

# AGENDA

## Regular City Council Meeting

7:00 PM - Tuesday, January 19, 2021

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



**Mayor Rick Carmona**

### **Council Members**

**District 2 - Grady Simpson**

**District 3 - Mayrani Velazquez**

**District 4 - Charles Whitaker**

**District 5 - Tim Royse**

**City Manager Mike Sims**

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NOTICE IS HEREBY GIVEN that the Terrell City Council will conduct a Regular City Council Meeting at 7:00 p.m. on Tuesday, January 19, 2021, 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 4:00 pm on Tuesday, January 19, 2021 will be provided to the City Council members and read into the record for the Tuesday, January 19, 2021 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. ELECTION BUSINESS**

5.1. Swear in District 3 Council Member Mayrani Velazquez.

5.2. Discuss May Election Calendar. 5  
[Election Schedule](#)

## 6. ADOPTION OF MINUTES

6.1. Discuss and Consider Minutes from the the Special City Council Meeting and Workshop on November 19, 2020, the Special City Council Meeting and Workshop on January 5, 2021, and the City Council Meeting on January 5, 2021. 6 - 13

[Regular City Council - Jan 05 2021 - Minutes - Pdf](#)

[Special City Council Meeting and Workshop - Jan 05 2021 - Minutes - Pdf](#)

[Special City Council Meeting and Workshop - Nov 19 2020 - Minutes - Pdf](#)

## 7. 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.*

## 8. BOARDS AND COMMISSIONS

8.1. Discuss Upcoming Board and Commission Vacancies. 14  
[Board vacancies](#)

8.2. Discuss and Consider Planning and Zoning Board Appointments. 15 - 22  
[council board responsibilities](#)  
[Planning-Zoning Board](#)  
[P-Z Applications](#)

8.3. Discuss and Consider Zoning Board of Adjustments Appointments. 23 - 29  
[council board responsibilities](#)  
[ZBA](#)  
[ZBA Applications](#)

## 9. PUBLIC HEARING

9.1. Conduct a public hearing to receive comments regarding a Final Plat (FP 20-14) of Lot 1 & 2, Block 1, Aguilar Addition, being a replat of Lot 7, Block 123 of the West End Addition, City of Terrell, Kaufman County, Texas. The lots will be approximately 7,300 square feet each. The property is also known as 202 West End, City of Terrell, Kaufman County, Texas. The property is currently zoned as Single-Family-6 (SF-6) district. 30 - 34

[Agenda Item Report - AIR-21-001 - Pdf](#)

9.2. Discuss and Consider a Final Plat (FP 20-14) of Lot 1 & 2, Block 1, Aguilar Addition, being a replat of Lot 7, Block 123 of the West End Addition, City of Terrell, Kaufman County, Texas. The lots will be approximately 7,300 square feet each. The property is also known as 202 West End, City of Terrell, Kaufman County, Texas. The property is currently zoned as Single-Family-6 (SF-6) district.

## 10. BUSINESS ITEMS

10.1. Discuss and Consider Resolution No. 1008, A Resolution Of The City Council Of The City Of Terrell, Texas, Ratifying The Eighth Amendment To Contract And Approving The Ninth Amendment To Contract Between The City Of Terrell Texas And Waste Connection Lone Star, Inc. To Provide Solid Waste Collection And Disposal Services In The City Of Terrell, Kaufman County, Texas; Authorizing The City Manager Or His Designee To Execute The Eighth Amendment To Contract And The Ninth Amendment To Contract. 35 - 44

[Resolution No. 1008](#)

[FY22 Service Options](#)

[Ninth Amendment review](#)

[Eighth Amendment](#)

10.2. Discuss and Consider Kaufman County Transportation Projects 45 - 53 Interlocal Agreement.

[ICA City of Terrell 2019 Bond Projects Complete Streets Las Lomas](#)

[Parkway UPRR Quiet Zones](#)

10.3. Discuss and Consider Legislative Positions. 54 - 64

[City of Terrell Policy Positions](#)

[Advisory Memorandum](#)

[Hotel Occupancy Tax Equity Legislation](#)

[Terrell - Possible Legislation - Section 351.001](#)

[Terrell - Possible Legislation - Section 351.003](#)

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

Section 551.072 Deliberations Regarding Real Property.  
Section 551.087 Deliberations Regarding Economic Development Negotiations.

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

**13. 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 [cityoterrell.org](http://cityoterrell.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, January 15, 2021 –5:00 p.m.

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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.

ITEM 5.2.

<b>City of Terrell</b>	<b>General Election Schedule</b>
<b>General Election</b>	<b>Saturday May 1, 2021</b>
First Day to File for Place on General Election Ballot <sup>1</sup>	Wednesday, January 13, 2021
Last Day to Order General Election	Friday, February 12, 2021
Last Day to File for Place on General Election Ballot <sup>1</sup>	Friday, February 12, 2021 at 5:00 pm
First Day to Apply for Ballot by Mail	Friday, January 1, 2021 (does not apply to FPCA)
Last Day to Register to Vote	Thursday, April 1, 2021
First Day of Early Voting	Monday, April 19, 2021
Last Day to Apply for Ballot by Mail <b>(Received, not Postmarked)</b>	Tuesday, April 20, 2021
Last Day of Early Voting	Tuesday, April 27, 2021
Last day to Receive Ballot by Mail	Monday, May 3, 2021 at 7:00 p.m



# MINUTES

## Regular City Council Meeting

7:00 PM - Tuesday, January 5, 2021

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

The City of Terrell City Council conducted a Regular City Council meeting on Tuesday, January 5, 2021 at 7:00 PM in the City Council Chambers, 201 E. Nash Street, Terrell, TX.

**COUNCIL PRESENT:** Mayor Rick Carmona  
 District 2 Grady Simpson  
 District 3 Mayrani Velazquez  
 District 4 Charles Whitaker  
 District 5 Tim Royse

**COUNCIL ABSENT:**

**STAFF PRESENT:** City Manager Mike Sims  
 City Secretary Dawn Steil

### 1 CALL TO ORDER

Mayor Rick Carmona called the meeting to order.

### 2 INVOCATION

Grady Simpson 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

Mayor Rick Carmona thanked the City of Terrell City Council members for their service and support.

Tim Royse recognized the Terrell Fire Department for their quick response, kindness, and professionalism when called for a family emergency.

### 5 ADOPTION OF MINUTES

- a) Discuss and Consider Minutes from the Special City Council Meeting and Workshop on December 8, 2020, the Regular City Council Meeting on December 8, 2020, and the Regular City Council Meeting on December 15, 2020.

**Mayrani Velazquez moved to approve the Minutes from the Special City Council Meeting and Workshop on December 8, 2020, the Regular City Council Meeting on December 8, 2020, and the Regular City Council Meeting on December 15, 2020, with**

**Grady Simpson seconding the motion. Carried by the following votes:**

**Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse**

**6 HEAR REMARKS FROM VISITORS.**

No one came forward to speak.

**7 ELECTION BUSINESS**

a) Discuss and Consider Resolution No. 1003, A Resolution Accepting The Election Returns As Certified By The Kaufman County Election Official And Declaring The Results Of The Special Election Held On December 15, 2020, In Terrell Texas, For The Purpose Of Electing A Council Member For District 3 Of The City Of Terrell, Texas, To Serve A Three (3) Year Term.

**Charles Whitaker moved to approve Resolution No. 1003, A Resolution Accepting The Election Returns As Certified By The Kaufman County Election Official And Declaring The Results Of The Special Election Held On December 15, 2020, In Terrell Texas, For The Purpose Of Electing A Council Member For District 3 Of The City Of Terrell, Texas, To Serve A Three (3) Year Term, with Grady Simpson seconding the motion. Carried by the following votes:**

**Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse**

**8 BOARDS AND COMMISSIONS**

a) Discuss Upcoming Board Appointments.  
**Mike Sims presented this item to Council for discussion.**

b) Discuss and Consider Park and Downtown Improvement Corporation (PADIC) Reappointments.

**Charles Whitaker moved to reappoint Mayrani Velazquez to Place 4 and Matt Oakley to Place 6 on the Park and Downtown Improvement Corporation, with Grady Simpson seconding the motion. Carried by the following votes:**

**Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse**

c) Discuss and Consider Planning and Zoning Commission Appointments.

**Grady Simpson moved to table item 8.3 and 8.4, with Charles Whitaker seconding the motion. Carried by the following votes:**

**Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse**

d) Discuss and Consider Zoning Board of Adjustments Appointments.

**9 BUSINESS ITEMS**

a) Discuss and Consider Amendment No. 3 to Professional Services Agreement for Griffith

Avenue.

**Grady Simpson moved to approve Amendment No. 3 to Professional Services Agreement for Griffith Avenue in an amount not to exceed \$19,115.00, with Charles Whitaker seconding the motion. Carried by the following votes:**

**Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse**

b) Discuss and Consider Change Order No. 3 for the Griffith Avenue Rehabilitation Project.

**Tim Royse moved to approve Change Order No. 3 for the Griffith Avenue Rehabilitation Project, with Grady Simpson seconding the motion. Carried by the following votes:**

**Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, and Tim Royse**

## 10 CONSENT AGENDA

Grady Simpson made a motion to approve the consent agenda as presented, with Charles Whitaker seconding the motion. Carried by the following votes:

Ayes: Grady Simpson, Mayrani Velazquez, Charles Whitaker, Tim Royse

Nays:

a) Discuss and Consider Ordinance No. 2856 Annexing Property 2020-3 A on Second Reading, An Ordinance Of The City Of Terrell, Texas, Annexing The Hereinafter Described Property To The City Of Terrell, Texas, And Extending The Boundary Limits Of Said City So As To Include The Hereinafter Described Property Within The Corporate Limits Of The City Of Terrell, Texas; Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens; Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City; Adopting The Municipal Services Agreement; Providing For Changes To The Official Map Of The City; Providing A Severability Clause; And Providing An Effective Date.

b) Discuss and Consider Ordinance No. 2857 Annexing Property 2020-3 B on Second Reading, An Ordinance Of The City Of Terrell, Texas, Annexing The Hereinafter Described Property To The City Of Terrell, Texas, And Extending The Boundary Limits Of Said City So As To Include The Hereinafter Described Property Within The Corporate Limits Of The City Of Terrell, Texas; Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens; Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City; Adopting The Municipal Services Agreement; Providing For Changes To The Official Map Of The City; Providing A Severability Clause; And Providing An Effective Date.

c) Discuss and Consider Ordinance No. 2858 Annexing Property 2020-3 C on Second Reading, An Ordinance Of The City Of Terrell, Texas, Annexing The Hereinafter Described Property To The City Of Terrell, Texas, And Extending The Boundary Limits Of Said City So As To Include The Hereinafter Described Property Within The Corporate Limits Of The City Of Terrell, Texas; Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens; Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City; Adopting The Municipal Services Agreement; Providing For Changes To The Official Map Of The City; Providing A Severability Clause; And Providing An Effective Date.

## 11 ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH SECTION 551 OF THE

**TEXAS GOVERNMENT CODE TO DISCUSS THE FOLLOWING:**

Passed.

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

Passed.

**13 ADJOURN.**

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E. Rick Carmona, Mayor

Attest:

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Dawn Steil, City Secretary



# MINUTES

## Special City Council Meeting and Workshop Meeting

4:30 PM - Tuesday, January 5, 2021

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

The City of Terrell Council conducted a Special City Council Meeting and Workshop on Tuesday, January 5, 2021 at 4:30 PM in the City Council Chambers, 201 E. Nash Street, Terrell, TX.

**COUNCIL  
PRESENT:** Mayor Rick Carmona  
District 5 Tim Royse  
District 2 Grady Simpson  
District 3 Mayrani Velazquez  
District 4 Charles Whitaker

**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

Grady Simpson gave the invocation.

### 3 PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.

Mayor Rick Carmona led the pledge.

### 4 HEAR REMARKS FROM VISITORS.

No one came forward to speak.

### 5 COVID-19 BUSINESS

a) Discuss COVID-19 Update.

**Dustin Conner presented this item to Council for discussion.**

### 6 DISCUSSION ITEMS

a) Discuss City Hall Renovation.

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

b) Discuss Update on County Roadway Partnership and Upcoming New County Transportation

Projects Interlocal Agreement.

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

c) Discuss City of Terrell Legislation Policy Positions.

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

d) Discuss Muckelroy Building Project.

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

e) Discuss Anderson Building and Griffith Building Joint Project.

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

f) Discuss approval of Waste Connections Lone Star, Inc. Contract Extension.

**Director of Public Services Glenn Caldwell and Matthew Myer representing Waste Connections Lone Star presented this item to Council for discussion.**

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

Passed.

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

Passed.

**9 ADJOURN.**

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E. Rick Carmona, Mayor

Attest:

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Dawn Steil, City Secretary



# MINUTES

## Special City Council Meeting and Workshop Meeting

6:00 PM - Thursday, November 19, 2020

Terrell ISD Excel Center, 1251 Colquitt Road, Terrell, TX

The City of Terrell Council met in Special City Council Meeting and Workshop on Thursday, November 19, 2020 at 6:00 PM in the Terrell ISD Excel Center, 1251 Colquitt Road, Terrell, TX.

**COUNCIL  
PRESENT:** Mayor Rick Carmona  
District 5 Tim Royse  
District 2 Grady Simpson  
District 3 Mayrani Velazquez  
District 4 Charles Whitaker

**COUNCIL  
ABSENT:**

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

**1 CALL TO ORDER**

Tori Lucas called the meeting to order.

**2 INVOCATION**

Mayor Pro Tem Grady Simpson gave the invocation.

**3 PLEDGE TO AMERICAN FLAG AND TEXAS FLAG.**

Mayor Rick Carmona led the pledge.

**4 HEAR REMARKS FROM VISITORS.**

No one came forward to speak.

**5 DISCUSSION ITEMS**

- a) Introductions.  
**Terrell Independent School District School Board President Dena Risinger led the introductions.**
- b) Discuss Terrell Economic Development Corporation Economic Overview.  
**Terrell Economic Development Corporation President Ray Dunlap presented this item for discussion.**
- c) Discuss City of Terrell Development and Growth.

**City Manager Mike Sims presented this item for discussion.**

- d) Discuss Terrell Independent School District Demographic Report.  
**Terrell Independent School District Assistant Superintendent for Business & Support Services TonyaTillman presented this item for discussion.**
- e) Discuss Opportunities and Challenges of Growth.  
**Terrell Independent School District School Board President Dena Risinger led this item for discussion.**
- f) Discuss Next Steps in Cooperation/Communication.  
**Terrell Independent School District School Board President Dena Risinger led this item for discussion.**

**6 ADJOURN.**

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E. Rick Carmona, Mayor

Attest:

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Dawn Steil, City Secretary



## City of Terrell Boards

### Term Expirations and Vacancies

#### PADIC Board

- Matt Oakley	December 20	Eligible for reappointment
- Mayrani Velazquez	December 20	Eligible for reappointment

#### Park Board

- Matthew Malone	March 21	Eligible for reappointment
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#### Planning + Zoning

- Carolyn Wimberly	July 20	Eligible for reappointment
- Jenny Heisel	February 21	Eligible for reappointment
- Trini Jones	February 21	Eligible for reappointment
- Danny Stephens	February 21	Eligible for reappointment
- Joe Hood	May 21	Eligible for reappointment
- Stephanie Thomas	May 21	Eligible for reappointment

#### TIRZ #1/Power Center Board

Don Thurman	March 21	Eligible for reappointment
John Davidson	March 21	Eligible for reappointment
Terry Barber	April 21	Eligible for reappointment
Mike Hunt	April 21	Eligible for reappointment

#### ZBA

- Gene Glaeser	April 20	Termed out
- Jimmy Cooper	February 21	Eligible for reappointment
- Dr. Kameka Miller	February 21	Eligible for reappointment
- Karen Jones	February 21	Eligible for reappointment
- One open seat		

## Council Board Responsibilities

<b>Board</b>	<b>Council Member</b>
Airport	Rick Carmona
Animal Advisory Board	Grady Simpson
Building Standards	Tim Royse
Civil Service	Grady Simpson
Economic Development	Charles Whitaker
Library	Charles Whitaker
Park	Tim Royse
Zoning Board of Adjustments	Mayrani Velazquez
TIF/Power Center	Mayrani Velazquez
Planning and Zoning	Mayrani Velazquez

ITEM 8.2.

Member	Contact Information	Term Count	Appointed / Re-App't'd	Term Expiration
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
Jenny Heisel <b>Vice-Chairman</b> 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	2	2/14/2019	Feb-21
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
Carolyn A. Wimberly Replaced Kathy Russell termed out.	1121 S. Frances Terrell, TX 75160 H: 214-733-2237 M: W: EM: carolwimber@aol.com	1	7/24/2018	Jul-20
Trini B. Jones Original appointment date - 10/20/2015	136 E. McCoulskey Terrell, TX 75160 M: 469-343-8245 EM: trinibjones@gmail.com	2	2/14/2019	Feb-21

ITEM 8.2.

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
Stephanie Thomas Original Appointment: April 18, 2017 to replace Bruce Loflin who resigned.	1815 Trailview Terrell, TX 75160 H: 972-551-3466 M: 214-335-3670 EM: stephaniethomasrn@yahoo.com	2	5/21/2019	May-21
Danny Stephens- <b>CHAIRMAN</b> 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	2	2/14/2019	Feb-21
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	2	5/21/2019	May-21
(3) Terms: 2 years 4th Tuesday of each month Quorum: 5 members Ordinance 2350				
Request Reappointment				
Needs a Replacement				

Not Eligible	
Appointed to Board	No
First Name	Stacey
Last Name	Browning
Email	<a href="mailto:staceybrowning@ebby.com">staceybrowning@ebby.com</a>
Address	121 Lexington Dr
City	Terrell
State	Texas
Zip Code	75160
Occupation	Realtor
Resident of Terrell?	Yes
If Yes, How Many Years?	8
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	2
Zoning Board of Adjustments	
Kaufman County Appraisals	

Park and Downtown Improvements Corporation	3
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
Notes	
Admin Notes	

First Name	Gabriel
Last Name	Cabrera
Home Phone	323-718-1237
Mobile	214-948-4242
Email	<a href="mailto:gabriel.cabrera@dallascityhall.com">gabriel.cabrera@dallascityhall.com</a>
Address	408 S Frances Street
City	Terrell
State	Texas
Zip Code	75160
Occupation	Fir Protection Engineer
Resident of Terrell?	Yes
If Yes, How Many Years?	5
Qualifications	Building Department employee Building Code Specialist Fire Code Specialist Existing Building Code Specialist
Special Qualifications	Attended None of These
Board Preference Rating	7

First Name	Stephanie
Last Name	Fuller
Home Phone	
Mobile	2143847025
Email	<a href="mailto:storm_trpr27@yahoo.com">storm_trpr27@yahoo.com</a>
Address	305 Runnels
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

First Name	Felicia
Last Name	Spencer
Home Phone	9729216425
Mobile	9729216425
Email	<a href="mailto:netxrealtor69@gmail.com">netxrealtor69@gmail.com</a>
Address	404 Main St
City	Terrell
State	Texas
Zip Code	75160
Occupation	Realtor
Resident of Terrell?	Yes
If Yes, How Many Years?	16
Qualifications	I don't know what would qualify me, but I am a Realtor here, I am a certified Historical Home Specialist, and I love my hometown. I know a lot of people, I feel, but also do not know a lot so I'd like to know more people and help make our city's reputation better and better.
Special Qualifications	Attended None of These
Board Preference Rating	3

## Council Board Responsibilities

<b>Board</b>	<b>Council Member</b>
Airport	Rick Carmona
Animal Advisory Board	Grady Simpson
Building Standards	Tim Royse
Civil Service	Grady Simpson
Economic Development	Charles Whitaker
Library	Charles Whitaker
Park	Tim Royse
Zoning Board of Adjustments	Mayrani Velazquez
TIF/Power Center	Mayrani Velazquez
Planning and Zoning	Mayrani Velazquez

## ITEM 8.3.

Member	Contact Information	Term Count	Appointed Re-Appointed	Term Expiration
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: <a href="mailto:jim@jarepllc.com">jim@jarepllc.com</a>	1	2/5/2019	Feb-21
OPEN	Terrell, TX 75160 T: EM:	0	0	Dec-01
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:	1	2/5/2019	Feb-21
Jerry Yates- replaced Valente Briones	109 Brookhollow Terrell, TX 75160 972-669-4654	2	10/20/2020	Oct-22
Gene Glaeser CHAIRMAN Appointed April, 2011	PO Box 1255 Terrell, TX 75160 H: 972-551-1868 C: 214-862-1112 EM: <a href="mailto:gglaeser@yahoo.com">gglaeser@yahoo.com</a>	3	4/23/2018	Apr-20
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: <a href="mailto:carolyn@rmlandmark.com">carolyn@rmlandmark.com</a>	1	10/10/2020	Oct-22

**ITEM 8.3.**

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	1	2/5/2019	Feb-21
(3) Terms: 2 years Quorum: 4 members Ordinance 2357				
Request Reappointment				
Needs Replacement 2011 Honorees: Chris Simpson Frank Finan				

First Name	Vickie
Last Name	Anderson
Home Phone	
Mobile	214 646 5933
Email	<a href="mailto:vanderson@dallasisd.org">vanderson@dallasisd.org</a>
Address	1017 S. Medora
City	Terrell
State	Texas
Zip Code	75160
Occupation	Budget Manager
Resident of Terrell?	Yes
If Yes, How Many Years?	21
Qualifications	Airport Board 2 Planning & Zoning 4
Special Qualifications	Terrell Citizens University
Board Preference Rating	1

First Name	Gabriel
Last Name	Cabrera
Home Phone	323-718-1237
Mobile	214-948-4242
Email	<a href="mailto:gabriel.cabrera@dallascityhall.com">gabriel.cabrera@dallascityhall.com</a>
Address	408 S Frances Street
City	Terrell
State	Texas
Zip Code	75160
Occupation	Fir Protection Engineer
Resident of Terrell?	Yes
If Yes, How Many Years?	5
Qualifications	Building Department employee Building Code Specialist Fire Code Specialist Existing Building Code Specialist
Special Qualifications	Attended None of These
Board Preference Rating	7

First Name	Stephanie
Last Name	Fuller
Home Phone	
Mobile	2143847025
Email	<a href="mailto:storm_trpr27@yahoo.com">storm_trpr27@yahoo.com</a>
Address	305 Runnels
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

First Name	Felicia
Last Name	Spencer
Home Phone	9729216425
Mobile	9729216425
Email	<a href="mailto:netxrealtor69@gmail.com">netxrealtor69@gmail.com</a>
Address	404 Main St
City	Terrell
State	Texas
Zip Code	75160
Occupation	Realtor
Resident of Terrell?	Yes
If Yes, How Many Years?	16
Qualifications	I don't know what would qualify me, but I am a Realtor here, I am a certified Historical Home Specialist, and I love my hometown. I know a lot of people, I feel, but also do not know a lot so I'd like to know more people and help make our city's reputation better and better.
Special Qualifications	Attended None of These
Board Preference Rating	3

Regular City Council  
**AGENDA ITEM REPORT**



**To:** City Council  
**Subject:** FP 20-14  
Conduct a public hearing to discuss and consider a Final Plat of Lot 1 & 2, Block 1, Aguilar Addition, being a replat of Lot 7, Block 123 of the West End Addition, City of Terrell, Kaufman County, Texas. The lots will be approximately 7,300 square feet each. The property is also known as 202 West End, City of Terrell, Kaufman County, Texas. The property is currently zoned as Single-Family-6 (SF-6) district.

**Meeting:** Regular City Council - Jan 19 2021  
**Department:** Municipal Development  
**Staff Contact:** J Potts,

**BACKGROUND INFORMATION:**

The applicant has submitted a Final Plat consisting of Lots 1 & 2, Block 1 out of the Aguilar Addition, City of Terrell, Kaufman County, Texas. The applicant is subdividing this lot into two separate lots. The property is located at 202 West End, City of Terrell, Kaufman County, Texas. The Zoning Board of Adjustments granted the applicant a variance on October 26, 2020, to allow the lots to have a 50-foot width. The lots will be approximately 7,300 square feet each, which is larger than the 6,000 square feet minimum lot area required by zoning. The property is currently zoned Single-Family-6 (SF-6). The replat (Final Plat) meets the standards for zoning with the variance included, as well as the subdivision ordinance.

**Staff Recommendation:**

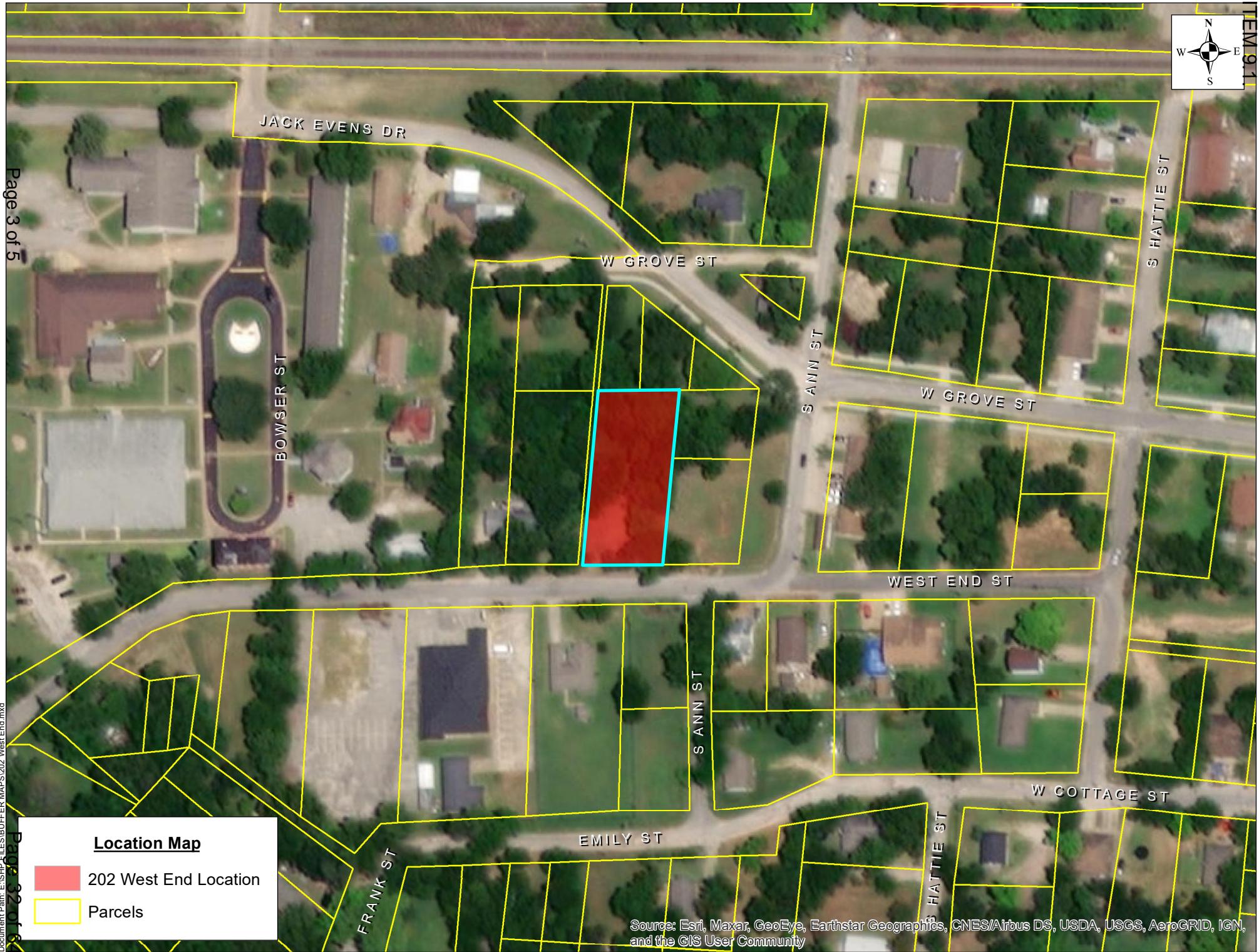
Approval of the Final Plat for Aguilar Addition, Lots 1 & 2, Block 1, out of the Aguilar Addition, City of Terrell, Kaufman County, Texas

Planning & Zoning Commission recommended approval of the Final Plat by a vote of 7-0.

**ATTACHMENTS:**

[Aguilar Addition FP 20-14](#)  
[202 West End Location](#)  
[202 West End Zoning](#)  
[202 West End FLU](#)





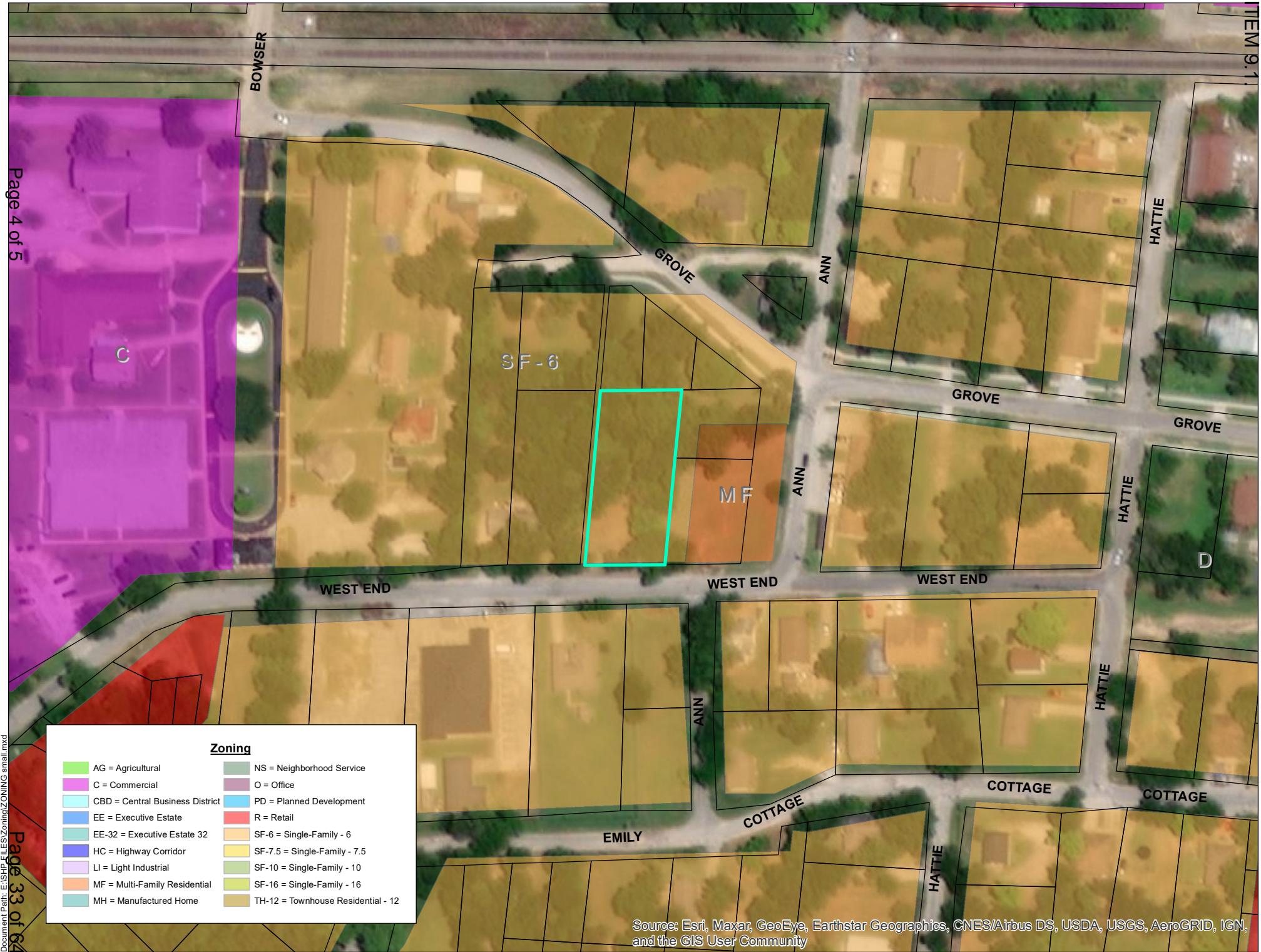
## Location Map

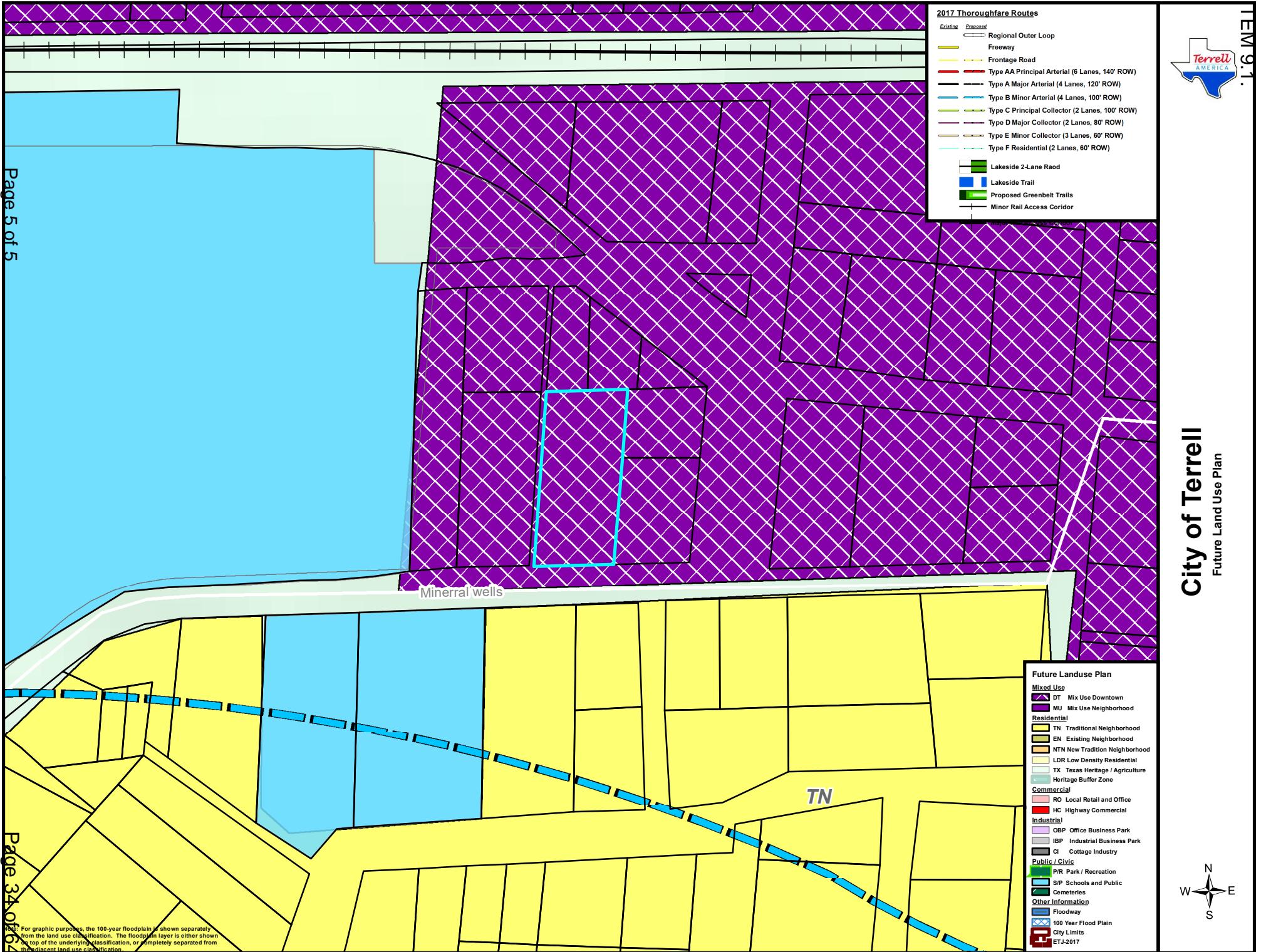
202 West End Location  
Parcels

## Parcels

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

$$1 \text{ inch} = 125 \text{ feet}$$





## **RESOLUTION NO. 1008**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL,  
TEXAS, RATIFYING THE EIGHTH AMENDMENT TO CONTRACT AND  
APPROVING THE NINTH AMENDMENT TO CONTRACT BETWEEN  
THE CITY OF TERRELL TEXAS AND WASTE CONNECTION LONE  
STAR, INC. TO PROVIDE SOLID WASTE COLLECTION AND  
DESPOSAL SERVICES IN THE CITY OF TERRELL, KAUFMAN  
COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER OR HIS  
DESIGNEE TO EXECUTE THE EIGHTH AMENDMENT TO CONTRACT  
AND THE NINTH AMENDMENT TO CONTRACT**

**WHEREAS**, IESI TX CORPORATION (“IESI”) and CITY entered into a Solid Waste Collection and Disposal Contract dated November 21, 2000, (“Contract”) for solid waste collection and disposal within the CITY; and

**WHEREAS**, IESI and CITY entered into and Extension of Contract (“First Amendment”) dated April 29, 2005, wherein the term of the original Contract was extended for an additional term of five (5) years beginning February 15, 2005, and terminating on February 15, 2010, increasing brush collection on a weekly basis and to freeze the prices for a certain period of time; and

**WHEREAS**, IESI and CITY entered into the Fuel Surcharge Amendment to Contract (“Fuel Surcharge Amendment also referred to as Second Amendment”) dated March 19, 2008, wherein the Fuel Surcharge was amended to reflect current rates; and

**WHEREAS**, IESI and CITY entered into the Third Amendment To Contract (“Third Amendment”) dated November 17, 2009, wherein the term of the Contract was amended; and

**WHEREAS**, IESI and CITY entered into the Fourth Amendment To Contract (“Fourth Amendment”) dated July 30, 2010, wherein the term of the Contract was amended; and

**WHEREAS**, IESI TX Corporation changed its name to Progressive Waste Solutions of TX, Inc. on June 20, 2012; and

**WHEREAS**, PWS and CITY entered into the Fifth Amendment To Contract (“Fifth Amendment”) dated April 7, 2015, wherein the term of the Contract was extended to February 15, 2021; and

**WHEREAS**, Progressive Waste Solutions of TX Corporation changed its name to Waste Connections Lone Star, Inc. on June 2, 2016; and

**WHEREAS**, PWS and CITY entered into the Sixth Amendment To Contract (“Sixth Amendment”) was approved by the City Council on February 7, 2017, wherein the term of the Contract was amended. Through scrivener’s error, PWS’s name in the Sixth Amendment was incorrectly written as “Waste Connections, Inc.”; and

**WHEREAS**, PWS and CITY entered into the Seventh Amendment To Contract (“Seventh Amendment”) dated January 16, 2018, wherein the term of the Contract was amended. Through scrivener’s error, PWS’s name in the Seventh Amendment was incorrectly written as “Waste Connections, Inc.”; and

**WHEREAS**, Waste Connections Lone Star, Inc. and CITY entered into the Eighth Amendment To Contract (“Eighth Amendment”) presented to the City Council in February, 2019, wherein the pricing terms of the Contract were amended and CITY and Waste Connections Lone Star, Inc. have been operating under the terms of the Eighth Amendment to Contract since that date; and

**WHEREAS**, Waste Connections Lone Star, Inc. and CITY have agreed to amend the Contract under the terms of the Ninth Amendment to Contract as more fully described herein.

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

**Section I.**

That the Eighth Amendment to Contract between the City of Terrell and Waste Connections Lone Star, Inc. is hereby ratified and approved and the Ninth Amendment to Contract between the City of Terrell and Waste Connections Lone Star, Inc. is hereby approved.

**Section II.**

That the City Council authorizes the City Manager or his designee to execute the Eighth Amendment to Contract as set forth in Exhibit “A” attached hereto and to execute Ninth Amendment to Contract set forth on Exhibit “B” attached hereto for solid waste collection and disposal services for the City of Terrell.

**Section III.**

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 January, 2021.

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**E. RICK CARMONA, Mayor**

**ATTEST:**

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**DAWN STEIL, City Secretary**

# Solid Waste Service Overview

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- City contracted with IESI TX Corporation in November of 2000 for residential and commercial services.
- Council policy directive in 2000 was to keep residential rates low by providing a good business opportunity for commercial services in the City Limits, these commercial accounts are billed directly by the contractor. Residential and small scale commercial are billed through the City.
- There have been 8 contract amendments to date and several corporate name changes, but the core agreement remains.
- Service has generally been high quality. Concerns related to training new employees of the contractor and educating the citizens have been successful in improving occasional customer service concerns.
- As per discussions during the budget process, staff recommends a two year extension, keeping rates the same, but creating options for Council consideration.
- The proposed 9th amendment is included in the Council packet and recommended for action on January 19, 2021, extending the contract to February 15, 2023 with no increase in the charge to the City by the Contractor.

# FY22 Service Options

Service Option	Charge to City by Provider	Franchise Fee 17.5%	Service Fee	Total to Resident
No Change to FY21 Service	\$9.32	17.5%	\$2.00	\$12.95
Current Service Plus Take all Brush	\$12.11	17.5%	\$2.00	\$16.22
Once a Week With One Trash Cart to Every Household	\$9.32	17.5%	\$2.00	\$12.95
Twice a Week with One Trash Cart to Every Household	\$14.01	17.5%	\$2.00	\$18.46
Current Service Plus Take All Brush and Bulk	\$21.08	17.5%	\$2.00	\$26.77

**FY21 Notes:**

**Current Charge to City By Provider is \$9.32, Franchise Fee is 10%, Service Fee is \$2.00 and Total to Resident is \$12.25.**

**STATE OF TEXAS**

**COUNTY OF KAUFMAN**

**NINTH AMENDMENT OF CONTRACT**

This NINTH AMENDMENT OF CONTRACT ("Amendment") is by and between the CITY OF TERRELL, TEXAS, hereinafter referred to as "City" and "WASTE CONNECTION LONE STAR, INC, a Texas Corporation, hereinafter referred to as "Contractor", collectively referred to as the "Parties"; who agrees as follows.

WHEREAS, the Parties entered into Contract for Citywide Solid Waste Collection Services dated November 21, 2000 and which has been the subject of Eight Amendments, the most recent of which was executed on January \_\_\_, 2019, these are collectively, the "Contract" between the Parties which is currently in effect.

In consideration of the mutual promises, covenants, obligations, and benefits contained in the Contract and in this Amendment Of Contract, ("Amendment") and the above Recitals, which are deemed to be true and accurate determinations of the Parties, the City and Contractor contract and agree to amend the Contract as follows:

1. Term of Agreement. CITY and Contractor agree to extend the term of the Contract under Section 12 of the Original Solid Waste Collection Contract to February 15, 2023.
2. Special "Manifested" Waste: CITY and Waste Connections Lone Star, Inc. agree to amend the Original Solid Waste Collection and Disposal Agreement to grant Waste Connections Lone Star, Inc. the exclusive right, within the jurisdictional control of the City, to collect all Special Waste as defined by Title 30 Texas Administrative Code (30 TAC), Chapter 330, Section 330.3(148) and described further in 330.71 and 330.173.
2. The Parties agree that there will be no change in rates from Contractor in the City's Fiscal Year 2021, Fiscal Year 2022 and Fiscal Year 2023.
4. Effective October 1, 2021, City shall have the authority but not the obligation, to raise the franchise fee from 10% up to a maximum of 17.5%.
5. After October 1, 2021, the City may, by written notice of no less than 120 days prior to change, select from a predetermined menu pricing as shown below for other residential pickup service alternatives:

#	Option	Charge to City
1	Current (Unchanged)	\$9.32
2	Current Plus Take All Brush	\$12.11
3	Once a Week with One Cart to Every Household	\$9.32
4	Twice a Week with One Cart to Every Household	\$14.01
5	Current Plus Take All Brush and Bulk	\$21.08

ITEM 10.1.

6. The Contract requires a \$13,904.84 annual payment to the Environmental Co-op, which is no longer active in the City of Terrell. The Parties agree that this payment shall be made annually to the City of Terrell for repairs and improvements to the building and grounds of the former Environmental Co-op facility.

7. All other provisions of the Contract not specifically amended by this Amendment shall remain in full force and effect.

8. This Amendment constitutes the entire agreement between the Parties relative to the subject matter hereof. There have not been and are no agreements, covenants, representations or warranties between the Parties, either oral or written, relative to such subject matter other than those expressly stated or provided for herein.

9. This Amendment may be executed in multiple counterparts, each of equal dignity and effect and each being deemed an original instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment to the 2015 Contract for Citywide Solid Waste Collection Services as of the date first set forth above.

WASTE CONNECTION LONE STAR, INC., a Texas Corporation.

By: \_\_\_\_\_  
Rob Nielsen, Regional Vice-President

CITY OF TERRELL, TEXAS  
a Municipal Corporation

By: \_\_\_\_\_  
Mike Sims, City Manager

ATTEST:

\_\_\_\_\_  
Dawn Steil, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Mary Gayle Ramsey, City Attorney

**STATE OF TEXAS**

**COUNTY OF KAUFMAN**

**EIGHTH AMENDMENT TO CONTRACT**

This Eighth Amendment to Contract (“Eighth Amendment”) is made and entered into as of this date by and between the CITY OF TERRELL, TEXAS, a municipal corporation located in Kaufman County, Texas, (“CITY”) and WASTE CONNECTIONS LONESTAR, INC.

IESI TX CORPORATION (“IESI”) and CITY entered into a Solid Waste Collection and Disposal Contract dated November 21, 2000, (“Contract”) for solid waste collection and disposal within the CITY.

IESI and CITY entered into an Extension of Contract (“First Amendment”) dated April 29, 2005, wherein the term of the original Contract was extended for an additional term of five (5) years beginning February 15, 2005, and terminating on February 15, 2010, increasing brush collection on a weekly basis and to freeze the prices for a certain period of time.

IESI and CITY entered into the Fuel Surcharge Amendment to Contract (“Fuel Surcharge Amendment also referred to as Second Amendment”) dated March 19, 2008, wherein the Fuel Surcharge was amended to reflect current rates.

IESI and CITY entered into the Third Amendment To Contract (“Third Amendment”) dated November 17, 2009, wherein the term of the Contract was amended.

IESI and CITY entered into the Fourth Amendment To Contract (“Fourth Amendment”) dated July 30, 2010, wherein the term of the Contract was amended.

IESI TX Corporation changed its name to Progressive Waste Solutions of TX, Inc. on June 20, 2012.

PWS and CITY entered into the Fifth Amendment To Contract (“Fifth Amendment”) dated April 7, 2015, wherein the term of the Contract was extended to February 15, 2021.

Progressive Waste Solutions of TX Corporation changed its name to Waste Connections Inc. on June 2, 2016.

PWS and CITY entered into the Sixth Amendment To Contract (“Sixth Amendment”) was approved by the City Council on February 7, 2017, wherein the term of the Contract was amended.

Waste Connections, Inc. and CITY entered into the Seventh Amendment To Contract (“Seventh Amendment”) dated January 16, 2018, wherein the term of the Contract was amended.

Waste Connection, Inc. has changed its name to Waste Connections Lonestar, Inc.

Waste Connections Lonestar, Inc. and CITY have agreed to amend the Contract as more fully described herein.

**I.**  
**Amendment**

Pricing. The terms of the Contract provide for annual adjustments to the rates for services to reflect the change in the Consumer Price Index (CPI-U) for the DFW area. The data available from the Department of Labor, Bureau of Labor Statistics for Dallas/Fort Worth area reflects an annual increase in the CPI-U for the DFW area of 2.237%. The monthly residential base rate shall increase to \$9.32 per month effective February 15, 2019; the Franchise Fee of 10% shall increase to \$0.93; the Sales Tax of 8.25% shall increase to \$0.85 for a total increase for services to \$11.10 per month.

**II.**

All other terms and conditions as set forth in the original Contract and any amendments thereto not in conflict with this Amendment shall remain in effect and all parties shall be bound by the terms of the original Contract and amendments except as modified herein.

**IN WITNESS WHEREOF**, Waste Connections Lonestar, Inc. and CITY have executed this Eighth Amendment to Contract on the \_\_\_\_\_ day of January, 2019.

WASTE CONNECTIONS LONESTAR, INC.  
A Texas Corporation

By: \_\_\_\_\_  
Rob Nielsen, Regional Vice-President

CITY OF TERRELL, TEXAS,  
A Municipal Corporation

ITEM 10.1.

By: \_\_\_\_\_  
Mike Sims, City Manager

Attest:

---

Dawn Steil, City Secretary

**THE STATE OF TEXAS §**

**COUNTY OF KAUFMAN §**

**INTERLOCAL COOPERATION AGREEMENT BETWEEN KAUFMAN COUNTY,  
TEXAS, AND THE CITY OF TERRELL, TEXAS**

**THIS INTERLOCAL COOPERATION AGREEMENT** hereinafter referred to as the “Agreement” is made and entered into by and between KAUFMAN COUNTY, TEXAS, a duly organized political subdivision of the State of Texas, hereinafter “the County,” and the CITY OF TERRELL, TEXAS, a duly incorporated municipality, hereinafter “the City,” whereby the County and the City are both collectively referred to herein as “the Parties.”

**WHEREAS**, the County and the City mutually desire to enter into this Agreement for the purpose of providing for the planning, engineering, construction, and enhancement of certain transportation facilities identified in Exhibit “C” TERRELL PROJECTS, located within the municipal limits of the City of Terrell and Kaufman County Commissioner Precinct #3; and

**WHEREAS**, the Interlocal Cooperation Act, Texas Government Code Chapter 791, hereinafter “the Act,” provides authorization for a local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act and the County and the City hereby mutually agree to be subject to the provisions of the Act; and

**WHEREAS**, the County and the City value the timely completion of the Projects which involves roads which are an integral part of the Parties’ road system, and the Parties are undertaking the Projects to facilitate safe travel on an improved roadway; and

**NOW THEREFORE**, this Agreement is hereby made and entered into by the County and the City upon and for the mutual consideration stated herein:

**WITNESSETH:**

**I.**

Pursuant to Texas Government Code §791.011, the County and the City hereby enter into this Agreement in order to perform certain governmental functions and services in the area of streets, roads, and drainage. The purpose of this Agreement is to provide a governmental function

or service that each party is authorized to perform individually.

**II.**

The County and the City hereby agree that the scopes of each of the projects in the TERRELL PROJECTS are described in Exhibit "C" TERRELL PROJECTS and that the total cost of the TERRELL PROJECTS is estimated at FORTY-TWO MILLION, EIGHT HUNDRED THOUSAND AND NO/100 DOLLARS (\$42,800,000.00).

**III.**

The County hereby agrees to contribute from the Kaufman County Transportation Bond Program – 2019, an amount which shall not exceed SIX MILLION FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$6,450,000.00) from its 2020 issuance toward satisfactory completion of the project and an additional TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00) in a future issuance upon approval by the commissioners court for a total County contribution of EIGHT MILLION FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$8,450,000.00).

**IV.**

The City hereby agrees to provide all necessary design, installation, inspections, right-of-way acquisition, utility relocations, and construction required for satisfactory completion of the Project.

**V.**

The City agrees to secure a contract for the construction of the Projects and to oversee any and all necessary engineering which may be required for satisfactory completion of the Projects. In addition, the City will ensure all inspections are conducted and approve all payments, including requested funding from the County, as invoices are received. The following are eligible expenses for County Transportation Bond Program Funds: program management, planning, engineering, traffic studies, sidewalks for on-system projects if required by state or federal requirements, safety treatments, utility relocations for on-system projects consistent with TxDOT reimbursement procedures, drainage for on-system projects that are required for construction of the project, safety lighting for on-system projects at intersections (specifically excludes continuous lighting), traffic lights, rights of way, construction, construction management, construction materials testing, and upon concurrence by the County, other expenditures as may be required to delivered an individual

roadway project. The city may seek flexibility from the County to allocate County funds between facilities within the TERRELL PROJECTS provided such flexibility is conveyed to the County Commissioner in which the project is located and the County Commissioner concurs with such allocation changes.

## VI.

This exchange of funds and in-kind services between the County and the City is deemed adequate consideration for the obligations exchanged by the Parties herein.

## VII.

As the City proceeds with the completion of the Projects, the City shall submit invoices for reimbursement to the Kaufman County Auditor, C/O Mr. John Polster, Innovative Transportation Solution, Inc., 2701 Valley View Lane, Farmers Branch, Texas 75234, on a monthly basis, and the County shall reimburse the City on a pro rata basis, for all approved expenses related to the Projects within thirty calendar days of receipt of an invoice from the City, provided that all expenditures are made in a manner which is consistent with the terms of this Agreement. Upon satisfactory completion of the Projects, the City shall prepare and complete a full audit of the Projects.

## VIII.

As required by Texas Transportation Code §251.012 and as evidenced by the signature of the City's representative below, the governing body of the City by the execution of and approval of this Agreement hereby approves of the expenditure of County money to finance the construction, improvement, maintenance, or repair of a street or alley in the County that is located in the City.

## IX.

This agreement may be terminated in whole, or in part, by the County or the City upon thirty days written notice to the other party. In the event of termination by the County, the County shall pay all approved invoices submitted up to and including the date of termination.

## X.

This agreement represents the entire integrated agreement between the County and the City and supersedes all prior negotiations, representations or agreements, either oral or written. This Agreement may be amended only by written instrument signed by both of the Parties. Notices

shall be directed as follows:

For City: Honorable E. Rick Carmona  
City of Terrell, Texas  
210 East Nash Street  
Terrell, Texas 75160

Copy To: Mr. Mike Sims, City Manager  
City of Terrell, Texas  
210 East Nash Street  
Terrell, Texas 75160

For County: Honorable Hal Richards  
Kaufman County Judge  
100 W. Mulberry  
Kaufman, Texas 75142

Copy To: Kaufman County District Attorney's Office – Civil Division  
100 W. Mulberry  
Kaufman, Texas 75142

## **XI.**

The covenants, terms, and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Kaufman County, Texas. The Parties mutually agree that venue for any obligation arising from this Agreement shall lie in Kaufman County, Texas.

## **XII.**

The County agrees and understands that the County, its employees, servants, agents, or representatives shall at no time represent themselves to be employees, servants, agents, or representatives of the City.

## **XIII.**

The City agrees and understands that the City, its employees, servants, agents, or representatives shall at no time represent themselves to be employees, servants, agents, or representatives of the County.

## **XIV.**

The City agrees to accept full responsibility for the acts, negligence, or omissions of all

City employees, agents, subcontractors, or contract laborers, and for all other persons doing work under a contract or agreement with the City.

**XV.**

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither the County nor the City waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims made by third parties.

**XVI.**

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

**XVII.**

The undersigned officers or agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

**XVIII.**

This Agreement becomes effective when signed by the last party whose signing makes the respective agreement fully executed, and the term of this Agreement is for the life of the Project beginning on the date of execution of this Agreement and continuing until the Project is completed.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**KAUFMAN COUNTY, TEXAS**  
Kaufman County Courthouse  
100 West Mulberry  
Kaufman, Texas 75142

By: \_\_\_\_\_  
Honorable Hal Richards  
Kaufman County Judge

**CITY OF TERRELL, TEXAS**  
210 East Nash Street  
Terrell, Texas 75160

By: \_\_\_\_\_  
Honorable E. Rick Carmona  
City of Terrell Mayor

ATTEST:

By: \_\_\_\_\_  
Kaufman County Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Assistant District Attorney

ATTEST:

By: \_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

**EXHIBIT A**  
**COUNTY AUTHORIZATION**

**EXHIBIT B**  
CITY AUTHORIZATION

**EXHIBIT C**  
**TERRELL PROJECTS**

COUNTY PROJECT #	PROJECT NAME	LIMITS	DESCRIPTION	TOTAL PROJECT COST	LOCAL/ OTHER FUNDS	COUNTY FUNDS - 2020 ISSUANCE	FUTURE ISSUANCE AMOUNT
47	Complete Streets: US 80 and Spur 226	US 80 from Bowswer to Spur 87 (Delis Street) and Spur 226 from High Street to Rochester	Complete streets design and construction	\$17,250,000	\$16,500,000	\$750,000	\$0
48	Las Lomas Parkway	from Apache Trail to US 80 and Las Lomas Parkway over US 80 and UPRR	Quiet zone project providing grade separation over UPRR and widen Las Lomas to a 4-lane highway	\$15,550,000	\$9,850,000	\$3,700,000	\$2,000,000
49	UPRR Quiet Zones	Citywide	Study/design and construction	\$10,000,000	\$8,000,000	\$2,000,000	\$0
<b>TOTAL</b>				<b>\$42,800,000</b>	<b>\$34,350,000</b>	<b>\$6,450,000</b>	<b>\$2,000,000</b>



## **City of Terrell**

### **State Legislative Policy Positions**

1. Support equity for communities with Historically Black Colleges and Universities with a population of less than 50,000 with an option for a 9% Hotel Occupancy Tax rate.
2. Oppose any attempt to limit or prohibit the authority of city, county, and/or school district officials to use public funds to communicate with legislators and state agencies, as well as to pay membership dues to organizations that hire lobbyists.
3. Developing plans and resources needed for greater broadband connectivity to enhance access to public education, healthcare, employment, news, and information.
4. Maintain all economic development tools available, reauthorizing Chapter 313 to enable Texas the ability to compete for major capital-intensive projects, fund the Texas Enterprise Fund, Event Trust Fund, Texas Tourism, the Texas Music Office, and the Texas Film Commission at levels that keep Texas competitive with other states.
5. Require Governors Emergency Orders to be approved by the State Legislature after 30 days.
6. Rollback or at least make no further changes to growth management legislation (Building Materials, ETJ, Zoning, City Limits).
7. Maintain funding for Texas Department of Transportation.

# *Advisory Memorandum*

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DATE: January 8, 2020

TO: Mike Sims, City Manager City of Terrell

**RE: POTENTIAL FOR AND COST OF LOBBYING & MONITORING EFFORTS**

FROM: John Godwin, Management Consultant

SUMMARY: Senator Hall’s “No TML” proposal would increase the cost to Terrell taxpayers of monitoring and assuring compliance with the state legislature from \$3,487 to \$160,000.

## Discussion

The proposed SB 29 appears to be a clear attempt by some to limit input from Texas cities to the state legislature. Citizens elect a mayor and council members to represent them on city council. The mayor and council use a variety of means to communicate the concerns of the city as an entity to the state legislature. This function is important partly because the legislature is fond of passing unfunded mandates to cities. If a state senator brags about getting something done it is often because he passed a state law or directed the eventual passage of a state regulation that raises the costs of local governments. Cities need a voice in the world of taxing, borrowing and spending in order to weigh in on the costs of complying with the wishes of the state legislature. The notion is that TML member cities are spending taxpayer dollars to support and oppose issue positions not always supported by all of their citizens. The City of Terrell’s annual membership is \$3,487. That is of course true—but no political entities have 100% agreement from their electorate. That is how representative government works. But we must keep in mind that local government officials, who also run for office in non-partisan elections, are much closer to their voters than those serving in the Texas legislature. We have locally elected officials who do their best to serve their cities, and if the voters think they failed, they can be removed. Shutting cities out of the process diminishes the voice on which Texas voters depend, especially those in smaller municipalities. Cities like Terrell must be able to address our legislators and do so in aggregate numbers. Legislators should crave that input, to accept or reject, but to fairly and fully hear and consider. Failing that, there will be a chilling effect on Texas cities, in which a vast majority of growth and economic development has and always will occur in Texas. Any truly caring, interested senator or representative should seek out cities’ perspectives before they undertake legislation regarding taxes, spending, regulations, mandates, and more.

Most cities that use a lobbyist hire a consultant(s) who specialize in this service and often in a specific area such as taxing, public safety, transportation, legislative actions, grant opportunities, administrative findings and rulemaking, etc. These consultants regularly monitor state activity, both in the legislative and executive branches, and then when the city believes an action by the state or federal government will have a negative effect on their community, they undertake efforts to improve or even defeat said action. In the data I found, the larger cities spend quite a bit on contract lobbying, which necessarily encompasses monitoring, including: Arlington, \$80,000; Fort Worth, \$224,000; Dallas, \$280,000; Plano, \$40,000+; and Frisco and McKinney, about the same as Plano. They lobby for many of the same things Terrell cares about, of course, but it is difficult to compare Terrell to these larger jurisdictions because so much of their lobbying efforts are federal-related. For example, one of Fort Worth's biggest priorities is defense spending. These cities generally use professional lobbyists instead of in-house staff because of their expertise, connections, large swings in work demand, and ability to focus on specific areas. These consultants vary as to whom they report as well, depending on the functional area addressed.

Medium and smaller cities often create a legislative priorities statement or program, typically drafted by staff and approved by the city council. The City of Coppell recently approved its legislative agenda, for example. Cities also use professional organizations like TML, BOAT, TRAPS, etc. to promote their unique interests and concerns. In those cases individual staff members are often the liaisons to those organizations. Cities often use city secretaries or public information officers to monitor state executive and legislative activities, as well as their city attorneys, typically working through their own statewide professional organization, to learn about major new legislation, actions by executive and administrative departments, and important judicial decisions that affect how we do business. It is not unusual to similarly depend on engineers or others for transportation issues, although to a much smaller degree. Once issues are identified, the city can take appropriate actions, including calls or other correspondence from the city manager or mayor, passing council resolutions, testifying at committee hearings, appearing before administrative bodies, etc. This is Coppell's plan, working directly with their legislative delegation and various state executives, consistent with its own unique legislative agenda. But Coppell knows they cannot do it all alone.

Amidst some legislators' desire to quieten cities, it is easy to lose sight of the executive impact of state actions. The executive branch is "in session" every year and all year long, so they need much scrutiny too. Through no malicious intent, executive and administrative offices and bureaucrats, who typically answer to no voters at any level, make far-reaching and potentially damaging decisions, rulings, and interpretations. These include unfunded mandates and complex regulatory requirements, as well as poor interpretations of legislative actions. Therefore, it is imperative that we monitor these activities too, and provide explanation and perspective to those state employees in their decision-making and enforcement processes. That is very difficult without someone in Austin with great knowledge to monitor executive meetings and actions on an almost full-time basis. Trying to do so from Terrell is impossible; paying someone in Austin is cost prohibitive. Again, this is especially significant to all but the largest Texas cities, which can afford to pay experts and will hire such professionals in any case.

Even without TML's very valuable work, it seems unlikely a city the size of Terrell would need to hire a full-time, in-house lobbyist/monitor. The size of the community, the ability of the city to effect changes acting alone, the expertise that would be required from a single person to be successful, the size and complexity of state bureaucracy, and the nature of the state legislature's biennial 180-day sessions all lend themselves to either contracting out such services, or folding them into the responsibilities of other staff and consultants. For example, the city secretary could monitor overall legislative activity, probably through TML, which would hopefully still be able to provide timely information. The city engineer, development services director, city attorney, and even myself or other consultants like FNI or our water attorneys could monitor certain areas and issue calls for possible action. Of course the most effective method for pressing the city's concerns would be in conjunction with other area municipalities, as is being done now in Kaufman County regarding this current lobbying bill. On a larger scale, this idea of combining expertise, minimizing costs, and using the strength of many cities acting in concert is exactly why TML is so very effective.

If TML is unable to do its job, the city will not have enough work to warrant a new employee, especially not every year or all year long. Existing staff, depending on the skill sets of the current incumbents could help fill that void. However, I assume each of those people already has a full workload, so additional assignments might not be practical. When I worked for a large county in Florida, after adopting a multi-page legislative program that I wrote following a series of commission meetings and hearings, we actually used a department director a few months each year to go to Tallahassee and lobby our legislative delegation. That was only possible, however, because his normal job did not keep him terribly busy, not something I see in Terrell. And in any case, the people to whom you would most likely entrust that sort of work are the ones probably already loaded down—good managers are usually assigned the most work. That also makes it very difficult for them to take on the role of monitor of state activity and city compliance.

Lobbying and monitoring is a very important function, to Terrell and every other city, especially in light of what appears to be an anti-city bias in the current Texas legislature. However, it is a difficult issue for us to address on our own without TML, which is able to watch over activities in Austin in every branch of state government, and do so every month and every year. A full-time job is too much, at least every other year, and even for parts of the legislative years. It is vital that we know what administrative decisions are made while they are still under consideration, but they do not happen all year on a full-time basis. Tacking on new duties to already busy directors will only slow down those directors, yet still not give legislative issues the attention they deserve and need. A part-time position will not have the expertise or authority required to act quickly. A lower paid, non-manager employee creates the likelihood there will be inadequate expertise or skills—and it is simply too much responsibility for someone that low on the wage scale.

I have found lobbyist positions in governmental and quasi-governmental entities paying in the range of \$54,000 up to \$120,000. For Terrell's purposes, \$54,000 to hire someone in-house as a state relations coordinator, responsible for both monitoring mandates and lobbying legislators, does not get the skill set required to do an effective job. Based on the salaries and responsibilities of other city employees, a salary only estimate of \$80,000 would probably be in order. We would have some expenses to budget on top of that too. These would include benefits, travel,

professional organizations, the opportunity costs of an office and so forth, and other indirect support costs. The standard indirect rate of 40% covering TMRS Insurance and social security would up the salary plus benefits costs to \$112,000. Other operating expenses such as hotel, per diem, cell phone and laptop would be hard to accomplish at \$4,000 per month or \$48,000 annually. I think we can logically estimate that an in-house coordinator, or a comparable group of multiple part-timers (if they even exist with the required expertise) and/or consultants, would cost Terrell an all-in number of no less than \$160,000. Unfortunately, such a person(s) will almost certainly be less effective than TML has been historically, and at a much higher cost to the city and its citizens. Too much occurs in Austin to not have someone watching out for our interests all the time, but to cover the costs of a person to work only for us is not cost effective. And a single coordinator cannot effectively work with state agencies, the legislature, and state executives. It is too broad a spectrum of expertise for any one person, particularly when the need to communicate the compliance issues is factored in.

From the legislature's perspective, the present system is infinitely more efficient too. By grouping cities together, there is a smaller focal point for legislative input, as opposed to over 1,000 cities seeking the time, attention and energy of legislators individually. Of course, under that scenario, swamped senators and legislators will be forced to choose to whom they will provide time, effectively squeezing out all but the larger cities, whose priorities and needs are often not the same as the rest of us. There simply are no scenarios that work as well or at as a low a cost as TML—it's why Terrell and hundreds of other cities and their locally elected councils are members and utilize their legislative services.

Again, it is worth a concluding reminder that TML's communication functions both telling legislators about local needs and telling local governments how to comply with the state. It is a cost saving for taxpayers that local governments use TML. By reducing TML, the legislature would be compelling the City of Terrell to add \$160,000 in new costs and eliminate \$3,487 in its current TML membership. If the legislation passes, I advise you to increase the City of Terrell budgeted expenses by \$156,513 to pay for replacing the role of TML.



City of Terrell  
Policy Brief

**Topic:** Hotel Occupancy Tax

**Background:** Hotel Occupancy Tax was introduced in 1959 with a 3% tax. The Texas Legislature passed two raises that brought the minimum rate to 6%. Based on the City qualifications, hotels in Texas have Hotel Occupancy Taxes of 6% to 17.5%.

**Problem:** Cities Historically Black Colleges and Universities are not treated equally under current law in comparison with cities containing other types of colleges and universities. This means that some cities can participate with their colleges for mutually beneficial tourist promotion and college visitation while similar sized cities with Historically Black Colleges and Universities are not allowed the opportunity for such cooperative “heads in beds” promotions.

**Current Law:** Most cities under 50,000 are at a 7% base Hotel Occupancy Tax, Terrell included. The existing “small cities with college bracket” allows an optional 9% Hotel Occupancy Tax up to City Council discretion. Unfortunately, the college definition used in state law, is a definition omitting Historically Black Colleges and Universities.

**Funding:** Cost neutral to current cities falling under this criteria. Tax rate increase will be paid by those who stay in hotels in the cities affected.

**Proposed Solution:** Allowing cities with Historically Black Colleges and Universities to get the benefits that other cities with colleges or universities that may opt into a higher Hotel Occupancy Tax rate at 9%. Four cities would be affected by this; Prairie View, Hawkins, Terrell and Marshall. The passage of a bill would give the option to the four cities to support cooperative tourism programs with their local Historically Black Colleges and Universities. This fixes what seems to be a simple oversight in the current bracket language and establishes equity between all small cities with colleges of a variety of types.

**Requested follow up:** Review draft bill of changes. Introduce legislation that would allow local governments to choose to pass an increase in their city.

Written draft of bill is attached.

ITEM 10.3.



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*Created Date: January 1, 2021*

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A BILL TO BE ENTITLED

AN ACT

relating to the municipal hotel occupancy tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 351.001(7), Tax Code, is amended to read as follows:

(7) "Eligible central municipality" means:

(A) a municipality with a population of more than 140,000 but less than 1.5 million that is located in a county with a population of one million or more and that has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(B) a municipality with a population of 250,000 or more that:

(i) is located wholly or partly on a barrier island that borders the Gulf of Mexico;

(ii) is located in a county with a population of 300,000 or more; and

(iii) has adopted a capital improvement plan to expand an existing convention center facility;

(C) a municipality with a population of 116,000 or more that:

(i) is located in two counties both of which have a population of 660,000 or more; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(D) a municipality with a population of less than 50,000 that contains (i) a general academic teaching institution that is not a component institution of a university system, as those terms are defined by Section 61.003, Education Code; or (ii) an accredited institution identified by the U.S. Department of Education as one of the Historically Black Colleges and Universities in the State of Texas; or

(E) a municipality with a population of 640,000 or more that:

(i) is located on an international border; and

(ii) has adopted a capital improvement plan for the construction or expansion of a convention center facility.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

A BILL TO BE ENTITLED

AN ACT

relating to the municipal hotel occupancy tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 351.003, Tax Code, is amended to read as follows:

Sec. 351.003. TAX RATES. (a) Except as provided by this section, the tax authorized by this chapter may be imposed at any rate not to exceed seven percent of the price paid for a room in a hotel.

(b) The rate in an eligible central municipality may not exceed nine percent of the price paid for a room. This subsection does not apply to a municipality to which Section 351.106 applies or to an eligible central municipality with a population of less than 440,000.

(c) The rate in a municipality that borders on the Gulf of Mexico and has a population of more than 250,000 or in a municipality with a population of less than 5,000 adjacent to a home-rule city with a population of less than 80,000 may not exceed nine percent of the price paid for a room.

(d) The rate in an eligible barrier island coastal municipality may not exceed 8-1/2 percent of the price paid for a room.

(e) The rate in a municipality that has a population of more than 95,000 and is in a county that borders Lake Palestine and has a population of more than 200,000 may not exceed nine percent of the price paid for a room. The municipality shall allocate for the construction, expansion, maintenance, or operation of convention center facilities all revenue received by the municipality that is derived from the application of the tax at a rate of more than seven percent of the price paid for a room in a hotel.

(f) The rate in a municipality that has a population of at least 80,000 and is partly located in a county that borders the State of Louisiana and has a population of at least 60,000 may not exceed nine percent of the price paid for a room. The municipality shall allocate for the construction, expansion, maintenance, or operation of convention center facilities all revenue received by the municipality that is derived from the application of the tax at a rate of more than seven percent of the price paid for a room in a hotel.

(g) The rate in a municipality with a population of less than 50,000 that contains an accredited institution identified by the U.S. Department of Education as one of the Historically Black Colleges and Universities in the State of Texas may not exceed nine percent of the price paid for a room.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.