

REGULAR CITY COUNCIL MEETING

March 19, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, March 19, 2013, 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 CHARLES WHITAKER
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Mayor Pro Tem Ricky Jordan, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of February 28, 2013, and Regular City Council Meeting of March 5, 2013.

Corrections to Minutes of Special City Council Meeting and Workshop of February 28, 2013, as follows:

8. Discuss Appointments to Terrell Municipal Airport Board.

Mayor Hal Richards, Presented to Council for Discussion, Appointments to Terrell Municipal Airport Board. There was no action taken on this item.

9. Discuss Appointments to Terrell Park Board.

Council Member D.J. Ory, Presented to Council for Discussion, Appointments to Terrell Park Board. There was no action taken on this item.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve amended Meeting Minutes of Special City Council Meeting and Workshop of February 28, 2013, and Regular City Council Meeting of March 5, 2013. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nayses - None. Motion carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

NEW BUSINESS

5. Discuss and Consider Labor for Your Neighbor Memorandum of Understanding.

Walt Davis, Presented to Council for Discussion and Consideration Labor for Your Neighbor Memorandum of Understanding. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City Manager to execute Labor for Your Neighbor Memorandum of Understanding. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

6. Discuss and Consider Resolution No. 729; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving And Authorizing The Submission Of An Application And The Acceptance Of An Award From The Office Of The Governor Of The State Of Texas, Criminal Justice Division.

Jody Lay, Chief of Police, Presented to Council for Discussion and Consideration Resolution No. 729; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving And Authorizing The Submission Of An Application And The Acceptance Of An Award From The Office Of The Governor Of The State Of Texas, Criminal Justice Division. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 729; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving And Authorizing The Submission Of An Application And The Acceptance Of An Award From The Office Of The Governor Of The State Of Texas, Criminal Justice Division. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

RESOLUTION NO. 729

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION AND THE ACCEPTANCE OF AN AWARD FROM THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS, CRIMINAL JUSTICE DIVISION.

WHEREAS, the City of Terrell City Council finds it in the best interest of the citizens of the City of Terrell that the In-car Video System Replacement be operated for the 2013-2014 year; will use JAG funds to purchase equipment for the Terrell Police Department; and

WHEREAS, the City of Terrell will not use funds for any of the specifically prohibited uses; and

WHEREAS, the City of Terrell is eligible to participate in this program as a unit of local government; and

WHEREAS, the City of Terrell is eligible for an award amount up to \$43,000.00; and

WHEREAS, the City of Terrell will utilize funds for purchases from vendors within the United States of America in an effort to help stimulate our national economy; and

WHEREAS, the City of Terrell City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Terrell City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City of Terrell is not required to provide a local match; and

WHEREAS, the City of Terrell will forward the proposed application to the Office of the Governor, Criminal Justice Division, State of Texas; and

WHEREAS, the City of Terrell City Council designates Torry Edwards, City Manager, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

SECTION 1. That an application is hereby authorized to be filed on behalf of the City with the Office of the Governor, Criminal Justice Division, State of Texas.

SECTION 2. That the application be in an amount not to exceed \$43,000.00 with no City match.

SECTION 3. That if awarded the Justice Assistance Grant by the Office of the Governor, Criminal Justice Division, State of Texas, the City will accept it.

PASSED AND ADOPTED THIS 19TH DAY OF MARCH, 2013.

7. Discuss and Consider Resolution No. 730; A Resolution Of The City Of Terrell, Texas, Cancelling The May 11, 2013 General Election For The Purpose Of The Election Of Mayor To The City Council And Declaring The Unopposed Candidate Elected To Office.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Resolution No. 730; A Resolution Of The City Of Terrell, Texas, Cancelling The May 11, 2013 General Election For The Purpose Of The Election Of Mayor To The City Council And Declaring The Unopposed Candidate Elected To Office. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Resolution No. 730; A Resolution Of The City Of Terrell, Texas, Cancelling The May 11, 2013 General Election For The Purpose Of The Election Of Mayor To The City Council And Declaring The Unopposed Candidate Elected To Office. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

RESOLUTION NO. 730

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, CANCELLING THE MAY 11, 2013 GENERAL ELECTION FOR THE PURPOSE OF THE ELECTION OF MAYOR TO THE CITY COUNCIL AND DECLARING THE UNOPPOSED CANDIDATE ELECTED TO OFFICE

WHEREAS, the City of Terrell, Texas is a home rule municipality located in Kaufman County, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in accordance with law a general election has been ordered for May 11, 2013 for the purpose of electing Mayor to serve on the City Council in the City of Terrell; and

WHEREAS, the City Secretary has certified in writing that the candidates on the ballot are unopposed for election to office; and

WHEREAS, the filing deadlines for placement on the ballot and declaration of write-in candidacy has passed; and

WHEREAS, in these circumstances Subchapter C of Chapter 2 of the election Code authorizes a governing body to declare each unopposed candidate elected to office and cancel the election.

NOW, THEREFORE, BE IT RESOLVED that

SECTION 1. The following candidate, who is unopposed in the May 11, 2013 general election, is hereby declared elected to office, and shall be issued a certificate of election:

Hal Richards Mayor

SECTION 2. The City Secretary is directed to post a copy of this Resolution at each designated polling place on or before May 11, 2013.

PASSED AND APPROVED THIS THE 19TH DAY OF MARCH, 2013.

8. Discuss and Consider 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 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.

Councilmember Charles Whitaker, made a motion to table 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 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. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss and Consider Appointments to Planning & Zoning Commission.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration.

Mayor Pro Tem Ricky Jordan, made a motion to reappoint Raylan Smith and Jerry Yates to Planning & Zoning Commission. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

Mayor Pro Tem Ricky Jordan, made a motion to appoint Vickie Anderson to Planning & Zoning Commission to replace Bill Baker. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider Appointments to Zoning Board of Adjustments.

Councilmember Charles Whitaker, made a motion to reappoint Ryan Jones and Thomas Earl Brown to Zoning Board of Adjustments. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

CONSENT AGENDA

Mayor Pro Tem D. J. Ory made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2565 on second reading. Councilmember Tommy Spencer, seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider Adoption on Second Reading Ordinance No. 2565; 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. 2565

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:

<u>GENERAL FUND REVENUES</u>	BUDGETED AMOUNT	AMENDED
010-00-3818-00	\$-0-	\$ 500.00

<u>GENERAL FUND EXPENDITURES</u>	BUDGETED AMOUNT	AMENDED
010-32-4518-00	\$-0-	\$ 500.00

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 5th day of March, 2013.

Passed and Adopted on this the 19th day of March, 2013.

END OF CONSENT AGENDA

12. 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.

Council adjourned into Executive Session in Accordance with Section 551.072 - Deliberations about Real Property.

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

There was no action taken in Executive Session.

14. 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