

REGULAR CITY COUNCIL MEETING

FEBRUARY 19, 2008

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, February 19, 2008 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 – ABSENT (EXCUSED)
COUNCILMEMBER #3 RICKY JORDAN
COUNCILMEMBER #4 JACK JONES
COUNCILMEMBER #5 DON THURMAN

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Deputy Mayor Pro tem Jack Jones gave the opening prayer.

3. Consider Approval of Special City Council Meeting and Workshop Minutes of January 31, 2008 and Regular City Council Meeting Minutes of February 5, 2008.

Deputy Mayor Pro tem Jack Jones made a motion to approve Special City Council Meeting and Workshop Minutes of January 31, 2008 and Regular City Council Meeting Minutes of February 5, 2008. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

4. Hear Remarks from Visitors.

Floyd Trammell came before Council to thank them for the job they are doing cleaning the City and requested Council consider drafting an ordinance limiting the size and number of political signs per property.

Council recognized Patty Dwyer, Mrs. Terrell Lone Star and Amber Dwyer, Miss Pre-teen Terrell Lone Star pageant representatives.

PUBLIC HEARING

5.

- a) **Continue Public Hearing (recessed from previous City Council Meeting February 5, 2008) to receive public comment regarding a Zone Change from Agriculture (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas, generally**

located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed Records of Kaufman County, Texas.

City Manager Torry Edwards gave the opening comments. Bob Roeder, Attorney representing Baylor Hospital discussed with Council the sunset clause in the ordinance. Baylor would like the opportunity to extend that provision for 2 years after the initial 5 year period. Deputy Mayor Pro tem Jack Jones discussed the alcohol beverage retail sales and limiting alcohol sales to no package stores. Mayor Hal Richards opened a Public Hearing (recessed from previous City Council Meeting February 5, 2008) to receive public comment regarding a Zone Change from Agriculture (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas, generally located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed Records of Kaufman County, Texas. No one spoke for or against the zone change. Mayor Hal Richards closed the Public Hearing.

- b) **Discuss and Consider Approval of Ordinance No. 2362 (Tabled from previous City Council Meeting February 5, 2008) – Approving a Zone Change from Agriculture (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas, generally located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed Records of Kaufman County, Texas.**

Deputy Mayor Pro tem Jack Jones made a motion to approve Ordinance No. 2362 - (Tabled from previous City Council Meeting February 5, 2008) – Approving a Zone Change from Agriculture (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas, generally located north of I-20, east of FM 148, south of Spur Hwy 557 and west of FM 2578, and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed Records of Kaufman County, Texas with modifications to Exhibit A. II (c) – 5 year term to include language 6 months prior to the end of the 5 years expiration date with reasonable justification, the applicant can request Council to consider a 2 years extension. Under III – Retail Uses – language to exclude package liquor sales. City Attorney to draft. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

PUBLIC HEARING

- 6.
- c.) **Continue Public Hearing (recessed from previous City Council Meeting February 5, 2008) to receive public comment regarding a Zone Change from Agriculture (A) and Light Industrial (LI) to**

Planned Development (PD) on 36.823 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557 and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.

Mayor Hal Richards continued Public Hearing (recessed from previous City Council Meeting February 5, 2008) to receive public comment regarding a Zone Change from Agriculture (A) and Light Industrial (LI) to Planned Development (PD) on 36.823 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557 and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas. No one spoke for or against the zone change. Mayor Hal Richards closed the Public Hearing.

- d.) **Discuss and Consider Approval of Ordinance No. 2363 (tabled from previous City Council Meeting February 5, 2008) – Approving a Zone Change from Agriculture (A) and Light Industrial (LI) to Planned Development (PD) on 36.823 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557 and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas.**

Mayor Pro tem Ricky Jordan made a motion to approve Ordinance No. 2363 (tabled from previous City Council Meeting February 5, 2008) – Approving a Zone Change from Agriculture (A) and Light Industrial (LI) to Planned Development (PD) on 36.823 acres of the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Southern intersection of FM 148 and Spur 557 and being part of that 89.24 acre tract of land conveyed to Charlie Risinger and wife, Dena Risinger as recorded in Volume 2665, Page 338, Deed of Records of Kaufman County, Texas with modifications to Exhibit A. II (c) – 5 year term to include language 6 months prior to the end of the 5 years expiration date with reasonable justification, the applicant can request Council to consider a 2 years extension. Under III – Retail Uses – language to exclude package liquor sales. City Attorney to draft. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

NEW BUSINESS

7. Receive Status Report Regarding Las Lomas Development.

Gary Lane representing Las Lomas Development presented to Council Status Report for Las Lomas Development. There was no action taken on this item.

8. Discuss and Consider Approval of Lease Agreement for Property Located at 216 West Moore Avenue.

Lynnette Nadeau, Public Information Officer presented to Council for discussion and consideration Lease Agreement for Property Located at 216 West Moore Avenue. Councilmember Don Thurman made a motion to approve Lease Agreement for property Located at 216 West Moore Avenue. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

9. Discuss and Consider Scheduling Date, Time and Location for City Council Spring Retreat.

Council by consensus agreed to schedule the City Council Spring Retreat on March 19-20, 2008 at the Holiday Inn Express, 300 Tanger Drive, Terrell, Texas.

CONSENT AGENDA

Deputy Mayor Pro tem Jack Jones made a motion to adopt on CONSENT AGENDA Ordinance No. 2361, Ordinance No. 2364 and Ordinance No. 2365 on second reading. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

10. Discuss and Consider Adoption on Second Reading Ordinance No. 2361 – Budget Amendment.

ORDINANCE NO. 2361

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AS PASSED AND ADOPTED ON SEPTEMBER 25, 2007 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>REVENUES</u>			
010-00-3801 Terrell Police Department	\$ 3,300.00	\$7,006.72	\$10,306.72
010-00-3803 Kaufman County/Library	\$67,500.00	\$(17,500.00)	\$50,000.00
<u>UTILITY FUND</u>			
<u>REVENUES</u>			
020-00-3216 Refunds and Recoveries	\$ 100.00	\$71,300.00	\$71,400.00
<u>EQUIPMENT REPLACEMENT FUND</u>			
<u>REVENUES</u>			

025-00-3335 Insurance Recoveries	\$5,000.00	\$19,889.06	\$24,889.06
<u>GENERAL FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
<u>Police Department</u>			
010-32-4105 Overtime	\$80,000.00	\$7,006.72	\$87,006.72
<u>Fire Department</u>			
010-33-4303 Instrument & Apparatus Maintenance	\$15,000.00	\$30,000.00	\$45,000.00
<u>UTILITY FUND EXPENDITURES</u>			
<u>Waste Water Collection</u>			
020-62-4343 Transmission Maintenance Sewer	\$ 3,500.00	\$71,300.00	\$74,800.00
<u>EQUIPMENT REPLACEMENT FUND EXPENDITURES</u>			
025-25-4504 Patrol Vehicles	\$65,000.00	\$19,889.06	\$84,889.06

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 5th day of February, 2008.
 Passed and Adopted on this the 19th day of February, 2008.

- 11. Discuss and Consider Adoption on Second Reading Ordinance No. 2364 - Amendment to the Comprehensive Plan and Future Land Use Map to change the current land use designation from Low Density Residential Uses to Commercial Uses for property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.**

ORDINANCE NO. 2364

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP CHANGING THE USE FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR A TRACT OF LAND LOCATED AT 604 W. MOORE AVE., DESCRIBED AS LOT 1R, BLOCK 112, WESTERN ADDITION, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS.

ARTICLE I.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, and the governing body of the City of Terrell, Texas, in compliance with the Charter of the City of Terrell, Texas and the State law with reference to granting of changes to the Comprehensive Plan and Future Land Use Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Terrell, Texas, is of the opinion that said establishments of such land uses should be made Commercial for a certain tract of land located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

THAT the Comprehensive Plan, Ordinance No. 2118, of the City of Terrell, Texas, be, and the same is hereby amended by amending the Future Land Use Map, so as to depict changes for property being shown on Exhibit "A", hereinafter provided.

It is directed that the Official Future Land Use Map of the City of Terrell, Texas, be changed to reflect the land uses established by this Ordinance.

That the above described tract of land shall be used only in the manner and for the purposes allowed by the Future Land Use Map as amended heretofore, and as amended herein.

That is any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion or part thereof other than that portion so decided to be invalid or unconstitutional.

That the previous land use classification hereby be amended as indicated.

WHEREAS, it has been found that there has been a change in the conditions in the above described property, it is now necessary that it be given the above land use classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare, public health, and safety of the City of Terrell, Texas, and requires that this ordinance shall take effect from and after its adoption.

ARTICLE II

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

ARTICLE 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 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

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

PASSED AND APPROVED this the 5th day of February, 2008.

PASSED AND ADOPTED this the 19th day of February, 2008.

- 12. Discuss and Consider Adoption on Second Reading Ordinance No. 2365 - Approving a Zone Change from Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lots 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.**

ORDINANCE NO. 2365

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM TWO-FAMILY (2F) TO COMMERCIAL (C) ON PROPERTY LOCATED AT 604 W. MOORE AVE., DESCRIBED AS LOT 1R, BLOCK 112, WESTERN ADDITION, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; 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 28, 2008 on a request to change the zoning from Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas; and

WHEREAS, the City Council of the City of Terrell, Texas held a public hearing on February 5, 2008, on a request to change the zoning from Two-Family (2F) to

Commercial (C) on property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas; 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

WHEREAS, the City Council of the City of Terrell, Texas has determined that it would be in the best interest of the citizens of Terrell to change the zoning from Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, 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 Two-Family (2F) to Commercial (C) on property located at 604 W. Moore Ave., described as Lot 1R, Block 112, Western Addition, City of Terrell, Kaufman County, Texas.

ARTICLE II

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

ARTICLE 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 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

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

PASSED AND APPROVED this the 5th day of February, 2008.

PASSED AND ADOPTED this the 19th day of February, 2008.

END OF CONSENT AGENDA

- 13. Receive City Manager's Reports and Correspondence:**
 - e.) Kaufman County Day – March 16-17, 2008.**
 - f.) Status of Automated Meter Reading Program.**

City Manager presented Reports and Correspondence to Council.

EXECUTIVE SESSION

- 14. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the Following:**
- g.) Section 551.074 – Personnel Matters – Assistant City Manager Vacancy.**
 - h.) Section 551.072 – Real Estate Matters – Purchase of Property.**
 - i.) Section 551.071 – Consultation with Attorney – Contemplated Litigation.**

Council adjourned into Executive Session.

- 15. Reconvene into Regular Session and Consider Action, if Any, on Items Discussed in Executive Session.**

There was no action taken in Executive Session.

- 16. 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