

REGULAR CITY COUNCIL MEETING

JUNE 3, 2008

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, June 3, 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
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.

Councilmember Ricky Jordan gave the opening prayer.

3. Discuss and Consider Approval of Special City Council Meeting and Workshop Minutes of May 15, 2008 and Regular City Council Meeting Minutes of May 20, 2008.

Deputy Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting and Workshop Minutes of May 15, 2008 and Regular City Council Meeting Minutes of May 20, 2008 with corrections to the May 15, 2008 minutes regarding Item No. 3 – second sentence – remove “to”. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

4. Hear Remarks from Visitors.

None were made.

NEW BUSINESS

5. Receive Workshop Report from Member of Council.

Mayor Pro tem Jack Jones presented to Council Texas Municipal League Legislative Policy Committee on Eminent Domain and Regulation of Development. There was no action taken on this item.

6. Receive and Consider Approval of Terrell Economic Development Corporation Annual Report.

Danny Booth representing Terrell Economic Development Corporation presented to Council for consideration Terrell Economic Development Corporation Annual Report. Deputy Mayor Pro tem Don Thurman made a motion to approve Terrell Economic Development Corporation Annual Report. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

7. Discuss and Consider Appointments to the Library Board.

Mayor Pro tem Jack Jones made a motion to re-appoint Ann Huffman and Beverly Brittain for final terms to the Library Board. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

8. Discuss and Consider Appointments to the Airport Board.

Deputy Mayor Pro tem Don Thurman made a motion to re-appoint Dennis Yarborough to the Airport Board for final term and re-appoint Leonard DeGrate and Cliff Taylor. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

9. Discuss and Consider City Council Workshop and Meeting Schedule for July 2008.

Mayor Pro tem Jack Jones made a motion to meet on July 10th for Workshop, July 15th for Council Meeting and July 31st for Workshop. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

10. Discuss and Consider Setting Date, Time and Location for City Council Retreat to Discuss Fiscal Year 2008-2009 Budget.

Deputy Mayor Pro tem Don Thurman made a motion to hold the Council Retreat on July 17-18, 2008 beginning at 9:00 a.m. on the Holiday Inn Express, Terrell, Texas. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

CONSENT AGENDA

Mayor Pro tem Jack Jones made a motion to adopt Ordinance No. 2372 and Ordinance No. 2373 on second reading on CONSENT AGENDA. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

11. Discuss and Consider Adoption on Second Reading Ordinance No. 2372 - Approving an Amendment to the Comprehensive Plan and Future Land Use Map to change the Current Land use Designation from Low Density Residential Uses to Retail Uses for Property Located at 812 N. Park Avenue, Described as Lot 8, Block 6, Warren Addition, City of Terrell, Kaufman County, Texas.

ORDINANCE NO. 2372

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 RETAIL FOR A TRACT OF LAND LOCATED AT 812 N. PARK AVENUE, DESCRIBED AS LOT 8, BLOCK 6, WARREN 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 Retail for a certain tract of land located at 812 N. Park Avenue, described as Lot 8, Block 6, Warren 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 thereon, 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 20th day of May, 2008.

PASSED AND ADOPTED this the 3rd day of June, 2008.

- 12. Discuss and Consider Adoption on Second Reading Ordinance No. 2373 - Approving a Zone change from Single Family (1-F2) to Neighborhood Services (NS) on Property Located at 812 N. Park Avenue, Described as Lot 8, Block 6, Warren Addition.**

ORDINANCE No. 2373

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM SINGLE-FAMILY 7.5 (SF-7.5 FORMERLY 1F2) TO NEIGHBORHOOD SERVICES (NS) ON PROPERTY LOCATED AT 812 N. PARK AVENUE, DESCRIBED AS LOT 8, BLOCK 6, WARREN 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 April 28, 2008 on a request to change the zoning from Single-Family 7.5 (SF-7.5 formerly 1F2) to Neighborhood Services (NS) on property located at 812 N. Park Avenue, described as Lot 8, Block 6, Warren Addition, City of Terrell, Kaufman County, Texas.; and

WHEREAS, the City Council of the City of Terrell, Texas held a public hearing on May 20, 2008 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 formerly 1F2) to Neighborhood Services (NS), 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 State Law.

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 formerly 1F2) to Neighborhood Services (NS) on property located at 812 N. Park Avenue, described as Lot 8, Block 6, Warren 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

That 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 District (SF-7.5 formerly 1F-2) to Neighborhood Services (NS), thereon.

ARTICLE IV

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 V

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 20th day of May, 2008.

PASSED AND ADOPTED this the 3rd day of June, 2008.

END OF CONSENT AGENDA

- 13. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss Section 551.071 – Consultation with Attorney.**

Council adjourned into Executive Session.

- 14. Reconvene into Regular Session and Consider Action, if any, on Item Discussed in Executive Session.**

There was no action taken in Executive Session.

- 15. Adjourn.**

There were no other items discussed or acted on at this meeting. There being no further business the meeting was adjourned.

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary