

REGULAR CITY COUNCIL MEETING

JANUARY 3, 2012

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, January 3, 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 SANDRA WILSON
COUNCILMEMBER #3 RICKY JORDAN – ABSENT (EXCUSED)
COUNCILMEMBER #4 JACK JONES
COUNCILMEMBER #5 D.J. ORY**

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Mayor Pro tem Jack Jones gave the opening prayer.

3. Discuss and Consider Approval of Special Meeting and Workshop Minutes of December 1, 2011 and Regular City Council Meeting Minutes of December 6, 2011.

Deputy Mayor Pro tem Sandra Wilson made a motion to approve Special Meeting and Workshop Minutes of December 1, 2011 and Regular City Council Meeting Minutes of December 6, 2011. The motion was seconded by Councilmember D. J. Ory. Ayes – all; Nays – none. Motion carried.

4. Hear Remarks from Visitors

None were made.

PUBLIC HEARING

5. a.) Conduct a Public Hearing to Receive a Request for a Zoning Change from Light Industrial (LI) District to Commercial (C) District on property located at 98 State Highway 205, in order to develop a Walgreens retail store, being a portion of the Norton 3rd Addition and portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a portion of Lot 3, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. (ZC-11-06)

Terry Capehart, Municipal Development Director gave the opening comments regarding a request for a Zone Change from Light Industrial (LI) District to Commercial (C) District on

property located at 98 State Highway 205, in order to develop a Walgreens retail store, being a portion of the Norton 3rd Addition and portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a portion of Lot 3, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. Mayor Hal Richards opened a Public Hearing Relating to the approval of request for a Zone Change from Light Industrial (LI) District to Commercial (C) District on property located at 98 State Highway 205, in order to develop a Walgreens retail store, being a portion of the Norton 3rd Addition and portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a portion of Lot 3, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. No one spoke for or against a request for a Zone Change from Light Industrial (LI) District to Commercial (C) District on property located at 98 State Highway 205, in order to develop a Walgreens retail store, being a portion of the Norton 3rd Addition and portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a portion of Lot 3, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. Mayor Richards closed the Public Hearing.

b.) Discuss and Consider Approval of Ordinance No. 2514 – Changing the Zoning Classification from Light Industrial (LI) District to Commercial (C) District on property located at 98 State Highway 205, being a portion of the Norton 3rd Addition and portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a portion of Lot 3, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas.

Councilmember D.J. Ory made a motion to approve Ordinance No. 2514 – Changing the Zoning Classification from Light Industrial (LI) District to Commercial (C) District on property located at 98 State Highway 205, in order to develop a Walgreens retail store, being a portion of the Norton 3rd Addition and portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a portion of Lot 3, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

6. c.) Conduct a Public Hearing to Receive Comment Regarding a Request for a Specific Use Permit (SUP) for a Tattoo Studio on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition, City of Terrell, Kaufman County, Texas. (SUP 23)

Terry Capehart, Municipal Development Director gave the opening comments regarding a request for a Specific Use Permit (SUP) for a Tattoo Studio on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition, City of Terrell, Kaufman County, Texas. Mayor Hal Richards opened a Public Hearing Relating to a request for a Specific Use Permit (SUP) for a Tattoo Studio on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition, City of Terrell, Kaufman County, Texas. Heather Keels, 21702 FM 429, spoke for request for a Specific Use Permit (SUP) for a Tattoo Studio on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition, City of Terrell, Kaufman County, Texas. No one spoke against request. Mayor Richards closed the Public Hearing.

d.) Discuss and Consider Approval of Ordinance No. 2515 – Granting a Specific Use Permit (SUP) for a Tattoo Studio on property located at 724B East

Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition, City of Terrell, Kaufman County, Texas. (SUP 23)

Deputy Mayor Pro tem Sandra Wilson made a motion to approve Ordinance No. 2515 – Granting a Specific Use Permit (SUP) for a Tattoo Studio on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition, City of Terrell, Kaufman County, Texas. Heather Keels, 21702 FM 429, spoke for request for a Specific Use Permit (SUP) for a Tattoo Studio on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition, City of Terrell, Kaufman County, Texas. No one seconded motion. The motion dies.

NEW BUSINESS

- 7. Discuss and Consider Approval of a Final Plat on Property Located at 98 State Highway 205, being a Replat of a Portion of the Norton 3rd Addition and Portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a Portion of Lot 3, Block 1, Randall Noe Addition into Lot 3R, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. (PL-11-05)**

Terry Capehart, Municipal Development Director presented to Council for discussion and consideration for approval of a Final Plat on Property Located at 98 State Highway 205, being a Replat of a Portion of the Norton 3rd Addition and Portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a Portion of Lot 3, Block 1, Randall Noe Addition into Lot 3R, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. Councilmember D.J. Ory made a motion to approve Final Plat on Property Located at 98 State Highway 205, being a Replat of a Portion of the Norton 3rd Addition and Portions of Lots 1 and 2, Block A, Lot 3, Block B, Clem Addition and a Portion of Lot 3, Block 1, Randall Noe Addition into Lot 3R, Block 1, Randall Noe Addition, City of Terrell, Kaufman County, Texas. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

- 8. Discuss and Consider Approval of Agreement for Professional Services from Tim F. Glendening & Associates for Project Administration, 2011-2012 Texas Community Development Block Grant Program (TxCDBG).**

Steve Rogers, City Engineer presented to Council for discussion and consideration of approval of Agreement for Professional Services from Tim F. Glendening & Associates for Project Administration, 2011-2012 Texas Community Development Block Grant Program (TxCDBG). Deputy Mayor Pro tem Sandra Wilson made a motion to approve Agreement for Professional Services from Tim F. Glendening & Associates for Project Administration, 2011-2012 Texas Community Development Block Grant Program (TxCDBG) not to exceed \$34,000. The motion was seconded by Councilmember D.J. Ory. Ayes – all; Nays – none. Motion carried.

- 9. Discuss and Consider Approval of Appointments to Terrell Economic Development Corporation.**

Deputy Mayor Pro tem Sandra Wilson made a motion to reappoint Ricky Carmona, Douglas Howie and J.C. Jackson to the Terrell Economic Development Corporation. The motion was seconded by Councilmember D.J. Ory. Ayes – all; Nays – none. Motion carried.

CONSENT AGENDA

10. Discuss and Consider Adoption on Second Reading Ordinance No. 2513 – Budget Amendment.

Councilmember D.J. Ory made a motion to adopt Ordinance No. 2513 on second reading on CONSENT AGENDA. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays –none. Motion carried.

ORDINANCE NO. 2513

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:

GENERAL FUND EXPENDITURES	BUDGETED	AMOUNT	AMENDED
010-11-4498 Contingency Fund	\$75,000.00	\$(8,300.00)	\$ 66,700.00
010-34-4440 Contract Labor	\$10,500.00	\$8,300.00	\$18,800.00

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 6th day of December, 2011.

Passed and Adopted on this the 3rd day of January, 2012.

END OF CONSENT AGENDA

11. Receive City Manager's Reports and Correspondence – Special City Council Meeting and Workshop Agenda – January 19, 2012 – 6:00 p.m.

City Manager Torry Edwards presented City Manager's Reports and Correspondence – Special City Council Meeting and Workshop Agenda – Thursday, January 19, 2012 – 6:00 p.m. There was no action taken by this item.

12. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the Following:

a.) Section 551.087 – Deliberations Regarding Economic Development Negotiations.

This item was passed.

b.) Section 551-071 – Consultation with Attorney.

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

No action was taken.

14. 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