



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, DECEMBER 16, 2019 -
6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

WORK SESSION- 5:30 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.

Mayor Jordan called the Work Session to order at 5:36 p.m. Councilmembers present were Jeff Jordan, Patty Patterson, Carole Aga, and Jeff Council. 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 Captain Les Edwards and Police Sergeant Tommy Black.

1. Discussion and review of the proposed City of Kaufman's 5-year Capital Improvement Plan.

Mr. Slye reviewed the proposed 5-year Capital Improvement Plan. He highlighted the various projects and the projected year for starting the projects. He requested Council's input on the priority for the projects, particularly the five (5) Storm Drainage Projects. There were discussions about possible additional projects, and the priority of the current projects. Council outlined their preference for the priority of the five (5) Storm Drainage Projects and the time line for each.

ADJOURNMENT

Mayor Jordan adjourned the Work Session at 5:51 p.m.

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 meeting to order at 6:01 p.m. Councilmembers present were Jeff Jordan, Patty Patterson, Carole Aga, Jeff Council, and Charles Gillenwater. Mayor Jordan declared a quorum present. Councilmember Matt Phillips and Barry Ratcliffe arrived at 6:03 p.m. 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, Finance Director Mary Wennerstorm, Police Captain Les Edwards, and Police Sergeant Tommy Black.

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

No comments were given.

PROCLAMATION

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

Mayor Jordan read the proclamation and presented the street sign to Dr. William "Bill" Fortner. Dr. Fortner thanked Mayor and City Council for the recognition, as well as Mr. Meara. He gave a brief history of his business and services to the Kaufman community.

3. Street Dedication- Dennis Berry

Mayor Jordan also read and presented the Proclamation for the street dedication of Berry Lane. Mayor Berry gave his appreciation to Mayor Jordan and Council for the honor of having a street named after him. He expressed his happiness for the direction of the development in Kaufman. He believes the new houses and new businesses are wonderful, but loves the small businesses and the older homes as well. He was very proud to accept this recognition.

George Schuler, with JWS Land who partners with Meara Company, outlined the development of the working relationship with the mayors of Kaufman's who have helped drive this growth in Kaufman. He has been excited to work with Kaufman.

RECOGNITION Business of the Month - Kaufman Herald

Mayor Jordan, Mr. Holder, and Ms. Glasscock present the December Business of the Month award to the Kaufman Herald. He outlined the importance of having a paper located in Kaufman. Melanie Mazur, The Kaufman Herald Publisher, accepted the award and expressed her appreciation for the recognition and the support of the City. She also emphasized the importance of having a local paper.

CONSENT AGENDA

4. Consider and take appropriate action on the minutes of the November 25, 2019, Regular City Council Meeting.
5. Consider and take appropriate action on designating the Kaufman Herald as the Official Newspaper for the City of Kaufman (2020).
6. Consider and take appropriate action on Resolution R-28-19, a resolution of the City Council of the City of Kaufman repealing Resolution R-26-14, and any previously adopted resolution related to adoption or amendment of the City's Land Use Assumptions and Capital Improvements Plans; and providing an effective date.
7. Consider and take appropriate action on Change Order #7 for the Paving, Drainage, Sanitary Sewer, and Water Improvements for S. Houston St., W. 4th St., S. Austin St., and W. Fair St.

Councilmember Council made a motion to approve consent agenda items 4-7 as presented. The motion was seconded by Councilmember Aga and passed 7/0.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEM

8. Consider and take appropriate action on the award of bid and contract for the Demolition, Construction, and Renovation Services for the proposed Civic Center and authorizing the Mayor or his designee to execute necessary documents.

Mr. Slye outlined the scope of the project, the bid received, and the financial amounts. He recommends awarding the bid and contract to Fivecoat Construction with the alternate bid for the concrete parking lot.

Councilmember Aga made a motion to award the bid and contract for the demolition, construction. and renovation services for the proposed Civic Center for \$3,335,322.57 and alternate 1 for \$209,121.04. The motion was seconded by Councilmember and passed 7/0.

9. Consider and take appropriate action on the award of bid and contract for the Asbestos Abatement Services for the proposed Civic Center and authorizing the Mayor or his designee to execute necessary documents.

Mr Slye explained an asbestos survey for the Civic Center was completed in November 2019. The survey found the presence of asbestos in the sub-flooring in the majority of the existing facility. He added that abating the asbestos will be required prior to any form of remodeling efforts. The City received three (3) bids for the action and the lowest, qualified bid was from ARC Abatement for \$39,7751.00 with an addition \$7,000.00 for air monitoring. Staff recommended awarding the asbestos abatement contract to ARC abatement for \$39,751 and \$7,000 for air monitoring.

Councilmember Aga made a motion to award the bid and contract for the Asbestos Abatement Services for the proposed Civic Center to ARC Abatement for a total of \$46,751 to include to \$39,752 for the asbestos abatement services and \$7,000 for the air monitoring and authorize the Mayor or his designee to execute necessary documents. The motion was seconded by Councilmember Gillenwater and passed 7/0.

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

Mr. Slye briefly outlined the discussion from the Work Session. He recommended approval of the 5-year Capital Improvement Plan as discussed in Work Session.

Councilmember Aga made a motion to approve the City of Kaufman's 5-year Capital Improvement Plan as amended in the Work Session. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

11. Consider and take appropriate action on Resolution R-27-19, a resolution of the City Council of the City of Kaufman, approving a desire to join a coalition of non-member customer entities of the North Texas Municipal Water District; and providing an effective date.

Mr. Slye highlighted the purpose of the resolution and the benefit of joining the coalition. He gave a presentation outlining the reasons to participate. He does not have a recommendation on this item but wanted to present Council with both sides of the opportunity to participate. There were questions regarding the participation of other cities in the areas, the unused water the city paid for, and the timeline for joining the coalition.

Mayor Jordan made a motion to table Resolution R-27-19 until the next Council meeting and return with more information from surrounding cities. The motion was seconded by Councilmember Ratcliffe and passed 7/0.

PUBLIC HEARING

12. Hold a Public Hearing and consider and take appropriate action on Ordinance No. O-32-19, an ordinance of the City Council of the City of Kaufman, approving the “Land Use Assumption”, which includes the “Future Land Use Plan”, the “Streets Capital Improvements Plan for 2019-2029” and the “Water Capital Improvements Plan for 2019-2029”, each being a component of the “Capital Improvements Plan and Impact Fee Update for Water and Streets 2019-2029” for the City of Kaufman; Providing Amendments to Adopt A New Section 80.0, “Adoption of Land Use Assumptions and Roadway Facilities Capital Improvements Plan” of Chapter 80, “Roadway Facilities Impact Fee” and adopting a new Section 106.40 “Adoption of Land Use Assumptions and Water Capital Improvements Plan” Of “Division 1, “Generally” Of Article II, “Water” Of Chapter 106, “Utilities” to adopt Land Use Assumptions, Future Land Use Plan, the Streets Capital Improvement Plan for 2019-2029 and the Water Capital Improvements Plan for 2019-2029 as set forth in the Capital Improvements Plan and Impact Fee Update for Water and Streets 2019-2029” and providing an effective date.
 - a. Presentation
 - b. PUBLIC HEARING
 - c. Consider and take appropriate action on Ordinance O-32-19.
13. Hold a Public Hearing and consider and take appropriate action on Ordinance O-33A-19, an ordinance of the City Council of the City of Kaufman, amending Ordinance O-29-14, and Chapter 106 Utilities, Article II “Water” of the Code of Ordinances, adopting amendments to the Water Facilities Impact Fees to be assessed by the City of Kaufman, Texas; providing for calculation of maximum impact fees and use of proceeds from impact fees; regulating the assessment and collection of impact fees; providing a water facilities impact fee schedule; imposing an impact fee and providing for exceptions; providing for credits; regulating accounting for fees and interest; providing for refunds; incorporating the water facilities land use assumptions and service area, the Water Capital Improvements Plan; adopting various other provisions relative to water impact fees providing an effective date of January 1, 2020 for the assessment of the amended impact fees.
 - a. Presentation
 - b. PUBLIC HEARING
 - c. Consider and take appropriate action on Ordinance O-33A-19.

14. Hold a Public Hearing and consider and take appropriate action on Ordinance O-33B-19, an ordinance of the City Council of the City of Kaufman, amending Ordinance O-30-14, and Chapter 80, Roadway Facilities Impact Fee of the Code of Ordinances, regarding the adoption of amendments to Roadway Facilities Impact Fees to be assessed by the City of Kaufman, Texas; providing for calculation of maximum impact fees and use of proceeds from impact fees; regulating the assessment and collection of impact fees; providing a roadway facilities impact fee schedule; imposing an impact fee and providing for exceptions; providing for credits; regulating accounting for fees and interest; providing for refunds; incorporating the roadway facilities land use assumptions and service area, the Roadway Facilities Capital Improvements Plan; adopting various other provisions relative to roadway impact fees' providing an effective date of January 1, 2020 for the assessment of the amended impact fees.
 - a. Presentation
 - b. PUBLIC HEARING
 - c. Consider and take appropriate action on Ordinance O-33B-19.

Mayor Jordan stated items 12, 13, and 14 would be heard together.

Jonathan Bengfort, with TNP, outlined the 10 steps for getting the impact fee. He presented the factors that are taken into consideration when figuring out the maximum impact fee. The recommendation for the Water Impact Fee increase was reviewed. He also presented the Street Capital Improvement Plan and the recommended impact fee. There was a discussion about the use of impact fees as well as the purpose. Mr. Slye pointed out that the City doesn't charge a Sewer Impact Fee.

Mayor Jordan opened the Public Hearing at 6:49 p.m. to items 12, 13, and 14. With no one present to speak, Mayor Jordan closed the Public Hearing at 6:50 p.m.

Councilmember Gillenwater made a motion to approve Ordinance O-32-19 as presented. The motion was seconded by Councilmember Phillips and passed 7/0.

Councilmember Ratcliffe made a motion to approve Ordinance O-33A-19 and O-33B-19 as presented. The motion was seconded by Councilmember Gillenwater and passed 7/0.

Councilmember Ratcliffe made a motion to approve Ordinance O-33A-19 as presented. The motion was seconded by Councilmember Gillenwater and passed 7/0.

15. Hold a Public Hearing and consider and take appropriate action on 5 Variances to the City of Kaufman Subdivision Regulations Section III. "Subdivision Design Standards", Section 3.1 "Streets" specific to street construction, cul-de-sac length, two points of entrances to a subdivision, Section 3.5 "Sidewalks", and Section 3.10 "Stormwater Collection/Conveyance Systems". The variances are requested as part of a residential replat of a 34.43 acre site located in the Extraterritorial Jurisdiction of the City of Kaufman and generally located along South SH 34 on the east side almost to the City of Scurry and behind the Gastonia Scurry Special Utility District water tower, onto Farm Village Road, 8355 Village Glen Lane and other unaddressed vacant lots within the subdivision. The subdivision is more commonly identified as the Farm Village Addition and the requested variances are as follows:
 1. **Section 3.1.c.7 Street Construction** – Requesting a variance from street construction requirements.
 2. **Section 3.1.p Cul-de-sac Length** – Request for variance from requirements that a cul-de-sac street be no longer than 600 feet.
 3. **Section 3.1.t Two Points of Entrance to a Subdivision**- Requesting a variance from the requirement for two points of access from improved public roadways.
 4. **Section 3.5.a. Sidewalks** – Requesting a variance from requirement to install sidewalks within or on the perimeter of the subdivision.
 5. **Section 3.10.a Stormwater Collection/Conveyance Systems - System design requirements** – Request a variance from the requirement to construct a concrete curb and gutter drainage system.
 - a. Presentation
 - b. PUBLIC HEARING
 - c. Consider and take appropriate action on a Variance to City of Kaufman Subdivision Regulations: **(1)** Section 3.1.c.7, Street Construction; **(2)** Section 3.1.p Cul-de-sac Length; **(3)** Section 3.1.t Two points of entrance to a subdivision; **(4)** Section 3.5.a. Sidewalks and **(5)** Section 3.10.a Stormwater Collection/Conveyance Systems - System design requirements
16. Hold a Public Hearing and consider and take appropriate action regarding a Final Plat, such request being a proposed Replat of the Farm Village Addition, Phase I and being a replat of Lots 2-9, open area, green space areas and re-aligning the right of way for Farm Village Road, a 34.43 acre site located in the Extraterritorial Jurisdiction of the City of Kaufman and generally located along South SH 34 on the east side almost to the City of Scurry and behind the Gastonia Scurry Special Utility District water tower, onto Farm Village Road, 8355 Village Glen Lane and other unaddressed vacant lots within the subdivision. A twelve lot subdivision is proposed. (FP-11-19)
 - a. Presentation

b. PUBLIC HEARING

- c. Consider and take appropriate action on a Final Plat to replat a 34.43 acre site located in the Extraterritorial Jurisdiction of the City of Kaufman and generally identified as Farm Village Addition, Phase I.

Mayor Jordan stated items 15 and 16 would be heard together.

Ms. Ratcliff presented the replat and variance case and gave a history of the property. She outlined the changes to the plat from the previous document. The Planning and Zoning Commission recommended denial of all 5 variances and subsequently recommended denial of the replat. The Planning and Zoning Commission found that there is no longer anything developmentally unique to the property, there are no particular physical hardships preventing the subdivision from being developed in accordance with the Subdivision Ordinance and each was detrimental to the public safety, health and welfare. She recommended if approved to designate the roads as private not public.

Mayor Jordan opened the Public Hearing at 6:56 p.m. for items 15 and 16.

Steve Paramore, P.O. Box 723, Kaufman, Texas 75142, reviewed the initial intention for the property. He outlined the purpose for the variance request and the reasons for the replat. This property was previously owned by his dad. He explained the variances and the requests. He appealed to Council to bend the rules to help his family out of the financial hardship for the land.

Abishek Prakash, 7069 SH 34, Scurry, Texas 75158, whose family owns the property on the north side of the plat. He reiterated the sentiments of Mr. Paramore. He would like to be able to help Mr. Paramore out and maintain the rural conditions in the current standing.

Bob Laird, 7700 Farm Village Road, Scurry, Texas 75158, stated he currently resides on lot 1 for this subdivision. He outlined the services his ministry provides to the pastors who counsel the public. He runs a retreat for counseling pastors to allow them to rest and recharge. He explained the dreams of the lot owners in the area and their intentions of the land.

Katie Allen, 7700 Farm Village Road, Scurry, Texas 75158, wanted to reinforce the sentiments of the previous speakers. She informed Council about the quite serene environment that is currently available.

LaDonna Laird, 7700 Farm Village Road, Scurry, Texas 75158, agreed with everything said previously. She wanted to reiterate the need to have the peace and quite for the retreat and the desire to keep it that way.

Dr. Buck Marshall, 702 Williamsburg Dr, Ennis, Texas 75119, is on the Board of Directors who owns Cornerstone Lodge Ministry. He explained the point and purpose of Cornerstone Lodge, the country feel is what they want to maintain, and the use of the property is for a ministry counseling retreat and as a place of rest. He stated that Council has the authority to approve the variances and replat.

Mr. Paramore stated he lives on Lot 4. He added Brent Walch owns Lot 1 and is the individual who wants to purchase the orange lot.

17. Hold a Public Hearing and consider and take appropriate action on Ordinance O-34-19, an ordinance of the City Council of the City of Kaufman, for a request by Matthew Shelton and Summer Harrison to amend the City of Kaufman's Future Land Use Plan from Future Commercial to Future Medium Density Single Family Residential on the property addressed as 711 East 1st North Street and part of Block 324 of the Kaufman Revised Addition. The property is proposed to be used as a single family development. (M-01-19)
 - a. Presentation
 - b. PUBLIC HEARING
 - c. Consider and take appropriate action on Ordinance O-34-19
18. Hold a Public Hearing and consider and take appropriate action on Ordinance O-35-19, an ordinance of the City Council of the City of Kaufman, for a request by Matthew Shelton and Summer Harrison to rezone 0.746 acres at the property addressed as 711 East 1st North Street and part of Block 324 of the Kaufman Revised Addition from Retail (R) to Single Family 6 (SF-6). The property is proposed to be used as a single family development. (Z-09-19)
 - a. Presentation
 - b. PUBLIC HEARING

- c. Consider and take appropriate action on Ordinance O-35-19

Mayor Jordan state items 17 and 18 would be heard together.

Ms. Ratcliff explained the request that is before the Council is for the purpose of amending the Future Land Use Plan from Future Commercial to Single Family. The intention would be to redevelop the property into a barndominium. She presented the opportunity to improve the neighborhood. The Planning and Zoning Commission recommended approval to amend the land use plan and the rezoning. There were discussions about the plans for the property, the applicant's intent for renovations, and the benefits of approving the cases.

Mayor Jordan opened the Public Hearing at 7:40 p.m.

Summer Harrison, 2012 Island Circle Tool, Texas 75143, is the real estate agent for the applicant. She outlined the purpose for the request.

Matt Shelton, 151 Hickory Trail, Kaufman, Texas 75142, stated he is the applicant and outlined the vision for the renovation.

With no one else present to speak, Mayor Jordan closed the Public Hearing at 7:46 p.m.

Councilmember Council made a motion to approve Ordinance O-34-19 as presented. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

Councilmember Ratcliffe made a motion to approve Ordinance O-25-19 as presented. The motion was seconded by Councilmember Gillenwater and passed 7/0.

PLANNING & ZONING ITEMS

19. Consider and take appropriate action on the Preliminary Plat of Lots 1-5, Block 1, The Sterlings Addition. The 0.993 acre site is located between Lions Den Trail and Tabor Parkway. The property is zoned Townhouse (TH). A subdivision of five duplex lots is proposed.(PP-02-19)

Ms. Ratcliff presented the preliminary plat and outlined the proposed use of five duplexes for a total of 10 dwelling units. She recommended approval of the preliminary plat for Lots 1-5, Block 1, of the Sterlings Addition.

Councilmember Ratcliffe made a motion to approve the preliminary plat for Lots 1-5, Block 1, of the Sterlings Addition. The motion was seconded by Councilmember Aga and passed 7/0.

20. Consider and take appropriate action on the Final Plat of Lots 1-5, Block 1, The Sterlings Addition. The 0.993 acre site is located between Lions Den Trail and Tabor Parkway. The property is zoned Townhouse (TH). A subdivision of five duplex lots is proposed. (FP-09-19)

Ms. Ratcliff state this is the final plat for the preliminary plat that Council just approved. Staff recommended approval.

Councilmember Aga made a motion to approve the final plat for Lots 1-5, Block 1, of the Sterlings Addition. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

21. Receive an update and discussion regarding the following:
- a. Discussion Item Report (DIR)
 - b. Star Transit Ridership Reports- November 2019
 - c. WWTP SEP Project Update.
 - d. First day to file application for a place on the Ballot for the City's General Election, January 15, 2020. Last day to file application - February 14, 2020.
 - e. City Hall Closed- Tuesday, December 24, 2019- Christmas Eve and Wednesday, December 25, 2019- Christmas
 - f. City Hall Closed- Wednesday, January 1, 2020- New Year's Day
 - g. City Hall Closed- Monday, January 20, 2020- Dr. Martin Luther King Jr. Day
 - h. Monthly calendars attached

Mr. Slye gave an update on the above items.

EXECUTIVE SESSION

Mayor Jordan adjourned into Executive Session at 7:52 p.m.

22. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
- a. Texas Government Code §551.072: Deliberation regarding real property, to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: Kaufman Lake

- b. 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
- c. Texas Government Code § 551.071: 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 Texas Open Meetings Act re: Public Information Act Requests, disclosures, and 2019 legislation

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

Mayor Jordan reconvened the Regular Session at 8:28 p.m.

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

Councilmember Phillips made a motion to authorize the City Manager to continue negotiations relating to the city's 54 acre tract and incentives consistent with the amended concept plan as discussed in Executive Session. The motion was seconded by Mayor Pro-Tem Patterson and passed 7/0.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 8:28 p.m.

ATTEST:

**JEFF JORDAN
MAYOR**

**JESSIE HANKS
CITY SECRETARY**