

REGULAR CITY COUNCIL MEETING

APRIL 6, 2010

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, April 6, 2010 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 – ABSENT (EXCUSED)
COUNCILMEMBER #2 SANDRA WILSON
COUNCILMEMBER #3 RICKY JORDAN
COUNCILMEMBER #4 JACK JONES
COUNCILMEMBER #5 DON THURMAN

1. Call to order.

Mayor Pro tem Don Thurman called the meeting to order.

2. Invocation.

Reverend Gary Weems gave the opening prayer.

3. Special Recognition – Police Forensic Personnel.

Police Chief Jody Lay recognized Erica Angell for her achievements and acceptance to FBI Photography Training. Chief Lay recognized Office Lupe Gonzales for his participation the Guns and Hoses Boxing Tournament.

4. Discuss and Consider Approval of Regular City Council Meeting Minutes of March 16, 2010.

Councilmember Sandra Wilson made a motion to approve Regular City Council Meeting Minutes of March 16, 2010. The motion was seconded by Councilmember Jack Jones. Ayes – all; Nays – none. Motion carried.

5. Hear Remarks from Visitors.

Tom Aldinger – 505 Griffith Street, Terrell, Texas spoke to Council regarding the BFTS Museum.

NEW BUSINESS

6. Discuss and Consider Approval of Project EDC (Precisionaire Property).

Danny Booth representing Terrell Economic Development Corporation presented to Council for discussion and consideration Project EDC (Precisionaire Property). Councilmember Jack Jones made a motion to authorize Terrell Economic Development Corporation to move forward with purchase of property. The motion as seconded by Deputy Mayor Pro tem Ricky Jordan. Ayes – all; Naves – none. Motion carried.

7. Discuss and Consider Approval of Agreement for Professional Services from Freese and Nichols, Inc. to Perform a Regional Water Planning Study.

Steve Rogers, City Engineer presented to Council for discussion and consideration Agreement for Professional Services from Freese and Nichols, Inc. to Perform a Regional Water Planning Study. Deputy Mayor Pro tem Ricky Jordan made a motion to approve Agreement for Professional Services from Freese and Nichols, Inc. to Perform a Regional Water Planning Study in an amount not-to-exceed \$91,300. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

8. Discuss and Consider Approval of Agreement for Professional Services from Freese and Nichols, Inc. to Perform a Regional Wastewater Planning Study.

Steve Rogers, City Engineer presented to Council for discussion and consideration Agreement for Professional Services from Freese and Nichols, Inc. to Perform a Regional Wastewater Planning Study. Councilmember Sandra Wilson made a motion to approve Agreement for Professional Services from Freese and Nichols, inc. to Perform a Regional Wastewater Planning Study in an amount not-to-exceed \$106,400. The motion was seconded by Councilmember Jack Jones. Ayes – all; Naves – none. Motion carried.

9. Discuss and Consider Approval of Routine Airport Maintenance Program (RAMP) Grants.

Steve Rogers, City Engineer presented to Council for discussion and consideration Routine Airport Maintenance Program (RAMP) Grants. Councilmember Jack Jones made a motion to approve Routine Airport Maintenance Program (RAMP) Grants. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

10. Discuss and Consider Approval of Ordinance No. 2453 – Budget Amendment.

John Rounsavall, City Secretary/Finance Director presented to Council for discussion and consideration Ordinance No. 2453 – Budget Amendment. Councilmember Sandra Wilson made a motion to approve Ordinance No. 2453 – Budget Amendment on first reading. The motion was seconded by Councilmember Jack Jones. Ayes – all; Naves – none. Motion carried.

ORDINANCE NO. 2453

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, AS PASSED AND ADOPTED ON SEPTEMBER 15, 2009 TO PROVIDE FOR INCREASES IN CERTAIN ACCOUNTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

11. Discuss and Consider Appointment to Terrell Park Board.

Councilmember Jack Jones made a motion to appoint Mike Smith to replace Joseph Willis on the Terrell Park Board. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

12. Discuss and Consider Appointment to Terrell Planning and Zoning Commission.

Deputy Mayor Pro tem Ricky Jordan made a motion to re-appoint Jon Dyess to the Terrell Planning and Zoning Commission. The motion was seconded by Councilmember Jack Jones. Ayes – all; Naves – none. Motion carried.

CONSENT AGENDA

13. Discuss and Consider Adoption on Second Reading of Ordinance No. 2454 – Amending Section 12-7 of Chapter 12 of the Code of Ordinances 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 and Establishing Policy for Determining Service Charges for Multiple Occupancies on Single Meters and Determining Service Classification.

Councilmember Jack Jones made a motion to adopt on Second Reading Ordinance No. 2454 - Amending Section 12-7 of Chapter 12 of the Code of Ordinances 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 and Establishing Policy for Determining Service Charges for Multiple Occupancies on Single Meters and Determining Service Classification. The motion was seconded by Councilmember Sandra Wilson. Ayes – all; Naves – none. Motion carried.

CITY OF TERRELL, TEXAS
ORDINANCE NO. 2454
"UTILITY BILLING PROCEDURE"

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, 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; DETERMINING SERVICE CLASSIFICATION; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

ARTICLE I

Sec. 12-7. Utility Billing Procedure

A. Due Date for Utility Bills

(a) Water, Sewer, Municipal Assessment Fees, Garbage Collection fuel surcharges and service charges shall appear on one (1) statement or bill, and shall be considered as, one (1) bill, although separately itemized. Failure to pay one or more of these service charges shall constitute failure of paying the bill. Payment must be received on or before the fifteenth day of each month. A ten (10%) percent penalty will be added after the fifteenth day of each month. If payment is not received by the city, notice shall be given that the city may terminate the service immediately if payment is still delinquent. The city shall require full payment of the account plus an administrative charge of fifty dollars (\$50.00) before the service will be restored. An additional charge of one hundred dollars (\$100.00) will be added if anyone other than an authorized water department employee reinstates the service. All administrative charges and or additional charges shall be paid in full before the service will be restored.

(b) No free service shall be rendered by the waterworks system or the sanitary sewer system to any customer. To the extent the city and its various departments use the services afforded by the waterworks and the sanitary sewer system, they shall pay the same rates charged other consumers.

B. Delinquent Notice

The delinquent notice shall be sent to all utility customers with a delinquent account on the first working day following the due date. The delinquent notice shall inform the delinquent utility customer that if the delinquent bill is not paid prior to the customer's next billing date, service will be terminated immediately.

C. Returned checks for insufficient funds.

A check returned to the city for any reason stated thereon shall be assessed a fee of forty five dollars (\$45.00) A customer shall pay the amount due on the original billing, plus the insufficient funds fee, within three business days of

receipt of notice from the city of a returned check. If the fee is not paid within three business days, service may be disconnected. Notice of disconnection may be served by U.S. mail or delinquent door-hanger tag, at the city's discretion. In the event of three returned checks from the same customer in a two-year period, the account will move to a cash-only status for a period of six months. If a customer presents a total of four returned checks in the same two-year period, the account will convert to cash only for the life of the account.

D. Multiple Users On Single Meter to be Billed Cooperatively

Where water or sewerage service is supplied to more than one (1) family, occupant or business through a single service, the city will not undertake to apportion the charges for such use among the owners, occupants or businesses, but the bill for such use will be charged against the customer in whose name the account is recorded, except that if the customer in whose name the account stands fails, refuses or is unable to pay such bill, the remaining owner, occupant or business shall be responsible for the unpaid water or sewerage bills. Such unpaid bills may be cause for refusing service to the same address until the amount past due is paid.

E. Policy for Determining Service Charges for Multiple Users on Single Meters

(1) In all cases of multiple residential, business or mixed occupancy where more than one dwelling unit or business or operation is supplied water through a single meter, not less than a minimum service charge for sewerage shall be billed for each dwelling unit or business operation supplied through such meter, regardless whether occupied or unoccupied, plus any additional usage in excess of the total minimum charge which shall be based upon the applicable rates as established. The following formula shall be used in computing such monthly service charges for multi-users:

$$(\text{number of dwelling units or businesses}) \times (\text{minimum bill}) + (\text{total water consumption}) \times (\text{volume -sur charge}) = \text{Total Service Charge}$$

(2) The chief building official shall be responsible for determining whether or not additional units exist on any premises whereby multiple occupancies are served through one (1) meter. In his determination, the chief building official shall utilize the fire-resistance tenant separation requirements for the subject property and the Certificate of Occupancy as issued as the basis and justification of his decision.

F. Policy for Determining Service Classification

(1) Non-residential customers, other than the State Hospital, shall be classified as "Light Commercial", "Heavy Commercial/Industrial" or "Pretreatment". Light Commercial customers are those who use an average of 7,500 gallons of water per month, OR LESS, and are NOT in the food processing business.

Pretreatment class customers are those firms which are required to comply with a local industrial wastewater discharge permit. The remaining customers in this group shall be classified as Heavy Commercial/Industrial.

G. Responsibility of consumer for water loss.

A consumer shall be held responsible for loss of water due to breakage in pipe or plumbing on the discharge side of the meter, and if this water is not paid for according to the established rates, when it becomes due, the service shall be discontinued by the city utility department until charges are paid.

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

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

PASSED AND APPROVED on first reading this the 16th day of March, 2010.
PASSED AND APPROVED on final reading this the 6th day of April, 2010.

END OF CONSENT AGENDA

14. 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