

## REGULAR CITY COUNCIL MEETING

JUNE 16, 2009

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, June 16, 2009 at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

<b>COUNCILMEMBER #1</b>	<b>HAL RICHARDS</b>
<b>COUNCILMEMBER #2</b>	<b>SANDRA WILSON</b>
<b>COUNCILMEMBER #3</b>	<b>RICKY JORDAN</b>
<b>COUNCILMEMBER #4</b>	<b>JACK JONES</b>
<b>COUNCILMEMBER #5</b>	<b>DON THURMAN</b>

**1. Call to order.**

Mayor Hal Richards called the meeting to order.

**2. Invocation.**

Mayor Pro tem Don Thurman gave the opening prayer.

**3. Discuss and Consider Approval of Special City Council Meeting and Workshop Minutes of May 28, 2009 and Regular City Council Meeting Minutes of June 2, 2009.**

Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting and Workshop Minutes of May 28, 2009 and Regular City Council Meeting Minutes of June 2, 2009 with corrections. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**4. Hear Remarks from Visitors.**

Clay Holloway – 1617 Lee Street, Kaufman, Texas 75142 came before Council to present his recent challenges in dealing with Redflex, the City's vendor.

### PUBLIC HEARING

**5. a.) Continue Public Hearing to Receive Comment Regarding Request for a Specific Use Permit (SUP) for a Reclamation and Recycling Facility on Property Located at 203 S. Blanche, Described as All of the Greater Terrell Warehouse Addition and all of Block 1, Original Town of Terrell and Part of the Abandoned Union Pacific Railroad Right-of-Way, City of Terrell, Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development gave opening comments regarding a Request for a Specific Use Permit (SUP) for a Reclamation and Recycling Facility on Property

Located at 203 S. Blanche, Described as All of the Greater Terrell Warehouse Addition and all of Block 1, Original Town of Terrell and Part of the Abandoned Union Pacific Railroad Right-of-Way, City of Terrell, Kaufman County, Texas. Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Request for a Specific Use Permit (SUP) for a Reclamation and Recycling Facility on Property Located at 203 S. Blanche, Described as All of the Greater Terrell Warehouse Addition and all of Block 1, Original Town of Terrell and Part of the Abandoned Union Pacific Railroad Right-of-Way, City of Terrell, Kaufman County, Texas. Adela Vasquez, 522 Longworth Boulevard, Duncanville, Texas 75116 representing Falcon Metals spoke for the Specific Use Permit. No one spoke against the Specific Use Permit. Mayor Hal Richards closed the Public Hearing.

**b.) Discuss and Consider Approval of Ordinance No. 2413 – Approving a Request for a Specific Use Permit (SUP) for a Reclamation and Recycling Facility on Property Located at 203 S. Blanche, Described as All of the Greater Terrell Warehouse Addition and all of Block 1, Original Town of Terrell and Part of the Abandoned Union Pacific Railroad Right-of-Way, City of Terrell, Kaufman County, Texas.**

Deputy Mayor Pro tem Ricky Jordan made a motion to approve Ordinance No. 2413 – Approving a Request for a Specific Use Permit (SUP) for a Reclamation and Recycling Facility on Property Located at 203 S. Blanche, Described as All of the Greater Terrell Warehouse Addition and all of Block 1, Original Town of Terrell and Part of the Abandoned Union Pacific Railroad Right-of-Way, City of Terrell, Kaufman County, Texas on first reading. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

**ORDINANCE NO. 2413**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. 2371) AND ESTABLISHING SPECIFIC USE PERMIT NUMBER SEVENTEEN (SUP-17) FOR A RECLAMATION AND RECYCLING FACILITY ON PROPERTY LOCATED AT 203 S. BLANCHE STREET, BEING A 2.08 ACRE TRACT OF LAND, BEING ALL OF THE GREATER TERRELL WAREHOUSE ADDITION AND ALL OF BLOCK 1, ORIGINAL TOWN OF TERRELL AND PART OF THE ABANDONED UNION PACIFIC R.R. R.O.W, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**6. c.) Conduct a Public Hearing to Receive Comment Regarding a Request for a Specific Use Permit (SUP) for a Communications Tower on Property Located at 305 W. College Street, City of Terrell, Kaufman County, Texas (SUP-18).**

Terry Capehart, Director of Municipal Development presented opening comments regarding Request for a Specific Use Permit (SUP) for a Communications Tower on Property Located at 305 W. College Street, City of Terrell, Kaufman County, Texas (SUP-18). Mayor Hal Richards opened the Public Hearing to Receive Comment Regarding a Request for a Specific Use Permit (SUP) for a Communications Tower on Property Located at 305 W. College Street, City of Terrell, Kaufman County, Texas (SUP-18). Stan Heisel, Technology Director for Terrell Independent School District spoke in favor of the Specific Use Permit. No one spoke against the Specific Use Permit. Mayor Hal Richards closed the Public Hearing.

**d.) Discuss and Consider Approval of Ordinance No. 2417 – Approving a Request for a Specific Use Permit (SUP) for a Communications Tower on Property Located at 305 W. College Street, City of Terrell, Kaufman County, Texas (SUP-18).**

Mayor Pro tem Don Thurman made a motion to approve Ordinance No. 2417 – Approving a Request for a Specific Use Permit (SUP) for a Communications Tower on Property Located at 305 W. College Street, City of Terrell, Kaufman County, Texas (SUP-18) on first reading. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**ORDINANCE NO. 2417**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. 2371) AND ESTABLISHING SPECIFIC USE PERMIT NUMBER EIGHTEEN (SUP-18) FOR A COMMUNICATIONS TOWER ON PROPERTY LOCATED AT 305 W. COLLEGE STREET, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**NEW BUSINESS**

**7. Discuss and Consider Approval of Resolution No. 636 - Establishing a City Policy for the Naming or Renaming of Public Facilities, Streets and Parkland.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration Resolution No. 636 - Establishing a City Policy for the Naming or Renaming of Public Facilities, Streets and Parkland. Councilmember Jack Jones made a motion to approve Resolution No. 636 - Establishing a City Policy for the Naming or Renaming of Public Facilities, Streets and Parkland. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

**RESOLUTION NO. 636**

A RESOLUTION OF THE CITY OF TERRELL, TERRELL, TEXAS, ESTABLISHING A POLICY GOVERNING THE NAMING OR RENAMING OF CITY FACILITIES, STREETS AND PARKLAND

**WHEREAS**, the Terrell City Council desires that naming or renaming facilities, streets and parkland shall be made in accordance with written policies approved by the governing body; and

**WHEREAS**, naming policies must be consistent, provide clear directions, address 911 emergency service issues, preserve historic names, recognize and honor individuals who have made significant contributions to the community and provide for public input; and

**WHEREAS**, the City of Terrell City Council finds that the City Facility, Street and Parkland Naming Policy attached hereto (Exhibit “A”) is in the best interests of the citizens, property owners, businesses and visitors of the City of Terrell.

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

Section 1. The Terrell City Council hereby adopts Exhibit "A" attached hereto as the official policy which shall govern the naming or renaming of City Facilities, Streets and Parkland.

Section 2. That this resolution shall take effect immediately from and after its passage.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City Terrell this the 16<sup>th</sup> day of June, 2009.

**EXHIBIT "A"**

**CITY OF TERRELL**

**Policy for the Naming or Renaming of City Facilities, Streets, and Parkland**

**PURPOSE:** To establish guidelines for the naming or renaming of City facilities, streets and parkland.

**PROCESS:** To initiate the application of this policy, a need will be identified and a written request shall be submitted to the Engineering Department for review. City staff will prepare a report and present the request to the appropriate board or body and bring forward a recommendation to the City Council. Upon receiving the recommendation, the City Council will consider the naming or renaming of a city street, facility or park land in accordance with the following criteria:

**Part One:** City facilities or park land shall be named in the following manner:

- 1.) In honor of individuals who donate land for park space or donate a major part of the funds required to construct or renovate a facility. A minimum of fifty percent (50%) or more of the necessary funds is necessary to constitute a major portion.
- 2.) In honor of individuals who have made significant contributions to the community through public service as a local or national leader, volunteerism or private sector achievement (see Part Four for criteria)
- 3.) In relation to predominant characteristics or physical features of the land such as streams, rivers, plant species, etc.
- 4.) In relation to a street or streets adjacent to the facility.
- 5.) In relation to a subdivision that houses the facility.
- 6.) Requests under this section shall be considered by the Parks Board who shall then forward a recommendation to the City Council.

**Part Two:** Streets shall be named or renamed in the following manner:

- 1.) Streets in newly platted subdivisions or streets that have not been developed are exempt from this policy and shall follow the naming procedures outlined in the city's Subdivision Ordinance except that developers will be encouraged to utilize names from a list of preferred new street names provided by the City Council or if in honor of an individual in accordance with Part Four below.

- 2.) In the event a street name conflict occurs because of an annexation or other issue which may cause delays or confusion in the delivery of 9-1-1 emergency services, city staff will evaluate the need for a street name change and process the proposed street name change as follows:
  - a. Written notice will be mailed to all property owners affected by the proposed changes not less than 15 days prior to the Planning and Zoning Commission meeting in which the proposed changes will be heard.
  - b. City staff shall prepare a report with associated maps, public comments and other exhibits with a recommendation to the Planning and Zoning Commission for the proposed name change and who shall then forward a recommendation to the City Council.
- 3.) A request from a private entity, group or individual to rename a public street shall comply with the following requirements:
  - a. Proposed names will be in accordance with the City of Terrell Subdivision Regulations and/or if in honor of an individual in accordance with Part Four below.
  - b. A written request shall be submitted with a notarized petition with the concurrence from a minimum of seventy-five percent (75%) of the owner occupied households and/or active businesses abutting the proposed street and maps showing the location and quantity of proposed signs affected.
  - c. The request will verify that the interested parties will defray the cost of installing signs and other expenses (i.e. updating maps, plats, 9-1-1, etc.).
  - d. City staff shall send written notice to all property owners affected by the proposed changes not less than 15 days prior to the Planning and Zoning Commission meeting in which the proposed changes will be heard.
  - e. City staff shall prepare a report with associated maps, public comments and other exhibits with a recommendation to the Planning and Zoning Commission for the proposed name change and who shall then forward a recommendation to the City Council.

**Part Three:** Recognized historic neighborhood or honorary street designations shall be named in the following manner:

- 1.) An ornamental sign cap (topper) may be placed on top of existing street signs in designated areas such as, a historic neighborhood, place, or in honor of an individual after approval by the City Council in accordance with the following criteria:
  - a. Proposed names will be in accordance with the City of Terrell Subdivision Regulations and/or if in honor of an individual in accordance with Part Four below.
  - b. A written request shall be submitted with a notarized petition with the concurrence from a minimum of seventy-five percent (75%) of the owner occupied households and/or active businesses abutting the proposed street and a statement that the fabrication and installation costs will be paid by the applicants.
  - c. The written request shall be submitted with the design of the proposed sign cap, detailed maps showing the location and quantity of proposed sign caps that are to be installed.
  - d. City staff shall send written notice to all property owners affected by the proposed changes not less than 15 days prior to the Planning and Zoning Commission meeting in which the proposed changes will be heard.
  - e. City staff shall prepare a report with associated maps, public comments and other exhibits with a recommendation to the Planning and Zoning Commission for the proposed name change and who shall then forward a recommendation to the City Council.

- f. Recognized historic neighborhoods shall have a defined boundary in which the area has historic structures, events or other attractions that residents, visitors or tourists would benefit from signage indicating the area has historical significance.

**Part Four:** Qualifications for Honorees in which a park, facility or street is to be named:

1. In honor of military, police or fire service men and women who died in the line of duty or in honor of veterans of the above services who have been honored for their heroism or valor in the line of duty.
2. In honor of individuals with significant achievements they must have been native born in Terrell, a long time resident or attended Terrell schools and have received nationally or internationally recognized awards for their achievements in the arts, sciences or industry.
3. In honor of deceased national or state leaders. Deceased national or state leader must have directly impacted the citizens of Terrell and have been deceased for a minimum of three (3) years.
4. In honor of local community leaders or volunteers who have provided outstanding personal service such as in education, business, public service, civic organizations, non-profit organizations, hospitals or churches, etc. that has resulted in a significant and enduring contribution to the community.
  - a. If deceased, the person must have served for a minimum of twenty (20) years and must have been deceased for a minimum of three (3) years; or
  - b. If living, the person must have served for a minimum of thirty (30) years; or
  - c. In which the individual has provided outstanding service in more than one area such as an elected official and volunteer for a civic organization whose cumulative service in the various organizations meets or exceeds the above minimum criteria.

**8. Discuss and Consider Approval of Terrell Economic Development Corporation Recommendation for Brock Supply.**

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Terrell Economic Development Corporation Recommendation for Brock Supply. Mayor Pro tem Don Thurman made a motion to approve Terrell Economic Development Corporation Recommendation for Brock Supply. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**9. Discuss and Consider Approval of Terrell Economic Development Corporation Recommendation for Helwig Project.**

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

**10. Discuss and Consider Approval of Terrell Economic Development Corporation Recommendation for Terrell Independent School District Excellence Foundation.**

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Terrell Economic Development Corporation Recommendation for Terrell Independent School District Excellence Foundation. Councilmember Sandra Wilson made a motion to approve Terrell Economic Development Corporation Recommendation for Terrell Independent School District Excellence Foundation. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

**11. Discuss and Consider Bids and Award of Contract for Project No. 07-07 – Utility Relocations (Water Treatment Plant Decommissioning).**

Steve Rogers, City Engineer presented to Council for discussion and consideration Bids and Award of Contract for Project No. 07-07 – Utility Relocations (Water Treatment Plant Decommissioning). Mayor Pro tem Don Thurman made a motion to award Contract for Project No. 07-07 – Utility Relocations (Water Treatment Plant Decommissioning) to low bidder meeting specifications – TGR Constructors, Inc. in the amount of \$172,554.00. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Nays – none. Motion carried.

**12. Discuss and Consider Approval of Ordinance No. 2415 – Amending Section 12-7 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas Pertaining to the Due Date for Utility Bills and providing that Water, Sewer and Garbage Collection Charges be Considered as One (1) bill; Providing that Multiple Occupancies on Single Meter be Billed Cooperatively, Establishing Policy for Determining Service Charges for Multiple Occupancies on Single Meters, Average Winter Water Usage.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2415 – Amending Section 12-7 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas Pertaining to the Due Date for Utility Bills and providing that Water, Sewer and Garbage Collection Charges be Considered as One (1) bill; Providing that Multiple Occupancies on Single Meter be Billed Cooperatively, Establishing Policy for Determining Service Charges for Multiple Occupancies on Single Meters, Average Winter Water Usage. Councilmember Jack Jones made a motion to approve Ordinance No. 2415 – Amending Section 12-7 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas Pertaining to the Due Date for Utility Bills and providing that Water, Sewer and Garbage Collection Charges be Considered as One (1) bill; Providing that Multiple Occupancies on Single Meter be Billed Cooperatively, Establishing Policy for Determining Service Charges for Multiple Occupancies on Single Meters, Average Winter Water Usage on first reading. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2415

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 12-7 OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS, WITH THE ADDITION OF SECTION G., AVERAGE WINTER WATER USAGE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**13. Discuss and Consider Approval of Ordinance No. 2416 - Budget Amendment.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2416 – Budget Amendment. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Ordinance No. 2416 – Budget Amendment on first reading. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2416

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, AS PASSED AND ADOPTED ON SEPTEMBER 16, 2008 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**14. Discuss Appointment to Tax Increment Financing Board.**

Mayor Pro tem Don Thurman made a motion to table this item to the next Council Meeting. The motion as seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

**CONSENT AGENDA**

There were no items on consent agenda.

**END OF CONSENT AGENDA**

**15. 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**