

## REGULAR CITY COUNCIL MEETING

September 18, 2012

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, September 18, 2012, 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 RICKY JORDAN**  
**COUNCILMEMBER #4 CHARLES WHITAKER**  
**COUNCILMEMBER #5 D.J. ORY**

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Councilmember Charles Whitaker, gave the opening prayer.

3. Discuss and Consider Approval of Special City Council Meeting and Workshop August 30, 2012, and Regular City Council Meeting Minutes of September 4, 2012.

Deputy Mayor Pro Tem D. J. Ory made a motion to approve Special City Council Meeting and Workshop August 30, 2012, and Regular City Council Meeting Minutes of September 4, 2012. Mayor Pro Tem seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

5. Discuss the Fly In 2012 and No. 1 British Flying Training School Museum.

Don Thurman, Former Councilmember, 1103 Griffith Avenue, and member of the #1 British Flying Training School Museum Board came before Council to thank them for their support of the Fly In held on Saturday, September 15, 2012. Mr. Thurman also recognized City Manager Torry Edwards, City Engineer Steve Rogers, Public Information Officer Rebecca Sullivan, the Entire Public Works Staff, Police and Fire for all of their assistance, and thank City for its financial support with Hotel Motel Funds. Mr. Thurman presented Mayor with wings for a successful take off and landing of the C47.

## PUBLIC HEARING

6. a) Conduct a Public Hearing and discuss a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP 25)

Terry Capehart, Municipal Development Director, gave opening comments regarding a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP 25). Mayor Hal Richards opened a Public Hearing to Receive Comments regarding a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP 25). Heather Keels spoke for approval of a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP 25). No one spoke against a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP 25). Mayor Hal Richards closed the Public Hearing.

- b) Consider approval of Ordinance No. 2551 – Granting Specific Use Permit No. 25 (SUP-25) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP 25)

Councilmember Charles Whitaker made a motion to approve Ordinance No. 2551 – Granting Specific Use Permit No. 25 (SUP-25) for a Permanent Makeup & Tattoo Studio on property located at 1202 E. Moore Ave, being Lot 3PT, Block 636, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP 25). Councilmember Tommy Spencer seconded the motion. Ayes - Councilmember Tommy Spencer, Councilmember Charles Whitaker and Mayor Pro Tem Ricky Jordan. Nays - D. J. Ory. Motion carried.

### ORDINANCE NO. 2551

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, GRANTING SPECIFIC USE PERMIT No. 25 (SUP-25) FOR TATTOO STUDIO ON PROPERTY LOCATED AT 1202 EAST MOORE AVENUE, BEING LOT 3PT, BLOCK 636, TERRELL REVISED ADDITION; CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

7. a) Conduct a Public Hearing and discuss a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Tattoo Parlor on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition; City of Terrell, Kaufman County, Texas. (SUP 26)

Terry Capehart, Municipal Development Director, gave opening comments regarding a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Tattoo Parlor on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition; City of Terrell, Kaufman County, Texas. (SUP 26). Mayor Hal Richards opened a Public Hearing to Receive Comments regarding a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Tattoo Parlor on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition; City of Terrell, Kaufman County, Texas. (SUP 26). No one spoke for or against a recommendation by the Planning and Zoning Commission regarding a request for a Specific Use Permit (SUP) for a Tattoo Parlor on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition; City of Terrell, Kaufman County, Texas. (SUP 26). Mayor Hal Richards closed the public hearing.

- b) Consider approval of Ordinance No. 2552 – Granting Specific Use Permit No. 26 (SUP-26) for a Tattoo Parlor on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition; City of Terrell, Kaufman County, Texas. (SUP 26)

Charles Whitaker made a motion to deny Ordinance No. 2552 – Granting Specific Use Permit No. 26 (SUP-26) for a Tattoo Parlor on property located at 724B East Moore Avenue, being Lot 2A & 2B, Block 126, Moore & Nash Addition; City of Terrell, Kaufman County, Texas. (SUP 26). Deputy Mayor Pro Tem D. J. Ory seconded the motion. Ayes - All. Nays - None. Motion carried.

## NEW BUSINESS

8. Discuss and Consider recommendation by the Planning and Zoning Commission and approval of a construction plat, being Lot A, Block 1, Longhorn Fabrication Addition; located at 3200 Airport Road; being all of that certain 18.382 tract or parcel of land out of the Ransom Sowell Survey, Abstract 443; and being a part of that called 376.634 acre tract as conveyed to the Terrell Economic Development Corporation from James Carter McCord as recorded in Volume 1657, Page 240, City of Terrell, Kaufman County, Texas. (PL-12-04)

Terry Capehart, Municipal Development Director, presented to Council for Discussion and Consideration recommendation by the Planning and Zoning Commission and approval of a construction plat, being Lot A, Block 1, Longhorn Fabrication Addition; located at 3200 Airport Road; being all of that certain 18.382 tract or parcel of land out of the Ransom Sowell Survey, Abstract 443; and being a part of that called 376.634 acre tract as conveyed to the Terrell Economic Development Corporation from James Carter McCord as recorded in Volume 1657, Page 240, City of Terrell, Kaufman County, Texas. (PL-12-04). Deputy Mayor Pro Tem D. J. Ory, made a motion to approve recommendation by the Planning and Zoning Commission and approval of a construction plat, being Lot A, Block 1, Longhorn Fabrication Addition; located at 3200 Airport Road; being all of that certain 18.382 tract or parcel of land out of the Ransom Sowell Survey,

Abstract 443; and being a part of that called 376.634 acre tract as conveyed to the Terrell Economic Development Corporation from James Carter McCord as recorded in Volume 1657, Page 240, City of Terrell, Kaufman County, Texas. (PL-12-04). Councilmember Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss and Consider recommendation by the Planning and Zoning Commission and approval of a replat of Lots 3A, 3B and 4, Block 143 of the Moore-Nash Addition into Lots 3R, 4R, 5R, 6R and 7R, Block 143 of the Moore-Nash Addition; generally located on Dellis Street between Brin and College Streets, being all of said tract as conveyed to James D. Flanagan, as recorded in Volume 1171, Page 220 and Volume 2959, Page 461, of the Deed Records of Kaufman County, City of Terrell, Kaufman County, Texas. (PL-12-05)

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration recommendation by the Planning and Zoning Commission and approval of a replat of Lots 3A, 3B and 4, Block 143 of the Moore-Nash Addition into Lots 3R, 4R, 5R, 6R and 7R, Block 143 of the Moore-Nash Addition; generally located on Dellis Street between Brin and College Streets, being all of said tract as conveyed to James D. Flanagan, as recorded in Volume 1171, Page 220 and Volume 2959, Page 461, of the Deed Records of Kaufman County, City of Terrell, Kaufman County, Texas. (PL-12-05). Deputy Mayor Pro Tem D. J. Ory made a motion to approve recommendation by the Planning and Zoning Commission and approval of a replat of Lots 3A, 3B and 4, Block 143 of the Moore-Nash Addition into Lots 3R, 4R, 5R, 6R and 7R, Block 143 of the Moore-Nash Addition; generally located on Dellis Street between Brin and College Streets, being all of said tract as conveyed to James D. Flanagan, as recorded in Volume 1171, Page 220 and Volume 2959, Page 461, of the Deed Records of Kaufman County, City of Terrell, Kaufman County, Texas. (PL-12-05). Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider the Sale of Surplus Miscellaneous City Equipment and Seized Vehicles.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration the Sale of Surplus Miscellaneous City Equipment and Seized Vehicles. Mayor Hal Richards made a motion to declare items salvage. Deputy Mayor Pro Tem D. J. Ory seconded the motion. Ayes - All. Nays - None. Motion carried.

Veh#	Year	Make	Model	VIN/Serial#	Mileage	Comments/Description	Title
12001	1995	Ford	Crown Vic	2FALP71W65X160351	114,528	Not wrecked, marked out of service by Police Dept	X
22001	1990	Chevrolet	2500	1GCGC2456LE213216	115,391	Not wrecked, to many miles, currently has second engine	X
22073	1973	Ford	Tractor	C6833327	92	PTO inoperable/motor runs fine	N/A
22096	1969	Load King	Platform Semi Trailer	691529	N/A	Sold in auction 8/3/2006, never was picked up	N/A
22121	1979	Layton	Spreader Box	H9438-B3	N/A	Not in use for years, hydraulic needs replaced	N/A
22126	N/A	Magnug	Concrete Saw 38SP20FS	511950323	231.5	Motor Damaged/Inoperable	N/A
22204	1990	Wood Industries	Kholer Air Compressor	64469	N/A	200 Gallon/Out dated compressor pump/inoperable	N/A
26009	1996	Kawasaki	Mule	JK1AFCC19VB504495	953	Not Running, wiring problem	N/A
32089	2003	Ford	Crown Vic	2FAFP71WX3X171934	88,641	Not wrecked, marked out of service by Police Dept	
32090	2001	Ford	Crown Vic	2FAFP71W24X136676	62,176	Considered Scrap, need to go over scale, totaled	X
32092	2004	Ford	Crown Vic	2FAFP71W04X136675	68,563	Considered Scrap, need to go over scale, totaled	X
32097	2005	Ford	Crown Vic	2FAFP71W25X135173	100,590	Not wrecked, marked out of service by Police Dept	X
32100	2006	Ford	Crown Vic	2FAFP71W16X126160	66,816	Considered Scrap, need to go over scale, totaled	X
32101	2006	Ford	Crown Vic	2FAFP71W56X126159	96,538	Not wrecked, marked out of service by Police Dept	X
32108	2007	Dodge	Charger	2BKA43H67H769978	56,265	Car Running, Minor Maintenance Needed	X
32123	N/A	John Deere	GX95 12.5hp	N/A		Not Running	N/A
35001	1992	Chevrolet	Lumina	2G1WL54TON9168312	43,695	Not wrecked, marked out of service by Admin	X
51000	1995	GMC	1500	1GTEC14H3S523532	111,892	Not wrecked, to many miles, old truck, need paint job	X
51026	1994	Honda	CD4546 Mower	MCAT2003758	1,690.3	Missing mower deck/motor damaged	N/A
52031	1994	CAT	Backhoe	8ZK01402	11587	Valve block damaged/inoperable	X
25009	N/A	Snapper	Hydro Mower 42" Cut	N/A	N/A	Motor seized/inoperable	N/A

Veh#	Year	Make	Model	VIN/Serial#	Mileage	Comments/Description	Title
1	1985	Oldsmobile	Cutlis	1G3GM47YXFR390275	86,797	Running when seized, Sky Blue & White	X
2	1987	Chev	Caprice	1G1BNS1H4HX101436	82,596	Running when seized, Maroon	X
3	1988	Oldsmobile	Delta	1G3HY54C7JW306012	86,797	Running when seized, Brown	X
4	1990	Ford	Aerostar	1FMCA11U7LZA71497	12,651	Damaged/Wrecked/Abandoned, Hunter Green	Abandoned
5	1991	MITTS	Colt	JP3CU14A8MU004791	111,783	Running when seized, Red	X
6	1992	Nissan	Maxima	JN1EJ01F0NT113199	212,510	Running when seized, White	X
7	1995	Jeep	Cherokee	1J4GZ78S7SC713511	257,726	Damaged/Wrecked/Abandoned, Green	Abandoned
8	1995	Jeep	Cherokee	1J4GZ58S9SC597961	173,487	Abandoned, Gray	Abandoned
9	1996	Ford	Truck	1FTEX15N3TKA28671	211,297	Running when seized, Brown	X
10	1997	Lincoln	Town Car	1LNLM81W3VY702630	179,976	Running when seized, White	X
11	1999	Ford	Explorer	1FMZU32X3XZB51195	34,586	Abandoned, Green	Abandoned
12	1999	Oldsmobile	Alero	1G3NL12E8XC353137		Running when seized, Black	X
13	1999	Chev	Cavalier	1G1JF5249X7132216	169,032	Running when seized, White	X
14	2000	Mazda	Truck	4F4YR16V7YTM31339	84,797	Abandoned, Green	Abandoned
15	2001	Ford	Crown Vic	2FAFP71W11X184794	169,610	Running when seized, Black	X
16	2002	MITTS	Lancer	JA3AJ26E82U037694	106,052	Actual mileage when seized, was running when seized, Silver	X
17	2003	Harley Davidson	Motor Cycle	1HD1BXB183Y087728	11,812	Running when seized, Black	X
18	2003	Ford	Crown Vic	2FAFP71W13X190291	139,271	Running when seized, Silver	X
32110	2004	Chrysler	Pacifica	2C4GM68414R627573	64,041	Running when seized, Blue	X
19	2005	CM	Trailer	49TCB081X51073581	N/A	White	Seized

11. Discuss and Consider Agreement with Schaumburg & Polk, Inc. for Engineering Services.

Steve Rogers, City Engineer, and Jeremy Buechter, Representing Schaumburg & Polk, Inc., Presented to Council for Discussion and Consideration Agreement with Schaumburg & Polk, Inc. for Engineering Services. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City Manager to execute Agreement with Schaumburg & Polk, Inc. for Engineering Services in the amount not to exceed \$123,000.00. Mayor Pro Tem Ricky Jordan seconded the motion. Ayes - All. Nays - All. Motion carried.

### **CONSENT AGENDA**

Deputy Mayor Pro Tem D. J. Ory, made a motion to adopt on CONSENT AGENDA Ordinance No. 2550 on second reading. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

12. Discuss and Consider on Second Reading Approval of Ordinance 2550; Restricting truck traffic on Northbound Metrocrest Way.

### **ORDINANCE NO. 2550**

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY TEXAS AMENDING CHAPTER 11, TRAFFIC REGULATIONS BY ADDING SECTION 57, TRUCK RESTRICTION ON NORTHBOUND METROCREST WAY BETWEEN APACHE TRAIL AND U.S. HIGHWAY 80; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY AND PROVIDING AN EFFECTIVE DATE.**

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

### **ARTICLE I.**

That Chapter 11, Traffic Regulations, shall be amended by the addition of Section 57, Truck Restriction on Northbound Metrocrest Way between Apache Trail and U.S. Highway 80 as follows to-wit:

### **SECTION 57: TRUCK RESTRICTION ON NORTHBOUND METROCREST WAY BETWEEN APACHE TRAIL AND U.S. HIGHWAY 80**

A. Due to the potential hazards involved, all trucks traveling upon or otherwise traversing northbound on Metrocrest Way between Apache Trail and U.S. Highway 80 with an overall length greater than fifty feet (50') are hereby restricted as follows:

1. It shall be unlawful for any truck with an overall length greater than fifty feet (50') to travel upon or otherwise traverse northbound on Metrocrest Way between Apache Trail and U.S. Highway 80. A drawing showing the area in question is attached to this Ordinance as Exhibit "A" and made a part hereof for all purposes.

2. To provide proper notice and warning of the above restriction, two appropriate signs of the type and dimensions indicated shall be placed and located as follows:
    - a. Sign #1, a copy of which is attached hereto as Exhibit “B” and made a part hereof for all purposes, shall be placed in the location shown in Exhibit “A” to restrict any truck with an overall length greater than fifty feet (50') from continuing northbound Metrocrest Way.
    - b. Sign #2, a copy of which is attached hereto as Exhibit “C” and made a part hereof for all purposes, shall be placed facing east in the location shown in Exhibit “A” to restrict any truck with an overall length greater than fifty feet (50') from turning right onto northbound Metrocrest Way.
- B. Penalty. A person who violates the provisions of subsection A. 1. above shall be guilty of a class C misdemeanor and, upon conviction, shall be assessed a fine not to exceed \$2,000.00.

## **ARTICLE II.**

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

## **ARTICLE III.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section 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 and be in full force from and after 30 days of its adoption date and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED THIS the 4th day of September, 2012.  
PASSED AND ADOPTED THIS the 18th day of September, 2012.

## **END OF CONSENT AGENDA**

13. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the Following:
  - (a) Section 551.071 - Consultation with Attorney.

Council adjourned into Executive Session.

14. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

This item was passed by Council.

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**