

REGULAR CITY COUNCIL MEETING

May 15, 2012

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, May 15, 2012, 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 SANDRA WILSON
COUNCILMEMBER #3 RICKY JORDAN
COUNCILMEMBER #4 JACK JONES
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Mayor Pro Tem Jack Jones, gave the opening prayer.

3. Discuss and Consider Approval of Regular City Council Meeting Minutes of May 1, 2012, and Special City Council Meeting and Workshop of May 10, 2012.

Councilmember Sandra Wilson, made a motion to approve the Regular City Council Meeting Minutes of May 1, 2012; Special City Council Meeting and Workshop of May 10, 2012. Councilmember D. J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Conduct Canvass of Votes for Municipal Election Held May 12, 2012.

Mayor Hal Richards appointed Councilmember D. J. Ory and Councilmember Ricky Jordan to Conduct Canvass of Votes for Municipal Election Held May 12, 2012.

Councilmember D. J. Ory made the following comments:

Mayor and Council we have reviewed the election tally for the City of Terrell General Election held on May 12, 2012.

For Council District 2

Sandra Wilson received a total of 102 Votes.

Tommy Spencer received a total of 204 Votes.

Tommy Spencer is elected for the position of District 2, Council Member.

	Mail Ballots	Early Voting	Election Day	Total Votes Cast
Sandra Wilson				
District 2	42	34	26	102
Tommy Spencer				
District 2	63	106	35	204

For Council District 4

Raylan Smith received a total of 43 Votes.

Charles Whitaker received a total of 110 Votes.

Charles Whitaker is elected for the position of District 4 Council Member.

	Mail Ballots	Early Voting	Election Day	Total Votes Cast
Raylan Smith				
District 4	0	30	13	43
Charles Whitaker				
District 4	6	64	40	110

- Discuss and Consider Approval of Resolution No. 715; Approving the Canvass of Election Results of Municipal Election Held May 12, 2012.

Mayor Pro Tem Jack Jones, made a motion to approve Resolution No. 715; Approving the Canvass of Election Results of Municipal Election Held May 12, 2012. Councilmember Sandra Wilson, seconded the motion. Ayes - All. Nays - None. Motion carried.

Mayor Hal Richards recognized Councilmember Sandra Wilson for her services to the City of Terrell.

Mayor Hal Richards recognized Councilmember Jack Jones for his services to the City of Terrell.

- Administer Oath of Office to Officers-Elect.

Mary Gayle Ramsey, City Attorney, gave Oath of Office to Tommy Spencer and Charles Whitaker.

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

Mayor Hal Richards made a motion to appoint Councilmember Ricky Jordan as Mayor Pro Tem and Councilmember D. J. Ory as Deputy Mayor Pro Tem. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

8. Hear Remarks from Visitors.

There were no remarks from visitors.

NEW BUSINESS

9. Discuss and Consider Appointments to Terrell Airport Board.

Deputy Mayor Pro Tem D. J. Ory, made a motion to table Appointments to Terrell Airport Board to May 24, 2012. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider Appointments to Terrell Planning and Zoning Commission.

Deputy Mayor Pro Tem D. J. Ory, made a motion to appoint Kathy Russell and Sandra Wilson to Terrell Planning and Zoning Commission. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - Deputy Mayor Pro Tem D. J. Ory, Mayor Pro Tem Ricky Jordan and Mayor Hal Richards. Nays - Councilmember Tommy Spencer and Councilmember Charles Whitaker. Motion carried.

11. Discuss and Consider Reappointments to Terrell Hospital Board.

Deputy Mayor Pro Tem D. J. Ory, made a motion to Reappointment Katie Smith and Neil Schaeffer to Terrell Hospital Board. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - Deputy Mayor Pro Tem D. J. Ory, Mayor Pro Tem Ricky Jordan and Councilmember Charles Whitaker. Nays - Councilmember Tommy Spencer. Motion carried.

12. Discuss and Consider Ordinance 2538; An Ordinance Of The City Of Terrell, Texas, Amending Section 10, Article IV, Section A, Section B And Section D(11), Floodplain Management Regulations, Of Chapter Four, Building Regulations, Of The Revised Code Of Ordinances; Recognizing A Revised Flood Insurance Study, Providing Additional Definitions And Clarification Of Development Standards, Adding Requirements Concerning Floodplain Compensation, Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

Steve Rogers, City Engineer, presented to Council for Discussion and Consideration for first Ordinance 2538; An Ordinance Of The City Of Terrell, Texas, Amending Section 10, Article IV, Section A, Section B And Section D(11), Floodplain Management Regulations, Of Chapter Four, Building Regulations, Of The Revised Code Of Ordinances; Recognizing A Revised Flood Insurance Study, Providing Additional Definitions And Clarification Of Development Standards, Adding Requirements Concerning Floodplain Compensation, Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Deputy Mayor Pro Tem D. J. Ory made a motion to approve on first reading Ordinance 2538; An Ordinance Of The City Of

Terrell, Texas, Amending Section 10, Article IV, Section A, Section B And Section D(11), Floodplain Management Regulations, Of Chapter Four, Building Regulations, Of The Revised Code Of Ordinances; Recognizing A Revised Flood Insurance Study, Providing Additional Definitions And Clarification Of Development Standards, Adding Requirements Concerning Floodplain Compensation, Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2538

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 10, ARTICLE IV, SECTION A, SECTION B AND SECTION D(11), FLOODPLAIN MANAGEMENT REGULATIONS, OF CHAPTER FOUR, BUILDING REGULATIONS, OF THE REVISED CODE OF ORDINANCES; RECOGNIZING A REVISED FLOOD INSURANCE STUDY, PROVIDING ADDITIONAL DEFINITIONS AND CLARIFICATION OF DEVELOPMENT STANDARDS, ADDING REQUIREMENTS CONCERNING FLOODPLAIN COMPENSATION, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

13. Discuss and Consider Ordinance 2539; An Ordinance Of The City Of Terrell, Texas, Prohibiting The Use Of Designated Groundwater From Beneath Certain Property Located Within The City Of Terrell Municipal Airport And Supporting Certification Of A Municipal Setting Designation By | The Texas Commission On Environmental Quality; Providing A Penalty Clause; Providing A Severability Clause; And Providing An Effective Date.

Steve Rogers, City Engineer, and David Whitten, Representing Gluida, Slavich and Flores, presented to Council for Discussion and Consideration Ordinance 2539; An Ordinance Of The City Of Terrell, Texas, Prohibiting The Use Of Designated Groundwater From Beneath Certain Property Located Within The City Of Terrell Municipal Airport And Supporting Certification Of A Municipal Setting Designation By | The Texas Commission On Environmental Quality; Providing A Penalty Clause; Providing A Severability Clause; And Providing An Effective Date. Deputy Mayor Pro Tem D. J. Ory made a motion to approve on first reading Ordinance 2539; An Ordinance Of The City Of Terrell, Texas, Prohibiting The Use Of Designated Groundwater From Beneath Certain Property Located Within The City Of Terrell Municipal Airport And Supporting Certification Of A Municipal Setting Designation By | The Texas Commission On Environmental Quality; Providing A Penalty Clause; Providing A Severability Clause; And Providing An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2539

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED WITHIN THE CITY OF TERRELL MUNICIPAL AIRPORT AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY | THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

14. Discuss and Consider Resolution No. 714; Resolution Of The City Of Terrell Denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") Requested Rate Change; Requiring The Company To Reimburse The City's Reasonable Ratemaking Expenses; Finding That The Meeting At Which This Resolution Is Passed Is Open To The Public As Required By Law; Requiring Notice Of This Resolution To The Company And ACSC's Legal Counsel.

John Rounsavall, City Secretary, and Larry Smith, Representing Atmos Energy Corporation, presented to Council for Discussion and Consideration Resolution No. 714; Resolution Of The City Of Terrell Denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") Requested Rate Change; Requiring The Company To Reimburse The City's Reasonable Ratemaking Expenses; Finding That The Meeting At Which This Resolution Is Passed Is Open To The Public As Required By Law; Requiring Notice Of This Resolution To The Company And ACSC's Legal Counsel. Deputy Mayor Pro Tem made a motion to approve Resolution No. 714; Resolution Of The City Of Terrell Denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") Requested Rate Change; Requiring The Company To Reimburse The City's Reasonable Ratemaking Expenses; Finding That The Meeting At Which This Resolution Is Passed Is Open To The Public As Required By Law; Requiring Notice Of This Resolution To The Company And ACSC's Legal Counsel. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

RESOLUTION NO. 714

RESOLUTION OF THE CITY OF TERRELL DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

CONSENT AGENDA

Deputy Mayor Pro Tem D. J. Ory made a motion to adopt on CONSENT AGENDA Ordinance No. 2530, Ordinance No. 2531, Ordinance No. 2532, Ordinance No. 2533, Ordinance No. 2534 and Ordinance No. 2536 on second reading. The motion was seconded by Mayor Pro Tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

15. Discuss and Consider Adoption on Second Reading of Ordinance No. 2530; An Ordinance By The City Of Terrell, Texas, Amending Chapter 12 Code Of Ordinances By Adding A New Section 12-20 Establishing An Identity Theft Prevention Program, To Set Out Definitions, Policies And Procedures For Implementation Of The Identity Theft Prevention Program; To Provide A Repealing Clause, To Provide A Savings And Severability Clause And Providing For An Effective Date.

ORDINANCE NO. 2530

AN ORDINANCE BY THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 12 CODE OF ORDINANCES BY ADDING A NEW SECTION 12-20 ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM, TO SET OUT DEFINITIONS, POLICIES AND PROCEDURES FOR IMPLEMENTATION OF THE IDENTITY THEFT PREVENTION PROGRAM; TO PROVIDE A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Federal Trade Commission adopted rules pertaining to an Identity Theft Prevention pursuant to the Red Flags Rule which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 which requires that creditors adopt an Identity Theft Prevention Program; and

WHEREAS, the Red Flags Rule defines creditor to include all utility companies and the City owns and provides utility services and/or accepts payments for municipal utility services and is therefore classified as a creditor; and

WHEREAS, the City Council has requested that City personnel, including the City Attorney, the City Manager and the City Secretary / Finance Director, to develop such Identity Theft Prevention Program and such personnel recommend the Identity Theft Prevention Program attached hereto and incorporated herein as Exhibit "A" ("Program"); and

WHEREAS, the City Council has reviewed the Program and believes it fulfills, complies and implements the Red Flags Rule and other requirements outlined by the Federal Trade Commission; and

WHEREAS, the City Council finds that it is in the public interest to approve the Program.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment. The Code of Ordinances are hereby amended, by adding a new Section 12-20, entitled Identity Theft Prevention Program, as is more particularly set out in Exhibit A.

Section 3. Implementation. All procedures and requirements of The Identity Theft Prevention Program shall be implemented as outlined in the Exhibit A.

Section 4. All provisions of the Code of Ordinances of the City of Terrell in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Ordinances of the City of Terrell not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. SHOULD ANY SENTENCE, PARAGRAPH, SUBDIVISION, CLAUSE, PHRASE OR SECTION OF THIS ORDINANCE BE ADJUDGED OR HELD TO BE UNCONSTITUTIONAL, ILLEGAL OR INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THIS ORDINANCE AS A WHOLE, OR ANY PART OR PROVISION THEREOF OTHER THAN THE PART SO DECIDED TO BE INVALID, ILLEGAL OR UNCONSTITUTIONAL, AND SHALL NOT AFFECT THE VALIDITY OF THE CODE OF ORDINANCES AS A WHOLE.

SECTION 6. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY FROM AND AFTER ITS PASSAGE AND THE PUBLICATION OF THE CAPTION, AS THE LAW AND CHARTER IN SUCH CASES PROVIDE.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED ON THIS 17TH DAY OF APRIL, 2012.
PASSED AND ADOPTED ON THIS 15TH DAY OF MAY, 2012.**

16. Discuss and Consider Adoption on Second Reading of Ordinance No. 2531; An Ordinance Providing For A Municipal Court Building Security Fund; Providing For Assessment And Collection Of A Municipal Court Building Security Fee; Providing For Severability; Providing For Publication And Effective Date; And Ordaining Other Provisions Related To The Subject Matter Hereof.

ORDINANCE NO. 2531

AN ORDINANCE PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

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

SECTION 1:

That Chapter 1, Section 1-24, is hereby added to the Code of Ordinances, of City of Terrell, Texas and is to read as follows:

A. Municipal Court Building Security Fund.

1. There is hereby created and established a Municipal Court Building Security Fund (the "Fund") pursuant to Article 102.017 of the Code of Criminal Procedure.

2. The Municipal Court of the City of Terrell, Texas (the "Municipal Court") is hereby authorized and required to assess a Municipal Court Building Security Fee (the "Fee") in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.

3. A person is considered to have been convicted in a case if:

- judgment, sentence, or both are imposed on the person;
- the person is placed on deferred disposition; or
- the Court defers final disposition or imposition of the judgment and sentence.

4. The Fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.

5. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City of Terrell, Texas. All Fees so collected and paid over to the treasury of the City of Terrell Texas shall be segregated in the Fund.

6. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the City of Terrell, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d-1) of the Code of Criminal Procedure.

7. The Fund shall be administered by or under the direction of the City Council of the City of Terrell Texas.

SECTION 2:

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Terrell Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

SECTION 3:

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4:

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 first reading this 17th day of April, 2012.

PASSED AND ADOPTED on second reading this 15th day of May, 2012.

17. Discuss and Consider Adoption on Second Reading of Ordinance No. 2532, An Ordinance Of The City Of Terrell, Texas, Establishing A Municipal Court Technology Fund; Providing For The Assessment And Collection Of A Municipal Court Technology Fee; Providing For Severability; Providing For Publication And Effective Date; And Providing For Expiration Date.

ORDINANCE NO. 2532

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION DATE.

Whereas, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund;

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

SECTION 1:

Establishment of Municipal Court Technology Fund

A. There is hereby created and established a Municipal Court Technology Fund, herein known as the “Fund,” pursuant to Article 102.0172 of the Code of Criminal Procedure.

B. The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

SECTION 2:

Establishment of Amount of the Fee and Assessment and Collection

A. The fee shall be in the amount of \$4.00.

B. The fee shall be assessed and collected from the Defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A Defendant is considered convicted if:

- (1) judgment, sentence, or both are imposed on the person;
- (2) the person is placed on deferred disposition; or
- (3) the Court defers final disposition or imposition of the judgment and sentence.

C. The fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.

D. The Clerk of the Court shall collect the fee and pay the fee to the municipal treasurer Of the City of Terrell, Texas, who shall deposit the fee into the Municipal Court Technology Fund.

SECTION 3:

Designated Use of the Fund and Administration

A. The Fund shall be used only for the purpose of financing the purchase of or to maintain technological enhancements for the Municipal Court of the City of Terrell, Texas. “Technological enhancements” shall include any and all items described in Article 102.0172(d) of the Code of Criminal Procedure.

B. The Fund shall be administered by or under the direction of the City Council of the City of Terrell, Texas.

SECTION 4:

Severability if any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the City Council of the City of Terrell, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 5:

Repealing Conflict all ordinances and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6:

Administration of Fund the purpose of the use of any funds remaining in the fund shall continue to be used and administered as required by this ordinance and for that purpose this ordinance remains in effect.

SECTION 7:

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 17th day of April, 2012.

PASSED AND ADOPTED on this 15th day of May, 2012.

18. Discuss and Consider Adoption on Second Reading of Ordinance No. 2533; Adopting The 2009 International Building And Fire Codes, National Fire Protection Association Codes And 2008 National Electrical Code.

ORDINANCE NO. 2533

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 4 – SECTIONS 4-4, 4-5, 4-6, 4-7, 4-8, 4-26, 4-27, 4-28 AND 6-3 OF THE CITY OF TERRELL CODE OF ORDINANCES; AMENDING ORDINANCES 2159, 2242, 2243, 2244, 2245 AND 2246; ADOPTING BY REFERENCE THE 2008 NATIONAL ELECTRICAL CODE (NEC), 2009 INTERNATIONAL CODE COUNCIL BUILDING CODES (ICC) AND NATIONAL FIRE PROTECTION ASSOCIATION CODES (NFPA) AS ENUMERATED HEREIN; ADOPTING CERTAIN LOCAL AMENDMENTS AS RECOMMENDED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO THE CODES AS ENUMERATED; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas has adopted the National Electrical Code (NEC), International Building Codes and National Fire Protection Association Codes as the official building codes to be used in the State of Texas in order to establish the minimum requirements to safeguard the public health, safety, and welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and

WHEREAS, the City Council of the City of Terrell has determined that it is in the best interest of the City and its' citizens to require that appropriate building standards and codes be applied to any person, owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any fire alarm/suppression, electrical, gas, mechanical or plumbing system in order to eliminate the detrimental and negative impacts upon the public health, safety, or welfare.

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

ARTICLE I.

The City of Terrell, Texas hereby adopts the following standardized rules and regulations propounded by the National Fire Protection Association (NFPA) and International Code Council (ICC), more specifically as follows:

- (a) National Electrical Code, 2008 edition
- (b) International Building Code, 2009 edition
- (c) International Residential Code, 2009 edition
- (d) International Fire Code, 2009 edition
- (e) International Plumbing Code, 2009 edition
- (f) International Mechanical Code, 2009 edition
- (g) International Fuel Gas Code, 2009 edition
- (h) International Energy Conservation Code, 2009 edition
- (i) International Property Maintenance Code, 2009 edition
- (j) International Existing Building Code, 2009 edition
- (k) International Private Sewage Disposal Code, 2009 edition
- (l) International Commercial Kitchen Hood, 2009 edition
- (m) International High-Piled Combustible Storage, 2009 edition
- (n) NFPA 13 – Automatic Sprinkler Systems Code, 2010 edition
- (o) NFPA 58 – Liquefied Petroleum Gas Code, 2008 edition
- (p) NFPA 72 – National Fire Alarm and Signaling Code – 2010 edition
- (q) NFPA 101 – Life Safety Code – 2009 edition
- (r) NFPA – all other NFPA codes shall apply where the ICC or NEC codes are silent on a particular application or as required by the Fire Marshal.

ARTICLE II.

The following enumerated Codes and Appendices are hereby being replaced or repealed by the above-cited Codes:

- (a) National Electrical Code, 2005 edition
- (b) International Building Code, 2003 edition
- (c) International Residential Code, 2003 edition
- (d) International Fire Code, 2000 edition
- (e) International Plumbing Code, 2003 edition
- (f) International Mechanical Code, 2003 edition
- (g) International Fuel Gas Code, 2003 edition
- (h) International Energy Conservation Code, 2003 edition
- (i) International Property Maintenance Code, 2003 edition
- (j) International Existing Building Code, 2003 edition
- (k) International Private Sewage Disposal Code, 2003 edition

ARTICLE III.

The following Local Amendments recommended by the North Central Texas Council of Governments (NCTCOG) are adopted with their respective Codes in accordance with the needs of the City of Terrell, Texas and are attached hereto as EXHIBIT "A" and by reference made a part hereof:

- (a) Local amendment recommendations attached hereto relating to **International Building Code**, 2009 edition.
- (b) Local amendment recommendations attached hereto relating to the **International Residential Code**, 2009 edition.
- (c) Local amendment recommendations attached hereto relating to **International Fire Code**, 2009 edition. These amendments shall be attached to each enumerated Code as indicated.
- (d) Local amendment recommendations attached hereto relating to the **International Mechanical Code**, 2009 edition.
- (e) Local amendment recommendations attached hereto relating to the **National Electrical Code**, 2008 edition.
- (f) Local amendment recommendations attached hereto relating to the **International Plumbing Code**, 2009 edition.
- (g) Local amendment recommendations attached hereto relating to the **International Fuel Gas Code**, 2009 edition.
- (h) Local amendment recommendations attached hereto relating to the **International Energy Conservation Code**, 2009 edition.

ARTICLE IV.

Amend the Code of Ordinances as follows:

- (a) All references to Ordinance numbers 2159, 2242, 2243, 2244, 2245, or 2246 within the body or footnotes of the Revised Code of Ordinances or other adopted codes and ordinances shall be superseded by this Ordinance upon approval and adoption.

ARTICLE V.

These enumerated Codes, Appendices, and Amendments are hereby adopted by the City of Terrell, Texas, and are presently and shall remain on file in the Municipal Development Department office and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the areas governed. These Codes include provisions for certain penalty provisions, which are in addition to but not in conflict with those provisions for penalties and fines as found in the Code of Ordinances of the City of Terrell, Texas, and shall be expressly adopted along with any general provisions contained herein.

ARTICLE VI.

It is further ordained that the Codes adopted by reference herein shall include any and all applicable amendments or supplements thereto presently in existence or prepared in the future, thereby being revised periodically.

ARTICLE VII.

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 VIII.

This ordinance shall become and be effective immediately from and after its adoption and publication, as the law and Charter in such cases provide.

ARTICLE IX.

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

ARTICLE X.

PENALTY. Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding five hundred dollars (\$500.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. Nothing contained herein shall prevent the City of Terrell from taking such other lawful action as is deemed necessary to prevent or remedy any violation.

ARTICLE XI.

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

PASSED AND APPROVED this the 17th day of April, 2012.

PASSED AND ADOPTED this the 15th day of May, 2012.

19. Discuss and Consider Adoption on Second Reading of Ordinance No. 2534; Regarding The Adoption Of A New Development Services Fee Schedule.

ORDINANCE NO. 2534

AN ORDINANCE, AMENDING ORDINANCE NO. 2374 AND APPENDIX 1, FEE SCHEDULE, BUILDING PERMIT AND DEVELOPMENT FEES AND CHARGES OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, UPDATING THE FEE SCHEDULE FOR BUILDING PERMITS, CONTRACTOR REGISTRATION, ZONING APPLICATIONS AND PLAT APPLICATIONS; PROVIDING FOR THE REPEAL OF ALL PREVIOUS OUTDATED AND CONFLICTING FEE SCHEDULES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current fee schedules for various permits and applications are outdated and insufficient to recover administrative costs associated with building inspections, food service inspections, fire inspections, etc.; and

WHEREAS, the City of Terrell has the desire to improve customer service and make the development process efficient and customer friendly; and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that permit and application fees imposed upon residential and nonresidential development should be equitable, and do not impose an unfair burden on such development; are in the best interest of the general welfare of the City and its residents by promoting safe building practices;

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

THAT ORDINANCE NO. 2374 AND APPENDIX 1, FEE SCHEDULE, BUILDING PERMIT AND DEVELOPMENT FEES AND CHARGES as set forth in the City of Terrell Code of Ordinances, are hereby amended to read as follows:

ARTICLE I.

GENERAL PROVISIONS

SECTION 1.

BUILDING PERMIT AND DEVELOPMENT FEES AND CHARGES

Permit required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by City or State Codes, or to cause any such work to be done, shall first submit an application to the Municipal Development Department and obtain the required permit.

FEE SCHEDULE:

A. Basic Building Permit Fees:

Type Permit	Fee
1. New Residential Construction	
Single-Family	\$600/dwelling unit
Townhouse	\$450/dwelling unit
Multi-family	\$300/dwelling unit
2. Residential Repairs, Alterations or Remodels to existing structures (including electrical, mechanical, plumbing, fence, irrigation, roofing, foundation, carport, accessory building, or separate subcontracts for new construction:	
	\$6.00/\$1,000 valuation \$35.00 minimum
3. New Commercial Construction and Additions:	
a. Industrial	\$0.32/square foot
b. Institutional	\$0.43/square foot
c. Retail	\$0.44/square foot
d. Commercial	\$0.48/square foot
e. Restaurant	\$1.05/square foot
f. Medical	\$1.55/square foot
4. Commercial Shell Building or Tenant Finish Out:	50% of new construction fee
5. Commercial Repairs, Alterations or Remodels to existing structures (including electrical, mechanical, plumbing, fence, irrigation, roofing, sign (permanent or electrical), foundation, etc. or separate subcontracts for new construction:	
	\$8.00/\$1,000 valuation \$45.00 minimum
6. Commercial Plan Review Fee:	25% of above permit fee (only applies to projects over \$50,000 or requires TDLR registration)

B. Other Permits and Fees

1. Grading Permit	\$100.00
(deducted from permit fee if construction commences within 6 months - must submit grading plan or engineering)	

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| 2. | Moving Fee (using public street/requires Police permit)
(moving of any structure or building over 240 square feet) | \$75.00 |
| 3. | Demolition Permit | Residential \$35.00
Commercial \$100.00 (must have asbestos survey) |
| 4. | Advertising Sign Permit (temporary, banners, etc.) | \$25.00 |
| 5. | Certificate of Occupancy | \$100.00 |
| 6. | Food Establishment Permit – due by January 15th
(If not paid by January 15 th add \$50.00 late fee) | \$245.00/year |
| 7. | Temporary Food Permit | \$45.00 (valid for 14 days every 4 months) |
| 8. | Re-inspection Fee
(at discretion of building inspector) | \$45.00 1 st re-inspection
\$90.00 2 nd re-inspection
\$180.00 3 rd re-inspection |
| 9. | After Hours Inspections | \$45.00/hour |
| 10. | Unpermitted Work | triple permit fees (work performed without permits or by unregistered or unlicensed trades) |
| 11. | License Registration Fee (all trades) | \$35.00 per year from registration date |

C. Work exempt from permits:

1. The repair or replacement of an existing fence in a residential district in which approved materials are used and all other requirements are met.
2. Roof repairs in which less than 10% of the roof area is involved.
3. Cosmetic improvements such as painting, cabinets, counter-tops, tile, non-structural repairs, replacement of wall materials involving less than 10% of any wall, or floor covering installation such as carpet, etc.
4. Appliance installation which does not require the device to have additional electrical, gas, or plumbing services installed.
5. Prefabricated above ground swimming pools which are less than 24 inches deep and do not exceed 5,000 gallons.
6. Retaining walls less than 4 feet tall.
7. Playground equipment in residential districts.
8. Exemptions from permit requirements shall not be deemed to grant authority to perform any work that is in any manner in violation of City or State Codes.

D. Fire Prevention Fees

1. **Fire Sprinkler System Permit (Plan Review & Inspection)** \$0.008/square foot

- \$150.00 minimum
- 2. **Fire Alarm Permit (Plan Review & Inspection)** \$0.008/square foot
\$150.00 minimum
- 3. **Special Fire Department Permits or Inspections** (fire pump test, smoke control systems, chemical fire extinguishing systems, flammable liquid or gas storage, refueling facilities, burn permits, fireworks or pyrotechnics displays, etc.) \$150.00

ZONING APPLICATION FEES:

- 1. **Zoning Change Request** \$200.00
- 2. **Specific Use Permit** \$200.00
- 3. **Appeal to the Zoning Board of Adjustment** \$100.00

PLAT APPLICATION FEES:

- 1. **Preliminary Plat - Residential** \$100.00
- 2. **Construction Plat – Commercial** \$100.00 < 5 acres
\$350.00 5 acres to < 25 acres
\$750.00 25 acres to < 100 acres
\$750.00 + \$5.00/acre > 100 acres
- 3. **Final Plat – Residential** \$200.00
(plus County Filing Fees)
- 4. **Final Plat – Commercial** \$200.00
(plus County Filing Fees)
- 5. **Other Plats - Replats, Minor, Amended, etc.** \$100.00 + County Filing Fees

ARTICLE II.

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.

ARTICLE III.

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 17th day of April, 2012.

Passed and Adopted on this the 15th day of May, 2012.

20. Discuss and Consider Adoption on Second Reading of Ordinance No. 2536; Budget Amendment.

ORDINANCE NO. 2536

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, AS PASSED AND ADOPTED ON SEPTEMBER 20, 2011 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:

<u>GENERAL FUND</u>	BUDGETED AMOUNT	AMENDED
<u>REVENUES</u>		

010-00-3819 Animal Shelter Donations	\$-0-	\$ 625.00	\$ 625.00
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<u>GENERAL FUND</u>	BUDGETED AMOUNT	AMENDED
<u>EXPENDITURES</u>		

010-16-4206 Minor Tools	\$ 1,300.00	\$ 625.00	\$ 1,925.00
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010-16-4501 Animal Control Air Conditioning System	\$-0-	\$12,000.00	\$12,000.00
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010-20-4480 Structures Demolition & Cleanup	\$25,000.00	\$37,905.00	\$62,905.00
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010-22-4440 Contract Labor	\$ 2,000.00	\$13,350.00	\$15,350.00
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<u>TOURISM FUND</u>	BUDGETED AMOUNT	AMENDED
<u>EXPENDITURES</u>		

016-11-4418 Terrell Downtown			
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Conference Initiative	\$-0-	\$10,000.00	\$10,000.00
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<u>UTILITY FUND EXPENDITURES</u>	BUDGETED AMOUNT	AMENDED
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020-61-4501 Waste Water Treatment Plant Chemical Feed System	\$480,000.00	(\$30,000.00)	\$450,000.00
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<u>UTILITY CAPITAL RESERVE FUND EXPENDITURES</u>	BUDGETED AMOUNT	AMENDED
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028-28- 4404 Consultant Fees and Services	\$50,000.00	\$30,000.00	\$80,000.00
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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 1st day of May, 2012.

Passed and Adopted on this the 15th day of May, 2012.

END OF CONSENT AGENDA

21. Discuss City Manager's Reports and Correspondence:
 - a.) Draft Agenda for May 24, 2012.

Torry Edwards, City Manager presented a Draft Agenda for May 24, 2012. There was no action taken by this item.

22. 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.

This item passed by Council.

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

This item passed by Council.

24. 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