

**MINUTES OF THE SPECIAL CITY COUNCIL
EMERGENCY MEETING
TUESDAY, MAY 17, 2005 — 6:00 P.M.
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

CITY COUNCILMEMBERS

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|----------------------|-----------------------------|
| 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: Municipal Judge Jon Burt

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Bacon called the meeting to order at 6:08 p.m. Councilmembers present were Penny Kaufmann, Floyd Choyce, Janice Murrell, and Paula Bacon. Mayor Bacon declared a quorum present. Councilmembers absent were Paula Hagler Wampler, Stanley Holmes and Hector Torres. Also present were ACM/City Secretary Jo Ann Talbot and Municipal Judge Jon Burt.

1. Consider first reading and approval of Ordinance O-09-05 of the City of Kaufman, Texas, declaring the results of the Charter Amendment Election held in the City of Kaufman on the 7th day of May, 2005; declaring that such Charter Amendments Nos.1 and 2, are duly adopted and shall be a part of the Charter of the City of Kaufman; and declaring the results of Proposition No. 3 regarding 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; directing the City Secretary to record the amendments in the records of the City; directing the City Secretary to certify a copy of this Ordinance to the Secretary of State; and providing an effective date.

Assistant City Manager/City Secretary Jo Ann Talbot informed the Council that 1250 ballots were printed for the May 7, 2005 City General and Special Election. The Election Judge, Linda Tackett, reported 402 votes were cast on Election Day. During the early voting period, 548 votes were cast with an additional 12 mail ballots totaling 560. There were two (2)

provisional ballots also counted, making a total of 964 valid votes. There was one (1) provisional ballot rejected, seven (7) spoiled ballots and two (2) mail ballots not returned. There were 276 unused ballots in Box #4, if the Council wished to count them.

The election returns for the Special Election for three propositions are in the body of Ordinance O-09-05 as follows:

Proposition No. 1. Amend current Article IX, "Municipal Planning & Zoning," of the City Charter by adding Section 9.04 to read as follows:

The Planning and Zoning Commission shall give written notice to be mailed to property owners within three hundred feet (300 feet) of property which is the subject of a proposed Zoning Change before the 10th day before the Public Hearing on the proposed change.

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|--------------------------------|-------------------------------|
| <u>Votes Cast "Yes"</u> | <u>Votes Cast "No"</u> |
| 740 | 83 |

Proposition No. 2. Amend current Article IX, "Municipal Planning & Zoning," of the City Charter by adding Section 9.05 to read as follows:

The Planning and Zoning Commission shall give written notice to be mailed to property owners within three hundred feet (300 feet) of property which is the subject of a proposed change to the Thoroughfare Plan before the 10th day before the Public Hearing on the proposed change.

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|--------------------------------|-------------------------------|
| <u>Votes Cast "Yes"</u> | <u>Votes Cast "No"</u> |
| 731 | 88 |

Proposition No. 3. 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.

| <u>Votes Cast "Yes"</u> | <u>Votes Cast "No"</u> |
|-------------------------|------------------------|
| 553 | 266 |

- Councilmember Murrell moved and seconded by Councilmember Choyce to approve the first reading of Ordinance O-09-05 of the City of Kaufman, Texas, declaring the results of the Charter Amendment Election held in the City of Kaufman on the 7th day of May, 2005; declaring that such Charter Amendments Nos.1 and 2, are duly adopted and shall be a part of the Charter of the City of Kaufman; and declaring the results of Proposition No. 3 regarding 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; directing the City Secretary to record the amendments in the records of the City; directing the City Secretary to certify a copy of this Ordinance to the Secretary of State; and providing an effective date. Mayor Bacon called for a vote with all members present voting AYE, the motion carried. Councilmembers absent were Paula Hagler Wampler, Stanley Holmes and Hector Torres.
2. Consider adoption of Resolution R-16-05 and order Canvassing Returns and declaring results of a General City Officers' Election held in for the Election of Kaufman, Texas on the 7th day of May, 2005, for one (1) Mayor and three (3) Councilmembers.

Mayor Bacon and Members of the Council reviewed the recount Tally Sheets for the May 7, 2005 City of Kaufman General Election. The Assistant City Manager/City Secretary Jo Ann Talbot read the Election Returns in Resolution R-16-05 declaring that Paula Bacon was duly elected as Mayor and that Lonnie Bounds, Gil Altom Jr. and Floyd Choyce were duly elected as Councilmembers.

Listed below are the results of the General Election for May 7, 2005.

FOR ONE MAYOR

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|----------------------|------------|
| PAULA BACON | 509 |
| HECTOR TORRES | 444 |

FOR THREE COUNCILMEMBERS

| | |
|------------------------|------------|
| PENNY KAUFMANN | 384 |
| LARRY D. NELSON | 379 |
| JOHN ELZNER | 391 |
| LONNIE BOUNDS | 455 |
| GIL ALTOM JR. | 451 |
| FLOYD CHOYCE | 440 |

Councilmember Murrell moved and Councilmember Choyce seconded to approve Resolution R-16-05 and order canvassing the returns and declaring results of a General City Officers' Election held in for the City of Kaufman, Texas on the 7th day of May, 2005, for the election of one (1) Mayor and three (3) Councilmembers. The Mayor called for a vote with all voting AYE, the motion carried. Councilmembers absent were Paula Hagler Wampler, Stanley Holmes and Hector Torres.

3. Administer the Oath of Office for Newly Elected Officials.

Municipal Judge Jon Burt administered the Oath Of Office to Paula Bacon for the elected office of Mayor and Gil Altom Jr. and Floyd Choyce for the elected office of Councilmember for a two-year term. Mr. Lonnie Bounds was not present.

ANNOUNCEMENTS FROM CITY MANAGER.

ACM/City Secretary Jo Ann Talbot reminded the Council of the City Council meeting set for June 23, 2005.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

The Council made no comments.

ADJOURNMENT.

Councilmember Murrell moved and seconded by Councilmember Choyce to adjourn the meeting at 6:22 p.m. All approved.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY

NOTE: The canvass was originally scheduled and posted for the May 16, 2005 meeting. However, due to circumstances outside the control of the council the council was not able to consider the canvass on Monday, May 16, 2005. The members of Council present on May 16, 2005 recessed the meeting until May 17, 2005 at 6:00 p.m. Section 67.003 of the Texas Election Code requires that the Election be canvassed by May 18, 2005.