

## **SPECIAL CITY COUNCIL MEETING**

**May 29, 2014**

**6:00 P.M.**

A Special City Council Meeting of the Terrell City Council was held on Thursday, May 29, 2014, at 6:00 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 SANDRA WILSON**  
**COUNCILMEMBER #4 CHARLES WHITAKER**  
**COUNCILMEMBER #5 D.J. ORY**

1. Call to order.

Deputy Mayor Pro Tem D.J. Ory called meeting to order.

2. Invocation.

Councilmember Charles Whitaker gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting of May 15, 2014.

Councilmember Sandra Wilson made a motion to approve Meeting Minutes of Special City Council Meeting of May 15, 2014. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried. Mayor Hal Richards not available for vote.

### **NEW BUSINESS**

4. Discuss and Consider Selection of Mayor Pro Tem and Deputy Mayor Pro Tem.

Councilmember Charles Whitaker made a motion to table Selection of Mayor Pro Tem and Deputy Mayor Pro Tem. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried. Mayor Hal Richards not available for vote.

5. Discuss and Consider Resolution No. 770; A Resolution Of The City Council Of The City Of Terrell, Texas, Denying The Rate Increase Requested By ATMOS Energy Corp., Mid-Tex Division Under The Company's 2014 Annual Rate Review Mechanism Filing In All Cities Exercising Original Jurisdiction; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses Pertaining To Review Of The RRM; Authorizing The City's Participation With ATMOS Cities Steering Committee In Any Appeal Filed At The Railroad Commission Of Texas By The Company; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses In Any Such Appeal To The Railroad Commission; Determining That This Resolution Was Passed In Accordance With The

Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; And Requiring Delivery Of This Resolution To The Company And The Steering Committee's Legal Counsel.

John Rounsavall, City Secretary, presented to Council for discussion and consideration Resolution No. 770; A Resolution Of The City Council Of The City Of Terrell, Texas, Denying The Rate Increase Requested By ATMOS Energy Corp., Mid-Tex Division Under The Company's 2014 Annual Rate Review Mechanism Filing In All Cities Exercising Original Jurisdiction; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses Pertaining To Review Of The RRM; Authorizing The City's Participation With ATMOS Cities Steering Committee In Any Appeal Filed At The Railroad Commission Of Texas By The Company; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses In Any Such Appeal To The Railroad Commission; Determining That This Resolution Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; And Requiring Delivery Of This Resolution To The Company And The Steering Committee's Legal Counsel. Councilmember Sandra Wilson made motion to approve Resolution No. 770; A Resolution Of The City Council Of The City Of Terrell, Texas, Denying The Rate Increase Requested By ATMOS Energy Corp., Mid-Tex Division Under The Company's 2014 Annual Rate Review Mechanism Filing In All Cities Exercising Original Jurisdiction; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses Pertaining To Review Of The RRM; Authorizing The City's Participation With ATMOS Cities Steering Committee In Any Appeal Filed At The Railroad Commission Of Texas By The Company; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses In Any Such Appeal To The Railroad Commission; Determining That This Resolution Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; And Requiring Delivery Of This Resolution To The Company And The Steering Committee's Legal Counsel. Councilmember Tommy Spencer seconded the motion. Ayes - All. Nays - None. Motion carried. Mayor Hal Richards not available for vote.

6. Discuss Declaring Police Portable Handheld Radios as Surplus and a Request from the Crandall Police Department for City of Terrell Police Handheld Portable Radios.

Jody Lay, Chief of Police, presented to Council for discussion declaring Police Portable Handheld Radios as Surplus and a Request from the Crandall Police Department for City of Terrell Police Handheld Portable Radios. There was no action taken on this item.

7. Discuss Bid for Project 14-01, 2014 Pavement Maintenance Program.

Steve Rogers, City Engineer, presented to Council for discussion Bid for Project 14-01, 2014 Pavement Maintenance Program. There was no action taken on this item.

8. Discuss Construction Manager at Risk Contract for constructing the New Police Department Headquarters.

Mike Sims, Assistant City Manager; Jody Lay, Chief of Police; and Hal Sargent, presented to Council for discussion Construction Manager at Risk Contract for constructing the New Police Department Headquarters. There was no action taken on this item.

9. Discuss a recommendation to the Kaufman County Tax Office regarding the proposed resale of two (2) separate parcels held in trust by the County; being Lot 7B, Block 239, Terrell Revised Addition (Case N-371) and Lot 1, Block C, Kennedy Heights Addition (Case N-345); City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, presented to Council for discussion and recommendation to the Kaufman County Tax Office regarding the proposed resale of two (2) parcels; being Lot 7B, Block 239, Terrell Revised Addition (Case N-371) and Lot 1, Block C, Kennedy Heights Addition (Case N-345); City of Terrell, Kaufman County, Texas. There was no action taken on this item.

10. Discuss approval of an Acquiescence to Encroachment and authorize the City Manager to execute the document for filing in the Deed Records of Kaufman County. The subject property is located at 300 Ann Street, being part of Lot 1, Block 123 of the Western Addition, City of Terrell; and being the same land described in a deed to Jennifer L. Rabal as recorded in Volume 27, Page 198, Deed Records of Kaufman County, Texas.

Terry Capehart, Municipal Development Director, presented to Council for discussion approval of an Acquiescence to Encroachment and authorize the City Manager to execute the document for filing in the Deed Records of Kaufman County. The subject property is located at 300 Ann Street, being part of Lot 1, Block 123 of the Western Addition, City of Terrell; and being the same land described in a deed to Jennifer L. Rabal as recorded in Volume 27, Page 198, Deed Records of Kaufman County, Texas. There was no action taken on this item.

11. Discuss two new applications for participation in the CBD Facade Improvement Program.

Terry Capehart, Municipal Development Director, presented to Council for discussion two new applications for participation in the CBD Facade Improvement Program. There was no action taken on this item.

12. Discuss Councilmembers who will oversee selected Board vacancies.

Mayor Hal Richards discussed with Council for Councilmember Sandra Wilson to handle the Planning and Zoning Board and Hospital Board.

13. Discuss reappointment to Terrell Municipal Airport Board.

This item was passed by Council.

14. Discuss appointment/reappointment to Terrell Building Standards Commission.

This item was passed by Council.

15. Discuss appointment/reappointment to Terrell Park Board.

This item was passed by Council.

16. Discuss appointments/reappointment to Terrell Planning and Zoning Commission.

This item was passed by Council.

17. Discuss appointments/reappointments to Terrell Zoning Board of Adjustments. This item was passed by Council.

This item was passed by Council.

18. Discuss appointment to Animal Control Advisory Committee.

Jody Lay, Chief of Police, presented to Council for discussion appointment to Animal Control Advisory Committee. There was no action taken on this item.

19. Discuss setting date, time and location for City Council Budget Retreat.

Torry Edwards, City Manager, presented to Council for discussion setting date, time and location for City Council Budget Retreat for June 26-27, 2014, beginning at 9:00 a.m.

### **CONSENT AGENDA**

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2602 on second reading. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

20. Discuss and Consider Adoption On Second Reading Ordinance No. 2602; An Ordinance Of The City Of Terrell, Texas, Authorizing The City Of Terrell To Participate In The Texas Enterprise Zone Program Under The Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Providing Tax Incentives; Nominating Madix, Inc. To The Office Of The Governor Economic Development And Tourism Through The Economic Development Bank (The "Bank") For Designation As An Enterprise Project Under The Act; Designating A Liaison For Overseeing Enterprise Projects And Communicating With Interested Parties.

### **ORDINANCE NO. 2602**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE CITY OF TERRELL TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING TAX INCENTIVES; NOMINATING MADIX, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK (THE "BANK") FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE ACT; DESIGNATING A LIAISON FOR OVERSEEING ENTERPRISE PROJECTS AND COMMUNICATING WITH INTERESTED PARTIES.**

**WHEREAS**, the City of Terrell, Texas (the "City") desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the City and to provide employment to residents of those areas; and

**WHEREAS**, the project or activity is located in an area designated as an enterprise zone; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Act, Madix, Inc. (“Madix”) has applied to the City for designation as an enterprise project; and

**WHEREAS**, with proper notice to the public, a public hearing to consider this Ordinance was held on May 15, 2014, during a meeting of the Terrell City Council, in the City Council Chambers in the Terrell City Hall at which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the City Council have determined that passage of this Ordinance would best serve public health, necessity and convenience and the general welfare of the City and its citizens.

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

**SECTION 1.** As required by Section 2303.4051 (b) of the Act, the local incentives identified and summarized briefly in the attached Exhibit “ A”, at the election of the governing body, are or will be made available to the nominated Project or activity of the qualified business.

**SECTION 2.** The City finds that Madix, Inc. (“Madix”) meets the criteria for designation as an enterprise project under the Act on the following grounds:

- (a) Madix is a “qualified business” under Section 2303.402 of the Act because it is engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction located inside of an enterprise zone and at least twenty-five (25%) percent of its new employees at the qualified business site will be residents of an enterprise zone in this state or are economically disadvantaged individuals;
- (b) There has been and will continue to be a high level of cooperation between public, private and neighborhood entities within the jurisdiction of the City;
- (c) The designation of Madix as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area in which the enterprise project will be located; and

**SECTION 3.** The City nominates Madix as an Enterprise Project under the Act and designates the Mayor of the City of Terrell or his designee as liaison to oversee enterprise projects nominated by the City and to perform the other duties described in Section 2303.204 of the Act. The City authorizes the Mayor of the City of Terrell or his designee to file an application requesting designation of Madix as an Enterprise Project with the Bank, and to execute all documents and agreements necessary to process the application. Further, the City directs the Mayor of the City of Terrell or his designee to submit to the Bank the information required by Section 2303.4052 of the Act.

**SECTION 4.** That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five (5) years after date of designation.

**SECTION 8.** The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

**PASSED AND APPROVED ON THIS 15TH DAY OF MAY, 2014.  
PASSED AND ADOPTED ON THIS 29TH DAY OF MAY, 2014.**

**END OF CONSENT AGENDA**

21. 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.

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

This item was passed by Council.

23. Adjourn.

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

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Hal Richards, Mayor

Attest:

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**John Rounsavall, City Secretary**