

REGULAR CITY COUNCIL MEETING

OCTOBER 2, 2007

7:00 P.M.

A meeting of the Terrell City Council was held on Tuesday, October 2, 2007 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	RICKY JORDAN
COUNCILMEMBER #4	JACK JONES
COUNCILMEMBER #5	DON THURMAN

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Reverend Chuck Schorlemmer gave the opening prayer.

3. Consider Approval of Special City Council Meeting and Workshop Minutes of September 18, 2007, Regular City Council Meeting Minutes of September 18, 2007, Special City Council Meeting and Workshop Minutes of September 20, 2007 and Special City Council Meeting and Workshop Minutes of September 25, 2007.

Deputy Mayor Pro tem Jack Jones made a motion to approve Special City Council Meeting and Workshop Minutes of September 18, 2007, Regular City Council Meeting Minutes of September 18, 2007, Special City Council Meeting and Workshop Minutes of September 20, 2007 and Special City Council Meeting and Workshop Minutes of September 25, 2007. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

4. Hear Remarks from Visitors.

Dr. Horace Flatt came before Council to discuss the City Charter and prohibitions for holding other office. Dr. Flatt asked the City Council to rescind its appointment to the Terrell Economic Development Corporation of September 4, 2007.

PUBLIC HEARING

5.
a.) **Conduct a Public Hearing to Receive Comment Regarding Taxing Tangible Personal Property in Transit Which Would Otherwise Be Exempt Pursuant to Texas Tax Code, Section 11.253**

Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Taxing Tangible Personal Property in Transit Which Would Otherwise Be Exempt Pursuant to Texas Tax Code, Section 11.253. Torry Edwards, City Manager gave the opening comments. No one spoke for or against Taxing Tangible Personal Property in Transit Which Would Otherwise Be Exempt Pursuant to Texas Tax Code, Section 11.253. Mayor Hal Richards closed the Public Hearing.

- b.) **Discuss and Consider Approval of Resolution No. 589 – Taxing Tangible Personal Property in Transit which Would Otherwise Be Exempt Pursuant to Texas Tax Code, Section 11.253.**

Councilmember Tommy Spencer made a motion to table this item to the next City Council Meeting. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

NEW BUSINESS

6. **Discuss and Consider Addendum to Contract Agreement with R & R Environmental, Inc.**

Torry Edwards, City Manager presented to Council for discussion and consideration Addendum to Contract Agreement with R & R Environmental, Inc. Councilmember Don Thurman made a motion to approve Addendum to Contract Agreement with R & R Environmental, Inc. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

Mayor Hal Richards recognized Dr. Alan Nix and son for attending the Council Meeting. Mayor Hal Richards recognized students attending the Council Meeting from Trinity Valley Community College.

7. **Discuss and Consider Approval of Resolution No. 586 – Supporting Removal of Crosswind Runway, Construction of Terminal Parking Apron and Taxiways, Signage, Striping and Fencing.**

Torry Edwards, City Manager and Steve Rogers, City Engineer presented to Council for discussion and consideration Resolution No. 586 - Supporting Removal of Crosswind Runway, Construction of Terminal Parking Apron and Taxiways, Signage, Striping and Fencing. Mayor Pro tem Ricky Jordan made a motion to approve Resolution No. 586 - Supporting Removal of Crosswind Runway, Construction of Terminal Parking Apron

and Taxiways, Signage, Striping and Fencing. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 586

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL SUPPORTING REMOVAL OF CROSSWIND RUNWAY, CONSTRUCTION OF TERMINAL PARKING APRON AND TAXIWAYS, SIGNAGE, STRIPING AND FENCING.

WHEREAS, the CITY OF TERRELL intends to make certain improvements to the TERRELL MUNICIPAL AIRPORT; and

WHEREAS, the general description of the project is described as removal of Crosswind Runway, Construction of Terminal Parking Apron and Taxiways, Signage, Striping and Fencing.

WHEREAS, the CITY OF TERRELL intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, the total project cost are estimated to be \$3,970,000, and the City of Terrell will be responsible for 10% of the total project costs currently estimated to be \$397,000; and

WHEREAS, the CITY OF TERRELL names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contract necessary for the implementation of these improvements.

NOW, THEREFORE, BE IT RESOLVED, that the CITY OF TERRELL hereby directs the City Manager to execute on behalf of the City of Terrell, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the TERRELL MUNICIPAL AIRPORT.

PASSED and APPROVED this 2nd day of October, 2007.

8. Discuss and Consider Approval of Resolution No. 587 – Approving Closing Railroad Crossing on Hattie Street.

Torry Edwards, City Manager presented to Council for discussion and consideration Resolution No. 587 – Approving Closing Railroad Crossing on Hattie Street.

RESOLUTION NO. 587

**A RESOLUTION CALLING FOR THE CLOSING OF THE
RAILROAD CROSSING LOCATED ON HATTIE STREET
IN THE CITY OF TERRELL, TEXAS.**

WHEREAS, the Union Pacific Railroad Company, the Texas Department of Transportation, and the City of Terrell, Texas have joined together to consolidate redundant and unnecessary street/railroad crossings; and

WHEREAS, the City of Terrell, Texas met in regular session on October 2, 2007 and there discussed and approved the railroad crossing closure at Hattie Street in the City Limits of Terrell, Texas;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF Terrell, Texas, that the Hattie Street crossing be permanently closed to vehicular traffic and vacated at the time the City places the appropriate barricades or end-treatment on both of the roadway approaches of each crossing at a distance of about 100 feet from the Main Track.

Passed and approved this the 2nd day of October, 2007.

9. Discuss and Consider Approval of Resolution No. 588 – Approving Closing Railroad Crossing on Blanche Street.

Councilmember Don Thurman made a motion to approve Items No. 8 and 9 – Resolution No. 587 and Resolution No. 588. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 588

**A RESOLUTION CALLING FOR THE CLOSING OF THE
RAILROAD CROSSING LOCATED ON BLANCHE
STREET IN THE CITY OF TERRELL, TEXAS.**

WHEREAS, the Union Pacific Railroad Company, the Texas Department of Transportation, and the City of Terrell, Texas have joined together to consolidate redundant and unnecessary street/railroad crossings; and

WHEREAS, the City of Terrell, Texas met in regular session on October 2, 2007 and there discussed and approved the railroad crossing closure at Blanche Street in the City Limits of Terrell, Texas;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF Terrell, Texas, that the Blanche Street crossing be permanently closed to vehicular traffic and vacated at the time the City places the appropriate barricades or end-treatment on both of the roadway approaches of each crossing at a distance of about 100 feet from the Main Track.

Passed and approved this the 2nd day of October, 2007.

10. Discuss and Consider Approval of Ordinance No. 2343 – Creating a New Neighborhood Integrity Code.

Dale Jackson, Interim Chief Building Official presented to Council for discussion and consideration Ordinance No. 2343 – Creating a New Neighborhood Integrity Code. Councilmember Don Thurman made a motion to approve Ordinance No. 2343 – Creating a New Neighborhood Integrity Code with corrections. The motion was seconded by Deputy Mayor Pro tem Jack Jones. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2343

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, ADOPTING A NEW NEIGHBORHOOD INTEGRITY CODE; REPEALING ORDINANCE NO. 2004, BUILDING REGULATIONS, SECTION 19; SUBSTANDARD BUILDINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

11. Discuss and Consider Approval of Ordinance No. 2344 – Creating a Building and Standards Commission.

Mayor Pro tem Ricky Jordan made a motion to approve Ordinance No. 2344 – Creating Building and Standards Commission with additions. The motion was seconded by Deputy Mayor Pro tem Jack Jones. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2344

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS,
CREATING A BUILDING AND STANDARDS
COMMISSION; CREATING A NEW SECTION 30,
CHAPTER 4 OF THE CODE OF ORDINANCES OF THE
CITY OF TERRELL; PROVIDING FOR REPEAL OF
CONFLICTING ORDINANCES; PROVIDING
SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE**

12. Discuss and Consider Approval of Ordinance No. 2345 – Amending Chapter 8: Offenses and Nuisances, Section 13: Littering Prohibited.

Greg Shumpert, Assistant City Attorney presented to Council for discussion and consideration Ordinance No. 2345 – Amending Chapter 8: Offenses and Nuisances, Section 13: Littering Prohibited. Deputy Mayor Pro tem Jack Jones made a motion to approve Ordinance No. 2345 - Amending Chapter 8: Offenses and Nuisances, Section 13: Littering Prohibited. The motion was seconded by Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2345

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS
AMENDING CHAPTER 8, OFFENSES AND NUISANCES, SECTION 13,
LITTERING PROHIBITED, TERRELL CITY CODE REVISED; PROVIDING
FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR
SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN
EFFECTIVE DATE.**

13. Discuss and Consider Approval of Resolution No. 590 – Establishing City Policy Regarding a Written Citizen Complaint Procedure for the Texas Community Development Program.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Resolution No. 590, Resolution No. 591, Resolution No. 592 and Resolution No. 593. Mayor Pro tem Ricky Jordan made a motion to approve Resolution No. 590 – Establishing City Policy Regarding a Written Citizen Complaint Procedure for the Texas Community Development Program. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 590

**A RESOLUTION ESTABLISHING CITY POLICY REGARDING A WRITTEN
CITIZEN COMPLAINT PROCEDURE. FOR THE TEXAS COMMUNITY
DEVELOPMENT PROGRAM**

BE IT RESOLVED by the City of Terrell, Texas, as follows:

In order to comply with the Texas Department of Housing and Community Affairs' Complaint System, 10 T.A.C. Sec.178.1 and 178.2, the following citizen complaint procedures, adopted by the City of Terrell, Kaufman County, Texas, are intended to provide a timely written response to all complaints and grievances made against the City of Terrell, Kaufman County, Texas, Community Development Program efforts:

1 A person, who has a comment or complaint about the services funded or to be funded by a block grant administered by the City, may submit such comment or complaint in writing to the City Manager who is responsible for administering the block grant program.

2 The City Manager shall, within five work days of receiving the comments or complaints, conduct an investigation into same, determine an appropriate response to same and so advise the person who made said comments or complaints, in writing. If, for any reason this cannot be done, the Manager will, within five working days of receiving the comment or complaint, advise the person making the comment or complement, in writing, why the response cannot be provided within five working days of receiving the comment or Complaint and when a response can be expected.

3 The Manager shall notify the person who made said comments or complaints, in writing, of the final results of any investigation conducted. Unless unusual circumstances interfere, all investigative action and reports documenting the findings of same should be accomplished prior to the 15th working day after the comments or complaints were originally received. Should this final response be delayed, the person making the comments or complaints, must be so advised in writing, to include the problems being encountered and a new date for final resolution of the comment or complaint.

4 A copy of the above outlined comment and/or complaint procedures can be obtained at the Terrell City Hall, 201 East Nash Street, in the City of Terrell, Kaufman County, Texas, during normal operating hours, Monday through Friday (except holidays)

Adopted by the Terrell City Council on this 2nd day of October, 2007

14. Discuss and Consider Approval of Resolution No. 591 – Establishing a Citizen Participation Plan Related to the Texas Community Development Program.

Mayor Pro tem Ricky Jordan made a motion to approve Resolution No. 591 – Establishing a Citizen Participation Plan Related to the Texas Community Development Program. The motion was seconded by Councilmember Don Thurman. Ayes – all; Naves – none. Motion carried.

RESOLUTION NO. 591

**A RESOLUTION ESTABLISHING CITIZEN
PARTICIPATION PLAN**

BE IT RESOLVED by the City of Terrell, Texas as follows:

1 A citizen who has a comment or complaint about the quality of services provided by any subcontractor for the City related to a Texas Community Development Program (TCDP) funded project or a comment or complaint related to any aspect of a TCDP project may submit such comment or complaint in writing to the Mayor, Terrell City Hall, 201 East Nash Street, in the City of Terrell, Kaufman County, Texas, during normal operating hours, Monday through Friday (except holidays)

2 The Mayor shall advise the complainant that his written comment or complaint will be presented to the City Council at the next regularly scheduled meeting of that body and the complainant shall be invited to attend the meeting to observe the action of the City Council.

3 The Mayor shall present the written comment or complaint to the City Council at its next regularly scheduled meeting and advise the Council that an investigation of the will be conducted. Further, he shall advise the Council that the findings of that investigation will be brought back to the Council at its next regularly scheduled meeting. The Mayor may, at his discretion, appoint a city staff person, a member of the City Council or a committee of the Council to investigate the complaint or he may conduct the investigation himself.

4 At the next regularly scheduled meeting of the City Council, the appointed person or committee or the Mayor shall present a report of its (his) findings. The City Council shall then vote to adopt or reject the report and approve the action to be taken in response to the complaint. The complainant shall be informed of the meeting and be invited to observe the deliberations and decision of the Council.

5 The decision of the City Council shall be carried out and, if necessary, a report shall be given by the Mayor at the next regularly scheduled meeting of the Council confirming that the action required by the Council was completed. If a final report of the resolution of the comment or complaint is to be provided at the next Council meeting, the complainant shall be so informed.

6 The City shall report the comment and complaint received and the action taken in its quarterly report to the Texas Department of Housing and Community Affairs and close-out documentation for the TCDP project.

Adopted by the Terrell City Council on this 2nd day of October, 2007

15. Discuss and Consider Approval of Resolution No. 592 – Establishing City Policy Regarding a Section 504 Written Citizen Grievance Procedure.

Mayor Pro tem Ricky Jordan made a motion to approve Resolution No. 592 – Establishing City Policy Regarding a Section 504 Written Citizen Grievance Procedure. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 592

A RESOLUTION ESTABLISHING CITY POLICY REGARDING A SECTION 504 WRITTEN CITIZEN GRIEVANCE PROCEDURE.

BE IT RESOLVED by the City of Terrell, Texas as follows:

1 The City of Terrell has adopted an internal grievance procedure providing for prompt an equitable resolution of complaints alleging any action prohibited by the U.S. Department of Housing and Urban Development regulations (24 CFR Subpart A Sec. 8.4(a) implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794). Section 504 states, in part that "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

2 Complaints should be addressed to the 504 Coordinator: Torry L. Edwards, City Manager, Post Office Box 310, Terrell, Texas, 75160, (972) 524-3332, who has been designated to coordinate Section 504 compliance efforts. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations. A complaint should be filed within ten (10) working days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).

3 An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the 504 coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4 A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the 504 coordinator, and a copy forwarded to the complainant no later than ten (10) working days after its filing. The Section 504 coordinator shall maintain the files and records of the City of Terrell relating to the complaints files.

5 The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within ten working days to the City of Terrell.

6 The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7 These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Terrell of complies with Section 504 and HUD regulations.

Adopted by the Terrell City Council on this 2nd day of October, 2007

16. Discuss and Consider Approval of Resolution No. 593 – Establishing Rules and Regulations Regarding the Use of Force.

Mayor Pro tem Ricky Jordan made a motion to approve Resolution No. 593 – Establishing Rules and Regulations Regarding the Use of Force. The motion was seconded by Councilmember Don Thurman. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 593

A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS INCLUDING PHYSICAL BARRING ENTRANCES OR EXITS OF FACILITIES OR LOCATIONS WHICH ARE THE SUBJECTS OF SUCH DEMONSTRATIONS.

BE IT RESOLVED by the City of Terrell, Texas, as follows:

1. It is hereby established as the policy of the City of Terrell that:

(A) No law enforcement officer employed by the City shall at any time use excessive force against any individual who is engaged in a nonviolent civil rights demonstration within the City;

(B) The City and its law enforcement personnel shall prohibit the physical barring of any entrance or exit of the facility which is the subject of the civil rights demonstration;

(C) The City and its law enforcement personnel shall enforce all applicable state laws pertaining to civil rights demonstrations.

2. Any City personnel who willfully violate any of the above stated policies shall be subject to disciplinary action, including but not limited to termination, as determined to be appropriate by the Mayor and City Council.

Adopted by the Terrell City Council on this 2nd day of October, 2007

CONSENT AGENDA

There were no items on Consent Agenda.

END OF CONSENT AGENDA

17. Receive City Managers Reports and Correspondence – Status of Building Improvements.

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

18. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss Section 551.071 – Consultation with Attorney.

Council adjourned into Executive Session.

19. Reconvene into Regular Session and Consider Action, if any, on Item Discussed in Executive Session.

There was no action taken in Executive Session.

20. Adjourn.

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

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary