



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, JULY 27, 2020 - 6:00
PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

City Council: Mayor calls the City Council to order, states the date and time, Council Members present, and declares a quorum present.**

Planning and Zoning Commission: Planning and Zoning Commission Chair calls the Commission to order, states the date and time, Commissioners present, and declares a quorum present.**

Mayor Jordan called the City Council meeting to order at 6:01 PM. Councilmembers present were Patty Patterson, Barry Ratcliffe, Jeff Council, Charles Gillenwater, Jeff Jordan, Matt Phillips and Carole Aga. 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, Fire Chief Dana Whitaker, and Police Chief Dana Whitaker.

Chairman Brown called the Planning and Zoning Commission Meeting to order at 6:01 pm. Members present were Burton Brown, Patrick Cardoza, Richard Dun, and Gladis Saldana.

JOINT PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL

1. Conduct a Public Hearing and take appropriate action to make a recommendation on amendments to Chapter 118 "Zoning" of the City of Kaufman's Code of Ordinances, and Ordinance No. O-02-07, the same being the Comprehensive Zoning Ordinance by adopting amendments to allow outside sidewalk displays of retail goods, merchandise or materials only in the Central Business District with a City approved Specific Use Permit, prohibiting overnight display, providing restrictions regarding the location of sidewalk displays, providing maximum height of the displays, providing a maximum sidewalk area that may be used for the display, prohibiting displays that impede pedestrian travel or ingress and egress to retail establishments and prohibiting the location of sidewalk displays, and exempting accessible public seating, including tables, chairs, benches from the restrictions of the location requirements by amending Section 33.4 "Use Regulations," Chart 3 "Accessory and Incidental Uses," Chart 6" Retail and Services Uses," Section 33.5 "Definitions," and Section 25 "Central Business District" relative to outside sidewalk display of retail goods, merchandise and materials (not overnight) as a Specific Use Permit and thereby prohibiting outside sidewalk display of retail goods, merchandise, and materials (overnight) in the Central Business District (CBD). (Z-03-20)

a. Presentation.

Ms. Ratcliff gave a present on the proposed amendments to the Zoning Ordinance. She outlined the discussions from the Planning and Zoning meetings, and reviewed the wording of the ordinance. There were discussions about the proposed amendments, the reason for the recommendation from Planning & Zoning, and the concern with the appearance.

b. Conduct a joint Council and Commission Public Hearing.

Mayor Jordan opened the public hearing at 6:22 p.m.

Kellie Stolusky, 602 S. Houston Street, Kaufman, Texas 75142, stated she is one of the owners of the Mercantile. She understood the reasons for the need to obtain and permit. She stated she is okay with getting a permit and wants to comply with the city ordinances. She reviewed the appearance of the items placed outside and the reason/need for that. She expressed her concerns about having to bring the merchandise into the building at night time. She stated she is just trying her best to bring business to Kaufman.

Julie Tijerina, 1187 Scattered Oaks Trail, Kaufman, Texas 75142, stated she is a boutique owner inside the Mercantile as well as a life long resident of Kaufman. She expressed her approval of how the Mercantile has been displaying on the sidewalk. She highlighted the business has been open since April of 2019 and expressed her concerns about the negative effect the removal of the outside display could have on the business. She doesn't believe an across the board regulations that would negatively impact this business.

Carolyn Bullard, 1245 Byron Road, Kaufman, Texas, 75142, stated she is the owner of the business across the street from the Mercantile. She informed the Board and Council about the business that is derived from the merchandise being on the sidewalk.

Jan Ward, , Kaufman, Texas 75142, highlighted the importance of having merchandise on the sidewalk to drive sales. She explained the display is how most people are drawn into the business. She wanted to give her opinion on the unrealistic expectation of bring the display in every night.

Mr. Slye made a statement regarding about the delay of the ordinance being address. He informed everyone that staff has been working on these amendments for approximately a year.

With no other speakers, Mayor Jordan opened the public hearing at 6:41 p.m.

c. Planning and Zoning Commission consider and take appropriate action to make a recommendation to the City Council regarding proposed amendments.

Chairman Brown summarized the discussion Planning and Zoning previously had and called for a motion.

Commissioner Cardoza made a motion to make a recommendation of approval to the City Council regarding the proposed amendments. The motion was seconded by Commissioner Saldana and passed 4/0.

ADJOURN PLANNING & ZONING COMMISSION MEETING AND RECONVENE THE CITY COUNCIL MEETING

Chairman Brown adjourned the Planning and Zoning Commission meeting at 6:51 p.m.

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. If attending virtually via Zoom, 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.**

Burton Brown, 2003 Oxford, Kaufman, Texas 75142, gave a statement on his opinion on the Mercantile and the sale of merchandise on the sidewalks. He highlighted the views of the public who have spoken to the Planning and Zoning Commission. He outlined the reasons for the proposed amendments that the Planning and Zoning Commission recommended. He wished the mercantile the best with their business and thanked all the staff who have worked to get this ordinance put together.

ACTION ITEMS

2. Consider and take appropriate action on Ordinance O-16-20, an Ordinance of the City of Kaufman, Texas, amendment Chapter 118 "Zoning" of the Kaufman Code of Ordinances, and Ordinance No. O-02-07, the same being the Comprehensive Zoning Ordinance, by adopting amendments to allow outside sidewalk displays of retail goods, merchandise or materials only in the Central Business District with a City approved Specific Use Permit, prohibiting overnight display, providing restrictions regarding the location of sidewalk displays, providing maximum height of the displays, providing a maximum sidewalk area that may be used for the display, prohibiting displays that impede pedestrian travel or ingress and egress to retail establishments and prohibiting the location of sidewalk displays, and exempting accessible public seating, including tables, chairs, benches from the restrictions of the location requirements by amending Section 33.4 "Use Regulations," Chart 3 "Accessory and Incidental Uses," Chart 6" Retail and Services Uses," Section 33.5 "Definitions," and Section 25 "Central Business District" relative to outside sidewalk display of retail goods, merchandise and materials (not overnight) as a Specific Use Permit and thereby prohibiting outside sidewalk display of retail goods, merchandise, and materials (overnight) in the Central Business District (CBD). (Z-03-20)

Mayor Jordan echoed Chairman Brown's sentiments in regards to the Mercantile and the kind of business that Kaufman wants in the Downtown Business District. He expressed his satisfaction with the businesses that are downtown. He stated he believes the intent of the ordinance isn't to police the appearance of the merchandise displayed outdoors.

There were discussions about the way the current proposed amendments are written, and the potential way to comply with these ordinances.

Mayor Jordan made a motion to approve Ordinance O-16-20, amending Chapter 118 "Zoning" of the Kaufman Code of Ordinances as presented. The motion was seconded by Councilmember Aga and passed 4/3.

CONSENT AGENDA

3. Consider and take appropriate action on the minutes from the June 22, 2020, Regular City Council Meeting.
4. Consider and take appropriate action on the minutes from the July 6, 2020, Special City Council Meeting.
5. Consider and take appropriate action on an interlocal agreement between the City of Kaufman, Texas and Becker-Jiba Special Utility District.

Councilmember Gillenwater made a motion to approve Consent Agenda Items 3-5. The motion was seconded by Councilmember Phillips and passed 7/0.

END OF CONSENT AGENDA

PUBLIC HEARING

6. Conduct a Public Hearing, consider and take appropriate action on Ordinance O-17-20, an ordinance of the City of Kaufman, Texas, amending Subparagraphs (a) and (b) of Section 106.256 "Municipal Stormwater Utility System Fee Schedule" of Article VI "Municipal Stormwater (Drainage) Utility System" of Chapter 106 " Utilities" of the Code of Ordinances of the City of Kaufman; amending the Municipal Stormwater Utility System Fee Schedule for single family residential and all other non-exempt property to provide for a fifty-cent increase every two years for the years 2020 through 2028 in order to pay the costs of the utility; providing for publication and providing an effective date

- a. Presentation.

Mr. Slye stated this is a statutory requirement when amending any fee or fine assessed to all properties. He reviewed the proposed increase and the purpose for the increase. He stated the gradual increase is necessary to cover the \$5,000,000.00 Certificate of Obligation issued to make major storm drainage improvements throughout the city.

- b. Conduct a Public Hearing.

Mayor Jordan opened the Public Hearing at 7:12 p.m.

With no other speakers, Mayor Jordan closed the Public Hearing at 7:12 p.m.

- c. Consider and take appropriate action on Ordinance O-17-20.

Councilmember Aga made a motion to approve Ordinance O-17-20 as presented. The motion was seconded by Councilmember Gillenwater and passed 7/0.

DISCUSSION/ACTION ITEMS

7. Consider and take appropriate action on Ordinance O-18-20, an ordinance of the City of Kaufman, Texas, providing for the issuance of City of Kaufman, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2020, in an aggregate principal amount not to exceed \$5,000,000.00 for the purpose of paying contractual obligations to be incurred by the City for the following purposes, to-wit: (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; and ordaining other matters relating to the subject.

Mr. Slye introduced Adam LanCarte with Hilltop Securities. He informed Council of the sale of \$5,000,000 worth of Certificates of Obligation for the purpose of making Storm water improvements in several hot spots around town. Mr. LanCarte reviewed the sale results, the projected interest rates, and the effects that will have in the long term. He outlined the city's rating which is A+ showing the city has a strong budgeting practice. Mr. Slye highlighted the impact the lower interest rate will have on the estimated debt repaid by stormwater revenues.

Councilmember Phillips made a motion to approve Ordinance O-18-20 as presented. The motion was seconded by Councilmember Gillenwater and passed 7/0.

8. Consider and take appropriate action on Resolution R-22-20, a resolution of the City of Kaufman, Texas, authorizing the Mayor to execute an Interlocal Cooperation Agreement with Kaufman County, Texas providing for construction associated with the widening of CR 151 (Tabor Parkway) from a 2-lane to a 4-lane roadway, from Kings Fort Parkway to East of SH 34 Bypass, located within the municipal limits of the City of Kaufman and Kaufman County Commissioner Precinct #1; and providing an effective date.

Mr. Slye introduced the Interlocal Cooperation Agreement with Kaufman County for Phase 2 of the widening of Tabor Parkway. He stated this agreement is similar to the one previous used to construct Tabor.

Councilmember Council made a motion to approve Resolution R-22-20 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

9. Consider and take appropriate action to authorize the City Manager to take necessary steps to retain a vendor to provide landscaping services on the exterior of the Downtown Square and to negotiate and execute a contract for those services in an amount not to exceed \$20,000 annually.

Mr. Slye informed Council this action would authorize him to enter into an agreement for the landscape maintenance of the beds on the square. This would include the initial cleanup of the current beds as well as the continued maintenance to ensure the landscaped areas remain in good order.

Councilmember Aga made a motion to authorize the City Manager to take necessary steps to retain a vendor to provide landscaping services on the exterior of the Downtown Square and to negotiate and execute a contract for those services in an amount not to exceed \$20,000 annually. The motion was seconded by Councilmember Phillips and passed 7/0.

EXECUTIVE SESSION

Mayor Jordan recessed into Executive Session at 7:29 p.m.

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 §551.072: 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 & 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: 54 Acres City Owned Property (South Pointe)

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.

Mayor Jordan reconvened the Regular Session at 8:15 p.m.

10. Consider and take appropriate action on the South Pointe Development Incentive Agreement between Cedar Crest Development Company, LLC and the City of Kaufman, for development of the 54 acre tract of land located at the northwest corner of South Houston Street (FM 1388) and the State Highway 34 Bypass and owned by the City of Kaufman; and authorizing the Mayor or designee to execute necessary documents.

Mr. Slye recommended approval of the proposed Development Incentive Agreement for South Pointe.

Councilmember Council made a motion to approve the South Pointe Development Incentive Agreement between Cedar Crest Development Company, LLC and the City of Kaufman for development of the 54 acre tract of land located at the northwest corner of South Houston St (FM 1388) and State Highway 34 Bypass and owned by the City of Kaufman and authorizing the Mayor or designee to execute necessary documents. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

11. Receive an update and discussion regarding the following:
 - a. ATMOS City Profile Update
 - b. Sales & Use Tax Legislative and Policy Change Update
 - c. Kaufman PID #1 Financial Calendar Update
 - d. NTMWD 427A Kaufman 20" Waterline Preconstruction Conference
 - e. Solid Waste RFP Update
 - f. TML Conference- Grapevine- October 14-16
 - g. Discussion Item Report (DIR)
 - h. STAR Transit Ridership Report- June 2020
 - i. Careflite Compliance Report- June 2020
 - j. Fire Department Monthly Report- June 2020
 - k. Monthly Calendars Attached

Mr. Slye gave an update on the above items.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 8:30 p.m.

ATTEST:

JEFF JORDAN
MAYOR

JESSIE HANKS
CITY SECRETARY

