



AGENDA
REGULAR CITY COUNCIL MEETING
MONDAY, MAY 18, 2020 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

**This meeting will be held using
videoconferencing/teleconferencing
technology with public access via:
WWW.ZOOM.US/JOIN OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 953-4189-9993
PASSWORD: 668138**

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 message the City Secretary your name, address, and the item or subject you wish to discuss 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 use the raise hand function in the Zoom meeting. Once recognized, please state your name and address, and direct your comments to the Mayor and City Council.**

CONSENT AGENDA

1. Consider and take appropriate action on the minutes of the April 27, 2020, Regular City Council Meeting.
2. Consider and take appropriate action on the minutes of the May 7, 2020, and May 8, 2020, City Council Planning Retreat Meeting.
3. Second 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.

END OF CONSENT AGENDA

PUBLIC HEARING

4. Conduct a public hearing, consider and take appropriate action on an Ordinance O-10-20, an ordinance of the City Of Kaufman, Texas, amending Ordinance No. RZ-08-83, an Ordinance adopting Planned Development No. 1 ("PD-1"), and amending Zoning Ordinance No. 0-20-80 of the City of Kaufman, Texas as subsequently amended by Ordinance No. 0-11-20 and Chapter 118 "Zoning" of the Code Of Ordinances of the City of Kaufman, collectively amending "The Comprehensive Zoning Ordinance and The Official Zoning Map" in order to change the zoning classification on an approximate 54 acre tract of land (PID 56876) from PD-1 to Planned Development-18 "PD-18" on property generally located at the northwest corner of South Houston Street (FM 1388) and State Highway 34 Bypass, on a tract of land out of the D. Falcon Survey, Abstract 151, in the City of Kaufman, Kaufman County Texas, and specifically described in Exhibit "A" hereto; providing for the incorporation of premises; providing amendments and zoning map amendments; providing a cumulative repealer clause; providing a severability clause; providing a penalty in an amount not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and providing publication and an effective date. . The new planned development district is proposed to be a mixed use development including an indoor multi-sports facility, office, retail, restaurants, multi-family, townhouse and single family uses. (Z-01-20)
5. Conduct a public hearing, consider, and take appropriate action on Ordinance O-11-20, an ordinance of the City of Kaufman, Texas, amending Chapter 118, "Zoning" Of The Code Of Ordinances of the City of Kaufman, the Co Comprehensive Zoning Ordinance, and amending the Official Zoning Map of The City; changing the zoning classification on an approximate 1.28 acre tract of land from Agricultural/Open Space "A/O" TO HIGHWAY Commercial "HC", the property being generally located at 3471 East Highway 175, being a tract of land, part of the Charles Askins Survey, Abstract No. 2, City Of Kaufman, Kaufman County, Texas; amending the Official Zoning Map Of The City; providing for the incorporation of premises;

providing amendments and Zoning Map Amendment; providing a cumulative repealer clause; providing a severability clause; providing a penalty in an amount not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and providing for publication and an effective date. (Z-02-20)

DISCUSSION/ACTION ITEMS

6. Consider and take appropriate action on Resolution R-15-20, a resolution of the City of Kaufman, Texas, directing publication of notice of intention to issue combination tax and revenue certificates of obligation; and resolving other matters related to the subject.
7. Consider and take appropriate action on the award of bid and contract for the Kaufman Waste Water Treatment Plant Improvements- Phases 1A & 2A and authorizing the Mayor or his designee to execute necessary documents.
8. Consider and take appropriate action on the Agreement between the City and the Greater Texoma Utility Authority for the Wastewater Treatment Plan Improvements, authorizing payment not to exceed \$383,637.00, and authorizing the Mayor or his designee to execute necessary documents.
9. Consider and take appropriate action on Ordinance O-12-20, an ordinance of the City of Kaufman, Texas, amending the City of Kaufman Code of Ordinances to adopt a new division entitled "Downtown Development Incentive Program" Of Article 9 "Economic Development Incentives" of Chapter 2 "Administration" of the Code of Ordinances of the City of Kaufman in order to adopt an incentive program for commercial property owners and business owners in the Central Business District repairing and remodeling commercial properties, providing eligibility guidelines and authorizing the City Manager or Designee to establish written guidelines for administration of the program consistent with this article; proving for the incorporation of premises; providing for amendments; providing a cumulative repealer clause; providing for severability; providing for readings and publications; and providing an effective date.
10. Consider and take appropriate action on Ordinance O-13-20, an ordinance of the City Council of the City of Kaufman, Texas amending Chapter 2, "Administration", Article 2.09, "Economic Development Incentives" to add a new Division 4, "Small Business Stimulus Program" providing for implementation of the Kaufman Economic Development Corporation Small Business Stimulus Program as authorized under Chapter 380 of the Texas Local Government Code; providing for the establishment of a local economic development program to assist Kaufman businesses suffering a negative economic impact as a result of the restrictions imposed on businesses due to the COVID-19 pandemic; providing for the incorporation of premises; providing for an amendment to adopt the program; providing a severability clause;

and providing an effective date.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

11. Receive an update and discussion regarding the following:
 - a. Discussion Item Report (DIR)
 - b. STAR Transit Ridership Report- April 2020
 - c. Careflite Compliance Report- April 2020
 - d. Solid Waste Services RFP
 - e. Monthly Calendars Attached

EXECUTIVE SESSION

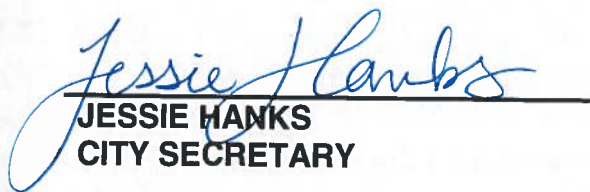
12. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
 - a. Texas Government Code 551.074: Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Performance Evaluation – City Manager.

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

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

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, MAY 15, 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 BY ACCESSING WWW.ZOOM.US/JOIN OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 953-4189-9993 PASSWORD: 668138**

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.



**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 the Fiscal Year 2020. She outlined the impacts of 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 the 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 documents 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 agreement. 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 the 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 cities 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 July 4th parade. He wanted to discuss the potential of canceling 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 the 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 the 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 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.**

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



Meeting
Date: 5/18/2020

Date: 5/14/2020

Item #: 2.

Dept.: Administration

Consent Agenda

SUBJECT:

Consider and take appropriate action on the minutes of the May 7, 2020, and May 8, 2020, City Council Planning Retreat Meeting.

BACKGROUND:

Author:

Reviewed:
Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation:

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



MINUTES OF THE
KAUFMAN CITY COUNCIL PLANNING RETREAT
COMMENCE ON THURSDAY, MAY 7, 2020 – 12:00 P.M.
CONTINUED ON FRIDAY, MAY 8, 2020 – 12:00 P.M.
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

COUNCIL/MANAGEMENT RETREAT

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 meeting to order at 12:33 p.m. Councilmember present were Charles Gillenwater, Barry Ratcliffe, Jeff Council, Patty Patterson, Carole Aga, and Jeff Jordan. Mayor Jordan declared a quorum present. Mayor Jordan left the meeting at 2:45 p.m. Councilmember Matt Phillips joined the meeting at 2:56 p.m. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Secretary Jessie Hanks, Development Services Director Marcy Ratcliff, Finance Director Mary Wennerstrom, Public Works Director Richard Underwood, Police Chief Dana Whitaker, Police Captain Les Edwards, 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 message the City Secretary your name, address, and the item or subject you wish to discuss 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 use the raise hand function in the Zoom meeting. Once recognized, please state your name and address, and direct your comments to the Mayor and City Council.**

No comments were given.

THURSDAY, MAY 7, 2020, 12:00 P.M

12:00 p.m. – Lunch

CONVENE TO COMMENCE COUNCIL RETREAT SESSION. Council will discuss items posted on this agenda, but no action will be taken by the Council.

1. 12:30 p.m. – Opening Comments/Council Expectations – *Mike Slye*

Opening comments provided by Mr. Slye. He reviewed the agendas, the items that will be discussed, and the layout for the day. Council discussed their expectations of the meeting and discussion.

2. 12:45 p.m. – Strategy Map, Performance Measures, Hits & Misses, DIR Review – Mike Holder

Mr. Holder outlined the purpose of the strategy map, performance measures, hits & misses, and discuss item report. He explained how these documents work in conjunction with each other. He reviewed each document in detail.

3. 1:30 p.m. – Financial Review

a. Current FY Operations & Fund Balance Review – Mary Wennerstrom

Ms. Wennerstrom presented the current fiscal year operations and fund balances. She outlined the General Fund Revenues and compared the budgeted amounts to actual revenues. There were discussions about the General Fund expenses, Utility Fund revenues and expenses, fund balance positions for all the funds. She reviewed the COVID-19 projected impact for the 2020 fiscal year.

b. KCAD Projections – FY21- Sarah Curtis

Sarah Curtis, Kaufman County Tax Assessor, outlined the property value projections for the City of Kaufman for 2021. There were discussions about the increases from last year's values, how the values are determined, and the requirements from the State that the Kaufman County Appraisal District has to follow.

c. FY21 Tax Rate Strategies – Mike Slye

Mr. Slye presented the Tax Rate History for the City of Kaufman. There were discussions about the potential tax rate for Fiscal Year 2021, the capital requests for the city's departments, and the various numbers that affect the tax rate.

2:30 p.m. – Break

4. 2:45 p.m. – Current Capital Improvement Projects

a. Civic Center – Mike Slye

Mr. Slye updated the Council of the Civic Center Project including the costs.

b. Streets Bond Phase II – Richard Underwood

Mr. Underwood provided an update of the construction of the project and the remaining items to be completed.

c. WWTP Improvements – *Richard Underwood*

Mr. Underwood explained the timeline for the Wastewater Treatment Plant Improvement. He outlined the project and the improvements that will be made.

d. Park Improvements & ROW Mowing – *Richard Underwood*

Mr. Underwood informed Council about the Boat Dock Grant through The Texas Parks and Wildlife and the assistance that could be provided. There was a discussion about the proposed improvements. Mr. Slye reviewed the new community park in the Georgetown Development. Mr. Underwood outlined the right of way maintenance, mowing, and landscape maintenance. The Future Capital Improvement Projects for consideration were discussed.

5. 3:30 p.m. – Storm Drainage Project Review and Financing Options – *Phillip Varughese, TNP & Nick Bulaich, Hilltop Security*

Philip Varughese, ____ with Teague Nall Perkins, reviewed the six (6) areas that were identified in the Storm Drainage study and the repairs that need to be made in each area. Mr. Slye outlined the Council's priority list for these projects with the updated costs associated. Nick Bulaich, ____ with Hilltop Securities, and Mr. Holder reviewed the various proposed financing options for these projects over the next several years.

RECESS MEETING – APPROXIMATELY 5:00 P.M. - 5:30 P.M.

Mayor Pro-Tem recessed the meeting at 4:22 p.m.

FRIDAY, MAY 8, 2020, 12:00 P.M.

12:00 p.m. – Lunch

RECONVENE TO CONTINUE COUNCIL RETREAT SESSION AND ANNOUNCE A QUORUM PRESENT. Council will discuss items posted on this agenda as well as continue discussion of those items posted on Thursday, May 7, 2020, meeting for which Council did not conclude discussion prior to declaring the Thursday, May 7, 2020, meeting in recess. No action will be taken by the Council on any agenda items.

Mayor Jordan reconvened the Council Retreat at 12:31 p.m. Councilmember present were Charles Gillenwater, Barry Ratcliffe, Jeff Council, Patty Patterson, Carole Aga, and

Jeff Jordan. Mayor Jordan declared a quorum present. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Secretary Jessie Hanks, Development Services Director Marcy Ratcliff, Finance Director Mary Wennerstrom, Public Works Director Richard Underwood, Police Chief Dana Whitaker, Police Captain Les Edwards, and Fire Chief Ronnie Davis.

1. 12:30 p.m. – KEDC Projects/COVID-19 Business Update – Anne Glasscock

Anne Glasscock, Executive Director of the Kaufman Economic Development Corporation, presented and reviewed the KEDC/Chamber of Commerce efforts regarding communications with businesses for COVID-19 assistance and effects. She outlined the way employers, restaurants, and other business were/are dealing with the effects of COVID-19. She informed Council about the business retention efforts the KEDC has been working on. The current projects of the KEDC were discussed.

2. 1:00 p.m. – Development Projects

a. Plum Tree Apartments – Marcy Ratcliff

Ms. Ratcliff updated the Council on the construction work for the Plum Tree Apartments.

b. Future Projects – Mike Slye

i. South Pointe

Mr. Slye updated the Council on the construction work, the progress, and resolutions of issues for the Kings Fort Development. There were discussions about the proposed development, potential TIRZ Zone, and the future plans of the South Pointe Park.

ii. Borders & Long

Mr. Slye reviewed the proposed site plan for the Borders & Long gas station for the South Pointe Park. He explained the process staff is going through to assist with obtaining a restaurant partner for the gas station.

iii. Art Browning

Mr. Holder presented the Art Browning Future Development and the purposed use for the property.

iv. Rubio Property

Ms. Ratcliff outlined the revised site plan for the Rubio Development.

2:00 p.m. – Break

3. 2:15 p.m. – Transportation Projects Review

a. SH34 Realignment – *John Polster*

John Polster, with Innovative Transportation Solutions, Inc., outlined the background, the existing location and configuration, and the alternatives of the Highway 34 realignment project.

The meeting was briefly interrupted due to internet issues and was recessed at 2:40 p.m. The internet was restored and the meeting reconvened at 2:49 p.m.

b. Outer Loop/ County Thoroughfare Plan Amendment – *John Polster*

Mr. Polster reviewed the 2035 Kaufman County Thoroughfare plan. He discussed the progress regarding the outer loop project.

c. Tabor Parkway Update/Timeline – *John Polster*

Mr. Slye stated unfortunately Mr. Polster isn't able to speak on an update or timeline for tabor parkway at this time.

d. TxDOT – *Mike Slye/ Lane Selman, TxDOT Area Engineer*

Lane Selman, Area Engineer with Texas Department of Transportation, presented the current construction projects, the projects that are in design, and the planned mobility projects in Kaufman County.

i. Turnback

Mr. Selman updated the council on the progress regarding the turnback of _____ to the City. Mr. Slye confirmed TxDOT's plan to turnback the road will be in segments instead of as a whole. There were discussions about the potential of TxDOT turning back the assets associated with the Downtown Square.

ii. Signalization

Mr. Selman reviewed the progress on the signalization on FM 1388 and the 34 bypass.

iii. Washington Street

Mr. Slye explained the City has agreed to begin the survey of Washington and TxDOT would handle the design. Mr. Selman stated this project is on the schedule for July 2023 which would require all utilities to be relocated.

4. 3:30 p.m. – Hits & Misses, Review of Retreat Topics, and City Council Comments

Mr. Slye outlined this take-aways from the retreat and discussion over the last two days. Council reviewed the Hits & Misses and compared 2019 to 2020.

ADJOURNMENT

With no further business, Mayor Jordan adjourned the City Council Planning Retreat at 3:39 p.m.

JEFF JORDAN, MAYOR

ATTEST:

**JESSIE HANKS
CITY SECRETARY**



Meeting
Date: 5/18/2020

Date: 5/8/2020

Item #: 3.

Dept.: Administration

Action Item

SUBJECT:

Second 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.

BACKGROUND:

The current TVEC franchise agreement will expire in June 2020. This ordinance will effectively put into place a new franchise agreement for the next 10 years (two five-year increments) utilizing the same terms of the current agreement. TVEC will pay the city 4% of their gross receipts to access the city's ROW and provide electric services. The city charter maximizes the terms of a franchise agreement at 20 years. This proposed non-exclusive franchise agreement, if approved, will expire in 2030.

Author:
Jessie Hanks, City Secretary

Reviewed:
Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: Staff recommends approval of Ordinance O-08-20 as presented.

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

CITY OF KAUFMAN, TEXAS

ORDINANCE NO. O-08-20

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AUTHORIZING EXTENSION WITH OF THE ELECTRIC UTILITY FRANCHISE PREVIOUSLY GRANTED TO TRINITY VALLEY ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS (“GRANTEE”) THROUGH ORDINANCE NO. O-11-10, BY GRANTING THE NON-EXCLUSIVE RIGHT, PRIVILEGE, AND FRANCHISE FOR A TERM OF FIVE (5) YEARS, SUBJECT TO ONE (1) ADDITIONAL FIVE (5) YEAR EXTENSION, TO ERECT, MAINTAIN, AND OPERATE AN ELECTRIC POWER UTILITY SYSTEM IN THE CITY OF KAUFMAN, TEXAS; 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 THE BUSINESS INsofar AS IT AFFECTS THE USE OF PUBLIC PROPERTY FOR THE PURPOSE OF SUCH BUSINESS INSTALLATION, UPGRADE, MAINTENANCE, AND OPERATION OF SAID SYSTEM AND BUSINESS; INCORPORATING BY REFERENCE ALL CITY RIGHTS TO REGULATIONS PURSUANT TO 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 THE INCORPORATION OF PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR TWO READINGS AS REQUIRED BY THE CITY’S HOME RULE CHARTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas statutes provide that the City of Kaufman, Texas (“City”) has exclusive dominion, control and jurisdiction over its public rights-of-way; and

WHEREAS, the City is authorized to enter into non-exclusive franchise agreements for utility services within the City limits and to require compensation to be paid to the City; and

WHEREAS, pursuant to Ordinance No. O-11-10 of the City of Kaufman, Texas adopted in June of 2010, Trinity Valley Electric Coop (“Grantee”) was granted a non-exclusive franchise to operate an electric power utility within the City; and

WHEREAS, TVEC has requested that its current franchise be extended so that it may continue to provide electric service and operate within the City; and

WHEREAS, the City has reviewed those services provided by TVEC and has determined it appropriate and in the best interest of the City and its citizens that the

franchise previously granted to TVEC be extended in accordance with the terms of this Ordinance and the agreement approved hereby ("Ordinance, "Franchise", "Franchise Agreement" or "Agreement."); and

WHEREAS, pursuant to Article X, "Utility and Public Service Franchises and Licenses" of the City of Kaufman Home Rule Charter, this ordinance extending the Franchise Agreement has been read at two (2) separate meetings of the City Council, within fifteen (15) days of the first reading of this Ordinance (May 12, 2020), a summary of its provisions was published in the official newspaper of the City at the expenses of the VTEC, and this Ordinance and the Franchise Agreement shall become effective thirty (30) days after its final reading; and

WHEREAS, the City Council finds and determines that all requirements for the extension of the non-exclusive electric utility franchise to TVEC has been met at that this ordinance and the Agreement contained herein shall become effective as set forth herein, and serves the public health, safety and welfare.

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

Section 1. Incorporation of Premises. The above recitals are found to be true and correct in all respects and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall," "will," and "must" are always mandatory and not merely directory.

- (a) Affiliate. An entity that owns or controls, is owned or controlled by, or is under common ownership with, Grantee, including without limitation, assignees or successors in interest.
- (b) Anniversary Date. The month and day of the Effective Date of this Franchise, during each year of the term of the Franchise.
- (c) City. The City of Kaufman, Texas.
- (d) Days. Calendar days unless otherwise specified.
- (e) Effective Date. The date thirty (30) days after the final reading and adoption this Ordinance by the City.
- (f) Facilities. All the plant and equipment of Grantee, including all tangible personal property, without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used,

controlled, furnished or supplied for, by, or in connection with the business of, Grantee.

- (g) Franchise. The initial or renewed non-exclusive authorization granted hereunder to construct, operate, upgrade, rebuild and maintain an electric power utility system within the Public Rights-of-Way of the City. The term does not include any license or permit that is required by other applicable laws of the City for the privilege of transacting and carrying on a business within the City not included within the conditions of this Ordinance.
- (h) Franchise Area. The incorporated area of the City and such additional areas as are included in the corporate limits of the City during the term of this Franchise.
- (i) Grantee. Trinity Valley Electric Cooperative, Inc., a cooperative, or any Person who succeeds it, in accordance with the provisions of this Ordinance.
- (j) Gross Revenues. Any and all revenues derived by Grantee or any Affiliate of Grantee from the operations of the electric power utility system and the Services provided within the City limits. Gross Revenues shall not include revenues received from the sale of electric power and energy to another electric utility, as that term is defined in Texas Utilities Code §31.002, as amended, for purposes of resale.
- (k) Person. Any individual, firm, partnership, limited partnership, limited liability company, association, corporation, company, organization or entity of any kind.
- (l) Public Rights-of-Way. The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the City holds any property interest or exercises any rights of management or control and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation, construction, operation, upgrade, rebuild and maintenance of an electric power utility system. No reference in this Ordinance to a Public Right-of-Way shall be deemed to be a representation or guarantee by the City that its interests or other rights in such property are sufficient to permit its use for the installation and maintenance of an electric power utility system and Grantee shall be deemed to gain only those rights which the City has the right and power to give.
- (m) PUC. The Public Utility Commission of Texas, as presently constituted by the laws of the State of Texas, or its successor agency.
- (n) Services. All acts done, rendered or performed and any and all things furnished or supplied and any and all facilities used, furnished or supplied

by Grantee to the consumer and any other Person in the performance of the rights granted pursuant to this Franchise. For purposes of this definition, the term "Services" shall be construed in its broadest and most inclusive sense.

Section 3. Grant of Non-Exclusive Authority. The City hereby grants to Trinity Valley Electric Cooperative, Inc., (hereinafter "Grantee") the non-exclusive franchise, right, authority and privilege to construct, erect, operate and maintain an electric power utility system in, upon, along, across, above, over and under the Public Rights-of-Way now laid out or dedicated, and all extensions thereof and additions thereto, in the Franchise Area. Grantee or its Affiliates shall not install or construct facilities within the Public Rights-of-Way to be used for services which are not authorized by this Franchise.

Section 4. Purpose. The provisions set forth in this Ordinance represent the exclusive terms and conditions under which Grantee shall construct, operate, and maintain the electric power utility system within the Public Rights-of-Way. In granting this Franchise, the City does not in any manner surrender, waive, release or relinquish its regulatory or other rights and powers under and by virtue of the Constitution and statutes of the State of Texas as the same may be amended, or any of its rights and powers under or by virtue of present or future ordinances of the City, except as may be set out herein. Grantee also retains all of its lawful authority and rights under the Public Utility Regulatory Act ("PURA"), and any other applicable laws, rules, and regulations. Not included in this Franchise are any facilities (including any equipment attached in any way to Grantee's facilities, whether owned by Grantee or not) that provide data delivery, cable service, telephone service, and/or any other service or product not required by Grantee for, or in support of, the transmittal and delivery of electricity.

Section 5. Use of Existing Pole Line Facilities.

- (a) There is hereby granted the further right, privilege, and authority to Grantee to lease, license, rent, or in any other manner obtain the use of poles, underground conduits and other facilities from the City and any and all holders of public licenses and franchises within the limits of the Franchise Area, and to use such poles, underground conduits and other facilities, subject to all existing and future ordinances and regulations of the City. The poles used for Grantee's distributions system shall be those currently used and maintained by Grantee or erected and maintained by the City or the public utilities serving the City; provided that mutually satisfactory rental agreements or other arrangements can be entered into by Grantee with the City or said companies.
- (b) In areas or locations where underground conduit is in use, is required by City ordinance (including but not limited to the City's Subdivision Ordinance) to be used, or shall at some future date be required by City ordinance to be used by public utility companies serving the City, Grantee, by negotiation with said companies, will join in the use of underground facilities, provided

mutually satisfactory agreements or other arrangements can be entered into with said companies; otherwise, Grantee shall install its own underground conduits and facilities in accordance with applicable regulations of the City and applicable provisions of this Franchise.

- (c) Nothing in this Franchise shall authorize either party to attach any part of its facilities to any conduits or poles owned by the other party or third parties until the requesting party has entered into a separate agreement or other arrangement with the owner of such conduits or poles supported by independent consideration for such rights of attachment or use.
- (d) Grantee shall cooperate with the City by providing complete, non-confidential, non-security-related information regarding the location of current and future overhead and underground wires, conduits, and poles within the Public Rights-of-Way. Reproducible copies of available maps showing the location of all overhead and underground wires and poles within the Public Rights-of-Way shall be furnished to the City Engineer upon request. The maps shall be provided in electronic digital format, if available. Grantee shall clearly mark any such documents that it considers to be proprietary or privileged by use of the word "Proprietary" in conspicuous letters.

Section 6. Duration. Upon the filing with the City by Grantee of a written acceptance required herein, this Franchise shall continue in full force and effect for a period of five (5) years, commencing on the Effective Date ("Initial Term"). At the expiration of the Initial Term, this Franchise will be automatically extended for one (1) additional five (5)-year term unless either the City or Grantee notifies the other party of non-renewal in writing no more than six (6) months and no fewer than three (3) months prior to the expiration of the Initial Term.

Section 7. Performance. The service furnished hereunder to the City and its inhabitants shall be first class in all respects considering all circumstances, and shall be subject to such reasonable rules and regulations as Grantee may make from time to time. Grantee may require reasonable security for payment of its bills. Grantee's performance shall be in accordance with industry standards for other electric power utility providers.

SECTION 8. INDEMNIFICATION.

- (a) **In consideration of the granting of this Franchise, Grantee shall, at its sole cost and expense, release, defend, indemnify and hold harmless the City and all its past and present officials, officers, representatives, agents and employees, against any and all claims, causes of action, lawsuits, judgments, costs and expenses, including without limitation attorneys fees and costs of experts, for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons that may be occasioned by, or arise out of or relate to Grantee's breach of any of the terms or**

provisions of this Franchise, or by any intentional, knowing, reckless, negligent or strictly liable act or omission by Grantee, its officers, agents, employees, subcontractors, representatives, affiliates and subsidiaries in the construction, maintenance, operation, replacement, or repair of the distribution and/or transmission facilities, or in the provision of services pursuant to this Franchise, except that the indemnity provided for in this paragraph shall not apply to any separate contractors, and in the event of joint and concurrent negligence or fault of both Grantee and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any governmental immunity available to the City or any of the defenses of the parties under Texas law. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third parties, but that this Agreement shall be solely for the benefit of the parties hereto and shall not create or grant any rights, contractual or otherwise, to any person or entity. The provisions of this paragraph shall survive the termination of this Franchise.

- (b) In fulfilling its obligations to defend and indemnify the City, Grantee shall have the right to select defense counsel, subject to the City's approval, which will not be unreasonably withheld. Grantee shall retain defense counsel within seven (7) days of the City's written notice that the City is invoking its right to indemnification under this Contract. If Grantee fails to retain counsel within such time period, the City shall have the right to retain defense counsel on its own behalf, and in addition to damages, Grantee shall be liable for all reasonable defense costs incurred by the City, except as may otherwise be provided in this Section.

Section 9. Liability Insurance. Grantee will, at its sole cost and expense, insure against the risks undertaken pursuant to the Franchise, including indemnification under Section 8 hereof. Such insurance may be in the form of self-insurance to the extent permitted by applicable law, including a PUC-approved formal plan of self-insurance maintained in accordance with sound accounting practices. Otherwise, Grantee shall maintain reasonably adequate insurance covering its obligations of indemnity under Section 8 hereof, duly issued by a company authorized to do business in the State of Texas, which at no time will be less than One Million Dollars (\$1,000,000) in any one incident and Two Million Dollars (\$2,000,000) aggregate on liability due to physical damage to property in any single policy year; and One Million Dollars (\$1,000,000) as to any one person and One Million Dollars (\$1,000,000) in any one incident for bodily injury and/or death. Grantee shall provide proof of Certificate of Insurance to the City within thirty (30) days of the Effective Date and annually thereafter. City shall be named as additional insured on all policies required under this Section.

Section 10. Maintenance of Street Lights. Grantee shall have the right to erect and maintain streetlights, poles, and appurtenances, consistent with applicable codes and ordinances, along the streets where Grantee is authorized to provide service within the City. Title to the facilities erected on City-owned property shall be in the City, and the City shall pay for the electricity used by such streetlights, and the installation costs thereof, erected on City-owned property in accordance with applicable tariffs.

Section 11. Franchise Fee.

- (a) During the term of this Franchise and Grantee's operation of its electric power utility system under the terms of this Franchise, Grantee shall pay to the City a fee equal to four percent (4%) of the Gross Revenues. The franchise fee shall be paid quarterly, in arrears, within forty-five (45) days following the last day of each calendar quarter, and shall be computed on the basis of Gross Revenues received by the Grantee during the immediately preceding calendar quarter. The fee payable to the City hereunder shall be exclusive of and in addition to generally applicable ad valorem taxes, special assessments, fees for municipal improvements, and other lawful obligations of Grantee to the City.
- (b) Upon written request, the City shall have the right, during normal business hours, to inspect Grantee's records showing the Gross Revenues from which payments to the City are computed, and to audit and re-compute any and all amounts paid under this Franchise. Any such inspection or audit shall take place within twenty-four (24) months following the end of the calendar period in question.

Section 12. Transfers and Change of Control. All of the rights and privileges and all of the obligations, duties and liabilities created by the Franchise shall pass to and be binding upon the successors and assigns of the City and the successors and assigns of Grantee; however, any or all of such rights and privileges shall not be assigned or transferred by Grantee without the prior written approval of the City, which approval shall not be unreasonably withheld or delayed. Such written approval shall be required in all instances where any of the current operations of Grantee are assigned and/or transferred to an Affiliate, a non-Affiliate, an affiliated or a non-affiliated entity or entities pursuant to changes in regulation by the PUC or State law concerning regulatory authority over electric power system operations.

Section 13. Notice. Any notices or notifications required or desired to be given from one party to the other party to this Franchise shall be in writing and shall be given and shall be deemed to have been served and received if: (a) delivered in person to the address set forth below; (b) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (c) delivered to such party by courier-receipted delivery. Either party may designate another address within the confines of the continental United States of America for

notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

CITY

GRANTEE

City of Kaufman
209 S. Washington
P.O. Box 1168
Kaufman, Texas 75142

Trinity Valley Electric Cooperative, Inc.
1800 Hwy. 243 East
P.O. Box 888
Kaufman, Texas 75142

Section 14. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason determined to be illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of this Franchise. It is the intent of the City in adopting this Franchise that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this Franchise ordinance are declared to be severable.

Section 15. Home Rule Charter - Right of Regulation. In accordance with Section 10.05 of the Home Rule Charter of the City of Kaufman, the City of Kaufman reserves all rights of regulation as set forth therein, the terms of Section 10.05, "Right of Regulation" are incorporated herein by reference as if set forth fully herein. Such City right to regulation, including but not limited to the City's right to examine and audit accounts and records and to require annual reports from Grantee, City's right to require Grantee to restore at Grantee's sole expense all public or private property to a condition as good as or better than before disturbed by the Grantee for construction, repair, or removal of Grantee facilities, to require maintenance, expansion and extension of Grantee facilities to provide adequate service at the highest level of efficiency, to require reasonable standards of service and to repeal the Ordinance granting this Franchise for Grantee's failure to comply with its terms.

Section 16. Acceptance of Franchise. In order to accept the Franchise granted herein, Grantee must file with the City Secretary its written acceptance of this Ordinance and agreement to the terms of the Franchise as set forth herein within sixty (60) days after the City provides written notice to Grantee of this Ordinance's final passage and approval by the City ("City Adoption Notice"). Grantee shall pay all publication expense regarding notification of the accepted Franchise. Upon Grantee's written acceptance of the terms of this Franchise Agreement, all claims of the City and Grantee under any prior franchise ordinance or other agreement between the parties that were or could have been made by either party shall be forever waived and extinguished. Grantee's written acceptance of and agreement to the terms of this Franchise Ordinance shall be substantially in the form attached hereto and incorporated herein as **Exhibit "A"**. Grantee affirms and represents that the individual executing Exhibit "A" is authorized to bind the Grantee to the terms of this Franchise Agreement, and further agrees to provide a corporate resolution or other such document to the City evidencing the authority of the individual executing Exhibit "A" to execute such document on behalf of Grantee and to bind Grantee to the terms of this Franchise Agreement.

Section 17. Non-Exclusive Right. This Franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm or corporation.

Section 18. Cumulative Repealer. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City and shall not operate to repeal or affect any such other ordinances, except insofar as the provisions thereof are inconsistent or in conflict with the provisions hereof, and to the extent of such conflict, if any, such other ordinances are hereby repealed.

First Reading held on April 27, 2020

Second Reading held on May 18, 2020.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Kaufman, Texas on this 18th day of May, 2020. This Ordinance shall take effect on June 17, 2020, a date 30 days after the date of second reading in accordance with the City's Home Rule Charter.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

Exhibit "A"

Agreement to Terms of Franchise (Ordinance No. O-08-20)

To the Honorable Mayor and City Council of the City of Kaufman, Texas: For itself, its successors, and assigns, Trinity Valley Electric Cooperative, Incorporated, a corporation, duly authorized to do business in the State of Texas, hereby accepts the attached Ordinance No. O-02-20 ("Franchise Agreement") and agrees to be bound by all of the terms, conditions, and provisions, which collectively constitute the Franchise Agreement between the City of Kaufman and Trinity Valley Electric Cooperative, Incorporated and expressly acknowledge that the obligations of and the benefits received by the parties set forth in the Franchise Agreement provide sufficient and agreed upon consideration.

TRINITY VALLEY ELECTRIC COOPERATIVE, INC.,

By: _____

Its: _____

Date: _____

Acknowledgment

STATE OF TEXAS §

§

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, the _____(title) of TRINITY VALLEY ELECTRIC COOPERATIVE, INCORPORATED, a Texas Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is authorized to execute and has executed the same for the purposes and consideration therein expressed on behalf of such corporation.

Given under my hand and seal of office this ____ day of _____,
2020.

(SEAL)

NOTARY PUBLIC in and for the
STATE OF TEXAS

Printed Name

My commission expires: _____



Meeting
Date: 5/18/2020

Date: 5/8/2020

Item #: 4.

Dept.: Development
Services

Action Item

SUBJECT:

Conduct a public hearing, consider and take appropriate action on an Ordinance O-10-20, an ordinance of the City Of Kaufman, Texas, amending Ordinance No. RZ-08-83, an Ordinance adopting Planned Development No. 1 ("PD-1"), and amending Zoning Ordinance No. 0-20-80 of the City of Kaufman, Texas as subsequently amended by Ordinance No. 0-11-20 and Chapter 118 "Zoning" of the Code Of Ordinances of the City of Kaufman, collectively amending "The Comprehensive Zoning Ordinance and The Official Zoning Map" in order to change the zoning classification on an approximate 54 acre tract of land (PID 56876) from PD-1 to Planned Development-18 "PD-18" on property generally located at the northwest corner of South Houston Street (FM 1388) and State Highway 34 Bypass, on a tract of land out of the D. Falcon Survey, Abstract 151, in the City of Kaufman, Kaufman County Texas, and specifically described in Exhibit "A" hereto; providing for the incorporation of premises; providing amendments and zoning map amendments; providing a cumulative repealer clause; providing a severability clause; providing a penalty in an amount not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and providing publication and an effective date. . The new planned development district is proposed to be a mixed use development including an indoor multi-sports facility, office, retail, restaurants, multi-family, townhouse and single family uses.(Z-01-20)

BACKGROUND:

See the attached Planning and Zoning Commission report dated May 5, 2020.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission, on May 5, 2020, recommended approval of Z-01-20, by a vote of 5-0, to rezone from Planned Development-1 to Planned Development-18 for a mixed use development on a 54 acre tract of land located at the northwest corner of S. Houston Street (FM 1388) and S.H. 34 Bypass.

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



Planning and Zoning Commission Agenda Item: 2

Meeting Date: May 5, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Conduct a public hearing and make a recommendation to City Council on a request by Tyler Adams of Green Light Studio, LLC, to rezone a 54 acre tract of land (PID 56876), out of the D. Falcon Survey, Abstract No. 151 and generally located at the northwest corner of S. Houston Street (FM 1388) and SH 34 Bypass, with additional frontage on S. Washington Street from Planned Development -1 (PD-1) to a new planned development district. The new planned development district is proposed to be a mixed use development including an indoor multi-sports facility, office, retail, restaurants, multi-family, townhouse and single family uses. (Z-01-20)

BACKGROUND/SUMMARY:

Tyler Adams, of Green Light Studio, LLC, is requesting to rezone an undeveloped 54 acre tract of land (PID 56876), owned by the City of Kaufman from Planned Development – 1 (PD-1) to a new planned development district for a mixed use development. The development is divided into four subdistricts (A-D). The Commercial District is the base zoning for subdistricts A-C. The Townhouse District is base zoning for subdistrict D. The mixed use development is proposed to be developed in four phases. Below is a general summary of the proposed planned development.

Landscaping and Screening:

1. 35 foot landscape buffer yard along S. Houston and SH 34 Bypass.
2. 20 foot landscape buffer yard along S. Washington.
3. Additional landscape buffers not required unless shown on concept plan
4. Areas noted as common areas and greenbelt easements will be maintained by an home owner's association/commercial owner's association (HOA/COA)
5. Screening is not required between uses within the PD
6. 8 foot wrought iron fence with evergreen solid landscape screening is required between the residential uses and adjacent Kaufman County land to the north

Building Setbacks:

1. 50 feet along S. Houston
2. 75 feet along SH 34 Bypass.

Signage:

1. All signage shall be in accordance with Section 44, Sign Regulations with the following exceptions:

- a. Off-premise signage for the uses contained within the PD are allowed by right
 - i. 2 off-premise monument signs are proposed with a maximum height of 35 feet
 - ii. Maximum sign area per side is 200 SF
 - iii. Maximum changeable area is 200 SF
 - iv. Strobe lights, beacon lights, and rotating or revolving signs are not permitted
 - v. Pole signs are not allowed as an off-premise sign.
 - vi. No maximum depth requirement

Phase 1 (subdistrict B) includes the indoor sportsplex and hotel. The indoor multi-sports facility and hotel is proposed to have a maximum height of 6 stories, or 75 feet, above the average grade of the main building. The hotel will possibly have 80 or more rooms. The base zoning district is Commercial (C).

Phase 2 (subdistrict A) includes 4 commercial pad sites (3 for possible restaurants and a combination convenience store with gas pumps and a restaurant), an office building site and a site set aside for a City of Kaufman future water tower. Phase 2 development can occur with Phase 1. The base zoning district is Commercial (C).

Phase 3 (subdistrict C) includes a mixed use development with retail, office, commercial, and restaurants on the first floor and multi-family units above. The maximum height is proposed to be 6 stories or 75 feet. There will be underground parking in this area. Development of phase 3 cannot begin until phase 1 is complete. The base zoning district is Commercial (C).

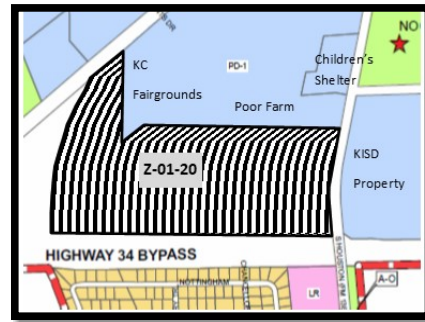
Phase 4 (subdistrict D) includes townhouses, patio homes, duplex, and triplex development is allowed. Single family development is limited to 15% of the overall developments. There are approximately 87 lots shown on the concept plan. A maximum of 6 contiguous units may comprise a single building. Phase 4 contains a community splash pad park that will be dedicated to the City of Kaufman. Development of phase 4 cannot begin until phases 1-3 are complete.

Attached in this memo is a letter defining an indoor multi-sports facility, the exact proposed planned development language and a summary of the requested differences between the planned development and the base district.

Two separate attachments include the conceptual drawings that will be included in the planned development ordinance that also highlights the additional requirements and amendments to the base district and the applicant's PowerPoint presentation.

SURROUNDING ZONING AND EXISTING LAND USES:
Zoning Map

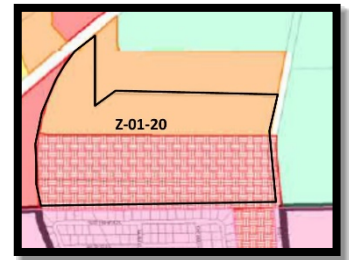
	Zoning	Existing Land Use
Left:	Unzoned	Unused KC Property for SH 34 Bypass
Right:	PD-1	KISD property Ag Barn & undeveloped
Top:	PD-1	KC Fairgrounds, Poor Farm, Children's Shelter
Bottom:	SF-8 & LR	Windsor Park & Undeveloped



COMPREHENSIVE PLAN:

Land Use Plan:

The 2009 Future Land Use Plan designated the land use of the subject property as a Future Multi Family (High Density – orange color) and Neighborhood Services (red weave color). The proposed planned development incorporates a variety of multi family type units and provides commercial development that will service the residential uses along with the community and is in compliance with the 2014 Future Land Use Plan. Remember future land use areas are generally located on a map and are not like zoning districts. Future land use plan maps are typically for planning at least 20 years out into the future.



Thoroughfare Plan:

The Thoroughfare Plan designates S. Houston as a “Type B”, Minor Arterial requiring a future right-of-way width of 100 feet and State Highway 34 Bypass as a “Type AA”, Major Regional Arterial, requiring a future right-of-way width of 240 feet. The existing right-of-ways are developed and maintained by the State of Texas. TxDOT controls all the driveway accesses. The applicant will be required to have a driveway permit approved by TxDOT.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 28 property owners within 300’ of the 54 acre tract (PID 56876). The results are as follows:

- Property owners returned letters in opposition of the request: 0.
- Property owners returned the letter in agreement of the request: 0.
- Property owners who have not responded: 28.

If 20% of the area within 200 feet of the request objects the application, then a favorable vote of $\frac{3}{4}$ of all members of the City Council (which is 6 members) shall be required to approve any change in zoning. The 20% rule is a State law.

RECOMMENDATIONS:

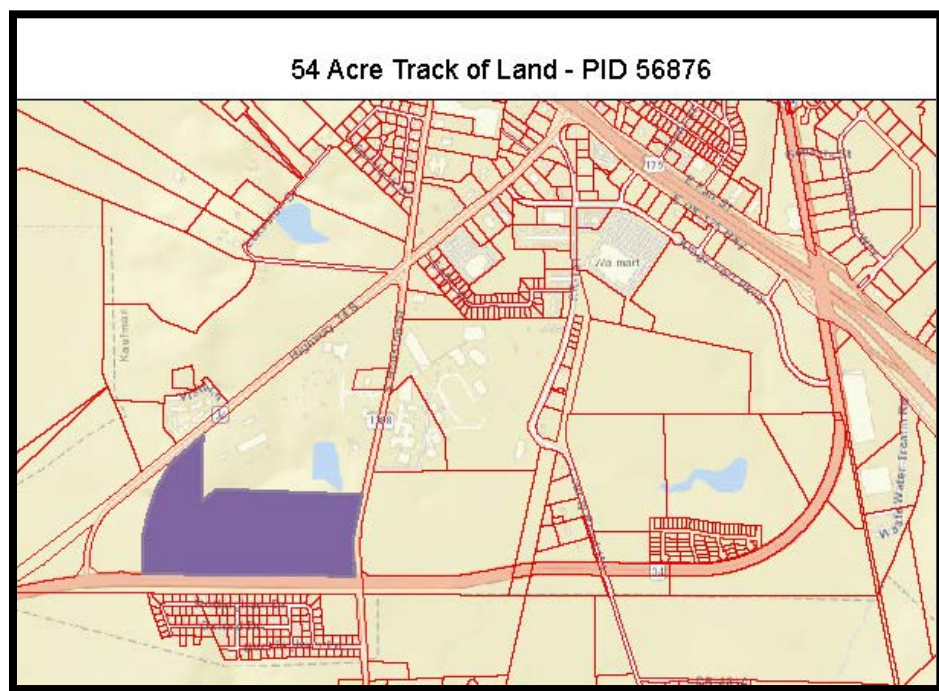
Staff recommends approval of Z-01-20 to rezone from Planned Development -1 (PD-1) to a new planned development district (PD) for the 54 acre tract (PID 56876) at the northwest corner of S Houston and SH 34 Bypass.

ATTACHMENTS:

1. Location map
2. Applicant's Letter defining indoor sports facility
3. New Planned Development Language
4. Requested Zoning Changes Summary

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



GREENLIGHT

STUDIO, LLC

Memorandum

April 29, 2020

TO: City of Kaufman Development Services
PO Box 1168
209 S. Washington
Kaufman, TX 75142

REF: Indoor Sports Facility description for South Pointe Park

To whom it may concern:

The Indoor sports facility at South Pointe Park is an indoor venue for a mix of different sports. This facility will provide year-round training and competition for some of the most popular sports in Texas. The facility will be used for tournaments, events, and provide support to Kaufman ISD. The facility will require a myriad of jobs on full, part-time, and contract basis. The features of this facility include:

- 8 Multi-Purpose Courts – convertible to basketball, volleyball, etc.
- Fitness Room/Cardio with locker rooms
- Indoor Soccer field
- Kitchen and cafe
- Flex space for education and teams
- Parking garage

The facility will be professionally managed by Sports Advisory's Sports Facility Management Division, lending its world-class sport expertise to the operations of the facility and overall development.

If you have any further questions, please feel free to contact me (tyler@gldevco.com) or Dr. David Willis (dwillis@rei-development.com).

Thank you,



Tyler Adams, AIA

100 N. Cottonwood Drive | Suite 104 | Richardson, Texas | 75080 | 214.810.4535
www.gldevco.com

PD NO. 18 SOUTH POINTE PARK AT KAUFMAN SPORTS VILLAGE

1.1 GENERAL PURPOSE AND DESCRIPTION:

PD-18 is designed to provide a sports and health destination to the city of Kaufman, specifically at the south side of the city. The plans and language are designed to preserve the natural character of the land, allow the use of a mixed indoor sports facility, encourage mixed development in retail, hospitality, healthcare, office, sports, housing, and provide quality connection points to both the on-site amenities as well as surrounding assets.

1.2 IN GENERAL

- A. PD-18 is subject to all codes, procedures, and applicable zoning ordinances except as modified herein. If any information conflicts, the planned development shall govern.
- B. Established Right of Ways and Splash Pad will be dedicated to the City of Kaufman.

1.3 DESIGNATION OF SUBDISTRICTS:

- A. PD-18 is broken into four separate subdistricts governed independently by individual concept plans as established in the PD documents. Each subdistrict is governed by the base zoning and will be developed under the enforceable zoning regulations as published on May 18, 2020, along with the exceptions noted herein.

1.4 GENERAL MINIMUM STANDARDS

- A. A 35' landscape buffer is required along State Highway 34 and South Houston Street.
- B. A 75' building setback is established along State Highway 34.
- C. A 50' building setback is established along South Houston Street.
- D. A 20' landscape buffer is established along S. Washington Street.
- E. Additional landscape buffers are not required unless shown on the concept plans.
- F. Screening is not required between uses within the PD.
- G. Proximity slopes and additional setbacks are not required between uses within the PD.
- H. Screening between the TH districts and adjacent land/ROW as indicated on the zoning plan.
- I. No outside storage shall be allowed by SUP only in subdistricts A and B.
- J. Parking requirements in PD-18 are indicated in each subdistrict.
- K. Street lighting design shall be approved by city staff.
- L. Dumpsters shall be enclosed by a 8' high masonry screen wall with finishes consistent with the main building. Painted steel gates to provide access.
- M. The first residential building permit will be issued in accordance with the development agreement.
- N. A 8' wrought iron fence with evergreen solid landscape screening is required between the residential uses and adjacent county land to the north.

1.5 HOA/COA ESTABLISHED

- A. An HOA/COA will be filed with the state and shall be an enforceable entity for the maintenance of the common areas, greenbelt easements, and general quality and character of the development. The entity must be filed and in place before the first building permit issued.

1.6 SIGNAGE

- A. Signage Shall be in accordance with Section 44, Sign Regulations, with the following exceptions:

Last Revision: 04.29.2020

- a. Off-premises signage for the uses contained in this PD is allowed by right.
 - i. Locations of signage are indicated on the concept plans and will be limited to two signs.
 - ii. Off premises signs may be Changeable Message Signs with a maximum size of 200 SF on each side
 - iii. Strobe lights, beacon lights, and rotating or revolving signs are not permitted.
 - iv. Maximum height: 35'
 - v. Each side of sign face shall be a maximum of 200 SF. Remaining façade of monument must be of masonry materials consistent with the overall development.
 - vi. Pole signs are not allowed as an off premise sign.
 - vii. There is no maximum depth.
- b. Signage shall not be allowed in the middle of street medians.

1.7 LANDSCAPING

- A. All development in the PD shall comply with the City of Kaufman Landscape Ordinance.
- B. This planned development is exempt from any tree mitigation as of the effective date of the ordinance as well as any future mitigation ordinances.

1.8 TEMPORARY STRUCTURES

- A. Temporary structures for the construction of the developments, sales, leasing, and other marketing and development uses are an allowed use in this PD.

2.1 SUBDISTRICT A

- A. Subdistrict A is established with the base zoning district Commercial (C) with the general PD regulations as well as the following:
 - a. Required Parking:
 - i. The maximum parking required for any retail uses is 1 space per 150 SF or the requirement based on the use, whichever is less.

2.2 SUBDISTRICT B

- A. Subdistrict B is established with the base zoning district Commercial (C) with the general PD regulations as well as the following:
 - a. Permitted uses:
 - i. The Mixed Indoor Sports Facility is established as its own use and is allowable in this subdistrict.
 - 1. Required parking for the sports facility is 1,000 spaces based on a 174,000 SF facility. If the size of the facility differs, the developer must provide a new justified number.
 - 2. Parking for this facility may be shared with other facilities.
 - 3. No overnight parking is allowed from off-site uses.
 - b. Height regulations:
 - i. Maximum Height: Six (6) stories or seventy-five feet above average grade plane (75') for the main building.
 - c. Size of yards:
 - i. Front, Rear, and Side yard Setbacks shall be 15' with the exceptions of those indicated in section 1.

Last Revision: 04.29.2020

2.3 SUBDISTRICT C

- A. Subdistrict C is established with the base zoning district Commercial (C) with the general PD regulations as well as the following:
- a. Permitted uses:
 - i. Multifamily is included as an acceptable use in this district with a maximum density of 100 units per acre.
 - b. Height Regulations:
 - i. Maximum Height: Six (6) stories or seventy-five feet (75') for the main building.
 - c. Size of Yards:
 - i. Front, Rear, and Side yard Setbacks shall be 15' with the exceptions of those indicated in section 1.
 - d. Required Parking:
 - i. The maximum parking required for any retail uses is 1 space per 150 SF or the requirement based on the use, whichever is less.

2.3 SUBDISTRICT D

- A. Subdistrict D is established with the base zoning district Townhouse Residential (TH) with the general PD regulations as well as the following:
- a. Maximum Height
 - i. Forty Feet (40').
 - b. Size of lots:
 - i. Minimum Lot Area is 3,000 SF.
 - 1. Detached single family housing requires a minimum lot size of 5,000 SF and is limited to 15% of the units of the overall development.
 - ii. No minimum lot width.
 - iii. No minimum lot depth.
 - c. Size of yards:
 - i. Minimum front yard is 25'.
 - 1. Porches and awnings may protrude up to 8' into the yard.
 - ii. Minimum side yard is 10' if adjacent to another building or screen wall. Otherwise, the side yard is 15'.
 - iii. Minimum rear yard is 15'.
 - d. Additional Requirements
 - i. Building plan articulation no less than 4' is required every two units or 100', whichever is less. Porches and balconies are not considered for this requirement.
 - ii. A maximum of six (6) contiguous units may comprise one building.
 - iii. A 20' landscape/building setback along S. Washington Street.
 - iv. A 6' wood screen will be

Last Revision: 04.29.2020

Requested Zoning Changes Summary

South Pointe Park at Kaufman Sports Village 04.29.2020

Subdistrict A – Commercial (C)

PERMITTED USES: Those uses specified in Section 33 (Use Charts).	No change
Maximum Height: 1. Three (3) stories or forty-five feet (45') for the main building. 2. One (1) story for accessory buildings. 3. Other (Section 40).	No Change
Size of Lot: 1. Minimum Lot Area - Ten Thousand (10,000) square feet 2. Minimum Lot Width - One Hundred feet (100') 3. Minimum Lot Depth - One hundred feet (100')	No change
Size of Yards: 1. Minimum Front Yard - Twenty-five feet (25') 2. Minimum Side Yard - Fifteen feet (15'); twenty-five feet (25') if adjacent to a street. The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height. 3. Minimum Rear Yard - Twenty feet (20')	Additional setbacks and landscape buffers along S Houston and TX-34
Maximum Lot Coverage: 1. Fifty (50%) percent for the main structure	No Change
Parking Regulations: As established by Section 35, Off-Street Parking and Loading Requirements.	Maximum parking requirement of 1 space for every 150 SF

Subdistrict B – Commercial (C)

PERMITTED USES: Those uses specified in Section 33 (Use Charts).	Adds a new use for indoor mixed sports facility.
Maximum Height:	6 Stories or 75'
1. Three (3) stories or forty-five feet (45') for the main building. 2. One (1) story for accessory buildings. 3. Other (Section 40).	
Size of Lot: 1. Minimum Lot Area - Ten Thousand (10,000) square feet 2. Minimum Lot Width - One Hundred feet (100') 3. Minimum Lot Depth - One hundred feet (100')	No change
Size of Yards: 1. Minimum Front Yard - Twenty-five feet (25') 2. Minimum Side Yard - Fifteen feet (15'); twenty-five feet (25') if adjacent to a street. The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height. 3. Minimum Rear Yard - Twenty feet (20')	Additional setbacks and landscape buffers along S Houston and TX-34 15' setbacks between parcels No landscape buffers between parcels
Maximum Lot Coverage: 1. Fifty (50%) percent for the main structure	No Change
Parking Regulations: As established by Section 35, Off-Street Parking and Loading Requirements.	Indoor mixed sports facility: 1,000 spaces for 174,000 SF facility. Parking for sports facility can share parking with other uses.

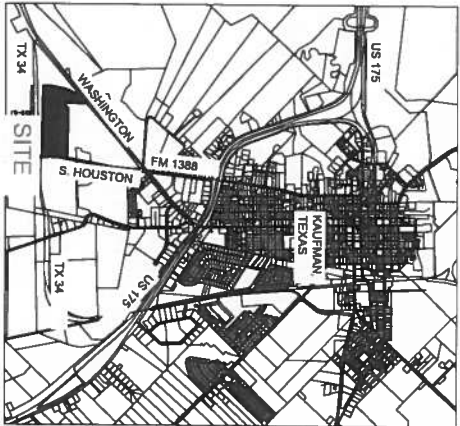
Subdistrict C – Commercial (C)

PERMITTED USES: Those uses specified in Section 33 (Use Charts).	Adds multifamily as an acceptable use at 100 units per acre.
Maximum Height: 1. Three (3) stories or forty-five feet (45') for the main building. 2. One (1) story for accessory buildings. 3. Other (Section 40).	6 Stories or 75'
Size of Lot: 1. Minimum Lot Area - Ten Thousand (10,000) square feet 2. Minimum Lot Width - One Hundred feet (100')	No change
3. Minimum Lot Depth - One hundred feet (100')	
Size of Yards: 1. Minimum Front Yard - Twenty-five feet (25') 2. Minimum Side Yard - Fifteen feet (15'); twenty-five feet (25') if adjacent to a street. The side or rear setback, whichever is adjacent to a residential zoning district or property line, shall observe a setback equal to a 3:1 slope from the residential property line, three feet (3') of setback for each one foot (1') of height. 3. Minimum Rear Yard - Twenty feet (20')	Additional setbacks and landscape buffers along S Houston and TX-34 15' setbacks between parcels No landscape buffers between parcels
Maximum Lot Coverage: 1. Fifty (50%) percent for the main structure	No Change
Parking Regulations: As established by Section 35, Off-Street Parking and Loading Requirements.	Maximum parking requirement of 1 space for every 150 SF

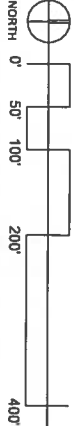
Subdistrict D – Townhouse Residential (TH)

PERMITTED USES: 1. Those uses specified in Section 33 (Use Charts). 2. Single-family detached dwellings (must meet all requirements of SF-6 zoning). 3. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.	No Change
Maximum Height: 1. Thirty feet (30') for the main building. 2. One (1) story for accessory buildings. 3. Other (see Section 40).	Forty feet (40') for the main building
Size of Lots: 1. Minimum Lot Area – Patio Home (Zero-Lot-Line) - 4,500 sq. ft. 5,000 sq. ft. corner lot w/zero lot line 6,000 sq. ft. corner lot w/o zero lot line (same as SF-6) Single Family Attached (Townhome) – 3,000 sq. ft. interior unit w/o side yard 3,500 sq. ft. exterior unit w/ side yard 4,500 sq. ft.	Minimum Lot Size: 3,000 SF No minimum lot width. No Monimum Lot Depth.
Two-Family (Duplex) – 3,500 sq. ft. per dwelling unit, 4,500 sq. ft. if unit is on corner lot 2. Minimum Lot Width – Thirty feet (30'); Thirty-Five feet (35'); Forty-Five feet (45'); Fifty feet (50'); or sixty feet (60') respectively 3. Minimum Lot Depth - One hundred feet (100')	

Size of Yards: 1. Minimum Front Yard - Twenty-five feet (25') 2. Minimum Side Yard – Patio Homes - One (1) side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street; Townhomes and Duplexes – a side yard minimum of five (5') feet on exterior units to create a minimum of ten (10') feet between buildings, fifteen feet (15') on corner lots adjacent to a street. 3. Minimum Rear Yard - Fifteen feet (15') for the main building; twenty feet (20') from a garage to an alley; ten feet (10') from a main building to an accessory building. Accessory buildings (other than garages) may be placed three feet (3') from rear or side property line. (See Section 37 for additional accessory building requirements)	Additional setbacks and landscape buffers along S Houston and TX-34 15' setbacks between parcels No landscape buffers between parcels A. Minimum front yard is 25.' a. If in a designated nature conservation area, the front yard is 20.' b. Porches and awnings may protrude up to 8' into the yard. B. Minimum side yard is 10' if adjacent to another building or screen wall. Otherwise, the side yard is 15'. C. Minimum rear yard is 15.
Maximum Lot Coverage: Forty percent (40%) by main buildings; not to exceed fifty percent (50%) total impervious area including accessory buildings, driveways and parking areas.	No Change
Parking Regulations: 1. Each Dwelling Unit - A minimum of two (2) parking spaces one of which must be enclosed and placed behind the front building line and on the same lot as the main structure. Carports are only allowed in lieu of an enclosed garage on in-fill lots in which existing neighboring homes were predominantly constructed without garages. 2. Other - (See Section 35, Off-Street Parking and Loading Requirements)	No Change
Additional requirements	A. Building plan articulation no less than 4' is required every two units or 100', whichever is less. Porches and balconies are not considered for this requirement. B. A maximum of six (6) contiguous units may comprise one building. C. A landscape buffer and building setback of 20' required on S. Washington.



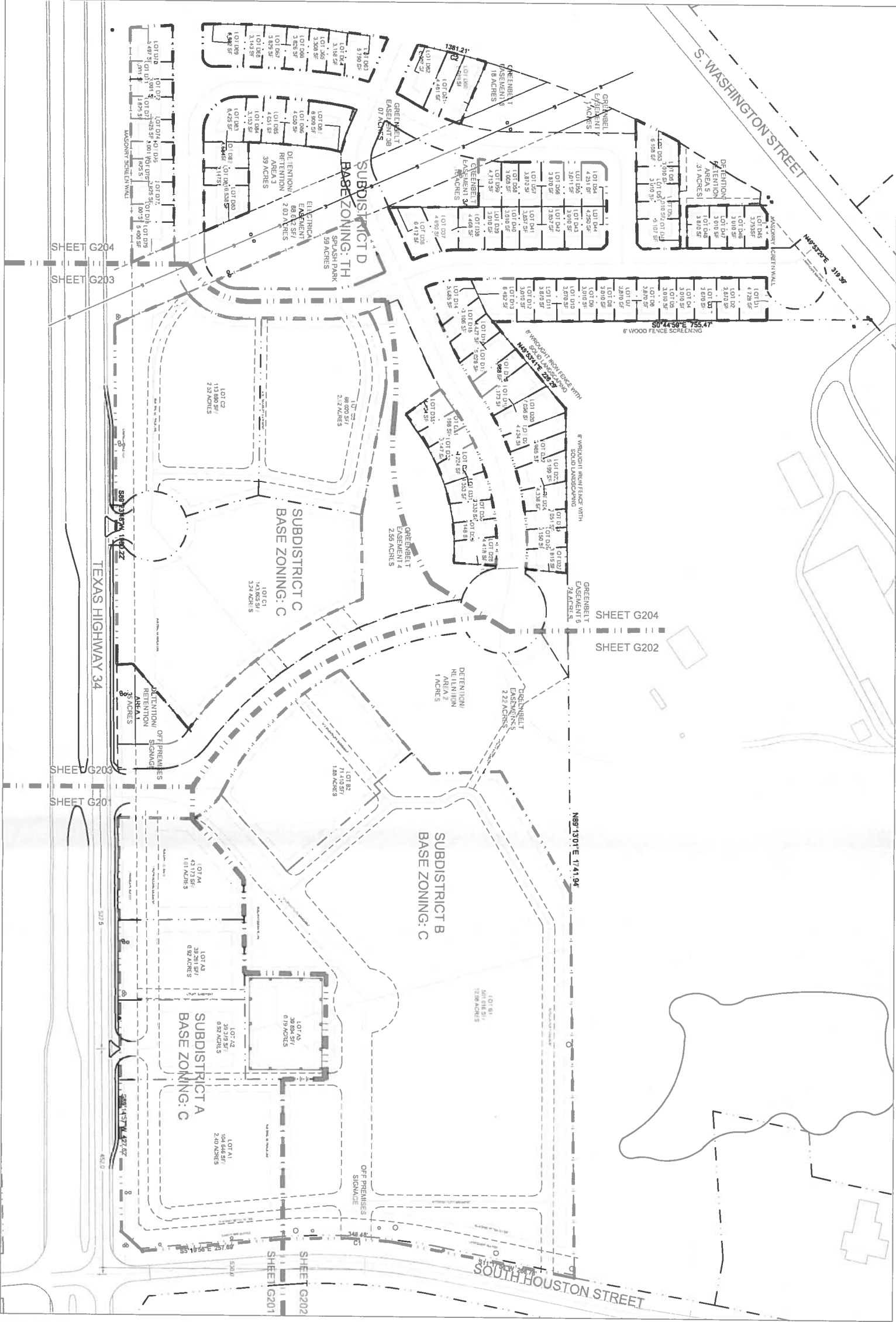
- NOTES
- THIS PLANNED DEVELOPMENT IS BROKEN INTO SUBDISTRICTS. EACH SUBDISTRICT HAS A GOVERNING CONCEPT PLAN AND ZONING. REFER TO THE SHEETS INDICATED ON THE PARCEL PLAN.
 - IMPROVEMENTS AND AMENITIES IN RIGHT OF WAYS, GREENBELT EASEMENTS AND ASSOCIATED INFRASTRUCTURE SHALL BE PERMANENTLY PLACED ALONGSIDE DEVELOPMENT CONCEPT OF EACH PROJECT. THESE CONCEPT PLANS ARE PRELIMINARY ONLY AND ARE SUBJECT TO ADJUSTMENTS. THE CITY MAY REQUIRE A REVISED CONCEPT PLAN FOR A SUBDISTRICT IF THE DEVELOPMENT DEVIATES BY MORE THAN 15% IN ANY MATTER. A GOVERNING HOWCOVA WILL BE FORMED AND ARTICLES WRITTEN BEFORE A BUILDING PERMIT IS ISSUED FOR THE FIRST DEVELOPMENT WHILE WILL APPLY TO THE ENTIRE PLANNED DEVELOPMENT.
 - THESE PLANS SHOW IMPROVEMENTS TO COUNTY AND STATE ROADS AND HIGHWAYS. THESE IMPROVEMENTS ARE SUBJECT TO CHANGE. ADJUSTMENTS TO THESE IMPROVEMENTS WILL NOT REQUIRE A REVISED CONCEPT PLAN UNLESS THE CHARACTER OF THE SUBDISTRICT IS AFFECTED

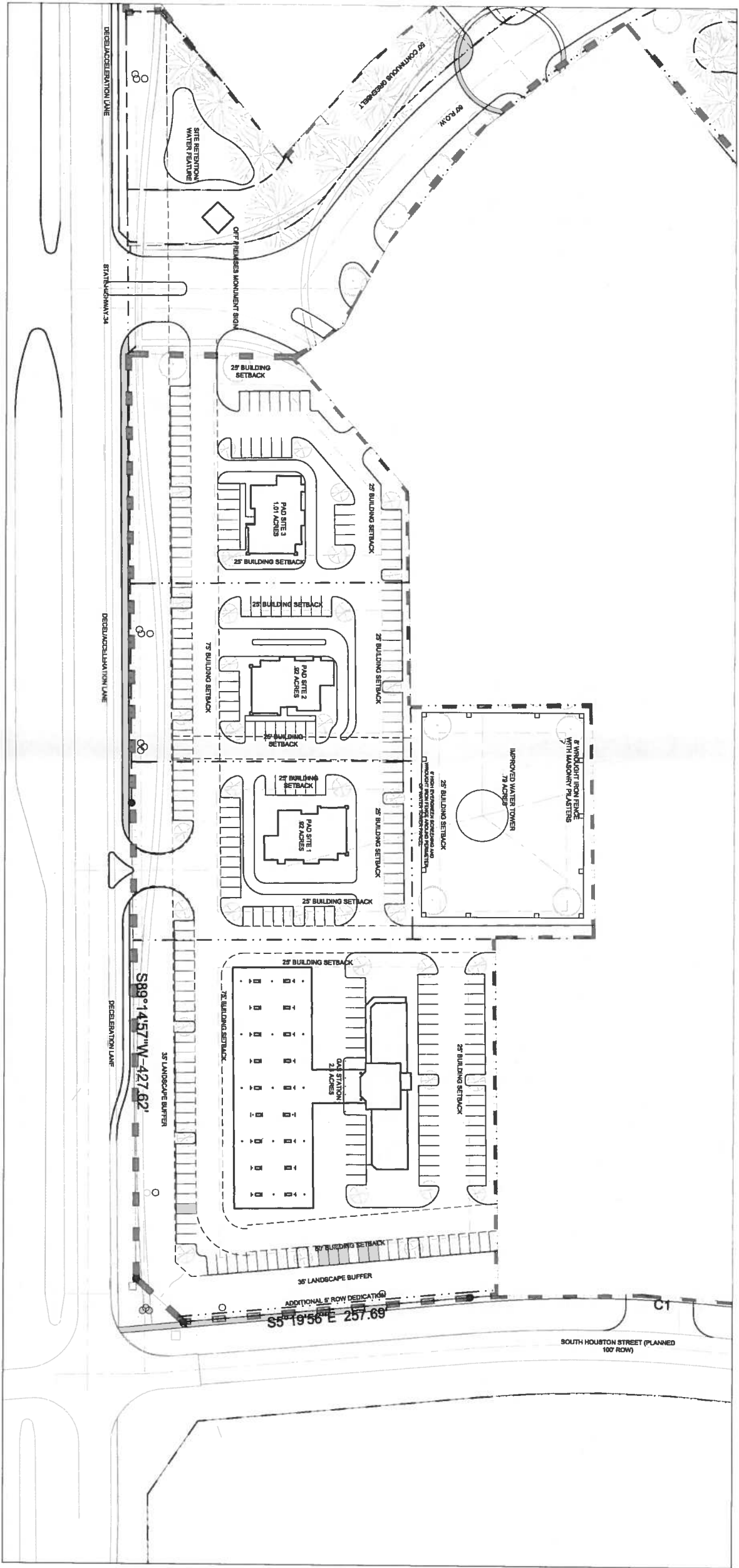


PLANNED DEVELOPMENT 18 (PD-18)
SOUTH POINTE AT KAUFMAN SPORTS
VILLAGE ADDITION

PART OF D. FALCON SURVEY, ABSTRACT 151
52.5 ACRES / PID # 56876
PREPARATION DATE: 12/20/2019
CITY OF KAUFMAN, TEXAS
KAUFMAN COUNTY, TEXAS
PROJECT NO. Z-01-20

DATE:	04/29/2020
PROJECT NO:	19007
ENGINEER:	
CHECKED:	
DATE:	
PROJECT NAME:	Parcel Plan
SHEET NUMBER:	





1 Concept Plan - Subdistrict A

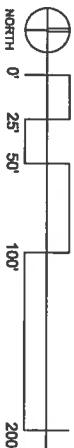
ZONING DATA

- BASE ZONING: COMMERCIAL (C) DISTRICT
- ADDITIONAL REQUIREMENTS:
- BUILDING SETBACK FROM TEXAS HIGHWAY 34: 75'
 - BUILDING SETBACK FROM SOUTH HOUSTON STREET: 50'
 - 36' LANDSCAPE BUFFER ALONG TEXAS HIGHWAY 34 AND SOUTH HOUSTON STREET
 - ARCHITECTURAL DESIGN SUBJECT TO HOACOA REVIEW AND RESTRICTIONS
 - OFF PREMISES SIGNAGE IS ALLOWED FOR USES FOR THE ENTIRE PLANNED DEVELOPMENT

NOTES:

- THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES.
- DEVELOPMENTAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW.
- ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY DEVELOPMENT SERVICES.
- THIS PLAN IS SUBJECT TO REQUIREMENTS OF THE HOACOA GOVERNING THE SITE.

KEY PLAN



PLANNED DEVELOPMENT 18 (PD-18)
SOUTH POINTE AT KAUFMAN SPORTS
VILLAGE ADDITION

PART OF D FALCON SURVEY, ABSTRACT 151
52.5 ACRES / PID # 56876
PREPARATION DATE: 12/20/2019
CITY OF KAUFMAN, TEXAS
KAUFMAN COUNTY, TEXAS
PROJECT NO. 2-01-20

Architect/Applicant:
Greenlight Studio, LLC
1001 Greenlight Drive
Kaufman, Texas 75139
Civil Engineer:
Greenlight Studio, LLC
1001 Greenlight Drive
Kaufman, Texas 75139

GREENLIGHT
STUDIO, LLC
www.greenlightcompany.com

South Pointe Park at
Kaufman Sports Village
Part of D. Falcon Survey, Abstract 151
Kaufman County, Texas

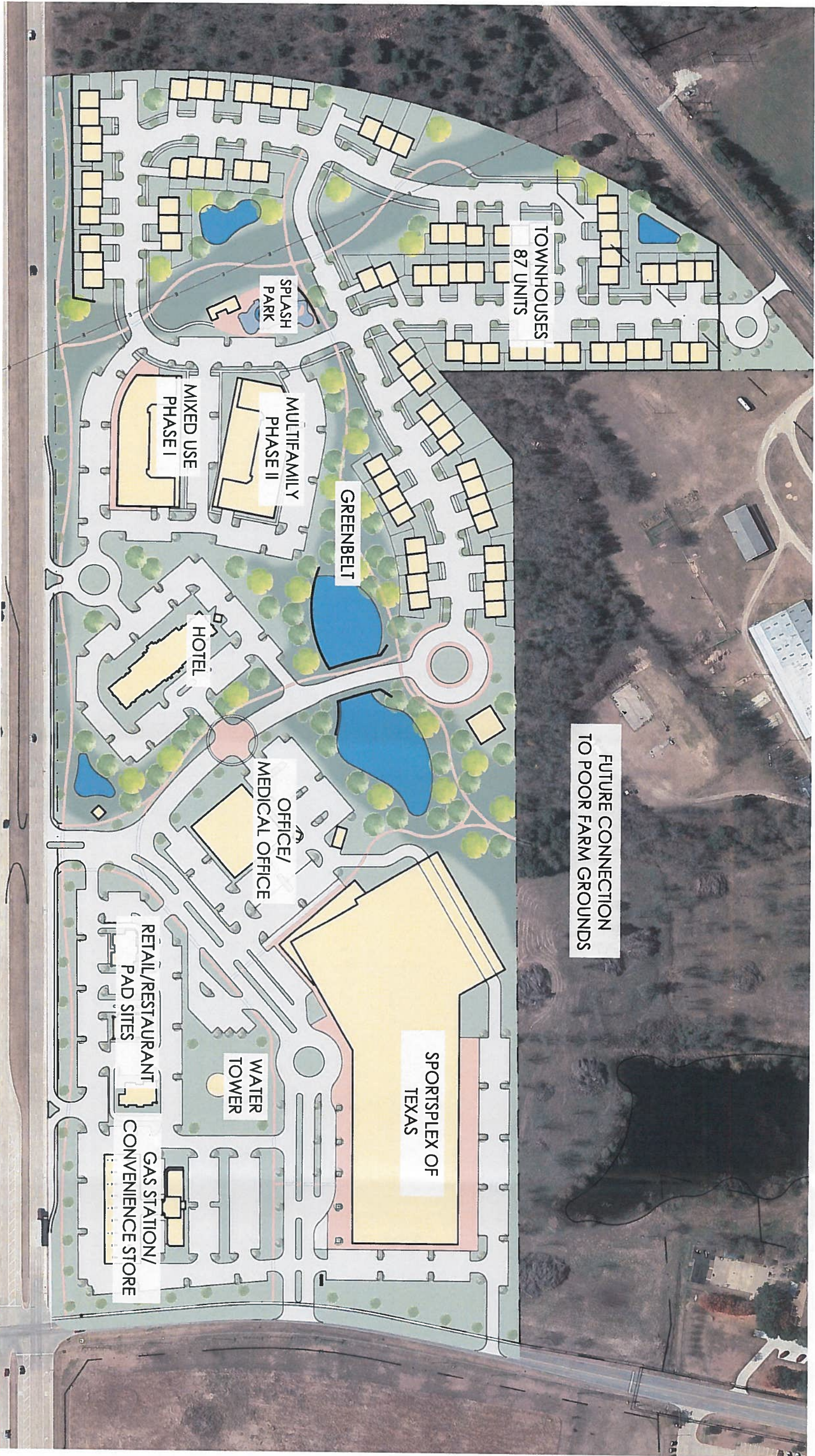
DATE:	04/29/2020
PROJECT NO:	19007
REVISION:	
SHEET TITLE:	Concept Plan: Subdistrict A
SHEET NUMBER:	

G201



100

PREPARATION DATE: 12/20/2018
CITY OF KAUFMAN, TEXAS
KAUFMAN COUNTY, TEXAS
PROJECT NO. Z-01-20



Architect and Planner
Greenlight Studio, LLC
100 N. Cottonwood Drive
Suite 104
Richardson, Texas 75080
214.810.4535

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authorization of Texas registered architect Tyler
Adams, #21898 for preliminary review only.

South Pointe Park at Kaufman Sports Village
April 27, 2020 | **DRAFT COPY**

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Bird's Eye Perspective

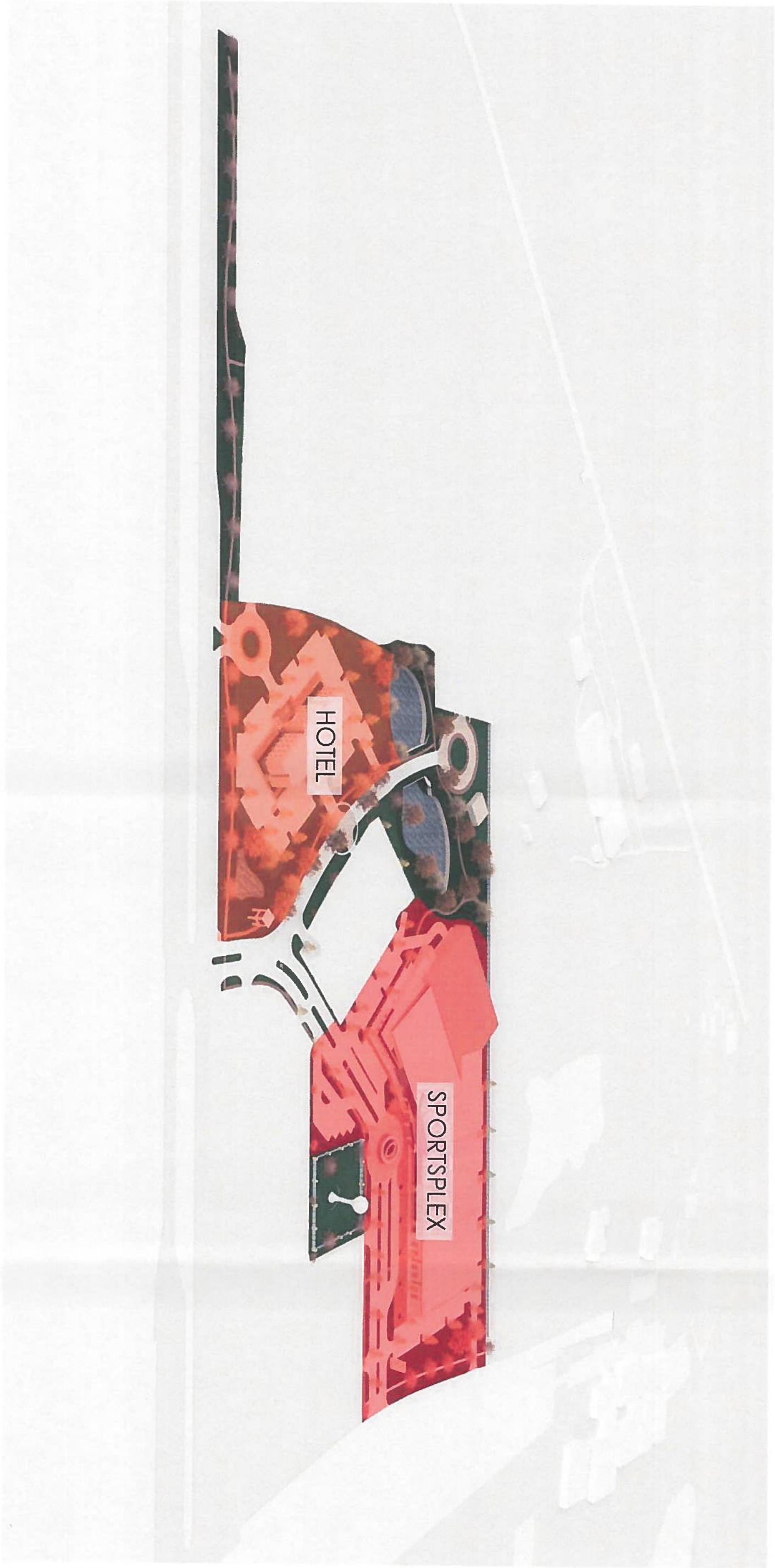
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South Pointe Park at Kaufman Sports Village
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GREENLIGHT

PEARL ESTATE DEVELOPMENT DESIGN AND ACQUISITION



Phase I

Architect and Planner
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South Pointe Park at Kaufman Sports Village

April 27, 2020 | DRAFT COPY

GREENLIGHT

REAL ESTATE DEVELOPMENT DESIGN AND ACQUISITION



Phase II

Architect and Planner
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South Pointe Park at Kaufman Sports Village
April 27, 2020 | DRAFT COPY

GREENLIGHT

REAL ESTATE DEVELOPMENT DESIGN AND ACQUISITION



Phase III

Architect and Planner
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South Pointe Park at Kaufman Sports Village
April 27, 2020 | DRAFT COPY

GREENLIGHT

REAL ESTATE DEVELOPMENT, DESIGN, AND ACQUISITION



Phase IV

Architect and Planner
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100 N. Cottonwood Drive
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Richardson, Texas 75080
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South Pointe Park at Kaufman Sports Village
April 27, 2020 | DRAFT COPY

GREENLIGHT

PEAK ESTIMATE DEVELOPMENT DESIGN AND ACQUISITION



Complete Phasing Plan

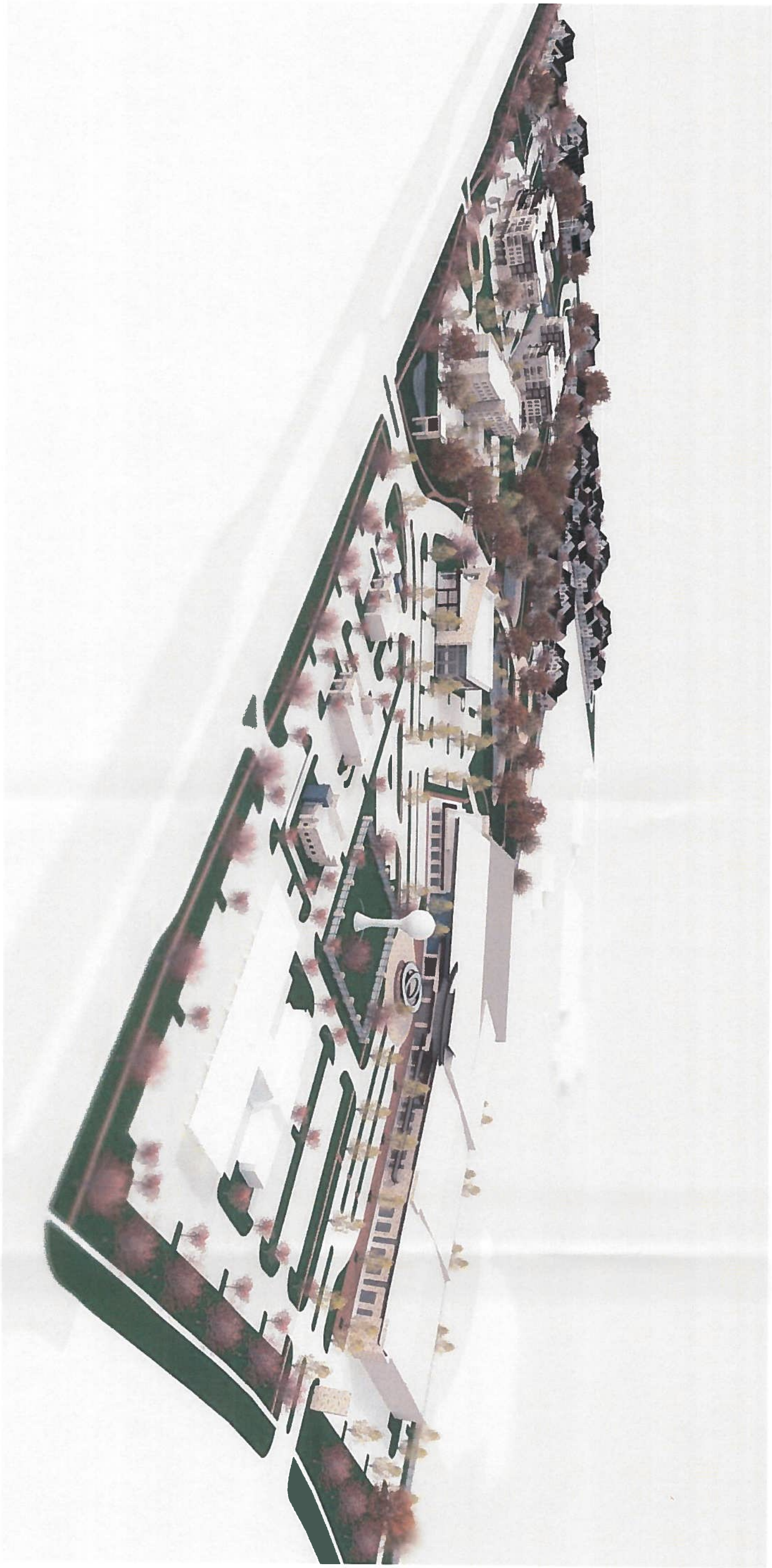
Architect and Planner
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Richardson, Texas 75080
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South Pointe Park at Kaufman Sports Village
April 27, 2020 | DRAFT COPY

GREENLIGHT

REAL ESTATE DEVELOPMENT DESIGN AND ACQUISITION



South-east Corner

Architect and Planner
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Richardson, Texas 75080
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South Pointe Park at Kaufman Sports Village
April 27, 2020 | DRAFT COPY

GREENLIGHT

REAL ESTATE DEVELOPMENT DESIGN AND CONSTRUCTION



Southwest Corner

Architect and Planner
Greenlight Studio, LLC
100 N. Cottonwood Drive
Suite 104
Richardson, Texas 75080
214.810.4535

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South Pointe Park at Kaufman Sports Village
April 27, 2020 | DRAFT COPY

ORDINANCE O-10-20

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING ORDINANCE NO. RZ-08-83, AN ORDINANCE ADOPTING PLANNED DEVELOPMENT NO. 1 ("PD-1"), AND AMENDING ZONING ORDINANCE NO. 0-20-80 OF THE CITY OF KAUFMAN TEXAS AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 0-02-07 AND CHAPTER 118 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, COLLECTIVELY AMENDING "THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP" IN ORDER TO CHANGE THE ZONING CLASSIFICATION ON AN APPROXIMATE 54 ACRE TRACT OF LAND (PID 56876) FROM PD-1 TO PLANNED DEVELOPMENT-18 "PD-18" ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH HOUSTON STREET (FM 1388) AND STATE HIGHWAY 34 BYPASS, ON A TRACT OF LAND OUT OF THE D. FALCON SURVEY, ABSTRACT 151, IN THE CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS AND ZONING MAP AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, at its regular meetings held on the 5th day of May, 2020, the Planning and Zoning Commission did hold a public hearing and consider and make a recommendation for approval of a request to rezone an approximate 54 acre tract of land (PID 56876) from Planned Development-1 to Planned Development-18, a proposed mixed use development which includes an indoor multi-sports facility, office, retail, restaurants, multi-family, townhouse and single family use to be developed in four phases. The property is generally located at the northwest corner of South Houston Street (FM 1388) and State Highway 34 Bypass, such tract being a part of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas and more specifically described and depicted on **Exhibit "A"**, a copy of which is attached hereto and incorporated herein as (the "Property"), and

WHEREAS, Planned Development-18 includes specific Standards, as depicted on Exhibit "B and the South Pointe Park at Kaufman Sport Village Concept Plan as depicted on Exhibit "C", each of which exhibits are attached hereto and incorporated herein, and reviewed as part of Case No. Z-01-20 by the Planning and Zoning Commission; and

WHEREAS, at its regular meeting held on the 18th day of May, 2020, the City Council held a public hearing for the proposed request to rezone an approximate 54 acre tract of land (PID 56876) from Planned Development-1 to Planned Development-18. Determining that all legal requirements of notice and hearings were met, considering the recommendations of the Planning and Zoning Commission, providing the public an opportunity to provide input, considering public input, and considering the compatibility of the proposed Planned Development 18 ("PD-18") zoning with surrounding properties and

the goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the City, the City Council determined that the proposed amendment to the Zoning Ordinance and Zoning Map of the City set forth hereinbelow is consistent with the goals of land development as set forth in the Comprehensive Plan of the City, would allow orderly development of the Property which would serve the best interest of the health safety, and general welfare of the public;

WHEREAS, the City Council, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare and is consistent with the future land use plan for the City of Kaufman.

NOW, THEREFORE, be it ordained by the City Council of the City of Kaufman, Texas:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT. That Ordinance No. RZ-08-83, an ordinance adopting Planned Development No. 1 ("PD-1"), and amending Zoning Ordinance No. 0-20-80 of the City of Kaufman, Texas, as subsequently amended by Ordinance No. 0-02-07 and Chapter 118 "Zoning" of the Code of Ordinances of the City of Kaufman, Texas, collectively amending "The Comprehensive Zoning Ordinance and The Official Zoning Map" of the City of Kaufman is hereby amended to reflect the change in zoning for an approximate 54 acre tract of land (PID 56876), such tract being a part of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County Texas more specifically described in Exhibit "A", a copy of which is attached hereto and incorporated herein, from Planned Development-1 ("PD-1") to Planned Development-18 ("PD-18") a mixed used development including an indoor multi-sports facility, office, retail, restaurants, multi-family, townhouse and single family uses, to be developed in four phases, with specific development Standards as depicted on **Exhibit "B"**, " a copy of which is attached hereto and incorporated herein and in accordance with the South Pointe Park at Kaufman Sport Village Concept Plan as depicted on **Exhibit "C"**, a copy of which is attached hereto and incorporated herein.

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be annotated to show the change in zoning status of the Property from Planned Development-1 to Planned Development-18, thereon.

SECTION 4. CUMULATIVE REPEALER. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on

the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6. PENALTY. Any person who violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication as required by law and Charter.

PASSED AND ADOPTED this 18th day of May, 2020.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

Exhibit "A"

Metes and Bounds Description

All that certain lot, tract or parcel of land, part of the D. Falcon Survey, Abstract No. 151, Kaufman County, Texas, part of that certain called 249.57 acre tract conveyed to the County of Kaufman, Texas by T. J. Broughton, et ux on October 15, 1918, recorded in Vol. 163 page 526 of the Deed Records of Kaufman County, Texas, part of that certain called 408 1/3 acre tract conveyed to the County of Kaufman by E. J. Thompson on July 16, 1883, recorded in Vol. 32 page 543 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a 3/8" Iron rod set in the West Right of Way line of Farm to Market Road No. 1388 and being N 3 deg. 23 min. 15 sec. W-220.69 ft. from the intersection of said Right of Way line with the South line of the above mentioned 249.57 acre tract.

THENCE N 88 deg. 52 min. 14 sec. W, a distance of 2450.00 ft. to a 3/8" Iron rod set in a curve to the right, the radius point of which bears N 84 deg. 51 min. 55 sec. E-1909.86 ft.

THENCE, in a Northerly direction with said curve to the right, the angle of which is 41 deg. 35 min. 41 sec., the radius is 1909.86 ft. and the tangent is 725.39 ft., a distance of 1386.49 ft. to a 3/8" Iron rod set in the Southeast Right of Way line of State Highway No. 34.

THENCE N 51 deg. 50 min. 18 sec. E, with said Right of Way line, a distance of 320.00 ft. to a 3/8" Iron rod set at the Northwest corner of that certain 15.000 acre tract, known as the Rodeo Grounds tract.

THENCE S 1 deg. 12 min. 48 sec. W, with the West line of said 15.000 acre tract, a distance of 755.78 ft. to a 3/8" Iron rod set at the South corner of same.

THENCE N 51 deg. 53 min. 42 sec. E, with the Southeast line of said 15.000 acre tract, a distance of 226.89 ft. to a 3/8" Iron rod set for corner.

THENCE S 88 deg. 52 min. 14 sec. E, a distance of 1742.41 ft. to a 3/8" Iron rod set in the West Right of Way line of Farm to Market Road No. 1388.

THENCE S 13 deg. 15 min. 49 sec. W, with the West Right of Way line of Farm to Market Road No. 1388, a distance of 264.99 ft. to a 3/8" Iron rod set at the P. C. of a curve to the left, the radius point of which bears S 76 deg. 44 min. 11 sec. E-1194.14 ft.

THENCE, continuing with said Right of Way line and with said curve to the left, the angle of which is 16 deg. 39 min. 04 sec., the radius is 1194.14 ft. and the tangent is 174.75 ft., a distance of 347.04 ft. to a 3/8" Iron rod set at the P. T. of said curve.

THENCE S 3 deg. 23 min. 15 sec. E, continuing with the West Right of Way line of Farm to Market Road No. 1388, a distance of 300.04 ft. to the point of beginning, containing 54.000 acres of land.

I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above field notes and companion plat were prepared from an actual survey made by me on the ground during the month of October, 2001.

This survey was performed for the benefit of the County of Kaufman, Texas, the City of Kaufman, Texas and Kaufman County Title and Abstract Company. Use of these field notes by any other person or for any other purpose is prohibited.

54 Acre Track of Land - PID 56876

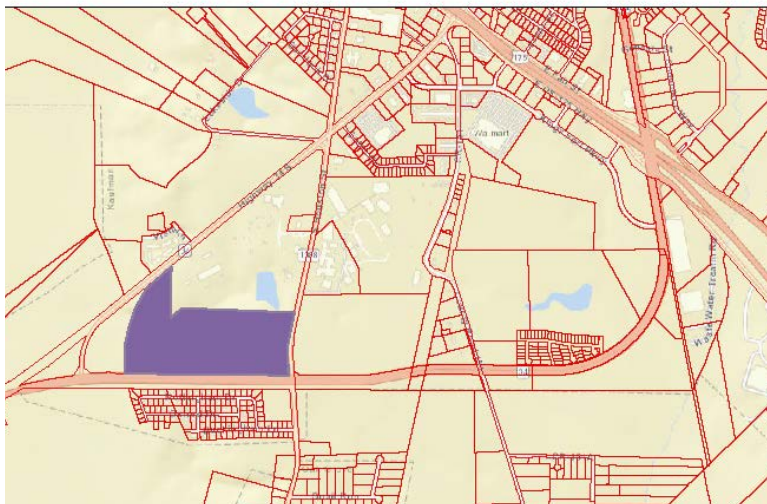


Exhibit "B"
Planned Development 18 Standards
South Pointe Park at Kaufman Sports Village Standards

1.1 GENERAL PURPOSE AND DESCRIPTION:

PD-18 is designed to provide a sports and health destination to the city of Kaufman, specifically at the south side of the city. The plans and language are designed to preserve the natural character of the land, allow the use of a mixed indoor sports facility, encourage mixed development in retail, hospitality, healthcare, office, sports, housing, and provide quality connection points to both the on- site amenities as well as surrounding assets.

1.2 IN GENERAL

- A. PD-18 is subject to all codes, procedures, and applicable zoning ordinances except as modified herein. If any information conflicts, the planned development shall govern.
- B. Established Right of Ways and Splash Pad will be dedicated to the City of Kaufman.

1.3 DESIGNATION OF SUBDISTRICTS:

- A. PD-18 is broken into four separate subdistricts governed independently by individual concept plans as established in the PD documents. Each subdistrict is governed by the base zoning and will be developed under the enforceable zoning regulations as published on May 18, 2020, along with the exceptions noted herein.

1.4 GENERAL MINIMUM STANDARDS

- A. A 35' landscape buffer is required along State Highway 34 and South Houston Street.
- B. A 75' building setback is established along State Highway 34.
- C. A 50' building setback is established along South Houston Street.
- D. A 20' landscape buffer is established along S. Washington Street.
- E. Additional landscape buffers are not required unless shown on the concept plans.
- F. Screening is not required between uses within the PD.
- G. Proximity slopes and additional setbacks are not required between uses within the PD.
- H. Screening between the TH districts and adjacent land/ROW as indicated on the zoning plan.
- I. No outside storage shall be allowed by SUP only in subdistricts A and B.
- J. Parking requirements in PD-18 are indicated in each subdistrict.
- K. Street lighting design shall be approved by city staff.
- L. Dumpsters shall be enclosed by an 8' high masonry screen wall with finishes consistent with the main building. Painted steel gates to provide access.
- M. The first residential building permit will be issued in accordance with the development agreement.
- N. An 8' wrought iron fence with evergreen solid landscape screening is required between the residential uses and adjacent county land to the north.

Exhibit "B"
Planned Development 18 Standards
South Pointe Park at Kaufman Sports Village Standards

1.5 Home Owner's Association (HOA)/Commercial Owner's Association (COA) ESTABLISHED

- A. An HOA/COA will be filed with the state and shall be an enforceable entity for the maintenance of the common areas, greenbelt easements, and general quality and character of the development. The entity must be filed and in place before the first building permit issued.

1.6 SIGNAGE

- A. Signage Shall be in accordance with Section 44, Sign Regulations, with the following exceptions:
- a. Off-premises signage for the uses contained in this PD is allowed by right.
 - i. Locations of signage are indicated on the concept plans and will be limited to two signs.
 - ii. Off premises signs may be Changeable Message Signs with a maximum size of 200 SF on each side
 - iii. Strobe lights, beacon lights, and rotating or revolving signs are not permitted.
 - iv. Maximum height: 35'
 - v. Each side of sign face shall be a maximum of 200 SF. Remaining façade of monument must be of masonry materials consistent with the overall development.
 - vi. Pole signs are not allowed as an off premise sign.
 - vii. There is no maximum depth.
 - b. Signage shall not be allowed in the middle of street medians.

1.7 LANDSCAPING

- A. All development in the PD shall comply with the City of Kaufman Landscape Ordinance.
- B. This planned development is exempt from any tree mitigation as of the effective date of the ordinance as well as any future mitigation ordinances.

1.8 TEMPORARY STRUCTURES

- A. Temporary structures for the construction of the developments, sales, leasing, and other marketing and development uses are an allowed use in this PD.

2.1 SUBDISTRICT A

- A. Subdistrict A is established with the base zoning district Commercial (C) with the general PD regulations as well as the following:
- a. Required Parking:
 - i. The maximum parking required for any retail uses is 1 space per 150 SF or the requirement based on the use, whichever is less.

Exhibit "B"
Planned Development 18 Standards
South Pointe Park at Kaufman Sports Village Standards

2.2 SUBDISTRICT B

- A. Subdistrict B is established with the base zoning district Commercial (C) with the general PD regulations as well as the following:
- a. Permitted uses:
 - i. The Mixed Indoor Sports Facility is established as its own use and is allowable in this subdistrict.
 - 1. Required parking for the sports facility is 1,000 spaces based on a 174,000 SF facility. If the size of the facility differs, the developer must provide a new justified number.
 - 2. Parking for this facility may be shared with other facilities.
 - 3. No overnight parking is allowed from off-site uses.
 - b. Height regulations:
 - i. Maximum Height: Six (6) stories or seventy-five feet above average grade plane (75') for the main building.
 - c. Size of yards:
 - i. Front, Rear, and Side yard Setbacks shall be 15' with the exceptions of those indicated in section 1.

2.3 SUBDISTRICT C

- A. Subdistrict C is established with the base zoning district Commercial (C) with the general PD regulations as well as the following:
- a. Permitted uses:
 - i. Multifamily is included as an acceptable use in this district with a maximum density of 100 units per acre.
 - b. Height Regulations:
 - i. Maximum Height: Six (6) stories or seventy-five feet (75') for the main building.
 - c. Size of Yards:
 - i. Front, Rear, and Side yard Setbacks shall be 15' with the exceptions of those indicated in section 1.
 - d. Required Parking:
 - i. The maximum parking required for any retail uses is 1 space per 150 SF or the requirement based on the use, whichever is less.

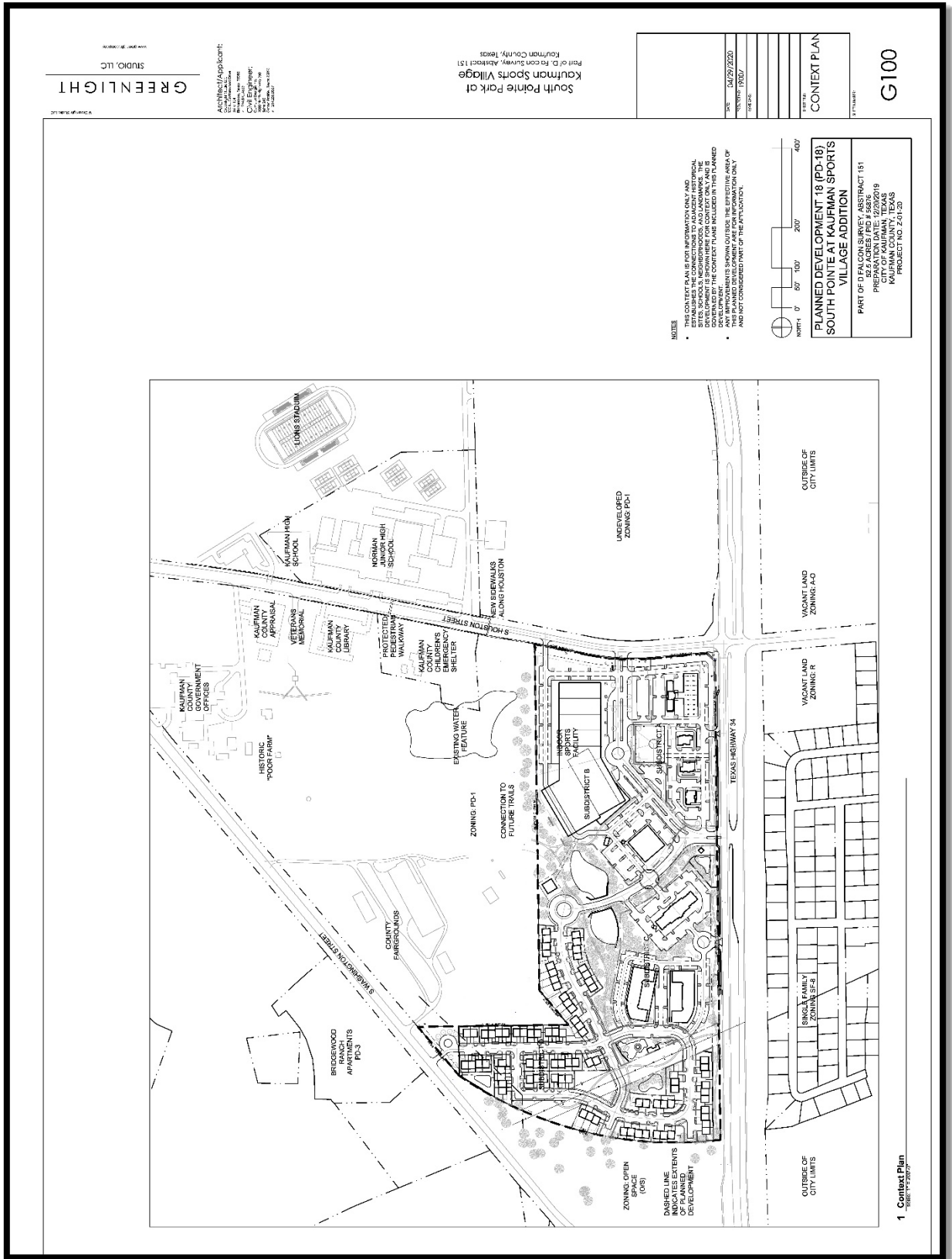
2.4 SUBDISTRICT D

- A. Subdistrict D is established with the base zoning district Townhouse Residential (TH) with the general PD regulations as well as the following:
- a. Maximum Height
 - i. Forty Feet (40').
 - b. Size of lots:
 - i. Minimum Lot Area is 3,000 SF.
 - 1. Detached single family housing requires a minimum lot size of 5,000 SF and is limited to 15% of the units of the overall development.
 - ii. No minimum lot width.
 - iii. No minimum lot depth.

Exhibit "B"
Planned Development 18 Standards
South Pointe Park at Kaufman Sports Village Standards

- c. Size of yards:
 - i. Minimum front yard is 25'.
 - 1. Porches and awnings may protrude up to 8' into the yard.
 - ii. Minimum side yard is 10' if adjacent to another building or screen wall. Otherwise, the side yard is 15'.
 - iii. Minimum rear yard is 15.
- d. Additional Requirements
 - i. Building plan articulation no less than 4' is required every two units or 100', whichever is less. Porches and balconies are not considered for this requirement.
 - ii. A maximum of six (6) contiguous units may comprise one building.
 - iii. A 20' landscape/building setback along S. Washington Street.

Exhibit "C" Planned Development -18 Concept Plan of South Pointe Park at Kaufman Sports Village



11 Concept Plan - Subdistrict B





Meeting
Date: 5/18/2020

Date: 5/8/2020

Item #: 5.

Dept.: Development
Services

Ordinance

SUBJECT:

Conduct a public hearing, consider, and take appropriate action on Ordinance O-11-20, an ordinance of the City of Kaufman, Texas, amending Chapter 118, "Zoning" Of The Code Of Ordinances of the City of Kaufman, the Co Comprehensive Zoning Ordinance, and amending the Official Zoning Map of The City; changing the zoning classification on an approximate 1.28 acre tract of land from Agricultural/Open Space "A/O" TO HIGHWAY Commercial "HC", the property being generally located at 3471 East Highway 175, being a tract of land, part of the Charles Askins Survey, Abstract No. 2, City Of Kaufman, Kaufman County, Texas; amending the Official Zoning Map Of The City; providing for the incorporation of premises; providing amendments and Zoning Map Amendment; providing a cumulative repealer clause; providing a severability clause; providing a penalty in an amount not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and providing for publication and an effective date. (Z-02-20)

BACKGROUND:

Please see the attached Planning and Zoning Commission report dated May 5, 2020.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission, on May 5, 2020, recommended approval of Z-02-20, by a vote of 5-0, to rezone from Agriculture-Open Space ("A-O") to Highway Commercial ("HC") on a 1.28 acre tract of land located at 3471 E. Highway 175.

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



Planning and Zoning Commission Agenda Item: 2

Meeting Date: May 5, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Conduct a public hearing and make a recommendation to City Council on a request by Alvin Chandler of Kaufman 175 Properties, LLC to rezone a 1.28 acre tract of land (PID 57160), addressed as 3471 E. Highway 175, in the Charles Askins Survey, Abstract No. 2, from Agriculture-Open Space District (A-O) to Highway Commercial (HC). The property is proposed to be used for retail sales. (Z-02-20)

BACKGROUND/SUMMARY:

Alvin Chandler, of Kaufman 175 Properties, LLC, purchased 3471 E. Highway 175 in January 2020. The 1.28 acre tract has an existing 2,000 square foot metal building that has been unoccupied/unused for numerous years. The building was constructed in 2002 and occupied by Tonto and Clark Antiques and Collectables. The property was annexed into the city limits on May 21, 2012 (Ord. O-04-12) and was zoned in a city initiated case as Agriculture-Open Space (A-O). The A-O district serves as a holding pattern until the property owner in conjunction with the Future Land Use Plan decides which zoning district is needed for development.

Mr. Chandler, since buying the property, has greatly improved the appearance of the property by removing the outside collectibles, storage and trash. When Mr. Chandler purchased the property he assumed it was already zoned for commercial uses. Because the property has not been occupied for several years, commercial use of the property is not allowed until it is rezoned to a commercial district. A feed store is proposed to occupy the building with no outside storage. Outside storage requires a specific use permit approved by City Council.

SURROUNDING ZONING AND EXISTING LAND USES:

Zoning Map

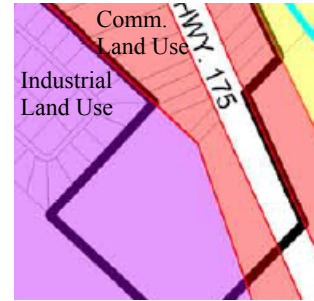
	Zoning	Existing Land Use
Left:	C	Fleet Global Services & Absolute Aire
Right:	A-O	Undeveloped & Vacant com. bldg..
Rear:	Not in City Limits	Undeveloped
Front:	C	Apsco Plumbing Supply & Mueller Metal Roofing & Steel Bldgs.



COMPREHENSIVE PLAN:

Land Use Plan:

The 2009 Future Land Use Plan designated the land use of the subject property as a Future Commercial. The existing A-O zoning is an automatic zoning category given to all annexed properties until the owners request a specific district. The proposed Highway Commercial zoning is in compliance with the 2014 Future Land Use Plan because it allows a variety of commercial/retail uses that prefer highway frontage. Remember future land use areas are generally located on a map and are not like zoning districts. Future land use plan maps are typically for planning at least 20 years out into the future.



Thoroughfare Plan:

The Thoroughfare Plan designates E. Highway 175 as a “Type AA”, Major Regional Arterial, requiring a future right-of-way width of 240 feet. The existing right-of-way is developed and maintained by the State of Texas. TxDOT controls all the driveway accesses. The applicant will be required to have a driveway permit approved by TxDOT.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 8 property owners within 300’ of 3471 E. Hwy 175. The results are as follows:

- Property owners returned letters in opposition of the request: 0.
- Property owners returned the letter in agreement of the request: 0.
- Property owners who have not responded: 8.

If 20% of the area within 200 feet of the request objects the application, then a favorable vote of $\frac{3}{4}$ of all members of the City Council (which is 6 members) shall be required to approve any change in zoning. The 20% rule is a State law.

RECOMMENDATIONS:

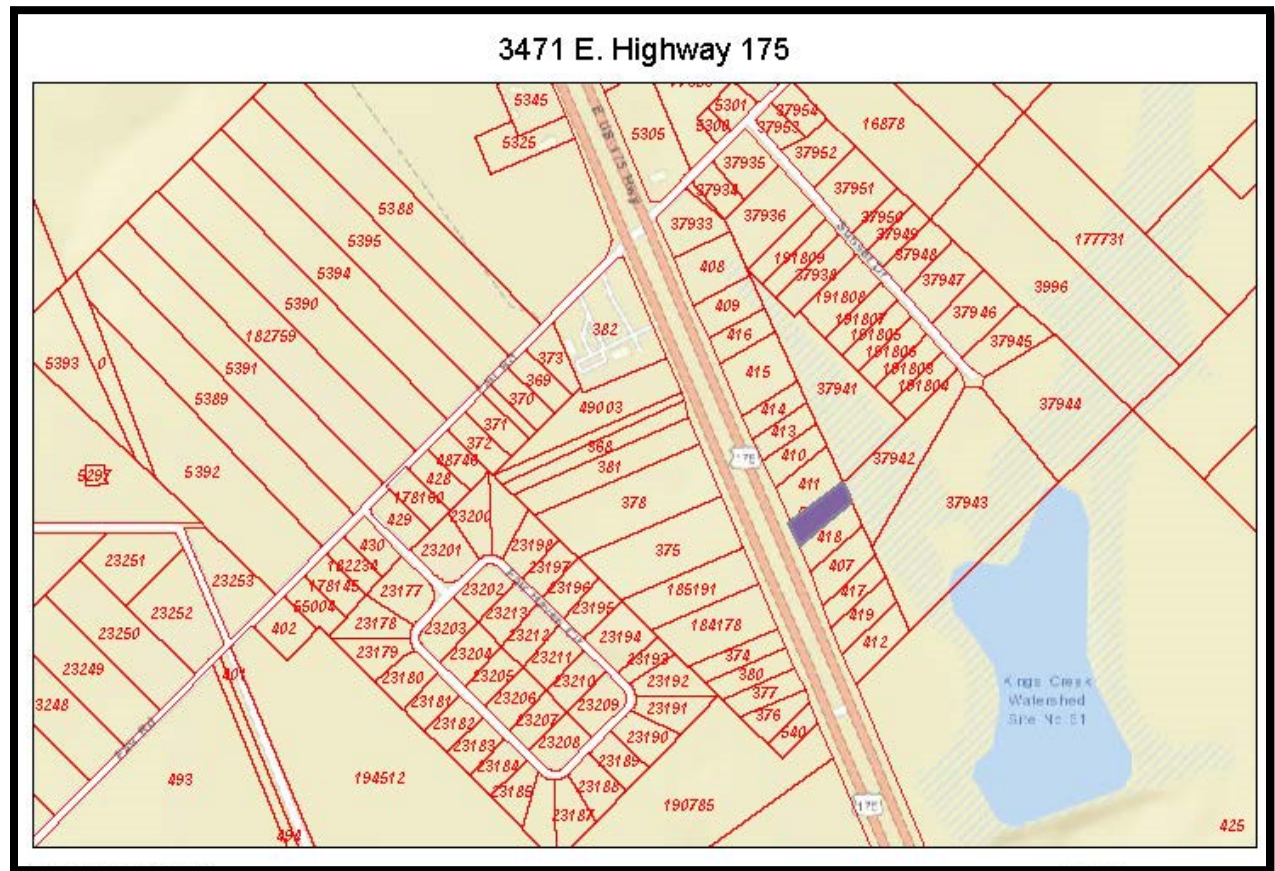
Staff recommends approval of Z-02-20 to rezone from Agriculture-Open Space (A-O) to Highway Commercial (HC) at 3471 E. Highway 175:

ATTACHMENTS:

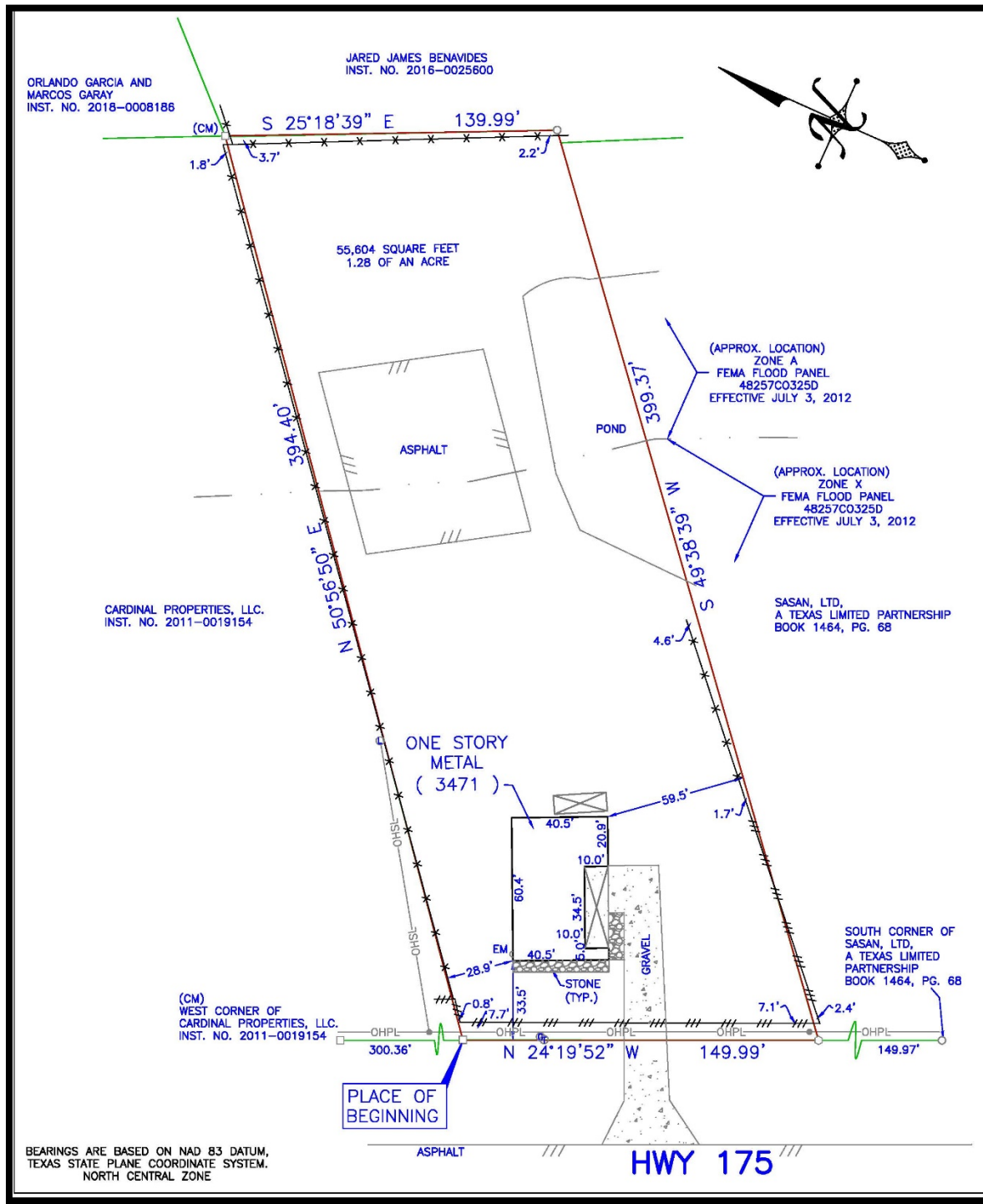
1. Location map
2. Survey
3. Picture of property

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



Survey Map



3471 E Highway 175
April 2020



ORDINANCE O-11-20

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING CHAPTER 118, "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY; CHANGING THE ZONING CLASSIFICATION ON AN APPROXIMATE 1.28 ACRE TRACT OF LAND FROM AGRICULTURAL/OPEN SPACE "A/O" TO HIGHWAY COMMERCIAL "HC", THE PROPERTY BEING GENERALLY LOCATED AT 3471 EAST HIGHWAY 175, BEING A TRACT OF LAND, PART OF THE CHARLES ASKINS SURVEY, ABSTRACT NO. 2, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS AND ZONING MAP AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, at its' regular meeting held on the 5th day of May, 2020 the Planning and Zoning Commission after holding a public hearing did consider and make a recommendation for approval of a request to rezone an approximate 1.28 acre tract of land from Agricultural/Open Space to Highway Commercial (Case No. Z-02-20), Kaufman CAD ID 57160, generally located at 3471 East Highway 175, such tract being a part of the Charles Askins Survey, Abstract No. 2, City of Kaufman, Kaufman County, Texas and more specifically described and depicted on **Exhibit "A"**, a copy of which is attached hereto and incorporated herein as (the "Property"), and

WHEREAS, at its' regular meeting held on the 18th day of May, 2020 after holding a public hearing for the proposed amendment to rezone from Agricultural/Open Space to Highway Commercial the Property, Kaufman CAD ID 57160, generally located at 3471 East Highway 175, being a tract of land, part of the Charles Askins Survey, Abstract No. 2, determining that all legal requirements of notice and hearings were met, considering the recommendations of the Planning and Zoning Commission, providing the public an opportunity to provide input, considering public input, and considering the compatibility of the proposed Highway Commercial ("HC") zoning with surrounding properties and the goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the City, the City Council determined that the following amendment to the Zoning Ordinance and Zoning Map of the City is consistent with the goals of land development as set forth in the Comprehensive Plan of the City, would allow orderly development of the Property which would serve the best interest of the health safety, and general welfare of the public;

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT. That Chapter 118, "Zoning" of the Code of Ordinances of the City of Kaufman, the Comprehensive Zoning Ordinance, is hereby amended to reflect the change in zoning from Agricultural/Open Space ("A/O") to Highway Commercial ("HC") on the Property described in the attached Exhibit "A" for an approximate 1.28 acre tract of land more commonly known as 3471 East Highway 175, Kaufman CAD ID 57160, such tract being a part of the Charles Askins, Abstract No. 2, City of Kaufman, Kaufman County, Texas as depicted in Exhibit "A".

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be amended and annotated to show the change in zoning classification of the Property from Agricultural/Open Space ("A/O") to Highway Commercial ("HC"), thereon.

SECTION 4. CUMULATIVE REPEALER. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6. PENALTY. Any person who violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication as required by law and Charter.

PASSED AND APPROVED this 18th day of May, 2020.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

"EXHIBIT A" Description

Z-02-20

3471 East Highway 175 – Kaufman CAD ID 57160

Being all that certain lot, tract or parcel of land situated in the Charles Askins Survey, Abstract No. 2, in Kaufman County, Texas and being the same land described in deed to T.C. Harris and Diana Harris, recorded in Volume 2039, Page 608, Deed Records, Kaufman County, Texas (D.R.K.C.T.) and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found for corner in the Northeast line of Highway 175, at the South corner of a tract of land described in deed to Cardinal Properties, LLC., recorded in Instrument No. 2011-0019154 (D.R.K.C.T.) and at the West corner of said Harris tract;

THENCE North 50 degrees 56 minutes 50 seconds East, a distance of 394.40 feet to a 3/8 inch iron rod found at the East corner of said Cardinal Properties tract, at the South corner of a tract of land described in deed to Orlando Garcia and Marcos Garay, recorded in Instrument No. 2018-0008186 (D.R.K.C.T.), at the West corner of a tract of land described in deed to Jared James Benavides, recorded in Instrument No. 2016-0025600 (D.R.K.C.T.);

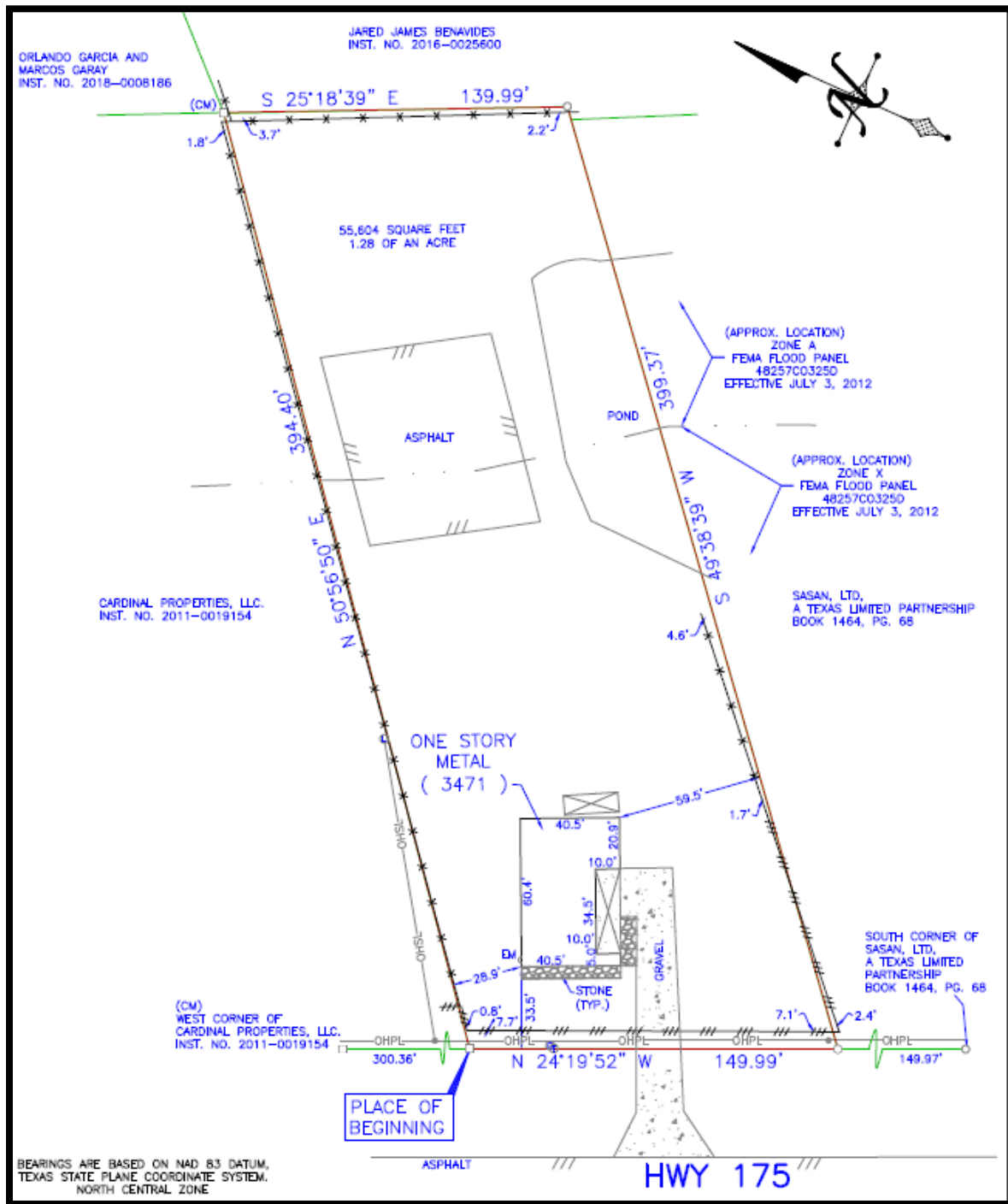
THENCE South 25 degrees 18 minutes 39 seconds East, a distance of 139.99 feet to a 1/2 inch iron rod found at an "ell" corner of said Benavides tract;

THENCE South 49 degrees 38 minutes 39 seconds West, a distance of 399.37 feet to a 5/8 inch iron rod found for corner in the said Northeast line of Highway 175, at the West corner of a tract of land described in deed to Sasan, Ltd., recorded in Book 1464, Page 68 (D.R.K.C.T.);

THENCE North 24 degrees 19 minutes 52 seconds West, with the said Northeast line of Highway 175, a distance of 149.99 feet to the PLACE OF BEGINNING and containing 55,604 square feet or 1.28 of an acre of land.

"EXHIBIT A" Description

Z-02-20
3471 East Highway 175





Meeting
Date: 5/18/2020

Date: 5/8/2020

Item #: 6.

Dept.: Administration

Resolution

SUBJECT:

Consider and take appropriate action on Resolution R-15-20, a resolution of the City of Kaufman, Texas, directing publication of notice of intention to issue combination tax and revenue certificates of obligation; and resolving other matters related to the subject.

BACKGROUND:

This Resolution of Intent to Issue \$5M will be for the purpose of funding 5 major Storm Drainage projects around the city. Specifically, those projects include:

1. Street Bond Phase II (9th, Main & Circle Dr)
2. Melody Circle
3. Hillcrest
4. 10th/Clay neighborhood
5. Priscilla Ln

This resolution provides the authority for the City Secretary to post required notices and announce a future Public Hearing concerning this debt issue.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: \$5,000,000.00

Funds Available: N/A

Source: Certificates of obligation

Recommendation: Staff recommends approval of Resolution R-15-20 as presented.

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

RESOLUTION NO. R-15-20

RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF KAUFMAN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; RESOLVING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR PUBLICATION OF THE NOTICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman, Texas, pursuant to Subchapter C, Chapter 271, Texas Local Government Code, as amended, is authorized to issue its certificates of obligation for the purpose of paying contractual obligations to be incurred for the purposes set forth below; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the Certificates of Obligation; and

WHEREAS, the City Council has found and determined that a notice of intention to issue certificates of obligation should be published in accordance with the requirements of applicable law; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed, was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. The above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2. Attached hereto, and incorporated herein, is a form of the Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, the form and substance of which is hereby adopted and approved.

SECTION 3. The City Secretary shall cause said notice to be published in substantially the form attached hereto, in a newspaper, as defined by Subchapter C, Chapter 2051, Texas Government Code, of general circulation in the area of the City, once a week for two consecutive weeks, the date of the first publication thereof to be before the forty-fifth (45th) day before the date tentatively set for the adoption of the

ordinances authorizing the issuance of such certificates of obligation as shown in said notice.

SECTION 4. The City Secretary shall cause said notice to be posted in substantially the form attached hereto, on the City's internet website for at least forty-five (45) days before the date tentatively set for the adoption of the ordinances authorizing the issuance of such certificates of obligation as shown in said notice.

SECTION 5. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within eighteen (18) months of the later of (i) the date the expenditures are paid, or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three (3) years after the date any expenditure which is to be reimbursed is paid.

SECTION 6. Attached hereto as Schedule I is a list of outstanding debt obligations of the City which the City hereby designates as self-supporting debt for purposes of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

SECTION 7. This Resolution shall become effective immediately upon adoption.

PASSED AND APPROVED on this the 18th day of May, 2020.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA ADAMS
CITY ATTORNEY

CITY OF KAUFMAN, TEXAS
Self-Supporting Debt

The City designates all or a portion of the following outstanding debt obligations of the City as self-supporting debt for purposes of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

1. General Obligation Refunding Bonds, Series 2011 (Waterworks & Sewer System Revenues)
2. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2011 (Waterworks & Sewer System Revenues)
3. Pass-Through Toll Revenue and Limited Tax Bonds, Series 2014 (Pass-Through Toll Revenues)
4. General Obligation Refunding Bonds, Series 2016 (Waterworks & Sewer System Revenues)
5. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2016A (Waterworks & Sewer System Revenues)
6. Combination Tax and Surplus Revenue Certificates of Obligation, Series 2016B (Waterworks & Sewer System Revenues)
7. Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2018 (Waterworks & Sewer System Revenues and Stormwater System Revenues)

**CITY OF KAUFMAN, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Kaufman, Texas, at its meeting to commence at 6:00 P.M. on July 27, 2020, at the City Hall Council Chambers, 209 South Washington, Kaufman, Texas 75142, or telephonically at the dial-in number and access code published on the City's website in the event such meeting may not be held in person, tentatively proposes to adopt one or more ordinances authorizing the issuance of interest bearing certificates of obligation, in one or more series, in an amount not to exceed \$5,000,000 for paying all or a portion of the City's contractual obligations incurred in connection with: (i) constructing, reconstructing, and improving streets, roads, alleys, bridges and sidewalks including related utility relocation, stormwater, drainage, signalization, landscaping, lighting and signage; (ii) acquiring, constructing, installing and equipping improvements to the City's stormwater and drainage system, and (iii) legal, fiscal and engineering fees in connection with such projects. The City proposes to provide for the payment of such certificates of obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a pledge of limited surplus revenues of the City's waterworks and sewer system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or any part of the net revenues of the City's waterworks and sewer system. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

In accordance with the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended ("Chapter 271"), the following information has been provided by the City (excludes \$14,977,756 principal amount of outstanding debt obligations the City has designated as self-supporting and which the City reasonably expects to pay from revenue sources other than ad valorem taxes; provided, however, that in the event such self-supporting revenue sources are insufficient to pay debt service, the City is obligated to levy ad valorem taxes to pay such debt obligations): (i) the principal amount of all outstanding debt obligations of the City is \$16,582,244; (ii) the current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$20,928,475; (iii) the maximum principal amount of the certificates of obligation to be authorized is \$5,000,000; (iv) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$7,348,500; (v) the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (vi) the maximum maturity date of the certificates of obligation to be authorized is February 15, 2040. The resolution designating certain outstanding debt obligations of the City as self-supporting for purposes of Chapter 271 is available upon request to the City at the address noted above.

CITY OF KAUFMAN, TEXAS



Meeting
Date: 5/18/2020

Date: 5/11/2020

Item #: 7.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on the award of bid and contract for the Kaufman Waste Water Treatment Plant Improvements- Phases 1A & 2A and authorizing the Mayor or his designee to execute necessary documents.

BACKGROUND:

The city opened bids on May 12, 2020 for the long awaited WWTP Improvements projects. Unfortunately, all the bids came in higher than expected. The lowest, responsible bidder, however, Red River Construction came in and agreed to an immediate change order to allow for this project to continue. We effectively eliminated Phase 1B from the scope of work and will backtrack in the future to pick up those items that had to be eliminated in order to fit our financial plan/budget.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: \$3,208,500

Funds Available: Yes

Source: GTUA/TWDB & City Funds

Recommendation: Staff recommends the award of bid and contract for the Kaufman Wastewater Treatment Plant Improvements- Phase 1A and 2A to Red River Construction and authorizing the Mayor or his designee to execute necessary documents.

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

VICTOR ACUY, P.E.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.I.A.
MARK D. HILL, P.E.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

May 15, 2020

Mr. Mike Slye
City Manager
City of Kaufman
P. O. Box 1168
Kaufman, Texas 75142

Re: Recommendation of Award
Kaufman Wastewater System Improvements
Kaufman WWTP

Dear Mr. Slye:

Sealed bids for the above referenced project were received on May 12, 2020 at 2:00 p.m. at Kaufman City Hall.

The project includes improvements to the Kaufman WWTP. These improvements were identified as Phase 1 and Phase 2 in the 2019 Kaufman WWTP Improvements analysis.

Twenty Two (22) companies identified as "General Contractors" in CivCast downloaded the bid documents. Nine (9) contractors submitted bids. A complete bid tabulation is attached.

The low bid was submitted by Red River Construction Co. of Wylie, Texas in the Bid amount of \$3,318,803.00 and a construction time of 330 calendar days for substantial completion and 390 calendar days for final completion.

The total budget amount budgeted for construction is \$2,828,556.00, which is less than the bid amount. The Attached Change Order #1 reduces the total bid amount to \$2,977,203.00. This reduction in cost results in proceeding with Phase 1A and Phase 2A of the 2019 Kaufman WWTP Improvements Analysis. These reductions have been discussed with City Staff and they are agreeable to this scope reduction.

We have worked with Red River Construction Company on past projects and are satisfied with the work performed. We recommend award of the Project to Red River Construction Co. in the amount of \$3,318,803.00 and 330/390 calendar days. We recommend approval of Change Order #1 in the amount of \$394,600.00 for a revised amount of \$2,977,203.00.

Mr. Mike Slye
Recommendation of Award – Kaufman WWTP
May 15, 2020
Page 2

Sincerely,
FREEMAN - MILLICAN, INC.

A handwritten signature in blue ink that reads "Mark D. Hill. P.E." with a stylized flourish at the end.

Mark D. Hill, P.E.
Project Manager

Attachment



F:\19018 - KAUFMAN WWTP Improvements\6 - Bidding\WWTP\Ltr of Recommendation - WWTP.docx

BID TABULATION

OWNER: City of Kaufman		Contractor		Red River Const. Co.		Schofield Civil Const LLC	
PROJECT: GTUA/Kaufman Wastewater System Improvements - Kaufman WWTP		Address		2804 Capital St		6510 Abrams Rd,	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Wylie, TX 75098		Suite 640	
BID DATE: March 12, 2020		Phone		972-578-0127		Dallas, TX 75231	
						406-208-6068	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$263,300.00	\$263,300.00	\$262,000.00	\$262,000.00
P.2	Mechanical Bar Screen Equipment	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	Washer/Compacter Equipment	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$5,000.00	\$5,000.00	\$12,000.00	\$12,000.00
P.5	Grit Removal Equipment	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$16,300.00	\$16,300.00	\$49,000.00	\$49,000.00
P.7	Secondary Clarifier	1	LS	\$737,700.00	\$737,700.00	\$725,000.00	\$725,000.00
P.8	Secondary Clarifier Equipment	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$277,000.00	\$277,000.00	\$402,000.00	\$402,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$153,900.00	\$153,900.00	\$192,000.00	\$192,000.00
P.11	Belt Press Bypass Piping	1	LS	\$21,900.00	\$21,900.00	\$18,000.00	\$18,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$6,500.00	\$6,500.00	\$17,000.00	\$17,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$97,000.00	\$97,000.00	\$181,000.00	\$181,000.00
P.14	Filter Roof Structure	1	LS	\$37,700.00	\$37,700.00	\$94,000.00	\$94,000.00
P.15	Yard Piping	1	LS	\$467,000.00	\$467,000.00	\$403,000.00	\$403,000.00
P.16	Electrical & Instrumentation	1	LS	\$550,000.00	\$550,000.00	\$495,000.00	\$495,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$118,500.00	\$118,500.00	\$115,000.00	\$115,000.00
P.18	Demolition of Old Lift Station	1	LS	\$60,000.00	\$60,000.00	\$75,000.00	\$75,000.00
P.19	Trench Safety	1	LS	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID				\$3,318,803.00			\$3,537,003.00
Time of Completion (Calendar Days)				330/390			335/365

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$2,977,203.00
\$2,814,692.00

\$3,037,003.00
\$2,867,492.00

BID TABULATION

OWNER: City of Kaufman		Contractor		McInnis Brothers Const, Inc		Gracon Const, Inc	
PROJECT: GTUA/Kaufman Wastewater System		Address		119 Pearl St		PO Box 360039	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Minden, LA 71055		Dallas, TX 75336	
BID DATE: March 12, 2020		Phone		318-377-6134		972-222-8533	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$230,000.00	\$230,000.00	\$180,000.00	\$180,000.00
P.2	<i>Mechanical Bar Screen Equipment</i>	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	<i>Washer/Compacter Equipment</i>	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$12,000.00	\$12,000.00	\$32,000.00	\$32,000.00
P.5	<i>Grit Removal Equipment</i>	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$42,000.00	\$42,000.00	\$45,000.00	\$45,000.00
P.7	Secondary Clarifier	1	LS	\$1,249,997.00	\$1,249,997.00	\$788,000.00	\$788,000.00
P.8	<i>Secondary Clarifier Equipment</i>	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$280,000.00	\$280,000.00	\$260,000.00	\$260,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$157,000.00	\$157,000.00	\$168,000.00	\$168,000.00
P.11	Belt Press Bypass Piping	1	LS	\$23,000.00	\$23,000.00	\$7,000.00	\$7,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$154,000.00	\$154,000.00	\$90,000.00	\$90,000.00
P.14	Filter Roof Structure	1	LS	\$40,000.00	\$40,000.00	\$42,000.00	\$42,000.00
P.15	Yard Piping	1	LS	\$285,000.00	\$285,000.00	\$835,000.00	\$835,000.00
P.16	Electrical & Instrumentation	1	LS	\$503,000.00	\$503,000.00	\$510,000.00	\$510,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$34,000.00	\$34,000.00	\$65,000.00	\$65,000.00
P.18	Demolition of Old Lift Station	1	LS	\$30,000.00	\$30,000.00	\$38,000.00	\$38,000.00
P.19	Trench Safety	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$3,545,000.00		\$3,567,003.00
Time of Completion (Calendar Days)					480/525		365/395

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$3,256,000.00
\$3,086,489.00

\$3,315,003.00
\$3,125,492.00

BID TABULATION

OWNER: City of Kaufman		Contractor		Crossland Heavy Contractos		Heritage Constructors, Inc	
PROJECT: GTUA/Kaufman Wastewater System		Address		501 S East Ave		PO Box 5903	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Cherokee, KS 66725		Texarkana, TX 75505	
BID DATE: March 12, 2020		Phone		620-429-1410		903-832-8001	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$419,997.00	\$419,997.00	\$225,000.00	\$225,000.00
P.2	Mechanical Bar Screen Equipment	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	Washer/Compacter Equipment	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
P.5	Grit Removal Equipment	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$45,000.00	\$45,000.00	\$15,000.00	\$15,000.00
P.7	Secondary Clarifier	1	LS	\$570,000.00	\$570,000.00	\$960,550.00	\$960,550.00
P.8	Secondary Clarifier Equipment	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$375,000.00	\$375,000.00	\$165,000.00	\$165,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$185,000.00	\$185,000.00	\$85,000.00	\$85,000.00
P.11	Belt Press Bypass Piping	1	LS	\$25,000.00	\$25,000.00	\$15,000.00	\$15,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$7,000.00	\$7,000.00	\$10,000.00	\$10,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$110,000.00	\$110,000.00	\$45,000.00	\$45,000.00
P.14	Filter Roof Structure	1	LS	\$35,000.00	\$35,000.00	\$15,000.00	\$15,000.00
P.15	Yard Piping	1	LS	\$380,000.00	\$380,000.00	\$885,000.00	\$885,000.00
P.16	Electrical & Instrumentation	1	LS	\$858,000.00	\$858,000.00	\$650,000.00	\$650,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$40,000.00	\$40,000.00	\$45,000.00	\$45,000.00
P.18	Demolition of Old Lift Station	1	LS	\$20,000.00	\$20,000.00	\$25,000.00	\$25,000.00
P.19	Trench Safety	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$3,572,000.00		\$3,642,553.00
Time of Completion (Calendar Days)					365/395		365/395

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$3,335,000.00
\$3,172,489.00

\$3,487,553.00
\$3,325,042.00

BID TABULATION

OWNER: City of Kaufman		Contractor		Crescent Constructors Inc		Urban Infraconstruction LLC	
PROJECT: GTUA/Kaufman Wastewater System		Address		2560 Technology Dr		2512 Gravel Dr	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Suite 400		Fort Worth, TX 76118	
BID DATE: March 12, 2020		Phone		Plano, TX 75074		817-616-5544	
				972-422-0014			
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$500,000.00	\$500,000.00	\$550,000.00	\$550,000.00
P.2	<i>Mechanical Bar Screen Equipment</i>	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	<i>Washer/Compacter Equipment</i>	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$10,000.00	\$10,000.00	\$19,000.00	\$19,000.00
P.5	<i>Grit Removal Equipment</i>	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$60,000.00	\$60,000.00	\$28,000.00	\$28,000.00
P.7	Secondary Clarifier	1	LS	\$800,000.00	\$800,000.00	\$1,070,000.00	\$1,070,000.00
P.8	<i>Secondary Clarifier Equipment</i>	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$770,000.00	\$770,000.00	\$440,000.00	\$440,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$100,000.00	\$100,000.00	\$165,000.00	\$165,000.00
P.11	Belt Press Bypass Piping	1	LS	\$20,000.00	\$20,000.00	\$21,000.00	\$21,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$5,000.00	\$5,000.00	\$14,000.00	\$14,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$75,000.00	\$75,000.00	\$80,000.00	\$80,000.00
P.14	Filter Roof Structure	1	LS	\$50,000.00	\$50,000.00	\$43,000.00	\$43,000.00
P.15	Yard Piping	1	LS	\$400,000.00	\$400,000.00	\$370,000.00	\$370,000.00
P.16	Electrical & Instrumentation	1	LS	\$565,000.00	\$565,000.00	\$550,000.00	\$550,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$60,000.00	\$60,000.00	\$115,000.00	\$115,000.00
P.18	Demolition of Old Lift Station	1	LS	\$30,000.00	\$30,000.00	\$95,000.00	\$95,000.00
P.19	Trench Safety	1	LS	\$1,997.00	\$1,997.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$3,939,000.00		\$4,057,003.00
Time of Completion (Calendar Days)					390/420		300/330

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$3,699,000.00
\$3,531,489.00

\$3,689,003.00
\$3,512,492.00

BID TABULATION

OWNER: City of Kaufman		Contractor		Associaed Const Partners ltd	
PROJECT: GTUA/Kaufman Wastewater System		Address		215 W Bandera Rd	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Ste 114-461	
BID DATE: March 12, 2020		Phone		Boerne, TX 78006	
				210-698-8714	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$275,000.00	\$275,000.00
P.2	<i>Mechanical Bar Screen Equipment</i>	1	LS	\$79,935.00	\$79,935.00
P.3	<i>Washer/Compacter Equipment</i>	1	LS	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$50,000.00	\$50,000.00
P.5	<i>Grit Removal Equipment</i>	1	LS	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$75,000.00	\$75,000.00
P.7	Secondary Clarifier	1	LS	\$1,125,947.00	\$1,125,947.00
P.8	<i>Secondary Clarifier Equipment</i>	1	LS	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$750,000.00	\$750,000.00
P.10	Chlorination/Dechloraintion Equipment & B	1	LS	\$130,000.00	\$130,000.00
P.11	Belt Press Bypass Piping	1	LS	\$30,000.00	\$30,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$15,000.00	\$15,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$150,000.00	\$150,000.00
P.14	Filter Roof Structure	1	LS	\$50,000.00	\$50,000.00
P.15	Yard Piping	1	LS	\$500,000.00	\$500,000.00
P.16	Electrical & Instrumentation	1	LS	\$500,000.00	\$500,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$20,000.00	\$20,000.00
P.18	Demolition of Old Lift Station	1	LS	\$5,000.00	\$5,000.00
P.19	Trench Safety	1	LS	\$15,000.00	\$15,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$4,182,950.00
Time of Completion (Calendar Days)					480/540

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$3,912,950.00
\$3,705,439.00

CHANGE ORDER No. 1

ENGINEER'S Project No.: **19018**

PROJECT: **GTUA/Kaufman Wastewater System Improvements –
Kaufman WWTP Improvements**

CONTRACTOR: **Red River Construction Company**

ORIGINAL CONTRACT Amount: **\$ 3,318,803.00** CONTRACT Date: May 18, 2020

TO: Red River Construction Co.
CONTRACTOR

You are directed to make the changes noted below in the subject Contract:

GTUA on behalf of City of Kaufman
Owner

By: _____

Dated: _____

NATURE OF CHANGES:

- 1) Remove Bid Items P.11-P.14, P.17-P.18

These changes result in the following adjustment of Contract Price and Contract Time:

Original Contract Price: \$ 3,318,803.00

Change Order No. 1: \$ (341,600.00)

New Contract Price: \$ 2,977,203.00

Percent Change: 10.3%

The Above Changes are Recommended for Approval:

Freeman-Millican, Inc.

Engineer

By: Mark D. Hill, P.E.
Mark D. Hill, P.E.

Dated: 18 MAY 20

Red River Construction Co

Contractor

By: Dean Porter
Dean Porter

Dated: 5/18/20

BID TABULATION

OWNER: City of Kaufman		Contractor		Red River Const. Co.	
PROJECT: GTUA/Kaufman Wastewater System Improvements - Kaufman WWTP		Address		2804 Capital St	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Wylie, TX 75098	
BID DATE: March 12, 2020		Phone		972-578-0127	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$263,300.00	\$263,300.00
P.2	<i>Mechanical Bar Screen Equipment</i>	1	LS	\$79,935.00	\$79,935.00
P.3	<i>Washer/Compacter Equipment</i>	1	LS	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$5,000.00	\$5,000.00
P.5	<i>Grit Removal Equipment</i>	1	LS	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$16,300.00	\$16,300.00
P.7	Secondary Clarifier	1	LS	\$737,700.00	\$737,700.00
P.8	<i>Secondary Clarifier Equipment</i>	1	LS	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$277,000.00	\$277,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$153,900.00	\$153,900.00
P.11	Belt Press Bypass Piping	1	LS	\$21,900.00	\$21,900.00
P.12	Sludge Bed Rehabilitation	1	LS	\$6,500.00	\$6,500.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$97,000.00	\$97,000.00
P.14	Filter Roof Structure	1	LS	\$37,700.00	\$37,700.00
P.15	Yard Piping	1	LS	\$467,000.00	\$467,000.00
P.16	Electrical & Instrumentation	1	LS	\$550,000.00	\$550,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$118,500.00	\$118,500.00
P.18	Demolition of Old Lift Station	1	LS	\$60,000.00	\$60,000.00
P.19	Trench Safety	1	LS	\$15,000.00	\$15,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID				\$3,318,803.00	
Time of Completion (Calendar Days)				330/390	

Remove Items P.11-P.14, P.17-P.18

\$2,977,203.00

BID TABULATION

OWNER: City of Kaufman		Contractor		Red River Const. Co.		Schofield Civil Const LLC	
PROJECT: GTUA/Kaufman Wastewater System Improvements - Kaufman WWTP		Address		2804 Capital St		6510 Abrams Rd,	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Wylie, TX 75098		Suite 640	
BID DATE: March 12, 2020		Phone		972-578-0127		Dallas, TX 75231	
						406-208-6068	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$263,300.00	\$263,300.00	\$262,000.00	\$262,000.00
P.2	Mechanical Bar Screen Equipment	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	Washer/Compacter Equipment	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$5,000.00	\$5,000.00	\$12,000.00	\$12,000.00
P.5	Grit Removal Equipment	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$16,300.00	\$16,300.00	\$49,000.00	\$49,000.00
P.7	Secondary Clarifier	1	LS	\$737,700.00	\$737,700.00	\$725,000.00	\$725,000.00
P.8	Secondary Clarifier Equipment	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$277,000.00	\$277,000.00	\$402,000.00	\$402,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$153,900.00	\$153,900.00	\$192,000.00	\$192,000.00
P.11	Belt Press Bypass Piping	1	LS	\$21,900.00	\$21,900.00	\$18,000.00	\$18,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$6,500.00	\$6,500.00	\$17,000.00	\$17,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$97,000.00	\$97,000.00	\$181,000.00	\$181,000.00
P.14	Filter Roof Structure	1	LS	\$37,700.00	\$37,700.00	\$94,000.00	\$94,000.00
P.15	Yard Piping	1	LS	\$467,000.00	\$467,000.00	\$403,000.00	\$403,000.00
P.16	Electrical & Instrumentation	1	LS	\$550,000.00	\$550,000.00	\$495,000.00	\$495,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$118,500.00	\$118,500.00	\$115,000.00	\$115,000.00
P.18	Demolition of Old Lift Station	1	LS	\$60,000.00	\$60,000.00	\$75,000.00	\$75,000.00
P.19	Trench Safety	1	LS	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID				\$3,318,803.00			\$3,537,003.00
Time of Completion (Calendar Days)				330/390			335/365

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$2,977,203.00
\$2,814,692.00

\$3,037,003.00
\$2,867,492.00

BID TABULATION

OWNER: City of Kaufman		Contractor		McInnis Brothers Const, Inc		Gracon Const, Inc	
PROJECT: GTUA/Kaufman Wastewater System		Address		119 Pearl St		PO Box 360039	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Minden, LA 71055		Dallas, TX 75336	
BID DATE: March 12, 2020		Phone		318-377-6134		972-222-8533	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$230,000.00	\$230,000.00	\$180,000.00	\$180,000.00
P.2	<i>Mechanical Bar Screen Equipment</i>	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	<i>Washer/Compacter Equipment</i>	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$12,000.00	\$12,000.00	\$32,000.00	\$32,000.00
P.5	<i>Grit Removal Equipment</i>	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$42,000.00	\$42,000.00	\$45,000.00	\$45,000.00
P.7	Secondary Clarifier	1	LS	\$1,249,997.00	\$1,249,997.00	\$788,000.00	\$788,000.00
P.8	<i>Secondary Clarifier Equipment</i>	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$280,000.00	\$280,000.00	\$260,000.00	\$260,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$157,000.00	\$157,000.00	\$168,000.00	\$168,000.00
P.11	Belt Press Bypass Piping	1	LS	\$23,000.00	\$23,000.00	\$7,000.00	\$7,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$154,000.00	\$154,000.00	\$90,000.00	\$90,000.00
P.14	Filter Roof Structure	1	LS	\$40,000.00	\$40,000.00	\$42,000.00	\$42,000.00
P.15	Yard Piping	1	LS	\$285,000.00	\$285,000.00	\$835,000.00	\$835,000.00
P.16	Electrical & Instrumentation	1	LS	\$503,000.00	\$503,000.00	\$510,000.00	\$510,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$34,000.00	\$34,000.00	\$65,000.00	\$65,000.00
P.18	Demolition of Old Lift Station	1	LS	\$30,000.00	\$30,000.00	\$38,000.00	\$38,000.00
P.19	Trench Safety	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$3,545,000.00		\$3,567,003.00
Time of Completion (Calendar Days)					480/525		365/395

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$3,256,000.00
\$3,086,489.00

\$3,315,003.00
\$3,125,492.00

BID TABULATION

OWNER: City of Kaufman		Contractor		Crossland Heavy Contractos		Heritage Constructors, Inc	
PROJECT: GTUA/Kaufman Wastewater System		Address		501 S East Ave		PO Box 5903	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Cherokee, KS 66725		Texarkana, TX 75505	
BID DATE: March 12, 2020		Phone		620-429-1410		903-832-8001	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$419,997.00	\$419,997.00	\$225,000.00	\$225,000.00
P.2	Mechanical Bar Screen Equipment	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	Washer/Compacter Equipment	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
P.5	Grit Removal Equipment	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$45,000.00	\$45,000.00	\$15,000.00	\$15,000.00
P.7	Secondary Clarifier	1	LS	\$570,000.00	\$570,000.00	\$960,550.00	\$960,550.00
P.8	Secondary Clarifier Equipment	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$375,000.00	\$375,000.00	\$165,000.00	\$165,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$185,000.00	\$185,000.00	\$85,000.00	\$85,000.00
P.11	Belt Press Bypass Piping	1	LS	\$25,000.00	\$25,000.00	\$15,000.00	\$15,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$7,000.00	\$7,000.00	\$10,000.00	\$10,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$110,000.00	\$110,000.00	\$45,000.00	\$45,000.00
P.14	Filter Roof Structure	1	LS	\$35,000.00	\$35,000.00	\$15,000.00	\$15,000.00
P.15	Yard Piping	1	LS	\$380,000.00	\$380,000.00	\$885,000.00	\$885,000.00
P.16	Electrical & Instrumentation	1	LS	\$858,000.00	\$858,000.00	\$650,000.00	\$650,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$40,000.00	\$40,000.00	\$45,000.00	\$45,000.00
P.18	Demolition of Old Lift Station	1	LS	\$20,000.00	\$20,000.00	\$25,000.00	\$25,000.00
P.19	Trench Safety	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$3,572,000.00		\$3,642,553.00
Time of Completion (Calendar Days)					365/395		365/395

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$3,335,000.00
\$3,172,489.00

\$3,487,553.00
\$3,325,042.00

BID TABULATION

OWNER: City of Kaufman		Contractor		Crescent Constructors Inc		Urban Infraconstruction LLC	
PROJECT: GTUA/Kaufman Wastewater System		Address		2560 Technology Dr		2512 Gravel Dr	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Suite 400		Fort Worth, TX 76118	
BID DATE: March 12, 2020		Phone		Plano, TX 75074		817-616-5544	
				972-422-0014			
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$500,000.00	\$500,000.00	\$550,000.00	\$550,000.00
P.2	<i>Mechanical Bar Screen Equipment</i>	1	LS	\$79,935.00	\$79,935.00	\$79,935.00	\$79,935.00
P.3	<i>Washer/Compacter Equipment</i>	1	LS	\$40,026.00	\$40,026.00	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$10,000.00	\$10,000.00	\$19,000.00	\$19,000.00
P.5	<i>Grit Removal Equipment</i>	1	LS	\$157,511.00	\$157,511.00	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$60,000.00	\$60,000.00	\$28,000.00	\$28,000.00
P.7	Secondary Clarifier	1	LS	\$800,000.00	\$800,000.00	\$1,070,000.00	\$1,070,000.00
P.8	<i>Secondary Clarifier Equipment</i>	1	LS	\$164,531.00	\$164,531.00	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$770,000.00	\$770,000.00	\$440,000.00	\$440,000.00
P.10	Chlorination/Dechloraintion Equipment & E	1	LS	\$100,000.00	\$100,000.00	\$165,000.00	\$165,000.00
P.11	Belt Press Bypass Piping	1	LS	\$20,000.00	\$20,000.00	\$21,000.00	\$21,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$5,000.00	\$5,000.00	\$14,000.00	\$14,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$75,000.00	\$75,000.00	\$80,000.00	\$80,000.00
P.14	Filter Roof Structure	1	LS	\$50,000.00	\$50,000.00	\$43,000.00	\$43,000.00
P.15	Yard Piping	1	LS	\$400,000.00	\$400,000.00	\$370,000.00	\$370,000.00
P.16	Electrical & Instrumentation	1	LS	\$565,000.00	\$565,000.00	\$550,000.00	\$550,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$60,000.00	\$60,000.00	\$115,000.00	\$115,000.00
P.18	Demolition of Old Lift Station	1	LS	\$30,000.00	\$30,000.00	\$95,000.00	\$95,000.00
P.19	Trench Safety	1	LS	\$1,997.00	\$1,997.00	\$5,000.00	\$5,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$3,939,000.00		\$4,057,003.00
Time of Completion (Calendar Days)					390/420		300/330

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

\$3,699,000.00
\$3,531,489.00

\$3,689,003.00
\$3,512,492.00

BID TABULATION

OWNER: City of Kaufman		Contractor		Associaed Const Partners ltd	
PROJECT: GTUA/Kaufman Wastewater System		Address		215 W Bandera Rd	
ENGINEER: FREEMAN-MILLICAN, INC.		City, State		Ste 114-461	
BID DATE: March 12, 2020		Phone		Boerne, TX 78006	
				210-698-8714	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
P.1	Mechanical Barscreen & Washer Comapcte	1	LS	\$275,000.00	\$275,000.00
P.2	<i>Mechanical Bar Screen Equipment</i>	1	LS	\$79,935.00	\$79,935.00
P.3	<i>Washer/Compacter Equipment</i>	1	LS	\$40,026.00	\$40,026.00
P.4	Grit Removal	1	LS	\$50,000.00	\$50,000.00
P.5	<i>Grit Removal Equipment</i>	1	LS	\$157,511.00	\$157,511.00
P.6	Influent Flow Meter	1	LS	\$75,000.00	\$75,000.00
P.7	Secondary Clarifier	1	LS	\$1,125,947.00	\$1,125,947.00
P.8	<i>Secondary Clarifier Equipment</i>	1	LS	\$164,531.00	\$164,531.00
P.9	Chlorination/Dechlorination Basin	1	LS	\$750,000.00	\$750,000.00
P.10	Chlorination/Dechloraintion Equipment & B	1	LS	\$130,000.00	\$130,000.00
P.11	Belt Press Bypass Piping	1	LS	\$30,000.00	\$30,000.00
P.12	Sludge Bed Rehabilitation	1	LS	\$15,000.00	\$15,000.00
P.13	Sludge Holding Basin Coarse Bubble Mix	1	LS	\$150,000.00	\$150,000.00
P.14	Filter Roof Structure	1	LS	\$50,000.00	\$50,000.00
P.15	Yard Piping	1	LS	\$500,000.00	\$500,000.00
P.16	Electrical & Instrumentation	1	LS	\$500,000.00	\$500,000.00
P.17	Demolition of Clarifer #1, #2 & UV	1	LS	\$20,000.00	\$20,000.00
P.18	Demolition of Old Lift Station	1	LS	\$5,000.00	\$5,000.00
P.19	Trench Safety	1	LS	\$15,000.00	\$15,000.00
P.20	Contingency Allowance	1	LS	\$50,000.00	\$50,000.00
TOTAL AMOUNT OF BASE BID					\$4,182,950.00
Time of Completion (Calendar Days)					480/540

Items P.1-P.10, P.15-P.16, P.19-P.20
Remove Grit (P.4-P.5)

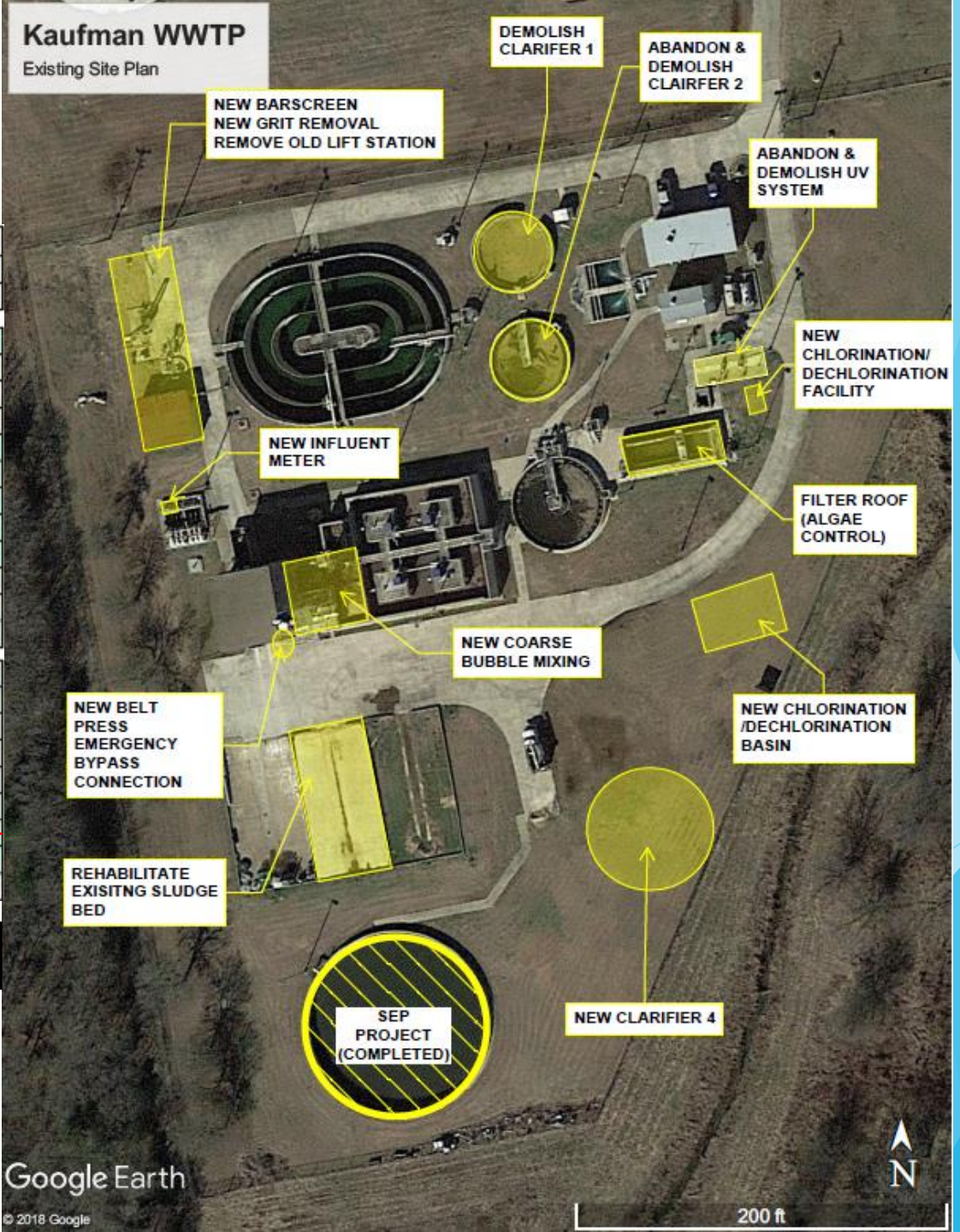
\$3,912,950.00
\$3,705,439.00

PROJECT BUDGET - City of Kaufman Wastewater System Improvements						
Uses	TWDB Funds Series 1	TWDB Funds Series 2	TWDB Funds Series 3	Total TWDB Cost	City of Kaufman Local Funds	Total Cost
Construction						
Phase IA	\$811,000			\$811,000	\$0	\$811,000
Phase IB	\$353,000			\$353,000	\$0	\$353,000
Phase 2	\$1,075,000	\$0	\$0	\$1,075,000	\$235,000	\$1,310,000
Subtotal Construction	\$2,239,000	\$0	\$0	\$2,239,000	\$235,000	\$2,474,000
Basic Engineering Fees						
Planning +	\$0	\$0	\$0	\$0	\$0	\$0
Design	\$0	\$0	\$0	\$0	\$0	\$0
Construction Engineering	\$0	\$0	\$0	\$0	\$0	\$0
Basic Engineering Other						
**	\$0	\$0	\$0	\$0	\$217,900	\$217,900
Subtotal Basic Engineering Fees	\$0	\$0	\$0	\$0	\$217,900	\$217,900
Special Services						
Application	\$10,000	\$0	\$0	\$10,000	\$0	\$10,000
Environmental	\$1,500	\$0	\$0	\$1,500	\$0	\$1,500
Water Conservation Plan	\$0	\$0	\$0	\$0	\$0	\$0
I/I Studies/Sewer Evaluation	\$0	\$0	\$0	\$0	\$0	\$0
Surveying	\$0	\$0	\$0	\$0	\$5,600	\$5,600
Geotechnical	\$0	\$0	\$0	\$0	\$20,000	\$20,000
Testing	\$0	\$0	\$0	\$0	\$20,000	\$20,000
Permits	\$0	\$0	\$0	\$0	\$0	\$0
Inspection	\$0	\$0	\$0	\$0	\$0	\$0
O&M Manual	\$0	\$0	\$0	\$0	\$0	\$0
Project Management (by engineer)	\$0	\$0	\$0	\$0	\$0	\$0
Pilot Testing	\$0	\$0	\$0	\$0	\$0	\$0
Water Distribution Modeling	\$0	\$0	\$0	\$0	\$0	\$0
Special Services Other						
**	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Special Services	\$11,500	\$0	\$0	\$11,500	\$45,600	\$57,100
Other						
Administration	\$10,000	\$0	\$0	\$10,000	\$0	\$10,000
Land/Easements Acquisition	\$0	\$0	\$0	\$0	\$0	\$0
Water Rights Purchase (If Applicable)	\$0	\$0	\$0	\$0	\$0	\$0
Capacity Buy-In (If Applicable)	\$0	\$0	\$0	\$0	\$0	\$0
Project Legal Expenses	\$750	\$0	\$0	\$750	\$0	\$750
Other ** Paying Agent	\$4,000	\$0	\$0	\$4,000	\$0	\$4,000
Subtotal Other Services	\$14,750	\$0	\$0	\$14,750	\$0	\$14,750
Fiscal Services						
Financial Advisor	\$17,300	\$0	\$0	\$17,300	\$0	\$17,300
Bond Counsel	\$21,575	\$0	\$0	\$21,575	\$0	\$21,575
Issuance Cost	\$2,000	\$0	\$0	\$2,000	\$0	\$2,000
Bond Insurance/Surety	\$0	\$0	\$0	\$0	\$0	\$0
Fiscal/Legal	\$2,710	\$0	\$0	\$2,710	\$0	\$2,710
Capitalized Interest	\$0	\$0	\$0	\$0	\$0	\$0
Bond Reserve Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loan Origination Fee	\$46,609	\$0	\$0	\$46,609	\$0	\$46,609
Other **	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Fiscal Services	\$90,194	\$0	\$0	\$90,194	\$0	\$90,194
Contingency						
Contingency and Inflation	\$354,556	\$0	\$0	\$354,556	\$0	\$354,556
Subtotal Contingency	\$354,556	\$0	\$0	\$354,556	\$0	\$354,556
TOTAL COSTS	\$2,710,000	\$0	\$0	\$2,710,000	\$498,500	\$3,208,500
Other ** description must be entered						
+ For Planning applications under the EDAP Program, please break down Planning costs as follows:						
Category A						0
Category B						0
Category C						0
Category D						0
Total Planning Costs				0	0	0

WWTP Phase I Improvements

SEP – Stormwater	
Stormwater Holding Basin Improvements (Raise Walls)	\$ 170,000
TOTAL	\$ 170,000
Phase 1 – Headworks, Sludge Holding, Sludge Beds	
Phase 1A – Headworks	
Mechanical Bar Screen w/ Washer/Compacter	\$ 380,000
Grit Removal – Replace Existing equipment in basin	\$ 360,000
Influent Meter – New Metering Manhole	\$ 71,000
TOTAL	\$ 811,000
Phase 1B – Sludge Holding	
Sludge Holding Pump to Sludge Beds	\$ 58,000
Sludge Bed Rehabilitation	\$ 55,000
Sludge Holding Coarse Bubble Aeration	\$ 195,000
Add Cover over Filter	\$ 45,000
TOTAL	\$ 353,000
Phase 2 – Clarifier, Disinfection, Miscellaneous	
Phase 2A – Clarifier, Disinfection	
New Secondary Clarifier	\$ 890,000
Add Chlorination/dechlorination facility	\$ 420,000
TOTAL	\$ 1,310,000
Phase 2B - Miscellaneous	
Plant Lift Station Mixer	\$ 210,000
Abandon Old Lift Station	\$ 91,000
TOTAL	\$ 301,000

Total \$2,565,000





Meeting
Date: 5/18/2020

Date: 5/13/2020

Item #: 8.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on the Agreement between the City and the Greater Texoma Utility Authority for the Wastewater Treatment Plan Improvements, authorizing payment not to exceed \$383,637.00, and authorizing the Mayor or his designee to execute necessary documents.

BACKGROUND:

This required agreement with GTUA simply confirms that the city's contribution for this project is earmarked and available. After reviewing our financial position related to this project, we are in a position to approve this agreement and move forward with the construction of this project.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: \$3,208,500

Funds Available: Yes

Source: GTUA/TWDB and

Recommendation: Staff recommended approval of the funding agreement with the Greater Texoma Utility Authority for the Wastewater Treatment Plan Improvements as presented.

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

STATE OF TEXAS

§

COUNTY OF KAUFMAN

§

§

**AGREEMENT -
CITY OF KAUFMAN, TEXAS WASTEWATER SYSTEM IMPROVEMENTS**

This Agreement is entered into by and between the City of Kaufman, Texas, a home rule municipality (“City”) and Greater Texoma Utility Authority, a conservation and reclamation authority and political subdivision formed pursuant to Chapter 8283 of the Texas Special District Local Laws Code (“Authority”), (“Agreement”).

WHEREAS, the City of Kaufman, Texas, (“City”) has a necessity to improve its wastewater system, to include rehabilitation of the existing Wastewater Treatment Plant; and

WHEREAS, the City has previously signed a Water and Sewer Facilities Contract dated March 30, 2020, wherein Greater Texoma Utility Authority (“Authority”) agreed to assume responsibility for construction of wastewater system improvements as defined in said Contract which will benefit the City (“Contract”); and

WHEREAS, the Authority has requested Two Million Seven Hundred Ten Thousand Dollars and No/100 (\$2,710,000.00) in financial assistance from the Texas Water Development Board (“TWDB”), to be utilized on the City’s wastewater system improvements.

WHEREAS, the TWDB Bond Issuance has a total of \$2,593,556.00 available for construction of the City’s Wastewater System Improvements Project pursuant to the terms of the Contract (“Project”).

WHEREAS, Bids for the costs of construction of the Project were received on May 12, 2020 and all bids were in excess of the budgeted amount for the Bond Issuance.

WHEREAS, in accordance with the terms of the Contract and this Agreement, the City has agreed to provide funds in the amount set forth in Section 1 below in order to fund the difference between budgeted amounts in the TWDB Bond Issuance and the lowest qualifying bid for the City’s

Wastewater System Improvements Project.

NOW, THEREFORE, for and in consideration of the foregoing recitals which are incorporated herein by reference, the mutual covenants expressed herein and the mutual benefits to the parties created by the Contract dated March 30, 2020, in addition to the terms of the Contract, it is agreed by and between Authority and the City, as follows:

1. The City agrees to issue payment in the amount of Three Hundred Eighty-Three Thousand Six Hundred Thirty-Seven and No /100 DOLLARS (\$383,637.00) to "GTUA/Kaufman Fund (City of Kaufman Wastewater System Project)" at 5100 Airport Drive, Denison, Texas 75020 to be placed in the Construction Fund Account, pursuant to the terms of the Contract, including without limitation, Article III, Section 3.01 of the Contract. These funds received by the Authority will not be used for any other purpose but will be used for the sole purpose of making payments for the improvements to the City's wastewater system, under the terms of the Contract in order to pay Project costs incurred pursuant to agreements between the Authority and the chosen contractor. Any funds paid by City in excess of the Project costs shall be refunded to City within thirty (30) days of completion of the Project. All funds paid by City shall be paid from current revenues legally available, and the parties agree that such funds fairly and adequately compensate the Authority for the services provided under this Agreement and the Contract.

2. The Authority will award all construction contracts subject to the City's approval and will utilize the bond funds for the sole purpose of paying the cost of acquiring, constructing, improving, extending, enlarging, and repairing the project in accordance with the terms of the Contract and this Agreement.

3. The terms of this Agreement shall be cumulative with the terms of the Contract, and in the event of a conflict between the terms of this Agreement and the terms of the Contract, the terms of this

Agreement shall control.

THIS AGREEMENT WAS APPROVED BY THE RESPECTIVE GOVERNING BODIES WITH THE
UNDERSIGNED PROPERLY AUTHORIZED TO EXECUTE IN THEIR BEHALF AS OF THIS 18th
DAY OF MAY, 2020

CITY OF KAUFMAN, TEXAS

GREATER TEXOMA UTILITY AUTHORITY

By: _____

By: _____

Mayor
City of Kaufman

President
Board of Directors

ATTEST

ATTEST

City Secretary
(SEAL)

Secretary-Treasurer
(SEAL)

WWTP Improvement Financing

2018 CO Starting Balance	\$ 890,000
LESS	
SEP Project	\$ (142,100)
Fair Rd Sewer Line Extension	\$ (101,750)
WWTP Soft Costs	\$ (263,500)
SUBTOTAL	\$ 382,650
City Contract Obligation	\$ (383,637)
TOTAL	\$ (987)
Owners Contingency	\$ 50,000

ORDINANCE NO. O-12-20

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN BY AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE 2.09, "ECONOMIC DEVELOPMENT INCENTIVES" TO ADD A NEW DIVISION 3 ENTITLED, "DOWNTOWN DEVELOPMENT INCENTIVE PROGRAM" IN ORDER TO ADOPT AN INCENTIVE PROGRAM FOR COMMERCIAL PROPERTY OWNERS AND BUSINESS OWNERS IN THE KAUFMAN DOWNTOWN DISTRICT FOR REPAIRING AND REMODELING COMMERCIAL PROPERTIES; PROVIDING ELIGIBILITY GUIDELINES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ESTABLISH WRITTEN GUIDELINES FOR ADMINISTRATION OF THE PROGRAM CONSISTENT WITH ARTICLE IX; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman is a home-rule municipality organized under the Constitution and the laws of the State of Texas; and

WHEREAS, Section 380.001 of the Texas Local Government Code authorizes governing bodies of municipalities to establish and provide for the administration of programs to promote local development and stimulate business and commercial activities in the municipality; and

WHEREAS, the City Council is committed to improving the quality of life of its citizens and community, promoting local development, and stimulating business and commercial activities in Kaufman which, in turn, will expand the City's tax base; and

WHEREAS, as a way of encouraging the continued revitalization, rehabilitation, and structural maintenance of the City's Downtown District, the City Council believes it in the best interest of the City to offer certain tax incentives to qualified property owners located within the boundaries of the Downtown District; and

WHEREAS, the City Council believes that it serves the public interest to establish this incentive program as set forth below, and that the incentives provided serve the public health, safety and welfare and promote economic development within the City.

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

SECTION 1. INCORPORATION OF PREMISES. That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT. Chapter 2 “Administration,” Article 2.09, “Economic Development Incentives” of the Code of Ordinances of the City of Kaufman is hereby amended to adopt a new Division 3, entitled “Downtown Development Incentive Program” which shall be and read as follows with all other provisions of Chapter 2, “Administration”, not expressly amended hereby to remain in full force and effect without amendment:

ARTICLE IX. ECONOMIC DEVELOPMENT

“DIVISION 3. DOWNTOWN DEVELOPMENT INCENTIVE PROGRAM

2.09.050. Tax Incentive Programs for Downtown Properties/District Boundaries Defined. As a way of encouraging the continued revitalization, rehabilitation and structural maintenance of Kaufman’s historic downtown, the City of Kaufman offers ***tax incentives*** in accordance with this Division that are available to owners of property located within the boundaries of the “Downtown District”; such Downtown District more specifically described in the City of Kaufman Zoning Ordinance as the Central Business District which includes the Kaufman Square and the adjacent one block area. The boundaries of the Central Business District may be expanded or decreased from time to time by amendment of the Zoning Ordinance. The area referred to herein as “Downtown District” shall mean that area identified in the Kaufman Zoning Ordinance and Official Zoning Map as the Central Business District, as amended from time to time.

2.09.051 Five-year Property Tax Refund. In accordance with the requirements of this Division, in return for significant capital investment to improve properties located within the Downtown District, property owners are eligible to receive, upon approval by the City Council, a refund of **75% of the base year assessed ad valorem property tax, a refund based upon the Incremental Growth of the property or a negotiated amount that meets the established limits set by the City Council. Qualifying Improvements include:** (1) the rehabilitation or reconstruction of an existing commercial structure; or (2) the establishment of a new commercial business within the District that remains for a period of at least three (3) years; and/or (3) that includes construction of a new building that complies with requirements that meet the historic nature and feel of the area; and (3) and the existing structure or new structure required above have an ad valorem value of at least \$150,000.

2.09.52. Applications. Applications for a Five-Year Tax Incentive must be submitted to the Development Services Director. In order to be considered for award of an incentive, an application shall comply with the following minimum requirements:

A. Taxes Current. All ad valorem property taxes due for the real property that is the subject of the application shall be currently paid and all ad valorem property

taxes for every other property within the City that is owed by the property owner requesting the incentives shall be also be currently paid in order to be eligible for incentives.

B. Value of Qualifying Improvements. The estimated cost of the proposed rehabilitation or reconstruction project shall equal or exceed \$50,000. This includes interior finishes and/or build out that will remain with the property. New construction must be equal to or exceed \$150,000. Qualifying Improvements shall include eligible expenditures made for new construction, structural repairs and improvements, electrical repairs and improvements, plumbing repairs and improvements, mechanical repairs and improvements, interior repairs and improvements, and/or exterior improvements or restoration made to the physical structure. Taxes incurred for investment in personal property shall not be eligible for incentive provided under this Division.

2.09.053 Application Processing.

A. Submission. The completed Downtown District Tax Incentive Application must be submitted to the Development Services Department for coordination of processing and submission to the City Council for consideration. The Department may identify any additional documentation necessary for processing. Applicants shall timely provide such requested information in order to be considered.

B. Pre-Meeting. A pre-development meeting will be hosted by City staff and will include City departments such as Development Services, Engineering, Economic Development and Fire Department, in addition to the property owner.

C. Exterior Standards. All exterior modifications to property shall meet the historic nature and feel of the downtown area and be in compliance with the Downtown Overlay Design Guidelines and recommended for approval to the City Council by the Downtown Advisory Board.

D. Permits Required. The Applicant shall secure all City permits and shall secure periodic inspection to insure proper completion of the project. City of Kaufman Development Services is the central point of contact for permitting information.

E. Council Approval. Following the submission by the property owner of the completed Application for Tax Incentive meeting all of the requirements of this Division and applicable City ordinances, such application shall be submitted to the City Council for review and approval. Approval or disapproval by the City Council shall be within the sole discretion of the Council, and the decision of the Council shall be final. Upon approval of an application and determination of incentive amount by the City Council, the determined refund amount shall be paid each year for a period of five (5) years following completion of the qualifying

improvements as long as all other qualifications set forth herein and by the City Council continue to be met. The property owner shall be required to execute a written agreement for compliance with this Division.

F. Frequency of Incentive Award. Once a property owner has received a tax incentive under this ordinance for a specified property, the property must be on the tax roll at full value for a minimum of 10 (ten) years before that property is eligible to be considered for another similar tax incentive. A new commercial business must remain at the location for a period of three (3) years or the incentive will cease upon vacating or closing

G. Grants. Economic Development Grants may also be available for some improvements. If an applicant for Tax Incentives under this Division secures one or more of the available Economic Development Grants, the amount of the grant awarded to the applicant will be added to the minimum \$50,000 of required improvements; however, in no event shall grant money be count toward determination of improvement value for the Tax Incentive program.

2.09.054. Effective Date for Incentive/Required Documentation. The tax incentive based upon ad valorem valuation, if approved, will not become effective until required value is confirmed or established through the first certified appraisal by the Kaufman County Appraisal District after the work is determined to be complete. A copy of the completed application, along with a copy of the tax statement or receipt, and invoices for work performed marked "Paid in Full" or canceled checks totaling the full amount applicable to the specific work performed, must be submitted to the Development Services Department no later than December 31 of the year for which the tax incentive is to be granted.

2.09.055. Sales Tax Reimbursement Opportunity. As an alternative, if the anticipated sales tax revenue of a new commercial business is larger than the anticipated property tax incentive through the program set forth in this Division, the owner may be eligible for a **sales tax reimbursement**. If the owner chooses to seek sales tax reimbursement, the owner may do so through a negotiated 380 Agreement with the City of Kaufman. Notwithstanding the foregoing, the City negotiation and award of a sales tax reimbursement shall be at the sole discretion of the City Council.

2.09.056. Participation Not Exclusive. Participation in the Program authorized under this Division does not disqualify an applicant from seeking other incentives or grants except as expressly set forth herein."

SECTION 3. CUMULATIVE REPEALER CLAUSE. This Ordinance shall be cumulative of all other Ordinances of the City of Kaufman and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinances. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4. SEVERABILITY CLAUSE. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. PUBLICATION/EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage, as the law and City Charter in such cases provide.

PASSED AND APPROVED this 18th day of May 2020.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

Tax Incentive Programs for Downtown Properties

As a way of encouraging the continued revitalization, rehabilitation and structural maintenance of Kaufman's historic downtown, the City of Kaufman offers **tax incentives** that are available to owners of property located within the boundaries of the Downtown District: (The District is defined as the Kaufman Square and the adjacent one block area.)

- **Five-year Property Tax Refund.** In return for significant capital investment to improve properties located within the Downtown District, property owners are eligible to receive, upon approval by the City Council, a refund of **75% of the base year assessed ad valorem property tax, a refund based upon the Incremental Growth of the property or a negotiated amount that meets the established limits set by the City Council.** Improvements include; the rehabilitation or reconstruction of an existing commercial structure, the establishment of a new commercial business within the District that remains for a period of at least three (3) years and/or constructs a new building that meets the historic nature and feel of the area and has an ad valorem value of at least \$150,000.
- Applications for a Five-Year Tax Incentive must be submitted to the Development Services Director, who is located at 209 S. Washington Street.
- Eligible real property and property owner must be current with all ad valorem property taxes to be eligible for incentives.
- The estimated cost of the rehabilitation or reconstruction project shall equal or exceed \$50,000. This includes interior finishes and/or build out that will remain with the property. New construction must be equal to or exceed \$150,000.
- The investments eligible shall be investments made for new construction, structural repairs and improvements, electrical repairs and improvements, plumbing repairs and improvements, mechanical repairs and improvements, interior repairs and improvements, and/or exterior improvements or restoration made to the physical structure. Taxes incurred for investment in personal property shall not be eligible for incentive.
- A pre-development meeting will be hosted by City staff and will include Development Services, Engineering, Economic Development and Fire Department, in addition to the property owner.
- Any exterior modification to the property will meet the historic nature and feel of the downtown area and be in compliance with the Downtown Overlay Design Guidelines and recommended for approval to the City Council by the Downtown Advisory Board.
- The applicant must secure all City permits and must secure periodic inspection to insure proper completion of the project. City of Kaufman Development Services is the central point of contact for permitting information.
- Following the submission by the property owner of the Application for Tax Incentive and approval by the City Council, the determined refund amount shall be paid each year for a period of five (5) years as long as all other qualifications continue to be met.
- Once a property owner has received a tax incentive under this ordinance, the property must be on the tax roll at full value for a minimum of 10 years before that property is eligible for a similar tax incentive again. A new commercial business must remain at the location for a period of three (3) years or the incentive will cease upon vacating or closing.
- **Economic Development Grants** are also available for some improvements. If an applicant for Tax Incentives secures one or more of the Economic Development Grants, the amount granted will be added to the minimum \$50,000 of required improvements. (Grant money will not count toward improvement value.)

- The tax incentive, if approved will not become effective until the first certified appraisal by the Kaufman County Appraisal District after the completion of work is issued.
- As an alternative, if the anticipated sales tax revenue of a new commercial business is larger than the anticipated property tax incentive through this program, the owner may be eligible for a **sales tax reimbursement**. If the owner chooses to seek sales tax reimbursement, the owner will do so through a negotiated 380 Agreement with the City of Kaufman.
- The completed **Downtown District Tax Incentive Application** must be **submitted to the Development Services Director**, who will coordinate the process and submit to the City Council for approval.
- **Completed applications**, along with a copy of the **tax statement or receipt**, and **invoices for work performed** marked "Paid in Full" or canceled checks totaling the full amount applicable to the specific work performed, **must be submitted to the Development Services Director no later than December 31** of the year for which the tax incentive is to be granted.
- Participation in this program does not disqualify an applicant from seeking other allowable and appropriate Economic Development Incentives.



DOWNTOWN DEVELOPMENT INCENTIVE PROGRAM



DOWNTOWN DEVELOPMENT INCENTIVE PROGRAM

Purpose:

- To encourage the continued revitalization, rehabilitation and structural maintenance of Kaufman's historic downtown district. (Defined as the Kaufman Square and the adjacent one block area.)

Program:

- Provide a tax refund to owners who invest significant capital to rehabilitate or reconstruct an existing commercial structure, establish a new commercial business and/or constructs a new building.

Specifics:

- Cost of rehabilitation or reconstruction project shall equal or exceed \$50,000. This includes interior finishes and/or build out that will remain with the property.
- Constructs a new building that meets the historic nature and feel of the area and has a value of at least \$150,000.
- If an applicant for Tax Incentives secures one or more of the available Economic Development Grants, the amount granted will be added to the minimum \$50,000 of required improvements.
- Eligible improvements include; new construction, structural repairs and improvements, electrical repairs and improvements, plumbing repairs and improvements, mechanical repairs and improvements, interior repairs and improvements, and/or exterior improvements or restoration made to the physical structure.

DOWNTOWN DEVELOPMENT INCENTIVE PROGRAM

Process:

- Pre-Development meeting with City Staff to determine project scope and program eligibility.
- Submit Incentive Program Application for approval by the City Council. (City will also ask the County to participate.) If appropriate, the City will negotiate a 380 Agreement for City Council approval.
- Secure all City required permits and inspections.
- Remain current on all taxes, permits and fees.

Incentives:

- Following approvals, 75% of the base year amount of the appraised value of the structure shall be refunded for a period of 5 years. (Base year amount will be the last assessed tax value prior to the approved work being completed, as determined by the KCCAD.)
- As additional alternatives, the City Council could authorize utilizing the Incremental Growth to determine the refund amount, allow a negotiated amount within specific limits; or if the anticipated sales tax revenue of a new commercial business is larger than the anticipated property tax incentive through this program, allow for a sales tax reimbursement.
- Participation in this program does not disqualify an applicant from seeking other allowable and appropriate Economic Development Incentives. Any incentive agreement would be presented to the City Council for approval.

KAUFMAN EXAMPLES (OPTION 1)

YEAR	2020 TAXABLE VALUE	IMPROVEMENTS	NEW VALUE	ORGANIC GROWTH 3%	TAX REFUND 75% OF BASE YEAR	TOTAL TAX BURDEN	TOTAL TAX LESS REFUND
2020 \$	60,000	\$ 150,000	\$ 210,000	\$ 216,300		\$ 1,817	\$ 1,817
2021 \$	216,300			\$ 222,789	\$ (378)	\$ 1,871	\$ 1,493
2022 \$	222,789			\$ 229,473	\$ (378)	\$ 1,928	\$ 1,550
2023 \$	229,473			\$ 236,357	\$ (378)	\$ 1,985	\$ 1,607
2024 \$	236,357			\$ 243,448	\$ (378)	\$ 2,045	\$ 1,667
2025 \$	243,448			\$ 250,751	\$ (378)	\$ 2,106	\$ 1,728
TOTAL					\$ (1,890)	\$ 11,753	\$ 9,863

KAUFMAN EXAMPLES (OPTION 2)

Option 2 would provide the applicant the opportunity to seek a refund of 100% of the Incremental Property Tax growth (M&O only).

YEAR	2020 TAXABLE VALUE	IMPROVEMENTS	NEW VALUE	ORGANIC GROWTH 3%	TAX REFUND 100% OF INCREMENT	TOTAL TAX BURDEN	TOTAL TAX LESS REFUND
2020 \$	60,000	\$ 150,000	\$ 210,000	\$ 216,300		\$ 1,817	\$ 1,817
2021 \$	216,300			\$ 222,789	\$ (856)	\$ 1,871	\$ 1,015
2022 \$	222,789			\$ 229,473	\$ (892)	\$ 1,928	\$ 1,036
2023 \$	229,473			\$ 236,357	\$ (929)	\$ 1,985	\$ 1,057
2024 \$	236,357			\$ 243,448	\$ (966)	\$ 2,045	\$ 1,079
2025 \$	243,448			\$ 250,751	\$ (1,005)	\$ 2,106	\$ 1,101
TOTAL					\$ (4,648)	\$ 11,753	\$ 7,104



Meeting
Date: 5/18/2020

Date: 5/8/2020

Item #: 10.

Dept.: Administration

Ordinance

SUBJECT:

Consider and take appropriate action on Ordinance O-13-20, an ordinance of the City Council of the City of Kaufman, Texas amending Chapter 2, "Administration", Article 2.09, "Economic Development Incentives" to add a new Division 4, "Small Business Stimulus Program" providing for implementation of the Kaufman Economic Development Corporation Small Business Stimulus Program as authorized under Chapter 380 of the Texas Local Government Code; providing for the establishment of a local economic development program to assist Kaufman businesses suffering a negative economic impact as a result of the restrictions imposed on businesses due to the COVID-19 pandemic; providing for the incorporation of premises; providing for an amendment to adopt the program; providing a severability clause; and providing an effective date.

BACKGROUND:

On May 5, 2020, the Kaufman Economic Development Board unanimously approved a Small Business Stimulus Plan and allocated up to \$100,000 to be awarded to local businesses. Under the program, Kaufman businesses can apply to receive a grant of up to \$5,000, if they meet the established criteria and are approved by the recommending committee. The recommending committee consists of the KEDC Executive Director Anne Glasscock, Board Directors Ben Brashear and Jane Lucas as well as Assistant City Manager Mike Holder.

Staff recommends approving the program funding.

Author:

Mike Holder, Assistant City Manager

Reviewed:

Mike Slye, City Manager

Cost: \$100,000

Funds Available: Yes

Source: KEDC Funds

Recommendation: Staff recommends approval of Ordinance O-13-20 as presented.

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

ORDINANCE O-13-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE 2.09, "ECONOMIC DEVELOPMENT INCENTIVES" TO ADD A NEW DIVISION 4, "SMALL BUSINESS STIMULUS PROGRAM" PROVIDING FOR IMPLEMENTATION OF THE KAUFMAN ECONOMIC DEVELOPMENT CORPORATION SMALL BUSINESS STIMULUS PROGRAM AS AUTHORIZED UNDER CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR THE ESTABLISHMENT OF A LOCAL ECONOMIC DEVELOPMENT PROGRAM TO ASSIST KAUFMAN BUSINESSES SUFFERING A NEGATIVE ECONOMIC IMPACT AS A RESULT OF THE RESTRICTIONS IMPOSED ON BUSINESSES DUE TO THE COVID-19 PANDEMIC; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ADOPT THE PROGRAM; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster; and

WHEREAS, on March 16, 2020, the City Council declared a local state of disaster; and

WHEREAS, on March 18, 2020, Kaufman County Judge Hal Richards issued a Declaration of Local Disaster for Public Health Emergency declaring a countywide public health disaster; and

WHEREAS, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14, effective April 2, 2020, extending the statewide public health disaster to April 30, 2020 and ordering, among other things, stay-at-home measures for any person, or entity, not categorized by the order as Essential Services; and

WHEREAS, as a result of the disaster declarations and the stay-at-home order, many small businesses suffered negative financial impacts due to their inability to operate at all or to operate at full capacity under the restrictions placed upon them under GA-14 and subsequent state orders limiting the operations of non-essential businesses in an effort to reduce the spread of COVID-19; and

WHEREAS, the City Council and the Kaufman Economic Development Foundation ("KEDC") have determined it crucial to the City's economic stability and development to take action to assist the Kaufman business community by providing economic support during this extraordinary health crisis; and

WHEREAS, on May 5, 2020, the KEDC approved an Agreement for Funding of the City of Kaufman Small Business Stimulus program; and

WHEREAS, the Small Business Stimulus Program was developed to assist businesses that have been negatively affected by the COVID-19 pandemic; and

WHEREAS, the Small Business Stimulus Program is a local economic development program authorized under Chapter 380 of the Texas Local Government Code to help reduce the resulting economic development strain on local businesses.

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

SECTION 1. Incorporation of Premises. The above and foregoing premises are true and correct, constitute findings of the City Council, and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Amendment/Program Adopted. Chapter 2, "Administration", Article 2.09, "Economic Development Incentives" is hereby amended to add a new Division "4" entitled "Small Business Stimulus Program" to the Code of Ordinances of the City of Kaufman, Texas, which shall be and read in its entirety as follows with all other provisions of Chapter 2, "Economic Development Incentives" to remain in full force and effect without amendment:

2.09.070. Kaufman Economic Development Corporation Small Business Stimulus Program. The City Council hereby authorizes implementation of the Kaufman Economic Development Corporation's Small Business Stimulus Program ("Program") and adopts the Program Guidelines as set forth in **Exhibit "A"** ("Program Guidelines"), the terms of which are incorporated into this Division as if set forth word for word. A copy of the Program Guidelines shall be maintained in the office of the City Secretary and the office of the Economic Development Director. Awards made under the Program shall be at the sole discretion of the Kaufman Economic Development Corporation Board and the Kaufman City Council. The Kaufman Economic Development Corporation Director shall be authorized to develop forms and other documents required to make application for the Program and to require such information as the Director determines necessary for consideration of a submitted application.

SECTION 3. Severability. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption in accordance with state law and Charter.

PASSED AND APPROVED this 18th day of May 2020.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

EXHIBIT “A”
Kaufman Economic Development Corporation Small Business Stimulus Program
– Program Guidelines



City of Kaufman Small Business Stimulus Program

On May 5, 2020 members of the Kaufman Economic Development Corporation (KEDC) approved an Agreement for Funding of the City of Kaufman Small Business Stimulus Program. The total contributions from the Kaufman EDC amount to \$100,000.

Overview

In response to COVID-19 (Coronavirus), the Kaufman EDC Board authorized the City of Kaufman Small Business Stimulus Program to assist businesses negatively affected by the pandemic. The City of Kaufman Small Business Stimulus is a local economic development program authorized under Chapter 380 of the Texas Local Government Code to help reduce the resulting economic strain on local businesses. On March 16, Kaufman City Council declared a local state of disaster. Later, Stay Home, Stay Safe State orders caused closures and limitations on local businesses in Kaufman.

Eligibility & Qualifications

To keep businesses running through a time of social distancing, the EDC developed this stimulus program to assist small Kaufman businesses that are independently owned and operated with a maximum of 30 employees. Businesses must be able to demonstrate an economic hardship brought on by the regulations put in place to reduce the spread of COVID-19. Eligible industries may include retail (storefront), food and beverage; personal care (barber shop, nail salons, spas, etc.), automobile maintenance, education training, health/wellness, art galleries and small manufacturing businesses. National chains, home-based businesses, permanently closed businesses, and non-profit organizations are not eligible for the grant.

Small businesses wishing to apply for the grant must meet the following criteria:

- Physical and publicly accessible location within the City of Kaufman city limits (no home-based businesses).
- Experienced or projected to experience a decline in revenue and/or employment starting March 1, 2020 and ending at which time the government has allowed citizens to return to normal activity.
- In good standing with the City of Kaufman regarding licensing and permits.
- Must be registered with the Texas Comptroller's Office as a sales tax revenue generating business for the City of Kaufman.

- Engaged in activities that are legal under city and state law.

Eligible expenses allowed under the grant program include:

- Rent/Mortgage Employee support (salaries, insurance, paid leave, etc.)
- Utilities (electricity, phone/internet, etc.)
- Purchase of supplies to offer alternative business access (curbside pickup, delivery, shipping)
- Purchase of COVID-19 supplies for business/customer protection/cleaning
- Additional expenses as a result of increased cost from suppliers or alternate suppliers
- Other business needs as approved by the Small Business Task Force

The Small Business Task Force will be made up of Mike Holder, Assistant City Manager, Anne Glasscock, EDC Director, Dr. Ben Brashear, EDC Board Member and Jane Lucas, EDC Board Member.

REVIEW PROCESS: The Small Business Task Force will review all applications to ensure completeness and eligibility. Applicants will receive notification of their application status within 5-7 business days of receipt. All applications must include a signed W-9 form and any supporting documentation. Each applicant may request up to \$5,000. If granted, payments will be made directly to the applicant to be utilized for eligible expenses. The Task Force will accept and award applications/grants on a first come first served basis until funds are depleted.

DISCUSSION ITEMS REPORT (DIR)

Project Title	Department	Agenda Date	Entered Date	Status/Notes	Strategy Map
Splash Pad	Parks & Rec	TBD	10/23/2018	TDPW Grant/Parks Master Plan	2,3,4
Thoroughfare Plan Update	Development Serv	TBD	10/23/2018		2,5
WWTP Finance Application	Finance	11/13/2018	10/23/2018	GTUA Approval	5
Bldg Standards Commission Ordinance	Development Serv	9/1/2019	10/23/2018	BSC to review	4
Civic Center	Admin	7/22/2019		Demo underway	2,3
Marlow Development	Development Serv	4/22/2019	10/23/2018	Accept Utilities	2
54-Acre Development	Development Serv		10/23/2018	On-going discussions with Developer	2,3,4
Park Dedication Ordinance	Development Serv		10/23/2018	City Attorney Drafting Ordinance	4,5
Recodification of City Ordinances	Admin	11/13/2018	10/23/2018	Staff Review	5
Phase II - Street Bond	Public Works	10/28/2019	10/23/2018	Underway	5
Subdivision Ordinance Update	Development Serv	1/27/2020	10/23/2018	TNP Preparing proposal	5
TxDOT Turnback	Admin	12/17/2018	11/6/2018	In Process	2,3,5
Citizens Academy	Admin/Public Safety		11/27/2018	Planning Phase	1,3
Explorer Post	PD		11/27/2018	On hold/KISD not interesterd	1,3
Kaufman Lake	Admin/PW		1/8/2019	Appraisal/MLS listing	2,4,5
Downtown Parking	Admin		1/16/2019	Input from Downtown Advisory Committee	2
Street Maintenance Priorities	PW/Admin		2/27/2019	List Presented to Council	5
Kaufman Estates	PW/Admin	10/28/2019		Council Action to Amend CCN	5
Building Code Update	Development Serv	10/28/2019	6/4/2019	Approved O-28-19	5
Summer Youth Program	Admin/Parks	TBD	7/16/2019	Council Update 2/24/20	1,3,4
City Lakes Emer Action Plan	Public Works	TBD	8/7/2019		5
Disc Golf Course	Admin/PW	TBD	8/23/2019	Planning Phase	2,3,4
Washington Street Utility Relocation	Admin/PW	TBD	10/1/2019	SUE forwarded to TxDOT	2,5
Kaufman Square Speakers	Admin/PW	TBD	10/22/2019	Downtown Development Board Approved	2,3
Intern Program	HR	TBD	12/10/2019	Policy to Council 3/30/20	3,5
TPW Grant for City Lake Park	Parks & Rec	TBD	12/10/2019	1/5/1900	4,5
Traffic Signal 1388@34 ByPass	Admin		1/28/2020	TxDOT Project	1
PD/FD Safety Equipment Grant	Public Safety	TBD	3/3/2020	Application Submitted	1
CareFlight Facility	Admin	TBD	3/9/2020	Discussions regarding relocation	1,3
COVID - 19	Admin/Public Safety	TBD	3/11/2020	Action Plan in Place	4,5
Update Zoning Map 2019	Development Serv	TBD	3/17/2020	Provided Info to TNP	2

May 6, 2020

To: City of Kaufman

From: Ashley Berryhill, Grant Director

Re: April Demand and Response Ridership Report

TRIP INFORMATION:

	S	O	N	D	J	F	M	A	M	J	J	A	TOTAL
Trips	537	605	570	611	652	1,033	520	281					4,809
No. Service Days	20	23	19	20	21	19	22	21					165

NO. OF TRIPS	PURPOSE
0	Education
1	Government
29	Medicaid
140	Medical
2	Nutrition (Senior Center)
1	Other (adult-day care, beauty salon, friend's homes, etc.)
58	Shopping
50	Work
0	Contract Services

ELDERLY AND DISABLED RIDERSHIP	
8	Disabled Trips
173	Elderly (&/or Dis) Trips

181 E & D Total Rides

E & D Percent of Total Trips – 64%

APRIL UNDUPLICATED PASSENGERS
34
YEAR TO DATE UNDUPLICATED PASSENGERS
183

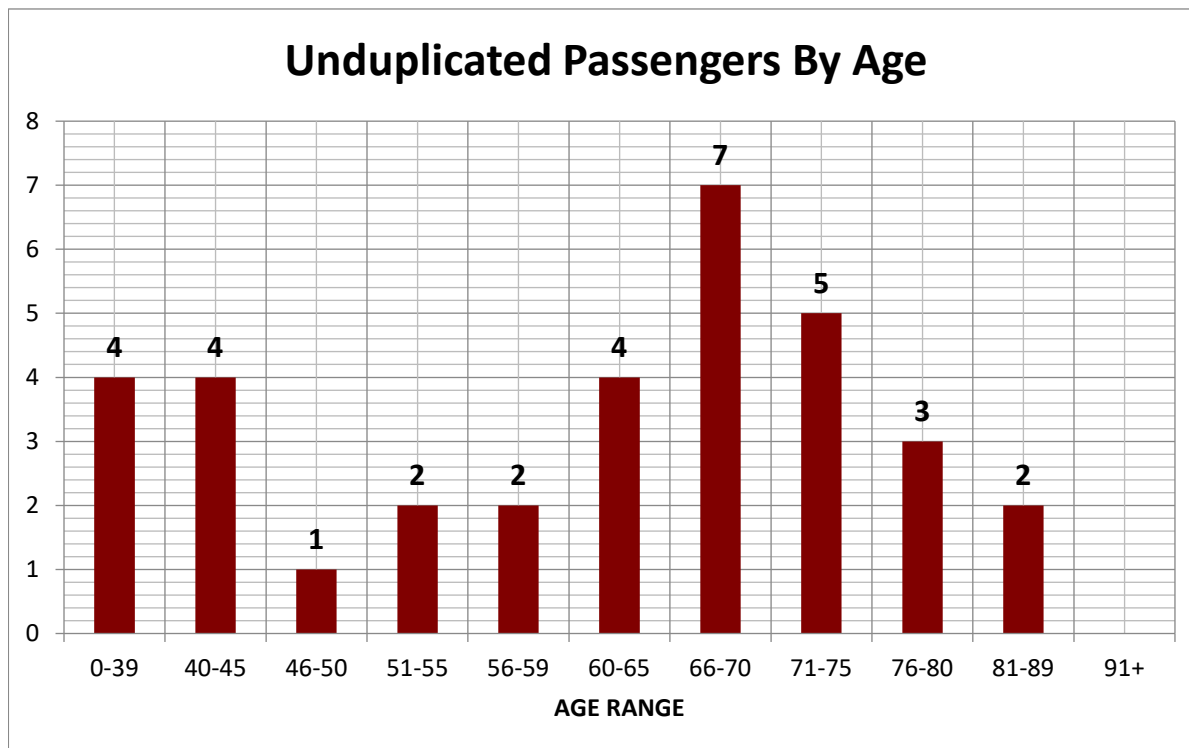


Trip Total	
KAUFMAN TO KAUFMAN	227
KAUFMAN TO OUTSIDE	50
OUTSIDE TO KAUFMAN	4

281

NOSHOW/CANCEL	272
DENIALS	8
Month to Month Unduplicated	34
YTD Unduplicated	183

April 2020 Total D & R Trips	281
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Response Summary:

	Responses	Transports	Exceptions	Compliance %	Transport %
Priority 1 <8:59	30	21	2	93%	70%
Priority 2 <11:59	58	23	1	98%	40%
Priority 3 <14:59	12	8	0	100%	67%
Emergency Transfers<0:29:59	81	80	22	73%	99%
Non-Emergency Transfers<0:15	50	46	4	92%	92%
Helicopter	11	11			
Totals	242	189		97.00%	58.77%

Transport Summary:

	Number	Percentage
Baylor Scott and White Dallas	5	3%
Baylor Scott and White Sunnyvale	3	2%
Baylor Scott and White Lakepointe Rowlett	0	0%
Baylor Scott and White Lakepointe Forney	0	0%
Childrens Medical Center	4	2%
Dallas Regional Medical Center	0	0%
Medical City Dallas	2	1%
Parkland	1	1%
Texas Health-Dallas	65	37%
Texas Health- Kaufman	46	26%
Texas Health -Plano	5	3%
Texas Health-Rockwall	0	0%
UT Health- Athens	0	0%
UT Health- Tyler	0	0%
UT Health- Cedar Creek	0	0%
VA Medical Center Dallas	1	1%
Other Hospitals	11	6%
Nursing home, residence, other	35	20%
	178	100%

	Number	% of Total
Patient Refusal/Treat No Transport	21	40%
Pt is DOS	0	0%
Cancellation- No Patient	32	60%
	53	100%

Average Response Time

City Wide--Emergency Calls

0:05:18

	Responses	Exceptions	
Last 100 Calls			
Priority 1	100	4	96%
Priority 2	100	3	97%
Priority 3	100	0	100%

MAY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Planning & Zoning Meeting	6	7 Council Retreat	8 Council Retreat	9
10	11	12	13	14	15	16
17	18 Regular City Council Meeting	19	20	21	22	23
24/31	25 Memorial Day	26 Board of Adjustment Meeting	27	28	29	30

JUNE 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 Planning & Zoning Meeting	3	4	5	6
7	8	9 KEDC	10	11	12	13
14	15	16	17	18 Parks & Rec Meeting	19	20
21	22 Regular City Council Meeting	23 Keep Kaufman Beautiful Board Meeting	24	25	26	27
28	29	30				

JULY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4 July 4 th Event
5	6	7 Planning & Zoning Meeting	8	9	10	11
12	13	14	15	16 Parks & Rec Meeting	17	18
19	20	21	22	23	24	25
26	27 Regular City Council Meeting	28 Keep Kaufman Beautiful Board Meeting	29	30	31	