

**MINUTES OF THE  
REGULAR CITY COUNCIL MEETING  
MONDAY, AUGUST 21, 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>LONNIE BOUNDS</b>
<b>COUNCILMEMBER</b>	<b>GIL ALTOM JR.</b>
<b>COUNCILMEMBER</b>	<b>FLOYD CHOYCE</b>
<b>COUNCILMEMBER</b>	<b>JEFF COUNCIL</b>
<b>COUNCILMEMBER</b>	<b>WILLIAM FORTNER</b>
<b>COUNCILMEMBER</b>	<b>BARRY RATCLIFFE</b>

**INVOCATION:** Chief of Police James M. Smith

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER:** Mayor Bacon called the Meeting to order 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 Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, City Attorney David Dodd, Chief of Police James M. Smith, Director of Development of Services Terry Capehart, Captain Randy Roach, Director of Finance Cathy Cummins, Fire Chief Eddie Brown 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 #3**

**“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 July 7, 2006 and July 8, 2006 City Council Retreat Work Session.
2. Consider approval of the Minutes of the July 17, 2006 Regular City Council Meeting.
3. Consider approval of Resolution R-18-06 of the City of Kaufman to Authorize the City Manager to enter into an Agreement with the Texas Department of Transportation to close the Kaufman County Courthouse Square October 28<sup>th</sup> and 29<sup>th</sup>, 2006 for the Kaufman Fall Caboodle Fest.

Councilmember Altom moved and seconded by Councilmember Choyce to approve the Consent Agenda Items 1, 2, and 3. Mayor Bacon called for a vote with all voting AYE, the motion carried.

### **END OF CONSENT AGENDA**

### **PLANNING AND ZONING**

4. Consider second reading and adoption of Ordinance O-07-06 a request from Keith Dillion, agent for Rodney Adams, amending the Comprehensive Zoning Ordinance O-14-99, dated March 22, 1999, and the Official Zoning Map; changing the zoning classification on a single tract of land from existing Single-Family 6 (SF-6) Residential to Planned Development (PD) District for single-family residential uses; generally located south of Becky Lane and between the east and west sections of Phillips Circle, being described as a 3.052 acre tract of land being all of Phase 5 of the Valley Park Addition, as recorded in a deed to Rodney Ray Adams in Volume 587, Page 608 of the Deed Records of Kaufman County, and being part of the A.L. Carter Survey, Abstract No. 98 City of Kaufman, Kaufman County, Texas; and providing for a penalty clause, providing a severability clause, a savings clause, and an effective date. (Case No. Z-05-06).

Director of Development of Services Terry Capehart informed the Council that Exhibit B of the Ordinance had been amended by providing parking requirements for two off-street parking spaces and one enclosed.

Mayor Bacon inquired if lot 6 could be adjusted. Mr. Keith Dillion, agent for Rodney Adams, reported because of the radius of the street makes the lot the size it is and it meets the Planned Development Zoning.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Council to adopt Ordinance O-07-06 amending the Comprehensive Zoning Ordinance O-14-99, dated March 22, 1999, and the Official Zoning Map; changing the zoning classification on a single tract of land from existing

Single-Family 6 (SF-6) Residential to Planned Development (PD) District for single-family residential uses; generally located south of Becky Lane and between the east and west sections of Phillips Circle, being described as a 3.052 acre tract of land being all of Phase 5 of the Valley Park Addition, as recorded in a deed to Rodney Ray Adams in Volume 587, Page 608 of the Deed Records of Kaufman County, and being part of the A.L. Carter Survey, Abstract No. 98 City of Kaufman, Kaufman County, Texas; and providing for a penalty clause, providing a severability clause, a savings clause, and an effective date. (Case No. Z-05-06). Mayor Bacon called for a vote with all voting AYE, the motion carried.

5. Consider approval of final revisions to Sections 12 through Section 21 of the Zoning Ordinance O-14-99. (Council reviewed revisions on June 19<sup>th</sup>; Council tabled item on July 17, 2006 for revisions to be completed).

After discussion of the revisions, Councilmember Choyce moved and seconded by Mayor Pro-Tem Bounds to approve the final revisions of Section 12 through Section 21 of the Zoning Ordinance O-14-99. Mayor Bacon called for a vote with all voting AYE, the motion carried.

6. Consider approval of final revisions to Sections 22 through Section 32 of the Zoning Ordinance O-14-99. (Council reviewed revisions July 17, 2006).

After discussion of the revisions, Councilmember Choyce moved and seconded by Councilmember Council to approve the final revisions of Section 22 through Section 32 of the Zoning Ordinance O-14-99. Mayor Bacon called for a vote with all voting AYE, the motion carried.

7. Consider approval of a request from St. Ann's Catholic Church regarding a Site Plan revision for a proposed addition to their parish center, being a 5,397 square feet addition to an existing 4,953 square feet building, located at 806 N. Washington Street, City of Kaufman, Kaufman County, Texas. Case No.S-03-06.

Director of Development of Services Terry Capehart informed the Council that Section 40.3 provides that when an existing approved site plan is amended in such a way as to materially change traffic circulation or existing buildings are enlarged then the site plan must be reconsidered by the Planning and Zoning Commission and City Council for approval.

The amended site plan under consideration is for an expansion of the St. Ann Catholic Church Parish Center. The proposed addition will increase the existing parish center from 4,953 square feet to a total of 10,350 square feet or an additional 5,397 square feet with six additional parking spaces.

Section 41.10.B.3.d states:

d. Additions:

- (1) The exterior building façade of all new additions to existing structures in the Commercial and Industrial Districts shall comply with the Building Façade Standards requirement herein, or
- (2) The City Council may approve an alternate or other form of architectural design to the additions of structures that existed as of the adoption date of this ordinance, January 12, 2004.

The applicant is requesting that the exterior material to be used for the new addition be allowed to match the existing extruded metal paneling that is on the existing parish center. The main church facility has a stone and stucco exterior and the existing parish center has been painted to match the stucco of the main sanctuary. The new addition will also be painted to match the existing buildings.

Since the new parish center addition will increase the total square footage beyond the threshold where fire sprinklers are required the entire parish center will have fire suppression sprinkler systems installed to meet the Fire Code.

The parking space requirement for a church is based on the number of seats in the main auditorium and as such the facility meets the parking requirement and the expansion of the parish center does not require any additional parking, however, the proposed project will include a new parking lot next to the existing parish center with two handicapped parking spaces and four additional regular parking spaces.

The Planning and Zoning Commission has made a recommendation to approve the Site Plan with a vote of 4-0.

Councilmember Council moved and seconded by Councilmember Ratcliffe to approve a request from St. Ann's Catholic Church regarding a Site Plan revision for a proposed addition to their parish center, being a 5,397 square feet addition to an existing 4,953 square feet building, located at 806 N. Washington Street, City of Kaufman, Kaufman County, Texas. Case No.S-03-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

Agenda Item 13 was held after Agenda Item 7.

13. Consider approval of Resolution R-17-06 of the City Council of the City of Kaufman, Texas, endorsing the Texas Department of Transportation's

process for evaluating the State Highway 34 Corridor Improvements, the preferred Alignment K, as depicted in the State Highway 34 Alternatives and Constraints Map dated March 29, 2006, as the Locally Preferred Alternative.

Mr. Stephen Endres and Matt Craig with Halff Associates, representing Texas Department of Transportation (TxDot) informed the Council that TxDot, Dallas District is leading the State Highway 34 corridor transportation improvement study in Kaufman County. The results of the alternative analysis were presented at public meetings on April 4 and April 6, 2006 in Kaufman and Terrell. Responses from the public, as well as from the State Highway 34 Technical Advisory Committee and Community Advisory Group, have favored the selection of Alignment K for State Highway 34. Alignment K starts north of Kaufman (between Kaufman and Terrell).

The Halff Associates, consultants for TxDot, would like official support by Resolution from the cities and the county regarding Alternative K as the Locally Preferred Alternative. Halff Associates will proceed with the Schematic and Environmental Assessment and continue to hold regularly scheduled meetings with the Community Advisory Group and the Technical Advisory Committee to receive input on the schematic and environmental assessment.

City Manager Curtis Snow reported that Alternative K had been worked on for some time and it had the least amount of property owners affected, the shortest distance between Kaufman and Terrell and the most cost effective.

Council reviewed maps of proposed Alternatives. A great deal of discussion was held regarding developable land, wet lands, flood plan areas, right-of-way needed for the new alignment and Alternate F route.

Mayor Bacon commented that Alternate F would provide Kaufman with more developable land and that Alternate K does not help Kaufman, it would reduce the impact to businesses and residential development.

Mr. Craig reported that Alternate F would be more costly and would displace 29 homes and churches.

Mayor Bacon wants what is best for development in Kaufman long term. After further discussion, Councilmember Altom moved and seconded by Councilmember Council to table Resolution R-17-06 for Staff to obtain information from TxDot on costs associated with Alternate F. Mayor Bacon called for a vote with all voting AYE, the motion carried.

## **BID AWARDS**

8. Consider bid award for a 911 Radio/Phone Recorder from Vista Com funded through North Central Texas Council of Governments (NCTCOG).

Councilmember Choyce moved and seconded by Councilmember Council to award a 911 Radio/Phone Recorder to Vista Com funded through North Central Texas Council of Governments (NCTCOG) in the sum of \$14,896.00. Mayor Bacon called for a vote with all voting AYE, the motion carried.

## **DISCUSSION/ACTION ITEMS**

9. Consider a discussion regarding the Fiscal Year 2006-2007 Annual Program of Services (Budget).

City Manager Curtis Snow reported that the City Council had little interest in spending \$40,000.00 to pursue the Farmer's Market project and less interest in revamping the personnel system for \$12,000.00. Therefore, the Farmers Market and Compensation Study will be removed from the budget.

The landscaping project at Highway 175 and Highway 34 will be partly funded by the Chamber of Commerce that the Kaufman Industrial Plan earmarked for this project. The City has committed \$20,000.00 and inkind services. City Staff has been working with Texas Department of Transportation for a Cost Sharing Beautification Project. Preliminary designs have already started and the State should put them out for bid in early spring.

There were also items from the Council's survey list that required significant capital resources to replace equipment that was wore out. The mower flex wing and utility tractor will help us better maintain larger areas with the same manpower currently on Staff. No new employees in the budget. The tax rate will remain the same as last year.

The Quint Fire Truck is proposed to replace a 12 year old pumper truck. Mr. Snow explained the difference of an aerial fire truck verses a Quint Fire Truck. The quint fire truck serves two purposes that being a pumper and an aerial fire truck. The cost difference of an aerial for a quint is about \$150,000.00. The additional cost to purchase a quint can be used for two apparatuses. The quint would be for immediate use and for future growth and development. The ISO regulations state that a ladder truck is required when response areas with 5 buildings are 3 stories or 35 feet or

more in height; or with 5 buildings that have a needed fire flow greater than 3500 gpm, or any combination of these criteria.

Councilmember Bounds commented that he spoke to three different firefighters and they don't think Kaufman needs a quint fire truck.

Retired Firefighter Roy Ferrell informed the Council how the City of Dallas firefighters responded to fires.

City Manager Curtis Snow reported the Quint Fire Truck is in the budget for \$525,000, but was unsure at this time how to finance the truck. We could put it off until next year.

Fire Chief Eddie Brown informed the Council that next year there will be a new requirement regarding admission standards and the cost of a new quint would be even greater. The City could purchase a 2006 demo quint fire truck and sell the pumper and use the proceeds towards the quint.

In addition, the City has two water towers to recoat and upgrade in the amount of \$600,000.00. Certificate of Obligations may be a consideration. The water towers are overdue for maintenance and recoating.

The budget will be further discussed in the upcoming meetings.

10. Consider rescheduling Public Hearings dates regarding the property tax rate.

Councilmember Altom moved and seconded by Councilmember Council to set the Public Hearing dates regarding the property tax rate for Tuesday, September 5, 2006 at 5:30 p.m. and September 11, 2006 at 6:00 p.m. Mayor Bacon called for a vote with all voting AYE, the motion carried.

11. Consider adoption of Ordinance O-09-06 of the City Council of the City of Kaufman, Texas, amending and supplementing Chapter 106 Utilities, Section 106.7 (f) Water Rates; containing a severability clause; a repealer clause; and providing for an effective date.

City Manager Curtis Snow informed the Council that last year, the Council adopted the first three percent increase in water rates planned for the next three years. The justifications for these increases were the premise that revenues do not cover the operating and capital needs of the Sewer and Water Fund. The budget adopted last year had operating and debt costs exceeding revenues by \$259,396. The proposed budget for Fiscal Year 2007 identifies \$17,478 expenses in excess of revenues. The City does

not plan to use as much fund balance as this current year but our expenses still exceed our income.

The proposed rate increase is a 3% increase plus \$.05 added on by North Texas Municipal Water District. This equates to a 3.5% increase in the base rate and nearly a 5% increase in the usage rate. For all customers except apartment complexes and Becker-Jiba, the base rate will go from \$7.78 to \$8.06 and the usage water rate from \$2.63 per thousand to \$2.76 per thousand. Apartment complexes will go from \$5.84 at the base rate to \$6.05. Their change in the usage rate will be the same as others.

Becker-Jiba has a special contract locking increases to NTMWD increases. Therefore their rate will only go up \$.05.

This increase will produce a 3% increase in revenues to the Water & Sewer Fund. Based on projected sales, that would equate to \$48,600.

Councilmember Altom moved and seconded by Councilmember Fortner to adopt Ordinance O-09-06 of the City Council of the City of Kaufman, Texas, amending and supplementing Chapter 106 Utilities, Section 106.7 (f) Water Rates; containing a severability clause; a repealer clause; and providing for an effective date. Mayor Bacon called for a vote with all voting AYE, the motion carried.

12. Consider approval of Resolution R-16-06 of the City Council of the City of Kaufman, Texas, authorizing the submission of a Texas Community Development Block Grant Application (2007-2008) to the Office of Rural Community Affairs for Community Development Funds; and authorizing the Mayor to act as the City's Chief Executive Officer and Authorized Representative in all matters pertaining to the City's Participation in the Community Development Program.

Councilmember Ratcliffe moved and seconded by Councilmember Altom to approve Resolution R-16-06 of the City Council of the City of Kaufman, Texas, authorizing the submission of a Texas Community Development Block Grant Application (2007-2008) to the Office of Rural Community Affairs for Community Development Funds; and authorizing the Mayor to act as the City's Chief Executive Officer and Authorized Representative in all matters pertaining to the City's Participation in the Community Development Program. Mayor Bacon called for a vote with all voting AYE, the motion carried.

14. Consider approval of the Kaufman Economic Development Corporation paying off the Millennium Business Park Loan.



City Manager Curtis Snow informed the Council that the Kaufman Economic Development Corporation (KEDC) had voted to pay off the Millennium Business Park loan. The interest rate has climbed steadily to 8.25%. The current loan balance is approximately \$459,164.91. KEDC commitments are to Kaufman Presbyterian Hospital Expansion of \$75,000.00 and \$100,000.00 for the improvements to the Mulberry Street project. KEDC would have approximately \$347,416 in liquid assets. KEDC also voted to make the appropriate budget amendments.

Mayor Bacon commented that KEDC had committed some time ago to purchase land off of Highway 34 and Old Kemp Highway for right-of-way for a future Wal-Mart.

After discussion, Councilmember Council moved and seconded by Councilmember Ratcliffe to approve the Kaufman Economic Development Corporation paying off the Millennium Business Park Loan. Mayor Bacon called for a vote with all voting AYE, the motion carried.

## **APPOINTMENTS**

15. Consider the Appointment of One (1) Park and Recreation Board member for an unexpired term.

Mayor Bacon reported one position was available for appointment on the Park and Recreation Board. Mr. Robert D. Williams has expressed an interest on serving on the Board. Mr. Phillip Harrison's application is still on hold until he is a registered voter.

Councilmember Council moved to table this item. After discussion, Councilmember Council withdrew his motion.

Councilmember Choyce moved and seconded by Councilmember Altom to appoint Mr. Robert D. Williams to the Park and Recreation Board. Mayor Bacon called for a vote with all voting AYE, the motion carried.

16. Consider the Appointment of Two (2) Planning and Zoning Commission members for an unexpired term.

Mayor Bacon reported that Mr. Tim King had expressed an interest serving on the Planning and Zoning Commission. Mr. Charles Gillenwater and Albert Gomez had submitted an application to serve on the Planning and Zoning Commission.

After discussion, Councilmember Fortner moved and seconded by Mayor Pro-Tem Bounds to appoint Mr. Tim King and Mr. Charles Gillenwater to the Planning and Zoning Commission. Mayor Bacon called for a vote with

all voting AYE, the motion carried.

**ANNOUNCEMENTS FROM CITY MANAGER.**

1. Special City Council Meeting – Tuesday, September 5, 2006
2. Special City Council Meeting – Monday, September 11, 2006
3. Texas Municipal League Conference Attendance Confirmation

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

Councilmember Council informed the Council there was a new disease called dengue fever and is similar to West Nile.

Councilmember Council informed the Council that there was a confirmed death in Kaufman related to West Nile.

City Manager Curtis Snow reported that the information about West Nile would be going out in the water bills this next month. Staff is having a hard time finding a certified person to spray the town, but the City is going to further pursue getting the town sprayed for mosquito control.

**ADJOURNMENT.**

Councilmember Council moved and seconded by Mayor Pro-Tem Bounds to adjourn the meeting at 8:46 p.m. Mayor Bacon called for a vote with all voting AYE, the motion carried.

**PAULA BACON, MAYOR**

**ATTEST:**

**JO ANN TALBOT, CITY SECRETARY**