

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on ***Tuesday, September 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 August 21, 2023
 - b. Minutes of the City Council briefing of August 21, 2023
 - c. Minutes of the City Council special meeting of August 29, 2023
 - d. Event application for 3rd Annual Waxahachie Family Day Festival to be held September 16, 2023 at Railyard Park
 - e. Event application for Navarro College PTA Program 5k Run to be held October 21, 2023
 - f. Event application for Stampede of Speed Week: Cattle Drive & Pre-Stage Fan Fest to be held October 6 & 12, 2023
 - g. Event application for 27th Annual Texas Country Reporter Festival to be held October 28, 2023
 - h. Event application for YMCA Santa Run to be held December 9, 2023 at Railyard Park
 - i. City Manager's appointment of member to Civil Service Commission
6. ***Introduce*** Honorary Council Member
7. ***Present*** Proclamation recognizing September 4-9, 2023 as "National Payroll Week"

8. **Present** Proclamation recognizing September as “Emergency Preparedness Month”
9. **Recognize** Waxahachie Police Department Dispatchers Evan Dannenberg and Toni Garcia for acceptance to the North Central Texas Emergency Response Taskforce
10. **Public Hearing** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, Section 6.03 Lighting and Glare Standards (ZTA-113-2023)
11. **Consider** proposed Ordinance approving ZTA-113-2023
12. **Consider** a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a Replat of Lots 127R and 130 of the Ferris Second Addition, 2 lots, being 0.811 acres, located at 122 and 126 North Highway 77. (Property ID 142201 and 173428) Owners: Ellis County Farm Bureau, Linda and Duane Farmer (SUB-42-2023)
13. **Consider** and **act** upon an ordinance of the City of Waxahachie, Texas, approving the 2023-2024 annual service plan update to the Service and Assessment Plan for the Waxahachie Public Improvement District No. 1 and providing an effective date
14. **Consider** and **act** upon an ordinance of the City of Waxahachie, Texas, approving the 2023-2024 annual service plan update to the Service and Assessment Plan for the North Grove Public Improvement District and providing an effective date
15. **Consider** proposed Ordinance approving revised budget figures for fiscal year 2022-2023 and adopting the budget for fiscal year 2023-2024
16. **Consider** proposed Ordinance amending Water and Wastewater rates and fees and setting an effective date of October 1, 2023
17. **Consider** a motion to ratify the property tax revenue increase reflected in the fiscal year 2023-2024 budget in accordance with the Texas Local Government Code
18. **Consider** proposed Ordinance adopting the Tax Rate for fiscal year 2023-2024
19. **Consider** proposed Ordinance re-establishing classified positions under Civil Service
20. **Consider** appointments to Boards and Commissions
21. **Consider** authorizing funding from the Tax Increment Reinvestment Zone No. 1 (TIRZ) fund for Downtown and Farmers Market projects
22. **Consider** approval of a construction contract for the Howard Road High Service Pump Station Generator Project
23. **Consider** adopting the revised Joint Airport Agreement with the City of Midlothian
24. **Convene** into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code
25. **Reconvene** and take any necessary action

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

27. 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

A regular meeting of the Mayor and City Council of the City of Waxahachie was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, August 21, 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

Pastor Skip Reed, University Church Waxahachie, gave the invocation. Council Member Patrick Souter led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

James Parks, 102 Post Oak Ln., Waxahachie, Texas, requested prohibiting short-term rentals in single-family residential neighborhoods and provide an exception to allow currently operating short-term rentals, with no issues, to continue operating.

Ira Tenpenny, 109 Rosa St., Waxahachie, Texas, voiced his understanding for concerns of short-term rentals. Mr. Tenpenny expressed his concern for pool safety on private properties that do not have adequate fencing.

Roger Martinez, 212 John Arden Dr., Waxahachie, Texas, voiced his concerns with escalated crime, gunshots on the 4th of July and New Year's Eve, neighboring renters causing code enforcement issues, cell phone use by drivers on John Arden, and expressed his hope for his concerns to be addressed.

Randy Kimberlin, 100 Post Oak Ln., Waxahachie, Texas, requested the short-term rental issue in Pecan Valley be resolved and requested City Council take additional time to thoroughly review short-term rentals prior to adoption of an ordinance.

5. Consent Agenda

- a. Minutes of the City Council meeting of August 7, 2023
- b. Minutes of the City Council briefing of August 7, 2023

(5a)

- c. Minutes of the City Council work session of August 11, 2023
- d. Event application for Tulipalooza to be held March 8-24, 2024 at Getzendaner Park
- e. Ordinance approving a rate settlement agreement with SiEnergy, LP
- f. Resolution approving a negotiated settlement between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

ORDINANCE NO. 3385

AN ORDINANCE ADOPTING UNANIMOUS SETTLEMENT AGREEMENT, SETTING RATES AND ESTABLISHING TARIFFS FOR THE PROVISION OF NATURAL GAS SERVICE BY SIENERGY, LP WITHIN THE CITY OF WAXAHACHIE; DECLARING THIS ORDINANCE TO BE A FINAL DETERMINATION OF RATES; REQUIRING ACCEPTANCE BY SIENERGY, LP OF THE RATES PRESCRIBED HEREIN; AND ESTABLISHING AN EFFECTIVE DATE.

RESOLUTION NO. 1349

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

Action:

Billie Wallace moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

6. Introduce Honorary Council Member

Mayor Hill presented Maya Gus with a Certificate of Appreciation for serving as the August 2023 Honorary Council Member. Maya is a senior at Waxahachie's Global High School, where she is currently ranked #1 in her class. She serves as her senior class vice-president, treasurer of the local chapter of Health Occupations Students of America, and president of the local Technology Students Association. She is a member of the National Honor Society and the Global High School

(5a)

Art Club and Culture Club. Each year of high school she has represented Global High School as a state qualifier in various UIL competitions. Maya will graduate in May 2024 with her high school diploma, a two-year associates degree, certification as a clinical medical assistant, and complete a four-year early morning seminary program through her church, where she is an active member. Her loved ones are anxiously waiting to see what the future holds for Maya. Maya is the fourth of five children and resides in Waxahachie with her parents and younger sister. In addition to her schooling, Maya holds the occasional part-time job or volunteers with community service projects like Kids Against Hunger or natural disaster clean-ups. Maya thanks her parents, family and friends for all their love and support.

7. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses

The Item was presented by Senior Planning Director Jennifer Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:28 p.m.

Those who spoke in support:

Alan Fox, 327 University, Waxahachie, Texas

There being no others to speak for or against ZTA-92-2023, Mayor Hill closed the Public Hearing at approximately 7:32 p.m.

Action:

Chris Wright moved to continue the Public Hearing to allow for a Public Hearing or Town Hall Meeting to discuss with citizens and reschedule the vote to September 18, 2023. Motion was seconded by Patrick Souter and carried unanimously (5-0).

8. Consider proposed Ordinance approving ZTA-92-2023 and establish fee

No action taken.

9. Public Hearing on a request by Corey Vaughan, QT South, LLC, for a Specific Use Permit (SUP) for a Pole Sign use within a General Retail (GR) zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: BUFFALO CREEK PLAZA, LLC (ZDC-55-2023)

The Item was presented by Ms. Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:35 p.m.

There being no others to speak for or against ZDC-55-2023, Mayor Hill closed the Public Hearing at approximately 7:35 p.m.

(5a)

10. Consider proposed Ordinance approving ZDC-55-2023
ORDINANCE NO. 3386

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A POLE SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED 1342 BROWN STREET, BEING PROPERTY ID 295114 & 295115, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3 & 4, BLOCK A IN THE BUFFALO CREEK ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve an Ordinance for ZDC-55-2023, a Specific Use Permit (SUP) request for a 30' Pole Sign use at Quick Trip located at 1342 Brown Street, subject to the conditions, including Option 1, of the staff report, and authorize the Mayor and/or City Manager to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

11. Public Hearing on a request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 409 E Jefferson Street (Property ID: 170544) – Owner: KEITH SPACEK (ZDC-75-2023)

The Item was presented by Ms. Pruitt and applicant Logan Spacek requested approval.

Mayor Hill opened the Public Hearing at approximately 7:37 p.m.

Those who spoke in support:

Ira Tenpenny, 109 Rosa St., Waxahachie, Texas
Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas

There being no others to speak for or against ZDC-75-2023, Mayor Hill closed the Public Hearing at approximately 7:46 p.m.

12. Consider proposed Ordinance approving ZDC-75-2023

ORDINANCE NO. 3387

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-2) TO COMMERCIAL (C) LOCATED AT 409 E JEFFERSON STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.328 ACRES KNOWN AS LOT 3, BLOCK 37 OF THE ORIGINAL TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

(5a)

Billie Wallace moved to approve an Ordinance for ZDC-75-2023, a zoning change at 409 E Jefferson Street from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district and authorize the Mayor and/or City Manager to execute all associated documents as necessary. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 13. Public Hearing on a request by April Gonzales, Dorothy's Uniforms, for a Zoning Change from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: MANDALAY HOLDINGS LLC (ZDC-107-2023)**

The Item was presented by Ms. Pruitt and applicant April Gonzales requested approval.

Mayor Hill opened the Public Hearing at approximately 7:49 p.m.

There being no others to speak for or against ZDC-107-2023, Mayor Hill closed the Public Hearing at approximately 7:51 p.m.

- 14. Consider proposed Ordinance approving ZDC-107-2023**

ORDINANCE NO. 3388

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM OFFICE (O) TO PLANNED DEVELOPMENT-OFFICE (PD-O) LOCATED AT 206 YMCA DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.016 ACRES KNOWN AS LOT 2, BLOCK C OF THE LAKERIDGE I SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve an Ordinance for ZDC-107-2023, a Zoning Change request from an Office zoning district to a Planned Development-Office zoning district, subject to the conditions the staff report and authorize the Mayor and/or City Manager to execute all documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

- 15. Consider award of bid and contract for the Lake Waxahachie Park Improvement Project and supplemental funding request from the Waxahachie Community Development (WCDC) Fund Unrestrictive Reserve Fund Balance**

The Item was presented by Director of Parks and Recreation Kyle Cooper.

Action:

Patrick Souter moved to approve the bid award and contract for the Lake Waxahachie Park Improvement Project to J & K Excavation, LLC in the amount of \$4,018,341 and additionally approve the supplemental funding request of \$717,000 from the Waxahachie Community Development Corporation unrestricted reserve fund balance, and authorize the City Manager to execute all necessary documents. Motion was seconded by Billie Wallace and carried unanimously (5-0).

(5a)

- 16. Consider approval of a Master Agreement with Magna Flow Environmental Inc for the as-needed services for sludge, grit/sand and debris removal for treatment plants and lift stations**

The Item was presented by Utilities Business Operations Manager Amil Spencerberry.

Action:

Billie Wallace moved to approve a master agreement with Magna Flow Environmental Inc for the as-needed sludge, grit/sand, and debris removal for treatment plants and lift stations via an interlocal agreement with the City of Baytown. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 17. Consider proposed Ordinance repealing and replacing APPENDIX B Flood Damage Prevention of the Code of Ordinances of the City of Waxahachie**

The Item was presented by Executive Director of Public Works and Engineering James Gaertner.

ORDINANCE NO. 3389

AN ORDINANCE REPEALING AND REPLACING APPENDIX B FLOOD DAMAGE PREVENTION OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS; AND SETTING AN EFFECTIVE DATE.

Action:

Billie Wallace moved to approve the revisions to the Flood Damage Prevention Ordinance as presented and authorize the Mayor and/or City Manager to execute all required documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 18. Consider approval of the purchase of a Sodium Hypochlorite Generation System for the Robert W. Sokoll Water Treatment Plant and associated supplemental appropriation**

The Item was presented by Senior Director of Utilities David Bailey.

Action:

Patrick Souter moved to authorize the purchase of a sodium hypochlorite generation system from De Nora Water Technologies Texas LLC and a supplemental appropriation from the Water Utilities unrestricted reserve fund balance for \$200,000 to fund the purchase of the system and authorize the City Manager to execute all required documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

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

Maya Gus, Honorary Council Member for August, thanked City Council for the experience and opportunity to serve.

City Council Members thanked Maya Gus for her participation.

(5a)

Council Member Patrick thanked everyone for their work on crafting the short-term rental ordinance and noted his support to allow more input before adopting.

Mayor Pro Tem Chris Wright recognized and thanked City employees from several departments for their assistance in mowing the cemetery. He announced there will be an upcoming Town Hall Meeting/Work Session for public input in regards to short-term rentals. Mr. Wright announced Boat Dock Park will be closed immediately due to construction.

City Manager Michael Scott announced the public hearings on the budget and tax rate will be on Tuesday, August 29th at 5:30pm.

Council Member Billie Wallace echoed Mr. Wright and Mr. Souter's comments regarding short-term rentals.

Deputy City Manager Albert Lawrence thanked City Council for their support which allows the City to hire high quality employees.

Mayor David Hill expressed his appreciation to City Council for their willingness to allow more input prior to adopting a short-term rental ordinance.

20. Adjourn

There being no further business, the meeting adjourned at 8:11 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, August 21, 2023 at 6:00 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. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting

City staff briefed Council on the following August 21, 2023 regular meeting agenda items:

5. Consent Agenda
7. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses
8. Consider proposed Ordinance approving ZTA-92-2023 and establish fee
9. Public Hearing on a request by Corey Vaughan, QT South, LLC, for a Specific Use Permit (SUP) for a Pole Sign use within a General Retail (GR) zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: BUFFALO CREEK PLAZA, LLC (ZDC-55-2023)
10. Consider proposed Ordinance approving ZDC-55-2023
11. Public Hearing on a request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 409 E Jefferson Street (Property ID: 170544) – Owner: KEITH SPACEK (ZDC-75-2023)
12. Consider proposed Ordinance approving ZDC-75-2023
13. Public Hearing on a request by April Gonzales, Dorothy's Uniforms, for a Zoning Change from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: MANDALAY HOLDINGS LLC (ZDC-107-2023)
14. Consider proposed Ordinance approving ZDC-107-2023
15. Consider award of bid and contract for the Lake Waxahachie Park Improvement Project and supplemental funding request from the Waxahachie Community Development (WCDC) Fund Unrestrictive Reserve Fund Balance

(5b)

16. Consider approval of a Master Agreement with Magna Flow Environmental Inc for the as-needed services for sludge, grit/sand and debris removal for treatment plants and lift stations
17. Consider proposed Ordinance repealing and replacing APPENDIX B Flood Damage Prevention of the Code of Ordinances of the City of Waxahachie
18. Consider approval of the purchase of a Sodium Hypochlorite Generation System for the Robert W. Sokoll Water Treatment Plant and associated supplemental appropriation

No action taken.

3. Adjourn

There being no further business, the meeting adjourned at 6:54 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

A special meeting of the Mayor and City Council of the City of Waxahachie was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Tuesday, August 29, 2023 at 5:30 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
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

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None

5. Public Hearing on the proposed Tax Rate for fiscal year 2023-2024 and vote to set the date for adoption

The Item was presented by Finance Director Chad Tustison.

Mayor Hill opened the Public Hearing at approximately 5:38 p.m.

There being no others to speak for or against the City of Waxahachie proposed Tax Rate for fiscal year 2023-2024, Mayor Hill closed the Public Hearing at approximately 5:38 p.m.

Action:

Billie Wallace moved to consider that the vote on the proposed tax rate be held on September 5, 2023 at 7:00 PM at City Hall Council Chambers. Motion was seconded by Patrick Souter and carried unanimously (5-0).

6. Public Hearing on the City of Waxahachie proposed Budget for fiscal year 2023-2024 and vote to set the date for adoption

The Item was presented by Mr. Tustison.

Mayor Hill opened the Public Hearing at approximately 5:38 p.m.

(56)

There being no others to speak for or against the City of Waxahachie proposed budget for fiscal year 2023-2024, Mayor Hill closed the Public Hearing at approximately 5:39 p.m.

Action:

Billie Wallace moved to consider that the vote on the adoption for the fiscal year 2023-2024 budget be held on September 5, 2023 at 7:00 PM at City Hall Council Chambers. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

Mayor Pro Tem Chris Wright announced the passing of former City of Waxahachie Building Official Sanford Smith and offered his condolences.

City Manager Michael Scott commended Chris Childs, Gail Turner, and Chad Tustison for their hard work on the Budget and Tax Rate. Mr. Scott announced the following:

- August 31st at 9am: Fire Station #4 Ribbon Cutting
- September 11th at 6pm: Town Hall Meeting/Joint City Council and Planning & Zoning Commission Work Session in the City Hall Council Chambers

Mayor David Hill and Council Member Billie Wallace commended the Finance Department for their hard work.

8. Adjourn

There being no further business, the meeting adjourned at 5:42 p.m.

Respectfully submitted,

Amber Villarreal, City Secretary

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 8/14/23

Applicant Information

Applicant name: Danielle Guinn

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: 469-309-4051 Cell: _____

Email: Danielle.guinn@waxahachie.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Railyard Park

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

On-site contact name: _____

Cell: _____

About the Event

Event name: 3rd Annual Waxahachie Family Day Festival

Date: Saturday, September 16, 2023

Location: Railyard Park

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

Anticipated attendance: 500

Description of event: Family activities run from the stage by DJ (bingo sack races, 3 legged race, etc.),

multiple inflatables, face painter, balloon artist, booths/activities from local non-profit organizations

	Date(s)	Start Time:	End Time:
Event Date	9/16/23	2:00pm	5:00pm
Event Set-up	9/16/23	11:00am	-
Event Breakdown	9/16/23	-	7:00pm

How many times has this event been hosted before?

1st time ☐ 2 – 4 times ☒ 5 or more times ☐ Location: _____



Choose the best description of the event:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input type="radio"/> Charitable / Fundraising |
| <input type="radio"/> Parade | <input checked="" 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 checked="" type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input type="checkbox"/> Announcement / Speeches | <input type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input checked="" 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.

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

Food / Beverage:

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

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: 4 Date(s) & time(s): 9/16/23 11:00am - 7:00pm
 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: _____

College Street in front of Railyard Park

Street closings to begin on date: 9/16/23 Start time: 11:00am End time: 7:00pm

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: 6

(5d)



City of Waxahachie
City Secretary's Office

Special Event Application

Other: _____

Where should equipment be dropped off & picked up? Railyard Park

When will the equipment be set-up?

Date: 9/16/23

Time: 11:00am

When will the equipment be removed?

Date: 9/16/23

Time: 7:00pm

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:

Railyard Park power where applicable; Food trucks use generator

Insurance

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

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

Hold Harmless Clause

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

08/14/23

Signature

Date

Contract Agreement

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

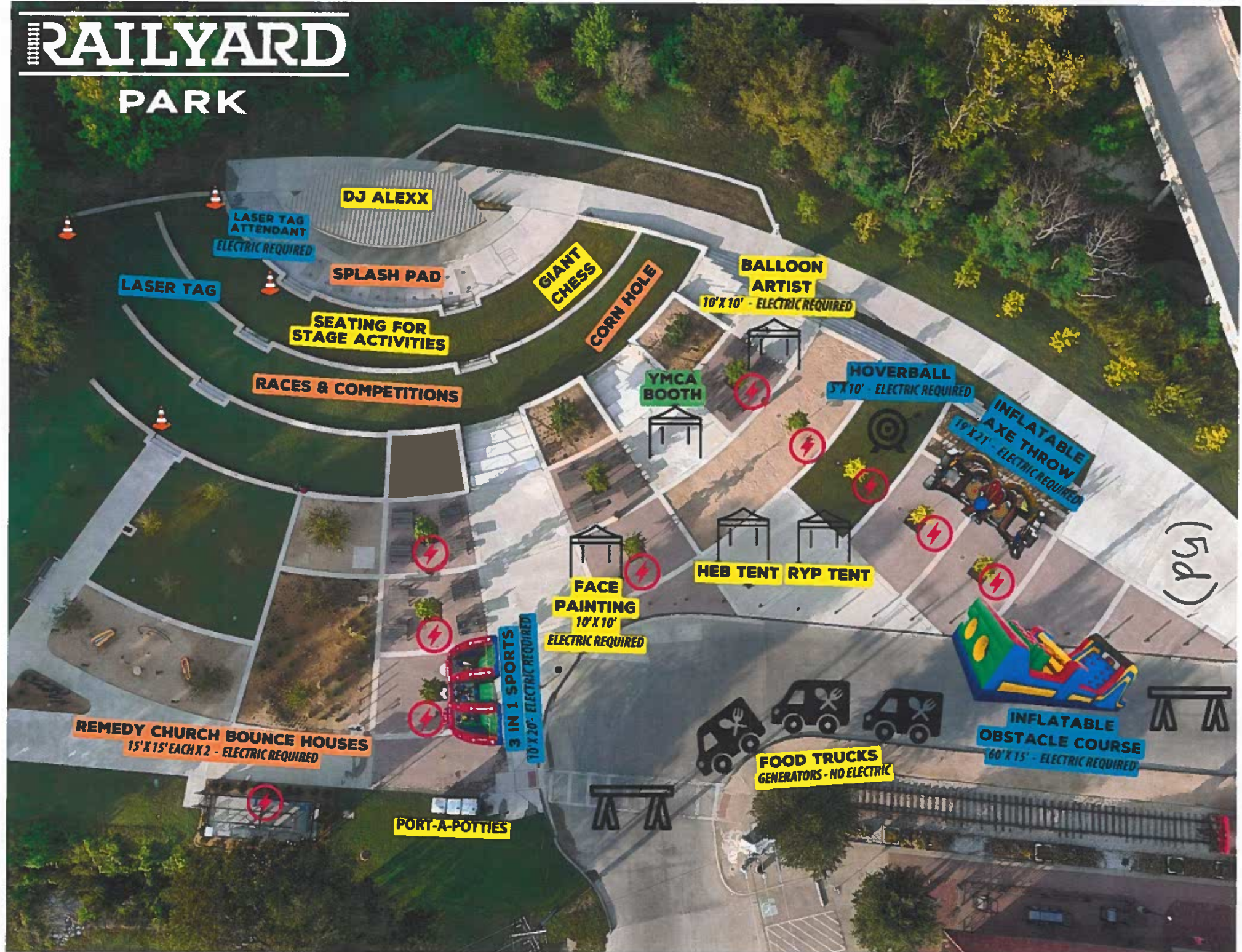
08/14/23

Signature

Date

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

RAILYARD PARK





Date submitted 7-24-23

Applicant Information

Applicant name: Bianca Whitten

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: _____, Waxahachie, TX 75165

Host organization name: Navarro College Midlothian PTA program

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

On-site contact name: Kaitlyn Sandlin

Cell: _____

About the Event

Event name: Navarro College PTA Program 5K Run

Date: 10-21-23

Location: Getzendaner Park

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

Anticipated attendance: 50 participants

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

	Date(s)	Start Time:	End Time:
Event Date	10-21-23	9:00 am	1:00 pm
Event Set-up	10-21-23	8:00 am	9:00 am
Event Breakdown	10-21-23	1:00 pm	2:00 pm

How many times has this event been hosted before?

1st time ☐

2 - 4 times ☐

5 or more times ☒

Location: Getzendaner Park



(5e)

Choose the best description of the event:

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

Event activities include (check all that apply):

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

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" 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.

\$40 entry/participation fee

Run / Walk:

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

_____ 1 mile 9:00 am 5K _____ Other distance

Please indicate your expected attendance:

50 participants

Number of participants:

- | | |
|---------|----------------------------------|
| 1-99 | <input checked="" 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: _____

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

(5c)

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: _____

N/A

Explain services in detail: _____

Insurance

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

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

Hold Harmless Clause

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


Signature

7-24-23

Date

Contract Agreement

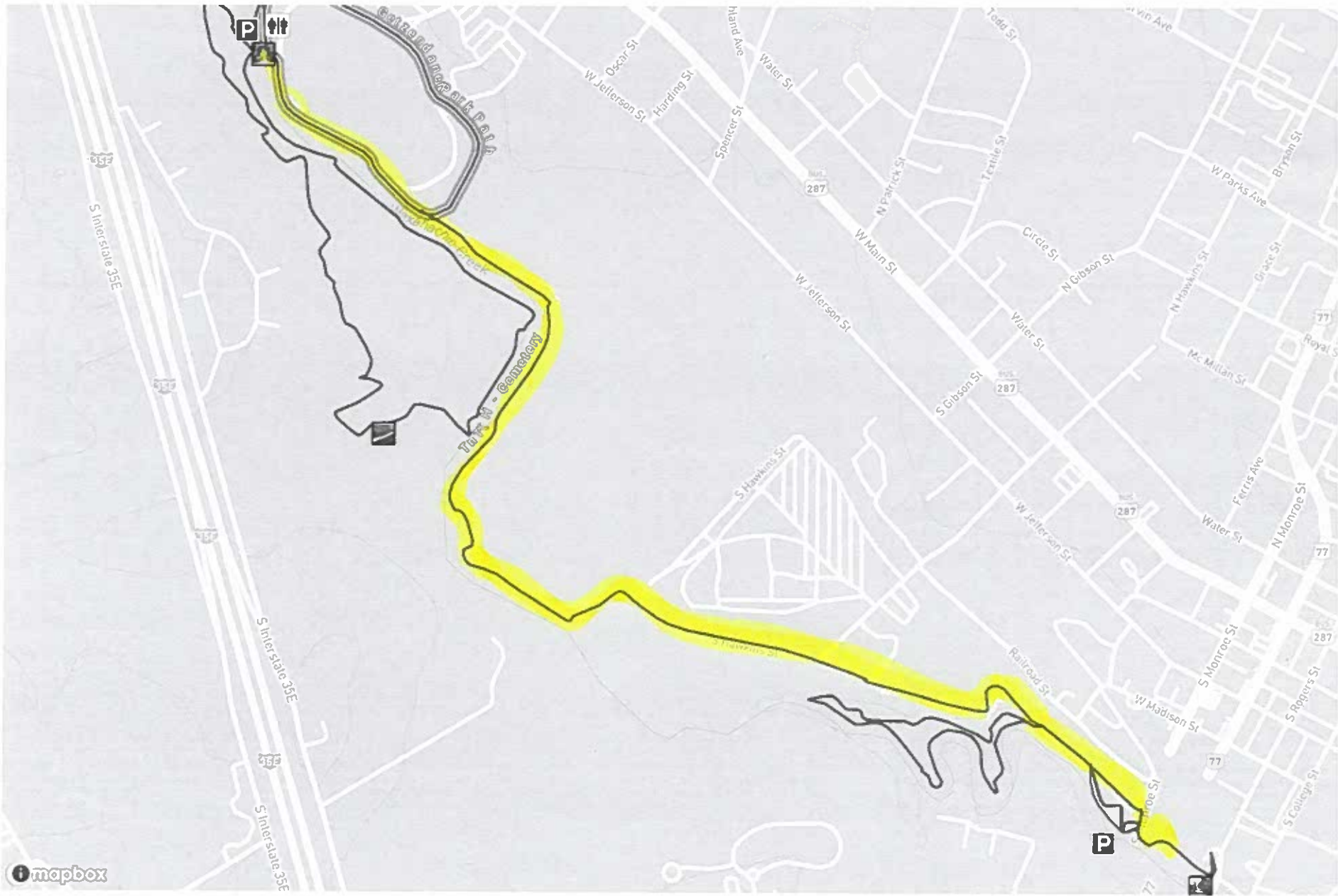
Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.


Signature

7-24-23

Date

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



(5c)



(5f)

Date submitted 8/9/23

Applicant Information

Applicant name: Christie Johnson

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: PO Box 1439 Ennis, TX 75120-1439

Host organization name: Texas Motorplex

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

On-site contact name: Laurie Mosley

Cell: _____

About the Event

Event name: Stampede of Speed Week: Cattle Drive & Pre-Stage Fan Fest

Date: Stampede of Speed (10/6) & Fan Fest (10/12)

Location: Railyard Park

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

Anticipated attendance: 500

Description of event: 10/6 Cattle Drive starts at Railyard Park -> North on College -> West on Franklin -> South on Rogers

10/12 Fan Fest: food trucks, live band, kids area, funny cars, & 100+ drivers signing autographs

	Date(s)	Start Time:	End Time:
Event Date	10/6 & 10/12	10/6 (12pm) 10/12 (6pm)	10/6 (1pm) 10/12 (9pm)
Event Set-up	10/6 & 10/12	10/6 (11am) 10/12 (2pm)	-
Event Breakdown	10/6 & 10/12	-	10/6 (1pm) 10/12 (10pm)

How many times has this event been hosted before?

1st time ☐ 2 – 4 times ☒ 5 or more times ☐ Location: _____



Choose the best description of the event:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input type="radio"/> Charitable / Fundraising |
| <input 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 checked="" type="radio"/> Other: Cattle Drive & Pre-Stage Fan Fest Concert |

Event activities include (check all that apply):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Amusement rides / Inflatables | <input checked="" type="checkbox"/> Food – sampled, served, or sold |
| <input checked="" type="checkbox"/> Animals / Petting Zoo | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input checked="" type="checkbox"/> Street closure |
| <input 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: 4 Date(s) & time(s): 10/6 (11am - 1pm) 10/12 (6pm - 9pm)
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: _____

10/6 - Rogers @ College & Franklin, Franklin @ Rogers & College, College @ Franklin & Rogers 10/12 - College in front of Park and Fresh Market

Street closings to begin on date: 10/6 & 10/12 Start time: 10/7 (11am) 10/12 (4pm) End time: 10/6 (1pm) 10/12 (10pm)

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: 10/6 (15) 10/12 (6)



Other: _____

Where should equipment be dropped off & picked up? Railyard Park

When will the equipment be set-up?

Date: 10/6 & 10/12 Time: 10/6 (11am); 10/12 (4pm)

When will the equipment be removed?

Date: 10/6 & 10/12 Time: 6th (1p) 12th (10p)

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:

Stage Power w/ Cam Locks, misc. power throughout park

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

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Signature

8-14-23

Date

Contract Agreement

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

Signature

8-14-23

Date

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

RAILYARD PARK

STAGE
(BAND)

PUBLIC
PARKING

BAND
ENTRANCE TO
LOAD/UNLOAD
(THROUGH GATE)

DRIVER MEET & GREET & AUTOGRAPH SIGNING

CAR PHOTO OP

FOOD & BEVERAGE TRUCKS

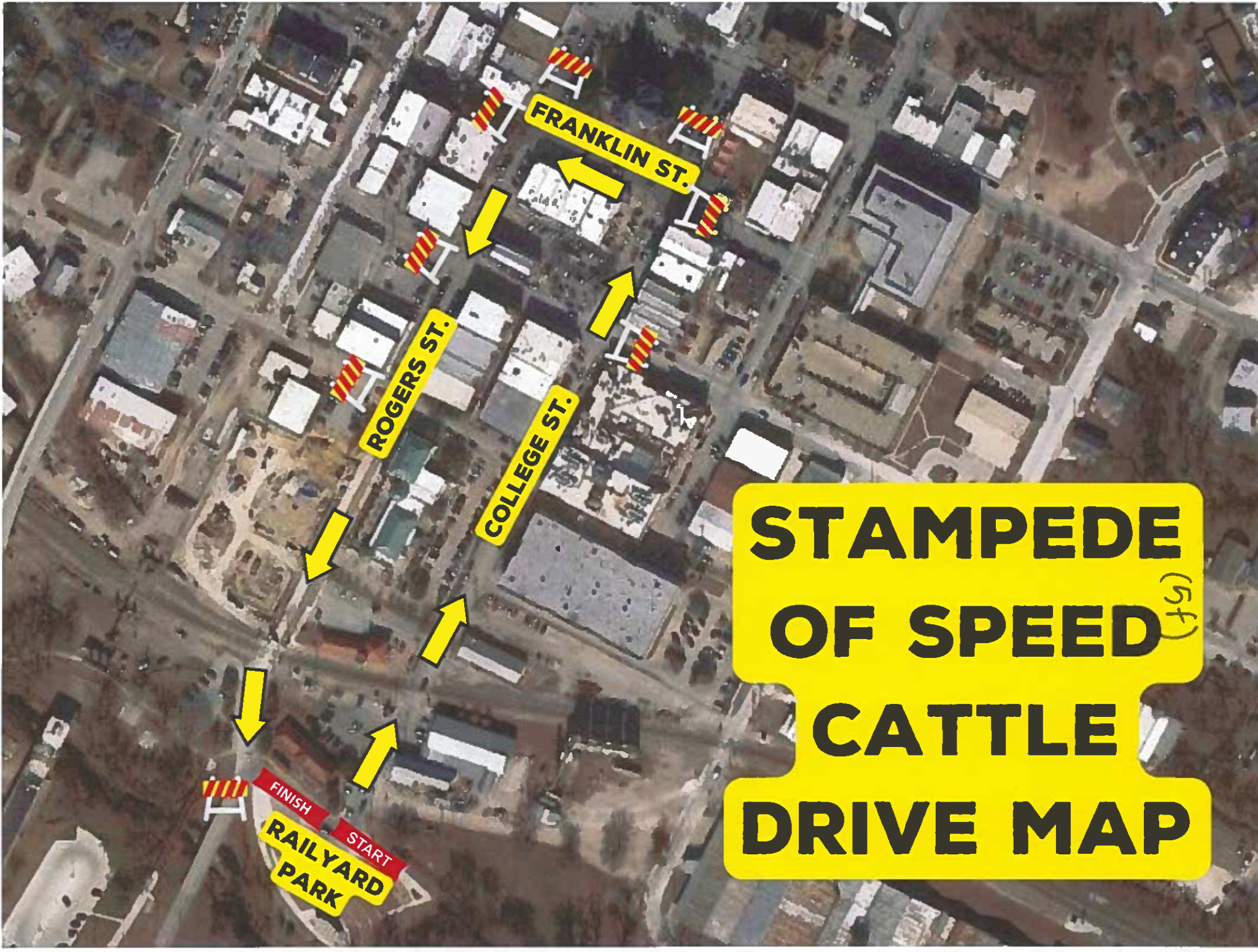
ROAD CLOSURE
BARRICADES

BOUNCE HOUSES

PORT A POTTIES

ROAD CLOSURE BARRICADE
(TO BE LOCATED AT EDGE OF FRESH
MARKET PARKING LOT - NORTH SIDE)

RAILYARD PARK
455 S. COLLEGE STREET
WAXAHACHIE, TX 75165



**STAMPEDE
OF SPEED^(5f)
CATTLE
DRIVE MAP**



City of Waxahachie
City Secretary's Office

Special Event Application

(59)

Date submitted 8/16/23

Applicant Information

Applicant name: Laurie Mosley, CVB Director

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: 469-309-4046

Cell: _____

Email: lmosley@waxahachiecvb.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: City of Waxahachie

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

On-site contact name: Wally Mendez

Cell: _____

About the Event

Event name: 27th Annual Texas Country Reporter Festival

Date: October 28, 2023

Location: Downtown Waxahachie

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

Anticipated attendance: 30,000+

Description of event: Largest one-day art, music and food festivals in the state of Texas with 350 vendors, two stages of entertainment, 3 food courts and more.

	Date(s)	Start Time:	End Time:
Event Date	Saturday, 10-28-23	9 am	7 pm
Event Set-up	Friday, 10-27-23	10 am & 6 pm	9 pm
Event Breakdown	Saturday, 10-28-23	7:30 pm	10 pm

How many times has this event been hosted before?

1st time ☐

2 – 4 times ☐

5 or more times ☒

Location: Downtown Waxahachie



City of Waxahachie
City Secretary's Office

Special Event Application

(59)

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 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 checked="" type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input checked="" type="checkbox"/> Information / Literature Distribution | <input checked="" 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.



City of Waxahachie
City Secretary's Office

Special Event Application

(59)

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: All Hands on Deck Date(s) & time(s): 10-27 10-28
Volunteers How many: Ellis County Community Service Date(s) & time(s): 10-27 & 10-28
Private security How many: Sheriff Explorers Date(s) & time(s): Overnight 10-27 to 10-28
Company name: Leaders of Ellis County Sheriff Explorer

Contact name and number: Chad Raney - 469-337-6146

Off duty police How many: Wax Police will plan 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: Sgt Kevin Wright

Phone number: 469-309-4467

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: _____

Please see the attached map

Street closings to begin on date: 10-27-23 Start time: 10 am & 5 pm End time: 10-28-23 at 7:30 pm

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: Matt Massey has plan Barricades How many: Matt Massey has plan



City of Waxahachie
City Secretary's Office

Special Event Application

(59)

Other: City staff attend the event meetings and know what they are to provide to execute the event.

Where should equipment be dropped off & picked up?

When will the equipment be set-up?

Date: 10-27-2023 Time: Throughout the day

When will the equipment be removed?

Date: 10-28-2023 Time: After 7:30 pm

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes: Over 300 tents - mostly 10 X 10; less than 10 will be 10 X 20.

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☒

Franchise Utilities ☐

Both ☐

List contractor / supplier:

H & E Equipment Services - Kody Petty - 469-818-0226

Explain services in detail:

9 Generators will be used throughout.

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.

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Jaime Mosley on behalf of

8-16-2023

Signature

Date

Contract Agreement

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

Jaime Mosley on behalf of

8-16-2023

Signature

Date

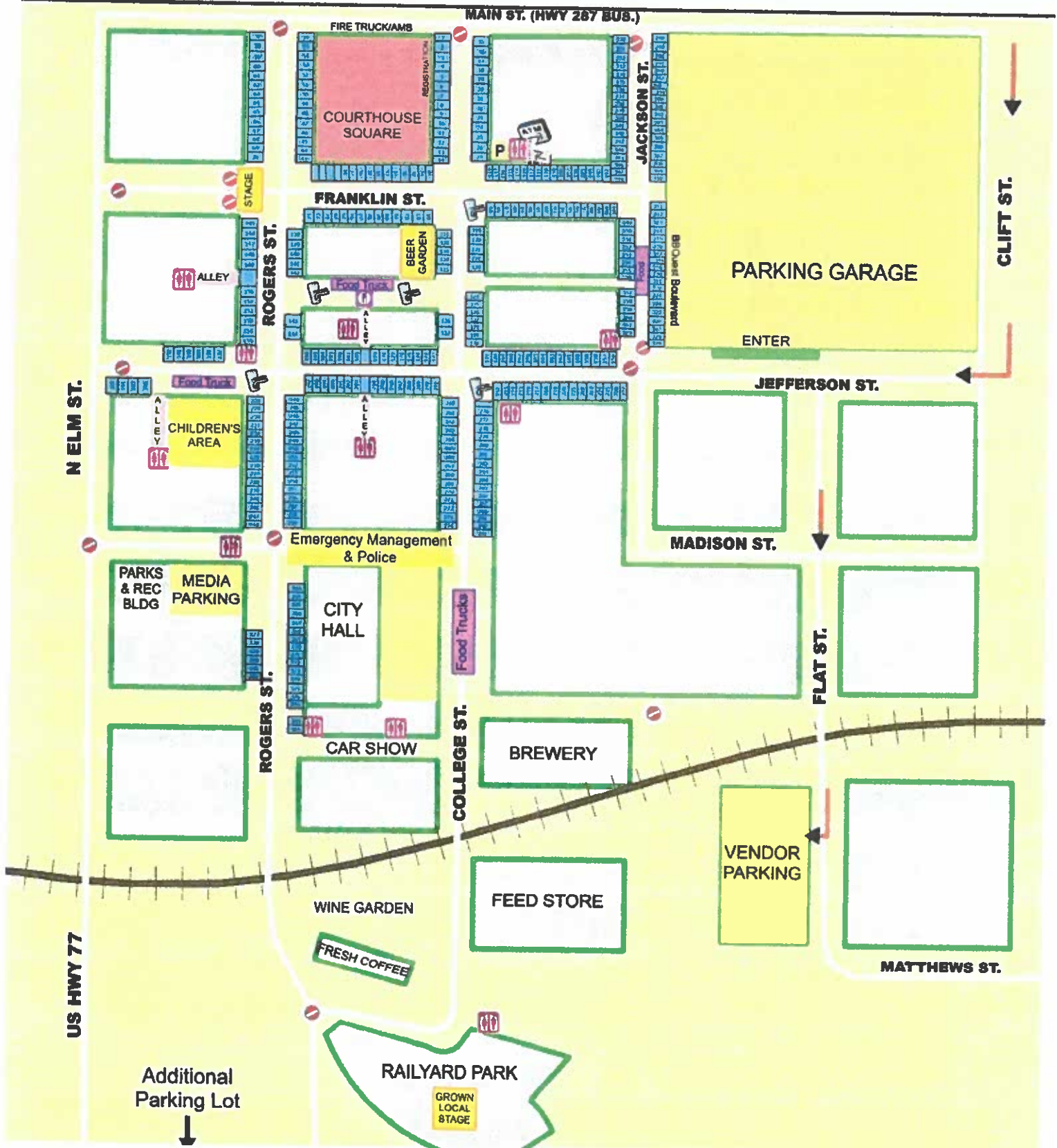
Email completed Special Events Application and site map to
Jami Bonner at Jami.Bonner@waxahachie.com.

TX COUNTRY REPORTER FESTIVAL

2023

MAP LAYOUT





(59)

**Texas Country Reporter Festival 2023 Special Event Permit
ADDENDUM:**

The following organizations within the defined Festival space are allowed to seek a permit from TABC:

A. Waxahachie Downtown Merchants Association

Location: **Beer Garden** – 107 W. Franklin parking lot

B. Texas Wine Garden (Location: 501 S. Rogers parking lot)

List of participating wineries:

1. OG Cellars
2. Maydelle Country Wines
3. Wall Street Winery
4. Los Pinos Ranch Vineyards
5. Red Road Vineyard & Winery
6. Hidden Hangar Winery
7. Sugar Ridge Winery

C. Big Al's Down the Hatch – 200 S. Rogers – sidewalk space

D. Prime 115 – vendor booth #70 in front of 114 S. Rogers

E. Texas Art and Pour – 109 W. Franklin #115 – 10 X 10 space
in parking lot/food court behind the business

(5g)



Memorandum

To: Honorable Mayor and City Council
From: Laurie Mosley
Thru: Michael Scott, City Manager
Date: August 16, 2023
Re: 27th Annual Texas Country Reporter Festival

The City of Waxahachie and Waxahachie Convention & Visitors Bureau are making plans for the *27th Annual Texas Country Reporter Festival* in historic downtown Waxahachie.

The festival will take place on Saturday, October 28, 2023 with the set-up beginning on Friday, October 27, 2023. Just as in the years past, the main stage will arrive at 10 a.m. on Friday; therefore, portions of Rogers and Franklin will be blocked at that time. The bulk of the vendor set-up will begin at 6 p.m. A layout of the festival has been included with this memo.

We invite everyone to join Kelli & Bob Phillips, hosts of the weekly TV show, *Texas Country Reporter*, for the largest one-day arts and music festival in the state of Texas!

Festival goers will be entertained all day, including a FREE concert with Neal McCoy best known for his hits "Wink," "No Doubt About It," "The Shake," and many more.

Surrounding the Waxahachie courthouse square will be more than 350 booths set-up with artists, craftspeople, food courts, live entertainment and some of the people who have been featured on *Texas Country Reporter* over the years.

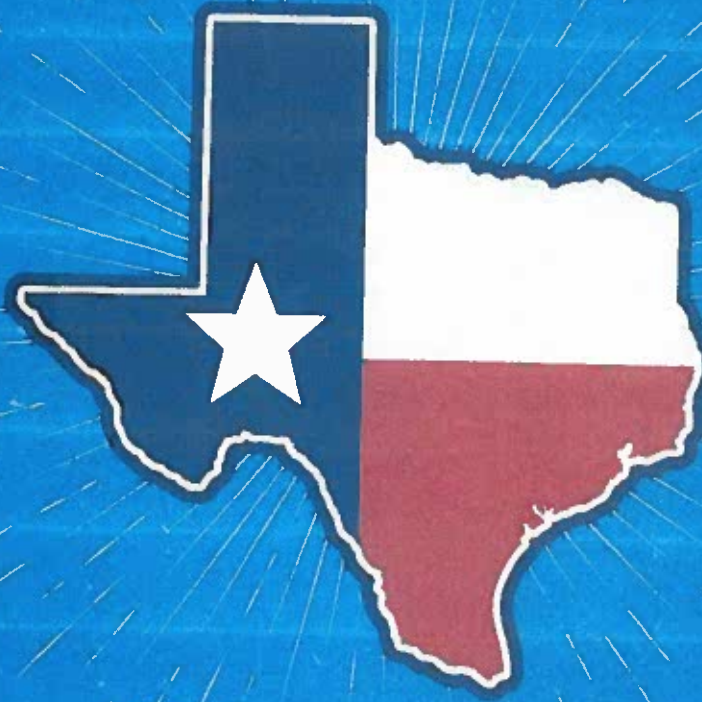
Returning this year is the "GO TEXAN Experience" featuring a marketplace of GO TEXAN vendors, wine garden, Southern Roots Brewing Company, Boyce Feed & Grain, FRESH Market Coffee and the Grown Local stage with live entertainment. Plus, "BBQuest Boulevard" featuring the Beef Loving Texans, Meat Church, BBQ trucks and more!

Thank you,
Laurie Mosley

(59)

27TH ANNUAL

TEXAS COUNTRY REPORTER FESTIVAL



SAT., OCTOBER 28 ★ 9AM - 7PM ★ FREE ADMISSION



**Live Music featuring Neal McCoy
with Over 350 Craftspeople,
Artists and 3 Food Courts
in Downtown Waxahachie**



TCRFestival.com ★ 469-309-4040



GO TEXAN





Date submitted

Applicant Information

Applicant name: Jon McLaughlin

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: jmclaughlin@ymcadallas.org

Mailing address: 100 YMCA Drive Waxahachie, TX 75165

Host organization name: Waxahachie Family YMCA

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

On-site contact name: Colleen Guy

Cell:

About the Event

Event name: YMCA Santa Run

Date: 12/9/2023

Location: Railyard Park

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

Anticipated attendance: 550

Description of event: 5k Fun Run

	Date(s)	Start Time:	End Time:
Event Date	12/9/23	9am	11am
Event Set-up	12/9/23	6am	10am
Event Breakdown	12/9/23	10:30am	11:30am

How many times has this event been hosted before?

1st time ☐ 2 – 4 times ☒ 5 or more times ☐ Location: Downtown / Railyard



Choose the best description of the event:

- | | |
|---|--|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input type="radio"/> Charitable / Fundraising |
| <input type="radio"/> Parade | <input type="radio"/> Community / Neighborhood |
| <input type="radio"/> Private Event | <input type="radio"/> Concert / Live Performance |
| <input checked="" 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 checked="" type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input checked="" type="checkbox"/> Information / Literature Distribution | <input checked="" type="checkbox"/> Street closure |
| <input checked="" type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" 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.

Activities associated with the event are free to the public. Participation in the 5k or mile run is fee based and includes a Santa Suit. Prices vary based on age. \$15 – \$40.

Run / Walk:

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

9:15am 1 mile 9am 5K _____ Other distance

Please indicate your expected attendance: 500

Number of participants:

- | | |
|---------|----------------------------------|
| 1-99 | <input type="radio"/> |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input checked="" 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: 2 Date(s) & time(s): 6am - 11am
Volunteers How many: 65 Date(s) & time(s): 6am - 11:30am
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: Dale Sigler

Phone number: (469) 309-4413

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: _____

College street adjacent to Railyard Park. Intersection of Franklin / 77, Briefly

Street closings to begin on date: 12/9 Start time: 6am End time: 11am

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: 40 Barricades How many: 4



Other: _____

Where should equipment be dropped off & picked up? _____

When will the equipment be set-up?

Date: 12/9

Time: 6am

When will the equipment be removed?

Date: 12/9

Time: 11:30am

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes: 8 - 12...8'x8'

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☐

Franchise Utilities ☐

Both ☒

List contractor / supplier:

Chip 2 Chip Race Timing

Explain services in detail:

Generator to power start timer and finish line

Insurance

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

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

Hold Harmless Clause

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

Signature

8/14/23

Date

Contract Agreement

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

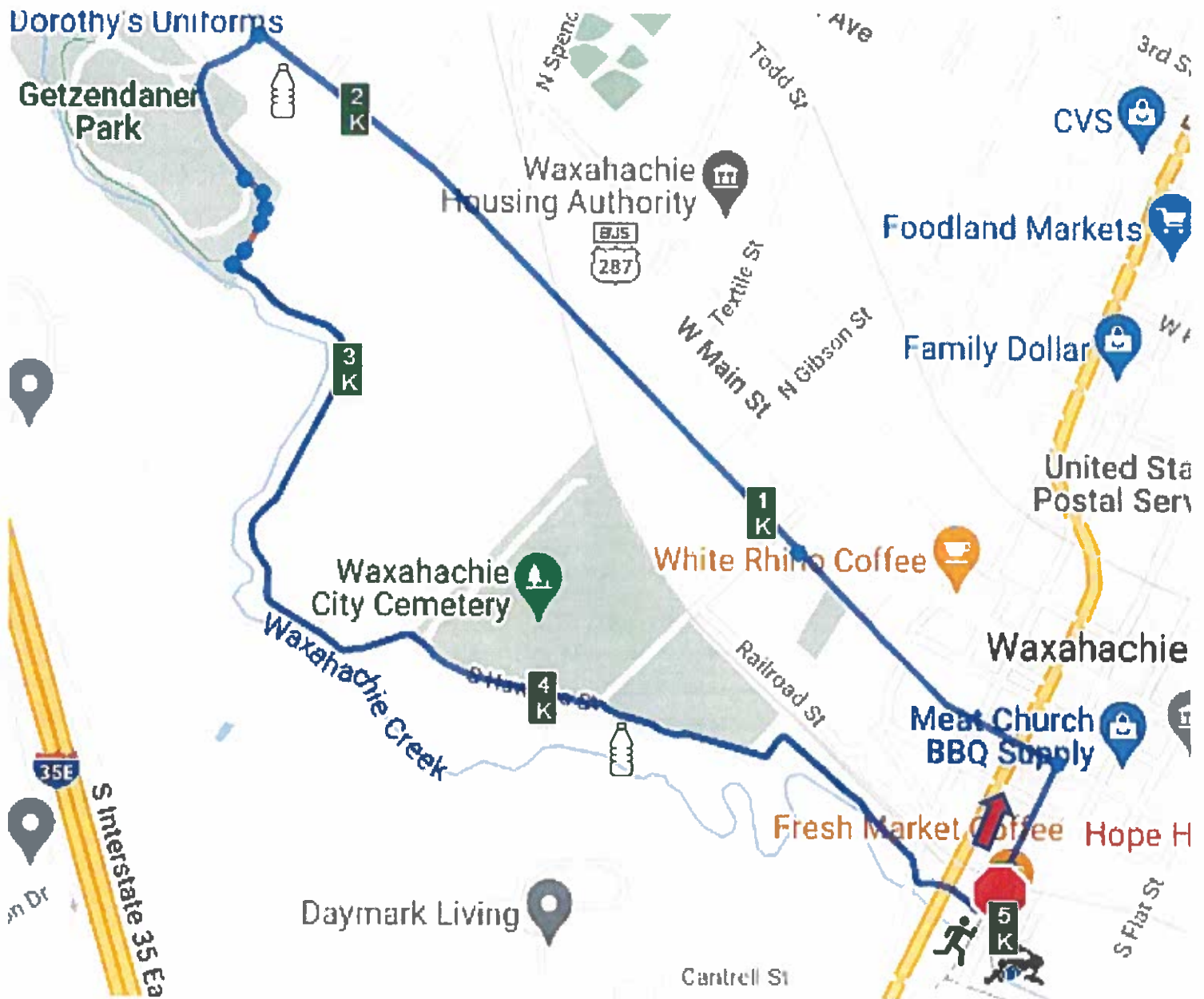
Signature

8/14/23

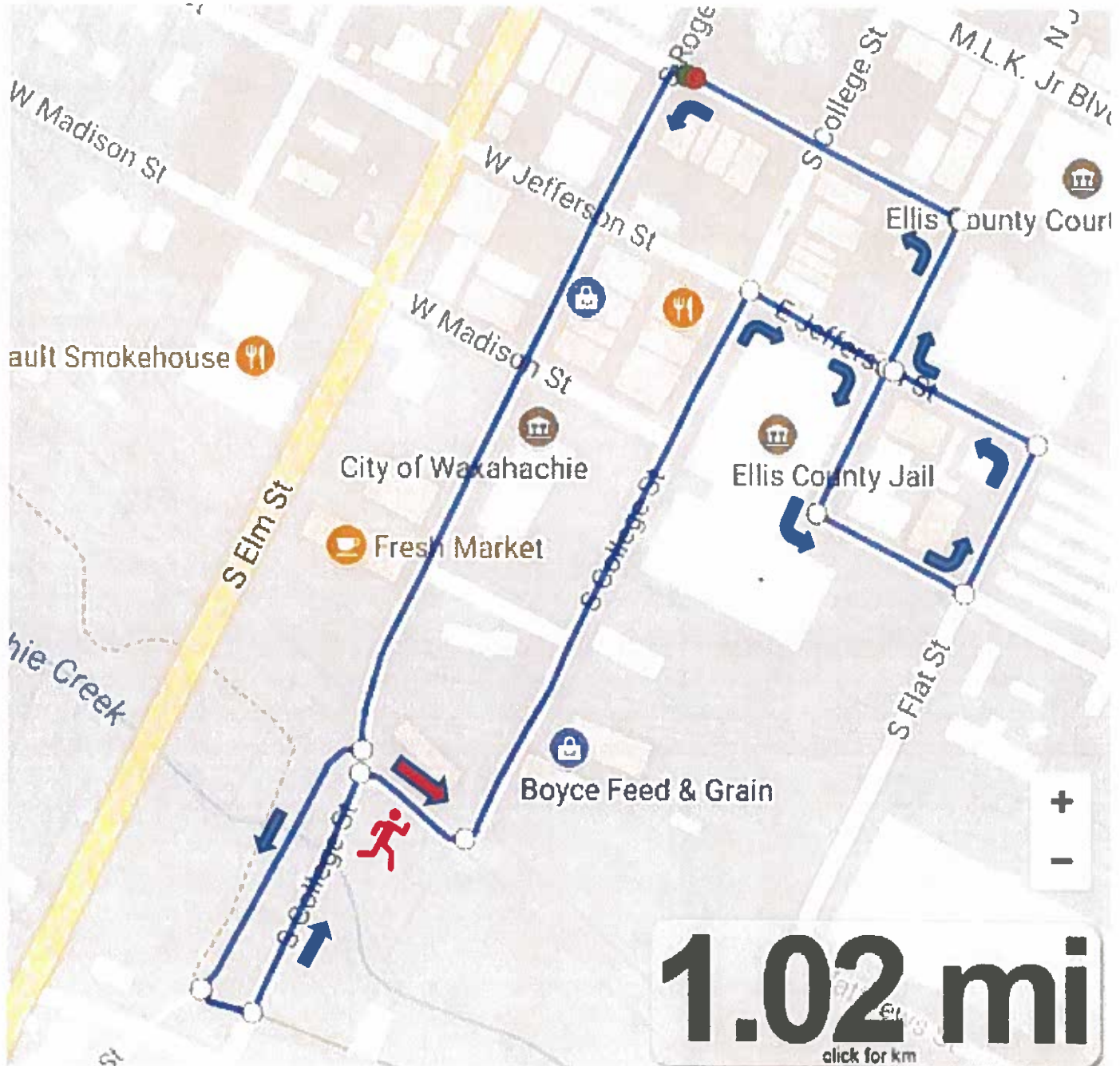
Date

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

2022 YMCA Santa Run – 5K Route (5h) (Grinches Run Opposite)



1 MILE – ELF RUN (5h)



2022 Santa Run

1. YMCA Santa Run Stage
2. Award / Trophy Table / 2nd speaker
3. Volunteer Check In / Refreshments
4. Registration & Packet Pick up
5. YMCA Kids Area
6. YMCA Video Game Truck
7. Milk & Cookies / Fruit, Water
2 Tables
8. Start Line—Chip 2 Chip
9. Frosty's Lane (Vendor tables—blue)
**4 Tables needed
10. KBEC
11. MyTeeSweet Snow Cones



Railyard Park -

455 S. College Street Waxahachie Texas 75165

1 Table Needed for Water
Station—Rogers St Bridge +
1 at Jefferson / Grand

(54)

(5i)



Memorandum

To: City Council

From: Michael Scott, City Manager

Thru:

Date: September 5, 2023

Re: Civil Service Commission Appointment – Teresa McNiel

Recommended Motion: "I move to appoint Teresa McNiel to a three-year term on the Civil Service Commission."

Item Description: As you know, per LGC 143, the Civil Service Commission is made up of three members from the community. These positions each serve a three-year term with one term expiring each year. The City Manager is charged with making these appointments.

This year Teresa McNiel's position is up for consideration. Teresa has served in this capacity for many years and has done a fantastic job. She has graciously agreed to serve in this important capacity for another term. As such, I am recommending her reappointment to the Commission.

PROCLAMATION

WHEREAS, the American Payroll Association and its more than 20,000 members have launched a nationwide public awareness campaign that pays tribute to the nearly 150 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS, payroll professionals in Waxahachie, Texas play a key role in maintaining the economic health of Waxahachie, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

WHEREAS, payroll departments collectively spend more than \$2.4 trillion annually complying with myriad federal and state wage and tax laws; and

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and

WHEREAS, the week in which Labor Day falls has been proclaimed National Payroll Week and I hereby give additional support to the efforts of the people who work in Waxahachie, Texas and of the payroll profession;

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, Texas, along with the entire City Council, do hereby proclaim September 4-10, 2023 as

“NATIONAL PAYROLL WEEK”

in the City of Waxahachie.

Proclaimed this 5th day of September 2023.

MAYOR

ATTEST:

CITY SECRETARY

(8)

PROCLAMATION

WHEREAS, Emergency Preparedness Month, occurring annually in September, creates an ideal opportunity for every resident of Waxahachie to join citizens across the United States in preparing their homes and businesses for any type of emergency, including natural, technological, and human-caused; and

WHEREAS, planning now—before a disaster—is the best way to improve community resiliency; and

WHEREAS, the City of Waxahachie partners with federal, state, private, nonprofit, and other organizations to educate communities on local hazards and natural disasters and how to prepare for them; and

WHEREAS, the City of Waxahachie is committed to disaster relief and recovery services to all residents in the event of an emergency or disaster; and

WHEREAS, all residents of Waxahachie are urged to plan ahead for disasters and are encourage to visit the cities website or the KnowWhat2Do website for essential preparedness tips and information,

NOW, THEREFORE, BE IT RESOLVED that I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim September as

“EMERGENCY PREPAREDNESS MONTH”

and encourage the community to observe this month by preparing for emergencies before they occur in Waxahachie.

Proclaimed this 5th day of September, 2023.

MAYOR

ATTEST:

CITY SECRETARY

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-113-2023 Zoning Text Amendment



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

City Council: September 5, 2023

CAPTION

Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, repealing and replacing Section 6.03 Lighting and Glare Standards. (ZTA-113-2023) to update the Lighting and Glare Standards.

RECOMMENDED MOTION

"I move to approve ZTA-113-2023, a request by the City of Waxahachie for a textual amendment to the Zoning Ordinance, Ordinance No. 3020, to amend Article VI Performance Standards, repealing and replacing Section 6.03 Lighting and Glare Standards, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on August 29, 2023, the Commission voted 5-0 to recommend approval of case number ZTA-113-2023.

PLANNING ANALYSIS

The Lighting and Glare standards in the Zoning Ordinance need to be revised to establish consistent requirements for residential and non-residential lighting installation projects.

The purpose of this Zoning Text Amendment is to:

1. Create lighting definitions.
2. Identify Lighting Plan requirements.
3. Reference prohibited lighting.
4. Reference Exemptions.
5. Add violation language.

PUBLIC NOTIFICATIONS

As a courtesy, the City published notice of the public hearings for the Zoning Code in the Waxahachie Sun. The Texas Local Government Code (Section 213.002) does not require the City to mail notice of the public hearing to each property owner in the City of Waxahachie.

RECOMMENDATION

The Planning Department recommends approval of Zoning Code Text Amendment ZTA-113-2023, a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to amend Article VI Performance Standards, repealing and replacing Section 6.03 Lighting and Glare Standards.

ATTACHED EXHIBITS

1. ZTA-113-2023 Lighting Ordinance

STAFF CONTACT INFORMATION

Prepared by:

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

Reviewed by:

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

(11)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE, ORDINANCE NO. 3020, TO ARTICLE VI PERFORMANCE STANDARDS, REPEALING AND REPLACING, SECTION 6.03 LIGHTING AND GLARE STANDARDS; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2023.

WHEREAS, the City Council of the City of Waxahachie ("City Council") has adopted a comprehensive zoning ordinance ("Zoning Ordinance"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on August 29, 2023, and a public hearing was held by the City Council on September 5, 2023, with respect to the proposed textual changes ZTA-113-2023 to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article VI (Performance Standards), Section 6.03 - Lighting and Glare Standards, is hereby repealed and replaced as shown in Exhibit A.

Section 3. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 4. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for us and the development of property maybe known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

(11)

PASSED, APPROVED, AND ADOPTED on this 5th day of September, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT A

Section 6.03 – Lighting and Glare Standards

(a) *General purpose and description:*

- (i) The purpose and intent of this section to establish regulations and standards which will reduce light pollution generated by residential and non-residential lighting fixtures and devices by creating standards for controlling lighting and glare that are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby properties by their owners and occupants while requiring adequate levels of lighting of parking areas.

(b) *Definitions:*

- (i) For the purposes of this Section, the following definitions apply:

- 1) *Administrator* means the City Manager and/or the City Manager's designee.
- 2) *Cutoff fixture* means a light fixture distribution where no more than 2.5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle ten (10) degrees below such horizontal plan at all lateral angels around the fixture. Cutoff fixtures shall be fully shielded.
- 3) *Fixture* means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or polo socket, lamp holder, ballast, reflector, or mirror, and a refractor or lens.
- 4) *Flood lamp* means a form of lighting designed as outdoor lighting to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturer.
- 5) *Foot-candle* means a unit of light measurement equal to one lumen per square foot.
- 6) *Glare* means the brightness of a light source that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.
- 7) *Light trespass* means unwanted light emitted by a lighting installation that shines beyond the boundaries of the property on which the installation is sited.
- 8) *Lumen* means a unit of measurement of light. One lumen equals one foot-candle falling onto one square foot of area.
- 9) *Luminaire* means a lighting fixture complete with the light source or lamp, the reflector for directing the light, an aperture (with or without a lens), the outer shell or housing for lamp alignment and protection, an electrical ballast if required, and connection to a power source.
- 10) *Nuisance glare* means glare that a) creates an annoyance or aggravation but does not create a potentially hazardous situation, or b) creates an annoyance or aggravation that impairs or impedes a person's right of quiet enjoyment of his/her property.

(II)

- 11) *Photometric plan* means a gridded layout that shows the measurement of light throughout the property. The plan shows how a lighting system will look at the project site, and show the spread, uniformity, and foot-candles of lighting.
- 12) *Spillover light* means artificial light that falls outside of the intended area to be lighted.
- 13) *Watt* means a standard unit of power (energy per unit time), the equivalent of one joule per second.

(c) *Nonresidential site lighting and glare standards:*

- (i) Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25-foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property
- (ii) All off-street parking areas for nonresidential uses in nonresidential districts which are used after dark shall be illuminated beginning one-half ($\frac{1}{2}$) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting shall be directed or shielded in such a manner as to not interfere with traffic movement or adjacent streets. Lighting within the parking areas shall meet the following minimum requirements:
- (iii) Intensity:
 - 1) Minimum at any point on the parking area surface to be at least 0.6-foot candles initial, and at least 0.3-foot candles maintained or one-third ($\frac{1}{3}$) of the average, whichever is greater.
 - 2) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25-foot candles of light upon any adjacent residentially zoned area.

(iv) Exterior Lighting Plan

- 1) Lighting plan
 - a) Contact information including name of applicant, address, and telephone number;
 - b) Proposed uses of outdoor lights involved;
 - c) Types of lamps used, including manufacturers' part number;
 - d) Type of light fixtures used, including manufacturers' model number and specifications;
 - e) Initial lumens of lamp or lamps and associated maximum light loss factors;

- f) Minimum illuminance, maximum illuminance, and average maintained illuminance for the site;
 - g) Illuminance levels at each property line;
 - h) Aiming and shielding instructions for floodlighting or spotlighting;
 - i) The location of all buildings, parking spaces, parking aisles, walkways, landscape beds, flags, or statues, and if applicable, any areas dedicated to the outdoor storage or display on the lot or parcel; and
 - j) Types of each light fixtures, keyed to a light fixture schedule and pictures, and cutsheets or line drawings of the proposed light fixtures.
- 2) Light Fixture Schedule indicates fixture type keyed to the plan, the quantities and types of lamps to be used in each fixture along with the rated lumen output of the lamps, the shielding category in which the light fixtures belong (unshielded, shielded, fully shielded, or full cut-off), and a description of the fixtures.
 - 3) Cutsheets indicate photometric distribution data stated in iso foot candle diagrams within the lighting plan.
 - 4) Photometric Plan showing the initial horizontal illuminance (maintenance factor = 1.0) calculated at grade using a grid of points no more than ten (10) feet apart and covering the entire site (excluding buildings) and extending a minimum of twenty (20) feet beyond the lot or parcel property line. The maximum and minimum illuminance values within each specific use area shall be clearly distinguished. Photometric plans for sites with existing pole-mounted lighting within fifty (50) feet of the property line shall include this existing lighting in the calculation. When photometric data for the existing fixtures is not available, photometry for a similar fixture may be used. The fixture(s) used to represent existing lighting shall be included on the lighting fixture schedule and designated as "existing."
- (v) Height:
- 1) On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty (30) feet.
 - 2) On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty (20) feet.
 - 3) Special lighting or lighting higher than thirty (30) feet may be approved by the Administrator, as specifically noted on a site plan.
- (d) *Residential lighting and glare standards:*
- (i) Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
 - 1) Direct lighting over ten (10) feet in height shall be shielded from adjacent property(ies).
 - 2) No light source shall exceed thirty (30) feet in height. Street lights and other traffic safety lighting are exempt from this standard.

(II)

- 3) Lighting shall not directly shine on adjacent dwellings which creates a nuisance.
 - 4) A nuisance created by light:
 - a) Which if measured at the property line adjacent to a residentially-zoned property or adjacent to a property used for residential purposes, is in excess of 0.25 of one-foot candle;
- (ii) Intensity:
- 1) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25-foot candles of light.
- (iii) Exterior Light Plan
- 1) Lighting plan
 - a) Contact information including name of applicant, address, and telephone number;
 - b) Proposed uses of outdoor lights involved;
 - c) Types of lamps used, including manufacturers' part number;
 - d) Type of light fixtures used, including manufacturers' model number and specifications;
 - e) Initial lumens of lamp or lamps and associated maximum light loss factors;
 - f) Minimum illuminance, maximum illuminance, and average maintained illuminance for the site;
 - g) Illuminance levels at each property line;
 - h) Aiming and shielding instructions for floodlighting or spotlighting;
 - i) The location of all buildings on the lot or parcel; and
 - j) Types of each light fixtures, keyed to a light fixture schedule and pictures, and cutsheets or line drawings of the proposed light fixtures.
 - 2) Light Fixture Schedule indicates fixture type keyed to the plan, the quantities and types of lamps to be used in each fixture along with the rated lumen output of the lamps, the shielding category in which the light fixtures belong (unshielded, shielded, fully shielded, or full cut-off), and a description of the fixtures.
 - 3) Light Fixture Specifications indicates a brief description of the product, manufacturer product ordering number, and lamp information (to include lamp type, wattage, voltage, beam spreads, and color temperature, as applicable).
- (e) *Luminaires*: Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires, installed and maintained so as to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting as provided in 6.03(e).
- (f) *Special or temporary lighting*: low wattage: Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

(g) *Measurement*

- (i) *Metering equipment:* Lighting levels shall be measured in foot-candles with a direct-reading, portable.
- (ii) *Method of foot-candle measurement:* The meter sensor shall not be more than six (6) inches above ground level in a horizontal position or six (6) foot in a vertical position. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

(h) *Prohibited Lighting*

- (i) A person commits an offense if the person has or places outdoor lighting on a property that involves or utilizes the following:
 - 1) Any light source above 315 lumens that is not aimed to prevent light trespass or glare beyond the property boundary;
 - 2) Any lighting source above 315 lumens unless it is shielded sufficiently such that the luminous elements (lamp, reflective surfaces or lens cover) of the fixture are not visible from any other property;
 - 3) The operation of searchlights, strobes, or pulsating lights;
 - 4) The use of low-pressure sodium bulbs as a light source;
 - 5) An unshielded lighting source or drop lens above 315 lumens;
 - 6) Any light or combination of lighting that creates a nuisance; or
 - 7) Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceed requirements defined as a residential outdoor lighting nuisance.
- 8) Floodlights
- (ii) A foot-candle reading as performed in accordance with Section 6.03(f) and found to be in excess of those amounts defined as a residential outdoor lighting nuisance glare shall be prima facie evidence of violation of this chapter.

(a) *Exemptions*

- (i) The following shall be exempt from the requirements of this section:
 - 1) All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires.
 - 2) All hazard-warning luminaires required by federal regulatory agencies, provided that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task
 - 3) Other municipal or state lighting installed for the benefit of public health, safety, and welfare.
 - 4) All fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets; provided, however, that compliance with this section is nevertheless encouraged to the extent feasible.

- 5) Luminaires used to illuminate the flag of the United States of America or of the state.

(j) Violations, legal actions and penalties.

- (i) Property owners who install lighting fixtures after the effective date of the ordinance from which this section is derived and are found to be in noncompliance shall receive written notification and will be given 90 calendar days from the date of such written notification to bring the lighting system into compliance.
- 1) *Violation.* It shall be a civil infraction for any person to violate any of the provisions of this section. Each and every day during which the violation continues shall constitute a separate offense.
 - 2) *Legal actions.* If, after investigation, the code enforcement officer finds that any provision of the section is being violated, notice shall be given by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within 90 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the 90-day period, the code enforcement officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this section and to collect the penalties for such violations.
 - 3) *Penalties.* A violation of this section or any provision hereof shall be punishable by a fine of not more than two thousand dollars (\$2,000.00) for each offense. Each day of violation after the expiration of the 90-day period provided in subsection (2) of this section shall constitute a separate offense for the purpose of calculating the civil penalty.

Planning & Zoning Department

Plat Staff Report



Case: SUB-42-2023

MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

City Council: September 5, 2023

CAPTION

Consider the recommendation of a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Replat** of Lots 127R and 130 of the Ferris Second Addition, to create Lots 127R-1 and 127R-2 of the Ferris Second Addition, 2 Non-Residential Lots, being 0.811 acres, located at 122 and 126 North Highway 77. (Property ID 142201 and 173428) – Owners: LINDA FARMER, DUANE FARMER, AND ELLIS COUNTY FARM BUREAU (SUB-42-2023)

RECOMMENDED MOTION

*"I move to approve SUB-42-2023 for a **Replat** of Lots 127R-1 and 127R-2 of the Ferris Second Addition and the associated variance request, subject, authorizing the Mayor to sign the associated documents accordingly."*

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on August 30, 2023, the Commission voted 5-0 to recommend approval of case number SUB-42-2023, subject to staff comments.

APPLICANT REQUEST

The applicant is requesting to replat the subject property into two (2) lots for non-residential use. Also, the applicant is requesting a petition of relief from Appendix C – II. Procedures – Section 2.3.a.1 – Conforming with the City's Zoning Ordinance (including the proper zoning for the intended use) and its Comprehensive Plan, including all other adopted plans including, but not limited to, the Water and Wastewater Master Plans, Future Land Use Plan, Park and Open Space Plan, and Thoroughfare Plan, as applicable.

CASE INFORMATION

Applicant:	Tim Jackson, Texas Reality Capture & Surveying, LLC
Property Owner(s):	Linda Farmer, Duane Farmer, and Ellis County Farm Bureau
Site Acreage:	0.811 acres
Number of Lots:	2 lots
Number of Dwelling Units:	0 units
Park Land Dedication:	N/A; these lots have been developed
Adequate Public Facilities:	Adequate facilities are available to the subject properties

SUBJECT PROPERTY

General Location: 122 and 126 North Highway 77

Parcel ID Number(s): 142201 and 173428

Current Zoning: General Retail (GR)

Existing Use: 122 North Highway 77 – Office
126 North Highway 77 – Retail

Platting History: Lot 127R was previously replatted in 2003 of the Ferris Second Addition; Lot 130 was previously platted in the original Ferris Second Addition

Site Aerial:**PLANNING ANALYSIS**

The applicant is proposing to replat the subject properties into two (2) lots for non-residential use. Each lot has water and sewer services. The applicant will establish a fifteen-foot (15') utility easement along the roadway frontage (North Highway 77).

The applicant is requesting a petition of relief from Appendix C – II. Procedures – Section 2.3.a.1 – Conforming with the City's Master Thoroughfare Plan. North Highway 77 is identified as a Minor Arterial with a total width of 100' per the City's Master Thoroughfare Plan, which was recently updated in early 2023. The applicant is required to dedicate a total of 50' from the centerline of the right-of-way along with a 15' utility easement for the existing water line. The right-of-way dedication would encroach into the existing buildings of 122 North Highway 77 by approximately four feet (4'), and approximately one-foot six-inches (1'-6") of 126 North Highway 77.

Staff is in support of this waiver request because if TxDOT widens North Highway 77, the City is still able to move the water line within the 15' utility easement dedicated by this plat without having to acquire additional land for the utility easement.

RECOMMENDATION

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 replat.

ATTACHED EXHIBITS

Identify the exhibits that will be included as agenda backup material.

1. Replat (Exhibit A)
2. Existing Conditions Exhibit (Exhibit B)

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 all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments satisfied, applicant shall provide 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 has submitted original copies of the tax certificate(s).

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

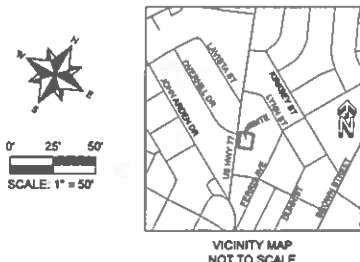
oanh.vu@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com



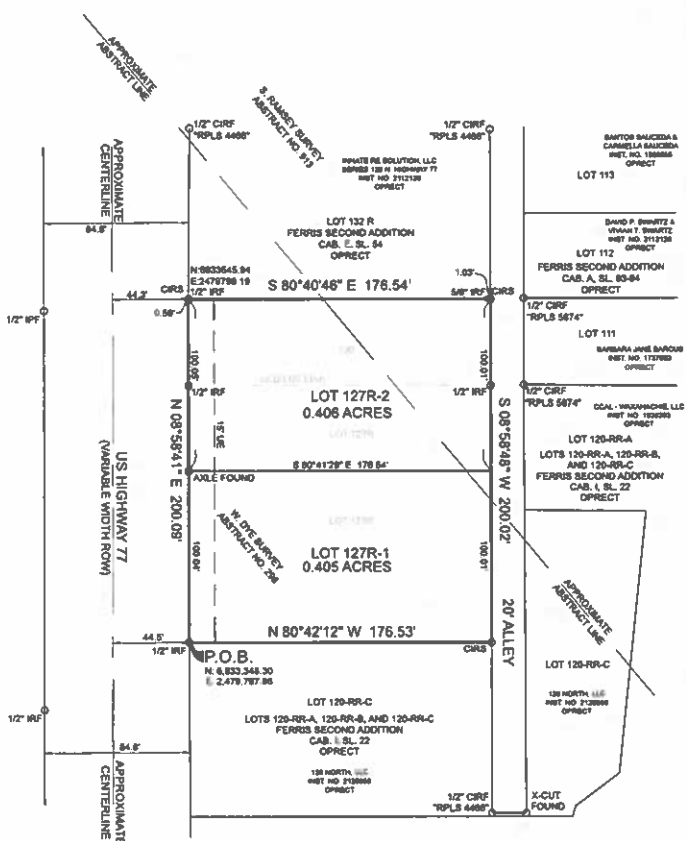
LEGEND

CRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
CRF = CAPPED IRON ROD FOUND
IRF = IRON ROD FOUND
IRP = IRON PIPE FOUND
FND = FOUND
P.O.B. = POINT OF BEGINNING
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
PRECT = PLAT RECORDS ELLIS COUNTY TEXAS
UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS.

ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48136C0100F, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, ELLIS COUNTY FARM BUREAU, DUANE M. FARMER, JR. AND LINDA J. FARMER ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE W DYE SURVEY ABSTRACT NO. 296 AND THE S RAMSEY SURVEY ABSTRACT NO. 813, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELLIS COUNTY FARM BUREAU, RECORDED IN VOLUME 1628, PAGE 795, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), SAME BEING ALL OF LOT 127R, FERRIS SECOND ADDITION, RECORDED IN CABINET F, SLIDE 348, OPRECT, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO DUANE M. FARMER, JR. AND LINDA J. FARMER, RECORDED IN VOLUME 1658, PAGE 1054, OPRECT, SAME BEING ALL OF LOT 130, FERRIS SECOND ADDITION, RECORDED IN CABINET A, SLIDE 83 AND REVISED IN CABINET A, SLIDE 161, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 127R AND THE COMMON NORTHWEST CORNER OF LOT 120-RR-C, OF LOTS 120-RR-A, 120-RR-B, AND 120-RR-C, FERRIS SECOND ADDITION, RECORDED IN CABINET I, SLIDE 22, OPRECT, AND IN THE EAST RIGHT-OF-WAY (ROW) LINE OF US HIGHWAY 77 (A VARIABLE WIDTH ROW);

THENCE N 08°56'41" E ALONG THE WEST LINE OF SAID LOT 127R AND THE COMMON EAST LINE OF SAID US HIGHWAY 77, PASSING AT A DISTANCE OF 100.56 FEET AN AXLE FOUND FOR CORNER, CONTINUING ALONG THE WEST LINE OF SAID LOT 127R AND THE COMMON WEST LINE OF SAID LOT 130 AND THE COMMON EAST ROW LINE OF SAID US HIGHWAY 77, A TOTAL DISTANCE OF 200.02 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID LOT 127R AND THE COMMON SOUTHWEST CORNER OF LOT 132 R, FERRIS SECOND ADDITION, RECORDED IN CABINET E, SLIDE 84, OPRECT;

THENCE S 80°40'46" E ALONG THE NORTH LINE OF SAID LOT 30 AND THE COMMON SOUTH LINE OF SAID LOT 132 R, PASSING AT A DISTANCE OF 176.51 FEET AN AXLE FOUND, PASSING AT A DISTANCE OF 176.51 FEET A 5/8" IRON ROD FOUND, A TOTAL DISTANCE OF 176.54 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT 130 AND THE COMMON SOUTHEAST CORNER OF SAID LOT 132 R, AND IN THE WEST ROW LINE OF A CALLED 20' ALLEY;

THENCE S 08°55'48" W ALONG THE EAST LINE OF SAID LOT 130, THE EAST LINE OF SAID LOT 127R AND THE COMMON WEST ROW LINE OF SAID CALLED 20' ALLEY, PASSING AT A DISTANCE OF 100.51 FEET A 1/2" IRON PIPE FOUND, CONTINUING ALONG THE EAST LINE OF SAID LOT 127R AND THE COMMON WEST LINE OF SAID CALLED 20' ALLEY, A TOTAL DISTANCE OF 200.02 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID LOT 127R AND THE COMMON NORTHEAST CORNER OF SAID LOT 120-RR-C;

THENCE N 80°42'12" W ALONG THE SOUTH LINE OF SAID LOT 127R AND THE COMMON NORTH LINE OF SAID LOT 120-RR-C, A DISTANCE OF 176.53 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.811 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ELLIS COUNTY FARM BUREAU, DUANE M. FARMER, JR. AND LINDA J. FARMER, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 127R-1 AND 127R-2, FERRIS SECOND ADDITION, TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR 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 PUBLICS 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 ACCESS 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 _____, 2023.

DUANE M. FARMER, JR. LINDA J. FARMER

SCOTT BORN, AUTHORIZED AGENT
ELLIS COUNTY FARM BUREAU

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 DUANE M. FARMER, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2023.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

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 DUANE M. FARMER, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2023.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

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 SCOTT BORN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2023.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

"PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ DATE _____
MAYOR

ATTEST _____ DATE _____

APPROVED BY: CITY COUNCIL
CITY OF WAXAHACHIE

BY: _____ DATE _____
MAYOR

ATTEST _____ DATE _____

OWNERS:
DUANE M. FARMER &
LINDA J. FARMER
126 N. HIGHWAY 77
WAXAHACHIE, TX 75165
XXX.XXX.XXXX

OWNERS:
ELLIS COUNTY FARM BUREAU
P.O. BOX 8
WAXAHACHIE, TX 75108
XXX.XXX.XXXX

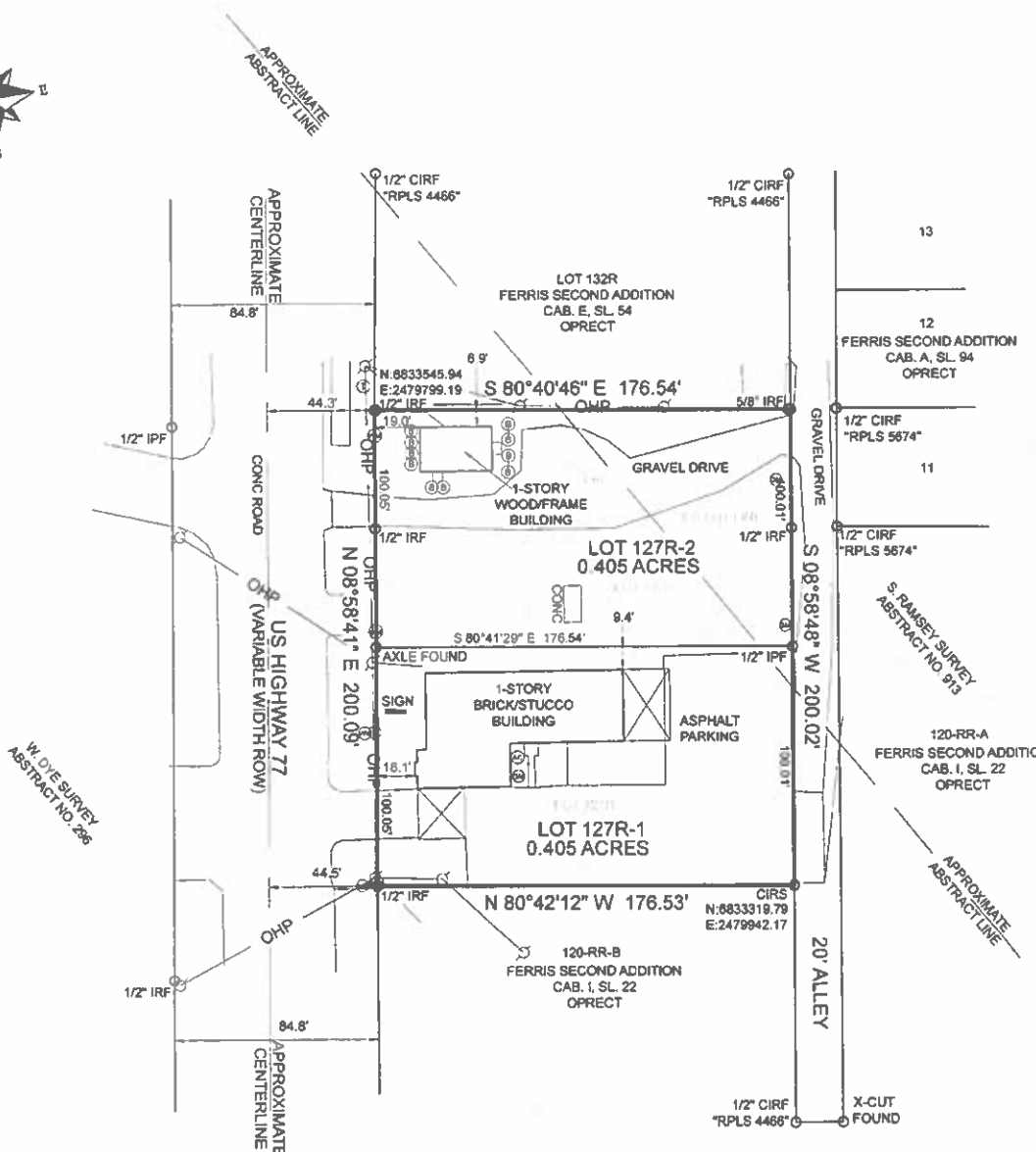
SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75188
489.518.0338
TBPLS FIRM NO 10194358

REPLAT
LOTS 127R-1 & 127R-2
FERRIS SECOND ADDITION

BEING A REPLAT OF LOTS 127R AND 130 OF FERRIS SECOND ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, RECORDED IN CABINET F, PAGE 348 & CABINET A, SLIDE 161, OPRECT SITUATED IN

W DYE SURVEY, ABSTRACT NO. 296 & S RAMSEY SURVEY, ABSTRACT NO. 813 CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

0.811 ACRES
2 NON-RESIDENTIAL LOTS
ZONED: GR
CASE #: SUB-42-2023



LEGEND:

- AIR CONDITIONER
- BOLLARD
- ELECTRIC METER
- FIRE HYDRANT
- GAS METER
- POWER POLE
- TELEPHONE PULLBOX
- WATER METER
- WATER VALVE
- FENCE LINE (VARIOUS TYPES)
- OVERHEAD POWER LINES
- 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
- OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
- INDICATE RECORD OR DEED CALLS
- RIGHT-OF-WAY

**EXHIBIT
0.811 ACRES**

SITUATED IN THE
W. DYE SURVEY, ABSTRACT NO. 298
AND THE
S RAMSEY SURVEY, ABSTRACT NO. 913
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

TEXAS REALITY CAPTURE
& SURVEYING, LLC

P.O. BOX 282
WAXAHACHIE, TEXAS 75165
409.518.0336
TDPLS FIRM NO 10194360



(12)

PROJECT NO. 2287

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WAXAHACHIE
APPROVING THE ANNUAL UPDATE OF THE SERVICE AND
ASSESSMENT PLAN AND ASSESSMENT ROLL[S] FOR THE
WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1 IN
ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE
§372.013, AS AMENDED; CONTAINING A CUMMULATIVE
CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, on April 16, 2007, the City Council of the City of Waxahachie, Texas (“City”) approved Resolution No. 1087 establishing the Waxahachie Public Improvement District No. 1 (“the PID”) in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the “Public Improvement District Assessment Act” or “the PID Act”); and

WHEREAS, the City has heretofore levied assessments against property within Phase #1 of the PID, pursuant to Ordinance No. 2413 which ordinance also approved the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll related to Phase #1, dated as of June 18, 2007 (the “Service and Assessment Plan and Phase #1 Assessment Roll”); and

WHEREAS, the City has also heretofore levied assessments against property within Phase #2 of the PID, which approved the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll related to Phase #2, dated as of April 13, 2016 (the “Service and Assessment Plan and Phase #2 Assessment Roll”) and, together with the Service and Assessment Plan and Phase #1 Assessment Roll, (the “Service and Assessment Plan and Assessment Rolls”); and

WHEREAS, the City has also heretofore levied assessments against property within Phase #3 of the PID, which also approved the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll related to Phase #3, dated as of June 7, 2021 (the “Service and Assessment Plan and Phase #3 Assessment Roll”) and, together with the Service and Assessment Plan and Phase #1 Assessment Roll and Phase #2 Assessment Roll, (the “Service and Assessment Plan and Assessment Rolls”); and

WHEREAS, the Service and Assessment Plan and Assessment Roll[s] is required to be reviewed and updated annually as described in Sections 372.013 and 372.014 of the PID Act (the “Annual Service Plan Update”); and

WHEREAS, the Annual Service Plan Update, attached hereto as Exhibit A, including the Phase #1 Assessment Roll, Phase #2 Assessment Roll, and Phase #3 Assessment Roll attached thereto, update the Service and Assessment Plan and Assessment Roll[s] to reflect prepayments, property divisions and changes to the budget allocation for the PID that occur during the year, if any; and

WHEREAS, the City Council desires and finds it to be in the public interest to adopt this Ordinance approving and adopting the Annual Service Plan Update and the updated Assessment Roll attached thereto, in compliance with the PID Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF WAXAHACHIE, TEXAS, THAT:

SECTION 1. All matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. The Waxahachie Public Improvement District No. 1 Annual Service Plan Update, attached hereto as Exhibit A and incorporated herein by reference, inclusive of the updated Phase #1 Assessment Roll, Phase #2 Assessment Roll, and Phase #3 Assessment Roll contained therein and made a part thereof, are hereby accepted and approved.

SECTION 3. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 5. This Ordinance shall take effect immediately after its passage and the publication of the caption, as the law and charter in such case provide. The City Secretary shall cause this Ordinance to be filed with the county clerk in each county in which all or a part of the PID is located not later than seven (7) days after the date the governing body of the City approves this Annual Service Plan Update.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS,
ON THE _____ OF _____ 2023.**

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED AS TO FORM:

City Attorney

Waxahachie Public Improvement District City of Waxahachie, Texas

SEPTEMBER 5, 2023

MUNICIPAL INC.
PUBLIC FINANCE

Annual Service and Assessment Plan Update

- Authorized Improvements budget
- Annual Budget for the PID
 - Debt Service
 - Administrative Expenses
- Changes to Assessment Methodology
- Parcel Subdivisions and Consolidations
- Prepayments
- Next Steps

MUNICIPAL INC.
PUBLIC FINANCE

Authorized Improvements - Phase #1

Phase One District Improvement	Initial Estimated Budget	Actual Cost ¹	Variance ¹
Phase 1 - Street Grading and Paving	\$328,742	\$1,105,456	\$776,714
Phase 1 - Onsite Water Distribution System	\$132,078	\$404,022	\$271,944
Phase 1 - Onsite Wastewater Management System	\$120,149	\$444,136	\$323,987
Phase 1 - Storm Drainage Management System	\$147,911	\$497,445	\$349,534
Phase 1 - Engineering	\$106,916	\$157,395	\$250,479
Phase 1 - Bond Financing Costs	\$504,183	\$20,835	(\$483,348)
Total Phase One Costs of District Improvements	\$1,340,000	\$2,829,289	\$1,489,289

¹ - According to the final official statement issued for the Series 2015 Bonds

MUNICIPAL INC.
PUBLIC FINANCE

Authorized Improvements - Phase #2

Phase Two District Improvement	Initial Estimated Budget	Actual Cost ¹	Variance ¹
Phase 2 - Street Grading and Paving	\$1,876,333	\$936,493	(\$939,840)
Phase 2 - Onsite Water Distribution System	\$670,511	\$275,351	(\$395,160)
Phase 2 - Onsite Wastewater Management System	\$700,691	\$278,831	(\$421,860)
Phase 2 - Storm Drainage Management System	\$271,556	\$107,796	(\$163,760)
Phase 2 - Engineering	\$375,748	\$181,686	(\$192,062)
Phase 2 - Bond Financing Costs	\$591,594	\$0	(\$591,594)
Total Phase Two Costs of District Improvements	\$4,486,433	\$1,782,157	(\$2,704,276)

¹ - According to information provided by the Developer on 9/30/2020.

Authorized Improvements – Phase #3

Phase Three District Improvements	Actual Costs ¹
Phase 3 - Street Grading and Paving	2,949,600
Phase 3 - Utility improvements	3,730,087
Phase 3 - Wastewater Management System	50
Phase 3 - Storm Drainage Management System	50
Phase 3 - Engineering, inspection and contingency	775,340
Total Phase Three Costs of District Improvements	\$7,455,027

¹ According to information provided by the Developer as of April 2022.

Annual Budget for the PID

Phase #1	2023-24 Budget	2022-23 Budget
Principal	\$35,000	\$35,000
Interest	\$76,285	\$78,787
Administrative Expenses	\$19,000	\$19,000
Excess Interest	\$5,335	\$5,510
Total Annual Installments	\$135,619	\$138,297

MUNICAP, INC.
PUBLIC FINANCE

Annual Installments

Phase #1	2023-24 Annual Installment	2022-23 Annual Installment
90' Lots	\$795.14	\$810.84
70' Lots	\$667.92	\$681.11
60' Lots	\$596.36	\$608.13

Annual Budget for the PID

Phase #2	2023-24 Budget	2022-23 Budget
Principal	\$7,000	\$6,000
Interest	\$40,035	\$40,750
Administrative Expenses	\$14,000	\$14,000
Excess Interest	\$0	\$0
Total Annual Installments	\$61,035	\$60,750

Annual Installments

Phase #2	2023-24 Annual Installment	2022-23 Annual Installment
90' Lots	\$657.28	\$648.34
70' Lots	\$552.12	\$544.61
60' Lots	\$492.96	\$486.26

Annual Budget for the PID

Phase #3	2023-24 Budget	2022-23 Budget
Principal	\$1,000	\$1,000
Interest	\$110,455	\$110,970
Administrative Expenses	\$20,000	\$20,000
Excess Interest	\$0	\$0
Total Annual Installments	\$131,455	\$131,970

Annual Installments

Phase #3	2023-24 Annual Installment	2022-23 Annual Installment
60' Lots	\$521.65	\$521.62

MUNICAP, INC.
PUBLIC FINANCE

Changes to Assessment Methodology

- No changes to the Assessment methodology that was previously approved in the Updated Service and Assessment Plan.

MUNICAP, INC.
PUBLIC FINANCE

Parcel Subdivisions and Consolidations

- According to the ECAD records, Parcels 288217 and 288186 were replatted and consolidated in 2023.
- According to the ECAD records, Parcels 288500, 288087, 288172, and 288101 were erroneously classified and the Assessment classification has been corrected to reflect the proposed development to be constructed on each Parcel.

MUNICAP, INC.
PUBLIC FINANCE

Prepayments

Phase One

- As of July 31, 2023, four Lot Type 2 Parcels (Parcels 240972, 240967, 240940 and 240921) and two Lot Type 3 Parcels (Parcel 240880 and 240836) were prepaid in full within Phase One of the PID.

Phase Two

- As of July 31, 2023, one Lot Type 1 Parcel (264943), two Lot Type 2 Parcels (Parcels 264367 and 264366) and three Lot Type 3 Parcels (Parcels 264008, 264011 and 264062) were prepaid in full within Phase Two of the PID.

Phase Three

- As of July 31, 2023, one Lot Type 3 Parcel (288507) has prepaid in full within Phase Three of the PID.

MUNICAP, INC.
PUBLIC FINANCE

Next Steps

- Upon approval of 2023-24 Annual SAP Update, the approved amounts for each Parcel will be provided to the Ellis County Tax Office for billing with the 2023 property taxes.

MUNICAP, INC.
PUBLIC FINANCE

**AN ORDINANCE OF THE CITY OF WAXAHACHIE
APPROVING THE ANNUAL UPDATE OF THE SERVICE AND
ASSESSMENT PLAN AND ASSESSMENT ROLL[S] FOR THE
NORTH GROVE PUBLIC IMPROVEMENT DISTRICT IN
ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE
§372.013, AS AMENDED; CONTAINING A CUMMULATIVE
CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, on September 15, 2014, the City Council of the City of Waxahachie, Texas (“City”) approved Resolution No. 1189 establishing the North Grove Public Improvement District (“the PID”) in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the “Public Improvement District Assessment Act” or “the PID Act”); and

WHEREAS, the City has heretofore levied assessments against property within Improvement Area #1 of the PID, pursuant to Ordinance No. 2782 which ordinance also approved the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll related to Improvement Area #1, dated as of February 26, 2015 (the “Service and Assessment Plan and Improvement Area #1 Assessment Roll”); and

WHEREAS, the City has also heretofore levied assessments against property within Improvement Area #2 of the PID, pursuant to Ordinance No. 3266 which ordinance also approved the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll related to Improvement Area #2, dated as of April 20, 2021 (the “Service and Assessment Plan and Improvement Area #2 Assessment Roll”) and, together with the Service and Assessment Plan and Improvement Area #1 Assessment Roll, (the “Service and Assessment Plan and Assessment Rolls”); and

WHEREAS, the City has also heretofore levied assessments against property within Improvement Area #3 of the PID, pursuant to Ordinance No. 3326 which ordinance also approved the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll related to Improvement Area #3, dated as of May 16, 2022 (the “Service and Assessment Plan and Improvement Area #3 Assessment Roll”) and, together with the Service and Assessment Plan and Improvement Area #1 Assessment Roll and Improvement Area #2 Assessment Roll, (the “Service and Assessment Plan and Assessment Rolls”); and

WHEREAS, the Service and Assessment Plan and Assessment Roll[s] is required to be reviewed and updated annually as described in Sections 372.013 and 372.014 of the PID Act (the “Annual Service Plan Update”); and

WHEREAS, the Annual Service Plan Update, attached hereto as Exhibit A, including the Improvement Area #1 Assessment Roll, Improvement Area #2 Assessment Roll, and Improvement Area #3 Assessment Roll attached thereto, update the Service and Assessment Plan and Assessment Roll[s] to reflect prepayments, property divisions and changes to the budget allocation for the PID that occur during the year, if any; and

WHEREAS, the City Council desires and finds it to be in the public interest to adopt this Ordinance approving and adopting the Annual Service Plan Update and the updated Assessment Roll attached thereto, in compliance with the PID Act.

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

SECTION 1. All matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. The North Grove Public Improvement District Annual Service Plan Update, attached hereto as Exhibit A and incorporated herein by reference, inclusive of the updated Improvement Area #1 Assessment Roll, Improvement Area #2 Assessment Roll, and Improvement Area #3 Assessment Roll contained therein and made a part thereof, are hereby accepted and approved.

SECTION 3. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 5. This Ordinance shall take effect immediately after its passage and the publication of the caption, as the law and charter in such case provide. The City Secretary shall cause this Ordinance to be filed with the county clerk in each county in which all or a part of the PID is located not later than seven (7) days after the date the governing body of the City approves this Annual Service Plan Update.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ON THE _____ OF _____ 2023.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED AS TO FORM:

City Attorney

North Grove Public Improvement District City of Waxahachie, Texas

SEPTEMBER 5, 2023

MUNICAP, INC.
PUBLIC FINANCE

Annual Service and Assessment Plan Update

- Authorized Improvements budget
- Annual Budget for the PID
 - Debt Service
 - Administrative Expenses
- Changes to Assessment Methodology
- Parcel Subdivisions and Consolidations
- Prepayments
- Next Steps

MUNICAP, INC.
PUBLIC FINANCE

Authorized Improvements - Improvement Area #1

Source of Funds	Total Budget	Actual Costs	Variance
Bond proceeds	\$6,675,000	\$6,675,000	\$0
Total sources of funds	\$6,675,000	\$6,675,000	\$0
Uses of Funds			
Improvement Area #1 Improvements			
Estimated costs paid with Bonds	\$4,530,000	\$4,530,000	\$0
Other Project Fund deposits	\$205,000	\$205,000	\$0
Subtotal, Project Fund deposits	\$4,735,000	\$4,735,000	\$0
Costs of issuing the Bonds			
Deposit to capitalized interest fund	\$795,000	\$795,000	\$0
Deposit to debt service reserve fund	\$510,000	\$510,000	\$0
Bond issue costs	\$635,000	\$635,000	\$0
Subtotal, Costs of issuing the Bonds	\$1,940,000	\$1,940,000	\$0
Total uses of funds	\$6,675,000	\$6,675,000	\$0

1 - According to Developer's Quarterly Improvement Implementation Report dated June 30, 2022.
2 - The total actual costs will be updated once the Developer provides the total actual amounts spent.

MUNICAP, INC.
PUBLIC FINANCE

Authorized Improvements - Improvement Area #2

Source of Funds	Initial Estimated Budget	Actual Amount Requisitioned	Projected Additional Amount to be Substantiated
LA #2 share of LA #2-3 Bonds	\$1,870,000	\$1,870,000	\$0
Owner Contributions (LA)	\$1,742,315	\$670,544	\$1,071,771
Total Sources of Funds	\$3,612,315	\$2,540,544	\$1,071,771
Uses of Funds			
Project Fund Deposits			
Authorized Improvement	\$5,261,655	\$2,149,984	\$3,111,771
Estimated Bond Issuance Costs			
Debt Service Reserve Fund	\$130,617	\$130,617	\$0
Capitalized Interest	\$0	\$0	\$0
Cost of Issuance	\$130,782	\$130,782	\$0
Administrative Expenses	\$13,161	\$13,161	\$0
Underwritten Discount	\$56,100	\$56,100	\$0
Subtotal Bond Issuance Costs	\$330,660	\$330,660	\$0
Total Uses of Funds	\$5,612,315	\$2,480,544	\$3,131,771

1 - According to Developer's Quarterly Improvement Implementation Report dated June 30, 2022.

MUNICAP, INC.
PUBLIC FINANCE

Authorized Improvements - Improvement Area #3

Sources of Funds	Initial Estimated Budget	Actual Amount	Variance
LA #1 share of Improvement Area #2-3 Bonds	\$1,955,000	\$1,955,000	\$0
Owner Contributions (a)	\$905,784	\$905,784	\$0
Total Sources of Funds	\$4,866,784	\$4,866,784	\$0
Uses of Funds			
Project Bond Deposits			
Authorized Improvement	\$4,861,444	\$4,861,444	\$0
Estimated Bond Issuance Costs			
Debt Service Reserve Fund	\$176,252	\$176,252	\$0
Capitalized Interest	\$0	\$0	\$0
Cost of Issuance	\$176,599	\$176,599	\$0
Administrative Expenses	\$23,899	\$23,899	\$0
Underwriters Discount	\$118,650	\$118,650	\$0
Subtotal Bond Issuance Costs	\$695,340	\$695,340	\$0
Total Uses of Funds	\$4,866,784	\$4,866,784	\$0

1 - According to the Developer and Requisition #1 approved on 7/25/21

MUNICAP, INC.
PUBLIC FINANCE

Annual Budget for the PID

Improvement Area #1	2023-24 Budget	2022-23 Budget
Principal	\$150,000	\$125,000
Interest	\$359,774	\$367,500
Administrative Expenses	\$41,000	\$41,000
Excess Interest	\$29,981	\$30,625
Total Annual Installments	\$580,755	\$564,125

MUNICAP, INC.
PUBLIC FINANCE

Annual Budget for the PID

Improvement Area #2	2023-24 Budget	2022-23 Budget
Principal	\$29,000	\$12,000
Interest	\$100,675	\$118,418
Administrative Expenses	\$14,120	\$13,100
Excess Interest	\$9,290	\$9,350
Total Annual Installments	\$153,085	\$152,868

Annual Budget for the PID

Improvement Area #3	2023-24 Budget	2022-23 Budget
Principal	\$62,000	\$26,000
Interest	\$212,895	\$250,451
Administrative Expenses	\$29,870	\$27,800
Excess Interest	\$19,645	\$19,775
Total Annual Installments	\$324,410	\$324,026

Changes to Assessment Methodology

- No changes to the Assessment methodology that was previously approved in the Updated Service and Assessment Plan.

MUNICAP, INC.
PUBLIC FINANCE

Parcel Subdivisions and Consolidations

- According to the Developer and the Ellis Central Appraisal District (the "ECAD") Improvement Area #2 of the PID was partially subdivided into 108 residential Lots in 2023 and the Assessments were allocated proportionally according to Lot Type.
- According to the Developer and Ellis CAD records, Improvement Area #3 of the PID was partially subdivided into 224 residential Lots in 2023 from Parcel 192636 and the Assessments were allocated proportionally according to Lot Type.

MUNICAP, INC.
PUBLIC FINANCE

Prepayments

Improvement Area #1

- As of July 31, 2023, the Improvement Area #1 Special Assessment on Parcel 282164 has been paid in full.

Improvement Areas #2-3

- As of July 31, 2023, there have been no Improvement Areas #2-3 Special Assessment prepayments.

MUNICAP, INC.
PUBLIC FINANCE

Next Steps

- Upon approval of 2023-24 Annual SAP Update, the approved amounts for each Parcel will be provided to the Ellis County Tax Office for billing with the 2023 property taxes.

MUNICAP, INC.
PUBLIC FINANCE



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 5, 2023

Re: Consider Ordinance Approving Revised Budget Figures For Fiscal Year 2022-2023 And Adopting The Budget For Fiscal Year 2023-2024

Motion: "I move to approve revised budget figures for Fiscal Year 2022-2023 and adopt the budget for Fiscal Year 2023-2024 as presented."

Item Summary: This agenda item is for the City Council to consider the approval of revised budget figures for Fiscal Year 2022-2023 and the proposed budget for Fiscal year 2023-2024. The proposed budget represents the City's funding plan for the next fiscal year, beginning October 1.

Item Description: The process of developing the annual budget is a comprehensive effort that involves input from the Mayor and City Council, and all City departments. The process also provides residents an opportunity to speak on the budget during a public hearing held before budget adoption.

On April 25, staff held a work session with the City Council on the preliminary Capital Improvement and Debt Management Plan. On June 29, a budget work session was held to provide City Council an overview of the preliminary budget, including all major funds, proposed five-year operating and capital plans, major revenue sources, as well as an opportunity to discuss the proposed tax rate. On August 1, staff provided a budget update, including changes to the draft budget presented at the work session. The City also held a public hearing on the proposed budget on August 29.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2022-2023, FUNDS APPROPRIATED FOR STREET MAINTENANCE AND PROFESSIONAL SERVICES WILL BE USED FOR THAT PURPOSE, EITHER BY ENCUMBRANCE OR BY TRANSFER TO CAPITAL PROJECT FUND FOR STREETS; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND TERMINATING SEPTEMBER 30, 2024, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Waxahachie, Texas (hereinafter referred to as the "City") has caused to be filed with the City Secretary a budget to cover all proposed expenditures of the government of the City for the fiscal year beginning October 1, 2023, and ending September 30, 2024, (hereinafter referred to as the "Budget"); and

WHEREAS, public notice of the public hearing on the proposed annual budget, stating the date, time, place and subject matter of said public hearing, was given as required by the Charter of the City of Waxahachie and the laws of the State of Texas; and

WHEREAS, such public hearing was held on August 29, 2023, prior approval of such date being hereby ratified and confirmed by the City Council, and all those wishing to speak on the Budget were heard; and

WHEREAS, the City Council has studied the Budget and listened to the comments of the taxpayers at the public hearing therefore and has determined that the Budget attached hereto is in the best interest of the City.

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

Section 1. That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. That the revised budget figures, prepared and submitted by the City Manager for the 2022-2023 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

Section 3. That the Budget attached hereto and incorporated herein for all purposes is adopted for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024; and there is hereby appropriated from the funds indicated such projects, operations, activities, purchases and other expenditures as proposed in the Budget.

Section 4. That the City Manager shall file or cause to be filed a true and correct copy of the approved Budget, along with this ordinance, with the City Secretary and in the office of the County Clerk of Ellis County, Texas, as required by State Law.

Section 5. That the distribution and division of the above-named appropriations are made at the departmental level in all budgeted funds for the payment of operating expenses and capital outlay as set out in the municipal budget.

Section 6. That at any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among or between general classifications within a department. The City Manager may not authorize transfer of part of all of any unencumbered appropriation balance among or between departments or funds of the City. The City Manager may recommend such transfer to the City Council. The City Council may, at the recommendation of the City Manager or on its own volition, transfer part or all of any unencumbered appropriation balance from one department or fund to another department or fund by resolution.

Section 7. That any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict herewith.

Section 8. That if any section, article, paragraph, sentence, clause, phrase or word in the Ordinance, or application thereto my person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction such holding shall not affect the validity of the remaining portions of the Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 9. That the necessity of adopting and approving a proposed budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED on this the 5th day of September, 2023.

MAYOR

ATTEST:

City Secretary

**CITY OF WAXAHACHIE
EXPENDITURES BY DEPARTMENT**

	ORIGINAL BUDGET FY 2023	REVISED/YE ESTIMATE FY 2023	PROPOSED BUDGET FY 2024
GENERAL FUND			
Revenues	52,233,703	54,282,000	55,979,567
Transfers In	4,739,567	4,985,000	5,429,924
Total Revenues & Transfers In	56,973,270	59,267,000	61,409,491
Expenditures			
General Government			
General Administration	1,998,015	1,964,772	2,165,865
Finance	1,677,325	1,651,745	1,920,778
City Attorney	190,000	406,000	300,000
General Items	7,319,749	11,357,837	533,569
Facility Maintenance	364,215	362,931	479,347
Human Resources	888,219	812,033	844,177
Information Technology	843,962	1,057,130	907,010
Economic Development	2,239,610	2,218,982	1,828,173
Downtown Development	326,567	323,651	326,032
Planning	876,890	769,231	899,350
Total General Government	16,724,552	20,924,312	10,204,301
Public Safety			
Police Department	15,309,538	14,513,328	16,427,151
Emergency Management	505,004	554,508	513,943
Fire Department	10,877,968	10,754,268	13,521,505
Building Services	1,517,325	1,137,843	1,440,697
Municipal Court	521,844	517,601	505,560
City Marshal	234,965	234,321	312,068
Total Public Safety	28,966,644	27,711,869	32,720,924
Public Works			
Street Department	6,448,167	6,434,410	6,012,435
Central Garage	351,833	322,012	352,802
Public Works	1,490,130	1,743,042	2,279,169
Community Services	473,022	440,941	584,362
Animal Control	518,662	500,663	423,593
Total Public Works	9,281,814	9,441,068	9,652,361
Culture & Recreation			
Parks & Recreation	2,842,564	2,827,303	2,928,056
Chautauqua Auditorium	46,281	46,119	23,609
Waxahachie Rodeo	14,538	8,549	8,888
Penn Park Pool	101,570	35,682	92,384
Optimist Pool	42,300	37,196	57,322
Railyard Park	124,249	136,444	118,187
Sims Library Tax Transfer	1,150,000	1,162,541	1,279,557
Senior Citizen Center	794,058	814,226	1,029,835
Total Culture & Recreation	5,115,560	5,068,060	5,537,838
Total Expenditures	60,088,570	63,145,309	58,115,424
Revenues & Transfers In less Expenditures	(3,115,300)	(3,878,309)	3,294,067

**CITY OF WAXAHACHIE
EXPENDITURES BY DEPARTMENT**

	ORIGINAL BUDGET FY 2023	REVISED/YE ESTIMATE FY 2023	PROPOSED BUDGET FY 2024
WATER FUND			
Non Departmental	6,176,235	6,278,698	6,720,943
Water Administration	867,756	727,105	796,265
Meters	1,480,575	1,494,012	1,508,286
Water Production	5,329,416	5,330,079	7,087,937
Water Distribution	1,731,675	2,056,444	1,627,077
Water Utility Billing	627,236	638,105	637,392
Transfer Out	2,698,400	2,698,400	2,983,100
Total Expenditures	18,911,293	19,222,843	21,361,000
WASTEWATER FUND			
Non Departmental	4,246,092	4,247,066	4,537,502
Wastewater Administration	731,998	600,998	701,483
Wastewater Collection	2,269,120	2,251,022	2,514,490
Wastewater Treatment	3,391,386	3,386,676	3,682,233
Wastewater Utility Billing	530,033	556,067	560,399
Transfer Out	1,689,600	1,689,600	2,216,800
Total Expenditures	12,858,229	12,731,429	14,212,907
SOKOLL FUND			
Non Departmental	2,758,310	2,758,311	2,752,060
Sokoll Operations	3,345,639	3,583,567	3,031,912
Transfer Out	615,860	615,860	671,533
Total Expenditures	6,719,809	6,957,738	6,455,505
WCDC FUND			
Non Departmental	23,016	1,405,494	62,813
Civic Center	1,667,545	1,662,909	1,701,854
Sports Complex	2,628,196	2,620,107	2,876,909
Community Beautification	625,686	670,861	756,732
Transfer to WCDC Debt Service	1,738,641	1,738,641	1,710,313
Transfer Out	66,166	803,630	74,058
Total Expenditures	6,749,250	8,901,642	7,182,679
WCDC DEBT SERVICE FUND			
Non Departmental	1,739,541	1,738,341	1,740,313
Total Expenditures	1,739,541	1,738,341	1,740,313
HOTEL MOTEL FUND			
Non Departmental	243,000	268,037	273,777
Convention/Visitors Bureau	700,461	716,524	792,297
Transfer Out	20,000	20,000	20,000
Total Expenditures	963,461	1,004,561	1,086,074
REFUSE SERVICES FUND			
Convenience Station	409,182	444,726	516,546
Contracted Refuse Services	1,206,244	1,180,236	1,253,277
Transfer Out	318,500	318,500	305,533
Total Expenditures	1,933,926	1,943,462	2,075,356
GENERAL DEBT SERVICE			
Non Departmental	11,601,250	11,284,151	14,964,998
Total Expenditures	11,601,250	11,284,151	14,964,998
CEMETERY FUND			
Cemetery	309,734	293,903	343,713
Total Expenditures	309,734	293,903	343,713
MIDWAY AIRPORT			
Midway Operations	504,765	570,666	745,149
Total Expenditures	504,765	570,666	745,149



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 5, 2023

Re: Consider Ordinance Setting Water And Wastewater Rates And Fees And
Setting An Effective Date Of October 1, 2023

Motion: "I move to approve an ordinance setting water and wastewater rates and fees and setting an effective date of October 1, 2023."

Item Summary: This item is for the City Council to approve the water and wastewater rates and fees included as part of the Proposed Budget for Fiscal Year 2023-2024.

Item Description: The Water and Wastewater Funds provide for the administration, operation and maintenance of all City water services including distribution, wastewater collection, water and wastewater treatment activities, meter management, and billing services. Revenue to support these operations is generated primarily through water and sewer usage rates, as outlined in City ordinance.

As part of the budget process, city staff recommends that City Council vote to affirm these rates annually and amend the rates and fees when necessary. The Fiscal Year 2023-2024 Budget includes the water rate unchanged and a 5% increase for wastewater rates and fees. The proposed ordinance includes the current Sokoll rate fee of 2.18 per 1,000 gallons. Updated annually, this rate is charged to the City and Rocket SUD to recover each entity's proportional cost to operate and maintain the Sokoll Water plant.

ORDINANCE NO. _____

AN ORDINANCE SETTING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2023 AND DECLARING AN EMERGENCY.

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

That Section 33 of the Code of Ordinances, City of Waxahachie, is hereby amended to read as follows:

SECTION 33-33. Deposits required.

Residential: A deposit of ninety-six dollars (\$96.00) is required for regular residential service. A deposit of seventy-two dollars (\$72.00) is required for accounts with wastewater and trash collection service. A deposit of forty-five dollars (\$45.00) is required for trash collection service only. The billing department may adjust the amount of deposit based on payment history.

Residential New Construction: A deposit of one hundred sixty-five dollars (\$165.00) is required for each new construction residential account.

Apartments, Commercial, and Industrial: The billing department may require higher amounts; however, deposits are generally based on meter size as follows:

up to 1" water meter	\$248.00
1 ½" water meter	\$371.00
2" water meter	\$618.00
3" water meter	\$1,234.00
4" water meter	\$2,468.00
6" water meter	\$3,701.00
8" water meter	\$7,402.00
10" water meter or larger	\$12,335.00
Fire Hydrant meter with RPZ *	\$2,233.00

*Customer will be responsible for the cost of any damages incurred while meter is in their possession.

No interest shall be paid on deposits. No deposit is required for other government entities. The billing department may waive the deposit for separate irrigation meters.

That Section 33-36 of the Code of Ordinances, City of Waxahachie is hereby amended to read as follows:

SECTION 33-36. Water and Wastewater Rates.

- (A) Water inside city: From and after the effective date of this ordinance, uniform monthly water rates which shall prevail to all City of Waxahachie water customers are:

MONTHLY WATER RATES:

- (1) Minimum water bill for the first fifteen hundred (1,500) gallons of usage (all accounts):

up to 1" water meter	\$20.50
1 ½" water meter	\$45.78
2" water meter	\$67.19
3" water meter	\$130.64
4" water meter	\$270.28
6" water meter	\$525.62
8" water meter	\$909.38
10" water meter or larger	\$1,421.70
Fire Hydrant meter	\$225.06

- (2) The amount shown for the first fifteen hundred gallons of consumption in the above schedule shall constitute a minimum bill for each customer. Billing shall be made in hundreds of gallons. Irrigation meters using less than 200 gallons per month will not be charged.

- (3) Residential and sprinkler system meters will be subject to the following rates:

1,501 - 10,000	\$5.40
10,001 - 20,000	\$6.26
20,001 - 30,000	\$7.09
30,001 - 40,000	\$7.86
40,001 & above	\$8.90

Non-irrigation apartment meters, and commercial/industrial meters will be charged at a rate of \$5.40 per thousand gallons for all monthly usage above 1,500 gallons.

- (B) Wastewater inside city: From and after the effective date of this ordinance, sewer charges to apply to each dwelling unit for all single family and duplex residential connections all mobile home parks or apartment complexes, and all commercial and industrial customers shall be as follows:

Monthly Wastewater Rates

Water Usage	Apartments, Mobile Home, Single-Family and Duplex Residence (Per Dwelling Unit)
First 1,500 gallons	\$27.17 (minimum charge)
Over 1,500 to 11,000 gallons	\$4.79 per 1,000 gallons
All over 11,000 gallons, maximum billing per dwelling	\$72.68

When there is a single billing for more than one (1) residence, each unit is to receive a one thousand five hundred-gallon credit before additional charges are made, not to exceed eleven thousand (11,000) gallons per unit.

Water Usage	Commercial	Industrial	Industrial Cost Recovery Per 1,000 Gallons
First 1,500 gallons	\$27.17 (minimum charge)	\$27.17 (minimum charge)	\$0.23 (minimum charge)
All usage over 1,500 gallons	\$4.79 per 1,000 gallons	\$4.79 per 1,000 gallons	\$0.23 per 1,000 gallons

That Section 33-40 of the Code of Ordinances, City of Waxahachie is hereby amended to read as follows:

SECTION 33-40. Late charges; service restored upon payment of bill; fee for returned checks; fee for replacement of cut-off valve; fire hydrant meter set fee; broken curb stop fee; cut lock fee; reread meter service charge; tampering penalty.

(a) Late Fee. Payment for utility service shall be due fourteen (14) days after the billing date. Any account with a balance due fourteen (14) days after the due date shall be assessed a penalty of \$10.00. If such date falls on the weekend or legal holiday, then payment is due the next business day.

(b) Disconnection for Nonpayment: Any account with a balance due greater than \$135.00, twenty-one (21) days after the billing date, shall be subject to disconnection. The past due amount plus a reconnect fee of \$43.00 (\$77.00 after regular office hours) must be paid prior to reconnection of services.

(c) Return Connection Fee: Customers are encouraged but not required to be present (or have a representative present) anytime service is reestablished (This is recommended in order to prevent flooding and water damage that could result from interior faucets being left in the "on" position, hanging toilets floats, leaks and other conditions that could arise subsequent to the disconnection.) In the event the customer or a designated representative (a) cannot be located on-site when the service is reconnected and (b) the meter registers usage after the service has been reestablished and thus presents the risk of water damage, the service will be turned back off and the customer will be notified of the problem and asked to reschedule the reconnection. Subsequent trips to reestablish service will be subject to a Return Reconnection Fee of \$43.00 each if performed during

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working hours or \$77.00 if performed after working hours. This fee is applicable when service has been disconnected for nonpayment; when service to a new account is established or when service has been disconnected at the request of the customer.

(d) Return Check Fee. In the event the bank does not honor a customer's check for any service or good provided by the City, a \$36.00 fee will be charged.

(e) Replacement of Cut-off Valve. In the event a customer has damaged a cut-off valve or curb stop to the point the valve must be replaced, then, the customer shall be billed a \$130.00 replacement fee, plus the actual cost of materials to replace the damaged item. In the event a customer has broken a cut-off valve for the purpose of removing a lock, an additional tampering penalty of \$158.00 (see "(j)" below) must be paid before service is restored.

(f) Fire hydrant meter set fee: \$40.00

(g) Meter Box Replacement Fee: \$130.00 plus actual materials cost

(h) Cut lock fee: \$158.00

(i) Reread meter service charge: \$19.00

(j) Tampering penalty: \$158.00

(k) New account fee: \$19.00

(l) Sokoll Rate fee: \$2.18 per 1,000 gallons

(m) Solid Waste fee: \$12.13 (*excluding sales tax)

PASSED, APPROVED AND ADOPTED this the 5th day of September, 2023.

ATTEST:

City Secretary

Mayor

(17)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 5, 2023

Re: Consider A Motion To Ratify The Property Tax Revenue Increase
Reflected In The Fiscal Year 2023-2024 Budget In Accordance With The
Texas Local Government Code

Motion: "I move to ratify the property tax revenue increase reflected in the Fiscal Year 2023-2024 Budget."

Item Summary: The Texas Local Government Code requires that "adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget."

Item Description: The increase in the budget provides for continued and additional funding for essential city services such as public safety; street and sidewalk installation and maintenance; park improvements; increases in operational costs; and continued support of the City's capital improvements program.

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Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 5, 2023

Re: Consider Ordinance Adopting the Tax Rate for Fiscal Year 2023-2024

Motion: "I move that the property tax rate be increased by the adoption of a tax rate of 61 cents, with an operation and maintenance rate of 37.97 cents, and an interest and sinking rate of 23.03 cents, which is effectively a 13.2% percent increase in the tax rate."

Tax Code 26.05(b) requires the written motion language be used in adopting the tax rate.

Item Summary: This agenda item is for the City Council to consider the proposed Property Tax rate included in the Fiscal Year 2023-2024 Budget. In accordance with the Tax Code, a public hearing on the property tax rate was held on August 29, 2023. The proposed rate of \$0.610000 is above the no-new-revenue rate of \$0.538795 and lower than the voter-approval rate of \$0.610229.

Item Description: The increase in the budget provides for continued and additional funding for essential city services such as public safety; street and sidewalk installation and maintenance; park improvements; to keep pace with growth; and continued support of the City's capital improvements program.

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2024 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.

Be it ordained by the City Council of the City of Waxahachie, Texas, that section 30-2 of the Code of Ordinances, City of Waxahachie, is hereby amended to read as follows:

Sec. 30-2. Tax Levy. There is hereby levied and there shall be assessed and collected for the Maintenance and Operation of the municipal government of the City of Waxahachie, Texas, and to meet Interest and Sinking requirements for fiscal year 2024, upon all property, real, personal and mixed within the corporate limits of the City subject to taxation, a total tax of \$0.61000 on each one hundred dollars (\$100.00) of assessed valuation based on 100% of market value of said property, said tax being so levied and apportioned to the specific purpose herein set forth.

- a. For the maintenance and operation of the general government including current expenses and for general improvements of the City and its property, known as the General Fund, \$0.35930 on each one hundred dollars (\$100.00) of assessed valuation of all taxable property, and
- b. For the maintenance and operation of a public library within the City, known as Sims Library, \$0.02040 on each one hundred dollars (\$100.00) of assessed valuation of all taxable property, and
- c. For the purpose of paying interest and principal for the redemption of bonds, warrants, and other long-term obligations heretofore legally issued by the City, known as the Interest and Sinking Fund, \$0.23030 on each one hundred dollars (\$100.00) of assessed valuation of all taxable property.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.45 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$12.63.

All Taxes as set out above shall be payable as set out by existing city ordinances and statutes of the State of Texas.

In order to provide for the efficient, usual daily operation of the City by immediately levying the tax rates for the current fiscal year, an emergency is hereby declared to exist and this ordinance shall take effect immediately from and after its passage.

PASSED, APPROVED AND ADOPTED on this the 5th day of September, 2023.

MAYOR

ATTEST:

City Secretary

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The classified positions under Civil Service in the Fire Department shall be as follows:

Assistant Fire Chief	1
Fire Marshal	1
Fire Battalion Chief	5
Fire Captain	12
Fire Lieutenant	3
Fire Pumper Engineer	15
Firefighter	36

SECTION 2. The classified positions under Civil Service in the Police Department shall be as follows:

Assistant Police Chief	2
Police Lieutenant	5
Sergeants	8
Corporal	8
Police Patrol Officer	59

SECTION 3. The annual/monthly base rate pay for each of the above captioned classified positions shall be determined by each year's budget.

SECTION 4. The positions of Assistant Fire Chief and Assistant Police Chief shall be appointed positions, appointed by the head of the department.

SECTION 5. That all ordinances of the City of Waxahachie heretofore adopted which are in conflict with the provisions of this ordinance be, and the same are hereby repealed.

SECTION 6. That this ordinance shall take effect thirty days after passage and all requirements under Chapter 143 of the Local Government Code have been satisfied.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2023.

MAYOR

ATTEST:

CITY SECRETARY

(20)



Memorandum

To: Honorable Mayor and City Council
From: Amber Villarreal, City Secretary
Thru: Michael Scott, City Manager
Date: September 5, 2023
Re: Appointments to Boards and Commissions

Recommended Motion: "I move to approve the appointments to Boards and Commissions as presented."

Item Description: Consider appointments to the following Boards and Commissions:

AIRPORT BOARD (3-year term)

Nanette Paghi

CEMETERY BOARD (2-year term)

Constance McGuire

Perry Giles

Trudy Hankins

Brian Hess (filling unexpired term of Robin Dukes)

ECONOMIC DEVELOPMENT COMMISSION (No Term Limit)

Betty Square Coleman

Melissa Ballard

HERITAGE PRESERVATION (2-year term)

Peggy Crabtree

Michelle Haye

Kelly Savell

Adam Graves

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Ronald Finch (filling unexpired term of Becky Kauffman)

KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3-year term)

Julie Mendenhall
Dr. Tremayne Myles
Madeline Bracken

PARK BOARD (3-year term)

Dr. William Major
Charles Beatty, Jr.

PLANNING AND ZONING COMMISSION (2-year term)

Rick Keeler
David Hudgins
Adrian Cooper
Marlene Norcross

SENIOR CENTER ADVISORY COMMITTEE (2-year term)

Ellie Gates
Carrie Lewis
Kelly Saunders
Vaughn Franks

TAX INCREMENT REINVESTMENT ZONE (2-year term)

Brett Hess
Shane Henry (WPI Representative)
Mike Lee (WPI Representative)

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2-year term)

David McSpadden
Elizabeth Tull
Jim Phillips

WAXAHACHIE HOUSING AUTHORITY (2-year term)

Adrian Cooper
Andrew Henderson



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Memorandum

To: City Council

From: Anita Simpson, Downtown Development Director

Thru: Michael Scott, City Manager

Date: September 5, 2023

Re: Consider Authorizing Funding from the TIRZ Fund for Downtown and Farmers Market Projects

Recommended Motion: "I move to approve a funding request from the TIRZ fund in the amount not to exceed of \$170,232 for the projects as presented, and authorize the City Manager to execute all documents as necessary."

Item Description: Consider authorizing funding from the TIRZ fund for several improvement projects enhancing the aesthetics, function and safety of downtown and the Farmers Market.

Item Summary: City Staff and Council discussed during the FY23-24 budget process several important initiatives that were being requested by staff, but that alternate funding thru the TIRZ Fund should be considered. These projects in both the downtown area and at the Farmers Market will enhance aesthetics, functionality and safety of these facilities. The projects are listed below along with projected costs based on estimates and/or bids gathered by staff.

Proposed Rehabilitation Projects:

- Replace 22 trash receptacles -- \$53,378
- Rewire Farmers Market facility for current use -- \$43,516
- Downtown sidewalk rehabilitations -- \$40,000
- Sidewalk replacement at City parking garage -- \$9,362
- Concrete pads under shade structures at Farmers Market -- \$8,500

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The total cost of the projects recommended by staff is \$154,756. Staff would also ask the council to consider a 10% contingency totaling \$15,476 for these projects to account for any unforeseen price changes or scope of work. The grand total for all projects including the recommended contingency would be \$170,232.

These projects were presented to the TIRZ board at a meeting on August 23, 2023. The TIRZ board voted to fund the trash receptacles for \$26,689 and the Farmers Market rewire project up to \$25,000. The other projects were funded at the requested amounts with a 10% contingency per item. The total funding request approved was \$120,506.10.

However, staff maintains our original request of fully funding these projects at this time is the most cost-effective approach and is seeking Council's approval for the original amount of not to exceed \$170,232. The recommended improvements have been vetted by staff and are qualified expenses under the Tax Increment Financing Act.

Fiscal Impact: The request would be funded by the TIRZ fund and there is a sufficient fund balance to cover the improvements recommended by staff. Any unused funding will revert to the TIRZ fund balance.



(22)

Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: September 5, 2023

Re: Consider Approval of a Construction Contract for the Howard Road High Service Pump Station Generator Project

Motion: "I move to approve a construction contract with H&H Electrical Contractors, Inc. for \$2,329,384 and a construction contingency in the amount of \$150,616 for the Howard Road High Service Pump Station Generator Project and authorize the City Manager to execute all necessary documents."

Item Description: Consider authorizing the award of a construction contract for the Howard Road High Service Pump Station Generator Project to H&H Electrical Contractors, Inc.

Item Summary: This construction project involves the procurement and installation of a new Emergency Backup Generator along with the construction of a generator access road, sidewalk, and grading to support the maintenance and refueling needs of this generator for the Howard Road High Service Pump Station. This project will provide an alternative non-commercial power source to power the High Service Pump Station pumps in the event of a power disruption.

The City received a total of five sealed bids that were opened on August 18th, 2023. H&H Electrical Contractors, Inc. was the lowest responsible bidder in the amount of \$2,329,384. Kimley-Horn and Associates, Inc. (Design Engineer) has reviewed these bids and the firm's qualifications and recommends awarding the construction contract to H&H Electrical Contractors, Inc.

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Fiscal Impact: The proposed construction contract is part of an approved project funded through the Coronavirus Local Fiscal Recovery Fund (COVID Fund). The Design Engineer and City staff recommends the bid award to H&H Electrical Contractor, Inc. in the amount of \$2,329,384. City staff recommends an additional \$150,616 for contingency and construction material testing. Upon approval of this item, the Finance department will transfer \$80,000 from the COVID fund to the project account, for a total construction amount of \$2,480,000.

(22)

Kimley»Horn

August 25, 2023

Mr. David Bailey
Director of Utilities
City of Waxahachie, Texas
PO Box 757
Waxahachie, TX 75168

Re: Howard Road High Service Generator
KHA No. 061269755

Dear David:

On August 17th, 2023, the City of Waxahachie received bids for the Howard Road High Service Generator. A bid summary is attached for your review and consideration. The city received bids from the following contractors:

- Allied Electric (Georgetown, TX)
- Clark Electric, Inc. (Mesquite, TX)
- H&H Electrical Contractors, Inc. (Terrell, TX)
- McDonalds Municipal and Industrial (Houston, TX)
- Texas Municipal and Industrial (Mesquite, TX)

H&H Electrical Contractors, Inc. was the apparent low bidder with a base bid of \$2,329,384.00.

Kimley-Horn has reviewed the qualifications of H&H Electrical Contractors, Inc. and verified that the Contractor's bonding company is licensed in the State of Texas. Based on these reviews, it appears that H&H Electrical Contractors, Inc. is the lowest responsive bidder.

Kimley-Horn recommends awarding the total construction contract of \$2,329,384.00 to H&H Electrical Contractors, Inc.

If you have any questions, please call me at (817) 349-2829.

Thank you,

KIMLEY-HORN AND ASSOCIATES, INC.



Andrew Kanewske, P.E.
AKK

Attachments:

- Bid Tab

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Bid Tabulation

Project: Howard Road High Service Generator

Bid Date: August 22, 2023

Bidders	Amount
H&H Electrical Contractors, Inc.	\$ 2,329,384.00
Clark Electric, Inc.	\$ 2,381,881.00
McDonalds Municipal and Industrial	\$ 2,388,469.00
Texas Municipal and Industrial	\$ 2,395,136.00
Allied Electric	\$ 3,377,218.00



(23)

Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: September 5, 2023

Re: Consider adopting the revised Joint Airport Agreement with the City of Midlothian

Recommended Motion: "I move to approve the revised Joint Airport Agreement with the City of Midlothian"

Item Description: Consider adopting the revised Joint Airport Agreement with the City of Midlothian to adjust and clarify roles and responsibilities of the Airport Board and the two partner cities.

Item Summary: In 1987, the City of Midlothian and City of Waxahachie entered into a Joint Airport Agreement to jointly acquire land, construct, develop, operate, and maintain an airport. In 1992, the cities entered into a revised agreement to define the roles and responsibilities of the Cities and the Airport Board to operate the Midlothian/Waxahachie Municipal Joint Airport now known as Mid-Way Regional Airport.

Under the current agreement, the Joint Airport Board has authority in several key areas beyond the typical duties and responsibilities of other city-sanctioned boards and commissions (i.e. hiring, compensation, budgets, contracts). As both cities continue to grow, they now have resources in-house to more effectively manage and operate the airport on a daily basis. As a result, the authority and responsibilities granted to the Airport Board under the current agreement is out of date and redundant with city operations.

Recognizing this, both cities recently discussed amending and updating the Joint Airport Agreement to revise the roles and responsibilities of the Cities, the Airport Manager, as well as the Airport Board.

Under the revised Joint Airport Agreement the following amendments have been included:

- The Joint Airport Board will transition to an advisory role and does not serve in a capacity to represent or speak for the cities and the airport.
- The Cities directly contract or hire an Airport Manager.
- The Airport Manager and airport staff will work under the supervision of the Cities' designated staff following the City of Waxahachie personnel policies.
- Meeting agendas are prepared by the Airport Manager or designee and must be approved by both Cities.
- Revises the conflict of interest clause to address board members doing business with the airport.
- Economic Development of the airport is handled directly by both Cities in conjunction with the Airport Manager.
- Purchasing and Property Disposal will be handled by the City of Midlothian Purchasing Manager.
- Marketing and Communication will be handled by the City of Midlothian.
- Board members are appointed in September and serve a three-year term.
- Streamlines the officer positions to just a chair and vice-chair.
- Officer Elections are held in January of each year.
- Annual Audit is performed by the City of Waxahachie with a copy provided to City of Midlothian.
- The Airport Manager and City staff representatives for the Cities are responsible for preparing the annual budget to be approved by both Cities.

The revised agreement was reviewed by both Cities' staff and the Midlothian City Attorney (who is responsible for airport legal matters). The revised agreement will better meet the current and future needs of Mid-Way Regional Airport as it continues to grow. Staff recommends approval of the revised Joint Airport Agreement as presented. The final proposed revised Joint Airport Agreement will be provided to you in a separate email as it was not available in time for the agenda posting.

Fiscal Impact: The amendments to the Joint Airport Agreement will have no fiscal impact on the City of Waxahachie or City of Midlothian.