

REGULAR CITY COUNCIL MEETING

NOVEMBER 17, 2009

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, November 17, 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.

Mayor Hal Richards gave the opening prayer.

3. Council Recognition and Presentation.

Mayor Hal Richards recognized Don Archer, Robert Lee and Riter Hulseley and presented plaques for their service to the City of Terrell.

Mayor Hal Richards recognized R.J. Johnson of Boy Scout Troop 390 and Trinity Valley Community College students attending the Council Meeting.

5. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss Section 551.087 – Deliberations Regarding Economic Development Negotiations.

Council adjourned into Executive Session.

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

Council reconvened into Regular Session. There was no action taken in Executive Session.

4. Discuss and Consider Approval of Special City Council Meeting Workshop Minutes of October 15, 2009 and Regular City Council Meeting Minutes of October 20, 2009.

Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting Workshop Minutes of October 15, 2009 and Regular City Council Meeting Minutes of October

20, 2009. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nayses – none. Motion carried.

7. Hear Remarks from Visitors.

Carolyn Hart, 6138 Mountain View, Crandall, TX 75114 complained to Council regarding the Police refusal to release records and recordings of an incident that occurred on April 18, 2008.

PUBLIC HEARING

8. Conduct a Public Hearing to Receive Comment Regarding a 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 gave opening comments regarding a 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. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding a 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. One person spoke for the Zone Change. No one spoke against the Zone Change. Mayor Hal Richards closed the Public Hearing.

9.

a.) Conduct a Public Hearing to Receive Comment Regarding a 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.

Terry Capehart, Director of Municipal Development gave opening comments regarding a 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. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding a 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. One person spoke for the Zone Change. No one spoke against the Zone Change. Mayor Hal Richards closed the Public Hearing.

- b.) **Discuss and Consider Approval 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.**

Deputy Mayor Pro tem Ricky Jordan made a motion to approve 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 on first reading. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

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.

10.

- c.) **Conduct a Public Hearing to Receive Comment Regarding 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)**

Terry Capehart, Director of Municipal Development presented opening comments Regarding 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). Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding 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). No one spoke for or against the Amendment. Mayor Hal Richards closed the Public Hearing.

- d.) **Discuss and Consider Approval 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)**

Councilmember Jack Jones made a motion to approve 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) on first reading. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

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.

11.

- e.) **Conduct a Public Hearing to Receive Comment Regarding 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.**

Terry Capehart, Director of Municipal Development presented opening comments regarding 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. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding 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. No one spoke for or against the proposed revisions. Mayor Hal Richards closed the Public Hearing.

- f.) **Discuss and Consider Approval 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.**

Councilmember Sandra Wilson made a motion to approve 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 on first reading. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

NEW BUSINESS

12. **Discuss and Consider Approval 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.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration 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. Mayor Pro tem Don Thurman made a motion to approve 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 on first reading. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

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.

13. **Discuss and Consider All Matters Incident and Related to the Issuance and Sale of “City of Terrell, Texas, General Obligation Refunding Bonds, Series 2009”, Including the Adoption of Ordinance No. 2438 - Authorizing the Issuance of Such Bonds and Providing for the Redemption of the Obligations Being Refunded.**

Jason Hughes representing First Southwest Company presented to Council for discussion and consideration All Matters Incident and Related to the Issuance and Sale of “City of Terrell, Texas, General Obligation Refunding Bonds, Series 2009”, Including the Adoption of Ordinance No. 2438 - Authorizing the Issuance of Such Bonds and Providing for the Redemption of the Obligations Being Refunded. Mayor Pro tem Don Thurman made a motion to approve All Matters Incident and Related to the Issuance and Sale of “City of Terrell, Texas, General Obligation Refunding Bonds, Series 2009”, Including the Adoption of Ordinance No. 2438 - Authorizing the Issuance of Such Bonds and Providing for the Redemption of the Obligations Being Refunded. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

14. Discuss and Consider All Matters Incident and Related to the Issuance and Sale of “City of Terrell, Texas, General Obligation Refunding Bonds, Series 2009”, Including the Adoption of Ordinance No. 2439 - Authorizing the Issuance of Such Bonds, Establishing Parameters for the Sale and Issuance of Such Bonds and Delegating Certain Matters to an Authorized Official of the City Relating to the Issuance and Sale of Such Bonds and the Redemption of the Obligations Being Refunded.

This item was passed.

15. Discuss and Consider Approval of Helwig Trucking Request.

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

16. Discuss and Consider Approval of Resolution No. 643 – Authorizing the City of Terrell to Enter Into an Agreement with the State of Texas Department of Transportation Concerning the Closure of US Highway 80, a State Right of Way, to Facilitate the City of Terrell Annual Christmas Parade for the Calendar Years 2009, 2010, 2011, 2012 and 2013.

Captain Richard Peavy, Terrell Police Department presented to Council for discussion and consideration Resolution No. 643 – Authorizing the City of Terrell to Enter Into an Agreement with the State of Texas Department of Transportation Concerning the Closure of US Highway 80, a State Right of Way, to Facilitate the City of Terrell Annual Christmas Parade for the Calendar Years 2009, 2010, 2011, 2012 and 2013. Councilmember Jack Jones made a motion to approve Resolution No. 643 – Authorizing the City of Terrell to Enter Into an Agreement with the State of Texas Department of Transportation Concerning the Closure of US Highway 80, a State Right of Way, to Facilitate the City of Terrell Annual Christmas Parade for the Calendar Years 2009, 2010, 2011, 2012 and 2013. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 643

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE CITY OF TERRELL TO ENTER INTO AN AGREEMENT WITH THE STATE OF TEXAS, TEXAS DEPARTMENT OF TRANSPORTATION, CONCERNING THE CLOSURE OF US HIGHWAY 80, A STATE RIGHT OF WAY, TO FACILITATE THE CITY OF TERRELL ANNUAL CHRISTMAS PARADE.

WHEREAS, the City of Terrell wishes to hold an Annual Christmas Parade Event; and

WHEREAS, the City of Terrell will in the course of this event facilitate a parade procession along US Highway 80; and

WHEREAS, the City of Terrell finds this event to serve a public purpose; and

WHEREAS, the City of Terrell wishes to comply with State of Texas rules and procedures governing the temporary closure of a segment of the State Highway system; and

WHEREAS, the City of Terrell is required to enter into an agreement with the State of Texas to ensure compliance with established rules and procedures; and

WHEREAS, the City of Terrell will forward the proposed agreement to the State of Texas, Texas Department of Transportation District Engineer's Office.

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

SECTION 1. That an agreement for the temporary closure of State right of way is hereby authorized to be entered into on behalf of the City with the State of Texas.

SECTION 2. That the agreement is to be executed on behalf of the City of Terrell by City Manager Torry Edwards.

SECTION 3. That the completed agreement will be forwarded to the State of Texas, Texas Department of Transportation.

PASSED AND ADOPTED THIS 17TH DAY OF NOVEMBER, 2009.

17. Discuss and Consider Approval of Interlocal Cooperation Contract Agreement with Collin County.

Mary Gayle Ramsey, City Attorney presented to Council for discussion and consideration Interlocal Cooperation Contract Agreement with Collin County. Councilmember Jack Jones made a motion to table this item to next meeting. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays –none. Motion carried.

18. Discuss and Consider Approval of Third Amendment to Contract with IESI.

Steve Rogers, City Engineer presented to Council for discussion and consideration Third Amendment to Contract with IESI. Deputy Mayor Pro tem Ricky Jordan made a motion to

approve Third Amendment to Contract with IESI. The motion was seconded by Councilmember Sandra Wilson. Ayes- all; Naves – none. Motion carried.

19. Discuss and Consider Approval of Proposal from Rasor and Associates for Engineering Services for Project 09-09, Water Distribution 2010 Improvements.

Steve Rogers, City Engineer and Frank Rasor representing Rasor and Associates presented to Council for discussion and consideration Proposal from Rasor and Associates for Engineering Services for Project 09-09, Water Distribution 2010 Improvements. Mayor Pro tem Don Thurman made a motion to approve Proposal from Rasor and Associates for Engineering Services for Project 09-09, Water Distribution 2010 Improvements in an amount not-to-exceed \$42,500. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

20. Discuss and Consider Bids and Award of Contract for Bid No. 01-25-10 – Police Patrol Vehicle.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Bids and Award of Contract for Bid No. 01-25-10 – Police Patrol Vehicle. Councilmember Jack Jones made a motion to reject all bids received for Bid No. 01-25-10 – Police Patrol Vehicle. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

21. Discuss and Consider Approval of Ordinance No. 2437 – Amending Chapter 2: Administration – Section 4: Library Advisory Board.

John Trischetti, Assistant Library Director presented to Council for discussion and consideration Ordinance No. 2437 – Amending Chapter 2: Administration – Section 4: Library Advisory Board. Councilmember Sandra Wilson made a motion to approve Ordinance No. 2437 – Amending Chapter 2: Administration – Section 4: Library Advisory Board. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

*On second reading – add exception to attendance for emeritus member.

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.

**22. Discuss and Consider Board Appointments to the Following:
g. Library Board**

Councilmember Jack Jones made a motion to appoint Margaret Carmona to replace Riter Hulsey and appoint Mary Messer to replace Jim McGinty. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Naves – none. Motion carried.

h. Terrell Park Board.

Mayor Hal Richards made a motion to appoint Laurie Black to replace Dale Martin. Mayor Hal Richards withdrew the motion. Mayor Hal Richards made a motion to appoint Laurie Black to replace Dale Martin for his unexpired term. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

i. Building Standards Commission.

Mayor Pro tem Don Thurman made a motion to appoint Ken Schoen to replace Bill Sweazea and appoint Robert Lee to replace Kelly Lane. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

*Third appointment to be placed on next meeting agenda.

23. Discuss and Consider Approval of Ordinance No. 2436 – Budget Amendment.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2436 – Budget Amendment. Councilmember Jack Jones made a motion to approve Ordinance No. 2436 – Budget Amendment on first reading. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

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.

CONSENT AGENDA

Councilmember Jack Jones made a motion to adopt Ordinance No. 2434 and Ordinance No. 2435 on second reading on CONSENT AGENDA. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

24. Discuss and Consider Adoption on Second Reading of Ordinance No. 2434 - Request Regarding a Zone Change from Single Family (SF – 7.5) to Commercial (C) on Property Located at 371 FM 148, Described as Tract 4 of the J.C. Hale Survey, Abstract No. 202.

ORDINANCE No. 2434

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING FROM SINGLE-FAMILY 7.5 (SF-7.5) TO COMMERCIAL (C) ON PROPERTY LOCATED AT 371 FM 148, DESCRIBED AS TRACT 4 OF 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 September 28, 2009 on a request to change the zoning from Single-Family 7.5 (SF-7.5) to Commercial (C) on property located at 371 FM 148, described as Tract 4 of 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 October 20, 2009 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) to Commercial (C), 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) to Commercial (C) on property located at 371 FM 148, described as Tract 4 of 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 Single-Family 7.5 District (SF-7.5) to Commercial (C), 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 October, 2009.

PASSED AND ADOPTED this the 17th day of November, 2009.

- 25. Discuss and Consider Adoption on Second Reading of Ordinance No. 2435 - Amending Chapter 11, Traffic Regulations – Section 4: Enforcement of Traffic Regulations.**

ORDINANCE NO. 2435

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING CHAPTER 11, TRAFFIC REGULATIONS, SECTION 4: ENFORCEMENT OF TRAFFIC REGULATIONS; 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.

That Chapter 11, Traffic Regulations, Section 4, Enforcement of Traffic Regulations shall be amended as follows:

Sec. 11-4 Enforcement of Traffic Regulations

It shall be the duty of the police department to enforce the provisions of this chapter. Officers of the police department are hereby authorized to direct all traffic, either in person or by means of visible and/or audible signals in conformance with the provisions of this chapter, providing that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

In addition to the above, it shall be the duty of the Director of Municipal Development, or his authorized code enforcement officer(s) to enforce, through the issuance of citations, Section 11-42 Parking Restrictions; Subsection I, Parking in Residential Areas (Ordinance No. 2302).

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 the 20th day of October, 2009.

PASSED AND ADOPTED THIS the 17th day of November, 2009.

END OF CONSENT AGENDA

26. 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