

REGULAR CITY COUNCIL MEETING

APRIL 20, 2010

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, April 20, 2010 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
COUNCILMEMBER #4 JACK JONES
COUNCILMEMBER #5 DON THURMAN

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Reverend John Lowry gave the opening prayer.

3. Special Recognition – Community Emergency Response Team.

Fire Chief Jim Harper and Deputy Emergency Management Coordinator Steve Howie presented Community Emergency Response Team information and donated items from North Central Texas Council of Governments to train thirty (30) people.

4. Discuss and Consider Approval of Special City Council Meeting and Workshop Minutes of April 1, 2010 and Regular City Council Meeting Minutes of April 6, 2010.

Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting and Workshop Minutes of April 1, 2010 and Regular City Council Meeting Minutes of April 6, 2010. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

5. Hear Remarks from Visitors.

Dr. Horace Flatt spoke to Council regarding Street Naming considerations.

NEW BUSINESS

6. **Discuss and Consider Approval of an Acquiescence to Encroachment Located at 506 W. Brin Street, Being Lot 3, Block 101 of the Western Addition, City of Terrell; and Being the Same Land Described in a Deed to Debra L. Hood as Recorded in Volume 1990, Page 3, Deed Records of Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration Acquiescence to Encroachment Located at 506 W. Brin Street, Being Lot 3, Block 101 of the Western Addition, City of Terrell; and Being the Same Land Described in a Deed to Debra L. Hood as Recorded in Volume 1990, Page 3, Deed Records of Kaufman County, Texas. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Acquiescence to Encroachment Located at 506 W. Brin Street, Being Lot 3, Block 101 of the Western Addition, City of Terrell; and Being the Same Land Described in a Deed to Debra L. Hood as Recorded in Volume 1990, Page 3, Deed Records of Kaufman County, Texas. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

7. **Discuss and Consider Approval of Resolution No. 651 – Establishing a Policy Governing the Resale, Sale or Disposition of Publicly Owned Land Within the City of Terrell.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration Resolution No. 651 – Establishing a Policy Governing the Resale, Sale or Disposition of Publicly Owned Land Within the City of Terrell. Councilmember Jack Jones made a motion to approve Resolution No. 651 – Establishing a Policy Governing the Resale, Sale or Disposition of Publicly Owned Land Within the City of Terrell. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 651

A RESOLUTION OF THE CITY OF TERRELL, TERRELL, TEXAS, ESTABLISHING A POLICY GOVERNING THE RESALE, SALE OR DISPOSITION OF PUBLICLY OWNED LAND WITHIN THE CITY OF TERRELL.

WHEREAS, the Terrell City Council desires that resale, sale or disposition of publicly owned land shall be made in accordance with written policies approved by the governing body; and

WHEREAS, resale, sale or disposition policies must be consistent, provide clear directions, address public purpose issues, coordinate sales between various agencies, such as, County, City, School District or other vested agencies, determine that future use by private parties is consistent with the goals and recommendations of the City Council, Future Land Use Plan and other regulatory ordinances and statutes; and

WHEREAS, the City of Terrell City Council finds that the City Policy for the Resale, Sale or Disposition of Publicly Owned Land attached hereto (Exhibit "A") is in the best interests of the citizens, property owners, businesses and visitors of the City of Terrell.

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

Section 1. The Terrell City Council hereby adopts Exhibit "A" attached hereto as the official policy which shall govern the resale, sale or disposition of publicly owned land.

Section 2. That this resolution shall take effect immediately from and after its passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City Terrell this the 20th day of April, 2010.

EXHIBIT "A"

CITY OF TERRELL

Resale, Sale, or Disposition Policy of Publicly Owned Land

PURPOSE: To establish guidelines for the resale, sale, or disposition (including abandonment of rights-of-way or easements) of publicly owned land located within the corporate city limits of Terrell and its Extraterritorial Jurisdiction (ETJ).

APPLICABILITY: This policy shall apply to the resale, sale or disposition of all lands owned by the City of Terrell or held in public trust by the County including, but not limited to property foreclosed on for delinquent taxes or outstanding liens; surplus properties acquired by purchase, condemnation, imminent domain, dedication, donation, etc.

PROCESS: To initiate the application of this policy, certain tracts or lots of land will be identified as being considered for resale, sale or disposition by either the County or City. City staff will conduct research to determine if the City, County, School District or other agency has an interest in retaining the property for a public purpose. City staff shall then prepare a report and present the recommendation to the City Council. Upon receiving the recommendation, the

City Council will consider the resale, sale or disposition in accordance with the following criteria:

Part One: Checklist for Staff review of resale, sale or disposition request.

1.) Engineering Department Review:

- a. Will all or part of the land be needed for future street improvements (as identified on Thoroughfare Plan), right-of-way, access, utility easements, or drainage and storm water management?
- b. Does access to the property involve TxDOT controlled right-of-way and will any of the access points be required to get TxDOT approval?
- c. Will all or part of the land be needed for future capital improvements such as, water towers, lift stations, pump stations, sewer treatment facilities, or government facilities such as libraries, fire or police stations, service centers, etc?
- d. Is land needed for existing or future park facilities?
- e. Is the property located in a flood plain or is it subject to drainage problems due to poor existing drainage?
- f. Has the property had prior water and sewer services and are they still available?
- g. Are new water and sewer services available to the property and do the existing mains have the capacity for new taps?
- h. Is the sewer accessible by gravity flow or do pump systems have to be installed?
- i. Will the property be subject to impact fees?
- j. Has the land been subject to Phase I or Phase II environmental assessments?
- k. Are there any known environmental contamination issues on the land?

2.) Municipal Development Review:

- a. If the land is vacant what were the past land uses if any?
- b. What are the current land uses on the subject property and are the uses nonconforming or substandard?
- c. What is the current zoning on the land or will rezoning be required prior to development?
- d. Is the proposed use in conformance with the Future Land Use Plan and Zoning Ordinance?
- e. Have there been or are there current liens against the property and what type are they?
- f. Have code violations been assessed against the previous property owners and what types were they?
- g. Has the land been platted, if not, will it be required to plat the property prior to development?
- h. Do the lot dimensions meet current standards for development?
- i. Does the lot have proper access for future or current development?
- j. Are there large trees that would be required to be preserved by the landscape ordinance?
- k. Is there adequate space for parking for current or future development?

- l. Is it in the best interest of the City to divide and sell the property to adjacent property owners? Are the adjacent owners interested in acquiring the property?
 - m. Could the lot or property be land-banked for future residential development for revitalization of neighborhoods.
 - n. Who is responsible for any surveys or plats if needed to transfer the property?
 - o. Have any variances or specific use permits ever been granted for the property?
- 3.) Administration Review:
- a. Have all departments or other vested parties or agencies returned their reports to the City Secretary for preparation of Council reports?
 - b. Have the required notices or advertisements been posted?
 - c. Have any special licenses or permits been issued for the property, such as, game or dance hall, seasonal vendors, alcohol sales, private club, etc.?
 - d. Are there any outstanding unpaid utility bills or other fees on the property?
 - e. Have any citizens or adjacent property owners formally requested the sale of a certain lot or tract of land?
- 4.) Terrell Independent School District Review.
- a. Does the school district have an interest in acquiring the land for future expansion of school facilities?
 - b. Is the land adjacent to any existing or future school?
 - c. Is there an opportunity for the city and school district to jointly develop the land for recreational uses?
 - d. Can the land be used by the district for access to existing facilities to improve traffic safety in the vicinity of a school?
- 5.) Terrell Economic Development Corporation Review.
- a. Is the land located within or is it adjacent to any land controlled by the TEDC?
 - b. Could the land be used by the TEDC to further its mission of recruiting new businesses to Terrell?
 - c. Could the land be used in a public/private development partnership?
- 6.) City Attorney Review:
- a. Is all documentation or instruments available for the preparation of Title and Deed execution?
 - b. Have all of the requirements by State and Local Law been met?
 - c. Has a title search been initiated?

Part Two: Execution of Sale of Publicly Owned Property:

- 1.) After the departmental staff review is completed in accordance with the above criteria each department shall submit its recommendations to the City Secretary for the preparation of the final report to be presented to the city council.

- 2.) The City Council, after reviewing the staff report, shall conduct a public meeting on the resale, sale or disposition of the subject properties, and other such consideration, shall exercise its prerogative to authorize the resale, sale or disposition of the property in accordance with established statutes and ordinances.
- 3.) If the subject property is held in trust by the County, the City Secretary shall forward the City Council's recommendation to the County for disposition.
- 4.) If the property is held by the City then the City Attorney shall prepare the documentation to execute the sale of the subject property and notify the City Secretary when the sale is complete for information distribution.

8. Discuss and Consider Approval of Repairs to Terrell Municipal Pool for Fiscal Year 2010.

City Manager Torry Edwards and Steve Rogers, City Engineer presented to Council for discussion and consideration Repairs to Terrell Municipal Pool for Fiscal Year 2010. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Repairs to Terrell Municipal Pool for Fiscal Year 2010. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Naves – none. Motion carried.

9. Discuss and Consider Approval of Authorized Provider Agreement for the Red Cross Learn to Swim Program.

Mike Sims, Assistant City Manager presented to Council for discussion and consideration an Authorized Provider Agreement for the Red Cross Learn to Swim Program. Mayor Pro tem Don Thurman made a motion to authorize the City Attorney to develop an Authorized Provider Agreement and City Manager to execute. The motion was seconded by Councilmember Jack Jones. Ayes – all; Naves –none. Motion carried.

10. Discuss and Consider the Formation of a Committee for Airport Naming Issues.

Mike Sims, Assistant City Manager presented to Council for discussion and consideration the Formation of a Committee for Airport Naming Issues. Staff to create application. Council to decide the size of committee, not necessary that 2578 and BFTS be named the same. Committee set by June 1.

11. Discuss and Consider Appointments to the Terrell Municipal Airport Board.

Councilmember Jack Jones made a motion to reappoint Carlton Tidwell and Charles Carpenter and appoint Bob Dean to fill the unexpired term of Leonard DeGrate, Jr.. the motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

CONSENT AGENDA

12. Discuss and Consider Adoption on Second Reading of Ordinance No. 2453 – Budget Amendment.

Mayor Pro tem Don Thurman made a motion to adopt on Second Reading Ordinance No. 2453 – Budget Amendment. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

ORDINANCE NO. 2453

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, AS PASSED AND ADOPTED ON SEPTEMBER 15, 2009 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 REVENUES</u>	BUDGETED	AMOUNT	AMENDED
010-00-3801 Terrell Police Department	\$8,000.00	\$3,226.00	\$11,226.00
<u>GENERAL FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
<u>Terrell Police Department</u>			
010-32-4418 Travel and Education	\$26,000.00	\$3,226.00	\$29,226.00
<u>AIRPORT FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
014-14-4326 RAMP	\$25,000.00	\$25,000.00	\$50,000.00
<u>CAPITAL IMPROVEMENT FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
026-00-4402 State Hwy 34 Left Turn Lane at BFTS	\$ -0-	\$9,200.00	\$ 9,200.00
<u>UTILITY FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
020-51-4404 Consultant Fees & Services	\$50,000.00	\$(50,000.00)	\$ -0-
<u>UTILITY CAPITAL RESERVE EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED

028-28-4508 Winchester Park Sewer Project	\$ -0-	\$21,450.00	\$21,450.00
028-28-4509 Regional Water Planning Grant City Match	\$ -0-	\$50,000.00	\$50,000.00
028-28-4510 Regional Waste Water Planning Grant City Match	\$ -0-	\$53,500.00	\$53,500.00

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 April, 2010.

Passed and Adopted on this the 20th day of April, 2010.

END OF CONSENT AGENDA

13. Receive City Manager's Reports and Correspondence:

City Manager Torry Edwards presented Reports and Correspondence to Council.

- **Special City Council Meeting and Workshop – April 22, 2010 – 6:00 p.m.**
- **Special Joint Meeting – April 26, 2010 – 6:00 p.m. Casey Rogers Special Recognition.**
- **Council Meeting Schedule for April 2010.**

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