

REGULAR CITY COUNCIL MEETING

FEBRUARY 17, 2009

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, February 17, 2009 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.

Mayor Pro tem Jack Jones gave the opening prayer.

3. Discuss and Consider Approval of Special City Council Meeting and Workshop Minutes of January 29, 2009 and Regular City Council Meeting Minutes of February 3, 2009.

Deputy Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting and Workshop Minutes of January 29, 2009 and Regular City Council Meeting Minutes of February 3, 2009 with amendments. The motion was seconded by Mayor Pro tem Jack Jones. Ayes – Mayor Hal Richards, Mayor Pro tem Jack Jones, Deputy Mayor Pro tem Don Thurman. Council members Tommy Spencer and Ricky Jordan Not available for vote. Nayes – none. Motion carried.

4. Hear Remarks from Visitors.

Bob Winchester – 104 Hamilton Drive, Terrell requested Council consider placing 30 mile per hour speed limit signs on both ends of Windsor. Mr. Winchester commended Captain Sansom and Code Enforcement for their assistance with people that live in the neighborhood controlling the bid rigs and junk vehicles.

Jim Pickens – 429 North expressed his opposition and concern about the proposed rental inspection ordinance.

Jerry Jacobs – 7201 State Highway 34 expressed his opposition and concern about the proposed rental inspection ordinance.

Jeff Woolverton – 520 Timberside expressed his opposition and concern about the proposed rental inspection ordinance.

Gilbert Willie – 415 S. Rockwall expressed his opposition and concern about the proposed rental inspection ordinance.

Mayor Hal Richard recognized Trinity Valley Community College students attending the meeting.

PUBLIC HEARING

- 5.
- a.) **Conduct a Public Hearing to Receive Comment Regarding a Proposed Amendment to the Official Thoroughfare Plan of the Comprehensive Plan, Ordinance No. 2118 adopted on September 3, 2002, in Order to Establish an Official City of Terrell Policy in Regards to the Alignment of the Proposed Outer Loop Thoroughfare and the Realignment and/or Location of Associated Highway Interchanges and Thoroughfares Located in the Extraterritorial Jurisdiction (ETJ) and City Limits of Terrell, Kaufman County, Texas. (Case No. CP-09-01)**

Mike Sims, Assistant City Manager and Terry Capehart gave opening comments regarding a Proposed Amendment to the Official Thoroughfare Plan of the Comprehensive Plan, Ordinance No. 2118 adopted on September 3, 2002, in Order to Establish an Official City of Terrell Policy in Regards to the Alignment of the Proposed Outer Loop Thoroughfare and the Realignment and/or Location of Associated Highway Interchanges and Thoroughfares Located in the Extraterritorial Jurisdiction (ETJ) and City Limits of Terrell, Kaufman County, Texas. (Case No. CP-09-01). Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding a Proposed Amendment to the Official Thoroughfare Plan of the Comprehensive Plan, Ordinance No. 2118 adopted on September 3, 2002, in Order to Establish an Official City of Terrell Policy in Regards to the Alignment of the Proposed Outer Loop Thoroughfare and the Realignment and/or Location of Associated Highway Interchanges and Thoroughfares Located in the Extraterritorial Jurisdiction (ETJ) and City Limits of Terrell, Kaufman County, Texas. (Case No. CP-09-01). No one spoke for or against the proposed Amendment to the Official Thoroughfare Plan. Mayor Hal Richards closed the Public Hearing.

- b.) **Discuss and Consider Approval of Ordinance No. 2398 - Regarding a Proposed Amendment to the Official Thoroughfare Plan of the Comprehensive Plan, Ordinance No. 2118 adopted on September 3, 2002, in Order to Establish an Official City of Terrell Policy in Regards to the Alignment of the Proposed Outer Loop Thoroughfare and the Realignment and/or Location of Associated Highway Interchanges and Thoroughfares Located in the Extraterritorial Jurisdiction (ETJ) and City Limits of Terrell, Kaufman County, Texas. (Case No. CP-09-01)**

Mayor Pro tem Jack Jones made a motion to approve Ordinance No. 2398 - Regarding a Proposed Amendment to the Official Thoroughfare Plan of the Comprehensive Plan, Ordinance No. 2118 adopted on September 3, 2002, in Order to Establish an Official City of Terrell Policy in Regards to the Alignment of the Proposed Outer Loop Thoroughfare and the Realignment and/or Location of Associated Highway Interchanges and Thoroughfares Located in the Extraterritorial Jurisdiction (ETJ) and City Limits of Terrell, Kaufman County, Texas. (Case No. CP-09-01). The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2398

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE OFFICIAL THOROUGHFARE PLAN OF THE COMPREHENSIVE PLAN, ORDINANCE NO. 2118 ADOPTED ON SEPTEMBER 3, 2003, IN ORDER TO ESTABLISH AN OFFICIAL CITY OF TERRELL POLICY IN REGARDS TO THE ALIGNMENT OF THE PROPOSED OUTER LOOP THOROUGHFARE AND THE REALIGNMENT AND/OR LOCATION OF ASSOCIATED HIGHWAY INTERCHANGES AND THOROUGHFARES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) AND CITY LIMITS OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN UPDATE TO THE OFFICIAL THOROUGHFARE MAP.

6.

- c.) **Conduct a Public Hearing to Receive Comment Regarding CPI-Based Rate Adjustment for IESI.**

Mike Sims, Assistant City Manager and Dick Demien representing IESI gave opening comments regarding CPI-Based Rate Adjustment for IESI. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding CPI-Based Rate Adjustment for IESI. No one spoke for or against the CPI-Based Rate Adjustment for IESI. Mayor Hal Richards closed the Public Hearing.

- d.) **Discuss and Consider Approval of CPI-Based Rate Adjustment for IESI.**

Councilmember Tommy Spencer made a motion to approve CPI-Based Rate Adjustment for IESI. The motion was seconded by Mayor Pro tem Jack Jones. Ayes – All; Nays – none. Motion carried.

NEW BUSINESS

7. **Discuss and Consider Approval of Final Plat for Lot 5, Block C, Terrell Airport Addition in Order to Accommodate the Construction of a New Hangar, Located at 127 Silent Wings Blvd., Being a 0.415 Acre Tract of Land, and Being a Part of that Called First Tract of 200 Acres Conveyed from Kaufman County to the City of Terrell, as Recorded in Volume 301, Page 482 of the Deed Records of Kaufman County, and Being Situated in the Ransom Sowell Survey, Abstract No. 443, City of Terrell, Kaufman County, Texas. (Case No. PL-09-01)**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration a Final Plat for Lot 5, Block C, Terrell Airport Addition in Order to Accommodate the Construction of a New Hangar, Located at 127 Silent Wings Blvd., Being a 0.415 Acre Tract of Land, and Being a Part of that Called First Tract of 200 Acres Conveyed from Kaufman County to the City of Terrell, as Recorded in Volume 301, Page 482 of the Deed Records of Kaufman County, and Being Situated in the Ransom Sowell Survey, Abstract No. 443, City of Terrell, Kaufman County, Texas. (Case No. PL-09-01). Deputy Mayor Pro tem Don Thurman made a motion to approve Final Plat for Lot 5, Block C, Terrell Airport Addition in Order to Accommodate the Construction of a New Hangar, Located at 127 Silent Wings Blvd., Being a 0.415 Acre Tract of Land, and Being a Part of that Called First Tract of 200 Acres Conveyed from Kaufman County to the City of Terrell, as Recorded in Volume 301, Page 482 of the Deed Records of Kaufman County, and Being Situated in the Ransom Sowell Survey, Abstract No. 443, City of Terrell, Kaufman County, Texas. (Case No. PL-09-01). The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

CONSENT AGENDA

Deputy Mayor Pro tem Don Thurman made a motion to adopt Ordinance No. 2396 and Ordinance No. 2397 on CONSENT AGENDA on second reading. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

8. **Discuss and Consider Adoption on Second Reading of Ordinance No. 2396 – Budget Amendment.**

ORDINANCE NO. 2396

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, AS PASSED AND ADOPTED ON SEPTEMBER 16, 2008 TO PROVIDE FOR INCREASES 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:

<u>UTILITY CAPITAL RESERVE EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
028-28-4420 City Contribution Grant 728501	\$ -0-	\$ 49,250.00	\$49,250.00

<u>EQUIPMENT REPLACEMENT FUND EXPENDITURES</u>	BUDGETED	AMOUNT	AMENDED
025-25-4502 Forklift	\$ -0-	\$ 45,810.00	\$45,810.00

<u>GRANT 728501 REVENUES</u>	BUDGETED	AMOUNT	AMENDED
097-00-3002 Office of Rural Community Affairs (ORCA) Grant 728501 Water System Improvements	\$ -0-	\$ 49,250.00	\$49,250.00

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 3rd day of February, 2009.

Passed and Adopted on this the 17th day of February, 2009.

9. **Discuss and Consider Adoption on Second Reading of Ordinance No. 2397 - Extending the Term of Original Franchise Ordinance with Oncor Electric Delivery Company, LLC.**

ORDINANCE NO. 2397

AN ORDINANCE EXTENDING THE TERM OF AN ORDINANCE OF THE CITY COUNCIL OF TERRELL GRANTING A FRANCHISE TO ONCOR ELECTRIC DELIVERY COMPANY, A SUCCESSOR IN INTEREST TO TXU ELECTRIC DELIVERY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Oncor Electric Delivery Company LLC, successor in interest to TXU Electric Delivery, (hereinafter called "Company"), is engaged in the business of providing electric delivery service within the City of Terrell, Texas (hereinafter called "City") and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance heretofore duly passed by the governing body of the City, by Ordinance adopted on May 10, 1949, as amended, and duly accepted by Company; and

WHEREAS, the current franchise with the City is scheduled to expire May 1, 2009 and City and Company have initiated actions to enter into a new franchise agreement but have determined that a new agreement may not be finalized prior to the expiration date of May 1, 2009; and

WHEREAS, City and Company reaffirm their intent to negotiate in good faith to develop and approve a new franchise agreement, the City and Company desire to extend said Ordinance until November 1, 2009; and

WHEREAS, the franchise extension provides that unless the City or Company provides written notice to the other not less than sixty (60) days prior to its expiration, the Franchise will automatically be renewed for additional successive terms of six (6) months each; and

WHEREAS, City and Company have started negotiations and agree that the full extension time may not be required and that the existing franchise and this extension ordinance will be superseded on the effective date of the new franchise agreement.

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

SECTION 1. The term of the franchise ordinance adopted by City on May 10, 1949, as amended, of the City of Terrell, Texas is extended to November 1, 2009; provided that, unless written notice is given by either party hereto to the other not less than sixty (60) days before the expiration of this franchise agreement, it shall be automatically renewed for an additional period of six (6) months from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice given not less than sixty (60) days before the expiration of any such renewal period.

SECTION 2. Effective Date

This ordinance shall be in full force and effective from and after its final reading and passage.

PASSED AND APPROVED ON THIS THE 3RD DAY OF FEBRUARY, 2009.

PASSED AND ADOPTED ON THIS THE 17TH DAY OF FEBRUARY, 2009.

END OF CONSENT AGENDA

10. Receive City Manager's Reports and Correspondence:

City Manager Torry Edwards presented Reports and Correspondence to Council.

- e.) **Special City Council Meeting and Workshop – Thursday, February 19, 2009-6:00 p.m.**
- f.) **NLC Congressional City Conference – Washington DC – March 14-18, 2009.**
- g.) **City of Terrell recognized in National League of Cities publication and Washington DC.**

11. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss Section 551.074 – Personnel Matters – Police Chief Search.

This item was passed.

12. Reconvene into Regular Session and Consider Action, if any, on Item Discussed in Executive Session.

This item was passed.

13. 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