

REGULAR CITY COUNCIL MEETING

January 20, 2015

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, January 20, 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
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 the meeting to order.

2. Invocation.

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

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of January 6, 2015 and Regular City Council Meeting of January 6, 2015.

Mayor Pro Tem D.J. Ory made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of January 6, 2015 and Regular City Council Meeting of January 6, 2015 and. Councilmember Sandra Wilson seconded the motion. Ayes - All. Nays - 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.

There were no remarks from visitors. Mayor Hal Richards recognized the attendance of Stacey Browning, Zoning Board of Adjustments.

NEW BUSINESS

5. Discuss and Consider Work Authorization 12B Flood Plan Study Associated with FM 148 North.

Mike Sims, Assistant City Manager, and Steve Rogers, City Engineer, presented to Council for Discussion and Consideration Work Authorization 12B Flood Plan Study Associated with FM 148 North. Mayor Pro Tem D.J. Ory made a motion to authorize the City Manager to execute Work Authorization 12B Flood Plan Study Associated with FM 148 North not to exceed \$62,500 . Councilmember Sandra Wilson seconded the motion. Ayes - All. Nayses - None.

6. Present to Council GovQA Mobile Application.

Torry Edwards, City Manager and John Rounsavall, City Secretary presented to Council GovQA Mobile Application.

CONSENT AGENDA

Mayor Pro Tem D.J. Ory made a motion on consent agenda to adopt on Second Reading Ordinance No. 2622. Councilmember Sandra Wilson seconded the motion. Ayes - All; Nayses None.

7. Discuss and Consider on Second Reading Approval of Ordinance No. 2622 Altering the Prima Facie Speed Limits, Altering the School Speed Zones on FM 986, Within the Corporate Limits of the City of Terrell.

ORDINANCE NO. 2622

AN ORDINANCE REPEALING ORDINANCE NO. 1722 AND ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 169(b) OF ARTICLE 6701 d, VERNON'S TEXAS CIVIL STATUTES, UPON F.M. HIGHWAY NO. 986 OR PARTS THEREOF WITHIN THE INCORPORATED LIMITS OF THE CITY OF TERRELL, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 169 (b) of Article 6701d, Vernon's Texas Civil Statutes, provides that whenever the governing body of a City shall determine, upon the basis of an engineering and traffic investigation, that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or

thereon by the passage of an ordinance, which shall be erected at such intersection or other place or part of the street or highway;

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

SECTION 1.

- A. THAT Ordinance No. 1722 is hereby repealed in its entirety.
- B. THAT upon the basis of an engineering and traffic investigation heretofore made, as authorized by the provisions of Section 169 (b) of Article 6701 d, Vernon's Texas Civil Statutes, the prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and
- C. THAT from and after the effective date of this ordinance no motor vehicle shall be operated along and upon F.M. Highway No. 986, within the corporate limits of the City of Terrell, at a speed in excess of:

Zone (1): 35 miles per hour.

North from U.S. Hwy. 80 or W. Moore Avenue, an approximate distance of 1.116 miles to the centerline of Ninth Street to be designated as 35 miles per hour.

Zone (2): 40 miles per hour and 25 miles per hour when so signed for school location at certain specified times.

Continuing from Ninth Street a distance of .534 miles to the School Zone consisting of approximately 695 feet long to be designated as 25 miles per hour.

Zone (3): 45 miles per hour.

From the end of the School Zone for an approximate distance of .561 miles to the North Terrell City limits on F.M. 986 shall be designated as 45 miles per hour.

SECTION 2.

THAT the erection of appropriate signs indicating such speed zones is hereby authorized.

SECTION 3.

THAT any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00).

WHEREAS, the City of Terrell deems it in the public interest to pass this ordinance authorizing an additional collection fee for the collection of delinquent fines, fees, court costs, and other debts;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF TERRELL, TEXAS THAT:

SECTION 1. FINDINGS. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City of Terrell and made a part of this ordinance for all purposes and findings of fact.

SECTION 2. COLLECTION FEE. In accordance with Article 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e.: fines, fees, court costs, restitution, and other debts that are more than sixty (60) days past due and have been referred to a private firm (Perdue) for collection.

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective from and after its date of passage.

SECTION 4. AUTHORIZATION. The City of Terrell is hereby authorized to enter into a contract with the Perdue Firm to provide services for the collection of fines, fees, court costs, and other debts substantially in the form of the attached contract which is made a part of this ordinance for all purposes.

SECTION 5. SEVERABILITY. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 6. OPEN MEETINGS. It is hereby found and determined that the meetings at which this ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

PASSED AND APPROVED on first reading this the 6th day of January, 2015.

PASSED AND ADOPTED on second reading this the 20th day of January, 2015.

END CONSENT AGENDA

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

- a.) **Section 551.071 – Consultation with Attorney - Pending or Contemplated Litigation.**
- b.) **Section 551.074 - Personnel Matters - City Manager.**

This item was passed by Council.

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

No action was taken out of Executive Session.

11. 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