

**REGULAR CITY COUNCIL MEETING****May 17, 2016****7:00 P.M.**

**A Regular City Council Meeting was held on Tuesday, May 17, 2016, 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 SANDRA WILSON  
 COUNCILMEMBER #4 CHARLES WHITAKER  
 COUNCILMEMBER #5 VACANT**

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Pastor Edward Valdez gave the opening prayer and Mayor Hal Richards led the Pledge of Allegiance.

3. Discuss and Consider Approval of Meeting Minutes of the Special City Council Meeting and Workshop of May 3, 2016 and the Regular City Council Meeting of May 3, 2016.

Councilmember Sandra Wilson made a motion to approve Meeting Minutes of the Special City Council Meeting and Workshop of May 3, 2016 and the Regular City Council Meeting of May 3, 2016. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

4. Conduct Canvass of Votes for Special Election Held May 7, 2016.

Councilmember Sandra Wilson and Mayor Pro Tem Charles Whitaker were appointed Canvas s of Votes fo r Special Election Held May 7, 2016. City Secretary John Rounsavall presented the Canvass.

	<b>Mail Ballots</b>	<b>Early Voting</b>	<b>Election Day</b>	<b>Total Votes Cast</b>
<b>Alex Bar-Sela</b>	3	28	9	40
<b>Stacey Browning</b>	22	123	24	169
<b>Tim Roysse</b>	29	317	105	451

5. Discuss and Consider Approval of Resolution No. 823; Approving the Canvass of Election Results of Special Election Held May 7, 2016.

Councilmember Sandra Wilson made a motion to approve Resolution No. 823; Approving the Canvass of Election Results of Special Election Held May 7, 2016. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

### **RESOLUTION NO. 823**

#### **A RESOLUTION CANVASSING THE SPECIAL ELECTION RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD ON MAY 7, 2016, IN TERRELL TEXAS, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER TO SERVE THE UNEXPIRED TERM OF CITY COUNCIL DISTRICT NO. 5**

**WHEREAS**, heretofore, the City Council of the City of Terrell, Texas, adopted a Resolution calling a special election to be held in said City on May 7, 2016, for the purpose of electing a member to serve on the City Council of the City of Terrell, Texas, in the unexpired term of City Council District No. 5; and

**WHEREAS**, the City Council Member for District No. 5 is to be elected for the unexpired term of (1) year; and

**WHEREAS**, said election was duly held at the time and at the places specified in the Resolution after due notice as required by law had been given; and

**WHEREAS**, there were a total of 660 ballots cast for City Council District No. 5 at said election; and

**WHEREAS**, only the qualified electors of the City of Terrell, Texas, were allowed to vote in said election.

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

The Special Election scheduled for May 7, 2016, was duly called and notice was given in accordance with the law and in accordance with the Resolution calling for said election.

The Special Election was held in accordance with applicable state statutes and ordinances of the City of Terrell, Texas, and the following votes were cast in the respective places designated.

<b>Mail</b>	<b>Early</b>	<b>Election</b>	<b>Total</b>
<b>Ballots</b>	<b>Voting</b>	<b>Day</b>	<b>Votes Cast</b>

<b>Alex Bar-Sela</b>	3	28	9	40
<b>Stacey Browning</b>	22	123	24	169
<b>Tim Royse</b>	29	317	105	451

That under and by virtue of the votes cast as designated above, Tim Royse is hereby declared to be duly elected to the office of City Council District No. 5, for the City of Terrell, Texas, to serve a term of one (1) year.

The proper officials are hereby authorized to administer Oath of Office and do all things necessary to install said elective official in his respective office.

**PASSED AND APPROVED** this 17th day of May, 2016.

6. Administer Oath of Office to Officers-Elect.

Mary Gayle Ramsey, City Attorney, administered the Oath of Office to Tim Royse, District 5 and D.J. Ory, Mayor.

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

Councilmember Sandra Wilson made a motion to appoint herself as Mayor Pro Tem and Mayor Pro Tem Charles Whitaker as Deputy Mayor Pro Tem. Deputy Mayor Pro Tem Tommy Spencer seconded the motion. Ayes – All. Nays – None. Motion Carried.

8. Hear Remarks from Visitors.

*This time is set aside on the agenda to invite any person to address the Council on issues not subject to a public hearing. Routine administrative matters are best discussed with the appropriate City Staff before bringing them to the Council. Speakers should limit their comments to 3 minutes and are asked to speak into the microphone provided, identifying themselves for the record. The total amount of time set aside for this place on the agenda is 15 minutes. Comments of a personal nature directed at the Council or Staff are inappropriate.*

Sam Bhatt – Presented Petition to Council and spoke against Ordinance No. 2658; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Ordinance No. 2612, Zoning Ordinance Of The City Of Terrell, Texas By Amending Article I V, Section 32 Use Regulations (Charts) Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District, To Add Check Cashing Businesses, Payday Advance/Loan Businesses And Car Title Loan Businesses In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.8; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.8 Requiring A Minimum Separation Of 1,000 Feet Between A Check Cashing Business, A Payday Advance/Loan Business, And/Or A Car Title Loan Business From A Residential Zoning District Boundary; Amending Section 44.1 Definitions, By Adding Definitions For The Check Cashing Business,

The Payday Advance/Loan Business And The Car Title Loan Business; Providing For Severability And Providing An Effective Date.

Edward Valdez, 607 Griffith Avenue, requested that Council stop the action on 305 Lee Street.

Jeff Woolverton, 520 Timberside, came before Council to request Council allow Troy Drollinger to repair 812 Griffith.

Troy Drollinger, 706 Griffith Avenue, presented to Council excerpts from the Local Government Code and City Code and claimed he was denied the opportunity to repair 812 Griffith Avenue.

Jody Lay, Police Chief, 506 Kings Creek, reminded Council that this week is Police Week and invited Council to attend the Memorial Service at the Performing Arts Center on Wednesday, May 18, 2016.

### **PUBLIC HEARING**

- 9.a. Conduct a Public Hearing to Receive Comments Regarding An Amendment to the Zoning Ordinance Of The City of Terrell, Texas, By Amending Article IV, Section 32 Use Regulations (Charts) Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District, To Add Check Cashing Businesses, Payday Advance/Loan Businesses And Car Title Loan Businesses In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.8; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.8 Requiring A Minimum Separation Of 1,000 Feet Between A Check Cashing Business, A Payday Advance/Loan Business, And/Or A Car Title Loan Business From A Residential Zoning District Boundary; Amending Section 44.1 Definitions, By Adding Definitions For The Check Cashing Business, The Payday Advance/Loan Business And The Car Title Loan Business; Providing For Severability And Providing An Effective Date.

Steve Rogers, City Engineer and Greg Shumpert, Assistant City Attorney, gave opening comments Regarding An Amendment to the Zoning Ordinance Of The City of Terrell, Texas, By Amending Article IV, Section 32 Use Regulations (Charts) Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District, To Add Check Cashing Businesses, Payday Advance/Loan Businesses And Car Title Loan Businesses In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.8; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.8 Requiring A Minimum Separation Of 1,000 Feet Between A Check Cashing Business, A Payday Advance/Loan Business, And/Or A Car Title Loan Business From A Residential Zoning District Boundary; Amending Section 44.1 Definitions, By Adding Definitions For The Check Cashing Business, The Payday Advance/Loan Business And The Car Title Loan Business; Providing For Severability And Providing An Effective Date. Mayor D.J. Ory Opened the Public Hearing. No one spoke in favor of the Amendment and no one spoke against the Amendment. Mayor D.J. Ory closed the Public Hearing.

- 9.b. Discuss and Consider Ordinance No. 2658; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Ordinance No. 2612, Zoning Ordinance Of The City Of Terrell, Texas By Amending Article IV, Section 32 Use Regulations (Charts) Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District, To Add Check Cashing Businesses, Payday Advance/Loan Businesses And Car Title Loan Businesses In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.8; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.8 Requiring A Minimum Separation Of 1,000 Feet Between A Check Cashing Business, A Payday Advance/Loan Business, And/Or A Car Title Loan Business From A Residential Zoning District Boundary; Amending Section 44.1 Definitions, By Adding Definitions For The Check Cashing Business, The Payday Advance/Loan Business And The Car Title Loan Business; Providing For Severability And Providing An Effective Date.

Mayor Pro Tem Sandra Wilson made a Motion to Approve on First Reading Ordinance No. 2658; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Ordinance No. 2612, Zoning Ordinance Of The City Of Terrell, Texas By Amending Article IV, Section 32 Use Regulations (Charts) Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District, To Add Check Cashing Businesses, Payday Advance/Loan Businesses And Car Title Loan Businesses In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.8; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.8 Requiring A Minimum Separation Of 1,000 Feet Between A Check Cashing Business, A Payday Advance/Loan Business, And/Or A Car Title Loan Business From A Residential Zoning District Boundary; Amending Section 44.1 Definitions, By Adding Definitions For The Check Cashing Business, The Payday Advance/Loan Business And The Car Title Loan Business; Providing For Severability And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 10.a. Conduct a Public Hearing to Receive Comments Regarding Granting A Specific Use Permit In The Retail (R) District To Allow A Contractor Office/Shop, With No Outside Storage Including Vehicles, Subject To Approval Of Site Plan, On Lot 1A, Block 61, Original Town, Terrell, Texas, And Being Located At 309 N. Virginia Street, Terrell, Texas; And Being The Southwest Corner Of North Virginia Street And East College Street; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Steve Rogers, City Engineer, gave opening comments Regarding Granting A Specific Use Permit In The Retail (R) District To Allow A Contractor Office/Shop, With No Outside Storage Including Vehicles, Subject To Approval Of Site Plan, On Lot 1A, Block 61, Original Town, Terrell, Texas, And Being Located At 309 N. Virginia Street, Terrell, Texas; And Being The Southwest Corner Of North Virginia Street And East College Street; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Mayor D.J. Ory Opened the Public Hearing. No one spoke in favor of the Amendment and no one spoke against the Amendment. Mayor D.J. Ory closed the Public Hearing.

- 10.b. Discuss and Consider Ordinance No. 2661; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow A Contractor Office/Shop, With No Outside Storage Including Vehicles, Subject To Approval Of Site Plan, On Lot 1A, Block 61, Original Town, Terrell, Texas, And Being Located At 309 N. Virginia Street, Terrell, Texas; And Being The Southwest Corner Of North Virginia Street And East College Street; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Mayor Pro Tem Sandra Wilson made a Motion to Approve on First Reading Ordinance No. 2661; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow A Contractor Office/Shop, With No Outside Storage Including Vehicles, Subject To Approval Of Site Plan, On Lot 1A, Block 61, Original Town, Terrell, Texas, And Being Located At 309 N. Virginia Street, Terrell, Texas; And Being The Southwest Corner Of North Virginia Street And East College Street; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 11.a. Conduct a Public Hearing to Receive Comments Regarding A Specific Use Permit In The Retail (R) District To Allow An Amusement Arcade Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Steve Rogers, City Engineer, gave opening comments Regarding A Specific Use Permit In The Retail (R) District To Allow An Amusement Arcade Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Mayor D.J. Ory Opened the Public Hearing. No one spoke in favor of the Specific Use Permit. No one spoke against the Specific Use Permit. Mayor D.J. Ory closed the Public Hearing.

- 11.b. Discuss and Consider Ordinance No. 2662; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow An Amusement Arcade Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract

As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Mayor Pro Tem Sandra Wilson made a Motion to Approve on First Reading Ordinance No. 2662; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow An Amusement Arcade Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 12.a. Conduct a Public Hearing to Receive Comments Regarding A Specific Use Permit In The Retail (R) District To Allow Billiards/Pool Tables Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Steve Rogers, City Engineer, gave opening comments Regarding A Specific Use Permit In The Retail (R) District To Allow Billiards/Pool Tables Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Mayor D.J. Ory Opened the Public Hearing.

Tom Aldinger, 505 Griffith Avenue, spoke in favor of the Specific Use Permit.

No one spoke against the Specific Use Permit.

Mayor D.J. Ory closed the Public Hearing.

- 12.b. Discuss and Consider Ordinance No. 2663; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow Billiards/Pool Tables Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Mayor Pro Tem Sandra Wilson made a Motion to Approve on First Reading Ordinance No. 2663; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow Billiards/Pool Tables Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Motion Carried.

- 13.a. Conduct a Public Hearing to Receive Comments Regarding Changing The Zoning Classification From Retail (R) To Multi-Family 22 (MF-22) District To Allow The Construction Of Attached Housing Units On Lots 3a, 4a, 4b And 4c, Block 90, Moore And Nash Addition, Terrell, Kaufman County, Texas, Being The Southwest Corner Of East Dallas Street And South Adelaide Street; Being Limited To A Maximum Of Eight (8) Dwelling Units And Height Restricted To One-Story Structures; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Steve Rogers, City Engineer gave opening comments Regarding Changing The Zoning Classification From Retail (R) To Multi-Family 22 (MF-22) District To Allow The Construction Of Attached Housing Units On Lots 3a, 4a, 4b And 4c, Block 90, Moore And Nash Addition, Terrell, Kaufman County, Texas, Being The Southwest Corner Of East Dallas Street And South Adelaide Street; Being Limited To A Maximum Of Eight (8) Dwelling Units And Height

Restricted To One-Story Structures; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Mayor D.J. Ory Opened the Public Hearing. No one spoke in favor of changing the zoning classification and no one spoke against of changing the zoning classification. Mayor D.J. Ory closed the Public Hearing.

- 13.b. Discuss and Consider Ordinance No. 2664; An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Retail (R) To Multi-Family 22 (MF-22) District To Allow The Construction Of Attached Housing Units On Lots 3a, 4a, 4b And 4c, Block 90, Moore And Nash Addition, Terrell, Kaufman County, Texas, Being The Southwest Corner Of East Dallas Street And South Adelaide Street; Being Limited To A Maximum Of Eight (8) Dwelling Units And Height Restricted To One-Story Structures; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Mayor Pro Tem Sandra Wilson made a Motion to Approve on First Reading Ordinance No. 2664; An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Retail (R) To Multi-Family 22 (MF-22) District To Allow The Construction Of Attached Housing Units On Lots 3a, 4a, 4b And 4c, Block 90, Moore And Nash Addition, Terrell, Kaufman County, Texas, Being The Southwest Corner Of East Dallas Street And South Adelaide Street; Being Limited To A Maximum Of Eight (8) Dwelling Units And Height Restricted To One-Story Structures; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Motion Carried.

#### **NEW BUSINESS**

14. Discuss and Consider Resolution No. 820; A Resolution Of The City Council Of The City Of Terrell, Texas, Supporting Construction Of Single-Family Homes In The Creekside Estates Addition Phase One And Authorizing The City Manager To Negotiate And Execute A Developer's Agreement With Terrell Creekside Development, L.P. And Terrell/Forest Creek Development, Inc.

Steve Rogers, City Engineer, presented to Council for Discussion and Consideration Consider Resolution No. 820; A Resolution Of The City Council Of The City Of Terrell, Texas, Supporting Construction Of Single-Family Homes In The Creekside Estates Addition Phase One And Authorizing The City Manager To Negotiate And Execute A Developer's Agreement With Terrell Creekside Development, L.P. And Terrell/Forest Creek Development, Inc. Mayor Pro Tem Sandra Wilson made a motion to approve Resolution No. 820; A Resolution Of The City Council Of The City Of Terrell, Texas, Supporting Construction Of Single-Family Homes In The Creekside Estates Addition Phase One And Authorizing The City Manager To Negotiate And Execute A Developer's Agreement With Terrell Creekside Development, L.P. And Terrell/Forest Creek Development, Inc. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None.

#### **RESOLUTION NO. 820**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, SUPPORTING CONSTRUCTION OF SINGLE-FAMILY HOMES IN THE CREEKSIDE ESTATES ADDITION PHASE ONE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A DEVELOPER'S AGREEMENT WITH TERRELL CREEKSIDE DEVELOPMENT, L.P. AND TERRELL/FOREST CREEK DEVELOPMENT, INC.**

**WHEREAS**, on June 19, 2012, the Terrell City Council approved Resolution No. 716, establishing the Residential Economic Incentive Program within the City of Terrell, Texas; and

**WHEREAS**, on April 27, 2015, acting under approval from the Terrell City Council, the City entered into a Developer's Agreement with Briarwood Building and Development, LLC; and

**WHEREAS**, Terrell Creekside Development, L.P. and Terrell/Forest Creek Development, Inc. have requested a similar Developer's Agreement for the remaining lots in the Creekside Estates Addition Phase One development; and

**WHEREAS**, the City Council believes it to be in the best interest of the citizens of the City of Terrell to continue to incent quality residential development and wishes to have consistent requirements for the residential lots as described in Exhibit "A", the "Property"; and

**WHEREAS**, plans have been submitted as described in Exhibit "B", "The Plans", which the City desires to pre-approve for Creekside Estates Addition Phase One.

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

1. The City Manager of the City of Terrell is authorized to negotiate and execute a Developer's Agreement with Terrell Creekside Development, L.P. and Terrell/Forest Creek Development, Inc. for all lots shown in Exhibit "A" not already covered by Developer's Agreement.
2. The plans shown in Exhibit "B" shall be considered pre-approved for the property shown in Exhibit "A";
3. This Resolution shall take effect immediately from and after its passage.

**PASSED AND APPROVED by the City Council of the City of Terrell, Texas, this the 17th day of May, 2016.**

15. Discuss and Consider Ordinance No. 2660; An Ordinance Of The City Council Of The City Of Terrell, Texas, Approving A Negotiated Settlement Between The Atmos Cities Steering Committee ("ACSC") And Atmos Energy Corp., Mid-Tex Division Regarding The Company's 2016 Rate Review Mechanism Filings; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement; Finding The Rates To Be Set By The Settlement Tariffs To Be Just

And Reasonable And In The Public Interest; Requiring The Company To Reimburse ACSC's Reasonable Ratemaking Expenses; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act;

Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The ACSC's Legal Counsel.

John Rounsavall, City Secretary, Presented To Council For Discussion And Consideration Ordinance No. 2660; An Ordinance Of The City Council Of The City Of Terrell, Texas, Approving A Negotiated Settlement Between The Atmos Cities Steering Committee ("ACSC") And Atmos Energy Corp., Mid-Tex Division Regarding The Company's 2016 Rate Review Mechanism Filings; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement; Finding The Rates To Be Set By The Settlement Tariffs To Be Just And Reasonable And In The Public Interest; Requiring The Company To Reimburse ACSC's Reasonable Ratemaking Expenses; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The ACSC's Legal Counsel. Mayor Pro Tem Sandra Wilson Made A Motion To Approve On First Reading Ordinance No. 2660; An Ordinance Of The City Council Of The City Of Terrell, Texas, Approving A Negotiated Settlement Between The Atmos Cities Steering Committee ("ACSC") And Atmos Energy Corp., Mid-Tex Division Regarding The Company's 2016 Rate Review Mechanism Filings; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement; Finding The Rates To Be Set By The Settlement Tariffs To Be Just And Reasonable And In The Public Interest; Requiring The Company To Reimburse ACSC's Reasonable Ratemaking Expenses; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The ACSC's Legal Counsel. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

16. Discuss and Consider Ordinance No. 2665; An Ordinance Of The City Of Terrell, Texas, Amending Section 12-1 Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To Mandatory Water And Sewer Connections; Providing For Criminal And Civil Penalties; Providing For Injunctive Relief; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

John Rounsavall, City Secretary, Greg Shumpert, Assistant City Attorney, and Torry Edwards, City Manager, presented to Council for Discussion and Consideration Ordinance No. 2665; An Ordinance Of The City Of Terrell, Texas, Amending Section 12 -1 Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To Mandatory Water And Sewer Connections; Providing For Criminal And Civil Penalties; Providing For Injunctive Relief; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Mayor Pro Tem Sandra Wilson made a motion to Approve On First Reading Ordinance No. 2665; An Ordinance Of The City Of Terrell, Texas, Amending Section 12 -1 Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To Mandatory Water And Sewer Connections; Providing For Criminal And Civil Penalties; Providing For Injunctive Relief; Providing For Repeal Of Conflicting Ordinances; Providing For Severability

And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

17. Discuss And Consider Resolution No. 824 Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-TX And #4255-DR-TX And Authorizing The City Manager Or His Designee To Negotiate, Execute And Implement FEMA Project Worksheets As Set Forth On Exhibits “A” And “B” .

Glenn Caldwell, Director of Public Services, presented to Council for Discussion and Consideration Resolution No. 824 Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-TX And #4255-DR-TX And Authorizing The City Manager Or His Designee To Negotiate, Execute And Implement FEMA Project Worksheets As Set Forth On Exhibits “A” And “B”. Mayor Pro Tem Sandra Wilson made a motion to approve Resolution No. 824 Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-TX And #4255-DR-TX And Authorizing The City Manager Or His Designee To Negotiate, Execute And Implement FEMA Project Worksheets As Set Forth On Exhibits “A” And “B”. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

#### **RESOLUTION NO. 824**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING CITY PARTICIPATION IN FEMA COST SHARE PROJECTS WHICH PROVIDE FOR DISASTER RECOVERY AND DISASTER MITIGATION FROM DISASTER DECLARATION #4223-DR-TX AND #4255-DR-TX AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE, EXECUTE AND IMPLEMENT FEMA PROJECT WORKSHEETS AS SET FORTH ON EXHIBITS “A” AND “B”**

**WHEREAS**, on January 26, 2016, Governor Abbott requested Federal assistance, certifying that the severe weather and flooding event that began on December 26, 2015, has caused a federally eligible disaster in forty-seven (47) Texas counties; and

**WHEREAS**, on February 9, 2016, President Obama granted this request for funds to assist in recovery and established Disaster Declaration 4223-DR-TX and 4255-DR-TX; and

**WHEREAS**, the City Council of the City of Terrell, Texas, adopted Resolution No. 803 Hazard Mitigation Action Plan on September 15, 2015, to be eligible for the full range of pre-disaster and post-disaster Federal funding for mitigation purposes and public assistance repairs; and

**WHEREAS**, the City of Terrell, Texas, is eligible for assistance under Disaster Declaration 4223-DR-TX and 4255-DR-TX at the rate of 75% federal funds and 25% local funds; and

**WHEREAS**, on October 6, 2105, the Terrell City Council authorized City staff to retain H2O Partners to assist with the Grant Applications for Public Assistance; and

**WHEREAS**, the attached Exhibit “A”: Project Worksheet TER006C has been accepted by the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit “B”: Project Worksheet TER001F has been accepted by the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget.

**NOW THEREFORE BE IT RESOLVED THAT:**

Section 1: The City of Terrell, Texas, is hereby authorized to participate in FEMA cost share projects as identified in Exhibits “A” and “B” which provide for disaster recovery and disaster mitigation from Disaster Declaration 4223-DR-TX and 4255-DR-TX.

Section 2: The City Manager, or his designee, is authorized to negotiate, execute, and implement FEMA Project Worksheets as identified in Exhibits “A” and “B”.

**PASSED AND APPROVED** this 17th day of May, 2016.

18. Discuss And Consider Resolution No. 825 Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-TS And #4255-DR-TX And Authorizing The City Manager Or His Designee To Negotiate, Execute And Implement FEMA Project Worksheets As Set Forth On Exhibits “A” Through “H”.

Glenn Caldwell, Director of Public Services, presented to Council for Discussion and Consideration Resolution No. 825 Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-TS And #4255-DR-TX And Authorizing The City Manager Or His Designee To Negotiate, Execute And Implement FEMA Project Worksheets As Set Forth On Exhibits “A” Through “H”. Mayor Pro Tem Sandra Wilson made a motion to approve Resolution No. 825 Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-TS And #4255-DR-TX And Authorizing The City Manager Or His Designee To Negotiate, Execute And Implement FEMA Project Worksheets As Set Forth On Exhibits “A” Through “H”. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

**RESOLUTION NO. 825**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING CITY PARTICIPATION IN FEMA COST SHARE PROJECTS WHICH PROVIDE FOR DISASTER RECOVERY AND DISASTER MITIGATION FROM DISASTER DECLARATION #4223-DR-TX AND #4255-DR-TX AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE, EXECUTE AND IMPLEMENT FEMA PROJECT WORKSHEETS AS SET FORTH EXHIBITS “A” THROUGH “H”**

**WHEREAS**, on January 26, 2016, Governor Abbott requested Federal assistance, certifying that the severe weather and flooding event that began on December 26, 2015, has caused a federally eligible disaster in forty-seven (47) Texas counties; and

**WHEREAS**, on February 9, 2016, President Obama granted this request for funds to assist in recovery and established Disaster Declaration 4223-DR-TX and 4255-DR-TX; and

**WHEREAS**, the City Council of the City of Terrell, Texas, adopted Resolution No. 803 Hazard Mitigation Action Plan on September 15, 2015, to be eligible for the full range of pre-disaster and post-disaster Federal funding for mitigation purposes; and

**WHEREAS**, the City of Terrell, Texas, is eligible for assistance under Disaster Declaration 4223-DR-TX and 4255-DR-TX at the rate of 75% federal funds and 25% local funds; and

**WHEREAS**, on October 6, 2015, the Terrell City Council authorized City staff to retain H2O Partners to assist with Grant Applications for Hazard Mitigation; and

**WHEREAS**, the attached Exhibit “A”: Project Worksheet TER008C has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit “B”: Project Worksheet TER010C has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit “C”: Project Worksheet TER011C has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit “D”: Project Worksheet TER002E has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit “E”: Project Worksheet TER001C has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit "F": Project Worksheet TER002C has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit "G": Project Worksheet TER003C has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget; and

**WHEREAS**, the attached Exhibit "H": Project Worksheet TER004C has been accepted to the federal review process and the local match is available in the Fiscal Year 2016 - 2017 budget.

**NOW THEREFORE BE IT RESOLVED THAT:**

Section 1: The City of Terrell, Texas, is hereby authorized to participate in FEMA cost share projects as identified in Exhibits "A", "B", "C", "D", "E", "F", "G" and "H", which provide for disaster recovery and disaster mitigation from Disaster Declaration 4223-DR-TX and 4255-DR-TX.

Section 2: The City Manager, or his designee, is authorized to negotiate, execute, and implement FEMA Project Worksheets as identified in Exhibits "A", "B", "C", "D", "E", "F", "G" and "H".

**PASSED AND APPROVED** this 17th day of May, 2016.

19. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:

a. 551.071 - Consultations with Attorney - Pending or Contemplated Litigation.

Council passed this item.

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

Council passed this item.

21. Adjourn.

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

---

**DJ Ory, Mayor**

**Attest:**

---

**John Rounsavall, City Secretary**