

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, APRIL 16, 2007 — 6:00 P.M.
209 S. WASHINGTON
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	PAULA BACON
MAYOR PRO-TEM	LONNIE BOUNDS
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	FLOYD CHOYCE
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	WILLIAM FORTNER
COUNCILMEMBER	BARRY RATCLIFFE

INVOCATION: Mayor Pro-Tem Bounds

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Bacon called the Meeting to order at 6:01 p.m. Councilmembers present were Paula Bacon, Lonnie Bounds, Floyd Choyce, William Fortner, Jeff Council, Barry Ratcliffe and Gil Altom Jr. Mayor Bacon declared a quorum present. Also present were City Attorney David Dodd, City Manager Curtis Snow, City Secretary Jo Ann Talbot, Director of Development Terry Capehart, Director of Public Works Richard Underwood and Chief of Police James M. Smith.

CITIZENS COMMENTS (5 MINUTES) Citizens may address the City Council on any subject but must first complete a Request to Speak Form. Comments are limited to five (5) minutes, but no more than five (5) minutes per individual, and are not transferable. Citizen's comments not to exceed a total of 15 minutes.

Anne Glasscock introduced herself as the new Kaufman Chamber of Commerce Director. She reported that she was formerly with the American Red Cross in Terrell and volunteered at the Terrell Chamber of Commerce. She informed the Council that the Chamber is here to support and work with the City.

Glenda Wagner, 2117 Ola Road, Kaufman addressed concerns of drug traffic on East Grove Street. People stand out in the street to make a drug purchase and citizens in vehicles have to go around the people to see the drug activities. She reported this activity is real bad on East Grove Street.

Mark Olivarez, 1906 S. Jackson, Kaufman reported that he had a business at 709 East 1st North Street and it was burglarized in March. He informed the Council that he wrote a letter to the Editor concerning the Police Departments actions in the case. Mr. Olivarez addressed his concerns on why an arrest has not been made in regards of his stolen property.

Mayor Bacon informed Mr. Olivarez that the staff would set up a meeting with him.

CONSENT AGENDA ITEMS #1 THROUGH #2

“All matters listed under the Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.”

1. Consider approval of the Minutes of the March 19, 2007 Regular City Council Meeting.
2. Consider second reading and adoption of Ordinance O-04-07 of the City Council of the City of Kaufman, Texas by amending the Code of Ordinance; Chapter 114 Waterways; by adding Section 114.10 Vehicles and All Terrain Vehicles at Lake Kaufman; providing a penalty clause; providing for a repealer; providing a severability clause; and providing an effective date.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Ratcliffe to approve the Consent Agenda Items 1 and 2. Mayor Bacon called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEMS

3. Consider a request by T.G. Oak Bend Developers, to utilize Escrow funds required for sidewalk improvements for the Prairie Creek Subdivision to be used for Open Space Improvements for sidewalks, picnic, trails, etc. in the Prairie Creek Estates, Phase III in lieu of construction of sidewalks along the perimeter of the subdivision beside Rand Road.

Mr. Brian Chambers, 6652 F.M. 1388, Kaufman, Texas, agent for T. G. Bend Developers, informed the Council that since ground broke in January 2003, 40 homes have been built and sold in Prairie Creek Estates. Another six homes are under construction and 49 more lots are for sale. In addition, there is a large portion of undeveloped land where 63 more lots are planned as well as the park. Mr. Chambers reported that the total estimated 2007 property tax value of this development is \$6,687,000. This development by itself has a bigger tax base than the city's current No. 1 taxpayer. This will have an incredible economic benefit for the community. Mr. Chambers reported that the plans for the 18 acre park in the Prairie Creek Estates improvements are to trim trees, clean out debris, do dirt work to help water flow and future mowing, seed

areas that need grass, add trees, add walking nature trails, park benches and a picnic area. Mr. Chambers asked the City Council if the escrow money for sidewalks along the perimeter of the subdivision along Rand Road could be used for the open space park improvements in the Prairie Creek Estates Phase III. Mr. Chambers reported that the escrow money for sidewalks lead to no destination. There is a creek bed that no sidewalk could be constructed or be connected to another sidewalk. The sidewalk would lead nowhere; therefore the park improvements would better suit the neighborhood.

Mr. Roy Gene Gardner, 1460 C.R. 280, Kaufman, Texas, developer of Prairie Creek Estates, reported that this project needs these amenities for the people who live out there. "We want what's best for Kaufman, and we think that this is in the community's best interest."

City Manager Curtis Snow informed the Council that T. G. Oak Bend Developers escrowed \$13,642.20 for sidewalk improvements for Prairie Creek Phase 1 and an additional \$4,000 will be required for Phase 2. The Developer is requesting that these funds be allowed to be spent making public improvements to the open space to be dedicated in Phase 3 which is approximately 18 acres in size and is sandwiched between Phases 2 and 3. The Park Board approved the open space improvement plan on October 20, 2005. This request was originally made by the developer at the May 16, 2006 City Council Meeting with the result of a tie vote thus the request was denied.

Currently no sidewalks have been constructed on either side of Rand Road from Washington Street to the city limits and beyond. An open drainage ditch takes up most of the right-of-way on either side of Rand Road and sidewalk construction would be impractical. There is room for a sidewalk along side of the screen wall, which was constructed for Prairie Creek Phase 1 and 2, and although it will not be connected to any other sidewalk in the foreseeable future, the sidewalk will serve the purpose of providing pedestrian access from the Prairie Creek Subdivision to the school across the street. No sidewalks were constructed at the Helen Edwards Early Childhood Center when it was built in 2003 and through an inter-local agreement sidewalks were to be constructed if and when sidewalks were constructed by other developments adjacent to the school. The Subdivision Regulations state the requirement for sidewalks to be constructed or the funds escrowed in lieu of construction by a developer's agreement.

Staff recommends not approving this request for the following reasons:

1. The sidewalks are required by the subdivision ordinance. Even though there are a number of developments in the City that do not have these sidewalks, this is the first new development that has

- started since the new standards were adopted. The City needs to be consistent in the implementation of its policies.
2. There is a new federal program for building sidewalks between schools and residential areas. It is staff's intention to pursue these funds next year. One of the areas targeted would be sidewalks along Rand Road. The Escrow funds would go towards the City's matching requirements.
 3. Even though the Developer is quite willing to build sidewalks from Melody Drive Street, the main entrance to Prairie Creek Estates, to the end of the property towards the west, it does not meet the needs of residents on Still Meadow Street, at the existing second entrance to the development.
 4. When the Park Board approved the park improvement concept plan in October, 2005 the amenities that the developer wants to apply these funds toward seem to be an existing obligation of the developer.

Mayor Bacon opposed the refund of the escrow funds. Mayor Bacon would like to see sidewalks for families living in that area, however, the developer in previous meetings had already agreed to funding the open space improvements and subdivision regulations call for developers to escrow funds for construction of sidewalks. She reported that allowing an exception for this developer would weaken subdivision regulations. If we don't apply the subdivision regulations now, when will we.

Mayor Pro-Tem Bounds commented that he was in favor of sidewalks outside the perimeter of the subdivision, but it does not go anywhere.

Councilmember Fortner commented that he was in favor of the park improvements, it would be a nice area not just for the neighborhood, but also other neighborhoods. Councilmember Fortner said that it would be a case of following the rules just for the sake of following the rules. It seems like this would be a time to make an exception and allow the escrow funds be used for the improvements to the park area.

After further discussion, Councilmember Fortner moved and seconded by Mayor Pro-Tem Bounds to approve the use of Escrow funds required for sidewalk improvements for the Prairie Creek Subdivision to be used for Open Space Improvements for sidewalks, picnic, trails, etc. in the Prairie Creek Estates, Phase III in lieu of construction of sidewalks along the perimeter of the subdivision beside Rand Road. Mayor Bacon called for a vote. Councilmember Fortner, Councilmember Choyce, Councilmember Ratcliffe, Councilmember Altom, Councilmember Council and Mayor Pro-Tem Bounds voted AYE. Mayor Bacon voted NAY. The motion carried.

4. Consider approval and authorize the City Manager to execute an Agreement between Texas Department of Transportation and the City of

Kaufman for the Landscape Cost Sharing Program on U. S. Highway 175 and U.S. Highway 34.

City Manager Curtis Snow informed the Council that the City budgeted \$20,000 and the Chamber \$34,000 to undertake a beautification project at the U. S. 175 overpass on Washington Street. Working with the State, staff developed a landscape plan that TxDot has agreed to pay for. The total cost of the plan at this point is \$150,000.

TxDOT will not pay for electrical installation costs or electricity. The plans call for an irrigation system and lighting for the monument signs on each side of the overpass. The current estimate is \$24,000.

The City and the Chamber have approached this project with the full expectation of dividing the costs evenly between the two entities. Therefore it will be expected that the City will pay \$12,000 and the Chamber will pay a matching amount.

TxDOT has stipulated in the agreement that \$24,000 is the current estimate. The City would only have to pay the costs associated with electricity, whether it be higher or lower than the estimate.

The City budgeted \$20,000. The current estimate of the City's portion of the funding for this project is \$12,000. The project will have ongoing maintenance requirements after the first year that will be incorporated into the Street Department budget.

Councilmember Council moved and seconded by Councilmember Altom approve and authorize the City Manager to execute an Agreement between Texas Department of Transportation and the City of Kaufman for the Landscape Cost Sharing Program on U. S. Highway 175 and U.S. Highway 34. Mayor Bacon called for a vote with all voting AYE, the motion carried.

5. Consider approval and authorize the City Manager to execute an Agreement with Carter and Burgess Engineering for Engineering Services for the Recoating and Upgrade of Two Overhead Water Storage Tanks.

Director of Public Works Richard Underwood informed the Council that in FY' 2006 the Council approved a project that involved the recoating and upgrade of the City's two (2) overhead storage tanks. Carter & Burgess engineering submitted an engineering services proposal for planning services, design/bidding services, and construction services. This proposal does not include inspection services. It has been recommended that the City acquire additional services from a qualified inspection company to provide regular inspections on coatings and repairs.

Carter & Burgess Engineering submitted a professional services agreement for a lump sum amount of \$17,950.

Staff recommends that Council authorize the City Manager to enter into an agreement with Carter & Burgess for engineering services for the recoating and upgrade of both overhead storage tanks for a lump sum amount of \$17,950.

Mayor Bacon inquired about the cost of inspections fees from a qualified inspection company. Mr. Mark Hill, Engineer with Carter & Burgres informed the Council that the inspection fees would cost approximately \$700 to \$900 a day, and that would consist of 10 to 12 days of inspections. The inspections would be conducted when the water towers are sand blasted; the primer is put on the towers, and when the final inspection is conducted. The recoating of the water towers should have a life of 10 to 15 years.

Councilmember Altom moved and seconded by Councilmember Ratcliffe to approve and authorize the City Manager to execute an Agreement with Carter and Burgess Engineering for Engineering Services for the Recoating and Upgrade of Two Overhead Water Storage Tanks in the amount of \$17, 950.00. Mayor Bacon called for a vote with all voting AYE, the motion carried.

6. Consider approval of Resolution R-10-07 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of 10 cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Mayor Pro-Tem Bounds moved and seconded Councilmember Council to approve Resolution R-10-07 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of 10 cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. Mayor Bacon called for a vote with all voting AYE, the motion carried.

7. Consider approval of adding a position to the Job Classification Plan, Grade 14 - Administrative Assistant (Management).

City Manager Curtis Snow informed the Council that when Cindy Kintz, Administrative Assistant left the City, she created a vacancy that offers the City an opportunity to re-classify the position into more of a management assistant position that would include a skill set from a masters level education. The city can create a position and commensurate salary that will attract a fresh graduate from a public administration program. This new position will be able to do research, work with community groups, and

generally bring fresh new ideas from the current thinking in major universities across the country.

An administrative assistant with a public administration degree will be able to move us forward in GIS, e-services on the web, capital planning, and many special projects. This new position will be responsible for developing a community relations program that will create innovative methods to promote the good work that is going on in the City.

All departments that utilize this person will benefit. Citizens should benefit through cost reduction ideas, increased service delivery and being better informed.

The salary will increase from \$28,500 to possibly \$32,000. This will be paid for mostly from salary savings in the current vacancy. Each year thereafter will require a budget increase. These positions are similar to training positions for young people interested in the profession of city management. They leave after a year or two. This will keep the salary costs down and give us fresh thinking on a regular basis.

Staff recommended Council to approve the new classification with the understanding that this is not an additional person, but a substitute position for the current administrative assistant. The current classified position description will be maintained. We have another employee in that class and we may want to reinstitute the classification for this position if we do not get the results we expect.

Councilmember Altom moved and seconded by Councilmember Choyce to approve adding a position to the Job Classification Plan, Grade 14 - Administrative Assistant (Management). Mayor Bacon called for a vote with all voting AYE, the motion carried.

8. Consider approval of the Kaufman Fall Caboodle Fest 2007 Budget from the Hotel/Motel Tax Revenue Fund.

Assistant City Manager/City Secretary Jo Ann Talbot informed the Council that this year's festival would be held on October 27th & 28th (Saturday and Sunday). Events will include parade, car show, arts & crafts, food, Texas Top Guns performances, etc.

Mrs. Carolyn Long is chairing the Fall Festival Committee again this year. The Fall Festival Committee is requesting a budget in the amount of \$15,500 for this year's fall festival. This is the same budget and figures from previous years.

Discussion was held that if additional funds were needed to purchase stages, tents, and/or sound systems that Staff would come back to Council for the additional funds for capital expenditures.

Councilmember Council moved and seconded by Councilmember Fortner to approve the Kaufman Fall Caboodle Fest 2007 budget in the amount of \$15,500 from the Hotel/Motel Tax Revenue Fund. Mayor Bacon called for a vote with all voting AYE, the motion carried.

9. Consider setting a date, time, and place to canvass the Election Returns (Tuesday, May 15th through Wednesday, May 23rd).

Councilmember Council moved and seconded by Mayor Pro-Tem Bounds to set Tuesday, May 15, 2007 at 6:00 p.m., City Hall Council Chambers to canvass the Election Returns. Mayor Bacon called for a vote with all voting AYE, the motion carried.

APPOINTMENTS

10. Consider appointment of Two (2) Members to the Park and Recreation Board for an unexpired term through March 2009.

Councilmember Altom moved and seconded by Councilmember Ratcliffe to appoint Delois Stolusky and Patsy Youngs to the Park and Recreation Board for an unexpired term through March 2009. Mayor Bacon called for a vote with all voting AYE, the motion carried.

ANNOUNCEMENTS FROM CITY MANAGER.

City Manager Curtis Snow made the following announcements:

Kaufman County and City Spring Clean Up May 17th, 18th, and 19th. A notice will be mailed in the April water bills.

Grant presentation held March 26th– Sewer System Improvements. Mayor Bacon made the presentation to the North Texas Council of Governments Board and the City ranked number 14 out of 300 applications.

The Texas Department of Housing and Community Affairs (TDHCA) has granted an additional \$5,000 per unit for reconstruction/rehabilitation for five homes. This means that \$60,000 will be allowed to reconstruct a home instead of \$55,000.

The City received its first award from Government Finance Officers Association (GFOA) on the City's Budget for excellence in Budget reporting. This is the first year that the city submitted the annual budget to GFOA. This is a great honor on the first submittal. A news release will be placed in the Kaufman Herald.

A City Council Retreat was tentative scheduled for June 1 and June 2,

2007.

Informed City Council of a citizen's complaint regarding the noise abatement ordinance.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Mayor Pro-Tem Bounds inquired about when a building is going to be removed at Foster's Nursery located on East Mulberry Street. City Manager Curtis Snow reported that he would follow up on this with Staff.

Councilmember Fortner inquired about the Traveling Veteran's Wall coming to Kaufman. City Manager Curtis Snow informed the Council that the Traveling Veteran's Wall was coming to Kaufman on Wednesday April 25th and there would be ceremonies starting on Thursday, April 26th and ending on Sunday April 29th. A good deal of people is expected to come to Kaufman for this event.

Councilmember Fortner informed the Council that he would be retiring his medical practice at the end of the month.

Councilmember Ratcliffe inquired about the banners that are to be placed on South Washington Street. City Manager Curtis Snow reported that the banners should be here at the end of April and erected sometime in May.

ADJOURNMENT.

There being no further business Councilmember Council moved and seconded by Councilmember Altom to adjourn the meeting at 7:29 p.m. Mayor Bacon called for a vote with all voting AYE, the motion carried.

**PAULA BACON
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**