

REGULAR CITY COUNCIL MEETING

September 17, 2013

7:00 P.M.

A Regular City Council Meeting of the Terrell City Council was held on Tuesday, September 17, 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.

Councilmember Charles Whitaker, gave the opening prayer.

Mayor Hal Richards recognized the new Building Official, David Alkins.

3. Presentation of Proclamation to Dorinda Lovell, Daughters of the American Revolution, Rockwall Chapter.

Mayor Hal Richards, presented Proclamation to Dorinda Lovell, Daughters of the American Revolution, Rockwall Chapter.

4. Discuss and Consider Approval of Meeting Minutes of Special City Council Meeting and Workshop of August 29, 2013, and Regular City Council Meeting of September 3, 2013.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve Meeting Minutes of Special City Council Meeting and Workshop of August 29, 2013, and Regular City Council Meeting of September 3, 2013. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

5. Hear Remarks from Visitors.

Keith Furlough, 1018 S. Frances, Terrell, Texas, appealed to Council to stop the proposed demolition of 1101 S. Frances, Terrell, Texas.

Selenia Stiunette, 117 Trumon Court, Terrell, Texas, wanted Council to know a dog she was cited for is not hers.

PUBLIC HEARINGS

6. a.) Conduct a Public Hearing to Receive Comment Regarding Tax Rate Increase for Fiscal Year 2013-2014.

John Rounsavall, City Secretary, gave opening comments regarding Tax Rate Increase for Fiscal Year 2013-2014 and stated for the record as follows:

Tonight's public hearing is the second of two required public hearings on the proposed tax rate. Council held the first public hearing on September 3, 2013.

When the tax rate proposed by a governing body exceeds the effective rate or the rollback rate, whichever is lower, they must hold two public hearings on the matter to make the taxpayers aware of the change in tax rate and provide the taxpayer the opportunity to roll back or limit tax increases.

Staff is proposing the same tax rate as the current fiscal year of 0.649300. This amount is greater than the 2014 calculated effective rate of 0.648934, by 0.000366 cents, (4 ten thousandths of a cent) and the calculated roll back rate of 0.638394 by 0.010906 cents.

Staff recommends council support that the tax rate for fiscal year 2014 be identical to the tax rate for fiscal year 2013.

The tax rate ordinance is presented to council following the public hearing on second reading.

Mayor Hal Richards opened a Public Hearing to Receive Comment Regarding Tax Rate Increase for Fiscal Year 2013-2014. No one spoke against the Tax Rate Increase for Fiscal Year 2013-2014. No one spoke in favor of the Tax Rate Increase for Fiscal Year 2013-2014. Mayor Hal Richards, closed the Public Hearing.

- b.) Discuss and Consider Approval and Adoption On Second Reading of Ordinance No. 2579; An Ordinance Of The City Of Terrell, Texas, Fixing The Tax Rate Of All Taxable Property Within The City Of Terrell, Texas, For The Year 2013 And Levying And Ordering Collection For The Year 2013 And Providing A Lien On All Real And Personal Property To Secure The Payment Of Taxes Assessed; Containing A Severability Clause; Repealing All Ordinances And Parts Thereof In Conflict Herewith And Providing An Effective Date.

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve on second reading Ordinance No. 2579; An Ordinance Of The City Of Terrell, Texas, Fixing The Tax Rate Of All Taxable Property Within The City Of Terrell, Texas, For The Year 2013 And Levying And Ordering Collection For The Year 2013 And Providing A Lien On All Real And Personal Property To Secure The Payment Of Taxes Assessed; Containing A Severability Clause; Repealing All Ordinances And Parts Thereof In Conflict Herewith And Providing An Effective Date. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

ORDINANCE NO. 2579

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, FIXING THE TAX RATE OF ALL TAXABLE PROPERTY WITHIN THE CITY OF TERRELL, TEXAS, FOR THE FISCAL YEAR 2013-2014 AND LEVYING AND ORDERING COLLECTION FOR THE YEAR 2013 AND PROVIDING A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES ASSESSED; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Terrell has duly approved and adopted a Budget for the operation for the City for fiscal year 2013-2014; and

WHEREAS, the Ordinance anticipates and requires the levy of an ad valorem tax on all taxable property in the City of Terrell; and

WHEREAS, the Chief Appraiser of Kaufman County Single Appraisal District has prepared and certified the appraisal roll for the City of Terrell, Texas, that roll being that portion of the approved appraisal roll of the Kaufman County Single Appraisal District which lists property taxable by the City of Terrell; and

WHEREAS, it is necessary to levy such an ad valorem tax at a given rate to generate revenues sufficient to meet the projected expenses of the City of Terrell for Fiscal Year 2013-2014; and

WHEREAS, a public hearing has been held by the City Council related to the subject of this Ordinance and all interested persons were given an opportunity to be heard; and

WHEREAS, the City has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for Fiscal Year 2013-2014.

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

SECTION I.

That there be and is hereby levied and ordered collected on each One Hundred Dollar (\$100.00) valuation of all taxable property, both real and personal, and all property of every kind and description subject to taxation within the corporate limits of the City of Terrell, Texas, on January 1, 2014, the sum of \$0.6493 based on 100% of the assessed valuation. Said rate of ad valorem tax is levied for the following purposes and the following amounts:

General Fund \$0.5348
Interest/Sinking Fund \$0.1145

SECTION II.

That all taxes collected by the City and districts for which it is collecting taxes, shall be payable on October 1, and if such taxes are not paid in full on or before January 31, of the succeeding year, the following penalties shall be payable: During the month of February, six (6%) percent of amount of tax, plus 1% for each additional month delinquent, to a maximum of 12% beginning July 1. All

delinquent taxes shall bear interest at the rate of one (1%) for each month or portion of month the tax remains delinquent.

SECTION III.

That the City of Terrell shall have a lien on each and every item of taxable property located in the City of Terrell for the purpose of securing the payment of taxes, penalties, interest and all costs of collection assessed against said property, and said lien shall continue to exist against any item of property against which a tax is assessed hereunder until such tax, together with all interest, penalty and costs of collection shall be paid.

SECTION IV.

Should any paragraph, sentence, provision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance, as a whole or any part or provision thereof, other than the part or parts adjudged to be invalid, illegal or unconstitutional.

SECTION V.

That this Ordinance shall take effect and be in force from and after its passage and adoption.

SECTION VI.

All other ordinances and Code provisions in conflict herewith are hereby repealed but only to the extent of any such conflict or inconsistency and all other provisions of the Terrell City Code not in conflict herewith shall remain in full force and effect.

Passed and approved this the 3rd day of September, 2013.

Passed and adopted this the 17th day of September, 2013.

7. a.) Conduct a Public Hearing to receive comments regarding a request for a Zone Change from Single-Family 7.5 District to a Planned Development (PD) District for Bed and Breakfast on property located at 605 N. Frances Street; being Lots 1A and 1B, Block 330, Terrell Revised Addition, as recorded in Volume 3567, Page 42, Deed Records of Kaufman County, Texas; City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, gave opening comments regarding a Public Hearing to receive comments regarding a request for a Zone Change from Single-Family 7.5 District to a Planned Development (PD) District for Bed and Breakfast on property located at 605 N. Frances Street; being Lots 1A and 1B, Block 330, Terrell Revised Addition, as recorded in Volume 3567, Page 42, Deed Records of Kaufman County, Texas; City of Terrell, Kaufman County, Texas. Mayor Hal Richards, opened a public hearing to receive comments regarding a request for a Zone Change from Single-Family 7.5 District to a Planned Development (PD) District for Bed and Breakfast on property located at 605 N. Frances Street; being Lots 1A and 1B, Block 330, Terrell Revised Addition, as recorded in Volume 3567, Page 42, Deed Records of Kaufman County, Texas; City of Terrell, Kaufman County, Texas. Patty Allen, Realtor, spoke in favor of zone change. Mr. and Mrs. Hatley, owners of 605 N. Frances St., spoke in favor of zone change.

Dale Martin, 603 N. Frances, spoke against zone change. Colin Farley, 1007 N. Frances, spoke against zone change. Nancy Feaster, 601 N. Frances, spoke against zone change. Mayor Hal Richards closed the public hearing.

- b.) Discuss and consider a recommendation by the Planning and Zoning Commission regarding approval of Ordinance No. 2581 changing the Zoning Classification from Single-Family 7.5 District to a Planned Development (PD) District for Bed and Breakfast on property located at 605 N. Frances Street; being Lots 1A and 1B, Block 330, Terrell Revised Addition, as recorded in Volume 3567, Page 42, Deed Records of Kaufman County, Texas; City of Terrell, Kaufman County, Texas.

Mary Gayle Ramsey spoke for the record: Mayor and Council, the Planning and Zoning Board, as you know, voted to deny this request. Under the Section 211.006 of the Local Government Code, in order to overturn the vote of the Planning and Zoning Commission, it requires a 3/4 vote of the Council. That is the requirement under the State law.

Deputy Mayor Pro Tem D. J. Ory, made a motion to accept the Planning and Zoning Board recommendation for denial of Ordinance No. 2581 changing the Zoning Classification from Single-Family 7.5 District to a Planned Development (PD) District for Bed and Breakfast on property located at 605 N. Frances Street; being Lots 1A and 1B, Block 330, Terrell Revised Addition, as recorded in Volume 3567, Page 42, Deed Records of Kaufman County, Texas; City of Terrell, Kaufman County, Texas. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

NEW BUSINESS

8. Discuss and Consider matters incident and related to the issuance and sale of "City of Terrell, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 2013", including the adoption of an ordinance authorizing the issuance of such certificates of obligation.

Jason Hughes, Representing First Southwest, Presented to Council for Discussion and Consideration matters incident and related to the issuance and sale of "City of Terrell, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 2013", including the adoption of an ordinance authorizing the issuance of such certificates of obligation. Deputy Mayor Pro Tem D. J. Ory, made a motion to adopt Ordinance No. 2582 authorizing the City Mayor to execute a Certificate of Obligation in the maximum principal amount of \$1,633,000.00 for the purchase of a new radio system. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

9. Discuss and Consider the results of an open bid to demolish six (6) substandard and dangerous residential structures, City of Terrell, Kaufman County, Texas.

Terry Capehart, Municipal Development Director, Presented to Council for Discussion and Consideration the results of an open bid to demolish six (6) substandard and dangerous residential structures, City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan asked the City Manager to delay demolition of 1101 S. Frances to provide the owner the opportunity to work with City Building Official. Deputy Mayor Pro Tem D. J. Ory, made a motion to authorize City

Manager to execute a demolition contract with Pete's Construction for the following addresses and amounts:

507 W. Newton in the amount of \$775.00

1101 S. Frances in the amount of \$3,420.00

701 St. Luke in the amount of \$2,260.00

804 Mineral Wells in the amount of \$3,940.00

And authorize the City Manager to execute a demolition contract with Construction Company Group for the following addresses and amounts:

1121 S. Medora in the amount of \$5,500.00

1311 N. Frances in the amount of \$5,000.00.

Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

10. 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 502 E. Brin Street; being Lot 2B, Block 55, Terrell Original 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 502 E. Brin Street; being Lot 2B, Block 55, Terrell Original Addition; City of Terrell, Kaufman County, Texas. Deputy Mayor Pro Tem D. J. Ory, 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 502 E. Brin Street; being Lot 2B, Block 55, Terrell Original Addition; City of Terrell, Kaufman County, Texas. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

11. Discuss and Consider appointments to Terrell Airport Board.

Mayor Hal Richards, made a motion to reappoint Bill Jenkins to a new term to the Terrell Airport Board. Deputy Mayor Pro Tem D. J. Ory, seconded the motion. Ayes - All. Nays - None. Motion carried.

Mayor Hal Richards, made a motion to appoint Shane Phillips to the Terrell Airport Board to replace Jerry Gibson. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

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

Mayor Hal Richards, made a motion to appoint Stephanie Elswick to the Terrell Planning and Zoning Commission to replace Mark Burnett. Mayor Pro Tem Ricky Jordan, seconded the motion. Ayes - All. Nays - None. Motion carried.

13. Discuss and Consider appointments to Power Center Board of Directors.

Mike Sims, Assistant City Manager, Presented to Council for Discussion and Consideration appointments to Power Center Board of Directors. Mayor Hal Richards, made a motion to appoint Don Thurman to the Power Center Board of Directors, John Davidson to the Power Center Board of Directors, Mike Cronin to the Power Center Board of Directors and as Chairman.

Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

CONSENT AGENDA

Deputy Mayor Pro Tem D. J. Ory, made a motion to approve and adopt on CONSENT AGENDA Ordinance No. 2580 on second reading. Councilmember Charles Whitaker, seconded the motion. Ayes - All. Nays - None. Motion carried.

14. Discuss and Consider Adoption On Second Reading Ordinance No. 2580; An Ordinance Of The City Of Terrell, Texas, Amending Chapter 9 Of The Code Of Ordinances Of The City Of Terrell Adding Section 12 Emergency Management; Creating The Office Of Emergency Management Director; Establishing Powers And Duties Of Emergency Management Director; Authorizing Participation In County-Wide Joint Emergency Plan; Establishing Functions And Duties Of Emergency Management Organization; Prohibiting Unauthorized Use Of Warning Signals; Pertaining To Conflicting Regulations; Establishing Liability Protection; Restricting The Expenditure Of Public Funds For Emergency Management; Prohibiting Interference With Emergency Management Organization Or Regulations; Requiring Allegiance To Government; Providing For A General Penalty For Violations; Providing For A Severability Clause; And Providing For An Effective Date.

ORDINANCE NO. 2580

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL ADDING SECTION 12 EMERGENCY MANAGEMENT; CREATING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; ESTABLISHING POWERS AND DUTIES OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING PARTICIPATION IN COUNTY-WIDE JOINT EMERGENCY PLAN; ESTABLISHING FUNCTIONS AND DUTIES OF EMERGENCY MANAGEMENT ORGANIZATION; PROHIBITING UNAUTHORIZED USE OF WARNING SIGNALS; PERTAINING TO CONFLICTING REGULATIONS; ESTABLISHING LIABILITY PROTECTION; RESTRICTING THE EXPENDITURE OF PUBLIC FUNDS FOR EMERGENCY MANAGEMENT; PROHIBITING INTERFERENCE WITH EMERGENCY MANAGEMENT ORGANIZATION OR REGULATIONS; REQUIRING ALLEGIANCE TO GOVERNMENT; PROVIDING FOR A GENERAL PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Terrell recognizes its responsibility to provide services to meet the needs of its citizens in case of disaster; and

WHEREAS, the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the City if the lives and property of the populace are to be protected; and

WHEREAS, advance planning for coordination of activities relating to disaster prevention, preparedness, response and recovery is necessary to meet those needs and concerns; and

WHEREAS, the preparation, adoption and implementation of such plans for the protection of lives and property in the City of Terrell from natural or man-caused disasters, or the threat thereof, is essential.

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

SECTION 1. Chapter 8 1/2, of the Code of Ordinances of the City of Terrell, Texas, creating the office of Emergency Management Director; is hereby repealed in its entirety.

SECTION 2. The Code of Ordinances is hereby amended by adopting a new section 9-12 Emergency Management to read as follows:

ARTICLE I.

That Chapter 9-12 of the Code of Ordinances, City of Terrell, Texas is hereby amended to read as follows:

CHAPTER 9-12: EMERGENCY MANAGEMENT

SECTION 9-12-1: PURPOSE.

The purposes of this Ordinance are to:

- A. Reduce the vulnerability of the citizens of this community to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or other emergency conditions.
- B. Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.
- C. Provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters.
- D. Clarify and strengthen the role of the Mayor in prevention of, preparation for, response to, and recovery from disasters.
- E. Authorize and provide for cooperative and mutual aid agreements and plans with neighboring jurisdictions and other agencies and organizations to aid in emergency management.
- F. Provide for surveying and cataloging of resources available for response to emergency conditions.

SECTION 9-12- 2: DEFINITIONS.

The following definitions shall be applicable:

A. Director shall refer to the acting Director of Emergency Management of the City of Terrell which position shall be filled by the Mayor, or in the Mayor's absence, as set forth in the approved emergency management plan for the City.

B. Disaster shall refer to any natural or man-caused destruction of life and/or property within the City which, due to its extent, requires implementation of the emergency management plan.

C. Emergency shall refer to any situation or condition which, due to the probability of its having a severe adverse effect upon the populace of the City, calls for implementation of the emergency management plan.

SECTION 9-12-3: OFFICE OF EMERGENCY MANAGEMENT DIRECTOR CREATED

The office of Director of Emergency Management of the City of Terrell shall be held by the Mayor in accordance with State Law (Texas Disaster Act of 1975, as amended).

A. The powers of the Emergency Director shall include, but not be limited to:

1. The declaration of a state of disaster, or state of emergency, which declaration may be continued or renewed for a period not to exceed seven (7) days without confirmation by the City Council;

2. The issuing of reasonable rules and regulations, or directives, which are necessary for the protection of life and property within the City during emergencies or following disasters and which rules and regulations, or directives, shall be filed in the office of the City secretary and shall receive widespread publicity, unless publicity would be of aid and comfort of the enemy, and which shall be confirmed by the City Council within seven (7) days of issuance;

3. The marshaling, following the declaration of a disaster or emergency, of all necessary personnel, equipment or supplies from any department of the City to aid in the carrying out of the provisions of the local emergency management plan;

4. The supervision of the procurement of all necessary supplies and equipment including acceptance of private contributions which may be offered for the purpose of improving emergency management within the City;

5. Determining questions of authority within the local emergency management organization; and

6. The authorizing of agreements, after approval by the City attorney, for use of private property for public shelter and other purposes.

B. The duties and responsibilities of the Director shall include, but not be limited to:

1. Conducting a program of comprehensive emergency management within the City;

2. The causing of a survey of the availability of personnel, equipment, supplies and services which could be used during a disaster, and the cataloging of such information;

3. Supervision of the development of the local emergency management plan and recommendation of the plan for adoption by the City Council;

4. The maintenance of necessary liaison with other municipal, county, state and federal emergency management organizations;

5. Recommending for approval by the City Council mutual aid agreements with other jurisdictions;

6. The issuance of all necessary proclamations as to the existence of an emergency or disaster and the immediate operational effectiveness of the emergency management plan;

7. The direction and control of the actual disaster operations of the local emergency management organization;

8. The training of emergency management personnel; and

9. Directing a continuing study of ways to improve the City's emergency management plan including the identification of actual and/or potential hazards and the mitigation of their concurrence.

C. The Director may appoint an Emergency Management Coordinator to serve at his pleasure. He may delegate authority for the execution of his duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

SECTION 9-12-4: FUNCTIONS AND DUTIES OF EMERGENCY MANAGEMENT ORGANIZATION.

The operational Emergency Management Organization of the City of Terrell shall consist of the officers and employees of the City, as well as certain other organizations, organized volunteer groups and other persons, as designated by the Director. The functions and duties of this organization shall be as set forth in the approved emergency management plan.

SECTION 9-12-5: AUTHORIZATION FOR COUNTY-WIDE JOINT EMERGENCY PLAN

The Mayor is hereby authorized to join with the County Judge of the County of Kaufman and the mayors of other cities in said county in the formation of an Emergency Management Council for the County of Kaufman and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management in so far as said program may affect the City of Terrell.

SECTION 9-12-6: CONFLICTING REGULATIONS

At all times in which the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations in so far as the latter may be inconsistent therewith.

SECTION 9-12-7: EXPENDITURE OF PUBLIC FUNDS FOR EMERGENCY MANAGEMENT

No person shall have the right to expend any public funds of the City in carrying out an emergency management activity authorized by this Ordinance without prior approval by the City Council, nor shall any person have the right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council.

SECTION 9-12-8: INTERFERENCE WITH EMERGENCY MANAGEMENT ORGANIZATION OR REGULATIONS

It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this Ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Ordinance. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the City of Terrell, unless authority to do so has been granted to such person by the proper officials.

SECTION 9-12-9: LIABILITY

This Ordinance is an exercise by the City of its governmental functions for the protection of the public peace, health and safety and neither the City of Terrell, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this Ordinance shall be liable for any damage sustained to person as the result of said activity.

SECTION 9-12-10: UNAUTHORIZED USE OF WARNING SIGNAL

Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this Ordinance and shall be subject to the penalties imposed by this Ordinance.

ARTICLE II

Penalty for Violations. Violations of this Ordinance are punishable as provided in Chapter 1, Section 1-1(g) *General penalty for violations of code; civil actions by City.*

Nothing contained herein shall prevent the City of Terrell from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE III

City of Terrell Ordinance No. 1347, adopted February 14, 1984, and all other ordinances, parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE IV

Severability. 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 V

That this Ordinance will take effect immediately form and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED THIS THE 3RD DAY OF SEPTEMBER, 2013.

PASSED AND ADOPTED THIS THE 17TH DAY OF SEPTEMBER, 2013.

END CONSENT AGENDA

15. Discuss City Manager's Reports and Correspondence:
 - a.) Upcoming Joint Meeting with City Council and Capital Improvements Advisory Committee, September 24, 2013.

Torry Edwards, City Manager, Presented to Council Discussion of upcoming Joint Meeting with City Council and Capital Improvements Advisory Committee, September 24, 2013. There was no action taken on this item.

16. Adjourn into Executive Session in Accordance with Section 551 of the Texas Government Code to Discuss the following:
 - a.) Section 551.071 - Consultations with Attorney - pending or contemplated litigation.
 - b.) Section 551.072 - Deliberations about Real Property.
 - c.) Section 551.087 - Deliberation Regarding Economic Development Negotiations.

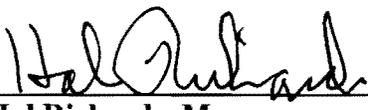
Council adjourned into Executive Session.

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

No action was taken out of Executive Session.

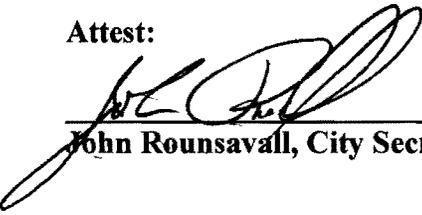
18. Adjourn.

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