

## REGULAR CITY COUNCIL MEETING

October 7, 2014

7:00 P.M.

**A Regular City Council Meeting was held on Tuesday, October 7, 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 D.J. Ory gave the opening prayer.

**3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of September 11, 2014, and Regular City Council Meeting of September 16, 2014.**

Mayor Pro Tem D.J. Ory made a motion to approve Meeting Minutes of Special City Council Meeting of September 11, 2014 and Regular City Council of September 16, 2014. Councilmember Sandra Wilson seconded the motion. Ayes - Mayor Pro Tem D.J. Ory, Councilmember Sandra Wilson, and Mayor Hal Richards. Not available for vote Deputy Mayor Pro Tem Charles Whitaker and Councilmember Tommy Spencer . Naves - 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.*

Don Thurman came before Council to thank them for a successful Fly In..

## PUBLIC HEARING

- 7.a.) Conduct a Public Hearing to receive comments regarding repealing Ordinance No. 2526 in its entirety and adopting new Comprehensive Zoning Ordinance No. 2612.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request repealing Ordinance No. 2526 in its entirety and adopting new Comprehensive Zoning Ordinance No. 2612. Mayor Hal Richards opened the public hearing.

Citizens who spoke in opposition of a Bed and Breakfast:

Greg Helm, 604 Griffith  
Bob and Mrs. Neilson, 611 Griffith  
Dr. and Mrs. Wilson, 511 Third Street  
Pam Hawthorne, 701 First Street  
LeeAnn Hutchinson, 6 Haynes Circle

Citizens who spoke in favor of a Bed and Breakfast:

Stacey Browning, 121 Lexington  
Tom Aldinger, 505 Griffith

Mayor Hal Richards closed the public hearing.

- b.) Discuss and Consider repealing Ordinance No. 2526 in its entirety and approving new Comprehensive Zoning Ordinance No. 2612.

Mayor Pro Tem D.J. Ory made a motion to approve repealing Ordinance No. 2526 in its entirety and approving new Comprehensive Zoning Ordinance No. 2612 on First Reading. Councilmember Tommy Spencer seconded the motion. Ayes - Councilmember Tommy Spencer, Mayor Pro Tem D.J. Ory, Mayor Hal Richards. Naves - Councilmember Sandra Wilson. Not Available for vote Deputy Mayor Pro Tem Charles Whitaker. Motion carried.

- 5.a.) Conduct a Public Hearing to receive comments regarding a request for a zoning change 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.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request. for a zoning change 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. Mayor Hal Richards opened the public hearing.

Citizens who spoke in favor of the zoning change.

Paul Mack, 203 Vine  
Odell Brown, Property Owner

No one spoke in opposition of the zoning change.

Mayor Hal Richards closed the public hearing.

- b.) Discuss and Consider a recommendation by the Planning and Zoning Commission regarding approval 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.

Mayor Pro Tem D.J. Ory made a motion to approve recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2615 on First Reading 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. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None

- 6.a.) Conduct a Public Hearing to receive comments regarding a request for a zoning change 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.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request. for a zoning change 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. Mayor Hal Richards opened the public hearing.

Dave Blassingame, Owner Rep spoke in favor of the zoning change.

No one spoke in opposition of the zoning change.

Mayor Hal Richards closed the public hearing.

- b.) Discuss and Consider a recommendation by the Planning and Zoning Commission

regarding approval 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.

Mayor Pro Tem D.J. Ory made a motion to approve recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2616 on First Reading 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. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None

### **NEW BUSINESS**

8. Discuss and Consider the selection of comparison cities for the Comprehensive Salary and Benefits Study.

Carol Holland, Human Resources Director presented to Council for discussion and consideration the selection of comparison cities for the Comprehensive Classification Compensation and Benefits Study to Council. Mayor Pro Tem DJ Ory made a motion to approve Ray & Associates to conduct the Comparable City Study for the following cities: Ennis, Greenville, Lancaster, Mesquite, Weatherford, Rockwall, Waxahachie, Rowlett, Midlothian, Corinth, NTMWD, and NCTCOG.. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays None .

9. Discuss and Consider Market level participation of the Comprehensive Salary and Benefits Study for calendar year 2015.

Carol Holland, Human Resources Director presented to Council for discussion and consideration Market level participation of the Comprehensive Salary and Benefits Study for calendar year 2015. After debating this item, Council decided not to take action on this item until they have additional information from the study.

10. Discuss and Consider Hotel/Motel Occupancy Tax Fund Allocations for Fiscal Year 2014-2015.

John Rounsavall, City Secretary presented to Council for discussion and consideration Hotel/Motel Occupancy Tax Fund Allocations for Fiscal Year 2014-2015. Council debated the allocation of \$375,000. Council by consensus agreed to allocate the entire budget. Mayor Hal Richards made a motion to authorize City Secretary John Rounsavall to allocate Hotel/Motel Occupancy Tax funds based on percentages discussed by Council and reallocate any additional funds based on remaining percentages. Mayor Pro Tem D.J. Ory seconded the motion. Ayes - All Nays - None

11. Discuss and Consider Oncor Distribution Line Relocation Adjacent to the Spur 557 Frontage Road Project.

Mike Sims, Assistant City Manager, presented to council for discussion and consideration Oncor Transmission Line Relocation over the Spur 557 Frontage Road Project. Mayor Pro Tem DJ Ory made a motion to authorize the City Manager to execute agreement with Oncor Distribution for Line Relocation Adjacent to the Spur 557 Frontage Road Project. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None

12. Discuss and Consider Tax Increment Financing Reinvestment Zone No. 1 Bylaws.

Mike Sims, Assistant City Manager, presented to council for discussion and consideration Tax Increment Financing Reinvestment Zone No. 1 Bylaws. Mayor Pro Tem D.J. Ory made a motion to approve Tax Increment Financing Reinvestment Zone No. 1 Bylaws. Councilmember Tommy Spencer seconded the motion. Ayes - All. Nays - none

13. Discuss and Consider Power Center Board Bylaws.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Power Center Board Bylaws. Mayor Pro Tem D.J. Ory made a motion to approve Power Center Board Bylaws. Councilmember Sandra Wilson seconded the motion. Ayes - All Nays - None

14. Discuss And Consider 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.

Greg Shumpert, Assistant City Attorney presented to Council for discussion and consideration 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. Mayor Pro Tem D.J. Ory made a motion to approve Ordinance No. 2611 on First Reading 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. Councilmember Tommy Spencer seconded the motion. Ayes - All. Nays - None.

15. Discuss and Consider 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.

John Rounsavall, City Secretary, presented to Council for discussion and consideration

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. Councilmember Sandra Wilson made a motion to approve Ordinance No. 2613 on First Reading 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. Mayor Pro Tem D.J. Ory seconded the motion. Ayes - All. Nays None

16. 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. Councilmember Sandra Wilson made a motion to table 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.O. Ory seconded the motion. Ayes - All. Nays - None.

17. Discuss and consider the adoption of Resolution 776 modifying the Central Business District Facade Improvement Program within the City of Terrell.

Municipal Development Director, Terry Capehart, presented to Council for discussion and consideration the adoption of Resolution 776 modifying the Central Business District Facade Improvement Program within the City of Terrell. Councilmember Sandra Wilson made a motion to approve Resolution 776 modifying the Central Business District Facade Improvement Program within the City of Terrell. Mayor Pro Tem D.J. Ory seconded the motion. . Ayes – All. Nays - None.

18. Discuss and Consider appointment to Terrell Civil Service Commission.

Carol Holland, Human Resources Director recommended the appointment of Nelson Jackson to Terrell Civil Service Commission replacing Cliff Taylor. Deputy Mayor Pro Tem Charles Whitaker made a motion to appoint Nelson Jackson to replace Cliff Taylor on the Terrell Civil Service Commission. Councilmember Sandra Wilson seconded the motion. Ayes – All. Nays - None.

**CONSENT AGENDA**

Mayor Pro Tem D.J. Ory made a motion on consent agenda to adopt on Second Reading Ordinance No. 2470. Councilmember Sandra Wilson seconded the motion.. Ayes – All; Naves None.

19. Discuss and Consider on Second Reading Approval of Ordinance 2470; An Ordinance of the City of Terrell, Texas, changing the zoning from Retail (R) to Multi-family-22 (MF-22) on a certain tract of land, described as Lots 1, 4A and 4B, Block 38, of the Terrell Original Addition, City of Terrell, Kaufman County, Texas; providing for the repeal of conflicting ordinances; providing for severability; and providing an effective date.

### **Ordinance No. 2470**

**An Ordinance of the City of Terrell, Texas, changing the zoning from Retail (R) to Multi-family-22 (MF-22) on a certain tract of land, described as lots 1, 4A and 4B, Block 38, of the Terrell Original 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 October 25, 2010 on a request to change the zoning from Retail (R) to Multi-family (MF-22) on all of a certain tract of land, described as Lots 1, 4A and 4B, Block 38, of the Terrell Original Addition, generally located on S. Adelaide Street between Newton and Dallas Streets, City of Terrell, Kaufman County, Texas.; and

**Whereas**, the City Council of the City of Terrell, Texas held a public hearing on November 16, 2010 and has determined that it would be in the best interest of the citizens of Terrell to change the zoning from Retail (R) to Multi-family (MF-22), 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 Retail (R) to Multi-family (MF-22) on all of a certain tract of land, described as Lots 1, 4A and 4B, Block 38, of the Terrell Original 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**

That operation will be in conformance with requirements of the zoning ordinance. In addition, the official Zoning Map of the City of Terrell, Texas shall be annotated to show the change in zoning status from Retail (R) to Multi-family (MF-22), thereon.

#### **Article IV**

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

#### **Article V**

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

**Passed and approved** this the 16th day of November, 2010.

**Passed and adopted** this the 7th day of October, 2014.

#### **END OF CONSENT AGENDA**

20. Adjourn.

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

**Approved:**

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**Hal Richards, Mayor**

**Attest:**

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**John Rounsavall, City Secretary**