

REGULAR CITY COUNCIL MEETING

April 15, 2014

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, April 15, 2014, 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 Meeting Minutes of Special City Council Meeting and Workshop of March 27, 2014, and Regular City Council Meeting of April 1, 2014.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of March 27, 2014, and Regular City Council Meeting of April 1, 2014. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

14. Discuss City Manager's Reports and Correspondence:

a.) City Council Spring Retreat

Torry Edwards, City Manager, presented to Council for discussion City Council Spring Retreat.

Mayor Hal Richards, presented Steve Rogers with Picture and Congratulations on Airport of the Year Award.

4. Hear Remarks from Visitors.

Cheryl Blasius, 203 Stonegate, Terrell, Texas, came before Council to request her monkey, Tyler, to be grandfathered or excused from Ordinance. She is willing to do whatever is necessary to allow Tyler to stay with her.

PUBLIC HEARING

5. a.) Conduct a Public Hearing to receive comments regarding a request for a zoning change from Retail (R) District to Multi-family-22 (MF-22) District in order to correct the zoning for an existing multifamily four-plex and for a proposed new four-plex on property located at 300 W Jackson Street; being Lots 5R & 6R, Block 313, Terrell Revised Addition, City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a zoning change from Retail (R) District to Multi-family-22 (MF-22) District in order to correct the zoning for an existing multifamily four-plex and for a proposed new four-plex on property located at 300 W Jackson Street; being Lots 5R & 6R, Block 313, Terrell Revised 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 Retail (R) District to Multi-family-22 (MF-22) District in order to correct the zoning for an existing multifamily four-plex and for a proposed new four-plex on property located at 300 W Jackson Street; being Lots 5R & 6R, Block 313, Terrell Revised Addition, City of Terrell, Kaufman County, Texas. Doug Moore, 8024 Karen Lane, 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. 2601 changing the Zoning Classification from Retail (R) District to Multi-family-22 (MF-22) District in order to correct the zoning for an existing multifamily four-plex and for a proposed new four-plex on property located at 300 W Jackson Street; being Lots 5R & 6R, Block 313, Terrell Revised Addition, Texas; City of Terrell, Kaufman County, Texas.

Deputy Mayor Pro D. J. Ory, made a motion to approve Ordinance No. 2601 changing the Zoning Classification from Retail (R) District to Multi-family-22 (MF-22) District in order to correct the zoning for an existing multifamily four-plex and for a proposed new four-plex on property located at 300 W Jackson Street; being Lots 5R & 6R, Block 313, Terrell Revised Addition, Texas; City of Terrell, Kaufman County, Texas. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

NEW BUSINESS

6. Discuss and Consider Resolution No. 766; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing Contracts And Expenditures On The City Of Terrell Pass-Through Toll Program.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Resolution No. 766; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing Contracts And Expenditures On The City Of Terrell Pass-Through Toll Program. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 766; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing Contracts And Expenditures On The City Of Terrell Pass-Through Toll Program. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

7. Discuss and Consider Resolution No. 767; A Resolution Of The City Of Terrell, Texas, Approving And Supporting The Submission Of A 2014 Federal TIGER Grant Application.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Resolution No. 767; A Resolution Of The City Of Terrell, Texas, Approving And Supporting The Submission Of A 2014 Federal TIGER Grant Application. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 767; A Resolution Of The City Of Terrell, Texas, Approving And Supporting The Submission Of A 2014 Federal TIGER Grant Application. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayses - None. Motion carried.

8. Discuss and Consider Resolution No. 768; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving The Interlocal Cooperation Agreement Between The City Of Terrell, Texas And Kaufman County, Texas; Authorizing The City Manager To Negotiate The Terms Of The Agreement And The Mayor To Execute The Agreement.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Resolution No. 768; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving The Interlocal Cooperation Agreement Between The City Of Terrell, Texas And Kaufman County, Texas; Authorizing The City Manager To Negotiate The Terms Of The Agreement And The Mayor To Execute The Agreement. Councilmember Charles Whitaker, made a motion to approve Resolution No. 768; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving The Interlocal Cooperation Agreement Between The City Of Terrell, Texas And Kaufman County, Texas; Authorizing The City Manager To Negotiate The Terms Of The Agreement And The Mayor To Execute The Agreement. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nayses - None. Motion carried.

9. Discuss and Consider approval of a recommendation to the Kaufman County Tax Office regarding the proposed resale of a lot held in trust by the County, located at 207 Talty Road; being Lots 6 & 7, Block 724, Terrell Revised Addition; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration approval of a recommendation to the Kaufman County Tax Office regarding the proposed resale of a lot held in trust by the County, located at 207 Talty Road; being Lots 6 & 7, Block 724, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. Councilmember Tommy Spencer, made a motion to approve a recommendation to the Kaufman County Tax Office regarding the proposed resale of a lot held in trust by the County, located at 207 Talty Road; being Lots 6 & 7, Block 724, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nayses - None. Motion carried.

10. Discuss and Consider approval of a recommendation by the Planning and Zoning Commission regarding a request for approval of alternative exterior facade building materials of a proposed new addition to an existing building located at 311 Talty Road.

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration approval of a recommendation by the Planning and Zoning Commission regarding a request for approval of alternative exterior facade building materials of a proposed new addition to an existing building located at 311 Talty Road. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve a recommendation by the Planning and Zoning Commission regarding a request for approval of alternative exterior facade building materials of a proposed new addition to an existing building located at 311 Talty Road. Councilmember Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider approval of an application for participation in the CBD Facade Improvement Program for property located at 307 W. Moore Avenue.

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration approval of an application for participation in the CBD Facade Improvement Program for property located at 307 W. Moore Avenue. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve an application for participation in the CBD Facade Improvement Program for property located at 307 W. Moore Avenue. 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. 2599 and Ordinance No. 2600 on second reading. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

12. Discuss and Consider Adoption On Second Reading Ordinance No. 2599; An Ordinance Of The City Of Terrell, Texas, Revising Chapter 12, Section 19 Of The Code Of Ordinances Through The Adoption Of A Water Conservation Plan For The City Of Terrell To Promote Responsible Use Of Water And To Provide For Penalties And/Or The Disconnection Of Water Service For Noncompliance With The Provisions Of The Water Conservation Plan; And Providing Severability And An Effective Date.

ORDINANCE NO. 2599

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, REVISING CHAPTER 12, SECTION 19 OF THE CODE OF ORDINANCES THROUGH THE ADOPTION OF A WATER CONSERVATION PLAN FOR THE CITY OF TERRELL TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Terrell, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Water Conservation Plan; and

WHEREAS, the City has determined an urgent need exists and it is in the best interest of the public to adopt a Water Conservation Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Terrell desires to adopt a Water Conservation Plan.

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

Section 1. That Chapter 12, Utilities, of the Code of Ordinances is hereby amended by adopting a new Section 19 Water Conservation Plan to read as set forth on Exhibit “A” attached.

Section 2. The City Council hereby approves and adopts the Water Conservation Plan (the “Plan”), attached hereto as Exhibit “A”, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 3. Any customer as defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City’s authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 4. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 6. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 7. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

Section 8. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Passed and Approved by the Terrell City Council on this 1st day of April, 2014.

Passed and Adopted by the Terrell City Council on this 15th day of April, 2014.

13. Discuss and Consider Adoption On Second Reading Ordinance No. 2600; An Ordinance Of The City Of Terrell, Texas, Revising Chapter 12, Utilities, Section 15 Of The Code Of Ordinances Through The Adoption Of A Drought Contingency And Water Emergency Response Plan For The City Of Terrell To Promote Responsible Use Of Water And To Provide For Penalties And/Or The Disconnection Of Water Service For Noncompliance With The Provisions Of The Drought Contingency And Water Emergency Response Plan; Providing Severability And An Effective Date.

ORDINANCE NO. 2600

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, REVISING CHAPTER 12, UTILITIES, SECTION 15 OF THE CODE OF ORDINANCES THROUGH THE ADOPTION OF A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE CITY OF TERRELL TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Terrell, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the City has determined an urgent need exists and it is in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Terrell desires to adopt a Drought Contingency and Water Emergency Response Plan.

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

Section 1. That Section 15 of Chapter 12, Utilities, Water Conservation and Drought Contingency Plan of the Code of Ordinances of the City of Terrell, Texas, is hereby repealed in its entirety.

Section 2. That Chapter 12, Utilities of the City of Terrell Code of Ordinances is hereby amended by adopting a new Section 15, Drought Contingency and Water Emergency Response Plan as set forth on Exhibit “A”.

Section 3. The City Council hereby approves and adopts the Drought Contingency and Water Emergency Response Plan (the “Plan”), attached hereto as Exhibit “A”, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 4. Any customer, defined pursuant to 30 Tex. Admin. Code, Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 5. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 6. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 7. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 8. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

Section 9. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Passed and Approved by the Terrell City Council on this 1st day of April, 2014.

Passed and Adopted by the Terrell City Council on this 15th day of April, 2014.

END CONSENT AGENDA

15. 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.

Council adjourned in to Executive Session Section 551.087 - Deliberations Regarding Economic Development Negotiations.

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

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 769; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing Contracts And Expenditures On The Terrell Market Center Ltd, Buc-Ee's, Ltd And Baylor Healthcare System Project. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

17. 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