

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 28, 2009 — 6:00 P.M.
KAUFMAN CITY HALL
209 S. WASHINGTON
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	WILLIAM FORTNER
MAYOR PRO-TEM	BARRY RATCLIFFE
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	CHARLES GILLENWATER
COUNCILMEMBER	KENNETH MUNDEN
COUNCILMEMBER	LOUIS TIJERINA

INVOCATION: Pastor Grady Hill, Wilson Street Church of God in Christ

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Fortner called the meeting to order at 6:06 p.m. Councilmember's present were William Fortner, Kenneth Munden, Jeff Council, Barry Ratcliffe, and Gil Altom Jr. Councilmember Gillenwater arrived at 6:12 p.m. and Councilmember Tijerina was absent. Mayor Fortner declared a quorum present. Also present were City Attorney David Dodd, City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, Chief of Police Michael Holder, Director of Finance Cathy Cummins and Director of Development of Services Marcy Ratcliff.

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 - National Night Out – October 6, 2009 – Downtown Square - 6:00 p.m. Mayor Fortner read the Proclamation for the 2nd Annual National Night Out.

Director of Finance Cathy Cummins – Certificate of Achievement for Excellence in Financial Reporting – Government Finance Officers Association for Fiscal Year Ending September 2008 - Mayor Fortner presented Director of Finance Cathy Cummins a Certificate for the Achievement for Excellence in Financial Reporting. He thanked her for all of her hard work.

CONSENT AGENDA ITEMS #1 THROUGH #9

“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 approval of the Minutes of the August 10, 2009, Budget Work Session and Special City Council Meeting.
2. Consider approval of the Minutes of the August 24, 2009, Regular City Council Meeting.
3. Consider approval of the Minutes of the August 31, 2009, Special City Council Meeting.
4. Consider approval of the Minutes of the September 14, 2009, City Council Work Session.
5. Consider Second Reading and Adoption Ordinance O-11-09 of the City of Kaufman, Texas amending the Comprehensive Zoning Ordinance O-02-07 and Establishing Specific Use Permit Number Seventeen (SUP-17) for Major Auto Repair; providing certain conditions; amending the Official Zoning Map; and providing for a penalty, severability, savings, and an effective date.
6. Consider Second Reading and Adoption of Ordinance O-12-09 of the City Council of the City of Kaufman, Texas amending Chapter 14 Amusements and Entertainments, Section 14-32 Regulations Governing Premises, (a) Condition of Premises; by Amending this paragraph and supplementing with a new paragraph of Section 14-32 Regulations Governing Premises, (a) Condition of Premises; providing for a repealer, providing a severability clause; and providing an effective date.
7. Bid Award – Fiscal Year 2009/2010 Motor Fuel and Oil.
8. Bid Award – Fiscal Year 2009/2010 Street Maintenance Materials.
9. Consider authorizing the Mayor to execute a Renewal Agreement between the City of Kaufman and the Kaufman Chamber of Commerce Inc. providing for the payment and use of Hotel Tax Revenue to promote tourism.

Councilmember Ratcliffe moved and seconded by Councilmember Altom to approve the Consent Agenda Item #1 through #9. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

END OF CONSENT AGENDA

PUBLIC HEARINGS

10. Conduct a Public Hearing on Food Handler Certification for Food Handlers only in Eating Establishments and Consider First Reading of Ordinance O-17-09.

- A. Conduct a Public Hearing on Food Handler Certification.

Mayor Fortner declared the Public Hearing open at 6:11 p.m.

Director of Development Services Marcy Ratcliff informed the Council that at the end of 2008 and in the beginning of 2009, City Council discussed the viability of letter grade scoring for health inspections of food service establishments, at a workshop on November 4, 2008, and at the public hearing, on February 23, 2009. There was much discussion at the public hearing about the ramifications of a letter grade scoring system for food service establishments versus training all personnel regarding food handling safety. Most of the existing food service establishments were opposed to the proposed letter grade scoring system. They did not seem opposed to requiring all food service employees to have a food handler's certification.

Tony Hiller, the City Sanitarian and Development Services Staff has developed an ordinance that includes definitions, food inspection – health and sanitation criteria, food inspection procedures, and inserted language that requires food handler's certificate for all food service employees (school cafeterias, day cares, hospitals, nursing homes, restaurants, delicatessens, meat markets, seafood markets, bakeries, mobile/catering units and temporary food vendors). The food handler's certification is a permit issued by an accredited food handler program that is valid for 2 years.

Routine health inspections for food service establishments will stay the same with the proposed language, with the exception that all food service employees will be required to have their food handler's certificate on file with the employer and available to the Health Sanitation Officer. The inspection report consists of 27 critical violations. Demerits ranging from 3 points to 5 points are issued

when a food establishment is found in non-compliance. Demerits are categorized by food temperature/time requirements; personnel/handling/source requirements; and facility and equipment requirements. At present, a facility is considered in compliance when the total demerits are less than 30. Every food service establishment will be required to have 2 routine health inspections a year.

The Mayor requested a 6 month effective date be included in the ordinance. That language is included in the ordinance. The effective date for the food handler certificate requirement is March 28, 2010. Additionally, all language regarding a food handler certificate requirement is underlined in the ordinance, for City Council's benefit.

As shown in the survey below, the cities of Forney, Gun Barrel and Mesquite require a food handler certificate for food service employees.

Survey of Cities Relative to Food Handler Certificate Requirements										
City	Terrell	Forney	Seagoville	Canton	Ennis	Kemp	Gun Barrel	Mabank	Mesquite	Wills Point
No	No		No	No	No	No		No		No
Yes		Yes					Yes		Yes	

Similar to the public hearing in February 23, 2009, Staff sent copies of the draft language to all businesses and institutions (schools, nursing homes, day cares, and the hospital) that would be affected by this ordinance. Kaufman County Sheriff's office contacted Staff this week and expressed concerns with the draft language, because trustees at the jail serve the meals. A trustee is unable to take a class on line or in a class room setting and is also unable to pay for the class. Chief Deputy Sheriff, Brain Beavers requested to exempt the Kaufman County Jail from the food handler's certificate requirement.

The food handler's certificate can be done through the Kaufman County Agricultural Extension Service or through a Texas certified program online. The County charges \$15 for a 2 hour class and the online programs charge \$9-\$15 and the program is self paced. The City of Kaufman would not be charging any additional fees or permits.

Katy Phillips with the Kaufman County Agricultural Extension Service spoke in regards to the 2 hour class for certification and reported the certificate stays with the employee and is good for 2 years.

Tony Hiller spoke in favor of the Ordinance for the food handler certificate and spoke on food poison within a restaurant.

Mr. John McKenzie owner of the Chicken Express spoke against the proposed food handler's certification.

Mayor Fortner declared the Public Hearing closed 6:36 p.m.

- B. Consider first reading and approval of Ordinance O-17-09 of the City Council of the City of Kaufman, Texas adding to the Code of Ordinances Chapter 50, Health and Sanitation, Article II. Establishing Sections 50-34 through Sections 50-36, Definitions, Food Inspection-Health and Sanitation and Food Inspections; providing a severability clause; providing a penalty clause; providing for publication of the caption thereof, and providing an effective date.

After discussion, Councilmember Gillenwater moved and seconded by Councilmember Council to approve the first reading of Ordinance O-17-09 and to add an exemption from the certification with the Kaufman County Jail Trustees, Non-Profit Organizations and to have a 60 day time period for employees to become certified from the date of hire for their food handler's certification. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

- 11. Conduct a Public Hearing to consider the Land Use Assumptions Report and Capital Improvements Plan under which an Impact Fee may be imposed for the City of Kaufman, per Local Government Code Chapter 395, Subchapter C.
 - A. Conduct a Public Hearing on the Land Use Assumptions Report for Water and Streets Impact Fees and the Capital Improvements Plan.

Mayor Fortner declared the Public Hearing open at 6:39 p.m.

Anita Hall, Vice-Chairman reported to the Council that the Capital Improvement Advisory Committee (CIPAC) reviewed the land use assumptions and the proposed 10 year capital improvements plan (CIP) for water and streets.

Mark Hill, Engineer, with Jacob's Engineering gave a report to the Council regarding the City of Kaufman's Land Use Assumptions to develop the Capital Improvements Plan and Impact Fee Updates for Water and Streets.

Mayor Fortner declared the Public Hearing closed at 6:51 p.m.

Councilmember Altom moved and seconded by Mayor Pro-Tem Ratcliffe to reopen the Public Hearing at 6:51 p.m. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

City Manager Curtis Snow explained to the Council that the City is currently assessing impact fees for water infrastructure and streets. The impact fees are used to recover the capital cost in improving the infrastructure due to development in the City services areas. The Impact Fee Update covers the Impact Fee capital improvement projects in 2009-2019 period. The existing projects that are considered in this study include facilities that are currently in service and have capacity for future growth within the proposed facilities that would provide additional capacity in the system due to population growth over the 2009-2019 period. Only projects that have been identified as City-funded and attributable to future growth are considered "impact fee-eligible" and part of the analysis.

The Capital Improvements Plan (CIP) is developed to determine the infrastructure projects available for impact fees in the 10-year period. For the Water CIP, water supply and distribution system facilities were identified from the 1999 Water Master Plan, 2002 Impact Fee Study by PBS&J and the 2009 Community Development Plan from Tim F. Glendening and Associates (includes preliminary water master plan update). The Streets CIP includes several roadway facilities identified in the 2004 Streets Impact Fee Study by PBS&J and from the thoroughfare section of the 2009 Community Development Plan.

Questions were raised in regards to the Land Use Assumptions and the Capital Improvement Plan and how all it worked together. Additionally, errors were identified in the report. After a lengthy discussion, Councilmember Altom moved and seconded by Mayor Pro-Tem Ratcliffe to continue the Public Hearing until the next regular City Council meeting on October 26, 2009. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

- B. Consider Adoption of Resolution R-20-09 of the City Council of the City of Kaufman, Texas approving the Land Use Assumptions Report and Capital Improvements Plan under which Impact Fees for Water may be imposed and Impact Fees may be amended for Streets for the City of Kaufman, per Local Government Code Chapter 395, Subchapter C.

Councilmember Altom moved and seconded by Mayor Pro-Tem Ratcliffe to table Resolution R-20-09. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

- C. Consider Authorizing Setting a Public Hearing, on Monday November 9, 2009, to Consider and Adopt the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets for 2009 – 2019.

Mayor Pro-Tem Ratcliffe moved and seconded by Councilmember Altom to table the setting of a Public Hearing to Consider and Adopt the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets for 2009 – 2019 until the regular City Council meeting. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

PLANNING AND ZONING ITEMS

- 12. CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE O-18-09 FOR ZONE CHANGE Z-07-09 REQUESTED BY JASON CROWSEY, A SPECIFIC USE PERMIT TO ALLOW A PRIVATE CLUB WITH RESTAURANT SERVICES FOR PROPERTY LOCATED AT 9 OAK CREEK DRIVE, SUITES B, C, D, & E, ON LOT 2B, BLOCK A OF THE RUBIO ADDITION, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS, ON PROPERTY ZONED COMMERCIAL, "C". THE PROPERTY IS LOCATED ALONG U.S. HIGHWAY 175 ON THE WEST SIDE.

- A. Conduct a Public Hearing for zone Change Z-07-09 located at 9 Oak Creek Drive, Suites B,C,D, and E, on lot 2B, Block A of the Rubio Addition, City of Kaufman, Texas.

Mayor Fortner declared the Public Hearing open at 7:32 p.m.

Director of Development Services Marcy Ratcliffe reported that the applicant, at the September 8, 2009, meeting, noted he wanted to revise the required site plan by eliminating a proposed 13' x 12' wooden deck for a smoking/alcoholic beverage sales area proposed to be located at the rear of the building and relocating on the front sidewalk. Mr. Crowsey requested to allow a smoking area/alcoholic beverage sales area along the 8' sidewalk in front of Suites D and E. Staff was unable to verify at the meeting, whether the requirements of the no-smoking ordinance would be met, whether the Fire Department requirements would be met and if the sidewalk could be partitioned off by a fence and still meet the handicapped accessibility requirements. Due to these questions, the Planning and Zoning Commission voted to table any action on

the item by a vote of 3-0-1 (Tijerina abstained) until the Special Planning and Zoning Commission Meeting scheduled for September 24, 2009.

Since the September 8, 2009, meeting, Staff has verified with the Fire Department that if the emergency exit only doors in Suites D and E will not be impeded by any fence directly in front of those exits that it will be acceptable, along with a double door still required in the back and the main front door entrance can remain one door wide and meet the Fire Code requirements.

Regarding the no-smoking ordinance, smoking is prohibited within a reasonable distance of 20' outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited. Staff verified the interpretation with the City Secretary's Office that the ordinance would allow smoking in the proposed 8' sidewalk area, because the doors in Suites D and E are emergency exit doors only. They are not considered entrance doors. The site plan shows the designated smoking area in accordance with the no-smoking ordinance.

Staff is still checking the requirements regarding sidewalk accessibility for the public or handicapped relative to the 8' wide sidewalk. The other issue brought up by this proposal is the matter of vehicles encroaching into the 8' wide sidewalk. The applicant has provided wheel stops in those parking spaces adjacent to the smoking/alcoholic beverage sales area by Suites D and E to prevent any vehicle from hitting the fence and/or blocking the accessible walkway.

Mr. Jason Crowsey is requesting a Specific Use Permit for a private club with restaurant services at the Cross Roads Strip Center at 9 Oak Creek Drive specifically in Suites B, C, D, and E. Mr. Crowsey is currently leasing the four suites, which contains a total of 6,072 square feet. The new private club is proposed to be called Kickers Bar & Grill.

The private club with restaurant services is proposed to have an area designated for arcades, pool tables, karaoke, a dining and bar area, and other indoor games. The applicant originally requested to construct an uncovered 13' x 12' wooden deck at the rear to accommodate a smoking/alcoholic beverage sales area for their patrons. They have amended the request to create a smoking/alcoholic beverage sales area along the sidewalk area in front of Suites D and E. The proposed designated smoking area is located in accordance with the adopted No Smoking Ordinance, O-13-07.

Originally, the subject property was platted and developed as a single lot. Later, the lot was subdivided into two lots, still owned by the same property owner. To date, there has never been a parking issue. Most of the lease spaces in the past have been occupied by office uses and the Pizza Pisan and My Sports Bar & Grill. The proposed Kickers private club is 122% larger in square footage than the My Sports Bar & Grill. Lots 2A and 2B each contain 38 off-street parking spaces and together they have a total of 76 off-street parking spaces.

The Kickers Bar and Grill requires a minimum of 41 off-street parking spaces which exceeds the number developed on Lot 2B. Pizza Pisan is a drive up establishment to pick up pizza. Very limited seating is located in the restaurant and therefore requires minimal parking. The proposed Kickers Bar & Grill will be open during the day, but will be busiest in the evening hours, after 6:00 p.m. Staff has spoken to the applicant and the property owner's representative about the requirement for a shared parking agreement. The property owners Ray and Sandy Rubio understand the significance of the shared parking agreement and have no problem with signing such agreement. Staff is in the process of getting a sample shared parking agreement to use as a base. The shared parking agreement, once signed will be filed at the Kaufman County Clerk's office, so if either lot is ever sold off, Mr. Crowsey's lease spaces B, C, D, and E will be assured of shared parking on both lots.

The property is currently zoned Commercial, "C". The "C" district was established to provide centrally located and convenient locations for small scale service and commercial related establishments. Private clubs with restaurant services, which provide alcoholic beverage sales, are listed as a specific use permit in the Retail, Central Business District, Commercial, Light Industrial and Highway Commercial Districts.

Specific Use Permit (SUP-14) was approved by Ordinance O-03-08 for a private club with restaurant services at this same address but only for Suites B and C. The applicant was Anthony Slappy for My Sports Bar & Grill. City Council approved SUP-14 with the following stipulations:

1. All sales and/or consumption of alcoholic beverages are to be done within the enclosed premises only.
2. No alcoholic beverages sales allowed on the property until a TABC license is secured.

3. No enlargement of the premises for the sale and/or consumption of alcoholic beverages shall be permitted unless an amendment to the SUP is first approved by City Council. The current size of the private club/restaurant is: 2,735 square feet.
4. This SUP does not cover the installation and use of electronic or mechanical games of any sort.
5. Not more than twenty-five (25%) percent of sales shall be from alcoholic beverages and not less than seventy-five (75%) percent of sales shall be from food.

Land Use Plan:

The 2009 Future Land Use Plan designated the land use of the subject property as Commercial. The existing Commercial zoning is in compliance with the 2009 Future Land Use Plan.

Thoroughfare Plan:

The Thoroughfare Plan designates W. US Highway 175 as a "Type AA", Major Arterial Thoroughfare, requiring a future right-of-way width of 240 feet. The existing right-of-way is developed and maintained by the State of Texas. TxDOT controls the driveway access to all properties on Oak Creek Drive (frontage road to US Highway 175). There is one existing driveway that is proposed to remain the same.

DETERMINATIONS NECESSARY FOR CONSIDERING SUP'S

Sec 30.2.

A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 3. The nature of the use is reasonable;
 4. Any negative impact on the surrounding area has been mitigated; and/or
 5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.
- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

Staff recommends the Council consider the requested Specific Use Permit for a Private Club for the Sale and Consumption of Alcoholic Beverages with Restaurant Services in a Commercial District at 9 Oak Creek Drive, Suites B, C, D, and E with the following stipulations:

- a. The on-premises sales area is described as Lot 2B, Block A, Rubio Addition, Suites B, C, D, E and the area within the 8' sidewalk/smoking area in front of Suites D and E as shown on the site plan. All sales of alcoholic beverages are for on-premises consumption only as previously described. The interior size of the private club/restaurant is 6,072 square feet.
- b. No enlargement of the premises for the sale and consumption of alcoholic beverages shall be permitted unless an amendment to the SUP is first approved by City Council.
- c. Not less than twenty-five percent (25%) of sales shall be from food and not more than seventy-five percent (75%) of sales shall be from alcoholic beverages.
- d. A shared parking agreement between Lots 2A and 2B, Block A, Rubio Addition shall be required to be filed at Kaufman County District Clerk's office. The parking agreement shall allow shared parking between the two lots at all times. This agreement will insure

if Lot 2A is sold off there will be the necessary parking for the business.

- e. The six parking spaces directly in front of Suites D and E shall each have a wheel stopping device installed to prevent any vehicle from encroaching into the existing 8' sidewalk area for safety reasons.
- f. The designated smoking/alcoholic beverage sales area located on the 8' sidewalk area in front of Suites D and E must be in compliance with the Texas Accessibility Standards and the American Disabilities Act.

Mr. Jason Crowsey, 4070 Abner Road, Kaufman, Texas, owner of Kickers Bar and Grill, addressed the City Council informing them what would be in the business, such as game machines, darts, pool tables, TV's ect. No Eight Liners in the building. They are illegal.

Mayor Fortner closed the Public Hearing at 7:40 p.m.

- B. Consider first reading and approval of Ordinance O-18-09 of the City of Kaufman, Texas amending the Comprehensive Zoning Ordinance O-02-07 and Establishing a Specific Use Permit to allow a Private Club with Restaurant Services for Property located at 9 Oak Creek Drive, Suites B, C, D, and E, on Lot 2B Block A of the Rubio Addition, City of Kaufman, providing certain conditions; amending the Official Zoning Map; and providing for a penalty, severability, savings, and an effective date.

After discussion, Councilmember Altom moved and seconded by Councilmember Council to approve the first reading of Ordinance O-18-09 of the City of Kaufman, Texas amending the Comprehensive Zoning Ordinance O-02-07 and Establishing a Specific Use Permit to allow a Private Club with Restaurant Services for Property located at 9 Oak Creek Drive, Suites B, C, D, and E, on Lot 2B Block A of the Rubio Addition, City of Kaufman, providing certain conditions; amending the Official Zoning Map; and providing for a penalty, severability, savings, and an effective date, with the following stipulations:

- a. The on-premises sales area is described as Lot 2B, Block A, Rubio Addition, Suites B, C, D, E and the area within the 8' sidewalk/smoking area in front of Suites D and E as shown on the site plan. All sales of alcoholic beverages are for on-premises consumption only as previously described. The interior size of the private club/restaurant is 6,072 square feet.

- b. No enlargement of the premises for the sale and consumption of alcoholic beverages shall be permitted unless an amendment to the SUP is first approved by City Council.
- c. Not less than twenty-five percent (25%) of sales shall be from food and not more than seventy-five percent (75%) of sales shall be from alcoholic beverages.
- d. A shared parking agreement between Lots 2A and 2B, Block A, Rubio Addition shall be required to be filed at Kaufman County district clerk's office. The parking agreement shall allow shared parking between the two lots at all times. This agreement will insure if Lot 2A is sold off there will be the necessary parking for the business.
- e. The six parking spaces directly in front of Suites D and E shall each have a wheel stopping device installed to prevent any vehicle from encroaching into the existing 8' sidewalk area for safety reasons.
- f. The designated smoking/alcoholic beverage sales area located on the 8' sidewalk area in front of Suites D and E must be in compliance with the Texas Accessibility Standards and the American Disabilities Act.

Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

13. CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE O-19-09 AMENDING ORDINANCE O-09-09 FOR A THOROUGHFARE PLAN MAP AMENDMENT TO THE KAUFMAN COMPREHENSIVE PLAN FUTURE LAND USE AND THOROUGHFARE PLAN MAP, M-01-09 REQUESTED BY THE FIRST BAPTIST CHURCH OF KAUFMAN BY AMENDING TWO PROPOSED TYPE D COLLECTOR STREETS GENERALLY LOCATED NORTH AND EAST OF U.S. HIGHWAY 175 AND FAIR STREET; SOUTH OF NASH DRIVE, CARVER STREET, BOOKER STREET AND SHANNON STREET; WEST OF SOUTH HOUSTON STREET, PRIDMORE STREET, ADAMS LANE, BACON STREET, BORDER CIRCLE IN THE CITY OF KAUFMAN, KAUFMAN COUNTY TEXAS.
- A. Conduct a Public Hearing amending the Thoroughfare Plan Map.

No Public Hearing held.

- B. Consider first reading and approval of Ordinance O-19-09 of the City Council of the City of Kaufman, Texas amending Ordinance O-09-09 for a Thoroughfare Plan Map amendment to the Kaufman Comprehensive Plan Future Land Use and Thoroughfare Plan Map, by amending two proposed Type D Collector Streets generally located North and East of U.S. Highway 175 and Fair Street; south of Nash Drive, Carver Street, Booker Street and Shannon Street; west of South Houston Street, Pridmore Street, Adams Lane, Bacon Street, Border Circle in the City of Kaufman, Kaufman County Texas; and providing for a penalty, severability, savings, and an effective date.

No action taken.

- 14. CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE O-20-09 FOR ZONE CHANGE Z-08-09 REQUESTED BY THE FIRST BAPTIST CHURCH OF KAUFMAN TO REZONE THREE TRACTS OF LAND OUT OF THE C.A. LOVEJOY SURVEY, ABSTRACT 303, IN THE CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS CONTAINING 39.156 ACRES FROM SINGLE FAMILY RESIDENTIAL-6, "SF-6" TO PLANNED DEVELOPMENT "PD". THE PROPERTY IS LOCATED IN THE 1900 BLOCK OF FAIR STREET ON THE NORTH SIDE OF US HIGHWAY 175 AND EXTENDING BACK TO THE INTERSECTION OF NASH STREET AND SHANNON STREET.

- A. Conduct a Public Hearing for a zone change Z-08-09 requested by the First Baptist Church of Kaufman to rezone three tracts of land from Single Family "SF-6" to Planned Development "PD" containing 39.156 acres of land located in the 1900 Block of Fair Street, Kaufman, Texas.

No Public Hearing held.

- B. Consider first reading and approval of Ordinance O-20-09 of the City of Kaufman, Texas amending the Comprehensive Zoning Ordinance O-02-07 rezoning three tracts of land out of the C. A. Lovejoy Survey, Abstract 303, in the City of Kaufman, Kaufman County, Texas containing 39.156 acres from single family residential-6, "SF-6" to Planned Development "PD" located in the 1900 Block of Fair Street on the North Side of US Highway 175 and extending back to the intersection of Nash Street and Shannon Street; providing certain conditions; amending the Official Zoning Map; and providing for a penalty, severability, savings, and an effective date.

No action taken.

15. CONSIDER THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION ON SITE PLAN (S-08-08) FOR THE YOUTH BUILDING OF THE FIRST BAPTIST CHURCH ON PROPOERTY PROPOSED TO BE FINAL PLATTED AS LOT 1, BLOCK 1, OF KAUFMAN FIRST BAPTIST CHURCH ADDITION, CONTAINING 30.40 ACRES, GENERALLY ADDRESSED AS 1900 FAIR STREET ON THE NORTH SIDE OF US HIGHWAY 175 STREET, OUT OF THE C.A. LOVEJOY SURVEY, ABSTRACT 303, IN THE CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS.

No action taken.

DISCUSSION/ACTION ITEMS

16. Consider approval and authorize the Mayor to execute a Contract with Texas Department of Rural Affairs Contract No. R729330 for Community Development Programs for new Sewer Facilities.

Diann Brown, with Gary R. Traylor Associates, Grant Consultants reported that the City of Kaufman applied for and was awarded a grant from the Texas Community Development Block Grant Program for sewer main, manhole, and service line replacement. This project includes Houston Street from West 2nd to Seago, Jackson Street from 2nd to Ann Street and East 1st North Street from Washington to Wilson.

The total amount awarded for this grant is \$283,000 with the City matching funds of \$58,710. The total amount available for this project is \$341,710.

Staff recommends that Council approve this contract between the City of Kaufman and the Texas Department of Rural Affairs.

Councilmember Altom moved and seconded by Councilmember Munden to approve and authorize the Mayor to execute a Contract with Texas Department of Rural Affairs Contract No. R729330 for Community Development Programs for new Sewer Facilities. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

17. Consider approval of Resolution R-21-09 of the City Council of the City of Kaufman, Texas authorizing the Submission of a Contract amendment Request for the Community Development Fund Contract between the City of Kaufman and the Texas Department of Rural Affairs, Contract Number R729330.

City Manager Curtis Snow informed the Council that the City was awarded a sewer grant which included Jackson Street from Second to Ann, Houston From 2nd to Seago and East 1st North from Washington to Wilson.

Since that time, the City has had to replace the main lines on Houston and East 1st North. This amendment request is to add S. Clay Street from Seago to 100' North of Chestnut and Clay Street from Mulberry to Cherry to make up for the lines already installed.

Councilmember Altom moved and seconded by Councilmember Council to approve Resolution R-21-09 of the City Council of the City of Kaufman, Texas authorizing the Submission of a Contract amendment Request for the Community Development Fund Contract between the City of Kaufman and the Texas. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

18. Consider approval and authorize the Mayor to execute a contract with Gary R. Traylor and Associates for Grant Management Services for the City's 2009 Texas Community Development Block Grant (TxCDBG) Program project, Contract Number R729330.

Diann Brown, Grant Consultant with Gary R. Traylor and Associates informed the Council that two (2) proposals were received for Administrative Grant Management Services. After evaluations of the two Consultant Services, Gary R. Traylor and Associates scored the highest in the categories of experience, performance, and capacity to perform.

The City Council just approved a contract with the Texas Community Development Block Grant with Texas Department of Rural Affairs (TDRA) for sewer improvements. The grant amount awarded to the City of Kaufman was \$341,710. The City's matching contribution is \$58,710. The City's matching funds will cover the cost of administrative services \$29,560 and \$29,150 for private sewer services.

The City allocated matching funds of \$58,710 in the Fiscal Year 2010 for the sewer grant.

Councilmember Gillenwater moved and seconded by Mayor Pro-Tem Ratcliffe to approve and authorize the Mayor to execute a contract with Gary R. Traylor and Associates for Grant Management Services for the City's 2009 Texas Community Development Block Grant (TxCDBG) Program project, Contract Number R729330. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

19. Consider approval of Resolution R-22-09 designating the Mayor, City Manager and City Secretary as authorized signatures for the Texas Community Development Block Grant Program, Contract Number R729330.

City Manager Curtis Snow informed the Council that Texas Community Development Block Grant Program (TxCDBG) requires the City to set-up financial management for the grant. The Resolution designates three (3) persons to be authorized to sign the forms to draw funds for the grant. The Mayor, City Manager and City Secretary are the authorized signators. Attachment A201 authorizes the funds to be direct deposited into a Special Grant Account at the American National Bank.

Councilmember Altom moved and seconded by Councilmember Gillenwater to approval of Resolution R-22-09 designating the Mayor, City Manager and City Secretary as authorized signatures for the Texas Community Development Block Grant Program, Contract Number R729330. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

20. Consider approval of Resolution R-23-09 of the City of Kaufman to Authorize the City Manager to enter into an Agreement with the Texas Department of Transportation to temporarily close SH 34 and FM 1388 for the purpose of a parade in conjunction with the Vietnam Memorial Wall of Texas Dedication, from the Courthouse Square to the Kaufman Junior High School parking lot on November 7th, 2009, starting at 1:00 p.m..

Councilmember Altom moved and seconded by Councilmember Gillenwater to approve Resolution R-23-09 of the City of Kaufman to Authorize the City Manager to enter into an Agreement with the Texas Department of Transportation to temporarily close SH 34 and FM 1388 for the purpose of a parade in conjunction with the Vietnam Memorial Wall of Texas Dedication, from the Courthouse Square to the Kaufman Junior High School parking lot on November 7th, 2009, starting at 1:00 p.m.. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

21. Receive a report on the Wastewater Treatment Plant Electrical usage in regards to the installation of capacitors.

City Manager Curtis Snow gave a report on the Wastewater Treatment Plant Electrical usage in regards to the installation of capacitors. He reported that in March 2009, Gardner Electric installed 11 KVAR Energy Control Units (Capacitors) at a total cost of \$10,656.97. In a preliminary assessment of the plants primary motors Gardner Electric stated that the units would make the motors run more efficient saving the City potentially \$2,000 per month.

Since these units have been in place the City total cost reduction in electricity has only totaled \$3,163.62. This equals to \$632.73 per month. The usage dropped significantly the first month and has been very low the

remaining period. A spreadsheet was provided showing the plant's usages and cost involved.

The plant's electrical usage does seem to be reduced to some extent but significantly less than expected. Staff will continue to monitor the usages and update you as needed. Staff will report back in six months.

APPOINTMENTS

22. Consider the appointment of one (1) Planning and Zoning Commissioner for an unexpired term through November 2010 and one (1) through November 2011.

Councilmember Altom moved and seconded by Mayor Pro-Tem Ratcliffe to appoint Marshal Park to the Planning and Zoning Commission through November 2011 and appoint Kay Ferrell to the Planning and Zoning Commission through November 2010. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

23. Consider the appointment of two (2) Board of Adjustment members for a two (2) year term (September 2011) and one (1) Member for an unexpired term through September 2010.

Councilmember Munden moved and seconded by Councilmember Council to appoint Diane Chiles and Jimmy Reed to the Board of Adjustment for a two (2) year term through September 2011. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

EXECUTIVE SESSION

The Kaufman City Council went into Executive Session at 8:04 p.m.

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 551.074 PERSONNEL.

1. Personnel - Under TEX. GOV'T. CODE Sec. 551.074
 - a. City Manager's Annual Evaluation.

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.

Councilmember Council moved and seconded by Councilmember Gillenwater to go out of Executive Session at 8:35 p.m. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Tijerina was absent.

END OF EXECUTIVE SESSION

CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:

24. Personnel - Under TEX. GOV'T. CODE Sec. 551.074
- a. Consider any official action regarding the City Manager's Evaluation.

No action taken.

ANNOUNCEMENTS FROM CITY MANAGER.

1. National Night Out sponsored by the Kaufman Police Department, Tuesday, October 6, 2009, at 6:00 p.m., Downtown Square.
2. TML Conference, Ft. Worth, Tx., Wednesday, Oct. 21st, Thursday, Oct. 22nd and Friday, Oct. 23rd
3. Scarecrow Festival, Saturday, October 24th, Downtown Square.
4. Halloween on Houston Street, Saturday, October 31st.
5. Vietnam Wall Dedication, Saturday, November 7th, 2009 (Parade 1:00 pm. and Dedication at 3:00 pm.)
6. No Work Session, Monday, October 12th, Observed Holiday, Columbus Day
7. Black Ball Tie, Saturday, November 14, 2009.

ADJOURNMENT.

There being no further business the meeting was adjourned at 8:41 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**