

REGULAR CITY COUNCIL MEETING

August 4, 2015

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, August 4, 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 - ABSENT (Excused)**

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 the Special City Council Meeting and Workshop of July 7, 2015, and the Regular City Council Meeting of July 7, 2015.

Councilmember Sandra Wilson, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of July 7, 2015 and Regular City Council Meeting of July 7, 2015. Deputy Mayor Pro Tem Charles Whitaker, seconded the motion. Ayes - All. Nays - 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.

Mr. Bruce Bryant, 205 W. Alamo, Terrell, Texas 75160, spoke to Council about his support for a non-tethering Ordinance and his dislike of the 3 pet per household limit. Mr. Bryant also expressed his support for more law enforcement.

5. Discuss and Consider Selection of Mayor Pro Tem and Deputy Mayor Pro Tem.

Mayor Hal Richards appointed Councilmember Charles Whitaker as Mayor Pro Tem and Councilmember Tommy Spencer as Deputy Mayor Pro Tem. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

6. Discuss and Consider Ordinance No. 2641 an Ordinance of the City Council of The City Of Terrell, Texas, Amending Section 17-1; Adoption of Act; of Ordinance No. 2478 of The City of Terrell Code of Ordinances Amending The Section Number of The Municipal Drainage Utility Systems Act To Section 552.041, Subchapter C of The Texas Local Government Code.

Greg Shumpert, Assistant City Attorney, presented to Council for discussion and consideration Ordinance No. 2641 an Ordinance of the City Council of The City Of Terrell, Texas, Amending Section 17-1; Adoption of Act; of Ordinance No. 2478 of The City of Terrell Code of Ordinances Amending The Section Number of The Municipal Drainage Utility Systems Act To Section 552.041, Subchapter C of The Texas Local Government Code. Councilmember Sandra Wilson made a motion to approve Ordinance No. 2641 on First Reading an Ordinance of the City Council of The City Of Terrell, Texas, Amending Section 17-1; Adoption of Act; of Ordinance No. 2478 of The City of Terrell Code of Ordinances Amending The Section Number of The Municipal Drainage Utility Systems Act To Section 552.041, Subchapter C of The Texas Local Government Code. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

7. Discuss and Consider Work Authorization 1A Program Management Amendment (Traffic Signals).

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Work Authorization 1A Program Management Amendment (Traffic Signals). Councilmember Sandra Wilson made a motion to authorize the Assistant City Manager to execute a work authorization in an amount not to exceed \$30,000.00. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

8. Discuss and Consider recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the new Terrell Police Station; being all of a certain called 7.072 acre tract of land, described as Lot 1, Block A, Terrell Police Station Addition; located at 1100 State Highway 34 N.; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the new Terrell Police Station; being all of a certain called 7.072 acre tract of land, described as Lot 1, Block A, Terrell Police Station Addition; located at 1100 State Highway 34 N.; City of Terrell, Kaufman County, Texas. Councilmember Sandra Wilson made a motion to approve a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the new Terrell Police Station; being all of a certain called 7.072 acre tract of land, described as Lot 1, Block A, Terrell Police Station Addition; located at 1100 State Highway 34 N.; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

- 9. Discuss and Consider a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the Crossroads at Terrell Phase 1-A; being all of a certain called 13.854 acre tract of land; described as Lot 1, Block 1; Lot 1 Block 2; and Lot 1, Block 3; Crossroads at Terrell Phase 1-A Addition; located west of F. M. 148 between Spur 557 and I-20; City of Terrell, Kaufman County, Texas.**

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the Crossroads at Terrell Phase 1-A; being all of a certain called 13.854 acre tract of land; described as Lot 1, Block 1; Lot 1 Block 2; and Lot 1, Block 3; Crossroads at Terrell Phase 1-A Addition; located west of F. M. 148 between Spur 557 and I-20; City of Terrell, Kaufman County, Texas. Councilmember Sandra Wilson made a motion to approve a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the Crossroads at Terrell Phase 1-A; being all of a certain called 13.854 acre tract of land; described as Lot 1, Block 1; Lot 1 Block 2; and Lot 1, Block 3; Crossroads at Terrell Phase 1-A Addition; located west of F. M. 148 between Spur 557 and I-20; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nayses - None.

- 10. Discuss and Consider a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the Steelway International Manufacturing Facility; being all of a certain called 12.379 acre tract of land, described as Lot 1, Block A, Steelway International Addition; located at 2996 Temtex Blvd.; City of Terrell, Kaufman County, Texas.**

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the Steelway International Manufacturing Facility; being all of a certain called 12.379 acre tract of land, described as Lot 1, Block A, Steelway International Addition; located at 2996 Temtex Blvd.; City of Terrell, Kaufman County, Texas. Councilmember Sandra Wilson made a motion to approve a recommendation by the Planning and Zoning Commission and consider approval of a construction plat for the Steelway International Manufacturing Facility; being all of a certain called 12.379 acre tract of land, described as Lot 1, Block A, Steelway International Addition; located at 2996 Temtex Blvd.; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nayses - None.

- 11. Discuss and Consider approval of the terms of the Texas Preservation Trust Fund (TPTF) Grant Funding Agreement Contract for the Carnegie Library Museum TPTF Project #15-013-D-0 and authorize the Mayor to execute the contract.**

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration approval of the terms of the Texas Preservation Trust Fund (TPTF) Grant Funding Agreement Contract for the Carnegie Library Museum TPTF Project #15-013-D-0 and authorize the Mayor to execute the contract. Councilmember Sandra Wilson made a motion to authorize the Mayor to execute the contract the terms of the Texas Preservation Trust Fund (TPTF) Grant Funding Agreement Contract for the

Carnegie Library Museum TPTF Project #15-013-D-0. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

12. Discuss and Consider Surplus Equipment.

Glenn Caldwell, Public Services Director presented to Council for discussion and consideration Surplus Equipment. Councilmember Sandra Wilson made a motion to move forward with the auction. Mayor Pro Tem Charles Whitaker 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. 2639. Mayor Pro Tem Charles Whitaker seconded the motion. Council did not vote.

13. Discuss and Consider on Second Reading Adoption of Ordinance No. 2639 An Ordinance Of The City Of Terrell, Texas, Amending Ordinance No. 2302 - Parking In Residential Areas And Chapter 11, Section 11-42 (I)(1) And (2) Of The City Of Terrell Code Of Ordinances; Providing For Repeal Of Conflicting Ordinances; Providing For A Penalty; Providing A Severability Clause; And Providing An Effective Date.

ORDINANCE NO. 2639

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2302 - PARKING IN RESIDENTIAL AREAS AND CHAPTER 11, SECTION 11-42 (i)(1) AND (2) OF THE CITY OF TERRELL CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Terrell finds that parking of heavy or commercial vehicles in residential neighborhoods is detrimental to the quiet enjoyment and safety of the residents; and

WHEREAS, parking of vehicles in general on unimproved surfaces anywhere on the premises in residential neighborhoods attracts and harbors vermin, reptiles and other pests and is detrimental property values and the health, safety and welfare of the public.

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

ARTICLE I.

That Chapter 11, Section 42, Parking in Residential Areas of the City of Terrell Code of Ordinances is hereby amended and shall read as follows, in all other respect, said Code to remain in full force and effect:

PARKING IN RESIDENTIAL AREAS

A. *Parking in Residential Areas.*

- 1.) *Definitions.* Vehicle Parking Code and shall be hereinafter referred to in this article as the "code."
2. *Purpose.* The purpose of this code is to provide minimum standards to protect the health, safety, morals, and welfare of the citizens of the City of Terrell by establishing regulations applicable to the parking of vehicles in residential districts within the city.
3. *Compliance.* This code is found to be remedial and essential to the public interest, and it is intended that this code be liberally construed to effect its purpose. All existing vehicles as defined herein parking in residential districts within the City on the effective date of this code, or brought into the city thereafter, must comply with the provisions of this Code.
4. *Scope.* This code shall apply to all residential zoning districts, residential streets, alleys, land, properties, structures, and premises within the City, including all vacant, occupied, improved or unimproved land.
5. *Other Ordinances.* If any other ordinances or codes of the City conflict with this code and the standards or regulations established herein, the higher or stricter standard or regulation shall prevail.

B. Definitions

The following definitions shall apply in the interpretation and enforcement of this code. When terms are not defined in this code, they shall have their ordinary accepted meanings within context with which they are used.

1. ***Commercial or heavy vehicle*** shall mean any truck-tractor, road tractor, semi-truck trailer or combination thereof, box truck, bobtail, flatbed, or any commercial vehicle utilized for hauling goods or materials, bus, or any vehicle with a rated capacity of two and one-half tons (2.5) or more according to the manufacturer's classification.
2. ***Enforcement authority*** means the code enforcement supervisor or his designee.
3. ***Heavy Equipment*** shall mean any heavy-duty vehicle, specially designed for executing construction or farming tasks, most frequently ones involving earthwork operations. They are also known as tractors, excavators, graders, cranes, lift equipment, back hoes, front-end loaders, bull dozers, trenchers, heavy machines, heavy trucks, construction equipment, engineering equipment, heavy vehicles, etc., including any implements or attachments thereto.

4. **Heavy Trailer** shall mean any trailer over sixteen (16) feet in length, open or enclosed, goose-neck or fifth wheel hitch, or ball hitch over two (2) inches in diameter or has more than two axles.
5. **Improved surface** shall mean concrete, asphalt paving, crushed rock or masonry pavers.
6. **Nuisance.** The following shall be defined as nuisances under this code:
 - a. Any commercial, heavy vehicle, or heavy trailer as defined above parked or stored in a residential district except for bona fide business or construction activities.
 - b. Free standing shipping containers shall not be used for storage or accessory structures in any residential district.
 - c. Any attractive nuisance which may prove hazardous to children whether on a public residential street or on a private residential lot or premises or upon an unoccupied vacant lot which is caused by the presence of any commercial or heavy vehicle or heavy trailer even if parked for a legitimate purpose if left unattended or unsecured from entry.
 - d. Any vehicle regardless of type or purpose including passenger, recreational, trailers, etc. parked on an unimproved or unsuitable surface anywhere on a residential lot or premises including front, side, or rear yards or on vacant lots without structures.
7. **Owner** means a person claiming, or in whom invested, the ownership, dominion, or title of real property, including but not limited to:
 - a. Holder of fee simple title;
 - b. The holder of a life estate;
 - c. The holder of a leasehold estate for an initial term of five years or more;
 - d. The buyer in possession, or having right of possession under a contract for deed;
 - e. The mortgagee, receiver, executor, or trustee in possession or control or having the right of possession or control of real property; but not including the holder of a leasehold estate or tenancy for initial term of less than five years; and
 - f. In the case of a cooperation or partnership, "owner" includes an officer, partner, or manager of the entity.
8. **Person** means any individual, guest, invitee, contractor, corporation, organization, partnership, association, or any other legal entity.
9. **Premises** means a lot, plot or parcel of land including the buildings, structures, or open space thereon.
10. **Property** means a lot, plot, or parcel of land, including any structures on the land.

11. ***Shipping container*** means a steel container typically used for shipping goods and materials through various modes of transportation which can be removed from a trailer or other vehicle and stored independently of the transportation mode which are often re-purposed as stationary storage buildings.
12. ***Suitably paved surface*** shall mean an improved surface built to minimum standards as specified herein.
13. ***Tenant*** means any person or their agent who occupies a structure or property.
14. ***Unauthorized*** means without the permission of the owner or the person in control of the property, whether public or private.

C. Enforcement

1. The enforcement authority for this code shall be the code enforcement supervisor or his designee.
2. The enforcement authority is authorized at reasonable times to inspect:
 - a. Premises which contain no structure; and
 - b. The exterior of a structure and premises which contain a structure, provided, however, if such structure is occupied, the enforcement authority shall first present proper credentials and request entry on the premises;
 - c. The rear yard of a residential property, if the permission of the owner, occupant, or person in control is given.
3. The enforcement authority shall have the power to obtain search warrants allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe condition caused by vehicle parking on an unimproved or unsuitable surface.

D. Violations

1. It shall be unlawful for any owner, tenant, guest or invitee, person, firm or corporation to park any commercial or heavy vehicle or trailer, or cause or permit the same to be done in violation of this code.
2. It shall be unlawful for any owner, tenant, guest or invitee, person, firm or corporation to park or store a vehicle or piece of equipment of any type on an unimproved or unsuitable surface on any residential property.
3. It shall be unlawful for any owner, tenant, guest or invitee, person, firm or corporation to place, park or locate a shipping container on any residential property or to utilize same for storage or as an accessory building except when a shipping container is temporarily (not to exceed 7 days) placed on the property for the loading and transportation of personal property or effects to an offsite commercial storage facility.

E. Minimum standards; improved or suitably paved surface

1. *Concrete.* Minimum construction standards for a residential parking space or surface shall be four (4) inches of concrete with #3 rebar on 18 inch centers.
2. *Asphalt.* Minimum construction standards for a residential parking space or surface shall be four (4) inches of compacted base with two (2) inches of rolled asphalt.
3. *Concrete pavers.* Concrete pavers a minimum thickness of three and one-half inches (2-1/2) and at least sixteen (16) inches square shall be allowed as a suitable paving surface for parking of vehicles on the side and rear yards only. No pavers shall be allowed to be substituted for the required driveway or required primary parking spaces.
4. *Crushed rock.* Crushed rock shall only be allowed on residential lots which have pre-existing rock driveways or parking areas. No new parking areas shall be created using crushed rock.
5. *Grading and drainage.* No parking space or surface shall cause filling, excavation or other improvement to be performed or constructed on any property which will have an adverse effect on an existing drainage pattern on an adjacent property.

ARTICLE II

A. Severability

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, for or effect of any section or sections or part of a section or paragraph of this Ordinance.

B. Penalties

It shall be unlawful for any owner, tenant, person, guest, invitee, contractor, corporation or other entity to park or allow to be parked any private or commercial vehicle, heavy vehicle or heavy trailer in violation of this Ordinance, and anyone found guilty of such an offense shall be punished by a fine not to exceed \$500.00 and each and every day's violation shall constitute a separate and distinct offense.

C. Effective date

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

PASSED on the first reading on the 7th day of July, 2015.

ADOPTED on the second reading on the ____ day of _____, _____.

END CONSENT AGENDA

- 14. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to discuss the following:**
- a. Section 571.071 - Consultation with Attorney - Pending or Contemplated Litigation.**
 - b. Section 551.072 - Deliberations About Real Property.**
 - c. Section 551.087 - Deliberation Regarding Economic Development.**

Council passed this item.

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

Council passed this item.

- 16. 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