

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 23, 2009 — 6:00 P.M.
KAUFMAN CITY HALL
209 S. WASHINGTON
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	WILLIAM FORTNER
MAYOR PRO-TEM	BARRY RATCLIFFE
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	CHARLES GILLENWATER
COUNCILMEMBER	KENNETH MUNDEN
COUNCILMEMBER	LOUIS TIJERINA

INVOCATION: Joy Jones, Counselor Kaufman County Jail

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Fortner called the Meeting to order at 6:05 p.m. Councilmember's present were William Fortner, Jeff Council, Charles Gillenwater, Louis Tijerina and Kenneth Munden. Councilmember Gil Altom and Councilmember Barry Ratcliffe were absent. Mayor Fortner declared a quorum present. Also present were City Attorney David Dodd, City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, and Chief of Police Michael Holder.

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 citizen's comments.

CONSENT AGENDA ITEMS #1 THROUGH #6

"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 September 28, 2009, Regular City Council Meeting.

2. Consider approval of the Minutes of the October 26, 2009, Regular City Council Meeting.
3. Consider approval of the Minutes of the November 9, 2009, City Council Work Session.
4. Consider second reading and adoption of Ordinance O-19-09 of the City Council of the City of Kaufman, Texas, amending Ordinance O-09-09 for a Thoroughfare Plan Map amendment to the Kaufman Comprehensive Plan, Future Land Use and Thoroughfare Plan Map, by amending two proposed Type D Collector Streets generally located North and East of U.S. Highway 175 and Fair Street; south of Nash Drive, Carver Street, Booker Street and Shannon Street; west of South Houston Street, Pridmore Street, Adams Lane, Bacon Street, Border Circle in the City of Kaufman, Kaufman County Texas; and providing for a severability, savings, and an effective date.
5. Consider second reading and adoption of Ordinance O-20-09 of the City of Kaufman, Texas, as amended the Comprehensive Zoning Ordinance O-02-07, and the Official Zoning Map; changing the zoning classification on three tracts of land out of the C. A. Lovejoy Survey, Abstract 303, in the City of Kaufman, Kaufman County, Texas, containing 39.119 acres from Single Family Residential-6, "SF-6" to Planned Development, "PD-11", located in the 1900 Block of Fair Street on the North Side of US Highway 175 and extending back to the intersection of Nash Street and Shannon Street in the City of Kaufman, Kaufman County, Texas; and providing certain conditions; and providing for a penalty clause, severability clause, a savings clause, and an effective date.
6. Consider second reading and adoption of Ordinance O-21-09 Electing for the City to make current service and prior service contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

Councilmember Council moved and seconded by Councilmember Munden to approve the Consent Agenda Items #1 through #6. Mayor Fortner called for a vote with all voting AYE, the motion carried. Mayor Pro-Tem Ratcliffe and Councilmember Altom were absent.

END OF CONSENT AGENDA

BID AWARD

7. Consider Approval to Purchase One (1) 2010 Ford Crown Victoria Vehicle.

City Manager Curtis Snow informed the Council that in the 2009-2010 Budget, the City Council allotted \$28,000.00 for the purchase of one (1) patrol vehicle.

Two (2) bids were received for the 2010 Ford Crown Victoria; one from Texas Building and Procurement Commission (TBPC) and one from Paul Murrey Ford. TBPC has the accepted bid on the State Contract for the 2010 Ford Crown Victoria. The bid accepted from TBPC on the State Contract is \$22,172.36. Paul Murrey Ford submitted a bid of \$22,539.56.

Municipalities with populations of less than 250,000 have the option of awarding contracts (that must otherwise go to the lowest bidders) to local bidders under the following limited situations:

- The local bidder is within 5% of the lowest price received by the municipality from a bidder who does not reside in the municipality; and
- The city council determines in writing that the local bidder offers the best combination of contract price and additional economic development opportunities for the municipality by the contract award, including employment of residents of the municipality and increased tax revenues to the municipality.

The remainder of the emergency equipment will be purchased separately and will not exceed the money budgeted. The delivery date for both bids is June.

Staff recommends that Council approve the purchase of this vehicle for \$22,539.56 from Paul Murrey Ford.

After discussion, Mayor Fortner moved and seconded by Councilmember Gillenwater to accept the bid from Paul Murrey Ford, the local bidder that is within 5% of the lowest bid price, to Purchase One (1) 2010 Ford Crown Victoria Vehicle for \$22,539.56. Mayor Fortner called for a vote with all voting AYE, the motion carried. Mayor Pro-Tem Ratcliffe and Councilmember Altom were absent.

DISCUSSION/ACTION ITEMS

8. Consider first reading and approval of Ordinance O-22-09 of the City Council of the City of Kaufman, Texas, adopting and implementing a Clean Fleet Vehicle Policy associated with the North Central Texas Council of Governments and the Regional Transportation Council.

City Manager Curtis Snow informed the Council that the purpose of this policy is to reduce the City's contribution to the metropolitan area's

pollution levels over time. The requirements in this policy will be to monitor emission levels in City vehicles, and adhere to maintenance and purchase procedures that over time will have the impact of reducing our total emissions of noxious gases and particulates that contribute to poorer air quality.

This policy is virtually a prerequisite to future funding from the RTC for transportation improvements. It is leverage used to improve air quality in the metropolitan area. There is nothing in this policy that the City is not doing or should do. The policy does require staff to keep better records and share them with COG.

The policy requires the City to buy new vehicles when replacing vehicles in the fleet. We already do that.

The policy sets out standards for idling vehicles and the use of the least polluting vehicles as a preference when possible. The policy is logical and makes our equipment operators more conscious about air quality.

Every department except Administration has vehicles and will have to adhere to the policy.

Staff recommends adoption of this policy. Ultimately it will be required in our efforts to seek funds from the RTC.

After discussion, Councilmember Tijerina moved and seconded by Councilmember Council to approve first reading of Ordinance O-22-09 of the City Council of the City of Kaufman, Texas, adopting and implementing a Clean Fleet Vehicle Policy associated with the North Central Texas Council of Governments and the Regional Transportation Council. Mayor Fortner called for a vote with all voting AYE, the motion carried. Mayor Pro-Tem Ratcliffe and Councilmember Altom were absent.

9. Discuss and consider a letter from Kaufman County Appraisal District regarding a new building for the Appraisal District.

City Manager Curtis Snow informed the Council that the Kaufman County Appraisal District was seeking a positive or negative response regarding the purchase of property to expand their facilities. They have been struggling with insufficient space for some time.

Kaufman County Treasury Johnny Countryman informed the City Council that the Appraisal District had outgrown the building they are currently occupying. Kaufman County owns the land and the Appraisal District owns the building. The Appraisal District would like to purchase property in the Kaufman Millennium Park. Kaufman County would purchase the building and would be utilized by Kaufman County offices. In addition, in

the future offices and a gift shop would be placed in the building for the Kaufman County Veterans Memorial with computers for people to look up persons on the Vietnam Wall.

Mr. Countryman said that no response to Kaufman County Appraisal District would be a positive response to relocate and purchase the property in the Kaufman Millennium Business Park.

No responses from the City Council.

The City Council went into Executive Session at 6:17 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 SECTION 551.072 Real Estate.

1. Real Estate - Under TEX. GOV'T. CODE Sec. 551.072
 - a. Discuss a future proposal for real estate.

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 City Council adjourned the Executive Session at 6:41 p.m.

END OF EXECUTIVE SESSION

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

Real Estate - Under TEX. GOV'T. CODE Sec. 551.072

- a. Consider any official action regarding a proposal for Real Estate.

No action taken out of Executive Session.

ANNOUNCEMENTS FROM CITY MANAGER.

City Manager Curtis Snow reminded the City Council of the Christmas Tree Lighting at the City Courtyard on December 5, 2009, at 6:00 p.m.

City Manager Curtis Snow informed the City Council of certain issues taking place at the new Kickers Restaurant and Club regarding the smoking ordinance.

City Manager Curtis Snow informed the City Council that bids for inspection services are currently being developed and will probably be on the Agenda for January, 2010.

City Manager Curtis Snow reminded the City Council of the employee's luncheon to be held at the Fire Station on Thursday, December 17, 2009, at 12:00 noon.

Councilmember Council invited the City Council to the Fireman's Awards Supper at the Fire Station on Tuesday, December 8, 2009, at 6:30 p.m.

ADJOURNMENT.

There being no further business, the meeting was adjourned at 6:49 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**