



**MINUTES OF THE
TAX INCREMENT REINVESTMENT ZONE #3
AND
CITY COUNCIL MEETING
MONDAY, DECEMBER 18, 2023 AT 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

CALL TIRZ #3 TO ORDER Chairman calls the TIRZ #3 meeting to order, states the date and time, states members present, and declares a quorum present.**

Chairman Jordan called the TIRZ #3 meeting to order at 6:00 P.M. Board members present were Jeff Jordan, Matt Phillips, Quattro Borders, Charles Gillenwater, Lisa Parker, Ashlea Longenecker, and Jason Nelson. Chairman Jordan declared a quorum present. Also, present were City Manager Mike Holder, Assistant City Manager Rachel Balthrop Mendoza, City Attorney Patricia Adams, City Secretary Jessie Hanks, Economic Development Director Stewart McGregor, Development Services Director Andrew Bogda, Fire Chief Ronnie Davis, Police Captain Colter Leftwich, and Police Chief Les Edwards.

TIRZ #3 ITEMS

1. Consider and take appropriate action on the appointment of a vice chairman for the TIRZ #3 Board.

Boardmember Borders made a motion to appoint Matt Phillips as the Vice Chairman of the TIRZ #3 Board. The motion was seconded by Boardmember Nelson and passed 7/0.

2. Consider and take appropriate action on the Final Project and Financing Plan for Tax Increment Reinvestment Zone No. 3, City of Kaufman, Texas, established pursuant to Chapter 311 of the Texas Tax Code. (Highland Meadows)

Natalie Moore, Project Manager with David Pettit Economic Development, LLC, presented the TIRZ #3 creation process, an overview of the Tax Reinvestment Zone, and the Final Project and Financing Plan. She reviewed the revenue summary for the TIRZ, the proposed project costs,

Boardmember Nelson made a motion to approve the Final Project and Financing Plan for Tax Increment Reinvestment Zone No. 3, City of Kaufman, Texas, established pursuant to Chapter 311 of the Texas Tax Code. The motion was seconded by Vice Chairman Phillips and passed 7/0.

TIRZ #3 ADJOURNMENT

There being no further business, Chairman Jordan adjourned the meeting at 6:10 P.M.

PLEDGE OF ALLEGIANCE

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

Mayor Jordan called the City Council meeting to order at 6:30 P.M. Councilmembers present were Jeff Jordan, Matt Phillips, Quattro Borders, Lisa Parker, Ashlea Longenecker, Jason Nelson, and

Charles Gillenwater. Mayor Jordan declared a quorum present. Also, present were City Manager Mike Holder, Assistant City Manager Rachel Balthrop Mendoza, City Attorney Patricia Adams, City Secretary Jessie Hanks, Economic Development Director Stewart McGregor, Development Services Director Andrew Bogda, Fire Chief Ronnie Davis, Police Captain Colter Leftwich, and Police Chief Les Edwards.

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.**

No comments were given.

RECOGNITION

3. Business of the Month - Elsie Halbert Real Estate

Mayor Jordan and Mr. McGregor presented and recognized Elsie Halbert Real Estate as the Business of the Month.

4. Inclusive Playground - Teague Nall & Perkins

Teague Nall & Perkins, Inc. presented the City Council with a \$20,000 donation towards the inclusive playground.

CONSENT AGENDA

5. Consider and take appropriate action on the minutes from the November 20, 2023, Regular City Council Meeting.
6. Consider and take appropriate action on the **Final Plat of Highland Meadows Phase 1**, which will create 224 single-family residential lots, 1 fire station lot, 12 open space lots, and right-of-way on 62.193 acres out of the Thomas Beedy Survey, Abstract No. 21, and the William Peters Survey, Abstract No. 407, City of Kaufman, Kaufman County, Texas, generally located on the south side of State Highway 243 at Ola Road (Property IDs 2252, 2267, 2269, 2270, and 227628). (Case No. FP-15-23)
7. Consider and take appropriate action on Resolution R-35-23, a resolution of the City Council of the City of Kaufman, Texas, accepting public improvements for Georgetown Phase 2A and 2B; and establishing the warranty period for the public improvements.

Councilmember Gillenwater made a motion to approve Consent Agenda items 5-7 as presented. The motion was seconded by Councilmember Nelson and passed 7/0.

END OF CONSENT AGENDA

PUBLIC HEARING

8. Conduct a public hearing, consider, and take appropriate action on Ordinance No. O-31-23, an Ordinance of the City Council of the City of Kaufman, Texas, amending **Chapter 5, “Business Regulations”** of the Code of Ordinances of the City of Kaufman to add Article 5.10 “Unattended Donation Bins” to **regulate donation bins in the City limits**; and amending Ordinance No. O-02-07 and **Chapter 9A, “Zoning”** of the Code of Ordinances of the City of Kaufman, to add the use “Unattended Donation Bin” to certain Zoning Districts by amending Chart 3 “Accessory & Incidental Uses” of Section 33.4 “Use Regulations”; adding “Unattended Donation Bin” to Section 33.5 “Definitions”; and adding “Unattended Donation Bin” regulations to Section 37.5 “Accessory Building and Use Regulations”. (Case Z-03-23)

- a. Presentation.

Mr. Bogda presented the background for the proposed ordinance relating to Donation Bins. He reviewed the amendments to the Code of Ordinances and the recommendation from the Planning and Zoning Commission.

- b. Public Hearing.

Mayor Jordan opened the public hearing at 6:42 P.M. There being no speakers present, Mayor Jordan closed the public hearing at 6:43 P.M.

- c. Consider and take appropriate action on Ordinance O-31-23.

Mayor Pro-Tem Phillips made a motion approve O-31-23 with the recommended correction to section 5.008 to remove the word “not.” The motion was seconded by Councilmember Parker and passed 7/0.

9. Conduct a public hearing and consider and take appropriate action on Ordinance No. O-32-23, an ordinance of the City Council of the City of Kaufman, Texas, amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, “Zoning” of the City of Kaufman’s Code of Ordinances, and the official Zoning Map to **rezone** an approximate **10.00-acre** tract of land (Property ID 225369) out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, from PD Planned Development District-17R-MF-2 to **PD Planned Development District-26 for multi-family residential and neighborhood retail service uses** on Lot 6 of Block A of Kings Fort Addition, generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. (Case No: Z-09-23)

- a. Presentation.

Mayor Jordan opened items 9 and 10 for presentation and discussion.

Mr. Bogda outlined the proposed planned development and site plan for Kings Fort Villas which is a property located in the Kings Fort Addition. He outlined various planned development standards for the property including the permitted uses, access/circulation, parking and landscaping. Mr. Bogda presented the proposed site plan and reviewed the various aspects of the development.

b. Public Hearing.

Mayor Jordan opened the public hearing at 6:54 P.M. Council inquired about the traffic access to the 34 bypass, the addition of the trail system, and the discussions with the developer. There being no speakers present, Mayor Jordan closed the public hearing at 7:00 P.M.

c. Consider and take appropriate action on Ordinance O-32-23.

Mayor Pro-Tem Phillips made a motion to approve Ordinance O-32-23 as presented. The motion was seconded by Councilmember Parker and passed 7/0.

DISCUSSION/ACTION ITEMS

10. Consider and take appropriate action on the **Site Plan of Kings Fort Villas** on Lot 6 of Block A of Kings Fort Addition, being approximately 10.00 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, TX, generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. (Property ID 225369) (Case No: SP-04-23)

Mr. Bogda presented this item at the same time as item 9.

Councilmember Borders made a motion to approve the **Site Plan of Kings Fort Villas** on Lot 6 of Block A of Kings Fort Addition, being approximately 10.00 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, TX, generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. (Property ID 225369) (Case No: SP-04-23) The motion was seconded by Councilmember Parker and passed 7/0.

11. Consider and take appropriate action on Ordinance O-33-23, an ordinance of the City Council of the City of Kaufman, Texas, approving the Final Project and Financing Plan of Tax Increment Reinvestment Zone Number Three, City of Kaufman, Texas, pursuant to Chapter 311 of the Texas Tax Code, identifying project costs; and providing an effective date. (Highland Meadows)

Councilmember Parker made a motion to approve Ordinance O-33-23, an ordinance of the City Council of the City of Kaufman, Texas, approving the Final Project and Financing Plan of Tax Increment Reinvestment Zone Number Three, City of Kaufman, Texas, pursuant to Chapter 311 of the Texas Tax Code, identifying project costs; and providing an effective date The motion was seconded by Councilmember Longenecker and passed 7/0.

12. Consider and take appropriate action on an interlocal cooperation agreement between the City of Kaufman, Texas, and Kaufman County, Texas granting the City of Kaufman exclusive jurisdiction to regulate subdivision plats and to approve related permits in the extraterritorial jurisdiction, and authorizing the Mayor or his designee to execute necessary documents.

Mr. Bogda outlined that Kaufman County is amending all of their interlocal cooperation agreements with all entities for regulations in the extraterritorial jurisdiction.

Councilmember Gillenwater made a motion to approve an interlocal cooperation agreement between the City of Kaufman, Texas, and Kaufman County, Texas granting the City of Kaufman exclusive jurisdiction to regulate subdivision plats and to approve related permits in the extraterritorial jurisdiction, and authorizing the Mayor or his designee to execute necessary documents. The motion

was seconded by Councilmember Nelson and passed 7/0.

13. Consider and take appropriate action on the award of bid and contract for the Hickory Street Elevated Water Tank Repaint and Repaint Project to AMR Industrial Coatings, Inc. and authorize the Mayor or his designee to execute necessary documents.

Ms. Balthrop Mendoza presented the bid tabulation for the Hickory Street Elevated Water Tank Repaint and Project.

Mayor Pro-Tem Phillips made a motion to award a bid and contract for the Hickory Street Elevated Water Tank Repaint and Repaint Project to AMR Industrial Coatings, Inc. and authorize the Mayor or his designee to execute necessary documents. as presented. The motion was seconded by Councilmember Borders and passed 7/0.

14. Consider and take appropriate action on the award or rejection of a bid and contract for the Grant Administration for the 2023 GLO Grant Application and authorizing the Mayor or his designee to execute necessary documents.

Ms. Balthrop Mendoza informed the Council about the bid process for grant administration for the 2023 GLO Grant.

Councilmember Gillenwater made a motion to reject all bids and contracts for the Grant Administration for the 2023 GLO Grant Application and authorizing the Mayor or his designee to execute necessary documents. The motion was seconded by Councilmember Borders and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

15. Receive an update and discussion regarding the following:
 - a. Discussion Items Report (DIR)
 - b. STAR Transit Ridership Report - November 2023
 - c. Careflite Compliance Report - October & November 2023
 - d. Fire Department Monthly Report - November 2023
 - e. Police Department Monthly Report - November 2023
 - f. Development Services Monthly Report - November 2023
 - g. Monthly Calendars Attached

Mr. Holder gave an update on the above-stated items.

EXECUTIVE SESSION

Mayor Jordan recessed into executive session at 7:10 P.M.

16. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
- a. Sec. 551.071(1) and (2); CONSULTATION WITH ATTORNEY: (1) To consult with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Texas Open Meetings Act and (2) for Council to seek the advice of its attorney about pending or contemplated litigation: ETJ Development; Utilities; KISD Off-Site Easements
 - b. Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. To deliberate the purchase, exchange, lease, or value of real property regarding: "Project Pic
 - c. Sec. 551.087(1 & 2). DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Section 551.087(1)), and to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). (Section 551.087(2)) regarding: "Project Cowbell"; "Project Snooze"

RECONVENE INTO OPEN SESSION In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session.

Mayor Jordan reconvened into open session at 7:46 P.M.

17. Consider and take appropriate action on a Chapter 380 Economic Development and Incentive Agreement between the City and Myrish Hospitality, LLC providing economic development incentives for a Hampton Inn branded hotel; and authorizing the Mayor or his designee to execute necessary documents.

Councilmember Nelson made a motion to table item 17 for the January 22, 2024, Regular City Council Meeting. The motion was seconded by Councilmember Gillenwater and passed 7/0.

18. Consider and take appropriate action regarding Kaufman ISD Off-Site Utilities water line easement condemnation and property acquisition(s) including, but not limited to, water facility easement(s) on an approximate 2.0-acre tract of land known as 1500 E. Mulberry Street, Kaufman, Texas (Property Tax ID 16828).

Mayor Pro-Tem Phillips made a motion to direct the City Manager, our City Right-Of-Way Agent/Representative, and City Attorney to proceed to negotiate and purchase property interests for a water line or facility easement and/or other public uses for the Kaufman ISD Off-Site Utilities project which includes an approximate 0.069-acre water facility permanent easement and an approximate 0.070-acre temporary construction easement on an approximate 2.0-acre tract of land known as 1500 E. Mulberry Street, Kaufman, Texas, including obtaining an appraisal, a survey, and a title commitment, mailing initial offer letter(s) and final offer letter(s) to the property owners as directed in closed session in the range discussed based on the appraisal discussed with Council, including the signing and filing all paperwork necessary to complete the transfer of property interest(s) to the city, and authorizing such approved funds to be paid to the property owners. If any

of these actions that were necessary for the acquisition of the properties or easements for this project have already been completed by the city manager, right-of-way agent and/or city attorney those actions including all negotiations and documents executed prior to this date are so ratified. The motion was seconded by Councilmember Borders and passed 7/0.

19. Consider and take appropriate action on a Resolution of the City Council of the City Of Kaufman, Texas Finding that a public necessity exists and authorizing condemnation to acquire permanent utility easement property and temporary construction easement on one tract for municipal purposes to install a public project, including but not limited to, public roadway, water and wastewater transmission lines, drainage facilities, grading, such appurtenant facilities as may be necessary, and other public uses, which tract is generally described being located in Kaufman County Land Survey A-608, Abstract No. 608, as recorded in Volume 2938, Page 354, 0.069 Acres for the permanent easement and an approximate 0.070 acre tract of land approximately fifteen feet (15') in width adjacent to the permanent easement, Property ID 16828, generally located 1500 E. Mulberry Street, Kaufman County, Texas, and being more particularly described herein; providing notice of an official determination to acquire real property for a 0.069 acre water facility easement and an approximate 0.070 acre tract of land for a temporary easement on an approximate 2.0- acre tract of land; authorizing the City Manager to obtain the necessary appraisal report(s) and the making of bona fide offers of just compensation for the property; ratifying prior documents made for the acquisition of the property; authorizing legal counsel to institute eminent domain proceedings on behalf of the City for the acquisition of the property if negotiations are unsuccessful; appropriating funds from a lawful source; providing a cumulative repealer clause; providing a severability clause; and providing for an effective date.

Councilmember Longenecker made a motion that the City of Kaufman authorize the use of the power of eminent domain to acquire a tract of land containing approximately 0.069 acres for a permanent water facility easement and a 0.070 acre temporary construction easement approximately fifteen feet wide and running adjacent to the permanent easement, both located at 1500 E. Mulberry Street in the City of Kaufman located in the Kaufman County Land Survey A-608, Abstract No. 608 as recorded in Volume 2938, Page 354, Kaufman County, Texas, both Property ID 16828 and more fully described in Exhibit A and depicted in Exhibit B of the proposed written resolution for this item, for the installation of public utilities, including but not limited to, public roadway, water and wastewater transmission lines, drainage facilities, grading, such appurtenant facilities as may be necessary, and other public uses for the construction of a water facility, that the record vote on this single motion apply to all units of property to be condemned, and that Resolution No. R-36-23 adopted. The motion was seconded by Councilmember Nelson and passed 7/0. (record vote)

20. Consider and take appropriate action, if any, on matters discussed in Executive Session.

Councilmember Gillenwater made a motion to authorize staff to continue negotiations for "Project Cowbell" as directed in the Executive Session. The motion was seconded by Councilmember Parker and passed 7/0.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 7:51 P.M.

ATTEST:

JEFF JORDAN
MAYOR

JESSIE HANKS
CITY SECRETARY