

REGULAR CITY COUNCIL MEETING

SEPTEMBER 1, 2009

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, September 1, 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 SANDRA WILSON
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 Don Thurman gave the opening prayer.

3. Discuss and Consider Approval of Special City Council Meeting Workshop Minutes of August 13, 2009 and Regular City Council Meeting Minutes of August 18, 2009.

Councilmember Jack Jones made a motion to approve Special City Council Meeting Workshop Minutes of August 13, 2009 and Regular City Council Meeting Minutes of August 18, 2009. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

4. Hear Remarks from Visitors.

Karen Burnes – 8996 County Road 2325 representing Terrell Soccer Association requested lights for the soccer fields.

PUBLIC HEARING

5.

a.) Conduct a Public Hearing to Receive Comment Regarding the Fiscal Year 2009-2010 Budget.

John Rounsavall, City Secretary/Finance Director gave opening comments regarding the Fiscal Year 2009-2010 Budget. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding the Fiscal Year 2009-2010 Budget. No one spoke for or against the Fiscal Year 2009-2010 Budget. Mayor Hal Richards closed the Public Hearing.

b.) Discuss and Consider Approval of Ordinance No. 2427 – Adopting the Fiscal Year 2009-2010 Budget.

Mayor Pro tem Don Thurman made a motion to approve Ordinance No. 2427 – Adopting the Fiscal Year 2009-2010 Budget on first reading. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2427

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND

OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NEW BUSINESS

6. Discuss and Consider Approval of Ordinance No. 2428 – Setting the Tax Rate for 2009.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2428 – Setting the Tax Rate for 2009. Councilmember Jack Jones made a motion to approve Ordinance No. 2428 – Setting the Tax Rate for 2009. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2428

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 2009 AND LEVYING AND ORDERING COLLECTION FOR THE YEAR 2009 AND PROVIDING TO SECURE THE PAYMENT OF TAXES ASSESSED.

7. Discuss and Consider Approval of 2009-2010 Hotel/Motel Occupancy Tax Allocation.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration 2009-2010 Hotel/Motel Occupancy Tax Allocation. Mayor Pro tem Don Thurman made a motion to allocate \$283,769 for tourism expenditures. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

8. Discuss and Consider Approval of Hotel/Motel Tax Fund Requests for 2009-2010.

City Staff to suggest allocation. Deputy Mayor Pro tem Ricky Jordan made a motion to table this item to next meeting. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

9. Discuss and Consider Approval of Resolution No. 641 - Approving and Supporting the Submission of a Federal Tiger Grant Application Effective September 15, 2009.

Mike Sims, Assistant City Manager presented to Council for discussion and consideration Resolution No. 641 - Approving and Supporting the Submission of a Federal Tiger Grant Application Effective September 15, 2009. Mayor Pro tem Don Thurman made a motion to approve Resolution No. 641 - Approving and Supporting the Submission of a Federal Tiger Grant Application Effective September 15, 2009. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

CITY OF TERRELL, TEXAS

RESOLUTION NO. 641

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, APPROVING AND SUPPORTING THE SUBMISSION OF A FEDERAL TIGER GRANT APPLICATION EFFECTIVE SEPTEMBER 15, 2009

WHEREAS, transportation projects in Terrell, Texas are vital to the mobility, safety, air quality, economic development interests and quality of life for all citizens, visitors and business of the State of Texas;

WHEREAS, additional funding sources are greatly needed for transportation projects in Terrell, Texas;

WHEREAS, federal stimulus funding is freeing up monies that could go to projects in Terrell, Texas;

WHEREAS, the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program has authorized up to \$1.5 Billion for capital investments in surface transportation infrastructure projects that will have a significant impact on the Nation, a metropolitan area, or a region;

Now, **THEREFORE BE IT RESOLVED**, by the City of Terrell, Texas City Council, we approve and support the submission of a Federal TIGER Grant application in the amount not to exceed \$19.6 Million for the following transportation projects:

1. Widening of FM 148 to 4 lanes from Spur 557 to CR 305.
2. Relocation of ramp and new frontage road for IH20 along TMC and Baylor properties. Includes IH20 main lane culvert upsize.
3. Spur 557 frontage road along the north side of the Baylor property connecting to IH20 frontage road.
4. Off-ramp and new frontage road for Spur 557 along Oakmont property.
5. Spur 557 frontage road overlay and striping adjacent to Fulton Anderson property.
6. New 4-lane bridge FM 148 over Spur 557. Expansion of FM 148 to Tejas Drive – 4 lanes with turn lanes.
7. New IH 20 Frontage Road west of Rosehill to create allowable TXDOT connection to existing ramp.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Terrell, Texas, on this the 1st day of September, 2009.

10. Discuss and Consider Approval of Proposals for Tanks, Cleanup, Municipal Sludge Dewatering, Transporting and Disposal at the Kings Creek Wastewater Treatment Plant, Project No. 09-05.

Steve Rogers, City Engineer presented to Council for discussion and consideration Proposals for Tanks, Cleanup, Municipal Sludge Dewatering, Transporting and Disposal at the Kings Creek Wastewater Treatment Plant, Project No. 09-05. Deputy Mayor Pro tem Ricky Jordan made a motion to accept proposal of R&R Environmental, Inc. in the amount of \$717,800 for Tanks, Cleanup, Municipal Sludge Dewatering, Transporting and Disposal at the Kings Creek Wastewater Treatment Plant, Project No. 09-05. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

11. Discuss and Consider Approval of Amendment No. 3 to the Professional Services Agreement with Freese and Nichols, Inc. for 1.5 MG Elevated Storage Tank, Project 07-07.

Steve Rogers, City Engineer presented to Council for discussion and consideration Amendment No. 3 to the Professional Services Agreement with Freese and Nichols, Inc. for 1.5 MG Elevated Storage Tank, Project 07-07. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Amendment No. 3 to the Professional Services Agreement with Freese and Nichols, Inc. for 1.5 MG Elevated Storage Tank, Project 07-07. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays –none. Motion carried.

12. Discuss and Consider Approval of Ordinance 2429 - Abandoning a Portion of the Undeveloped Helen Street Right-of-Way and Deeding Said Right-of Way to the Helen Street Homeowners Association for the Purpose of a Private Shared Access/Utility Easement.

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration Ordinance 2429 - Abandoning a Portion of the Undeveloped Helen Street Right-of-Way and Deeding Said Right-of Way to the Helen Street Homeowners Association for the Purpose of a Private Shared Access/Utility Easement. Councilmember Sandra Wilson made a

motion to approve Ordinance No. 2429 - Abandoning a Portion of the Undeveloped Helen Street Right-of-Way and Deeding Said Right-of Way to the Helen Street Homeowners Association for the Purpose of a Private Shared Access/Utility Easement on first reading. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS VACATING AND ABANDONING A PORTION OF THE HELEN STREET RIGHT-OF-WAY LOCATED IN BLOCK NO. 237, L. INGLEHART ADDITION, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS

13. Discuss and Consider Appointments to the Riter C. Hulsey Public Library Advisory Board.

Councilmember Sandra Wilson made a motion to appoint Tonya Derrick to replace Stephanie Jones. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

Mayor Pro tem Don Thurman made a motion to appoint Barbara Booth to replace Beth Brown. The motion was seconded by Councilmember Sandra Wilson. Ayes- all; Nays – none. Motion carried.

14. Discuss and Consider Appointments to Terrell Economic Development Corporation.

Councilmember Jack Jones made a motion to appoint Charles Gann to Terrell Economic Development Corporation to fill the un-expired term of Mike Cronin. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays –none. Motion carried.

CONSENT AGENDA

Councilmember Jack Jones made a motion to approve Ordinance No. 2423, Ordinance No. 2424, Ordinance No. 2425 and Ordinance No. 2426 on second reading on CONSENT AGENDA. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays –none. Motion carried.

15. Discuss and Consider Adoption on Second Reading of Ordinance No. 2423 - Amending Chapter 7, Health and Sanitation, Section 3: Accumulations of Unsanitary, Unsightly Conditions and Tall Weeds and Grass.

ORDINANCE NO. 2423

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING CHAPTER 7, HEALTH AND SANITATION, SECTION 3: ACCUMULATIONS OF UNSANITARY, UNSIGHTLY CONDITIONS AND TALL WEEDS AND GRASS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I.

That Chapter 7, Health and Sanitation, Section 3, Accumulations of unsanitary, unsightly conditions and tall weeds and grass shall be amended to read as follows:

Sec. 7-3. Accumulations of unsanitary, unsightly conditions, junk and debris or tall weeds and grass.

A. *Conditions prohibited.* No person owning, leasing, occupying or having control of any private premises within the city limits whether improved or unimproved, vacant or occupied, shall allow an accumulation on such premises of junk and debris, rubbish, trash, stagnant water, filth, carrion or other unwholesome matter of any kind; or

allow grass, weeds, or brush of any description to grow or flourish to a height of greater than twelve (12) inches above the surface of the ground within one hundred (100) feet of a dwelling, building, public street, right-of-way, alley or any property line; or in the right-of-way adjacent to the private premises between the property line and curb line or paved portion of a street up to a distance of thirty (30) feet from the property line; or allow trees, shrubs or any vegetation to obscure visibility of vehicles within twenty-five (25) feet of a street intersection (the clear visibility zone is between 24 inches and 7 feet above the ground level).

- B. Exception: For vacant or undeveloped land that is greater than one (1) acre in size the grass, weeds, or brush of any description shall be required to be maintained at a height not to exceed twelve (12) inches along the perimeter of the property for a minimum width of fifty (50) feet from any property line.

For the purposes of this section, “control” shall mean having the right to possession or use of the property, jointly or severally, whether said property is actually occupied or not. It shall be the duty of each person owning, leasing, occupying or having control of any private premises within the city to inspect it together with those adjacent areas described herein at least every thirty (30) days and to abate an accumulation of rubbish, trash, stagnant water, filth, carrion or other unwholesome material of any kind, and to maintain all grass, weeds or brush to a height of less than twelve (12) inches above the surface of the ground as prescribed above.

- C. *Nuisance defined.* For the purposes of this section, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which is detrimental to the health, safety, welfare, or property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

The keeping, scattering, or storage outside of an enclosed structure or screened enclosure of furniture other than furniture designed for outside use; appliances and household items; motor vehicle parts, products of a commercial trade or business enterprise (whether such items are so used or not); items of salvage such as scraps, metal, rags, papers, bottles, cans and similar items; lumber and building materials not currently being used or held for immediate use upon the premises; and building, pavement or rubble from other sources not covered with soil and graded to drain are expressly declared to be nuisances.

- D. *Penalty for violations.* The Director of Municipal Development and/or any Code Enforcement Official of the City of Terrell shall have the authority to issue citations for failure to comply with the terms of section (d) below.

Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each day of violation can constitute a separate violation.

- E. *Notice to owner to remedy or remove condition.*

1. Whenever any condition described in this section is found to exist on any premises within the city, the Director of Municipal Development, or his duly authorized agent shall notify the owner of such premises, in writing, to correct, remedy or remove the condition within ten (10) consecutive days after such notice. It shall be unlawful for any person, firm or corporation to fail to comply with such notice or fail to comply with the requirements as set forth in Section 7-3 (a) and (b) above.

2. The notice provided for above shall be served personally on the owner to whom it is directed or any occupant of the premises either in person, by United States Postal Service (when the city mails a notice in accordance with this section to the responsible party of the affected property and the notice is returned by the U.S. Postal Service as “refused” or “unclaimed” the validity of the notice is not affected, and the notice is considered delivered) or by notice posted on the front door or as close to the front door as practicable. In the event notice cannot be given as provided herein, such notice shall be given by publication in a newspaper of general circulation within the city not less than ten (10) consecutive days prior

to any enforcement action is taken by the city.

3. The notice provided for herein shall fully state the particulars of any violation of this section, contain a description of the property where such violation exists sufficient to identify the same or locate the same, require such party or parties to desist from further violation, and direct compliance with the provisions of this section within ten (10) consecutive days from the date of service of such notice, publication of such notice, or the mailing of such letter as provided in subsection (2) above. It shall be the property owner's responsibility to inform all tenants, lessees, or other persons having use of the property of their responsibilities regarding keeping the property free of nuisances and maintained as stated herein.
- F. *Public hearing to be held if requested by the owner.* The owner or occupant of the premises for which notice is given pursuant to subsection (d) above shall have the right to request a hearing to determine whether there is compliance with this section within ten (10) consecutive days of such notice. The city manager or his designated hearing official shall preside at the hearing. If it is determined that a violation exists, immediate compliance shall be ordered.
 - G. *Correction or removal of conditions by city.* In the event the owner of any lot or premises for which notice is given in accordance with the provisions of this section fails for any reason to comply therewith within ten (10) consecutive days after notice is given, the city may, at its own discretion, enter said property for the purpose of doing such work or making such improvements as are necessary to correct, remedy or remove the condition which is the subject of the notice, or cause the same to be done, and at the expense of the city for the account of the owner(s) of the property, and charge the expense incurred together with an administrative fee of Two Hundred Dollars (\$200.00), or the cost of giving notice, if greater, to the owner of such lot. Such expenses shall constitute a privileged lien against the property or real estate upon which the work was done or the improvements made. The doing of such work by the city shall not relieve the owner from prosecution for failure to comply with such notice in violation of subsection (d) above.
 - H. *Filing statement of expenses incurred for actions of city.* Whenever the city shall have performed work under the provisions of subsection (f) above and paid all necessary expenses in connection therewith, it shall be the duty of the city manager, the director of municipal development, and/or their duly authorized agent(s) to prepare and deliver or mail to the owner an itemized statement in the form of any affidavit, duly sworn to, of all such work performed and all costs and expenses incurred and paid by the city in connection therewith. This affidavit may, at the sole discretion of the city manager, the director of municipal development, and/or their duly authorized agent(s) cover work, cost and expenses incurred over an extended period of months but, in no event cover a period in excess of one (1) year. Such affidavit, among other things and provisions, shall contain the following:
 1. Name of the owner(s) of the premises and the owner(s) post office address, if known, and, if unknown, reciting that fact.
 2. Description of the property, with description by lot and block number within a subdivision being sufficient.
 3. Statement of the violation(s) of this section for which the expenses were incurred.
 4. Date notice was given, sent, or published to the owner(s) and reciting the owner(s) failure to comply.
 5. Itemized statement for work done and performed and the cost thereof.
 6. Dates of which payment(s) were made by the city, to whom payment(s) were made, and in case the work was done by the city, the date the reasonable charge(s) for service were incurred.
 - I. *Collection of and lien for expenses for actions of city.* Upon delivery or mailing of the statement and affidavit provided for in subsection (g) above, the city shall

be entitled to the payment of the aggregate amount so expended, or reasonable charges for city work, or costs paid, as therein set forth, plus an administrative fee of two hundred dollars (\$200.00) or the actual cost of giving notice, if greater. Should the owner fail or refuse to pay the amount due within thirty (30) consecutive days thereafter, a statement containing the information as set out in subsection (g) above shall be signed by the city manager and filed with the County Clerk of Kaufman County, Texas. Such statement, when filed, shall constitute a lien upon the property on which the expense was incurred, second only to tax liens and liens for street improvements, and the amount remaining unpaid shall accrue interest at the rate of ten percent (10%) per annum from the date of expenditure by the city in accordance with the provisions of Article 4436 V.T.C.S.

For such expenditures and interest, the city may institute suit for foreclosure of said lien with a statement of expenses or a certified copy thereof being prima facie proof of the amount expended in such work and the reasonableness of the charges.

(Ord. No. 1302, 4-12-83; Ord. No. 1539, 6-21-88; Ord. No. 1563, 2-7-89; Ord. No. 1539, 6-21-89; Ord. No. 1723, 12-7-93; Ord. No. 1877, Art. I, 8-5-97; Ord. No. 2148, § 1, 1-7-03)

ARTICLE II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE 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 unconstitutionality 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 in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE 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 THIS the 18th day of August, 2009.

PASSED AND ADOPTED THIS the 1st day of September, 2009.

16. **Discuss and Consider Adoption on Second Reading of Ordinance No. 2424 – Approving a Request for a Specific Use Permit for Temporary Concrete Batching Plant on Property Located at 400 Industrial, Described as Block A, Airport Addition, City of Terrell, Kaufman County, Texas (SUP-20).**

ORDINANCE NO. 2424

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. 2371) AND ESTABLISHING SPECIFIC USE PERMIT NUMBER TWENTY (SUP-20) FOR A TEMPORARY CONCRETE BATCH PLANT ON PROPERTY LOCATED AT 400 INDUSTRIAL BOULEVARD, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ARTICLE I.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on July 27, 2009 on a request for a Specific Use Permit for a temporary concrete batch plant on property located at 400 Industrial Boulevard, City of Terrell, Kaufman County, Texas.; and

WHEREAS, the City Council of the City of Terrell, Texas held a public hearing on August 18, 2009 and has determined that it would be in the best interest of the citizens of Terrell to approve Specific Use Permit Number Twenty (SUP-20); and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Terrell and State Law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

THAT the Comprehensive Zoning Ordinance is hereby amended and that Specific Use Permit Number Twenty (SUP-20) is established on property located at 400 Industrial Boulevard, City of Terrell, Kaufman County, Texas.

ARTICLE II

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

All operations, activities, and uses associated with the temporary concrete batch plant at this location and under the conditions of this Specific Use Permit shall be in accordance with the special conditions set forth in this ordinance. The applicant shall clean and remove all debris from the site upon completion to the satisfaction of the City. Failure to comply with all of these conditions at all times may result in the revocation of this SUP.

ARTICLE IV

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 unconstitutionality 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 in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE V

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

PASSED AND APPROVED this the 18th day of August, 2009.

PASSED AND ADOPTED this the 1st day of September, 2009.

- 17. Discuss and Consider Adoption on Second Reading of Ordinance No. 2425 – Amending Appendix 1, Fee Schedule, Section 27: Water Service Rates, Paragraph (4) of the Revised Code of Ordinances of the City of Terrell, Texas.**

ORDINANCE NO. 2425

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX 1, FEE SCHEDULE, SECTION 27: WATER SERVICE RATES, PARAGRAPH (4) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

THAT Appendix I, Fee Schedule, SECTION 27, WATER SERVICE RATES, PARAGRAPH (4) of the Revised Code of Ordinances of the City of Terrell, Texas, shall hereby be amended to read as follows:

SECTION I.

SECTION 27: WATER SERVICE RATES AND CHARGES

The following schedule of rates or charges for water services furnished by the City shall be and such is hereby adopted and established as follows:

- (4) *Wholesale water customer rates.* Rates shall be determined by the methodology as stated in the wholesale water customer's contract. Wholesale water customers without a methodology in the wholesale water customer's contract will be charged \$3.72 per 1,000 gallons of water.

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 the 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 unconstitutionality 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 in 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 THIS THE 18th day of August, 2009.

PASSED AND ADOPTED THIS THE 1st day of September, 2009.

- 18. Discuss and Consider Adoption on Second Reading of Ordinance No. 2426 – Amending Appendix 1, Fee Schedule, Section 27: Water Service Rates, Paragraphs (1) Through (7) and Section 28: Sewer Service Rates and Charges, Paragraph (1) of the Revised Code of Ordinances of the City of Terrell, Texas.**

ORDINANCE NO. 2426

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX 1, FEE SCHEDULE, SECTION 27: WATER SERVICE RATES, PARAGRAPHS (1) THROUGH (7) AND SECTION 28: SEWER SERVICE RATES AND CHARGES, PARAGRAPH (1) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

THAT Appendix I, Fee Schedule, SECTION 27, WATER SERVICE RATES, PARAGRAPHS (1) THROUGH (7) AND SECTION 28, SEWER SERVICE RATES AND CHARGES, PARAGRAPH (1) of the Revised Code of Ordinances of the City of Terrell, Texas, shall hereby be amended to read as follows:

SECTION I.

SECTION 27: WATER SERVICE RATES AND CHARGES

The following schedule of monthly rates or charges for water services furnished by the City shall be and such is hereby adopted and established as follows:

- (1) There is hereby established a minimum monthly water use charge based upon the water meter installed as follows:

Meter Size (in.)	Minimum Charge
5/8	\$ 11.77
1	28.78
1 1/2	57.14
2	91.16
3	181.88
4	312.30
6	638.91
8	964.40
10	1,474.73
12	2,438.69

- (2) Subject to the minimum monthly charges as provided in subsection (1) above, the following rates per month shall be charged for water furnished:

CHARGE (per 1,000 gallons) for Residential Customers:

VOLUMETRIC RATES					
Rate Blocks (gal.)	0 - 2,000	2,001 - 10,000	10,001 - 25,000	25,001 - 50,000	> 50,000
Volume Charge (per 1,000 gal.)	\$ 2.86	\$ 3.91	\$ 4.25	\$ 4.65	\$ 5.12

CHARGE (per 1,000 gallons) for All Other Customers:

VOLUMETRIC RATES				
Rate Blocks (gal.)	0 - 2,000	2,001 - 10,000	10,001 - 25,000	> 25,000
Volume Charge (per 1,000 gal.)	\$ 2.86	\$ 3.91	\$ 4.25	\$ 4.65

- (3) The monthly charge for private fire protection service shall be as follows:

FIRE LINE CHARGE	
Line Size (in.)	Monthly Charge
4	\$ 20.00
6	20.00
8	20.00
10	20.00
12	20.00

Water used through a fire protection service for purposes other than testing of system shall be at a rate equal to the largest volumetric rate applicable in subsection (2).

SECTION 28: SEWER SERVICE RATES AND CHARGES

The following schedule of monthly rates or charges for sewer services furnished by the City shall be and such is hereby adopted and established as follows:

- (1) Residential Rates. All residential units shall be charged on the following basis:

Minimum bill	\$17.34 per month
Volume Charge for all Consumption per month*	\$2.73 per 1,000 gallons

*Volume charges are based on winter-average (Dec., Jan., Feb.) water consumption.

- (2) Lt. Commercial Rates. All commercial customers shall be charged on the following basis:

Minimum bill	\$37.25 per month
Volume charge	\$2.73 per 1,000 gallons

Those businesses not being metered on an individual unit basis, shall be charged a minimum monthly bill per business.

- (3) Heavy Commercial/Industrial. All heavy commercial and industrial customers shall be charged on the following basis:

Minimum bill	\$125.75 per month
Volume charge	\$2.73 per 1,000 gallons

- (4) Pretreatment. All customers that require pretreatment of wastewater shall be charged on the following basis:

Minimum bill	\$501.88 per month
Volume charge	\$2.73 per 1,000 gallons

- (5) Customer Review. Where the city manager determines that wastewater charges should be based directly on the customer's contribution to the wastewater system, volume charges for the discharge shall be made as follows:

Volume charge for normal domestic wastewater per month	\$2.73 per 1,000 gallons of wastewater
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The customer shall pay for any required sampling in advance. The charge for sampling shall be as estimated by the pretreatment coordinator based upon the city's actual cost for similar services.

SECTION II

All rates charged pursuant to this Ordinance shall be subject to an additional 4% Municipal Assessment

SECTION III.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION IV.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of the 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 unconstitutionality 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION V.

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 THIS THE 18th day of August, 2009.
PASSED AND ADOPTED THIS THE 1st day of September, 2009.

END OF CONSENT AGENDA

- 19. Receive City Manager's Reports and Correspondence: Update Regarding Jamie Foxx Homecoming Event.**

City Manager Torry Edwards gave Manager's Reports and Correspondence.

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