

**MINUTES OF THE  
CITY COUNCIL WORK SESSION  
AND SPECIAL CITY COUNCIL MEETING  
TUESDAY, APRIL 4, 2006 — 6:00 P.M.  
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

**CITY COUNCILMEMBERS**

<b>MAYOR</b>	<b>PAULA BACON</b>
<b>MAYOR PRO-TEM</b>	<b>PAULA HAGLER WAMPLER</b>
<b>COUNCILMEMBER</b>	<b>GIL ALTOM JR.</b>
<b>COUNCILMEMBER</b>	<b>LONNIE BOUNDS</b>
<b>COUNCILMEMBER</b>	<b>FLOYD CHOYCE</b>
<b>COUNCILMEMBER</b>	<b>STANLEY HOLMES</b>
<b>COUNCILMEMBER</b>	<b>JANICE MURRELL</b>

**INVOCATION: Councilmember Bounds**

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER:** Mayor Bacon called the Meeting to order at 6:02 p.m. Councilmembers present were Paula Bacon, Paula Hagler Wampler, Gil Altom Jr., Lonnie Bounds and Janice Murrell. Mayor Bacon declared a quorum present. Councilmember Choyce arrived at 6:17 p.m. Councilmember Holmes was absent. Also present were City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot and Director of Public Works Richard Underwood.

**NOTE:** A Work Session is used to explore matters of interest to one or more City Council Members or the City Manager for the purpose of giving staff direction into whether or not such matters should be placed on a future regular or special meeting of the Council for citizens' input, City Council deliberation and formal City action. At a work session, the City Council generally receives informal and preliminary reports and information from City staff, officials, members of City committees, and the individual or organization proposing council action, if invited by City Council or City Manager to participate in the session. Participation by individuals and members of organizations invited to speak ceases when the Mayor announces the session is being closed to public input. Although Work Sessions are public meetings, and citizens have a legal right to attend, they are not public hearings, so citizens are not allowed to participate in the session unless invited to do so by the Mayor. Any citizen may supply to the City Council, prior to the beginning of the session, a written report regarding the citizen's opinion on the matter being explored. Should the Council direct the matter be placed on a regular meeting agenda, the staff will generally prepare a final report defining the proposed action, which will be made available to all citizens prior to the regular meeting at which citizen input is sought. The purpose of this

procedure is to allow citizens attending the regular meeting the opportunity to hear the views of their fellow citizens without having to attend two meetings.

1. Receive a report, hold a discussion, and give Staff direction on a request by IESI Solid Waste Disposal for a fuel surcharge for solid waste collection services.

City Manager Curtis Snow informed the Council that this item was tabled at the Regular City Council meeting of March 20, 2006 for further discussion. Mr. Snow explained that there is nothing in IESI's agreement that provides for such an amendment or requires the City to take action on a fuel surcharge for solid waste collection services. Although, fuel prices have increased over \$1.00 a gallon since IESI started providing services. The initial agreement provided for a two year freeze on rates, the City has awarded two CPI rate increases starting last year and just recently in February. Staff has determined fuel surcharges have been approved for the City of Rowlett, the City of Stephenville and the City of Prosper. The City of Terrell has been approached and the Council was receptive to receiving a proposal.

If in fact IESI were experiencing losses, it would not benefit the City or our customers to ignore their problem. The question is: how does the City determine an effective cost method that will allow IESI to recoup their losses and not overly burden the customers.

City Manager Curtis Snow explained cost analysis for the City of Rowlett, City of Prosper and City of Stephenville. The City of Prosper and City of Stephenville both set their base price for calculating increases at \$2.00. The Staff proposal was based on the price of \$1.47 at the beginning of the contract, adjusted to \$1.60 from four years of inflation recouped through past increases.

Based on the starting base price of \$1.60, the fuel surcharge would generate \$1,139.00 per month or \$13,669.64 the first year based on the initial surcharge. Mr. Snow presented another cost analysis proposal to set the base rate at \$2.00. With this calculation it would generate \$569.57 per month or \$6,834.84 per year.

Discussion was held regarding: at what rate does the City start with the base surcharge; how does the City spread the cost to customers, such as, residential and commercial or commercial only; and how often does the City adjust the rate in accordance of the ten cent (\$00.10) incremental change of fuel cost.

Mr. Dick Demien, Municipal Marketing Manager, 3817 Main Street, Rowlett, Texas informed the Council that the original contract allowed a

two year freeze for a CPI increase and that they were trying to capture inflation cost. Mr. Demien pleaded for the base rate to start at \$1.60. He reported that the other cities that set their base rate at \$2.00 had base hauling rates that were negotiated well after Kaufman and IESI went into their agreement in 2003.

City Manager Curtis Snow reported that he would look into Mr. Demien's justification of the base rate starting at \$1.60.

After discussion, the Council suggested Staff to develop an amended agreement with IESI, to consider the fuel surcharge to be added to the residential and commercial customers and to be adjusted every six months.

2. Receive a report, hold a discussion, and give Staff direction regarding an Agreement with North Texas Municipal Water District (NTMWD) for the transfer of Ownership of the Underground Storage Tank located at 607 West Pyle Street.

City Manager Curtis Snow reported that this item was tabled from the March 20, 2006 City Council meeting in order to collect additional information from North Texas Municipal Water District relating to other cities who were required to meet their new standards. Cities that have removed the pumps completely from the underground storage tanks are Forney, McKinney and Rockwall. Princeton and Farmersville have projects underway to remove their pumps off of their underground storage tanks. Forney also has a proposed project to remove the pumps from another underground storage tank. Staff has also provided the last annual test report on the city's underground tank in order to provide an evaluation of the current condition of the tank.

City Manager Curtis Snow explained to the Council that the underground storage tank and flow meter at 607 W. Pyle Street are owned and maintained by North Texas Municipal Water District (NTMWD). The City owns the property, buildings, pumps and accessories. Any modifications to the actual tank must first be approved by NTMWD. The transfer of ownership of the underground storage tank came about when the City was in the process of installing the new high service pump on the top of the underground storage tank. The new high service pump was required by the Texas Environmental Commission of Quality (TECQ) to meet our high service pumping requirements. The City requested the addition of the pump and the installation of electrical service lines to be mounted on the top of the tank. All of the City pumps are on the top of the underground storage tank. NTMWD informed the City that they now require no pumps be mounted on the top of the underground storage tanks. Removing this pump from the top design would be a major cost increase to the City.

NTMWD has requested the transfer of the underground storage tank to the City.

The terms of the transfer would require the City to install an air gap on the inside of the tank within 6 months of the date of the agreement and install a flow meter on the inlet pipe prior to the tank within 36 months of the date of the agreement. The new flow meter would become the property of NTMWD. In turn, the City would take over the existing flow meter on the discharge side of the tank. This would allow the City an alternate flow meter to double check the actual water being billed. The City would also take over any and all maintenance relating to the tank and existing flow meter. This would include annual inspections, cleanings, repairs, etc.

The City has paid for the tank over the past years. The installation of the check valve within 6 months would cost approximately \$1,200 to \$6,000 depending on if it can be accomplished by City personnel or a private contractor. The installation of a flow meter and vault within 36 months is currently estimated at \$50,000. Annual inspection and cleaning would cost approximately \$1,200. Inspections are required annually. Cleaning may not be required every year. NTMWD has agreed to allow the City a three year period to install an inlet flow meter and vault. If the City had to completely remove all the pumps from the top of the tank, the estimated cost would be around \$500,000.00.

City Manager Curtis Snow informed the Council that this recommendation is the most cost effective measure that the City has in regards to current mandate from TECQ and the requirement from NTMWD.

The Mayor and Councilmembers asked many questions and expressed their concerns regarding this item.

### **ADJOURN WORK SESSION**

Mayor Pro-Tem Wampler moved and seconded by Councilmember Murrell to close the Work Session at 7:04 p.m. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Holmes was absent.

### **SPECIAL CITY COUNCIL MEETING**

#### **CALL MEETING TO ORDER:**

Mayor Bacon called the Meeting to order at 7:04 p.m. Councilmembers present were Paula Bacon, Paula Hagler Wampler, Gil Altom Jr., Floyd Choyce, Lonnie Bounds and Janice Murrell. Mayor Bacon declared a quorum present. Councilmember Holmes was absent. Also present were City Manager Curtis

Snow, ACM/City Secretary Jo Ann Talbot 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.

1. Consider adopting a fuel surcharge for Solid Waste Collection Services.

Councilmember Bounds moved and seconded by Mayor Pro-Tem Wampler to table this item until the next City Council meeting. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Holmes was absent.

2. Consider approval and authorize the City Manager to enter into an Agreement with North Texas Municipal Water District (NTMWD) for the transfer of Ownership of the Underground Storage Tank located at 607 West Pyle Street.

Councilmember Altom moved and seconded by Councilmember Choyce to approve and authorize the City Manager to enter into an Agreement with North Texas Municipal Water District (NTMWD) for the transfer of Ownership of the Underground Storage Tank located at 607 West Pyle Street. Mayor Bacon called for a vote with Councilmember Choyce, Councilmember Altom, Councilmember Murrell, Councilmember Bounds and Mayor Bacon voting AYE. Mayor Pro-Tem Wampler voted NAY. The motion passed 5-1. Councilmember Holmes was absent.

### **ANNOUNCEMENTS FROM CITY MANAGER.**

City Manager Curtis Snow made no announcements.

### **REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.**

Councilmember Murrell asked the City Manager when did the City know that the Kaufman Square was going to be shut down for the movie film that was held last Friday and Saturday. The City Manager explained that it was confirmed about 2 weeks before the event.

Councilmember Murrell expressed her concern that with the Kaufman Square being blocked off people could not get their medicine from the pharmacist and that should have come before the Council. The businesses around the square should have been notified.

City Manager Curtis Snow reported that originally only one leg of the square was to be closed and that the Police Department looked at the safety issues very carefully.

Councilmember Murrell reported that some of the business owners were paid for the interruptions and some were not.

City Manager Curtis Snow reported that the businesses could contact the film production people and they would compensate them.

Councilmember Murrell reported that in the future this type of an event be coordinated in a better manner.

Mayor Pro-Tem Wampler asked who allowed this movie film company on the square. Mayor Bacon reported that Judge Gent at Kaufman County allowed them to use the Courthouse.

Councilmember Murrell reported the County received \$7,500.00 for the use of the Courthouse.

Councilmember Murrell wanted to know if the City paid any police officers that provided security to the film production company and wanted a list of who worked for the film company and who was on city patrol for the city. She recommended that the City get written consent by the merchants on the square and that the city notify TxDot of any event around the square.

Councilmember Murrell suggested that Police Reserve Officers patrol at the Sports Complex during the youth playing season and asked how many Reserve Officers does the city have.

Councilmember Murrell reported that loud music was playing all over town and from residents' homes.

Councilmember Bounds reported he had met the new Code Enforcement Officer and that he would be obtaining his certification soon.

Councilmember Altom confirmed with Staff that the new Code Enforcement Officer is going out looking for compliance and not just answering to complaints that are made.

Councilmember Murrell reported that a fence was down at a resident's house at Dallas Street and 8<sup>th</sup> Street and there is a swimming pool in the back yard.

Councilmember Altom confirmed that the City has a property maintenance code in regards to deteriorated structures.

**ADJOURNMENT.**

Mayor Pro-Tem Wampler made a motion and seconded by Councilmember Bounds to adjourn the meeting at 7:26 p.m. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Holmes was absent.

**PAULA BACON, MAYOR**

**ATTEST:**

**JO ANN TALBOT, CITY SECRETARY**