

## REGULAR CITY COUNCIL MEETING

January 8, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, January 8, 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 - ABSENT (EXCUSED)**  
**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.

Mayor Pro Tem Ricky Jordan, gave the opening prayer.

3. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of November 29, 2012, Regular City Council Meeting of December 4, 2012, and Special City Council Meeting of December 12, 2012.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of November 29, 2012, Regular City Council Meeting of December 4, 2012, and Special City Council Meeting of December 12, 2012. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

4. Hear Remarks from Visitors.

Darline LeJune, 1412 S. Medora, Terrell, Texas, came before Council to complain about 1411 S. Medora high weeds and grass in backyard.

Susan West, 17872 CR 322A, Terrell, Texas, came before Council to complain about the City's permit requirements for the Kaufman County Hero Foundation.

## NEW BUSINESS

5. Discuss and Consider 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.

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration 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. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve on first 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. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

### 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.

6. Discuss and Consider Longhorn Gas Line Extension.

Danny Booth, Representing Terrell Economic Development Corporation, Presented to Council for Discussion and Consideration Longhorn Gas Line Extension. Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Terrell Economic Development Corporation recommendation of Longhorn Gas Line Extension. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

7. Discuss and Consider Terrell Economic Development Corporation Request For Proposal I for 24 month \$1,500,000 Line of Credit.

Greg Shumpert spoke for the record that Deputy Mayor Pro Tem D. J. Ory voluntarily recused himself from Discussion and Consideration of Agenda Items 7, 8 and 9, and left the room.

Danny Booth, Representing Terrell Economic Development Corporation, Presented to Council for Discussion and Consideration Terrell Economic Development Corporation Request For Proposal I for 24 month \$1,500,000 Line of Credit. Mayor Pro Tem Ricky Jordan, made a motion to approve Terrell Economic Development Corporation 1.21% variable rate. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

8. Discuss and Consider Terrell Economic Development Corporation Request For Proposal II Refinance of Precisionaire Building Loan.

Danny Booth, Representing Terrell Economic Development Corporation, Presented to Council for Discussion and Consideration Terrell Economic Development Corporation Request For Proposal II Refinance of Precisionaire Building Loan. Mayor Pro Tem Ricky Jordan, made a motion to approve Terrell Economic Development Corporation Request For Proposal II Refinance of Precisionaire Building Loan. Councilmember Charles Whitaker seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss and Consider Terrell Economic Development Corporation Request For Proposal III Refinance of Airport Road Loan.

Danny Booth, Representing Terrell Economic Development Corporation, Presented to Council for Discussion and Consideration Terrell Economic Development Corporation Request For Proposal III Refinance of Airport Road Loan. Mayor Pro Tem Ricky Jordan, made a motion to approve Terrell Economic Development Corporation Request For Proposal III Refinance of Airport Road Loan. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. Discuss and Consider Ordinance No. 2558; An Ordinance Of The City Of Terrell, Texas Repealing Ordinance No. 2093 In Its Entirety, Up-Dating Section 8-9 of Chapter 8 Code Of Ordinances And All Articles Therein, Regulating The Use Of Firearms Within The City Limits; Repealing All Ordinances Or Sections In Conflict Therewith; Providing For The Following; Findings Of Fact; A Purpose; Definitions; Exceptions; Restricting The Discharge Of Air Guns; An Effective Date; Enforcement Clause Including Injunctive Relief; A Severability Clause; Providing For A Penalty Not To Exceed \$500.00 And Civil Penalties Not To Exceed \$150.00 Per Violation; Severability; And Proper Notice.

Jody Lay, Chief of Police, Presented to Council for Discussion Ordinance No. 2558; An Ordinance Of The City Of Terrell, Texas Repealing Ordinance No. 2093 In Its Entirety, Up-Dating Section 8-9 of Chapter 8 Code Of Ordinances And All Articles Therein, Regulating The Use Of Firearms Within The City Limits; Repealing All Ordinances Or Sections In Conflict Therewith; Providing For The Following; Findings Of Fact; A Purpose; Definitions; Exceptions; Restricting The Discharge Of Air Guns; An Effective Date; Enforcement Clause Including Injunctive Relief; A Severability Clause; Providing For A Penalty Not To Exceed \$500.00 And Civil Penalties Not To Exceed \$150.00 Per Violation; Severability; And Proper Notice. Deputy Mayor Pro Tem D. J. Ory, made a motion to table Ordinance No. 2558; An Ordinance Of The City Of Terrell, Texas Repealing Ordinance No. 2093 In Its Entirety, Up-Dating Section 8-9 of Chapter 8 Code Of Ordinances And All Articles Therein, Regulating The Use Of Firearms Within The City Limits; Repealing All Ordinances Or Sections In Conflict Therewith; Providing For The Following; Findings Of Fact; A Purpose; Definitions; Exceptions; Restricting The Discharge Of Air Guns; An Effective Date; Enforcement Clause Including Injunctive Relief; A Severability Clause; Providing For A Penalty Not To Exceed \$500.00 And Civil Penalties Not To Exceed \$150.00 Per Violation; Severability; And Proper Notice. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

## CONSENT AGENDA

Mayor Pro Tem D. J. Ory made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2555 and Ordinance No. 2557 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. 2555; An Ordinance Of The City Council Of The City Of Terrell, Texas, Rescinding And Repealing Ordinance 1948 In Its Entirety.

### **ORDINANCE NO. 2555 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, RESCINDING AND REPEALING ORDINANCE 1948 IN ITS ENTIRETY**

**WHEREAS**, on November 17th, 1998, the City Council of the City of Terrell adopted Ordinance No. 1948; and

**WHEREAS**, the City Council has determined that it is in the best interest of the citizens of the City of Terrell, Texas that Ordinance No. 1948 be rescinded and repealed;

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

#### **Section 1. Incorporation of Findings.**

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

#### **Section 2. Repeal and Rescission.**

That Ordinance No. 1948 is hereby rescinded and repealed in its entirety.

#### **Section 3. Savings.**

All rights and remedies of the City of Terrell, Texas, are expressly saved as to any and all violations of the provisions of any Ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinance, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 4.  
Effect.**

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 first reading this the 4th day of December, 2012.

**PASSED AND ADOPTED** on second reading this the 8th day of January, 2013.

12. Discuss and Consider Adoption on Second Reading Ordinance No. 2557; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2012, And Ending September 30, 2013, As Passed And Adopted On September 4, 2012 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.

**ORDINANCE NO. 2557**

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013, AS PASSED AND ADOPTED ON SEPTEMBER 4, 2012 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><u>CAPITAL IMPROVEMENT FUND EXPENDITURES</u></b>	<b>BUDGETED</b>	<b>AMOUNT</b>	<b>AMENDED</b>
026-00-4424-00 Metrocrest Business Park Pavement Repair	\$ -0-	\$ 40,000.00	\$ 40,000.00

**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 4th day of December, 2012.

Passed and Adopted on this the 8th day of January, 2013.

#### **END OF CONSENT AGENDA**

13. 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.
  - b.) Section 551.087 - Deliberation Regarding Economic Development Negotiations.

Council adjourned into Executive Session.

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

There was no action taken in Executive Session.

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**