

**REGULAR CITY COUNCIL MEETING**

**April 16, 2013**

**7:00 P.M.**

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, April 16, 2013, at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

<b>COUNCILMEMBER #1</b>	<b>HAL RICHARDS</b>
<b>COUNCILMEMBER #2</b>	<b>TOMMY SPENCER</b>
<b>COUNCILMEMBER #3</b>	<b>RICKY JORDAN</b>
<b>COUNCILMEMBER #4</b>	<b>CHARLES WHITAKER</b>
<b>COUNCILMEMBER #5</b>	<b>D.J. ORY</b>

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Councilmember Charles Whitaker, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of March 28, 2013, and Regular City Council Meeting of April 2, 2013.

Councilmember Charles Whitaker, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of March 28, 2013, and Regular City Council Meeting of April 2, 2013. Councilmember Tommy Spencer, 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 proposed revisions to the Subdivision Regulations Ordinance No. 2500, Section 5.4 Street Names and Signs, which will clarify street naming protocol in order to improve public safety and the efficient delivery of emergency services, mail delivery and other services. The proposed revisions are to be applied city-wide and in the extraterritorial jurisdiction of the City of Terrell, Kaufman County, Texas. (ZC-13-02)

Terry Capehart, Municipal Development Director, gave opening comments regarding a Public Hearing to receive comments regarding proposed revisions to the Subdivision Regulations Ordinance No. 2500, Section 5.4 Street Names and Signs, which will clarify street naming protocol in order to improve public safety and the efficient delivery of emergency services, mail delivery and other services. The proposed revisions are to be applied city-wide and in the extraterritorial jurisdiction of the City of Terrell, Kaufman County, Texas. (ZC-13-02). Mayor Hal Richards opened a Public Hearing to receive comments regarding proposed revisions to the Subdivision Regulations Ordinance No. 2500, Section 5.4 Street Names and Signs, which will clarify street naming protocol in order to improve public safety and the efficient delivery of emergency services, mail delivery and other services. The proposed revisions are to be applied city-wide and in the extraterritorial jurisdiction of the City of Terrell, Kaufman County, Texas. (ZC-13-02). No one spoke against. No one spoke for. Mayor Hal Richards closed the Public Hearing.

- b.) Discuss and Consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2568 adopting proposed revisions to the Subdivision Regulations Ordinance No. 2500, Section 5.4 Street Names and Signs, which will clarify street naming protocol in order to improve public safety and the efficient delivery of emergency services, mail delivery and other services. The proposed revisions are to be applied city-wide and in the extraterritorial jurisdiction of the City of Terrell, Kaufman County, Texas.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Ordinance No. 2568 adopting proposed revisions to the Subdivision Regulations Ordinance No. 2500, Section 5.4 Street Names and Signs, which will clarify street naming protocol in order to improve public safety and the efficient delivery of emergency services, mail delivery and other services. The proposed revisions are to be applied city-wide and in the extraterritorial jurisdiction of the City of Terrell, Kaufman County, Texas. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

### ORDINANCE NO. 2568

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING THE SUBDIVISION REGULATIONS, ORDINANCE NO. 2500, OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 5.4 OF THE SUBDIVISION REGULATIONS; STREET NAMES AND SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

## NEW BUSINESS

6. Discuss and Consider a recommendation to the Kaufman County Tax Office regarding the proposed resale of seven parcels being ten lots held in trust by the County, generally located on St. Luke Street, Gilbert Street and Rose Hill Road; being Lots 19-25, Block 1, Phagan Addition; and Lots 10, 24, & 33, Block 1, Wallace Addition; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration a recommendation to the Kaufman County Tax Office regarding the proposed resale of seven parcels being ten lots held in trust by the County, generally located on St. Luke Street, Gilbert Street and Rose Hill Road; being Lots 19-25, Block 1, Phagan Addition; and Lots 10, 24, & 33, Block 1, Wallace Addition; City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize staff to execute the recommendation to the Kaufman County Tax Office regarding the proposed resale of seven parcels. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

Mayor Hal Richards, recognized Beverly Stibbens with Habitat For Humanity.

7. Discuss and Consider the transfer of a certain tract of land to the Kaufman County Chapter of Habitat For Humanity, being Lot 1, Block 245, Dewberry and Wheeler Addition; located at 502 S. Medora Street; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration, the transfer of a certain tract of land to the Kaufman County Chapter of Habitat For Humanity, being Lot 1, Block 245, Dewberry and Wheeler Addition; located at 502 S. Medora Street; City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize staff to execute the transfer of a certain tract of land to the Kaufman County Chapter of Habitat For Humanity. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

8. Discuss and Consider Award of Bid for Project 09-08, Safe Routes to School.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration Award of Bid for Project 09-08, Safe Routes to School. Mayor Pro Tem Ricky Jordan, made a motion to table Award of Bid for Project 09-08, Safe Routes to School. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss and Consider appointments to Building Standards Commission.

Deputy Mayor Pro Tem D. J. Ory, Presented to Council for Discussion and Consideration appointments to Building Standards Commission. Deputy Mayor Pro Tem D. J. Ory, made a motion to table appointments to Building Standards Commission. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider appointments to Library Advisory Board.

This item was passed by Council.

### CONSENT AGENDA

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2566 and Ordinance No. 2567 on second reading. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider Adoption on Second Reading Ordinance No. 2566; 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; Revised Code Of Ordinances Of The City Of Terrell, Texas; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

#### ORDINANCE NO. 2566

**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; 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.** Civil Service Classification Plan (a) Classification of Fire Fighters 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 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**

<b>CLASSIFICATION</b>	<b>NUMBER OF POSITIONS</b>	<b>BASE MONTHLY SALARY</b>
Battalion Chief	0	\$0.00

<b>CLASSIFICATION</b>	<b>NUMBER OF POSITIONS</b>	<b>BASE MONTHLY SALARY</b>
Captain	7	\$3,770.00
Driver-Engineer	6	\$3,397.00
Fire Fighter	9	\$3,331.00

**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 APRIL, 2013.**  
**PASSED AND ADOPTED THIS 16TH DAY OF APRIL, 2013.**

12. Discuss and Consider Adoption on Second Reading Ordinance 2567; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2012, And Ending September 30, 2013, As Passed And Adopted On September 4, 2012 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.

**ORDINANCE NO. 2567**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013, AS PASSED AND ADOPTED ON SEPTEMBER 4, 2012 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><u>GENERAL FUND REVENUES</u></b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED</b>
Refunds and Recoveries		
010-00-3706 Other	\$ 50,000.00 \$ 37,528.00	\$ 87,528.00
010-00-3706 Other	\$ 87,528.00 \$ 30,820.00	\$ 118,348.00
<b><u>UTILITY FUND REVENUES</u></b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED</b>
020-00-3216 Refunds and Recoveries	\$ 500.00 \$ 9,021.00	\$ 9,521.00
<b><u>EQUIPMENT REPLACEMENT FUND REVENUES</u></b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED</b>
025-00-3325 Recoveries	\$ 15,000.00 \$ 1,162.00	\$ 16,162.00
<b><u>STORM WATER MANAGEMENT FUND REVENUES</u></b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED</b>
037-00-3202 Refunds and Recoveries	\$ -0- \$ 289.00	\$ 289.00
<b><u>LIFE INSURANCE TRANSFER FUND EXPENDITURES</u></b>	<b>BUDGETED AMOUNT</b>	<b>AMENDED</b>
903-11-4402 Transfer to General Fund	\$ -0- \$ 37,528.00	\$ 37,528.00
903-11-4403 Transfer to Utility Fund	\$ -0- \$ 9,021.00	\$ 9,021.00
903-11-4404 Transfer to Equipment Replacement Fund	\$ -0- \$ 1,162.00	\$ 1,162.00

903-11-4405 Transfer to Storm Water Management Fund \$ -0- \$ 289.00 \$ 289.00

**GENERAL FUND EXPENDITURES**

**BUDGETED AMOUNT AMENDED**

**Police Department**

010-32-4102 Clerical	\$ 335,855.00	\$ 13,925.00	\$ 349,780.00
010-32-4103 Labor	\$2,232,892.00	\$ 27,013.00	\$2,259,905.00
010-32-4110 Social Security	\$ 232,154.00	\$ 3,127.00	\$ 235,281.00
010-32-4111 Texas Municipal Retirement System	\$ 523,787.00	\$ 7,066.00	\$ 530,853.00
010-32-4114 Group Health	\$ 517,448.00	\$ 4,691.00	\$ 522,139.00

**Fire Department**

010-33-4101 Supervision	\$ 437,255.00	\$ 6,395.00	\$ 443,650.00
010-33-4103 Labor	\$ 992,630.00	\$ 1,165.00	\$ 993,795.00
010-33-4110 Social Security	\$ 115,535.00	\$ 578.00	\$ 115,931.00
010-33-4111 Texas Municipal Retirement System	\$ 260,261.00	\$ 1,305.00	\$ 261,566.00
010-33-4350 Vehicle Maintenance	\$ 20,000.00	\$ 10,000.00	\$ 30,000.00

**EQUIPMENT REPLACEMENT FUND EXPENDITURES**

**BUDGETED AMOUNT AMENDED**

025-25-4504 D32 (1) Patrol Vehicle	\$ 30,820.00	\$ 30,820.00	\$ -0-
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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 2nd day of April, 2013.

Passed and Adopted on this the 16th day of April, 2013.

**END OF CONSENT AGENDA**

13. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
  - a.) Section 551.072 - Deliberations about Real Property.
  - b.) Section 551.076 - Deliberations regarding Security Devices.

Council adjourned into Executive Session.

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

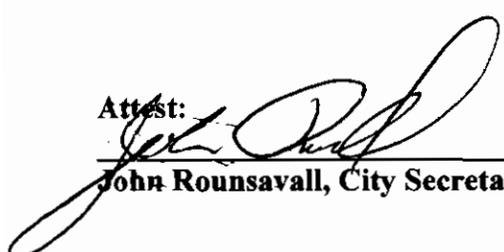
Councilmember Charles Whitaker made a motion to authorize City staff to expend funds available in the Court Technology Fund and the Court Security Fund for the purchase of security equipment for the Municipal Court in an amount not to exceed \$4,850.00 and to pay police officers from the Court Security Fund for their services as Bailiff and for additional security as needed. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

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