

## REGULAR CITY COUNCIL MEETING

November 5, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, November 5, 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**  
**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.

Rev. Gene Glaeser, gave the opening prayer.

4. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting of October 15, 2013, and Special City Council Meeting and Workshop of October 24, 2013.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting of October 15, 2013, and Special City Council Meeting and Workshop of October 24, 2013. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

5. Hear Remarks from Visitors.

There were no remarks from visitors.

### PUBLIC HEARING

6. a. Conduct a Public Hearing to receive comments regarding approval of a request for a Zoning Change to amend Planned Development 6, Ordinance No. 2363, Terrell Market Center, on all of that certain called 36.823 acre tract of land out of the J.C. Hale Survey, Abstract 202, generally located North of Interstate Hwy 20 and South of Spur 557 and East of F.M. 148; City of Terrell, Kaufman County, Texas.

Mike Sims, Assistant City Manager, gave opening comments regarding approval of a request for a Zoning Change to amend Planned Development 6, Ordinance No. 2363, Terrell Market Center, on all of that certain called 36.823 acre tract of land out of the J.C. Hale Survey, Abstract 202, generally located North of Interstate Hwy 20 and South of Spur 557 and East of F.M. 148; City of

Terrell, Kaufman County, Texas. Mayor Hal Richards, opened a Public Hearing to receive comments regarding approval of a request for a Zoning Change to amend Planned Development 6, Ordinance No. 2363, Terrell Market Center, on all of that certain called 36.823 acre tract of land out of the J.C. Hale Survey, Abstract 202, generally located North of Interstate Hwy 20 and South of Spur 557 and East of F.M. 148; City of Terrell, Kaufman County, Texas. No one spoke against the zone change. No one spoke against the zone change. Mayor Hal Richards, closed the Public Hearing.

6. b. Discuss and Consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2585 amending Planned Development 6, Ordinance No. 2363, Terrell Market Center, on all of that certain called 36.823 acre tract of land out of the J.C. Hale Survey, Abstract 202, generally located North of Interstate Hwy 20 and South of Spur 557 and East of F.M. 148; City of Terrell, Kaufman County, Texas.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve on first reading Ordinance No. 2585 amending Planned Development 6, Ordinance No. 2363, Terrell Market Center, on all of that certain called 36.823 acre tract of land out of the J.C. Hale Survey, Abstract 202, generally located North of Interstate Hwy 20 and South of Spur 557 and East of F.M. 148; City of Terrell, Kaufman County, Texas. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None.

#### ORDINANCE NO. 2585

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING PLANNED DEVELOPMENT-6 (PD-6), ORDINANCE NO. 2363, ON 36.823 ACRES OF THE J. C. HALE SURVEY, ABSTRACT NO. 202, KAUFMAN COUNTY, TEXAS, AS CONVEYED TO TERRELL MARKET CENTER, LTD. RECORDED IN VOLUME 3294, PAGE 549, DEED RECORDS KAUFMAN COUNTY TEXAS; GENERALLY LOCATED AT THE SOUTHERN INTERSECTION OF FM 148 AND SPUR 557, AND BEING PART OF THAT 89.24 ACRE TRACT OF LAND CONVEYED TO CHARLIE RISINGER AND WIFE, DENA RISINGER AS RECORDED IN VOLUME 2665, PAGE 338, DEED OF RECORDS OF KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

#### NEW BUSINESS

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration the following items 7-14:

7. Discuss and Consider a recommendation by the Planning and Zoning Commission regarding approval of a Construction Plat for the Terrell Market Center/Medical Plaza Addition, being all of that certain called 89.323 acre tract of land out of the J.C. Hale Survey, Abstract 202, generally located North of Interstate Hwy 20 and South of Spur 557 and East of F.M. 148; 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 for the Terrell Market Center/Medical Plaza Addition, being all of that certain called 89.323 acre tract of land out of the J.C. Hale Survey, Abstract 202, generally located North of Interstate Hwy 20 and South of Spur

557 and East of F.M. 148; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

8. Discuss and Consider Resolution No. 747 for a Multiple Use Agreement with the Texas Department of Transportation Regarding Drainage at FM148 and IH20.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 747 for a Multiple Use Agreement with the Texas Department of Transportation Regarding Drainage at FM148 and IH20. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

#### **RESOLUTION NO. 747**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE CITY OF TERRELL TO ENTER INTO A MULTIPLE USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A SHARED DRAINAGE STRUCTURE; INCORPORATING RECITALS AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, the City of Terrell recognizes that the need to manage stormwater runoff from both public roadway and private developments is an important element of maintaining public health and safety during and after rain events; and

**WHEREAS**, the private development planned for the northeast corner of FM148 and IH20 requires a drainage structure to developed cooperatively with the Texas Department of Transportation (TXDOT); and

**WHEREAS**, the shared drainage structure is consistent with the construction plat approved by the City Council associated with the development; and

**WHEREAS**, the TXDOT portions of the shared drainage structure shall be incorporated in the construction the FM148S improvements currently covered under the City's Pass-Through Finance contract with the Texas Department of Transportation; and

**WHEREAS**, private portions of the shared drainage structure shall be incorporated in the construction of the private development on the site and are a requirement of a Certificate of Occupancy for a building on the site.

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

- 1) The City Manager is authorized to negotiate and execute an agreement with the Texas Department of Transportation providing for a Multiple Use Agreement for the shared drainage structure.
- 2) The execution of the Multiple Use Agreement with the Texas Department of Transportation shall not occur until such time as the landowner provides an executed drainage easement for the shared drainage structure.
- 3) This Resolution shall take effect immediately.

This Resolution shall become effective immediately upon its passage and approval.  
Duly Resolved and Approved this 5th day of November, 2013.

9. Discuss and Consider Resolution No. 748 for a Power Center Development Agreement with Terrell Market Center, Ltd.

Mayor Pro Tem Ricky Jordan, made a motion to approve Resolution No. 748 for a Power Center Development Agreement with Terrell Market Center, Ltd. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

**RESOLUTION NO. 748**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, APPROVING A POWER CENTER DEVELOPMENT AGREEMENT WITH TERRELL MARKET CENTER, LTD.**

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

WHEREAS, Terrell Market Center, Ltd. has acquired certain real property consisting of approximately 36.8 acres of land in Terrell, Kaufman County, Texas, and being more particularly described on Exhibit "A" (the "Property"), said real property being situated within Tax Increment Financing Reinvestment Zone No. One, City of Terrell, Texas, (TIF District); and

WHEREAS, the Terrell Market Center, Ltd. intends to design, develop, and construct at its own cost and at no cost to the City a retail shopping center, to be developed in phases, as generally depicted in the Concept Plan, set forth on Exhibit "B"; and

WHEREAS, in accordance with provisions of Chapter 380 and Chapter 381 of the Texas Local Government Code, the City and County executed an Interlocal Agreement regarding a Power Center on September 6, 2013; and

WHEREAS, the infrastructure shall be constructed within the Power Center, as set forth in this Resolution, to encourage development of the Power Center in accordance with the purposes for its creation and in compliance with the Ordinance creating such adopted by the City, all applicable laws, and the Power Center Agreement with Kaufman County.

WHEREAS, the Power Center Board of Directors passed Resolution No. 1 supporting the Terrell Market Center Ltd., Project on October 29, 2013.

**NOW THEREFORE BE IT RESOLVED BY THE TERRELL POWER CENTER THAT:**

1. The City Manager is authorized to negotiate and the Mayor is authorized to execute a Power Center Agreement with Terrell Market Center, Ltd. to provide reimbursement to Terrell Market Center, Ltd. based on a portion of new real property tax generated on the Property.
2. Authorizing the creation of a sub-account for the Property and the use of funds deposited therein to finance eligible infrastructure serving the development.
3. Payments from the Power Center shall provide reimbursement support for infrastructure for the term of the Power Center from the real property tax increment associated with the Property, solely as necessary to provide an off-set for the accounting of the net value of the TIF District, as

per the conditions of the Interlocal Agreement between the City of Terrell and Kaufman County dated September 6, 2013.

4. Upon completion by Terrell Market Center Ltd., the Power Center shall support reimbursement to Terrell Market Center Ltd. for their proportional upfront share of the infrastructure (estimated at 40%) including interest not to exceed 4.5%, as shown on Exhibit "C". Infrastructure necessary for the development, may be substituted or added, not-to-exceed the total cost in Exhibit "C" or the actual Power Center increment available under Section 3 of this Resolution.

5. The conditions precedent for funding shall include, but not be limited to:
- a. Land use consistent with zoning
  - b. Expenditure of funds for indentified infrastructure according to plans approved by the City Engineer.
  - c. Receipt of a certificate of completion from the City Engineer for accepted, complete infrastructure.
  - d. Funds available in the Power Center Fund from the Property.
  - e. Terrell Market Center, Ltd. meets the terms and conditions of the Development Agreement.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Terrell on the 5th day of November, 2013.

10. Discuss and Consider Resolution No. 749 for a Power Center Development Agreement with Baylor Healthcare System.

Mayor Pro Tem Ricky Jordan, made a motion to approve Resolution No. 749 for a Power Center Development Agreement with Baylor Healthcare System. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

#### **RESOLUTION NO. 749**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, APPROVING A POWER CENTER DEVELOPMENT AGREEMENT WITH BAYLOR HEALTHCARE SYSTEM**

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

WHEREAS, there is certain real property consisting of approximately 89.3 acres of land in Terrell, Kaufman County, Texas, and being more particularly described on Exhibit "A" (the "Property"), said real property being situated within Tax Increment Financing Reinvestment Zone No. One, City of Terrell, Texas, (TIF District); and

WHEREAS, the Baylor Healthcare System intends to design, develop, and construct at its own cost and at no cost to the City a Healthcare campus, to be developed in phases, as generally depicted in the Concept Plan, set forth on Exhibit "B"; and

WHEREAS, in accordance with provisions of Chapter 380 and Chapter 381 of the Texas Local Government Code, the City and County executed an Interlocal Agreement regarding a Power Center on September 6, 2013; and

WHEREAS, the infrastructure shall be constructed within the Power Center, as set forth in this Resolution, to encourage development of the Power Center in accordance with the purposes for its creation and in compliance with the Ordinance creating such adopted by the City, all applicable laws, and the Power Center Agreement with Kaufman County.

WHEREAS, the Power Center Board of Directors passed Resolution No. 2 supporting the Baylor Healthcare System Development Project on October 29, 2013.

**NOW THEREFORE BE IT RESOLVED BY THE TERRELL POWER CENTER THAT:**

1. The City Manager is authorized to negotiate and the Mayor is authorized to execute a Power Center Agreement with Baylor Healthcare System to provide reimbursement to Baylor Healthcare System based on a portion of new real and business personal property tax generated on the Property.
2. Authorizing the creation of a sub-account for the Property and the use of funds deposited therein to finance eligible infrastructure serving the development.
3. Payments from the Power Center shall provide reimbursement support for infrastructure for the term of the Power Center from the real property and business personal property tax increment associated with the Property, as per the conditions of the Interlocal Agreement between the City of Terrell and Kaufman County dated September 6, 2013. Funds obligated consistent with City Council Resolution No. 748 shall be reimbursed prior to obligations of this Resolution.
4. Upon completion by Baylor Healthcare System, the Power Center shall support reimbursement to Terrell Market Center Ltd. for their proportional upfront share of the infrastructure, (estimated at 60%) with no interest, as shown on Exhibit "C". Infrastructure necessary for the development, may be substituted or added, not-to-exceed the total cost in Exhibit "C" or the actual Power Center increment available under Section 3 of this Resolution.
5. The conditions precedent for funding shall include, but not be limited to:
  - a. Land use consistent with zoning
  - b. Expenditure of funds for indentified infrastructure according to plans approved by the City Engineer.
  - c. Receipt of a certificate of completion from the City Engineer for accepted, complete infrastructure.
  - d. Funds available in the Power Center Fund from the Property.
  - e. Baylor Healthcare System meets the terms and conditions of the Development Agreement.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Terrell on the 5th day of November, 2013.

11. Discuss and Consider Resolution No. 750 for a TIF Development Agreement with Terrell Market Center, Ltd.

Councilmember Charles Whitaker, made a motion to approve Resolution No. 750 for a TIF Development Agreement with Terrell Market Center, Ltd. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

#### **RESOLUTION NO. 750**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, APPROVING A TIF DEVELOPMENT AGREEMENT WITH TERRELL MARKET CENTER LTD**

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

WHEREAS, Terrell Market Center, Ltd. has acquired certain real property consisting of approximately 36.8 acres of land in Terrell, Kaufman County, Texas, and being more particularly described on Exhibit "A" (the "Property"), said real property being situated within Tax Increment Financing Reinvestment Zone No. One, City of Terrell, Texas; and

WHEREAS, Terrell Market Center, Ltd. intends to design, develop and construct at its own cost and at no cost to the City a retail shopping center, to be developed in phases, as generally depicted in the Concept Plan, set forth on Exhibit "B"; and

WHEREAS, in accordance with provisions of the Tax Increment Financing Act, V.C.T.A., Tax Code, Chapter 311, on November 20, 2007, the Terrell City Council approved Ordinance No. 2355, creating, establishing and designating Tax Increment Financing Reinvestment Zone Number One, City of Terrell, Texas; and

WHEREAS, on September 23, 2008, the Terrell City Council approved Ordinance No. 2384 approving the Tax Increment Financing Project Plan and the Financing Plan; and

WHEREAS, the Public Improvements shall be constructed within the TIF District, as set forth in this Resolution, to encourage development of the TIF District in accordance with the purposes for its creation and in compliance with the Ordinance creating such Reinvestment Zone adopted by the City, all applicable laws, and TIF Interlocal Agreement with Kaufman County.

WHEREAS, the TIF Board passed Resolution No. 10 supporting the Terrell Market Center Ltd. Development Project on October 29, 2013.

#### **NOW THEREFORE BE IT RESOLVED BY THE TERRELL TIF DISTRICT THAT:**

1. The City Manager is authorized to negotiate and the Mayor is authorized to execute a TIF Agreement with Terrell Market Center, Ltd. to provide reimbursement to Terrell Market Center, Ltd. based on a portion of new property tax generated on the Property.
2. Authorizing the creation of a sub-account for the Property and the use of funds deposited therein to finance eligible infrastructure serving the development.

3. Payments from the TIF Fund shall provide reimbursement support for public infrastructure for the term of the TIF from tax increment associated with the Property, as per the conditions of the Interlocal Agreement between the City of Terrell and Kaufman County dated September 16, 2008.

4. Upon completion by Terrell Market Center, Ltd., the TIF Fund shall support reimbursement to Terrell Market Center for their proportional upfront share of the following public infrastructure (estimated at 40%) with interest not to exceed 4.5%:

<u>Public Infrastructure</u>	<u>Total Estimated Upfront Costs</u>
FM148	\$2,065,603
IH20	\$3,281,496
Crossroads Parkway and Medical Drive	\$ 775,531
Lighting	\$ 35,000
Sewer	\$ 182,916
Water	\$ 250,750
<b>TOTAL</b>	<b>\$6,591,296</b>

5. Infrastructure necessary for the development, may be substituted or added, not-to-exceed the total cost in Section 4 or the actual TIF increment available under Section 3 of this Resolution.

6. The conditions precedent for funding shall include, but not be limited to:
- a. Land use consistent with zoning
  - b. Expenditure of funds for identified infrastructure according to plans approved by the City Engineer.
  - c. Receipt of a certificate of completion from the City Engineer for accepted, complete infrastructure.
  - d. Funds available in the TIF Fund from the Property.
  - e. Terrell Market Center, Ltd. meets the terms and conditions of the Development Agreement.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Terrell on the 5th day of November, 2013.

12. Discuss and Consider Resolution No. 751 for a TIF Development Agreement with Baylor Healthcare System.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 751 for a TIF Development Agreement with Baylor Healthcare System. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

#### **RESOLUTION NO. 751**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, APPROVING A TIF DEVELOPMENT AGREEMENT WITH BAYLOR HEALTHCARE SYSTEM**

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

WHEREAS, there is certain real property consisting of approximately 89.3 acres of land in Terrell, Kaufman County, Texas, and being more particularly described on Exhibit "A" (the "Property"), said real property being situated within Tax Increment Financing Reinvestment Zone No. One, City of Terrell, Texas; and

WHEREAS, Baylor Healthcare System intends to design, develop, and construct at its own cost and at no cost to the City a Healthcare campus, to be developed in phases, as generally depicted in the Concept Plan, set forth on Exhibit "B"; and

WHEREAS, in accordance with provisions of the Tax Increment Financing Act, V.C.T.A., Tax Code, Chapter 311, on November 20, 2007, the Terrell City Council approved Ordinance No. 2355, creating, establishing and designating Tax Increment Financing Reinvestment Zone Number One, City of Terrell, Texas; and

WHEREAS, on September 23, 2008, the Terrell City Council approved Ordinance No. 2384 approving the Tax Increment Financing Project Plan and the Financing Plan; and

WHEREAS, the Public Improvements shall be constructed within the TIF District, as set forth in this Resolution, to encourage development of the TIF District in accordance with the purposes for its creation and in compliance with the Ordinance creating such Reinvestment Zone adopted by the City, all applicable laws, and TIF Interlocal Agreement with Kaufman County.

WHEREAS, the TIF Board passed Resolution No. 11 supporting the Baylor Development Project on October 29, 2013.

**NOW THEREFORE BE IT RESOLVED BY THE TERRELL TIF DISTRICT THAT:**

1. The City Manager is authorized to negotiate and the Mayor is authorized to execute a TIF Development Agreement with Baylor Healthcare System to provide reimbursement to Baylor Healthcare System based on a portion of new property tax generated on the Property.
2. Authorizing the creation of a sub-account for the Property and the use of funds deposited therein to finance eligible infrastructure serving the development.
3. Payments from the TIF Fund shall provide reimbursement support for public infrastructure for the term of the TIF from tax increment associated with the Property, as per the conditions of the Interlocal Agreement between the City of Terrell and Kaufman County dated September 16, 2008. Funds obligated consistent with TIF District Resolution No. 10 shall be reimbursed prior to obligations of this resolution.
4. Upon completion by Baylor Healthcare System, the TIF Fund shall support reimbursement to Baylor Healthcare System for their proportional upfront share of the following public infrastructure (estimated at 60%) with no interest:

<u>Public Infrastructure</u>	<u>Total Estimated Upfront Costs</u>
FM148	\$2,065,603
IH20	\$3,281,496
Crossroads Parkway and Medical Drive	\$ 775,531
Lighting	\$ 35,000
Sewer	\$ 182,916
Water	\$ 250,750
<b>TOTAL</b>	<b>\$6,591,296</b>

5. Infrastructure necessary for the development, may be substituted or added, not-to-exceed the total cost in Section 4 or the actual TIF increment available under Section 3 of this Resolution.
6. The conditions precedent for funding shall include, but not be limited to:
  - a. Land use consistent with zoning
  - b. Expenditure of funds for identified infrastructure according to plans approved by the City Engineer.
  - c. Receipt of a certificate of completion from the City Engineer for accepted, complete infrastructure.
  - d. Funds available in the TIF Fund from the Property.
  - e. Baylor Healthcare System meets the terms and conditions of the Development Agreement.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Terrell on the 5th day of November, 2013.

13. Discuss and Consider Resolution No. 752 for a TIF Development Agreement with the Terrell Economic Development Corporation.

Mayor Pro Tem Ricky Jordan, made a motion to approve Resolution No. 752 for a TIF Development Agreement with the Terrell Economic Development Corporation. Councilmember Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

#### **RESOLUTION NO. 752**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, APPROVING A TIF DEVELOPMENT AGREEMENT WITH TERRELL ECONOMIC DEVELOPMENT PARTNERSHIP**

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

WHEREAS, there is certain real property consisting of approximately 89.3 acres of land in Terrell, Kaufman County, Texas, and being more particularly described on Exhibit "A" (the "Property"), said real property being situated within Tax Increment Financing Reinvestment Zone No. One, City of Terrell, Texas; and

WHEREAS, the Terrell Economic Development Corporation intends to provide an infrastructure incentive to promote economic development on the Property; and

WHEREAS, in accordance with provisions of the Tax Increment Financing Act, V.C.T.A., Tax Code, Chapter 311, on November 20, 2007, the Terrell City Council approved Ordinance No. 2355, creating, establishing and designating Tax Increment Financing Reinvestment Zone Number One, City of Terrell, Texas; and

WHEREAS, on September 23, 2008, the Terrell City Council approved Ordinance No. 2384 approving the Tax Increment Financing Project Plan and the Financing Plan; and

WHEREAS, the Public Improvements shall be constructed within the TIF District, as set forth in this Resolution, to encourage development of the TIF District in accordance with the purposes for its creation and in compliance with the Ordinance creating such Reinvestment Zone adopted by the City, all applicable laws, and TIF Interlocal Agreement with Kaufman County.

WHEREAS, the TIF Board passed Resolution No. 12 supporting a Terrell Economic Development Partnership on October 29, 2013.

**NOW THEREFORE BE IT RESOLVED BY THE TERRELL TIF DISTRICT THAT:**

1. The City Manager is authorized to negotiate and the Mayor is authorized to execute a TIF Board Development Agreement with Terrell Economic Development Corporation to provide reimbursement to the Terrell Economic Development Corporation based on a portion of new property tax generated on the Property.
2. Authorizing the creation of a sub-account for the Property and the use of funds deposited therein to finance eligible infrastructure serving the development.
3. Payments from the TIF Fund shall provide reimbursement support for public infrastructure for the term of the TIF from tax increment associated with the Property, as per the conditions of the Interlocal Agreement between the City of Terrell and Kaufman County dated September 16, 2008. Funds obligated consistent with TIF District Resolution No. 10 and TIF District Resolution No. 11 shall be reimbursed prior to obligations of this resolution.
4. The TIF Fund shall support reimbursement for the following public infrastructure, upon completion with no interest:

<b><u>Public Infrastructure</u></b>	<b><u>Total Estimated Upfront Costs</u></b>
FM148 Infrastructure	\$ 250,000
Traffic Signal at Crossroads Parkway	\$ 200,000
Additional Traffic Signals	\$ 250,000
<b>TOTAL</b>	<b>\$ 700,000</b>

5. Infrastructure necessary for the development, may be substituted or added, not-to-exceed the total cost in Section 4 or the actual TIF increment available under Section 3 of this Resolution.
6. The conditions precedent for funding shall include, but not be limited to:
  - a. Expenditure of funds for identified infrastructure according to plans approved by the City Engineer.

- b. Receipt of a certificate of completion from the City Engineer for accepted, complete infrastructure.
- c. Funds available in the TIF Fund from the Property.
- d. Terrell Economic Development Corporation meets the terms and conditions of the Development Agreement.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Terrell on the 5th day of November, 2013.

14. Discuss and Consider Resolution No. 753 for a Retail Business 380 Agreement.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 753 for a Retail Business 380 Agreement stipulating that the "Retail Business" is "Buc-ee's". Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

#### **RESOLUTION NO. 753**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, APPROVING A BUC-EE'S 380 AGREEMENT**

WHEREAS, Chapter 380 of the Texas Local Government Code provides that Texas municipalities may create programs to promote local economic development to stimulate business and commercial activity in the municipality; and

WHEREAS, a BUC-EE'S has a contract to purchase certain real property in the City at the Northeast corner of FM148 and IH 20; and

WHEREAS, the BUC-EE'S intends develop a retail travel center on the Property with a minimum of 50 gas pumps, employing a minimum of 125 employees within the first 12 months of operation, containing no less than 60,000 square feet of Gross Space.

WHEREAS, the City promote economic development, attracting additional consumers to the City, increasing commercial activity, and generating new tax revenue for jurisdictions in Kaufman County; and

WHEREAS, the City wishes to establish a program ("Program") with Company and provide incentives to assist with economic development in Terrell and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and further, is in the best interests of the City, TEDC, and Company; and

#### **NOW THEREFORE BE IT RESOLVED BY THE TERRELL TIF DISTRICT THAT:**

1. City Manager is authorized to negotiate and the Mayor is authorized to execute the Economic Development Agreement Between the City of Terrell, Texas, the Terrell Economic Development Corporation, and the BUC-EE'S.
2. 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 ADOPTED at a regular meeting of the City Council of the City of Terrell on the 5th day of November, 2013.

3. Presentation of the Red Ribbon Week Proclamation to the Trinity Valley Young Marines.

Mayor Hal Richards, Presented the Red Ribbon Week Proclamation to the Trinity Valley Young Marines.

15. Discuss and Consider approval of the Developer's Agreement regarding the Residential Economic Incentive Program for The Terraces Addition and authorize the City Manager to execute the agreement.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration approval of the Developer's Agreement regarding the Residential Economic Incentive Program for The Terraces Addition and authorize the City Manager to execute the agreement. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve the Developer's Agreement regarding the Residential Economic Incentive Program for The Terraces Addition and authorize the City Manager to execute the agreement. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

16. Discuss and Consider Change Order #1 for Project 09-08, Safe Routes to School.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration Change Order #1 for Project 09-08, Safe Routes to School. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Change Order #1 for Project 09-08, Safe Routes to School in an amount not to exceed \$54,214.00. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayses - None. Motion carried.

17. Discuss and Consider Award of Fleet Bid No. 25-14-01.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration Award of Fleet Bid No. 25-14-01. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Award of Fleet Bid No. 25-14-01. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

18. Discuss and Consider reappointments to Library Advisory Board.

Councilmember Charles Whitaker, made a motion to reappoint Tonya Derrick and Miguel Mojica to Library Advisory Board. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

19. Discuss and Consider appointment to Planning and Zoning Commission.

Mayor Pro Tem Ricky Jordan, made a motion to reappoint Joe Hood, and to appoint Bruce Bryant to replace Tom Aldinger to Planning and Zoning Commission. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayses - None. Motion carried.

20. 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 551.087 - Deliberation Regarding Economic Development Negotiations.

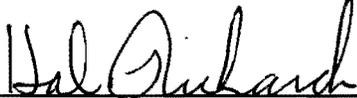
This item was passed by Council.

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

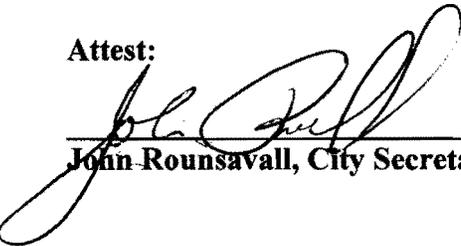
This item was passed by Council.

22. 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**