

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 22, 2010 — 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

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Fortner called the Meeting to order at 6:03 p.m. Councilmember's present were Mayor Fortner, Councilmembers Ratcliffe, Altom, Council, Gillenwater and Munden. Councilmember Tijerina was absent. Mayor Fortner declared a quorum present. Also present were City Attorney David Dodd, City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, Chief of Police Michael Holder, Police Captain Randy Roach, Director of Public Works Richard Underwood, Director of Finance Cathy Cummins and Director of Development Services Marcy Ratcliff.

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.

PROCLAMATIONS

Mayor Fortner recognized the two (2) proclamations before the City Council as listed below:

Proclamation Severe Weather Awareness Week – February 21 -27, 2010

Proclamation Poison Prevention Week – March 14 - 20, 2010.

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 January 25, 2010, Regular City Council Meeting.
2. Consider approval of Resolution R-05-10 of the City Council of the City of Kaufman, Texas declaring that the City is qualified to offer a Tax Abatement Program in accordance with the Property Redevelopment and Tax Abatement Act and renewing incentives for Economic Development.

Councilmember Council moved and seconded by Councilmember Munden to approve Consent Agenda Item 1 and Item 2. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

END OF CONSENT AGENDA

BID AWARD

3. Bid Award - Kaufman Alley Sewer Repair Project for emergency replacement of an existing sewer line between Rand Road and Anthony Street.

Director of Public Works Richard Underwood informed the Council that this agenda item is for the emergency replacement of an existing sewer line between Rand Road and Anthony Street. The line is collapsed in multiple locations and is currently operating very slowly. Bid documents and specifications were prepared by Jacobs Engineering. A bid opening was held Tuesday, February 16, 2010 at 10:30, a.m. where five (5) bids were received.

Jacobs Engineering along with City Staff reviewed all bids received and concluded that 7-H Construction in Tyler, Texas, submitted the most responsible bid.

7-H Construction submitted a total construction cost of \$53,895.48 to complete this project. Funding for this project was not allocated in the FY'

2009-2010 budget and Staff is requesting that this project be funded from remaining Capital Improvement funds estimated at \$110,000.

Staff recommends that Council award the bid for the Kaufman Alley Sewer Repair Project to 7-H Construction in Tyler, Texas, for the total amount of \$53,895.48 to be funded from remaining Capital Improvement funds.

Mayor Fortner asked why the bid was much lower than the other bids. Director of Public Works reported that a background check was made on the contractors and that the contractors equipment was all paid for and he could make a lower bid.

City Manager Curtis Snow informed the Council that this project is also seeking approval to use left over bond money to pay for the project.

After discussion, Councilmember Altom moved and seconded by Councilmember Gillenwater to approve and accept the bid from 7-H Construction, a total construction cost of \$53,895.48 for the emergency replacement of an existing sewer line between Rand Road and Anthony Street and approve the funding of this project be funded from remaining Capital Improvement funds estimated at \$110,000. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

DISCUSSION/ACTION ITEMS

4. Consider granting the "Vietnam Wall Committee" of the American Legion \$1,500 in Hotel/Motel Tax funds for the purposes of promoting the Vietnam Wall.

City Manager Curtis Snow informed the Council that the people who have put together the Vietnam Wall project are now seeking funds to promote the Wall as a tourist attraction to tourists all over the country. They have made a modest request of \$1,500 from the Hotel/Motel Tax fund. The City does have money in reserve in this fund for special requests that will promote tourism in Kaufman.

After discussion, Councilmember Ratcliffe moved and seconded by Councilmember Altom granting \$1,500 in Hotel/Motel Tax funds for the purpose of promoting the Vietnam Wall from the Vietnam Wall Committee of the American Legion. Mayor Fortner called for a vote with all voting AYE, the motion carried.

5. Consider approval and first reading of Ordinance O-01-10 of the City of Kaufman, Texas, amending the Code of Ordinances and supplementing Chapter 114 Waterways; Section 114-8. City Lakes Park; paragraph (e)

and (f); providing for a penalty, a repealer, savings clause and an effective date.

Assistant City Manager/City Secretary Jo Ann Talbot informed the Council that Ordinance O-01-10, if approved by the City Council, will amend the Code of Ordinances, Chapter 114 Waterways; Section 114-8, City Lakes Park; paragraph (e) and (f) by including Lake Kaufman on Highway 243 for fishing permits. It has always been implied that fishing permits were issued for Lake Kaufman and City Lakes Parks on Highway 34. However, it was not clearly stated in the Code of Ordinances. Therefore, the language in Section 114-8 (e) and (f) will include Lake Kaufman on Highway 243 for fishing permits.

After discussion, Councilmember Council moved and seconded by Councilmember Gillenwater to approve first reading of Ordinance O-01-10 of the City of Kaufman, Texas , amending the Code of Ordinances and supplementing Chapter 114 Waterways; Section 114-8. City Lakes Park; paragraph (e) and (f); providing for a penalty, a repealer, savings clause and an effective date. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

6. Consider Approval of Resolution R-06-10 of the City of Kaufman of the City Council for the submission of a grant application for the Mobile Digital Video Recording System to the Office of the Governor, Criminal Justice Division, and State of Texas.

Chief of Police Michael Holder informed the Council that the Kaufman Police Department currently deploys outdated VHS in-car camera systems in marked squad cars. This technology is very old, of poor quality and difficult to maintain.

In-car camera systems have been utilized for several years now and the public has come to expect their local police department to use them. The technology has been used by the public and the media to create a sense of accountability for the police. Videos captured using this technology has appeared on both the national and local news. Communities have witnessed many major and memorable incidents because of the availability of in-car video. In today's environment a local police department must employ this technology and utilize it if the public is to put their trust in us.

The old VHS technology is becoming more and more difficult to sustain. The equipment is hard to maintain and parts are difficult or impossible to find. The VHS tapes used to record the video are becoming more and more difficult to find. When a VHS unit breaks it is usually out of service a significant amount of time. Generally, the only way to repair this type of

unit is to scavenge parts from other units. All of this leads to us not being able to capture video as the public expects us too. The newer digital technology would alleviate these issues.

Video evidence is one of the most important enhancements to come to the law enforcement community in decades. The digital video systems available to law enforcement today are far superior to the old VHS technology. The quality of the picture and sound are greatly enhanced with the new technology. Many county criminal justice systems are currently attempting to implement electronic and paperless case filing. This would be impossible with the old VHS technology. The newer digital technology will allow us to electronically send digital audio and video evidence directly to the courts and will enhance our criminal investigations.

Currently, the Kaufman Police Department is one of the few remaining departments in our county that utilizes the older VHS technology. The move from the outdated VHS technology to digital is a necessity. The VHS tapes are becoming extinct. The digital format enhances the security and integrity of the video and allows for simple storage, retrieving, searching and viewing of the video files.

If the grant is approved, the Kaufman Police Department will be able to fulfill the requirements of the grant with no fiscal impact to the City during the first year.

At the beginning of year two (2), the City of Kaufman would be responsible for annual maintenance fees of \$300 per unit. The grant will fund six (6) units for a total annual maintenance fee of \$1,800.

After discussion, Councilmember Altom moved and seconded by Mayor Pro-Tem Ratcliffe to approve Resolution R-06-10 of the City of Kaufman of the City Council for the submission of a grant application for the Mobile Digital Video Recording System to the Office of the Governor, Criminal Justice Division, and State of Texas. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

7. Consider approval of the Kaufman Police Department 2009 Racial Profiling Report.

Chief of Police Michael Holder informed the Council that the State of Texas requires that law enforcement agencies make an annual racial profiling report to its governing body. The document provides specific indicators in relationship to the traffic stops made on individuals within the City of Kaufman. These indicators include the total number of traffic stops made during 2009, the racial composition of the individuals who were

stopped, the total number of citations issued, the total number of vehicle searches conducted and the total number of arrests made.

The number of traffic stops made in 2009 was 5,712. When compared with the traffic stops made in 2008 of 3,686, there was a 55% increase. 1,238 traffic citations were issued. 768 of those citations were issued to white traffic violators. 100 citations were issued to blacks, 359 were issued to Hispanics, 4 to Asian traffic violators and 7 to others. In 2009, there were a total of 668 searches conducted during traffic stops. 361 of these searches were conducted on whites, 122 on blacks, and 185 on Hispanics. In 160 of these searches, illegal contraband was found with 385 arrests made. 189 white offenders were arrested, 81 black offenders, 115 Hispanics.

When comparing these totals with the previous year, we find a decrease in the total number of searches conducted in 2009 to 668 from 747 in 2008.

In conclusion, the report indicates that again, more whites are being stopped for violations than blacks. The report also indicates that more Hispanics are being stopped than blacks in the City of Kaufman. The large number of arrests made during these traffic stops is a result of multiple passengers in the vehicles who are either connected to the contraband or found to have outstanding warrants when identified by officers.

After discussion, Councilmember Gillenwater moved and seconded by Councilmember Altom to approve and accept the Kaufman Police Department 2009 Racial Profiling Report. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

8. Consider approval and authorize the City Manager to execute an Agreement with Jacobs Engineering to provide general Engineering Services to the City Of Kaufman.

City Manager Curtis Snow informed the Council that the City has been utilizing the services of Jacobs Engineering since 2005 for all City engineering needs. They have provided effective services for both small and large projects. In the long run, with the scope of services, they will save the City money by entering into a contract with them. The contract is not binding and can be cancelled.

The Jacobs Engineering contract is based on a time and material basis. The total contract amount shall not exceed \$10,000 annually and \$5,000 per individual tasks without prior written approval. These funds were allocated in the FY' 2009-2010 Public Works Administration budget.

Staff recommends that Council authorize the City Manager to execute a contract with Jacobs Engineering to provide general engineering services for the City of Kaufman.

After discussion, Councilmember Altom moved and seconded by Mayor Pro-Tem Ratcliffe to approve and authorize the City Manager to execute an Agreement with Jacobs Engineering to provide general Engineering Services to the City of Kaufman. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

9. Consider approval for Emergency Sewer Lift Station Repairs at the Street Facilities and Windsor Park.

Director of Public Works Richard Underwood informed the Council that the Street Facilities and Windsor Park lift stations have had major issues relating to loss of prime and damages due to hydrogen sulfide gases. The Street Facilities station is an above ground unit and was installed in the early 1980's. This unit is deteriorated and will require a total rebuild to get it back in adequate full service. Currently, this unit is out of service with a temporary submersible pump in place. The Windsor Park lift station is actually in more distress than the Street Facilities unit. This unit has deteriorated to the point where a complete pump and motor rebuild along with re-plumbing the interior suction and discharging pipes. A cost estimate was acquired to rebuild these units and it was determined to be more cost effective to upgrade in lieu of rebuilding.

The cost estimate of rebuilding these units was estimated at \$41,216 which includes no electrical panel work. A total cost proposed by Wheeler Pump, Inc. to replace the existing above ground pumps with submersible pumps and replacing the electrical control panel at the Windsor Park lift station is \$54,932. Funding for this project was not allocated in the FY' 2009-2010 budget and Staff is requesting that this project be funded from remaining Capital Improvement funds estimated at \$110,000. Staff may need to request a budget amendment at a later date after the completion of this project.

Staff recommends that Council approve the upgrade of these lift stations to submersible pumps by Wheeler Pump, Inc. for the total amount of \$54,932.

After discussion, Councilmember Gillenwater moved and seconded by Councilmember Council to approve the upgrade of the Street Facilities and Windsor Park lift stations to submersible pumps by Wheeler Pump, Inc. for the total amount of \$54,932 and be funded from remaining Capital Improvement funds estimated at \$110,000 or to request a budget

amendment at a later date after the completion of this project. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

10. Discuss future solid waste contract.

City Manager Curtis Snow informed the Council that the contract with IESI for solid waste services will expire in February, 2011. Staff has met with City of Crandall, Forney and Terrell to discuss a joint proposal for trash services, thus giving us more purchase power for a better contract. Staff has identified a number of options that need some discussion and ultimately to get direction on what to include in the request for proposal.

The issues identified were:

- ☞ Once a week pick up versus twice a week
- ☞ Recycling program or not
- ☞ Tandem wheels or not
- ☞ Use poly carts or not

Once a week pick up versus twice a week.

Kaufman has twice a week pickup. Other cities have opted for once a week pick up. The assumption is that once a week pick up will be less expensive yet adequately serve the customer. It will also reduce the number of miles trash trucks will travel on city streets by 50%. On the other hand, people generally do not like change and twice a week service is more convenient.

Recycling program or not.

The City of Forney has a strong recycling program and has an interest in making it stronger. Kaufman does not currently offer curbside recycling. There are those in the community that do want to recycle. Should we offer this service? Should it be mandatory or voluntary?

Tandem wheels or not.

Currently, IESI uses 25 yard trucks with tandem wheels to collect trash in all Kaufman County cities. The twenty five yard trucks mean larger loads and fewer trips to the landfill. They also mean heavier loads and dual axles. Dual axles are hard on road surfaces at corners. IESI will tell you that with more tires on the ground they distribute weight more evenly and will cause less rutting on asphalt streets. There is some logic to this but the trucks are 25% heavier than a twenty yard truck, so they are distributing heavier loads over the dual axles than they would on the single axles (thus the need for dual axles).

It is more efficient for IESI to use the larger trucks and make fewer trips to the landfill. Banning dual axles will have some cost to the city. In the long run, we should receive savings in street maintenance.

Use poly carts or not.

This is not really an issue for Kaufman. Forney does not provide poly carts and if they choose not to use carts, it may have some affect on the proposal.

Staff wants Council to discuss each of these issues and give the staff some direction. Ideally, each of the cities involved will agree on identical approaches and have one proposal. Alternately, we may be going out with a proposal that has different service levels for each city, and lose some of our purchase power.

The Council discussed continuing to provide twice a week trash pickup, but seek cost savings for once a week trash pickup service. The recycling program could be a volunteer service to the residents. Smaller trucks were ideal for street preservation. The citizens are accustomed to using poly carts and keep them in place. City Manager Curtis Snow reported that he hoped to have the fuel surcharge disappear. A Consumer Price Index (CPI) adjustment should take care of any increases.

Staff will be meeting with the entities next week to further discuss a joint proposal for trash services.

APPOINTMENTS

11. Consider the appointment of four (4) Members to the Keep Kaufman Beautiful Board.

Councilmember Altom moved and seconded by Councilmember Council to appoint Lisa Parker, Elaine Marusak, and Lydia Gardner to the Keep Kaufman Beautiful Board for a further two (2) years. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

12. Consider the appointment of three (3) Members to the Park and Recreation Board for a two (2) year term.

Councilmember Altom moved and seconded by Councilmember Gillenwater to appoint Bryan Nalls Jr., Robert D. Williams and Victoria Stastny to the Park and Recreation Board for a two (2) year term. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

13. Consider the appointment of one (1) Member to the Board of Adjustment for an unexpired term through September 2010.

Councilmember Council moved and seconded by Councilmember Gillenwater to appoint David Petrash to the Board of Adjustment for an unexpired term through September 2010. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

14. Consider Appointing Citizens to serve on a Building Feasibility Study Committee for the City of Kaufman.

Names that were nominated to serve on the Building Feasibility Study Committee for the City of Kaufman were: Eddie Crouch, Bryon Gregg, Jerry Boze and Paula Bacon.

This item was tabled until the next regular City Council meeting to further pursue nominations.

ANNOUNCEMENTS FROM CITY MANAGER.

Reminded Council of the Kaufman Chamber Banquet, Thursday, February 25.

Reminded Council of Kaufman County Day in Austin, March 21st and March 22nd. City Manager to arrange a meeting with Texas Department of Transportation.

ADJOURNMENT.

There being no further business, the meeting was adjourned at 7:01 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**