

**MINUTES OF THE  
REGULAR CITY COUNCIL MEETING  
MONDAY, JULY 25, 2011 — 6:00 P.M.  
KAUFMAN CITY HALL  
209 S. WASHINGTON  
KAUFMAN, TEXAS 75142**

**CITY COUNCILMEMBERS**

<b>MAYOR</b>	<b>WILLIAM FORTNER</b>
<b>MAYOR PRO-TEM</b>	<b>JEFF COUNCIL</b>
<b>COUNCILMEMBER</b>	<b>CHARLES GILLENWATER</b>
<b>COUNCILMEMBER</b>	<b>KENNETH MUNDEN</b>
<b>COUNCILMEMBER</b>	<b>TONY RADER</b>
<b>COUNCILMEMBER</b>	<b>BARRY RATCLIFFE</b>
<b>COUNCILMEMBER</b>	<b>LOUIS TIJERINA</b>

**INVOCATION:** Councilmember Rader

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER:** Mayor Fortner called the Meeting to order at 6:03 p.m. Councilmember's present were William Fortner, Jeff Council, Charles Gillenwater, Kenneth Munden, Tony Rader and Louis Tijerina. Councilmember Ratcliffe 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 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.

There were no Citizens comments.

**PRESENTATIONS**

Presentation – Dallas Area Habitat for Humanity, Ms Beverly Stibbens, Director of Corporate Engagement, Dallas, Texas.

Ms. Beverly Stibbens, Director of Corporate Engagement with Dallas Area Habitat for Humanity, 2800 N. Hampton Road, Dallas, gave an overview of the Habitat for Humanity program. Ms. Stibbens reported that the Habitat for Humanity was established in 1986 in Dallas County. Now they are reaching out to Kaufman County. Habitat for Humanity is a Christian Ministry that builds quality, affordable homes in partnership with deserving, low-income families. To accomplish the goal of eliminating substandard housing, they bring financial and volunteer partners from across the community to give a hand to families through homeownership. Habitat for Humanity makes homeownership affordable by selling homes to partner families at no profit and with no cash down payment. In return, families contribute 400 hours of sweat equity toward the construction of their home, and repay a 25 year, 0% mortgage.

Mayor Fortner thanked Ms. Stibbens.

### **CONSENT AGENDA ITEM #1 THROUGH #5**

**“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 20, 2011, Joint City Council and Planning and Zoning Commission Meeting.
2. Consider approval of the Minutes of the June 27, 2011, Regular City Council Meeting.
3. Consider approval of Resolution R-15-11 Annual Review of the City of Kaufman Investment Policy as amended for a further One (1) Year pursuant to the Public Funds Investment Act.
4. Consider approval of the Kaufman Economic Development Corporation Fiscal Year Budget 2011-2012.
5. Consider approval of the Kaufman Chamber of Commerce Tourism Quarterly Report through June 30, 2011.

Councilmember Rader moved, seconded by Mayor Pro-Tem Council to approve the Consent Agenda #1 through #5. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

### **END OF CONSENT AGENDA**

## **PLANNING AND ZONING ITEMS**

6. Conduct a Public Hearing on the Comprehensive Plan goals and objectives and the following planning elements: Parks Plan and Annexation Plan and consider approval of Ordinance O-08-11 Comprehensive Plan. (P&Z approved 4-1)
  - a. Conduct a Public Hearing on the Comprehensive Plan goals and objectives; Parks Plan and Annexation Plan.

Mayor Fortner declared the Pubic Hearing open at 6:10 p.m.

Director of Development Services Marcy Ratciff informed the Council that the Planning and Zoning Commission and City Council held a joint workshop on June 20, 2011, to review and collaborate on final drafts to the overall comprehensive goals and objectives, and the Parks Plan and Annexation Plan to be considered at the public hearings scheduled for July 5 and July 25.

The majority of the discussion centered on the nine new objectives added at the June 7, 2011, Planning and Zoning Commission meeting, with some additions to the Central Business District area. The Central Business District additions included better, attractive lighting that also meets security needs, physical appearance requirements not suggestions, a parking plan, and landscape improvements. Language was added in objective 7.06 (page 5 of 15) in reference to comments made at the June 7th meeting.

Regarding the Parks Plan, it was suggested to work with Kaufman County on creating a joint venture with the City on the area known as the Poor Farm, the Kaufman County Library, the Fair Grounds and the Veterans Memorial area. Discussion also included promoting a community garden. There was also discussion about connecting the linear trails. Language was added in objectives 10.06 and 12.04 (page 8 of 15) in reference to the comments made at the June 7th meeting.

No additions were proposed to the Annexation Plan

Mayor Fortner declared the Public Hearing closed at 6:14 p.m.

- b. Consider approval of first reading of Ordinance O-08-11 an Ordinance of the City of Kaufman, Texas amending Ordinance O-13-99, repealing the existing Annexation and Park Plans and amending the overall goals and objectives of the 1999 Comprehensive Plan and adopting the new Annexation Plan and Park Plan elements of the Comprehensive Plan for the City of Kaufman, Texas; providing for long-range guidance related to future land uses, annexations and future.

Mayor Fortner moved and seconded by Councilmember Gillenwater to approve the first reading of Ordinance O-08-11, and to include a Severability Clause in Ordinance O-08-11 of the City of Kaufman, Texas amending Ordinance O-13-99, repealing the existing Annexation and Park Plans and amending the overall goals and objectives of the 1999 Comprehensive Plan and adopting the new Annexation Plan and Park Plan elements of the Comprehensive Plan for the City of Kaufman, Texas; providing for long-range guidance related to future land uses, annexations and future. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

7. Consider the site plan for a Retail Store for Reel Brothers, Inc. at 325 East Fair Street. Property is platted as Tract A, of the Kaufman East Addition, in the City of Kaufman, Kaufman County, Texas. Property is zoned commercial. Case No. SP-02-11 (P&Z approved 5-0)

Director of Development Services Marcy Ratciff informed the Council that Mr. Eddie Dodson of Reel Bros, Inc. is proposing to redevelop the property at 325 East Fair Street for a retail liquor store. A retail liquor store is a permitted use in a commercial district. The redevelopment will include removing the existing gas station, the car wash bays and the metal carport towards the rear. The gas tanks have already been removed. The applicant proposes to build a 2,000 SF building with the required 10 off-street parking spaces. The 16 foot high building will have 100% masonry coverage.

The existing development has 2 driveways along East Fair Street and 2 driveways along Front Street. The applicant does not propose to close any existing driveways. The two driveways along East Fair Street are grandfathered according to the Texas Department of Transportation (TxDOT) since the applicant will not be making any driveway changes in the right-of-way. The City of Kaufman does not have any adopted driveway placement standards.

The applicant is proposing to landscape 4,446 SF of a 22,006 SF lot, which is approximately 20.29% of the total lot area. The applicant will be developing the required 5 foot wide required sidewalks along East Fair Street and Front Street.

The building at 325 East Fair Street is located approximately 494.08 feet from 207 East Fair (formerly Landmark Church of Christ – now vacant) and approximately 438.02 feet from 607 East Fair (relocated Landmark Church of Christ – formerly Life Church) when measured door to door. The minimum required distance separation is 300 feet from a church.

The Comprehensive Plan designates the subject property as a commercial land use. The existing zoning is in compliance with the Land Use Map. One of the goals is to encourage quality nonresidential development that is aesthetically pleasing, yet meets the market and economic development needs of the community. The removal of the vacant gas station and car wash and the development of the new building with 100% masonry coverage and the addition of landscaping will definitely provide a quality development.

The proposed site plan meets all the requirements of the zoning ordinance. Staff recommends approval.

After discussion, Councilmember Rader moved and seconded by Mayor Pro-Tem Council to approve the site plan for a Retail Store for Reel Brothers, Inc. at 325 East Fair Street. Property is platted as Tract A, of the Kaufman East Addition, in the City of Kaufman, Kaufman County, Texas. Property is zoned commercial. Case No. SP-02-11. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

## **DISCUSSION/ACTION ITEMS**

8. Consider Approval and Authorize the Mayor to Execute a Kaufman Economic Development (KED) Partnership Agreement with Kaufman Economic Development Corporation for Kings Fort Market Center Texas Opportunity's LLP to provide incentives for the single retail center in Kaufman, Texas.

City Manager Curtis Snow informed the Council that at the last Council meeting the City approved a 380 agreement with Texas Opportunities that included \$1.6 million in cash incentives, plus the construction of a connecting street to the development site, in exchange for the development of a 150,000 square foot retail store. In the negotiation for these incentives the KEDC participated with the full expectation of paying (not to exceed) two thirds of the cost of this cash incentive for sales tax

revenues generated from the new retailer. This agreement consummates that understanding.

After discussion, Councilmember Rader moved and seconded by Councilmember Tijerina to approve and authorize the Mayor to Execute a Kaufman Economic Development (KED) Partnership Agreement with Kaufman Economic Development Corporation for Kings Fort Market Center Texas Opportunity's LLP to provide incentives for the single retail center in Kaufman, Texas. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

9. Consider approval of Resolution R-16-11 of the City Council of the City of Kaufman, Texas accepting the construction of the 2009 TDRA Sewer Project under the City's Texas Community Development Program Contract No. R729330.

Director of Public Works Richard Underwood informed the Council that this project included the replacement of Sewer mains, manholes and service lines on Jackson Street from 2<sup>nd</sup> to Ann Street and Clay Street from Mulberry to Seago. Also, the service line replacement on Houston Street from West 2<sup>nd</sup> to Seago and East 1<sup>st</sup> North Street from Washington to Wilson.

The construction was completed by Larrett, Inc., in Kaufman, Texas. The project had a final inspection by Jacobs Engineering and City Staff on December 3, 2010 which begins a 2 year warranty period for the project. The warranty period will remain in effect until the final warranty inspection on or before December 2, 2012.

The original contract amount for this project was \$229,320. The project had 1 final change order for properties that refused service line replacement reducing the overall contract price by \$40,750. This made the final contract total \$188,570.

Councilmember Tijerina moved and seconded by Councilmember Gillenwater to approve Resolution R-16-11 of the City Council of the City of Kaufman, Texas accepting the construction of the 2009 TDRA Sewer Project under the City's Texas Community Development Program Contract No. R729330. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

10. Consider approval and authorize the City Manager to Execute a Contract with Freese & Nichols Engineering for Engineering Services to replace the SCADA system and Automatic Transfer Switch at the WWT Plant.

Director of Public Works Richard Underwood informed the Council that in February 2011, during the freezing weather and rolling blackouts by Oncor, the WWT Plant experienced problems with the SCADA operating system and the transfer switch. The SCADA computer and operating system went down and were not repairable. The transfer switch is supposed to transfer power and start the generator when the power goes down. However, the way the switch was originally designed, it did not operate as needed and Staff had been operating the unit manually. Therefore, when the SCADA went down, it did not contact Staff of a power outage and the plant went too long without power causing the City to have a permit violation.

Since that time, Staff has been working with multiple engineers, electricians, and contractors in an attempt to determine what needed to be repaired, replaced and/or updated. Finally, in June 2011, Freese & Nichols, working through its' Electrical Engineer/ determined that due to the age and type of SCADA and Transfer Switch, both systems will have to be replaced and updated and that in the City's scale of operations both are required by the TCEQ. Freese & Nichols submitted a contract for the design, bidding and inspection for the replacement of the SCADA and Transfer Switch. The Engineers total estimated project construction cost including Engineering ranged from \$132,000 to \$169,000 depending on the type of equipment required. The funds for this project were not allocated in the FY' 2010-2011 budget. Eighty (\$80,000) was allocated for the replacement of a Philadelphia mixer, which has not been spent. Staff recommends utilizing part of the \$80,000 to offset the \$37,980 in engineering costs. Staff will present a plan for the mixer replacement at the next meeting.

After a lengthy discussion, Councilmember Gillenwater moved and seconded by Councilmember Rader to authorize the City Manager to Execute a Contract with Freese & Nichols Engineering for Engineering Services to replace the SCADA system and Automatic Transfer Switch at the WWT Plant in an amount not to exceed \$37,980. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

11. Consider approval of the 2011 Street Rehabilitation Program.

Director of Public Works Richard Underwood informed the Council this project involves the roto-milling and overlay of South Houston Street from Fifth to Grove. The street will be cut down 4 inches with a 2 inch asphalt overlay. The project also includes the 2 inch overlay of South Street from Jackson to Houston; Jackson Street from Fifth to Cherry; and Lewis Drive from Bacon to Adams Lane.

The asphalt construction of this project will be provided by APAC Texas, Inc. the roto-mill will be provided by Dustrol, Inc. in accordance with our Dallas County Interlocal agreement. This agreement allows the City to utilize services pre-bid by Dallas County. Staff recommends that Council approve the 2011 Street Rehabilitation Program for the total estimated amount of \$168,597.19. The final cost may vary due to total tonnage actually used.

After discussion, Councilmember Rader moved and seconded by Councilmember Tijerina to approve the 2011 Street Rehabilitation Program for the total estimated amount of \$168,597.19. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

12. Consider setting the date, time and place for a Public Hearing regarding the City's Fiscal Year 2011-2012 Budget.

Councilmember Tijerina moved and seconded by Councilmember Gillenwater to set the date, time and place for a Public Hearing regarding the City's Fiscal Year 2011-2012 Budget on Monday, August 22, 2011, at 6:00 p.m. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

### **APPOINTMENTS**

13. Consider the appointment for two (2) Planning and Zoning Commission Members for an unexpired term through November 2013.

Mayor Fortner moved and seconded by Mayor Pro-Tem Council to appoint Venetia Doster and Larry Nelson to the Planning and Zoning Commission for an unexpired term through November 2013. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Ratcliffe was absent.

### **ANNOUNCEMENTS FROM CITY MANAGER.**

The Budget Work Session Meeting was scheduled for Monday, August 15, 2011.

City Manager Curtis Snow informed the City Council of the mosquito spraying around town and reminded them of the voluntary water conservation measures.

City Manager Curtis Snow asked Council to let Jo Ann Talbot know if they were attending TML Conference in October in Houston.

City Manger Curtis Snow informed the Council that University of Arlington had a program for student interns to do a Downtown Streetscape. It will cost the City

some funds if they are interested.

Councilmember Tijerina reported of complaints regarding Police Vehicles parked at certain businesses in town.

Councilmember Council mentioned that the painted window board that was re-erected at the old Feed Store Restaurant on the square was placed upside down.

Councilmember Munden reported that Greg Richards, the owner next door to the Feed Store Restaurant, complained about rats and overgrown trees next door.

Councilmember Munden reported that he had a request for a crosswalk be placed from Remax on the square to the church across the street.

City Manager Curtis Snow reported that the parking meters on the square were not ready to be discussed. He needed to acquire more information before a presentation.

City Manager Curtis Snow informed the Council that the County did pass the CID loan to support Highway 34 By-Pass.

City Manager Curtis Snow informed the Council that KEDC Director has been negotiating with Compass BBVA Bank for a small portion of land for the new proposed street between Washington Street and the old Kemp Highway.

**ADJOURNMENT.**

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

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**WILLIAM FORTNER  
MAYOR**

**ATTEST:**

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**JO ANN TALBOT  
CITY SECRETARY**