

**MINUTES OF THE  
REGULAR CITY COUNCIL MEETING  
MONDAY, JULY 18, 2005 — 6:00 P.M.  
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

**CITY COUNCILMEMBERS**

<b>MAYOR</b>	<b>PAULA BACON</b>
<b>MAYOR PRO-TEM</b>	<b>PAULA HAGLER WAMPLER</b>
<b>COUNCILMEMBER</b>	<b>GIL ALTOM JR.</b>
<b>COUNCILMEMBER</b>	<b>LONNIE BOUNDS</b>
<b>COUNCILMEMBER</b>	<b>FLOYD CHOYCE</b>
<b>COUNCILMEMBER</b>	<b>STANLEY HOLMES</b>
<b>COUNCILMEMBER</b>	<b>JANICE MURRELL</b>

**INVOCATION: Chief of Police James M. Smith**

**PLEDGE OF ALLEGIANCE**

**CALL MEETING TO ORDER:** Mayor Bacon called the Meeting to order at 6:05 p.m. Councilmembers present were Councilmember Murrell, Councilmember Bounds, Councilmember Holmes, Mayor Pro-Tem Wampler and Mayor Bacon. Councilmember Choyce and Councilmember Altom were absent. The Mayor declared a quorum present. Also present were City Attorney David Dodd, Interim City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot, Director of Development of Services Terry Capehart, Director of Public Works Richard Underwood, Director of Finance Cathy Cummins and Chief of Police James M. Smith.

**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. Robert Eldridge, 107 Booker, Kaufman, read a statement regarding a recent complaint made by his neighborhood in regard to the nuisance of odor from Dallas Crown Packing. The statement is hereby attached to the minutes.

Ms. Jualine Eldridge, 107 Booker, Kaufman also complained of the odor nuisance from Dallas Crown Packing and read a letter from U.S. Representative John E. Sweeney in regards of H.R. 503 opposing horse slaughtering. The statement is hereby attached to the minutes.

Proclamation – Mayor Bacon read a Proclamation for Archeology Month to be held in October. The Archeology Fair will be held at the Poor Farm the same weekend of the Fall Festival. The Mayor reported the Proclamation is a little early, but the reason for this is to get the information out to the public and to proclaim next month as volunteer and appreciation month to create interest and generate participation in the Fall Festival.

### **CONSENT AGENDA ITEM #1 THROUGH #2**

**“All matters listed under the Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.”**

1. Consider the approval of the Minutes of the June 20, 2005 Regular City Council Meeting.

Councilmember Bounds moved and seconded by Councilmember Holmes to approve the June 20, 2005 minutes with the correction of the spelling of Penny Kaufmann’s name. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

2. Consider second reading and adoption of Ordinance O-11-05 of the City Council of the City of Kaufman, Texas amending Ordinance O-08-02 Zoning/Development Schedule of Fees; providing a severability clause; providing a penalty clause; providing for a publication of the caption thereof; and providing an effective date.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve second reading and adoption of Ordinance O-11-05 of the City Council of the City of Kaufman, Texas amending Ordinance O-08-02 Zoning/Development Schedule of Fees; providing a severability clause; providing a penalty clause; providing for a publication of the caption thereof; and providing an effective date. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

### **END OF CONSENT AGENDA**

## **PLANNING AND ZONING**

3. Conduct a public hearing regarding proposed text changes to Section 27-Central Business District (CBD) of the Zoning Ordinance O-14-99, to include architectural design criteria for new structures and the renovation of existing structures for the preservation of the character and long term economic vitality of the CBD. (P & Z approval 5-0)

- A. Conduct Public Hearing.

Mayor Bacon declared the Public Hearing open at 6:20 p.m.

Dr. Chenning Woods, 405 West Cherry Street, Kaufman, business owner at 107 N. Washington Street addressed the City Council with concerns of the availability of parking around the square. He asked if the City could designate one or two parking spaces in front of retail businesses for customers. Dr. Woods reported that he was in support of the new proposed text amendments for the Central Business District. He would like for the Council to do something about the parking around the square. He suggested that the City obtain a hand held computer device for overtime parking and not to use tire caulk markings. He also wanted to know the definition of two (2) hour parking.

Mayor Bacon declared the Pubic Hearing closed at 6:25 p.m.

- B. Consider first reading and approval of Ordinance O-12-05 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance, O-14-99, dated March 22, 1999; by amending Section 27 – Central Business District, by adding Architectural Design Criteria for new structures and the renovation of existing structures for the preservation of the character and long term economic vitality of the CBD; providing a severability clause; providing for a penalty; and providing for an effective date.

Development of Services Director Terry Capehart informed the Council that the building located at 101 W. Mulberry has been sold and the new owners have recently pulled a building permit to begin renovation of the building. An interior inspection of the building was conducted on June 29, 2005 which included the City Health Inspector, Fire Chief, Planning Director, Building Inspection and Code Enforcement Officer. The new owners are proposing a bakeshop for the bottom floor and a recreation shop upstairs. The inspection results were that no code violations, fire hazards, or health hazards were found. The building inspector determined that major structural problems were found in the roof and second floor

and will be closely monitoring renovation plans for proper engineering and construction.

The new proposed CVS Pharmacy has recently submitted a formal application for a final plat and site plan, which will be presented to the Council for review in August, and will not be subject to these new design criteria being proposed for the Central Business District (CBD).

Development of Services Director Terry Capehart reported the proposed text revisions to the CBD zoning regulations are the result of several work sessions of the CP/ZO Steering Committee, which included members of the Downtown Steering Committee, joint City Council and Planning and Zoning work session and public hearings conducted by the Planning and Zoning Commission. With several vacant properties available for development within the CBD and a number of existing properties in need of renovation and restoration the city is taking steps to ensure that any development is compatible with character of the square and CBD in order to promote long term economic vitality, preserve property values and become a source of pride for the entire community. Although not required by law to notify each property owner personally when text only changes are made to the zoning ordinance, as a courtesy, copies of the proposed revisions along with the notice of public hearing dates were sent to owners of record of CBD property to let them know that the proposed revisions may or may not affect the long range plans for their property. At the public hearing conducted and the regular P&Z meeting, July 5, 2005 none of the owners were present to make comments.

In order for the CBD to thrive in the future, it is critical to create a flexible yet strong plan for the future that will preserve the existing character, promote compatible development as well as provide for mixed-use opportunities in the area to increase the pedestrian oriented customer base of the square. Architect, Ken Hill, whose office specializes in historic renovation and is located in Forney, gave testimony at the July 5<sup>th</sup> P&Z public hearing in regards to the proposed revisions and strongly supported the changes with several recommendations that were taken into consideration by the P&Z Commission. The proposed changes will be for the development/redevelopment for the front external face of the structure.

The Planning and Zoning Commission recommended approval of the proposed revisions by a vote of 5-0, with the additional language to include Council's authority to waive all or part of the

onsite parking requirements on a case by case basis during site plan review of new construction projects and that small portable trash receptacles may be placed at curbside for pickup for those businesses without alley access.

Mayor Bacon was not in favor for the City Council to have the final authority to waive all or part of the onsite parking requirements and to consider another alternative.

Councilmember Murrell asked Staff to consider a central station of small portable trash receptacles other than the placement at curbside for pickup for those businesses without alley access.

Development of Services Director Terry Capehart reported notices were originally placed in the newspaper during the week of May 16, 2005 advertising a public hearing for both the June 6, 2005 Planning and Zoning Commission meeting and the June 20, 2005 City Council meeting. However, at the June 6, 2005 P&Z, meeting a quorum, was not present and the public hearings for both the P&Z and City Council were re-advertised in the newspaper during the week of June 13, 2005 for the July 5, 2005 P&Z Meeting and July 18, 2005 City Council meeting.

Courtesy letters were mailed to seven (7) members of the Downtown Steering Committee and to twenty-five (25) owners of property within the CBD informing them of the proposed revisions and public hearings. No responses were received by the time of posting of the agenda and there were no owners or citizens at the public hearing to make comments.

Councilmember Murrell moved and seconded by Councilmember Holmes to approve the first reading of Ordinance O-12-05 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance, O-14-99, dated March 22, 1999; by amending Section 27 – Central Business District, by adding Architectural Design Criteria for new structures and the renovation of existing structures for the preservation of the character and long term economic vitality of the CBD; providing a severability clause; providing for a penalty; and providing for an effective date, including revising the Ordinance to remove the City Council as final authority to waive all or part of the onsite parking requirements and to designate a central station of small portable trash receptacles other than the placement at curbside for pickup for those businesses without alley access. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

4. Conduct a public hearing regarding proposed text changes to Section 10.4.A of the Zoning Ordinance O-14-99 to change the notification requirements involving zoning/rezoning requests for real property or for changes in zoning district boundaries to increase the distance required to notify all property owners from 200 feet to 300 feet per the recent election to amend the City Home Rule Charter. (P & Z approval 5-0)

- A. Conduct Public Hearing.

Mayor Bacon declared the Public Hearing open at 6:36 p.m. There being no one present to speak, the Mayor closed the Public Hearing at 6:36 p.m.

- B. Consider first reading and approval of Ordinance O-13-05 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance, O-14-99, dated March 22, 1999 by amending Section 10.4.A to change the notification requirements involving zoning/rezoning requests for real property or for changes in zoning district boundaries or for amendments to the Thoroughfare Plan to increase the distance required to notify all property owners from 200 feet to 300 feet per the May 7, 2005 Special Election to amend the City Home Rule Charter.

Interim City Manager Curtis Snow informed the Council this Ordinance was a result of the recent Charter amendment election that increased the notification distance from 200 feet to 300 feet for zoning changes.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Bounds to approve first reading of Ordinance O-13-05 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance, O-14-99, dated March 22, 1999 by amending Section 10.4.A to change the notification requirements involving zoning/rezoning requests for real property or for changes in zoning district boundaries or for amendments to the Thoroughfare Plan to increase the distance required to notify all property owners from 200 feet to 300 feet per the May 7, 2005 Special Election to amend the City Home Rule Charter. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

5. Conduct a public hearing to consider a request by Sherry Conyers regarding a zoning change from Single Family (SF-8) to Light Industrial (LI) District that may include, but not limited to, convenience store, car

wash, and mini-storage, generally located in the 1500 block of E. Mulberry, described as Tract 1 being a 0.940 acre parcel, Tract 2 being a 0.765 acre parcel and Tract 3 being a 10.59 acre parcel, and being part of a called 40.8 acre tract of land described in a deed recorded in Volume 376, Page 338 of the Deed Records of Kaufman County, and being situated in the Levi York Survey Abstract 608, City of Kaufman, Kaufman County, Texas. Case No. Z-03-05 (P & Z approval 5-0)

A. Conduct Public Hearing.

Mayor Bacon declared the Public Hearing open at 6:39 p.m.

Pam Lowder, representing, Jessie Luttrell, 1503 E. Mulberry Street, Kaufman commented that they were not opposing growth, but was concerned of what types of commercial businesses are to be developed across the street from a residential neighborhood. The property owners maintain their properties and they do not want to see a big liquor store across the street. The traffic is tremendous already on State Highway 243 and this would add that much more traffic in the area.

Mayor Bacon declared the Public Hearing closed at 6:42 p.m.

B. Consider first reading and approval of Ordinance O-14-05 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-14-99, dated March 22, 1999, and the Official Zoning Map; changing the zoning on a tract of land from Single Family (SF-8) to Light Industrial (LI) Zoning Classification, for property generally located in the 1500 block of E. Mulberry, described as Tract 1 being a 0.940 acre parcel, Tract 2 being a 0.765 acre parcel and Tract 3 being a 10.59 acre parcel, and being part of a called 40.8 acre tract of land described in a deed recorded in Volume 376, Page 338 of the Deed Records of Kaufman County, and being situated in the Levi York Survey Abstract 608, City of Kaufman, Kaufman County, Texas and providing for a penalty clause, providing a severability clause, a savings clause and an effective date.

Development of Services Director Terry Capehart reported that the City passed an ordinance that a sexual oriented business (SOB) could not located within 1,000 feet of residential area, church, school or day care center. Therefore, a sexual oriented business would not be allowed in the proposed Light Industrial Zoning Classification. The applicant is requesting a change in zoning from Single-Family 8 Residential District (SF-8) to Light Industrial (LI) District in order to accommodate a convenience store, car wash,

and mini storage facility. A formal site plan and replat application will be submitted pending approval of the zoning request. The property consists of three parcels, Tract 1, 0.940 acre, Tract 2, 0.765 acre and Tract 3, 10.59 acres out of the Levi York Survey, Abstract 608, City of Kaufman, Kaufman County. The property fronts State Highway 243 (Mulberry Street) and currently is in agricultural use with a rural type residential structure located on tract two.

The adjacent property to the east is zoned Commercial (C) and is occupied by a veterinarian clinic. The adjacent property to the south and west is zoned Single-Family 8 and is undeveloped. The current Comprehensive Plan/Future Land Use map recommends that the subject property be developed as light industrial, which is in agreement with the proposed zoning change.

Single-family zoning does not abut major thoroughfares and is buffered by commercial development from the noise and hazards of heavy traffic. Therefore, the proposed uses will serve as a proper buffer to future residential development further back from the major thoroughfare. It is very unlikely any residential development will ever occur this close to the highway. The applicant will be required to construct a masonry screening wall between the subject property and the adjoining residential properties to provide additional buffering.

Primary access to the subject property will be from Mulberry Street (SH 243).

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

Notification for the Public Hearings were placed in the official newspaper 15 days prior to the first public hearing as required by Local Government Code.

Public Comment Forms were mailed to twenty (20) property owners within 300 feet of this request. No Comment Forms had been returned at the time of posting of the Agenda.

Discussion was held on the different types of uses in the Light Industrial (LI) area in this particular location. The Mayor recommended Staff to review the Comprehensive Plan/Future Land Use map to consider commercial or retail uses, which would be a better fit for the Highway 243 and Highway 34 By Pass. The land uses around an intersection should be retail oriented. The current



Comprehensive Plan/Future Land Use map recommends Light Industrial for the rezoning request and by law approving the rezoning request is the right thing to do, but for future uses the Comprehensive Plan/Future Land Use map needs to be reviewed for future commercial and/or retail uses. The Mayor asked for this to be added to the tickler file for a future agenda item and Staff to review and study the Comprehensive Plan/Future Land Use map to consider commercial and/or retail uses which would be a better fit for the Highway 243 and Highway 34 By Pass thoroughfare realignment.

Councilmember Bounds moved and seconded by Councilmember Murrell to approve the first reading of Ordinance O-14-05 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-14-99, dated March 22, 1999, and the Official Zoning Map; changing the zoning on a tract of land from Single Family (SF-8) to Light Industrial (LI) Zoning Classification, for property generally located in the 1500 block of E. Mulberry, described as Tract 1 being a 0.940 acre parcel, Tract 2 being a 0.765 acre parcel and Tract 3 being a 10.59 acre parcel, and being part of a called 40.8 acre tract of land described in a deed recorded in Volume 376, Page 338 of the Deed Records of Kaufman County, and being situated in the Levi York Survey Abstract 608, City of Kaufman, Kaufman County, Texas and providing for a penalty clause, providing a severability clause, a savings clause and an effective date. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

6. Consider approval of a request from Guaranty Bank regarding a Site Plan for a new banking facility, being all of a certain 1.534 acre tract of land, located in the 2700 block of S. Washington Street, and being described as Lot 3, Block 1 of the Heritage Park Addition, City of Kaufman, Kaufman County, Texas. Case No. S-08-05 (P & Z approval 5-0)

Development of Services Director Terry Capehart informed the Council that the site plan under consideration is for a banking facility with drive through service with a main building of approximately 3,379 square feet. Guaranty Bank has proposed to relocate their business from its current location at 1904 S. Washington Street to the subject 1.534 acre site (Lot 3 of the Heritage Park Addition) adjacent to the Parker Ashworth Funeral Home.

At the request of Guaranty Bank, Ordinance O-14-02 and the Comprehensive/Thoroughfare Plan was amended to reduce the King's Fort Parkway extension R.O.W. width from 100 feet to 80 feet in order to

develop property located in the 2700 block of S. Washington Street (SH 34). Ordinance O-08-05 passed by the City Council on April 18, 2005 and adopted on May 23, 2005 officially reduced the R.O.W. width to 80 feet.

The southwest corner of this lot is taken up by the proposed 80-foot right-of-way created by Ordinance O-08-05; however, since the site is already platted the bank will not be required to dedicate this portion of the right-of-way, which will have to be purchased by others when the roadway is eventually constructed. The proposed site plan accounts for the development of the roadway in order to ensure their operation will not be negatively impacted by future construction.

Primary access will be from State Highway 34 (S. Washington Street) with secondary access possibly being created from the future King's Fort Parkway extension. A 10 feet wide landscape buffer has been provided on all sides of the development in anticipation of the future roadway. Seventeen parking spaces are required and the bank has provided for twice the requirement or thirty-four spaces.

The owners of the property are recording a previously unrecorded utility easement containing both water and sewer mains located adjacent to SH 34 which will be recorded by a special warranty deed to be filed with the County Clerk's office at the closing of the sale of the property.

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.

The Mayor asked Staff if the City would be obligated to build the 80-foot thoroughfare right-of-way south of the new proposed Guaranty Bank. Development of Services Director Terry Capehart reported it would depend on future development.

Mayor Bacon asked what if a Traffic Impact Analysis (TIA) for Kings Fort says you have to have some other outlet other than the service road along Highway 175 and the City of Kaufman has this thoroughfare designated, is the City of Kaufman going to have to pay the cost for the thoroughfare?

Interim City Manager Curtis Snow reported that the City has a responsibility at some point, but also if Kings Fort develops they could be committed to develop and there has been previous comments from Kaufman Economic Development to purchase the property for the thoroughfare when Kings Fort's Addition develops.

Mayor Bacon asked City Attorney David Dodd if the City of Kaufman is going to have to pay for the thoroughfare ultimately if no one else does -- is there any requirement for the City to build the thoroughfare? City

Attorney David Dodd responded that the City is not making any obligation by the actions taken tonight on this agenda item.

Development of Services Director Terry Capehart reported that the collection of street impact fees could be used for the development of a thoroughfare.

Interim City Manager Curtis Snow reported that if the State determines to close Old Highway 40 and make use of the proposed thoroughfare, there would be discussion between the City and the State to negotiate funding for the thoroughfare. Interim City Manager Curtis Snow reported that Guaranty Bank site plan compliments what the City wants done in our town.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Holmes to approve a request from Guaranty Bank regarding a Site Plan for a new banking facility, being all of a certain 1.534 acre tract of land, located in the 2700 block of S. Washington Street, and being described as Lot 3, Block 1 of the Heritage Park Addition, City of Kaufman, Kaufman County, Texas. Case No. S-08-05. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

## **DISCUSSION/ACTION ITEMS**

7. Consider approval of a request from the Kaufman County Tax Assessor to discontinue the early property tax payment discounts.

Interim City Manager Curtis Snow reported that the City offers discounts 3, 2 and 1 percent a month for each month a property taxpayer pays his or her tax before January 1<sup>st</sup>. The premise of this incentive to pay early is based on the notion that if the City receives the money early, the City can put it to work in investments and be available for cash flow purposes. Neither one of these premises is very relevant today. At the rate of return on city investments, the discount is actually an expense to the City. Plus, the City has sufficient reserves in the General Fund to meet all potential cash flow needs.

The Tax Assessor would like to eliminate this incentive because not all the taxing entities offer it. Calculating the amount of taxes due based on who offers an early payment incentive and who does not, becomes more difficult and taxpayers are more prone to errors. Distribution of tax revenues also becomes complicated. This is especially true if the taxpayers did not mail in the appropriate amount. The increase revenue to the City is estimated of \$16,500.00.

Councilmember Murrell reported she had spoke to several citizens and they opposed eliminating the discount. Councilmember Murrell commented that if the Tax Assessor wants to discontinue the discount he has the authority to do so.

Councilmember Bounds agreed with Councilmember Murrell that most citizens like to pay early.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to deny the Kaufman County Tax Assessor request to eliminate the 3, 2, and 1 discount for early property tax payment discounts. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

8. Consider first reading and approval of Ordinance O-15-05 adopting a Drought Contingency Plan for the City of Kaufman to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Drought Contingency Plan.

Interim City Manager Curtis Snow informed the Council that Ordinance O-15-05 is a model from North Texas Municipal Water District to adopt a Drought Contingency Plan for the City of Kaufman. The Plan is defined as a strategy for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies and actions to take. Minor word changes will be made before second reading of the ordinance.

After questions and answers of procedures on the Drought Contingency Plan regarding emergency water supply shortages and an alternate water source, Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve first reading of Ordinance O-15-05 adopting a Drought Contingency Plan for the City of Kaufman to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Drought Contingency Plan. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

Mayor Bacon suggested Staff to develop a plan for an alternate water supply source.

9. Consider first reading and approval of Ordinance O-16-05 of the City of Kaufman, Texas, denying the request of Atmos Energy Corporation, Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP)

rate increase in this municipality, as a part of the Company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corporation, Mid-Tex Division Distribution System as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the City's action to the Railroad Commission; approving costs incurred as reasonable and providing a requirement for prompt reimbursement of costs; finding that the meeting at which this ordinance is passed is open to the public as required by law; and providing for notice of this ordinance to Atmos Energy Corporation, Mid-Tex Division.

Interim City Manager Curtis Snow informed the Council that on December 17, 2004, Atmos Energy Corp., Mid-Tex Division (the "Company"), formerly known as TXU Gas, filed with the City of Kaufman (the "City") a request for an annual gas reliability infrastructure program (GRIP) rate increase for customers on the Company's statewide gas utility system. The City timely acted to suspend the effective date of Atmos's proposed rate increase, and joined other cities in a coalition known as Atmos Cities Steering Committee ("ACSC"). Counsel for ACSC has reviewed the Company's filing, and after consultation with various consultants, has recommended denying the Company's GRIP rate increase, as it is unjustified, unreasonable, and non-compliant with the GRIP statute. Staff recommends denial of the Company's request for a GRIP rate increase. Interim City Manager Curtis Snow reported that it would not cost the City any money. Staff recommends passing the Ordinance denying Atmos's GRIP request and giving Atmos Cities Steering Committee another action to negotiate a more reasonable rate.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Bounds to approve first reading of Ordinance O-16-05 of the City of Kaufman, Texas, denying the request of Atmos Energy Corporation, Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) rate increase in this municipality, as a part of the Company's statewide gas utility distribution system; approving cooperation with other cities within the Atmos Energy Corporation, Mid-Tex Division Distribution System as part of the Atmos Cities Steering Committee (ACSC); authorizing ACSC to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention as part of ACSC in any appeal of the City's action to the Railroad Commission; approving costs incurred as reasonable and providing a requirement for prompt reimbursement of costs; finding that the meeting at which this ordinance is passed is open to the public as required by law; and providing for notice of this ordinance to Atmos Energy Corporation, Mid-Tex Division. The Mayor called for a vote with all

- voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.
10. Consider approval of Resolution R-17-05 of the Kaufman City Council, Kaufman, Texas authorizing the approval of an Application for Participation in the Texas Short Term Asset Reserve Program (TexStar Investment Pool).

Director of Finance Cathy Cummins informed the Council that the application is for participation in the Texas Short Term Asset Reserve Program known as Tex STARR. The City currently uses Tex Pool for an investment option for idle funds. The approval of another pool would provide additional diversification of the City's investments and higher interest earnings than the City is currently receiving on investments.

Councilmember Bounds moved and seconded by Mayor Pro-Tem Wampler to approve Resolution R-17-05 of the Kaufman City Council, Kaufman, Texas authorizing the approval of an Application for Participation in the Texas Short Term Asset Reserve Program (TexSTAR Investment Pool). The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

11. Consider approval of Resolution R-18-05 Annual Review and Amendments of the City of Kaufman Investment Policy for a further One (1) Year pursuant to the Public Funds Investment Act.

Interim City Manager Curtis Snow informed the Council that Staff has reviewed the investment policy and incorporated recommended wording and modifications to the policy. Amendments to the investment policy must be made by resolution. The revisions comply with the Public Funds Investment Act. The policy shall be reviewed annually by the City Council and any changes or modifications must be approved by the City Council.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve Resolution R-18-05 Annual Review and Amendments of the City of Kaufman Investment Policy for a further One (1) Year pursuant to the Public Funds Investment Act. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

12. Consider the approval and authorize the Mayor to execute a contract between the Office of Rural Community Affairs and the City of Kaufman for the Texas Community Development Program (TCDP Contract No. 725471).

Interim City Manager Curtis Snow informed the Council that the contract is for the recent grant received for water improvements from the Office of Rural Community Affairs. The amount of the grant is \$317,000.00 and the City is matching \$62,500.00.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve and authorize the Mayor to execute a contract between the Office of Rural Community Affairs and the City of Kaufman for the Texas Community Development Program (TCDP Contract No. 725471). The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

13. Consider approval and authorize the City Manager to execute a Mutual Release Agreement and authorize final payment to Redland Insurance Company; and consider acceptance of the Climbing Tree Sanitary Sewer, Force Main and Lift Station Improvements Project. (Tabled 5-23-05)

Interim City Manager Curtis Snow informed the Council this item was tabled at the May 23, 2005 City Council meeting to pursue legal fees imposed by the City relating to the project. Redland Insurance Company responded that the legal fees were not in the scope of the project. Staff recommends Council to move forward and close out the project.

Councilmember Bounds moved and seconded by Councilmember Holmes to approve and authorize the City Manager to execute a Mutual Release Agreement and authorize final payment to Redland Insurance Company; and consider acceptance of the Climbing Tree Sanitary Sewer, Force Main and Lift Station Improvements Project. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

14. Consider setting the date, time and place for a Public Hearing regarding the City's Fiscal Year 2005-2006 Budget.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Holmes to set the Public Hearing for the Fiscal Year 2005-2006 Budget on August 15, 2005. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

15. Consider a discussion regarding City Council Meetings being televised on the local Cable Network.

Interim City Manager Curtis Snow reported that the Mayor is asking the Council if they would consider televising the City Council meetings so all citizens can be more informed on city events and Council's decision

making. The City has access to Kaufman viewers through Northland Cable Television. Broadcasting on the local channel will be free. The City would have to purchase a video recording system that would provide adequate picture and sound quality for broadcast purposes. We would not have the ability to broadcast live at this time.

Staff has not put any effort into research on costs as of today. The first question that needs to be answered is whether the Council has an interest in televising meetings. Costs will be for recording equipment, and some wages for staff that will record the meetings.

Councilmember Holmes moved and seconded by Mayor Pro-Tem Wampler to look into the cost and feasibility of City Council meetings being televised on the local Cable Network. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

16. Consider a discussion regarding parking around the downtown Courthouse Square.

The Mayor commented that City Staff is doing their job and being consistent with parking patrol around the square. The Council is not quite sure where we need to be on the results of the parking violations.

Interim City Manager Curtis Snow suggested in order to help resolve the outstanding parking tickets that exist from county employees is to not pursue them through the City Attorney and County District Attorney. He does not think that negotiating with a District Attorney about county employees parking tickets is the correct thing to do. These are people who have broken the law and the matter needs to be pursued. Mr. Snow suggested sending the outstanding tickets to the collection agency.

Councilmember Murrell commented that she talked to the City Attorney and he had reported that we could not issue a warrant for parking violations. City Attorney David Dodd commented that the collection agency would be a better avenue to collect the funds. The Collection Agency will write the violator a letter notifying them and if it is not paid it will go on their credit history. The City would have a better opportunity collecting the fine amount.

Councilmember Bounds suggested that the City purchase a boot and use it on the persons that continue violating the overtime parking rules.

Jeanie Davis, Kaufman Herald reporter, made a suggestion to post the violators in the paper.



Interim City Manager reported that he would prepare a report on three items regarding parking violators: 1.) Reporting outstanding parking violation to the Collection Agency; 2.) A boot to immobilize parked vehicles for excessive overtime parking violations; 3.) Publication cost on vehicle owners for excessive overtime parking violations.

Councilmember Murrell mentioned that vehicles were also parking in areas that are not designated as a parking space.

## **APPOINTMENTS**

17. Consider the appointment of One (1) Member to serve on the Kaufman Economic Development Corporation for a Three (3) Year Term.

Councilmember Bounds commented that Mr. Borders was willing to serve another term to the Kaufman Economic Development Board and recommended him for reappointment. Mayor Pro-Tem Wampler commented that Mr. Tracy Hagler was interested in serving on the Board and would nominate him. Mayor Bacon commented that she was not prepared to make appointments for this Board tonight and would like to table this matter to consider Mayor Pro-Tem Wampler's nomination after further investigation and information.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Holmes to table the appointment of One (1) Member to serve on the Kaufman Economic Development Corporation for a Three (3) Year Term. The Mayor called for a vote with all voting AYE, the motion carried. Councilmember Choyce and Councilmember Altom were absent.

The Council recessed for a break at 8:09 p.m.

## **EXECUTIVE SESSION**

The Council went into Executive Session at 8:20 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. Discuss City Manager's position.

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 adjourned out of Executive Session at 8:54 p.m.

**END OF EXECUTIVE SESSION**

18. 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 position.

No action was taken.

**ANNOUNCEMENTS FROM CITY MANAGER.**

1. Reminder of the City Council Retreat – July 30, 2005

Interim City Manager informed the Council that the Retreat was scheduled for Saturday, July 30, 2005 at the Cedar Creek Country Club at 8:00 a.m.

**REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.**

Mayor Bacon commented that the Council had a good meeting tonight and thanked the Council. The Retreat will be for a Budget Work Session for Fiscal Year 2006 and strategic planning objectives.

**ADJOURNMENT.**

Councilmember Murrell moved and seconded by Councilmember Holmes to adjourn the meeting at 8:56 p.m. All approved. Councilmember Choyce and Councilmember Altom were absent.

**PAULA BACON  
MAYOR**

**ATTEST:**

**JO ANN TALBOT  
CITY SECRETARY**