

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 19, 2005 — 6:00 P.M.
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

CITY COUNCILMEMBERS

| | |
|----------------------|-----------------------------|
| MAYOR | PAULA BACON |
| MAYOR PRO-TEM | PAULA HAGLER WAMPLER |
| COUNCILMEMBER | GIL ALTOM JR. |
| COUNCILMEMBER | LONNIE BOUNDS |
| COUNCILMEMBER | FLOYD CHOYCE |
| COUNCILMEMBER | STANLEY HOLMES |
| COUNCILMEMBER | JANICE MURRELL |

INVOCATION: Chief of Police James M. Smith

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Bacon called the Meeting to order at 6:00 p.m. Councilmembers present were Mayor Bacon, Mayor Pro-Tem Wampler, Councilmember Altom, Councilmember Bounds, Councilmember Choyce, Councilmember Holmes and Councilmember Murrell. The Mayor declared a quorum present. Also present were City Attorney David Dodd, City Manager Curtis Snow, City Secretary Jo Ann Talbot, Captain Randy Roach 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.

No citizens' comments were made.

CONSENT AGENDA ITEM #1 THROUGH #5

“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 the approval of the Minutes of the November 21, 2005 Regular City Council Meeting.

2. Consider second reading and adoption of Ordinance O-29-05 an Ordinance amending the Comprehensive Plan, Ordinance O-13-99, of the City of Kaufman, Texas, and the Official Future Land Use Map to change the current land use designation on four (4) tracts of land from Business/Commercial/Highway Commercial uses to Retail uses on Tract 1, being a 7.753 acre parcel; to Light Industrial uses on Tract 2, being a 7.835 acre parcel; to Low Density Residential uses on Tract 3, being a 27.545 acre parcel; and to Multi-Family uses on Tract 4, being a 10.0 acre parcel; generally located at the southwest corner of State Highway 175 and Fair Road, being described as a 53.133 acre portion of a 147.0 acre tract of land as described in a deed recorded in Volume 2190, Page 649 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas.
3. Consider second reading and adoption of O-30-05 an Ordinance amending the Comprehensive Plan, Ordinance O-13-99, of the City of Kaufman, Texas, and the Official Zoning Map changing four (4) tracts of land totaling 53.133 acres from existing Highway Commercial (HC) District to Retail (R) District on Tract 1, being a 7.753 acre parcel of land; to Light Industrial (LI) District on Tract 2, being a 7.835 acre parcel of land; to Single-Family 6 (SF-6) District on Tract 3, being a 27.545 acre parcel of land; and to Multi-Family-2 (MF-2) District on Tract 4, being a 10.00 acre parcel of land; generally located south of State Highway 175 and west of Fair Road, being described as a 53.133 acre portion of a 147.0 acre tract of land described in a deed recorded in Volume 2190, Page 649 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas.
4. Consider the second reading and adoption of Ordinance O-31-05 an Ordinance of the City of Kaufman, Texas, denying the request of Atmos Energy Corp., Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) Rate Increase in this municipality, as a part of the Company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corp., Mid-Tex Division Distribution System as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the City's action to the Railroad Commission; providing a requirement for a prompt reimbursement of costs incurred by the City; finding that the meeting at which this Ordinance is passed is open to the public as required by law; and providing for notice of this ordinance to Atmos Energy Corp., Mid-Tex Division.
5. Consider approval of a 90-day extension for the City Manager to relocate in the City of Kaufman.

Councilmember Murrell requested Item #5 be removed from the Consent Agenda.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Choyce to approve the Consent Agenda Items 1, 2, 3, and 4. The Mayor called for a vote with all voting AYE, the motion carried.

Councilmember Murrell inquired about the City Manager's extension to relocate in the City.

City Manager Curtis Snow informed the Council that he was in the process of purchasing property in the City and that he is obtaining house bids at this present time.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve a 90-day extension for the City Manager to relocate in the City of Kaufman. The Mayor called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEMS

6. Consider approval of Resolution R-28-05 of the City Council of the City of Kaufman, Texas authorizing the City Manager to Execute an Agreement for Professional Services for Food Sanitation Inspections.

City Secretary Jo Ann Talbot informed the Council that Resolution R-28-05 would approve an agreement for Professional Services for Food Sanitation Inspections with Mr. Anthony Hiller. Mr. Hiller has serviced food inspections for the past five years. The agreement is for a one-year period. Mr. Hiller is asking for a \$10.00 increase for inspection services and to conduct training classes for food workers for proper food handling. After discussion, Councilmember Choyce moved and seconded by Councilmember Bounds to approve Resolution R-28-05 of the City Council of the City of Kaufman, Texas authorizing the City Manager to Execute an Agreement for Professional Services for Food Sanitation Inspections. The Mayor called for a vote with all voting AYE, the motion carried.

7. Consider approval of a re-appropriation of funds for the remaining repairs on the North Side Clarifier at the Wastewater Treatment Plant.

City Manager Curtis Snow informed the Council that the north side clarifier at the wastewater treatment plant was originally thought to need replacing. The engineers investigated the structural integrity of the unit and determined it would need some repairs to continue operation. During that time, the clarifier had emergency drive unit repairs completed in June 2005. In May 2005, Council appropriated the funds to make the drive unit repairs. Staff then filed

the repairs with the City's insurance carrier who covered the cost of the damage minus a \$1,000 deductible. The repair did not include all the remaining items needed to make the unit operate properly. The remaining items include the leveling of the weirs, rebuilding 3 pumps, rebuilding 3 motors and rebuilding 1 check valve.

The total cost of completing the clarifier repairs will not exceed \$25,000. Staff is looking at using 2 or 3 different companies each for their field of expertise. This would make the total unit repair cost including the original gear drive unit repairs (covered by insurance) \$68,173 versus the original anticipated \$300,000 for a new unit. The City still has the CD for water and sewer in the amount of \$49,259.

Staff recommends that Council re-appropriate \$25,000 of the \$49,259 from the CD marked water and sewer to make the remaining repairs to the north side clarifier at the WWT Plant.

Councilmember Altom moved and seconded by Councilmember Choyce to approve the re-appropriation of funds for the remaining repairs on the North Side Clarifier at the Wastewater Treatment Plant. Mayor Bacon called for a vote with all voting AYE, the motion carried.

8. Consider approval to purchase one (1) 2006 Ford Crown Vic Police Interceptor and one (1) 2006 Ford F-250 Truck from the Texas Building and Procurement Commission on the State Contract.

Councilmember Murrell suggested that police equipment get installed on the new vehicles as soon as they arrive to get them in service as quickly as possible. Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve the purchase of one (1) 2006 Ford Crown Vic Police Interceptor and one (1) 2006 Ford F-250 Truck for animal control from the Texas Building and Procurement Commission on the State Contract. Mayor Bacon called for a motion with all voting AYE, the motion carried.

9. Consider rescheduling the January 16, 2006 Regular City Council Meeting.

Councilmember Bounds moved and seconded by Councilmember Holmes to reschedule the January 16, 2005 meeting to be held on Tuesday, January 17, 2005. Mayor Bacon called for a vote with all voting AYE, the motion carried.

APPOINTMENTS

10. Consider the appointment of Three (3) Members to serve on the Planning and Zoning Commission.

Councilmember Bounds moved to nominate Burton Brown to serve on the Planning and Zoning Commission. Councilmember Murrell seconded the

nomination. The Mayor called for a vote with all voting AYE, the motion carried.

11. Consider the appointment of One (1) Member and One (1) Alternate member to serve on the Citizens Police Review Board. (Tabled 11-21-05)

Mayor Pro-Tem Wampler moved to nominate Michelle Lopez to serve as a member to the Citizens Police Review Board and Rhonda Hughey to serve as an alternate member. Councilmember Choyce seconded the nomination. The Mayor called for a vote with all voting AYE, the motion carried.

EXECUTIVE SESSION

No Executive Session was held.

THE CITY COUNCIL WILL HOLD A CLOSED EXECUTIVE SESSION PURSUANT TO CHAPTER 551, GOVERNMENT CODE V.T.C.A. (OPEN MEETINGS LAW), IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN SECTION 551.071 LEGAL.

1. LEGAL - Under TEX. GOV'T. CODE Sec. 551.071
 - a. Consult with Attorney regarding an update on pending litigation.

ANY FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN EXECUTIVE SESSION MEETING OR ON INFORMATION RECEIVED IN A CONFERENCE WITH EMPLOYEES WILL ONLY BE TAKEN IN AN OPEN MEETING THAT IS HELD IN COMPLIANCE WITH TEX. GOV'T CODE CH. 551. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AS AUTHORIZED BY TEX. GOV'T CODE SEC. 551.001, ET SEQ. (TEXAS OPEN MEETINGS ACT) ON ANY ITEM ON ITS OPEN MEETING AGENDA OR TO RECONVENE IN A CONTINUATION OF EXECUTIVE SESSION ON THE EXECUTIVE SESSION MEETING ITEMS NOTED ABOVE, IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, INCLUDING, WITHOUT LIMITATION, SECTIONS 551.071-551.086 OF THE OPEN MEETINGS ACT.

END OF EXECUTIVE SESSION

12. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:

1. LEGAL – Under TEX. GOV'T CODE Sec. 551-071.

Legal – pending litigation

No action taken.

ANNOUNCEMENTS FROM CITY MANAGER.

No announcements were made by the City Manager.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Councilmember Bounds expressed concerns of a letter recently sent to Numo Manufacturing regarding dismissal of citations. The City Manager reported he would check into the matter.

Councilmember Altom asked whom to report non-working streetlights. Council was informed that the front desk at City Hall would report them to TXU for repair.

Mayor Pro-Tem Wampler expressed her concern regarding children skate boarding on the streets.

Councilmember Choyce informed the Staff of a complaint regarding a building inspection problem at a new meat market business. City Manager reported that he would check into the matter.

ADJOURNMENT.

There being no other business, Councilmember Bounds moved and seconded by Councilmember Holmes to adjourn the meeting at 6:37 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY