



**NOTICE OF
CITY COUNCIL PUBLIC HEARING AND SPECIAL MEETING
CELINA COUNCIL CHAMBERS 302 W. WALNUT ST., CELINA, TX 75009
TUESDAY, OCTOBER 20, 2015 AT 5:30 PM**

AGENDA

I. CALL TO ORDER:

II. ACTION ITEMS:

- A. Consider and act to move the December regular council meeting from Tuesday, December 8, 2015 to Monday, December 7, 2015 at 5PM.
- B. Consider and act upon a resolution determining the cost of authorized improvements, calling for a public hearing for November 5, 2015 on the PID Levy and Assessment, approving the preliminary Service Assessment Plan and proposed assessment roll, setting a levy and assessment date for November 5, 2015 and directing notice of the November 5, 2015 public hearing for Sutton Fields II Public Improvement District, consisting of a ± 622.883 acre tract of land, generally located on the east side of FM 1385, north of Parvin Road and south of FM 428 and located in the F. Wilkerson Survey, Abstract No. 1411, the H. Rue Survey, Abstract No. 1111, the J. Rue Survey, Abstract No. 1109, the T. Cox Survey, Abstract No. 309, the C. Jackson Survey, Abstract No. 1546, and the Thomas H. McIntyre Survey, Abstract No. 903, Denton County, Texas. (Sutton Fields II PID) (Liebman)
- C. Consider and act upon a resolution approving the distribution of the Sutton Fields II PID Neighborhood Improvement Area #1 (NIA #1) Preliminary Official Statement and the Neighborhood Improvement Areas #2-5 as the Major Improvement Area (MIA) Preliminary Official Statement. The Sutton Field II PID will be a ± 622.883 acre tract of land, generally located on the east side of FM 1385, north of Parvin Road and south of FM 428 and located in the F. Wilkerson Survey, Abstract No. 1411, the H. Rue Survey, Abstract No. 1111, the J. Rue Survey, Abstract No. 1109, the T. Cox Survey, Abstract No. 309, the C. Jackson Survey, Abstract No. 1546, and the Thomas H. McIntyre Survey, Abstract No. 903, Denton County, Texas. (Sutton Fields II PID) (Liebman)

III. ADJOURN:

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: _____ at ____ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."

Vicki Faulkner, TRMC
City Secretary, City of Celina, TX

Date Notice Removed



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Mike Foreman, City Manager
 Date: October 20, 2015
 Re: Resolution Determining the Cost of Authorized Improvements for Sutton Fields II
 PID and Setting a Levy and Assessment Hearing Date

Action Requested:

Consider and act upon a resolution determining the cost of authorized improvements, calling for a public hearing for November 5, 2015 on the PID Levy and Assessment, approving the preliminary Service Assessment Plan and proposed assessment roll, setting a levy and assessment date for November 5, 2015 and directing notice of the November 5, 2015 public hearing for Sutton Fields II Public Improvement District, consisting of a ±622.883 acre tract of land, generally located on the east side of FM 1385, north of Parvin Road and south of FM 428 and located in the F. Wilkerson Survey, Abstract No. 1411, the H. Rue Survey, Abstract No. 1111, the J. Rue Survey, Abstract No. 1109, the T. Cox Survey, Abstract No. 309, the C. Jackson Survey, Abstract No. 1546, and the Thomas H. McIntyre Survey, Abstract No. 903, Denton County, Texas. (Sutton Fields II PID) (Liebman)

Background Information:

At the October 13, 2015 Regular Meeting, the City Council passed an ordinance creating the Sutton Fields II PID. This resolution outlines the anticipated improvements to be financed by the Sutton Fields II Public Improvement District, a preliminary service plan and assessment plan, filing of the proposed assessment rolls, calling for a special called meeting, providing for notice of the public hearing, and considering an ordinance levying assessments.

Public Notice:

N/A

Legal Obligations and Review:

The Resolution determining the cost of authorized improvements for Sutton Fields II Public Improvement District has been reviewed by the city's land use attorney and bond counsel.

Supporting Documents:

- Resolution approving the cost of authorized improvements
- Preliminary Service Assessment Plan (this document will be supplied upon receipt)
- Assessment Rolls (this document will be supplied upon receipt)

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CELINA, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY THE SUTTON FIELDS II PUBLIC IMPROVEMENT DISTRICT; APPROVING A PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED ASSESSMENT ROLLS; CALLING A SPECIAL MEETING AND NOTICING A PUBLIC HEARING FOR NOVEMBER 5, 2015 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE SUTTON FIELDS II PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

RECITALS

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "Act") authorizes the governing body (the "City Council") of the City of Celina, Texas (the "City") to create a public improvement district within the City and with the extraterritorial jurisdiction of the City; and

WHEREAS, on October 13, 2015, the City Council conducted a public hearing to consider a petition received by the City on September 3, 2015 titled "Petition For The Creation Of A Public Improvement District Within The City For the Sutton Fields II Public Improvement District" (the Sutton Fields II Petition") requesting the creation of a public improvement district; and

WHEREAS, on October 13, 2015, the City Council held a public hearing on the creation of a public improvement district to consider the Sutton Fields II Petition and closed the public hearing on October 13, 2015; and

WHEREAS, on October 13, 2015, the City Council approved Resolution No. 2015-51R (the "Authorization Resolution"), authorizing, establishing and creating the Sutton Fields II Public Improvement District (the "District") for property within the City and within the extraterritorial jurisdiction of the City; and

WHEREAS, the City authorized the creation of the District and the issuance of up to \$85,000,000.00 in bonds for the District to finance certain public improvements authorized by the Act for the benefit of the property within the District (the "Authorized Improvements"); and

WHEREAS, the City Council and the City staff have been presented a "Sutton Fields II Public Improvement District Preliminary Service and Assessment Plan", including the proposed assessment rolls attached as Appendix A and Appendix B (the "Proposed Assessment Rolls"), (collectively, the "Preliminary SAP"), a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

WHEREAS, the Preliminary SAP sets forth the estimated total costs of certain Authorized Improvements to be financed by the District for the initial phase of development and the Proposed Assessment Rolls state the assessments proposed to be levied against each parcel of land in the District as determined by the method of assessment chosen by the City; and

WHEREAS, the Act requires that the Proposed Assessment Rolls be filed with the City Secretary of the City (the "City Secretary") and be subject to public inspection; and

WHEREAS, the Act requires that a public hearing (the "Assessment Hearing") be called to consider proposed assessments and requires the City Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and

WHEREAS, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing.

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

SECTION 1. THAT the recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. THAT the City Council does hereby accept the Preliminary SAP for the District, including the Proposed Assessment Rolls, a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

SECTION 3. THAT the City Council hereby determines that the total costs of the Major Improvements (as defined in the Preliminary SAP) to be financed by the District are as set forth in Section III and the total costs of the Neighborhood Improvement Area #1 Improvements (as defined in the Preliminary SAP) to be financed by the District are as set forth in Section III of the Preliminary SAP, which costs do include the payment of expenses incurred in the administration of the District or related to the issuance of any bonds.

SECTION 4. THAT the City Council's final determination and approval of the costs of the Major Improvements and the Neighborhood Improvement Area #1 Improvements, or any portion thereof, shall be subject to and contingent upon City Council approval of a final Service and Assessment Plan which will include final Assessment Rolls, after the properly noticed and held Assessment Hearing.

SECTION 5. THAT the Proposed Assessment Rolls state the assessment proposed to be levied against each parcel of land in the District as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary SAP.

SECTION 6. THAT the City Council expressly defers the levy of assessments against property within future phases for phase-specific improvements that will benefit only the property within each subsequent phase until such time as the costs of such phase-specific improvements can be determined with certainty as referenced in the Preliminary SAP.

SECTION 7. THAT the City Council hereby authorizes and directs the filing of the Proposed Assessment Rolls with the City Secretary and the same shall be available for public inspection.

SECTION 8. THAT the City Council hereby authorizes, and calls, a special meeting and a public hearing (the Assessment Hearing as defined above) to be held on November 5, 2015 at

7:00 a.m. at Celina Council Chambers, 302 W. Walnut, Celina, TX 75009, at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on property within the District (which ordinance shall specify the method of payment of the assessments).

SECTION 9. THAT the City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on November 5, 2015, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in a newspaper of general circulation in the City, on or before **October 23, 2015**, as required by Section 372.016(b) of the Act.

SECTION 10. THAT when the Proposed Assessment Roll is filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on November 5, 2015 as required by Section 372.016(c) of the Act.

SECTION 11. THAT City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the November 5, 2015 meeting of the City Council.

SECTION 12. THAT this Resolution shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED on this the 20th day of October, 2015.

ATTEST:

Chad Anderson, Mayor Pro-tem

Vicki Faulkner, City Secretary

EXHIBIT A

PRELIMINARY SERVICE AND ASSESSMENT PLAN

Attachment: Resolution determining costs of authorized improvements 10-15-15 (1301 : Sutton Fields Resolution Determining Costs)

EXHIBIT B
CITY OF CELINA, TEXAS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Celina, Texas on *November 5, 2015 at 7:00 a.m. at City Council Chambers, 302 W. Walnut, Celina, Texas 75009*. The public hearing will be held to consider proposed assessments to be levied against the assessable property within the Sutton Fields II Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

The general nature of the proposed public improvements (collectively, the "Authorized Improvements") are: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (vii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

The total costs of the Major Improvements and the Neighborhood Improvement Area #1 Improvements, including the costs of creating the District and issuing the bonds, is \$30,667,820. The total costs of Authorized Improvements to benefit future phases within the District cannot be determined with certainty at this time, but shall not exceed an additional \$54,332,180.

The boundaries of the District include approximately 622.779 acres of land generally located north of Parvin Road, east of FM 1385, south of FM 428, located within the City and within the extraterritorial jurisdiction of the City and as more particularly described by a metes and bounds description available at Celina City Hall located at 142 N. Ohio Street, Celina, Texas 75009 and available for public inspection.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the Neighborhood Improvement Area #1 Assessment Roll relating to the Neighborhood Improvement Area #1 Improvements and the portion of the Major Improvements allocated to Neighborhood Improvement Area #1, and the Neighborhood Improvement Areas #2-5 Assessment Roll relating to the Major Improvements allocated to Neighborhood Improvement Areas #2-5 Assessed Property (collectively, the "Assessment Rolls"), which Assessment Rolls include the assessments to be levied against each parcel in the District for the Neighborhood Improvement Area #1 Improvements and the Major Improvements, is available for public inspection at the office of the City Secretary, 142 N. Ohio Street, Celina, Texas 75009.



Planning and Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Brooks Wilson, Senior Planner
 CC: Mike Foreman, City Manager
 Date: October 20, 2015
 Re: Resolution Approving the Distribution of the Neighborhood Improvement Area (Area #1) and the Major Improvement Area (Areas #2-5) Preliminary Official Statements for Sutton Fields II PID

Action Requested:

Consider and act upon a resolution approving the distribution of the Sutton Fields II PID Neighborhood Improvement Area #1 (NIA #1) Preliminary Official Statement and the Neighborhood Improvement Areas #2-5 as the Major Improvement Area (MIA) Preliminary Official Statement. The Sutton Field II PID will be a ±622.883 acre tract of land, generally located on the east side of FM 1385, north of Parvin Road and south of FM 428 and located in the F. Wilkerson Survey, Abstract No. 1411, the H. Rue Survey, Abstract No. 1111, the J. Rue Survey, Abstract No. 1109, the T. Cox Survey, Abstract No. 309, the C. Jackson Survey, Abstract No. 1546, and the Thomas H. McIntyre Survey, Abstract No. 903, Denton County, Texas. (Sutton Fields II PID) (Liebman)

Background Information:

At the October 13, 2015 Regular Meeting, the City Council passed an ordinance creating the Sutton Fields II PID. The Preliminary Official Statement (POS) describes the special assessment revenue bonds, the security in place for the bonds, the sources and uses of the funds, the debt service requirements, the assessment procedures and amounts, and the projects to be financed in the Major Improvement Area and the Neighborhood Improvement Area(s). The bonds shall be designated as “City of Celina, Texas, Special Assessment Revenue Bonds, Series 2015 (Sutton Fields II Public Improvement District Neighborhood Improvement Area #1 Project)” (the “Neighborhood Improvement Area #1 Bonds”) and “City of Celina, Texas, Special Assessment Revenue Bonds, Series 2015 (Sutton Fields II Public Improvement District Neighborhood Improvement Areas #2-5 Major Improvement Project)” (the “Major Improvement Bonds”, and together with the Neighborhood Improvement Area #1 Bonds, the “Bonds”) to fund certain improvements in the PID as authorized by the PID Act

The proceeds of the bonds will be used primarily to finance the City’s proportionate share of the costs of certain roadway, water and drainage improvements that will benefit Sutton Fields II and other properties in the area. These costs would normally be funded through the City’s Capital Improvement Projects fund. By establishing the PID, the improvements can be made by the developer at an earlier date than if the City had to schedule them through CIP funds. The bond

funds will also pay a portion of the bond interest, fund a reserve account, and pay the cost of the issuance of the bonds. Repayment of the bonds is strictly limited to the assessments on the Sutton Fields II property itself and the bonds shall never constitute an indebtedness or general obligation to the City of Celina.

Financial Considerations:

Repayment of the bonds is contingent on the developer constructing infrastructure (roads, water, sewer), creating buildable lots and various home builders providing homes for sale to produce income. Each home will be assessed a value, based on size, which is collected with and in addition to the City's ad valorem taxes each year. Bond repayment is contingent on the continued sale of homes within Sutton Fields II for timely repayment of the bonds principal and interest. No tax dollars will be used to repay the bonds.

Legal Obligations and Review:

The resolution approving the distribution of Sutton Fields II PID Neighborhood Improvement Area #1 Preliminary Official Statement and the Major Improvement Area Preliminary Official Statement has been reviewed by the city's land use attorney. The Preliminary Official Statements have been reviewed by the city's land use attorney and bond counsel.

Supporting Documents:

- Resolution approving the distribution for Sutton Fields II Public Improvement District of Major Improvement Area (MIA) Preliminary Official Statement (POS)
- Sutton Fields II PID Neighborhood Improvement Area (Area #1) Preliminary Official Statement (this document will be supplied when received by staff)
- Sutton Fields II PID Major Improvement Area (MIA) Preliminary Official Statement (Areas #2-5) (this document will be supplied when received by staff)

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CELINA, TEXAS APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE CITY OF CELINA, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2015 (SUTTON FIELDS II PUBLIC IMPROVEMENT DISTRICT NEIGHBORHOOD IMPROVEMENT AREA #1 PROJECT) AND APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE CITY OF CELINA, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2015 (SUTTON FIELDS II PUBLIC IMPROVEMENT DISTRICT NEIGHBORHOOD IMPROVEMENT AREAS #2-5 MAJOR IMPROVEMENT PROJECT); AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "PID Act") authorizes the City of Celina, Texas (the "City") to create a public improvement district within the extraterritorial jurisdiction of the City; and

WHEREAS, pursuant to a resolution adopted by the City Council (the "City Council") of the City on October 13, 2015, the City has created the "Sutton Fields II Public Improvement District" (the "PID");

WHEREAS, the City intends to issue the bonds to be designated "City of Celina, Texas, Special Assessment Revenue Bonds, Series 2015 (Sutton Fields II Public Improvement District Neighborhood Improvement Area #1 Project)" (the "Neighborhood Improvement Area #1 Bonds") and "City of Celina, Texas, Special Assessment Revenue Bonds, Series 2015 (Sutton Fields II Public Improvement District Neighborhood Improvement Areas #2-5 Major Improvement Project)" (the "Major Improvement Bonds", and together with the Neighborhood Improvement Area #1 Bonds, the "Bonds") to fund certain improvements in the PID as authorized by the PID Act; and

WHEREAS, there has been presented to this City Council a Preliminary Official Statement relating to each series of the Bonds (together, the "Preliminary Official Statements"); and

WHEREAS, this City Council finds and determines that it is necessary and in the best interests of the City to approve the form and content of the Preliminary Official Statements and authorize the use of the Preliminary Official Statements in the offering and sale of the respective Bonds by the Underwriter of the Bonds, Jefferies LLC, under the conditions outlined herein.

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

SECTION 1. THAT the form and content of the Preliminary Official Statements are hereby approved, with such changes, addenda, supplements or amendments as may be approved by the City Manager.

SECTION 2. THAT the City hereby authorizes the Preliminary Official Statements to be used by the Underwriter in connection with the marketing and sale of the Bonds; provided that such Preliminary Official Statements shall not be released to the public without the approval of

the City Manager, which approval shall be made in consultation with the First Southwest Company, the City's Financial Advisor.

SECTION 3. THAT the City Council hereby delegates to the City Manager the authority to approve release of the Preliminary Official Statements to the public for use in marketing the Bonds under the conditions outlined herein.

SECTION 4. THAT City staff is authorized and directed are authorized to do all things proper and necessary to carry out the intent hereof.

SECTION 5. THAT this Resolution shall become effective from and after its date of passage in accordance with law.

[Execution page follows.]

ADOPTED, PASSED, AND APPROVED on this the 20th day of October, 2015.

Chad Anderson, Mayor Pro-tem

ATTEST:

Vicki Faulkner, City Secretary

(City Seal)