

**MINUTES OF THE  
REGULAR CITY COUNCIL MEETING  
MONDAY, AUGUST 22, 2011 — 6:00 P.M.  
KAUFMAN CITY HALL  
209 S. WASHINGTON  
KAUFMAN, TEXAS 75142**

**CITY COUNCILMEMBERS**

<b>MAYOR</b>	<b>WILLIAM FORTNER</b>
<b>MAYOR PRO-TEM</b>	<b>JEFF COUNCIL</b>
<b>COUNCILMEMBER</b>	<b>CHARLES GILLENWATER</b>
<b>COUNCILMEMBER</b>	<b>KENNETH MUNDEN</b>
<b>COUNCILMEMBER</b>	<b>TONY RADER</b>
<b>COUNCILMEMBER</b>	<b>BARRY RATCLIFFE</b>
<b>COUNCILMEMBER</b>	<b>LOUIS TIJERINA</b>

**INVOCATION: Silent Prayer**

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER:** Mayor Fortner called the Meeting to order at 6:03 p.m. Councilmember's present were William Fortner, Tony Rader, Charles Gillenwater, Kenneth Munden, Barry Ratcliffe, Jeff Council and Louis Tijerina. Mayor Fortner declared a quorum present. Also present were City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, Director of Finance Cathy Cummins, Director of Development Service Marcy Ratcliff, Chief of Police Michael Holder and Director of Public Works Richard Underwood.

**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 comments were made.

**CONSENT AGENDA ITEM #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 July 25, 2011, Regular City Council Meeting.
2. Consider second reading and adoption of Ordinance O-08-11 an Ordinance of the City of Kaufman, Texas amending Ordinance O-13-99, repealing the existing Annexation and Park Plans and amending the overall goals and objectives of the 1999 Comprehensive Plan and adopting the new Annexation Plan and Park Plan elements of the Comprehensive Plan for the City of Kaufman, Texas; providing for long-range guidance related to future land uses, annexations and future.
3. Consider second reading and adoption of Ordinance O-09-11 an Ordinance of the City Council of the City of Kaufman, Texas, ("city") approving a negotiated Resolution between the Atmos Cities Steering Committee ("ACSC" or "Steering Committee") and ATMOS ENERGY CORP., MID-TEX DIVISION ("Atmos MID-TEX" or "company") regarding the company's fourth annual Rate Review Mechanism ("RRM") filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the steering committee's legal counsel.
4. Consider authorizing the Mayor to execute a Renewal Agreement between the City of Kaufman and the Kaufman Chamber of Commerce Inc. providing for the payment and use of Hotel Tax Revenue to promote tourism.
5. Consider approval and authorize the Mayor and City Manager to execute Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP) Agreements (City Employees Health Insurance Coverage).
  - a. Continuation of Coverage Renewal Administrative Agreement
  - b. Section 125 Flexible Spending Account Service Agreement
  - c. Section 125 Flexible Spending Account Agreement
  - d. Health Reimbursement Service Agreement for Plan Supervisor
  - e. Health Reimbursement Arrangement (HRA) Plan October 1, 2011
6. Consider approval of Resolution R-16-11 of the City Council of the City of Kaufman, Texas authorizing the City Manager to enter into an Agreement with the Texas Department of Transportation to close the Kaufman County Courthouse Square on October 22<sup>nd</sup>, 2011 for the Kaufman Fall Scarecrow Fest 2011.

Mayor Pro-Tem 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.

## **END OF CONSENT AGENDA**

### **BID AWARDS**

7. Consider authorizing the City Manager to execute a Building Inspections Services Agreement for the City of Kaufman.

Director of Development Services Marcy Ratcliff informed the City Council that the City of Kaufman received a letter of termination of agreement from SAFEbuilt on June 8, 2011. The letter gave the City thirty days' notice that all operations in the North Texas area would cease by July 7, 2011.

A legal notice request for proposals (RFP) for professional building inspection services was placed in the local newspaper on June 23, 2011. Staff also researched and mailed out the RFP to 24 different individuals or vendors. Building Code Consulting Services, Bureau Veritas and D&C Consulting are the companies who responded to the request for proposal.

Development Services requested bid proposals for third party building inspection services, which includes residential and commercial plan review, building inspections, substandard building inspections, interpret the building codes, answer questions, provide tracking for all current and previous inspections, and coordinate construction plan reviews and some inspections with the Fire Department, Development Services and Public Works.

Development Services budgeted \$29,100 for FY 2010-2011. Development Services as of July 2011, issued 297 permits. The number of permits reviewed by a third party is 72. A total of 167 inspections have been made since October 2010.

Staff reviewed the three proposals and determined D&C Consulting would not be able to meet the standards outlined in the bid request.

Building Code Consulting Services and Bureau Veritas both provide similar services. The main differences between the two companies are the costs charged for their services. Staff compared proposed charges on various permits already issued and presented Building Permit Fee Comparisons, to use in determining the costs for each proposed inspection service. According to this first comparison, Building Code Consulting Services was lower and Bureau Veritas was higher.

The second comparison was based on the permits issued for a three month period for Building Permit Fee Comparisons (May 2011 to July 2011). According to the second comparison, Bureau Veritas was lower and Building Code Consulting Services was higher. Both comparisons included the fees collected by the City. The majority of permits issued are typically for small repairs which the City charges \$45. Bureau Veritas will charge the City \$76.92 for the inspection service. Building Code Consulting Services will charge the City \$190 for the inspection service. The cost difference between Bureau Veritas is \$31.92 and Building Code Consulting Services is \$145.

Bureau Veritas charges less for the single inspections and more for the big commercial projects. Building Code Consulting Services charges more the single inspections and less for the big commercial projects. The goal is to receive the best service possible at the lowest cost possible.

After review of the proposal for building inspection services, Staff determined that Bureau Veritas' proposal is the most responsible and best fits the needs of the City of Kaufman. Staff recommends Council award the bid and approve the contract for the third party building inspection firm Bureau Veritas.

Mayor Fortner inquired about the term of the contract. Ms. Ratcliff responded that the contract had a 90 day notice to terminate the contract from either party.

Mayor Fortner inquired why Staff had not brought back any package for local persons to conduct inspection on small jobs.

City Manager Curtis Snow reported that he had not found anybody qualified for that service.

Councilmember Rader said he knew of retired persons from the City of Dallas that would be available. The time frame for submitting a proposal had already expired when they became aware of the proposals.

Mayor Fortner reported that Bureau Veritas has worked in Kaufman in the past and had been rude to people. They were unprofessional and discourteous to people and that is not what he wanted in Kaufman. Three other Councilmember's agreed with the Mayor.

City Manager Curtis Snow reported that the Council could reject the bids and rebid the services.

Mayor Fortner moved and seconded by Mayor Pro-Tem Council to reject Bureau Veritas proposal and to rebid the services. Mayor Fortner called for a vote with all voting AYE, the motion carried.

### **PUBLIC HEARING**

8. Conduct a Public Hearing regarding the City's Fiscal Year 2011-2012 Budget.

Mayor Fortner declared the Public Hearing open at 6:17 p.m.

City Manager Curtis Snow informed the Council that the proposed total Fiscal Year 2012 Budget is \$7,423,007. He reported there was a proposed eighteen cents water rate increase (12 cents mandatory by North Texas Municipal Water District and 6 cents for the City) and one half cent property tax increase to adopt the effective tax rate. This will bring in the same revenue as last year. A three percent salary increase is proposed for the employees. The cost to the General Fund for the salary increase is approximately \$63,000 and the Utility Fund is \$22,000. Councilmember Rader questions what other cities in our area were getting raises. Staff reported that information would be provided at the Work Session on September 12<sup>th</sup>.

Mayor Fortner closed the Public Hearing at 6:25 p.m.

### **PLANNING AND ZONING ITEMS**

9. Conduct a public hearing and consider Ordinance O-10-11 on a zone change requested by Martin Food Enterprises, Inc. for Bergen Foods, for a specific use permit for a proposed private club (restaurant with alcoholic beverage sales for on-premise consumption only) to be located at 2250 S. Washington (Pizza Hut), zoned commercial. The subject property is legally described as 1.236 acres of land, out the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas. Case no. Z-03-11.
  - a. Conduct Public Hearing for Specific Use Permit for a private club with restaurant services located at 2250 S. Washington Street.

Mayor Fortner declared the Public Hearing open at 6:26 p.m.

Director of Development Services Marcy Ratcliff informed the Council the public hearing was originally scheduled for July 5, 2011. The correct newspaper notification was made, however surrounding property owners were not notified. Therefore, the public hearing could not be held in July. Proper newspaper and property owner notifications were made for the August 2, 2011 Planning and Zoning Commission meeting.

Martin Food Enterprises, Inc. has submitted a specific use application for a private club (a restaurant with alcoholic beverage sales for on-premise consumption only) to be located in an existing restaurant, at 2250 S. Washington. The restaurant contains 2,432 square feet and is better known as Pizza Hut. The property is zoned commercial and has been developed since before 1993. The property has 36 existing off-street parking spaces. No physical improvements to the property are proposed.

The building at 2250 S. Washington is located approximately 421 feet from the Southside Baptist Church when measured door to door. The minimum required distance separation is 300 feet from a church.

The building is located approximately 1,800 feet from the Kaufman High School property line when measured from the front door of the business, along streets to the school property line. The minimum required distance separation is 1,000 feet from a school property line.

The Comprehensive Plan designates the land use of the subject property as commercial. The existing commercial zoning is in compliance with the land use map. Goal #4 is to encourage quality nonresidential development that is aesthetically pleasing, yet meets the market and economic development needs of the community. This specific use permit request for a private club with alcoholic beverage sales with on-premise consumption does not necessarily apply in this case since the development currently exists. The private club should not negatively affect the surrounding businesses.

The Thoroughfare Plan designates S. Washington Street as Type B Minor Arterial (a 100' right-of-way).

#### Sec 30.2. – SPECIFIC USE PERMIT REGULATIONS:

A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
3. The nature of the use is reasonable;
4. Any negative impact on the surrounding area has been mitigated; and/or
5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

Councilmember Rader asked if the SUP had an expiration date. Director of Development Services Marcy Ratcliff reported that the SUP does not have an expiration date. A new SUP will need to be considered if the footprint of the building or any type of change to the building is changed.

Mayor Fortner suggested that we review the Zoning Ordinance in order to have expiration dates on SUP's.

Mayor Fortner declared the Public Hearing closed at 6:31 p.m.

- b. Consider first reading of Ordinance O-10-11 an Ordinance of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-02-07 for a Specific Use Permit number twenty-two for a private club with restaurant services; generally located at 2250 South Washington Street (Pizza Hut), on 1.236 acres of land out of D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County Texas; providing certain conditions; amending the official zoning map; and providing for a penalty clause, a severability clause, a savings clause, and an effective date.

After discussion, Councilmember Gillenwater moved and seconded by Councilmember Munden to approve the first reading of Ordinance O-10-11 an Ordinance of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-02-07 for a Specific Use Permit number twenty-two for a private club with restaurant services; generally located at 2250 South Washington Street (Pizza Hut), on 1.236 acres of

land out of D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County Texas; providing certain conditions; amending the official zoning map; and providing for a penalty clause, a severability clause, a savings clause, and an effective date. Mayor Fortner called for a vote. Councilmember Munden, Mayor Pro-Tem Council, Mayor Fortner, Councilmember Ratcliffe, Councilmember Gillenwater and Councilmember Tijerina voted AYE. Councilmember Rader voted NAY. The motion passed 6-1.

10. Conduct a public hearing and consider Ordinance O-11-11 on a zone change requested by Roma's Italian Bistro and Nadsara, Inc., for a Specific Use Permit number twenty-three for a pole/pylon sign designed to be shared by 2 or more lots, with connecting property lines, and located within 450' of U.S Highway 175 right-of-way to be located at 2220 S. Washington, zoned commercial. The subject property is legally described as Lot 1, Crossroads Addition, City of Kaufman, Kaufman County, Texas. Case no. Z-04-11
  - a. Conduct Public Hearing for Specific Use Permit for a pole/pylon sign to be located at 2220 S. Washington Street.

Mayor Fortner declared the Public Hearing open at 6:38 p.m.

Director of Development Services Marcy Ratcliff informed the Council that Roma's Italian Bistro owners, in April of 2011, requested the Planning and Zoning Commission to consider amending the Comprehensive Zoning Ordinance O-02-07, Section 44, Sign Regulations to allow for shared pole/pylon signs. City Council adopted amendments, in June of 2011, to allow as a specific use permit shared pole/pylon signs, with two or more lots, with connecting property lines and located within 450' of U.S. Highway 175 right-of-way.

Roma's Italian Bistro and Nadsara, Inc., Inc. submitted a specific use permit application for a shared pole/pylon sign at 2220 S. Washington (Sal's Liquor Store & Sal's Shell Gas Station & Grocery Store). The existing 40' pole sign cabinet has been vacant for several years. The sign cabinet was damaged by high winds.

Roma's is proposing to share the sign cabinet with Sal's Shell Gas Station. The sign dimensions of the existing sign cabinet are approximately 12' x 12' (144 square feet). The sign area devoted to Roma's is 48 square feet and 96 square feet to the Shell Station. The applicants are not proposing any other physical improvements to the site.

COMPREHENSIVE PLAN:

The Comprehensive Plan designates the land use of the subject property as commercial. The existing commercial zoning is in compliance with the land use map. Goal #4 is to encourage quality nonresidential development that is aesthetically pleasing, yet meets the market and economic development needs of the community. This specific use permit request for a shared pole/pylon sign will help identify the location of Roma's which is located on a dead end street. The proposed sign should not negatively affect the surrounding businesses.

The Thoroughfare Plan designates S. Washington Street as Type B Minor Arterial (a 100' right-of-way).

DETERMINATIONS NECESSARY FOR CONSIDERING SUP'S

Sec 30.2. – SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:
1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
  2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
  3. The nature of the use is reasonable;
  4. Any negative impact on the surrounding area has been mitigated; and/or
  5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

No other comments were made.

Mayor Fortner declared the Public Hearing closed at 6:40 pm.

- b. Consider approval and first reading of Ordinance O-11-11 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-02-07 for a Specific Use Permit number twenty-three for a shared pole/pylon sign between two or more connecting lots, generally located at 2220 South Washington Street, on lot 1 Crossroads Addition, City of Kaufman, Kaufman County Texas; providing certain conditions; amending the official zoning map; and providing for a penalty clause, a severability clause, a savings clause, and an effective date.

Mayor Pro-Tem Council moved and seconded by Councilmember Rader to approve the first reading of Ordinance O-11-11 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-02-07 for a Specific Use Permit number twenty-three for a shared pole/pylon sign between two or more connecting lots, generally located at 2220 South Washington Street, on lot 1 Crossroads Addition, City of Kaufman, Kaufman County Texas; providing certain conditions; amending the official zoning map; and providing for a penalty clause, a severability clause, a savings clause, and an effective date. Mayor Fortner called for a vote with all voting AYE, the motion carried.

### **DISCUSSION/ACTION ITEMS**

11. Consider a request from the Historical Society for tourism funds to be used for a Birthday Celebration Party for Kaufman to be held at the Historical Society Garden on the square.

Ms. Carolyn Long, 400 West 4<sup>th</sup> Street, Kaufman, Texas, representing the Kaufman Heritage Society informed the Council that the Kaufman Heritage Society, and the Kaufman Downtown Association was holding a Celebration of the 160<sup>th</sup> Anniversary of the founding of the Kaufman Square in the year 1851.

She invited the Mayor and City Council to attend the celebration on October 8<sup>th</sup>, 2011, from 11:00 a.m. to 4:00 p.m. The Celebration will be held at the corner of East Grove Street and N. Washington and the Maples Hall Building.

Ms. Long requested the City to sponsor \$2,500 towards the celebration. They hope to draw attention to our square and its attractive architecture by hosting a temporary Museum where many of the founding families of Kaufman will be exhibiting their history and memorabilia. She also reported there will be entertainment with costumed reenactments of Dr. William P. King, Mrs. Francis Tabor, and the namesake of our County the Honorable State Representative David Spangler Kaufman. The Cuellar Family of El Chico will be here as honored guests. They will also be bringing photos and mementoes of the first El Chico that dished up the first tacos on the Square. Music of the period will be provided by the Kaufman Jam fest. A Texas size cake will also be served.

After discussion, Mayor Fortner moved and seconded by Councilmember Rader to approve \$2,000 from the tourism funds to be used for the 160<sup>th</sup> Anniversary of the founding of the Kaufman Square in the year 1851. Mayor Fortner called for a vote with all voting AYE, the motion carried.

12. Consider approval and first reading of Ordinance O-12-11 of the City of Kaufman, Texas, amending Code of Ordinance Chapter 106 Utilities. Water Rates.

City Manager Curtis Snow informed the Council that during a recent City Council budget workshop, funding requirements for the Enterprise Fund (Water/Sewer) were discussed. Major issues with deteriorated infrastructure have depleted any extra Enterprise Fund reserves the City had at the beginning of the current fiscal year. Additional water revenue is needed to replenish these funds and support Enterprise Fund operations in Fiscal Year 2012.

(a) The city is anticipating a 12¢ increase in the wholesale rate per 1,000 gallons of water from the city's wholesale supplier, North Texas Municipal Water District (NTMWD). The actual amount will not be known until NTMWD adopts their new rates in September. The additional 6 cents is needed to replenish these funds and support Enterprise Fund operations in Fiscal Year 2012.

The combined total water rate increase is 18 cents per thousand gallons. Estimated additional revenue generated by this rate increase is \$62,717. With a 12 cent increase from NTMWD, the City will be required to pay an additional \$52,608 for water. The excess revenue of \$10,109 will be used to fund increases in supplies and materials used to maintain the City's

water system. Staff provided a history of water and sewer rates.

After discussion of the proposed water rate increase, Councilmember Rader moved and seconded by Councilmember Tijerina to approve the first reading of Ordinance O-12-11 of the City of Kaufman, Texas, amending Code of Ordinance Chapter 106 Utilities. Water Rates. Mayor Fortner called for a vote with all voting AYE, the motion carried.

13. Consider approval and authorize the City Manager to execute a Contract amendment with Jacobs, Inc. for additional Engineering Services to complete the CR 151 Intersection (Old Kemp Highway) for the Kaufman Connector Street between S. Washington Street and CR 151.

Director of Public Works Richard Underwood informed the Council that in December 2009, City Council authorized the City Manager to execute an agreement with Jacobs, Inc. to design the Kaufman Connector Street project which connected CR 151 to SH 34. The connector street is listed as a Type "C" Collector in the City's Thoroughfare Plan. However, the Street right of way was reduced from a 100 feet to an 80 foot right of way.

Jacobs, Inc. completed approximately 30% of the design and has been pending due to the acquisition right of way and negotiations with developers. Recently, Jacobs, Inc. has begun working to complete this project. The City has added the intersection at CR151 and the Connector Street to the design. This amendment is for engineering services to design the intersection.

Staff recommends that Council authorize the City Manager to execute a Contract Amendment with Jacobs, Inc. for engineering services to include the design of the intersection at CR 151. The original contract amount was \$48,250 with 1 contract amendment in the amount of \$7,500 for a total contact amount of \$55,750. The addition of this contract amendment of \$9,700 will bring the total contract amount to \$65,450. The engineering services are being funded through the Street Impact Fees.

After discussion, Councilmember Ratcliffe moved and seconded by Councilmember Tijerina to approve and authorize the City Manager to execute a Contract amendment with Jacobs, Inc. for additional Engineering Services to complete the CR 151 Intersection (Old Kemp Highway) for the Kaufman Connector Street between S. Washington Street and CR 151. Mayor Fortner called for a vote with all voting AYE, the motion carries.

14. Consider approval and authorize the City Manager to execute a Contract with Jacobs, Inc. for Engineering Services to provide surveying and grade plans for the parking lot extension at the Kaufman Sports Complex.

Director of Public Works Richard Underwood informed the Council that in 2009, City Staff provided general grading along with the addition of base material for a temporary parking extension at the Sports Complex. Concrete curbing was added along each side of the temporary parking area with the intent of ultimately concreting the remaining parking area. This is the engineering required to complete the concrete parking at the Kaufman Sports Complex. The proposed parking lot extension will add from 180 to 200 additional parking spaces at the facility.

Staff recommends that Council authorize the City Manager to execute a Contract with Jacobs, Inc. for Engineering services to include surveying and grading plans for the parking lot extension at the Kaufman Sports Complex for the lump sum amount of \$9,100.

After discussion, Mayor Pro-Tem Council moved and seconded by Councilmember Tijerina to approve and authorize the City Manager to execute a Contract with Jacobs, Inc. for Engineering Services to provide surveying and grade plans for the parking lot extension at the Kaufman Sports Complex. Mayor Fortner called for a vote with all voting AYE, the motion carried.

15. Consider approval and authorize the City Manager to execute a Contract with EJES, Inc. for Engineering Services to replace the Wastewater Treatment Plant Mixer.

Director of Public Works Richard Underwood informed the Council that the existing Philadelphia Mixer has been out of service since fall 2010. Since that time, Staff has been working with Mark Hill (former project manager at Jacobs Engineering) to review alternatives to the Philadelphia Mixer. Each year for the past few years, the existing Philadelphia Mixers have been breaking down at least once sometimes twice per year. The average rebuild cost has been from \$15,000 to \$30,000 each. The plant currently has 4 mixers and all units have been rebuilt at least 3 times each. Future rebuilds on these units is no longer an effective option. Therefore, the only other options are to replace the units or review more cost effective alternatives. The current cost to replace the existing Philadelphia Mixer is \$180,000.

Since November 2010, City Staff has been working with pump repair Staff and Mark Hill on a viable alternative to the existing mixers. A submersible pump with a spray diffuser has been in place since February 2011. With continued monitoring and modifications, the submersible pump mixer has proven that it will maintain the plant's needs and work equal to the Philadelphia Mixer at ½ the horsepower.

This engineering contract is to write the specifications, bid and provide 2 inspections on the project for a lump sum. Other inspections, if needed,

will be based on cost of time and materials. Staff advised Council at the July 25, 2011, meeting that it would present a plan for the funding to replace the existing Philadelphia mixer at the August meeting. A total amount of \$80,000 was allocated in the FY' 2010-2011 Budget for the replacement of the existing mixer. Due to unanticipated emergency upgrades required to the SCADA operating system and the electrical transfer switch at the plant, Staff had to request that \$37,980 of the original \$80,000 be utilized for engineering services to replace and upgrade these units. Therefore, the \$37,980 plus the \$12,700 requested here for the mixer engineering along with a projection of \$60,000 for the actual replacement of the mixer would place this year's WWT Plant budget approximately \$30,680 over budget. With this in mind, due to the timing of this project including completion of the engineering, advertising and bidding, the project will not be ready for Council award until October 2011 which will place this project in the FY' 2011-2012 budget. Therefore, Staff is recommending that the \$60,000 projected for this project be allocated within the FY' 2011-2012 budget for replacement.

Staff recommends that Council authorize the City Manager to execute a Contract with EJES, Inc. for engineering services to write specifications, bid and provide inspection services to replace the existing Philadelphia Mixer at the WWT Plant. Staff has allotted adequate funds for the year end projections to the current WWT Plant budget.

After discussion, Councilmember Gillenwater moved and seconded by Councilmember Tijerina to approve and authorize the City Manager to execute a Contract with EJES, Inc. for Engineering Services to replace the Wastewater Treatment Plant Mixer. Mayor Fortner called for a vote with all voting AYE, the motion carried.

## **APPOINTMENTS**

16. Consider the appointment of one (1) Kaufman Economic Development Board Member for a three (3) year term through August, 2014.

Mayor Fortner informed the Council that one KEDC Board member is available for appointment this year. Board member Jeffery Jordan's term expires in August. Mr. Jordan has served one (1) full three-year term on the Board. Mr. Jordan has expressed an interest to continue to serve on the Board. No other names were presented to the City Council.

Councilmember Ratcliffe moved and seconded by Mayor Pro-Tem Council to appoint Jeffrey Jordan to the Kaufman Econ Economic Development Board Member for a three (3) year term through August, 2014. Mayor Fortner called for a vote with all voting AYE, the motion carried.

**ANNOUNCEMENTS FROM CITY MANAGER.**

City Manager Curtis Snow made the following announcements:

Observation of Labor Day Holiday – Monday, September 5<sup>th</sup>  
Budget Work Session – Monday, September 12<sup>th</sup>  
Kaufman Chamber Auction – Saturday, September 24<sup>th</sup> to be held at  
Numo's starting at 5:30 p.m.

Councilmember Rader reminded the Council and Staff that University of Texas of Arlington, Institute of Urban Studies, School of Urban and Public Affairs would be in Kaufman to tour downtown for a study on the Streetscape Friday, August 26<sup>th</sup> at 10:30 a.m.

**ADJOURNMENT.**

There being no further business the meeting was adjourned at 7:37 p.m.

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**WILLIAM FORTNER  
MAYOR**

**ATTEST:**

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**JO ANN TALBOT  
CITY SECRETARY**