

REGULAR CITY COUNCIL MEETING

December 17, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, December 17, 2013, 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.

Deputy Mayor Pro Tem D. J. Ory, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting of November 14, 2013, and Regular City Council Meeting of November 19, 2013.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting of November 14, 2013, and Regular City Council Meeting of November 19, 2013. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

PUBLIC HEARING

5. a. Conduct a Public Hearing to receive comments regarding a request for a Zone Change from Townhouse (TH-12) to Commercial (C) District on property located at 608 E. High Street; being Part of Lot 2, Block 434, Terrell Revised Addition; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a Zone Change from Townhouse (TH-12) to Commercial (C) District on property located at 608 E. High Street; being Part of Lot 2, Block 434, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. Mayor Hal Richards recognized Kenneth Schoen County Commissioner and Don Thurman Chairman of TIF Board. Mayor Hal Richards opened a public hearing to receive

comments regarding a request for a Zone Change from Townhouse (TH-12) to Commercial (C) District on property located at 608 E. High Street; being Part of Lot 2, Block 434, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. No one spoke in favor. No one spoke in opposition. Mayor Hal Richards closed the public hearing.

- b. Discuss and consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2587 changing the Zoning Classification from Townhouse (TH-12) to Commercial (C) District on property located at 608 E. High Street; being Part of Lot 2, Block 434, Terrell Revised Addition; City of Terrell, Kaufman County, Texas.

Deputy Mayor Pro Tem D. J. Ory, made a motion to accept a recommendation by the Planning and Zoning Commission and approve on first reading Ordinance No. 2587 changing the Zoning Classification from Townhouse (TH-12) to Commercial (C) District on property located at 608 E. High Street; being Part of Lot 2, Block 434, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2587

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM TOWNHOUSE (TH-12) TO COMMERCIAL (C) DISTRICT ON PROPERTY LOCATED AT 608 EAST HIGH STREET, BEING PART OF LOT 2, BLOCK 434, TERRELL REVISED ADDITION, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

6. a. Conduct a Public Hearing to receive comments regarding a request for a zoning change from Single-Family 7.5 to Townhouse (TH-12) on property located at 708 Gilbert Street and on St. Luke Street between Rose Hill Road and Gilbert Street; being Lots 26 & 27, Block 1, Wallace Addition and Lots 19-25, Block 1, Phagan Addition; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a zoning change from Single-Family 7.5 to Townhouse (TH-12) on property located at 708 Gilbert Street and on St. Luke Street between Rose Hill Road and Gilbert Street; being Lots 26 & 27, Block 1, Wallace Addition and Lots 19-25, Block 1, Phagan Addition; City of Terrell, Kaufman County, Texas. Mayor Hal Richards, opened a public hearing to receive comments regarding a request for a zoning change from Single-Family 7.5 to Townhouse (TH-12) on property located at 708 Gilbert Street and on St. Luke Street between Rose Hill Road and Gilbert Street; being Lots 26 & 27, Block 1, Wallace Addition and Lots 19-25, Block 1, Phagan Addition; City of Terrell, Kaufman County, Texas. No one spoke in favor. Some spoke in opposition: Charles Henderson, 1119 S. Medora; Frankie Land, 1317 S. Medora; Doris Jacobs, 704 Gilbert; Lula Dean, 704 Gilbert; Linzelle Land, 725 Gilbert. Mayor Hal Richards, closed the public hearing.

- b. Discuss and consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2588 changing the Zoning Classification from Single-Family 7.5 to Townhouse (TH-12) on property located at 708 Gilbert Street and on St. Luke Street between Rose Hill Road and Gilbert Street; being Lots 26 & 27, Block 1, Wallace Addition and Lots 19-25, Block 1, Phagan Addition; City of Terrell, Kaufman County, Texas.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Planning and Zoning's recommendation to deny Ordinance No. 2588 changing the Zoning Classification from Single-Family 7.5 to Townhouse (TH-12) on property located at 708 Gilbert Street and on St. Luke Street between Rose Hill Road and Gilbert Street; being Lots 26 & 27, Block 1, Wallace Addition and Lots 19-25, Block 1, Phagan Addition; City of Terrell, Kaufman County, Texas. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

7. a. Conduct a Public Hearing to receive comments regarding a request for a Zone Change to amend SUP-20 (Ord. No. 2492) on property located at 320, 380 & 381 Iron Horse Drive; being portions of Lots 1 & 2, Block A, Terrell Materials Addition; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a Zone Change to amend SUP-20 (Ord. No. 2492) on property located at 320, 380 & 381 Iron Horse Drive; being portions of Lots 1 & 2, Block A, Terrell Materials Addition; City of Terrell, Kaufman County, Texas. Mayor Hal Richards, opened a public hearing to receive comments regarding a request for a Zone Change to amend SUP-20 (Ord. No. 2492) on property located at 320, 380 & 381 Iron Horse Drive; being portions of Lots 1 & 2, Block A, Terrell Materials Addition; City of Terrell, Kaufman County, Texas. Steven Scott, Representing Mario Sinacola, spoke in favor. No one spoke in opposition. Mayor Hal Richards, closed the public hearing.

- b. Discuss and consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2589 amending SUP-20 (Ord. No. 2492) on property located at 320, 380 & 381 Iron Horse Drive; being portions of Lots 1 & 2, Block A, Terrell Materials Addition; City of Terrell, Kaufman County, Texas.

Deputy Mayor Pro Tem D. J. Ory, made a motion to accept a recommendation by the Planning and Zoning Commission and approve on first reading Ordinance No. 2589 amending SUP-20 (Ord. No. 2492) on property located at 320, 380 & 381 Iron Horse Drive; being portions of Lots 1 & 2, Block A, Terrell Materials Addition; City of Terrell, Kaufman County, Texas. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2589

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2492, ADOPTED ON JUNE 21, 2011, REVISING THE DEVELOPMENT CONDITIONS FOR SPECIFIC USE PERMIT (SUP-20) FOR ASPHALT AND CONCRETE BATCH PLANTS AND STORAGE AND DISTRIBUTION OF AGGREGATE, LIME, CEMENT AND BUILDING MATERIALS ON LAND LOCATED BETWEEN AND EAST OF THE INTERSECTION OF U.S. HIGHWAY 80 AND SPUR 557; BEING DESCRIBED AS PORTIONS OF LOTS 1 AND 2, TERRELL MATERIALS ADDITION, CONTAINING 112.8 ACRES MORE OR LESS, CITY OF TERRELL, KAUFMAN COUNTY,

TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

8. a. Conduct a Public Hearing to receive comments regarding a request for a Zone Change from Retail (R) District to Planned Development (PD) on property located at 100 FM 148; being all of that certain called 14.42 acre tract of land as recorded in a deed to the Terrell Economic Development Corporation, Volume 3768, Page 325, Deed Records of Kaufman County; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a Zone Change from Retail (R) District to Planned Development (PD) on property located at 100 FM 148; being all of that certain called 14.42 acre tract of land as recorded in a deed to the Terrell Economic Development Corporation, Volume 3768, Page 325, Deed Records of Kaufman County; City of Terrell, Kaufman County, Texas. Mayor Hal Richards, opened a public hearing to receive comments regarding a request for a Zone Change from Retail (R) District to Planned Development (PD) on property located at 100 FM 148; being all of that certain called 14.42 acre tract of land as recorded in a deed to the Terrell Economic Development Corporation, Volume 3768, Page 325, Deed Records of Kaufman County; City of Terrell, Kaufman County, Texas. No one spoke in favor. No one spoke in opposition. Mayor Hal Richards, closed the public hearing.

- b. Discuss and consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2590 changing the zoning classification from Retail (R) District to Planned Development (PD-8) on property located at 100 FM 148; being all of that certain called 14.42 acre tract of land as recorded in a deed to the Terrell Economic Development Corporation, Volume 3768, Page 325, Deed Records of Kaufman County; City of Terrell, Kaufman County, Texas.

Deputy Mayor Pro Tem D. J. Ory, made a motion to accept a recommendation by the Planning and Zoning Commission and approve on first reading Ordinance No. 2590 changing the zoning classification from Retail (R) District to Planned Development (PD-8) on property located at 100 FM 148; being all of that certain called 14.42 acre tract of land as recorded in a deed to the Terrell Economic Development Corporation, Volume 3768, Page 325, Deed Records of Kaufman County; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2590

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM RETAIL DISTRICT (R) TO PLANNED DEVELOPMENT (PD-8) ON PROPERTY LOCATED AT 100 F.M. 148, BEING ALL OF THAT CERTAIN 14.464 ACRE TRACT OF LAND BEING SITUATED IN THE J.C. HALE SURVEY, ABSTRACT NO. 202; AND BEING THE SAME LAND CONVEYED TO THE TERRELL ECONOMIC DEVELOPMENT CORPORATION FROM PRECISIONAIRE, INC. RECORDED IN VOLUME 3768, PAGE 325 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NEW BUSINESS

9. Discuss and Consider Spur 557 Ramps and connection to Apache Trail Project.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Spur 557 Ramps and connection to Apache Trail Project. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City Manager to execute a cost overrun in an amount not to exceed \$182,976.21 including 1/3 of the cost to be paid by the Terrell Economic Development Corporation. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider Work Authorization #4D supplemental design services for the FM148(S) Project.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Work Authorization #4D supplemental design services for the FM148(S) Project. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City Manager to execute #4D supplemental design services for the FM148(S) Project in an amount not to exceed \$12,000.00. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider Work Authorization #13 for Right-of-Way and utility coordination services on the IH20 Frontage Road project.

Mike Sims, Assistant City Attorney, presented to Council for discussion and consideration Work Authorization #13 for Right-of-Way and utility coordination services on the IH20 Frontage Road project. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City Manager to execute Work Authorization #13 for Right-of-Way and utility coordination services on the IH20 Frontage Road project in an amount not to exceed \$81,380.00. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

12. Discuss and Consider Resolution No. 755; A Resolution Of The City Council Of The City Of Terrell, Texas Approving Contracts For Funding Through The Texas Department Of Agriculture Texas Capital Fund Program; Authorizing The City Manager To Negotiate And The Mayor To Execute The Texas Capital Fund Contract With The Texas Department Of Agriculture, The Community And Business Agreement Between The City Of Terrell And Buc-ee's Ltd. And The Management Services Contract With Tim F. Glendening & Associates, Inc.; Incorporating Recitals And Providing An Effective Date.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Resolution No. 755; A Resolution Of The City Council Of The City Of Terrell, Texas Approving Contracts For Funding Through The Texas Department Of Agriculture Texas Capital Fund Program; Authorizing The City Manager To Negotiate And The Mayor To Execute The Texas Capital Fund Contract With The Texas Department Of Agriculture, The Community And Business Agreement Between The City Of Terrell And Buc-ee's Ltd. And The Management Services Contract With Tim F. Glendening & Associates, Inc.; Incorporating Recitals And Providing An Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve as presented Resolution No. 755; A Resolution Of The City Council Of The City Of Terrell, Texas Approving Contracts For Funding Through The Texas Department Of Agriculture Texas Capital Fund

Program; Authorizing The City Manager To Negotiate And The Mayor To Execute The Texas Capital Fund Contract With The Texas Department Of Agriculture, The Community And Business Agreement Between The City Of Terrell And Buc-ee's Ltd. And The Management Services Contract With Tim F. Glendening & Associates, Inc.; Incorporating Recitals And Providing An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

13. Discuss and Consider Resolution No. 754; A Resolution Of The City Council Of The City Of Terrell, Texas, Appointing A Member To Serve As A Director On The Board Of Directors Of Kaufman County Appraisal District; Incorporating Recitals And Declaring An Effective Date.

John Rounsavall, City Secretary, presented to Council for discussion and consideration Resolution No. 754; A Resolution Of The City Council Of The City Of Terrell, Texas, Appointing A Member To Serve As A Director On The Board Of Directors Of Kaufman County Appraisal District; Incorporating Recitals And Declaring An Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 754; A Resolution Of The City Council Of The City Of Terrell, Texas, Appointing A Member To Serve As A Director On The Board Of Directors Of Kaufman County Appraisal District; Incorporating Recitals And Declaring An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

14. Discuss and Consider appointment to Planning & Zoning Commission.

Councilmember Charles Whitaker, made a motion to table appointment to Planning & Zoning Commission. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

CONSENT AGENDA

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2586 on second reading. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

15. Discuss and Consider Adoption On Second Reading Ordinance No. 2586; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2013, And Ending September 30, 2014, As Passed And Adopted On September 3, 2013 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.

ORDINANCE NO. 2586

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, AS PASSED AND ADOPTED ON SEPTEMBER 3, 2013 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</u>	BUDGETED AMOUNT		AMENDED
<u>EXPENDITURES</u>			
Administration			
010-12-4404-00 Consultant Fees and Services	\$	-0-	\$ 35,000.00
			\$ 35,000.00
Building Maintenance			
010-16-4104-00 Part-Time	\$	-0-	\$ 12,480.00
010-16-4110-00 Social Security	\$	2,635.00	\$ 955.00
			\$ 3,590.00
Equipment Replacement Fund Expenditures			
025-25-4350-00 Vehicle Maintenance	\$	2,500.00	\$ 22,500.00
			\$ 25,000.00

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 unconstitutionally 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 19th day of November, 2013.

Passed and Adopted on this the 17th day of December, 2013.

16. Discuss City Manager's Reports and Correspondence:
 - a.) City Staff Commendations.
 - b.) Upcoming Special City Council Meeting and Workshop, January 23, 2014.

Torry Edwards, City Manager presented to Council for discussion City Staff Commendations and Upcoming Special City Council Meeting and Workshop dated January 23, 2014. There was no action taken on this item.

17. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
 - a.) Section 551.071 - Consultations with Attorney - pending or contemplated litigation.
 - b.) Section 551.072 - Deliberations about Real Property.
 - c.) Section 551.087 - Deliberation Regarding Economic Development Negotiations.

This item was passed by Council.

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

This item was passed by Council.

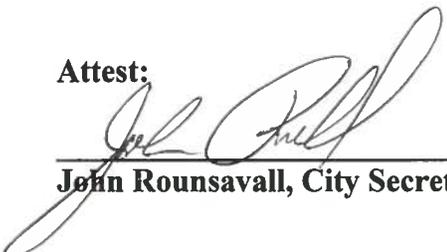
19. Adjourn.

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