

REGULAR CITY COUNCIL MEETING

July 8, 2014

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, July 8, 2014, 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 - Absent
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Mayor Pro Tem D.J. Ory gave the opening prayer.

3. Presentation of the Phoenix Award to Fivecoat Construction.

Mayor Hal Richards, presented Justin Fivecoat the Phoenix Award.

4. Special recognition of the City of Terrell Lifeguards for bringing home 1st place at the North Texas Guard Games.

Mayor Hal Richards, recognized the City of Terrell Lifeguards for bringing home 1st place at the North Texas Guard Games.

5. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of June 12, 2014, and Regular City Council Meeting of June 17, 2014. Special City Council Meeting Workshop and Budget Retreat of June 26, 2014.

Mayor Pro Tem D.J. Ory made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of June 12, 2014, and Regular City Council Meeting of June 17, 2014, and motion to approve with correction Special City Council Meeting Workshop and Budget Retreat of June 26, 2014. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
- b. Section 551.072 - Deliberations about Real Property.
- Council adjourned into Executive Session.
5. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.
- No action taken out of Executive Session.

10. Discuss and Consider approval of a request from Justin Fivecoat regarding the use of alternative exterior materials per Section 37.4 of the Zoning Ordinance, in order to construct a detached garage on an existing slab behind the house on property located at 408 Griffith Avenue, being Lot 4, Block 352, Terrell Revised Addition, City of Terrell, Texas.

Terry Capehart, Municipal Development Director, presented to Council for discussion and consideration approval of a request from Justin Fivecoat regarding the use of alternative exterior materials per Section 37.4 of the Zoning Ordinance, in order to construct a detached garage on an existing slab behind the house on property located at 408 Griffith Avenue, being Lot 4, Block 352, Terrell Revised Addition, City of Terrell, Texas. Mayor Pro Tem D.J. Ory made a motion to approve a request from Justin Fivecoat regarding the use of alternative exterior materials per Section 37.4 of the Zoning Ordinance, in order to construct a detached garage on an existing slab behind the house on property located at 408 Griffith Avenue, being Lot 4, Block 352, Terrell Revised Addition, City of Terrell, Texas. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

6. Hear remarks from visitors. There were no remarks from visitors.

NEW BUSINESS

7. Discuss and Consider approval of Resolution No. 771; of the City of Terrell, Texas, to authorize the Execution of a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration approval of Resolution No. 771; of the City of Terrell, Texas, to authorize the Execution of a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation. Councilmember Sandra Wilson made a motion to approve Resolution No. 771; of the City of Terrell, Texas, to authorize the Execution of a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation. Mayor Pro Tem D.J. Ory seconded the motion. Ayes - All. Nays - None. Motion carried.

8. Discuss and Consider approval of Ordinance No. 2606; An Ordinance to the City of Terrell, Amending Ordinance No. 2415 Section 12-7 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas, With the Addition of Section G., Average Winter Water Usage; Replacing Conflicting Ordinances; Providing for Severability; and Establishing an Effect Date.

John Rounsavall, City Secretary, presented to Council for discussion and consideration approval of Ordinance No. 2606; An Ordinance to the City of Terrell, Amending Ordinance No. 2415 Section 12-7 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas, With the Addition of Section G., Average Winter Water Usage; Replacing Conflicting Ordinances; Providing for Severability; and Establishing an Effect Date. Mayor Pro Tem D.J. Ory made a motion to approve on first reading Ordinance No. 2606; An Ordinance to the City of Terrell, Amending Ordinance No. 2415 Section 12-7 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas, With the Addition of Section G., Average Winter Water Usage; Replacing Conflicting Ordinances; Providing for Severability; and Establishing an Effect Date. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss and Consider Bid for 2014 Drainage Improvements SH34 to Airport Road by Lakes Regional MHMR Center.

Steve Rogers, City Engineer, presented to Council for discussion and consideration Bid for 2014 Drainage Improvements SH34 to Airport Road by Lakes Regional MHMR Center. Mayor Pro Tem D.J. Ory made a motion to approve the Alternate Bid only to LF Miller in the amount of \$59,000.00. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider approval of Resolution No. 772; A Resolution Of The City Council Of The City Of Terrell, Texas, Repealing Resolution No. 768 and Approving The Interlocal Cooperation Agreement Between The City Of Terrell, Texas and Kaufman County, Texas; Authorizing The City Manager To Negotiate The Terms Of The Agreement And The Mayor To Execute The Agreement.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration approval of Resolution No. 772; A Resolution Of The City Council Of The City Of Terrell, Texas, Repealing Resolution No. 768 and Approving The Interlocal Cooperation Agreement Between The City Of Terrell, Texas and Kaufman County, Texas; Authorizing The City Manager To Negotiate The Terms Of The Agreement And The Mayor To Execute The Agreement. Mayor Pro Tem D.J. Ory made a motion to approve Resolution No. 772; A Resolution Of The City Council Of The City Of Terrell, Texas, Repealing Resolution No. 768 and Approving The Interlocal Cooperation Agreement Between The City Of Terrell, Texas and Kaufman County, Texas; Authorizing The City Manager To Negotiate The Terms Of The Agreement And The Mayor To Execute The Agreement. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

12. Discuss and Consider approval of Resolution No. 773; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The City Of Terrell To Enter Into A Multiple Use Agreement With The Texas Department Of Transportation For The Maintenance And Operation Of A Parking Facility On The Highway Right Of Way.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration approval of Resolution No. 773; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The City Of Terrell To Enter Into A Multiple Use Agreement With The Texas Department Of Transportation For The Maintenance And Operation Of A Parking Facility On The Highway Right Of Way. Mayor Pro Tem D.J. Ory made a motion to approve Resolution No. 773; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The City Of Terrell To Enter Into A Multiple Use Agreement With The Texas Department Of Transportation For The Maintenance And Operation Of A Parking Facility On The Highway Right Of Way. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

13. Discuss and Consider Adoption on Second Reading Ordinance No. 2604; approval of a proposed amendment to Ordinance No. 2533 amending Chapter 4 - Section 4-4 (b), and Chapter 6 - Section 6-3 (b) of the Code of Ordinances in order to remove a conflict between the North Central Council of Governments (NCTCOG) Local Amendments

(Exhibit A) and the adopted 2009 International Building Code (IBC) And International Fire Code (IFC).

Mayor Pro Tem D.J. Ory, made a motion to approve Ordinance No. 2604; on consent, amending Chapter 4 - Section 4-4 (b), and Chapter 6 - Section 6-3 (b) of the Code of Ordinances; and amending Ordinance 2533, in order to remove a conflict between the North Central Council of Governments (NCTCOG) local amendments (Exhibit A) and the adopted 2009 International Building Code (IBC) and International Fire Code (IFC); providing for a penalty; providing for a severability clause; a repealer clause; and providing an effective date. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2604

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 4 - SECTION 4-4 (b), AND CHAPTER 6 - SECTION 6-3 (b) OF THE CODE OF ORDINANCES; AND AMENDING ORDINANCE 2533, IN ORDER TO REMOVE A CONFLICT BETWEEN THE NORTH CENTRAL COUNCIL OF GOVERNMENTS (NCTCOG) LOCAL AMENDMENTS (EXHIBIT A) AND THE ADOPTED 2009 INTERNATIONAL BUILDING CODE (IBC) AND INTERNATIONAL FIRE CODE (IFC); 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.

Ordinance 2533 adopted May, 15, 2012 by the City of Terrell adopting by reference the entire suite of 2009 International Building Codes, 2008 National Electrical Code, certain NFPA Codes and the NCTCOG recommended Local Amendments shall remain in full force and effect except as amended herein, more specifically as follows:

Amend Chapter 4 - Section 4-4(b) Building Code - Exhibit A - NCTCOG Amendments - **Section 903.2.11.9 Buildings Over 6,000 sq. ft.** - An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 sq. ft.

Reason: This provision does not improve or provide any additional life/safety benefit to either occupants or property. This clause is not in the IBC which DOES allow for fire area separation.

ARTICLE II.

Amend Chapter 6 - Section 6-3(b) Fire Protection Code - Exhibit A - NCTCOG Amendments - **Section 903.2.11.9 Buildings Over 6,000 sq. ft.** - An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 sq. ft.

Reason: This provision does not improve or provide any additional life/safety benefit to either occupants or property. This clause is not in the IBC which DOES allow for fire area separation.

ARTICLE III.

The enumerated Codes, Appendices, and Amendments, herein and more fully listed in Ordinance 2533 are hereby adopted by reference 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 IV.

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 V.

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 VI.

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 VII.

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

ARTICLE VIII.

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 IX.

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 17 day of June, 2014.

Passed and adopted this the 8th day of July, 2014.

14. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:

a.) Section 551.071 - Consultations with Attorney - pending or contemplated litigation.

This item was passed by Council.

b.) Section 551.072 - Deliberations about Real Property.

This item was passed by Council.

c.) Section 551.087 - Deliberation Regarding Economic Development Negotiations.

This item was passed by Council.

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

This item was passed by Council.

16. 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