

**AGENDA
REGULAR CITY COUNCIL MEETING
MONDAY, APRIL 17, 2006 — 6:00 P.M.
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

CITY COUNCILMEMBERS

MAYOR	PAULA BACON
MAYOR PRO-TEM	PAULA HAGLER WAMPLER
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	LONNIE BOUNDS
COUNCILMEMBER	FLOYD CHOYCE
COUNCILMEMBER	STANLEY HOLMES
COUNCILMEMBER	JANICE MURRELL

INVOCATION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor calls the Meeting to order, state the date and time. State Councilmembers present and declare a quorum present.

CITIZENS COMMENTS (5 MINUTES) Citizens may address the City Council on any subject but must first complete a Request to Speak Form. Comments are limited to five (5) minutes, but no more than five (5) minutes per individual, and are not transferable. Citizen's comments not to exceed a total of 15 minutes.

Proclamation – Fair Housing Month

CONSENT AGENDA ITEM #1 THROUGH #4

“All matters listed under the Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.”

1. Consider the approval of the Minutes of the March 20, 2006 Regular City Council Meeting.
2. Consider second reading and adoption of Ordinance O-01-06 of the City of Kaufman, Texas abandoning and closing the remnant of the unimproved alley located between Ninth and Tenth Streets, adjoining the south side of lots 1-8 and the north side of lots 21-28, block 2 of the Hobby Highway Addition, City of Kaufman, Texas and directing the Mayor to convey such to the adjacent landowners.

3. Consider second reading and adoption of Ordinance O-02-06 of the City of Kaufman, Texas abandoning and closing a portion of West Central Street, between First and Second Streets and east of Wilson Street, lying adjacent and contiguous to the east side of lots 1-4, block 56 of the French and Wilson Addition (formerly known as the H.&T.C.R.R. Addition) and to the west side of block 17 of the French and Wilson Addition, City of Kaufman, Texas and directing the Mayor to convey such to the adjacent landowners.
4. Consider approval and authorize the City Manager to enter into an Interlocal Agreement with Kaufman County to install and operate wireless communications equipment on the water tower facility located at 3 Oak Creek Drive.

END OF CONSENT AGENDA

PLANNING AND ZONING

5. Consider a request from Zita Herrera regarding a Site Plan for a new office/restaurant/retail complex, being a 24,150 square feet tract of land described as a part of Block 39, Original Town of Kaufman Addition, located at 300 E. Cherry Street, City of Kaufman, Kaufman County, Texas. Case No.S-01-06. (P&Z Approval 4-0)
6. Consider a request from T.W. White regarding a Site Plan for a new office building, being a 15,725.16 square feet (0.361-acre) tract of land out of the D. Falcon Survey, Abstract No. 151, as described in a deed to T.W. White recorded in Volume 2634, Page 492 of the Deed Records of Kaufman County, and located at 5962 Fair Road, City of Kaufman, Kaufman County, Texas. Case No.S-02-06. (P&Z Approval 4-0)
7. Consider a request from Council Real Estate and Sean Sisson regarding a Specific Use Permit (SUP) for Minor Auto Repair in the Washington Street Corridor Overlay District (WSC), located at 501 S. Washington Street and generally located on the southeast corner of South Washington Street and Temple Street, and being described as part of Block 26 of the French and Wilson Addition, City of Kaufman, Kaufman County, Texas. Case No. Z-01-06. (P&Z Approval 4-0)
 - a. Conduct Public Hearing
 - b. Consider first reading and approval of Ordinance O-03-06 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-14-99 and establishing Specific Use Permit Number

13 amending the Official Zoning Map; and providing for a penalty, severability, savings, and an effective date.

8. Consider a request from Harbinger S. Mahli regarding a Zoning Change on a single tract of land totaling 12,354 square feet (0.2836 acre) from Single-Family 6 District to Commercial (C) District, located at 401 W. Grove Street, and being described as part of Block 27 of the Original Town of Kaufman Addition, as described in a deed recorded in Volume 1277, Page 236 of the Deed Records of Kaufman County, City of Kaufman, Kaufman County, Texas. Case No. Z-02-06. (P&Z Approval 4-0)
 - a. Conduct Public Hearing
 - b. Consider first reading and approval of Ordinance O-04-06 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-14-99, dated March 22, 1999, and the Official Zoning Map; changing the zoning Classifications on a single tract of land totaling 12,354 square feet (0.2836 acre) from existing Single-Family-6 Residential District to Commercial (C) District; generally located on the Northeast Corner of West Grove Street and Clay Street at 401 W. Grove Street, being described as part of block 27 of the Original Town of Kaufman Addition described in a deed recorded in volume 1277, page 236 of the deed records of Kaufman County, City of Kaufman, Kaufman County, Texas; and providing for a penalty clause, providing a severability clause, a savings clause, and an effective date.
9. Discuss proposed final revisions to Sections 1-11 of the Zoning Ordinance O-14-99 as recommended by the Zoning Ordinance/Comprehensive Plan Steering Committee and the Planning and Zoning Commission.
10. Conduct a Public Hearing regarding the proposed final revisions to Sections 1-11 Administrative Requirements of the Zoning Ordinance O-14-99.

DISCUSSION/ACTION ITEMS

11. Consider approval of expenditures from the Hotel/Motel Tax Revenue Funds for a digital film titled "Walking Tour of Kaufman" a project with the Chamber of Commerce and Kaufman Economic Development Corporation to promote Kaufman.
12. Consider approval of amending the contract with IESI to allow the use of a fuel surcharge to recover the costs of excessive fuel prices.

13. Consider approval of Resolution R-07-06 of support of the City Council of the City of Kaufman, Texas, authorizing submission of an application to the Texas Department of Housing and Community Affairs for Home Investment Partnerships Program Funds; and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the program.
14. Consider approval of Resolution R-08-06 by the City of Kaufman, Texas suspending the May 30, 2006, effective date of the proposal by Atmos Energy Corp., Mid-Tex Division to implement interim GRIP Rate adjustments for Gas Utility Investment in 2005; authorizing participation with the Gas Standing Steering Committee in a review and inquiry into the sufficiency of the filing and the basis and reasonableness of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP rate adjustments; requiring reimbursement of reasonable legal and consultant expenses; and requiring delivery of this Resolution to the company and legal counsel.
15. Atmos Mid-Tex Rate Hearing and Ordinance
 - a. Conduct a Public Hearing regarding Atmos Mid-Tex new Natural Gas Distribution Rates.
 - b. Consider adoption of Ordinance O-05-06 finding that the existing Natural Gas Distribution Rates of Atmos Mid-Tex should be reduced; ordering Atmos Energy Corp., Mid-Tex Division, to reduce its existing rates within the City; adopting specific new rates R, T & C and ordering all rates, service charges and tariff language not inconsistent with attachment 1 to remain operative except that all GRIP surcharges shall immediately cease; ordering Atmos Mid-Tex to reimburse the City for its reasonable costs incurred in this Show Cause and any related ratemaking proceedings or appeals of said proceedings; authorizing the Atmos Cities Steering Committee to act on behalf of City and intervene in any proceedings before administrative or judicial bodies; requiring delivery of this resolution to the company and legal counsel; and ordaining other provisions related to the subject matter hereof.
16. Consider approval of Resolution R-09-06 of the City of Kaufman, Texas acknowledging the submission of a name for a police reserve applicant who has received certification from the Texas Commission on Law Enforcement Officers' Standards and Education by the Police Chief of the Kaufman Police Department and approval of same as submitted.
17. Report on winter averaging on sewer rate as it relates to high water consumption during the winter drought period. (Tabled 3-20-06)

18. Consider setting a date, time, and place to canvass the Election Returns (Tuesday, May 16th through Wednesday, May 24th).
19. Consider approval of the Kaufman Fall Caboodle Fest 2006 Budget from the Hotel/Motel Tax Revenue Fund. (Tabled 3-20-06)

EXECUTIVE SESSION

THE CITY COUNCIL WILL HOLD A CLOSED EXECUTIVE SESSION PURSUANT TO CHAPTER 551, GOVERNMENT CODE V.T.C.A. (OPEN MEETINGS LAW), IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN SECTION 551.071 LEGAL.

1. LEGAL - Under TEX. GOV'T. CODE Sec. 551.071
 - a. Consult with City Attorney regarding an update on pending litigation.

ANY FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN EXECUTIVE SESSION MEETING OR ON INFORMATION RECEIVED IN A CONFERENCE WITH EMPLOYEES WILL ONLY BE TAKEN IN AN OPEN MEETING THAT IS HELD IN COMPLIANCE WITH TEX. GOV'T CODE CH. 551. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AS AUTHORIZED BY TEX. GOV'T CODE SEC. 551.001, ET SEQ. (TEXAS OPEN MEETINGS ACT) ON ANY ITEM ON ITS OPEN MEETING AGENDA OR TO RECONVENE IN A CONTINUATION OF EXECUTIVE SESSION ON THE EXECUTIVE SESSION MEETING ITEMS NOTED ABOVE, IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, INCLUDING, WITHOUT LIMITATION, SECTIONS 551.071-551.086 OF THE OPEN MEETINGS ACT.

END OF EXECUTIVE SESSION

20. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:
 1. LEGAL – Under TEX. GOV'T CODE Sec. 551-071.

Legal – pending litigation

ANNOUNCEMENTS FROM CITY MANAGER.

1. Update - 2020 Visioning Executive Committee

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

ADJOURNMENT.

I, JO ANN TALBOT, CITY SECRETARY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN CITY HALL, 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 CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 4:00 P.M., THURSDAY, APRIL 13, 2006 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.

JO ANN TALBOT, CITY SECRETARY

THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE. SECTION 551.071 (CONSULTATION WITH ATTORNEY), 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 .087 (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.