

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on **Monday, August 2, 2021 at 7:00 p.m.**

Council Members: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

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

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 July 19, 2021
  - b. Event application for Spook Out Homelessness Fun Run/Walk to be held October 30, 2021
  - c. Event application for SAGU Half Marathon to be held February 5, 2022
6. **Public Hearing** on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)
  7. **Consider** proposed Ordinance approving Zoning Change No. ZDC-105-2021
  8. **Public Hearing** on a request by Heather Fritz for a Specific Use Permit (SUP) for an Accessory Building, used as a Dwelling Unit use within a Single Family-2 zoning district located at 605 W Main Street (Property ID 171009) - Owner: HEATHER M FRITZ (ZDC-103-2021)
  9. **Consider** proposed Ordinance approving ZDC-103-2021

10. **Public Hearing** on request by Kristy Smith, Signs Manufacturing & Maintenance Corporation, for a Specific Use Permit (SUP) for a Pole Sign use within a Commercial zoning district located at 624 Ovilla Road (Property ID 223977) - Owner: EPISCOPAL DIOCESE OF DALLAS (ZDC-96-2021)
11. **Consider** proposed Ordinance approving ZDC-96-2021
12. **Public Hearing** on a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Rental, Sales, Or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021)
13. **Consider** proposed Ordinance approving ZDC-100-2021
14. **Consider** and take action on an ordinance providing for the issuance of the City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation, Series 2021, in an aggregate principal amount not to exceed \$43,300,000; and ordaining other matters relating to the subject
15. Comments by Mayor, City Council, City Attorney and City Manager
16. Adjourn

**The City Council reserves the right to go into Executive Session on any posted item.** This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty- eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

(5a)

City Council  
July 19, 2021

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, July 19, 2021 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Jami Bonner, Assistant City Secretary  
Clarice Crocker, Administrative Clerk

**1. Call to Order**

Mayor Doug Barnes called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Mayor Barnes gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Jim Kauffman, 817 W. Main, Waxahachie, Texas, expressed concerns in regards to the recently implemented waste collection service and encouraged staff to consider opportunities to reduce the visibility of the waste containers across the City.

Mr. Alan Fox, 327 University, Waxahachie, Texas, recognized Chuck Beatty and Mary Lou Shipley for their admirable character and encouraged citizens to follow their example by prioritizing Waxahachie community. Mr. Fox stated his support to name the new City Hall Annex Building after Mr. Beatty.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of July 6, 2021
- b. Minutes of the City Council briefing of July 6, 2021
- c. Event application for Dallas Wings Smash the Stigma Community 5k on August 14, 2021
- d. Event application for Hispanic Heritage Celebration Festival on September 11, 2021
- e. Event application for The Heights Walk on October 2, 2021
- f. Event application for Markert Strong Benefit Concert on October 8, 2021
- g. Ratification with First Baptist Church for shared parking agreement at Sports Complex
- h. Budget Adjustment from Police Department

(5a)

**Action:**

*Council Member Travis Smith moved to approve items a. through h. on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.*

**6. Recognize Ms. Mary Lou Shipley for her service as Mayor Pro Tem and City Council Member**

Mayor Barnes presented a plaque and bookends to Ms. Mary Lou Shipley in recognition for her service as Mayor Pro Tem and City Council Member. Mayor Barnes congratulated Ms. Shipley on a successful tenure and expressed that it has been a privilege to serve on the City Council together.

**7. Recognize Mr. Charles “Chuck” Beatty for his service as Mayor and City Council Member**

Mayor Barnes presented a plaque and bookends to Mr. Charles “Chuck” Beatty for his service as Mayor and City Council Member. Mayor Barnes highlighted Mr. Beatty’s 26 years as a City Council Member, serving as Mayor from 1997 – 2001. Mayor Barnes stated that Mr. Beatty will be remembered for his many contributions to the community, including his dedication to the Boy Scouts of America.

Mr. Beatty addressed the Mayor, City Council, staff, citizens, and good friends. First stating that it has been a great honor of his life to serve with Ms. Mary Lou Shipley. Reflecting on his service, he characterized his time on the City Council with two words, elephant and whale. He stated he had an “Elephant of an experience serving on the Council, I had a whale of a good time.” Mr. Beatty closed his remarks with a personally written poem, “I will follow my heart where it leads me, pour out my love to every being living, and find happiness in just the love I’m given”.

**8. Consider proposed Resolution naming the City Hall Annex Building**

Mayor Barnes announced this item was removed from the agenda.

**9. Public Hearing on a request by Terri Atteberry, for a Specific Use Permit (SUP) for an Accessory Building +700 SF located at 131 Lakeshore Drive (Property ID 182032) - Owner: GERALD D SKINNER, JR & TERRI L ATTEBERRY (ZDC-94-2021)**

Mayor Barnes opened the Public Hearing.

Planning Director Shon Brooks reported the applicant is requesting to construct a +700 sq. ft. accessory structure on a single family property. The applicant is also requesting a side yard setback variance for the proposed structure. Mr. Brooks recommended approval per the following staff comments:

- The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
- A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.
- The structure shall not be used as a dwelling.

(5a)

City Council  
July 19, 2021  
Page 3

There being no others to speak for or against ZDC-94-2021, Mayor Barnes closed the Public Hearing.

**10. Consider proposed Ordinance approving ZDC-94-2021**

**ORDINANCE NO. 3283**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY BUILDING USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 131 LAKESHORE DRIVE, PROPERTY ID 182032, BEING ABSTRACT 272 OF THE S M DURRETT SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Melissa Olson moved to approve Ordinance No. 3283 per staff comments. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**11. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code**

Mayor Barnes announced at 7:23 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

**12. Reconvene and take any necessary action**

The meeting reconvened at 7:53 p.m.

**Action:**

*No action taken.*

**13. Comments by Mayor, City Council, City Attorney and City Manager**

Council Member Travis Smith expressed his gratitude to staff for coordinating a tour of the Waxahachie Waste Water Treatment Plant for the City Council. Mr. Smith encouraged the City Council to be mindful that the Council serves as a voice for the residents and to work together to focus on what is best for Waxahachie.

**14. Adjourn**

There being no further business, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Jami Bonner  
Assistant City Secretary

(5b)



**Application for a Festival or Event Permit**

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

**Applicant Information**

Name: DANIEL'S DEN  
Address: 507 W JEFFERSON  
City, State, Zip: WAXAHACHIE 75165 Phone: 972.938.0103  
E-mail Address: daniels-den@icloud.com

**Organization Information**

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

**Event Chairperson/Contact**

Name: JOY RANTON  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**Event Information**

Event Location/Address: LITTLE CREEK TRAIL  
Purpose: RAISE FUNDS FOR OUR HOUSING PROGRAM  
Event Start Date and Time: 10.30.21 9:00 AM  
Event End Date and Time: 10.30.21 12:00 PM

(5b)

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

Site Preparation and Set-Up Date and Time: 10.30.21 8:00

Clean-Up Completion Date and Time: 10.30.21 12:30

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

FOOD TRUCK AT FIRST CHRISTIAN CHURCH  
PARKING LOT TENTS BOTTLED WATER HANDOUT  
Requested City Services:

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

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

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

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

Will dumpsters be needed? NO

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations.

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

Jay S. Panto  
Signature of Applicant

7.13.21  
Date

\* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

(5b)

**Bonner, Jami**

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**From:** Dale Sigler <dsigler@waxahachiepd.org>  
**Sent:** Wednesday, July 21, 2021 1:16 PM  
**To:** Bonner, Jami  
**Cc:** daniels\_den@icloud.com  
**Subject:** FW: Event Application / 2021 Fun Run  
**Attachments:** Event Application - Spook Out Homelessness.pdf; Revised Route.pdf

Ms. Bonner,

Please see the attached revised route. The route no longer crosses Brown St. They will no longer need an officer. The application is good to go on our end.

Please feel free to contact me if you have any questions.

Sincerely,

**Dale Sigler**

Assistant Chief of Police  
Waxahachie Police Department  
630 Farley Street  
Waxahachie, TX 75165  
469-309-4413



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**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Wednesday, July 14, 2021 1:49 PM  
**To:** Dale Sigler <dsigler@waxahachiepd.org>  
**Subject:** FW: Event Application / 2021 Fun Run

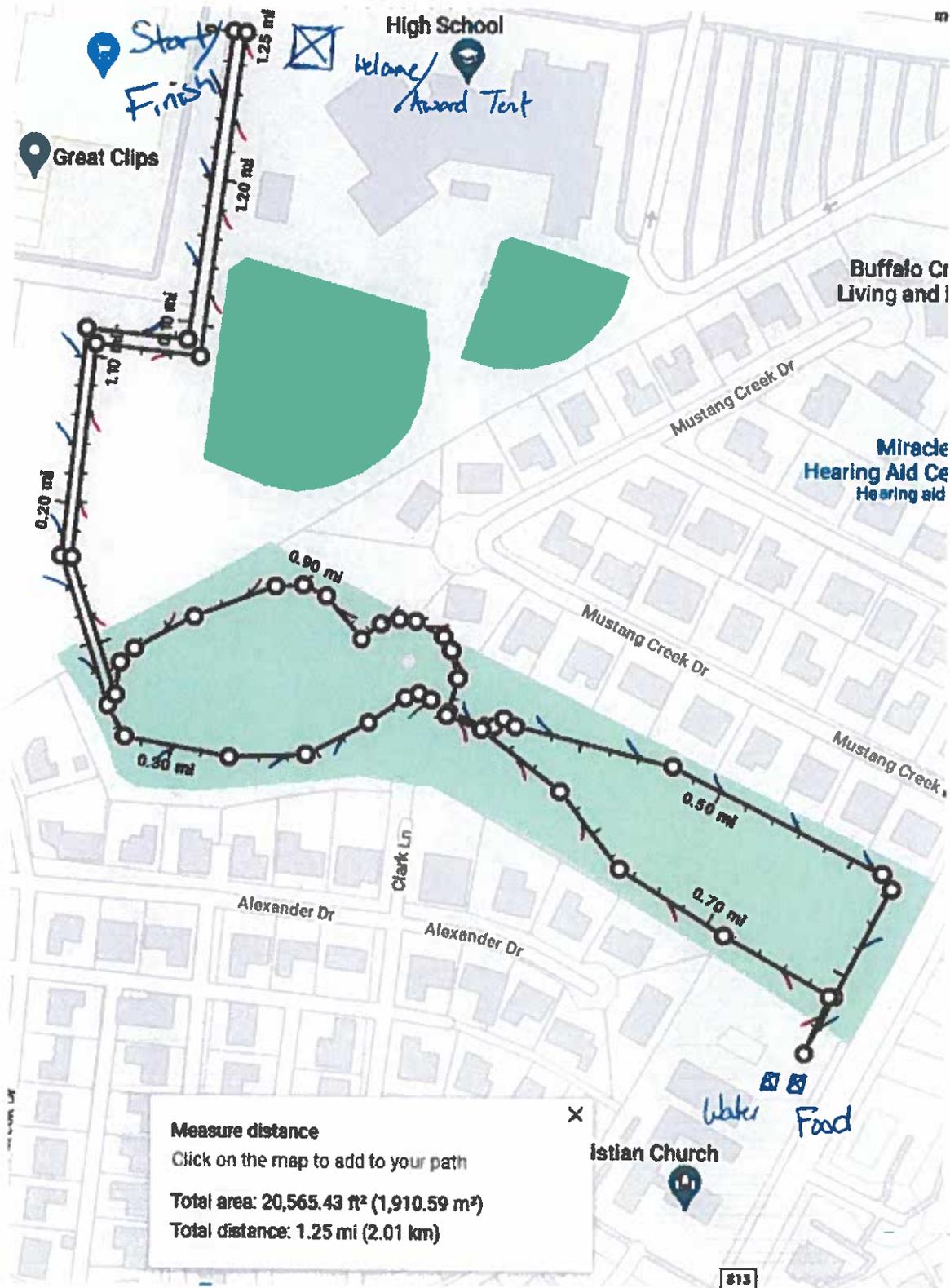
Take a look at this and please respond to Jami with any concerns. Thanks.

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**From:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Sent:** Tuesday, July 13, 2021 1:03 PM  
**To:** Wade Goolsby <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Gumaro Martinez <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>; Martinez, Jose <[jose.martinez@waxahachie.com](mailto:jose.martinez@waxahachie.com)>  
**Cc:** Michael Scott <[mscott@waxahachie.com](mailto:mscott@waxahachie.com)>; Albert Lawrence <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Tommy Ludwig <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Event Application / 2021 Fun Run

For your review / comments. Thank you.

# (5b) Revised Route



(5b)

**Bonner, Jami**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Tuesday, July 13, 2021 1:39 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application / 2021 Fun Run

I do not have any concerns with this application.

*Ricky Boyd, Fire Chief*

**Waxahachie Fire-Rescue**  
**214-463-9335**

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**From:** Bonner, Jami [mailto:jami.bonner@waxahachie.com]  
**Sent:** Tuesday, July 13, 2021 1:03 PM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application / 2021 Fun Run

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

For your review / comments. Thank you.

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

(5b)

**Bonner, Jami**

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**From:** Me'Lony Jordan  
**Sent:** Tuesday, July 13, 2021 4:59 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application / 2021 Fun Run

All food vendors are required to obtain a temp food permit 48 hour prior to the event. Applications are available online or in the Building and Community Services Dept.

For any questions or concerns have the coordinator contact me for further assistance.

*Me'Lony Jordan CEO. 7590  
City of Waxahachie  
Health Inspector  
401 S. Rogers  
Waxahachie, Texas 75168*

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**From:** Bonner, Jami  
**Sent:** Tuesday, July 13, 2021 1:03 PM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application / 2021 Fun Run

For your review / comments. Thank you.

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

(5b)

**Bonner, Jami**

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**From:** Lawrence, Albert  
**Sent:** Wednesday, July 14, 2021 1:44 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application / 2021 Fun Run

I don't have a problem with it, but PD may have an issue with providing a Police Officer for crossing Brown Street.

Albert Lawrence  
Assistant City Manager

City of Waxahachie  
401 S. Rogers  
PO Box 757  
Waxahachie, TX 75165  
Direct Line: 469-309-4001

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**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Tuesday, July 13, 2021 1:03 PM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Scott, Michael <mScott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application / 2021 Fun Run

For your review / comments. Thank you.

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

(50)



**Application for a Festival or Event Permit**

Event Name and Description: SABU Half Marathon & 5k

**Applicant Information**

Name: Jason Covarrubias  
Address: 1200 Sycamore St  
City, State, Zip: Waxahachie Phone: 214-923-2881  
E-mail Address: jcovarrubias@sagu.edu

**Organization Information**

Organization Name: Southwestern Assemblies of God Univ.  
Address: 1200 Sycamore St  
Authorized Head of Organization: Jason Covarrubias  
Phone: 214-923-2881 E-mail Address: jcovarrubias@sagu.edu

**Event Chairperson/Contact**

Name: Jason Covarrubias  
Address: 1200 Sycamore St  
City, State, Zip: Waxahachie Phone: 214-923-2881  
E-mail Address: jcovarrubias@sagu.edu

**Event Information**

Event Location/Address: 1200 Sycamore St Waxahachie  
Purpose: wellness and community  
Event Start Date and Time: 2/5/22 5:00 am  
Event End Date and Time: 2/5/22 1:00 pm

(50)

Approximate Number of Persons Attending Event Per Day: 300

Site Preparation and Set-Up Date and Time: Cones placed and police at intersection

Clean-Up Completion Date and Time: 2/5/22 1:00 PM

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

No street closures but need police traffic control at 287 @ Brown Brown @ Hacienda, Ross @ Brown. Cones lined by the City!  
Requested City Services: Cones and traffic control

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

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

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

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

Will dumpsters be needed? No

Will an Unmanned Aircraft Systems Unit (drone) be used?  YES  NO If so, provide a copy of the current FAA License.

*Please submit a site plan showing the layout of the event including equipment, stages, and street locations.*

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

[Signature] 7/19/21  
Signature of Applicant Date

\* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

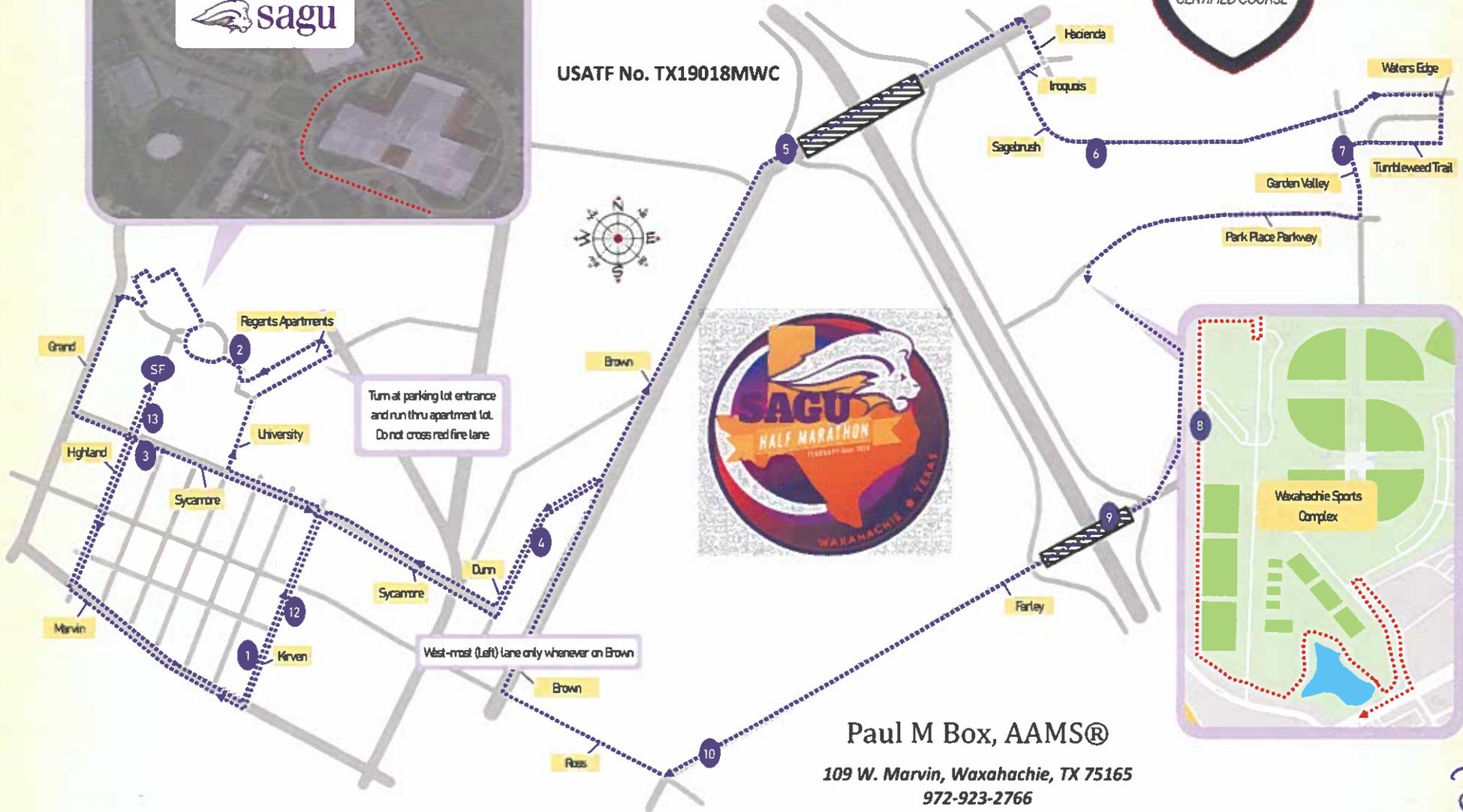
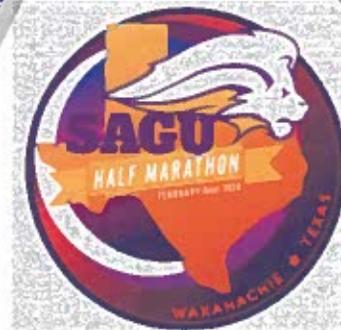


# SAGU Half Marathon

Presented by  ALTUS  
EMERGENCY CENTERS



USATF No. TX19018MWC



Paul M Box, AAMS®

109 W. Marvin, Waxahachie, TX 75165  
972-923-2766

Course design and measurement sponsored by:

**Edward Jones**  
MAKING SENSE OF INVESTING

(50)

(5C)

**Bonner, Jami**

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**From:** Me'Lony Jordan  
**Sent:** Monday, July 19, 2021 11:43 AM  
**To:** Bonner, Jami; Wade Goolsbey; Martinez, Gumaro; Ricky Boyd; Mosley, Laurie; Griffith, Thomas; Drewry, Michaela  
**Cc:** Ludwig, Tommy; Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice  
**Subject:** Re: Event Application - AGU Half Marathon and 5K

As long as the only item offered for human consumption is bottled water. They do not need anything from health department.

Get [Outlook for iOS](#)

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**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Monday, July 19, 2021 11:35:32 AM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>  
**Cc:** Ludwig, Tommy <tludwig@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - AGU Half Marathon and 5K

For your review / comments. Thank you.

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

(5c)

**Bonner, Jami**

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**From:** Lawrence, Albert  
**Sent:** Monday, July 19, 2021 1:09 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - AGU Half Marathon and 5K

I don't have any problems as long as the PD can staff as requested by the applicant.

Albert Lawrence  
Assistant City Manager

City of Waxahachie  
401 S. Rogers  
PO Box 757  
Waxahachie, TX 75165  
Direct Line: 469-309-4001

---

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Monday, July 19, 2021 11:36 AM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>  
**Cc:** Ludwig, Tommy <tludwig@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - AGU Half Marathon and 5K

For your review / comments. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
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[www.waxahachie.com](http://www.waxahachie.com)

## Bonner, Jami

---

**From:** Dale Sigler <dsigler@waxahachiepd.org>  
**Sent:** Wednesday, July 21, 2021 1:21 PM  
**To:** Bonner, Jami  
**Cc:** Wade Goolsbey  
**Subject:** FW: Event Application - AGU Half Marathon and 5K  
**Attachments:** Event Application - SAGU Half Marathon and 5K.pdf

Ms. Bonner,

This is a yearly event that we are familiar with. I have spoken with the organizer. We have agreed that it will require five (5) police officers at specific intersections to make the event safe and successful for the runners and traffic.

Please feel free to call me if you have any questions.

Sincerely,

**Dale Sigler**

Assistant Chief of Police  
Waxahachie Police Department  
630 Farley Street  
Waxahachie, TX 75165  
469-309-4413



---

**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Monday, July 19, 2021 6:43 PM  
**To:** Dale Sigler <dsigler@waxahachiepd.org>  
**Subject:** FW: Event Application - AGU Half Marathon and 5K

Would you look at this and touch base with the organizer. If I'm not mistaken, this is a timed event...

---

**From:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Sent:** Monday, July 19, 2021 11:36 AM  
**To:** Wade Goolsby <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Gumaro Martinez <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Mosley, Laurie <[lmosley@waxahachiecvb.com](mailto:lmosley@waxahachiecvb.com)>; Griffith, Thomas <[john.griffith@waxahachie.com](mailto:john.griffith@waxahachie.com)>; Drewry, Michaela <[michaela.drewry@waxahachie.com](mailto:michaela.drewry@waxahachie.com)>  
**Cc:** Tommy Ludwig <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>; Albert Lawrence <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Michael Scott <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** Event Application - AGU Half Marathon and 5K

(5c)

**Bonner, Jami**

---

**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Monday, July 19, 2021 3:28 PM  
**To:** Bonner, Jami  
**Subject:** Re: Event Application - AGU Half Marathon and 5K

I have no concerns with this request.

Sent from my iPhone

On Jul 19, 2021, at 10:37, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

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

For your review / comments. Thank you.

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

<Event Application - SAGU Half Marathon and 5K.pdf>

(50)

**Bonner, Jami**

---

**From:** Martinez, Gumaro  
**Sent:** Tuesday, July 20, 2021 1:25 PM  
**To:** Bonner, Jami; Wade Goolsbey; Me'Lony Jordan; Ricky Boyd; Mosley, Laurie; Griffith, Thomas; Drewry, Michaela  
**Cc:** Ludwig, Tommy; Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice  
**Subject:** RE: Event Application - AGU Half Marathon and 5K

Parks Dept does not have any issues with this event.

**Gumaro Martinez**  
**City of Waxahachie**  
**Director of Parks & Recreation**  
401 S. Elm  
Waxahachie, TX 75165  
469.309.4271 direct  
214.903.3676 work cell  
[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)

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

---

**From:** Bonner, Jami  
**Sent:** Monday, July 19, 2021 11:36 AM  
**To:** Wade Goolsbey <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Mosley, Laurie <[lmosley@waxahachiecvb.com](mailto:lmosley@waxahachiecvb.com)>; Griffith, Thomas <[john.griffith@waxahachie.com](mailto:john.griffith@waxahachie.com)>; Drewry, Michaela <[michaela.drewry@waxahachie.com](mailto:michaela.drewry@waxahachie.com)>  
**Cc:** Ludwig, Tommy <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>; Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[mScott@waxahachie.com](mailto:mScott@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** Event Application - AGU Half Marathon and 5K

For your review / comments. Thank you.

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

(6)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: July 19, 2021

Re: ZDC-105-2021 – Gibson Crossing

---

On July 8, 2021, 2021 the applicant requested to continue case number ZDC-105-2021 from the July 27, 2021 Planning and Zoning Commission meeting agenda and the August 2, 2021 City Council meeting agenda to the August 10, 2021 Planning and Zoning Commission meeting agenda, and the August 16, 2021 City Council meeting agenda.

(8)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-103-2021



### MEETING DATE(S)

*Planning & Zoning Commission:* July 27, 2021

*City Council:* August 2, 2021

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 27, 2021, the Commission voted 6-0 to recommend approval of zoning change ZDC-103-2021, subject to staff comments.

### CAPTION

**Public Hearing** on a request by Heather Fritz, for a **Specific Use Permit (SUP)** for an **Accessory Building Used as a Dwelling Unit** use within a Single Family-2 zoning district located at 605 W Main Street (Property ID 171009) - Owner: HEATHER M FRITZ (ZDC-103-2021)

### APPLICANT REQUEST

The applicant is requesting to amend Ordinance 1986 to alter an existing two story accessory structure (600 sq. ft.), to an accessory dwelling.

If approved, it would allow an accessory dwelling unit on the first floor with studio space on the second floor.

### CASE INFORMATION

*Applicant:* Heather Fritz

*Property Owner(s):* Heather Fritz

*Site Acreage:* 0.223 acres

*Current Zoning:* Single-Family-2 (Ord. 1986)

*Requested Zoning:* Single Family-2 w/ amendment to Ord. 1986

### SUBJECT PROPERTY

*General Location:* 605 W Main Street

*Parcel ID Number(s):* 171009

*Existing Use:* Single Family Residence

*Development History:* On September 13, 1999, City Council approved Ordinance 1986 to allow a 600 sq. ft. accessory structure (garage) at the subject property.

(87)

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	GR	Single Family Residence/Carriage House Apartments
East	SF1	Sims Library
South	SF1	Single Family Residences
West	SF1	Single Family Residences

*Future Land Use Plan:*

Retail

*Comprehensive Plan:*

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

*Thoroughfare Plan:*

The subject property is accessible via W. Main St. and alley access along S. Hawkins St.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting to amend Ordinance 1986 to alter an existing two story accessory structure (600 sq. ft.), to an accessory dwelling. At the time of approval (September 13, 1999), the Ordinance (Ord. 1986) allowed the applicant to construct an accessory structure (garage) to exceed 200 sq. ft.

If approved, it would allow an accessory dwelling unit on the first floor with studio space on the second floor.

Ellis County Appraisal District states that the primary structure on the property is 2,328 sq. ft. Per the City of Waxahachie Zoning Ordinance, an accessory building used as a dwelling unit in Single Family-2 zoning requires a SUP to be approved by City Council.

Proposed Use:

The applicant is requesting approval to alter an existing two-story three car garage consisting of 600 sq. ft. (30x20), to an accessory dwelling/mother-in-law unit. Proposed changes of the existing structure include(s):

- Alteration of the 2<sup>nd</sup> floor attic into a studio with full bath
- Open deck and new stairs down to the existing patio
- New ramp system will be constructed to provide access from the accessory dwelling to the primary structure.

Note: No new interior square footage is being added to the structure.

Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received one (1) letter of support for the proposed development.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:**
  1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
  2. The accessory dwelling unit shall not be used for residence by a non-family member.
  3. The structure shall in any case not be leased or sold separately and shall not be separately metered.
  4. Any revisions not included in the Specific Use Permit Amendment shall meet the Specific Use Permit Ordinance 1986 requirements.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. SUP Ordinance for Accessory Dwelling Use
3. Exhibit A – Location Map
4. Existing Site Layout
5. Exhibit B – Site Layout Plan
6. Exhibit C – Floor Plan
7. Ordinance 1986: Existing SUP Ordinance for Accessory Use approved on Sept. 13, 1999

**APPLICANT REQUIREMENTS**

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

(8)

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(8)

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
170962	JENKINS CLAY L	0.144	LOT 18 BLK 73 TOWN 0.144 AC	516 W MAIN ST STE B	WAXAHACHE	TX	75165	516 W MAIN ST WAXAHACHE TX 75165
170969	POARCH PROPERTIES LLC	0.778	LOT 1A BLK 72 TOWN 778 AC	1119 W MARVIN AVE	WAXAHACHE	TX	75165	606 W MAIN ST WAXAHACHE TX 75165
170970	COURT APPOINTED SPECIAL ADVOCATES OF ELLIS COUNTY INC	0.179	LOT 2A BLK 72 TOWN 179 AC	601 WATER ST	WAXAHACHE	TX	75165	601 WATER ST WAXAHACHE TX 75165
171009	FRITZ HEATHER M	0.223	LOT 3 BLK 83 TOWN 223 AC	605 W MAIN ST	WAXAHACHE	TX	75165	605 W MAIN ST WAXAHACHE TX 75165
171017	FRITCHEY PATRICK A & KRISTAN N	0.335	LOT 1 BLK 82 & LOT 4 BLK 83 TOWN 0.335 ACRES	604 W JEFFERSON ST	WAXAHACHE	TX	75165	604 W JEFFERSON ST WAXAHACHE TX 75165
171018	RILEY JAMES M & DENISE G	0.318	LOT 4 BLK 82 TOWN 318 AC	600 W JEFFERSON ST	WAXAHACHE	TX	75165	600 W JEFFERSON ST WAXAHACHE TX 75165
171019	GALBAN MARY A	0.315	LOT 1 BLK 83 TOWN 315 AC	608 W JEFFERSON ST	WAXAHACHE	TX	75165	608 W JEFFERSON ST WAXAHACHE TX 75165
175476	AULETA FRANK J	0.285	LOT 2A,3 BLK 1 C P ROGERS ADDN 0.285 AC	705 W MAIN ST	WAXAHACHE	TX	75165	705 W MAIN ST WAXAHACHE TX 75165
175480	SOUTER PATRICK D & LORI	0.298	LOT 1R BLK 4 C P ROGERS ADDN 0.298 AC	700 W MAIN ST	WAXAHACHE	TX	75165	700 W MAIN ST WAXAHACHE TX 75165
175485	CROSS KATHRYN A	0.249	LOT 1 & 2B BLK 1 C P ROGERS ADDN 0.249 AC	701 WEST MAIN ST	WAXAHACHE	TX	75165	701 W MAIN ST WAXAHACHE TX 75165
193408	JENKINS CLAY L	0.682	LOT 1B & 2B BLK 72 TOWN 682 AC	516 W MAIN ST STE B	WAXAHACHE	TX	75165	604 W MAIN ST WAXAHACHE TX 75165
193795	SIMS LIBRARY	0.465	LOT 2 & 3 BLK 82 TOWN 465 AC	515 W MAIN ST	WAXAHACHE	TX	75165	601 W MAIN ST WAXAHACHE TX 75165
193804	SIMS LIBRARY	1.717	LOT PT BLK 80 TOWN 1.717 AC	515 W MAIN ST	WAXAHACHE	TX	75165	515 W MAIN ST WAXAHACHE TX 75165
207158	RUSHING KATHY A LE RONALD HASKINS F II & EDD HASKINS B HASKINS	0.121	LOT 13R BLK 1 C P ROGERS ADDN 0.121 AC	110 S HAWKINS	WAXAHACHE	TX	75165	110 S HAWKINS ST WAXAHACHE TX 75165
207159	WILLIAMS SAVANNAH O	0.146	LOT 14R BLK 1 C P ROGERS ADDN 0.146 AC	108 S HAWKINS ST	WAXAHACHE	TX	75165	108 S HAWKINS ST WAXAHACHE TX 75165
207180	BOSHER EMILY & KIMBERLY BOSHER	0.115	LOT 15R BLK 1 C P ROGERS ADDN 0.115 AC	106 S HAWKINS ST	WAXAHACHE	TX	75165	106 S HAWKINS ST WAXAHACHE TX 75165
171020	PROPERTY OWNER			609 W MAIN ST	WAXAHACHE	TX	75165	609 W MAIN ST WAXAHACHE TX 75165

(87)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-103-2021

RECEIVED JUL 15 2021

RITCHEY PATRICK A & KRISTAN N  
604 W JEFFERSON ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 2, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Heather Fritz, for a Specific Use Permit (SUP) for an Accessory Building, Used as a Dwelling Unit use within a Single Family-2 zoning district located at 605 W Main Street (Property ID 171009) - Owner: HEATHER M FRITZ (ZDC-103-2021)

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

Case Number: ZDC-103-2021

City Reference: 171017

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, July 20, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*Patrick Ritchey*  
Signature

7/15/21  
Date

PATRICK RITCHEY - Homeowner  
Printed Name and Title

604 W. JEFFERSON ST  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(9)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY BUILDING USED AS A DWELLING UNIT USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT WITH AN SUP FOR AN ACCESSORY BUILDING GREATER THAN 200 SQUARE FEET, LOCATED AT 605 W MAIN STREET, BEING PROPERTY ID 171009, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK 83 IN THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as SF-2 with an SUP for an Accessory Building Greater than 200 square feet; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-103-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF-2, with an SUP for an Accessory Building greater than 200 square feet to SF-2, with an SUP in order to permit an Accessory Building used as a dwelling unit use on the following property: Lot 3, Block 83 of the Town Addition, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, and Floor Plan attached as Exhibit C.

**SPECIFIC USE PERMIT**

**Purpose and Intent**

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

(9)

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY BUILDING USED AS A DWELLING UNIT USE IN THE SINGLE FAMILY – 2 (SF-2) DISTRICT WITH AN SUP FOR AN ACCESSORY BUILDING GREATER THAN 200 SQUARE FEET;** the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-103-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Layout Plan, and Exhibit C – Floor Plan
3. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
4. The accessory dwelling unit shall not be used for residence by a non-family member.
5. The structure shall in any case not be leased or sold separately and shall not be separately metered.
6. Any revisions not included in the Specific Use Permit Amendment shall meet the Specific Use Permit Ordinance 1986 requirements.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED AND ADOPTED** on this 2<sup>nd</sup> day of August, 2021.

(9)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(9)



**Exhibit A - Location Map**

 SUB-103-2021 (SUP)



(9)



EXISTING FRAME GARAGE



--- Indicates approximate affected area- and Limit of Work  
See Sheets A1.1 & A2.0 for additional information

# Existing Site Layout

A1.0 Existing Plot Plan



SCALE: 1" = 10'-0"

NO.	DATE	DESCRIPTION
SUP Documents For The <b>Manigrasso Residence</b> 605 W. Main Waxahachie, Texas 75165		
ALL INFORMATION ON THIS PLAN IS BASED ON THE SURVEY AND RECORDS OF THE PUBLIC RECORDS OF TARRANT COUNTY, TEXAS.		
DATE OF SURVEY: 11/20/2018		
DRAWN BY: J. B. BROWN		
CHECKED BY: J. B. BROWN		
ALL INFORMATION ON THIS PLAN IS BASED ON THE SURVEY AND RECORDS OF THE PUBLIC RECORDS OF TARRANT COUNTY, TEXAS.		
606 W. Main Waxahachie, Texas <a href="http://www.AustinSouth.com">www.AustinSouth.com</a>		
		A1.0

(9)

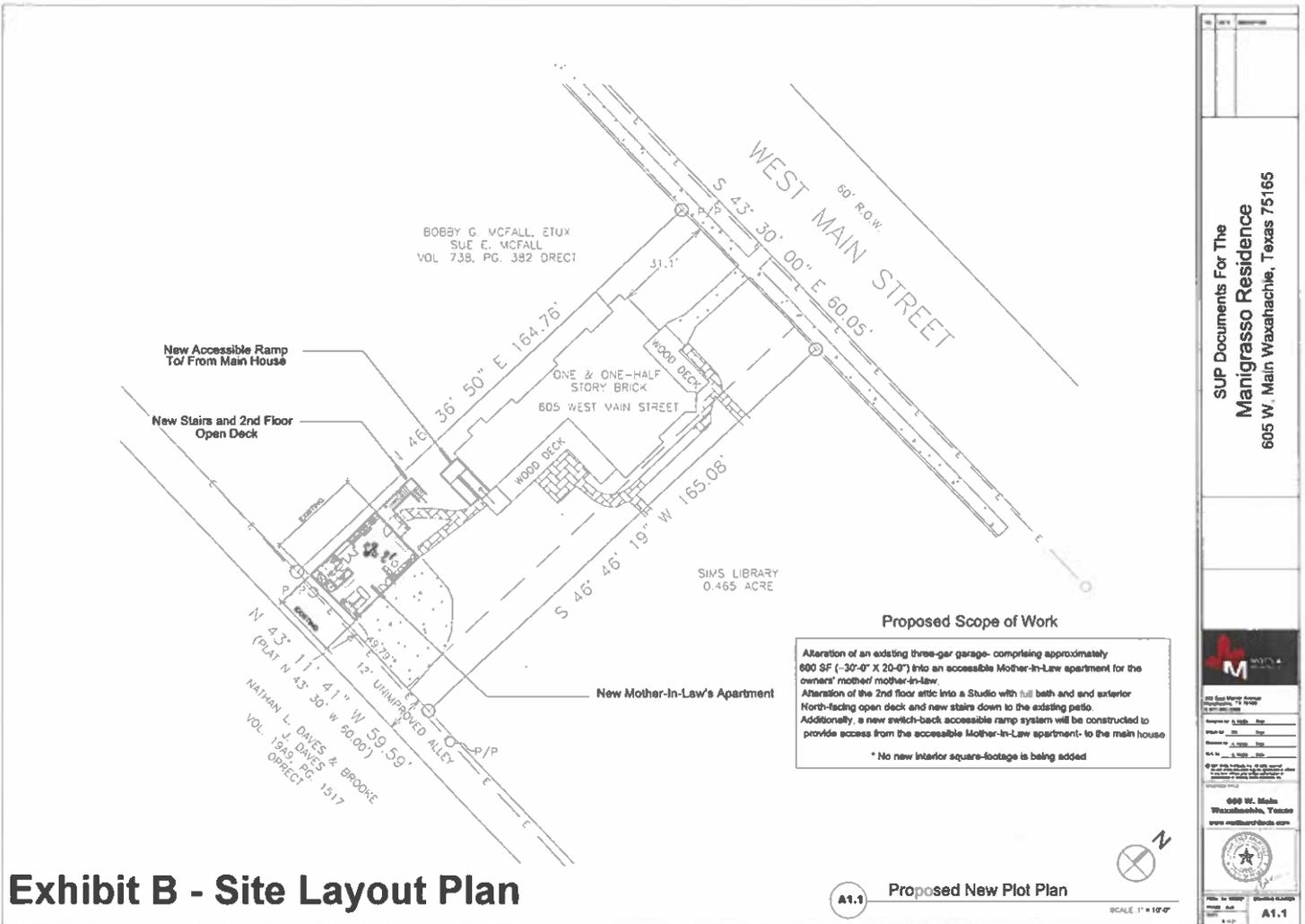


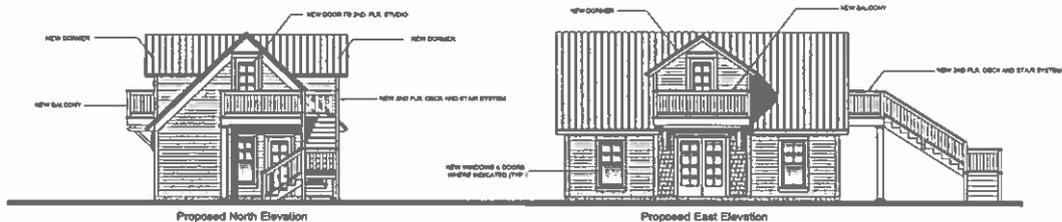
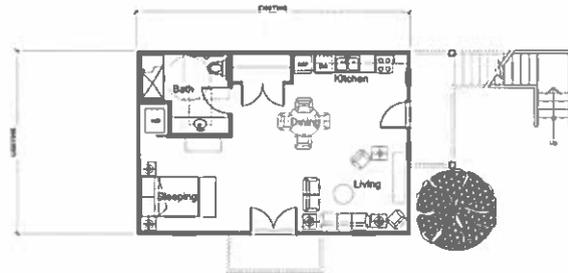
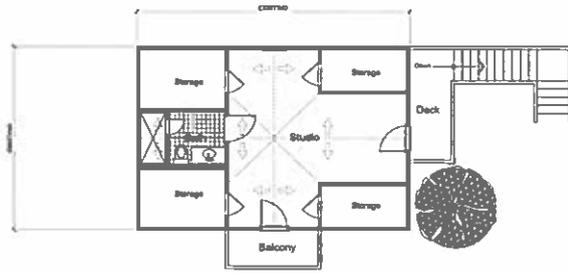
Exhibit B - Site Layout Plan

A1.1 Proposed New Plot Plan

SCALE: 1" = 10'-0"

NO.	REV.	DESCRIPTION
<b>SUP Documents For The</b> <b>Manigrasso Residence</b> <b>605 W. Main Waxahatchie, Texas 75165</b>		
 <small>MWD</small>		
<small>200 East Main Street Waxahatchie, TX 75165 Phone: 940.939.1234 Fax: 940.939.1234 www.mwdinc.com</small>		
<small>600 W. Main Waxahatchie, Texas www.mwdinc.com</small>		
		
<small>File No. 1517 Page No. 1517 Scale: 1" = 10'-0"</small>		
<b>A1.1</b>		

(9)



**Exhibit C - Floor Plan**

A2.0 Schematic Cottage Plans & Elevations

SCALE 1/4" = 1'-0"

Project Information and Title Block

SUP Documents For The  
Manigrasso Residence  
605 W. Main Wazahatchie, Texas 75165

www.manigrassoplans.com

MANIGRASSO PLANS

Project No. 2023-001  
Project Name: Manigrasso Residence  
Project Location: 605 W. Main Wazahatchie, Texas 75165  
Project Date: 10/2023

Scale: 1/4" = 1'-0"

Author: J. Manigrasso  
Reviewer: J. Manigrasso  
Date: 10/2023

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Project No. 2023-001  
Project Name: Manigrasso Residence  
Project Location: 605 W. Main Wazahatchie, Texas 75165  
Project Date: 10/2023

Scale: 1/4" = 1'-0"

Author: J. Manigrasso  
Reviewer: J. Manigrasso  
Date: 10/2023

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(9)

ORDINANCE NO. 1986

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT FOR LOT 3, BLOCK 83, TOWN ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING FURTHER KNOWN AS 605 W. MAIN ST., BEING SINGLE FAMILY-2 (SF-2), FOR THE PURPOSE OF CONSTRUCTING AN ACCESSORY BUILDING GREATER THAN 200 SQUARE FEET (600 SQUARE FOOT GARAGE), SUBJECT TO CERTAIN CONDITIONS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the hereinbelow described property is classified in said ordinance and any amendments thereto as Single Family-2 (SF-2), and,

**WHEREAS**, proper application for a Specific Use Permit has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the issuance thereof; and,

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

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

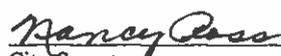
**NOW, THEREFORE**, a Specific Use Permit for the purpose of constructing an accessory building greater than 200 square feet (600 square foot garage) as shown on Exhibit "A," is hereby authorized on the following property:

Being Lot 3, Block 83, Town Addition, an addition to the City of Waxahachie, Ellis County, Texas, being further known as 605 W. Main St., and being more specifically identified on Exhibit "A" attached hereto.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED AND ADOPTED** on this 13th day of September, 1999.

  
MAYOR

ATTEST:  
  
City Secretary

(9)

### SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

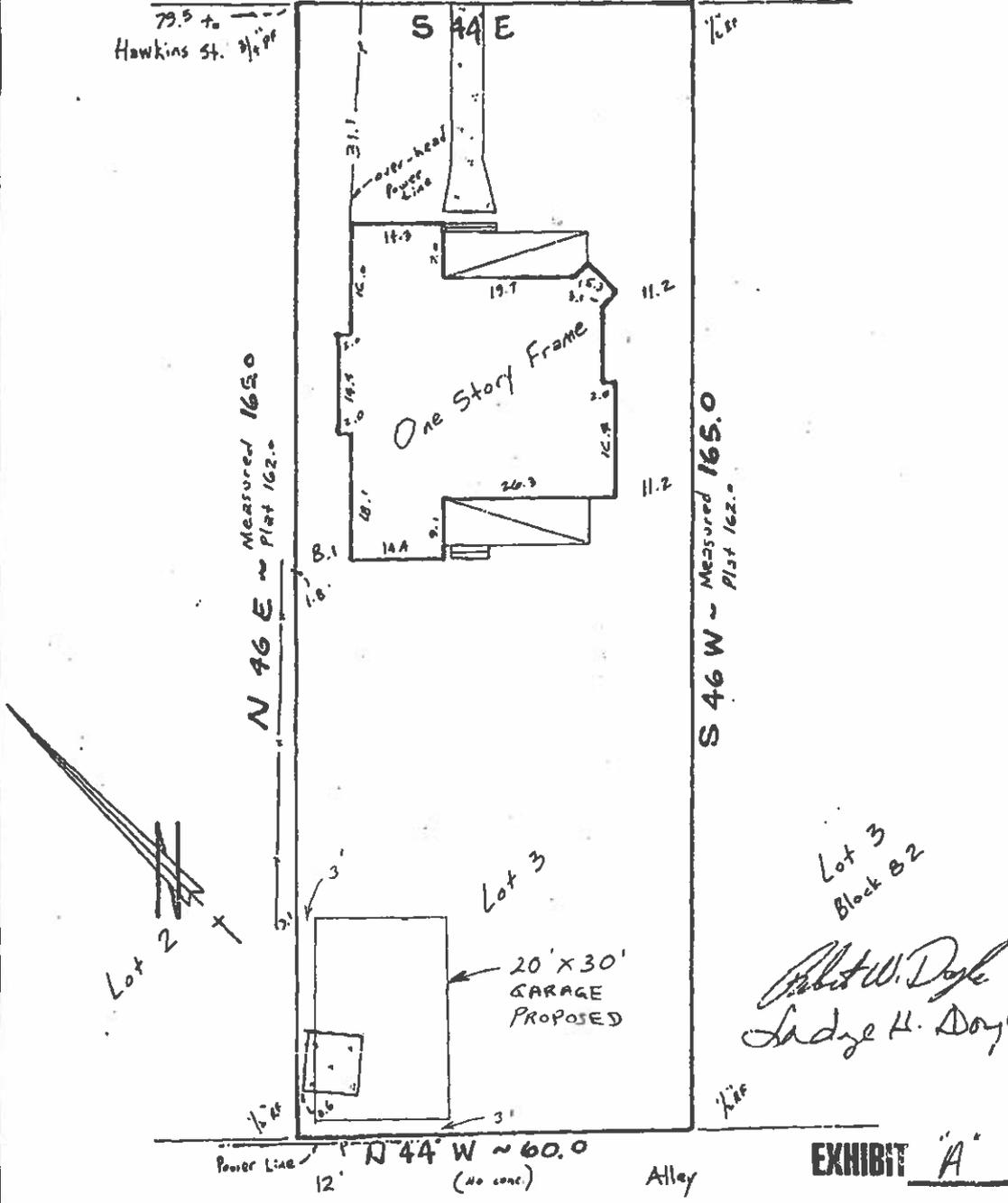
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 605 W. Main Street

lot 3 in Block 83 of Town Addition, an addition to the

City of Waxahachie, Ellis County, Texas, according to the Map thereof recorded in Cabinet A, Slides 181-184, Plat Records, Ellis County, Texas.

The Property shown hereon is located in Zone X according to Community Panel Number 480211 0020 C of the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map date 7-16-91

**W. MAIN (60' R.O.W.) STREET**  
**60.0**



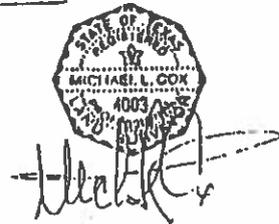
Lot 3  
Block 82

*Robert W. Doyle*  
*Ladze H. Doyle*

This plat is a true, correct, and accurate representation of the property, as determined by an on the ground survey, the lines and dimensions of said property being indicated on the plat, the size and location of existing improvements are as shown. THERE ARE NO ENCUMBRANCES, CONFLICTS, OR PROVISIONS EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in CP No. 95-45414 of Trinity Abstract & Title Co.

JOB # 12643 DATE 10-3-95 SCALE 1" = 20'



(10)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-96-2021**

**MEETING DATE(S)**

*Planning & Zoning Commission:* July 27, 2021

*City Council:* August 2, 2021

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held July 27, 2021, the Commission voted 6-0 to recommend approval of zoning change ZDC-96-2021, subject to staff comments.

**CAPTION**

**Public Hearing** on request by Kristy Smith, Signs Manufacturing & Maintenance Corporation, for a **Specific Use Permit (SUP)** for a **Pole Sign** use within a Commercial zoning district located at 624 Ovilla Road (Property ID 223977) - Owner: EPISCOPAL DIOCESE OF DALLAS (ZDC-96-2021)

**APPLICANT REQUEST**

The applicant is requesting to install a ground monument electronic message sign at St. Paul Episcopal Church (624 Ovilla Rd.).

- Note: The applicant originally proposed a pole sign (*as advertised in the Waxahachie Sun*) at the subject property, however, the proposal was revised to a ground monument sign to be more aesthetically pleasing to the site.

**CASE INFORMATION**

*Applicant:* Kristy Smith, Signs Manufacturing & Maintenance Corporation

*Property Owner(s):* Episcopal Diocese of Dallas

*Site Acreage:* 8.17 acres

*Current Zoning:* Commercial

*Requested Zoning:* Commercial w/ Specific Use Permit

**SUBJECT PROPERTY**

*General Location:* 624 Ovilla Rd.

*Parcel ID Number(s):* 223977

*Existing Use:* St. Paul Episcopal Church

*Development History:* N/A

(10)

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	-----	W. US Highway 287
East	PD-MUNR	Waxahachie Corporate Logistics Campus
South	C	Single Family Residences
West	C	Exxon Gas Station

*Future Land Use Plan:*

Mixed Use Non-Residential

*Comprehensive Plan:*

Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

*Thoroughfare Plan:*

The subject property is accessible via Ovilla Rd.

*Site Image:*



**PLANNING ANALYSIS**

Purpose of Request:

The applicant intends to install a multi-tenant ground monument/electronic message sign for advertisement purposes at St. Paul Episcopal Church. Per the City of Waxahachie Zoning Ordinance, an Electronic Message Sign must be approved by City Council.

- Note: The applicant originally proposed a pole sign (*as advertised in the Waxahachie Sun*) at the subject property, however, the proposal was revised to a ground monument sign to be more aesthetically pleasing to the site.

Proposed Use:

The applicant is requesting approval of a Specific Use Permit (SUP) to construct a new ground monument electronic message sign for St. Paul Episcopal Church. The proposed sign will be 144 square feet and 12 ft. tall, and will be constructed of brick or stucco and stone. Per the City of Waxahachie Zoning Ordinance, all new electronic messaging signs shall have an approved SUP from City Council, and meet the following stipulations listed in Table 2 below:

**Table 2: Sign Regulation Chart**

*\*Items highlighted in bold are not consistent with the City of Waxahachie Zoning Ordinance*

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>St. Paul Episcopal Church</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the church.
Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the signs come with an automatic sensor that reduces the brightness of the sign at night.  The sign shall not be illuminated between the hours of 10pm – 6am.
<b>Max. Size= 80 sq. ft.</b>	<b>Proposed Size= 144 sq. ft.</b>
<b>Max. Height= 8 ft.</b>	<b>Proposed Height= 12 ft. tall</b>
Setback= 15 ft. from public ROW	Proposed sign will be setback 15 ft. from public ROW

**Table 3: Sign Comparison Chart**

<b>Standards</b>	<b>Pole Sign</b>	<b>Ground Monument/Electronic Messaging Sign</b>	<b>Applicant Proposing</b>
Max. Size (Sq. Ft.)	300 sq. ft.	80 sq. ft.	144 sq. ft. (the sign is 80 sq. ft. total without the stone column support structures)
Max. Height	75 ft.	8 ft. tall	12 ft.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**SPECIAL EXCEPTION/VARIANCE REQUEST**

**Size**

The maximum allowed size for a ground monument electronic message sign is 80 sq. ft.  
The applicant is proposing a size of 144 sq. ft.

**Height**

The maximum allowed height for an electronic message sign is 8 ft.  
The applicant is proposing a maximum height of 12 ft.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:**
  1. Brick shall be used for the bottom portion of the monument sign.
  2. The monument shall not be located within a utility easement.
  3. The sign shall not be illuminated between the hours of 10pm – 6am.

**ATTACHED EXHIBITS**

1. SUP Ordinance
2. Exhibit A – Location Map
3. Exhibit B – Site Layout Plan
4. Exhibit C – Sign Rendering

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(11)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ELECTRONIC MESSAGE SIGN USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 624 OVILLA ROAD, BEING PROPERTY ID 223977, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK 1 IN THE ST. PAUL EPISCOPAL CHURCH SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

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

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-96-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from C to C, with an SUP in order to permit an Electronic Message Sign use on the following property: Lot 1, Block 1 of the St. Paul Episcopal Church subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, and the Sign Rendering attached as Exhibit C.

#### **SPECIFIC USE PERMIT**

##### **Purpose and Intent**

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

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ELECTRONIC MESSAGE SIGN USE IN THE COMMERCIAL (C) DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-96-2021.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Layout Plan, and Exhibit C – Sign Rendering.
4. Brick shall be used for the bottom portion of the monument sign.
5. The maximum height for the sign shall not exceed 12 ft.
6. The maximum square footage for the sign shall not exceed 144 sq. ft.
7. The sign shall be setback a minimum of 15 ft. from the public right-of-way.
8. The sign shall not be located in any utility easement.
9. The sign shall not be illuminated between the hours of 10 pm and 6 am.
10. The electronic message sign shall only provide information regarding the church.
11. If approved, the City Council shall have the right to review the Specific Use Permit after 6-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

(11)

**PASSED, APPROVED AND ADOPTED** on this 2nd day of August, 2021.

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MAYOR

ATTEST:

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City Secretary

(11)

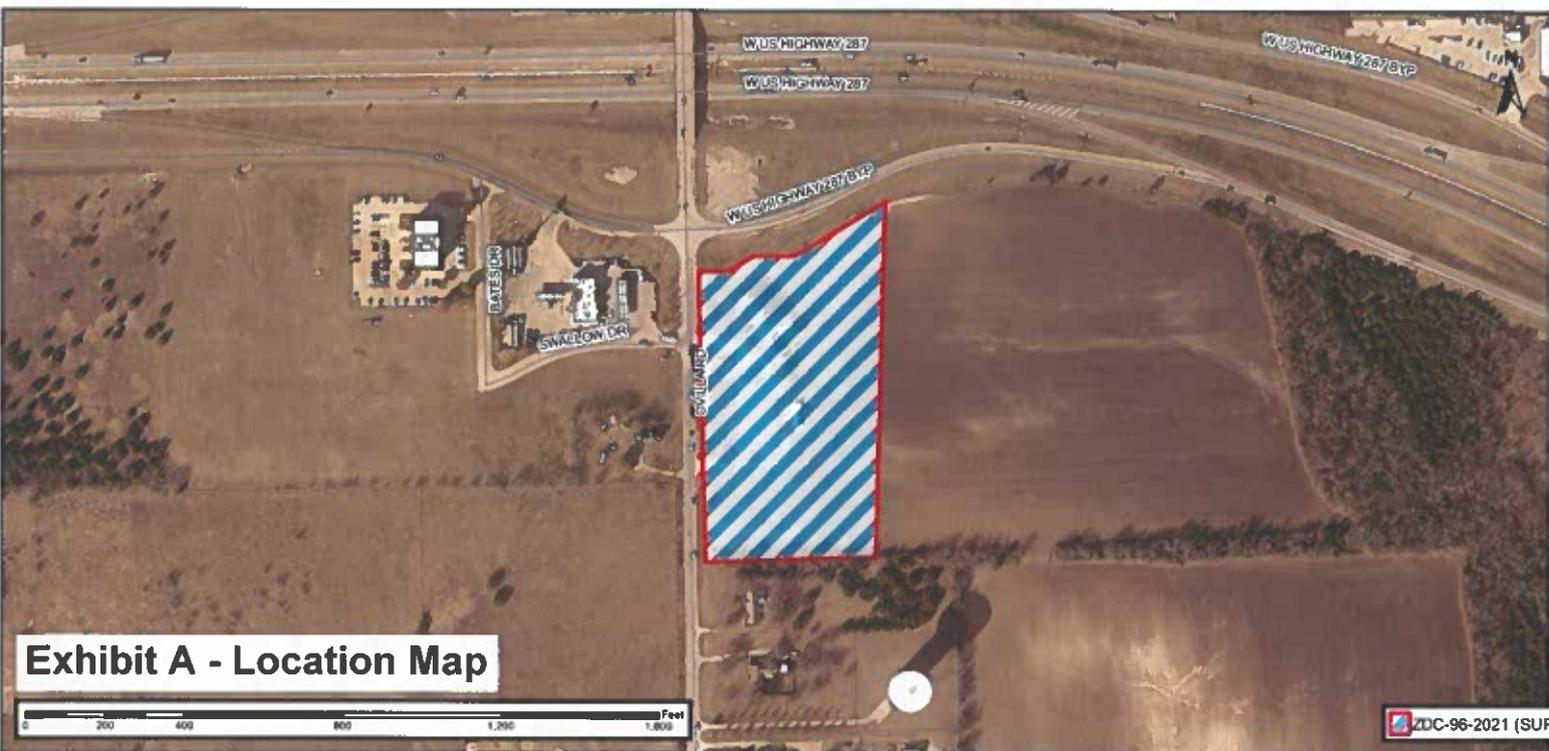
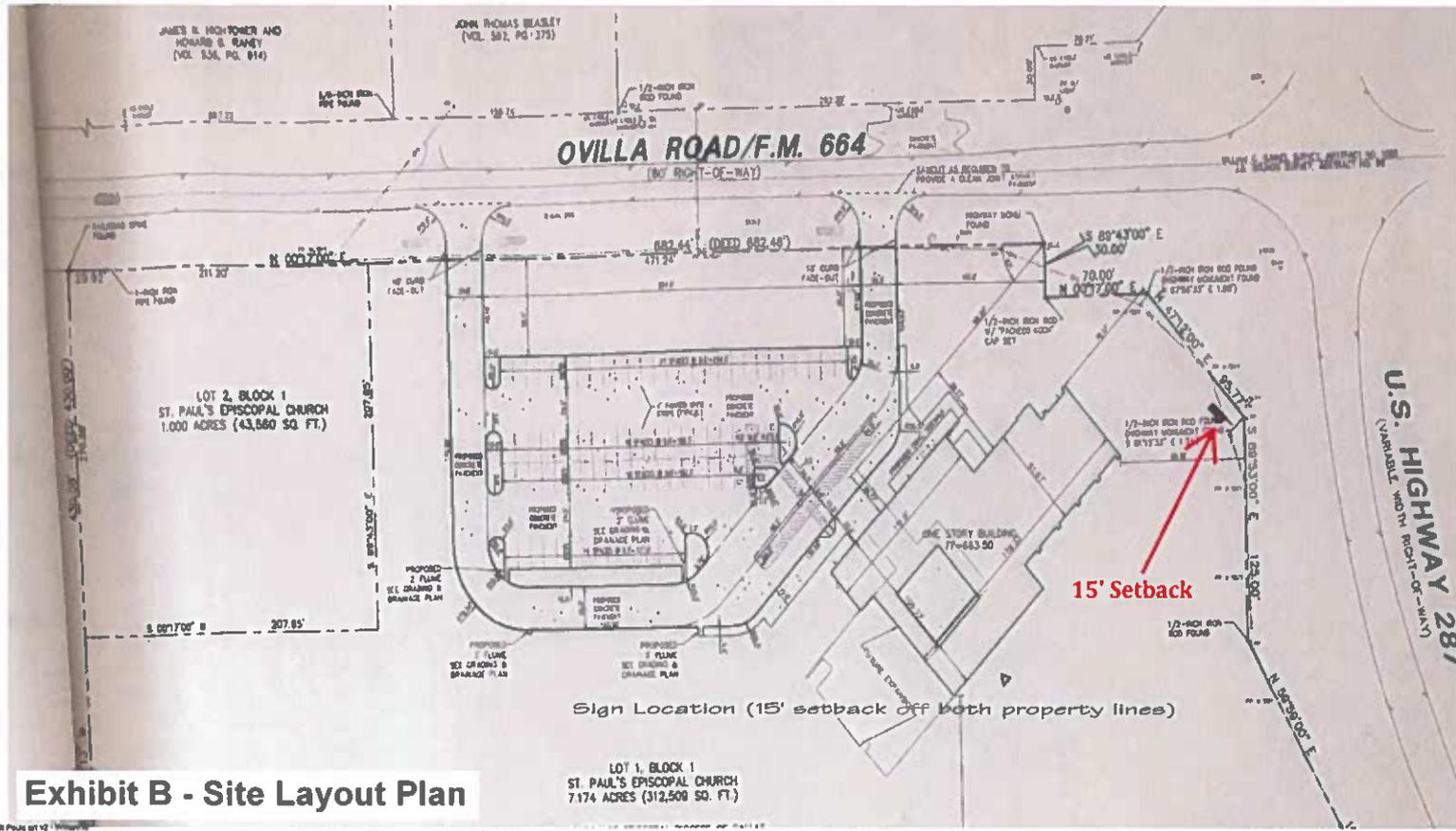


Exhibit A - Location Map

0 200 400 800 1,200 1,800 Feet

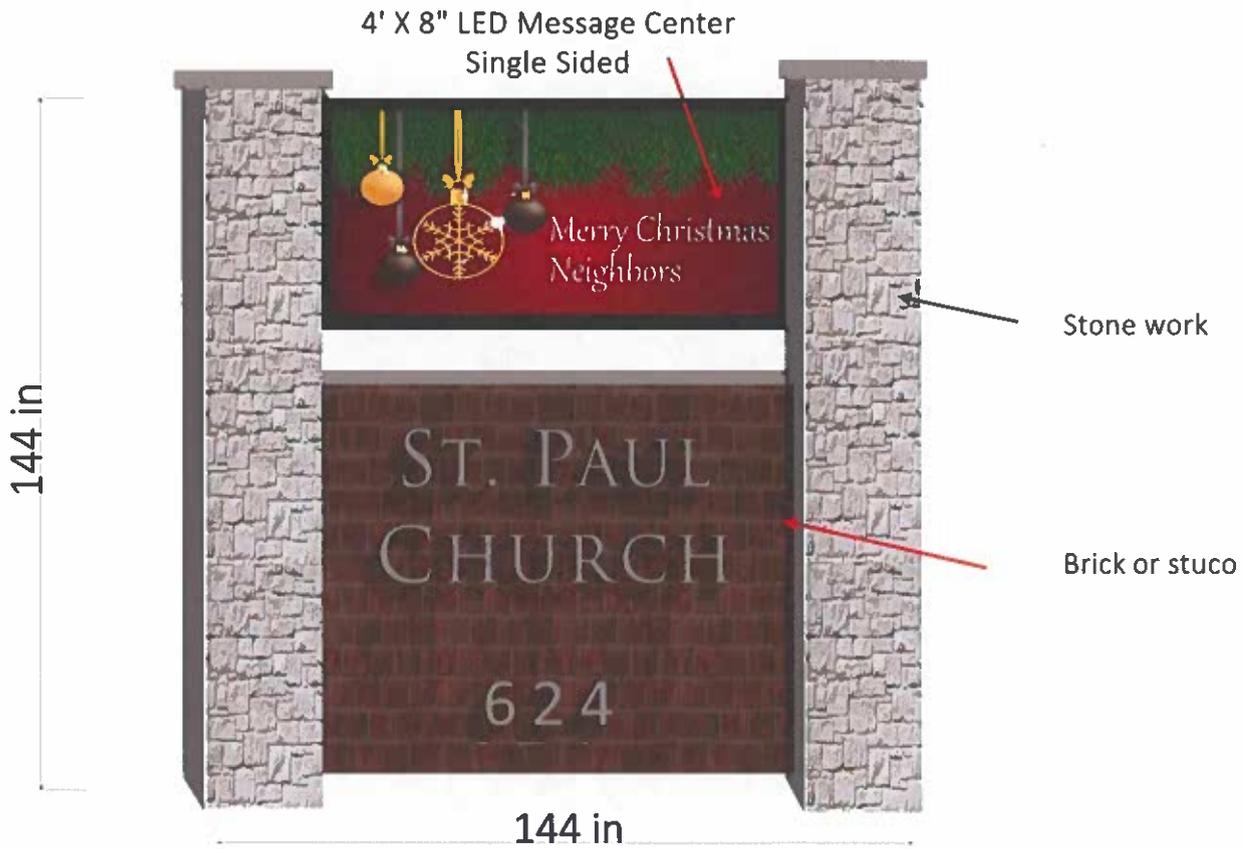
ZDC-96-2021 (SUF)

(11)



**Exhibit B - Site Layout Plan**

(11)



Harley Butker  
214-687-7476

**signs manufacturing**  
& Maintenance Corp.

Harley Butker  
214-687-7476

## Exhibit C - Sign Rendering

(12)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager  
Date: July 23, 2021  
Re: ZDC-100-2021 – Sunbelt Rentals

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On July 23, 2021, the applicant requested to continue case number ZDC-100-2021 from the July 27, 2021 Planning and Zoning Commission meeting agenda and the August 2, 2021 City Council meeting agenda to the August 24, 2021 Planning and Zoning Commission meeting agenda, and the September 7, 2021 City Council meeting agenda.

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS  
COUNTY OF ELLIS  
CITY OF WAXAHACHIE

We, the undersigned officers of the City of Waxahachie, Texas (the "City"), hereby certify as follows:

1. The City Council of said City convened in Regular Meeting on August 2, 2021, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Doug Barnes	Mayor
Billie Wallace	Mayor Pro-Tem
David Hill	Council Member
Melissa Olson	Council Member
Travis Smith	Council Member
Amber Villarreal	City Secretary

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

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$43,300,000; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Ordinance be adopted and, after due discussion, said motion, carrying with it the adoption of said Ordinance, prevailed and carried by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

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

(14)

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

SIGNED AND SEALED ON August 2, 2021.

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City Secretary,  
City of Waxahachie, Texas

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Mayor,  
City of Waxahachie, Texas

(CITY SEAL)

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$43,300,000; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on June 7, 2021, the City Council of the City of Waxahachie (the "City" or the "Issuer") passed a resolution authorizing and directing notice of its intention to issue certificates of obligation in a maximum principal amount of \$43,300,000 with such notice to be published in a newspaper as required by Section 271.049 of the Texas Local Government Code ("Section 271.049"); and

WHEREAS, a notice was published in the *Waxahachie Sun*, a "newspaper" of the type described in Section 2051.044 of the Texas Government Code, as required by Section 271.049, on June 16, 2021 and June 23, 2021; and

WHEREAS, said notice stated that the City Council of the City tentatively proposed to adopt an ordinance authorizing the issuance of the certificates of obligation at a regular meeting to commence at 7:00 o'clock, p.m., on the 2<sup>nd</sup> day of August, 2021 and

WHEREAS, no petition, signed by at least 5% of the qualified electors of the City as permitted by Section 271.049 protesting the issuance of such certificates of obligation, has been filed; and

WHEREAS, the certificates of obligation hereinafter authorized are to be issued and delivered pursuant to the Texas Constitution and the laws of the State of Texas, including specifically Subchapter C of Chapter 271 of the Texas Local Government Code; Now, Therefore

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

Section 1. AUTHORIZATION OF CERTIFICATES OF OBLIGATION. That the City's certificates of obligation, to be designated the "City of Waxahachie, Texas Combination Tax and Revenue Certificate of Obligation, Series 2021" (the "Certificates"), are hereby authorized to be issued and delivered in an aggregate principal amount of \$[ ] for the purpose of paying contractual obligations to be incurred by the City for the following purposes, to-wit,

- 1) the construction, installation and equipment of park and recreational improvements in the City;
- 2) the construction and equipment of fire stations and the purchase of fire apparatuses;
- 3) improvements to streets and public mobility infrastructure, including related signage and drainage and the acquisition of right-of-way, throughout the City;
- 4) the construction of improvements and extensions to the City's water and wastewater system; and
- 5) the construction of municipal buildings for development services departments and additional City Hall space; and
- 6) the payment of fiscal, engineering, and legal fees incurred in connection therewith.

The term "Certificates" as used in this Ordinance shall mean and include collectively the Initial Certificate issued and delivered pursuant to this Ordinance and all substitute certificates of obligation exchanged

therefor, as well as all other substitute certificates of obligation and replacement certificates of obligation issued pursuant hereto, and the term "Certificate" shall mean any of the Certificates.

Section 2. DATE, DENOMINATIONS, NUMBERS, MATURITIES, AND INTEREST RATES. That the Certificates shall initially be issued, sold, and delivered hereunder one fully registered Certificate, without interest coupons, dated the Date of Delivery (as hereinafter defined), in the aggregate principal amount stated above, numbered T-1 (the "Initial Certificate"), with Certificates issued in replacement thereof being in the denominations and principal amounts hereinafter stated and numbered consecutively from R-1 upward, payable to the respective registered owner thereof (with the Initial Certificate being made payable to the underwriters (the "Underwriters") as described in Section 22 hereof), or to the registered assignee or assignees of the Certificates or any portion thereof (in each case, the "registered owner") in the manner provided and on the dates stated in the FORM OF CERTIFICATE, and shall mature on August 1 in each of the years in the principal amounts, respectively, bearing interest from the Date of Delivery to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

<u>Year</u>	<u>Principal Amount (\$)</u>	<u>Interest (%)</u>	<u>Year</u>	<u>Principal Amount (\$)</u>	<u>Interest (%)</u>
2022			2032		
2023			2033		
2024			2034		
2025			2035		
2026			2036		
2027			2037		
2028			2038		
2029			2039		
2030			2040		
2031			2041		

Section 3. REDEMPTION. (a) *Optional Redemption*. That the City reserves the right to redeem the Certificates maturing on and after [August 1, 2030], in whole, or in part, in denominations of \$5,000 or any integral multiple thereof (an "Authorized Denomination"), on [August 1, 2029], or on any date thereafter, at the redemption price of par plus accrued interest thereon to the date fixed for redemption. If less than all of the Certificates are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar (hereinafter defined) to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided that during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository. The City shall notify the Paying Agent/Registrar at least forty-five (45) days prior to the scheduled redemption date that a redemption of the Certificates is to be effected.

(b) *Mandatory Sinking Fund Redemption*. The Certificates are not subject to mandatory sinking fund redemption prior to their scheduled maturities.

(c) *Notice*. At least thirty (30) days prior to the date fixed for any such redemption the City shall cause a written notice of such redemption to be deposited in the United States mail, first-class postage prepaid, addressed to each such registered owner at the address shown on the Registration Books (hereinafter defined) of the Paying Agent/Registrar on the forty-fifth (45<sup>th</sup>) day before such redemption

date. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. Except as provided in subsection (d) of this Section with respect to a conditional redemption of Certificates, if such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Certificates, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price of par plus accrued interest thereon to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Certificates or any portion thereof. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in one or (at the written request of the registered owner) more Authorized Denominations, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. Each redemption notice, whether required in the FORM OF CERTIFICATE or otherwise by this Ordinance, shall contain a description of the Certificates to be redeemed, including: the complete name of the Certificates, the series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called for redemption, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar (including a contact person and telephone number), and the address at which the Certificates may be redeemed. All redemption payments made by the Paying Agent/Registrar to the registered owners of the Certificates shall include CUSIP numbers relating to each amount paid to such registered owner.

(d) *Notice of Conditional Redemption.* With respect to any optional redemption of the Certificates, unless certain prerequisites to such optional redemption required by this Ordinance have been met and money sufficient to pay the principal of, premium, if any, and interest on the Certificates to be redeemed will have been received by the Paying Agent/Registrar prior to giving such notice, such notice may state that the optional redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such money by the Paying Agent/Registrar on or prior to the date fixed for such redemption or upon any prerequisite set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption are not satisfied, such notice will be of no force and effect, the City will not redeem such Certificates, and the Paying Agent/Registrar will give notice in the manner in which the notice of redemption was given, to the effect that such Certificates have not been redeemed.

Section 4. CHARACTERISTICS OF THE CERTIFICATES. (a) *Registration of Certificates.* That the Issuer shall keep or cause to be kept at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A., or such other bank, trust company, financial institution, or other agency named in accordance with the provisions of subsection (g) of this Section (the "Paying Agent/Registrar"), books or records for the registration and transfer of the Certificates (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such transfers and registrations under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of the registered owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided. The Issuer or its designee shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar at its Designated Trust Office, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise

required by law, shall not permit their inspection by any other entity. Registration of each Certificate may be transferred in the Registration Books only upon presentation and surrender thereof to the Paying Agent/Registrar at its Designated Trust Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of such Certificate, or any portion thereof in an Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have such Certificate or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Certificate or any portion thereof, a new substitute Certificate or Certificates shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the Issuer, the Designated Trust Office is the Dallas, Texas office of The Bank of New York Mellon Trust Company, N.A., set forth in the "Paying Agent/Registrar Agreement" executed by the City and the Paying Agent/Registrar in connection with the sale and delivery of the Certificates.

(b) *Registration Books; Ownership.* The entity in whose name any Certificate shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Certificate shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary; and payment of, or on account of, the principal of, premium, if any, and interest on any such Certificate shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Certificate to the extent of the sum or sums so paid.

(c) *Paying Agent.* The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, and to act as its agent to exchange or replace Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all exchanges thereof, and all replacements thereof, as provided in this Ordinance.

(d) *Exchange, Assignment and Transfer of Certificates.* Each Certificate may be exchanged for fully registered certificates in the manner set forth herein. Each Certificate issued and delivered pursuant to this Ordinance, to the extent of the unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered certificates, without interest coupons, in the form prescribed in the FORM OF CERTIFICATE, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Certificate shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the principal amount of any Certificate or Certificates so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Certificate shall be redeemed prior to its scheduled maturity as provided herein, a substitute certificate or certificates having the same maturity date, bearing interest at the same rate, in one or (at the request of the registered owner) more Authorized Denominations, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation. If any Certificate or portion thereof is assigned and transferred, each Certificate issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Certificate for which it is being exchanged. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate. The Paying Agent/Registrar shall exchange or replace Certificates as provided herein, and each fully registered certificate or certificates delivered in exchange for or replacement of any Certificate or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Certificates for all purposes of this Ordinance, and may again be exchanged or replaced. It is specifically provided, however, that any Certificate delivered in exchange

for or replacement of another Certificate prior to the first scheduled interest payment date on the Certificates (as stated on the face thereof) shall be dated the same date as such Certificate, but each substitute Certificate so delivered on or after such first scheduled interest payment date shall be dated as of the interest payment date on which interest due on the respective Certificate was paid in full, next preceding the date on which such substitute Certificate is delivered, unless such substitute Certificate is delivered on an interest payment date, in which case it shall be dated as of such delivery date; provided, however, that if at the time of delivery of any substitute Certificate the interest on the Certificate for which it is being exchanged has not been paid, then such substitute Certificate shall be dated as of the date to which such interest has been paid in full, and if no interest has been paid on the Certificate, then such substitute Certificate will be dated as of the Date of Delivery. On each substitute Certificate issued in exchange for or replacement of any Certificate or Certificates issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF CERTIFICATE (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such substitute Certificate, date such substitute Certificate in the manner set forth above, and manually sign and date the Authentication Certificate, and no such substitute Certificate shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all Certificates surrendered for exchange or transfer. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council so as to accomplish the foregoing exchange, assignment or transfer of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of exchange and transfer of any Certificate as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Authentication Certificate, the substitute Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which were originally issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(e) *General.* All Certificates issued in exchange for or, pursuant to Section 11 hereof, replacement of any other Certificate or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Certificates, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) shall be payable as to the principal of and interest on the Certificates, all as provided, and in the manner required or indicated, in the FORM OF CERTIFICATE.

(f) *Fees of Paying Agent/Registrar.* The City shall pay the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers of Certificates, but the registered owner of any Certificate requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. The registered owner of any Certificate requesting any exchange shall pay the Paying Agent/Registrar's reasonable and standard or customary fees and charges for exchanging any such Certificate or portion thereof, together with any taxes or governmental charges required to be paid with respect thereto, all as a condition precedent to the exercise of such privilege of exchange, except, however, that in the case of the exchange of an assigned and transferred Certificate or any portion thereof in any Authorized Denomination, and in the case of the exchange of the unredeemed portion of a Certificate which has been redeemed in part prior to maturity, as provided in this Ordinance, such fees and charges will be paid by the City. In addition, the City hereby covenants with the registered owners of the Certificates that it will pay the (i) reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on Certificates, when due, and (ii) fees and charges of the Paying Agent/Registrar for services with respect to the transfer or registration of Certificates solely to the extent above provided, and with respect to the exchange of Certificates solely to the extent above provided.

(g) *Change in Paying Agent/Registrar.* The City covenants with the registered owners of the Certificates that at all times while the Certificates are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as the Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that it will promptly appoint a competent and legally qualified bank, trust company, financial institution, or other agency which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications are substantially similar to the those of the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver to the new Paying Agent/Registrar, designated and appointed by the City, the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h) *Form 1295 Filing.* The Paying Agent/Registrar has confirmed to the City that it is exempt from the disclosure form filing requirements of the Texas Ethics Commission in accordance with Section 2252.908(c)(4), Texas Government Code.

Section 5. FORM OF CERTIFICATE. That the Certificates, including the form of the Comptroller's Registration Certificate to accompany the Initial Certificate, and both the forms of the Authentication Certificate and of Assignment to be printed on each of the Certificates authorized to be issued and delivered hereunder, shall be substantially in the form as set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance. The printer of the Certificates is hereby authorized to print on the Certificates (i) the form of bond counsel's opinion relating to the Certificates, and (ii) an appropriate statement of insurance furnished by a municipal bond insurance company providing municipal bond insurance, if any, covering all or any part of the Certificates.

Section 6. DEFINITIONS. That the term "Available Revenues" shall have the meaning given said term in Section 7 hereof; the term "Business Day" means any day that is not a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close; the term "Code" means the Internal Revenue Code of 1986; the term "Date of Delivery" means the day on which the Certificates initially issued are delivered to the Underwriters or the Underwriters' nominee in consideration of the payment by the Underwriters of the agreed purchase price of the Certificates; "MSRB" means the Municipal Securities Rulemaking Board; the term "Rule" means SEC Rule 15c2-12; the term "SEC" means the United States Securities and Exchange Commission; and the term "Surplus Revenues" means the revenues pledged herein from the operation of the City's combined waterworks and sewer system (not to exceed \$1,000) remaining after payment of all operation and maintenance expenses thereof and other obligations heretofore or hereafter incurred to which such revenues have been or shall be encumbered by a lien on and pledge of such revenues superior to the lien on and pledge of such revenues to the Certificates.

Section 7. INTEREST AND SINKING FUND. That a special fund or account, to be designated the "City of Waxahachie, Texas Series 2021 Certificate of Obligation Interest and Sinking Fund" (the "Interest and Sinking Fund") is hereby created and shall be established and maintained by the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying principal of and interest on the Certificates as such principal and interest comes due. All ad valorem taxes levied and collected for and on account of the Certificates shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any Certificate is outstanding and unpaid, the City Council shall compute and ascertain the rate and amount of ad valorem tax, based on the latest approved tax rolls of the City, with full allowances being made for tax delinquencies and costs of tax collections, which will be sufficient to raise and produce the money required to pay the interest on the Certificates as such interest comes due, and to provide and maintain a sinking fund to pay the principal of the Certificates as such principal matures, but never less than 2% of the outstanding principal amount of the Certificates as a sinking fund each year. The rate and amount of ad valorem tax is hereby ordered to be levied against all taxable property in the City for each year while any Certificate is outstanding and unpaid, and the ad valorem tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes necessary to pay the interest on and principal of the Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Notwithstanding the foregoing, if the City deposits or budgets to be deposited in the Interest and Sinking Fund any other revenues, income or resources, including without limitation, Surplus Revenues (the "Available Revenues"), in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied may be reduced to the extent and by the amount of the Available Revenues then on deposit or budgeted to be deposited in the Interest and Sinking Fund.

Section 8. REVENUES. That the Certificates are additionally secured by and shall be payable from the Surplus Revenues. The Surplus Revenues are pledged by the City pursuant to authority of Chapter 1502, Texas Government Code. The City shall promptly deposit the Surplus Revenues upon their receipt to the credit of the Interest and Sinking Fund created pursuant to Section 7, to the principal of and interest on the Certificates.

Section 9. CONSTRUCTION FUND. (a) *Construction Fund Established.* The City hereby creates and establishes and shall maintain on the books of the City a separate fund to be entitled "City of Waxahachie, Texas Series 2021 Certificate of Obligation Construction Fund" (the "Construction Fund"), for use by the City for payment of all lawful costs associated with the acquisition and construction of the projects described in clauses (1), (2), (3), and (4) of Section 1, and the payment of the costs described in clause (5) of Section 1. Upon payment of all such costs, any money remaining on deposit to the credit of the Construction Fund shall be transferred to the Interest and Sinking Fund. Amounts so deposited to the credit of the Interest and Sinking Fund shall be used in the manner described in Section 7.

(b) *Investment of Moneys.* The City may invest proceeds of the Certificates (including investment earnings thereon) and amounts deposited to the credit of the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Government Code, and the City's investment policy. The City covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued.

Section 10. TRANSFER. That the City shall do any and all things necessary to accomplish the transfer funds from Interest and Sinking Fund of this issue to the Paying Agent/Registrar in a manner sufficient to effectuate the timely payment of principal of and interest on the Certificates as such principal and interest become due and payable.

Section 11. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.

(a) *Replacement Certificates.* That in the event any outstanding Certificate is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new certificate of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) *Application for Replacement Certificates.* Application for replacement of damaged, mutilated, lost, stolen, or destroyed Certificates shall be made only by the registered owner thereof (or such registered owner's designee) to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Certificate, the applicant for a replacement Certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Certificate, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) *No Default Occurred.* Notwithstanding the foregoing provisions of this Section, in the event any such Certificate shall have matured, and no default has occurred which is then continuing in the payment of the principal of, premium, if any, or interest on the Certificate, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) *Charge for Issuing Replacement Certificates.* Prior to the issuance of any replacement Certificate, the Paying Agent/Registrar shall charge the registered owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement Certificate issued pursuant to the provisions of this Section, by virtue of the fact that any Certificate is lost, stolen, or destroyed, shall constitute a contractual obligation of the City whether the lost, stolen, or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) *Authority for Issuing Replacement Certificates.* In accordance with Chapter 1206, Texas Government Code, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Certificate without necessity of further action by the City Council of the City or any other body or person, and the duty of the replacement of such Certificates is hereby authorized and imposed upon the Paying Agent/Registrar, subject to the conditions imposed by this Section 11 of this Ordinance, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in paragraphs (d) and (e) of Section 4(d) of this Ordinance for Certificates issued in exchange or transfer of other Certificates.

Section 12. FEDERAL INCOME TAX MATTERS. That the City covenants to take such action as to ensure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private

business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the “private business use” described in subsection (a) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a “private business use” which is “related” and not “disproportionate”, within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Certificates being treated as “private activity bonds” within the meaning of section 141(b) of the Code;

(e) to refrain from taking any action that would result in the Certificates being “federally guaranteed” within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with –

(1) proceeds of the Certificates invested for a reasonable temporary period of three (3) years or less, until such proceeds are needed for the purpose for which the Certificates are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed ten percent (10%) of the proceeds of the Certificates;

(g) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Certificates or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Certificates in contravention of section 149(d) of the Code (relating to advance refunding); and

(i) to pay to the United States of America at least once during each five-year period (beginning on the Date of Delivery of the Certificates) an amount that is at least equal to 90 percent of the “Excess Earnings”, within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than sixty (60) days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

For purposes of the foregoing clauses (a) and (b) above, the Issuer understands that the term “proceeds” includes “disposition proceeds” as defined in the Treasury Regulations. It is the understanding of the City

that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor, the City Manager, any Assistant City Manager, and the Director of Finance to execute any documents, certificates or reports required by the Code, and to make such elections on behalf of the City which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

Unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation, Series 2011, adopted by the City Council on December 19, 2011, apply to the Certificates.

In order to facilitate compliance with clause (i) above, a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Certificates. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

The resolution adopted by the City Council on June 7, 2021, described in the preamble to this Ordinance was intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

Section 13. ALLOCATION OF, AND LIMITATION ON, EXPENDITURES FOR THE PROJECT. That the Issuer covenants to account for the expenditure of proceeds from the sale of the Certificates and any investment earnings thereon to be used for the purposes described in Section 1 of this Ordinance (such purpose referred to herein and Section 14 hereof as a "Project") on its books and records by allocating proceeds to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on a Project is made or (b) such Project is completed. The foregoing notwithstanding, the Issuer shall not expend such proceeds or investment earnings more than sixty (60) days after the earlier of (a) the fifth anniversary of the Date of Delivery of the Certificates or (b) the date the Certificates are retired. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains a legal opinion, from nationally-recognized bond counsel, that such failure to comply will not adversely affect the excludability of interest on the Certificates from gross income for federal income tax purposes.

Section 14. DISPOSITION OF PROJECT. That the Issuer covenants that the property constituting a Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless the Issuer obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of this Section, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 15. DEFAULT AND REMEDIES.

(a) *Events of Default.* That each of the following occurrences or events, for the purposes of this Ordinance, is hereby declared to be an Event of Default:

(i) the failure to make funds available to the Paying Agent/Registrar sufficient to make payment of the principal of or interest on any Certificate when the same becomes due and payable; or

(ii) except as provided in Section 18(c)(iv) of this Ordinance, default in the performance or observance of any other covenant, agreement or obligation of the City, which the failure to perform materially, adversely affects the rights of the registered owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) *Remedies for Default.*

(i) Upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Certificates then outstanding.

(c) *Remedies Not Exclusive.*

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Certificate authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 16. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES. That the Mayor of the City or the designee thereof is hereby authorized to have control of the Certificates initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificates pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificates, said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificates, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Registration Certificate.

Section 17. DTC REGISTRATION. That the Certificates initially shall be issued and delivered in such manner that no physical distribution of the Certificates will be made to the public, and the Depository Trust Company ("DTC"), New York, New York, initially will act as depository for the Certificates. DTC has represented that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. Upon the receipt of payment from the Underwriters for the Certificates originally issued and delivered as authorized by this Ordinance, the Paying Agent/Registrar shall cancel the initial Certificates and issue and deliver to DTC, separate single definitive Certificates for each maturity of the Certificates, in the aggregate principal amount of the Certificates of such maturity, fully registered in the name of CEDE & CO., as the nominee of DTC. It is expected that DTC will hold the Certificates on behalf of the Underwriters and DTC's participants. So long as each Certificate is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify beneficial ownership of the Certificates in Authorized Denominations, with transfers of beneficial ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by DTC and its participants, and that the definitive Certificates initially deposited with DTC shall be immobilized and not be further exchanged for substitute Certificates except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to its services, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Certificates. It shall be the duty of the DTC Participants, as defined in the Official Statement herein approved, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Certificates, and the method of paying the fees and charges of DTC. The City does not represent, and does not in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Certificates is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Certificates will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for such Certificates. In connection with the initial establishment of the foregoing book-entry system with DTC, the previous execution and delivery of the Blanket Letter of Representations shall apply to the Certificates.

Section 18. CONTINUING DISCLOSURE OBLIGATION. (a) *Annual Reports.* (i) That the City shall provide annually to the MSRB, in an electronic format prescribed by the MSRB, certain updated financial information and operating data of City, being the following (1) the City's financial statements;

and (2) the information found in Tables 1 through 6 and 8 through 15 in the Official Statement authorized by Section 22 of this Ordinance. The City will update and provide the information in Tables 1 through 6 and 8 through 15 of the Official Statement within six (6) months after the end of each fiscal year ending in and after 2021. The City's financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in the financial statements of the City appended to the Official Statement as Appendix B, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within twelve (12) months after the end of each fiscal year ending in or after 2021. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial statements by the required time, and the City shall provide audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements becomes available.

(ii) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC. All filings shall be made electronically, in the format specified by the MSRB.

(b) *Disclosure Event Notices.* The City shall notify the MSRB, in a timely manner not in excess of ten (10) Business Days after the occurrence of the event, of any of the following events with respect to the Certificates:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other events affecting the tax status of the Certificates;
7. Modifications to rights of holders of the Certificates, if material;
8. Certificate calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

16. Default, event of acceleration, termination event, modification of terms, or other similar event under the terms of a Financial Obligation of the City, and which reflect financial difficulties.

As used in clause 12 above, the phrase “bankruptcy, insolvency, receivership or similar event” means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. As used in clauses 15 and 16 above, the term “Financial Obligation” means: (i) a debt obligation; (ii) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii), however, the term Financial Obligation shall not include Municipal Securities as to which a final official statement has been provided to the MSRB consistent with the Rule; and the term “Municipal Securities” means securities which are direct obligations of, or obligations guaranteed as to principal or interest by, a state or any political subdivision thereof, or any agency or instrumentality of a state or any political subdivision thereof, or any municipal corporate instrumentality of one or more states and any other Municipal Securities described by Section 3(a)(29) of the Securities Exchange Act of 1934, as the same may be amended from time to time.

In addition, the City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) *Limitations, Disclaimers, and Amendments.* (i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Certificates no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

Section 19. DEFEASANCE. (a) *Deemed Paid*. That any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsection (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until all Defeased Certificates shall have become due and payable. At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, the City hereby reserves the option, to be exercised at the time of the defeasance of the Certificates, to call for redemption at an earlier date Defeased Certificates, provided that in the proceedings providing for the Defeased Certificates, the City: (1) expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Certificates immediately following the making of the firm banking and financial arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) *Investment in Defeasance Securities.* Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Certificates and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Certificates may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) above. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Securities, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.

(c) *Selection of Defeased Certificates.* In the event that the City elects to defease less than all of the principal amount of Certificates of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Certificates by such random method as it deems fair and appropriate.

(d) *Defeasance Securities.* The term "Defeasance Securities" means any securities or obligations now or hereafter authorized by the laws of the State of Texas as eligible to discharge obligations such as the Certificates. The laws of the State of Texas currently permit defeasance of obligations such as the Certificates with the following types of securities: (i) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council approves the proceedings authorizing the defeasance of the Certificates or the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent; and (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council approves the proceedings authorizing the defeasance of the Certificates or the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent.

(e) *Continuing Duty of Paying Agent/Registrar.* Until all Defeased Certificates shall become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services.

Section 20. AMENDMENTS. That the City hereby reserves the right to amend this Ordinance subject to the following terms and conditions.

(a) *Amendments Not Requiring Consent.* The City may from time to time, without the consent of any holder of the Certificates, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (1) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interest of the holders of the Certificates, (2) grant additional rights or security for the benefit of the holders of the Certificates, (3) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interest of the holders of the Certificates, (4) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (5) make such other provisions in regard to matters or questions arising under this Ordinance that are not inconsistent with the provisions

hereof and which, in the opinion of nationally-recognized bond counsel selected by the City, do not materially adversely affect the interests of the holders of the Certificates.

(b) *Amendments With Consent.* Except as provided in paragraph (a) above, the holders of the Certificates aggregating in principal amount a majority of the aggregate principal amount of the Certificates then outstanding shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the Certificates then outstanding, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:

- (1) Make any change in the maturity of any of the outstanding Certificates,
- (2) Reduce the rate of interest borne by any of the outstanding Certificates,
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates,
- (4) Modify the terms of payment of principal of, redemption premium, if any, or interest on the outstanding Certificates, or imposing any condition with respect to such payment, or
- (5) Change the minimum percentage of the principal amount of the Certificates necessary for consent to such amendment.

(c) *Notice.* If at any time the City shall desire to amend this Ordinance, the City shall provide notice of such amendment to the registered owners of the Certificates then outstanding by sending via United States mail, first-class postage prepaid, to each registered owner of the affected Certificates a copy of the proposed amendment.

(d) *Receipt of Consents.* Whenever at any time within one (1) year from the date of the first mailing of said notice of the proposed amendment the City shall receive an instrument or instruments executed by the owners of at least a majority in aggregate principal amount of all the Certificates then outstanding, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) *Effect of Amendments.* Upon the adoption by the City of any ordinance to amend this Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with the amendatory ordinance, and the respective rights, duties, and obligations of the City and all the owners of then outstanding Certificates and all future Certificates shall thereafter be determined, exercised, and enforced under this Ordinance, as amended.

(f) *Consent Irrevocable.* Any consent given by any owner of Certificates pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of such consent, and shall be conclusive and binding upon all future owners of the same Certificates during such period. Such consent may be revoked at any time after six (6) months from the date such consent was given by the owner, or by a successor in title, by filing notice thereof with the Paying Agent/Registrar and the City, but such revocation shall not be effective if the owners of a majority in aggregate principal amount of the Certificates then outstanding, prior to the attempted revocation, consented to and approved the amendment.

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(g) *Ownership.* For the purpose of establishing ownership of the Certificates, the City shall rely solely upon the registration of the ownership of such Certificates on the Registration Books kept by the Paying Agent/Registrar.

Section 21. SECURITY FOR FUNDS. That the Interest and Sinking Fund and the Construction Fund created by this Ordinance shall be secured in the manner and to the fullest extent permitted or required by law for the security of public funds, and the Interest and Sinking Fund and the Construction Fund shall be used only for the purposes and in the manner permitted or required by this Ordinance.

Section 22. SALE OF CERTIFICATES. (a) *Sale.* That the Certificates are hereby sold and shall be delivered to UMB Bank N.A. and FHN Financial Capital Markets (collectively, the "Underwriters") for the purchase price of \$[ ] (representing the par amount of the Certificates of \$[ ], plus aggregate original issue premium of \$[ ] (premium to be applied as set forth in Section 24), less an underwriting discount of \$[ ]) and no accrued interest, pursuant to the terms and provisions of a Purchase Contract in substantially the form presented at this meeting, which the Mayor of the Issuer is hereby authorized and directed to execute. The Initial Certificate, in the aggregate principal amount of the Certificates, with principal maturing on the respective maturity dates as set forth in Section 2 hereof, shall be delivered to the Underwriters, and the Underwriters shall have the right to exchange the Initial Certificate as provided in Section 4 hereof without cost. The Initial Certificate shall be initially registered in the name of [ ] or its nominee. The sale of the Certificates to the Purchaser was on terms that are most advantageous to the City reasonably obtained and, upon the advice of the City's financial advisor, is in the best interests of the City.

(b) *Offering Documents.* The City Council hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto (the "Official Statement"), and approves the distribution of such Official Statement in the reoffering of the Certificates by the Underwriters in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement prior to the date hereof is hereby ratified and confirmed.

Section 23. FURTHER PROCEDURES. That the Mayor, the City Secretary, the City Manager, any Assistant City Manager, the Director of Finance, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Certificates and fixing all details in connection therewith. In case any officer whose signature shall appear on any Certificate, or any document relating to the authorization, sale or issuance of the Certificates, shall cease to be such officer before the Date of Delivery of the Certificates, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 24. USE OF PROCEEDS. That the proceeds from the sale of the Certificates may be used for the purposes described in Section 1 of this Ordinance, in the manner described in the letter of instructions executed by the City or on behalf of the City by its financial advisor. The foregoing notwithstanding, proceeds representing accrued interest on the Certificates shall be deposited to the credit of the Interest and Sinking Fund, and proceeds representing premium on the Certificates shall be used in a manner consistent with the provisions of Section 1201.042(d), Texas Government Code, as amended. Any amounts remaining after completion of the improvements described in Section 1 hereof shall be transferred FIRST to the Rebate Fund, to the extent required by Section 12 hereof and as further described in Section 25 hereof, and

THEREAFTER to the Interest and Sinking Fund. The proceeds from the sale of the Certificates, including premium, to be deposited to the credit of the Construction Fund shall not exceed \$43,300,000.00.

Section 25. **INTEREST EARNINGS.** That the interest earnings derived from the investment of proceeds from the sale of the Certificates may be used along with other proceeds for the construction of the permanent improvements set forth in Section 1 hereof for which the Certificates are issued; provided, that after completion of such permanent improvements, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on proceeds which are required to be rebated to the United States of America pursuant to this Ordinance hereof in order to prevent the Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 26. **MISCELLANEOUS PROVISIONS.** (a) *Titles Not Restrictive.* That the titles assigned to the various sections of this Ordinance are for convenience only and shall not be considered restrictive of the subject matter of any section or of any part of this Ordinance.

(b) *Rules of Construction.* The words “herein”, “hereof” and “hereunder” and other words of similar import refer to this Ordinance as a whole and not to any particular section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to “FORM OF CERTIFICATE” shall refer to the form of the Certificates set forth in Exhibit A to this Ordinance.

(c) *Inconsistent Provisions.* All ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed and declared to be inapplicable, and the provisions of this Ordinance shall be and remain controlling as to the matters prescribed herein.

(d) *Severability.* If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance shall nevertheless be valid and the City hereby declares that this Ordinance would have been enacted without such invalid word, phrase, clause, paragraph, sentence, part, portion, or provisions.

(e) *Governing Law.* This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas.

(f) *Open Meeting.* The City officially finds and determines that the meeting at which this Ordinance is adopted was open to the public; and that public notice of the time, place, and purpose of such meeting was given, all as required by Chapter 551, Texas Government Code.

(g) *Application of Chapter 1208, Government Code.* Chapter 1208, Texas Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and the Surplus Revenues granted by the City under Sections 7 and 8 hereof, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of the ad valorem taxes and Surplus Revenues granted by the City is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable

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provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

(h) *Section 271.047, Local Government Code.* No bond proposition to authorize the issuance of bonds for the same purpose as the Certificates was submitted to the voters of the City during the preceding three (3) years and failed to be approved.

(i) *Section 252.051, Local Government Code.* The City has satisfied or will satisfy the appraisal requirements of Section 252.051, Texas Local Government Code, in the acquisition of real property with proceeds of the Certificates.

(j) *Payment of Attorney General Fee Authorized.* The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Certificates, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

(k) *Preamble.* The preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

(l) *Immediate Effect.* In accordance with the provisions of Section 1201.028, Texas Government Code, this Ordinance shall be effective immediately upon its adoption by the City Council.



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principal and interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IN THE EVENT OF NON-PAYMENT of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest ("Special Payment Date", which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each registered owner of a Certificate appearing on the Registration Books kept by the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is one of a Series of Certificates dated the Date of Delivery, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$[\_\_\_\_], for the purpose of paying contractual obligations to be incurred by the City, to-wit, the construction, installation and equipment of park and recreational improvements in the City; the construction and equipment of fire stations and the purchase of fire apparatuses; improvements to streets and public mobility infrastructure, including related signage and drainage and the acquisition of right-of-way, throughout the City; the construction of improvements and extensions to the City's water and wastewater system; the construction of municipal buildings for development services departments and additional City Hall space; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

THE CERTIFICATES of this Series scheduled to mature on and after [August 1, 2030] may be redeemed prior to their scheduled maturities, in whole, or in part in principal amounts of \$5,000 or any integral multiple thereof, at the option of the City, on [August 1, 2029], or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Certificates are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts therewith to be redeemed and shall direct the Paying Agent/Registrar to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

A WRITTEN NOTICE OF redemption shall be sent to the registered owner of each Certificate or a portion thereof being called for redemption at least thirty (30) days prior to the date fixed for such redemption by depositing such notice in the United States mail, first-class postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar. If such notice of redemption is mailed, and if due provision for such payment is made, all as provided above, this Certificate, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption,

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and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Certificate or any portion hereof. If a portion of any Certificate shall be redeemed a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Ordinance.

THE FOREGOING NOTWITHSTANDING, with respect to any optional redemption of the Certificates, unless certain prerequisites to such optional redemption required by the Ordinance have been met and money sufficient to pay the principal of, premium, if any, and interest on the Certificates to be redeemed will have been received by the Paying Agent/Registrar prior to giving such notice, such notice may state that the optional redemption will, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such money by the Paying Agent/Registrar on or prior to the date fixed for such redemption or upon any prerequisite set forth in the notice of redemption. If a notice of conditional redemption is given and such prerequisites to the redemption are not satisfied, such notice will be of no force and effect, the City will not redeem such Certificates and the Paying Agent/Registrar will give notice in the manner in which the notice of redemption was given, to the effect that such Certificates will not be redeemed.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered Certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Ordinance, this Certificate may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered Certificates, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar at its Designated Trust Office, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Certificate may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the registered owner. The one requesting such exchange shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for exchanging any Certificate or portion thereof. The foregoing notwithstanding, in the case of the exchange of an assigned and transferred Certificate or Certificates or any portion or portions thereof, such fees and charges of the Paying Agent/Registrar will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, or exchange as a condition precedent to the exercise of such privilege. In any circumstance, both the City and the Paying Agent/Registrar shall not be required (i) to make any such transfer or exchange during the period beginning at the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date; or (ii) to transfer or exchange any Certificates so selected for redemption when such redemption is scheduled to occur within forty-five (45) calendar days; provided, however, such

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limitation of transfer shall not be applicable to an exchange by the registered owner of an unredeemed balance of a Certificate called for redemption in part.

WHENEVER the beneficial ownership of this Certificate is determined by a book entry at a securities depository for the Certificates, the foregoing requirements of holding, delivering or transferring this Certificate shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Certificates is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Certificates.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Certificate have been performed, existed, and been done in accordance with law; that this Certificate is a direct obligation of said Issuer, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, in the manner provided in the Ordinance, and have been pledged for such payment, within the limit prescribed by law; and that a limited pledge (not to exceed \$1,000) of the surplus revenues from the operation of the City's combined waterworks and sewer system remaining after payment of all operation and maintenance expenses thereof and any other obligations heretofore or hereafter incurred to which such revenues have been or shall be encumbered by a lien on and pledge of such revenues superior to the lien on and pledge of such revenues to the Certificates, have been pledged as additional security for the Certificates.

BY BECOMING the registered owner of this Certificate, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the Issuer, and agrees that the terms and provisions of this Certificate and the Ordinance constitute a contract between the Issuer and each registered owner hereof.

IN WITNESS WHEREOF, this Certificate has been signed with the manual or facsimile signature of the Mayor of the City (or in the Mayor's absence, of the Mayor Pro-Tem of the City), attested by the manual or facsimile signature of the City Secretary, and the official seal of the Issuer has been duly affixed to, or impressed, or placed in facsimile, on this Certificate.

\_\_\_\_\_  
XXXXXXXX  
City Secretary

\_\_\_\_\_  
XXXXXXXX  
Mayor

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Certificate has been issued under the provisions of the proceedings adopted by the City as described in the text of this Certificate; and that this Certificate has been issued in

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exchange for or replacement of a Certificate of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated \_\_\_\_\_

The Bank of New York Mellon Trust Company, N.A.,  
Paying Agent/Registrar

By \_\_\_\_\_  
Authorized Representative

**\*FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO  
THE CERTIFICATES UPON INITIAL DELIVERY THEREOF**

OFFICE OF COMPTROLLER : REGISTER NO. \_\_\_\_\_  
STATE OF TEXAS :

I hereby certify that this Certificate has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY HAND and seal of office at Austin, Texas this \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Comptroller of Public Accounts of  
the State of Texas

**FORM OF ASSIGNMENT**

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(Please insert Social Security or Taxpayer Identification Number of Transferee)

\_\_\_\_\_  
/ \_\_\_\_\_ /

\_\_\_\_\_  
(Please print or typewrite name and address, including zip code of Transferee)

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the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to register the transfer of the within Certificate on books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.

INITIAL CERTIFICATE INSERTIONS

The Initial Certificate shall be in the form set forth above, except that the form of the single fully registered Initial Certificate shall be modified as follows:

- (i) immediately under the name of the Certificate the headings "Maturity Date", "Interest Rate", "Delivery Date" and "CUSIP" shall be omitted; and
- (ii) Paragraph one shall read as follows:

Registered Owner: [ ]

Principal Amount: [ ]

Delivery Date: SEPTEMBER 1, 2021

THE CITY OF WAXAHACHIE, TEXAS (the "Issuer"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on August 1 in each of the years and in principal installments in accordance with the following schedule:

(Section 2 of the Ordinance)

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and to pay interest thereon from the delivery date specified above, on February 1, 2022 and semiannually on each August 1 and February 1 thereafter to the maturity date specified above, or to the date of redemption prior to maturity, at the interest rate per annum specified above. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.