

## REGULAR CITY COUNCIL MEETING

August 20, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, August 20, 2013, at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

**COUNCILMEMBER #1 HAL RICHARDS**  
**COUNCILMEMBER #2 TOMMY SPENCER - ABSENT (EXCUSED)**  
**COUNCILMEMBER #3 RICKY JORDAN**  
**COUNCILMEMBER #4 CHARLES WHITAKER**  
**COUNCILMEMBER #5 D.J. ORY**

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Councilmember Charles Whitaker, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Regular City Council Meeting of August 6, 2013.

Councilmember Charles Whitaker, made a motion to approve Minutes of Regular City Council Meeting of August 6, 2013. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

### PUBLIC HEARINGS

5. a.) Conduct a Public Hearing to Receive Comment Regarding Water Rate Increase for Fiscal Year Fiscal Year 2013-2014.

John Rounsavall, City Secretary, gave opening comments regarding Water Rate Increase for Fiscal Year Fiscal Year 2013-2014 and stated for the record as follows:

Mayor and Council

The Utility Fund includes a proposed 4.9% rate increase for water only. To support the North Texas Municipal Water District rate increase and continue the city "Pay as you go" program for replacement of the city's aging water and sewer infrastructure.

Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Water Rate Increase for Fiscal Year Fiscal Year 2013-2014. No one spoke against the Water Rate Increase for Fiscal Year 2013-2014. No one spoke in favor of the Water Rate Increase for Fiscal Year 2013-2014. Mayor Hal Richards, closed the Public Hearing.

- b.) Discuss and Consider Approval of Ordinance No. 2577 - Setting Water Rate Increase for Fiscal Year 2013-2014.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Approval of Ordinance No. 2577 - Setting Water Rate Increase for Fiscal Year 2013-2014. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve on first reading Ordinance No. 2577 - Setting Water Rate Increase for Fiscal Year 2013-2014. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

**ORDINANCE NO. 2577**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX 1, FEE SCHEDULE, SECTION 27: WATER SERVICE RATES AND CHARGES, PARAGRAPHS (1) THROUGH (4) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

- 6. a.) Conduct a Public Hearing to Receive Comment Regarding the Fiscal Year 2013-2014 Budget.

John Rounsavall, City Secretary, gave opening comments regarding the Fiscal Year 2013-2014 Budget. and stated for the record as follows:

**Mayor and Council**

The draft budget is presented tonight for your review. The General Fund Budget is based on an estimated tax roll of \$929,572,780 dollars.. The proposed tax rate is the same as last year at .65 cents per 100 dollar valuation.

The budget book provides the details for the following revenues and expenditures

	<b>REVENUES</b>	<b>EXPENDITURES</b>
General Fund	\$16,310,089	\$16,268,887
Utility Fund	\$12,388,560	\$12,155,827
Equipment Replacement Fund	\$ 1,243,621	\$ 1,111,110
Airport Fund	\$ 397,635	\$ 474,788
Tourism Fund	\$ 257,425	\$
Capital Improvement Fund	\$ 402,150	\$ 705,000
Utility Capital Reserve Fund	\$ 1,381,268	\$ 2,060,000
Impact Fees Fund	\$ 82,500	\$ 185,000
Storm Water Management Fund	\$ 160,200	\$ 223,227
Interest & Sinking No. 1 Debt Service Fund	\$ 2,853,101	\$ 2,853,101
Tax Increment Finance District No. 1 Fund	\$ 5,558,359	\$ 7,624,000

The proposed budget provides a complete financial plan for the fiscal year beginning October 1, 2013 and ending September 30, 2014 .

**The Proposed Budget Includes Funding for:**  
Public Safety Facility Planning.

Funding for Labor for Your Neighbor.  
Street Maintenance.  
Technology Enhancements in the Police Department and Library.  
Part-time custodial staff for the Library.  
Expanded Library Hours.  
Support for the 2015 Initiatives.

**Fleet purchases include:**

The replacement of Police Vehicles  
Replacement of various pickup trucks  
Replacement and additional mowing equipment.

**Utility Fund**

Includes a proposed 4.9% rate increase for water only. To support the North Texas Municipal Water District rate increase and continue the city "Pay as you go" program for replacement of the city's aging water and sewer infrastructure.

**Airport Fund**

Includes funding for maintenance and operations and Non-Primary Entitlement funds received from the FAA through TxDOT Block Grants, Total project costs \$1,155,000 with the city's contribution to the project \$288,000 Initiatives for the new fiscal year include a new T hangers and a Taxiway project. These facilities will support the city's efforts to expand our commercial and retail opportunities and bring new business to the airport.

**Storm Water Management Fund**

Includes funding for drainage way improvements at Lamar and State street and Airport Road and the MMHR facility.

**Tax Increment Finance District No. 1**

the city will use existing funds from Terrell Economic Development Corporation and private development partners to complete construction of the Spur 557 Ramps and connection to Apache Trail. The TIF anticipates using funds from private development partners to construct FM148(S) and IH20, during FY2014 Terrell Economic Development Corporation will continue to provide funding necessary to finalize engineering on Spur 557 Frontage Road. Surplus funds from the city's Certificate of Obligation 2011B will be used to initiate environmental approval on FM148(N).

Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding the Fiscal Year 2013-2014 Budget. No one spoke against the Fiscal Year 2013-2014 Budget. No one spoke in favor of the Fiscal Year 2013-2014 Budget. Mayor Hal Richards, closed the Public Hearing.

b.) Discuss and Consider Approval of Ordinance No. 2578 – Fiscal Year 2013-2014 Budget.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Approval of Ordinance No. 2578 – Fiscal Year 2013-2014 Budget. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve on first reading Ordinance No. 2578 – Fiscal Year 2013-2014 Budget. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2578

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL FUND AND OTHER

FUNDS REVENUES FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

### NEW BUSINESS

7. Discuss and Consider Public Hearings to consider a Tax Rate of 0.6493 per (\$100.00) one hundred dollar assessed valuation.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Public Hearings to consider a Tax Rate of 0.6493 per (\$100.00) one hundred dollar assessed valuation. John Rounsavall, City Secretary, spoke for the record as follows:

Mayor and Council,

Truth in taxation is a concept embodied in the Texas Constitution. The tax code requires local taxing units to make taxpayers aware of tax rate proposals and to afford tax payers the opportunity to roll back or limit tax increases.

When the tax rate proposed by a governing body exceeds the effective rate or the rollback rate, whichever is lower, they must publish a public hearing notice.

For our current fiscal year 2012 - 2013, the tax rate is 0.649300 cents per \$100.00 one hundred dollar valuation. For fiscal year 2013-2014, staff is proposing the same 0.649300. This amount is greater than the 2014 calculated effective rate of 0.648934, by 0.000366 cents, and the calculated roll back rate of 0.638394 by 0.010906 cents

Council may recall from the retreat, staff recommended we change our accounting practice to stop the transfer of funds from the Utility fund into the General Fund for utility debt obligations and pay the amount directly to the Interest and Sinking Fund. In the current fiscal year, the amount budgeted is \$397,753.00. Next year, the amount estimated would have been 599,508.00. This change resulted in a lower amount of debt to be recovered from taxes. This year the amount is \$1,650,000 and next year that amount was reduced to 1,078,386, a reduction of 571,614.00 or 34.64%

In the current fiscal year, the average taxable value of a homestead residence in Terrell is \$78,677.00, that amount in 2013 is \$77,586.00 this is a decrease of \$1,091.00 or a 1.4% decrease in average taxable value of a homestead residence.

Based on the current tax rate the average amount generated per home is \$510.79. Next year based on the proposed same tax rate as the current fiscal year, the average amount generated per home is \$503.77. This is a decrease of \$7.02 or a decrease of 1.4%

Staff recommends council support that the tax rate for fiscal year 2014 be identical to the tax rate for fiscal year 2013.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Public Hearings to consider a Tax Rate of 0.6493 per (\$100.00) one hundred dollar assessed valuation. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

8. Discuss and Consider Resolution No. 739; A Resolution Of The City Council Of The City Of Terrell, Texas, Rescinding That Certain Agreement By And Among Herring Terrell, LLC, The City Of Terrell And The Terrell Economic Development Corporation And All Obligations Of The Development Corporation Thereunder And Under Resolution No. 705; Incorporating Recitals; And Declaring An Effective Date.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration Resolution No. 739; A Resolution Of The City Council Of The City Of Terrell, Texas, Rescinding That Certain Agreement By And Among Herring Terrell, LLC, The City Of Terrell And The Terrell Economic Development Corporation And All Obligations Of The Development Corporation Thereunder And Under Resolution No. 705; Incorporating Recitals; And Declaring An Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 739; A Resolution Of The City Council Of The City Of Terrell, Texas, Rescinding That Certain Agreement By And Among Herring Terrell, LLC, The City Of Terrell And The Terrell Economic Development Corporation And All Obligations Of The Development Corporation Thereunder And Under Resolution No. 705; Incorporating Recitals; And Declaring An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

#### **RESOLUTION NO.739**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, RESCINDING THAT CERTAIN AGREEMENT BY AND AMONG HERRING TERRELL, LLC, THE CITY OF TERRELL AND THE TERRELL ECONOMIC DEVELOPMENT CORPORATION AND ALL OBLIGATIONS OF THE DEVELOPMENT CORPORATION THEREUNDER AND UNDER RESOLUTION NO. 705; INCORPORATING RECITALS; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Terrell, Texas, recognizes the importance of its continued role in local economic development; and

**WHEREAS**, Herring Terrell, LLC proposed to acquire certain real property in Terrell, Kaufman County, Texas, to design, develop and construct a retail shopping center consisting of approximately 550,000 square feet of retail space being situated within the Tax Increment Financing Reinvestment Zone No. One (TIF District) in the City of Terrell, Texas; and

**WHEREAS**, the public improvements were to be constructed within the TIF District as set forth in the Agreement to encourage development of the TIF District in accordance with the purposes for its creation and in compliance with the Ordinances creating such Reinvestment Zone adopted by the City and all applicable laws; and

**WHEREAS**, the Mayor of the City of Terrell, Texas, executed an Economic Development Agreement dated September 20, 2011, by and between the City of Terrell, Texas, Terrell Economic Development Corporation and Herring Terrell, LLC; and

**WHEREAS**, the Terrell City Council considered and passed Resolution No. 705 on September 20, 2011, approving the terms of the Economic Development Agreement and accepting the obligations of the City of Terrell, Terrell Economic Development Corporation and the TIF District as set forth in the Agreement and approving the recommendations of the Board of Directors of the Tax Increment Financing Reinvestment Zone No. One and the recommendations of the Board of Directors of the Terrell Economic Development Corporation; and

**WHEREAS**, Herring Terrell, Inc. failed to comply with the terms of the Economic Development Agreement and was given notice of default by the City and a cure period in accordance with the terms of the Agreement; and

**WHEREAS**, Herring Terrell, LLC failed to cure such default; and

**WHEREAS**, the public improvements contemplated in the Economic Development Agreement have not been constructed, nor have any of the conditions for the granting of incentives set forth in Resolution No. 705 been fulfilled by Herring Terrell LLC; and

**WHEREAS**, no tax increments defined in the Economic Development Agreement have been deposited in a segregated account for Tax Increment Financing Reinvestment Zone No. One.

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

The preceding recitals constitute findings of fact by the Council and are incorporated hereby.

Pursuant to the remedies provided in the Economic Development Agreement, such Agreement hereby is rescinded and shall be of no further force and effect.

The Council's acceptance of the obligations regarding the Agreement through approval of Resolution No. 705 likewise is rescinded and shall be of no further force and effect.

The City Attorney hereby is directed to notify Herring Terrell, LLC and all other Parties to the Agreement of the Council's action on the Agreement and Resolution No. 705, and to take all necessary actions to effect such rescission.

This Resolution shall become effective immediately upon its passage and approval.

PASSED and APPROVED the 20th day of August, 2013.

9. Discuss and Consider Resolution No. 740; A Resolution Of The City Of Terrell, Texas, Authorizing Reimbursement Of Funds For Design Of Spur 557 Frontage Road Located In Tracts 1 And 2 Of The Tax Increment Financing Reinvestment Zone No. One.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration Resolution No. 740; A Resolution Of The City Of Terrell, Texas, Authorizing Reimbursement Of Funds For Design Of Spur 557 Frontage Road Located In Tracts 1 And 2 Of The Tax Increment Financing Reinvestment Zone No. One. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 740; A Resolution Of The City Of Terrell, Texas, Authorizing

Reimbursement Of Funds For Design Of Spur 557 Frontage Road Located In Tracts 1 And 2 Of The Tax Increment Financing Reinvestment Zone No. One. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

**RESOLUTION NO. 740**  
**REIMBURSEMENT RESOLUTION**

**A RESOLUTION OF THE CITY OF TERRELL, TEXAS, AUTHORIZING REIMBURSEMENT OF FUNDS FOR DESIGN OF SPUR 557 FRONTAGE ROAD LOCATED IN TRACTS 1 AND 2 OF THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. ONE**

**WHEREAS**, the City Council of the City of Terrell, Texas, recognizes the importance of its role in local economic development; and

**WHEREAS**, on November 20, 2007, the City Council approved Ordinance No. 2355 establishing Tax Increment Financing (TIF) Reinvestment Zone Number One, City of Terrell, Texas (TIF District), in accordance with the Tax Increment Financing Act, as amended (V.C.T.A., Tax Code, Chapter 311, hereafter the "Act") to promote development in the TIF District through the use of tax increment financing; and

**WHEREAS**, the City Council, pursuant to Ordinance No. 2384, approved on September 23, 2008, authorized the final TIF District Project Plan and Reinvestment Zone Financing Plan; and

**WHEREAS**, the two (2) prior City Council actions referenced above provide for the TIF District to provide funding for design and construction of projects in the Project Plan and located in the TIF District.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL:**

Section 1. That the findings, determinations and certifications contained in the recitals above are incorporated herein for all purposes.

Section 2. That Terrell Economic Development Corporation (TEDC) shall provide for the cost of designing the Spur 557 frontage road in Tax Increment Financing Zone Number One, City of Terrell, Texas, which shall be reimbursed from the TIF District Tax Increment Funds after construction of the project, in accordance with the terms of the development agreement and funding agreements between the City and the TEDC, but only to the extent such TIF District Tax Increment Funds are available.

Section 3. That the total participation by the TIF District for project costs incurred in the design of said improvements shall not exceed actual project costs or \$800,000.00, whichever is less, all in accordance with the terms of said development agreement.

Section 4. That nothing in this Resolution shall be construed to require the City to approve reimbursements from any source of City funds other than the TIF District Tax Increment Fund or to require the City to issue Tax Increment bonds, said issuing of such bonds being within the sole discretion of the City Council; and upon expiration of the term of the TIF District as provided in

Ordinance No. 2355, any funds advanced by the TEDC under the Development Agreement that remain unreimbursed, due to lack or unavailability of TIF District Funds shall no longer be considered project costs of the TIF District, and the obligation of the TIF District or the City to reimburse shall automatically expire.

Section 5. That this Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Terrell, and it is accordingly so resolved.

PASSED AND APPROVED on this 20th day of August, 2013.

10. Discuss and Consider Resolution No. 741; A Resolution Of The City Of Terrell, Texas, Authorizing A Development Agreement For Design Of Spur 557 Frontage Road With The Terrell Economic Development Corporation And The City Of Terrell On Behalf Of The Tax Increment Financing Reinvestment Zone No. One.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration Resolution No. 741; A Resolution Of The City Of Terrell, Texas, Authorizing A Development Agreement For Design Of Spur 557 Frontage Road With The Terrell Economic Development Corporation And The City Of Terrell On Behalf Of The Tax Increment Financing Reinvestment Zone No. One. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 741; A Resolution Of The City Of Terrell, Texas, Authorizing A Development Agreement For Design Of Spur 557 Frontage Road With The Terrell Economic Development Corporation And The City Of Terrell On Behalf Of The Tax Increment Financing Reinvestment Zone No. One. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

**RESOLUTION NO. 741  
DEVELOPMENT AGREEMENT  
EXECUTION RESOLUTION**

**A RESOLUTION OF THE CITY OF TERRELL, TEXAS, AUTHORIZING A DEVELOPMENT AGREEMENT FOR DESIGN OF SPUR 557 FRONTAGE ROAD WITH THE TERRELL ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF TERRELL ON BEHALF OF THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. ONE.**

**WHEREAS**, the City Council of the City of Terrell, Texas recognizes the importance of its role in local economic development; and

**WHEREAS**, on November 20, 2007, the City Council approved Ordinance No. 2355 establishing Tax Increment Financing (TIF) Reinvestment Zone Number One, City of Terrell, Texas (TIF District), in accordance with the Tax Increment Financing Act, as amended (V.C.T.A., Tax Code, Chapter 311, hereafter the "Act") to promote development in the TIF District through the use of tax increment financing; and

**WHEREAS**, the City Council, pursuant to Ordinance No. 2384, approved on September 23, 2008, authorized the final TIF District Project Plan and Reinvestment Zone Financing Plan; and

**WHEREAS**, the two (2) prior City Council actions referenced above provide for the TIF District to provide funding for design and construction of projects in the Project Plan and located in the TIF District.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL:**

Section 1. The City Manager is hereby authorized to execute a Development Agreement between the Terrell Economic Development Corporation (TEDC) and the City of Terrell, on behalf of the Tax Increment Financing District, in an amount not to exceed actual project costs or \$800,000.00 whichever is less for funding for Spur 557 frontage road design.

Section 2. That the TEDC shall be reimbursed from the TIF District Tax Increment Funds in accordance with the terms of the Development Agreement, but only after construction of the roadway project and only to the extent such TIF District Tax Increment Funds are available for such purpose.

Section 3. That nothing in this Resolution shall be construed to require the City to approve reimbursements from any source of City funds other than the TIF District Tax Increment Fund or to require the City to issue Tax Increment bonds, said issuing of such bonds being within the sole discretion of the City Council; and upon expiration of the terms of the TIF District as provided in Ordinance No. 2355, any funds advanced by the TEDC under the Development Agreement that remain unreimbursed, due to lack or unavailability of TIF District Funds shall no longer be considered project costs of the TIF District, and the obligation of the TIF District or the City to reimburse shall automatically expire.

Section 4. That this Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Terrell, and it is accordingly so resolved.

PASSED AND APPROVED on this the 20th day of August, 2013.

11. Discuss And Consider Ordinance No. 2574; An Ordinance Of The City Of Terrell, Texas Designating Certain Real Property In Tax Increment Reinvestment Zone No. 1 As A Power Center; Creating An Economic Development Program For The Power Center And A Power Center Fund For Deposit Of Tax Revenues Derived From Power Center Properties; Specifying Criteria For Funds To Be Deposited In The Power Center Fund; Identifying An Area Within Which Power Center Funds May Be Spent For Eligible Projects; Authorizing The City To Enter Into Agreements With Private And Public Entities Pursuant To Texas Local Gov't Code Chapter 380 For Purposes Of Funding Eligible Projects; Authorizing The City Manager To Enter Into An Interlocal Agreement With Kaufman County For Administration Of The County's Economic Development Program For The Power Center; Providing A Conflicts Clause; Providing A Severability Clause; And Providing An Effective Date.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration Ordinance No. 2574; An Ordinance Of The City Of Terrell, Texas Designating Certain Real Property In Tax Increment Reinvestment Zone No. 1 As A Power Center; Creating An Economic Development Program For The Power Center And A Power Center Fund For Deposit Of Tax

Revenues Derived From Power Center Properties; Specifying Criteria For Funds To Be Deposited In The Power Center Fund; Identifying An Area Within Which Power Center Funds May Be Spent For Eligible Projects; Authorizing The City To Enter Into Agreements With Private And Public Entities Pursuant To Texas Local Gov't Code Chapter 380 For Purposes Of Funding Eligible Projects; Authorizing The City Manager To Enter Into An Interlocal Agreement With Kaufman County For Administration Of The County's Economic Development Program For The Power Center; Providing A Conflicts Clause; Providing A Severability Clause; And Providing An Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Ordinance No. 2574; An Ordinance Of The City Of Terrell, Texas Designating Certain Real Property In Tax Increment Reinvestment Zone No. 1 As A Power Center; Creating An Economic Development Program For The Power Center And A Power Center Fund For Deposit Of Tax Revenues Derived From Power Center Properties; Specifying Criteria For Funds To Be Deposited In The Power Center Fund; Identifying An Area Within Which Power Center Funds May Be Spent For Eligible Projects; Authorizing The City To Enter Into Agreements With Private And Public Entities Pursuant To Texas Local Gov't Code Chapter 380 For Purposes Of Funding Eligible Projects; Authorizing The City Manager To Enter Into An Interlocal Agreement With Kaufman County For Administration Of The County's Economic Development Program For The Power Center; Providing A Conflicts Clause; Providing A Severability Clause; And Providing An Effective Date on first reading with the correction of the language in the caption being changed to read "Authorizing the Mayor to Enter Into An Interlocal Agreement with Kaufman County". Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

#### **ORDINANCE NO. 2574**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS DESIGNATING CERTAIN REAL PROPERTY IN TAX INCREMENT REINVESTMENT ZONE NO. 1 AS A POWER CENTER; CREATING AN ECONOMIC DEVELOPMENT PROGRAM FOR THE POWER CENTER AND A POWER CENTER FUND FOR DEPOSIT OF TAX REVENUES DERIVED FROM POWER CENTER PROPERTIES; SPECIFYING CRITERIA FOR FUNDS TO BE DEPOSITED IN THE POWER CENTER FUND; IDENTIFYING AN AREA WITHIN WHICH POWER CENTER FUNDS MAY BE SPENT FOR ELIGIBLE PROJECTS; AUTHORIZING THE CITY TO ENTER INTO AGREEMENTS WITH PRIVATE AND PUBLIC ENTITIES PURSUANT TO TEXAS LOCAL GOV'T CODE CHAPTER 380 FOR PURPOSES OF FUNDING ELIGIBLE PROJECTS; AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH KAUFMAN COUNTY FOR ADMINISTRATION OF THE COUNTY'S ECONOMIC DEVELOPMENT PROGRAM FOR THE POWER CENTER; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

12. Discuss and Consider a recommendation by the Planning and Zoning Commission regarding approval of a re-plat being all of a certain 10.565 acre tract of land in the Ransom Sowell Survey described as Lot 1, Block A, Venture Addition; generally located on the southwest corner of Tanger Drive and the Interstate 20 frontage road and west of State Highway 34, City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration a recommendation by the Planning and Zoning Commission regarding approval of a re-plat being all of a certain 10.565 acre tract of land in the Ransom Sowell Survey described as Lot 1, Block A, Venture Addition; generally located on the southwest corner of Tanger Drive and the

Interstate 20 frontage road and west of State Highway 34, City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve a recommendation by the Planning and Zoning Commission regarding approval of a re-plat being all of a certain 10.565 acre tract of land in the Ransom Sowell Survey described as Lot 1, Block A, Venture Addition; generally located on the southwest corner of Tanger Drive and the Interstate 20 frontage road and west of State Highway 34, City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

13. Discuss and Consider a recommendation by the Planning and Zoning Commission regarding approval of a construction plat located at 120 State Hwy 205; being all of a certain 4.605 acre tract of land described as a portion of Lot 1, Block A, Clem Addition; and being a portion of that certain tract of land conveyed to Rand Partners Limited Partnership; and being situated in the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration a recommendation by the Planning and Zoning Commission regarding approval of a construction plat located at 120 State Hwy 205; being all of a certain 4.605 acre tract of land described as a portion of Lot 1, Block A, Clem Addition; and being a portion of that certain tract of land conveyed to Rand Partners Limited Partnership; and being situated in the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve a recommendation by the Planning and Zoning Commission regarding approval of a construction plat located at 120 State Hwy 205; being all of a certain 4.605 acre tract of land described as a portion of Lot 1, Block A, Clem Addition; and being a portion of that certain tract of land conveyed to Rand Partners Limited Partnership; and being situated in the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

14. Discuss and Consider appointment to Terrell Planning and Zoning Commission.

Mayor Hal Richards, made a motion to table appointment to Terrell Planning and Zoning Commission. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayses - None. Motion carried.

### **CONSENT AGENDA**

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2576 on second reading. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayses - None. Motion carried.

15. Discuss and Consider Adoption On Second Reading Ordinance No. 2576; An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1, Fee Schedule, Section 24: Amending Solid Waste Collection And Disposal Rates And Charges As Set Forth In The Revised Code Of Ordinances Of The City Of Terrell, Texas; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

**ORDINANCE NO. 2576**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX 1, FEE SCHEDULE, SECTION 24: AMENDING SOLID WASTE COLLECTION AND DISPOSAL RATES AND CHARGES AS SET FORTH IN THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**SECTION I.**

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

**THAT** Appendix I, Fee Schedule, **SECTION 24, SOLID WASTE COLLECTION AND DISPOSAL RATES AND CHARGES** of the Revised Code of Ordinances of the City of Terrell, Texas, shall be deleted in its entirety and read as follows:

**SECTION I.**

**SECTION 24: SOLID WASTE COLLECTION AND DISPOSAL RATES AND CHARGES**

The following rates shall apply for solid waste handling services within the City of Terrell and at its Convenience Station facilities. Wastes from outside of Kaufman County will not be handled.

**(1) Collection Services**

(a) Residential Rate - All residential units shall be charged \$8.11 per month for twice a week collection.

(b) Commercial Hand Collect - All commercial hand collect will be charged \$18.48 per month for twice a week collection for one (1) Poly Cart Container. Customers with two (2) carts will be charged \$24.48 per month for twice a week collection. Each business with Commercial Hand Collect will enter into an agreement with the City for services and billing will be on the monthly utility bill.

(c) Fuel Surcharges All residential units \$0.27 per month commercial hand collect and commercial customers \$0.05 per monthly dumpster yard. Roll offs \$4.73 per roll off haul. Surcharges shall be reviewed annually by City Council for applicability.

**(2) Convenience Station Disposal Service**

**A. Vehicles:**

(a) Car	\$ 12.00
(b) Small to 1/2 ton pickup truck (bed level)	\$ 25.00
(c) Small to 1/2 ton pickup truck (above bed level)	\$ 40.00
(d) 1-Ton or larger pickup truck (bed level)	\$ 35.00
(e) 1-Ton or larger pickup truck (above bed level)	\$ 55.00

**B. Trailers – (Trailers – Dept Rate Charged by Foot)**

	1'	2'	3'	4'
(a) 4 X 8 Trailer	\$12.00	\$ 24.00	\$ 48.00	\$ 60.00
(b) 4 X 12 Trailer	\$24.00	\$ 48.00	\$ 60.00	\$ 84.00
(c) 4 X 16 Trailer	\$24.00	\$ 60.00	\$ 84.00	\$108.00
(d) 5 X 10 Trailer	\$24.00	\$ 48.00	\$ 60.00	\$ 96.00
(e) 5 X 16 Trailer	\$36.00	\$ 72.00	\$108.00	\$144.00
(f) 5 X 20 Trailer	\$48.00	\$ 84.00	\$132.00	\$180.00
(g) 6 X 10 Trailer	\$24.00	\$ 48.00	\$ 84.00	\$108.00
(h) 6 X 12 Trailer	\$36.00	\$ 60.00	\$ 96.00	\$132.00
(i) 6 X 14 Trailer	\$36.00	\$ 72.00	\$108.00	\$156.00
(j) 6 X 16 Trailer	\$48.00	\$ 84.00	\$132.00	\$180.00
(k) 6 X 20 Trailer	\$48.00	\$108.00	\$156.00	\$216.00
(l) 7 X 14 Trailer	\$48.00	\$ 84.00	\$132.00	\$180.00
(m) 7 X 16 Trailer	\$48.00	\$ 96.00	\$144.00	\$204.00
(n) 7 X 20 Trailer	\$60.00	\$120.00	\$192.00	\$252.00

Passenger Tires \$5.00 each / All Others Cost Per Size

Mattresses \$20.00 each

**(3) Definitions for Convenience Station Disposal Service**

- A. **City of Terrell** - refers to waste generated within the corporate limits of the City of Terrell.
- B. **County** - refers to waste from outside Terrell City limits yet within Kaufman County.
- C. **Terrell State Hospital** - No charge to Terrell State Hospital for use of Convenience Station Disposal service.
- D. All other governmental entities shall be charged City of Terrell rates.

**SECTION II.**

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**SECTION III.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section so this Ordinance, since the same would have been enacted by the city council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION IV.**

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

**PASSED AND APPROVED** on this 6th day of August, 2013.

**PASSED AND ADOPTED** on this 20th day of August, 2013.

**END CONSENT AGENDA**

16. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
- a.) Section 551.071 - Consultations with Attorney - pending or contemplated litigation.
  - b.) Section 551.072 - Deliberations about Real Property.
  - c.) Section 551.074 - Personnel Matters - City Manager.
  - d.) Section 551.087 - Deliberation Regarding Economic Development Negotiations.

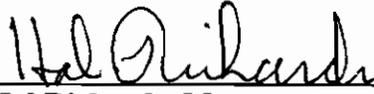
Council adjourned into Executive Session.

17. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

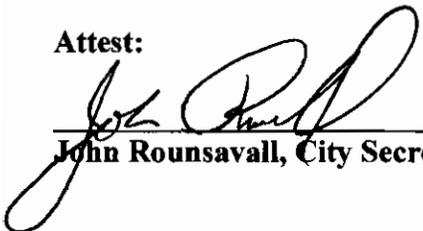
Deputy Mayor Pro Tem D. J. Ory, made a motion to execute an Addendum to the City Manager contract authorizing a one time contribution to International City Manager's Association fund. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

18. Adjourn.

There were no other matters discussed or acted on at this meeting. There being no further business the meeting was adjourned.

  
\_\_\_\_\_  
**Hal Richards, Mayor**

Attest:

  
\_\_\_\_\_  
**John Rounsavall, City Secretary**