

REGULAR CITY COUNCIL MEETING

NOVEMBER 18, 2008

7:00 P.M.

A Regular Meeting of the Terrell City Council was held on Tuesday, November 18, 2008 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 JACK JONES
COUNCILMEMBER #5 DON THURMAN

1. Call to order.

Mayor Hal Richards called the meeting to order.

2. Invocation.

Deputy Mayor Pro tem Don Thurman gave the opening prayer.

3. Discuss and Consider Approval of Special City Council Workshop Minutes of October 30, 2008 and Regular City Council Meeting Minutes of November 4, 2008.

The Special City Council Workshop of October 30, 2008 was cancelled. Mayor Pro tem Jack Jones made a motion to approve the Regular City Council Meeting Minutes of November 4, 2008. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

4. Hear Remarks from Visitors.

Karen Jones – 1018 N. Frances Street expressed her concern about the recent criminal activity. She asked that the City expedite the emergency notification system.

Michelle McCroan – 106 East Moore Avenue representing the Terrell Downtown Association expressed her concern about violent crime in the City of Terrell and the need to support the Police Department.

NEW BUSINESS

5. Discuss and Consider Approval of Resolution No. 621 - Regarding Proposed Ables Springs 138kV Transmission Line Project.

Mike Sims, Assistant City Manager presented to Council for discussion and consideration Resolution No. 621 – Regarding Proposed Ables Springs 138KV Transmission Line Project. Mayor Pro tem Jack Jones made a motion to approve Resolution No. 621 – Regarding Proposed

Ables Springs 138kV Transmission Line Project with correction to date of meeting. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

RESOLUTION NO. 621

**A RESOLUTION OF THE CITY OF TERRELL, TEXAS, ESTABLISHING
A CITY POSITION ON THE PROPOSED ABLES SPRINGS 138 Kv
TRANSMISSION LINE PROJECT.**

WHEREAS, the Oncor Electric Delivery Company LLC (Oncor) is proposing to construct two new 138 kilovolt (kV) electric transmission lines in Kaufman County; and

WHEREAS, Oncor held a public participation meeting at the Terrell Independent School District Performing Arts Center on November 8, 2007 in Terrell, Texas, to solicit input for use in determining routing for the proposed transmission lines and share information about line routing alternatives.

WHEREAS, the transmission lines impact Porter Farm, which contains a designated 70 acre National Historic Landmark, which celebrated in 2003 the 100th anniversary of farm demonstration work that began the worldwide organization of cooperative agricultural extensions.

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

Section 1:

That the City of Terrell recognizes the historic and cultural importance of Porter Farms.

Section 2:

That the City of Terrell recognizes alternative transmission routes are available.

Section 3:

That the City of Terrell supports the use of the most northern route available for least possible impact on Porter Farms.

Passed and approved this the 18th day of November, 2008.

6. **Discuss and Consider Approval of a Replat of Part of Block 708 of the Revised Map of Terrell Into Lots 1 and 2 of the SKO Addition, Lot 1 Being a 0.446 Acre Tract of Land and Lot 2 Being a 1.150 Acre Tract of Land, as Conveyed to Stephen Kyle and Lucinda Oakley Recorded in Volume 771, Page 533 and as Conveyed to SKO, Inc. Recorded in Volume 1117, Page 998 of the Deed Records of Kaufman County, City of Terrell, Kaufman County, Texas.**

Terry Capehart, Director of Municipal Development presented to Council for discussion and consideration Replat of Part of Block 708 of the Revised Map of Terrell Into Lots 1 and 2 of the SKO Addition, Lot 1 Being a 0.446 Acre Tract of Land and Lot 2 Being a 1.150 Acre Tract of Land, as Conveyed to Stephen Kyle and Lucinda Oakley Recorded in Volume 771, Page 533 and as Conveyed to SKO, Inc. Recorded in Volume 1117, Page 998 of the Deed Records of Kaufman County, City of Terrell, Kaufman County, Texas. Deputy Mayor Pro tem Don Thurman made a motion to approve Replat of Part of Block 708 of the Revised Map of Terrell Into Lots 1 and 2 of the SKO Addition, Lot 1 Being a 0.446 Acre Tract of Land and Lot 2 Being a 1.150 Acre Tract of Land, as Conveyed to Stephen Kyle and Lucinda Oakley Recorded in Volume 771, Page 533 and as Conveyed to SKO, Inc. Recorded in Volume 1117, Page 998 of the Deed Records of Kaufman County, City of Terrell, Kaufman County, Texas. The motion was seconded by Councilmember Tommy Spencer. Ayes –all; Nayses – none. Motion carried.

7. **Discuss and Consider Approval of Ordinance No. 2388 – Amending Appendix 1, Fee Schedule, Section 28: Sewer Service Rates and Charges.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Ordinance No. 2388 – Amending Appendix 1, Fee Schedule, Section 28: Sewer Service Rates and Charges. Councilmember Ricky Jordan made a motion to approve Ordinance No. 2388 – Amending Appendix 1, Fee Schedule, Section 28: Sewer Service Rates and Charges on first reading. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nayses – none. Motion carried.

ORDINANCE NO. 2388

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING APPENDIX 1, FEE SCHEDULE, SECTION 28: SEWER SERVICE RATES AND CHARGES, PARAGRAPH (1) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

8. **Discuss and Consider Approval of Ordinance No. 2389 – Prohibiting the Use of Designated Groundwater from Beneath Certain Property Generally Located at 100 N. Griffith Avenue, Terrell, Texas 75160 and Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Ordinance No. 2389 – Prohibiting the Use of Designated Groundwater from Beneath Certain Property Generally Located at 100 N. Griffith Avenue, Terrell, Texas 75160 and Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality.

Councilmember Ricky Jordan made a motion to approve Ordinance No. 2389 - Prohibiting the Use of Designated Groundwater from Beneath Certain Property Generally Located at 100 N. Griffith Avenue, Terrell, Texas 75160 and Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality on first reading. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2389

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY GENERALLY LOCATED AT 100 N. GRIFFITH AVENUE, TERRELL, TEXAS 75160 AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- 9. Discuss and Consider Approval of Ordinance No. 2390 - Prohibiting the Use of Designated Groundwater from Beneath Certain Property Generally Located at 1602 West Moore Avenue, Terrell, Texas 75160 and Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality.**

Steve Rogers, City Engineer presented to Council for discussion and consideration Ordinance No. 2390 - Prohibiting the Use of Designated Groundwater from Beneath Certain Property Generally Located at 1602 West Moore Avenue, Terrell, Texas 75160 and Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality. Deputy Mayor Pro tem Don Thurman made a motion to approve Ordinance No. 2390 - Prohibiting the Use of Designated Groundwater from Beneath Certain Property Generally Located at 1602 West Moore Avenue, Terrell, Texas 75160 and Supporting Certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality on first reading. The motion was seconded by Councilmember Ricky Jordan. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2390

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY GENERALLY LOCATED AT 1602 W. MOORE AVENUE, TERRELL, TEXAS 75160 AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

10. Discuss and Consider Appointments to the Terrell Municipal Airport Board.

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Terrell Municipal Airport Board. Councilmember Tommy Spencer made a motion to re-appoint Vickie Anderson to the Terrell Municipal Airport Board. The motion was seconded by Mayor Pro tem Jack Jones. Ayes –all; Naves – none. Motion carried.

11. Discuss and Consider Appointments to the Building Standards Commission.

Mayor Hal Richards presented to Council for discussion and consideration Appointments to the Building Standards Commission. Mayor Pro tem Jack Jones made a motion to table appointment to replace Kyle Robertson. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Naves – none. Motion carried.

Mayor Pro tem Jack Jones made a motion to re-appoint David Rigney. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Naves – none. Motion carried.

Mayor Pro tem Jack Jones made a motion to table this item until staff visits with Contrella Dixon regarding her interest to serve on the Board. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes –all; Naves – none. Motion carried.

12. Discuss and Consider Appointments to the Planning and Zoning Commission.

Deputy Mayor Pro tem Don Thurman made a motion to appoint Raylan Smith to replace Rusty Samples. The motion was seconded by Mayor Pro tem Jack Jones. Ayes – all; Naves – none. Motion carried.

Councilmember Tommy Spencer commented Jeff Crawford has missed several meetings due to his personal schedule. Council asked that Terry Capehart Municipal Development Director visit with (Jeff Crawford) **Check file for exact spelling and eliminate this message after you have made the correction.** to determine his interest in continuing to serve on the board.

Deputy Mayor Pro tem Don Thurman made a motion to re-appoint Aaron Cook to the Planning and Zoning Commission. The motion was seconded by Mayor Pro tem Jack Jones. Ayes – all; Naves – none. Motion carried.

13. Discuss and Consider Appointments to the Zoning Board of Adjustments.

Deputy Mayor Pro tem Don Thurman made a motion to re-appoint Chris Simpson and Frank Finan to the Zoning Board of Adjustments. The motion was seconded by Councilmember Ricky Jordan. Ayes –all; Naves – none. Motion carried.

14. Discuss and Consider Appointments to the Terrell Public Library Board.

Councilmember Ricky Jordan made a motion to re-appoint Michael Chitty, Ruby Shaw and Blanca Gutierrez to the Terrell Public Library Board. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Naves – none. Motion carried.

15. Discuss and Consider Appointments to the Civil Service Commission.

Mayor Pro tem Jack Jones made a motion to table this item. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes – all; Nays – none. Motion carried.

16. Discuss and Consider Appointments to Terrell Economic Development Corporation.

Mayor Pro tem Jack Jones made a motion to table this item. The motion was seconded by Deputy Mayor Pro tem Don Thurman. Ayes –all; Nays – none. Motion carried.

CONSENT AGENDA

17. Discuss and Consider Adoption on Second Reading of Ordinance No. 2387 – An Ordinance Amending Chapter 12 of the Code of Ordinances by Adding a New Section 12-17: Establishing an Identity Theft Prevention Program.

Mayor Pro tem Jack Jones made a motion to adopt Ordinance No. 2387 – An Ordinance Amending Chapter 12 of the Code of Ordinances by Adding a New Section 12-17: Establishing an Identity Theft Prevention Program on second reading. The motion was seconded by Councilmember Tommy Spencer. Ayes – all; Nays – none. Motion carried.

ORDINANCE NO. 2387

AN ORDINANCE BY THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 12 CODE OF ORDINANCES BY ADDING A NEW SECTION 12-17 ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM, TO SET OUT DEFINITIONS, POLICIES AND PROCEDURES FOR IMPLEMENTATION OF THE IDENTITY THEFT PREVENTION PROGRAM; TO PROVIDE A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Federal Trade Commission adopted rules pertaining to an Identity Theft Prevention pursuant to the Red Flags Rule which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 which requires that creditors adopt an Identity Theft Prevention Program; and

WHEREAS, the Red Flags Rule defines creditor to include all utility companies and the City owns and provides utility services and/or accepts payments for municipal utility services and is therefore classified as a creditor; and

WHEREAS, the City Council has requested that City personnel, including the City Attorney, the City Manager and the City Secretary / Finance Director, to develop such Identity Theft Prevention Program and such personnel recommend the Identity Theft Prevention Program attached hereto and incorporated herein as Exhibit "A" ("Program"); and

WHEREAS, the City Council has reviewed the Program and believes it fulfills, complies and implements the Red Flags Rule and other requirements outlined by the Federal Trade Commission; and

WHEREAS, the City Council finds that it is in the public interest to approve the Program.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment. The Code of Ordinances are hereby amended, by adding a new Section 12-17, entitled Identity Theft Prevention Program, as is more particularly set out in Exhibit A.

Section 3. Implementation. All procedures and requirements of The Identity Theft Prevention Program shall be implemented as outlined in the Exhibit A.

Section 4. All provisions of the Code of Ordinances of the City of Terrell in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Ordinances of the City of Terrell not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. Should any sentence, paragraph, subdivision, 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 so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED ON THIS 4th DAY OF NOVEMBER, 2008.
PASSED AND ADOPTED ON THIS 18TH DAY OF NOVEMBER, 2008.

END OF CONSENT AGENDA

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