



AGENDA
REGULAR CITY COUNCIL MEETING
MONDAY, MAY 24, 2021 - 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](https://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.**

CONSENT AGENDA

1. Consider and take appropriate action on the minutes from the April 26, 2021, Regular City Council meeting, and the May 10, 2021, Special City Council meeting.
2. Consider and take appropriate action on the Final Plat of Lot 2, Block E, Kings Fort Addition, Phase IV, a 0.9848-acre tract (a portion of PID# 202752) generally located on the south side of East Highway 175 and east of Center Drive to be addressed as 710 East Highway 175 and currently zoned Planned Development - 15 for Highway Commercial (PD-15-HC). A subdivision of one commercial lot is proposed. (Case #FP-05-21)

END OF CONSENT AGENDA

PRESENTATION

3. Presentation from Republic Services on a proposal to amend the service contract for Collection of Solid Waste with the City of Kaufman in order adjust the scope of work to allow weekly bulk collection, discussion, and authorizing the City Manager to execute necessary documents.

PUBLIC HEARING

4. Hold a public hearing, consider and take appropriate action on Ordinance O-17-21, an ordinance of the City Council of the City of Kaufman, Texas, providing proposed amendments to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances, to add "Private Membership Social Game House" as a use permitted only when a specific use permit is approved and only in the Commercial (C) and Highway Commercial (HC) Zoning Districts, by amending Chart 4, "Recreational and Entertainment Uses" of Section 33.4, "Use Regulations", and Section 33.5, "Definitions"; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date; and providing an effective date. (Case #Z-02-21). (This item was returned from City Council back to the Planning and Zoning Commission due to technical difficulties at the Planning and Zoning Commission meeting on April 6, 2021.)
 - a. Presentation.
 - b. PUBLIC HEARING.
 - c. Consider and take appropriate action on Ordinance O-17-21.
5. Hold a Public Hearing, consider, and take appropriate action on Ordinance O-20-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman to provide a City required percentage of land dedication, to provide for alternate methods of satisfying the land dedication requirement, and to provide for Council discretion to accept parks less than (2) two acres; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date.
 - a. Presentation.

- b. PUBLIC HEARING.
 - c. Consider and take appropriate action on Ordinance O-20-21.
6. Hold a public hearing, consider and take appropriate action on Ordinance O-21-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to rezone an approximate 5.366 acres of land generally located in the 2600 block of Tabor Parkway (CR 151) (rear portion of PID #5377) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas from Commercial (C) to Multi-Family -2 (MF-2) ; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Applicant: ZP Juniper Pointe Apartments, LP – Justin Zimmerman) (Case #Z-03-21)
- a. Presentation.
 - b. PUBLIC HEARING.
 - c. Consider and take appropriate action on Ordinance O-21-21.
7. Hold a public hearing, consider, and take appropriate action on Ordinance O-22-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to authorize Specific Use Permit – 46, and to approve the associated Site Plan in order to allow an attended car wash on property zoned Planned Development – 15 – Highway Commercial, an approximate 0.985 acre tract (a portion of PID# 202752) located at 710 East Highway 175, proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV, within the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Applicant: Konrad Rudnicki) (Case #Z-04-21)
- a. Presentation.
 - b. PUBLIC HEARING.
 - c. Consider and take appropriate action on Ordinance O-22-21.

8. Hold a public hearing, consider, and take appropriate action on Ordinance O-23-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Highway Commercial (HC) on an approximate 7.9-acre tract of land (a portion of PID# 56874) generally located at 1900 East Highway 175 and being platted as Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-06-21)
 - a. Presentation.
 - b. PUBLIC HEARING.
 - c. Consider and take appropriate action on Ordinance O-23-21.
9. Hold a public hearing, consider, and take appropriate action on Ordinance O-24-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Highway Commercial (HC); on an approximate 16.72-acre tract of land located directly west of the Kaufman County Law Enforcement Center (PIDs 5438 and 5525) and such property being situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-07-21)
 - a. Presentation.
 - b. PUBLIC HEARING.
 - c. Consider and take appropriate action on Ordinance O- 24-21.
10. Hold a public hearing, consider, and take appropriate action on Ordinance O-25-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Agricultural/Open District (A-O); on an approximate 73.491-acre tract of land located at 2121 Ola Road and East State Highway 243 (PID 213307) and such property being situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and

a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-08-21)

a. Presentation.

b. PUBLIC HEARING.

c. Consider and take appropriate action on Ordinance O-25-21.

11. Hold a public hearing, consider, and take appropriate action on Ordinance O-26-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Agricultural/Open District (A-O); on an approximate 85.243-acre tract of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727 (PIDs 187223 and 51233) and such property being situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-09-21)

a. Presentation.

b. PUBLIC HEARING.

c. Consider and take appropriate action on Ordinance O-26-21.

DISCUSSION/ACTION ITEMS

12. Consider and take appropriate action on Ordinance O-27-21, an ordinance of the City Council of the City of Kaufman, Texas, repealing Section 2 of Ordinance No. O-16-21 to remove mandatory regulations related to the wearing of face coverings within city facilities; providing for the incorporation of premises; providing severability; providing for publication; and providing an effective date.
13. Consider and take appropriate action on Ordinance O-28-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Section 102-274, "Parking Time Limit", of Division 2, "Parking-Control Zone", of Article VII, "Parking", of Chapter 102, "Traffic and Vehicles", of the Code of Ordinances of the City of Kaufman to provide notice signs indicating time restricted parking and providing presumptive evidence of overtime parking; providing a penalty for each offense in an amount not to exceed \$500 and a separate offense shall be deemed committed

upon each day during on or which a violation occurs or continues; and providing an effective date.

14. Consider and take appropriate action on the award of bid and contract for depository and banking services for the City of Kaufman to American National Bank of Texas and authorizing the Mayor or his designee to execute necessary documents.
15. Consider and take appropriate action on the award of bid and contract to Axis Contracting for the construction of paving and drainage improvements for Hillcrest Street, Melody Circle, and Priscilla Lane and authorizing the Mayor or his designee to execute necessary documents.
16. Consider and take appropriate action on the future park improvements for Shannon Park.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

17. Receive an update and discussion regarding the following:
 - a. Community Events Update.
 - b. Discussion Items Report (DIR)
 - c. STAR Transit Ridership Report- April 2021
 - d. Careflite Compliance Report- April 2021
 - e. Fire Department Monthly Report- April 2021
 - f. Police Department Monthly Report- April 2021
 - g. Monthly Calendars Attached

ADJOURNMENT

I, JESSIE HANKS, CITY SECRETARY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 4:30 P.M. ON FRIDAY, MAY 21, 2021,

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.



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, APRIL 26, 2021 - 5:30 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 5:30 PM. Councilmembers present were Patty Patterson, Jeff Council, Jeff Jordan, Carole Aga, Matt Phillips, and Barry Ratcliffe. Councilmember Lisa Parker joined the meeting at 5:40 PM. 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, Fire Chief Ronnie Davis, and Police Chief Dana Whitaker.

CITY COUNCIL WORK SESSION

NOTE: A Work Session is used to explore matters of interest to one or more City Council Members or the City Manager for the purpose of giving staff direction into whether or not such matters should be placed on a future regular or special meeting of the Council for citizens input, City Council deliberation and formal City action. At a work session, the City Council generally receives informal and preliminary reports and information from City staff, officials, members of City committees, and the individual or organization proposing Council action, if invited by City Council or City Manager to participate in the session. Participation by individuals and members of organizations invited to speak ceases when the Mayor announces the session is being closed to public input. Although Work Sessions are public meetings, and citizens have a legal right to attend, they are not public hearings, so citizens are not allowed to participate in the session unless invited to do so by the Mayor. Any citizen may supply to the City Council, prior to the beginning of the session, a written report regarding the citizen's opinion on the matter being explored. Should the Council direct the matter be placed on a regular meeting agenda, the staff will generally prepare a final report defining the proposed action, which will be made available to all citizens prior to the regular meeting at which citizen input is sought. The purpose of this procedure is to allow citizens attending the regular meeting the opportunity to hear the views of their fellow citizens without having to attend two meetings.

1. Discuss and provide direction to staff regarding the use of potential funds from the American Rescue Plan.

Mr. Slye reviewed the American Rescue Plan (ARP) and the potential use of the funds. He outlined the distribution of the funds, the approved uses of the funds, and the timeline for the funds to be used. He mentioned the potential of collaborating with the other agencies in the area to leverage the money for a project that would make a larger impact on the community. There were discussions on how the council would like to see the ARP funds utilized.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Council agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is

otherwise required by law for translation. Speaking time is not transferable. Citizens may address the City Council on any subject but must first complete a Request to Speak Form so that the Mayor may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the Council as a whole. **When addressing the Council, please step forward to the speaker's podium, state your name and address, and direct your comments to the Mayor and City Council.**

No comments were given.

PROCLAMATION

2. Child Abuse Awareness Month- April 2021

Mayor Jordan proclaimed the month of April as Child Abuse Awareness Month.

PRESENTATION

3. Presentation from the Texas Coalition for Affordable Power and hold discussion.

Margaret Somereve, Executive Director of the Texas Coalition for Affordable Power, presented the City Council with a plaque to recognize the City's participation in Texas Coalition for Affordable Power.

CONSENT AGENDA

4. Consider and take appropriate action on the minutes from the March 22, 2021, Regular City Council meeting, and the April 12, 2021, City Council Retreat.
5. Consider and take appropriate action on the Partial Termination and Abandonment of a Sanitary Sewer Easement dated January 11, 1984, recorded under Volume 758, Page 857 of the Official Public Records of Kaufman County, Texas; and authorizing the Mayor or his designee to execute necessary documents.

Councilmember Aga made a motion the approve consent agenda item 4 and 5 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

END OF CONSENT AGENDA

PUBLIC HEARING

6. Hold a Public Hearing, consider, and take appropriate action on Ordinance O-17-21, an ordinance of the City Council of the City of Kaufman, Texas, amending City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances, to add "Private Membership Social Game House" as a use permitted only when a specific use permit is approved and only in the Commercial (C) and Highway Commercial (HC) Zoning Districts by amending Chart 4, "Recreational and Entertainment Uses" of Section 33.4, "Use Regulations", and Section 33.5, "Definitions". (Case #Z-02-21)
 - a. Presentation.

Ms. Ratcliff presented the request to amend the zoning ordinance in relation to allowing private membership social game house. She informed Council that the Planning and Zoning Commission denied the request and outlined their reasoning. She reviewed the proposed amendments that are in the ordinance.

b. PUBLIC HEARING.

Mayor Jordan opened the Public Hearing at 6:20 PM.

John Dumas, 115 Robinson Rd, Combine, Texas, clarified the use of the proposed business that he would like to bring which triggered the request for the zoning amendment. He outlined how the business will operate, the evolution of the game, and the potential clientele. There were discussions regarding the hours of operations, the potential sales tax collections, and the Planning and Zoning recommendation.

There being no other speakers, Mayor Jordan closed the Public Hearing at 6:42 PM.

c. Consider and take appropriate action on Ordinance O-17-21.

Councilmember Phillips made a motion to refer this item back to the Planning and Zoning Commission for further review. The motion was seconded by Councilmember Council and passed 7/0.

7. Hold a Public Hearing, consider, and take appropriate action on Ordinance O-18-21, an ordinance of the City Council of the City of Kaufman, Texas, amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances to add a new subsection, subsection "N", to be entitled, "Compliance Required; Exceptions", to subsection 44.4, "Administration", of Section 44, "Sign Regulations", to provide for compliance with the sign regulations and exceptions from such regulations for signs serving a city, state or federal governmental purpose; providing a penalty for violations; and providing an effective date. (Case #Z-05-21)

a. Presentation.

Mayor Jordan turned the meeting over to Mayor Pro-Tem Patterson and left the meeting at 6:43 PM

Ms. Ratcliff presented the proposed zoning amendment for the purpose of allowing offer premise signs due to the Council's desire for gateway signage.

b. PUBLIC HEARING.

Mayor Pro-Tem Patterson opened the Public Hearing at 6:45 PM.

There being no other speakers, Mayor Pro-Tem Patterson closed the Public Hearing at 6:47 PM.

c. Consider and take appropriate action on Ordinance O-18-21.

Councilmember Aga made a motion to approve Ordinance O-18-21 as presented. The motion was seconded by Councilmember Parker and passed 6/0.

DISCUSSION/ACTION ITEMS

8. Consider and take appropriate action on the Land Study and Preliminary Plat of South Pointe

at Kaufman Sports Village Addition, an approximate 53.871-acre tract generally located at the northwest corner of South Houston Street and State Highway 34 Bypass. A 101 lot subdivision is proposed.

Ms. Ratcliff presented the preliminary plat for the South Pointe addition. She reviewed the conditions 1-12 that the Planning and Zoning Commission added to the motion of approval.

Councilmember Phillips made a motion to approve the Preliminary Plat with the conditions of 1- 12 as discussed. The motion was seconded by Councilmember Parker and passed 6/0.

9. Consider and take appropriate action on Resolution R-20-21, a resolution of the City Council of the City of Kaufman, Texas, expressing support for a street construction project to connect 175 and HWY 34 within the City.

Mr. Slye informed Council about the proposed connector road that would connect 175 and Highway 24 within the city limits.

Councilmember Ratcliffe made a motion to approve Resolution R-20-21 as presented. The motion was seconded by Councilmember Aga and passed 6/0.

10. Consider and take appropriate action regarding the placement of electrical utility lines along State Highway 34 bypass to service Marlow's Truck Stop.

Mr. Slye presented the proposed placement of the electrical utility lines along State Highway 34 bypass to service Marlow's Truck Stop. He outlined the costs associated with running the lines underground.

Councilmember Aga made a motion to approve the placement of electrical utility lines along State Highway 34 bypass underground utilizing ARP funds if allowed and if not utilizing the General Fund. The motion was seconded by Councilmember Parker and passed 6/0.

11. Consider and take appropriate action regarding an agreement between the City and Community Internet Providers, LLC for use of City infrastructure to locate facilities; and authorizing the City Manager to finalize and execute necessary documents.

Mr. Slye reviewed the proposed agreement with Community Internet Providers.

Councilmember Ratcliffe made a motion to approve the terms of the agreement between the City and Community Internet Providers LLC for use of City infrastructure to locate facilities and authorize the City Manager to finalize and execute necessary documents. The motion was seconded by Councilmember Parker and passed 6/0.

APPOINTMENTS

12. Consider and take appropriate action on the appointment of one (1) member to the Parks and Recreation Board for a two (2) year term to expire March 2023.

Councilmember Parker made a motion to appoint Shannon Prox to the Parks and Recreation Board for a two (2) year term to expire March 2023. The motion was seconded by Councilmember Ratcliffe and passed 6/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

13. Receive an update and discussion regarding the following:
- a. Special City Council Meeting- Canvass General Election- May 10th
 - b. Discussion Items Report (DIR)
 - c. STAR Transit Ridership Report- March 2021
 - d. Careflite Compliance Report- March 2021
 - e. Fire Department Monthly Report- March 2021
 - f. Police Department Monthly Report- March 2021
 - g. Monthly Calendars Attached

Mr. Slye gave the Council an update on the above-stated items.

EXECUTIVE SESSION

Mayor Pro-Tem Patterson adjourned into executive session to discuss the following at 7:09 PM

14. 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, College Mound SUD

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

Mayor Pro-Tem Patterson reconvened into open session at 7:17 PM.

15. Consider and take appropriate action on an interlocal agreement with College Mound for the purpose of providing water service to the Kaufman Lake Development.

Councilmember Aga made a motion to approve the interlocal agreement with College Mound for the purpose of providing water service to the Kaufman Lake Development. The motion was seconded by Councilmember Ratcliffe and passed 6/0.

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

No additional action was required.

ADJOURNMENT

There being no further business, Mayor Pro-Tem Patterson adjourned the meeting at 7:18 PM.

ATTEST:

**JEFF JORDAN
MAYOR**

**JESSIE HANKS
CITY SECRETARY**



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, MAY 10, 2021 - 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 6:07 PM. Councilmembers present were Jeff Jordan, Patty Patterson, Jeff Council, Carole Aga, Barry Ratcliffe, Matt Phillips and Lisa Parker. Mayor Jordan declared a quorum present. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Secretary Jessie Hanks, Municipal Judge Jon Burt, Police Chief Dana Whitaker, and Police Captain Les Edwards.

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

No comments were given.

CANVASS GENERAL ELECTION RETURNS

1. Consider and take appropriate action on Ordinance O-19-21, 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 May 1, 2021, as such returns relate to a General Election to elect one (1) person to serve as Mayor of the City of Kaufman and 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.

Councilmember Council made a motion to approve Ordinance O-19-21 as presented. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

INAUGURATION

2. Judge Burt to administer Statement of Elected Officer and Oath of Office for newly Elected

Officials.

Judge Burt administered the Statement of Elected Officer and Oath of Office to the newly Elected Officials.

APPOINTMENTS

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

Councilmember Ratcliffe made a motion to appoint Patty Patterson as the Mayor Pro-Tem. The motion was seconded by Councilmember Parker and passed 7/0.

DISCUSSION/ACTION ITEMS

4. Consider and take appropriate action on Resolution R-21-21, a resolution of the City Council of the City of Kaufman, Texas authorizing the City Manager to enter into an agreement with the Texas Department of Transportation to temporarily close SH 34 and E Fair Road for the purpose of the annual Independence Celebration Parade.

Mayor Pro-Tem Patterson made a motion to approve Resolution R-21-21 as presented. The motion was seconded by Councilmember Parker and passed 7/0.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 6:15 PM.

ATTEST:

**JEFF JORDAN
MAYOR**

**JESSIE HANKS
CITY SECRETARY**



Meeting
Date: 5/24/2021

Date: 5/7/2021

Item #: 2.

Dept.: Development
Services

PZ Item

SUBJECT:

Consider and take appropriate action on the Final Plat of Lot 2, Block E, Kings Fort Addition, Phase IV, a 0.9848-acre tract (a portion of PID# 202752) generally located on the south side of East Highway 175 and east of Center Drive to be addressed as 710 East Highway 175 and currently zoned Planned Development - 15 for Highway Commercial (PD-15-HC). A subdivision of one commercial lot is proposed. (Case #FP-05-21)

BACKGROUND:

See the attached May 4, 2021 Planning and Zoning Commission Report on the Final Plat of Lot 2, Block E, Kings Fort Addition, Phase IV.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 recommended approval of the Final Plat of Lot Block E, Kings Fort Addition, Phase IV. (Case #FP-05-21)

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



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Consider and take appropriate action on the Final Plat of Lot 2, Block E, Kings Fort Addition, Phase IV. The 0.9848-acre tract is generally located on the south side of East Highway 175 and east of Center Drive. The property will be addressed as 710 East Highway 175. The property is zoned Planned Development - 15 for Highway Commercial (PD-15-HC). A subdivision of one commercial lot is proposed. (Case #FP-05-21)

SUMMARY:

Lot 1, Block E, containing 0.9848 acres (42,900 SF), is proposed to be developed as an attended carwash.

The proposed Final Plat shows Lot 2 will have two cross access points to the lots located on the east and west side of the proposed lot. The locations of the cross access points are in the front along East Highway 175 and the rear along Kings Fort Parkway. Shared driveway entrances on Kings Fort Parkway are proposed between Lots 1 and 2.

THOROUGHFARE PLAN: All the rights of way required for East Highway 175 and Kings Fort Parkway have already been dedicated. Center Drive is not a designated thoroughfare. Kings Fort Parkway is designated as a Type C, Major Collector, which requires a minimum 80 foot wide right of way width.

COMPREHENSIVE PLAN: The property is zoned Planned Development -15 for Highway Commercial development. The commercial zoning complies with the 2014 Future Land Plan.

RECOMMENDATIONS:

Staff recommends approval of the Final Plat of Lot 1, Block E, Kings Fort Addition, Phase IV.

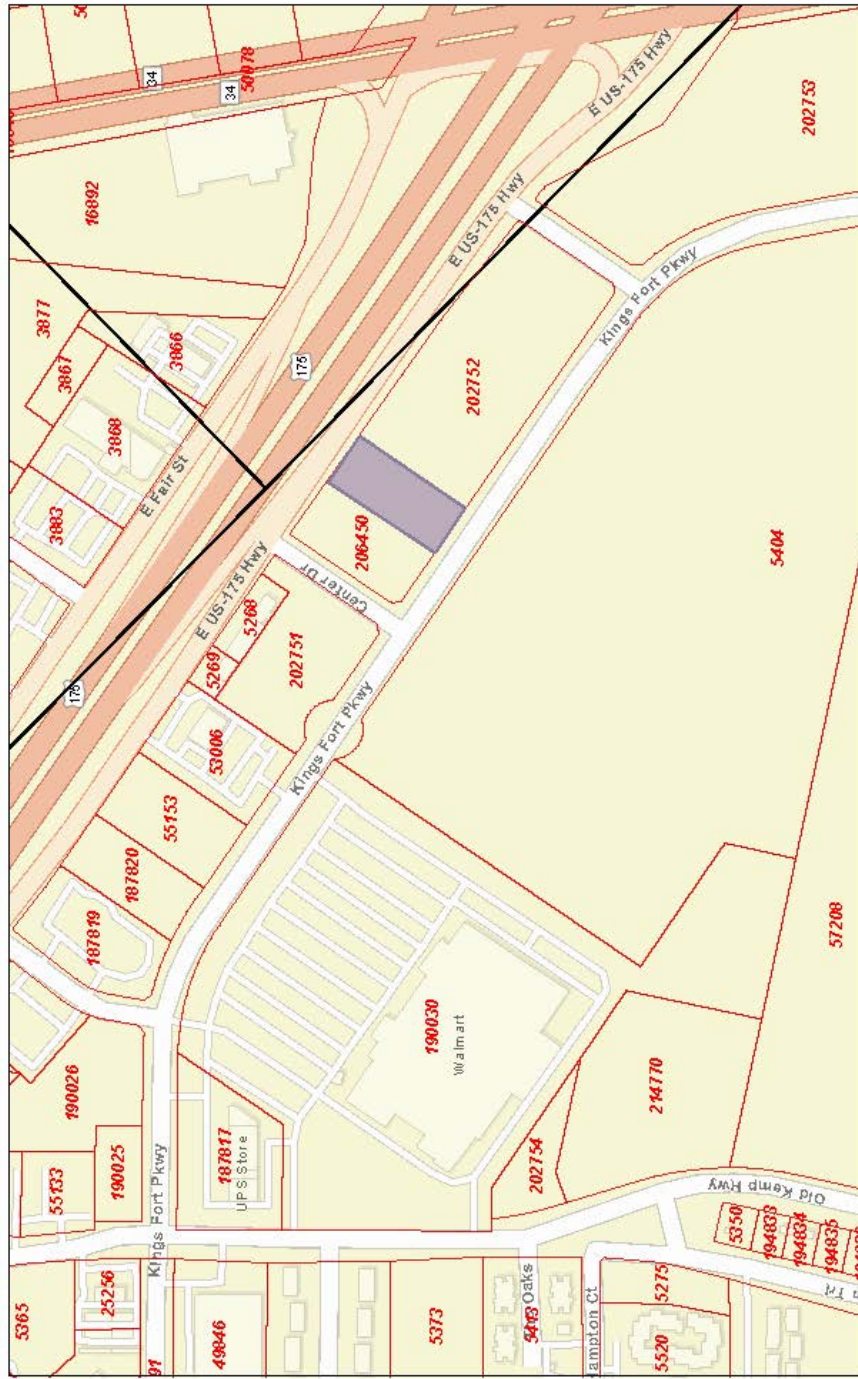
ATTACHMENTS:

1. Location Map
2. Final Plat of Lot 1, Block E, Kings Fort Addition, Phase IV

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

Location Map

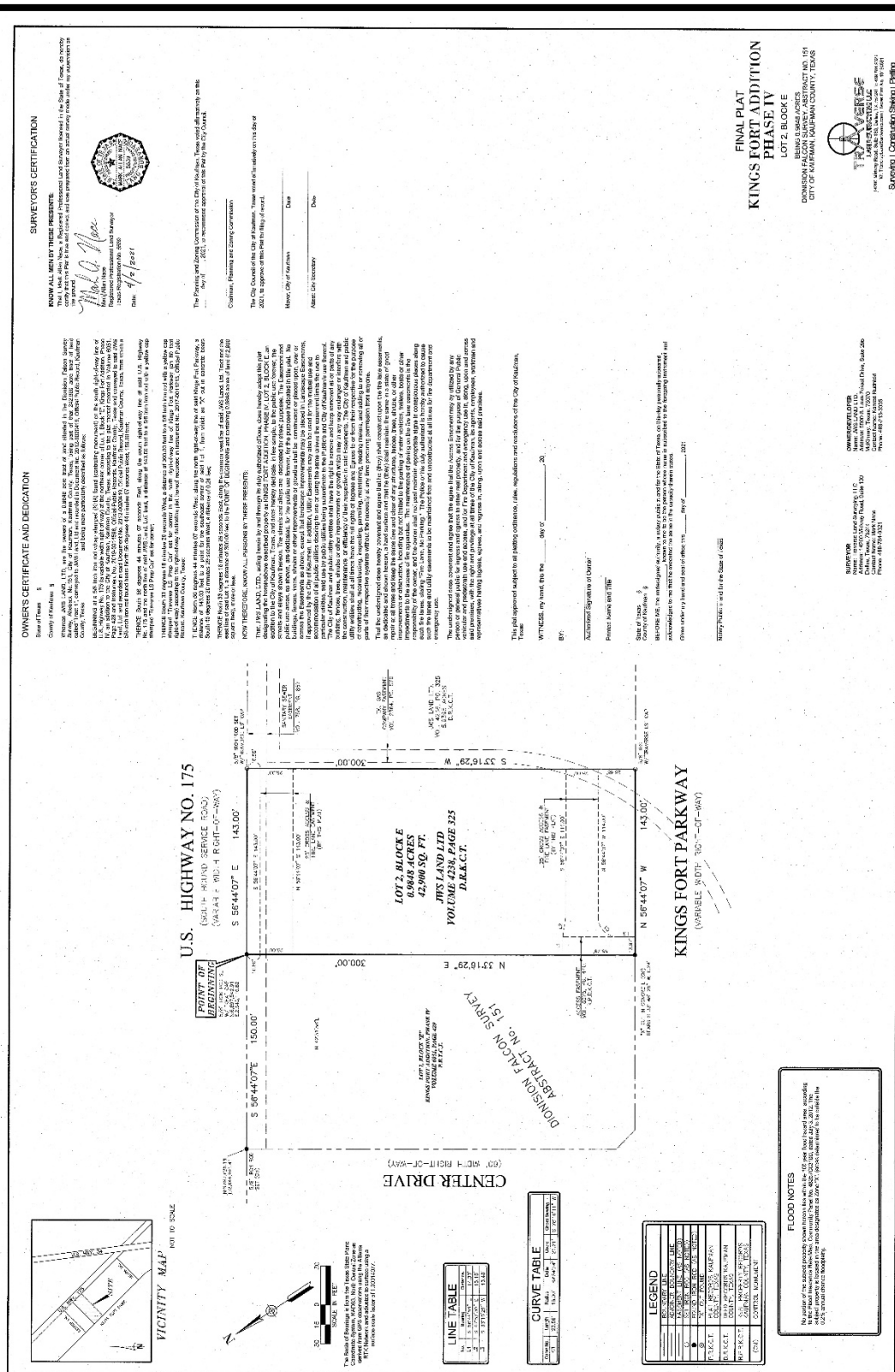
710 East Highway 175 - Car Wash



4/20/2021, 3:52:46 PM

- Abstracts
- Parcels

Erri Community Maps Contributor, Texas Parks & Wildlife,
Kauhan County Appraisal District, GIS Consulting - www.bisconsulting.com
Disclaimer: This product is for informational purposes only and has not been prepared for legal, engineering, or surveying purposes. It does not represent a professional location of boundaries.





Meeting
Date: 5/24/2021

Date: 5/20/2021

Item #: 3.

Dept.: Administration

Action Item

SUBJECT:

Presentation from Republic Services on a proposal to amend the service contract for Collection of Solid Waste with the City of Kaufman in order adjust the scope of work to allow weekly bulk collection, discussion, and authorizing the City Manager to execute necessary documents.

BACKGROUND:

A recurring complaint concerning our new solid waste contract has been centered on the twice/month collection of bulk & brush. Republic Services will present an amended scope of work without any price increase to accommodate this recurring issue.

From Republic Services:

As you requested, we went back and looked at how we could do every week bulk and brush without increasing the cost to the residents. Our current pricing model allows for up to 5 cubic yards of bulk and brush twice per month per resident. Additionally, we collect up to a total of 12 cubic yards twice per month automatically at a cost of \$12.50 per cubic yard over the weekly allowance. Anything over 12 yards at the curb is tagged with a quote for collection. We have also required residents to cut and tie the brush.

Our proposal for every week bulk and brush is as follows:

3 cubic yards of bulk and/or brush per week.

We will automatically collect an additional 5 cubic yards per week (for a total of up to 8 cubic yards per week) at a cost of \$12.50 per cubic yard (to be billed to the City and passed along to the resident).

We will no longer require bundles to be tied. However, brush must be cut to a maximum of 4 feet lengths and piled separately into approximately 40 lb piles away from other bulk items. One issue we have had is that residents are piling up brush, large logs and bulky items together. We collect bulk and brush with the regular trash by hand and this is hazardous for our crews to collect. Logs and branches over 40 lbs will be tagged and quoted for collection with the boom truck.

We will provide the services described here at no additional cost

Thank you for the opportunity to serve the City of Kaufman as your preferred solid waste provider.

We value our partnership.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation: Recommend approval of the amended Scope of Work to the existing Solid Waste contract and authorize the City Manager to sign the amended contract.

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



Meeting
Date: 5/24/2021

Date: 5/7/2021

Item #: 4.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider and take appropriate action on Ordinance O-17-21, an ordinance of the City Council of the City of Kaufman, Texas, providing proposed amendments to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances, to add "Private Membership Social Game House" as a use permitted only when a specific use permit is approved and only in the Commercial (C) and Highway Commercial (HC) Zoning Districts, by amending Chart 4, "Recreational and Entertainment Uses" of Section 33.4, "Use Regulations", and Section 33.5, "Definitions"; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date; and providing an effective date. (Case #Z-02-21). (This item was returned from City Council back to the Planning and Zoning Commission due to technical difficulties at the Planning and Zoning Commission meeting on April 6, 2021.)

BACKGROUND:

City Council, on April 26, 2021 voted 7-0 to request the Planning and Zoning Commission reconsider the request from Mr. John Dumas allowing him to present his request again at the May 4, 2021 Planning and Zoning Commission.

See the attached April 26, 2021 City Council report, the draft Ordinance O-17-21, and the April 6, 2021 and May 4, 2021 Planning and Zoning Commission report.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

N/A

Funds Available:

N/A

Source: N/A

N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 voted on a motion to approve Z-02-21 for a definition of a private membership social game house and allowing as a SUP in the Commercial and Highway Commercial Districts. The motion failed because the vote was 3-3.

However, the Planning and Zoning Commission recommended to amend the draft definition of a "private membership social game house" by a vote 6-0. This motion does not affect the failed motion above.

Staff still recommends denial of Z-02-21.

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



Meeting
Date: 5/24/2021

Date: 5/7/2021

Item #: 4.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider and take appropriate action on Ordinance O-17-21, an ordinance of the City Council of the City of Kaufman, Texas, providing proposed amendments to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances, to add "Private Membership Social Game House" as a use permitted only when a specific use permit is approved and only in the Commercial (C) and Highway Commercial (HC) Zoning Districts, by amending Chart 4, "Recreational and Entertainment Uses" of Section 33.4, "Use Regulations", and Section 33.5, "Definitions"; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date; and providing an effective date. (Case #Z-02-21). (This item was returned from City Council back to the Planning and Zoning Commission due to technical difficulties at the Planning and Zoning Commission meeting on April 6, 2021.)

BACKGROUND:

City Council, on April 26, 2021 voted 7-0 to request the Planning and Zoning Commission reconsider the request from Mr. John Dumas allowing him to present his request again at the May 4, 2021 Planning and Zoning Commission.

See the attached April 26, 2021 City Council report, the draft Ordinance O-17-21, and the April 6, 2021 and May 4, 2021 Planning and Zoning Commission report.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

N/A

Funds Available:

N/A

Source: N/A

N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 voted on a motion to approve Z-02-21 for a definition of a private membership social game house and allowing as a SUP in the Commercial and Highway Commercial Districts. The motion failed because the vote was 3-3.

However, the Planning and Zoning Commission recommended to amend the draft definition of a "private membership social game house" by a vote 6-0. This motion does not affect the failed motion above.

Staff still recommends denial of Z-02-21.

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



Meeting
Date: 4/26/2021

Date: 4/12/2021

Item #: 5.

Dept.: Development
Services

PZ Item

SUBJECT:

Consider and take appropriate action on Ordinance O-17-21, an ordinance of the City Council of the City of Kaufman, Texas, amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add "Private Membership Social Game House" as requiring a specific use permit in the Commercial (C) and Highway Commercial (HC) Zoning Districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions. (Case #Z-02-21)

BACKGROUND:

See the attached April 4, 2021 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 April 4, 2021 recommended denial of Z-02-21 by a vote of 6-1 for amendments to the Comprehensive Zoning Ordinance relative to adding the definition of a "Private Membership Social Game House" and allowing as an approved specific use permit in the Commercial (C) and Highway Commercial (HC) zoning districts in Section 33.4 Use Regulations, Chart 4, Recreational Entertainment Uses and to Section 33.5 Definitions.

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

ORDINANCE NO. O-17-21

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING THE CITY'S COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. O-02-07, AS AMENDED, AND CHAPTER 118, "ZONING", OF THE CITY'S CODE OF ORDINANCES, TO ADD "PRIVATE MEMBERSHIP SOCIAL GAME HOUSE" AS A USE PERMITTED ONLY WHEN A SPECIFIC USE PERMIT IS APPROVED AND ONLY IN THE "COMMERCIAL DISTRICT" AND "HIGHWAY COMMERCIAL DISTRICT" BY AMENDING CHART 4, "RECREATION AND ENTERTAINMENT USES", OF SUBSECTION 33.4, "USE CHARTS", OF SECTION 33, "USE REGULATIONS", AND SUBSECTION 33.5, "DEFINITIONS", OF SECTION 33, "USE REGULATIONS", BY ADOPTING A DEFINITION FOR "PRIVATE MEMBERSHIP SOCIAL GAME HOUSE"; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman is a home rule municipality authorized to adopt regulations governing the use of land within its corporate limits; and

WHEREAS, the City of Kaufman has adopted development standards designed to maintain and encourage development and redevelopment within the commercial sections of the City, identified as the Central Business District ("CBD"); and

WHEREAS, the City of Kaufman has adopted a Comprehensive Zoning Ordinance regulating land use within the City, providing uses, definitions and regulations for development in the Commercial ("C") and the Highway Commercial ("HC") Districts to provide for recreational and entertainment type uses convenient to thoroughfares and collector streets located within these zoning districts of the City; and

WHEREAS, at its' regular meeting held on the 6th day of April 2021, the Planning and Zoning Commission of the City of Kaufman, after holding a public hearing, considered and made a recommendation to the City Council for denial of a request (Case No. Z-02-21) to amend the Use Regulations of the Comprehensive Zoning Ordinance, specifically Chart 4, "Recreation and Entertainment Uses", of Subsection 33.4 and subsection 33.5, "Definitions", of Section 33, "Use Regulations", of the Code of Ordinances to add private membership social game house as a permitted use within the C and HC Districts only with with an approved specific use permit; and

WHEREAS, at its' regular meeting held on the 26th day of April 2021, the City Council of the City of Kaufman, after holding a public hearing for the proposed amendments to the Use Regulations of the Comprehensive Zoning Ordinance, specifically to Section 33.4 - Chart 4, "Recreation and Entertainment Uses", and Section 33.5, "Definitions", determined that all legal requirements of notice and hearings were met, that the public was provided an opportunity to provide input, and after considering the public input and the recommendation of the Planning and Zoning Commission, the Council determined that the proposed amendments to the Comprehensive Zoning Ordinance are consistent with the goals of set forth in the Comprehensive Plan of the City and would serve the best interest of the health and safety and substantially further the economic development and general welfare of the City.

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. AMENDMENTS.

(a) That Ordinance No. O-02-07, as amended, the Comprehensive Zoning Ordinance of the City, and Chapter 118, "Zoning", of the Code of Ordinances of the City of Kaufman, are hereby amended to add private membership social game house as a permitted use only in the Commercial and Highway Commercial Districts and only pursuant to a specific use permit approved by the City, by amending Chart 4 – "Recreation and Entertainment Uses", of subsection 33.4, "Use Charts", of Section 33, "Use Regulations", of Ordinance No. O-02-07 as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein, and Chapter 118, "Zoning", of the Code of Ordinances of the City as set forth within this paragraph and all other chapters and subsections of Ordinance No. O-02-07 and Chapter 118 not specifically amended hereby shall remain in full force and effect without amendment.

(b) That Ordinance No. O-02-07, as amended, the Comprehensive Zoning Ordinance of the City, and Chapter 118, "Zoning", of the Code of Ordinances of the City of Kaufman, is hereby amended to adopt a definition for "Private Membership Social Game House", to add that definition in alphabetical order and to renumber all subsections of subsection 33.5, "Definitions", of Section 33, "Use Regulations", of Ordinance No. O-02-07 accordingly and amending Chapter 118, "Zoning", of the Code of Ordinances of the City as set forth below with all other chapters and subsections of Ordinance No. O-02-07 and Chapter 118 not specifically amended hereby to remain in full force and effect without amendment.

. . .

"##_PRIVATE MEMBERSHIP SOCIAL GAME HOUSE is defined as the

private membership social game house specializing in tournament style card playing and/or other uses may include but not limited to pinball, pool table, shuffleboard and other similar amusements and coin-operated amusement devices. All such games and/or devices shall not violate the Texas Penal Code, Chapter 47, "Gambling" as amended. Such use is restricted to use by members, their guests and private parties. A private membership social game house use is prohibited within 300 feet of a church, school, or hospital, measured from the closest point of the structure where the private membership social game house is located to the nearest property line of the church, school or hospital."

. . .

SECTION 3. 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 4. SAVINGS CLAUSE. All rights and remedies of the City of Kaufman, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 4. SEVERABILITY CLAUSE. 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 5. PENALTY. Any person who intentionally, knowingly, recklessly or criminally negligent 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 6. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication as required by law and as prescribed by City.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS on this the 26th day of April 2021.

APPROVED:

Jeff Jordan, Mayor
City of Kaufman, Texas

ATTEST:

Jessie Hanks, City Secretary
City of Kaufman, Texas

APPROVED AS TO FORM:

Patricia A. Adams, City Attorney

Exhibit "A"
Amended Chart 4, "Recreation and Entertainment Uses"

CHART - 4
CITY OF KAUFMAN, TEXAS
ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

RECREATIONAL AND ENTERTAINMENT USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Alcoholic beverage sales in conjunction with a restaurant (per Sec.40.10) ▶													S	S	S	S	S	S
Amusement arcade	7												S	S	P	P		S
Amusement, commercial (indoor)	7												S	S	P	P	S	S
Amusement, commercial (outdoor)	8														S	S	S	
Athletic field or stadium (private)	15																	
Athletic field or stadium (public)	14	P	P	P	P	P	P	P	P	P					P	P	P	
Country club (private)	50	P	S	S	S	S	S	S	S	S					S	S	S	
Dance hall	52																	
Day camp for children	53	P	S	S	S	S	S	S	S	S			P		P	S	S	S
Fairgrounds or exhibition area	64	S														S		
Golf course	84	P	S	S	S	S	S	S	S	S					S	S	S	
Health, fitness, sports club (indoors only)	215										S	S	P	S	P	P	P	
Park or playground (public)	155	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park or playground (private) non-commercial	154	S	S	S	S	S	S	S	S	S								S
Private club (restaurant alcohol sales)	171												S	S	S	S	S	
Private Membership Social Game House															S		S	
Rodeo grounds	64	S														S		
RV park	179																	
Sexually oriented business (see code of ord. Ch. 118)	200															P		
Stable (commercial)	205	P														S		
Stable (private)	206	P	S															
Swimming pool (commercial)	219												S		S	S	S	
Swimming pool (private)	220	P	P	P	P	P	P	P	P	P								P
Tennis court (private) lighted	227	S	S	S	S	S	S	S	S	S								
Tennis court (private) no lights	227	P	P	P	P	P	P	P	P	P								P
Theater (open drive-in)	228															S		
Theater or playhouse (indoor)	229										S	S	P	P	P	P	P	P
Zoo (private)	259	S																
Zoo (public)	260	S														S		

▶ Amended 02-23-2015 by O-01-2015



Meeting Date: 5/4/2021 Date: 4/27/2021

Item #: 5.

**Dept.: Development
Services**

PZ Item

SUBJECT:

Hold a public hearing and reconsider the proposed amendments to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances, to add "Private Membership Social Game House" as a use permitted only when a specific use permit is approved and only in the Commercial (C) and Highway Commercial (HC) Zoning Districts by amending Chart 4, "Recreational and Entertainment Uses" of Section 33.4, "Use Regulations", and Section 33.5, "Definitions". (Case #Z-02-21). (This item was returned from City Council for the Planning and Zoning Commission's reconsideration due to technical difficulties at the Planning and Zoning Commission meeting on April 6, 2021.)

BACKGROUND:

City Council, on April 26, 2021 requested the Planning and Zoning Commission reconsider the request from Mr. John Dumas allowing him to present his request again. There is no new material from the applicant.

See the attached April 26, 2021 City Council report, the draft Ordinance O-17-21, and the April 6, 2021 Planning and Zoning Commission report.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available:

Source: N/A

Recommendation: City Council voted 7-0 to have the Planning and Zoning Commission reconsider the request.



Meeting Date: April 6, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and take appropriate action on an Ordinance amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add "Private Membership Social Game House" as requiring a specific use permit in the "Commercial" (C) and "Highway Commercial" (HC) zoning districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions. (Case No. Z-02-21)

BACKGROUND/SUMMARY:

Mr. John Dumas is requesting to amend the City of Kaufman Comprehensive Zoning Ordinance to allow a "Private Membership Social Game House" as a specific use permit (SUP) to Section 33.4 Use Chart – 4 for Recreational and Entertainment Uses specifically in the "Commercial" (C) and "Highway Commercial" (HC) zoning districts. The request also adds the definition "Private Membership Social Game House" to Section 33.5 Definitions. See the attached applicant's letter.

Mr. Dumas' proposed definition of "Private Membership Social Game House" which includes tournament-style card-playing also added pinball, pool table, shuffleboard, and other similar amusement devices. Below is the current definition of Amusement, Commercial (Indoor). This use is allowed by a specific use permit in the "Retail" (R) "Central Business District" (CBD) and the "Washington Street Corridor" (WSC) and by right in the "Commercial" (C) and "Light Industrial" (LI) districts. It is not allowed in the "Highway Commercial" (HC) zoning district

7. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services, and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses. Included are video arcades where more than ten (10%) percent of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffleboards, pool tables or other similar amusement devices.

When an Amusement, Commercial (indoor) use operates in the City of Kaufman an Amusement Permit is required. For example, Wal Mart's game room has an amusement permit. The difference between the proposed "Private Membership Social Game House" and an amusement use is one you have to pay for a membership and rental of the chair/amusement game and most of the time with arcades you just get the enjoyment of the game. In 1993, lawmakers approved

legislation known as the “fuzzy animals” bill. It was intended to ensure that amusement games, such as those played by children at Chuck E. Cheese’s or a carnival that awarded stuffed animals, would not be considered unlawful gambling devices. The bill, signed into law by Gov. Ann W. Richards, legalized any device made for “bona fide amusement purposes” that awarded noncash prizes with a value of \$5 or no more than 10 times the amount charged to play the game.

The Kaufman Code of Ordinance, Section 14 - Amusement and Entertainment. Specifically addresses the requirements for amusement permits, fees, hours, locations, and more. Section 14-32(3) specifically states **“No gambling of any kind shall be allowed on the premises, not prizes awarded for the operation of any coin-operated device of amusement or skill.”** See the attachment.

Mr. Dumas’ letter references food sales which is a permitted use in the “Commercial” and “Highway Commercial” zoning districts. He also references the sale of alcoholic beverages. The sale of alcoholic beverages for on-premise consumption is only allowed in conjunction with a restaurant (a private club with restaurant services) with the approval of a SUP. If the site, he chooses already has a SUP then he has to meet the requirements of the approved SUP. If the site does not have a SUP for a private club, he would have to apply and receive approval from City Council

Staff has researched eight surrounding cities to see if this type of use is allowed in their cities. The cities contacted were; Terrell, Crandall, Mesquite, Rowlett, Rockwall, Seagoville, Forney, and Garland.

The City of Terrell allows amusements such as pinball, billiards, in the “Light Industrial” and “Commercial” zoning districts as a specific use permit.

The City of Forney does not allow it as a use.

Staff has not heard back from the cities of Crandall, Rowlett, Rockwall, Seagoville, or Garland.

The City of Mesquite does allow this type of use as a Conditional Use Permit, which would be the same as our Specific Use Permit. For definitions and descriptions of different types of uses, the City of Mesquite uses the United States Department of Labor, Occupational Safety and Health Administration. Under Description for 7997: Membership Sports and Recreation Clubs, it lists “bridge clubs, membership” for Sports and recreation clubs which are restricted to use by members and their guests. Due to the gray area of 8-liners, the City of Mesquite has adopted an ordinance addressing and limiting them.

RECOMMENDATIONS:

Staff recommends denial of case Z-02-21, a request to add “Private Membership Social Game House” as requiring a specific use permit in the Commercial (C) and Highway Commercial (HC) Zoning Districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions.

ATTACHMENTS:

1. Applicant's letter
2. Code of Ordinance Amusements and Entertainments -Section 14-32(3)
3. City of Kaufman Use Chart 4 Proposed Change
4. City of Kaufman Definitions Proposed Change
5. City of Mesquite Schedule of Permitted Uses
6. United States Department of Labor, Occupational Safety and Health Administration
7. City of Mesquite Web Page for Coin-Operated Amusement Devices
8. City of Mesquite Coin-Operated Amusement Device Guide
9. City of Mesquite Ordinance Regarding Coin-Operated Devices

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

Applicant's Letter

Introduction and Business Plan

To: P&Z and City Council

RE: Add Definition To Section 33.5, Social Card House

Dear Gentlemen/Gentlewomen,

Intro: First, thank you for taking the time to review my request. My name is John Dumas, I am a resident of Seagoville, TX. I graduated from Terrell, Texas in 1996 and moved back to the area in 2015. I am looking to start a Social Card Club in Kaufman, Texas. There are 31 in the State of Texas at this time with more in the process of starting. We are looking to keep the tax revenue dollars in the State of Texas, specifically Kaufman County, instead of the going to OK or LA.

Business Concept: We are a private social card club that offers a safe and friendly environment to play a variety of card games, specializing in Texas Hold EM, Pot Limit Omaha and Tournament play and more. We are providing a pressure free NO RAKE business model for members only, with memberships available to everyone over 21 that agree with our membership terms. This model is mirrored after 31 other successful social card rooms over the last 6 years throughout Texas. This business model began in Austin and quickly spread to Houston, San Antonio, Round Rock and most recently Dallas with 2 more approved in Dallas as well. This provides anywhere from \$200,000 to \$7,500,000 in gross revenue providing the Cities with solid a solid tax revenue.

Meeting State Requirements: What makes the business model legit in the State of Texas is no money will be drawn from the "pot" and players will receive 100% of the winnings. All Buy-Ins will be converted to "poker chips" so there will be NO cash on the tables. The business will create taxable revenue by charging a membership fee and a chair rental fee by the hour along with food sales. We are currently deciding on BYOB or a beer/wine permit which the location is already approved for. All staff will be TABC certified in our establishment regardless however this is NOT a bar or high consumption business. We will have cameras, security system and trained security or off duty sheriffs during peak hours to ensure safety. We will have a copy of every patron that enters the establishment due to our membership service requirements.

COVID-19: We will require temperature checks at the front door, hands to be sanitized and a mask to be worn at the table at all times. They may remove it to take a drink only, when consuming food, we will require them to sit in a designated area. We will also clean tables and chairs with hospital grade disinfectant after each person/game ends. Each deck of cards will be replaced after that table finishes.

Zoning Ordinance Revision: Section 33.2.4 Recreational & Entertainment which uses Section 33.5 and will be adding number 8 definition for Commercial and Highway Commercial Zoning with a Special Use Permit.

Definition: Private membership social game house specializing in tournament style card playing. Uses may include but not limited to pinball, pool table, shuffleboard and other similar amusement devices. Open to the public via membership and also private parties.

SUP: We are trying to keep the locations in commercial areas only and away 1,000 feet away from schools and churches out of respect to the community and its citizens.

Thank you for the opportunity and I look forward to answering any additional questions you may have.

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-31

ARTICLE I. IN GENERAL

Sec. 14-1. Share of fee on bingo prizes.

Pursuant to V.T.C.A., Occupations Code § 2001.503, the city shall receive a share of the fee that is collected from persons who win bingo prizes.
(Code 1974, § 21½-4)

Secs. 14-2—14-30. Reserved.

ARTICLE II. PERMIT AND REGULATIONS

DIVISION 1. GENERALLY

Sec. 14-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement center means a business establishment in which at least 25 percent of the public floor area is devoted to coin-operated amusement devices and their public use, except those places operated by religious, charitable, and educational organizations.

Billiard hall means any place operated for profit where billiards are played, except those places operated by religious, charitable, and educational organizations.

Billiards means any game played on a table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.

Bowling alley means any building, premises or portion thereof where the game of bowling or nine pins or other similar games are played.

Coin-operated amusement device means a machine or device operated by insertion of a coin, token or similar object, for the purpose of amusement or skill.

Other place of amusement means any building, premises or portion thereof in which facilities are provided for the playing of any coin-operated game or device of amusement or skill, or game of cards, dice or dominoes or other games requiring special equipment for the playing of games; other than in a private home, church or nonprofit community center.

Premises means any premises requiring a permit under the terms of this article.

Public dance hall means any building, premises or portion thereof in which a public dance is held, exposed or displayed.

(Code 1974, § 15-1; Ord. No. O-03-97, § 15-1, 3-24-1997; Ord. No. O-2-98, § 15-1, 3-9-1998)

Cross reference—Definitions generally, § 1-2.

Supp. No. 6

CD14:3

Code of Ordinance Section 14 Amusements and Entertainments

§ 14-32

KAUFMAN CODE

Sec. 14-32. Regulations governing premises.

(a) Condition of premises.

- (1) The premises regulated by this article shall be kept and maintained in a clean, healthful and sanitary condition in accordance with all applicable statutes and ordinances, and all rooms or halls connected to the premises shall be well-lighted and kept open and free from blinds, screens and obstructions.
- (2) No loud, boisterous, obscene or lewd conduct shall be allowed on the premises.
- (3) No gambling of any kind shall be allowed on the premises, nor prizes awarded for the operation of any coin-operated device of amusement or skill.

(b) Vacation of premises. Any member of the police department having determined that an act or condition prohibited in subsection (a) of this section is being committed or exists on the premises of a place or a business granted a permit under this article and that the persons creating such condition or committing such act are owners or employees of such premises or place of business, shall be authorized to immediately cause the premises to be closed and vacated until the hour of 8:00 a.m. next immediately following such determination.

(c) Violation deemed a misdemeanor. Any permittee, his officer, agent, employee, or servant who permits on a licensed premises any act or condition prohibited by subsection (a) of this section shall be guilty of a misdemeanor. This permission shall not be construed as a limitation to prosecute for any other offense or any permit revocation.

(Code 1974, § 15-9(a), (b)(1), (d); Ord. No. O-12-09, § 1, 9-28-2009)

Sec. 14-33. Billiard halls.

(a) Hours of operation. No person owning, operating or managing a billiard hall shall allow minors or other persons regardless of age to be present on the premises other than during the following hours of authorized operations:

- (1) 10:00 a.m. to 11:00 p.m., Sunday through Thursday.
- (2) 10:00 a.m. to 12:00 midnight, Friday through Saturday.

(b) Sign pertaining to minors exhibited. It shall be the duty of the owner, exhibitor or lessee of a billiard hall to affix and prominently display a sign on the premises, which sign shall read: "PLAY BY MINORS UNDER 18 YEARS OF AGE NOT ALLOWED BETWEEN THE HOURS INDICATED BELOW UNLESS ACCOMPANIED BY PARENTS OR GUARDIAN." The owner, exhibitor or lessee referred to in this section shall attach to this sign the hours of operation referred to in subsection (a) of this section.

(Code 1974, §§ 15-10, 15-11; Ord. No. O-03-97, § 15-10, 3-24-1997)

Supp. No. 6

CD14:4

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-62

Sec. 14-34. Amusement centers.

(a) *Hours of operation.* No person owning, operating or managing an amusement center shall allow minors or other persons regardless of age to operate any amusement machine or device on the premises other than during the following hours of authorized operation:

- (1) 10:00 a.m. to 11:00 p.m., Sunday through Thursday.
- (2) 10:00 a.m. to 12:00 midnight, Friday through Saturday.

(b) *Participation by minors.* No person owning, operating or managing an amusement center shall allow the operation of any amusement machine or device by a minor between the hours of 7:00 a.m. and 3:00 p.m. during the fall and/or spring terms when students are normally required to attend school in the school district in which the center is located.

(c) *Location.* No amusement center shall be allowed to operate if it is located within 150 feet of a public or private elementary, intermediate or high school. For purposes of this article measurements shall be made in a straight line without regard to intervening structures or objects, from the nearest door in the portion of the building used as an amusement center to the nearest door of a school.

(Code 1974, § 15-12; Ord. No. O-03-97, § 15-12, 3-24-1997)

Sec. 14-35. Inspection procedures.

Any member of the permit committee, its agent or employees may at any time within normal business hours make an inspection of the licensed premises for purposes of ensuring compliance with this article.

(Code 1974, § 15-13)

Secs. 14-36—14-60. Reserved.

DIVISION 2. PERMIT

Sec. 14-61. Required.

No person shall operate, cause or allow to be operated or use any building, premises or portions of any building or premises within the city for the purpose of operating a billiard hall, public dance hall, bowling alley or other place of amusement without having first obtained a permit therefor in accordance with the terms of this article.

(Code 1974, § 15-3)

Sec. 14-62. Application; fee; issuance; duration.

(a) Application for a permit required by this division shall be filed by the owner or operator with the city secretary on forms to be furnished by the city. Such application shall be accompanied by an application fee of \$25.00. Upon receipt of an application, the city secretary shall refer it to a permit committee composed of the chief of police and the city manager for

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Code of Ordinance Section 14 Amusements and Entertainments

§ 14-62

KAUFMAN CODE

approval or disapproval. If the committee approves the application, the city secretary shall issue the permit, which shall remain in force until August 1 next following. The permit shall not be transferable, nor shall the fee be refundable.

(b) In addition to the fee which is to accompany any application, the following permit fees will be applicable to any permit obtained regarding the following:

- (1) For each billiard table, \$10.00 annually.
 - (2) For each shuffleboard installed, \$25.00 annually.
 - (3) For each other form of a game or device for amusement or skill, \$10.00 annually.
- (Code 1974, § 15-4)

Sec. 14-63. Investigation and approval of application.

The permit committee established pursuant to this division shall investigate applications for permits required by this division filed with the city secretary. No application shall be approved unless the permit committee finds that:

- (1) The owner, operator and all other persons having an interest in the premises for which application is made are of good moral character, having never been convicted of a felony or a misdemeanor involving moral turpitude that directly relates to the duties and responsibilities of their occupation under this article, and are not in arrears in the payment of any tax or other debt owed to the city.
- (2) The building, room, hall or premises in which the operation is proposed complies with and conforms to all health, building code, and fire regulations of the city; is properly ventilated and is supplied and equipped with suitable and sufficient toilet and sewage conveniences and facilities; and is so located with reference to other buildings and private residences so as not to constitute a nuisance to other citizens and residents of the community.

(Code 1974, § 15-5)

Sec. 14-64. Renewal; fee.

On or before July 1 of each year the holder of a permit issued pursuant to this article shall make application for renewal of the permit on forms provided by the city. Application and consideration of renewal permits shall be made in the same manner as an original permit but it shall be the duty of the permit committee to approve renewal unless the investigation reveals a violation of any of the terms or conditions of the original permit or this article. Each application for renewal permits shall be accompanied by the annual permit fee of \$10.00. The renewal fee shall not be refundable.

(Code 1974, § 15-7)

CD14:6

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-68

Sec. 14-65. Right of appeal from denial.

Any applicant for a permit required by this article whose application is denied by the permit committee may appeal such denial to the city council in accordance with section 14-67.
(Code 1974, § 15-8)

Sec. 14-66. Grounds for revocation or suspension.

The violation of any section of this article, or any other statute or ordinance that directly relates to the duties and responsibilities of an occupation under this article, shall be sufficient grounds for the revocation of any permit granted pursuant to section 14-62. Such permit may also be suspended for a time definite and such suspension and revocation procedure shall be in accordance with section 14-67.
(Code 1974, § 15-14)

Sec. 14-67. Action to suspend or revoke; appeal.

(a) The permit committee, after notice and opportunity for hearing, shall have the authority to suspend or permanently revoke any permit.

(b) Any person, including permittees, aggrieved by the permit committee's decision may appeal the decision to the city council by furnishing written notice of appeal to the city secretary within ten days after such decision is rendered.

(c) The city council shall within 15 days after receipt of the notice set a date for hearing for appeal, and such date shall be within 45 days from the receipt of the notice of appeal.

(d) After notice and opportunity for hearing, the city council may revoke, suspend for a time definite, or reinstate the permit.

(e) Any person aggrieved by the decision of the city council may within ten days appeal the decision to the district court of the county.

(f) Notice, as used in this section, shall mean correspondence by U.S. mail, certified, return receipt requested, to the address of the licensed premises.

(g) Knowledge of the prohibited conditions and activities by the permittee's agent, officer, representative, employee, or servant shall be imputed to the permittee in any administrative hearing pursuant to this article.

(Code 1974, § 15-9(b)(2)—(7), (c))

Sec. 14-68. Falsified application prohibited; penalties.

It shall be unlawful for any person to make or knowingly permit the making of any false or misleading statement in any application made pursuant to this article. In addition to any other punishment or sanction, the violation of this section shall be grounds for the immediate

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Code of Ordinance Section 14 Amusements and Entertainments

§ 14-68

KAUFMAN CODE

revocation of any permit granted pursuant to such application. Such permit may also be suspended for a time definite and such suspension and revocation procedure shall be in accordance with section 15-67.

(Code 1974, § 15-6)

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Kaufman Zoning Ordinance Chart 4 Proposed Change

CHART - 4 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

RECREATIONAL AND ENTERTAINMENT USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Alcoholic beverage sales in conjunction with a restaurant (per Sec.40.10) ▶													S	S	S	S	S	S
Amusement arcade	7												S	S	P	P		S
Amusement, commercial (indoor)	7												S	S	P	P	S	S
Amusement, commercial (outdoor)	8														S	S	S	
Athletic field or stadium (private)	15																	
Athletic field or stadium (public)	14	P	P	P	P	P	P	P	P	P					P	P	P	
Country club (private)	50	P	S	S	S	S	S	S	S	S					S	S	S	
Dance hall	52																	
Day camp for children	53	P	S	S	S	S	S	S	S	S			P		P	S	S	S
Fairgrounds or exhibition area	64	S														S		
Golf course	84	P	S	S	S	S	S	S	S	S					S	S	S	
Health, fitness, sports club (indoors only)	215										S	S	P	S	P	P	P	
Park or playground (public)	155	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park or playground (private) non-commercial	154	S	S	S	S	S	S	S	S	S								S
Private club (restaurant alcohol sales)	171												S	S	S	S	S	
Private Membership Social Game House															S		S	
Rodeo grounds	64	S														S		
RV park	179																	
Sexually oriented business (see code of ord. Ch. 118)	200															P		
Stable (commercial)	205	P														S		
Stable (private)	206	P	S															
Swimming pool (commercial)	219												S		S	S	S	
Swimming pool (private)	220	P	P	P	P	P	P	P	P	P								P
Tennis court (private) lighted	227	S	S	S	S	S	S	S	S	S								
Tennis court (private) no lights	227	P	P	P	P	P	P	P	P	P								P
Theater (open drive-in)	228															S		
Theater or playhouse (indoor)	229										S	S	P	P	P	P	P	P
Zoo (private)	259	S																
Zoo (public)	260	S														S		

▶ Amended 02-23-2015 by O-01-2015

Kaufman Definitions With New Addition Proposed Change

- 162. **PET AND ANIMAL GROOMING SHOP -**
- 163. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY -**
- 164. **PLANNED DEVELOPMENT DISTRICT –**
- 165. **PLANNING AND ZONING COMMISSION -**
- 166. **PLAT -**
- 167. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY) -**
- 168. **PREMISES -** Land together with any buildings or structures situated thereon, same as “Lot”.
- 169. **PRIMARY USE -** The principal or predominant use of any lot or building.
- 170. **PRINTING SHOP (COMMERCIAL) –**
- 171. **PRIVATE CLUB -** An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
- 172. **PRIVATE MEMBERSHIP SOCIAL GAME HOUSE -** Private membership social game house specializing in tournament style card playing. Uses may include but not limited to pinball, pool table, shuffleboard and other similar amusement devices. Open to the public via membership and also private parties.
- 173. **PRODUCE STAND -**
- 174. **PROFESSIONAL SERVICE -**
- 175. **PROPANE SALES -**
- 176. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY –**
- 177. **PUBLIC VIEW -**
- 178. **RECREATION/COMMUNITY CENTER -** A public or private facility place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
- 179. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING -**
- 180. **RECREATIONAL VEHICLE (RV) PARK -**
- 181. **RECYCLING KIOSK**
- 182. **REHABILITATION CARE FACILITY (HALFWAY HOUSE) –**

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City of Mesquite's Schedule of Permitted Uses

PART 3: NONRESIDENTIAL DISTRICTS 3-200 USE REGULATIONS

3-203 SCHEDULE OF PERMITTED USES

SIC CODE	USE DESCRIPTION	O	GR	LC	THN R29 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
	a-1. Minor Reception Facility NOT within 500-ft of a Residential District		P	P			P	P		P	P	11	Requires compliance with 3-508 (A).
	a-2. Minor Reception Facility within 500-ft of a Residential District		C	C			C	C		C	C	11	Ord. 4797/8-3-2020 Requires a CUP when the Facility is located within 500 feet of a residential district. Requires compliance with 3-508 (A).
	b. Major Reception Facility							C		C	C	11	Ord. 4797/8-3-2020 Facilities are required to be located at least 500 feet from any residential district. Requires compliance with 3-508 (A).
792	Theatrical Producers, Bands, Entertainers 7922 Theatrical Producers (except)			P		C	P	P		P	P	28	
	a. Ticket Agencies, Entertainment		P	P			P	P		P	P	3	
	7929 Bands, Other Entertainment Groups			P		C	P	P		P	P	28	
793	Bowling Centers			C				C		C	C	19	Requires buildings to be located at least 100 feet from any residential district.
794	Commercial Sports									C	C	10	Prohibits outdoor activities within 500 feet of any residential district; Requires buildings for indoor sports to be located at least 100 feet from any residential district.
799	Miscellaneous Amusement, Recreation Services 7991 Physical Fitness Facilities		P	P		C	P	P		P	P	1	
	7992 Public Golf Course	P	P	P		C	P	P		P	P	14	
	7993 Coin-operated Amusement Gameroom (More than 4 Machines)		C	C			C	C		C	C	11	Requires compliance with 3-507. Requires one customer restroom each for male and female. Requires Licensing(Ord 4820; 10-19-2020)
	7996 Amusement Parks (Outdoor)									C	C	13	Prohibits outdoor activities within 500 feet of any residential district.
★	7997 Membership Recreation Clubs (except)			C		C		C		C	C	28	
	a. Indoor Sports, Athletic Clubs		P	P		C	P	P		P	P	1	
	b. Country Clubs	C	P	P		C	P	P		P	P	14	
7999	Amusement, Recreation Service, NEC a. Outdoor Facilities, Activities (Includes miniature golf, driving ranges, go-cart tracks, skateboard parks, etc.)									C	C	13	Prohibits outdoor activities within 200 feet of any residential district.
	b. Indoor Facilities, Activities			C		C		C		C	C	12	Requires building to be located at

P = Permitted Use (3-201A)
P = Italicized P (P) Use Permitted Only in Conjunction with Gasoline Sales (3-504)
C = Conditional Use (3-201B)
S = Special Exception (3-201C)
NEC = Not Elsewhere Classified

* Refer to 4-800 – TERRA Overlay District: An asterisk
(*) indicates that the use requires approval of a
Conditional Use Permit if located in the TERRA Overlay
District.
¹ Refer to applicable form-based code

Description for 7997: Membership Sports and Recreation Clubs

Division I: Services | Major Group 79: Amusement And Recreation Services | Industry Group 799:
Miscellaneous Amusement And Recreation

7997 Membership Sports and Recreation Clubs

Sports and recreation clubs which are restricted to use by members and their guests. Country, golf, tennis, yacht, and amateur sports and recreation clubs are included in this industry. Physical fitness facilities are classified in Industry 7991.

- Aviation clubs, membership
- Baseball clubs except professional and semiprofessional
- Bathing beaches, membership
- Beach clubs, membership
- Boating clubs, membership
- Bowling leagues or teams, except professional and semiprofessional
- ★ ▪ Bridge clubs, membership
- Club, membership: sports and recreation, except physical fitness
- Country clubs, membership
- Flying fields maintained by aviation club
- Football club, except professional and semiprofessional
- Golf clubs, membership
- Gun clubs, membership
- Handball clubs, membership
- Hockey clubs, except professional and semiprofessional
- Hunt clubs, membership
- Racquetball clubs, membership
- Recreation and sports club, membership: except physical fitness
- Riding clubs, membership
- Shooting clubs, membership
- Soccer clubs, except professional and semiprofessional
- Sports and recreation clubs, membership: except physical fitness
- Swimming clubs, membership
- Tennis clubs, membership
- Yacht clubs, membership

City of Mesquite's Web Page for Coin-Operated Amusement Devices

Coin-Operated Amusement Devices

On October 19, 2020, the City Council approved [Ordinance No. 4820](#) amending the requirements for coin-operated amusement devices. A coin-operated amusement device, also called a coin-operated machine, is any kind of machine operated by or with a coin, U.S. currency, metal slug, token, electronic card, or check including music, skill, or pleasure. The purpose of this amendment is to ensure that the use of coin-operated amusement devices will not have adverse effects on nearby properties.

Please use the [Coin-Operated Amusement Device Guide](#) to review the new requirements and determine if a Conditional Use Permit (CUP) will be required to have coin-operated amusement devices within your business.

If you have additional questions, please contact the Planning & Zoning Division at 972-216-6216.

All establishments with coin-operated amusement devices must be in compliance with the new requirements no later than January 1, 2021.

Applications & Resources

- [Coin-Operated Amusement Device Guide](#)
- [Conditional Use Permit Application](#)
- [Zoning Submission Calendar](#)
- [Ordinance - 4820: Coin-Operated Amusement Devices](#)
- [CSS - How to Apply Online](#)

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COIN-OPERATED AMUSEMENT DEVICES

This document is intended to be used for informational purposes to assist with answering general questions about the requirements for coin-operated amusement devices in Mesquite. This document is not inclusive of all applicable requirements.

All applications may be applied for online at www.energov.cityofmesquite.com

WHAT IS A COIN-OPERATED AMUSEMENT DEVICE?

A coin-operated amusement device, also called a coin-operated machine, is any kind of machine operated by or with a coin, U.S. currency, metal slug, token, electronic card, or check including music, skill, or pleasure.

A Conditional Use Permit (CUP) may be required for businesses that desire to have coin-operated amusement devices. A CUP is required to ensure that the use of such devices will not have adverse effects on nearby properties.

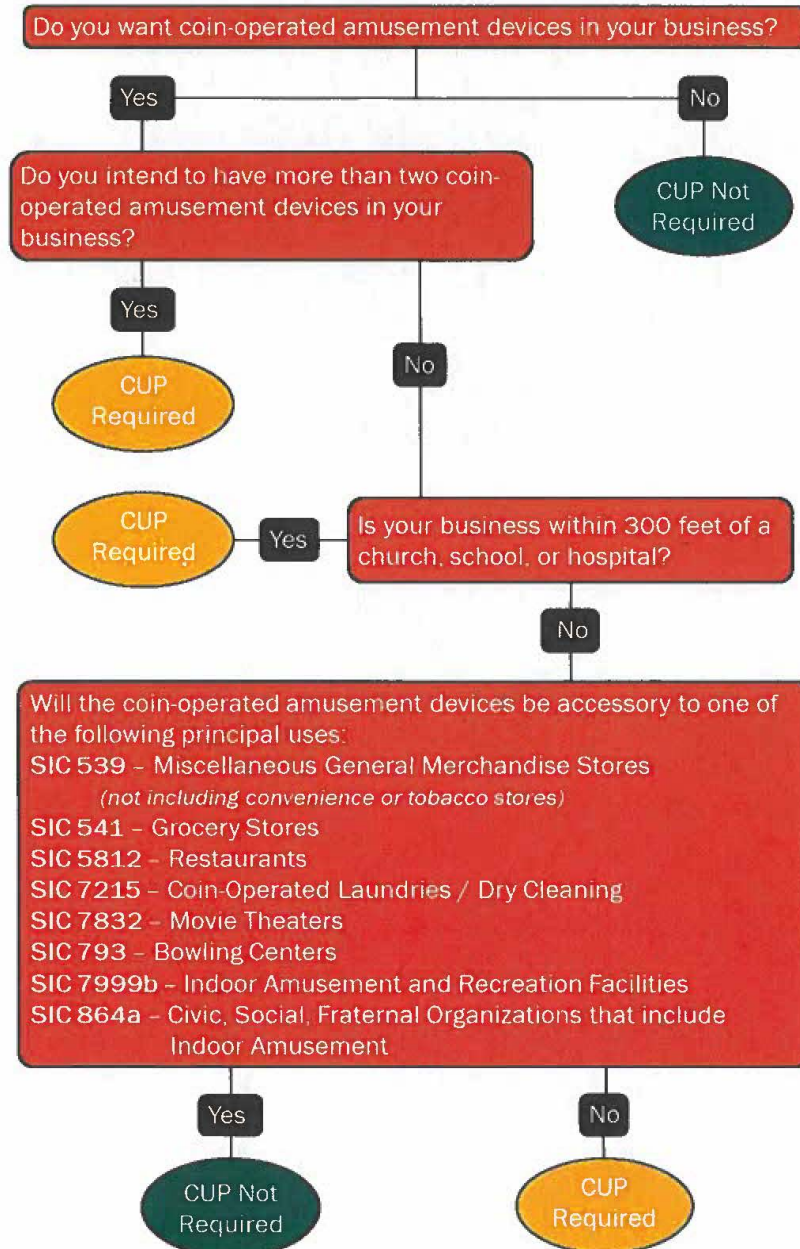


WHAT IS A CONDITIONAL USE PERMIT?

Conditional Use Permits (CUP) require a zoning application through the Planning and Zoning Division and must be presented and voted on by the Planning & Zoning Commission and City Council. The CUP process includes property owner notification and public hearings at the Planning & Zoning Commission and City Council meetings.

CUP PROCESS
\$800—\$1,000
2-3 months
For questions call: 972-216-6212

DO I NEED A CONDITIONAL USE PERMIT?



REQUIREMENTS FOR COIN-OPERATED AMUSEMENT DEVICES

	REQUIREMENTS
Location/ Separation Requirements:	All coin-operated amusement devices are prohibited within 300 feet of a church, school, or hospital, measured from the closest point of the structure where the coin-operated amusement device is located to the nearest property line of the church, school, or hospital.
Maximum Number:	A maximum of two coin-operated amusement devices are allowed by right as an accessory use to an approved principal use. More than two devices requires approval of a Conditional Use Permit.
Accessibility:	All gamerooms and coin-operated amusement devices must be kept open and accessible during business hours.
Primary Use Maintained:	Two coin-operated amusement devices are allowed by right as an accessory use to an approved principal use. If the business is not an approved principal use, a Conditional Use Permit is required.
Restrooms:	Two restrooms are required, one for each male and female.
Compliance:	All establishments with coin-operated amusement devices must be in compliance with these requirements no later than January 1, 2021.
Licensing:	All coin-operated amusement devices must be licensed through the Building Inspection Division.

HOW TO APPLY FOR CONDITIONAL USE PERMIT

Applications for a CUP are submitted online through the Citizen Self Service (CSS) portal at www.EnerGov.CityofMesquite.com.

On the CSS home page, click on the "Login or Register" tile to begin. If you have any issues logging in, please visit: <https://www.cityofmesquite.com/DocumentCenter/View/15123/CSS-FAQ>.

Once logged in, select the "Apply" button and locate the application for a "Conditional Use Permit".



Login or Register

Login to an existing or create a new account. You can also find help if you forgot your login information.

City of Mesquite's Ordinance Regarding Coin-Operated Device

ORDINANCE NO. 4820 Zoning Text Amendment No. 2020-05

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING SECTION 3-203 FOR COIN-OPERATED AMUSEMENT DEVICES OPERATING AS AN ACCESSORY USE AND AS A MAIN USE BY CROSS-REFERENCING APPLICABLE REGULATIONS; AMENDING SECTION 3-507, "COIN-OPERATED AMUSEMENT DEVICES," TO LIMIT MAIN USES TO WHICH COIN-OPERATED AMUSEMENT DEVICES MAY BE AN ACCESSORY USE, ADD APPLICABLE SPACING REQUIREMENTS, MEASUREMENT CALCULATIONS, A COMPLIANCE DATE, DEFINITION, AND A PENALTY AND ENFORCEMENT PROVISION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite, Texas ("City"), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5 and the Texas Local Government Code, Chapter 9; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Section 54.004, as amended; and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, Section 2; and

WHEREAS, the City may regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, Section 211.003; and

WHEREAS, coin-operated amusement devices such as eight-liners can have adverse effects on nearby properties, compromising the quality of life, property values and the character of surrounding neighborhoods; and

WHEREAS, in recognition of these deleterious effects, Section 2153.452(b) of the Texas Occupations Code expressly authorizes a city to restrict the exhibition of coin-operated amusement machines within 300 feet of a church, school or hospital; and

City of Mesquite's Ordinance Regarding Coin-Operated Device

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WHEREAS, the Mesquite Zoning Ordinance contains this spacing requirement when coin-operated amusement devices are operated as a main use in connection with a conditional use permit for a coin-operated amusement gameroom; and

WHEREAS, the City Council finds that it is in the best interests of the City to include the state-authorized spacing requirement indiscriminately to all coin-operated amusement devices regardless of whether they are gamerooms operating as a main use, or accessory to another main use, or located in a planned development or other special district; and

WHEREAS, the City Council desires to clarify how the spacing distance is measured; and

WHEREAS, it is the intent of the City Council to ensure that there be adequate regulations to protect the public health, safety, and welfare concerning the operation of coin-operated amusement devices; and

WHEREAS, the Planning and Zoning Commission gave public notice and held a public hearing regarding proposed revisions and recommended amendment of the ordinance; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed amendment; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

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

SECTION 1. The statements, facts, findings and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. Division I, "Services," of Section 3-203, "Schedule of Permitted Uses," of the Mesquite Zoning Ordinance is hereby amended by cross-referencing other applicable requirements in the special conditions under SIC Code 7993 regarding coin-operated amusement devices to read as follows, said Ordinance in all other respects to remain in full force and effect:

SIC CODE	USE DESCRIPTION	O	GR	LC	THN	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7993	Coin-operated Amusement Gameroom (More than two Machines)		C	C			C	C		C	C	11	Requires compliance with 3-507. Requires one customer restroom each for male and female. Requires licensing.

SECTION 3. Division L, "Accessory Uses and Structures," of Section 3-203, "Schedule of Permitted Uses," of the Mesquite Zoning Ordinance is hereby amended by cross-referencing other applicable requirements in the special conditions under SIC Code 7 regarding

City of Mesquite's Ordinance Regarding Coin-Operated Device

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coin-operated amusement devices to read as follows, said Ordinance in all other respects to remain in full force and effect:

SIC CODE	USE DESCRIPTION	O	GR	LC	THN EIM NGTC I	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7	Coin-operated Amusement Devices	P	P	P			P	P		P	P		Permits a maximum of two machines. Requires licensing. Requires compliance with 3-507. Classify more than two machines as a primary use under 7993

SECTION 4. Section 3-507, "Coin-operated Amusement Devices," of Part 3, "Nonresidential Districts," of the Mesquite Zoning Ordinance, is hereby repealed and replaced with the following:

In addition to the requirements of Section 3-203, an establishment that includes coin-operated amusement devices, either as a primary use with an approved conditional use permit or as an accessory use permitted by right, shall comply with the following regulations:

A. *Open gamerooms.* All gamerooms or other areas of an establishment where coin-operated amusement devices are located and offered for the use and enjoyment of patrons or invitees of the establishment shall be kept open and accessible during business hours.

B. *Primary use to be maintained.* An establishment that includes coin-operated amusement devices as an accessory use permitted-by-right shall at all times actively conduct and maintain the primary use of the establishment as declared on the approved certificate-of-occupancy. The failure to actively conduct and maintain the primary use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises and the certificate-of-occupancy shall be subject to revocation. For purposes of this Section, "actively conduct and maintain" means to occupy not less than 50 percent of the floor space of the establishment, exclusive of restrooms and storage areas, with displays, racks or shelves stocked with goods, wares, unexpired food or other merchandise for sale to customers or with equipment or furniture necessary for producing goods or providing services to clients in accordance with the approved certificate-of-occupancy. Coin-operated amusement devices shall only be permitted as an accessory use to the following principal uses:

SIC	Use
539	Miscellaneous General Merchandise Stores
541	Grocery Stores
5812	Restaurants
7215	Coin-Operated Laundries / Dry Cleaning
7832	Movie Theaters
793	Bowling Centers
7999b	Indoor Amusement and Recreation Facilities

City of Mesquite's Ordinance Regarding Coin-Operated Device

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864a Civic, Social, Fraternal Organizations that include Indoor Amusement

C. *Retrofitting required.* An establishment with coin-operated amusement devices in use on the effective date of this ordinance shall modify or retrofit the premises to comply with the requirements of this Section no later than January 1, 2021.

D. *Location near churches, schools or hospitals.* All coin-operated amusement devices are prohibited within 300 feet of a church, school or hospital, measured from the closest point of the structure where the coin-operated amusement device is located to the nearest property line of the church, school or hospital.

E. *Coin-Operated Amusement Device or Machine* has the same meaning as "Coin-operated machine" in Texas Occupations Code, Section 2153.002(9), as may be amended.

F. *Penalty and Enforcement.*

1. It shall be unlawful and an offense for the proprietor, operator or any on-duty manager of the establishment to:

a. close, conceal or prevent, or attempt to close, conceal or prevent, any person from entering or looking with a direct line of sight into a gameroom or other area containing coin-operated amusement devices by the use of a human or electronic sentinel, or the use of doors, curtains, partitions, walls, counters or other physical or visual obstructions; or

b. display or operate coin-operated amusement devices in conflict with the primary use of the establishment.

2. The failure to actively conduct and maintain the primary use to which two (2) or less coin-operated amusement devices are an accessory use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises; and:

a. the certificate-of-occupancy shall be subject to revocation; and

b. the Building Official or others authorized to enforce this Code shall be authorized to seal all machines, either illegal or non-compliant with this section, in a manner consistent with Texas Occupations Code, Section 2153.352, as may be amended.

3. Any person violating any provision of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in Section 1-6 of the Mesquite City Code. Each and every day such violation continues shall constitute a separate offense.

4. In addition to and cumulative of all other penalties and enforcement, the city shall have the right to seek injunctive relief for any and all violations of this article.

SECTION 5. All ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 6. Should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of October 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney



Meeting
Date: 5/24/2021

Date: 4/23/2021

Item #: 5.

Dept.: Development
Services

Ordinance

SUBJECT:

Hold a Public Hearing, consider, and take appropriate action on Ordinance O-20-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman to provide a City required percentage of land dedication, to provide for alternate methods of satisfying the land dedication requirement, and to provide for Council discretion to accept parks less than (2) two acres; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date.

BACKGROUND:

Staff discovered several items were not fully addressed after the parkland dedication ordinance (Ordinance O-04-21) was approved on February 22, 2021. Below is a summary of the additions and changes proposed in draft Ordinance O-20-21.

1. The land dedication numbers of 1 acre for every 6.6 single-family dwelling units and 1 acre per 7.14 multi-family dwelling units was excessive. The proposed change is now 1 acre for every 26 single-family dwelling units and 1 acre for every 64.3 multi-family dwelling units.
2. The ordinance did not give credit if a development had open space area such as greenbelts, trails, landscaped pedestrian paths, bicycle path, natural or landscaped streams, natural, or artificial lakes and other water features in the development. The proposed ordinance allows dedication of open space in lieu of dedicating parkland.
3. The ordinance now includes an Open Space Development Fee:
Single-family \$1,488.72 per unit
Multi-family \$587.86 per unit
4. The Total Parkland Development Fee did not change:
Single-family \$1,489.16 per unit
Multi-family \$595.67
5. Council will have the final authority in determining how much open space or fee may be accepted in lieu of required parkland dedication.
6. An exception to the fee in lieu of land may be considered if the dedication is voluntarily greater than 2 acres or will increase the size of an existing park adjacent to the proposed parkland dedication or will provide a beneficial trail connection or right-of-way or will provide a synergistic benefit not otherwise listed at the Council's discretion.

7. Additionally, Council, in its sole discretion may accept park land dedications of less than 2 acres if it is determined the proposed park will meet all other requirements of the parkland dedication ordinance and upon any additional conditions and/or requirements as approved by Council.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: Staff recommends approval of Ordinance O-20-21.

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

ORDINANCE NO. O-20-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, AMENDING SECTION 9.2, "DEFINITIONS", SECTION 9.4, "REQUIREMENTS", APPENDIX I, "PARKLAND DEDICATION AND PARK DEVELOPMENT FEES", AND APPENDIX II, "PARKLAND DEDICATION AND PARK DEVELOPMENT METHODOLOGY", OF ARTICLE IX, "PARKLAND DEDICATION AND DEVELOPMENT", OF CHAPTER 94, "SUBDIVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN, THE SAME BEING THE KAUFMAN SUBDIVISION ORDINANCE, (ORDINANCE NO. O-24-99), AS AMENDED, TO PROVIDE A CITY REQUIRED PERCENTAGE OF LAND DEDICATION, TO PROVIDE FOR ALTERNATIVE METHODS OF SATISFYING THE LAND DEDICATION REQUIREMENT, AND TO PROVIDE FOR COUNCIL DISCRETION TO ACCEPT PARKS LESS THAN TWO (2) ACRES AS PROVIDED WITHIN; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A PENALTY FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING ON OR WHICH A VIOLATIONS OCCURS OR CONTINUES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman, (the "City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council adopted parkland dedication requirements for the City and its extraterritorial jurisdiction via Ordinance No. O-04-21 on February 22, 2021; and

WHEREAS, to be developmentally competitive with neighboring communities, the City Council has determined it appropriate to now only require a portion of any required land dedication, ("City Required Percentage"), to satisfy the land dedication requirements of Article IX; and

WHEREAS, the City Council now wishes to provide alternative methods of satisfying the land dedication requirement; and

WHEREAS, additionally, the City Council wishes to provide authorization for Council to consider and accept proposed parks less than two (2) acres upon satisfying any other conditions and/or requirements as approved by the Council; and

WHEREAS, the City Council conducted a public hearing on April 29, 2021, heard public input, and considered all comments received regarding this Ordinance; and

WHEREAS, the City Council has determined that the approval and adoption of the amendments herein to the City's parkland dedication requirements are in the best interest of the public.

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

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendments.

2.01. That Section 9.2, "Definitions", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance, (Ordinance No. O-24-99), as amended, is hereby amended by amending the definition of "City Required Percentage" and by adding a new definition for "Open Space", to be and read in their entireties as set forth below with all other provisions of Section 9.2 not herein amended to remain in full force and effect:

Section 9.2: Definitions.

...

CITY REQUIRED PERCENTAGE. The percentage of land dedication as well as the percentage of fees the City of Kaufman requires to be dedicated and/or paid in order to satisfy the requirements of this Article.

...

OPEN SPACE. Includes, but is not limited to, greenbelts, trails, landscaped pedestrian paths, bicycle paths, natural or landscaped streams, natural or artificial lakes and other water features. Open Space does not include streets, alleys, utility easements, public parks or required building setbacks.

...

2.02. That Subsections d-g of Section 9.4, "Requirements", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance (Ordinance No. O-24-99), as amended, are hereby amended to be and read in their entirety as set forth below with all other provisions of Section 9.4 not herein amended to remain in full force and effect:

Section 9.4: Requirements.

. . .

d. Land Dedication.

1. The amount of land to be dedicated for parkland purposes shall be as set forth in Appendix I. The required dedication may be met by payment of cash in lieu of land, or dedication of open space, when permitted or required by other provisions of this Article. The total amount of land dedicated for a development or project shall be dedicated to the City in fee simple:

. . .

e. In Lieu of Land.

1. Fee In Lieu of Land. In lieu of dedicating parkland, a Developer may request to meet some or all of the parkland dedication requirements through payment of a Fee In Lieu thereof in the amounts set forth in Appendix I. Such fees shall be due prior to filing an associated plat for record for single family residential uses and prior to the issuance of a building permit for multi-family residential uses.

2. Open Space In Lieu of Land. In lieu of dedicating parkland, a Developer may request to meet some or all of the parkland dedication requirements through dedication of open space in the amounts set forth in Appendix I.

f. City Approval.

The City Council shall have the final authority in determining how much, if any, open space or fee may be accepted in lieu of required parkland dedication.

1. The City Council may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix I.

2. The City Council may, from time to time, require that open space be dedicated in lieu of parkland dedication in amounts as set forth in Appendix I.

. . .

g. Approval Process for Parkland Dedication.

. . .

3. Development and maintenance of a park less than two acres in size for public park purposes is impractical and does not allow for appropriate improvements consistent with necessary level of service. Therefore, if fewer than 100 dwelling units as specified in

Appendix I under Land Dedication are proposed by a plat for single family residential or a building permit for multi-family residential, the Developer shall pay the applicable cash in lieu of land dedication.

- (a) An exception may be considered if the dedication is voluntarily greater than two acres or will increase the size of an existing park adjacent to the proposed parkland dedication or will provide a beneficial trail connection or right- of-way or will provide a synergistic benefit not otherwise listed, at the discretion of the City Council.
- (b) Additionally, the City Council, in its sole discretion, may accept park land dedications of less than two (2) acres upon a determination by the City Council that the proposed park will meet all other requirements of this Article and upon satisfaction of any additional conditions and/or requirements as approved by the City Council.

...

2.03. That Appendix I, "Parkland Dedication and Park Development Fees", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance, (Ordinance No. O-24-99), as amended, is hereby amended to be and read in its entirety as set forth below with all other provisions of Article IX not herein amended to remain in full force and effect:

APPENDIX I.

PARKLAND DEDICATION AND DEVELOPMENT FEES

A. Dedication Requirements.

1. Parkland Dedication.

Single-family: one (1) acre per 26 dwelling units

Multi-family: one (1) acre per 64.3 dwelling units

OR

2. Open Space in Lieu of Parkland Dedication.

Single-family: one (1) acre per 104 dwelling units

Multi-family: one (1) acre per 257.2 dwelling units

OR

3. Fee In Lieu of Parkland Dedication.

Single-family: $\$2,455.50 \times 28\%$ (City Required Percentage) = \$687.54 per dwelling unit

Multi-family: $\$2,291.80 \times 12\%$ (City Required Percentage) = \$275.02 per dwelling unit

B. Park Development Fees.

1. Residential Park Development Fees.

Single-family: $\$2,862.93 \times 28\%$ (City Required Percentage) = \$801.62 per dwelling unit

Multi-family: $\$2,672.07 \times 12\%$ (City Required Percentage) = \$320.65 per dwelling unit

OR

2. Open Space Development Fees.

Single-family: $\$2,862.93 \times 52\%$ = \$1,488.72 per unit

Multi-family: $\$2,672.07 \times 22\%$ = \$587.86 per unit

C. Total Parkland Fees (for fees in lieu of parkland dedication).

Single-family: $\$5,318.43 \times 28\%$ (City Required Percentage) = **\$1,489.16** per dwelling unit

Multi-family: $\$4,963.87 \times 12\%$ (City Required Percentage) = **\$595.67** per dwelling unit

2.04. The Appendix II, "Parkland Dedication and Park Development Methodology", of Article IX, "Parkland Dedication and Development", of Chapter 94, "Subdivisions", of the Code of Ordinances of the City of Kaufman, the same being the Kaufman Subdivision Ordinance, (Ordinance No. O-24-99), as amended, is hereby amended to be and read in its entirety as set forth below with all other portions of Appendix II not herein amended to remain in full force and effect:

APPENDIX II. PARKLAND DEDICATION AND DEVELOPMENT METHODOLOGY

A. Parkland Dedication Formula:

1. Parkland Level of Service / City Persons per Household X City Required Percentage = Parkland Dedication Requirement

Single-family: $20 / 3 \times 390\% = \text{one acre per } 26 \text{ dwelling units}$

Multi-family: $20 / 2.8 \times 900\% = \text{one acre per } 64.3 \text{ dwelling units}$

OR

2. Open Space In Lieu of Parkland Dedication Formula:

Dwelling Units per One Acre of Required Parkland Dedication X City Required Percentage = Open Space Dedication Requirement

Single-family: $26 \times 400\% = \text{one acre per } 104 \text{ dwelling units}$

Multi-family: $64.3 \times 400\% = \text{one acre per } 257.2 \text{ dwelling units}$

OR

3. Fee In Lieu of Parkland Dedication Formula:

STEP 1. Parkland Cost Factor / Parkland Level of Service = Land Cost per Person

$\$16,370 \text{ per acre} / 20 \text{ people per acre} = \$818.50 \text{ per person}$

STEP 2. (City Persons per Household X Land Cost per Person) X City Required Percentage = Fee In Lieu of Land

Single-family: $3 \text{ PPH} \times \$818.50 \text{ per person} = \$2,455.50 \times 28\% = \$687.54 \text{ per unit}$

Multi-family: $2.8 \text{ PPH} \times \$818.50 \text{ per person} = \$2,291.80 \times 12\% = \$275.02 \text{ per unit}$

B. Park Development Fee Formula:

1. Parkland Development Fee Formula:

STEP 1: Parkland Development Cost Factor/ Facilities Level of Service = Park Development Cost Per Person

$\$825,481.44$ neighborhood park cost / 865 people per developed park =
 $\$954.31$ per person

STEP 2: (City Persons per Household X Park Development Cost Per Person) X City Required Percentage = Parkland Development Fee by Density

Single-family: 3 PPH X $\$954.31$ per person = $\$2,862.93$ X 28% =
 $\$801.62$ per unit

Multi-family: 2.8 PPH X $\$954.31$ per person = $\$2,672.07$ X 12% =
 $\$320.65$ per unit

OR

2. Open Space Development Fee Formula:

Parkland Development Fee by Density X City Required Percentage = Open Space in Lieu of Land Park Development Fee by Density

Single-family: $\$2,862.93$ X 52% = $\$1,488.72$ per unit

Multi-family: $\$2,672.07$ X 22% = $\$587.86$ per unit

(The City requires a greater City Required Percentage of development fees when open space is accepted in lieu of parkland as the Developer contributes less open space than parkland to satisfy this Article.)

C. Total Parkland Fees Formula:

(Fee In Lieu of Land by Density + Parkland Development Fee by Density) X City Required Percentage = Total Parkland Fee per Unit

Single-family: $\$2,455.50 + \$2,862.93 = \$5,318.43$ X 28% = $\$1,489.16$ per unit

Multi-family: $\$2,291.80 + \$2,672.07 = \$4,963.87$ X 12% = $\$595.67$ per unit

(To satisfy this requirements of this Article, a developer shall dedicate the required parkland and pay the required park development fee. If the City Council excepts a developer from dedicating parkland, the developer may dedicate open space or pay a fee in lieu, as approved by the City Council. Then, the developer shall pay the City a park development fee to develop the parkland into a park. If a developer is dedicating open space, such developer shall abide by the open space development fees provided herein. If a developer is providing a fee in lieu of parkland, such developer shall pay the fee in lieu and the parkland development fee).

Section 3. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the City's Subdivisions Ordinance Chapter 94, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in accordance with 106.153 of the Code of Ordinances. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Cumulative Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Kaufman, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed.

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Repealer Clause. Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Kaufman, Texas, on this the 24th day of May, 2021.

Jeff Jordan, Mayor

ATTEST:

Jessie Hanks, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney
Ordinance O-20-21



Meeting
Date: 5/24/2021

Date: 5/7/2021

Item #: 6.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider and take appropriate action on Ordinance O-21-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to rezone an approximate 5.366 acres of land generally located in the 2600 block of Tabor Parkway (CR 151) (rear portion of PID #5377) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas from Commercial (C) to Multi-Family -2 (MF-2) ; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Applicant: ZP Juniper Pointe Apartments, LP – Justin Zimmerman) (Case #Z-03-21)

BACKGROUND:

See the attached May 4, 2021 Planning and Zoning Commission Report Case #Z-03-21 and draft Ordinance O-21-21.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 recommended approval by a vote of 5-0 on Case #Z-03-21 to rezone 5.366 acres from Commercial to Multi-Family-2 on property generally located in the 2600 Block of Tabor Parkway (on rear portion of PID #5377) .

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



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss and take appropriate action on a request by ZP Juniper Pointe Apartments, LP – Justin Zimmerman to rezone 5.366 acres from Commercial (C) to Multi-Family -2 (MF-2). The property is generally located in the 2600 block of Tabor Parkway (AKA CR 151) (rear portion of PID# 5377) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-03-21)

BACKGROUND/SUMMARY:

The request by Juniper Pointe Apartments is to rezone 5.366 acres of a 7.60-acre parcel from Commercial (C) to Multi-Family-2 (MF-2). The parcel (PID #5377) is zoned both Commercial (C) and Multi-Family-2 (MF-2) and the applicant would like to have the same zoning for the entire parcel. The MF-2 district allows a maximum density of 24 units per acre.

Juniper Pointe Apartments is planning to combine parcels PID #5373 and PID# 5377 to create an approximate 9.11-acre lot for the development of 72 apartment units (a density of 7.9 units per acre). The complex will participate in the federal tax credit program. A percentage of the units will be leased at a restricted rent value and the remaining units will be leased at market value.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	TH	Village of Kaufman - duplexes
South:	SF-6	Single-family homes
East:	MF-2 & SF-6	Undeveloped, single-family homes, The Oaks Apartments
West:	C	Brookshire's, Sonic, Post Office, Dollar General



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Multi-Family (High Density). The proposed Multi-Family-2 zoning complies with the 2014 Future Land Use Plan because it allows apartments with a maximum density of 24 units per acre.

Thoroughfare Plan:

The Thoroughfare Plan designates S. Washington and Tabor Parkway as a "Type B", Minor Arterial, requiring a right-of-way width of 100 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 53 property owners within 300 feet of the 5.366 acres. 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 letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 53

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:

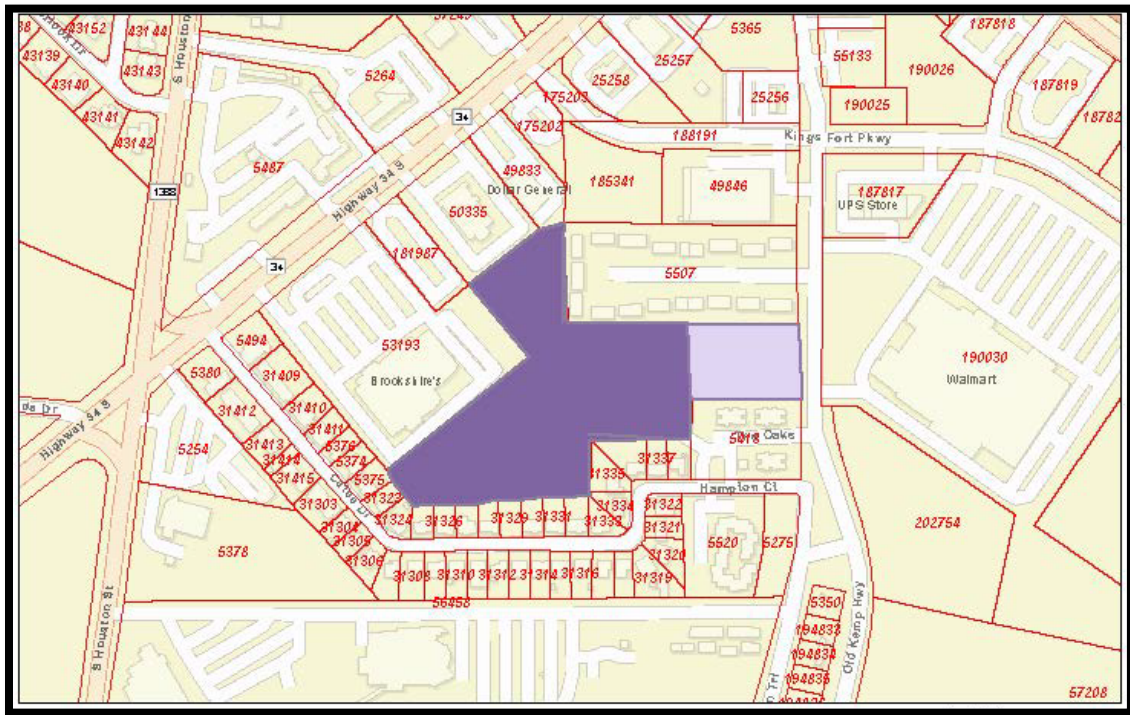
Staff recommends approval of Z-03-21 to rezone 5.366-acres of land from Commercial (C) to Multi-Family -2 (MF-2) generally located in the 2600 block of Tabor Parkway (AKA CR 151) (rear portion of PID# 5377) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX.

ATTACHMENTS:

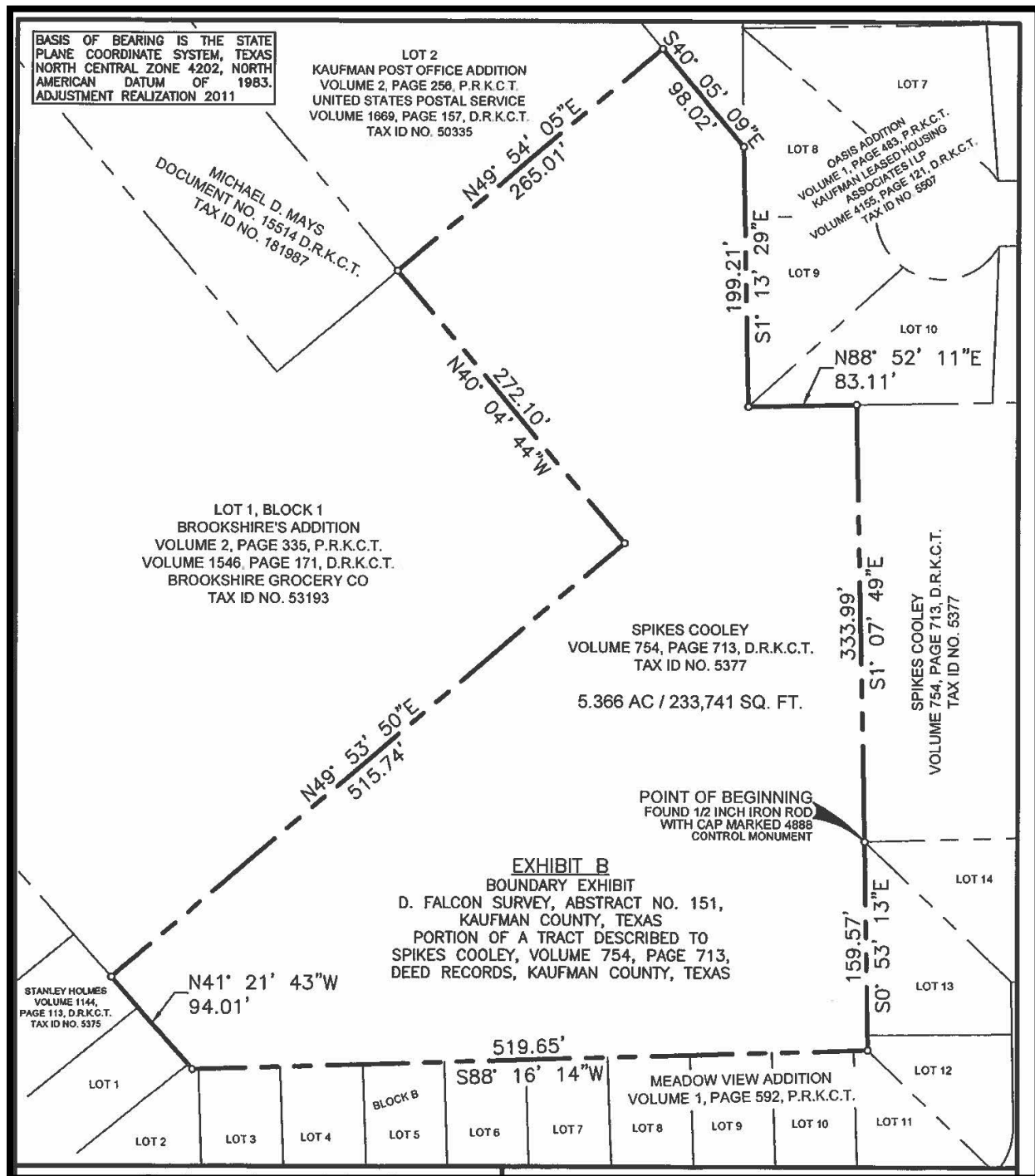
1. Location Map
2. Survey Map
3. Preliminary Site Plan

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

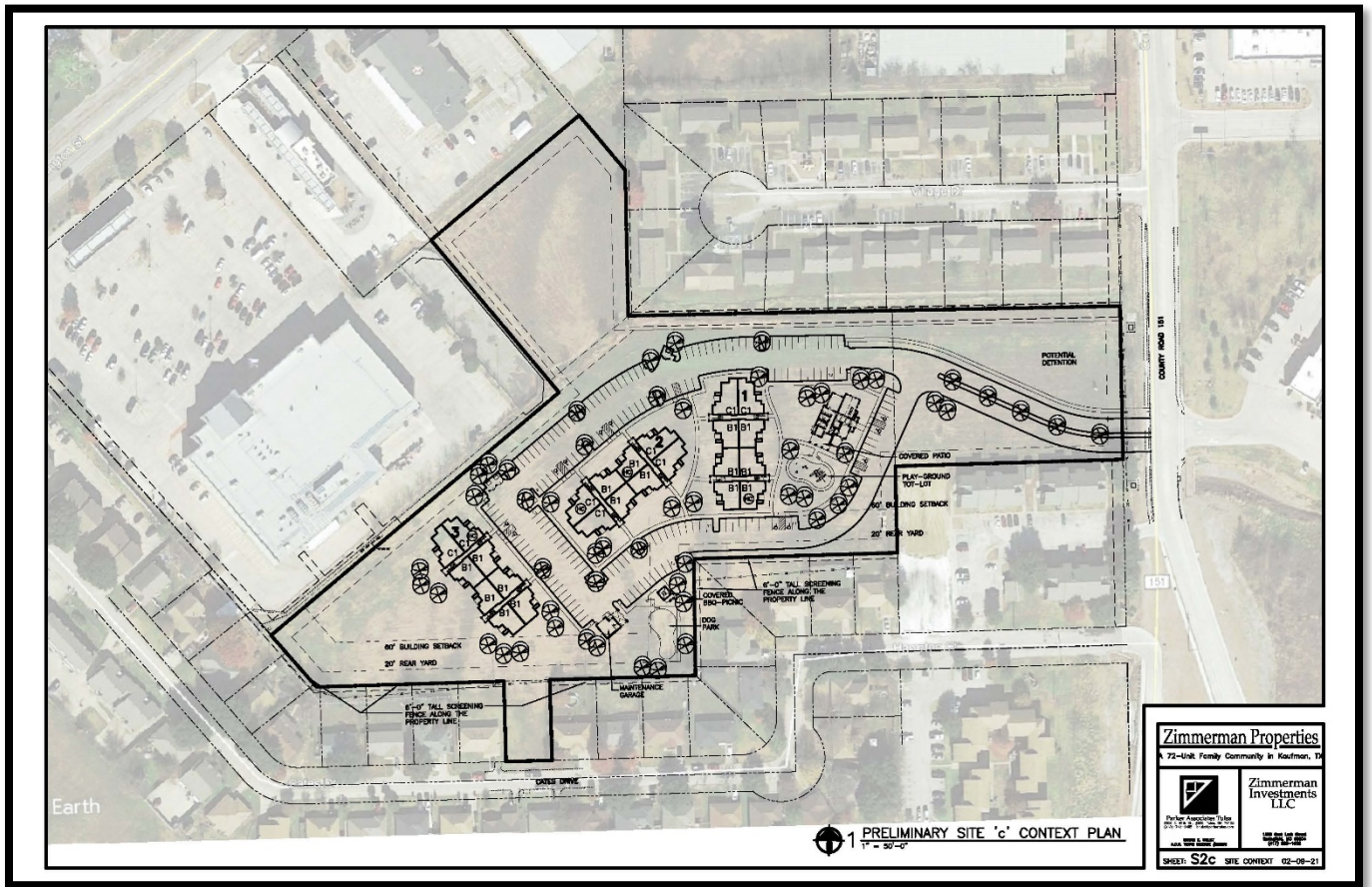
Location Map



Survey Map



Preliminary Site Plan



ORDINANCE O-21-21

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 5.366 ACRE TRACT OF LAND FROM COMMERCIAL, "C", TO MULTI-FAMILY-2, "MF-2", THE PROPERTY BEING GENERALLY LOCATED IN THE 2600 BLOCK OF TABOR PARKWAY, (AKA CR 151), A TRACT OF LAND PART OF THE D. FALCON SURVEY, ABSTRACT NO. 151, 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 FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, at its' regular meeting held on the 4th day of May, 2021, the Planning and Zoning Commission after holding a public hearing did consider and make a recommendation for approval of a request to rezone an approximate 5.366 acre tract of land from Commercial to Multi-Family-2, (Case No. Z-03-21), being the rear portion of Kaufman CAD ID 5377, generally located in the 2600 Block of Tabor Parkway, such tract being a part of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas and more specifically described and depicted on **Exhibit "A"**, a copy of which is attached hereto and incorporated herein as, (the "Property"); and

WHEREAS, at its regular meeting held on the 24th day of May, 2021, after holding a public hearing for the proposed amendment to rezone the Property from Commercial to Multi-Family-2, , determining that all legal requirements of notice and hearings were met, considering the recommendations of the Planning and Zoning Commission, providing the public an opportunity to provide input, considering public input, and considering the compatibility of the proposed Multi-Family-2 ("MF-2") zoning with surrounding properties and the goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the City, has determined that the following amendment to the Zoning Ordinance and Zoning Map of the City is consistent with the goals of land development as set forth in the Comprehensive Plan of the City, would allow orderly development of the Property which would serve the best interest of the health safety, and general welfare of the public.

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

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

SECTION 2. AMENDMENT. That 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”, is hereby amended to reflect the change in zoning from Commercial, (“C”), to Multi-Family-2, (“MF-2”), on an approximate 5.366 acre tract of land generally located in the 2600 Block of Tabor Parkway, (AKA CR 151), being the rear portion of Kaufman CAD ID 5377, such tract being a part of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, and as described and depicted in Exhibit “A”, attached hereto and incorporated as if set forth full herein for all purposes.

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be amended and annotated to show the change in zoning classification of the Property from Commercial (“C”) to Multi-Family-2 (“MF-2”), thereon.

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

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

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

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

PASSED AND APPROVED this 24th day of May, 2021.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

Z-03-21

**2600 Block of Tabor Parkway (AKA CR 151) –
Rear Portion of Kaufman CAD ID 5377**

Exhibit A

Being a 5.366 acre tract of land situated in the D. Falcon Survey, Abstract Number 151, Kaufman County, Texas and being a portion of a tract of land described in deed to Spikes Cooley recorded in Volume 754, Page 713, Deed Records, Kaufman County, Texas and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod with cap marked 4888 being the northwest corner of Lot 14, Block B, of Meadow View Addition as recorded in Volume 1, Page 592, Plat Records, Kaufman County, Texas;

THENCE South 00°53'13" East a distance of 159.57 feet to a point in a power pole and being the northeast corner of Lot 11, Block B, of said Meadow View Addition;

THENCE South 88°16'14" West a distance of 519.65 feet to an angle point in the north line of Lot 2, Block B, of said Meadow View Addition;

THENCE North 41°21'43" West a distance of 94.01 feet to a point being in the northeast line of a tract of land described to Stanley Holmes as recorded in Volume 1144, Page 113, Deed Records, Kaufman County, Texas and being the most southerly southwest corner of Lot 1, Block 1, Brookshire's Addition as recorded in Volume 2, Page 335, Plat Records, Kaufman County, Texas;

THENCE North 49°53'50" East a distance of 515.74 feet to a point and being the most southerly southeast corner of said Lot 1, Block 1, Brookshire's Addition;

THENCE North 40°04'44" West a distance of 272.10 feet to a point and being the most southerly northeast corner of said Lot 1, Block 1, Brookshire's Addition and being the southeast corner of a tract of land described in deed to Michael D. Mays recorded in Document Number 15514, Deed Records, Kaufman County, Texas and being the southwest corner of Lot 2, Kaufman Post Office Addition, as recorded in Volume 2, Page 256, Plat Records, Kaufman County, Texas;

THENCE North 49°54'05" East a distance of 265.01 feet along the south line of said Kaufman Post Office Addition to a point from which a found disturbed 1/2 inch iron rod bears South 77°09' East a distance of 0.30 feet and being the southeast corner of said Kaufman Post Office Addition and being in the southwest line of Lot 1, Dollar General Addition, as recorded in Volume 2, Page 49, Plat Records, Kaufman County, Texas;

THENCE South 40°05'09" East a distance of 98.02 feet to a found 3/8 inch iron rod with cap marked 5244 being the southeast corner of said Dollar General Addition and being in the west line of Lot 8, Oasis Addition as recorded in Volume 1, Page 483, Plat Records, Kaufman County, Texas;

THENCE South 01°13'29" East a distance of 199.21 feet to a found 1/2 inch iron rod being the southwest corner of Lot 9 of said Oasis Addition;

THENCE North 88°52'11" East a distance of 83.11 feet along the south line of said Oasis Addition to a point being in the south line of said Oasis Addition;

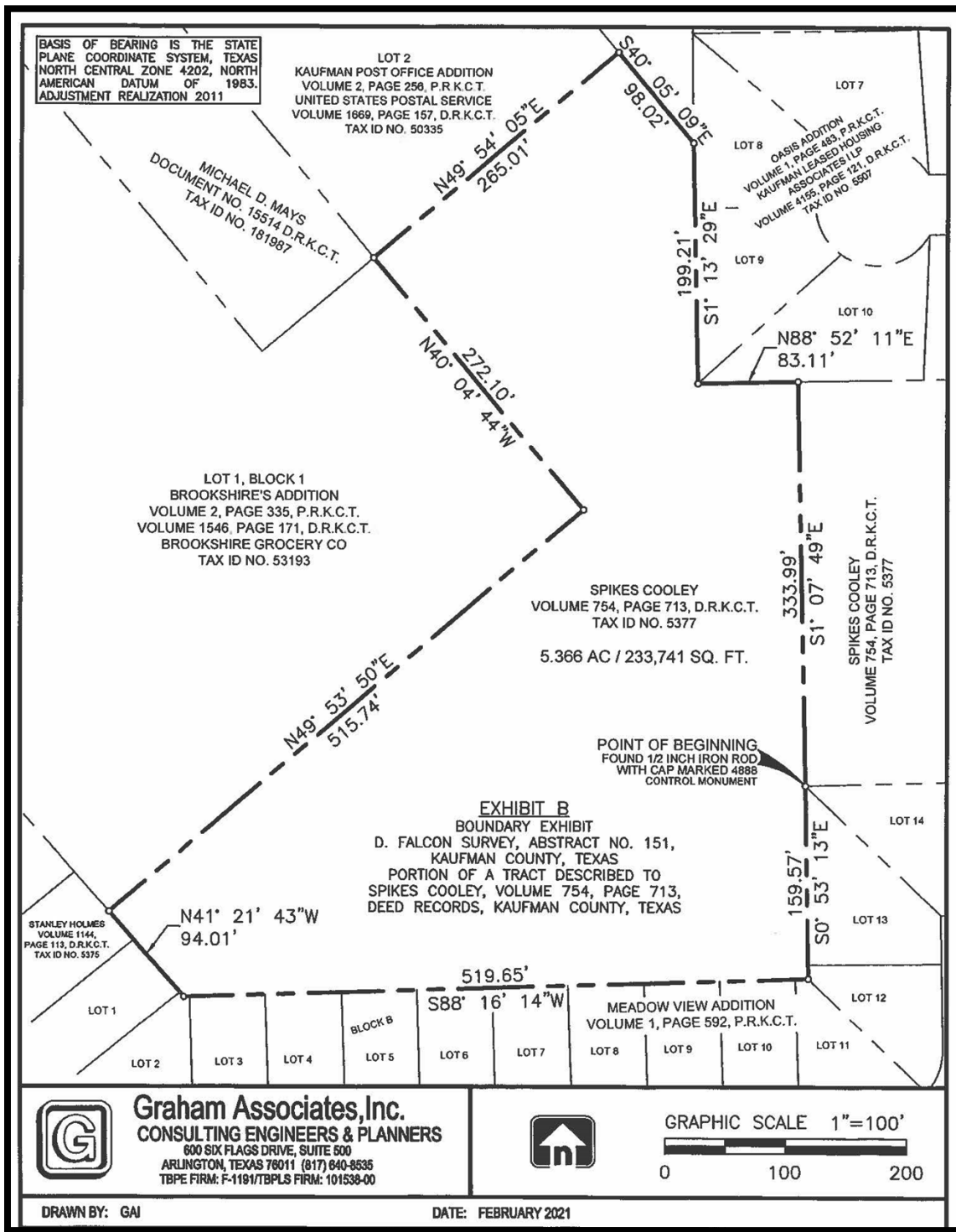
THENCE South 01°07'49" East a distance of 333.99 feet to the POINT OF BEGINNING and containing 233,741 square feet, 5.366 acres of land.

Note: Basis of bearings is the state plane coordinate system, Texas North Central Zone 4202, North American Datum of 1983, adjustment realization 2011.

"EXHIBIT A" Description

Z-03-21

2600 Block of Tabor Parkway (AKA CR 151)
Rear Portion of Kaufman CAD ID 5377





Meeting
Date: 5/24/2021

Date: 5/7/2021

Item #: 7.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider, and take appropriate action on Ordinance O-22-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to authorize Specific Use Permit – 46, and to approve the associated Site Plan in order to allow an attended car wash on property zoned Planned Development – 15 – Highway Commercial, an approximate 0.985 acre tract (a portion of PID# 202752) located at 710 East Highway 175, proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV, within the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Applicant: Konrad Rudnicki) (Case #Z-04-21)

BACKGROUND:

See the attached May 4, 2021 Planning and Zoning Commission report for a request for a Specific Use Permit for an attended care wash (Case Z-04-21) and draft Ordinance O-22-21.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 recommended approval by a vote of 6-0 for a Specific Use Permit for an attended car wash at 710 E Highway 175 to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV (Case #Z-04-21).

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



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a request by Konrad Rudnicki for a Specific Use Permit on a 0.985-acre tract (a portion of PID# 202752) for an attended car wash on property zoned Planned Development – 15 (Highway Commercial). The property is located at 710 East Highway 175 proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV and located in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-04-21)

BACKGROUND/SUMMARY:

The applicant, Konrad Rudnicki, is requesting a Specific Use Permit to allow an attended car wash on a 0.985-acre tract which is a portion of PID# 202752 containing a total of 5.94 acres. The tract is proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV. The proposed building area of the car wash is 3,170 square feet. The required number of off-street parking spaces is 10 and 21 spaces.

Access to the car wash will be from Kings Fort Parkway. Drivers will enter a 24-foot wide queuing lane to pay for the type of car wash desired. A canopy will be located over the point of sales area. The cars will progress along the driveway to either enter the car wash building or exit the waiting line. There are 26 spaces on the western side driving lane that will have a canopy covering the parking spaces to provide shade for those using the vacuum system. There are 10 uncovered spaces close to Kings Fort Parkway that can be used by employees and patrons if desired. Cross access will be provided to the Burger King property at the front and rear of the property. Cross access will also be provided to the future development to the east at the front and rear of the property.

A pole sign is proposed in the front along East Highway 175 and a monument sign is proposed along Kings Fort Parkway.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	C	Southwest Chevrolet
South:	PD-15 (C)	Undeveloped
East:	PD-15 (HC)	Undeveloped
West:	PD-15 (HC)	Burger King



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designates the land use of the subject property as Future Commercial Use. The property is zoned Planned Development -15 for Highway Commercial development. The Planned Development -15 zoning complies with the 2014 Future Land Plan.

Thoroughfare Plan:

All the rights of way required for E. Highway 175, Kings Fort Parkway, Center Drive, and Meara Drive have already been dedicated. Center Drive and Meara Drive are not designated thoroughfares. Kings Fort Parkway is designated as a Type C, Major Collector, which requires a minimum 80 foot wide right of way width and has already been dedicated.

DETERMINATIONS NECESSARY FOR CONSIDERING SUP'S

Sec 30.2. – SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening, and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:
1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
 2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 3. The nature of the use is reasonable;
 4. Any negative impact on the surrounding area has been mitigated; and/or
 5. That any additional conditions specified to ensure that the intent of the district is being upheld.
- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

C. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the Specific Use Permit, as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.

*H. A time limit may be imposed as a condition upon the granting of a SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. Except as otherwise provided in Subsection 30.2.I.; the applicant shall go through the procedures outlined above in Subsection 30.2.A-30.2G to renew a SUP.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 3 property owners within 300' of 710 East Highway 175. The results are as follows:

- Property owners returned letters in opposition to the request = 0
- Property owners returned the letter in agreement to the request = 0
- Property owners who have not responded = 3

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:

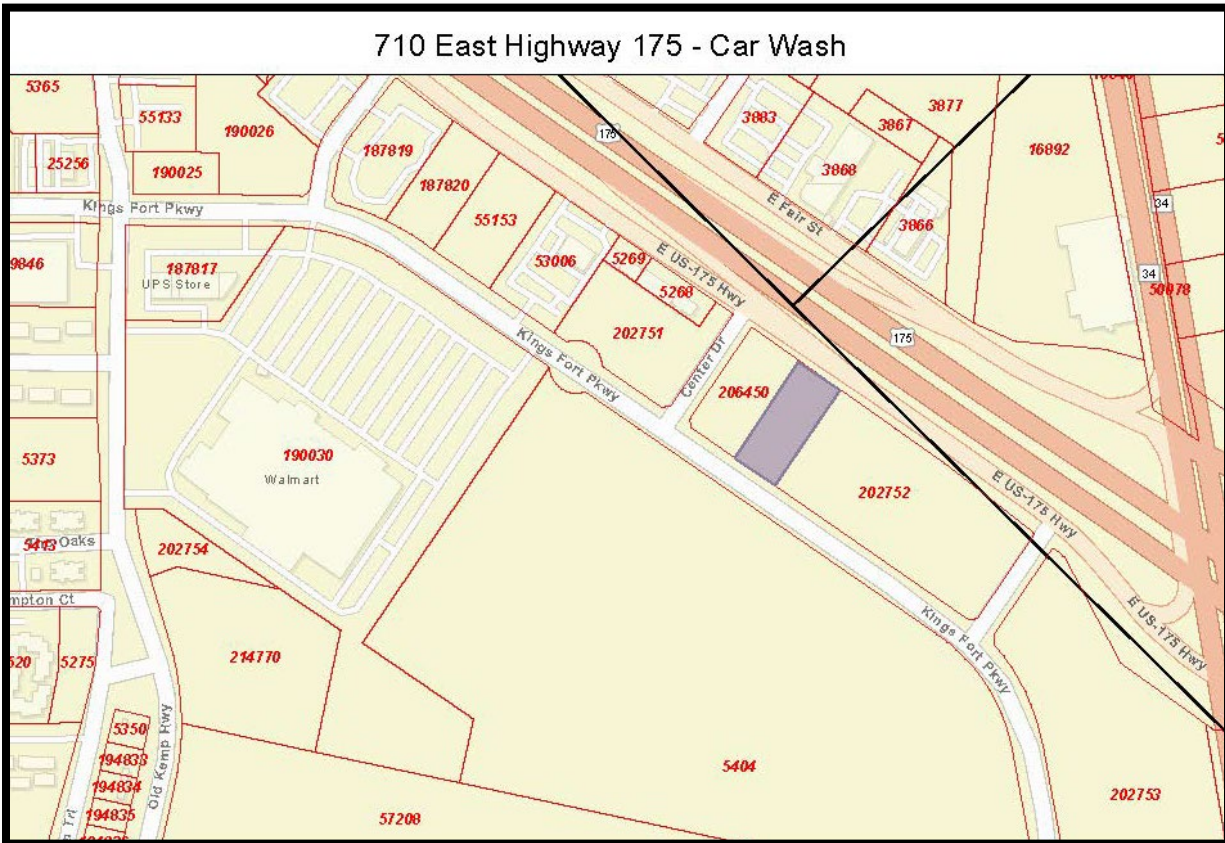
Staff recommends approval of Z-04-21, a Specific Use Permit for an attended car wash on proposed Lot 2, Block E, Kings Fort Addition, Phase IV and to be addressed as 710 East Highway 175 (a portion of PID# 202752).

ATTACHMENTS:

1. Location map
2. Site Plan

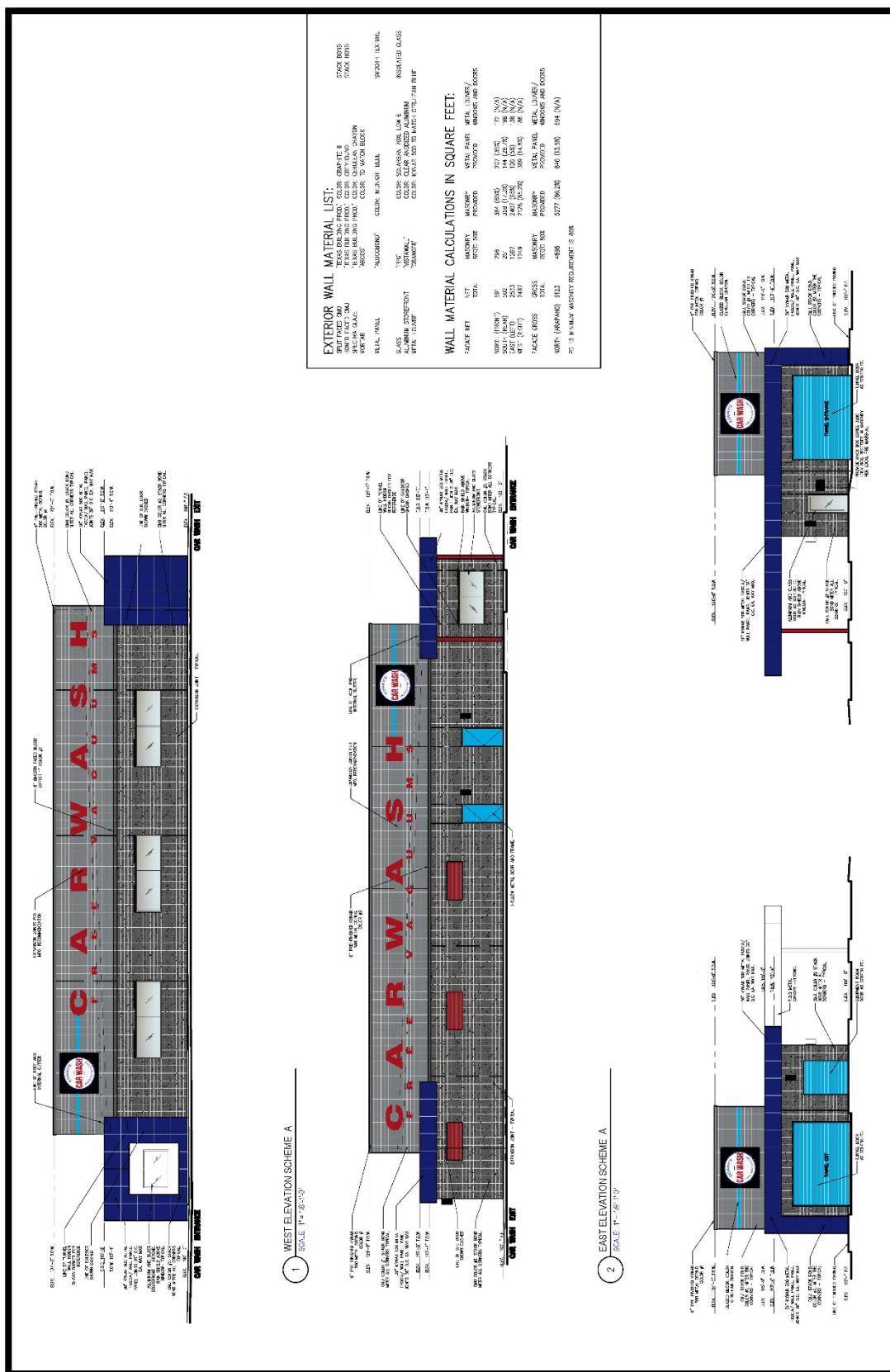
Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



CENTER DRIVE
(60' WIDE HIGH-OF-WAY)





ORDINANCE NO. O-22-21

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 APPROVE SPECIFIC USE PERMIT NO. FORTY-SIX, ("SUP-46"), AND ITS SITE PLAN, TO PERMIT THE USE OF AN ATTENDED CAR WASH, ON AN APPROXIMATE 0.985-ACRE TRACT OF LAND (A PORTION OF KAUFMAN CAD ID 202752) ZONED PLANNED DEVELOPMENT-15-HIGHWAY COMMERCIAL, ("PD-15-HC"), SUCH PROPERTY BEING GENERALLY LOCATED AT 710 EAST HIGHWAY 175, PROPOSED TO BE PLATTED AS LOT 2, BLOCK E, KINGS FORT ADDITION, PHASE IV AND SITUATED IN THE D. FALCON SURVEY, ABSTRACT 151 IN THE CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS AND ZONING MAP AMENDMENTS; PROVIDING ASSIGNABILITY AND EXPIRATION/RECISSION; PROVIDING LAND USE REGULATIONS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS 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 4th day of May 2021, the Planning and Zoning Commission held a public hearing and considered and made a recommendation to the City Council for approval of SUP-46, and its Site Plan, (Case No Z-04-21), to allow an attended car wash, on an approximate 0.985-acre tract of land (a portion of Kaufman CAD ID 202752) zoned Planned Development-15-Highway Commercial, ("PD-15-HC"), generally located at 710 East Highway 175, such tract proposed to be platted at Lot 2, Block E, Kings Fort Addition, Phase IV and located in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas, (the "Property"); and

WHEREAS, at its regular meeting held on the 24th day of May 2010, the City Council held a public hearing to consider approving SUP-46, and its Site Plan, determining that all legal requirements of notice and hearings were met; considering the recommendations of the Planning and Zoning Commission; providing the public an opportunity to provide input; considering public input, and considering the compatibility of the proposed SUP-46 zoning with surrounding properties and the goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the City, and determining that the proposed amendment to the Zoning Ordinance and Zoning Map of the City set forth hereinbelow is consistent with the goals of land development as set forth in the Comprehensive Plan of the City, would allow orderly development of the Property which would serve the best interest of the health safety, and general welfare of the public.

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" of the City, is hereby amended to reflect the change in zoning authorized by SUP-46, to allow an attended car wash, on an approximate 0.985-acre tract of land (a portion of Kaufman CAD ID 202752) zoned Planned Development-15-Highway Commercial, ("PD-15-HC"), generally located at 710 East Highway 175, such tract proposed to be platted at Lot 2, Block E, Kings Fort Addition, Phase IV and located in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas, as further described in the metes and bounds description set forth in **Exhibit "A"**, attached hereto and incorporated as if set forth fully herein.

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 Planned Development-15-Highway Commercial to Planned Development 15-Highway Commercial with Specific Use Permit-46 ("SUP-46"), thereon, and the updated map shall be on file with the office of the City Secretary.

SECTION 4. SITE PLAN. The Site Plan for SUP-46, attached hereto and incorporated as if set forth fully herein as **Exhibit "B"**, is hereby approved by the City Council. The approved Site Plan meeting the requirements of this section shall be adhered to in its entirety for the duration of the uses authorized by SUP-46.

SECTION 5. ASSIGNABILITY; TERMINATION/RECISSION. SUP-46 is non-transferrable. SUP-46 shall expire or terminate when the Planning and Zoning Commission and the City Council take proper zoning action to rescind the SUP, with appropriate publication notification and public hearing, pursuant to Section 30.1 of the City's Comprehensive Zoning Ordinance.

SECTION 6. LAND USE REGULATIONS. The regulations contained in the City's Comprehensive Zoning Ordinance, as amended, shall be adhered to except as shown on "Exhibit B". In the event of conflict between the provisions of "Exhibit B" and any other provisions contained in the Comprehensive Zoning Ordinance, the provisions of "Exhibit B" control.

SECTION 7. 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 8. 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 9. SAVINGS. All rights and remedies of the City of Kaufman, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning for the Property which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 10. 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 11. 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 24th day of May 2021.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

Exhibit A - Metes and Bounds

Being a 0.9848 acre tract of land situated in the D. Falcon Survey, Abstract No. 99, City of Kaufman, Kaufman County, Texas, being part of that 242.860 acre tract of land called "Tract 1", conveyed to JWS Land, Ltd and recorded in Document No. 2012-0020419, Official Public Record, Kaufman County, Texas, said tract being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod w/cap stamped (KHA) found (controlling monument) on the south right-of-way line of U.S. Highway No. 175 (a variable width right-of-way) at the northeast corner of Lot 1, Block "E", Kings Fort Addition, Phase IV, an addition to the City of Kaufman, Kaufman County, Texas, according to the plat thereof recorded in Volume 6051, Page 428 and Instrument No. 2019-0014596, Official Public Records, Kaufman County, Texas and conveyed to said JWS Land, Ltd. and recorded in said Document No. 2012-0020419, Official Public Record, Kaufman County, Texas, from which a 5/8 inch iron rod found bears North 56 degrees 44 minutes 07 seconds West, 150.00 feet;

THENCE South 56 degrees 44 minutes 07 seconds East, along the south right-of-way line of said U.S. Highway No. 175 and the north line of said JWS Land, Ltd. tract, a distance of 143.00 feet to a 5/8 inch iron rod with a yellow cap stamped "Traverse LS Prop Cor" set for corner;

THENCE South 33 degrees 16 minutes 29 seconds West, a distance of 300.00 feet to a 5/8 inch iron rod with a yellow cap stamped "Traverse LS Prop Cor" set for corner in the north right-of-way line of Kings Fort Parkway (an 80 foot right-of-way) according to the right-of-way dedication plat thereof recorded in Instrument No. 2017-0011213, Official Public Record, Kaufman County, Texas;

THENCE North 56 degrees 44 minutes 07 seconds West, along the north right-of-way line of said Kings Fort Parkway, a distance of 143.00 feet to a point for the southeast corner of said Lot 1, from which an "X" cut in concrete bears South 45 degrees 20 minutes 29 seconds West, a distance of 0.24 feet;

THENCE North 33 degrees 16 minutes 29 seconds East, along the common west line of said JWS Land, Ltd. Tract and the east line of said Lot 1, a distance of 300.00 feet to the **POINT OF BEGINNING** and containing 0.9848 acres of land (42,900 square feet), more or less.

Page 91 of 187

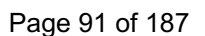
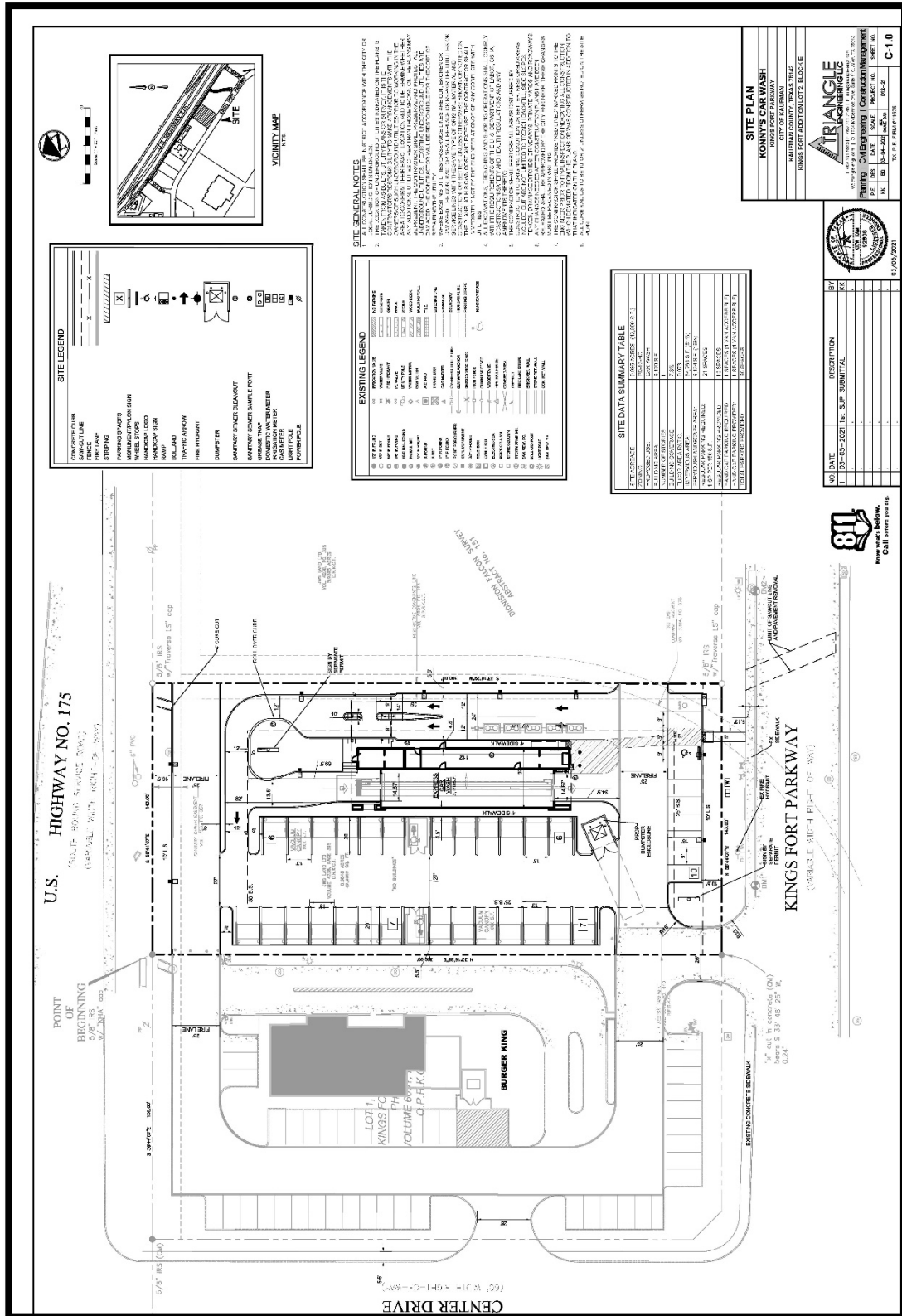
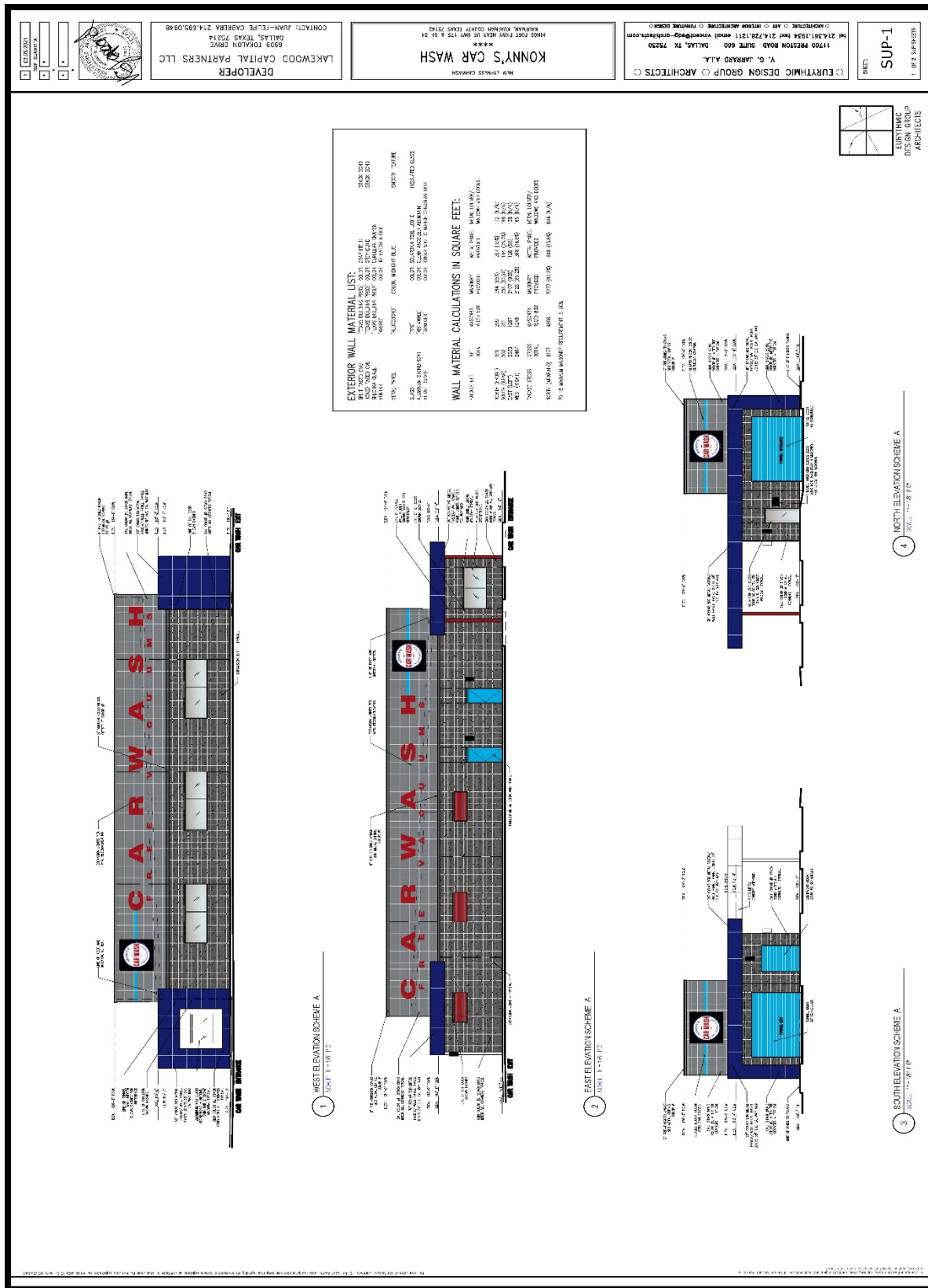
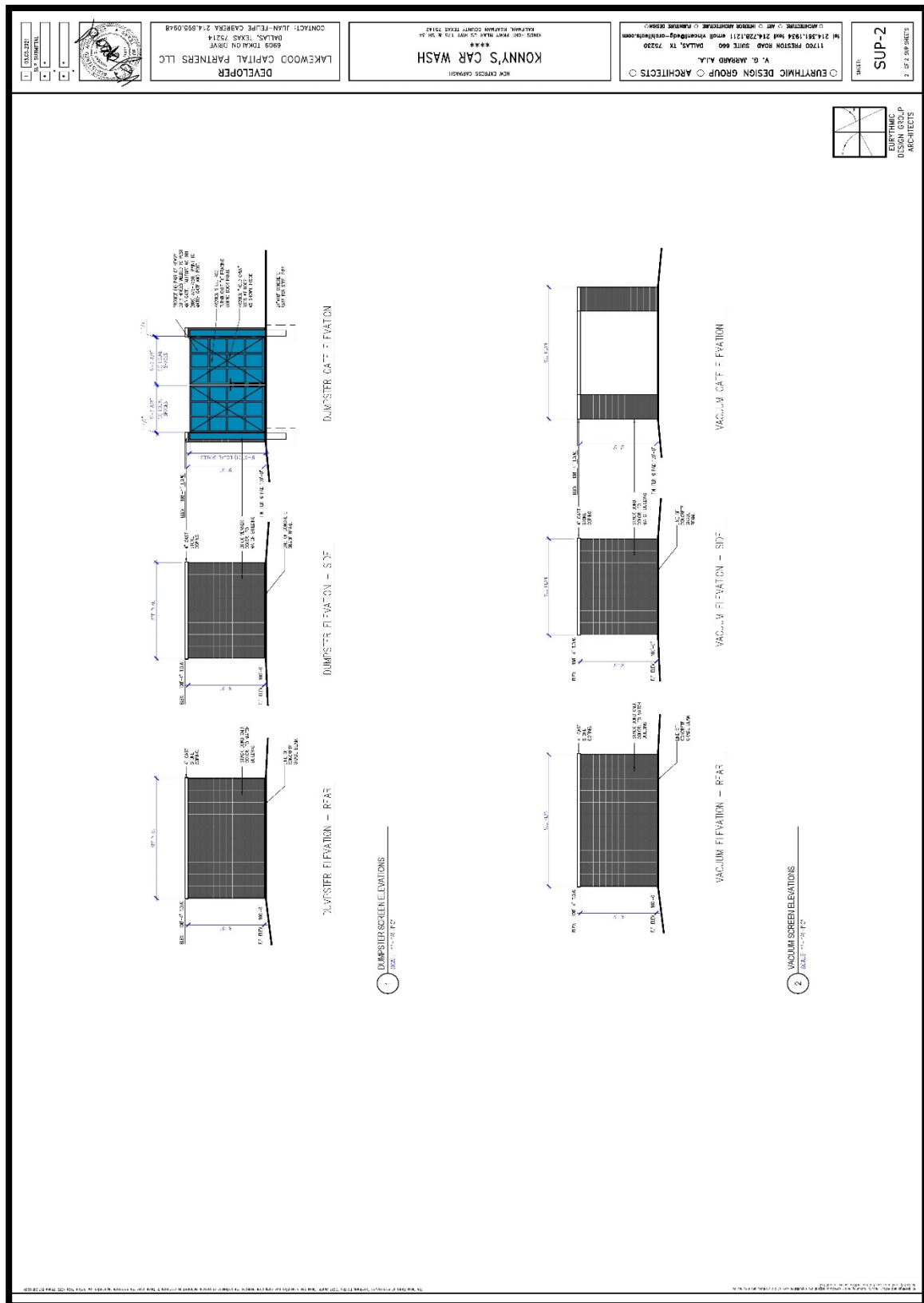
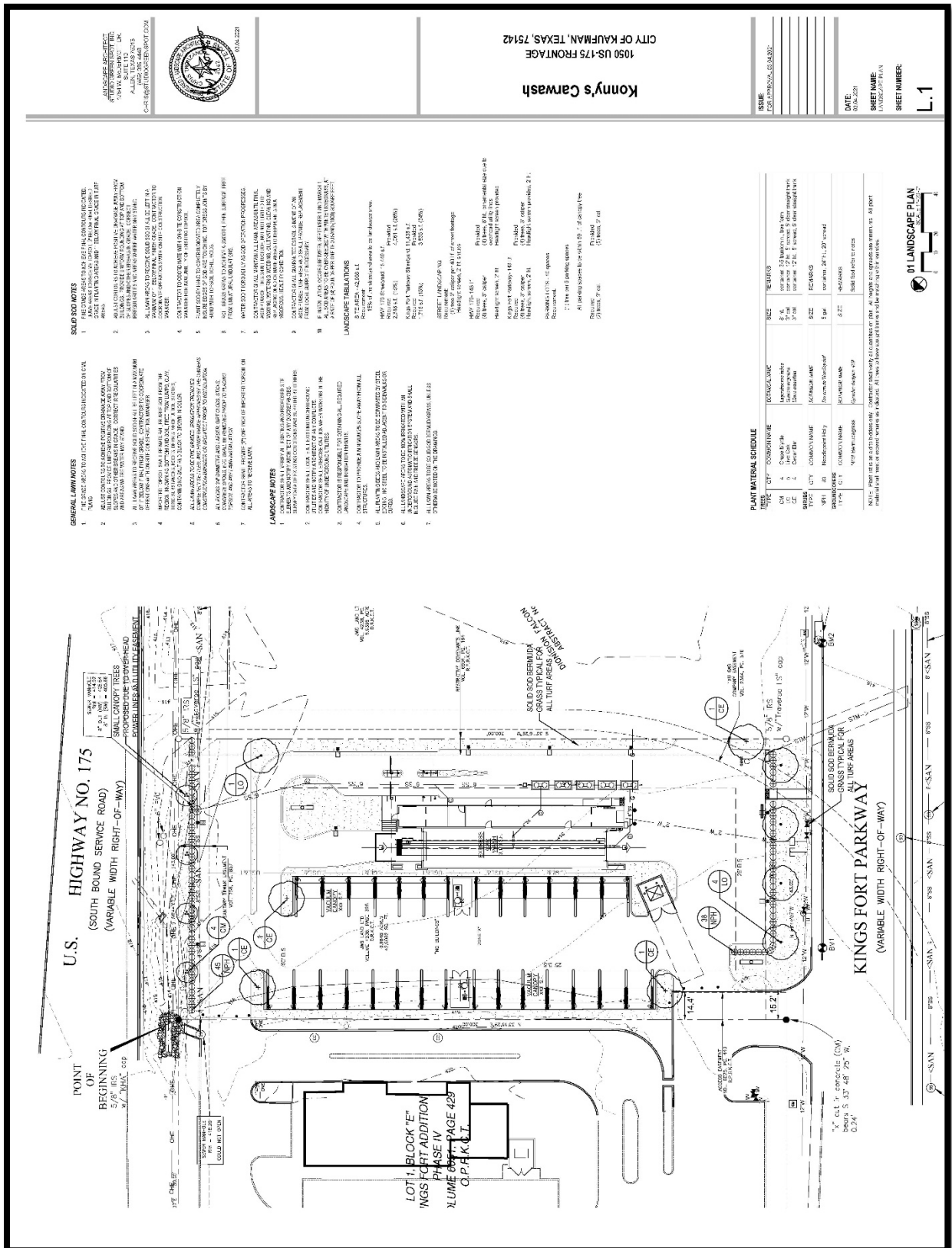


Exhibit B - Site Plan











Meeting
Date: 5/24/2021

Date: 5/7/2021

Item #: 8.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider, and take appropriate action on Ordinance O-23-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Highway Commercial (HC) on an approximate 7.9-acre tract of land (a portion of PID# 56874) generally located at 1900 East Highway 175 and being platted as Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-06-21)

BACKGROUND:

See the attached May 4, 2021 Planning and Zoning Commission report for Z-06-21 a City initiated zoning case for newly annexed property and draft Ordinance O-23-21.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 recommended approval by a vote of 6-0 for Case #Z-06-21 to zone newly annexed property containing 7.9-acre portion (a portion of PID# 56874) to Highway Commercial and located at 1900 E. Highway 175 and platted as Lot 1, Kaufman County Law Enforcement Center Addition.

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



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Highway Commercial (HC) and owned by Kaufman County. The property is a 7.9-acre portion (a portion of PID# 56874) of land generally located at 1900 East Highway 175 and being platted as Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case #Z-06-21)

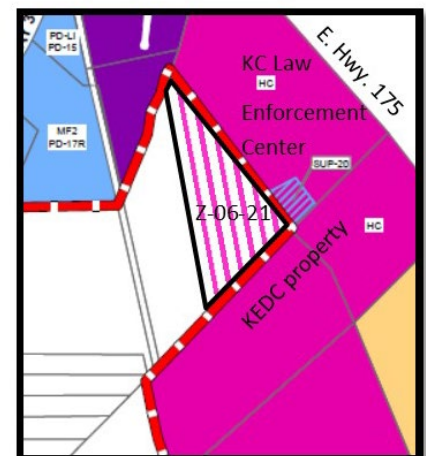
BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-10-21 for the voluntary annexation as petitioned by Kaufman County. The 7.9 acres in the back portion of the 45-acre Kaufman County Law Enforcement Center Addition is located at 1900 East Highway 175. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 7.9 acres to Highway Commercial (HC). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, but because the existing 45-acre lot is already partially zoned HC it made sense to match the zoning districts. Kaufman County is looking to add a juvenile detention center on their campus.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	LI	City of Kaufman Waste Water Treatment Plant
South:	HC	Undeveloped KEDC property
East:	HC	Kaufman County Law Enforcement Center
West:	Annexed 3-22-21	Undeveloped City of Kaufman property



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Commercial Use. The proposed Highway Commercial zoning complies with the 2014 Future Land Use Plan because it allows a variety of commercial, office, and retail uses that would serve the Highway 175 corridor.

Thoroughfare Plan:

The Thoroughfare Plan designates E. Highway 175 as a "Type AA", Major Arterial, requiring a right-of-way width of 120 feet. The existing portion of E. Highway 175 exceeds the minimum width requirement.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 6 property owners within 300 feet of the 7.9 acres. 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 letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 6

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:

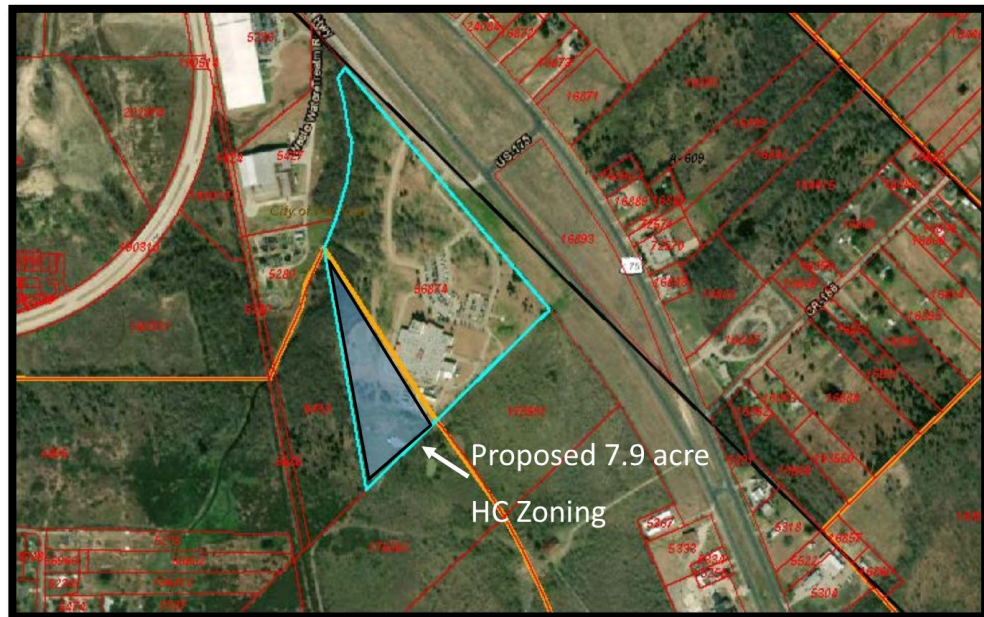
Staff recommends approval of Z-06-21 to zone 7.9-acres of annexed land (A-01-21) generally located at the rear portion of the Kaufman County Law Enforcement Center Addition located at 1900 East Highway 175 and southwest of East Highway 175 to Highway Commercial (a portion of Kaufman CAD ID 56874).

ATTACHMENTS:

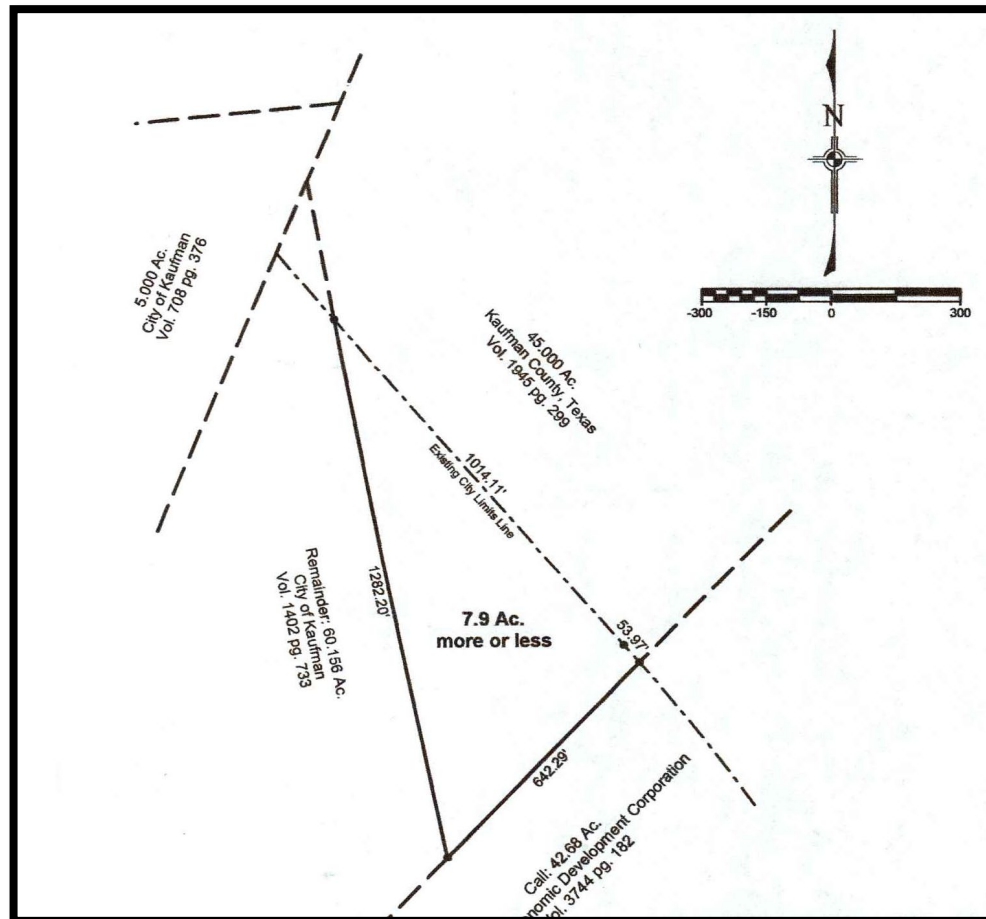
1. Location Map
2. Z-06-21 Survey Map

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

Location Map



Survey Map



ORDINANCE O-23-21

AN ORDINANCE OF THE CITY COUNCIL 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 ZONE APPROXIMATELY 7.9 ACRES OUT OF A 45 ACRE TRACT OF LAND LOCATED AT 1900 EAST HIGHWAY 175 (BEING A PORTION OF PID 56874) AS HIGHWAY COMMERCIAL, ("HC"), SUCH PROPERTY BEING LOT 1, KAUFMAN COUNTY LAW ENFORCEMENT CENTER ADDITION, SITUATED IN THE D. FALCON SURVEY, ABSTRACT NO. 151, 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 4th day of May, 2021, the Planning and Zoning Commission held a public hearing and considered and made a recommendation for approval of a request to zone (Case No. Z-06-21) approximately 7.9 acres out of a 45 acre tract of land located at 1900 East Highway 175 (being a portion of PID 56874) as Highway Commercial, ("HC"), such property being Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, and more specifically described and depicted in **Exhibit "A"**, attached hereto and incorporated as if set forth fully herein, (the "Property"); and

WHEREAS, at its regular meeting held on the 24th day of May, 2021, the City Council held a public hearing for the proposed request to zone the Property as Highway Commercial 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 HC 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 zoning for approximately 7.9 acres out of a 45 acre tract of land located at 1900 East Highway 175 (being a portion of PID 56874), such property being Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, as Highway Commercial in accordance with the City's zoning regulations.

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be amended and annotated to reflect the zoning status of the Property as Highway Commercial 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 24th day of May, 2021.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

Exhibit A – Legal Description and Depiction

PART OF THE
D. FALCON SURVEY, ABSTRACT NO. 151
KAUFMAN COUNTY, TEXAS

All that certain lot, tract or parcel of land, part of the D. Falcon Survey, Abstract No. 151, Kaufman County, Texas, part of that certain called 45.000 acre tract conveyed to Kaufman County, Texas, recorded in Vol. 1945 page 299 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a point at the South corner of the above mentioned 45.000 acre tract and being in the Northwest line of the Kaufman Economic Development Corporation 42.68 acre tract, recorded in Vol. 3744 page 182 of the Deed Records of Kaufman County, Texas.

THENCE, in a Northerly direction with the West line of said 45.000 acre tract, a distance of 1282.20 ft. more or less to a point at the intersection of same with the existing Southwest city limits line of Kaufman Texas.

THENCE, in a Southeasterly direction with said city limits line, a distance of 1014.11 ft. more or less to a point at the P.C. of a curve to the right.

THENCE, continuing in a Southeasterly direction with said city limits line and with said curve to right, a distance of 53.97 ft. more or less to a point at the intersection of same with the Southeast line of the above mentioned 45.000 acre tract and being in the Northwest line of the above mentioned 42.68 acre tract.

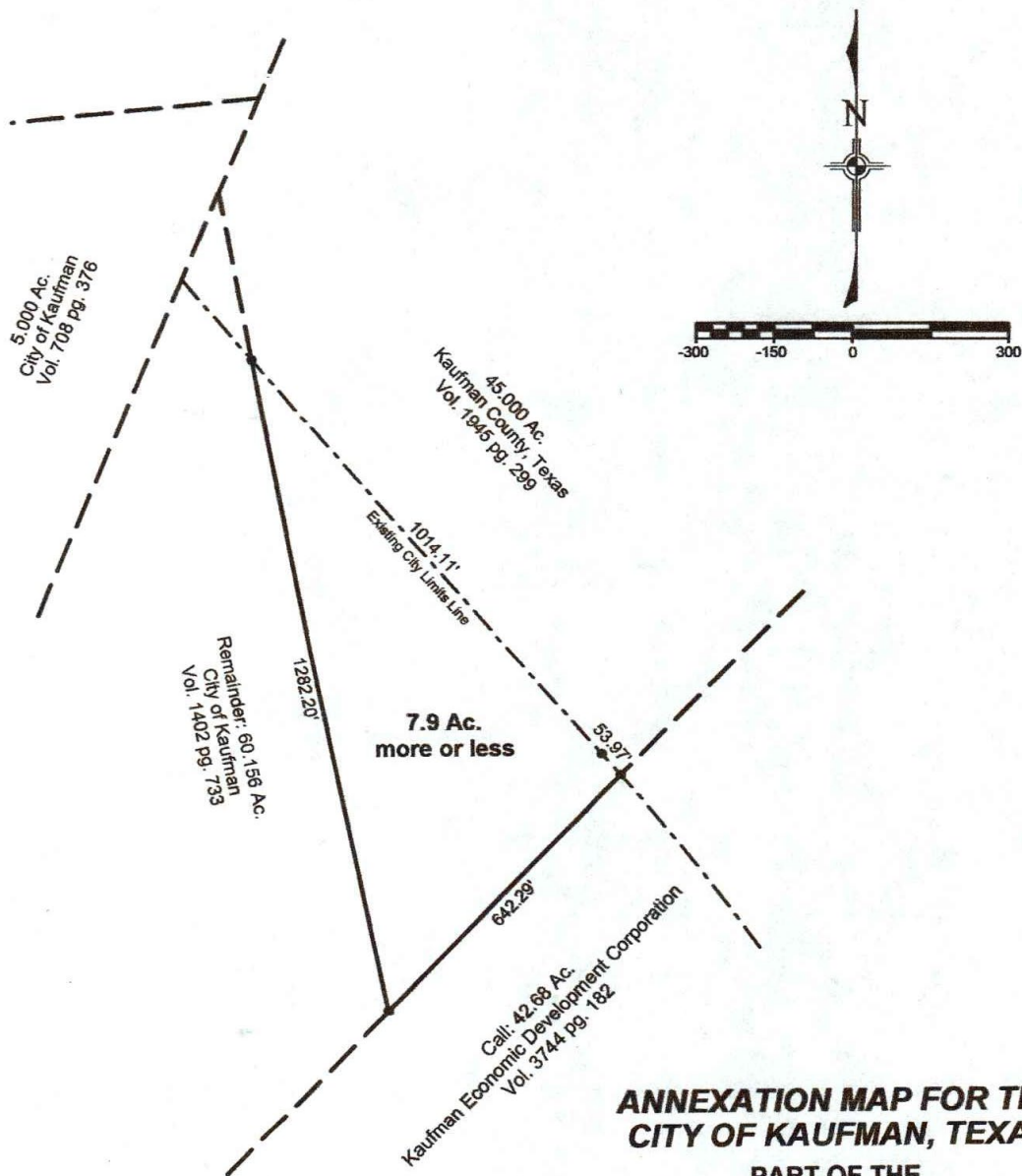
THENCE, in a Southwesterly direction with the Southeast line of said 45.000 acre tract and with the Northwest line of said 42.68 acre tract, a distance of 642.29 ft. more or less to the point of beginning, containing 7.9 more or less acres of land.

I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above field notes and companion plat were prepared from the Deed Records of Kaufman County, Texas and in no way should be construed as based on an on the ground survey.

GIVEN UNDER MY HAND AND SEAL this the 1st day of June, 2020.


REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5244
city.wp2





ANNEXATION MAP FOR THE CITY OF KAUFMAN, TEXAS

**PART OF THE
D. FALCON SURVEY,
ABSTRACT NO. 151
KAUFMAN COUNTY, TEXAS**

I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above plat and companion field notes were prepared from the Deed Records of Kaufman County, Texas and in no way should be construed as based on an on the ground survey.

GIVEN UNDER MY HAND AND SEAL
this the 1st day of June, 2020.

Greg Sjerven
GREG SJERVEN, R. P. L. S. NO. 5244



42544G.zak Jn 113



Meeting
Date: 5/24/2021

Date: 5/17/2021

Item #: 9.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider, and take appropriate action on Ordinance O-24-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Highway Commercial (HC); on an approximate 16.72-acre tract of land located directly west of the Kaufman County Law Enforcement Center (PIDs 5438 and 5525) and such property being situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-07-21)

BACKGROUND:

See the attached May 4, 2021 Planning and Zoning Commission Z-07-21 report and the draft Ordinance O-24-21.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 recommended approval by a vote of 6-0 for Case #Z-07-21 to zone newly annexed property containing 16.72 acres, located directly west of the Kaufman County Law Enforcement Center (PIDs 5438 and 5525) to Highway Commercial.

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



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Highway Commercial (HC) and owned by the City of Kaufman. The property is approximately 16.72 acres of land (PID # 5438 & 5525) generally located directly west of the Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case #Z-07-21)

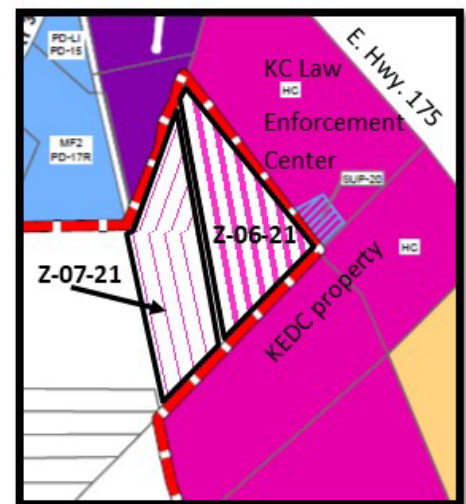
BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-11-21 for the voluntary annexation as petitioned by the City of Kaufman. The 16.72-acres is generally located directly west of the Kaufman County Law Enforcement Center Addition. The property currently has no frontage on a public street. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 16.72-acres to Highway Commercial (HC). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, but it made sense to match the surrounding HC zoning. The City of Kaufman and Kaufman County plan to work together for funding and development of a new thoroughfare extending south from the SH 34 Bypass and eventually to Fair Road generally aligning along with the abandoned Texas & New Orleans Railroad property. The thoroughfare will provide a second access to the Kaufman County Law Enforcement, Juvenile Detention, and Justice Centers campus (see attached thoroughfare map)

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	LI - PD 17R - MF	City of Kaufman Waste Water Treatment Plant - undeveloped
South:	HC	Undeveloped KEDC property
East:	HC	Kaufman County Law Enforcement Center
West:	ETJ	Undeveloped



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Commercial Use. The proposed Highway Commercial zoning complies with the 2014 Future Land Use Plan because it allows a variety of commercial, office, and retail uses that would serve the Highway 175 corridor.

Thoroughfare Plan:

The Thoroughfare Plan designates E. Highway 175 as a “Type AA”, Major Arterial, requiring a right-of-way width of 120 feet. The existing portion of E. Highway 175 exceeds the minimum width requirement. The proposed thoroughfare extending south from the SH 34 Bypass to Fair Road is designated as a “Type B”, requiring 100 feet of right-of-way for a 4 lane divided street.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 8 property owners within 300 feet of the 16.72 acres. 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 letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 8

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-07-21 to zone 16.72-acres of annexed land (A-02-21) generally located directly west of the Kaufman County Law Enforcement Center Addition (Kaufman CAD ID 5438 & 5525) to Highway Commercial.

ATTACHMENTS:

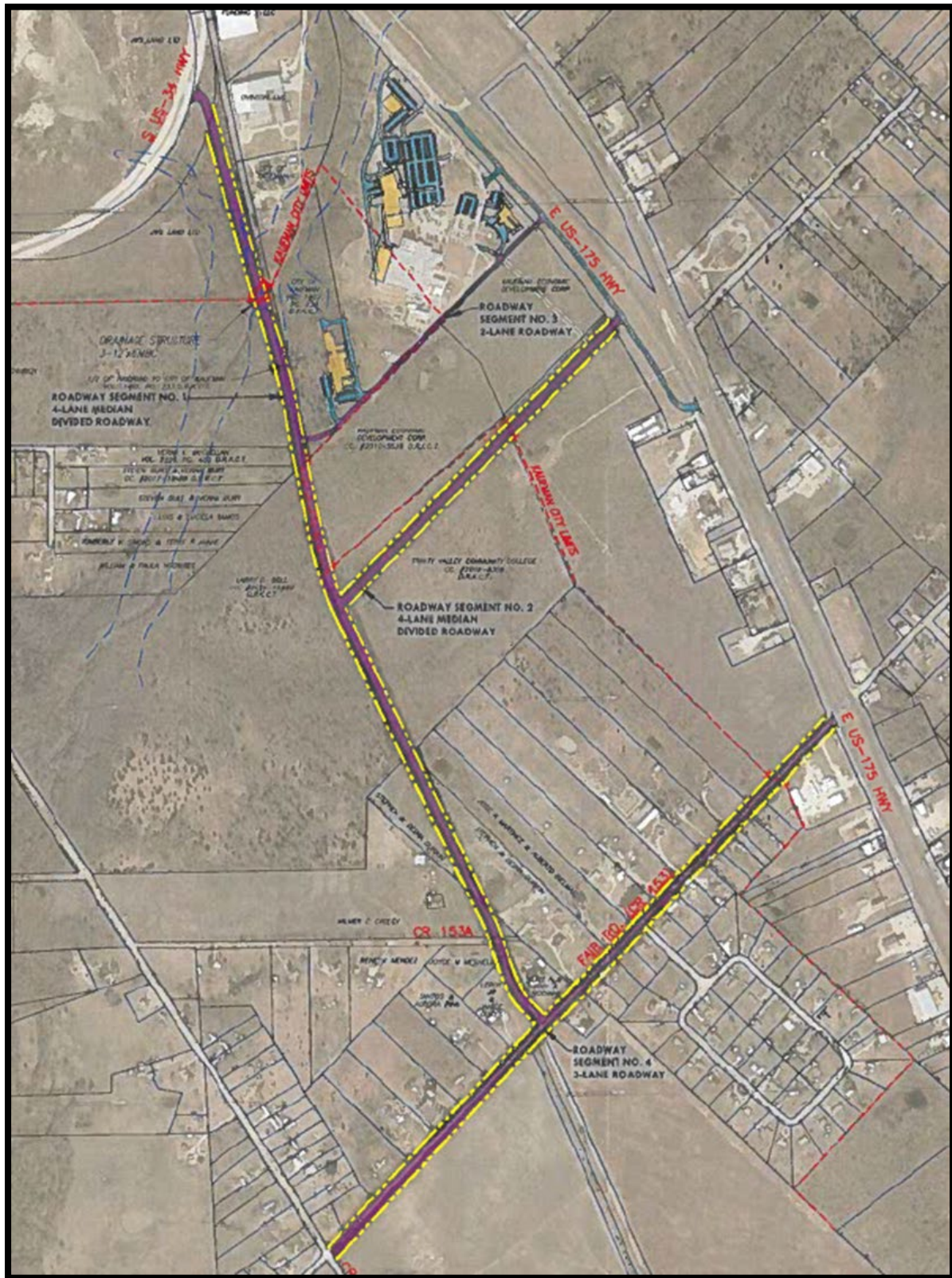
1. Location Map
2. Proposed thoroughfares
3. Z-07-21 Survey Map

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

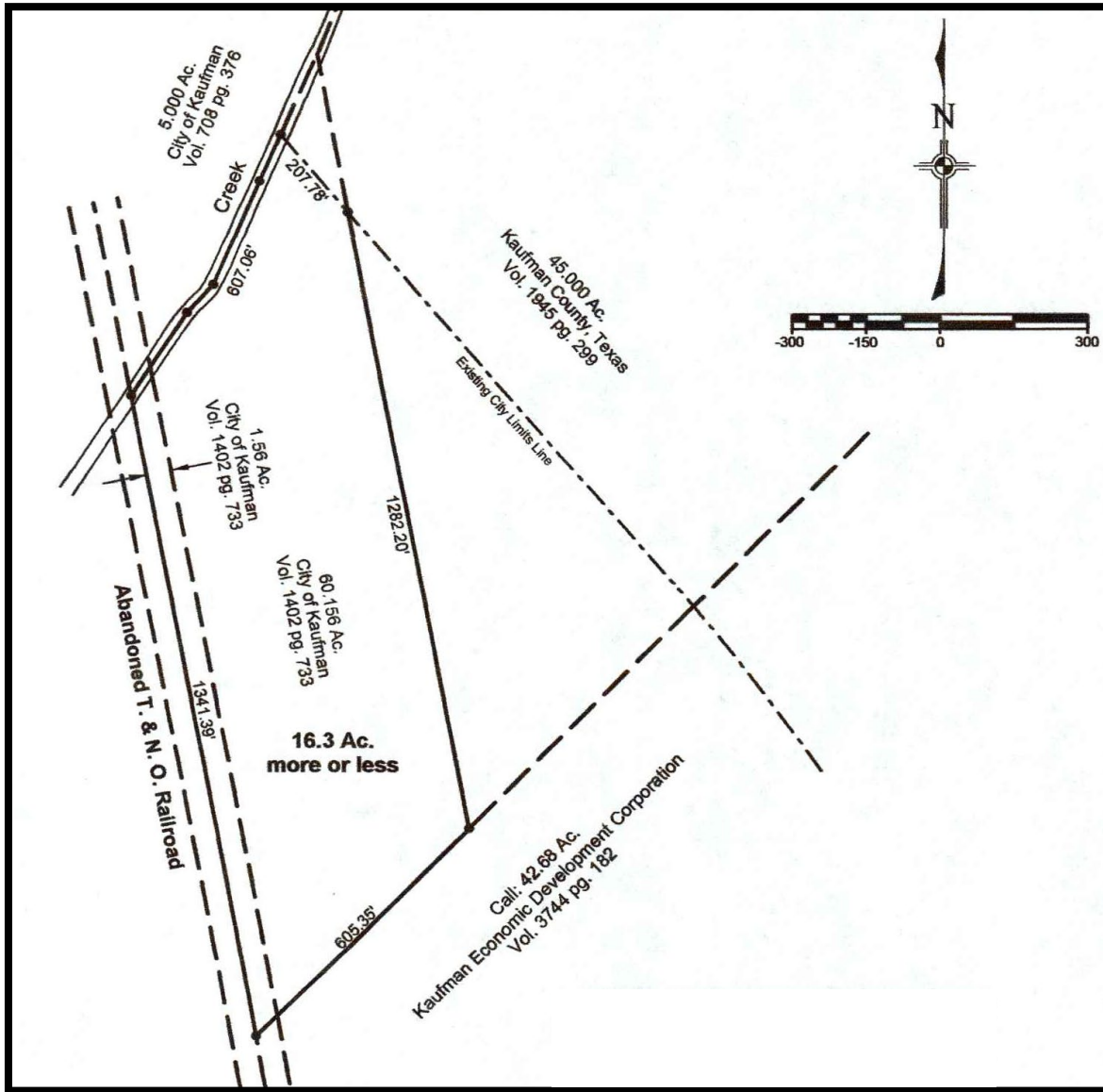
Location Map



Thoroughfares



Survey Map



ORDINANCE O-24-21

AN ORDINANCE OF THE CITY COUNCIL 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 ZONE AN APPROXIMATE 16.72 ACRE TRACT OF LAND LOCATED DIRECTLY WEST OF THE KAUFMAN COUNTY LAW ENFORCEMENT CENTER (PIDS 5438 AND 5525), CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS, AS HIGHWAY COMMERCIAL, ("HC"), SUCH PROPERTY BEING SITUATED IN THE D. FALCON SURVEY, ABSTRACT NO. 151, 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 4th day of May, 2021, the Planning and Zoning Commission held a public hearing and considered and made a recommendation for approval of a request to zone (Case No. Z-07-21) an approximate 16.72 acre tract of land located directly west of the Kaufman County Law Enforcement Center (PIDs 5438 and 5525) in the City of Kaufman as Highway Commercial, ("HC"), such property being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, and more specifically described and depicted in **Exhibit "A"**, attached hereto and incorporated as if set forth fully herein, (the "Property"); and

WHEREAS, at its regular meeting held on the 24th day of May, 2021, the City Council held a public hearing for the proposed request to zone the Property as Highway Commercial 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 HC 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 zoning status for an approximate 16.72 acre of land located directly west of the Kaufman County Law Enforcement Center (PIDs 5438 and 5525), such property being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, as Highway Commercial in accordance with the City's zoning regulations.

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be amended and annotated to reflect the zoning status of the Property as Highway Commercial 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 24th day of May, 2021.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

Exhibit A – Legal Description and Depiction

EXHIBIT A

PART OF THE
D. FALCON SURVEY, ABSTRACT NO. 151
KAUFMAN COUNTY, TEXAS

All that certain lot, tract or parcel of land, part of the D. Falcon Survey, Abstract No. 151, Kaufman County, Texas, part of that certain called 60.156 acre tract and all of that certain called 1.56 acre tract conveyed to City of Kaufman, recorded in Vol. 1402 page 733 of the Deed Records of Kaufman County, Texas and being more completely described as follows, to-wit:

BEGINNING at a point at the South corner of the above mentioned 1.56 acre tract, at the West corner of the Kaufman Economic Development Corporation 42.68 acre tract, recorded in Vol. 3744 page 182 of the Deed Records of Kaufman County, Texas and being in the centerline of the abandoned T. & N. O. Railroad.

THENCE in a Northerly direction with the centerline of said abandoned railroad, a distance of 1341.39 more or less to a point at the intersection of same with the centerline of a creek and being at the West corner of said 1.56 acre tract.

THENCE, in a Northeasterly direction with said creek, a distance of 607.06 ft. more or less to a point at the intersection of same with the existing city limits line.

THENCE in a Southeasterly direction with said existing city limits line, a distance of 207.78 ft. more or less to a point at the intersection of same with the Southwest line of the Kaufman County, Texas 45.000 acre tract, recorded in Vol. 1945 page 299 of the Deed Records of Kaufman County, Texas.

THENCE in a Southerly direction with the West line of said 45.000 acre tract, a distance of 1282.20 ft. more or less to a point at the South corner of same and being in the Northwest line of the above mentioned 42.68 acre tract.

THENCE in a Southwesterly direction with the Northwest line said 42.68 acre tract, a distance of 605.35 ft. more or less to the point of beginning, containing 16.3 more or less acres of land.

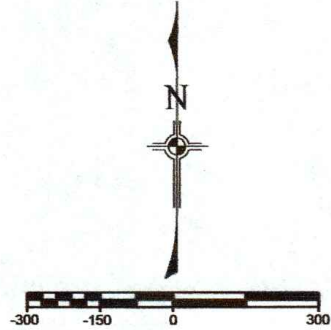
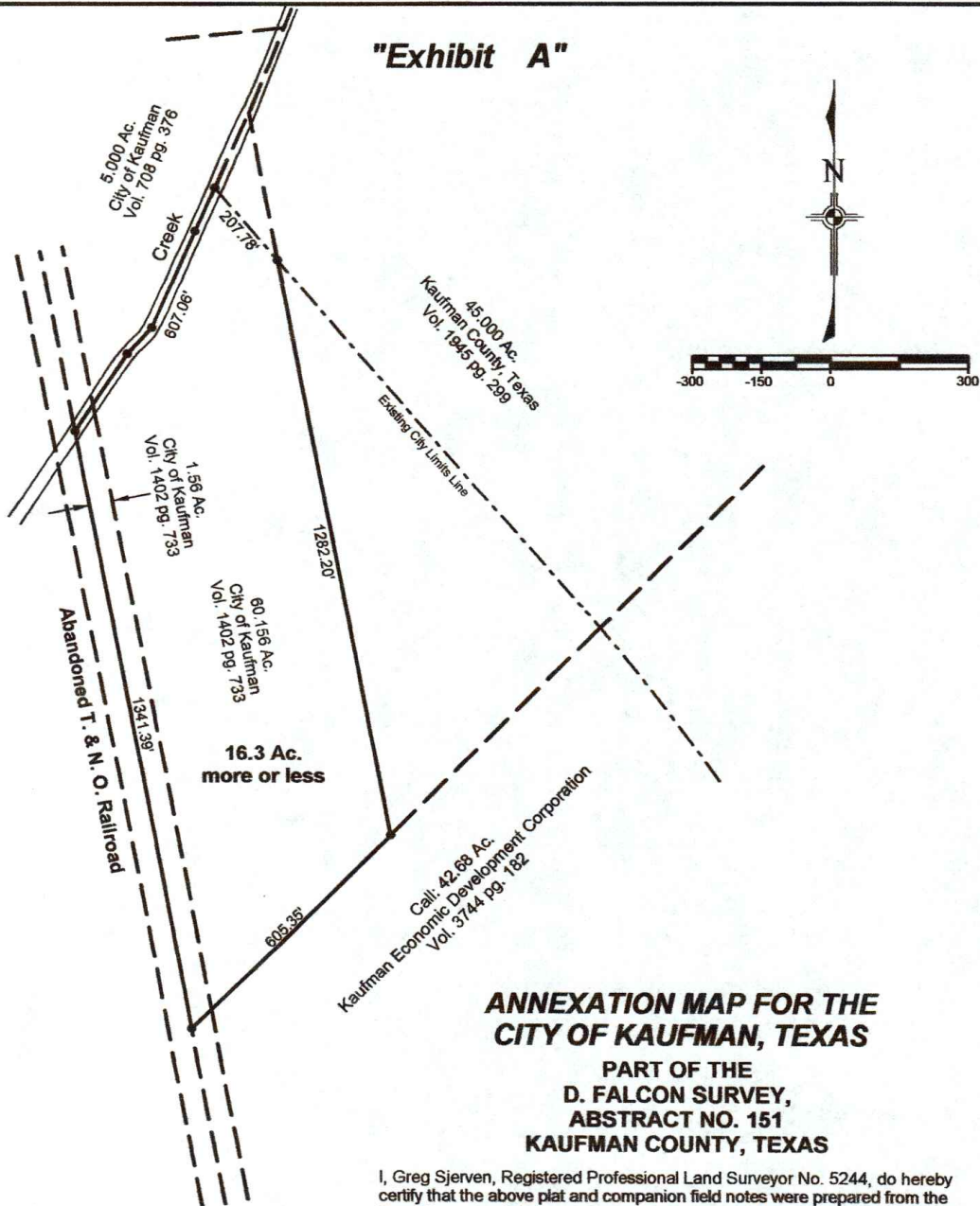
I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above field notes and companion plat were prepared from the Deed Records of Kaufman County, Texas and in no way should be construed as based on an on the ground survey.

GIVEN UNDER MY HAND AND SEAL this the 28th day of July, 2020.


REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5244
city1.wp2



"Exhibit A"



ANNEXATION MAP FOR THE CITY OF KAUFMAN, TEXAS

PART OF THE
D. FALCON SURVEY,
ABSTRACT NO. 151
KAUFMAN COUNTY, TEXAS

I, Greg Sjerven, Registered Professional Land Surveyor No. 5244, do hereby certify that the above plat and companion field notes were prepared from the Deed Records of Kaufman County, Texas and in no way should be construed as based on an on the ground survey.

GIVEN UNDER MY HAND AND SEAL
this the 28th day of July, 2020.

Greg Sjerven
GREG SJERVEN, R.P. S. NO. 5244



42544H.zak Jn 113



Meeting
Date: 5/24/2021

Date: 5/17/2021

Item #: 10.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider, and take appropriate action on Ordinance O-25-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Agricultural/Open District (A-O); on an approximate 73.491-acre tract of land located at 2121 Ola Road and East State Highway 243 (PID 213307) and such property being situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day or part of a day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-08-21)

BACKGROUND:

See the attached May 4, 2021 Planning and Zoning Commission report on Z-08-21 and draft Ordinance O-25-21.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 recommended approval by a vote of 6-0 on Case #Z-08-21 to zone a newly annexed 73.491-acre tract of land located at 2121 Ola Road and East State Highway 243 (PID 213307) to Agriculture/Open District.

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



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Agriculture/Open (A/O) and owned by the City of Kaufman. The property is approximately 73.491 acres of land generally located at 2121 Ola Road and East State Highway 243, (PID# 213307) situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas. (Case #Z-08-21)

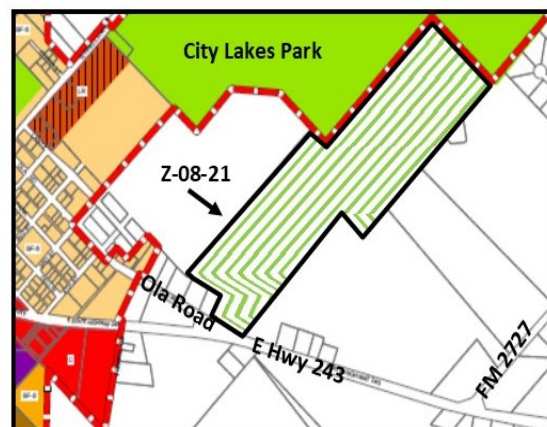
BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-12-21 for the voluntary annexation as petitioned by the City of Kaufman. The 73.491 acres is generally located at 2121 Ola Road and East State Highway 243. The property has frontage on Ferrell Road, located off of East State Highway 243. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 73.491 acres to Agriculture/Open (A/O). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, unless the property owner requested a different zoning district to match or compliment the surrounding areas.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	AO	City of Kaufman Lake
South:	ETJ	Single Family Residential Homes
East:	ETJ	Kaufman Independent School District
West:	ETJ	Undeveloped



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Low-Density Residential. The proposed Agriculture/Open (A/O) zoning complies with the 2014 Future Land Use Plan. The Agriculture/Open (A/O) district is the classification requested for City initiated annexation territory until it is assigned another more permanent zoning district by the property owner.

Thoroughfare Plan:

The Thoroughfare Plan designates **East State Highway 243** as a **“Type A” Major Arterial** requiring a right-of-way width of 120 feet. **Ola Road** is designated as a **“Type C” Major Collector** requiring a right-of-way width of 80 feet. A proposed **“Type D”, Minor Collector** extending along the eastern property line from Highway 243 heading north requires a right-of-way width of 60 feet. The “Type D” Minor Collector is proposed to extend north and intersect with **County Road 143, a “Type B”, Minor Arterial** requiring a right-of-way width of 100 feet. **Farm to Market Road 2727 is designated as a “Type B” Minor Arterial** requiring a right-of-way width of 100 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 11 property owners within 300 feet of the 73.491 acres. 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 letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 11

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-08-21 to zone approximately 73.491 acres of land generally located at 2121 Ola Road and East State Highway 243, (PID# 213307) to Agriculture/Open (A/O).

ATTACHMENTS:

1. Location Map
2. Proposed thoroughfares
3. Z-08-21 Survey Map

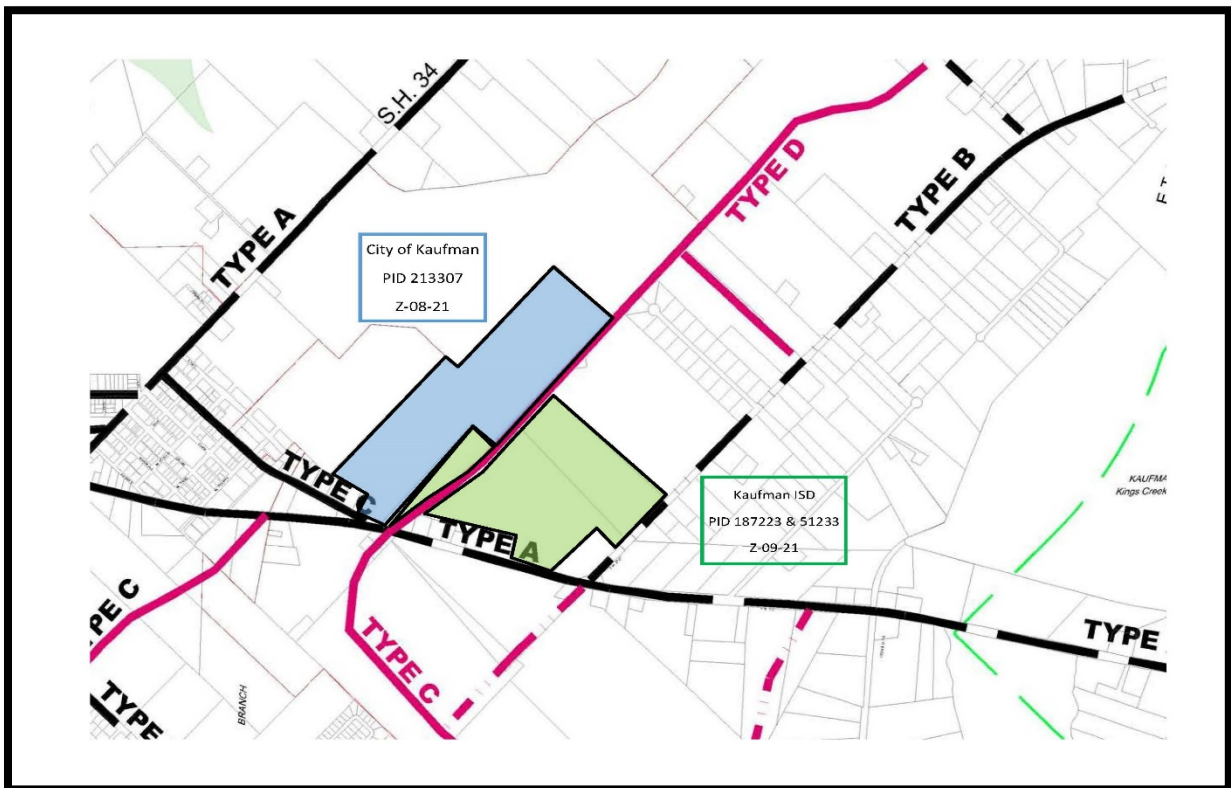
Marcy Ratcliff, Development Services - 972-932-2216 ext. 117

Kaufmanplanning@kaufmantx.org

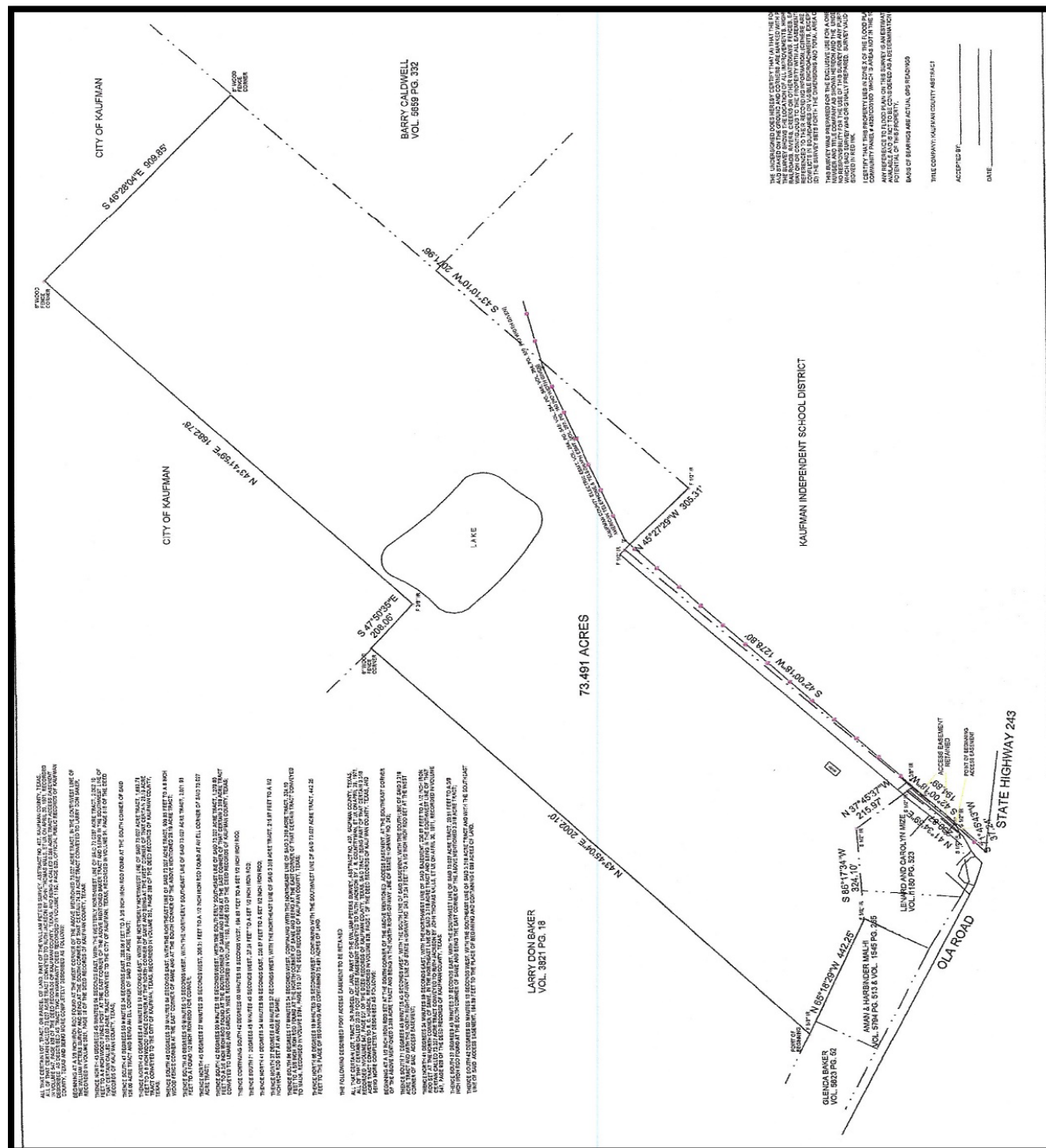
Location Map



Thoroughfares



Survey Map



ORDINANCE O-25-21

AN ORDINANCE OF THE CITY COUNCIL 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 ZONE AN APPROXIMATE 73.491 ACRE TRACT OF LAND LOCATED AT 2121 OLA ROAD AND EAST STATE HIGHWAY 243 (PID 213307) CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS, AS AGRICULTURAL/OPEN DISTRICT, ("A-O"), SUCH PROPERTY BEING SITUATED IN THE WILLIAM PETERS SURVEY, ABSTRACT NO. 407, 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 4th day of May, 2021, the Planning and Zoning Commission held a public hearing and considered and made a recommendation for approval of a request to zone (Case No. Z-08-21) an approximate 73.491 acre tract of land located at 2121 Ola Road and East State Highway 243 (PID 213307) in the City of Kaufman as Agricultural/Open District, ("A-O"), such property being situated in the William Peters Survey, Abstract No. 407, City of Kaufman, Kaufman County, Texas, and more specifically described and depicted in **Exhibit "A"**, attached hereto and incorporated as if set forth fully herein, (the "Property"); and

WHEREAS, at its regular meeting held on the 24th day of May, 2021, the City Council held a public hearing for the proposed request to zone the Property as Agricultural/Open District 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 HC 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 zoning status for an approximate 73.491 acre of land located at 2121 Ola Road and East State Highway 243 (PID 213307), such property being situated in the William Peters Survey, Abstract No. 407, City of Kaufman, Kaufman County, Texas, as Agricultural/Open District in accordance with the City's zoning regulations.

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be amended and annotated to reflect the zoning status of the Property as Agricultural/Open District 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 24th day of May, 2021.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

Exhibit A – Legal Description and Depiction

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, PART OF THE WILLIAM PETERS SURVEY, ABSTRACT NO. 407, KAUFMAN COUNTY, TEXAS, ALL OF THAT CERTAIN CALLED 73.027 ACRE TRACT CONVEYED TO RUTH JACKSON BY JOHN THOMAS NALLS, ET UX ON APRIL 30, 1971, RECORDED IN VOLUME 547, PAGE 928 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS, AND BEING A CALLED 0.098 ACRE TRACT ACCESS EASEMENT DESCRIBED AS DESCRIBED AS TRACT TWO IN WARRANTY DEED RECORDED IN VOLUME 1180, PAGE 523, OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE WEST CORNER OF THE ABOVE MENTIONED 73.027 ACRE TRACT, IN THE SOUTHWEST LINE OF THE WILLIAM PETERS SURVEY AND BEING AT THE SOUTH CORNER OF THAT CERTAIN 74.38 ACRE TRACT CONVEYED TO LARRY DON BAKER, RECORDED IN VOLUME 3821, PAGE 18 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS;

THENCE NORTH 43 DEGREES 45 MINUTES 04 SECONDS EAST, WITH THE WESTERLY NORTHWEST LINE OF SAID 73.0287 ACRE TRACT, 2,002.10 FEET TO A 6 INCH WOOD FENCE POST AT THE EAST CORNER OF THE ABOVE MENTIONED BAKER TRACT AND BEING IN THE SOUTHWEST LINE OF THAT CERTAIN CALLED 126.00 ACRE TRACT CONVEYED TO THE CITY OF KAUFMAN, TEXAS, RECORDED IN VOLUME 91, PAGE 618 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS;

THENCE SOUTH 47 DEGREES 50 MINUTES 34 SECONDS EAST, 208.06 FEET TO A 3/8 INCH IRON ROD FOUND AT THE SOUTH CORNER OF SAID 126.00 ACRE TRACT AND BEING AN ELL CORNER OF SAID 73.027 ACRE TRACT;

THENCE NORTH 43 DEGREES 41 MINUTES 59 SECONDS EAST, WITH THE NORTHERLY NORTHWEST LINE OF SAID 73.027 ACRE TRACT, 1,682.78 FEET TO A 6 INCH WOOD FENCE CORNER AT THE NORTH CORNER OF SAME AND BEING AT THE WEST CORNER OF THAT CERTAIN 28.19 ACRE TRACT CONVEYED TO THE CITY OF KAUFMAN, TEXAS, RECORDED IN VOLUME 250, PAGE 288 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS;

THENCE SOUTH 46 DEGREES 28 MINUTES 04 SECONDS EAST, WITH THE NORTHEAST LINE OF SAID 73.027 ACRE TRACT, 909.85 FEET TO A 8 INCH WOOD FENCE CORNER AT THE EAST CORNER OF SAME AND AT THE SOUTH CORNER OF THE ABOVE MENTIONED 28.19 ACRE TRACT;

THENCE SOUTH 43 DEGREES 10 MINUTES 10 SECONDS WEST, WITH THE NORTHERLY SOUTHEAST LINE OF SAID 73.027 ACRE TRACT, 2,071.96 FEET TO A FOUND 1/2 INCH IRON ROD FOR CORNER;

THENCE NORTH 45 DEGREES 27 MINUTES 29 SECONDS WEST, 305.31 FEET TO A 1/2 INCH IRON ROD FOUND AT AN ELL CORNER OF SAID 73.027 ACRE TRACT;

THENCE SOUTH 42 DEGREES 00 MINUTES 18 SECONDS WEST, WITH THE SOUTHERLY SOUTHEAST LINE OF SAID 73.027 ACRE TRACT, 1,278.80 FEET TO A 3/8 INCH IRON ROD FOUND AT THE SOUTH CORNER OF SAME AND BEING AT THE EAST CORNER OF THAT CERTAIN 3.318 ACRE TRACT CONVEYED TO LENARD AND CAROLYN MIZE RECORDED IN VOLUME 1180, PAGE 523 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS;

THENCE CONTINUING SOUTH 42 DEGREES 00 MINUTES 18 SECONDS WEST, 194.89 FEET TO A SET 1/2 INCH IRON ROD;

THENCE SOUTH 71 DEGREES 45 MINUTES 43 SECONDS WEST, 37.24 FEET TO A SET 1/2 INCH IRON ROD;

THENCE NORTH 41 DEGREES 34 MINUTES 59 SECONDS EAST, 230.87 FEET TO A SET 1/2 INCH IRON ROD;

THENCE NORTH 37 DEGREES 45 MINUTES 37 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID 3.318 ACRE TRACT, 215.97 FEET TO A 1/2 INCH IRON ROD SET AT AN ANGLE IN SAME;

THENCE SOUTH 86 DEGREES 17 MINUTES 34 SECONDS WEST, CONTINUING WITH THE NORTHEAST LINE OF SAID 3.318 ACRE TRACT, 324.10 FEET TO A 5/8 INCH IRON ROD FOUND AT THE NORTH CORNER OF SAME AND BEING AT THE EAST CORNER OF THAT CERTAIN TRACT CONVEYED TO MALHI, RECORDED IN VOLUME 5794, PAGE 513 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS;



Meeting
Date: 5/24/2021

Date: 5/17/2021

Item #: 11.

Dept.: Development
Services

PZ Item

SUBJECT:

Hold a public hearing, consider, and take appropriate action on Ordinance O-26-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Ordinance No. 0-02-07 and Chapter 118, "Zoning", of the City's Code of Ordinances to approve the zoning of a newly annexed property to Agricultural/Open District (A-O); on an approximate 85.243-acre tract of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727 (PIDs 187223 and 51233) and such property being situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas; providing a penalty of a fine in the amount of \$2,000 for each violation, and a separate offense shall be deemed committed upon each day during on or which a violation occurs or continues; and providing an effective date. (Case #Z-09-21)

BACKGROUND:

See the attached May 4, 2021 Planning and Zoning Commission report of Z-09-21 and draft Ordinance O-26-21.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on May 4, 2021 recommended approval by a vote of 6-0 on Case #Z-09-21 to zone a newly annexed 85.243-acre tract of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727 (PIDs 187223 and 51233) to Agriculture/Open District.

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



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of the newly annexed property to Agriculture/Open (A/O) and owned by Kaufman Independent School District. The property being approximately 85.234 acres of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727, (PIDs 187223 & 51233), situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas. (Case #Z-09-21)

BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-13-21 for the voluntary annexation as petitioned by the City of Kaufman. The 85.234 acres are located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727. PID 187223 has frontage on East State Highway 243 and Farm to Market Road No. 2727, while PID 51233 only has frontage on Farm to Market Road No. 2727. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 85.234 acres to Agriculture/Open (A/O). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, unless the property owner requested a different zoning district to match or compliment the surrounding areas.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	ETJ	Undeveloped
South:	ETJ	Undeveloped
East:	ETJ	Retail Convenience Store Residential Houses
West:	Proposed A/O	City of Kaufman Property that has been annexed and is being rezoned.



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Low-Density Residential. The proposed Agriculture/Open (A/O) zoning complies with the 2014 Future Land Use Plan. The Agriculture/Open (A/O) district is the classification requested for City initiated annexation territory until it is assigned another more permanent zoning district by the property owner.

Thoroughfare Plan:

The Thoroughfare Plan designates **East State Highway 243** as a **“Type A” Major Arterial** requiring a right-of-way width of 120 feet. **Ola Road** is designated as a **“Type C” Major Collector** requiring a right-of-way width of 80 feet. A proposed **“Type D”, Minor Collector** extending along the eastern property line from Highway 243 heading north requires a right-of-way width of 60 feet. The “Type D” Minor Collector is proposed to extend north and intersect with **County Road 143**, a **“Type B”, Minor Arterial** requiring a right-of-way width of 100 feet. **Farm to Market Road 2727 is designated as a “Type B” Minor Arterial** requiring a right-of-way width of 100 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 13 property owners within 300 feet of the 85.234 acres. 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 letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 13

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-09-21 to zone approximately 85.234 acres of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727, (PIDs 187223 & 51233) to Agriculture/Open (A/O).

ATTACHMENTS:

1. Location Map
2. Proposed thoroughfares
3. Z-09-21 Survey Map

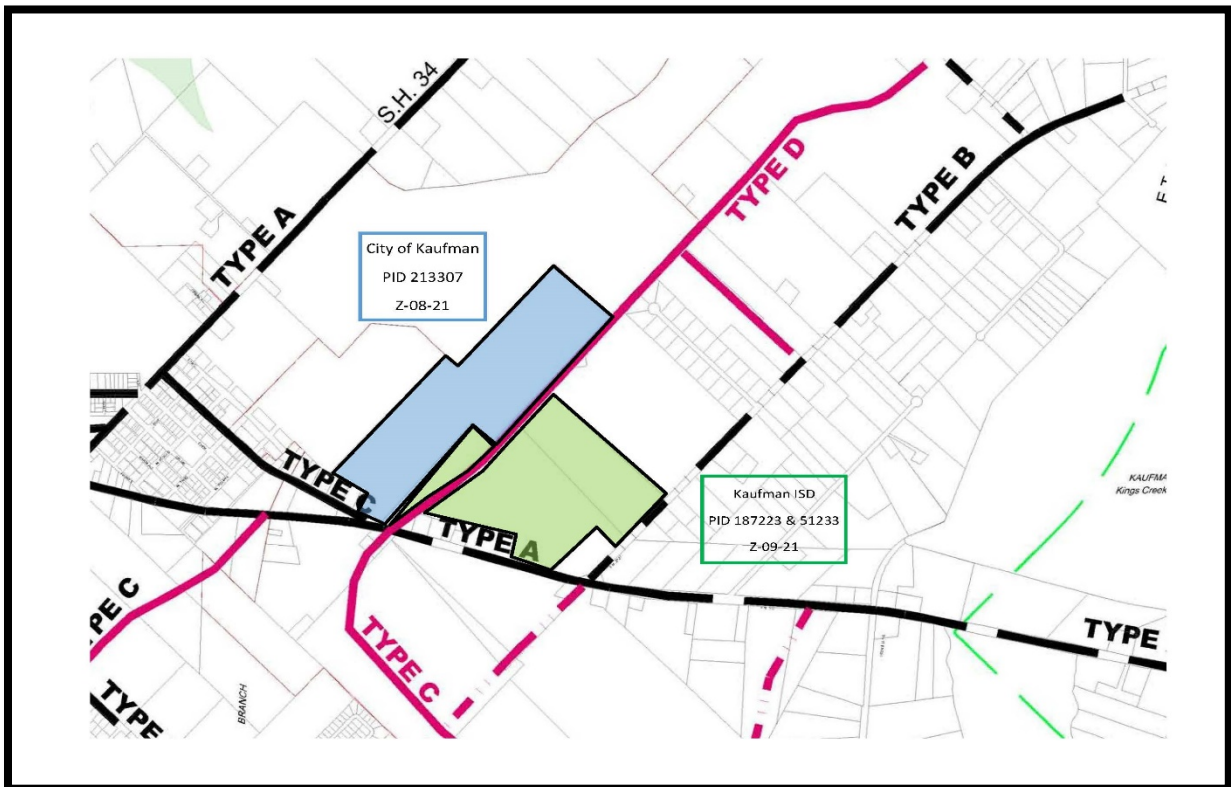
Marcy Ratcliff, Development Services - 972-932-2216 ext. 117

Kaufmanplanning@kaufmantx.org

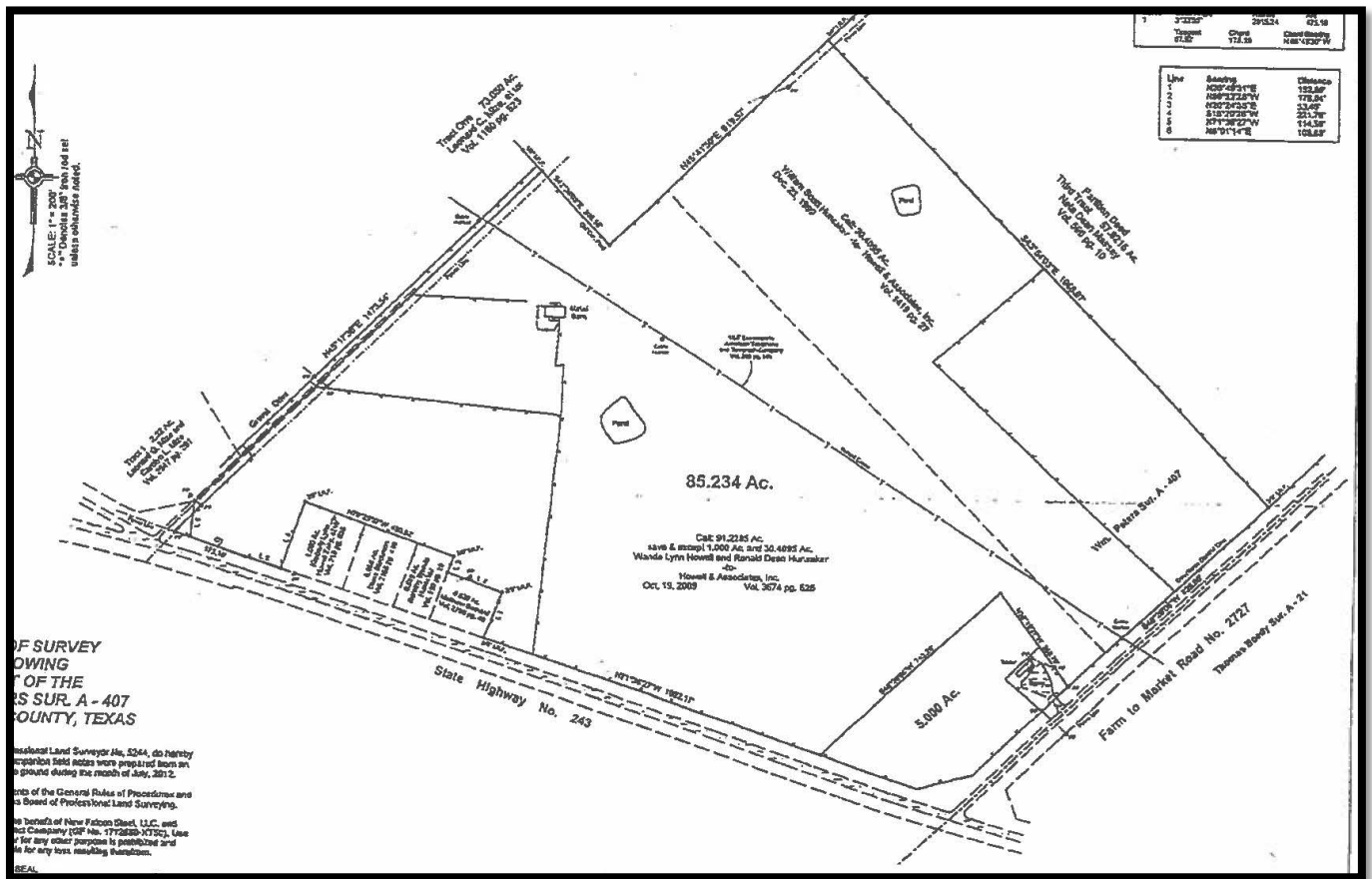
Location Map



Thoroughfares



Survey Map



ORDINANCE O-26-21

AN ORDINANCE OF THE CITY COUNCIL 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 ZONE AN APPROXIMATE 85.234 ACRE TRACT OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST STATE HIGHWAY 243 AND FARM TO MARKET ROAD NO. 2727 (PIDS 187223 & 51233) CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS, AS AGRICULTURAL/OPEN DISTRICT, ("A-O"), SUCH PROPERTY BEING SITUATED IN THE WILLIAM PETERS SURVEY, ABSTRACT NO. 407, 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 4th day of May, 2021, the Planning and Zoning Commission held a public hearing and considered and made a recommendation for approval of a request to zone (Case No. Z-09-21) an approximate 85.234 acre tract of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727 (PIDs 187223 and 51233) in the City of Kaufman as Agricultural/Open District, ("A-O"), such property being situated in the William Peters Survey, Abstract No. 407, City of Kaufman, Kaufman County, Texas, and more specifically described and depicted in **Exhibit "A"**, attached hereto and incorporated as if set forth fully herein, (the "Property"); and

WHEREAS, at its regular meeting held on the 24th day of May, 2021, the City Council held a public hearing for the proposed request to zone the Property as Agricultural/Open District 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 HC 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 zoning status for an approximate 85.234 acre of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727 (PIDs 187223 & 51233), such property being situated in the William Peters Survey, Abstract No. 407, City of Kaufman, Kaufman County, Texas, as Agricultural/Open District in accordance with the City's zoning regulations.

SECTION 3. ZONING MAP AMENDMENT. In addition, the official Zoning Map of the City of Kaufman, Texas shall be amended and annotated to reflect the zoning status of the Property as Agricultural/Open District 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 24th day of May, 2021.

**JEFF JORDAN
MAYOR**

ATTEST:

**JESSIE HANKS
CITY SECRETARY**

APPROVED AS TO FORM:

**PATRICIA A. ADAMS
CITY ATTORNEY**

Exhibit A – Legal Description and Depiction

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND, PART OF THE WM. PETERS SURVEY, ABSTRACT NO. 407, KAUFMAN COUNTY, TEXAS, ALL OF THAT CERTAIN CALLED 30.4095 ACRE TRACT CONVEYED TO HOWELL & ASSOCIATES, INC. BY WILLIAM SCOTT HUNSAKER ON DECEMBER 23, 1999, RECORDED IN VOL. 1419 PAGE 27 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS AND PART OF THAT CERTAIN CALLED 91.2285 ACRES, SAVE AND EXCEPT 1.000 ACRE AND 30.4095 ACRES, CONVEYED TO HOWELL & ASSOCIATES, INC. BY WANDA LYNN HOWELL AND RONALD DEAN HUNSAKER ON OCTOBER 19, 2009, RECORDED IN VOL. 3674 PAGE 626 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS, BEING MORE COMPLETELY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 3/8" IRON ROD FOUND AT THE EAST CORNER OF THE ABOVE MENTIONED 30.4095 ACRE TRACT, AT THE SOUTH CORNER OF THE NETA DEAN MASSEY 57.9215 ACRE THIRD TRACT, RECORDED IN VOL. 590 PAGE 10 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS AND BEING IN THE NORTHWEST RIGHT OF WAY LINE OF FARM TO MARKET ROAD NO. 2727.

THENCE S 46 DEG. 29 MIN. 06 SEC. W, WITH THE NORTHWEST RIGHT OF WAY LINE OF FARM TO MARKET ROAD NO. 2727, A DISTANCE OF 829.66 FT. TO A 3/8" IRON ROD SET FOR CORNER.

THENCE N 36 DEG. 15 MIN. 27 SEC. W, A DISTANCE OF 358.79 FT. TO A 3/8" IRON ROD SET FOR CORNER.

THENCE S 46 DEG. 29 MIN. 06 SEC. W, A DISTANCE OF 743.28 FT. TO A 3/8" IRON ROD SET IN THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 243.

THENCE N 71 DEG. 36 MIN. 27 SEC. W, WITH THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 243, A DISTANCE OF 1092.17 FT. TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF THE MATTHEW BARNARD 0.636 ACRE TRACT, RECORDED IN VOL. 2796 PAGE 40 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS.

THENCE N 20 DEG. 49 MIN. 31 SEC. E, WITH THE EAST LINE OF SAID 0.636 ACRE TRACT, A DISTANCE OF 152.89 FT. TO A 3/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAME.

THENCE N 69 DEG. 52 MIN. 28 SEC. W, WITH THE NORTH LINE OF SAID 0.636 ACRE TRACT, A DISTANCE OF 179.04 FT. TO A 3/8" IRON ROD SET AT THE NORTHWEST CORNER OF SAME AND BEING IN THE EAST LINE OF THE DOROTHY WANDA HUNSAKER 0.559 ACRE TRACT, RECORDED IN VOL. 590 PAGE 10 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS.

THENCE N 20 DEG. 24 MIN. 38 SEC. E, WITH THE EAST LINE OF SAID 0.559 ACRE TRACT, A DISTANCE OF 53.45 FT. TO A 3/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAME.

THENCE N 70 DEG. 25 MIN. 07 SEC. W, WITH THE NORTH LINE OF SAID 0.559 ACRE TRACT, PASSING THE NORTHWEST CORNER OF SAME, CONTINUING A TOTAL DISTANCE OF 490.52 FT. TO A 3/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF THE KIMBERLY LYNN HOWELL ZABY, ET VIR 1.000 ACRE TRACT, RECORDED IN VOL. 716 PAGE 638 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS.

THENCE S 18 DEG. 20 MIN. 28 SEC. W, WITH THE WEST LINE OF SAID 1.000 ACRE TRACT, A DISTANCE OF 221.76 FT. TO A 3/8" IRON ROD SET AT THE SOUTHWEST CORNER OF SAME AND BEING IN THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 243.

THENCE N 71 DEG. 36 MIN. 27 SEC. W, WITH THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 243, A DISTANCE OF 114.59 FT. TO A 3/8" IRON ROD SET AT THE P.C. OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH BEARS N 18 DEG. 23 MIN. 33 SEC. E- 2815.24 FT.

THENCE, CONTINUING WITH SAID RIGHT OF WAY LINE AND WITH SAID CURVE TO THE RIGHT, THE ANGLE OF WHICH IS 3 DEG. 33 MIN. 55 SEC., THE RADIUS IS 2815.24 FT. AND THE TANGENT IS 87.62 FT., A DISTANCE OF 175.18 FT. TO A 3/8" IRON ROD SET FOR CORNER.

THENCE N 6 DEG. 01 MIN. 14 SEC. E, CONTINUING WITH SAID RIGHT OF WAY LINE, A DISTANCE OF 109.88 FT. TO A 3/8" IRON ROD SET AT A CORNER IN THE SOUTHEAST LINE OF THE LEONARD G. MIZE AND CAROLYN L. MIZE 2.32 ACRE TRACT 1, RECORDED IN VOL. 2547 PAGE 291 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS AND BEING IN THE CENTERLINE OF A GRAVEL DRIVE.

THENCE N 45 DEG. 17 MIN. 36 SEC. E, WITH THE SOUTHEAST LINE OF SAID 2.32 ACRE TRACT, PASSING THE EAST CORNER OF SAME, CONTINUING A TOTAL DISTANCE OF 1473.54 FT. TO A 2" IRON PIPE FOUND AT AN ELL CORNER OF THE LEONARD C. MIZE, ET UX 73.050 ACRE TRACT ONE, RECORDED IN VOL. 1180 PAGE 523 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS.

THENCE S 42 DEG. 36 MIN. 03 SEC. E, WITH THE EASTERLY SOUTHWEST LINE OF SAID 73.050 ACRE TRACT, A DISTANCE OF 306.16 FT. TO A OLD FENCE CORNER POST FOUND AT THE EASTERLY SOUTH CORNER OF SAME.

THENCE N 45 DEG. 41 MIN. 50 SEC. E, WITH THE EASTERLY SOUTHEAST LINE OF SAID 73.050 ACRE TRACT, A DISTANCE OF 919.57 FT. TO A 3/8" IRON ROD FOUND AT THE WEST CORNER OF THE ABOVE MENTIONED 57.9215 ACRE TRACT.

THENCE S 43 DEG. 54 MIN. 03 SEC. E, WITH THE SOUTHWEST LINE OF SAID 57.9215 ACRE TRACT, A DISTANCE OF 1968.97 FT. TO THE POINT OF BEGINNING, CONTAINING 85.234 ACRES OF LAND.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

A.P.N. 187223



Meeting
Date: 5/24/2021

Date: 5/17/2021

Item #: 12.

Dept.: Administration

Resolution

SUBJECT:

Consider and take appropriate action on Ordinance O-27-21, an ordinance of the City Council of the City of Kaufman, Texas, repealing Section 2 of Ordinance No. O-16-21 to remove mandatory regulations related to the wearing of face coverings within city facilities; providing for the incorporation of premises; providing severability; providing for publication; and providing an effective date.

BACKGROUND:

This ordinance repeals Section 2 to comply with Governor Abbott's most recent Executive Order which is attached to this packet. This ordinance repeals the mandatory wearing of face masks in all municipal facilities. Continued pandemic mitigation efforts, however, is encouraged.

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
☐	☐	☐	☐	☐

ORDINANCE NO. O-27-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, REPEALING SECTION 2 OF ORDINANCE NO. O-16-21 TO REMOVE MANDATORY REGULATIONS RELATED TO THE WEARING OF FACE COVERINGS WITHIN CITY FACILITIES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, beginning in December 2019, Coronavirus Disease (COVID-19), spread throughout the world and was declared a global pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a statewide public health disaster due to COVID-19; and

WHEREAS, the Mayor of Kaufman determined it necessary to declare a local state of disaster due to public health emergency on March 16, 2020, and rather than exercising his authority to issue a declaration of local disaster for a seven-day period and seek extension or continuation by City Council, the Mayor presented a Council Order Declaring Local State of Disaster Due to Public Health Emergency to the City Council, which took effect at 12:01 p.m. on March 17, 2020, and remains in effect until modified by the City Council; and

WHEREAS, the Mayor of Kaufman serves as the Director of the Office of Emergency Management, has designated the Kaufman Fire Chief, Ronnie Davis, as the coordinator and delegated to the coordinator the authority for execution of his duties and responsibilities as set forth in Article II, Emergency Management, of the Code of Ordinances of the City of Kaufman, Texas ("Article II"); and

WHEREAS, the City Council amended its Order Declaring Local State of Disaster Due to Public Health Emergency via Ordinance No. O-15-20 on July 6, 2020, to authorize the Mayor to amend, revoke, or modify any provisions of the Council declarations to maintain consistency with federal, state or local directives or mandates related to COVID-19; and

WHEREAS, on March 2, 2021, Governor Greg Abbott issued Executive Order GA-34, which rescinded his previous executive orders related to mandates on face coverings and restrictions on gathering, but continued to permit business owners and other establishments to require employees and customers to wear face coverings; and

WHEREAS, in order to be consistent with other state and local directives issued by Governor Abbott and Kaufman County, the City Council has determined it necessary to adopt Ordinance No. O-27-21 to repeal any provisions of previous Council ordinances,

resolutions, or declarations inconsistent with GA-34 and to require City employees to wear face coverings in certain instances and to encourage continued mitigation efforts; and

WHEREAS, now, the City Council desires to amend Ordinance No. O-16-21 by repealing Section 2 related to the mandatory wearing of face coverings within City facilities.

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

SECTION 1. INCORPORATION OF PREMISES. The premises set forth above are the stated findings of the City Council of the City of Kaufman, serve as the basis for and are incorporated into this Ordinance as if written word for word.

SECTION 2. REPEAL. Section 2 of Ordinance No. O-16-21 is hereby repealed in its entirety with all other provisions of Ordinance No. O-16-21 not herein amended to remain in full force and effect.

SECTION 3. PUBLICATION. This Ordinance shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. SEVERABILITY. If any subsection, sentence, clause, phrase, or word of this Ordinance or application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions of applications of this Ordinance.

SECTION 5. EXECUTIVE ORDERS. To the greatest extent possible, this Ordinance shall be interpreted as consistent with and supplemental to any executive order issued by the Governor of Texas. All provisions of the executive orders of the Governor of Texas either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.

SECTION 6. CONTINUATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN THIS 24th DAY OF MAY, 2021.

APPROVED:

Jeff Jordan, Mayor

ATTEST:

Jessie Hanks, City Secretary

APPROVED AS TO FORM:

Patricia A. Adams, City Attorney



GOVERNOR GREG ABBOTT

May 18, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:15 PM
MAY 8 2021
Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-36 relating to the prohibition of governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
May 18, 2021

EXECUTIVE ORDER GA 36

Relating to the prohibition of governmental entities and officials from mandating face coverings or restricting activities in response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, I issued Executive Order GA-34 on March 2, 2021, to open Texas 100 percent and remove face-covering requirements; and

WHEREAS, since then, COVID-19 hospitalizations and the rate of new COVID-19 cases have continued their steady decline; and

WHEREAS, Executive Order GA-34 specifically provides that “no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering,” and, notwithstanding that order, some local governmental entities have caused confusion by nonetheless purporting to require face coverings; and

WHEREAS, Executive Order GA-34 also provides that “there are no COVID-19-related operating limits for any business or other establishment,” that any “conflicting order issued by local officials in response to the COVID-19 disaster” is superseded, and that all relevant statutes are suspended to the extent necessary to preclude inconsistent local orders; and

WHEREAS, to further ensure statewide uniformity, and based on the continued improvement of conditions in Texas, revised standards are appropriate to achieve the least restrictive means of combatting COVID-19; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility “for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

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SECRETARY OF STATE
12:15 PM O'CLOCK

MAY 18 2021

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, the legislature authorized as “an offense,” punishable by a fine up to \$1,000, any “failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;”

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that:
 - a. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - b. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
2. Notwithstanding the above, public schools may continue to follow policies regarding the wearing of face coverings to the extent reflected in current guidance by the Texas Education Agency, until June 4, 2021. The Texas Education Agency shall revise its guidance such that, effective 11:59 p.m. on June 4, 2021, no student, teacher, parent, or other staff member or visitor may be required to wear a face covering.
3. This executive order shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in paragraph numbers 1-2. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - a. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - b. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - c. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - d. Chapter 54 of the Texas Local Government Code; and
 - e. any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature’s command in Section 418.173 of the Texas Government Code and the State’s emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a “failure to comply with” this executive order that is subject to a fine up to \$1,000, beginning at 11:59 p.m. on May 21, 2021.

4. Under Executive Order GA-34, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials, in all counties not in an area of high hospitalizations as defined in that executive order. Executive Order GA-34 also superseded any conflicting local order in response to the COVID-19 disaster, and directed that all relevant laws

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SECRETARY OF STATE
12:15 PM O'CLOCK
MAY 18 2021

are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000, beginning at 11:59 p.m. on May 21, 2021.

This executive order supersedes subparagraph numbers 1(b) and 2(c)(iii) of Executive Order GA-34, but does not otherwise supersede Executive Orders GA-10, GA-13, GA-34, or GA-35. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 18th
day of May, 2021.



GREG ABBOTT
Governor

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:15 PM O'CLOCK

MAY 18 2021



MEMORANDUM FOR RECORD

TO: Mayor Jeff Jordan and Kaufman City Council Members

FROM: Mike Slye, City Manager

CC: Senior Management Team

DATE: May 14, 2021

RE: **UPDATED:** Reopening Plan for the City of Kaufman Facilities, Services, Events & Activities

New CDC guidelines recently published suggest that we reevaluate our current COVID-19 policy related to municipal facilities. As such, the following policy will be implemented immediately and ratified by the City Council on May 24, 2021 Council meeting:

City Operations & Facilities

All municipal facilities are open for normal business. Doors will remain open during operating hours and customers will be encouraged (not required) to mask and maintain social distancing measures. Employees will follow the guidelines listed below:

- A. All city employees are encouraged (not required) to wear masks when dealing with the public. Employees behind glass may opt to wear a protective face covering at their preference. Where possible, we encourage the public to continue to use remote payment options, including our website, pay by phone, or the City drop box at City Hall.
- B. Municipal Court operations will resume with the regularly schedule court date in June. These may be changed based upon any future declarations by the Governor. At this time, the plan includes resuming pre-pandemic policies. Municipal Court will continue to provide Zoom alternatives for those customers that ask or not inoculated. The courtroom will be limited to the current occupancy load. Those that are ill will be provided a rescheduled date.
- C. Signs will be posted at entrances that individuals experiencing any symptoms of coronavirus or any other transmittable illnesses should not enter the facility but may call 972-932-2216 to conduct business.
- D. All meetings and conferences with external parties (if possible) will be held in person and/or remotely via technology as deemed appropriate and efficient. Required on-site meetings will only be held with employees following social distancing and using adequate PPE based upon the location, area of the meetings, and individual circumstances.

E. Any employee or customer concerns can be submitted in writing to the City Manager at mslye@Kaufmantx.org or by phone at 940-733-2337.

The City Council will begin hosting public meetings with the May meeting cycle. That said, if individual members of the Council are uncomfortable in attending a public meeting due to level of risk, the Council could continue the use of technology for hybrid modeled meetings which would include a combination of in-person and remote attendance via technology.

Public Events & Activities

The City of Kaufman will begin sanctioning public events effective immediately.

Any private events scheduled in City Parks and facilities will be conducted using pre-pandemic policies and fees.



Meeting
Date: 5/24/2021

Date: 5/18/2021

Item #: 13.

Dept.: Administration

Ordinance

SUBJECT:

Consider and take appropriate action on Ordinance O-28-21, an ordinance of the City Council of the City of Kaufman, Texas, amending Section 102-274, "Parking Time Limit", of Division 2, "Parking-Control Zone", of Article VII, "Parking", of Chapter 102, "Traffic and Vehicles", of the Code of Ordinances of the City of Kaufman to provide notice signs indicating time restricted parking and providing presumptive evidence of overtime parking; providing a penalty for each offense in an amount not to exceed \$500 and a separate offense shall be deemed committed upon each day during on or which a violation occurs or continues; and providing an effective date.

BACKGROUND:

This ordinance tightens up the existing 'parking' ordinance to provide for enforceable time limits around the downtown square. It strengthens the PD and Municipal Court's ability to enforce the parking restrictions.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

Cost: **Funds Available:** **Source:**

Recommendation: Staff recommends approval of Ordinance O-28-21 as presented.

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

ORDINANCE NO. O-28-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, AMENDING SECTION 102-274, "PARKING TIME LIMIT", OF DIVISION 2, "PARKING-CONTROL ZONE", OF ARTICLE VII, "PARKING", OF CHAPTER 102, "TRAFFIC AND VEHICLES", OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN TO PROVIDE NOTICE OF SIGNS INDICATING TIME RESTRICTED PARKING AND PRESUMPTIVE EVIDENCE OF OVERTIME PARKING; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING A PENALTY FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING ON OR WHICH A VIOLATIONS OCCURS OR CONTINUES; PROVIDING A CUMULATIVE REPEALER AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman, (the "City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council adopted various parking regulations codified as Chapter 102 of the City's Code of Ordinances; and

WHEREAS, the City Council determined that Section 102-274 of Chapter 102 of the City's existing parking regulations was in need of an update; and

WHEREAS, the City Council has determined that the approval and adoption of the amendments herein to Section 102-274 of Chapter 102 of the City's parking regulations are in the best interest of the public.

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

Section 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendment.

2.01. That Section 102-274, "Parking Time Limit", of Division 2, "Parking-Control Zone", of Article VII, "Parking", of Chapter 102, "Traffic and Vehicles", of the Code of Ordinances of the City of Kaufman is hereby amended in its entirety as set forth below with all other provisions of Division 2 not herein amended to remain in full force and effect:

ARTICLE VII. – PARKING

...

DIVISION 2. - PARKING-CONTROL ZONE

...

Sec. 102-274. Parking time limit.

When notice is given by the erection of signs or the marking of curbs, it shall be unlawful for the operator of any vehicle to park such vehicle within any parking space within the defined downtown parking-control zone for a continuous period in excess of two hours from Monday through Friday from 8:00 AM to 5:00 PM, unless otherwise designated by the City Manager or City Council.

If any car is parked, remains or is placed within a restricted parking zone for a period in excess of two hours or that time designated by the City Manager or the City Council, it shall be prima facie evidence that the vehicle has been parked overtime and beyond the period of time established by this subchapter by the City Manager or the City Council.

It is an affirmative defense to prosecution under this section that the area in which the vehicle was unlawfully parked was not designated as time-limited parking by signs or curb markings adequate to give a reasonable person notice of the time limitations.

Section 3. Penalty. Any person, firm or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

Section 4. Cumulative Repealer/Savings Clause. 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 other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect. All rights and remedies of the City of Kaufman, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting fees which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

Section 5. Severability Clause. It is hereby declared to be the intention of the City Council 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Kaufman, Texas, on this the 24th day of May, 2021.

Jeff Jordan, Mayor

ATTEST:

Jessie Hanks, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney



Meeting
Date: 5/24/2021

Date: 5/4/2021

Item #: 14.

Dept.: Finance

Action Item

SUBJECT:

Consider and take appropriate action on the award of bid and contract for depository and banking services for the City of Kaufman to American National Bank of Texas and authorizing the Mayor or his designee to execute necessary documents.

BACKGROUND:

The City is required to bid out financial services every five years, and the City of Kaufman's financial services agreement has been with American National Bank of Texas for the past five years.

In May, staff sent invitations to American National Bank, BBVA Compass Bank, Kaufman County Credit Union, Wells Fargo Bank, and

The deadline to submit proposals was May 13, 2021, at 2:00 pm CST, and at that time American National Bank of Texas was the only bank to respond with a proposal for depository services.

Upon review of the American National Bank of Texas's proposal for depository and banking services, the City will be able to reduce its current minimum required balance to meet the depository's threshold for compensating balances. Therefore, it is staffs' recommendation that Council select American National Bank of Texas as the City's depository and authorize the Mayor or his designee to enter into a contract with American National Bank.

Author:
Mary Wennerstrom, Finance Director

Reviewed:
Mike Slye, City Manager

Cost: \$0.00

Funds Available: N/A

Source: N/A

Recommendation: Staff recommends that Council select American National Bank of Texas as the City's depository and authorize the Mayor or his designee to enter into a contract with American National Bank of Texas.

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



Meeting

Date: 5/24/2021

Date: 5/4/2021

Item #: 15.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on the award of bid and contract to Axis Contracting for the construction of paving and drainage improvements for Hillcrest Street, Melody Circle, and Priscilla Lane and authorizing the Mayor or his designee to execute necessary documents.

BACKGROUND:

The city received 3 qualified bids for Phase 1 of the Storm Drainage Improvement Project. Phase 1 includes Hillcrest, Melody Circle and Priscilla Lane. The Bid Tab is included in this packet. The lowest responsible bidder is Axis Contracting, Inc at \$2,065,464. This exceeds the engineer's construction estimate by \$216,464. Costs have been escalating thru the Pandemic and there is a shortage of cement as a result. The Storm Drainage Certificate of Obligation allowed for additional flexibility and this project is within that threshold. Axis Contracting's bid included a 100 day substantial completion timeline with an additional 20 days for Final Acceptance.

Author:

Mike Slye, City Manager

Reviewed:

Mike Slye, City Manager

Cost:

Funds Available:

Source:

Recommendation: Recommend awarding Phase 1 of the Storm Drainage Improvement Project to Axis Contracting, Inc.

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

May 21, 2021

Michael T. Slye, City Manager
City of Kaufman
209 S. Washington St.
Kaufman, Texas 75142

Re: Bid Proposal Evaluation for Paving and Drainage Improvements for Hillcrest Street, Melody Circle and Priscilla Lane

Dear Mike:

On May 18, 2021, competitive sealed proposal (CSP) were opened for the above referenced City project. Three bids were received and a bid tabulation report has been prepared and attached for record. The following are the bid results for the total project bid (base):

Contractor	Total Project Bid	Total Calendar Days
Axis Contracting, Inc.	\$2,065,464.00	120
North Texas Contracting	\$2,249,707.00	154
Canary Construction, Inc.	\$2,761,331.00	340

The project was bid as a CSP (Competitive Sealed Proposal) in which the published selection criteria was used. The selection criteria is as follows:

1. Cost – 40%
2. Bid Time – 20%
3. Qualifications & Experience – 20%
4. Reputation/References – 20%

A panel consisting of representatives from City of Kaufman and TNP ranked each respective bidder based on the selection criteria above. The average results were prepared and are attached for record.

Based on the results, Axis Contracting, Inc. submitted the proposal that offers the best value to the City. If you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

tnp

teague nall & perkins



Philip C. Varughese, P.E.
Associate/Senior Project Manager

Attachments

cc: Mike Holder, Assistant City Manager (via email)
Tom Rutledge, Teague, Nall & Perkins (via email)

Kaufman Drainage Phase 1 (Hillcrest, Melody & Priscilla)

Rating Category Scoring System

	Bid Amount		Bid Time*		Qualifications & Experience	Reputation & References	
Contractor	Total Project Bid	(40 pts)	Total Time	(20 pts)	(20 pts)	(20 pts)	Total
Axis Contracting, Inc.	\$2,065,464.00	40.0	120	20.0	19.3	19.3	98.67
North Texas Contracting	\$2,249,707.00	36.7	154	15.6	19.3	19.3	90.98
Canary Construction, Inc.	\$2,761,331.00	29.9	340	7.1	15.0	18.3	70.31

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Tabor Parkway Paving & Drainage Improvements

TNP JOB NO: KAU 20347
BID DATE: TUESDAY, MAY 18, 2021
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE:

				BIDDERS					
				AXIS Contracting, Inc.		North Texas Contracting		Canary Construction, Inc.	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT A	HILLCREST PAVING IMPROVEMENTS								
A-1	Bonds & Insurance (Paving & Drainage)	1	LS	\$12,600.00	\$12,600.00	\$14,000.00	\$14,000.00	\$22,000.00	\$22,000.00
A-2	Right-of-Way Preparation	1	LS	\$25,814.00	\$25,814.00	\$25,000.00	\$25,000.00	\$1,500.00	\$1,500.00
A-3	Remove Existing Concrete Pavement & Drives per Square Yard	193	SY	\$13.00	\$2,509.00	\$35.00	\$6,755.00	\$50.00	\$9,650.00
A-4	Remove Existing Concrete Curb & Gutter	765	LF	\$8.00	\$6,120.00	\$20.00	\$15,300.00	\$50.00	\$38,250.00
A-5	Remove Existing Asphalt Pavement	1,155	SY	\$6.00	\$6,930.00	\$30.00	\$34,650.00	\$55.00	\$63,525.00
A-6	Remove Existing Fence	129	LF	\$10.00	\$1,290.00	\$10.00	\$1,290.00	\$25.00	\$3,225.00
A-7	Unclassified Street Excavation & Grading	1	LS	\$13,300.00	\$13,300.00	\$35,000.00	\$35,000.00	\$35,600.00	\$35,600.00
A-8	8" Lime Stabilized Subgrade	1,628	SY	\$5.00	\$8,140.00	\$5.00	\$8,140.00	\$25.00	\$40,700.00
A-9	8" Lime Stabilized Subgrade - Double Pass	1,628	SY	\$5.00	\$8,140.00	\$5.00	\$8,140.00	\$35.00	\$56,980.00
A-10	Lime for Stabilization (36#/SY)	29	TON	\$210.00	\$6,090.00	\$200.00	\$5,800.00	\$450.00	\$13,050.00
A-11	Lime for Stabilization (36#/SY) - Double Pass	29	TON	\$210.00	\$6,090.00	\$200.00	\$5,800.00	\$450.00	\$13,050.00
A-12	3" Hot Mix Asphalt Concrete (HMAC) - Type 'D'	1,074	SY	\$31.00	\$33,294.00	\$33.00	\$35,442.00	\$75.00	\$80,550.00
A-13	Concrete Curb & Gutter	775	LF	\$38.00	\$29,450.00	\$45.00	\$34,875.00	\$120.00	\$93,000.00
A-14	5" Reinforced Concrete Drive Approach	167	SY	\$74.00	\$12,358.00	\$80.00	\$13,360.00	\$110.00	\$18,370.00
A-15	4" Reinforced Concrete Driveway	70	SY	\$70.00	\$4,900.00	\$75.00	\$5,250.00	\$95.00	\$6,650.00
A-16	4" Concrete Sidewalk / Leadwalk	2842	SF	\$7.00	\$19,894.00	\$8.00	\$22,736.00	\$9.00	\$25,578.00
A-17	Barrier Free Curb Ramp	2	EA	\$1,495.00	\$2,990.00	\$2,500.00	\$5,000.00	\$1,850.00	\$3,700.00
A-18	Chain Link Fence	125	LF	\$31.00	\$3,875.00	\$40.00	\$5,000.00	\$35.00	\$4,375.00
A-19	Erosion Control	1	LS	\$10,851.00	\$10,851.00	\$9,000.00	\$9,000.00	\$5,000.00	\$5,000.00
A-20	Utility Adjustments Type B	1	LS	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00
A-21	Restoration of Parkways and Yards (No Irrigation)	612	SY	\$17.00	\$10,404.00	\$5.00	\$3,060.00	\$10.00	\$6,120.00
TOTAL BID UNIT A - HILLCREST PAVING IMPROVEMENTS					\$228,039.00		\$295,598.00		\$541,373.00

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Tabor Parkway Paving & Drainage Improvements

TNP JOB NO: KAU 20347
BID DATE: TUESDAY, MAY 18, 2021
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE:

BID DATE: TUESDAY, MAY 18, 2021 BID TIME: 2:00 PM CST ENGINEER'S ESTIMATE:				BIDDERS					
				AXIS Contracting, Inc.		North Texas Contracting		Canary Construction, Inc.	
UNIT B	HILLCREST STREET STORM DRAIN IMPROVEMENTS								
B-1	Bonds & Insurance (Unit B only)	1	LS	\$10,500.00	\$10,500.00	\$8,000.00	\$8,000.00	\$6,000.00	\$6,000.00
B-2	24" Class III RCP	715	LF	\$111.00	\$79,365.00	\$150.00	\$107,250.00	\$95.00	\$67,925.00
B-3	21" Class III RCP	20	LF	\$101.00	\$2,020.00	\$140.00	\$2,800.00	\$90.00	\$1,800.00
B-4	10' Standard Curb Inlet	1	EA	\$5,407.00	\$5,407.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
B-5	10' Type 2 Curb Inlet	1	EA	\$8,767.00	\$8,767.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00
B-6	4' Storm Drain Manhole	1	EA	\$5,665.00	\$5,665.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
B-7	Connect to Existing Storm Drain Structure	1	EA	\$906.00	\$906.00	\$800.00	\$800.00	\$1,500.00	\$1,500.00
B-8	Permanent Asphalt Pavement Repair	30	SY	\$60.00	\$1,800.00	\$250.00	\$7,500.00	\$150.00	\$4,500.00
B-9	Permanent Concrete Sidewalk Repair	65	SY	\$70.00	\$4,550.00	\$100.00	\$6,500.00	\$90.00	\$5,850.00
B-10	Permanent Concrete Driveway Repair	107	SY	\$85.00	\$9,095.00	\$100.00	\$10,700.00	\$100.00	\$10,700.00
B-11	Waterline Lowering	2	EA	\$3,494.00	\$6,988.00	\$4,000.00	\$8,000.00	\$5,000.00	\$10,000.00
B-12	Water Service Adjustment	1	EA	\$728.00	\$728.00	\$900.00	\$900.00	\$1,500.00	\$1,500.00
B-13	Sewer Service Adjustment	1	EA	\$637.00	\$637.00	\$900.00	\$900.00	\$1,500.00	\$1,500.00
B-14	Traffic Control	1	LS	\$12,844.00	\$12,844.00	\$6,000.00	\$6,000.00	\$2,000.00	\$2,000.00
B-15	Trench Safety for Storm Drain Systems	735	LF	\$2.00	\$1,470.00	\$1.00	\$735.00	\$2.00	\$1,470.00
	TOTAL BID UNIT B1 - STORM DRAIN IMPROVEMENTS			\$150,742.00		\$175,085.00		\$127,745.00	

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Tabor Parkway Paving & Drainage Improvements

TNP JOB NO: KAU 20347
BID DATE: TUESDAY, MAY 18, 2021
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE:

	BID DATE: TUESDAY, MAY 18, 2021 BID TIME: 2:00 PM CST ENGINEER'S ESTIMATE:			BIDDERS					
				AXIS Contracting, Inc.		North Texas Contracting		Canary Construction, Inc.	
UNIT B	MELODY CIRCLE STORM DRAIN IMPROVEMENTS								
B2-1	Bonds & Insurance (Unit B2 only)	1	LS	\$63,000.00	\$63,000.00	\$60,000.00	\$60,000.00	\$50,000.00	\$50,000.00
B2-2	Remove & Replace Barbed Wire Fence	165	LF	\$36.00	\$5,940.00	\$20.00	\$3,300.00	\$20.00	\$3,300.00
B2-3	Unclassified Channel Excavation & Grading	210	CY	\$26.00	\$5,460.00	\$40.00	\$8,400.00	\$60.00	\$12,600.00
B2-4	8'x3' Reinforced Concrete Box	260	LF	\$500.00	\$130,000.00	\$535.00	\$139,100.00	\$550.00	\$143,000.00
B2-5	7'x3' Reinforced Concrete Box	310	LF	\$466.00	\$144,460.00	\$495.00	\$153,450.00	\$530.00	\$164,300.00
B2-6	6'x2' Reinforced Concrete Box	1,230	LF	\$350.00	\$430,500.00	\$405.00	\$498,150.00	\$420.00	\$516,600.00
B2-7	5'x2' Reinforced Concrete Box	220	LF	\$300.00	\$66,000.00	\$365.00	\$80,300.00	\$365.00	\$80,300.00
B2-8	30" Class III RCP	10	LF	\$131.00	\$1,310.00	\$170.00	\$1,700.00	\$125.00	\$1,250.00
B2-9	24" Class III RCP	40	LF	\$113.00	\$4,520.00	\$160.00	\$6,400.00	\$100.00	\$4,000.00
B2-10	21" Class III RCP	50	LF	\$103.00	\$5,150.00	\$150.00	\$7,500.00	\$90.00	\$4,500.00
B2-11	18" Class III RCP	10	LF	\$96.00	\$960.00	\$140.00	\$1,400.00	\$80.00	\$800.00
B2-12	2-6'x2' Standard Headwall	1	EA	\$11,310.00	\$11,310.00	\$14,000.00	\$14,000.00	\$9,000.00	\$9,000.00
B2-13	15'x4' Modified Junction Box w/Manhole	1	EA	\$14,735.00	\$14,735.00	\$11,000.00	\$11,000.00	\$15,000.00	\$15,000.00
B2-14	13'x10' Modified Junction Box	1	EA	\$19,259.00	\$19,259.00	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00
B2-15	13'x9' Modified Junction Box w/Manhole	1	EA	\$19,259.00	\$19,259.00	\$15,000.00	\$15,000.00	\$18,000.00	\$18,000.00
B2-16	9'x9' Modified Junction Box w/manhole	1	EA	\$14,089.00	\$14,089.00	\$10,000.00	\$10,000.00	\$13,000.00	\$13,000.00
B2-17	9'x9' Modified Junciton Box	1	EA	\$12,925.00	\$12,925.00	\$9,000.00	\$9,000.00	\$11,000.00	\$11,000.00
B2-18	7'x7' Drop Inlet	2	EA	\$9,113.00	\$18,226.00	\$6,000.00	\$12,000.00	\$9,800.00	\$19,600.00
B2-19	2'x2' Catch Basin	1	EA	\$3,878.00	\$3,878.00	\$2,000.00	\$2,000.00	\$2,800.00	\$2,800.00
B2-20	10' Standard Curb Inlet	6	EA	\$5,407.00	\$32,442.00	\$4,000.00	\$24,000.00	\$4,000.00	\$24,000.00
B2-21	Concrete Apron	82	SY	\$154.00	\$12,628.00	\$100.00	\$8,200.00	\$155.00	\$12,710.00
B2-22	18" Thick Rock Riprap	120	SY	\$99.00	\$11,880.00	\$90.00	\$10,800.00	\$160.00	\$19,200.00
B2-23	12" Thick Rock Riprap	85	SY	\$99.00	\$8,415.00	\$80.00	\$6,800.00	\$158.00	\$13,430.00
B2-24	15" CMP Plug	4	EA	\$614.00	\$2,456.00	\$300.00	\$1,200.00	\$250.00	\$1,000.00
B2-25	Turf Reinforced Mat with Hydromulch	745	SY	\$11.00	\$8,195.00	\$10.00	\$7,450.00	\$55.00	\$40,975.00
B2-26	Permanent Concrete Pavement Repair - Flexbase	1,380	SY	\$75.00	\$103,500.00	\$100.00	\$138,000.00	\$125.00	\$172,500.00
B2-27	Restoration of Parkways and Yards	1,250	SY	\$17.00	\$21,250.00	\$5.00	\$6,250.00	\$10.00	\$12,500.00
B2-28	Waterline Lowering	2	EA	\$3,494.00	\$6,988.00	\$4,000.00	\$8,000.00	\$5,000.00	\$10,000.00
B2-29	Water Servic Adjustment	9	EA	\$728.00	\$6,552.00	\$300.00	\$2,700.00	\$1,200.00	\$10,800.00
B2-30	Trench Safety for Storm Drain Systems	2,130	LF	\$2.00	\$4,260.00	\$1.00	\$2,130.00	\$2.00	\$4,260.00
	TOTAL BID UNIT B2 - STORM DRAIN IMPROVEMENTS			\$1,189,547.00		\$1,263,230.00		\$1,410,425.00	

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Tabor Parkway Paving & Drainage Improvements

TNP JOB NO: KAU 20347
BID DATE: TUESDAY, MAY 18, 2021
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE:

				BIDDERS					
				AXIS Contracting, Inc.		North Texas Contracting		Canary Construction, Inc.	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
UNIT C MELODY CIRCLE SANITARY SEWER IMPROVEMENTS									
C-1	Bonds & Insurance (UNIT C ONLY)	1	LS	\$7,350.00	\$7,350.00	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00
C-2	Remove & Dispose of Existing Sanitary Sewer Pipe	30	LF	\$17.00	\$510.00	\$30.00	\$900.00	\$65.00	\$1,950.00
C-3	6" SDR-35 Sewer Pipe (by Open Cut)	480	LF	\$68.00	\$32,640.00	\$100.00	\$48,000.00	\$85.00	\$40,800.00
C-4	Connect to Existing Sanitary Sewer Line	2	EA	\$549.00	\$1,098.00	\$2,000.00	\$4,000.00	\$1,500.00	\$3,000.00
C-5	4" Sewer Service	120	LF	\$51.00	\$6,120.00	\$100.00	\$12,000.00	\$75.00	\$9,000.00
C-6	4" Sewer Service, Reconnection	7	EA	\$611.00	\$4,277.00	\$1,000.00	\$7,000.00	\$1,200.00	\$8,400.00
C-7	6" Sanitary Sewer Cleanout	1	EA	\$986.00	\$986.00	\$800.00	\$800.00	\$950.00	\$950.00
C-8	Std. 4' Sewer Manhole	4	EA	\$4,201.00	\$16,804.00	\$4,000.00	\$16,000.00	\$5,000.00	\$20,000.00
C-9	Manhole Vacuum Testing	4	EA	\$464.00	\$1,856.00	\$100.00	\$400.00	\$350.00	\$1,400.00
C-10	Post-CCTV Inspection	600	LF	\$7.00	\$4,200.00	\$1.00	\$600.00	\$3.00	\$1,800.00
C-11	4" Sewer Service Plug	7	EA	\$79.00	\$553.00	\$700.00	\$4,900.00	\$200.00	\$1,400.00
C-13	Trench Safety for Sanitary Sewer System	600	LF	\$2.00	\$1,200.00	\$1.00	\$600.00	\$2.00	\$1,200.00
TOTAL BID UNIT C - SANITARY SEWER IMPROVEMENTS					\$77,594.00		\$100,200.00		\$93,900.00

UNIT B3 PRISCILLA LANE STORM DRAIN IMPROVEMENTS									
B3-1	Bonds & Insurance (Unit B3 only)	1	LS	\$11,550.00	\$11,550.00	\$10,000.00	\$10,000.00	\$18,000.00	\$18,000.00
B3-2	Remove Existing Storm Drain Pipe	60	LF	\$17.00	\$1,020.00	\$20.00	\$1,200.00	\$60.00	\$3,600.00
B3-3	Unclassified Channel Excavation & Grading	1,560	CY	\$26.00	\$40,560.00	\$30.00	\$46,800.00	\$60.00	\$93,600.00
B3-4	7'x3' Reinforced Concrete Box	114	LF	\$464.00	\$52,896.00	\$500.00	\$57,000.00	\$530.00	\$60,420.00
B3-5	7'x3' Safety End Treatment	4	EA	\$12,344.00	\$49,376.00	\$10,000.00	\$40,000.00	\$9,000.00	\$36,000.00
B3-6	18" Thick Rock Riprap	152	CY	\$233.00	\$35,416.00	\$100.00	\$15,200.00	\$125.00	\$19,000.00
B3-7	Permanent Asphalt Pavement Repair - Flexbase	40	SY	\$60.00	\$2,400.00	\$250.00	\$10,000.00	\$120.00	\$4,800.00
B3-8	Permanent Gravel Driveway Repair - Flexbase	16	SY	\$36.00	\$576.00	\$30.00	\$480.00	\$90.00	\$1,440.00
B3-9	Turf Reinforced Mat with Hydromulch	2,320	SY	\$11.00	\$25,520.00	\$15.00	\$34,800.00	\$65.00	\$150,800.00
B3-10	Trench Safety for Storm Drain Systems	114	LF	\$2.00	\$228.00	\$1.00	\$114.00	\$2.00	\$228.00
TOTAL BID UNIT A1 - PAVING IMPROVEMENTS					\$219,542.00		\$215,594.00		\$387,888.00

Unit D OWNER'S CONTINGENCY									
D-1	Owner's Contingency	1	LS	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00
TOTAL BID UNIT C - OWNERS CONTINGENCY					\$200,000.00		\$200,000.00		\$200,000.00

BID TABULATION REPORT

TEAGUE NALL AND PERKINS, INC.
CONSULTING ENGINEERS

CLIENT: CITY OF KAUFMAN
DESCRIPTION: Tabor Parkway Paving & Drainage Improvements

TNP JOB NO: KAU 20347
BID DATE: TUESDAY, MAY 18, 2021
BID TIME: 2:00 PM CST
ENGINEER'S ESTIMATE:

	BIDDERS		
	AXIS Contracting, Inc.	North Texas Contracting	Canary Construction, Inc.
<u>BASE BID ITEMS</u>			
UNIT A - HILL CREST STREET PAVING IMPROVEMENTS	\$228,039.00	\$295,598.00	\$541,373.00
UNIT B1- HILLCREST STREET STORM DRAIN IMPROVEMENTS	\$150,742.00	\$175,085.00	\$127,745.00
UNIT B2- MELODY CIRCLE STORM DRAIN IMPROVEMENTS	\$1,189,547.00	\$1,263,230.00	\$1,410,425.00
UNIT C1 -- MELODY CIRCLE SANITARY SEWER IMPROVEMENTS	\$77,594.00	\$100,200.00	\$93,900.00
UNIT B3 - PRISCILLA LANE STORM DRAIN IMPROVEMENTS	\$219,542.00	\$215,594.00	\$387,888.00
UNIT D - OWNER'S CONTINGENCY	\$200,000.00	\$200,000.00	\$200,000.00
TOTAL AMOUNT BASE BID	\$2,065,464.00	\$2,249,707.00	\$2,761,331.00
CALENDAR DAYS (SUBSTANTIAL / FINAL)	100/120	140/154	310/340



Meeting
Date: 5/24/2021

Date: 5/4/2021

Item #: 16.

Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on the future park improvements for Shannon Park.

BACKGROUND:

The Park Board met on May 20th to review the proposed upgrades to Shannon Park. The board unanimously voted to recommend Council approval of the proposed changes to Shannon Park (see attachments) subject to available funds.

Author:

Reviewed:

Mike Slye, City Manager

Cost:

Funds Available:

Source:

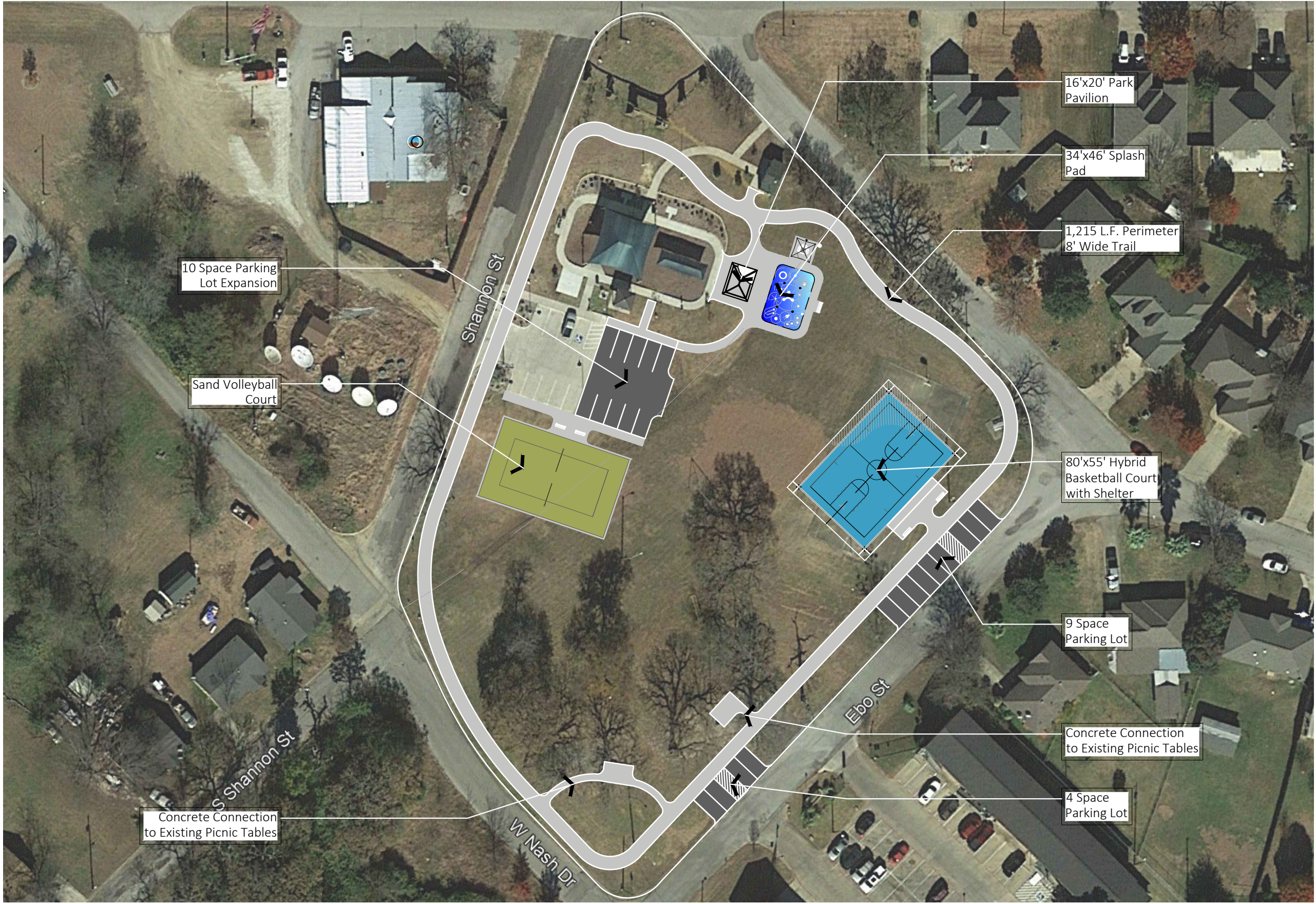
Recommendation: Recommend approval of the proposed changes to Shannon Park to be funded from proceeds of Lake Kaufman sale.

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

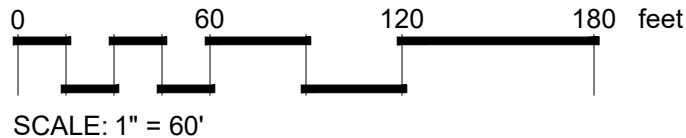


**Opinion of Probable Cost
SHANNON PARK - CONCEPT 'A'
Kaufman, Texas
May 15, 2021**

ITEM	UNIT	QUANTITY	PER EACH	TOTAL
Earthwork / Site Preparation	L.S.	1	\$ 10,000.00	\$ 10,000.00
Concrete Walkway/Plaza with 8' Perimeter Trail	S.F.	18,850	\$ 7.00	\$ 131,950.00
Concrete Parking Lot Pavment	S.F.	5,415	\$ 8.00	\$ 43,320.00
Splash Pad	Each	1	\$ 165,000.00	\$ 165,000.00
Sand Volleyball Court	Each	1	\$ 40,000.00	\$ 40,000.00
Basketball Court	Each	1	\$ 90,000.00	\$ 90,000.00
Basketball Court Shelter/Cover (Lighting)	Each	1	\$ 125,000.00	\$ 125,000.00
Park Pavilion (16'x20')	Each	1	\$ 50,000.00	\$ 50,000.00
Site Utilities (Water Meter, Electrical Service, Etc.)	L.S.	1	\$ 15,000.00	\$ 15,000.00
Finish Sodding, Grading and Seeding	L.S.	1	\$ 30,000.00	\$ 30,000.00
Park Irrigation	L.S.	1	\$ 75,000.00	\$ 75,000.00
Landscaping (Trees)	Each	20	\$ 550.00	\$ 11,000.00
Stone Accent for vertical elements	L.S.	1	\$ 40,000.00	\$ 40,000.00
Subtotal:				\$ 826,270.00
Contingency 10%:				\$ 82,627.00
Construction Total:				\$ 908,897.00
Soft Costs (Design, Surveying, Geotechnical, Engineering) 10%:				\$ 90,889.70
Grand Total				\$ 999,786.70



Project:
Shannon Park Addition - Splash Pad
Kaufman, TX



Consultant:

**Dunkin
Sims
Stoffels,
Inc.**

LANDSCAPE ARCHITECTS/PLANNERS
622 WEST STATE STREET
GARLAND, TEXAS 75040
PHONE: (214) 553-5118
www.dssland.com

Signed:

Sheet Title:

Concept Master Plan

Date of Issue:

May 14, 2021

Concpet Plan

Sheet No.:

EXHIBIT 'A'

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	elopment 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	3,5
WWTP Finance Application	Finance	11/13/2018	10/23/2018	GTUA Approval	5
PD/FD Safety Equipment Grant	Public Safety	TBD	3/3/2020	Application Submitted	1
Street Maintenance Priorities	PW/Admin		2/27/2019	List Presented to Council/Incorporated into 5 Year CIP	5
Traffic Signal 1388@34 ByPass	Admin		1/28/2020	Final Construction Underway	1
Solid Waste RFP	Admin	TBD	5/18/2020	Contract Finanlized and Approved	4,5
PD Body Camera Grant	PD	4/27/2020	5/19/2020	Grant not awarded	1,5
Civic Center	Admin	7/22/2019		Accepted 01/25/21	2,3
Phase II - Street Bond	Public Works	10/28/2019	10/23/2018	Accepted 01/25/21	5
TxDOT Turnback	Admin	12/17/2018	11/6/2018	Accepted 01/25/21	2,3,5
City Lakes Park Fence	Public Works		1/26/2021	Complete	
Building Official	Development Serv		12/10/2020	Hired	
54-Acre Development	Development Serv	5/18/2020	10/23/2018	PD to Council 05/18/2020	2,3,4
Building Code Update	Development Serv	10/28/2019	6/4/2019	Approved O-28-19	5
Park Dedication Ordinance	Development Serv	1/25/2021	10/23/2018	PH continued to 2/22/2021	4,5
Police Department Server	PD		1/29/2021	Ordered thru TSM	1,5
Tree Mitigation Ordinance	Development Serv		2/24/2021	Approved	4,5
Kaufman Lake	Admin/PW		1/8/2019	Sold April 2021	2,4,5
					5
					5

May 4, 2021

To: City of Kaufman

From: Ashley Berryhill, Finance Director

Re: April 2021 Demand and Response Ridership Report

TRIP INFORMATION:

	S	O	N	D	J	F	M	A	M	J	J	A	TOTAL
Trips	289	233	267	194	237	212	453	216					2,101
No. Service Days	21	22	19	21	19	14	23	21					160
Avg. Daily Trips	13.8	10.6	14.1	9.2	12.5	15.1	19.7	10.3					13.1

NO. OF TRIPS	PURPOSE
0	Education
1	Government
10	Medicaid
90	Medical
0	Nutrition (Senior Center)
20	Other (adult-day care, beauty salon, friend's homes, etc.)
37	Shopping
54	Work
0	Contract Services
4	Vaccination Appointments

ELDERLY AND DISABLED RIDERSHIP	
13	Disabled Trips
123	Elderly (&/or Dis) Trips

136 E & D Total Rides

E & D Percent of Total Trips – 63%

APRIL UNDUPLICATED PASSENGERS
35
YEAR TO DATE UNDUPLICATED PASSENGERS
144



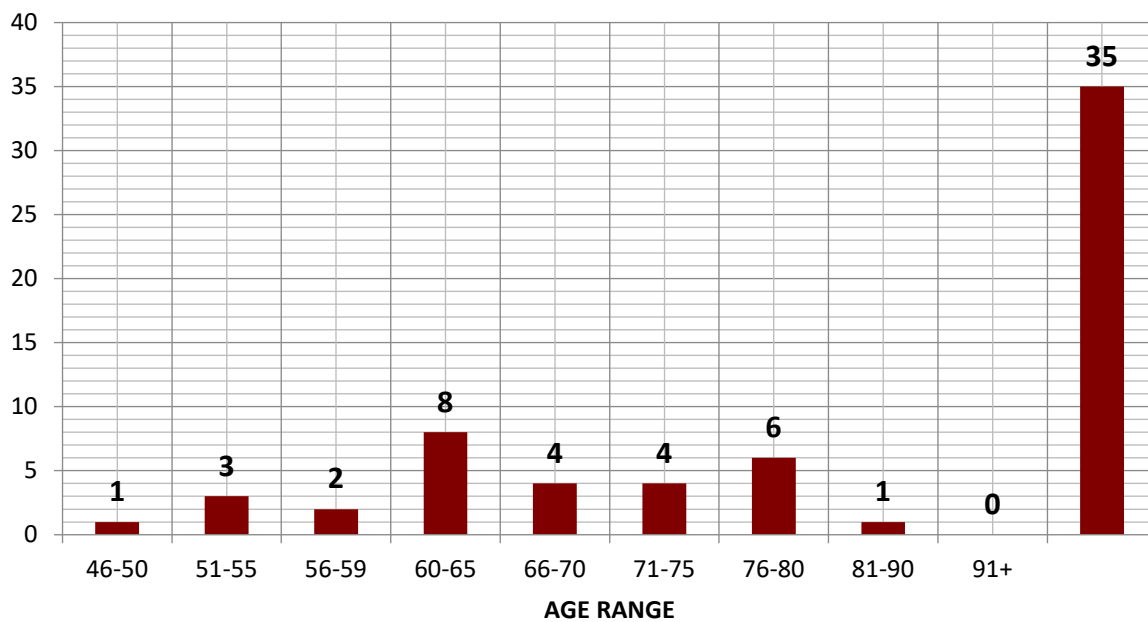
Trip Total	
KAUFMAN TO KAUFMAN	197
KAUFMAN TO OUTSIDE	12
OUTSIDE TO KAUFMAN	7

216

NOSHOW/CANCEL	98
DENIALS	17
Month to Month Unduplicated	42
YTD Unduplicated	144

April 2021 Total D & R Trips	216
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Unduplicated Passengers By Age



May 3, 2021

To: Kaufman County

From: Ashley Berryhill, Finance Director

Re: March 2021 STARNow – Kaufman County Ridership Report

FY2021 TRIP INFORMATION:

	S	O	N	D	J	F	M	A	M	J	J	A	TOTAL
Trips	750	899	851	913	989	698	1,081	1,082					7,263
Service Days	21	22	19	21	19	14	23	21					160
Avg. Daily Trips	36	41	45	44	52	50	47	51					

KPIs

Completed Boardings 	Avg. Boardings Per Service Hr. 	Boarding Cancellations 	Boarding Cancellations (No-Show) 	Cancellation Percentage 	Cancellation Percentage (No Show) 	Total Requests 	Completed Requests 
1082	4.47	214	28	16.51 %	2.16 %	1163	965
No Drivers Available Requests 	Request Cancellations 	Request Cancellations (No Show) 	Avg. # of Requests per Rider 	Avg. Travel Duration 	Avg. Travel Distance 	Mean Wait Time 	Median Wait Time 
0	198	24	8.8	10.3 min	3.01 mi	21.67 min	13.35 min
Bookings from Admin Panel 	Bookings from Rider App 	Flag Down Bookings 	Avg. # Riders per Request 				
63.96 %	34.94 %	1.11 %	5.46				

Response Summary:

	Responses	Transports	Exceptions	Compliance %	Transport %
Priority 1 <8:59	29	15	1	97%	52%
Priority 2 <11:59	72	35	3	96%	49%
Priority 3 <14:59	14	5	0	100%	36%
Emergency Transfers<0:29:59	89	86	41	54%	97%
Non-Emergency Transfers<0:15	47	44	12	74%	94%
Helicopter	11	11			
Totals	262	196		96.60%	45.35%

Transport Summary:

	Number	Percentage
Baylor Scott and White Dallas	5	3%
Baylor Scott and White Sunnyvale	2	1%
Baylor Scott and White Lakepointe Rowlett	1	1%
Baylor Scott and White Lakepointe Forney	0	0%
Childrens Medical Center	11	6%
Dallas Regional Medical Center	6	3%
Medical City Dallas	4	2%
Parkland	1	1%
Texas Health-Dallas	62	34%
Texas Health- Kaufman	40	22%
Texas Health -Plano	3	2%
Texas Health-Rockwall	3	2%
UT Health- Athens	2	1%
UT Health- Tyler	1	1%
UT Health- Cedar Creek	0	0%
VA Medical Center Dallas	0	0%
Other Hospitals	12	6%
Nursing home, residence, other	32	17%
	185	100%

	Number	% of Total
Patient Refusal/Treat No Transport	33	50%
Pt is DOS	0	0%
Cancellation- No Patient	33	50%
	66	100%

Average Response Time
City Wide--Emergency Calls

0:05:06

	Responses	Exceptions	
Last 100 Calls			
Priority 1	100	12	88%
Priority 2	100	5	95%
Priority 3	100	1	99%



COUNCIL MONTHLY UPDATE

APRIL 2021

In APRIL the Kaufman Fire Department responded to 172 calls for service.

In April 2020 we responded to 165 calls for service

Performed inspections on new Animal shelter fire lines and visual inspections on thrust blocks.

There were 3 calls that we were unable to respond to due to being tied up on other calls (EMS, accidents) and no additional personnel responded. Luckily 2 were medical emergencies and EMS was available to get to them within 15 minutes. 1 was an accident in north Kaufman and no one responded as we were in Crandall on Fill in

Chief Davis was a guest instructor at Kaufman Co. Fire Chiefs and Firefighters Assoc. spring training in Mabank



DEPARTMENT SNAPSHOT APRIL

Training:

(Fire Ce's)

Fire Extinguisher training



(EMS Ce's)

CPR renewal



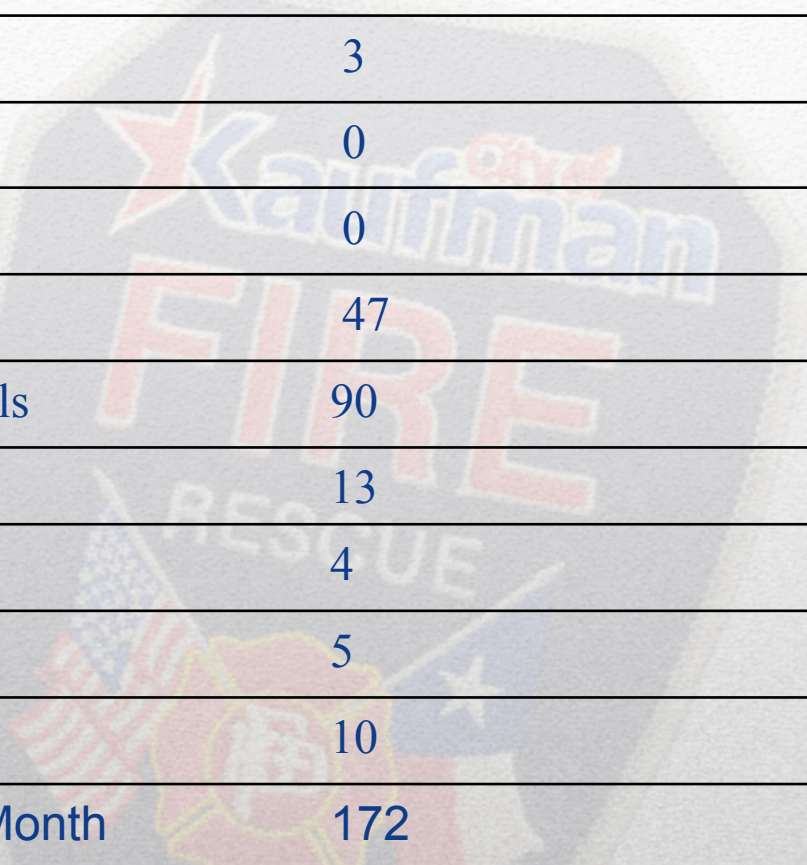
DEPARTMENT SNAPSHOT April 2021

- **Incident Response Time
Monthly Average**

- **April 2021 Monthly
Average Response
Time 5 Minutes 13
Seconds (5.13)**
- **April 2020 Monthly
Average Response
Time 5 Minutes 15
Seconds (5.15)**



DEPARTMENT SNAPSHOT



Inspections	26
Structure Fires	3
Grass/Trash	0
Automobiles	0
Accidents	47
Emergency Medical Calls	90
Haz / Smoke Calls	13
False Alarms	4
Mutual Aid	5
Public Assist Unlocks	10
Total Responses for Month	172

April 2021 Responses

KAUFMAN POLICE DEPARTMENT

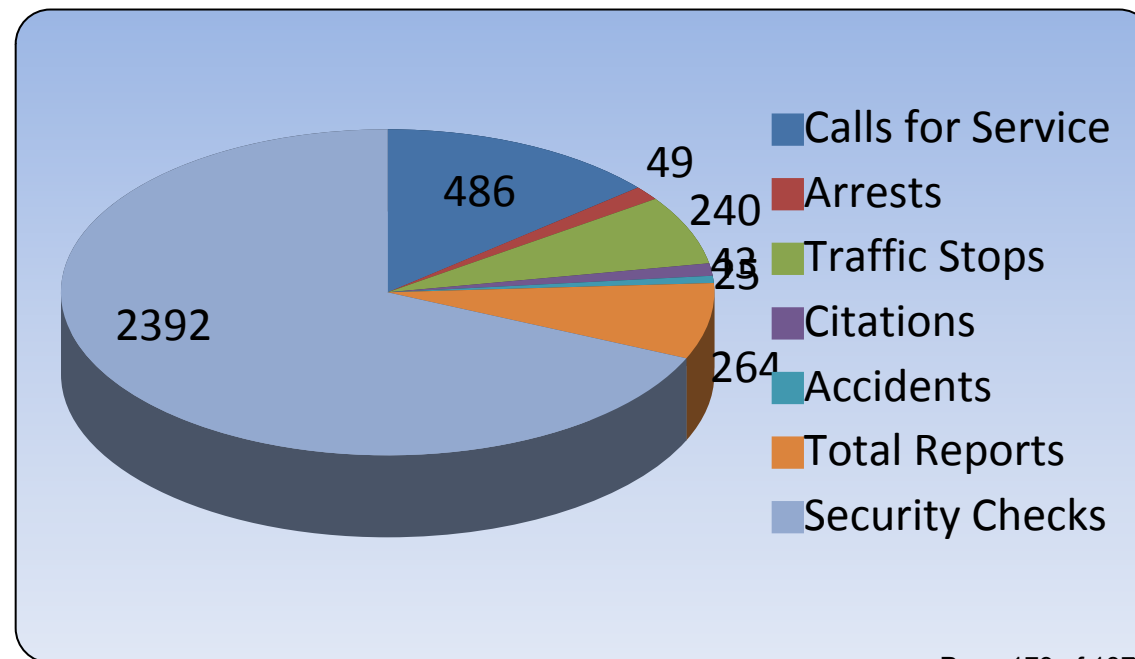
PATROL ACTIVITY APRIL 2021

April 2021, Kaufman Police Department's Patrol Division Activity:

- **486** Calls For Service, Including Accidents
- **25** Traffic Accidents
- Completed **2392** Homes, Parks, & Business Checks
- Completed **240** Traffic Stops
- Completed **200** Incident Reports
- Completed **264** Reports
- Made **49** Arrests
- Average monthly response time to calls is **4:43** minutes.

Other points of interest include:

- Utilized the radar trailer on HWY 34 Bypass, and Ola Road.
- Increased traffic enforcement on Ola Road due to citizen complaints of speeding vehicles.



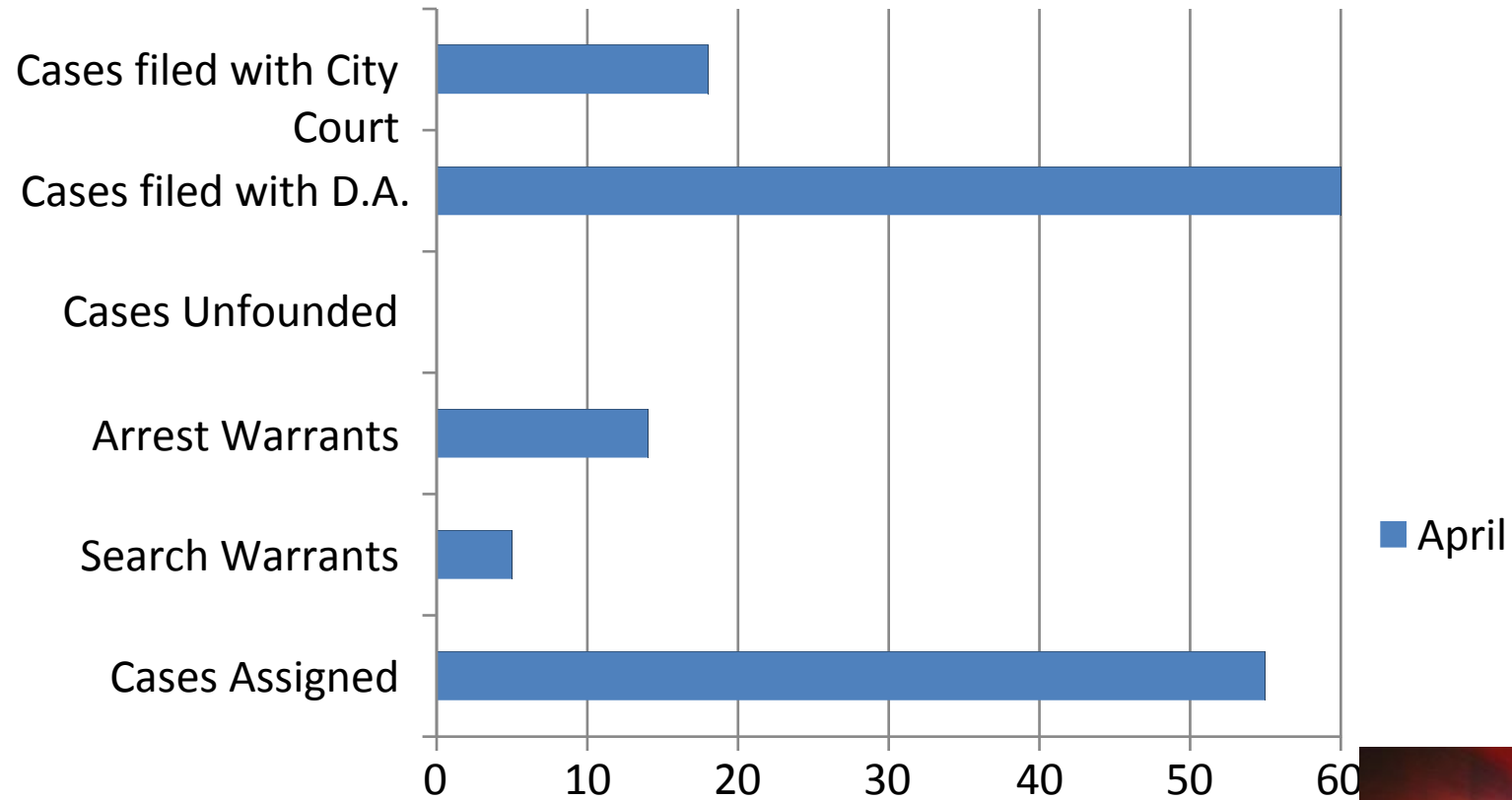
Community Engagement April 2021

Social Media Posts, Facebook Followers 10,924.

Events attended by Kaufman Police Department employees:

- Weekly Shut-Ins Check
- The Kaufman Police Department went **BLUE** in honor of Child Abuse Prevention Month.
- City Hall Side Re-opened.
- Chief Whitaker attended the Texas Police Chiefs Convention in Fort Worth and attended Best Practices Training.
- Sgt. J. Stastny completed Digital Evidence Forensics Investigations sponsored (Free) by National Computer Forensics Institute, US Secret Service and received \$3000 worth of evidence recovery equipment.
- Sgt. J. Law completed the TCOLE Instructors Course @ the Kaufman S.O. Academy.
- Attended the new Kaufman County Justice Center Ground Breaking.
- Attended the Kaufman County District Attorneys 14th Annual Crime Victim luncheon. We honored Kaufman County crime victims in April for National Crime Victims' Rights Week.
- As part of the DEA drug take back program and the CVS Medication Disposal box in front of the Police Department we turned in 185 pounds worth of prescription medications to DEA for destruction.



Kaufman Criminal Investigations Division
April 2021

	Cases Assigned	Search Warrants	Arrest Warrants	Cases Unfounded	Cases filed with D.A.	Cases filed with City Court
April	55	5	14	0	60	18





Year to Date - Offenses Known to Police for April 2021

Printed On: 5/6/2021

Agency: TX1290200 - KAUFMAN PD

Page 1 of 2

Classification of Offenses	Offenses Reported	Offenses Cleared	Projected Rate/1000	Last YTD Reported	Percent Change
Animal Cruelty, Total					-
Arson, Total	1		0.13		-
Assault Offenses, Total	14	9	1.77	18	-22.22%
Firearm					-
Knife				1	-100.00%
Other Weapons				2	-100.00%
Personal Weapons	14	9	1.77	15	-6.67%
Bribery, Total					-
Burglary/Breaking and Entering, Total	11	2	1.39	11	0.00%
No Force	4		0.50	2	100.00%
Force	7	2	0.88	9	-22.22%
Counterfeiting/Forgery, Total	2		0.25	10	-80.00%
Destruction/Damage/Vandalism of Property, Total	12	2	1.51	10	20.00%
Drug/Narcotic Offenses, Total	71	67	8.95	49	44.90%
Drug Equipment Violations	16	16	2.02	16	0.00%
Drug/Narcotic Violations	55	51	6.94	33	66.67%
Embezzlement, Total					-
Extortion/Blackmail, Total					-
Fraud Offenses, Total	10	3	1.26	6	66.67%
False Pretense/Swindle/Confidence Game					-
Hacking/Computer Invasion					-
Identity Theft					-
Impersonation	6	2	0.76	4	50.00%
Credit Card/Automatic Teller Machine Fraud	4	1	0.50	2	100.00%
Welfare Fraud					-
Wire Fraud					-
Gambling Offenses, Total					-
Betting/Wagering					-
Gambling Equipment Violations					-
Operating/Promoting/Assisting Gambling					-
Homicide Offenses, Total					-
Murder and Nonnegligent Manslaughter					-
Negligent Manslaughter					-
Human Trafficking, Total					-
Human Trafficking, Commercial Sex Acts					-
Human Trafficking, Involuntary Servitude					-
Kidnapping/Abduction, Total					-

This report reflects incidents submitted to the Texas Department of Public Safety's Uniform Crime Reporting (UCR) system as applied to your request. UCR is a voluntary program, wherein, participating agencies are required to submit their data annually but have no data frequency submission requirement. As data is submitted, routine data validations are applied to ensure completeness; however, the responsive data contained within this report may have been retrieved from the system prior to being subject to or completing those validation routines, and as such, may contain inaccuracies, be incomplete or not reflect every incident that may have occurred within the specified jurisdiction for the requested timeframe. As such, this report is a reflection of all of the data contained within the TXDPS UCR System at the time of inquiry for the timeframe specified. Every effort has been made to produce the data in the requested format.



Year to Date - Offenses Known to Police for April 2021

Printed On: 5/6/2021

Agency: TX1290200 - KAUFMAN PD

Page 2 of 2

Classification of Offenses	Offenses Reported	Offenses Cleared	Projected Rate/1000	Last YTD Reported	Percent Change
Larceny/Theft Offenses, Total	45	16	5.67	53	-15.09%
Motor Vehicle Theft, Total	9	2	1.13	6	50.00%
Buses					-
Automobiles	6	1	0.76	6	0.00%
Other Motor Vehicles	1		0.13		-
Trucks	1	1	0.13		-
Recreational Vehicles	1		0.13		-
Pornography/Obscene Material, Total	2		0.25		-
Prostitution Offenses, Total					-
Assisting or Promoting Prostitution					-
Prostitution					-
Purchasing Prostitution					-
Robbery, Total					-
Firearm					-
Personal Weapons					-
Other Weapons					-
Knife					-
Sex Offenses, Total	2		0.25	1	100.00%
Fondling	2		0.25		-
Rape				1	-100.00%
Sexual Assault with an Object					-
Sodomy					-
Sex Offenses, Non-Forcible, Total					-
Incest					-
Statutory Rape					-
Stolen Property Offenses, Total	2		0.25		-
Weapons Law Violations, Total	4	4	0.50	3	33.33%
Group A Offense, Total	185	105	23.33	167	10.78%
Crimes Against Person, Total	16	9	2.02	19	-15.79%
Crimes Against Property, Total	92	25	11.60	96	-4.17%
Crimes Against Society, Total	77	71	9.71	52	48.08%
Officers Killed or Assaulted YTD	0			1	-100.00%

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KAUFMAN POLICE DEPARTMENT ANIMAL CONTROL REPORT APRIL 2021

April 2021, Kaufman Animal Control Responded To-

- 45 Calls For Service
- 4 Follow-up Calls
- Warnings Issued – 4
- Citations Issued – 0
- Traps Set - 4

Animals Captured

On Calls – 19

On View – 0

Animals Turned Over

To Owner – 1

To Humane Society – 11

Dead Animals Recovered: - 5

NOTE: Snake calls are on the rise this time of year.



MAY 2021

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

JUNE 2021

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

JULY 2021

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