

## REGULAR CITY COUNCIL MEETING

**MAY 19, 2009**

**7:00 P.M.**

A Regular Meeting of the Terrell City Council was held on Tuesday, May 19, 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>TOMMY SPENCER</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 Jack Jones gave the opening prayer.

**3. Discuss and Consider Approval of Special City Council Meeting and Workshop Minutes of May 5, 2009, Regular City Council Meeting Minutes of May 5, 2009 and Special City Council Meeting Minutes of May 7, 2009.**

Deputy Mayor Pro tem Don Thurman made a motion to approve Special City Council Meeting and Workshop Minutes of May 5, 2009, Regular City Council Meeting Minutes of May 5, 2009 and Special City Council Meeting Minutes of May 7, 2009 with corrections. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

<b>COUNCILMEMBER #1</b>	<b>HAL RICHARDS – ABSENT (EXCUSED)</b>
<b>COUNCILMEMBER #2</b>	<b>TOMMY SPENCER</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>

**4. Conduct Canvass of Votes for Municipal Election Held May 9, 2009.**

Mayor Hal Richards appointed Deputy Mayor Pro tem Don Thurman and Councilmember Ricky Jordan to conduct the Canvass of Votes for Municipal Election Held May 9, 2009.

**5. Discuss and Consider Approval of Canvass Election Results of Municipal Election Held May 9, 2009.**

Deputy Mayor Pro tem Don Thurman made a motion to approve Canvass election Results of Municipal Election Held May 9, 2009. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

	Provisional Ballots	Early Voting By Mail	Early Voting	Election Day	Total Votes Cast	%
<b>City of Terrell Council District 2</b>						
Tommy Spencer	2	11	59	25	97	34%
Sandra Kay Wilson	2	80	77	33	192	66%
<b>Total Votes Cast</b>	<b>4</b>	<b>91</b>	<b>136</b>	<b>58</b>	<b>289</b>	<b>100%</b>

Provisional Ballots Cast 10  
 Provisional Ballots Rejected 6

**6. Administer Oath of Office to Officers – Elect.**

Mary Gayle Ramsey, City Attorney administered the Oath of Office to Jack Jones and Sandra Wilson.

**7. Consider Selection of Mayor Pro tem and Deputy Mayor Pro tem.**

Mayor Pro tem Jack Jones made a motion to appoint Don Thurman as Mayor Pro tem and appoint Ricky Jordan as Deputy Mayor Pro tem. The motion was seconded by Mayor Hal Richards. Ayes – all; Nays – none. Motion carried.

**8. Hear Remarks from Visitors.**

None were made.

**PUBLIC HEARING**

**9.**

- a.) **Conduct a Public Hearing to Receive Public Comment 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 (SUP 09-01).**

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 (SUP 09-01). Mayor Hal Richards opened a Public Hearing to Receive Public Comment 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 (SUP 09-01). Josh Cohen – Dallas, Texas spoke for the Specific Use Permit request. No one spoke against the Specific Use Permit request. Mayor Hal Richards closed the Public Hearing.

- b.) Discuss and Consider Approval of Ordinance No. 2413 – Approval of 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 (SUP 09-01).**

Council debated the 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 (SUP 09-01). Council requested additional information for the site. There was no action taken on this item.

#### NEW BUSINESS

- 10. Discuss and Consider Approval of Alternative Exterior Materials per Section 37.4 of the Zoning Ordinance on Property Located at 909 W. Moore Avenue, Described as Lot 8R, Block 373, Terrell Revised, City of Terrell, Kaufman County, Texas (ZC-09-01).**

Terry Capehard, Director of Municipal Development presented to Council for discussion and consideration Alternative Exterior Materials per Section 37.4 of the Zoning Ordinance on Property Located at 909 W. Moore Avenue, Described as Lot 8R, Block 373, Terrell Revised, City of Terrell, Kaufman County, Texas (ZC-09-01). Mayor Pro tem Don Thurman made a motion to approve Alternative Exterior Materials per Section 37.4 of the Zoning Ordinance on Property Located at 909 W. Moore Avenue, Described as Lot 8R, Block 373, Terrell Revised, City of Terrell, Kaufman County, Texas (ZC-09-01). The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

- 11. Receive and Consider Financial Audit Report for Fiscal Year 2007-2008.**

This item was passed.

**12. Discuss and Consider Approval of Resolution No. 634 – Authorizing the City Manager to Execute on Behalf of the City of Terrell Any and All Documents Necessary for Projects Involving Real or Personal Property and Approved by the City Council.**

Mary Gayle Ramsey, City Attorney presented to Council for discussion and consideration Resolution No. 634 – Authorizing the City Manager to Execute on Behalf of the City of Terrell Any and All Documents Necessary for Projects Involving Real or Personal Property and Approved by the City Council. Councilmember Jack Jones made a motion to approve Resolution No. 634 – Authorizing the City Manager to Execute on Behalf of the City of Terrell Any and All Documents Necessary for Projects Involving Real or Personal Property and Approved by the City Council. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

**RESOLUTION NO. 634**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF TERRELL ANY AND ALL DOCUMENTS NECESSARY FOR PROJECTS INVOLVING REAL OR PERSONAL PROPERTY AND APPROVED BY THE CITY COUNCIL**

**WHEREAS**, the City of Terrell is involved in certain projects which require the signature of an authorized representative of the City of Terrell; and

**WHEREAS**, the City Manager of the City of Terrell is the chief administrative officer of the City and is a person authorized to execute documents on behalf of the City; and

**WHEREAS**, the City of Terrell has determined that it will be beneficial to the citizens of Terrell to enter into agreements for projects benefitting the City and for the City Manager to execute documents on behalf of the City of Terrell for such projects approved by the City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Terrell, Texas:

That the City Manager of the City of Terrell shall be and is hereby authorized to execute any and all documents on behalf of the City of Terrell relating to any projects approved by the City Council involving real or personal property.

PASSED AND APPROVED this 19<sup>th</sup> day of May, 2009.

**13. Discuss and Consider Approval of Amendment No. 2 to the Professional Services Agreement with Freese and Nichols, Inc. for 2.0 MG Elevated Storage Tank.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Amendment No. 2 to the Professional Services Agreement with Freese and Nichols, Inc. for 2.0 MG Elevated Storage Tank. Mayor Pro tem Don Thurman made a motion to approve Amendment No. 2 to the Professional Services Agreement with Freese and Nichols, Inc. for 2.0 MG Elevated Storage

Tank amending B2 and B5 totaling \$10,200. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

**14. Discuss and Consider Approval of Resale of Property Described as Lots 9 and 10, Block 6, Phagan Addition.**

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Resale of Property Described as Lots 9 and 10, Block 6, Phagan Addition. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Resale Property Described as Lots 9 and 10, Block 6, Phagan Addition. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

**15. Discuss and Consider Bid and Award of Contract for Bid No. 09-80-03 – Public Works Uniform Supply and Services.**

Dan Abell, Public Works Supervisor presented to Council for discussion and consideration Bid and Award of Contract for Bid No. 09-80-03 – Public Works Uniform Supply and Services. Councilmember Jack Jones made a motion to award contract for Bid No. 09-80-03 – Public Works Uniform Supply and Services to low bidder Aramark in the amount of \$4.46 per person. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

**16. Discuss and Consider Approval of Ordinance No. 2414 – Budget Amendment.**

Deputy Mayor Pro tem Ricky Jordan made a motion to approve Ordinance No. 2414 – Budget Amendment on first reading. The motion was seconded by Mayor Pro tem Don Thurman. Ayes – all; Naves – none. Motion carried.

ORDINANCE NO. 2414

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.

**CONSENT AGENDA**

Mayor Pro tem Don Thurman made a motion to adopt Ordinance No. 2406, Ordinance No. 2410, Ordinance No. 2411 and Ordinance No. 2412 on second reading on CONSENT AGENDA. The motion was seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

**17. Discuss and Consider Adoption on Second Reading of Ordinance No. 2406 – Granting to Oncor Electric Delivery Company an Electric Power Franchise to Use the Present and Future Streets.**

**ORDINANCE NO. 2406**

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY TEXAS GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY L.L.C., TOGETHER WITH ITS SUCCESSORS AND ASSIGNS UNDER THE PROVISIONS OF ARTICLE X, SECTION TWO OF THE TERRELL CITY CHARTER, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR COMPENSATION THEREFOR; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES INCLUDING, BUT NOT LIMITED TO, REPEAL OF ALL EXISTING FRANCHISE ORDINANCES WITH ONCOR ELECTRIC COMPANY L.L.C. TOGETHER WITH ITS PREDECESSORS AND ASSIGNS; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

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

**ARTICLE I.**

That Oncor Electric Delivery Company, L.L.C., together with its successors and assigns is hereby granted an Electric Power Franchise under the following terms and conditions:

**Section 1:** That there is hereby granted to Oncor Electric Delivery Company, L.L.C., together with its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and franchise to construct, extend, maintain and operate in, along, under and across the present and future streets, alleys, highways, public utility easements, public ways and other public property (Public Rights-of-Way) of the City of Terrell, Texas (hereinafter referred to as the "City") electric power lines with all necessary and desirable appurtenances (including, but not limited to underground conduits, poles, towers, wires, transmission lines and other structures together with telephone and communication lines for its own use), for the purpose of delivering electricity to the City, the inhabitants and citizens thereof as well as persons, firms and corporations beyond the corporate limits thereof, for the term set out in Article II below.

**Section 2:** Poles towers and other structures shall be so erected as not to unreasonably interfere with traffic over streets, alleys and highways.

**Section 3:** The Company shall, except in cases of emergency conditions or work incidental in nature, obtain a permit, if required by city ordinance, prior to performing work in the Public Rights-of-Way, except in no instance shall the Company be required to pay fees or bonds related to its use of the Public Rights-of-Way, notwithstanding the City's enactment of any ordinance providing the contrary. The Company shall construct its facilities in conformance with the applicable provisions of the National Electric Safety Code or such comparable standards as may be adopted. In the event the City abandons any Public Rights-of-Way in which the

Company has facilities, such abandonment by the City shall be conditioned on the Company's right to maintain its use of the former Public Rights-of-Way and on the obligation of the party to whom the Public Rights-of-Way is abandoned to reimburse the Company for all removal and/or relocation fees and expenses should the Company agree to the removal or relocation of said facilities following abandonment of the Public Rights-of-Way. If the party to whom the Public Rights-of-Way is abandoned requests the Company to remove or relocate its facilities and the Company agrees to such removal and/or relocation, such removal and/or relocation shall be done within a reasonable time at the expense of the party requesting said removal and/or relocation. If relocation cannot practically be made to another Public Rights-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting said relocation.

**Section 4:** The Company shall, at all times, hold the City harmless from any and all claims, damages, expenses or other liability that results from any act or neglect on the part of the Company hereunder.

**Section 5:** This franchise is not exclusive. Nothing contained herein shall be construed so as to prevent the City from granting other like or similar rights, privileges and franchises to any other person, firm or corporation.

**Section 6:** In consideration of the grant of said right, privilege and franchise by the City and as full payment for the right, privilege and franchise of using and occupying the said Public Rights-of-Way, and in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements, the Company shall pay to the City the following:

- (A) On an annual basis, a charge, as authorized by Section 33.008(b) of PURA, multiplied by each kilowatt hour of electricity delivered by the Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries.
  - (1) The annual payment will be due and payable on or before January 15 of each year throughout the life of this franchise. The payment will be based on each kilowatt hour of electricity delivered by the Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries during the preceding twelve month period ending December 31 (January 1 through December 31). The payment will be for the rights and privileges granted hereunder for the twelve calendar month period (January 1 through December 31) preceding the payment date.
  - (2) The first payment hereunder shall be due and payable on or before January 15, 2010 and will cover the basis period of January 1, 2009 through

December 31, 2009 and the privilege period of January 1, 2009 through December 31, 2009. The final payment under this franchise is due on or before January 15, 2030 and covers the basis period of January 1, 2029 through December 31, 2029 and the privilege period of January 1, 2029 through December 31, 2029; and

(B) A sum equal to four percent (4%) of gross revenues received by the Company from services identified as DD1 through DD24 in Section 6.1.2 “Discretionary Service Charges,” in its Tariff for Retail Delivery Service (Tariff) effective January 1, 2002, that are for the account and benefit of an end-use retail electric consumer. The Company will, upon request from the City, provide a cross reference to Discretionary Service Charge numbering changes that are contained in the Company’s current approved Tariff.

- (4) The franchise fee amounts based on “Discretionary Service Charges” shall be calculated on an annual calendar year basis, i.e. from January 1 through December 31 of each calendar year.
- (5) The franchise fee amounts that are due based on “Discretionary Service Charges” shall be paid at least once annually on or before April 30 of each year based on the total “Discretionary Service Charges” as set out in Section 6(b), received during the preceding calendar year. The initial Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2010 and will be based on the calendar year January 1, 2009 through December 31, 2009. The final Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2030 and will be based on the calendar year January 1, 2029 through December 31, 2029.
- (5) The Company may file a tariff or tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges.
- (6) The City agrees (i) to the extent the City acts as regulatory authority, to adopt and approve that portion of any tariff which provides for 100% recovery of the franchise fee on Discretionary Service Charges; (ii) in the event the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of the franchise fees on such Discretionary Service Charges is an issue, the City will take an affirmative position supporting the 100% recovery of such franchise fees by the Company and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of 100% recovery of such franchise fees by the Company.
- (7) The City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by the Company.
- (8) In the event of a regulatory disallowance of the recovery of the Discretionary Service Charges, the Company will not be required to

continue payment.

## **ARTICLE II.**

This Ordinance shall become effective upon the Company's written acceptance hereof, said written acceptance to be filed by the Company with the City within sixty (60) days after final passage and approval hereof. The right, privilege and franchise granted hereby shall expire on December 31, 2029 provided that, unless written notice is given by either party hereto to the other not less than sixty (60) days before the expiration of this franchise agreement, it shall be automatically renewed for an additional period of six (6) months from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice given not less than sixty (60) days before the expiration of any such renewal period.

## **ARTICLE III.**

This ordinance shall supersede any and all other franchises granted by the City to the Company, its predecessors and assigns. All other ordinances or parts of ordinances in conflict with this franchise ordinance, to the extent that such ordinances or parts of ordinances conflict with this franchise, are hereby repealed.

## **ARTICLE IV.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or agency of competent jurisdiction, such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of the ordinance.

## **ARTICLE V.**

In order to accept this franchise, the Company must file with the City Secretary its written acceptance of this franchise Ordinance within sixty (60) days after its final passage and approval by the City.

## **ARTICLE VI.**

It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public and that due notice of this meeting was posted, all as required by law.

PASSED AND APPROVED THIS the 7<sup>th</sup> day of April, 2009.

PASSED AND ADOPTED THIS the 19<sup>th</sup> day of May, 2009.

- 18. Discuss and Consider Adoption on Second Reading of Ordinance No. 2410 – Replacing Chapter 5, Business Regulations – Section 5: Taxicabs.**

**ORDINANCE NO. 2410**

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS REPLACING CHAPTER 5, BUSINESS REGULATIONS, SECTION 5, TAXICABS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**ARTICLE I.**

That Chapter 5, Business Regulations, Section 5, Taxicabs, be replaced as follows:

Section 5-5. Taxicabs

I. Generally.

B. Definitions. - The following words, terms and phrases when used in this article, shall have the meanings ascribed to this in this section, except where the context clearly indicates a different meaning:

1. *Certificate* shall mean the resolution approving the application for a proposed taxicab service or additional taxicabs and declaring that public necessity and convenience requires same.
2. *Certificate holder* shall mean the taxicab owner or operator who has been granted a certificate to operate by the city council.
3. *Certificate to operate* shall mean the authority granted by the city council upon a finding that public convenience and necessity so require it to operate a taxicab and shall authorize such operator of a taxicab to engage in the business of transportation by taxicab.
4. *Cruise or cruising* shall mean the movement of unoccupied taxicabs over the public streets of the city in search of or soliciting prospective passengers for hire; provided however, unoccupied taxicabs proceeding to answer a telephone call for taxicab service from an intending passenger, and taxicabs returning to taxi stands by the most direct route, after having discharged a passenger or passengers, to the place where such taxicab is housed or to the place of discharge of the passenger or passengers, shall not be considered to be cruising.
5. *Driver or chauffeur* shall mean every person in actual charge of the operation of a taxicab whether as owner or agent, servant or employee of the owner.
6. *Owner and taxicab operator* shall mean any person who has the control,

direction, maintenance and the benefit of the collection of revenue derived from the operation of taxicabs on or over the streets of the city, whether as owner or otherwise except "driver".

7. *Passenger* for purposes of charging a fare shall mean anyone including a minor ten years of age or older when accompanied by an adult using the taxicab. Children under ten years of age when accompanied by an adult are not considered to be passengers for the purposes of charging fares.

8. *Public convenience and necessity* shall mean a public convenience which is fitting and suited to public need, and a public necessity which embraces a great and urgent public convenience. This phrase as applied to a proposed service by an applicant shall mean that the applicant is fit, able and willing to perform transportation by taxicabs in accordance with the requirements of this section and that public convenience and necessity require the service proposed by such applicant.

9. *Taxicab* shall mean every automobile or motor-propelled vehicle used for transportation of passengers for hire over the public streets of the city, not over a defined or fixed route and irrespective of whether or not the operations extend beyond the city limits, at rates for distance traveled, or for wait time, or for both, or at rates per hour, per week, or per month, which such vehicle is routed to destinations under the direction of such passenger or passengers, or such person or persons hiring the same; provided, however, the work "taxicab" shall not apply to motor buses operated within the city, over a fixed or definite route, nor shall such word apply to motor buses regularly operated in the city along fixed routes to and from points outside the incorporated limits of the city, or shall such word apply to motor vehicles operated under a permit or certificate of the state railroad commission or the interstate commerce commission. This definition excludes uniform-chauffeured limousine vehicles that transport passenger by prior appointment only.

10. *Taximeter* shall mean a machine adapted automatically to calculate, at a predetermined rate or rates, and to register the charge for hire of a taxicab and such charges shall be indicated by means of figures.

11. *Terminal* shall mean the taxi depot at which place the taxicabs shall be housed or parked, and at which place the telephone calls and requests for service shall be made, and at which place a dispatcher shall control the movements of the taxicabs to the points of request for taxicab service; this word shall likewise be synonymous with taxi terminal and shall mean and embrace that space and area of land and buildings off of the streets of the city and upon private property, and shall be and constitute the main office of the owner and taxicab operator.

12. *Waiting time* shall mean such time as may be consumed or lost at the special instance and request of a passenger after such passenger has first entered the taxicab to make a trip and before reaching his final destination; no charge

shall be made against a passenger for any time lost on account of any other delay whatsoever.

- B. Enforcement. - It shall be the duty of the chief of police and the police department to enforce the provisions of this section.
- C. Prosecution for violation of chapter provisions. - In a prosecution for violation of this section, it shall not be necessary for the complaint to allege, or for proof to be made, that the act was knowingly done; nor shall it be necessary for the complaint to negate any exception contained in this section concerning any prohibited act.
- D. Non-liability of city. - The city shall not be liable for any sum on account of any claim or on account of any act or omission of any officer of the city in connection with any matter relating to taxicabs.
- E. Driver to stay with vehicle. - The drivers of taxicabs shall remain seated in their vehicles at all times; provided however, such drivers may leave their vehicles when actually necessary to assist passengers to enter or leave same, or in any case of accident, necessity or emergency beyond the control of such driver.
- F. Identification of vehicle. - Every taxicab shall have printed on each side and the rear of the same the name of the owner or the assumed name under which the owner operates, together with the owner's telephone number and the cab number. All of the lettering mentioned in this section shall not be less than 2 ½ inches in height and not less than 5/16 inch in stroke. Such paint shall be either enamel or oil paint that will weather the elements and shall be kept legible at all times.
- G. Maximum seating. - It shall be unlawful to carry more than five (5) passengers in any taxicab, and in no event shall more than two (2) passengers ride in the front seat with the driver.
- H. Cruising. - Cruising within the city shall be permitted to the extent that it does not congest traffic or cause a danger to pedestrians or other vehicles.
- I. Solicitation of passengers generally. - It shall be unlawful for any taxicab driver to solicit by word, signal or sign, directly or indirectly, passengers upon any public street in the city or near any public place within the city.
- J. Property left in vehicle; disposition. - It shall be the responsibility of every taxicab driver to return to the owner any luggage, merchandise or other property left in the taxicab whenever possible. If the owner is unknown or cannot be located, the taxicab owner shall maintain said property for a period of at least six (6) months prior to disposal.
- K. Receipt or discharge of passengers. - No vehicle in use as a taxicab shall receive or discharge passengers in the roadway of any street, but shall be driven to the right-hand sidewalk or to the extreme right-hand side of the road as nearly as practicable for such purposes.

L. Prohibition against furtherance of illegal activity. -

1. It shall be unlawful for any taxicab driver, owner or employee to act in any manner as a panderer or pimp for prostitutes or as a contact for unlawful establishments of any character, or to knowingly transport any passenger to the abode of a prostitute.
2. It shall be unlawful for any taxicab driver or owner to knowingly transport any criminal narcotic peddler, prostitute, bootlegger or any other person in the commission of a crime or infraction of the law in any manner.
3. No driver or owner of a taxicab shall engage in selling or soliciting business for any person selling alcoholic beverages.
4. It shall be unlawful to knowingly transport passengers to destinations for the purpose of soliciting or purchasing illicit drugs or controlled substances in violation of the law.

M. Transportation of alcoholic beverages. - It shall be unlawful to transport alcoholic beverages in the taxicab or for any taxicab driver to have on his person any alcoholic beverages while driving and operating a taxicab in service. However, alcoholic beverages which are owned and in the exclusive possession and control of a fare-paying passenger may be transported. It shall be unlawful for any driver or passenger of any taxicab to have an open container of an alcoholic beverage of any kind inside the taxicab.

II. Vehicle Permit and Certificate of Public Necessity and Convenience.

A. Resolution and certificate required. - No taxicab shall be issued a vehicle permit under the provisions of this section unless the city council shall declare by resolution that public convenience and necessity requires the proposed taxicab service for which the application is made. Such resolution shall be deemed a certificate of public convenience and necessity.

B. Application for certificate; publication notice requirements. - Upon the filing of an application under the provisions of this section, the city secretary shall give at least ten (10) days notice by one publication in the official newspaper of the city of the filing of such application and that the same shall be heard at a regular meeting of the city council, provided such notice shall be given for at least the length of time herein provided for before the next regular meeting. If not, such notice shall state that it will be heard at the following meeting.

C. Factors of consideration. - In determining whether the public convenience and necessity require the issuance of a certificate for one or more taxicabs for which application has been made, the city council shall take into consideration whether the demands of public convenience and necessity require such proposed or such additional taxicab or taxicabs within the city; the financial responsibility of the applicant, the number, kind and type of equipment to be used; the increased traffic congestion on the

streets of the city which might result; whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such vehicle permits; and such other relevant facts as the city council may deem advisable or necessary.

D. Findings of public convenience and necessity. - Upon conclusion of the investigation and public hearing, the city shall consider the above factors and either:

1. Approve the application and declare by resolution that public convenience and necessity require, in whole or in part, the proposed taxicab service or the additional taxicabs for which the application is made, and such resolution shall be deemed a certificate of public convenience and necessity hereinafter referred to as "certificate," or
2. Deny the application following which the city secretary shall immediately give notice to the applicant.

**1. Insurance requirements.**

1. After the application for a certificate has been approved, before any certificate shall be granted under this section, the operator of taxicabs shall procure, furnish and file with the city secretary a policy of insurance covering public liability and property damage in the standard amounts and of the standard provisions of such public liability and property damage insurance and by a public liability and property damage policy of insurance on each and every automobile to be operated by such operator of a taxicab with the minimum amounts of liability thereunder as follows:

- a. For any one single personal injury or any one person - \$40,000.00
- b. For personal injuries in any one single accident - \$80,000.00
- c. For property damages in any one single accident - \$40,000.00

2. Such insurance policy shall be approved by the city secretary and shall be one issued by a company of sufficient assets, with an agent upon whom service of process may be made. Insurance coverage shall be maintained at all times and copies of renewals, endorsements, or other changes to the policy shall be subject to approval by the risk manager and filed with the city secretary.

3. This policy is for the protection of the public that might be injured by the operation of such taxicab.

F. Vehicle permit required. - It shall be unlawful for any person to drive, operate or cause to be driven or operated, any taxicab upon or over any street in the city unless the owner of such taxicab shall first have applied for and obtained a vehicle permit for such taxicab.

G. Application for vehicle permit.

1. No vehicle permit shall be issued under this section until the owner or person in charge or control of the taxicab shall make application in writing to the city secretary for such permit, on blanks to be furnished by the city secretary, stating in such application the name of the owner, or person by whom such permit is desired; his street address; the type of vehicle to be used as a taxicab; the vehicle identification number (VIN) thereof; the factory number, and/or motor number thereof; a seating capacity of no less than five (5), according to the trade rating; proof that the vehicle is no less than 5 years old; the owner thereof, and such other relevant information as may be deemed advisable and necessary by the city secretary.
  2. Such application shall be signed and sworn to by the applicant. If the applicant for a vehicle permit is a corporation, such application shall be made by some duly authorized officer of the corporation, and shall state whether it is a foreign or domestic corporation, its address and place of business, its officers and their addresses and its correct corporate name. If the applicant for a vehicle permit is a partnership or association, such application shall be made by some duly authorized officer or agent of such partnership or association, and shall give the trade name, or partnership name or association name of such partnership or association together with the names and addresses of the partners or associates.
- H. Issuance of vehicle permit. - After the application and certificate of operation has been approved by the city council and the proof of insurance approved by the risk manager and filed with the city secretary, the city secretary shall issue a permit for each approved vehicle to the applicant.
- I. Duration of permit. - All vehicle permits issued under the provisions of this section shall be valid for a duration of one calendar year from the date issued.
- J. Permits nontransferable. - No permit issued under the terms of this section shall be transferable without the formal consent and approval of the city council after proper written application made therefore. Such transferee of such permit shall meet all of the requirements, conditions and stipulations as contained in this section as though he were the original applicant.
- K. Renewal of permits. - Each vehicle permit issued under the provisions of this section may be renewed from year to year by the certificate holder provided the same has not been revoked.
- L. Fees prescribed. - The holder of a certificate to operate taxicabs within the city shall be subject to an annual permit fee of \$200.00 plus an additional fee of \$50.00 per vehicle.
- M. Effect of failure to pay fees.
1. If any certificate holder under the provisions of this section shall fail to

pay the vehicle permit fees within ten (10) days after the date the same becomes due, the city secretary shall, unless for good cause shown, extend the time for payment thereof for a period not to exceed fifteen (15) days. The privilege of the certificate holder to conduct a taxicab business in this city shall be deemed suspended until the payment required by the preceding section and the requirements pertaining thereto have been fully met.

2. In the event of failure to pay the vehicle permit fees required within thirty (30) days of the due date, the certificate of operation shall be revoked automatically. It shall be unlawful for any certificate holder to continue to transport passengers for hire after his certificate has been suspended or revoked.

N. Suspension of permit or certificate. - If for any reason the city council deems that the general welfare of the citizens requires such action, and the best interest of the city will be served thereby, the city council may, by formal action, suspend for any period up to but not exceeding thirty (30) days any vehicle permit or certificate issued under the provisions of this section. In the event of such a suspension, then from and after the time of such suspension, and for the duration of such suspension, such permit or certificate shall be of no force and effect and the certificate holder shall not be authorized to operate taxicabs in the city. For good cause, the city council may by formal action lessen or terminate any such period of suspension.

O. Revocation of certificate. - If any certificate holder under the provisions of this section shall show by his actions that he/she is not a fit and proper person to operate taxicabs in this city, or if the financial position of such certificate holder shall reach such a condition that the city council does not deem such certificate holder able to pay in full reasonable claims for damages which might be legally established and confirmed, or if such certificate holder shall violate any provision of this section, or if for good and sufficient reason the general welfare of the citizens of the city will best be served by such action, the city council may, at any time after a hearing, revoke and cancel any certificate issued by it under the provisions of this section. In the event of such revocation and cancellation, such certificate shall be thereafter completely null and void and of no further force and effect.

P. Hearing on revocation.

1. The hearing to determine whether or not to revoke any certificate of necessity and convenience shall not be held until notice thereof has been given to the holder of the certificate in question by personal delivery or registered or certified mail, return receipt requested, addressed to such holder at the address shown on the records of the city and until a period of at least five (5) days has elapsed since the mailing or delivery of such notice. Effective notice by mail shall be deemed complete upon deposit of the notice in a postpaid, properly addressed envelope in a post office or official depository under the care and custody of the

United States postal service. The certificate holder is responsible for notifying the city secretary in writing in the event of any change of street or mailing address. Such notice shall specify the time and place of hearing and shall list the reasons why the general welfare of the city requires the revocation and cancellation of such certificate.

2. The holder of the certificate in question shall be allowed to be present at such hearing, and shall be allowed to be represented by legal counsel at his/her own expense if the holder deems it advisable. He/She shall have full opportunity to disprove any and all charges and allegations set out against him/her or his/her operations in such notice.

3. Such hearing may be conducted by the city manager or by any agent, employee or representative designated by him. If conducted by any agent employee or representative, then upon approval by the city manager, such findings of fact shall be adopted as the findings of fact of the city council. If such hearing shows that the operator is not a fit and proper person to conduct such business; or is unable to pay in full reasonable claims for damages which might be asserted; or if for any reason the general welfare of the citizens of the city or the interests of the city will be served best by such action, then the city council shall revoke and cancel the certificate of necessity and convenience in question. There shall be no appeal of any nature from such action.

### III. Drivers.

A. Personal appearance of drivers. - It shall be the responsibility of every person operating a taxicab service in the city to require the drivers of such taxicabs to be neat and clean in appearance while on duty.

#### B. Qualifications of drivers.

1. All taxicabs shall be operated by a responsible person qualified both physically and mentally to operate a motor vehicle on the city streets and having a current license as required by the state. Each driver of a taxicab shall comply with the minimum safety standards and conditions set forth in this section and have a working knowledge of city streets.

2. It shall be unlawful for any person to operate a taxicab upon the streets of the city if he or she has been convicted of a felony or a class A misdemeanor for which he or she has not been pardoned or had full rights of citizenship restored by other official action.

### IV. Fares\*

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\*State law reference: Authority of city to fix rates of vehicles carrying passengers for hire, V.T.C.A. Local Government Code §215.004.

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A. City council shall fix.

1. The city council shall have the power to fix the rates, charges and fares of all taxicabs operating within the city. There shall be displayed in a prominent place within every taxicab doing business within the city a rate schedule for fare charges, and the telephone number of the city action line.

2. The maximum fares to be charged by any taxicab operator or driver in the city and which shall, in all instances, be calculated based upon the shortest distance to the passenger's destination, which fares are hereby declared to be reasonable and fair for such services, per passenger, unless otherwise stated, shall be as follows:

- a. For the first one-tenth (1/10) mile or fraction - \$2.50
- b. For each additional one-fourth (1/4) mile or fraction - 0.50
- c. For each additional passenger on the same trip and from the same point of origin, regardless of the distance traveled - 1.00
- d. For each one minute of waiting time - 0.33
- e. For pickup and delivery of small packages - 2.00
- f. For each bag in excess of two bags - 0.50

B. Failure to pay fare. - It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same or to hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.

C. Display of rates, fares. - There shall be posted in a conspicuous place on the inside of each taxicab a card showing the rates charges passengers of such taxicab.

D. Refusal to convey at specified rate; excessive fares. - It shall be unlawful for the owner or driver of any taxicab to refuse to convey a passenger at the rate specified on the rate card displayed in the taxicab, or demand or receive an amount in excess of the rates displayed on such card.

E. Receipt for payment. - It shall be unlawful for the driver of any taxicab, upon receiving full payment of a fare, to refuse to give a receipt upon the request of the passenger making such payment.

V. Taximeters

A. Required.

1. It shall be unlawful for any taxicab to be operated or advertised for public hire in the city unless it is equipped with a taximeter, which taximeter shall be used as provided in this section.

2. It shall be unlawful for any person owning, operating, driving or in charge of any taxicab for hire in the city to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi", "taxicab" or "cab," or in soliciting trade from the public, to represent or exhibit such vehicle as a taxi, taxicab or cab, unless each vehicle is equipped with a taximeter.

A. To be used in determining fare. - It shall be unlawful for any person owning, operating, driving or in charge of a taxicab to operate or drive such taxicab unless a taximeter is used in determining the fare to be charges, and no other or difference fare shall be charged than the fare recorded on the reading face of such taximeter for such trip and no other rates or methods of measuring the distance or time charges shall be allowed except as otherwise expressly permitted by this section.

B. Size, design, specifications. - Every taxicab shall use a taximeter of a size and design approved by the chief of police or his designee. Such taximeter shall conform to the following specifications:

1. The taximeter shall be a mechanical instrument or devise by which the charge for hire of a taxicab is mechanically calculated for distance traveled, for waiting time, if any, and extra passengers, if any, and upon which such charge or charges shall be indicated by means of clearly legible figures which are electrically lighted each time the taximeter flag is thrown from nonearning to earning position.

2. Every taximeter must register upon visual counters the following items:

- a. Total miles (unless shown by accurate registration on speedometer tested and in good working order on the taxicab).
- b. Paid miles.
- c. Number of units.
- d. Number of trips.
- e. Number of extra passengers.

3. Each taximeter must be furnished with a tamperproof switch, and system of electrical distribution so that when the taximeter flag is in the "vacant" or nonearning position, a "vacant" sign on the top of the taxicab will be lighted.

4. No taximeter shall be in such condition as to be more than three percent incorrect to the prejudice of any passenger.

C. Operation required. - No taxicab shall be operated at any time with a passenger or passengers unless the taximeter in such taxicab is correctly operating and showing the rates that are being charged. If at any time such taximeter stops or fails to operate or is operating incorrectly, it shall be the duty of the operator of such taxicab to immediately take such taxicab to its terminal and not operate the same until such meter has been fixed and adjusted.

D. Inspection. - It shall be the duty of the operator of each taxicab to have the taximeter certified annually to see that same is in good working order and free of mechanical defects. Said certification shall be filed with the City Secretary within sixty (60) days of said certification. The City shall have the right to inspect such taximeter at any time it so desires.

E. Changing size of wheels, tires or meter gears after inspection and tests. - After a taximeter has been duly tested, inspected, and approved as required by this section, it shall be unlawful to change the size of the wheels or tires of any taxicab, or the gears operating the taximeter, from one taxicab to another unless the taximeter is again tested, inspected and approved under supervision of the chief of police before using.

F. Case to be sealed; cover and gear intact. - No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which is unsealed and not having its cover intact.

G. Changing flag to "vacant" position. - It shall be the duty of the driver to call the attention of passengers of the amount registered on the taximeter, and the taximeter flag shall not be changed to "vacant" position until after the fare is paid.

H. Unauthorized display of signal. - No driver of a taxicab equipped with a taximeter, while carrying a passenger or passengers, or while under employment, shall display the signal affixed to such taximeter in such position as to denote such vehicle is not employed, or in such position as to denote that the taxicab is employed at a rate that is different from that which the use of the taxicab legally justifies under the provisions of this section.

VI. Penalty - Violation of any provision of this section shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and each day that any violation continues shall constitute a separate offense. However, an offense related to any provision of this section which also constitutes an offense under state law shall be punishable in accordance with the applicable state law. Further, continued violation of any provision of this section may constitute grounds for the Chief of Police to suspend operations of any taxicab pending a hearing as described in Section II. P. above.

## **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 that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this

ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**ARTICLE IV.**

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

**PASSED AND APPROVED THIS 5<sup>TH</sup> DAY OF MAY, 2009.**

**PASSED AND ADOPTED ON THIS THE 19<sup>TH</sup> DAY OF MAY, 2009.**

**19. Discuss and Consider Adoption on Second Reading of Ordinance No. 2411 – Budget Amendment.**

**ORDINANCE NO. 2411**

**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.**

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

**SECTION I.**

The following funds are amended to reflect the following in the budget:

<b>GENERAL FUND</b>		<b>BUDGETED</b>	<b>AMOUNT</b>	<b>AMENDED</b>
<b><u>REVENUES</u></b>				

010-00-3814	Wal-Mart Terrell Police Department Grant	\$-0-	\$1,000.00	\$1,000.00
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<b>GENERAL FUND</b>		<b>BUDGETED</b>	<b>AMOUNT</b>	<b>AMENDED</b>
<b><u>EXPENDITURES</u></b>				

Terrell Police Department

010-32-4505	Wal-Mart Grant Budget	\$ -0-	\$1,000.00	\$1,000.00
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**SECTION II.**

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

**SECTION III.**

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

#### **SECTION IV.**

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

Passed and Approved on this the 5<sup>th</sup> day of May, 2009.

Passed and Adopted on this the 19<sup>th</sup> day of May, 2009.

#### **20. Discuss and Consider Adoption on Second Reading of Ordinance No. 2412 – Amending Chapter 8, Offenses and Nuisances, Section 17, Noise by Adding Sub-Section 13: Prohibiting the Use of Engine Brakes (Also Known as “Jake Brakes”).**

#### **ORDINANCE NO. 2412**

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING CHAPTER 8, OFFENSES AND NUISANCES, SECTION 17, NOISE BY ADDING SUB-SECTION 13 PROHIBITING THE USE OF ENGINE BRAKES (ALSO KNOWN AS “JAKE BRAKES”) TO THE TERRELL CITY CODE REVISED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

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

#### **ARTICLE I.**

Chapter 8, Offenses and Nuisances, Section 17, of the Terrell City Code Revised is hereby amended as follows:

#### **A. Engine Brakes**

1. Engine Brakes. This ordinance applies to the use or operation of an auxiliary or compression engine brake (also known as “Jake” brake) which produces any noise in addition to the normal operating engine noise is prohibited within the city limits. This provision is not intended to prohibit the passage of vehicles equipped with engine brakes or “Jake brakes” in posted areas but rather prohibit the use of such equipment in posted areas.

2. It shall be unlawful for any driver of a truck or truck-tractor to activate or use the unit’s engine brake within the city limits except in an emergency situation.

3. The term “emergency situation”, for the purposes of this ordinance, shall mean one in which there is imminent danger of collision with property, persons or animals.

**B. Penalty**

Any person, or persons, violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than one dollar (1.00), nor more than five hundred (\$500.00) dollars, for each offense.

**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 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**

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 5<sup>TH</sup> DAY OF MAY, 2009.

PASSED AND ADOPTED ON THIS THE 19<sup>TH</sup> DAY OF MAY, 2009.

**END OF CONSENT AGENDA**

**21. Receive City Manager’s Reports and Correspondence - Special City Council Meeting and Workshop - Thursday, May 21, 2009 – 6:00 p.m.**

City Manager Torry Edwards presented Reports and Correspondence to Council.

**22. 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**