

REGULAR CITY COUNCIL MEETING

July 7, 2015

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, July 7, 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.

Council Passed this item.

3. Recognition of Junior Guards and Lifeguards - 2015 North Texas Guard Games.

Mayor Hal Richards, recognized the Junior Guards and Lifeguard - 2015 North Texas Guard Games.

4. Discuss and Consider approval of meeting minutes of the Special City Council Meeting and Workshop of June 11, 2015, the Regular City Council Meeting of June 16, 2015.

Councilmember Sandra Wilson, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of June 11, 2015 and Regular City Council Meeting of June 16, 2015. Mayor Pro Tem D.J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

5. 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.

PUBLIC HEARING

6.a. Conduct a Public Hearing to receive comments regarding a request for a Specific Use Permit (SUP-31) for a Funeral Home on property located at 642 N. Rockwall Street, being Lots A-C, Block 312, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP-31).

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a Specific Use Permit (SUP-31) for a Funeral Home on property located at 642 N. Rockwall Street, being Lots A-C, Block 312, Terrell Revised Addition; City of Terrell, Kaufman County, Texas. (SUP-31). Mayor Hal Richards opened the public hearing.

No one spoke in opposition of the Funeral Home.

Citizens who spoke in favor of the Funeral Home:

Max Slayton, 14751 FM 752, Terrell, Texas

Mayor Hal Richards closed the public hearing.

6.b. Discuss and Consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2640; An Ordinance Of The City Council Of The City Of Terrell, Texas, Granting Specific Use Permit No. 31 (Sup-31) For A Funeral Home On Property Located At 642 N. Rockwall Street, Being Described As Lots A, B And C, Block 312, Terrell Revised Addition, City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

Deputy Mayor Pro Tem Charles Whitaker made a motion to approve a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2640 on First Reading; An Ordinance Of The City Council Of The City Of Terrell, Texas, Granting Specific Use Permit No. 31 (Sup-31) For A Funeral Home On Property Located At 642 N. Rockwall Street, Being Described As Lots A, B And C, Block 312, Terrell Revised Addition, City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Ayes - All. Nays - None.

NEW BUSINESS

7. Discuss and Consider CareFlite Emergency Medical Services Contract.

Jim Harper, Fire Chief, presented to Council for discussion and consideration CareFlite Emergency Medical Services Contract. Mayor Pro Tem D.J. Ory made a motion to authorize Mayor Hal Richards to execute and agreement with CareFlite Emergency Medical Services Contract. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

8. Discuss and Consider Approval 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.

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration Approval 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. Councilmember Sandra Wilson made a motion to approve 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. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

9. Discuss and Consider Award of Bid to Construct Sanitary Sewer Mains in West Grove Street from Rockwall Avenue to Southwestern Christian College.

Mike Mikeska, Assistant City Engineer, presented to Council for discussion and consideration Award of Bid to Construct Sanitary Sewer Mains in West Grove Street from Rockwall Avenue to Southwestern Christian College. Mayor Pro Tem D.J. Ory made a motion to award bid to A&M Construction and Utilities, Inc. in the amount of \$297,956.00 to construct Sanitary Sewer Mains in West Grove Street from Rockwall Avenue to Southwestern Christian College. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

10. Discuss and Consider Awarding Bid for Project No. 15-03 Street Program Preventive Maintenance.

Steve Roger, City Engineer and Frank Stephens representing Schaumburg and Polk, presented to Council for discussion and consideration Awarding Bid for Project No. 15-03 Street Program Preventive Maintenance. Councilmember Sandra Wilson made a motion to authorize the City Manager to execute an agreement with L.F. Miller in the amount of \$145,250.00. Mayor Pro Tem D.J. Ory seconded the motion. Ayes - All. Nays - None.

11. Discuss and Consider Madix Phase 2 Project.

Danny Booth, President, Terrell Economic Development Corporation presented to Council for discussion and consideration Madix Phase 2 Project Mayor Pro Tem D.J. Ory made a motion to approve Madix 2 Project. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

12. Discuss and Consider Workforce Grant for Welding Project.

Danny Booth, President, Terrell Economic Development Corporation presented to Council for discussion and consideration Workforce Grant for Welding Project. Mayor Pro Tem D.J. Ory made a motion to approve Workforce Grant for Welding Project. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

13. Discuss and Consider Park Board Appointment.

Mayor Pro Tem D.J. Ory made a motion to appoint Tim Royse to the Park Board replacing Ron Wesson whose term has expired. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

14. Discuss Work Authorization 1A Program Management Amendment (Traffic Signals).

Mike Sims, Assistant City Manager, Bruce Knipp and Ash Brown, representing Raba Kistner, presented to Council Work Authorization 1A Program Management Amendment (Traffic Signals).

15. Discuss and Consider Work Authorization 17A Construction Management Amendment (Traffic Signals).

Mike Sims, Assistant City Manager, Bruce Knipp and Ash Brown, representing Raba Kistner, presented to Council Work Authorization 17A Construction Management Amendment (Traffic Signals). Mayor Pro Tem D.J. Ory made a motion to authorize the City Manager to execute Work Authorization 17A Construction Management Amendment (Traffic Signals).. 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. 2638. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

16. **Discuss and Consider on Second Reading Adoption of Ordinance No. 2638; An Ordinance Of The City Of Terrell, Texas, Amending Chapter 8: Offenses And Nuisances Of The City Of Terrell Code Of Ordinances By The Addition Of Section 8-20: Regulation Of Slaughterhouses, Slaughter Pens, Hide Houses, Rendering Establishments And Concentrated Animal Feeding Operations In The Extraterritorial Jurisdiction Of The City Of Terrell, Texas; Defining Proscribed Uses; Defining Nuisances And Defenses; Providing For Criminal And Civil Penalties; Providing For Injunctive Relief; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.**

ORDINANCE NO. 2638

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 8: OFFENSES AND NUISANCES OF THE CITY OF TERRELL CODE OF ORDINANCES BY THE ADDITION OF SECTION 8-20: REGULATION OF SLAUGHTERHOUSES, SLAUGHTER PENS, HIDE HOUSES, RENDERING ESTABLISHMENTS AND CONCENTRATED ANIMAL FEEDING OPERATIONS IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TERRELL, TEXAS; DEFINING PROSCRIBED USES; DEFINING NUISANCES AND DEFENSES; PROVIDING FOR CRIMINAL AND CIVIL PENALTIES; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, slaughterhouses, slaughter pens, hide houses, rendering establishments and concentrated animal feeding operations are industrial food and material production facilities which temporarily store concentrations of live animals, slaughter animals and separate commercially useful animal parts from waste animal parts; and

WHEREAS, these activities generate vapors, waters and solid wastes containing animal diseases, animal byproducts, animal bodily wastes and animal fluids; and

WHEREAS, these activities and the vapors, waters and solid wastes necessarily generated are disagreeable and unsanitary for nearby humans, household animals and farm animals; and

WHEREAS, these activities also create off-site burdens such as sounds of livestock and poultry concentrated for processing, sounds of butchering and processing, smells of byproducts from live animal storage, smells of byproducts from animal slaughter production and processing, storm water runoff with animal waste and disease, large

volumes of freight trucks transporting concentrations of live animals and unsightly appearances of heavy concentrations of animals; and

WHEREAS, these off-site burdens are inconsistent with nearby land uses such as residential, retail, highway corridor, commercial, educational, institutional, farming, ranching, agricultural production, business park and other active assemblies of worship, learning, persons or trade; and

WHEREAS, these land uses are consistent with industrial areas with substantial separation from non-industrial uses and extremely remote non-incorporated areas; and

WHEREAS, the City adopted long-range comprehensive plan identifies residential, retail and highway corridor uses in areas of the Extraterritorial Jurisdiction not otherwise covered by a Developers Agreement; and

WHEREAS, proper treatment for wastewater and storm water originating from slaughterhouses, slaughter pens, hide houses, rendering establishments and concentrated animal feeding operations is necessary to protect the sanitary conditions of the resulting food supply, the general public, and the geographic area surrounding any such uses; and

WHEREAS, treatment facilities cannot functionally provide service for raw storm water or raw waste water effluent from such uses; and

WHEREAS, the demands of protecting public health and safety require municipal entities to identify and regulate land use conflicts and waste water or storm water treatment services.

NOW THEREFORE BE IT HEREBY ORDAINED THAT:

Chapter 8 of the City of Terrell Code of Ordinances shall be amended to add Section 8-20 as set forth below.

Section 8-20. Regulation of Slaughterhouses, Slaughter Pens, Hide Houses, Rendering Establishments and Concentrated Animal Feeding Operations In The Extraterritorial Jurisdiction of the City of Terrell, Texas

**ARTICLE I
Definitions**

- 1) Concentrated Animal Feeding Operation: a location where animals are confined for more than a 24 hour period and there is no natural forage in the confinement area.
- 2) Slaughter House: a building where animals are killed for their meat or other products.
- 3) Slaughter Pen: An outdoor facility where animals are killed for their meat or other products.

- 4) Hide House: also known as tannery – a place where animal hides are processed into leather or other products.
- 5) Rendering Establishment: any establishment or part of an establishment, a plant or any other premises at which dead animals or renderable raw materials are rendered, boiled, processed or otherwise prepared to obtain a product for commercial use or disposition, other than as food for human consumption. The term includes all other operations and facilities that are necessary or incidental to the establishment.

ARTICLE II

Offenses

- 1) A person creates a nuisance and commits an offense if he initiates construction of, constructs, operates or maintains any slaughterhouse, slaughter pen, hide house, rendering establishment or concentrated animal feeding operation used for any purpose whatever, within 5,000 feet of the corporate limits of the City. It is a defense to prosecution under this subsection that a study, at the cost of the landowner, prepared by a professional firm acceptable to the City, has been finally approved by the City Engineer addressing and mitigating all adverse impacts of the use on air, water, soil, other natural resources; adverse impacts on adjoining properties; adverse impacts on the City's waste water or storm water facilities; and adverse impacts on members of the public from sounds, odors, dust, or disease from activities of such uses.
- 2) A person creates a nuisance and commits an offense if any land, structures, lots, pens, yards, barns, enclosed areas used for any of the following occurs less than 1,000 feet from any property line of such a facility:
 - a) the storage of shipping containers with or without animals, or
 - b) transfer of animals, or
 - c) temporary storage of animals, or
 - d) processing of animals and the byproducts of animals, or
 - e) air monitoring and air emissions filtering equipment associated with operations, or
 - f) storm water runoff detention, treatment or filtering associated with any aspect of operations, or
 - g) wastewater storage, treatment, processing or filtering associated with any aspect of operations.
- 3) A person creates a nuisance and commits an offense if he fails to stop, allows, permits or is in any way involved in the on-site incineration or on-site storage of animal bodily waste, animal refuse or waste animal byproducts of any such facility as set forth herein.

- 4) A person creates a nuisance and commits an offense if the animal storage area for any such use exceeds the animal density requirements as set forth in the City of Terrell Animal Control Ordinance.
- 5) A person creates a nuisance and commits an offense if the person does not obtain all required State, Federal, and County permits and licenses pertaining to any such use.

ARTICLE III
Penalty and Enforcement

- 1) The penalty for an offense under this section shall be a fine not to exceed \$2,000.00 per day per offense.
- 2) This section may also be enforced by injunctive relief or civil penalties, which shall not exceed \$1,000 per day per offense, pursuant to and in compliance with Tex. Loc. Gov't Code Chapter 54, Subchapter B.

ARTICLE IV
Repeal

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

ARTICLE V
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 VI
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 16th day of June, 2015.

PASSED AND ADOPTED on second reading this the 7th day of July, 2015.

END CONSENT AGENDA

- 17. 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 - Pending or Contemplated Litigation.**
 - b. Section 551.072 - Deliberations About Real Property.**
 - c. Section 551.087 - Deliberations Regarding Economic Development Negotiations.**

Council passed on this item.

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

Council passed on this item.

- 19. 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