

SPECIAL CITY COUNCIL MEETING

MARCH 4, 2008

7:00 P.M.

A Special Meeting of the Terrell City Council was held on Tuesday, March 4, 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 – ABSENT (EXCUSED)
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 Don Thurman gave the opening prayer.

3. Presentation of Proclamation – “Red Cross Month”.

Mayor Pro tem Ricky Jordan presented a Proclamation to Michelle Conrad representing the Red Cross proclaiming March as “Red Cross Month”.

City of Terrell RED CROSS MONTH PROCLAMATION

WHEREAS, the American Red Cross—Dallas Area Chapter has served our community by providing lifesaving information, training, and disaster relief to individuals and families since 1911; and,

WHEREAS, the Red Cross is a leading voluntary agency meeting the needs of individuals and families affected by personal emergencies and disaster; and,

WHEREAS, the Red Cross is designated by the Congress of the United States in the act approved January 5, 1905, as amended, 36 U.S.C. Sections 1-9, as the lead voluntary agency responsible for national and international relief in time of peace and to apply the same in mitigating the sufferings caused by pestilence,

famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same; and,

WHEREAS, the Red Cross has trained thousands in our community in essential skills such as first aid and CPR, lifeguard training and water safety education and disaster preparedness information, saving untold numbers of lives; and,

WHEREAS, March has been designated as “Red Cross Month” by U.S. Presidential Proclamation to celebrate the achievement of the Red Cross in the services it provides to communities nationwide;

NOW THEREFORE, I do recognize the Red Cross as the lead voluntary agency to help families prepare for a disaster and meet the immediate needs of individuals affected by disaster, and a leading voluntary agency training families in first aid, CPR, and provided lifeguard training and water safety education; and providing other needed services,

FURTHER, I urge that our community acknowledge and support the ongoing contribution of the Red Cross in helping our families prevent, prepare for, and respond to emergencies and disasters during Red Cross Month and throughout the year.

Date: March 4, 2008

4. **Consider Approval of Special City Council Meeting and Workshop Minutes of February 14, 2008, Regular City Council Meeting Minutes of February 19, 2008 and Special City Council Meeting and Workshop Minutes of February 21, 2008.**

Councilmember Don Thurman made a motion to approve the Special City Council Meeting and Workshop Minutes of February 14, 2008, Regular City Council Meeting Minutes of February 19, 2008 and Special City Council Meeting and Workshop Minutes of February 21, 2008. The motion was seconded by Deputy Mayor Pro tem Jack Jones. Ayes – all; Nays – none. Motion carried.

5. **Hear Remarks from Visitors.**

Charlie Harris – 910 North Rockwall Street, Terrell, Texas spoke to Council regarding speeding on North Rockwall and crime in Terrell and the need for additional police.

NEW BUSINESS

6. Receive Terrell Police Service Racial Profiling Report.

Todd Miller, Chief of Police presented to Council the Terrell Police Service Racial Profiling Report. There was no action taken on this item.

7. Discuss and Consider Approval of Agreement for Professional Services for Annexation Consulting.

Torry Edwards, City Manager presented to Council for discussion and consideration Agreement for Professional Services for Annexation Consulting. Councilmember Don Thurman made a motion to approve the Agreement for Professional Services for Annexation Consulting with the stipulation that the City Manager begin negotiations with the property owner and request that they pay half of the expense of this study. The motion was seconded by Deputy Mayor Pro tem Jack Jones. Ayes – all; Nays – none. Motion carried.

8. Discuss and Consider Appointments to the Planning and Zoning Commission.

Mayor Pro tem Rick Jordan read the following for the record:

The Honorable Hal Richards
Mayor, City of Terrell
Post Office Box 310
Terrell, Texas 75160

“Dear Hal:

I am writing to submit my resignation as a member of the Terrell Planning and Zoning Commission. An imminent change in my professional career-which will also involve relocation – will make it infeasible for me to continue serving as a volunteer member of this important city advisory committee.

I have appreciated the opportunity to serve the community and hope that my contributions have justified the City Council’s confidence in appointing me to the commission. I particularly hope that the Council will act in the near future to move forward on adoption of the new Zoning Ordinance and Map recommended by the Planning and Zoning Commission last year. Much better tools are needed for the management of land uses than the city’s current 40-year-old ordinance.

Best wishes to you and the other members of the city leadership in the pursuit of your goals for a better, brighter Terrell.

Best personal regards,

Patrick A. Thomas

C: Don Archer, Commission Chair
Terry Capehart, Development Director
Lucy York, Planning Department

Deputy Mayor Pro tem Jack Jones made a motion to appoint Jon Dyess to the Planning and Zoning Commission. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried. Administration to send letter of appreciation to Patrick Thomas.

CONSENT AGENDA

Councilmember Don Thurman made a motion to adopt Ordinance No. 2362 and Ordinance No. 2363 on CONSENT AGENDA. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

- 9. Discuss and Consider Adoption on Second Reading Ordinance No. 2362 – 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.**

ORDINANCE NO. 2362

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM AGRICULTURAL (A) AND LIGHT INDUSTRIAL (LI) TO PLANNED DEVELOPMENT (PD) ON 52.5 ACRES OF THE J. C. HALE SURVEY, ABSTRACT NO. 202, 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 OF RECORDS OF 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 Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J. C. Hale Survey, Abstract No. 202, 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 of Records of Kaufman County, Texas and recommend approving a zone change on this property; 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 Agricultural (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; 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 Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J. C. Hale Survey, Abstract No. 202, 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 of Records of 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 Agricultural (A) and Light Industrial (LI) to Planned Development (PD) on 52.5 acres of the J. C. Hale Survey, Abstract No. 202, 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 of Records of 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 19th day of February, 2008.

PASSED AND ADOPTED this the 4th day of March, 2008.

- 10. Discuss and Consider Adoption on Second Reading Ordinance No. 2363 – 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.**

ORDINANCE No. 2363

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM AGRICULTURAL (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; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Industrial (LI) to Planned Development (PD) on 52.5 acres of the J. C. Hale Survey, Abstract No. 202, 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 of Records of 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 Agricultural (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.

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PASSED AND ADOPTED this the 4th day of March, 2008.

END OF CONSENT AGENDA

11. Receive City Manager's Reports and Correspondence – March 19-20, 2008 City Council Retreat Draft Agenda.

Torry Edwards, City Manager presented to Council City Manager's Reports and Correspondence.

12. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss Section 551.071 – Consultation with Attorney – Contemplated Litigation.

Council adjourned into Executive Session.

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

There was no action taken in Executive Session.

14. Adjourn.

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

Ricky Jordan, Mayor Pro tem

Attest:

John Rounsavall, City Secretary