

REGULAR CITY COUNCIL MEETING

May 5, 2015

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, May 5, 2015, 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 and the Pledge of Allegiance.

3. Discuss and Consider approval of meeting minutes of the Special City Council Meeting and Workshop of April 16, 2015, the Regular City Council Meeting of April 21, 2015.

Mayor Pro Tem D.J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of April 16, 2015 and Regular City Council Meeting of April 21, 2015. Councilmember Sandra Wilson, seconded the motion. Ayes - All. Nayses - None. Motion carried.

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.

There were no remarks from visitors.

NEW BUSINESS

5. Discuss and Consider Resolution No. 791; A Resolution Supporting the Terrell Economic Development Corporation's VEKA Rail Project.

Danny Booth, President, and Rick Carmona, Chairman, representing Terrell Economic Development, and Mike Sims, Assistant City Manager presented to Council for discussion and consideration Resolution No. 791; A Resolution Supporting the Terrell Economic Development Corporation's VEKA Rail Project. Mayor Pro Tem D.J. Ory made a motion to approve Resolution No. 791; A Resolution Supporting the Terrell Economic Development Corporation's VEKA Rail Project. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

6. Discuss and Consider Terrell Economic Development Corporation VEKA Rail Project Bids.

Danny Booth, President, and Rick Carmona, Chairman representing Terrell Economic Development and Mike Sims, Assistant City Manager presented to Council for discussion and consideration Terrell Economic Development Corporation VEKA Rail Project Bids. Mayor Pro Tem D.J. Ory made a motion to approve Lone Star Railroad bid of \$637,768.00. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

7. Discuss and Consider Application for Transportation Accessibility Program Funds for Pedestrian Improvements on Ann Street.

Mike Sims, Assistant City Manager presented to Council for discussion and consideration Resolution No. 790; A Resolution Of The City Council Of The City Of Terrell, Texas, To Approve The Submission Of The Ann Street Pedestrian Improvements Project Application For Transportation Accessibility Program Funding Under The Texas Department Of Transportation 2015 Program Call For Projects Competition And To Certify Local Funding Upon Approval Of The Project By The Texas Department Of Transportation. Mayor Pro Tem D.J. Ory made a motion to approve Resolution No. 790; A Resolution Of The City Council Of The City Of Terrell, Texas, To Approve The Submission Of The Ann Street Pedestrian Improvements Project Application For Transportation Accessibility Program Funding Under The Texas Department Of Transportation 2015 Program Call For Projects Competition And To Certify Local Funding Upon Approval Of The Project By The Texas Department Of Transportation. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

8. Discuss and Consider Approval of an Application for Participation in the CBD Facade Improvement Program for Property Located at 118 E. Moore Avenue.

Terry Capehart, Municipal Development Director presented to Council for discussion and consideration Approval of an Application for Participation in the CBD Facade Improvement Program for Property Located at 118 E. Moore Avenue. Mayor Pro Tem D.J. Ory made a motion to approve an Application for Participation in the CBD Facade Improvement Program for Property Located at 118 E. Moore Avenue. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

9. Discuss and Consider Appointments/Reappointments to the Building and Standards Commission.

Mayor Pro Tem D.J. Ory made a motion to reappoint Danny Stephens, Larry Riggins and Michael Lowe. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

CONSENT AGENDA

Councilmember Sandra Wilson made a motion on consent agenda to adopt on Second Reading Ordinance No. 2631. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

10. Discuss and Consider on Second Reading Adoption of Ambulance Ordinance No. 2631; An Ordinance Amending Chapter 5 Section 4 Ambulances By Adding Paragraph I Program Fee; Providing For A Nonparticipation Election; Providing For A Method Of Collection Of Service Charges On Utility Bills; Providing For Adjustment Of Charges And An Appeal Process; Providing For A Penalty For Noncompliance; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Providing For Severability And Providing An Effective Date.

Ordinance No. 2631

AN ORDINANCE AMENDING CHAPTER 5 SECTION 4 AMBULANCES BY ADDING PARAGRAPH i PROGRAM FEE; PROVIDING FOR A NONPARTICIPATION ELECTION; PROVIDING FOR A METHOD OF COLLECTION OF SERVICE CHARGES ON UTILITY BILLS; PROVIDING FOR ADJUSTMENT OF CHARGES AND AN APPEAL PROCESS; PROVIDING FOR A PENALTY FOR NONCOMPLIANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 51.072 of the Texas Local Government Code recognizes that a home rule municipality has full power of local self-government; and

WHEREAS, the City of Terrell, Texas, is a home rule municipality which possess the full power of local self-government under Section 1.03 of its Charter; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TERRELL TEXAS,:
Chapter 5 Section 4 Ambulances of the Terrell City Code is hereby amended by adding paragraph i "Program Fees" to read as follows:

Article I

§ 5.4(i)- 10 Definitions.

For the purpose of this article, the following words and phrases shall have meanings respectively ascribed to them by this section.

1. Landlord shall mean any person, company, corporation, or other entity that owns or manages Single-family and/or Multifamily Residential Living Units and leases them to Tenants and is responsible for payment of the utility bills for the Living Units.
2. Living Unit shall mean a residential unit providing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking and sanitation.
3. Medical Service Program shall mean the services, products, expertise, equipment, and cost associated with the "EMS Membership Program", billed monthly on a Utility Customer's bill.
4. Multifamily Residential Utility Customer shall mean a City of Terrell Utility Customer with two (2) or more Living Units served by one (1) City utility bill; provided Multifamily Residential Living Units will not include hotels, motels, or college dormitories.
5. Single-family Residential Utility Customer shall mean a City of Terrell Utility Customer with one (1) Living Unit receiving one City utility bill.
6. Tenant shall mean the person or persons that sign the lease for a Living Unit at a specific location within the city limits of the City of Terrell, which Living Unit receives City of Terrell utility services.
7. Tenant's Household shall include all the individuals permanently residing together in the leased Living Unit with the tenant.
8. EMS Membership Program shall mean the program, as it currently exists or may hereafter be amended, which is sponsored by CareFlite.
9. Utility Customer shall mean the person or persons that established a utility account with the City of Terrell for utility services for a Single-family Residential or Multifamily Residential Living Unit.
10. Utility Customer's Household shall include all individuals permanently residing together in a Living Unit at a specific location within the corporate limits of the City of Terrell, which Living Unit receives City of Terrell utility services.

Article II

§ 5.4(i)-11. EMS Membership Program and Fee.

- (a) Each Single-family Residential Utility Customer and Multifamily Residential Utility Customer within the corporate limits of the City shall be included in the EMS Membership Program, unless the Utility Customer affirmatively declines participation in said program in the manner set forth in Section 5.4-12 of this Article.
- (b) Single-family Residential Utility Customers participating in the Program shall have included within their utility bills a charge of One Dollar (\$1.00) per month.
- (c) Multifamily Residential Utility Customers participating in the program shall be billed One Dollar (\$1.00) per month per Living Unit.
- (d) The total number of Living Units attributed to Multifamily Residential Utility Customers and Landlords shall be based upon the number of Living units on record with the City of Terrell Utilities Department. It is the responsibility of all Multifamily Residential Utility Customers and Landlords to annually confirm with the Utilities Department whether this number of Living units is in fact accurate. Adjustments may be made to the number of units on record with the Utilities Department based on information provided by sworn affidavit from the Multifamily Residential Utility Customer or Landlord and confirmed by the City. Multifamily Residential Utility Customers and

Landlords shall make staff available to meet at the subject residences with City Utilities Department personnel to confirm the number of Living Units as provided for by the Utility Customer in the sworn affidavit mentioned herein.

Article III

§ 5.4(i)-12. Nonparticipation Election.

(a) Any Utility Customer who desires to not participate in the EMS Membership Program shall sign and file a declaration of nonparticipation, on forms prescribed and provided by the City,

(b) If a Multifamily Residential Utility Customer or Landlord or his or her authorized representative elects for a property not to participate in the EMS Membership Program, the Multifamily Residential Utility Customer or Landlord or his or her authorized representative shall obtain from each Tenant a written and signed acknowledgement stating that the Tenant:

(1) understands that the Tenant and the Tenant's Household are not included in the EMS Membership Program;

(2) understands that the Tenant may affirmatively elect to personally participate in the Medical Service Program by contacting CareFlite and enrolling in the Program at the same price as offered to participating Single-family Residential Utility Customers;

(3) understands that failure to participate in the Program will subject the Tenant and Tenant's Household to the full costs associated with CareFlite's services; and

(4) has been informed of the estimated per trip costs for an emergency ambulance transport run. The written and signed acknowledgement described herein shall be maintained in the Multifamily Residential Utility Customer's or Landlord's or his/her authorized representative's records and available for inspection by the City of Terrell upon request. This acknowledgement must be obtained for all Tenants and all new Tenants moving into the Landlord's or Multifamily Residential Utility Customer's property at any time.

(c) Failure to obtain and maintain on file the written acknowledgement for each Tenant shall be a separate violation of this section. In addition, every thirty (30) day period from the beginning of a lease until written acknowledgement is received or the Multifamily Residential Utility Customer or Landlord or his/her authorized representative elects for a property to participate in the Medical Service Program shall constitute a separate offense for each Tenant affected.

Article IV

§ 5.4(i)-13. Receipt of Service Charges.

The service charges herein established for the EMS Membership Program shall be billed to each Utility Customer monthly, along with the bill for other City utility services and shall carry the same due date as now or may hereafter be established for utility service bills.

Article V

§ 5.4(i)-14. Accountability for funds received.

The City is not responsible for the provision of services by CareFlite. The City's sole responsibility is to properly receive, record and transfer to CareFlite the funds paid by the participating Utility Customers for EMS Membership Program benefits under the Medical Service Program.

Article VI

§ 5.4(i)-15. Adjustment of Charges, Appeal.

Any Utility Customer who considers the EMS Membership Program charges applicable to his/her Living Unit to be erroneous because said Utility Customer opted out of the Program, may request review of the charges by the City's Utilities Department. Additionally, any Landlord or Multifamily Residential Utility Customer who encounters special circumstances that would justify modifying the number of Living Units determined in accordance with the provisions of Section 5.4-11 (such as fire, Act of God, or renovations), may request review thereof by the City's Utilities Department. Any other problems experienced by the Utility Customer with regard to his/her EMS Membership Program benefits shall be referred to CareFlite.

Article VII

§ 5.4(i)-16. 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 VIII

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

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 IX

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 21st day of April, 2015.

PASSED AND ADOPTED THIS the 5th day of May, 2015.

Councilmember Sandra Wilson made a motion on consent agenda to adopt on Second Reading Ordinance No. 2633. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

- 11. Discuss And Consider On Second Reading Adoption Of Ordinance No. 2633; An Ordinance Of The City Of Terrell, Texas Amending Ordinance No. 2560, Chapter 11, Traffic Regulations, Section 42: Parking Restrictions By The Amendment Of Subsection J, Regulation Of The Standing Or Parking Of Idling Motor Vehicles within The City Limits; Providing For A Penalty; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.**

ORDINANCE NO.2633

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS AMENDING ORDINANCE NO. 2560, CHAPTER 11, TRAFFIC REGULATIONS, SECTION 42: PARKING RESTRICTIONS BY THE AMENDMENT OF SUBSECTION J, REGULATION OF THE STANDING OR PARKING OF IDLING MOTOR VEHICLES WITHIN THE CITY LIMITS; PROVIDING FOR A PENALTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the standing and parking of idling motor vehicles releases particles which can cause lung damage and aggravate existing lung diseases such as asthma; and

WHEREAS, the standing and parking of idling motor vehicles for extended periods of time is generally unnecessary, contributes to noise pollution and wastes fuel; and

WHEREAS, the City Council finds that the noise generated by idling parked motor vehicles constitutes a public nuisance; and

WHEREAS, the Terrell City Council finds the adoption of this Ordinance serves a public purpose and protects the health, safety and welfare of the citizens of the City of Terrell by limiting the pollution created by motor vehicles unnecessarily idling within the City limits of the City of Terrell, Texas.

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

Chapter 11, Traffic Regulations, Section 42: Parking Restrictions is hereby amended by the amendment of Subsection J, Regulation of Standing or Parking of Idling Motor Vehicles within the City Limits of The City of Terrell, Texas, to read as follows:

ARTICLE I

No standing or parked motor vehicles shall be allowed to idle for more than a total of five (5) minutes within a sixty (60) minute period except under the following circumstances:

1. the motor vehicle is an official City of Terrell vehicle being utilized for official City of Terrell business and operated in accordance with the City of Terrell municipal policies;
2. the motor vehicle idles while forced to remain motionless because of traffic, an official traffic control device or signal or at the direction of a law enforcement official;
3. a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle operated in the accordance with the City of Terrell municipal policies;
4. the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service;
5. when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing or processing cargo; controlling cargo temperature; construction operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens or televisions;
6. when the motor vehicle idles due to mechanical difficulties over which the operator has no control;
7. a bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain passenger comfort while non-driver passengers are on board;
8. an armored motor vehicle idles when a person remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded;
9. a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;
10. the primary propulsion engine idles for maintenance, servicing, repairing or diagnostic purposes if idling is necessary for such activity;
11. when the temperature is below 32°F , there is no time restriction on idling, provided no nuisance is thereby created.

**ARTICLE II
Penalty**

Any person or persons violating any provision of this subsection shall be guilty of a Class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each offense.

**ARTICLE III
Repeal**

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

**ARTICLE IV
Severability**

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 without such unconstitutional phrase, clause, sentence, paragraph or section.

**ARTICLE V
Effective Date**

This Ordinance shall 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 first reading this the 21 day of April, 2015.

PASSED AND ADOPTED on second reading this the 5th day of May, 2015.

Councilmember Sandra Wilson made a motion on consent agenda to adopt on Second Reading Ordinance No. 2634. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

- 12. Discuss and Consider on Second Reading Adoption of Ordinance No. 2634; An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Single-Family (Sf-7.5) District To Townhouse Residential (Th-12) On Property Located At 113 Pecos St; Being Lots 26 & 27a, Park Place Addition; City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.**

ORDINANCE No. 2634

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM SINGLE-FAMILY (SF-7.5) DISTRICT TO TOWNHOUSE RESIDENTIAL (TH-12) ON PROPERTY LOCATED AT 113 PECOS ST; BEING LOTS 26 & 27A, PARK PLACE ADDITION; CITY OF TERRELL,

**KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL
OF CONFLICTING ORDINANCES; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

ARTICLE I.

WHEREAS, the Planning and Zoning Commission conducted a public hearing on March 31, 2015 and City Council conducted a public hearing on April 21, 2015 regarding a request to change the zoning from Single-Family (SF-7.5) District to Townhouse Residential (TH-12) District on property located at 113 Pecos St; being Lots 26 & 27A, Park Place Addition; City of Terrell, Kaufman County, Texas; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Terrell and State Law.

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

THAT the zoning classification be and is hereby changed from Single-Family (SF-7.5) District to Townhouse Residential (TH-12) District on property located at 113 Pecos St; being Lots 26 & 27A, Park Place Addition; 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 Single-Family (SF-7.5) District to Townhouse Residential (TH-12) 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 21st day of April, 2015.

PASSED AND ADOPTED this the 5th day of May, 2015.

Councilmember Sandra Wilson made a motion on consent agenda to adopt on Second Reading Ordinance No. 2636. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

- 13. Discuss and Consider on Second Reading Adoption of Ordinance No. 2636; An Ordinance Of The City Of Terrell, Texas, Amending Ordinance No. 2585 (Planned Development-6R); On That Certain Called 36.823 Acre Tract Of Land; Being Lot 1, Block 1 And Lot 1, Block 2, Terrell Market Center/Medical Plaza Addition, City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.**

ORDINANCE NO. 2636

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2585 (PLANNED DEVELOPMENT-6R); ON THAT CERTAIN CALLED 36.823 ACRE TRACT OF LAND; BEING LOT 1, BLOCK 1 AND LOT 1, BLOCK 2, TERRELL MARKET CENTER/MEDICAL PLAZA ADDITION, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ARTICLE I.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on March 31, 2015, on a request to amend Ordinance No. 2585 (Planned Development 6R); on the certain called 36.823 acre tract of land; being Lot 1, Block 1 and Lot 1, Block 2, Terrell Market Center/Medical Plaza Addition, City of Terrell, Kaufman County, Texas and recommended approving a zone change on this property; and

WHEREAS, the City Council of the City of Terrell, Texas, held a public hearing on April 21, 2015, on a request to amend Ordinance No. 2585 (Planned Development 6R); on that certain called 36.823 acre tract of land; being Lot 1, Block 1 and Lot 1, Block 2, Terrell Market Center/Medical Plaza Addition, 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

WHEREAS, the City Council of the City of Terrell, Texas, has determined that it would be in the best interest of the citizens of Terrell to amend Ordinance No. 2585 (Planned Development 6R); on that certain called 36.823 acre tract of land; being Lot 1, Block 1

and Lot 1, Block 2, Terrell Market Center/Medical Plaza Addition, City of Terrell, Kaufman County, Texas.

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

THAT Ordinance No. 2585 (Planned Development 6R), be and is hereby amended by Ordinance No. 2636 by the inclusion of a new Exhibit G as delineated herein; on that certain 36.823 acre tract of land; ; being Lot 1, Block 1 and Lot 1, Block 2, Terrell Market Center/Medical Plaza Addition, 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

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

ARTICLE IV

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

PASSED AND APPROVED this the 21st day of April, 2015.

PASSED AND ADOPTED this the 5th day of May, 2015.

END CONSENT AGENDA

14. Discuss City Manager's Reports and Correspondence:

(a) Discuss dates for July Council Calendar.

Mike Sims, Assistant City Manager presented to Council for discussion and consideration dates for July Council Calendar.

15. 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