

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, JUNE 28, 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

INVOCATION: Pastor Jerry Groom

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Fortner called the Meeting to order at 6:05 p.m. Councilmember's present were Mayor Fortner, Councilmember Altom, Councilmember Gillenwater, Councilmember Munden, Mayor Pro-Tem Ratcliffe and Councilmember Council. Councilmember Tijerina was absent. Mayor Fortner declared a quorum present. Also present were City Attorney David Dodd, ACM/City Secretary Jo Ann Talbot, Chief of Police Michael Holder, Fire Chief Eddie Brown, Director of Finance Cathy Cummins, Director of Development Services Marcy Ratcliff and Administrative Assistant Leslie Malone.

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.

RECOGNITION – Distinguished Budget Presentation Award for Fiscal Year 2009-2010 from Government Finance Officers Association (GFOA) – Cathy Cummins, Director of Finance and Leslie Malone, Administrative Assistant

Mayor Fortner presented Certificates to Director of Finance Cathy Cummins and Administrative Assistant Leslie Malone for the Distinguished Budget Award for Fiscal Year 2009-2010 from Government Finance Officers Association. The Mayor and Council congratulated both of them for their efforts of putting the Budget together and receiving this award.

CONSENT AGENDA ITEMS #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 approval of the minutes of the May 24, 2010, Regular City Council Meeting.
2. Consider approval of the Kaufman Chamber of Commerce Audit Year Ending September 2009. (Agreed Upon Procedures).
3. Review of the Tourism Budget Financial Statement for the period ending March 31, 2010.
4. Consider approval of Resolution R-12-10 Authorizing continued participation with the Steering Committee of Cities served by Oncor; and Authorizing the payment of 10 cents per capita to the Steering Committee to fund Regulatory and Related Activities related to Oncor Electric Delivery Company LLC.

Mayor Pro-Tem Ratcliffe moved and seconded by Councilmember Gillenwater to approve the Consent Agenda Items #1 through #4. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEMS

5. Consider Authorizing City Staff to pay Kaufman County for delinquent taxes (County, School, and City) on property described as Lots 1-6, Block L in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas and Lots 1-6, Block M in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas in the sum of \$3,843.73.

Assistant City Manager Jo Ann Talbot informed the Council that on May 24, 2010, the City Council authorized the City Manager to negotiate an agreement to acquire 12 lots in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas. The property was obtainable by paying for the delinquent taxes (2008 and 2009) in the amount of \$3,834.73. The City will also obtain a title policy for the cost of \$780.00. In addition, City Staff will ask Council to release city mowing liens on the 12 lots for 2008 and 2009 in the amount of \$9,809.00.

The Special Warranty Deed has been filed at the County Clerks office. The properties were valued at \$7,500 for each lot in 2009.

The Street Department will be affected due to additional maintenance of the property. The property is approximately 3.159 acres.

The fiscal impact is the cost of delinquent taxes in the amount of \$3,834.73 for 2008 and 2009, the title policy for the sum of \$780.00 and the release of City liens.

Councilmember Altom moved and seconded by Councilmember Council to authorize City Staff to pay Kaufman County for delinquent taxes (County, School, and City) on property described as Lots 1-6, Block L in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas and Lots 1-6, Block M in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas, in the sum of \$3,843.73. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

6. Consider Authorizing City Staff to Release City of Kaufman Liens on property described as Lots 1-6, Block L in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas and Lots 1-6, Block M in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas in the sum of \$9,809.00.

Assistant City Manager Jo Ann Talbot informed the Council that in order to clear the property from mowing liens, City Council will need to authorize City Staff to release the City of Kaufman liens on the 12 lots, in the Valley Park #5 Addition for year 2008 and year 2009 in the amount of \$9,809.00. The cost to file the release of liens at the County Clerks office is \$480.00.

Councilmember Altom moved and seconded by Councilmember Ratcliffe to authorize City Staff to release City of Kaufman liens on property described as Lots 1-6, Block L in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas, and Lots 1-6, Block M in the Valley Park #5 Addition, Kaufman, Kaufman County, Texas in the sum of \$9,809.00. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

7. Consider First Reading and Approval of Ordinance O-11-10 of the City of Kaufman, Texas granting to Trinity Valley Electrical Coop., Its Successors and Assigns, The Nonexclusive Right, Privilege, and Franchise for the term of Ten Years, subject to extension, to erect, maintain, and operate an Electric Power Utility System in the City of Kaufman, Texas; to erect, maintain, and operate its facilities in, over, under, along, and across the present and future public right-of-way in the City of Kaufman; prescribing compensation for the rights, privileges, and franchise conferred hereunder; prescribing the conditions governing the operation of the business insofar as it affects the use of public property for the purpose of such business; installation, upgrade, maintenance, and operation of said system and business; containing other provisions relating to the subject; providing for severability; and providing an effective date.

Assistant City Manager Jo Ann Talbot informed the Council that ten years ago the City of Kaufman negotiated a Franchise Agreement with Trinity Valley Electric Cooperative (TVEC) for electric services. The Franchise Agreement was for a ten (10) year period. The 10 years will expire in July. Staff has discussed the Agreement with TVEC and no changes have been made to the Agreement. The term of the new Ordinance O-11-10 will be for a 10 year period. Key provisions of the Ordinance include the following:

- * The fee to be paid to the City quarterly for use of public ROW's is 4% of gross revenues. Sec. 12
- * The term is for 10 years. Sec. 5
- * Indemnification and more than sufficient liability insurance is provided for. Sec. 9 and 10
- * Upon notice from the City of any annexation, TVEC will adjust its customer list to reflect the 4% within 60 days. Sec. 14
- * The agreement is non-exclusive. Sec. 3
- * Performance reviews may be held every two years. Sec. 6
- * Proper restoration of streets and public property is required. Sec. 8

Mr. Brian Wood, representing TVEC, advised the Council that they had looked at the Franchise Agreement and were satisfied with the same stipulation of the renewal ordinance.

After discussion, Councilmember Altom moved and seconded by Councilmember Council to approve the first reading of Ordinance O-11-10 of the City of Kaufman, Texas granting to Trinity Valley Electrical Coop., Its Successors and Assigns, The Nonexclusive Right, Privilege, and Franchise for the term of Ten Years, subject to extension, to erect, maintain, and operate an Electric Power Utility System in the City of Kaufman, Texas; to erect, maintain, and operate its facilities in, over, under, along, and across the present and future public right-of-way in the City of Kaufman; prescribing compensation for the rights, privileges, and franchise conferred hereunder; prescribing the conditions governing the operation of the business insofar as it affects the use of public property for the purpose of such business; installation, upgrade, maintenance, and operation of said system and business; containing other provisions relating to the subject; providing for severability; and providing an effective date. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

8. Presentations – Issues and Challenges regarding Public Safety.

A. Fire Department – Fire Chief Eddie Brown

Fire Chief Eddie Brown reported that there is 385 million dollars worth of property to protect in Kaufman. He reported that he just wanted to make sure the city is covered.

His main issues and challenges for public safety are staffing and replacement of a City Fire Engine Truck that will need to be in place within three years. Some of their weaknesses include the number and location of facilities, lack of equipment and a steady decline in volunteer firefighter response due to employer restraints and family obligations.

One of the engines is a 1998 and will be 15 years old in three years. The Engine can stay in reserve for a further 5 years. The cost estimate for a new engine fire truck is \$450,000.00. Consideration of a lease purchase option would be one way to consider the purchase of a fire engine truck.

Additional personnel have been cut in the budgets since 2006. Chief Brown needs two additional firefighters. The Fire Department has a lack of volunteers during the day to fight fires. The City has 22 Volunteer Firefighters and only 13 hold the basic certification necessary to enter a burning structure. We need to have more volunteers certified trained.

The overall inspections have increased causing a higher demand of work during the day for the paid employees.

Fire Chief Brown reported that there may be grants under the Safe Act available for funding a first year salary for a firefighter. Then the percent of salary decreases each year.

Mayor Fortner asked if the Assistant Fire Chief was fully recovered. Fire Chief Brown reported that he was not fully recovered to fight fires, but capable of directing fighting fires. Chief Brown is fighting fires along with the other firefighters.

Fire Chief Brown thanked the City Council for their time.

B. Police Department – Police Chief Michael Holder

Police Chief Holder noted his department faces personnel issues, a tight overtime budget and facility challenges, limiting work and office space as well as phone, internet and electrical inefficiencies.

Based on prior years of employment there is an estimated 17 percent reduction in the police department due to various staffing changes, which were followed by increased incidents of criminal activity. Chief Holder reported that a graph revealed a spike in reported crime between 2000-2008. That is an increase of 1,200 victims over those eight years. As time goes on criminals grow more sophisticated and determined and we need to be prepared.

Chief Holder reported that in the past two years there has been a reduction in crime, an increased positive perception of the Police Department and nearly \$180,000 in grants and donations for equipment. In addition, hiring for a newly funded victims' advocate position is under way.

The Department needs a dedicated records clerk and additional dispatcher. The dispatcher is the biggest priority at this time. We operate with only four dispatchers 7 days a week 24 hours a day. We are short on dispatcher personnel in order to operate the department effectively and efficiently.

Chief Holder reported that the surrounding cities such as Forney and Terrell budget are far above what the City's overtime budget allows. The City's overtime budget is \$18,900 compared to Forney's at \$100,000, Terrell's at \$80,000 and Seagoville at \$65,000. He reported that those cities will be asking for additional funding in their upcoming budget from the City Council. The City's \$18,900 overtime money is for Special Events that are preplanned, such as, the Fall Festival and Halloween night. Then a majority goes to overtime for the dispatchers for filling in where the shift is not covered. That leaves approximately \$2,500 for actual overtime pay.

Chief Holder re-expressed his concern regarding the Police Department facilities with the lack of security. People and employees walk through the Police Department. This is not good practice or the rule of thumb for security. He reported that everybody that walks through our department should be fingerprinted and have a criminal record check.

Chief Holder commented that adding three patrol officers, bringing the department back up to the year 2000 staffing level, is the goal for the future.

ANNOUNCEMENTS FROM CITY MANAGER.

Assistant City Manager Jo Ann Talbot announced the following information:

Reminder - TxDot Notice of Public Hearing, Tuesday, July 13th, for the proposed improvements to SH 34, Kaufman High School Cafetorium. Open House at 6:00 p.m. Public Hearing starts at 7:00 p.m.

City Council Budget Retreat, Friday, July 30th and Saturday, July 31st.

Small Town Planning Workshop, August 14th, McKinney City Hall.

ADJOURNMENT.

There being no further business the meeting was adjourned at 7:03 p.m.

WILLIAM FORTNER
MAYOR

ATTEST:

JO ANN TALBOT
CITY SECRETARY