

## REGULAR CITY COUNCIL MEETING

DECEMBER 1, 2009

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, December 1, 2009 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.**

Councilmember Jack Jones gave the opening prayer.

**3. Discuss and Consider Approval of Special City Council Meeting Workshop Minutes of November 12, 2009 and Regular City Council Meeting Minutes of November 17, 2009.**

Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting Workshop Minutes of November 12, 2009 and Regular City Council Meeting Minutes of November 17, 2009. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

**4. Hear Remarks from Visitors.**

Artis Henderson – 112 Lincoln Lane, Terrell, spoke to Council regarding water drainage problems in front of his home.

### NEW BUSINESS

**5. Discuss and Consider Approval of Ordinance No. 2440 – Request for a Zone Change from Single-Family – 6 (SF-6) District to Townhouse – 12 (TH-12) on Approximately 1.7 Acres, Described as Lots A, B, C, Block 186; Part of Block 187; and Lot B, Block 188 of the Irvine Addition, Conveyed to Indi-Tex LLC as Recorded in Volume 3440, Page 408, Deed of Records of Kaufman, County, Texas.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration Ordinance No. 2440 – Request for a Zone Change from Single-Family – 6 (SF-6)

District to Townhouse – 12 (TH-12) on Approximately 1.7 Acres, Described as Lots A, B, C, Block 186; Part of Block 187; and Lot B, Block 188 of the Irvine Addition, Conveyed to Indi-Tex LLC as Recorded in Volume 3440, Page 408, Deed of Records of Kaufman, County, Texas. Councilmember Sandra Wilson made a motion to table Ordinance No. 2440 – Request for a Zone Change from Single-Family – 6 (SF-6) District to Townhouse – 12 (TH-12) on Approximately 1.7 Acres, Described as Lots A, B, C, Block 186; Part of Block 187; and Lot B, Block 188 of the Irvine Addition, Conveyed to Indi-Tex LLC as Recorded in Volume 3440, Page 408, Deed of Records of Kaufman, County, Texas to the next meeting. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**6. Discuss and Consider Approval of a Recommendation Regarding a Final Plat for Approximately 1.7 Acres, Described as Lots A, B, C, Block 186; Part of Block 187; and Lot B, Block 188 of the Irvine Addition, Conveyed to Indi-Tex LLC as recorded in Volume 3440, Page 408, Deed of Records of Kaufman County, Texas (PL-09-03).**

Councilmember Sandra Wilson made a motion to table a Recommendation Regarding a Final Plat for Approximately 1.7 Acres, Described as Lots A, B, C, Block 186; Part of Block 187; and Lot B, Block 188 of the Irvine Addition, Conveyed to Indi-Tex LLC as recorded in Volume 3440, Page 408, Deed of Records of Kaufman County, Texas (PL-09-03). The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**7. Discuss and Consider Approval of Resolution No. 647 – Approving Entering into an Interlocal Purchasing Agreement Between the City of Terrell and the City of Garland.**

Jody Lay, Chief of Police presented to Council for discussion and consideration Resolution No. 647 – Approving Entering into an Interlocal Purchasing Agreement Between the City of Terrell and the City of Garland. Mayor Pro tem Don Thurman made a motion to approve Resolution No. 647 – Approving Entering into an Interlocal Purchasing Agreement Between the City of Terrell and the City of Garland. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

**8. Discuss and Consider Approval of Agreement with NADC Architects, LLC for Architectural Services for Terrell Police Department.**

Jody Lay, Chief of Police presented to Council for discussion and consideration an Agreement with NADC Architects, LLC for Architectural Services for Terrell Police Department. Mayor Pro tem Don Thurman made a motion authorize the City Manager to enter into an agreement with NADC Architects, LLC for Architectural Services for Terrell Police Department. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

**9. Discuss and Consider Approval of Ordinance No. 2445 - Amending Chapter 9, Personnel, Section 10, Police Auxiliary Force.**

Greg Shumpert, Assistant City Attorney presented to Council for discussion and consideration Ordinance No. 2445 - Amending Chapter 9, Personnel, Section 10, Police Auxiliary Force. Councilmember Jack Jones made a motion to approve Ordinance No. 2445 – Amending Chapter

9, Personnel, Section 10, Police Auxiliary Force on first reading. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays – none Motion carried.

#### ORDINANCE NO. 2445

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING CHAPTER 9, PERSONNEL, SECTION 10, POLICE AUXILIARY FORCE, TERRELL CITY CODE REVISED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**10. Discuss and Consider Approval of Resolution No. 644 - Application to the Texas Water Development Board for the Fifty Percent Matching Cost for a Water Supply Planning Grant.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Resolution No. 644 - Application to the Texas Water Development Board for the Fifty Percent Matching Cost for a Water Supply Planning Grant. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Resolution No. 644 - Application to the Texas Water Development Board for the Fifty Percent Matching Cost for a Water Supply Planning Grant. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

#### RESOLUTION NO. 644

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE CITY OF TERRELL TO APPLY FOR A GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD FOR REGIONAL WATER PLANNING

WHEREAS, the City of Terrell, Texas, represented by its City Manager, Torry Edwards or his designee, is authorized to apply for a grant from the Texas Water Development Board,

WHEREAS, the City of Terrell, Texas, has the authority to plan, implement, and operate a water supply facility within the planning area of the application,

WHEREAS, the City Council grants authority to enter into a contract with the Texas Water Development Board if a grant is awarded,

WHEREAS, the City of Terrell, intends to commit \$50,000.00 in local matching funds in cash and/or in-kind services.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, that the City of Terrell or its designee hereby agrees to perform a regional water planning study that is partially funded by the Texas Water Development Board.

That this Resolution shall become effective immediately upon its passage and approval.

Passed and adopted this the 1st day of December, 2009.

**11. Discuss and Consider Approval of Resolution No. 645 - Application to the Texas Water Development Board for the Fifty Percent Matching Cost for a Wastewater Planning Grant.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Resolution No. 645 - Application to the Texas Water Development Board for the Fifty Percent Matching Cost for a Wastewater Planning Grant. Councilmember Jack Jones made a motion to approve Resolution No. 645 - Application to the Texas Water Development Board for the Fifty Percent Matching Cost for a Wastewater Planning Grant. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 645

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS,  
AUTHORIZING THE CITY COUNCIL TO APPLY FOR A GRANT FROM THE TEXAS  
WATER DEVELOPMENT BOARD FOR WASTEWATER PLANNING

WHEREAS, the City of Terrell, Texas, represented by its City Manager, Torry Edwards, or his designee, is authorized to apply for a grant from the Texas Water Development Board; and

WHEREAS, the City of Terrell, Texas, has the authority to plan, implement, and operate wastewater facility within the planning area of the application: and

WHEREAS, the City Council grants authority to enter into a contract with the Texas Water Development Board if a grant is awarded; and

WHEREAS, the City of Terrell intends to commit \$53,500.00 in local matching funds in cash and/or in-kind services.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, that the City of Terrell or its designee hereby agrees to perform a regional wastewater planning study that is partially funded by the Texas Water Development Board.

That this Resolution shall become effective immediately upon its passage and approval.

Passed and adopted this the 1<sup>st</sup> day of December, 2009.

**12. Discuss and Consider Approval of Resolution No. 646 - Approving Application for Project 09-08, Texas Department of Transportation's Safe Routes to School Grant Program.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Resolution No. 646 - Approving Application for Project 09-08, Texas Department of Transportation's Safe Routes to School Grant Program. Councilmember Sandra Wilson made a motion to approve Resolution No. 646 - Approving Application for Project 09-08, Texas Department of Transportation's Safe Routes to School Grant Program. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 646

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE CITY OF TERRELL TO APPLY FOR THE TEXAS DEPARTMENT OF TRANSPORTATION'S SAFE ROUTES TO SCHOOL GRANT PROGRAM; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO SATISFY THE REQUIREMENTS OF THE APPLICATION FOR THE SAFE ROUTES TO SCHOOL GRANT PROGRAM;

WHEREAS, it is the intent of the Terrell City Council to protect the public health, safety and welfare of its citizens; and

WHEREAS, the City of Terrell, Texas, prepared and submitted to the State an application for consideration under the Safe Routes to School Program for the project which is briefly described as new sidewalk construction, installation of new and improved signage and pavement markings, hereinafter called the "Project"; and

WHEREAS, the Texas Transportation Code Section 201.614 directs the State to establish the Safe Routes to School Program to enhance safety in and around school areas through a construction program designed to improve bicycle and pedestrian safety of school age children; and

WHEREAS, the grant project amount is estimated at \$ 500,000.00 with no required matched from the City of Terrell; and

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

SECTION 1: THAT the City of Terrell commits to proper maintenance of the Safe Routes to School facilities once installed;

SECTION 2: THAT Mayor Hal Richards is hereby authorized to execute any and all documents necessary for the Project on behalf of the City of Terrell, Texas;

SECTION 3: THAT the City Manager and City staff are hereby directed to continue all their efforts and cooperation with the Texas Department of Transportation to satisfy the requirements of the application for the Project;

SECTION 4: THAT the City of Terrell, Texas, hereby assures the Texas Department of Transportation that the City of Terrell, Texas, is willing and able to, if the Project is selected for funding, administer all activities involved with the Safe Routes to School Project.

THAT this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 1st DAY OF DECEMBER, 2009.

**13. Discuss and Consider Approval of Agreement for Professional Services from KSA Engineers, Inc. – Project 08-07 – Left-Turn Lane on SH 34 to New BFTS No. 1 Blvd of Terrell Municipal Airport.**

Steve Rogers, City Engineer presented to Council for discussion and consideration an Agreement for Professional Services from KSA Engineers, Inc. – Project 08-07 – Left-Turn Lane on SH 34 to New BFTS No. 1 Blvd of Terrell Municipal Airport. Mayor Pro tem Don Thurman made a motion to authorize the City Manager to execute an Agreement for Professional Services from KSA Engineers, Inc. – Project 08-07 – Left-Turn Lane on SH 34 to New BFTS No. 1 Blvd of Terrell Municipal Airport in an amount not to exceed \$9,200. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

**14. Discuss and Consider Bid and Award of Contract of Bid for Project 09-10-09 – Ben Gill Park Softball Complex Improvements.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Bid and Award of Contract of Bid for Project 09-10-09 – Ben Gill Park Softball Complex Improvements. Councilmember Jack Jones made a motion to reject all bids received for Project 09-10-09 – Ben Gill Park Softball Complex Improvements. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

**15. Discuss and Consider Appointments to Tax Increment Financing Board.**

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Tax Increment Financing Board. Deputy Mayor Pro tem Ricky Jordan made a motion to re-appoint Don Thurman as Chairman and re-appoint Mike Cronin and John Davidson to the Tax Increment Financing Board. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

**16. Discuss and Consider Appointments to Zoning Board of Adjustments.**

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Zoning Board of Adjustments. Mayor Hal Richards made a motion to appoint Lee Schaeffer to replace Gary Weems.

Mayor Hal Richards amended his motion to appoint Lee Schaeffer to replace Charles Jones. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

Further appointments to be made at next meeting.

**17. Discuss and Consider Appointments to Building Standards Commission.**

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Building Standards Commission. Deputy Mayor Pro tem Ricky Jordan made a motion to appoint Robert Brown to replace James Flanagan on the Building Standards Commission. The

motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

**18. Discuss and Consider Appointments to Terrell Park Board.**

Mayor Hal Richards tabled this item to next meeting per staff recommendation.

**CONSENT AGENDA**

Councilmember Jack Jones made a motion to adopt items No. 19-24 on Consent Agenda. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**19. Discuss and Consider Adoption on Second Reading of Ordinance No. 2436 – Budget Amendment.**

**ORDINANCE NO. 2436**

**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:

<b><u>GENERAL FUND REVENUE</u></b>	<b>BUDGETED</b>	<b>AMOUNT</b>	<b>AMENDED</b>
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010-00-3827 Pauline Allen Gill Foundation Grant	\$ -0-	\$500,000.00	\$500,000.00
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<b><u>GENERAL FUND EXPENDITURES</u></b>	<b>BUDGETED</b>	<b>AMOUNT</b>	<b>AMENDED</b>
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010-26-4503 Pauline Allen Gill Foundation Grant	\$ -0-	\$500,000.00	\$500,000.00
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**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 17<sup>th</sup> day of November, 2009.

Passed and Adopted on this the 1<sup>st</sup> day of December, 2009.

#### **20. Discuss and Consider Adoption on Second Reading of Ordinance No. 2437 – Amending Chapter 2: Administration – Section 4: Library Advisory Board.**

#### **ORDINANCE NO. 2437**

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING CHAPTER 2, ADMINISTRATION, SECTION 4; LIBRARY ADVISORY BOARD, TERRELL CITY CODE REVISED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS THAT:**

#### **ARTICLE I.**

Chapter 2, Administration, Section 4: of the Terrell City Code Revised is hereby amended as follows:

#### **Sec. 2-4. Library Advisory Board.**

A. Library Advisory Board Created. There is hereby created a Library Advisory Board composed of nine (9) members, each of whom shall be appointed by the City Council. Seven (7) members of the board shall be residents of the City of Terrell. Two (2) members of the board shall be residents of Kaufman County living outside the City of Terrell. The members of such board shall serve without remuneration for their service. Additionally, the library director shall serve as an ex-officio nonvoting member of the board. **City Council may appoint non-voting emeritus members to the board at the Council's pleasure. These non-voting emeritus members shall not be subject to term limitations and shall serve at the pleasure of the City Council.**

B. Officers. A chairperson and vice-chairperson of the board shall be elected by a

majority of the members of the board at the beginning of the first meeting held each year. The chairperson of the board shall preside over all meetings of the board, appoint all committees, execute all documents authorized by the board, serve as an ex-officio voting member of all committees, and generally perform all duties associated with that office. In the absence of the chairperson, the vice-chairperson shall assume and perform the duties of that office. The City Manager or his designee shall serve as secretary of the board, attending and keeping minutes of all meetings.

C. Terms of Office. All appointments to the Terrell Library Advisory Board shall be for a term of two (2) years. All board members must meet the policy guidelines established by the City Council for all board members of the city. Vacancies on the Terrell Library Advisory Board occurring other than through expiration shall be filled by the City Council for that portion of the unexpired term remaining.

Term Limitations - No person shall serve more than three (3) consecutive terms as a member of the Terrell Library Advisory Board.

D. Meetings. The board shall meet at regular quarterly intervals with advance notice being given in accordance with the Texas Open Meetings Law, as amended. Additional meetings may be called at the request of the chairperson or upon written request of three (3) members or upon notice from the library director. Five (5) members shall constitute a quorum and any action taken at a meeting shall require the affirmative vote of a majority of the members present.

E. Absence. Members with three (3) consecutive unexcused absences per calendar year from regular or posted meetings shall forfeit the unexpired portion of their term.

F. General Duties of the Board. The Library Advisory Board shall act only in an advisory capacity to the City Council in all matters pertaining to the library and shall acquaint itself with and make a continuous study and review of the library services offered by the Terrell Public Library. The board shall advise the City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, enlargement, and policies of the Terrell Public Library.

## **ARTICLE II.**

All ordinances or parts 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 judgement 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 cases provides.

**PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF NOVEMBER, 2009.**

**PASSED AND ADOPTED ON THIS THE 1<sup>ST</sup> DAY OF DECEMBER, 2009.**

- 21. Discuss and Consider Adoption on Second Reading of Ordinance No. 2441 - Request for a Zone Change from Agricultural (AG) District to Multi-Family 22 (MF-22) in Order to Develop an Independent Living Facility for Disabled Persons on Property Located Adjacent to 1010 Rosehill Road, Described as an Approximately 2.25 Acre Parcel Situated in the J.C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Being Part of That 8.414 Acre Tract of Land Conveyed to Ray and Wendy Manning as Recorded in Volume 1229, Page 79, Deed of Records of Kaufman County, Texas.**

#### **ORDINANCE NO. 2441**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM AGRICULTURAL (AG) DISTRICT TO MULTI-FAMILY 22 (MF-22) ON PROPERTY ADJACENT TO 1010 ROSEHILL ROAD, DESCRIBED AS APPROXIMATELY 2.25 ACRE PARCEL SITUATED IN THE J.C. HALE SURVEY, ABSTRACT NO. 202, 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 November 2, 2009 on a request to change the zoning from Agricultural (AG) District to Multi-Family 22 (MF-22) on property adjacent to 1010 Rosehill Road, described as approximately 2.25 acre parcel situated in the J.C. Hale Survey, Abstract No. 202, City of Terrell, Kaufman County, Texas.; and

**WHEREAS**, the City Council of the City of Terrell, Texas held a public hearing on November 17, 2009 and has determined that it would be in the best interest of the citizens of Terrell to change the zoning from Agricultural (AG) District to Multi-Family 22 (MF-22), 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 Agricultural (AG) District to Multi-Family 22 (MF-22) on property adjacent to 1010 Rosehill Road, described as approximately 2.25 acre parcel situated in the J.C. Hale Survey, Abstract No. 202, 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 Agricultural (AG) District to Multi-Family 22 (MF-22), 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 17<sup>th</sup> day of November, 2009.

**PASSED AND ADOPTED** this the 1<sup>st</sup> day of December, 2009.

- 22. Discuss and Consider Adoption on Second Reading of Ordinance No. 2442 - Regarding the Adoption of Local Amendments to the International Building Code and the International Residential Code to Require Timely Completion of Work Under Valid Building Permits and to Remove Language Conflicts Between the Zoning Ordinance and the International Building Codes.**

## ORDINANCE NO. 2442

**An Ordinance of the City of Terrell, Texas, amending Section 4-4. Building Code (b) Amendments to the 2003 International Building Code and Section 4-26. Residential Code (b) Amendments to 2003 International Residential Code of the Terrell Code of Ordinances; Adopting Certain Amendments To The Codes As Enumerated; Providing For A Penalty; Providing For A Severability Clause; A Repealer Clause; And Providing An Effective Date.**

**ARTICLE I.**

**SECTION I.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS THAT THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, CHAPTER 4: BUILDING REGULATIONS BE AMENDED TO READ AS FOLLOWS:**

**CHAPTER 4: BUILDING CODE**

**Sec. 4-4. Building Code**

**(b) Amendments to the 2003 International Building Code. Section 105.5.**

- 1.) Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within sixty (60) days after its issuance, or if the work authorized on the site by such permit is suspended, stopped or abandoned for a period of sixty (60) days or more after the time the work commenced shall be considered an abandonment of the project and shall result in the cancellation of the building permit and a new application for a building permit will be required to be submitted prior to beginning work again. Owner, agent or contractor may be subject to additional fees for reinstatement of cancelled permits. All commercial building permits are valid for a period of eighteen (18) months from the date of issue.
- 2.) An extension of up to six (6) months may be granted upon completion and submission of a written application to the Building Official prior to the expiration date of the original permit. No more than two (2) extensions may be granted on any project.

**Sec. 4-26. Residential Code**

**(b) Amendments to the 2003 International Residential Code. Section 105.5.**

- 1.) Work must commence within sixty (60) days of the issuance of the building permit and continue to proceed without work stoppages until the project is complete. Any work stoppage lasting more than sixty (60) days shall be considered an abandonment of the project and shall result in the cancellation of the building permit and a new application for a building permit will be required to be submitted prior to beginning work again. Owner, agent or contractor may be subject to additional fees for reinstatement of cancelled permits. All residential building permits are valid for a period of six (6) months from the date of issue.

- 2.) An extension of up to two (2) months may be granted upon completion and submission of a written application to the Building Official prior to the expiration date of the original permit. No more than two (2) extensions may be granted on any project.

## 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 17<sup>th</sup> day of November, 2009.

**PASSED AND ADOPTED** this the 1<sup>st</sup> day of December, 2009.

23. **Discuss and Consider Adoption on Second Reading of Ordinance No. 2443 – Approving an Amendment to Section 5 of the Comprehensive Plan and Future Land Use Map to Add a New Highway Corridor District in Accordance with the Original Recommendations of the Comprehensive Plan, Ordinance 2118, Adopted on September 3, 2002, page 5-16, “Terrell Should Consider Establishing Regulations Related to Aesthetics Within its High-Traffic Corridors (I.H.-20, U.S. Highway 80, State Highway 34) Through Overlay Districts or Revised Zoning Districts.”, City of Terrell, Kaufman County, Texas. (ZC-09-08)**

## ORDINANCE NO. 2443

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE FUTURE LAND USE PLAN OF THE COMPREHENSIVE PLAN, ORDINANCE NO. 2118 ADOPTED ON SEPTEMBER 3, 2003, IN ORDER TO ESTABLISH A HIGHWAY CORRIDOR ZONING DISTRICT IN ACCORDANCE WITH SECTION 5, PAGE 5-16: “TERRELL SHOULD CONSIDER ESTABLISHING REGULATIONS RELATED TO AESTHETICS WITHIN ITS

HIGH-TRAFFIC CORRIDORS THROUGH OVERLAY DISTRICTS OR REVISED ZONING DISTRICTS.”;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE  
DATE; AND PROVIDING FOR AN UPDATE TO THE OFFICIAL FUTURE LAND USE MAP.

### **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 State law with reference to granting of changes to the Future Land Use Plan of the Comprehensive Plan, Ordinance No. 2118 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 amendments to the official Future Land Use Plan are in the best interest of the general welfare of the public and should be made in order to promote future economic development and enhance aesthetics along the major highway corridors of the City of Terrell, Kaufman County, Texas.

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

**THAT** the official Future Land Use Plan of 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 the Highway Corridor District and other associated land uses and other 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 amendments established by this Ordinance.

That the above amendments shall be used only in the manner and for the purposes allowed by the Comprehensive Plan to guide future land development and construction of roadways and other capital improvements as amended heretofore, and as amended herein.

### **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 17<sup>th</sup> day of November, 2009.

**PASSED AND ADOPTED** this the 1<sup>st</sup> day of December, 2009.

- 24. Discuss and Consider Adoption on Second Reading of Ordinance No. 2444 – Approving Revisions to Section 28 (Reserved) and Section 32 (Use Regulations) and Other Supplementary Sections of the Zoning Ordinance (Ordinance 2371, Adopted May 20, 2008 to Add a New Highway Corridor District and Associated Land Use Regulations in Accordance with the Original Recommendations of the Comprehensive Plan, Ordinance 2118, Adopted on September 3, 2002, Page 5-16, “Terrell Should Consider Establishing Regulations Related to Aesthetics Within Its High-Traffic Corridors (I.H. -20, U.S. Highway 80, State Highway 34) Through Overlay Districts or Revised Zoning Districts.”, the Proposed Revisions will be Applied Citywide and will not Change the Zoning Classification or Zoning District Boundary of Any Real Property, City of Terrell, Kaufman County, Texas.**

#### END OF CONSENT AGENDA

- 25. Receive City Manager’s Reports and Correspondence: Special City Council Meeting and Workshop – Thursday, December 10, 2009 – 6:00 p.m.**

Torry L. Edwards presented Manager’s Reports and Correspondence to Council.

Mayor Hal Richards recognized Trinity Valley Community College Student Rachel Rosa attending the Council Meeting.

Mayor Hal Richards recognized Roger Heisel attending the Council Meeting for KCLC.

- 26. Adjourn.**

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

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**Hal Richards, Mayor**

**Attest:**

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**John Rounsavall, City Secretary**