

REGULAR CITY COUNCIL MEETING

July 17, 2012

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, July 17, 2012, at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

COUNCILMEMBER #1 HAL RICHARDS
COUNCILMEMBER #2 TOMMY SPENCER - ABSENT (EXCUSED)
COUNCILMEMBER #3 RICKY JORDAN
COUNCILMEMBER #4 CHARLES WHITAKER
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Mayor Pro Tem Ricky Jordan, gave the opening prayer.

3. Discuss and Consider Approval of Special City Council Meeting and Workshop of June 19, 2012, Regular City Council Meeting Minutes of June 19, 2012, and Special City Council Meeting and Budget Retreat of June 28, 2012.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve the Special City Council Meeting and Workshop of June 19, 2012, Regular City Council Meeting Minutes of June 19, 2012, and Special City Council Meeting and Budget Retreat of June 28, 2012. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Hear Remarks from Visitors.

Gayle Harris expressed appreciation to Council the changes at the Terrell Animal Adoption Shelter.

5. Discuss and Consider Appointment to Terrell Airport Board.

Mayor Pro Tem Ricky Jordan, made a motion to table Appointment to Terrell Airport Board. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

6. Discuss and Consider Contract for Professional Services regarding asbestos mitigation, monitoring and demolition with EcoSystems Environmental, Inc. to demolish the substandard and dangerous commercial structures located at 1008-1014 S. Virginia Street, being Lots 3-5, Block 119, Moore and Nash Addition in an amount not to exceed \$55,000.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration Consider Contract for Professional Services regarding asbestos mitigation, monitoring and demolition with EcoSystems Environmental, Inc. to demolish the substandard and dangerous commercial structures located at 1008-1014 S. Virginia Street, being Lots 3-5, Block 119, Moore and Nash Addition in an amount not to exceed \$55,000. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Contract for Professional Services regarding asbestos mitigation, monitoring and demolition with EcoSystems Environmental, Inc. to demolish the substandard and dangerous commercial structures located at 1008-1014 S. Virginia Street, being Lots 3-5, Block 119, Moore and Nash Addition in an amount not to exceed \$55,000. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

7. Discuss and Consider Roadway Naming Issues.

This item passed by Council.

8. Discuss and Consider Ordinance 2543; An Ordinance Of The City Of Terrell, Texas, Amending Article III, Section B, Floodplain Management Regulations, Of Chapter Four, Building Regulations, Of The Revised Code Of Ordinances; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration Ordinance 2543; An Ordinance Of The City Of Terrell, Texas, Amending Article III, Section B, Floodplain Management Regulations, Of Chapter Four, Building Regulations, Of The Revised Code Of Ordinances; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Ordinance 2543; An Ordinance Of The City Of Terrell, Texas, Amending Article III, Section B, Floodplain Management Regulations, Of Chapter Four, Building Regulations, Of The Revised Code Of Ordinances; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2543

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING ARTICLE III, SECTION B, FLOODPLAIN MANAGEMENT REGULATIONS, OF CHAPTER FOUR, BUILDING REGULATIONS, OF THE REVISED CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

9. Discuss and Consider Resolution 717; A Resolution Of The City Of Terrell, Texas, Authorizing The Texas Coalition For Affordable Power (TCAP) To Seek Bids To Cover The Electric Power Needs Of The City For The Period January 1, 2014 - December 31, 2017 And To Negotiate An Extension Of The City's Power Supply And Retail Electric Provider Contracts For The Same Period; Authorizing The City Manager To Sign A Contract With TCAP For The City's Electricity Needs For The Period Extending Up To December 31, 2017; Committing To Budget For Energy Purchases And To Honor The City's Commitments To Purchase Power Through TCAP For Its Electrical Needs Through December 31, 2017, If City Agrees To Accept The Contract Offer.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Resolution 717; A Resolution Of The City Of Terrell, Texas, Authorizing The Texas Coalition For Affordable Power (TCAP) To Seek Bids To Cover The Electric Power Needs Of The City For The Period January 1, 2014 - December 31, 2017 And To Negotiate An Extension Of The City's Power Supply And Retail Electric Provider Contracts For The Same Period; Authorizing The City Manager To Sign A Contract With TCAP For The City's Electricity Needs For The Period Extending Up To December 31, 2017; Committing To Budget For Energy Purchases And To Honor The City's Commitments To Purchase Power Through TCAP For Its Electrical Needs Through December 31, 2017, If City Agrees To Accept The Contract Offer. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution 717; A Resolution Of The City Of Terrell, Texas, Authorizing The Texas Coalition For Affordable Power (TCAP) To Seek Bids To Cover The Electric Power Needs Of The City For The Period January 1, 2014 - December 31, 2017 And To Negotiate An Extension Of The City's Power Supply And Retail Electric Provider Contracts For The Same Period; Authorizing The City Manager To Sign A Contract With TCAP For The City's Electricity Needs For The Period Extending Up To December 31, 2017; Committing To Budget For Energy Purchases And To Honor The City's Commitments To Purchase Power Through TCAP For Its Electrical Needs Through December 31, 2017, If City Agrees To Accept The Contract Offer. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

RESOLUTION NO. 717

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER (TCAP) TO SEEK BIDS TO COVER THE ELECTRIC POWER NEEDS OF THE CITY FOR THE PERIOD JANUARY 1, 2014 - DECEMBER 31, 2017 AND TO NEGOTIATE AN EXTENSION OF THE CITY'S POWER SUPPLY AND RETAIL ELECTRIC PROVIDER CONTRACTS FOR THE SAME PERIOD; AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH TCAP FOR THE CITY'S ELECTRICITY NEEDS FOR THE PERIOD EXTENDING UP TO DECEMBER 31, 2017; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH TCAP FOR ITS ELECTRICAL NEEDS THROUGH DECEMBER 31, 2017, IF CITY AGREES TO ACCEPT THE CONTRACT OFFER.

CONSENT AGENDA

Deputy Mayor Pro Tem D. J. Ory, made a motion to adopt on CONSENT AGENDA Ordinance No. 2541 on second reading. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider Adoption on Second Reading of Ordinance No. 2541 adopting a Zone Change from Commercial (C)/Light Industrial (LI) to Planned Development No. 7 (PD-7) for a convenience store and truck fueling center; generally located north of Interstate 20 and east of State Highway 34; being all of a certain 8.9821 acre tract of land described as Tracts 1-4 out of the Ransom Sowell Survey, Abstract No. 443; being all of Block A, Interstate 20 Addition as recorded in Cabinet 1, Sleeve 302, Map Records; and being all of that tract of land conveyed to Landvestments, LLC, by Sheriff's Tax Deed recorded in Volume 2485, Page 558, Deed Records, said tract being the same 3.6753 acre tract of land as described in the deed to Jamal Holdings, Inc. as recorded in Volume 781, Page 169, Deed Records, City of Terrell, Kaufman County, Texas. (ZC-12-03).

ORDINANCE NO. 2541

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM COMMERCIAL (C) AND LIGHT INDUSTRIAL (LI) TO PLANNED DEVELOPMENT NO.7 (PD-7) FOR A CONVENIENCE STORE AND TRUCK FUELING CENTER; GENERALLY LOCATED NORTH OF INTERSTATE 20 AND EAST OF STATE HIGHWAY 34; BEING ALL OF A CERTAIN 8.9821 ACRE TRACT OF LAND DESCRIBED AS TRACTS 1-4 OUT OF THE RANSOM SOWELL SURVEY, ABSTRACT NO. 443; BEING ALL OF BLOCK A, INTERSTATE 20 ADDITION AS RECORDED IN CABINET 1, SLEEVE 302, MAP RECORDS; AND BEING ALL OF THAT TRACT OF LAND CONVEYED TO LANDVESTMENTS, LLC, BY SHERIFF'S TAX DEED RECORDED IN VOLUME 2485, PAGE 558, DEED RECORDS, SAID TRACT BEING THE SAME 3.6753 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO JAMAL HOLDINGS, INC. AS RECORDED IN VOLUME 781, PAGE 169, DEED RECORDS OF KAUFMAN COUNTY, TEXAS; CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ARTICLE I.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on June 13, 2012 on a request to change the zoning from Commercial (C) and Light Industrial (LI) to Planned Development No.7 (PD-7) on all of a certain 8.9821 acre tract of land described as Tracts 1-4 out of the Ransom Sowell Survey, Abstract No. 443; being all of Block A, Interstate 20 Addition as recorded in Cabinet 1, Sleeve 302, Map Records; and being all of that tract of land conveyed to Landvestments, LLC, by Sheriff's Tax Deed recorded in Volume 2485, Page 558, Deed Records, said tract being the same 3.6753 acre tract of land as described in the deed to Jamal Holdings, Inc. as recorded in Volume 781, Page 169, Deed Records of Kaufman County, Texas and recommend approving a zone change on this property; and

WHEREAS, the City Council of the City of Terrell, Texas held a public hearing on June 19, 2012, on a request to change the zoning from Commercial (C) and Light Industrial (LI) to Planned Development No.7 (PD-7) on said property as described above; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Terrell; and

WHEREAS, the City Council of the City of Terrell, Texas has determined that it would be in the best interest of the citizens of Terrell to change the zoning from Commercial (C) and Light Industrial (LI) to Planned Development No.7 (PD-7) for a convenience store and truck fueling center on property as described above.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

THAT the zoning classification be and is hereby changed from Commercial (C) and Light Industrial (LI) to Planned Development No.7 (PD-7) on all of a certain 8.9821 acre tract of land described as Tracts 1-4 out of the Ransom Sowell Survey, Abstract No. 443; being all of Block A, Interstate 20 Addition as recorded in Cabinet 1, Sleeve 302, Map Records; and being all of that tract of land conveyed to Landvestments, LLC, by Sheriff's Tax Deed recorded in Volume 2485, Page 558, Deed Records, said tract being the same 3.6753 acre tract of land as described in the deed to Jamal Holdings, Inc. as recorded in Volume 781, Page 169, Deed Records of Kaufman County, Texas.

ARTICLE II

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE IV

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

PASSED AND APPROVED this the 19th day of June, 2012.

PASSED AND ADOPTED this the 17th day of July, 2012.

END OF CONSENT AGENDA

11. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the Following:
 - (a) Section 551.071 - Consultation with Attorney.
 - (b) Section 551.072 - Deliberations about Real Property.

This item passed by Council.

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

This item passed by Council.

13. Adjourn.

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

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary