

REGULAR CITY COUNCIL MEETING

JANUARY 6, 2009

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, January 6, 2009 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 RICKY JORDAN
COUNCILMEMBER #4 JACK JONES
COUNCILMEMBER #5 DON THURMAN

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Deputy Mayor Pro tem Don Thurman gave the opening prayer.

16. 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.**
- b.) **Section 551.074 – Personnel Matters – Police Chief Search.**

Council adjourned into Executive Session.

Councilmember Tommy Spencer left the Council Meeting (excused).

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

- a.) Councilmember Ricky Jordan made a motion to authorize the City Manager to execute on behalf of the City of Terrell a proposed Defendant's Motion to discuss cause of action on Case #76082-86 currently pending before the 86th District Judicial Court. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

3. Discuss and Consider Approval of Special City Council Workshop and Retreat Minutes of November 13-14, 2008, Special City Council Meeting and Workshop Minutes of December 2, 2008, Regular City Council Meeting Minutes of December 2, 2008, Special City Council Meeting Minutes of December 8, 2008 and Special City Council Meeting Minutes of December 15, 2008.

Mayor Pro tem Jack Jones made a motion to approve Special City Council Workshop and Retreat Minutes of November 13-14, 2008, Special City Council Meeting and Workshop Minutes of December 2, 2008, Regular City Council Meeting Minutes of December 2, 2008, Special City Council Meeting Minutes of December 8, 2008 and Special City Council Meeting Minutes of December 15, 2008. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nayses – none. Motion carried.

4. Hear Remarks from Visitors.

None were made.

NEW BUSINESS

5. Discuss and Consider Adoption on Second Reading Ordinance No. 2392 - Creating the Terrell Hospital Advisory Board.

Torry Edwards, City Manager presented to Council for discussion and consideration on Second Reading Ordinance No. 2392 – Creating the Terrell Hospital Advisory Board. Mayor Pro tem Jack Jones made a motion to adopt on Second Reading Ordinance No. 2392 – Creating the Terrell Hospital Advisory Board. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nayses – none. Motion carried.

ORDINANCE NO. 2392

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING CHAPTER 2, ADMINISTRATION, BY THE ADDITION OF SECTION 12 PROVIDING FOR THE CREATION OF THE TERRELL HOSPITAL ADVISORY BOARD, TERRELL CITY CODE REVISED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I.

Chapter 2, Administration, Section 2: of the Terrell City Code Revised is hereby amended by the addition of Section 12 as follows:

Sec. 2-12. Terrell Hospital Advisory Board.

A. Composition and Appointment of Members. The Terrell Hospital Advisory Board shall consist of five members appointed by the City Council to monitor and provide input regarding the lease and other related matters at Renaissance Hospital Terrell. The City Manager or his designee shall serve as an ex-officio member of the board.

B. Terms of Members and Vacancies. All appointments to the Terrell Hospital Advisory Board shall be for a term of two (2) years. Members must meet the policy guidelines established by the City Council for all board members of the city. Vacancies on the Terrell Hospital Advisory Board occurring other than through expiration shall be filled by the City Council for that portion of the unexpired term remaining.

Term Limitations - No person shall serve more than three (3) consecutive terms as a member of the Terrell Hospital Advisory Board.

C. Members to Serve Without Pay. Members of the Terrell Hospital Advisory Board shall serve without pay.

D. Officers. The Terrell Hospital Advisory Board shall annually elect a chairman and vice-chairman. The City Manager or his designee shall serve as secretary to the board.

E. Frequency of Board Meetings. The Terrell Hospital Advisory Board shall meet monthly and at such other times as may be called by the chairman of the board.

F. Quorum. Three (3) members of the Terrell Hospital Advisory Board, exclusive of the City Manager or his designee, shall constitute a quorum.

G. Absence. Members with three (3) consecutive unexcused absences per calendar year from regular or posted meetings shall forfeit the unexpired portion of their term.

H. General Duties. It shall be the duty of the Terrell Hospital Advisory Board to:

1. Provide oversight;
2. Develop recommendations to improve hospital care and services;
3. Receive a monthly report from the Hospital Administrator regarding the condition of the hospital;
4. Assist in the creation, receipt and review of patient and staff surveys; and
5. Serve in an advisory role to the City Council

I. Minutes of Meetings and Reports. All recommendations made by the Terrell Hospital Advisory Board shall be submitted to the City Council through the City Manager or his designated representative, acting as secretary to the board.

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 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 judgement 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 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 THIS 2ND DAY OF DECEMBER, 2008.

PASSED AND ADOPTED ON THIS THE 6TH DAY OF JANUARY, 2009.

6. Discuss and Consider Approval of Resolution No. 622 – Designating Persons Authorized to Request and Sign for Funds Under the City’s Texas Community Development Program Project.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Resolution No. 622 – Designating Persons Authorized to Request and Sign for Funds Under the City’s Texas Community Development Program Project. Deputy Mayor Pro tem Don Thurman made a motion to approve Resolution No. 622 - Designating Persons Authorized to Request and Sign for Funds Under the City’s Texas Community Development Program Project. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 622

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, DESIGNATING PERSONS AUTHORIZED TO REQUEST AND SIGN FOR FUNDS UNDER THE CITY’S TEXAS COMMUNITY DEVELOPMENT PROGRAM PROJECT.

WHEREAS, the City Council of the City of Terrell must designate persons authorized to sign on behalf of the City for funds available through the Texas Community Development Program.

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

Section 1:

That the following persons are hereby approved and designated as the authorized signatories for the City's participation in the Texas Community Development Program.

1. City Manager
2. City Secretary/Finance Director
3. Assistant City Manager
4. Engineering Director

PRESENTED AND PASSED on this the 6th day of January, 2009.

7. **Discuss and Consider Approval of Ordinance No. 2394 – Replacing Section 12-9 of Chapter 12 of the Code of Ordinances of the City of Terrell Pertaining to Illegal Water Connections and/or the Theft of Water Related to the Water Supply for the City of Terrell.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2394 – Replacing Section 12-9 of Chapter 12 of the Code of Ordinances of the City of Terrell Pertaining to Illegal Water Connections and/or the Theft of Water Related to the Water Supply for the City of Terrell. Councilmember Ricky Jordan made a motion to approve Ordinance No. 2394 – Replacing Section 12-9 of Chapter 12 of the Code of Ordinances of the City of Terrell Pertaining to Illegal Water Connections and/or the Theft of Water Related to the Water Supply for the City of Terrell on first reading. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2394

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, REPLACING SECTION 12-9 OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR THE THEFT OF WATER RELATED TO THE WATER SUPPLY FOR THE CITY OF TERRELL.

8. Discuss and Consider Approval of Ordinance No. 2395 – Amending Chapter 5, Section 9: Dance and Game Halls.

Greg Shumpert, Assistant City Attorney presented to Council for discussion and consideration Ordinance No. 2395 – Amending Chapter 5, Section 9: Dance and Game Halls. Mayor Pro tem Jack Jones made a motion to approve Ordinance No. 2395 – Amending Chapter 5, Section 9: Dance and Game Halls on first reading. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2395

AN ORDINANCE OF THE CITY OF TERRELL TEXAS AMENDING ORDINANCE NO. 1373 AND ORDINANCE NO. 2141 - CHAPTER 5, BUSINESS REGULATIONS, SECTION 9: DANCE AND GAME HALLS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

9. Discuss and Consider Appointments to the Terrell Hospital Advisory Board.

Deputy Mayor Pro tem Don Thurman made a motion to nominate Samantha Hopkins to the Terrell Hospital Advisory Board.

Councilmember Ricky Jordan made a motion to nominate Kathryn Griffin to the Terrell Hospital Advisory Board.

Mayor Pro tem Jack Jones made a motion to nominate Hetty Smith to the Terrell Hospital Advisory Board.

Mayor Pro tem Jack Jones on behalf of Councilmember Tommy Spencer made a motion to nominate Robert Messer to the Terrell Hospital Advisory Board.

Mayor Hal Richards made a motion to nominate Mike Goggans to the Terrell Hospital Advisory Board.

Mayor Hal Richards made a motion to accept the nominations to the Terrell Hospital Advisory Board. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

10. Discuss and Consider Appointments to the Building Standards Commission.

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Building Standards Commission. Councilmember Ricky Jordan made a motion to re-appoint Contrella Dixon to the Building Standards Commission. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

Deputy Mayor Pro tem Don Thurman made a motion to appoint Albert Hetmer to the Building Standards Commission. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

11. Discuss and Consider Appointments to the Terrell Park Board.

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Terrell Park Board. Mayor Pro tem Jack Jones made a motion to appoint Beverly Smith to the Terrell Park Board. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Naves – none. Motion carried.

12. Discuss and Consider Appointments to the Civil Service Commission.

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Civil Service Commission. Deputy Mayor Pro tem Don Thurman made a motion to re-appoint Brenda Samples to the Civil Service Commission. The motion was seconded by Councilmember Ricky Jordan. Ayes –all; Naves – none. Motion carried.

13. Discuss and Consider Appointments to Terrell Economic Development Corporation.

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Terrell Economic Development Corporation. Councilmember Ricky Jordan made a motion to re-appoint Rick Carmona and Douglas Howie to the Terrell Economic Development Corporation and accept Kenneth Schoen’s resignation letter. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Naves – none. Motion carried.

CONSENT AGENDA

14. Discuss and Consider Adoption on Second Reading Ordinance No. 2391 – Fire and Police Classification.

Deputy Mayor Pro tem Don Thurman made a motion to adopt on Second Reading Ordinance No. 2391 – Fire and Police Classification. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Naves – none. Motion carried.

ORDINANCE NO. 2391

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 9, SECTION 9-9. CIVIL SERVICE CLASSIFICATION PLAN; (a) CLASSIFICATION OF FIRE FIGHTERS AND (b) CLASSIFICATION OF POLICE OFFICERS, (1) POSITIONS APPOINTED BY THE CHIEF OF POLICE AND FIRE CHIEF; (2) POLICE OFFICER CLASSIFICATION; OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I.

THAT, Chapter 9, Section 9-9. (a) Classification of Fire Fighters and (b) Classification of Police Officers, (1) Positions appointed by Chief of Police (2) Police Officer Classifications in the Police

Department of the Revised Code of Ordinances of the City of Terrell, Texas, be and is hereby amended to read as follows:

SECTION 9-9(a). CLASSIFICATION OF FIRE FIGHTERS

Fire Fighters of the City of Terrell Fire Department are classified as follows, and the numbers of positions of each classification thereof are as follows, with the salary per position as stated adjacent to each classification:

SECTION 9-9 (a) (1) Positions appointed by fire chief

CLASSIFICATION	NUMBER OF POSITIONS	BASE MONTHLY SALARY
Inspector/Investigator	1	\$3,731.00

CLASSIFICATION	NUMBER OF POSITIONS	BASE MONTHLY SALARY
Captains	3	\$3,554.00
Driver-Engineer	6	\$3,201.00
Fire Fighter	12	\$3,140.00

SECTION 9-9 (b)(1) Positions appointed by chief of police

Ordinance No. 2391

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CLASSIFICATION	NUMBER OF POSITIONS	BASE MONTHLY SALARY
Assistant Chief of Police	0	\$0.00

SECTION 9-9(b)(2) Police Officer Classifications

Police Officers of the City of Terrell Police Department are classified as follows, and the numbers of positions of each classification thereof are as follows, with the salary per position as stated adjacent to each classification.

CLASSIFICATION	NUMBER OF POSITIONS	BASE MONTHLY SALARY
Captain	3	\$4,109.00
Sergeant	5	\$3,553.00

Corporal	5	\$3,437.00
Patrol Officer	25	\$3,232.00

Each police officer as classified herein has civil service protection, upon completion of a one-year probationary period upon hire. A classified position may be filled only from an eligibility list that results from an examination held in accordance with Chapter 143 of the Texas Local Government Code.

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 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 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 THIS 2nd DAY OF DECEMBER, 2008.

PASSED AND ADOPTED THIS 6TH DAY OF JANUARY, 2009.

END OF CONSENT AGENDA

15. Receive City Manager's Reports and Correspondence

Torry Edwards, City Manager presented Reports and Correspondence to the Council.

- a.) **January City Council Meeting Schedule.**
- b.) **Special City Council Meeting and Workshop Scheduled for Thursday, January 22, 2009 – 6:00 p.m.**
- c.) **TML Elected Officials' Conference - Feb. 6-8, 2009 – Austin, Texas.**

18. 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