

**MINUTES OF THE  
REGULAR CITY COUNCIL MEETING  
MONDAY, JUNE 20, 2005 — 6:00 P.M.  
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

**CITY COUNCILMEMBERS**

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

**INVOCATION: Chief of Police James M. Smith**

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER:** Mayor Bacon called the Meeting to order at 6:07 p.m. Councilmembers present were Paula Bacon, Stanley Holmes, Janice Murrell and Lonnie Bounds. Mayor Bacon declared a quorum present. Councilmember Altom arrived at 6:28 p.m. and Councilmember Choyce arrived at 7:00 p.m. Mayor Pro-Tem Wampler was absent. Also present were City Attorney David Dodd, Interim City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, Director of Development of Services Terry Capehart, Director of Public Works Richard Underwood and Chief of Police James M. Smith.

**SPECIAL RECOGNITION OF SERVICE FOR COUNCILMEMBER.**

Mayor Bacon presented Penny Kaufmann a plaque for her service and appreciation for her tenure serving as a Councilmember.

**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.

Robert Eldridge – Present a petition

Mr. Robert Eldridge, 107 Booker Street, Kaufman, presented the Council a petition from residents in regards to the nuisance of odor. He reported that twenty people in the area have signed the petition complaining of the smell that comes from Dallas Crown Packing Plant. He requested that the City enforce the ordinance that will stop the nuisance of the smell from Dallas Crown Packing.

Mr. Eldridge read the petition to the Council, which is hereby attached to the minutes. Mr. Eldridge also reported that they have obtained an attorney and that if the City cannot help them, then they are going to find a way to make the City or Dallas Crown Packing comply with the ordinance or they are going to file a class action law suit.

Mayor Bacon thanked Mr. Eldridge and informed him that the Council could not act on the concerns tonight. The Council will research the complaints in the petition and hold a Work Session in two weeks. The Mayor asked that if citizens have complaints to call City Hall to bring to the City's attention.

#### **CONSENT AGENDA ITEM #1 THROUGH #4**

**“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 May 17, 2005 Special Emergency City Council Meeting.
2. Consider the approval of the Minutes of the May 23, 2005 Regular City Council Meeting.
3. Consider second reading and adoption of Ordinance O-09-05 of the City of Kaufman, Texas, declaring the results of the Charter Amendment Election held in the City of Kaufman on the 7<sup>th</sup> day of May, 2005; declaring that such Charter Amendments Nos.1 and 2, are duly adopted and shall be a part of the Charter of the City of Kaufman; and declaring the results of Proposition No. 3 regarding the use of a portion of funds of the Economic Development Corporation sales and use tax proceeds currently being collected be used for the maintenance and operation of the Kaufman Sports Complex as authorized by the Texas Revised Civil Statutes Article 5190.6 Section 4B; directing the City Secretary to record the amendments in the records of the City; directing the City Secretary to certify a copy of this Ordinance to the Secretary of State; and providing an effective date.
4. Consider second reading and adoption of Ordinance O-10-05 adopting and assessing a Collection Service Fee on Court Fines and Costs Delinquent in excess of 60 days, to the Municipal Court in Kaufman, Texas.

Councilmember Murrell moved and seconded by Councilmember Bounds to approve the Consent Agenda Items #1 through #4. The Mayor called for a vote with all voting AYE, the motion carried. Councilmembers Altom, Choyce and Mayor Pro-Tem Wampler were absent.

## **END OF CONSENT AGENDA**

### **BID AWARDS**

5. Consider the rejection of the 2005 Street Rehabilitation bids.

Interim City Manager Curtis Snow informed the Council that out of 21 bid documents, two bids were received for the 2005 Street Rehabilitation. Both bids received exceeded the Departments budgeted amount for 2005 Street Rehabilitation program. The City budgeted a total amount of \$150,000 in FY' 2004-05 for the Street Rehabilitation program. Interim City Manager Curtis Snow recommended that Council reject all bids received for the 2005 Street Rehabilitation program. Staff proposed to include the \$150,000 budgeted in FY' 2004-05 with the FY' 2005-06 Street Rehabilitation program with the bids to be let in October 2005. This will allow for an attempt to acquire better pricing and more response with the larger project and it being off season for this type of work.

Councilmember Murrell moved and seconded by Councilmember Holmes to reject the 2005 Street Rehabilitation bids. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Altom, Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

6. Consider the Request for Proposals for Building Inspection Services.

Director of Development of Services Terry Capehart informed the Council that proposals for Building Inspection Services were sent out to six inspection service firms in the area on April 12, 2005. Only two companies responded, Bill Tiller Inspection Services and Bureau Veritas (Graham Marcus).

The proposals were evaluated on four criteria:

1. Experience
2. Work Performance
3. Capacity to Perform
4. Affirmative Action

Each company was graded using an evaluation form that considered Scope of Services Provided and Statement of Qualifications.

Bill Tiller Inspection Services has served the City of Kaufman since 2000 and is very knowledgeable of the developers that have built projects in the area as well as construction trends in the city. They know most of the contractors and who is licensed and who is not and have many times prevented unlicensed personnel from conducting unauthorized work. They are very reliable and have always provided inspections within one business day of a request. Their overall score on the evaluation form was 78 primarily because the proposal they submitted was lacking most of the requested information. They do not provide any support for report writing or electronic data handling. The City received one reference from the City of Kemp that was excellent.

Bureau Veritas is a local franchise of a national based company with two offices in the metroplex with approximately 50 employees. They have never served in Kaufman before but they have client cities in the area such as Forney, Crandall, and Corsicana as well as many others. Their references are excellent. They provided all of the requested information including resumes of their staff. Their fee structure is quite different from Tiller Services but is based on the building permit fee structure we utilize in order to insure that the building permit fee will always cover their fees. Overall it appears they may be a little more expensive than the Tiller Company but they provide many services Tiller services do not. For example, Bureau Veritas will handle all calls for inspections directly as well as prepare all monthly reports of construction activities. They post the results of all inspections on the Internet on their web page so the information is available to the City as well as to the builders and contractors. This software is provided to the City at no additional cost. Their overall score on the evaluation form was 83.

Although Bureau Veritas may cost a little more, the handling of the phone calls and report writing as well as Internet access to statistics and data will be a great benefit to the City and staff recommends choosing Bureau Veritas as our Building Inspections contractor.

Councilmember Murrell moved and seconded by Councilmember Bounds to approve Bureau Veritas to provide Building Inspection Services for the City of Kaufman. The Mayor called for a vote with all voting AYE, the motion carried. Councilmembers Altom, Choyce and Mayor Pro-Tem Wampler were absent.

## **DISCUSSION/ACTION ITEMS**

7. Consider first reading and approval of Ordinance O-11-05 of the City Council of the City of Kaufman, Texas amending Ordinance O-08-02 Zoning/Development Schedule of Fees; providing a severability clause;

providing a penalty clause; providing for publication of the caption thereof; and providing an effective date.

Interim City Manager Curtis Snow informed the Council that the proposed Ordinance O-11-05 will cover the cost of inspection fees and five other fee adjustments. The amendments to the Schedule of Fees are not a revenue gainer. The fees are being increased to cover the cost of inspections and other zoning and development fees. The following proposed changes are:

1. Add "Amended site plan" .....\$150.00
2. Add "Grading Permit" (must submit tree survey).....\$50.00
3. Change plan review for landscape plans from preliminary plat stage to construction plan stage.
4. Add statement about "Other Fees" covered by other ordinances.
5. Add statement: "If permit fees are paid by check and the check is returned for insufficient funds the permit will be considered invalid and void."
6. Building Permit, Electrical Permit, Mechanical Permit, and Plumbing Permit be raised from \$15.00 to \$45.00 to cover the cost of inspections and other administrative costs incurred by the City.

Director of Development of Services Terry Capehart answered Councilmember Murrell's question that swimming pool permits are in a separate ordinance.

Councilmember Bounds moved and seconded by Councilmember Murrell to approve the first reading of Ordinance O-11-05 of the City Council of the City of Kaufman, Texas amending Ordinance O-08-02 Zoning/Development Schedule of Fees; providing a severability clause; providing a penalty clause; providing for publication of the caption thereof; and providing an effective date. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

8. Consider approval and authorize the Mayor to execute an Agreement for Grant Management Services with Traylor and Associates for the 2005 Texas Community Development Grant.

Interim City Manager Curtis Snow informed the Council that the agreement is for Grant Management Services with Gary Traylor and Associates to the 2005 Texas Community Development Program. The professional services include grant administration services and planning services. The professional services fee is \$31,200.00 and will be paid out over a 24-month period.

Councilmember Murrell moved and seconded by Councilmember Holmes to approve and authorize the Mayor to execute an Agreement for Grant Management Services with Traylor and Associates for the 2005 Texas Community Development Grant Program. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

9. Consider approval for an additional five (5) year renewal from Cingular Wireless to lease space at the Water Tower on Highway 175 as authorized by agreement. (Tabled 5-23-05)

Interim City Manager Curtis Snow informed the Council that City Staff conducted a survey of revenue with other entities regarding leased space from Cingular. The results were that the City's revenue was in line with the revenue collected from other entities.

Councilmember Altom moved and seconded by Councilmember Bounds to approve an additional five (5) year renewal from Cingular Wireless to lease space at the Water Tower on Highway 175 as authorized by agreement. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

10. Consider approval of the Kaufman Economic Development Corporation mid-year report and Business Plan.

Mayor Bacon asked the Council to table this item in order to hold a Joint meeting with the Kaufman Economic Development Board to obtain broader information, specific information to understand better. For instance do we want to expand the scope of Economic Development to include the County and the Kaufman ISD? Do we want to continue Billboards located on Highway 80?

Interim City Manager Curtis Snow reported that the Director of KEDC, Mr. Ayres, could not be present tonight due to a prior commitment and illness in the family.

After a short discussion, Councilmember Holmes moved and seconded by Councilmember Altom to table this item and set up a Joint Meeting. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

11. Consider the acceptance of a grant from Kaufman Economic Development Corporation to support the East Mulberry Street Infrastructure Improvements Project coordinated with Texas Department of Transportation (TxDot).

Interim City Manager Curtis Snow informed the Council that the Kaufman Economic Development Board met on June 9, 2005 and approved \$100,000.00 for East Mulberry Street Infrastructure Improvements.

Councilmember Altom moved and seconded by Councilmember Holmes to approve and accept the Kaufman Economic Development Project Grant for the East Mulberry Street Infrastructure Improvements coordinated with Texas Department of Transportation (TxDot) from the Kaufman Economic Development Board. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

### **APPOINTMENTS**

12. Consider the Appointment of One (1) Member to serve on the Planning and Zoning Commission for an unexpired term through November 2005. (Tabled 5-23-05)

Councilmember Bounds moved and seconded by Councilmember Murrell to appoint Penny Kaufmann to the Planning and Zoning Commission. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

13. Consider submitting names for consideration to serve on the Kaufman Appraisal Review Board to the Kaufman County Appraisal Board of Directors. (Tabled 5-23-05)

The Council took no action on this item.

14. Consider the appointment of one (1) member to the Citizen Police Review Board.

Councilmember Murrell moved and seconded by Councilmember Holmes to appoint Eric Williams to the Citizens Police Review Board. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

Councilmember Holmes nominated Jacqueline Coy to serve as an alternate to the Board. Councilmember Murrell moved and seconded by Councilmember Altom to appoint Jacqueline Coy as an alternate to the Board. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

15. Consider Establishing a Fall Festival Committee.

Mayor Bacon nominated Penny Kaufman to Chair the Fall Festival, in addition nominated Carol Altom and the Keep Kaufman Beautiful Board to Co-Chair the festival. After discussion Councilmember Bounds moved and seconded by Councilmember Murrell to appoint Penny Kaufmann as Chairperson, Carol Altom and the Keep Kaufman Beautiful Board as Co-Chairs to the Fall Festival. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

Councilmember Murrell moved and Councilmember Holmes seconded to go into Executive Session at 6:47 p.m. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Mayor Pro-Tem Wampler were absent.

Councilmember Choyce arrived at 6:50 p.m.

**EXECUTIVE SESSION**

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 LEGAL SECTION 551.071.

1. LEGAL – Under TEX. GOV'T. CODE Sec. 551.071.

A. To consult with City Attorney regarding pending litigation Dallas Crown Packing.

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.

The Council adjourned the Executive Session at 7:45 p.m.

**END OF EXECUTIVE SESSION**



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

1. LEGAL – Under TEX. GOV'T. CODE Sec. 551.071.
  - A. To consult with City Attorney regarding pending litigation -  
Dallas Crown Packing.

No action taken.

**ANNOUNCEMENTS FROM CITY MANAGER.**

1. City Council Retreat – July 30, 2005
2. Update on Overhead Water Storage Tanks
3. Elected Officials Seminar

**REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.**

The Council scheduled a Work Session for Tuesday, July 5, 2005 at 6:00 p.m. to be held at the Kaufman Fire Station regarding the petition presented by Mr. Robert Eldridge on a City of Kaufman Code of Ordinance nuisance abatement regarding Dallas Crown Packing Company.

**ADJOURNMENT.**

There being no further business, Councilmember Holmes moved and seconded by Councilmember Choyce to adjourn the meeting at 7:51 p.m. All approved.

**PAULA BACON  
MAYOR**

**ATTEST:**

**JO ANN TALBOT  
CITY SECRETARY**