

City Council
September 15, 2025

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, September 15, 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

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
- b. Present Proclamation proclaiming September 17-23, 2025 as “Constitution Week”
- c. Present Keep Waxahachie Beautiful Committee Pride in Neighborhood (PIN) Award

There was not a September Honorary Council Member in attendance.

Mayor Wallace read the proclamation recognizing September 17-23, 2025 as “Constitution Week.”

Brad Barnes, Assistant Director of Parks and Recreation Director, presented the Pride in Neighborhood Award to the Ordaz Family at 518 Cottonview.

5. Public Comments

Seleathia Garner, 109 Shoreside Trail, Waxahachie, Texas, shared her concerns regarding Ordinance No. 3004, which addresses overnight camping and temporary shelters. She emphasized the impact on public safety and residents' quality of life, urging the City Council to amend the ordinance to prohibit camping or sleeping in public areas such as streets, sidewalks, and parks. Her concerns were prompted by a recurring sight of an individual stationed along Highway 77, sitting in a lawn chair near a grocery cart filled with personal belongings, reportedly present 24/7 for several weeks.

6. Consent Agenda

- a. Minutes of the City Council meeting of September 2, 2025
- b. Minutes of the City Council special meeting of September 8, 2025
- c. Event application for Hachie Hustle to be held at Railyard Park on November 1, 2025
- d. Proposed ordinance approving a request by Bryan Petrich and Samantha Petrich, for a Petition for ETJ Release for approximately 10.2190 acres, located at 1651 FM 876 (Property ID 238140) – Owners: Bryan Petrich and Samantha Petrich (ETJ-PTN-125-2025)
- e. Resolution authorizing execution of agreements for Routine Airport Maintenance Program (RAMP) Grant
- f. Contract for fiber network extension to City Garage
- g. Proposed ordinance repealing annual fee for alcoholic beverage sales

ORDINANCE NO. 3664

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.2190 ACRE TRACT OF LAND, LOCATED AT 1651 FM 876, KNOWN AS PROPERTY ID 238140, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

RESOLUTION NO. 1387

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDS FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 3665

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, REPEALING THE ANNUAL FEE REFERENCED IN SUBPART (2) OF SECTION 4-3, "ALCOHOLIC BEVERAGE SALES," OF CHAPTER 4, "ALCOHOLIC BEVERAGES," OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

Action:

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

7. Public Hearing on the proposed Tax Rate for fiscal year 2025-2026

The Item was presented by Senior Director of Finance Chad Tustison. 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 hold a public hearing on the proposed tax rate necessary to fund the Fiscal Year (FY) 2026 Annual Budget. The adoption of the tax rate will be considered following the public hearing.

The FY 2025-2026 Proposed Budget includes a tax rate of \$0.610000 per \$100 valuation, which is unchanged from the current rate. This rate provides funding for operating costs to keep pace with growth and to fund and plan for capital needs throughout the city. Of this amount, a rate of \$0.383857 is for Operations and Maintenance (including the Sims Library rate) and \$0.226143 is for Interest and Sinking. The proposed rate exceeds the no-new-revenue rate of \$0.575843 and does not exceed the voter-approval tax rate of \$0.610326.

Mayor Wallace opened the Public Hearing at approximately 7:19 p.m.

There being no others to speak for or against the City of Waxahachie proposed Tax Rate for fiscal year 2025-2026, Mayor Wallace closed the Public Hearing at approximately 7:19 p.m.

8. Consider proposed ordinance approving revised budget figures for fiscal year 2024-2025 and adopting the budget for fiscal year 2025-2026

The Item was presented by Mr. Tustison. This agenda item is for the City Council to consider the approval of revised budget figures for Fiscal Year 2024-2025 and the proposed budget for Fiscal year 2025-2026. The proposed budget represents the City's funding plan for the next fiscal year, beginning October 1.

The development of the annual budget is a comprehensive effort that involves input from the Mayor and City Council, and all City departments. This process begins early in the calendar year as city staff begins reviewing the current budget, revenue and expenditure trends, and preparing budget proposals.

On April 15, staff held a work session with the City Council on the preliminary Capital Improvement and Debt Management Plan to discuss upcoming capital projects and funding options, including the issuance of bonds.

On July 7, a second budget work session was held to provide City Council an overview of the draft budget, including all major funds, proposed operating and capital plans, major revenue sources, as well as an opportunity to discuss the proposed tax rate.

On August 4, staff and City Council held a third work session to discuss potential changes to the draft budget presented at the July 7 work session.

A public hearing was held on the proposed budget on September 8.

Council Member Travis Smith expressed his appreciation to Mayor Wallace, Interim City Manager Ricky Boyd, Deputy City Manager Albert Lawrence, and Finance Director Chad Tustison for their dedicated efforts in thoroughly addressing the Council's questions and requests regarding the budget.

ORDINANCE NO. 3666

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2024-2025, FUNDS APPROPRIATED FOR STREET MAINTENANCE AND PROFESSIONAL SERVICES WILL BE USED FOR THAT PURPOSE, EITHER BY ENCUMBRANCE OR BY TRANSFER TO CAPITAL PROJECT FUND FOR STREETS; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025 AND TERMINATING SEPTEMBER 30, 2026, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

Action:

Travis Smith moved to approve the Ordinance approving the revised budget figures for Fiscal Year 2024-2025 and adopting the budget for Fiscal Year 2025-2026 as presented. Motion was seconded by Tres Atkins and carried unanimously (5-0).

9. Consider proposed ordinance amending Water and Wastewater rates and fees and setting an effective date of October 1, 2025

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

As part of the budget process, City staff recommends that City Council vote to affirm these rates annually and amend rates and fees when necessary. The FY 2026 Budget includes an increase of 4% in water and wastewater rates, fees, and charges to keep up with growth, address inflationary cost escalations, and preparation for future capital projects. Additionally, the ordinance includes changes to various utility fees to recover the costs of service, eliminate fees for services no longer provided, and clarify certain language in the ordinance.

The proposed ordinance includes the Sokoll rate fee of 1.60 per 1,000 gallons. Updated annually, this rate is charged to the City and Rocket SUD to recover each entity's proportional cost to operate and maintain the Sokoll Water Plant.

Mr. Tustison provided an overview of how Waxahachie's water and wastewater rates compare to those of similar cities. Mr. Tustison explained that the city's rates are competitive, with increases implemented incrementally, and noted that inflation is a significant contributing factor. Mayor Wallace added that Waxahachie's rates remain lower than those in comparable cities, a point Mr. Tustison confirmed.

ORDINANCE NO. 3667

AN ORDINANCE SETTING WATER AND WASTEWATER FEES, BY AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2025 AND DECLARING AN EMERGENCY.

Action:

Travis Smith moved to approve an Ordinance setting water and wastewater rates and fees and setting an effective date of October 1, 2025. Motion was seconded by Patrick Souter and carried unanimously (5-0).

10. Consider proposed ordinance adopting the Tax Rate for fiscal year 2025-2026

The Item was presented by Mr. Tustison. This agenda item is for the City Council to consider the proposed Property Tax rate included in the Fiscal Year 2025-2026 Budget. In accordance with the Tax Code, a public hearing on the property tax rate was held earlier in this meeting. The proposed rate of \$0.610000 is above the no-new-revenue rate of \$0.575843 and lower than the voter-approval rate of \$0.610326.

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

Mayor Wallace confirmed that this marks the third consecutive year the tax rate has remained at \$0.61.

ORDINANCE NO. 3668

AN ORDINANCE LEVYING FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WAXAHACHIE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR FISCAL YEAR 2026 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE.

Action:

Travis Smith moved that the property tax rate be increased by the adoption of a tax rate of 61 cents, with an operation and maintenance rate of 38.3857 cents, and an interest and sinking rate of 22.6143 cents, which is effectively a 5.9% percent increase in the tax rate. Motion was seconded by Patrick Souter and carried unanimously (5-0) with the votes as follows:

*Billie Wallace – Aye
Patrick Souter – Aye
Tres Atkins – Aye
Chris Wright – Aye
Travis Smith – Aye*

11. Consider a motion to ratify the property tax revenue increase reflected in the fiscal year 2025-2026 budget in accordance with the Texas Local Government Code

The Item was presented by Mr. Tustison. The Texas Local Government Code requires that “adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget.”

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

Action:

Travis Smith moved to ratify the property tax revenue increase reflected in the Fiscal Year 2025-2026 Budget. Motion was seconded by Patrick Souter and carried unanimously (5-0).

12. Consideration and adoption of a resolution authorizing defeasance and redemption of certain of the City's outstanding obligations and other related matters

The Item was presented by Mr. Tustison. As part of the annual budget process, City staff reviews existing debt service capacity and identifies opportunities to defease or retire portions of the City's outstanding debt. A defeasance is a financing tool by which outstanding bond principal is paid off early, thereby removing all obligations of the City for payment of all or a portion of the bonds and associated interest costs.

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

Staff recommends using up to \$6,000,000 in debt service capacity in the Interest and Sinking Fund to defease a portion of the Series 2014 and 2016 Certificates of Obligation. The attached resolution authorizes the Finance Director, the City's Financial Advisor, and the City's Bond Counsel to take all actions necessary to initiate the transactions. Mr. Tustison noted that the City is projected to save nearly \$3 million in future interest expenses.

RESOLUTION NO. 1388

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

Action:

Travis Smith moved to approve a resolution authorizing defeasance and redemption of the City's outstanding obligations and other related matters. Motion was seconded by Tres Atkins and carried unanimously (5-0).

13. Consider proposed ordinance re-establishing classified positions under Civil Service

The Item was presented by Lindsey Mearns, Senior Director of Human Resources and Civil Service. Texas Local Government Code Chapter 143 requires cities to establish and maintain the number of classified positions in each rank in the Police and Fire Departments.

The proposed ordinance increases the number of authorized positions in the Firefighter, Police Officer, and Sergeant ranks to reflect the positions added and approved in the FY2026 budget. The proposed ordinance continues to include three (3) additional positions in the Firefighter rank exceeding the number of funded positions approved through budget to allow for greater flexibility when hiring. The increase to the number of authorized positions in the Firefighter rank does not change the number of funded positions in the FY2026 operating budget or create a vacancy with a time constraint to fill under Civil Service.

This ordinance does not include the three (3) additional Pump Engineer positions approved in the FY2026 budget. An additional ordinance update will be presented later this year to authorize these positions once the new blocker truck has been ordered.

ORDINANCE NO. 3669

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

Action:

Patrick Souter moved to adopt the proposed ordinance re-establishing the classified positions in under Civil Service in the Police and Fire Departments. Motion was seconded by Travis Smith and carried unanimously (5-0).

14. Consider and act upon an ordinance of the City of Waxahachie, Texas, approving the 2025-2026 annual service plan update to the Service and Assessment Plan for the Waxahachie Public Improvement District No. 1 and providing an effective date.

Abdi Yassin, Public Improvement District (PID) Administrator, Municap, Inc., presented the annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll. He reviewed the authorized improvements, annual budget, and annual installments for Phases 1, 2, and 3 of the PID.

- No changes to Assessment Methodology that was previously approved in the updated Service and Assessment Plan (SAP).
- No additional parcel subdivisions or consolidations to be reported in the 2025-26 Annual SAP update.
- Prepayments
 - Phase One: As of July 31, 2025, five Lot Type 2 Parcels and two Lot Type 3 Parcels were prepaid in full within Phase One of the PID.
 - Phase Two: As of July 31, 2025, two Lot Type 1 Parcels, two Lot Type 2 Parcels and three Lot Type 3 Parcels were prepaid in full within Phase Two of the PID.
 - Phase Three: As of July 31, 2025, one Lot Type 3 Parcel has prepaid in full within Phase Three of the PID.

ORDINANCE NO. 3670

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

Action:

Tres Atkins moved to approve an Ordinance of the City of Waxahachie, approving the annual update of the Service and Assessment Plan for the Waxahachie Public Improvement District No. 1 and providing an effective date. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 15. Consider and act upon an ordinance of the City of Waxahachie, Texas, approving the 2025-2026 annual service plan update to the Service and Assessment Plan for the North Grove Public Improvement District and providing an effective date.**

Mr. Yassin presented the annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll. He reviewed the authorized improvements, annual budget, and annual installments for Improvement Areas 1, 2, and 3.

- No changes to Assessment Methodology that was previously approved in the updated Service and Assessment Plan (SAP).
- Parcel subdivisions and consolidations: There are no additional parcel subdivisions or consolidations to be reported in the 2025-26 Annual SAP Update.
- Prepayments
 - Improvement Area #1: As of July 31, 2025, nine parcels have prepaid their Special Assessments in full.
 - Improvement Area #2: As of July 31, 2025, there have been no prepayments for Parcels in Improvement Area #2.
 - Improvement Area #3: As of July 31, 2025, nine Parcels have prepaid their Special Assessments in full.

ORDINANCE NO. 3671

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

Action:

Patrick Souter moved to approve an Ordinance of the City of Waxahachie, approving the annual update of the Service and Assessment Plan for the North Grove Public Improvement District and providing an effective date. Motion was seconded by Tres Atkins and carried unanimously (5-0).

- 16. Public Hearing to consider proposed assessments to be levied against property within Phase 4 of the Waxahachie Public Improvement District No. 1 pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. All written or oral objections on the proposed assessment within the District will be considered at the public hearing.**

The Item was presented by Shon Brooks, Executive Director of Development Services. Agenda items 16 – 18 are associated with considering approval of a PID Tax Rate Equivalent for Saddlebrook Estates. The developer, 287 Waxahachie, L.P. is seeking to levy a rate equal to the current rate for existing phases of \$0.21 per \$100 of assessed value. This rate impacts future home purchases in the development and provides the same rate as the existing home PID rates. Existing PID rates for Phases one through three are to remain as are currently adopted.

The City of Waxahachie accepted Public Improvement District No. 1 in 2007. This PID was created to offset infrastructure costs and public open space areas. This update includes Phase 4 of the development and establishes the services and assessments, as well as the methods for reimbursement of the improvements.

There is no fiscal impact to the City. Phase 4 residents will pay the \$0.21 per \$100 assessment on their property. Termination of assessment is available with the payment of the total outstanding balance.

Mayor Wallace opened the Public Hearing at approximately 7:43 p.m.

There being no others to speak for or against the proposed assessments to be levied against property within Phase 4 of the Waxahachie Public Improvement District No. 1, Mayor Wallace closed the Public Hearing at approximately 7:43 p.m.

- 17. Discuss, consider and act on approving Ordinance of the City of Waxahachie, Texas accepting and approving a service and assessment plan and assessment roll for Phase 4 of the Waxahachie Public Improvement District No. 1; making a finding of special benefit to the property located within Phase 4 of the Waxahachie Public Improvement District No. 1; levying special assessments against property within Phase 4 of the District and establishing a lien on such property; providing for payment of assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date**

ORDINANCE NO. 3672

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN, AS UPDATED FOR PHASE #4 ON SEPTEMBER 15, 2025 AND PHASE #4 ASSESSMENT ROLL FOR THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE #4 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN PHASE #4 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Action:

Travis Smith moved to approve an Ordinance accepting and approving a Service and Assessment Plan and assessment roll for the Waxahachie PID No. 1 Phase 4. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 18. Discuss and consider approval of a Resolution of the City Council of the City of Waxahachie, Texas, approving and authorizing the Mayor to execute a “Waxahachie Public Improvement District No. 1 Phase 4 Improvements Reimbursement Agreement” between the City of Waxahachie, Texas, and 287 Waxahachie, L.P., a Texas limited partnership**

RESOLUTION NO. 1389

A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A “WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1 PHASE 4 IMPROVEMENTS REIMBURSEMENT AGREEMENT” BETWEEN THE CITY OF WAXAHACHIE, TEXAS, AND 287 WAXAHACHIE, L.P., A TEXAS LIMITED PARTNERSHIP

Action:

Tres Atkins moved to approve a Resolution approving and authorizing the Improvements Reimbursement Agreement. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 19. Consider Development Agreement for Myrtle Creek Development with Spur Myrtle Creek Development, L.P.**

The Item was presented by James Gaertner, Executive Director of Public Works and Engineering. Myrtle Creek Development will be constructing water, sewer and roadway capital projects that are eligible for impact fees. Per State Law and the overall Myrtle Creek Subdivision development agreement, they are entitled to receive reimbursement or impact fee credits for the impact fee eligible capital projects they construct with their development. City staff reviewed the capital projects within the development, cost already incurred, and anticipated costs. Based on this information, City Staff recommend the following:

- One hundred percent (100%) Roadway Impact Fee Credit for Roadway Capital Projects in all phases, since their cost will exceed the roadway impact fees collected for their development;
- Eight hundred twenty-one dollars and seventy-five cents (\$821.75) Sewer Impact Fee credit per lot for all phases of the project, since all the Sewer Capital Projects for this development have been constructed or under construction;
- There will not be any water impact fee credits. However, the City will collect water impact fees in full, which will then be reimbursed to the Developer as the impact fee eligible Water Capital Projects are constructed and accepted by the City. The City has accepted \$60,816 in water impact fees to date.

Some of the future Water Impact Fee eligible Capital Projects include an offsite 24-inch water line and an elevated water storage tank. Future reimbursement of the water impact fees shall be evaluated on a yearly basis.

This agreement will help City staff, the developer, and home builders, have a clear process for the Myrtle Creek development impact fees from the first phase to the last phase of development.

The impact fee credits and reimbursement of impact fees will not exceed the fees collected or value that would have been collected if a credit was not received.

Action:

Travis Smith moved to approve a Development Agreement with Spur Myrtle Creek Development, L.P. related to impact fees associated with the Myrtle Creek water, sewer and roadway impact fee eligible projects, and authorize the Interim City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

20. Consider award of construction contract for the FM 664 Water Main Transmission and Sewer Line Project

The Item was presented by Kumar Gali, Senior Director of Utilities. The FM 664 Water Transmission Main project limits is from Marshall Road to just south of the U.S. 287 Bypass. During the design process, it was determined that the sewer line required relocation at two locations within the water project limits. The sanitary sewer needs to be relocated due to the TxDOT proposed FM 664 roadway widening and drainage improvements. The scope of work includes installation of approximately 5,000 linear feet of 24-inch water transmission main and installation of approximately 350 linear feet of sanitary sewer line.

On August 14, 2025, the City received seven sealed bids as summarized below:

EGW Services:	\$3,264,868
Circle H Contractors, LP:	\$3,432,370
Blue Star Utilities, LLC:	\$3,750,935
Blackrock Construction:	\$3,814,045
SYB Construction Co. Inc:	\$3,793,821
Day Services, LLC:	\$4,076,385
Canary Construction, Inc:	\$4,697,671

EGW Services submitted the lowest responsive bid in the amount of \$3,264,868. Birkhoff, Hendricks & Carter, L.L.P. (Design Engineer) and City staff reviewed the bids, lowest bidder's qualifications and references, and recommends awarding the construction contract to EGW Services.

This project is part of the approved 5-year CIP budgeted at \$4,428,168 and funded through the 2023 Water Fund bond sale. A supplemental appropriation of \$502,710 (includes 5% contingency) from the Wastewater Fund unrestricted reserve is needed to support the sanitary sewer portion of the construction. The total construction contract amount is \$3,264,868, and an additional \$163,245 contingency is requested for a total of \$3,428,113.

Councilman Smith inquired about the references used to evaluate the lowest bidder, expressing concern since the City has not previously worked with this vendor. Mr. Gali responded that both City staff and the project engineer conducted thorough due diligence, including checking references with other municipalities that have worked with the vendor, to ensure they possess the appropriate equipment and sufficient staffing.

Action:

Patrick Souter moved to approve a construction contract with EGW Services for the FM 664 Water Transmission Main and Sanitary Sewer Construction project in the amount of \$3,264,868 with an additional contingency of \$163,245, and a supplemental appropriation of \$502,710 from the Wastewater Fund unrestricted reserve to support the sanitary sewer portion of the construction and authorize the Interim City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

21. Consider Crossing Surface Installation Agreement with BNSF Railway for the S. Rogers Street, College Street, and Flat Street Sidewalk & Drainage Project

The Item was presented by Mr. Gaertner. Staff seeks authorization of an agreement with BNSF Railway for track panel installation and replacement along S Rogers Street, College Street and Flat Street. It is proposed for BNSF and their contractors to install three pedestrian crossings across BNSF tracks: one (1) at Flat Street and two (2) at S. Rogers Street. Additionally, BNSF will install a drainage pipe under their tracks along College Street. BNSF's scope is strictly to work within their right-of-way. The City is responsible for the sidewalk approaches leading to the tracks, and drainage work outside the railroad tracks, which will be done with a separate contractor following the completion of BNSF work.

The total amount of the Crossing Surface Installation Agreement is estimated by BNSF to be \$270,838, with actual amounts to be determined after construction is complete. Funding is available in Fund 612: Streets – Capital Project Fund.

Councilman Smith asked whether the rail crossings would be prioritized due to cost uncertainty. Mr. Gaertner confirmed they would be, but noted that the total project cost won't be known until completion, as the work is being performed by BNSF.

Mayor Pro Tem Souter inquired about the project timeline. Mr. Gaertner responded that City staff will actively monitor progress and push BNSF to stay on schedule and within budget. Mayor Pro Tem Souter also asked what level of notice the City will receive throughout the process. Mr. Gaertner explained that while material costs are fixed, staff will regularly request updates on labor hours after each crossing is completed to better track overall costs.

Action:

Travis Smith moved to approve the BNSF Crossing Surface Installation Agreement for the S. Rogers Street, College Street, and Flat Street Sidewalk & Drainage Project, and authorize the Interim City Manager to execute all necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

22. Consider contract for chlorine dioxide generator equipment rental, maintenance service, and chemical purchase

The Item was presented by Mr. Gali. Evoqua Water Technologies is the provider for the chemical supply and maintenance services of the sodium chlorite generation system equipment currently installed at the Howard Road and Robert W. Sokoll Water Treatment Plants. Chlorine Dioxide is utilized as a disinfectant and for iron and manganese control at the treatment plants.

The term of the contract will be from October 1, 2025 to September 30, 2026. The cost of the contract is based on consumption at the price not to exceed \$0.99 per liquid pound of sodium chlorite.

The contract amount shall not exceed \$0.99 per liquid pound of sodium chlorite and is an approved budget expense included in the Utility Department's FY2026 operations and maintenance budget.

Mr. Gali explained that the contract is for a one-year term and will be rebid afterward, allowing additional time to verify references before awarding the contract for the following year.

Action:

Tres Atkins moved to approve a contract with Evoqua Water Technologies for the rental of chlorine dioxide generator equipment, maintenance services, and the purchase of sodium chlorite for water treatment at Howard Road and Robert W. Sokoll Water Treatment Plants and authorize the Interim City Manager to execute all the necessary documents. Motion was seconded by Patrick Souter and carried unanimously (5-0).

23. Consider proposed Ordinance rescinding Ordinance No. 3662 thus amending Sections 8-30 and 8-31 of Chapter 8 of the City of Waxahachie Code of Ordinances

The Item was presented by Interim City Manager Ricky Boyd requesting City Council to consider a proposed text amendment to prohibit the use of copper-clad aluminum (CCA) wiring in residential construction. This material has been restricted for many years under local amendments to the Building Code.

On September 2, 2025, the Council approved Ordinance No. 3662, which permitted the use of CCA wiring in residential settings. However, following further evaluation, staff now recommends reversing this decision due to multiple safety concerns.

Copper clad wiring has more restrictions on installations compared to copper wiring and is almost indistinguishable from copper wiring under simple visual inspection. Even with proper labeling, mistakes can be made. The risk of fire can occur by the following means:

- Using a wire size that is too small and/or using connectors (wire nuts and terminals) that are not rated for use with CCA increases heat and causes a fire risk.
- Using the push-in connectors on plugs and switches instead of the screw connectors can result in loose connections as the aluminum expands and contracts which can increase heat and cause a fire risk.
- The aluminum core in CCA can oxidize when exposed to air, forming a non-conductive layer that increases resistance and heat.
- Aluminum expands and contracts at a different rate than copper, which can loosen connections over time, increasing resistance and the risk of fire.
- The aluminum core has higher electrical resistance than copper, leading to greater voltage drop and more heating under load.
- Aluminum has a lower melting point than copper, increasing the risk of ignition if the wire overheats.
- CCA cables are more fragile than pure copper and can break easily during installation or at connection points, especially if the wire is acutely bent.
- When moisture is present, a chemical reaction between the copper and aluminum can occur, leading to accelerated corrosion, especially in humid environments.

For the above reasons, the City of Waxahachie needs to ban the use of CCA in R-3 occupancy classification and uses for the safety and well-being of our citizens. The proposed code revision will not have any financial impact on the permitting or inspection process.

ORDINANCE NO. 3673

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, REPEALING EXISTING SECTION 8-30, "ALUMINUM WIRE CONDUCTORS RESTRICTED," AND SECTION 8-31, "WIRE SIZE," OF CHAPTER 8, "BUILDING," OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, AND REINSTATING THE PRIOR VERSIONS OF SAID SECTIONS; REPEALING ORDINANCE NO. 3662 IN ITS ENTIRETY; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Action:

Tres Atkins moved to approve an Ordinance to rescind ordinance #3662 thus amending sections 8-30 and 8-31 of Chapter 8 of the Code of Ordinances to disallow the use of copper clad aluminum wire in R-3 occupancy classification and uses. Motion was seconded by Travis Smith and carried unanimously (5-0).

24. Consider proposed resolution for Candidate Nominations for the Ellis Appraisal District Board of Directors for the Year 2026

The Item was presented by Mr. Boyd. He requested nominations from City Council for the Ellis Appraisal District Board of Directors. Nominations must be adopted by Resolution and submitted to ECAD before October 15th. Once all entity nominations are received by ECAD, Council will adopt a Resolution allocating votes. He encouraged City Council to submit their nominations to him for consideration at the October 6th City Council meeting.

Action:

Travis Smith moved to table Item 24, a Resolution for candidate nominations for the Ellis Appraisal District Board of Directors to the October 6, 2025 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (5-0).

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, 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

{Item 27, was moved up and discussed immediately following Item 24.}

Mayor Wallace announced at 8:23 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, 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.

26. Reconvene and take any necessary action

The meeting reconvened at 9:44 p.m.

Action:

Tres Atkins moved to authorize the Interim City Manager to execute a Lease Agreement with the Board of Trustees for the Ellis County Woman's Building. Motion was seconded by Patrick Souter and carried unanimously (5-0).

Action:

Tres Atkins moved to authorize the Mayor to execute a Quitclaim Deed for a 0.224-acre lot with an Ellis Central Appraisal District ID Number of 175739. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

Executive Director of Development Services Shon Brooks introduced Ryan Lilley as our new Oncor Representative for our area.

City Council and City Management expressed their appreciation to Senior Finance Director Chad Tustison and his team for their hard work and dedication in preparing and presenting the budget for Council approval. Emphasizing the importance of community, faith, and unity, they encouraged residents to stay connected—through church, family, and supportive relationships—and called for a renewed commitment to civility and shared values. Council members also reflected on the lasting impact of recent events and asked the public to keep all affected individuals and families in their thoughts and prayers.

28. Adjourn

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary