

REGULAR CITY COUNCIL MEETING

SEPTEMBER 15, 2009

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, September 15, 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.

Councilmember Jack Jones gave the opening prayer.

4. Discuss and Consider Approval of Special City Council Meeting Workshop Minutes of August 27, 2009 and Regular City Council Meeting Minutes of September 1, 2009.

Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting Workshop Minutes of August 27, 2009 and Regular City Council Meeting Minutes of September 1, 2009. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

3. Presentation of Proclamation.

Mayor Hal Richards presented a Proclamation for the month of September 2009 as “Adult Education Month”.

Mayor Hal Richards recognized students from Trinity Valley Community College attending the Council Meeting.

5. Hear Remarks from Visitors.

None were made.

NEW BUSINESS

6. Discuss and Consider Approval of Carlisle SynTec.

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Carlisle SynTec. Councilmember Jack Jones made a motion to consider Carlisle SynTec Agreement with Terrell Economic Development Corporation complete. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

7. Discuss and Consider Approval of Reclaiming Flood Plain Property in Metrocrest Business Park.

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Reclaiming Flood Plain Property in Metrocrest Business Park. Mayor Pro tem Don Thurman made a motion to approve Reclaiming Flood Plain Property in Metrocrest Business Park not to exceed \$30,000. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

8. Discuss and Consider Approval of Terrell Economic Development Corporation Bylaws Amendment.

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Terrell Economic Development Corporation Bylaws Amendment. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Terrell Economic Development Corporation Bylaws Amendment. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

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

Dan Sowers – 112 E. Moore presented to council a proposal for Hotel/Motel Tax Funds.



September 15, 2009

Proposed HOT Funds:

Downtown Monument Sign

- **Center Median at Rockwall and West Moore Ave.**
 - **Approx. 12' wide (not inc. curb)**
 - **Approx. 10' in front of first Planter**
- **4'x5' Monument Sign**
 - **Constructed of HDU (faux brick and mortar)**
 - **Double-Sided**
- **West Side of Sign:**
 - **Welcome to Historic Downtown Terrell**
 - **Est. 1873**
- **East Side of Sign:**
 - **Historic Downtown Terrell**
 - **Est. 1873**
 - **Stop, Shop, Enjoy!**

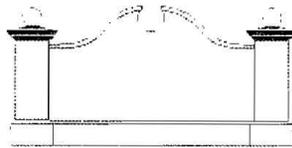
Total Cost: \$5,000 to \$7,000

- Actual cost TBD upon choice of signage shape, lettering, size and materials.

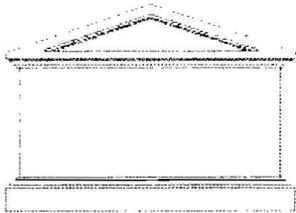
We have concluded, after measuring, driving and photographing the best location for the proposed second monument sign, that there is not a site on the East side of town that is substantial enough to support another sign.



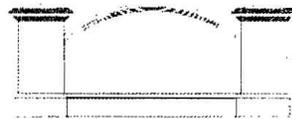
Monument Model 02
Size: (5') x (9') x (21")



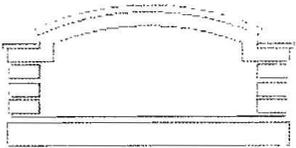
Monument Model 03
Size: (5' 6") x (11') x (16")



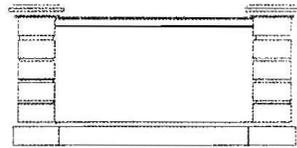
Monument Model 05
Size: (7'3") x (10') x (20")



Monument Model 10
Size: (5') x (12') x (24")



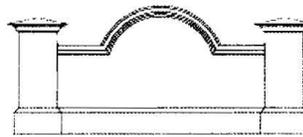
Monument Model 11
Size: (5') x (10') x (16")



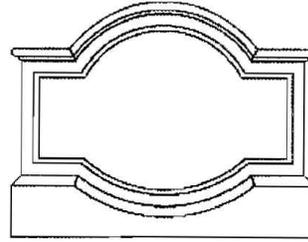
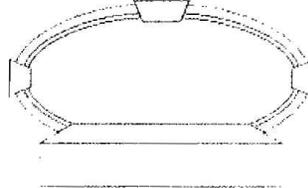
Monument Model 13
Size: (5') x (10') x (16")



Monument Model 22
Size: (5') x (10') x (16")



Monument Model 25
Size: (5') x (11'10") x (28")

 <p>Monument Model 26 Size: (5'7.5") x (13'6") x (21")</p>	 <p>Monument Model 27 Size: (5' 7.5") x (7' 3") x (21")</p>
 <p>Monument Model 36 Size: (5'3") x (8'7") x (12")</p>	 <p>Monument Model 38 Size: (5') x (8'2") x (12")</p>
<p>Monument signs are the right choice for attracting the attention you deserve. Spring Valley Signs provides you with attractive and durable monument signs, carefully designed to meet your specifications, made out of superior materials, and constructed to outlast conventional signs. Our designers will work with you to select the best choice of monument style. The <u>forty standard monument styles</u> encourage creative ideas, and our designers help you visualize a distinctive monument sign for your business.</p> <p>The custom made carved sign on the monument is hand crafted and has the feel of an individual work of art. Each of these Spring Valley Signs is carved out of High Density Urethane (HDU). The base material of your monument sign is made from rugged Hybrid Plastic Polymer, with a protective shell that has superior impact resistance and weathering durability. The surface is fade resistant, and weather and insect proof. Your monument design may include columns and caps, pole covers, and architectural trim.</p> <p>Your monument sign design is extremely versatile, with many options available. You can design into your monument sign 3-dimensional graphics, multiple panels, and illumination. Monuments come in a wide selection of colors, textures, and accents. Faux brick accents, stone veneer, stucco, and the real 'laid stone' look, are just some of the options. <u>Take a look at all our monument styles.</u></p> <p>Installation of these monument signs is easy since they are prefabricated. There is no site mess or installation delay due to the weather!</p> <p>Monument signs are the choice of the future. You may be starting a business, creating a new image for your establishment, or embellishing your existing signage; whatever you need, Spring Valley Signs can design and create other indoor and outdoor signs that match the style of your monument sign. <u>Contact us for a free consultation</u> and soon a new monument sign will be at the entrance of your business.</p>	

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Hotel/Motel Tax Fund Requests for 2009-2010. Councilmember Jack Jones made a motion to approve recommended allocations for Hotel/Motel Tax Fund Requests for 2009-2010. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**2009-2010
 Allocation**

Kaufman County Civic Theatre	12,000
No. 1 British Flying Training School Museum, Inc.	14,544
Terrell Alliance for Education & the Arts	14,600
Terrell Chamber of Commerce Convention & Visitors Bureau	166,837
Terrell Heritage Society	18,850
Terrell ISD Performing Arts Center	14,535
Lake Country Productions	11,956
Terrell Downtown Association	2,613
North East Texas Fine Art Alliance	1,000
Carnegie Museum	30,000
	286,935

10. Discuss and Consider Approval of a Recommendation Regarding Approval of Alternative Exterior Materials per Section 37.4 of the Zoning Ordinance on Property Described as Lot 1, Tran Addition, City of Terrell, Kaufman County, Texas (ZC-09-04).

Terry Capehart, Director of Municipal Development and Jerry Defeo representing Master Auto Body of Mesquite presented to Council for discussion and consideration Alternative Exterior Materials per Section 37.4 of the Zoning Ordinance on Property Described as Lot 1, Tran Addition, City of Terrell, Kaufman County, Texas (ZC-09-04). Mayor Pro tem Don Thurman made a motion to approve Alternative Exterior Materials per Section 37.4 of the Zoning Ordinance on Property Described as Lot 1, Tran Addition, City of Terrell, Kaufman County, Texas (ZC-09-04). The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

11. Receive Staff Update Regarding Fly-In Event.

Lynnette Nadeau, Marketing Director presented to Council for discussion Staff Update Regarding Fly-In Event. There was no action taken on this item.

12. Discuss and Consider Approval of Ordinance No - 2430 - Fire and Police Classification.

Carol Holland, Director of Human Resources, Police Chief Jody Lay and Fire Chief Jim Harper presented to Council for discussion and consideration Ordinance No. 2430 – Fire and Police Classification. Councilmember Sandra Wilson made a motion to approve Ordinance No. 2430 – Fire and Police Classification on first reading. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2430

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 9, SECTION 9-9. CIVIL SERVICE CLASSIFICATION PLAN; (a) CLASSIFICATION OF FIRE FIGHTERS AND (b) CLASSIFICATION OF POLICE OFFICERS, (1) POSITIONS APPOINTED BY THE CHIEF OF POLICE AND FIRE CHIEF; (2) POLICE OFFICER CLASSIFICATION; 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.

13. Discuss and Consider Approval of Ordinance No. 2431 - Providing for the Monthly Collection and Reporting of Hotel Occupancy Tax.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2431 – Providing for the Monthly Collection and Reporting of Hotel Occupancy Tax. Councilmember Sandra Wilson made a motion to approve Ordinance No. 2431 – Providing for the Monthly Collection and Reporting of Hotel Occupancy Tax on first reading. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING ORDINANCE NUMBER 2099; PROVIDING FOR THE MONTHLY COLLECTION AND REPORTING OF A HOTEL OCCUPANCY TAX; PROVIDING A PENALTY FOR THE FAILURE TO REPORT OR COLLECT THE TAX; PROVIDING CERTAIN DEFINITIONS PROVIDING FOR CERTAIN EXEMPTIONS; PROVIDING FOR THE CITY COUNCIL TO ENACT A BUDGET FOR EXPENDITURES OF FEES COLLECTED THROUGH THE HOTEL OCCUPANCY TAX; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE:

14. Discuss and Consider Appointments to Terrell Municipal Airport Board.

Torry Edwards, City Manager presented to Council for discussion and consideration Appointments to Terrell Municipal Airport Board. Deputy Mayor Pro tem Ricky Jordan made a

motion to re-appoint Jerry Gibson and Terry Eason to the Terrell Municipal Airport Board. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves –none. Motion carried.

15. Discuss and Consider Appointments to Terrell Park Board.

Mayor Pro tem Don Thurman made a motion to re-appoint Dale Martin and Sandra Harrelson to the Terrell Park Board. The motion was seconded by Councilmember Jack Jones. Ayes – all; Naves – none. This item to be placed on the next meeting agenda for the appointment to replace Robert Lee.

16. Discuss and Consider Appointments to Terrell Planning and Zoning Commission.

Councilmember Jack Jones made a motion to appoint Joe Hood to replace Don Archer and re-appoint Tom Aldinger to the Terrell Planning and Zoning Commission. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

17. Discuss and Consider Appointment to Youth Advisory Commission.

Lynnette Nadeau, Marketing Director presented to Council for discussion and consideration Appointment to Youth Advisory Commission. Councilmember Sandra Wilson made a motion to appoint Marian Carver to the Youth Advisory Commission. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Naves – none. Motion carried.

CONSENT AGENDA

Councilmember Jack Jones made a motion to adopt Ordinance No. 2427, Ordinance No. 2428 and Ordinance No. 2429 on second reading on CONSENT AGENDA. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Naves –none. Motion carried.

18. Discuss and Consider Adoption on Second Reading of Ordinance No. 2427 – Adopting the Fiscal Year 2009-2010 Budget.

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.

WHEREAS, as required by Article V. of the City Charter, the City Manager has prepared and submitted to the City Council a proposed budget of revenues and expenditures for conducting the affairs of the City and providing a complete financial plan for the fiscal year beginning October 1, 2009 and ending September 30, 2010; and

WHEREAS, the City Council has received the City Manager’s proposed budget, a copy of which and all supporting schedules have been filed with the City Secretary of the City of Terrell, Texas; and

WHEREAS, the City Council has conducted the necessary public hearings as required by law;

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

SECTION 1. That the proposed budget of the revenue and expenditures necessary for conducting the affairs of the City of Terrell, Texas, is as follows:

	REVENUES	EXPENDITURES
General Fund	\$16,532,767	\$15,726,874
Utility Fund	\$12,288,044	\$ 9,612,118
Equipment Replacement Fund	\$ 1,205,703	\$ 845,068
Airport Fund	\$ 2,745,961	\$ 1,500,137
Tourism Fund	\$ 333,769	\$ 0
Capital Improvement Fund	\$ 663,067	\$ - 170,000
Utility Capital Reserve Fund	\$ 2,395,940	\$ 1,010,000
Impact Fees Fund	\$ 832,753	\$ 419,000
Interest & Sinking No. 1 Debt Service Fund	\$ 2,760,224	\$ 2,519,482
Interest & Sinking No. 2 Debt Service Fund	\$ 298,976	\$ 119,400

and provides a complete financial plan for the fiscal year beginning October 1, 2009 and ending September 30, 2010 as submitted to the City Council by the City Manager, attached hereto as Exhibit "A", and the same is hereby adopted and approved as the budget of the City of Terrell, Texas for the fiscal year beginning October 1, 2009 and ending September 30, 2010.

SECTION 2. That the sum of \$31,919,079 is hereby appropriated for the payment of the expenditures established in the approved budget for the fiscal year beginning October 1, 2009 and ending September 30, 2010.

SECTION 3. That the expenditures during the fiscal year beginning October 1, 2009 and ending September 30, 2010 shall be made in accordance with the budget approved by this ordinance unless otherwise authorized by a duly enacted ordinance of the City of Terrell, Texas.

SECTION 4. That all budget amendments and transfers of budgeted appropriations from one account to another account within any classification for the fiscal year 2008-2009 are hereby ratified and the budget Ordinance for fiscal year 2008-2009 heretofore enacted by the City Council be and the same is hereby amended to the extent of such transfers and amendments for all purposes.

SECTION 5. That specific authority is given to the City Manager to make the following adjustments:

1. Transfer of appropriations budgeted from one account classification to another account classification within the same department.
2. Transfer of appropriations from designated appropriation from one department or activity to another department or activity within the same fund.

SECTION 6. That all provisions of the Ordinances of the City of Terrell, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other provisions of the Ordinances of the City of Terrell, Texas not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 7. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 8. This Ordinance shall take effect from and after its passage as the law and charter in such cases provide.

PASSED AND APPROVED THIS THE 1ST DAY OF SEPTEMBER, 2009.
PASSED AND ADOPTED THIS THE 15TH DAY OF SEPTEMBER, 2009.

19. Discuss and Consider Adoption on Second Reading of Ordinance No. 2428 – Setting the Tax Rate for 2009.

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.

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

That there be and is hereby levied and ordered collected on each One Hundred Dollar (\$100.00) valuation of all taxable property, both real and personal, and all property of every kind and description subject to taxation within the corporate limits of the City of Terrell, Texas, on January 1, 2009, the sum of \$0.65 based on 100% of the assessed valuation. Said rate of ad valorem tax is levied for the following purposes and the following amounts:

General Fund \$0.4637
Interest/Sinking Fund \$0.1819

SECTION II.

That all taxes collected by the city and districts for which it is collecting taxes, shall be payable on October 1, and if such taxes are not paid in full on or before January 31, of the succeeding year, the following penalties shall be payable: During the month of February, Six (6%) percent of amount of tax, plus 1% for each additional month delinquent, to a maximum of 12% beginning July 1. All delinquent taxes shall bear interest at the rate of one (1%) for each month or portion of month the tax remains delinquent.

SECTION III.

There is hereby on each and every item of taxable property a lien for the purpose of securing the certain payment of taxes assessed against said item of property, and said lien shall continue to exist against any item of property against which a tax is assessed hereunder until such tax, together with all interest, shall be paid.

SECTION IV.

That there be and there is hereby levied and ordered collected an annual occupation tax of fifty (50%) percent of the State occupation tax on each and every occupation subject to an occupation tax under the laws of the State of Texas.

SECTION V.

That this ordinance shall take effect and be in force from and after its passage and adoption.

PASSED AND APPROVED THIS THE 1ST DAY OF SEPTEMBER, 2009.

PASSED AND ADOPTED THIS THE 15TH DAY OF SEPTEMBER, 2009.

- 20. Discuss and Consider Adoption on Second Reading 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.**

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

WHEREAS the property owner has requested that a portion of the Helen Street public right-of-way located in Block 237, L. Inglehart Addition of the City of Terrell, Kaufman County, Texas, be vacated and abandoned; and

WHEREAS the Helen Street right-of-way is only thirty (30) feet wide and does not meet the minimum width standards for a public street and has never been developed or improved; and

WHEREAS the remaining portion of the Helen Street right-of-way that is not to be abandoned is being utilized for a drainage easement for storm water management and will never be used as a public transportation facility; and

WHEREAS it appears that there is no present or foreseeable transportation requirement for that certain right-of-way and no public purpose for which said right-of-way is needed;

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

ARTICLE I.

THAT any interest the City of Terrell might claim, now or in the future, in the following described real property be vacated and abandoned, as more particularly described in the survey thereof attached hereto as Exhibit A.

ARTICLE II.

THAT said right-of-way, as set forth above, save any exception noted, is hereby vacated and abandoned, and every claim, right or rights, either the City of Terrell or the public generally has in and to said right-of-way is hereby released and relinquished forever; and whatever control right of control, jurisdiction or dominion the City of Terrell has or may have had, either for itself or on behalf of the public generally, over the same as public right-of-way is hereby abandoned so that the City of Terrell neither for itself, nor on behalf of the public generally, shall hereafter have or assert any claim or right whatsoever to the same or any part thereof.

ARTICLE III.

THAT this ordinance shall be filed of record in the Real Property Records of Kaufman County; and

THAT the Mayor is hereby authorized to execute a Special Warranty Deed on behalf of the City of Terrell to interests in any of the above described right-of-way upon the request of the property owner.

PASSED AND APPROVED on first reading this the 1st day of September, 2009.

PASSED AND ADOPTED on second reading this the 15th day of September, 2009.

END OF CONSENT AGENDA

21. 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