

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, APRIL 25, 2011 — 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: NONE

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Fortner called the Meeting to order at 6:02 p.m. Councilmember's present were William Fortner, Barry Ratcliffe, Gil Altom, Jr., and Kenneth Munden. Mayor Fortner declared a quorum present. Councilmember Tijerina arrived at 6:04 p.m. and Councilmember Gillenwater arrived at 6:25 p.m. Councilmember Council was absent. Also present were City Attorney David Dodd, City Manager Curtis Snow, Administrative Assistant Leslie Malone, Chief of Police Michael Holder, 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.

CONSENT AGENDA ITEM #1 THROUGH #7

"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 March 28, 2011, Regular City Council Meeting.
2. Consider approval of the Minutes of the April 18, 2011, Joint Special City Council and Kaufman Economic Development Board Meeting.
3. Consider second reading and adoption of Ordinance O-03-11 of the City Council of the City of Kaufman, Texas amending Chapter 106 Utilities, Article III. Wastewater, by adding Division 3, Grease Traps. Providing applicability and prohibitions; definitions; installation and maintenance requirements; schedule of penalties; containing a severability clause; and providing for an effective date.
4. Consider second reading and adoption of Ordinance O-04-11 declaring unopposed candidates in the May 14th, 2011 General City Election, elected to office; canceling the election; providing a severability clause; and providing an effective date.
5. Consider Approval of Resolution R-06-11 of the City of Kaufman of the City Council for the purpose of approving the City Manager, Curtis Snow as the "Authorized Official" as it relates to grant submissions and administration to the Office of the Governor, Criminal Justice Division, and State of Texas.
6. Consider approval of the Kaufman Economic Development Corporation 2009-2010 Fiscal Year Audit.
7. Review of the Tourism Budget Financial Statement for the period ending March 31, 2011.

Councilmember Ratcliffe moved and seconded by Councilmember Munden to approve the Consent Agenda Items #1 through Items #7. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmembers Gillenwater and Council were absent.

END OF CONSENT AGENDA

BID AWARDS

8. Consider the Acceptance to Purchase One (1) 2011 ½ Ton Pickup Truck for the Kaufman Street Department from Paul Murrey Ford.

City Manager Curtis Snow reported that staff requested the replacement of an existing 1992 Ford 1/2 ton pickup in the 2010-2011 Budget. This unit was originally the old animal control vehicle. Staff had utilized the unit as long as possible. This unit is basically worn out and would cost more to make all the necessary repairs than the vehicle is worth. Currently, the unit is out of service and on the list for the next auction.

Staff prepared specifications and submitted them to three (3) area vendors. One single bid was received from Paul Murrey Ford, Inc. in Kaufman, Texas. Staff also checked with the State Contract and after review of the bid received and ensuring it met all specifications, Staff determined that Paul Murrey Ford submitted the most responsible bid for this unit.

Councilmember Altom moved and seconded by Councilmember Tijerina to accept the purchase of one (1) 2011 ½ Ton Pickup Truck for the Kaufman Street Department from Paul Murrey Ford for \$17,044.02. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmembers Gillenwater and Council were absent.

PLANNING & ZONING

9. Conduct a public hearing and consider Ordinance O-05-11 on proposed amendments to Section 44, Sign Regulations of Comprehensive Zoning Ordinance O-02-07, relative to multiple lot pole/pylon signage and any other definitions.

A. Conduct Public Hearing

Mayor Fortner declared the Public Hearing open at 6:07 p.m.

Director of Development Services Marcy Ratcliff stated the Planning and Zoning Commission, at the March 1, 2011 meeting, heard a request from the owners of Roma's Italian Bistro, located at 100 Crossroads Drive, to consider amending Section 44, Sign Regulations, to allow two or more lots with connecting property lines to share signage on a pole/pylon sign. The owners desire to have signage that is visible from U.S. Highway 175 and S. Washington, but are unable to do so, as the sign ordinance is written.

The restaurant is located on a street that dead ends into the Tables building. The building they are located in has a wall sign, but it is not visible from S. Washington Street or U.S. Highway 175. They also have a portion of a non-conforming off-premise monument sign, in front of Sal's Liquor Store, at the intersection of Crossroads Drive and S. Washington. This sign is not a lighted sign and is therefore not

visible in the evening. They would like to use a portion of the Shell sign (approximately 40–45 feet high), located at the rear of Sal's Liquor Store that suffered wind damage. Shell has been waiting for an insurance settlement before making the repairs. The property owner of 100 Crossroads is not interested in paying for additional signage. He is trying to sell the property.

Staff was directed to set public hearings in April 2011, to consider amendments to Section 44, Sign Regulations, to allow two or more lots, with connecting property lines to share signage on a pole/pylon sign. Such sign would be required to be located within 450 feet of U.S. Highway 175, meet the other existing regulations of Section 44.10 and have an approved Specific Use Permit. The shared pole sign may or may not be on the same lot as the business.

Section 44.10 allows one pole/pylon sign per street frontage as long as the 250 foot separation between any pole/pylon or monument sign is maintained. Any signs closer or any additional signage requested requires an approved special use permit. The maximum sign area is 200 SF. The maximum height is 75 feet with one additional foot of front yard setback for each foot of height over 50 feet.

The special use permit requires: all property owners sharing the sign to authorize the application, a public hearing, notification to all property owners within 300 feet and approval by City Council. Since the proposed amendment would allow shared signage between lots, it may reduce the actual number of pole/pylon signs.

The Planning and Zoning Commission, on April 5, 2011, recommended approval, by a vote of 5-0, for amendments to Section 44, Sign Regulations, of the Comprehensive Zoning Ordinance O-02-07, relative to multiple lot pole/pylon signage.

Mayor Fortner closed the Public Hearing at 6:11 p.m.

- B. Consider first reading of Ordinance O-05-11 on proposed amendments to Section 44, Sign Regulations of Comprehensive Zoning Ordinance O-02-07, relative to multiple lot pole/pylon signage and any other definitions.

Councilmember Ratcliffe moved and seconded by Councilmember Tijerina to approve first reading of Ordinance O-05-11 on proposed amendments to Section 44, Sign Regulations of Comprehensive Zoning Ordinance O-02-07, relative to multiple lot pole/pylon signage and any other definitions. Mayor Fortner called for a vote with all voting

AYE, the motion carried. Councilmembers Gillenwater and Council were absent.

DISCUSSION/ACTION ITEMS

10. Consider approving a request of \$1,000 of Tourism Fund monies to help fund the Fourth of July celebration at the County Campus on FM 1388.

City Manager Curtis Snow reported that the plans for the Fourth of July Celebration had changed. The original event was to include a picnic at the Vietnam Memorial Wall of Texas and was to include the Chamber of Commerce, the City of Kaufman, and the local American Legion. The original budget for the event was over \$12,000 which included a stage and billboard.

Before the meeting, the event at the Vietnam Memorial Wall of Texas was cancelled, and plans had changed to host a picnic type event at Shannon Park. Staff is recommending approving the request of up to \$1,000 to go towards the event to be held in Shannon Park.

Councilmember Tijerina moved and seconded by Councilmember Altom to spend up to \$1,000 of Tourism Fund monies to help fund the Fourth of July Celebration at Shannon Park. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmembers Gillenwater and Council were absent.

11. Consider approval of Resolution R-07-11 of the City of Kaufman approving the construction of improvements by Kaufman County Appraisal District.

City Manager Curtis Snow stated the Kaufman County Appraisal District failed their efforts of relocating from their present location to Kaufman Millennium Park. Kaufman County Appraisal District owns their building, however, the land belongs to Kaufman County. They have a ninety-nine year land lease from Kaufman County with option to extend the lease for an additional ninety-nine years. The building was constructed in 1985 with only one public meeting room, with additional day to day operations, is used for Board of Directors meetings as well as Appraisal Review Board hearings. Kaufman County's population has increased since 1985 from 46,503 to 103,350, determined by the U.S. Census Bureau.

Kaufman County Appraisal District desires an addition of three meeting rooms, a 2,964 square foot building to be located adjacent to the rear of the present building at an estimated 26% cost of the earlier failed proposal that was pursued.

The resolution seeks Council approval of the new addition to the existing building. The anticipated cost would increase the City's quarterly payments by an estimated \$152.35 beginning January 2012.

Mayor Fortner moved and seconded by Councilmember Tijerina to approve Resolution R-07-11 of the City of Kaufman approving the construction of improvements by Kaufman County Appraisal District. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmembers Gillenwater and Council were absent.

12. Consider approval of Resolution R-08-11 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

City Manager Curtis Snow reported most municipalities have original jurisdiction over gas utility rates and services within the city. The Atmos Cities Steering Committee (ACSC) is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division regardless whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Gas-Mid Tex. There are 154 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility) ACSC also undertakes additional activities on behalf of municipalities for which it needs unding support from its members.

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities.

A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs:

1. This paragraph authorizes the continuation of the City's membership in ACSC.
2. This paragraph authorizes payment of the City's assessment to the ACSC in the amount of five cents (\$0.05) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.
3. This paragraph requires notification that the City has adopted the Resolution.

The ACSC Board reduced the assessments in 2009 and 2010 to provide budget relief to members as the economy tanked. It used whatever funds it had and realized savings as a result of negotiating agreements with Atmos on Rate Review Mechanisms and negotiated a legislative truce with Atmos over the GRIP process. Each 1 cent of assessment generates about \$50,000. In 2010 the Atmos steel pipe replacement program, the Atmos Pipeline rate case, and the Railroad Commission Sunset process costs far exceeded the 2 cents per capita assessment in 2010. All three items continued into 2011, plus the gas industry filing of bills that would adversely affect gas ratepayers and local regulatory authorities (gas rate streamlining/automatic rate adjustment bills) at the Texas Legislature. Thus, the ACSC returned to a 5 cents per capita rate for 2011 in order to support the continuing efforts needed in 2011. The assessment was sent out in April so that members could choose which member fiscal year they wished to make the assessment payment.

Councilmember Gillenwater arrived at 6:25 p.m. Councilmember Altom moved and seconded by Councilmember Munden to approve Resolution R-08-11 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Council was absent.

13. Consider approval of Resolution R-09-11 authorizing an additional penalty on delinquent taxes for tax years 2010 and subsequent years.

City Manager Curtis Snow reported the attorney for the City who pursues delinquent taxes for the City, Jeffrey Brown, has asked to advance the point on which they can act on Delinquent taxes for personal property.

This will allow them to pursue personal property delinquent taxes in May rather than July. This gives the City better assurance of seizing the property before it may be disposed of by the owner.

Generally this action focuses on trailer homes or prefabricated modular homes as they are called now.

Councilmember Altom moved and seconded by Councilmember Tijerina to approve Resolution R-09-11 authorizing an additional penalty on delinquent taxes for tax years 2010 and subsequent years. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Council was absent.

APPOINTMENTS

14. Consider nominating a Councilmember for a position on the Executive Board for North Central Texas Council of Governments.

Mayor Fortner moved and seconded by Councilmember Tijerina to nominate Councilmember Gillenwater for a position on the Executive Board for North Central Texas Council of Governments. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Council was absent.

15. Consider the appointment of one (1) Member to the Keep Kaufman Beautiful Board for a two (2) year term.

Mayor Fortner stated one application for the Keep Kaufman Beautiful Board had been received from Adie Garmon. Ms. Garmon has a degree in Architecture and has lived in Kaufman for forty-seven (47) years.

Councilmember Tijerina moved and seconded by Councilmember Gillenwater to appoint Adie Garmon to the Keep Kaufman Beautiful Board for a two (2) year term. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Council was absent.

ANNOUNCEMENTS FROM CITY MANAGER.

1. The Annual City Council Retreat will be rescheduled.
2. Farmers Market opens May 7th, Kaufman County South Campus.
3. City of Kaufman and Kaufman County Spring Cleanup, Friday, May 13, and Saturday, May 14, 2011.
4. Employee Banquet – Scheduled for Thursday, May 19, 2011 to be held at Trinity Valley Electric Cooperative.
5. The Texas Historical Commission has not opened the application process for the Main Street Program this year due to budget concerns.

- Applications may be accepted at a later date and the City will apply if the Commission takes applications.
6. Monthly Calendars attached.

The Work Session scheduled for May 9, 2011 will cover additional iPad training.

ADJOURNMENT.

There being no further business, the meeting adjourned at 6:35 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**