

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 26, 2011 — 6:00 P.M.
KAUFMAN CITY HALL
209 S. WASHINGTON
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

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

INVOCATION: Councilmember Tony Rader

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Fortner called the Meeting to order at 6:04 p.m. Councilmember's present were William Fortner, Tony Rader, Louis Tijerina and Jeff Council. Councilmember Gillenwater arrived at 6:07 p.m. Kenneth Munden and Barry Ratcliffe were absent. Mayor Fortner declared a quorum present. Also present were City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, Director of Development Services Marcy Ratcliff, Director of Public Works Richard Underwood, Chief of Police Michael Holder, Fire Chief Eddie Brown and Director of Finance Cathy Cummins.

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 Citizens Comments.

CONSENT AGENDA ITEM #1 THROUGH #8

“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 15, 2011, Special Council Meeting and Budget Work Session.
2. Consider approval of the Minutes of the August 22, 2011, Regular City Council Meeting.
3. Consider second reading and adoption of Ordinance O-10-11 an Ordinance of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-02-07 for a Specific Use Permit number twenty-two for a private club with restaurant services; generally located at 2250 South Washington Street (Pizza Hut), on 1.236 acres of land out of D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County Texas; providing certain conditions; amending the official zoning map; and providing for a penalty clause, a severability clause, a savings clause, and an effective date.
4. Consider second reading and adoption of Ordinance O-11-11 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-02-07 for a Specific Use Permit number twenty-three for a shared pole/pylon sign between two or more connecting lots, generally located at 2220 South Washington Street, on lot 1 Crossroads Addition, City of Kaufman, Kaufman County Texas; providing certain conditions; amending the official zoning map; and providing for a penalty clause, a severability clause, a savings clause, and an effective date.
5. Bid Award – Fiscal Year 2011/2012 Motor Fuel and Oil.
6. Bid Award – Fiscal Year 2011/2012 Street Maintenance Materials.
7. 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 \$17.50 per animal.
8. Consider approval of Resolution R-17-11 of the City Council of the City of Kaufman, Texas amending the City of Kaufman Financial Policies to include Governmental Accounting Standards Board “GASB” 54 Requirements.

Councilmember Rader moved and seconded by Councilmember Tijerina to approve the Consent Agenda Item 1 through Item 8. Mayor Fortner called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

PLANNING AND ZONING ITEMS

9. Conduct a public hearing and consider ordinance O-13-11 for a zone change request from Robert Eldridge from Single Family Residential 6 (SF-6) to Planned Development for a 2.36 acres independent senior multifamily housing development to be located at 106 Booker Street, a tract of land out of the C.A. Lovejoy Survey, Abstract No. 303, City of Kaufman, Kaufman County, Texas. Case no. Z-05-11
 - a. Conduct a Public Hearing to Rezone a tract of land located at 106 Booker Street, from Single Family Residential 6 (SF-6) to Planned Development (PD).

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

Director of Development Services Marcy Ratcliff informed the Council that Mr. Robert Eldridge has submitted a request to rezone 2.36 acres from Single Family Residential – 6 (SF-6) to Planned Development for independent senior multifamily housing with onsite conveniences, amenities and activities such as a pharmacy, barber and beauty shop services, medical offices, a laundromat/dry cleaners, restaurant without drive thru service, etc.

The concept plan shows 82 proposed units with a density of 34.75 units per acre. The proposed 3 story building will contain 75,064 gross square feet. The concept plan shows 80 off-street parking spaces. The open space area (see definition in proposed planned development regulations on page 6 of 10 under landscaping) proposed is 1.07 acres. One monument sign is proposed with the development.

Recommendation: The Planning and Zoning Commission, on September 6, 2011, voted 4-1-1 to recommend approval with the following conditions:

- 1) Address safety adjacency issues and setbacks to the ATMOS substation with the Kaufman Fire Chief.
- 2) Only drought tolerant landscaping plants are allowed.
- 3) Increase monument sign setbacks 6 to 10 feet.
- 4) No signage is allowed in the visibility triangle.
- 5) Require minimal feature landscaping around the monument sign.
- 6) Require large specimen type trees
 - a. At the ends of all rows of parking along exterior property lines.
 - b. Require a minimum of 2 trees within the triangle area of the parking lot.
 - c. Require additional trees to be planted along Booker Street.
- 7) Required shrubbery groupings along Booker and Carver Streets.

8) Allow the Planned Development to be 2.36 acres.

Proposed Planned Development Summary:

1. Planned Development is proposed to be a mixed use district based upon the Multifamily Residential – 2 District (MF-2) and the Local Retail District (LR).
2. The concept plan shall be considered as the site plan and therefore will not require a separate site plan review approval.
3. Within 12 months of the adoption of the planned development ordinance the following submittals shall be submitted for review and approval prior to construction commencing:
 - a. Preliminary Plat with preliminary engineering
 - b. Final Plat with final engineering
 - i. The final plat will be filed upon completion and acceptance of any public infrastructure by the City.
 - ii. The concept plan/site plan shall not expire if the preliminary plat has been approved by the City within 12 months.
4. Only select compatible mixed uses will be permitted as of right.
 - a. Residential uses include: independent living house for the elderly/seniors, manager or caretaker residence, temporary guest residence, assisted living facility for elderly/senior or disabled persons, personal care facility.
 - b. Nonresidential uses include: medical, dental or optician office or clinic, pharmacy, personal services (barber/beauty shop, tailor, seamstress, etc.), food store less than 7,500 SF, general merchandise less than 7,500 SF, laundromat/dry cleaners, restaurant without drive thru service
5. Development Standards
 - a. Maximum Building Height: 3 stories or 45 feet for the main building, 1 story or 18 feet for accessory buildings
 - b. Maximum residential density: 36 units per acre (number of units/total acreage)
 - c. The following dimensional requirements reduced due unique configuration of the property, the nature of a senior housing development relative to safety and welfare
 - i. Minimum acreage for planned development to be reduced from 3 acres to 2.36 acres
 - ii. Rear yard reduced from 20 feet to 10 feet at the northeast corner by the Lone Star Gas/Atmos tract
 - iii. Front yard reduced from 30 feet to 15 feet to locate buildings closer to the street to allow for a more pedestrian friendly project
 - d. Maximum lot coverage: 50% of lot

- e. Parking requirements: 0.8 spaces per dwelling unit and one space per 300 square feet of nonresidential building lease floor area.
 - f. Minimum exterior building façade materials and design: match zoning ordinance (Zoning Ordinance requires 75% masonry materials on 1st floor and 50% on any other floor (Section 40.9.B.2))
6. Signage
- a. Monument signs only
 - b. Maximum height: 6 feet
 - c. Maximum sign area: 60 SF
 - d. Lighting: ground mounted or with internal lighting
 - e. Setback: Not less than 5 feet from the right-of-way line
7. Landscaping
- a. All plantings (landscape plans) shall be approved with the building permit plans
 - b. Minimum open space area: 20% of lot area Open space includes quality areas used for walks, plazas, courts, water features and other similar features which are not specifically designed for vehicular access or parking. The open space requirement is cumulative for the planned development and open space may be aggregated on lots or parcels anywhere within the overall development.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	“C”	Single family house, Just Kids Urgent Care, vacant concrete block building, metal storage building, ATMOS gas facility
South:	“SF-6”	Single family homes and undeveloped property
East:	“C”	American Legion
West:	“C”	Single family homes and undeveloped property

COMPREHENSIVE PLAN:

The subject property’s land use was re-designated from future single family medium density to future multifamily high density with the last update of the Comprehensive Plan’s land use map. The Comprehensive Plan does not specifically define a maximum number for high density. The request to rezone the property allowing a high density multifamily development is in compliance with the land use map.

The Zoning Ordinance Multifamily Residential – 2 District (MF-2) is the highest density straight zoning district and allows a maximum density 24 units per acre.

A planned development may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts. Greater flexibility is given to allow special conditions or restrictions, which would not otherwise allow the development to occur. Planned developments specifically define uses, density, lot area, lot width, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening landscaping, accessory buildings, signs, lights, project phasing or scheduling and any other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

The applicant's engineer during the platting process will determine the amount of flow required to serve the development and the best means to service the development.

Mayor Fortner inquired about the large trees on the property. Ms. Ratcliff reported that only one (1) tree would be removed and the other two would remain.

Councilmember Rader inquired about how the property would remain as Senior Living as the City Zoning Ordinance does not define senior zoning. Ms. Ratcliff reported that because of the type of funding Mr. Eldridge receives, it is required to be senior living. Councilmember Rader asked what would happen after the loan is paid off? Mr. Eldridge reported that it would remain senior living. After discussion it was decided to amend the ordinance to define senior living.

Councilmember Rader expressed his concerns about the reduction of the parking area. After a lengthy discussion about the parking it was decided to amend the Ordinance to reduce parking spaces to one space per 200 square feet of nonresidential leased building floor area.

Ms. Jualine Eldridge, Booker Street, Kaufman, gave a power point overview of the Blakemoor Manor project.

After a lengthy discussion regarding Ordinance O-13-11, Mayor Fortner closed the Public Hearing at 6:56 p.m.

b. Consider first reading of Ordinance O-13-11.

After a lengthy discussion in a public hearing, the following motions were made to Ordinance O-13-11:

Councilmember Rader moved and seconded by Councilmember Tijerina to amend Ordinance O-13-11 under Exhibit "C" to define seniors/elderly as 62 of age or greater under Residential Uses.

Mayor Fortner called for a vote all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

Councilmember Rader moved and seconded by Councilmember Gillenwater to amend Ordinance O-13-11 by removing the word “or” in Exhibit “C” number 4 under Residential Uses. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

Mayor Fortner moved and seconded by Council to amend Ordinance O-13-11 Exhibit B, e. Parking and Driveway, Subsection iii. to change 300 square feet to “200 square feet” and to change this amendment to any section of Ordinance O-13-11 that reflects one space per 300 square feet to “200 square feet” of nonresidential leased building floor area. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

Councilmember Rader moved and seconded by Councilmember Tijerina to amend Ordinance O-13-11, Exhibit “B” V. Development Standards, iii, 1. by changing the word “a” to “this” to read as follows: 1. Required acreage for this Planned Development is three (3) acres – will be reduced to the project size of 2.36 acres. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

Councilmember Gillenwater moved and seconded by Mayor Pro-Tem Council to approve the first reading of Ordinance O-13-11, with all the above stated amendments and with the Planning and Zoning conditions, for a zone change request from Robert Eldridge from Single Family Residential 6 (SF-6) to Planned Development for a 2.36 acres independent senior multifamily housing development to be located at 106 Booker Street, a tract of land out of the C.A. Lovejoy Survey, Abstract No. 303, City of Kaufman, Kaufman County, Texas. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

10. Conduct a public hearing and consider ordinance O-14-11 on a zone change requested by the City of Kaufman on proposed amendments to the Comprehensive Zoning Ordinance O-02-07, Section 33 – Use Regulations Chart 1 for a bed and breakfast inn or facility. Case no. Z-06-11

A $\frac{3}{4}$ vote by Council is required to overturn the recommendation of denial from the Commission.

- a. Conduct a Public Hearing on proposed amendments to the Comprehensive Zoning Ordinance O-02-07, Section 33 – Use Regulations Chart 1 for a bed and breakfast inn or facility.

Mayor Fortner declared the Public Hearing Open at 7:05 p.m.

Director of Development Services Marcy Ratcliff informed the Council that the Comprehensive Zoning Ordinance allows a bed and breakfast inn or facility as a permitted use in the Agriculture/Open Space, and as a specific use permit in the Single Family-20 (SF-20) and the Single Family – 10 (SF-10) districts. The Planning and Zoning Commission, on August 2, 2011, were requested by Ms. Marty Miller of 1709 Elizabeth Street, to consider the possibility of amending the zoning ordinance to allow a bed and breakfast inn or facility with a specific use permit in the Single Family – 8 (SF-8) district. The property at 1709 Elizabeth is zoned SF-8 and contains 12,953.29 square feet. The minimum lot size in SF-8 is 8,000 square feet.

The Planning and Zoning Commission, on August 2, 2011, authorized Staff to set a public hearing to consider the amendment. The amendment would be to Section 33.4 – Use Regulation Chart 1, Primary Residential Uses. A specific use permit requires all regulations, including parking to be met, and to review the proposed use relative to the surrounding neighborhood and the affect such use would have to existing development. Currently, there are no specific use permits for a bed and breakfast inn or facility.

The Planning and Zoning Commission, on September 6, 2011, voted 4-2 to recommend denial of the request to amend the Comprehensive Zoning Ordinance O-02-07, Section 33 – Use Regulations Chart 1 to allow a bed and breakfast inn or facility in the Single Family Residential District (SF-8).

The vote for denial will require a $\frac{3}{4}$ vote by City Council to overturn the recommendation of the Planning and Zoning Commission.

The Comprehensive Plan includes two goals with various objectives regarding land use that may or may not be applicable, depending on your point of view.

Goal 2: To provide opportunities for coordinated, well-planned growth and development, while retaining the natural setting and “home town” character of the City.

Objectives:

2.03 Promote the future development of a variety of land uses to support the residential, employment, business, governance and leisure needs of the citizenry.

2.06 Determine appropriate locations for future residential and nonresidential development, while considering existing neighborhoods and natural features.

2.07 Separate or create transitions/buffer areas between conflicting or incompatible land uses, and between residential and nonresidential uses.

Goal 3: Encourage development of high quality residential neighborhoods that are aesthetically pleasing, yet meet the diverse housing market needs of the community.

Objectives:

3.03 Preserve and protect single-family neighborhoods from high traffic volumes, congestion and through traffic generated by commercial and high density residential areas.

Marty Miller, 1709 Elizabeth Street, property owner, spoke in favor of the Specific Use Permit. She reported her lot size in the Single Family 8 (SF*) was large enough to accommodate a Bed and Breakfast facility. She reported she had plenty of parking.

Councilmember Tijerina inquired why the Planning and Zoning Commission denied the request. Director of Development Services Ratcliff informed the Council that Ms. Miller accidentally missed the P & Z meeting. The Commission felt that traffic may be a problem and also had a concern that if the change was approved that all “SF8” zoning districts would then be allowed to have a Bed and Breakfast with a Special Use Permit.

Mayor Fortner closed the Public Hearing at 7:14 p.m.

- b. Consider first reading of Ordinance O-14-11.

Mayor Pro-Tem Council moved and seconded by Mayor Fortner to **deny the request** not to allow a zone change requested by the City of Kaufman on proposed amendments to the Comprehensive Zoning Ordinance O-02-07, Section 33 – Use Regulations Chart 1 for a bed and breakfast inn or facility. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

DISCUSSION/ACTION ITEMS

11. Consider adoption of Ordinance O-15-11 adopting the Annual Program of Services (Budget) for the City of Kaufman, Texas, for the Fiscal Year beginning on October 1, 2011, and ending on September 30, 2012.

City Manager Curtis Snow informed the Council that the Budget Letter was filed on July 29, 2011 with the final budget documents. This letter will give a clear picture of what is being achieved in this budget. The budget increased by \$83,000 from its original filing. As discussed at the budget work session on September 12th, \$23,000 was added to the General Fund budget for the downtown streetscape study. The Enterprise Fund budget (water/sewer) was increased by \$60,000 to include repairing one Philadelphia mixer at the wastewater treatment plant. Repair of the mixer was moved from the current year to next year's budget leaving the \$60,000 in Fiscal Year 2011 fund balance. Engineering for this project was approved by the council on August 22, 2011.

The total budget is \$7,506,007. This is \$284,870 more than the current year's budget. This is a 3.94% increase. The General Fund budget increased just over 4%.

General Fund revenues \$3,696,114 minus expenses \$4,063,946 = (\$367,832) use of fund balance.

Enterprise Fund revenues \$3,012,900 minus expenses \$3,038,374 = (\$25,474) use of fund balance.

Mayor Pro-Tem Council moved and seconded by Councilmember Gillenwater to adopt Ordinance O-15-11 adopting the Annual Program of Services (Budget) for the City of Kaufman, Texas, for the Fiscal Year beginning on October 1, 2011, and ending on September 30, 2012. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

12. Consider adoption of Ordinance O-16-11 levying the ad valorem tax of the City of Kaufman, Texas, for the year 2011; on all taxable property within the corporate limits of the City as of January 1, 2011; not exempt by law; providing revenues for payment of current municipal expenses; and providing for the collection of taxes and the enforcement of collection.

City Manager Curtis Snow informed the Council that the City is setting the tax rate at the effective tax rate of \$0.6454382. The rate for the Maintenance and Operating expenditures (M&O) is \$0.566587 and \$0.078795 will be distributed to pay the City's debt service (I&S). There will be no increase in the taxes collected. Total Assessed Valuations for property in Kaufman decreased to where it would take \$0.645382 to collect the same revenue as last year's \$0.6404 tax rate. City Manager Curtis Snow informed the Council that the property tax rate has not increased for three (3) years.

Councilmember Gillenwater moved and seconded by Mayor Pro-Tem Council to adopt Ordinance O-16-11 levying the ad valorem tax of the City of Kaufman, Texas, for the year 2011; on all taxable property within the corporate limits of the City as of January 1, 2011; not exempt by law; providing revenues for payment of current municipal expenses; and providing for the collection of taxes and the enforcement of collection. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

13. Consider adoption of Ordinance O-17-11 approving the 2011 Tax Rolls for the City of Kaufman, Texas.

Councilmember Rader moved and seconded by Councilmember Gillenwater to adopt Ordinance O-17-11 approving the 2011 Tax Rolls for the City of Kaufman, Texas. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

14. Consider first reading and approval of Ordinance O-18-11 of the City of Kaufman, Texas, approving certain modifications to the contract for Paramedic Ambulance Service with ETMC/EMS; providing a repealer; providing for severability; and establishing an effective date.

Fire Chief Eddie Brown informed the Council that the City of Kaufman entered into a Contract for Paramedic Ambulance Service back in 1995 with ETMC and has maintained this service to this date. The City has approved several extensions and modifications to the agreement through the years and ETMC has preformed very well keeping up with our citizen's emergency needs.

Kaufman County and City of Terrell have the same contract modifications, but separate contracts as the City of Kaufman. They have elected to approve this modification to the agreement in Attachment "H" Uniform Schedule of Subsidy/Price Options. This would allow ETMC to maintain its service without a subsidy and put two 24 hour trucks here in the City of Kaufman.

ETMC currently has one 24 hour truck and a 12 hour truck in the City of Kaufman. Terrell has two 24 hour trucks. Forney has one 24 hour truck and Mabank has one 24 hour truck.

The EMS Board had their meeting August 29, 2011, and discussed this rate change and recommend that the City Council approve the modification to the City of Kaufman contract with ETMC.

T. C. Howard with ETMC-EMS, reported that the membership fee was omitted from the modification sheet that was given to the Council. He reported that the membership fee is \$60.00 a year and covers people living at that particular residence. He also informed the Council that another ambulance is scheduled to be placed in Kaufman at a future date.

After discussion, Mayor Pro-Tem Council moved and seconded by Councilmember Tijerina to approve the first reading of Ordinance O-18-11 of the City of Kaufman, Texas, approving certain modifications to the contract for Paramedic Ambulance Service with ETMC/EMS; providing a repealer; providing for severability; and establishing an effective date. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

15. Consider adoption of Resolution R-18-11 directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject.

City Manager Curtis Snow informed the Council that the City is beginning the process to issue debt for the projects as outlined in the agenda package. The timeline for preparing, approving and going out to the market for the sale of these bonds was provided to the Council. It is the City's intent to consummate a sale of the bonds at their November 29th meeting. The first step in this process is to announce to the public that such a sale is being considered. The Council issues a Resolution of Intent at least 60 days before the sale. Lastly, there is fifteen year payment schedule provided for an \$890,000 bond issue which is what will be needed to complete the projects planned.

The Resolution of Intent is the first step to a bond issue. Our Financial Advisors, First Southwest will put together the Official Statement for the City. By October 27, the City will publish Notices of Intent to Issue. Then soon thereafter, First Southwest will orchestrate conference calls with the rating agencies to get updated ratings. In November we will receive the new ratings.

We will distribute the Official Statement and get bids on the 28th of November. They always come in last minute before the Council authorizes the sale.

It is estimated that the bonds will sell for net interest rate of 3.1% and will have an annual payment of below \$65,000 for the first five years and an \$85,000 average payment for ten years thereafter.

David Medanich, First Southwest Company, explained the process of the bond issuance and the refinancing of the 1999 and 2002 Certificate of Obligations. Those two Certificate of Obligations will be paid off and refinance with the new bond issuance. By doing this the estimated savings over the period of the debt is \$137,076 due to the reduction of interest rates.

After discussion, Councilmember Tijerina moved and seconded by Councilmember Rader to adopt Resolution R-18-11 directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

16. Consider approval of donation deed for land to Kaufman County for the Realignment of Highway 34 a total of 0.1192 acre of land.

City Manager Curtis Snow informed the Council that there is a small sliver of land that runs along the south side of the City's property located near the Windsor Park development. This property was part of a land swap needed for the construction of the new jail. When the County gave the City this property they withheld what would be needed for the 34 realignment. But now that TxDOT has actually defined the right-of-way with meets and bounds, there is a small sliver on the City's land that the County should have held. The strip is only a little over five feet wide. There is also a denial of access on a portion of this property. Neither of these donations significantly impact the future use of this property. After discussion, Councilmember Tijerina moved and seconded by Councilmember Rader to approve the donation deed for land to Kaufman County for the Realignment of Highway 34 a total of 0.1192 acre of land. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

17. Consider a request from Tax Assessor-Collector Dick Murphy to resale property located at 405 East 2nd Street, East ½ of Block 55, Wilson's Addition, Kaufman, Kaufman County, Texas in the amount of \$500.00 to Dave Booker, 1502 E. 1st North, Kaufman, Texas 75142.

City Manager Curtis Snow informed the Council that Tax Assessor-Collector Dick Murphy is requesting to resale property located at 405 East 2nd Street , Kaufman, Texas, East 1/2 of Block 55, Wilson's Addition, Kaufman, Texas. vacant lot. The property has already gone to public auction and did not sale. The County has an offer to sale the property for \$500.00. The value of the property is \$2,300.00.

The City of Kaufman filed a demolition lien on the property in the amount of \$2,108.01. This lien was filed in November of 2009 after clearing the property from a dangerous and unsafe structure. The property has been off the tax roll since August 2009.

Included in the Council package is a Resale Approval Request Form, Property Re-Sale Information Sheet, map location and a copy of the City of Kaufman lien. If approved the property will be put back on the tax roll.

After discussion, Mayor Fortner moved and seconded by Mayor Pro-Tem Council to approve a request from Tax Assessor-Collector Dick Murphy to resale property located at 405 East 2nd Street, East ½ of Block 55, Wilson's Addition, Kaufman, Kaufman County, Texas in the amount of \$500.00 to Dave Booker, 1502 E. 1st North, Kaufman, Texas 75142. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

APPOINTMENTS

18. Consider the appointment of two (2) Board of Adjustment members for a two year term.

Councilmember Tijerina moved and seconded by Mayor Pro-Tem Council to appoint Jimmy Reed and Diane Chiles as members to the Board of Adjustment for a two year term. Mayor Fortner called for a vote with all voting AYE, the motion carried. Councilmember Munden and Councilmember Ratcliffe were absent.

EXECUTIVE SESSION

The Council went into Executive Session at 7:52 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.

The Council came out of Executive Session at 8:40 p.m.

END OF EXECUTIVE SESSION

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

Personnel - Under TEX. GOV'T. CODE Sec. 551.074

- a. Consider any official action regarding the City Manager's Annual Evaluation.

No action taken.

ANNOUNCEMENTS FROM CITY MANAGER.

The City Manager made the following announcements.

1. NEAT Project – Saturday, October 1, 2011, Rain out date – Oct. 15, 2011.
2. National Night Out sponsored by the Kaufman Police Department, Tuesday, October 4, 2011, at 6:00 p.m., Downtown Square.
3. Kaufman's 160 Year Anniversary, Saturday, Oct. 8th, Downtown Square.

4. No Work Session, Monday, October 10th, Observed Holiday, Columbus Day.
5. TML Conference, Houston, Tx. Wednesday, Oct. 12th through Friday, Oct. 14th.
6. Scarecrow Festival, Saturday, October 22nd, Downtown Square.
7. Halloween on Houston Street, Monday, October 31st.
8. Monthly Calendars Attached.

ADJOURNMENT.

There being no further business, the meeting adjourned at 8:46 p.m.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**