

REGULAR CITY COUNCIL MEETING

June 7, 2016

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, June 7, 2016, 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 DJ ORY – Absent (Excused)
COUNCILMEMBER #2 TOMMY SPENCER
COUNCILMEMBER #3 SANDRA WILSON
COUNCILMEMBER #4 CHARLES WHITAKER – Running Late
COUNCILMEMBER #5 TIM ROYSE

1. Call to order.

Mayor Pro Tem Sandra Wilson called the meeting to order.

2. Invocation.

Councilmember Tommy Spencer gave the opening prayer and Councilmember Tim Royse led the Pledge of Allegiance.

3. Discuss and Consider Approval of Meeting Minutes of the Special City Council Meeting and Workshop of May 12, 2016 and the Regular City Council Meeting of May 17, 2016.

Councilmember Tim Royse made a motion to approve Meeting Minutes of the Special City Council Meeting and Workshop of May 12, 2016 and the Regular City Council Meeting of May 17, 2016. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker not available to vote. 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.

Estella Johnson, 435 Roosevelt Avenue, Terrell came before Council to let them know she was here to make sure WH Burnett was not aligned with any type of negativism. That was brought to her attention.

Carlton Tidwell, 1314 W. Moore, Terrell, representing the Terrell Chamber of Commerce, came before Council to request they table Agenda Item #9 until the Chamber Staff has the opportunity to meet with City Staff and City Attorney to make sure the Ordinance does not have an adverse effect on the special events the Chamber hosts at Ben Gill Park such as the Heritage Jubilee, North Texas Antique Tractor Show and the 4th of July fireworks.

Michael Davis, 306 Campbell, Terrell, wanted to say how things are doing in the City of Terrell.

Willard Johnson, 501 Bethlehem, Terrell, here to observe this Council Meeting.

Detrick Carraway, President of PAW, Potential Accountability Work Initiatives, came before Council to introduce the organization.

NEW BUSINESS

5. Discuss and Consider Resolution No. 821; A Resolution Authorizing Continued Participation With The Steering Committee Of Cities Served By Oncor; And Authorizing The Payment Of 11 Cents Per Capita To The Steering Committee To Fund Regulatory And Legal Proceedings And Activities Related To Oncor Electric Delivery Company, LLC.

John Rounsavall, City Secretary, presented to Council for Discussion and Consideration Resolution No. 821; A Resolution Authorizing Continued Participation With The Steering Committee Of Cities Served By Oncor; And Authorizing The Payment Of 11 Cents Per Capita To The Steering Committee To Fund Regulatory And Legal Proceedings And Activities Related To Oncor Electric Delivery Company, LLC. Councilmember Tim Royse made a motion to approve Resolution No. 821; A Resolution Authorizing Continued Participation With The Steering Committee Of Cities Served By Oncor; And Authorizing The Payment Of 11 Cents Per Capita To The Steering Committee To Fund Regulatory And Legal Proceedings And Activities Related To Oncor Electric Delivery Company, LLC. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Motion Carried.

6. Discuss and Consider Resolution No. 822; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The Consolidation Of Vital Records From The City Of Terrell, Texas, To Kaufman County, Texas.

John Rounsavall, City Secretary, presented to Council for Discussion and Consideration Resolution No. 822; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The Consolidation Of Vital Records From The City Of Terrell, Texas, To Kaufman

County, Texas. Councilmember Tim Royse made a motion to approve Resolution No. 822; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing The Consolidation Of Vital Records From

The City Of Terrell, Texas, To Kaufman County, Texas. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Motion Carried.

7. Discuss and Consider Resolution No. 826; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing A Contract with Public Management, Inc. For Administrative Services In Support Of The Texas Department Of Agriculture Texas Capital Fund Grant For The FM 148 Bridge Over Spur 557 Project.

Mike Sims, Assistant City Manager, presented to Council for Discussion and Consideration Resolution No. 826; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing A Contract with Public Management, Inc. For Administrative Services In Support Of The Texas Department Of Agriculture Texas Capital Fund Grant For The FM 148 Bridge Over Spur 557 Project. Councilmember Tim Royse made a motion to approve Resolution No. 826; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing A Contract with Public Management, Inc. For Administrative Services In Support Of The Texas Department Of Agriculture Texas Capital Fund Grant For The FM 148 Bridge Over Spur 557 Project. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Motion Carried.

8. Discuss and Consider Resolution No. 827; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving Work Authorizations For Program Management Services, Engineering Services And Right Of Way Services With Raba Kistner Infrastructure, Incorporated In Support Of The FM 148(N) Roadway Project.

Mike Sims, Assistant City Manager, presented to Council for Discussion and Consideration Resolution No. 827; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving Work Authorizations For Program Management Services, Engineering Services And Right Of Way Services With Raba Kistner Infrastructure, Incorporated In Support Of The FM 148(N) Roadway Project. Councilmember Tim Royse made a motion to approve Resolution No. 827; A Resolution Of The City Council Of The City Of Terrell, Texas, Approving Work Authorizations For Program Management Services, Engineering Services And Right Of Way Services With Raba Kistner Infrastructure, Incorporated In Support Of The FM 148(N) Roadway Project. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Motion Carried.

9. Discuss and Consider Ordinance No. 2666; An Ordinance Of The City Of Terrell, Kaufman County Texas Amending Chapter 1, General Provisions, Section 15, Park Regulations; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; Providing A Penalty And Providing An Effective Date.

Glenn Caldwell, Director of Public Services, presented to Council for Discussion and Consideration Ordinance No. 2666; An Ordinance Of The City Of Terrell, Kaufman County Texas Amending Chapter 1, General Provisions, Section 15, Park Regulations; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; Providing A Penalty And Providing An Effective Date. Councilmember Tim Royse made a motion to table Ordinance No. 2666; An Ordinance Of The City Of Terrell, Kaufman County Texas Amending Chapter 1, General Provisions, Section 15, Park Regulations; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; Providing A Penalty And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Motion Carried.

10. Discuss and Consider Awarding Bid for Project No. 16-09 Terrell Carnegie Library Grant Project.

Glenn Caldwell, Director of Public Works, presented to Council for Discussion and Consideration Awarding Bid for Project No. 16-09 Terrell Carnegie Library Grant Project. Councilmember Tim Royse made a motion to approve Awarding Bid for Project No. 16-09 Terrell Carnegie Library Grant Project. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Motion Carried.

CONSENT AGENDA

Councilmember Tim Royse, made a motion to adopt on Consent Agenda Ordinance No. 2658; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Ordinance No. 2612, Zoning Ordinance Of The City Of Terrell, Texas By Amending Article IV, Section 32 Use Regulations (Charts) Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District, To Add Check Cashing Businesses, Payday Advance/Loan Businesses And Car Title Loan Businesses In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.8; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.8 Requiring A Minimum Separation Of 1,000 Feet Between A Check Cashing Business, A Payday Advance/Loan Business, And/Or A Car Title Loan Business From A Residential Zoning District Boundary; Amending Section 44.1 Definitions, By Adding Definitions For The Check Cashing Business, The Payday Advance/Loan Business And The Car Title Loan Business; Providing For Severability And Providing An Effective Date. Councilmember Tommy Spencer Seconded The Motion. Ayes – All. Nays – None. Mayor Pro Tem Charles Whitaker Not Available To Vote. Motion Carried.

11. Discuss and Consider Adoption on Second Reading Ordinance No. 2658; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Ordinance No. 2612, Zoning Ordinance Of The City Of Terrell, Texas By Amending Article IV, Section 32 Use Regulations (Charts) Chart 7, Personal And Service Uses, Non-Residential Zoning Districts, Commercial (C) District, To Add Check Cashing Businesses, Payday Advance/Loan Businesses And Car Title Loan Businesses In The

Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.8; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Adding Section 42.8 Requiring A Minimum Separation Of 1,000 Feet Between A Check Cashing Business, A Payday Advance/Loan Business, And/Or A Car Title Loan Business From A Residential Zoning District Boundary; Amending Section 44.1 Definitions, By Adding Definitions For The Check Cashing Business, The Payday Advance/Loan Business And The Car Title Loan Business; Providing For Severability And Providing An Effective Date.

ORDINANCE NO. 2658

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING ORDINANCE NO. 2612, ZONING ORDINANCE OF THE CITY OF TERRELL, TEXAS BY AMENDING ARTICLE IV, SECTION 32 USE REGULATIONS (CHARTS) CHART 7, PERSONAL AND SERVICE USES, NON-RESIDENTIAL ZONING DISTRICTS, COMMERCIAL (C) DISTRICT, TO ADD CHECK CASHING BUSINESSES, PAYDAY ADVANCE/LOAN BUSINESSES AND CAR TITLE LOAN BUSINESSES IN THE COMMERCIAL (C) ZONING DISTRICT BY SPECIFIC USE PERMIT SUBJECT TO THE PROVISIONS OF ARTICLE V, SECTION 42.8; AMENDING ARTICLE V, SECTION 42, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES BY ADDING SECTION 42.8 REQUIRING A MINIMUM SEPARATION OF 1,000 FEET BETWEEN A CHECK CASHING BUSINESS, A PAYDAY ADVANCE/LOAN BUSINESS, AND/OR A CAR TITLE LOAN BUSINESS FROM A RESIDENTIAL ZONING DISTRICT BOUNDARY AND/OR AN AREA DESIGNATED FOR AGRICULTURAL PURPOSES; AMENDING SECTION 44.1 DEFINITIONS, BY ADDING DEFINITIONS FOR THE CHECK CASHING BUSINESS, THE PAYDAY ADVANCE/LOAN BUSINESS AND THE CAR TITLE LOAN BUSINESS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on the 26th day of April, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Article IV, Section 32 - Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-Residential Zoning Districts, Commercial (C) District by adding Check Cashing Business, Payday Advance/Loan Business and Car Title Loan Business in the Commercial District by Specific Use Permit (SUP) subject to the provisions of Section 42.8; and

WHEREAS on the 26th day of April, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Article V, Section 42 - Special Regulations for Certain Types of Uses by adding Section 42.8 requiring a minimum separation of 1,000 feet between a Check Cashing Business, a Payday Advance/Loan Business and/or a Car Title Loan Business use and a residential zoning district boundary or an agricultural district boundary. In addition, requiring a minimum separation of 1000 feet between

a Check Cashing Business, a Payday Advance/Loan Business and/or a Car Title Loan Business and any other Check Cashing, Payday Advance/Loan and/or Car Title Loan Business; and

WHEREAS on the 26th day of April, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of the Zoning Ordinance No. 2612; Section 44.1 - Definitions, by adding a definition for a Check Cashing Business, a Payday Advance/Loan Business and a Car Title Loan Business.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS;

ARTICLE I.

THAT Article IV, Section 32, Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-Residential Zoning Districts, Commercial (C) District be and is hereby amended in accordance with Exhibit "A" attached hereto and by reference made a part hereof for all purposes.

THAT Article V, Section 42, Special Regulations for Certain Types of Uses be amended by the addition of Section 42.8 as follows:

Sec. 42.8 CHECK CASHING BUSINESSES, PAYDAY ADVANCE/LOAN BUSINESSES, and CAR TITLE LOAN BUSINESSES.

A. No check cashing business, payday advance/loan business or car title loan business may be located within 1,000 feet of any residential zoning district boundary line, including, but not limited to, the EE-32 Executive Estate district, all SF-Single-Family districts, the TH-12 Townhouse district, the MF Multi-Family district, the MH Manufactured Home district, and any property zoned CBD Central Business District, any area designated for agricultural purposes, or any PD Planned Development district that allows residential uses;

B. No check cashing business, payday advance/loan business or car title loan business may be located within 1,000 feet of another check cashing business, payday advance/loan business or car title loan business;

C. For purposes of this section, the required separation shall be measured in a straight line without regard to intervening structures or objects:

1. If confirming the separation between the proposed check cashing business, payday advance/loan business or car title loan business and residential uses, the distance shall be measured from the nearest portion of the boundary line of any of the residential districts in 42.8 A above, any CBD district, any area zoned for agricultural purposes, or any PD Planned Development District that allows residential uses.

2. If confirming the separation between check cashing business, payday advance/loan business or car title loan business locations, the distance shall be measured from the nearest portion of the property line of the Commercial District where the existing check cashing business, payday advance/loan business or car title loan business is located to the nearest portion of the property line of the Commercial District where the new business is proposed.

Exception: This section does not apply to check cashing activities at a lawful business engaged in the sale of food, beverages, tobacco products and/or sundries (i.e. a convenience or grocery store) and/or check cashing activities at a business duly licensed or permitted to sell alcoholic beverages by the Texas Alcoholic Beverage Commission.

THAT Section 44.1, Definitions, shall be amended by adding a definition for a check cashing business, a payday advance/loan business and a car title loan business as follows:

288. CHECK CASHING BUSINESS - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that provides check cashing services for an amount of money equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charges for the transaction; or an agreement not to cash a check, or execute an electronic transfer of money for a specified period of time in exchange for a cash advance for a fee; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

289. PAYDAY ADVANCE/LOAN BUSINESS - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that makes payday cash advances, payroll cash advances, short term cash loans, instant loans, or other short term money loan services and/or similar services for a specified fee, usually secured by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debt is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

290. CAR TITLE LOAN BUSINESS - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that makes small or short term consumer loans that leverage the equity value of a motor vehicle, boat, or other recreational vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application.

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 of the City of Terrell, Texas, 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 judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

All other provisions of Ordinance No. 2612 not expressly modified by this Ordinance shall remain in full force and effect.

ARTICLE V.

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

PASSED AND APPROVED this the 17th day of May, 2016.

PASSED AND ADOPTED this the 7th day of June, 2016.

Councilmember Tim Royse, made a motion to adopt on Consent Agenda Ordinance No. 2660; An Ordinance Of The City Council Of The City Of Terrell, Texas, Approving A Negotiated Settlement Between The Atmos Cities Steering Committee (“ACSC”) And Atmos Energy Corp., Mid-Tex Division Regarding The Company’s 2016 Rate Review Mechanism Filings; Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement; Finding The Rates To Be Set By The Settlement Tariffs To Be Just And Reasonable And In The Public Interest; Requiring The Company To Reimburse ACSC’s Reasonable Ratemaking Expenses; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The ACSC’s Legal Counsel. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Mayor Pro Tem Charles Whitaker not available to vote. Motion carried.

12. Discuss and Consider Adoption On Second Reading Ordinance No. 2660; An Ordinance Of The City Council Of The City Of Terrell, Texas, Approving A Negotiated Settlement Between The Atmos Cities Steering Committee (“ACSC”) And Atmos Energy Corp., Mid-Tex Division Regarding The Company’s 2016 Rate Review Mechanism Filings;

Declaring Existing Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The Negotiated Settlement; Finding The Rates To Be Set By The Settlement Tariffs To Be Just And Reasonable And In The Public Interest; Requiring The Company To Reimburse ACSC's Reasonable Ratemaking Expenses; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The ACSC's Legal Counsel.

ORDINANCE NO. 2660

An Ordinance Of The City Council Of The City Of TERRELL, Texas, Approving A NEGOTIATED Settlement Between The Atmos Cities Steering Committee ("ACSC") And ATMOS ENERGY CORP., Mid-Tex DIVISION Regarding The Company's 2016 Rate Review Mechanism Filings; Declaring EXISTING Rates To Be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With The NEGOTIATED SETTLEMENT; Finding The Rates To Be Set By The Settlement Tariffs To Be Just And Reasonable And In The Public Interest; Requiring The Company To Reimburse ACSC's Reasonable Ratemaking Expenses; Determining That This Ordinance Was Passed In Accordance With The Requirements Of The Texas Open Meetings Act; Adopting A Savings Clause; Declaring An Effective Date; And Requiring Delivery Of This Ordinance To The Company And The ACSC's Legal Counsel.

WHEREAS, the City of Terrell, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, on March 1, 2016, Atmos Mid-Tex filed its 2016 RRM rate request with ACSC Cities; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2016 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$29.9 million on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the settled amount of an increase in revenues of \$29.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2016 RRM filing is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$29.9 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

Section 4. That the ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment C, attached hereto and incorporated herein.

Section 5. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2016 RRM filing.

Section 6. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 7. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 9. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2016.

Section 10. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this the 17th day of May, 2016.

PASSED AND ADOPTED this the 7th day of June, 2016.

Councilmember Tim Royse, Made A Motion To Adopt On Consent Agenda Ordinance No. 2661; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow A Contractor Office/Shop, With No Outside Storage Including Vehicles, Subject To Approval Of Site Plan, On Lot 1A, Block 61, Original Town, Terrell, Texas, And Being Located At 309 N. Virginia Street, Terrell, Texas; And Being The Southwest Corner Of North Virginia Street And East College Street; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker not available to vote. Motion Carried.

13. Discuss and Consider Adoption on Second Reading Ordinance No. 2661; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow A Contractor Office/Shop, With No Outside Storage Including Vehicles, Subject To Approval Of Site Plan, On Lot 1A, Block 61, Original Town, Terrell, Texas, And Being Located At 309 N. Virginia Street, Terrell, Texas; And Being The Southwest Corner Of North Virginia Street And East College Street; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

ORDINANCE NO. 2661

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, GRANTING A SPECIFIC USE PERMIT IN THE RETAIL (R) DISTRICT TO ALLOW A CONTRACTOR OFFICE/SHOP, WITH NO OUTSIDE STORAGE INCLUDING VEHICLES, SUBJECT TO APPROVAL OF SITE PLAN, ON LOT 1A, BLOCK 61, ORIGINAL TOWN, TERRELL, TEXAS, AND BEING LOCATED AT 309 N. VIRGINIA STREET, TERRELL, TEXAS; AND BEING THE SOUTHWEST CORNER OF NORTH VIRGINIA STREET AND EAST COLLEGE STREET; PROVIDING FOR

THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell, Texas, following public hearing and recommendation of approval by the Planning and Zoning Commission, held a public hearing at 5:30 p.m. on Tuesday, March 29, 2016, in the City Council Chambers of the Terrell City Hall to consider a request for a Specific Use Permit in the Retail (R) District to allow a contractor office/shop, with no outside storage including vehicles, on Lot 1A, Block 61, Original Town, Terrell, Texas, and being located at 309 N. Virginia Street, Terrell, Texas, and being the southwest corner of North Virginia Street and East College Street; and

WHEREAS, the City Council has determined the real property is located in a Retail (R) zoning district; and

WHEREAS, the City Council has determined that it would be in the best interest of the citizens of the City of Terrell to grant the specific use permit.

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

SECTION I.

A Specific Use Permit is granted to allow a contractor office/shop, with no outside storage including vehicles, on Lot 1A, Block 61, Original Town, Terrell, Texas, and being located at 309 N. Virginia Street, Terrell, Texas, and being the southwest corner of North Virginia Street and East College Street subject to the following special condition:

1. A site plan for the property must be approved in accordance with the requirements of Section 31B.4, Site Plan, within the Specific Use Permit requirements of the Zoning Ordinance.

This Specific Use Permit shall take effect immediately from and after its passage and upon said facility complying with all terms and conditions set further herein.

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 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 ON THIS 17th DAY OF MAY, 2016.

PASSED AND ADOPTED ON THIS 7th DAY OF JUNE, 2016.

Councilmember Tim Royse, Made A Motion To Adopt On Consent Agenda Ordinance No. 2662; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow An Amusement Arcade Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Ayes – All. Nays – None. Deputy Mayor Pro Tem Charles Whitaker not available to vote. Motion Carried.

14. Discuss and Consider Adoption on Second Reading Ordinance No. 2662; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow An Amusement Arcade Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

ORDINANCE NO. 2662

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, GRANTING A SPECIFIC USE PERMIT IN THE RETAIL (R) DISTRICT TO ALLOW AN AMUSEMENT ARCADE WITHIN A PROPOSED MOVIE THEATER/BOWLING ALLEY FACILITY SUBJECT TO SPECIAL CONDITIONS, ON AN 8.417-ACRE SITE WITHIN 255.68 ACRES OF THE J. C. HALE SURVEY, ABSTRACT NO. 202, KAUFMAN COUNTY, TEXAS, GENERALLY LOCATED AT THE NORTHWESTERN INTERSECTION OF

FM 148 AND INTERSTATE 20, AND BEING ALL OF A CALLED 255.68 ACRE TRACT AS DESCRIBED IN A FORECLOSURE SALE DEED FROM 255 TERRELL, L.P. TO TERRELL 80/20 LTD., DATED OCTOBER 5, 2010 AND RECORDED IN DOCUMENT NO. 2010-0016297 IN THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell, Texas, following public hearing and recommendation of approval by the Planning and Zoning Commission, held a public hearing at 5:30 p.m. on Tuesday, March 29, 2016, in the City Council Chambers of the Terrell City Hall to consider a request for a Specific Use Permit in the Retail (R) District to allow an amusement arcade within a proposed movie theater/bowling alley facility in accordance with the floor plan attached as Exhibit "A", on an 8.417-acre site within 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20 Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas; and

WHEREAS, the City Council has determined the real property is located in a Retail (R) zoning district; and

WHEREAS, the City Council has determined that it would be in the best interest of the citizens of the City of Terrell to grant the specific use permit.

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

SECTION I.

A Specific Use Permit is granted to allow an amusement arcade within a proposed movie theater/bowling alley facility, on an 8.417-acre site within 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20 Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas, subject to the following special conditions:

1. The area occupied by the arcade/amusement devices shall be limited in relation to the total building area. The floor plan is attached as Exhibit "A" to this Ordinance with the requirement that the area utilized for arcade/amusement devices, labeled GAMES, be consistent with the approximate square footage shown.
2. A site plan for the property must be approved in accordance with the requirements of Section 31B.4, Site Plan, within the Specific Use Permit requirements of the Zoning Ordinance.

3. The operation must meet the requirements of Chapter 5, Business Regulations, in the Code of Ordinances, and any other pertinent regulations that apply to this use.

This Specific Use Permit shall take effect immediately from and after its passage and upon said facility complying with all terms and conditions set further herein.

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 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 ON THIS 17th DAY OF MAY, 2016.

PASSED AND ADOPTED ON THIS 7th DAY OF JUNE, 2016.

Councilmember Tim Royse made a motion to adopt on Consent Agenda Ordinance No. 2663; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District To Allow Billiards/Pool Tables Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Ayes – All. Nays – None.

15. Discuss and Consider Adoption on Second Reading Ordinance No. 2663; An Ordinance Of The City Of Terrell, Texas, Granting A Specific Use Permit In The Retail (R) District

To Allow Billiards/Pool Tables Within A Proposed Movie Theater/Bowling Alley Facility Subject To Special Conditions, On An 8.417-Acre Site Within 255.68 Acres Of The J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, Generally Located At The Northwestern Intersection Of FM 148 And Interstate 20, And Being All Of A Called 255.68 Acre Tract As Described In A Foreclosure Sale Deed From 255 Terrell, L.P. To Terrell 80/20 Ltd., Dated October 5, 2010 And Recorded In Document No. 2010-0016297 In The Deed Records Of Kaufman County, Texas; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

ORDINANCE NO. 2663

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, GRANTING A SPECIFIC USE PERMIT IN THE RETAIL (R) DISTRICT TO ALLOW BILLIARDS/POOL TABLES WITHIN A PROPOSED MOVIE THEATER/BOWLING ALLEY FACILITY SUBJECT TO SPECIAL CONDITIONS, ON AN 8.417-ACRE SITE WITHIN 255.68 ACRES OF THE J. C. HALE SURVEY, ABSTRACT NO. 202, KAUFMAN COUNTY, TEXAS, GENERALLY LOCATED AT THE NORTHWESTERN INTERSECTION OF FM 148 AND INTERSTATE 20, AND BEING ALL OF A CALLED 255.68 ACRE TRACT AS DESCRIBED IN A FORECLOSURE SALE DEED FROM 255 TERRELL, L.P. TO TERRELL 80/20 LTD., DATED OCTOBER 5, 2010 AND RECORDED IN DOCUMENT NO. 2010-0016297 IN THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell, Texas, following public hearing and recommendation of approval by the Planning and Zoning Commission, held a public hearing at 5:30 p.m. on Tuesday, March 29, 2016, in the City Council Chambers of the Terrell City Hall to consider a request for a Specific Use Permit in the Retail (R) District to allow billiards/pool tables within a proposed movie theater/bowling alley facility on an 8.417-acre site within 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, in accordance with the floor plan attached as Exhibit "A", generally located at the Northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20 Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas; and

WHEREAS, the City Council has determined the real property is located in a Retail (R) zoning district; and

WHEREAS, the City Council has determined that it would be in the best interest of the citizens of the City of Terrell to grant the specific use permit.

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

SECTION I.

A Specific Use Permit is granted to allow billiards/pool tables within a proposed movie theater/bowling alley facility on an 8.417-acre site within 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the Northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20 Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas, subject to the following special conditions:

1. The area occupied by the billiards/pool tables shall be limited in relation to the total building area. The floor plan is attached as Exhibit "A" to this Ordinance with the requirement that the area utilized for billiards/pool tables, labeled GAMES, be consistent with the approximate square footage shown.
2. A site plan for the property must be approved in accordance with the requirements of Section 31B.4, Site Plan, within the Specific Use Permit regulations of the Zoning Ordinance.
3. The operation must meet the requirements of Chapter 5, Business Regulations, in the Code of Ordinances, and any other pertinent regulations that apply to this use.

This Specific Use Permit shall take effect immediately from and after its passage and upon said facility complying with all terms and conditions set further herein.

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 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 ON THIS 17th DAY OF MAY, 2016.

PASSED AND ADOPTED ON THIS 7th DAY OF JUNE, 2016.

Councilmember Tim Royses made a motion to adopt on Consent Agenda Ordinance No. 2664; An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Retail (R) To Multi-Family 22 (MF-22) District To Allow The Construction Of Attached Housing Units On Lots 3a, 4a, 4b And 4c, Block 90, Moore And Nash Addition, Terrell, Kaufman County, Texas, Being The Southwest Corner Of East Dallas Street And South Adelaide Street; Being Limited To A Maximum Of Eight (8) Dwelling Units And Height Restricted To One-Story Structures; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Councilmember Tommy Spencer seconded the motion. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Ayes – All. Nays – None. Motion Carried.

16. Discuss and Consider Adoption on Second Reading Ordinance No. 2664; An Ordinance Of The City Of Terrell, Texas, Changing The Zoning Classification From Retail (R) To Multi-Family 22 (MF-22) District To Allow The Construction Of Attached Housing Units On Lots 3a, 4a, 4b And 4c, Block 90, Moore And Nash Addition, Terrell, Kaufman County, Texas, Being The Southwest Corner Of East Dallas Street And South Adelaide Street; Being Limited To A Maximum Of Eight (8) Dwelling Units And Height Restricted To One-Story Structures; Providing For The Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

ORDINANCE NO. 2664

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, CHANGING THE ZONING CLASSIFICATION FROM RETAIL (R) TO MULTI-FAMILY 22 (MF-22) DISTRICT TO ALLOW THE CONSTRUCTION OF ATTACHED HOUSING UNITS ON LOTS 3A, 4A, 4B AND 4C, BLOCK 90, MOORE AND NASH ADDITION, TERRELL, KAUFMAN COUNTY, TEXAS, BEING THE SOUTHWEST CORNER OF EAST DALLAS STREET AND SOUTH ADELAIDE STREET; BEING LIMITED TO A MAXIMUM OF EIGHT (8) DWELLING UNITS AND HEIGHT RESTRICTED TO ONE-STORY STRUCTURES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Terrell, Texas, held a public hearing on March 29, 2016, on a request to change the zoning from Retail (R) District to Multi-family 22 (MF-22) District to allow the construction of attached housing units on Lots 3A, 4A, 4B and 4C, Block 90, Moore and Nash Addition, Terrell, Kaufman County, Texas, being the southwest corner of East Dallas Street and South Adelaide Street; and

WHEREAS, the City Council of the City of Terrell, Texas, held a public hearing on April 19, 2016, and has determined that it would be in the best interest of the citizens of Terrell to change the zoning from Retail (R) District to Multi-family 22 (MF-22) District to allow the construction

of attached housing units on Lots 3A, 4A, 4B and 4C, Block 90, Moore and Nash Addition, Terrell, Kaufman County, Texas, being the southwest corner of East Dallas Street and South Adelaide Street; 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:

ARTICLE I.

THAT the zoning classification be and is hereby changed from Retail (R) District to Multi-family 22 (MF-22) District to allow the construction of attached housing units on Lots 3A, 4A, 4B and 4C, Block 90, Moore and Nash Addition, Terrell, Kaufman County, Texas, being the southwest corner of East Dallas Street and South Adelaide Street; being limited to a maximum of eight (8) dwelling units and height restricted to one-story structures.

ARTICLE II

That operation will be in conformance with requirements of the City of Terrell Zoning Ordinance. In addition, the official Zoning Map of the City of Terrell, Texas, shall be annotated to show the change in zoning status from Retail (R) District to Multi-family 22 (MF-22) District thereon.

ARTICLE III

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

ARTICLE III

Any person, entity or corporation violating any provisions of this Ordinance shall be considered in violation of the adopted Comprehensive Zoning Ordinance of the City of Terrell and be subject, upon conviction, to the penalties and remedies therein.

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 17th day of MAY, 2016.

PASSED AND ADOPTED this the 7th day of JUNE, 2016.

Councilmember Tim Royse made a motion to adopt with revisions on Consent Agenda Ordinance No. 2665; An Ordinance Of The City Of Terrell, Texas, Amending Section 12-1 Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To Mandatory Water And Sewer Connections; Providing For Criminal And Civil Penalties; Providing For Injunctive Relief; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Included the addition of 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 this Ordinance. Councilmember Tommy Spencer seconded the motion. Deputy Mayor Pro Tem Charles Whitaker was not available to vote. Ayes – All. Naves – None. Motion Carried.

17. Discuss and Consider Adoption on Second Reading Ordinance No. 2665; An Ordinance Of The City Of Terrell, Texas, Amending Section 12-1 Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To Mandatory Water And Sewer Connections; Providing For Criminal And Civil Penalties; Providing For Injunctive Relief; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.

ORDINANCE NO. 2665

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 12-1 OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, PERTAINING TO MANDATORY WATER AND SEWER CONNECTIONS; PROVIDING FOR CRIMINAL AND CIVIL PENALTIES; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE

DATE.

WHEREAS, the provision of water and wastewater services to and for the residents of the City of Terrell, Kaufman County, Texas (the "City") is necessary for the public health of the citizens and the protection of the environment and natural resources of the City; and

WHEREAS, the City provides, or causes to be provided, water and wastewater services to all residences and businesses within the City; and

WHEREAS, it is essential to the protection of the public health and environmental resources of the City that all occupied property within the City of Terrell have access to the water and/or wastewater system be served by such system.

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

ARTICLE I

Sec. 12-1. Mandatory Connections.

(a) It shall be unlawful for any person owning property within two hundred (200) feet of any sanitary sewer line within and belonging to the City to construct, use, maintain or permit to be constructed, used or maintained, on or about such property, any septic tank, privy, cesspool, water closet, urinal, slop sink, slop drain, bathtub, waste drain or any other apparatus, appliance, equipment or thing of any kind, used, or to be used, for the purpose of receiving or removing sewage matter or slop of any kind, unless the same is connected with the sanitary sewer system of the City of Terrell.

(b) It shall be unlawful for any person owning property within two hundred (200) feet of any water line within and belonging to the City of Terrell to construct, use maintain, or permit to be constructed, used or maintained on or about such property, any water using or dispensing devise, apparatus, equipment or thing of any kind used, or to be used, to supply water consumed by persons directly or indirectly unless same is connected with the potable water system of the City of Terrell.

(c) If any person owning improved property within two hundred (200) feet of any water or sewer line of the City of Terrell shall fail or refuse to make the connections required by subsection (a), the City of Terrell shall have the right to make such connections and charge the cost of same, including labor and material necessarily used, as well as any other expenses connected therewith, against such property owner, who shall be personally liable for the payment

thereof. To secure the payment of such costs, the City of Terrell shall have a lien against the property on which the connections were made.

ARTICLE II.

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

ARTICLE III

Penalty and Enforcement

A. Civil and Criminal Penalties

The City of Terrell shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

1. Criminal Prosecution

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 this Ordinance.

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding Two Hundred Dollars (\$200.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C Misdemeanor.

2. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the right of the City of Terrell to bring action to enforce the provisions of this Ordinance and to seek remedies allowed by law, including but not limited to, the following:

- a. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- b. A civil penalty of up to Two Hundred Dollars (\$200.00) per day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the

Ordinance or failed to take action necessary for compliance with the Ordinance; and other available relief.

ARTICLE IV.

It is hereby declared to be the intention of the Terrell 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 judgement 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 Terrell 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 cases provides.

PASSED AND APPROVED THIS the 17th day of MAY, 2016.

PASSED AND ADOPTED THIS the 7th day of JUNE, 2016.

END CONSENT AGENDA

18. Discuss City Manager's Reports and Correspondence:

- Review June 17, 2016 Special City Council Meeting Workshop Spring Retreat Agenda

Torry Edwards, City Manager presented to Council City Manager's Reports and Correspondence.

19. Adjourn.

There were no other matters discussed or acted on at this meeting. There being no further business the meeting was adjourned.

DJ Ory, Mayor

Attest:

John Rounsavall, City Secretary