

**REGULAR CITY COUNCIL MEETING**

**March 15, 2016**

**7:00 P.M.**

**A Regular City Council Meeting was held on Tuesday, March 15, 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 HAL RICHARDS  
COUNCILMEMBER #2 TOMMY SPENCER  
COUNCILMEMBER #3 SANDRA WILSON  
COUNCILMEMBER #4 CHARLES WHITAKER  
COUNCILMEMBER #5 VACANT**

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Deputy Mayor Pro Tem Tommy Spencer gave the opening prayer and led the Pledge of Allegiance.

3. Discuss and Consider Approval of Meeting Minutes of the Special City Council Meeting and Workshop of February 25, 2016 and the Regular City Council Meeting of March 1, 2016.

Councilmember Sandra Wilson made a motion to approve Meeting Minutes of the Special City Council Meeting and Workshop of February 25, 2016 and the Regular City Council Meeting of March 1, 2016. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion Carried.

4. Hear Remarks from Visitors.

**PUBLIC HEARING**

5.a.) Conduct a Public Hearing to Receive Comments Regarding CPI-Based Rate Adjustments for Progressive Waste Solutions.

Mike Sims, Assistant City Manager, gave opening comments regarding CPI-Based Rate Adjustments for Progressive Waste Solutions. Mayor Hal Richards opened the public hearing.

No one spoke against the CPI-Based Rate Adjustments for Progressive Waste Solutions. No one spoke in favor of the CPI-Based Rate Adjustments for Progressive Waste Solutions.

Mayor Hal Richards closed the public hearing.

- 5.b.) Discuss and Consider Ordinance No. 2657; An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1, Fee Schedule, Section 24: Solid Waste Collection And Disposal Rates And Charges As Set Forth In 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.

Councilmember Sandra Wilson made a motion to approve on First Reading Ordinance No. 2657; An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1, Fee Schedule, Section 24: Solid Waste Collection And Disposal Rates And Charges As Set Forth In 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. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

### **NEW BUSINESS**

6. Discuss and Consider Resolution No. 813; A Resolution Of The City Council Of The City Of Terrell, Texas, Cancelling The May 7, 2016, Regular Election For The Purpose Of Electing The Mayor Of The City Of Terrell, Texas, And Declaring The Unopposed Candidate For Mayor Elected To Office.

John Rounsavall, City Secretary, presented to Council for discussion and consideration Resolution No. 813; A Resolution Of The City Council Of The City Of Terrell, Texas, Cancelling The May 7, 2016, Regular Election For The Purpose Of Electing The Mayor Of The City Of Terrell, Texas, And Declaring The Unopposed Candidate For Mayor Elected To Office. Councilmember Sandra Wilson made a motion to approve Resolution No. 813; A Resolution Of The City Council Of The City Of Terrell, Texas, Cancelling The May 7, 2016, Regular Election For The Purpose Of Electing The Mayor Of The City Of Terrell, Texas, And Declaring The Unopposed Candidate For Mayor Elected To Office. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

7. Discuss and Consider Resolution No. 814; A Resolution Of The City Council Of The City Of Terrell, Texas, Confirming The Agreement Between The City Of Terrell, Texas, And The City Of Forney, Texas, To Work Together To Determine The Feasibility Of A Regional Wastewater Distribution And Collection System.

Torry Edwards, City Manager, presented to Council for discussion and consideration Resolution No. 814; A Resolution Of The City Council Of The City Of Terrell, Texas, Confirming The Agreement Between The City Of Terrell, Texas, And The City Of Forney, Texas, To Work Together To Determine The Feasibility Of A Regional Wastewater Distribution And Collection System. Councilmember Sandra Wilson made a motion to approve Resolution No. 814; A Resolution Of The City Council Of The City Of Terrell, Texas, Confirming The Agreement

Between The City Of Terrell, Texas, And The City Of Forney, Texas, To Work Together To Determine The Feasibility Of A Regional Wastewater Distribution And Collection System. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

8. Discuss and Consider Contract for Professional Services for Demolition of 9th Street Elevated Storage Tank to Birkhoff, Hendricks & Carter, L.L.P. for an amount not to exceed \$34,200.00.

Mike Mikeska, Assistant City Engineer, presented to Council for discussion and consideration Contract for Professional Services for Demolition of 9th Street Elevated Storage Tank to Birkhoff, Hendricks & Carter, L.L.P. for an amount not to exceed \$34,200.00. Councilmember Sandra Wilson made a motion to approve Contract for Professional Services for Demolition of 9th Street Elevated Storage Tank to Birkhoff, Hendricks & Carter, L.L.P. for an amount not to exceed \$34,200.00. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

9. Discuss and Consider Contract for Professional Services related to Construction Administration and Inspection of the Bachelor Creek Sanitary Sewer Construction Project (2014 Texas Community Development Block Grant Program).

Mike Mikeska, Assistant City Engineer, presented to Council for discussion and consideration Contract for Professional Services related to Construction Administration and Inspection of the Bachelor Creek Sanitary Sewer Construction Project (2014 Texas Community Development Block Grant Program). Councilmember Sandra Wilson made a motion to approve Contract for Professional Services related to Construction Administration and Inspection of the Bachelor Creek Sanitary Sewer Construction Project (2014 Texas Community Development Block Grant Program) for an amount not to exceed \$73,910.00. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

10. Discuss and Consider Resolution No. 815; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-Tx.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Resolution No. 815; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-Tx. Councilmember Sandra Wilson made a motion to approve Resolution No. 815; A Resolution Of The City Council Of The City Of Terrell, Texas, Authorizing City Participation In FEMA Cost Share Projects Which Provide For Disaster Recovery And Disaster Mitigation From Disaster Declaration #4223-DR-Tx. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

11. Discuss and Consider Resolution No. 816; A Resolution of the City Council of the City of Terrell, Texas Supporting an Application for Funding Through the Texas Department of Agriculture Texas Capital Fund.

Mike Sims, Assistant City Manager, presented to Council for discussion and consideration Resolution No. 816; A Resolution of the City Council of the City of Terrell, Texas Supporting an Application for Funding Through the Texas Department of Agriculture Texas Capital Fund. Councilmember Sandra Wilson made a motion to approve Resolution No. 816; A Resolution of the City Council of the City of Terrell, Texas Supporting an Application for Funding Through the Texas Department of Agriculture Texas Capital Fund. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

12. Discuss and Consider Amendment to the Terrell Economic Development Agreement with the Steelway Corporation.

Dawn Steil, Representing Terrell Economic Development Corporation presented to Council for discussion and consideration Amendment to the Terrell Economic Development Agreement with the Steelway Corporation. Councilmember Sandra Wilson made a motion to approve Amendment to the Terrell Economic Development Agreement with the Steelway Corporation. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None.

### **CONSENT AGENDA**

Councilmember Sandra Wilson, made a motion to adopt on CONSENT AGENDA Ordinance No. 2655; An Ordinance Of The City Of Terrell, Texas, Amending Section 12-4 Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To New Requirements For Utility Deposits; Providing For Repeal Of Conflicting Ordinances; Providing For Severability, And Providing An Effective Date. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

13. Discuss and Consider Adoption on Second Reading Ordinance No. 2655; An Ordinance Of The City Of Terrell, Texas, Amending Section 12-4 Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To New Requirements For Utility Deposits; Providing For Repeal Of Conflicting Ordinances; Providing For Severability, And Providing An Effective Date.

### **ORDINANCE NO. 2655**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 12-4 OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, PERTAINING TO NEW REQUIREMENTS FOR UTILITY DEPOSITS; 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:

## ARTICLE I

**THAT** Section 12-4 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas is hereby amended to read as follows:

### **Section 12-4. Utility Deposits**

Any person, firm or corporation hereafter desiring utility service and subscribing to refuse collection service shall deposit with the City as a guarantee of payment for such services, the following amounts as may be applicable:

- 1) Residential Service - \$100.00 per living unit or the average of two (2) months charges for all residential customers within the City as determined by the City secretary, whichever is higher.
- 2) Commercial and Industrial Service – An amount equal to an average two (2) months charges of like or similar customer(s) for each business operation and as determined by the City Secretary. However, in the event such service increases to a point where such deposit is not equal to the charges for an average two (2) months period, then the City Secretary may require the deposit to be increased to conform thereto.

Commercial and/or Industrial customer whose deposit is calculated to be five hundred dollars (\$500.00) or larger may elect to place a surety bond with the City in lieu of a cash bond, provided, the surety company is authorized to do business in Kaufman County, Texas. An assignment of a savings account may be made in lieu of a cash or surety deposit.

Utility deposits shall be refunded only when a customer discontinues services and after deducting any unpaid balances due to the City.

When and if it becomes necessary to discontinue services to any customer because of non-payment of his or her utility bill, the City Secretary may require an additional deposit of One Hundred (\$100.00) or the average of two (2) months charges for all residential customers within the city. Also, when and if a customer or any member of his or her household leaves any unpaid balance due to the City for any such services, then all unpaid bills on the customer's or household member's previous accounts must be paid and a new deposit up to an average of three (3) months bill be deposited with the City before any such services are to be provided.

## ARTICLE II

**THAT** all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**ARTICLE III**

**THAT** 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**

THAT this Ordinance will take effect immediately from and after its passage.

PASSED and APPROVED on first reading this the 1st day of march, 2016.

PASSED and ADOPTED on Second Reading this the 15th day of march, 2016.

Councilmember Sandra Wilson, made a motion to adopt on CONSENT AGENDA Ordinance No. 2656; "Utility Billing Procedure" An Ordinance Of The City Of Terrell, Texas, Amending Section 12-7(C) Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To Returned Checks For Insufficient Funds Repealing Conflicting Ordinances; Providing For Severability; And Establishing An Effective Date. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes - All. Nayes - None. Motion carried.

14. Discuss and Consider Adoption on Second Reading Ordinance No. 2656; "Utility Billing Procedure" An Ordinance Of The City Of Terrell, Texas, Amending Section 12-7(C) Of Chapter 12 Of The Code Of Ordinances Of The City Of Terrell, Texas, Pertaining To Returned Checks For Insufficient Funds Repealing Conflicting Ordinances; Providing For Severability; And Establishing An Effective Date.

**CITY OF TERRELL, TEXAS  
ORDINANCE NO. 2656  
"UTILITY BILLING PROCEDURE"**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 12-7(C) OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, PERTAINING TO RETURNED CHECKS FOR INSUFFICIENT FUNDS REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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

**ARTICLE I**

**Sec. 12-7. Utility Billing Procedure**

**C. Returned checks for insufficient funds.**

A check returned to the city for any reason stated thereon shall be assessed a fee of ~~forty~~ thirty five dollars (\$~~45~~ 35.00) A customer shall pay the amount due on the original billing, plus the insufficient funds fee, within three business days of receipt of notice from the city of a returned check. If the fee is not paid within three business days, service may be disconnected. Notice of disconnection may be served by U.S. mail or delinquent door-hanger tag, at the city's discretion. In the event of three returned checks from the same customer in a ~~two~~ one-year period, the account will move to a cash-only status for a period of ~~six~~ twelve months. If a customer presents a ~~total of four~~ returned check after having been previously been on a cash only status ~~in the same two one year period~~, the account will convert to cash only for the life of the account.

## ARTICLE II

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

## ARTICLE III

That 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

That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED on first reading this the 1st day of March, 2016.

PASSED AND ADOPTED on final reading this the 15th day of March, 2016.

## END CONSENT AGENDA

15. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
  - b. Section 551.087 - Deliberation Regarding Economic Development Negotiations.
16. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

Councilmember Sandra Wilson made a motion to approve Terrell Economic Development Corporations Recommendation for an Incentive Package for Project Lobster. Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None.

Mayor Pro Tem Charles Whitaker made a motion to approve Terrell Economic Development Corporations Recommendation for an Incentive Package for Oldcastle Building Envelope. Councilmember Sandra Wilson seconded the motion. Ayes – All. Nays – None.

Mayor Pro Tem Charles Whitaker made a motion to approve Terrell Economic Development Corporations Recommendation for an Incentive Package for Madix. Councilmember Sandra Wilson seconded the motion. Ayes – All. Nays – None.

17. Adjourn.

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

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**Hal Richards, Mayor**

**Attest:**

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**John Rounsavall, City Secretary**