

REGULAR CITY COUNCIL MEETING

April 21, 2015

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, April 21, 2015, 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 ABSENT (Excused)
COUNCILMEMBER #2 TOMMY SPENCER
COUNCILMEMBER #3 SANDRA WILSON
COUNCILMEMBER #4 CHARLES WHITAKER
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Pro Tem D.J. Ory called the meeting to order.

2. Invocation.

Deputy Mayor Pro Tem Charles Whitaker, gave the opening prayer and the Pledge of Allegiance.

3. Discuss and Consider approval of meeting minutes of the Special City Council Meeting and Workshop of March 26, 2015, the Regular City Council Meeting of April 2, 2015 and the Regular City Council Meeting of April 7, 2015.

Deputy Mayor Pro Tem Charles Whitaker, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of February 12, 2015 and Regular City Council Meeting of February 17, 2015 and. Councilmember Sandra Wilson, seconded the motion. Ayes - All. Naves - None. Motion carried.

4. 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.

Xan McNutt, 121 Mellon Street, Terrell, presented to Council her program "Organization for Young Scholars".

PUBLIC HEARING

5. a. Conduct a Public Hearing to receive comments regarding a request for a zoning change from Single-Family (SF-7.5) District to Townhouse Residential (TH-12) on property located at 113 Pecos St; being Lots 26 & 27A, Park Place Addition; City of Terrell, Kaufman County, Texas. (ZC-15-04).

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a zoning change from Single-Family (SF-7.5) District to Townhouse Residential (TH-12) on property located at 113 Pecos St; being Lots 26 & 27A, Park Place Addition; City of Terrell, Kaufman County, Texas. (ZC-15-04). Deputy Mayor D.J. Ory opened the public hearing.

Citizens who spoke in opposition:

No one spoke in opposition of the zoning change.

Citizens who spoke in favor:

No one spoke in favor of the zoning change.

Mayor Pro Tem D.J. Ory closed the public hearing.

5. b. Discuss and Consider Ordinance No. 2634 An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Single-Family (SF-7.5) District To Townhouse Residential (TH-12) On Property Located At 113 Pecos St; Being Lots 26 & 27a, Park Place Addition; City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Councilmember Sandra Wilson made a motion to approve on First Reading Ordinance No. 2634 An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Single-Family (SF-7.5) District To Townhouse Residential (TH-12) On Property Located At 113 Pecos St; Being Lots 26 & 27a, Park Place Addition; City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

6. a. Conduct a Public Hearing to receive comments regarding a request for a zoning change from Single-Family (SF-6) District to Light (LI) District on property located at 204 S Catherine St; being Lots 17-22, Block 10 of the Terrell Original Addition; City of Terrell, Kaufman County, Texas. (ZC-15-03).

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a zoning change from Single-Family (SF-6) District to Light (LI) District on property located at 204 S Catherine St; being Lots 17-22, Block 10 of the Terrell Original Addition; City of Terrell, Kaufman County, Texas. (ZC-15-03). Deputy Mayor D.J. Ory opened the public hearing.

Citizens who spoke in opposition:

No one spoke in opposition of the zoning change.

Citizens who spoke in favor:

No one spoke in favor of the zoning change.

Mayor Pro Tem D.J. Ory closed the public hearing.

6. b. Discuss And Consider Ordinance No. 2635 An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Single-Family (SF-6) District To Light Industrial (LI) District On Property Located At 204 S. Catherine Street; Being Lots 17-22, Block 10, Of The Terrell Original Addition; City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Councilmember Sandra Wilson made a motion to deny Ordinance No. 2635 An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Single-Family (SF-6) District To Light Industrial (LI) District On Property Located At 204 S. Catherine Street; Being Lots 17-22, Block 10, Of The Terrell Original Addition; City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Ayes - All. Nays - None. Motion carried.

7. a. Conduct a Public Hearing to receive comments regarding a request Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a zoning change from Single-Family (SF-7.5) District to Townhouse Residential (TH-12) on property located at 113 Pecos St; being Lots 26 & 27A, Park Place Addition; City of Terrell, Kaufman County, Texas. (ZC-15-04). Deputy Mayor D.J. Ory opened the public hearing.

Terry Capehart, Municipal Development Director, gave opening comments regarding a request for a zoning change from Single-Family (SF-7.5) District to Townhouse Residential (TH-12) on property located at 113 Pecos St; being Lots 26 & 27A, Park Place Addition; City of Terrell, Kaufman County, Texas. (ZC-15-04).

Citizens who spoke in opposition:

No one spoke in opposition of the zoning change.

Citizens who spoke in favor:

No one spoke in favor of the zoning change.

Mayor Pro Tem D.J. Ory closed the public hearing.

7. b. Discuss And Consider Ordinance No. 2636 An Ordinance Of The City Of Terrell, Texas, Amending Ordinance No. 2585 (Planned Development-6R); On That Certain Called 36.823 Acre Tract Of Land; Being Lot 1, Block 1 And Lot 1, Block 2, Terrell Market Center/Medical Plaza Addition, City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

Councilmember Sandra Wilson made a motion to approve on First Reading Ordinance No. 2636; An Ordinance Of The City Of Terrell, Texas, Amending Ordinance No. 2585 (Planned Development-6R); On That Certain Called 36.823 Acre Tract Of Land; Being Lot 1, Block 1 And Lot 1, Block 2, Terrell Market Center/Medical Plaza Addition, City Of Terrell, Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

NEW BUSINESS

8. Discuss and Consider Change Order for Signal Lights on Spur 557 Frontage Road.

Mike Sims, Assistant City Manager and Scott Young, Representing Raba Kistner, presented to Council for discussion and Consideration Change Order for Signal Lights on Spur 557 Frontage Road. Councilmember Tommy Spencer made a motion to approve the City Manager to execute the agreement not to exceed \$796,019.54. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - None.

9. Discuss and Consider Ordinance No. 2633; An Ordinance Of The City Of Terrell, Texas Amending Ordinance No. 2560, Chapter 11, Traffic Regulations, Section 42: Parking Restrictions By The Amendment Of Subsection J, Regulation Of The Standing Or Parking Of Idling Motor Vehicles Within The City Limits; Providing For A Penalty; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

Glenn Caldwell, Public Services Director, presented to Council for discussion and consideration Ordinance No. 2633; An Ordinance Of The City Of Terrell, Texas Amending Ordinance No. 2560, Chapter 11, Traffic Regulations, Section 42: Parking Restrictions By The Amendment Of Subsection J, Regulation Of The Standing Or Parking Of Idling Motor Vehicles Within The City Limits; Providing For A Penalty; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Councilmember Sandra Wilson made a motion to approve on First Reading Ordinance No. 2633; An Ordinance Of The City Of Terrell, Texas Amending Ordinance No. 2560, Chapter 11, Traffic Regulations, Section 42: Parking Restrictions By The Amendment Of Subsection J, Regulation Of The Standing Or Parking Of Idling Motor Vehicles Within The City Limits; Providing For A Penalty; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider Resolution No. 788; A Resolution Of The City Council Of The City Of Terrell, Texas, Adopting And Implementing A Clean Fleet Vehicle Policy And Establishing Achievable Goals To Improve Air Quality.

Glenn Caldwell, Public Services Director, presented to Council for discussion and consideration Resolution No. 788; A Resolution Of The City Council Of The City Of Terrell, Texas, Adopting And Implementing A Clean Fleet Vehicle Policy And Establishing Achievable Goals To Improve Air Quality. Councilmember Sandra Wilson made a motion to adopt Resolution No. 788; A Resolution Of The City Council Of The City Of Terrell, Texas, Adopting And Implementing A Clean Fleet Vehicle Policy And Establishing Achievable Goals To Improve Air Quality. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

11. Discuss and Consider and Authorize City Manager to execute a Developer's Agreement between the City of Terrell and Briarwood Building and Development, LLC. .regarding the Residential Economic Incentive Program for 17 lots in the Creekside Addition.

Terry Capehart, Municipal Development Director presented to Council for discussion and consideration and authorization for City Manager to execute a Developer's Agreement between the City of Terrell and Briarwood Building and Development, LLC. .regarding the Residential Economic Incentive Program for 17 lots in the Creekside Addition. Councilmember Sandra Wilson made a motion to approve the City Manager to execute a Developer's Agreement between the City of Terrell and Briarwood Building and Development, LLC. .regarding the Residential Economic Incentive Program for 17 lots in the Creekside Addition. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

12. Discuss and Consider Agreement between CareFlite and the City of Terrell.

James Swartz, Representing CareFlite, presented to Council for discussion and consideration an Agreement between CareFlite and the City of Terrell. Councilmember Sandra Wilson made a motion to authorize the Mayor to execute and Agreement between CareFlite and the City of Terrell. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays

13. Discuss and Consider Ambulance Ordinance No. 2631; An Ordinance Amending Chapter 5 Section 4 Ambulances By Adding Paragraph I Program Fee; Providing For A Nonparticipation Election; Providing For A Method Of Collection Of Service Charges On Utility Bills; Providing For Adjustment Of Charges And An Appeal Process; Providing For A Penalty For Noncompliance; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Providing For Severability And Providing An Effective Date.

John Rounsavall, City Secretary presented to Council for discussion and consideration Ambulance Ordinance No. 2631; An Ordinance Amending Chapter 5 Section 4 Ambulances By Adding Paragraph I Program Fee; Providing For A Nonparticipation Election; Providing For A Method Of Collection Of Service Charges On Utility Bills; Providing For Adjustment Of Charges And An Appeal Process; Providing For A Penalty For Noncompliance; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Providing For Severability And Providing An Effective Date. Councilmember Sandra Wilson made a motion to approve on First Reading Ordinance No. 2631; An Ordinance Amending Chapter 5 Section 4 Ambulances By Adding Paragraph I Program Fee; Providing For A Nonparticipation Election; Providing For A Method Of Collection Of Service Charges On Utility Bills; Providing For Adjustment Of Charges And An Appeal Process; Providing For A Penalty For Noncompliance; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Providing For Severability And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Ayes - All. Nays - None. Motion carried.

14. Discuss and Consider Reappointments to the Terrell Municipal Airport Board.

Councilmember Sandra Wilson made a motion to reappoint Andrew McJannett-Smith and Dorman Williamson to the Terrell Municipal Airport Board. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

15. Discuss and Consider Reappointments to the Terrell Park Board.

Mayor Pro Tem D.J. Ory made a motion to reappoint Mary McCoy to the Terrell Park Board. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

16. Discuss and Consider Resolution No. 789; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The City Of Terrell To Enter Into A Multi-Year Agreement With The Texas Department Of Transportation, Concerning The Closure Of US Highway 80, A State Right Of Way, To Facilitate The City Of Terrell Annual Christmas Parade.

John Rounsavall, City Secretary presented to Council for discussion and consideration Resolution No. 789; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The City Of Terrell To Enter Into A Multi-Year Agreement With The Texas Department Of Transportation, Concerning The Closure Of US Highway 80, A State Right Of Way, To Facilitate The City Of Terrell Annual Christmas Parade. Councilmember Sandra Wilson made a motion to approve Resolution No. 789; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The City Of Terrell To Enter Into A Multi-Year Agreement With The Texas Department Of Transportation, Concerning The Closure Of US Highway 80, A State Right Of Way, To Facilitate The City Of Terrell Annual Christmas Parade. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nayses - None.

CONSENT AGENDA

Councilmember Sandra Wilson made a motion on consent agenda to adopt on Second Reading Ordinance No. 2632. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nayses - None.

17. Discuss and Consider on Second Reading Adoption of Ordinance No. 2632; An Ordinance of the City of Terrell, Texas, amending the annual budget for the year beginning October 1, 2014, and ending September 30, 2015, as passed and adopted on September 2, 2014 to provide for increases and decreases in certain accounts; providing for severability; and providing an effective date.

ORDINANCE NO. 2632

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, AS PASSED AND ADOPTED ON SEPTEMBER 2, 2014 TO PROVIDE FOR INCREASES AND DECREASES 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:

GENERAL FUND		Budgeted	Amount	Amended
Revenues				
010-00-3717-00	Loan Proceeds (Fire Engine)	\$0	\$455,133	\$455,133
GENERAL FUND		Budgeted	Amount	Amended
Expenditures				
ADMINISTRATION				
010-12-4101-00	Supervision	\$296,536	\$32,798	\$329,334
010-12-4110-00	Social Security	\$28,662	\$2,502	\$31,164
010-12-4112-00	TMRS	\$68,564	\$5,984	\$74,548
010-12-4112-00	Workmen's Comp	\$1,873	\$164	\$2,037
010-12-4114-00	Group Health & Dental Insurance	\$47,415	\$245	\$47,660
010-12-4304-00	Automated Equipment Maintenance	\$9,500	\$509	\$10,009
ANIMAL CONTROL				
010-13-4450-00	Equipment Rental	\$13,470	\$11,000	\$24,470
010-13-4304-00	Automated Equipment Maintenance	\$10,000	\$383	\$10,383
MUNICIPAL BUILDING				
010-16-4111-00	TMRS	\$6,311	\$2,284	\$8,595
010-16-4304-00	Automated Equipment Maintenance	\$9,000	\$255	\$9,255
010-16-4320-00	Buildings	\$100,000	\$125,000	\$225,000
MUNICIPAL COURT				
010-17-4304-00	Automated Equipment Maintenance	\$15,000	\$254	\$15,254
MUNICIPAL DEVELOPMENT				
010-20-4304-00	Automated Equipment Maintenance	\$10,000	\$1,018	\$11,018
ENGINEERING				
010-21-4304-00	Automated Equipment Maintenance	\$10,000	\$255	\$10,255
STREETS				
010-22-4304-00	Automated Equipment Maintenance	\$9,450	\$890	\$10,340
PARKS				
010-26-4304-00	Automated Equipment Maintenance	\$5,000	\$763	\$5,763
POOLS				
010-27-4509-00	Pool Repairs	\$0	\$40,000	\$40,000
POLICE				
010-32-4304-00	Automated Equipment Maintenance	\$88,050	\$7,249	\$95,299
010-32-4411-01	Radio System Maintenance	\$0	\$93,917	\$93,917
FIRE				
010-33-4304-00	Automated Equipment Maintenance	\$12,500	\$3,434	\$15,934
010-33-4515-00	Fire Engine / Equipment	\$0	\$455,133	\$455,133

LIBRARY

010-34-4104-00	Temporary	\$25,917	\$6,479	\$32,396
010-34-4110-00	Social Security	\$25,763	\$496	\$26,259
010-34-4111-00	TMRS	\$56,886	\$5,928	\$62,814
010-34-4112-00	Workmen's Comp	\$2,721	\$291	\$3,012
010-34-4304-00	Automated Equipment Maintenance	\$21,000	\$1,145	\$22,145

HOUSING

010-35-4304-00	Automated Equipment Maintenance	\$23,500	\$255	\$23,755
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HUMAN RESOURCES

010-40-4304-00	Automated Equipment Maintenance	\$9,450	\$255	\$9,705
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UTILITY FUND

Expenditures		Budgeted	Amount	Amended
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WATER QUALITY

020-51-4304-00	Automated Equipment Maintenance	\$44,000	\$636	\$44,636
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WATER DISTRIBUTION

020-52-4304-00	Automated Equipment Maintenance	\$31,000	\$890	\$31,890
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WATER POLLUTION

020-61-4304-00	Automated Equipment Maintenance	\$26,000	\$763	\$26,763
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WASTEWATER COLLECTION

020-62-4304-00	Automated Equipment Maintenance	\$24,000	\$890	\$24,890
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SPECIAL PROJECTS

020-64-4304-00	Automated Equipment Maintenance	\$7,000	\$509	\$7,509
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UTILITY OFFICE

020-80-4304-00	Automated Equipment Maintenance	\$125,000	\$1,018	\$126,018
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EQUIPMENT REPLACEMENT FUND

		Budgeted	Amount	Amended
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Expenditures				
025-25-4538-00	Animal Adoption Van	\$0	\$22,000	\$22,000

STORM WATER FUND

		Budgeted	Amount	Amended
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Expenditures				
037-37-4304	Automated Equipment Maintenance	2365	\$127	2,492.00

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 7th day of April, 2015.

Passed and Adopted on this the 21st day of April, , 2015.

END CONSENT AGENDA

18. 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 passed on this item.

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

Council passed on this item.

20. 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