17/23

I have been in communication with the organizer and I do not have any concerns. We look forward to participating in the event this year.

Joe Wiser

From: Bonner, Jami
Sent: Wednesday, May 24, 2023 4:42 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Juneteenth Celebration 6/17/23

For your review / comments. Please see page 8 for detailed requests. Thank you.

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

(5b)

Bonner, Jami

From: Gaertner, James
Sent: Wednesday, May 24, 2023 5:05 PM
To: Bonner, Jami; Martinez, Gumaro; Cooper, Kyle; Barnes, Bradley; Campos, Yadira; Joe Bill Wiser; Boyd, Ricky; Griffith, Thomas; Jordan, Me'Lony; Massey, Matt
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Juneteenth Celebration 6/17/23

This looks similar to previous years. I am not aware of issues in the past.

If there is no issues with PD and they have TxDOT approval, then I don't have comments.

Sincerely,

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

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, May 24, 2023 4:42 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Juneteenth Celebration 6/17/23

For your review / comments. Please see page 8 for detailed requests. Thank you.

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



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: June 5, 2023

Re: Consider cancellation of the regularly scheduled July 3, 2023 City Council meeting

Item Description: Consider cancellation of the July 3, 2023 regular City Council meeting. There is not currently any pressing business that would necessitate a Council meeting on this date and with the Independence Day holiday on the 4th, it would seem logical to cancel this regularly scheduled meeting.

Item Summary: Due to the July 4th holiday and lack of anticipated business, staff is requesting to cancel the regularly scheduled City Council meeting on Monday, July 3, 2023. The next City Council meeting is scheduled for Monday, July 17, 2023.

(5d)

Michael Scott
City Manager
City of Waxahachie

May 23, 2023

Dear sir,

On July 22, 2023, The Texas Theater will be hosting the 75th Birthday Party of Dale Hanson, beloved sportscaster and Waxahachie resident. Since the planners of this party requested we feed dinner to 140 people on the square, the only place to do this was on the 3rd floor of the Museum.

The Texas Theater is requesting the opportunity to have 140 people walk from the Museum at the corner of Franklin and College Street to The Texas Theater at 110 W. Main Street. The purpose of this request is to allow the guest to walk on the sidewalk with their alcoholic beverage. This would require them to cross Franklin and College Street and College and Main Street while continuing to enjoy their drink.

We are willing to hire off duty police officers at each intersection to assure safe passage to the theater.

If the bistro permit is available, we would like to apply for it, allowing patrons to stand outside the theater with their drink in hand.

The crossing of the streets would be between 7:30 and 7:50pm.

The theater will have a live performance inside from 8-11pm.

Please let me know what steps need to be taken to accomplish this opportunity.

Kindest regards,
Tim Eaton
General Manager
The Texas Theater
Waxahachie, Texas 75165

(5d)

Bonner, Jami

From: Joe Bill Wiser
Sent: Tuesday, May 23, 2023 5:16 PM
To: Bonner, Jami
Subject: RE: Request for July 22

Given the parameters as listed in the request, I do not have elevated concerns related to public safety.

Joe Wiser

From: Bonner, Jami
Sent: Tuesday, May 23, 2023 4:31 PM
To: Joe Bill Wiser <JWiser@waxahachiepd.org>
Subject: FW: Request for July 22

Good afternoon Chief,

Please review the attached letter from the General Manager at The Texas Theater. Please reply with any concerns you may have. We are not requiring them to go through the Special Events process as they are only requesting for participants to be able to walk from one location to another with alcohol. Thank you.

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Tuesday, May 23, 2023 12:49 PM
To: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>
Cc: Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Fwd: Request for July 22

For your review/approval to add to the June 5th City Council agenda.

Thank you,

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

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

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

From: Tim Eaton
Sent: Tuesday, May 23, 2023 11:18:29 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager
Date: June 5, 2023
Re: City of Baytown Interlocal Agreement

Recommended Motion: "I move to approve an interlocal agreement with the City of Baytown and authorize the City Manager to execute all necessary documents."

Item Description: On Monday, June 5, 2023 an interlocal agreement between the City of Baytown and the City of Waxahachie will be presented to Council for consideration. As with similar Interlocal Agreements recently approved by Council, this will provide for the more efficient procurement of goods and services.

Item Summary: Staff is requesting the City Council's approval to enter into an interlocal agreement with the City of Baytown in reference to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which the City of Baytown and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. The City of Baytown and the City of Waxahachie shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts.

Fiscal Impact: Approving this interlocal agreement will allow for future potential cost savings for various products and services, and more efficient procurement practices.

INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into this 5th day of June, 2023, by and between the CITY OF BAYTOWN, Texas (hereinafter called "CITY OF BAYTOWN"), and the CITY OF WAXAHACHIE, Texas (hereinafter called "WAXAHACHIE"), each acting by and through its duly authorized officials:

WHEREAS, CITY OF BAYTOWN and WAXAHACHIE are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, CITY OF BAYTOWN and WAXAHACHIE wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which CITY OF BAYTOWN and WAXAHACHIE may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of CITY OF BAYTOWN and WAXAHACHIE through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, CITY OF BAYTOWN and WAXAHACHIE have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; CITY OF BAYTOWN and WAXAHACHIE agree as follows:

1. CITY OF BAYTOWN and WAXAHACHIE may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.
2. CITY OF BAYTOWN and WAXAHACHIE shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. CITY OF BAYTOWN and WAXAHACHIE shall each make their respective payments from current revenues available to the paying party.
3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party(ies).
4. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.

5. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. This Agreement shall become effective on the day and year first written above (the "Effective Date"). The primary term of this Agreement shall be for one (1) year, commencing on the Effective Date and terminating on June 5, 2024, and shall thereafter automatically renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

7. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

8 The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

10. This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

11. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

12. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

(50)

EXECUTED hereto on the day and year the agreement is approved and signed by the final party.

CITY OF BAYTOWN

CITY OF WAXAHACHIE

By: Jason Reynolds,
City Manager

By: Michael Scott,
City Manager

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____, 2023, by Jason Reynolds of the **CITY OF BAYTOWN, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

This instrument was acknowledged before me on the ____ day of _____, 2023, by Michael Scott, City Manager of the **CITY OF WAXAHACHIE, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

(5f)



Memorandum

To: Honorable Mayor and City Council
From: Richard B. Abernethy, Director of Administrative Services
Thru: Michael Scott, City Manager
Date: June 5, 2023
Re: Consider an amendment to the Airport Project Participation Agreement with the Texas Department of Transportation for the Airport Master Plan Update for Mid-Way Regional Airport

Recommended Motion: "I move to approve the amendment to the Airport Project Participation Agreement with the Texas Department of Transportation for the airport master plan update for Mid-Way Regional Airport."

Item Description: Consider an amendment to the Airport Project Participation Agreement with the Texas Department of Transportation (TxDOT) to account for a \$99,490 increase over the original estimate for the airport master plan update for Mid-Way Regional Airport. As with the original cost, the increase will be funded through a federal grant and American Rescue Plan Act (ARPA) funds that have been approved for Mid-Way Regional Airport.

Item Summary: In September 2022, both the City of Waxahachie and City of Midlothian approved a resolution to participate with TxDOT to fund the airport master plan update for Mid-Way Regional Airport through the Airport Project Participation Agreement. The project is being funded 90% with a federal grant with a 10% local match. The total estimated cost for the project at that time was \$200,000. In addition, TxDOT agreed to fund the local match with ARPA funds.

The project was ultimately approved by the Texas Transportation Commission and TxDOT advertised a request for qualifications in early 2023. After thorough

review by both TxDOT and the airport selection committee, KSA Engineers was selected as the consultant for the project.

The final cost for the contract is \$299,490 which is an increase of \$99,490 from the original estimate. TxDOT has agreed to utilize grant funds to cover the difference and there will not be any additional cost to the airport or the cities. The next step is for both cities to approve an amendment to the Airport Project Participation Agreement. This amendment will only cover the cost increase. All other terms and conditions of the agreement will remain the same. Once approved by both cities, the amendment will be approved by the Texas Transportation Commission.

As a reminder, the Airport Master Plan was last updated in 2012. Staff and the Airport Board are already working with KSA Engineers to begin this project.

Fiscal Impact: The Master Plan and local match will be covered with federal grant funds via TxDOT. The increased amount of \$99,490 will also be covered by federal grant funds once the amendment is approved.

(59)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: June 5, 2023

Re: Supplemental Appropriation for Final Cost of May 6, 2023 Joint Election Services

Item Description: Consider a supplemental appropriation for joint election services in the amount of \$4,350 for the final cost of the City of Waxahachie's May 6, 2023 General Election.

Item Summary: The General Election was held as a joint county-wide election with multiple vote centers located throughout Ellis County. For fiscal year 2023, \$10,000 was budgeted in Election Services (100-110-55311). In March, the City of Waxahachie's estimated portion of the election for at-large Council Members Places 4 and 5 was \$14,250 and City Council approved a supplemental appropriation in the amount of \$4,250 on March 20th to cover the estimated cost.

On May 31, 2023, the City of Waxahachie received our final cost for the Joint Election Services Contract from Ellis County totaling \$18,600. The invoice for the final cost of the election leaves an additional deficit of \$4,350 for Election Services (100-110-55311) for fiscal year 2023.

Fiscal Impact: The proposed supplemental appropriation of \$4,350 would be funded from the General Fund unrestricted reserve balance. The fund has sufficient fund balance to cover the supplemental appropriation.

(1)

PROCLAMATION

WHEREAS, the 75th Texas State Legislature in House Concurrent Resolution #14 named the City of Waxahachie “THE CRAPE MYRTLE CAPITAL OF TEXAS”; and

WHEREAS, this Resolution was passed in 1997, after the Crape Myrtle Council spent many hours in Austin proving their case for this designation; and

WHEREAS, Representative Jim Pitts and Senator Jane Nelson were leaders in the Legislature in this endeavor; and

WHEREAS, the Crape Myrtle Council, the Chamber of Commerce, the Convention and Visitors Bureau, and local businesses have sponsored a Crape Myrtle Festival in July every year since 1998 with an orchestra or band at the Waxahachie Sports Complex and a fireworks display; and

WHEREAS, a parade has been held on July 4th every year since 1998 through downtown Waxahachie to honor our country and the crape myrtle tree which is beautiful and in full bloom at this time of year, as well as honoring the Crape Myrtle Queen who represents the Crape Myrtle City; and

WHEREAS, it is important to continue showing our City’s support for the title we so proudly carry as the Crape Myrtle Capital of Texas;

NOW THEREFORE, I, Mayor David Hill, along with the entire City Council, do hereby proclaim Sunday, June 4, 2023 through Tuesday, July 4, 2023 as

“CRAPE MYRTLE MONTH”

in the City of Waxahachie.

Proclaimed this 5th day of June 2023.

MAYOR

ATTEST:

CITY SECRETARY

Planning & Zoning Department

Plat Staff Report

Case: SUB-18-2023



MEETING DATE(S)

Planning & Zoning Commission:

May 24, 2023

City Council:

June 5, 2023

CAPTION

Public Hearing on a request by Matthew Kepler, for a **Replat** of Lots 32R and 34R, Block 181 of the Town Addition, to create Lot 32R-R, Block 181 of the Town Addition, 1 residential lot, being 0.2595 acres, located at 111 Griffin Street, (Property ID: 226134) – Owner: Matthew Kepler (SUB-18-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-18-2023, a Replat of Lots 32R and 34R, Block 181 of the Town Addition and the associated variance request, subject to the conditions the staff report, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on May 24, 2023, the Commission voted **7-0** to recommend approval of case number SUB-18-2023, with the associated variance request, subject to the condition of the staff report.

APPLICANT REQUEST

The applicant requests to replat the subject property into one (1) lot for single-family residential use.

CASE INFORMATION

Applicant: Matthew Kepler

Property Owner(s): Matthew Kepler

Site Acreage: 0.2995 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

Park Land Dedication: N/A

Adequate Public Facilities: Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

General Location: 111 Griffin Street

Parcel ID Number(s): 226134

Current Zoning: Single Family-3 (SF-3)

Existing Use:

A single-family home currently occupies the subject property.

Platting History:

The subject property was previously platted as Lots 32R & 34R, Block 181 of the Town Addition.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to replat the subject property into one (1) lot for single-family residential use. The applicant proposes to dedicate approximately 10' of right-of-way (ROW) for Griffin Street. The proposed lot does adhere to the minimum size and dimension requirements of the Infill Overlay District after taking this ROW dedication into account.

The applicant seeks a variance (Petition for Hardship Waiver) to allow for a 10' utility easement along Griffin Street. The applicant is seeking this variance because the existing home on the subject property is situated closer to the property line than 15' after considering the ROW dedication. The typical utility easement requirement along the public right-of-way (ROW) is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement because the applicant has provided ROW dedication for Griffin Street, and City utility infrastructure is located within the Bryson Street ROW. However, as a condition of approval, the Applicant must provide documentation from franchise utility providers in the area (Oncor, AT&T, Charter, and Atmos) stating that they have no objection to the proposed easements before the recordation of the replat.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 42 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. At the time of this report, no letters of support or opposition have been received by staff.

RECOMMENDATION

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

Conditions:

1. The Applicant shall provide written documentation from franchise utility providers (Atmos, AT&T, and Oncor) to confirm whether existing franchise utilities are located on the subject property. The letters will also confirm that franchise utility providers have no objection to a 10' utility easement along Griffin Street as opposed to the typical 15' utility easement. The Applicant shall provide this documentation to Staff before the recordation of the replat.

ATTACHED EXHIBITS

1. Replat
2. Existing Site Exhibit

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

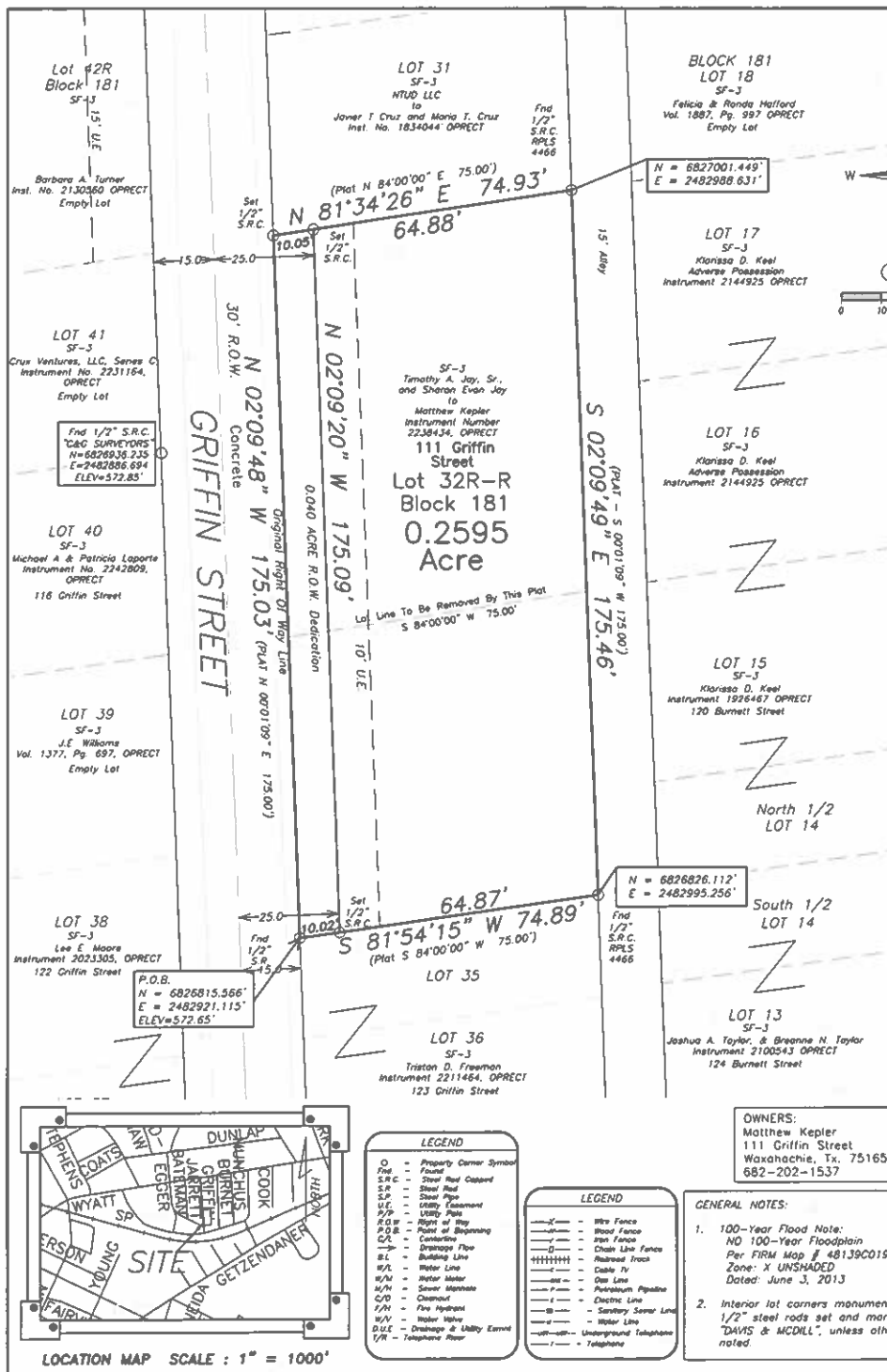
1. The Applicant shall provide written documentation from franchise utility providers (Atmos, AT&T, and Oncor) to confirm whether existing franchise utilities are located on the subject property. The letters will also confirm that franchise utility providers have no objection to a 10' utility easement along Griffin Street as opposed to the typical 15' utility easement. The Applicant shall provide this documentation to Staff before the recordation of the replat.

STAFF CONTACT INFORMATION*Prepared by:*

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

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



OWNER'S CERTIFICATE
STATE OF TEXAS §
COUNTY OF ELLIS §

KNOW ALL MEN BY THESE PRESENTS
WHEREAS I, MATTHEW KEPLER, am the owner of a tract of land situated in the A. M. Keen Survey, Abstract No. 596, Ellis County, Texas and being Lots 32R and 34R, Block 181, Town Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet G, Slide 127, Plat Records, Ellis County, Texas (PRECT) and described in deed from Timothy A. Jay, Sr., and Sharon Evan Jay to Matthew Kepler, recorded in Instrument Number 2238434, Official Public Records, Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a point on the east right of way line of Griffin Street, at the southwest corner of said Lot 34R and the northwest corner of Lot 35, Block 181, Town Addition, on addition to the City of Waxahachie, Ellis County, Texas according to the plat thereof recorded in Volume 168, Page 207, Deed Records, Ellis County, Texas (DRECT), 1/2 inch steel rod found, having surface coordinate values of North = 6826815.566 feet and East = 2482921.115 feet, based on the Texas Coordinate System, North Central Zone (Zone 4202) North American Datum of 1983 and are obtained from observations of Global Positioning System satellites;

THENCE N 02°09'48" W, with said Griffin Street right of way line and the west line said Lots 34R and 32 R, 175.03 feet (PLAT - N 00°01'09" E, 175.00 feet) to the northwest corner of said Lot 32R and the southeast corner of Lot 31 of said Block 181, Town Addition, recorded in Volume 168, Page 207, DRECT, described in deed from NTUD LLC to Javier T. Cruz and Maria T. Cruz, recorded in Instrument Number 1834044 OPRECT, a 1/2 inch steel rod, with plastic cap stamped "Davis & McDill" set;

THENCE N 81°34'26" E, with the northwest line of said Lot 32R and the southeast line of said Lot 31 a distance of 74.93 feet (PLAT - N 84°00'00" E, 75.00 feet) to the northeast corner of said Lot 32R and the southeast corner of said Lot 31, on the west right of way line of a 15 foot Alley, a 1/2 inch steel rod, with plastic cap stamped "RPLS 4466" found;

THENCE S 02°09'49" E, with the east line of said Lots 32R and 34R and said Alley right of way line, 175.46 feet (PLAT - S 00°01'09" W, 175.00 feet) to the southeast corner of said Lot 34R and the northeast corner of said Lot 35, a 1/2 inch steel rod, with plastic cap stamped "RPLS 4466" found;

THENCE S 81°54'15" W, with the southeast line of said Lot 34R and the northwest line of said Lot 35, a distance of 74.89 feet (PLAT - S 84°00'00" W, 75.00 feet) to the point of beginning and containing approximately 0.2995 acre of land of which 0.040 acre is dedicated for Griffin Street.

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:
That I, Stuart G. Hamilton, RPLS 4480, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie and Texas Local Government Code Chapter 212.

Preliminary, this document shall not be recorded for any purpose.

Stuart G. Hamilton
Registered Professional Land Surveyor
Number 4480

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IN RED INK

REPLAT
LOT 32R-R, BLOCK 181
TOWN ADDITION
Being a Replat of Lots 32R and 34R, Block 181 of TOWN ADDITION, a 0.2995 acre addition to the City of Waxahachie, Ellis County, Texas
1 Single Family Lot
Zoning: SF-3
Case Number: SUB-18-2023

Revisions	By

Davis & McDill, LLC



Date: 05/01/2023
Scale: 1" = 20'
Drawn: D. Hocutt
Job: 223-0007
Sheet 1 of 2 sheets.

(S)

OWNER'S CERTIFICATE

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, Matthew Kepler, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as REPLAT - LOT 32R-R, BLOCK 181, TOWN ADDITION, on addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas

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

By:

"Preliminary, this document shall not be recorded for any purpose."

Matthew Kepler, Owner

STATE OF TEXAS §
COUNTY OF ELLIS §

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

Given under my hand and seal of office, this _____ day of _____, 20_____.

"Preliminary, this document shall not be recorded for any purpose."

Notary _____ My Commission Expires On: _____

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

DRAINAGE NOTES:

- | | |
|--|---|
| <p>(1) BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.</p> <p>(2) THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.</p> | <p>(3) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.</p> <p>(4) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.</p> |
|--|---|

STATE OF TEXAS:
COUNTY OF ELLIS:

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: **"Preliminary, this document shall not be recorded for any purpose."**

Chairperson

Date

STATE OF TEXAS:
COUNTY OF ELLIS:

APPROVED BY: City Council City of Waxahachie

By: **"Preliminary, this document shall not be recorded for any purpose."**

Mayor

Date

ATTEST: _____

Date

City of Waxahachie Planning and Zoning Department
401 South Rogers Street | Waxahachie, Texas 75168
(469) 309-4290
www.waxahachie.com/Departments/PlanningandZoning

NOTE:
PROPERTY IS IN THE JURISDICTION OF THE CITY OF WAXAHACHIE, TEXAS AND IS SUBJECT TO THEIR PLATTING RULES AND REGULATIONS.

OWNERS:
Matthew Kepler
111 Griffin Street
Waxahachie, Tx. 75165
682-202-1537

Revisions	By

Davis & McDill, LLC
 SURVEYING - LAND PLANNING - FLOODPLAIN MANAGEMENT
 P.O. BOX 428, WAXAHACHIE, TEXAS 75168
 PHONE: 972-938-1185
 A Texas licensed surveying firm # 10194681



Date 05/01/2023

Scale: N/A

Drawn: D. Hocutt

Job: 223-0007

Sheet 2

of 2 sheets.

(8)

SURVEYOR'S CERTIFICATE

This is to certify that I, Stuart G. Hamilton, a Registered Public Land Surveyor of the State of Texas, have platted the subdivision hereon from an actual survey on the ground and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

"Preliminary, this document shall not be recorded for any purpose."

Stuart G. Hamilton
Registered Professional Land Surveyor
Number 4480

Date

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IN RED INK

REPLAT
LOT 32R-R, BLOCK 181
TOWN ADDITION
Being a Replat of Lots 32R and 34R, Block 181
of TOWN ADDITION, a 0.2995 acre addition to the
City of Waxahachie,
Ellis County, Texas
1 Single Family Lot
Zoning: SF-3
Case Number: SUB-18-2023





Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Senior Director of Finance
Thru: Michael Scott, City Manager
Date: May 31, 2023

Re: Consider and take action on a resolution directing publication of notice of intention to issue certificates of obligation and providing an effective date

Recommended Motion: "I move to approve a resolution directing publication of notice of intention to issue certificates of obligation; directing the preparation of a preliminary official statement and related materials; and providing an effective date."

Item Description: This action to approve the publication of notice of intention to issue certificates of obligation is the first formal step to begin the process of issuing bonds to fund various streets, water, wastewater, parks and public safety capital projects. If approved, notices will be published in the newspaper and staff will continue the process of filing related materials and meeting with rating agencies. In early August, the City Council would consider an ordinance authorizing issuance of the certificates.

Item Background: The Capital Improvement Program (CIP) describes the City's large multi-year capital projects which provide new or improved City infrastructure, and comprise of projects for streets, sidewalks and drainage; park improvements; water and wastewater utilities; and municipal facilities. The CIP is funded through multiple funding sources, including proceeds from bond issuances, operating funds, and development impact fees.

On April 25, 2023, at the City Council Worksession, staff presented the CIP – updated annually – along with strategies to fund various capital projects for the upcoming year. As part of this overall strategy, the CIP includes the issuance of certificates of obligation to fund a portion of these projects. The total bond package, depending on interest costs at the time of issuance, is approximately

\$37.4 million and consists of streets, parks, public safety, and water and wastewater projects. These projects would be funded through the ad valorem tax rate, and water and wastewater fees.

Over the next two months, staff will continue to prepare the Preliminary Official Statement and other required information, and meet with bond rating agencies. In early August, the City Council would consider an ordinance authorizing the issuance of the bonds. Upon successful pricing and selling of the bonds, the funds would be expected to be delivered and available in early September.

Fiscal Impact: The city utilizes certificates of obligation to fund capital projects throughout the City as part of its Capital Improvement Program funding strategy. The debt service required to fund the streets, parks and public safety project costs are accounted for in current budget projections and would not require an increase in the total ad valorem tax rate. The water and wastewater projects would be funded through water and wastewater fees.

(10)

CERTIFICATE FOR RESOLUTION

**THE STATE OF TEXAS
COUNTY OF ELLIS
CITY OF WAXAHACHIE**

§
§
§

We, the undersigned officers of the City Council of the City, hereby certify as follows:

1. The City Council of the City convened in a REGULAR MEETING ON THE 5th DAY OF June, 2023, at the regular designated meeting place, and the roll was called of the duly constituted officers and members of the City Council, to wit:

David Hill, Mayor
Chris Wright, Mayor Pro Tem
Billie Wallace, Member
Travis Smith, Member
Patrick Souter, Member

Amber Villarreal, City
Secretary

and all of the persons were present except, _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE,
TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION; DIRECTING THE PREPARATION OF A
PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND
PROVIDING AN EFFECTIVE DATE**

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be passed; and, after due discussion, the motion, carrying with it the passage of the Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. That a true, full and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose; that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting as given, all as required by Chapter 551, Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED the 5th day of June, 2023.

City Secretary

Mayor

(SEAL)

(10)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; DIRECTING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in Exhibit A to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City's City Manager, Director of Finance, Financial Advisor and Bond Counsel are prepared to draft and distribute necessary documents for the sale on a competitive bid basis of the Certificates of Obligation;

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. That attached hereto and marked Exhibit A is a form of notice (the "Notice"), the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause the Notice to be published, in substantially the form attached hereto, in the Waxahachie Sun, a newspaper of general circulation in the City of Waxahachie, Texas, for two (2) consecutive weeks, the date of the first publication to be before the forty-fifth (45th) day before the date tentatively set for the adoption of the ordinance authorizing the issuance of the Certificates of Obligation as shown in the Notice.

Section 3. That the City Secretary shall cause the Notice to be posted, in substantially the form attached hereto, continuously on the City's internet website for at least forty-five (45) days before the date tentatively set for the adoption of the ordinance authorizing the issuance of the Certificates of Obligation as shown in the Notice.

Section 4. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention. No bond proposition to authorize the issuance of bonds for the same purpose as any of the projects described in Exhibit A to be financed with the proceeds of the proposed Certificates of Obligation was submitted to the voters of the City during the preceding three (3) years and failed to be approved.

Section 5. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within eighteen (18) months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 6. That the City Manager and Director of Finance are hereby directed to cause the preparation of a Preliminary Official Statement for the Certificates of Obligation, together with related materials, and the

Director of Finance and the Financial Advisor are authorized to distribute same among entities which would be interested in bidding on the Certificates of Obligation and other interested persons.

(10)

Section 7. That the Director of Finance and the Financial Advisor are authorized to apply to rating agencies for ratings on the Certificates of Obligation and to make presentations to them and provide to such entities the information reasonably requested by them.

Section 8. That the Council hereby authorizes its advisors, the City Manager and the Director of Finance of the City, and its members to do all things necessary to prepare for the sale of the Certificates of Obligation.

Section 9. That this Resolution shall be effective immediately upon passage and adoption.

EXHIBIT A

(10)

NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Waxahachie, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit: (i) the construction, installation and equipment of park and recreational improvements in the City; (ii) the construction, improvement and equipment of public safety facilities in the City, including the purchase of fire apparatuses; (iii) constructing, reconstructing and improving streets, roads, and sidewalks, including related drainage, utility relocation, signalization, landscaping, lighting and signage; and; (iv) the construction of improvements and extensions to the City's water and wastewater system; and (v) the payment of fiscal, engineering and legal fees incurred in connection therewith.

The City Council tentatively proposes to authorize the issuance of said series (one or more) of Certificates of Obligation at its regular meeting place in the City Hall at a meeting to commence at 7 o'clock, p.m., on August 7, 2023. The maximum amount of Certificates of Obligation that may be authorized to be sold on said date for such purposes described above is \$40,000,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's water and wastewater systems.

In accordance with the provisions of Subchapter C of Chapter 271, Texas Local Government Code, as amended ("Chapter 271"), the following information has been provided by the City: (i) the principal amount of all outstanding debt obligations of the City is \$204,010,000; (ii) the current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$271,618,625; (iii) the maximum principal amount of the certificates of obligation to be authorized is \$40,000,000; (iv) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$54,836,368; (v) the maximum interest rate for the certificates of obligation may not exceed the maximum legal interest rate; and (vi) the maximum maturity date of the certificates of obligation shall not exceed forty (40) years from the date thereof.

CITY OF WAXAHACHIE, TEXAS

(11)



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, P.E., CFM, CPM, Executive Director of Public Works & Utilities
Thru: Michael Scott, City Manager
Date: June 5, 2023
Re: Consider Approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc.

Recommended Motion: "I move to approve the agreement, in the amount of \$122,521, with Teague Nall and Perkins, Inc. for engineering services associated with improvements to the Northgate Drive at US 77 intersection and authorize the City Manager to execute all necessary documents."

Item Description: Consider approval of the professional services agreement with Teague Nall and Perkins, Inc. for design and construction engineering services associated with Northgate Drive at US 77 Intersection Improvements.

Item Summary: The proposed Northgate Drive at US 77 intersection improvements will consist of pavement and traffic signal modification to provide a left turn lane for Northgate Drive (westbound) to the southbound lanes on US 77. The other three legs of the intersection currently have left turn lanes. The proposed modifications will allow for improved traffic flow at the intersection and improve the alignment of Northgate Drive traffic crossing US 77.

The engineering professional services agreement provides for the design, bidding and construction phase engineering services and easement preparation services for this project. Additional right of way is needed to allow for the widening of the roadway and relocation of the sidewalk and traffic signals. The city received a letter of support from the WISD Board last year.

Fiscal Impact: The total amount of the professional engineering services agreement is \$122,521. The project is included in the Capital Improvement Plan and funding is available through Roadway Impact Fees Service Area #4.

(12)



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, P.E., CFM, CPM, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: June 5, 2023

Re: Consider Authorizing a Budget Amendment for a Change Order to the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project

Recommended Motion: "I move to authorize a budget amendment to transfer \$36,437 from the BNSF Railroad 18" Water Line Phase I & II Project into the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project and authorize the City Manager to execute any documents necessary to complete the amendment."

Item Description: A change order has necessitated additional funding for the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project. The modifications include the installation of 40 linear feet of 2-inch conduit for fiber optic connectivity from manhole to electrical building, purchase a 36-inch blind flange, purchase a 250-lb class flange butterfly and replacement of 87 linear feet of fence.

Item Summary: The Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project aims to enhance the functionality of the Lake Waxahachie Raw Water Pumps 1 and 2. The scope of the work encompasses the installation of two (2) variable frequency drives, power panel, and mini power center. Additionally, it involves the replacement of the remote telemetry unit (RTU), a flow meter, isolation valve, and refurbishment of the surge valve.

Fiscal Impact: The change order for the project incurs a total cost of \$36,437. The BNSF Railroad 18" Water Line Phase I & II Project construction is complete and had a cost savings of \$67,891. City staff is requesting to utilize the cost savings to fund the budget amendment to transfer \$36,437 to the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project. The remaining BNSF project savings is \$28,066, after this transfer and the transfer to the 2022 Water & Sewer Rehab project approved by City Council on May 15, 2023. Funding for Improvements in the Lake Waxahachie Pump Station No. 2 Control Room Upgrades Project is funded from the 2021 Bonds.

(13)



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, P.E., CFM, CPM, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: June 5, 2023

Re: Consider Approval of a Sewer Line Rehabilitation Contract for the Southwest Interceptor Rehab Phase I Project

Recommended Motion: "I move to approve the sewer line rehabilitation contract, in the amount of \$1,183,794, with Insituform Technologies, LLC for the Southwest Interceptor Rehab Phase I Project and authorize the City Manager to execute all necessary documents."

Item Description: Consider approval of the sanitary sewer line rehabilitation contract with Insituform Technologies, LLC for sewer lining services associated with the Southwest Interceptor Rehab Phase I Project. The proposed contract would be issued through the BuyBoard purchasing cooperative in the amount of \$1,183,794.

Item Summary: The project is to rehabilitate approximately 2,776 linear feet of existing 27-inch diameter sanitary sewer line with Cured-in-Place-Pipe (CIPP) lining. CIPP creates a rigid and smooth interior surface that seals cracks and restores the integrity of the old pipe to like-new condition. These improvements are to reduce, and ideally eliminate, cracks and holes that allow inflow and infiltration water and roots to enter the sewer pipe. Roots, inflow and infiltration causes operational problems such as stoppages, reduced flow capacity, and sanitary sewer overflows (SSO's).

Fiscal Impact: The proposed sewer line rehabilitation project is part of an approved Capital Improvement Project and the \$1,183,794 contact is within the project budget. The project is funded through the 2021 Wastewater Bonds.



Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

Thru:

Date: June 2, 2023

Re: Amendment to City's Noise Ordinance

Recommended Motion: "I move to adopt the amendment to Section 20-1 of the City's Code of Ordinances as presented"

Item Description: As an additional means to gain compliance to noise-related complaints, City staff is requesting a modification to Chapter 20 of the City's Code of Ordinances. With the assistance of the legal counsel, we believe that the following addition to Section 20-1 will enable our responding officers to have additional discretion in to best enforce this ordinance. This modification to the City's Noise Ordinance would allow enforcement upon not only the perpetrator of the offense, but also on the owner of the property. With this change, the responding officer would have the discretion on how to best address the complaint.

Item Summary: The following underlined language is recommended by the City's legal counsel to give the Police Department additional discretion in bringing about compliance with the City's Noise Ordinance:

Sec. 20-1. Prohibited generally.

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

(14)

of others within the city. It shall further be unlawful for a person who owns, manages, or controls a property to allow such property to be used in a manner that violates this section.

Fiscal Impact: There is no anticipated fiscal impact associated with this request.