

AGENDA

Regular City Council Meeting

6:00 PM - Tuesday, July 19, 2022

City Council Chambers, 201 E. Nash Street, Terrell, TX



Mayor Rick Carmona

Council Members

District 2 - Grady Simpson

District 3 - Mayrani Velazquez, Mayor Pro-Tem

District 4 - Stephanie Holmes-Thomas,
Deputy Mayor Pro-Tem

District 5 - Tim Royse

City Manager Mike Sims

NOTICE IS HEREBY GIVEN that the Terrell City Council will conduct a Regular City Council Meeting at 6:00 p.m. on Tuesday, July 19, 2022, at Terrell City Hall located at 201 East Nash Street. The meeting is open to the public with limited seating in the Council Chambers. Recommendations of the CDC regarding social distancing will be practiced during the course of the public meeting to slow the spread of the Coronavirus (COVID-19).

If you choose not to attend in person and you wish to submit public comments, email support@cityofterrell.org and title the email "Public Comment". All public comments submitted by 12:00 pm on Tuesday, July 19, 2022 will be provided to the City Council members and read into the record for the Tuesday, July 19, 2022 City Council Meeting.

Page

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.

4. MAYOR AND COUNCIL COMMUNITY RECOGNITION AND EVENTS

5. 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. Prior to the meeting, please complete a "Citizen Participation Form" and present it to the City Secretary. In accordance with the Texas Open Meetings Act, Section 551.042, the City Council cannot discuss, consider, or take action on matters not listed on the agenda. 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.

6. ADOPTION OF MINUTES

- 6.1. Discuss and Consider the Minutes from the Regular City Council Meeting on July 12, 2022. 5 - 7
[Regular City Council - Jul 12 2022 - Minutes - Pdf](#)

7. BOARDS AND COMMISSIONS

- 7.1. Discuss Appointment to the Zoning Board of Adjustments. 8 - 16
[council board responsibilities](#)
[Carolyn Fairley email](#)
[ZBA](#)
[S. Browning](#)
[K. Burns](#)
[S. Fuller](#)
- 7.2. Discuss and Consider Appointment to Planning and Zoning Commission. 17 - 24
[council board responsibilities](#)
[R. Juarez email](#)
[P-Z](#)
[S. Browning](#)
[K. Burns](#)
[S. Fuller](#)

8. DISCUSSION ITEMS

- 8.1. Discuss FY23 Labor Cost Considerations.

- 8.2. Discuss Budget Schedule and Upcoming Meeting Schedule. 25 - 29
[Budget Schedule 2022-2023](#)
[July-Sept 2022 calendar](#)

9. BUSINESS ITEMS

- 9.1. Discuss and Consider Ordinance No. 2914, An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Chapter 4, Building Regulations, By The Addition Of Section 4-37, Rental Registration; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; Providing A Penalty; And Providing An Effective Date. 30 - 37
[Proposed Rental Registration Ordinance Ordinance No. 2914](#)
- 9.2. Discuss and Consider Memorandum of Understanding Between the City of Terrell and Tellus Texas II, LLC and MC Trilogy Texas, LLC. 38 - 48
[Terrell Brushy Creek MOU, 07-13-22](#)
- 9.3. Discuss and Consider Resolution No. 2006, A Resolution Of The City Council Of The City Of Terrell, Texas Approving The Recommendation Of The Tax Increment Reinvestment Zone No. 1 Board Of Directors Authorizing Funding For Downtown Project Office. 49 - 53
[Terrell-Downtown Projects-Overview Map 20220509](#)
[Resolution No. 2006](#)
[TIF Resolution No 2022-2](#)

10. ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH SECTION 551 OF THE TEXAS GOVERNMENT CODE TO DISCUSS THE FOLLOWING:

Section 551.071 Consultation With Attorney.
Section 551.072 Deliberations Regarding Real Property.
Section 551.074 Personnel Matters.
Section 551.087 Deliberations Regarding Economic Development Negotiations.

11. RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ITEMS DISCUSSED IN EXECUTIVE SESSION.

12. ADJOURN.

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the Governing Body of the City of Terrell is a true and correct copy of said NOTICE, which has been posted on the front OUTDOOR BULLETIN BOARD CABINET FOR AGENDAS of the Terrell City Hall, Terrell, Texas, a place convenient and readily accessible to the General Public and on the website at cityofterrell.org, and which has been continuously posted for a period of seventy-two (72) hours prior to the date and time said meeting was convened.
Posted Friday, July 15, 2022 –5:00 p.m.

Dawn Steil, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 972-551-6600 for further information. Braille is not available.

Council Reserves the Right to Adjourn into Executive Session to Seek Legal Counsel on a Matter Which the Canon of Legal Ethics Demands to Preserve the Attorney-Client Privilege Pursuant to Section 551.071(2) of the Texas Government Code.



MINUTES

Regular City Council Meeting

6:00 PM - Tuesday, July 12, 2022

City Council Chambers, 201 E. Nash Street, Terrell, TX

The City of Terrell City Council conducted a Regular City Council meeting on Tuesday, July 12, 2022 at 6:00 PM in the City Council Chambers, 201 E. Nash Street, Terrell, TX.

COUNCIL PRESENT: Mayor Rick Carmona
District 2 Grady Simpson
Mayor Pro-Tem, District 3 Mayrani Velazquez
Deputy Mayor Pro-Tem, District 4 Stephanie Holmes-Thomas
District 5 Tim Royse

COUNCIL ABSENT:

STAFF PRESENT: City Manager Mike Sims
City Secretary Dawn Steil
Assistant City Attorney Greg Shumpert

1 CALL TO ORDER

Mayor Rick Carmona called the meeting to order.

2 INVOCATION

Charles Whitaker, former Council Member District 4, gave the invocation.

3 PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.

Mayor Rick Carmona led the pledge.

4 MAYOR AND COUNCIL COMMUNITY RECOGNITION AND EVENTS

City Manager Mike Sims recognized Alegia Allen, Provost, Trinity Valley Community College, Terrell Campus, had a retirement ceremony on Monday, July 11, 2022.

The City of Terrell is currently recruiting for the City Engineer position through SGR and the information is on their website. We will be recruiting for a Finance Manager as well very soon.

5 HEAR REMARKS FROM VISITORS.

Kathy Bell, Terrell Senior Terraces, voiced her concerns over rising rent and other increasing costs that could cause some seniors in our community to be homeless.

6 ADOPTION OF MINUTES

- a) Discuss and Consider the Minutes from the Regular City Council Meeting on July 5, 2022.

Grady Simpson moved to approve the Minutes of the Regular City Council Meeting on July 5, 2022, with Stephanie Holmes-Thomas seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, Stephanie Holmes-Thomas, and Tim Royse

7 BOARDS AND COMMISSIONS

- a) Discuss and Consider Terrell Economic Development Corporation Board Appointment.

Rick Carmona moved to appoint Shameta Wilson to the Terrell Economic Development Corporation Board, with Grady Simpson seconding the motion. Carried by the following votes:

Ayes: Rick Carmona, Grady Simpson, Mayrani Velazquez, Stephanie Holmes-Thomas, and Tim Royse

8 BUSINESS ITEMS

- a) Discuss and Consider FY21 City of Terrell Audit.

Clayton Rogers representing Patillo, Brown & Hill presented this item to Council for discussion and consideration.

Tim Royse moved to accept the FY21 City of Terrell Audit as presented, with Stephanie Holmes-Thomas seconding the motion. Carried by the following votes:

Ayes: Rick Carmona, Grady Simpson, Mayrani Velazquez, Stephanie Holmes-Thomas, and Tim Royse

9 DISCUSSION ITEMS

- a) Discuss Tyler Technologies Project.

John Cross, True North, presented this item to Council for discussion. Consultants Kashonna Conner and Damon Holzer were introduced to Council.

- b) Discuss Monthly Financial Report.

Director of Housing/Finance Jamarcus Ayers presented this item to Council for discussion.

- c) Discuss Preliminary FY23 Budget.

City Manager Mike Sims presented this item to Council for discussion.

- d) Discuss FY23 Budget Schedule.

City Secretary Dawn Steil presented this item to Council for discussion.

- e) Discuss Rental Registration Ordinance.

City Manager Mike Sims presented this item to Council for discussion.

- f) Discuss Updating Breezy Hill Community Center Policy.

Passed.

10 ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH SECTION 551 OF THE TEXAS GOVERNMENT CODE TO DISCUSS THE FOLLOWING:

Section 551.071 Consultation With Attorney - Pending or Contemplated Litigation.

ITEM 6.1.

Draft

Section 551.072 Deliberations Regarding Real Property.

Section 551.074 Personnel Matters.

Section 551.087 Deliberations Regarding Economic Development Negotiations.

11 RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ITEMS DISCUSSED IN EXECUTIVE SESSION.

No action taken.

12 ADJOURN.

E. Rick Carmona, Mayor

Attest:

Dawn Steil, City Secretary

Council Board Responsibilities

Board	Council Member
Airport	Rick Carmona
Animal Advisory Board	Grady Simpson
Building Standards	Tim Royse
Civil Service	Grady Simpson
Economic Development	Rick Carmona
Library	Stephanie Holmes-Thomas
Park	Tim Royse
Zoning Board of Adjustments	Tim Royse
TIF/Power Center	Mayrani Velazquez
Planning and Zoning	Mayrani Velazquez



Dawn Steil <dsteil@cityofferrell.org>

Email or Letter

2 messages

J Potts <jpotts@cityofferrell.org>
To: realtorcarolynfairley@gmail.com
Cc: Dawn Steil <dsteil@cityofferrell.org>

Mon, Jun 20, 2022 at 4:25 PM

Mrs. Fairley,

Can you please send me an email or letter stating that you have resigned from the ZBA board at the City of Terrell.

Thank you,

J. Lee Potts
City of Terrell
Code Compliance Manager
972-551-6600 Ext 2063

J Potts <jpotts@cityofferrell.org>
To: Dawn Steil <dsteil@cityofferrell.org>

Tue, Jun 21, 2022 at 11:45 AM

FYI

Thanks,

J. Lee Potts
City of Terrell
Code Compliance Manager
972-551-6600 Ext 2063

----- Forwarded message -----
From: <realtorcarolynfairley@gmail.com>
Date: Tue, Jun 21, 2022 at 11:38 AM
Subject: RE: Email or Letter
To: J Potts <jpotts@cityofferrell.org>

Yes of course,

To all concerned please accept this email as my notice of resignation from the ZBA Board of Terrell. I have thoroughly enjoyed my time serving Terrell on the many boards that I have been on and have learned so much. I will miss my city of Terrell!

Jay- thanks for your kindness and hard work !!

Carolyn Fairley
Oakley Real Estate
Realtor

6/21/22 2:29 PM

City of Terrell Mail - Email or Letter

ITEM 7.1:
972-322-1990

[Quoted text hidden]

ITEM 7.1.

Member	Contact Information	Term Count	Appointed Re-Appointed	Term Expiration	Attendance Present	Attendance Absent
					1/1/2020	12/31/2020
Zoning Board of Adjustments						
Jimmy Cooper CHAIRMAN (10/26/2020) Original appointment date - Jan. 3, 2017 Replaced Stacey Browning who was not reappointed.	222 Elm Drive Terrell, TX 75160 M: 972-955-8736 EM: jim@jarepllc.com	3	5/18/2021	May-23	6	0
Matthew Hancock originally appointed 2-23-2021	220 Griffith Ave Terrell, TX 75160 T: 469-223-5040 EM: cphippity@aol.com	1	2/23/2021	Feb-23	0	0
Dr. Kameka Miller Orig. Appt. Date - 2/5/19 to replace Dawn Steil who resigned 11/9/18 due to City of Terrell employment	ADDRESS Terrell, Texas 75160 C: 601-720-2828 W: EM:	2	5/18/2021	May-23	2	4
Dr. John Kegerreis-replaced Jerry Yates	402 Griffith Avenue Terrell, TX 75160 214-632-7276 keger3@sbcglobal.net	1	11/16/2021	Nov-23	0	0
Ashley Carmona Fivecoat originally appointed 2-23-2021 Replaced Gene Glaeser who termed out	1007 Griffith Ave. Terrell, TX 75160 C: 214-537-1155 EM: ashley5coat@gmail.com	1	2/23/2021	Feb-23	0	0
Carolyn Fairley Appointed 10/20/20, replaced Bill Sweazea who did not seek a 3rd term	1007 N. Frances Terrell, TX 75160 C: 972-322-1990 EM: realtorcarolynfairley@gmail.com	1	10/10/2020	Oct-22	2	0

ITEM 7.1.

Karen Jones VICE-CHAIRMAN (10/26/2020)	150 Redwood Lane Terrell, Texas 75160 C: 469-474-9719 H: 972-524-1499 EM: TISDWife@yahoo.com	3	5/18/2021	May-23	5	1
(3) Terms: 2 years Quorum: 4 members Ordinance 2357						
Request Reappointment						
Needs Replacement						
2011 Honorees:						
Chris Simpson						
Frank Finan						

First Name	Stacey
Last Name	Browning
Home Phone	214-207-7007
Mobile	214-207-7007
Email	staceybrowning@ebby.com
Address	121 Lexington Dr
City	Terrell
State	Texas
Zip Code	75160
Occupation	Realtor
Resident of Terrell?	Yes
If Yes, How Many Years?	8
Qualifications	Am familiar with the real estate market, founded the community service organization - Daughters of the American Revolution, served one term on ZBA, attended Terrell Citizens University
Special Qualifications	Terrell Citizens University
Board Preference Rating	1

Not Eligible	
Appointed to Board	No
First Name	Karen
Last Name	Burns
Email	karen.burns@vca.com
Address	1015 Ross
City	Terrell
State	Texas
Zip Code	75160
Occupation	Animal Hospital Manager
Resident of Terrell?	Yes
If Yes, How Many Years?	10
Airport Board	
Civil Services Board	
Building Standards Board	
Library Board	
Tax Increment Financing Reinvestment Number 1 Board	
Parks Board	
Planning and Zoning Commission	1
Economic Development Corporation	
Zoning Board of Adjustments	
Kaufman County Appraisals	

ITEM 7.1.

Park and Downtown Improvements Corporation	
Qualifications	Active community member. 2 children. Past Parks Board involvement and President of the youth soccer assoc for many years. Past involvement with TISD cheer parents.
Special Qualifications	Attended None of These
Notes	
Admin Notes	

First Name	Stephanie
Last Name	Fuller
Home Phone	
Mobile	2143847025
Email	storm_trpr27@yahoo.com
Address	305 Runnells
City	Terrell
State	Texas
Zip Code	75160
Occupation	Education
Resident of Terrell?	Yes
If Yes, How Many Years?	5
Qualifications	=>Native Terrell Resident/Homegrown =>20+ years in Education (as a teacher, administrator, and central office) =>Able to problem-solve =>Clear and concise decision-making skills =>Time to devote to the board itself and to the responsibilities that come with the position
Special Qualifications	Terrell Citizens University
Board Preference Rating	1

Council Board Responsibilities

Board	Council Member
Airport	Rick Carmona
Animal Advisory Board	Grady Simpson
Building Standards	Tim Royse
Civil Service	Grady Simpson
Economic Development	Rick Carmona
Library	Stephanie Holmes-Thomas
Park	Tim Royse
Zoning Board of Adjustments	Tim Royse
TIF/Power Center	Mayrani Velazquez
Planning and Zoning	Mayrani Velazquez

ITEM 7.2.

----- Forwarded message -----

From: rosi [fun-folks-unlimited.com](mailto:rosi@fun-folks-unlimited.com) <rosi@fun-folks-unlimited.com>

Date: Fri, Apr 29, 2022 at 5:27 PM

Subject: Re: Planning and Zoning Commission

To: Omayra Mata <omata@cityoferrell.org>

Thanks for the info Omayra. I do not wish to be re-appointed. Thank you for the opportunity to serve and I will move on to another Board when they have openings.

Rosi

ITEM 7.2.

Member	Contact Information	Term Count	Appointed / Re-App't'd	Term Expiration	Attendance Present	Attendance Absent
					1/1/2020	12/31/2020
Planning & Zoning Commission						
Rosi Jaurez Original Appointment 9/19/2017	204 Heath Terrell, TX 75160 H: M: 713-818-5328 EM: rosi@fun-folks-unlimited.com	2	4/1/2020	Apr-22	12	1
Jenny Heisel Vice-Chairman Original Appt. Date - 11/15/2016 Vice- Chairman elect 7/23/2020	302 Lovers Lane Terrell, TX 75160 T: 972-563-6408 M: 214-384-3031 EM: jenny.heisel@suddenlink.net	3	5/18/2021	May-23	11	2
Jorge Vargas originally appointed 11-17-2020 replaced Vickie Anderson who termed out	810 E. College Street Terrell, Texas 75160 M: 469-474-5245 EM: sgtvargas74@yahoo.com	1	11/17/2020	Nov-22	1	
Gabriel Cabrera originally appointed 2-23-2021 replaced Carolyn A. Wimberly who was not reappointed	408 S Frances Street Terrell, TX 75160 M: 214-948-4242 W: EM: gabriel.cabrera@dallascityhall.com	1	2/23/2021	Feb-23	0	0
Trini B. Jones Original appointment date - 10/20/2015	136 E. McCoulskey Terrell, TX 75160 M: 469-343-8245 EM: trinibjones@gmail.com	3	5/18/2021	May-23	11	2

ITEM 7.2.

Garrett Carlisle Original Appointment June 30, 2020 to replace Carolyn Fairley who termed out	307 Talty Road Terrell, TX 75160 C: 972-489-6456 EM: garrett@cliffviewassetgroup.com	1	6/30/2020	Jun-22	5	0
Clint Howie Original Appointment: August 10, 2021 to replace Stephanie Thomas who was elected to City Council.	827 Griffith Avenue Terrell, TX 75160 M: 214-534-8468 EM: clint.howie@theshopsatterrell.com	2	8/10/2021	Aug-23	9	4
Danny Stephens- CHAIRMAN Orig. Appt. Date - 1/5/17	307 W. Moore Ave Terrell, Texas 75160 T: 972-524-5025 C: 214-926-9204 EM: dannystephens@sbcglobal.net	3	5/18/2021	May-23	11	2
Joe Hood - Replaced Jerry Yates term out.	506 Fox Terrell, TX 75160 T: 972-977-7507 W: C: 972-977-7505 EM: cmdrjoehood@yahoo.com	3	8/10/2021	Aug-23	11	2
9 members (3) Terms: 2 years 4th Tuesday of each month Quorum: 5 members Ordinance 2350						
Request Reappointment						
Needs a Replacement						

First Name	Stacey
Last Name	Browning
Home Phone	214-207-7007
Mobile	214-207-7007
Email	staceybrowning@ebby.com
Address	121 Lexington Dr
City	Terrell
State	Texas
Zip Code	75160
Occupation	Realtor
Resident of Terrell?	Yes
If Yes, How Many Years?	8
Qualifications	Am familiar with the real estate market, founded the community service organization - Daughters of the American Revolution, served one term on ZBA, attended Terrell Citizens University
Special Qualifications	Terrell Citizens University
Board Preference Rating	1

Not Eligible	
Appointed to Board	No
First Name	Karen
Last Name	Burns
Email	karen.burns@vca.com
Address	1015 Ross
City	Terrell
State	Texas
Zip Code	75160
Occupation	Animal Hospital Manager
Resident of Terrell?	Yes
If Yes, How Many Years?	10
Airport Board	
Civil Services Board	
Building Standards Board	
Library Board	
Tax Increment Financing Reinvestment Number 1 Board	
Parks Board	
Planning and Zoning Commission	1
Economic Development Corporation	
Zoning Board of Adjustments	
Kaufman County Appraisals	

ITEM 7.2.

Park and Downtown Improvements Corporation	
Qualifications	Active community member. 2 children. Past Parks Board involvement and President of the youth soccer assoc for many years. Past involvement with TISD cheer parents.
Special Qualifications	Attended None of These
Notes	
Admin Notes	

First Name	Stephanie
Last Name	Fuller
Home Phone	
Mobile	2143847025
Email	storm_trpr27@yahoo.com
Address	305 Runnells
City	Terrell
State	Texas
Zip Code	75160
Occupation	Education
Resident of Terrell?	Yes
If Yes, How Many Years?	5
Qualifications	=>Native Terrell Resident/Homegrown =>20+ years in Education (as a teacher, administrator, and central office) =>Able to problem-solve =>Clear and concise decision-making skills =>Time to devote to the board itself and to the responsibilities that come with the position
Special Qualifications	Terrell Citizens University
Board Preference Rating	1

**CITY OF TERRELL
BUDGET SCHEDULE
Fiscal Year 2022-2023**

1. City Council Preliminary Budget Discussions	June/July Tuesday evenings (various)
2. Receive Certified Values from KCAD	July 25, 2022
3. a. Draft Budget Sent to Council and Posted on Website b. Post Tax Rate on Website (on comptroller's form)	July 28, 2022
4. Council Retreat – FY 2022-2023 Budget	August 4-5, 2022
5. a. Council Discussion of Draft Budget b. Resolution for publication of public hearing for tax rate c. Send Public Hearing for tax rate to Tribune for 8/14 edition and post on website	August 9, 2022
6. Send Budget Public Hearing Notice to Tribune for 8/21 edition	August 16, 2022
7. a. Council Review of Draft Budget b. Public Hearing for Tax Rate c. First Reading Tax Rate Ordinance (vote by roll call) d. Adoption of Tax Rate Ordinance. Must approve M&O and I&S rates separately – make separate items on agenda	August 23, 2022
8. Council Discussion of Final Budget	August 30, 2022
9. a. Public Hearing for Budget b. First Reading Budget Ordinance	September 6, 2022
10. a. Adoption of Budget Ordinance on Second Reading. Post on website with cover page. b. Public Hearing for Water & Wastewater Rates c. First Reading Water, Wastewater, and Stormwater Rates Ordinance	September 13, 2022
11. Adoption of Water, Wastewater, and Stormwater Rates Ordinance on Second Reading	September 20, 2022
12. New Fiscal Year	October 1, 2022

ITEM 8.2.

City of Terrell Charter

Section 5.06. Public Hearing on Budget.

The city council shall hold a public hearing on the proposed budget. Any taxpayer of the City of Terrell may attend and may participate in the hearing. The city council shall provide for public notice of the date, time, and location of the hearing on the budget in at least one (1) newspaper of general circulation in the county in which the municipality is located. Notice of the public hearing shall be published not earlier than the 30th day or later than the 10th day before the date of the hearing.

Section 5.07. Proceeding on Adoption of Budget.

At the conclusion of the public hearing, the governing body of the municipality shall take action on the proposed budget. On final approval of the budget by the governing body, and the municipality, the budget shall be filed with the municipal clerk. Should the council take no action after the conclusion of the public hearing, the budget, as submitted by the city manager, shall be deemed to be finally adopted by the Council on September 30.

1

June 2022

S	M	T	W	T	F	S
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19	20	21	22	23	24	25
26	27	28	29	30		

JULY 2022

August 2022

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
3	4 Independence Day	5 City Council Meeting 6 p.m.	6	7	8 PADIC Meeting 8 a.m.	9
10	11	12 City Council Meeting 6 p.m.	13 Airport Board Meeting 6 p.m.	14 Park Board Meeting 6 p.m.	15	16
17	18	19 City Council Meeting 6 p.m.	20	21	22	23
24	25 ZBA Meeting 5:30 p.m.	26 City Council Meeting 6 p.m.	27	28 P&Z Meeting 5:30 p.m.	29	30
31	1	2 City Council Meeting 6 p.m.	3	4 Council Budget Retreat 9 am – 5 pm	5 Council Budget Retreat 9 am – 5 pm	6

July 2022

S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST 2022

September 2022

S	M	T	W	T	F	S
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1	2 City Council Meeting 6 p.m.	3	4 Council Budget Retreat 9 am – 5 pm	5 Council Budget Retreat 9 am – 5 pm	6
7	8	9 City Council Meeting 6 p.m.	10	11 Park Board Meeting 6 p.m.	12	13
14	15	16 City Council Meeting 6 p.m.	17	18	19	20
21	22 ZBA Meeting 5:30 p.m.	23 City Council Meeting 6 p.m.	24	25 P&Z Meeting 5:30 p.m.	26	27
28	29	30 City Council Meeting 6 p.m.	31	1	2	3

August 2022

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER 2022

October 2022

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
4	5 Labor Day	6 City Council Meeting 6 p.m.	7	8 Park Board Meeting 6 p.m.	9 PADIC Meeting 8 a.m.	10
11	12	13 City Council Meeting 6 p.m.	14 Airport Board Meeting 6 p.m.	15	16	17
18	19	20 City Council Meeting 6 p.m.	21	22 P&Z Meeting 5:30 p.m.	23	24
25	26 ZBA Meeting 5:30 p.m.	27 City Council Meeting 6 p.m.	28	29	30	1

Proposed Rental Registration Ordinance

Why?

Woodlands (270 units), North Frances (500 + units) and Preserve at Rose Hill Preserve (400+ units) will have substantial residential rental components.

Additional Multi-Family Units are anticipated at Crossroads, Downtown and other locations.

Voluntary annexation partners (Hines, Centurion) will have options for Single Family rentals as well.

As Terrell grows, we are likely to have a dramatic increase in non-local owners of residential rental properties.

City services ranging from Police, Fire, Animal Control, Code Enforcement, Building Standards, Water, Drainage, Wastewater, and Sidewalks often require communication directly with the owner.

For out of town owners, relying on Kaufman County Property Tax records is insufficient for the needs of modern service and communication.

What It Is

Required registration with emergency and business contact information for all rented residential units showing phone, email, mailing information for responsible parties.

Can be confirmed at time of utility service requests and a can be verified annually.

Can be set up on a website for ease of data entry and interface.

Staff proposes a \$12 annual fee per unit to off-set website and administrative costs.

What It Is Not

It is not an inspection program. It is not connected to Section 8 Federal Rental Assistance.

ORDINANCE NO. 2914

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING CHAPTER 4, BUILDING REGULATIONS, BY THE ADDITION OF SECTION 4-37, RENTAL REGISTRATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell deems it necessary for the purpose of promoting the health, safety and general welfare of the City and its residents, to adopt and enforce regulations regarding residential rental properties which are offered for rent or lease within the City; and

WHEREAS, the City finds that the annual landlord registration of rental unit buildings within the City can minimize potential negative impacts to the health, safety and welfare of the occupants of such buildings and the surrounding neighborhood; and

WHEREAS, Section 51.012 of the Texas Local Government Code provides, in part, that a municipality may adopt an ordinance “that is necessary for the government interest, welfare or good order of the municipality as a body politic”; and

WHEREAS, the City Council desires to enact an ordinance establishing minimum property communication and safety standards and methods to promote crime prevention for residential rental properties in the City of Terrell, which ordinance shall be implemented citywide and shall apply to each single-family, multi-family, two-family (duplex), triplex, quadplex, townhouse, RV Park, and manufactured housing rental units within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS;

ARTICLE I.

THAT Chapter 4, Building Regulations, is hereby amended by the addition of Section 4-37, Rental Registration to read as follows to-wit:

Sec. 4.37 – Rental registration

- (a) **General** – The City of Terrell recognizes a need for a reasonable rental property registration program within the City to ensure compliance with City and State life, safety, health, fire, and zoning codes and to further provide a means to facilitate clear communication and encourage both absentee and local landlords to correct violations and to maintain their residential rental property in a safe and habitable condition for tenants.
- (b) **Definitions** – For the purposes of this Ordinance, the following words and phrases shall

have the meanings respectively ascribed to them unless the content indicates or requires a different meaning.

1. *Apartment* means a room or suite of rooms arranged or designed to be used as a residence by an individual, a single family, or a group of individuals living as a single household.
2. *Apartment building* means any residential structure, or portion thereof, containing, or designed or built to contain, three (3) or more dwelling units for lease, barter, or rent. The term does not include bed and breakfast establishments with eight (8) or fewer rooms for rent that serve breakfast to overnight guests.
3. *Building* means any structure having a roof that is built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind.
4. *Building official* means the duly appointed chief building official, or his/her designee, for the City of Terrell, Texas, who is charged with the administration and enforcement of the city's building codes.
5. *City* means the City of Terrell, Texas, including all areas within its corporate limits.
6. *City council* means the City Council of the City of Terrell, Texas.
7. *Condominium* has the meaning assigned in Chapter 82 of the Texas Property Code, as amended.
8. *Condominium association* means a corporation whose members are condominium unit owners in a condominium and who are charged with governing, operating, managing, or overseeing a condominium or its common elements.
9. *Building Official* means the department head appointed to administer and direct the operations of the building inspections, code enforcement, health, and planning and zoning divisions of the city.
10. *Duplex* (two-family dwelling) is as that term is defined by the International Building and/or Residential Code.
11. *Dwelling* means any structure or enclosed space wholly or partly used, or intended, built, or designed to be used, for human occupancy such as living, sleeping, cooking, eating, and sanitation, and includes any on-site septic system or appurtenance.
12. *Dwelling unit* means any room or group of rooms located within a dwelling that is occupied or used, or intended, built, or designed to be occupied or used, as a single unit providing complete independent living facilities for one individual, a single family, or a group of individuals not to exceed six (6) unrelated persons, that includes permanent provisions for living, sleeping, cooking, eating, and sanitation.
13. *Family* means one or more persons related by blood, affinity (marriage), or adoption to the second degree of consanguinity; or a group not to exceed six (6) persons not all related by blood or marriage, adoption, or guardianship, occupying a dwelling unit. The definition of the second degree of consanguinity for purposes of defining a single family is spouse, siblings, parents, grandparents, children, or grandchildren in accordance with Chapter 573 of the Texas Government Code.

14. *Fire marshal* means the duly appointed official authorized to enforce all adopted fire codes of the city.
15. *Landlord* means the owner, or any other person held out by an owner, of a rental unit with whom a tenant or the public normally interacts concerning leases, rental agreements, contracts, payment of rents, maintenance, complaints, emergencies, and related matters, and who also has budgetary authority to effect repairs in a timely manner as required to abate or correct violations of this Ordinance.
16. *Manufactured housing* means any one of several types of prefabricated housing products, e.g., mobile home, HUD-Code manufactured home, or industrialized home, which is typically manufactured or assembled at a location other than the end user's permanent site or lot, and which is regulated by the Texas Manufactured Housing Standards Act.
17. *Multi-family unit* means any building or group of buildings that is designed, built, rented, leased, or let to another person, for or without consideration, to be occupied as three (3) or more individual dwelling units or apartments/condominiums, for residential purposes.
18. *Occupant* means any person over one year of age living, sleeping, cooking, eating in, or having actual possession of a dwelling unit.
19. *Owner* means a person claiming, or in whom is vested, in whole or in part, the ownership, dominion, or title to real property, or other responsible party or person who has authority to expend funds in relation to the property, including but not limited to:
 - a. The owner of fee simple title;
 - b. The holder of a life estate;
 - c. The holder of a leasehold estate for an initial term of five (5) years or more;
 - d. The buyer in a contract for deed provided said contract for deed has been filed and is of record in the Real Property Records of Kaufman County, Texas;
 - e. A mortgagee, receiver, executor, or trustee in control of real property; or
 - f. The landlord, property manager, registered agent, C.E.O., or officer of a corporation having fiduciary control of a rental dwelling, multi-family dwelling, single-family dwelling, duplex, townhouse, manufactured house, or apartment building.
20. *Person* means an individual, corporation, organization, business trust, estate trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal or commercial entity.
21. *Premises* means a lot, plot, parcel, or tract of land, including any structures located thereon.
22. *Rent* means the offering, holding out, or actual leasing of a rental unit to a person other than the owner and generally involves the payment of an amount of money as consideration for the right to occupy the rental unit, although other forms of consideration or no consideration at all may be involved.
23. *Rental property* means a multi-tenant property or a single dwelling unit that is leased or rented to one or more persons other than the owner of the property, regardless of whether the lease or rental agreement is oral or written, or the

compensation received by the lessor for the lease or rental of the property is in the form of money, services, or any other thing of value.

24. *Rental unit* means a dwelling unit, or a portion thereof, that is rented or offered for lease, barter, or rent as a residence.
25. *RV Park* is a location that rents or leases parking spaces for recreational vehicles on an overnight, short-term or long-term basis. For purposes of this each RV parking space shall be considered a rental unit.
26. *Single-family unit* is that term as defined by the International Residential Code.
27. *Structure* means that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
28. *Tenant* means any person who rents, leases, or occupies a rental unit for living or dwelling purposes with the owner's or landlord's consent.
29. *Townhouse* means a single-family house of multiple stories that is usually connected to a similar house by a common sidewall and that together are conjoined units occupied by individual families.

(c) Rental registration.

(1) Each owner of a rental unit within the city shall register each such rental unit with the building official within thirty (30) days after the effective date of this Ordinance or of the first tenant occupying the rental unit, and such registration shall be renewed annually on the date prescribed by the building official in accordance with this Ordinance. A separate registration shall be required for each rental unit.

(2) Application for rental registration shall be made on a form provided by the city and shall include, at a minimum, the following true and accurate information:

(a) Name, permanent address, work and emergency contact telephone numbers, and email address of the owner;

(b) If the owner is a partnership, general partnership, or limited liability company/partnership, the names, telephone numbers, and email address of the managing or general partner and each other partner, and the principal physical business address of the partnership;

(c) If the owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, principal physical business address of the corporation, telephone number, email address, and name of the main individual in charge of the local office, if any, the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;

(d) If the owner is a legal entity not named in the foregoing subsections, the name,

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principal physical address, telephone number, and email address of a duly authorized agent;

(e) If the property being registered is part of a multi-tenant property, e.g., an apartment or condominium complex, (a) the name, mailing address, telephone number, and email address for the property manager and any homeowner/property/condominium association applicable to the property, and (b) the number of dwelling units, buildings, and swimming pools located on the property;

(f) An owner of a rental property and a condominium association shall provide the city with the name, address, telephone number, and email address of someone who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition on the property, e.g., any fire, natural disaster, collapse hazard, lack of working utilities, serious police incident, or other condition or event that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(g) Street address of each rental unit and the year in which construction of the unit was completed;

(h) A copy of the owner's current driver's license or other government-issued identification card containing a photograph of the owner, if the owner is a natural person;

(i) The name(s) and identifying information of any individual(s) on a no trespass order banned from the property or rental unit at all times;

(j) Signature of the owner or the owner's authorized agent; and

(k) Any additional information the registrant desires to include or that the city deems necessary to aid in the determination of whether the registration application is complete.

(3) An annual nonrefundable fee of \$12.00 shall be charged to the owner for the registration of each of the first ten rental units. An additional fee of \$6.00 will be charged to the owner for each additional rental unit.

(4) Within thirty (30) days after receipt of the registration application, the building official shall either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this Ordinance.

(5) A certificate of registration shall be valid for a period of twelve (12) calendar months following issuance thereof; provided, however, the initial certificate of registration for a

rental unit shall not expire until the date of renewal of registration established by the building official in accordance with this Ordinance.

(6) It is an offense for an owner to fail to timely register the owner's rental unit(s) within the city, and each day that the owner fails to register the owner's rental unit(s) within the city shall constitute a separate offense.

(7) It is an offense for any person to file a false or misleading registration application with the building official. A registration application submitted by an owner to the city that contains false or misleading information may be grounds at any time for the rejection of that application.

(d) Renewal of Registration.

(1) The building official shall establish an annual registration date for rental units.

(2) A registered owner of a rental unit within the city, or the owner's agent, shall renew the registration for each rental unit on or before the date prescribed by the Building Official for each of the first ten (10) rental units and shall pay to the city a nonrefundable renewal fee of \$12.00 per rental unit at the time of application for renewal and an additional fee of \$6.00 will be charged for each additional rental unit.

(3) The building official, or his/her designee, shall send each registered owner of a rental unit within the city a renewal notice for registration.

(4) A registered owner of a rental unit or the owner's agent shall, upon receipt of the renewal notice, complete the registration process for each rental unit within 30 days after receipt of the renewal notice. If an owner does not receive a renewal notice, it is the owner's responsibility to nonetheless renew the registration for each rental unit within the city. It is an offense for an owner to fail to file a completed annual registration application for each rental unit on or before the dates specified in the renewal notice.

(5) It is an offense for an owner to fail to renew the registration of the owner's rental units within the city, and each day that the owner fails to renew the registration of such rental units shall constitute a separate offense.

(e) Notification of No Trespass.

(1) The owner shall notify the building official within five (5) days of any change of individual or individuals on a no trespass order to a rental unit and barred from the property or rental unit at all times.

(f) Penalty – A violation of any provision of this section for first offenses shall be punishable, upon conviction, of a fine not to exceed five hundred dollars (\$500.00) with each day and each unit constituting a separate violation. Subsequent violations shall be punishable, upon conviction of a fine not to exceed three thousand dollars (\$3,000.00) with each day and each unit constituting a separate violation.

ARTICLE II.

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

ARTICLE III.

It is hereby declared to be the intention of the City Council of the City of Terrell, Texas, 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 judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

This Ordinance will take effect on January 1, 2023.

PASSED AND APPROVED this the ____ day of _____, 2022.

PASSED AND ADOPTED this the ____ day of _____, 2022.

E. Rick Carmona, Mayor

Attest:

Dawn Steil, City Secretary

Approved as to form:

Mary Gayle Ramsey, City Attorney

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF TERRELL,

TELLUS TEXAS II, LLC, AND

MC TRILOGY TEXAS, LLC**

WHEREAS, the CITY OF TERRELL (“CITY”), Tellus Texas II, LLC (“TELLUS”); and MC Trilogy Texas, LLC (“HUFFINES”), herein after referred to collectively as the “Parties” or individually as a “Party,” recognize the mutual benefits of coordination and proactive planning to all Parties and to the benefit of the current and future residents of the CITY; and

WHEREAS, the Parties acknowledge that ensuring the provision of safe, affordable, and reliable drinking water is an absolute necessity for the growth of quality development within the general Brushy Creek area of Rockwall and Kaufman Counties; and

WHEREAS, CITY has set as a priority to complete a previously drafted agreement with the City of McLendon-Chisholm to provide wholesale drinking water to McLendon-Chisholm in exchange for certain adjustments to the boundaries of the cities’ mutual extraterritorial jurisdictions (“ETJ”) and this water construction project is consistent with advancing that priority; and

WHEREAS, HUFFINES is developing property with a portion within the City of McLendon-Chisholm, and another portion within the City of McLendon Chisholm’s ETJ in Rockwall County, portions of which are within the Certificate of Convenience and Necessity (“CCN”) of Rockwall-Chisholm-Heath Water Supply Corporation (“RCH”); and

WHEREAS, HUFFINES has determined RCH is not its best available option to provide HUFFINES with a continuous and adequate supply of drinking water; and

WHEREAS, TELLUS is developing property within the ETJ of McLendon-Chisholm, portions of which are within the CCN of Highpoint Special Utility District (“HIGHPOINT”); and

WHEREAS, TELLUS has determined HIGHPOINT is not the best available option to provide TELLUS with a continuous and adequate supply of drinking water; and

WHEREAS, CITY has analyzed and caused to be analyzed by others, the feasibility of expanding CITY’s water utility system to provide a safe, affordable and reliable supply of drinking water to and within the overall Brushy Creek service area north and west of CITY, including to HUFFINES and TELLUS; and

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WHEREAS, CITY has determined that expanding CITY’s water utility system within the overall Brushy Creek service area north and west of CITY provides opportunities for CITY to expand its wholesale and potentially retail customers which expansion benefits the current and future residents of the CITY; and

WHEREAS, CITY proposes to resell drinking water it receives by contract from the North Texas Municipal Water District (“NTMWD”) to HUFFINES and TELLUS or their designees at a wholesale rate consistent with City’s other wholesale customers, which shall be determined on an every three-year basis, as a minimum; and

WHEREAS, HUFFINES and TELLUS intend to invest in the construction of public infrastructure necessary to facilitate the sale by CITY of wholesale water; and

WHEREAS, CITY intends to contribute to infrastructure for this project, and to request an amendment to its NTMWD contract, which will have additional costs to CITY; and

WHEREAS, the Parties share a goal of working with NTMWD to expand CITY’s wholesale water supply to facilitate implementation of the terms of this memorandum of understanding (“MOU”); however all Parties agree and understand that this is a non-binding MOU and no party has an obligation to continue negotiations and no party will be legally bound by any of the terms hereof unless and until separate mutually acceptable plans and agreements are approved and executed by the Parties.

NOW, THEREFORE, THE PARTIES HEREBY STATE THEIR MUTUAL UNDERSTANDING OF THE AGREEMENT AND THE RECITALS ABOVE AND THE INTENT TO COOPERATE ON EACH OF THE STEPS REPRESENTED BELOW, AS NECESSARY, TO ACHIEVE THESE SHARED GOALS:

1. The Parties agree to and hereby incorporate the Recitals referenced above and the Exhibits referenced below into this MOU.
2. Upon approval by the City Council, CITY shall immediately transmit this MOU and Exhibits to NTMWD, and initiate a CITY-NTMWD meeting to discuss its implementation.
3. HUFFINES will request to be released from the RCH CCN and if such request is not granted, make application to decertify the RCH CCN within thirty (30) days of approval of this MOU by CITY.
4. TELLUS will request to be released from the HIGHPOINT CCN and if such request is not granted, make application to decertify the HIGHPOINT CCN within thirty (30) days of approval of this MOU by CITY.

ITEM 9.2.

5. Not later than thirty (30) days after request of decertification by HUFFINES and TELLUS, CITY will request NTMWD to develop and approve a new wholesale resale agreement with sufficient capacity to supply the population and demand projections in that certain Freese and Nichols Technical Memorandum dated February 7, 2022, attached hereto as Exhibit “A”.
6. No later than sixty (60) days after the CCN decertifications referenced above have been accomplished, CITY will request to be on the agenda of the NTMWD board for consideration and approval of the NTMWD Agreement. Once NTMWD approves the NTMWD Agreement, CITY will execute such agreement as soon as practical thereafter.
7. The Parties agree that easement acquisition and design and construction of infrastructure will be accomplished in phases as described on Exhibit “B” (Scope of Work and Responsible Party by Phase), consistent with alignment for such infrastructure depicted on Exhibit “C” (Infrastructure Alignment), and to be further detailed in a separate cost sharing agreement by and between CITY, TELLUS and HUFFINES (the “Cost Sharing Agreement”). All infrastructure will be constructed to CITY and Texas Commission on Environmental Quality (“TCEQ”) standards. Once accepted by CITY, all infrastructure will be owned and maintained by CITY. Infrastructure not accepted by CITY will be owned and maintained by the retail water provider.
8. The Parties agree that all right of way, easement and land acquisition required to achieve the alignments depicted on Exhibit “C” will be managed by Teague Nall and Perkins, Inc. (“TNP”) and the costs for such work and acquisitions will be shared between HUFFINES, TELLUS and CITY as described on Exhibit “B”. Further all Parties agree that the right of way, easement and land acquisition work may proceed after the requests outlined in items No. 3 and No. 4 above are completed.
9. The Parties agree that all infrastructure described on Exhibit “B” will be designed by either TNP or Spiars Engineering, Inc. (“SPIARS”) unless otherwise agreed by HUFFINES and TELLUS.
10. The Parties agree that HUFFINES or its designee will act as the construction manager for all construction described on Exhibit “B”.
11. After authorization is received from NTMWD, CITY will undertake its best business efforts to enter into a wholesale agreement with HUFFINES or the retail provider of water service to the HUFFINES Trilogy development with sufficient capacity for full development of the Trilogy project (1,700 single-family units) no later than sixty (60) days after CITY enters into its contract with NTMWD.
12. After authorization is received from NTMWD, CITY will undertake its best business efforts to enter into a wholesale agreement with TELLUS or the retail provider of water service to the

ITEM 9.2.

TELLUS Tapestry development with sufficient capacity for full development of the Tapestry project (3,019 single-family units and 600 multifamily units) no later than sixty (60) days after CITY enters into its contract with NTMWD.

13. Immediately upon receipt of funds from a bond issuance authorized for the uses described on Exhibit "B", or from HUFFINES or TELLUS, CITY will establish a separate segregated account to deposit its own funds and funds received from HUFFINES or TELLUS. This escrow account shall be used to pay project draws from HUFFINES and/or TELLUS. Such account draws will be restricted for the uses described on Exhibit "B". A minimum of 6% of funds owed to Huffines and Tellus will be retained until final acceptance of the project. Either HUFFINES or TELLUS may provide proof of funds (e.g., confirmation of a construction loan, a line of credit, a letter of credit or another form of financial assurance acceptable to the other Parties) as an alternative to a cash deposit.
14. CITY shall have the right to increase or decrease the size of the components of the water improvements described on Exhibit "B" provided in the case of an increase CITY shall pay the allocable cost for the additional capacity and in the case of a decrease, such decrease will still allow the water improvements to fully serve the Trilogy and Tapestry projects.
15. CITY must agree in writing in advance to engineering plans and modifications of plans, and all third-party vendors providing inspection, Geotech, and materials testing services. HUFFINES and/or TELLUS shall manage the procurement and oversight of these services.
16. Each non-defaulting Party may exercise self-help remedies or seek specific performance against any defaulting Party.
17. The Parties will memorialize these items in a set of agreements consistent with the terms of this MOU.
18. Any contemplated future rights and obligations described in this MOU are subject to execution of mutually acceptable agreements and the appropriate approvals by the NTMWD Board of Directors, Terrell City Council and by HUFFINES and TELLUS.
19. The Parties recognize that an alternative method to provide drinking water to HUFFINES and TELLUS is for the City of McLendon-Chisholm to purchase wholesale water from CITY and resell it to HUFFINES and TELLUS. The Parties further acknowledge that McLendon-Chisholm may assign such retail water sales to the respective municipal utility districts (MUDs) by means of interlocal agreements assigning this governmental function.

[Signature Pages Follow]

ATTEST:

CITY OF TERRELL

City Secretary

By: _____
Printed Name: E. Rick Carmona
Title: Mayor
Date Signed: _____

APPROVED AS TO FORM AND
LEGALITY:

City Attorney

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 2022 by E. Rick Carmona, Mayor of City of Terrell, Texas, on behalf of said entity.

Notary Public - State of Texas

ITEM 9.2.

TELLUS TEXAS II, LLC,
a Texas limited liability company

By: TELLUS-FORNEY, LLC.
a Texas limited liability company, its Manager

By: _____
David R. Blom, Manager

Date Signed: _____

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on this _____ day of _____, 2022, by _____, Manager of Tellus-Forney LLC _____, a Texas limited liability company as Manager of Tellus Texas II, LLC, a Texas limited liability company, as General Partner of Tellus-Mann LCC, a Texas limited partnership.

Notary Public, State of Texas

ITEM 9.2.

MC TRILOGY TEXAS, LLC,

a Texas limited liability company

By: _____

Phillip Huffines, Managing Director

Date Signed: _____

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on this _____ day of _____, 2022, by Phillip Huffines, Managing Director of MC Trilogy Texas, LLC, a Texas limited liability company.

Notary Public - State of Texas

EXHIBIT “A”**Freese Nichols Technical Memorandum****Table 2: Development Water Demand Projections (Terrell Service Area)**

Name of Development	Single Family Units	Multi-Family Units	Average Day Demand (MGD)	Maximum Day Demand (MGD)	Peak Hour Demand (MGD)
Samuels Property	360	48	0.18	0.36	0.64
Beans Creek	220	221	0.18	0.37	0.66
Retail Total	580	269	0.36	0.72	1.30
Mann Property	3,019	600	1.58	2.85	3.56
McLendon-Chisholm	2,219	0	1.00	1.80	2.25
Huffines (Trilogy)	1,700	0	0.77	1.38	1.72
Wholesale Total	6,938	600	3.35	6.02	7.53
Overall System Total	7,518	869	3.71	6.75	8.83

Note: The proposed densities and demand calculations applicable to this MOU are those attributable to the Mann (Tapestry) and Huffines (Trilogy) ownerships/projects.

EXHIBIT “B”

Scope of Work and Responsible Party by Phase (1 of 2)

Construction Phase	Segment/Part	Description	Design, Construction, Easement, and Construction Management Cost Responsibility	Design Responsibility & Timing
Phase 1 (Waterline)	1	20" Line on SH 205 from existing water connection north to Colquitt Rd. (Approx. 3,300 LF) within a 30FT Dedicated Waterline Easement	City of Terrell	Tellus & Huffines to manage within three weeks of approval by NTMWD or earlier at either party's discretion.
	2	20" Line on Colquitt Rd. from SH 205 to CR 236 (Approx. 4,500 LF) within a 30FT Dedicated Waterline Easement	City, Tellus and Huffines will share line costs based on line capacity. Line capacity will be converted to living unit equivalents (LUEs). The cost sharing formula will be based on a fraction. The denominator of the fraction will be the total LUEs in the line. The numerator of the fraction will be the participants LUEs in the line. The cost of the easements will be split 1/3 (10FT) the City of Terrell, 2/3 (20FT) between the City, Huffines & Tellus consistent with the construction cost sharing formula above.	Tellus & Huffines to manage and fund within three weeks of approval by NTMWD or earlier at either party's discretion.
	3	20" Line on Colquitt Rd. from CR 236 to FM 1392 (Approx. 7,000 LF) within a 30FT Dedicated Waterline Easement	City, Tellus and Huffines will share line costs based on line capacity. Line capacity will be converted to living unit equivalents (LUEs). The cost sharing formula will be based on a fraction. The denominator of the fraction will be the total LUEs in the line. The numerator of the fraction will be the participants LUEs in the line. The cost of the easements will be split 1/3 (10FT) the City of Terrell, 2/3 (20FT) between the City, Huffines & Tellus consistent with the construction cost sharing formula above.	Tellus & Huffines to manage and fund within three weeks of approval by NTMWD or earlier at either party's discretion.
	4	18" Line on Colquitt Rd. from FM 1392 to Tapestry (Mann Ranch) take point (Approx. 20,800 LF) within a 30FT Dedicated Waterline Easement from FM 1392 to FM548 and 20FT Dedicated waterline Easement from FM548 to Tapestry take point	Tellus and Huffines will share line costs based on line capacity. Line capacity will be converted to living unit equivalents (LUEs). The cost sharing formula will be based on a fraction. The denominator of the fraction will be the total LUEs in the line. The numerator of the fraction will be the participants LUEs in the line. The cost of the 30FT easements will be split 1/3 (10FT) the City of Terrell, 1/3 (10FT) Huffines and 1/3 (10FT) Tellus. From FM548 to the Tapestry take point the cost of the easement will be split 50/50 between Tellus and Huffines.	Tellus & Huffines to manage and fund within three weeks of approval by NTMWD or earlier at either party's discretion.
	5	12" Line on Colquitt Rd., Mann Rd. & Smith Rd. and FM 550 (Approx. 12,300 LF) within a 15FT Waterline Easement	Huffines	Tellus & Huffines to manage and fund within three weeks of approval by NTMWD or earlier at either party's discretion.
Phase 2 (Private Pressurization)	6A	Tapestry (Mann Ranch) Private Pump Station & Pressurization Improvements	Tellus	Design to be funded and initiated at Tellus's discretion
	6B	Trilogy Private Pump Station & Pressurization Improvements	Huffines	Design to be funded and initiated at Huffine's discretion
Phase 3	7A	Ground Storage Tank	City, Tellus and Huffines will share costs based on their respective maximum daily usage.	Design to be funded at the earlier of 400 units being served by the Phase 1 system or two years after the execution of this agreement. City to manage design with support from Huffines & Tellus
	7B	Pump Station		
	7C	Pump Station Site Acquisition		
	7D	North Texas Municipal Water District (NTMWD) Meter Vault		
	7E	20" Waterline connection to main line on Colquitt Rd.		
	8	City of Terrell Elevated Water Storage Tank for Retail Customers	City of Terrell	Design to be funded and initiated at the City of Terrell's discretion

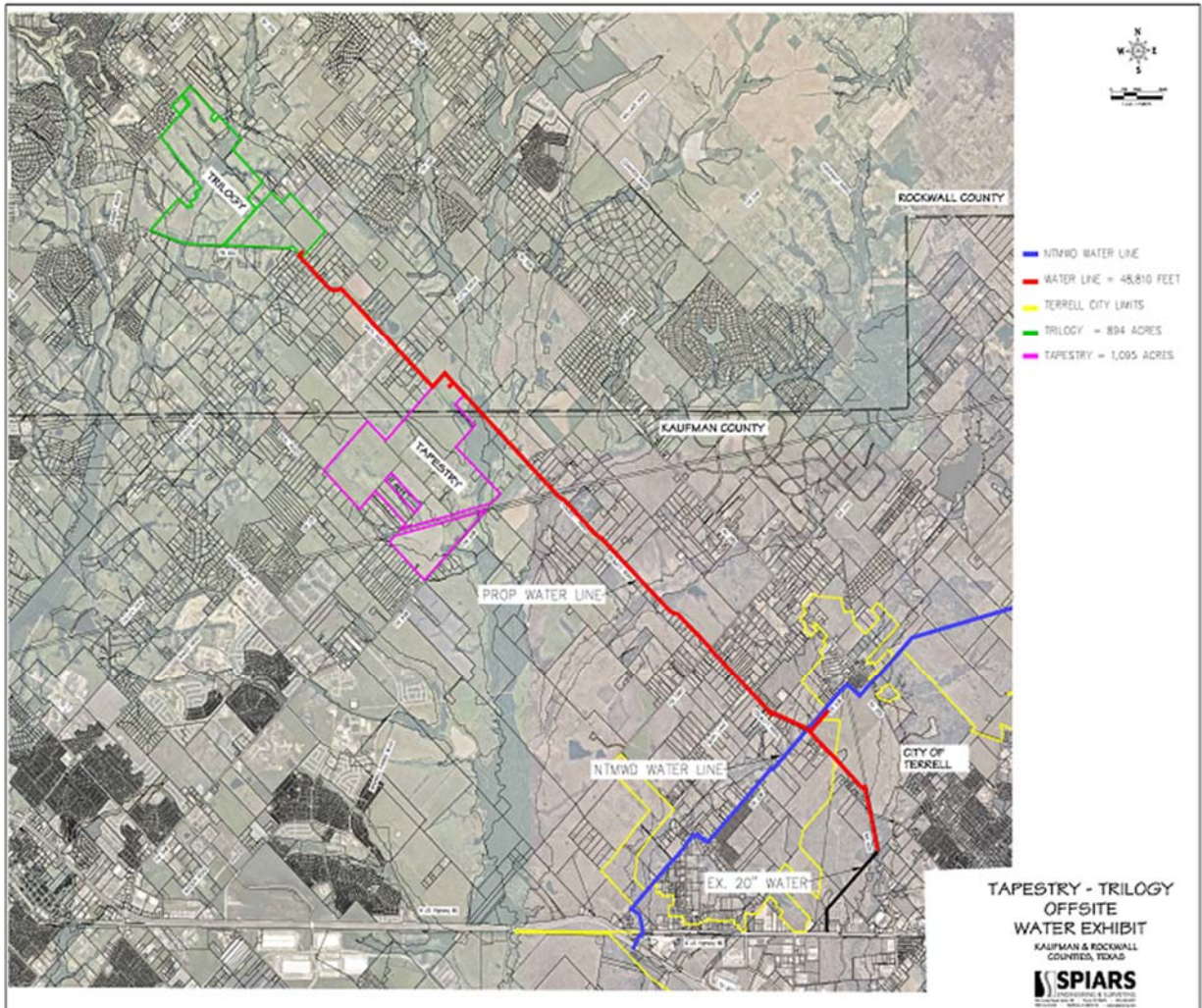
EXHIBIT “B”

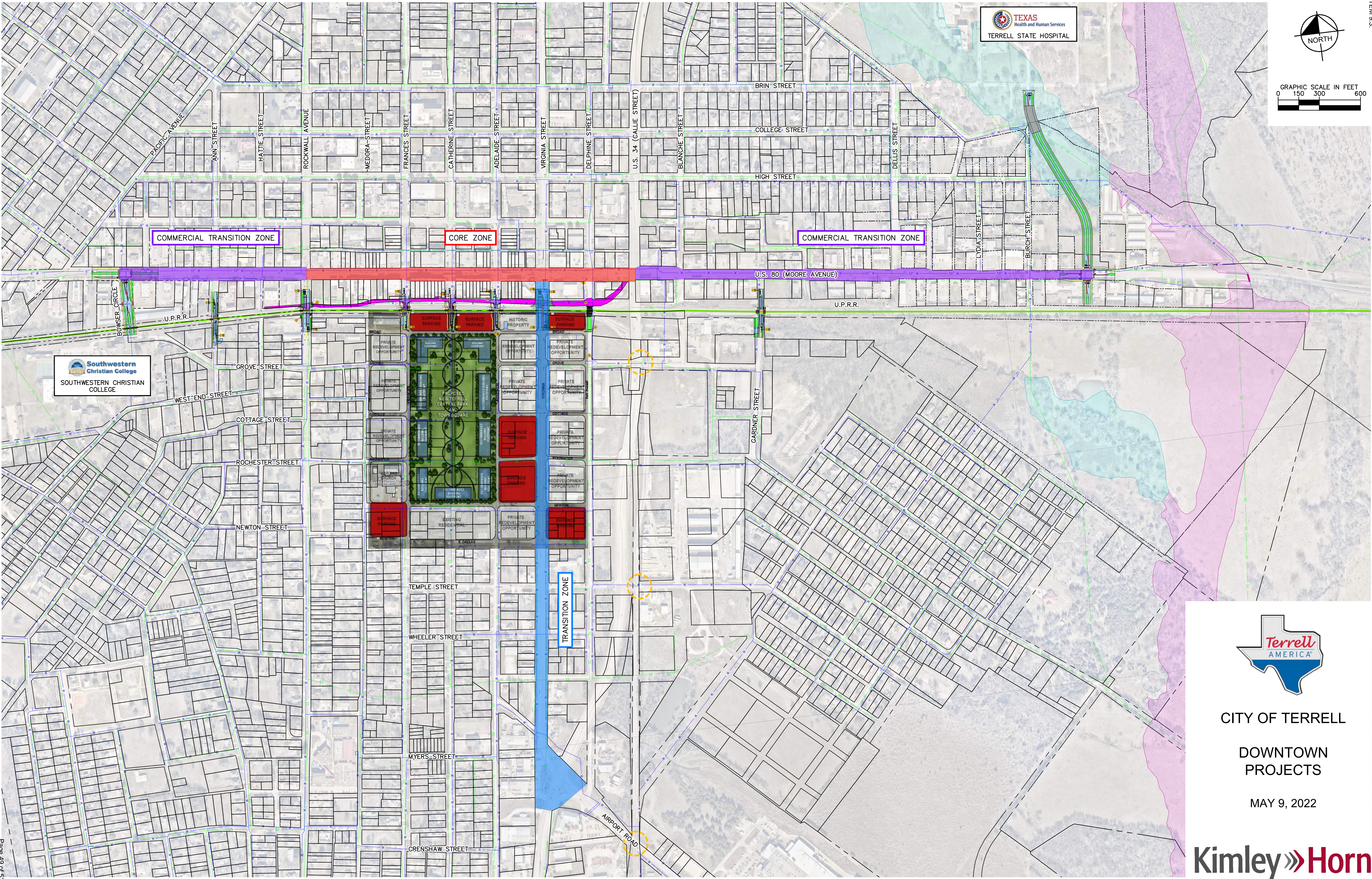
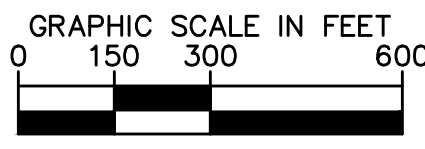
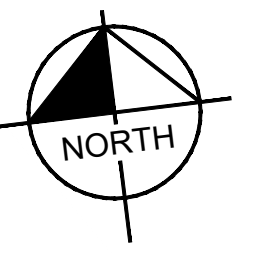
Scope of Work and Responsible Party by Phase (2 of 2)

Construction Phase	Segment/Part	Construction Funding	Construction Responsibility	Easement and/or Land Acquisition	Water Max Day Usage (MDU)
Phase 1 (Waterline)	1	Escrow to be funded or proof of funds upon awarding Public Bid per Item 13 of the MOU	Tellus/Huffines – Public Bid Design Build	City of Terrell with Private Support (Engineering document creation and initial outreach efforts)	MDU equivalent of 1,200 units until PART 8 is complete
	2	Escrow to be funded or proof of funds upon awarding Public Bid per Item 13 of the MOU	Tellus/Huffines – Public Bid Design Build	City of Terrell with Private Support (Engineering document creation and initial outreach efforts)	MDU equivalent of 1,200 units until PART 8 is complete
	3	Escrow to be funded or proof of funds upon awarding Public Bid per Item 13 of the MOU	Tellus/Huffines – Public Bid Design Build	City of Terrell with Private Support (Engineering document creation and initial outreach efforts).	MDU equivalent of 1,200 units until PART 8 is complete
	4	Escrow to be funded or proof of funds upon awarding Public Bid per Item 13 of the MOU	Tellus/Huffines – Public Bid Design Build	City of Terrell with Private Support (Engineering document creation and initial outreach efforts) - Tellus to dedicate waterline easement on their ownership at no-cost.	MDU equivalent of 1,200 units until PART 8 is complete
	5	Escrow to be funded or proof of funds upon awarding Public Bid per Item 13 of the MOU	Tellus/Huffines – Public Bid Design Build	City of Terrell with Private Support (Engineering document creation and initial outreach efforts) - Huffines to dedicate waterline easement on their ownership at no cost.	MDU equivalent of Huffines share of the 1,200 units until PART 8 is complete
Phase 2 (Private Pressurization)	6A	Tellus to privately fund	Tellus Private Improvement	N/A	Needed for Private Fire Flow requirements
	6B	Huffines to privately fund	Huffines Private Improvement	N/A	Needed for Private Fire Flow requirements
Phase 3	7A	Escrow to be funded or proof of funds upon awarding Public Bid per Item 13 of the MOU	City of Terrell	City of Terrell to initiate Site Acquisition at the earlier of 400 units being served by the Phase 1 system or two years after the execution of this agreement. Private Support to be provided by Huffines and Tellus (Engineering document creation and initial outreach efforts)	Needed for releasing full buildout of Tapestry/Trilogy, currently estimated at 4.24 million gallon MDUs
	7B				
	7C				
	7D				
	7E				
	8	City of Terrell to fund	City of Terrell	City of Terrell	Needed for retail customer pressurization during maintenance of the pump station

EXHIBIT "C"

Infrastructure Alignment





CITY OF TERRELL

DOWNTOWN PROJECTS

MAY 9, 2022



RESOLUTION NO. 2006

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS
APPROVING THE RECOMMENDATION OF THE TAX INCREMENT
REINVESTMENT ZONE NO. 1 BOARD OF DIRECTORS AUTHORIZING FUNDING
FOR DOWNTOWN PROJECT OFFICE**

WHEREAS, the City of Terrell, Texas, (the "City"), promotes the development of a certain geographic area within its jurisdiction as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act"); and

WHEREAS, the City Council of the City of Terrell on November 20, 2007, approved Ordinance No. 2355 creating Tax Increment Financing Reinvestment Zone Number One (TIRZ #1), establishing a Board of Directors for such Reinvestment Zone (Board), including the Project Plan and the Finance Plan; and

WHEREAS, on September 8, 2008 the County Commissioners' Court approved an Interlocal Agreement with the City of Terrell for the Reinvestment Zone, including the Project Plan and Finance Plan; and

WHEREAS, the 2020 Amendment to the Project Plan and Finance Plan includes \$16 million for Downtown Revitalization Projects; and

WHEREAS, among these eligible Projects in the Capital Plan is a downtown project office to work with developers in the downtown area to create capital improvements that rehabilitate and refurbish downtown buildings, downtown streetscapes and downtown amenities.

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

Section 1 That the Terrell City Council authorizes the City Manager to negotiate and the Mayor to execute a lease for a downtown project office.

Section 2. That the Terrell City Council hereby authorizes use of TIRZ# 1 funds to create, staff and operate a Downtown Project Office to assist with the delivery of capital projects supporting downtown revitalization.

Section 3. This Resolution shall be effective immediately after its passage.

PASSED AND APPROVED by the City Council of the City of Terrell, Texas, on this ____ day of May, 2022.

E. RICK CARMONA, MAYOR

Attest:

Dawn Steil, City Secretary

Annual Proposed Downtown Project Office

Project Manager	(\$ 91K Salary)	\$133,000
Admin Assistant	(\$46K Salary)	\$ 78,000
Lease / Building Operations		\$ 36,000
Supplies / Materials		\$ 35,000
P3 Works Reporting		<u>\$ 18,000</u>
/Financial Analysis		
Total		\$300,000

RESOLUTION NO. 2022-2

**A RESOLUTION OF THE TAX INCREMENT REINVESTMENT ZONE NO. ONE
BOARD OF DIRECTORS RECOMMENDING THE TERRELL CITY COUNCIL
AUTHORIZE FUNDING FOR DOWNTOWN PROJECT OFFICE**

WHEREAS, the City of Terrell, Texas, (the "City"), promotes the development of a certain geographic area within its jurisdiction as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act"); and

WHEREAS, the City Council of the City of Terrell on November 20, 2007, approved Ordinance No. 2355 creating Tax Increment Financing Reinvestment Zone Number One (TIRZ #1), establishing a Board of Directors for such Reinvestment Zone (Board), including the Project Plan and the Finance Plan; and

WHEREAS, on September 8, 2008 the County Commissioners' Court approved an Interlocal Agreement with the City of Terrell for the Reinvestment Zone, including the Project Plan and Finance Plan; and

WHEREAS, the 2020 Amendment to the Project Plan and Finance Plan includes \$16 million for Downtown Revitalization Projects; and

WHEREAS, among these eligible Projects in the Capital Plan is a downtown project office to work with developers in the downtown area to create capital improvements that rehabilitate and refurbish downtown buildings, downtown streetscapes and downtown amenities.

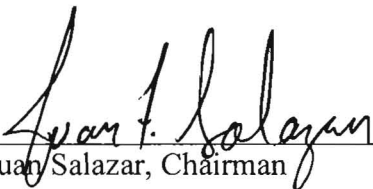
**NOW THEREFORE BE IT RESOLVED BY THE TAX INCREMENT REINVESTMENT
ZONE NO. 1 BOARD OF DIRECTORS:**

Section 1 That the Board of Directors recommends the Terrell City Council authorize the City Manager to negotiate and the Mayor to execute a lease for a downtown project office.

Section 2. That the Board hereby authorizes use of TIRZ# 1 funds to create, staff and operate a Downtown Project Office to assist with the delivery of capital projects supporting downtown revitalization.

Section 3. This Resolution shall be effective immediately after its passage.

PASSED AND APPROVED by the Tax Increment Reinvestment Zone # 1, on this 6th day of May, 2022.



Juan Salazar, Chairman

Attest:



Dawn Steil, City Secretary

Annual Proposed Downtown Project Office

Project Manager	(\$ 91K Salary)	\$133,000
Admin Assistant	(\$46K Salary)	\$ 78,000
Lease / Building Operations		\$ 36,000
Supplies / Materials		\$ 35,000
P3 Works Reporting /Financial Analysis		<u>\$ 18,000</u>
Total		\$300,000