



AGENDA
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 16, 2020 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142
AND VIA VIDEOCONFERENCE/TELECONFERENCE

**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: 839 1880 7526
PASSWORD: 708614**

PLEDGE OF ALLEGIANCE

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

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

CANVASS GENERAL ELECTION RETURNS

1. Consider and take appropriate action on Ordinance O-34-20, an Ordinance of the City Council of the City of Kaufman, Texas, canvassing returns and declaring results of the Joint General Election between the City of Kaufman ("City") and Kaufman County ("County") held on November 3, 2020, as such returns relate to a General Election to elect three (3) people to serve as Councilmembers of the City of Kaufman, each elected for a term of two (2) years; providing for the incorporation of premises; providing for the confirmation of vote tabulations for the General Election; identifying the officials elected and terms of office; authorizing the issuance of certificates of election; authorizing the issuance of the canvass of the General Election; and providing an effective date.

INAUGURATION

2. Judge Burt to administer Oath of Office for newly Elected Officials.

APPOINTMENTS

3. Consider and take appropriate action on the appointment of Mayor Pro-Tem.

CONSENT AGENDA

4. Consider and take appropriate action on the minutes from the October 26, 2020, Regular City Council Meeting.
5. Consider and take appropriate action on change order #1 to the contract between the City and Axis Contracting Inc. on the paving, drainage, sanity sewer and water improvements for E. Ninth Street, Main Street and Circle Drive
6. Consider and take appropriate action on the **Preliminary Plat of Prairie Creek Estates, Phase 3 Addition, an approximate** 17.48-acre tract of land (PID 2208 and 184100) located in the 1800 block of Rand Road (FM 1836), City of Kaufman, Texas. (Case No. PP-03-20)
7. Consider and take appropriate action on the **Final Plat of the Steele Addition** located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman, an approximate 2.371-acre tract of land (PID 187358) is located in the 4600 Block of Rand Road (FM 1836). (Case No. FP-06-20)

END OF CONSENT AGENDA

PUBLIC HEARING

8. Conduct a public hearing, consider and take appropriate action on Ordinance No. O-32-20, an ordinance of the City of Kaufman, Texas, amending the Future Land Use Map from a single family low density land use to a commercial land use for an approximate 6.33-acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357), such property located at the southwest corner of W. Highway 175 and S. Houston (Case No. MP-01-20). Applicants: Ray and Sandy Rubio

- a. Presentation
 - b. PUBLIC HEARING
 - c. Consider and take appropriate action on Ordinance O-32-20.
9. Conduct a public hearing, consider and take appropriate action on Ordinance No. O-33-20, an ordinance of the City of Kaufman, Texas, to rezone an approximate 6.33-acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357), such property located at the southwest corner of W. Highway 175 and S. Houston from Single Family Residential-10 (SF-10) to Planned Development (PD) for limited retail, service and commercial uses. (Case No. Z-04-20) Applicants: Ray and Sandy Rubio
- a. Presentation.
 - b. PUBLIC HEARING.
 - c. Consider and take action on Ordinance O-33-20.
10. Conduct a public hearing, consider and take appropriate action on Ordinance O-35-20 an ordinance of the City of Kaufman to rezone an approximate 4.306-acre tract of land (PID 3719), such property located in the 600 block of Rand Road (FM 1836) from Light Industrial (LI) to Planned Development for office, general business, professional office, contractor office and shop, showroom, storage and warehouse facilities, and mini-warehouse uses. (Case No. Z-05-20) Applicant: Wade Hebb
- a. Presentation.
 - b. PUBLIC HEARING.
 - c. Consider and take action on Ordinance O-35-20.
11. Conduct a public hearing, consider, and take appropriate action on Resolution R-30-20, a Resolution of the City of Kaufman, Texas approving an Amended and Restated Service and Assessment Plan and Amended Assessment Roll for authorized improvements for the Kaufman Public Improvement District No. 1; providing for severability and providing an effective date

- a. Presentation.
- b. PUBLIC HEARING
- c. Consider and take appropriate action on Resolution R-30-20

APPOINTMENT

- 12. Consider and take appropriate action on the appointments of three (3) members to serve on the Planning and Zoning Commission for two (2) year terms each through November 2022 and one (1) member to serve for a one (1) year term through November 2021.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

- 13. Receive an update and discussion regarding the following:
 - a. Utility Billing Update.
 - b. Election Update
 - c. Special Called Meeting
 - d. Kaufman Estates Update
 - e. Police Department Update.
 - f. 4th Quarter Performance Report
 - g. Discussion Item Report (DIR)
 - h. STAR Transit Ridership Report- October 2020
 - i. Careflite Compliance Report- October 2020
 - j. Fire Department Monthly Report- October 2020
 - k. Monthly Calendars Attached

EXECUTIVE SESSION

14. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the Section 551.072 (Deliberation Regarding Real Property) and Section 551.087 Deliberation Regarding Economic Development Negotiations as follows:
- a. 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 (551.072) 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); sale and acquisition of land and incentives.

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

15. Consider and take appropriate action regarding an economic development incentive agreement between the City of Kaufman and W & R Properties, Inc.; authorizing the Mayor or his designee to execute necessary documents.
16. 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, NOVEMBER 13, 2020, AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.


JESSIE HANKS
CITY SECRETARY



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

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING WWW.ZOOM.US/JOIN OR (888)788-0099 (TOLL FREE) MEETING /WEBINAR ID: 839 1880 7526 PASSWORD: 708614**

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.



Meeting
Date: 11/16/2020

Date: 11/4/2020

Item #: 1.

Dept.: Administration

Ordinance

SUBJECT:

Consider and take appropriate action on Ordinance O-34-20, an Ordinance of the City Council of the City of Kaufman, Texas, canvassing returns and declaring results of the Joint General Election between the City of Kaufman ("City") and Kaufman County ("County") held on November 3, 2020, as such returns relate to a General Election to elect three (3) people to serve as Councilmembers of the City of Kaufman, each elected for a term of two (2) years; providing for the incorporation of premises; providing for the confirmation of vote tabulations for the General Election; identifying the officials elected and terms of office; authorizing the issuance of certificates of election; authorizing the issuance of the canvass of the General Election; and providing an effective date.

BACKGROUND:

This item is to canvass the returns for the General Election held on November 3, 2020, for the election of three Councilmembers.

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-34-20 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-34-20**

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS CANVASSING THE RETURNS, INCLUDING THE RETURNS OF EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE JOINT GENERAL ELECTION BETWEEN THE CITY OF KAUFMAN ("CITY") AND KAUFMAN COUNTY ("COUNTY") HELD ON NOVEMBER 3, 2020, AS SUCH RETURNS RELATE TO A GENERAL ELECTION TO ELECT THREE (3) PEOPLE TO SERVE AS COUNCILMEMBERS OF THE CITY OF KAUFMAN, EACH ELECTED FOR A TERM OF TWO (2) YEARS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR THE CONFIRMATION OF VOTE TABULATIONS; IDENTIFYING THE OFFICIALS ELECTED AND TERMS OF OFFICE; AUTHORIZING THE ISSUANCE OF CERTIFICATES OF ELECTION; AUTHORIZING THE ISSUANCE OF THE CANVASS OF THE GENERAL ELECTION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about January 27, 2020, the City Council of the City of Kaufman, Texas (the "City") passed and approved Ordinance No. O-01-20, ordering a joint General Election between the City of Kaufman ("City") and Kaufman County ("County"), to be held on May 2, 2020, as such returns relate to the purpose of electing three (3) people to serve as Councilmembers of the City of Kaufman, each elected for a term of two (2) years; and

WHEREAS, on or about March 13, 2020, the Governor of the State of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a Proclamation suspending certain sections of the Texas Election Code, among others, to allow political subdivisions of the State that would otherwise hold elections on May 2, 2020, to postpone general and special elections to the next uniform election date, November 3, 2020; and

WHEREAS, on or about March 30, 2020, the City Council of the City of Kaufman passed and approved Ordinance No. O-04-20, ordering the Joint General Election scheduled to be held on Saturday, May 2, 2020, be postponed to Tuesday, November 3, 2020; and

WHEREAS, Ordinance No. O-01-20 also ordered the appointment of a Presiding Election Judge and an Alternate Presiding Election Judge for the purpose of conducting such election; and

WHEREAS, the appropriate authority of the City heretofore caused to be posted and published, in accordance with the election laws of the State of Texas, notice of the General Election; and

WHEREAS, it appears that a total of 3,898 votes were cast in such election; and

WHEREAS, the Joint General Election was duly and legally held on November 3, 2020, in the City and in conformity with the election laws of the State of Texas, and the results of the Joint General Election, including the early voting results, have been certified and returned to the proper judges and clerks thereof; and

WHEREAS, the official returns of the presiding judges of the Joint General Election, including the returns of early voting ballots in connection therewith, as such returns are related to the electing three (3) people to serve as Councilmembers of the City of Kaufman, each elected for a term of two (2) years, have been duly canvassed in accordance with state law; and

WHEREAS, the City Council has considered the returns of the Joint General Election as related to the election of three (3) people to serve as Councilmembers of the City of Kaufman, each elected for a term of two (2) years; and

WHEREAS, the returns of the Joint General Election, including the returns of the early voting ballots, duly and legally made, showed that each candidate for the offices of City Councilmember received the following votes:

**CITY COUNCILMEMBER FOR THE KAUFMAN COUNCIL FOR
TWO (2) YEAR TERM**

NAME OF CANDIDATE	TOTAL NUMBER OF EARLY VOTING VOTES RECEIVED	TOTAL NUMBER OF VOTES RECEIVED AT POLL ON ELECTION DAY	TOTAL NUMBER OF VOTES RECEIVED <i>(Totals reflects 240 Absentee Votes)</i>
Lisa Anthony Parker	935	216	1,151
Charles Gillenwater	629	125	754
Barry Ratcliffe	856	142	998
Jeff Council	893	171	1,064

WHEREAS, pursuant to the Home Rule Charter, the candidate for elective office on the Council receiving a plurality of the votes shall be declared elected.

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 into the body of this Ordinance and made a part hereof for all purposes.

SECTION 2
ELECTION PROPERLY ORDERED AND HELD

The City Council officially finds and determines an election was duly ordered to be held in the City of Kaufman, Texas on the 3rd day of November 2020 for the purpose of electing three (3) people to serve as Councilmembers of the City of Kaufman, each elected for a term of two (2) years; that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

SECTION 3
CONFIRMATION OF VOTE TABULATIONS

The City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said Election, and that the following votes were cast at the Joint General Election, and that the canvass of the votes cast in said Election and returns thereof were made in accordance with the law. Further, the City Council officially finds that the returns of the Joint General Election, including the returns of the early voting ballots, duly and legally made, are as follows and has determined that each candidate for City Council, each seat having a (2) two-year term of office, have received the following votes:

NAME OF CANDIDATE	TOTAL NUMBER OF EARLY VOTING VOTES RECEIVED	TOTAL NUMBER OF VOTES RECEIVED AT POLL ON ELECTION DAY	TOTAL NUMBER OF VOTES RECEIVED <i>(Totals reflects 240 Absentee Votes)</i>
Lisa Anthony Parker	935	216	1,151
Charles Gillenwater	629	125	754
Barry Ratcliffe	856	142	998
Jeff Council	893	171	1,064

SECTION 4
ELECTED OFFICIAL; TERMS OF OFFICE

In accordance with the canvass and tabulation of the results of the Joint General Election, the City Council officially finds, determines and declares that the duly elected Council Members elected on November 3, 2020, and the corresponding terms of office, subject to the taking of the oath of office as required by State Law, is as follows:

OFFICE	TERM	NAME
Councilmember	Two (2) Years	Lisa Anthony Parker
Councilmember	Two (2) Years	Barry Ratcliffe
Councilmember	Two (2) Years	Jeff Council

SECTION 5
ISSUANCE OF CERTIFICATE OF ELECTION

The Mayor is hereby authorized and directed to execute and deliver a Certificate of Election to the successful candidates elected at the Joint General Election, as specified in Section 3 hereof.

SECTION 6
ISSUANCE OF CANVASS OF JOINT GENERAL ELECTION

The Mayor is hereby authorized and directed to execute and deliver the Canvass of the Joint General Election, a copy of which is attached hereto as Exhibit "A", in accordance with the election laws of the State of Texas, and to take all other action necessary in connection therewith.

SECTION 7
OPEN MEETING

It is hereby officially found and determined that the meeting at which this Ordinance 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 Article 551.041, Texas Government Code.

SECTION 8
SEVERABILITY CLAUSE

It is hereby declared to be the intent of the City Council of the City of Kaufman that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 9
EFFECTIVE DATE

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Kaufman, Texas, this
16th day of November, 2020.

Jeff Jordan
Mayor

ATTEST:

Jessie Hanks
City Secretary

APPROVED AS TO FORM:

Patricia A. Adams
City Attorney

**CITY OF KAUFMAN, TEXAS
CANVASS OF JOINT GENERAL ELECTION**

I, the undersigned Mayor of the City of Kaufman, Texas, and Presiding Officer of the Canvassing Authority of the City, met on 16th day of November, 2020, with the City Council of the City, sitting as the Canvassing Board to canvass the returns of the Joint General Election held on November 3, 2020, **at the Kaufman Library**, Kaufman, Texas, as such returns related to the election of three (3) people to serve as Councilmembers of the City of Kaufman, each elected for a term of two (2) years.

I DO HEREBY CERTIFY that the figures on the tally sheets correspond with the figures on the returns.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Kaufman, Texas to be affixed hereto, this the 16th day of November, 2020.

Mayor and Presiding Officer of The Canvassing Authority
City of Kaufman, Texas

SUMMARY OF ELECTION RETURNS
LOCAL ELECTIONS, CITY OF KAUFMAN

November 3, 2020

I, Brenda Samples , Kaufman County Election Official do hereby certify the returns for the City of Kaufman Election, held on the 5th day of November, 2020 Kaufman County, Texas, shown below are true and correct for each candidate.

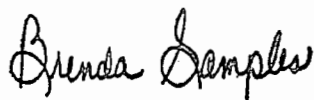
I further certify that the following vote totals include Early Voting totals and Election Day.

Totals are received under section 87.1231 of the Texas Election Code.

<u>City Council Member</u>	<u>EARLY</u>	<u>ELECTION</u>	<u>TOTAL</u>	<u>PERCENT</u>
<i>Vote for none, one, two or three</i>				
Lisa Anthony Parker	935	216	1,151	29.01%
Charles Gillenwater	629	125	754	19.01%
Barry Ratcliffe	856	142	998	25.16%
Jeff Council	893	171	1,064	26.82%

I, Brenda Samples, Kaufman County Election Official do hereby certify the returns as shown above are true and correct.

DATED THIS DAY OF NOVEMBER 2020



Brenda Samples
Presiding Officer



Meeting
Date: 11/16/2020

Date: 11/4/2020

Item #: 2.

Dept.: Administration

Discussion Item

SUBJECT:

Judge Burt to administer Oath of Office for newly Elected Officials.

BACKGROUND:

Judge Burt will administer the Oath of Office to all newly Elected Officials.

Author:

Jessie Hanks, City Secretary

Reviewed:

Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation: No recommendations required.

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



In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Jeff Council, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Councilmember of the City of Kaufman of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, so help me God.

Affiant, Jeff Council

November 16, 2020

DATE

SWORN TO and subscribed before me by affiant on the 16th day of November, 2020.

Signature of Person Administering Oath

Printed Name and Title



In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Lisa Parker, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Councilmember of the City of Kaufman of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, so help me God.

Affiant, Lisa Parker

November 16, 2020

DATE

SWORN TO and subscribed before me by affiant on the 16th day of November, 2020.

Signature of Person Administering Oath

Printed Name and Title



In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Barry Ratcliffe, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Councilmember of the City of Kaufman of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States, so help me God.

Affiant, Barry Ratcliffe

November 16, 2020

DATE

SWORN TO and subscribed before me by affiant on the 16th day of November, 2020.

Signature of Person Administering Oath

Printed Name and Title



Meeting
Date: 11/16/2020

Date: 11/4/2020

Item #: 3.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on the appointment of Mayor Pro-Tem.

BACKGROUND:

In accordance with the City Charter Section 3.04 the City Council members may elect a Mayor Pro-Tem. The Mayor Pro-Tem shall act as Mayor in case of the absence or inability of the Mayor to perform the duties of office and in this capacity shall be vested with all of the powers conferred upon the Mayor. This appointment is conducted annually. Currently, Patty Patterson serves as Mayor Pro-Tem.

Please advise if additional information is required.

Author:
Jessie Hanks, City Secretary

Reviewed:
Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff has no recommendation.

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



Meeting
Date: 11/16/2020

Date: 11/3/2020

Item #: 4.

Dept.: Administration

Consent Agenda

SUBJECT:

Consider and take appropriate action on the minutes from the October 26, 2020, Regular City Council 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
CITY COUNCIL MEETING
MONDAY, OCTOBER 26, 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 6:00 p.m. Councilmembers present were Jeff Jordan, Patty Patterson, Jeff Council, Charles Gillenwater, Carole Aga, Barry Ratcliffe, 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, Development Services Director Marcy Ratcliff, and Police Chief Dana Whitaker.

Mayor Jordan recessed the public meeting at 6:00 p.m. Mayor Jordan reconvened the public meeting at 6:14 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.**

Mayor Jordan introduced Mayor Rick Carmona from the City of Terrell. He outlined the purpose of his attendance at the Kaufman City Council Meeting which was due to an annual bet regarding the winner of the football game between Terrell and Kaufman High Schools.

Rick Carmona, 1100 Meredith Dr., Terrell, Texas 75, thanked the Mayor and Council for allowing him to attend the meeting and settle this debt to Mayor Jordan. He outlined the verbal agreement between himself and Mayor Jordan and presented the proposed written agreement.

Rodney Lawson, 4952 E State Hwy 243, Kaufman, Texas 75142, presented Mayor Jordan with a gift of a football in honor of Kaufman High School winning the annual football game this year.

CONSENT AGENDA

1. Consider and take appropriate action on the minutes from the September 28, 2020, Regular City Council Meeting.
2. Consider and take appropriate action on the minutes from the October 23, 2020, Special City Council Meeting.

3. Consider and take appropriate action regarding rescheduling the November 23, 2020, Regular City Council Meeting to Monday, November 16, 2020, for Thanksgiving, and the December 28, 2020, Regular City Council Meeting to Monday, December 14, 2020, for Christmas.
4. Consider and take appropriate action on revisions to the phasing plan of the **Preliminary Plat of Georgetown at Kings Fort Addition**, an 85-acre tract generally located northeast and east of the intersection of Tabor Parkway (formerly known as C.R. 151/and Old Kemp Highway) State Highway 34 Bypass. (Case No. PP-02-20)
5. Consider and take appropriate action on the **Final Plat of Georgetown at Kings Fort, Phase 1B**, the 14.957 acre tract is generally located northeast and east of the intersection of Tabor Parkway (formerly known as C.R. 151/Old Kemp Highway) and State Highway 34 Bypass.. (Case No. FP-04-20)
6. Consider and take appropriate action on the **Final Plat of Lot 1, Block A, Kaufman County Children's Advocacy Center**. The 1.999-acre tract is located at 2005 S. Houston Street. A one lot commercial subdivision is proposed. (Case No. FP-05-20)

Council Member Carole Aga made a motion to approve Consent Agenda Items 1 to 6 as presented. The motion was seconded by Mayor Pro-Tem Patty Patterson and passed 7/0.

END OF CONSENT AGENDA

PUBLIC HEARING

7. Conduct a public hearing, consider and take appropriate action on Ordinance No. O-32-20, and ordinance of the City of Kaufman, Texas, amending the Future Land Use Map from a single family low density land use to a commercial land use for an approximate 6.33-acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357), such property located at the southwest corner of W. Highway 175 and S. Houston (Case No. MP-01-20). Applicants: Ray and Sandy Rubio
 - a. Presentation.

Mayor Jordan read the caption and stated Item 7 and 8 would be handled together.

Ms. Ratcliff gave a presentation regarding a request by Ray and Sandy Rubio to amend the future land use map and rezone the property located at the southwest corner of South Houston Street and Oak Creek Drive. She outlined the previous request for the property and the concerns expressed at that time. The Planning and Zoning Commission motion to recommended approval failed by a vote of 2/3. She reviewed the proposed property site plan and means implemented to address concerns expressed by neighboring properties. She presented the list of proposed uses for the development.

Doug Douphrate, 2235 Ridge Road, Rockwall, Texas, stated he is the engineer representing the Rubio family on this project. He briefly reviewed the proposed request He outlined the differences between the previous request and the one before the Council tonight.

There were discussions about the traffic impact analysis, the lighting changes, and the potential changes to alleviate traffic concerns.

b. Public Hearing.

Mayor Jordan opened the public hearing for items 7 and 8 at 6:46 p.m.

Ms. Hanks read the names, address, and stance of those who sent in letters.

In Opposition:

- Aldriana Walters, 2105 La Jolla Drive, Kaufman, Texas 75142
- Eric & Lori Stevens, 1006 Overlook Drive, Kaufman, Texas 75142
- Dianna & Steve Elzner, 1104 Overlook Drive, Kaufman, Texas 75142
- Carl Stapp, 8 Climbing Tree Drive, Kaufman, Texas 75142
- Luke & Sarah Jones, 1304 Overlook Drive, Kaufman, Texas 75142
- Kathryne Covington, 606 N. Jefferson Street, Kaufman, Texas 75142
- Gail Mason, 307 W. Seago Street, Kaufman, Texas 75142
- Farrah Burkhart, 307 W. Seago Street, Kaufman, Texas 75142
- John Baker, 1503 Overlook Drive, Kaufman, Texas 75142
- Amy Currington, 2201 La Jolla Drive, Kaufman, Texas 75142
- Jerry Boze, 2305 La Jolla Drive, Kaufman, Texas 75142
- Janie Beauchamp, 1115 Royal Drive, Kaufman, Texas 75142
- Steve Harper, 707 S. Houston Street, Kaufman, Texas 75142
- Christopher Hetmer, 5033 Old Railroad Trail, Kaufman, Texas 75142

In Favor:

- Louis Tijerina, 10 Climbing Tree Drive, Kaufman, Texas 75142
- Ray Rubio, 1807 S. Houston Street, Kaufman, Texas 75142
- William Fortner, 4 Climbing Tree Drive, Kaufman, Texas 75142
- Stephanie Rubio, 1807 S. Houston Street, Kaufman, Texas 75142
- Robyn Rubio, 1807 S. Houston Street, Kaufman, Texas 75142
- Nicholas Rubio, 1807 S. Houston Street, Kaufman, Texas 75142
- Johnnie Hour, 1806 S. Houston Street, Kaufman, Texas 75142
- Carlos, 3976 FM 1836, Kaufman, Texas 75142
- Brad Kinabrew, 1360 Buckingham Lane, Kaufman, Texas 75142
- Ray Tijerina, 513 E. 9th Street, Kaufman, Texas 75142
- Russell Hardy, 14089 S. FM 148, Scurry, Texas 75158
- Sandy Rubio, 1807 S. Houston Street, Kaufman, Texas 75142
- Jeremy Tharp, 6576 CR 4095, Kaufman, Texas 75142
- Alandres Mathews, 6972 FM 2451, Scurry, Texas 75158
- Williams, 18481 Woodruff Lane, Kemp, Texas 75143
- Jose Balderas, 1800 S. Houston Street, Kaufman, Texas 75142

- Joseph Haroid, 1800 S. Houston Street, Kaufman, Texas 75142
- Douglas Moore, 1300 S. Houston Street, Kaufman, Texas 75142
- R. Thorpe, 7094 CR 153, Kaufman, Texas 75142
- Leatta Johnson, 1776 CR 268, Kaufman, Texas 75142
- Robert Green, 9219 CR 158, Kaufman, Texas 75142
- J. Duan, 8578 CR 4093, Scurry, Texas 75158
- Doris Hallom, 204 E. Elmo Street, Kaufman, Texas 75142
- Regina Tijerina, 200 E. Elmo Street, Kaufman, Texas 75142
- Maude Smith, 1608 Anthony Street, Kaufman, Texas 75142
- William Sisson, 1309 S. Houston Street, Kaufman, Texas 75142
- Richard Abanilla, 1401 Overlook Drive, Kaufman, Texas 75142
- Ness Tijerina, 1605 Marshall Street, Kaufman, Texas 75142
- Can't Read, 6162 FM 148, Kaufman, Texas 75142
- Star Thompson, 2120 CR 4104, Kaufman, Texas 75142
- Edith Rubio, 1807 S. Houston Street, Kaufman, Texas 75142
- Rebecca Dickerson, 2010 Elizabeth Street, Kaufman, Texas 75142
- Cathy Caulson, 1150 CR 134, Kaufman, Texas 75142
- James Caulson, 1150 CR 134, Kaufman, Texas 75142

Ms. Hanks read the letters for John Mosley, 201 W. Mulberry Street, Kaufman, Texas 75142, who was neutral on the matter and Jimmy and Elaine Howard at 1404 Overlook Drive, Texas 75142, who were in opposition.

Linda Moore, 1200 Overlook Drive, Kaufman, Texas, 75142, explained her reasons for being in opposition of the request. She expressed her concerns regarding the traffic, and the impact the proposed development would have on the neighborhood. She stated her opinions on conducting a Traffic Impact Analysis during the pandemic.

Dianna Elzner, 1104 Overlook Drive, Kaufman, Texas 75142, expressed her concerns about the traffic, the noise, and the security of the proposed development. She reiterated the concerns of Ms. Moore regarding conducting a traffic impact analysis during the pandemic.

Mr. Douphrate stated traffic concerns is one of the major aspects as businesses come in to work to ensure there is not a major impact on the public.

Mr. Slye made remarks on the traffic in the area. He suggested extending the public hearing to allow the staff to work with the engineer to attempt to work on the traffic concerns and bring this item back on November 16th for further discussion. There were discussions about the turnback on the streets through TxDot, the potential addition of the turn lanes or deceleration lanes.

Councilmember Phillips made a motion to continue the public hearings and table items 7 and 8 to the November 16, 2020, Regular City Council Meeting at 6:00 p.m. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

- c. Consider and take appropriate action on Ordinances O-32-20.

8. Conduct a public hearing, consider and take appropriate action on Ordinance No. O-33-20, an ordinance of the City of Kaufman, Texas, to rezone an approximate 6.33 acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357), such property located at the southwest corner of W. Highway 175 and S. Houston from Single Family Residential-10 (SF-10) to Planned Development (PD) for limited retail, service and commercial uses. (Case No. Z-04-20) Applicants: Ray and Sandy Rubio
 - a. Presentation
 - b. Public Hearing
 - c. Consider and take appropriate action on Ordinance O-33-20

PLANNING & ZONING ITEMS

9. Consider and take appropriate action on the Site Plan of 1900 E. Highway 175 for the Kaufman County Justice Center, a 45 acre lot, platted as Lot 1, Law Enforcement Center Addition. (Case No. SP-04-20)

Ms. Ratcliff reviewed the site plan for the Kaufman County Justice Center. She outlined the various county offices and rooms that will reside in the building. She presented renderings of the building.

Mayor Pro-Tem Patterson made a motion to approve the site plan for the Kaufman County Justice Center as presented. The motion was seconded by Councilmember Gillenwater and passed 7/0.

10. Consider and take appropriate action on the Site Plan of 2705 Tabor Parkway and proposed to be platted as Lot 1, Block A, Tractor Supply Kaufman Addition, a 3.66-acre tract located on the east side of Tabor Parkway (formerly known as CR 151/Old Kemp Highway) and south of the Wal Mart development. The property is zoned Planned Development - 15 (Commercial). A Tractor Supply retail store is proposed. (Case No. SP-05-20)

Ms. Ratcliff presented the site plan and the layout of the property. There were discussions regarding the use of the sidewalk in front of the store as display, the fire lanes, and the proposed elevation renderings. The Council inquired about the potential affects of the Tabor Parkway reconstruction project on this property.

Councilmember Ratcliffe made a motion to approve the Site Plan for Tractor Supply. The motion was seconded by Councilmember Council and passed 7/0.

11. Consider and take appropriate action on the **Final Plat of Lot 1, Block A, Tractor Supply Kaufman Addition**, a 3.66-acre tract located on the east side of Tabor Parkway (formerly known as CR 151/Old Kemp Highway) and south of the Wal Mart development. (Case No. FP-02-20)

Ms. Ratcliff outlined the final plat for the Tractor Supply Kaufman Addition.

Councilmember Council made a motion to approve the final plat for Tractor Supply as presented. The motion was seconded by Councilmember Aga and passed 7/0.

12. Consider and take appropriate action on the Site Plan of 325 E. Fair Street, a 0.51-acre lot part of Tract A, Kaufman East Addition. The proposed expansion is for the current occupant K-Tires. The property is zoned Commercial. (Case No. SP-06-20)

Ms. Ratcliff reviewed the Site Plan and the proposed expansion of the building on the property.

Mayor Pro-Tem Patterson made a motion to approve the site plan for 325 E. Fair Street as presented. The motion was seconded by Councilmember Aga and passed 7/0.

13. Consider and take appropriate action on the Site Plan of 2005 S. Houston Street for the Kaufman County Children's Advocacy Center. The property is zoned Commercial. (Case No. SP-08-20)

Ms. Ratcliff outlined the site plan for the proposed development for the property at 2005 S. Houston Street for the Kaufman County Children's Advocacy Center.

Mayor Pro-Tem Patterson made a motion to approve the Site Plan for the Kaufman County Children's Advocacy Center. The motion was seconded by Councilmember Gillenwater and passed 7/0.

DISCUSSION/ACTION ITEMS

14. Second Reading: Consider and take appropriate action on Ordinance O-31-20, an ordinance of the City of Kaufman, Texas, granting an exclusive franchise and approving a Contract for the collection and disposal of garbage, including, trash, brush and bulk in the City of Kaufman, Texas to Republic Services, providing rates of service, dates of collection and other matters related to services rendered by Republic.

Mr. Slye presented the contract to the Council and reviewed the details. He briefly outlined the transition plan and ensured a seamless process.

Councilmember Council made a motion to approve the second reading of Ordinance O-31-20 granting an exclusive franchise and approving a contract for the collection and disposal of garbage, including trash, brush and bulk in the City of Kaufman, Texas, to Republic Services. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

15. Consider and take appropriate action on Resolution R-28-20, a resolution of the City of Kaufman, Texas, appointing a member to the Kaufman Central Appraisal District Board of Directors.

Mr. Slye stated KISD and the City have collectively agreed to appoint a single person to represent both entities, in lieu of swapping board members every 2 years. This will provide a more cohesive approach to representing both entities over time. He had spoken with John Zaby, who have served on this board for several terms, and he has agreed to represent both entities if appointed. He did ask that he provide an update to the KCAD a minimum of every 6 months or sooner if necessary.

Councilmember Aga made a motion to approve Resolution R-28-20 appointing John Zaby to the Kaufman Central Appraisal District Board of Directors. the motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

16. Consider and take appropriate action on Resolution R-29-20, a resolution of the City of

Kaufman, Texas, accepting an Amended and Restated Preliminary Service and Assessment Plan, directing the City Secretary to cause publication and notice, and setting a public hearing as required by law.

Mr. Slye stated the city is required to amend the Preliminary Service and Assessment Plan due to the larger lots in Phase 1B that was not proposed when it was previously approved. He reviewed the purpose of the change and the action being requested tonight. Abdi Yassin outlined the purpose of the amendment due to the need to assess a higher portion of the PID debt to the larger lots.

Councilmember Ratcliffe made a motion to approve Resolution R-29-20, accepting an amended and Restated Preliminary Service and Assessment Plan. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

17. Consider and take appropriate action on the Georgetown Phase 1B Facility Agreement between the City and Georgetown KF, Ltd, for the installation of public improvements and facilities within the Georgetown development; and authorizing the Mayor or designee to execute necessary documents

Mr. Slye reviewed the facility agreement for Phase 1B, the proposed public improvements and cost associated.

Councilmember Aga made a motion to approve the Georgetown Phase 1B Facility Agreement. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

18. Consider and take appropriate action on an Interlocal Agreement between the City of Kaufman and Trinity Valley Community College for participation in Tax Increment Reinvestment Zone Number Two, City of Kaufman, Texas; and authorizing the Mayor to execute necessary documents.

Mr. Slye informed Council that this agreement is similar to the Interlocal Agreement with Kaufman County providing for their participation in TIRZ #2, this agreement with TVCC is for the same level of participation (50% of their Maintenance and Operations tax). The TVCC Board voted to approve the ILA at their Board meeting earlier in the evening.

Mayor Pro-Tem Patterson made a motion to approve an Interlocal Agreement between the City of Kaufman and Trinity Valley Community College for participation in Tax Increment Reinvestment Zone Number Two. The motion was seconded by Councilmember Council and passed 7/0.

19. Consider and take appropriate action to approve TPWD Grant Concept Plan for development of 73-acre tract of City property.

Mr. Holder presented the Grant Concept Plan for the development of 73 acre tract adjacent to the City Lake Park. He reviewed the proposed improvements that are addressed in the concept plan.

Councilmember Council made a motion to approve the TPWD Grant Concept Plan. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

20. Receive an update and discussion regarding the following:

- a. Sales Tax Update
- b. HomeServe Fall Campaign Update(Sewer Service Line Insurance)
- c. Discussion Item Report (DIR)
- d. STAR Transit Ridership Report- September 2020
- e. Careflite Compliance Report- September 2020
- f. Fire Department Monthly Report- September 2020
- g. Monthly Calendars Attached

Mr. Slye gave the Council an update of the above stated items.

EXECUTIVE SESSION

Mayor Jordan recess into executive session at 8:15 p.m.

21. 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: Kaufman Lake

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

Mayor Jordan reconvened into open session at 8:26 p.m.

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

No action required.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 8:27 p.m.

ATTEST:

JEFF JORDAN
MAYOR

JESSIE HANKS
CITY SECRETARY



Meeting
Date: 11/16/2020

Date: 11/4/2020

Item #: 5.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on change order #1 to the contract between the City and Axis Contracting Inc. on the paving, drainage, sanity sewer and water improvements for E. Ninth Street, Main Street and Circle Drive

BACKGROUND:

The original intent of this project was to replace only those sections of sidewalk that were impassable. As it turns out, none of the existing sidewalks met ADA compliance and all had to be replaced. This Change Order exceeds my \$50K authority, but I gave direction to the contractor to replace the sidewalks (there really isn't any choice). This Change Order is being paid for with current contingency dollars imbedded in the project

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation: Recommend approval of Change Order #1.

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

CHANGE ORDER NO. 1

Date: November 10, 2020

Project: Paving, Drainage, Sanitary Sewer and Water Improvements for E. Ninth Street, Main Street and Circle Drive

Owner: City of Kaufman

Contractor: Axis Contracting, Inc.
P.O. Box 360715
Dallas, TX 75336

Description of Change in Work Quantities:

Additional sidewalk improvements along project limits and deletions of items not used.

ADDITIONS

ITEM NO.	DESCRIPTION OF ITEMS	UNIT	UNIT COST BID	Original Quantity	Net Increase Quantity/Cost	Increase in Contract Amount
UNIT A1 - E. NINTH STREET PAVING IMPROVEMENTS						
A1-5	Remove Existing Concrete Sidewalk & Flatwork	SY	\$5.00	558	442.03	\$2,210.15
A1-14	Concrete Curb & Gutter	LF	\$38.00	2,330	3.60	\$136.80
A1-15	5" Reinforced Concrete Drive Approach	SY	\$86.00	532	16.40	\$1,410.40
A1-16	4" Reinforced Concrete Driveway	SY	\$84.00	380	56.16	\$4,717.44
A1-19	4" Concrete Sidewalk/Leadwalk	SF	\$8.00	8,050	950.25	\$7,602.00
A1-20	Concrete Sidewalk Retaining Wall	SF	\$50.00	264	151.75	\$7,587.50
UNIT A2 - MAIN STREET PAVING IMPROVEMENTS						
A2-5	Remove Existing Concrete Sidewalk & Flatwork	SY	\$5.00	878	494.00	\$2,470.00
A2-15	6" Reinforced Concrete Drive Approach	SY	\$90.00	236	55.00	\$4,950.00
A2-18	4" Concrete Sidewalk / Leadwalk	SF	\$8.00	8,790	4,447.00	\$35,576.00
A2-19	Concrete Sidewalk Retaining Wall	SF	\$50.00	625	1,061.00	\$53,050.00
UNIT A3 - CIRCLE DRIVE PAVING IMPROVEMENTS						
A3-3	Remove Existing Pavement & Drives	SY	\$6.00	4,486	108.00	\$648.00
A3-5	Remove Existing Concrete Sidewalk & Flatwork	SY	\$5.00	551	283.00	\$1,415.00
A3-15	5" Reinforced Concrete Drive Approach	SY	\$90.00	465	47.00	\$4,230.00
A3-16	5" Exposed Aggregate Drive Approach	SY	\$196.00	44	2.16	\$423.36
A3-18	4" Reinforced Concrete Driveway	SY	\$84.00	283	49.00	\$4,116.00
A3-19	4" Exposed Aggregate Driveway	SY	\$170.00	9	10.33	\$1,756.10
A3-21	4" Concrete Sidewalk / Leadwalk	SF	\$8.00	4,505	3,548.00	\$28,384.00
Total:						\$160,682.75

DELETIONS

ITEM NO.	DESCRIPTION OF ITEMS	UNIT	UNIT COST BID	Original Quantity	Net Decrease Quantity/Cost	Decrease in Contract Amount
UNIT A1 - E. NINTH STREET PAVING IMPROVEMENTS						
A1-17	3" Asphalt Driveway	SY	\$60.00	10	-10.00	(\$600.00)
A1-18	5" Gravel Driveway	SY	\$45.00	7	-7.00	(\$315.00)
UNIT A2 - MAIN STREET PAVING IMPROVEMENTS						
A2-6	Remove & Reconstruct Brick Mailbox	EA	\$1,775.00	4	-3.00	(\$5,325.00)
A2-25	Concrete Leadwalk - Steps	SF	\$56.00	10	-10.00	(\$560.00)
UNIT B2 - MAIN STREET STORM DRAIN IMPROVEMENTS						
B2-9	4" PVC (SDR-28) Storm Drain - All Depths	LF	\$44.00	28	-28.00	(\$1,232.00)
B2-17	Turf Reinforcement Mat	SY	\$39.00	675	-675.00	(\$26,325.00)
UNIT B2-1 - MAIN STREET STORM DRAIN SD-C IMPROVEMENTS (ALTERNATE)						
B2-1-9	Turn Reinforcement Mat	SY	\$39.00	208	-208.00	(\$8,112.00)
UNIT A3 - CIRCLE DRIVE PAVING IMPROVEMENTS						
A3-17	5" Reinforced Concrete Drive Approach w/ Asphalt Overlay	SY	\$145.00	23	-23.00	(\$3,335.00)
A3-20	4" Reinforced Concrete Drive Approach w/ Asphalt Overlay	SY	\$139.00	14	-14.00	(\$1,946.00)
A3-22	4" Exposed Aggregate Sidewalk	SF	\$18.00	445	-445.00	(\$8,010.00)
UNIT D3 - Circle Drive Sanitary Sewer Improvements						
D3-9	1" Class 200 Poly Water Service - Endotrac	EA	\$1,045.00	25	-21.00	(\$21,945.00)
UNIT E - Owner's Contingency						
E-1	Owner's Contingency	LS	\$200,000.00	1	-0.41	(\$82,977.75)
Total:						(\$160,682.75)

ADJUSTMENTS IN CONTRACT PRICE

Original Contract Amount	\$4,503,014.00
Adjustments to Contract Amount by previous Change Orders	\$0.00
Total Adjustments per Change Order Number 1	\$0.00
REVISED CONTRACT AMOUNT	\$4,503,014.00

ADJUSTMENTS IN CONTRACT TIME

Original Contract Time	450 calendar days
Adjustments to Contract Amount by previous Change Orders	0 calendar days
Total Adjustments per Change Order Number 8	0 calendar days
REVISED CONTRACT TIME	450 calendar days

CHANGE ORDER NO. 1

Date: November 10, 2020

Project: Paving, Drainage, Sanitary Sewer and Water Improvements for E. Ninth Street, Main Street and Circle Drive

Owner: City of Kaufman

Contractor: Axis Contracting, Inc.
P.O. Box 360715
Dallas, TX 75336

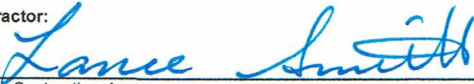
Recommended by Engineer:



Teague Nall and Perkins, Inc.

Date: 11-10-20

Agreed by Contractor:



Axis Contracting, Inc.

Date: 11-10-20

Accepted by Owner:

City of Kaufman, Texas

Date: _____



Meeting
Date: 11/16/2020

Date: 11/4/2020

Item #: 6.

Dept.: Development
Services

Action Item

SUBJECT:

Consider and take appropriate action on the **Preliminary Plat of Prairie Creek Estates, Phase 3 Addition, an approximate** 17.48-acre tract of land (PID 2208 and 184100) located in the 1800 block of Rand Road (FM 1836), City of Kaufman, Texas. (Case No. PP-03-20)

BACKGROUND:

See the attached November 3, 2020 Planning and Zoning Commission report.

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 November 3, 2020 recommended approval of the Preliminary Plat of Prairie Creek Estates, Phase 3 by a vote of 6-0.

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



Meeting Date: November 3, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and make a recommendation on the **Preliminary Plat of Prairie Creek Estates, Phase 3 Addition**. The 17.48-acre tracts (PID 2208 and 184100) are located in the 1800 block of Rand Road (FM 1836). A residential subdivision containing 63 lots with two open space/greenbelt areas is proposed. (Case No. PP-03-20)

BACKGROUND/PURPOSE:

A preliminary plat for three phases of Prairie Creek Estates was approved on May 6, 2002. Phases 1 and 2 were final platted and developed. Preliminary plats expire after two years. SRP Development, LLC has purchased the property to develop the final phase. The proposed Prairie Creek Estates, Phase 3 contains 17.48-acres with 63 residential lots. The subdivision will have two points of access: (1) Melody Drive to Rand Road and (2) Burton Street to Elizabeth Street to Rand Road. The developer shall be required to develop the entire length of Burton Street to Elizabeth Street.

The property is zoned Planned Development – 8 (PD-8) for a minimum of 8,000 square foot lots. PD-8 requires 25% of the lots to have a minimum living area of 1,250 SF and 75% of the lots to have a minimum living area of 1,400 SF. Only 11 of the existing developed lots have a living area less than 1,400 SF. There are 93 developed lots in Phases 1 and 2 of Prairie Creek Estates. The original 2002 subdivision layout was planned with Rand Road requiring only 100 feet of right-of-way and only 5 feet of right-of-way dedication being required. Phases 1 and 2 only had to dedicate 5 feet of right of way for Rand Road.

The area between Phase 2 and 3 that was proposed as a future park area back in the early 2000s was deeded to the City of Kaufman in 2009. The majority of this area is in the floodplain and is undevelopable as a typical park.

Trinity Valley Electric Cooperative will provide electrical service. The City of Kaufman will provide water and sanitary sewer service.

THOROUGHFARE PLAN: Rand Road (FM 1836) is shown as a Minor Arterial with 3-4 lanes in the future, requiring a right-of-way 120 feet on the 2016 Kaufman County Transportation Plan. The current width of Rand Road is a variable width of 90 feet. Half of the thirty additional feet is necessary to meet the right-of-way dedication requirement. The attached plat shows a 10-foot right-of-way dedication and a 5-foot right-of-way easement for future expansion of Rand Road. The applicant requested a variance to the Kaufman County Transportation Plan to provide the 10-foot right-of-way dedication and a 5-foot right-of-way easement instead of the required 15-foot right-of-way dedication. Kaufman County Engineer Ron Sullivan, P.E., and the Kaufman County TxDOT Area Engineer Lane Selman, P.E. approved the variance request on October 31, 2020.

RECOMMENDATIONS:

Staff recommends approval of the Preliminary Plat of Prairie Creek Estates, Phase 3 Addition (Case No. PP-03-20)

ATTACHMENTS:

1. Location Map
2. Preliminary Plat of Prairie Creek Estates, Phase 3 Addition

Marcy Ratcliff

Development Services Director

972-932-2216 ext. 117 Kaufmanplanning@kaufmantx.org

Location Map



[illegible]



Meeting
Date: 11/16/2020

Date: 11/4/2020

Item #: 7.

Dept.: Development
Services

Action Item

SUBJECT:

Consider and take appropriate action on the **Final Plat of the Steele Addition** located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman, an approximate 2.371-acre tract of land (PID 187358) is located in the 4600 Block of Rand Road (FM 1836). (Case No. FP-06-20)

BACKGROUND:

See the attached November 3, 2020 Planning and Zoning Commission report on the Final Plat of the Steele Addition.

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 November 3, 2020 recommended approval of the Steele Addition by a vote of 6-0.

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



Meeting Date: November 3, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and make a recommendation to City Council on the **Final Plat of the Steele Addition**, located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman. The 2.371-acre tract (PID 187358) is located in the 4600 Block of Rand Road (FM 1836). A two lot subdivision is proposed. (Case No. FP-06-20)

BACKGROUND/PURPOSE:

A 2.371-acre tract of land in the City of Kaufman's Extraterritorial Jurisdiction (ETJ) is proposed to be subdivided into two lots. Lot 1 contains 1.371-acres. Lot 2 contains 1.00-acre. The minimum lot size for a septic system, without any area in the flood plain, is one (1) acre. Both lots will have septic systems approved through Kaufman County Development Services.

Trinity Valley Electric Cooperative will provide electrical service.

Southeast Kaufman Water Supply Corporation will provide water service.

THOROUGHFARE PLAN: Rand Road (FM 1836) is shown as a Minor Arterial with 3-4 lanes in the future, requiring a right-of-way 120 feet. The current width of Rand Road is a variable width of 90 feet. Half of the thirty additional feet is necessary to meet the right-of-way dedication requirement. The variable right-of-way dedication is shown on the attached plat.

RECOMMENDATIONS:

Staff recommends approval of the Final Plat of Steele Addition (Case No. FP-06-20)

ATTACHMENTS:

1. Location Map
2. Final Plat of Steele Addition

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

Location Map



Final Plat of Steele

NOTES

- Base of bearings in the special warranty deed with vendor to him to Robert Gomez and wife, Erika M. Gomez, recorded in Document No. 2019-002853 (Volume 2574, Page 118), is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- Survey of the addition by the City of Kaufman, Texas, is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- According to the City of Kaufman, Texas, the survey is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, That I, James P. Kemp, a Registered Professional and Surveyor in the State of Texas, do hereby certify that I have personally examined the plat and the survey of the addition of Steele Addition, as shown on the plat, and that the same is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.

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

James P. Kemp
R.P.S. No. 3100

NOTES

- Base of bearings in the special warranty deed with vendor to him to Robert Gomez and wife, Erika M. Gomez, recorded in Document No. 2019-002853 (Volume 2574, Page 118), is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- Survey of the addition by the City of Kaufman, Texas, is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- According to the City of Kaufman, Texas, the survey is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, That I, James P. Kemp, a Registered Professional and Surveyor in the State of Texas, do hereby certify that I have personally examined the plat and the survey of the addition of Steele Addition, as shown on the plat, and that the same is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.

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

James P. Kemp
R.P.S. No. 3100

NOTES

- Base of bearings in the special warranty deed with vendor to him to Robert Gomez and wife, Erika M. Gomez, recorded in Document No. 2019-002853 (Volume 2574, Page 118), is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- Survey of the addition by the City of Kaufman, Texas, is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- According to the City of Kaufman, Texas, the survey is correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.
- The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, That I, James P. Kemp, a Registered Professional and Surveyor in the State of Texas, do hereby certify that I have personally examined the plat and the survey of the addition of Steele Addition, as shown on the plat, and that the same is correct and the bearings and distances are correct. The survey is correct and the bearings and distances are correct.

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

James P. Kemp
R.P.S. No. 3100



Meeting
Date: 11/16/2020

Date: 11/3/2020

Item #: 8.

Dept.: Development
Services

Action Item

SUBJECT:

Conduct a public hearing, consider and take appropriate action on Ordinance No. O-32-20, an ordinance of the City of Kaufman, Texas, amending the Future Land Use Map from a single family low density land use to a commercial land use for an approximate 6.33 acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357), such property located at the southwest corner of W. Highway 175 and S. Houston (Case No. MP-01-20). Applicants: Ray and Sandy Rubio

BACKGROUND:

See the attached October 6, 2020, Planning and Zoning Commission report.

Because the Planning and Zoning Commission's motion to approve failed, the recommendation is for denial. This means it will take a 3/4 vote by City Council to overturn the Commission's recommendation, which is 6 members of the Council.

See the attached the attached 55 response letters. Five (5) property owners located within 300 feet of the request were in opposition and three (3) property owners located within 300 feet of the request were in favor of the requests. The remaining letters were either not property owners or not located within the 300 foot buffer area.

Since the October 6, 2020 Planning and Zoning Commission meeting, the applicant has committed to providing a 20' landscaped buffer yard located along the southern and western boundaries of proposed PD-19. The buffer yard is proposed to have three tiers of plantings adjacent to the required 6' masonry wall. Tier 1 would include Brodie Eastern Red Cedar evergreen trees planted every 12 feet. The mature height is 25 feet. Tier 2 would include Nellie R. Stevens Holly evergreen shrubs planted every 6-8 feet. The mature height is 25 feet. Tier 3 would include Vitex Agnus-Castus, an ornamental tree, planted every 6-8 feet. The mature height is 8-10 feet tall. The plantings would be staggered to provide live screening in addition to the 6 foot masonry wall.

City Council tabled the public hearing to the November 16, 2020 meeting to allow the applicant to consider changes based on input from the community.

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 October 6, 2020 recommended approval by a vote of 2-3 of M-01-20 the proposed amendment to the Future Land Use Map from single family low-density use to commercial land use.

The Planning and Zoning Commission on October 6, 2020 recommended approval by a vote

of 2-3 of Z-04-20 to rezone 6.33 acres from Single Family Residential-10 (SF-10) to Planned Development (PD) for limited retail, service, and commercial uses.

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

Negative Responses Received From Others



Meeting Date: October 6, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio on 6.33-acres (PID 5250, 5249, 5252, 5251, and a portion of 9357) to amend the Future Land Use Map from Future Single-Family Low-Density (LD) land use to Future Commercial land use and to request to rezone the same property from Single Family-10 (SF-10) to Planned Development (PD) for limited retail service and commercial uses. The property is generally located at the southwest corner of South Houston Street and Oak Creek Drive (south side of US Highway 175), (Case No. MP-01-20 and Z-04-20)

2018 - BACKGROUND/SUMMARY:

In 2018, Ray and Sandy Rubio requested to amend the 2014 Future Land Use Plan designation from Future Single-Family Low-Density (LD) to Future Commercial and to rezone 6.59-acres from Single Family-10 (SF-10) to Commercial (C) for the property located at the southwestern corner of Oak Creek Drive (W. Highway 175) and South Houston Street. **(See the attached 2018 Concept Plan)**

The remaining 14.78-acres would remain zoned SF-10 and possibly be developed with 30 residential lots. However, the residential subdivision would exceed the maximum 1,200 linear foot street block length. The maximum street block length is an important factor in providing circulation, and in/out access for public safety. If the street were blocked, there would be no means of access to the lots behind the blockage.

The Planning and Zoning Commission on April 5, 2018, voted 3-2 to amend the Future Land Use Plan from Future Single-Family Low-Density (LD) to Future Commercial and a zoning change from Single Family-10 (SF-10) to Commercial (C).

Council on April 23, 2018, voted 7-0 to table the public hearing to May 15, 2018. The Rubio's, at the May 15, 2018, Public Hearing, requested to withdraw their applications amending the 2014 Future Land Use Plan and the application to rezone the property from Single Family-10 (SF-10) to Commercial (C).

2020 - BACKGROUND/SUMMARY:

Ray and Sandy Rubio submitted a new request for the same property located at the southwestern corner of Oak Creek Drive (W. Highway 175) and South Houston Street. The requests are to:

1. Amend the 2014 Future Land Use Plan designation from a Future Single-Family Low-Density (LD) land use to Future Commercial land use (Case No. MP-01-20)*;

Negative Responses Received From Others

2. Rezone 6.33-acres from Single Family-10 (SF-10) to Planned Development (PD) for limited retail, service, and commercial uses. The base zoning district of the proposed PD is Section 24, Retail District (R). (Case No. Z-04-20)*

***Each case listed above will require a separate motion.**

If the 2014 Future Land Use Plan is amended to Future Commercial, then the zone change request for a Planned Development (PD) District with limited retail, service, and commercial uses will comply. The Future Land Use Plan serves as a 20-year guide for the vision for the City of Kaufman on best land uses. The Comprehensive Plan, which included the Future Land Use Plan, was adopted in 2009 and was updated in 2014 to reflect areas the City had annexed along Highway 175. Some minor changes to the Future Land Use Plan have been adopted, in conjunction with some zoning change approvals.

The applicant has submitted a conceptual layout of how they propose to develop the subject property that will be tied to an ordinance approving the Planned Development (PD). Any major change to the approved concept plan will require another public hearing. The proposed height and area regulations, which include the size of lot, the size of yards, maximum lot coverage setbacks, and development required will match the requirements of Section 24. **(See attached Section 24 Retail District)** The proposed uses in the Planned Development (PD) allowed by right are listed below:

Bank or financial institution without a drive-through	Mailing service
Book, card, or stationery store	Medical, dental or optician clinic, laboratory or office
Camera and photographic supply shop	Nursing, convalescent home, or hospice.
Catering service	Office supply store
Church, rectory, or temple	Office, general business, and professional
Clothing or apparel store	Personal service use (barber/beauty salon, tailor, shoe repair, seamstress, etc.)
Convenience store with a maximum area of 2,500 SF without gasoline sales	Pharmacy or drugstore
Day Care Center (child care for 7 + unrelated children)	Print / Reproduction shop
Donut, Bakery, or Confectionery Shop	Private Club (restaurant alcohol sales) (Specific use permit in Section 33)
Dry Cleaning and laundry pick-up station	Public building
Florist	Radio, recording, or television studio without the tower.
Furniture, home furnishings, and appliance store	Research laboratories and facilities. (Specific use permit in Section 33)

Negative Responses Received From Others

General merchandise (dry goods)	Restaurant
Health & Fitness Center (indoors only)	School, parochial, when located on the same lot as the church
Jewelry store	Studio, decorator, artist, photographer
Commercial antennas located on buildings in accordance with the Supplemental Regulations, Section the 40.5 Communications Antennas and Support Structures/Towers in Chapter 118, Kaufman Code of Ordinances, "Zoning"	

Below is the list of uses that require the approval of a Specific Use Permit by City Council. These same uses are not allowed within 200' of the southern property line adjacent to the Wellington Park Addition:

Bank or financial institution with drive-through service
Donut Bakery with drive-through or curb service
Dry cleaning with drive-through service
Pharmacy with drive-through service
Restaurant with drive-through or curb service

The proposed concept plan shows three lots with one driveway entrance on Oak Creek Drive (frontage road of W. Highway 175) and one driveway entrance on S. Houston Street. The Oak Creek Drive entrance is located approximately 241.80 feet from the intersection with S. Houston Street. The S. Houston Street entrance is located approximately 287.91 feet from the intersection with Oak Creek Drive. This entrance also aligns with the Advance Tabco driveway entrance. The 2020 concept plan does **not** include a public street along the north side of Wellington Park Addition (northern portion of Overlook Drive) like the plans did in 2018.

The concept plan indicates a 6-foot masonry screening wall along the southern property line and the western property line.

The proposed concept plan includes a 48,728 SF two-story assisted living facility for 67 residents, a 5,100 SF medical office, and an 11,200 SF strip center for retail, service, restaurant, and commercial uses. The concept plan shows cross access between the three lots.

The concept plan does not show any uses with a drive-through. The proposed Planned Development (PD) does allow applicants to request a specific use permit for a drive-through but only for restaurants, banks, pharmacies, and dry cleaners, and they must go through a public hearing to receive the specific use permit.

The remaining 14 acres are not proposed to be rezoned. Two property owners on Climbing Tree Drive (Fortner Addition) are interested in purchasing portions of the acreage and incorporating it into their own lots and/or possibly creating 4 new lots that would have access from Climbing Tree Drive. **This area is not under consideration for rezoning or development at this time.**

Negative Responses Received From Others

SURROUNDING ZONING AND EXISTING LAND USES:

(See attachment #4)

	Zoning	Existing Land Use
North:	SF-10	Bodacious Beauty Salon & Single Family Homes
South:	SF-10	Wellington Park Addition(single-family homes)
East:	C	Cross Roads Liquor Store & Advance Tabco Manufacturing
West:	SF-10	Single Family Home and the Fortner Addition (single-family homes)

COMPREHENSIVE PLAN:

(See attachment #4)

Land Use Plan:

The 2009 and the 2014 Future Land Use Plan map designated the land use of the subject property as Future Single-Family Low-Density (LD). The properties on the east side of S. Houston Street are designated as Future Commercial. The proposed zoning does not comply with the 2014 Future Land Use Plan designation for Future Single-Family Low-Density (LD). The general purpose and description of the Retail District is to provide areas for neighborhood, local and regional shopping and service facilities located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

Thoroughfare Plan:

The Thoroughfare Plan designates West Highway 175 as a "Type AA", Major Regional Arterial, which requires a variable width of 240 feet. Oak Creek Drive is the frontage road of West Highway 175. All driveway and street intersections must be approved by TxDOT. South Houston Street as a "Type B", Minor Arterial, requires a right-of-way width of 100 feet. South Houston Street is a TxDOT asset. All driveway and street intersections must be approved by TxDOT.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 42 property owners within 300' of the subject property. The results to date are as follows:

- Number of property owners returned letters in opposition to the request: 2.
- Number of property owners returned the letter in agreement of the request: 1.
- Number of property owners who have not responded in writing: 39.

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's recommendation for the 6.33-acre property (PID 5250, 5249, 5252, 5251, and a portion of 9357) located at the southwestern corner of Oak Creek Drive (W. Highway 175) and S. Houston Street:

1. Approval to amend the 2014 Future Land Use Plan from Future Single-Family Low-Density (LD) to Future Commercial.

Negative Responses Received From Others

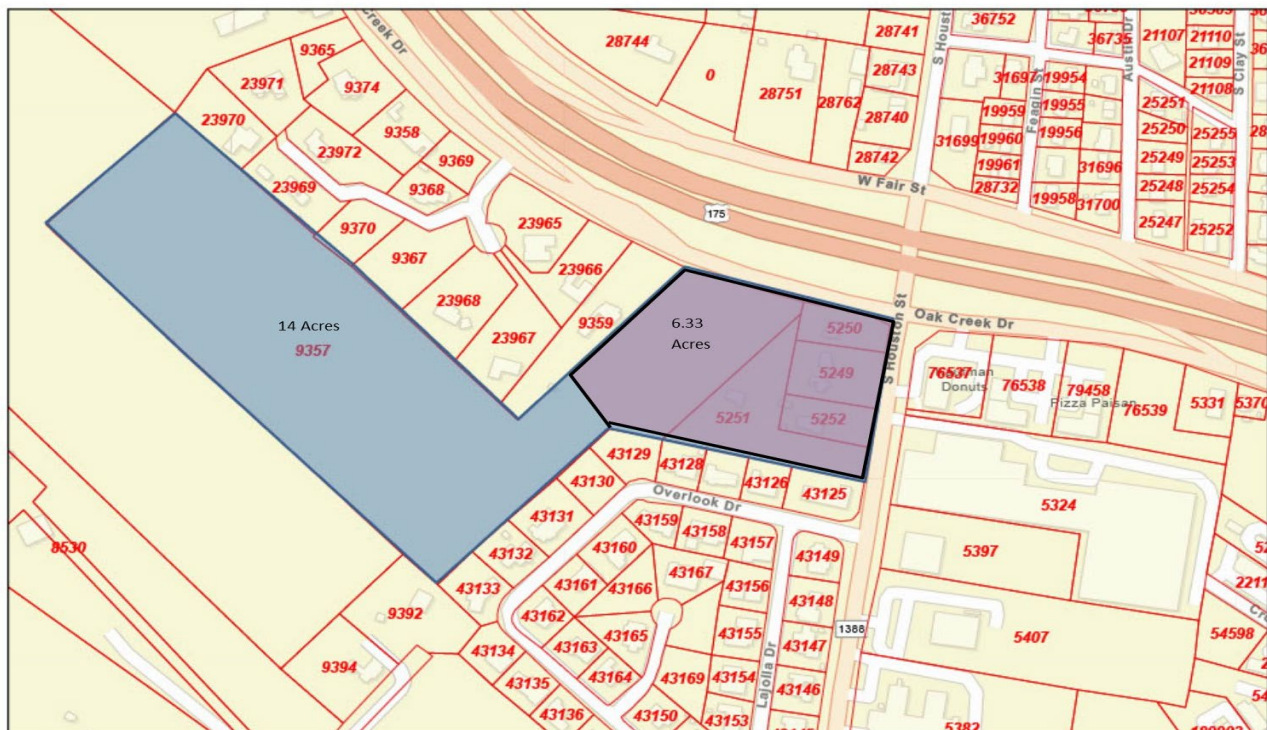
2. Approval of request Z-04-20 to rezone from Single Family-10 (SF-10) to Planned Development (PD) with the Retail District as the base and allowing limited retail, service, and commercial uses as indicated in the staff report.

ATTACHMENTS:

1. Location map
2. 2018 Concept Plan
3. 2020 Concept Plan
4. Future Land Use and Zoning Maps
5. Section 24 Retail District
6. Pictures
7. Property Owner Responses

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

Location Map
Rubio Property Location

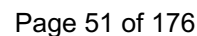


Negative Responses Received From Others

2018 Concept Plan

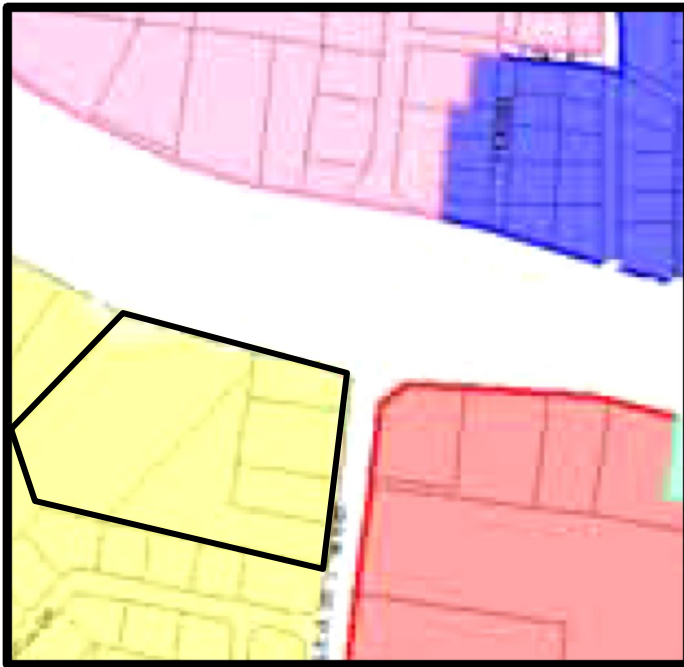


2020 Proposed Concept Plan



Negative Responses Received From Others

Future Land Use Map



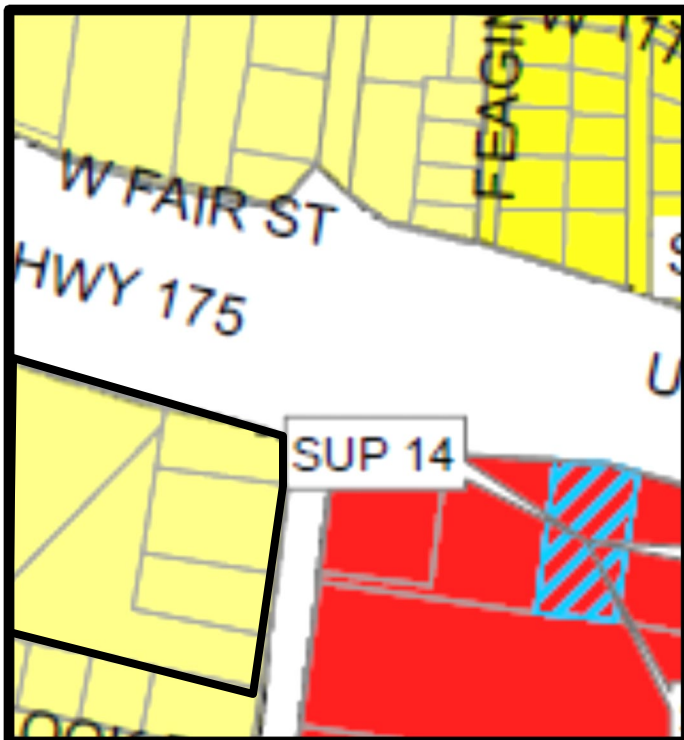
Upper Left – Pink
Medium Density Residential

Upper Right – Blue
High-Density Residential

Lower Left – Yellow
Low-Density Residential

Lower Right – Red
Commercial

Current Zoning Map



Upper Left – Light Yellow
SF-10 Low-Density Residential

Upper Right – Light Yellow
SF-6 High-Density Residential

Lower Left – Light Yellow
SF-10 Low-Density Residential

Lower Right – Red
Commercial

Negative Responses Received From Others

SECTION 24 RETAIL (R) DISTRICT

24.1 GENERAL PURPOSE AND DESCRIPTION:

The Retail (R) District is established to provide areas for neighborhood, local and regional shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The R district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

24.2 PERMITTED USES:

- A. 1. Those uses specified in Section 33 (Use Charts).
- 2. Such uses as may be permitted under the provisions of Specific Use Permits, Section 30.

24.3 HEIGHT REGULATIONS:

- A. **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).

24.4 AREA REGULATIONS:

- A. **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')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Side Yard** – Fifteen feet (15'); Twenty-five feet (25') 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. **Interior Side Yards** - When retail uses are platted adjacent to other retail and other nonresidential uses, no side yard is required provided it complies with the building code.
 - 4. **Minimum Rear Yard** - Twenty feet (20')
- C. **Maximum Lot Coverage:** Forty (40%) percent.
- D. **Parking Regulations:**
 - 1. As required by Section 35, Off-Street Parking and Loading Requirements.

Negative Responses Received From Others

24.5 SPECIAL REQUIREMENTS:

- A. Open storage is prohibited; however, periodic display of seasonal items by the retail establishment on their own property (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods. Service or loading areas shall not be visible from a public street or adjacent residential uses.
- B. When any development occurs in this district it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screen wall between their property and any adjacent residential property or district. (See Section 38)
- C. When a lot in this district abuts the property line of a residential use or district certain uses (as identified by an asterisk (*) in the Use Charts - Section 33) that would otherwise be allowed in this district but are deemed incompatible with adjacent residential uses, the following restrictions shall be observed:
 - 1. A minimum sixty feet (60') separation between the residential property line and any structures, dumpsters, storage, drive-through lanes, loading docks, heavy vehicle parking or lighting fixtures.
 - 2. If the minimum separation cannot be established then those uses deemed incompatible shall not be allowed on those lots abutting a residential property line.
- D. For site plan requirements, see Section 39.
- E. Recreational vehicles, travel trailers or motor homes or other temporary structures may not be used for on-site dwelling or nonresidential purposes.
- F. **Other Regulations** - As established in the Development Standards, Sections 34 through 44.

Negative Responses Received From Others



1910, 1807, & 1806 S. Houston



1807 & 1806 S. Houston



1910 S. Houston

Negative Responses Received From Others



Looking northwest from Wellington Park Addition



Looking west along Oak Creek Drive (W. Highway 175)

10/20/20

To: Honorable Mayor Jordan and City Council Members
City of Kaufman City Hall
209 S. Washington
Kaufman, Texas 75142

Re: Rubio Properties Zoning Case Owner's Commentary

Dear Mayor Jordan and Council Members:

This zoning case was first presented to the P&Z and City Council in 2018 as a rezoning request for 6.59 acres which is currently zoned for residential use. The Rubios applied to rezone the property to straight commercial zoning. The application included a conceptual plan that was not enforceable. The 2018 concept plan provided a public street from S. Houston to the remainder of the rear property in order to create and serve additional residential lots behind both the existing Fortner Addition and the Wellington Park residential subdivisions. The 2018 layout had the proposed street adjacent to the Wellington Park north property line. A copy of the original layout is attached for comparison. (Marcy, will be showing the original layout so they can compare)

The original application was tabled in 2018 and later withdrawn. After listening to the concerns of the homeowners in both the Wellington Park and Fortner Addition subdivisions, we decided to apply for a Planned Development rezoning limiting the uses to certain retail, service, and commercial uses and include a concept plan that is enforceable to allay some of the home owners' concerns. The concept plan has been revised to address most of the home owners' concerns.

The acreage in the proposed PD zoning application has now been reduced in acreage size from 6.59 to 6.33 acres. The Planned Development concept plan has been modified with the following changes itemized below:

- 1) The 2018 concept plan proposed a right of way / full width street to serve the entire 22-acre tract. The 2020 concept plan has completely eliminated the right of way / full width street so that there will be no thru traffic behind the Wellington Park and Fortner Addition.
- 2) The 2020 concept plan show the commercial lots are served only by the 24 ft wide access fire lanes.
- 3) The fire lanes will be platted as public access easements where the 24 ft lanes will be maintained by deed restrictions in a Business Park Association.
- 4) The 2018 concept plan showed the right of way directly adjacent to the Wellington Park north property line. As described in Item 1, the right of way has been completely eliminated in the 2020 concept plan.
- 5) The 2018 concept plan included a 6 ft masonry screening wall and showed a 10 ft landscaping area along Wellington Park and the Fortner Addition. The 2020 concept plan also provides a 6 ft masonry wall along the adjoining property lines of both Wellington Park and Fortner Addition but the landscape area has been widened to 20 ft.
- 6) The 2018 Concept Plan showed a street entrance approximately 15 feet from the northern boundary of the Wellington Park Addition plus an additional driveway entrance further north on S. Houston Street. The proposed 2020 Concept Plan eliminates the street entrance and centers the one driveway entrance on S. Houston along the eastern border of the property. The driveway entrance aligns with the Advance Tabco driveway entrance. The driveway entrance connecting to S. Houston Street has a distance of 200 ft from the Wellington Park northern property line.
- 7) All the parking spaces are located minimally 20 feet or more from the PD southern property line and the PD western property line.
- 8) A landscaped walking area is adjacent to Lots 4 and 5 of Wellington Park and a portion of the Fortner Addition eastern property line.
- 9) The location of the southern edge of the interior drive access loop is 38 feet from the Wellington Park northern property line
- 10) The new concept plan also provides 3 tiers of landscaping as an additional means of buffering between the two land uses. As mentioned in line item No. 5 there is a minimum of 20 feet of landscape area from the parking curb to the Wellington Park northern property line. This will be the location of the 3 tiers of live vegetation screening in addition to the 6 ft masonry wall to increase the buffering between the residential and planned development.
- 11) The new PD outlines a limited list of uses and not straight commercial zoning. The intent of proposing a limited list of uses is to provide retail, service, and commercial oriented businesses which will be attractive to the local residential neighborhood.

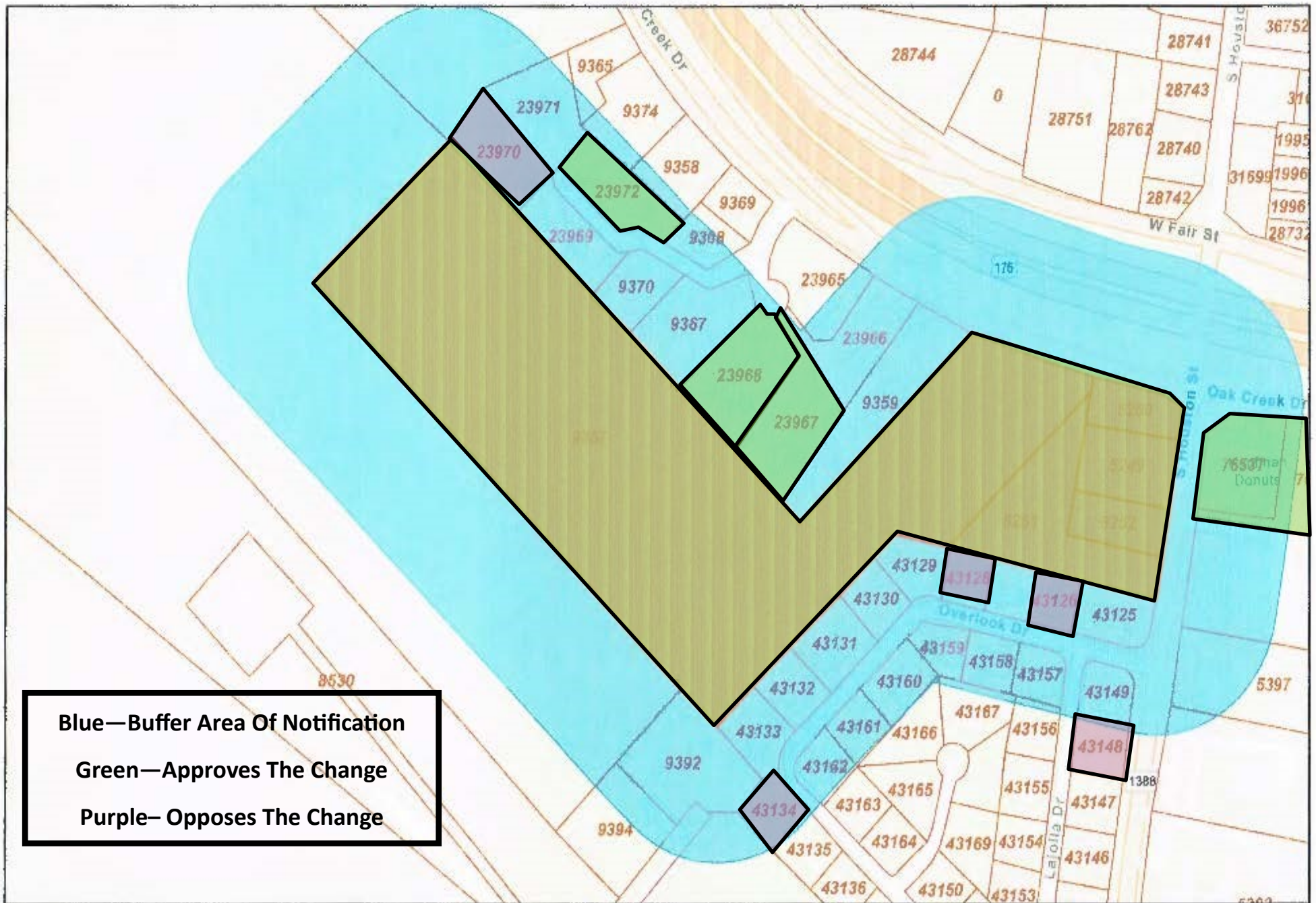
- 12) Specific Use permits will be required for any drive thru services proposed. The drive thru services per the Planned Development can be no closer than 200 feet from the Wellington Park Addition.
- 13) As mentioned in Item 3, a Business Park Association will be created with deed restriction bylaws that will outline the type of building materials, landscaping, and maintenance responsibilities for the property owners of the business park.
- 14) As part of the site planning / platting process for each lot, a traffic impact analysis will be performed based on the specific uses proposed.
- 15) A photometric lighting analysis will also be performed as part of the site planning process for each individual lot. The purpose of the photometric lighting design is to provide downcast lighting so that there is no lighting overcast into the adjacent residential subdivisions. The lighting design will be in conformance with Section 42 of the City of Kaufman Zoning Ordinance.
- 16) Once the right of way of S. Houston (FM 1388) is deeded from TxDOT to the City of Kaufman, the heavy-duty truck traffic currently using S. Houston (FM 1388) to and from US Highway 175 will be rerouted to the SH 34 Bypass by Ordinance with ticketing enforcement.

Sincerely,

A handwritten signature in black ink, appearing to read 'W.L. Douphrate II', with a stylized, cursive script.

W.L. Douphrate II, P.E.

Rubio Property 300 Buffer



Neutral Property Owner Notice Response Within 300 Feet

Property Owner Mosley sent 2 letters

From: John Mosley <mosleyj@mycvc.net>
Sent: Friday, October 23, 2020 4:41 PM
To: Marcy Ratcliff
Subject: Ray & Sandy Rubio

To Whom It May Concern:

I admire Mr. and Mrs. Rubio's efforts to grow the City of Kaufman economically. Louis Tijerina is a personal friend and neighbor.

I'd like for the zoning behind our property to stay residential, but have no objection to the change in zoning on S. Houston Street.

I am reminded of the saying "measure twice and cut once."

Respectfully submitted,

John D. Mosley
Attorney at Law
201 W. Mulberry
Kaufman, Texas 75142
(972) 932-2127
(972) 962-2127 (Metro)
(972) 962-3733 (Fax)
mosleyj@mycvc.net (E-mail)

Date: 10/23/2020
Name: John D. Mosley
Address: 201 W. Mulberry St.
City & State: Kaufman, Tx 75142

Phone #: 469-261-1350

RE: Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.

☐ I AM IN FAVOR ☐ I OBJECT ☒ Neutral

COMMENTS: I admire Mr. & Mrs. Rubio's efforts to grow the city economically. Louis Tijerina is a friend and neighbor. I'd like for the zoning behind our property to stay residential, but have no objection to the change in zoning on S. Houston Street. I am reminded of the saying "measure twice; cut once."

John D. Mosley

NAME PRINTED

John D. Mosley

SIGNATURE

3. Climbing tree

Positive Property Owner Notice Responses Within 300 Feet

Property Owner Tijerina sent 2 letters

Date:	<u>9/21/2020</u>	RE:	Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.
Name:	<u>Louis Tijerina</u>	☒ I AM IN FAVOR	☐ I OBJECT
Address:	<u>10 Climbing Tree</u>		
City & State:	<u>Kaufman, Texas</u>		
Phone #:	<u>(972) 210-9951</u>	Email Address:	<u>louis Tijerina@rocketmail.com</u>
COMMENTS:			
<u>Louis Tijerina</u> NAME PRINTED		<u>Louis Tijerina</u> SIGNATURE	

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Louis Tijerina (name)

10 Climbing Tree Kaufman (address)

COMMENTS:

After 20 plus years of knowing, and working with, Ray & Sandy Rubio, I have witnessed their love and concern for our wonderful and growing little city. Mr. & Mrs. Rubio have developed and built properties in the City of Kaufman with careful planning, and of an excellent quality. Keeping this perfect commercial parcel as it stands now with run down dwellings, and heavy underbrush is not in the best interest of the area.

Thank you Mayor and Council
for your consideration.

Positive Property Owner Notice Responses Within 300 Feet

Property Owner Ray Rubio sent 2 letters

Date:	<u>10/6/2020</u>	RE:	Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.
Name:	<u>Ray Rubio</u>	☒ I AM IN FAVOR	☐ I OBJECT
Address:	<u>1807 S. Houston St</u>	Email Address:	_____
City & State:	<u>Kaufman, Texas</u>		
Phone #:	<u>972-962-7977</u>		
COMMENTS:	_____ _____ _____		
<u>Ray Rubio, Sandy Rubio</u> NAME PRINTED		 SIGNATURE	

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Ray Rubio (name)

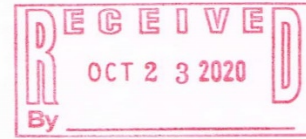
710 W Fair St. Kaufman, TX 75142 (address)

Positive Property Owner Notice Responses Within 300 Feet

Property Owner Fortner sent 1 letters

William J Fortner, MD
4 Climbing Tree
Kaufman, Texas 75142
(972) 467-4487

October 22, 2020



Mayor Jordan
Kaufman City Council

Dear Mayor Jordan and City Council:

I live near the planned development at the southwest corner of Houston Street and Highway 175, I am in favor of a zoning change to Commercial. I have lived in the area for over 40 years and always assumed it would be commercial.

Some fear for more traffic, but I think with 40,000 vehicles a day on Highway 175 the additional traffic will be insignificant.

Sincerely,

A handwritten signature in black ink, appearing to be "WJ Fortner".

William J Fortner, MD
Former Mayor of Kaufman

Negative Property Owner Notice Responses within 300 feet

Negative Property Owner Notice Responses within 300 feet

Date:	<u>10/3/20</u>	RE: Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.
Name:	<u>Carl Stapp</u>	
Address:	<u>8 Cleburne Tree</u>	
City & State:	<u>Kaufman TX</u>	
Phone #:	<u>972 932 4240</u>	
COMMENTS:		
	☐ I AM IN FAVOR	☒ I OBJECT
	Email Address:	<u>ccstapp@hotmail.com</u>
RECEIVED		
OCT - 6 2020		
<u>Carl Stapp</u> NAME PRINTED		<u>Carl Stapp</u> SIGNATURE

Date:	<u>09-23-2020</u>	RE: Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.
Name:	<u>ALDRIANA WALTERS</u>	
Address:	<u>2805 LAJOLLA DR.</u>	
City & State:	<u>Kaufman TX 75142</u>	
Phone #:	<u>214 629-7009</u>	
COMMENTS:		
	☐ I AM IN FAVOR	☒ I OBJECT
	Email Address:	<u>aldrwalters@qahm.com</u>
<u>THIS NEIGHBORHOOD IS QUIET AND LITTLE TO NO CRIME.</u>		
<u>HAVING A HIGH TRAFFIC AREA NEXT TO OUR NEIGHBORHOOD</u>		
<u>IS NOT WANTED OR DESIRED.</u>		
<u>ALDRIANA WALTERS</u> NAME PRINTED		<u>Aldriana Walters</u> SIGNATURE

Negative Property Owner Notice Responses within 300 feet

Property owner Elzner sent three letters

Date:	9/22/20	RE:	Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.
Name:	Steve Elzner		
Address:	1104 Overlook Dr.		
City & State:	Kaufman Tx 75142	☐ I AM IN FAVOR	☒ OBJECT
Phone #:	214-502-0560	Email Address:	dianna.elzner@yahoo.com
COMMENTS:	-The Rubio's were aware that the land was zoned Single Family when they purchased it. We object to changing the zoning for many reasons. Increased traffic which is already an issue, noise from delivery trucks, emergency vehicles, workers & customers. Security concerns. Decrease in property values. The Overlook area is one of the nicest in Kaufman. Please do not change the zoning.		
	NAME PRINTED	SIGNATURE	Dianna Elzner

Kaufman City Council:

In regards to the rezoning of 6.59-acre area adjacent to our homes, the SW corner of South Houston Street and Oak Drive, to change it from a highly restricted residential zone to a commercial zone.

Mr. and Mrs. Rubio were very aware that when the land was purchased it was zoned as "single family residential". If there were plans to develop it for commercial purposes, the land should have been changed over to commercial zoning before they purchased it.

The area that is referenced is already one of the highest traffic areas in the city because of large trucks, school traffic and residents going to and from work. I understand at this time, there has been no traffic study conducted, nor has the request to have the large trucks redirected been approved and no guarantee it will be approved.

Keep in mind that this traffic issue effects all residents of Kaufman that use the Houston Street and 175 intersections.

This will also primarily affect the residents of Wellington Park, one of Kaufman's best residential areas in the city, that has always paid some of the highest property taxes in the city.

Below are additional reasons we are against this proposition.

- Noise from delivery trucks, service and emergency vehicles, customers, and workers at all hours of the day and night;
- Security concerns of having non-residents coming and going from our neighborhood;
- A decrease in our property value;
- The increased likelihood that the open pasture land behind the 1200 block of Overlook Drive could be rezoned from a highly restricted residential zone to a commercial zone.
- There is no need to disturb one of Kaufman's best residential areas when other prime commercial areas already exist on Highway 34 and the new bypass.

I ask the City Council members that will be voting on this today to consider if the rezoning of this property were in your back yard, would you still be voting in favor of it? Please reject this proposal just like the Planning and Zoning Committee did.

Dianna Elzner
1104 Overlook Dr.

Negative Property Owner Notice Responses within 300 feet

Kaufman City Council:

In regards to the rezoning of the land on South Houston St. and Oak Drive.

My Grandparents, Parents and I have been lifelong Kaufman residents, and being 66 now I have seen Kaufman gradually begin to grow and change over the years, but not all change is good. As a Kaufman resident that owns 4 houses, a building and business in Kaufman for 35 years, I live in Wellington Park and the rezoning will affect me personally, I feel I have to express my thoughts.

Once I graduated from school in the 70's, I purchased a house on Jackson St. in 1975 and was happy living there until the City of Kaufman allowed Taco Bell to build directly behind my back yard. This turned out to be a nightmare because of the noise at all hours of the day and night, the traffic and the trash that customers throw out. It totally changed the atmosphere in that area. While I was not happy, I could understand Taco Bell being built where it did, because Washington St. is the "main" street in Kaufman. So believe me, I've been through this experience before.

When the atmosphere on Jackson St was altered because of Taco Bell, I purchased a lot in Wellington Park in 1994 when there were very few houses we built our home in this addition. Never in our wildest dreams would I ever see the property behind my home being rezoned to a commercial property. If I had, I certainly would have built out of the city limits. I built there and despite paying some of the highest property taxes in Kaufman along with all my neighbors, it has been well worth it. This is one neighborhood that has always been quiet and very little traffic actually in the neighborhood once you get off Houston St. A good place to raise a family.

While I know there is always change, I cannot believe the City Council is considering making the change of this property from Single Family Residential to Commercial.

In regards to the area that is being considered to be rezoned commercial I see this as being inappropriate. The property is located right where during peak times, the traffic is already horrible. Ask any Kaufman resident that uses this road to go from school to school, drive to work, or just try to get back home in Wellington Park during those peak traffic times. I don't believe a traffic study has been done for the area, nor has the City of Kaufman received approval from the Texas Highway Department to reroute the large rock trucks that use S. Houston Street to reach Highway 175 that they have been waiting on for about a year now.

A traffic study should be conducted before something this important is decided because it will effect so many Kaufman residents. The issue is, that if you did it now, it would be inaccurate because of the remote learning at some of the schools.

Houston St is also only a 2 lane road with 4 way stops on both ends of the 175 bridge. As we all know there are no traffic lights, turn lanes, or exit lanes and probably couldn't be expanded to accommodate them.

Continued on next page

Negative Property Owner Notice Responses within 300 feet

Other concerns are just like with the Taco Bell situation. Noise levels from emergency vehicles, delivery trucks, customers and workers at all hours. Trash issues, Security concerns, and a decrease in our property values. And then the increased likelihood that the open pasture land behind the 1200 block of Overlook Drive could be rezoned from a highly restricted residential zone to a commercial zone.

Over the years, all the residents of Kaufman heard about was that when the new Hwy 34 was built it would take traffic off of Houston Street and other high traffic areas in Kaufman. I cannot believe that now your considering approving a rezoning of land that will only increase the traffic on Houston Street, AGAIN.

Mr. and Mrs. Rubio were very aware that the property they were purchasing was zoned Single family residential. If they were entertaining using this property for commercial properties, the previous owner should have had it rezoned before they bought it make sure it could be zoned commercial. Kaufman already has plenty of empty commercial buildings now, without building more in an area that already has traffic issues and not to mention ruining one of the best residential areas in Kaufman.

I have always been open to the land being used for Upscale Single Family Residential.

I am very disappointed that the City is considering allowing this property to be changed to Commercial zoning. As a person that has 4 houses and a business in Kaufman personally, I pay a lot of property taxes and sales tax to the city, and should the city decide to approve this I will certainly move my business to a location out of the city limits.

I ask the City Council members that will be voting on this today to consider if the rezoning of this property were in your back yard, would you still be voting in favor of it? Please reject this proposal just like the Planning and Zoning Committee has.

Steve Elzner

1104 Overlook Dr.

Negative Property Owner Notice Responses within 300 feet

Property owner Stevens sent two letters

Date:	<u>10-2-2020</u>	RE: <i>Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.</i>
Name:	<u>Lori + Eric Stevens</u>	
Address:	<u>1006 Overlook Dr</u>	
City & State:	<u>Kaufman, TX 75142</u>	☐ I AM IN FAVOR ☒ I OBJECT
Phone #:	<u>972-679-6579</u>	Email Address: <u>eltstevens</u>
COMMENTS:	<u>I object to the proposed zoning change of the property below and keep it as single family residential</u>	
	<u>Lori Stevens</u> NAME PRINTED	<u>Lori Stevens</u> SIGNATURE

RECEIVED
OCT 21 2020
CITY OF KAUFMAN

Dear Mayor Jordan and Members of the City Council:

As a resident of Wellington Park, which pays some of the highest property taxes in Kaufman, I **oppose** changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you to protect our neighborhood and the value of our property. Keep our neighborhood residential, not commercial.

Sincerely,

Eric Stevens (name)

1006 Overlook Dr. (address)

Property owner Jones sent one letter

From: [Sarah Stahlman](#)
To: [Marcy Ratcliff](#)
Subject: Wellington Park
Date: Thursday, October 22, 2020 12:22:55 PM

Dear Mayor Jordan and Members of the City Council:

As a resident of Wellington Park, I oppose changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial. Thank you for your time in this matter.

Sincerely,

Luke and Sarah Jones
1304 Overlook Drive
Kaufman, TX 75142

Positive Responses Received From Others

Positive Responses Received From Others

Date: 9/22/2020

Name: Nicholas Rubio

Address: 1807 S Houston

City & State: Kaufman, TX

Phone #: _____

COMMENTS: _____

RE: Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.

☒ I AM IN FAVOR ☐ I OBJECT

Email Address: rubiostudios01@gmail.com

Nicholas Rubio NAME PRINTED Nicholas Rubio SIGNATURE

Date: 10/22/20

Name: Stephanie Rubio

Address: 1807 S. Houston St.

City & State: Kaufman, TX.

Phone #: _____

COMMENTS: _____

RE: Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.

☒ I AM IN FAVOR ☐ I OBJECT

Email Address: goddessbabe579@yahoo.com

Stephanie Rubio NAME PRINTED Stephanie Rubio SIGNATURE

Date: 9/22/2020

Name: Robyn

Address: 1807 S. Houston St.

City & State: Kaufman, TX

Phone #: _____

COMMENTS: _____

RE: Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.

☒ I AM IN FAVOR ☐ I OBJECT

Email Address: snrsweetshop@gmail.com

Robyn Rubio NAME PRINTED Robyn Rubio SIGNATURE

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Brad Kinabrew (name)

1360 Buckingham Kaufman TX 75142 (address)

Date: 10/22/2020

Name: Hour, Johnnie

Address: 1806 S. HOUSTON ST.

City & State: Kaufman, TX

Phone #: (714)803-7056

COMMENTS:

RE: *Conduct a public hearing and make a recommendation to City Council on a request by Ray and Sandy Rubio to amend the future land use map on approximately 6.33 acres (PID 5250, 5249, 5252, 5251 and a portion of 9357) from single family low density to commercial and to rezone from Single Family Residential-10 (SF-10) to Planned Development for limited retail, service and commercial uses.*

☒ I AM IN FAVOR

☐ I OBJECT

Email Address: johnniehour@gmail.com

Johnnie Hour
NAME PRINTED

[Signature]
SIGNATURE

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Roy Tijerina (name)

513 E 9th St (address)

COMMENTS:

Much Needed development for growth in the
City of Kaufman

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Russell Hardy (name)

14089 S. Fm 148
Scary Tx 75158 (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Coultor effus (name)

3976 fm 1836 (address)

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

JEREMY THARP (name)

6576 CR 4095 KAUFMAN, TX (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Adrian Matthews (name)

6972 FM 2451 Scurry TX 75157 (address)

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

[Signature] (name)

18481 WOODRUFF LN. (address)
Kemp TX 75143

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

José Balderrás (name)

1800 S. Houston St. (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

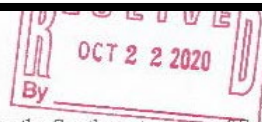
I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Joseph D Harid (name)

1800 S HOUSTON ST (address)

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

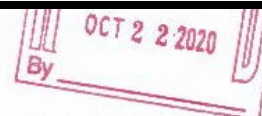
I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Blake Johnson (name)

7694 CR 153 (address)
Kaufman, TX 75142

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

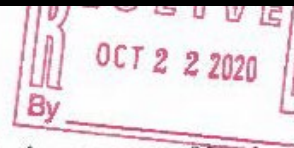
Sincerely,

Leatha Johnson (name)

1776 County Rd 268 (address)
Kaufman, TX 75142

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

 (name)

8578 County Road 4093
Seely, TX 75158 (address)

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

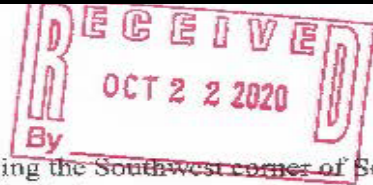
Sincerely,

 (SANDY RUBIO) (name)

1807 S. HOUSTON ST.
KAUFMAN, TX 75142 (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Douglas Moore (name)

1341 S. Houston St
Kaufman, TX 75142 (address)

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

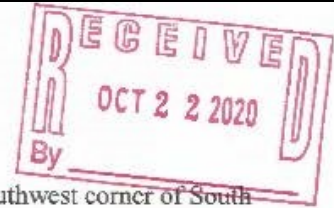
Sincerely,

Robert Green (name)

9219 C.R. 158
Kaufman, TX 75142 (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

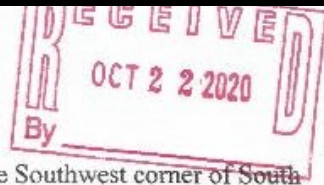
I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Doris Hallum (name)

204 East Elmo St (address)

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

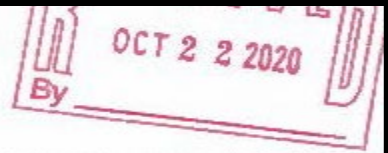
Sincerely,

Regina Vigerina (name)

200 East Elmo St (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

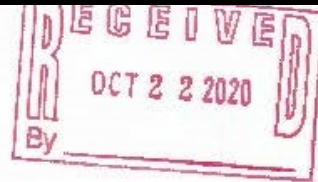
I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Maass A. Smith (name)

1608 ANTHONY KAUFMAN (address)

Dear Mayor Jordan and Members of the City Council:



As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

William D. Jenson (name)

1309 S. Houston St. (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

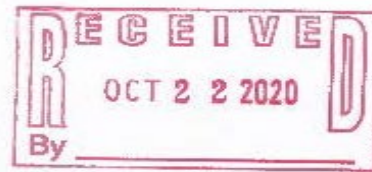
As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Richard Obanilla (name)

1401 OVERLOOK DR (address)
KAUFMAN, TX 75142



Dear Mayor Jordan and Members of the City Council:

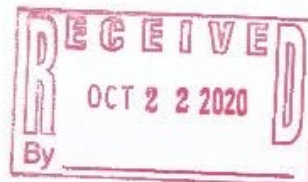
As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Nuss Aguirre (name)

1605 Marshall St (address)



Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

[Signature] (name)

6162 FM 148 Kauf Tx (address)



Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Edith Rubio (name)

1807 S. Houston St. (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Rebecca Dickerson (name)

2010 Elizabeth Dr. Kaufman,
Texas (address)

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

James Garcia (name)

1150 Col Rd 134
Kaufman, TX 75142 (address)

Positive Responses Received From Others

Dear Mayor Jordan and Members of the City Council:

As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Cathy Carlson (name)

1150 Col Rd 134 (address)
Kaufman, TX 75142

Dear Mayor Jordan and Members of the City Council:

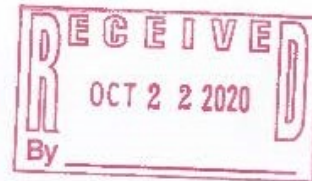
As a resident of Kaufman, Texas, **I AM IN FAVOR** of changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you all to make our community a great place to live, and increase the value of our property. As the Kaufman motto states, "We're Growing Places", we look forward to the future.

Sincerely,

Star Thompson (name)

2120 CR4104 (address)
Crandall, TX 75114



Negative Responses Received From Others

RECEIVED
OCT 21 2020
CITY OF KAUFMAN

Dear Mayor Jordan and Members of the City Council:

As a resident of Wellington Park, which pays some of the highest property taxes in Kaufman, I **oppose** changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you to protect our neighborhood and the value of our property. Keep our neighborhood residential, not commercial.

Sincerely,

John Pat Baker (name)
1503 Overlook Dr. (address)

From: [kat](#)
To: [Marcy Ratcliff](#)
Subject: Proposed rezoning of South Houston Street and Oak Creek Drive
Date: Monday, October 19, 2020 8:05:31 AM

Dear Mayor Jordan and Members of the City Council:

I am writing to express my **opposition** to the proposed rezoning of South Houston Street and Oak Creek Drive from residential to commercial.

We don't need to increase traffic in an area that is already congested at key times of the day from all those coming and going from work, school, and businesses, in addition to being a thoroughfare for large, commercial trucks.

This quiet residential neighborhood shouldn't have noise from delivery trucks, service and emergency vehicles, customers, and workers at all hours of the day and night.

There is no need to disturb one of Kaufman's best residential areas when other prime commercial areas already exist on Highway 34 and the new bypass.

I urge you to keep the Wellington Park neighborhood residential, not commercial.

Sincerely,

Kathryne Covington
606 N Jefferson Street
Kaufman, Texas

Negative Responses Received From Others

From: [gacie gee](#)
To: [Marcy Ratcliff](#)
Subject: Proposed rezoning of South Houston Street and Oak Creek Drive
Date: Tuesday, October 20, 2020 12:13:06 PM

Dear Mayor Jordan and Members of the City Council:

I am writing to express my **opposition** to the proposed rezoning of South Houston Street and Oak Creek Drive from residential to commercial.

We don't need to increase traffic in an area that is already congested at key times of the day from all those coming and going from work, school, and businesses, in addition to being a thoroughfare for large, commercial trucks.

This quiet residential neighborhood shouldn't have noise from delivery trucks, service and emergency vehicles, customers, and workers at all hours of the day and night.

There is no need to disturb one of Kaufman's best residential areas when other prime commercial areas already exist on Highway 34 and the new bypass.

I urge you to keep the Wellington Park neighborhood residential, not commercial.

Sincerely,

Gail Mason
307 West Seago
Kaufman, Tx 75142

Dear Mayor Jordan and Members of the City Council:

As a resident of Wellington Park, which pays some of the highest property taxes in Kaufman, I **oppose** changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you to protect our neighborhood and the value of our property.
Keep our neighborhood residential, not commercial.

Sincerely,

Amy Currington (name)

2201 La Jolla Dr (address)

Negative Responses Received From Others

From: [Farrah Burkhardt](#)
To: [Marcy Ratcliff](#)
Subject: Proposed rezoning of South Houston Street and Oak Creek Drive
Date: Tuesday, October 20, 2020 5:54:44 PM

Dear Mayor Jordan and Members of the City Council:

I am writing to express my **opposition** to the proposed rezoning of South Houston Street and Oak Creek Drive from residential to commercial.

We don't need to increase traffic in an area that is already congested at key times of the day from all those coming and going from work, school, and businesses, in addition to being a thoroughfare for large, commercial trucks.

This quiet residential neighborhood shouldn't have noise from delivery trucks, service and emergency vehicles, customers, and workers at all hours of the day and night.

There is no need to disturb one of Kaufman's best residential areas when other prime commercial areas already exist on Highway 34 and the new bypass.

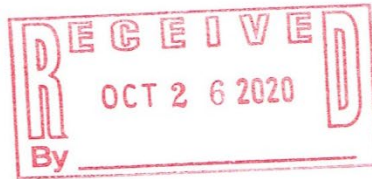
I urge you to keep the Wellington Park neighborhood residential, not commercial.

Sincerely,

Farrah Burkhardt

307 W Seago Street

October 23, 2020



To Whom It May Concern:

In regard to the property at South Houston Street and Highway 175 which is under consideration for rezoning from residential to commercial, we strongly oppose any rezoning. We live in the Wellington Park addition and like the neighborhood because it has nice homes and is quiet. We prefer to keep it that way. The location of the property in question seems like a bad idea for anything commercial since traffic is already an issue there. Adding to that would create a major problem! This reason, as well as others, is why we oppose any change.

Thank you,

Jimmy and Elaine Howard
1404 Overlook Dr.
Kaufman

Negative Responses Received From Others

From: [Janie Beauchamp](#)
To: [Marcy Ratcliff](#)
Subject: Proposed rezoning of South Houston Street and Oak Creek Drive
Date: Thursday, October 22, 2020 8:02:04 PM

Mayor Jordan and Members of the City Council:

I am writing to express my strong opposition to the proposed rezoning of South Houston Street and Oak Creek Drive from residential to commercial.

We don't need to increase traffic in an area that is already congested at key times of the day from all those coming and going from work, school, and businesses, in addition to being a thoroughfare for large, commercial trucks.

That area is not an ideal commercial location at all. If it needs vegetation cleaned, and or cleared, please consider the environmental impact it will have to the land, residents and surrounding areas. There are many options to consider other than turning it into a commercial location.

This quiet residential neighborhood shouldn't have noise from delivery trucks, service and emergency vehicles, customers, and workers at all hours of the day and night.

There is no need to disturb one of Kaufman's best residential areas when other prime commercial areas already exist on Highway 34 and the new bypass.

I urge you to keep the Wellington Park neighborhood residential, NOT commercial.

Sincerely,

Name: Janie Acevedo-Beauchamp
469-222-7810

Address 1115 Royal Dr, Kaufman, TX 75142

From: [sw Harper](#)
To: [Marcy Ratcliff](#)
Subject: Proposed rezoning of South Houston Street and Oak Creek Drive
Date: Friday, October 23, 2020 9:08:45 AM

Mayor Jordan and Members of the City Council:

I am writing to express my opposition to the proposed rezoning of South Houston Street and Oak Creek Drive from residential to commercial.

We don't need to increase traffic in an area that is already congested at key times of the day from all those coming and going from work, school, and businesses, in addition to being a thoroughfare for large, commercial trucks.

This quiet residential neighborhood shouldn't have noise from delivery trucks, service and emergency vehicles, customers, and workers at all hours of the day and night.

There is no need to disturb one of Kaufman's best residential areas when other prime commercial areas already exist on Highway 34 and the new bypass.

I urge you to keep the Wellington Park neighborhood residential, not commercial.

Sincerely,

Steve Harper

707 S Houston St
Kaufman, TX 75143

Sent from my iPhone XR

Negative Responses Received From Others

From: [Christopher Hetmer](#)
To: [Marcy Ratcliff](#)
Subject: Proposed rezoning of South Houston Street and Oak Creek Drive
Date: Friday, October 23, 2020 9:09:10 AM

Dear Mayor Jordan and Members of the City Council:

I am writing to express my **opposition** to the proposed rezoning of South Houston Street and Oak Creek Drive from residential to commercial.

We don't need to increase traffic in an area that is already congested at key times of the day from all those coming and going from work, school, and businesses, in addition to being a thoroughfare for large, commercial trucks.

This quiet residential neighborhood shouldn't have noise from delivery trucks, service and emergency vehicles, customers, and workers at all hours of the day and night.

There is no need to disturb one of Kaufman's best residential areas when other prime commercial areas already exist on Highway 34 and the new bypass.

I urge you to keep the Wellington Park neighborhood residential, not commercial.

Sincerely,

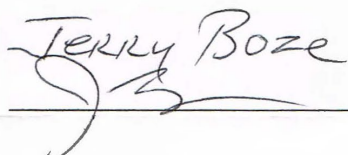
Christopher Hetmer
5033 Old Railroad Trl
Kaufman, TX 75142
chet19@gmail.com

Dear Mayor Jordan and Members of the City Council:

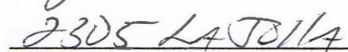
As a resident of Wellington Park, which pays some of the highest property taxes in Kaufman, I **oppose** changing the Southwest corner of South Houston Street and Oak Creek Drive from residential to commercial.

I urge you to protect our neighborhood and the value of our property. Keep our neighborhood residential, not commercial.

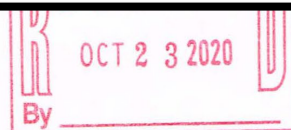
Sincerely,



(name)



(address)



ORDINANCE O-32-20

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING THE FUTURE LAND USE PLAN MAP, A PLANNING ELEMENT OF THE COMPREHENSIVE PLAN, ADOPTED BY ORDINANCE O-09-09, UPDATED BY ORDINANCE O-08-14, AMENDED BY ORDINANCES O-20-17, O-24-18 AND O-34-19, AND FURTHER AMENDED BY THIS ORDINANCE TO CHANGE AN APPROXIMATE 6.33-ACRE TRACT OF LAND (PID 5250, 5249, 5252, 5251 AND A PORTION OF 9357), GENERALLY LOCATED AT SOUTHWEST CORNER OF S. HOUSTON (FM 1388) AND OAK CREEK DRIVE (THE FRONTAGE ROAD OF W. HIGHWAY 175), BEING A TRACT OF LAND PART OF THE C. A. LOVEJOY SURVEY, ABSTRACT 303, AND THE D. FALCON SURVEY, ABSTRACT 151, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS, FROM FUTURE SINGLE FAMILY LOW DENSITY TO FUTURE COMMERCIAL; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING ORDINANCES AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a zoning change (Case No. Z-04-20) from Single Family Residential-10 ("SF-10") to Planned Development -19 was requested by the property owner of an approximate 6.33-acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357), generally located at the southwest corner of S. Houston (FM 1388) and Oak Creek Drive (the frontage road of W. Highway 175), such tract being a part of the C. A. Lovejoy Survey, Abstract 303, and the D. Falcon Survey, Abstract 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, (the "Property"); and

WHEREAS, the requested zone change is not consistent with the adopted 2014 Future Land Use Plan for the City, which shows the Property as designated for Future Single Family Low Density development; and

WHEREAS, the owner of the Property requests that the Future Land Use Plan (Case No. MP-01-20) be amended to change the Property from Future Single Family Low Density to Future Commercial designation to allow the zoning and development of the Property for those uses allowed in the Planned Development - 19 ("PD-19") Zoning District of the City of Kaufman; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the 6th day of October, 2020 where interested parties were given the opportunity to provide comment and testimony, studied and reviewed the Future Land Use Map in conjunction with this request, reviewed and considered the compatibility of the requested change with the existing uses and designated uses as set forth in the Future Land Use Map for the Property, surrounding areas, and for the entire City; and

WHEREAS, after all persons were given an opportunity to present testimony, and the Commission completed its review, the Commission determined that the

requested change is consistent with the goals of the Comprehensive Plan for orderly development of property within the City and did approve the request and make recommendations to amend the Future Land Use Plan Map to change the designation of the Property from Future Single Family Low Density to Future Commercial, and

WHEREAS, the City Council held a public hearing on the 26th day of October, 2020, and on the 16th day of November, 2020, where interested parties were given the opportunity to provide comment and testimony, the City Council considered the recommendation of the Planning and Zoning Commission, and did study and review the request; and

WHEREAS, the City Council, after determining that all legal requirements of notice and hearings have been met and after considering the request, has determined that the requested amendment to the Future Land Use Plan to change the designation of the Property from Future Single Family Low Density to Future Commercial is consistent with the goals of land development as set forth in the Comprehensive Plan of the City and would allow orderly development of the Property which would serve the best interest of the health, safety, and general welfare of the public (Case No. MP-01-20).

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

SECTION 1. INCORPORATION OF PREMISES. It is hereby determined that the findings and recitations contained above in the preamble of this Ordinance are true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT. That the City's Future Land Use Plan Map is hereby amended and shall be annotated to reflect the change in an approximate 6.33-acre tract (PID 5250, 5249, 5252, 5251 and a portion of 9357) of land generally located at the southwest corner of S. Houston (FM 1388) and Oak Creek Drive (the frontage road of W. Highway 175), such tract being a part of the C. A. Lovejoy Survey, Abstract 303, and the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas, described in the attached **Exhibit "A"**, from Future Single Family Low Density to Future Commercial, and a copy of the amended Future Land Use Plan Map shall be on file with the office of the City Secretary.

SECTION 3. ORDINANCES AMENDED. That the amended Future Land Use Plan Map, a planning element of the Comprehensive Plan, is intended to amend the Future Land Use Plan Map adopted by Ordinance No. O-09-09, updated by Ordinance No. O-08-14, and amended by Ordinance Nos. O-20-17, O-24-18, O-34-19, and is to be used for all matters related to long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction and growth management.

SECTION 4. CUMULATIVE REPEALER. 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 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 is saved and 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, 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 holdings 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 6. 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 16th day of November, 2020.

JEFF JORDAN
MAYOR

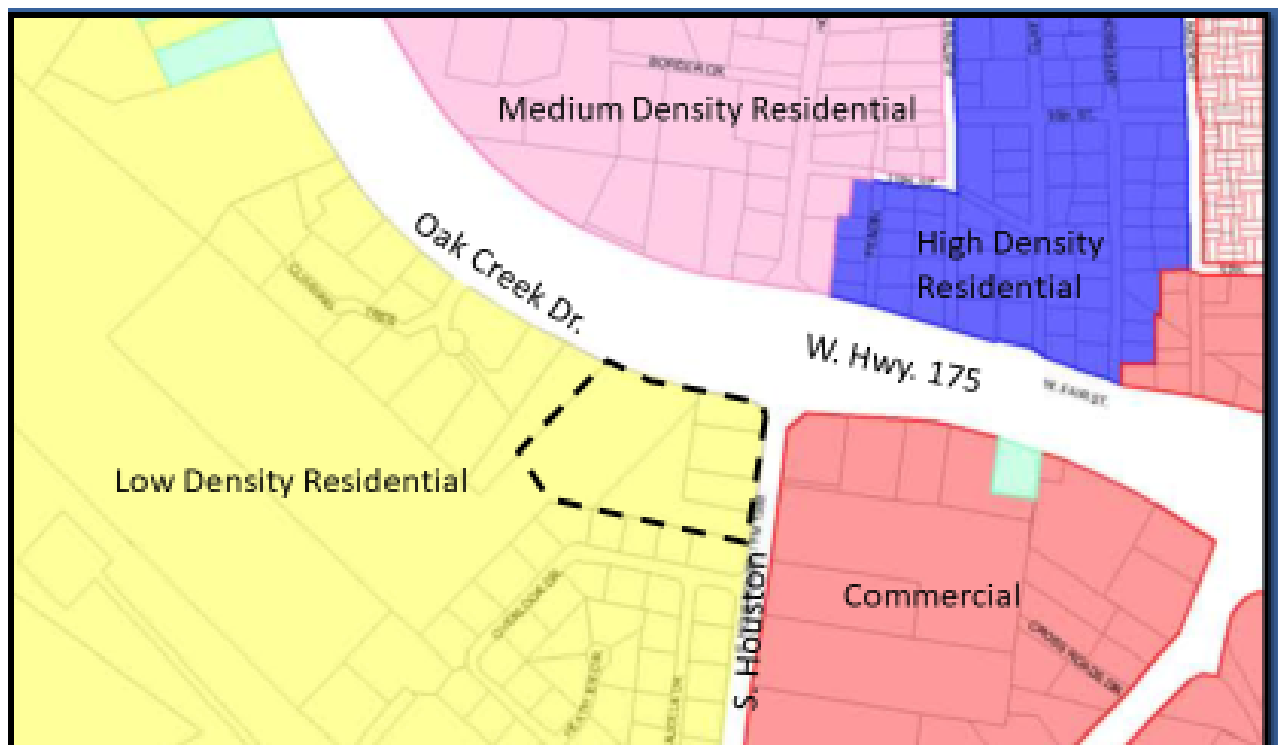
ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

MP-01-20
PID 5250, 5249, 5252, 5251 and a portion of 9357
(SW corner of S. Houston and Oak Creet Drive)



ORDINANCE O-33-20

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING ORDINANCE NO. 0-02-07 AND CHAPTER 118, "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, COLLECTIVELY, "THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP" OF THE CITY, TO CHANGE THE ZONING CLASSIFICATION ON AN APPROXIMATE 6.33 ACRE TRACT OF LAND (PID 5250, 5249, 5252, 5251, AND A PORTION OF 9357) FROM SINGLE FAMILY RESIDENTIAL-10, "SF-10", TO PLANNED DEVELOPMENT-19, "PD-19", SUCH PROPERTY BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SOUTH HOUSTON STREET (FM 1388) AND U.S. HIGHWAY 175, ON A TRACT OF LAND OUT OF THE C.A. LOVEJOY SURVEY, ABSTRACT NO. 303, AND THE D. FALCON SURVEY, ABSTRACT NO. 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 6th day of October, 2020, the Planning and Zoning Commission held a public hearing and considered and made a recommendation for approval of a request to rezone an approximate 6.33-acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357) from Single Family Residential-10 to Planned Development-19, a proposed limited retail, service, and commercial use development, the land being generally located at the southwest corner of South Houston Street (FM 1388) and U.S. Highway 175, such tract being a part of the C.A. Lovejoy Survey, Abstract No. 303 and 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, (the "Property"); and

WHEREAS, Planned Development-19 includes specific standards, as depicted on **Exhibit "B"** and the Happy Park Concept Plan as depicted on **Exhibit "C"**, each of which are attached hereto and incorporated as if set forth fully herein, and reviewed as part of Case No. Z-04-20 by the Planning and Zoning Commission; and

WHEREAS, at its regular meetings held on the 26th day of October, 2020, and the 16th day of November, 2020, the City Council held a public hearing for the proposed request to rezone an approximate 6.33-acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357) from Single Family Residential-10 to Planned Development-19, a proposed limited retail, service, and commercial use development, and: (1) determined that all legal requirements of notice and hearings were met; (2) considered the recommendations of the Planning and Zoning Commission; (3) provided the public an opportunity to provide input; (4) considered public input; (5) considered the compatibility of the proposed Planned Development-19 zoning with surrounding properties and the

goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the City; and (6) determined that the proposed amendment to the Zoning Ordinance and Zoning Map of the City set forth herein below 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; and

WHEREAS, the City Council has further determined the following amendment to the Zoning Ordinance would provide for and would be in the best interest of the health, safety, and general welfare of the citizens of Kaufman 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. 0-02-07 and Chapter 118, "Zoning", of the Code of Ordinances of the City of Kaufman, Texas, collectively, "The Comprehensive Zoning Ordinance and The Official Zoning Map", is hereby amended to reflect the change in zoning for an approximate 6.33-acre tract of land (PID 5250, 5249, 5252, 5251, and a portion of 9357), such tract being a part of the C.A. Lovejoy Survey, Abstract No. 303 and the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County Texas more specifically described in **Exhibit "A"**, from Single Family Residential-10 ("SF-10") to Planned Development-19 ("PD-19"), a limited retail, service and commercial use development, with specific development standards as depicted on **Exhibit "B"** and in accordance with the Happy Park Concept Plan as depicted on **Exhibit "C"**.

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 status of the Property from Single Family Residential-10 to Planned Development-19, thereon, and the updated map shall be on file with the office of the City Secretary.

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 ADOPTED this 16th day of November, 2020.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

Exhibit "A"

Metes and Bounds Description

WHEREAS, A 6.33 ACRE TRACT OF LAND IS WITHIN THE C.A. LOVEJOY SURVEY, ABSTRACT NO. 303 AND THE D. FALCON SURVEY, ABSTRACT NO. 151 IS TAKEN OUT OF THAT CERTAIN CALLED 22.38 ACRE TRACT CONVEYED TO THOMAS H. ARNOLD AND MARTHA LOUISE ARNOLD STILWELL BY REGIONS BANK, F/K/A THE STATE FIRST NATIONAL BANK OF TEXARKANA, TRUSTEE ON JULY 27, 2011, AS RECORDED IN VOL. 4019, PAGE 383 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS (D.R.K.C.T) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 1/2 " IRON PIPE FOUND AT THE EAST PROPERTY CORNER OF THE GLEN M. ASHWORTH, ET UX 1.176 ACRE TRACT, RECORDED IN VOL. 685 PAGE 540 OF THE D.R.K.C.T. AND BEING IN THE SOUTH RIGHT OF WAY (R.O.W.) LINE OF U.S. HIGHWAY NO. 175 (R.O.W. VARIES);

THENCE S 71 DEG. 20 MIN. 38 SEC. E, ALONG SAID SOUTH R.O.W. LINE OF U.S. HIGHWAY NO. 175 , FOR A DISTANCE OF 238.46 FT. TO A CONCRETE MONUMENT FOUND FOR A CORNER;

THENCE S 76 DEG. 30 MIN. 44 SEC. E, CONTINUING ALONG SAID SOUTH R.O.W. LINE OF U.S. 175 FOR A DISTANCE OF 219.38 FT. TO A CONCRETE MONUMENT FOUND FOR CORNER;

THENCE S 30 DEG. 31 MIN. 49 SEC. E., ALONG A CORNER CLIP, FOR A DISTANCE OF 84.04 FT. TO A CONCRETE MONUMENT FOUND IN THE WEST R.O.W. LINE OF FARM TO MARKET ROAD NO. 1388 (F.M. NO. 1388);

THENCE S 9DEG. 24 MIN. 49 SEC. W, ALONG THE SAID WEST R.O.W. LINE OF F.M. NO. 1388, FOR A DISTANCE OF 378.66 FT TO A 1/2" IRON PIPE FOUND AT THE NORTHEAST CORNER OF LOT NO.1 OF WELLINGTON PARK, RECORDED IN CABINET 1 PAGE 579 OF THE PLAT RECORDS OF KAUFMAN COUNTY, TEXAS;

THENCE N 76 DEG. 49 MIN. 40 SEC. W, WITH THE NORTH LINE OF SAID LOT NO. 1, FOR A DISTANCE OF 158.98 FT. TO A 1/2" IRON PIPE FOUND FOR A CORNER;

THENCE N 76DEG,56 MIN, 01 SEC W, CONTINUING ALONG THE NORTH LINE OF SAID WELLINGTON PARK FOR A DISTANCE OF 115.74 FT. TO A 3/8" IRON ROD FOUND FOR A CORNER;

THENCE N 75DEG, 40MIN. 02SEC W, CONTINUING ALONG THE NORTH LINE OF SAID WELLINGTON PARK FOR A DISTANCE OF 115.75 FT. TO A POINT FOR A CORNER;

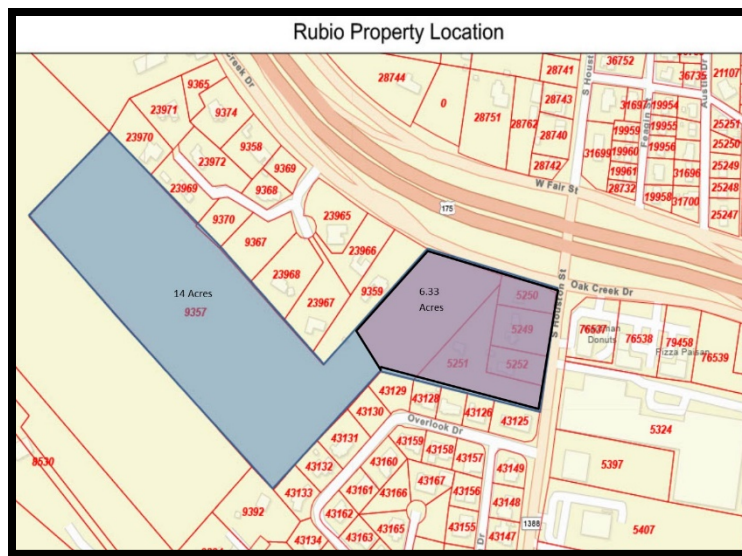


Exhibit "B"
Planned Development 19 Standards
Happy Park Standards

1. GENERAL PURPOSE AND DESCRIPTION:

The intent of Planned Development - 19 is to provide for neighborhood, local, and regional shopping and service facilities for the retail sales of goods and services. The base zoning of the Planned Development shall be Section 24, Retail District as found in Chapter 118 "Zoning" of the Code of Ordinances of the City of Kaufman, the Comprehensive Zoning, as amended. The Planned Development shall allow the development of tracts of land in a manner that will allow more flexibility than traditional zoning districts in terms of placement of buildings and structures, and mixture or combination of uses.

2. IN GENERAL

- A. PD-19 is subject to all codes, procedures, and applicable zoning ordinances except as modified herein. If any information conflicts, the planned development shall govern. All development shall be under the enforceable zoning regulations as published on October 26, 2020, along with the exceptions noted herein.
- B. All fire lanes and access easements shall be dedicated to the City of Kaufman and shall comply with applicable City ordinances and regulations.

3. PERMITTED USES:

The following limited retail, service and commercial uses shall be permitted in PD-19 District. Uses are defined in the Kaufman Zoning Ordinance. No land shall be used and no building shall be erected or converted to any use other than the following uses:

- A. Bank or financial institution without a drive through.
- B. Book, card, or stationary store.
- C. Camera and photographic supply shop.
- D. Catering service.
- E. Church, rectory or temple.
- F. Clothing or apparel store.
- G. Commercial antennas attached to buildings only.
- H. Convenience store with a maximum area of 2,500 SF without gasoline sales.
- I. Day care center (child care for 7+ unrelated children).
- J. Donut, bakery or confectionery shop.
- K. Florist.
- L. Furniture, home furnishings and appliance store.
- M. General merchandise (dry goods).
- N. Health & fitness center (indoors only)
- O. Jewelry store.
- P. Dry Cleaning and Laundry pick-up station.
- Q. Mailing service.
- R. Medical, dental or optician clinic, laboratory or office.
- S. Nursing, convalescent home or hospice.
- T. Office, general business and professional.
- U. Office supply store.
- V. Personal service uses (barber/beauty salon, tailor, shoe repair, seamstress, etc.)

Exhibit "B"
Planned Development 19 Standards
Happy Park Standards

- W. Pharmacy or drugstore.
- X. Print/reproduction shop.
- Y. Radio, recording or television studio without a tower.
- Z. Restaurant
- AA. School, parochial, when located on the same lot as the church.
- BB. Studio, decorator, artist, photographer.

4. SPECIFIC USES PERMITTED.

The following uses in PD-19 and located within Lot 1, Block A as shown on the adopted concept plan herein may be obtained only by City Council approval of a specific use permit for such use. These specific uses permitted for Lot 1, Block A shall not be allowed within a distance of 200 feet from the southern property line of PD-19.

- A. Bank or financial institution with drive through service
- B. Restaurant with drive through or curb service.
- C. Donut or bakery shop with drive through or curb service.
- D. Dry cleaning and laundry pick-up station with drive through or curb service.
- E. Pharmacy with drive through service.
- F. Private club in conjunction with a restaurant with or without drive through or curb service.
- G. Research laboratories and facilities.

5. GENERAL MINIMUM DEVELOPMENT REQUIREMENTS:

- A. The minimum development requirements for PD-19 shall be as follows:
 - 1. Minimum Lot Area: No minimum land area is required.
 - 2. Minimum Lot Width: Fifty feet (50')
 - 3. Minimum Lot Depth: Fifty feet (50')
 - 4. Height Regulations. The building(s) shall not exceed three (3) stories for a maximum of forty-five feet (45') in height, including the parapet wall.
- B. Size of Yards as measured from the property lines shall be:
 - 1. Minimum Front Yard: Twenty-five feet (25')
 - 2. Minimum Side Yard: Fifteen feet (15'); Twenty-five feet (25') when 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 (3') of setback for each one foot (1') of height.
 - 3. Interior Side Yards: When retail uses are platted adjacent to other retail and other nonresidential uses, no side yard is required provided it complies with the building code.
 - 4. Minimum Rear Yard: Twenty feet (20')
 - 5. Maximum Lot Coverage: Forty-five percent (45%)
- C. Parking Regulations shall be the same as required by Section 35, Off-Street Parking and Loading Requirements of the Kaufman Zoning Ordinance with the following exceptions
 - 1. Parking shall be provided in accordance with Exhibit "C".
 - 2. All parking shall be shared parking between the designated lots platted.

Exhibit "B"
Planned Development 19 Standards
Happy Park Standards

6 SPECIAL REQUIREMENTS:

- A. Open storage is prohibited; however, periodic display of seasonal items by the retail establishment on their own property or within their lease space (e.g. Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods in accordance with Section 40.8, the temporary use regulations in the City's Zoning Ordinance. Service or loading areas shall not be visible from a public street.
- B. When any development occurs in this District it shall be the developer's/owner's responsibility to erect and maintain a solid masonry screening wall between their property and any adjacent residential property or District. (See Section 38, Fencing Walls, and Screening Requirements of the Zoning Ordinance, as amended)

7. COMMERCIAL OWNER'S ASSOCIATION (COA) ESTABLISHED:

- A. A COA shall be formed and appropriate documents filed with the State and shall be an enforceable entity for the maintenance of the shared fire lane and access easements, 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 will be issued by the City.

8. SIGNAGE REGULATIONS:

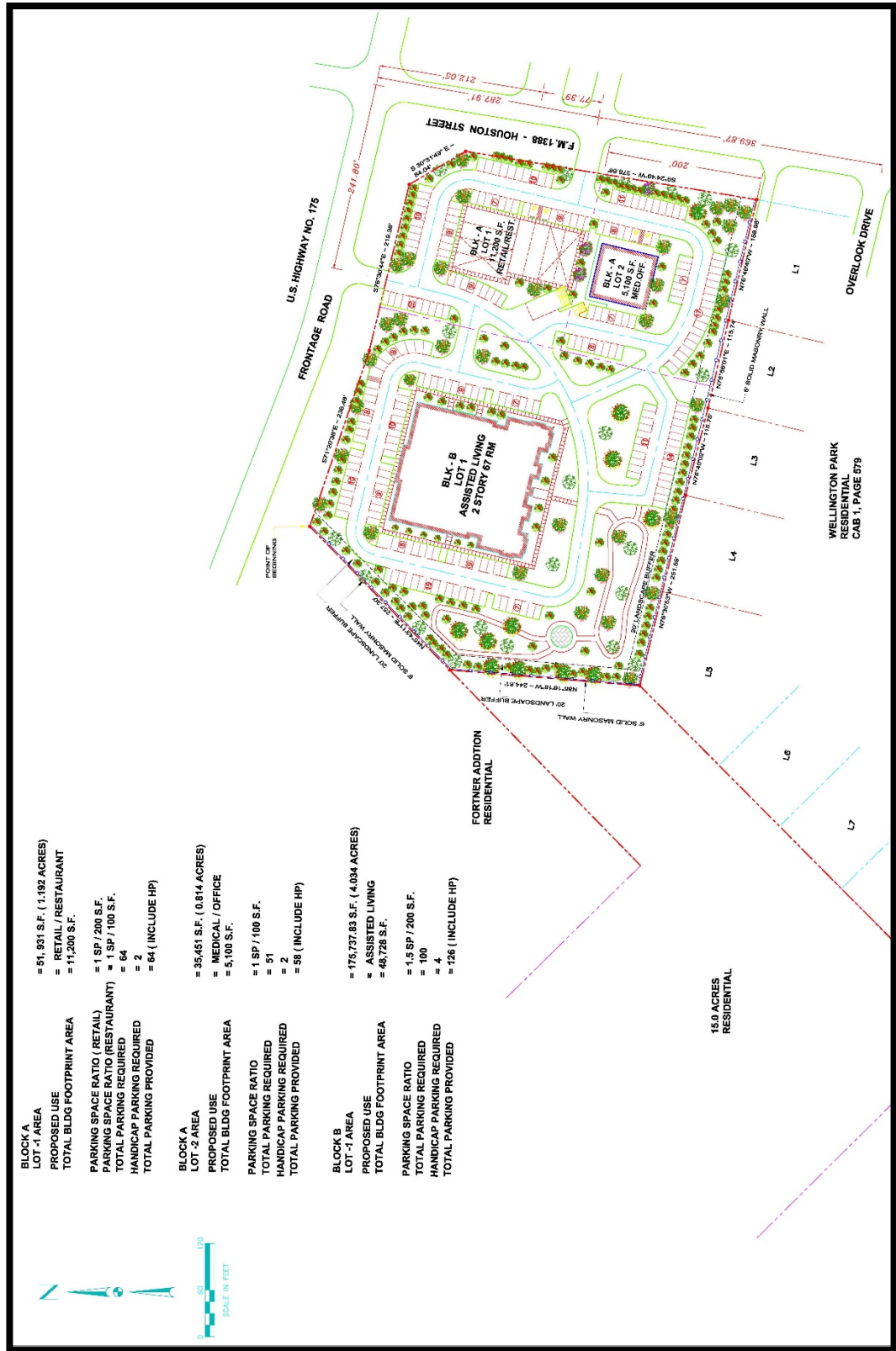
- A. Signage shall be in accordance with Section 44, Sign Regulations, of the Kaufman Zoning Ordinance.

9. LANDSCAPING

- A. All development in the PD-19 shall comply with the City of Kaufman Landscape Ordinance in addition to the following required landscape buffer yard:
 - 1. Adjacent to the required six foot (6') masonry wall separating PD-19 from the adjoining residentially used or zoned property, shall be a required twenty foot (20') landscaped buffer yard located along the entire length of the southern and western boundary lines of PD-19.
 - a) The twenty foot (20') landscaped buffer yard shall include a minimum of three (3) tiers of plantings. Below is a list of the allowed plants. The Development Services Director may approve comparable plants for substitution.
 - 1. Tier One (adjacent to the masonry wall) shall include a *Juniperus Virginiana Silicicola* 'Brodie Eastern Red Cedar' planted at twelve foot (12') intervals. The size at the time of planting shall be at minimum thirty (30) gallon container, six to eight feet (6'-8') in height, with an approximate four foot (4') spread, and;
 - 2. Tier Two (middle tier) shall include *Ilex X 'Nellie R. Stevens'* Holly planted at six to eight feet (6'-8') intervals. The size at the time of planting shall be at minimum a twenty (20) gallon container, six to eight feet (6'-8') in height, with an approximate three foot (3') spread, and;
 - 3. Tier Three (closest to the parking areas) shall include *Vitex Agnus-Castus* planted at six to eight feet (6'-8') intervals. The size at the time of planting shall be at minimum a twenty (20) gallon container, and six to eight feet (6'-8') in height, with an approximate three foot (3') spread.
 - b) The plantings in the three tiers shall be staggered in the 20 foot landscaped buffer yard, in order to provide a solid live screening wall to reduce the effects

Exhibit "B"
Planned Development 19 Standards
Happy Park Standards
of noise, and light from the PD-19 development on adjacent property.

Exhibit "C" Planned Development -19 Concept Plan of Happy Park





Meeting
Date: 11/16/2020

Date: 11/3/2020

Item #: 9.

Dept.: Development
Services

Action Item

SUBJECT:

Conduct a public hearing, consider and take appropriate action on Ordinance No. O-33-20, an ordinance of the City of Kaufman, Texas, to rezone an approximate 6.33 acre tract of land (PID 5250, 5249, 5252, 5251 and a portion of 9357), such property located at the southwest corner of W. Highway 175 and S. Houston from Single Family Residential-10 (SF-10) to Planned Development (PD) for limited retail, service and commercial uses. (Case No. Z-04-20) Applicants: Ray and Sandy Rubio

BACKGROUND:

See Item 8 for background information.

City Council table the public hearing to the November 16, 2020 meeting to allow the applicant to consider changes based on input from the community.

Author:

Marcy Ratcliff, Development Services Director

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
☐	☐	☐	☐	☐



Meeting
Date: 11/16/2020

Date: 11/5/2020

Item #: 10.

Dept.: Development
Services

Action Item

SUBJECT:

Conduct a public hearing, consider and take appropriate action on Ordinance O-35-20 an ordinance of the City of Kaufman to rezone an approximate 4.306 acre tract of land (PID 3719), such property located in the 600 block of Rand Road (FM 1836) from Light Industrial (LI) to Planned Development for office, general business, professional office, contractor office and shop, showroom, storage and warehouse facilities, and mini-warehouse uses. (Case No. Z-05-20) Applicant: Wade Hebb

BACKGROUND:

See the attached November 3, 2020 Planning and Zoning Commission report on Zone Change case Z-05-20.

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 November 3, 2020 recommended approval to rezone a 4.306-acre tract with the following conditions by a vote of 5-1:

1. Relocate the proposed 5 trees to the landscaped area located along the western property line in Phases V through VIII area
2. Correct the maximum impervious area percentage from 75% to 80% and the minimum pervious area percentage from 25% to 20% to match the AAA Storage Concept Plan.

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



Meeting Date: November 3, 2020

Consent: No

Discussion/Action: Yes

SUBJECT: Conduct a public hearing, consider and make a recommendation to City Council to rezone an approximate 4.306-acre tract of land (PID 3719), such property located in the 600 block of Rand Road (FM 1836) from Light Industrial to Planned Development for office, general business, professional office, contractor office and shop, showroom, storage and warehouse facilities and mini-warehouse uses. (Case No. Z-05-20)

Applicant: Wade Hebb

BACKGROUND/SUMMARY:

Mr. Wade Hebb purchased the property, located in the 600 block of Rand Road (FM 1836), from the Union Pacific Railroad in September 2018, to develop mini-warehouses and contractor office, shop, and showrooms. The property had been owned by the Southern Pacific Transportation Company until February 1998. Trains stopping running sometime in the late 1960s and the tracks were removed sometime in the 1970s. Sometime in the late 1970s and early 1980s, the rocks from the rail beds were excavated and sold. The property since that time has remained undeveloped. The property was zoned General Industrial in 1980 and rezoned to Light Industrial in the 1999 city-wide rezoning.

The proposed planned development is for office, general business, professional office, contractor office and shop, showroom, storage and warehouse facilities, and mini-warehouse uses will be developed in eight phases. Phase I includes the development of the buildings along the frontage of Rand Road and the three perimeter mini-warehouse buildings. Phase II, III, and IV will be the interior portion of the mini-warehouse development. Phases V through VIII, located at the rear portion of the lot, will be developed last.

The parking lot and buildings along Rand Road are located behind the 25 building line. The side and rear yard setbacks are 5 feet from the property lines. The majority of the feature landscaping is located along Rand Road in front of the parking lot. The parking lot located in the Phases V through VIII area will not have any landscape islands to accommodate truck deliveries to those buildings. The applicant proposes to plant five trees along the northern property line. Staff discussed moving the five trees along the western property line beside David's service and delivery area. Staff recommended this change due to it being the most visible area to the public as it is located approximately 145 feet east of S. Nash Street. The applicant is not opposed to the change, but due to time constraints it is not shown on the concept plan.

A 24-foot wide driveway entrance from Rand Road will provide access to Phases I through IV. A secured controlled gate entrance limits the access from the general public to the rear of the

six buildings located along Rand Road and the mini-warehouse development. The Fire Department will have access through the gate.

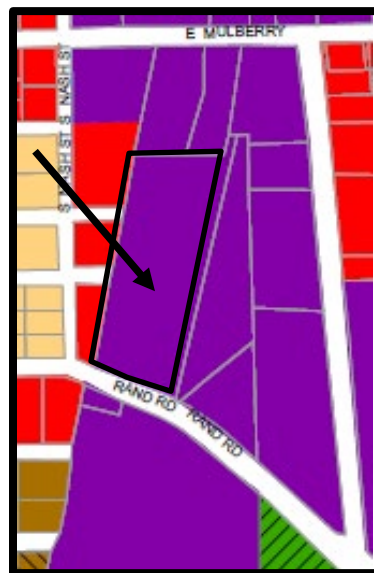
A 24-foot wide driveway entrance from E. Chestnut Street only will provide access to Phases V through VIII. Currently E. Chestnut Street physically ends at S. Nash Street. The developer will be required to construct that portion of E. Chestnut Street from S. Nash Street along the rear of David's Grocery Store to his property line. The Fire Department is not requiring a cul-de-sac at the end of E. Chestnut Street, because of the location and size of the existing right-of-way and the development of David's and a single-family residence. Phase V through VIII development area will have a circular 24-foot fire lane that will allow the Fire Department to enter and exit the property. Phase V through VIII will have a secured controlled gate entrance limiting access from the general public. The Fire Department will have access through the gate.

The parking standards will be the same as required in the Zoning Ordinance. The parking ratio for office use is one space per 300 SF. The parking ratio for storage and warehouse use is one space per 1,000 SF. The parking ratio for a mini-warehouse use is 4 spaces plus 1 additional space per 10,000 SF.

Remember the State of Texas changed the law effective September 1, 2019, that cities could no longer have a specific masonry standard. Building materials allowed now are only those listed and approved by the adopted International Building Codes with no specified percentages. The proposed building materials include metal siding and stone veneer on the buildings along Rand Road.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	LI	Family Dollar, Git R Clean Car Wash, Mulberry Crossing Strip Center
South:	LI & MH	Undeveloped (LI) Kaufman Mobile Home Park
East:	LI	Undeveloped, Advantage Redi Mix Batch Plant, Choo Choo Self Storage, Superflo Fast Lube
West:	C	Vacant, Single-family residence, David's Grocery Store



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as a Future Commercial. The proposed zoning request for a Planned Development for office, general

business, professional office, contractor office and shop, showroom, storage and warehouse facilities, and mini-warehouse uses complies with the 2014 Future Land Use Plan. The proposed uses are generally thought of as commercial uses especially since there will be no outside storage.

Thoroughfare Plan:

The City of Kaufman Thoroughfare Plan designates Rand Road as a “Type C”, Major Collector, requiring a future right-of-way width of 80-feet. However, the 2016 Kaufman County Transportation Plan designates Rand Road as a “Type B”, Minor Arterial requiring a future right-of-way width of 100-feet. The City of Kaufman through an Interlocal Cooperation Agreement (Court Order No. 101320-36) with Kaufman County has agreed to require compliance with the Kaufman County Transportation Plan. The exact amount of right-of-way required to be dedicated is determined at the time of platting.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 24 property owners within 300-feet of the 4.306-acre tract of land (PID 3719), located in the 600 block of Rand Road. The State requires a 200-foot notification and the City of Kaufman notifies an extra 100-foot radius, for every notification required in the Comprehensive Zoning Ordinance. The results are as follow:

- Number of property owners who returned letters supporting the request: 0
- Number of property owners who returned letters opposing the request: 0
- Number of property owners have not responded: 24

If 20% of the area within 200 feet of the request objects to 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:

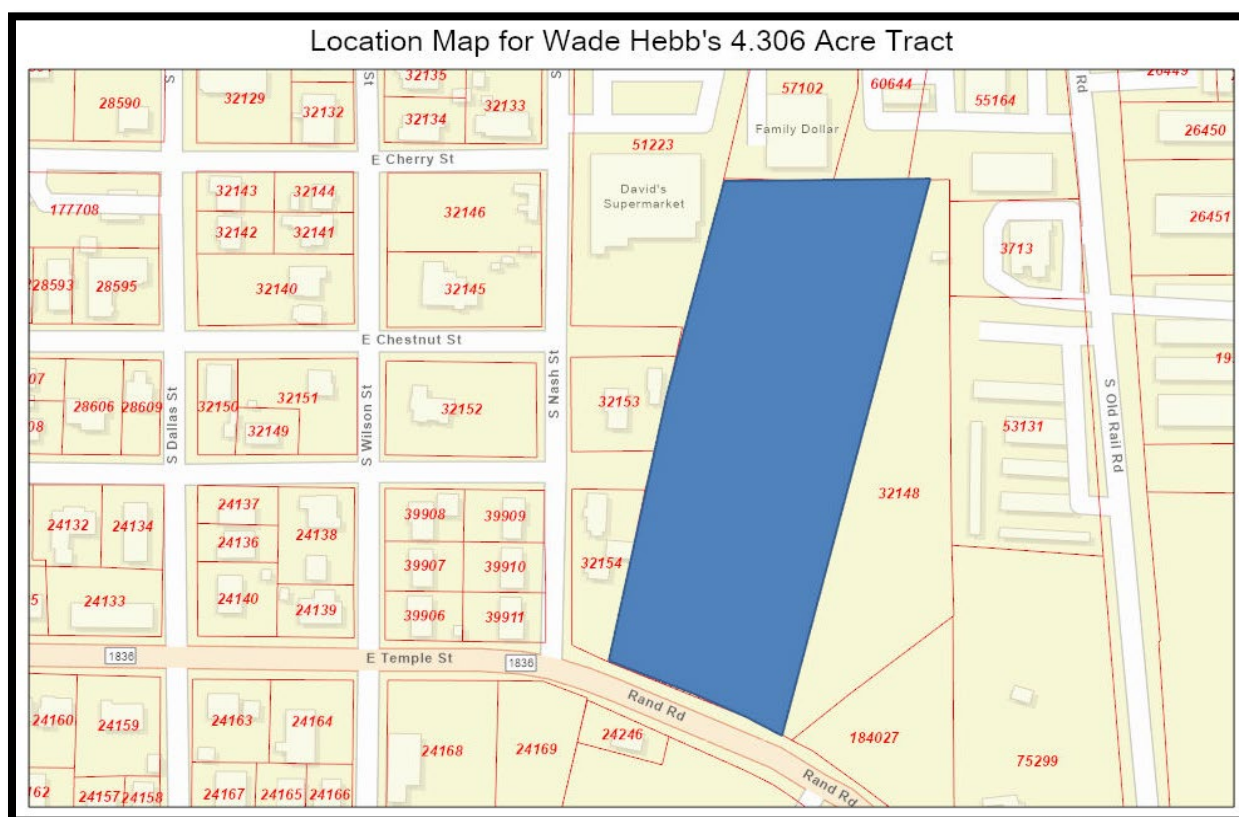
Staff recommends approval of Z-05-20 to rezone an approximate 4.306-acre tract of land (PID 3719), located in the 600 block of Rand Road from Light Industrial (LI) to Planned Development for office, general business, professional office, contractor office and shop, showroom, storage and warehouse facilities and mini-warehouse uses, with the condition to relocate the proposed 5 trees to the landscaped area located along the western property line in Phases V through VIII.

ATTACHMENTS:

1. Location Map
2. Proposed AAA Storage Concept Plan
3. Proposed Planned Development Standards of AAA Storage

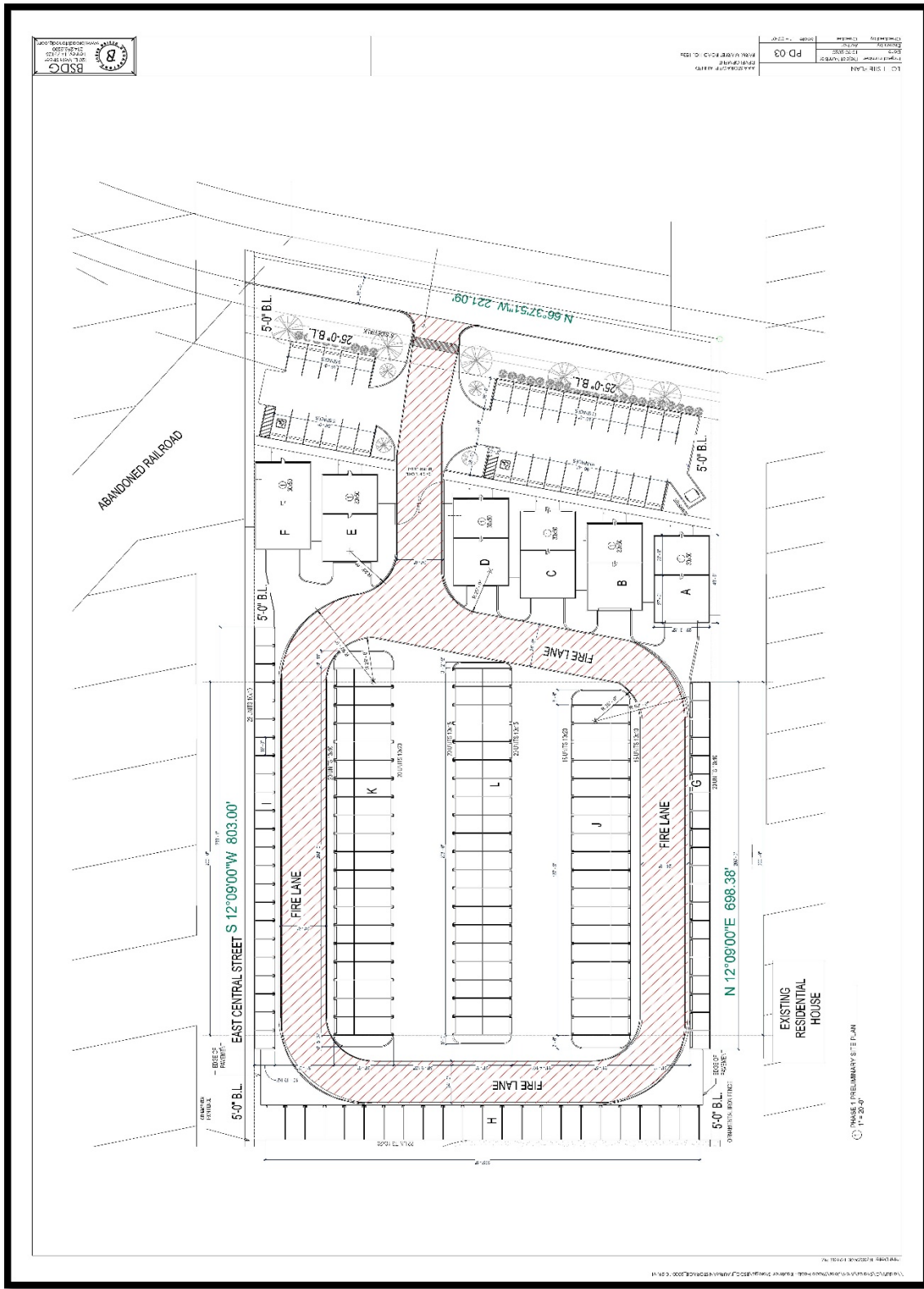
Marcy Ratcliff
 Development Services
 972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



Proposed Conceptual Layout





Draft Planned Development Standards
AAA Storage Standards

1. GENERAL PURPOSE AND DESCRIPTION:

The intent of Planned Development - ___ is to provide for facilities for the local and regional office, general business, professional office, contractor office and shop, showroom, storage and warehouse facilities, and mini-warehouse uses to be built in eight phases. The base zoning of the Planned Development shall be Section 27, Light Industrial District as found in Chapter 118 "Zoning" of the Code of Ordinances of the City of Kaufman, the Comprehensive Zoning, as amended. The Planned Development shall allow the development of tracts of land in a manner that will allow more flexibility than traditional zoning districts in terms of placement of buildings and structures and mixture or combination of uses.

2. IN GENERAL

- A. PD-___ is subject to all codes, procedures, and applicable zoning ordinances except as modified herein. If any information conflicts, the planned development shall govern. All development shall be under the enforceable zoning regulations as published on November 16, 2020, along with the exceptions noted herein.
- B. All fire lanes and access easements shall be dedicated to the City of Kaufman and shall comply with applicable City ordinances and regulations.
- C. PD-___ will be developed in eight phases as shown on the attached concept plan.
- D. Minor deviations, as approved by the Director of Development Services or their designee, from the conceptual plan concerning phasing, building locations, and footprints are allowed.

3. PERMITTED USES:

The following limited retail, service and commercial uses shall be permitted in PD-___ District. Uses are defined in the Kaufman Zoning Ordinance. No land shall be used and no building shall be erected or converted to any use other than the following uses:

- A. Office, general business, and professional.
- B. Contractor office, shop and showroom.
- C. Storage and warehouse facilities.
- D. Mini-warehouses.
- E. One on-site dwelling unit is allowed as an accessory use to the principal mini-warehouse use.
- F. Recreational vehicles, boats, trailers, and personal watercraft, located only within the interior area of the mini-warehouse development, are allowed when located under a designated canopy with two or more sides. No recreational vehicles shall be occupied. No recreational vehicles, boats, trailers, and personal watercraft shall impede vehicular traffic within.

4. GENERAL MINIMUM DEVELOPMENT REQUIREMENTS:

- A. The minimum development requirements for PD-___ shall be as follows:
 - 1. Minimum Lot Area: Twenty thousand square feet (20,000 SF).
 - 2. Minimum Lot Width: One hundred feet (100')
 - 3. Minimum Lot Depth: One hundred feet (100')
 - 4. Height Regulations: The building(s) shall not exceed one (1) story for a

Draft Planned Development Standards
AAA Storage Standards
maximum of thirty feet (30') in height.

- B. Size of Yards as measured from the property lines shall be:
1. Minimum Front Yard: Twenty-five feet (25')
 2. Minimum Side Yard: Five feet (5') provided it complies with the building code.
 3. Minimum Rear Yard: Five feet (5')
 4. Maximum Building Coverage: Thirty percent (30%)
 5. Maximum Impervious Coverage: ~~Seventy-five~~ **Eighty** percent (~~75~~**80**%)
 6. Minimum Pervious Coverage: ~~Twenty-five~~ **Twenty** percent (~~25~~**20**%)
- C. Parking Regulations shall be the same as required by Section 35, Off-Street Parking and Loading Requirements of the Kaufman Zoning Ordinance with the following exceptions
1. All parking shall be shared between the designated uses.
 2. No designated parking for individual businesses allowed.

5. **SPECIAL REQUIREMENTS:**

- A. Open storage is prohibited. Recreational vehicles, boats, trailers, and personal watercraft are not considered open storage.
- B. Perimeter screening from neighboring properties, zoning districts, and uses shall include the following:
1. In Phases I through IV, a perimeter six-foot (6') tall ornamental iron fence shall be located between all perimeter buildings. The perimeter mini-warehouse building facades shall also serve as a screening wall.
 2. In the Phase V and VIII area, a perimeter six-foot (6') tall ornamental iron fence shall be located on the eastern, northern, and western property lines.

6. **SIGNAGE REGULATIONS:**

- A. Signage shall be in accordance with Section 44, Sign Regulations, of the Kaufman Zoning Ordinance.

7. **LANDSCAPING**

- A. All development in the PD-__ shall comply with the City of Kaufman Landscape Ordinance with the exception of the parking area shown in the Phases V through VIII area of the concept plan. No landscaped area is required in this off-street parking area, to accommodate truck deliveries to the buildings. Five large trees shall be required along the western perimeter area of Phases V through VIII as shown on the concept plan.

Exhibit "C"
Planned Development - ____
Concept Plan of AAA Storage

ORDINANCE O-35-20

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING ORDINANCE NO. 0-02-07 AND CHAPTER 118, "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, COLLECTIVELY, "THE COMPREHENSIVE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP" OF THE CITY, TO CHANGE THE ZONING CLASSIFICATION ON AN APPROXIMATE 4.306 ACRE TRACT OF LAND (PID 3719) FROM LIGHT INDUSTRIAL TO PLANNED DEVELOPMENT-20, "PD-20", SUCH PROPERTY BEING GENERALLY LOCATED IN THE 600 BLOCK OF RAND ROAD (FM 1836), ON A TRACT OF LAND OUT OF THE J.B. COLE SURVEY, ABSTRACT NO, 84, 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 meeting held on the 3rd day of November, 2020, the Planning and Zoning Commission held a public hearing and considered and made a recommendation for approval of a request to rezone an approximate 4.306-acre tract of land (PID 3719) from Light Industrial to Planned Development-20, a proposed office, general business, professional office, contractor office, shop and showroom, storage and warehouse facilities, and mini-warehouse use development, the land being generally located in the 600 block of Rand Road (FM1836), such tract being a part of the J.B. Cole Survey, Abstract No. 84, 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,(the "Property"); and

WHEREAS, Planned Development-20 includes specific standards, as depicted on **Exhibit "B"** and the AAA Storage Concept Plan as depicted on **Exhibit "C"**, each of which are attached hereto and incorporated as if set forth fully herein, and reviewed as part of Case No. Z-05-20 by the Planning and Zoning Commission; and

WHEREAS, at its regular meeting held on the 16th day of November, 2020, the City Council held a public hearing for the proposed request to rezone an approximate 4.306-acre tract of land (PID 3719) from Light Industrial to Planned Development-20, a proposed office, general business, professional office, contractor office, shop and showroom, storage and warehouse facilities, and mini-warehouse use development, and: (1) determined that all legal requirements of notice and hearings were met; (2) considered the recommendations of the Planning and Zoning Commission; (3) provided the public an opportunity to provide input; (4) considered public input; (5) considered the compatibility of the proposed Planned Development-20 zoning with surrounding properties and the goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the

City; and (6) determined that the proposed amendment to the Zoning Ordinance and Zoning Map of the City set forth herein below 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; and

WHEREAS, the City Council has further determined the following amendment to the Zoning Ordinance would provide for and would be in the best interest of the health, safety, and general welfare of the citizens of Kaufman 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. 0-02-07 and Chapter 118, "Zoning", of the Code of Ordinances of the City of Kaufman, Texas, collectively, "The Comprehensive Zoning Ordinance and The Official Zoning Map", is hereby amended to reflect the change in zoning for an approximate 4.603 acre tract of land (PID 3719), such tract being a part of the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County Texas more specifically described in **Exhibit "A"**, from Light Industrial to Planned Development-20 ("PD-20"), a proposed office, general business, professional office, contractor office, shop and showroom, storage and warehouse facilities, and mini-warehouse use development, with specific development standards as depicted on **Exhibit "B"** and in accordance with the AAA Storage Concept Plan as depicted on **Exhibit "C"**.

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 status of the Property from Light Industrial to Planned Development-20, thereon, and the updated map shall be on file with the office of the City Secretary.

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 ADOPTED this 16th day of November, 2020.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

Exhibit "A"
Metes and Bounds Description

Z-05-20
Legal Description

PART OF THE
H. & T. C. R. R. ADDITION
KAUFMAN COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF KAUFMAN

All that certain lot, tract or parcel of land situated within the corporate limits of the City of Kaufman, Kaufman County, Texas, part of the H. & T. C. R. R. Addition to said City of Kaufman, recorded in Cabinet 1 page 127 of the Plat Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a 3/8" Iron rod found at the Southeast corner of Lot 1, Block A of Forney Carwash, Inc. Addition, shown by plat of same, recorded in Cabinet 2 page 525 of the Plat Records of Kaufman County, Texas, at the Westerly Southwest corner of Lot 2, Block A of Mulberry East Office Park, shown by plat of same, recorded in Cabinet 2 page 389 of the Plat Records of Kaufman County, Texas, at the Northwest corner of the Solventure Solar, L.L.C. 4.491 acre tract, recorded in Vol. 5495 page 194 of the Deed Records of Kaufman County, Texas and being in the centerline of East Central Street.

THENCE S 12 deg. 09 min. 00 sec. W, with the centerline of East Central Street, a distance of 803.00 ft. to a point at the intersection of same with the centerline of Farm to Market Road No. 1836 and being in a curve to the left, the radius point of which bears S 26 deg. 43 min. 58 sec. W-579.00 ft., from which a 3/8" Iron rod found in the North Right of Way line of said road bears N 12 deg. 09 min. 00 sec. E-30.95 ft.

THENCE, with the centerline of Farm to Market Road No. 1836 and with said curve to the left, the angle of which is 3 deg. 21 min. 50 sec., the radius is 579.00 ft. and the tangent is 17.00 ft., a distance of 33.99 ft. to a point at the P.T. of said curve to the left.

THENCE N 66 deg. 37 min. 51 sec. W, continuing with the centerline of Farm to Market Road No. 1836, a distance of 221.09 ft. to a point at the intersection of same with the centerline of West Central Street, from which a 3/8" Iron rod set in the North Right of Way line of said road bears N 12 deg. 09 min. 00 sec. E-30.58 ft.

THENCE N 12 deg. 09 min. 00 sec. E, with the centerline of W. Central Street, a distance of 698.38 ft. to a 3/8" Iron rod set at the Southwest corner of Lot 1 of Family Dollar One Addition, recorded in Cabinet 2 page 445 of the Plat Records of Kaufman County, Texas.

THENCE N 89 deg. 57 min. 28 sec. E, with the South line of said Lot 1 of Family Dollar One Addition, passing the Southeast corner of same, continuing a total distance of 255.77 ft. to the point of beginning, containing 4.306 acres (187,556 square feet) of land, of which 7,651 square feet are within the above mentioned Farm to Market Road No. 1836.

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 March, 2018.

GIVEN UNDER MY HAND AND SEAL this the 11th day of July, 2018.


REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5244
hebbrr.wpd



Exhibit "A"

Metes and Bounds Description

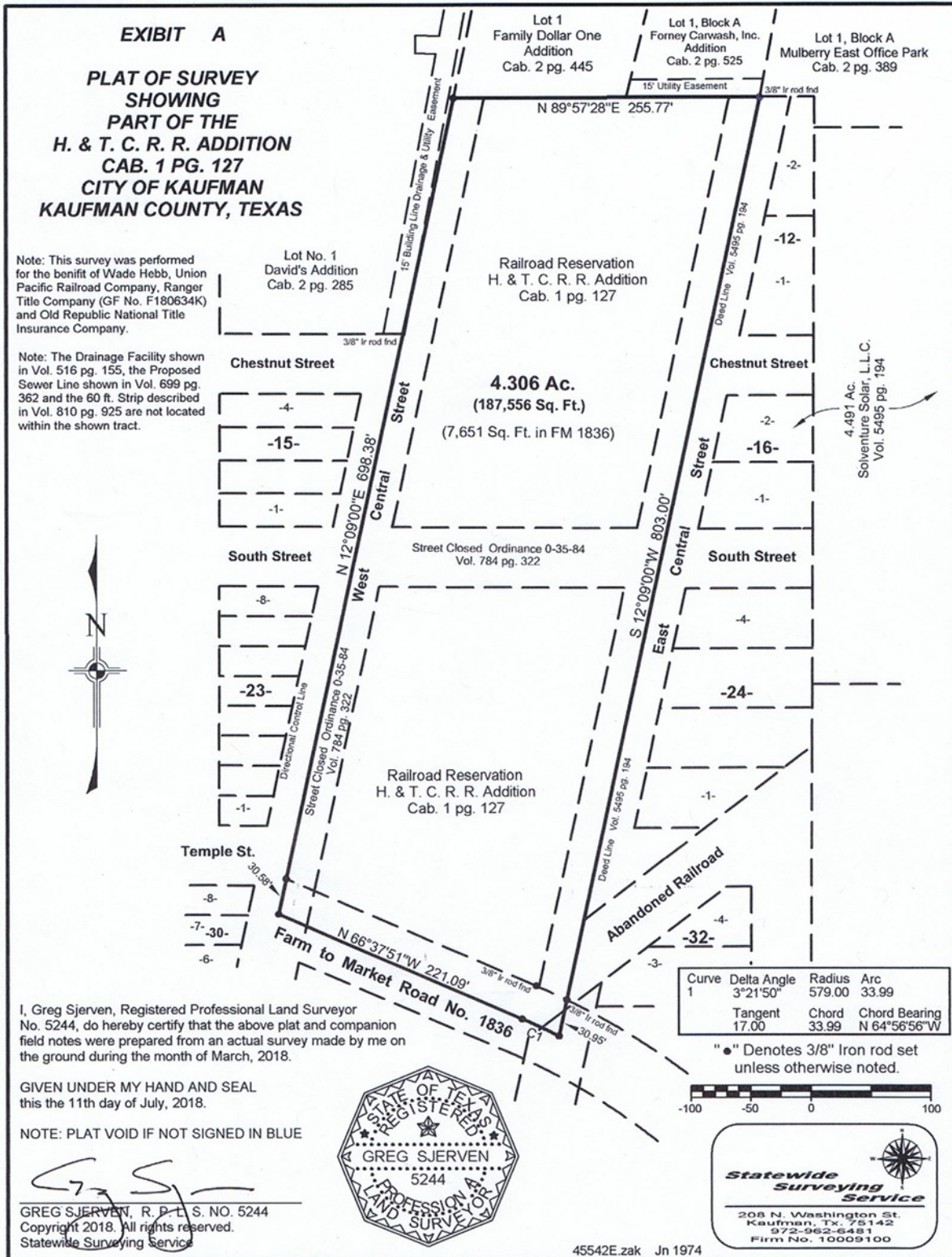


Exhibit "B"
Planned Development 20 Standards
AAA Storage Standards

1. GENERAL PURPOSE AND DESCRIPTION:

The intent of Planned Development - 20 is to provide for facilities for the local and regional office, general business, professional office, contractor office and shop, showroom, storage and warehouse facilities, and mini-warehouse uses to be built in eight phases. The base zoning of the Planned Development shall be Section 27, Light Industrial District as found in Chapter 118 "Zoning" of the Code of Ordinances of the City of Kaufman, the Comprehensive Zoning, as amended. The Planned Development shall allow the development of tracts of land in a manner that will allow more flexibility than traditional zoning districts in terms of placement of buildings and structures and mixture or combination of uses.

2. IN GENERAL

- A. PD-20 is subject to all codes, procedures, and applicable zoning ordinances except as modified herein. If any information conflicts, the planned development shall govern. All development shall be under the enforceable zoning regulations as published on November 16, 2020, along with the exceptions noted herein.
- B. All fire lanes and access easements shall be dedicated to the City of Kaufman and shall comply with applicable City ordinances and regulations.
- C. PD-20 will be developed in eight phases as shown on the attached concept plan.
- D. Minor deviations, as approved by the Director of Development Services or their designee, from the conceptual plan concerning phasing, building locations, and footprints are allowed.

3. PERMITTED USES:

The following uses shall be exclusively permitted in PD-20 District. Uses are defined in the Kaufman Zoning Ordinance. No land shall be used and no building shall be erected or converted to any use other than the following uses:

- A. Office, general business, and professional.
- B. Contractor office, shop and showroom.
- C. Storage and warehouse facilities.
- D. Mini-warehouses.
- E. One on-site dwelling unit is allowed as an accessory use to the principal mini-warehouse use.
- F. Recreational vehicles, boats, trailers, and personal watercraft, located only within the interior area of the mini-warehouse development, are allowed when located under a designated canopy with two or more sides. No recreational vehicles shall be occupied. No recreational vehicles, boats, trailers, and personal watercraft shall impede vehicular traffic within.

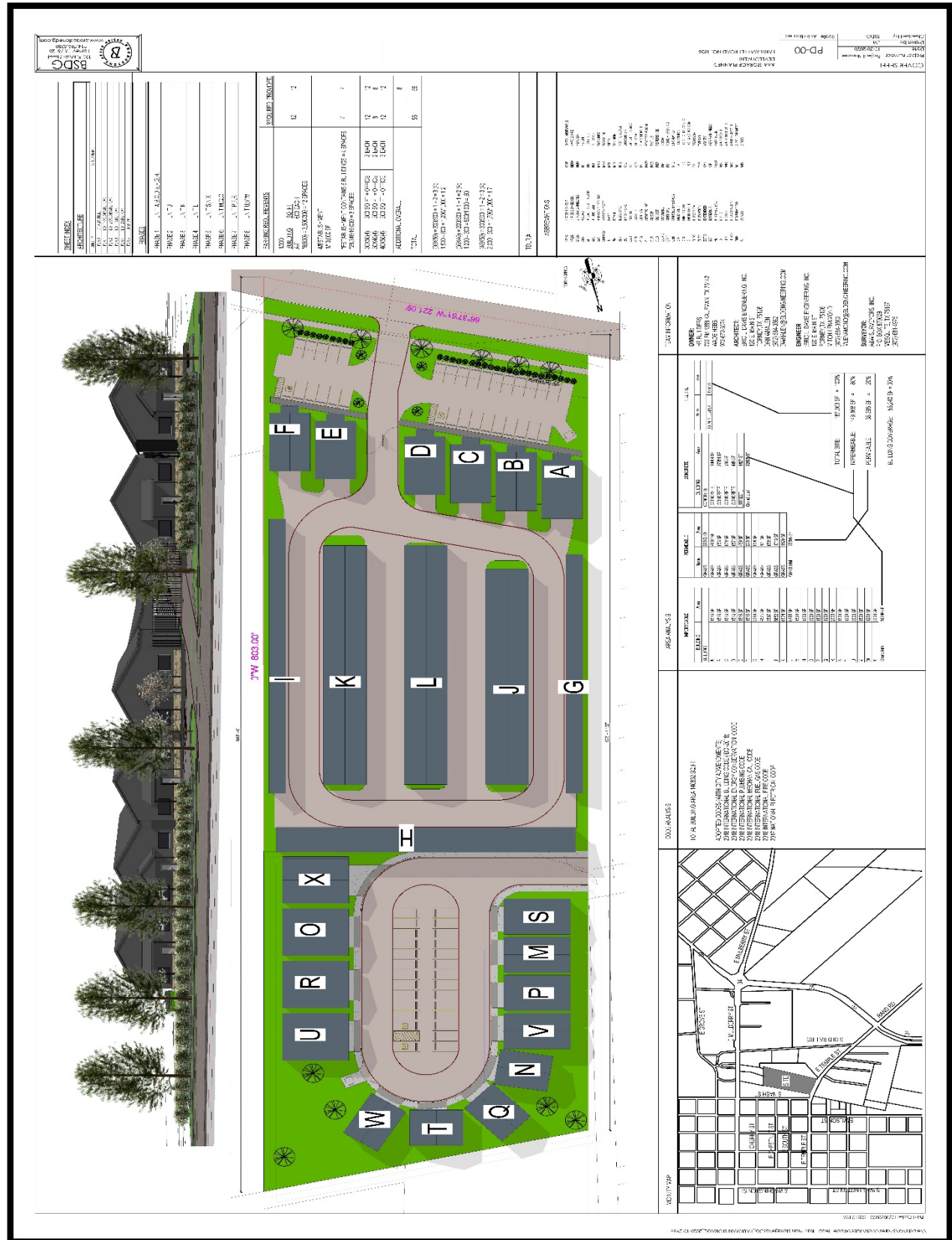
4. GENERAL MINIMUM DEVELOPMENT REQUIREMENTS:

- A. The minimum development requirements for PD-20 shall be as follows:
 - 1. Minimum Lot Area: Twenty thousand square feet (20,000 SF).
 - 2. Minimum Lot Width: One hundred feet (100')
 - 3. Minimum Lot Depth: One hundred feet (100')

Exhibit "B"
Planned Development 20 Standards
AAA Storage Standards

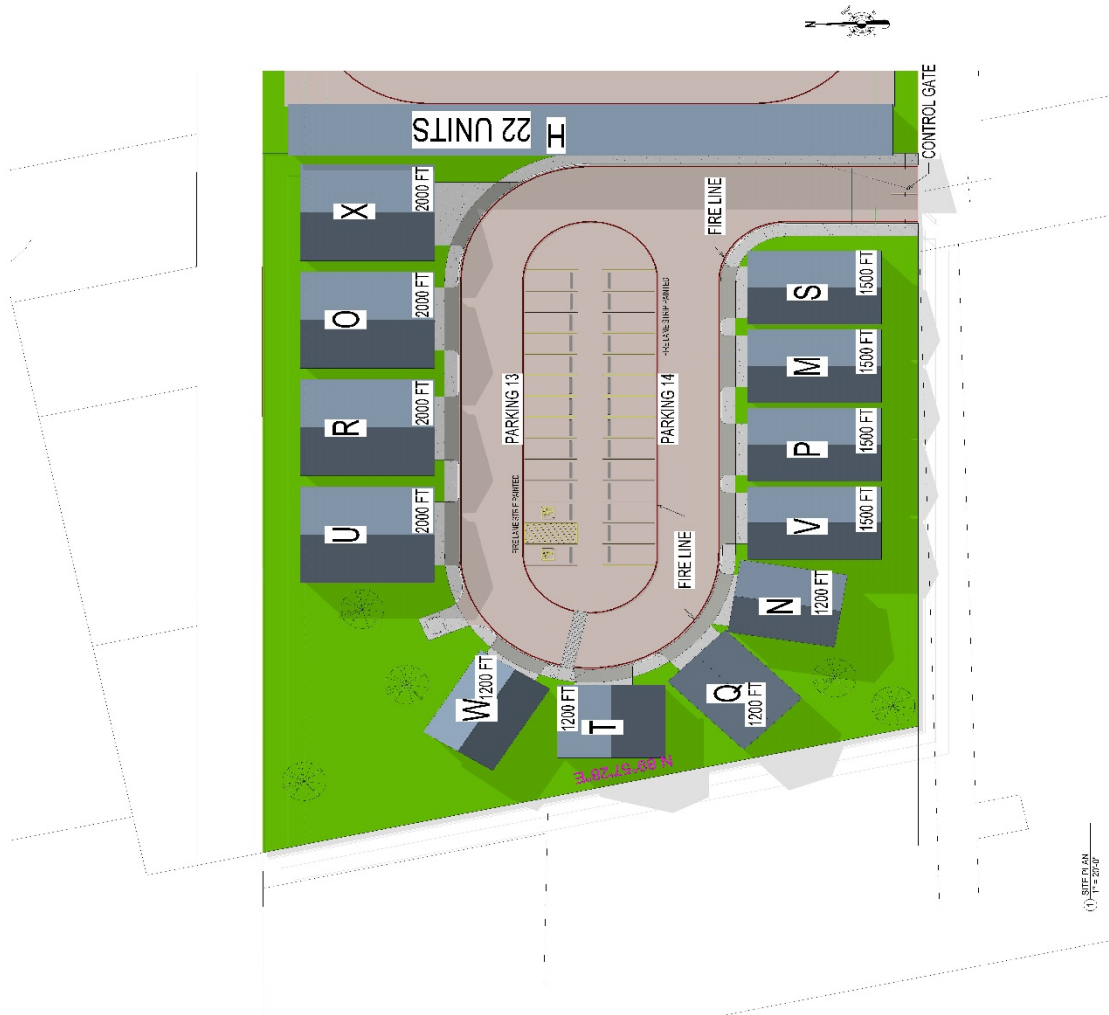
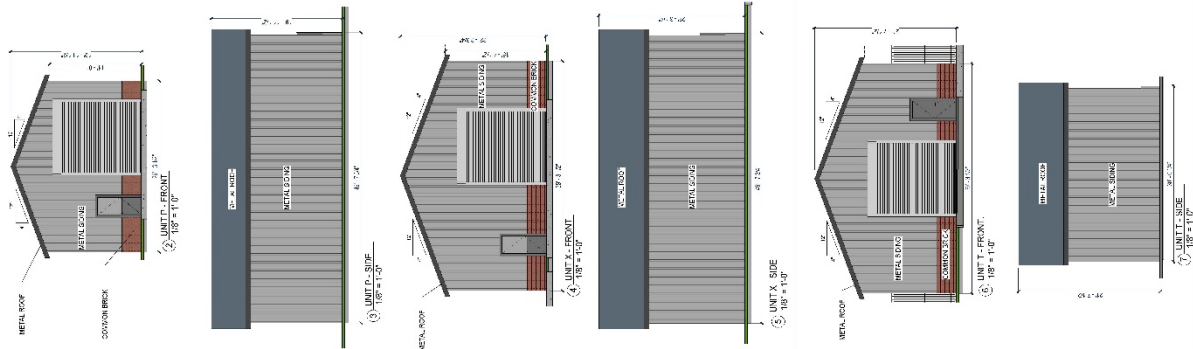
4. Height Regulations: The building(s) shall not exceed one (1) story for a maximum of thirty feet (30') in height.
- B. Size of Yards as measured from the property lines shall be:
 1. Minimum Front Yard: Twenty-five feet (25')
 2. Minimum Side Yard: Five feet (5') provided it complies with the City's building code, as amended.
 3. Minimum Rear Yard: Five feet (5')
 4. Maximum Building Coverage: Thirty percent (30%)
 5. Maximum Impervious Coverage: Eighty percent (80%)
 6. Minimum Pervious Coverage: Twenty percent (20%)
- C. Parking Regulations shall be the same as required by Section 35, Off-Street Parking and Loading Requirements of the Kaufman Zoning Ordinance with the following exceptions
 1. All parking shall be shared between the designated uses.
 2. No designated parking for individual businesses allowed.
5. **SPECIAL REQUIREMENTS:**
 - A. Open storage is prohibited. Recreational vehicles, boats, trailers, and personal watercraft are not considered open storage.
 - B. Perimeter screening from neighboring properties, zoning districts, and uses shall include the following:
 1. In Phases I through IV, a perimeter six-foot (6') tall ornamental iron fence shall be located between all perimeter buildings. The perimeter mini-warehouse building facades shall also serve as a screening wall.
 2. In the Phase V and VIII area, a perimeter six-foot (6') tall ornamental iron fence shall be located on the eastern, northern, and western property lines.
6. **SIGNAGE REGULATIONS:**
 - A. Signage shall be in accordance with Section 44, Sign Regulations, of the Kaufman Zoning Ordinance.
7. **LANDSCAPING**
 - A. All development in the PD-20 shall comply with the City of Kaufman Landscape Ordinance with the exception of the parking area shown in the Phases V through VIII area of the concept plan. No landscaped area is required in this off-street parking area, to accommodate truck deliveries to the buildings. Five large trees shall be required along the western perimeter area of Phases V through VIII as shown on the concept plan. Trees shall be selected from the application approved tree list in the City of Kaufman Zoning Ordinance.

Exhibit "C" Planned Development -20 Concept Plan of AAA Storage





TO: 2 COLOR SITE PLAN
PROJECT NUMBER: 12-50-0070
DATE: 12-50-0070
DRAWN BY: [illegible]
CHECKED BY: [illegible]
APPROVED BY: [illegible]
SCALE: 1" = 20' 0"



LOT 1 SITE PLAN Project Location Address City and State Client and By	A-2 STORAGE PLANNED DEVELOPMENT PARK PLANNING BOARD NO. 234 PD-03 Study 17-2019
---	--

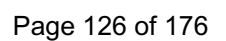
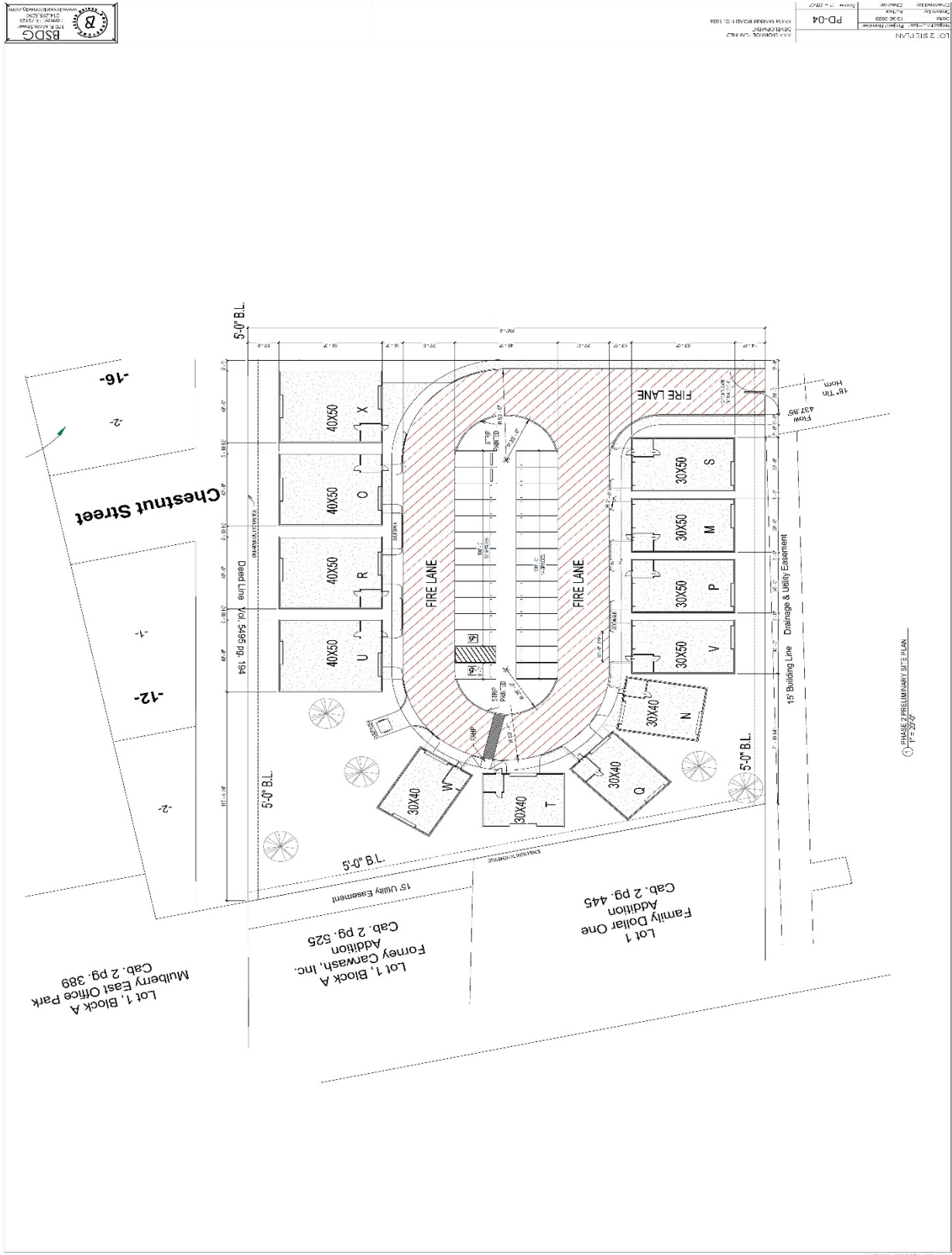


Exhibit "C"

Planned Development -20

Concept Plan of AAA Storage





Meeting
Date: 11/16/2020

Date: 11/3/2020

Item #: 11.

Dept.: Administration

Resolution

SUBJECT:

Conduct a public hearing, consider, and take appropriate action on Resolution R-30-20, a Resolution of the City of Kaufman, Texas approving an Amended and Restated Service and Assessment Plan and Amended Assessment Roll for authorized improvements for the Kaufman Public Improvement District No. 1; providing for severability and providing an effective date

BACKGROUND:

This resolution is for the purpose of approving the Amended and Restated Service and Assessment Plan and Amended Assessment Roll for Kaufman Public Improvement District No. 1. Notices were sent out to property owners and was suppose to be published in the paper. However, the paper didn't publish the notice on the date requested, therefore, we will need to open the public hearing and continue it to the December 14th City Council meeting at 6: 00 p.m.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends continuing the public hearing to December 14th at 6 p.m.

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

RESOLUTION NO. R-30-20

A RESOLUTION OF THE CITY OF KAUFMAN, TEXAS APPROVING AN AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN AND AMENDED ASSESSMENT ROLL FOR AUTHORIZED IMPROVEMENTS FOR THE KAUFMAN PUBLIC IMPROVEMENT DISTRICT NO. 1 (THE “DISTRICT”); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 20, 2018, a petition was submitted and filed with the City of Kaufman, Texas (the “City”) pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the “PID Act”), requesting creation of a public improvement district in the City to be known as the Kaufman Public Improvement District No. 1 (the “District”); and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of the Kaufman Central Appraisal District, and the signature of the property owners who owned taxable real property that constituted more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

WHEREAS, on September 24, 2018, after due notice, the City Council of the City (the “City Council”) opened a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Section 372.009 of the PID Act and continued to public hearing to November 13, 2018; and

WHEREAS, on November 13, 2018, the City Council approved the creation of the District pursuant to Resolution No. R-27-18; and

WHEREAS, on June 17, 2019, the City Council adopted Resolution R-12-19 calling for a public hearing to consider the levying of the Assessments against the property within Phases 1A and 1B of the District (the “Phase #1A and 1B Assessments”); and

WHEREAS, on July 22, 2019, after due notice, the City Council opened a public hearing regarding the levy of the Phase #1A and 1B Assessments and continued such public hearing to August 5, 2019 and on August 5, 2019 the City Council found and determined that the Phase #1A and 1B Assessment Roll and the Kaufman Public Improvement District No. 1 Service and Assessment Plan (the “Original Service and Assessment Plan”) should be approved and that the Phase #1A and 1B Assessments should be levied in accordance with the Original Service and Assessment Plan; and

WHEREAS, On August 5, 2019, the City Council approved an ordinance (the “Assessment Ordinance”) levying the Phase #1A and 1B Assessments against certain

property within Phase #1A and 1B of the District and approving the Original Service and Assessment Plan; and

WHEREAS, subsequent to the levy of Assessments pursuant to the Assessment Ordinance, the Developer of property within the District determined that the highest and best use of the property within the District required the size of residential lots within Phase #1A and 1B of the District to be modified from the plan set forth in the Original Service and Assessment Plan to provide for additional lot types; and

WHEREAS, such modified development plan necessitates an amendment to the Original Service and Assessment Plan to add additional lot types to the Original Service and Assessment Plan and modify the assessment methodology; and

WHEREAS, such modification shall not increase the Phase #1A and 1B Assessments previously levied with the Original Service and Assessment Plan, but shall require changes to the Original Service and Assessment Plan for Phase #1A and 1B to reflect additional lot sizes that have been developed within Phase #1A and 1B of the District; and

WHEREAS, the City Council finds and determines that an amended and restated Service and Assessment Plan (the “Amended Service and Assessment Plan”) should be approved for the Phase #1A and 1B Assessments; and

WHEREAS, pursuant to Sections 372.013, 372.014, and 372.016 of the Act, the City Council has directed the preparation of an amended and restated Preliminary Service and Assessment Plan (the “Preliminary Amended Plan”), such Preliminary Amended Plan covers a period of at least five years and defines the annual indebtedness and the projected costs of certain improvements (the “Authorized Improvements”) within Phase #1A and 1B of the District; and

WHEREAS, the City Council also directed the preparation of an amended assessment roll for the District that states the assessment against each parcel of land within Phase #1A and 1B of the District (the “Amended Roll”) and such Amended Roll is attached to and a part of the Preliminary Amended Plan; and

WHEREAS, the City called a public hearing regarding the Preliminary Amended Plan and the Amended Assessment Roll pursuant to Section 372.016 of the Act; and

WHEREAS, the City, pursuant to Section 372.016(b) and (c) of the Act, published and mailed notice within the District to consider the proposed Preliminary Amended Plan and Amended Assessment Roll; and

WHEREAS, the City Council convened the public hearing at 6:00 p.m. on the 16th day of November, 2020, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Amended Service and Assessment Plan, the Amended Assessment Roll, and the proposed Assessments; and

WHEREAS, the City Council finds and determines that the Amended Service and Assessment Plan attached hereto as Exhibit A and Amended Assessment Roll attached thereto should be approved; and

WHEREAS, the City Council further finds that there were no written objections or evidence submitted to the City Secretary in opposition to the Amended Service and Assessment Plan or the Amended Roll; and

WHEREAS, the City Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the District, determined to proceed with the adoption of this Resolution in conformity with the requirements of the Act.

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

Section 1. Findings. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. Terms. Terms not otherwise defined herein are defined in the Amended Service and Assessment Plan attached hereto as Exhibit A.

Section 3. Findings. The findings and determinations set forth in the preambles are hereby incorporated by reference for all purposes. The City Council hereby finds, determined and orders, as follows:

- a. The Amended Service and Assessment Plan should be approved as the service plan and assessment plan for the District, as described in Sections 372.013 and 372.014 of the Act;
- b. The Amended Assessment Roll in the form attached to the Amended Service and Assessment Plan should be approved as the assessment roll for the District;
- c. A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon.

Section 4. Assessment Plan. The Amended Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the Act as a service plan and an assessment plan for the Authorized Improvements within the District.

Section 5. Assessment Roll. The Amended Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the Act as the assessment roll for the Authorized Improvements within the District.

Section 6. Severability. If any provision, section, subsection, sentence, clause or phrase of this Resolution, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Resolution or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Resolution are declared to be severable for that purpose.

Section 7. Effective Date. This Resolution shall take effect, and the levy of the Assessments, and the provisions and terms of the Amended Service and Assessment Plan shall be and become effective upon passage and execution thereof.

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

[Remainder of Page left Intentionally Blank]

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

EXHIBIT A

**AMENDED SERVICE AND ASSESSMENT PLAN
AND AMENDED ASSESSMENT ROLL**



Meeting
Date: 11/16/2020

Date: 11/3/2020

Item #: 12.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on the appointments of three (3) members to serve on the Planning and Zoning Commission for two (2) year terms each through November 2022 and one (1) member to serve for a one (1) year term through November 2021.

BACKGROUND:

There is currently three members on the Planning and Zoning Commission whose terms have expired. Richard Dunn, Patrick Cardoza, and Burton Brown have all expressed interest to be reappointed to the Commission. Colton Brantley, who was appointed on August 26, 2019, has not attended any meetings since he has been appointed. Staff is recommending removal. Staff has received an application from Darrill Deaton (see attached) and is recommending his appointment to fill the vacancy created by removing Mr. Brantley.

The procedure for considering the appointment of a Planning and Zoning member is as follows: A simple majority of the Council, four votes, is necessary to make a nomination for appointment of a prospective member. Any member of the Council may make a nomination for appointment.

Procedurally, the Council should adhere to the process as outlined below:

- Council will vote for a two (2) year term of November 2021.
- If the nominee does not attain a simple majority of the Council (four votes), they will not serve as a P&Z member.
- Any Council member can make a nomination for consideration.
- If the nominee then receives a simple majority of the votes by the Council (four votes) that individual will be appointed to serve as a P&Z member.

The procedures outlined will serve the Council well in its deliberations about to serve as a P&Z member.

Author:
Jessie Hanks, City Secretary

Reviewed:
Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation: Staff recommends reappoint of Richard Dunn, Burton Brown, and Patrick Cardoza for two (2) year terms through November 2022. Staff also recommends the removal of Colton Brantley from the Commission due to attendance and appoint Darril Deaton to fill his vacancy through November 2021

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





BOARD OR COMMISSION
CANDIDATE APPLICATION FOR APPOINTMENT

Which of the City's Boards/Commissions are you interested in serving on?

- ☐ Kaufman Economic Development Corp.
☒ Planning and Zoning Commission
☐ Board of Adjustment
☐ Parks and Recreation Board

- ☐ Keep Kaufman Beautiful Board
☐ Other (Please specify in space below.)

Name: DARRIL DEATON
Home Address: 1522 Highgate Ct
Home Phone #: 469-897-6217
*E-mail Address: darrildeaton@gmail.com

Date Submitted: 11/06/20
Occupation: Minister
Employer: Grace Fellowship
Work Phone #: 972-982-7423

Kaufman resident for 15 years.

Qualified Voter: Yes ☒ No ☐

Are you related to any of the City Council members or the City Manager? Yes ☐ No ☒
If so, please give the name of the person you are related to and your relation to that person.

Name

Relationship

Highest Education Level Completed, School Attended and Year Graduated: (High School/College)

D.Th. Trinity Theological Seminary

Boards/Commissions/Committees you have previously served on:

Dates

Professional and/or Community (Civic) Activities:

President, Kaufman Christian Help Center

Skills, Hobbies, or Talents:

Darril Deaton

Signature

November 8, 2020

From: Christie K. Cook
6077 Raymond Rd.
Kaufman, Texas 75142
972-932-6727
cookskattle@yahoo.com

To: Public Utilities Commission of Texas(PUC)
Re: College Mound(CM) SUD CCN 10825 Notice of Intent to purchase water facilities and services from Kaufman City, Texas under CCN 10877 in Kaufman County, Texas

PUC Docket 50335.

Subject: Objections to Docket Item #30 – Joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed

I submit the following objections to the final approval of this transaction:

1. The severity of the effect of the proposed rate schedule by CM has not been considered and even downplayed in this proposed order.
 - a. Section I, Intervention #17 – “Ms. Cook’s request for intervention expressed concern that her rates will increase as a result of the transaction.” No mention of 61-73% increases.
 - b. Section I, Evidentiary Record #21 – My October 26, 2020 Docket Item #27, Kaufman County Water Systems(rates comparison) is not mentioned as evidence.
 - c. Section I, Improvement in Service or Lowering Cost to Customers #49 – “The rates charged to existing customers will change ‘slightly’ ”. Slightly?
 - d. There is a contradiction in the justification for the excessive rate increases:
 - 1) Section I, Ability to Serve: Management and Technical #36 – “College Mound filed documentation demonstrating that ‘minor’, in-house construction will be required to serve the requested area...”
 - 2) Section I, Improvement in Service or Lowering Cost to Consumers #49 – “However, though the College Mound’s rates are higher than the rates charged by the City, the ‘increase in rates is justified by the improvement of service’ to be implemented...”
 - e. Section II, Conclusions of Law #3 – “The City and College Mound have demonstrated that the proposed transaction and CCN amendments will ‘serve the public interest...’ ”. Rate increases of 61-73% is not in the public interest.
2. There is no evidence that Kaufman City seriously considered other sale options.
 - a. Section I, Regionalization or Consolidation #44 – “There are two other neighboring water service utilities within two miles from the outer boundary of the requested area...However, they cannot provide water services to the requested area.” Why can’t they provide services?
 - b. Section I, Feasibility of Obtaining Service from Adjacent Retail Public Utility #46 – “It is not feasible to provide an adjacent utility to provide service to the requested area.” Again, why can’t they provide services?

Respectfully submitted,

Christie K. Cook

Cc: College Mound Special Utilities District
Shirley Blakely Thompson
PO Box 2008
Terrell, Texas 75160

City of Kaufman
Richard Underwood
209 S. Washington
Kaufman, Texas 75142

November 8, 2020

From: Christie K. Cook
6077 Raymond Rd.
Kaufman, Texas 75142
972-932-6727
cookskattle@yahoo.com

To: Public Utilities Commission of Texas(PUC)
Re: College Mound(CM) SUD CCN 10825 Notice of Intent to purchase water facilities and services from Kaufman City, Texas under CCN 10877 in Kaufman County, Texas

PUC Docket 50335.

Subject: Response to College Mound Comments in Filing 50335-21 (dated September 9, 2020) concerning my Filing 50335-20 dated August 31, 2020.

I submit the following further evidence concerning College Mound responses to my Request for Intervention and Protest:

1. College Mound has three water contracts including one from City of Terrell with a much higher purchase rate of \$5.09/1000 gallons. I have re-calculated my highest Kaufman City water consumption bill as of August 31, 2020 of 34000 gallons(see 50335-20) using only Terrell's water charge to CM of \$5.09/1000. The resultant increase in CM water costs over Kaufman City water costs for my 34000 gallons would only be 15%. This difference would be much less if I could prorate the Terrell source against the other two CM water sources. I would need to know what percent of CM total water purchases come from Terrell City. Clearly, CM water costs do not justify 73% increase in CM water charges to customers.

College Mound Terrell costs = 34 x \$5.09 = \$173.06

Kaufman City NTMWD costs = 34 x \$2.99 = \$101.66

Difference \$ 71.40 or
15% of my CM estimated bill of \$474.65

2. College Mound claims that Kaufman City has "other city revenue sources" that supplement all customer water charges. I received the breakdown of these sources for City and Non-City customers from Kaufman City staff on August 27, 2020. The following comparison shows these other sources for City and Non-City Customers:

	<u>City Customer:</u>	<u>Non-City Customer:</u>	
Usage Charge	\$ 237.31	\$ 237.31	
Ambulance	1.00	\$ 1.00	
Drainage	4.00	0.00	
Trash	11.73	0.00	
Sewage	56.31	0.00	
Senior Discount	- 6.00	- 6.00	
Outside Access Fee	0.00	17.89	
Total Bill	\$ 304.35	\$ 250.20	Dif: \$ 54.15

If all of this difference, \$54.15, was used to offset my Kaufman Non-City water charges of \$237.31(see 50335-20), the following calculation shows the resulting percent increase of the CM estimated bill(see 50335-20) of \$409.55 over this new increased non-supplemented Kaufman City water charge:

- | | | | | |
|--|---|---------------------|---|----------|
| 1. Increased Kaufman City water charges | = | \$237.31 + 54.15 | = | \$291.46 |
| 2. New calculated difference CM bill minus
New Kaufman City water charges | = | \$409.55 – 291.46 | = | \$118.09 |
| 3. % increase CM bill over New Kaufman
City water charges | = | \$118.09 / \$291.46 | = | 40.5% |

The calculation from 50335-20 shows the actual difference was equal to 73%. Assuming the above calculation of 40.5% were even possible, there is still a 32.5% CM increase over Kaufman City that is unaccounted for. Of course, this scenario, using all of the “other sources” revenue to offset water charges is impossible. It would leave “other city services” with no revenue. As I said in my Filing 50335-20, I am reticent to believe that these “other services” could significantly offset Kaufman City water usage charges.

3. It is my understanding that rate schedules are not normally considered in PUC sale/transfer applications. However, the rate schedule that College Mound has submitted in their application represents a huge increase to potential water customers. If this sale goes through and these rates are imposed, my bills will increase 61-73% as demonstrated in my Filing 50335-20. This will cause me and all other affected customers a significant financial difficulty. I understand that rate hearings occur in different proceedings. I fear that once these excessive rates are implemented, PUC will not “reduce” them in any subsequent rate hearing no matter what evidence is presented.

Respectfully submitted,

Christie K. Cook

Cc: College Mound Special Utilities District
Shirley Blakely Thompson
PO Box 2008
Terrell, Texas 75160

City of Kaufman
Richard Underwood
209 S. Washington
Kaufman, Texas 75142

DOCKET NO. 50335

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
KAUFMAN AND COLLEGE MOUND	§	
SPECIAL UTILITY DISTRICT FOR	§	OF TEXAS
SALE, TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN KAUFMAN COUNTY	§	

STAFF’S RECOMMENDATION ON THE TRANSACTION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff’s Recommendation on the Transaction. Staff recommends that the transaction be approved to proceed and that the CCN amendment be granted. In support thereof, Staff shows the following:

I. BACKGROUND

On December 11, 2019, the City of Kaufman (Kaufman) and College Mound Special Utility District (College Mound SUD) (collectively, the Applicants) filed an application for approval of the sale, transfer, or merger (STM) of facilities and certificate of convenience and necessity (CCN) rights in Kaufman County. Specifically, the Applicants seek to transfer a portion of Kaufman’s service area under water CCN No. 10877 to College Mound SUD’s CCN No. 10825. In addition to the transfer, the Applicants seek to decertify another portion of the Kaufman’s CCN No. 10877 and to add new uncertificated area to College Mound SUD’s CCN No. 10825. The application originally stated that the requested sale and transfer includes approximately 11,955 acres and 150 connections. On July 9, 2020, the Applicants filed supplemental information reducing the requested area to approximately 1,908 total acres and 150 customers.

On September 4, 2020 and September 21, 2020, Ms. Kathy Cook, one of the customers subject to the requested transfer, filed motions to intervene in the docket. Ms. Cook cited concerns that the transaction will result in an increase to the current rates she pays as a customer of Kaufman. On October 8, 2020, Order No. 8 was filed, granting Ms. Cook’s intervention.

On September 21, 2020, Order No. 7 was filed, requiring Staff to file a recommendation on approval of the transaction and CCN amendment by October 28, 2020. Therefore, this pleading is timely filed.

II. RECOMMENDATION

Staff has reviewed the application and, as detailed in the attached memorandum from Nabaraj Pokharel, Infrastructure Division, and Maxine Gilford, Rate Regulation Division, recommends that the transaction and amendment be approved to proceed. Specifically, Staff recommends that the proposed transaction satisfies the relevant statutory and regulatory criteria, including those factors identified under Texas Water Code (TWC) § 13.246(c) and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.239, and that College Mound SUD has demonstrated the financial, technical, and managerial capability necessary to provide continuous and adequate service to the requested area. Additionally, Staff recommends that the Applicants be ordered to file documentation demonstrating that the transaction has been consummated as required under 16 TAC § 24.239(l). Staff recommends that there are customer deposits to be addressed under 16 TAC § 24.239(k).

Staff has also reviewed Ms. Cook's intervention and subsequent filings in which Ms. Cook has expressed concern that the requested transaction will increase the water rates she currently pays to the City of Kaufman. Under TWC § 13.246(c) and 16 TAC § 24.239(h), rates are considered in an STM application only to the extent that the requested transfer *either* lowers the rates charged to customers *or* improves the service that the customers receive.¹ Staff recommends that College Mound SUD has provided sufficient information to demonstrate that the requested transfer will result in the improvement of service for customers within the requested area.² Specifically, College Mound SUD plans to upgrade all existing meters, install pressure reducers, and make necessary repairs to the existing infrastructure.³ Therefore, Staff recommends that the application has satisfied this factor for consideration.

IV. CONCLUSION

Staff recommends that the proposed transaction be approved to proceed and that the Applicants be ordered to file documentation demonstrating that the transaction has been

¹ Texas Water Code (TWC) § 13.246(c)(8); 16 Tex. Admin. Code (TAC) § 24.239(h)(5)(H).

² See Affidavit of Notice to Landowners, Current Customers, Neighboring Utilities, and Affected Parties at Page 7 (Aug. 6, 2020).

³ *Id.*

consummated as required under 16 TAC § 24.239(l). Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: October 28, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/Courtney Dean
Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 50335

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on October 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean

Public Utility Commission of Texas

Memorandum

To: Courtney Dean, Attorney
Legal Division

From: Nabaraj Pokharel, Engineering Specialist
Infrastructure Division

Maxine Gilford, Financial Analyst
Rate Regulation Division

Date: October 28, 2020

Subject: **Docket No. 50335**, *Application of the City of Kaufman and College Mound Special Utility District for Sale, Transfer, or Merger of Facilities and Certificate Rights in Kaufman County*

On December 11, 2019, the City of Kaufman (Kaufman) and College Mound Special Utility District (College Mound SUD) (collectively, the Applicants) filed an application for the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Kaufman County under Texas Water Code (TWC) §§ 13.242-13.250 and 13.301 and 16 Texas Administrative Code (TAC) §§ 24.225-24.237 and 24.239. Specifically, Kaufman seeks to transfer a portion of its service area under water CCN No. 10877 to College Mound SUD's water CCN No. 10825 and to subsequently decertify portions of Kaufman's service area under water CCN No. 10877. In addition, College Mound SUD also seeks to amend its CCN by adding new uncertificated service area to its CCN No. 10825.

Background

Kaufman seeks to transfer a portion of its service area under water CCN No. 10877 to College Mound SUD's water CCN No. 10825 and seeks to decertify portions of Kaufman's service area under water CCN No. 10877. In addition, College Mound SUD also seeks to amend its CCN by adding new uncertificated service area to their CCN No. 10825.

The Applicants originally stated in their application that their requested area included approximately 11,955 acres and 150 current customers. On July 9, 2020 the Applicant filed maps and digital data that reduced the requested area. The Commission's mapping staff determined that the amended application included sufficient maps and digital data with the entire requested acreage reduced to include approximately 1,908 total acres and 150 current customers to be added to College Mound SUD's CCN No. 10825.

Notice

The comment period ended September 28, 2020, and one protest and request for intervention was received during the comment period. The request for intervention was granted on October 8, 2020.

Criteria Considered

TWC § 13.246(c) requires the Commission to consider nine criteria when granting or amending a CCN. Staff also analyzed the application under TWC § 13.241(d) and § 13.246(d). Therefore, the following criteria were considered:

Public Utility Commission of Texas

Memorandum

TWC § 13.246(c)(1) requires the commission to consider the adequacy of service currently provided to the requested area.

The Applicants have existing facilities in the requested areas, and College Mound SUD plans to amend its CCN by adding new uncertificated service area to their water CCN No. 10825. A review of Texas Commission on Environmental Quality's (TCEQ) Central Registry database indicates that Kaufman and College Mound SUD's public water system (PWS) has no unresolved violations.

TWC § 13.246(c)(2) requires the commission to consider the need for service in the requested area.

The application seeks to transfer 150 existing customers in Kaufman's CCN service area, which demonstrates a need for service.

TWC § 13.246(c)(3) requires the commission to consider the effect of granting an amendment on the recipient and on any other retail public utility servicing the proximate area.

College Mound SUD's CCN will be amended to include Kaufman's CCN service area. No other retail public utilities are affected by this application.

TWC § 13.246(c)(4) requires the commission to consider the ability of the Applicant to provide adequate service.

I recommend that the Applicants meet the requirements of 16 TAC §24.227(a)(1) since there is a PWS registered with the TCEQ. Kaufman has an existing PWS registered with TCEQ under the PWS ID No. 1290003 (City of Kaufman). The PWS ID will be transferred to College Mound SUD to serve the requested area after the transaction is completed. College Mound SUD is capable of providing drinking water that meets the requirements of Chapter 341, Health and Safety Code, and has access to an adequate supply of water. The Applicants do not have any violations listed in the TCEQ database. Minor in-house construction is necessary for College Mound SUD to serve the requested areas¹. The Applicants are not required to get a separate construction approval letter from TCEQ for this minor construction. In addition, College Mound SUD has experienced operators that are knowledgeable about operations as well as the requirements for continuous and adequate service.

TWC § 13.241(d) requires the applicant to demonstrate to the Commission that regionalization or consolidation with another retail public utility is not economically feasible when construction of a physically separate water or sewer system is required to provide service to the requested area.

The proposed transfer area is completely outside the city limits of Kaufman. The same area is segregated from and is not contiguous to Kaufman's current CCN. Both utility systems are providing wholesale, treated water from North Texas Municipal Water District (NTMWD)². There are two other neighboring water service utilities within two miles from the outer boundary of the requested area: Southeast Kaufman WSC (CCN 12848) and Becker-Jiba SUD (CCN 10820). However, they cannot provide the water services to the requested area.

¹ See Application at 7, Question 12(B).

² See Application at 8, Question 16.

Public Utility Commission of Texas

Memorandum

TWC § 13.246(c)(5) requires the commission to consider the feasibility of obtaining service from an adjacent retail public utility.

Since this is an STM application, this requirement was not considered. Additionally, utilities within a two miles radius were noticed and did not protest the STM. One customer protest was received regarding the proposed water CCN amendment request. Therefore, it is not necessary to obtain service from an adjacent retail public utility.

Financial Test

TWC § 13.246(c)(6) requires the Commission to consider the financial ability of an applicant to pay for facilities necessary to provide continuous and adequate service.

16 TAC § 24.11 establishes the criteria for demonstrating that an owner or operator of a retail public utility possesses the financial resources to operate and manage the utility and can provide continuous and adequate service to the current and requested utility service area. The financial tests include a leverage test and operations test. The Commission rules identify five leverage tests.³ The Applicants must demonstrate that it meets one of the five tests.⁴

College Mound SUD meets one out of five leverage tests. My analysis is based on financial statements ending December 31, 2018. These financial statements contain an unqualified auditor's opinion from Rutherford, Taylor & Company, P.C. which states that the financial statements present fairly, in all material respects, the financial position of College Mount SUD as of December 31, 2018. The audit and the related opinion indicate the transparency of College Mound SUD and indicate sound management capabilities.

College Mount SUD meets the leverage test with a debt to equity ratio of less than one, as it has \$6,816,148 in long-term debt and owners' equity of \$7,803,644.⁵ This results in a debt to equity ratio of 0.87.

16 TAC § 24.11(e)(3) provides the operations test which requires that the owner or operator must demonstrate sufficient available cash to cover any projected operations and maintenance shortages in the first five years of operations. Projections were not available in the application. However, College Mound SUD's Supplemental Schedule TSI-7, attached to the 2018 audited financial statements,⁶ provides the numbers for Table 1 that indicate College Mound SUD experienced positive cash flow from operations for 2016, 2017 and 2018. Based on the historical operating funds available, no operation and maintenance shortages are projected. College Mound SUD possesses sufficient funds and leverage to provide continuous and adequate service to the requested area because facilities serving the subject area are already in place with the exception of a tap to

³ See 16 TAC § 24.11(e)(2).

⁴ *Id.*

⁵ Application at Attachment C10: College Mound Special Utility District Annual Financial Report Year Ended December 31, 2018 at 12.

⁶ *Id.* at 28.

Public Utility Commission of Texas

Memorandum

serve the area transferred.⁷ The application transfers the facilities to College Mound SUD. Therefore, College Mound SUD meets the operations test.

Table 1

Reporting Year End	A Net Operating Income (Loss)	B Non-cash Depreciation Expense	C=A + B Cash Available from Operations
12/31/18	\$(18,272)	\$929,913	\$911,641
12/31/17	\$(378,457)	\$913,008	\$534,551
12/31/16	\$(287,894)	\$768,944	\$481,050

TWC § 13.246(d) allows the Commission to require an applicant to provide a bond or other financial assurance in a form and amount specified by the Commission to ensure that continuous and adequate utility service is provided.

The Applicants meet the financial tests. I do not recommend that the Commission require additional financial assurance.

TWC §§ 13.246(7) and (9) require the commission to consider the environmental integrity and the effect on the land to be included in the certificate.

College Mound SUD mentioned that the construction needed in the requested areas is mostly minor or internal facility changes that are exempt from TCEQ's Plan & Specifications review. Therefore, I believe that there will be no impact on the environment and the land, as facilities are already in place and no extensive construction is required to serve the requested areas.

TWC § 13.246(8) requires the commission to consider the probable improvement in service or lowering of cost to consumers.

The current customers in the requested areas will be served by College Mound SUD. Approving the application will enable the customers to continue receiving service from College Mound SUD with improvement of service at the higher cost. Rates will change from a minimum monthly base rate of \$32.50 to a \$34 minimum monthly base rate. The gallonage rate will change from \$7.11/per 1000 gallons to \$8.10/per 1000 gallons for usage up to 3,000 gallons; \$10.85/per 1000 gallons between 3,001 - 5,000 gallons; \$11.85/per 1000 gallons for usage between 5,001 - 7,000 gallons; \$12.85/per 1000 gallons between 7,001 - 10,000 gallons; \$13.95/per 1000 gallons for usage over 10,000 gallons.⁸

In response to Staff's sufficiency memo, College Mound SUD provided a system improvement plan. It indicated that even though some customers' rates will increase, the quality of service will be improved by College Mound SUD's plan to replace all existing meters, install pressure

⁷ Application at 7.

⁸ See Application at 7, Question 15.

Public Utility Commission of Texas

Memorandum

reducers, and make emergency line repairs, among other system improvements.⁹ Additionally, under TWC §§ 13.041-13.043, the Commission does not have original jurisdiction over the rates of a special utility district (SUD). I recommend that the additional charges are offset by the improvements. Therefore, I recommend that the Applicants meet all of the statutory requirements under TWC Chapter 13 and the Commission's Chapter 24 rules and regulations and is capable of providing continuous and adequate service. I also recommend approval of this application for the sale, transfer, or merger of facilities and to amend water CCN No. 10825 is necessary for the service, accommodation, convenience and safety of the public.

Recommendation on approval of sale

I recommend that the Commission find that the transaction will serve the public interest and allow the Applicants to proceed with the proposed transaction. I would also note that customer deposits are held by Kaufman for 27 customers being served.

⁹ See Affidavit of Notice to Landowners, Current Customers, Neighboring Utilities, and Affected Parties at Page 7 (Aug. 6, 2020).

Kaufman Police Department Activity Update

Aggravated Robbery

On Saturday October 31, 2020 at approximately 12:34am Kaufman Police Department Officers were dispatched to the Three Way Grocery at 1107 E. Mulberry on a robbery in progress. We were told by dispatch there were multiple suspects (4) and they were displaying a firearm. Officers were also told there was a possible suspect vehicle that was described as a silver SUV. Dispatch said the suspects were fleeing the scene as Officers were responding. Officers searched for the suspect vehicle but did not locate it. All witnesses were interviewed and evidence collected. The Kaufman Police Department quickly reached out to other Police agencies in the area and learned this robbery offense might be related to other robberies in the area. This investigation is now being worked on by multiple law enforcement agencies to include the following: Kaufman Police Department, Texas Department of Public Safety, Forney Police Department, Kaufman County Sheriff's Department, and Ferris Texas Police Department. Active leads are being followed by all agencies and information sharing will bring these suspects to justice.

Pharmacy Burglary

On Monday November 2, 2020, at around 8am the Kaufman Police Department was dispatched to a witness who pointed out damage to the back of the Kaufman Pharmacy located at 106 N. Shannon Street. The metal had been cut and pulled back and entry was made by the unknown suspects. The suspects took drugs from the location. Evidence was collected and all witnesses were interviewed. It was learned at a later date that unknown suspects had broken into a pharmacy in Seagoville on the same date the Kaufman Pharmacy was burglarized. We are working with Seagoville to develop leads that may lead to an arrest in both cases.

Crandall Police Pursuit

On Friday November 13, 2020 at approximately 9:30am dispatch notified Kaufman Police Department that Crandall Police were in pursuit of a dually Ford pickup headed east bound on Hwy 175. Crandall PD had responded to a reckless driver call and was attempting to stop the driver as they approached the city limits. The driver of the truck was doing about 48 MPH swerving all over the highway and throwing things out the window of the truck. Kaufman PD Officers assisted Crandall PD in the pursuit until the suspect stopped in the middle of the east bound lanes on Highway 175. The suspect would not roll down his windows or talk to Officers who were on a PA system. Additional Officers arrived from Crandall PD, Kaufman Sheriff's Office, Constable's Office Precinct 1 and 4, Terrell PD Tactical Officers and DPS Troopers. The suspect was surrounded and the public was kept away from the scene while they asked the suspect to exit the vehicle. The suspect continued to refuse to exit the vehicle so Tactical Officers broke out the window of the truck and used pepper balls and gas to get him to exit the truck. Tactical Officers were able to approach the suspect and capture him leaving the truck. The suspect was taken to PHK hospital for evaluation and will be arrested afterward.

City of Kaufman Performance Measures				
Safe and Secure				
Provide superior fire, police and emergency services.				
Fire Department	FY Q1	FY Q2	FY Q3	FY Q4
Number of Fire calls	262	192	207	161
Number of EMS calls	319	338	279	290
Number of Accident calls	124	105	104	118
Meet Average Response Time goal	5mins	5mins	5.01mins	5:00 mins
Police Department				
Total of Offenses Reported	142	160	162	102
Number of crimes against people.	8	25	16	19
Number of property crimes.	50	87	81	37
Number of crimes against society.	50	48	65	46
Average response time.	1.30	1.32	4:17	5:08
Emergency Management				
Annual Review of EM Plan	0	0	1 partial	0
Conduct Annual Table Top Exercise	1	0	0	0
Animal Control				
Total Calls for Service	95	152	194	161
Total Citations issued	7	4	6	2
Total Animals Captured	69	34	86	78
Animals Turned over to Humane Society	60	30	71	73

Increase citizen awareness and involvement in public safety.				
Fire Department	FY Q1	FY Q2	FY Q3	FY Q4
Number of Social Media Posts	110	190	115	98
Number of Social Media Followers	9700	9750	9823	9747
Number of Public Fire Education Programs	5100	125	128	100
Police Department				
KPD Facebook, Followers, Likes, PSA	9,326 Followers	9645 Followers	10,243 Followers	10,376 Followers
Business Crime watch announcements	4	4	4	1
Neighborhood Crime Watch programs	4	4	4	4
Community Group Meetings	25	22	40	41
Emergency Management				
Utilize Social Media to promote CivicReady	Yes	Yes	Yes	1
Increase number of CivicReady users	+21	+200	+66	-85
Number of CivicReady messages	20	15	0	4
Improve data security				
IT Department	FY Q1	FY Q2	FY Q3	FY Q4
Conduct Annual Security Audit of Systems	Yes	NA	NA	NA
Conduct HB mandated cyber security training	Yes	NA	NA	NA
Police Department				
CJIS Audit Compliance	Yes	NA	NA	NA

Smart, Business-Friendly Economic Development				
Create effective working relationships with businesses and developers.				
Development Services	FY Q1	FY Q2	FY Q3	FY Q4
Number of DRC meetings	0	2	3	0
Administration				
Number of meetings with businesses and developers (new and current).	4	3	6	15
Attend Chamber networking events.	1	1	1	3
Retain/Expand existing businesses.				
Development Services	FY Q1	FY Q2	FY Q3	FY Q4
Number of Matching Grants reviewed	2	2	2	2
Administration				
Recognize the Business of the Month	3	3	0	0
Serve as Ex-Officio on Chamber Board	Yes	Yes	Yes	Yes
Number of EDC meetings attended	2	2	2	2
Promote new business opportunities.				
Development Services	FY Q1	FY Q2	FY Q3	FY Q4
Respond to zoning information requests less than or = to 3 days.	25	17	100%	100%
Administration				
Economic Incentive agreements approved	2	2	7	10
Attend ICSC	Yes	NA	NA	NA
Meet with potential business owners.	4	3	6	7

Strong Partnerships and Community Involvement				
Create a positive regional identity.				
Communications	FY Q1	FY Q2	FY Q3	FY Q4
Respond within 3 hours to citizen comments and messages on social media.	100%	100%	100%	100%
Number of press releases to the paper regarding activities and positive events.	8	3	1	3
Marketing				
Number of promotions of Kaufman's events	13	2	5	22
Number of promotions of Kaufman Square	11	2	2	0
Forge collaborative relationships with other government and public entities.				
Administration	FY Q1	FY Q2	FY Q3	FY Q4
Attend Kaufman County Leadership Council Meetings	1	1	1	1
Participate in Kaufman County Communications Coalition	1	2	0	0
Attend Kaufman Leadership Council Meetings	1	1	1	2
Foster and support citizen volunteer opportunities.				
Administration	FY Q1	FY Q2	FY Q3	FY Q4
Develop Citizens Academy	No	No	No	No
Post volunteer opportunities on website, social media, and to employees.	0	0	0	0
Highlight Non-profit of the quarter	0	0	0	0

Healthy and Environmentally Conscious Community				
Promote recreational/active lifestyle opportunities.				
Parks and Recreation	FY Q1	FY Q2	FY Q3	FY Q4
Maintain 16.3 acres of ballfields for safe use.	34	7	118.3	177.5
Maintain 102.7 acres of Park Facilities.	139	254.8	612.5	450.3
Provide general park inspections and repairs.	15	15	49	78
Improve property maintenance standards and code enforcement.				
Code Enforcement	FY Q1	FY Q2	FY Q3	FY Q4
Number of pro-active cases opened	228	370	237	258
Implement NEAT 2x a year	1	0	NA	N/A
Conduct annual review of relevant codes	0	1	NA	N/A
Develop/enhance environmental and sustainability standards/programs.				
Public Works	FY Q1	FY Q2	FY Q3	FY Q4
Publish Water Quality Report	Yes	Yes	Yes	Yes
No Enforcement violations	0	0	0	0
Water loss less than 20%	Yes	Yes	Yes	Yes
Communications				
Number of promotions of Recycling Program	12	1	0	0
Number of promotions of Water Conservation Plan	0	1	1	0
Development Services				
Perform bi-annual health inspections	70	40	64	55
Perform health inspections – temporary events	22	0	NA	NA

Financial and Operational Stewardship				
Develop, recognize and retain quality staff.				
Human Resources	FY Q1	FY Q2	FY Q3	FY Q4
Update City's Job Classification Plan annually	NA	NA	NA	Yes
Employee turnover less than 15%	4.5%	3%	2%	3%
Review/update Job Descriptions annually	NA	NA	NA	NA
Implement strong financial management standards.				
Finance	FY Q1	FY Q2	FY Q3	FY Q4
Achieve GFOA's Certificate of Achievement for Excellence in Financial Reporting	NA	NA	NA	NA
Achieve GFOA's Distinguished Budget Presentation Award	NA	NA	NA	NA
Increase the number of warrants issued after FTA for Final Notice of court date	11	498	0	465
Improve effectiveness and efficiency of operational processes.				
Administration	FY Q1	FY Q2	FY Q3	FY Q4
Quarterly Budget review	Yes	Yes	Yes	Yes
Fleet Plan review	NA	NA	NA	Yes
Annual Review of Job Classification Plan/Staffing levels	NA	NA	NA	Yes
Maintain/Improve infrastructure and assets.				
Public Works	FY Q1	FY Q2	FY Q3	FY Q4
Linear feet of street repairs	170	113	339	70
Linear feet of water line replaced	0	1315	0	0
Number of water leaks repaired	70	36	36	73

Provide cost effective services.				
Administration	FY Q1	FY Q2	FY Q3	FY Q4
Review the fee schedule and compare with surrounding areas	Yes	NA	NA	NA
Quarterly Budget review	Yes	Yes	Yes	Yes
Deliver responsive, professional customer service.				
Administration	FY Q1	FY Q2	FY Q3	FY Q4
Provide Customer Service Training	NA	NA	NA	1
Number of Customer Complaints	0	0	0	0
Number of outside commendations	1	0	0	0
Development Services				
Percentage of Plat approval by PZ w/i 30 days.	100(2apps)	100(1app)	100%	100%
Planned Development & Site Plan approval by PZ w/i 60 days.	100(1app)	66(3apps)	100%	100%
Percentage of contractor registration approval process < or = to 3 days.	100(69)	100(70)	100%	100%
Percentage of single family & duplex permit plan review < or = 15 working days.	100(13)	100(6)	100%	100%
Percentage of commercial permit plan review < or = 60 working days.	NA	100(1app)	100%	100%
Percentage of home improvement incentive program initial request review in < or = 10 working days.	100(1app)	100(2apps)	N/A	N/A

Finance				
Increase the number of ACH payments to total accounts payable	+6.2%	+11%	+15%	+38.2%
Increase percentage of Automatic draft customers/total customers	+17.6%	+17.85	+17%	+18%
Increase number of E-Bill customers	+10.2%	+11.2%	+11%	+12%
Fire Department				
Meet or beat Average Response Time goal	100%	100%	100%	100%
Number of Citizen complaints	0	0	0	0
Number of outside commendations	0	0	0	0
Police Department				
Meet or beat Average Response Time goal	Yes	Yes	Yes	Yes
Number of citizen complaints	0	0	1	0
Training hours for Professional Development	162	230	230	230
Public Works				
Number of street maintenance calls	479	476	424	464
Number of utility related service calls	927	1309	820	1,449
Number of Citizen complaints	18	23	23	26

DISCUSSION ITEMS REPORT (DIR)

[illegible]

DISCUSSION ITEMS REPORT (DIR)

Project Title	Project Lead	Agenda Date	Entered Date	Status/Notes
PID Creation Resolution	Dev Svc/Admin	11/13/2018	10/24/2018	Complete
TIRZ Creation Ordinance Amendment	Dev Svc/Admin	11/13/2018	10/24/2018	Complete
TIRZ Project Reprioritization Resolution	Dev Svc/Admin	11/13/2018	10/24/2018	Complete
Home Improvement Incentive Program	Development Serv	11/13/2018	10/23/2018	Complete
Budget Book Submission to GFOA	Finance		10/23/2018	Complete
Interlocal Agreement w/County for PID	Finance		10/30/2018	PID Assessment for Georgetown in 2020
WWTP Priority Project List	Public Works	11/13/2018	10/23/2018	Mark Hill - Consultant
2600 Commerce Way Permit Ready	Development Serv	NA	11/6/2018	Complete Permit Issued 11/26/2018
600 N Nash KC Street Barn Permit Issued	Development Serv	NA	11/6/2018	Complete Finaled 01/04/2019
Rev Ch 22 & 46 7500SF F Sprinkler Req	Development Serv	01/28/2019 02/25/2019	1/21/2019	Complete 02/25/2019
Realtor PID Training	Admin	NA		Complete 4/23/2019
Fee Schedule Update	Development Serv		6/4/2019	Approved by Council
Bureau Veritas Contract Update	Development Serv		6/4/2019	Approved by Council
Park Master Plan Update	Parks & Rec	8/5/2019	10/23/2018	Aproved by Council
34/243 Signal Installation	Public Works		10/23/2018	Complete
HR Coordinator	Admin		12/17/2018	Admin/HR Assistant Full-Time Sept. 30
Agenda Software Installation/Training	Admin		10/23/2018	Complete
5 Year CIP	Admin	11/25/2019	11/25/2019	Work Session 12/16/19
Water & Street Impact Fee Update	Development Serv		6/10/2019	Council approved 12/16/19
Intern Program	HR	TBD	12/10/2019	Policy to Council 3/30/20
WWTP Finance Application	Finance	11/13/2018	10/23/2018	GTUA Approval
PD/FD Safety Equipment Grant	Public Safety	TBD	3/3/2020	Application Submitted
Street Maintenance Priorities	PW/Admin		2/27/2019	List Presented to Council/Incorporated into 5 Year CIP
Traffic Signal 1388@34 ByPass	Admin		1/28/2020	Final Construction Underway
Solid Waste RFP	Admin	TBD	5/18/2020	Contract Finanlized and Approved
PD Body Camera Grant	PD	4/27/2020	5/19/2020	Grant not awarded

3,5
5
1
5
1
4,5
1,5

November 5, 2020

To: City of Kaufman

From: Ashley Berryhill, Grant Director

Re: October Demand and Response Ridership Report

TRIP INFORMATION:

	S	O	N	D	J	F	M	A	M	J	J	A	TOTAL
Trips	289	233											522
No. Service Days	21	22											43

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

ELDERLY AND DISABLED RIDERSHIP	
18	Disabled Trips
132	Elderly (&/or Dis) Trips

150 E & D Total Rides

E & D Percent of Total Trips – 64%

OCTOBER UNDUPLICATED PASSENGERS
38
YEAR TO DATE UNDUPLICATED PASSENGERS
58

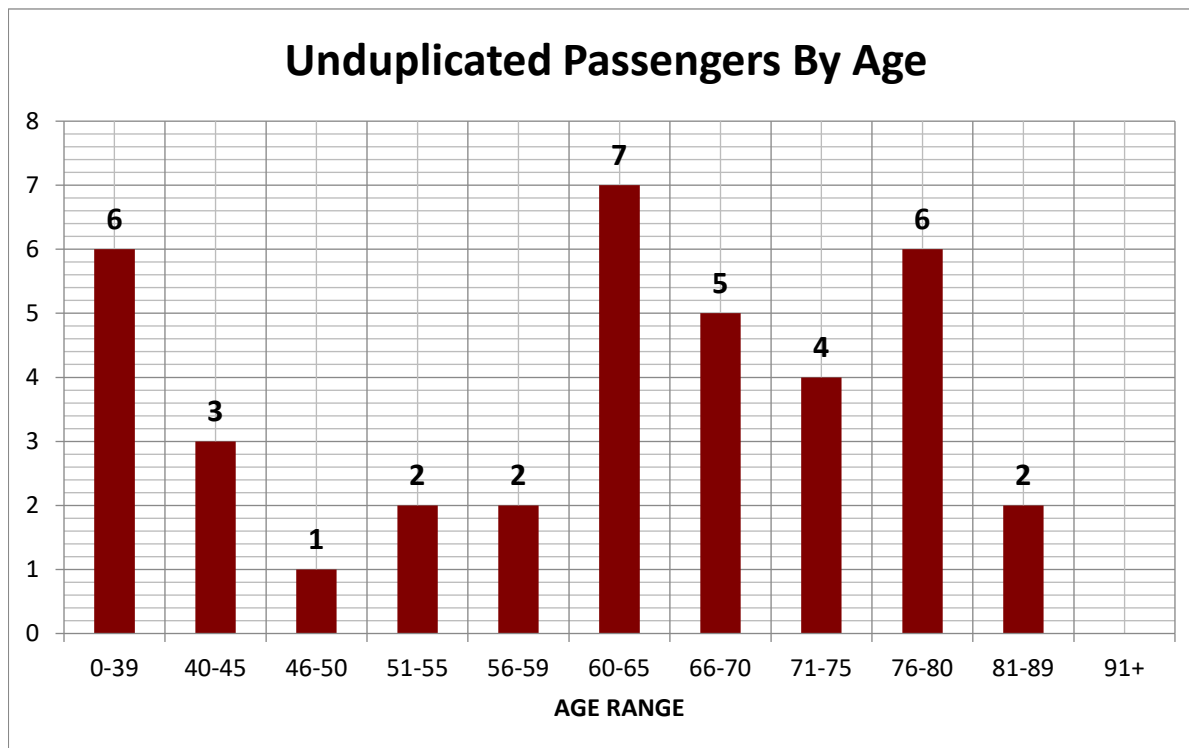


Trip Total	
KAUFMAN TO KAUFMAN	188
KAUFMAN TO OUTSIDE	30
OUTSIDE TO KAUFMAN	15

233

NOSHOW/CANCEL	27
DENIALS	5
Month to Month Unduplicated	38
YTD Unduplicated	58

October 2020 Total D & R Trips	233
---	------------



November 5, 2020

To: Kaufman County

From: Ashley Berryhill, Grant Director

Re: October 2020 Demand and Response Ridership Report

TRIP INFORMATION:

	S	O	N	D	J	F	M	A	M	J	J	A	TOTAL
Trips	1,641	1,666											3,307
Service Days	21	22											43

	Trip Origin Total
COTTONWOOD	0
COMBINE	0
CRANDALL	40
FORNEY	229
GRAYS PRARIE	0
GUN BARRELL	0
HEARTLAND	28
KAUFMAN	233
KEMP	61
MABANK	51
OAK GROVE	4
OAK RIDGE	0
POST OAK	0
ROSSER	0
SCURRY	38
TERRELL	981
<i>Subtotal</i>	<i>1,665</i>

Terrell Senior Terraces	35
Terrell State Hospital	0

KAUFMAN COUNTY TOTALS	
TOTAL TRIPS	1,665
NO SHOW & CANCELS	1,580



D/R-KAUFMAN COUNTY	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
CHARTER	0	0	0	0	0	0	0	0	0	0	0	0	0
(UPT) Unlinked Passenger Trips	1,641	1,665											3,306
EDU	0	0											0
GOV	0	4											4
MDE	167	131											298
MED	779	741											1,520
CONT	0	9											9
NUT	4	10											14
OTH	82	117											199
SHP	158	178											336
WORK	451	475											926
	1,641	1,665	0	0	0	0	0	0	0	0	0	0	3,306
0													
KAUF DR TOTAL (+TSH, Charter)	1,641	1,665	0	0	0	0	0	0	0	0	0	0	3,306

CONTRACTED SERVICES	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
Charter	0	0											0
Terrell State Hospital	0	0											0
Terrell Senior Terraces	36	35											71
Medicaid	167	131	0	0	0	0	0	0	0	0	0	0	298
Nursing Home Contracts	0	0											0
	203	166	0	0	0	0	0	0	0	0	0	0	369

	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
Adjusted Trip Total	1,438	1,499	0	0	0	0	0	0	0	0	0	0	2,937
*Trip Totals without Contracted Services													

ELDERLY AND DISABLED	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
> = 60	1,004	1,015											2,019
DIS <60	125	148											273
E & D	1,129	1,163	0	0	0	0	0	0	0	0	0	0	2,292
% of Trip Total	69%	70%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	

	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
GENERAL PUBLIC	203	166	0	0	0	0	0	0	0	0	0	0	369
% of Total	12%	10%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	

Subscription Trips	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
County Subscription Trips	636	683											1,319
Percent Subs of Total Trips	39%	41%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
SUBS Can/NoShow	2,142	1,176											3,318

	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
Can/NoShow	217	193											410
Advanced Cancel	2,411	1,387											3,798
	2,628	1,580	0	0	0	0	0	0	0	0	0	0	4,208

DENIALS	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	TOTALS
	138	39											177

November 5, 2020

To: Kaufman County

From: Ashley Berryhill, Grant Director

Re: **October 2020 STARNow** – Kaufman County Ridership Report

FY2021 TRIP INFORMATION:

	S	O	N	D	J	F	M	A	M	J	J	A	TOTAL
Trips	750	899											1,649
Service Days	21	22											43

KPIs							
Completed Boardings	Avg. Boardings Per Service Hr.	Boarding Cancellations	Boarding Cancellations (No Show)	Cancellation Percentage	Cancellation Percentage (No Show)	Completed Requests	Cancelled Requests
899	3.71	205	18	18.57 %	1.63 %	797	171
Cancelled Requests (No Show)	Avg. # of Trips per Rider	Avg. Travel Duration	Avg. Travel Distance	Avg. Time Wait	Median Wait Time	Bookings from Admin Portal	Bookings from Rider Application
15	9.27	9.61 min	2.68 mi	16.39 min	11.78 min	38.38 %	60.62 %
Flag Down Bookings							
1 %							

Response Summary:

	Responses	Transports	Exceptions	Compliance %	Transport %
Priority 1 <8:59	28	21	0	100%	75%
Priority 2 <11:59	70	33	0	100%	47%
Priority 3 <14:59	24	14	0	100%	58%
Emergency Transfers<0:29:59	93	92	46	51%	99%
Non-Emergency Transfers<0:15	83	78	7	92%	94%
Helicopter	18	18			
Totals	316	256		100.00%	60.16%

Transport Summary:

	Number	Percentage
Baylor Scott and White Dallas	5	2%
Baylor Scott and White Sunnyvale	5	2%
Baylor Scott and White Lakepointe Rowlett	1	0%
Baylor Scott and White Lakepointe Forney	0	0%
Childrens Medical Center	6	3%
Dallas Regional Medical Center	4	2%
Medical City Dallas	1	0%
Parkland	2	1%
Texas Health-Dallas	64	27%
Texas Health- Kaufman	52	22%
Texas Health -Plano	4	2%
Texas Health-Rockwall	1	0%
UT Health- Athens	0	0%
UT Health- Tyler	2	1%
UT Health- Cedar Creek	0	0%
VA Medical Center Dallas	1	0%
Other Hospitals	19	8%
Nursing home, residence, other	71	30%
	238	100%

	Number	% of Total
Patient Refusal/Treat No Transport	20	33%
Pt is DOS	1	2%
Cancellation- No Patient	39	65%
	60	100%

Average Response Time

City Wide--Emergency Calls

0:05:25

	Responses	Exceptions	
Last 100 Calls			
Priority 1	100	5	95%
Priority 2	100	0	100%
Priority 3	100	3	97%



COUNCIL MONTHLY UPDATE

OCTOBER 2020

- In OCTOBER the Kaufman Fire Department responded to 185 calls for service.
- In OCTOBER 2019 we responded to 200 calls for service
- We have been taking public temperatures at city hall for court dates.
- Had fire prevention programs at Sunshine school and Helen Edwards
- Participated in National night out with KPD
- Training:
 - (Fire Ce's) (EMS Ce's)
 - Extrication Burns & Medications



DEPARTMENT SNAPSHOT October

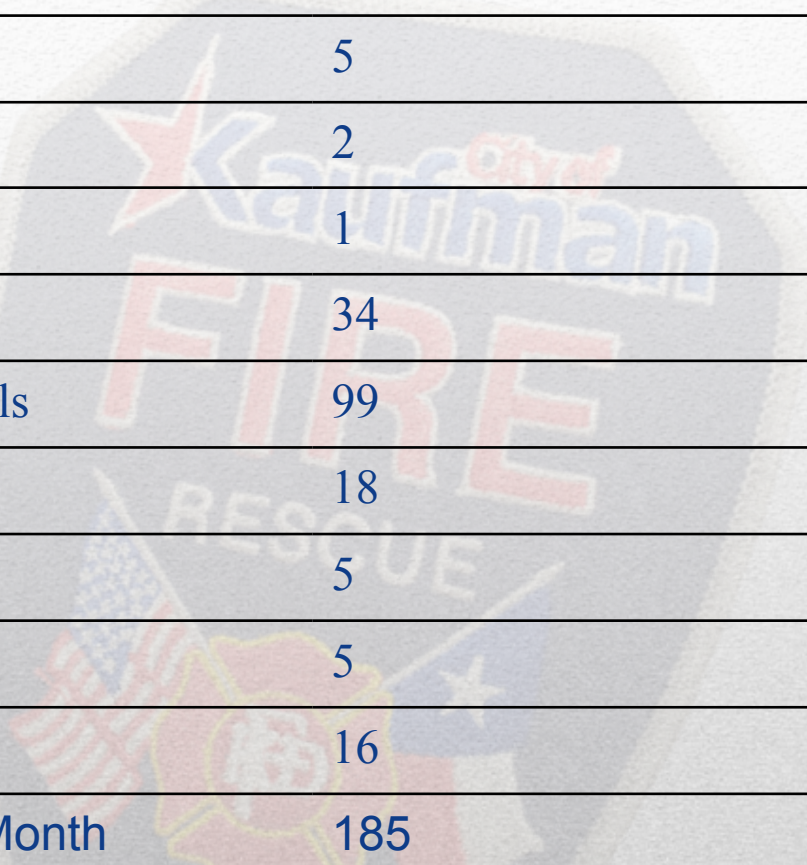
- **Incident Response Time
Monthly Average**

- **October 2020
Monthly Average
Response Time 5
Minutes 08 Seconds
(5.08)**

- **October 2019
Monthly Average
Response Time 5
Minutes 05 Seconds
(5.05)**



DEPARTMENT SNAPSHOT



Inspections	25
Structure Fires	5
Grass/Trash	2
Automobiles	1
Accidents	34
Emergency Medical Calls	99
Haz / Smoke Calls	18
False Alarms	5
Mutual Aid	5
Public Assist Unlocks	16
Total Responses for Month	185

October 2020 Responses



BLUE= MEDICAL INCIDENTS

NOVEMBER 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Planning & Zoning Meeting	4	5	6	7
8	9	10	11 City Hall closed- Veterans Day	12 Parks & Rec Meeting	13	14
15	16 Regular City Council Meeting	17	18	19 Employee Thanksgiving Meal	20	21
22	23	24	25	26 City Hall closed- Thanksgiving	27 City Hall closed- Thanksgiving	28
29	30					

DECEMBER 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Planning & Zoning Meeting	2	3	4	5
6	7	8	9	10 Parks & Rec Meeting	11	12
13	14 Regular City Council Meeting	15	16 Employee Christmas Pick Up	17	18	19
20	21	22	23	24 City Hall Closed- Christmas	25 City Hall Closed- Christmas	26
27	28 Special City Council Meeting	29	30	31		

JANUARY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 City Hall Closed- New Year's Day	2
3	4	5 Planning & Zoning Meeting	6	7	8 Proposed Civic Center Grand Opening	9
10	11	12	13	14 Parks & Rec Meeting Employee Banquet	15	16
17	18	19	20	21	22	23
24/31	25 Regular City Council Meeting	26	27	28	29	30