

## **REGULAR CITY COUNCIL MEETING**

**February 2, 2016**

**7:00 P.M.**

**A Regular City Council Meeting was held on Tuesday, February 2, 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 Special City Council Meeting and Workshop of January 19, 2016, Regular City Council Meeting of January 19, 2016, Special City Council Meeting and Workshop of January 21, 2016 and the Special City Council Meeting and Workshop of January 28, 2016.

Councilmember Sandra Wilson made a motion to approve Meeting Minutes of the Special City Council Meeting and Workshop of January 19, 2016, Regular City Council Meeting of January 19, 2016, Special City Council Meeting and Workshop of January 21, 2016 and the Special City Council Meeting and Workshop of January 28, 2016. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion Carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

## PUBLIC HEARING

- 5.a.) Conduct a Public Hearing to receive comments regarding changing the zoning from Retail (R) to Planned Development (PD) for a variety of uses, including, but not limited to, retail, commercial, service, automotive, office, and residential (multi-family or townhome) on 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20, Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas.

Mike Sims, Assistant City Manager, gave opening comments regarding changing the zoning from Retail (R) to Planned Development (PD) for a variety of uses, including, but not limited to, retail, commercial, service, automotive, office, and residential (multi-family or townhome) on 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20, Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas. Mayor Hal Richards opened the public hearing.

No citizens spoke in favor of the zoning change.  
No citizens spoke against the zoning change.

Mayor Hal Richards closed the public hearing.

Mayor Hal Richards reopened the public hearing. Mike Sims, Assistant City Manager provided additional information.

No citizens spoke in favor of the zoning change.  
No citizens spoke against the zoning change.

Mayor Hal Richards closed the public hearing.

- 6.a.) Conduct a Public Hearing to receive comments regarding an amendment to the 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.

Mike Sims, Assistant City Manager, gave opening comments regarding an amendment to the 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. Mayor Hal Richards opened the public hearing.

Citizens who spoke against the Zoning Ordinance:

Alvernon Jones Jr., 210-A S. Virginia, Terrell, Texas 75160

Citizens who spoke in favor of the Zoning Ordinance:

Stacey Browning, 121 Lexington, Terrell, Texas 75160

Mayor Hal Richards closed the public hearing.

6.b.) Discuss and Consider 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.

Councilmember Sandra Wilson made a motion to approve on First 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. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

- 7.a.) Conduct a Public Hearing to receive comments regarding an amendment to the 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;

Torry Edwards, City Manager, and Greg Shumpert, Assistant City Attorney, gave opening comments regarding an amendment to the 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. Mayor Hal Richards opened the public hearing.

Citizens who spoke against the Zoning Ordinance:

Stacey Browning, 121 Lexington, Terrell, Texas 75160

Citizens who spoke in favor of the Zoning Ordinance:

None.

Mayor Hal Richards closed the public hearing.

- 7.b.) Discuss and Consider 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.

Mayor Pro Tem Charles Whitaker made a motion to approve on First 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 Single-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. Deputy Mayor Pro Tem Tommy Spencer seconded the motion. Ayes - All. Nays - None.

### **NEW BUSINESS**

8. Discuss and Consider Resolution No. 809 Calling The Regular Municipal Election For The Election Of Mayor Of The City Of Terrell, Texas, To Be Held On Saturday, May 7, 2016.

John Rounsavall, City Secretary, presented to Council for Discussion and Consideration Resolution No. 809 Calling The Regular Municipal Election For The Election Of Mayor Of The City Of Terrell, Texas, To Be Held On Saturday, May 7, 2016. Councilmember Sandra Wilson made a motion to approve Resolution No. 809 Calling The Regular Municipal Election For The Election Of Mayor Of The City Of Terrell, Texas, To Be Held On Saturday, May 7, 2016. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

9. Discuss and Consider Resolution No. 810 Declaring A Vacancy In The Office Of City Council Member District No. 5; Ordering A Special Election To Be Held In Conjunction With The Regular General Election To Fill Such Vacancy For The Unexpired Term; Such Election To Be Held On Saturday, May 7, 2016.

John Rounsavall, City Secretary, presented to Council for Discussion and Consideration Resolution No. 810 Declaring A Vacancy In The Office Of City Council Member District No. 5; Ordering A Special Election To Be Held In Conjunction With The Regular General Election To Fill Such Vacancy For The Unexpired Term; Such Election To Be Held On Saturday, May 7, 2016. Councilmember Sandra Wilson made a motion to approve Resolution No. 810 Declaring A Vacancy In The Office Of City Council Member District No. 5; Ordering A Special Election To Be Held In Conjunction With The Regular General Election To Fill Such Vacancy For The Unexpired Term; Such Election To Be Held On Saturday, May 7, 2016. Deputy Mayor Pro Tem Tommy Spencer seconded the motion. Ayes - All. Nays - None.

10. Discuss and Consider Central Business District Façade Grant Application For 108 South Catherine Street.

Mike Sims, Assistant City Manager, presented to Council for Discussion and Consideration Central Business District Façade Grant Application for 108 South Catherine Street. Councilmember Sandra Wilson made a motion to approve the Central Business District Façade Grant Application For 108 South Catherine Street in an amount not to exceed \$799.24. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

11. Discuss and Consider Appointment to Zoning Board of Adjustment (ZBA).

Deputy Mayor Pro Tem Charles Whitaker made a motion to appoint Bill Sweazea pending his application being filed to the Zoning Board of Adjustment (ZBA). Councilmember Sandra Wilson seconded the motion.

12. Discuss and Consider Racial Profiling Data Report for Calendar Year 2015.

Jody Lay, Police Chief, presented to Council for Discussion and Consideration Racial Profiling Data Report for Calendar Year 2015. Mayor Pro Tem Charles Whitaker made a motion to accept the Racial Profiling Data Report for Calendar Year 2015. Deputy Mayor Pro Tem Tommy Spencer seconded the motion. Ayes - All. Nays - None.

### **CONSENT AGENDA**

Councilmember Sandra Wilson, made a motion to adopt on CONSENT AGENDA Ordinance No. 2652 on second reading. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

13. Discuss and Consider Adoption on Second Reading Ordinance No. 2652; An Ordinance of the City of Terrell, Texas, Amending the Annual Budget for the Year Beginning October 1, 2015, and Ending September 30, 2016, as Passed and Adopted on September 15, 2015, to Provide for Increases in Certain Accounts; Providing for Severability; and Providing an Effective Date.

### **ORDINANCE NO. 2652**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016, AS PASSED AND ADOPTED ON SEPTEMBER 15, 2015 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION I.**

The following funds are amended to reflect the following in the budget:

	<b>BUDGET</b>	<b>AMOUNT</b>	<b>TOTAL</b>
<b>GENERAL FUND</b>			
<b>REVENUES</b>			
010-00-3390-00	0.00	41,765.58	41,765.58
TRANSFER IN LIFE INSURANCE FUND			
010-00-3708-00	0.00	12,000.00	12,000.00
TRANSFER IN EQUIPMENT REPLACEMENT FUND			
010-00-3717-00	0.00	230,195.31	230,195.31
LOAN PROCEEDS			
<b>EXPENDITURES</b>			
<b>LEGISLATIVE</b>			
010-11-4212-00	5,200.00	5,080.00	10,280.00
ELECTION			
010-11-4430-00	0.00	129,052.02	129,052.02
TRANSFER OUT ROLLBACK TAXES			
010-11-4417-00	0.00	15,000.00	15,000.00
LEASE			
010-11-4505-00	0.00	230,195.31	230,195.31
ACQUISITION OF PROPERTY			
<b>MUNICIPAL BUILDING</b>			
010-16-4320-00	270,000.00	12,000.00	282,000.00
BUILDINGS			
MUNICIPAL DEVELOPMENT			
010-20-4480-00	60,000.00	200,000.00	260,000.00
STRUCTURES DEMOLITION & CLEANUP			
<b>STREETS</b>			
010-22-4341-00	150,000.00	69,000.00	219,000.00
STREET MAINTENANCE CONCRETE			
<b>POLICE</b>			
010-32-4501-00			
VIDEO SERVER / BODY CAMERAS	19,132.00	25,000.00	44,132.00
<b>INTER GOVERNMENTAL TRANSFER</b>			
010-90-4410-00	0.00	29,000.00	29,000.00
TRANSFER OUT EQUIPMENT REPLACEMENT FUND			
<b>TOURISM FUND</b>			

**EXPENDITURES**

016-11-4408-00			
TERRELL HERITAGE RAILCAR	0.00	14,596.00	14,596.00

**UTILITY FUND**

**REVENUES**

020-00-3390-00	0.00	9,168.49	9,168.49
TRANSFER IN LIFE INSURANCE FUND			

**EQUIPMENT REPLACEMENT FUND**

**REVENUES**

025-00-3390-00	0.00	986.11	986.11
TRANSFER IN LIFE INSURANCE FUND			
025-00-3322-00	0.00	29,000.00	29,000.00
TRANSFER IN GENERAL FUND			

**EXPENDITURES**

025-90-4401-00	0.00	12,000.00	12,000.00
TRANSFER OUT GENERAL FUND			
025-90-4402-00	0.00	15,625.00	15,625.00
TRANSFER OUT ASSET SEIZURE FUND			

**POLICE ASSET SEIZURE FUND**

**REVENUES**

032-00-3602-00	0.00	15,625.00	15,625.00
TRANSFER IN FROM EQUIPMENT REPLACEMENT FUND			

**COURT TECHNOLOGY FUND**

**EXPENDITURES**

040-15-4502-00	0.00	7,035.00	7,035.00
ELECTRONIC TICKET WRITER SOFTWARE			

**COURT SECURITY FUND**

**EXPENDITURES**

041-15-4204-00	0.00	700.00	700.00
PRINTING			

**TAX INCREMENT FINANCE DISTRICT No. 1**

**REVENUES**

015-00-3807-00	0.00	129,052.02	129,052.02
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TRANSFER IN ROLLBACK TAXES

**LIFE INSURANCE TRANSFER FUND**

**EXPENSES**

903-11-4402-00	0.00	41,765.58	41,765.58
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TRANSFER OUT GENERAL FUND

903-11-4403-00	0.00	9,168.49	9,168.49
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TRANSFER OUT UTILITY FUND

903-11-4404-00	0.00	986.11	986.11
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TRANSFER OUT EQUIPMENT  
REPLACEMENT FUND

**SECTION II.**

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

**SECTION 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 judgment or decree of any court of competent jurisdiction, such unconstitutionally 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION IV.**

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 on this the 19th day of January, 2016.

Passed and Adopted on this the 2nd day of February, 2016.

14. 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.

Council passed this item.

15. 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**