



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, APRIL 27, 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.**

Mayor Jordan called the City Council meeting to order at 6:04 PM. Councilmembers present were Jeff Jordan, Patty Patterson, Barry Ratcliffe, Charles Gillenwater, Carole Aga, Jeff Council, and Matt Phillips. Mayor Jordan declared a quorum present. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Attorney Patricia Adams, City Secretary Jessie Hanks, Finance Director Mary Wennerstrom, Police Chief Dana Whitaker and Fire Chief Ronnie Davis.

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.

PROCLAMATION

1. Motorcycle Safety and Awareness Month- May 2020

Mayor Jordan read the proclamation and declared the month of May as Motorcycle Safety and Awareness Month.

CONSENT AGENDA

2. Consider and take appropriate action on the minutes of the March 30, 2020, Regular City Council Meeting.
3. Consider and take appropriate action on the ratification of a Professional Services Agreement with Freeman-Millican Inc. for the purpose of renewing TPDES Permit for the Wastewater Treatment Plant.

4. Consider and take appropriate action on Resolution R-14-20, a resolution of the City of Kaufman, Texas, accepting the public improvements of the Stormwater Holding Basin project at the Wastewater Treatment Plant.

Councilmember Council made a motion to approve Consent Agenda items 1 through 3 as presented. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEMS

5. Presentation and discussion of the City of Kaufman's Midyear Financial Review

Ms. Wennerstrom gave Council a presentation reviewing the projected revenues and expenditures for Fiscal Year 2020. She outlined the impacts to the budget due to COVID-19.

6. Consider and take appropriate action on the amendment of the City Council of the City of Kaufman, Texas Declaration of Local Disaster for Public Health Emergency and Order.

Mr. Slye explained this item is to allow the Council to follow future State of Texas and Kaufman County declarations.

Councilmember Gillenwater made a motion to amend the Declaration of Local Disaster for Public Health Emergency and Order. The motion was seconded by Councilmember Aga and passed 7/0.

7. Consider and take appropriate action on the proposed Downtown Development Incentive Program; and authorize the City Manager to finalize policy and other necessary documents to implement the Program.

Mr. Holder presented the proposed Downtown Development Incentive Program and outlined the various incentives included. He outlined the purpose of the program and the area included in the program.

Councilmember Council made a motion to authorize the City Manager to finalize a policy and other necessary document to implement the Downtown Development Incentive Program. The motion was seconded by Councilmember Aga and passed 7/0.

8. First Reading: Consider and take appropriate action on Ordinance O-08-20, an ordinance of the City of Kaufman, Texas, granting to Trinity Valley Electric Cooperative, Inc., its successors and assigns ("Grantee"), an extension of non-exclusive electric utility franchise Ordinance No. O-11-10, to authorize the non-exclusive right, privilege, and franchise for a term of five (5) years, subject to one (1) extension of five years, to erect, maintain, and operate an electric power utility system in the City of Kaufman, Texas to Grantee in accordance with the terms set forth in the Ordinance, such terms constituting a Franchise Agreement; to authorize Grantee to erect, maintain, and operate its facilities in, over, under, along, and across the present and future public rights-of-way in the city; prescribing compensation for the rights, privileges, and franchise conferred hereunder; prescribing the conditions governing the operation of Grantee's business insofar as it affects the use of public property for the purpose of such business installation, upgrade, maintenance, and operation of Grantee's electric utility system and business; incorporating City's Right to Regulation as set forth in Article X, Utility and Public Service Franchises and Licenses, of the City's Home Rule Charter; containing other provisions relating to the subject; providing for severability; and providing an effective date.

Mr. Slye informed Council the Charter requires two readings of a franchise agreements. the TVEC franchise agreement will expire in June 2020. This item is for a 10 year agreement, two 5 year increments. He outlined the agreement and what it entails.

Councilmember Ratcliffe made a motion to approve Ordinance O-08-20, granting TVEC an extension of non-exclusive electric franchise, as presented. The motion was seconded by Mayor Pro-tem Patterson and passed 7/0

9. Consider and take appropriate action on Ordinance O-09-20, an ordinance of the City of Kaufman, Texas, amending the Code of Ordinances, Chapter 98 "Taxation", Article II "Hotel Occupancy Tax", by repealing Section 98-34 "Quarterly Reports to City Secretary" in its entirety, and adopting a new Section 98-34, entitled "Quarterly Reports and Payment of Taxes" requiring the filing of quarterly reports and making of quarterly payments of local Hotel Occupancy Taxes, and temporarily extending the hotel occupancy tax quarterly payment remittance deadlines for the first, second, and third quarters of the calendar year 2020, such that the deadline for remittance of local hotel occupancy tax shall be extended to December 31, 2020 for those quarters only; Providing for the Incorporation of Premises; Providing a Cumulative/Repealer Clause; Providing a Severability/Conflicts Clause; and Providing an Effective Date.

Mr. Slye outlined the purpose of this item is to extend to payment due date for the Hotel Occupancy Tax for the first 3 quarters until December due to the effects of COVID-19. Staff polled other city's to determine the best course of action. He stated other the weekend a request letter was received and provided to the Council for review. He reviewed the various financial help that was being requested by the hotelier. He explained the different options Council could take the elevate some financial burdens on the hotels in the city.

Mayor Pro-Tem Patterson made a motion to approve Ordinance O-09-20 as presented. The motion was seconded by Councilmember Aga and passed 7/0.

10. Consider and take appropriate action on Resolution R-12-20, a resolution of the City of Kaufman, Texas, authorizing the City Manager to enter into an agreement with the Texas Department of Transportation to temporarily close SH 34 and FM 1388 for the purpose of the annual Independence Day Celebration Parade

Mr. Slye stated this item is typically on the consent agenda but it to request the closure of Washington Street for the purpose of the July 4th parade. He wanted to discuss the potential of cancelling the event and the timeframe for the cancellation.

Councilmember Gillenwater made a motion to approve Resolution R-12-20 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

11. Consider and take appropriate action on Resolution R-13-20, a resolution of the City of Kaufman, Texas, supporting implementation of the U.S. Department of Justice Comprehensive Body-Worn Camera Policy and Implementation Program; authorizing the chief of police to apply for a related program grant to fund the purchase of body-worn cameras for the Kaufman Police Department; providing that if the City of Kaufman receives the program grant, the city will match the grant amount for the purchase of body-worn cameras; providing for the incorporation of premises; and providing an effective date.

Chief Whitaker informed council about the grant and the program. He outlined the purpose and benefits of the Body-Worn Camera policy. He would utilize the seizure fund to fund this purchase.

Councilmember Council spoke highlight of the proposed cameras and the benefits of having this kind of program.

Councilmember Aga made a motion to approve Resolution R-13-20 as presented. The motion was seconded by Councilmember Council and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

12. Receive an update and discussion regarding the following:
 - a. Discussion Item Report (DIR)
 - b. STAR Transit Ridership Report- March 2020
 - c. Careflite Compliance Report- March 2020
 - d. Summer Youth Camp Cancellation
 - e. TWDB Stormwater Application Update
 - f. Council Retreat- May 7 & 8
 - g. Regular City Council Meeting- May 18, 2020

h. Monthly Calendars Attached

Mr. Slye gave an update of the above listed it

Mr. Slye gave an update on the above items.

EXECUTIVE SESSION

Mayor Jordan recessed into executive session at 7:05 PM

13. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
 - a. Texas Government Code §551.072: Deliberation regarding Real Property, to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person regarding: 54 Acres City Owned Property
 - b. Texas Government Code §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:
 - i Kaufman Economic Development Corporation property, PID #178591 and #178592, D. Falcon Survey, Abstract No. 151;
 - ii 54 Acres City Owned Property
 - c. Texas Government Code §551.071: Consultation with 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 conflicts with the Texas Open Meetings Act regarding: COVID matters and City operations
 - d. Texas Government Code §551.071(1): Consultation with Attorney regarding pending or contemplated litigation or a settlement offer: SOAH Docket No. 473-17-4964.WS; PUC Docket 46662
 - e. Texas Government Code §551.071(1): Consultation with Attorney regarding pending or contemplated litigation or a settlement offer: Benjamin M. Upchurch vs. City of Kaufman, Cause No. 104441-422, 422nd Judicial District of Kaufman County.

4/27/2020

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

Mayor Jordan reconvened the Regular session at 8:21 p.m. and declared there were

14. Consider and take appropriate action, if any, on matters (a) through (e) discussed in Executive Session.

Mayor Jordan declared there were no actions to be taken on the Executive Session Items.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 8:21 p.m.

ATTEST:

**JEFF JORDAN
MAYOR**

**JESSIE HANKS
CITY SECRETARY**

