

REGULAR CITY COUNCIL MEETING

October 21, 2014

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, October 21, 2014, at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

COUNCILMEMBER #1 HAL RICHARDS
COUNCILMEMBER #2 TOMMY SPENCER
COUNCILMEMBER #3 SANDRA WILSON
COUNCILMEMBER #4 CHARLES WHITAKER
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Deputy Mayor Pro Tem Charles Whitaker gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of September 25, 2014, and Special City Council Meeting and Workshop of October 2, 2014, Regular City Council Meeting of October 7, 2014.

Mayor Pro Tem D.J. Ory made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of September 25, 2014, and Special City Council Meeting and Workshop of October 2, 2014, Regular City Council Meeting of October 7, 2014. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

4. *Hear Remarks from Visitors.*

This time is set aside on the agenda to invite any person to address the Council on issues not subject to a public hearing. Routine administrative matters are best discussed with the appropriate City Staff before bringing them to the Council. Speakers should limit their comments to 3 minutes and are asked to speak into the microphone provided, identifying themselves for the record. The total amount of time set aside for this place on the agenda is 15 minutes. Comments of a personal nature directed at the Council or Staff are inappropriate.

Carl Neilsen, 611 Griffith expressed his concern over his confusion of events from prior meetings from the Planning and Zoning Commission and City Council Meetings related to the changes made in a new Ordinance that include the B&B in the Ordinance and the recent notice for an SUP - to be heard in November prior to passing of this Ordinance. He does not believe a lot of thought has been put into the B&B.

Mayor Hal Richards brought Item 12 Discuss and Consider on Second Reading Adoption of Comprehensive Zoning Ordinance No. 2612 repealing Ordinance No. 2526 in its entirety forward from the Consent Agenda for discussion.

Jasper Neil came before the Council to express his opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Amber Helm, 604 Griffith came before Council to express her opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Gilbert Johnson, 605 Griffith came before Council to express his opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Jasper Neil, 504 Griffith came before Council to express his opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Virginia Debrow, 726 Griffith came before Council to express her opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Rick Hawthorne, 701 First Street came before Council to express his opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Fabian Sanchez, 403 Griffith came before Council to express his opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Martha Massengill, 724 Griffith came before Council to express her opposition to the change in the Ordinance related to allowing a B&B in SF 16.

Mayor Hal Richards made a motion to adopt on Second Reading Ordinance No. 2612 Comprehensive Zoning Ordinance repealing Ordinance No. 2526 in its entirety and amending Page 131 32.2 Use Chart 2 specifically Bed and Breakfast Inn by removing the S from that chart. Councilmember Tommy Spencer seconded the motion. Mayor Hal Richards called for a poll of the Council. City Secretary John Rounsavall polled the Council. Ayes - Councilmember Tommy Spencer, Deputy Mayor Pro Tem Charles Whitaker, Councilmember Sandra Wilson, Mayor Hal Richards. Nays - Mayor Pro Tem D.J. Ory. Motion Carried

Ordinance No. 2612

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, REPEALING ORDINANCE NO. 2526, ADOPTED ON THE 20th DAY OF MARCH, 2012, TOGETHER WITH ALL AMENDMENTS THERETO; AND ADOPTING A NEW COMPREHENSIVE ZONING ORDINANCE (CHAPTER 13 OF THE REVISED CODE OF ORDINANCES) OF THE CITY OF TERRELL, 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; PROVIDING FOR SPECIFIC USE PERMITS (SUP); PROVIDING FOR PLANNED DEVELOPMENT DISTRICTS (PD); 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 ISSUANCE AND REQUIREMENTS FOR BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; 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 PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; CREATING A ZONING BOARD OF ADJUSTMENT 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; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Article I.

Whereas, the Planning and Zoning Commission and City Council conducted public hearings on August 26, 2014 and October 7, 2014 respectively regarding proposed updates and revisions to the Comprehensive Zoning Ordinance; 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.

Whereas, the City Council has determined that it is in the best interests of the citizens of Terrell to update and strengthen the zoning regulations and use tables, to resolve conflicts and improve its clarity in order to better implement the goals and strategies of the Comprehensive Plan and improve the health, safety and welfare of the citizens of Terrell.

Now, Therefore, be it ordained by the City Council of the City of Terrell, Texas:

That Ordinance No. 2526, adopted on the 20th day of March, 2012, is hereby repealed in its entirety together with all amendments thereto; and

That Ordinance No. 2612 attached hereto be and is hereby adopted as the new Comprehensive Zoning Ordinance (Chapter 13 of the Revised Code of Ordinances) of the 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.

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern. This Ordinance is also not intended to abrogate or annul any lawfully obtained permit issued prior to the effective date of this Ordinance.

All provisions of the City's prior Zoning Ordinance adopted on August 3, 2010, as amended, and any other ordinances of the City of Terrell, that are in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed. All other provisions of City of Terrell ordinances that are not in conflict herewith shall remain in full force and effect.

Article IV.

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal and adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

Article V.

Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

Nothing contained herein shall prevent the City of Terrell from taking such other lawful action as is necessary to prevent or remedy any violation.

Article VI.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, subdivisions, sentences, clauses, phrases or provisions 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 the validity of 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 VII.

This Ordinance shall be effective immediately from and after its adoption and the publication of the caption, as the law in such case provides by the City Council of Terrell, Texas.

PASSED AND APPROVED by the City Council of the City of Terrell, Texas on the 7th day of October, 2014.

PASSED AND ADOPTED by the City Council of the City of Terrell, Texas on the 21st day of October, 2014.

(See Attachment)

NEW BUSINESS

5. Discuss and Consider Developer's Agreement regarding the Residential Economic Incentive Program for the Phagan Addition infill project.

Terry Capehart, Municipal Development Director presented to Council for discussion and consideration Developer's Agreement regarding the Residential Economic Incentive Program for the Phagan Addition infill project. Councilmember Tommy Spencer made a motion to authorize

the City Manager to Execute the Agreement regarding the Residential Economic Incentive Program for the Phagan Addition infill project. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nayses - None.

6. Discuss and Consider easement relocation adjacent to Spur 557 frontage road project.

Scott Young, Representative for Raba Kistner presented to Council for discussion and consideration easement relocation adjacent to Spur 557 frontage road project. Mayor Pro Tem D.J. Ory made a motion to approve City to Execute the Agreement not to exceed the estimated cost of \$55,000.00. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nayses - None.

7. Discuss and Consider Work Authorization 14C for Spur 557 frontage road utility work.

Mayor Pro Tem D.J. Ory made a motion to authorize the City Manager to Execute the Agreement for Work Authorization 14C for Spur 557 frontage road utility work not to exceed \$26,000.00. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nayses - None.

8. Discuss and Consider Work authorization 15A for FM148 construction management.

Mayor Pro Tem D.J. Ory made a motion to authorize the City Manager to Execute the Agreement for Work Authorization 15A for FM 148 construction management not to exceed \$26,364.00. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nayses - None.

9. Discuss and Consider Ordinance No. 2614 an Ordinance of the City of Terrell, Texas, amending the annual budget for the year beginning October 1, 2014, and ending September 30, 2015, as passed and adopted on September 2, 2014 to provide for increases in certain accounts; providing for severability; and providing an effective date.

John Rounsavall, City Secretary presented to Council for discussion and consideration Ordinance No. 2614 an Ordinance of the City of Terrell, Texas, amending the annual budget for the year beginning October 1, 2014, and ending September 30, 2015, as passed and adopted on September 2, 2014 to provide for increases in certain accounts; providing for severability; and providing an effective date. Mayor Pro Tem D.J. Ory made a motion to approve Ordinance No. 2614 on First Reading, an Ordinance of the City of Terrell, Texas, amending the annual budget for the year beginning October 1, 2014, and ending September 30, 2015, as passed and adopted on September 2, 2014 to provide for increases in certain accounts; providing for severability; and providing an effective date. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nayses - None.

10. Discuss appointments/reappointment to the Zoning Board of Adjustments

Deputy Mayor Pro Tem Charles Whitaker made a motion to appoint Stacey Browning to the Zoning Board of Adjustments. Mayor Pro Tem D.J. Ory seconded the motion. Ayes - All. Nayses - None.

CONSENT AGENDA

Mayor Pro Tem D.J. Ory made a motion on consent agenda to adopt on Second Reading Ordinance No. 2611. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

11. Discuss And Consider on Second Reading Adoption of Ordinance No. 2611 An Ordinance Of The City Of Terrell, Kaufman County Texas Amending Chapter 5, Business Regulations, Section 6, Vendors And Solicitors; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

ORDINANCE NO. 2611

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY TEXAS AMENDING CHAPTER 5, BUSINESS REGULATIONS, SECTION 6, VENDORS AND SOLICITORS; 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 5, Business Regulations, Section 6, Vendors and Solicitors shall be amended in its entirety as follows:

SECTION 5-6: VENDORS AND SOLICITORS

A. Purpose.

The primary purpose of the public streets, sidewalks, and other public ways is for use by vehicular and pedestrian traffic. Vending on such public ways promotes the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of vending on public ways and in public places is necessary to protect the public health, safety and welfare and to protect local residents against trespassing by Vendors and Solicitors in the event they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive merchandise or services. The regulations contained in this ordinance are not intended in any way to prohibit or hamper speech that is protected by the constitution of both the United States and the State of Texas but merely to regulate specific activities which are commercial in nature. This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas and of the City of Terrell for the process set forth above.

B. Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. *Vendor and Solicitor* shall mean any person firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a business of selling or offering for sale, food, beverages, goods, services, wares and merchandise or engages in soliciting orders for the sale of goods, services, wares and merchandise for future delivery and who, in furtherance of such purposes, hires, leases, uses or occupies any stand, motor vehicle, tent, or from his or her person.

2. *Motor Vehicle* shall mean any vehicle used for the displaying, storing, or transportation of articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles. This term is to include, but not be limited to, trailers, trucks, buses, and automobiles.

3. *Stand* shall mean any newsstand, table, bench, booth, rack, handcart, pushcart, or any other fixture or device which is not required to be licensed and registered by the department of motor vehicles, and is used for the display, storage, or transportation of articles offered for sale by a vendor.

4. *Special Event* shall mean any occasion including, but not limited to, fairs, shows, exhibitions, city-wide celebrations, festivals, etc., within a specifically defined area of the city for a period of time not to exceed five (5) days.

5. *Public Place* shall mean any public road, street, alley, park, building, or other property of the city or any other place to which people commonly congregate for the purpose of business, recreation, or amusement.

6. *“Door-to door selling”* shall mean going to one or more residences within the City in person or by the agent for the purpose of vending or soliciting, who engages in a business of selling or offering for sale, food, beverages, goods, services, wares and merchandise or engaging in soliciting order for the sale of goods, services, wares and merchandise for future delivery.

7. *Merchandise* is used in its broadest sense and shall include property of every kind.

8. *Services* is used in its broadest sense and shall include property of every kind.

9. *Charitable purpose* shall mean any philanthropic, religious or other non-profit objectives including the benefit of the poor, needy, sick, refugee, handicapped persons; the benefit of a patriotic or veterans’ association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution.

10. *Solicit funds or Solicitation of funds* shall mean any request for the donation of money, property, or anything of value, or the pledge of a future donation of money, property, or anything of value; or the selling or offering for sale of any property, real or personal, tangible or in-tangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures upon the representation, express or implied, that the proceeds of such sale will be used for a charitable purpose as such term is defined herein. Expressly excluded from the meaning of “solicit funds” or “solicitation of funds” are any offer of membership in any organization and any solicitation of funds covered by this definition are limited to a solicitation communicated in the physical presence of any individual on public property within the corporate limits of the City.

C License Required

It shall be unlawful for any vendor or solicitor to engage in the business of selling, displaying, or offering for sale any food, beverage, goods or merchandise at any public place within the City of Terrell without first obtaining a license from the City Secretary.

No vendor having acquired a license from the City of Terrell shall be allowed to engage in the business of selling, displaying, or offering for sale any food, beverage, goods, services or merchandise at any Special Event without first seeking approval for the same from the Sponsoring Organization.

D. Application

Every person desiring to engage in the business of a vendor as defined in Section A above shall apply for a license from the City Secretary. The application must include the following:

1. The full name, home address, permanent business address (if any), telephone number, driver’s license number, and proof of identity;
2. A brief description of the nature, character, and quality of the food, beverages, goods or merchandise to be sold;
3. The specific location, if any, in which the vendor intends to conduct business;
4. If the vendor is employed by or is an agent of another, the name and business address of the principal/hiring person, firm, association, organization, company or corporation;
5. If a motor vehicle is to be used in the vending business, a description of the vehicle, together with the motor vehicle registration number, license number, and a copy of the vehicle’s current proof of liability insurance;
6. A copy of the vendor’s current State of Texas Sales Tax Permit together with written documentation from the State Comptroller that all sales taxes that may be due and owing by the vendor have been fully paid;

7. A complete listing of any other licenses or permits issued to applicant by the City of Terrell within the past five (5) years;

8. A written statement from the property owner consenting to applicant's use of his/her property for the sales activities indicated in the permit application.

E. Health Permit

The application of any vendor engaged in the sale or distribution of food or beverages shall also be referred to the local health department for approval of a valid health permit. The health permit shall be required in addition to the vending license required by this article. Such vendor's equipment shall be subject to inspections by the health department at the time of application and at periodic intervals thereafter.

F. Issuance of License and Payment of Fees

Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the City Secretary of the decision on the issuance or denial of the license. If it is found that the applicant has fully complied with all provisions of this article, said applicant will be required to pay a license fee in the amount of One Hundred Twelve Dollars (\$112.00) for a three month period, One Hundred Seventy Dollars (\$170.00) for a period of from three to six months and Two Hundred Twenty Six Dollars (\$226.00) for a period of twelve months for such license.

G. License not transferable

The license provided for in this article shall not be transferrable nor give authority to more than one (1) person to sell or exhibit food, beverages, goods, wares and merchandise either by agent or clerk or in any other way than his own proper person, but any person having obtained such license may have the assistance of one (1) or more persons in conducting the sale or exhibit who shall have the authority to aid that principal but not to act for or without him.

H. Duration of license; display required

The license provided for in this article shall continue so long as the licensee is conducting business in the city. Such license shall be prominently displayed in a conspicuous place on the premises where business is being conducted. Said license shall include the effective date and ending date of the license.

I. Insurance or Bond Required

Before any license shall be issued under the provisions of this article, the application shall be accompanied by a bond or insurance policy in an amount not less than fifty thousand and no/100 dollars (\$50,000.00) acceptable to the City Secretary to cover any and all property damage, injuries, including injury resulting in death, or wrongful

fraudulent or illegal conduct of the vendor while conducting business in the city. The bond or insurance policy shall remain in full force and effect during the entire duration of the license as provided in this article and one (1) year thereafter.

J. Exemptions

The following vendors are exempt from the fee provisions of Sections E, H and I of this article but shall otherwise be required to comply with all other provisions.

1. Religious, non-profit, philanthropic and/or charitable organizations including, but not limited to, public or private schools as provided in Section N below.
2. Any individual selling newspapers or magazines, or distributing free samples from his or her person.
3. The vending of food or drinks from a motor vehicle or other non-stationary means (i.e. push carts).

K. Restrictions Applicable to all Vendors

1. Stands. Vendor stands shall not:
 - a. Exceed 20 feet in length, 10 feet in width or 13 feet in height;
 - b. Impede access to the entrance/driveway of any adjacent building;
 - c. Occupy more than half of the available sidewalk width or 20 feet of such sidewalk, whichever is less.
2. Hours of Operation. - Except for the vending of food or drinks from a motor vehicle or other non-stationary means within construction, manufacturing or similar areas in the manner specified in subsection 8 below, vendors shall be allowed to engage in the business of vending only between the hours of 8:00 A.M. to 10:00 P.M. All vending stands must be removed during non-vending hours.
3. Handicapped Areas - No vendor shall conduct business within 20 feet of any handicapped parking space or access ramp.
4. Removal of Trash - All trash or debris accumulating within 50 feet of any vending stand shall be collected by the vendor and deposited in an authorized trash container. All vendors selling food or beverages must provide trash receptacles adjacent to or as a part of their stands.
5. Prohibited Areas. A vending license issued pursuant to this ordinance is valid only on specified public ways or in public places of the City of Terrell. The City shall prohibit vendors from selling on specified public ways or in public places if it determines such prohibitions are necessary for the protection of public health and safety. Vendor

stands and motor vehicles are prohibited within 20 feet of a fire hydrant, fire escape, loading zone, or the driveway of a fire station, police station or hospital.

6. Noise - No vendor may sound any device which produces an unreasonably loud and raucous noise to attract public attention.
7. Monthly Reports - All vendors shall provide a copy of their monthly report of sales tax receipts to the City Secretary.
8. Motor Vehicles - No vendor vending from a motor vehicle shall:
 - a. Stop, stand or park the vehicle within 20 feet of any intersection, within any other prohibited area, or during prohibited hours;
 - b. Conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner, or obstruct access to emergency vehicles.

M. Denial, Suspension or Revocation of License

1. Any license issued under this ordinance may be denied, suspended or revoked for any of the following reasons:
 - a. Fraud or misrepresentation in the application;
 - b. Fraud or misrepresentation in the course of conducting the business of vending;
 - c. Conducting the business of vending in any way contrary to the provisions of this ordinance;
 - d. Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare;
 - e. Conviction of any felony offense or any misdemeanor offense involving moral turpitude while holding a vending license from the City of Terrell or for a period of 5 years prior to the date of the application for a vending license;
 - f. Suspension or cancellation of health department authorization for a food and beverage vending unit.
 - g. Failure to submit monthly reports of sales tax receipts to the City Secretary.
2. Upon denial, suspension or revocation, the city shall deliver written notice to the applicant/license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the applicant/license holder's place of business or mailed to the applicant/license holder's last known address.

N. Charitable Solicitations

1. Unlawful Solicitation on Public Property

a. It shall be unlawful for any person, directly or through an agent or employee, to solicit funds for charitable purposes within the corporate limits of the City unless such person shall have first obtained a certificate of registration from the City Secretary as herein after provided.

b. It shall be unlawful for any individual, as the agent or employee of another, to solicit funds for charitable purposes in the City unless his principal or employer has received a certificate of registration as hereinafter provided.

c. It shall be unlawful for any individual, as agent or employee of another, to solicit funds for charitable purposes in the City without a facsimile copy of the certificate of registration in his or her possession. Such facsimile copy of the certificate of registration shall be shown upon request to all persons solicited and to any police officer or public official of the City.

d. It shall be unlawful to solicit for charitable purposes within the City between the hours of 8:00 p.m. and 8:00 a.m.

e. It shall be unlawful for any person, directly or though an agent or employee, to solicit funds for charitable purposes within the corporate limits of the City after the expiration of any certificate of registration issued as hereinafter provided.

f. It shall be unlawful for the person registering or the agents or employees thereof to solicit funds in the City for a charitable purpose other than that set out in the registration statement upon which the certificate of registration was issued.

g. It shall be unlawful for any person who shall solicit funds for charitable purposes in the City to represent, in connection with such solicitation of funds, that the insurance of a certificate of registration by the City constitutes an endorsement or approval of the purposes of such solicitation of funds by the City or any department, officer or employee thereof.

h. It shall be unlawful for any person issued a certificate of registration hereunder to fail to file any financial statement that this article requires to be filed with the City Secretary.

2. Registration - Statement

a. All persons desiring to solicit funds for charitable purposes in the City shall file with the City Secretary a registration statement on forms provided by the City Secretary, containing the following:

(1) The name of the person registering and desiring to solicit funds for charitable purposes.

(2) Whether the person registering is an individual, partnership, corporation or association; and

(a) If an individual, his or her business or residence address and telephone number.

(b) If a partnership, the names of all partners and the principal business address and telephone number of the partnership.

(c) If a corporation, whether it is organized under the laws of Texas, or is a foreign corporation, its mailing address, business location, telephone number and the names of the officers and directors of the corporation.

(d) If an association, the association's principal business address and telephone number, along with the names of the association's officers directors or trustees. If the association is part of a multi-state organization or association, the mailing address and business location of its principal headquarters shall also be given.

(3) A brief description of the charitable purpose for which the funds are to be solicited, and an explanation of the intended use of the funds toward that purpose.

(4) The names of all individuals authorized to incur expenses related to the solicitation or to disburse any proceeds of the solicitation.

(5) The name, mailing address and telephone number of the individual who will have organizational responsibility for the solicitation of funds.

(6) The time period within which the solicitation of funds is to be made, giving the dates of the beginning of solicitation and its projected conclusion, not to exceed four (4) months.

(7) A description of the methods and means by which the solicitation of funds is to be accomplished.

(8) The total amount of funds proposed to be raised.

(9) A projected schedule of salaries, wages, fees, commissions, expenses and costs that the person registering reasonably believes will be expended and paid in connection with the solicitation of funds or in connection with their disbursement together with an estimated percentage of the total projected collections which the cost of solicitation will comprise. These figures shall cover the entire time period during which the solicitation is to be made.

(10) A statement to the effect that if a certificate of registration is granted, such certificate will not be used as or represented to be an endorsement by the City of any of its officers or employees.

(11) The signature of an individual on behalf of the person registering.

3. Fees

a. Every registration statement, except as exempt as exempted herein, shall be accompanied by a registration fee of ten dollars (\$10.00). Such fee will be nonrefundable, irrespective of whether a certificate of registration is issued.

b. Any public or private school sanctioned group, religious or philanthropic group shall be exempt from the requirement to provide the ten dollar (\$10.00) registration fee.

4. Certificate of Registration - Issuance

Within ten (10) working days from the receipt of the registration statement, the City Secretary shall either issue a certificate of registration, as provided above, or notify the person registering that the registration does not comply with the requirements of section a. above, and specifically point out what information or explanation has not been furnished that is required before a certificate of registration can be issued.

5. Form

The City Secretary shall prescribe the form of the certificate of registration, which shall include a statement that "The issuance of the Certificate of Registration is not an endorsement by the City of Terrell or any of its departments, officers or employees.

6. Expiration; filing of financial statements within the specified time of termination of solicitation.

a. Each certificate of registration issued by the City Secretary shall expire at the termination of the solicitation period specified in the registration statement or four (4) months from the date of issuance, whichever is less.

b. No later than thirty (30) days from the expiration of its certificate of registration, each person registering shall file a closing statement with the City Secretary. The closing statement shall be a financial statement that is on a form provided by the City Secretary for this purpose and shall be signed by the appropriate individual on behalf of the person registering.

c. The closing statement shall indicate the total funds collected or pledged from the solicitation of funds, the purpose or purposes (with the amount of funds for each purpose) for which such funds have been or will be disbursed by the person registering, any incurred but unpaid expenses resulting from the solicitation of funds, and all other anticipated disbursement of collected or pledged funds. The monetary value represented by any property or goods that have been collected or pledged shall be estimated to the nearest multiple of ten dollars (\$10.00) to satisfy the requirement to indicate total funds collected or pledged.

7. Public Disclosure

All registration statements and closing statements filed with the City Secretary, whether or not a certificate of registration has been issued, shall be public records and shall be available for inspection by members of the public during the City Secretary's regular business hours. Copies may be obtained at the fees prescribed by law for copies of city records.

8. Exceptions

The solicitation of funds for charitable purposes by any organization or association from its members shall be exempt from the operation of Subsections 1 through 7 above.

9. Solicitation from occupant of motor vehicle

a. It shall be unlawful for any person or organization to solicit funds for charitable or welfare purposes from an occupant of any motor vehicle which is on a public street or on a street, roadway or parking area of any city park, whether or not the person or organization soliciting funds is or is not on a public street or other public property.

b. It shall be unlawful for any person to cause, aid, solicit, engage, or direct a minor to engage in conduct prohibited by this section.

O. Appeals

Any person who is denied a license or whose license has been suspended or revoked may appeal same by filing a written notice of appeal to the Terrell City Council. All appeals must be filed with the City Secretary within ten (10) days after notice of denial, suspension or revocation of a license. The appeal shall be heard by the Terrell City Council within thirty (30) days after receipt. At least five (5) days notice of the date of the hearing shall be given to the applicant, license holder. Based on the hearing of the appeal and the facts relative thereto, the City Council will either sustain or reverse the decision to deny, suspend or revoke the license. The decision of the City Council shall be final.

P. Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

1. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C Misdemeanor.

2. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring action to enforce the provisions of this Ordinance and to seek remedies allowed by law, including but not limited to, the following:

a. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

b. A civil penalty of up to One Hundred Fifty Dollars (\$150.00) per day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and other available relief.

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 judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE IV.

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

PASSED AND APPROVED THIS the 7th day of October, 2014.

PASSED AND ADOPTED THIS the 21st day of October, 2014.

Mayor Pro Tem D.J. Ory made a motion on consent agenda to adopt on Second Reading Ordinance No. 2613. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

13. Discuss and Consider on Second Reading Adoption of Ordinance No. 2613 an ordinance of the City of Terrell, Texas, amending the annual budget for the year beginning October 1, 2013, and ending September 30, 2014, as passed and adopted on September 3, 2013, to provide for increases and decreases in certain accounts; providing for severability; and providing an effective date.

ORDINANCE NO. 2613

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, AS PASSED AND ADOPTED ON SEPTEMBER 3, 2013 TO PROVIDE FOR INCREASES AND DECREASES 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:

		Budget	Amended	Total
General Fund				
Revenues				
010-00-3101-00	Taxes Current	4,961,046	13,060	4,974,106
010-00-3202-00	Franchise Atmos Gas	140,000	11,764	151,764
010-00-3204-00	Franchise Cable TV	89,000	10,983	99,983
010-00-3205-00	Franchise Electric	800,000	17,685	817,685
010-00-3207-	City Sales Tax	3,600,000	456,091	4,056,091

00				
010-00-3211-00	City Sales Tax / Tax Reduction	1,800,000	227,746	2,027,746
010-00-3250-00	Sales Tax Economic Development	1,800,000	227,746	2,027,746
010-00-3208-00	Mixed Drinks	40,000	2,366	42,366
010-00-3303-00	Permits Building	50,000	34,035	84,035
010-00-3304-00	Permits Electrical	7,000	2,567	9,567
010-00-3306-00	Permits Plumbing	7,500	1,418	8,918
010-00-3308-00	Permits Certificate of Occupancy	4,500	3,510	8,010
010-00-3309-00	Permits Mechanical	3,000	1,722	4,722
010-00-3311-00	Registration Fees	5,000	5,020	10,020
010-00-3319-00	Permits Signs	2,000	1,507	3,507
010-00-3402-00	Fines Municipal Court	320,000	10,295	330,295
010-00-3407-00	Fees Veterinarian	0	3,429	3,429
010-00-3418-00	Fees Zoning & Publications	2,000	1,424	3,424
010-00-2421-00	Fees Animal Shelter	1,500	1,771	3,271
010-00-3425-00	Fees Recreational	0	7,970	7,970
010-00-3601-00	Interest	5,000	1,242	6,242
010-00-3106-00	Reimbursement from CO 2013	0	752,434	752,434
	Total		1,795,784	
Expenses				
Legislative				
010-11-4404-00	Consultant Fees & Services	10,000	14,428	24,428
010-11-4501-00	TIF Reinvestment Zone	0	35,488	35,488
010-11-4587-00	Terrell Economic Development	1,800,000	227,746	2,027,746
Administration				
010-12-4101-00	Supervision	296,536	29,534	326,070

010-12-4411-00	Communications		10,000	3,726	13,726
010-12-4201-00	Office Supplies		2,500	1,968	4,468
010-12-4418-00	Travel & Education		2,000	10,012	12,012
animal Control					0
010-13-4102-00	Clerical		28,724	8,868	37,592
Municipal Buildings					0
010-16-4304-00	Automated Maintenance	Equipment	9,000	6,721	15,721
010-16-4320-00	Buildings		109,000	99,737	208,737
010-16-4411-00	Communications		3,600	8,552	12,152
010-4430-00	Utilities		265,000	41,408	306,408
010-16-4440-00	Contract Labor		0	4,950	4,950
Municipal Development					0
010-20-4304-00	Automated Maintenance	Equipment	10,000	12,095	22,095
010-20-4411-00	Communications		6,075	8,114	14,189
010-20-4440-00	Contract Labor		20,000	33,746	53,746
Engineering					
010-21-4304-00	Automated Maintenance	Equipment	10,000	9,213	19,213
Streets					
010-22-4240-00	Chemicals		4,000	9,459	13,459
010-22-4260-00	Concrete		700	1,923	2,623
010-22-4270-00	Rock		8,000	15,600	23,600
010-22-4280-00	Sign Maintenance		15,000	17,385	32,385
010-22-4340-00	Street Maintenance		300,000	(300,000)	0
010-22-4509-00	Roadway Monument		50,000	(50,000)	0
Sanitation					
010-25-4495-00	Kaufman county Solid Waste Management		20,000	12,000	32,000

Parks						
010-26-4304-00	Automated Maintenance	Equipment	5,000	4,589	9,589	
010-26-4305-00	Outside Furniture and Fixtures		150	850	1,000	
010-26-4323-00	Park Structure Maintenance		3,000	4,564	7,564	
010-26-4411-00	Communications		4,500	4,103	8,603	
010-26-4470-00	Landscape Services		5,700	5,679	11,379	
Pools						
010-27-4101-00	Supervision		11,000	8,298	19,298	
010-27-4105-00	Overtime		0	539	539	
010-27-4201-00	Office Supplies		400	420	820	
010-27-4221-00	Uniform Purchase		600	1,305	1,905	
010-27-4418-00	Travel & Education		0	1,191	1,191	
Police						
010-32-4105-00	Overtime Administration		7,600	15,147	22,747	
010-32-4105-02	Overtime CID		8,636	7,426	16,062	
010-32-4206-03	Minor Tools and Apparatus Patrol		2,800	1,200	4,000	
010-32-4304-00	Automated Maintenance	Equipment	89,800	50,642	140,442	
010-32-4111-00	Communications		40,500	10,732	51,232	
010-32-4418-00	Travel & Administration	Education	1,600	1,817	3,417	
010-32-4502-00	Public Safety Radio System		0	425,429	425,429	
010-32-4215-00	RMS CAD Software		0	321,401	321,401	
Fire						
010-33-4103-00	Labor		1,027,519	53,195	1,080,714	
010-33-4105-00	Overtime		70,000	24,004	94,004	
010-33-4304-00	Automated Maintenance	Equipment	12,500	7,986	20,486	
Library						

010-34-4411-00	Communications		6,500	3,405	9,905
Human Resources					
010-40-4304-00	Automated Maintenance	Equipment	9,450	2,500	11,950
010-40-4403-00	Advertising		5,000	3,277	8,277
010-40-4411-00	Communications		4,200	4,464	8,664
010-40-4418-00	Travel & Education		2,100	1,925	4,025
	Total			1,228,762	

Airport

Revenues

014-00-3201-00	Lease		122,435	71,420	193,855
	Total			71,420	

Expenses

014-14-4403-00	Advertising		25,000	8,035	33,035
014-14-4424-00	Special Services		30,000	5,221	35,221
014-4502-00	2014 Hanger Project			240,810	240,810
	Total			254,066	

Utility

Revenues

020-00-3202-00	Penalties		160,000	9,676	169,676
020-00-3203-00	Franchise Fee		350,000	19,094	369,094
020-00-3204-00	New Service/ Water Tap		3,500	10,555	14,055
020-00-3206-00	Non-Payment Cut Off		90,000	9,516	99,516
020-00-3207-00	Service Hookups		20,000	4,432	24,432
020-00-3212-00	Misc Services		22,000	8,870	30,870
020-00-3302-00	New Service / Sewer Tap		800	625	1,425
020-00-3309-00	Fees - Grease Trap		2,208	822	3,030
	Total			10,317	

Expenses

Water Quality						
020-51-4304-00	Automated Maintenance	Equipment	10,000	7,550	17,550	
020-51-4315-00	Dam & Pump Station		80,000	22,298	102,298	
020-51-4411-00	Communications		20,000	10,382	30,382	
Water Distribution						
020-52-4304-00	Automated Maintenance	Equipment	9,500	6,491	15,991	
020-52-4430-00	Utilities		10,000	17,348	27,348	
Water Pollution						
020-61-4105-00	Overtime		4,000	5,101	9,101	
020-61-4411-00	Communications		6,000	2,546	8,546	
Water Collection						
020-62-4304-00	Automated Maintenance	Equipment	9,500	8,820	18,320	
Special Projects						
020-64-4418-00	Travel & Education		700	513	1,213	
Utility						
020-80-4304-00	Automated Maintenance	Equipment	35,000	62,210	97,210	
020-80-4411-00	Communications		15,000	5,505	20,505	
	Total			148,763		
Equipment Replacement Fund						
025-25-4236-00	Misc. Small Parts		1,200	5,454	6,654	
025-25-4352-00	Smal Equipment Maintenance		6,000	4,960	10,960	
025-25-4411-00	Communications		4,000	4,104	8,104	
025-25-4508-00	3/4 Ton regular Cab 4x2 Pickup		25,206	16,929	42,135	
	Total			31,448		

Capital Reserve Fund						
028-28-4517-	CDBG Project	20" Water Line				
00	Grant		105,000	121,740	226,740	
	Total			121,740		
Storm Water Maintenance						
037-37-4507-	Airport and MHMR		61,000	(61,000)	0	
	Total			-61,000		

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 7th day of October, 2014.

Passed and Adopted on this the 21st day of October, 2014.

Mayor Pro Tem D.J. Ory made a motion on consent agenda to adopt on Second Reading Ordinance No. 2615. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

14. Discuss and Consider on Second Reading Adoption of Ordinance No. 2615 changing the Zoning Classification from Light Industrial (LI) to Single-Family 6 (SF-6) on property generally located northeast of College Mound Rd and southeast of Vine St, being Lots 7, 14, Block 3; and Lots 7, 14, Block 4; and Lots 1, 2, Block 5, Dewberry's First Addition; and Lot 1, Block 551; and Lot 3 part (Parcel Id's 41229 & 41230), Block 551 of the Terrell Revised Addition; being approximately 21.8227 acres; City of Terrell, Kaufman County, Texas.

ORDINANCE NO. 2615

An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Light Industrial (Li) To Single-Family 6 (Sf-6) On Property Generally Located Northeast Of College Mound Rd And Southeast Of Vine St, Being Lots 7, 14, Block 3; And Lots 7, 14, Block 4; And Lots 1, 2, Block 5, Dewberry's First Addition; And Lot 1, Block 551; And Lot 3 Part (Parcel Id's 41229 & 41230), Block 551 Of The Terrell Revised Addition; Being Approximately 21.8227 Acres; City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For A Penalty Not To Exceed Two Thousand Dollars (\$2,000) For Each And Every Offense; Providing For Severability; And Providing An Effective Date.

Article I.

Whereas, the Planning and Zoning Commission conducted a public hearing on August 26, 2014 and the City Council conducted a public hearing on October 7, 2014 regarding a request to change the zoning from Light Industrial (LI) to Single-Family 6 (SF-6) on property generally located northeast of College Mound Rd and southeast of Vine St, being Lots 7, 14, Block 3; and Lots 7, 14, Block 4; and Lots 1, 2, Block 5, Dewberry's First Addition; and Lot 1, Block 551; and Lot 3 part (Parcel Id's 41229 & 41230), Block 551 of the Terrell Revised Addition; being approximately 21.8227 acres; 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 Light Industrial (LI) to Single-Family 6 (SF-6) on property generally located northeast of College Mound Rd and southeast of Vine St, being Lots 7, 14, Block 3; and Lots 7, 14, Block 4; and Lots 1, 2, Block 5, Dewberry's First Addition; and Lot 1, Block 551; and Lot 3 part (Parcel Id's 41229 & 41230), Block 551 of the Terrell Revised Addition; being approximately 21.8227 acres; City of Terrell, Kaufman County, Texas.

Article II

That operation will be in conformance with requirements of the City of Terrell 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 Light Industrial (LI) to Single-Family 6 (SF-6) District thereon.

Article III

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

Article III

Any person, entity or corporation violating any provisions of this Ordinance shall be considered in violation of the adopted Comprehensive Zoning Ordinance of the City of Terrell and be subject, upon conviction, to the penalties and remedies therein.

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 7th day of October, 2014.

Passed and adopted this the 21st day of October, 2014.

Mayor Pro Tem D.J. Ory made a motion on consent agenda to adopt on Second Reading Ordinance No. 2616. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

15. Discuss and Consider on Second Reading Adoption of Ordinance No. 2616 changing the Zoning Classification from Light Industrial (LI) to Retail (R) on property located at 510 S. Virginia St between Rochester and Newton St, being Lots 1A, 1B, 1C, 4A and 4B, Block 28 of the Terrell Original Addition; being approximately 1.247 acres; City of Terrell, Kaufman County, Texas.

ORDINANCE No. 2616

An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Light Industrial (Li) To Retail (R) On Property Located At 510 S. Virginia Street Between Rochester And Newton Streets, Being Lots 1a, 1b, 1c, 4a And 4b Block 28 Of The Terrell Original Addition, City Of Terrell, Kaufman County, Texas Being Approximately 1.247 Acres; City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting

Ordinances; Providing For A Penalty Not To Exceed Two Thousand Dollars (\$2,000) For Each And Every Offense; Providing For Severability; And Providing An Effective Date.

Article I.

Whereas, the Planning and Zoning Commission conducted a public hearing on August 26, 2014 and City Council conducted a public hearing on October 7, 2014 regarding a request to change the zoning from Light Industrial (LI) to Retail (R) on property located at 510 S. Virginia Street between Rochester and Newton Streets, being Lots 1A, 1B, 1C, 4A and 4B Block 28 of the Terrell Original Addition; being approximately 1.247 acres; 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 Light Industrial (LI) to Retail (R) on property located at 510 S. Virginia Street between Rochester and Newton Streets, being Lots 1A, 1B, 1C, 4A and 4B Block 28 of the Terrell Original Addition; being approximately 1.247 acres; City of Terrell, Kaufman County, Texas; and

Article II

That operation will be in conformance with requirements of the City of Terrell 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 Light Industrial (LI) to Retail (R) District thereon.

Article III

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

Article III

Any person, entity or corporation violating any provisions of this Ordinance shall be considered in violation of the adopted Comprehensive Zoning Ordinance of the City of Terrell and be subject, upon conviction, to the penalties and remedies therein.

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 7th day of October, 2014.

Passed and adopted this the 21st day of October, 2014.

END OF CONSENT AGENDA

16. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to discuss the following:
 - a.) Section 551.074 - Personnel Matters - City Manager.
17. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

No action was taken by Council.

18. Adjourn.

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

Approved:

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary