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**CITY COUNCIL SPECIAL MEETING
CELINA COUNCIL CHAMBERS
112 N. COLORADO ST.
TUESDAY, MAY 16, 2023
5:00 PM
AGENDA**

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

II. CANVASS OF ELECTION RESULTS:

1. Conduct the canvass and consider and act to adopt a Resolution declaring the results of the Joint General Election held on May 6, 2023. (Vaughns)

III. OATHS OF OFFICE

IV. OPEN FORUM:

Open Forum is for information only. If you wish to speak, please sign one of the “Speaker Cards” and present to the City Secretary prior to the beginning of the City Council meeting. Speakers are limited to three (3) minutes. The Council can take no action. No charges and/or complaints will be heard against any elected official or employee of the city that are prohibited by law.

V. EXECUTIVE SESSION:

As authorized by Section 551.071(2) of the Texas Government Code, the Regular Meeting may be Convened into Closed Executive Session for the Purpose of Seeking Confidential Legal Advice from the City Attorney on any Agenda Item Listed Herein.

VI. CONSENT AGENDA:

Items are considered self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the City Council.

1. Consider and act to approve the fourth amendment to the Old Celina Reimbursement Agreement, Reinvestment Zone Number 5. (Satarino)

VII. ADJOURNMENT:

City Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551. "I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, May 12, 2023 at 11:30 a.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."

Lauren Vaughns, TRMC
City Secretary

Date Notice Removed



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City Secretary
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Lauren Vaughns, City Secretary
 CC: Jason Laumer, City Manager
 Date: May 16, 2023
 Re: Canvass of May 6, 2023 General Election

Action Requested:

Conduct the canvass and consider and act to adopt a Resolution declaring the results of the Joint General Election held on May 6, 2023. (Vaughns)

Background Information:

The annual General Election was held on Saturday, May 6, 2023, for the purpose of electing a Mayor and Council Member for Place 4 and a Council Member for Place 5. Unofficial tabulations from Collin and Denton Counties are listed below.

Mayor	Collin Co.	Denton Co.	Total Votes Received
Ryan Tubbs	1,172	125	1,297
Sean Terry	1,066	27	1,093

Place 4	Collin Co.	Denton Co.	Total Votes Received
KJ Clark	909	32	941
Wendie Wigginton	1,199	111	1,310

Place 5	Collin Co.	Denton Co.	Total Votes Received
Mindy Koehne	1,566	115	1,681

Supporting Documents:

Draft Resolution

Canvass documents certified by Collin County and Denton County Election Administrators have not been received at the time of posting.

Staff Recommendation:

Staff recommends approval.

RESOLUTION NO. 2023-__ R**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS CANVASSING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING THE MAYOR AND CITY COUNCILMEMBERS FOR PLACE NOS. 4 AND 5; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Celina is a home rule municipality located in Collin County and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the Election was held on the 6th day of May 2023, for the purpose of electing the hereinafter named officials; and

WHEREAS, the City Council has reviewed and investigated all matters pertaining to the election, including the ordering, notices, election officers, holding, and returns thereof, and it is now necessary to declare the official results of the canvass as follows:

	COLLIN COUNTY	DENTON COUNTY	TOTAL VOTES CAST
MAYOR			
RYAN TUBBS	1,172	125	1,297
SEAN TERRY	1,066	27	1,093
COUNCILMEMBER PLACE NO. 4			
KJ CLARK	909	32	941
WENDIE WIGGINTON	1,199	111	1,310
COUNCILMEMBER PLACE NO. 5			
MINDY KOEHNE	1,566	115	1,681

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

SECTION 1: Said election was duly called, that notice of said election was given in accordance with law, that said election was held in accordance with law, and that Ryan Tubbs was duly elected Mayor, that Wendie Wigginton was duly elected Councilmember Place No. 4, and that Mindy Koehne was duly election Councilmember Place No. 5. Above named parties are hereby declared duly elected Mayor, Councilmember for Place No. 4 and Councilmember for Place No. 5, subject to the taking of the oath-of-office as provided by the laws of the State of Texas.

SECTION 2: It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board

located in the City Hall, a place convenient and readily accessible to the general public and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting.

SECTION 3: This Resolution shall become effective from and after its date of passage in accordance with State law.

DULY PASSED AND APPROVED by the City Council of the City of Celina, Texas this the 16th day of May 2023.

Jay Pierce, MAYOR PRO TEM

ATTEST:

Lauren Field, CITY SECRETARY



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Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Anthony Satarino, Strategic Services Director
 CC: Jason Laumer, City Manager
 Date: May 16, 2023
 Re: Fourth Amendment to Old Celina Reimbursement Agreement

Action Requested:

Consider and act to approve the fourth amendment to the Old Celina Reimbursement Agreement, Reinvestment Zone Number 5. (Satarino)

Background Information:

The original Agreement was effective as of April 11, 2017, with subsequent amendments on June 18, 2018 (first amendment), April 18, 2019 (second amendment) and September 10, 2019 (third amendment). The proposed fourth amendment to the Old Celina Reimbursement Agreement extends the timeline for which improvements are to be constructed. Previously, per Section 7.2 of the Agreement, the Developer was required to complete the design and the construction of two lanes of Sunset Boulevard West within 6 months after the DNT Phase 4B opening date. With DNT Phase 4B now open, the completion date would be July 30, 2023. This date will not be met by the Developer.

The Developer has proposed, and Staff is agreeable to an extension of these construction improvements. This will allow adequate time for the City to provide the inspections and approvals for this work without any undue pressure or possible misunderstandings regarding timing/completion.

Alternatives:

Council may reject the agreement and direct staff.

Legal Review:

Contract documents have been previously reviewed and approved by City Attorney.

Supporting Documents:

Fourth Amendment

Staff Recommendation:

Staff recommends approval.

**FOURTH AMENDMENT TO OLD CELINA REIMBURSEMENT AGREEMENT,
REINVESTMENT ZONE NUMBER 5, CITY OF CELINA**

This Fourth Amendment to Old Celina Reimbursement Agreement, Reinvestment Zone Number 5, City of Celina (the “Fourth Amendment”) is made and entered into as of this ____ day of _____, 2023, by and between Old Celina, Ltd, a Texas limited partnership (“Developer”); Rex Glendenning; Sherese Glendenning; Equity Trust Company FBO Sherese Glendenning; Equity Trust Company FBO Rex Glendenning; and New Celina, LLC, a Texas limited liability company (collectively, “Other Owners”) and the City of Celina, Texas, a home-rule municipality located in Collin County and Denton County (the “City”), in its own behalf and on behalf of Reinvestment Zone Number Five, City of Celina (the “TIRZ”) (Developer, the Other Owners, City, and the TIRZ are sometimes individually referred to as a “Party” and collectively as the “Parties”). This Fourth Amendment is effective on the last date it is signed by all Parties (“Effective Date”).

WHEREAS, the Parties entered into the Old Celina Reimbursement Agreement, Reinvestment Zone Number 5, City of Celina, effective as of April 11, 2017 (the “Agreement”) pertaining to approximately 1233.25 acres of real property described in Exhibit B to the Agreement and located within the TIRZ and wholly within City and not within the corporate limit of any other town or city;

WHEREAS, the Parties entered into that certain First Amendment to Old Celina Reimbursement Agreement, Reinvestment Zone Number 5, City of Celina, effective June 18, 2018 (the “First Amendment”);

WHEREAS, the Parties entered into that certain Second Amendment to Old Celina Reimbursement Agreement, Reinvestment Zone Number 5, City of Celina, effective April 18, 2019 (the “Second Amendment”);

WHEREAS, the Parties entered into that certain Third Amendment to Old Celina Reimbursement Agreement, Reinvestment Zone Number 5, City of Celina, effective September 10, 2019 (the “Third Amendment”);

WHEREAS, the Parties entered into that certain Partial Assignment of Old Celina Reimbursement Agreement, Reinvestment Zone Number 5, City of Celina, effective April 1, 2022;

WHEREAS, the Parties acknowledge that, to the best of their current actual knowledge (without duty of inquiry), there are no defaults, or conditions that with the passage of time or the giving of notice will become defaults, under the Agreement as amended by First Amendment, the Second Amendment, and the Third Amendment; and

WHEREAS, the Parties now desire to further amend the Agreement as hereinafter set forth.

NOW, THEREFORE, in consideration of the promises, covenants, and agreements set forth in this Fourth Amendment, the receipt of which are hereby acknowledged, and intending to be bound by its terms, the Parties agree as follows:

1. **Amendment to Section 7.2.** The first sentence of Section 7.2, which previously read as follows:

Developer shall complete the design of four lanes and the construction of two lanes of Sunset Boulevard West within six (6) months after the DNT Phase 4B Opening Date (as defined in Article IX hereof).

is deleted in its entirety and the following sentence substituted therefor:

Developer shall complete the master design of four lanes and the construction of two lanes of Sunset Boulevard West on or before December 29, 2023.

All references to the completion date for the foregoing design and construction work are modified accordingly.

2. **Full Force and Effect.** The Agreement as amended by this Fourth Amendment shall continue in full force and effect.

3. **Enforceable.** Each Party acknowledges and agrees that this Fourth Amendment is binding upon such Party and enforceable against such Party in accordance with its terms and conditions, and that for good and adequate consideration, Developer's rights under the PD Zoning, the TIRZ Ordinance, and this Agreement have fully vested.

4. **Counterparts.** This Fourth Amendment may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment and caused this Fourth Amendment to be effective as of the date above.

CITY OF CELINA, TEXAS

By: _____
 Name: Sean Terry
 Title: Mayor

**OLD CELINA, LTD.,
 a Texas limited partnership**

By: Rex Management, LLC, a Texas limited liability company, its general partner

By: _____
 Rex Glendenning, President

REX GLENDENNING

SHERESE GLENDENNING

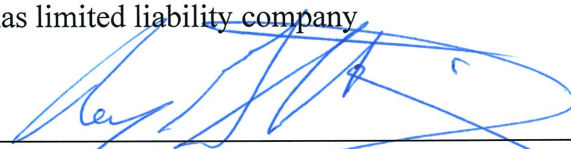
**EQUITY TRUST COMPANY FBO REX
 GLENDENNING**

Owner signature: _____
 Rex Glendenning, Beneficiary

**EQUITY TRUST COMPANY FBO SHERESE
GLENDENNING**

Owner signature:



Sherese Glendenning, Beneficiary**NEW CELINA, LLC,**
a Texas limited liability company
By: _____
Name: Rex Glendenning
Title: Manager