

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 16, 2006 — 6:00 P.M.
209 S. WASHINGTON
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	PAULA BACON
MAYOR PRO-TEM	LONNIE BOUNDS
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	FLOYD CHOYCE
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	WILLIAM FORTNER
COUNCILMEMBER	BARRY RATCLIFFE

INVOCATION: Chief of Police James M. Smith

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Bacon called the Meeting to order at 6:09 p.m. Councilmembers present were Mayor Bacon, Mayor Pro-Tem Bounds, Councilmember Altom, Councilmember Choyce, Councilmember Council, Councilmember Fortner and Councilmember Ratcliffe. Mayor Bacon declared a quorum present. Also present were City Attorney David D. Dodd, City Manager Curtis Snow, City Secretary Jo Ann Talbot, Director of Public Works Richard Underwood, Chief of Police James M. Smith, Captain Randy Roach, Director of Development of 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.

Recognition – Director of Finance Cathy Cummins – Certificate of Achievement for Excellence in Financial Reporting – Government Finance Officers Association.

Mayor Bacon recognized Director of Finance Cathy Cummins for the award of Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2005, with the Government Finance Officers Association.

Syble Sweat, 200 South Clay Street, Kaufman asked the Council to change zoning laws and/or penalties on property owners that do not comply with residential zoning laws in regards to allowing multi-family units to continue in

residential zoning after losing the non-conforming status. The property located at 401 W. Chestnut is a triplex and lost its status as a non-conforming resident. The property owner was informed that it could not be a triplex. Ms. Sweat reported that it is still being used for apartments and not as single-family residents. Mayor Bacon reported that Staff would investigate the statue of the property located at 401 W. Chestnut.

Ms. Sweat's statement is hereby attached to the minutes.

CONSENT AGENDA ITEM #1 THROUGH #1

“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 September 18, 2006 Regular City Council Meeting.

Councilmember Council moved and seconded by Mayor Pro-Tem Bounds to approve the minutes of the September 18, 2006 Regular City Council Meeting. Mayor Bacon called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

BID AWARD

2. Bid Award – Fiscal Year 2006/2007 Annual Street Rehabilitation Project.

Director of Public Works Richard Underwood informed the Council that Bid documents were prepared and submitted to 13 companies. A total of two (2) bids were received, opened and read aloud Thursday, October 12, 2006 at 10:00 a.m.

Staff reviewed all bids received and determined that JRJ Paving, LP in Denton, Texas submitted the most responsible bid for this project.

JRJ Paving, LP submitted a base bid of \$408,991.90 and an alternate bid of \$65,141.32 for a total of \$474,133.22. The total amount of funds available in FY' 2006-2007 for Street Rehab is \$300,000. Also, due to delays in a sewer project completion, Priscilla Ln. and CR 166 was not completed in FY' 2005-2006. A total amount of \$37,000 for these streets was not used in the FY' 2005-2006. Staff wishes to do a budget

amendment adding the \$37,000 to the FY 2006-2007 project making the total available funds for this project would be \$337,000. This will allow the City to complete a major portion of the base bid by deleting the Second St. sections, W. Eight St. and Bacon St.

Staff recommends that Council award the bid for the Annual Street Rehabilitation Project to JRJ Paving, LP in Denton, Texas for the total amount of \$336,344.02 included in the base bid. If Council awards the bid, a budget amendment would be submitted at the November City Council meeting in the amount of \$37,000 from fund balance for the completion of this project.

Councilmember Altom moved and seconded by Councilmember Fortner to award the Annual Street Rehabilitation Project to JRJ Paving, LP in Denton, Texas for the total amount of \$336,344.02 included in the base bid. A budget amendment would be submitted at the November City Council meeting in the amount of \$37,000 from fund balance for the completion of this project. Mayor Bacon called for a vote with all voting AYE, the motion carried.

PLANNING AND ZONING

Item 3 was moved to the end of the Agenda.

3. Conduct discussion of proposed revisions to Section 33 - Use Tables and Definitions of the Zoning Ordinance O-14-99 as recommended by the Planning and Zoning Commission.

DISCUSSION/ACTION ITEMS

4. Consider amending the Kaufman Fall Caboodle Fest Budget from \$15,500 to \$23,000.

City Manager Curtis Snow informed the Council that the Fall Festival this year has more activities and events for the community to benefit. In April, the Council approved a \$15,500 budget for this year's festival. Currently, we have spent nearly \$22,000 and expect that number to climb. Even though this is a higher cost than last year, the City can expect some offsetting revenues. The Car Show, Talent Show, and amusement ride vendor are committed to help offset the expenditures. Staff estimates that an estimated \$631.10 shortfall after revenues is considered.

This year, the committee has purchased more entertainment than last year and has spent more money promoting the event around the Dallas-Fort Worth area. Also, the committee has rented some equipment that

was sorely missed last year, like a stage and professional sound equipment.

Ms. Carolyn Long, Chairman of the Caboodle Fest, gave an overview of the events that would take place at the Festival and Parade. Ms. Elian Haan Bakke, Executive Producer of the Talent Show, P. O. Box 248, Kemp, Texas informed the Council of the Talent Show Production. Ms. Bakke reported that they held two auditions with 70 people and 18 will be performing on Saturday night in the old Kaufman Theater. The Show starts at 5:00 p.m. and admission will be collected at the door. The tickets are \$3.00 each. Ms. Bakke informed the Council that the funds collected at the door would be given back to the City. Her plans are to continue having entertainment productions at the old Kaufman Theater. A website has been created entitled "Kaufman Has Talent". Her company will offer free counseling and to help people plan for the future. The property owners of the old Kaufman Theater would like to use it as a place of entertainment or a Bar/Grill and meeting room.

Councilmember Fortner expressed his appreciation to all the people committed working on the Fall Festival.

Councilmember Fortner moved and seconded by Councilmember Choyce to approve amending the Kaufman Fall Caboodle Fest Budget from \$15,500 to \$23,000. The Mayor called for a vote with all voting AYE, the motion carried.

5. Consider approval of Resolution R-20-06 of the City Council of the City of Kaufman, Texas authorizing the City Manager to execute a Three (3) Year Lease Agreement with a Two (2) Year Renewable Term for the City Lake off of Highway 243. (Tabled 9-18-06)

City Manager Curtis Snow informed the Council that at the September 23, 2006 City Council meeting, the Council awarded the bid to Sky McDougal to lease the City Lake off Highway 243. The Council tabled the lease agreement to consider a longer-term lease instead of a one-year lease.

The City and the McDougals have worked out a three-year lease with a two-year renewable lease term. A sublease has been agreed with Mr. Sultenfuss. The lease provides for a 90 day written notice to terminate if there is a higher and better use for the property. Mr. Snow reported that an ordinance would be developed to prohibit all terrain vehicles on the property. Hunting and fishing will remain assessable. Gates will be erected with signs posted with a contact number for access if necessary.

Councilmember Council moved and seconded by Mayor Pro-Tem Bounds to approve Resolution R-20-06 of the City Council of the City of Kaufman,

Texas authorizing the City Manager to execute a Three (3) Year Lease Agreement with a Two (2) Year Renewable Term for the City Lake off of Highway 243. Mayor Bacon called for a vote with all voting AYE, the motion carried.

Councilmember Fortner inquired about the Texas Parks and Wildlife letter dated May 9, 2005 regarding assistance in basic site planning for the three city lakes.

6. Consider approval of Resolution R-21-06 acknowledging the Submission of a Name for a Police Reserve Applicant who has received Certification from the Texas Commission on Law Enforcement Officers' Standards and Education by the Police Chief of the Kaufman Police Department.

Chief of Police James M. Smith informed the Council that J. W. Mathis has been approved as a successful candidate for a Reserve Police Officer for the City of Kaufman. The candidate was subject to a thorough background investigation and an intense oral interview board.

Councilmember Altom moved and seconded by Councilmember Choyce to approve Resolution R-21-06 acknowledging the Submission of J. W. Mathis for a Police Reserve who has received Certification from the Texas Commission on Law Enforcement Officers' Standards and Education by the Police Chief of the Kaufman Police Department. Mayor Bacon called for a vote with all voting AYE, the motion carried.

7. Consider adoption of Resolution R-22-06 directing publication of Notice of Intention to Issue Certificates of Obligation to purchase a fire truck and refurbish two water towers.

City Manager Curtis Snow informed the Council that the Council approved in the fiscal Year 2007 budget the purchase of a fire truck for \$525,000 and the refurbishment of two above ground water storage tanks for \$604,000. The purpose of the Notice of Intent is to inform the public and give them time to give input before the Council authorizes the bond sale in November.

Currently, the fire department has two pumper trucks owned by the City and are committed to the City at all times. One of the two pumpers is a 1997 model that needs replacement. Because the City is in need of an aerial attack capability for the downtown and large buildings like the schools, but also has a minimal requirement of having two pumpers to respond to all structure fires, the City faces the choice of replacing the currently aged pumper with another and purchasing a dedicated aerial truck or combine the functions of an aerial ladder and the pumper into one unit and purchase what is known as a "Quint." A pumper, in today's

market will cost between \$325,000 and \$400,000. An aerial can easily cost \$700,000. Both pieces would cost at least \$1,025,000. The proposed "Quint" will cost \$525,000.

The reason that a "Quint" costs less than an aerial is because the ladder is generally shorter, therefore the chassis is generally smaller and lighter. They do not have the full capabilities of a dedicated ladder truck, but their capabilities fall well within the range of the needs for the Kaufman community.

The water tanks have not received a major refurbishing in the last ten years. Currently, the linings of the tanks are becoming pitted, causing algae and other materials to collect in the surface. The steel work on the gangways and ladders are rusting and becoming weaker. There is still a lot of good life in the tanks and it is in the City's best interest to protect this investment with a refurbishment. The cost of the refurbishment is approximately \$302,000 per tank.

Mr. Nick Bulaich, representing First Southwest Company, informed the Council that the water towers are financed for fifteen years and the fire truck over twenty years. The interest and principal payment will be due in February and an interest payment due in August of each year. The first payment will be in February 2008. The interest rate will be secured at the time of the sale of bonds, which will be in place before the November City Council meeting. At the November meeting, an Ordinance will be presented to adopt the award of the Certificates of Obligation.

Mr. Snow commented that the City may sale the older pumper to help off set the Certificate of Obligation.

Councilmember Altom moved and seconded by Councilmember Choyce to adopt Resolution R-22-06 directing publication of Notice of Intention to Issue Certificates of Obligation to purchase a fire truck and refurbish two water towers. Mayor Bacon called for a vote with all voting AYE, the motion carried.

8. Consider approval of Resolution R-23-06 of the City of Kaufman adopting Financial Policies for the City of Kaufman, Texas.

City Manager Curtis Snow advised the Council to review the Financial Policies for the City and suggested to table this item until next month.

Councilmember Council moved and seconded by Councilmember Ratcliffe to table this item until next month's City Council meeting. Mayor Bacon called for a vote with all voting AYE, the motion carried.

9. Consider approval and authorize the Mayor to execute a Grant Contract Agreement with PetSmart Charities, Inc. in the amount of \$10,000.00 for spay and neutering surgery costs.

Mayor Bacon informed the Council that an application was made to PetSmart Charities for a \$10,000 grant to be used for spay/neuter surgery costs. The grant has been awarded to the City of Kaufman. The grant is good for one year to be expended for spay/neuter of pets to low-income residents.

Councilmember Altom moved and seconded by Mayor Pro-Tem Bounds to approve and authorize the Mayor to execute a Grant Contract Agreement with PetSmart Charities, Inc. in the amount of \$10,000.00 for spay and neutering surgery costs. Mayor Bacon called for a vote with all voting AYE, the motion carried.

10. Consider approval and authorize the City Manager to execute an "Agreement to Contribute Funds" between Texas Department of Transportation and the City of Kaufman to acquire right of way for the Highway project on State Highway 34 (Mulberry Street) from the Square to State Highway 243.

City Manager Curtis Snow informed the Council that Texas Department of Transportation will be making improvements to Highway 34 and Highway 243, which the City will be paying for the relocation of the utilities lines. Texas Department of Transportation had to acquire a drainage easement for the improvements and is asking the City to pay a portion of the acquisition of the drainage easement. The City's portion is 10% of the cost to purchase the easement in the amount of \$2,000.00. The improvements to the road will be a two-lane road with a center turning lane. The utilities will be removed from the road and placed on the side of the roadway. Sidewalks, curb and gutters will be installed.

Councilmember Fortner moved and seconded by Councilmember Altom to approve and authorize the City Manager to execute an "Agreement to Contribute Funds" between Texas Department of Transportation and the City of Kaufman to acquire right of way for the Highway project for a drainage easement on State Highway 34 (Mulberry Street) from the Square to State Highway 243. Mayor Bacon called for a vote with all voting AYE, the motion carried.

11. Consider approval to Purchase One (1) 2007 Chevrolet Impala Police Pursuit Sedan from the Texas Building and Procurement Commission on the State Contract.

Captain Randy Roach informed the Council that the 2006-2007 Budget allows for the purchase of one patrol vehicle. The Texas Building and Procurement Commission on the State Contract has a 2007 Chevrolet Impala Police Pursuit Sedan in the amount of \$19,687. This includes the base cost of the vehicle with a light bar, spotlight, and window tint. The remainder emergency equipment will be purchased separately and will not exceed the funds budgeted.

Councilmember Council asked if the vehicle is a front wheel drive and if the vehicle will have radio communications with the Volunteer Fire Department. Captain Roach responded yes.

Councilmember Council moved and seconded by Councilmember Ratcliffe to approve the purchase of One (1) 2007 Chevrolet Impala Police Pursuit Sedan from the Texas Building and Procurement Commission on the State Contract. Mayor Bacon called for a vote with all voting AYE, the motion carried.

12. Consider authorizing the use of Hotel Motel Tax revenues for supporting an effort to bring the touring "Vietnam Wall" Memorial to Kaufman in April, 2007.

City Manager Curtis Snow informed the Council that Mr. Johnny Countryman, representing the American Legion, has asked the City to support their efforts to bring the Vietnam Wall. The total cost of the project is \$8,000. Mr. Countryman's request is for all of it or part of the cost of the project.

The use of Hotel Motel Tax revenues, using the most conservative interpretation of the law, is for projects creating an increased number of stays in community motels. This project qualifies for the use of Hotel Motel Tax revenues. Bringing the Vietnam Wall to Kaufman, based on information provided by the Veteran's Memorial organization would attract 20,000 to 50,000 visitors.

Mr. Countryman is asking for the City to support a portion or this entire project. Mr. Countryman is also going to local businesses and community groups to support the project.

This project will benefit citizens by giving them an opportunity to see a replica of the real memorial and local businesses by attracting 20,000 people to our community to visit the "Wall."

There is approximately \$68,675.00 budgeted in unplanned expenditures, with \$31,000.00 available cash as of this date. Any authorizations made for this project would be well below that level.

Staff recommends authorizing expenditures for this purpose. The last request the Council received for Hotel Motel Taxes, the Council authorized a dollar for dollar match up to half the cost of the project. This policy leverages dollars, reduces dependency on government dollars and requires community support.

Councilmember Ratcliffe moved and seconded by Councilmember Altom to approve authorizing the use of Hotel Motel Tax revenues (\$2,000.00) for supporting an effort to bring the touring "Vietnam Wall" Memorial to Kaufman in April 2007. Mayor Bacon called for a vote with all voting AYE, the motion carried.

Mayor Bacon commented that Mr. Countryman could attend the next meeting to give more details about the event.

13. Consider approval and authorize the Mayor to execute a Contract with Texas Department of Housing and Community Affairs for a Home Owner Occupied Housing Assistance Grant Contract No. 1000718.

City Manager Curtis Snow informed the Council that on August 31, 2006, Texas Department of Housing and Community Affairs notified the City of approval for a HOME Investment Partnerships Program Grant. The Project award amount is for \$275,000.00. The grant will provide assistance to reconstruct or rehabilitate a minimum of five (5) houses each of which must be the principal residence of the homeowner assisted in the City of Kaufman. The City's matching contribution is \$68,750.00.00. The City has an 18-month window to complete the project.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Choyce to approve and authorize the Mayor to execute a Contract with Texas Department of Housing and Community Affairs for a Home Owner Occupied Housing Assistance Grant Contract No. 1000718. Mayor Bacon called for a vote with all voting AYE, the motion carried.

APPOINTMENTS

14. Consider the appointment of Two (2) Planning and Zoning Commission members for a three (3) year term.

Mayor Bacon reported that two Planning and Zoning Commission members' terms expire in November. There are four names before the Council to consider. Two persons currently serve on the Planning and Zoning Commission, which are Anita Hall and Tim King. They have agreed to continue to serve. The other two individuals are: Albert Gomez and Pasty Leftwich.

Councilmember Fortner commented that Pasty Leftwich is highly qualified. Mayor Bacon felt that the two individuals that currently serve on the Board should be considered. Discussion was held that there might be other positions available in the near future due to attendance. After discussion, Mayor Pro-Tem Bounds moved and seconded by Councilmember Council to table the appointments until next month. Mayor Bacon called for a vote with all voting AYE, the motion carried.

3. Conduct discussion of proposed revisions to Section 33 - Use Tables and Definitions of the Zoning Ordinance O-14-99 as recommended by the Planning and Zoning Commission.

Director of Development of Services Terry Capehart gave an overview of the proposed revisions to Section 33 – Use Tables and Definitions of the Zoning Ordinance O-14-99. The Planning and Zoning Commission reviewed the proposed revisions and made recommendation to the City Council by a vote of 5-0 to approve the proposed revisions.

Mr. Capehart informed the Council, to simplify the Charts many similar uses were combined into a single category, for example: Architect, Attorney, Engineer, etc. were combined into “Offices, General Business and Professional”. Retail stores were combined into similar categories as well, such as, General Merchandise (Dry Goods) and Food Stores, which were then further divided into stores less than 7,500 square feet or greater than 7,500 square feet.

Each Use was examined to determine the appropriateness of the current designation (permitted, not permitted or Specific Use Permit required) and were revised accordingly when a consensus was reached by the Commission after taking comments and recommendations from the Zoning Ordinance Steering Committee, Public Hearings, Local Developers and the CBD Visioning Committee. Each use was also examined as to its compatibility adjacent to residential uses, and the uses which posed a threat or nuisance to residential properties were so designated with an asterisk to indicate certain restrictions applied to these uses when located adjacent to a residential property.

After discussion of the Use Charts, changes were made to the Residential Uses, Educational Uses, Accessory and Incidental Uses, Recreational and Entertainment Uses, Retail and Service Uses, Automobile Uses, Commercial Uses, Transportation Uses, and Utility, Service and Other Uses.

Mr. Capehart informed the City Council that a public hearing for the revisions will be held at the November 20, 2006 City Council regular meeting.

ANNOUNCEMENTS FROM CITY MANAGER.

City Manager Curtis Snow informed the Council that he would be out of the office on Thursday, October 19, 2006 to attend a Kaufman County Leadership School.

City Manager reminded the Council of the TML Conference to be held next week.

Director of Development Services Terry Capehart updated the Council on the building located at 101 West Mulberry Street on the square.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Mayor Bacon asked for the Police Department to observe and enforce unlicensed wide loads that cross over the downtown square.

Councilmember Fortner asked for a list of Code Enforcement notifications of property out of compliance with City Ordinances.

ADJOURNMENT.

Councilmember Fortner moved and seconded by Councilmember Council to adjourn the meeting at 8:47 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY