



AGENDA
SPECIAL CITY COUNCIL MEETING
MONDAY, MARCH 16, 2020 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER Mayor calls the Meeting to order, states the date and time, state Councilmembers present, and declares a quorum present.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Council agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the City Council on any subject but must first complete a Request to Speak Form so that the Mayor may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the Council as a whole. **When addressing the Council, please step forward to the speaker's podium, state your name and address, and direct your comments to the Mayor and City Council.**

PROCLAMATION

1. National Medal of Honor Day- March 25th

DISCUSSION/ACTION ITEMS

2. Consider and take appropriate action on Resolution R-09-20, a resolution of the City Council of the City of Kaufman, Texas, opposing Proposition 3 approved at the March 3, 2020, Statewide Election advocating for the ending of taxpayer-funded lobbying.
3. Consider and take appropriate action to retain the law firm of Jackson and Walker to intervene and take all necessary action on behalf of the City of Kaufman in the pending PUC review of the North Texas Municipal Water District rate structure, including filing of suit and representation in Court; authorizing the City Manager to execute necessary documents to retain the firm and authorizing an expenditure of funds not to exceed \$20,000.

ADJOURNMENT

I, JESSIE HANKS, CITY SECRETARY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 4:30 P.M. ON FRIDAY, MARCH 13, 2020, AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.


JESSIE HANKS
CITY SECRETARY

THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE. SECTION 551.071 (CONSULTATION WITH ATTORNEY).

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC AT THE ADDRESS POSTED ABOVE AS THE LOCATION OF THE MEETING.**

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



City of Kaufman Proclamation

WHEREAS, the Medal of Honor is the highest award for valor in combat awarded across all branches of the United States military; and

WHEREAS, President Abraham Lincoln signed legislation from congress creating the Medal of Honor in 1861 with the first medal being awarded in 1863; and

WHEREAS, approximately thirty-five hundred individuals, eighty-six of whom are laid to rest in the great state of Texas, have received this highest honor; and

WHEREAS, our county has celebrated National Medal of Honor Day on March 25th since the holiday was first created by congress in 1990 and signed into law by President George HW Bush; and

WHEREAS, Texans are deeply patriotic and have a strong history of supporting the men and women of the Armed Forces; and

WHEREAS, the National Medal of Honor Museum Foundation has selected Texas as the official home for the National Medal of Honor Museum; and

WHEREAS, urging all citizens of our community to help recognize Medal of Honor Day by observing a Moment of Honor at 3:25 p.m. on March 25, 2020.

NOW, THEREFORE, I, Patty Patterson, Mayor Pro-Tem of the City of Kaufman, do hereby proclaim the 25th day of March 2020 as:

Medal of Honor Day

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 16th day of March 2020.

Patty Patterson, Mayor Pro-Tem, City of Kaufman



Meeting
Date: 3/16/2020

Date: 3/6/2020

Item #: 2.

Dept.: Administration

Resolution

SUBJECT:

Consider and take appropriate action on Resolution R-09-20, a resolution of the City Council of the City of Kaufman, Texas, opposing Proposition 3 approved at the March 3, 2020, Statewide Election advocating for the ending of taxpayer-funded lobbying.

BACKGROUND:

The Kaufman County Leadership Council (KCLC) met March 3, 2020 and all governmental jurisdictions within the county agreed to adopt the proposed resolution (or similar document) opposing the idea of restricting local government from using public money for lobbying efforts at the Texas Legislature. Our Senator (Bob Hall) authored this last bill (SB29) that failed by only 18 votes in the House.

It is the intent for the KCLC to present the Resolutions to our Texas Delegation at the Kaufman County Days Breakfast to ensure they are aware of the entire county's opposition to this type of action moving forward.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: Staff recommends approval of Resolution R-09-20.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☐	☒	☐	☒

RESOLUTION NO. R-09-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, OPPOSING PROPOSITION 3 APPROVED AT THE MARCH 3, 2020 STATEWIDE ELECTION ADVOCATING FOR THE ENDING OF TAXPAYER-FUNDED LOBBYING.

WHEREAS, Senate Bill 29, authored and introduced by Senator Bob Hall (District 2) in the most recent Texas Legislative session (86th Regular Session), proposed a ban that would have prevented governmental entities from advocating at the State Capitol by banning taxpayer-funded lobbying over matters significant to City government, City residents, and other local governmental entities; and

WHEREAS, the vote on approval of Senate Bill 29 failed by 18 votes in the House of Representatives; and

WHEREAS, Proposition 3 on the ballot at the most recent statewide election provided that “Texas should ban the practice of taxpayer-funded lobbying, which allows your tax dollars to be spent on lobbyists who work against the taxpayer”, (“Proposition 3”), and as worded, Proposition 3 was overly broad and completely misleading to the voters; and

WHEREAS, Proposition 3 was approved by the voters at the March 3, 2020 election; therefore, the same issues set forth in Senate Bill 29 will be considered again in the upcoming Texas Legislative session (87th Regular Session), and if acted upon, Proposition 3 will effectively prevent a City and members of its City Council from advocating at the Capitol over matters significant to City residents; and

WHEREAS, if Proposition 3 is used as a basis for the State Legislature to again consider regulations similar to those in failed Senate Bill 29, it will operate to prevent political subdivisions throughout the state from spending public money to join their respective professional associations; and

WHEREAS, professional associations for municipalities, counties and independent school districts (TML, TAC, TASB, ATMOS Steering Committee, ONCOR Steering Committee, TCAP – Texas Coalition for Affordable Power, and others) provide much more assistance to political subdivisions than lobbying efforts that occur every two years, and

WHEREAS, smaller political subdivisions across the state, do not have the resources to represent themselves during the legislative session(s), or the other very important ancillary services (legal services, training, risk pool insurance protection, etc.) rendered by these professional associations.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS:

SECTION 1. That the foregoing recitals are findings of the City Council of the City of Kaufman, are true and correct, and are incorporated into this Resolution as if fully set forth hereinbelow.

SECTION 2. That the City Council of the City of Kaufman strongly opposes any legislation that would serve to “limit the governing body of a political subdivision to spend public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature related to: taxation; bond elections; tax-supported debt; and ethics and transparency of public servants” as originally proposed by failed Senate Bill 29. Any effort to eliminate the City’s ability to spend public monies to join their various professional associations simply because of ancillary lobbying efforts of those associations provided during the biennial Legislative sessions would severely restrict the efficiency and effectiveness of the City’s local governance.

SECTION 3. The City of Kaufman City Council supports the right of any institution or entity, whether public or private, to engage expert and professional assistance to exercise its constitutional right to petition the government for causes that would serve to improve the quality of life or standing of its members. Recognizing that both private entities and local governmental entities should have equal access to professional assistance in dealing with the complexities of state government.

SECTION 4. That the Kaufman City Council hereby expresses its desire to maintain and fund with public moneys its memberships with the various professional associations and statewide municipal steering committees that provide much needed direction and specialized assistance related to day-to-day City operations, regardless of the other activities of such professional associations.

SECTION 5. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED this 16th day of March, 2020.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**



Meeting
Date: 3/16/2020

Date: 3/11/2020

Item #: 3.

Dept.: Administration

Discussion Item

SUBJECT:

Consider and take appropriate action to retain the law firm of Jackson and Walker to intervene and take all necessary action on behalf of the City of Kaufman in the pending PUC review of the North Texas Municipal Water District rate structure, including filing of suit and representation in Court; authorizing the City Manager to execute necessary documents to retain the firm and authorizing an expenditure of funds not to exceed \$20,000.

BACKGROUND:

The NTMWD Customer City Coalition that we joined last month has since convened a couple of times as a result of a PUC ruling in favor of the 4 Member Cities filing suit against NTMWD's Take or Pay contract design. As a result of the PUC ruling, there will be a Cost of Service Study that will ensue, unless the 13 Member Cities agree unanimously to some kind of settlement provision in the near future.

The coalition has expressed a desire to be at the 'Cost of Service Study' table and would like to intervene. That means hiring a law firm to represent the Customer cities that would like to intervene. There is a follow-on conference call Tues, Mar 17th to determine whether any of the coalition cities are willing to pay for their share of an intervention.

This action could have long-term effects for future wholesale water supply contracts. It also means a substantial legal bill if Kaufman participates.

I have spoken to NTMWD concerning this issue. The result of that discussion is that whatever ends up as the end result, all Member and Customer cities will be treated alike. It is NTMWD's desire to settle this internally with the Board of Directors (Member Cities) and not let Austin start dictating water rates for North Texas.

Approving this action and setting a spending cap will give the city some flexibility if it makes sense for our citizens and business community. Money would come from Utility Fund Balance if approved and subsequently acted upon.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: \$20,000

Funds Available:

Source:

Recommendation: Staff recommends approval and authorizing and expenditure not the exceed \$20,000.

Safe & Secure

**Business
Friendly/Economic**

**Partnership &
Community**

**Healthy &
Environmentally**

**Financial &
OPS Stewardship**

Development		Involvement	Cons. Comm.	
☐	☐	☐	☐	☐