

REGULAR CITY COUNCIL MEETING

March 5, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, March 5, 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.

Dr. Bob Price, Pastor of Cornerstone Baptist Church, gave the opening prayer.

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

Councilmember Charles Whitaker, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of February 14, 2013, and Regular City Council Meeting of February 19, 2013. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayses - None. Motion carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

NEW BUSINESS

5. Presentation to Council Terrell TwentyFifteen City of Terrell Committee Recommendations.

Mayor Hal Richards, introduced Dr. Bob Price, Representing Terrell TwentyFifteen City of Terrell Committee. Dr. Bob Price, Pastor of Cornerstone Baptist Church, Presented to Council Terrell TwentyFifteen City of Terrell Committee Recommendations. There was no action taken on this item.

6. Discuss and Consider Resolution No. 728; A Resolution Of The City Of Terrell, Texas, Authorizing The City Manager To Negotiate And Execute An Amendment To The Funding Agreement With Terrell Market Center, Ltd For IH 20 From Spur 557 To FM 148.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration Resolution No. 728; A Resolution Of The City Of Terrell, Texas, Authorizing The City Manager To Negotiate And Execute An Amendment To The Funding Agreement With Terrell Market Center, Ltd For IH 20 From Spur 557 To FM 148. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 728; A Resolution Of The City Of Terrell, Texas, Authorizing The City Manager To Negotiate And Execute An Amendment To The Funding Agreement With Terrell Market Center, Ltd For IH 20 From Spur 557 To FM 148. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

RESOLUTION NO. 728

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE FUNDING AGREEMENT WITH TERRELL MARKET CENTER, LTD FOR IH 20 FROM SPUR 557 TO FM 148.

WHEREAS, Terrell Market Center, Ltd. and the City of Terrell entered into an agreement regarding improvements to IH 20 (the "Funding Agreement") on March 17, 2009; and

WHEREAS, Terrell Market Center, Ltd. has expended funds per the Funding Agreement on engineering, environmental, and Texas Department of Transportation (TxDOT) review costs; and

WHEREAS, the City of Terrell has been successful in its application under the TxDOT Pass-Through Toll Funding Program (the "PTT Program") which included IH 20; and

WHEREAS, under the PTT Program, the City of Terrell and TxDOT has entered into an agreement for the delivery of the improvements to IH 20 (the "PTT Agreement"); and

WHEREAS, because of the change in the underlying agreements with TxDOT from LPAFA to PTT Agreement, the Funding Agreement needs to be amended to recognize those changes;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THAT:

- 1) Terrell Market Center shall retain the project funding obligation associated with the IH 20 project from Spur 557 to FM 148 as shown in the existing Funding Agreement in Attachment 1.
- 2) The City Manager is hereby authorized to negotiate and execute the Funding Agreement Amendment for IH 20 Improvements from Spur 557 to FM 148 between Terrell Market Center, Ltd. and the City of Terrell, Texas as shown in Attachment 2.
- 3) This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 5th day of March, 2013.

7. Discuss and Consider Work Authorization #9 and #10.

Doug Huneycutt, Representing Raba Kistner, Presented to Council for Discussion and Consideration Work Authorization #9 and #10. Deputy Mayor Pro Tem D. J. Ory made a motion to authorize City Manager to execute Work Authorization #9 and #10 not to exceed amounts of \$106,000.00 and \$324,000.00. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nayses - None. Motion carried.

8. Discuss and Consider Ordinance No. 2565; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2012, And Ending September 30, 2013, As Passed And Adopted On September 4, 2012 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.

Jody Lay, Chief of Police, Presented to Council for Discussion and Consideration Ordinance No. 2565; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2012, And Ending September 30, 2013, As Passed And Adopted On September 4, 2012 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date. Mayor Pro Tem Ricky Jordan, made a motion to approve on first reading Ordinance No. 2565; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2012, And Ending September 30, 2013, As Passed And Adopted On September 4, 2012 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayses - None. Motion carried.

ORDINANCE NO. 2565

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013, AS PASSED AND ADOPTED ON SEPTEMBER 4, 2012 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

9. Discuss and Consider Appointments to Terrell Economic Development Corporation.

Mayor Hal Richards, Presented to Council for Discussion and Consideration Appointments to Terrell Economic Development Corporation. Councilmember Tommy Spencer, made a motion to appoint Kenneth Schoen to the Terrell Economic Development Corporation to replace J. C. Jackson. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nayses - None. Motion carried.

10. Discuss and Consider Appointments to Terrell Municipal Airport Board.

Mayor Hal Richards, Presented to Council for Discussion and Consideration Appointments to Terrell Municipal Airport Board. Mayor Hal Richards, made a motion to appoint Dorman Williamson to Terrell Municipal Airport Board to replace Vickie Anderson. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayses - None. Motion carried.

11. Discuss and Consider Appointments to Terrell Park Board.

Deputy Mayor Pro Tem D. J. Ory, Presented to Council for Discussion and Consideration Appointments to Terrell Park Board. Deputy Mayor Pro Tem D. J. Ory, made a motion to appoint Mary McCoy to Terrell Park Board to replace Robert Carlile. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayses - None. Motion carried.

12. Discuss and Consider Appointments to Planning & Zoning Commission.

Mayor Pro Tem Ricky Jordan, made a motion to table Appointments to Planning & Zoning Commission. Councilmember Charles Whitaker seconded the motion. Ayes - All. Nayses - None. Motion carried.

13. Discuss and Consider Appointments to Zoning Board of Adjustments.

Councilmember Charles Whitaker, made a motion to table Appointments to Zoning Board of Adjustments. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayses - None. Motion carried.

CONSENT AGENDA

Mayor Pro Tem D. J. Ory made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2564 on second reading. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayses - None. Motion carried.

14. Discuss and Consider Adoption on Second Reading Ordinance No. 2564; An Ordinance Of The City Of Terrell, Texas, Changing The Zoning From Single-Family 7.5 (Sf-7.5) District To Light Industrial District (Li) On Property Located At 110 State Highway 205, Terrell, Texas, Being Approximately 3.0 Acres Of Land, A Portion Of That Certain Tract Of Land Conveyed To Rand Partners Limited Partnership And Being Situated In The J.C. Hale Survey, Abstract No. 202, City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For A Penalty; Providing For Severability And Providing An Effective Date.

ORDINANCE NO. 2564

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM SINGLE-FAMILY 7.5 (SF-7.5) District TO LIGHT INDUSTRIAL DISTRICT (LI) ON PROPERTY LOCATED AT 110 STATE HIGHWAY 205, TERRELL, TEXAS, BEING APPROXIMATELY 3.0 ACRES OF LAND, A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO RAND PARTNERS LIMITED PARTNERSHIP AND BEING SITUATED IN THE J.C. HALE SURVEY, ABSTRACT NO. 202, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY; 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 January 22, 2013, on a request to change the zoning from Single-Family 7.5 (SF-7.5) District to Light Industrial District (LI) on property located at 110 State Highway 205, Terrell, Texas, being approximately 3.0 acres of land, a portion of that certain tract of land conveyed to Rand Partners Limited Partnership by instrument No. 2007-000100837, and being situated in the J.C. Hale Survey, Abstract No. 202; City of Terrell, Kaufman County, Texas; and

Whereas, the City Council of the City of Terrell, Texas, held a public hearing on February 19, 2013, and has determined that it would be in the best interest of the citizens of Terrell to change the zoning from Single-Family 7.5 (SF-7.5) District to Light Industrial District (LI); 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 the State of Texas.

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 Single-Family 7.5 (SF-7.5) District to Light Industrial District (LI) on property located at 110 State Highway 205, being approximately 3.0 acres of land, a portion of that certain tract of land conveyed to Rand Partners Limited Partnership by instrument No. 2007-000100837, and being situated in the J.C. Hale Survey, Abstract No. 202; City of Terrell, Kaufman County, Texas.

Article II

That the operation will be in conformance with requirements of the Zoning Ordinance. In addition, the official Zoning Map of the City of Terrell, Texas shall be annotated to show the change in zoning status from Single-Family 7.5 (SF-7.5) District to Light Industrial District (LI), thereon.

Article III

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

Article IV

Any person, entity or corporation violating any provisions of this Ordinance shall be considered in violation of the adopted Comprehensive Zoning Ordinance of the City of Terrell and be subject, upon conviction, to the penalties and remedies therein.

Article V

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 VI

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

Passed and approved this the 19th day of February, 2013.

Passed and adopted this the 5th day of March, 2013.

END OF CONSENT AGENDA

15. Discuss City Manager's Reports and Correspondence:
 - a.) Habitat for Humanity update regarding 502 S. Medora Street.

Torry Edwards, City Manager, Presented to Council for Discussion Habitat for Humanity update regarding 502 S. Medora Street.

16. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
 - a.) Section 551.072 - Deliberations about Real Property.

This item was passed by Council.

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

This item was passed by Council.

18. 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