

REGULAR CITY COUNCIL MEETING

September 20, 2016

7:00 P.M.

A Regular Council Meeting was held on Tuesday, September 20, 2016, 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 DJ ORY
COUNCILMEMBER #2 TOMMY SPENCER – ABSENT (Excused)
COUNCILMEMBER #3 SANDRA WILSON
COUNCILMEMBER #4 CHARLES WHITAKER
COUNCILMEMBER #5 TIM ROYSE**

1. Call to order.

Mayor DJ Ory called the meeting to order.

2. Invocation.

Deputy Mayor Pro Tem Charles Whitaker gave the opening prayer and led the Pledge of Allegiance.

3. Presentation of Constitution Week Proclamation.

Mayor D.J. Ory, presented the Constitution Week Proclamation to Mindy Lovell.

4. Discuss and Consider Approval of Meeting Minutes of the Special City Council Meeting and Workshop of September 1, 2016 and the Regular City Council Meeting of September 6, 2016.

Mayor Pro Tem Sandra Wilson made a motion to approve the meeting minutes of the Special City Council Meeting and Workshop of September 1, 2016 and the Regular City Council Meeting of September 6, 2016. Deputy Mayor Pro Tem Charles Whitaker Seconded the Motion. Ayes – All. Nays – None.

5. Hear Remarks from Visitors.

This time is set aside on the agenda to invite any person to address the Council on issues not subject to a public hearing. Routine administrative matters are best discussed with the

appropriate City Staff before bringing them to the Council. Speakers should limit their comments to 3 minutes and are asked to speak into the microphone provided, identifying themselves for the record. The total amount of time set aside for this place on the agenda is 15 minutes. Comments of a personal nature directed at the Council or Staff are inappropriate.

Benetta Gaston, 110 N. Virginia, Terrell, Texas, complained about her unfair treatment by Code Enforcement.

NEW BUSINESS

- 6. Discuss and Consider Ordinance No. 2675; An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1: Fee Schedule, Section 1: Airport Fees And Charges, Of The Revised Code Of Ordinances Of The City Of Terrell; 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. 2675; An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1: Fee Schedule, Section 1: Airport Fees And Charges, Of The Revised Code Of Ordinances Of The City Of Terrell; Providing For Repeal Of Conflicting Ordinances; Providing For Severability, And Providing An Effective Date. Mayor Pro Tem Sandra Wilson made a motion to approve Ordinance No. 2675; An Ordinance Of The City Of Terrell, Texas, Amending Appendix 1: Fee Schedule, Section 1: Airport Fees And Charges, Of The Revised Code Of Ordinances Of The City Of Terrell; Providing For Repeal Of Conflicting Ordinances; Providing For Severability, And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 7. Discuss and Consider Hotel/Motel Tax Fund Allocations for Fiscal Year 2016 -2017.**

John Rounsavall, City Secretary, Presented to Council for Discussion and Consideration Hotel/Motel Tax Fund Allocations for Fiscal Year 2016 -2017. Deputy Mayor Pro Tem Charles Whitaker made a motion to approve \$407,417.00 for Tax Fund Allocations. Councilmember Tim Royse seconded the motion. Ayes – All. Nays – None. Motion Carried.

CONSENT AGENDA

Mayor Pro Tem Sandra Wilson, made a motion to adopt on Consent Agenda Ordinance No. 2666; An Ordinance Of The City Of Terrell, Kaufman County Texas, Amending Chapter 1, General Provisions By Repealing Section 15, Park Regulations And Adopting A New Section 1-15 Park Regulations; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; Providing A Penalty And Providing An Effective Date. Deputy

Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 8. Discuss and Consider on Second Reading Ordinance No. 2666; An Ordinance Of The City Of Terrell, Kaufman County Texas, Amending Chapter 1, General Provisions By Repealing Section 15, Park Regulations And Adopting A New Section 1-15 Park Regulations; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; Providing A Penalty And Providing An Effective Date.**

ORDINANCE NO. 2666

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY TEXAS, AMENDING CHAPTER 1, GENERAL PROVISIONS BY REPEALING SECTION 15, PARK REGULATIONS AND ADOPTING A NEW SECTION 1-15 PARK REGULATIONS; 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:

SECTION 1. Chapter 1, General Provisions, Section 15, Park Regulations, of the Code of Ordinances of the City of Terrell, Kaufman County, Texas is, hereby repealed in its entirety.

SECTION 2. That Chapter 1, General Provisions, is hereby amended by adopting a new Section 1-15 Park Regulations to read as follows

ARTICLE I.

Sec. 1-15: Park Regulations.

(a) *Consumption of alcoholic beverages prohibited.* It shall be unlawful for any person to consume, or have in their possession, any alcoholic beverage in any City park, playground or recreational facility subject to the following exceptions:

(1) During an event that is jointly sponsored by the City of Terrell and the Terrell Chamber of Commerce Convention and Visitor's Bureau scheduled in Ben Gill Park within specified areas; such events being limited to the Terrell Heritage Jubilee, 4th of July Celebration and North Texas Antique Tractor Show, and the event meets the following conditions:

- a. Written approval obtained from the Terrell Chief of Police prior to the event.
- b. No consumption of alcoholic beverages in Ben Gill Park after 11:59 p.m. during the event.

- c. No open display of identified alcoholic beverage containers allowed
- d. No event shall exceed three (3) consecutive days in length.
- d. The events subject to this exception shall not exceed a total of ten (10) days during any calendar year.
- (b) *Vehicular speed limit established in City parks.* It shall be unlawful for any person to drive or operate a motor vehicle at a speed greater than twenty (20) miles per hour unless otherwise posted in any city park, including but not limited to, all public parks owned or leased by the City of Terrell.
- (c) *Off-road vehicular traffic prohibited.* It shall be unlawful to park or operate any motorized vehicle in, over or through any park or recreational area except in, along or upon designated streets, roads, or parking areas designated for vehicular traffic or parking unless otherwise permitted by the City Manager or his designee.
- (d) *Camping prohibited.* It shall be unlawful to camp overnight in any park or recreational area within the City without prior approval of the City Manager or his designee unless it is related to a City of Terrell/Terrell Chamber of Commerce Convention and Visitor's Bureau sponsored event.
- (e) *Overnight parking of mobile homes, recreational vehicles and/or commercial vehicles prohibited.* It shall be unlawful for any mobile home, camper, tent-trailer, motor home, or any other recreational vehicle with sleeping accommodations as well as any commercial vehicle to remain overnight in any park within the City of Terrell unless otherwise permitted by the City Manager or his designee or in connection with an approved event as set forth in subsection (a) (1) herein.
- (f) *Hunting prohibited.* It shall be unlawful for any person to hunt, trap, molest or pursue any game or wild animals within the limits of any city park or recreational area.
- (g) *Horseback riding prohibited.* It shall be unlawful for any person to ride a horse in any City park or recreational area unless it is related to a City of Terrell/Terrell Chamber of Commerce Convention and Visitor's Bureau sponsored event.
- (h) *Swimming in City parks prohibited.* It shall be unlawful for any person to swim or wade in any lake or pond located within any City park or recreational area other than in the City swimming pool described in section 1-17 of this chapter.
- (i) *Operational hours for City parks.* The following municipal parks, playgrounds, and recreational facilities within the City of Terrell shall be open for public use as indicated. Where approved activities may exceed the stated closing time, prior written approval must be obtained from the City Manager or his designee.

Ben Gill Park
Breezy Hill Park

Dawn - 12:00 Midnight
Dawn - Dusk

Kings Creek Park	Dawn - Dusk
Stallings Park	Dawn - Dusk
Arlie White Park	Dawn - Dusk

(j) *All persons shall abide by all rules and regulations.* The City Manager or his designee shall be authorized to post in conspicuous places written rules and regulations concerning prohibited or regulated conduct. Proof that a person in charge of a supervised play or amusement activity verbally informed an actor that his or her conduct was disruptive to said supervised activity shall be prima facie evidence that the actor willfully disrupted, prevented or hindered such supervised play or amusement program and that such act constituted a nuisance. Any such person accused of violating any rule or regulation may be expelled from all parks and recreational areas of the city for such time as the City Manager or his designee shall direct. Any person expelled from the public parks and facilities of the City who comes upon any City park or recreational facility shall be guilty of a misdemeanor, subject to citation by a certified peace officer of the City of Terrell and, upon conviction, fined in accordance with the provisions of this section.

(k) *Disruption or interfering with park and recreational activities prohibited.*

(1) It shall be unlawful and hereby declared a nuisance for any person to willfully disrupt, prevent or hinder the orderly conduct of any supervised play or amusement program being conducted by or under the authority of the City Manager or his designee in any building, swimming pool, playground, or park area. "Supervised play or amusement program" shall include, but not be limited to, an organized activity where permission or authority for such activity is required from the City Manager or his designee for such activity, such as games of sport requiring specific areas of a facility or particular equipment and include, but not be limited to, baseball, softball, soccer, both practice and inter-team competition, swimming as well as other activities subject to control or authority of the City Manager of the City of Terrell.

(2) It shall also be unlawful for any person to remain in any building, swimming pool, ballfield, playground, or park area located in or on any public property within the city after being advised by the supervisor of a supervised play or amusement program being conducted by the public services department of the city in or on any public property that he or she is interfering with, disrupting or preventing the orderly conduct of such supervised play or amusement program and after having been asked to leave any building, swimming pool, playground, or park area located in or on any property within the City.

(l) *Use of park facilities.* It shall be unlawful in the establishment of park regulations, approval of private use of park facilities, or actual participation in private or public events in any City park to discourage or deny use of or access to park facilities by any person on the basis of such person's age, sex, race, national origin or sexual orientation.

(m) *Pets prohibited in designated areas.*

- (1) When signs are posted giving notice to such effect, it shall be unlawful for any person owning or having control or custody of pets to permit or allow such pets to enter upon any portion of a City park, including but not limited to City/School district park sites, designated as an area prohibited to pets.
- (2) The City Manager or his designee shall have the authority to designate portion of a City park, including City/school district park sites, as an area prohibited to pets by posting signs on one or more of the zone's boundaries.
- (3) It is an exception to subsection (1) if:
 - a. The dog is a police services animal under the supervision of a police officer in the performance of his official duties; or
 - b. The dog is a "service pet" performing duties of assisting the disabled.
- (n) *Bicycle riding and/or skate boarding in City parks.* Bicycle riding and/or skate boarding in parks shall be governed by safe practices and consideration for the use of park areas by others. Bicycle riding and skate boarding shall be allowed on public streets and walking paths and shall be unlawful and an offense within and around playgrounds, picnic areas, special display areas, on tennis and athletic courts, in and around pavilion, or other monument type structures, or in and around any area where other activities are in progress.
- (o) *Hitting golf balls or engaging in golf practice in City parks prohibited.* When signs are posted giving notice to such effect, it shall be unlawful and an offense for any person to hit or drive golf balls in and upon public parks within the City.
- (p) *Projectiles prohibited.* No person shall throw, shoot, propel or discharge any bullet, stone, arrow, rocket or any object which could create a hazard or danger to the public within any park unless it is related to a City of Terrell/Terrell Chamber of Commerce Convention and Visitor's Bureau sponsored event or prior written approval by City Manager.
- (q) *Penalty.* Any person, firm or corporation violating any of the provisions or terms of this section shall be deemed to be guilty of a Class C misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed \$500.00 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 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 the 2nd day of August, 2016.

PASSED AND ADOPTED THIS the 20th day of September, 2016.

Mayor Pro Tem Sandra Wilson, made a motion to adopt on Consent Agenda Ordinance No. 2672; An Ordinance Of The City Of Terrell, Texas, Fixing The Tax Rate Of All Taxable Property Within The City Of Terrell, Texas, For Fiscal Year 2016 -2017 And Levying And Ordering Collection For The Year 2016 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 Charles Whitaker seconded the motion. Ayes – All. Naves – None. Motion Carried.

9. **Discuss and Consider on Second Reading Ordinance No. 2672; An Ordinance Of The City Of Terrell, Texas, Fixing The Tax Rate Of All Taxable Property Within The City Of Terrell, Texas, For Fiscal Year 2016 -2017 And Levying And Ordering Collection For The Year 2016 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.**

ORDINANCE NO. 2672

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS,
FIXING THE TAX RATE OF ALL TAXABLE PROPERTY
WITHIN THE CITY OF TERRELL, TEXAS, FOR FISCAL
YEAR 2016-2017 AND LEVYING AND ORDERING
COLLECTION FOR THE YEAR 2016 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, Texas, has duly approved and adopted a Budget for the operation of the City for fiscal year 2016-2017; and

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

WHEREAS, the Chief Appraiser of the 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, Texas; and

WHEREAS, it is necessary to levy an ad valorem tax at a given rate to generate revenues sufficient to meet the projected expenses of the City of Terrell, Texas, for fiscal year 2016 -2017; and

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

WHEREAS, the City of Terrell, Texas, has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for Fiscal Year 2016 -2017.

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, 2017, the sum of \$0.7242 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	\$0.5828
Interest/Sinking Fund	\$0.1414

SECTION II.

THAT all taxes collected by the City of Terrell, Texas, 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, Texas, shall have a lien on each and every item of taxable property located in the City of Terrell, Texas, 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 has been 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 16TH DAY OF AUGUST, 2016.

PASSED AND ADOPTED THIS THE 20TH DAY OF SEPTEMBER, 2016.

Mayor Pro Tem Sandra Wilson, made a motion to adopt on Consent Agenda Ordinance No. 2673; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2015, And Ending September 30, 2016, As Passed And Adopted On September 15, 2015 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 10. Discuss and Consider on Second Reading Ordinance No. 2673; An Ordinance Of The City Of Terrell, Texas, Amending The Annual Budget For The Year Beginning October 1, 2015, And Ending September 30, 2016, As Passed And Adopted On September 15, 2015 To Provide For Increases In Certain Accounts; Providing For Severability; And Providing An Effective Date.**

ORDINANCE NO. 2673

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS,
AMENDING THE ANNUAL BUDGET FOR THE YEAR
BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER

30, 2016, AS PASSED AND ADOPTED ON SEPTEMBER 15, 2015 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:

	BUDGET	AMOUNT	TOTAL
GENERAL FUND			
REVENUES			
010-00-3101-00			
TAXES CURRENT	5,309,345	125,000	5,434,345
010-00-3201-00			
FRANCHISE - UTILITY	475,000	69,000	544,000
010-00-3204-01			
FRANCHISE - CABLE PEG FEES	5,000	3,500	8,500
010-00-3207-00			
SALES TAX	4,425,969	531,000	4,956,969
010-00-3211-00			
PROPERTY TAX REDUCTION	2,212,985	265,500	2,478,485
010-00-3250-00			
ECONOMIC DEVELOPMENT	2,212,985	265,500	2,478,485
010-00-3312-00			
ALARM PERMITS	15,000	20,000	35,000
010-3213-00			
FRANCHISE - SOLID WASTE	136,000	42,000	178,000
010-00-3303-00			
PERMITS - BUILDING	96,000	39,000	135,000
010-00-3304-00			
PERMITS - ELECTRICAL	11,000	4,000	15,000
010-00-3308-00			
PERMITS-CERTIFICATE OF OCCUPANCY	10,000	1,000	11,000
010-00-3312-00			
PERMITS-ALARM	15,000	22,000	37,000
010-00-3413-00			
FEES - SWIMMING POOL	58,000	5,000	63,000
010-00-3637-00			

PROFESSIONAL BUILDING LEASE 010-00-3819-00	0	40,000	40,000
ANIMAL SHELTER DONATIONS 010-00-3821-00	0	4,565	4,565
GRANT 728501 CLOSE OUT 010-00-3822-00	0	90,675	90,675
GRANT POLICE 2011 CLOSE OUT	0	6,046	6,046

UTILITY FUND

REVENUES

020-00-3203-00 FRANCHISE TAX	350,000	194,000	544,000
---------------------------------	---------	---------	---------

EXPENDITURES

LEGISLATIVE

010-11-4404-00 CONSULTANT FEES AND SERVICES	10,000	110,000	120,000
010-11-4505-00 PROPERTY ACQUISITION	230,195	53,647	283,842
010-11-4408-00 AUTOZONE CHP 380 REBATE	160,000	37,981	197,981
010-11-4587-00 TERRELL ECONOMIC DEVELOPMENT	2,212,985	265,500	2,478,485

ADMINISTRATION

010-12-4415-00 INSURANCE	75,000	18,444	93,444
010-12-4424-00 TAX COLLECTION CONTRACT	85,000	8,000	93,000

LEGAL

010-15-4405-00 ATTORNEY FEES	100,000	160,000	260,000
---------------------------------	---------	---------	---------

MUNICIPAL COURT

010-17-4105-00 OVERTIME	1,000	1,500	2,500
010-17-4440-00 CONTRACT LABOR	30,000	43,000	73,000

MUNICIPAL DEVELOPMENT

010-20-4104-00			
TEMPORARY	0	24,960	24,960
010-20-4105-00			
OVERTIME	0	24,500	24,500
010-20-4110-00			
SOCIAL SECURITY	34,304	1,910	36,214
010-20-4404-00			
CONSULTANT FEES AND SERVICES	0	50,000	50,000
010-20-4440-00			
CONTRACT LABOR	15,000	60,640	75,640
ENGINEERING			
010-21-4404-00			
CONSULTANT FEES AND SERVICES	15,000	34,546	49,546
STREETS			
010-22-4340-00			
STREET MAINTENANCE ASPHALT	400,000	381,964	781,964
PARKS			
010-26-4404-00			
CONSULTANT FEES & SERVICES	50,000	-50,000	0
010-26-4450-00			
EQUIPMENT RENTAL (R)	49,480	50,000	99,480
POLICE			
010-32-4450-00			
EQUIPMENT RENTAL (R)	224,840	117,500	342,340
FIRE			
010-33-4406-00			
FIRE GRANT CITY MATCH	0	15,000	15,000
LANDFILL			
010-37-4417-00			
LAND LEASE PAYMENTS	3,000	8,100	11,100
UTILITY FUND			
DEBT SERVICE			
020-90-4490-00	350,000	194,000	544,000

EQUIPMENT REPLACEMENT FUND

REVENUES

025-00-3336-00

LEASE GENERAL FUND	514,045	167,500	681,545
--------------------	---------	---------	---------

EXPENDITURES

EQUIPMENT REPLACEMENT FUND

025-25-4504-00

(2) POLICE PATROL VEHICLES	99,440	110,000	209,440
----------------------------	--------	---------	---------

025-25-4550-00

TRACTOR WITH MOWER	0	50,000	50,000
--------------------	---	--------	--------

EXPENDITURES

STORM WATER FUND

037-37-4330-00

DRAINAGE MAINTENANCE	0	662	662
----------------------	---	-----	-----

037-37-4406-00

FEMA CITY COST SHARE	0	75,900	75,900
----------------------	---	--------	--------

037-37-4506-00

PROPERTY ACQUISITION	0	26,061	26,061
----------------------	---	--------	--------

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 6th day of September, 2016.

Passed and Adopted on this the 20th day of September, 2016.

Mayor Pro Tem Sandra Wilson, made a motion to adopt on Consent Agenda Ordinance No. 2674; An Ordinance Of The City Of Terrell, Texas, Adding Additional Territory To The Extraterritorial Jurisdiction Of The City Of Terrell, Texas, And Extending The Boundary Limits Of Said Extraterritorial Jurisdiction So As To Include Said Hereinafter Described Property And Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens And Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City That May Apply Within The Extraterritorial Jurisdiction; Providing A Severability Clause; And Providing An Effective Date. Deputy Mayor Pro Tem Charles Whitaker seconded the motion. Ayes – All. Nays – None. Motion Carried.

- 11. Discuss and Consider on Second Reading Ordinance No. 2674; An Ordinance Of The City Of Terrell, Texas, Adding Additional Territory To The Extraterritorial Jurisdiction Of The City Of Terrell, Texas, And Extending The Boundary Limits Of Said Extraterritorial Jurisdiction So As To Include Said Hereinafter Described Property And Granting To All The Inhabitants Of Said Property All The Rights And Privileges Of Other Citizens And Binding Said Inhabitants By All Of The Acts, Ordinances, Resolutions And Regulations Of Said City That May Apply Within The Extraterritorial Jurisdiction; Providing A Severability Clause; And Providing An Effective Date.**

ORDINANCE NO. 2674

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, ADDING ADDITIONAL TERRITORY TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TERRELL, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY THAT MAY APPLY WITHIN THE EXTRATERRITORIAL JURISDICTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Terrell, Texas (“City” or “Terrell”), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 42 of the Texas Local Government Code and the Charter of the City of Terrell, Texas, authorizes the expansion of extraterritorial jurisdiction, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the Texas Local Government Code, the Charter of the City of Terrell, Texas, and the laws of this state have been duly followed with respect to the hereinafter described property; and

WHEREAS, the owners of the property have requested the property described on the attached Exhibit "A" be included in the extraterritorial limits of the City of Terrell, Texas; and

WHEREAS, the City Council finds it to be in the best interest of the City of Terrell, Texas, to include the property described on Exhibit "A" in the extraterritorial jurisdiction of the City of Terrell, Texas, and to extend the boundary limits of the extraterritorial jurisdiction to include said property.

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

Section 1. That the Property described in Exhibit "A" is hereby incorporated into the extraterritorial jurisdiction of the City of Terrell, Kaufman County, Texas, and that the boundary limits of the extraterritorial jurisdiction of the City of Terrell be and the same are hereby extended to include the Property described on Exhibit "A" and the property shall hereafter be included within the extraterritorial jurisdiction of said City and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the extraterritorial jurisdiction of the City of Terrell and they shall be bound by the acts, ordinances, resolutions and regulations of said City that may apply within the extraterritorial jurisdiction.

Section 2. That the City Secretary is hereby directed to file with the County Clerk of Kaufman County, Texas, a certified copy of this Ordinance.

Section 3. That the official map and boundaries of the City are amended to include the Property as a part of the City of Terrell, Texas and the extraterritorial jurisdiction is extended in accordance with law according, and the City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add such territory as required by law.

Section 4. That if any tract or portion of any tract, provisions or any section of the Ordinance shall be held to be not incorporated in the extraterritorial jurisdiction of the City of Terrell, Texas, void or unconstitutional, such holding shall in no way affect the validity of the remaining tracts, provisions or sections of this Ordinance, which shall remain in full force and effect.

Section 5. That this Ordinance shall take become effective immediately after its date of passage by the City Council as provided by the Charter of the City of Terrell, Texas.

PASSED AND APPROVED this the 6th day of September, 2016.
PASSED AND ADOPTED this the 20th day of September, 2016.

END CONSENT AGENDA

12. Adjourn.

There were no other matters discussed or acted on at this meeting.

DJ Ory, Mayor

Attest:

John Rounsavall, City Secretary