

## **SPECIAL CITY COUNCIL MEETING**

**JANUARY 22, 2008**

**7:00 P.M.**

A meeting of the Terrell City Council was held on Tuesday, January 22, 2008 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	JACK JONES
COUNCILMEMBER #5	DON THURMAN

**1. Call to order.**

Mayor Hal Richards called the meeting to order.

**2. Invocation.**

Reverend Chuck Schorlemmer gave the opening prayer.

**3. Consider Approval of Special City Council Meeting and Workshop Minutes of January 8, 2008 and Special City Council Meeting Minutes of January 8, 2008.**

Councilmember Don Thurman made a motion to approve Special City Council Meeting and Workshop Minutes of January 8, 2008 and Special City Council Meeting Minutes of January 8, 2008. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

**4. Hear Remarks from Visitors.**

Mayor Hal Richards recognized students attending the City Council Meeting.

Thomas Brown spoke to Council regarding future bid opportunities.

### **PUBLIC HEARING**

**5.**

- a.) Conduct a Public Hearing to Receive Comment on Ordinance No. 2360 - Approving a Settlement Agreement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Statement of Intent to Change Gas Rates in all Cities Exercising Original Jurisdiction.**

Mayor Hal Richards opened a Public Hearing to Receive Comment on Ordinance No. 2360 - Approving a Settlement Agreement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Statement of Intent to Change Gas Rates in all Cities Exercising Original Jurisdiction. John Rounsavall, City Secretary/Finance Director gave opening comments. Jeanette Moser representing Atmos Energy spoke for Ordinance No. 2360. No one spoke against Ordinance No. 2360. Mayor Hal Richards closed the Public Hearing.

**b.) Discuss and Consider Approval of Ordinance No. 2360 - Approving a Settlement Agreement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Statement of Intent to Change Gas Rates in all Cities Exercising Original Jurisdiction.**

Mayor Pro tem Ricky Jordan made a motion to approve Ordinance No. 2360 - Approving a Settlement Agreement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Statement of Intent to Change Gas Rates in all Cities Exercising Original Jurisdiction on first reading. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

**ORDINANCE NO. 2360**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

**NEW BUSINESS**

**6. Discuss and Consider Proposed 2008 Street Maintenance Program.**

Torry Edwards, City Manager and Steve Rogers, City Engineer presented to Council for discussion and consideration Proposed 2008 Street Maintenance Program. Mayor Pro

tem Ricky Jordan made a motion to approve Proposed 2008 Street Maintenance Program in the amount of \$258,395.83. The motion was seconded by Councilmember Don Thurman. Ayes – Hal Richards, Don Thurman, Tommy Spencer, Ricky Jordan. Nays – Jack Jones. Motion carried.

**7. Discuss and Consider Participation in NCTCOG Regional Outer Loop Stakeholder Roundtable.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Participation in NCTCOG Regional Outer Loop Stakeholder Roundtable. Councilmember Don Thurman made a motion to participate and appoint Mayor Hal Richards and Steve Rogers, City Engineer as representatives. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**8. Discuss and Consider TxDOT Highway-Railroad Grade Crossing Consolidation and Closure Agreement for Federal Aid Projects.**

Steve Rogers, City Engineer presented to Council for discussion and consideration TxDOT Highway-Railroad Grade Crossing Consolidation and Closure Agreement for Federal Aid Projects. Councilmember Don Thurman made a motion to accept TxDOT Highway-Railroad Grade Crossing Consolidation and Closure Agreement for Federal Aid Projects. The motion was seconded by Deputy Mayor Pro tem Jack Jones. Ayes – all; Nays – none. Motion carried.

**9. Discuss and Consider Approval of Ordinance No. 2359 - Grease Trap Ordinance.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Ordinance No. 2359 – Grease Trap Ordinance. Councilmember Don Thurman made a motion to approve Ordinance No. 2359 – Grease Trap Ordinance on first reading. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**ORDINANCE NO. 2359**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING REVISED CODE OF ORDINANCES CHAPTER 12: BY THE ADDITION OF SECTION 16: GREASE TRAPS, INTERCEPTORS, SEPARATORS, HOLDING TANKS, AND TRANSPORTED WASTE SHALL HERINAFTER READ AS FOLLOWS; REQUIRING THE INSTALLATION AND OPERATION OF GREASE TRAPS, INTERCEPTORS, SEPARATORS AND HOLDING TANKS, PROHIBITING THE DISCHARGE OF WASHINGS AND OTHER CONTAMINATED MATERIALS, DIRECTLY OR INDIRECTLY, INTO THE WATERS OF THE UNITED STATES, AND REGULATING THE TRANSPORTATION AND DISPOSAL OF LIQUID WASTES FROM SEPTIC TANKS, GREASE TRAPS, INTERCEPTORS, HOLDING TANKS AND SEPARATORS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

**10. Discuss and Consider Approval of Resolution No. 598 – Calling the Regular Municipal Election for the Election of Councilmembers from District No. 3 and District No. 5 to be Held on Saturday, May 10, 2008.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Resolution No. 598 – Calling the Regular Municipal Election for the Election of Councilmembers from District No. 3 and District No. 5 to be Held on Saturday, May 10, 2008. Councilmember Tommy Spencer made a motion to approve Resolution No. 598 – Calling the Regular Municipal Election for the Election of Councilmembers from District No. 3 and District No. 5 to be Held on Saturday, May 10, 2008. The motion was seconded by Deputy Mayor Pro tem Jack Jones. Ayes – all; Nays – none. Motion carried.

**11. Discuss and Consider Bid Award for Concrete Repair and Replacement Services - Bid No. 08-22-02.**

Glenn Caldwell, Construction Engineering Inspector presented to Council for discussion and consideration Bid Award for Concrete Repair and Replacement Services - Bid No. 08-22-02. Deputy Mayor Pro tem Jack Jones made a motion to award bid to low bidder Patterson-N-Patterson in the amount of \$45,300. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

**BID TABULATION**

**BID NO. 08-22-02  
 Concrete Repair and Replacement Services**

January 9, 2008  
 10:00 a.m.

	<b>Company Name</b>	<b>Total Amount of Bid</b>	<b>Minimum Dollar Amount of Work Per Request</b>
<b>1</b>	<b>Patterson-N-Patterson</b>	<b>\$45,300</b>	<b>\$1,800</b>
2	Confidence Builders, LLC	\$259,302	\$100

**12. Discuss and Consider Bid and Award of Contract for (2) Crown Victoria Police Package Sedan - Bid No. 08-25-01.**

Torry Edwards, City Manager and Dan Abell, Public Works Supervisor presented to Council for discussion and consideration Bid and Award of Contract for (2) Crown Victoria Police Package Sedan - Bid No. 08-25-01. Deputy Mayor Pro tem Jack Jones made a motion to award bid to low bidder Paul Murrey Ford in the amount of \$42,194.00. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

**BID TABULATION**

**BID NO. 08-25-01**  
**(2) 2008 Ford Crown Victoria Police Package Sedan**

January 15, 2008  
10:00 a.m.

	Company Name	Unit Price	Total Price
<b>1</b>	<b>Paul Murrey Ford</b>	<b>\$21,097.00</b>	<b>\$42,194.00</b>
2	Lawrence Marshall Ford	\$21,382.12	\$42,764.24
3	Philpott Motors	\$21,771.00	\$43,542.00
4	Randall Noe Ford	\$21,996.00	\$43,992.00

**CONSENT AGENDA**

**13. Discuss and Consider Adoption on Second Reading of Ordinance No. 2358 – Amending Section I, Part B,3 Terms of Members of the Building and Standards Commission.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration for adoption on second reading Ordinance No. 2358 – Amending Section I, Part B,3 Terms of Members of the Building and Standards Commission. Councilmember Don Thurman made a motion to approve Ordinance No. 2358 – Amending Section I, Part B,3 Terms of Members of the Building and Standards Commission on second reading. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

**ORDINANCE NO. 2358**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION I, PART B.3. TERMS OF MEMBERS OF THE BUILDING AND STANDARDS COMMISSION; SECTION 30, CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

SECTION I.

Section I Building and Standards Commission B.3. is hereby amended as follows::

“BUILDING AND STANDARDS COMMISSION

B. Creation of building and standards commission

3. *Terms of members.* Appointments shall be for a term of two (2) years. No person shall serve more than three (3) consecutive terms.

SECTION II

A. Severability

If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, for or effect of any section or sections or part of a section or paragraph of this ordinance.

PASSED on the first reading on the 8<sup>th</sup> day of January, 2008.

PASSED on the second reading on the 22<sup>nd</sup> day of January, 2008.

**END OF CONSENT AGENDA**

- 14. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss Section 551.071 – Consultation with Attorney – Contemplated Litigation.**

Council adjourned into Executive Session.

- 15. Reconvene into Regular Session and Consider Action, if Any, on Item Discussed in Executive Session.**

There was no action taken in Executive Session.

- 16. 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**