

REGULAR CITY COUNCIL MEETING

AUGUST 16, 2011

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, August 16, 2011 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 D.J. ORY**

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Mayor Pro tem Jack Jones gave the opening prayer.

Mayor Hal Richards recognized Frances Anderson, Katie Smith, Kenneth Schoen and Bill Baker for attending the Council meeting.

3. Discuss and Consider Approval of City Council Special Meeting Workshop Minutes of August 2, 2011 and Regular City Council Meeting Minutes of August 2, 2011.

Councilmember D.J. Ory made a motion to approve City Council Special Meeting Workshop Minutes of August 2, 2011 and Regular City Council Meeting Minutes of August 2, 2011. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

4. Hear Remarks from Visitors

None were made.

PUBLIC HEARING

5. a.) **Conduct a Public Hearing to Receive Comment Regarding Ordinance No. 2498 – Approving an Amendment to Section 5 of the Comprehensive Plan and Future Land Use Map to add new residential density models in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002.**

Terry Capehart, Director of Municipal Development gave opening remarks to Council regarding Ordinance No. 2498 – Approving an Amendment to Section 5 of the Comprehensive Plan and Future Land Use Map to add new residential density models in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Ordinance No. 2498 – Approving an Amendment to Section 5 of the Comprehensive Plan and Future Land Use Map to add new residential density models in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002. No one spoke for or against Ordinance No. 2498. Mayor Hal Richards closed the Public Hearing.

- b.) **Discuss and Consider Approval of Ordinance No. 2498 - Approving an Amendment to Section 5 of the Comprehensive Plan and Future Land Use Map to add new residential density models in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002.**

Councilmember Ricky Jordan made a motion to approve Ordinance No. 2498 - Approving an Amendment to Section 5 of the Comprehensive Plan and Future Land Use Map to add new residential density models in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002. The motion as seconded by Deputy Mayor Pro tem. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2498

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE OFFICIAL COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN, ORDINANCE NO. 2118 ADOPTED ON SEPTEMBER 3, 2003, IN ORDER TO ESTABLISH NEW RESIDENTIAL DENSITY MODELS TO ENCOURAGE HIGH QUALITY RESIDENTIAL NEIGHBORHOODS IN THE EXTRATERRITORIAL JURISDICTION (ETJ) AND CITY LIMITS OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN UPDATE TO THE OFFICIAL THOROUGHFARE MAP.

6. c. **Conduct a Public Hearing to Receive Comment Regarding Ordinance No. 2499 – Approving an Amendment to various sections of the Zoning Ordinance No. 2444, adopted December 1, 2009, to add a new Executive Estate Single-family District, high quality design elements for single-family residential development and other minor revisions in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002.**

Terry Capehart, Director of Municipal Development gave opening comments regarding Ordinance No. 2499 – Approving an Amendment to various sections of the Zoning Ordinance No. 2444, adopted December 1, 2009, to add a new Executive Estate Single-family District, high quality design elements for single-family residential development and other minor revisions in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Ordinance No. 2499 – Approving an Amendment to various sections of the Zoning Ordinance No. 2444, adopted December 1, 2009, to add a new Executive Estate Single-family District, high quality design elements for single-family residential development and other minor revisions in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002. No one spoke for or against Ordinance No. 2499. Mayor Richards closed the Public Hearing.

- d.) **Discuss and Consider Approval of Ordinance No. 2499 - Approving an Amendment to various sections of the Zoning Ordinance No. 2444, adopted December 1, 2009, to add a new Executive Estate Single-family District, high quality design elements for single-family residential development and other minor revisions in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002.**

Deputy Mayor Pro tem Sandra Wilson made a motion to approve Ordinance No. 2499 - Approving an Amendment to various sections of the Zoning Ordinance No. 2444, adopted December 1, 2009, to add a new Executive Estate Single-family District, high quality design elements for single-family residential development and other minor revisions in accordance with the original recommendations of the Comprehensive Plan, Ordinance 2118, adopted on September 3, 2002. The motion was seconded by Councilmember D.J. Ory. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2499

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (CHAPTER 13) OF THE REVISED CODE OF ORDINANCES, CITY OF TERRELL, ADOPTED ON THE 3rd DAY OF AUGUST 2010, TOGETHER WITH ALL AMENDMENTS THERETO; REVISING AND UPDATING PORTIONS OF SECTIONS 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 32, 33, 34, 35, 36, 37, 38, 41 AND 44; ADDING AN EXECUTIVE ESTATE RESIDENTIAL DISTRICT (EE-32); IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION; ESTABLISHING AND

PROVIDING ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY THE CITY COUNCIL; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS COURTS AND OPEN SPACES, AND THE HEIGHT, BULK, EXTERIOR ELEVATIONS AND USE OF BUILDINGS AND LAND FOR NONRESIDENTIAL, RESIDENTIAL AND OTHER PURPOSES; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF EACH LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR NONRESIDENTIAL USES; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR APPROPRIATE PLAN APPROVALS; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A ZONING BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; CREATING A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; PROVIDING FOR ALL REFERENCES TO ZONING DISTRICTS IN THE CITY CODE OF ORDINANCES AND OTHER CITY ORDINANCES TO BE SUPERSEDED BY THOSE DISTRICTS LISTED HEREIN; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE AND A REPEALER CLAUSE; AND PRESERVING RIGHTS IN PENDING LITIGATION REGARDING VIOLATIONS UNDER THE EXISTING ORDINANCE.

7. e. **Conduct a Public Hearing to Receive Comment Regarding Ordinance No. 2500 – Approving an Amendment to the Subdivision Regulations Ordinance No. 2255, adopted January 18, 2005, in accordance with Chapter 212 of the Texas Local Government Code.**

Terry Capehart, Director of Municipal Development gave opening comments regarding Ordinance No. 2500 – Approving an Amendment to the Subdivision Regulations Ordinance No. 2255, adopted January 18, 2005, in accordance with Chapter 212 of the Texas Local Government Code. Mayor Hal Richards opened a Public Hearing Receive Comment Regarding Ordinance No. 2500 – Approving an Amendment to the Subdivision Regulations Ordinance No. 2255,

adopted January 18, 2005, in accordance with Chapter 212 of the Texas Local Government Code. No one spoke for or against Ordinance No. 2500. Mayor Richards closed the Public Hearing.

- f.) **Discuss and Consider Approval of Ordinance No. 2500 – Approving an Amendment to the Subdivision Regulations Ordinance No. 2255, adopted January 18, 2005, in accordance with Chapter 212 of the Texas Local Government Code.**

Deputy Mayor Pro tem Sandra Wilson made a motion to approve Ordinance No. 2500 – Approving an Amendment to the Subdivision Regulations Ordinance No. 2255, adopted January 18, 2005, in accordance with Chapter 212 of the Texas Local Government Code. The motion was seconded by Councilmember D.J. Ory. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2500

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE SUBDIVISION REGULATIONS, ORDINANCE NO. 2255, OF THE CITY OF TERRELL, TEXAS, AS ADOPTED ON JANUARY 18, 2005; ADOPTING NEW SUBDIVISION REGULATIONS FOR THE CITY OF TERRELL; EXTENDING THE SUBDIVISION REGULATIONS INTO THE CITY'S EXTRATERRITORIAL JURISDICTION IN ACCORDANCE WITH THE INTERLOCAL AGREEMENT, AUTHORIZED UNDER HOUSE BILL 1445, ENACTED BY THE TEXAS LEGISLATURE DURING ITS 77TH LEGISLATIVE SESSION, EXECUTED BETWEEN KAUFMAN COUNTY AND THE CITY OF TERRELL ON JANUARY 30, 2002; ADOPTING SUBCHAPTER B, CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH ALLOWS FOR THE REQUIREMENT OF DEVELOPMENT PLATS IN THE CITY AND WITHIN ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

8. g.) **Conduct a Public Hearing to Receive Comment Regarding Ordinance No. 2497 - An Ordinance Of The City Council Of The City Of Terrell, Texas, ("City") Approving A Negotiated Resolution Between The Atmos Cities Steering Committee ("Acsc" Or "Steering Committee") And Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" Or "Company") Regarding The Company's Fourth Annual Rate Review Mechanism ("Rrm") Filing In All Cities Exercising Original Jurisdiction; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement And Finding The Rates To Be Set By The Attached Tariffs To Be Just And Reasonable; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions Or Ordinances; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring**

Delivery Of This Ordinance To The Company And The Steering Committee's Legal Counsel.

John Rounsavall, City Secretary/Finance Director gave opening comments regarding Ordinance No. 2497 - An Ordinance Of The City Council Of The City Of Terrell, Texas, ("City") Approving A Negotiated Resolution Between The Atmos Cities Steering Committee ("Acsc" Or "Steering Committee") And Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" Or "Company") Regarding The Company's Fourth Annual Rate Review Mechanism ("Rrm") Filing In All Cities Exercising Original Jurisdiction; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement And Finding The Rates To Be Set By The Attached Tariffs To Be Just And Reasonable; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions Or Ordinances; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The Steering Committee's Legal Counsel. Kenneth Mathis representing Atmos provided additional opening comments. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Ordinance No. 2497 - An Ordinance Of The City Council Of The City Of Terrell, Texas, ("City") Approving A Negotiated Resolution Between The Atmos Cities Steering Committee ("Acsc" Or "Steering Committee") And Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" Or "Company") Regarding The Company's Fourth Annual Rate Review Mechanism ("Rrm") Filing In All Cities Exercising Original Jurisdiction; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement And Finding The Rates To Be Set By The Attached Tariffs To Be Just And Reasonable; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions Or Ordinances; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The Steering Committee's Legal Counsel. No one spoke for or against Ordinance No. 2497. Mayor Richards closed the Public Hearing.

- h.) Discuss And Consider Approval Of Ordinance No. 2497 - An Ordinance Of The City Council Of The City Of Terrell, Texas, ("City") Approving A Negotiated Resolution Between The Atmos Cities Steering Committee ("Acsc" Or "Steering Committee") And Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" Or "Company") Regarding The Company's Fourth Annual Rate Review Mechanism ("Rrm") Filing In All Cities Exercising Original Jurisdiction; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement And Finding The Rates To Be Set By The Attached Tariffs To Be Just And Reasonable; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions Or Ordinances; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The Steering Committee's Legal Counsel.**

Mayor Pro tem Jack Jones made a motion to approve Ordinance No. 2497 - An Ordinance Of The City Council Of The City Of Terrell, Texas, ("City") Approving A Negotiated Resolution Between The Atmos Cities Steering Committee ("Acsc" Or "Steering Committee") And Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" Or "Company") Regarding The Company's Fourth Annual Rate Review Mechanism ("Rrm") Filing In All Cities Exercising Original Jurisdiction; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement And Finding The Rates To Be Set By The Attached Tariffs To Be Just And Reasonable; Requiring The Company To Reimburse Cities' Reasonable Ratemaking Expenses; Repealing Conflicting Resolutions Or Ordinances; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The Steering Committee's Legal Counsel. The motion was seconded by Councilmember D.J. Ory. Ayes – all; Nayses – none. Motion carried.

ORDINANCE NO. 2497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S FOURTH ANNUAL RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

NEW BUSINESS

9. Discuss and Consider Approval of Resolution No. 701 - Adopting Criteria for Use in the 2011 Redistricting Process, and Providing for Related Matters.

Torry Edwards, City Manager and John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Resolution No. 701 – Adopting Criteria for Use in the 2011 Redistricting Process and Providing for Related Matters. Councilmember D.J. Ory made a motion to approve Resolution No. 701 – Adopting Criteria for Use in the 2011 Redistricting Process and Providing for Related Matters. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 701

RESOLUTION OF THE CITY OF TERRELL, TEXAS, ADOPTING CRITERIA FOR USE IN THE 2011 REDISTRICTING PROCESS, AND PROVIDING FOR RELATED MATTERS

WHEREAS, this City Council has certain responsibilities for redistricting under federal and state law including, but not limited to, Amendments 14 and 15 of the United States Constitution U.S.C.A., the Voting Rights Act, 42 U.S.C.A. § 1973, *et seq.*, and Tex. Gov't Code Ann §§ 2058.001 and 2058.002 (Vernon Pamphlet, 2000);

WHEREAS, upon review of the 2010 census data, it appears that a population imbalance exists requiring the redistricting of the City Councilmember Districts;

WHEREAS, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence;

WHEREAS, a set of established redistricting criteria will serve as a framework to guide the City in the consideration of districting plans;

WHEREAS, redistricting criteria will assist the City in its efforts to comply with all applicable federal and state laws;

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

Section 1. The City Council in its adoption of a redistricting plan for the City's Councilmember Districts, along with City staff and consultants will adhere to the following criteria:

- a. Where possible, easily identifiable geographic boundaries should be followed.
- b. Communities of interest should be maintained in a single district, where possible and attempts should be made to avoid splitting districts.

- c. To the extent possible, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exists in each voting precinct.
- d. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing district.
- e. Districts must be configured so that they are relatively equal in total population according to the 2010 federal census. In no event should the total deviation between the largest and the smallest district exceed ten percent (10%). The City will attempt to achieve a deviation that is less than ten percent under the data released by the Census Bureau.
- f. The districts will be composed of contiguous territory and should be compact. Compactness may contain a function, as well as geographic dimension.
- g. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
- h. The plan will avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
- i. The plan should not fragment an geographically compact minority or community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

Section 2. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this 16th day of August, 2011.

RESOLUCION NO. 701

RESOLUCION DE LA CIUDAD DE TERRELL, TEXAS QUE ADOPTA LOS CRITERIOS PARA EL USO EN EL PROCESO DE DIVIDIRSE OTRA VEZ EN LOS DISTRITOS 2011; Y PROVEYENDO POR COSAS RELACIONADAS

MIENTRAS QUE, este ayuntamiento tiene ciertas responsabilidades para dividirse otra vez en distritos bajo las leyes federal y del estado incluyendo, pero no limitado a, las enmiendas 14 y 15 de la Constitución del Estados Unidos, U.S.C.A., los Derechos Electorales Actúan, 42 U.S.C.A. §1973, et seq., y Tex. Gov't Code Ann. §§ 2058.001 y 2058.002;

MIENTRAS QUE, en la revisión de los datos 2010 del censo aparece que existe un desequilibrio de la población requiriendo para dividir otra vez en distritos de los Distritos de Miembros del Concilio de la Ciudad;

MIENTRAS QUE, es el intento de la ciudad a conformarse con los Derechos de la Votación Actúa y con el resto de la ley relevante, incluyendo *Shaw v. Reno*, jurisprudencia;

MIENTRAS QUE, un sistema de criterios para dividir otra vez en distritos establecidos servirá como una armazón para dirigir la ciudad en la consideración de planes para dividirse en distritos;

MIENTRAS QUE, los criterios para dividirse otra vez en distritos para dividir otra vez en distritos asistirán a la ciudad en sus esfuerzos de conformarse con todas las leyes federales y del estado aplicable;

AHORA POR LO TANTO ES RESOLVADO POR EL AYUNTAMIENTO DE LA CIUDAD DE TERRELL, TEJAS, ESO:

Sección 1: El ayuntamiento, en su adopción de un plan para dividirse otra vez en distritos de los Miembros del Concilio de la Ciudad, adherirá a los criterios siguientes:

- a. En lo posible, los límites geográficos, identificables debe ser seguidos fácilmente.
- b. Las comunidades del interés deben ser mantenidas en un solo distrito, y las tentativas se deben hacer para evitar partir vecindades.
- c. Al grado posible, los distritos se deben componer de recintos enteros de la votación. Dónde esto no es posible ni practicable, los distritos se deben dibujar de una manera que permite la creación de los recinto prácticos de la votación y que se asegura de que las instalaciones adecuada para los lugares de la interrogación existan en cada recinto de votación.
- d. Aunque se reconozca que los distritos existentes tendrán que ser alterados para reflejar la distribución nueva de población, cualquier plan para dividirse otra vez en distritos debe, al grado posible, ser basado en distritos existentes.
- e. Los distritos deben ser configurados de modo que sean relativamente iguales en la población total según los 2000 censo federales. En ningún acontecimiento si la desviación total entre el distrito más grande y más pequeño excede diez por ciento. La ciudad procurará alcanzar una desviación que sea menso de diez por ciento debajo los datos liberados por la Oficina del Censo.
- f. Los distritos deben ser compactos y compuestos por territorio contiguo. La compacticidad puede contener un funcional, así como una dimensión geográfica.
- g. La consideración se puede dar a la preservación de relaciones de titular-distrito electoral por el reconocimiento de la residencia de titulares y de su historia en la representación de ciertas áreas.

- h. El plan se debe adoptar estrecho para evitar el retroceso en la posición de minorías raciales y de minorías de la lengua como definido en el Acto Electoral de Derechos con respecto a su ejercicio efectivo del derecho de voto electoral.
- i. El plan no debe hacer fragmentos de una comunidad de minoría geográficamente compacta o embalar a votantes de la minoría en la presencia de la vocación polarizada para crear la responsabilidad bajo la sección del Acto Electoral de Derechos, 42 U.S.C. §1973.

Sección 2: Por la presente se encuentran oficialmente y determinó que la reunión en la que se aprobó esta resolución fue abierto al público que exige y que el aviso público de la hora, lugar y propósito de dicha reunión se dio como lo exige la Ley de Reuniones Abiertas.

PASADO Y APROBADO este 16th día de August, 2011.

10. Discuss and Consider Approval of Resolution No. 702 - A Resolution of the City Of Terrell, Texas, Establishing Guidelines for Persons Submitting Specific Redistricting Proposals During the 2011 Redistricting Process; and Providing for Related Matters.

Councilmember D.J. Ory made a motion to approve Resolution No. 702 - A Resolution of the City Of Terrell, Texas, Establishing Guidelines for Persons Submitting Specific Redistricting Proposals During the 2011 Redistricting Process; and Providing for Related Matters. The motion as seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 702

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, ESTABLISHING GUIDELINES FOR PERSONS SUBMITTING SPECIFIC REDISTRICTING PROPOSALS DURING THE 2011 REDISTRICTING PROCESS; AND PROVIDING FOR RELATED MATTERS

WHEREAS, this City Council has certain responsibilities for redistricting under federal and state law including, but not limited to, Amendments 14 and 15 of the United States Constitution U.S.C.A., the Voting Rights Act, 42 U.S.C.A. § 1973, *et seq.*, and Tex. Gov't Code Ann §§ 2058.001 and 2058.002;

WHEREAS, upon review of the 2010 census data, it appears that a population imbalance exists requiring the redistricting of the City Councilmember Districts;

WHEREAS, the City has established criteria for the 2011 Redistricting Effort;

WHEREAS, it is necessary to provide for the orderly and effective consideration and evaluation

of redistricting plans which may come before the City Council; and

WHEREAS, it is the intent of the City Council to receive and consider all comments relevant to the redistricting process;

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

Section 1. In order to ensure that any redistricting plan submitted is of maximum assistance to the City Council in its decision making process, the City Council hereby sets the following guidelines for all plans that are submitted for the redistricting of Councilmember districts:

- a. Plans will be submitted in writing. Oral input may be misinterpreted and misconstrued leading to possible errors while analyzing the plans. It is the intent of the Council to ensure adequate and full consideration of all proposals.
- b. In order to assure compliance with the Voting Rights Act, all plans will indicate the total population and voting age population for Non-Hispanic Whites, Non-Hispanic Blacks, Hispanic and other measurable minorities for each proposed City Council district.
- c. Plans should be submitted by August 29, 2011.
- d. In order to maintain the 10% rule and fairness to all voters, plans will reflect redistricting of the entire City. The City Council will consider effects on individual Councilmember Districts. As a matter of federal law, information on the entire City will be required to consider the effect of any proposal on multiple racial and ethnic groups.
- e. Plans should conform to the criteria set by the City Council in a separate Resolution.

Section 2. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this 16th day of August, 2011.

RESOLUCION NO. 702

RESOLUCION DE LA CIUDAD DE TERRELL, TEXAS QUE ESTABLECE LAS PAUTAS PARA LAS PERSONAS QUE SOMETEN OFERTAS ESPECIFICAS DE REDISTRITACION DURANTE EL PROCESO DE DIVIDIRSE OTRA VEZ EN LOS DISTRITOS 2011; Y PROVEYENDO POR COSAS RELACIONADAS

MIENTRAS QUE, este ayuntamiento tiene ciertas responsabilidades para dividirse otra vez en distritos bajo las leyes federal y del estado incluyendo, pero no limitado a, las enmiendas 14 y 15 de la Constitución del Estados Unidos, U.S.C.A., los Derechos Electorales Actúan, 42 U.S.C.A. §1973, et seq., y Tex. Gov't Code Ann. §§ 2058.001 y 2058.002;

MIENTRAS QUE, en la revisión de los datos 2010 del censo aparece que existe un desequilibrio de la población requiriendo para dividir otra vez en distritos de los Distritos de Miembros del Concilio de la Ciudad;

MIENTRAS QUE, la ciudad ha establecido criterios para el esfuerzo de Redistribución de Distritos 2011;

MIENTRAS QUE, es necesario para proporcionar la consideración y la evaluación ordenadas de los planes de distrito que pueden venir antes del ayuntamiento; y

MIENTRAS QUE, el ayuntamiento da la bienvenida a cualquier comentario pertinente al proceso para volver a dividir distritos:

AHORA POR LO TANTO ES RESOLVADO POR EL AYUNTAMIENTO DE LA CIUDAD DE TERRELL, TEJAS, ESO:

Sección 1: Con el fin de asegurarse de que cualquier plan de redistribución presentada es de la máxima asistencia al ayuntamiento en su toma de decisiones, el ayuntamiento establece la presente las siguientes pautas para todos los planes que se someten a la redistribución de distritos del concilio:

- a. Los deben ser sometidos en escrito. De entrada por vía oral puede ser mal interpretado y se interpretará que lleva a posibles errores durante el análisis de los planes. Es la intención del consejo para garantizar una adecuada y total de todas las propuestas.
- b. Con el fin de asegurar el cumplimiento de la Ley de Derechos Electorales, todos los planes se indicará la población total y población en edad de votar a favor de los blancos sin hispanos, los negros sin hispanos, hispanos y otras minorías medibles para cada propuesta de distritos del concilio de la ciudad.
- c. Los planes se deben someter antes del 29 de agosto de 2011.
- d. A fin de mantener la regla del 10% y la equidad a todos los votantes, los planes de redistribución de distritos se reflejan de toda la ciudad. El ayuntamiento tendrá en cuenta los efectos sobre las distintas distritos del concilio. Como cuestión de la ley federal, la información sobre toda la ciudad tendrá que considerar el efecto de cualquier propuesta en varios grupos raciales y étnicos.
- e. Los planes deben ajustarse a los criterios de los criterios establecidos por el ayuntamiento en una resolución separada.

Sección 2: Por la presente se encuentran oficialmente y determinó que la reunión en la que se aprobó esta ordenanza fue abierto al público que exige y que el aviso público de la hora, lugar y propósito de dicha reunión se dio como lo exige la Ley de Reuniones Abiertas.

PASADO Y APROBADO este 16th día de August, 2011.

11. Discuss and Consider Approval of Airport Road Repairs.

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Airport Road Repairs. Councilmember D.J. Ory made a motion to approve Terrell Economic Development Corporation recommendation for Airport Road Repairs. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

12. Discuss and Consider Approval of Community Development Initiative.

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Community Development Initiative. Deputy Mayor Pro tem Sandra Wilson made a motion to approve Community Development Initiative. The motion was seconded by Councilmember D.J. Ory. Ayes – all; Nays – none. Motion carried.

13. Discuss and Consider Approval of Proposal from KSA Engineers for Professional Services for Project 09-08 – Safe Routes to School.

Steve Rogers, City Engineer presented to Council for discussion and consideration a Proposal from KSA engineers for Professional Services for Project 09-08 – Safe Routes to School. Councilmember D.J. Ory made a motion to approve Proposal from KSA Engineers for Professional Services for Project 09-08 – Safe Routes to School in an amount not-to-exceed \$79,760. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

CONSENT AGENDA

Mayor Pro tem Jack Jones made a motion to adopt on CONSENT AGENDA Ordinance No. 2494, Ordinance No. 2495 and Ordinance No. 2496 on second reading. The motion was seconded by Deputy Mayor Pro tem Sandra Wilson. Ayes – all; Nays – none. Motion carried.

14. Discuss and Consider Adoption on Second Reading of Ordinance No. 2494 – Amending Appendix 1, Fee Schedule, Section 27: Water Service Rates and Charges, Paragraphs (1) through (4) and Section 28: Sewer Service Rates and Charges, Paragraph (1) of the Revised Code of Ordinances of the City of Terrell.

ORDINANCE NO. 2494

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX 1, FEE SCHEDULE, SECTION 27: WATER SERVICE RATES AND CHARGES, PARAGRAPHS (1) THROUGH (4) AND SECTION 28: SEWER SERVICE RATES AND CHARGES, PARAGRAPH (1) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; 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, TEXAS:

THAT Appendix I, Fee Schedule, SECTION 27, WATER SERVICE RATES AND CHARGES, PARAGRAPHS (1) THROUGH (4) AND SECTION 28, SEWER SERVICE RATES AND CHARGES, PARAGRAPH (1) of the Revised Code of Ordinances of the City of Terrell, Texas, shall hereby be amended to read as follows:

SECTION I.

SECTION 27: WATER SERVICE RATES AND CHARGES

The following schedule of monthly rates or charges for water services furnished by the City shall be and such is hereby adopted and established as follows:

- (1) There is hereby established a minimum monthly water use charge based upon the water meter installed as follows:

Meter Size (in.)	Minimum Charge
5/8	\$ 12.80
1	31.30
1 1/2	62.14
2	99.14
3	197.79
4	339.63
6	694.81
8	1,048.79
10	1,603.77
12	2,652.40

- (2) Subject to the minimum monthly charges as provided in subsection (1) above, the following rates per month shall be charged for water furnished:

CHARGE (per 1,000 gallons) for Residential Customers:

VOLUMETRIC RATES					
Rate Blocks (gal.)	0 - 2,000	2,001 - 10,000	10,001 - 25,000	25,001 - 50,000	> 50,000
Volume Charge (per 1,000 gal.)	\$ 3.11	\$ 4.25	\$ 4.62	\$ 5.06	\$ 5.57

CHARGE (per 1,000 gallons) for All Other Customers:

VOLUMETRIC RATES				
Rate Blocks (gal.)	0 - 2,000	2,001 - 10,000	10,001 - 25,000	> 25,000
Volume Charge (per 1,000 gal.)	\$ 3.11	\$ 4.25	\$ 4.62	\$ 5.06

- (3) The monthly charge for private fire protection service shall be as follows:

FIRE LINE CHARGE	
Line Size (in.)	Monthly Charge
4	\$ 20.00
6	20.00
8	20.00
10	20.00
12	20.00

Water used through a fire protection service for purposes other than testing of system shall be at a rate equal to the largest volumetric rate applicable in subsection (2).

The following schedule of rates or charges for water services furnished by the City shall be and such is hereby adopted and established as follows:

- (4) Wholesale water customer rates. Rates shall be determined by the methodology as stated in the wholesale water customer's contract. Wholesale water customers without a methodology in the wholesale water customer's contract will be charged \$4.02 per 1,000 gallons of water.

SECTION 28: SEWER SERVICE RATES AND CHARGES

The following schedule of monthly rates or charges for sewer services furnished by the City shall be and such is hereby adopted and established as follows:

- (1) Residential Rates. All residential units shall be charged on the following basis:

Minimum bill	\$21.19 per month
Volume Charge for all Consumption per month*	\$3.34 per 1,000 gallons

*Volume charges are based on winter-average (Dec., Jan., Feb.) water consumption.

- (2) Lt. Commercial Rates. All commercial customers shall be charged on the following basis:

Minimum bill	\$45.53 per month
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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.

SECTION V.

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 2nd day of August, 2011.

PASSED AND ADOPTED THIS THE 16th day of August, 2011.

- 15. Discuss and Consider Adoption on Second Reading of Ordinance 2495 – Amending Chapter 5: Business Regulations by Adding Section 16 – “Special Events”; Providing for the Regulation of Parades and Special Events; Providing for a Permit and Exemptions; Providing for the Revocation, Termination and Appeal of Permit; Providing a Severability Clause; Providing a Repealing Clause; Providing a Savings Clause; Providing for a Penalty for a Violation of this Ordinance Not to Exceed the Sum of Two Thousand Dollars (\$2,000).**

ORDINANCE NO. 2495

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, CHAPTER 5 BUSINESS REGULATIONS” BY ADDING SECTION 16, "SPECIAL EVENTS," PROVIDING FOR THE REGULATION OF PARADES AND SPECIAL EVENTS; PROVIDING FOR A PERMIT AND EXEMPTIONS; PROVIDING FOR THE REVOCATION, TERMINATION AND APPEAL OF PERMIT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1:

That the Code of Ordinances of the City of Terrell, Texas Chapter 5 Business Regulations is hereby amended by adding Section 16, "Special Events," which shall read as follows:

SPECIAL EVENTS

Sec. 16-1 Definitions.

The following words and phrases, when used in this Article, shall, for the purpose of this article, have the meanings respectively ascribed to them in this section;

Applicant means a person who has filed a written application for a special event or parade.

Block Party means the use of a residential street for a neighborhood social function where traffic control is required.

Carnival means an event that includes amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensary facilities, and side-shows and/or a combination thereof.

Circus means an event that includes performers, animals or other such means of entertainment and is performed in the open, in a tent, or in any other temporary structure, but does not include performances held inside a permanent building or on government-owned property.

City means the City of Terrell, Texas.

City sponsored special event or Parade means a special event or Parade that the City Council, by resolution, has:

- (1) declared the City a sponsor or cosponsor of the event; and
- (2) committed the City to significantly sharing in planning, initiating, financing, supporting, and conducting the event.

Committee Review means a parade or special event application that requires evaluation by the Special Event Review Committee to determine if City services, permits and follow-up inspections will be required.

Concession means a facility at a special event where food or drink is offered to the public.

Licensee means the applicant/promoter or person to whom the parade or special event permit has been issued.

Neighborhood Block Party means the use of a residential street for a neighborhood social function where traffic control is required.

Neighborhood Block Party permit means approval from the City or its designated representative for a social function.

Non-Profit means not maintained or organized for profit, as recognized by the State of Texas and the Federal Tax Code.

Parade means the assembly of three or more persons, a "motorcade" or organized procession containing 25 or more vehicles, whose gathering is the common design and purpose of traveling or marching in procession from one location to another location on a public thoroughfare or right-of-way for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event or point of view on political, religious or social issues. Parade shall include runs, walks, relays, marathons, or similar events.

Person means any individual, assumed name entity, partnership, association, corporation or other organization.

Permit shall mean the City of Terrell's agreement giving the applicant/promoter permission to hold the Special Event, on the terms and conditions stated in the Permit and subject to the rules, regulations, and requirements of this Ordinance.

Promoter means the person seeking to hold the special event, including the promoter's employees, agents, affiliates, successors, permitted assigns, and other persons controlled by the promoter.

Reimbursable Costs means all costs and expenses incurred by the City for activities associated with staging of the event, including, without limitation, the following:

- (1) Utilities services provided to the special event, including all of the costs of installation, maintenance, and connection.

- (2) Barricades and cones.
- (3) Special Event parking.
- (4) Food services inspection.
- (5) Repair, maintenance and removal of facilities in the event of a failure of applicant/promoter.
- (6) Repair of streets, alleys, sidewalks, parks and other public property.
- (7) Police protection, as assessed by the department.
- (8) Fire protection, as assessed by the department
- (9) Emergency medical service.
- (10) Garbage disposal and cleanup.
- (11) Traffic control, as assessed by the department
- (12) Other direct costs associated with the special event or parade.

Reimbursable Costs, when available, shall be taken from <http://www.fema.gov/government/grant/pa/eqrates.shtm>. Other associated cost shall be based on current industry standard.

Sidewalk means that portion of a street intended for the primary use of pedestrians that is located between the curb lines, or lateral lines of a roadway, and the adjacent property lines.

Special Event means a temporary event or gathering, other than those events defined in this ordinance as a parade or a neighborhood block party, using either private or public property, including a circus, carnival, fair, or other event, display or sale of objects, art, Christmas tree sales, and/or performance of music or celebration of event on a political, religious or social issue which involves one or more of the following activities, except when the activity is for construction or house moving purposes only:

- (1) closing a public street;
- (2) blocking or restriction of public property, limiting the use of parks by the general public, and streets;
- (3) offer of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance;
- (4) erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
- (5) installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property, or on private property where otherwise prohibited by ordinance;
- (6) placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance;
- (7) placement of temporary no parking signs in a public right-of-way; or
- (8) a fee or donation is charged for attendance or participation.

Special Event Permit Coordinator-

The Police Chief or his designee, will act as the Special Events Permit Coordinator and be responsible for reviewing the initial special event or parade application, coordinating meetings between the applicant/promoter and City representatives, collecting special event permit fees, and enforcing the Special Events Ordinance. The Special Event Permit Coordinator shall chair the Special Event Review Committee.

Special event/parade permit means approval from the City or its designated representative for a parade or special event.

Special Event Review Committee shall mean a committee consisting of a representative from each of the following City departments: Municipal Development, Fire Marshal, Police, Public Works and additional City staff as determined by the Special Event Permit Coordinator upon review of the Special Event application. The Special Event Review Committee will meet as deemed appropriate by the Special Event Coordinator. The Special Event Review Committee shall review the parade or special event application and procure from the applicant/promoter such clarifications and additional information necessary for the approval, denial or revocation of the permit using the outlines within this ordinance.

Street means the entire width between the boundary lines of every way publicly maintained, when any part is open to the use of the public for purposes of vehicular travel.

Sec. 16-2 Permit Required; Exemptions.

(a) A person commits an offense if he engages in, participates in, aids, or commences a parade or special event within the City without first making written application for and receiving a permit from the City.

(b) No permits shall be required, but all safety/security requirements may apply under this article for the following:

1. the Armed Forces of the United States of America, the military forces of the State of Texas, political subdivisions of the State of Texas, and the forces of the police and fire departments acting within the scope of their duties.
2. a City sponsored special event or parade
3. a funeral procession proceeding by a vehicle under the most reasonable route from a funeral home, church, or residence to the place of service or place of internment.
4. a peaceful demonstration at a fixed location, which is not a street.
5. a sidewalk procession which observes and complies with the traffic regulations and traffic control devices, using that portion of a sidewalk nearest the street, but at no time using more than one-half of the sidewalk.
6. Annual Heritage Jubilee
7. Annual 4th of July event held at Ben Gill Park.
- 8 Terrell annual Fly-in
9. Terrell annual Christmas Parade.
10. TISD Sponsored Events.

Sec. 16-3 Application for Special Event or Parade.

(a) A person desiring to hold a parade or special event shall apply for a permit by filing with the Police Department a written application upon a form provided for that purpose. The filing location for the application is the Police Department Records Section. Each parade and special event permit application shall be accompanied by a non-refundable application fee of two hundred dollars \$200.00. An application for a parade or special event regulated under this Article shall be made not less than sixty (60) calendar days prior to the date and time of the commencement of the parade or special event. The Special Event Permit Coordinator and/or the Special Event Review Committee may waive the sixty (60) calendar day filing requirements for a parade or special event if the Special Event Permit Coordinator and/or the Special Event Review Committee determines that the application can be processed in less than sixty (60) calendar days, taking into consideration the type of parade or special event. If the application is

submitted later than the required time as stated above, an additional expedited review fee of one hundred dollars (\$100.00) may be required.

- (b) An application for which a permit is required must contain the following information:
1. the name, address, telephone number, date of birth, driver's license number and email address of the applicant/promoter, and, of any other persons responsible for the conduct of the parade or special event;
 2. a description of the parade or special event and the requested dates and hours of operation of the parade or special event;
 3. the estimated number of persons participating in the parade or special event and a set of detailed plans showing the area or route to be used during the parade or special event including proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;
 4. the time and location of street closings, if any;
 5. details of the offer of merchandise or serving of food or alcoholic beverages at the special event;
 6. details of how the applicant/promoter will clean up the area used after the parade or special event;
 7. the parade's commencement and termination time, the specific route to be traveled, and the starting and termination points;
 8. the estimated number, if any, of animals, animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations such as, but not limited to bands, color guards, and drill teams;
 9. application fees required by the City;
 10. documentation of prior approval by the Parks & Recreation Department to use park facilities for a special event, if applicable;
 11. proof of non-profit status, if applicable; and
 12. a copy of contract, agreement, or details outlining arrangement between applicant and promoter, if any.

Sec. 16-4 Approval of Plans

- (a) When considering approval of an application, the Special Event Coordinator or Special Event Review Committee may consider (without limitation) the following factors:
1. whether the application allows for ample opportunity to properly plan and prepare for the special event; or
 2. whether, police, fire and other City services will be unduly burdened or adversely affected by the special event; and
 3. whether the special event is reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- (b) No person shall be discriminated against on the grounds of race, color, national origin or disability.
- (c) Permit shall be subject to the applicant/promoter receiving approval from the Special Event Coordinator or Special Event Review Committee prior to the start of the special event for (without limitations) the plans described below.
- (d) The City, by approving such plans, assumes no liability or responsibility thereof.
- (e) In addition to the application, each applicant shall submit the following detailed plans:

1. Facilities: a comprehensive set of plans and specifications relating to all temporary facilities to be constructed or utilized for the special event. All required permits relating to the temporary use of real property, buildings and structures must be obtained from the Building Inspections Department.
2. Fire Protection: a comprehensive plan for prevention of fires and for adequate protection of persons and property in the event of a fire, including, without limitation, adequate exits, fire extinguishers, adequate access for fire trucks and emergency vehicles. The fire protection plan shall be coordinated through and approved by the office of the Fire Marshal.
3. Food and Beverage Service: a comprehensive plan to provide food and beverage concessions. The City Health Officer or designee shall approve the plan.
4. Emergency Medical Service: a comprehensive plan to provide adequate emergency medical services at the parade or special event. The plan shall be coordinated through and approved by Fire Rescue Administration.
5. Parking, assembly or disassembly of parade participants: a comprehensive plan to provide adequate parking for the proposed parade or special event, including written permission by all of the owners of land to be used for the parade or special event.
6. Police Protection: a comprehensive plan providing for adequate safety, security, traffic and crowd control in connection with the parade or special event. The plan shall be coordinated through and approved by the Terrell Police Department.
7. Promotional: if applicable, comprehensive plan to promote, market, and advertise the parade or special event. Signs and banners shall be permitted through the Municipal Development Department.
8. Sanitation Plan: a comprehensive plan to insure that the highest standards of cleanliness and sanitation are maintained at the special event including adequate restroom facilities and appropriate refuse containers to accommodate refuse generated by its patrons and operations and a plan to empty the containers frequently so as to prevent overflow. This plan shall be coordinated through and approved by the City Health Officer or designee.
9. Emergency Services Staffing Plan: Emergency Medical Service, Police Protection, and Fire Protection levels as deemed necessary to ensure safety for the event by the Chief of Police, the Fire Chief, or their designee, at the applicant/promoter's expense.
10. Comprehensive communication plans for communicating with Police, Fire and emergency Medical Services personnel.

Sec. 16-5 Issuance, Denial and Revocation of a Parade or Special Event Permit

- (a) Upon receipt of an application for a parade or special event permit, the Special Event Permit Coordinator shall schedule the event with the Special Event Review Committee.
- (b) The Special Event Review Committee shall meet as needed, to review pending Special Event Permit applications. If required, specially called Special Event Review Committee meetings may be scheduled. The Committee shall make findings deemed appropriate and approve or deny the application. The Committee reserves the right to limit the number of days for the special event.

(c) Should the application for a parade or special event permit reveal that the route requested would interfere with the orderly flow of vehicular and pedestrian traffic, the Special Event Review Committee shall have the authority to establish a reasonable alternate route and regulate the occupancy area within the public right-of-way or City owned property.

(d) Should an approved parade or special event be canceled by the City due to exigent circumstance, inclement weather, not caused or to fault of the applicant/promotor, an applicant may reapply for a new date and the fee may be waived unless the City canceled/revoked the permit, with cause, under (e).

(e) The Special Event Review Committee shall determine whether or not to issue a parade permit and may deny a parade or special event permit when said event for which the permit is requested would:

1. take place at the same location and/or time as a previously approved parade or special event; or
2. begin during, or within two hours of the start or after the end of a parade or special event for which a permit has been granted and follow a route that passes within one-half mile of any point of the route of the parade or special event for which a permit has been granted; or
3. unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available; or
4. begin and/or end outside the City limits, unless or until the applicant/promoter receives approval from the adjacent City where the parade or special event begins or ends.
5. In no event shall an approved parade route be allowed on any street in which the speed limit exceeds 30 MPH;
6. in no event shall an approved parade route be conducted across or utilize any street where the posted speed limit exceeds 35 MPH;
7. in no event shall an approved parade route be allowed on any Texas Department of Transportation (TxDOT) controlled roadway unless the applicant has provided with the application an authorization from TxDOT to use the roadway for that purpose.

(f) In addition, the Special Event Review Committee may deny a parade or special event permit if:

1. the applicant/promoter fails to adequately provide for:
 - A. the protection of event participants; or
 - B. maintenance of public order in and around the special event location; or
 - C. crowd security; taking into consideration the size and character of the event; or
 - D. emergency vehicle access; or
 - E. safe sanitary conditions for preparation or operation of food concessions.
2. the applicant/promoter fails to provide a Certificate of Liability Insurance naming the City of Terrell as additional insured in the amount designated by the Human Resources/Risk Management representative to the Special Event Review Committee. Applicant/promoter must also provide the Certificate of Liability Insurance and an Endorsement Agreement not less than ten days prior to the date of the parade or special event;

3. the applicant/promoter fails to comply with, or the proposed parade or special event will violate a City ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;
 4. the applicant/promoter makes a false statement of material fact on an application for a parade or special event permit;
 5. the applicant/promoter fails to provide proof that he possesses or is able to obtain all licenses and/or permits required by this code or other City ordinances or by other applicable law for the conduct of all activities included as part of the parade or special event;
 6. the applicant/promoter fails to notify the businesses affected by the parade or special event, in writing, of street closures ten days (10) prior to the event;
 7. the applicant/promoter has had a parade or special event permit revoked within the preceding twelve months or the applicant/promoter has committed two or more violations of a condition or provision of a parade or special event permit or of this article within the preceding twelve months;
 8. the applicant/promoter fails to pay any outstanding costs owed to the City for past parade or special event permits;
 9. the applicant/promoter fails to submit the required fees and agree in writing to reimburse the City for the estimated costs for the proposed parade or special event;
 10. the proposed parade or special event would unduly burden City services.
- (g) The City may revoke a parade or special event permit if:
1. the permit holder made a false statement of material fact on an application for a parade or special event permit.
 2. the applicant/promoter has had a parade or special event permit revoked within the preceding twelve months or the applicant/promoter has committed two or more violations of a condition or provision of a parade or special event permit or of this article within the preceding twelve months.
 3. the applicant/promoter fails to comply with or the parade or special event is in violation of a condition or a provision of the parade or special event permit, an ordinance of the City, or any other applicable law, or
 4. the applicant/promoter failed to provide a Certificate of Liability Insurance and endorsement agreement naming the City of Terrell as additional insured in the amount designated ten days prior to the event;
 5. the applicant/promoter failed to pay any outstanding fees or estimated costs owed to the City for the parade or special event permit;
 6. the parade fails to begin in a timely manner as determined by the Police Chief, Fire Chief, Special Event Permit Coordinator, or their designees;
 7. If the permit holder otherwise violates this Article or fails to comply with the conditions contained in such permit.
- (h) Parades shall be limited to no more than two per location or organization per year.
- (i) A promoter or organization shall be limited to no more than two special events at a location per year.
- (j) The Special Event Review Committee may review licenses and permits required by other City ordinances, or applicable law, restrictions, regulations, cost for City services, safeguards, and other conditions necessary for the safe and orderly conduct of a parade or special event, to be incorporated into the permit before issuance.

(k) The Special Event Review Committee shall provide the Special Event Permit Coordinator the estimated cost for City services provided by their respective department to ensure the safe and orderly operation of the special event. The Special Event Permit Coordinator will prepare and provide the applicant/promoter with an invoice detailing these estimated costs. Payment will be required not less than five days prior to the date of the parade or special event. If the actual costs for City services are less than estimated, the City will issue a refund to the special event applicant/promoter no less than 30 days after the special event.

Sec. 16-6 Appeal of Denial or Revocation of Permit

If the Special Event Coordinator or the Special Event Review Committee denies the issuance or revokes a permit, the Special Event Permit Coordinator shall send to the applicant/promoter or permit holder, by certified mail, return receipt requested, written notice of the denial or revocation, and of the right to an appeal. The decision of the Special Event Review Committee is final unless the applicant/promoter or permit holder appeals the decision within three business days of receipt of the notification to the City Manager, in writing. The City Manager shall, within three business days after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the City Manager shall be final.

Sec. 16-7 Contents of Permit

Each parade or special event permit application shall state the date(s), starting time, ending time, location, and other special conditions or requirements necessary for the safe and orderly conduct of the parade or special event.

Sec. 16-8 OPERATING PROCEDURES

- (a) A parade or special event shall not substantially interrupt the safe and orderly movement of traffic near the parade or special event.
- (b) The City has the right (but not the obligation) to postpone, cancel or close early the parade or special event because of hazardous weather or other acts of God or for public safety and welfare. The City shall have no liability for such postponement, cancellation, or closure. Further, the City shall have no liability from the failure to postpone, cancel, or close early the parade or special event under such conditions.
- (c) A parade shall move from its point of origin to its point of termination without unreasonable delays en-route.
- (d) Each marching unit, organization or entry in the parade will only be allowed to conduct one stationary performance at a specified and approved location during the parade route.
- (e) A parade or special event shall not interfere with proper fire and police protection of, or ambulance service to, areas near the parade or special event or unreasonably require the diversion of police and fire protection and ambulance service from other parts of the City.
- (f) A permit holder shall comply with all directions and conditions contained within the permit and with all City ordinances and other applicable laws.
- (g) The City, when reasonably necessary, may prohibit or restrict the parking of vehicles along a street or highway or part thereof on a parade route or part thereof or on the approach to a parade or special event. The City shall post notice to such effect; and it

shall thereafter be unlawful for any person to park, leave, or strand any unattended vehicle in violation thereof.

(h) The City, when reasonably necessary, may temporarily close or restrict the use of City streets or other public property for a parade or special event. The Street Manager is authorized to install temporary traffic control devices for the temporary closure or restriction of City streets and public property for parades or special events. It shall be unlawful for any person to disregard or disobey any such temporary traffic control device.

(i) The driver of any vehicle or animal shall obey the instruction of any traffic control device applicable thereto placed in accordance with the City of Terrell Code of Ordinances or the Texas Transportation Code, unless otherwise directed by a police officer.

(j) Speeds greater than 15 miles per hour are not reasonable and prudent. A person operating a parade float or other parade vehicle at a speed greater than 15 miles per hour is subject to removal from the parade by a police officer or other parade official.

(k) Operators of parade floats and other parade vehicles will make every attempt to keep a maximum of 30 feet between their float and the float operated directly in front of them. Operators of parade floats and other parade vehicles that continually lag behind the steady course of the parade may be removed from the parade by a police officer or other parade official.

(l) Operators of specialized vehicles or performance-enhanced vehicles in the parade shall be mindful of Texas Transportation Code Section 545.420(a)(5); "a person may not participate in any manner in an exhibition of vehicle speed or acceleration." Any operator of a vehicle participating in an exhibition of acceleration will be cited by law enforcement officers and immediately removed from the parade.

(m) The throwing, tossing, or distribution of candy, beads, or other material from a parade float or other vehicle is specifically prohibited. Candy, beads, or other material may be distributed to spectators by walkers adjacent to parade floats or other vehicles provided that such distribution does not interfere with the orderly movement of the parade and no spectators are required to move into the parade path to retrieve said material. Any violation of this provision will result in the parade float or vehicle removal from the parade or participants.

(n) All floats or decorated vehicles shall carry a 2A: 10BC fire extinguisher with a current inspection tag.

(o) Float length shall not exceed 55 feet, including the tow vehicle, nor shall the width or height exceed 14 feet.

(p) Each equestrian/animal unit shall provide their own clean-up crew and equipment. The clean-up crew shall be positioned directly behind the unit. Equestrian riders shall be a minimum of 12 years of age, able to control the animal in crowded situations, and have adult supervision if under the age of 16. Any rider or handler showing an inability to control their animal will be deemed unsafe by a law enforcement officer or parade official, and shall be removed from the parade.

Sec. 16-9 INDEMNIFICATION

An applicant/promoter for a parade or special event permit must execute a written agreement to indemnify the City and its officers and employees against all claims of injury or damage to

persons or property, whether public or private, arising out of the special event. This indemnification shall include the following statement:

"**LICENSEE** shall defend, protect and keep **CITY** forever harmless and indemnified against and from any penalty, or any damage, or charge, imposed for any violation of any law, ordinance, rule or regulations arising out of the use of the property by the **LICENSEE**, whether occasioned by the neglect of **LICENSEE**, its employees, officers, agents, contractors, or assigns or those holding under **LICENSEE**. **LICENSEE** shall at all times defend, protect, and indemnify and it is the intention of the parties hereto that **LICENSEE** hold **CITY** harmless against and from any and all loss, cost, damage, or expense, including attorney's fees, arising out of or from any accident or other occurrence on or about the property causing personal injury, death or property damage resulting from use of property by **LICENSEE**, its agents, employees, customers and invitees, except when caused by the negligence or willful misconduct of **CITY**, its officers, employees or agents, and only then to the extent of the proportion of any fault determined against **CITY** for its willful misconduct. **LICENSEE** shall at all times defend, protect, indemnify and hold **CITY** harmless against and from any and all loss, cost, damage, or expense, including attorney's fees arising out of or from any and all claims or causes of action resulting from any failure of **LICENSEE**, its officers, employees, agents, contractors or assigns in any respect to comply with and perform all the requirements and provisions hereof."

Sec. 16-10 Application for Neighborhood Block Party

(a) A person desiring to hold a neighborhood block party shall apply for a permit by filing with the Police Department Records Section a written application upon a form provided for that purpose. Each neighborhood block party permit application shall be accompanied by a non-refundable application fee of two hundred dollars 200.00. An application for a neighborhood block party shall be made not less than 30 calendar days prior to the date and time of the commencement of the neighborhood block party.

(b) An application must contain the following information:

1. the name, address, telephone number, email address, date of birth, and driver's license number of the applicant, and, of any other persons responsible for the conduct of the neighborhood block party;
2. a plat map of the neighborhood containing the street requesting the permit.
3. signatures of ALL of the owners whose property abuts the portion of the street to be closed and the portion of the street to be closed shall be designated on the application. Homes which are not occupied must be noted and verified through Utility Billing.

Sec. 16-11 Issuance, Denial and Revocation of a Neighborhood Block Party Permit

(a) Upon receipt of an application for a neighborhood block party permit, the Police Department Records Section shall forward the permit to the following departments for approval:

- Public Works Department**
- Fire Department**
- Police Department**

(b) Applications shall be reviewed by the Chief of Police, Fire Chief and Director of Public Works or their designees and no permit shall be granted except upon the certification by the Chief of Police, the Fire Chief and the Director of Public Works to the effect that such temporary street closing will not interfere with necessary traffic circulation, fire and police emergency vehicle routes.

(c) The Chief of Police is authorized to require that off duty police officers be hired by the applicants to direct traffic around the closed area if it is deemed necessary to prevent traffic congestion in the area, according the current department off-duty rate of pay.

(d) The Director of Public Works is authorized to charge a reasonable fee for delivery and pickup of barricades to close off the street. The applicant shall be responsible for setup and disassembly of barricades.

(e) After the application has been reviewed by the Public Works, Fire and Police Departments, the Police Records Section will issue or deny a neighborhood block party permit based on the recommendations received from the reviewers.

Sec. 16-12 Appeal of Denial or Revocation of Permit

If the issuance of a permit is denied or if it is revoked by one of the approving departments, the Police Records Section shall send to the applicant/promoter or permit holder, by certified mail, return receipt requested, written notice of the denial or revocation, and of the right to an appeal. The decision of the Police Chief, Fire Rescue Chief and Public Works Director or their designees is final unless the applicant/promoter or permit holder appeals the decision within three business days of receipt of the notification to the City Manager, in writing. The City Manager shall, within three business days after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the City Manager shall be final.

Sec. 16-13 Contents of Permit

Each Neighborhood Block Party permit application shall state the date(s), starting time, ending time, location, and other special conditions or requirements necessary for the safe and orderly conduct of the event.

Sec. 16-14 Offenses

A person commits an offense if he knowingly:

1. commences or conducts a parade or special event without the appropriate permits or fails to comply with any requirement or condition of a permit or this Ordinance.
2. participates in a parade or special event for which a permit has not been granted.
3. conducts a neighborhood block party without the appropriate permits or fails to comply with any requirement or condition of a permit or this Ordinance."

Section 2

That all provisions of the Ordinances of the City of Terrell in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Terrell not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 3

That should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 4

An offense committed before the effective date of this Ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 5

That any person, firm or corporation violation any of the provisions of this ordinance or of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Terrell, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day said violation is continued shall constitute a separate offense.

Section 6

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 2nd day of August, 2011.

Passed and Adopted on this the 16th day of August, 2011.

- 16. Discuss And Consider Adoption On Second Reading Of Ordinance No. 2496 - An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2010, And Ending September 30, 2011, As Passed And Adopted On September 21, 2010 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.**

ORDINANCE NO. 2496

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, AS PASSED AND ADOPTED ON SEPTEMBER 21, 2010 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

SECTION I.

The following funds are amended to reflect the following in the budget:

<u>GENERAL FUND</u>	BUDGETED	AMOUNT	AMENDED
EXPENDITURES			
010-12-4116 ICMA Deferred Compensation Plan	-0-	\$10,000.00	\$10,000.00

<u>EQUIPMENT REPLACEMENT FUND</u>	BUDGETED	AMOUNT	AMENDED
EXPENDITURES			
025-25-4504 D32(1)Patrol Vehicle	-0-	\$31,900.00	\$31,900.00

SECTION II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the city council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION IV.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

Passed and Approved on this the 2nd day of August, 2011.

Passed and Adopted on this the 16th day of August, 2011.

END OF CONSENT AGENDA

- 17. Receive City Manager's Reports and Correspondence:**
- i.) Marine Corps League Letter**
 - j.) Terrell Citizens University**
 - k.) Special City Council Meeting and Workshop – Thursday, August 18, 2011
6:00 p.m.**
 - l.) Texas Municipal League 99th Annual Conference and Exhibition –
Houston, Texas - October 11-14, 2011**

City Manager Torry Edwards presented Reports and Correspondence to Council.

18. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the Following:

- m.) **Section 551.071 – Consultation with Attorney – Contract Negotiations.**
- n.) **Section 551.087 – Economic Development Negotiations.**

Council adjourned into Executive Session.

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

There was no action taken in Executive Session.

20. 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