

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on ***Monday, May 16, 2022 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. ***Speakers must observe the five (5) minute time limit.***
5. Canvass and accept votes of City Council Election held on May 7, 2022
6. Administer Oath of Office to Council Member Place 1 and Council Member Place 3
7. ***Consent Agenda***

All matters listed under Item 7, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of May 2, 2022
- b. Minutes of the City Council briefing of May 2, 2022
- c. Minutes of the City Council special meeting of May 9, 2022
- d. Fourth of July parade route for the 24th Annual Crape Myrtle Festival
- e. Application for Seasonal Vendor Permit at Lake Waxahachie
- f. Event application for Summer Kick Off to be held May 28, 2022
- g. Event application for Freedom Church Movie Night to be held May 29, 2022
- h. Event application for Soldiers for Christ Gospel Event to be held July 2, 2022
- i. Supplemental appropriation from the General Fund for legal services in the amount of \$95,000
- j. Authorizing use of Park Dedication Fee funds for Lee Penn Pool & Bathhouse Project in the amount of \$108,137
- k. Receive Fiscal Year 2022 2nd Quarter Financial Report

8. **Public Hearing** on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022)
9. **Consider** approval of SUB-35-2022
10. **Public Hearing** and consider an Ordinance accepting and approving an updated Service And Assessment Plan and an Improvement Area #3 Assessment Roll for the North Grove Public Improvement District; making a finding of special benefit to the property in Improvement Area #3 of the District; levying special assessments against property within Improvement Area #3 of the District and establishing a lien on such property; providing for payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date
11. **Consider** an Ordinance authorizing the issuance of the “City of Waxahachie, Texas, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project)”; approving and authorizing an indenture of trust, a bond purchase agreement, an official statement, a continuing disclosure agreement and other agreements and documents in connection therewith; making findings with respect to the issuance of such bonds; and providing an effective date
12. **Consider** proposed Ordinance ordering a Runoff Election for At-Large Council Member Place 2
13. **Consider** Cardinal Road Self Storage Oversized Participation Agreement for 24-inch Water Line and utilization of Water Impact Fee Funds in the amount of \$129,812.61
14. Comments by Mayor, City Council, City Attorney and City Manager
15. 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

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, May 2, 2022 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, Deputy City Manager
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Chaplain James Sanderson, Brown Street Church of Christ, gave the invocation. City Manager Michael Scott led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Gaylard French, 418 Bird Lane, Waxahachie, Texas, requested information on the ownership of the Texas Theater, noting he is interested in operating a classic movie theater in the facility.

Alan Fox, 327 University, Waxahachie, Texas, requested an update on the old Baylor hospital site and suggested using the site to expand Getzendaner Park as a destination spot for Waxahachie. Mr. Fox also requested City Council explore options to provide tax relief to residents.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 18, 2022
- b. Minutes of the City Council briefing of April 18, 2022
- c. Minutes of the City Council retreat of April 25-26, 2022
- d. Event application for Outdoor Christian Music Concerts to be held May 11, 18, and 25, 2022
- e. Event application for Spring into Summer event to be held May 14, 2022
- f. Event application for 80's Choir Concert to be held May 14, 2022
- g. Event application for NAGAAA Gay Softball World Series to be held August 30-September 3, 2022

(7a)

- h. Event application for Shelby Flowers Memorial Give Back & Community event to be held July 3, 2022

Action:

Mayor Pro Tem Billie Wallace moved to approve items a. through h. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.

6. Present Proclamation proclaiming May 2022 as National Preservation Month

Mayor Barnes presented a Proclamation to Downtown Development Director Anita Simpson and member of the Heritage Preservation Commission, proclaiming May 2022 as National Preservation Month.

7. Present Proclamation proclaiming May 15-21, 2022 as National Public Works Week

Mayor Barnes presented a Proclamation to James Gaertner, Director of Public Works and Engineering, and his staff, proclaiming May 15-21, 2022 as National Public Works Week.

8. Discuss, consider and act on approving a Resolution of the City of Waxahachie, Texas approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for “City of Waxahachie, Texas, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project)”; and resolving other matters incident and related thereto

Marti Shew, Hilltop Securities, requested approval of the proposed Resolution approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for City of Waxahachie, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project). She explained a Public Hearing will be held on May 16th to finalize the bond process.

RESOLUTION NO. 1323

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY LIMITED OFFERING MEMORANDUM FOR “CITY OF WAXAHACHIE, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (NORTH GROVE PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREAS #2-3 PROJECT)”; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

Action:

Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1323. Council Member Melissa Olson seconded, All Ayes.

9. Consider request by Josh & Amy Rader, for a Plat of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the

(70)

City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting to plat the subject property into four (4) lots for single family residential use. Ms. Pruitt explained the City of Waxahachie Thoroughfare Plan identifies an 80' Thoroughfare running along the eastern boundary of the subject property and as part of the platting process, the applicant is required to provide a 40' Right-of-Way (ROW) dedication along the eastern property line. Due to this requirement, the applicant is requesting a variance for Petition for Hardship Waiver because of existing structures located in the proposed ROW dedication. Ms. Pruitt noted staff and the applicant discussed moving the ROW dedication to align with Cunningham Meadows Rd.; however, the applicant stated there are future plans for the property. Based on the variance request, Ms. Pruitt noted staff recommends disapproval. The Planning and Zoning Commission recommended approval of the plat and petition of hardship waiver.

Amy Rader, 2974 FM 66, Waxahachie, Texas, stated the reason she is requesting the Petition for Hardship Waiver is because her family's home, which was built in the 1970s, is located in the proposed ROW dedication. Ms. Rader stated she is the trustee on her parents' trust for the property located to the east and her siblings have purchased portions of the property to build on in the future. She stated there are already "tiny homes" placed on the property that would be affected by moving the proposed ROW dedication to the property to the east.

Council Member Travis Smith asked if Ms. Rader was aware of the proposed Thoroughfare Plan when she obtained the property and she noted she was not.

City Manager Michael Scott explained the Thoroughfare Plan is conceptual.

Action:

Mayor Doug Barnes moved to approve a Plat of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021) and approve the petition of hardship waiver. Council Member Melissa Olson seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, Melissa Olson, and Travis Smith. Noes: David Hill.

The motion carried.

- 10. Public Hearing on a request by Chad Adams, Oakhull Investments, LLC, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district, located off of Howard Road (Property ID 182020) - Owner: ANDERSON KAREN S IRREVOCABLE TRUST & CHRISTIAN ANDERSON FOUNDATION (ZDC-27-2022)**

Ms. Pruitt presented the case noting the applicant is requesting to rezone approximately 150 acres from Future Development to Planned Development with base zoning of SF-1 to allow for one (1) acre single family lots. Ms. Pruitt reported the applicant is proposing to modify two provisions within the SF-1 district standards including modifying the minimum lot area from 16,000 sf to

(1a)

43,560 sf and also requiring all garages located in the development will be side-entry garages or j-swing garages. She reported the applicant will adhere to architectural guidelines and promote architectural diversity throughout the residential development. Staff recommends approval per the following comments:

1. A mutually agreed Development Agreement will be required for the development.
2. The Applicant will need to undergo the City's typical development process which includes submitting a plat application, civil plan application, and subsequent building permits for the construction of each dwelling unit.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-27-2022, Mayor Barnes closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-27-2022

ORDINANCE NO. 3324

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT DISTRICT (FD) TO PLANNED DEVELOPMENT DISTRICT-SINGLE FAMILY-1 (PD-SF-1) LOCATED ON THE WEST SIDE OF HOWARD ROAD (FM 877) ACROSS FROM 3175 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 150.6 ACRES KNOWN AS PROPERTY ID 182020, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3324. Council Member Travis Smith seconded, All Ayes.

12. Consider Development Agreement for ZDC-27-2022

Action:

Mayor Pro Tem Billie Wallace moved to approve a Development Agreement for ZDC-27-2022. Council Member Travis Smith seconded, All Ayes.

13. Public Hearing on a request by request by Susan M. Calvert, Owner, for Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-14-2022)

Ms. Pruitt presented the case noting the requested approval of the voluntary annexation is contingent upon the approval of ZDC-7-2022. She explained the applicant is requesting approval of a voluntary annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No. 545, at 823 Ovilla Road.

(7a)

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ANX-DNX-14-2022, Mayor Barnes closed the Public Hearing.

14. Consider proposed Ordinance adopting ANX-DNX-14-2022

ORDINANCE

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF PROPERTY ID 185891, ABSTRACT 545 OF THE WM IRWIN SURVEY, APPROXIMATELY 20 ACRES, SITUATED WEST OF OVILLA ROAD AND NORTH OF U.S. HIGHWAY 287 BUSINESS, OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.

Action:

Council Member Melissa Olson moved to deny ANX-DNX-14-2022. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Billie Wallace and Melissa Olson. Noes: Doug Barnes, David Hill, and Travis Smith.

The motion failed.

Action:

Council Member Travis Smith moved to approve ANX-DNX-14-2022. Council Member David Hill seconded, the vote was as follows: Ayes: Doug Barnes, David Hill, and Travis Smith. Noes: Billie Wallace and Melissa Olson.

The motion carried.

15. Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-7-2022)

Ms. Pruitt presented the case history noting the applicant is requesting approval of a Planned Development to allow development of single-family homes, townhomes, and park/open space on 153.7 acres. She noted the voluntary annexation is contingent upon approval of the proposed zoning case for the property and a denial of the zoning would void approval of the annexation. Ms. Pruitt provided highlights on lot types, architectural styles, floorplans and amenities.

Ms. Pruitt noted the applicant requests the City to accept a portion of the proposed open space in satisfaction of the dedication requirement or waive the cash-in-lieu fee of \$400 per lot. The applicant's response stated the required park dedication for the project is two acres for each 100 dwelling units, which amounts to 9.16 acres. The concept plan reflects approximately 29.8 acres of open space.

(1a)

Ms. Pruitt explained the City of Waxahachie Subdivision Ordinance requires Roadway Impact Fees and Inspection Fees for new constructed developments. The applicant requested Roadway Impact Fee credits for a 40 ft. right-of-way dedication. The plan proposes to construct two-lanes of the roadway with the Twin Creeks development. The applicant requests Roadway Impact Fee Credits in the amount of \$1,095 for each residential lot totaling \$508,080. Ms. Pruitt noted the applicant estimates the construction of two lanes of the roadway will exceed \$2,000,000.

Ms. Pruitt stated staff recommends approval per the following comments:

1. If approved, a mutually agreed upon Development Agreement shall be signed by the applicant.
2. The property shall be platted prior to any development.
3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
4. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-14-2022) for this property.
5. A maximum of one (1) 1,300 square foot townhome floor plan shall be permitted per townhome building grouping.
6. The right-of-way (ROW) for a stub street to the south of the property shall be dedicated as per the concept plan. Staff will determine the need for barricades on the stub street and the timing of the construction of the stub street.
7. The existing oak trees located along the current (5/2/2022) driveway for 823 Ovilla Road shall be preserved by the developer.

Ms. Pruitt explained the applicant's special exception request to hold in reserve the TxDOT proposed right-of-way area for future negotiations with TxDOT.

Mayor Barnes opened the Public Hearing.

Chip Boyd, 421 Century Way, Red Oak, Texas, expressed appreciation to staff and presented the development's concept plan. He explained the 4-lane divided thoroughfare on the north side of the property will be fully developed in coordination with recently approved Montclair Heights.

Council Member Smith expressed opposition to the proposed townhomes and noted he has heard concerns from residents regarding the Homeowner Associations in the North Grove subdivision managed by the developer. Mr. Smith expressed concerns with the requested variances from the developer.

There being no others to speak for or against ZDC-7-2022, Mayor Barnes closed the Public Hearing.

16. Consider proposed Ordinance approving ZDC-7-2022

ORDINANCE

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO ALLOW A

(7a)

MIXED-RESIDENTIAL (SINGLE FAMILY RESIDENCES AND TOWNHOMES) DEVELOPMENT, LOCATED WEST OF OVILLA ROAD AND NORTH OF US 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 153.7 ACRES, KNOWN AS PROPERTY ID 185893, 185891, 185980, 185979, 200064, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve ZDC-7-2022. Mayor Doug Barnes seconded, the vote was as follows: Ayes: Doug Barnes and David Hill. Noes: Billie Wallace, Melissa Olson, and Travis Smith.

The motion failed.

17. Consider Development Agreement for ZDC-7-2022

No action taken.

18. Consider a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt associated with the purchase of Fire Truck 1 and related supplemental appropriation

Fire Chief Ricky Boyd requested approval of a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt associated with the purchase of Fire Truck 1 and approval to prepay by June 24, 2022 to ensure a prepaid discount of \$51,272.

RESOLUTION NO. 1324

A RESOLUTION DECLARING INTENTION TO REIMBURSE AN AMOUNT NOT TO EXCEED \$1,465,000 FOR CERTAIN CAPITAL EXPENDITURES WITH PROCEEDS FROM DEBT; AND PLACING TIME RESTRICTIONS ON THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS.

Action:

Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1324. Council Member Travis Smith seconded, All Ayes.

19. Consider mid-year request for an Animal Shelter Kennel Attendant and related supplemental appropriation

Assistant Police Chief Joe Wisner requested approval of a mid-year request for an Animal Shelter Kennel Attendant and a supplemental appropriation in the amount of \$19,341 for the remaining FY22 budget.

Action:

(10)

Mayor Pro Tem Billie Wallace moved to approve the mid-year request for an Animal Shelter Kennel Attendance and related supplemental appropriation. Council Member Melissa Olson seconded, All Ayes.

20. Consider proposed Ordinance amending the Code of Ordinances Chapter 23 “Solicitation Activities”

Assistant Chief Wisner requested approval of an amended Ordinance for Chapter 23 “Solicitation Activities” to simplify the renewal process for solicitors by allowing online renewal. Additional language related to handbill distribution is included in the amended Ordinance.

ORDINANCE NO. 3325

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, TO MODIFY AND ADOPT NEW REGULATIONS ON SOLICITATION ACTIVITIES BY REPEALING EXISTING CHAPTER 23, “SOLICITATION ACTIVITIES”; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3325. Council Member Travis Smith seconded, All Ayes.

21. Consider approval of an architectural services contract with Architexas and a supplemental appropriation for the initial phase of planning for the renovation and remodel of City Hall

Richard Abernethy, Director of Administrative Services, requested approval of an architectural services contract with Architexas and a supplemental appropriation in the amount of \$154,200 for the initial phase of planning for the renovation and remodel of City Hall. The scope of the contract will include evaluation of existing conditions, program development, schematic design, and pricing and project budget.

Action:

Mayor Pro Tem Billie Wallace moved to approve an architectural services contract with Architexas in the amount of \$154,200 as presented. Council Member Melissa Olson seconded, All Ayes.

22. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code and to discuss personnel matters for Municipal Court Judge/Associate Judge as permitted under Section 551.074, Texas Government Code

Mayor Barnes announced at 8:20 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code

(1a)

and to discuss personnel matters for Municipal Court Judge/Associate Judge as permitted under Section 551.074, Texas Government Code.

23. Reconvene and take any necessary action

The meeting reconvened at 8:54 p.m.

No action taken.

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

City Secretary Amber Villarreal announced May 3, 2022 is the last day of early voting and Election Day is May 7, 2022.

Mayor Pro Tem Billie Wallace thanked the Public Works Department and the work they contribute to the City of Waxahachie.

City Manager Michael Scott thanked City Council for their time at the mid-year retreat.

Council Member Travis Smith applauded City staff for their work organizing and holding the Crossroads of Texas Film and Music Festival. He encouraged City Council and staff to brainstorm ways to continue hosting music events and festivals in Waxahachie.

25. Adjourn

There being no further business, the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(7b)

City Council
May 2, 2022

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, May 2, 2022 at 6:00 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, Deputy City Manager
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting

City Manager Michael Scott reviewed the following agenda items:

- Item 5d, approving event application for Outdoor Christian Music Concerts to be held May 11, 18, and 25, 2022.
- Item 5e, approving event application for Spring into Summer event to be held May 14, 2022.
- Item 5f, approving event application for 80's Choir Concert to be held May 14, 2022
- Item 5g, approving event application for NAGAAA Gay Softball World Series to be held August 30-September 3, 2022.
- Item 5h, approving event application for Shelby Flowers Memorial Give Back & Community event to be held July 3, 2022.
- Item 6, proclamation proclaiming May 2022 as National Preservation Month.
- Item 7, proclamation proclaiming May 15-21, 2022 as Nation Public Works Week.
- Item 8, resolution approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for City of Waxahachie, Texas, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project).

Marti Shew, Hilltop Securities, explained the bonds will be paid through PID assessments in the designated areas. She provided an overview of estimated assessments noting the final bond pricing will be presented to City Council for approval on May 16th.

City Attorney Robert Brown clarified the issuance is not City debt and will not be paid at the expense of the City, other than the use of staff's time.

- Item 18, requesting approval of a reimbursement Resolution for the purchase of Fire Truck 1 as discussed at the City Council retreat.
- Item 19, mid-year request for an Animal Shelter Kennel Attendant and related supplemental appropriation to fund for the remainder of FY22.

Jennifer Pruitt, Senior Director of Planning, reviewed the following agenda items:

- SUB-139-2021, the applicant is requesting to plat the subject property into four (4) lots for single-family residential use. Ms. Pruitt noted the applicant is also requesting a variance for a Petition for Hardship Waiver requiring the applicant to provide a 40' right-of-way (ROW) dedication in conformance with the City's Thoroughfare Plan on the eastern property line; however, the applicant is seeking a variance due to existing structures located in the ROW dedication. Based on the variance request, staff recommends disapproval.
- ZDC-27-2022, the applicant is requesting approval of a Planned Development District to allow for a single-family residential development on approximately 150.6 acres. Staff recommends approval per staff comments. Ms. Pruitt noted the subject property will develop one-acre minimum lots, offer various architectural styles to minimize duplication and will meet or exceed all single-family-1 requirements.
- ANX-DNX-14-2022, the applicant is requesting approval of a voluntary annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No. 545, at 823 Ovilla Road. She explained the voluntary annexation request accompanies ZDC-7-2022 and approval of the annexation is contingent upon the approval of the zoning request.
- ZDC-7-2022, the applicant is requesting approval of a Planned Development to allow development of single-family homes, townhomes, and park/open space on 153.7 acres. Ms. Pruitt explained the applicant is requesting a Zoning Change from Single Family-1 zoning district to Planned Development-Single Family-3 zoning district and approval of the Zoning Change is contingent upon approval of the proposed annexation case for this property. Ms. Pruitt presented variance requests by the applicant, including park dedication requirement, Impact Fees requirement, and TxDOT land donation. Staff recommends approval per staff comments.

Council Members discussed the applicant's variance requests, connectivity, and impact on traffic in the area.

Assistant Police Chief Joe Wisler, reviewed Item 20 noting the amended Ordinance simplifies the renewal process and updates some of the language related to handbill distribution.

Richard Abernethy, Director of Administrative Services, reviewed Item 21 explaining the request to approve an architectural services contract with Architexas and related supplemental appropriation in the amount of \$154,200 for the renovation and remodel of City Hall.

3. Adjourn

There being no further business, the meeting adjourned at 6:56 p.m.

City Council
May 2, 2022
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(7b)

Respectfully submitted,

Amber Villarreal
City Secretary

City Council
May 9, 2022

(7c)

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, May 9, 2022 at 11:00 a.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, Deputy City Manager
Richard Abernethy, Director of Administrative Services
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

City Manager Michael Scott gave the invocation.

3. Public Comments

None

4. Convene into Executive Session for consultation with attorney as permitted by Texas Government Code, Section 551.071 and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judge and Associate Municipal Judge as permitted by Texas Government Code, Section 551.074

Mayor Barnes announced at 11:01 a.m. the City Council would convene into Executive Session for consultation with attorney as permitted by Texas Government Code, Section 551.071 and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judge and Associate Municipal Judge as permitted by Texas Government Code, Section 551.074.

5. Reconvene and take any necessary action

The meeting reconvened at 11:55 a.m.

Action:

Council Member Melissa Olson moved to accept the resignation of Municipal Court Associate Judge Cody Beauchamp effective immediately. Council Member Travis Smith seconded, All Ayes.

Action:

Council Member Melissa Olson moved to terminate the employment contract with Municipal Court Judge Damon Fehler effective immediately. Council Member Travis Smith seconded, All Ayes.

Action:

Council Member Melissa Olson moved to appoint Calla Ross as Interim Municipal Court Judge effective immediately. Council Member Travis Smith seconded, All Ayes.

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

Council Member Melissa Olson congratulated Chris Wright for being elected to Council Member Place 2. She thanked Council for their service and the citizens of Waxahachie for giving her the opportunity to serve on City Council for the last four years. Council Member Olson also thanked City staff and first responders for their work and support.

Mayor Doug Barnes thanked Council Member Olson for her service noting she has been an asset to the City of Waxahachie and will be missed.

Mayor Pro Tem Billie Wallace expressed her appreciation for having Council Member Olson's different perspective and noted she will be missed.

Council Member David Hill expressed his appreciation for Council Member Olson's service to the City and noted she will be missed.

City Manager Michael Scott wished Council Member Olson well and thanked her for being a constant supporter of City staff.

Deputy City Manager Albert Lawrence thanked Council Member Olson for always being prepared noting he appreciated her willingness to learn throughout her years of service.

7. Adjourn

There being no further business, the meeting adjourned at 12:03 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(7d)



May 4, 2022

Ms. Amber Villarreal
City Secretary
City of Waxahachie
P.O. Box 757
Waxahachie, TX 75168

SUBJECT: PARADE ROUTE REQUEST

Dear Amber:

The Waxahachie Chamber of Commerce, Waxahachie Convention & Visitors Bureau, and the Grape Myrtle Festival Committee are making plans for the 24th Annual Grape Myrtle Festival.

We are requesting permission to host a parade on Monday, July 4, 2022, 10 a.m., along the following route:

Line up at the Covenant Life Church, proceed south on College Street, west on Main Street (U.S. Highway 287 Business), south on Grand Street, ending at Getzendaner Park/ Grand Street.

We are also requesting approval of this route from Mr. Juan Paredes of the Texas Department of Transportation.

Sincerely,

Laurie Mosley
Director Convention & Visitors Bureau
City of Waxahachie

cc: Mr. Juan Paredes, Texas Dept. of Transportation
Mr. Michael Scott, City Manager, City of Waxahachie
Dale Sigler, Asst. Police Chief, City of Waxahachie

Waxahachie Convention & Visitors Bureau
2000 Civic Center Lane, Waxahachie, TX 75165 • 469-309-4045



(7c)

APPLICATION FOR SPECIAL SEASONAL VENDORS PERMIT
AT LAKE WAXAHACHIE

Applicant Name Pat Barrett Male _____ Female X
Home Address 200 Farley St. WAXAHACHIE, TX 75165
Street or Box No. City State
Home Phone No. 214-755-2021 Business Phone No. 214-755-2021
Name to be used at business location What's SUP + Kayaks

Proposed temporary location for selling: (describe in detail) Boat Dock Park- Waxahachie Lake

Proposed services provided: (describe in detail) Rentals- Kayaks, Paddleboards, Life Jackets,

It is understood and agreed that the premises will be kept clean and neat, that no radio or other noise-making equipment will be used, that the business will only be operated between sun-up and 10:00 p.m., that sale or rental shall be allowed only for water sport related equipment such as canoes, kayaks, life preservers, fishing equipment, and water sports related equipment. No food or beverages may be sold.

The City may revoke the permit if all city, state, or other governmental rules and regulations are not followed. The permit is from May, 2022, to September, 2022.

Date 3/17/2022

Pat Barrett
Applicant Signature

For Office Use Only	
Date Received: <u>3-17-22</u>	Staff approval: _____
<input checked="" type="checkbox"/> Completed Application	Park Board Approval: _____
<input type="checkbox"/> \$1,000,000 Liability Insurance	City Council Approval: _____
<input type="checkbox"/> \$25 fee	Permit issued: _____



(7f)

Application for a Festival or Event Permit

Event Name and Description: Summer Kick off
Celebrating the end of School year with a bounce house and outdoor games

Applicant Information

Name: Susan Post
Address: 630 Solon Road Apt 3201
City, State, Zip: Waxahachie, TX 75165 Phone: (817) 422-4425
E-mail Address: Susan.post@lifeschool.net or sfsusan513@gmail

Organization Information

Organization Name: N/A Teacher & parent volunteer sponsored.

Address: _____

Authorized Head of Organization: _____

Phone: _____ E-mail Address: _____

Event Chairperson/Contact

Name: Susan Post
Address: 630 Solon Road Apt 3201
City, State, Zip: Waxahachie, TX 75165 Phone: (817) 422-4425
E-mail Address: sfsusan513@gmail

Event Information

Event Location/Address: [Redacted] - Lions Park

Purpose: Summer Kick off

Event Start Date and Time: May 28th 11:00am

Event End Date and Time: May 28th 2:00pm

Approximate Number of Persons Attending Event Per Day: Invitation to 240

(7f)

Site Preparation and Set-Up Date and Time: May 28th 10:00am

Clean-Up Completion Date and Time: May 28th 2:30pm

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.

Vendor booth - possible t-shirt sells & face painting

Requested City Services: NONE

Will food and/or beverages be available and/or sold? YES NO possibly. Reaching out to local food trucks.
If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

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

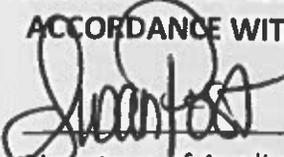
If yes, will the event be in the Historic Overlay District? YES/NO

Will dumpsters be needed? _____

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 of Applicant

05/03/2022
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).

(7f)

Bonner, Jami

From: Susan Post
Sent: Wednesday, May 4, 2022 9:32 AM
To: Bonner, Jami
Subject: Re: Summer Kick Off Concerns

I absolutely would consider another park. What about Lion's Park. This should alleviate the parking concerns. Or I am open to your suggestions!

This is my first event and welcome any and all feedback.

Respectfully,

On Wed, May 4, 2022 at 9:29 AM Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Good morning Susan,

I have received some feedback in regards to your event application from City staff. The event location, Chapman Park, has minimal parking available. Is there a plan for parking and food truck setup? Staff is also concerned about emergency access, if needed. Would you consider an alternative park? 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

--

Susan Post

"Be the change that you wish to see in the world"

- Mahatma Gandhi

(7f)

Bonner, Jami

From: Bonner, Jami
Sent: Wednesday, May 4, 2022 1:34 PM
To: Susan Post
Subject: RE: Summer Kick Off Concerns

Thanks Susan. I have relayed your offer to move the event to Lions Park and will let you know if we need any follow up information.

In regards to food for the event, I recommend contacting our Health Inspector MeLony Jordan at (469) 309-4134 or mjordan@waxahachie.com.

From: Susan Post
Sent: Wednesday, May 4, 2022 9:32 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Re: Summer Kick Off Concerns

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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

Bonner, Jami

From: Martinez, Gumaro
Sent: Thursday, May 5, 2022 11:17 AM
To: Bonner, Jami; Wade Goolsbey; Barnes, Bradley; Campos, Yadira; Ricky Boyd; Me'Lony Jordan
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Summer Kick Off

Lions has some parking which would help. They could also do head-in parking off the middle or "interior" road of the park.

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

From: Bonner, Jami
Sent: Wednesday, May 4, 2022 10:00 AM
To: Wade Goolsbey <wgoalsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Summer Kick Off

The applicant will consider an alternative park. Would Lions Park alleviate the concerns?

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Wednesday, May 4, 2022 9:16 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Summer Kick Off

I share the same concerns mentioned by Gumaro. Where are people going to park? There is no parking in the park, so Farley St. Baptist might be an option, but they would need to plan that because they would have pedestrians trying to cross Brown St. And, if food trucks are going to be there, where exactly would they set up?

Wade G. Goolsby
Chief of Police
Waxahachie Police Department

(7f)

Bonner, Jami

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Thursday, May 5, 2022 4:18 PM
To: Bonner, Jami
Subject: RE: Event Application - Summer Kick Off

Jami,
From my perspective, Lions Park would take care of my concerns.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
469-309-4411

H.E.A.R.T

Honor Ethics Accountability Respect Transparency

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, May 4, 2022 10:00 AM
To: Wade Goolsby <wgoalsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Summer Kick Off

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From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Wednesday, May 4, 2022 9:16 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Summer Kick Off

I share the same concerns mentioned by Gumaro. Where are people going to park? There is no parking in the park, so Farley St. Baptist might be an option, but they would need to plan that because they would have pedestrians trying to cross Brown St. And, if food trucks are going to be there, where exactly would they set up?

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
469-309-4411

(7f)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Wednesday, May 4, 2022 10:29 AM
To: Bonner, Jami
Subject: RE: Event Application - Summer Kick Off

That would be ok.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami [mailto:jami.bonner@waxahachie.com]
Sent: Wednesday, May 4, 2022 10:00 AM
To: Wade Goolsby <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Summer Kick Off

[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.

The applicant will consider an alternative park. Would Lions Park alleviate the concerns?

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Wednesday, May 4, 2022 9:16 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Summer Kick Off

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Wade G. Goolsby
Chief of Police
Waxahachie Police Department
469-309-4411

H.E.A.R.T

(7f)

Bonner, Jami

From: Susan Post <susanpost@waxahachie.com>
Sent: Friday, May 6, 2022 5:00 PM
To: Bonner, Jami
Subject: Re: Summer Kick Off Concerns

Great, thanks so very much! You all have been fabulous helping me through my first city event!!!

Respectfully,

Susan Post

On Fri, May 6, 2022 at 4:56 PM Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Hi Susan,

Moving the event to Lions Park has alleviated concerns with parking and emergency access. Thank you.

From: Susan Post <susanpost@waxahachie.com>
Sent: Wednesday, May 4, 2022 1:36 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Re: Summer Kick Off Concerns

Great, thank you so much!

Kindest Regards,

Susan Post

On Wed, May 4, 2022 at 1:34 PM Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Revised

(79)



Application for a Festival or Event Permit

Event Name and Description: Freedom Church Movie Night,
Our church is putting on a Movie night with games
and food trucks.

Applicant Information

Name: Mycah Stennett
Address: 420 W Franklin St. #2
City, State, Zip: Waxahachie TX, 75165 Phone: 469-693-7228
E-mail Address: _____

Organization Information

Organization Name: Freedom Fellowship Church
Address: 507 N HWY 77, Bld. 1300, Waxahachie TX, 75165
Authorized Head of Organization: John Bates
Phone: 972-325-2846 E-mail Address: info@freedomonline.com

Event Chairperson/Contact

Name: Mycah Stennett
Address: 420 W Franklin St. #2
City, State, Zip: Waxahachie TX, 75165 Phone: 469-693-7228
E-mail Address: _____

Event Information

Event Location/Address: Railyard Park by Fresh coffee
Purpose: Church Movie Night
Event Start Date and Time: 5/29/22 7:00 pm
Event End Date and Time: 5/29/22 10:00 pm

(79)

Approximate Number of Persons Attending Event Per Day: 150

Site Preparation and Set-Up Date and Time: 5/29/22 4:00 pm

Clean-Up Completion Date and Time: 5/29/22 10:30 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.

We are watching a movies, having games, and having Food trucks.

Requested City Services: We would need the screen for the movie.

Also would it be possible to use the parking lot near the old Texas bridge for our food trucks.

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.

Morgan Carter

4/26/22

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).

(7g)

RAILYARD PARK

RESERVATION REQUEST

NAME OF RESERVING PARTY: Freedom Fellowship Church
 INDIVIDUAL MAKING RESERVATION: Mycah Stennett
 ADDRESS: 507 N. HWY 77, Bld. 1300, Waxahachie TX, 75165
 TELEPHONE NUMBER: 469-693-7229
 EMAIL ADDRESS: Mycah.stennett@gmail.com
 TYPE OF EVENT: Church Movie Night
 DATE(S) OF EVENT: 5/29/22
 TIME OF EVENT: 7:00 PM to 10:00 PM
 COST TO ATTEND: No cost other than Food.
 ARRIVING TO SET-UP AT 4 A.M. / P.M. LOAD OUT AT 10:30 A.M. / P.M.

BRIEF DESCRIPTION OF THE EVENT:
We are wanting to watch a Movie, we are having
Games, and then having Food trucks as well.

PARKING

Please communicate to everyone in your party to park at the new **Downtown Parking** lot on the corner of **Rogers St. and Cantrell St.** (entrance on Cantrell.) Heading south on Rogers St. from City Hall, you will pass the park, and the lot will be on your right. Then take the short, scenic walk on the historic Rogers Street Bridge, cross the street and you are there! **No parking in front of or beside Boyce Feed and Grain or in the Fresh Coffee parking lot**

IMPORTANT DETAILS

Will the reserving party need access to the stage power? Yes No
 All sound and light production needs are the sole responsibility of the reserving party. MS (initial)
 All promotion and marketing are the sole responsibility of the reserving party. MS (initial)

(79)

All unloading/loading will take place at street level, then vehicles will be moved to a parking space and not left on College St. MS (initial)

There is currently 1 portable restroom at the park. Restrooms at Fresh Market Coffee and Boyce Feed and Grain are for their customers only. If you anticipate 200 or more people in attendance, or your event is longer than 3 hours, the reserving party will need to order additional restrooms. We can provide vendor names if you like. Do you understand additional restrooms are the responsibility of the reserving party? Yes No

Do not put any items in the Fresh Coffee or Boyce Feed dumpsters during or following the event. Anything from your event that does not fit in the provided polycarts at the park needs to be taken with you.

Sign below to acknowledge you have read and understand the information included in this reservation request form.

MS

APPLICANT SIGNATURE

4/26/22

DATE

(79)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Wednesday, April 27, 2022 7:03 AM
To: Bonner, Jami
Subject: RE: Updated Event Application - Freedom Movie Night - Freedom Fellowship

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Bonner, Jami [mailto:jami.bonner@waxahachie.com]
Sent: Tuesday, April 26, 2022 4:53 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: FW: Updated Event Application - Freedom Movie Night - Freedom Fellowship

[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.

Good afternoon,

Please find the revised "Freedom Movie Night" application attached. The applicant has added requests for food trucks and use of the Railyard screen. Please see Kelly's note below:

*If Rogers St. is open in front of City Hall by this date, we could close College St. between Railyard Park and Fresh Coffee for the 2 food trucks. If Rogers St. is still closed, they are asking if the food trucks can be in the Downtown South parking lot off of Cantrell.

Please reply with any comments you may have. Thank you.

From: Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Sent: Tuesday, April 26, 2022 1:37 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Updated Event Application - Freedom Movie Night - Freedom Fellowship

Good afternoon ladies,

This event app has already been making the rounds through city staff for approval, but the group is now requesting food trucks and use of the screen.

(79)

Bonner, Jami

From: Gaertner, James
Sent: Wednesday, April 20, 2022 5:24 PM
To: Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Skistimas, Kelly; Ricky Boyd; Wade Goolsbey; Me'Lony Jordan
Cc: Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Freedom Movie Night

I don't have comments.

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

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, April 20, 2022 4:16 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Freedom Movie Night

For your review / comments. Thank you.

*They are bringing in their own LED screens and won't need the Railyard screen.

**They are aware any food vendors need to contact the health department.

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

(19)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Wednesday, April 20, 2022 4:39 PM
To: Bonner, Jami
Subject: Re: Event Application - Freedom Movie Night
Attachments: EA2022.05.29 Freedom Movie Night.pdf

I have no concerns with this request.

Sent from my iPhone

On Apr 20, 2022, at 16:16, 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.

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**They are aware any food vendors need to contact the health department.

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

Bonner, Jami

From: Me'Lony Jordan
Sent: Thursday, April 21, 2022 9:16 AM
To: Gaertner, James; Bonner, Jami; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Skistimas, Kelly; Ricky Boyd; Wade Goolsbey
Cc: Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Freedom Movie Night

Okay.
Thank you



MeLony Jordan
Health Inspector/CCO
Office: (469) 309-4134
Mobile: (972) 740-6724

From: Gaertner, James
Sent: Wednesday, April 20, 2022 5:24 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application - Freedom Movie Night

I don't have comments.

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

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, April 20, 2022 4:16 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Freedom Movie Night

For your review / comments. Thank you.

- *They are bringing in their own LED screens and won't need the Railyard screen.
- **They are aware any food vendors need to contact the health department.

(79)

Bonner, Jami

From: Martinez, Gumaro
Sent: Thursday, April 21, 2022 12:43 PM
To: Bonner, Jami; Barnes, Bradley; Campos, Yadira; Skistimas, Kelly; Ricky Boyd; Wade Goolsbey; Me'Lony Jordan; Gaertner, James
Cc: Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Freedom Movie Night

I would recommend additional polycarts to be available for trash during the event, and also at least two more portable restrooms in addition to the one already there.

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

From: Bonner, Jami
Sent: Wednesday, April 20, 2022 4:16 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Freedom Movie Night

For your review / comments. Thank you.

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**They are aware any food vendors need to contact the health department.

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

(79)

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, April 26, 2022 3:10 PM
To: Bonner, Jami
Subject: RE: Event Application - Freedom Movie Night

I have no issues with it.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
469-309-4411

H.E.A.R.T

Honor Ethics Accountability Respect Transparency

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Wednesday, April 20, 2022 4:16 PM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Me'Lony Jordan <mjordan@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Freedom Movie Night

For your review / comments. Thank you.

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**They are aware any food vendors need to contact the health department.

Jami Bonner
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www.waxahachie.com



(7h)

Application for a Festival or Event Permit

Event Name and Description: Soldiers For Christ
Gospel event with free food and drinks, gospel
singing and dancing, and bounce houses.

Applicant Information

Name: Sherl Overton
Address: 603 Oliver Lane
City, State, Zip: Waxahachie, TX 75165 Phone: 972-658-8496
E-mail Address: _____

Organization Information

Organization Name: Emmanuel Upper Room
Address: 459 Old Highway 287, Waxahachie, TX 75165
Authorized Head of Organization: Bishop Robert Davis
Phone: 469-337-3975 E-mail Address: _____

Event Chairperson/Contact

Name: Sherl Overton
Address: 603 Oliver Lane
City, State, Zip: Waxahachie, TX 75165 Phone: 972-658-8496
E-mail Address: _____

Event Information

Event Location/Address: Penn Park, Getzenderer
Purpose: Backs to School Celebration
Event Start Date and Time: 7-2-22 12pm
Event End Date and Time: 7-2-22 6pm

Approximate Number of Persons Attending Event Per Day: 300 (7h)

Site Preparation and Set-Up Date and Time: 7-2-22 12pm

Clean-Up Completion Date and Time: 7-2-22 5pm-6pm

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.

Free food and drinks. Performing gospel singing and praise dancing. Raffle of backpacks. Bounce.

Requested City Services: Constable Polk patrolling through houses.

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

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.

Sheel Overton

3-22-22

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).

(7h)

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, April 21, 2022 11:42 AM
To: Bonner, Jami
Subject: RE: Event Application - Soldiers for Christ Gospel Event

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Bonner, Jami [mailto:jami.bonner@waxahachie.com]
Sent: Thursday, April 21, 2022 11:30 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Soldiers for Christ Gospel Event

[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.

- The applicant stated she has spoken to City health inspector and will submit proper permit info online
- The applicant is aware Constable Polk is not with WPD. She stated she does not believe there is a need to request patrol from WPD.

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

(7h)

Bonner, Jami

From: Martinez, Gumaro
Sent: Thursday, April 21, 2022 12:38 PM
To: Bonner, Jami; Barnes, Bradley; Campos, Yadira; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Brooks, Shon; Me'Lony Jordan
Cc: Lawrence, Albert; Scott, Michael; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Soldiers for Christ Gospel Event

I would recommend having at least 2 portable restrooms in addition to the park restrooms. Also, having additional trash cans and/or polycarts to have available for the event.

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

From: Bonner, Jami
Sent: Thursday, April 21, 2022 11:30 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Wade Goolsbey <wgoalsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Soldiers for Christ Gospel Event

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- The applicant is aware Constable Polk is not with WPD. She stated she does not believe there is a need to request patrol from WPD.

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(7h)

Bonner, Jami

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Thursday, April 21, 2022 1:25 PM
To: Bonner, Jami
Subject: RE: Event Application - Soldiers for Christ Gospel Event

I don't have any issues.

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, April 21, 2022 11:30 AM
To: Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Wade Goolsby <wgoalsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Soldiers for Christ Gospel Event

For your review / comments. Thank you.

- The applicant stated she has spoken to City health inspector and will submit proper permit info online
- The applicant is aware Constable Polk is not with WPD. She stated she does not believe there is a need to request patrol from WPD.

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www.waxahachie.com



(7i)

Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: May 16, 2022

Re: Consider approval of a supplemental appropriation from the general fund for legal services in the total amount of \$95,000.

Item Description: Consider approval of a supplemental appropriation from the general fund for legal services in the total amount of \$95,000.

Item Summary: The budget for FY 2022-23 for City Attorney was \$145,000. As the year has progressed, the City has had an unforeseen increase in litigation fees associated with MUD activity, Wastewater Discharge Permit Protests, along with an increase in City Attorney fees associated with litigation and general services.

Staff is recommending a supplemental appropriation for legal services in the amount of \$95,000 (\$65,000 for Contract – City Attorney and \$30,000 for Professional Services) to cover ongoing legal services with the City's Attorney as well as litigation for the remainder of the fiscal year. Staff is closely monitoring the accounts to help plan and prepare for the next fiscal year's budget.

Fiscal Impact: The supplemental appropriation is proposed to be funded from the general fund in the FY 2022-23 operating budget.



(7j)

Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Executive Director Parks & Leisure Services
Thru: Michael Scott, City Manager
Date: May 12, 2022
Re: Consider Authorizing Use of Park Dedication Fee funds for Lee Penn Pool & Bathhouse Project in the amount of \$108,137

Item Description: Consider authorizing use of Park Dedication Fee funds in the amount of \$108,137 for a change order related to price escalations on materials needed for the Lee Penn Pool & Bathhouse Project.

Item Summary: The general contractor presented a change order with supporting documentation detailing the pricing of materials purchased for the construction of the pool and bathhouse. The cost of the materials increased significantly compared to prices obtain during bidding. Staff reviewed the change order presented and denied any increases not related specifically to material costs, decreasing it from \$153,137 to \$108,137. The contractor has referenced the current supply chain issues as the main reason for the price escalations. Staff acknowledges and agrees with the validation of such price escalations.

Staff Recommendation: Staff makes a recommendation to approve a supplemental appropriation from the Park Dedication Fee fund in the amount of \$108,137 to cover the proposed change order.

Fiscal Impact: The Park Dedication Fee fund balance has sufficient capacity to cover the supplemental appropriation. The change order would be funded from account 227-00-57400 Improvements Other Than Bldgs.

(TK)



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager
Date: May 12, 2022
Re: Fiscal Year 2022 2nd Quarter Financial Report

I am pleased to present the Second Quarter Financial Report for Fiscal Year 2022, covering the period of October 2021 through March 2022. This report highlights the General Fund, Water and Wastewater funds, Waxahachie Community Development Corporation (WCDC) Fund, Hotel/Motel Fund and the Tax Increment Refinance Zone (TIRZ) Fund. This report compares actual revenue collections and expenses incurred during the year to the approved budget.

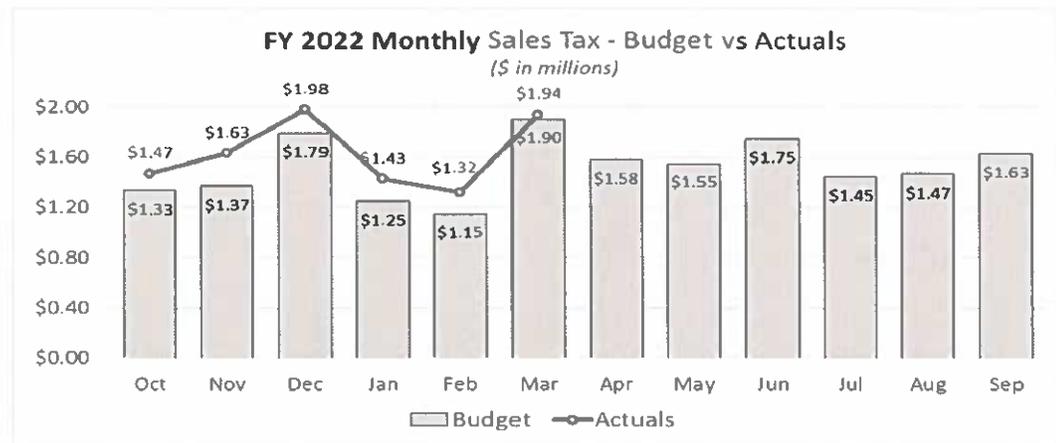
General Fund

- The City's General Fund accounts for activities commonly associated with municipal government such as police and fire protection, parks and recreation, routine street maintenance, and library services. This fund is supported by property tax, sales tax, user fees, permits and other miscellaneous revenues. Overall, revenues have performed better than anticipated and expenses are within budget.
- **Property tax collections** account for approximately 40% of the City's revenue. Through the second quarter, property taxes in the City's General Fund amount to \$19.9 million and are in line with prior year

collections. The majority of collections occur from December through March as property tax payments become due and will be reflected in the report for the second quarter.

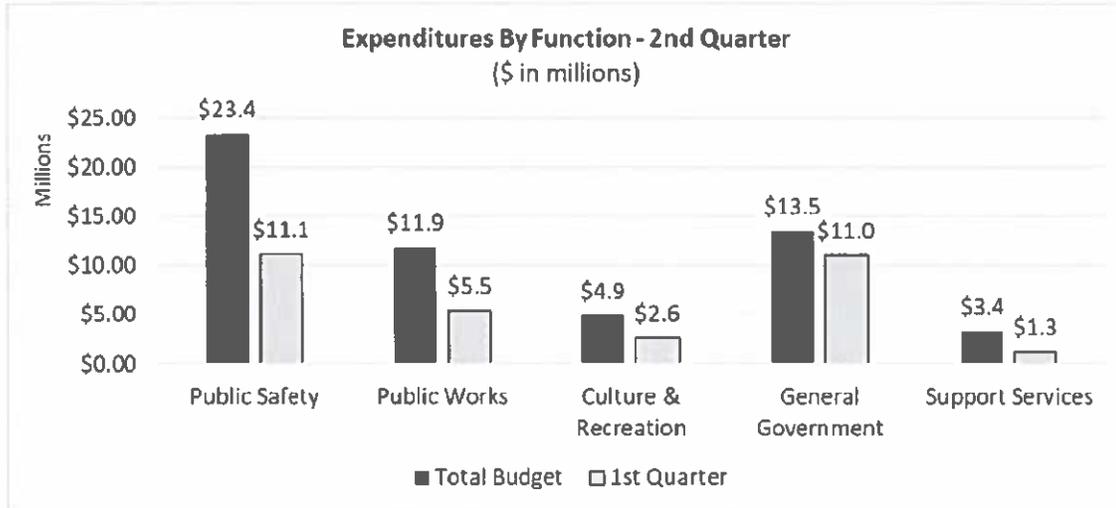
- **Sales tax** is the second largest revenue source, accounting for 35% of the City's General Fund. Of the 8.25 cents for every dollar of taxable sales, the state of Texas collects 6.25 cents, while 1.5 cents are distributed to the City's General Fund, and 0.5 cents goes to the WCDC fund.

Through the second quarter, collections in the General Fund total \$9.8 million and represent an increase of 17% over the prior year. Compared to the budget, sales tax collections are up \$958,000, or 11%.



- Other major revenue sources include Franchise Fees, Licenses and Permits, Charges for Service, Miscellaneous revenue and Transfers In. Franchise fees are collected from local utility companies to pay for the use of the City's right-of-way. Although the report shows only 33% of franchise fees collected for halfway through the year, this is expected since the majority of the utility companies make payments following the close of the prior quarter. Licenses and permits includes building and other associated permits. Although permitting activity is up over the same period last year, the value of the permits is lagging the prior year. Miscellaneous revenue is trending higher due to an unbudgeted reimbursement of approximately \$173,000 for operating costs associated with the COVID Vaccine Hub.
- **Expenditures** in the General Fund for the first quarter (3 months) total \$11.5 million, or 20% of the budget. The following chart compares the

budget for each City function to the actual expenditures through the first quarter.



- In the area of Public Works, spending is lagging slightly as the City ramps up and begins work on the street and sidewalk projects included in the budget. As the year progresses and contracts are authorized and executed, these funds are anticipated to be spent at the budgeted levels.
- In the area of General Government, the variance between budget and actual expenditures can be mainly attributed to the timing of the construction of the City Hall Annex building. Funding for this project has been transferred to the Facilities Capital Projects fund.

Other Funds

- The water and wastewater funds account for all revenues and expenditures associated with the operation and maintenance of the City's water distribution and wastewater treatment activities. For the water and wastewater funds, revenue is in line with the budget. Expenses are lower than budget for both funds due to the timing of the annual debt service payments. Principal and interest payments occur in the second and fourth quarters of the fiscal year and will be reflected in those financial reports. Interest payments are scheduled to occur in the second and fourth quarters of the fiscal year and principal payments in the fourth quarter.

- The WCDC fund accounts for revenues and expenses associated with the Waxahachie Community Development Corporation in operating the Civic Center and Sports Complex, promoting economic development, and implementing quality of life improvements throughout the community. This fund is mainly funded by ½ cent sales tax and user fees. Overall, revenues and expenses are within budget. Similar to the General Fund, sales tax is up nearly 11%, or \$319,000, above the budget.
- The Hotel/Motel Tax Fund receives the proceeds from a 7% hotel occupancy tax available to be used to promote tourism and the convention and hotel industry. The City uses the fund to operate the Convention and Visitor's Bureau and various smaller non-city organizations that promote the arts and historic tourism and preservation. Due to strong room occupancy rates, revenues from hotel/motel taxes are coming in above budget.

(TK)



CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2022 - 2ND QUARTER

(OCT 1, 2021 - MAR 31, 2022)

GENERAL FUND SUMMARY

	ACTUALS FY 2021	BUDGET FY 2022	2ND QUARTER FY 2022	QTR ACTUAL AS % OF BUDGET
REVENUES				
Property Tax	\$19,427,867	\$21,165,330	\$19,953,152	94%
Sales Tax	18,045,104	18,210,000	9,770,559	54%
Franchise Fees	4,600,209	4,567,760	1,493,860	33%
Licenses & Permits	2,751,576	2,719,310	953,462	35%
Charges for Service	2,296,518	1,989,250	948,826	48%
Miscellaneous	2,935,443	625,900	530,260	85%
Transfers In	3,501,408	3,479,940	1,713,250	49%
Total Revenues	\$53,558,126	\$52,757,490	\$35,363,370	67%
EXPENDITURES BY FUNCTION				
Public Safety	\$21,930,009	\$23,364,801	\$11,130,471	48%
Public Works	7,836,850	11,897,430	5,466,666	46%
Culture & Recreation	4,224,983	4,881,560	2,612,947	54%
General Government	6,022,664	13,525,492	11,023,819	82%
Support Services	2,961,194	3,361,846	1,304,292	39%
Total Expenditures	\$42,975,700	\$57,031,129	\$31,538,194	55%

* Quarterly actual figures are preliminary and unaudited

* Budget figures includes budget amendments since October 1, 2021 and prior-year encumbrances



CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2022 - 2ND QUARTER

(OCT 1, 2021 - MAR 31, 2022)

OTHER FUNDS SUMMARY

	ACTUALS FY 2021	BUDGET FY 2022	2ND QUARTER FY 2022	QTR ACTUAL AS % OF BUDGET
WATER FUND				
Revenues	\$15,252,541	\$15,997,710	\$7,562,391	47%
Expenses	25,465,878	16,114,632	5,878,504	36%
WASTEWATER FUND				
Revenues	\$14,986,081	\$11,853,880	\$5,162,788	44%
Expenses	21,636,839	11,685,612	4,081,112	35%
WAXAHACHIE COMMUNITY DEVELOPMENT FUND (WCDC)				
Revenues	\$6,637,783	\$6,742,370	\$3,584,812	53%
Expenses	5,531,411	6,947,167	3,662,365	53%
HOTEL / MOTEL FUND				
Revenues	\$880,317	\$814,750	\$511,414	63%
Expenses	842,063	864,213	397,663	46%
TAX INCREMENT FINANCE ZONE FUND (TIRZ 1)				
Revenues	\$553,281		\$592,058	-
Expenses	309,909		26,209	-

* Quarterly actual figures are preliminary and unaudited

* Budget figures includes budget amendments since October 1, 2021 and prior-year encumbrances

(7K)

BUDGET AMENDMENTS

(OCT 1, 2021 - MAR 31, 2022)

FUND	DESCRIPTION	AMOUNT
General Fund	Broadhead Pavement Improvements	\$260,000
General Fund	Improvements to I-35 Bridge at Butcher Road	\$147,754
General Fund	Add Executive Assistant position	\$85,000
General Fund	Sims Library Bookmobile	\$200,000
WCDC	Additional funding for Wrought Iron fencing & track repairs	\$125,000
WCDC	Additional Funds for Crape Myrtle Fest fireworks show	\$10,000
WCDC	Increase for renovations of Civic Center bathrooms	\$86,000
WCDC	Re-appropriate funds for Dog Park project	\$45,643
WCDC	Additional funds for Dog Park	\$83,600
WCDC	HVAC compressor replacement at Civic Center	\$49,500
WCDC	Additional funding for Sports Complex Turf	\$8,970
WCDC	Additional funding for Sports Complex Turf	\$66,030
WCDC	Railyard Park Power distribution boxes & cable connections	\$16,000
Water	Additional Meters for new developments	\$340,000
Sokoll	Sokoll WTP Rocket SUD Wholesale Flow Meter	\$33,000
TIRZ	Parking Garage	\$138,867
TIRZ	Farmer's Market Improvements	\$106,884
Citywide	Cost of Living Adjustment	\$520,000

* Budget amendments approved by City Council during the period of October 1, 2021 to March 31, 2022.

(8+9)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Senior Director of Planning
Thru: Albert Lawrence, Deputy City Manager 
Date: May 11, 2022
Re: SUB-35-2022- West End Addition, Lot 8R, Block 13

On May 10, 2022, the applicant requested to continue case no. SUB-35-2022, - West End Addition, Lot 8R, Block 13 from the May 10, 2022, Planning and Zoning Commission agenda and the May 16, 2022, City Council meeting agenda to the May 24, 2022, Planning and Zoning Commission agenda and the June 6, 2022, City Council meeting agenda.

CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE ACCEPTING AND APPROVING AN UPDATED SERVICE AND ASSESSMENT PLAN AND AN IMPROVEMENT AREA #3 ASSESSMENT ROLL FOR THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN IMPROVEMENT AREA #3 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN IMPROVEMENT AREA #3 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a petition was submitted and filed with the City Secretary (the "City Secretary") of the City of Waxahachie, Texas (the "City") pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the "PID Act"), requesting the creation of a public improvement district in the City to be known as the North Grove Public Improvement District (the "District"); and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of the Ellis County Appraisal District, and the signature of the property owners who owned taxable real property that constituted more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

WHEREAS, on September 15, 2014, after due notice, the City Council of the City (the "City Council") held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Sec. 372.009 of the PID Act and made the findings required by Sec. 372.009(b) of the PID Act and, by Resolution No. 1189 (the "Authorization Resolution") adopted by a majority of the members of the City Council, authorized and created the District in accordance with its finding as to the advisability of the Authorized Improvements; and

WHEREAS, following adoption of the Authorization Resolution, the City published the Authorization Resolution in a newspaper of general circulation in the City; and

WHEREAS, no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Secretary within 20 days after publication of the Authorization Resolution; and

WHEREAS, on April 18, 2022, the City Council adopted a resolution approving a preliminary service and assessment plan update, determining the total costs of the Improvement Area #3 Improvements (as defined in the Service and Assessment Plan, defined below), calling for a public hearing to consider the levying of Special Assessments against the property within Improvement Area #3 (as defined in the Service and Assessment Plan) of the District (the "Improvement Area #3 Assessments"), authorizing and directing the filing of a proposed assessment roll for Improvement Area #3 of the District (the "Improvement Area #3 Assessment Roll"), authorizing and directing the publication of notice of a public hearing to consider the levying of the Improvement Area #3 Assessments against the property within Improvement Area #3 of the District (the "Levy and Assessment Hearing") in a newspaper of general circulation in the City, and directing related action; and

WHEREAS, on April 18, 2022, the City Secretary filed the Improvement Area #3 Assessment Roll and made the same available for public inspection; and

WHEREAS, the City Secretary, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing on April 27, 2022 in the *Waxahachie Sun*, a newspaper of general circulation in the City; and

WHEREAS, the City Secretary, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known address of the owners of the property liable for the Improvement Area #3 Assessments; and

WHEREAS, the City Council opened the Levy and Assessment Hearing on May 16, 2022, and at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Improvement Area #3 Assessment Roll, and the proposed Improvement Area #3 Assessments, and to offer testimony pertinent to any issue presented on the amount of the Improvement Area #3 Assessments, the allocation of costs of the Improvement Area #3 Improvements, the purposes of the Improvement Area #3 Assessments, the special benefits of the Improvement Area #3 Improvements, and the penalties and interest on annual installments and on delinquent annual installments of the Improvement Area #3 Assessments; and

WHEREAS, the City Council finds and determines that the Improvement Area #3 Assessment Roll and the North Grove Public Improvement Service and Assessment Plan, dated February 25, 2015, as updated for Improvement Area #2 on April 19, 2021, and as further updated

for Improvement Area #3 on May 16, 2022 (as updated, the “Service and Assessment Plan”), in a form substantially similar to the attached as *Exhibit A* hereto, which final form shall be approved by the City Manager and the City’s land use attorney, and which is incorporated herein for all purposes, should be approved and that the Improvement Area #3 Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the Improvement Area #3 Assessment Roll attached thereto as Appendix F-3; and

WHEREAS, the City Council further finds that there were no written objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of costs of the Improvement Area #3 Improvements, the Improvement Area #3 Assessment Roll, or the levy of the Improvement Area #3 Assessments; and

WHEREAS, the City Council closed the Levy and Assessment Hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

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

Section 1. Terms.

Terms not otherwise defined herein are defined in the Service and Assessment Plan.

Section 2. Findings.

The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

(a) The apportionment of the costs of the Improvement Area #3 Improvements (as reflected in the Service and Assessment Plan) and the Administrative Expenses (as reflected in the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special benefit each assessed Parcel within Improvement Area #3 of the District will receive from the construction of the Improvement Area #3 Improvements identified in the Service and Assessment Plan, and is hereby approved;

(b) The Service and Assessment Plan covers a period of at least five years and defines the annual indebtedness and projected costs for the Improvement Area #3 Improvements and has been reviewed and updated annually, including by the Service and Assessment Plan attached hereto;

(c) The Service and Assessment Plan apportions the cost of the Improvement Area #3 Improvements to be assessed against the property in Improvement Area #3 of the

District and such apportionment is made on the basis of special benefits accruing to the property because of the Improvement Area #3 Improvements;

(d) All of the real property in Improvement Area #3 of the District which is being assessed in the amounts shown in the Improvement Area #3 Assessment Roll will be benefited by the Improvement Area #3 Improvements proposed to be constructed as described in the Service and Assessment Plan, and each assessed Parcel will receive special benefits in each year equal to or greater than each annual installment of the Improvement Area #3 Assessments and will receive special benefits during the term of the Improvement Area #3 Assessments equal to or greater than the total amount assessed;

(e) The method of apportionment of the costs of the Improvement Area #3 Improvements and the Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the costs of the Improvement Area #3 Improvements and Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the costs and Administrative Expenses;

(f) The Service and Assessment Plan should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(g) The Improvement Area #3 Assessment Roll in the form attached as Appendix F-3 to the Service and Assessment Plan should be approved as the Improvement Area #3 Assessment Roll for Improvement Area #3 of the District;

(h) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Improvement Area #3 Assessments, interest on Annual Installments, interest and penalties on delinquent Improvement Area #3 Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Improvement Area #3 Assessments should be approved and will expedite collection of the Improvement Area #3 Assessments in a timely manner in order to provide the services and improvements needed and required for Improvement Area #3 of the District; and

(i) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

Section 3. Service and Assessment Plan.

The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service plan and the assessment plan for the District.

Section 4. Improvement Area #3 Assessment Roll.

The Improvement Area #3 Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the Improvement Area #3 Assessment Roll for Improvement Area #3 of the District.

Section 5. Levy and Payment of Special Assessments for the Estimated Costs of Improvement Area #3 Improvements.

(a) The City Council hereby levies an assessment on each parcel of Improvement Area #3 Assessed Property (excluding Non-Benefitted Property) located within Improvement Area #3 of the District, as shown and described in the Service and Assessment Plan and the Improvement Area #3 Assessment Roll, in the respective amounts shown on the Improvement Area #3 Assessment Roll as a special assessment on the properties set forth in the Improvement Area #3 Assessment Roll.

(b) The levy of the Improvement Area #3 Assessments shall be effective on the date of execution of this Ordinance levying the Improvement Area #3 Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

(c) The collection of the Improvement Area #3 Assessments shall be as described in the Service and Assessment Plan. The collection of the first Annual Installment of the Improvement Area #3 Assessments hereby levied against each Parcel of Improvement Area #3 Assessed Property shall commence upon the earlier of (i) the issuance of the Improvement Areas #2-3 Bonds secured in part by the Improvement Area #3 Assessments, or (ii) September 1, 2023. Such first Annual Installment of an Improvement Area #3 Assessment shall be due by January 31st of the following calendar year.

(d) Each Improvement Area #3 Assessment may be paid in a lump sum at any time or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

(e) Each Improvement Area #3 Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

(f) Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

(g) The Administrative Expenses for the Improvement Area #3 Assessed Property shall be calculated pursuant to the terms of the Service and Assessment Plan.

Section 6. Method of Assessment.

The method of apportioning the estimated costs of the Improvement Area #3 Improvements and the Administrative Expenses is as set forth in the Service and Assessment Plan.

Section 7. Penalties and Interest on Delinquent Assessments.

Delinquent Improvement Area #3 Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan and as allowed by law. The Improvement Area #3 Assessments shall have lien priority as specified in the PID Act, the Service and Assessment Plan, and as otherwise allowed by law.

Section 8. Prepayments of Assessments.

As provided in Section VI of the Service and Assessment Plan, the owner of any Improvement Area #3 Assessed Property may prepay the Improvement Area #3 Assessments levied by this Ordinance.

Section 9. Lien Priority.

The City Council and the owners of property in Improvement Area #3 of the District intend for the obligations, covenants and burdens on the landowners of the Improvement Area #3 Assessed Property, including without limitation the property owners' obligations related to payment of the Improvement Area #3 Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Improvement Area #3 Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the landowners, as the owners of the Improvement Area #3 Assessed Property, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. The Improvement Area #3 Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.

Section 10. Appointment of Administrator and Collector of Assessments.

(a) Appointment of Administrator.

MuniCap, Inc. has been appointed and designated to serve, or until otherwise determined by the City Council, as the Administrator of the Service and Assessment Plan and of the Improvement Area #3 Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan, in this Ordinance and in any contract between the City and the Administrator. The Administrator's fees, charges and expenses for providing such service shall constitute an Administrative Expense.

(b) Collector.

The City Council shall by future action, appoint a third-party collector of the Improvement Area #3 Assessments. The City is hereby authorized to enter into an agreement with a third-party for the collection of the Improvement Area #3 Assessments. The City may also contract with other qualified collection agents selected by the City or may collect the Improvement Area #3 Assessments on its own behalf. The costs of such collection contracts shall constitute an Administrative Expense.

Section 11. Applicability of Tax Code.

To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of Improvement Area #3 Assessments by the City.

Section 12. Filing in Land Records.

The City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and the Improvement Area #3 Assessment Roll and all other Assessment Rolls in the Service and Assessment Plan, and the homebuyer disclosure forms in Appendix D to the Service and Assessment Plan, to be recorded in the real property records of Ellis County not later than the seventh day after the date of adoption of this Ordinance. The City Secretary is further directed to similarly file each Annual Service Plan Update approved by the City Council.

Section 13. Additional Actions.

The Mayor, the Mayor Pro Tem, the City Manager and the City Secretary are hereby authorized and directed to take any and all actions on behalf of the City necessary or desirable to carry out the intent and purposes of this Ordinance and to levy assessments in accordance with the terms of this Ordinance. The Mayor, the Mayor Pro Tem, the City Manager and the City Secretary are hereby authorized and directed to execute and deliver any and all certificates, agreements, notices, instruction letters, requisitions and other documents which may be necessary or advisable in connection with the carrying out of the purposes and intent of this Ordinance.

Section 14. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 15. Effective Date.

This Ordinance shall take effect, and the levy of the Improvement Area #3 Assessments, and the provisions and terms of the Service and Assessment Plan shall be and become effective upon passage and execution hereof.

[Remainder of Page Intentionally Left Blank; Signature page follows]

ADOPTED, PASSED, AND APPROVED on this the 16th day of May, 2022.

ATTEST:

CITY OF WAXAHACHIE

Amber Villarreal, City Secretary

Doug Barnes, Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE “CITY OF WAXAHACHIE, TEXAS, SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2022 (NORTH GROVE PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREAS #2-3 PROJECT)”; APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, A LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Waxahachie, Texas (the “City”), pursuant to and in accordance with the terms, provisions and requirements of the Public Improvement District Assessment Act, Subchapter A of Chapter 372, Texas Local Government Code (the “PID Act”), has previously established the “North Grove Public Improvement District” (the “District”), pursuant to Resolution No. 1189 adopted by the City Council of the City (the “City Council”) on September 15, 2014; and

WHEREAS, the authorization creating the District became effective on September 26, 2014 upon publication of notice of creation in the *Waxahachie Daily Light*, a newspaper of general circulation in the City; and

WHEREAS, no written protests of the District from any owners of record of property within the District were filed with the City Secretary within 20 days after the date of publication of such notice; and

WHEREAS, pursuant to the PID Act, the City Secretary mailed notice to property owners and on February 11, 2015, published notice of an assessment hearing in the *Waxahachie Daily Light*, a newspaper of general circulation in the City, and the City Council held a public hearing on February 26, 2015, regarding the levy of special assessments within Improvement Area #1 of the District, and on February 26, 2015, the City Council adopted Ordinance No. 2782 (the “Original Assessment Ordinance”), under which the City Council approved and accepted the Service and Assessment Plan dated February 25, 2015 relating to the District (the “Original Service and Assessment Plan”) and levied special assessments on property in Improvement Area #1 of the District to fund costs of the Improvement Area #1 Improvements; and

WHEREAS, pursuant to the PID Act, the City Secretary mailed notice to property owners and on March 28, 2021, published notice of an assessment hearing in the *Waxahachie Sun*, a newspaper of general circulation in the City, and the City Council held a public hearing on April 19, 2021, regarding the levy of special assessments within Improvement Area #2 of the District, and on April 19, 2021, the City Council adopted Ordinance No. 3266 (the “2021 Assessment Ordinance”), under which the City Council approved and accepted an updated Service and Assessment Plan dated April 19, 2021 which updated the Original Service and

Assessment Plan for Improvement Area #2 (the “2021 Updated Service and Assessment Plan”) and levied special assessments against the Improvement Area #2 property as shown on the Improvement Area #2 Assessment Roll to fund costs of the Improvement Area #2 Improvements; and

WHEREAS, pursuant to the PID Act, the City Secretary mailed notice to property owners and on April 27, 2022, published notice of an assessment hearing in the *Waxahachie Sun*, a newspaper of general circulation in the City, and the City Council held a public hearing on May 16, 2022, regarding the levy of special assessments within Improvement Area #3 of the District, and on May 16, 2022, the City Council adopted Ordinance No. [] (the “2022 Assessment Ordinance”); and

WHEREAS, in the 2022 Assessment Ordinance, the City Council approved and accepted an updated Service and Assessment Plan (as defined and described in the 2022 Assessment Ordinance, the “Service and Assessment Plan”) which updated the 2021 Updated Service and Assessment Plan and levied the special assessments against the Improvement Area #3 property as shown on the Improvement Area #3 Assessment Roll and updated the Improvement Area #2 Assessment Roll in connection with the issuance of the Bonds (as defined below). Capitalized terms used in this Ordinance and not otherwise defined shall have the meaning assigned thereto in the Service and Assessment Plan; and

WHEREAS, the City Council has found and determined that it is in the best interests of the City to issue its bonds to be designated “City of Waxahachie, Texas, Special Assessment Revenue Bonds, Series 2022 (North Grove Public Improvement District Improvement Areas #2-3 Project)” (the “Bonds”), such Bonds to be payable from and secured by the Trust Estate, including the Pledged Revenues, each as defined in the Indenture (defined below); and

WHEREAS, the City is authorized by the PID Act to issue the Bonds for the purpose of (i) paying Costs of the Improvement Area #2 Improvements, (ii) paying Costs of the Improvement Area #3 Improvements, (iii) funding a reserve fund for payment of principal and interest on Bonds, (iv) funding the initial deposit to the Administrative Fund for the payment of the initial Administrative Expenses, and (v) paying the costs of issuance of the Bonds; and

WHEREAS, in connection with the issuance of the Bonds, the Improvement Area #2 Improvements and Improvement Area #3 Improvements are located within the District, and the City has determined that the Improvement Area #2 Improvements confer a special benefit on Improvement Area #2, and the Improvement Area #3 Improvements confer a special benefit on Improvement Area #3, all as provided in Section V.B. of the Service and Assessment Plan; and

WHEREAS, the City Council has found and determined to approve (i) the issuance of the Bonds to finance the Improvement Area #2 Improvements and the Improvement Area #3 Improvements, including the costs of issuance of the Bonds, (ii) the form, terms and provisions of an indenture of trust securing the Bonds authorized hereby, (iii) the form, terms and provisions of a Bond Purchase Agreement (defined below) between the City and the underwriter for the Bonds, (iv) a Limited Offering Memorandum (defined below), and (v) an Issuer Continuing Disclosure Agreement (defined below); and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and the public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. Recitals. The recitals set forth in the WHEREAS clauses of this Ordinance are true and correct and constitute findings and determinations by the City Council acting in its legislative capacity.

Section 2. Approval of Issuance of Bonds and Indenture of Trust.

(a) The issuance of the Bonds in the principal amount of \$5,825,000 for the purpose of (i) paying Costs of the Improvement Area #2 Improvements, (ii) paying Costs of the Improvement Area #3 Improvements, (iii) funding a reserve fund for payment of principal and interest on Bonds, (iv) funding the initial deposit to the Administrative Fund for the payment of the initial Administrative Expenses, and (v) paying the costs of issuance of the Bonds, is hereby authorized and approved.

(b) The Bonds shall be issued and secured under that certain Indenture of Trust (the "Indenture") dated as of June 1, 2022, between the City and Wilmington Trust, National Association, as trustee (the "Trustee"), with such changes as may be necessary or desirable to carry out the intent of this Ordinance and as approved by the Mayor or Mayor Pro Tem of the City, such approval to be evidenced by the execution and delivery of the Indenture, which Indenture is hereby approved in substantially final form attached hereto as Exhibit A and incorporated herein as a part hereof for all purposes. The Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute the Indenture and the City Secretary is hereby authorized and directed to attest such signature of the Mayor or Mayor Pro Tem.

(c) The Bonds shall be dated, shall mature on the date or dates and in the principal amount or amounts, shall bear interest, shall be subject to redemption and shall have such other terms and provisions as set forth in the Indenture. The Bonds shall be in substantially the form set forth in the Indenture, with such insertions, omissions and modifications as may be required to conform the form of Bond to the actual terms of the Bonds. The Bonds shall be payable from and secured by the Pledged Revenues (as defined in the Indenture) and other assets of the Trust Estate (as defined in the Indenture) pledged to the Bonds, and shall never be payable from ad valorem taxes or any other funds or revenues of the City.

Section 3. Sale of Bonds; Approval of Bond Purchase Agreement. The Bonds shall be sold to FMSbonds, Inc. (the "Underwriter") at the price and on the terms and provisions set forth in that certain Bond Purchase Agreement (the "Bond Purchase Agreement"), dated the date this Ordinance is adopted, between the City and the Underwriter, attached hereto as Exhibit B

and incorporated herein as a part hereof for all purposes, which terms of sale are declared to be in the best interest of the City. The form, terms and provisions of the Bond Purchase Agreement are hereby authorized and approved and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver the Bond Purchase Agreement.

Section 4. Limited Offering Memorandum. The use and distribution of the Preliminary Limited Offering Memorandum dated May 4, 2022 in the offering of the Bonds is hereby ratified, approved and confirmed. The final Limited Offering Memorandum (the "Limited Offering Memorandum"), with such appropriate variations from the Preliminary Limited Offering Memorandum as shall be approved by the Mayor, Mayor Pro Tem or City Manager of the City and the Underwriter, may be used by the Underwriter in the offering and sale of the Bonds. The form and substance of the final Limited Offering Memorandum for the Bonds and any addenda, supplement or amendment thereto is hereby approved and adopted in all respects. The City deemed the Preliminary Limited Offering Memorandum final, within the meaning of Rule 15c2-12 issued by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"), as of its date, except for the omission of information specified in Section (b)(1) of the Rule, as permitted by Section (b)(1) of the Rule. Notwithstanding the approval and delivery of such Preliminary Limited Offering Memorandum and Limited Offering Memorandum by the Council, the Council is not responsible for and proclaims no specific knowledge of the information contained in the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum pertaining to the Improvement Area #2 Improvements or Improvement Area #3 Improvements, to BBCP North Grove 79, LLC, a Texas limited liability company (the "Improvement Area #2 Developer"), GRBK Edgewood LLC, a Texas limited liability company (the "Improvement Area #3 Developer") or any home builder, or their financial ability, or to any other landowners in the District.

Section 5. Issuer Continuing Disclosure Agreement. The Continuing Disclosure Agreement of the Issuer relating to the Bonds (the "Issuer Continuing Disclosure Agreement") between the City, MuniCap, Inc. and HTS Continuing Disclosure Services, a division of Hilltop Securities Inc. is hereby authorized and approved in substantially final form attached hereto as Exhibit C and incorporated herein as a part hereof for all purposes and the City Manager of the City is hereby authorized and directed to execute and deliver such Issuer Continuing Disclosure Agreement with such changes as may be required to carry out the purpose of this Ordinance and approved by the City Manager, such approval to be evidenced by the execution thereof.

Section 6. Additional Actions. The Mayor, the Mayor Pro Tem, the City Manager and the City Secretary are hereby authorized and directed to take any and all actions on behalf of the City necessary or desirable to carry out the intent and purposes of this Ordinance and to issue the Bonds in accordance with the terms of this Ordinance. The Mayor, the Mayor Pro Tem, the City Manager and the City Secretary are hereby authorized and directed to execute and deliver any and all certificates, agreements, notices, instruction letters, requisitions, and other documents which may be necessary or advisable in connection with the sale, issuance and delivery of the Bonds and the carrying out of the purposes and intent of this Ordinance.

Section 7. Severability. If any Section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or

(11)

unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 8. Effective Date. This Ordinance is passed on one reading as authorized by Texas Government Code, Section 1201.028, and shall be effective immediately upon its passage and adoption.

[Remainder of Page Intentionally Left Blank; Signature page follows]

(11)

ADOPTED, PASSED, AND APPROVED on this the 16th day of May, 2022.

ATTEST:

CITY OF WAXAHACHIE

Amber Villarreal, City Secretary

Doug Barnes, Mayor

CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING THAT A RUNOFF ELECTION BE HELD ON SATURDAY, JUNE 18, 2022, FOR THE PURPOSE OF ELECTING AN AT-LARGE COUNCIL MEMBER FOR PLACE 2; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH THE ELLIS COUNTY ELECTIONS ADMINISTRATOR; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 7, 2022, an election was held for Council Member Place 2; and

WHEREAS, as a result of the election, no candidate in Place 2 received a majority (over 50%) of all votes cast; and

WHEREAS, Section 2.01(c) of the City Charter provides, in pertinent part, that “[i]n the event a candidate fails to receive a majority of all votes for a City Council Place, a runoff election shall be conducted between the two (2) candidates who received the highest number of votes for that City Council Place;” and

WHEREAS, candidates Doug Barnes and Patrick Souter were the two (2) candidates who received the highest number of votes for Council Member Place 2 and, accordingly, must compete in a runoff election to determine who shall be elected to Council Member Place 2.

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

SECTION 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. A runoff election for Council Member Place 2 between Doug Barnes and Patrick Souter shall be conducted on Saturday, June 18, 2022 for the Waxahachie City Council, and it is hereby so ordered.

SECTION 3. City of Waxahachie city officials are authorized and directed to contract with Ellis County Elections Administrator (hereinafter referred to as the “Contracting Officer” for Election Services.)

SECTION 4. Contracting Officer shall be responsible for performing duties and shall furnish services and equipment as outlined in Exhibit “A” and in accordance with the Texas Election Code.

SECTION 5. The runoff election shall be conducted with bilingual (English and Spanish) election materials and methods, in accordance with the Federal Voting Rights Act.

SECTION 6. The Council finds that an emergency involving efficient daily operations of the City is involved, and that this ordinance will become effective immediately.

(12)

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
WAXAHACHIE, TEXAS, ON THIS THE 16TH DAY OF MAY 2022.**

Doug Barnes, Mayor

ATTEST:

Amber Villarreal, City Secretary

[SEAL]

(13)



Memorandum

To: Honorable Mayor and City Council
From: David Bailey, Senior Director of Utilities
Thru: Michael Scott, City Manager
Date: May 16, 2022
Re: Cardinal Road Self Storage Oversized Participation of 24-inch Water Line.

Item Description: Water Line Oversized Participation Agreement in the amount of \$129,812.61 with CARDINAL ROAD SELF STORAGE LTD. This agreement will provide for the extension of a 24-inch water line along Cardinal Road.

Item Summary: This 24-inch water line is consistent with the City's current Water Distribution System Master Plan. The water line shall be installed along the northern right-of-way of Cardinal Road for approximately 310-linear feet. The limits of this 24-inch water line are from station number 0+0.00 to station number 3+10.1 per Exhibit B of the Oversize Participation Agreement.

Fiscal Impact: The city's portion of the 24-inch Water Line oversized participation is \$129,812.61, of which staff recommends funding utilizing the Water Impact Fee Funds. This project was included in the latest Impact Fee Report and funds have been allocated for this project.

WATER LINE OVERSIZE PARTICIPATION AGREEMENT

THIS WATER LINE OVERSIZE PARTICIPATION AGREEMENT ("the Agreement") is executed by and between the CITY OF WAXAHACHIE, TEXAS, a municipal corporation existing under the law of the State of Texas (the "City"), and CARDINAL ROAD SELF STORAGE LTD. (the "Developer")

RECITALS:

- A. The Developer owns certain real property ("the Development") in Waxahachie, Texas known as, Cardinal Road Self Storage, which is shown on the plat attached hereto and made a part hereof as **Exhibit "A"**.
- B. The City's Water Master Plan indicates a 24-inch diameter water line along the north boundary of the Right of Way of Cardinal Road, north of the Cardinal Road Self Storage development. The City has agreed to reimburse the Developer for the cost of oversizing from 12-inch to 24-inch diameter water line, including the oversizing of valves and other appurtenance.
- C. The Developer shall construct approximately 310-linear feet of 24-inch diameter water line, two (2) 24-inch Gate Valves, and all appurtenances along Cardinal Road, along the north property line of the Waxahachie Commercial Infrastructure development, from station Number 0+0.00 to station number 3+10.1 as shown on the 24-inch waterline Plan/Profile engineering sheets attached hereto and made a part hereof as **Exhibit "B"**.
- D. The bid price received by the Developer for the overall construction cost of a 24" water line is \$174,098.15 and the overall construction cost of a 12" water line is \$44,341.69. The City's oversize participation portion for said oversize construction of a 24-inch waterline is \$129,812.61. The developer provided a quote from Talley Riggins and Maverick Utilities, dated 03/10/2022, which is attached hereto and made a part hereof as **Exhibit "C"**. This price for construction of the 24-inch water line is a reasonable quote as compared to various construction projects of this same similar magnitude that the city has constructed. The City shall be responsible for \$129,812.61 for the oversize participation cost of the 24-inch water line size construction.
- E. After the developer receives the City's Public Works final acceptance letter for the public infrastructure (streets, water, sewer, drainage, etc.), the developer will make a request for the agreed oversize amount to the City's Director of Utilities. The city will have 30 days after the developer's request to process and send the check to the Developer.

(13)

EXECUTED this _____ day of _____, 2022

CITY OF WAXAHACHIE, TEXAS

CARDINAL ROAD SELF STORAGE, LTD
CA STORAGE PARTNERS LLC,
GENERAL PARTNER

By: _____

By: Mark W. Connell

Printed Name: _____

Printed Name: MARK W. CONNELL

Title: _____

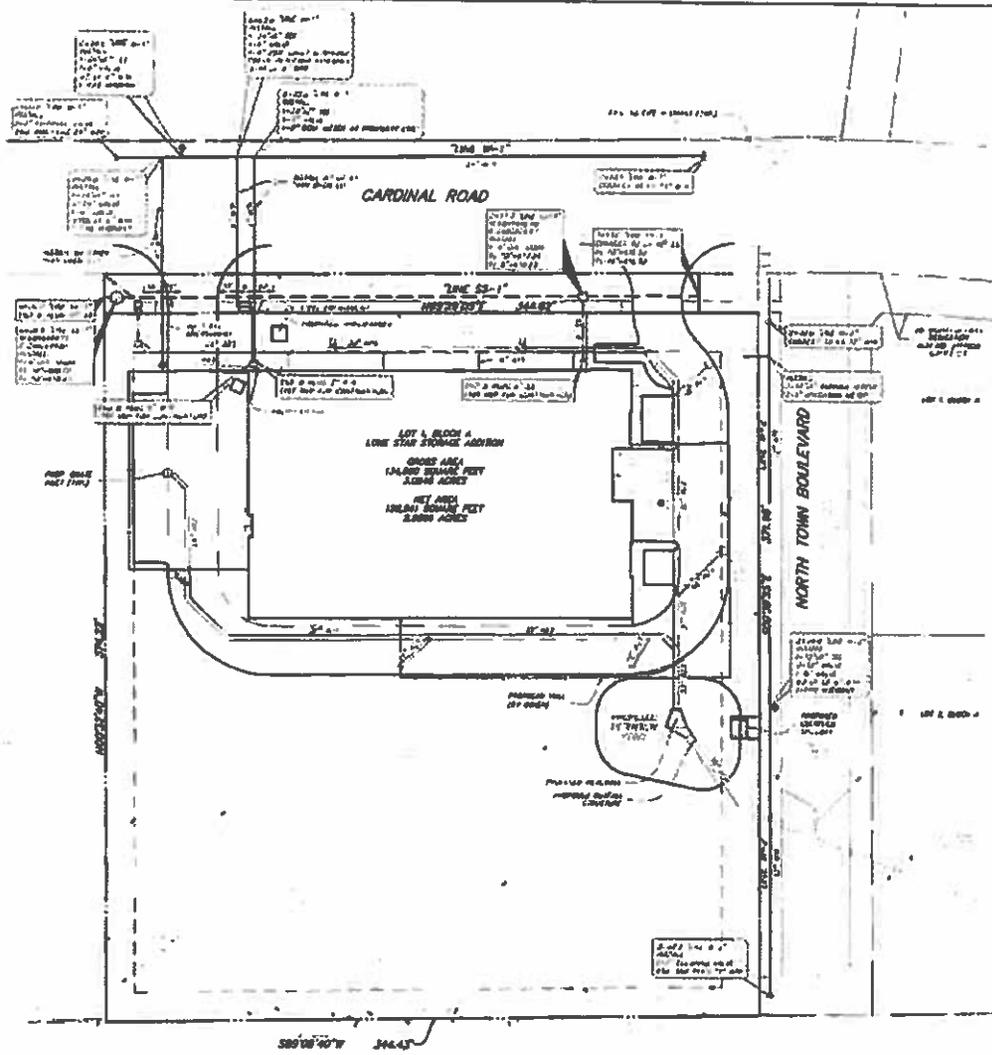
Title: MANAGER

(13)

EXHIBIT "A"

(13)

EXHIBIT "B"



LEGEND

- EXISTING STORM WATER
- PROPOSED STORM WATER LINE
- EXISTING SANITARY SEWER LINE
- PROPOSED SANITARY SEWER LINE
- EXISTING WATER LINE
- PROPOSED WATER LINE

NOTES

- 1) REFERENCED MAP FOR BOUNDARIES AND HORNER LOCATED IN PLANS & RECORDS. TOP SURVEY POINTS AND PLANS
- 2) 6" BENCH MARK AT NORTH CORNER OF LOT 1 TO BE LOCATED AT-OR-BETWEEN 1 AND 2. CHECK WITH SURVEYOR FOR BOUNDARY DETAILS

RLO CONSULTING ENGINEERS
 CIVIL & GEOTECHNICAL ENGINEERING, SURVEYING, PLANNING, DESIGN, PROGRAMS
 1000 GARDNER STREET, SUITE 1000, WAXAHACHE, TEXAS 75090
 WWW.RLOCONSULTING.COM TEL: 817-871-1111

UTILITY PLAN
LONE STAR SELF STORAGE
WAXAHACHE
GREENLIGHT
CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS



PROVISIONS:
 THIS PLAN IS TO BE USED IN CONNECTION WITH THE CITY OF WAXAHACHE, TEXAS, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF RLO CONSULTING ENGINEERS. THE CITY OF WAXAHACHE, TEXAS, IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN OR THE RESULTS OF ANY CONSTRUCTION THEREOF. THE CITY OF WAXAHACHE, TEXAS, IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN OR THE RESULTS OF ANY CONSTRUCTION THEREOF. THE CITY OF WAXAHACHE, TEXAS, IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN OR THE RESULTS OF ANY CONSTRUCTION THEREOF.

REV	DATE	BY	CHKD	REASON	DATE
RLO	08/20/24	JSR	JSR	ISSUE FOR PERMIT	08/20/24

EXHIBIT "C"

(13)



April 4th, 2022

Tyler Green, AIA
Greenlight
100 N Cottonwood Drive, Suite 104
Richardson, TX 75080

RE: Cardinal Road Self Storage / Waxahachie, TX -- 12" vs 24" Water Line

Mr. Green,

Please find the waterline breakdown detail below for the above referenced project.

12" Water Line

Quote Dated 3.10.22:	\$	42,190.00
GL @ 0.95%	\$	400.81
BR @ 0.15%	\$	63.89
Fee at 4%	\$	1,706.19
	\$	44,360.88

24" Water Line

Quote Dated 3.10.22:	\$	165,650.00
GL @ 0.95%	\$	1,573.68
BR @ 0.15%	\$	250.84
Fee at 4%	\$	6,698.98
	\$	174,173.49

Difference in Cost: \$ 129,812.61

Respectfully,

A handwritten signature in black ink, appearing to read 'Suzanne Dowd'.

Suzanne Dowd
Project Manager

(13)

MAVERICK UTILITY CONSTRUCTION, INC.

P.O. Box 728
Euless, TX 76039

Phone: 817-684-0858
Fax: 817-684-0360

24" vs 12"

Date
3/10/2022

Contact Info

Project

Please Direct All Questions to Bryan Yule byule@mavutility.com		Cardinal Road Self Storage Waxahachie			
Item	Description	Quantity	Unit	Unit Price	Total

Section A - Water Distribution

1	24" DR-14 PVC Water	-310	l.f.	\$ 282.30	\$ (87,513.00)
2	24" Gate Valve	-2	ea.	\$ 30,328.00	\$ (60,656.00)
3	24" MJ Tee	-3	ea.	\$ 5,168.00	\$ (15,504.00)
4	24" MJ Plug	-1	ea.	\$ 1,977.00	\$ (1,977.00)
				Subtotal	\$ (165,650.00)
1	12" DR-14 PVC Water	310	l.f.	\$ 87.00	\$ 26,970.00
2	12" Gate Valve & Box	2	ea.	\$ 4,442.00	\$ 8,884.00
3	12" MJ Tee	3	ea.	\$ 1,778.00	\$ 5,334.00
4	12" MJ Plug	1	ea.	\$ 1,002.00	\$ 1,002.00
				Subtotal	\$ 42,190.00
				Delta	\$ (123,460.00)