

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 19 , 2005 — 6:00 P.M.
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

CITY COUNCILMEMBERS

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

INVOCATION: Chief of Police James M. Smith

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Bacon called the Meeting to order at 6:01 p.m. Councilmembers present were Mayor Bacon, Mayor Pro-Tem Wampler, Councilmember Bounds, Councilmember Altom, and Councilmember Murrell. The Mayor declared a quorum present. Councilmember Holmes arrived at 6:08 p.m. and Councilmember Choyce arrived at 6:12 p.m. Also present were Interim City Manager Curtis Snow, City Attorney David Dodd, City Secretary Jo Ann Talbot, Chief of Police James M. Smith, Director of Public Works Richard Underwood, Director of Development Services Terry Capehart and Director of Finance Cathy Cummins.

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.

Mr. David Teagle, 403 West Cherry Street, Kaufman, commended the Kaufman Police Department and the Kaufman County Sheriffs Department for a job well done and asked that the Police Department continue enforcing the City ordinances and cleaning up the City.

CONSENT AGENDA ITEM #1 THROUGH #11

“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 the approval of the Minutes of the July 30, 2005 Special City Council Meeting.
2. Consider the approval of the Minutes of the July 30, 2005 Budget Work Session and Strategic Planning Meeting.
3. Consider the approval of the Minutes of the August 9, 2005 Budget Work Session Meeting.
4. Consider the approval of the Minutes of the August 9, 2005 Special City Council Meeting.
5. Consider the approval of the Minutes of the August 15, 2005 Regular City Council Meeting.
6. Consider the approval of the Minutes of the August 24, 2005 Special City Council Meeting.
7. Consider the approval of the Minutes of the August 29, 2005 Joint City Council and Kaufman Economic Development Board Meeting.
8. Consider the approval of the Minutes of the August 29, 2005 Budget Work Session Meeting and the Special City Council Meeting.
9. Consider the approval of the Minutes of the September 9, 2005 Special City Council Meeting.
10. Consider second reading and adoption of Ordinance O-17-05 of the City of Kaufman, Texas amending Ordinance O-02-00 Establishing a Municipal Court Technology Fund by extending the collection of the fee indefinitely; providing a severability; providing for publication and effective date.
11. Consider second reading and adoption of Ordinance O-19-05 of the City Council of the City of Kaufman, Texas amending the Code of Ordinances Chapter 102 Traffic and Vehicles; Division 2. Parking-Control Zone by amending Section 102-271 Definitions; adding Section 102-280 Authority to immobilize vehicles; redemption fees; Section 102-281 immobilization/impoundment hearing; providing for a penalty clause; providing for a severability clause; repealing all conflicting ordinances; and providing an effective date.

Councilmember Murrell asked to pull Agenda item #11.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Altom to approve the Consent Agenda Item Numbers 1 through 10. Mayor Bacon called for a vote with all voting AYE, the motion carried.

Agenda Item 11. Councilmember Murrell asked what are the parking procedures. She reported that the parking control was not conducted for a couple of days on the square last week and that there was a vehicle that was parked in front of her business all day long. She stated that if the parking is not going to be enforced then we do not need to purchase the expensive boot. Interim City Manager Curtis Snow reported that he would get a full update report regarding this issue.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Bounds to adopt Ordinance O-19-05 of the City Council of the City of Kaufman, Texas amending the Code of Ordinances Chapter 102 Traffic and Vehicles; Division 2. Parking-Control Zone by amending Section 102-271 Definitions; adding Section 102-280 Authority to immobilize vehicles; redemption fees; Section 102-281 immobilization/impoundment hearing; providing for a penalty clause; providing for a severability clause; repealing all conflicting ordinances; and providing an effective date. The Mayor called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

BIDS

12. Consider bid award for the Water System Pump Improvements at the Underground Storage Facility.

Interim City Manager Curtis Snow informed the Council that bid documents were prepared and submitted by PBS& J Engineering for the water system pump improvements at the Underground Storage Facility. A total of 2 bids were received, opened and read aloud Wednesday, August 31st. The project involves a 1250 gpm water pump, motor, new electrical components, upgrade on existing pump room electrical, SCADA connection, connection to the existing water line along with a control valve. The project is required by the Texas Commission of Environmental Quality (TECQ) to meet their distribution system high service pump standards. The City has asked and received two extensions from TCEQ to complete the project. The City's deadline to comply is September 30, 2005. The City has requested another extension until April 30, 2006. The project is anticipated to take 120 days to complete.

PBS& J Engineering and City Staff reviewed the bids received and have determined that Baker's Contracting, Inc. in Crandall, Texas submitted the most responsible bid for the project in the amount of \$149,900.00. PBS&

J Engineering estimated a total of \$105,000.00 for the project. The funds for the project are available using reserves from the Enterprise Funds. The City will use Certificate of Deposits and other Enterprise reserve funds to fund the project. The Mayor commented that she was disappointed the amount came in so high, but a year ago the estimate was much lower in spring of 2004. Hopefully next time we can get a much better estimate.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Choyce to award the bid to Baker's Contracting, Inc. in Crandall, Texas in the amount of \$149,900.00 and to appropriate Enterprise reserve funds to pay for the Water System Pump Improvements at the Underground Storage Facility. The Mayor called for a vote with all voting AYE, the motion carried.

DISCUSSION/ACTION ITEMS

13. Consider approval of a budget from the Fall Festival Committee to hold a Fall Festival October 29 and 30 and authorize expenditures from the Tourism Fund (Hotel/Motel Tax).

Interim City Manager Curtis Snow informed the Council the Mayor has established a Fall Festival Committee to produce a festival for the community and tourists this October on the Square. The Committee has been working diligently for the last two months to develop a program. Before they can start spending any funds to purchase contracts, materials and supplies, the City Council will have to appropriate funds the finance department can use to pay bills. The budget is proposed at \$15,500.00.

Councilmember Murrell expressed her concern regarding the budget because it is larger than what the Chamber has spent in the past.

Interim City Manager Curtis Snow reported that the festival is a two day festival, there will be a parade, 5K Run, music and entertainment and lots of other activities.

After discussion, Councilmember Bounds moved and seconded by Mayor Pro-Tem Wampler to approve the budget for the Fall Festival Committee to hold a Fall Festival October 29 and 30 and authorize expenditures from the Tourism Fund (Hotel/Motel Tax). The Mayor called for a vote with all voting AYE, the motion carried.

14. Consider a request from the Friends of the Kaufman Historical Commission for \$500.00 from the Tourism Fund (Hotel/Motel Tax) for promotional advertising costs to attract visitors to the 2005 Archeology Fair being held on October 29th.

Ms. Jamie Laywell, Chairman for the Friends of Kaufman County Historical Commission, 205 South Jackson Street, Kaufman requested \$500.00 from the Hotel/Motel Tax fund for the 2005 Archeology Fair being held on October 29th in conjunction with the Fall Festival. The \$500.00 will be spent for promotional advertising costs incurred to attract visitors to the event.

Councilmember Murrell moved and seconded by Councilmember Altom to approve a request from the Friends of the Kaufman Historical Commission for \$500.00 from the Tourism Fund (Hotel/Motel Tax) for promotional advertising costs to attract visitors to the 2005 Archeology Fair being held on October 29th. The Mayor called for a vote with all voting AYE, the motion carried.

15. Consider approval and authorize expenditures for replacement of Downtown Welcome Banner Flags to be purchased through the Tourism Fund (Hotel/Motel Tax).

Interim City Manager Curtis Snow informed the Council that there has been some interest from the Council to replace the Welcome Banner Flags around the downtown square. The old banners were removed some time ago due to deterioration. The estimated cost to replace the banners is approximately \$1,500.00. Staff is requesting Council to authorize the expenditure from the Tourism Fund (Hotel/Motel Tax).

Councilmember Murrell moved and seconded by Councilmember Bounds to approve and authorize expenditures for replacement of Downtown Welcome Banner Flags to be purchased through the Tourism Fund (Hotel/Motel Tax). The Mayor called for a vote with all voting AYE, the motion carried.

16. Consider approval for the Kaufman Area Rural Transportation (KART) to increase vehicle fares due to inflating fuel prices.

Ms. Omega Hawkins, representing Kaufman Area Rural Transportation (KART) requesting approval to increase vehicle fares due to inflating fuel prices. Ms. Hawkins explained that the Interlocal Agreement requires Council approval if the rates increase over 10%. She reported that KART is funded through State and Federal funding. Mayor Bacon asked if there was any grant funding to off set the cost. Ms. Hawkins reported that she was not aware of any grants for these costs. Ms. Hawkins reported that KART makes 40,000 trips a year and over 300,000 miles a year. KART has 16 vehicles and seniors ride for donations.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve the request from Kaufman Area Rural Transportation (KART) to increase vehicle fares due to inflating fuel prices. The Mayor called for a vote with all voting AYE, the motion carried.

17. Consider first reading and approval of Ordinance O-20-05 of the City of Kaufman, Texas altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon U.S. Highway 175 Frontage Roads or parts thereof, within the incorporate limits of the City of Kaufman, Texas as set out in this ordinance; and providing a penalty of a fine not to exceed \$200.00 for the violation of this ordinance.

Interim City Manager Curtis Snow informed the Council that the Texas Department of Transportation conducted a speed zone study on Highway 175 Frontage Roads in the City of Kaufman. They have recommended speed zones for the frontage roads and the range is from 40 mph to 55 mph. The Council reviewed a map of the area.

After discussion, Councilmember Choyce moved and seconded by Mayor Pro-Tem Wampler to approve the first reading and approval of Ordinance O-20-05 of the City of Kaufman, Texas altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon U.S. Highway 175 Frontage Roads or parts thereof, within the incorporate limits of the City of Kaufman, Texas as set out in this ordinance; and providing a penalty of a fine not to exceed \$200.00 for the violation of this ordinance. The Mayor called for a vote with all voting AYE, the motion carried.

18. Consider first reading and approval of Ordinance O-21-05 of the City of Kaufman, Texas, approving an extension and certain modifications to the contract for Paramedic Ambulance Service with ETMC/EMS; providing a repealer; providing for severability; and establishing an effective date.

Interim City Manager Curtis Snow informed the Council that the ambulance agreement between the City and ETMC/EMS expires in November. After meeting with ETMC officials, they desire a renewal of the agreement. The renewal offers only two substantive changes. First is the term, a five-year term. The second is a desire to move away from averaging bills to a fixed rate. The desire to move away from averaging the bill and setting a maximum on the average was well intentioned. It allows ETMC to recover charges under extraordinary circumstances yet set limits on how much was going to be collected from Kaufman citizens as a whole. Unfortunately, in practice the averaging concept puts ETMC in the position of charging its customers different rates for the same services when there is a need to adjust rates to maintain the average.

Therefore, ETMC would rather the City set fixed rates. The rates proposed in this amendment are slightly less than the average of rates for emergency and non-emergency services.

Councilmember Murrell asked what are commercial rates?

Mr. Ron Schwartz, 352 S. Glenwood, Tyler, Texas, representing ETMC informed the Council that commercial rates are people that are insured.

Councilmember Altom asked Staff if the City should bid for Ambulance Services? Interim City Manager Curtis Snow reported that there have been no complaints on record with the City and that the service carries no cost to the City. ETMC operate on memberships.

Mr. Ron Schwartz reported that ETMC is currently looking to purchase property in the City to construct a facility to house the Ambulance Services.

After further discussion, Mayor Pro-Tem Wampler moved and seconded by Councilmember Murrell to approve first reading of Ordinance O-21-05 of the City of Kaufman, Texas, approving an extension and certain modifications to the contract for Paramedic Ambulance Service with ETMC/EMS; providing a repealer; providing for severability; and establishing an effective date. The Mayor called for a vote with all voting AYE, the motion carried.

19. Consider adoption of Ordinance O-22-05 adopting the Annual Program of Services (Budget) for the City of Kaufman, Texas and a revised Job Classification Plan for the Fiscal Year beginning on October 1, 2005 and ending on September 30, 2006.

Interim City Manager Curtis Snow gave an overview of the Fiscal Year 2005-2006 Budget to the Council. He reported the Council conducted three work sessions to review the budget issues and staff identified four issues that various council members were concerned about. They were: a monument for City Hall, Planning expenditure for \$8,000, fence for Melody Park and a 4.5% salary increase. The majority of the Council supported a 4.5% increase in salaries as compared to the 5.5% proposed increase. After the last budget work session, staff adjusted the budget by reducing the pay adjustment from 5.5% to 4.5%, reducing anticipated legal fees by \$35,000, and reducing costs for North Texas Municipal Water District by \$12,780.00. The small decrease in General Fund revenues is the result of a reduction in the tax rate from the current rate of \$00.624324 to the effective tax rate of \$00.621613, or \$6,000.00. The budget being considered by the Council includes the General Fund, Utility Fund, Debt Service Fund, Police Forfeiture Fund and Hotel/Motel Tourism Fund.

Total expenses are \$6,366,383, which is to be funded by \$5,735,954 new revenues plus use of \$630,429 fund balances. To fund the appropriations, the Council will have to adopt the effective tax rate of \$0.621613, increase the water rate by 3% and appropriate \$598,399 in excess General Fund and Utility Fund balances. The budget does allow for fund reserves as established in the Council's fiscal policies. Also attached to the budget is a new updated Job Classification Plan by increasing the minimum salary and maximum salary by 4.5% and finding the new mid-point salary. The adjustment will keep the current plan viable for one more year. Staff recommends adoption of the budget.

Councilmember Murrell commented that she could not support the budget because of the 4.5% salary increases to 61 employees, the condition of water towers, and barricades all over town.

Mayor Bacon commented that she wanted Staff to continue to work on solutions of the electrical cost at the Wastewater Treatment Plant and the Sports Complex.

After a brief discussion, Mayor Pro-Tem Wampler moved and seconded by Councilmember Altom to adopt Ordinance O-22-05 adopting the Annual Program of Services (Budget) for the City of Kaufman, Texas and a revised Job Classification Plan for the Fiscal Year beginning on October 1, 2005 and ending on September 30, 2006. Mayor Bacon called for a vote. Councilmember Altom, Councilmember Bounds, Councilmember Choyce, Councilmember Holmes, Mayor Pro-Tem Wampler and Mayor Bacon voted AYE. Councilmember Murrell voted NAY. The motion carried.

20. Consider adoption of Ordinance O-23-05 levying the ad valorem tax of the City of Kaufman, Texas for the year 2005; on all taxable property within the corporate limits of the City as of January 1, 2005; not exempt by law; providing revenues for payment of current municipal expenses; and providing for the collection of taxes and the enforcement of collection.

Councilmember Bounds moved and seconded by Councilmember Murrell to adopt Ordinance O-23-05 levying the ad valorem tax of \$0.621613 (\$0.545851 for maintenance and operation and \$0.075762 debt service) for the City of Kaufman, Texas for the year 2005; on all taxable property within the corporate limits of the City as of January 1, 2005; not exempt by law; providing revenues for payment of current municipal expenses; and providing for the collection of taxes and the enforcement of collection. The Mayor called for a vote with all voting AYE, the motion carried.

21. Consider adoption of Ordinance O-24-05 approving the 2005 tax rolls for the City of Kaufman, Texas.

Councilmember Murrell moved and seconded by Councilmember Choyce to adopt Ordinance O-24-05 approving the 2005 tax rolls for the City of Kaufman, Texas in the amount of \$228,986,004 based on the Certified Appraisal Roll as approved by the Appraisal Review Board of the Kaufman County Appraisal District. The Mayor called for a vote with all voting AYE, the motion carried.

22. Consider adoption of Ordinance O-25-05 of the City Council of the City of Kaufman, Texas amending Chapter 106 Utilities, Section 106.7 (f) Water Rates; containing a severability clause; a repealer clause; and providing for an effective date.

Interim City Manager Curtis Snow reported that Ordinance O-25-05 would increase water rates three (3%) percent as discussed in the budget workshops. The revenues from the increase are estimated at approximately \$33,000.00.

Councilmember Murrell asked if the late fees are a flat rate for all customers. Staff reported the late fees are a flat rate of \$10.00. She recommended looking into a late fee based on a percentage of the water bill. Therefore, the commercial businesses would have to pay a higher cost on late fees. Mayor Bacon suggested this could be added to the tickler file for future consideration.

Councilmember Murrell moved and seconded by Councilmember Altom to adopt Ordinance O-25-05 of the City Council of the City of Kaufman, Texas amending Chapter 106 Utilities, Section 106.7 (f) Water Rates; containing a severability clause; a repealer clause; and providing for an effective date. The Mayor called for a vote with all voting AYE, the motion carried.

23. Consider adoption of Ordinance O-26-05 of the City of Kaufman, Texas amending the 2004-2005 Fiscal Year Budget.

Interim City Manager Curtis Snow reported that Ordinance O-26-05 was to clean up the current Fiscal Year Budget 2004-2005. Amendment #05-007 relates to Keep Kaufman Beautiful Budget and Amendment #05-008 makes adjustments for new gutters, signage on the front of the building, and air conditioner replacements in the police department and the public works department.

Councilmember Murrell inquired about the \$750.00 donation from the Chamber of Commerce for a mural. She asked Staff to find out about the status of the mural.

Councilmember Altom moved and seconded by Councilmember Murrell to adopt Ordinance O-26-05 of the City of Kaufman, Texas amending the 2004-2005 Fiscal Year Budget. The Mayor called for a vote with all voting AYE, the motion carried.

24. Consider approval of Resolution R-19-05 of the City Council of the City of Kaufman, Texas adopting the Implementation of the National Incident Management System (NIMS).

Interim City Manager Curtis Snow informed the Council that the Resolution is to incorporate the National Incident Management System (NIMS) into the City and County Emergency Plan. This new system is basically the same with just some structure and wording changes. The main directive places all agencies under one plan. This enables all disciplines to be working with the same playbook. Police, fire, public works and administration will all use and be trained in this system. Adoption of this resolution will also allow our city to participate in funding and grant opportunities. Failure to adopt the resolution will result in the City not being eligible to get Federal and State funding in the future.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to adopt Resolution R-19-05 of the City Council of the City of Kaufman, Texas adopting the Implementation of the National Incident Management System (NIMS). The Mayor called for a vote with all voting AYE, the motion carried.

25. Consider a request by Armstrong Development Properties, Inc., representing the CVS/ Pharmacy Corporation, regarding approval of a Special Warranty Deed for the Brin Garden, being all of a certain 0.024 acre (1,079 sq. ft.) tract of land and being part of Lot 4, Block 16, Original Town of Kaufman Addition, generally located at the southeast corner of S. Washington Street (State Highway 34) and Mulberry Street (SH 243), and being situated in the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County, Texas.

Interim City Manager Curtis Snow informed the Council that the current 0.024 acre (1,071 sq. ft.) Brin Garden is being transferred by Special Warranty Deed to Armstrong Development Properties, Inc. in exchange for the new relocated 0.24 acre (1,079 sq. ft.) Brin Garden that was dedicated to the City by the Final Plat approved by the City Council on August 15, 2005. The Title Company will hold the above deed in escrow until which time the Final Plat is filed with the County and then be subsequently also filed with the County. In addition, a maintenance agreement for the Brin Garden will be provided from CVS/Pharmacy Corporation.

Councilmember Murrell moved and seconded by Councilmember Choyce to approve a request by Armstrong Development Properties, Inc., representing the CVS/ Pharmacy Corporation, regarding approval of a Special Warranty Deed for the Brin Garden, being all of a certain 0.024 acre (1,079 sq. ft.) tract of land and being part of Lot 4, Block 16, Original Town of Kaufman Addition, generally located at the southeast corner of S. Washington Street (State Highway 34) and Mulberry Street (SH 243), and being situated in the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County, Texas. The Mayor called for a vote. Councilmember Bounds, Councilmember Murrell, Councilmember Altom, Councilmember Choyce, Councilmember Holmes and Mayor Bacon voted AYE. Mayor Pro-Tem Wampler voted NAY. The motion carried 6-1.

26. Consider approval of a request and authorize the Utilization of Funds from the Texas Water Development Board (TWDB) Phase II Annex Sewer Project (\$1.325 million - Clean Water State Revolving Fund CWSRF loan) to complete costs overages on the Kaufman Annex Sewer Phase I Final Contract 3.

Interim City Manager Curtis Snow informed the Council at the August 15, 2005 Council meeting the Council awarded the bid for the Kaufman Annex Sewer Phase I Contract 3 to Gin-Spen, Inc. for the total amount of \$1,874,720.30. The Engineers' estimate for Contract 3 was \$1,975,000.00. After further review of the overall Phase I project it was discovered that a shortfall of \$246,678.02 of the \$2.4 million exists to complete the final contract. The shortfalls are primarily due to increased fuel, pipe and lift stations costs and the age of the project. The lift station alone exceeded the estimates by \$70,000.00 plus dollars. The Texas Water Development Board (TWDB) will allow the City to utilize the funds from the Phase II Annex Sewer, part of the \$1.325 CWSRF loan to complete the Phase I project. TWDB will require a written request from the City.

Staff and PBS& J Engineering have determined that the project can be reduced by a change order. Staff has located approximately 3 areas that can be reduced from the project totaling around \$96,180.85 that will have no adverse affect on the project or the Phase II project. This would result in utilizing a total estimated amount of \$150,498.00 from the Phase II project. Once the request is submitted, approved and the contract documents executed, Staff can then proceed with the change order.

Staff recommends that Council approve the utilization of funds from the Phase II Annex Sewer Project, part of the \$1.325 CWSRF loan needed to supplement and complete the Kaufman Annex Phase I project.

After discussion, Councilmember Altom moved and seconded by Councilmember Choyce authorizing a request for the Utilization of Funds from the Texas Water Development Board (TWDB) Phase II Annex Sewer Project (\$1.325 million - Clean Water State Revolving Fund CWSRF loan) to complete costs overages on the Kaufman Annex Sewer Phase I Final Contract 3. The Mayor called for a vote with all voting AYE, the motion carried.

27. Consider approval and authorize the Interim City Manager to execute Contract #1000440 with the Texas Department of Housing and Community Affairs for an Owner Occupied Assistance Program.

Interim City Manager Curtis Snow informed the Council that in May of 1993, the Texas Department of Housing and Community Affairs (TDHCA) awarded the City of Kaufman \$250,000.00 to assist eleven (11) homeowners with the reconstruction/rehabilitation of their homes. The homes were completed and the contract was closed in June of 1996. In September 2003, one of the assisted families (Meryl Mangham) submitted a complaint to the U.S. Department of Housing and Urban Development (HUD) regarding foundational problems. Ms. Mangham reported the problems began within the first nine months of reconstruction which included cracks in the sheetrock, unusable doors and insufficient column support.

The TDHCA requested guidance and approval from HUD to assist the Mangham household. TDHCA received notification from HUD approving additional assistance to the Mangham household and has advised TDHCA that this is an exception to the HOME requirements that is being granted in this instance only. Therefore, a new contract has been granted and must be executed to proceed with the rehabilitation of Ms. Mangham's home. TDHCA has committed an obligation of \$25,032.00 to rehabilitate Ms. Mangham's home. The City will be reimbursed for all expenses incurred.

Councilmember Bounds moved and seconded by Councilmember Altom to approve and authorize the Interim City Manager to execute Contract #1000440 with the Texas Department of Housing and Community Affairs for an Owner Occupied Assistance Program. The Mayor called for a vote with all voting AYE, the motion carried.

28. Consider a Challenge Grant for Downtown Lighting.

Interim City Manager Curtis Snow informed the Council that the Historical Society is requesting use of Hotel/Motel Tax money for funding lighting on downtown buildings. The estimated cost for the lighting is under \$8,000.00. The purpose of this project is to promote downtown Kaufman

as a place to come see and shop. The society tried once before to fund this project through downtown property owners. Though most of the property owners were in favor of the project and were willing to put up the approximate \$400 per property, there were a number of owners that were not interested. The Society has now approached the City to fund the project.

If the City chooses to fund this project, there will be problems about who would be responsible to put the lights on buildings where owners were not interested, who would pay the electrical costs, and who would pay the cost of burnt out bulbs. That leaves the question, what kind of program would attract the buy-in and responsibility required to make this a self sustaining program with most of the buildings on the square participating.

Staff is suggesting that the City set aside half the estimated cost of the project and make it available as a grant to the Historical Society. This grant would require a 50-50 match by the Historical Society. Each property owner would have to come up with the other half (an average, \$200). The Historical Society would hire a contractor to make the installation.

The community would be positively affected by having a unique and more attractive downtown. The matching grant would come from unspent revenues in the Hotel/Motel Tax Fund.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Altom to approve the Challenge Grant for Downtown Lighting with the Kaufman Historical Society. The Mayor called for a vote with all voting AYE, the motion carried.

29. Consider approval and authorization to Auction certain City Owned Vehicles, Equipment, and Miscellaneous Items with Rene Bates Auctions.

Councilmember Murrell asked Staff to update the vehicle/equipment list because it did not match up with a previous list that was provided to the Council.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve and authorize Staff to Auction certain City Owned Vehicles, Equipment, and Miscellaneous Items with Rene Bates Auctions. The Mayor called for a vote with all voting AYE, the motion carried.

30. Consider the approval of the Kaufman Economic Development Corporation Fiscal Year 2006 Budget.

Mayor Pro-Tem Wampler commented that she would like to table the Kaufman Economic Development Corporation Fiscal Year 2006 Budget until the next meeting in order to review their revised Business Plan.

Mayor Pro-Tem Wampler made a motion to table the Kaufman Economic Development Corporation Fiscal Year 2006 Budget. The motion died lack of a second.

Councilmember Altom moved and seconded by Councilmember Choyce to approve the Kaufman Economic Development Corporation Fiscal Year 2006 Budget. The Mayor called for a vote. Councilmember Murrell, Councilmember Bounds, Councilmember Altom, Councilmember Choyce and Councilmember Holmes voted AYE. Mayor Bacon and Mayor Pro-Tem Wampler voted NAY. The motion carried 5-2.

EXECUTIVE SESSION

Mayor Pro-Tem Wampler moved and seconded by Councilmember Murrell to go into Executive Session at 7:36 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

THE CITY COUNCIL WILL HOLD A CLOSED EXECUTIVE SESSION PURSUANT TO CHAPTER 551, GOVERNMENT CODE V.T.C.A. (OPEN MEETINGS LAW), IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN SECTION 551.074 PERSONNEL.

1. PERSONNEL - Under TEX. GOV'T. CODE Sec. 551.074
 - a. Conduct An Interview for the City Manager's position.
 - b. Discuss City Manager's position.

ANY FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN EXECUTIVE SESSION MEETING OR ON INFORMATION RECEIVED IN A CONFERENCE WITH EMPLOYEES WILL ONLY BE TAKEN IN AN OPEN MEETING THAT IS HELD IN COMPLIANCE WITH TEX. GOV'T CODE CH. 551. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AS AUTHORIZED BY TEX. GOV'T CODE SEC. 551.001, ET SEQ. (TEXAS OPEN MEETINGS ACT) ON ANY ITEM ON ITS OPEN MEETING AGENDA OR TO RECONVENE IN A CONTINUATION OF EXECUTIVE SESSION ON THE EXECUTIVE SESSION MEETING ITEMS NOTED ABOVE, IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, INCLUDING, WITHOUT LIMITATION, SECTIONS 551.071-551.086 OF THE OPEN MEETINGS ACT.

END OF EXECUTIVE SESSION

The Council adjourned out of Executive Session at 8:27 p.m.

31. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION
CLOSED MEETING ITEMS:

1. PERSONNEL – Under TEX. GOV'T CODE Sec. 551-074.
 - a. Consider any official action regarding the City Manager's position.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Choyce to hire Curtis Snow for the City Manager's position. The Mayor called for a vote. Councilmember Altom, Councilmember Bounds, Councilmember Choyce, Councilmember Holmes, Mayor Pro-Tem Wampler and Mayor Bacon voted AYE. Councilmember Murrell voted NAY. The motion carried.

ANNOUNCEMENTS FROM CITY MANAGER.

No announcements were made by the City Manager.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Mayor Pro-Tem Wampler complained about children skate boarding on the streets.

Councilmember Altom asked for a list of pending litigation with the City of Kaufman.

ADJOURNMENT.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Bounds to adjourn the meeting at 8:30 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY