

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, JULY 26, 2010 — 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: Kathy McLean-Davis, Pastor, United Methodist Church

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, Barry Ratcliffe, Gil Altom Jr., Jeff Council, Charles Gillenwater, Kenneth Munden, and Louis Tijerina. 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 Development Services Marcy Ratcliff and Director of Public Works Richard Underwood.

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.

Mr. David Crooks, with Sanitation Solutions, Paris, Texas informed the Council of his solid waste company.

CONSENT AGENDA ITEMS #1 THROUGH #7

“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 June 14, 2010, Special City Council Meeting and Work Session.
2. Consider approval of the minutes of the June 28, 2010, Regular City Council Meeting.
3. Consider approval of the minutes of the July 12, 2010, Work Session Meeting.
4. Consider second reading and adoption of Ordinance O-11-10 of the City of Kaufman, Texas granting to Trinity Valley Electrical Coop., Its Successors and Assigns, The Nonexclusive Right, Privilege, and Franchise for the term of Ten Years, subject to extension, to erect, maintain, and operate an Electric Power Utility System in the City of Kaufman, Texas; to erect, maintain, and operate its facilities in, over, under, along, and across the present and future public right-of-way in the City of Kaufman; prescribing compensation for the rights, privileges, and franchise conferred hereunder; prescribing the conditions governing the operation of the business insofar as it affects the use of public property for the purpose of such business; installation, upgrade, maintenance, and operation of said system and business; containing other provisions relating to the subject; providing for severability; and providing an effective date.
5. Consider approval of Resolution R-13-10 Annual Review of the City of Kaufman Investment Policy as amended for a further One (1) Year pursuant to the Public Funds Investment Act.
6. Consider Authorizing the City Manager to execute an Agreement with Humane Society of Cedar Creek Lake, Inc. for Public Animal Shelter Services for a one year period including a price increase of \$2.50 per animal totaling \$15.00 per animal.
7. Consider approval of the Kaufman Economic Development Corporation Fiscal Year Budget 2010-2011.

Councilmember Gillenwater moved and seconded by Councilmember Munden to approve the Consent Agenda Items 1 through 7. Mayor Fortner called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

PLANNING AND ZONING ITEMS

8. Conduct a Public Hearing and Consider first reading of Ordinance O-12-10 regarding a zone change requested by the Kaufman Economic Development Corporation to amend Ordinance O-08-07, specifically the required screening requirements in the Performance and Development Standards of Planned Development #2 for the Millennium Business Park, located at 1701 E. State Highway 175, and being all of a certain 78.572 acre tract of land out of the Levi York Survey, Abstract 609, being all of the Kaufman Business Park Addition, City of Kaufman, Kaufman County, Texas. Case No. Z-09-10
 - a. Conduct Public Hearing.

Mayor Fortner called the Public Hearing open at 6:12 p.m.

Development Services Director Marcy Ratcliff informed the Council that the Kaufman Economic Development Corporation (KEDC) has requested to amend the screening requirements of Planned Development #2 – Millennium Business Park that were adopted by Ordinance O-08-07 and O-16-99.

Planned Development #2 Performance and Development Standards, Section G.4 for Screening requires a screening structure or fence of not less than 6 feet nor more than 8 feet in height to be erected on the property line separating these uses with visual barrier as provided in the Kaufman Zoning Ordinance.

The non-residential screening requirements from the Kaufman Zoning Ordinance are outlined below per Section 38.3 Screening of Nonresidential, Multi-Family Residential and Manufactured Home Parks:

- A. In the event that any new multi-family, non-residential uses, or manufactured home parks side or back upon a single-family detached, townhouse or residential PD District, or in the event that any new non-residential district sides or backs to a multiple-family District, a solid masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between incompatible uses.
 1. The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or townhouse residential district. This construction requirement applies only when multi-family is adjacent to single-family residential uses.

2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
3. Any screening wall or fence required under the provisions of this Section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, brick, stone, reinforced concrete, or other similar suitable permanent materials, which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
4. Alternative equivalent screening may be approved through the site plan approval process, Section 39.

Specifically, item 3 above requires a solid masonry fence to be installed wherever a commercial use in the Millennium Business Park abuts a residential district. Millennium Business Park is surrounded on three sides by residential uses. The residential additions zoned "SF-8" to the north/northwest is the Scott Addition (Elizabeth Street) and to the north/northeast is Prairie Creek Estates (undeveloped area). The area located to the east; with mostly large lots with a single family residence is zoned "SF-20" and Agricultural-Open Space "A-O".

The applicant wants to revise the screening requirements because the widths of the lots adjacent to the residential uses are so wide, a masonry fence becomes extremely expensive and the soils in the Park are very expansive. The expansive soils (constant swelling and contracting) create difficult and expensive maintenance issues for masonry fences. The lot widths in the Millennium Business Park range from 200', to 350', to 450', to finally over a 1,000'. The KEDC would like to revise the wording to allow wooden fences and not require masonry fences. The KEDC wants to have final approval for the fence specifications.

The KEDC proposes to revise the Performance and Development Standards, Section G.4 to read as follows:

4. Screening Requirements: Where some lots are adjacent to a residential district a screening structure or wood fence not less than 6 feet nor more than 8 feet in height is required between the residential districts and the Park. Fence specifications are to be approved by the Kaufman Economic Development Corporation.

Staff recommends the following similar language:

4. Screening Requirements: Where any lot is adjacent to a residential district, a screening structure or wooden fence not less than 6 feet nor more than 8 feet in height, shall be required to be installed on the property line between the residential district and the Park. Fence specifications and elevations are to be approved by the Kaufman Economic Development Corporation, prior to site plan review.

The Planning and Zoning Commission discussed other fencing scenarios and who was to approve the specifications and elevations of the fence. Some members wanted only Development Services staff to approve the fence appearance. Some members thought just the KEDC should approve the appearance. The compromise was to allow both the KEDC and Development Services staff to review and approve the specifications and elevations of the fence. See the Planning and Zoning Commission Recommendation.

The Millennium Business Park Planned Development was created in 1999 by Ordinance O-16-99 for larger offices, manufacturing, warehousing and manufacturing. The Performance and Development Standards were amended by Ordinance O-08-07 to include more commercial and retail uses to allow more diverse uses, to include the Highway Commercial District to serve as the base zoning and to include more specific development standards. Both of these ordinances are attached for your review.

Currently, the KEDC approves the color of the brick and roof, the proposed landscaping and layout of the development prior to the City Council and Planning and Zoning Commission reviewing a site plan. The KEDC is very aware of the financial and physical impact of any development in the Park and its effect on the lots adjacent to the Park. Lots sold within the Park are required to meet the Planned Development performance and development requirements and any additional deed restrictions established by the KEDC.

The Planning and Zoning Commission recommended the following language by a vote of 6-1 on July 6, 2010.

4. Screening Requirements: Where any lot is adjacent to a residential district, a screening structure or wooden fence not less than 6 feet nor more than 8 feet in height, shall be required to be installed on the property line

between the residential district and the Park. Fence specifications and elevations are to be approved by the Kaufman Economic Development Corporation and Development Services Staff, prior to site plan review.

Councilmember Council commented that because of the type of soil we have the land shifts and makes it difficult for a stable masonry fence.

Councilmember Tijerina asked if the wood fence was going to be stained. Mr. Roy Ferrell, President of KEDC responded yes.

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

b. Consider first reading of Ordinance O-12-10 Zoning Change

Councilmember Council moved and seconded by Councilmember Tijerina to approve the first reading of Ordinance O-12-10 regarding a zone change requested by the Kaufman Economic Development Corporation to amend Ordinance O-08-07, specifically the required screening requirements in the Performance and Development Standards of Planned Development #2 for the Millennium Business Park, located at 1701 E. State Highway 175, and being all of a certain 78.572 acre tract of land out of the Levi York Survey, Abstract 609, being all of the Kaufman Business Park Addition, City of Kaufman, Kaufman County, Texas. Case No. Z-09-10. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe and Councilmember Gillenwater excused themselves from voting as they both serve on the KEDC Board.

9. Consider Site Plan for Ennis Ice, LLC. at 1001 South Washington. The property is platted as a portion of Block 75, Snow's Second Addition, in the City of Kaufman, Kaufman County, Texas. The property is zoned Washington Street Corridor and is proposed to be a self contained, self service, ice and water vending machine. Case no. SP-03-10

Development Service Director Marcy Ratcliff informed the Council that the Ennis Ice, L.L.C. has submitted a site plan for a self contained, self service, ice and water vending machine for the property located at 1001 South Washington. The lot contains 6,500 square feet (0.15 acres). The applicant is proposing to demolish the existing structure, create a new parking/driveway area and install landscaping and then bring in a pre-manufactured building containing 230 square feet. The proposed building coverage will be 3.5% of the entire lot. The total impervious area (building plus parking area) is 41% or 2,720 square feet.

The proposed building will have a height of 16' and masonry coverage of 100%. Section 40.9 requires the exterior of all new structures to have a minimum of 75% masonry materials, with a 100% masonry front required on any side(s) of the building facing a public or private street. The proposed building will be covered with stucco, which meets the masonry requirements.

The Washington Street Corridor Architectural Standards require each building design to contain a minimum of 2 roof pitches. Window articulation and character detail is encouraged but not required. The elevations do have 2 pitches. The second pitch will cover all the mechanical equipment on top of the building. The canvas awning, covering the money box and controller, gives the appearance of a window on the front elevation.

The Zoning Ordinance does not require off-street parking for an unmanned kiosk. The off-street parking and loading standards does require a minimum of three stacking spaces for each window. Staff applied a one window standard, therefore requiring a minimum of three stacking spaces. The applicant is providing six stacking spaces.

The minimum landscaping area required is 20% of the total lot, which is 1,300 square feet. The applicant is providing 3,780 square feet or 59% of the total lot, which exceeds the minimum requirement.

The property is located within the Washington Street Corridor (WSC). The intent of the creation of the Washington Street Corridor is to provide support for the development of a unified area with a distinct identity as a mixed-use development within the City of Kaufman. It is intended to improve the aesthetics of the area as well as aide in the new development of the Corridor. The WSC is the only district that requires a minimum of 2 roof pitches and encourages window articulation and character detail. The WSC even has its own use chart.

The 2009 Future Land Use Plan designated the land use of the subject property as Future Neighborhood Services. The existing Washington Street Corridor zoning is in compliance with the 2009 Future Land Use Plan because it allows mixed uses, allowing residential uses on the second floor with variety of retail, office and commercial uses on the first floor to serve the neighborhood.

The Thoroughfare Plan designates South Washington Street as a "Type B", Minor Arterial, requiring a future right-of-way width of 100 feet. The existing right-of-way is developed and maintained by the State of Texas. TxDOT controls all the driveway accesses.

Access to the proposed site will be from an existing driveway entrance on S. Washington Street and a second access point from East 3rd Street. The applicant has already received his Driveway Permit from TxDOT.

The Planning and Zoning Commission recommended approval of the proposed site plan by a vote of 7-0. The site plan is in compliance with the Zoning Ordinance requirements.

After discussion, Councilmember Altom moved and seconded by Councilmember Munden to approve the Site Plan for Ennis Ice, LLC. at 1001 South Washington. The property is platted as a portion of Block 75, Snow's Second Addition, in the City of Kaufman, Kaufman County, Texas. The property is zoned Washington Street Corridor and is proposed to be a self contained, self service, ice and water vending machine. Case no. SP-03-10. Mayor Fortner called for a vote with all voting AYE, the motion carried.

DISCUSSION/ACTION ITEMS

10. Consider Approval of Change Order No. 1 from 7-H Construction Company, Inc. for Additional Work Performed on the Kaufman Alley Sewer Project.

Director of Public Works Richard Underwood informed the Council that this Change Order is for additional work performed on the project that included the main line and manhole replacement in the easement bounded by Elizabeth and Wayne Street and Rand Road and Anthony. The additional work was required when contractors attempted to make the final connection at Elizabeth Street and found that the line running approximately 180 linear feet east had collapsed points also.

The original contract for 7-H Construction Company, Inc. totaled \$53,895.48. Change Order No. 1 increases the project total amount by \$21,576.45. The new total contract amount including Change Order No. 1 will be \$75,471.93. Staff will submit a budget amendment for this project at the August 2010 Council meeting.

Mr. Underwood recommends that Council approve Change Order No. 1 from 7-H Construction Company, Inc. increasing the total project cost to \$75,471.93.

After discussion, Councilmember Altom moved and seconded by Mayor Pro-Tem Ratcliffe to approve Change Order No. 1 from 7-H Construction Company, Inc. for Additional Work Performed on the Kaufman Alley (Scott

Addition) Sewer Project. Mayor Fortner called for a vote with all voting AYE, the motion carried.

11. Consider Approval For Kaufman Parks & Recreation Board To Hold A Family Day At The City Lake Park.

Director of Public Works Richard Underwood informed the Council that the Park Board wishes to hold a Family Day at the City Lake Park on SH 34 Saturday, September 11, 2010, from 8:00 a.m to 12:00 p.m. Board Members propose to provide water and hot dogs free to the public and have events such as volleyball, horseshoes, fishing and possibly a bounce house.

The total cost of this event is expected to cost around \$750. The Board will have to acquire a food permit for this event.

Staff recommends that Council approve the Park Board's request to hold this event at the City Lake Park and to waive the City fishing permit fee during this event.

Councilmember Council moved and seconded by Councilmember Tijerina to approve the Park Board's request to hold Family Day event at the City Lake Park and to waive the City fishing permit fee during this event. Mayor Fortner called for a vote with all voting AYE, the motion carried.

12. Consider setting the date, time and place for a Public Hearing regarding the City's Fiscal Year 2010-2011 Budget.

The Council set September 13, 2010, 6:00 p.m. at City Hall to hold a Public Hearing on the City's Fiscal Year 2010 – 2011 Budget.

13. Presentations – Issues and Challenges.

- A. Administration

ACM/City Secretary Jo Ann Talbot present issues and challenges in the Administration Department as follows:

City Council

Pursue paperless agenda's. Making sure Council is agreeable going with paperless agenda's. Who will supply support to the Council members if they have trouble with the equipment, will they access the internet or the city network? Ideas for formatting? All this should be based on careful consideration, equipment, software available, and experimentation.

City Secretary

We strive for the professional delivery of quality services to the citizens and to the elected officials.

Agenda's and Minutes – There are concerns of lack of permanent documents storage space for Ordinances, Resolutions, and Minutes of meetings. The vault is near full capacity. Future needs of storage and scanning device equipment to maintain City official records.

Records Management/Retention Schedule – Future needs of software and hardware equipment for records management and quick capture for efficient retrieval of information for the Citizens and City Staff- Storage space is becoming a concern.

Recording device in Council Chambers - will need to be updated in the future. The equipment is approximately 15 years old.

Human Resources

Greatest concern and issue is future health insurance coverage for employees.

We strive to provide good quality health care coverage for the employees, but are always looking at options of keeping the cost down for the city.

Health insurance rates normally have a 10% increase each year. This year we are expecting an 11% increase.

The question will be “What will the cost be in the future?” What will the new health reform do for us? Not sure how it will affect us in the future?

Facilities – City Hall, Police, Development of Services, and Public Works

Issues with the overall building of City Hall.

The building needs painting inside, carpet replacement, ceiling tiles (falling out of the ceiling), roof leaks in Development Services foyer, no ADA accessibility into Development Services foyer, issues with

heating and cooling in the Public Works and Development Services area, lighting and electrical issues all throughout the building, storage space very limited and the lack of office space (no additional room to grow or expand), furniture is in very poor condition and concerns of the structural integrity of the building.

Security issues in City Hall. When Court is held the prosecutor uses the break room for client consultation. The City's network system is in an unsecure area.

Telephone system to be replaced and updated this year.

B. Finance

City Manager Curtis Snow informed the Council of Issues and Challenges for Finance Department as follows:

Five areas of concern related to the municipal court, utility billing, customer service budget, finance and accounting. The goal is to provide accurate and timely information to our citizens and interested parties.

Facility problems lay in the areas of no conference space for Court Prosecutor (currently uses employee break room), night drop for utility payments needs to be relocated from front of building to drive thru, drive thru equipment antiquated (but recently updated), unsecured location of our network server, high employee traffic in cash collection areas, and no separation of functional areas in finance.

Personnel and training – the current level of staffing in the Finance Department barely meets the current needs. Improved technology also creates a need for an IT person for both problem solving and regular maintenance to prevent viruses.

Additional personnel – add Assistant Finance Director position to meet recommended auditing standards and hire a full time Information Technology person to maintain all City technology equipment and manage website.

Advancements in technology allow for things such as e-bill and e-pay that are not currently available to our citizens. Streamlining information between customer service, utility billing and utility maintenance is possible thru electronic work orders. Improvements

in efficiency, customer service, reporting, and accountability are a necessary technological investment.

City Manager Curtis Snow also mentioned that other challenges are items such as the Annexation Plan. City's Capital Planning such as infrastructure on Highway 175 going East and West bound. A Community Wellness Center, that may happen one day. Highway 34 Realignment will happen in the near future. The Wastewater Treatment Plant expansion will soon need attention down the road. A Street Overlay Policy needs to be in place, the downtown City Square needs to be looked at for appearance, some day a new City Hall, downtown parking needs to be addressed, the Parks and Sports Center needs to be completed. Organization – Employee Pay Plan, no increases in the past two years, consider a City Engineer. Only two Department Heads have secretaries.

Kudos's building what would you do with it if the City owned it?

Sinking sidewalk on S. Washington Street in front of Murrell's building. There may be an old water well underneath sidewalk.

Councilmember Council mentioned that 6th Street and Dallas Street needed to be addressed. It is in bad shape.

APPOINTMENTS

14. Consider the appointment of two (2) Kaufman Economic Development Board members for a three year term through August 2013.

Councilmember Council moved and seconded by Councilmember Altom to appoint Roy Ferrell and Carole Aga to the Kaufman Economic Development Board. Mayor Fortner called for a vote with all voting AYE, the motion carried.

ANNOUNCEMENTS FROM CITY MANAGER.

1. City Council Budget Retreat, Friday, July 30th and Saturday, July 31st.
2. Small Town Planning Workshop, August 14th, McKinney City Hall
3. Schedule a Joint Work Session with Kaufman Economic Development Corporation August 9.

ADJOURNMENT.

There being no further business the meeting was adjourned at 7:25 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**