REGULAR CITY COUNCIL MEETING

October 16, 2012

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, October 16, 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 - ABSENT (EXCUSED)
COUNCILMEMBER #4 CHARLES WHITAKER
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Mayor Hal Richards, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop September 27, 2012, and Regular City Council Meeting of October 2, 2012.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop September 27, 2012, and Regular City Council Meeting of October 2, 2012. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

16. 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 - pending or contemplated litigation.

Council adjourned into Executive Session.

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

No action was taken in Executive Session.

10. Discuss and Consider approval of request from Donnelle Keenan regarding the use of alternative exterior materials per Section 37.4 of the Zoning Ordinance, in order to construct an accessory building for a large recreational vehicle on property located at 513 Kings Creek Drive, being Lot 7, Block M, Kings Creek Addition, City of Terrell, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration approval of request from Donnelle Keenan regarding the use of alternative exterior materials per Section 37.4 of the Zoning Ordinance, in order to construct an accessory building for a large recreational vehicle on property located at 513 Kings Creek Drive, being Lot 7, Block M, Kings Creek Addition, City of Terrell, Texas. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve a request from Donnelle Keenan regarding the use of alternative exterior materials per Section 37.4 of the Zoning Ordinance, in order to construct an accessory building for a large recreational vehicle on property located at 513 Kings Creek Drive, being Lot 7, Block M, Kings Creek Addition, City of Terrell, Texas. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

NEW BUSINESS

5. Discuss and Consider the Emergency and Urgent Public Necessity for Immediate Preservation of the Health and Safety to Repair a Sanitary Sewer located on Griffith Avenue.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration the Emergency and Urgent Public Necessity for Immediate Preservation of the Health and Safety to Repair a Sanitary Sewer located on Griffith Avenue. Deputy Mayor Pro Tem D. J. Ory made a motion to authorize City Manager to execute agreement for emergency repairs. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

6. Discuss and Consider Ordinance No. 2554; Budget Amendment.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Ordinance 2554; Budget Amendment. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve on first reading Ordinance No. 2554; Budget Amendment. Councilmember Charles Whitaker seconded the motion. Ayes - All. Nayes - None. Motion carried.

ORDINANCE NO. 2554

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.

7. Discuss and Consider On-Line and Live Auction Services Request For Proposal No 25-01-01.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration On-Line and Live Auction Services Request For Proposal No 25-01-01. Deputy Mayor Pro Tem D. J. Ory made a motion to approve Rene Bates Auctioneers for the On-Line and Live Auction Services Request for Proposal No. 25-01-01. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

8. Discuss and Consider Resolution No. 719, Application to the Texas Community Development Block Grant Program to be filed on behalf of the City with the Texas Department of Agriculture.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration Resolution No. 719, Application to the Texas Community Development Block Grant Program to be filed on behalf of the City with the Texas Department of Agriculture. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 719, Application to the Texas Community Development Block Grant Program to be filed on behalf of the City with the Texas Department of Agriculture. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

RESOLUTION 719

A RESOLUTION OF THE CITY COUNCIL OF TERRELL, TEXAS AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

9. Discuss and Consider a recommendation to the Kaufman County Tax Office regarding the proposed resale of vacant lots held in trust by the County, generally located in the 800 block of West Grove Street; being two separate lots: Parcel N-306 being Lots 3A & 4A, Block 122, Western Addition; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration a recommendation to the Kaufman County Tax Office regarding the proposed resale of vacant lots held in trust by the County, generally located in the 800 block of West Grove Street; being two separate lots: Parcel N-306 being Lots 3A & 4A, Block 122, Western Addition; City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve a recommendation to the Kaufman County Tax Office regarding the proposed resale of vacant lots held in trust by the County, generally located in the 800 block of West Grove Street; being two separate lots: Parcel N-306 being Lots 3A & 4A, Block 122, Western Addition; City of Terrell, Kaufman County, Texas. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayes - None. Motion carried.

11. Discuss and Consider a recommendation by the Planning and Zoning Commission regarding a construction plat generally located South and East of the Intersection of US Hwy 80 and Spur 557; being 182.6565 Acres out of the J. R. Leath Survey, Abstract No. 305, J.W. Leath Survey, Abstract No. 637, Thomas Waldrop Survey, Abstract No. 597, W.C. Moody Survey, Abstract No. 321, Thomas F. Smith Survey, Abstract No. 493; City of Terrell, Kaufman County, Texas. *(PL-12-06)*

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration a recommendation by the Planning and Zoning Commission regarding a construction plat generally located South and East of the Intersection of US Hwy 80 and Spur 557; being 182.6565 Acres out of the J. R. Leath Survey, Abstract No. 305, J.W. Leath Survey, Abstract No. 637, Thomas Waldrop Survey, Abstract No. 597, W.C. Moody Survey, Abstract No. 321, Thomas F. Smith Survey, Abstract No. 493; City of Terrell, Kaufman County, Texas. *(PL-12-06)*. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve the recommendation by the Planning and Zoning Commission regarding a construction plat as presented with the stipulation the name of the roadway could be changed if the Council so desired. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

12. Discuss and Consider 2012-2013 Financial Policy.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration 2012-2013 Financial Policy. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve 2012-2013 Financial Policy. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayes - None. Motion carried.

13. Discuss and Consider Resolution No. 720; A Resolution of The City of Terrell, Texas, Establishing A Policy Governing The Investment of City Funds.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Resolution No. 720; A Resolution of The City of Terrell, Texas, Establishing A Policy Governing The Investment of City Funds. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 720; A Resolution of The City of Terrell, Texas, Establishing A Policy Governing The Investment of City Funds. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

RESOLUTION NO. 720

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, ESTABLISHING A POLICY GOVERNING THE INVESTMENT OF CITY FUNDS

CONSENT AGENDA

Deputy Mayor Pro Tem D. J. Ory, made a motion to adopt on CONSENT AGENDA Ordinance No. 2553 on second reading. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayes - None. Motion carried.

14. Discuss and Consider on Second Reading Ordinance 2553; An Ordinance of the City Of Terrell, Texas, Amending Section 3: General Requirement: Dedication of Land and Payment of Park Development Fee, Subsections 3D, 3E, 4B and 5B of Chapter 20, Article II of the Code of Ordinances of the City of Terrell, Texas; Providing for Repeal of Conflicting Ordinances; Providing for Severability, and Providing an Effective Date.

ORDINANCE NO. 2553

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 3: GENERAL REQUIREMENT: DEDICATION OF LAND AND PAYMENT OF PARK DEVELOPMENT FEE, SUBSECTIONS 3D, 3E, 4B AND 5B OF CHAPTER 20, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, August 19, 2003, the City Council of the City of Terrell adopted Ordinance No. 2187 Amending Chapter 20, Article II of the Code of Ordinances of the City of Terrell, Texas, providing for Park Land Dedication and Cash Payment or Park Land Dedication and Park Construction or Cash Payment in Lieu of Park Land Dedication as a condition to Residential Subdivision Plat Approval and Established a Special Fund for Land Dedicated and Money Paid for Development; and

WHEREAS, the City Council finds and determines it is in the best interest of the citizens of Terrell, Texas, to make certain changes to Section 3, General Requirement: Dedication Of Land And Payment Of Park Development Fee, by amending Subsections 3d, 3e, 4b and 5b of Chapter 20, Article II of the Code of Ordinances to ensure that residential developments are provided with sufficient land and provide for the development of park improvements and amenities to meet the demand for future neighborhood parks; and

WHEREAS, the City Council recognizes that the establishment of neighborhood parks is necessary and in the interest of the public welfare and that an effective method to provide for same is the incorporation of procedures for the dedication of park land and provision for park improvements and amenities;

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

ARTICLE I

THAT Section 3, General Requirement: Dedication Of Land And Payment Of Park Development Fee, Subsections 3d, 3e, 4b and 5b, Chapter 20, Article II of the Code of Ordinances of the City of Terrell, Texas is hereby amended as follows:

Section 3: GENERAL REQUIREMENT: DEDICATION OF LAND AND PAYMENT OF PARK DEVELOPMENT FEE

3d. In lieu of payment of the required park development fee, a developer shall have the option to construct the neighborhood park amenities and improvements as defined by the official Terrell Parks and Recreation Open Space Master Plan. All plans and specifications for the construction of such amenities and improvements as defined by the official Terrell Parks and Recreation Open Space Master Plan. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the City of Terrell. The developer shall financially guarantee the constructions of the amenities and improvements, and the City of Terrell must approve same, prior to the filing of a plat in the case of platted subdivisions. Once the amenities and improvements are constructed, and after the City of Terrell has accepted such amenities and improvements, the developer shall dedicate by plat such amenities and improvements to the City of Terrell.

3e. In instances where land is required to be dedicated, the City of Terrell shall have the right to accept or reject the dedication after consideration of the recommendation of the Parks Board and to require a cash payment in lieu of land in the amount provided under Section 4 hereto, if the City of Terrell determines that sufficient park land is already in the public domain for the zone of the proposed development or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks.

4b. The City of Terrell may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a park service zone, subsequent park land dedications for that zone shall be in cash only, the calculation of which is set forth in Section 4a above. Such cash payment is in addition to the payment of the required park development fee.

5a. All funds collected by this dedication process will be deposited in the City of Terrell's Park Development Fund and used solely for park-related expenses. All expenditures from the said Fund will be reviewed and approved by the City Council.

5b. The City of Terrell shall account for all sums paid into the Park Development Fund with reference to the individual plats or building permits involved. The Park Development Fund will be divided into four (4) park service zones defined by the Neighborhood Park Service Zone Map. All sums will be deposited into the zone in which the individual plat is filed or building permit is requested. Any monies paid into the said Fund must be expended by the City of Terrell within ten (10) years from the date received by the City. Such funds shall be considered to be spent on a first in, first out basis in a particular park service zone. If not so expended within the ten (10) year period, the owners of lots within the subdivision will, on the last day of such period, be entitled to a refund of the remaining fees. The current owners of the property within the subdivision must request such a refund within one (1) year of entitlement, in writing, or such right is waived.

ARTICLE II

THAT all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

THAT 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

THAT this Ordinance will take effect immediately from and after its passage.

PASSED AND APPROVED ON FIRST READING THIS THE 2ND DAY OF OCTOBER, 2012.
PASSED AND ADOPTED ON SECOND READING THIS THE 16TH DAY OF OCTOBER, 2012.

END OF CONSENT AGENDA

15. Discuss City Manager's Reports and Correspondence:
(a) Grand Opening for Brownstone Apartment Homes at 1300 S. Adelaide Street, Terrell, Texas, on October 29, 2012, at 11:00 a.m. - 3:00 p.m.

Torry Edwards, City Manager, Presented to Council for Discussion the Grand Opening for Brownstone Apartment Homes at 1300 S. Adelaide Street, Terrell, Texas, on October 29, 2012, at 11:00 a.m. - 3:00 p.m.

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