

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on ***Monday, September 18, 2023 at 7:00 p.m.***

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

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

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

- a. Minutes of the City Council meeting of September 5, 2023
- b. Minutes of the City Council briefing of September 5, 2023
- c. Minutes of the City Council and Planning and Zoning joint work session of September 11, 2023
- d. Event application for Waxahachie High School Homecoming Parade to be held on October 6, 2023
- e. Event application for Oddfellows Lodge #80 Annual OddFest to be held on October 7, 2023
- f. Proposed Ordinance approving a request by William and Ramona Leonhardt, Owner, for a Petition for ETJ Release for approximately 8.02 acres, located at 181 Buchanan Drive, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 198475) – Owner: William and Ramona Leonhardt (ETJ-PTN-128-2023)
- g. Proposed Ordinance approving a request by Cross Fence Development, LLC, Owner, for a Petition for ETJ Release for approximately 206.27 acres, located north of 704 Hoyt Road, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188147) – Owner: Cross Fence Development, LLC (ETJ-PTN-129-2023)

- h. Proposed Ordinance approving a request by Dycal Land Holdings, LLC, Owner, for a Petition for ETJ Release for approximately 22.62 acres, located west of 124 Berkshire Lane, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 289910) – Owner: Dycal Land Holdings, LLC (ETJ-PTN-131-2023)
  - i. Proposed Ordinance approving a request by Jireten, LLC, owner, for a Petition for ETJ Release for approximately 21.62 acres, the first tract located south of 1500 FM 387 and the second tract located east of 333 Robnett Road, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 296680 and 289836) – Owner: Jireten, LLC (ETJ-PTN-133-2023)
  - j. Proposed Ordinance approving a request by AP Rock Springs, Inc., and AP Waxahachie Limited Partnership, owners, for a Petition for ETJ Release for approximately 317.16 acres located west of 1415 Gibson Road, Waxahachie, Texas, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 139002, 180444, 138303, 138713, and 274487) – Owner: AP Rock Springs, Inc. and AP Waxahachie Limited Partnership (ETJ-PTN-000134-2023)
- 6. ***Introduce*** Honorary Council Member
- 7. ***Present*** Proclamation proclaiming September 17-23, 2023 as “Constitution Week”
- 8. ***Request to appear*** by Elizabeth Tull, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend contract
- 9. ***Consider*** proposed Ordinance amending Ordinance No. 3383 by extending the interim ban on new short-term rentals, and on current short-term rentals that have been determined to be a nuisance, to November 1, 2023; and providing an effective date
- 10. ***Continue Public Hearing*** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses
- 11. ***Consider*** proposed Ordinance approving ZTA-92-2023 and establish fee
- 12. ***Consider*** proposed ordinance amending Ordinance No. 2778 “Providing for Lateral Entry for Police Officers and Firefighters” by amending section 3.1(c)(i) to clarify the beginning pay rate for lateral entries
- 13. ***Consider*** proposed Resolution authorizing defeasance and redemption of the City’s outstanding obligations and other related matters
- 14. ***Consider*** approval of a Construction Contract with Viking Dredging, LLC for the Lake Bardwell Channel Dredging Project
- 15. ***Consider*** water line relocation and Easement Acquisition Agreement between Sardis Lone Elm Water Supply Corporation and City of Waxahachie
- 16. ***Consider*** approval of the Waxahachie Creek Letter of Map Revision Project Agreement with Halff Associates, Inc.

17. ***Consider*** proposed Resolution temporarily suspending activities and authority of the Joint Airport Board
18. Comments by Mayor, City Council, City Attorney and City Manager
19. Adjourn

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

A regular meeting of the Mayor and City Council of the City of Waxahachie was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Tuesday, September 5, 2023 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Terry Welch, City Attorney  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Invocation**

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

Polly Williams gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, requested code enforcement address properties in violation of city ordinances for the safety of the public.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of August 21, 2023
- b. Minutes of the City Council briefing of August 21, 2023
- c. Minutes of the City Council special meeting of August 29, 2023
- d. Event application for 3<sup>rd</sup> Annual Waxahachie Family Day Festival to be held September 16, 2023 at Railyard Park
- e. Event application for Navarro College PTA Program 5k Run to be held October 21, 2023
- f. Event application for Stampede of Speed Week: Cattle Drive & Pre-Stage Fan Fest to be held October 6 & 12, 2023
- g. Event application for 27<sup>th</sup> Annual Texas Country Reporter Festival to be held October 28, 2023
- h. Event application for YMCA Santa Run to be held December 9, 2023 at Railyard Park
- i. City Manager's appointment of member to Civil Service Commission

**Action:**

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

**6. Introduce Honorary Council Member**

Mayor Pro Tem Wright introduced James Alan Fox as the Honorary Council Member for September. Mr. Fox was born in 1956 at Carswell Air Force Base, the middle child of an Air Force Master Sergeant. The Air Force sent him to many places in his youth, including Hawaii and Montana, finally settling back at home in Fort Worth where he graduated from Castleberry High School. He has three children, one stepson, and nine grandchildren.

Alan has had many diverse occupations in his lifetime, being everything from a long-haul truck driver to managing many bookstores and coffee houses. A passion for customer service and the gift of an outgoing personality has served him well. He moved to Waxahachie in 2007 after falling in love with a local girl, Robin, then the city itself. He is a passionate supporter of all things “Hachie” including attending WHS sporting events, WHS plays, concerts at local venues, and local politics and government. Alan genuinely loves the people of Waxahachie. In his semi-retirement, he enjoys riding the local hike/bike trails on his eBike, writing, and traveling, especially to the beach in South Padre. He looks forward to enjoying many more years in Waxahachie.

**7. Present Proclamation recognizing September 4-9, 2023 as “National Payroll Week”**

Mayor Hill presented a Proclamation recognizing September 4-9, 2023 as “National Payroll Week.”

**8. Present Proclamation recognizing September as “Emergency Preparedness Month”**

Mayor Hill presented a Proclamation recognizing September as “Emergency Preparedness Month.”

**9. Recognize Waxahachie Police Department Dispatchers Evan Dannenberg and Toni Garcia for acceptance to the North Central Texas Emergency Response Taskforce**

Police Chief Joe Wiser recognized Waxahachie Police Department Dispatchers Evan Dannenberg and Toni Garcia for acceptance to the North Central Texas Emergency Response Taskforce.

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

Mayor Hill announced the Public Hearing for ZTA-113-2023 will be continued to allow City Council to review the proposed Ordinance.

(5a)

**Action:**

*Billie Wallace moved to continue the Public Hearing on ZTA-113-2023 to the October 16, 2023 City Council meeting. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**11. Consider proposed Ordinance approving ZTA-113-2023**

*No action taken.*

**12. Consider a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a Replat of Lots 127R and 130 of the Ferris Second Addition, 2 lots, being 0.811 acres, located at 122 and 126 North Highway 77. (Property ID 142201 and 173428) Owners: Ellis County Farm Bureau, Linda and Duane Farmer (SUB-42-2023)**

The Item was presented by Senior Director of Planning Jennifer Pruitt.

**Action:**

*Billie Wallace moved to approve SUB-42-2023 for a Replat of Lots 127R-1 and 127R-2 of the Ferris Second Addition and the associated variance request, subject to the conditions of the staff report, and authorize the Mayor and/or City Manager to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**13. Consider and act upon an ordinance of the City of Waxahachie, Texas, approving the 2023-2024 annual service plan update to the Service and Assessment Plan for the Waxahachie Public Improvement District No. 1 and providing an effective date**

The Item was presented by Mark Pfirrmann, Municap, Inc.

**ORDINANCE NO. 3390**

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

**Action:**

*Billie Wallace moved to approve an Ordinance approving the 2023-2024 annual service plan pdate to the Service and Assessment Plan for the Waxahachie Public Improvement District No. 1 and providing an effective date. Motion was seconded by Chris Wright and carried unanimously (5-0).*

**14. Consider and act upon an ordinance of the City of Waxahachie, Texas, approving the 2023-2024 annual service plan update to the Service and Assessment Plan for the North Grove Public Improvement District and providing an effective date**

The Item was presented by Mr. Pfirrmann.

(5a)

**ORDINANCE NO. 3391**

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

**Action:**

*Billie Wallace moved to approve an Ordinance approving the 2023-2024 annual service plan update to the Service and Assessment Plan for the North Grove Public Improvement District and providing an effective date. Motion was seconded by Chris Wright and carried unanimously (5-0).*

- 15. Consider proposed Ordinance approving revised budget figures for fiscal year 2022-2023 and adopting the budget for fiscal year 2023-2024**

The Item was presented by Finance Director Chad Tustison.

**ORDINANCE NO. 3392**

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

**Action:**

*Billie Wallace moved to approve revised budget figures for fiscal year 2022-2023 and adopt the budget for fiscal year 2023-2024 as presented. Motion was seconded by Patrick Souther and carried unanimously (5-0).*

- 16. Consider proposed Ordinance amending Water and Wastewater rates and fees and setting an effective date of October 1, 2023**

The Item was presented by Mr. Tustison.

**ORDINANCE NO. 3393**

**AN ORDINANCE SETTING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE,**

(5a)

**AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2023 AND DECLARING AN EMERGENCY.**

**Action:**

*Billie Wallace moved to approve an Ordinance setting water and wastewater rates and fees and setting an effective date of October 1, 2023. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

- 17. Consider a motion to ratify the property tax revenue increase reflected in the fiscal year 2023-2024 budget in accordance with the Texas Local Government Code**

The Item was presented by Mr. Tustison.

**Action:**

*Billie Wallace moved to ratify the property tax revenue increase reflected in the fiscal year 2023-2024 budget. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

- 18. Consider proposed Ordinance adopting the Tax Rate for fiscal year 2023-2024**

The Item was presented by Mr. Tustison.

**ORDINANCE NO. 3394**

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

**Action:**

*Billie Wallace moved that the property tax rate be increased by the adoption of a tax rate of 61 cents, with an operation and maintenance rate of 37.97 cents, and an interest and sinking rate of 23.03 cents, which is effectively a 13.2% percent increase in the tax rate. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

- 19. Consider proposed Ordinance re-establishing classified positions under Civil Service**

The Item was presented by City Manager Michael Scott.

**ORDINANCE NO. 3395**

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



(5a)

**Action:**

*Patrick Souter moved to approve an Ordinance re-establishing classified positions under Civil Service. Motion was seconded by Billie Wallace and carried unanimously (5-0).*

**20. Consider appointments to Boards and Commissions**

**AIRPORT BOARD (3-year term)**

Nanette Paghi

**CEMETERY BOARD (2-year term)**

Constance McGuire

Perry Giles

Trudy Hankins

Brian Hess (filling unexpired term of Robin Dukes)

**ECONOMIC DEVELOPMENT COMMISSION (No Term Limit)**

Betty Square Coleman

Melissa Ballard

**HERITAGE PRESERVATION (2-year term)**

Peggy Crabtree

Michelle Haye

Kelly Savell

Adam Graves

Ronald Finch (filling unexpired term of Becky Kauffman)

**KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3-year term)**

Julie Mendenhall

Dr. Tremayne Myles

Madeline Bracken

**PARK BOARD (3-year term)**

Dr. William Major

Charles Beatty, Jr.

**PLANNING AND ZONING COMMISSION (2-year term)**

Rick Keeler

David Hudgins

Adrian Cooper

Marlene Norcross

**SENIOR CENTER ADVISORY COMMITTEE (2-year term)**

Ellie Gates

Carrie Lewis

Kelly Saunders

Vaughn Franks

(5a)

**TAX INCREMENT REINVESTMENT ZONE (2-year term)**

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

**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2-year term)**

David Mcspadden  
Elizabeth Tull  
Jim Phillips

**WAXAHACHIE HOUSING AUTHORITY (2-year term)**

Adrian Cooper  
Andrew Henderson

**Action:**

*Billie Wallace moved to approve the appointments to Boards and Commissions as presented. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**21. Consider authorizing funding from the Tax Increment Reinvestment Zone No. 1 (TIRZ) fund for Downtown and Farmers Market projects**

The Item was presented by Mr. Scott.

**Action:**

*Billie Wallace moved to approve a funding request from the TIRZ fund in the amount not to exceed \$170,232 for the projects as presented, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**22. Consider approval of a construction contract for the Howard Road High Service Pump Station Generator Project**

The Item was presented by Senior Director of Utilities Kumar Gali.

**Action:**

*Billie Wallace moved to approve a construction contract with H&H Electrical Contractors, Inc. for \$2,329,384, a construction contingency in the amount of \$150,616 for the Howard Road High Service Pump Station Generator Project, and authorize the City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

**23. Consider adopting the revised Joint Airport Agreement with the City of Midlothian**

The Item was presented by Director of Administrative Services Richard Abernethy.

**Action:**

*Billie Wallace moved to approve the revised Joint Airport Agreement with the City of Midlothian. Motion was seconded by Patrick Souter and carried unanimously (5-0).*

(5a)

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

Mayor Hill announced at 8:12 p.m. the City Council would convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

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

The meeting reconvened at 8:41 p.m.

*No action taken.*

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

City Manager Michael Scott recognized the Payroll Department, Stefanie Lozano and Daisy Dickson, Waxahachie Police Department Dispatchers Evan Dannenberg and Toni Garcia, and Finance Director Chad Tustison for their work.

Mayor Pro Tem Chris Wright thanked Mr. Tustison, Alan Fox, and Ira Tenpenny for their work and attendance at City Council. He congratulated Chief Ricky Boyd on the opening of Fire Station 4. Mr. Wright recognized past city employees Sanford Smith and Gary Haney who recently passed away.

Council Member Patrick Souter echoed Mr. Wright's comments. He announced "Cowboy Poetry and Music" will be held September 30<sup>th</sup> at the Chautauqua Auditorium at Getzendaner Park.

**27. Adjourn**

There being no further business, the meeting adjourned at 8:49 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Tuesday, September 5, 2023 at 6:00 p.m.

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

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Terry Welch, City Attorney  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

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

City staff briefed Council on the following September 5, 2023 regular meeting agenda items:

5. Consent Agenda
7. Present Proclamation recognizing September 4-9, 2023 as "National Payroll Week"
8. Present Proclamation recognizing September as "Emergency Preparedness Month"
9. Recognize Waxahachie Police Department Dispatchers Evan Dannenberg and Toni Garcia for acceptance to the North Central Texas Emergency Response Taskforce
10. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, Section 6.03 Lighting and Glare Standards (ZTA-113-2023)
11. Consider proposed Ordinance approving ZTA-113-2023
12. Consider a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a Replat of Lots 127R and 130 of the Ferris Second Addition, 2 lots, being 0.811 acres, located at 122 and 126 North Highway 77. (Property ID 142201 and 173428) Owners: Ellis County Farm Bureau, Linda and Duane Farmer (SUB-42-2023)
13. Consider and act upon an ordinance of the City of Waxahachie, Texas, approving the 2023-2024 annual service plan update to the Service and Assessment Plan for the Waxahachie Public Improvement District No. 1 and providing an effective date
14. Consider and act upon an ordinance of the City of Waxahachie, Texas, approving the 2023-2024 annual service plan update to the Service and Assessment Plan for the North Grove Public Improvement District and providing an effective date
15. Consider proposed Ordinance approving revised budget figures for fiscal year 2022-2023 and adopting the budget for fiscal year 2023-2024
16. Consider proposed Ordinance amending Water and Wastewater rates and fees and setting an effective date of October 1, 2023
17. Consider a motion to ratify the property tax revenue increase reflected in the fiscal year 2023-2024 budget in accordance with the Texas Local Government Code

(5b)

18. Consider proposed Ordinance adopting the Tax Rate for fiscal year 2023-2024
19. Consider proposed Ordinance re-establishing classified positions under Civil Service
20. Consider appointments to Boards and Commissions
21. Consider authorizing funding from the Tax Increment Reinvestment Zone No. 1 (TIRZ) fund for Downtown and Farmers Market projects
22. Consider approval of a construction contract for the Howard Road High Service Pump Station Generator Project
23. Consider adopting the revised Joint Airport Agreement with the City of Midlothian
24. Convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

*No action taken.*

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

A Joint Work Session of the Mayor and City Council and the Planning & Zoning Commission of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, September 11, 2023 at 6:00 p.m.

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

Planning & Zoning  
Commission Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
David Hudgins  
Erik Test  
Ron Ansell

Planning & Zoning  
Commission Members Absent: Melissa Ballard, Vice Chairman  
Bonney Ramsey

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

**1. Call to Order by Mayor David Hill and Chairman Rick Keeler**

Mayor David Hill called the City Council meeting to order.

Chairman Rick Keeler called the Planning and Zoning Commission meeting to order.

**2. Public Comments regarding potential short-term rental ordinance**

Those who spoke in support of allowing short-term rentals in single-family neighborhoods:

Howard Baskin, 717 W. Main, Waxahachie, Texas  
Kyle Hirt, 159 Willow Lane, Waxahachie, Texas  
Jeff Calvery, 2822, FM 1446, Waxahachie, Texas  
Gabrielle Calvery, 301 Virginia, Waxahachie, Texas  
Sheila Hood, 3841 Black Champ, Waxahachie, Texas  
Kassie Pierce, 407 Maumee, Waxahachie, Texas  
Rocky Stones, 305 E. University, Waxahachie, Texas  
Shannon Almon, 1015 W. Main, Waxahachie, Texas  
Brad Yates, 626 Kaufman, Waxahachie, Texas  
Alan Fox, 327 University, Waxahachie, Texas  
Stacie Seabolt, 606 Royal, Waxahachie, Texas

(5c)

Those who spoke in opposition of short-term rentals in single-family neighborhoods:

Kim Wells, 101 Ash Drive, Waxahachie, Texas  
James Parks, 102 Post Oak Lane, Waxahachie, Texas  
Arlene Hahn, 110 Oak Tree Drive, Waxahachie, Texas  
Randy Kimberlin, 100 Post Oak Drive, Waxahachie, Texas  
Karl Kennedy, 131 Holly Street, Waxahachie, Texas  
Louvain Guimard, 210 Ash Drive, Waxahachie, Texas  
Bernard Mushinski, 130 Oak Tree Drive, Waxahachie, Texas  
Michael McCorkle, 171 Willow Run, Waxahachie, Texas  
Robert Scruggs, 3273 Howard Road, Waxahachie, Texas

Those who expressed comments and concerns to City Council and the Planning and Zoning Commission:

John Mallios, legal counsel for operator at 159 Willow Run, Waxahachie, Texas  
Patrick Wilson, 2801 N. Hwy. 77, Waxahachie, Texas  
Fawn Rumfield, 1000 W. Main, Waxahachie, Texas  
Bob Lynn, 313 Harbin, Waxahachie, Texas

**3. Discussion by City Council and the Planning and Zoning Commission regarding potential short-term rental ordinance**

City Council thanked the public for their attendance and participation.

Mayor Hill thanked everyone for their input and explained City Council is tasked to decide where short-term rentals are allowed without infringing on single-family neighborhoods.

**4. Adjourn**

There being no further business, the meeting adjourned at 8:51 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary



City of Waxahachie  
City Secretary's Office

(5d)

Special Event Application

Date submitted

## Applicant Information

Applicant name: Sean Cagle

Are you representing the host organization?

Yes ☒

No ☐

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

Yes ☒

No ☐

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing address: 411 N. Gibson St., Waxahachie, TX 75165

Host organization name: Waxahachie High School

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

On-site contact name: Tonya Harris

Cell: \_\_\_\_\_

## About the Event

Event name: Waxahachie High School Homecoming Parade

Date: October 6, 2023

Location: College St., E. Marvin Ave., Brown St. to the Football stadium (Indian Dr.)

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

Anticipated attendance: 15,000

Description of event: Homecoming parade as in years past. Similar to 2021, in that we will stage primarily on College St.

|                 | Date(s)   | Start Time:      | End Time:    |
|-----------------|-----------|------------------|--------------|
| Event Date      | 10/6/2023 | 2:00pm           | about 4:00pm |
| Event Set-up    | 10/6/2023 | about 12:30pm    | 1:45pm       |
| Event Breakdown | 10/6/2023 | as parade passes | about 4:00pm |

How many times has this event been hosted before?

1<sup>st</sup> time ☐

2 – 4 times ☐

5 or more times ☒

Location: same starting point different routes





City of Waxahachie  
City Secretary's Office

(5d)

Special Event Application

**Choose the best description of the event:**

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

**Event activities include (check all that apply):**

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

**The event is:**

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

Admission information, if applicable:

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

Parade floats/participants will fill out a registration form and there is a fee. See attached documents

**Run / Walk:**

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

\_\_\_\_\_ 1 mile \_\_\_\_\_ 5K \_\_\_\_\_ Other distance

Please indicate your expected attendance: \_\_\_\_\_

Number of participants:

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

**Provide route on attached site map.**



City of Waxahachie  
City Secretary's Office

(5d)

Special Event Application

**Food / Beverage:**

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

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

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

**Police / Security Services:**

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

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

Contact name and number: \_\_\_\_\_

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

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

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

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

Contact name: Lt. Chris Dickinson Phone number: \_\_\_\_\_

**Street Closures:**

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

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

see attached documents

Street closings to begin on date: 10/6/2023 Start time: Various End time: 4:00pm

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

**City Equipment:**

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

**Availability is not guaranteed**

**Streets cannot be blocked without prior approval.**

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

Traffic Cones How many: \_\_\_\_\_ Barricades How many: \_\_\_\_\_



City of Waxahachie  
City Secretary's Office

Special Event Application

(5d)

Other: see attached documents

Where should equipment be dropped off & picked up?

When will the equipment be set-up?

Date: \_\_\_\_\_ Time: \_\_\_\_\_

When will the equipment be removed?

Date: \_\_\_\_\_ Time: \_\_\_\_\_

### Temporary Tents & Structures:

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

Yes ☐ No ☒

List the # of tents & sizes:

**Indicate locations on attached required site map.**

### Electrical Services:

How will electrical services be supplied?

Generator ☐ Franchise Utilities ☐ Both ☐

List contractor / supplier: \_\_\_\_\_

Explain services in detail: \_\_\_\_\_

### Insurance

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

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

### Hold Harmless Clause

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

Sean Cagle

Digitally signed by Sean Cagle  
Date: 2023.09.01 13:34:34 -05'00'

9.1.2023

Signature

Date

### Contract Agreement

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

Sean Cagle

Digitally signed by Sean Cagle  
Date: 2023.09.01 13:35:07 -05'00'

9.1.2023

Signature

Date

Email completed Special Events Application and site map to  
Jami Bonner at [Jami.Bonner@waxahachie.com](mailto:Jami.Bonner@waxahachie.com).

(5d)

## 2023 WHS Homecoming Parade (draft)

(The highlighted section from last year will need to be discussed by the Waxahachie Ex-Students Assoc. and WHS to see if we will do this part the same as last year)

Date and time of parade: October 6, 2023 at 2pm

The parade will proceed as it has the last couple of times with the start being at/near the intersection of Brown St. and Marvin Ave. The check in of non-WISD floats will be in the old 1<sup>st</sup> Baptist church parking lot (Monroe St. and McMillan St.), this is also where people riding on floats should be dropped off. Staging of non-WISD floats will proceed northbound on N. College St. We will also use the north and south parking lots of the Covenant Life Church as much as possible.

WISD related floats will be staged in and around Marvin Elementary including the north parking lot and drive. Briggs St. will be used with floats facing south toward Marvin Ave. The Homecoming Court will stage in the circle drive on the west side of Marvin Elementary that connects to Brown St. The Band and Charmers will stage in that general vicinity also.

The football teams' semis and other large WISD team floats will stage on Marvin Ave. near Brown St. There is ongoing communication about a possible short term staging area just prior to the start of the parade due to the large number of these vehicles.

The parade will proceed north on Brown St. and take a left on Indian Dr. as it has the last couple of times. The dispersal of floats and participants will occur as it did last year with floats pulling into the Coleman JH/Lumpkins/Global HS parking lots to unload riders. These areas will be as last year, with WISD floats going to the Coleman JH and Lumpkins parking lots and non-WISD floats going into Global HS parking lots. Floats need to follow WISD staff/WPD directions to pull as far down in these areas as possible so as to not cause the parade to stop.

I hope this provides some clarity. Please, let me know if there should be any additions, deletions or corrections.

Sincerely,

(5d)

**Bonner, Jami**

---

**From:** Sean Cagle <scagle@wisd.org>  
**Sent:** Monday, September 11, 2023 11:15 AM  
**To:** Bonner, Jami; Carrie Lewis  
**Cc:** Tonya Harris; Conrad Bates; Katherine Rangel  
**Subject:** Homecoming Parade 2023 additional information  
**Attachments:** Homecoming parade 2023 start of parade map additional pdf.pdf

Jami,

I hope all is well with you. Attached is some additional information from the Waxahachie ExStudents Association (WXS) meeting I had last week. We are trying to separate the float check-in and staging from those just needing to drop off parade participants. Also, as you can see we would like to restrict the floats and others from cutting across to College St. by way of E. Parks Ave. Please, let me know if there are any issue with this plan.

Thank you for your help and please keep us updated on City concerns.

Sincerely,

Sean Cagle

Director of Fine Arts

**WAXAHACHIE ISD**

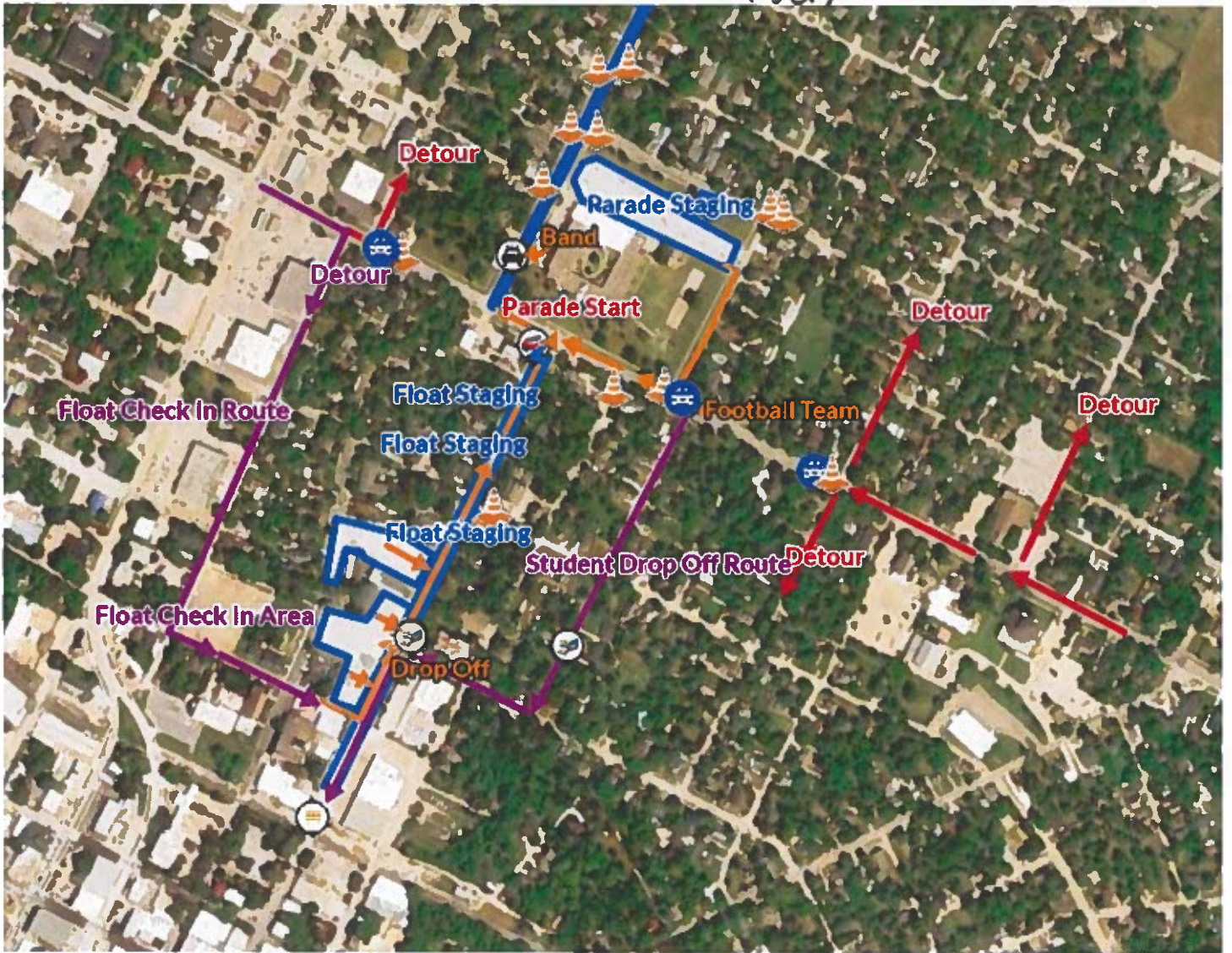
Our Vision is to be a district where  
Innovation Thrives and Growth is Limitless  
972.923.4631 x 10107

[scagle@wisd.org](mailto:scagle@wisd.org)





(5d)





(5d)





(5d)





(5d)







(51)

(5d)

**Bonner, Jami**

---

**From:** Bonner, Jami  
**Sent:** Wednesday, September 13, 2023 4:48 PM  
**To:** Sean Cagle  
**Cc:** Carrie Lewis; Tonya Harris; Conrad Bates; Katherine Rangel; Villarreal, Amber; Griffith, Thomas; Donna Insixiengmay; Megan Womack; Massey, Matt; Stoker, Justin; Kevin Wright; Fuller, Brent; Dale Sigler; Gaertner, James; Scott, Michael; Lawrence, Albert; Joe Bill Wiser; Ricky Boyd  
**Subject:** WISD Homecoming Parade  
**Attachments:** EA2023.10.06 WISD Homecoming Parade.pdf; Cattle Drive Site Map.pdf

Good afternoon Sean,

Please see the attached WHS Homecoming Parade event application with updated maps. Please review and let me know if you have any questions or concerns.

The application will be considered by City Council at their meeting on Monday, September 18<sup>th</sup> with the following conditions discussed during the September 6<sup>th</sup> team meeting:

- The City requests assistance from the District for cleanup services after the parade. Encourage parade participants to throw away trash on the float. Do not throw trash (water bottles) onto the street.
- Floats, trucks, trailers, etc. should line up in order prior to take off. Please do not direct the order during takeoff.
- Please ensure access to businesses, Myrtle Ave., Etta Ave., and the senior living facility near the intersection of Indian and Brown are open as long as possible.
- The following is prohibited:
  - Jumping on/off of floats, trucks, trailers, etc. to prevent gaps between floats.
  - Throwing candy

I have also attached the cattle drive route map. The cattle drive will begin at noon and should not impact the Homecoming festivities.

Thank you.

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

*The City Secretary's Office will temporarily relocate to the Charles Beatty Municipal Services Building during the renovation of City Hall. Our office will be closed on Friday, September 22<sup>nd</sup> to begin the moving process and will reopen on Monday, September 25<sup>th</sup> at 408 S. Rogers St., Waxahachie, TX.*



City of Waxahachie  
City Secretary's Office

(5e)

Special Event Application

Date submitted \_\_\_\_\_

**Applicant Information**

Applicant name: Wayne Strickland

Are you representing the host organization?

Yes ☒

No ☐

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

Yes ☒

No ☐

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing address: 210 N. College Street

Host organization name: Waxahachie IOOF Lodge #80

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

On-site contact name: SEAN CAGLE

Cell: \_\_\_\_\_

**About the Event**

Event name: Oddfellows Lodge #80 Annual "Odd Fest."

Date: OCTOBER 7, 2023

Location: Singleton Plaza 200 N. Rogers St.

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

Anticipated attendance: ≈ 150 - 200 Come & Go @ Anytime

Description of event: Annual Oddfest event - Art Vendors,  
Music, Beer, Wine, Food Trucks

|                 | Date(s)   | Start Time: | End Time: |
|-----------------|-----------|-------------|-----------|
| Event Date      | 10/7/2023 | 11 AM       | 6 pm      |
| Event Set-up    | 10/7/2023 | 8 AM        | 10 AM     |
| Event Breakdown | 10/7/2023 | 5:30 - 6 pm | 7 pm      |

**How many times has this event been hosted before?**

1<sup>st</sup> time ☐

2 - 4 times ☐

5 or more times ☒

Location: Singleton Plaza.



City of Waxahachie  
City Secretary's Office

(5e)

Special Event Application

**Choose the best description of the event:**

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

**Event activities include (check all that apply):**

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

**The event is:**

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

Admission information, if applicable:

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

**Run / Walk:**

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

\_\_\_\_\_ 1 mile \_\_\_\_\_ 5K \_\_\_\_\_ Other distance

Please indicate your expected attendance: \_\_\_\_\_

Number of participants:

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

**Provide route on attached site map.**





City of Waxahachie  
City Secretary's Office

(5e)

Special Event Application

**Food / Beverage:**

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

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

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

**Police / Security Services:**

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

Event staff How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_  
Volunteers How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_  
Private security How many: \_\_\_\_\_ Date(s) & time(s): \_\_\_\_\_

Company name: Security officer will be on site

Contact name and number: Provided By 100F #80.

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

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

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

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

Contact name: \_\_\_\_\_ Phone number: \_\_\_\_\_

**Street Closures:**

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

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

Street closings to begin on date: \_\_\_\_\_ Start time: \_\_\_\_\_ End time: \_\_\_\_\_

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

**City Equipment:**

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

**Availability is not guaranteed**

**Streets cannot be blocked without prior approval.**

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

Traffic Cones How many: \_\_\_\_\_ Barricades How many: 25

Additional Support Requested:  
Porta-Lets; Poly Cans; 1-lg Dumpster  
Hand Wash Station



City of Waxahachie  
City Secretary's Office

Special Event Application

(5e)

Other:

Where should equipment be dropped off & picked up?

Singleton Plaza

When will the equipment be set-up?

Date: 10/6/2023 Time: 12 pm

When will the equipment be removed?

Date: 10/9/2023 Time: 9 AM

### Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes:

Indicate locations on attached required site map.

### Electrical Services:

How will electrical services be supplied?

Generator ☒

Franchise Utilities ☐

Both ☐

List contractor / supplier:

Explain services in detail:

Food Trucks will provide their own power

### Insurance

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

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

### Hold Harmless Clause

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

Wayne Chis  
Signature

9/6/2023  
Date

### Contract Agreement

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

Wayne Chis  
Signature

9/6/2023  
Date

Email completed Special Events Application and site map to  
Jami Bonner at [Jami.Bonner@waxahachie.com](mailto:Jami.Bonner@waxahachie.com).

WAXAHACHIE T.N.

Dog Wash  
Contest

STREET FOLDS

College St.

BRICK FENCE

XXX  
Closed

ENTRANCE/EXIT  
ONLY  
Security Posted

XXX  
Closed

STAGE

SEATING  
AREA

VENDOR  
AREA

FOOD & DRINK  
AREA

SINGLETON PLAZA

200 N. Rogers St. Waxahachie,  
Texas

XXX  
ENTRANCE/EXIT  
Closed

XXX  
Closed

XXX  
Closed

Brick & Iron Fence

CREEK

(5e)

ROGERS ST





**Citizens  
National Bank  
Of Texas**

Your Bank Since 1868

(5e)

September 11, 2023

TABC  
P.O. Box 13127  
Austin, TX 78711-3127  
ATTN: Amy Harrison, Director Licensing Division

RE: Oddfest Festival/Singleton Plaza, Waxahachie, TX

Let this letter serve as confirmation that Waxahachie 100F Lodge # 80 has received my permission to use property owned by Citizens National Bank of Texas to hold the Oddfest Festival on Saturday, October 7, 2023 from 9:00am to 5:00pm. I am aware that this event will include sales and consumption of alcoholic beverages. The property owned by the Bank (Singleton Plaza) will be designated for only this event on this day. This property includes the entire plaza or parking lot directly between Rogers Street, College Street, the railroad tracks, and a building also owned by the Bank. The physical address for the Singleton Plaza is 200 N Rogers St., Waxahachie, TX 75165.

I will be your contact for this property. Should you need further information you may reach me at (214) 808-7721.

Sincerely,

Marvin E. "Mark" Singleton, III  
President/CEO  
Citizens National Bank of Texas



# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-128-2023



### MEETING DATE(S)

City Council:

September 18, 2023

### CAPTION

**Consider** proposed Ordinance approving a request by William and Ramona Leonhardt, for a **Petition for ETJ Release** for approximately 8.02 acres, located at 181 Buchanan Drive, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 198475) – Owner: William and Ramona Leonhardt (ETJ-PTN-128-2023)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-128-2023, a request by William and Ramona Leonhardt, for a Petition for ETJ Release for approximately 8.02 acres, located at 181 Buchanan Drive, authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

### CASE INFORMATION

**Applicant:** William and Ramona Leonhardt

**Property Owner(s):** William and Ramona Leonhardt

**Site Acreage:** 8.02 acres

**Number of Lots:** 1 lot

**Number of Dwelling Units:** 1 unit

### SUBJECT PROPERTY

**General Location:** 181 Buchanan Drive

**Parcel ID Number(s):** 198475

**Current Zoning:** ETJ

**Existing Use:** Single Family Residence

**Platting History:** The subject property was not previously platted.

**CCN Service Area:** Rockett Special Utility District

**Site Aerial:**



## PLANNING ANALYSIS

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

## RECOMMENDATION

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

**ATTACHED EXHIBITS**

1. Overall Exhibit for ETJ Petitions – 09/18/2023 City Council Meeting
2. Proposed Ordinance

### **STAFF CONTACT INFORMATION**

Prepared by:

**Eleana Tuley, AICP**

## Senior Planner

[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

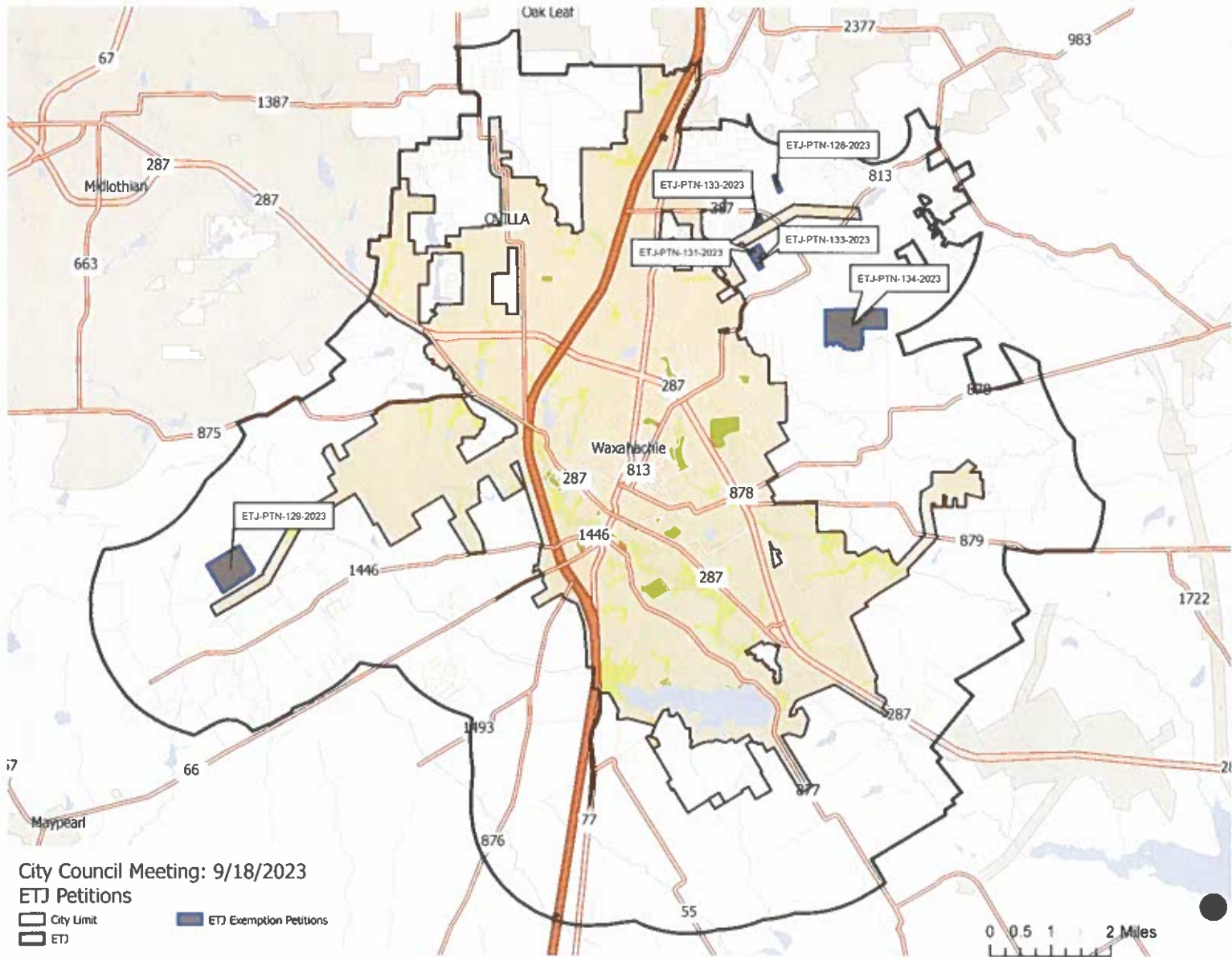
Reviewed by:

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

**Senior Director of Planning**

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5f)



(5f)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 8.02 ACRE TRACT OF LAND, LOCATED AT 181 BUCHANAN DRIVE, KNOWN AS PROPERTY ID 198475, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

**WHEREAS**, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 18<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(5f)

**EXHIBIT A**

Being a tract or parcel of land situated in Ellis County, Texas, and being part of the JAMES STARRETT SURVEY, ABSTRACT 1026, and also being part of that 20.0 acre tract of land described in the Contract of Sale and Purchase from the Veterans Land Board of the State of Texas to H. Vincent Gish recorded in Volume 524, Page 614, of the Deed Records of Ellis County, and being more particularly described as follows:

BEGINNING at a point for corner at a spike set in the center line of South Ring Road, said point being the Southwesterly corner of said 20.0 acre tract;

THENCE North 19° 59' West along the Westerly line of said 20.0 acre tract, at 22.5 passing a 1/2" rod found for reference and continuing a total distance of 1512.57 feet to a railroad spike for corner;

THENCE North 79° 41' 30" East, passing a railroad spike for reference at 186. 7 and continuing a distance of 216.61 feet to a point for corner in the Easterly line of said 20.0 acre tract and in Buchanan Drive;

THENCE South 10° 18' 30" E along the Easterly line of said 20.0 acre tract, a distance of 150.6 feet to an angle point at a 5/8" iron rod found;

THENCE South 24° 46' East continuing along said Easterly line and Buchanan Drive a distance of 1278.7 feet to a point for corner at a railroad spike found in the center line of South Ring Road;

THENCE South 59° 44' 23" West along the center line of South Ring Road, a distance of 299.65 feet to the PLACE OF BEGINNING and containing 8.020 acres.



(5f)



(59)

## Planning & Zoning Department

### Petition for ETJ Release

Case: ETJ-PTN-129-2023



#### MEETING DATE(S)

City Council:

September 18, 2023

#### CAPTION

**Consider** proposed Ordinance approving a request by Cross Fence Development, LLC, Owner, for a **Petition for ETJ Release** for approximately 206.27 acres, located north of 704 Hoyt Road, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188147) – Owner: Cross Fence Development, LLC (ETJ-PTN-129-2023)

#### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-129-2023, a request by Cross Fence Development, LLC, for a Petition for ETJ Release for approximately 206.27 acres, located north of 704 Hoyt Road, authorizing the Mayor to sign the associated documents accordingly."*

#### APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

#### CASE INFORMATION

**Applicant:** Cross Fence Development, LLC

**Property Owner(s):** Cross Fence Development, LLC

**Site Acreage:** 206.27 acres

**Number of Lots:** 1 lot

**Number of Dwelling Units:** 0 units

#### SUBJECT PROPERTY

**General Location:** located north of 704 Hoyt Road

**Parcel ID Number(s):** 188147

**Current Zoning:** ETJ

**Existing Use:** Undeveloped

**Platting History:** The subject property was not previously platted.

**CCN Service Area:** Buena Vista - Bethel WSC



(59)

Site Aerial:



### **PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

### **RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

### **ATTACHED EXHIBITS**

1. Overall Exhibit for ETJ Petitions – 09/18/2023 City Council Meeting
2. Proposed Ordinance

### **STAFF CONTACT INFORMATION**

*Prepared by:*

Eleana Tuley, AICP

Senior Planner

[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

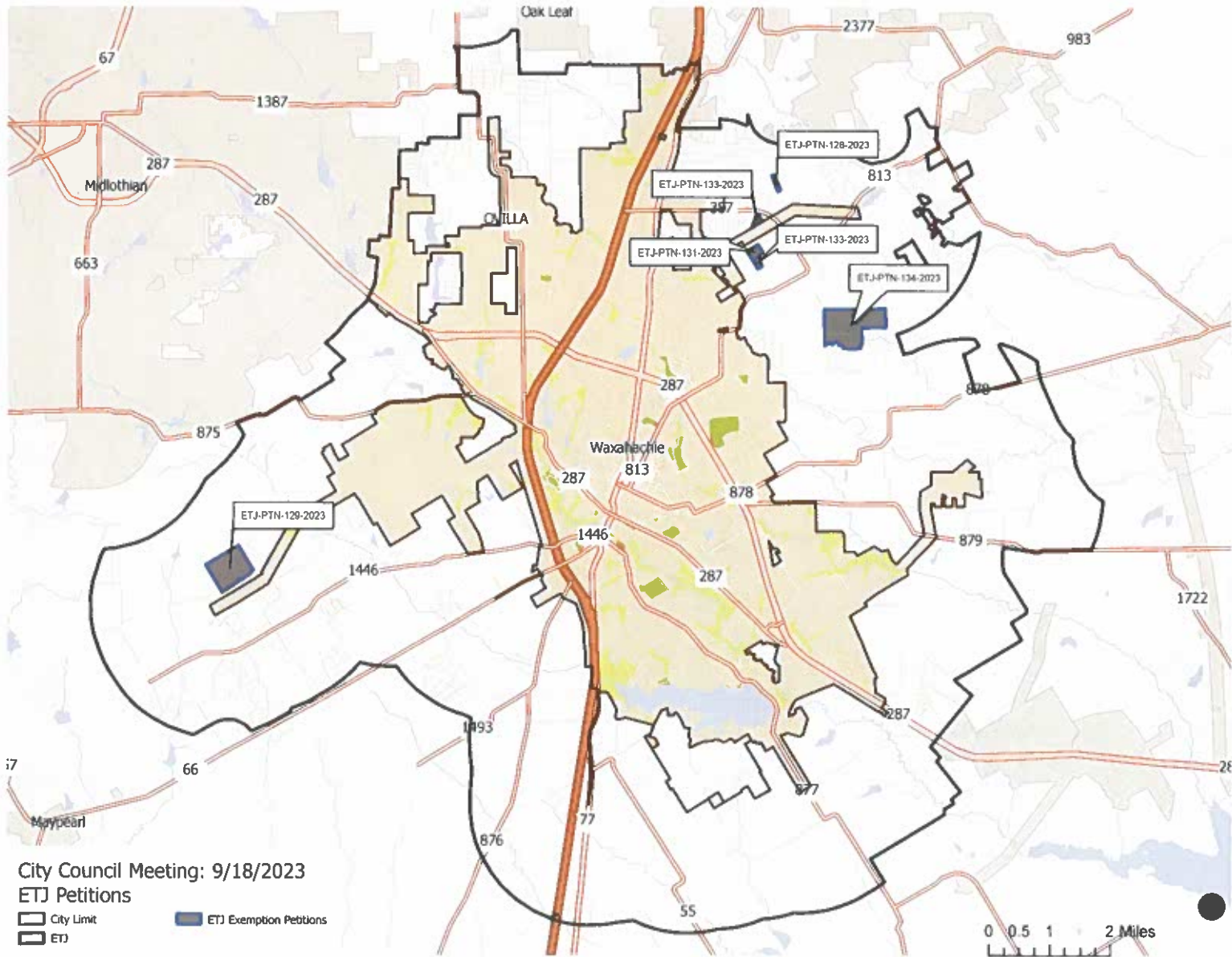
*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5g)



(59)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 206.27 ACRE TRACT OF LAND, LOCATED NORTH OF 704 HOYT ROAD, KNOWN AS PROPERTY ID 188147, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

**WHEREAS**, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 18<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(5g)

## EXHIBIT A

### PROPERTY DESCRIPTION:

BEING A TRACT OF LAND SITUATED IN THE W.C. MOODY SURVEY, ABSTRACT NO. 747, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO J.A. LOFTIS, RECORDED IN VOLUME 2218, PAGE 2110 AND VOLUME 543, PAGE 914, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHWEST CORNER OF SAID LOFTIS TRACT AND THE COMMON NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO NANCY LEE MONSON AND RALPH VERNON GARLING, JR, RECORDED IN INSTRUMENT NO. 1923813, OPRECT AND IN THE EAST LINE OF WILSON FAMILY FARM, RECORDED IN CABINET J, SLIDE 370, OPRECT;

THENCE N 31°19'41" W, ALONG THE WEST LINE OF SAID LOFTIS TRACT AND THE COMMON EAST LINE OF SAID WILSON FAMILY FARM AND THE COMMON EAST LINE OF BAKER 1, RECORDED IN CABINET J, SLIDE 373, OPRECT, A DISTANCE OF 350.75 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID BAKER 1 AND THE COMMON SOUTHEAST CORNER OF STEADHAM ADDITION, RECORDED IN CABINET K, SLIDE 31, OPRECT;

THENCE N 30°58'12" W, ALONG THE WEST LINE OF SAID LOFTIS TRACT AND THE COMMON EAST LINE OF SAID STEADHAM ADDITION, A DISTANCE OF 2446.43 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOFTIS TRACT AND THE COMMON NORTHEAST CORNER OF SAID STEADHAM ADDITION AND IN THE SOUTH LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO BAY HARBOR INVESTMENTS GROUP, LLC, RECORDED IN INSTRUMENT NO. 1610586, OPRECT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID STEADHAM ADDITION, BEARS S 61°30'11" W, A DISTANCE OF 378.40 FEET;

THENCE N 59°13'50" E, ALONG THE NORTH LINE OF SAID LOFTIS TRACT AND THE COMMON SOUTH LINE OF SAID BAY HARBOR TRACT, A DISTANCE OF 3319.31 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID LOFTIS TRACT AND THE COMMON SOUTHEAST CORNER OF SAID BAY HARBOR TRACT AND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO CHAS 1933, LP, RECORDED IN INSTRUMENT NO. 1722801, OPRECT;

THENCE S 31°24'40" E, ALONG THE EAST LINE OF SAID LOFTIS TRACT AND THE COMMON WEST LINE OF SAID CHAS TRACT, A DISTANCE OF 2483.78 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4466" FOUND FOR THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JAVIER JOSEPH GONZALES, RECORDED IN INSTRUMENT NO. 1629797, OPRECT;

THENCE S 56°48'58" W, ALONG THE NORTH LINE OF SAID GONZALES TRACT AND THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO JOSHUA LEE FORNER AND AMANDA FORNER, RECORDED IN INSTRUMENT NO. 1632692, OPRECT, A DISTANCE OF 300.00 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID FORNER TRACT;

(59)

THENCE S 31°28'03" E, ALONG THE WEST LINE OF SAID FORNER TRACT, PASSING AT A DISTANCE OF 144.04 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 174.04 FEET TO THE SOUTHWEST CORNER OF SAID FORNER TRACT AND THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO JOHN C. UNDERWOOD AND MITZIE D. UNDERWOOD, RECORDED IN VOLUME 2251, PAGE 1796, OPRECT AND IN THE APPROXIMATE CENTERLINE OF AGNUS ROAD (A VARIABLE WIDTH UNRECORDED ROW);

THENCE S 56°50'20" W, ALONG THE SOUTH LINE OF SAID LOFTIS TRACT AND THE COMMON NORTH LINE OF SAID UNDERWOOD TRACT AND THE COMMON NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO GERALD C. MORGAN, RECORDED IN VOLUME 710, PAGE 298, AND VOLUME 691, PAGE 188, OPRECT AND THE APPROXIMATE CENTERLINE OF SAID AGNUS ROAD, A DISTANCE OF 1131.15 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO BUENA VISTA-BETHEL WATER SUPPLY CORPORATION, RECORDED IN VOLUME 760, PAGE 554, OPRECT;

THENCE N 32°33'11" W, ALONG THE EAST LINE OF SAID BUENA VISTA TRACT, PASSING AT A DISTANCE OF 30.00 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 210.34 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID BUENA VISTA TRACT;

THENCE S 57°26'49" W, ALONG A SOUTH LINE OF SAID LOFTIS TRACT AND THE COMMON NORTH LINE OF SAID BUENA VISTA TRACT, A DISTANCE OF 209.73 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID LOFTIS TRACT AND THE COMMON NORTHWEST CORNER OF SAID BUENA VISTA TRACT;

THENCE S 32°33'11" E, ALONG THE WEST LINE OF SAID BUENA VISTA TRACT, PASSING AT A DISTANCE OF 182.57 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 212.57 FEET TO THE SOUTHWEST CORNER OF SAID BUENA VISTA TRACT AND IN THE SOUTH LINE OF SAID LOFTIS TRACT AND THE COMMON NORTH LINE OF SAID MORGAN TRACT AND IN THE APPROXIMATE CENTERLINE OF SAID ANGUS ROAD;

THENCE S 56°50'20" W, ALONG THE SOUTH LINE OF SAID LOFTIS TRACT AND THE COMMON NORTH LINE OF SAID MORGAN TRACT AND THE COMMON NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO COLIN HUGH CAMPBELL AND JOANIE DAHLEEN CAMPBELL, RECORDED IN INSTRUMENT NO. 2009602, OPRECT AND THE COMMON NORTH LINE OF SAID GARLING TRACT AND THE APPROXIMATE CENTERLINE OF SAID ANGUS ROAD, A DISTANCE OF 1699.29 FEET TO THE POINT OF BEGINNING, AND CONTAINING 206.271 ACRES OF LAND MORE OR LESS.



(5a)



(5h)

## Planning & Zoning Department

### Petition for ETJ Release

Case: ETJ-PTN-131-2023



#### MEETING DATE(S)

City Council:

September 18, 2023

#### CAPTION

**Consider** proposed Ordinance approving a request by Dycal Land Holdings, LLC, Owner, for a **Petition for ETJ Release** for approximately 22.62 acres, located west of 124 Berkshire Lane, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 289910) – Owner: Dycal Land Holdings, LLC (ETJ-PTN-131-2023)

#### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-131-2023, a request by Dycal Land Holdings, LLC, for a Petition for ETJ Release for approximately 22.62 acres, located west of 124 Berkshire Lane, authorizing the Mayor to sign the associated documents accordingly."*

#### APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

#### CASE INFORMATION

|                                  |                                 |
|----------------------------------|---------------------------------|
| <b>Applicant:</b>                | James Moon, Kaplan & Moon, PLLC |
| <b>Property Owner(s):</b>        | Dycal Land Holdings, LLC        |
| <b>Site Acreage:</b>             | 22.62 acres                     |
| <b>Number of Lots:</b>           | 1 lot                           |
| <b>Number of Dwelling Units:</b> | 0 units                         |

#### SUBJECT PROPERTY

|                             |  |
|-----------------------------|--|
| <b>General Location:</b>    | located west of 124 Berkshire Lane               |
| <b>Parcel ID Number(s):</b> | 289910   |
| <b>Current Zoning:</b>      | ETJ  |
| <b>Existing Use:</b>        | Undeveloped Land                                 |
| <b>Platting History:</b>    | The subject property was not previously platted. |
| <b>CCN Service Area:</b>    | Rockett SUD                                      |

**Site Aerial:****PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

**ATTACHED EXHIBITS**

1. Overall Exhibit for ETJ Petitions – 09/18/2023 City Council Meeting
2. Proposed Ordinance

**STAFF CONTACT INFORMATION***Prepared by:*

Eleana Tuley, AICP

Senior Planner

[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

*Reviewed by:*

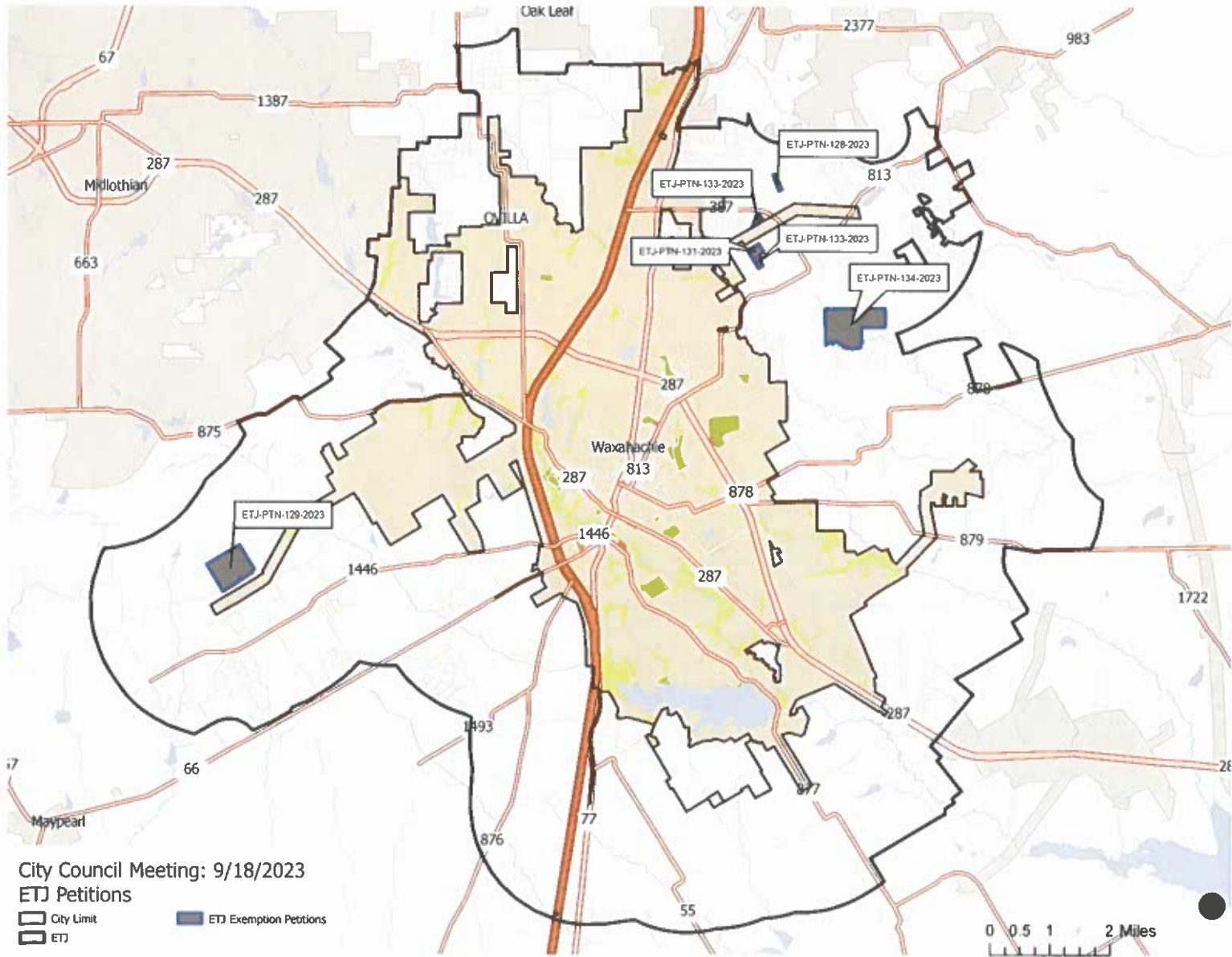
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(5h)



(5h)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 22.62 ACRE TRACT OF LAND, LOCATED WEST OF 124 BERKSHIRE LANE, KNOWN AS PROPERTY ID 289910, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

**WHEREAS**, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 18<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(5h)

## EXHIBIT A

### PROPERTY DESCRIPTION

BEING all that certain parcel of land being situated in the ASHTON SLAYBACK SURVEY, ABSTRACT NO. 1005, Ellis County, Texas, and being a portion of the 193.6531 acre tract of land conveyed to Dallas Joint Venture No. 1 by Warranty Deed recorded in Volume 721, Page 793 of the Deed Records of Ellis County, Texas (DRECT), and being more particularly described as follows:

BEGINNING at a cotton gin spike set in Robinett Road (a county road) and in the southwest line of the Slayback Survey and in the northeast line of the Elizabeth Rice Survey, Abstract No. 927 for the south corner of this tract and which bears N 31°42'20" W, a distance of 899.45 feet from the south corner of said Joint Venture Tract and the most westerly west corner of the 14.00 acre tract of land conveyed to Troubador Communication LLC by General Warranty Deed recorded in Volume 2578, Page 2157, OPRECT;

THENCE N 31°42'20" W, along the southwest line of said Joint Venture Tract and the common Slayback-Rice Survey line and along Robinett Road, a distance of 900.00 feet to a cotton gin spike set for the west corner of this tract;

THENCE N 58°18'40" E, along the northwest line of this tract, a distance of 1139.10 feet to a 1/2" iron rod set with cap marked "WLSC RPLS 5331" in the southerly northeast line of said Joint Venture Tract and in the southwest line of Northeast Meadows, an addition in Ellis County, Texas, according to the Plat thereof recorded in Cabinet E, Slide 283 of the Plat Records of Ellis County, Texas for the north corner of this tract;

THENCE S 31°09'36" E, along the southerly northeast line of said Joint Venture Tract and the southwest line of Northeast Meadows, a distance of 813.12 feet to a 1/2" iron rod found for the northerly east corner of said Joint Venture Tract and the north corner of said 14.00 acre tract;

THENCE along the southerly east line of said Joint Venture Tract and the west line of said 14.00 acre tract as follows: S 57°42'41" W, a distance of 409.25 feet to a 1/2" iron rod found for corner; and S 10°54'10" E, a distance of 88.39 feet to a 1/2" iron rod found for corner;

THENCE S 58°18'40" W, along the southeast line of this tract, a distance of 690.99 feet to the PLACE OF BEGINNING and containing 22.624 acres of land as surveyed on the ground on March 30, 2021 by Walker Land Surveying Company. Basis of bearings is GPS observation, Texas Coordinate System, North Central Zone. Beginning coordinate - Northing=6849783.25, Easting=2490400.57.

(5h)



## EXHIBIT B

ETJ-PTN-131-2023 (ETJ PETITION)  
City Limits

(5i)

## Planning & Zoning Department

### Petition for ETJ Release

Case: ETJ-PTN-133-2023



#### MEETING DATE(S)

City Council:

September 18, 2023

#### CAPTION

**Consider** proposed Ordinance approving a request by Jireten, LLC, owner, for a **Petition for ETJ Release** for approximately 21.62 acres, the first tract located south of 1500 FM 387 and the second tract located east of 333 Robnett Road, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 296680 and 289836) – Owner: Jireten, LLC (ETJ-PTN-133-2023)

#### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-133-2023, a request by Jireten, LLC, for a Petition for ETJ Release for approximately 21.62 acres, located south of 1500 FM 387, authorizing the Mayor to sign the associated documents accordingly."*

#### APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

#### CASE INFORMATION

**Applicant:**

James Moon, Kaplan & Moon, PLLC

**Property Owner(s):**

Jireten, LLC

**Site Acreage:**

Total Acreage = 21.62 acres

Tract 1 = 10.568 acres

Tract 2 = 11.058 acres

**Number of Lots:**

2 lot

**Number of Dwelling Units:**

0 units

#### SUBJECT PROPERTY

**General Location:**

Tract 1 - located south of 1500 FM 387

Tract 2 - located east of 333 Robnett Road

**Parcel ID Number(s):**

Tract 1 – 296680

Tract 2 - 289836

**Current Zoning:**

ETJ

**Existing Use:**

Undeveloped Land

**Platting History:**

The subject property was not previously platted.

**CCN Service Area:**

Rockett Special Utility District



**Site Aerial:****PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

**ATTACHED EXHIBITS**

1. Overall Exhibit for ETJ Petitions – 09/18/2023 City Council Meeting
2. Proposed Ordinance

**STAFF CONTACT INFORMATION***Prepared by:*

Eleana Tuley, AICP

Senior Planner

[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

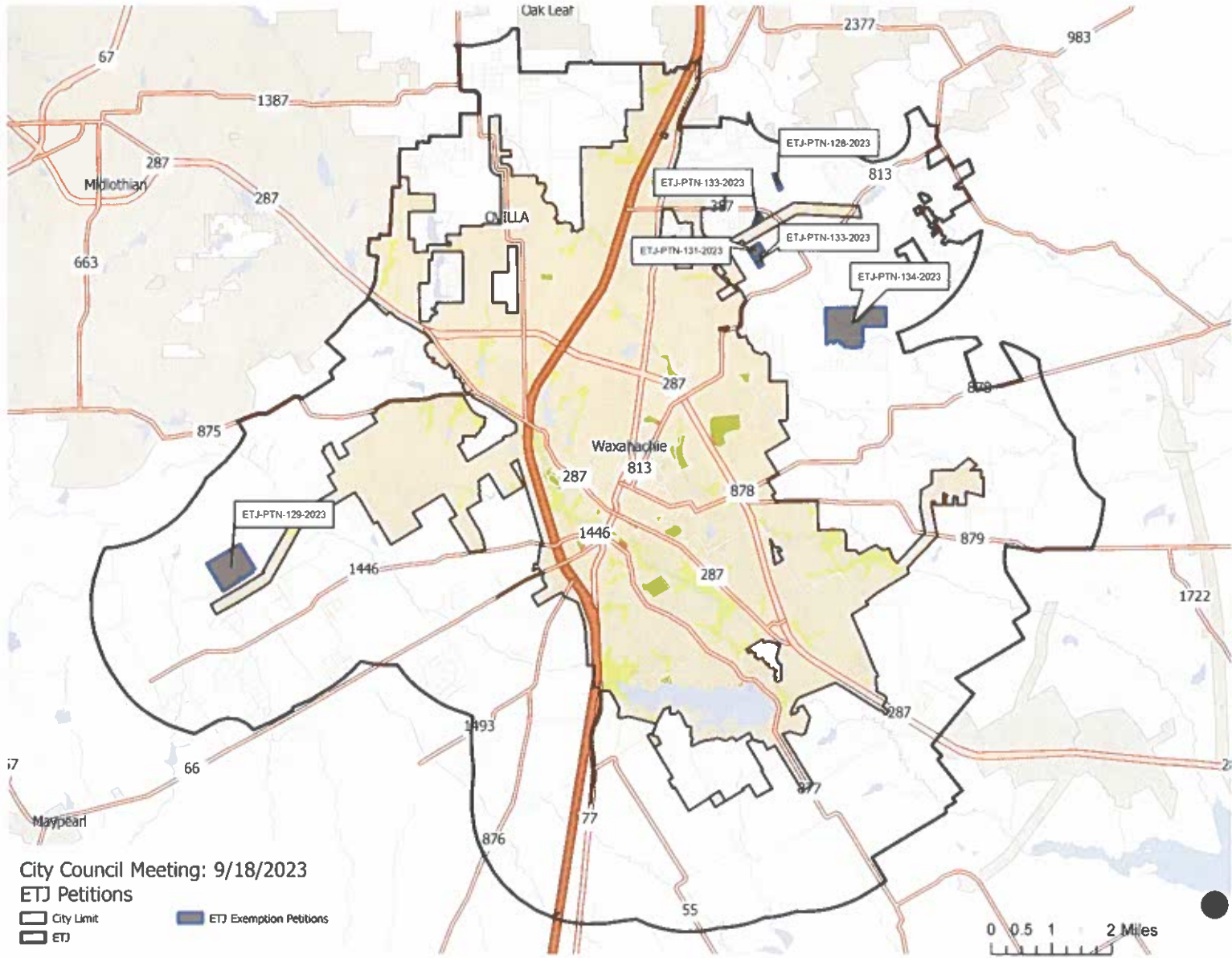
*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5i)





(51)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF 21.62 ACRES OF LAND, THE FIRST TRACT LOCATED SOUTH OF 1500 FM 387 (PROPERTY ID 296680) AND THE SECOND TRACT LOCATED EAST OF 333 ROBNETT ROAD (PROPERTY ID 289836), AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("ETJ"); and

**WHEREAS**, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 18<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(5i)

## EXHIBIT A

### TRACT 1

BEING all that certain parcel of land being situated in the JOHN F. STROOPE SURVEY, ABSTRACT No. 1042, Ellis County, Texas, and being a portion of the 11.986 acre tract of land conveyed to Butcher 3 Investments, LLC by Special Warranty Deed recorded in Instrument Number 2151806 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found with cap marked "WLSC RPLS 5331 " in the south line of the 50.489 acre tract of land conveyed to Turnerville Holdings, LLC by Special Warranty Deed recorded in Instrument Number 2121221, OPRECT and in the south line of the Stroope Survey and in the north line of the 80.015 acre tract of land conveyed to Trelen Land, LLC by Special Warranty Deed recorded in Instrument Number 2121222, OPRECT and of the Ashton Slayback Survey, Abstract No. 1005 and which bears N 58°59'48" E, a distance of 587.68 feet from a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for the southwest corner of said 50.489 acre tract;

THENCE N 20°02'44" E, along the west line of said Butcher Tract and a residual east line of said 50.489 acre tract, a distance of 1232.98 feet to a 1/2" iron rod set with cap marked "WLSC RPLS 5331 " for the northwest corner of this tract;

THENCE S 69°57'16" E, along the north line of this tract, a distance of 202.99 feet to a 1/2" iron rod found with cap marked "WLSC RPLS 5331 " in the west line of the westerly residual portion of said 50.489 acre tract for an angle corner of said Butcher Tract;

THENCE S 30°58'08" E, along the east line of said Butcher Tract and a residual west line of said 50.489 acre tract, a distance of 617.25 feet to a 1/2" iron rod found with cap marked "WLSC RPLS 5331 " in the south line of said 50.489 acre tract and in the north line of said 80.015 acre tract and in the common Stroope-Slayback Survey Line for the southeast corner of said Butcher Tract;

THENCE S 58°59'48" W, along the south line of said Butcher Tract and the north line of said 80.015 acre tract and along the common Stroope-Slayback Survey Line, a distance of 1086.11 feet to the PLACE OF BEGINNING and containing 10.568 acres of land as surveyed on the ground on July, 2022 by Walker Land Surveying Company. Basis of bearings is GPS observation, Texas Coordinate System, North Central Zone. Beginning coordinate - Northing=6852622.88, Easting=2490314.23

(5i)

## TRACT 2

BEING all that certain parcel of land being situated in the ASHTON SLAYBACK SURVEY, ABSTRACT NO. 1005, Ellis County, Texas, and being a portion of the 193.6531 acre tract of land conveyed to Dallas Joint Venture No. 1 by Warranty Deed recorded in Volume 721, Page 793 of the Deed Records of Ellis County, Texas (DRECT), and being more particularly described as follows:

BEGINNING at a cotton gin spike set in Robinett Road (a county road) and in the southwest line of the Slayback Survey and in the northeast line of the Elizabeth Rice Survey, Abstract No. 927 for the south corner of said Joint Venture Tract and the most westerly corner of the 14.00 acre tract of land conveyed to Troubador Communication LLC by General Warranty Deed recorded in Volume 2578, Page 2157, OPRECT;

THENCE N 31°42'20" W, along the southwest line of said Joint Venture Tract and the common Slayback-Rice Survey line and along Robinett Road, a distance of 899.45 feet to a cotton gin spike set for the west corner of this tract;

THENCE N 58°18'40" E, along the northwest line of this tract, a distance of 690.99 feet to a 1/2" iron rod set with cap marked "WLSC RPLS 5331" in the southerly northeast line of said Joint Venture Tract and in the southwest line of said 14.00 acre tract for the north corner of this tract;

THENCE along the southerly east line of said Joint Venture Tract and the west line of said 14.00 acre tract as follows:  
S 10°54'10" E, a distance of 687.70 feet to a 1/2" iron rod found for corner;  
S 30°39'53" E, a distance of 264.66 feet to a 1/2" iron rod found for corner; and  
S 59°21'40" W, passing at 412.21 feet to a 1/2" iron rod found for witness, in all, a distance of 442.29 feet to the PLACE OF BEGINNING and containing 11.058 acres of land as surveyed on the ground on March 30, 2021 by Walker Land Surveying Company. Basis of bearings is GPS observation, Texas Coordinate System, North Central Zone. Beginning coordinate - Northing=6849017.89, Easting=2490873.05.

(5i)



# Planning & Zoning Department

## Petition for ETJ Release

**Case: ETJ-PTN-134-2023**



### MEETING DATE(S)

City Council:

September 18, 2023

### CAPTION

**Consider** proposed Ordinance approving a request by AP Rock Springs, Inc., and AP Waxahachie Limited Partnership, for a **Petition for ETJ Release** for approximately 317.16 acres located west of 1415 Gibson Road, situated in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 139002, 180444, 138303, 138713, and 274487) – Owner: AP Rock Springs, Inc. and AP Waxahachie Limited Partnership (ETJ-PTN-000134-2023)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-134-2023, a request by AP Rock Springs, Inc., and AP Waxahachie Limited Partnership, for a Petition for ETJ Release for approximately 317.16 acres, located west of 1415 Gibson Road, authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

### CASE INFORMATION

|                                  |  |
|----------------------------------|--|
| <b>Applicant:</b>                | AP Rock Springs, Inc., and AP Waxahachie Limited Partnership |
| <b>Property Owner(s):</b>        | AP Rock Springs, Inc., and AP Waxahachie Limited Partnership |
| <b>Site Acreage:</b>             | 317.16 acres   |
| <b>Number of Lots:</b>           | 5 lots   |
| <b>Number of Dwelling Units:</b> | 0 unit   |

### SUBJECT PROPERTY

|                             |  |
|-----------------------------|--|
| <b>General Location:</b>    | Located west of 1415 Gibson Road                 |
| <b>Parcel ID Number(s):</b> | 139002, 180444, 138303, 138713, and 274487       |
| <b>Current Zoning:</b>      | ETJ  |
| <b>Existing Use:</b>        | Undeveloped Land                                 |
| <b>Platting History:</b>    | The subject property was not previously platted. |
| <b>CCN Service Area:</b>    | Rockett Special Utility District                 |



**Site Aerial:****PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

**ATTACHED EXHIBITS**

1. Overall Exhibit for ETJ Petitions – 09/18/2023 City Council Meeting
2. Proposed Ordinance

**STAFF CONTACT INFORMATION***Prepared by:*

Eleana Tuley, AICP

Senior Planner

[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

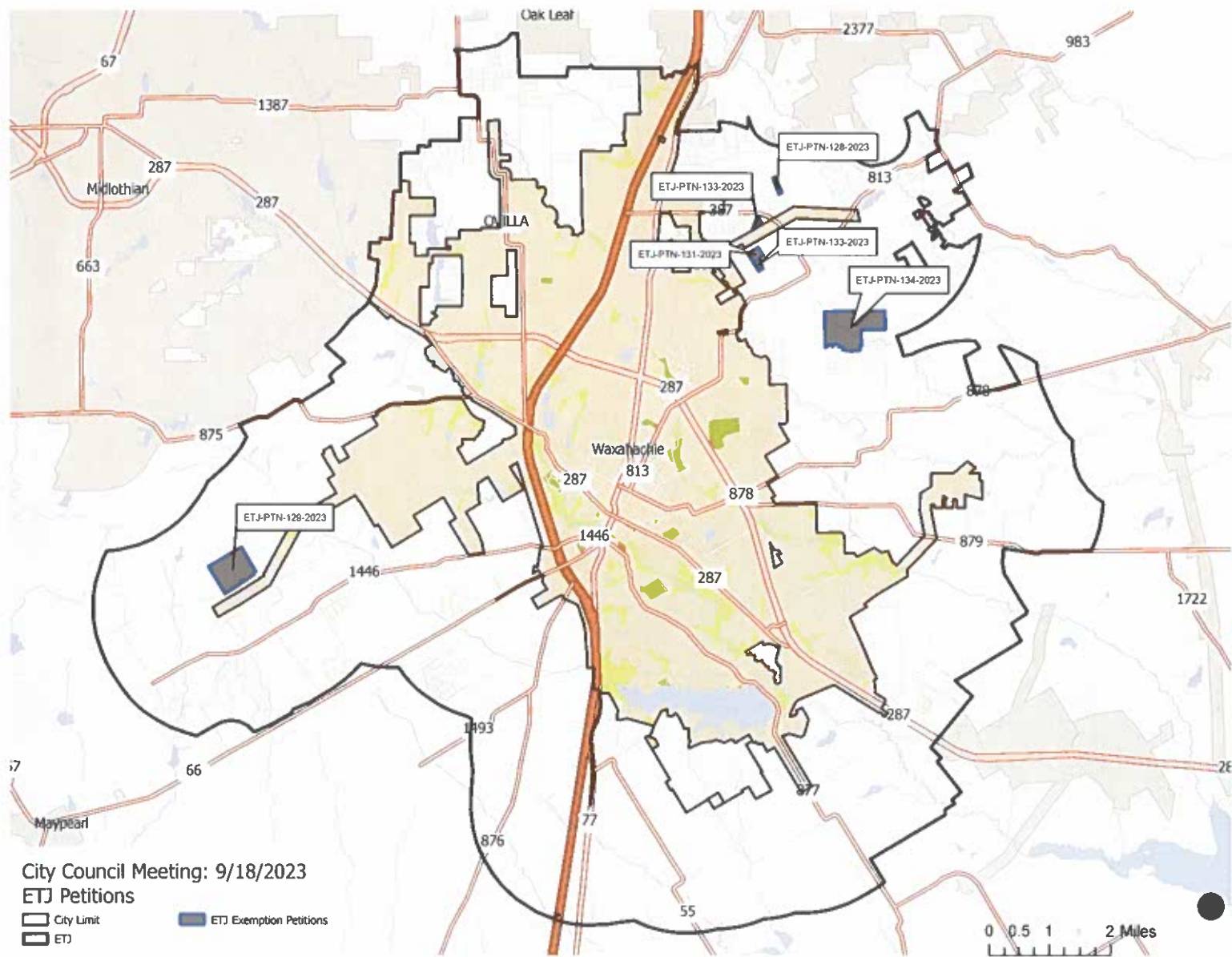
*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(5j)



(5j)

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

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 317.16 ACRE TRACT OF LAND, LOCATED WEST OF 1415 GIBSON ROAD, KNOWN AS PROPERTY ID 139002, 180444, 138303, 138713, AND 274487, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

**WHEREAS**, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 18<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(5j)

**EXHIBIT A**  
**317.16 ACRES**

BEING a tract of land situated in the J.L. BOISSONET SURVEY, ABSTRACT NO. 105, and the J. COLLET ABSTRACT, SURVEY NO. 221 in Ellis County, Texas, and being part of a called 102.1296 acre tract of land described in a deed from Sunbelt Estate LLC to AP Waxahachie Limited Partnership, recorded in Volume 2059, Page 909 of the Deed Records of Ellis County, Texas ("DIRECT"), part of a called 246.013 acre tract of land described in a deed from Sunbelt Estate LLC to AP Waxahachie Limited Partnership, recorded in Volume 2059, Page 916 DIRECT, and all of a called 77.099 acre tract of land described in a deed from Millennium Interests Ltd. to AP Waxahachie Limited Partnership, recorded in Volume 2237, Page 33 DIRECT and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap marked "PETITT – RPLS 4087" set for the northwest corner of said 102.1296 acre tract, said point also being located in the south line of a called 134.426 acre tract of land described in a deed to The Brandenburg Family Revocable Living Trust recorded in Volume 1105, Page 490 DIRECT;

THENCE, South 89 degrees 49 minutes 00 seconds East, along the approximate center of Windham Road (an undedicated public road) and the north line of said 102.1296 acre tract and the south line of said Brandenburg tract, a distance of 802.62 feet to a 5/8-inch iron rod with cap marked "PETITT – RPLS 4087" set for the northeast corner of said 102.1296 acre tract and the northwest corner of said 246.013 acre tract;

THENCE South 89 degrees 49 minutes 00 seconds East along the approximate center of Windham Road and the north line of said 246.013 acre tract and the south line of said Brandenburg tract, the South line of a tract of land described in a deed to C.A. Windham recorded in Volume 626, Page 176 DIRECT and the south line of a called 132.33 acre tract of land described in a deed to C.A. Windham recorded in Volume 281, Page 612 DIRECT, a distance of 2437.80 feet to a 5/8-inch iron rod with cap marked "PETITT – RPLS 4087" set for the northeast corner of said 246.013 acre tract and the northwest corner of said 77.099 acre tract;

THENCE continuing South 89 degrees 49 minutes 00 seconds East along the approximate center of Windham Road and the north line of said 77.099 acre tract a distance of 2068.00 feet to a 1/2 -inch iron rod found for the northeast corner of said 77.099 acre tract and the approximate center of Gibson Road;

(5j)

THENCE South, continuing along the approximate center of Gibson Road and the east line of said 77.099 acre tract, a distance of 1624.01 feet to a 60d nail found for the northeast corner of a tract of land described in a deed to Stanford and Monsheera Odanga recorded in Volume 2410, Page 1494 DRECT;

THENCE North 89 degrees 49 minutes 00 seconds West, along the north line of said Odanga tract, a distance of 2068.00 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" found for the northwest corner of said Odanga tract, in the east line of said 246.013 acre tract;

THENCE South along the east line of said 246.013 acre tract and the west line of said Odanga tract, the west line of a tract of land described in a deed to Arpro Properties LLC recorded in Instrument 2211071, DRECT, the west line of a tract of land described in a deed to Marisol Martinez and Martina Gonzalez recorded in Instrument 2022275, DRECT, and the northernmost west line of a tract of land described as Lot 1X, Block A, of the Replat of Springside Estates Phase 1, an addition to Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet K, Slides 16-18, Plat Records of Ellis County, Texas ("PRECT"), a distance of 2993.53 feet, to an iron rod found for an inside corner of said Lot 1X;

THENCE South 90 degrees 00 minutes 00 seconds West a distance of 148.80 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" found for corner;

THENCE South 90 degrees 00 minutes 00 seconds West a distance of 411.18 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" found corner in the north right-of-way line of Lakota Parkway, an 80-foot-wide right-of-way according to the Final Plat of Springside Estates Phase 2, an addition to Ellis County, Texas, according to the Plat thereof recorded in Cabinet M, Slides 314-317 of the Plat Records of Ellis County, Texas, and being the southwest corner of said Lot 1X,;

THENCE with the north right-of-way line of said Lakota Parkway the following courses to 5/8-inch iron rods with cap market "PETITT RPLS 4087" found for corner:

South 90 degrees 00 minutes 00 seconds West a distance of 4.74 feet to the beginning of a tangent curve to the left;

Southwesterly with said curve which has a central angle of  $06^{\circ}58'46''$ , a radius of 390.00 feet, a chord that bears South  $86^{\circ}30'37''$  West, a distance of 47.448 feet, and an arc length of 47.51 feet to the end of said curve;

South  $83^{\circ}01'13''$  West, a distance of 575.62 feet to the beginning of a tangent curve to the right;



(5j)

Southwesterly with said curve, which has a central angle of  $11^{\circ}56'23''$ , a radius of 960.00 feet, a chord that bears South  $88^{\circ}59'24''$  West, a distance of 199.69 feet, and an arc length of 200.05 feet to the end of said curve;

North  $00^{\circ}00'00''$  East, a distance of 24.81 feet;

North  $90^{\circ}00'00''$  West, a distance of 60.00 feet;

South  $00^{\circ}00'00''$  West, a distance of 17.69 feet to the beginning of a non-tangent curve to the right; northwesterly with said curve which has a central angle of  $00^{\circ}47'20''$ , a radius of 960.00 feet, a chord that bears North  $81^{\circ}02'20''$  West, a distance of 13.22 feet, and an arc length of 13.22 feet to the end of said curve;

North  $80^{\circ}38'40''$  West, a distance of 320.38 feet to the beginning of a tangent curve to the left;

Northwesterly with said curve which has a central angle of  $09^{\circ}44'43''$ , a radius of 1540.00 feet, a chord that bears North  $85^{\circ}31'01''$  West, a distance of 261.62 feet and an arc length of 261.93 feet to the end of said curve;

North  $00^{\circ}00'00''$  East, departing the north right-of-way line of said Lakota Parkway, with the north line of said Phase 2, a distance of 18.99 feet;

THENCE, continuing with the north line of said Phase 2 the following courses and distances to 5/8-inch iron rods with caps marked "PETITT RPLS 4087" found for corner:

North  $90^{\circ}00'00''$  West, a distance of 60.00 feet;

North  $00^{\circ}00'00''$  East, a distance of 245.65 feet;

North  $90^{\circ}00'00''$  West, a distance of 331.19 feet;

North  $09^{\circ}23'47''$  East, a distance of 133.48 feet;

North  $62^{\circ}52'17''$  West, a distance of 331.39 feet;

North  $37^{\circ}40'43''$  West, a distance of 72.12 feet;

South  $35^{\circ}35'51''$  West, a distance of 311.51 feet;

North  $54^{\circ}23'09''$  West, a distance of 46.87 feet;

South  $35^{\circ}36'51''$  West, a distance of 80.00 feet;

(5j)

North  $54^{\circ}23'09''$  East, a distance of 46.60 feet to the beginning of a tangent curve to the right;

Northwesterly with said curve which has a central angle of  $18^{\circ}45'44''$ , a radius of 780.00 feet, a chord that bears North  $45^{\circ}00'17''$  West, a distance of 254.28 feet, and an arc length of 255.42 feet to the end of said curve;

South  $54^{\circ}22'34''$  West, a distance of 545.99 feet to a point on the west line of said 102.1296 acre tract;

THENCE North  $00^{\circ}09'52''$  East with the west line of said 102.1296 acre tract, a distance of 582.59 feet to a 1-inch iron pipe found for corner;

THENCE continuing along the west line of said 102.1296 acre tract and the east line of a called 430.52 acre tract of land described in a deed to Job Bob Price recorded in Volume 1757, Page 911, DRECT and a called 40 acre tract of land described in a deed to Jack Frank Price recorded in Volume 852, Page 199 DRECT, North  $00^{\circ}20'42''$  East, a distance of 2624.8024 feet to the Point of Beginning, containing 317.16 acres, more or less.

(5j)



(7)

# ***PROCLAMATION***

**WHEREAS**, it is the privilege and duty of the American people to commemorate the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17<sup>th</sup> through 23<sup>rd</sup> as Constitution Week;

**NOW THEREFORE**, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim September 17-23, 2023 as

## ***"CONSTITUTION WEEK"***

and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Proclaimed this 17<sup>th</sup> day of September, 2023.

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MAYOR

ATTEST:

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CITY SECRETARY

**AGREEMENT ON HOTEL-MOTEL TAX REVENUE**

WHEREAS, Texas law in Chapter 351, Municipal Hotel Occupancy Taxes, of the Tax Code provides that Cities may provide for a municipal hotel occupancy tax, which the City of Waxahachie does charge and collect, and

WHEREAS, the said Texas statutes provide that municipalities may contract for the management of programs and activities funded with said tax, and the City of Waxahachie and the Waxahachie Arts Council, Inc. desire to so contract;

NOW, THEREFORE, it is hereby contracted and agreed as follows:

1. The City of Waxahachie and the Waxahachie Arts Council, Inc., hereby contract and agree that 25% of the available hotel-motel tax revenues are to be paid to the Waxahachie Arts Council, Inc., but only in compliance with all provisions of the Texas Statutes above described. It is specifically agreed that no more than 15% of the total funds collected by the City, being 315 of the funds paid to the Waxahachie Arts Council, Inc., may be spent on the encouragement, promotion, improvement and application of the arts, as provided in Section 351.101 (a) (4) of the State Tax Code. The remaining funds must be spent either for the historical restoration and preservation projects or activities to encourage tourists to visit historical sites or museums, in accordance with Section 351.101 (a) (5) of said statute, or solicitations or promotional programs to attract tourists and convention delegates, as allowed by Section 351.101 of said statute.

2. The City of Waxahachie shall review and approve in advance each year the annual budget of the Waxahachie Arts Council, Inc., for the expenditure of said funds, and the City may require amendments before approval, and shall require quarterly reports of funds expended during the last quarter. The Waxahachie Arts Council, Inc., shall keep accurate records of any funds expended, which shall at all office hours be available for review by the City.

3. Funds for each quarter will not be released until the quarterly report for the previous quarter is received, reviewed and approved by the City staff.

4. The City may, at its option and at any time, appoint a representative to review any accounts, and to have the right to appear at any meetings of the Waxahachie Arts Council, Inc., which deal with said fund.

5. This contract may be amended by the City at any time that state law is amended so as to comply with state law, if said amendment by the City is required in order to comply with the law.

6. This contract shall start January 1, 2024, and shall run for three years expiring on December 31, 2026. The City reserves the right to cancel this contract on 30 days notice in writing if the Waxahachie Arts Council, Inc., does not comply with this contract, but only after 30 days notice in writing of the alleged violation and failure to comply with this contract and correct any violation during said 30-day grace period. Any such cancellation shall not apply to funds contracted for in writing for long term commitments. This contract replaces all existing contracts on this subject between the parties hereto.



(8)

Executed this 18<sup>th</sup> day of September, 2023.

WAXAHACHIE ARTS COUNCIL, INC.

By: \_\_\_\_\_

CITY OF WAXAHACHIE

By: \_\_\_\_\_  
Mayor

4:36 PM

08/28/23

Cash Basis

**ELLIS COUNTY ART ASSOCIATION**

(8)

**Balance Sheet**

As of December 31, 2022

|                                       | <u>Dec 31, 22</u>        |
|---------------------------------------|--------------------------|
| <b>ASSETS</b>                         |                          |
| Current Assets                        |                          |
| Checking/Savings                      |                          |
| CITIZENS CHECKING                     | 18,329.96                |
| CNB COMMERCIAL                        | 34,560.75                |
| petty cash                            | 1,298.47                 |
| Total Checking/Savings                | <u>54,189.18</u>         |
| Other Current Assets                  |                          |
| Art on the Square                     | 3,000.00                 |
| TD Amtrade Investment                 | 50,000.00                |
| Total Other Current Assets            | <u>53,000.00</u>         |
| Total Current Assets                  | <u>107,189.18</u>        |
| Fixed Assets                          |                          |
| -BUILDING-109 W FRANKLIN STE 11       |                          |
| BUILDING IMPROVEMENT-                 | 64,007.60                |
| Total -BUILDING-109 W FRANKLIN STE 11 | <u>64,007.60</u>         |
| -EQUIPMENT                            |                          |
| EQUIPMENT - OFFICE                    | 1,784.74                 |
| Total -EQUIPMENT                      | <u>1,784.74</u>          |
| DEPRECIATION-ACCUMULATED              |                          |
| ACCUMULATED DEPR - BLDG IMPROV        | -7,052.00                |
| ACCUMULATED DEPR - EQUIP-OFC          | -1,785.00                |
| Total DEPRECIATION-ACCUMULATED        | <u>-8,837.00</u>         |
| Total Fixed Assets                    | <u>56,955.34</u>         |
| <b>TOTAL ASSETS</b>                   | <u><b>164,144.52</b></u> |
| <b>LIABILITIES &amp; EQUITY</b>       |                          |
| Equity                                |                          |
| RETAINED EARNINGS                     | 207,185.88               |
| Net Income                            | -43,041.36               |
| Total Equity                          | <u>164,144.52</u>        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b> | <u><b>164,144.52</b></u> |

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08/28/23

Cash Basis

## ELLIS COUNTY ART ASSOCIATION

## Profit &amp; Loss

January through December 2022

(8)

|                                 | Jan - Dec 22     |
|---------------------------------|------------------|
| <b>Ordinary Income/Expense</b>  |                  |
| <b>Income</b>                   |                  |
| ART SOLD PMT TO GALLERY         | 1,087.87         |
| CASH                            | 1,150.00         |
| DONATIONS INCOME                | 1,078.24         |
| FALL ART SHOW INCOME            | 1,505.71         |
| GALLERY SALES                   | 42.69            |
| INTEREST INCOME                 | 225.67           |
| MEMBERSHIP DUES                 | 3,780.00         |
| OTHER INCOME                    | 1,839.26         |
| PAINT PARTIES                   | 650.00           |
| PLEIN AIRE INCOME               | 1,505.00         |
| REFUND-INCOME                   | 636.35           |
| TEACHER INCOME                  | 300.00           |
| WAXAHACHIE ARTS COUNCIL         | 20,375.00        |
| WORKSHOP INCOME                 | 3,150.00         |
| WORKSHOP TEACHER FEE            | 0.00             |
| <b>Total Income</b>             | <b>37,325.79</b> |
| <b>Gross Profit</b>             | <b>37,325.79</b> |
| <b>Expense</b>                  |                  |
| ADVERTISING                     | 446.47           |
| ART ACADEMY EXPENSES            | 284.19           |
| ARTWORK SOLD (PMT TO ARTIST)    | 350.00           |
| BANKCARD CHARGES                | 920.66           |
| BOOKKEEPING                     | 3,900.00         |
| BOOKKEEPING SERVICE             | 1,250.00         |
| BUILDING                        | 7,846.36         |
| BUILDING RENTAL EXPENSES        | 34,023.94        |
| CANVAS AND COCKTAILS            | 0.00             |
| CHRISTMAS PARTY EXPENSES        | 540.00           |
| DEMONSTRATOR-ARTIST             | 1,845.00         |
| DONATION - MISC                 | 1,876.96         |
| DUES, SUBSCRIPTIONS & FEES      | 1,250.00         |
| FALL ART SHOW                   | 2,029.50         |
| FUNDING FOR FOUNDATION          | 5,000.00         |
| GALLERY STAFF                   | 412.50           |
| GALLERY SUPPLIES                | 1,352.98         |
| INTERNET & PHONE FOR GALLERY, D | 322.39           |
| meals and entertainment         | 21.04            |
| MISCELLANEOUS (1 TIME CHGS)     | 772.59           |
| MISCELLANEOUS FEE               | 2,717.27         |
| OFFICE                          | 1,906.61         |
| OFFICE EQUIPMENT                | 413.75           |
| PLEIN AIRE                      | 2,431.15         |
| PO BOX RENTAL                   | 273.00           |
| POSTAGE                         | 58.00            |
| PROFESSIONAL DUES/FEES/SUBSCRIP | 100.00           |
| REFUND                          | 360.57           |
| REIMBURSEMENT FOR WORKSHOP PART | 150.00           |
| STATE COMPTROLLER               | 390.82           |

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08/28/23

Cash Basis

**ELLIS COUNTY ART ASSOCIATION**

(8)

**Profit & Loss**

January through December 2022

|                                | <u>Jan - Dec 22</u>      |
|--------------------------------|--------------------------|
| STORYTIME ART CLASS PAYMENT TO | 3,410.00                 |
| suspense                       | -272.48                  |
| TELEPHONE                      | 1,919.06                 |
| UTILITIES                      | 3,373.53                 |
| WEBSITE PROGRAM                | 1,191.29                 |
| WORKSHOP EXPENSES              | 500.00                   |
| Total Expense                  | <u>83,367.15</u>         |
| Net Ordinary Income            | -46,041.36               |
| Other Income/Expense           |                          |
| Other Income                   |                          |
| YOUTH CLASS REGISTRATION       | 3,000.00                 |
| Total Other Income             | <u>3,000.00</u>          |
| Net Other Income               | 3,000.00                 |
| Net Income                     | <u><u>-43,041.36</u></u> |

**2022 Activities and Accomplishments**

- Memberships for 2022 were waived.
- Projects:
  - **Goal of Projects:** To help the Auditorium stand out to Park visitors, to encourage use of the Auditorium and to make the Auditorium more welcoming to visitors.
  - Purchased 2 generic marquee posters
  - Purchased a new replacement American flag.
  - Funds for installation of 6 benches (~\$12,000) were encumbered from this year's operating budget and will be spent in early 2023. The organization is working with the Parks Department on the installation.
  - Participated in a collaborative project with the Rotary Club to "deep clean" the Auditorium in February 2022. The Chautauqua Preservation Society provided \$500 to the Rotary Club in support of this project.
- Events:
  - Participated in the Ellis County Master Gardeners Expo and provided 500 Chautauqua-branded shopping bags for the plant sale.
  - The annual Assembly was moved to Oct 8 this year. The theme was a Cowboy Poetry Gathering. The event was offered free of charge. The zip codes were collected from 278 individuals. Total attendance throughout the day was approximately 600 unique individuals. About 30% of the attendees resided outside of Ellis County.
    - Performers included well-known cowboy poets from across north Texas. Musicians included award winning performers from both north Texas and North Dakota.
    - On October 7, presented a program to over 750 WISD 7<sup>th</sup> grade students featuring the poetry and music performed by presenters for the Assembly.
    - Last Chance Forever Conservancy – Birds of Prey – presented two shows. Attendance was about 100 for each show.
    - Trash Can Transformation – 32 cans were painted with about 100 participants
- Other Activities:
  - Maintained an extensive website of Chautauqua history and event information ([www.waxahachiechautauqua.org](http://www.waxahachiechautauqua.org))
  - Maintained a social media presence.
  - Sent periodic e-newsletters to over 900 subscribers nationwide



(8)

## Cash Flow - Last year

1/1/2022 through 12/31/2022

1/4/2023

Page 1

| Category                         | 1/1/2022-<br>12/31/2022 |
|----------------------------------|-------------------------|
| <b>INFLOWS</b>                   |                         |
| Arts Council                     | 20,375.00               |
| Membership                       | 150.94                  |
| Other Inc                        | 595.00                  |
| <b>TOTAL INFLOWS</b>             | <b>21,120.94</b>        |
| <b>OUTFLOWS</b>                  |                         |
| Event Production                 |                         |
| Equipment Rental                 | 2,549.70                |
| Event Insurance                  | 176.00                  |
| Food                             | 775.66                  |
| Laundry                          | 170.62                  |
| Photographer                     | 500.00                  |
| Signs                            | 665.00                  |
| Sound                            | 800.00                  |
| TOTAL Event Production           | 5,636.98                |
| Flag Pole                        | 130.68                  |
| Marketing                        |                         |
| Ads- Print                       | 487.90                  |
| Master Gardeners Expo Booth      | 75.00                   |
| Promotion Items                  | 528.93                  |
| TOTAL Marketing                  | 1,091.83                |
| Misc                             | 28.00                   |
| Organization Membership          | 650.00                  |
| Presenter-Performer              | 6,200.00                |
| Printing                         | 1,037.85                |
| Rental                           |                         |
| PO Box Rental                    | 232.00                  |
| Storage Unit                     | 969.00                  |
| TOTAL Rental                     | 1,201.00                |
| Security                         | 450.00                  |
| Tax Preparation                  | 95.00                   |
| Trash Can Transformation         | 425.94                  |
| Travel - Presenters&Performers   |                         |
| Hotel                            | 1,728.90                |
| TOTAL Travel - Presenters&Perfor | 1,728.90                |
| Webhosting                       | 385.72                  |
| <b>TOTAL OUTFLOWS</b>            | <b>19,061.90</b>        |
| <b>OVERALL TOTAL</b>             | <b>2,059.04</b>         |

(8)

## Cash Flow - Last year

1/1/2022 through 12/31/2022

1/4/2023

Page 1

| Category                         | 1/1/2022-<br>12/31/2022 |
|----------------------------------|-------------------------|
| <b>INFLOWS</b>                   |                         |
| Arts Council                     | 20,375.00               |
| Membership                       | 150.94                  |
| Other Inc                        | 595.00                  |
| <b>TOTAL INFLOWS</b>             | <b>21,120.94</b>        |
| <b>OUTFLOWS</b>                  |                         |
| Event Production                 |                         |
| Equipment Rental                 | 2,549.70                |
| Event Insurance                  | 176.00                  |
| Food                             | 775.66                  |
| Laundry                          | 170.62                  |
| Photographer                     | 500.00                  |
| Signs                            | 665.00                  |
| Sound                            | 800.00                  |
| TOTAL Event Production           | 5,636.98                |
| Flag Pole                        | 130.68                  |
| Marketing                        |                         |
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| Misc                             | 28.00                   |
| Organization Membership          | 650.00                  |
| Presenter-Performer              | 6,200.00                |
| Printing                         | 1,037.85                |
| Rental                           |                         |
| PO Box Rental                    | 232.00                  |
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| TOTAL Rental                     | 1,201.00                |
| Security                         | 450.00                  |
| Tax Preparation                  | 95.00                   |
| Trash Can Transformation         | 425.94                  |
| Travel - Presenters&Performers   |                         |
| Hotel                            | 1,728.90                |
| TOTAL Travel - Presenters&Perfor | 1,728.90                |
| Webhosting                       | 385.72                  |
| <b>TOTAL OUTFLOWS</b>            | <b>19,061.90</b>        |
| <b>OVERALL TOTAL</b>             | <b>2,059.04</b>         |

William Ray Porter, CPA

105 Lucas Street  
Waxahachie, Texas 75165  
(972) 923-2000

(8)

Melissa Chapman, President

August 9, 2023

Waxahachie Symphony Association, Inc.

P.O. Box 405

Waxahachie, Texas 75168

### Independent Accountant's Preparation Report

The Waxahachie Symphony Association, Inc. has a July 31, 2023 Fiscal Year-End.

I have prepared the accompanying Statement of Assets, Liabilities & Fund Balance-income tax basis of the Waxahachie Symphony Association, Inc., a Texas Corporation, as of December 31, 2022 and the related Statement of Revenues & Expenditures-income tax basis for the five months then ended. The Statement of Revenues & Expenditures-income tax basis is also presented for the 12-month calendar year ended December 31, 2022, as requested. I have not audited, reviewed or compiled the accompanying financial statements and accordingly, I do not express an opinion, a conclusion nor provide any assurance about whether the financial statements are in accordance with the income tax basis of accounting. The financial statements have been prepared on the accounting basis used by the Organization for federal income tax purposes.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the income tax basis of accounting and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the preparation in accordance with the Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a preparation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared in accordance with the income tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Organization's assets, liabilities, fund balance, revenue and expenditures. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Sincerely,

  
William Ray Porter, CPA

# Waxahachie Symphony Association, Inc.

(8)

## Statement of Assets, Liabilities & Fund Balance-Income Tax Basis

As of December 31, 2022

|   | TOTAL               |
|---|---------------------|
| <b>ASSETS</b>                             |                     |
| Current Assets                            |                     |
| Bank Accounts                             |                     |
| 101 CNB Checking Account                  | 110,837.44          |
| 102 CNB Money Market Account              | 75,722.53           |
| 103 CNB Belles & Beaus                    | 1,460.96            |
| Total Bank Accounts                       | \$188,020.93        |
| Total Current Assets                      | \$188,020.93        |
| <b>TOTAL ASSETS</b>                       | <b>\$188,020.93</b> |
| <b>LIABILITIES AND FUND BALANCE</b>       |                     |
| Liabilities                               |                     |
| Total Liabilities                         |                     |
| Fund Balance                              |                     |
| Fund Balance-Unrestricted                 | 186,529.19          |
| Net Revenues                              | 1,491.74            |
| Total Fund Balance                        | \$188,020.93        |
| <b>TOTAL LIABILITIES AND FUND BALANCE</b> | <b>\$188,020.93</b> |

### Note

See Accountant's Preparation Report

# Waxahachie Symphony Association, Inc.

(8)

## Statement of Revenues & Expenditures-Income Tax Basis

August - December, 2022

|   | TOTAL              |
|---|--------------------|
| <b>Revenues</b>   |                    |
| 401 Arts Council Grants   | 8,750.00           |
| 405 TCA Grants  | 15,250.00          |
| 410 Waxahachie Foundation Grants                                  | 7,500.00           |
| 420 Season Ticket Subscriptions                                   | 24,067.88          |
| 425 Individual Concert Ticket Sales                               | 1,511.03           |
| 440 Corporate Donors & Sponsors                                   | 3,210.00           |
| 445 Private Donors/Sponsors                                       | 3,000.00           |
| 460 Interest Income   | 109.34             |
| <b>Total Revenues</b>   | <b>\$63,398.25</b> |
| <b>Gross Revenues</b>   | <b>\$63,398.25</b> |
| <b>Expenditures</b>   |                    |
| 463 Contract Labor  | 225.00             |
| 501 Insurance   | 1,028.26           |
| 505 Advertising   | 4,339.09           |
| 506 Marketing Consulting Services                                 | 5,375.00           |
| 507 Website Fees & Costs  | 152.68             |
| 510 Office Supplies & Expenses                                    | 425.07             |
| 520 Dues & Subscriptions  | 650.00             |
| 530 Bookkeeping & Accounting Fees                                 | 590.00             |
| 535 Postage & Freight   | 35.60              |
| 550 Performer/ Artist Fees  | 43,145.00          |
| 551 Performer/Artist Hotels & Meals                               | 0.00               |
| 560 Supplies  | 280.37             |
| 570 Venue Fees  | 2,073.76           |
| 575 Programs Printing Cost  | 874.90             |
| 590 Credit Card fees  | 2,099.73           |
| 595 Misc Concert Exp-Stage/Photo                                  | 612.05             |
| <b>Total Expenditures</b>   | <b>\$61,906.51</b> |
| <b>Net Revenues &amp; Expenditures-Before Extraordinary Items</b> | <b>\$1,491.74</b>  |
| <b>Net Revenues &amp; Expenditures</b>                            | <b>\$1,491.74</b>  |

### Note

See Accountant's Preparation Report



# Waxahachie Symphony Association, Inc.

(8)

## Statement of Revenues & Expenditures-Income Tax Basis

January - December 2022

|   | TOTAL                |
|---|----------------------|
| <b>Revenues</b>   |                      |
| 401 Arts Council Grants   | 20,375.00            |
| 405 TCA Grants  | 20,850.00            |
| 410 Waxahachie Foundation Grants                                  | 7,500.00             |
| 415 Gifts   | 2,100.00             |
| 420 Season Ticket Subscriptions                                   | 28,642.63            |
| 425 Individual Concert Ticket Sales                               | 5,360.04             |
| 440 Corporate Donors & Sponsors                                   | 3,210.00             |
| 445 Private Donors/Sponsors                                       | 3,000.00             |
| 460 Interest Income   | 184.80               |
| <b>Total Revenues</b>   | <b>\$91,222.47</b>   |
| <b>Gross Revenues</b>   | <b>\$91,222.47</b>   |
| <b>Expenditures</b>   |                      |
| 463 Contract Labor  | 450.00               |
| 501 Insurance   | 1,028.26             |
| 505 Advertising   | 5,394.24             |
| 506 Marketing Consulting Services                                 | 5,375.00             |
| 507 Website Fees & Costs  | 152.68               |
| 510 Office Supplies & Expenses                                    | 607.07               |
| 515 Belles & Beaus Expenses                                       | 4,912.46             |
| 520 Dues & Subscriptions  | 1,300.00             |
| 530 Bookkeeping & Accounting Fees                                 | 1,121.00             |
| 535 Postage & Freight   | 35.60                |
| 540 Storage Rental  | 517.00               |
| 545 Instrument Rental & Tuning                                    | 350.00               |
| 550 Performer/ Artist Fees  | 72,645.00            |
| 551 Performer/Artist Hotels & Meals                               | 0.00                 |
| 555 Printing-Non Programs   | 299.21               |
| 560 Supplies  | 1,525.55             |
| 565 Scholarships  | 5,000.00             |
| 570 Venue Fees  | 4,114.81             |
| 575 Programs Printing Cost  | 1,556.25             |
| 590 Credit Card fees  | 2,099.73             |
| 595 Misc Concert Exp-Stage/Photo                                  | 612.05               |
| <b>Total Expenditures</b>   | <b>\$109,095.91</b>  |
| <b>Net Revenues &amp; Expenditures-Before Extraordinary Items</b> | <b>\$ -17,873.44</b> |
| <b>Net Revenues &amp; Expenditures</b>                            | <b>\$ -17,873.44</b> |

### Note

See Accountant's Preparation Report

**Ellis County Museum**  
**Statement of Activity**  
 January - December, 2022

(8)

|                               | <u>Total</u>         |
|-------------------------------|----------------------|
| <b>Revenue</b>                |                      |
| Arts Council Income           | 20,375.00            |
| Benevity Fund Donation        | 349.56               |
| Cash Donations                | 4,262.67             |
| Giftshop Sales                | 10,898.14            |
| Hagler Estate                 | 4,912.37             |
| Interest Income               | 2,059.40             |
| Love Lock Sales               | 1,580.00             |
| Membership Income             | 8,307.94             |
| Memorial Donations            | 1,273.04             |
| Rental Income City RE         | 8,910.00             |
| Sales of Museum Items         | 4,000.00             |
| <b>Total Revenue</b>          | <b>\$ 66,928.12</b>  |
| <b>Gross Profit</b>           | <b>\$ 66,928.12</b>  |
| <b>Expenditures</b>           |                      |
| Advertising & Marketing       | 1,921.45             |
| Bank Charges & Fees           | 29.00                |
| Dues & subscriptions          | 524.88               |
| Gift Shop Supplies            | 3,426.23             |
| Insurance                     | 6,043.00             |
| Legal & Professional Services | 255.85               |
| Meeting Expense               | 50.00                |
| Office Supplies & Software    | 4,689.58             |
| Other Business Expenses       | 47.66                |
| Payroll Expenses              | 210.00               |
| Taxes                         | 9,774.44             |
| Wages                         | 44,172.40            |
| <b>Total Payroll Expenses</b> | <b>\$ 54,156.84</b>  |
| Payroll Wage Expenses         | 7,980.14             |
| Taxes & Licenses              | 1,141.72             |
| Utilities                     | 6,030.54             |
| <b>Total Expenditures</b>     | <b>\$ 86,296.89</b>  |
| <b>Net Operating Revenue</b>  | <b>-\$ 19,368.77</b> |
| <b>Other Revenue</b>          |                      |
| Exxon Stock Dividend          | 26,060.55            |
| <b>Total Other Revenue</b>    | <b>\$ 26,060.55</b>  |
| <b>Net Revenue</b>            | <b>\$ 6,691.78</b>   |

OFFICIAL  
BY-LAWS  
OF  
ELLIS COUNTY MUSEUM, INC.  
(A Non-Profit Texas Corporation)

\*\*\*\*\*

ARTICLE I. NAME, OBJECT AND CALENDAR YEAR

Section 1. The name of the corporation shall be Ellis County Museum, Incorporated (a non- profit Texas corporation). It may be referred to as the museum, herein and elsewhere.

Section 2. Museum Purposes: The purposes of the Ellis County Museum are (1) to collect, preserve, and interpret artifacts and information on the scientific, technological, artistic, social, political, educational, natural, economic, and cultural history of Ellis County; (2) to make Museum holdings and information accessible to the public by means of publication and exhibition; (3) and to engage in and to encourage others to engage in study and educational use of the Museum holdings and collections.

Section 3. The Operational Year of the Museum shall be a calendar year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup>.

ARTICLE II. MEMBERSHIP

Section 1. Any person, firm or corporation may become a member of the Museum.

Section 2. The Board shall determine the annual membership dues and categories.

Section 3. The Museum may accept gifts in the form of memorials or contributions

and in such forms and for such purposes as may be consistent with the purpose of the organization.

Section 4. Dues are due and payable January 1<sup>st</sup> of each calendar year.

### ARTICLE III. BOARD OF DIRECTORS

Section 1. The Board of Directors will consist of fifteen (15) to eighteen (18) members nominated by the Nominating Committee and elected by the Museum membership; the directors shall be set for each year at the annual membership meeting. Interim appointments may be made as provided in Section 3 of this Article. Board members of the Ellis County Museum, Inc. shall be citizens of Ellis County. Any person, business entity, association or partnership may become a member of the museum provided they satisfy the terms of obtaining and maintaining such membership. Citizens are defined as an individual who has a personal residence or owns an operating business in Ellis County. Board members shall not nominate or promote their successor.

Section 2. Terms of office shall be three (3) years, the maximum that may be served is two (2) terms of three (3) years, then one (1) year off before eligible to serve again if nominated.

Section 3. The Board shall have the authority to make appointments to fill vacancies in its membership and its officers; such appointees shall fulfill the unexpired term of the vacancy after which the appointee may be eligible to be nominated for two (2) consecutive three (3) year terms.

Section 4. The Board will make an annual report to the membership at the annual membership meeting. The Board may have additional membership meetings each year.

Section 5. There shall be an Executive Committee consisting of the President, Vice-President, Treasurer, Recording Secretary and one (1) additional Board Member nominated by the Board. Its duties shall be to advise the Board and transact any emergency business, which cannot be delayed until the next regular Board meeting. The immediate past President may serve as an advisor in a non-voting role. The 2<sup>nd</sup> Vice-President shall be in a reporting/non-voting role. All Executive Committee meetings are considered closed unless a specific request is granted.

Section 6. The Nominating Committee will nominate the Board and the Board will elect Officers at the first meeting after the annual membership meeting as set forth in Article IV.

Section 7. Any director failing to attend four (4) consecutive Board meetings or a total of six (6) Board meetings during the calendar year, shall be considered as having tendered his/her resignation and shall so be notified by the Secretary. The Executive Committee may issue waivers for extenuating absentee attendance. The Board shall act for replacement as provided in Section 3 of this Article.

Section 8. Directors must reveal conflicts of interest. In the event there is a conflict of interest the Board Member may not participate in the discussion or vote. The Board shall determine whether a conflict of interest exists.

#### ARTICLE IV. OFFICERS AND EXECUTIVE DIRECTOR AND/OR CURATOR



Section 1. The officers of the Museum shall be President, Vice-President, 2<sup>nd</sup> Vice-President, Treasurer and Recording Secretary.

Section 2. There shall be an Executive Director and/or Curator for the Museum.

Section 3. The officers will each serve for two (2) years or until their successors have been elected. They may be re-elected by the Board.

Section 4. Duties of the President: to preside over all meetings of the Board and the membership; to appoint Standing and Special Committees to conduct the affairs of the Museum; to be officio member of all committees except the nominating Committee for officers, and to perform all other duties pertaining to the office.

Section 5. Duties of the Vice-President: to assist the President in all matters and to assume the duties of the President in their absence. The Vice-President shall be the President elect.

Section 6. Duties of the Recording Secretary: to keep a permanent record of the Minutes of the Executive Committee, Board of Directors, and Membership Meeting; to keep an attendance record of all meetings.

Section 7. Duties of the 2<sup>nd</sup> Vice-President: to assume the duties of the Vice-President in their absence or their inability to carry out their duties. The 2<sup>nd</sup> Vice-President will manage/oversee the event venue.

Section 8. Duties of the Treasurer: to be the custodian of all funds and securities; to keep an accurate and complete permanent account of all receipts and disbursements; to render a financial report at all Board and Membership meetings; to pay all bills as approved by the President or Board of Directors.

Section 9. Officers and Executive Director and/or Curator: may be bonded in an amount decided by the Board.

## ARTICLE V. MEETINGS

Section 1. The annual membership meeting shall be held in December of every year at a date and time determined by the Board of Directors.

Section 2. Twenty (20) or more members present at the membership meeting shall constitute a quorum.

Section 3. Special meetings of the membership may be called by the President with the approval of the Board or by any ten (10) or more members. All members shall be notified in ample time to attend the meeting.

Section 4. The Board of Directors meetings shall be held once a month at such a time and place as may be decided by the Board. All Board meetings are open to the Museum membership.

Section 5. The presence of ten (10) of the elected members of the Board including two (2) officers shall constitute a quorum at regular Board meetings.

Section 6. Special meetings of the Board may be called by the President or by any five (5) or more Board members. A majority of the elected Board members shall constitute a quorum. All Board members may be notified in ample time to be able to attend.

Section 7. An Executive Session (a meeting closed to the public) may be called by the President or any three (3) directors at any time during a Board of Directors meeting.

Section 8. Meetings may be conducted in person or by digital methods. Board Members in good standing may vote by proxy with an approved absence.

## ARTICLE VI. STANDING COMMITTEES

Section 1. There shall be the following Standing Committees, each having a chairperson from the Executive Committee. The chairperson will update the Executive Board and Board of Directors at each meeting. The chairperson will remain on the committee for one (1) year after their term to ensure continuity of the mission statement. The Committees are as follows:

- A. Special Events, and Gingerbread Trail Committee
- B. Real Estate Management, Restoration & Exhibits Committee
- C. Long Term Strategic Planning and Capital Campaign Committee
- D. Finance & Membership Committee
- E. Acquisitions and Collections Committee

## ARTICLE VII. AMENDMENTS AND RULES OF ORDER

Section 1. These By-Laws may be amended at any regular or special membership meeting by two-thirds (2/3) majority vote of members present.

Section 2. Robert's Rules of Order, Revised, shall be the authority on all procedural points not covered by the By-Laws.

## ARTICLE VIII. OPERATIONS GUIDELINE

Section 1. There shall be an Operations Guideline Manual & Implementation Plan approved and governed by the Board of Directors.

# Custom Transaction Detail Report

(8)

Waxahachie Community Theatre

January through December 2022

Transaction Report 1-1-22 through 12-31-22

|                                 | Paid Amount      |
|---------------------------------|------------------|
| <b>Income</b>                   |                  |
| Concession Sales                | 1,552.00         |
| Corporate Underwriting          | 7,500.00         |
| Donations Received              |                  |
| Arts Council                    | 20,375.00        |
| Donations Received - Other      | 3,828.47         |
| <b>Total Donations Received</b> | <b>24,203.47</b> |
| Interest                        | 134.25           |
| Membership Dues                 | 2,165.00         |
| Membership Meeting Income       | 640.00           |
| Other Inc                       | 250.00           |
| Season Ticket Sales 2022        | 2,095.00         |
| Show Apparel Income             | 2,539.00         |
| Ticket Sales                    | 36,790.80        |
| Tickets to the City Rebate      | 74.60            |
| <b>Total Income</b>             | <b>77,944.12</b> |
| <b>Expense</b>                  |                  |
| Advertising                     | 1,551.42         |
| Concession Costs                | 240.53           |
| Directing Fees                  | 4,000.00         |
| Donations                       | 1,387.00         |
| Insurance                       | 948.00           |
| Membership Meeting Expense      | 742.08           |
| Miscellaneous                   | 268.06           |
| Office Equipment                | 152.99           |
| Office Supplies                 | 155.95           |
| Payroll Tax Expense             | 3,029.53         |
| Postage                         | 243.92           |
| PRINTING                        | 479.15           |
| PROD COSTS                      | 12,392.38        |
| PROF_MEMB                       | 688.00           |
| PROF_SERV                       | 400.00           |
| PROMO_EXP                       | 27.96            |
| Recognition Gifts               | 3,000.00         |
| Royalties and Scripts           | 6,957.33         |
| Salary                          | 14,300.00        |
| Show Apparel Expense            | 2,530.50         |
| Square fees                     | 298.62           |
| Storage                         | 17,496.96        |
| Subscriptions                   | 703.21           |
| WCT Scholarship                 | 1,000.00         |
| Web Site                        | 178.50           |
| <b>Total Expense</b>            | <b>73,172.09</b> |

# BETHLEHEM REVISITED

## FINANCIAL STATEMENT 2022

|   |           |           |
|---|-----------|-----------|
|   |           |           |
|   |           |           |
| BEGINNING BALANCE                                 |           | 63,059.42 |
|   |           |           |
| GENERAL INCOME                                    |           |           |
| Gate Receipts                                     | 8,717.57  |           |
| Petty Cash Returned/Souvenirs                     | 400.00    |           |
| Souvenirs   | 6,529.28  |           |
| Waxahachie Arts Council                           | 20,375.00 |           |
| TOTAL GENERAL INCOME                              |           | 36,021.85 |
|   |           |           |
| OPERATING EXPENSES                                |           |           |
| Administrative Fee, 501C3                         | 8,240.00  |           |
| Animals (Camels/\$6,090; Ewe Petting Zoo/\$2,800) | 8,890.00  |           |
| Building & Grounds                                | 8,382.92  |           |
| Cast  | 2,611.18  |           |
| Concession Expenses                               | 1,154.20  |           |
| Costumes  | 11,719.59 |           |
| Lighting & Tech Services                          | 2,000.00  |           |
| Petty Cash (Souvenirs)                            | 400.00    |           |
| Production  | 4,000.00  |           |
| Souvenir Expense                                  | 16,568.46 |           |
| Supplies & Props                                  | 2,800.51  |           |
| Utilities (Electricity/\$1,743.63 Water/\$237.31) | 1,980.94  |           |
| Yard Maintenance                                  | 1,050.00  |           |
| LESS TOTAL EXPENSES                               |           | 69,797.80 |
|   |           |           |
| ENDING BALANCE                                    |           | 29,283.47 |

**Bethlehem Revisited**  
**Profit & Loss**  
January through December 2022

(8)

|                                 | Jan - Dec 22 |
|---------------------------------|--------------|
| Income                          |              |
| Donations                       |              |
| Gate Receipts                   |              |
| One                             | 1,425.37     |
| Two                             | 1,865.31     |
| Three                           | 1,395.95     |
| Four                            | 1,503.59     |
| Six                             | 2,527.35     |
| Total Gate Receipts             | 8,717.57     |
| Total Donations                 | 8,717.57     |
| Petty Cash Returned/Souvenirs   | 400.00       |
| Souvenirs                       |              |
| Souvenirs/one                   | 490.81       |
| Souvenirs/two                   | 1,882.23     |
| Souvenirs/three                 | 382.25       |
| Souvenirs/four                  | 1,725.80     |
| Souvenirs/six                   | 2,048.19     |
| Total Souvenirs                 | 6,529.28     |
| Waxahachie Arts Council         | 20,375.00    |
| Total Income                    | 36,021.85    |
| Gross Profit                    | 36,021.85    |
| Expense                         |              |
| Administrative Fee, 501C3       | 8,240.00     |
| Animals                         |              |
| Camels                          | 6,090.00     |
| Ewe Pet Petting Zoo             | 2,800.00     |
| Total Animals                   | 8,890.00     |
| Building & Grounds              |              |
| Repairs                         | 2,750.00     |
| Fire Extinguisher Service       | 38.50        |
| Building & Grounds - Other      | 5,594.42     |
| Total Building & Grounds        | 8,382.92     |
| Cast                            |              |
| Cast Misc                       | 130.00       |
| Cast Party                      |              |
| Waxahachie Civic Center         | 122.50       |
| Cast Party - Other              | 2,358.68     |
| Total Cast Party                | 2,481.18     |
| Total Cast                      | 2,611.18     |
| Concession Expenses             |              |
| H-E-B                           | 664.80       |
| Concession Expenses - Other     | 489.40       |
| Total Concession Expenses       | 1,154.20     |
| Costumes                        |              |
| Costumes by Dusty               | 5,700.00     |
| Centurion                       | 55.41        |
| Costumes - Other                | 5,964.18     |
| Total Costumes                  | 11,719.59    |
| Lighting & Sound, Tech Services | 2,000.00     |
| Petty Cash                      | 400.00       |



10:41 AM  
01/03/23  
Cash Basis

**Bethlehem Revisited**  
**Profit & Loss**  
January through December 2022

(8)

|                        | Jan - Dec 22 |
|------------------------|--------------|
| Production             |              |
| Artistic Director      | 2,000.00     |
| Cast Director          | 2,000.00     |
| Total Production       | 4,000.00     |
| Souvenir Expense       | 16,568.46    |
| Supplies/Props         |              |
| Firewood               | 375.00       |
| Baking Items           | 154.74       |
| Supplies/Props - Other | 2,270.77     |
| Total Supplies/Props   | 2,800.51     |
| Utilities              |              |
| Electricity            | 1,743.63     |
| Water                  | 237.31       |
| Total Utilities        | 1,980.94     |
| Yard Maintenance       |              |
| Russell Garrick        | 1,050.00     |
| Total Yard Maintenance | 1,050.00     |
| Total Expense          | 69,797.80    |
| Net Income             | -33,775.95   |

8:44 AM

**Crossroads of Texas Film Festival**

(8)

02/23/23

**Profit & Loss**

Accrual Basis

January through December 2022

|                                      | Jan - Dec 22      |
|--------------------------------------|-------------------|
| <b>Ordinary Income/Expense</b>       |                   |
| Income                               |                   |
| Arts Council                         | 20,375.00         |
| Sponsorships                         | 4,770.00          |
| Ticket Sales                         | 27,347.10         |
| <b>Total Income</b>                  | <b>52,492.10</b>  |
| <b>Gross Profit</b>                  | <b>52,492.10</b>  |
| Expense                              |                   |
| Advertising/Marketing                | 2,604.85          |
| Airfare                              | 3,196.28          |
| Alcohol                              | 5,641.93          |
| Catering/Food                        | 8,346.72          |
| Film Licensing                       | 800.00            |
| Gifts                                | 606.93            |
| Lodging                              | 4,714.40          |
| Music                                | 19,750.00         |
| Other Types of Expenses              |                   |
| Insurance - Liability, D and O       | 195.62            |
| <b>Total Other Types of Expenses</b> | <b>195.62</b>     |
| Petty Cash                           | 935.00            |
| Production                           | 11,818.04         |
| Security                             | 1,120.00          |
| Supplies                             | 5,287.81          |
| Travel Stipend/Mileage               | 866.39            |
| <b>Total Expense</b>                 | <b>65,883.97</b>  |
| <b>Net Ordinary Income</b>           | <b>-13,391.87</b> |
| <b>Net Income</b>                    | <b>-13,391.87</b> |

(8)

**HISTORIC WAXAHACHIE, INC.**

**P.O. Box 22**

**Waxahachie, TX 75168**

**Art Council Report, 2022**

**Emily Glidewell-Finch**

**Past President and Secretary**

**Arts Council Representative**

## ATTACHMENT A

**PART 1 – HEADS IN BEDS**

Every expenditure must put “heads in beds”. Every funded project must attract overnight tourists to the city’s hotels and motels, thus promoting the hotel industry.

**Total Part 1 Expenses:** **\$9,481.19**

Annual Membership Meeting and Christmas Party

Election of new officers and board and membership meeting.

Expenses: **\$1,750.00**

Calaboose and Wyatt Building Tours

Open the buildings for tours during the Oddfest and other events throughout the year.

Expenses: **\$0**

Christmas Tour Homes

Christmas Tour of three historical homes, WISD Administration Building and a downtown loft. Posters, social media, yard signs, tour home signs for the tour homes and buildings, wall marker plaques with the tour year, advertising with the Visitor’s Bureau and Christmas Tour dinner for homeowners. Tour book had descriptions of each home and historical buildings.

Expenses (2021): **\$2,074.80**

Expenses (2022): **\$3,890.56**

\*The Christmas Tour occurs in December, some of the expenditures will occur in the year 2023.

Courthouse Tours

Tours are given during the Gingerbread Trail, Texas County Reporter Festival and Christmas Home Tour.

Expenses: **\$304.00**

Facade Grants

To ensure that the beautiful historic downtown stays true to historic preservation.

Expense: **\$0**

Gingerbread Trail – Sponsor

Expenses: **\$500.00**

Interurban Luggage Rail Car

Expenses: **\$0**

Oddfest

Art and Music Festival benefitting I.O.O.F. #80.

Expenses: **\$250.00**

Old Viaduct Light Pole

Restore the light post and put on display.

(8)

Expenses: \$0

Painting Historic Waxahachie

En Plein air event that brings artists in from around the country and world. HWI awards a prize for a historic painting.

Expenses: \$400.00

Red Caboose Tours

To ensure the red caboose remains a popular tourist attraction – ongoing.

Expenses: \$0

Saving Places

Event held in May during Historical Preservation Month.

Expenses: \$311.83

**PART 2 – THE NINE CATEGORIES**

Every expenditure of hotel taxes must also fit into one of the nine statutorily authorized categories.

**Total Part 2 Expenses: \$768.95**

**Category 3 – Advertising the City**

**Total Category 3 Expenses: \$768.95**

Advertising of the Christmas Home Tour. Posters were in the City Kiosks. Posters were placed around downtown in merchants' windows. The Christmas Home Tour was promoted on the bill board on I-35 going South into Waxahachie.

Expenses: \$768.95

**Category 5 - Historical restoration and preservation**

**Total Category 5 Expenses: \$41,703.17**

All events and activities undertaken by HWI are to encourage and promote historic preservation. From attracting new members, highlighting the City's history and historical resources, and the promotion of visiting Waxahachie during the Christmas Home Tour. Tours of historical buildings. All of our events highlight and promote our city's history which in turn makes Waxahachie a great place for heritage tourism. Our activities in 2022 were:

Calaboose and Wyatt Building Maintenance

To bring awareness to the oldest commercial building remaining in Waxahachie and the first jail, which are tourist attractions. HWI opens the buildings for tours during Gingerbread Trail, Oddfest, and other special events – Ongoing.

Expenses: \$0

Cemetery Fundraiser, 2022

After the historic Waxahachie City Cemetery was vandalized, a fundraiser was held to raise funds for the preservation of the headstones.

Expenses: \$30,314.06

Christmas Tour Homes

10:40 AM

01/08/23

Cash Basis

# Historic Waxahachie Inc

## Profit and Loss YTD Comparison

### December 2022

(8)

|   | Dec '22   | Jan - Dec '22 |
|---|-----------|---------------|
| <b>Ordinary Income/Expense</b>                |           |               |
| <b>Income</b>                                 |           |               |
| Arts Council Income                           | 0.00      | 20,375.00     |
| Cemetery Fundraiser 2022                      | 0.00      | 18,451.00     |
| Christmas Home Tour 2022                      |           |               |
| Sponsorship Revenue                           | 500.00    | 8,500.00      |
| Ticket Sales                                  | 17,462.49 | 17,462.49     |
| <b>Total Christmas Home Tour 2022</b>         | 17,962.49 | 25,962.49     |
| Donation Income                               | 0.00      | 35.00         |
| Historic Marker Income                        | 0.00      | 3,300.00      |
| Interest Income                               | 49.35     | 351.93        |
| Membership Dues                               | 100.00    | 8,345.00      |
| <b>Total Income</b>                           | 18,111.84 | 76,820.42     |
| <b>Expense</b>                                |           |               |
| Bank Service Charges                          | 17.12     | 57.74         |
| Brochures & Books                             | 0.00      | 618.30        |
| Cemetery Fundraiser 2022 Expens               |           |               |
| Donation                                      | 0.00      | 30,250.00     |
| Supplies                                      | 0.00      | 57.56         |
| Cemetery Fundraiser 2022 Expens - ...         | 0.00      | 6.50          |
| <b>Total Cemetery Fundraiser 2022 Expens</b>  | 0.00      | 30,314.06     |
| Christmas Home Tour 2021 Exp                  |           |               |
| Advertising                                   | 0.00      | 450.00        |
| Gift Baskets                                  | 0.00      | 215.62        |
| Homeowners' Expenses                          | 0.00      | 1,409.18      |
| <b>Total Christmas Home Tour 2021 Exp</b>     | 0.00      | 2,074.80      |
| Christmas Home Tour 2022 Expens               |           |               |
| Advertising                                   | 524.93    | 799.93        |
| Booklets                                      | 1,451.50  | 1,451.50      |
| Cash for Change                               | 0.00      | 0.00          |
| Homeowner meals                               | 315.64    | 315.64        |
| Plaques for Tour Homes                        | 720.00    | 720.00        |
| Posters                                       | 0.00      | 43.95         |
| Sign decals/Courthouse sign                   | 304.00    | 304.00        |
| Supplies                                      | 255.54    | 255.54        |
| <b>Total Christmas Home Tour 2022 Expe...</b> | 3,571.61  | 3,890.56      |
| Conference Expense                            | 0.00      | 870.00        |
| Donations                                     | 0.00      | 500.00        |



10:40 AM

01/08/23

Cash Basis

# Historic Waxahachie Inc

## Profit and Loss YTD Comparison

### December 2022

(8)

|                               | Dec '22           | Jan - Dec '22     |
|-------------------------------|-------------------|-------------------|
| Dues and Memberships          | 400.00            | 1,200.00          |
| Historic Markers              | 0.00              | 6,019.00          |
| Historic Signage              | 0.00              | 552.00            |
| Insurance Expense             | 0.00              | 1,141.00          |
| Membership                    | 1,750.00          | 2,684.39          |
| Office Expense                | 199.98            | 743.68            |
| Painting Historic Waxahachie  | 0.00              | 400.00            |
| Professional Fees             | 0.00              | 455.00            |
| Rent                          | 0.00              | 799.00            |
| Saving Places Supplies        | 0.00              | 311.83            |
| Scholarship Expense           | 0.00              | 1,500.00          |
| Service Fees                  | 0.00              | 232.22            |
| Sponsorship Expense           | 0.00              | 250.00            |
| Supplies                      | 91.71             | 128.29            |
| <b>Total Expense</b>          | <b>6,030.42</b>   | <b>54,741.87</b>  |
| <b>Net Ordinary Income</b>    | <b>12,081.42</b>  | <b>22,078.55</b>  |
| <b>Other Income/Expense</b>   |                   |                   |
| Other Expense                 |                   |                   |
| Special Projects              |                   |                   |
| Hardy Heck & Moore Survey     | 1,979.02          | 1,979.02          |
| Walking Tour Brochure         | 309.60            | 309.60            |
| <b>Total Special Projects</b> | <b>2,288.62</b>   | <b>2,288.62</b>   |
| <b>Total Other Expense</b>    | <b>2,288.62</b>   | <b>2,288.62</b>   |
| <b>Net Other Income</b>       | <b>(2,288.62)</b> | <b>(2,288.62)</b> |
| <b>Net Income</b>             | <b>9,792.80</b>   | <b>19,789.93</b>  |

Christmas Tour of three historical homes, WISD Administration Building and a downtown loft. Posters, social media, yard signs, tour home signs for the tour homes and buildings, wall marker plaques with the tour year, advertising with the Visitor's Bureau and Christmas Tour dinner for homeowners. Tour book had descriptions of each home and historical buildings.

Expenses (2021): \$2,074.80

Expenses (2022): \$3,890.56

\*The Christmas Tour occurs in December, some of the expenditures will occur in the year 2023.

#### Courthouse Tours

Tours are given during the Gingerbread Trail, Texas County Reporter Festival and Christmas Home Tour.

Expenses: \$304.00

#### Facade Grants

To provide up to \$7,000 grants to businesses in the Downtown Historic Overlay district which will encourage proper restoration and maintenance of the City's most historic resources which attracts visitors – Ongoing.

Expenses: \$0

#### Graffiti Abatement Reimbursement

To provide reimbursement to businesses in the Downtown Historic Overlay district which will ensure the buildings remain graffiti free and are visually appealing to visitors - Ongoing.

Expenses: \$0

#### Hardy, Heck & Moore Survey

Local historic Landmark and Historic Districts. National Register of Historic Places and Landmark nominations. Historic resource surveys. GIS analysis and mapping solutions. Preservation design guidelines. Evaluations of eligibility for historic designations.

Expenses: \$1,970.02

#### Interurban Freight Car Restoration

Project to restore the Interurban freight car which will be donated to the City and placed near the Railyard Park as a tourist attraction – Ongoing.

Expenses: \$0

#### Painting Historic Waxahachie

En Plein air event that brings artists in from around the country and world. HWI awards a prize for a historic painting.

Expenses: \$400.00

#### Residential Books/Remodel vs Restoration Brochures

Restoration brochures that help guide owners of historical properties on proper restoration methods.

Expenses: \$628.30

#### Scholarship for WISD Student

To raise awareness of the importance of Waxahachie's unique history for high school age students and their parents – April 2021.

Expenses: \$1,500.00

(8)

Saving Places

Event held in May during Historical Preservation Month.

Expenses: \$311.83

Walking Tour Brochure

Tours that describe the historical buildings downtown. Available at the Ellis County Museum.

Expenses: \$309.60

**Category 9 - Signage directing the public to sights and attractions that are visited frequently by hotel guests.**

**Total Category 9 Expenses: \$6,489.00**

Historic Home Marker program

To identify historic homes, make it easier for tourists to drive by and look at these homes and know their historic significance and date built – Ongoing.

\$3,537.00

Historic Signage

To identify locations of historic significance for tourists who walk around our downtown area so they can learn about Waxahachie history – Ongoing.

Sweatt State Historical Marker and Freedman Town Banners.

Expenses: \$2,952.00

**ATTACHMENT B**

List of activities/events that fulfill the statement: "All entities that are funded by local hotel occupancy tax must provide a list of the scheduled activities, programs or events that they will offer that will directly enhance and promote tourism and the convention and hotel industry annually."

**HWI Planned 2023 Events:**Calaboose/Wyatt Building Maintenance and Tours

To bring awareness to the oldest commercial building remaining in Waxahachie and the first jail, which are tourist attractions. HWI opens the buildings during Gingerbread Trail, Oddfest, and other special events – Ongoing.

Cemetery Restoration Program Update

Program at the cemetery to update the progress being made restoring the grave markers.

Christmas Tour of Homes

Christmas tour of four or five historical homes and buildings. Posters, social media and advertising with the Visitor's Bureau. Collectable Tour and ticket book - December, 2023.

Courthouse Tours

To raise awareness of the beauty and importance of the Ellis County Courthouse. HWI provides tours during the Gingerbread Trail, Texas Country Reporter Festival, Christmas Tour of Homes and other special events – Ongoing.

Façade Grants

To provide up to \$7,000 in grants to businesses in the Downtown Historic Overlay District which will encourage proper restoration and maintenance of the City's most historic resources which attracts visitors - Ongoing.

Graffiti Abatement Reimbursement

To provide reimbursement to businesses in the Downtown Historic Overlay District which will ensure the buildings remain graffiti free and are visually appealing to visitors – Ongoing.

Hardy Heck and Moore Historic Resource Survey

Submitting the preliminary application to THC for the TPTF – Ongoing. Submitting a proposal for a National Historic District – ongoing.

Historic Home Wall and Sidewalk Marker Program

To identify historic homes, make it easier for tourists to drive by and look at these homes and know their historic significance and date built – Ongoing.

Historic Signage

To identify locations of historic significance for tourists who walk around our downtown area so they can learn about Waxahachie history – Ongoing.

Interurban Freight Car Restoration

Project to restore the Interurban freight car which will be donated to the City and placed near the Railyard Park as a tourist attraction – Currently being restored.

Membership, Social and Program Events

Public meetings to encourage existing and new property owners to perform proper historic restoration. Saving Places Program in May. Program in February. – Ongoing.

Red Caboose Tours

Tours for school groups and boy and girl scouts. To ensure the red caboose remains a popular tourist attraction – Ongoing.

Saving Places

Event held in May during Historical Preservation Month. To encourage the preservation of people, places and stories – May 2023.

Scholarship for WISD Student

To raise awareness of the importance of Waxahachie's unique history for high school age students and their parents - April, 2023.

(9)

**CITY OF WAXAHACHIE, TEXAS  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS,  
AMENDING ORDINANCE NO. 3383 BY EXTENDING THE INTERIM  
BAN ON NEW SHORT-TERM RENTALS, AND ON CURRENT SHORT-  
TERM RENTALS THAT HAVE BEEN DETERMINED TO BE A  
NUISANCE, TO NOVEMBER 1, 2023; AND PROVIDING AN EFFECTIVE  
DATE.**

**WHEREAS**, on July 17, 2023, the City of Waxahachie, Texas ("City"), enacted Ordinance No. 3383 which, among other matters, imposed a moratorium on new short-term rentals ("STRs") in the City; and

**WHEREAS**, Ordinance No. 3383 provides that the moratorium shall expire with no further action of the City being required at 12:01 a.m. on October 1, 2023; and

**WHEREAS**, the City continues to gather information on STRs from a variety of sources, including residents and others with interests in the regulation of STRs; and

**WHEREAS**, to provide additional time for the City to continue its research and to gather more public input, the City desires to extend Ordinance No. 3383, and the moratorium it provides, until November 1, 2023.

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

**SECTION 1  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2  
EXTENSION OF ORDINANCE NO. 3383**

Ordinance No. 3383, Section 2, Subpart C, is hereby amended to read as follows:

- C. The moratorium imposed by this Ordinance shall expire with no further action of the City being required at 12:01 a.m. on November 1, 2023.

**SECTION 3  
EFFECTIVE DATE**

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



(9)

**DULY PASSED** by the City Council of the City of Waxahachie, Texas, this the 18 day of September, 2023.

**CITY OF WAXAHACHIE, TEXAS**

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DAVID HILL, MAYOR

ATTEST:

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AMBER VILLARREAL, CITY SECRETARY

APPROVED AS TO FORM

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ROBERT F. BROWN, CITY ATTORNEY

(10+11)



## Memorandum

To: Honorable Mayor and City Council  
From: Jennifer Pruitt, Senior Director of Planning  
Thru: Michael Scott, City Manager  
Date: September 18, 2023  
Re: ZDC-92-2023 – Short-Term Rentals

---

City staff requests to continue the public hearing for adopting the Short-Term Rental (STR) ordinance from the September 18, 2023, City Council agenda to the October 16, 2023, City Council meeting agenda. More time is necessary to incorporate changes into the Waxahachie STR draft ordinance and address the comments provided at the most recent STR Town Hall Meeting.

Please note that the City Council will hold the Public Hearing on Monday, October 16, 2023, at 7:00 p.m. in Meeting Rooms A and B at the Waxahachie Civic Center located at 2000 Civic Center Lane.



## Memorandum

To: Honorable Mayor and City Council  
From: Lindsey Mearns, Director of Human Resources/Civil Service  
Thru: Michael Scott, City Manager  
Date: September 18, 2023  
Re: Consider Ordinance Amending Ordinance No. 2778 "Providing for Lateral Entry for Police Officers and Firefighters" by Amending Section 3.1(c)(i)

---

**Recommended Motion:** "I move to approve the proposed ordinance amending Ordinance No. 2778 "Providing for Lateral Entry for Police Officers and Firefighters" by amending section 3.1(c)(i) to clarify the beginning pay rate for lateral entries and authorize the City Manager and/or Mayor to execute all necessary documents.

**Item Summary:** This item is for the City Council to approve an amendment to Ordinance No. 2778 that allows for lateral entry for Police Officer and Firefighters to be consistent with the updated Pay Plans that will be effective October 1, 2023.

**Item Description:** In November 2022, the City authorized a contract with McGrath Human Resources Group to complete a comprehensive compensation study to review the City's positions and pay rates against metroplex cities. As a result of the study, McGrath recommended changing the number of steps on the Public Safety Pay Plans for Police and Fire. This plan has been subsequently approved by the City Council and now necessitates the updating of this ordinance.

(12)

This proposed amendment clarifies the maximum beginning pay rate for Police Officers and Firefighters that qualify for lateral entry will not exceed the highest pay level or step associated with the rank.

**ORDINANCE NO. 2778**

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**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING ORDINANCE NO. 2778 "PROVIDING FOR LATERAL ENTRY FOR POLICE OFFICERS AND FIREFIGHTERS" BY AMENDING SECTION 3.1(c)(i) TO CLARIFY THE BEGINNING PAY RATE FOR LATERAL ENTRIES.**

**WHEREAS**, the City of Waxahachie has adopted Chapter 143 of the Local Government Code, or "Civil Service"; and

**WHEREAS**, the City Council has the authority as the "Governing Body", under Chapter 143 and specifically §143 Subchapter C - Compensation, to set based pay rates by ordinance as defined in that section for classified positions; and

**WHEREAS**, the City of Waxahachie recognizes that recruiting persons with prior full time paid law enforcement or firefighting experience is an asset to the City of Waxahachie and to the citizens; and

**WHEREAS**, authorizing lateral entry pay into the City's Civil Service base pay structure helps the departments remain competitive in the market for recruitment and retention efforts; and

**WHEREAS**, the City Council adopts the Waxahachie Civil Service Pay Structure and all applicable extra pay types annually as part of the City's Budget, and this ordinance is intended to explicate and supplement the pay structure ordinance;

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

**SECTION 1.**

That the City Council hereby finds the statements made in the preamble are true and correct.

**SECTION 2.**

1. That the City Council authorizes the lateral entry pay for Police Officers and Firefighters as defined in Section 3 herein.
2. Detailed rules and regulations for qualifying standards, eligibility, and administration of such pay may be stated within City and/or Departmental policies. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Department Chiefs for purposes of Department policies.
3. Changes in the actual base pay amount shall be made through an ordinance amending such.

**SECTION 3.**

1. Lateral Entry (prior experience):
  - a. The Base Pay Structure is authorized by Chapter 143.041(c)(1).

- b. Applicants for police officer or firefighter positions who are hired after January 20, 2015 shall be eligible for lateral entry pay if they have at least three (3) years continuous service as a paid, full-time licensed peace officer with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties or a certified paid, full-time firefighter/EMT. A lateral entry applicant shall not have more than a two (2)-year break in service from the time the applicant left a comparable law enforcement or fire suppression agency and the time the applicant applied with the Waxahachie Police or Fire Department.
- c. **Starting Pay:** The starting pay for lateral entry officers or firefighters with prior experience will be determined based on the number of years employed by their previous agency or agencies on the date of their Civil Service Entrance Examination with the Waxahachie Police or Fire Department. For purposes of hiring, all lateral entry officer candidates must successfully complete each step in the Civil Service hiring process in the same manner as any other candidate.
  - i. Lateral entry officers or firefighters who have at least three (3) years of qualified service at a law enforcement or fire agency shall be credited with their total number of whole years of service. These officers shall be initially placed at the step below the pay structure step commensurate with their qualified years of experience up to, but not exceeding, the rate of pay specified in beginning pay level of Step 7 for Police and pay level 6 for Fire associated with the highest pay level for the rank of Police Officer or Firefighter.
  - ii. Previous Waxahachie Police Officers who are re-appointed as Police Officers shall be placed in the same salary step they held at the time of their resignation unless the applicant terminated while at a supervisory rank. If the re-appointed officer left the Waxahachie Police Department while in a supervisory capacity, then the re-appointed officer's pay shall correspond with the re-appointed officer's total prior service years, but shall not exceed the top pay of police officer rank.
- d. **Departmental Seniority Impact:** The Lateral Entry Program described in the Sub-section is for lateral entry pay purposes only to determine placement into the existing pay structure. Actual work experience in another agency will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry officers or firefighters and re-appointed officers will begin on their most recent Civil Service hire date with the Department.
- e. **Requirements:** Guidelines and administration for eligibility for lateral entry shall be governed by department policies. The Department Chief shall make the final determination as to whether an applicant meets the criteria for the Lateral Entry Program and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

#### SECTION 4.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason

(12)

held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.**

The effective date of this ordinance is ~~January 21, 2015~~ September 18, 2023 and will be effective until repealed by the City Council or amended by a subsequent Ordinance.

PASSED, APPROVED, AND ADOPTED this 20<sup>18</sup> day of ~~January~~ September, 201523.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY



(13)



## Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: September 18, 2023

Re: Consideration and action on a resolution authorizing defeasance and redemption of the City's outstanding obligations and other related matters

---

**Motion:** "I move to approve the resolution authorizing defeasance and redemption of the City's outstanding obligations and other related matters."

**Item Summary:** As part of the recent budget process, Staff discussed using existing debt service capacity to defease or retire a portion of the City's outstanding debt. A defeasance is a financing tool by which outstanding bonds are paid off early, thereby removing all obligations of the City for payment of the bonds.

This action is in line with the City's overall debt management strategy. In addition to reducing the City's overall debt burden, there are other advantages to utilizing a defeasance on existing bonds. Primarily, the early payoff of these bonds will save the City in interest costs. This also creates additional bonding capacity for future projects outlined in the City's five-year-capital plan as well as projects to be identified as part of the ongoing comprehensive planning process.

Staff recommends using up to \$2,970,000 in debt service capacity in the Interest and Sinking Fund to defease and/or call a portion of the Series 2013 Certificates of Obligation. The attached resolution authorizes the Finance Director, the City's Financial Advisor, and the City's Bond Counsel to take all actions necessary to initiate the transactions.

RESOLUTION AUTHORIZING DEFEASANCE AND REDEMPTION OF CERTAIN  
OF THE CITY'S OUTSTANDING OBLIGATIONS AND OTHER RELATED  
MATTERS

|                    |   |
|--------------------|---|
| STATE OF TEXAS     | § |
| COUNTY OF ELLIS    | § |
| CITY OF WAXAHACHIE | § |

WHEREAS, the City of Waxahachie, Texas (the "City") has duly issued and there is now outstanding the following series of debt, secured by ad valorem taxes, revenues or a combination of such ad valorem taxes and revenues:

City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013, dated July 15, 2013, currently outstanding in the aggregate principal amount of \$2,930,000 (the "Callable Obligations");

WHEREAS, the City Council (the "City Council") of the City deems it to be in the best interest of the City to use lawfully available funds available after taxes are collected for the 2023 tax year to pay off a portion of the Callable Obligations prior to their maturity during Fiscal Year 2024, which will save the City's taxpayers money by reducing the City's future principal and interest payments on such debt;

WHEREAS, to give effect to this action, the City Council will direct staff to give effect to such redemption during Fiscal Year 2024; and

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

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

Section 1. The City delegates authority to the City Manager (the "Authorized Officer") to, on behalf of the City, exercise the City's option to defease or redeem all or a portion of the Callable Obligations.

Section 2. (a) The City hereby directs that the Authorized Officer may select all or a portion of the Callable Obligations (the bonds so selected, the "Redeemed Obligations") be called for redemption as set forth in Section 1. Each of such Redeemed Obligations shall be redeemed at the redemption price equal the principal amount thereof plus interest due thereon to the respective date of redemption.

(b) In addition, the appropriate notices of redemption and defeasance for the Redeemed Obligations are hereby directed to be given as specified by the respective ordinance authorizing the issuance of the Redeemed Obligations and appropriate arrangements shall be made as specified by the respective ordinance authorizing the issuance of the Redeemed Obligations and in accordance with State law so that the Redeemed Obligations may be redeemed. The Redeemed Obligations shall be presented for redemption at the paying agent/registrar therefore, and shall not bear interest after the date fixed for redemption.

Section 3. The City Manager, and other officers and employees of the City are hereby authorized and directed to take such actions and to execute and deliver such documents, certificates and receipts,

including without limitation notices of redemption with respect to the Redeemed Obligations, as necessary or appropriate to consummate the transactions authorized by this Resolution and to redeem said Redeemed Obligations in accordance with the provisions and requirements of said Redeemed Obligations.

Section 4. The Authorized Officer is hereby authorized to transfer lawfully available City funds as necessary to defease and redeem the Callable Obligations.

Section 5. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. This Resolution shall be effective immediately upon adoption.

# CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS  
COUNTY OF ELLIS  
CITY OF WAXAHACHIE

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

1. The City Council of said City convened in Regular Meeting on September 18, 2023, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

|                |                |
|----------------|----------------|
| David Hill     | Mayor          |
| Chris Wright   | Mayor Pro-Tem  |
| Billie Wallace | Council Member |
| Travis Smith   | Council Member |
| Patrick Souter | Council Member |

|                  |                |
|------------------|----------------|
| Amber Villarreal | City Secretary |
|------------------|----------------|

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

## RESOLUTION AUTHORIZING DEFEASANCE AND REDEMPTION OF CERTAIN OF THE CITY'S OUTSTANDING OBLIGATIONS AND OTHER RELATED MATTERS

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

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

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

(13)

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

SIGNED AND SEALED ON SEPTEMBER 18, 2023.

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City Secretary,  
City of Waxahachie, Texas

---

Mayor,  
City of Waxahachie, Texas

(CITY SEAL)



## Memorandum

To: Honorable Mayor and City Council

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

Thru: Michael Scott, City Manager

Date: September 18, 2023

Re: Consider Approval of a Construction Contract for the Lake Bardwell Raw Water Intake Channel Dredging Project

---

**Motion:** "I move to approve a construction contract with Viking Dredging, LLC for \$1,260,012 and approximately 5% construction contingency in the amount of \$63,000 for the Lake Bardwell Raw Water Intake Channel Dredging Project and authorize the City Manager to execute all necessary documents."

**Item Description:** Consider authorizing the award of a construction contract for the Lake Bardwell Raw Water Intake Channel Dredging Project to Viking Dredging, LLC in the amount of \$1,260,012. Additionally, Staff recommends a \$63,000 contingency, for a total construction amount of \$1,323,012.

**Item Summary:** This construction contract involves removing approximately 5,200 cubic yards of sediment from the Lake Bardwell's raw water intake channel using hydraulic dredging methods. The scope of the contract will restore full channel depth for optimal raw water intake pumping to Lake Waxahachie.

The City received a total of three sealed bids that were opened on Tuesday the August 22<sup>nd</sup>, 2023. Birkhoff, Hendricks & Carter, L.L.P. (Design Engineer) has reviewed these bids and firm's qualifications. The lowest bidder was Hutchinson Construction, LLC, in the amount of \$923,971.06. However, after the Design Engineer checked their references and contacted the contractor, the following were their findings:

1. The contractor is new and does not have experience with dredging operations. Some staff members have some dredging experience with other companies, but not with this firm.
2. The contractor does not own the equipment to perform the project and will require them to find rental equipment.
3. The contractor said that they won't have the equipment rental until sometime in the first quarter of next year. This delay on the project will require the city to perform another Mussel Survey per the Texas Parks and Wildlife Department and USA Corps of Engineers permit.

The Design Engineer also checked the references and contacted Viking Dredging, LLC. (2<sup>nd</sup> to lowest bidder). The following is the summary of the findings for the Viking Dredging, LLC:

1. Viking Dredging has many years of experience in dredging and similar types of projects.
2. They own equipment necessary to perform the project.
3. Can start the construction upon execution of contract documents.
4. Contractor can complete the project before Texas Parks and Wildlife Department and USA Corps of Engineers requires another Mussel Survey in the project area.

As such, both the Design Engineer and City Staff recommend awarding the contract to Viking Dredging, LLC., in the amount of \$1,260,012.

**Fiscal Impact:** The proposed construction contract is part of an approved project funded through the 2021 Water Bonds. The project has a budget of \$863,000 for the construction from the 2021 Water Bonds, and the remaining \$460,012 will be funded through the Coronavirus Local Fiscal Recovery Fund.

The Design Engineer and City staff recommends the bid award to Viking Dredging, LLC in the amount of \$1,260,012. City staff recommends an additional \$63,000 contingency for any unforeseen conditions during dredging, requesting a total construction amount of \$1,323,012.



(14)



**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.  
GARY C. HENDRICKS, P.E., R.P.L.S.  
JOE R. CARTER, P.E.  
ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.  
CRAIG M. KERKHOFF, P.E., CFM  
JUSTIN R. IVY, P.E.  
COOPER E. REINBOLD, P.E.

**TRANSMITTED VIA EMAIL**

September 9, 2023

Mr. Kumar Gali, P.E.  
Sr. Director of Utilities  
City of Waxahachie  
P.O. Box 757  
Waxahachie, Texas 75168-0757

Re: Lake Bardwell Raw Water Intake Channel Dredging  
(Waxahachie Project No. 419)  
Bid Award Recommendation

Dear Mr. Gali:

We have checked the bids received at 2:00 p.m., Tuesday, August 22, 2023, for the Lake Bardwell Raw Water Intake Channel Dredging project (Waxahachie Project No. 419). A total of three (3) sealed bids were received, opened, and read aloud. One (1) copy of the Bid Summary is enclosed for your use.

Hutchinson Construction, LLC of Dallas, Texas, submitted the lowest bid in the amount of \$923,971.06.

We have reviewed Hutchinson Construction, LLC's statement of qualifications, including their experience record and equipment list. We have also contacted the references they provided.

1) Experience Record

Hutchinson Construction, LLC is a rather young company (reportedly in existence 3-1/2 years) with no similar project experience and no municipal construction experience. While the Hutchinson Construction team members have successfully completed several large-scale projects for the United States Navy and the Trinity River Authority of Texas, none of that experience includes channel dredging or hydraulic dredging. Hutchinson Construction, LLC has not completed a hydraulic dredging project.

2) Equipment

Hutchinson Construction equipment list includes a dredge barge. This is the primary equipment necessary to successfully complete this project. Upon further investigation, we discovered the dredge barge is to be rented (not owned) by Hutchinson Construction. We have since learned that Hutchinson Construction LLC is having difficulty securing this primary and necessary piece of equipment in a timely manner. As of the date of this recommendation letter, Hutchinson has yet to resolve the equipment rental schedule in a way that assures the timely execution of this project.

3) References

The contractor's team member references for military and private development provided overall positive feedback on the projects completed or nearing completion.

As outlined in the construction specifications and bidding documents, time is of the essence for this project. In accordance with the terms of the Aquatic Resource Relocation Report, dated November 2022, and conducted by the City of Waxahachie in compliance with the Texas Parks and Wildlife Department guidance regarding

(14)

Mr. Kumar Gali, P.E.  
Lake Bardwell Intake Channel Dredging Project  
Bid Award Recommendation  
September 9, 2023  
Page 2 of 2

protection of native aquatic species, the Lake Bardwell Intake Channel Dredging operations must be initiated within one (1) year of the City's freshwater mussel relocation effort. The freshwater mussel relocation effort was completed by the City on November 1, 2022.

Because Hutchinson Construction, LLC has no genuine hydraulic dredging and experience and because they cannot commit to securing the equipment required to properly pursue this project on or before November 1, 2023, as required by the project specifications and bidding documents, we recommend that Hutchinson Construction, LLC be disqualified, and their bid deemed non-responsive.

The next lowest responsible bid was submitted by Viking Dredging, LLC. of Houston, Texas, in the amount of \$1,260,012.00. We reviewed Viking Dredging, LLC's statement of qualifications, including their experience record and equipment list. Based on the information submitted, Viking Dredging, LLC has the experience, equipment, and capabilities to successfully pursue this project. Subsequent discussions with Viking Dredging General Manager, Mr. Rusi Patel, confirms Viking Dredging's commitment to the project schedule.

Based on our review of the second lowest responsible bidder's statement of qualifications and past performance record provided by their references, it is our opinion the Viking Dredging, LLC has the experience and capability to properly pursue this project and within the constraints of the project schedule. We recommend that the City accept the bid from Viking Dredging, LLC, and award them a contract in the bid amount of \$1,260,012.00 for construction of the Lake Bardwell Raw Water Intake Channel Dredging project.

We are available to discuss this project and our recommendation at your convenience.

Sincerely,

 Digitally signed by Gary C. Hendricks, P.E.,  
R.P.L.S.  
DN: cn=US, E=gchendricks@bchelp.com,  
O="Bert Hoff, Hendricks & Carter, LLP", CN="Gary  
C. Hendricks, P.E., R.P.L.S."  
Location: Dallas, TX  
Reason: I am the author of this document  
Contact Info: 214.769.5705  
Date: 2023.09.08 13:22:14-0500  
Gary C. Hendricks, P.E., R.P.L.S.

Enclosure: Bid Tabulation Summary

cc: Mr. James Gaertner, P.E., CFM  
Mr. David Bailey

(14)

**CITY OF WAXAHACHIE, TEXAS**  
**Lake Bardwell Raw Water Intake Channel Dredging**  
**(U.S. Army Corps of Engineers Project No. SWF-2011-00423)**

**BID SUMMARY**

**Bids Received at 2:00 P.M., Tuesday, August 22, 2023**

| <b><u>Contractor</u></b>   | <b><u>Total Amount Bid</u></b> | <b><u>Notes:</u></b> |
|--|--------------------------------|----------------------|
| 1. Hutchinson Construction, LLC<br>12001 North Central Expwy #110<br>Dallas, Texas 75243 | \$ <u>923,971.06</u>           | (1), (2)             |
| 2. Viking Dredging, LLC<br>5622 Petty Street<br>Houston, Texas 77007                     | \$ <u>1,260,012.00</u>         |                      |
| 3. Renda Environmental, Inc.<br>522 Benson Lane<br>Roanoke, Texas 76262                  | \$ <u>1,806,752.00</u>         |                      |

**Notes:**

- 1) The extended amount on the bid proposal for Bid Item No.5 as presented was in error. The corrected extended amount is shown.
- 2) The Bid Bond provided by Hutchinson Construction, LLC shows "Stallings Park-drainage/grading" as the project name.



## Memorandum

To: Honorable Mayor and City Council  
From: James Gaertner, Executive Director of Public Works & Utilities  
Thru: Michael Scott, City Manager  
Date: September 18, 2023  
Re: Consider Water Line Relocation and Easement Acquisition Agreement between Sardis Lone Elm Water Supply Corporation and City of Waxahachie

---

**Motion:** "I move to approve the water line relocation and easement acquisition agreement between Sardis Lone Elm Water Supply Corporation and City of Waxahachie and authorize the City Manager to execute all necessary documents."

**Item Description:** TxDOT is proposing to expand FM 664 and is requiring the relocation of all impacted utilities. The City of Waxahachie and Sardis Lone Elm Water Supply Corporation (referred hereafter as Sardis WSC) are working together to acquire easements for both water lines and a small section of a City sewer line.

**Item Summary:** The City of Waxahachie and Sardis WSC is working together to acquire easement for both Waxahachie and Sardis WSC utility lines. TxDOT will reimburse the cost for the easement acquisition and relocation of the water and sewer lines if the utilities are within an existing easement under a separate agreement. It is proposed to acquire a 30-foot easement that will fit both the relocation of the Sardis WSC water line and the Waxahachie new water line. A larger easement will be necessary for a small section of sewer line. The proposed agreement will establish the cost share for easement document preparation,

easement acquisition agents, and purchase of the easements, and possibly condemnation. Waxahachie will have a cost share of 40% and Sardis Water will have a cost share of 60% of the easement cost for each property. Working with Sardis Water allows a cost efficient way to acquired the easement and less impact to the properties along FM 664. (15)

**Fiscal Impact:** The easement preparation, easement agents, and acquisition is funded with the FM 664 Water Line project that is currently under engineering design. The easement acquisition is currently within budget, but we still require the securing of some additional easements.

**CITY OF WAXAHACHIE AND SARDIS LONE ELM WATER CORPORATION  
FM 664 WATER LINE RELOCATION AND EASEMENT ACQUISITION AGREEMENT**

**THIS AGREEMENT is made by and between the City of Waxahachie (the "City") and Sardis-Lone Elm Water Supply Corporation (the "Sardis WSC").**

NOW, THEREFORE, it is hereby contracted and agreed by and between the Sardis WSC and the City, as follows:

As a means of setting forth the matters of mutual inducement that have resulted in the making of this Agreement, it has been found and determined by the Sardis WSC and the City, to wit:

- 1.1 The Sardis WSC is a nonprofit corporation organized and existing pursuant to chapters 49 and 67 of the Texas Water Code. The Sardis WSC currently operates a water system in Ellis County, Texas, and is the holder of a water certificate of convenience and necessity ("CCN") No. 10058 issued by the Texas Commission on Environmental Quality ("TCEQ").
- 1.2 The City is a home rule municipal corporation and a political subdivision under the laws of the State of Texas. The City has heretofore established and now operates a water system within its boundaries in Ellis County, Texas pursuant to CCN 10915.
- 1.3 The Parties are required to relocate their water lines and related appurtenances associated with the Texas Department of Transportation ("TxDOT") Farm to Market ("FM") 664 roadway widening project ("Project").
- 1.4 The Parties have to prepare easement documents, and purchase easements for the water line and related appurtenances relocation caused by the Project.
- 1.5 Rather than acquire easements separately, the Parties have determined that, by joining together to acquire easements along FM 664 and share the said easements, that certain economies of scale are achieved along with minimizing the impacts to property owners along FM 664.
- 1.6 The limits of the shared easement between the Parties shall be along the west side of FM 664 from Highway 287 bypass and Marshall Road.
- 1.7 For the foregoing reasons, the Parties have indicated an interest in the joint easement document preparation, negotiation services, and acquisition of easements for the FM 664 water line relocation, for the benefit of their respective water users and the public in general.

1.8 The plan agreed to between the Parties contemplates that:

- (A) A 30-foot Water Easement ("Easement") shall be shared between Sardis WSC and the City of Waxahachie.
- (B) Placement of the Parties water lines and related appurtenances within the shared Easement shall be coordinated with the engineering design and construction plans, which shall be exchanged between the Parties as soon as reasonably practicable.
- (C) The cost for the Easement shall include the professional services for the field survey, easement document preparation, acquisition negotiation services, the purchase of necessary easement rights from the property owners and other interest holders, and, if necessary, condemnation costs, including fees for attorneys and necessary expert witnesses, including but not limited to independent appraisers.
- (D) The following shall be the cost share for the easement along FM 664:
  - o The City of Waxahachie shall be responsible for forty percent (40%) of the easement cost
  - o Sardis WSC shall be responsible for sixty percent (60%) of the easement cost.
- (E) If condemnation is necessary and it can be performed jointly, then the cost shall follow the same cost share described on item 1.8.(D). If the condemnation cannot be performed jointly, each party shall be responsible for their own condemnation costs.
- (F) The Parties shall invoice each other for their portion of the cost associated with the Easement as described on item 1.8.(D). A mutually agreed credit to the cost can be established in writing.
- (G) The City shall have the unobstructed right to occupy the forty percent (40%) of the Easement adjacent to the newly improved/widened/relocated FM 664, and Sardis WSC shall have the unobstructed right to occupy the sixty percent (60%) of the Easement to the west of the City's easement area set forth herein.
- (H) To the extent either Party determines that it is reasonably necessary to use and occupy more than their respective areas set forth herein during initial construction of said Party's water line and related appurtenances, the Parties agree to provide at least seven (7) days written notice and to fully and promptly cooperate and coordinate such encroaching activities, including but not limited promptly negotiating a written agreement governing the rights and obligations of each Party during said encroaching activity. Notwithstanding the foregoing, the Parties agree to at all times



conduct all of their activities within the Easement in such a manner as to not unreasonably interfere with or interrupt the use and enjoyment of the Easement for the purposes stated herein or in each respective easement agreement negotiated with owners along the Project.

- (I) Each Party shall, at their sole cost and expense, use, maintain, and operate their respective pipelines and appurtenant facilities within their easement areas set forth herein, and neither Party shall be responsible for any costs of construction, reconstruction, operation, maintenance, or removal of the other Party's facilities.
  - (J) The Parties agree that a representative of the other Party shall be on site to monitor all activities that occur within the Easement, subject to the notice requirements set forth herein. The presence of a representative of the other Party will not relieve said Party of any liability under this Agreement.
  - (K) The Parties agree to alter, modify, or halt any construction activity, which in the opinion of the other Party's Engineer or Manager/Director, threatens or endangers any facilities located within the Easement.
- 1.9 In the event that any Party to this Agreement by reason of Force Majeure shall be rendered unable wholly or in part to carry out its obligations under this Agreement, then if such Party shall give notice and full particulars of such Force Majeure in writing to the other Party within five (5) days of the existence of such Force Majeure, the obligation of the Party giving notice so far as it is effected by such Force Majeure shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such Party shall be required to resume performance of its obligation under this Agreement upon the termination of the aforementioned Force Majeure; provided, however, the Party unable to perform shall use its best efforts and act in good faith to avoid or overcome the impediment. No Force Majeure which renders any of the Parties unable to perform under this Agreement shall relieve a Party hereto of its obligation to make payments for easement costs.
- 1.10 To the extent allowed by law, the Parties agree to indemnify, defend, hold harmless and reimburse each other from and against any and all losses, liabilities, expenses and all claims for damages, of any third party, of any nature whatsoever, relating to or arising out of any action or failure to act by the Sardis WSC or the City, relating to or arising out of the performance or failure to perform by the Sardis WSC or the City, of any of the obligations under this Agreement. Losses, liabilities, expenses and claims for damages to third parties shall include, but not be limited to civil and criminal fines and penalties, a taking, whether direct or indirect (inverse), loss of use and services, bodily injury, death, personal injury or injury to real or personal property, defense costs, legal fees and costs, and attorney's fees for any appeals. It is specifically understood and agreed that recovery under this Section shall be limited to the indemnitors insurance coverage protecting against any such claims or losses.

- 1.11 Sovereign Immunity. The Parties waive the defense of sovereign immunity only to the extent necessary to enforce the terms and conditions of this Agreement as between the Parties. This limited waiver of sovereign immunity is only for the benefit of the Parties to the Agreement and is not for the benefit of any third party. The Parties reserve, individually and collectively, their constitutional and statutory protections under the doctrine of sovereign governmental or official immunity as to any claim brought by a third party against either of the Parties. The Parties agree that this Agreement is a contract for the provision of goods or services under Texas Local Government Code Chapter 271, Subchapter I.
- 1.12 All notices provided for herein shall be in writing and shall be delivered via electronic mail (e-mail) or by United States mail, certified, return receipt requested, postage pre-paid. Notices emailed or mailed to the Parties shall be addressed to the principal office of each.

Sardis-Lone Elm Water Supply Corporation  
Attention: Paul Tischler  
E-mail: [paul@sardiswater.com](mailto:paul@sardiswater.com)  
1941 Bryson Lane  
Midlothian, TX 76065  
(972) 775-8566

City of Waxahachie  
Attention: Michael Scott  
E-mail: [mscott@waxahachie.com](mailto:mscott@waxahachie.com)  
401 S. Rogers Street  
Waxahachie TX 75168  
(469) 309-4002

Any change in any of the addresses or names set forth above must be made in writing and delivered to the Parties and agreed to in writing by each of them, with such agreement to act and serve as an amendment hereto.

- 1.13 If any part of this Agreement, for any reason, is declared invalid or void, such decision shall not affect the remaining portions of the Agreement which shall remain in full force and effect as if this Agreement had been executed with the invalid portion eliminated. However, if any provision which has been declared invalid or unenforceable shall be a provision that would prevent the continued operation of the Project, then the Parties hereby agree that they will renegotiate this Agreement. The renegotiated Agreement shall be upon substantially the same terms and conditions, with the exception of the provisions which have been declared invalid or unenforceable, and with respect to such provisions agree to substitute a substantially similar provision(s) which is (are) not invalid or unenforceable. If any Party to this Agreement decides not to enforce a provision of this Agreement, such decision in favor of non-enforcement shall not constitute a complete and full waiver of the right of that Party in the future to enforce that

provision of the Agreement in the event of any subsequent breach or failure to comply in full with that provision of the Agreement.

- 1.14 Except as hereinafter provided, neither the Sardis WSC nor the City may dissolve or abandon the easement unless approved in writing by both of them. Any attempt to so dissolve or abandon the easement without the prior written consent of the other party shall be void. Neither of them may assign or delegate any of its duties or obligations to a third party, without the express prior written consent of the other; provided, however, in the event that the Sardis WSC shall merge its utilities operations with any other political subdivision of the State of Texas, then, and in that event, the Sardis WSC shall have the right to assign this Agreement, in its entirety, to the entity created by the merger(s) of such utility systems, without the consent of the City. In that event, the Sardis WSC shall notify the City, in writing, at least thirty (30) days prior to the effective date of such a merger of utilities operations.
- 1.15 Any change, amendment or modification to this Agreement must be in writing and fully executed by the Parties in order to be valid and enforceable.
- 1.16 Entire Agreement. This Agreement shall constitute the entire and final agreement and understanding between the Parties, and shall supersede all prior or contemporaneous agreements, understandings and discussions between the Parties, written and oral, with respect to any matters expressed or addressed herein, all of which shall be deemed merged into this Agreement and shall be of no force and effect. Notwithstanding, this Agreement may include amendments or modifications and such amendments or modifications if in compliance with Section 19.9 above shall be considered a part of this Agreement and included in the entire agreement between the Parties.
- 1.17 Authority to Bind. The undersigned, on behalf of the Parties to this Agreement, by their signatures, purport to bind, covenant, represent and warrant that they have the authority of their principal to bind it to the terms, covenants and conditions of this Agreement.
- 1.18 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
- 1.19 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, when delivered and taken together, shall constitute one and the same document. Faxed, copied, or .pdf signatures may be accepted as having the same force and effect of originals.
- 1.20 Mutual Drafting. The terms of this Agreement have been mutually drafted and agreed-upon, and no part of this Agreement will be construed against any drafter.

(15)

IN WITNESS WHEREOF, the Parties have caused their respective names to be subscribed hereto and their respective seals to be affixed hereto and attested by their duly authorized officers, all on the date set forth opposite their respective names.

SARDIS-LONE ELM WATER SUPPLY CORPORATION

By: \_\_\_\_\_  
Paul Tischler, General Manager

Date Signed: \_\_\_\_\_

Attest: \_\_\_\_\_

(15)

CITY OF WAXAHACHIE

By: \_\_\_\_\_

Michael Scott, City Manager


Date Signed: \_\_\_\_\_

Attest: \_\_\_\_\_

City Secretary



## Memorandum

To: Honorable Mayor and City Council  
From: Justin Stoker, Director of Public Works  
Thru: Michael Scott, City Manager   
Date: September 18, 2023  
Re: Consider the approval of the Waxahachie Creek Letter of Map Revision Project Agreement with Halff Associates, Inc.

---

**Motion:** "I move to approve the Waxahachie Creek Letter of Map Revision Project Agreement with Halff Associates, Inc. in the amount of \$60,000 and authorize the City Manager to execute all necessary documents."

**Item Description:** Consider awarding a Professional Service Agreement with Halff Associates, Inc. to prepare and process a Letter of Map Revision (LOMR) with the Federal Emergency Management Agency (FEMA) to update the regulatory Special Flood Hazard Area (SFHA) with recent flood modeling and mapping performed along Waxahachie Creek. This will allow the modeling and mapping to be immediately recognized as the regulatory SFHA.

**Item Summary:** The LOMR will be prepared utilizing the data and results from the 2021 CTP study. Due to the size and scale of the LOMR, coordination and comment resolution with the FEMA reviewer is expected to be extensive.

**Fiscal Impact:** Funding for this project in the amount of \$60,000 is available as a budgeted expense within the FY23 Public Works Operating Budget.

## Exhibit A

### Waxahachie Creek Letter of Map Revision

#### PROJECT DESCRIPTION

The Waxahachie Creek Flood Risk Identification (FRI) Study was completed as part of the Federal Emergency Management Agency (FEMA) Cooperating Technical Partner (CTP) Program through a partnership lead by the North Central Texas Council of Governments (NCTCOG). The study area for Waxahachie Creek included a total of 26.3 stream miles draining a total land area of 104.3 square miles. The purpose of this study was to identify flood risks that will ultimately revise the effective FEMA Flood Insurance Study (FIS) and Digital Flood Insurance Rate Maps (DFIRM) for the study stream.

The City of Waxahachie has requested Halff to prepare a FEMA Letter of Map Revision (LOMR) so that the modeling and mapping is immediately recognized as the regulatory Special Flood Hazard Area (SFHA). The LOMR will be prepared utilizing the data and results from the 2021 CTP study. While independent QA/QC has been conducted by AECOM, it is anticipated that the STARR II team will be the assigned FEMA LOMR reviewer. Due to the size and scale of the LOMR, coordination and comment resolution with the FEMA reviewer is expected to be extensive. Halff will notify the City if any additional services are required and will obtain approval for the additional scope and fee prior to proceeding.

#### SCOPE OF SERVICES

##### 1. PROJECT MANAGEMENT

- 1.1. Administration
  - 1.1.1. Internal project coordination and management
  - 1.1.2. Coordination with City of Waxahachie
  - 1.1.3. Meetings with the City of Waxahachie. Includes a maximum of three (3) meetings

##### 2. DATA COLLECTION AND FIELD RECONNAISSANCE

- 2.1. Data Collection
  - 2.1.1. Collect previous 2021 CTP data and results

##### 3. INCORPORATION OF PREVIOUSLY PRODUCED APPROVED LOMR

- 3.1. Incorporate one (1) approved LOMR
  - 3.1.1. Update CTP model geometry to include approved LOMR grading
  - 3.1.2. Produce updated hydraulic modeling results and mapping based on LOMR

##### 4. FEMA LETTER OF MAP REVISION APPLICATION PACKAGE

- 4.1. Prepare hydrologic and hydraulic models from 2021 CTP for submittal
- 4.2. Prepare exhibits and prepare forms for a report to FEMA
- 4.3. Complete the following forms, and include attachments and exhibits as required by FEMA:
  - 4.3.1. Form 1- Overview and Concurrence Form
  - 4.3.2. Form 2 - Riverine Hydraulics and Hydrology Form
  - 4.3.3. Form 3 - Riverine Structures Form
  - 4.3.4. Payment Information Form
- 4.4. Conduct Quality Assurance/Quality Control (QA/QC)
- 4.5. Compile comparison tables, including but not limited to, a 1-percent-annual-chance flood elevation (100-year) comparison table and floodway comparison table
- 4.6. Prepare sealed FEMA required workmaps showing existing topography, floodplains, and floodway



- 4.7. Prepare a scaled revised DFIRM exhibits with annotations
- 4.8. Develop executive summary memo with attached CTP report
- 4.9. Prepare and submit LOMR application

#### 5. FEMA REVIEWER & LOMR UPDATE COORDINATION

- 5.1. Coordination with FEMA model reviewer during the model review process (up to 2 meetings)
- 5.2. Adjust hydrology & hydraulic model, report, and digital data per FEMA model reviewer comments (up to 2 rounds of comments)
- 5.3. Coordination with FEMA mapping reviewer during map review process (up to 1 meeting)
- 5.4. Update mapping floodplain and floodway mapping, and sealed exhibits per reviewer comments (up to 1 round of comments)

#### FEE SUMMARY

| TASK  | FEE      |
|---|----------|
| 1. PROJECT MANAGEMENT                       | \$5,000  |
| 2. DATA COLLECTION                          | \$3,000  |
| 3. INCORPORATE PREVIOUSLY APPROVED LOMR     | \$15,000 |
| 4. FEMA LOMR APPLICATION PACKAGE            | \$18,500 |
| 5. FEMA REVIEWER & LOMR UPDATE COORDINATION | \$18,500 |
| TOTAL                                       | \$60,000 |

The estimated fees established above shall be **Hourly-Not-to-Exceed**. The fees will not be exceeded without prior approval from the City of Waxahachie. This proposal assumes this study can be submitted as a "LOMR Based Solely on Submission of More Detailed Data" which no review fee is required. Costs incurred will be carefully monitored during the progress of this project. Our services will be invoiced monthly, based on the work completed. Direct costs including printing and reproduction, postage, messenger service, and travel will be considered reimbursable. They will be billed at 1.1 times the direct cost incurred.

Unless otherwise stated, fees quoted in this proposal exclude state and federal sales taxes on professional services. Current Texas law requires the assessment of sales tax on certain kinds of surveying services but does not require sales taxes on other professional services. In the event that new or additional state or federal taxes are implemented on the professional services provided under this contract during the term of the work, such taxes will be added to the applicable billings and will be in addition to the quoted fees.

PROJECT SCHEDULE

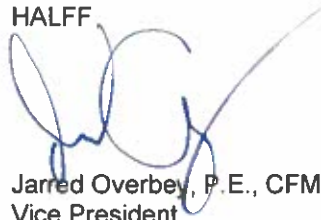
The draft LOMR can be completed and submitted to the City within three (3) months of notice to proceed. Once any comments have been addressed and applicable form(s) signed, the LOMR will be submitted to FEMA. An additional 12-18 months will be required for the LOMR review process with FEMA.

Exhibit A – Exclusions lists tasks not included in this scope of work.

We trust this proposal meets your requirements for this project. We appreciate the opportunity to be of service to you and trust that our association on this proposal is mutually beneficial. Please feel free to contact us if you have any questions or comments concerning this matter.

Sincerely,

HALFF

A handwritten signature in blue ink, appearing to read "JO", with a large checkmark-like flourish extending from the end.

Jarred Overbey, P.E., CFM  
Vice President  
Director of Water Resources

## **Exhibit B Exclusions**

The following services are not anticipated, but Halff can provide these services, if required, on Time and Materials basis. Halff will notify the City when said additional services are required and obtain approval for the additional scope and fee prior to proceeding.

- Any other Halff Associates, Inc. Professional Services other than stipulated in this scope of work
- Development of conceptual alternatives and recommendations
- Preparation of detailed alternative design
- Downstream assessment
- Dam breach analysis
- Scour/erosion analysis
- FEMA LOMR Fee. This proposal assumes this study can be submitted as a "LOMR Based Solely on Submission of More Detailed Data" which no review fee is required.
- Environmental impact statements and assessments
- Endangered species evaluation
- Floodplain reclamation alternatives or permitting
- Incorporation of any studies conducted after the submittal of the original CTP study other than the one study included in the scope.
- Incorporation of infrastructure constructed or designed after the original CTP study.
- Surveying services
- Owner notification mail outs
- Fees associated with newspaper publications
- Coordination and addressing comments in excess of the number stated in the scope.
- Perform flood risk analysis to determine impacted property addresses
- Prepare documentation and notification letters template to affected property owners
- Prepare newspaper publication floodway notice

### Exhibit C 2023 Billing Rates

| BILLING RATES                      |             |
|------------------------------------|-------------|
| LABOR CATEGORY                     | HOURLY RATE |
| Principal-in-Charge                | \$330       |
| Team Leader                        | \$270       |
| Senior H&H Project Manager (PE)    | \$220       |
| Mid Level H&H Project Manager (PE) | \$180       |
| Senior H&H Project Engineer (PE)   | \$160       |
| H&H Project Engineer (EIT)         | \$135       |
| Sr. Environmental Scientist        | \$255       |
| Environmental Scientist            | \$110       |
| Sr. GIS Specialist/Project Manager | \$176       |
| GIS Analyst                        | \$96        |
| Junior GIS Analyst                 | \$85        |
| Administration                     | \$77        |
| 3-Man Survey Crew w/GPS            | \$258       |
| 2-Man Survey Crew w/GPS            | \$192       |
| 1-Man Survey Crew w/GPS            | \$143       |
| Senior RPLS                        | \$247       |
| RPLS Project Manager               | \$181       |
| Survey Technician                  | \$132       |
| CADD Technician                    | \$100       |
| Designating 1-Man Crew             | \$88        |
| Designating 2-Man Crew             | \$176       |

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## Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: September 18, 2023

Re: Consider Resolution Temporarily Suspending Activities and Authority of the Joint Airport Board

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**Recommended Motion:** "I move to adopt a resolution temporarily suspending the activities and authority of the Joint Airport Board until a revised Joint Airport Agreement is adopted by both the City of Midlothian and City of Waxahachie"

**Item Description:** Consider adopting a resolution to suspend the activities of the Joint Airport Board until a revised Joint Airport Agreement is adopted by both the City of Midlothian and the City of Waxahachie. Since the Midlothian City Council did not approve the revised agreement adopted by the City of Waxahachie on September 15, 2023, this will provide additional time for the two cities to develop and adopt a mutually acceptable agreement while preventing the Airport from taking action that may not be agreeable by both cities.

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

(17)

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

Recognizing this, the staff from both cities recently worked to amend the Joint Airport Agreement to revise the roles and responsibilities of the Cities, the Airport Manager, as well as the Airport Board.

A revised agreement was developed based on input from both cities, Midlothian legal counsel comment and review, and then adopted by the City of Waxahachie. However, the City of Midlothian tabled the item and proposed to first hold a joint workshop with the City of Waxahachie and airport stakeholders to further discuss and mutually finalize the revisions to the agreement.

Until the revised agreement is adopted the activities of the Joint Airport Board should temporarily be suspended and transferred to the cities until the revised agreement is finalized and adopted by both Cities. This will allow adequate time for both cities to work through the agreement, but also ensure the Joint Airport Board doesn't continue doing business that may not be in alignment with both cities. During this time, the airport will continue to be operated by the airport manager working with both cities.

**Fiscal Impact:** The resolution will have no fiscal impact on the City of Waxahachie or City of Midlothian.

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCILS OF THE CITY OF MIDLOTHIAN AND THE CITY OF WAXAHACHIE, TEXAS, APPROVING A SUSPENSION OF THE ACTIVITIES AND AUTHORITY OF THE JOINT AIRPORT BOARD UNTIL A REVISED JOINT AIRPORT AGREEMENT IS COMPLETED AND ADOPTED BY BOTH CITIES.**

**WHEREAS**, the City of Midlothian and the City of Waxahachie did enter into a Joint Airport Agreement on August 26, 1987 to jointly acquire land for an airport and to construct, develop, operate and maintain said airport, and to create an Airport Committee to have responsibility for the assets, grounds, improvements and funds of said Airport; and

**WHEREAS**, the Cities did jointly acquire the land and constructed the Airport pursuant to the Joint Airport Agreement of August 26, 1987, and named the Airport the Midlothian/Waxahachie Municipal Airport (herein called the "Airport"), and entered into a revised Joint Airport Agreement of April 20, 1992 to define the roles and responsibilities of the Cities and the Airport Committee that was confirmed and established as the Midlothian/Waxahachie Municipal Airport Joint Airport Board (herein called the "Board"); and

**WHEREAS**, the Cities now desire to further define the roles and responsibilities of the Cities and the Board in the operation, maintenance, and development of the Airport already commenced by and between the Cities, and to manage and administer the Airport on a joint basis pursuant to this Agreement and as provided by the laws of the State of Texas; and

**WHEREAS**, the Cities have expressed the desire to hold joint meetings to discuss and finalize a revised Joint Airport Agreement; and

**WHEREAS**, the Cities agree that the activities and authority of the Joint Airport Board need to be suspended until a new revised Joint Airport Agreement is completed and adopted by both Cities.

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

**Section 1.** That the Joint Airport Board activities, authority and ability to hold meetings under the Joint Airport Agreement are suspended effective immediately.

**Section 2.** That all activities and authority of the Joint Airport Board will be temporarily transferred to the Cities of Midlothian and City of Waxahachie.

**Section 3.** That all matters related to the operations and activities of the Airport will be handled by the Airport Manager under the supervision of both Cities and their designated representatives.



(17)

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
WAXAHACHIE, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
David Hill, Mayor

ATTEST:

\_\_\_\_\_  
Amber Villareal, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney