AGENDA
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 25, 2019 - 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.

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.**

RECOGNITION

1. Business of the Month - Brookshire's Food & Pharmacy

2. Street Dedication- Dr. William "Bill" Fortner

3. Street Dedication- Dennis Berry

PUBLIC HEARING

4. Conduct a public hearing, consider and take appropriate action on Ordinance O-30-19, an ordinance of the City Council of the City of Kaufman, Texas amending the City of Kaufman's Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances by amending Section 40.8 "Temporary Use Permit", Section A, "Temporary Use Defined" to adopt regulations for Special Food and Drink Sales in the Central Business District as set forth in Subparagraph "d", "Special Food and Drink Sales" of Subsection "d", "*Central Business District (CBD) Special and Seasonal Sales Events" and authorizing the Issuance of Temporary Use Permits for such sales, providing regulations relative to length of permit, noise, garbage, proximity to existing businesses and related matters. (Z-08-19)

   a. Presentation

   b. PUBLIC HEARING

c. Consider and take appropriate action on Ordinance O-30-19

DISCUSSION/ACTION ITEMS

5. Consider and take appropriate action on the minutes of the October 28, 2019, Regular City Council Meeting.

6. Consider and take appropriate action on Resolution R-26-19, a resolution of the City Council of the City of Kaufman, Texas, accepting Public Improvements for the Dallas Street Drainage Improvement Project and establishing the date for a two (2) year warranty period.

7. Consider and take appropriate action on the acceptance of the City of Kaufman's 5 year Capital Improvement Plan.

8. Consider and take appropriate action on Ordinance O-31-19, an ordinance of the City Council of the City of Kaufman, Texas, authorizing the issuance and sale of City of Kaufman, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019, in an aggregate principal amount not to exceed $3,625,000; and ordaining other matters relating to the subject.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

9. Receive an update and discussion regarding the following:

   a. Discussion Items Report (DIR)

   b. STAR Transit Ridership Reports- October 2019

   c. HHW Solutions Contract.

   d. Recyclops update.

   e. Civic Center Timeline.

   f. City Hall Closed- Thanksgiving- November 24 & 25.

   g. Volunteer Fire Department Banquet- December 3.

   h. Employee Christmas Lunch- December 13.

   i. A Kaufman Christmas Carol- December 14.

   j. Monthly Calendars Attached

EXECUTIVE SESSION

10. 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 and §551.087(1&2): 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 (Section 551.072) and Deliberation regarding Economic Development Negotiations, to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Section 551.087(1)), and to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). (Section 551.087(2)) regarding: 54 Acres City Owned Property

    b. Texas Government Code §551.072: Deliberation regarding real property, to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: Kaufman Lake

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

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

ADJOURNMENT

I, JESSIE HANKS, CITY SECRETARY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN MUNICIPAL COMPLEX, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON FRIDAY, NOVEMBER 22, 2019, AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.

Jessie Hanks

JESSIE HANKS
CITY SECRETARY

KAUFMAN, TEXAS

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), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES) AND 551 .086 (ECONOMIC DEVELOPMENT).

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.

City of Kaufman

Meeting Date: 11/25/2019	Date: 11/13/2019	Item #: 4.	Dept.: Development Services

Ordinance

SUBJECT:

Conduct a public hearing, consider and take appropriate action on Ordinance O-30-19, an ordinance of the City Council of the City of Kaufman, Texas amending the City of Kaufman's Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances by amending Section 40.8 “Temporary Use Permit”, Section A, “Temporary Use Defined” to adopt regulations for Special Food and Drink Sales in the Central Business District as set forth in Subparagraph “d”, “Special Food and Drink Sales” of Subsection “d”, “*Central Business District (CBD) Special and Seasonal Sales Events” and authorizing the Issuance of Temporary Use Permits for such sales, providing regulations relative to length of permit, noise, garbage, proximity to existing businesses and related matters. (Z-08-19)

BACKGROUND:

See the attached Planning and Zoning Commission Report dated 11-05-2019

Author:	Reviewed:
Marcy Ratcliff, Development Services Director	Mike Slye, City Manager

Cost: N\A **Funds Available:** N\A **Source:** N\A

Recommendation: The Planning and Zoning Commission on November 5, 2019 recommended approval of Z-08-19 by a vote of 4-0 to amend Section 40.8 Temporary Use Permit creating a new temporary use permit allowed only in the Central Business District called Special Food And Drink Sales.

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

Planning and Zoning Commission Agenda Item: 1

Meeting Date: **November 5, 2019**

Consent: No **Discussion/Action:** **Yes**

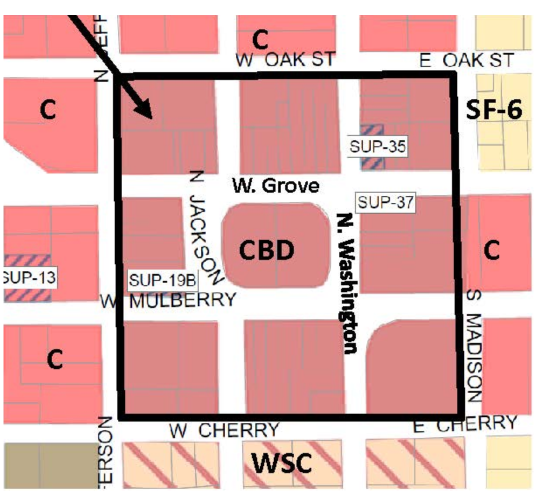
SUBJECT: Conduct a public hearing and make a recommendation to City Council for a request by the City of Kaufman for an amendment to the City of Kaufman's Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances regarding revisions to Section 40.8 Temporary Use Permits (Z-08-19)

BACKGROUND/SUMMARY:

Cameron Polk, at the September 24, 2019 Planning and Zoning Commission gave a presentation regarding his mobile food units' specialty coffee sales. He requested amendments to the Zoning Ordinance to allow mobile food units the ability to operate at a permanent fixed location year round in the Central Business District (CBD). Mr. Polk's request does not meet the Zoning Ordinance standards for a permanent use/structure including off-street parking and paving, setbacks, and landscaping.

Staff determined the only way to allow his mobile food unit to occupy private property without meeting the zoning standards was to create a new temporary use in the CBD with specific conditions. The Planning and Zoning Commission, at a special meeting on September 24, 2019, authorized Staff to set a public hearing to consider amending Section 40.8 Temporary Use Permits allowing special food and drink sales in the Central Business District.

ZONING Map:



The map to the left indicates the boundaries of the Central Business District (CBD) shown within the black square and colored dark red. The center of the district is the Kaufman County Courthouse. The CBD extends one block from the Court House in all four directions. The majority of the CBD is bounded by properties zoned Commercial (C) shown in red. The Washington Street Corridor (WSC), located south of Cherry Street and mostly one block off either side of S. Washington is shown in the red hatched area At the northeast corner of the Central Business District there is a one block area zoned Single Family Residential – (SF-6) shown in light yellow

Temporary uses are short term or seasonal uses that would not be appropriate on a permanent bases. Temporary uses are approved by the Development Services Department after consideration of the review criteria in Section 40.8.D and E. The review criteria applicable to all temporary uses includes reviewing the land use compatibility, compliance with other regulations, ensuring the site will be restored to its previous condition, the hours of operation and duration, the traffic circulation, off-street parking, determination of public conveniences and litter control, compatibility of the appearance and nuisances with surrounding land uses in the area.

Staff drafted language for a new temporary use **special food and drink sales**, allowed only within the Central Business District (CBD)**,** lasting up to a maximum of six (6) months, with the possibility of one (1) six (6) month extension. Special food and drink sales can be approved if the eleven (11) specific conditions are met, along with the review criteria in Section 40.8.D and E. Listed below are the eleven (11) specific conditions related solely to special food and drink sales.

1. Each mobile food unit, trailer or push cart must have a written letter of permission from the owner of the property upon which the sales are to take place to operate from that location.
2. Such sales shall be located on private property.
3. All mobile food units, trailers or push carts selling food products must first obtain a health permit from the City prior to receiving a Temporary Use Permit.
4. No mobile food units, trailers or push carts shall be located in the sight visibility triangle.
5. No mobile food units, trailers or push carts shall have flashing, strobing or blinking lights.
6. No mobile food units, trailers or push carts shall operate during an approved event without first obtaining written permission from the City of Kaufman.
7. No mobile food units, trailers or push carts shall be equipped with any sound amplification device that, when operated, violates Section 42-1 or Section 102-5 of the City of Kaufman Code of Ordinances.
8. Mobile food units and any towing vehicle are allowed to park on an unimproved surface (i.e. grass). Any disconnected towing vehicles associated with the mobile food unit and employee vehicles shall park only on an approved paved surface. No customer vehicles are allowed to drive or park on an unimproved surface
9. Garbage storage containers shall be maintained for each mobile food unit, trailer or push cart in a number sufficient to contain all trash and garbage generated by the vendor. All garbage storage containers shall be removed from the site daily.
10. Such sales shall not be located within one hundred (100) feet of an existing fixed business that sells, distributes, or offers for sale goods or services similar to those to be sold, distributed, or offered for sale by each permittee.
11. Toilet rooms shall be designated and be conveniently located and accessible to employees of the mobile food units, trailers or push carts during all hours of operation. Each mobile food unit, trailer or push cart must have a written letter of permission from the owner of the toilet facilities allowing the shared use of the facilities and state the hours of availability.

See attached, Section 40.8 Temporary Uses with the added draft language in its entirety

PUBLIC NOTICE:

Notice to the local newspaper is the only public notice required for proposed amendments to the zoning ordinance. The notice was published on October 17, 2019 in the Kaufman Herald.

RECOMMENDATIONS:

Staff recommends approval of Z-08-19 to amend the City of Kaufman's Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances regarding revisions to Section 40.8 Temporary Use Permits

ATTACHMENTS:

1. Draft Amendments to Section 40.8

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

40.8 TEMPORARY USE PERMIT:

The following temporary uses may be allowed under the conditions and for the time specified upon permit application review by the Director or his designee and payment of the required fee. Applications must be submitted ten (10) days prior to the proposed start date of the Temporary Use.

A. Temporary Use Defined

Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses are identified in Chart 3 Accessory and Incidental Use Charts and in Section 33.5 Definitions. In addition, the following uses and activities shall be considered temporary uses:

a. **Fundraising Activities by Not-for-Profit Agencies.** Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 24 hours. Temporary uses of a religious or philosophical nature, including tents, by organizations not normally conducting business for profit may be allowed for a period of their actual duration, up to a maximum of thirty (30) days, except that two (2) extensions of up to fifteen (15) days may be possible upon application and approval. An alternate method for permitting fundraising or other non-profit temporary activities is to submit an annual schedule of proposed events to be held on noncontiguous days (such as certain weekends or Holidays, etc.) for a total not to exceed thirty (30) days in any one (1) calendar year.

b. **Special and Seasonal Sales Events.** Significant commercial activities lasting not longer than thirty (30) days (except that a maximum of two (2) extensions of up to thirty (30) days may be granted upon application and approval) intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, farmer's markets, Christmas tree lot sales, product demonstrations or sales of food, produce, art work or other goods. (This does not include peddlers and solicitors or occasional sales such as garage, estate, rummage, or yard sales which are regulated under separate Ordinances (see Chapters 26 and 74, City Code of Ordinances).

c. **Entertainment or Amusement Events.** Short-term cultural and entertainment events including public or private events lasting more than 48 hours but not longer than fifteen (15) days (except that a maximum of two (2) extensions of up to five (5) days may be granted upon application and approval) intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.

d. ***Central Business District (CBD) Special and Seasonal Sales Events** allowed with specified locations and time limitations. *Amended May 18, 2009 by Ordinance O-05-09

  a. Farmer's market including: plants, food, and produce in accordance with the Texas Health and Sanitation Regulations

    i. Farmer's markets are allowed only on weekends starting on Friday at 5:00 p.m. and ending on Sunday by 6:00 p.m. throughout the entire year.

ii. An association may apply for a group Temporary Use Permit or an individual may apply for an individual Temporary Use Permit. A date and time schedule of the farmer's market shall be included with the Temporary Use Permit.

iii. A farmer's market shall be located on a private lot or on South Jackson and East Grove Streets.

b. Homemade arts and craft works market

i. Homemade arts and craft works markets are allowed on weekends starting on Friday at 5:00 p.m. and ending on Sunday by 6:00 p.m. throughout the entire year.

ii. An association may apply for a group Temporary Use Permit or an individual may apply for an individual Temporary Use Permit. A date and time schedule of the homemade arts and craft works market shall be included with the Temporary Use Permit.

iii. A homemade arts and craft works market shall be located on a private lot or on South Jackson Street.

c. Pumpkin patch, Christmas tree lots, Valentine's Day flowers sale lots, etc.

i. Such lot sales are allowed for a maximum of thirty (30) days.
ii. Such lot sales shall be located on a private lot or on South Jackson Street.

d. **Special Food and Drink Sales. Significant commercial activities lasting up to a maximum of six (6) months, except that one (1) extension of up to six (6) months may be granted upon application and approval intended to sell, lease, rent or promote sales of food or drinks.**

i. Each mobile food unit, trailer or push cart must have a written letter of permission from the owner of the property upon which the sales are to take place to operate from that location.

ii. Such sales shall be located on private property.

iii. All mobile food units, trailers or push carts selling food products must first obtain a health permit from the City prior to receiving a Temporary Use Permit.

iv. No mobile food units, trailers or push carts shall be located in the sight visibility triangle.

v. No mobile food units, trailers or push carts shall have flashing, strobing or blinking lights.

vi. No mobile food units, trailers or push carts shall operate during an approved event without first obtaining written permission from the City of Kaufman.

vii. **<u>No mobile food units, trailers or push carts shall be equipped with any sound amplification device that, when operated, violates Section 42-1 or Section 102-5 of the City of Kaufman Code of Ordinances.</u>**

viii. **<u>Mobile food units and any towing vehicle are allowed to park on an unimproved surface (i.e. grass). Any disconnected towing vehicles associated with the mobile food unit and employee vehicles shall park only on an approved paved surface. No customer vehicles are allowed to drive or park on an unimproved surface</u>**

ix. **<u>Garbage storage containers shall be maintained for each mobile food unit, trailer or push cart in a number sufficient to contain all trash and garbage generated by the vendor. All garbage storage containers shall be removed from the site daily.</u>**

x. **<u>Such sales shall not be located within one hundred (100) feet of an existing fixed business that sells, distributes, or offers for sale goods or services similar to those to be sold, distributed, or offered for sale by each permittee.</u>**

xi. **<u>Toilet rooms shall be designated and be conveniently located and accessible to employees of the mobile food units, trailers or push carts during all hours of operation. Each mobile food unit, trailer or push cart must have a written letter of permission from the owner of the toilet facilities allowing the shared use of the facilities and state the hours of availability.</u>**

B. Application

An application for a Temporary Use Permit shall be submitted to the Director or his designee at least 10 working days before the requested start date for a temporary use and shall include the following:

1. A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the event
2. A written description of how the temporary use complies with the review criteria in D, below.
3. A plan showing the location of proposed structures, including onsite restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
4. A letter from the property owner agreeing to the temporary use.
5. Any additional information required by the Director.

C. Review and Action by the Director

The Director shall make a determination whether to approve, approve with conditions, or deny the permit within 5 working days after the date of application. Any applicant denied a permit by the Director shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the Zoning Board of Adjustment.

D. Review Criteria

Temporary uses shall comply with the following requirements:

1. **Land Use Compatibility.** The temporary use must be compatible with the purpose and intent of this ordinance. The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site. The temporary use shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.
2. **Compliance with Other Regulations.** The temporary use shall conform in all respects to all other applicable City regulations and standards.
3. **Restoration of Site**. Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use. The applicant shall be responsible for ensuring the restoration of the site.
4. **Hours of Operation and Duration.** The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses and shall be established by the Director at the time of approval of the temporary use permit.
5. **Traffic Circulation.** The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
6. **Off-street Parking.** Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site(s).
7. **Public Conveniences and Litter Control.** Adequate onsite rest room facilities and litter control may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
8. **Appearance and Nuisances.** The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
9. **Signs.** The Director shall review all signage, although a sign permit is not required. The Director may approve the temporary use of attention attracting devices.

E. Additional Conditions

The Director may establish additional conditions to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering, and guarantees for site restoration and cleanup following the temporary use.

1. A temporary building or structure may be used as an office incidental to construction work

if such building is located upon the same property as the site under construction and does not provide for a use that is not incidental to construction on the premises. Such buildings or structures shall be removed following final acceptance of the construction by the City. No longer than thirty (30) days maximum shall be allowed for removal of such buildings or structures.

2. A temporary facility, or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or a sales office, or for display purposes. No more than one (1) office and no more than four (4) display facilities shall be allowed for any purposes in any subdivision. Such temporary uses shall be allowed for a period of up to one (1) year, with extensions upon application and approval, of up to six (6) months possible, provided construction remains continuous and no more than ten (10) lots remain unsold in the subdivision. No more than two (2) such extensions shall be granted.

3. Temporary sales of seasonal products such as firewood, Christmas trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to thirty (30) days, except that a maximum of two (2) extensions of up to thirty (30) days may be possible upon application and approval. All vendors selling food products must first obtain a health permit from the City prior to receiving a Temporary Use Permit.

4. The Director, or his designee, in approving or denying such applications, shall consider the nature of the use; existing uses in the surrounding areas, noise, dust; light and traffic generated; health and sanitary conditions; and compliance with other regulations of this Ordinance. The Director, or his designee, shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within two (2) days of such finding.

F. Appeals

A denial of a temporary use permit by the Director may be appealed to the Zoning Board of Adjustment. The appeal shall be made by submitting an application for a variance to the Director with the required fee as listed in the Fee Schedule, Ordinance O-29-03, as amended.

ORDINANCE NO. O-30-19

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING ZONING ORDINANCE NO. O-02-07 AND CHAPTER 118, "ZONING" OF THE CITY'S CODE OF ORDINANCES, "THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KAUFMAN", BY ADOPTING AMENDMENTS TO THE SUPPLEMENTAL REGULATIONS TO THE COMPREHENSIVE ZONING ORDINANCE, SPECIFICALLY SECTION 40.8 "TEMPORARY USE PERMIT", SECTION A, "TEMPORARY USE DEFINED" ADOPTING REGULATIONS FOR SPECIAL FOOD AND DRINK SALES IN THE CENTRAL BUSINESS DISTRICT AS SET FORTH IN SUBPARAGRAPH "D", "SPECIAL FOOD AND DRINK SALES" OF SUBSECTION "D", "*CENTRAL BUSINESS DISTRICT (CBD) SPECIAL AND SEASONAL SALES EVENTS" AND AUTHORIZING THE ISSUANCE OF TEMPORARY USE PERMITS FOR SUCH SALES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A CUMULATIVE REPEALER 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; and

WHEREAS, the City has adopted a Comprehensive Zoning Ordinance regulating land use within the City, providing for both permanent and temporary land uses and authorizing various uses when an approved Temporary Use Permit is obtained from the City; and

WHEREAS, in recent years the mobile food truck industry has emerged as a popular trend in the food industry which expands and compliments local dining options when properly regulated; and

WHEREAS, the City has determined it appropriate to adopt regulations authorizing and regulating mobile food units and setting forth guidelines for their orderly operation; and

WHEREAS, at its' regular meeting held on the 5th day of November, 2019, 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 approval of a request (Case No. Z-08-19) to amend the Supplemental Regulations of the Comprehensive Zoning Ordinance, specifically Section 40.8 "Temporary Use Permit";

WHEREAS, at its' regular meeting held on the 25th day of November, 2019, the City Council of the City of Kaufman, after holding a public hearing for the proposed amendments to the Supplemental Regulations of the Comprehensive Zoning Ordinance, specifically Section 40.8 "Temporary Use Permit", determined that all legal requirements of notice and hearings were met, providing the public an opportunity to provide input, and considering the public input, 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, safety, and substantially furthers 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. AMENDMENT.

That Chapter 118, "Zoning" of the Code of Ordinances of the City of Kaufman and Ordinance No. O-02-07, the "Comprehensive Zoning Ordinance of the City of Kaufman", are hereby amended to adopt Subparagraph "d", "Special Food and Drink Sales" of Subsection "d", "*Central Business District (CBD) Special and Seasonal Sales Events" of the Supplemental Regulations, specifically, Section 40.8 "Temporary Use Permit" of Section 40, "Supplemental Regulations of Ordinance No. O-02-07 and Chapter 118 "Zoning" of the Code of Ordinances of the City as set forth below and all other chapters and subsections of Ordinance No. O-02-07 and Chapter 118 "Zoning" not specifically amended hereby shall remain in full force and effect without amendment.

40.8 TEMPORARY USE PERMIT:

The following temporary uses may be allowed under the conditions and for the time specified upon permit application review by the Director or his designee and payment of the required fee. Applications must be submitted ten (10) days prior to the proposed start date of the Temporary Use.

A. **Temporary Use Defined**

Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses are identified in Chart 3 Accessory and Incidental Use Charts and in Section 33.5 Definitions. In addition, the following uses and activities shall be considered temporary uses:

d. *__Central Business District (CBD) Special and Seasonal Sales Events__ allowed with specified locations and time limitations. *Amended May 18, 2009 by Ordinance O-05-09

…

"d. **Special Food and Drink Sales.** Significant commercial activities related to the sale, lease, or promotion of sales of food and/or drinks (collectively in this subparagraph "Food Sales") may operate under the authority of a Temporary Use Permit issued by the City for a maximum period of six (6) consecutive months during a twelve (12) month period, except that one (1) extension of time for a period up to six (6) months during a twelve (12) month period may be granted upon submission of an application to the City Council and the Council's subsequent approval.

i. All applications for permit submitted for Sales utilizing mobile food units, trailers and/or push carts shall include a written letter of permission from the owner of the property upon which such Food Sales are to take place evidencing that the applicant has obtained the consent of the property owner to operate from that location.

ii. Food Sales shall be conducted only on private property. Food Sales shall not be permitted upon public property, including without limitation, parks, rights of way and medians, unless otherwise authorized in writing by the City.

iii. All owners and/or operators of mobile food units, trailers and/or push carts from which Food Sales occur or which are utilized in conjunction with Food Sales shall first obtain a health permit from the City prior to receiving a Temporary Use Permit.

iv. No mobile food unit, trailer and/or push cart, portions thereof, or related accessories, including without limitation, benches, tables or chairs, shall be located in any sight visibility triangle as that term is defined in the City's Subdivision Regulations or other ordinance.

v. Mobile food unit, trailer and/or push cart shall not be allowed to utilize flashing, strobing or blinking lights at any time of day or night.

vi. Mobile food units, trailers and/or push carts shall not be operated by any person during a City event without such person first obtaining written permission from the City of Kaufman and all applicable permits.

vii. No person owning or operating a mobile food unit, trailer and/or push cart shall utilize any sound amplification device that, when operated, violates Section 42-1, "Noise" or Section 102-5, "Sound Amplification on Vehicles" of the City of Kaufman Code of Ordinances, as amended from time to time.

Comment [PA1]: What is the definition of or criteria for "significant commercial activities"?

Comment [PA2]: This reads as "lease" of food or drinks – what is the purpose of lease here?

Comment [PA3]: Promotion?

Comment [PA4]: Does the City do this or is this type of permit received from the County? If so, use "appropriate governmental authority" instead of City.

Comment [PA5]: Is Sound ok? Ice cream trucks or other trucks that use music? I see noise ordinance references below so will they be allowed to have sound as long as they don't violate the sound ordinances?

viii. Mobile food units and towing vehicles may park on an unimproved surface, including grass or some other non-impervious surface). Disconnected towing vehicles and/or employee vehicles associated with the operation of a mobile food unit shall only park on an approved paved surface. Customer vehicles shall not be operated or parked on an unimproved surface.

ix. Garbage storage containers shall be maintained in an accessible location for each mobile food unit, trailer or push cart at such location and in such number sufficient to contain all trash and garbage generated by the vendor. All garbage storage containers shall be removed from the site daily by the owner/operator.

x. No mobile food unit, trailer and/or push cart shall be located within one hundred (100) feet of an existing fixed business that sells, distributes, or offers for sale or distribution any food or beverages similar to those to be sold, distributed, or offered for sale by the owner or operator of a mobile food unit, trailer, and/or push cart.

xi. Toilet facilities shall be designated and shall be conveniently located and accessible to employees of the each mobile food unit, trailer and/or push carts during all hours of operation of such business. Each owner or operator of a mobile food unit, trailer and/or push cart shall provide the City with a written letter of permission from the owner of the toilet facilities designated by such person as required by this section evidencing that the owner or operator has obtained the consent of the property owner authorizing the shared use of the toilet facilities and that also states the hours of availability of the toilet facilities.

Comment [PA6]: The rest of the ordinance provisions have referred to "trailers". Do we need to add "towing vehicles" or should trailer be defined to include a "towing vehicle"?

Comment [EB7]: Designate who will remove daily.

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. 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 25th day of November, 2019.

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

MINUTES OF THE
CITY COUNCIL MEETING
Monday, 28 October, 2019 - 5:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

WORK SESSION- 5:00 P.M. 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.

CALL WORK SESSION TO ORDER Mayor calls the Work Session to order, states the date and time, state Councilmembers present, and declares a quorum present.

yoresaadfMayor Jordan called the City Council Work Session to order at 5:15 PM. Councilmembers present were Barry Ratcliff, Charles Gillenwater, Carole Aga, Jeff Council, and Patty Patterson. 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 Ratcliffe, Police Chief Dana Whitaker, and Police Captain Les Edwards.

1. Discussion of potential funding options for Street Bond Phase 2.

Mr. Slye reviewed the scope of the project, the estimated cost, and the request for proposal process. He outlined the three potential funding options for the project. There was a discussion about which options Council would prefer.

ADJOURNMENT

Mayor Jordan adjourned the Work session at 5:49 PM.

REGULAR CITY COUNCIL MEETING- 6:00 P.M.

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 Regular Session to order at 6:01 PM. Council members present were Barry Ratcliffe, Charles Gillenwater, Carole Aga, Jeff Council, and Patty Patterson. 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, 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.

RECOGNITION Business of the Month - Absolute Air - Air Conditioning and Heating

Mayor Jordan, Mr. Holder, and Ms. Glasscock recognized. John and Kim Hutto with Absolute Air. Mr. Hutto thanked Council for the recognition. He has enjoyed serving Kaufman with honesty and integrity.

CONSENT AGENDA

2. Consider and take appropriate action on the minutes of the August 26, 2019, Regular City Council Meeting.

3. Consider and take appropriate action on the minutes of the September 9, 2019, Special City Council Meeting.

4. Consider and take appropriate action on the minutes of the September 23, 2019, Regular City Council Meeting.

5. Consider and take appropriate action regarding Resolution R-22-19, a resolution of the City Council of the City of Kaufman, for Texas Department of Transportation to Temporarily Close SH 34 (South Washington Street) for the purpose of a Lighted Christmas Parade on Saturday, December 14, 2019 at 6:00 P.M.

6. Consider and take appropriate action regarding Resolution R-23-19, a resolution of the City Council of the City of Kaufman, authorizing the City Manager to enter into an Agreement with the Texas Department of Transportation to close the Kaufman County Courthouse Square on December 14, 2019, from 9:00 A.M. to 10:00 P.M. for the Kaufman "Christmas On The Square."

7. Consider and take appropriate action to reschedule the Regular City Council Meeting set on Monday, December 23, 2019, to Monday, December 16, 2019.

END OF CONSENT AGENDA

Council member Gillenwater made a motion to approve consent agenda items 2-7 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 6/0.

PUBLIC HEARING

8. Conduct a Public Hearing, consider and take appropriate action on Ordinance O-29-19, an ordinance of the City Council of the City of Kaufman, amending Chapter 106 Utilities, Article VI Municipal Storm Water (Drainage) Utility System of Kaufman's Code of Ordinances, to amend Section 106.256 adopting the Municipal Stormwater Utility System Fee Schedule by amending Drainage Fees assessed on property within the City based upon the property's contribution of drainage into the Municipal Stormwater Utility System established and maintained by the City; establishing exemptions and fee credits and providing an effective date of January 1, 2020 for the assessment of the amended fees.

   A. Presentation.

Mr. Slye reviewed the history that led Council and staff to the storm water increase that is presented. He outlined the ordinance and the changes

   B. PUBLIC HEARING.

Mayor Jordan opened the Public Hearing at 6:08 PM. With no one present to speak, he closed the public hearing at 6:08 PM

   C. Consider and take appropriate action on Ordinance O-29-19.

Councilmember Council made a motion to approve Ordinance O-29-19 as presented. The motion was seconded by Councilmember Aga and 6/0.

DISCUSSION/ACTION ITEMS

9. Consider and take appropriate action on Ordinance O-28-19, an ordinance of the City Council of the City of Kaufman, to amend Chapter 22, “Buildings And Building Regulations” and Chapter 46, “Fire Prevention And Protection” by amending and repealing the following: Amending Section 22-481, “Code Adopted” of Article XIII “Technical Codes”, and Repealing Sections 22-31 Through Section 22-34 (Property Maintenance Code Local Amendments) of Article II “Property Maintenance Code, Amending Section 22-121, “Adopted” of Article IV, “Electricity” of Chapter 22 “Building And Building Regulations”, and Amending Section 46-161, “Adoption” of Article IV, “Fire Codes”, Repealing Section 46-181 “Adoption Of NFPA Standard 101” And Section 46-182 “Automatic Sprinkler Systems Of Article IV, “Fire Codes” Chapter 46 “Fire Prevention And Protection” of the Code Of Ordinances, Replacing And Repealing All Of Ordinance O-01-14 (Adoption Of 2009 IBC Codes And 2008 NEC Code); Repealing All Of Ordinance O-17-14 (Property Maintenance Code Local Amendments) And Adopting And Incorporating into the Code Of Ordinances by reference the 2014 National Electrical Code; the 2015 International Building Code; the 2015 International Residential Code; the 2015 International Fire Code; the 2015 International Plumbing Code; the 2015 International Mechanical Code; the 2015 International Fuel Gas Code; the 2015 International Energy Conservation Code; The 2015 International Property Maintenance Code; the 2015 International Existing Building Code; and the 2015 International Swimming Pool and Spa Code; Providing for adoption of Certain Local Amendments including amendments as recommended by The North Central Texas Council Of Governments (NCTCOG) to the Codes as enumerated; providing for the incorporation of premises; providing for an amendment; providing a cumulative repealer clause; providing for severability; providing a penalty in an amount not to exceed two thousand dollars ($2,000.00); providing an effective date.

Ms. Ratcliff informed Council the City is currently on the 2009 versions of all the various building Codes. She outlined the purpose and need to go to the 2015 Codes and COG amendments. There were discussions about the codes and the amendments.

Councilmember Council made a motion to approve Ordinance O-28-19 as presented. The motion was seconded by Councilmember Aga and passed 6/0.

10. Consider and take appropriate action on Resolution R-24-19, a resolution of the City Council of the City of Kaufman, setting a public hearing for December 16, 2019 to receive public input on the advisability of proposed updates and amendments to the City of Kaufman Land Use Assumptions, Water and Street Capital Improvements Plan and the Kaufman Impact Fee Schedule; and providing an effective date.

Ms. Ratcliff explained the information and discussions the Capital Improvement Advisory Committee completed. She highlighted the process staff used to get to the recommended increase amount. She informed Council that developers are use to paying higher impact fees at other city's in the North Texas area.

Mayor Jordan made a motion to approve Resolution R-24-19 as presented. The motion was seconded by Councilmember Gillenwater and passed 6/0.

11. Consider and take appropriate action on Resolution R-25-19, a resolution of the City Council of the City of Kaufman, approving and adopting the Agreement Concerning Retail Water Utility Service Area between the City and the College Mound Special Utility District ("CMSUD") to provide for the transfer of a portion of the City's CCN serving Kaufman Estates to CMSUD, authorizing the commencement of transfer proceedings with the Public Utility Commission of Texas, and authorizing the Mayor or his designee to execute necessary documents in accordance with the terms of the Agreement.

Mr. Slye outlined the location and accounts of Kaufman Estates. He reviewed the purpose of the agreement to amend the CCN to transfer Kaufman Estates to College Mound Special Utility District. This agreement is subject to the Public Utility Commissions approval. He highlighted the agreement for the Council and the next steps to completing the transfer.

Councilmember Ratcliffe made a motion to approve Resolution R-25-19 as presented. The motion was seconded by Councilmember Gillenwat and passed 6/0.

12. Consider and take appropriate action on the award of bid and contract for the Landscape Maintenance Services for Fiscal Year 2020 and authorizing the Mayor or his designee to execute necessary documents.

Mr. Slye informed Council about the Request for Proposal process that was completed and the scope of work included. He stated staff received three bids and after review it was concluded that 5-Star Tree & Lawn, LLC submitted the most responsible bid for mowing and weeding services and Southern Roots Lawncare submitted the most responsible bid for chemical application services.

Councilmember Aga made a motion to award the bid and contract for Landscape Services to 5 star tree and lawn and the Chemical Application services to Southern Roots Lawncare for Fiscal Year 2020 and authorize the City Manager to execute necessary documents. The motion was seconded by Mayor Pro-Tem Patterson and passed 6/0.

13. Consider and take appropriate action on the award of bid and contract for the Paving, Drainage, Sanity Sewer and Water Improvements for E. Ninth Street, Main Street, and Circle Drive; and authorizing the Mayor or his designee to execute necessary documents.

Mr. Slye presented the project and the lowest responsible bidder. He outlined the bid process and the funding options.

Councilmember Gillenwater made a motion to award the bid and contract for the Paving, Drainage, Sanity Sewer and Water Improvements for E. Ninth Street, Main Street, and Circle Drive to Axis Contracting and authorizing the Mayor or his designee to execute necessary documents, and to include option 3 financing as discussed in Work Session . The motion was seconded by Mayor Pro-Tem Patteso and passed 6/0.

<u>ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER</u>

14. Receive an update and discussion regarding the following:

    A. Discussion Items Report (DIR)

B. Planning and Zoning Commission Vacancy.

C. Halloween on Houston- October 31st

D. Volunteer Banquet- November 7th

E. Monthly calendars attached.

Mr. Slye gave the Council and update on the above items.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 6:36 PM.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

Meeting Date: 11/25/2019	Date: 11/18/2019	Item #: 6.	Dept.: Administration

Action Item

SUBJECT:

Consider and take appropriate action on Resolution R-26-19, a resolution of the City Council of the City of Kaufman, Texas, accepting Public Improvements for the Dallas Street Drainage Improvement Project and establishing the date for a two (2) year warranty period.

BACKGROUND:

The resolution provides for the acceptance of the Community Development Block Grant project making several storm drainage and intersection improvement along Dallas Street from Mulberry to 9th St. All construction and additional conditions have been met.

Author:	Reviewed:
Mike Slye, City Manager	Mike Slye, City Manager

Cost: N/A **Funds Available:** N/A **Source:** N/A

Recommendation: Recommend approval of Resolution R-26-19 accepting all related improvements of the 2017 CDBG Grant project on Dallas Street.

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

RESOLUTION NO. R-26-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS ACCEPTING PUBLIC IMPROVEMENTS FOR THE DALLAS STREET DRAINAGE IMPROVEMENT PROJECT; ESTABLISHING THE WARRANTY PERIOD FOR THE PUBLIC IMPROVEMENTS; AND PROVIDING AN EFECTIVE DATE~~-~~.

WHEREAS, the City and L.A. Banda, LLC (“L.A. Banda”) entered into an agreement dated December 6, 2018, (the “Agreement”), pursuant to which L.A. Banda was to construct certain public improvements on Dallas Street (the “Public Improvements”); and

WHEREAS, L.A. Banda has constructed all required Public Improvements and City Council accepts the actual quantities and construction of said Public Improvements pursuant to final estimate; and

WHEREAS, having accepted the Public Improvements via the adoption of this Resolution, ~~-~~the City Council hereby establishes that the two (2) year warranty period for said Public Improvements commences as of the date of this Resolution; and

WHEREAS, a two (2) year maintenance bond covering the Public Improvements has been received by the City.

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

SECTION 1. That the foregoing recitals are true and correct and are incorporated herein.

SECTION 2. That effective as of the date of this ~~Resoltuion~~Resolution, the City accepts the Public Improvements as approved by final inspection of City of Kaufman Public Works Department.

SECTION 3. That the City establishes the warranty period to be in effect commencing on ~~11/25/19~~ November 25, 2019, the effective date of this Resolution, and remaining in full force and effect until ~~11/25/21~~November 25, 2021~~19~~, at 12:00 ~~p~~a.m., midnight (24 months from the effective date of this Resolution). Further, pursuant to the terms of the Agreement, the City has received a maintenance bond that shall remain in effect throughout the warranty period established herein and shall guarantee repairs to the Public Improvements occuring within the warranting period.

PASSED AND APPROVED this 25th day of November, 2019.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY

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ALBANY

November 1, 2019

Arturo Banda, President
L.A. Banda, LLC
523 Neomi Avenue
Dallas, TX 75217
(via email)

Re: Final Acceptance for Drainage Improvements for Dallas Street

Dear Mr. Banda,

This is your letter of Final Acceptance for the above project. The final inspection and the corrected punch list items indicate that the work is complete and is therefore accepted by the City of Kaufman. In accordance with the contract documents, the maintenance bond shall be in effect for two (2) years from the date indicated above.

If you have any questions, please do not hesitate to contact us.

Sincerely,
tnp
teague nall & perkins

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

cc: Jesus Hernandez, LA Banda, LLC, (via email)
Wanda Vance, Vice President, Traylor & Associates (via email)
Mike Slye, City Manager - City of Kaufman (via email)
Mike Holder, Assistant City Manager - City of Kaufman (via email)
Richard Underwood, Director of Public Works - City of Kaufman (via email)
Tom Rutledge, Teague, Nall & Perkins (via e-mail)
KAU 18112 File

Meeting Date: 11/25/2019 **Date: 11/18/2019** **Item #: 7.** **Dept.: Administration**

Action Item

SUBJECT:

Consider and take appropriate action on the acceptance of the City of Kaufman's 5 year Capital Improvement Plan.

BACKGROUND:

The attached Capital Improvement Program (CIP) for Fiscal Years 2020 through 2024 is a five-year plan designed to improve the City of Kaufman’s infrastructure, facilities, parks and equipment. The plan is guided by the priorities of the current City Council and will serve to maintain our infrastructure, construct quality community amenities, maintain a safe and desirable community, and do so in a financially sustainable manner. The FY 2020-2024 Project Plan includes new projects identified in the updated Parks Master Plan, discussed during the annual City Council Retreat, or approved in bond or debt issuances. This long range planning is necessary to provide the vision and resources needed to address the growth of the city, provide services at the level that the community desires. The 5 Year CIP Plan is intended to be a road map that will enable project planning and financing for the foreseeable future. However, it is a living document that will be reevaluated on at least an annual basis to reflect changing project estimates and schedules, as well as different economic and financial assumptions or City Council priorities.

This plan represents total project costs of $36,138,476 and identifies $30,151,333 in possible funding available.

Author:
Mike Holder, Assistant City Manager

Reviewed:
Mike Slye, City Manager

Cost: $36,138,476 **Funds Available:** $30,151,333 **Source:** Multiple allowable funding sources.

Recommendation: Staff recommends approval of the 5 Year CIP Plan.

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

	FUNDING SOURCES:	AVAILABLE FUNDS
1	2016A CO (UTILITIES)	$ 2,542,364
2	2017A GO BONDS (STREETS)	$ 2,136,915
3	2018 CO (STORM DRAINAGE)	$ 74,804
4	2018 CO (WWTP)	$ 879,077
5	2018 CO (UTILITIES)	$ 449,844
6	TWDB LOAN	$ 2,710,000
7	STORM DRAINAGE CO	$ 1,900,000
8	2019 CO	$ 3,500,000
9	2020 CO	$ 3,000,000
10	CHAMBER CD	$ 250,000
11	TxDOT OVERRUN REIMBURSEMENT	$ 814,000
12	LAKE KAUFMAN PROCEEDS	$ 1,000,000
13	STREET MAINT SALES TAX (ANNUAL x 4)	$ 1,556,912
14	TPWD BOAT DOCK GRANT	666,667
15	TPWD PARK GRANT	$ 500,000
16	TPWD TRAIL GRANT	$ 200,000
17	PID PARK GRANT	$ 1,470,750
18	TIRZ REIMBURSEMENT	$ 1,500,000
19	PARK DEDICATION	
20	COUNTY ROAD BOND PROCEEDS	$ 5,000,000
	TOTAL	**$ 30,151,333**

Meeting Date: 11/25/2019 | **Date: 10/7/2019** | **Item #: 8.** | **Dept.: Administration**

Action Item

SUBJECT:

Consider and take appropriate action on Ordinance O-31-19, an ordinance of the City Council of the City of Kaufman, Texas, authorizing the issuance and sale of City of Kaufman, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019, in an aggregate principal amount not to exceed $3,625,000; and ordaining other matters relating to the subject.

BACKGROUND:

This is the last and formal action required to complete the sale of the Certificates of Obligation related to the remodel of the Kaufman Civic Center and any possible park improvements (Splash Pad) if there is available resources after the Civic Center remodel.

Author:
Mike Slye, City Manager

Reviewed:
Mike Slye, City Manager

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

Recommendation: Recommend approval of Ordinance O-31-19 authorizing the sale of $3.625 Million in Certificates of Obligation.

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

ORDINANCE NO. O-31-19

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, PROVIDING FOR THE ISSUANCE OF CITY OF KAUFMAN, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $3,625,000; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on September 23, 2019, the City Council of the City of Kaufman (the "City" or the "Issuer") passed a resolution authorizing and directing notice of its intention to issue certificates of obligation in a maximum principal amount of $3,625,000, with such notice to be published in a newspaper as required by Section 271.049 of the Texas Local Government Code ("Section 271.049"); and

WHEREAS, a notice was published in *The Kaufman Herald*, a "newspaper" of the type described in Section 2051.044 of the Texas Government Code, as required by Section 271.049, on September 26, 2019 and October 3, 2019; and

WHEREAS, said notice stated that the City Council of the City tentatively proposed to adopt an ordinance authorizing the issuance of the certificates of obligation at a regular meeting to commence at 6:00 o'clock, p.m., on the 25th day of November, 2019; and

WHEREAS, no petition, signed by at least 5% of the qualified electors of the City as permitted by Section 271.049 protesting the issuance of such certificates of obligation, has been filed; and

WHEREAS, the certificates of obligation hereinafter authorized are to be issued and delivered pursuant to the Texas Constitution and the laws of the State of Texas, including specifically Subchapter C of Chapter 271 of the Texas Local Government Code; Now, Therefore

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

Section 1. AUTHORIZATION OF CERTIFICATES OF OBLIGATION. That the City's certificates of obligation, to be designated the "City of Kaufman, Texas Combination Tax and Limited Surplus Revenue Certificate of Obligation, Series 2019" (the "Certificates"), are hereby authorized to be issued and delivered in an aggregate principal amount of $[_____] for the purpose of paying contractual obligations to be incurred by the City for the following purposes, to-wit: (i) constructing, installing, acquiring and equipping renovations and improvements to a City owned building to be used as a civic and community center, and related infrastructure for such improvements; (ii) constructing, acquiring, installing, and equipping municipal park and recreation improvements and related infrastructure for such improvements; and (iii) legal, fiscal and engineering fees in connection with such projects.

The term “Certificates” as used in this Ordinance shall mean and include collectively the certificates of obligation initially issued and delivered pursuant to this Ordinance and all substitute certificates of obligation exchanged therefor, as well as all other substitute certificates of obligation and replacement certificates of obligation issued pursuant hereto, and the term “Certificate” shall mean any of the Certificates.

Section 2. DATE, DENOMINATIONS, NUMBERS, MATURITIES, AND INTEREST RATES. That the Certificates shall initially be issued, sold, and delivered hereunder as fully registered certificates, without interest coupons, dated December 15, 2019, shall be in principal denominations of $5,000 or any integral multiple thereof (an “Authorized Denomination”), shall be numbered, payable to the respective initial registered owner thereof, or to the registered assignee or assignees of the Certificates or any portion thereof (in each case, the “registered owner”) in the manner provided and on the dates stated in the FORM OF CERTIFICATE, and shall mature on February 15 in each of the years in the principal amounts, respectively, bearing interest from the Date of Delivery to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the following schedule:

Year	Principal Amount ($)	Interest (%)	Year	Principal Amount ($)	Interest (%)
2021			2031		
2022			2032		
2023			2033		
2024			2034		
2025			2035		
2026			2036		
2027			2037		
2028			2038		
2029			2039		
2030					

Section 3. REDEMPTION.

(a) *Optional Redemption*. That the City reserves the right to redeem the Certificates maturing on and after February 15, 2029, in whole, or in part, in Authorized Denominations, on August 15, 2028, or on any date thereafter, at the redemption price of par plus accrued interest thereon to the date fixed for redemption. If less than all of the Certificates are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar (hereinafter defined) to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided that during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository. The City shall notify the Paying Agent/Registrar at least forty-five (45) days prior to the scheduled redemption date that a redemption of the Certificates is to be effected.

(b) *Mandatory Sinking Fund Redemption*. [The Certificates are not subject to mandatory sinking fund redemption prior to their scheduled maturities.][The Certificates scheduled to mature on February 15, in the years [_____] (the "Term Certificates") are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Certificates, on dates and in the respective principal amounts, set forth in the following schedule:

<u>Term Certificates due February 15, 20[__]:</u>

Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]*	Principal Amount: $[_____]

<u>Term Certificates due February 15, 20[__]:</u>

Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]*	Principal Amount: $[_____]

* Stated Maturity

The principal amount of Term Certificates of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Issuer, by the principal amount of any Term Certificates of the same maturity which, at least forty-five (45) days prior to a mandatory redemption date (1) shall have been acquired by the Issuer at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.]

(c) *Notice*. At least thirty (30) days prior to the date fixed for any such redemption the City shall cause a written notice of such redemption to be deposited in the United States mail, first-class postage prepaid, addressed to each such registered owner at the address shown on the Registration Books (hereinafter defined) of the Paying Agent/Registrar on the forty-fifth (45th) day before such redemption date. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. Except as provided in subsection (d) of this Section with respect to a conditional redemption of Certificates, if such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Certificates, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price of par plus accrued interest thereon to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Certificates or any portion thereof. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in one or (at the written request of the registered owner) more Authorized Denominations, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance.

(d) *Notice of Conditional Redemption*. With respect to any optional redemption of the Certificates, unless certain prerequisites to such optional redemption required by this Ordinance have been met and money sufficient to pay the principal of, premium, if any, and interest on the Certificates to be redeemed will have been received by the Paying Agent/Registrar prior to giving such notice, such notice may state that the optional redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such money by the Paying Agent/Registrar on or prior to the date fixed for such redemption or upon any prerequisite set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption are not satisfied, such notice will be of no force and effect, the City will not redeem such Certificates, and the Paying Agent/Registrar will give notice in the manner in which the notice of redemption was given, to the effect that such Certificates have not been redeemed.

Section 4. CHARACTERISTICS OF THE CERTIFICATES.

(a) *Registration of Certificates*. That the Issuer shall keep or cause to be kept at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A., or such other bank, trust company, financial institution, or other agency named in accordance with the provisions of subsection (g) of this Section (the "Paying Agent/Registrar"), books or records for the registration and transfer of the Certificates (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such transfers and registrations under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of the registered owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided. The Issuer or its designee shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar at its Designated Trust Office, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. Registration of each Certificate may be transferred in the Registration Books only upon presentation and surrender thereof to the Paying Agent/Registrar at its Designated Trust Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of such Certificate, or any portion thereof in an Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have such Certificate or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Certificate or any portion thereof, a new substitute Certificate or Certificates shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the Issuer, the Designated Trust Office is the Dallas, Texas office of The Bank of New York Mellon Trust Company, N.A., set forth in the "Paying Agent/Registrar Agreement" executed by the City and the Paying Agent/Registrar in connection with the sale and delivery of the Certificates.

(b) *Registration Books; Ownership*. The entity in whose name any Certificate shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Certificate shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary; and payment of, or on account of, the principal of, premium, if any, and interest on any such Certificate shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Certificate to the extent of the sum or sums so paid.

(c) *Paying Agent*. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, and to act as its agent to exchange or replace Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all exchanges thereof, and all replacements thereof, as provided in this Ordinance.

(d) *Exchange, Assignment and Transfer of Certificates*. Each Certificate may be exchanged for fully registered certificates in the manner set forth herein. Each Certificate issued and delivered pursuant to this Ordinance, to the extent of the unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered certificates, without interest coupons, in the form prescribed in the FORM OF CERTIFICATE, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Certificate shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the principal amount of any Certificate or Certificates so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Certificate shall be redeemed prior to its scheduled maturity as provided herein, a substitute certificate or certificates having the same maturity date, bearing interest at the same rate, in one or (at the request of the registered owner) more Authorized Denominations, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation. If any Certificate or portion thereof is assigned and transferred, each Certificate issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Certificate for which it is being exchanged. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate. The Paying Agent/Registrar shall exchange or replace Certificates as provided herein, and each fully registered certificate or certificates delivered in exchange for or replacement of any Certificate or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Certificates for all purposes of this Ordinance, and may again be exchanged or replaced. It is specifically provided, however, that any Certificate delivered in exchange for or replacement of another Certificate prior to the first scheduled interest payment date on the Certificates (as stated on the face thereof) shall be dated the same date as such Certificate, but each substitute Certificate so delivered on or after such first scheduled interest payment date shall be dated as of the interest payment date on which interest due on the respective Certificate was paid in full, next preceding the date on which such substitute Certificate is delivered, unless such substitute Certificate is delivered on an interest payment date, in which case it shall be dated as of such delivery date; provided, however, that if at the time of delivery of any substitute Certificate the interest on the Certificate for which it is being exchanged has not been paid, then such substitute Certificate shall be dated as of the date to which such interest has been paid in full, and if no interest has been paid on the Certificate, then such substitute Certificate will be dated as of December 15, 2019. On each substitute Certificate issued in exchange for or replacement of any Certificate or Certificates issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF CERTIFICATE (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such substitute Certificate, date such substitute Certificate in the manner set forth above, and manually sign and date the Authentication Certificate, and no such substitute Certificate shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all Certificates surrendered for exchange or transfer. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council so as to accomplish the foregoing exchange, assignment or transfer of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of exchange and transfer of any Certificate as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Authentication Certificate, the substitute Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which were originally issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(e) *General*. All Certificates issued in exchange for or, pursuant to Section 11 hereof, replacement of any other Certificate or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Certificates, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) shall be payable as to the principal of and interest on the Certificates, all as provided, and in the manner required or indicated, in the FORM OF CERTIFICATE.

(f) *Fees of Paying Agent/Registrar*. The City shall pay the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers of Certificates, but the registered owner of any Certificate requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. The registered owner of any Certificate requesting any exchange shall pay the Paying Agent/Registrar's reasonable and standard or customary fees and charges for exchanging any such Certificate or portion thereof, together with any taxes or governmental charges required to be paid with respect thereto, all as a condition precedent to the exercise of such privilege of exchange, except, however, that in the case of the exchange of an assigned and transferred Certificate or any portion thereof in any Authorized Denomination, and in the case of the exchange of the unredeemed portion of a Certificate which has been redeemed in part prior to maturity, as provided in this Ordinance, such fees and charges will be paid by the City. In addition, the City hereby covenants with the registered owners of the Certificates that it will pay the (i) reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on Certificates, when due, and (ii) fees and charges of the Paying Agent/Registrar for services with respect to the transfer or registration of Certificates solely to the extent above provided, and with respect to the exchange of Certificates solely to the extent above provided.

(g) *Change in Paying Agent/Registrar*. The City covenants with the registered owners of the Certificates that at all times while the Certificates are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as the Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that it will promptly appoint a competent and legally qualified bank, trust company, financial institution, or other agency which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications are substantially similar to the those of the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver to the new Paying Agent/Registrar, designated and appointed by the City, the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h) *Form 1295 Filing*. The Paying Agent/Registrar has confirmed to the City that it is exempt from the disclosure form filing requirements of the Texas Ethics Commission in accordance with Section 2252.908(c)(4), Texas Government Code.

Section 5. FORM OF CERTIFICATE. That the Certificates, including the form of the Comptroller's Registration Certificate to accompany the Certificates initially issued and delivered to the Purchaser pursuant to Section 20 of this Ordinance, and both the forms of the Authentication Certificate and of Assignment to be printed on each of the Certificates authorized to be issued and delivered hereunder, shall be substantially in the form as set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance. The printer of the Certificates is hereby authorized to print on the Certificates (i) the form of bond counsel's opinion relating to the Certificates, and (ii) an appropriate statement of insurance furnished by a municipal bond insurance company providing municipal bond insurance, if any, covering all or any part of the Certificates.

Section 6. DEFINITIONS. That the term "Available Revenues" shall have the meaning given said term in Section 7 hereof; the term "Business Day" means any day that is not a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close; the term "Code" means the Internal Revenue Code of 1986; the term "Date of Delivery" means the day on which the Certificates initially issued are delivered to the Purchaser or the Purchaser's nominee in consideration of the payment by the Purchaser of the agreed purchase price of the Certificates; "MSRB" means the Municipal Securities Rulemaking Board; the term "Rule" means SEC Rule 15c2-12; the term "SEC" means the United States Securities and Exchange Commission; and the term "Surplus Revenues" means the revenues pledged herein from the operation of the City's Waterworks and Sewer System (not to exceed $1,000) remaining after payment of all operation and maintenance expenses thereof and other obligations heretofore or hereafter incurred to which such revenues have been or shall be encumbered by a lien on and pledge of such revenues superior to the lien on and pledge of such revenues to the Certificates.

Section 7. INTEREST AND SINKING FUND. That a special fund or account, to be designated the "City of Kaufman, Texas Series 2019 Certificate of Obligation Interest and Sinking Fund" (the "Interest and Sinking Fund") is hereby created and shall be established and maintained by the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying principal of and interest on the Certificates as such principal and interest comes due. All ad valorem taxes levied and collected for and on account of the Certificates shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any Certificate is outstanding and unpaid, the City Council shall compute and ascertain the rate and amount of ad valorem tax, based on the latest approved tax rolls of the City, with full allowances being made for tax delinquencies and costs of tax collections, which will be sufficient to raise and produce the money required to pay the interest on the Certificates as such interest comes due, and to provide and maintain a sinking fund to pay the principal of the Certificates as such principal matures (including principal maturing due to mandatory sinking fund redemption, if any), but never less than 2% of the outstanding principal amount of the Certificates as a sinking fund each year. The rate and amount of ad valorem tax is hereby ordered to be levied against all taxable property in the City for each year while any Certificate is outstanding and unpaid, and the ad valorem tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes necessary to pay the interest on and principal of the Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Notwithstanding the foregoing, if the City deposits or budgets to be deposited in the Interest and Sinking Fund any other revenues, income or resources, including without limitation, Surplus Revenues (the "Available Revenues"), in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied may be reduced to the extent and by the amount of the Available Revenues then on deposit or budgeted to be deposited in the Interest and Sinking Fund.

Section 8. SURPLUS REVENUES. That the Certificates are additionally secured by and shall be payable from the Surplus Revenues. The Surplus Revenues are pledged by the City pursuant to authority of Chapter 1502, Texas Government Code. The City shall deposit such limited Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 8 hereof, to the extent necessary to pay the principal of and interest on the Certificates.

Section 9. CONSTRUCTION FUND.

(a) *Construction Fund Established*. The City hereby creates and establishes and shall maintain on the books of the City a separate fund to be entitled "City of Kaufman, Texas Series 2019 Certificate of Obligation Construction Fund" (the "Construction Fund"), for use by the City for payment of all lawful costs associated with the acquisition and construction of the projects described in clauses (i) and (ii) of Section 1, and the payment of the costs described in clause (iii) of Section 1. Upon payment of all such costs, any money remaining on deposit to the credit of the Construction Fund shall be transferred to the Interest and Sinking Fund. Amounts so deposited to the credit of the Interest and Sinking Fund shall be used in the manner described in Section 7.

(b) *Investment of Moneys*. The City may invest proceeds of the Certificates (including investment earnings thereon) and amounts deposited to the credit of the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Government Code, and the City's investment policy. The City covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued.

Section 10. TRANSFER. That the City shall do any and all things necessary to accomplish the transfer funds from Interest and Sinking Fund of this issue to the Paying Agent/Registrar in a manner sufficient to effectuate the timely payment of principal of and interest on the Certificates as such principal and interest become due and payable.

Section 11. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.

(a) *Replacement Certificates*. That in the event any outstanding Certificate is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new certificate of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) *Application for Replacement Certificates*. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Certificates shall be made only by the registered owner thereof (or such registered owner's designee) to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Certificate, the applicant for a replacement Certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Certificate, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) *No Default Occurred*. Notwithstanding the foregoing provisions of this Section, in the event any such Certificate shall have matured, and no default has occurred which is then continuing in the payment of the principal of, premium, if any, or interest on the Certificate, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) *Charge for Issuing Replacement Certificates*. Prior to the issuance of any replacement Certificate, the Paying Agent/Registrar shall charge the registered owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement Certificate issued pursuant to the provisions of this Section, by virtue of the fact that any Certificate is lost, stolen, or destroyed, shall constitute a contractual obligation of the City whether the lost, stolen, or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) *Authority for Issuing Replacement Certificates*. In accordance with Chapter 1206, Texas Government Code, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Certificate without necessity of further action by the City Council of the City or any other body or person, and the duty of the replacement of such Certificates is hereby authorized and imposed upon the Paying Agent/Registrar, subject to the conditions imposed by this Section 11 of this Ordinance, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in paragraphs (d) and (e) of Section 4(d) of this Ordinance for Certificates issued in exchange or transfer of other Certificates.

Section 12. FEDERAL INCOME TAX MATTERS.

(a) *Covenants*. That the City covenants to take such action as to ensure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Code, the interest on which is not includable in the “gross income” of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any “private business use”, as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the “private business use” described in subsection (a) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a “private business use” which is “related” and not “disproportionate”, within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with –

> (i) proceeds of the Certificates invested for a reasonable temporary period of three (3) years or less, until such proceeds are needed for the purpose for which the Certificates are issued,
>
> (ii) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and
>
> (iii) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed ten percent (10%) of the proceeds of the Certificates;

(7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Certificates or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Certificates in contravention of section 149(d) of the Code (relating to advance refunding); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the Date of Delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings", within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than sixty (60) days after the Certificates have been paid in full, 100 percent of the

amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(10) to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Certificates are issued, an information statement concerning the Certificates, all under and in accordance with section 149(e) of the Code and the applicable Treasury Regulations promulgated thereunder; and

(11) to assure that the proceeds of the Certificates will be used solely for new money projects.

(b) *Use of Proceeds*. For purposes of the foregoing clauses (a)(1) and (a)(2) above, the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor, the City Manager, any Assistant City Manager, and the Director of Finance to execute any documents, certificates or reports required by the Code, and to make such elections on behalf of the City which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

(c) *Rebate Fund*. In order to facilitate compliance with clause (i) above, a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Certificates. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(d) *Reimbursement*. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the U.S. Treasury Regulations.

(e) *Allocation of, and Limitation on, Expenditures for the Project.* That the Issuer covenants to account for the expenditure of proceeds from the sale of the Certificates and any investment earnings thereon to be used for the purposes described in Section 1 of this Ordinance (such purpose referred to herein and Section 14 hereof as a "Project") on its books and records by allocating proceeds to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on a Project is made or (b) such Project is completed. The foregoing notwithstanding, the Issuer shall not expend such proceeds or investment earnings more than sixty (60) days after the earlier of (a) the fifth anniversary of the Date of Delivery of the Certificates or (b) the date the Certificates are retired. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains a legal opinion, from nationally-recognized bond counsel, that such failure to comply will not adversely affect the excludability of interest on the Certificates from gross income for federal income tax purposes.

(f) *Disposition of Project*. That the Issuer covenants that the property constituting a Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless the Issuer obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of this Section, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(g) *Designation as a Qualified Tax-Exempt Obligation*. The Issuer hereby designates the Certificates as a "qualified tax-exempt obligation" as defined in section 265(b)(3) of the Code. In furtherance of such designation, the Issuer represents, covenants and warrants the following: (a) that during the calendar year in which the Bond is issued, the Issuer (including any subordinate entities) has not designated nor will designate obligations that when aggregated with the Bond, will result in more than $10,000,000 of "qualified tax-exempt obligations" being issued; (b) that the Issuer reasonably anticipates that the amount of tax-exempt obligations issued, during the calendar year in which the Bond is issued, by the Issuer (or any subordinate entities) will not exceed $10,000,000; and, (c) that the Issuer will take such action or refrain from such action as necessary, and as more particularly set forth in this Section, hereof, in order that the Bond will not be considered a "private activity bond" within the meaning of section 141 of the Code.

Section 13. DEFAULT AND REMEDIES.

(a) *Events of Default*. That each of the following occurrences or events, for the purposes of this Ordinance, is hereby declared to be an Event of Default:

(i) the failure to make funds available to the Paying Agent/Registrar sufficient to make payment of the principal of or interest on any Certificate when the same becomes due and payable; or

(ii) except as provided in Section 16(c)(iv) of this Ordinance, default in the performance or observance of any other covenant, agreement or obligation of the City, which the failure to perform materially, adversely affects the rights of the registered owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) *Remedies for Default*.

(i) Upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Certificates then outstanding.

(c) *Remedies Not Exclusive*.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Certificate authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 14. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES. That the Mayor of the City or the designee thereof is hereby authorized to have control of the Certificate initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificate pending the delivery and investigation, examination, and approval by the Attorney General of the State of Texas, and registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the initial Certificate, said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificate, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Registration Certificate.

Section 15. DTC REGISTRATION. That the Certificate initially shall be issued and delivered in such manner that no physical distribution of the Certificates will be made to the public, and the Depository Trust Company ("DTC"), New York, New York, initially will act as depository for the Certificates. DTC has represented that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. Upon the receipt of payment from the Purchaser for the Certificates originally issued and delivered as authorized by this Ordinance, the Paying Agent/Registrar shall cancel the initial Certificates and issue and deliver to DTC, separate single definitive Certificates for each maturity of the Certificates, in the aggregate principal amount of the Certificates of such maturity, fully registered in the name of CEDE & CO., as the nominee of DTC. It is expected that DTC will hold the Certificates on behalf of the Purchaser and DTC's participants. So long as each Certificate is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify beneficial ownership of the Certificates in Authorized Denominations, with transfers of beneficial ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by DTC and its participants, and that the definitive Certificates initially deposited with DTC shall be immobilized and not be further exchanged for substitute Certificates except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to its services, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Certificates. It shall be the duty of the DTC Participants, as defined in the Official Statement herein approved, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Certificates, and the method of paying the fees and charges of DTC. The City does not represent, and does not in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Certificates is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Certificates will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for such Certificates. In connection with the initial establishment of the foregoing book-entry system with DTC, the previous execution and delivery of the Blanket Letter of Representations shall apply to the Certificates.

Section 16. CONTINUING DISCLOSURE OBLIGATION.

(a) *Annual Reports.*

(i) That the City shall provide annually to the MSRB, in an electronic format prescribed by the MSRB, certain updated financial information and operating data of City, being the following (1) the City's financial statements; and (2) the information found in Tables 1 through 6 and 8 through 15 in the Official Statement authorized by Section 20 of this Ordinance. The City will update and provide the information in Tables 1 through 6 and 8 through 15 of the Official Statement within six (6) months after the end of each fiscal year ending in and after 2019. The City's financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in the financial statements of the City appended to the Official Statement as Appendix B, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within twelve (12) months after the end of each fiscal year ending in or after 2019. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial statements by the required time, and the City shall provide audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements becomes available.

(ii) If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC. All filings shall be made electronically, in the format specified by the MSRB.

(b) *Disclosure Event Notices.* The City shall notify the MSRB, in a timely manner not in excess of ten (10) Business Days after the occurrence of the event, of any of the following events with respect to the Certificates:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;

5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other events affecting the tax status of the Certificates;
7. Modifications to rights of holders of the Certificates, if material;
8. Certificate calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar event under the terms of a Financial Obligation of the City, and which reflect financial difficulties.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. As used in clauses 15 and 16 above, the term "Financial Obligation" means: (i) a debt obligation; (ii) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii), however, the term Financial Obligation shall <u>not</u> include Municipal Securities as to which a final official statement has been provided to the MSRB consistent with the Rule; and the term "Municipal Securities" means securities which are direct obligations of, or obligations guaranteed as to principal or interest by, a state or any political subdivision thereof, or any agency or instrumentality of a state or any political subdivision thereof, or any municipal corporate instrumentality of one or more states and any other Municipal Securities described by Section 3(a)(29) of the Securities Exchange Act of 1934, as the same may be amended from time to time.

In addition, the City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) *Limitations, Disclaimers, and Amendments.*

(i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Certificates no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

Section 17. DEFEASANCE.

(a) *Deemed Paid*. That any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a “Defeased Certificate”) within the meaning of this Ordinance, except to the extent provided in subsection (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the “Future Escrow Agreement”) for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until all Defeased Certificates shall have become due and payable. At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities, and thereafter the Issuer will have no further responsibility with respect to amounts available to such paying agent (or other financial institution permitted by applicable law) for the payment of such

Defeased Certificates, including any insufficiency therein caused by the failure of such paying agent (or other financial institution permitted by applicable law) to receive payment when due on the Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, the City hereby reserves the option, to be exercised at the time of the defeasance of the Certificates, to call for redemption at an earlier date Defeased Certificates, provided that in the proceedings providing for the Defeased Certificates, the City: (1) expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Certificates immediately following the making of the firm banking and financial arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) *Investment in Defeasance Securities*. Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Certificates and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Certificates may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) above. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Securities, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.

(c) *Selection of Defeased Certificates*. In the event that the City elects to defease less than all of the principal amount of Certificates of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Certificates by such random method as it deems fair and appropriate.

(d) *Defeasance Securities*. The term "Defeasance Securities" means any securities or obligations now or hereafter authorized by the laws of the State of Texas as eligible to discharge obligations such as the Certificates. The laws of the State of Texas currently permit defeasance of obligations such as the Certificates with the following types of securities: (i) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council approves the proceedings authorizing the defeasance of the Certificates or the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent; and (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council approves the proceedings authorizing the defeasance of the Certificates or the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent.

(e) *Continuing Duty of Paying Agent/Registrar*. Until all Defeased Certificates shall become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services.

Section 18. AMENDMENTS. That the City hereby reserves the right to amend this Ordinance subject to the following terms and conditions.

(a) *Amendments Not Requiring Consent*. The City may from time to time, without the consent of any holder of the Certificates, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (1) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interest of the holders of the Certificates, (2) grant additional rights or security for the benefit of the holders of the Certificates, (3) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interest of the holders of the Certificates, (4) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (5) make such other provisions in regard to matters or questions arising under this Ordinance that are not inconsistent with the provisions hereof and which, in the opinion of nationally-recognized bond counsel selected by the City, do not materially adversely affect the interests of the holders of the Certificates.

(b) *Amendments With Consent*. Except as provided in paragraph (a) above, the holders of the Certificates aggregating in principal amount 51% of the aggregate principal amount of the Certificates then outstanding shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the Certificates then outstanding, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:

(1) Make any change in the maturity of any of the outstanding Certificates,

(2) Reduce the rate of interest borne by any of the outstanding Certificates,

(3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates,

(4) Modify the terms of payment of principal of, redemption premium, if any, or interest on the outstanding Certificates, or imposing any condition with respect to such payment, or

(5) Change the minimum percentage of the principal amount of the Certificates necessary for consent to such amendment.

(c) *Notice*. If at any time the City shall desire to amend this Ordinance, the City shall provide notice of such amendment to the registered owners of the Certificates then outstanding by sending via United States mail, first-class postage prepaid, to each registered owner of the affected Certificates a copy of the proposed amendment.

(d) *Receipt of Consents*. Whenever at any time within one (1) year from the date of the first mailing of said notice of the proposed amendment the City shall receive an instrument or instruments executed by the owners of at least a majority in aggregate principal amount of all the Certificates then outstanding, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) *Effect of Amendments*. Upon the adoption by the City of any ordinance to amend this Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with the amendatory ordinance, and the respective rights, duties, and obligations of the City and all the owners of then outstanding Certificates and all future Certificates shall thereafter be determined, exercised, and enforced under this Ordinance, as amended.

(f) *Consent Irrevocable*. Any consent given by any owner of Certificates pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of such consent, and shall be conclusive and binding upon all future owners of the same Certificates during such period. Such consent may be revoked at any time after six (6) months from the date such consent was given by the owner, or by a successor in title, by filing notice thereof with the Paying Agent/Registrar and the City, but such revocation shall not be effective if the owners of a majority in aggregate principal amount of the Certificates then outstanding, prior to the attempted revocation, consented to and approved the amendment.

(g) *Ownership*. For the purpose of establishing ownership of the Certificates, the City shall rely solely upon the registration of the ownership of such Certificates on the Registration Books kept by the Paying Agent/Registrar.

Section 19. SECURITY FOR FUNDS. That the Interest and Sinking Fund and the Construction Fund created by this Ordinance shall be secured in the manner and to the fullest extent permitted or required by law for the security of public funds, and the Interest and Sinking Fund and the Construction Fund shall be used only for the purposes and in the manner permitted or required by this Ordinance.

Section 20. SALE OF CERTIFICATES.

(a) *Sale*. That the Certificates are hereby sold and shall be delivered to [_____] (the "Purchaser") for the purchase price of par, plus premium in the amount of $[_____], pursuant to the terms and provisions of an Official Notice of Sale and Official Bid Form, in substantially the form presented at this meeting, which the Mayor (or in the Mayor's absence the Mayor Pro Tem) is hereby authorized to execute and deliver. Certificates, one for each principal amount and maturing on the respective maturity date as set forth in Section 2 hereof, shall be delivered to the Purchaser, and the Purchaser shall have the right to exchange such Certificates as provided in Section 4 hereof without cost. The Certificates shall be initially registered in the name of the Purchaser or the Purchaser's nominee.

(b) *Findings.* It is hereby officially found, determined and declared that the Certificates have been sold in a public sale to the Purchaser, after receiving sealed bids pursuant to an Official Notice of Sale and Official Bid Form. Before being awarded the winning bid, the Purchaser certified to the City in the Official Bid Form that either it filed the disclosure form required under Section 2252.908, Texas Government Code, or that it is exempt from the disclosure form filing requirements of the Texas Ethics Commission pursuant to Section 2252.908(c)(4), Texas Government Code. The sale of the Certificates to the Purchaser was on terms that are most advantageous to the City reasonably obtained and, upon the advice of the City's financial advisor, is in the best interests of the City.

(c) *Offering Documents*. The City Council hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto (the "Official Statement"), and approves the distribution of such Official Statement in the reoffering of the Certificates by the Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement prior to the date hereof is hereby ratified and confirmed. The City Council also hereby approves the form and content of both the Official Notice of Sale and the Official Bid Form, and hereby ratifies and confirms the use of the Notice of Sale and Official Bid Form for the solicitation of bids on the Certificates prior to the date hereof.

Section 21. FURTHER PROCEDURES. That the Mayor, the City Manager, and the Finance Director, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Certificates and fixing all details in connection therewith. In case any officer whose signature shall appear on any Certificate, or any document relating to the authorization, sale or issuance of the Certificates, shall cease to be such officer before the Date of Delivery of the Certificates, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 22. USE OF PROCEEDS. That the proceeds from the sale of the Certificates may be used for the purposes described in Section 1 of this Ordinance, in the manner described in the letter of instructions executed by the City or on behalf of the City by its financial advisor. The foregoing notwithstanding, proceeds representing accrued interest on the Certificates shall be deposited to the credit of the Interest and Sinking Fund, and proceeds representing premium on the Certificates shall be used in a manner consistent with the provisions of Section 1201.042(d), Texas Government Code, as amended. Any amounts remaining after completion of the improvements described in Section 1 hereof shall be transferred FIRST to the Rebate Fund, to the extent required by Section 12 hereof and as further described in Section 23 hereof, and THEREAFTER to the Interest and Sinking Fund. The proceeds from the sale of the Certificates, including premium, to be deposited to the credit of the Construction Fund shall not exceed $[3,625,000].

Section 23. INTEREST EARNINGS. That the interest earnings derived from the investment of proceeds from the sale of the Certificates may be used along with other proceeds for the construction of the permanent improvements set forth in Section 1 hereof for which the Certificates are issued; provided, that after completion of such permanent improvements, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on proceeds which are required to be rebated to the United States of America pursuant to this Ordinance hereof in order to prevent the Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 24. MISCELLANEOUS PROVISIONS.

(a) *Titles Not Restrictive*. That the titles assigned to the various sections of this Ordinance are for convenience only and shall not be considered restrictive of the subject matter of any section or of any part of this Ordinance.

(b) *Rules of Construction*. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to "FORM OF CERTIFICATE" shall refer to the form of the Certificates set forth in Exhibit A to this Ordinance. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of any mandatory sinking fund redemption payments as may be described herein.

(c) *Inconsistent Provisions*. All ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed and declared to be inapplicable, and the provisions of this Ordinance shall be and remain controlling as to the matters prescribed herein.

(d) *Severability*. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance shall nevertheless be valid and the City hereby declares that this Ordinance would have been enacted without such invalid word, phrase, clause, paragraph, sentence, part, portion, or provisions.

(e) *Governing Law*. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas.

(f) *Open Meeting*. The City officially finds and determines that the meeting at which this Ordinance is adopted was open to the public; and that public notice of the time, place, and purpose of such meeting was given, all as required by Chapter 551, Texas Government Code.

(g) *Application of Chapter 1208, Government Code*. Chapter 1208, Texas Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and the Surplus Revenues granted by the City under Sections 7 and 8 hereof, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of the ad valorem taxes and Surplus Revenues granted by the City is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

(h) *Section 271.047, Local Government Code*. No bond proposition to authorize the issuance of bonds for the same purpose as the Certificates was submitted to the voters of the City during the preceding three (3) years and failed to be approved.

(i) *Section 252.051, Local Government Code*. The City has satisfied or will satisfy the appraisal requirements of Section 252.051, Texas Local Government Code, in the acquisition of real property with proceeds of the Certificates.

(j) *Payment of Attorney General Fee Authorized*. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Certificates, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

(k) *Preamble*. The preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

(l) *Immediate Effect*. In accordance with the provisions of Section 1201.028, Texas Government Code, this Ordinance shall be effective immediately upon its adoption by the City Council.

PASSED AND APPROVED this 28th day of October, 2019.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA ADAMS
CITY ATTORNEY

EXHIBIT A

FORM OF CERTIFICATE

1. Form of definitive Certificates

NO. R - $________

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF KAUFMAN
CITY OF KAUFMAN, TEXAS
COMBINATION TAX AND LIMITED SURPLUS REVENUE
CERTIFICATE OF OBLIGATION
SERIES 2019

MATURITY DATE	INTEREST RATE	DATE OF DELIVERY	CUSIP
	%	December 18, 2019	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

ON THE MATURITY DATE specified above, the City of Kaufman, Texas, in Kaufman County (the "Issuer"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner specified above, or to the registered assigns thereof (hereinafter called the "Registered Owner") the principal amount of, on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Date of Delivery specified above at the Interest Rate per annum specified above. Interest is payable on August 15, 2020, and semiannually on each February 15 and August 15 thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined) such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such Principal Amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. At maturity, or upon the date fixed for its redemption prior to maturity, the principal of this

Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office") of The Bank of New York Mellon Trust Company, N.A., which is the "Paying Agent/Registrar" for this Certificate. The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Certificate (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared at the close of business on the last business day of the month next preceding such interest payment date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. Any accrued interest due at maturity or redemption prior to maturity, as provided herein, shall be paid to the registered owner upon presentation and surrender of this Certificate for payment at the Designated Trust Office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Certificate that on or before each principal and interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IN THE EVENT OF NON-PAYMENT of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest ("Special Payment Date", which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each registered owner of a Certificate appearing on the Registration Books kept by the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is one of a series of Certificates dated December 15, 2019, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of $[_____], for the purpose of paying contractual obligations to be incurred by the Issuer, to-wit: (i) constructing, installing, acquiring and equipping renovations and improvements to a City owned building to be used as a civic and community center, and related infrastructure for such improvements; (ii) constructing, acquiring, installing, and equipping municipal park and recreation improvements and related infrastructure for such improvements; and (iii) legal, fiscal and engineering fees in connection with such projects.

THE CERTIFICATES of this series scheduled to mature on and after February 15, 2029 may be redeemed prior to their scheduled maturities, in whole, or in part in principal amounts of $5,000 or any integral multiple thereof, at the option of the Issuer, on August 15, 2028, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Certificates are to be redeemed by the Issuer, the Issuer shall determine the maturity or maturities and the amounts therewith to be redeemed and shall direct the Paying Agent/Registrar to call by lot Certificates, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository.

THE CERTIFICATES SCHEDULED TO MATURE on February 15, in the years [_____] (the “Term Certificates”) are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Certificates, on dates and in the respective principal amounts, set forth in the following schedule:

Term Certificates due February 15, 20[__]:

Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]*	Principal Amount: $[_____]

Term Certificates due February 15, 20[__]:

Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]	Principal Amount: $[_____]
Mandatory Redemption Date: 2/15/20[__]*	Principal Amount: $[_____]

* Stated Maturity

The principal amount of Term Certificates of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Issuer, by the principal amount of any Term Certificates of the same maturity which, at least forty-five (45) days prior to a mandatory redemption date (1) shall have been acquired by the Issuer at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.]

A WRITTEN NOTICE OF redemption shall be sent to the registered owner of each Certificate or a portion thereof being called for redemption at least thirty (30) days prior to the date fixed for such redemption by depositing such notice in the United States mail, first-class postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar. If such notice of redemption is mailed, and if due provision for such payment is made, all as provided above, this Certificate, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Certificate or any portion hereof. If a portion of any Certificate shall be redeemed a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of $5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Ordinance.

THE FOREGOING NOTWITHSTANDING, with respect to any optional redemption of the Certificates, unless certain prerequisites to such optional redemption required by the Certificate Ordinance have been met and money sufficient to pay the principal of, premium, if any, and interest on the Certificates to be redeemed will have been received by the Paying Agent/Registrar prior to giving such notice, such notice may state that the optional redemption will, at the option of the Issuer, be conditional upon the satisfaction of such prerequisites and receipt of such money by the Paying Agent/Registrar on or prior to the date fixed for such redemption or upon any prerequisite set forth in the notice of redemption. If a notice of conditional redemption is given and such prerequisites to the redemption are not satisfied, such notice will be of no force and effect, the Issuer will not redeem such Certificates and the Paying Agent/Registrar will give notice in the manner in which the notice of redemption was given, to the effect that such Certificates will not be redeemed.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered Certificates, without interest coupons, in the denomination of any integral multiple of $5,000. As provided in the Certificate Ordinance, this Certificate may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered Certificates, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any denomination or denominations in any integral multiple of $5,000 as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar at its Designated Trust Office, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of $5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Certificate may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the registered owner. The one requesting such exchange shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for exchanging any Certificate or portion thereof. The foregoing notwithstanding, in the case of the exchange of an assigned and transferred Certificate or Certificates or any portion or portions thereof, such fees and charges of the Paying Agent/Registrar will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, or exchange as a condition precedent to the exercise of such privilege. In any circumstance, both the Issuer and the Paying Agent/Registrar shall not be required (i) to make any such transfer or exchange during the period beginning at the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date; or (ii) to transfer or exchange any Certificates so selected for redemption when such redemption is scheduled to occur within forty-five (45) calendar days; provided, however, such limitation of transfer shall not be applicable to an exchange by the registered owner of an unredeemed balance of a Certificate called for redemption in part.

WHENEVER the beneficial ownership of this Certificate is determined by a book entry at a securities depository for the Certificates, the foregoing requirements of holding, delivering or transferring this Certificate shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Certificates is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Certificates.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Certificate have been performed, existed, and been done in accordance with law; that this Certificate is a direct obligation of said Issuer, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, in the manner provided in the Certificate Ordinance, and have been pledged for such payment, within the limit prescribed by law; and that a limited pledge (not to exceed $1,000) of the surplus revenues from the operation of the Issuer's combined waterworks and sewer system remaining after payment of all operation and maintenance expenses thereof and any other obligations heretofore or hereafter incurred to which such revenues have been or shall be encumbered by a lien on and pledge of such revenues superior to the lien on and pledge of such revenues to the Certificates, have been pledged as additional security for the Certificates.

BY BECOMING the registered owner of this Certificate, the registered owner thereby acknowledges all of the terms and provisions of the Certificate Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Certificate Ordinance is duly recorded and available for inspection in the official minutes and records of the Issuer, and agrees that the terms and provisions of this Certificate and the Certificate Ordinance constitute a contract between the Issuer and each registered owner hereof.

IN WITNESS WHEREOF, this Certificate has been signed with the manual or facsimile signature of the Mayor of the Issuer (or in the Mayor's absence, of the Mayor Pro-Tem of the Issuer), attested by the manual or facsimile signature of the City Secretary, and the official seal of the Issuer has been duly affixed to, or impressed, or placed in facsimile, on this Certificate.

______________________	________________________
City Secretary	Mayor

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Certificate has been issued under the provisions of the proceedings adopted by the Issuer as described in the text of this Certificate; and that this Certificate has been issued in exchange for or replacement of a Certificate of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated ___________

The Bank of New York Mellon Trust Company,
N.A., Paying Agent/Registrar

By________________________________
Authorized Representative

*FORM OF COMPTROLLER’S CERTIFICATE ATTACHED TO
THE CERTIFICATES UPON INITIAL DELIVERY THEREOF

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. ________

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Certificate and that this Certificate has been registered this day by me.

Witness my signature and seal this ____________________.

____
Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

____
_____
(Please insert Social Security or Taxpayer Identification Number of Transferee)

____

/____________________/

____
(Please print or typewrite name and address, including zip code of Transferee)
____

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints ____ attorney to register the transfer of the within Certificate on books kept for registration thereof, with full power of substitution in the premises.

Dated: _____________________

Signature Guaranteed:

____

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

____

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.

2. Insertions for the initial Certificate.

(i) The initial Certificate shall be in the form set forth in Section 1 of this Exhibit A, except that:

A. immediately under the name of the Certificate, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF KAUFMAN, TEXAS, in Kaufman County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or to the registered assigns thereof (hereinafter called the "Registered Owner"), on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years	Principal Installments ($)	Interest Rates (%)
	(Information from Section 2 to be inserted)	

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Date of Delivery specified above at the respective Interest Rate per annum specified above. Interest is payable on

August 15, 2020, and semiannually on each February 15 and August 15 thereafter to the date of payment of the Principal Installment specified above, or the date of redemption prior to maturity; except, that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

C. The initial Certificate shall be numbered "T-1."

DISCUSSION ITEMS REPORT (DIR)

Project Title	Department	Agenda Date	Entered Date	Status/Notes
Splash Pad	Parks &Rec	TBD	10/23/2018	TDPW Grant/Parks Master Plan
Thoroughfare Plan Update	Development Serv	TBD	10/23/2018	
WWTP USDA Finance Application	Finance	11/13/2018	10/23/2018	In Process - Allan Lambright - USDA
Bldg Standards Commission Ordinance	Development Serv	9/1/2019	10/23/2018	BSC to review
Civic Center	Admin	7/22/2019		Design Approved
Marlow Development	Development Serv	4/22/2019	10/23/2018	Accept Utilities
54-Acre Development	Development Serv		10/23/2018	On-going discussions with Developer
Park Dedication Ordinance	Development Serv		10/23/2018	
Recodification of City Ordinances	Admin	11/13/2018	10/23/2018	Adding Zoning and Subdivision Ordinance
Phase II - Street Bond Design	Public Works	10/28/2019	10/23/2018	Bid Awarded 10/28/19
Subdivision Ordinance Update	Development Serv	TBD	10/23/2018	
TxDOT Turnback	Admin	12/17/2018	11/6/2018	
Citizens Academy	Admin/Public Safety		11/27/2018	Planning Phase
Explorer Post	PD		11/27/2018	On hold/KISD not interesterd
Kaufman Lake	Admin/PW		1/8/2019	Appraisal/MLS listing
Downtown Parking	Admin		1/16/2019	Working on ILA
Street Maintenance Priorities	PW/Admin		2/27/2019	List Presented to Council
Kaufman Estates	PW/Admin	10/28/2019		Council Action to Amend CCN
Building Code Update	Development Serv	10/28/2019	6/4/2019	Approved O-28-19
Water & Street Impact Fee Update	Development Serv		6/10/2019	Committee Meeting 11/05/19
Summer Youth Program	Admin/Parks	TBD	7/16/2019	Planning Phase
City Lakes Emer Action Plan	Public Works	TBD	8/7/2019	
Disc Golf Course	Admin/PW	TBD	8/23/2019	Planning Phase
Washington Street Utility Relocation	Admin/PW	TBD	10/1/2019	TNP Reviewing Scope
Kaufman Square Speakers	Admin/PW	TBD	10/22/2019	Planning Phase

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	)1/28/2019 02/25/201	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

Phone: 877-631-5278 | **Fax:** 972-563-0048 | **Website:** STARtransit.org
PO Box 703 | Terrell | TX 75160

November 4, 2019

To: City of Kaufman

From: Ashley Berryhill, Grant Director

Re: October 2019 Kaufman Trolley #701 Ridership Report

TRIP INFORMATION:

MONTH	NO. OF SERVICE DAYS	TRIPS
OCTOBER	23	398

Non-Service Days: None

SERVICE INFORMATION:

Trips	398
Vehicle Revenue Miles (VRM)	3,428
Vehicle Service Miles (VSM)	3,507
Vehicle Deadhead Miles (VDH)	79

STOP UTILIZATION INFORMATION:

STOP NUMBER(S)	STOP DESCRIPTION	TOTAL PICK UP AND DROP OFFS
10 & 22	WALMART	255
5	WASHINGTON @ HICKORY	97
11 & 23	WASHINGTON SQUARE	80

BELOW IS THE STOP USAGE SUMMARY FOR THE MONTH OF OCTOBER:

Oct-19																
Stop #	**1 15 27**	**2**	**3**	**4**	**5**	**6-18**	**7-19**	**8-20**	**9-21**	**10-22**	**11-23**	**12-24**	**13-25**	**14-26**	**16**	**17**
Stop Usage	59	15	0	4	97	58	14	22	57	255	80	7	58	59	10	10

FY 2020 TOTAL KAUFMAN TROLLEY TRIPS TO DATE- **763**
(FY2020: SEPTEMBER 1, 2019 –AUGUST 31, 2020)

PRIOR YEAR OCTOBER KAUFMAN TROLLEY TRIP TOTAL – 312 (28% INCREASE)

Kaufman Trolley #701 Stop Utilization Detail

Below is the Stop Usage summary for the month of October:

Oct-19																																
Stop #	1 15 27	1 15 27	2	2	3	3	4	4	5	5	6-18	6-18	7-19	7-19	8-20	8-20	9-21	9-21	10-22	10-22	11-23	11-23	12-24	12-24	13-25	13-25	14-26	14-26	16	16	17	17
PU/ DO	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓	↑	↓
PU/ DO Total	24	35	9	6	0	0	3	1	45	52	34	24	9	5	12	10	25	32	123	132	37	43	5	2	30	28	31	28	8	2	3	7
Stop Usage	59		15		0		4		97		58		14		22		57		255		80		7		58		59		10		10	

	10/1 -10/5	10/8 -10/12	10/15 - 10/19	10/22 -10/26	10/29 -10/31	
701A	39	44	51	29	17	*180*
701B	47	40	70	33	28	*218*
	86	*84*	*121*	*62*	*45*	• **398**

November 7, 2019

To: City of Kaufman

From: Ashley Berryhill, Grant Director

Re: October 2019 Demand and Response Ridership Report

TRIP INFORMATION:

MONTH	NO. OF SERVICE DAYS	TRIPS
OCTOBER	23	605

Non-Service Days: None

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

ELDERLY AND DISABLED RIDERSHIP	
74	Disabled Trips
349	Elderly (&/or Dis) Trips

423 *E &D Total Rides*

E & D Percent of Total Trips – 70%

OCTOBER UNDUPLICATED PASSENGERS
83
YEAR TO DATE UNDUPLICATED PASSENGERS
103

FY 2020 TOTAL DEMAND AND RESPONSE TRIPS TO DATE- **1,142**

(FY 2020-SEPTEMBER 1, 2019 – AUGUST 31, 2020)

PRIOR YEAR: OCTOBER TRIP TOTAL= 730 (17% DECREASE)

KAUFMAN CITY DR	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	TOTALS
(UPT) Unlinked Passeng	537	605											1,142
EDU	4	0											4
GOV	0	1											1
MDE	49	50											99
MED	166	175											341
NUT	72	87											159
OTH	142	161											303
SHP	40	32											72
WORK	64	99											163
CONT	0	0											0
													0
	537	605	0	0	0	0	0	0	0	0	0	0	

E & D Trips	Sep-19	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	TOTALS
DIS < 60	59	74											133
EQUAL OR >60	317	349											666
E & D	*376*	*423*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*799*
% of Trip Total	70%	70%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
General Public	161	182	0	0	0	0	0	0	0	0	0	0	343
% of Trip Total	30%	30%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	

	Sep-19	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	TOTALS
DOS	20	23											43
NOSHOW/CANCEL	169	214											383
DENIALS	40	68											108
M2M UNDUP	69	83											152
YTD UNDUP		103											

DECEMBER 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 **Planning & Zoning** Volunteer Fire Department Banquet	4	5	6	7
8	9	10 **KEDC**	11	12	13 Employee Christmas Lunch	14 Christmas on the Square
15	16 **Regular Council Meeting**	17 **Keep Kaufman Beautiful Board Meeting**	18	19 **Parks & Rec Board Meeting**	20	21
22	23	24 City Hall Closed- Christmas	25 City Hall Closed- Christmas	26	27	28
29	30	31				

JANUARY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 City Hall Closed- New Year's Day	**2**	**3**	**4**
5	**6**	**7** **Planning & Zoning Meeting**	**8**	**9**	**10**	**11**
12	**13**	**14** **KEDC Meeting**	**15** First Day to file for a place on the Ballot	**16** **Parks & Rec Board Meeting**	**17**	**18**
19	**20** City Hall Closed- Martin Luther King, Jr. Day	**21**	**22**	**23**	**24**	**25**
26	**27** **Regular Council Meeting**	**28** **Keep Kaufman Beautiful Board Meeting**	**29**	**30**	**31**	

FEBRUARY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	**3**	**4** **Planning & Zoning Meeting**	**5**	**6**	**7**	**8**
9	**10**	**11** **KEDC Meeting**	**12**	**13** **Parks & Rec Meeting**	**14** Last day to file for a place on the Ballot Last Day to Call the General Election	**15**
16	**17** City Hall Closed-President's Day	**18**	**19**	**20**	**21**	**22**
23	**24** **Regular City Council Meeting**	**25** **Keep Kaufman Beautiful Board Meeting**	**26**	**27**	**28**	**29**