

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Monday, August 4, 2025 at 7:00 p.m.***

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

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Announcements/Presentations***
 - a. Introduce Honorary Council Member
 - b. Present Proclamation recognizing August 3-9, 2025 as “National Health Center Week”
5. ***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.***
6. ***Consent Agenda***

All matters listed under Item 6, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

 - a. Minutes of the City Council meeting of July 21, 2025
 - b. Minutes of the City Council work session of July 18, 2025
 - c. Set City Council meeting for September 2, 2025
7. ***Continue Public Hearing*** on a request by Lexi Cassels, Kimley-Horn, for a Zoning Change from a Commercial (C) zoning district to Planned Development-Multi-Family-2 and Planned Development-Commercial (PD-MF-2 & PD-C) zoning district, for a mixed-use development, located directly east of 2050 Conquest Boulevard, (Property ID 191630 & 191636) - Owner: B&T Realty Services Inc (ZDC-91-2024)
8. ***Consider*** proposed Ordinance approving ZDC-91-2024

9. **Consider** funding request from the Ellis County Woman's Building in the amount of \$10,000 to assist with building renovations, repairs, and upgrades
10. **Consider** and approve an ordinance authorizing the issuance of City of Waxahachie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2025; establishing procedures and delegating authority for the sale and delivery of the Certificates; providing an effective date; and enacting other provisions relating to the subject
11. **Consider** setting Proposed Tax Rate and Dates for Public Hearing
12. **Convene** into Executive Session to deliberate economic development incentives, as permitted by Texas Government Code Section 551.087; to deliberate the purchase, exchange, lease, or value of real property for municipal purposes, as permitted by Texas Government Code Section 551.072; to deliberate personnel matters, including selection of a City Manager, as permitted by Texas Government Code Section 551.074; and to consult with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto
13. **Reconvene** and take any necessary action
14. Comments by Mayor, City Council, City Attorney and City Management
15. 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

(4b)

PROCLAMATION

WHEREAS, since its founding in 1999, Hope Health has been a steadfast provider of high-quality, affordable, and comprehensive primary and preventive health care in medically underserved communities. For over 25 years, Hope Health has delivered compassionate care and built trust with generations of patients, contributing to the health and resilience of the communities served; and

WHEREAS, as part of the nation’s largest primary care network, Hope Health proudly serves as a medical home for individuals and families across Ellis County, helping to ensure that health care is a right, not a privilege. In alignment with over 1,400 community health center organizations across the country, Hope Health provides critical care to populations regardless of insurance, income, or background; and

WHEREAS, Hope Health plays a vital role in bridging access gaps in both rural and urban communities, often serving as the only accessible and reliable provider of primary care in the region. Hope Health stands committed to reaching every corner of their service area through fixed clinics, community outreach, and innovative care delivery models; and

WHEREAS, in the face of rising chronic diseases, Hope Health continues to expand access to integrated care—ensuring patients have access not just to primary care but also to behavioral health, dental, nutrition, pharmacy, and vision services. The multidisciplinary team works together to treat the whole person, with a focus on long-term health outcomes; and

WHEREAS, governed by a patient-majority board, Hope Health is shaped by the very people it serves. This model of community-driven governance ensures accountability, cultural relevance, and responsiveness to local health needs; and

WHEREAS, Hope Health has grown into a vital economic and employment engine in the region, supporting jobs, training opportunities, and partnerships that strengthen both the health and economy of the community; and

WHEREAS, Hope Health continues to lead in innovation—delivering mobile outreach services, school-based care, telehealth, and wraparound programs to meet patients where they are, and addressing social determinants of health as part of their mission to promote health equity; and

WHEREAS, in 2024, Hope Health was honored as the Best Pediatrician's Office in Ellis County by the readers of the *Waxahachie Daily Light* and *Midlothian Mirror*, recognizing the dedication to providing exceptional care to the children and families of the community; and

WHEREAS, as the nation celebrates 60 years of community health centers and the achievements of nearly 1,500 health center organizations, we also honor the dedicated staff, board members, community partners, and patients who have made Hope Health a trusted beacon of care and healing since 1999.

NOW, THEREFORE, be it resolved that I, Billie Wallace, Mayor of the City of Waxahachie, Texas, along with the entire City Council, do hereby proclaim August 3-9, 2025 as

“NATIONAL HEALTH CENTER WEEK”

(4b)

at Hope Health in the City of Waxahachie, and encourage all residents to recognize and celebrate the essential role that community health centers, and Hope Health in particular, play in strengthening the well-being and future of our communities.

Proclaimed this 4th day of August 2025.

MAYOR

ATTEST:

CITY SECRETARY

(ua)

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, July 21, 2025 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Tres Atkins, Council Member Place 1
Chris Wright, Council Member Place 3
Travis Smith, Council Member Place 5

Council Member Absent: Patrick Souter, Mayor Pro Tem, Council Member Place 2

Others Present: Ricky Boyd, Interim City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Wallace gave the invocation, led the Pledge of Allegiance, and the Texas Pledge of Allegiance.

4. Announcements/Presentations

a. Introduce Honorary Council Member

There was not an Honorary Council Member in attendance.

5. Public Comments

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, explained the importance of keeping fire hydrants clear to support quick fire department response. Key priorities include visibility, reflectors for night use, and a mapping system to locate hydrants. Of these, visibility is the most critical, as overgrowth can delay emergency access. He urged that any city worker who sees an obstructed hydrant should clear it immediately to avoid response delays

Vanessa Voldan, 301 Cynisca, Waxahachie, Texas, noted she feels unheard on urgent animal welfare issues and urges more immediate solutions, such as an on-call vet and city support for spay/neuter programs. She stressed the need to openly address euthanasia to prevent prolonged animal suffering and propose a committee to evaluate long-term shelter animals for adoption or humane outcomes. She shared personal experiences of rescuing animals due to lack of city response and call for greater community involvement and resources to support overwhelmed animal control efforts.

(6a)

Tiki Walker Smith, 107 Coyote Run, Waxahachie, Texas, member of the Waxahachie Animal Care Advisory Committee, shared concerns about the city's current animal care efforts, noting that while not fully informed on the shelter budget, she believes the city urgently needs a proper animal shelter. Based on social media and community feedback, she observes that many residents don't know where to turn for help with animals in need. Recalling a past experience where a city-partnered vet promptly treated poisoned puppies, she stressed the importance of having a dedicated veterinary partner available for emergencies. Without such resources, citizens are left with few options, often resulting in animals suffering due to inaccessibility and lack of clear direction.

Nicole Vonderheide, 6221 Siena Circle, Midlothian, Texas, member of the Pet Coalition of Ellis County, shared the positive impact their organization has made since launching in October 2024, including responding to 585 requests for help and distributing nearly 14 tons of pet food. They've assisted with medical care, low-cost vaccine clinics, and finding placements for animals, including strays and those in critical condition, while building partnerships with rescues and shelters across the region. Although they haven't yet partnered with Waxahachie, they hope to collaborate on services like vaccine clinics, microchipping, food pantries, and a low-cost heartworm prevention program. Their goal is to expand support for both animals and residents in need, and they invite the city to join these efforts.

Jeffery Jones, 1768 Riviera Drive, Waxahachie, Texas, voiced continued opposition to the "Cotton Picking Day" event. He highlighted a lack of diversity on the City Council and emphasized the importance of Diversity, Equity, and Inclusion (DEI), arguing that it has not harmed the city but reflects its rich cultural history and community. He urged the city to evaluate DEI's role more seriously and expressed concern about being overlooked for board positions despite applying. While acknowledging positive experiences in Waxahachie and appreciation for its growing, diverse population, he called for greater inclusivity and representation in local leadership.

Tammy Garfillo, 240 Park Place Blvd., Waxahachie, Texas, urged adopting a "Finder to Foster" program to address the shortage of fosters, noted poor enforcement of pet licensing and microchipping, and called for stronger action against increasing animal dumping. She also suggested a fee and volunteer requirement for surrendering pets to raise awareness of shelter realities.

6. Consent Agenda

- a. Minutes of the City Council meeting of July 7, 2025
- b. Minutes of the City Council work session of July 7, 2025
- c. Minutes of the City Council special meeting of July 11, 2025
- d. Minutes of the City Council special meeting of July 14, 2025
- e. Event application for Hachie Uncorked to be held November 15, 2025 in Downtown Waxahachie
- f. Resolution to deny rate increase request by Oncor Electric Delivery Company, LLC

(lea)

RESOLUTION NO. 1382

RESOLUTION OF THE CITY OF WAXAHACHIE SUSPENDING THE JULY 31, 2025 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

Action:

Tres Atkins moved to approve all items on the Consent Agenda. Motion was seconded by Travis Smith and carried unanimously (4-0).

- 7. Public Hearing on a request by Gilberto Escobedo, Jr., for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-3 (SF-3) zoning district located at 106 Ryburn Street (Property ID 278478) – Owner(s): LGE Investment Homes, LLC (ZDC-50-2025)**

Senior Director of Planning Trenton Robertson presented the Item. The applicant requests a SUP for short-term rental use at 106 Ryburn Street because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 1,699 square feet, with four (4) bedrooms, two (2) bathrooms, one (1) one-half bathroom and enough improved surface to accommodate parking for a maximum of two (2) vehicles. The subject property is situated on an approximately 0.12 acres (5,227 square feet) lot. The applicant did advertise the subject property as a short-term rental, but did not operate as a short-term rental and has not been paying local hotel occupancy taxes. Staff identified the advertisement and contacted the applicant to let him know that he is in violation of Section 3.27 of the City's Zoning Ordinance. The applicant then removed the advertisement immediately. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on April 2, 2025.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered that there were no nuisance-related calls. The applicant's local emergency contact is located approximately nine (9) miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 78 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property.

At the time of the publishing of this staff report, a total of six (6) letters of support and no letters of opposition were received by staff. Six (6) of the letters of support and two (2) letters of opposition received are within the 200' buffer.

(6a)

Mayor Wallace opened the Public Hearing at approximately 7:31 p.m.

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, expressed concerns with parking and accessibility for a fire apparatus.

There being no others to speak for or against ZDC-50-2025, Mayor Wallace closed the Public Hearing at approximately 7:33 p.m.

Gilberto Escobedo, Jr., applicant, requested approval. He explained that a camera monitoring system is in place to ensure no more than two cars are parked on the property.

Council Member Travis Smith asked if the applicant would agree to limit occupancy to eight (8) due to limited parking, and Mr. Escobedo expressed no objection.

8. Consider proposed Ordinance approving ZDC-50-2025

ORDINANCE NO. 3642

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 106 RYBURN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.12 ACRES KNOWN AS PROPERTY ID 278478, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-50-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the of conditions the staff report, and amending to limit to a maximum capacity of eight (8), authorizing the City Manager and/or Mayor to execute all documents accordingly.

Chris Wright requested to amend the motion to include that the owner agreed to the maximum limit of occupancy. Travis Smith accepted the amendment.

Travis Smith moved to approve ZDC-50-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, and amending, per the owner's agreement, to limit the capacity to a maximum of eight (8), authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (4-0).

9. Public Hearing on a request by Christopher Childs, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-3 (SF-3) zoning district located at 710 Perry Avenue (Property ID 174044) – Owner(s): Christopher Childs (ZDC-71-2025)

Mr. Robertson presented the Item. The applicant requests a SUP for a STR use at 710 Perry Avenue because it is located within the SF-3 zoning district. Per the City's Zoning Ordinance, a STR use located within the SF-3 zoning district requires an approved SUP. The subject property consists of

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a primary structure of approximately 2,377 square feet, built in 2021 with three (3) bedrooms, two (2) bathrooms, and enough improved surface to accommodate for three (3) parking spaces. The subject property is situated on approximately 0.086 acres (3,746 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, the applicant has not been paying local hotel occupancy taxes. Currently, the applicant has the subject property advertised on AirBNB as available to lease as soon as August 1, 2025.

The applicant purchased the subject property in February 2025. The applicant began attempts to submit a SUP application for the STR on April 30, 2025, and completed the application process on May 23, 2025. During this period, the applicant attempted to register the STR using the City's STR compliance vendor (GovOS); but was advised that SUP approval is required prior to registration.

During the review of the SUP application, staff identified a listing of the subject property on AirBNB and reached out to the applicant to note that advertising prior to receiving an approved SUP and registering the STR is prohibited by the Waxahachie Zoning Ordinance. The applicant was directed to complete the SUP application approval process and STR registration process before advertising. At that time, the applicant updated his listing to be available for booking on January 1, 2026 and stated that he had not utilized the property as a STR during the time the property was available on AirBNB.

At the time of the posting of this staff report, the listing on AirBNB is still live and available, but booking is now available as soon as August 1, 2025 as a long-term rental of 30 or more days. Additionally, when the booking for the subject property was identified, Staff discovered that the applicant has advertisements on AirBNB for two separate bedrooms as long-term rentals located at his homestead on 237 Lillian Lane. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered that there were no nuisance-related calls within the past twelve months. The applicant's local emergency contact is located approximately six (6) miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 89 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of two (2) letters of opposition and six (6) letters of support were received by staff, with six (6) letters of opposition and two (2) letters of support within 200' of the subject property.

Mayor Wallace opened the Public Hearing at approximately 7:41p.m.

There being no others to speak for or against ZDC-71-2025, Mayor Wallace closed the Public Hearing at approximately 7:41 p.m.

10. Consider proposed Ordinance approving ZDC-71-2025

(6a)

ORDINANCE NO. 3643

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 710 PERRY AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.086 ACRES KNOWN AS PROPERTY ID 174044, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Tres Atkins moved to approve ZDC-71-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (4-0).

11. Public Hearing on a request by Jennifer Smolka, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

Mr. Robertson presented the Item. The applicant requests a SUP for short-term rental use at 821 Williams Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,459 square feet, with two (2) bedrooms, one (1) bathroom, and enough improved surface to accommodate parking for a maximum of two (2) vehicles. The subject property is situated on an approximately 0.31 acres (13,329 square feet) lot. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 4, 2025.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered a disturbance-related call that occurred near outside of the subject property and not involving the subject property.

The applicant's local emergency contact is located approximately eight (8) miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 100 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of four (4) letters of support and six (6) letters of opposition were received by staff, with four (4) of the letters of support and six (6) letters of opposition received are within the 200' buffer.

Mayor Wallace opened the Public Hearing at approximately 7:45 p.m.

Those who spoke in opposition:

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

(ua)

There being no others to speak for or against ZDC-83-2025, Mayor Wallace closed the Public Hearing at approximately 7:46 p.m.

12. Consider proposed Ordinance approving ZDC-83-2025

ORDINANCE NO. 3644

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 821 WILLIAMS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.306 ACRES KNOWN AS PROPERTY ID 171711, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to recommend approval of ZDC-83-2025, a Specific Use Permit (SUP) for Short-Term Rental use, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (4-0).

13. Public Hearing on a request by Andy & Susan Ruebman for a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet use within a Single Family-2 (SF-2) zoning district located at 407 Brown Street, (Property ID 171234) – Owner: Andy Ruebman & Susan Ruebman (ZDC-67-2025)

Mr. Robertson presented the Item. Applicants Andy and Susan Rueban requested approval. The applicant proposes a Specific Use Permit (SUP) to construct an addition to an already existing 500 square-foot accessory structure with an approximately 500 square-foot carport at 407 Brown Street. According to the Ellis County Appraisal District, the primary structure on the subject property is approximately 1,548 square feet. According to the Waxahachie Zoning Ordinance, single family residential structures located in a Single-Family-2 zoning district are limited to two (2) accessory structures. The subject property contains three (3) existing accessory structures. According to Section 5.07 of the Waxahachie Zoning Ordinance, the minimum side setback requirement for an accessory structure located within a SF-2 zoning district, is 5 feet (5'). The existing garage and proposed carport show a side setback of 3 feet (3') according to the applicant's site plan.

During the review process, staff and the applicant explored multiple options regarding their carport proposal in an effort to avoid the SUP process. The applicant is not wanting to tear down the existing garage and replace it with the proposed carport as to preserve the garage's historic nature. Additionally, the applicant did not want to attach the proposed carport to the house as to protect the existing home's historical significance.

The applicant proposes to utilize for the storage and protection of personal vehicles and household materials. According to the applicant's Operational Plan, the proposed carport will be similar in design to the existing garage, which will be architecturally complimentary to the garage and house, and will be consistent with the historical characteristics of the main structure. The applicant will

(6a)

not be extending the water and electrical services from the primary structure to the proposed accessory structure.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, twenty-four (24) notices were mailed to property owners within 200 feet of the request. Staff has received zero (0) letters of opposition, and fifteen (15) letters of support. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

The Planning and Zoning Commission's approval included a condition requiring one accessory structure to be removed *prior to the final inspection*, not before the permit is issued as currently stated. This timing is important because the applicant is temporarily storing items in the garage that will later be moved to the proposed carport. The design of the carport will match the detached garage and maintain the historic style of the home. Additionally, the proposed side setback for the carport will not exceed the existing garage's setback, and the neighboring property has submitted a letter supporting the request.

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

There being no others to speak for or against ZDC-67-2025, Mayor Wallace closed the Public Hearing at approximately 7:49 p.m.

Councilman Smith asked if the accessory structure on the property needed to be removed or if it was still sound. Mr. Ruebman noted research showed it was once a chicken coop located behind the garage. Mr. and Mrs. Ruebman explained the structure is currently used for storage of historic materials salvaged during their year-and-a-half restoration of the garage and home. They considered connecting it to the garage but have yet to consult an engineer. They emphasized the carport design will match the historic style of the home and garage, using authentic materials, and noted the structure is hidden from the street and structurally sound. The Ruebmans shared their efforts to restore the property respectfully, enhance the neighborhood's appearance, and create community pride, while also needing the carport to protect their antique and everyday vehicles. They expressed appreciation for the Council's consideration and emphasized their commitment to preserving the home's historic character.

14. Consider proposed Ordinance approving ZDC-67-2025

ORDINANCE NO. 3645

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE WITHIN THE SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 407 BROWN STREET, BEING PROPERTY ID 171234, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1A, BLOCK 125 OF THE TOWN ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

(lea)

Travis Smith moved to approve ZDC-67-2025, a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet, use within a Single Family-2(SF-2) zoning district, subject to the conditions of the staff report, striking the Planning & Zoning Commission recommendation, authorizing the Mayor and/or City Manager to sign the associated documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (4-0).

15. Public Hearing on a request by Ryan Blevins for a Specific Use Permit (SUP) for an Accessory Structure +700 square feet within a Single Family-1 (SF-1) zoning district located at 601 North Grand Avenue (Property ID 176840) – Owner(s): Thomas & Veronica Schaeffer (ZDC-74-2025)

Mr. Robertson presented the Item. The applicant requests a Specific Use Permit for an accessory structure exceeding 700 square feet. According to the Ellis County Appraisal District, the primary structure on the subject property is approximately 3,843 square feet. The subject property has three (3) existing accessory structures, with one structure exceeding 700 square feet, being used as a pool house, which was authorized via an SUP (Ordinance No. 3348) that was passed by City Council on November 7, 2022. Per the City of Waxahachie Zoning Ordinance, accessory structures exceeding 700 square feet requires an SUP to be approved by the City Council. The applicant has provided a Site Plan for the proposed accessory structure that verifies all setback requirements established by the Waxahachie Zoning Ordinance are being met.

The applicant proposes to partition the proposed accessory structure and utilize the structure for storage, a gym area, and a personal workshop. The accessory structure will not be accessible to vehicles or used to store vehicles. The proposed structure is comprised of corrugated Metal R Panel and a metal roof. According to the applicant's Operational Plan and Site Plan, the proposed structure will be accessed via a motorized gate that matches the existing fence, which is directly adjacent to the unimproved right-of-way "Sycamore Street." According to the applicant's electrical plans, electrical services to this accessory structure will be extended, while plumbing and water services are not proposed to be extended at this time. The applicant has provided an Operational Plan that confirms that this accessory structure will not be separately metered. Additionally, according to the applicant's site plan, it confirms that the accessory structure shall not be used for commercial purposes, shall not be used as a Short-Term Rental (STR), shall not be leased or sold separately from the primary home, and shall not be separately metered. In addition to the proposed accessory structure, the applicant is also proposing a concrete basketball court. Staff has confirmed that the proposed exterior lighting associated with the basketball court meets the City of Waxahachie's Zoning Ordinance as well as the City of Waxahachie's Light & Glare standards. Due to the location of the light fixtures, and their proximity to adjacent residential homes, the required shielding for these fixtures will be 360-degrees to prevent light pollution and glare.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. Staff has received zero (0) letters of support and zero (0) letters of opposition.

Mayor Wallace opened the Public Hearing at approximately 7:59 p.m.

(lea)

There being no others to speak for or against ZDC-74-2025, Mayor Wallace closed the Public Hearing at approximately 7:59 p.m.

16. Consider proposed Ordinance approving ZDC-74-2025

ORDINANCE NO. 3646

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE WITHIN THE SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 601 NORTH GRAND AVENUE, BEING PROPERTY ID 176840, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1B, BLOCK 27 OF THE WEST END ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-74-2025, a Specific Use Permit (SUP) for accessory structures exceeding 700 square feet in combined floor area use, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (4-0).

17. Public Hearing on a request by Marisa Brewer, McAdams, for a Zoning Change from a Planned Development – Commercial (PD-5-C) zoning district to Planned Development Multi-Family-1 (PD-MF-1) zoning district located at 501 Houston Street (Property ID 189345 – Owner(s): Skanda Investments, LLC and Masina Investments, LLC (ZDC-174-2024)

Mayor Wallace announced the Planning and Zoning Commission requested to continue the Public Hearing to address concerns regarding amenities and elevations.

Action:

Chris Wright moved to continue the Public Hearing for ZDC-174-2024 to the September 2, 2025 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (4-0).

18. Consider proposed Ordinance approving ZDC-174-2024

No action taken.

19. Public Hearing on a request by Urpi Arriola, MWSW Texas, for a Zoning Change from a Planned Development-14-Heavy Industrial (PD-14-HI) zoning district to Planned Development-Commercial (PD-C) zoning district, for the Crossroads 287 mixed-use development, located at 1601 W US Highway 287 Bypass, (Property ID 239122) - Owner: CSW Waxahachie LP (ZDC-195-2024)

Mr. Robertson presented the Item and applicant Kevin Hunter requested approval. The applicant proposes a Planned Development (PD) to allow for Crossroads 287, a mixed-use development with 35,500 square feet of medical office space, 14,950 square feet of retail space, two stand-alone restaurants, and two 4-story hotels with a combined total of 263 rooms. The proposed uses can be

(wa)

referenced in greater detail on the Concept Plan. The design of the concept plan is consistent with the concept approved by City Council as part of the Development Agreement for the property. A base zoning district of Commercial (C) is proposed for the development.

The subject property is the site of the former Magnablend facility; which was destroyed in a 2011 fire. The City of Waxahachie acquired the subject property in 2018. In August of 2024, City Council approved a Development Agreement for the subject property with CSW Development. As part of the agreement, CSW agreed to develop the site for a combination of office, retail, sit down restaurant, and hotel uses and provided a very general concept plan to represent their development proposal. As part of the agreement, City Council transferred ownership of the property to CSW; but required to the group to return for approval of a Planned Development zoning district for the property. The PD proposal is consistent with the requirements of the Development Agreement for the subject property.

The Planned Development includes a total of seven (7) buildings that will each be situated on individually platted lots. An additional 8th lot is proposed to exclusively accommodate drainage and detention areas for the development. The applicant has exceeded the minimum parking requirement of 611 spaces and proposes to provide a total of 661 parking spaces. Each proposed lot on the subject property has been designed so that it can meet its individual minimum parking requirement.

With this Planned Development request, the applicant proposes a few modified development standards from those required with the base Commercial (C) zoning district. The modified standards are tailored to facilitate a more compact retail development pattern. The table below can be referenced for a comparison of the standard C requirements versus the development standards proposed with this application.

| <u>Development Standard</u> | <u>C Zoning</u> | <u>Proposed Development Standard</u> |
|-------------------------------|-----------------|--------------------------------------|
| Min. Lot Size | 5,000 SqFt. | 5,000 SqFt. |
| Front Setback | 25' | 25' Exterior, 0' Interior |
| Side Setback | 25' | 20' (ROW), 0' (Retail) |
| Rear Setback | 20' | 20' Exterior, 0' Interior |
| Maximum Height | 3-stories | 4-stories |
| Max. Lot Coverage (Buildings) | 40% | 40% |

In addition to the modification identified above, the applicant has also proposed development standards that restrict permissible uses in the PD district. The base Commercial zoning district typically allows for a wide range of uses; but not all of these uses are appropriate for the office/retail-oriented development proposed by the applicant. With this in mind, the applicant has prohibited 56 uses that were identified as incompatible or too intense for their proposed development. A few examples of proposed prohibited uses include: Outdoor Building Material Sales, Storage Warehouses, Heavy Machinery Rental/Sales, Drive-Through Establishments, and Light Manufacturing.

The applicant proposes to utilize two lots on the western side of the property for the medical offices uses. The proposed lots are 2.5 acres and 0.8 acres in size and can accommodate a combined 35,000

(wa)

square feet of one-story medical offices. Baylor and Touchstone Imaging are the proposed end users for the two medical office lots.

The applicant proposes to utilize two lots on the southern portion of the property for the hotel uses. The hotels lots are proposed to be 2.48 acres and 2.21 acres and are designed to accommodate 150 rooms and 113 rooms respectively. No end-users are currently proposed for the hotel site, but each hotel is proposed to be 4-stories in height.

The applicant proposes to develop lots on the northern portion of the property immediately adjacent to US Highway 287 Bypass for restaurant uses. The applicant has not identified end-users for the restaurant sites. However, each lot is designed to accommodate sit-down restaurants exclusively as opposed to drive-through restaurants. A minimum of one of the sit-down restaurants is required to include an outdoor patio that flanks a central courtyard amenity that is proposed in the center of the development.

The applicant proposes to utilize the final lot on the site for a multi-tenant retail building. The retail lot is situated on the northern portion of the property along US Highway 287 Bypass and adjacent directly adjacent to the central courtyard amenity. No specific tenants are identified at this time for the retail building. However, the retail site is designed to accommodate a range of tenants that include, but are not limited to, personal services, retail stores and shops, and small restaurants.

The development is proposed to include two (2) direct connections to the US Highway 287 Bypass access roads. The proposed connections meet the minimum TxDOT spacing requirements for new driveways. The eastern most driveway is proposed to align with the existing service road and connector road intersection. The applicant has provided a Traffic Impact Analysis (TIA) with the PD Application, as required by the Development Agreement for the subject property. The TIA recommends the installation of a traffic signal at the intersection mentioned above and the applicant proposes to install the traffic signal accordingly. To facilitate cross connectivity between lots, the applicant proposes to execute mutual access easements throughout the subject property. Mutual access easements are also proposed to extend to the Navarro College properties to the south and west in order to facilitate future connectivity at the time these properties develop. The TIA will continue to be reviewed by the Public Works & Engineering Department with future Civil Construction Permits for the subject property.

The applicant proposes to construct an amenitized courtyard near the center of the property between multi-tenant retail building and sit-down restaurant. The courtyard is an item included in the Development Agreement that was approved for the property in August of 2024. The area will be flanked by an outdoor patio for the sit-down restaurant and is intended to be a public gathering space for patrons of the development. Proposed amenities for the courtyard include specialty lighting, a shade structure, outdoor seating and tables, and high-end landscaping. Per the proposed Development Standards, the courtyard is required to be completed prior to the issuance of a CO for the first building on the property.

The applicant has proposed specific landscaping requirements as part of the PD Development Standards for the property. The proposed standards result in an overall reduction in total plantings from that which would be required under the typical minimum landscape standards of the Waxahachie Zoning Ordinance. To offset the overall reduction in landscaping, the applicant has proposed to plant larger, six-inch (6") caliper, street trees along US Highway 287 Bypass as

(6a)

opposed to the typically required four-inch (4") caliper street trees. A detailed Landscape Plan is required to be submitted as part of the Site Plan Application for each individual lot within the subject property.

The applicant has proposed detailed exterior construction and building articulation requirements as part of the PD Development Standards. The proposed standards include varying requirements for the retail, restaurant, hotel, and medical office buildings within the development. Final Elevation/Façade Plans are not included with this PD, as end users have not yet been identified. However, each building is required to utilize exterior construction materials that are similar or complementary to the examples provided, with exceptions for national or regional restaurant brands. As part of the PD Development standards, the applicant has also provided example renderings for the proposed medical office, hotel, and retail buildings. A final Elevation/Façade Plan is required to be submitted as part of the Site Plan Application for each individual building on the subject property.

The applicant proposes to allow two (2) monument signs and one (1) pylon sign for the subject property with this PD application. Each of these signs are proposed to be located along US Highway 287 Bypass.

The monument signs are proposed to meet the standard height and size requirements of the Waxahachie Zoning Ordinance. The pylon sign is proposed to be a maximum of 50' in height and provide a total of 300 square feet of advertising space. The base of the pylon sign is proposed to utilize masonry material complimentary to that used for the retail buildings on the site.

The applicant has designed the Concept Plan for the property to accommodate two (2) dedicated detention areas in the southeast corner of the site. Each detention area is proposed to be fenced by four foot (4') ornamental metal fence.

As part of this development, the applicant is required to extend private water and sanitary sewer lines across the subject property. The applicant has submitted a Civil Construction Permit to account for these utility extensions. The Civil Construction Permit is currently under technical review by staff.

The property is subject to requirements of the Lighting and Glare Standards from Section 6.03 of the Waxahachie Zoning Ordinance. To verify compliance with these standards, the applicant shall be required to provide a Photometric Plan as part of the detailed Site Plan Application for each individual lot.

The applicant proposes to develop the infrastructure (water, wastewater, stormwater, shared drive-aisles) for the subject property in a single phase. Individual lots on the site are proposed to develop as determined by the market.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, nine (9) notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received zero (0) letters of support and zero (0) letters of opposition for the PD request.

(6a)

Councilman Wright asked if the proposed stop light will be at the developer's expense and Mr. Robertson confirmed it would be.

Mayor Wallace opened the Public Hearing at approximately 8:04 p.m.

There being no others to speak for or against ZDC-195-2024, Mayor Wallace closed the Public Hearing at approximately 8:04 p.m.

Council Member Travis Smith raised safety concerns about traffic access, specifically questioning why the traffic impact study did not require a deceleration lane at the westernmost access point along Business 287, near a 55-mph zone. Justin Stoker, Senior Director of Public Works and Engineering, clarified that the traffic study, based on full buildout projections, did not trigger the need for a deceleration lane, but the developer would still be required to meet any future requirements from TxDOT or the City. Councilman Smith emphasized past traffic planning failures and stressed the importance of including language in the development agreement to ensure a deceleration lane is added if later deemed necessary, especially given the high-speed traffic and complex roadway configuration in that area. Mr. Hunter noted TxDOT typically requires all traffic improvements before a driveway permit is issued and expressed willingness to work with the City and TxDOT on any required modifications.

20. Consider proposed Ordinance approving ZDC-195-2024

ORDINANCE NO. 3647

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-14-HEAVY INDUSTRIAL (PD-14-HI) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) LOCATED AT 1601 W US HIGHWAY 287 BYPASS IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING APPROXIMATELY 13.116 ACRES KNOWN AS LOT 1R, BLOCK A OF THE ORIGINAL SPIROLITE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-195-2024, a Planned Development request for the Crossroads 287 mixed-use development, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly, and further, prior to the issuance of a Certificate of Occupancy for any structure on the property, the developer shall install a deceleration lane along 287 Bypass, if merited in the sole determination of the City. Motion was seconded by Travis Smith and carried unanimously (4-0).

21. Consider Development Agreement for ZDC-195-2024

Action:

Tres Atkins moved to approve the Development Agreement for ZDC-195-2024, with the inclusion of the issuance of a Certificate of Occupancy for any structure on the property, the developer shall install a deceleration lane along 287 Bypass, if merited in the sole determination of the City. Motion was seconded by Travis Smith and carried unanimously (4-0).

(wa)

- 22. Public Hearing on a request by Quinn Foster, Manhard Consulting, for a Zoning Change from a Single-Family-1 (SF-1) zoning district to Planned Development – General Retail (PD-GR) zoning district located directly north of 2400 North US Highway 77 (Property ID 189302) – Owner(s): Snow Peach Legacy Family Holding Spendthrift Trust (ZDC-75-2025)**

Mayor Wallace announced the applicant requested to continue the Public Hearing to the September 2, 2025 City Council meeting to refine their proposal and address citizens' concerns.

Action:

Chris Wright moved to continue the Public Hearing for ZDC-75-2025 to the September 2, 2025 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (4-0).

- 23. Consider proposed Ordinance approving ZDC-75-2025**

No action taken.

- 24. Discuss and consider City Hall Addition/Renovation Project scope, contracts and funding**

Action:

Travis Smith moved to consider Item 24 on tonight's agenda to post Executive Session. Motion was seconded by Tres Atkins and carried unanimously (4-0).

- 25. Convene into Executive Session to deliberate economic development incentives, as permitted by Texas Government Code Section 551.087; to deliberate the purchase, exchange, lease, or value of real property for municipal purposes, as permitted by Texas Government Code Section 551.072; to deliberate personnel matters, as permitted by Texas Government Code Section 551.074; and to consult with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto**

Mayor Wallace announced at 8:17 p.m. the City Council would convene into Executive Session to deliberate economic development incentives, as permitted by Texas Government Code Section 551.087; to deliberate the purchase, exchange, lease, or value of real property for municipal purposes, as permitted by Texas Government Code Section 551.072; to deliberate personnel matters, as permitted by Texas Government Code Section 551.074; and to consult with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto.

- 26. Reconvene and take any necessary action**

The meeting reconvened at 11:06 p.m.

- 24. Discuss and consider City Hall Addition/Renovation Project scope, contracts and funding**

(lea)

Action:

Chris Wright moved to move forward with the renovation project of the City Hall and taking into account the cost and increases that were presented.

Motion died due to lack of second.

27. Comments by Mayor, City Council, City Attorney, and City Management

Council Member Chris Wright expressed support for moving forward with the City Hall project, believing delays will lead to significantly higher costs. He acknowledged and appreciated Councils' perspectives and also wished Mayor Pro Tem Souter a speedy recovery.

28. Adjourn

There being no further business, the meeting adjourned at 11:08 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

City Council
July 18, 2025

(6b)

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms C & D, Waxahachie, Texas, on Friday, July 18, 2025 at 10:00 a.m.

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

Others Present: Ricky Boyd, Interim City Manager
Albert Lawrence, Deputy City Manager
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Discuss update of the City Hall redevelopment and renovation project

Jon Vidaurri of Vidaurri Management Group (VMG), Jared Pruitt of Turner Construction, and Michael Karnowski of Architexas were present to provide a comprehensive overview of how the City Hall renovation project progressed to its current stage.

Mr. Karnowski presented the updated floor plan and site plan for the City Hall renovation project, following a request from the City Council. Mayor Wallace expressed concern that the Council had not been kept adequately informed and asked for a review of the project's background. Mr. Vidaurri explained the original scope, which included remodeling the 2000s addition and renovations to the 1911 and 1950s sections, along with converting the terrace into 3,000 square feet of office space for a new courtroom and Council chamber. In February 2024, the project team requested an additional \$5.7 million after a more detailed evaluation revealed significant issues, especially with the 2000s addition, which was ultimately deemed unsalvageable and required complete reconstruction. This led to the adoption of Option 4A, which involved rebuilding the 2000s section, remodeling the 1950s portion, and upgrading the old post office area. Turner Construction's initial schematic estimated the total project cost at \$12.537 million.

Councilman Atkins inquired about the cost increases, and Mr. Karnowski reviewed the updated site and floor plans. Mr. Pruitt noted that utility infrastructure is complete, the parking structure is being poured, and early-release packages were ordered to mitigate long lead times. Mayor Wallace questioned why demolition occurred before finalizing a Guaranteed Maximum Price (GMP). Mr. Vidaurri explained that under the Construction Manager at Risk (CMAR) model, early work is typical, and at that time the project was within budget with contingency included. Budget projections remained on track until May 15, 2025. Council Members Wright and Smith confirmed the cost increase stemmed from unforeseen issues discovered during detailed evaluations. After the January 2024 estimate jumped to \$13 million, the team began exploring options to reduce costs back toward the \$12.2 million target.

(46)

The Council expressed concern that unknown risks weren't adequately accounted for and that changes in building plans and vendor-related issues led to further escalation. Mr. Pruitt explained that material prices had risen and some vendors had withdrawn from the project, which created additional challenges. Mayor Wallace asked about the current project timeline, and Mr. Pruitt stated the estimated completion date is August 6, 2026, with no further cost increases expected at this time. Mr. Vidaurri added that alternative strategies are available if necessary. Communication with staff has been maintained through weekly meetings.

Council members reviewed the revised floor plans, including the need for a new IT and mechanical room due to demolition of the 2000s addition. Councilman Wright raised concerns over unexpected sprinkler costs; Mr. Karnowski clarified that while installation was anticipated, the cost was higher than expected. Councilman Smith noted that if the third floor remains unfinished, fire sprinkler requirements may be avoided—pending confirmation from the Fire Marshal. Council also discussed options for reducing the project's scope. Councilman Atkins criticized the decision not to lock in pricing earlier, but Mr. Vidaurri explained that the project had not reached the design phase necessary to solicit accurate bids. Mayor Pro Tem Souter raised concerns over potential cost inflation and suggested the city may be overpaying, urging the team to explore solutions. Councilman Wright acknowledged vendor cost increases, and while he disagreed with the pricing surge, he emphasized the need to find a workable path forward. Councilman Smith requested a breakdown of pricing for each renovation area.

{Mayor Pro Tem Souter left the meeting at 11:42 a.m. and City Council recessed.}

{The meeting reconvened at 11:56 a.m.}

Councilman Smith suggested that revising the project scope to focus more on renovation and limit new construction could help reduce overall costs. Councilman Atkins agreed and proposed having a City Council liaison participate in the weekly project meetings, which Mr. Vidaurri acknowledged could be beneficial. Councilman Atkins also requested access to past monthly progress reports and agendas or minutes from the weekly meetings to better understand the project's development.

City Council expressed appreciation to Mr. Vidaurri, Mr. Pruitt, and Mr. Karnowski for their patience, detailed responses, and willingness to provide alternatives and additional information. Deputy City Manager Albert Lawrence inquired whether any communication delays or breakdowns contributed to project challenges or cost increases. Both Mr. Vidaurri and Mr. Karnowski confirmed that staff had remained responsive and actively engaged, with staff regularly asking during weekly meetings how they could help move the project forward.

Interim City Manager Ricky Boyd asked how long it would take to update the scope of work, and Mr. Karnowski responded that revisions would be completed promptly. Mr. Boyd also requested that Mr. Pruitt contact vendors to determine if they would consider extending their pricing deadlines, allowing the Council adequate time to review and make a decision during the August meeting. Additionally, Mr. Boyd asked Turner Construction to review whether any pricing increases from the lowest bidders now make the second-lowest bidders more competitive.

3. Adjourn

City Council
July 18, 2025
Page 3

(6b)

There being no further business, the meeting adjourned at 12:32 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(uc)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Ricky Boyd, Interim City Manager *RB*

Date: August 4, 2025

Re: Consider setting September 2025 City Council Meeting Dates

Item Description: Consider setting City Council meeting on Tuesday, September 2, 2025 due to Labor Day holiday.

Item Summary: Due to the September holiday schedule, staff is requesting to set the regularly scheduled City Council meeting on Tuesday, September 2, 2025.

(748)



Memorandum

To: Honorable Mayor and City Council

From: Trenton Robertson, Senior Director of Planning

Thru: Ricky Boyd, Interim City Manager *RB*

Date: August 4, 2025

Re: ZDC-91-2024- Planned Development (PD) for Waxahachie 49 Ac.

On July 27, 2025, the Applicant requested to continue case no. ZDC-91-2024 from the August 4, 2025, City Council meeting to the September 2, 2025, City Council meeting. The Applicant noted the purpose of the further continuance was to allow the developer additional time to analyze the final construction costs of the development.

(9)

Ellis County Woman's Building
P. O. Box 2622
Waxahachie, Texas 75168

July 25, 2025

RE: 2026 City of Waxahachie Budget Request for monetary contribution/recognition
for Ellis County Woman's Building

Mayor Billie Wallace
Mayor Pro Tem Patrick Souter
Council Member Travis Smith
Council Member Chris Wright
Council Member Tres Atkins

Dear Mayor and Waxahachie City Council Members:

On behalf of the Ellis County Woman's Building Board, we respectfully request consideration and approval for a one time budget contribution of \$10,000. The 2026 budget item request is in conjunction with the celebration of the 100th Anniversary of the Ellis County Woman's Building located in the heart of Waxahachie at 407 West Jefferson St, Waxahachie, Texas. Our request is for monetary assistance for the much needed renovations, repairs and upgrades for one of the most valued and recognized buildings in Ellis County.

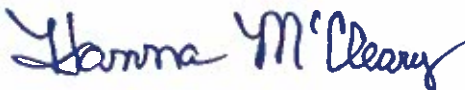
The renovations and repairs include kitchen upgrades, flooring, plumbing, electrical upgrades, repairs to entry doors, appliances and furniture restoration. Total estimated renovations to date is approximately \$40,000.

The 100th anniversary of the Ellis County Woman's Building is February 11, 2026. *Please mark your calendar.* We will have a presentation of a donor plaque that will be permanently displayed at the Woman's Building.

The Ellis County Woman's Board thanks you for your consideration and hope you will approve this 2026 budget request. Please help us as we move forward to enhance and preserve this amazing 100 year old landmark. The Woman's Building has served the City of Waxahachie with pride and giving a donation to help further our needs and celebrating our 100th anniversary is a gift to the citizens of Waxahachie and for the future of Waxahachie.

We would love to add "City of Waxahachie" to the donor plaque.

Sincerely,



Hanna McCleary, Chairwoman of the
Ellis County Woman's Building Board

Hanna McCleary

Mailing Address: Ellis County Woman's Building
P. O. Box 2622
Waxahachie, Texas 75168



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Senior Director of Finance

Thru: Ricky Boyd, Interim City Manager *RB*

Date: August 4, 2025

Re: Consider and adopt an Ordinance providing for the issuance Certificates of Obligation; and ordaining other matters relating to the subject.

Recommended Motion: "I move to approve an ordinance authorizing the issuance of City of Waxahachie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2025; establishing procedures and delegating authority for the sale and delivery of the Certificates; providing an effective date; and enacting other provisions relating to the subject.

Item Description: This action approves an ordinance authorizing the issuance of Certificates of Obligation to fund various capital projects in the City's Capital Improvement Plan (CIP). The ordinance delegates authority to finalize details of the bond issuance within specified parameters, including maximum principal amount, interest rate, maturity, and latest sale date. This provides flexibility by enabling the City to be responsive to market conditions and time the sale to secure more favorable rates.

Upon approval, and successful pricing and selling of the bonds, the funds would be expected to be delivered and available in September.

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

On April 15, 2025, at the City Council Worksession, staff presented the CIP – updated annually – along with strategies to fund various capital projects for the upcoming year. As part of this overall strategy, the CIP includes the issuance of certificates of obligation to fund a portion of these projects. The total bond issuance is \$22.2 million and consists of streets, parks, public safety, and wastewater projects. If approved, these projects will be funded through the ad valorem tax rate, and wastewater utility fees.

On June 2, 2025, City Council passed a resolution to approve the publication of notice of intention to issue certificates of obligation. This was the first formal step to begin the process of issuing bonds to fund various streets, water, wastewater, parks and public safety capital projects. Notices were published in the newspaper on June 11 and June 18. Additionally, staff prepared the Preliminary Official Statement and other required information, and met with appropriate bond rating agencies.

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

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2025; ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

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

WHEREAS, the City Council of the City of Waxahachie, Texas (the "Issuer"), deems it advisable to issue Certificates of Obligation for the purposes hereinafter set forth; and

WHEREAS, the Certificates of Obligation hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Texas Local Government Code, Subchapter B, Chapter 1502, Texas Government Code; and

WHEREAS, this City Council further finds and determines that it is in the best interest of the Issuer and its residents to include in the proposed issue of certificates of obligation funds for the public improvements hereinafter described, rather than fund such projects with the issuance of other debt instruments, in order to reduce the costs of such transactions; and

WHEREAS, the City Council has heretofore passed a resolution authorizing and directing the City Secretary to give notice of intention to issue certificates of obligation, and said notice has been duly published in a newspaper of general circulation in said City, said newspaper being a "newspaper" as defined in §2051.044, Texas Government Code; and

WHEREAS, the Issuer received no petition from the qualified electors of the City protesting the issuance of such certificates of obligation; and

WHEREAS, no bond proposition to authorize the issuance of bonds for the same purpose as any of the projects being financed with the proceeds of the certificates of obligation was submitted to the voters of the Issuer during the preceding three years and failed to be approved; and

WHEREAS, it is considered to be to the best interest of the Issuer that said interest-bearing certificates of obligation be issued; and

WHEREAS, the Issuer is an "Issuer" under Section 1371.001(4)(P), Texas Government Code, having (i) a principal amount of at least \$100 million in outstanding long-term indebtedness, in long-term indebtedness proposed to be issued, or a combination of outstanding or proposed long-term indebtedness and (ii) some amount of long-term indebtedness outstanding or proposed to be issued that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Chapter 551 Texas Government Code; Now, Therefore

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES.

(a) The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

(b) The certificates of the City of Waxahachie, Texas (the "Issuer") are hereby authorized to be issued and delivered, in one or more series, in the aggregate principal amount not to exceed the amount set forth below for paying all or a portion of the Issuer's contractual obligations incurred in connection with (i) the construction, installation and equipment of park and recreational improvements; (ii) the construction, renovation, improvement and equipment of buildings, facilities and public safety facilities for the emergency management, public works, parks and recreation, fire and police departments; (iii) constructing and improving streets, including related sidewalks, cycle paths, signage and signalization, landscaping, streetscaping, drainage, utility line relocations and the acquisition of land and rights-of-way therefor; (iv) the construction of improvements and extensions to the City's water and wastewater systems; and (v) the payment of fiscal, engineering and legal fees incurred in connection therewith (collectively, the "Project").

(c) Each certificate issued pursuant to this Ordinance shall be designated: "CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2025," or such other designation as set forth in the Pricing Certificate (defined below) and initially there shall be issued, sold, and delivered hereunder one fully registered certificate, without interest coupons, with certificates issued in replacement thereof being in the denominations and principal amounts hereinafter stated and numbered consecutively from R-1 upward, payable to the respective Registered Owners thereof (with the initial certificate being made payable to the initial purchaser as described in Section 10 hereof), or to the registered assignee or assignees of said certificates or any portion or portions thereof (in each case, the "Registered Owner"). The Certificates shall be in the respective denominations and principal amounts, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the Pricing Certificate (defined below).

Section 2. DELEGATION TO PRICING OFFICER.

(a) As authorized by Chapter 1371, Texas Government Code, as amended, the Mayor, City Manager or Interim City Manager, the Deputy City Manager, and the Director of Finance of the Issuer (each a "Pricing Officer") are each hereby authorized to act on behalf of the Issuer in selling and delivering the Certificates, carrying out the other procedures specified in this Ordinance, including, determining the date of the Certificates, any additional or different designation or title by which the Certificates shall be known, whether the Certificate shall be sold and delivered in one or more series and the date and sale and delivery of each such series, the amount of Certificates to be sold and the authorized purposes set forth in Section 1 for which such Certificates are issued, the price at which the Certificates will be sold, the years in which the Certificates will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the interest payment and record dates, the price and terms upon and at which the Certificates shall be subject to redemption prior to maturity at the option of the Issuer, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance,

sale, and delivery of the Certificates and obtaining municipal bond insurance for all or any portion of the Certificates and providing for the terms and provisions thereof applicable to the Certificates (including the execution of any commitment agreements, membership agreements in mutual insurance companies, and other similar agreements), all of which shall be specified in the Pricing Certificate executed by the Pricing Officer (the "Pricing Certificate"); provided that:

- (i) the aggregate principal amount of the Certificates shall not exceed \$22,500,000;
- (ii) the Certificates shall bear interest at a fixed rate, and the net effective interest rate on the Certificates shall not exceed 5.00%;
- (iii) the final maturity of the Certificates shall not be later than August 1, 2045; and
- (iv) the delegation made hereby shall expire if not exercised by the Pricing Officer within ninety (90) days from the date of adoption hereof.

(b) In establishing the aggregate principal amount of the Certificates, the Pricing Officer shall establish an amount not exceeding the amount authorized in Subsection (a) hereof, which shall be sufficient in amount to provide for the purposes for which the Certificates are authorized and to pay costs of issuing the Certificates. The Certificates shall be sold with and subject to such terms as set forth in the Pricing Certificate.

(c) The Pricing Officer shall determine whether the Certificates will be sold by private placement or negotiated or competitive sale.

Section 3. CHARACTERISTICS OF THE CERTIFICATES.

(a) Appointment of Paying Agent/Registrar. The selection and appointment of the paying agent/registrar for the Certificates (the "Paying Agent/Registrar") shall be as provided in the Pricing Certificate. The Pricing Officer is authorized and directed to execute and deliver in the name and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar in substantially the form presented at this meeting.

(b) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the corporate trust office of the Paying Agent/Registrar books or records for the registration of the transfer, conversion and exchange of the Certificates (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three (3) days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be

made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

(c) Authentication. Except as provided in subsection (j) of this section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Certificates in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(d) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Certificates, and of all conversions and exchanges of Certificates, and all replacements of Certificates, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(e) Payment to Registered Owner. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal and interest with respect to such Certificate, for the purpose of registering transfers with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Certificates only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Certificates to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance.

(f) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Certificates that at all times while the Certificates are outstanding the Issuer will provide a competent and legally

qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(g) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than one hundred-twenty (120) days written notice to the Paying Agent/Registrar, to be effective not later than sixty (60) days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.

(h) Book-Entry Only System. The Certificates issued in exchange for the Certificates initially issued to the purchaser or purchasers specified herein shall be initially issued in the form of a separate single fully registered Certificate for each of the maturities thereof and the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), and except as otherwise provided in this Section, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(i) Blanket Letter of Representations. The previous execution and delivery of the Blanket Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Certificates. Notwithstanding anything to the contrary contained herein, while the Certificates are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Ordinance in the event of conflict.

(j) Certificates Registered in the Name of Cede & Co. With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Certificates, as shown on the Registration Books, of any notice with respect to the Certificates, or (iii) the payment to any DTC Participant or any other person, other than a registered owner of Certificates, as shown in the Registration Books of any amount with respect to principal or interest on the Certificates. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered

owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(k) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Certificates that they be able to obtain certificated Certificates, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

(l) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the representation letter of the Issuer to DTC.

(m) General Characteristics of the Certificates. The Certificates (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Certificates, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Certificates, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Certificates initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange for any Certificate or Certificates issued under this Ordinance the Paying Agent/Registrar shall execute the Paying Agent/Registrar's Authentication Certificate, in the FORM OF CERTIFICATE set forth in this Ordinance.

(n) Cancellation of Initial Certificate. On the closing date, one initial Certificate representing the entire principal amount of the Certificates, payable in stated installments to the purchaser designated in the Pricing Certificate, executed by manual or facsimile signature of the Mayor and City Secretary of the Issuer, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such purchaser or its designee. Upon payment for such initial Certificate, the Paying Agent/Registrar shall cancel such initial Certificate and deliver to the DTC on behalf of such purchaser one registered definitive Certificate for each year of maturity of such Certificates, in the aggregate principal amount of all of the Certificates for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Certificates in safekeeping for DTC.

Section 4. FORM OF CERTIFICATES. The form of the Certificates, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration

Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Certificates initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

(a) Form of Certificate.

NO. R-

UNITED STATES OF AMERICA
STATE OF TEXAS

PRINCIPAL
AMOUNT
\$ _____

CITY OF WAXAHACHIE, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION
SERIES 2025

| INTEREST RATE | DATE OF CERTIFICATES | MATURITY DATE | CUSIP NO. |
|---------------|----------------------|---------------|-----------|
| _____ | _____ | _____ | _____ |

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, the City of Waxahachie, in Ellis County, Texas, (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____, _____ at the Interest Rate per annum specified above. Interest is payable on _____, _____ and semiannually on each _____ and _____ thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the registered owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of _____, _____, _____, which is the "Paying Agent/Registrar" for this Certificate. The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Certificate (the "Certificate Ordinance") to be on deposit with the Paying

Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared on the _____ day of the month preceding each such interest payment date, regardless of whether such day is a business day (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Certificate prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Certificate for payment or redemption at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Certificate that on or before each principal payment date and interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

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

THIS CERTIFICATE is one of a series of Certificates dated _____, _____, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$ _____ for the public purposes of (i) the construction, installation and equipment of park and recreational improvements; (ii) the construction, renovation, improvement and equipment of buildings, facilities and public safety facilities for the emergency management, public works, parks and recreation, fire and police departments; (iii) constructing and improving streets, including related sidewalks, cycle paths, signage and signalization, landscaping, streetscaping, drainage, utility line relocations and the acquisition of land and rights-of-way therefor; (iv) the construction of improvements and extensions to the City's water and wastewater systems; and (v) the payment of fiscal, engineering and legal fees incurred in connection therewith (collectively, the "Project").

ON _____, or on any date thereafter, the Certificates of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Certificates, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

THE CERTIFICATES scheduled to mature on _____ in the years ____ and ____ (the "Term Certificates") are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot,

or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Certificates, on the dates and in the respective principal amounts, set forth in the following schedule:

| | |
|---------------------------|------------------|
| Term Certificate | |
| Maturity: _____, | |
| Mandatory Redemption Date | Principal Amount |
| _____, ____ | \$ _____ |
| _____, ____ | _____ |
| _____, ____ (maturity) | _____ |

The principal amount of Term Certificates of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Issuer, by the principal amount of any Term Certificates of the same maturity which, at least 50 days prior to a mandatory redemption date (1) shall have been acquired by the Issuer at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Certificates called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date. If such redemption is not effectuated, the Paying Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.

AT LEAST THIRTY (30) DAYS prior to the date fixed for any redemption of Certificates or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, at least thirty (30) days prior to the date fixed for any such redemption, to the registered owner of each Certificate to be redeemed at its address as it appeared on the business day prior the mailing of such redemption notice; provided, however, that the failure of the registered owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificate. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Certificates or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in aggregate principal

amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Certificate Ordinance.

WITH RESPECT TO ANY OPTIONAL REDEMPTION OF THE CERTIFICATES, unless certain prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Issuer, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a notice of conditional redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Issuer shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

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

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

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been

performed, existed and been done in accordance with law; that this Certificate is a general obligation of said Issuer, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate is additionally secured by and payable from a limited pledge of the Surplus Revenues of the Issuer's water and wastewater system remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the Issuer's revenue obligations (now or hereafter outstanding) that are payable from all or part of said revenues, all as provided in the Certificate Ordinance.

THE ISSUER HAS RESERVED THE RIGHT to amend the Certificate Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the registered owners of a majority in aggregate principal amount of the outstanding Certificates.

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

IN WITNESS WHEREOF, the Issuer has caused this Certificate to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in his absence, the Mayor Pro Tem) and countersigned with the manual or facsimile signature of the City Secretary of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Certificate.

(signature)
City Secretary

(signature)
Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Certificate is not accompanied by an executed Registration
Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Certificate has been issued under the provisions of the Certificate Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a certificate or certificates of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____

Paying Agent/Registrar

(10)

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers unto: _____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

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

Dated: _____.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

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

(d) Form of Registration Certificate of the Comptroller of Public Accounts.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Certificate and that this Certificate has been registered this day by me.

Witness my signature and seal this _____.

Acting Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) Initial Certificate Insertions.

(i) The initial Certificate shall be in the form set forth in paragraph (a) of this Section, except that:

A. immediately under the name of the Certificate, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF WAXAHACHIE, TEXAS, in Ellis County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on _____ in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

| <u>Years(/)</u> | <u>Principal Installments(\$)</u> | <u>Interest Rates(\$)</u> |
|-------------------|-----------------------------------|---------------------------|
|-------------------|-----------------------------------|---------------------------|

(Information from Section 2 to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____ at the respective Interest Rate per annum specified above. Interest is payable on _____, and semiannually on each _____ and _____ thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

C. The Initial Certificate shall be numbered "T-1."

Section 5. INTEREST AND SINKING FUND; SURPLUS REVENUES.

(a) A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer as a separate fund or account and the funds therein shall be deposited into and held in an account at an official depository bank of said Issuer. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said Issuer, and shall be used only for paying the interest on and principal of said Certificates. All amounts received from the sale of the Certificates as accrued interest shall be deposited upon receipt to the Interest and Sinking Fund, and all ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificates are outstanding and unpaid, the governing body of said Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said Issuer, with full allowances

being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said Issuer, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law.

(b) The Certificates are additionally secured by a limited pledge, not to exceed \$1,000 of revenues of the Issuer's water and wastewater system that remain after the payment of all maintenance and operation expenses thereof, and all debt service, reserve and other requirements in connection with all of the Issuer's revenue obligations (now or hereafter outstanding) that are secured by a lien on all or any part of the net revenues of the Issuer's water and wastewater system, constituting "Surplus Revenues." The Issuer shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to this section, to the extent necessary to pay the principal of and interest on the Certificates. Notwithstanding the requirements of this section, if Surplus Revenues or other lawfully available moneys of the Issuer are actually on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes that otherwise would have been required to be levied pursuant to this Section may be reduced to the extent and by the amount of the Surplus Revenues or other lawfully available funds then on deposit in the Interest and Sinking Fund.

(c) Chapter 1208, Texas Government Code, applies to the issuance of the Certificates of Obligation and the pledge of the taxes and Surplus Revenues granted by the Issuer under this Section, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Certificates of Obligation are outstanding and unpaid, the result of such amendment being that the pledge of the taxes and Surplus Revenues granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, in order to preserve to the registered owners of the Certificates of Obligation a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

Section 6. DEFEASANCE OF CERTIFICATES.

(a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Certificates shall have become due and payable. At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged or the limited pledge of Surplus Revenues as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities, and thereafter

the Issuer will have no further responsibility with respect to amounts available to such paying agent (or other financial institution permitted by applicable law) for the payment of such Defeased Certificates, including any insufficiency therein caused by the failure of such paying agent (or other financial institution permitted by applicable law) to receive payment when due on the Defeasance Securities.. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Certificates that is made in conjunction with the payment arrangements specified in subsections (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Certificates immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

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

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to refund, retire or otherwise discharge obligations such as Certificates. The Pricing Officer may restrict Defeasance Securities as deemed necessary.

(d) Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

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

Section 7. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.

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

(b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the registered owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the registered owner applying for a replacement certificate shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect

thereto. Also, in every case of loss, theft or destruction of a Certificate, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

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

(d) Charge for Issuing Replacement Certificates. Prior to the issuance of any replacement certificate, the Paying Agent/Registrar shall charge the registered owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) Authority for Issuing Replacement Certificates. In accordance with Section 1206.022, Texas Government Code, this Section 7 of this Ordinance shall constitute authority for the issuance of any such replacement certificate without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such certificates is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in Section 3(a) of this Ordinance for Certificates issued in conversion and exchange for other Certificates.

Section 8. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Mayor of the Issuer is hereby authorized to have control of the Certificates initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificates pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificates said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall sign manually, by facsimile, electronically or otherwise the Comptroller's Registration Certificate attached to such Certificates, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Certificates issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of the Certificates is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery

(1b)

of the Certificates to the initial purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Certificates is hereby approved and confirmed.

Section 9. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

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

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

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

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

(A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Certificates are issued,

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

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

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

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

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

(10) use the proceeds of the Certificates solely for new money purposes.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(8), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the certificateholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Certificates. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Certificates, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Certificates, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor and each Pricing Officer, or any one of them, to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

(d) Allocation of, and Limitation on, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for the construction and acquisition of the Project on its books and records by allocating proceeds to expenditures within eighteen (18) months of the later of the date that (1) the expenditure is made, or (2) the Project is completed. The foregoing notwithstanding, the Issuer shall not expend proceeds of the sale of the Certificates or investment earnings thereon more than sixty (60) days after the earlier of (1) the fifth anniversary of the delivery of the Certificates, or (2) the date the Certificates are retired, unless the Issuer obtains an opinion of nationally-

recognized bond counsel that such expenditure will not adversely affect the status, for federal income tax purposes, of the Certificates or the interest thereon. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The Issuer covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Certificates. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 10. SALE OF CERTIFICATES AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) Each series of Certificates shall be sold and delivered subject to the provisions of Section 1 and Section 2 and pursuant to the terms and provisions of a purchase agreement or purchase letter (the "Purchase Agreement") which the Pricing Officer is hereby authorized to execute and deliver and in which the purchaser or purchasers (the "Underwriters") of the Certificates shall be designated. The Certificates shall initially be registered in the name of the purchaser thereof as set forth in the Pricing Certificate.

(b) The Mayor and City Secretary and any Pricing Officer are further authorized and directed to execute and deliver for and on behalf of the Issuer copies of a Preliminary Official Statement and Official Statement, if prepared in connection with the offering of Certificates by the Underwriters, in final form as may be required by the Underwriters, and such final Official Statement in the form and content as approved by the Pricing Officer or as manually executed by said officials shall be deemed to be approved by the City Council and constitute the Official Statement authorized for distribution and use by the Underwriters. The form and substance of the Preliminary Official Statement for the Certificates and any addenda, supplement or amendment thereto, all as approved by the Pricing Officer, are hereby deemed to be approved in all respects by the City Council, and the Preliminary Official Statement is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purpose of paragraph (b)(1) of the Rule (hereinafter defined).

(c) The Pricing Officer is authorized, in connection with effecting the sale of each series of the Certificates, to obtain from a municipal bond insurance company so designated in the Pricing Certificate (the "Insurer") a municipal bond insurance policy (the "Insurance Policy") in support of the Certificates. To that end, should the Pricing Officer exercise such authority and commit the Issuer to obtain a municipal bond insurance policy, for so long as the Insurance Policy is in effect, the requirements of the Insurer relating to the issuance of the Insurance Policy as set forth in the Pricing Certificate are incorporated by reference into this Ordinance and made a part hereof for all purposes, notwithstanding any other provision of this Ordinance to the contrary. The Pricing Officer shall have the authority to execute any documents to effect the issuance of the Insurance Policy by the Insurer.

(d) The Mayor and Mayor Pro Tem, the City Secretary and the Pricing Officers of the Issuer, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the

name and on behalf of the Issuer such documents, certificates and other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the sale of the Certificates and the Official Statement. In case any officer whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 11. INTEREST EARNINGS ON CERTIFICATE PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with other certificate proceeds for the Project; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on certificate proceeds that are required to be rebated to the United States of America pursuant to Section 9 hereof in order to prevent the Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 12. CONSTRUCTION FUND.

(a) The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2025 Combination Tax and Revenue Certificate of Obligation Construction Fund" for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Project as hereinbefore provided. Upon payment of all such costs, any moneys remaining on deposit in said fund shall be transferred to the Interest and Sinking Fund. Amounts so deposited to the Interest and Sinking Fund shall be used in the manner described in Section 5 of this Ordinance.

(b) The Issuer may invest proceeds of the Certificates (including investment earnings thereon) and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued.

(c) All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

Section 13. COMPLIANCE WITH RULE 15c2-12.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board or any successor to its functions under the Rule.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports.

(i) The Issuer shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six (6) months after the end of each fiscal year ending in or after 2025, financial

information and operating data with respect to the Issuer of the general type included in the final Official Statement authorized by Section 10 of this Ordinance, being the information described in the Pricing Certificate. The Issuer will additionally provide audited financial statements when and if available, and in any event, within twelve (12) months after the end of each fiscal year ending in or after 2025. If the audit of such financial statements is not complete within twelve (12) months after any such fiscal year end, then the Issuer will file unaudited financial statements within such twelve (12) month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available. Any financial statements so to be provided shall be prepared in accordance with the accounting principles described in the appropriate appendix to the Official Statement, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation.

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

(c) Event Notices.

(i) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten (10) business days after the occurrence of the event) of any of the following events with respect to the Certificates:

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

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of any such financial obligation of the Issuer, any of which reflect financial difficulties.

As used in clause 12 above, the phrase “bankruptcy, insolvency, receivership or similar event” means the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the Issuer, or if jurisdiction has been assumed by leaving the existing City Council and officials or officers of the Issuer in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer. For the purposes of the above describe event notices 15 and 16, the term “financial obligation” means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (iii) a guarantee of (i) or (ii); provided however, that a “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

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

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the Issuer in any event will give the notice required by Subsection (c) hereof of any Certificate calls and defeasance that cause the Issuer to no longer be such an “obligated person”.

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

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

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

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

Section 14. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Certificates aggregating in principal amount 51% of the aggregate principal amount of then outstanding Certificates that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Certificates, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:

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

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail or other appropriate means to each registered owner of the affected Certificates a copy of the proposed amendment. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Certificates.

(d) Whenever at any time within one year from the date of mailing of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Certificates then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Certificates shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Certificate pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of such consent, and shall be conclusive and binding upon all future holders of the same Certificate during such period. Such consent may be revoked at any time after six (6) months from the date of such consent by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Certificates then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Certificates, the Issuer shall rely solely upon the registration of the ownership of such Certificates on the registration books kept by the Paying Agent/Registrar.

Section 15. DEFAULT AND REMEDIES

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

- (i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

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

(b) Remedies for Default.

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

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

(c) Remedies Not Exclusive.

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

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

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

Section 16. APPROPRIATION. To pay the debt service coming due on the Certificates, if any (as determined by the Pricing Officer) prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 17. EFFECTIVE DATE. In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.

Section 18. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional

(10)

by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

[Execution Page Follows]

(10)

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, this 4th day of August, 2025.

ATTEST:

Mayor, City of Waxahachie, Texas

City Secretary, City of Waxahachie, Texas

[CITY SEAL]

(11)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Ricky Body, Interim City Manager ^{RB}

Date: August 4, 2025

Re: Consider Setting Proposed Tax Rate and Date for Public Hearing

Recommended Motion: "I move to consider a property tax rate of 61 cents and set the date, time, and place for a public hearing for September 8 at 5:30 PM at the Waxahachie Civic Center."

Item Summary: As part of the annual budget process, Chapter 26 of the Property Tax code requires taxing units to comply with truth-in-taxation laws in adopting their tax rates. This item meets the requirement for the City Council to set the proposed rate for future consideration and adoption, set the public hearing date and time, and place an item on a future Council agenda to vote on the tax rate necessary to fund the Fiscal Year (FY) 2025-2026 Annual Budget.

The FY 2025-2026 Proposed Budget includes a proposed tax rate of \$0.61000 (M&O rate: \$0.383857, Interest & Sinking Rate: \$0.226143). The proposed tax rate recommended in the Budget provides additional funding for operating costs to keep up with growth and to fund capital needs throughout the City. The proposed rate exceeds the no-new-revenue rate of \$0.575843 but does not exceed the voter-approval tax rate of \$0.610326. When the proposed rate exceeds the no-new-revenue rate or voter-approval rate, state statute requires a public hearing be held on the proposed tax rate, specific publications, and dates of scheduled adoption.

(11)

Staff recommends that the City Council take a record vote to propose an ad valorem tax rate of \$0.610000 for FY 2025-2026 and schedule a public hearing for Monday, September 8 at 5:30 PM. The City Council will consider adoption of the tax rate and budget on September 15 at 7:00 PM. Both meetings will be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Waxahachie, Texas.