

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 18, 2006 — 6:00 P.M.
209 S. WASHINGTON
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

MAYOR	PAULA BACON
MAYOR PRO-TEM	LONNIE BOUNDS
COUNCILMEMBER	GIL ALTOM JR.
COUNCILMEMBER	FLOYD CHOYCE
COUNCILMEMBER	JEFF COUNCIL
COUNCILMEMBER	WILLIAM FORTNER
COUNCILMEMBER	BARRY RATCLIFFE

INVOCATION: Chief of Police James M. Smith

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Bacon called the Meeting to order at 6:06 p.m. Councilmembers present were Mayor Bacon, Mayor Pro-Tem Bounds, Councilmember Altom, Councilmember Choyce, Councilmember Council, Councilmember Fortner and Councilmember Ratcliffe. Mayor Bacon declared a quorum present. Also present were City Attorney David D. Dodd, City Manager Curtis Snow, City Secretary Jo Ann Talbot, Director of Public Works Richard Underwood, Chief of Police James M. Smith, Captain Randy Roach, Director of Development of Services Terry Capehart, 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.

Ms. Terri Shatter from TXU Electric Delivery introduced herself to the Council informing them that she would be the new Area Manager for the City of Kaufman.

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 July 31, 2006 Special City Council Meeting.
2. Consider approval of the Minutes of the July 31, 2006 Budget Work Session Meeting.
3. Consider approval of the Minutes of the August 21, 2006 Regular City Council Meeting.
4. Consider approval of the Minutes of the September 5, 2006 Special City Council Meeting.
5. Consider approval of the Minutes of the September 11, 2006 Special City Council Meeting.
6. Consider approval and authorize the City Manager to execute an Interlocal Agreement between the North Central Texas Council of Governments and City of Kaufman for E911 Service, Equipment Addressing and Database Maintenance for a two-year period ending August 31, 2008.
7. Bid Award – Fiscal Year 2006/2007 Motor Fuel and Oil.
8. Bid Award – Fiscal Year 2006/2007 Street Maintenance Materials.

Councilmember Altom moved and seconded by Councilmember Fortner to approve the Consent Agenda Items #1 through #8. Mayor Bacon called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

PLANNING AND ZONING

9. Consider a request and approval from the Church's Chicken Corporation regarding a Preliminary Plat, being all of a certain 0.726 acre tract of land, located at 2223 S. Washington, southeast of the intersection of State Highway 34 and County Road 151, and being out of the residue of an 18.592 acre tract of land as described in a deed to Spikes Cooley recorded in Volume 754, Page 713 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. P-02-06. (P & Z approval 5-0)

Director of Development of Services Terry Capehart informed the Council that the Preliminary Plat under consideration will create two lots totaling 0.726 acre, Tract 1, being 0.5742 acre (25,011 square feet) in size which will accommodate a new Church's Chicken restaurant and Tract 2, being

0.1521 acre (6,626 square feet) in size which will be dedicated to the city for the eighty feet (80') wide right-of-way identified in the Thoroughfare Plan as a proposed Type "C" Major Collector. The proposed development is situated between the new Guaranty Bank to the north and the General Dollar Store to the south. The Final Plat and Site Plan are also on this Agenda for consideration.

TxDOT has given tentative approval for both the access drive and drainage improvements located within their right-of-way or property. This plat will also create a twenty-five (25') feet wide utility easement along the SH 34 frontage to capture an easement for existing public water and sewer lines running along the highway just outside the State right-of-way that was not previously recorded. The existing drainage pattern for storm water runoff flows to the southeast corner of the property then south along the rear of the General Dollar Store and Post Office to a drainage channel next to Brookshire's Grocery. The civil engineering drawings indicate that this pattern of flow is adequate for drainage on the site and that on site retention will prevent post development flows from exceeding predevelopment flows as required by law.

The proposed plat meets all of the technical requirements of the Subdivision Ordinance and State statutes.

The Planning and Zoning Commission has made the recommendation to the City Council by a vote of 5-0 to approve the proposed Preliminary Plat.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Choyce to approve a request from the Church's Chicken Corporation regarding a Preliminary Plat, being all of a certain 0.726 acre tract of land, located at 2223 S. Washington, southeast of the intersection of State Highway 34 and County Road 151, and being out of the residue of an 18.592 acre tract of land as described in a deed to Spikes Cooley recorded in Volume 754, Page 713 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. P-02-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

10. Consider a request and approval from the Church's Chicken Corporation regarding a Final Plat, being all of a certain 0.726 acre tract of land, located at 2223 S. Washington, southeast of the intersection of State Highway 34 and County Road 151, and being out of the residue of an 18.592 acre tract of land as described in a deed to Spikes Cooley recorded in Volume 754, Page 713 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. P-03-06. (P & Z approval 5-0)

Director of Development of Services Terry Capehart informed the Council that the Final Plat under consideration will create two lots totaling 0.726 acre, Tract 1, being 0.5742 acre (25,011 square feet) in size which will accommodate a new Church's Chicken restaurant and Tract 2, being 0.1521 acre (6,626 square feet) in size which will be dedicated to the city for the eighty feet (80') wide right-of-way identified in the Thoroughfare Plan as a proposed Type "C" Major Collector. The proposed development is situated between the new Guaranty Bank to the north and the General Dollar Store to the south. The Preliminary Plat and Site Plan are also on this Agenda for consideration.

TxDOT has given tentative approval for both the access drive and drainage improvements located within their right-of-way or property. This plat will also create a twenty-five (25') feet wide utility easement along the SH 34 frontage to capture an easement for existing public water and sewer lines running along the highway just outside the State right-of-way that was not previously recorded. The existing drainage pattern for storm water runoff flows to the southeast corner of the property then south along the rear of the General Dollar Store and Post Office to a drainage channel next to Brookshire's Grocery. The civil engineering drawings indicate that this pattern of flow is adequate for drainage on the site and that on site retention will prevent post development flows from exceeding predevelopment flows as required by law.

Section 212.005 of the Texas Local Government Code states that the municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations. Section 212.009(a) states that the municipal authority responsible for approving plats shall act upon a plat within 30 days after the date the plat is filed. A plat is considered approved by the municipal authority unless it is disapproved within that time period.

The proposed plat meets all of the technical requirements of the Subdivision Ordinance and State statutes.

There is a small triangular remnant of Tract 2 that is outside the 80 foot right-of-way on the frontage of State Highway 34 that will be dedicated to the city along with the right-of way. It does not appear to serve any real public purpose at this time but since it is not contiguous to the Church's Chicken tract it is more practical to include it in the dedication to the city. However, when the proposed roadway is constructed it may be an area that can be utilized for signage.

The Planning and Zoning Commission has made the recommendation to the City Council by a vote of 5-0 to approve the proposed Final Plat.

Councilmember Fortner moved and seconded by Councilmember Council to approve a request from the Church's Chicken Corporation regarding a Final Plat, being all of a certain 0.726 acre tract of land, located at 2223 S. Washington, southeast of the intersection of State Highway 34 and County Road 151, and being out of the residue of an 18.592 acre tract of land as described in a deed to Spikes Cooley recorded in Volume 754, Page 713 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. P-03-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

11. Consider a request and approval from the Church's Chicken Corporation regarding a Site Plan, in order to develop a restaurant with drive-through services, being all of a certain 0.726 acre tract of land, located at 2223 S. Washington, southeast of the intersection of State Highway 34 and County Road 151, and being out of the residue of an 18.592 acre tract of land as described in a deed to Spikes Cooley recorded in Volume 754, Page 713 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. S-04-06. (P & Z approval 5-0)

Director of Development of Services Terry Capehart informed the Council that the site plan under consideration is for a Church's Chicken restaurant with drive-through service facilities, which is allowed by right in the Commercial District. The proposed building is approximately 1,885 square feet in size, which is approximately 7.5% lot coverage. The nearest fire hydrant is located on the adjacent lot to the south (General Dollar Store) and is approximately 120 feet from the designated fire lane on this site, which is well within the minimum 300 feet required distance.

The driveway is positioned in the center of the lot along the State Highway 34 frontage providing maximum separation from adjacent driveways and TxDOT has given tentative approval for both the access drive and drainage improvements located within their right-of-way or property. Nineteen (19) parking spaces are required and twenty-four spaces have been provided including two handicap access spaces. The drive-thru access lane has approximately eighty feet (80') of stacking distance and exceeds the minimum stacking distance of sixty feet (60') as required by the Zoning Ordinance. An escape lane running parallel to the drive-thru lane has also been provided as required. The minimum area required to be landscaped is 15% of the site and the applicant has provided 36% on the site plan.

The proposed site plan meets all of the technical requirements of the Zoning Ordinance and other applicable requirements.

The Planning and Zoning Commission has made the recommendation to the City Council by a vote of 5-0 to approve the proposed Site Plan.

Mr. Jerry Tipps, 11011 Richmond Avenue, Suite 700, Houston, Texas 77042, Engineer for Church's Chicken Corporation, informed the Council that landscaping and irrigation would be installed as documented on the Site Plan and that the building is a prefabricated stucco building.

Councilmember Choyce moved and seconded by Councilmember Ratcliffe to approve the request from Church's Chicken Corporation regarding a Site Plan, in order to develop a restaurant with drive-through services, being all of a certain 0.726 acre tract of land, located at 2223 S. Washington, southeast of the intersection of State Highway 34 and County Road 151, and being out of the residue of an 18.592 acre tract of land as described in a deed to Spikes Cooley recorded in Volume 754, Page 713 of the Deed Records of Kaufman County, and being situated in the D. Falcon Survey, Abstract 151, City of Kaufman, Kaufman County, Texas. Case No. S-04-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

12. Consider a request and approval from Mulberry Kaufman Enterprises, Inc. regarding an Amended Site Plan, in order to add a new drive-through service window to the Kaufman Grocery Store, located at 1107 E. Mulberry Street, Suite F, being all of a certain 0.671 acre tract of land, as conveyed in a deed to Mulberry Kaufman Enterprises, Inc., as recorded in Volume 1393, Page 491, Deed Records of Kaufman County, and being situated in the J.B. Cole Survey, Abstract 84, City of Kaufman, Kaufman County, Texas. Case No. S-05-06. (P & Z approval 6-0)

Director of Development of Services Terry Capehart informed the Council that Section 40.3 provides that when an existing approved site plan is amended in such a way as to materially change traffic circulation or existing buildings are enlarged then the site plan must be reconsidered by the Planning and Zoning Commission and City Council for approval.

The Kaufman Grocery is proposing to add a drive-through service window to the east side of their existing building. The existing dumpster location would be moved approximately fifteen feet (15') towards the northeast corner of the building with a new masonry screen constructed. Traffic would be controlled by several bollards that would prevent vehicles from entering the drive-through lane from the wrong direction as well as signage to direct customer traffic. The stacking lane meets the minimum requirement for three vehicles and does not interfere with access to the remainder of the site.

The placement of the drive-through lane will eliminate one parking space in front of the store, however adequate parking is available elsewhere on

the shopping center site and it is anticipated that the existence of the drive-through will eliminate a substantial portion of the customers that would otherwise park and enter the store which will alleviate the demand for onsite parking.

The Planning and Zoning Commission has made the recommendation to the City Council by a vote of 6-0 to approve the proposed Site Plan.

Mayor Bacon commented that the property owners complain of egress from vehicles cutting through the parking lot and beer trucks blocking the parking lot. Mayor Bacon reported that the Site Plan needed to be clearer of the flow of the drive-through lane. After discussion, Councilmember Altom moved and seconded by Councilmember Council to approve the request from Mulberry Kaufman Enterprises, Inc. regarding an Amended Site Plan, in order to add a new drive-through service window to the Kaufman Grocery Store, located at 1107 E. Mulberry Street, Suite F, being all of a certain 0.671 acre tract of land, as conveyed in a deed to Mulberry Kaufman Enterprises, Inc., as recorded in Volume 1393, Page 491, Deed Records of Kaufman County, and being situated in the J.B. Cole Survey, Abstract 84, City of Kaufman, Kaufman County, Texas. Case No. S-05-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

13. Consider a request and approval from Kaufman Foursquare Church regarding an Amended Site Plan, in order to add a new 4,000 square feet Sanctuary with additional parking, located at 91 Oak Creek Drive, being all of a certain 5.378 acre tract of land, as conveyed in a deed to Oak Hill Fellowship Church, as recorded in Volume 1219, Page 417, Deed Records of Kaufman County, and being situated in the C.A. Lovejoy Survey, Abstract 302 and 303, City of Kaufman, Kaufman County, Texas. Case No. S-06-06. (P & Z approval 6-0)

Director of Development of Services Terry Capehart informed the Council that Section 40.3 provides that when an existing approved site plan is amended in such a way as to materially change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlarge) of building(s), or any other conditions specifically attached as part of City Council's approval of the site plan then the site plan must be reconsidered by the Planning and Zoning Commission and City Council for approval.

In October 2005, the City Council approved the use of a manufactured building temporarily for church classroom activities until a permanent addition to their existing building could be constructed to accommodate more educational classrooms. The temporary building was located to the rear of the existing church building and was approximately 672 square feet in size. The approval of the use of the temporary building was contingent upon a time period not to exceed one year, at which time, if an application

for the addition of a permanent building has not been made then the certificate of occupancy would be revoked and the building would be required to be removed from the premises.

The Kaufman Foursquare Church is proposing to replace the temporary building with a new permanent building of approximately 4,000 square feet as agreed. The new building will be located ten feet (10') behind the existing 4,368 square foot building in order to meet the Fire Code for separation of structures. The Church also plans to construct fifty (50) additional new parking spaces with an additional access drive to improve traffic circulation and safety. The new construction will be built to match the exterior of the existing building.

Since both the existing building and the proposed new building are less than 7,500 square feet in size, fire sprinklers will not be required to be installed.

The proposed new addition meets all of the requirements of the Zoning Ordinance and other applicable codes.

The Planning and Zoning Commission has made the recommendation to the City Council by a vote of 6-0 to approve the proposed Site Plan.

Councilmember Bounds moved and seconded by Councilmember Fortner to approve the request from Kaufman Foursquare Church regarding an Amended Site Plan, in order to add a new 4,000 square foot Sanctuary with additional parking, located at 91 Oak Creek Drive, being all of a certain 5.378 acre tract of land, as conveyed in a deed to Oak Hill Fellowship Church, as recorded in Volume 1219, Page 417, Deed Records of Kaufman County, and being situated in the C.A. Lovejoy Survey, Abstract 302 and 303, City of Kaufman, Kaufman County, Texas. Case No. S-06-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

Agenda Item 20 was discussed after Agenda Item 13.

20. Consider approval of Resolution R-17-06 of the City Council of the City of Kaufman, Texas, endorsing the Texas Department of Transportation's process for evaluating the State Highway 34 Corridor Improvements, the preferred Alignment K, as depicted in the State Highway 34 Alternatives and Constraints Map dated March 29, 2006, as the Locally Preferred Alternative. (Tabled 8-21-06)

City Manager Curtis Snow informed the Council that Staff met with Half Associates last week to discuss Alignment F for State Highway 34 Corridor as a preferred alternate route to Terrell. Mr. Snow explained the differences of Alignment F as proposed to Alignment K. Alignment F is a

much more costly project for the right-of-way acquisitions and would displace approximately 29 residential homes and several churches.

Mr. Stephen Endres, representing Texas Department of Transportation, and Mr. Matt Craig representing Halff Associates, informed the Council that the Alignment K is the preferred route. This route would tie into Highway 34 (Mulberry Street) at Old Rail Road and continue north following the old railroad bed just beyond the City's closed landfill. The Council reviewed the maps of the Alignments. Mr. Craig informed the Council that the preferred Alignment K would only displace two businesses and one resident. The road width would be 140 feet wide. If Alignment F were considered there would be a greater number of residents displaced. It would also encroach on parkland, which the State would have to seek approval. The State avoids taking parkland. Mr. Craig informed the Council that the property owners could reclaim the flood plan in the area of Alignment K.

Mayor Bacon wants what is best for development in Kaufman long term. Mayor Bacon commented that Alignment F would provide Kaufman with more developable land.

City Manager Curtis Snow reported that the City of Kaufman would pay more for Alignment F and the State is not willing to build Alignment F if parkland is involved.

After further discussion, Councilmember Choyce moved and seconded by Councilmember Altom to approve Resolution R-17-06 of the City Council of the City of Kaufman, Texas, endorsing the Texas Department of Transportation's process for evaluating the State Highway 34 Corridor Improvements, the preferred Alignment K, as depicted in the State Highway 34 Alternatives and Constraints Map dated March 29, 2006, as the Locally Preferred Alternative. Mayor Bacon called for a vote with all voting AYE, the motion carried.

BID AWARDS

14. City Lake Property – Off Highway 243 - Lease

City Manager Curtis Snow informed the Council that Staff prepared and submitted bids for the lease of the City Lake off Highway 243. Two bids were received. Staff recommends the lease be awarded to the highest bidder from Sky McDougal in the amount of \$2,000.00 per year.

Mayor Bacon commented that the McDougal's wants the property for cattle grazing and to clean and clear the property of mesquite trees, trash accumulation and to repair the fencing. Mayor Bacon recommended the

Council to approve the bid, and to consider tabling Agenda Item #21 to further discuss the lease agreement. The lease agreement is for one year with an option of one additional year. A short-term lease may not be the best use of the land if an investment is made on the property.

After discussion, Councilmember Council moved and seconded by Council member Ratcliffe to award the City Lake Property off Highway 243 to Sky McDougal in the amount of \$2,000.00 per year. Mayor Bacon called for a vote with all voting AYE, the motion carried.

Agenda Item 21 was discussed after Agenda Item 14.

21. Consider approval of Resolution R-19-06 of the City Council of the City of Kaufman, Texas authorizing the City Manager to execute a Lease Agreement for the City Lake off of Highway 243.

Mayor Bacon commented that the McDougal's want the property for cattle grazing and to clean and clear the property of mesquite trees, trash accumulation and repair the fencing. The lease agreement is for one year with an option of one additional year. A short term lease may not be the best use of the land if an investment is made on the property. After discussion, Mayor Pro-Tem Bounds moved and seconded by Councilmember Fortner to table Resolutions R-19-06 of the City Council of the City of Kaufman, Texas authorizing the City Manager to execute a Lease Agreement for the City Lake off of Highway 243. Mayor Bacon called for a vote with all voting AYE, the motion carried.

PUBLIC HEARINGS

15. Conduct a Public Hearing on the Proposed Fiscal Year 2006-2007 Annual Program of Services (Budget per Section 7.05, Home Rule Charter of the City of Kaufman, Texas.)

Mayor Bacon declared the Public Hearing Open at 7:24 p.m. There being no comments, the Mayor closed the Public Hearing at 7:24 p.m.

DISCUSSION/ACTION ITEMS

16. Consider adoption of Ordinance O-10-06 adopting the Annual Program of Services (Budget) for the City of Kaufman, Texas and a Revised Job Classification Plan for the Fiscal Year beginning on October 1, 2006 and ending on September 30, 2007.

City Manager Curtis Snow informed the Council that the original budget as proposed by the City Manager totaled \$7,787,075. After meeting with Council, the budget has been amended for the following reasons:

Deleted \$40,000 from Administration for the Farmers Market
Deleted \$12,000 from City Secretary for Classification Study
Added \$68,750 to Administration for Housing Grant match
Added \$19,605 to Parks for appropriating donation funds
Added \$9,100 to Police for appropriating Forfeiture funds

These changes have a net effect of adding \$45,455 to the budget. The parks increase will come from existing donated funds on hand. The Forfeiture Fund expenditures come from forfeited funds on hand. The remaining \$16,750 for the grant will come from reserves.

The Budget before the Council totals \$7,832,530. This appropriation will cover all planned expenditures as proposed in the City Manager's budget with the noted exceptions above.

If a Council member feels any of the new programs are not necessary at this time, here is the process for amending the budget:

1. First, get a motion and a second to adopt the budget.
2. The Chair (Mayor) will ask for discussion. At this time, if you want to amend the budget, MOVE TO AMEND the budget by eliminating (dollar amount you have in mind or program/equipment.) There will be a call for a SECOND. Once seconded, you can explain your reasons for amending the budget.
3. The Chair (Mayor), after discussion is completed, will call for a VOTE on the amendment.
4. After the VOTE, you may make another MOTION TO AMEND if you so choose, and so on.

It is not uncommon to second a motion you do not agree with to allow the courtesy of the person making the motion to explain his or her cause. Just because you second the motion, you are not required to vote in favor of the motion.

The budget, as outlined in the budget transmittal letter, is aimed at accomplishing the Council's goals.

The budget requires \$362,653 in excess reserves, \$1,140,000 in bond sales, and the rest in new revenues supported existing special purpose funds and by the existing property tax rate. There is also approximately a 5% increase in water rates.

Staff recommends that Council adopt the budget as it is currently presented.

Mayor Pro-Tem Bounds commented that he was not in favor on the sale of Bonds for a new Fire Truck and maintenance of two water towers. He suggested to repair one water tower this year and one next year and postpone the purchase of the fire truck due to lack of funds.

Councilmember Fortner suggested that the Council add to their goals to include the Downtown (Central Business District) with the Tax Abatement Policy along with the Washington Street Corridor.

Councilmember Altom asked if the Chamber of Commerce has asked the City for the Tourism funds (Hotel Motel Tax). City Manager Curtis Snow informed Council that no formal request has been made. The Tourism Fund (Hotel Motel Tax) is maintained in a separate fund and is spent on what is allowed by law.

After further discussion, Councilmember Fortner moved and seconded by Mayor Pro-Tem Bounds to adopt Ordinance O-10-06 adopting the Annual Program of Services (Budget) for the City of Kaufman, Texas and a Revised Job Classification Plan for the Fiscal Year beginning on October 1, 2006 and ending on September 30, 2007. Mayor Bacon called for a vote with all voting AYE, the motion carried.

17. Consider adoption of Ordinance O-11-06 levying the ad valorem tax of the City of Kaufman, Texas for the year 2006; on all taxable property within the corporate limits of the City as of January 1, 2006; not exempt by law; providing revenues for payment of current municipal expenses; and providing for the collection of taxes and the enforcement of collection.

Councilmember Altom moved and seconded by Councilmember Ratcliffe to adopt Ordinance O-11-06 levying the ad valorem tax of the City of Kaufman, Texas for the year 2006; on all taxable property within the corporate limits of the City as of January 1, 2006; 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 Bacon called for a vote with all voting AYE, the motion carried.

18. Consider adoption of Ordinance O-12-06 approving the 2006 tax rolls for the City of Kaufman, Texas.

Councilmember Council moved and seconded by Councilmember Altom to adopt Ordinance O-12-06 approving the 2006 tax rolls for the City of Kaufman, Texas. Mayor Bacon called for a vote with all voting AYE, the motion carried.

19. Consider adoption of Ordinance O-13-06 of the City of Kaufman, Texas amending the 2005-2006 Fiscal Year Budget.

City Manger Curtis Snow informed the Council that it is normal to amend the Budget at the end of the year and the Council has already considered the amendments. It has no affect on the original budget. The City Manager gave an overview of the five amendments. Mayor Pro-Tem Bounds moved and seconded by Councilmember Fortner to adopt Ordinance O-13-06 of the City of Kaufman, Texas amending the 2005-2006 Fiscal Year Budget. Mayor Bacon called for a vote with all voting AYE, the motion carried.

22. Consider approval and authorize the Parks and Recreation Board to solicit funds through the Rental of Sport Field Fencing for advertising with Windscreen Signs at the Kaufman Sports Complex.

Director of Public Works Richard Underwood informed the Council that the Parks & Recreation Board first became interested in this in 2005 when the City was contacted by Sports Signs in Daphne, Alabama. They offer the windscreen signs as fundraising activities. The signs were 5 ½' x 10' and were offered in white and gold lettering. However, these signs were limited by not providing logos. Other companies were found that offer more extensive signage on the windscreens. However, the potential cost made this less attractive for a fundraising activity.

Therefore, the Park Board determined that the most effective approach would be to simply rent the fence space for a 1 year term, supply the windscreen companies to the sponsors and allow them to purchase their own signs per City Specifications. The City would then allow an annual renewal for an additional fee. The windscreen signs should last for approximately 2 to 3 years before replacing and would be at the expense of the sponsor.

This program will have no major out of pocket expense to the City other than Staff's time and the printing of brochures. At this time, there are 4 unsponsored fields that could hold a total of 125 windscreen signs. At \$150 per sign, this could generate as much as \$18,750 annually. We also have the 3 other fields named for specific companies for a 10 year period. With their approval to allow other advertising on these fields, the annual amount of potential income could double.

Staff recommends that Council authorize the Parks & Recreation Board to solicit the rental of field fencing at the Kaufman Sports Complex for the placement of windscreen signs for \$150 per sign annually with the revenues to go toward improving City Parks.

The windscreen signs will be placed on the fields that are not currently sponsored.

After discussion, Councilmember Ratcliffe moved and seconded by Councilmember Choyce to approve and authorize the Parks and Recreation Board to solicit funds through the Rental of Sport Field Fencing for advertising with Windscreen Signs at the Kaufman Sports Complex. Mayor Bacon called for a vote with all voting AYE, the motion carried.

23. Consider approval of the Kaufman Economic Development Corporation Fiscal Year 2006-2007 Budget.

City Manager Curtis Snow reported that the Kaufman Economic Development Corporation's (KEDC) budget has very little changes from last year's budget other than they paid off the loan on the Millennium Business Park. The extra loan payments were added to the incentives.

Mayor Bacon commented that the \$100,000.00 obligation for the Mulberry Street project was not included in the budget. City Manger Curtis Snow reported that the KEDC did not feel like this would be paid out in this fiscal years budget.

Mayor Bacon mentioned that the KEDC had committed to purchase right-of-way property for a thoroughfare for a big box development and suggested that with the land prices going up that they may want to consider purchasing the right-of-way. Chairman Ferrell reported that he would check on this matter.

After further discussion, Councilmember Altom moved and seconded by Councilmember Council to approve the Kaufman Economic Development Corporation Fiscal Year 2006-2007 Budget. Mayor Bacon called for a vote with all voting AYE, the motion carried.

APPOINTMENTS

24. Consider the Appointment of Three (3) Board of Adjustment Members for a two (2) year term and Two Alternate Members.

Councilmember Fortner moved and seconded by Councilmember Council to appoint Brad White, Steve Hulme and John Elzner to the Board of Adjustment and Clayton Kelley as an Alternate Member for a two year term. Mayor Bacon called for a vote with all voting AYE, the motion carried.

EXECUTIVE SESSION

The City Council went into Executive Session at 8:19 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 City Council adjourned out of Executive Session at 8:33 p.m.

END OF EXECUTIVE SESSION

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

1. PERSONNEL – Under TEX. GOV'T CODE Sec. 551-074.

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

No action.

ANNOUNCEMENTS FROM CITY MANAGER.

City Manager Curtis Snow informed the Council that Director of Finance Cathy Cummins received the Certificate of Achievement Award from the Government Finance Officers Association regarding the comprehensive annual financial report on the fiscal year ending September 2005.

The City received a HOME Grant in the amount of \$250,000.00 and will repair five (5) homes.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Councilmember Council thanked the Fire and Police Department for their efforts on the recent downtown fire.

Councilmember Altom inquired about the dumpster on the square on the corner of Mulberry and Washington Street.

Councilmember Fortner asked to add the Central Business District to the Washington Street Corridor Tax Abatement Policy.

Councilmember Altom commented that the Kaufman County Annex Building and Precinct #1 Facility looks bad.

Councilmember Fortner asked if the food inspections results could be added back to the City's Web Site.

ADJOURNMENT.

Councilmember Council moved and seconded by Mayor Pro-Tem Bounds to adjourn the meeting at 8:45 p.m. The Mayor called for a vote with all voting AYE, the motion carried.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY