



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, MARCH 21, 2022 - 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, states Councilmembers present, and declares a quorum present.**

Mayor Jordan called the City Council meeting to order at 6:03 PM. Councilmembers present were Jeff Jordan, Patty Patterson, Jeff Council, Barry Ratcliffe, Carole Aga, and Lisa Parker. Councilmember Matt Phillips was absent. Mayor Jordan declared a quorum present. Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Attorney Emily Bowlin, City Secretary Jessie Hanks, KEDC Executive Director Stewart McGregor, Planning Manager Andrew Bogda, Public Works Director Tim Hopwood, Fire Captain Jeremy Hatcher, Police Chief Dana Whitaker, and Police Captain Les Edwards.

The following election candidates were also present: Marshall Park, Charles Gillenwater, and Thomas "Quattro" Borders.

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

No comments were given.

PROCLAMATION

1. Bubbles of Love Day - April 25th

Mayor Jordan proclaimed April 25th as Bubbles of Love and Parent Alienation Awareness Day.

PRESENTATION/ ACTION ITEM

2. Presentation by YWRD, P.C. regarding the City of Kaufman Fiscal Year 2020-2021 Financial Audit Report and discussion of the same.

Mayor Jordan stated this item needed to be tabled due to the audit not being completed for presentation yet.

Councilmember Council made a motion to table this item until the April 25, 2022, Regular City Council Meeting. The motion was seconded by Mayor Pro-Tem Patterson and passed 6/0.

- a. Consider and take appropriate action on the acceptance of the Fiscal Year 2020-2021 Financial Audit Report.

Mayor Jordan tabled this item until the April 25, 2022, Regular City Council Meeting.

CONSENT AGENDA

3. Consider and take appropriate action on the minutes from the February 28, 2022, Joint TIRZ #1, TIRZ #2 and Regular City Council meeting.
4. Consider and take appropriate action on Resolution R-12-22, a resolution of the City Council of the City of Kaufman, Texas, authorizing the City Manager to grant a Special Use Permit for the consumption, possession, and sale of beer and wine by vendors duly licensed in accordance with state law for the 2022 Red White & BOOM Event; and providing an effective date.
5. Consider and take appropriate action on Resolution R-13-22, a resolution of the City Council of the City of Kaufman, Texas, authorizing the City Manager to enter into an agreement with the Texas Department of Transportation to temporarily close State Highway 34 and E Fair Street on Saturday, July 2, 2022, from 8:00 a.m. until 11 p.m. for the purpose of the 2022 Red White & BOOM Parade; and providing for an effective date.
6. Consider and take appropriate action on Resolution R-14-22, a resolution of the City Council of the City of Kaufman, Texas, authorizing the City Manager to enter into an agreement with the Texas Department of Transportation to temporarily close State Highway 243 from Jefferson Street to Washington Street on Saturday, July 2, 2022, from 8:00 a.m. until 1:00 p.m. for the Red White & BOOM Event; and providing an effective date.
7. Consider and take appropriate action on Resolution R-15-22, a resolution of the City Council of the City of Kaufman, Texas, accepting public improvements for Tabor Parkway; and establishing the date for a two (2) year warranty period.

Councilmember Aga made a motion to approve consent agenda items 3-7 as presented and remove item 8 from the consent agenda for discussion. The motion was seconded by Mayor Pro-Tem Patterson and passed 6/0.

8. Consider and take appropriate action on the ratification of a contract with Pacheco Koch Consulting Engineering, LLC, to provide professional landscape architecture services related to the loop hike and bike trail master plan.

Mr. Slye informed Council about the proposed Loop Hike and Bike Trail Master Plan. He outlined the contract and the purpose/need for the services.

Councilmember Aga made a motion to ratify the contract with Pacheco Koch Consulting Engineering, LLC, to provide professional landscape architecture services related to the loop hike and bike trail master plan. The motion was seconded by Councilmember Parker and passed 6/0.

END OF CONSENT AGENDA

PUBLIC HEARING

9. Conduct a public hearing, consider, and take appropriate action on Ordinance O-05-22, an ordinance of the City Council of the City of Kaufman, Texas, granting a request to rezone approximately 2.05 acres from Agricultural/Open Space District (A/O) to Residential Townhouse District ("TH") for development of five (5) two-family duplex units. The property, located within the D. Falcon Survey, Abstract No. 151, is addressed as 4901 Lions Den Trail. (Z-02-22)

- a. Presentation.

Mr. Bogda presented the requested zoning change for a property located at 4901 Lions Den Trail for the purpose of developing townhomes.

- b. PUBLIC HEARING.

Mayor Jordan opened the public hearing at 6:16 PM

There being no speakers present, Mayor Jordan closed the public hearing at 6:17 PM.

- c. Consider and take appropriate action on Ordinance O-05-22.

Councilmember Council made a motion to approve Ordinance O-05-22 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 6/0.

DISCUSSION/ACTION ITEMS

10. Consider and take appropriate action on Ordinance O-06-22, an ordinance of the City Council of the City of Kaufman, Texas, repealing Ordinance Nos. O-31-02, O-07-03, and O-23-08 and adopting new City park usage fees, to be included within the City's Master Fee Schedule and on file in the Office of the City Secretary; and providing an effective date.

Mr. Hopwood informed Council that staff requested the Park Board review the current Park Usage Fees in an attempt to bring tournaments and associated revenue to the Sports Complex and local businesses around town. There were discussions about the research conducted on the other city's facility fees, the proposed changes, and the annual review of all park fees.

Councilmember Parker made a motion to approve Ordinance O-06-22 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 6/0.

11. Consider and take appropriate action on Resolution R-16-22, a resolution of the City Council of the City of Kaufman, Texas, committing the City to provide local matching funds to secure and complete the FEMA Hazard Mitigation Grant Projects; authorizing the Mayor and City Manager to be the Chief Executive Officers and Authorized Representatives on behalf of the City; and providing an effective date.

Mr. Slye stated this resolution commits city funds and authorizes the submittal of grant applications for generators for all lift stations and the civic center, as well as a potential drainage project.

Councilmember Council made a motion to approve Resolution R-16-22 as presented. The motion was seconded by Councilmember Aga and passed 6/0.

12. Consider and take appropriate action on the potential need for adoption of a wastewater impact fee.

Mr. Slye discussed the potential adoption of a wastewater impact fee. He outlined the need for the proposed fee and what projects it could cover if adopted.

Councilmember Aga made a motion to initiate the wastewater impact fee process. The motion was seconded by Mayor Pro-Tem Patterson and passed 6/0.

13. Consider and take appropriate action on a contract with Greenspot for EV charging stations and authorize the City Manager to negotiate related terms and to execute necessary documents.

Mr. Slye presented the proposed contract with Greenspot for EV charging stations.

Councilmember Parker made a motion to approve a contract with Greenspot for EV charging stations and authorize the City Manager to negotiate related terms and to execute necessary documents. The motion was seconded by Councilmember Council and passed 6/0.

14. Consider and take appropriate action of Ordinance O-07-22, an ordinance of the City Council of the City of Kaufman, Texas, finding that a public necessity exists to acquire a permanent drainage easement over, under and across a 0.175 acre (approximately 7,631 square feet) of land situated in the Thomas Beedy Survey, Abstract No. 21, Kaufman County, Texas, and being a portion of a tract of land described in a Deed to Joseph And Emely Ortillo, recorded in Volume 5222, Page 223, Deed Records of Kaufman County, the drainage easement necessary for public utilities purposes and other public uses, which property is located in the City of Kaufman, Kaufman County, Texas; providing notice of an official determination to acquire interests in the property for utilities purposes and other public uses; authorizing and delegating authority to the City Manager or his designee to obtain the necessary appraisal reports and make bona fide offers of just compensation for the herein described properties; ratifying prior documents made and actions taken for acquisition of the property interests herein described; authorizing and delegating authority to the City Attorney to institute eminent domain proceedings on behalf of the City for the acquisition of the properties herein described if negotiations are unsuccessful; appropriating funds from a lawful source; providing a cumulative repealer clause; providing a severability clause; and providing an effective date

Mr. Slye informed Council this item is regarding the storm drainage easement along Melody Circle. He updated council on the process staff had gone through to try to obtain the easement which ultimately led to this ordinance needing to be put in front of the Council. He reviewed the process for eminent domain on this property.

Brian Nalls, 1803 Melody Circle, Kaufman, Texas 75142, expressed his opposition to this ordinance. He doesn't believe the city has exhausted all efforts to remediate the problem.

Joseph Ortillo, address, outlined his opinion on the matter. He stated he believes there are other options to get this project accomplished without utilizing his property. He hoped the Council would take into consideration the best solution to this drainage issue.

Councilmember Aga made a motion to approve Ordinance O-07-22 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 5/1.

15. Consider and take appropriate action Ordinance O-08-22, an Ordinance of the City Council of the City of Kaufman finding that a public necessity exists to acquire a permanent drainage easement over, under and across a tract of land situated in the Thomas Beedy Survey, Abstract No. 21, Kaufman County, Texas, and being a portion of a tract of land described in a Deed to D.

G. Council as recorded in Volume 2285, Page 51, of Official Public Records of Kaufman County, and being a portion of Lot 21 Harmony Estates, an Addition to the City of Kaufman, Kaufman County, Texas according to the plat thereof recorded in Cabinet 1, Envelope 652, Plat Records, Kaufman County, Texas, the drainage easement being necessary for public utilities purposes and other public uses; providing notice of an official determination to acquire interests in the property for utilities purposes and other public uses; authorizing and delegating authority to the City Manager or his designee to obtain the necessary appraisal reports and make bona fide offers of just compensation for the herein described properties; ratifying prior documents made and actions taken for acquisition of the property interests herein described; authorizing and delegating authority to the City Attorney to institute eminent domain proceedings on behalf of the City for the acquisition of the properties herein described if negotiations are unsuccessful; appropriating funds from a lawful source; providing a cumulative repealer clause; providing a severability clause; and providing an effective date.

An agreement on this item has been resolved, therefore, no action is needed for this item.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

16. Receive an update and discussion regarding the following:
 - a. Sales Tax Update
 - b. TPWD Grant Update
 - c. Discussion Items Report (DIR)
 - d. STAR Transit Ridership Report- February 2022
 - e. Careflite Compliance Report- February 2022
 - f. Fire Department Monthly Report- February 2022
 - g. Police Department Monthly Report- February 2022
 - h. Development Services Monthly Report- February 2022
 - i. Monthly Calendars Attached

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

EXECUTIVE SESSION

Mayor Jordan recessed into executive session at 7:16 PM.

17. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
 - a. Texas Government Code §551.071(2): Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act: Oak Grove

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

Mayor Jordan reconvened into open session at 7:33 PM.

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

There was no action required.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 7:34 PM.

ATTEST:

JEFF JORDAN
MAYOR

JESSIE HANKS
CITY SECRETARY

