

## **REGULAR CITY COUNCIL MEETING**

**February 16, 2016**

**7:00 P.M.**

**A Regular City Council Meeting was held on Tuesday, February 16, 2016, 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 VACANT**

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Mayor Pro Tem Charles Whitaker gave the opening prayer and led the Pledge of Allegiance.

3. Discuss and Consider Approval of Meeting Minutes of the Regular City Council Meeting of February 2, 2016 and the Special City Council Meeting and Workshop of February 11, 2016.

Councilmember Sandra Wilson made a motion to approve Minutes of the Regular City Council Meeting of February 2, 2016 and the Special City Council Meeting and Workshop of February 11, 2016. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion Carried.

4. Hear Remarks from Visitors.

### **NEW BUSINESS**

5. Receive presentation from Terrell Independent School District.

Mayor Hal Richards recognized members of the Terrell Independent School District Board attending.

Michael French, Superintendent of Terrell Independent School District made a presentation to Council regarding a proposed Bond election. Dena Risinger, Reg Pegram and Tim Royse spoke in support of the bond package.

6. Discuss and Consider Change Order No. 2 to Project 14-07, Hwy 34 Illumination Project.

Steve Rogers, City Engineer, presented to Council for discussion and consideration Change Order No. 2 to Project 14-07, Hwy 34 Illumination Project. Councilmember Sandra Wilson made a motion to approve Change Order No. 2 to Project 14-07, Hwy 34 Illumination Project in an amount not to exceed \$22,724.17. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

7. Discuss and Consider Award of Bid to Construct 30 Inch Bachelor Creek Sanitary Sewer Main (CDBG Project).

Mike Mikeska, Assistant City Engineer, presented to Council for discussion and consideration Award of Bid to Construct 30 Inch Bachelor Creek Sanitary Sewer Main (CDBG Project). Councilmember Sandra Wilson made a motion to award bid to Mountain Cascade of Texas in an amount not to exceed \$606,110.00. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

### **CONSENT AGENDA**

Councilmember Sandra Wilson, made a motion to adopt on CONSENT AGENDA Ordinance No. 2653 on second reading. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

8. Discuss And Consider Adoption On Second Reading Ordinance No. 2653; An Ordinance Of The City Council Of The City Of Terrell, Texas, Amending Ordinance No. 2612, Zoning Ordinance Of The City Of Terrell, Texas, By Amending Article IV, Section 32 Use Regulations (Charts), Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District To Add Bail Bond Service In The Commercial Zoning District; Adding A Specific Use Permit (SUP) Requirement For Bail Bond Service In The Commercial (C) Zoning District Subject To The Provisions Of Article V, Section 42.7; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.7 Requiring A Minimum Separation Of 1,000 Feet Between The Bail Bond Use And A Residential Zoning District Boundary And The Bail Bond Service Use And Any Other Bail Bond Service; Amending Section 44.1, Definitions, By Adding A Definition For Bail Bond Service; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

### **ORDINANCE NO. 2653**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2612, ZONING ORDINANCE OF THE CITY OF TERRELL, TEXAS, BY AMENDING ARTICLE IV, SECTION 32 USE REGULATIONS**

**(CHARTS), CHART 7, PERSONAL AND SERVICE USES, NON-RESIDENTIAL ZONING DISTRICTS, COMMERCIAL (C) DISTRICT TO ADD BAIL BOND SERVICE IN THE COMMERCIAL ZONING DISTRICT; ADDING A SPECIFIC USE PERMIT (SUP) REQUIREMENT FOR BAIL BOND SERVICE IN THE COMMERCIAL (C) ZONING DISTRICT SUBJECT TO THE PROVISIONS OF ARTICLE V, SECTION 42.7; AMENDING ARTICLE V, SECTION 42, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES BY ADDING SECTION 42.7 REQUIRING A MINIMUM SEPARATION OF 1,000 FEET BETWEEN THE BAIL BOND USE AND A RESIDENTIAL ZONING DISTRICT BOUNDARY AND THE BAIL BOND SERVICE USE AND ANY OTHER BAIL BOND SERVICE; AMENDING SECTION 44.1, DEFINITIONS, BY ADDING A DEFINITION FOR BAIL BOND SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on January 26, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Article IV., Section 32 – Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-Residential Zoning Districts, Commercial (C) District by adding Bail Bond Service in the Commercial District by Specific Use Permit (SUP) subject to the provisions of Article V, Section 42.7; and

**WHEREAS**, on January 26, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Article V., Section 42 – Special Regulations for Certain Types of Uses by adding Section 42.7 requiring a minimum separation of 1,000 feet between the bail bond use and a residential zoning district boundary and the bail bond service use and any other bail bond service; and

**WHEREAS**, January 26, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Section 44.1, - Definitions, by adding a definition for bail bond service.

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

#### **ARTICLE I**

**THAT** Article IV., Section 32., Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-Residential Zoning Districts, Commercial (C) District be and is hereby amended in accordance with Exhibit "A" attached hereto and by reference made a part hereof for all purposes.

**THAT** Article V., Section 42, Special Regulations for Certain Types of Uses be amended by the addition of Section 42.7 as follows:

#### **Chapter 42. Special Regulations for Certain Types of Uses**

## **Sec. 42.7 BAIL BOND SERVICE**

**A.** No bail bond service office shall be located within 1,000 feet of any residential zoning district boundary line, including the EE-32 Executive Estate district, all SF-Single-Family districts, the TH-12 Townhouse district, the MF Multi-Family district, the MH Manufactured Home district, any property zoned CBD Central Business District or any PD Planned Development district that allows residential uses;

**B.** No bail bond service office shall be located within 1,000 feet of any other tract that the location of a bail bond service;

**C.** For purposes of this section, the required separation shall be measured in a straight line without regard to intervening structures or objects:

1. If confirming the separation between the proposed bail bond service and residential uses, the distance shall be measured from the nearest portion of the boundary line of any of the residential zoning districts in 42.7.A above, any CBD district, or any PD Planned Development District for residential uses.

2. If confirming the separation between bail bond service locations, the distance shall be measured from the nearest portion of the property line of the Commercial District where the existing bail bond service is located to the nearest portion of the property line of the Commercial District where the new business is proposed.

**THAT** Section 44.1, Definitions, shall be amended by adding a definition for bail bond service as follows:

**287. BAIL BOND SERVICE** – A service arranged by an agent promising money or property to ensure that a person named in a legal action appears in court for the designated criminal proceeding at the date and time specified.

## **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 of the City of Terrell, Texas, 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.

## **ARTICLE IV.**

All other provisions of Ordinance No. 2612 not expressly modified by this Ordinance shall remain in full force and effect.

#### **ARTICLE V.**

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 2nd day of February, 2016.

**PASSED AND ADOPTED** this the 16th day of February, 2016.

Councilmember Sandra Wilson, made a motion to adopt on CONSENT AGENDA Ordinance No. 2654 on second reading. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss And Consider Adoption On Second Reading Ordinance No. 2654; An Ordinance Of The City Council Of The City Of Terrell, Texas, Amending Ordinance No. 2612, Zoning Ordinance Of The City Of Terrell, Texas, By Amending Various Sections To Establish A Maximum Building Height Of 14 ½ Feet Measured To The Highest Point Of The Roof For Accessory Structures In All Single-Family Residential Districts And PD Districts For Singe-Family Uses; Amending Section 15.3.A.2 EE-32 Executive Estate 32; Section 16.3.A.2 SF-16 Single Family District 16; Section 17.3.A.2. SF-10 Single Family District 10; Section 18.3.A.2. SF-7.5 Single Family District 7.5; Section 19.3.A.2 SF-6 Single Family District 6; Section 20.3.A.2 TH-12 Townhome 12 And Section 23.3.G.2, MH Manufactured Home; Providing For Severability; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

#### **ORDINANCE NO. 2654**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2612, ZONING ORDINANCE OF THE CITY OF TERRELL, TEXAS, BY AMENDING VARIOUS SECTIONS TO ESTABLISH A MAXIMUM BUILDING HEIGHT OF 14 ½ FEET MEASURED TO THE HIGHEST POINT OF THE ROOF FOR ACCESSORY STRUCTURES IN ALL SINGLE-FAMILY RESIDENTIAL DISTRICTS AND PD DISTRICTS FOR SINGE-FAMILY USES; AMENDING SECTION 15.3.A.2 EE-32 EXECUTIVE ESTATE 32; SECTION 16.3.A.2 SF-16 SINGLE FAMILY DISTRICT 16; SECTION 17.3.A.2. SF-10 SINGLE FAMILY DISTRICT 10; SECTION 18.3.A.2. SF-7.5 SINGLE FAMILY DISTRICT 7.5; SECTION 19.3.A.2 SF-6 SINGLE FAMILY DISTRICT 6; SECTION 20.3.A.2 TH-12 TOWNHOME 12 AND SECTION 23.3.G.2, MH MANUFACTURED HOME; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on January 26, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612 to establish a maximum building height of 14 ½ feet at the highest point of the roof for accessory structures in all Single-Family Residential Districts by amending Section 15.3.A.2, EE-32 Executive Estate 32; Section 16.3.A.2, SF-16 Single Family District 16; Section 17.3.A.2, SF-10 Single Family District 10; Section 18.3.A.2, SF-7.5 Single Family District 7.5; Section 19.3.A.2, SF-6 Single Family District 6; Section 20.3.A.2, TH-12 Townhome 12 and Section 23.3.g.2, MH Manufactured Home.

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

**ARTICLE I**

**THAT** the Zoning Ordinance No. 2612 shall be amended as follows:

**Section 15.3.A.2 EE-32 Executive Estate**

**Maximum Height:**

One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.

**Section 16.3.A.2 Single-Family Districts SF-16**

**Maximum Height:**

One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.

**Section 17.3.A.2 Single-Family Districts SF-10**

**Maximum Height:**

One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.

**Section 18.3.A.2 Single-Family Districts SF-7.5**

**Maximum Height:**

One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.

**Section 19.3.A.2 Single-Family Districts SF-6**

**Maximum Height:**

One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.

**Section 20.3.A.2 TH-12 Townhome**

**Maximum Height:**

One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.

**Section 23.3.G.2 MH Manufactured Home**

**Maximum Height:**

One story with a maximum height of 14 ½ feet, measured at the highest point of the roof, for accessory buildings, including, but not limited to a detached garage, garden shed, gazebo, etc.

**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 of the City of Terrell, Texas, 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.

**ARTICLE IV.**

All other provisions of Ordinance No. 2612 not expressly modified by this Ordinance shall remain in full force and effect.

**ARTICLE V.**

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 2nd day of February, 2016.  
**PASSED AND ADOPTED** this the 16th day of February, 2016.

**END OF CONSENT AGENDA**

10. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to discuss the following:
  - a. Section 551.072 - Deliberation Regarding Real Property.
11. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

Councilmember Sandra Wilson made a motion to authorize the City Manager to negotiate the purchase of Lot 6 of the Griffith Manor Addition. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

12. Adjourn.

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

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**Hal Richards, Mayor**

**Attest:**

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**John Rounsavall, City Secretary**