

City Council
January 25, 2010

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, January 25 2010, at 12:00 p.m.

Council Members Present: Ron Wilkinson, Mayor
N.B. (Buck) Jordan, Mayor Pro Tem
Chuck Beatty, Councilman
Joe Jenkins, Councilman
John Wray, Councilman

Others Present: Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary

Mayor Ron Wilkinson called the meeting to order, gave the invocation and led the Pledge of Allegiance.

City Manager Paul Stevens reported in June of last year the Army Corps of Engineer's received stimulus funds to do repairs at Bardwell Lake. As process went along the cities of Waxahachie, Ennis and Corsicana learned they would be responsible to repaying the funds. When the cities met with the Army Corps of Engineer's the cities asked if they could pay back in increments and were told no, it would have to be paid in one year. Mr. Stevens noted he and Mayor Wilkinson met last week with the Trinity Authority offices and the cities of Ennis and Corsicana, and as a result created a Resolution expressing opposition to the Army Corps of Engineer's mandate that the City of Waxahachie be required to subsidize the funding of the Lake Bardwell stimulus project.

Mayor Ron Wilkinson noted he fails to see how it will stimulate the economy for repairs and then require the cities to repay with Waxahachie owing approximately \$4 million; Ennis owing approximately \$2 million and Corsicana owing approximately \$3 million. Mayor Wilkinson reported these are expenses above and beyond the expenses of the lake and should be waived due to stimulus money and not any of the money has allowed the cities to budget for this type of expense.

City Manager Paul Stevens presented Resolution No. 1136

RESOLUTION NO. 1136

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS EXPRESSING OPPOSITION TO THE US ARMY CORPS OF ENGINEER'S MANDATE THAT THE CITY OF WAXAHACHIE, TEXAS BE REQUIRED TO SUBSIDIZE THE FUNDING OF THE US ARMY CORPS OF ENGINEERS LAKE BARDWELL STIMULUS PROJECT (AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 – ARRA), REQUESTING THAT THE CITY OF

WAXAHACHIE, TEXAS INCUR NO COST REGARDING THE US ARMY CORPS OF ENGINEERS LAKE BARDWELL STIMULUS PROJECT AND, IF FAILURE OCCURS THEREIN, REQUESTING THAT AN ACCEPTABLE LOW COST, LONG TERM PAYMENT PLAN BE APPROVED FOR ANY AND ALL US ARMY CORPS OF ENGINEER'S SUBSIDIES IMPOSED UPON THE CITY OF WAXAHACHIE, TEXAS FOR THE LAKE BARDWELL STIMULUS PROJECT, REQUESTING THAT THE US ARMY CORPS OF ENGINEERS IMMEDIATELY CEASE ALL CONSTRUCTION ACTIVITY AND EXPENDITURES ASSOCIATED WITH THE LAKE BARDWELL STIMULUS PROJECT, AND AUTHORIZING THE HONORABLE JOE BARTON, REPRESENTATIVE, UNITED STATES HOUSE OF REPRESENTATIVES, TO ACT ON BEHALF OF THE CITY OF WAXAHACHIE, TEXAS AND INITIATE A CONGRESSIONAL INQUIRY INTO ALL MATTERS PERTAINING TO THE US ARMY CORPS OF ENGINEERS LAKE BARDWELL STIMULUS PROJECT.

WHEREAS, on February 17, 2009, the President of the United States of America signed HR 1 (The American Recovery and Reinvestment Act of 2009 – ARRA) into law ; and

WHEREAS, The American Recovery and Reinvestment Act of 2009 – ARRA states in **Sec. 3. Purposes and Principles (a)(5)**: that a purpose of the law is “**To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases**”, The law further states in **Sec. 3 Purposes and Principles (b)**: “**General Principles Concerning Use of Funds – The President and heads of Federal departments and agencies shall manage and expend funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible and consistent with prudent management.**”

WHEREAS, on June 10, 2009, the City of Waxahachie, Texas was notified that its share of the US Army Corps of Engineers Lake Bardwell Stimulus Project cost would be \$1,427,210; and

WHEREAS, on October 5, 2009, the City of Waxahachie, Texas was notified that the US Army Corps of Engineers had awarded a construction contract for the US Army Corps of Engineers Lake Bardwell Stimulus Project one week earlier without the prior consent or approval of the City of Waxahachie, Texas (amount of contract: \$2,021,000); and

WHEREAS, the US Army Corps of Engineers has obligated funds and commenced construction on the US Army Corps of Engineers Lake Bardwell Stimulus Project without the prior consent or approval of the City of Waxahachie, Texas; and

WHEREAS, the action of US Army Corps of Engineers regarding the funding of the US Army Corps of Engineers Lake Bardwell Stimulus Project (imposing unreasonable, counterproductive costs upon the City of Waxahachie, Texas) is in contradiction with Sec.3. (a)(5) of The American Recovery and Reinvestment Act of 2009 – ARRA.

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

Section 1. The City of Waxahachie, Texas hereby expresses its opposition to the US Army Corps of Engineer's mandate that the City of Waxahachie, Texas be required to subsidize the funding of the US Army Corps of Engineers Lake Bardwell Stimulus Project in contradiction to Sec. 3. (a)(5) of The American Recovery and Reinvestment Act of 2009 – ARRA.

Section 2. The City of Waxahachie, Texas respectfully requests that the US Army Corps of Engineers reconsider all mandated City of Waxahachie, Texas funding for the US Army Corps of Engineers Lake Bardwell Stimulus Project and determine that the City of Waxahachie, Texas should incur no cost whatsoever regarding the US Army Corps of Engineers Lake Bardwell Stimulus Project (said determination being consistent with the purposes and principles of The American Recovery and Reinvestment Act of 2009 – ARRA).

Section 3. Should the US Army Corps of Engineers fail to determine that the City of Waxahachie, Texas is exempt from mandated subsidies imposed by the US Army Corps of Engineers for the Lake Bardwell Stimulus Project, the City of Waxahachie, Texas respectfully requests that an acceptable low cost, long term payment plan be approved for any and all US Army Corps of Engineers subsidies imposed upon the City of Waxahachie, Texas for the US Army Corps of Engineers Lake Bardwell Stimulus Project.

Section 4. The City of Waxahachie, Texas respectfully requests that the US Army Corps of Engineers immediately cease all construction activity and expenditures associated with the US Army Corps of Engineers Lake Bardwell Stimulus Project.

Section 5. The City of Waxahachie, Texas hereby authorizes the Honorable Joe Barton, Representative, United States House of Representatives, to act on behalf of the City of Waxahachie, Texas and to initiate a Congressional Inquiry into all matters pertaining to the US Army Corps of Engineers Lake Bardwell Stimulus Project.

Councilman John Wray moved to approve Resolution No. 1136 as presented. Councilman Joe Jenkins seconded, **All Ayes.**

There being no further business, the meeting adjourned at 12:20 p.m.

Respectfully submitted,

Lori Saunders
City Secretary