



**MINUTES OF THE
CITY COUNCIL MEETING
MONDAY, SEPTEMBER 26, 2022 -
5:30 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

Council: Mayor calls the meeting to order, states the date and time, states Councilmembers present, and declares a quorum present.**

TIRZ #2: Chairman calls the meeting to order, states the date and time, state members present, and declares a quorum present.**

Chairman Jordan called the TIRZ #2 Board meeting to order at 5:37 PM. Board members present were Jeff Jordan, Patty Patterson, Quattro Borders, Carole Aga, Lisa Parker, Ken Cates, and Mike Hunt. Board members absent were Charles Gillenwater, Ray Raymond, and Matt Phillips.

Also present were City Manager Mike Slye, Assistant City Manager Mike Holder, City Attorney Patricia Adams, City Secretary Jessie Hanks, Finance Director Mary Wennerstrom, Economic Development Director Stewart McGregor, Planning Manager Andrew Bogda, Public Works Director Tim Hopwood, and Police Chief Les Edwards.

Mayor Jordan called the City Council meeting to order at 5:53 PM. Councilmembers present were Quattro Borders, Jeff Jordan, Carole Aga, Lisa Parker, and Patty Patterson. Councilmember Charles Gillenwater arrived to the meeting at 5:57 PM. Councilmember Matt Phillips was absent. Mayor Jordan declared a quorum present.

TIRZ #2 ITEMS

1. Consider and make a recommendation to the City Council the expansion of the boundaries of Tax Increment Reinvestment Zone Number Two, City of Kaufman, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by expanding the boundaries of Tax Increment Financing Reinvestment Zone Number Two, City of Kaufman, Texas.

Mr. Slye gave the board and public an overview of the proposed amendment to the Tax Reinvestment Zone Number Two including the new proposed boundaries and Preliminary Project and Financing Plan. There was a discussion regarding the potential developments in the zone.

Board Member Cates made a motion to recommend approval of the expansion of the boundaries of Tax Increment Reinvestment Zone Number Two, City of Kaufman, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by expanding the boundaries of Tax Increment Financing Reinvestment Zone Number Two, City of Kaufman, Texas with the rate and term to remain the same. The motion was seconded by Board Member Aga and passed 6/0.

TIRZ #2 ADJOURNMENT

There being no further business, Chairman Jordan adjourned the meeting at 5:52 PM.

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.**

Karen Harris, 710 Rand Road #9, Kaufman, Texas 75142, is in support of the city adding additional lighting to the sports complex for the Youth Football League. She believed this would help with their ability to practice in a safe manner.

Mercedes Loss, 610 W Pyle St., Kaufman, Texas 75142, stated she is the cheer commissioner for the Kaufman Youth Football Association. She expressed the organization's struggle with finding a location to practice. She outlined the various issues they have that they are asking the City to fix for the safety of their athletes.

Nora McVarty, 541 E. 6th St., Kaufman, Texas 75142, expressed her concerns about the lack of lighting at the Sport Complex for them to practice.

Brian Townsend, 1711 Country Road 121, Kaufman, Texas 75142, stated he is the president of the Kaufman Youth Sports Association. He gave the Council a brief history of the organization. He stated the organization has always utilized the baseball fields. He appreciated the city's efforts to fix the issues but is requesting the city provide some sort of solution in the mean time while the city makes improvements.

PROCLAMATION

2. National Night Out- October 4th

Mayor Jordan read the proclamation and declared October 4th as National Night Out in the City of Kaufman.

3. World Teacher's Day- October 5th

Mayor Jordan read the proclamation and declared October 5th Teacher's Day in the City of Kaufman.

RECOGNITION

4. Business of the Month- Kindred Market Boutique

Mayor Jordan and Mr. McGregor presented the business of month for Kindred Market Boutique.

CONSENT AGENDA

5. Consider and take appropriate action on the minutes from the August 22, 2022, Regular City Council Meeting.
6. Consider and take appropriate action on the minutes from the September 12, 2022, Special City Council Meeting.

7. Consider and take appropriate action to approve the transfer of aged bills to Collection of Delinquent Utility Billing Accounts Receivable Balances.

Councilmember Borders made a motion to approve Consent Agenda Items #5 through 7 with an amendment to the August 22nd minutes. The motion was seconded by Councilmember Parker and passed 6/0.

END OF CONSENT AGENDA

PUBLIC HEARING

8. Conduct a public hearing, consider, and take appropriate action on Ordinance O-31-22, an ordinance of the City Council of the City of Kaufman, Texas, concerning Tax Increment Reinvestment Zone Number Two, City of Kaufman, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by expanding the boundaries of Tax Increment Financing Reinvestment Zone Number Two, City of Kaufman, Texas.

- a. Presentation.

David Pettit, owner of David Pettit Economic Development, gave the Council a presentation reviewing the proposed amendments to the TIRZ #2, the process that will be gone through for this amendment, and the revenue summary to the Preliminary Project and Financing Plan.

- b. Public Hearing.

Mayor Jordan opened the public hearing at 6:26 PM.

There being no speakers present, Mayor Jordan closed the public hearing at 6:26 PM.

- c. Consider and take appropriate action on Ordinance O-31-22.

Councilmember Aga made a motion to approve Ordinance O-31-22 as presented. The motion was seconded by Councilmember Gillenwater and passed 6/0.

9. Conduct a public hearing, consider and take appropriate action on the **Replat of Kaufman Original, Block 33, Lots 4 – 6**, being a replat of a portion of Block 33 of Kaufman Original to create 3 residential lots. The subject property consists of 0.557 acres situated in the J.B. Cole Survey, Abstract No. 84, City of Kaufman, Kaufman County, Texas, generally located on the east side of N. Madison St., the south side of E. 1st North St., and the west side of N. Monroe St. (Parcel ID 28567) and currently addressed as 406 N. Madison St. (Case No. FRP-02-22)

- a. Presentation.

Mr. Bogda presented the proposed replat to subdivide a single family residential lot into a proposed three residential lots. He outlined the process, and the Planning and Zoning recommendation.

- b. Public Hearing.

Mayor Jordan opened the public hearing at 6:28 PM.

There being no speakers present, Mayor Jordan closed the public hearing at 6:29 PM.

- c. Consider and take appropriate action on the Replat of Kaufman Original, Block 33, Lots 4 - 6, Case No. FRP-02-22.

Councilmember Borders made a motion to approve the Replat of Kaufman Original, Block 33, Lots 4 - 6, Case No. FRP-02-22. as presented. The motion was seconded by Councilmember Parker and passed 6/0.

10. Conduct a public hearing, consider, and take appropriate action on Ordinance O-28-22, an ordinance of the City Council of the City of Kaufman, amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman's Code of Ordinances, and the official Zoning Map to **rezone** approximately 1.3 acres from A-O Agriculture/Open District to HC Highway Commercial District for the property generally located at **3533 East Highway 175** (Parcel ID 407), situated in the Charles Askins Survey, Abstract No. 2, City of Kaufman, Kaufman County, Texas. (Case No. Z-07-22)

- a. Presentation.

Mr. Bogda presented the proposed rezoning request for a property located at 3533 E Hwy 175.

- b. Public Hearing.

Mayor Jordan opened the public hearing at 6:34 PM.

There being no speakers present, Mayor Jordan closed the public hearing at 6:34 PM.

- c. Consider and take appropriate action on Ordinance O-28-22.

Councilmember Aga made a motion to approve Ordinance O-28-22 as presented. The motion was seconded by Councilmember Gillenwater and passed 6/0.

11. Conduct a public hearing, consider and take appropriate action on Ordinance O-29-22, an ordinance of the City Council of the City of Kaufman, amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman's Code of Ordinances, and the official Zoning Map to **rezone** approximately 3.626 acres from A-O Agriculture/Open District to C Commercial District for the property generally located at **3260 East Highway 175** (Parcel ID 49003), situated in the Charles Askins Survey, Abstract No. 2, City of Kaufman, Kaufman County, Texas. (Case No. Z-08-22)

- a. Presentation.

Mr. Bogda presented the proposed rezone request for a property located at 3260 E Hwy 175.

- b. Public Hearing.

Mayor Jordan opened the public hearing at 6:37 PM.

There being no speakers present, Mayor Jordan closed the public hearing at 6:37 PM.

- c. Consider and take appropriate action on Ordinance O-29-22.

Councilmember Borders made a motion to approve Ordinance O-29-22 as presented. The motion was seconded by Councilmember Parker and passed 6/0.

12. Conduct a public hearing, consider, and take appropriate action on Ordinance O-30-22, an ordinance of the City Council of the City of Kaufman, Texas, for the amendment to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning" of the City of Kaufman's Code of Ordinances, to allow **murals and ghost signs in the Central**

Business District (CBD) by amending Section 25.4 “Central Business District (CBD) – Design Criteria”, Section 44.3 “Sign Regulations – Definitions”, and Section 44.8 “Attached Sign Regulations” (Case No. Z-06-22)

a. Presentation.

Mr. Bogda presented the proposed Mural ordinance. He gave the Council an overview of the reason staff created this ordinance, and outlined the proposed ordinance. He reviewed the guidelines for the murals and ghost sign restoration that would be put in place by this ordinance.

b. Public Hearing.

Mayor Jordan opened the public hearing at 6:52 PM.

There being no speakers present, Mayor Jordan closed the public hearing at 6:53 PM.

c. Consider and take appropriate action on Ordinance O-30-22.

Councilmember Aga made a motion to approve Ordinance O-30-22 as presented. The motion was seconded by Councilmember Gillenwater and passed 6/0.

DISCUSSION/ACTION ITEMS

13. Consider and take appropriate action on a Development Agreement between Cope Equities, LLC and the City of Kaufman for the Five Point Development, an approximate 99.52-acre tract of land (Property IDs 54862 & 54860) situated in the D. Falcon Survey, Abstract No. 151, generally located on the northwest side of S. Washington St. at Five Points Dr.; and authorizing the Mayor or designee to execute necessary documents.

Mr. Bogda reviewed the proposed Five Points Development Agreement. He also outlined the process the developer has already gone through to rezone the property, amend the TIRZ #2 boundaries to include his development, and platting of the property.

Councilmember Gillenwater made a motion to approve a Development Agreement between Cope Equities, LLC and the City of Kaufman for the Five Point Development and authorizing the Mayor or designee to execute necessary documents subject to final attorney review. The motion was seconded by Councilmember Aga and passed 6/0.

14. Consider and take appropriate action regarding a Professional Services Agreement between the City and Developer Cope Equities, LLC obligating Developer to pay for the costs of professional services incurred by the City of Kaufman relative to the Five Point Development Project; and authorizing the City Manager to execute necessary documents.

Mr. Slye outlined the Professional Services Agreement and the purpose of the agreement.

Councilmember Parker made a motion to approve a Professional Services Agreement between the City and Developer Cope Equities, LLC. The motion was seconded by Councilmember Borders and passed 6/0.

15. Consider and take appropriate action regarding Ordinance O-32-22, an ordinance of the City Council of the City of Kaufman, Texas, amending the City's 2021-2022 Fiscal Year Budget to balance Revenue Surplus, Expense Surplus, and Shortfall; and providing an effective date.

Ms. Wennerstrom presented the Council with the proposed amendments to the FY 2021-2022 budget.

Councilmember Parker made a motion to approve Ordinance O-32-22, amending the City's 2021-2022 Fiscal Year Budget to balance Revenue Surplus, Expense Surplus, and Shortfall. The motion was seconded by Councilmember Aga and passed 6/0.

16. Consider and take appropriate action regarding Ordinance O-33-22, an ordinance of the City Council of the City of Kaufman, amending the KEDC 2021-2022 Fiscal Year Budget to balance Revenue Surplus, Expense Surplus, and Shortfall; and providing an effective date.

Ms. Wennerstrom outlined the proposed amendments to the KEDC 2021-2022 budget.

Councilmember Border made a motion to approve Ordinance O-33-22, amending the KEDC 2021-2022 Fiscal Year Budget to balance Revenue Surplus, Expense Surplus, and Shortfall. The motion was seconded by Councilmember Parker and passed 6/0.

17. Consider and take appropriate action on Ordinance O-34-22, an ordinance of the City Council of the City of Kaufman, Texas, repealing Ordinance Nos. O-31-02, O-07-03, O-23-08, and O-06-22 and adopting new City park usage fees, to be codified as Article A9.000 "City Park Usage Fees" of Appendix A, "Fee Schedule" of the Code of Ordinances of the City, providing fees for rental of facilities, usage of ball fields, tennis courts and keys by residents, non-residents and leagues, including costs for utilities; and providing an effective date.

Mr. Slye informed the Council about the review process for the fee schedule. He outlined the proposed amendments to the City Park fees.

Councilmember Aga made a motion to approve Ordinance O-34-22 as presented. The motion was seconded by Councilmember Gillenwater and passed 6/0.

18. Consider and take appropriate action on Ordinance O-35-22, an ordinance of the City Council of the City of Kaufman, Texas, amending Section A8.002, "Water Rates", Section A8.003, "Sewer Rates", Section A8.005, "Deposits for Water Service", and Section A8.010, "Water and Sewer Tap Fees; Installation and Maintenance," of Article A8.000, "Utilities", of Appendix A, "Fee Schedule", of the Code of Ordinances of the City of Kaufman to adopt increased rates for water and sewer services, to increase water meter fees for meters outside of the city limits, to amend the senior citizen discount rate, to provide for manual adjustments, to increase water meter deposits, to increase water and sewer tap fees for installation and maintenance as authorized by ordinance, policy or action of City Council; providing for the incorporation of premises; providing amendments; providing a severability clause; providing a cumulative repealer/savings clause; providing for enforcement; and providing for publication and an effective date.

Mr. Slye reviewed the various utility fees that would be amended by this ordinance.

Councilmember Border made a motion to approve Ordinance O-35-22 as presented. The motion was seconded by Councilmember Aga and passed 5/0. Councilmember Gillenwater stepped out of the meeting at 7:08 PM and rejoined the meeting at 7:10 PM.

19. Consider and take appropriate action regarding Ordinance O-36-22, an ordinance of the City Council of the City of Kaufman, amending Subsection 2.03.001(a), "Adoption of Personnel Policies Manual", of Section 2.03.001, "Personnel policies manual adopted; repeal of conflicting provisions.", of Article 2.03, "Personnel Regulations", of Chapter 2, "Administration and Personnel" of the Code of Ordinances of the City of Kaufman to provide for an amended Exhibit

“A” to subsection 2.03.001(a), adding section 7.11.01 providing certification pay for pesticide applicator license; and providing an effective date.

Mr. Holder outlined the purpose of the proposed amendment to the Personnel Policy.

Councilmember Parker made a motion to approve Ordinance O-36-22 as presented. The motion was seconded by Councilmember Aga and passed 6/0.

20. Consider and take appropriate action on the water provider agreement with the Greater East Texas Community Action Program for the purpose of utilizing the Low Income Household Water Assistance Program for the citizens of Kaufman; and authorizing the Mayor to execute necessary documents.

Mr. Slye reviewed the purpose of this agreement and program. He expressed the benefits of this program for the public.

Councilmember Gillenwater made a motion to approve the water provider agreement with the Greater East Texas Community Action Program subject to final legal review. The motion was seconded by Councilmember Parker and passed 6/0.

21. Consider and take appropriate action to move the November 2022 Regular Council meeting and to move the December 2022 Regular Council meeting due to holiday conflicts.

Councilmember Parker made a motion to reschedule the November Regular Council meeting to November 21, 2022, and the December Regular Council meeting to December 19, 2022. The motion was seconded by Councilmember Borders and passed 6/0.

22. Consider and take appropriate action on a design plan for the Downtown Streetscape Project.

Mr. Slye presented and outlined the design plan for the Downtown Streetscape Project. This project was started in an effort to remediate the landscape issues in the Downtown Square.

Councilmember Aga made a motion to approve the design plan for the Downtown Streetscape Project as presented. The motion was seconded by Councilmember Parker and passed 6/0.

23. Consider and take appropriate action regarding the City's participation in the lawsuit against Disney, Hulu, and Netflix, which is a lawsuit to recover franchise fees due to municipalities for streaming services.

Mr. Slye informed the Council regarding the pending lawsuit.

Councilmember Borders made a motion to approve the City's participation in the lawsuit against Disney, Hulu, and Netflix, which is a lawsuit to recover franchise fees due to municipalities for streaming services. as presented. The motion was seconded by Councilmember Parker and passed 6/0.

APPOINTMENT

24. Consider and take appropriate action on the appointment of one (1) member to the Parks and Recreation Board to fill an unexpired term set to expire in March 2023.

Mayor Jordan made a motion to appoint Lester Camp to the Parks and Recreation Board to fill an unexpired term set to expire in March 2023. The motion was seconded by Councilmember Aga and passed 6/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

25. Receive an update and discussion regarding the following:

- a. October PID Workshop date
- b. TML Conference- San Antonio- October 4-7
- c. South Pointe Ground Breaking- October 13
- d. Kaufman Harvest Fest- October 22
- e. Discussion Items Report (DIR)
- f. Careflite Compliance Report- August 2022
- g. Fire Department Monthly Report- August 2022
- h. Police Department Monthly Report- August 2022
- i. Development Services Monthly Report- August 2022
- j. Monthly Calendars Attached

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

EXECUTIVE SESSION

Mayor Jordan recessed into the Executive Session at 7:33 PM.

26. The City Council will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
- a. Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING. (1) 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; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1): Project Snooze

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 7:57 PM.

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

There was no action required regarding the Executive Session.

ADJOURNMENT

There being no further business, Mayor Jordan adjourned the meeting at 7:58 PM.

ATTEST:

JEFF JORDAN
MAYOR

JESSIE HANKS
CITY SECRETARY

