

REGULAR CITY COUNCIL MEETING

June 19, 2012

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, June 19, 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
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 May 31, 2012, and Regular City Council Meeting Minutes of June 5, 2012.

Mayor Pro Tem Ricky Jordan, made a motion to approve the Special City Council Meeting and Workshop of May 31, 2012, and Regular City Council Meeting Minutes of June 5, 2012. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

6. Discuss and Consider Financial Audit for Fiscal Year 2010-2011.

John Manning, Representing Patillo, Brown and Hill, L.L.P., Presented to Council For Discussion and Consideration Financial Audit for Fiscal Year 2010-2011. Deputy Mayor Pro Tem D. J. Ory, made a motion to accept Financial Audit for Fiscal Year 2010-2011. Councilmember Tommy Spencer seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Hear Remarks from Visitors.

No Remarks from Visitors were made.

5. a.) Conduct a Public Hearing to receive comments regarding approval of a Zoning 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)*

Terry Capehart, Municipal Development Director; Jake Petras, Representing QuikTrip; Mike Sims, Assistant City Manager and Steve Rogers, City Engineer, gave opening comments regarding approval of a Zoning 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)*. Mayor Hal Richards opened a Public Hearing to Receive Comments regarding approval of a Zoning Change from Commercial (C)/Light Industrial (LI) to Planned Development No. 7 (PD-7) for a convenience store and truck fueling center. Betty Woolverton spoke against the Zoning Change. Terry McCockran, Jee Sung Oh, and Bill Reese spoke for approval of a Zoning Change from Commercial (C)/Light Industrial (LI) to Planned Development No. 7 (PD-7) for a convenience store and truck fueling center. Mayor Richards closed the Public Hearing.

b.) Discuss and consider approval 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)*

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve 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)*. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - Mayor Pro Tem Ricky Jordan, Deputy Mayor Pro Tem D. J. Ory, and Councilmember Charles Whitaker. Nays - None. Councilmember Tommy Spencer did not vote on this item. Motion Carried.

7. Discuss and Consider Board Vacancies.

John Rounsavall, City Secretary, Presented to Council For Discussion and Consideration Board Vacancies. Councilmembers will oversee selected board vacancies. There was no action taken on this item.

BOARDS	COUNCILMEMBER
Airport	Hal Richards
Civil Service	Charles Whitaker
Building Standards	D. J. Ory
Library	Charles Whitaker
Park	D. J. Ory
Planning & Zoning	Ricky Jordan
Economic Development	Tommy Spencer
Zoning Board of Adjustments	Charles Whitaker
Tax Increment Finance	Tommy Spencer
Hospital Advisory	Ricky Jordan

8. Discuss and Consider Appointments to Planning and Zoning Board.

This item was passed by Council.

9. Discuss and Consider Appointments to Terrell Airport Board.

Mayor Hal Richards, Presented to Council for Discussion and Consideration Appointments to Terrell Airport Board. Mayor Hal Richards made a motion to appoint Ray Hicks, Michael Grout and Richard Franklin. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider adoption of Resolution No. 716 creating the Residential Economic Incentive Program with associated policy guidelines.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration adoption of Resolution No. 716 creating the Residential Economic Incentive Program with associated policy guidelines. Mayor Pro Tem Ricky Jordan, made a motion to accept adoption of Resolution No. 716 creating the Residential Economic Incentive Program with associated policy guidelines. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider Easement Agreement Between the City of Terrell and Windstream KDL, Inc.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration Easement Agreement Between the City of Terrell and Windstream KDL, Inc. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Easement Agreement Between the City of Terrell and Windstream KDL, Inc. Mayor Pro Tem Ricky Jordan, seconded to motion. Ayes - All. Nays - None. Motion carried.

CONSENT AGENDA

Deputy Mayor Pro Tem D. J. Ory made a motion to adopt on CONSENT AGENDA Ordinance No. 2540 on second reading. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

12. Discuss and Consider Adoption on Second Reading of Ordinance 2540; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2011, And Ending September 30, 2012, As Passed And Adopted On September 20, 2011 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.

ORDINANCE NO. 2540

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, AS PASSED AND ADOPTED ON SEPTEMBER 20, 2011 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

SECTION I.

The following funds are amended to reflect the following in the budget:

<u>GENERAL FUND REVENUES</u>	BUDGETED	AMOUNT	AMENDED
010-00-3810 Transfer in Close Housing Grant	\$-0-	\$161,527.60	\$161,527.60
<u>GENERAL FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
010-33-4105-00 Overtime	\$55,000.00	\$ 20,000.00	\$ 75,000.00
<u>AIRPORT FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED

014-14-4320 Building and Grounds \$5,000.00 \$10,000.00 \$15,000.00

SECTION II.

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

SECTION 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION IV.

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

Passed and Approved on this the 5th day of June, 2012.
Passed and Adopted on this the 19th day of June, 2012.

END OF CONSENT AGENDA

13. 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.

This item passed by Council.

- b.) Section 551.072 - Deliberations about Real Property.

Council adjourned into Executive Session, Section 551.072 - Deliberations about Real Property.

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

Council reconvened into Regular Session. There was no action taken by Council.

15. 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