

## REGULAR CITY COUNCIL MEETING

SEPTEMBER 16, 2014

7:00 P.M.

**A Regular City Council Meeting and Workshop of the Terrell City Council was held on Tuesday, September 16, 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**  
**COUNCILMEMBER #5    D.J. ORY**

1. Call to order.

Mayor Hal Richards, called the meeting to order.

2. Invocation.

Deputy Mayor Pro Tem Charles Whitaker, gave the invocation.

3. Presentation of Constitution Week Proclamation.

Mayor Hal Richards, presented Proclamation to Mindy and Gary Lovell.

4. Recognition of Summer Teen Volunteers at Hulsey Public Library.

Rebecca Sullivan recognized Summer Teen Volunteers at Hulsey Public Library.

5. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of August 28, 2014, and Regular City Council Meeting of September 2, 2014.

Deputy Mayor Pro Tem Charles Whitaker made a motion to approve Meeting Minutes of Special City Council Meeting of August 28, 2014 and Regular City Council of September 2, 2014. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

6. Hear Remarks from Visitors.

*This time is set aside on the agenda to invite any person to address the Council on issues not subject to a public hearing. Routine administrative matters are best discussed with the appropriate City Staff before bringing them to the Council. Speakers should limit their comments to 3 minutes and are asked to speak into the microphone provided, identifying themselves for the record. The total amount of time set aside for this place on*

*the agenda is 15 minutes. Comments of a personal nature directed at the Council or Staff are inappropriate.*

There were no remarks from Visitors.

## **PUBLIC HEARINGS**

7. a.) Conduct a Public Hearing to Receive Comment Regarding Tax Rate Increase for Fiscal Year 2014-2015.

John Rousanvall, City Secretary, gave opening comments regarding Tax Rate Increase for Fiscal Year 2014-2015 and stated for the record as follows:

Tonight's public hearing is the second of two required public hearings on the proposed tax rate. Council held the first public hearing on September 2, 2014.

When the tax rate proposed by a governing body exceeds the effective rate or the rollback rate, whichever is lower, they must publish a public hearing notice.

This is the second of two public hearing on the proposed tax rate

For our current fiscal year 2013 - 2014, the tax rate is 0.649300 cents per \$100.00 one hundred dollar valuation. For fiscal year 2014-2015, staff is proposing a rate of 0.679300. This amount is 0.030000 cents higher than the current fiscal year. The 0.030000 cents will be used to pay debt service for the Certificate of Obligation Series 2014 for the new Police Facility. This amount is greater than the 2014 calculated effective rate of 0.663528, by 0.015772 cents, and less than the calculated roll back rate of 0.758663 by 0.079363 cents

In the current fiscal year, the average taxable value of a homestead residence in Terrell is \$77,586.00, that amount in fiscal year 2015 is \$78,075.00 this is an increase of \$489.00 or a 0.63% increase in average taxable value of a homestead residence.

Based on the current tax rate 0.649300 the average amount generated per average taxable value of a homestead residence would be \$506.94.  $(78075 \times 0.6493)$

Next year based on the proposed tax rate of 0.6793, the average amount generated per home will be \$530.36.  $(78075 \times 0.6793)$

This is an increase of \$23.42 or an increase of 4.62% This increase represents 1.95 a month over a 12 month period for the average taxable value of a homestead. .

Staff recommends council support that the tax rate for fiscal year 2015 that includes an increased rate to the debt service of 0.03 cents.

Staff recommends council support that the tax rate for fiscal year 2015 be identical to the tax rate for fiscal year 2014.

Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Tax Rate Increase for Fiscal Year 2014-2015. No one spoke against the Tax Rate Increase for Fiscal Year 2014-2015. No one spoke in favor of the Tax Rate Increase for Fiscal Year 2014-2015. Mayor Hal Richards, closed the Public Hearing.

- b.) Discuss and Consider Approval and Adoption On Second Reading of Ordinance No. 2609; An Ordinance Of The City Of Terrell, Texas, Fixing The Tax Rate Of All Taxable Property Within The City Of Terrell, Texas, For The Year 2014 And Levying And Ordering Collection For The Year 2014 And Providing A Lien On All Real And Personal Property To Secure The Payment Of Taxes Assessed; Containing A Severability Clause; Repealing All Ordinances And Parts Thereof In Conflict Herewith And Providing An Effective Date.

Deputy Mayor Pro Tem D. J. Ory, made a motion to adopt on second reading Ordinance No. 2609; An Ordinance Of The City Of Terrell, Texas, Fixing The Tax Rate Of All Taxable Property Within The City Of Terrell, Texas, For The Year 2014 And Levying And Ordering Collection For The Year 2014 And Providing A Lien On All Real And Personal Property To Secure The Payment Of Taxes Assessed; Containing A Severability Clause; Repealing All Ordinances And Parts Thereof In Conflict Herewith And Providing An Effective Date. Councilmember Sandra Wilson, seconded the motion. Ayes - All. Nays - None. Motion carried.

### **ORDINANCE NO. 2609**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, FIXING THE TAX RATE OF ALL TAXABLE PROPERTY WITHIN THE CITY OF TERRELL, TEXAS, FOR THE FISCAL YEAR 2014-2015 AND LEVYING AND ORDERING COLLECTION FOR THE YEAR 2014 AND PROVIDING A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES ASSESSED; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Terrell has duly approved and adopted a Budget for the operation for the City for fiscal year 2014-2015; and

**WHEREAS**, the Ordinance anticipates and requires the levy of an ad valorem tax on all taxable property in the City of Terrell; and

**WHEREAS**, the Chief Appraiser of Kaufman County Single Appraisal District has prepared and certified the appraisal roll for the City of Terrell, Texas, that roll being that portion of the approved appraisal roll of the Kaufman County Single Appraisal District which lists property taxable by the City of Terrell; and

**WHEREAS**, it is necessary to levy such an ad valorem tax at a given rate to generate revenues sufficient to meet the projected expenses of the City of Terrell for Fiscal Year 2014-2015; and

**WHEREAS**, a public hearing has been held by the City Council related to the subject of this Ordinance and all interested persons were given an opportunity to be heard; and

**WHEREAS**, the City has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for Fiscal Year 2014-2015.

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

**SECTION I.**

That there be and is hereby levied and ordered collected on each One Hundred Dollar (\$100.00) valuation of all taxable property, both real and personal, and all property of every kind and description subject to taxation within the corporate limits of the City of Terrell, Texas, on January 1, 2015, the sum of \$0.6793 based on 100% of the assessed valuation. Said rate of ad valorem tax is levied for the following purposes and the following amounts:

<b>General Fund</b>	<b>\$0.5338</b>
<b>Interest/Sinking Fund</b>	<b>\$0.1455</b>

**SECTION II.**

That all taxes collected by the City and districts for which it is collecting taxes, shall be payable on October 1, and if such taxes are not paid in full on or before January 31, of the succeeding year, the following penalties shall be payable: During the month of February, six (6%) percent of amount of tax, plus 1% for each additional month delinquent, to a maximum of 12% beginning July 1. All delinquent taxes shall bear interest at the rate of one (1%) for each month or portion of month the tax remains delinquent.

**SECTION III.**

That the City of Terrell shall have a lien on each and every item of taxable property located in the City of Terrell for the purpose of securing the payment of taxes, penalties, interest and all costs of collection assessed against said property, and said lien shall continue to exist against any item of property against which a tax is assessed hereunder until such tax, together with all interest, penalty and costs of collection shall be paid.

**SECTION IV.**

Should any paragraph, sentence, provision, 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 or parts adjudged to be invalid, illegal or unconstitutional.

**SECTION V.**

That this Ordinance shall take effect and be in force from and after its passage and adoption.

**SECTION VI.**

All other ordinances and Code provisions in conflict herewith are hereby repealed but only to the extent of any such conflict or inconsistency and all other provisions of the Terrell City Code not in conflict herewith shall remain in full force and effect.

Passed and approved this the 2nd day of September, 2014.  
Passed and adopted this the 16th day of September, 2014.

## NEW BUSINESS

8. Discuss and Consider Oncor Transmission Line Relocation over the Spur 557 Frontage Road Project.

Mike Sims, Assistant City Manager, presented to council for Discussion and Consideration Oncor Transmission Line Relocation over the Spur 557 Frontage Road Project. Mayor Pro Tem DJ Ory made a motion to authorize the City Manager to execute the contract for Oncor Transmission Line Relocation over the Spur 557 Frontage Road Project.. Councilmember Sandra Wilson seconded the motion. Ayes - All, Naves - None. Motion carried

9. Discuss and Consider Resolution No. 774 Regarding Policy on City Funds Expended for Public Art

Mike Sims, Assistant City Manager presented to Council for Discussion and Consideration Resolution No. 774 Regarding Policy on City Funds Expended for Public Art. Councilmember Sandra Wilson, made a motion to approve Resolution No. 774; A Resolution Of The City Council Of The City Of Terrell, Texas, Establishing A policy For Expending City Funds for Public Art In The City Of Terrell. Mayor Pro Tem Charles Whitaker, seconded the motion. Ayes - All. Naves - None. Motion carried.

10. Discuss and Consider reappointments to the Tax Increment Financing Reinvestment Zone No. 1 Board.

Mike Sims, Assistant City Manager presented to the Council for Discussion and Consideration reappointments to the Tax Increment Financing Reinvestment Zone No.1 Board. Mayor Pro Tem D.J. Ory, made a motion to reappoint Don Thurman, John Davidson and Mike Cronin and reappoint Don Thurman as Chairman. Councilmember Sandra Wilson seconded the motion. Ayes - All. Naves - None. Motion carried.

11. Discuss and Consider Award of Bid for City Hall Parking Improvements.

Torry Edwards City Manager, and Glen Caldwell, Engineering Inspector, presented to council for discussion and consideration, award of bid for city hall parking improvements. Mayor Pro Tem D. J. made motion to award the bid to the Low Bidder XIT Paving and Construction in an amount not to exceed \$116,644.00.

12. Discuss and Consider appointments/reappointments to the Zoning Board of Adjustments.

This item passed by Council.

13. Discuss and Consider appointments/reappointments to the Library Advisory Board.

Mike Sims, Assistant City Manager presented to the Council for Discussion and Consideration reappointments to the Library Advisory Board. Deputy Mayor Pro Tem D.J. Ory made a motion to reappoint Barbara Booth, Tonya Derrick, Mary Messer and Margaret Carmona, and appoint Mike Elswick for a new term. Sandra Wilson seconded the motion. Ayes - All. Naves - None. Motion

- 14 Discuss City Manager's Reports and Correspondence:
  - a.) Special City Council Meeting and Workshop to be held September 25, 2014 at 6:00 p.m.

City Manager, Torry Edwards requested to change the meeting time to 5:00 P.M. on September 25, 2014.

15. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to discuss the following:
  - c.) Section 551.074 - Personnel Matters - City Manager
16. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

Mayor Pro Tem D.J. Ory made a motion to accept a 3 year extension effective January 2015 to January 2018. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None. Motion carried.

Mayor Pro Tem D.J. Ory authorized to fund a one time Organizational Performance Adjustment in the amount of \$29,550.00. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays -None. Motion carried.

Council expressed gratitude to Mr. Edwards for his performance for the City.

17. 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**