

REGULAR CITY COUNCIL MEETING

January 22, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, January 22, 2013, at 7:00 p.m. in the City Council Chambers located at 201 East Nash Street, Terrell, Texas with the following members present:

COUNCILMEMBER #1 HAL RICHARDS
COUNCILMEMBER #2 TOMMY SPENCER
COUNCILMEMBER #3 RICKY JORDAN
COUNCILMEMBER #4 CHARLES WHITAKER
COUNCILMEMBER #5 D.J. ORY

1. Call to order.

Mayor Hal Richards, called meeting to order.

2. Invocation.

Councilmember Charles Whitaker, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of January 8, 2013, Regular City Council Meeting of January 8, 2013, and Special City Council Meeting of January 15, 2013.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of January 8, 2013, Regular City Council Meeting of January 8, 2013, and Special City Council Meeting of January 15, 2013. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Hear Remarks from Visitors.

There were no remarks from visitors.

PUBLIC HEARING

5. a) Conduct a Public Hearing to Receive Comments Regarding CPI-Based Rate Adjustments for IESI.

Steve Rogers, City Engineer, and Dick Demien, Representing IESI, gave opening comments regarding CPI-Based Rate Adjustments for IESI. Mayor Hal Richards opened a Public Hearing to Receive Comments regarding CPI-Based Rate Adjustments for IESI. No one spoke against the CPI-Based Rate Adjustments for IESI. No one spoke for the CPI-Based Rate Adjustments for IESI. Mayor Hal Richards closed the Public Hearing.

- b) Discuss and Consider Approval of CPI-Based Rate Adjustment for IESI.

Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City Manager to execute contract regarding CPI-Based Rate Adjustment of 1.73% for IESI. Councilmember Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

NEW BUSINESS

6. Discuss and Consider Proposal from Schaumburg & Polk, Inc. for Project 11-03 Design, 2011-2012 Texas Community Development Block Grant Program (TxCDBG).

Steve Rogers, City Engineer, and Jeremy Butcher, Representing Schaumburg & Polk Inc., Presented to Council for Discussion and Consideration Proposal from Schaumburg & Polk, Inc. for Project 11-03 Design, 2011-2012 Texas Community Development Block Grant Program (TxCDBG). Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City Manager to execute agreement with Schaumburg & Polk, Inc. in an amount not to exceed \$86,757.00. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

7. Discuss and Consider a recommendation to the Kaufman County Tax Office regarding the proposed resale of a vacant lot held in trust by the County, located at 901 S. Virginia Street; being Parcel N-326, N ½ of Lot 1B, Block 112 Moore and Nash Addition; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration a recommendation to the Kaufman County Tax Office regarding the proposed resale of a vacant lot held in trust by the County, located at 901 S. Virginia Street; being Parcel N-326, N ½ of Lot 1B, Block 112 Moore and Nash Addition; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan, made a motion to approve a recommendation to the Kaufman County Tax Office regarding the proposed resale of a vacant lot held in trust by the County, located at 901 S. Virginia Street; being Parcel N-326, N ½ of Lot 1B, Block 112 Moore and Nash Addition; City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

8. Discuss and Consider Appointments/Reappointments to Terrell Hospital Advisory Board.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Appointments/Reappointments to Terrell Hospital Advisory Board. Mayor Pro Tem Ricky Jordan made a motion to reappoint Kathryn Griffin and Hetty Smith to the Terrell Hospital Advisory Board for a third and final term. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss and Consider Appointments to Terrell Municipal Airport Board.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Appointments to Terrell Municipal Airport Board. Mayor Hal Richards, made a motion to appoint Andrew McJannett-Smith to the Terrell Municipal Airport Board. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider Ordinance No. 2560; An Ordinance Of The City Of Terrell, Texas Amending Chapter 11, Traffic Regulations, Section 42, Parking Restrictions By The Addition Of Subsection J, Regulating The Standing Or Parking Of Idling Motor Vehicles In Residential Areas; Providing For Penalty; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Ordinance No. 2560; An Ordinance Of The City Of Terrell, Texas Amending Chapter 11, Traffic Regulations, Section 42, Parking Restrictions By The Addition Of Subsection J, Regulating The Standing Or Parking Of Idling Motor Vehicles In Residential Areas; Providing For Penalty; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Ordinance No. 2560; An Ordinance Of The City Of Terrell, Texas Amending Chapter 11, Traffic Regulations, Section 42, Parking Restrictions By The Addition Of Subsection J, Regulating The Standing Or Parking Of Idling Motor Vehicles In Residential Areas; Providing For Penalty; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; And Providing An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

Ordinance No. 2560

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS AMENDING CHAPTER 11, TRAFFIC REGULATIONS, SECTION 42: PARKING RESTRICTIONS BY THE ADDITION OF SUBSECTION J, REGULATING THE STANDING OR PARKING OF IDLING MOTOR VEHICLES IN RESIDENTIAL AREAS; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

CONSENT AGENDA

Mayor Pro Tem D. J. Ory made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2559 on second reading. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider Adoption on Second Reading Ordinance No. 2559; 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, By Adding Section 12-7 H Pertaining To Temporary Utility Service Charges; Repealing Conflicting Ordinances; Providing For Severability; And Establishing An Effective Date.

ORDINANCE NO 2559

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, BY ADDING SECTION 12-7 H PERTAINING TO TEMPORARY UTILITY SERVICE CHARGES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS the Terrell City Council has determined that it is in the best interest of property owners to have an ordinance allowing for temporary usage of City water service and establishing temporary utility service charges.

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

ARTICLE I

That Section 12-7 of Chapter 12 of the Code of Ordinances of the City of Terrell, Texas, is hereby amended by adding section 12-7 H pertaining to temporary utility service charges

Sec. 12-7. Utility Billing Procedure

H. Temporary Utility Services

1. Temporary Water Service for Repair, Cleaning and Remodeling Purposes.

Temporary Water Service for the purpose of repairing, cleaning or remodeling a residential or commercial structure is hereby established for a minimum fee of \$35.00 for:

- (a) Include water usage from zero (0) up to two thousand (2,000) gallons
- (c) Maximum length of service shall not exceed twenty (20) days

Water usage exceeding two thousand (2,000) gallons shall be charged at the current volumetric rates established in the City's water rate Ordinance.

2. Temporary Water Services for Inspection Purposes.

Temporary Water Service for the purpose of performing inspections of residential or commercial structures for compliance with Municipal Development and Housing inspection guidelines is hereby established. The fee for the initial inspection is no charge. Temporary Services established for inspection purposes on the same property after thirty (30) days shall be a charge of \$35.00.

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 8th day of January, 2013.

PASSED AND ADOPTED on final reading this the 22nd day of January, 2013.

END OF CONSENT AGENDA

12. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
 - a.) Section 551.071 - Consultation with Attorney - pending or contemplated litigation.

This item was passed by Council.

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

This item was passed by Council.

15. 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