

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 21, 2005 — 6:00 P.M.
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

CITY COUNCILMEMBERS

MAYOR	PAULA BACON
MAYOR PRO-TEM	PAULA HAGLER WAMPLER
COUNCILMEMBER	FLOYD CHOYCE
COUNCILMEMBER	STANLEY HOLMES
COUNCILMEMBER	PENNY KAUFMANN
COUNCILMEMBER	JANICE MURRELL
COUNCILMEMBER	HECTOR TORRES

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 Paula Bacon, Paula Hagler Wampler, Floyd Choyce, Stanley Holmes, Penny Kaufmann, Janice Murrell and Hector Torres. The Mayor declared a quorum present. Also present were Interim City Manager Curtis Snow, City Attorney David Dodd, ACM/City Secretary Jo Ann Talbot, Director of Public Works Richard Underwood, Director of Finance Cathy Cummins, Director of Development of Services Terry Capehart and Police Chief James M. Smith.

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.

David Teagle, 403 West Cherry Street, Kaufman, thanked the Council for the article in the Kaufman Herald about cleaning up the City of Kaufman and supports the continued efforts to encourage residential clean up. He also presented the Council with photographs of areas that needed to be addressed for code enforcement.

Presentation for the Kaufman County Veteran's Memorial Park - Mayor Pro-Tem Wampler presented Mr. Ray Raymond a \$500.00 contribution for the Kaufman County Veteran's Memorial Park in memory of Rex de Vlaming, a long time resident and business owner in Kaufman.

Proclamation - Prom Promise Week – Mothers Against Drunk Driving

Mayor Bacon presented Ms. Suzette Pulant, Mothers Against Drunk Driving with a Proclamation proclaiming the week of April 3rd through the 9th as Prom Promise Week.

Proclamation – American Red Cross

Mayor Bacon proclaimed March 2005 as “American Red Cross Month.”

Proclamation – Poison Prevention Week

Mayor Bacon proclaimed March 20 – 26, 2005 as “Poison Prevention Week.”

PRESENTATIONS

1. Presentation by Witherspoon, Yeldell and Wilson, P.C. and the acceptance of the City of Kaufman Fiscal Year 2003-2004 financial report.

Mr. Greer Yeldell, representing Witherspoon, Yeldell and Wilson, P.C., presented the City of Kaufman Fiscal Year 2003-2004 financial report (audit). Mr. Yeldell congratulated the Council for the GFOA 2003 Financial Report Award for the sixth year in a row. After his presentation of the overall audit, questions and answers were provided.

Interim City Manager Curtis Snow commented that the audit over all was in good shape with some concerns with the Enterprise Fund. He also commented the City was currently working on a Financial Policy to set a percentage of funds for adequate emergency reserves. The Council had no opposition to accept the City of Kaufman Fiscal Year 2003-2004 financial report.

PUBLIC HEARING

2. Conduct a Public Hearing regarding a proposition on the May 7, 2005 Special Election Ballot for the use of a portion of funds of the Economic Development Corporation sales and use tax proceeds currently being collected be used for the maintenance and operation of the Kaufman Sports Complex as authorized by the Texas Revised Civil Statutes Article 5190.6 Section 4B.

Mayor Bacon declared the Public Hearing open at 6:29 p.m.

Marshall Park, 1418 Chancellor, Kaufman, Texas informed the Council that he opposed using Economic Development Corporation sales and use tax proceeds for the maintenance and operation of the Kaufman Sports Complex. He reported that the Kaufman Economic Development

Corporation was formed to promote industry and job opportunities for Kaufman. He asked Council to withdraw the initiative.

Mayor Bacon closed the Public Hearing at 6:30 p.m.

Mayor Bacon reported that the Public Hearing was also to inform the public the purpose of the Special Election regarding the initiative for asking the voters “yes” or “no” to use Kaufman Economic Development sales tax for the maintenance and operation of the Sports Complex under the “4A” law to be used for a “4B” qualified use.

Interim City Manager Curtis Snow informed the Council and the public that the Sports Complex had an operation expense for Fiscal Year 2004 of \$78,453.76. The sales tax collected for economic development this past year was \$301,717.45. The planned use of the sales tax for the Sports Complex will be what funds can be applied up to \$78,453.76 less any revenues generated by the Complex. The fiscal impact of this referendum will decrease resources available for other economic development efforts by any amount transferred to the Sports Complex and free up an equal amount in the General Fund to use in other under funded programs and/or decrease property tax needs.

The Council confirmed that the Fiscal Year 2004 operation expenses for the Kaufman Sports Complex was \$90,502.32 and \$78,453.86 was not a complete 2004 Fiscal Year.

Questions were raised if this was within the law to spend economic development funds for maintenance and operation for the Sports Complex. City Attorney David Dodd reported that it was allowed under the Economic Development laws.

Mayor Bacon commented that if the voters approve the initiative then the City can use other funds for projects like the water replacement on East Mulberry Street; and prevent raising property taxes, and to maintain the water and sewer rates.

CONSENT AGENDA ITEM #3 THROUGH #9

“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.”

3. Consider the approval of the Minutes of the February 22, 2005 Regular City Council Meeting.
4. Consider adoption and second reading of Ordinance O-02-05 of the City Council of the City of Kaufman, Texas amending O-21-97 Rules of Procedures for the City Council; Section 1.2.10 City Secretary by adding a paragraph for the City Secretary to maintain a log for City Council actionable items; and for the City Council to reconsider a vote if no action has been taken in a three-month period; providing for a severability clause; and declaring an effective date.
5. Consider approval of Resolution R-13-05 opposing elimination of the Community Development Block Grant Program.
6. Consider approval of Resolution R-14-05 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 and approval of same as submitted.
7. Consider approval and authorize the City Manager to execute an Agreement for Professional Services for a Building Inspector.
8. Consider approval of the City Council minutes to be placed on the City's Website.
9. Consider approval of an engagement letter with Witherspoon, Yeldell and Wilson to conduct the Financial Audit for Fiscal Year 2004-2005.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Kaufmann to approve the Consent Agenda Items 3 through 9. Mayor Bacon called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

PLANNING AND ZONING ITEMS

10. Consider a request from the McDonald's Corporation regarding a Final Plat approval, being all of a certain 1.101 acre tract of land, located at 2217 S. Washington Street, and being part of a called 2.363 acre tract, as described in a deed to J.O. Childress and Dennis Childress, Sr., as recorded in Volume 1035, Page 835 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. P-04-05 (P & Z Approval 6-0)

Director of Development of Services Terry Capehart informed the City Council that the Final Plat under consideration was from McDonald's Corporation, being a 1.01 acre tract of land located at 2217 S. Washington Street. TxDot has given approval for both the access drive and drainage improvements located within their right-of-way or property. The plat will also create a thirty (30') feet wide utility easement along the SH 34 frontage to provide access to existing public water and sewer lines running along the highway just outside the State right-of-way. The existing drainage pipe under SH 34 will be extended across the McDonald's property under the proposed parking lot and opened back up in the existing drainage channel. The Planning and Zoning Commission approved the plat with a vote of 6-0.

Councilmember Murrell moved and Mayor Pro-Tem Wampler seconded the motion to approve a request from the McDonald's Corporation regarding Final Plat approval, being all of a certain 1.101 acre tract of land, located at 2217 S. Washington Street, and being part of a called 2.363 acre tract, as described in a deed to J.O. Childress and Dennis Childress, Sr., as recorded in Volume 1035, Page 835 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. P-04-05. The Mayor called for a vote with all voting AYE, the motion carried.

11. Consider a request from Arlton White regarding a Final Plat approval, being two tracts of land, Tract A being a called 10.0083 acres and Tract B being a called 0.9826 acre, and both being a portion of a 61.54 acre tract of land, generally located south of FM 1836 and east of Elizabeth Street, as described in a deed to Prairie Creek Estates, LTD., as recorded in Volume 1939, Page 257 of the Deed Records of Kaufman County, and being situated in the Thomas Beedy Survey, Abstract 21, City of Kaufman, Kaufman County, Texas. Case No. P-05-05 (P & Z Approval 6-0)

Director of Development of Services Terry Capehart informed the City Council that the Final Plat under consideration from Arlton White, is the second phase of the Prairie Creek Estates Planned Development to create forty-eight (48) lots totaling 10.9343 acres for the purpose of constructing residential single-family homes. The Planned Development ordinance O-18-02 was passed and adopted by the City Council on June 10, 2002 and specifies that the minimum lot size is 8,000 square feet, the minimum lot width is 70 feet at the building line, and the minimum lot depth is 110 feet. The front yard setback is 30 feet, rear yard setback is 15 feet, and side yard setbacks are 6 feet with 15 feet on corner lots. Primary access into the phase will be from FM 1836 on Still Meadow Drive. A public access point to the proposed linear park (green belt), which is part of Phase III, has been provided by this plat between Lots 29 and 30, Block C. A screening wall easement has been provided along the

lots that adjoin FM 1836. The Planning and Zoning Commission approved the Final Plat with a vote of 6-0.

Councilmember Kaufmann moved and seconded by Councilmember Torres to approve a request from Arlton White regarding Final Plat approval, being two tracts of land, Tract A being a called 10.0083 acres and Tract B being a called 0.9826 acre, and both being a portion of a 61.54 acre tract of land, generally located south of FM 1836 and east of Elizabeth Street, as described in a deed to Prairie Creek Estates, LTD., as recorded in Volume 1939, Page 257 of the Deed Records of Kaufman County, and being situated in the Thomas Beedy Survey, Abstract 21, City of Kaufman, Kaufman County, Texas. Case No. P-05-05. Mayor Bacon called for a vote with all voting AYE, the motion carried.

12. Consider a request from D.G. Council regarding a Site Plan amendment for the First Assembly of God Church, in order to expand the existing building and parking lot to include a fire lane surrounding the building, located at 3101 S. Houston Street, City of Kaufman, Kaufman County, Texas. Case No. S-07-05 (P & Z Approval 6-0)

Director of Development of Services Terry Capehart informed the City Council that the Site Plan amendment is for the First Assembly of God Church, in order to expand the existing building and parking lot to include a fire lane surrounding the building, located at 3101 S. Houston Street, Kaufman. The Church is proposing to add approximately 8,736 square feet to their existing 14,312 square feet building to accommodate more educational classrooms. The Church also plans to construct fifteen additional parking spaces and a fire lane that encircles the building for improved fire protection and improve traffic circulation. A storage area was added to the existing gym in February 2004 but was not considered a major revision to the site plan because it only involved an accessory building to the main structure. The Fire Department has reviewed the plans and has approved the fire lane and fire hydrant locations. The Planning and Zoning Commission approved the site plan with a vote of 6-0.

Councilmember Torres moved and seconded by Councilmember Murrell to approve a request from D.G. Council regarding a Site Plan amendment for the First Assembly of God Church, in order to expand the existing building and parking lot to include a fire lane surrounding the building, located at 3101 S. Houston Street, City of Kaufman, Kaufman County, Texas. Case No. S-07-05. Mayor Bacon called for a vote with all voting AYE, the motion carried.

BID AWARDS

13. Consider a bid award to purchase two (2) City police vehicles or approval to purchase two (2) Police vehicles from the Texas Building and Procurement Commission on the State Contract. (Tabled 2-22-05)

Capitan Randy Roach informed the Council that two (2) bids were received from local dealers. The bids were from Paul Murrey Ford and Genuine Chevrolet. Paul Murrey Ford's bid was \$21,685.40 and Genuine Chevrolet's bid was \$20,020.75. The State contract quote for a Ford Crown Vic was \$20,451.00 and Chevrolet Impala was \$16,396.00. The vehicles are not equipped with emergency equipment. The cost for equipment and installation will be approximately \$4,500.00. Capitan Roach recommended to the Council that two (2) Ford Crown Victorian's be purchased through the State contract in the amount of \$20,451.00 each based upon a survey from other agencies and to be the most responsible amount.

After a brief discussion, Mayor Pro-Tem Wampler moved and seconded by Councilmember Kaufmann to purchase two (2) Ford Crown Victorian police vehicles from the Texas Building and Procurement Commission on the State Contract for \$20,451.00 each. The Mayor called for a vote with Councilmember Murrell, Councilmember Choyce, Councilmember Holmes, Councilmember Kaufman, Mayor Pro-Tem Wampler and Mayor Bacon voting AYE. Councilmember Torres voted NAY. The motion carried.

DISCUSSION/ACTION ITEMS

14. Consider adoption of Ordinance O-03-05 authorizing the issuance and sale of the City's Combination Tax and Revenue Certificates of Obligation, Series 2005, levying an annual ad valorem tax and providing for the security for and payment of said Certificates; and enacting other provisions relating to the subject.

Mr. Boyd London representing First Southwest Company informed the Council that they passed a Resolution last month for the intent to sell \$1,325,000 in Certificates of Obligation to the Texas Water Development Board. The proceeds of this bond sale will be used to make improvements to the wastewater system. The Texas Water Development Board has agreed to buy the twenty year bonds for an average interest rate (Total Interest Cost) of 3.75%. The pay back on the bonds will require an annual average payment of \$94,000.00. The principal and interest payment will be paid annually in August and an interest payment paid annually in February. Mr. London informed the Council that the City's

bond rating is Baa, which is good for this size of town. The closing on the Certificate of Obligation is scheduled for April 21, 2005.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Kaufmann to adopt Ordinance O-03-05 authorizing the issuance and sale of the City's Combination Tax and Revenue Certificates of Obligation, Series 2005, levying an annual ad valorem tax and providing for the security for and payment of said Certificates; and enacting other provisions relating to the subject. The Mayor called for a vote with Councilmember Torres, Councilmember Choyce, Councilmember Holmes, Councilmember Kaufman, Mayor Pro-Tem Wampler and Mayor Bacon voting AYE. Councilmember Murrell voted NAY. The motion carried.

15. Consider first reading and approval of Ordinance O-05-05 of the City of Kaufman, Texas establishing a Building and Standards Commission to enforce the International Property Maintenance Code (as adopted) and Article XI, Section 22 of the City Code of Ordinances and amending the Code of Ordinances, Article XI, Sections 22-392 through Sections 22-395 and adding Section 22-390; providing for the Building and Standards Commission to conduct public hearings for the purpose of enforcement of state and local regulations and ordinances regulating unsafe buildings; providing a repealer clause; providing for a penalty; providing a severability clause; and providing an effective date.

Director of Development of Services Terry Capehart informed the Council that the proposed Ordinance would establish a new Board entitled "Building and Standards Commission" as provided by Local Government Code Chapter 54. The make up of the Building and Standards Commission would be the current Zoning Board of Adjustment as they serve in a quasi-judicial capacity with full authority to compel persons to appear before the Commission in a Public Hearing and order abatement within a reasonable time period, levee fines, order securing or vacation of premises, order demolition and attach liens to recover cost of city actions. The new ordinance will help speed up the process for substandard/unsafe structures within the city.

After discussion of the Ordinance, Councilmember Murrell moved and seconded by Councilmember Choyce to approve the first reading of Ordinance O-05-05 of the City of Kaufman, Texas establishing a Building and Standards Commission to enforce the International Property Maintenance Code (as adopted) and Article XI, Section 22 of the City Code of Ordinances and amending the Code of Ordinances, Article XI, Sections 22-392 through Sections 22-395 and adding Section 22-390; providing for the Building and Standards Commission to conduct public hearings for the purpose of enforcement of state and local regulations and ordinances regulating unsafe buildings; providing a repealer clause;

providing for a penalty; providing a severability clause; and providing an effective date, and to make a minor change by adding "notice to be certified mail". The Mayor called for a vote with all voting AYE, the motion carried.

16. Consider approval of Resolution R-07-05 establishing a Police Department Citizens' Review Committee. (Tabled 2-22-05)

Mayor Pro-Tem Wampler moved and seconded by Councilmember Murrell to approve Resolution R-07-05 establishing a Police Department Citizens' Review Committee. The Mayor called for a vote with all voting AYE, the motion carried.

17. Consider approval of Resolution R-15-05 of the City of Kaufman, Texas, endorsing certain legislative changes to S.B. 7 supported by Cities Aggregation Power Project, Inc.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve Resolution R-15-05 of the City of Kaufman, Texas, endorsing certain legislative changes to S.B. 7 supported by Cities Aggregation Power Project, Inc. The Mayor called for a vote with all voting AYE, the motion carried.

18. Consider approval and authorize the City Manager to enter into an Agreement with PBS&J Engineering for Engineering Services for a High Service Water Pump located at the Underground Water Storage Facility.

Director of Public Works Richard Underwood informed the Council that during the City's 2004 TCEQ inspection, the City received a violation for failure to provide adequate water service pumping of 2 GPM per connection. The City's system currently provides 3,250 GPM and requires 5,950 GPM. The City's service pump peaking factor required 2,581 GPM and provides 2,000 GPM with the largest pump out of service.

There are two options to correct the violation. Install an additional pump at the Underground Water Storage Facility or increase the amount of storage capacity to overcome the deficiency. The City's original compliance date with TCEQ was April 2005. To meet this time factor with the least out of pocket expense to the City, Director of Pubic Works Richard Underwood recommended adding the additional pump.

PBS&J Engineering has been working on this project since the City received the violation notice. The agreement for engineering services includes preliminary design, final design, assistance with bidding, and construction administration. The cost for engineering services is \$14,500.00. The Fiscal Year 2004-05 allocated \$40,000.00 for general

engineering services and to date a total of \$32,000 still remain unused. The total cost to install a new pump and to re-wire the electrical system is estimated at \$95,000.00. The City currently has two Certificates of Deposits for pump repair, which will cover most of the cost for the new pump and electrical system.

After discussion, Councilmember Murrell moved and seconded by Councilmember Torres to approve and authorize the City Manager to enter into an Agreement with PBS&J Engineering for Engineering Services for a High Service Water Pump located at the Underground Water Storage Facility. The Mayor called for a vote with all voting AYE, the motion carried.

19. Consider approval and authorize the City Manager to enter into an Agreement with PBS&J Engineering for Engineering Services to Evaluate the WWT Plant Clarifier. (Tabled 2-21-05)

Interim City Manager Curtis Snow informed the Council that the Wastewater Treatment Plant has concerns regarding the settling of the north side Clarifier. Staff has adjusted the unit several times over the years and it is now to the point where it can no longer be adjusted to allow for proper operation. During rains the unit begins to bulk (causing settled waste to suspend and float to the top) allowing it to be discharged into the creek. This is a direct TCEQ violation.

On January 4, 2005, Mr. Trent J. Slovak, PBS&J Engineering, did a general walk through of the Wastewater Facility and determined that the existing clarifier appeared to need replacement. A full assessment would need to be done to include hydraulic and organic capacities and to determine capacity and flow needs to the facility. The assessment would allow the City to determine and size the unit accordingly and could also assist the City in future design and capacity needs.

PBS&J Engineering submitted a proposal to provide a full assessment of the north side clarifier in the total lump sum fee of \$7,500.00. The proposal provides the engineering assessment per an hourly basis not to exceed \$7,500.00. They have also adjusted their hourly multiplier from their normal 2.4 to 2.27. Council allocated the funds for the engineering with a budget amendment at the February 22, 2005 Council meeting. Staff recommends Council approval.

After discussion, Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve and authorize the City Manager to enter into an Agreement with PBS&J Engineering for Engineering Services to Evaluate the WWT Plant Clarifier. The Mayor called for a vote with all voting AYE, the motion carried.

20. Update report regarding the Keep Kaufman Beautiful Board's request for Planning Assistance from the Texas Parks and Wildlife regarding the City Lakes.

Director of Public Works Richard Underwood gave the City Council an update report regarding the Keep Kaufman Beautiful Board's request for Planning Assistance from the Texas Parks and Wildlife regarding the City Lakes. The following general update planning assistance and/or potential upgrades to the Kaufman Lake on State Highway 243 and the City Lake Park on State Highway 34:

Resolution R-04-05 was approved on January 18, 2005.

Letter submitted to Mr. Tim Hogsett, TPWD requesting planning assistance for existing three (3) City lakes along with a copy of the Resolution, copy of a 2003 KEDC aerial map showing the Kaufman area with the lakes, and general information on the City Lakes.

February 14, 2005 Mr. Jim Temple from the TPWD advising the City he had received our request and would be the one addressing it. He stated that he would be looking at potential uses that could generate revenue for maintenance and operations. He stated that he had a major backlog and it would take him an estimate of five (5) months before he would begin working on it. He also requested a digital format of the KEDC aerial map that he could work from.

Aerial Focus was contacted on February 15, 2005 requesting a digital format of the 2003 KEDC aerial map. They stated that we could receive a digital format for \$450.00. Both the Department of Public Works and Development Services could use this, so the cost was split between the Departments.

The digital map was ordered on March 2, 2005.

Received questionnaire and public survey template from TPWD. Staff is in the process of completing the questionnaire and working with the citizens' survey.

Digital map received March 11, 2005.

Digital map mailed to Mr. Jim Temple at the TPWD March 15, 2005.

The Council thanked Mr. Underwood for his report.

21. Update report regarding the Keep Kaufman Beautiful Board's request for a Washington Street Beautification Project located at the 300 Block of South Washington Street.

Director of Public Works Richard Underwood gave the Council an update report regarding the Keep Kaufman Beautiful Board's request for a Washington Street Beautification Project located at the 300 Block of South Washington Street. Mr. Underwood presented a computerized layout of the area primarily based on the sketch provided by Cannon Grass and Farm Landscape. He recommended some changes for ease of maintenance, safety and TxDot regulations. He gave an estimated cost of \$13,495.00 to provide general construction and maintenance projections. He also recommended that the City retain 50% of the lot for additional parking.

The Council thanked Mr. Underwood for his report.

APPOINTMENTS

22. Consider the appointment of one (1) member to serve on the Planning and Zoning Commission for an unexpired term until November 2006.

Mayor Pro-Tem Wampler nominated Anita Hall to be appointed to the Planning and Zoning Commission. Councilmember Kaufmann seconded the nomination. No other nominations were made. The Mayor called for a vote with all voting AYE, the motion carried.

23. Consider the appointment of one (1) member to serve on the Board of Adjustment for an unexpired term until September 2005.

Mayor Pro-Tem Wampler nominated Byron Gregg to be appointed to the Board of Adjustment. Councilmember Torres seconded the nomination. No other nominations were made. The Mayor called for a vote with all voting AYE, the motion carried.

24. Consider the appointment of one (1) Police Department Citizens' Review Committee.

Councilmember Kaufmann nominated Al Cummins to be appointed to the Police Department Citizens' Review Committee. Mayor Pro-Tem Wampler seconded the nomination. The Mayor called for a vote with all voting AYE, the motion carried.

The Council took a recess.

Councilmember Kaufmann moved and seconded by Councilmember Holmes to go into Executive Session at 8:28 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

EXECUTIVE SESSION

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 551.071 LEGAL.

1. LEGAL – Under TEX. GOV'T. CODE Sec. 551.071.
 - A. Consult with City Attorney regarding pending litigation - Dallas Crown Packing Company.

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.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Kaufmann to go out of Executive Session at 8:33 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

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

LEGAL – Under TEX. GOV'T. CODE Sec. 551.071.

- A. Pending litigation - Dallas Crown Packing Company.

No action taken.

ANNOUNCEMENTS FROM CITY MANAGER.

1. Becker-Jiba transfer work in progress schedule

Interim City Manager presented an update report.

2. Other

Informed the Council of a legislative update meeting to be held in Dallas.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Mayor Bacon commented that the Kaufman Economic Development Corporation has agreed to contribute \$100,000.00 towards the East Mulberry Street water improvement project.

Councilmember Murrell thanked Staff for the letter in the Kaufman Herald regarding cleaning up Kaufman.

ADJOURNMENT.

There being no further business Mayor Pro-Tem Wampler moved and seconded by Councilmember Torres to adjourn the meeting at 8:39 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY