

REGULAR CITY COUNCIL MEETING

September 6, 2016

7:00 P.M.

A Regular City Council Meeting was held on Tuesday, September 6, 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
COUNCILMEMBER #2 TOMMY SPENCER – ABSENT (Excused)
COUNCILMEMBER #3 SANDRA WILSON – ABSENT (Excused)
COUNCILMEMBER #4 CHARLES WHITAKER
COUNCILMEMBER #5 TIM ROYSE**

1. Call to order.

Mayor D.J. Ory called the meeting to order.

2. Invocation.

Deputy Mayor Pro Tem Charles Whitaker 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 August 11, 2016 and the Regular City Council Meeting of August 16, 2016.

Councilmember Tim Royse made a motion to approve the meeting minutes of the Special City Council Meeting and Workshop of August 11, 2016 and the Regular City Council Meeting of August 16, 2016. Deputy Mayor Pro Tem Seconded the Motion. Ayes – All. Nays – None.

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.

Debbie Birdwell, 1718 Westgate Drive, Terrell, Texas, expressed her concern over the high water bill to the Council.

PUBLIC HEARING

5. Conduct a Public Hearing to Receive Comments Regarding 2016 Tax Rate Increase for Fiscal Year 2016 -2017.

John Rounsavall, City Secretary, gave opening comments regarding a Public Hearing to Receive Comments Regarding 2016 Tax Rate Increase for Fiscal Year 2016 -2017. Mayor D.J. Ory opened a Public Hearing to Receive Comments Regarding 2016 Tax Rate Increase for Fiscal Year 2016-2017. No one spoke in favor for or against 2016 Tax Rate for Fiscal Year 2016 -2017. Mayor D.J. Ory closed the Public Hearing.

NEW BUSINESS

6. Discuss and Consider Ordinance No. 2673; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2015, And Ending September 30, 2016, As Passed And Adopted On September 15, 2015 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Ordinance No. 2673; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2015, And Ending September 30, 2016, As Passed And Adopted On September 15, 2015 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker made a motion to approve Ordinance No. 2673; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2015, And Ending September 30, 2016, As Passed And Adopted On September 15, 2015 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None. Motion Carried.

7. Discuss and Consider Award of Bid No. 80-16-03; New Telephone System for the Terrell Police Department.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Award of Bid. No. 80-16-03; New Telephone System for the Terrell Police Department. Deputy Mayor Pro Tem Charles Whitaker made a motion to award Bid No. 80-16-03; New Telephone System for the Terrell Police Department to the lowest bidder in the amount of \$74,997.50. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None. Motion Carried.

8. Discuss and Consider Award of Bid for Project 16-07 for Water and Wastewater Main Improvements along West Moore Near Ben Gill Park.

Mike Mikeska, Assistant City Engineer, Presented to Council for Discussion and Consideration Award of Bid for Project 16-07 for Water and Wastewater Main Improvements along West Moore Near Ben Gill Park. Deputy Mayor Pro Tem Charles Whitaker made a motion to authorize the City Manager to execute an agreement to the lowest bidder not to exceed \$594,318.00. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None. Motion Carried.

9. Discuss and Consider Proposed Hangar Lease Rate Increase.

Glenn Caldwell, Director of Public Services, Presented to Council for Discussion and Consideration Proposed Hangar Lease Rate Increase. Deputy Mayor Pro Tem Charles Whitaker made a motion to approve Proposed Hangar Lease Rate Increase. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None. Motion Carried.

10. Discuss and Consider Buc-ee's Traffic Signal.

Steve Rogers, City Engineer, Presented to Council for Discussion and Consideration Buc-ee's Traffic Signal. Councilmember Tim Royse made a motion to approve Buc-ee's Traffic Signal. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

11. Discuss and Consider Oldcastle Building Envelope Expansion.

Dawn Steil, Representing Terrell Economic Development Corporation, Presented to Council for Discussion and Consideration Oldcastle Building Envelope Expansion. Deputy Mayor Pro Tem Charles Whitaker made a motion to approve Oldcastle Building Envelope Expansion. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None. Motion Carried.

12. Discuss and Consider Park Board Appointment.

Glenn Caldwell, Director of Public Services, Presented to Council for Discussion and Consideration Park Board Appointment. Councilmember Tim Royse made a motion to appoint Charles Burns to replace Dianne Cockrill. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

13. Discuss and Consider Airport Board Re-Appointment.

Glenn Caldwell, Director of Public Services Presented to Council for Discussion and Consideration Airport Board Re-Appointments. Mayor D.J. Ory made a motion to reappoint Ray Hicks, Michael McGrew, and Michael Grout to the Airport Board. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

14. Discuss and Consider Ordinance No. 2674; An Ordinance Of The City Of Terrell, Texas, Adding Additional Territory To The Extraterritorial Jurisdiction Of The City Of Terrell, Texas, And Extending The Boundary Limits Of Said Extraterritorial Jurisdiction So As To Include Said Hereinafter Described Property And Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens And Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City That May Apply Within The Extraterritorial Jurisdiction; Providing A Severability Clause; And Providing An Effective Date.

Mary Gayle Ramsey, City Attorney, Presented to Council for Discussion and Consideration Ordinance No. 2674; An Ordinance Of The City Of Terrell, Texas, Adding Additional Territory To The Extraterritorial Jurisdiction Of The City Of Terrell, Texas, And Extending The Boundary Limits Of Said Extraterritorial Jurisdiction So As To Include Said Hereinafter Described

Property And Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens And Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City That May Apply Within The Extraterritorial Jurisdiction; Providing A Severability Clause; And Providing An Effective Date. Councilmember Tim Royse made a motion to approve Ordinance No. 2674; An Ordinance Of The City Of Terrell, Texas, Adding Additional Territory To The Extraterritorial Jurisdiction Of The City Of Terrell, Texas, And Extending The Boundary Limits Of Said Extraterritorial Jurisdiction So As To Include Said Hereinafter Described Property And Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens And Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City That May Apply Within The Extraterritorial Jurisdiction; Providing A Severability Clause; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

15. Discuss and Consider Resolution No. 831; A Resolution Of The City Council Of The City Of Terrell, Texas, Setting A Date, Time And Location For Public Hearings On Proposed Annexations Of Certain Property By The City Of Terrell, Texas; Authorizing And Directing The City Secretary To Publish Notice Of Such Public Hearings; Authorizing A Description Of The Property To Be Annexed; And Directing Notice Of Proposed Annexations To The Affected Property Owners.

Mary Gayle Ramsey, City Attorney, Presented to Council for Discussion and Consideration Resolution No. 831; A Resolution Of The City Council Of The City Of Terrell, Texas, Setting A Date, Time And Location For Public Hearings On Proposed Annexations Of Certain Property By The City Of Terrell, Texas; Authorizing And Directing The City Secretary To Publish Notice Of Such Public Hearings; Authorizing A Description Of The Property To Be Annexed; And Directing Notice Of Proposed Annexations To The Affected Property Owners. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None. Motion Carried.

RESOLUTION NO. 831

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, SETTING A DATE, TIME AND LOCATION FOR PUBLIC HEARINGS ON PROPOSED ANNEXATIONS OF CERTAIN PROPERTY BY THE CITY OF TERRELL, TEXAS; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS; AUTHORIZING A DESCRIPTION OF THE PROPERTY TO BE ANNEXED; AND DIRECTING NOTICE OF PROPOSED ANNEXATIONS TO THE AFFECTED PROPERTY OWNERS

WHEREAS, Section 43 of the Texas Local Government Code authorizes and sets forth the requirements for annexation of property by a municipality; and

WHEREAS, the City Council established, as part of the Terrell 2015 Initiative, a strategic objective to protect and enhance entryways to the City; and

WHEREAS, the City upon expenditure of public funds for the construction of public improvements has the responsibility to maintain the highest and best use of adjoining properties; and

WHEREAS, property owners in the annexed area will benefit from land use controls by the City and such control will enhance and maintain property values.

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

SECTION 1.

That the City Council of the City of Terrell shall hold public hearings on proposed annexations of property in multiple tracts by the City of Terrell, the first hearings to occur on Thursday, October 13, 2016, at 6:00 o'clock p.m. to be held in the City Council Chambers, Terrell City Hall, 201 E. Nash Street, Terrell, Texas, and the second public hearings to occur on Tuesday, October 18, 2016, at 7:00 o'clock p.m. to be held in the City Council Chambers, Terrell City Hall, 201 E. Nash Street, Terrell, Texas. All interested persons shall have the right to appear and be heard on the proposed annexations of the property by the City of Terrell, Texas, set forth on the five separate areas described in the attached Exhibit "A".

SECTION 2.

That the City Secretary of the City of Terrell is hereby authorized and directed to cause notice of such public hearings to be published once in a newspaper having general circulation in the City and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearings, in accordance with the Municipal Annexation Act.

SECTION 3.

That the City Manager shall order a description of the proposed property to be annexed by the City in accordance with the Municipal Annexation Act.

SECTION 4.

That upon approval of this Resolution, notice shall be sent to the affected property owners and to all other parties required by the Municipal Annexation Act, notifying them of the proposed annexations.

PASSED AND APPROVED this the 6th day of September, 2016

CONSENT AGENDA

Mayor D.J. Ory, made a motion to adopt on Consent Agenda Ordinance No. 2668; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Appendix 2, Zoning Ordinance Of The City Of Terrell By Establishing Permanent Zoning On Eight Tracts Of Land Annexed Into The City Of Terrell Under Ordinance No. 2650 As Shown On The Plats Including Metes And Bounds Attached Hereto As Exhibits 1 Through 8 And Made A Part Hereof For All Purposes With Four Tracts Being Zoned EE-32 Executive Estate And Four Tracts Being Zoned HC Highway Corridor: Providing For Severability And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

16. **Discuss and Consider on Second Reading Ordinance No. 2668; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Appendix 2, Zoning Ordinance Of The City Of Terrell By Establishing Permanent Zoning On Eight Tracts Of Land Annexed Into The City Of Terrell Under Ordinance No. 2650 As Shown On The Plats Including Metes And Bounds Attached Hereto As Exhibits 1 Through 8 And Made A Part Hereof For All Purposes With Four Tracts Being Zoned EE-32 Executive Estate And Four Tracts Being Zoned HC Highway Corridor: Providing For Severability And Providing An Effective Date.**

ORDINANCE NO. 2668

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING APPENDIX 2, ZONING ORDINANCE OF THE CITY OF TERRELL BY ESTABLISHING PERMANENT ZONING ON EIGHT TRACTS OF LAND ANNEXED INTO THE CITY OF TERRELL UNDER ORDINANCE 2650 AS SHOWN ON THE PLATS INCLUDING METES AND BOUNDS ATTACHED HERETO AS EXHIBITS 1 THROUGH 8 AND MADE A PART HEREOF FOR ALL PURPOSES WITH FOUR TRACTS BEING ZONED EE-32 EXECUTIVE ESTATE AND FOUR TRACTS BEING ZONED HC HIGHWAY CORRIDOR: PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on the 28th day of June, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of Appendix 2, Zoning Ordinance, by establishing permanent zoning on eight tracts of land annexed into the City of Terrell under Ordinance 2650 by designating four of the tracts as EE-32 Executive Estate and four of the tracts as HC Highway Corridor.

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

ARTICLE I.

THAT Appendix 2, Zoning Ordinance of the City of Terrell be amended to establish permanent zoning on eight tracts of land annexed into the City of Terrell under Ordinance 2650 as shown on the plats including metes and bounds attached hereto as exhibits 1 through 8 and made a part hereof for all purposes with four tracts being zoned EE-32 Executive Estate and four tracts being zoned HC Highway Corridor.

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 effect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

All other provisions of Appendix 2 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 16th day of August, 2016.

PASSED AND ADOPTED this the 6th day of September, 2016.

Danny Rohe, property owner of commercial property locate in East Terrell came before Council to request clarification on the Ordinance regarding existing thrift stores now in business.

Mayor D.J. Ory, made a motion to adopt on Consent Agenda Ordinance No. 2669; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Appendix 2, Zoning Ordinance Of The City Of Terrell By Amending Section 32, Use Regulations (Charts) Chart 8, Retail Uses, Non-Residential Zoning Districts, By Eliminating Secondhand Thrift Store Or Used Merchandise (Inside Only) And Adding Thrift Store (No Outside Storage Or Display) In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.6; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Eliminating Language In Existing Section 42.6 And Adding New Section 42.6 Requiring A Minimum Separation Of 1,000 Feet From A Residential District Boundary, The Central Business District, An Area Designated For Agricultural Purposes, And/Or Any Planned Development District That Allows Residential Uses; Amending Section 44.1 Definitions, By Eliminating Used Merchandise Store And Adding A Definition For Thrift Store; Providing For Severability And Providing An Effective Date. Ayes – Mayor D.J. Ory, Councilmember Tim Royse. Nayses – Deputy Mayor Pro Tem Charles Whitaker. Motion Carried.

17. **Discuss and Consider on Second Reading Ordinance No. 2669; An Ordinance Of The City Council Of The City Of Terrell, Kaufman County, Texas, Amending Appendix 2, Zoning Ordinance Of The City Of Terrell By Amending Section 32, Use Regulations (Charts) Chart 8, Retail Uses, Non-Residential Zoning Districts, By Eliminating Secondhand Thrift Store Or Used Merchandise (Inside Only) And Adding Thrift Store (No Outside Storage Or Display) In The Commercial (C) Zoning District By Specific Use Permit Subject To The Provisions Of Article V, Section 42.6; Amending Article V, Section 42, Special Regulations For Certain Types Of Uses By Eliminating Language In Existing Section 42.6 And Adding New Section 42.6 Requiring A Minimum Separation Of 1,000 Feet From A Residential District Boundary, The Central Business District, An Area Designated For Agricultural Purposes, And/Or Any Planned Development District That Allows Residential Uses; Amending Section 44.1 Definitions, By Eliminating Used**

Merchandise Store And Adding A Definition For Thrift Store; Providing For Severability And Providing An Effective Date.

ORDINANCE NO. 2669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING APPENDIX 2, ZONING ORDINANCE OF THE CITY OF TERRELL BY AMENDING SECTION 32, USE REGULATIONS (CHARTS) CHART 8, RETAIL USES, NON-RESIDENTIAL ZONING DISTRICTS, BY ELIMINATING SECONDHAND THRIFT STORE OR USED MERCHANDISE (INSIDE ONLY) AND ADDING THRIFT STORE (NO OUTSIDE STORAGE OR DISPLAY) IN THE COMMERCIAL (C) ZONING DISTRICT BY SPECIFIC USE PERMIT SUBJECT TO THE PROVISIONS OF ARTICLE V, SECTION 42.6; AMENDING ARTICLE V, SECTION 42, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES BY ELIMINATING LANGUAGE IN EXISTING SECTION 42.6 AND ADDING NEW SECTION 42.6 REQUIRING A MINIMUM SEPARATION OF 1,000 FEET FROM A RESIDENTIAL DISTRICT BOUNDARY, THE CENTRAL BUSINESS DISTRICT, AN AREA DESIGNATED FOR AGRICULTURAL PURPOSES, AND/OR ANY PLANNED DEVELOPMENT DISTRICT THAT ALLOWS RESIDENTIAL USES; AMENDING SECTION 44.1 DEFINITIONS, BY ELIMINATING USED MERCHANDISE STORE AND ADDING A DEFINITION FOR THRIFT STORE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on the 28th day of June, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of Appendix 2, Zoning Ordinance, Section 32 - Use Regulations (Charts), Chart 8, Retail Uses, Non-Residential Zoning Districts, by eliminating Secondhand Thrift Store or Used Merchandise (Inside Only) and adding Thrift Stores in the Commercial(C) District by Specific Use Permit (SUP) subject to the provisions of Section 42.6; and

WHEREAS on the 28th day of June, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of Appendix 2, Zoning Ordinance, Section 42 - Special Regulations for Certain Types of Uses by eliminating language in existing 42.6 and adding a new Section 42.6 requiring a minimum separation of 1,000 feet between a Thrift Store and a residential zoning district boundary, the boundary of the Central Business District, an agricultural district boundary, or any Planned Development allowing residential uses. In addition, requiring a minimum separation of 1000 feet between a Thrift Store and any other Thrift Store; and

WHEREAS on the 28th day of June, 2016, the Planning and Zoning Commission conducted a public hearing and approved the amendment of Appendix 2, Zoning Ordinance of the City of Terrell; Section 44.1 - Definitions, by eliminating the existing definition for Used Merchandise Store and replacing it with a definition for Thrift Store.

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

ARTICLE I.

THAT Section 32, Use Regulations (Charts), Chart 8, Retail Uses, Non-Residential Zoning Districts, Commercial (C) District be and is hereby amended by eliminating Secondhand Thrift Store or Used Merchandise (Inside Only) and adding Thrift Store (No Outside Storage or Display) in Commercial (C) zoning district by Specific Use Permit subject to the provisions of Article V, Section 42.6.

THAT Article V, Section 42, Special Regulations for Certain Types of Uses be amended by the revision of Section 42.6 as follows:

Sec. 42.6 THRIFT STORES

A. No thrift store 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 zoned AG Agricultural, or any PD Planned Development district that allows residential uses;

B. No thrift store may be located within 1,000 feet of another thrift store;

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

1. If confirming the separation between a proposed thrift store and residential uses, the CBD Central Business District, any area zoned AG Agricultural, or any Planned Development District that allows residential uses, the distance shall be measured from the closest point on the property line of the lot containing the proposed thrift store to the nearest portion of the boundary line of the above referenced districts.

2. If confirming the separation between thrift store locations, the distance shall be measured from the nearest portion of the property line of the Commercial District where the existing thrift store is located to the nearest portion of the property line of the Commercial District where the new thrift store is proposed.

1) Outside storage and display shall be prohibited in conjunction with the operation of a Thrift Store.

E. *Exception.* This section does not apply to charitable sales held on a one-time basis by a church or other non-profit organization.

THAT Section 44.1, Definitions, shall be amended by eliminating the existing definition for Used Merchandise Store and replacing it with a definition for Thrift Store as follows:

272. THRIFT STORE - A retail store that primarily sells second-hand or used merchandise, furniture, clothing and other goods to the general public excluding an Antique Store as defined herein.

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 effect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

All other provisions of Appendix 2 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 16th day of August, 2016.

PASSED AND ADOPTED this the 6th day of September, 2016

Mayor D.J. Ory, made a motion to adopt on Consent Agenda Ordinance No. 2670; An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1, Fee Schedule, Section 27: Water Service Rates And Charges, Paragraphs (1) Through (4) And Section 28: Sewer Service Rates And Charges, Paragraph (1) Of The Revised Code Of Ordinances Of The City Of Terrell, Texas; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date. Deputy Mayor Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 18. Discuss and Consider on Second Reading Ordinance No. 2670: An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1, Fee Schedule, Section 27: Water Service Rates And Charges, Paragraphs (1) Through (4) And Section 28: Sewer Service Rates And Charges, Paragraph (1) Of The Revised Code Of Ordinances Of The City Of Terrell, Texas; Providing For Repeal Of Conflicting Ordinances; Providing For Severability And Providing An Effective Date.**

ORDINANCE NO. 2670

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX 1, FEE SCHEDULE, SECTION 27: WATER SERVICE RATES AND CHARGES, PARAGRAPHS (1) THROUGH (4) AND SECTION 28: SEWER SERVICE RATES AND CHARGES, PARAGRAPH (1) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING

ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

THAT Appendix I, Fee Schedule, Section 27, WATER SERVICE RATES AND CHARGES, Paragraphs (1) through (4) and Section 28, SEWER SERVICE RATES AND CHARGES, Paragraph (1) of the Revised Code of Ordinances of the City of Terrell, Texas, shall hereby be amended to read as follows:

SECTION I.

SECTION 27: WATER SERVICE RATES AND CHARGES

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

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

MINIMUM MONTHLY RATES	
Meter Size (in.)	Minimum Charge
5/8	\$ 17.60
1	43.03
1 1/2	85.43
2	136.28
3	271.89
4	466.86
6	955.11
8	1,441.71
10	2,204.60
12	3,646.09

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

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

VOLUMETRIC RATES					
Rate Blocks (gal.)	0 - 2,000	2,001 - 10,000	10,001 - 25,000	25,001 - 50,000	> 50,000
Volume Charge (per 1,000 gal.)	\$ 4.27	\$ 5.85	\$ 6.34	\$ 6.96	\$ 7.29

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

VOLUMETRIC RATES				
Rate Blocks (gal.)	0 - 2,000	2,001 - 10,000	10,001 - 25,000	> 25,000
Volume Charge (per 1,000 gal.)	\$ 4.27	\$ 5.85	\$ 6.34	\$ 6.96

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

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

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

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

(4) Wholesale Water Customer Rates. Rates shall be determined by the methodology as stated in the wholesale water customer's contract. Wholesale water customers without a methodology in the wholesale water customer's contract will be charged \$5.28 per 1,000 gallons of water.

SECTION 28: SEWER SERVICE RATES AND CHARGES

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

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

Minimum bill	\$27.94 per month
Volume Charge for all Consumption per month*	\$4.41 per 1,000 gallons

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

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

Minimum bill	\$52.69 per month
Volume charge	\$4.41 per 1,000 gallons

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

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

Minimum bill	\$202.77 per month
Volume charge	\$4.41 per 1,000 gallons

- (4) Terrell State Hospital shall be charged on the following basis:

Minimum bill	\$2,232.00 per month
Volume charge	\$4.41 per 1,000 gallons

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

Minimum bill	\$800.05 per month
Volume charge	\$4.41 per 1,000 gallons

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

Volume charge for normal domestic wastewater per month	\$4.41 per 1,000 gallons of wastewater
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The customer shall pay for any required sampling in advance. The charge for sampling shall be as estimated by the pretreatment coordinator based upon the City's actual cost for similar services.

SECTION II

All rates charged pursuant to this Ordinance shall be subject to an additional four (4%) percent Municipal Assessment.

SECTION III.

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

SECTION IV.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of the Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION V.

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

PASSED AND APPROVED THIS THE 16th day of August, 2016.,
PASSED AND ADOPTED THIS THE 6th day of September, 2016.

Mayor D.J. Ory, made a motion to adopt on Consent Agenda Ordinance No. 2671; An Ordinance Of The City Of Terrell, Texas Approving And Adopting A Budget For The Fiscal Year Beginning October 1, 2016, And Ending September 30, 2017; 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 Fund And Other Fund 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. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 19. Discuss and Consider on Second Reading Ordinance No. 2671; An Ordinance Of The City Of Terrell, Texas Approving And Adopting A Budget For The Fiscal Year Beginning October 1, 2016, And Ending September 30, 2017; 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 Fund And Other Fund 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.**

ORDINANCE NO. 2671

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; 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 FUND AND OTHER FUND 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 Terrell 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, 2016, and ending September 30, 2017; 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, for fiscal year beginning October 1, 2016, and ending September 30, 2017, is as follows:

	Revenues	Expenditures
General Fund	21,076,960	21,036,377
Utility Fund	14,571,102	14,554,343
Utility Capital Reserve Fund	1,900,000	1,900,000
Storm Water Fund	1,105,000	1,492,481
Equipment Replacement Fund	1,582,062	1,424,882
Airport Fund	397,535	900,989
Impact Fee Fund	230,500	0
Capital Improvement Fund	619,790	495,000
Tax Increment Fund	7,592,276	5,551,000
Tourism Fund	400,195	0
I&S No. 1 Debt Service Fund	3,162,892	3,162,892

and provides a complete financial plan for the fiscal year beginning October 1, 2016, and ending September 30, 2017, 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, 2016, and ending September 30, 2017.

SECTION 2. That the sum of \$50,430,289 is hereby appropriated for the payment of the expenditures established in the approved budget for the fiscal year beginning October 1, 2016, and ending September 30, 2017.

SECTION 3. That the expenditures during the fiscal year beginning October 1, 2016, and ending September 30, 2017, 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 2015-2016 are hereby ratified and the budget Ordinance for fiscal year 2015-2016 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 16TH DAY OF AUGUST, 2016.

PASSED AND ADOPTED THIS THE 6TH DAY OF SEPTEMBER, 2016.

END CONSENT AGENDA

20. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to discuss the following:

- a. **551.074 - Personnel Matters - City Manager Evaluation.**

21. Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Executive Session.

Deputy Mayor Pro Tem Charles Whitaker made a motion to authorize the City Attorney, to approve and execute a 7th Addendum to the City Manager Contract. The City Council authorized an \$18,000.00 Deposit to the Retirement Account on October 1, 2016 and a \$7,000.00 Deposit on January 31, 2017. City Council Approves a 2% raise effective October 1, 2016. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None.

22. 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