

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 26, 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 Cory Smith, Church of Christ, Kaufman, Texas

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Fortner called the Meeting to order at 6:03 p.m. All Councilmember's were present. 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 Public Works Richard Underwood and Director of Development 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.

No comments were made from the citizens.

CONSENT AGENDA ITEMS #1 THROUGH #2

"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 second reading and adoption 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.
2. Consider second reading and adoption 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.

Councilmember Gillenwater moved and seconded by Councilmember Council to approve the Consent Agenda Item #1 and #2. Mayor Fortner called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

PUBLIC HEARINGS

3. Conduct Public Hearing and Consider Resolution R-20-09 to Consider the Land Use Assumptions Report.
 - A. Conduct a Public Hearing to consider the Land Use Assumptions Report. (Public Hearing continued from September 28, 2009 City Council Meeting).

Mayor Fortner declared the Public Hearing reopened at 6:06 p.m.

Director of Development Services Marcy Ratcliff informed the City Council that on August 24, 2009, authorized Staff to set a public hearing on September 28, 2009, for City Council to review and consider approving the Land Use Assumptions Report to use for developing the Capital Improvements Plan and updating the water and street impact fees for 2009-2019.

Jacob's Engineering was hired to develop water and street impact fees for the City of Kaufman. It was determined that the basic land use assumptions would be based off of the newly adopted comprehensive plan's future land use plan map (FLUP).

The Capital Improvement Advisory Committee (CIPAC) reviewed the land use assumptions and the proposed 10 year Capital

Improvements Plan (CIP) for water and streets, at their September 8, 2009 meeting, and recommended approval by a vote of 4-0.

The Land Use Assumptions Report was derived from the 2009 City of Kaufman Community Development Plan which the Planning and Zoning Commission and City Council have been reviewing and adopting in pieces as the City of Kaufman Comprehensive Plan.

A letter was provided from Jacobs describing the specific information they used to develop the updated capital improvements plan and impact fees for water and street impact fees for 2009-2019.

The Land Use Assumptions were discussed at the September 28, 2009 meeting, public hearing at length.

Mayor Fortner declared the Public Hearing closed at 6:08 p.m.

- B. Consider Adoption of Resolution R-20-09 of the City Council of the City of Kaufman, Texas, approving the Land Use Assumptions Report under which Impact Fees for Water and Streets may be updated for the City of Kaufman, per Local Government Code Chapter 395, Subchapter C. (Tabled at the September 28, 2009 City Council Meeting)

Staff recommends City Council approve Resolution R-20-09 approving the Land Use Assumptions Report to use in developing the 2009-2019 water and street capital improvements plan and impact fees.

Councilmember Altom moved and seconded by Councilmember Munden to adopt Resolution R-20-09 of the City Council of the City of Kaufman, Texas approving the Land Use Assumptions Report under which Impact Fees for Water and Streets may be updated for the City of Kaufman, per Local Government Code Chapter 395, Subchapter C. Mayor Fortner called for a vote with all voting AYE, the motion carried.

4. Receive a Report from the Capital Improvements Advisory Committee (CIPAC) recommending a Ten (10) Year Capital Improvements Plan (CIP) and Impact Fee Update for Water and Streets 2009-2019.

Director of Development Services Marcy Ratcliff informed the City 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, at their September 8, 2009 meeting, and recommended approval by a vote of 4-0.

The Local Government Code requires the City Council to receive a report from CIPAC to have available for the public to review at least 30 days prior to a public hearing considering adoption of the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets 2009-2019. The report was written by Jacobs, the engineering firm hired to perform the update of the CIP and impact fees.

Staff recommends City Council receive the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets, 2009-2019 report from CIPAC to use for consideration for adoption on December 21, 2009.

The City Council acknowledged the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets, 2009-2019 report from CIPAC and to use for consideration for the adoption on December 21, 2009.

5. Consider Authorizing Setting a Public Hearing, on Monday, December 21, 2009, to Consider and Adopt the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets for 2009 – 2019. (Tabled at the September 28, 2009 City Council Meeting)

Director of Development Services Marcy Ratcliff informed the City Council that on August 24, 2009, authorized Staff to set a public hearing on September 28, 2009, for City Council to review and consider approving the Land Use Assumptions Report. The item was tabled until October 26, 2009. Once the Land Use Assumptions Report is approved, the next step is to set a public hearing date and allow the public a minimum of 30 days to review the Land Use Assumptions Report in conjunction with the proposed Capital Improvements Plan and Impact Fee Update for Water and Streets for 2009-2019.

The Capital Improvement Advisory Committee (CIPAC) reviewed the land use assumptions and the proposed 10 year Capital Improvements Plan (CIP) for water and streets, at their September 8, 2009 meeting, and recommended approval by a vote of 4-0.

The Local Government Code requires the City Council to have a public hearing to consider and adopt the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets 2009-2019. The notice must be published no later than 30 days prior to the public hearing. The next available City Council meeting that meets the requirement, is now December 21, 2009. Staff is requesting City Council to authorize setting a public hearing on Monday, December 21, 2009, at 6:00 p.m. to

consider and adopt the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets 2009-2019. If this date is not used, the next available date is January 25, 2010.

Staff recommends City Council authorize Staff to set a public hearing on December 21, 2009, at 6:00 p.m. to consider and adopt the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets, 2009-2019.

Councilmember Altom moved and seconded by Councilmember Council to Set a Public Hearing, on Monday, December 21, 2009, to Consider and Adopt the City of Kaufman Capital Improvements Plan and Impact Fee Update for Water and Streets for 2009 – 2019. Mayor Fortner called for a vote with all voting AYE, the motion carried.

PLANNING AND ZONING ITEMS

6. 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.

Mayor Fortner declared the Public Hearing open at 6:16 p.m.

Director of Development Services Marcy Ratcliff informed the Council that the First Baptist Church of Kaufman (FBC) owns 39.119 acres of land along US Highway 175 and in the 1900 Block of Fair Street. The Church wants to develop the property, as a church campus complex, over a period of 10 to 15 years. They anticipate building a new building every 2 years. The proposed church campus layout does not follow the existing Thoroughfare Plan Map. The FBC has requested to amend the Thoroughfare Plan Map by eliminating two Type D Collectors shown in blue with red X's.

This amendment is proposed in conjunction with a zone change request (Z-08-09) for a Planned Development (PD) for a church campus complex that will house a youth building, a day care, an adult Sunday school building, a children's ministry building, a large sanctuary, a chapel and other related religious uses and a site plan review (S-08-08) for the initial development of a youth building.

It was discovered at the last minute that a notice in the newspaper and notification of property owners within 300 feet were required. A special public hearing meeting was set for September 24, 2009 at 6:00 p.m. to hear the request and make a determination. Seventy-three property owners were notified of the request. As a result of the Thoroughfare Plan Amendment hearing being set on the September 24, 2009, the zone change and site plan review requests were tabled from the September 8, 2009 meeting to the September 24, 2009, meeting, to make a determination on all three requests at the same time.

The Planning and Zoning Commission did not have a quorum on September 24, 2009. As a result, Staff put notice in the newspaper and sent notices again to property owners of the meeting date change and the location change. In an effort to make sure more property owners were notified, the notice area was expanded, so 120 different property owners were notified of the new meeting date and change of location.

The subject property was originally zoned in the City Wide Rezoning in 1999 to A-O and SF-6 and has remained undeveloped. The subject property was rezoned from A-O and SF-6 to SF-6 in 2008. The zoning case was Z-04-08 approved by Ordinance O-22-08. The property is currently zoned Single Family Residential "SF-6" and is undeveloped.

SURROUNDING ZONING AND EXISTING LAND USE:

	Zoning	Existing Land Use
North:	Highway Commercial & "SF-6"	Dallas Crown & single family homes
South:	"A-O" & "SF-10"	Undeveloped
East:	"SF-10"	Undeveloped & single family homes
West:	Highway Commercial	Affordable Masonry Supply & Oak Hill Church

COMPREHENSIVE PLAN:

Land Use Plan:

The 2009 Future Land Use Plan designates the subject property as Medium Density Residential allowing 5-6 units per acre. The "PD" zoning for a campus style church complex is an institutional use that is allowed in residential land uses. The proposed use is in compliance with the Future Land Use Map.

Thoroughfare Plan:

The Thoroughfare Plan Map indicates two (2) future Type "D" Collectors, requiring a right-of-way width of 60 feet for each (colored blue). One future collector would run north and south and the other runs east and west. The Thoroughfare Plan designates Nash Street as a Type "D" Collector. Shannon and Carver Streets are not designated thoroughfares.

The Type "D" standard will provide a street with two moving lanes of traffic and two parallel parking lanes, on 36 to 40 feet of pavement, with 60 feet of right-of-way. Generally, collector streets should be shorter than one mile in length, and are expected to collect moderate volumes (less than 5,000 vehicles per day) of traffic from the internal neighborhood and convey it to a major thoroughfare on a neighborhood boundary.

The assumption for the property was development of a single family residential subdivision with minimum 6,000 square foot lots, possibly 200 lots. If the property were proposed to be developed in such a manner, then the two Type D Collectors would be very important in providing traffic flow through the area. However, since the use and development is significantly different than the assumption, amendments to the Thoroughfare Plan may be acceptable.

The proposed PD does not follow the Thoroughfare Plan. The FBC does not want to dedicate right-of-way or develop any public streets in their development for various reasons. Because the PD does not follow Thoroughfare Plan Map, the FBC has requested an amendment to the Plan to eliminate the proposed thoroughfares that would be required to be developed on their property and extend to surrounding properties in the future. The FBC offered to provide thoroughfare along the most southern property line extending from the back Nash Elementary to Fair Street.

Staff supports a revised Thoroughfare Plan, but not totally removing both thoroughfares. Staff supports keeping an east/west thoroughfare. The preference is for a Type "D" Collector that will somehow connect from Houston Street to the Nash Elementary School property and then to Fair Street (the frontage road of US Highway 175). Providing such a thoroughfare will provide relief for Houston Street. The FBC's alternative offer was a thought, but it would be a thoroughfare to no where.

The Planning and Zoning Commission on October 15, 2009, recommended the proposed north/south Type D thoroughfare to be eliminated by vote of 6-0. The Commission then recommended to maintain an east/west Type D thoroughfare extending from Houston Street to Fair Street (frontage road to US Highway 175) with a revised alignment that would provide future access to the Kaufman Independent School District property by a vote of 6-0.

Ms. Ratcliff reported three (3) notices were returned, with one (1) objection and two (2) in favor of the change.

Mr. Tony Rader, 565 Shepherd, Combine, Texas, representing the First Baptist Church, reported that the First Baptist Church objected to the North and South Type D thoroughfare and was ok with the east and west new proposed Type D thoroughfare. This new proposed east/west plan would connect with the school property and to Pridmore Street that already exists. He also informed the Council that they would not be platting the southern portion of the FBC property until developed.

Mayor Fortner declared the Public Hearing closed at 6:25 p.m.

- 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 severability, savings, and an effective date.

After discussion, Councilmember Altom moved and seconded by Councilmember Tijerina to approve first reading 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 severability, savings, and an effective date. Mayor Fortner called for a vote with all voting AYE, the motion carried.

7. 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 39.119 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 39.119 acres of land located in the 1900 Block of Fair Street, Kaufman, Texas.

Mayor Fortner declared the Public Hearing open at 6:27 p.m.

Director of Development Services Marcy Ratcliff informed the Council that this application was originally scheduled to be heard by City Council on September 28, 2009, but due to not having a recommendation from the Planning and Zoning Commission, the public hearing was rescheduled to October 26, 2009. The newspaper notice was republished and property owner notices were resent because of the date change.

The Planning and Zoning Commission had scheduled a special meeting for September 24, 2009, but was not held due to not having a quorum of the Commission (4 members). Another Special Planning and Zoning Commission meeting was set for October 15, 2009. The newspaper notice was republished and property owner notices were resent because of the date change and the meeting location change.

The Planning and Zoning Commission and Staff on September 8, 2009, expressed concerns about the following:

1. No sidewalks being required along Fair Street or Shannon Street. Staff supports requiring sidewalks, as required by the Subdivision Ordinance and has no problems with phasing their construction as development occurred.
2. Concerns were expressed regarding the phrase proposed in the planned development language "no landscaping required". The planned development language states "the language takes precedent over the concept plan". So what does the landscaping as shown on the concept mean?
3. There were concerns about the proposed living screen around dumpsters and what would happen after the living screen was damaged or even killed, especially since there would be no irrigation.
4. There was also a concern about no connectivity being provided between the three proposed parking lots. All internal traffic should be contained on site and not pushed to public streets as currently shown on the concept plan. Currently, while the frontage road has two way traffic, it is somewhat less of an issue, but when the frontage road goes to one way traffic; it will have a far greater impact to the public streets. For example, if you are in the northern most parking lot and you want to go to the southern most parking lot you will have to exit to the frontage road, drive to Houston Street and come up the frontage road from the south to gain access to the southern most parking lot.
5. There was some discussion regarding a driveway to Booker Street to provide additional access to the northern most parking lot.
6. The Planned Development did not describe a phasing plan as required
7. The Commission did not address the proposed Thoroughfare Plan Amendments (M-01-09) as they were scheduled to be heard specifically on September 24, 2009, and then October 15, 2009.

The First Baptist Church of Kaufman owns 39.119 acres of land along US Highway 175 and in the 1900 Block of Fair Street. The Church wants to develop the property, as a church campus complex, over a period of 10 to 15 years. They anticipate building a new building every 2 years. The zone change request is for a Planned Development (PD) for a church campus complex that will house a youth building, a day care, an adult Sunday school building, a children's ministry building, a large sanctuary, a chapel and other related religious uses.

The PD will divide the property into two tracts "A" and "B". Tract "A" is proposed to have "SF-6" as its base zoning and be developed as the church campus complex. Tract "B" is proposed to have "MF-1" as its base zoning and to be developed as future multi family housing for elderly persons.

Staff and the applicant have worked very hard to iron out the details of this PD because it is unique and atypical. Detailed site plans will have to be approved by the Planning and Zoning Commission and City Council just like other PD's. Below is a summary of the PD:

1. According to the PD, the text of the PD takes precedence over the concept plan. The applicant is asking for minor deviations on locations to be approved by Staff and major deviations are approved by the Planning and Zoning Commission and City Council for the purpose of tree preservation.
2. The base zoning of Tract "A", the main tract is SF-6. The base zoning of Tract "B" is MF-1. The maximum density is 12 dwelling units per acre.
3. Restaurants and museums are listed as limited uses that are to be contained entirely within a building and not exceed 20% of the floor area of that building.
4. Accessory buildings or uses may exceed the main uses in size or height. Typically, an accessory use is required to be smaller than the main use.
5. Recreational vehicles and fifth wheels are allowed as temporary housing only during the construction period and these vehicles may park on the grass or in gravel.
6. Review the list of permitted accessory uses in item #7 in the planned development language.
7. The yard, lot and space requirements are the same for Tract "A" and "B"
8. The proposed maximum building coverage is 40% of the entire property. The proposed maximum impervious area is 60% of the entire property. Impervious area is building plus parking areas. The minimum open space is 40% of the entire lot. The current Zoning Ordinance requirement for maximum impervious area for SF-6 is 45% and the MF-1 is 50%.

9. The parking lots may be used to satisfy the parking requirements for contiguous lots (such as the proposed cultural center).
10. Parking stops are prohibited and parking may overhang the curb by 2 feet. Currently no vehicles are allowed to overhang into any sidewalk or landscaped area.
11. The overall parking is based on the church sanctuaries and not the accessory uses. Parking based on the occupancy of the sanctuary is typical. What is not typical are the large accessory uses. The accessory churches require 1 space for each 8 seats and the main church requires 1 space for each 4 seats. The current Zoning Ordinance requirement is 1 per 3 seats.
12. Screening of parking areas is not required.
13. The landscaping proposed is meant to preserve the natural features in conjunction with the building layout. Parking is not allowed within the first 10' of any front yard. Planter islands will be provided at the end of each parking row, although the actual planting of trees may be reserved for in memoriam plantings as needed. Buildings will be landscaped by seasonal plantings and /or shrubbery.
14. Sidewalks are not required along US Highway 175 or Shannon Street. Five foot sidewalks are required along Nash Street. Interior sidewalks will be generally provided as shown on the concept plan. According to the Subdivision Ordinance, the cost and provision of any perimeter sidewalk (i.e. along major thoroughfares) may be escrowed as a part of a developers agreement, if approved by the City Engineer.

The subject property was originally zoned in the City Wide Rezoning in 1999 to A-O and SF-6 and has remained undeveloped. The subject property was rezoned from A-O and SF-6 to SF-6 in 2008. The zoning case was Z-04-08 approved by Ordinance O-22-08. The property is currently zoned Single Family Residential "SF-6".

SURROUNDING ZONING AND EXISTING LAND USE:

	Zoning	Existing Land Use
North:	Highway Commercial & "SF-6"	Dallas Crown & single family homes
South:	"A-O" & "SF-10"	Undeveloped
East:	"SF-10"	Undeveloped & single family homes
West:	Highway Commercial	Affordable Masonry Supply & Oak Hill Church

COMPREHENSIVE PLAN:

Land Use Plan:

The 2009 Future Land Use Plan designates the subject property as Medium Density Residential allowing 5-6 units per acre. The "PD" zoning for a campus style church complex is an institutional use that is allowed in residential land uses. The proposed use is in compliance with the Future Land Use Map.

Thoroughfare Plan:

The Thoroughfare Plan indicates two (2) future Type "D" Collectors, requiring a right-of-way width of 60 feet for each. One future collector would run north and south and the other runs east and west. The Thoroughfare Plan designates Nash Street, from Houston Street to Ebo Street, as a Type "D" Collector. Shannon and Carver Streets are not designated thoroughfares.

The Type "D" standard will provide a street with two moving lanes of traffic and two parallel parking lanes, on 36 to 40 feet of pavement, with 60 feet of right-of-way. Generally, collector streets should be shorter than one mile in length, and are expected to collect moderate volumes (less than 5,000 vehicles per day) of traffic from the internal neighborhood and convey it to a major thoroughfare on a neighborhood boundary.

The assumption for the property was development of a single family residential subdivision with minimum 6,000 square foot lots, possibly 200 lots. If the property were proposed to be developed in such a manner, then the two Type D Collectors would be very important in providing traffic flow through the area. However, since the use and development is significantly different than the assumption, amendments to the Thoroughfare Plan may be acceptable.

The proposed PD does not follow the current adopted Thoroughfare Plan. In other words, the FBC does not want to develop any public streets in their development for various reasons. Because the PD does not follow Thoroughfare Plan Map, the FBC has requested an amendment to the Plan to eliminate the proposed thoroughfares that would be required to be developed on their property and extend to surrounding properties in the future. The FBC offered to provide a thoroughfare along their most southern property line extending from the back of Nash Elementary to Fair Street.

Staff supports a revised Thoroughfare Plan, but not totally removing both thoroughfares. Staff supports keeping an east to west thoroughfare. The preference is for a Type "D" Collector that will somehow connect from Houston Street to the Nash Elementary School property and then to Fair Street (the frontage road of US Hwy 175). Providing such a thoroughfare will provide a relief for Houston Street. The FBC's alternative offer was a thought, but it would be a thoroughfare to no where.

The Planning and Zoning Commission on October 15, 2009, heard request M-01-09 to amend the Thoroughfare Plan. The Commission recommended the proposed Type D Thoroughfare running north and south from Nash Street down to Houston Street be eliminated. The Commission recommended the proposed Type D Thoroughfare running east and west from Houston Street to Fair Street (frontage road of US Highway 175) remain but to show a somewhat different alignment. See request M-01-09 for more details and the maps.

The Planning and Zoning Commission, on September 8, 2009, recommended to table action on the application by a vote of 4-0, to the September 24, 2009, Special Planning and Zoning Commission meeting due to the M-01-09 request to amend the Thoroughfare Plan.

The Planning and Zoning Commission on October 15, 2009, recommended approval of Zoning Change Application Z-08-09 with the following recommendations:

1. Sidewalks are required along Fair Street and Nash Street within 15 years or before build out. Sidewalks are not required along Shannon Street to preserve the large specimen trees.
2. Accepted the revised language regarding required landscaping in item #12 of the Planned Development language and to include the approved list of recommended plants as found in

Section 36, Landscape Requirements and to designate on the site plans areas to be landscaped.

3. Revise the language regarding screening around dumpsters to eliminate the living screens option and require screening to be in accordance with Section 38.6, Fences, Walls and Screening Requirements.
4. Provide connectivity between the three proposed parking lots.
5. The applicant to provide a phasing plan on the concept plan.
6. Revise the maximum total impervious area from 70% to 60%. (Impervious area includes the building pad area plus paved areas.) Revised the maximum open space area to 40%.
7. Revise the Planned Development language in item #4, Zoning Controls, changing the base zoning of Tract B from Section 20, MF-2 Zoning to Section 19, MF-1 Zoning

The applicant has agreed to all the conditions as outlined by the Planning and Zoning Commission with the exception of the sidewalk requirements. The applicant does not wish to install sidewalks along Fair Street or Shannon Street.

Ms. Ratcliff also mentioned that language of the PD takes precedence over drawings.

Tony Rader, 565 Shepherd, Combine, representing First Baptist Church, informed the Council that the First Baptist Church there will be sidewalks within the development due to the number of different buildings in the proposed project. There are larger oak trees that we do not want to disturb and so the scheme of the landscape will be spread out over the development. The oak trees will be the focal points of landscape. We are also encouraging pedestrian walking inside the development and are not in favor of sidewalks along Fair Service Road and Shannon Street. We want the rolling hill look like the Borders property next door to the property.

Mayor Fortner declared the Public Hearing closed at 6:49 p.m.

- B. Consider first reading and approval of Ordinance O-20-09 of the City of Kaufman, Texas, as amended the Comprehensive Zoning Ordinance O-02-07, and the Official Zoning Map; changing the zoning classification on three tracts of land out of the C. A. Lovejoy Survey, Abstract 303, in the City of Kaufman, Kaufman County, Texas containing 39.119 acres from Single Family Residential-6, "SF-6" to Planned Development "PD-11" 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 in the

City of Kaufman, Kaufman County, Texas; and providing certain conditions; and providing for a penalty clause, severability clause, a savings clause, and an effective date.

After discussion, Councilmember Altom moved and seconded by Councilmember Council to approve first reading of Ordinance O-20-09 of the City of Kaufman, Texas, as amended the Comprehensive Zoning Ordinance O-02-07, and the Official Zoning Map; changing the zoning classification on three tracts of land out of the C. A. Lovejoy Survey, Abstract 303, in the City of Kaufman, Kaufman County, Texas containing 39.119 acres from Single Family Residential-6, "SF-6" to Planned Development "PD-11" 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 in the City of Kaufman, Kaufman County, Texas; and providing certain conditions; and providing for a penalty clause, severability clause, a savings clause, and an effective date with the following stipulations:

1. Accepted the revised language regarding required landscaping in item #12 of the Planned Development language and to include the approved list of recommended plants as found in Section 36, Landscape Requirements and to designate on the site plans areas to be landscaped.
2. Revise the language regarding screening around dumpsters to eliminate the living screens option and require screening to be in accordance with Section 38.6, Fences, Walls and Screening Requirements.
3. Provide connectivity between the three proposed parking lots.
4. The applicant to provide a phasing plan on the concept plan.
5. Revise the maximum total impervious area from 70% to 60%. (Impervious area includes the building pad area plus paved areas.) Revised the maximum open space area to 40%.
6. Revise the Planned Development language in item #4, Zoning Controls, changing the base zoning of Tract B from Section 20, MF-2 Zoning to Section19, MF-1 Zoning

Mayor Fortner called for a vote with all voting AYE, the motion carried.

The provision for sidewalks on Fair Street and Nash Street were removed.

DISCUSSION/ACTION ITEMS

8. Consider First Reading and Approval of Ordinance O-21-09 Electing for the City to make current service and prior service contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

City Manager Curtis Snow informed the City Council that Texas Municipal Retirement System (TMRS) has notified us that the City's contribution rate for city employees' retirement accounts will exceed the States contribution limit of 13.50% in the 2010 Fiscal Year. The City's contribution rate will be 13.95% for that year.

There are a number of factors that bring this rate to us. The primary factor is the modification of allowable unfounded liabilities which include automated Updated Service Credits (USC). TMRS is requiring cities to modify our contribution rates to recognize the liability incurred by planned increases for cost of living adjustments (COLA).

Kaufman is a city that adopted the annual USC with COLA before 1984. This retirement program keeps our employees retirement package relevant to the economy at the time of retirement. It adjusts their retirement accounts based on 70% of the Consumer Price Index (CPI). Therefore, to continue those adjustments, the City's contribution rate will increase to 13.95% next year.

Adopting this ordinance allows the City to control its own contribution rate and meet the demands of the USC's. If the ordinance is not adopted, TMRS will be compelled to stop this benefit for our employees. Over 300 cities in TMRS have already been compelled to remove their cap. More will follow each year.

The costs associated with this increase are already budgeted.

Staff recommends adoption of the ordinance and continuing existing benefits for City employees.

After discussion, Mayor Fortner moved and seconded by Councilmember Gillenwater to approve first reading of Ordinance O-21-09 Electing for the City to make current service and prior service contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation. Mayor Fortner called for a vote with all voting AYE, the motion carried.

9. Consider Approval and Authorize the Mayor to Execute an Agreement with Jacobs Engineering For Engineering Services For The Texas Community Development Block Grant Program, Sewer System Improvements Contract Number 729330.

City Manager Curtis Snow informed the City Council that this grant is for the replacement of sanitary sewer mains on South Jackson Street from 2nd to Ann and South Clay Street from Mulberry to Seago. This also includes the replacement of sewer service lines on Houston from 2nd to Seago and East 1st North from Washington to Wilson. Proposals were received from four (4) Engineering firms. City Staff reviewed all proposals received, ranked the firms and made recommendations to our Grant Consultants. After completion of all reviews, Staff determined that Jacobs Engineering submitted the most responsible proposal.

Jacobs Engineering submitted a professional services proposal for a lump sum amount of \$36,900. This includes \$30,700 for standard basic services and \$ 6,200 for other potential services required.

Staff recommends that Council authorize the Mayor to enter into an agreement with Jacobs for engineering services for the Texas Community Development Block Grant Program Contract Number R729330, Sewer System Improvements for a lump sum amount of \$ 36,900.

Councilmember Altom moved and seconded to authorize the Mayor to execute an Agreement with Jacobs Engineering for Engineering Services for the Texas Community Development Block Grant Program, Sewer System Improvements Contract Number 729330. Mayor Fortner called for a vote with all voting AYE, the motion carried.

10. Consider Approval of Resolution R-24-09 of the City Council of the City of Kaufman, Texas authorizing the City Manager to pursue all Energy Efficiency and Conservation Block Grants Funding made available by the American Recovery and Reinvestment Act.

City Manager Curtis Snow informed the City Council that the State Comptroller is redistributing federal funds from the Department of Energy based on population, and our City may be eligible for \$35,000 in funding through the American Recovery and Reinvestment Act (ARRA). The purpose of the program is to provide funds to units of local and state government, Indian tribes and territories to develop and implement projects to improve energy efficiency and reduce energy use and fossil fuel emissions in their communities. In the event eligible communities chose not to accept the funds, those dollars may be reallocated to participating cities and counties.

After discussion, Councilmember Gillenwater moved and seconded by Councilmember Tijerina to approve Resolution R-24-09 of the City Council of the City of Kaufman, Texas authorizing the City Manager to pursue all Energy Efficiency and Conservation Block Grants Funding made available by the American Recovery and Reinvestment Act. Mayor Fortner called for a vote with all voting AYE, the motion carried.

11. Consider rescheduling the December 28, 2009, City Council meeting to Monday, December 21, 2009.

City Manager Curtis Snow informed the Council that the Regular City Council meeting for December 28, 2009, falls after two (2) scheduled City holidays. City Staff is asking Council to designate Monday, December 21, 2009 as the regular meeting for December.

Staff will notify the Kaufman Herald to inform the citizens and post on the Website.

Councilmember Tijerina moved and seconded by Councilmember Altom approving rescheduling the December 28, 2009, City Council meeting to Monday, December 21, 2009. Mayor Fortner called for a vote with all voting AYE, the motion carried.

APPOINTMENTS

12. Consider the appointment of two (2) Planning and Zoning Commissioners for a three year term through November 2012.

Mayor Fortner commented that he appreciates all the hard work that the Planning and Zoning Commissioners do for the City of Kaufman.

Councilmember Gillenwater moved and seconded by Councilmember Tijerina to appoint Anita Hall and Patrick Cardoza to the Planning and Zoning Commission for a three (3) year term through November 2012. Mayor Fortner called for a vote with all voting AYE, the motion carried.

13. Consider the Appointment of One (1) Board of Adjustment Member to serve an unexpired term through November 2010.

City Manager Curtis Snow gave the City Council some background information regarding B. J. Putman.

Councilmember Council moved and seconded by Councilmember Altom to appoint B. J. Putman to the Board of Adjustment for an unexpired term through November 2010. Mayor Fortner called for a vote with all voting AYE, the motion carried.

14. Consider nominations to the Kaufman County Appraisal Review Board to be submitted to the Kaufman County Appraisal Board of Directors.

Councilmember Council moved and seconded by Mayor Fortner to nominate Raymon Wood to serve on the Kaufman County Appraisal review Board. Mayor Fortner called for a vote with all voting AYE, the motion carried.

ANNOUNCEMENTS FROM CITY MANAGER.

1. Halloween on Houston Street, Saturday, October 31st.
2. Vietnam Wall Dedication, Saturday, November 7th, 2009 (Parade 1:00 pm. and Dedication at 3:00 pm.)
3. Poor Man's Supper, United Way, Thursday, November 12th, Fire Station, 6:00 p.m.
4. City Council Workshop Monday, November 9, 2009, for the Community Image Clean Up for Kaufman.
5. Mayor Fortner mentioned the TML Conference on how educational it is to attend.
6. Mayor Fortner mentioned the Black Tie Ball, November 14, 2009.
7. Mayor Fortner mentioned how well of an outcome the City had from the Scarecrow Parade on October 24th.
8. Mayor Fortner mentioned that the event on October 24th, for the Taste of Kaufman with celebrities raised approximately \$8,000.00 for the Kaufman Christian Help Center.

ADJOURNMENT.

There being no further business the meeting was adjourned at 7:15 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**

